

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION

DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS

STATE OF HAWAII

1010 RICHARDS STREET

P. O. BOX 3469

HONOLULU, HAWAII 96801

SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
HALE KAHEKA
930 Kaheka Street
Honolulu, Hawaii

REGISTRATION NO. 1356

This Report Is Not an Approval or Disapproval of This Condominium Project

It was prepared as a supplement to ~~an~~ earlier Report dated ^{November 6, 1980 and} ~~April 1, 1982~~ ^{April 1, 1982} issued by the Real Estate Commission on the above project. This report, based on a principle of disclosure, is issued by the Commission for the purpose of preventing fraud, misrepresentation or deceit.

The developer shall not enter into a binding contract or agreement for the sale of any unit in a Condominium Project until

- (1) A copy of this Report has been given to the prospective purchaser,
- (2) The latter has been given an opportunity to read same, and,
- (3) His receipt taken therefor.

Issued: March 9, 1984

Expires: November 30, 1984

SPECIAL ATTENTION

A comprehensive reading of this report is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the purchaser or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED SEPTEMBER 30, 1980, AND INFORMATION SUBSEQUENTLY FILED AS OF MARCH 6, 1984. THE OWNER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIME LAW, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report dated November 6, 1980 and Final Public Report dated April 1, 1982, on HALE KAHEKA, which has been extended through May 1, 1984, certain material changes have been made in connection with the Project.

2. The Developer of the Project, CENTRAL KAHEKA ASSOCIATES, having completed construction of this Project, has conveyed some of the apartments in the Project to third party purchasers by Assignments of Apartment Lease (the Developer having taken down all of the individual Apartment Leases in the Project from the Lessor, the Trustees of the Estate of Bernice Pauahi Bishop). The Developer has now conveyed to PDI-IX, INC., a Hawaii corporation (the "Owner"), by way of agreement of sale, eighty (80) unsold condominium apartments and the easements and the interests in the common elements appurtenant thereto, described in Exhibit "A" attached hereto and incorporated herein by reference;

In addition to the condominium apartments described in Exhibit "A" attached hereto, Developer has agreed to transfer to Owner, by way of amendment(s) to Agreement of Sale, any or all 12 condominium apartments and the easements and interests in the common elements appurtenant thereto, which are presently under sales contracts between Developer and third party purchasers, but which do not close. The apartments currently under such sales contracts (and therefore subject to transfer to Owner) are described in Exhibit "B" attached hereto. The condominium apartments described in Exhibit "A" attached hereto and those condominium apartments listed in Exhibit "B" attached hereto which do not close and which are subsequently transferred to Owner by amendment(s) to Agreement of Sale are hereafter collectively called the "Units".

3. The Developer has previously filed all documents and materials deemed necessary by the Commission for the registration of this condominium project. The Owner has filed all documents and materials deemed necessary by the Commission for the issuance of this Supplementary Public Report.

The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners) were dated March 6, 1981, and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15412, at Page 600, as amended. (Project covered by Condominium Map No. 792, recorded in the Bureau of Conveyances.) Copies of the Declaration, Bylaws and all amendments have been submitted to the Commission and are available for inspection.

4. The purchaser or prospective purchaser of a Unit is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

5. Advertising and promotional matter has been submitted by the Owner to the Commission pursuant to its rules and regulations.

6. This Supplementary Public Report amends the Preliminary and Final Public Reports, becoming a part of the HALE KAHEKA registration with respect to the Units. The Owner is responsible for placing a true copy of this Supplementary Public Report (pink paper stock) in the hands of all purchasers and prospective purchasers of the Units along with a copy of the Preliminary Public Report (yellow paper stock), Final Public Report (white paper stock) and updated Disclosure Abstract, and securing a receipt therefor.

7. This Supplementary Public Report automatically expires November 30, 1984, unless a Second Supplementary Report issues or the

Commission, upon review of the registration, issues an order extending the effective period of this report.

The information in the Final Public Report of April 1, 1982, under the topical headings ENCUMBRANCES and STATUS OF PROJECT, and in the Preliminary Public Report of November 6, 1980, under the topical headings ENCUMBRANCES, PURCHASE MONEY HANDLING, PROGRAM OF FINANCING, MANAGEMENT AND OPERATION and STATUS OF PROJECT, has been changed. In addition, new topical headings OWNER/SELLER and ATTORNEY REPRESENTING OWNER/SELLER have been added with respect to the units to be sold under this Supplementary Public Report. The information in the Final Public Report of April 1, 1982, and the Preliminary Public Report of November 29, 1980, under the topical heading OWNERSHIP OF TITLE, has been changed with respect to the Units only.

OWNER/SELLER: PDI-IX, INC., a Hawaii corporation, whose principal place of business and post office address is 567 South King Street, Suite 400, Honolulu, Hawaii 96813, Telephone (808) 521-8971. The officers of the corporation are:

George F. Hutton President	Apartment PH Tower Two 38 South Judd Street Honolulu, Hawaii 96817
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Charles J. Pankow, Jr. Vice-President	1401 Rubio Street Altadena, CA 91001
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James J. Allyn Secretary/Treasurer	627 Ulumalu Street Kailua, Hawaii 96734
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ATTORNEY FOR OWNER/SELLER: Carlsmith, Carlsmith, Wichman and Case, 1001 Bishop Street, Pacific Tower, Suite 2200, Honolulu, Hawaii 96813, Telephone (808) 523-2500 (Attention: Eric A. James).

OWNERSHIP OF TITLE: The lessee's interest under the individual apartment leases from the Trustees of the Bishop Estate demising the unsold condominium apartments described in Exhibit "A" attached hereto were all conveyed by the Developer to the Owner/Seller by Agreement of Sale dated December 30, 1983 and recorded as aforesaid in Liber 17564 at Page 706. The above-described Agreement of Sale does not affect other apartments in the Project, including those with respect to which the Developer has already entered into sales contracts with third party purchasers unless those sales contracts do not close as described above. The Agreement of Sale provides for partial releases by the Developer from the Agreement of Sale upon sale of the Units by Owner/Seller to third party purchasers. In the case of a sale of a Unit by Owner/Seller to a third party purchaser, the Developer will issue an assignment of condominium apartment lease to the Owner/Seller at closing in partial satisfaction of the Agreement of Sale and the Owner/Seller will immediately issue an assignment of condominium apartment lease to the third party purchaser.

ENCUMBRANCES AGAINST TITLE: The Preliminary Title Report issued by Title Guaranty of Hawaii, Inc. on December 30, 1983, reflects the following encumbrances against the Units:

1. Real property taxes: refer to the Tax Assessor, Department of Finance, City and County of Honolulu.

2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Declaration of Covenant dated November 5, 1980, recorded in Liber 15124 at Page 776, as amended by instrument dated March 5, 1981, recorded in Liber 15412 at Page 597; relating to the use of 150 parking stalls on the land.
4. Declaration of Restrictive Covenants (Private Park) dated September 25, 1980, recorded in Liber 15194 at Page 654, as amended by instrument dated February 2, 1981, recorded in Liber 15341 at Page 209; relating to maintenance of the private park area on the land.
5. The restrictions on use and other restrictions and all other of the covenants, agreements, obligations, conditions, reservations, easements and other provisions set forth in Declaration of Horizontal Property Regime dated March 6, 1981 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15412 at Page 600, and the Bylaws attached thereto, as the same are or may hereafter be amended in accordance with law, said Declaration or said Bylaws. Said Declaration was amended by instruments dated December 9, 1981, recorded in Liber 16034 at Page 171; dated May 18, 1982, recorded in Liber 16351 at Page 334; dated July 14, 1982, recorded in 16487 at Page 493; dated November 29, 1982, recorded in Liber 16851 at Page 794; dated February 8, 1983, recorded in Liber 16852 at Page 1; and dated February 24, 1983, recorded in Liber 16884 at Page 367. (Those recorded Amendments to the Declaration of Horizontal Property Regime amending the assignment of parking stalls to various apartments other than the specific apartment described in Exhibit A herein, have been purposely omitted herefrom.) (Project covered by Condominium Map No. 792.)
6. Terms, agreements, reservations, covenants, conditions and provisions contained in those certain above described Leases by and between the Trustees of the Estate of Bernice Pauahi Bishop, as lessor and Central Kaheka Associates, as lessee, all dated May 11, 1982, demising the Units including those Leases recorded as shown in Exhibits "A" and "B" attached hereto.
7. That certain Mortgage and Security Agreement dated June 18, 1982 by and between Central Kaheka Associates, a Hawaii limited partnership, as mortgagor, and Crocker National Bank, a national banking association, as Mortgagee, recorded in Liber 16416 at Page 518.
8. Additional Charge Mortgage and Security Agreement and Confirmation and Amendment of Note and of Mortgage and Security Agreement dated June 18, 1982, recorded in said Bureau, in Liber 16416, Page 554, made by and between CKA, as mortgagor and Crocker, as mortgagee, amending the Mortgage described above.
9. Agreement of Sale dated December 30, 1983, recorded in said Bureau in Liber 17564, Page 706, by and between CKA, as Seller, and PDI-IX, Inc., a Hawaii corporation, as buyer.

NOTE: Title to the land is also subject to all easements now or hereafter of record, and the Developer has reserved the right to designate

and grant all rights of way or easements to any public utility or governmental authority for the construction, installation, operation, maintenance, repair and replacement of lines and other transmission facilities and appurtenances for electricity, gas, telephone, sewer, drainage, radio and television signal distribution and other services and utilities over, across and under said easements according to the respective designations thereof; and to establish reasonable covenants to be performed by the grantee of such easements relating to the maintenance of such easements and the facilities and appurtenances thereof, and access thereto, which covenants shall be covenants benefiting and running with the land.

PURCHASE MONEY HANDLING: The Owner/Seller has submitted additional documents in connection with sales of the Units. An escrow agreement, dated January 9, 1984, executed by the Owner/Seller and TITLE GUARANTY ESCROW SERVICES, INC., as the escrow agent, and an amendment thereto of even date, have been submitted as part of this registration, together with copies of a specimen sales contract and two specimen assignments of condominium apartment lease. The sales contract is between the Owner/Seller, and the third party purchaser, as buyer. The first specimen assignment of condominium apartment lease is from the Developer, as assignor, to the Owner/Seller, as assignee, and includes the joinder and acknowledgment by the Owner/Seller of the satisfaction of its rights, as buyer, under the Agreement of Sale from Developer with respect to the Unit being sold. The second specimen assignment of condominium apartment lease is from the Owner/Seller, as assignor, to the third party purchaser, as assignee.

PROGRAM OF FINANCING: The construction of the Units and the Project as a whole has been financed by an interim construction loan from Crocker National Bank. The repayment of this Loan is secured by the mortgage and additional charge mortgage described in the topical heading ENCUMBRANCES AGAINST TITLE. Central Kaheka Associates and Crocker National Bank agreed on February 29, 1984 to modify and extend the terms of said mortgage and additional charge mortgage.

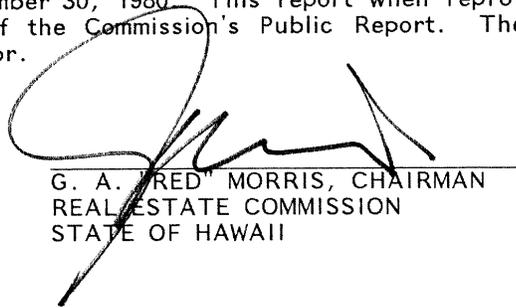
MANAGEMENT AND OPERATION: Article IV, Section 2, of the Bylaws states that the Board of Directors shall at all times employ a responsible corporate managing agent to manage and control the property subject at all times to direction by the Board of Directors. The managing agent for the Project is Chaney Brooks & Company, 606 Coral Street, Honolulu, Hawaii 96813. A copy of the agreement has been submitted to the Commission and is available for examination.

STATUS OF PROJECT: The Developer advises that the Project was substantially completed on May 25, 1982.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the Notice of Intention submitted September 30, 1980, and additional information filed by the Owner as of March 6, 1984.

THIS SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1356 filed

with the Commission on September 30, 1980. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock must be pink in color.



G. A. "RED" MORRIS, CHAIRMAN
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

DEPARTMENT OF FINANCE
BUREAU OF CONVEYANCES
PLANNING DEPARTMENT, CITY AND COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
TITLE GUARANTY ESCROW SERVICES, INC.

Registration No. 1356

DATED: March 9, 1984

HALE KAHEKA Condominium Project

All of the leasehold estate and interest created by those certain Leases all dated May 11, 1982, recorded in the Bureau of Conveyances of the State of Hawaii in the Liber and Pages, shown on Schedule 1 of this Exhibit "A" and incorporated herein by reference, which said Leases as may have been amended, made by and between the Trustees of the Estate of Bernice Pauahi Bishop, as Landlord, and Central Kaheka Associates, a Hawaii limited partnership, as Tenant, in and to the following:

FIRST: The Apartment Nos., shown on said Schedule 1, in that certain condominium project known as "HALE KAHEKA" (hereinafter called the "Project"), as described in and established by that certain Declaration of Horizontal Property Regime dated March 6, 1981, recorded in said Bureau in Liber 15412, Page 600, as may be amended from time to time (hereinafter called the "Declaration"), and as more fully shown on Condominium File Plan No. 792, filed in said Bureau, as may be amended from time to time (hereinafter called the "Condominium File Plan").

TOGETHER WITH easements described in said Declaration as being appurtenant to said apartments, including exclusive rights to use Parking Stall Nos., as shown in their respective Leases, as may have been amended, and Storage Spaces, if any, described as limited common elements appurtenant to said apartments designated in said Declaration and/or on said Condominium File Plan.

SECOND: The undivided interests, shown on said Schedule 1, appurtenant to said apartments, as shown in their respective Leases, such interests being declared and established in said Declaration in the common elements of said Project as the same are declared and established in said Declaration, as tenants in common with the owners from time to time of other undivided interests in the common elements, said common elements to include the land described in said Declaration, which description is incorporated herein by reference.

SUBJECT, HOWEVER, as to FIRST and SECOND above, to the following:

1. Declaration of Covenant dated November 5, 1980, recorded in said Bureau in Liber 15124, Page 776, as amended by instrument dated March 5, 1981, recorded in said Bureau in Liber 15412, Page 597, as may be further amended from time to time; relating to the use of 150 parking stalls on the land described in said Declaration.

2. Declaration of Restrictive Covenants (Private Park) dated September 25, 1980, recorded in said Bureau in Liber 15194, Page 654, as amended by instrument dated February 2, 1981, recorded in said Bureau in Liber 15341, Page 209, as may be further amended from time to time; relating to the maintenance of the private park on the land described in said Declaration.

3. The restrictions on use and other restrictions and all other of the terms, covenants, agreements, obligations, conditions, reservations, exceptions, easements, and other provisions set forth in said Declaration and the By-Laws attached thereto, as the same are or may hereafter be amended in accordance with law, said Declaration or said By-Laws; and all permitted encumbrances thereunder.

4. Condominium File Plan No. 792, filed in said Bureau.

5. Terms, provisions, covenants, conditions, restrictions, reservations, agreements, obligations, exceptions, easements and matters of encroachment, if any, as contained in said Leases, as may have been amended.

6. Mortgage and Security Agreement dated June 18, 1982, recorded in said Bureau in Liber 16416, Page 518, made by and between Central Kaheka Associates, a Hawaii limited partnership, as Mortgagor, and Crocker National Bank, a national banking association, as Mortgagee.

Additional Charge Mortgage and Security Agreement, and Confirmation and Amendment of Note and of Mortgage and Security Agreement dated June 18, 1982, recorded in said Bureau in Liber 16416, Page 554, made by and between Central Kaheka Associates, a Hawaii limited partnership, as Mortgagor, and Crocker National Bank, a national banking association, as Mortgagee, amending said Mortgage and Security Agreement dated June 18, 1982, recorded in said Bureau in Liber 16416, Page 518.

The land upon which said Project is located is situate at 930 Kaheka Street, Honolulu, Hawaii, and is more fully described in said Declaration, which description is incorporated herein by reference:

TOGETHER ALSO, with all built-in furniture, attached fixtures, built-in appliances, attached carpeting, ranges, refrigerators, disposals, washers/dryers and dishwashers, located in the Apartments shown on said Schedule 1.

Tax Map Key: Oahu 2-3-18-17

(Hale Kaheka Condominium Project)

<u>Apt. No.</u>	<u>Undivided Interest</u>	<u>Lease (Liber/Page)</u>
201	0.0068	16416/651
303	0.0092	16416/741
403	0.0092	16417/ 1
504	0.0046	16417/ 73
505	0.0067	16417/ 91
601	0.0068	16417/109
603	0.0045	16417/145
704	0.0046	16417/253
705	0.0067	16417/271
901	0.0068	16417/379
903	0.0045	16417/415
904	0.0046	16417/433
1001	0.0068	16417/469
1003	0.0045	16417/505
1005	0.0067	16417/541
1103	0.0045	16417/595
1104	0.0046	16417/613
1201	0.0068	16417/649
1205	0.0067	16417/721
1402	0.0045	16417/757
1501	0.0068	16418/ 37
1502	0.0045	16418/ 55
1605	0.0067	16418/415
1802	0.0045	16418/127
1805	0.0067	16418/181
1905	0.0067	16418/271
2005	0.0067	16420/163
2105	0.0067	16420/253
2201	0.0068	16420/271
2202	0.0045	16420/289
2203	0.0045	16420/307
2204	0.0046	16420/325
2205	0.0067	16420/343
2302	0.0045	16420/379
2305	0.0067	16420/433
2401	0.0068	16420/451
2402	0.0045	16420/469
2404	0.0046	16420/505
2501	0.0068	16420/541
2601	0.0068	16419/163
2602	0.0045	16419/181
2603	0.0045	16419/199
2604	0.0046	16419/217
2605	0.0067	16419/235
2701	0.0068	16419/253
2702	0.0045	16419/271
2705	0.0067	16419/325
2801	0.0068	16419/343
2802	0.0045	16419/361
2803	0.0045	16419/379
2805	0.0067	16419/415
2902	0.0045	16419/451
2903	0.0045	16419/469
2905	0.0067	16419/505

<u>Apt. No.</u>	<u>Undivided Interest</u>	<u>Lease (Liber/Page)</u>
3002	0.0045	16419/541
3003	0.0045	16419/559
3005	0.0067	16419/595
3102	0.0045	16419/631
3103	0.0045	16419/649
3104	0.0046	16419/667
3105	0.0067	16419/685
3202	0.0045	16419/721
3205	0.0067	16419/775
3302	0.0045	16420/ 19
3304	0.0046	16420/ 55
3305	0.0067	16420/ 73
3402	0.0045	16418/505
3403	0.0045	16418/523
3404	0.0046	16418/541
3405	0.0067	16418/559
3502	0.0045	16418/595
3503	0.0045	16418/613
3504	0.0046	16418/631
3505	0.0067	16418/649
3601	0.0068	16418/667
3602	0.0045	16418/685
3605	0.0067	16418/739
PHB4	0.0046	16419/ 19
PHA3	0.0045	16419/ 91
PHA4	0.0046	16419/109

HALE KAHEKA Condominium Project

All of the leasehold estate and interest created by those certain Leases all dated May 11, 1982, recorded in the Bureau of Conveyances of the State of Hawaii in the Libers and Pages, shown on Schedule 1 of this Exhibit "B" and incorporated herein by reference, which said Leases as may have been amended, made by and between the Trustees of the Estate of Bernice Pauahi Bishop, as Landlord, and Central Kaheka Associates, a Hawaii limited partnership, as Tenant, in and to the following:

FIRST: The Apartment Nos., shown on said Schedule 1, in that certain condominium project known as "HALE KAHEKA" (hereinafter called the "Project"), as described in and established by that certain Declaration of Horizontal Property Regime dated March 6, 1981, recorded in said Bureau in Liber 15412, Page 600, as may be amended from time to time (hereinafter called the "Declaration"), and as more fully shown on Condominium File Plan No. 792, filed in said Bureau, as may be amended from time to time (hereinafter called the "Condominium File Plan").

TOGETHER WITH easements described in said Declaration as being appurtenant to said apartments, including exclusive rights to use Parking Stall Nos., as shown in their respective Leases, as may have been amended, and Storage Spaces, if any, described as limited common elements appurtenant to said apartments designated in said Declaration and/or on said Condominium File Plan.

SECOND: The undivided interests, shown on said Schedule 1, appurtenant to said apartments, as shown in their respective Leases, such interests being declared and established in said Declaration in the common elements of said Project as the same are declared and established in said Declaration, as tenants in common with the owners from time to time of other undivided interests in the common elements, said common elements to include the land described in said Declaration, which description is incorporated herein by reference.

SUBJECT, HOWEVER, as to FIRST and SECOND above, to the following:

1. Declaration of Covenant dated November 5, 1980, recorded in said Bureau in Liber 15124, Page 776, as amended by instrument dated March 5, 1981, recorded in said Bureau in Liber 15412, Page 597, as may be further amended from time to time; relating to the use of 150 parking stalls on the land described in said Declaration.

2. Declaration of Restrictive Covenants (Private Park) dated September 25, 1980, recorded in said Bureau in Liber 15194, Page 654, as amended by instrument dated February 2, 1981, recorded in said Bureau in Liber 15341, Page 209, as may be further amended from time to time; relating to the maintenance of the private park on the land described in said Declaration.

3. The restrictions on use and other restrictions and all other of the terms, covenants, agreements, obligations, conditions, reservations, exceptions, easements, and other provisions set forth in said Declaration and the By-Laws attached thereto, as the same are or may hereafter be amended in accordance with law, said Declaration or said By-Laws; and all permitted encumbrances thereunder.

4. Condominium File Plan No. 792, filed in said Bureau.

5. Terms, provisions, covenants, conditions, restrictions, reservations, agreements, obligations, exceptions, easements and matters of encroachment, if any, as contained in said Leases, as may have been amended.

6. Mortgage and Security Agreement dated June 18, 1982, recorded in said Bureau in Liber 16416, Page 518, made by and between Central Kaheka Associates, a Hawaii limited partnership, as Mortgagor, and Crocker National Bank, a national banking association, as Mortgagee.

Additional Charge Mortgage and Security Agreement, and Confirmation and Amendment of Note and of Mortgage and Security Agreement dated June 18, 1982, recorded in said Bureau in Liber 16416, Page 554, made by and between Central Kaheka Associates, a Hawaii limited partnership, as Mortgagor, and Crocker National Bank, a national banking association, as Mortgagee, amending said Mortgage and Security Agreement dated June 18, 1982, recorded in said Bureau in Liber 16416, Page 518.

The land upon which said Project is located is situate at 930 Kaheka Street, Honolulu, Hawaii, and is more fully described in said Declaration, which description is incorporated herein by reference.

TOGETHER ALSO, with all built-in furniture, attached fixtures, built-in appliances, attached carpeting, ranges, refrigerators, disposals, washers/dryers and dishwashers, located in the Apartments shown on said Schedule 1.

Tax Map Key: Oahu 2-3-18-17

Hale Kaheka
Unsold Apartments

<u>Unit #</u>	Apartment Lease	
	Recorded In:	
	<u>Liber</u>	<u>Page</u>
503	16417	55
1104	16417	613
1602	16418	361
1802	16418	127
1804	16418	163
2104	16420	235
2402	16420	469
3004	16419	577
3204	16419	757
3604	16418	721
PHA2	16419	73
PHA3	16419	91

TOTAL = ~~612~~