

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII
1010 RICHARDS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

**FINAL
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT**
on

KAMALIE HALE
1430 Lusitana Street
Honolulu, Hawaii

Registration No. 1359 (CONVERSION)

IMPORTANT — Read This Report Before Buying

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

It reflects information obtained by the Real Estate Commission in its investigation of the 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: November 26, 1980

Expires: December 26, 1981

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 and prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED OCTOBER 15, 1980 AND INFORMATION SUBSEQUENTLY SUBMITTED AS OF NOVEMBER 20, 1980. THE DEVELOPER, IN 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. KAMALIE HALE is a fee simple condominium project consisting of a three-story rectangular shaped building containing eighteen (18) apartments. There are ten (10) parking

spaces in the project, as designated on the Condominium Map. Only six (6) apartments will have appurtenant to it one (1) parking space each, and one (1) apartment will have appurtenant to it four (4) parking spaces, as provided in the Declaration of Horizontal Property Regime for the project. The project was completed on July 24, 1965.

2. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration and By-Laws dated September 26, 1980, have been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15014, at Page 15.

The Bureau of Conveyances has assigned Condominium Map No. 754 to the project.

3. No advertising and promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission other than the published notices required under Section 514-A-101, et seq.
4. The purchaser and prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, and the rules and regulations promulgated thereunder which relate to the Horizontal Property Act.
5. This Final Public Report is made a part of the registration on the KAMALIE HALE condominium project. The Developer is responsible for placing a true copy of this Final Public Report (white paper stock), together with the Disclosure Abstract, in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt therefor from each purchaser and prospective purchaser is also the responsibility of Developer.
6. This public report automatically expires thirteen months after the date of issuance, November 26, 1980, unless a supplementary public report is published or the Commission upon review of the registration issues an order extending the effective period of this report.

NAME OF PROJECT: KAMALIE HALE

LOCATION: The project is located at 1430 Lusitana Street, Honolulu, Hawaii, and contains an area of 8,381 square feet or thereabouts. The description of the land and the reserved easements, rights, powers and privileges are more fully set forth in the Declaration.

TAX KEY: 2-1-22-16, 1st Division

ZONING: A-2

DEVELOPER: CARISSA, INC., Suite 2106, 745 Fort Street, Honolulu, Hawaii 96813, Telephone No. 521-7254.
Dennis T. Aoki - President
Francis Y. Aoki - Vice President
Inez F. Aoki - Secretary-Treasurer

ATTORNEY REPRESENTING DEVELOPER: Kobayashi, Watanabe, Sugita & Kawashima (Kenneth Y. Sugita) 745 Fort Street, Suite 814, Honolulu, Hawaii 96813, Telephone No. 524-5700.

DESCRIPTION OF PROJECT: The project consists of a three-story rectangular shaped structure constructed primarily of concrete, concrete block, steel reinforcing and glass.

There are eighteen (18) apartments in the building. Each first floor apartment has access to a walkway which is part of the common elements. Each apartment above the first floor has access to an open hallway which leads to two stairways, one on each end of the building.

Each of the three (3) floors contains six (6) apartments, for a total of eighteen (18) apartments in the building. The apartments are numbered 101 through 106, 201 through 206, and 301 through 306. The numbering of apartments on each floor proceeds from the north end to the south end. Apartments 101 through 106 are located on the first floor, Apartments 201 through 206 are located on the second floor and Apartments 301 through 306 are located on the third floor, all as shown on the Condominium Map.

There are four (4) types of Apartments in the Building, designated as Type A, Type AR, Type B and Type BR on the Condominium Map. Apartments 101, 201 and 301 are Type A apartments. Apartments 102, 202 and 302 are Type AR apartments. Apartments 103, 203, 303, 105, 205 and 305 are Type B apartments. Apartments 104, 204, 304, 106, 206 and 306 are Type BR apartments.

Each of the three (3) Type A apartments contains a living room, kitchen, bathroom and two bedrooms for a floor area of approximately 648 square feet and a lanai of approximately 96 square feet, for a total area of approximately 744 square feet.

Each of the three (3) Type AR apartments contains a living room, kitchen, bathroom and two bedrooms for a floor area of approximately 640.36 square feet and a lanai of approximately 94.68 square feet, for a total area of 735.04 square feet.

Each of the twelve (12) Type B and BR apartments contains a living room, kitchen, bathroom and one bedroom for a floor area of approximately 469.92 square feet and a lanai of approximately 78.32 square feet, for a total area of approximately 548.24 square feet.

The eighteen (18) apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or of the interior load-bearing walls, the floors and perimeter ceilings surrounding each apartment, or any pipes, wires, ducts, conduits, or other utility or service lines running through such apartments which are utilized for or serve more than one apartment, all of which are common elements as hereinafter described. Each apartment shall be deemed to include the walls and partitions which are not load-bearing and which are within its perimeter walls; doors and door frames; windows and window frames; the inner decorated or finished surfaces of walls, floors and ceilings, adjoining and connected thereto; and all fixtures originally installed therein.

COMMON ELEMENTS: The Declaration states that the owners of apartments will have an undivided interest in the common elements, including specifically but not limited to:

- a. Said land in fee simple.
- b. All foundations, columns, girders, beams, supports, main walls, roofs, stairways, entrances and exits of said building.
- c. All driveways, parking areas, yards, gardens, walkways and open areas.
- d. All central and appurtenant installations for common services, including power, sewer, gas, light, water, telephone and trash disposal.
- e. All tanks, pumps, motors, fans, compressors, ducts, and, in general, all apparatus and installations existing for common use.

LIMITED COMMON ELEMENTS: The Declaration reflects that certain parts of the common elements, called the limited common elements, are designated and set aside for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements as follows:

- a. There are ten (10) parking spaces in the project designated as Nos. 1 through 10, which are limited common elements as designated in the Condominium Map. Eleven (11) apartments have no parking spaces, six (6) apartments have one (1) parking space appurtenant thereto and one apartment has four (4) parking spaces appurtenant thereto. The parking spaces appurtenant the apartments are as follows:

| <u>Apartment No.</u> | <u>Parking Stall No.</u> | <u>Apartment No.</u> | <u>Parking Stall No.</u> |
|----------------------|--------------------------|----------------------|--------------------------|
| 101 | 2 | 204 | none |
| 102 | 1 | 205 | none |
| 103 | none | 206 | none |
| 104 | none | 301 | 6 |
| 105 | none | 302 | 5 |
| 106 | none | 303 | none |
| 201 | 4 | 304 | 7, 8, 9 & 10 |
| 202 | 3 | 305 | none |
| 203 | none | 306 | none |

b. Apartment Nos. 101 through 106 shall each have appurtenant thereto as a limited common element, a courtyard area immediately adjacent to the lanais of each such apartment as identified on the Condominium Map, containing the following areas:

| <u>Apartment No.</u> | <u>Courtyard Area (Approximate)</u> |
|----------------------|-------------------------------------|
| 101 | 144.00 sq. ft. |
| 102 | 141.96 sq. ft. |
| 103 | 117.48 sq. ft. |
| 104 | 117.48 sq. ft. |
| 105 | 117.48 sq. ft. |
| 106 | 117.48 sq. ft. |

INTEREST TO BE CONVEYED TO PURCHASER: Each Type B and BR apartment shall have appurtenant thereto an undivided 4.977 percentage interest, each Type AR apartment shall have appurtenant thereto an undivided 6.672 percentage interest, and each Type A apartment shall have appurtenant thereto an undivided 6.753 percentage interest, except for Apartment 301 which shall have appurtenant thereto an undivided 6.754 percentage interest, in all common elements of the project, such interest being defined and referred to as the "common interest", and the same proportionate share in all common profits and expenses of the project and for all other purposes, including voting.

PURPOSES AND RESTRICTIONS: The purposes for which said building and other improvements and each of the apartments are intended and shall be restricted as to use are as follows:

a. The apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose. The owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration or the By-Laws of the Association of Apartment Owners.

b. The House Rules provide, in part that (1) no livestock, poultry, rabbits or other animals shall be allowed or kept in any part of the project except that pets other than cats and dogs may be allowed with the prior written approval of the Board of Directors or the Managing Agent, which approval may be revoked at any time at the discretion of the Board of Directors; and (2) cooking and fires of any kind are prohibited on balconies and no fireworks of any sort shall be set off on balconies.

OWNERSHIP OF TITLE: Title to the land is vested in Carissa, Inc., a Hawaii corporation. The Certificate of Title dated September 26, 1980, issued by Aloha Title Co., Inc. confirms such ownership.

ENCUMBRANCES AGAINST TITLE: Said Certificate of Title issued by Aloha Title Co., Inc. reports that title to the land is subject to the following:

1. The reservations as contained in Land Patent Grant 5872, to-wit:

"The Government reserves the right to lay sewers along the boundary lines of this lot using such width of ground for the same as may be reasonably necessary.

"The Government reserves the right to make such cuts and fills and to do other work as may be necessary for the construction of roads along and through this lot without liability for damage or compensation to those whose lots may be affected."

2. Real Estate Mortgage dated August 26, 1980, from CARISSA, INC., a Hawaii corporation, as Mortgagor, to AMERICAN SAVINGS AND LOAN ASSOCIATION, a Utah corporation, recorded in the Bureau of Conveyances of the State of Hawaii in Book 14951, at Page 645, to secure the payment of the principal sum of \$236,000.00.

3. Second Mortgage dated August 28, 1980, from CARISSA, INC., a Hawaii corporation, as Mortgagor, to HAWAII THRIFT & LOAN, INCORPORATED, a Hawaii corporation, as Mortgagee, recorded in said Bureau of Conveyances in Book 14951, at Page 653, to secure the payment of the principal sum of \$275,000.00.

4. Assignment of Rentals dated August 28, 1980, by and between CARISSA, INC., a Hawaii corporation, as Debtor, and HAWAII THRIFT & LOAN, INCORPORATED, a Hawaii corporation, as Secured Party, recorded in said Bureau of Conveyances in Book 14951, at Page 662, as additional collateral security for the \$275,000.00 indebtedness secured by said Second Mortgage.

5. Mortgage dated August 28, 1980, from CARISSA, INC., a Hawaii corporation, as Mortgagor, to WILFRED W. S. YOUNG and ROSE M. W. YOUNG, husband and wife, as Mortgagee, recorded in said Bureau of Conveyances in Book 14951, at Page 670, to secure the payment of the principal sum of \$345,000.00.

6. The covenants, agreements, obligations, conditions, easements and other provisions set forth in that certain DECLARATION OF HORIZONTAL PROPERTY REGIME of "KAMALIE HALE", dated September 23, 1980, recorded in said Bureau of Conveyances in Book 15014, at Page 15, (Condominium Map No. 754, and the By-Laws attached thereto.

7. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, First Division.

NOTE: In addition to the above easements, the Owners have reserved unto themselves any and all easements required to serve the project, and all rights-of-way now or hereafter granted or required to construct, install, operate, maintain, repair and replace lines and other transmission facilities and appurtenances for electricity, gas, telephone, water, sewer, drainage, radio and television signal distribution and other services and utilities over, across and under said easements according to the respective designations thereof, the right to enter for such purposes, and to trim any trees in the way of such lines and the right to grant to any public utility or governmental authority such easements, rights and rights-of-way.

PURCHASE MONEY HANDLING: A copy of the specimen Sales Contract and the executed Escrow Agreement dated September 30, 1980, have been submitted as part of the registration. The Escrow Agreement identifies Aloha Title Co., Inc., dba Queen Escrow, as the Escrow. Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes.

Among other provisions, the Sales Contract provides: (1) that in the event less than 75% of the apartments in the Project are sold, six (6) months after the issuance of the Final Public Report by the Real Estate Commission, Seller at its option may terminate the Sales Contract and refund all payments made by the Buyer without deduction or interest; (2) that the "Buyer agrees that all of the rights of Buyer pursuant to the terms and conditions of this sales contract are and shall be subject and subordinate to the lien of any mortgage heretofore or hereafter made to finance the cost of construction and other costs during construction and to any and all advances made thereon; and to any and all sums which may become a lien pursuant to the terms of such mortgage or any other agreement relating to such mortgage. The subordination of Buyer's rights shall be self-operating and no further instrument of subordination shall be required. In confirmation of such subordination, Buyer agrees to

promptly execute and deliver any instrument that the holder of such mortgage or its successors in interest may require to evidence such subordination, and Buyer irrevocably appoints Seller the attorney-in-fact of Buyer to execute and deliver any such instrument on behalf of Buyer should Buyer refuse or fail to do so within five (5) days after request is made"; and (3) that Buyer is aware that the building was constructed in 1965; that the building was formerly used as rental units; and that each apartment is sold in its used "as is" condition.

It is incumbent upon the purchaser and prospective purchaser that they read with care the Sales Contract and the executed Escrow Agreement. The latter agreement establishes how the proceeds from the sale of apartments and all sums received from any source are placed in escrow, as well as the methods of disbursement of said funds.

MANAGEMENT AND OPERATIONS: The Declaration discloses that the administration of the project shall be vested in the Association of Apartment Owners. Operation of the project shall be conducted for the Association by a responsible corporate Managing Agent who shall be appointed by the Association in accordance with the By-Laws except that the initial Managing Agent shall be appointed by the Developer. Go Properties, Inc., 745 Fort Street, Suite 1001, Honolulu, Hawaii, has been named as the initial Managing Agent.

STATUS OF PROJECT: The project was completed on July 24, 1965, as evidenced by submission of a copy of the Notice of Completion that was filed on August 2, 1965, in the Circuit Court of the First Circuit of the State of Hawaii.

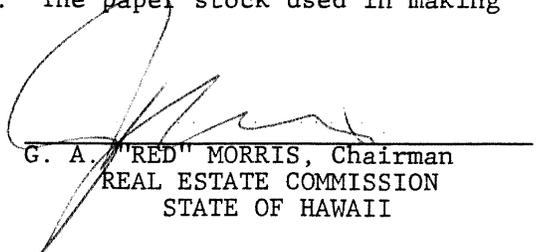
The Developer has advised the Commission that the Building was previously used as rental units prior to conversion to a condominium project. All apartments are sold in their used "as is" condition.

A letter dated May 29, 1980 from the Building Department, City and County of Honolulu confirms that the building met all code requirements at the time it was constructed and that no variances or special permits were granted to allow deviations from any applicable codes. The code deficiency that existed at the time the letter was written has been cured by the removal of the shed, according to the Developer.

The purchaser or prospective purchaser shall be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted October 15, 1980 and information subsequently filed as of November 20, 1980.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1359 filed with the Commission on October 15, 1980.

This report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be white.



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

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ESCROW AGENT

Registration No. 1359

November 26, 1980