

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

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

PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
WAIKIKI HALE
455 Nohonani Street
Honolulu, Hawaii

REGISTRATION NO. 1395 (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 but may only take reservations therefore after

- (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: April 24, 1981
Expires: May 24, 1982

SPECIAL ATTENTION

A comprehensive reading of this report is urged in order that personal requirements and expectations 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 FEBRUARY 24, 1981, AND INFORMATION SUBSEQUENTLY FILED AS OF APRIL 21, 1981. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. WAIKIKI HALE is a proposed leasehold condominium conversion project consisting of a four (4) story building, containing 25 residential apartments and four (4) parking stalls.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and the issuance of this Preliminary Public Report.

3. The Developer reports that the Declaration of Horizontal Property Regime and the By-Laws have not been executed or filed in the Bureau of Conveyances of the State of Hawaii.
4. As of this date no advertising and promotional matters have been submitted to the Commission pursuant to its rules and regulations.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, and the Rules and Regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Preliminary Report automatically expires thirteen (13) months after the date of issuance, April 24, 1981, unless a Supplementary or Final Public Report issues, or the Commission, upon review of registration, issues an order extending the effective date of this report.
7. This Preliminary Public Report is made a part of the WAIKIKI HALE condominium project. The Developer shall be responsible for placing this Preliminary Public Report (yellow paper stock) together with Disclosure Abstract in the hands of all purchasers and prospective purchasers and securing a signed copy of the receipt therefor from each such person.

NAME OF PROJECT: WAIKIKI HALE

LOCATION: The project is located at 455 Nohonani Street, City and County of Honolulu, State of Hawaii, and consists of approximately 5,994 square feet of land.

TAX KEY: 2-6-21-95

ZONING: Apartment Precinct

DEVELOPER: PATFONG DEVELOPMENTS, INC., a Hawaii corporation, whose business and post office address is Suite 1100, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813; Telephone: 521-3434, is the Developer of the Project. Officers of the corporation are: KENNETH I. WOO, President; LEROY UYEHARA, Vice-President/Secretary/Treasurer.

ATTORNEY REPRESENTING DEVELOPER: CHEE, LEE, OSHIRO & WILLIAMS (Attention: WILLIAM K. M. CHEE or ROY T. CHIKAMOTO), Suite 1100, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii 96813; Telephone: 521-3434.

DESCRIPTION OF PROJECT: The project shall consist of one four (4) story building without elevator and basement, containing 25 residential apartments and four (4) parking stalls. The building is constructed principally of concrete and hollow-tile blocks, more fully described in the Condominium Map submitted as part of the registration.

There are eleven (11) apartment types designated as types A, A-1, A-2, B, B-1, B-2, C, D, E, F and G in the project.

Each apartment has immediate access to its entries, and to the corridors, walkways and stairways appurtenant to such apartment and connecting it to the common elements and parking areas of the project and the public street.

Each apartment is identified by a three digit number. The first digit designates the floor of the building. The last two digits identify the apartment location on each floor as shown on the Condominium Map. The floor area (gross area, lanai area and net living area) of each apartment type, the rooms included therein, the apartment numbers thereof, are shown on Exhibit A attached hereto.

The square foot floor area of each apartment shown on the attached Exhibit A includes a portion of the common elements and is measured as follows: Each apartment floor area includes all the walls and partitions within its perimeter walls, any glass windows or panels along the perimeter; the entirety of perimeter non-party walls and the interior half of the perimeter party walls, whether load-bearing or nonload-bearing; the inner decorated or finished surfaces of the floors and ceilings; and any adjacent lanai shown on the Condominium Map.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls, the floors and ceiling surrounding each apartment or any pipes, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each apartment shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, any doors, windows or panels long the perimeters, and all fixtures originally installed therein. Each apartment shall also include the lanai to which such apartment has direct, exclusive access.

COMMON ELEMENTS. The common elements will include the land and all improvements on the land (except for all portions thereof which are apartments) as well as all common elements mentioned in Chapter 514A, Hawaii Revised Statutes, which are actually included in the project, including specifically but not limited to:

1. Said land in fee simple;
2. All foundations, columns, girders, beams, supports, bearing walls, party walls, roofs, floors, ceilings, walkways, stairways, ducts, electrical equipment, wiring, pipes and other central and appurtenant transmission facilities and installments over, under and across the project which serve more than one apartment for services such as power, light, water, gas, sewer, telephone and radio and television signal distribution;

3. All driveways, roads and other common ways, landscaping, yards, gardens, fences, retaining walls, refuse collection areas, laundry area and mailbox area, shown on the Condominium Map;
4. Any and all other apparatus and installation of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use;
5. All other parts of the project which are not included in the definition of an apartment.

LIMITED COMMON ELEMENTS: Certain parts of the common elements are set aside and reserved for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements. The limited common elements so set aside and reserved are as follows:

1. The mailboxes bearing a number corresponding with the apartment number shall be for the exclusive use of said apartment.
2. Each yard area appurtenant to the first six ground floor apartments and the fences, walls, landscaping, patios and other improvements therein, which yard areas are more particularly delineated on the Condominium Map, shall be a limited common element of the apartment encompassing said yard area within its boundaries.
3. The four (4) covered parking spaces, number 1 through 4, inclusive shall be appurtenant to Apartment No. 404.

INTEREST TO BE CONVEYED TO PURCHASERS: Each apartment shall have appurtenant thereto an undivided interest in all common elements of the project (herein called the "common interest") in the proportion set forth hereinbelow and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting. The common interest appurtenant to each apartment is as follows:

Each Type	A	Apartment:	3.360%
"	A-1	"	: 3.980%
"	A-2	"	: 3.545%
"	B	"	: 2.902%
"	B-1	"	: 5.820%
"	B-2	"	: 3.742%
"	C	"	: 2.711%
"	D	"	: 8.424%
"	E	"	: 5.346%
"	F	"	: 4.292%
"	G	"	: 6.563%

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The apartments shall be occupied and used only as dwellings by the respective

owners thereof, their families, domestic servants and social guests, and for no other purpose, provided that the owners of the respective apartments shall have the absolute right, individually or otherwise, to lease or rent such apartments for profit and for such periods as such owners may determine, so long as such leasing or renting is for use of such apartments as a place to reside and not as a place to conduct business or trade, provided further that all such leasing or renting shall be subject to the provisions of this Declaration and the By-Laws of said Association.

The use of Parking Stall number 4 shown on said Condominium Map may be changed to a use other than for automobile parking by majority vote of the Board of Directors of the Association of Apartment Owners and shall be made effective upon filing an amendment to this Declaration signed by the President or Secretary and one other officer or Director of the Association of Apartment Owners, setting forth such change.

The House Rules provide, in part; (1) the number of occupants in each apartment shall be limited to two persons in each 1-bedroom apartment and four persons in each 2-bedroom apartment; (2) no fires or barbecuing will be permitted on any apartment lanai; (3) waterbeds are not allowed in any apartment; and (4) no livestock, poultry, rabbits or other animals shall be allowed in any part of the project except for dogs, cats and other small household pets with the prior written approval of the Board of Directors or Managing Agent. All pets must be registered with the Managing Agent immediately upon arrival on the project.

OWNERSHIP OF TITLE: The Developer has filed with the Commission a Preliminary Title Report, dated January 23, 1981, prepared by Title Guaranty of Hawaii, Incorporated, which certifies that title to the land committed to this regime is vested in LILLIAN TENN GOO, CHARLES AKAMU, JR. AND ALICE TENN AKAMU.

By Option Agreement dated July 18, 1980, said titleholders to the property have granted an option to sell to PATPONG DEVELOPMENTS, INC., the Developer, the improvements and to lease said land and the right of conversion thereof into a condominium project.

ENCUMBRANCES: Said Preliminary Title Report prepared by Title Guaranty of Hawaii, Incorporated, states that as of the date of the search, title to the land is subject to:

1. Real Property Taxes due and payable, reference is made to Tax Assessor, First Division, State of Hawaii.

2. As to Parcel First. Grants in favor of the City and County of Honolulu, dated July 29, 1925, recorded in Liber 786 at Page 328, and dated August 31, 1925, recorded in Liber 797 at Page 26; granting easements for the purpose of building, constructing, laying and maintaining an underground sanitary sewer and water pipe line and/or for other public purposes.
3. As to Parcel Second. Grant in favor of Hawaiian Electric Company, Inc., dated July 7, 1936, filed as Land Court Document No. 36504; granting a perpetual right and easement for utility purposes over said parcel.

4. Mortgage:

Mortgagor: TENN ENTERPRISES, INC., A Hawaii Corporation

Mortgagee: BISHOP TRUST COMPANY, LIMITED, A Hawaii Corporation

Dated: February 18, 1963

Filed: Land Court Document No. 303612

Recorded: Liber 4462, Page 180

Amount: \$150,000.00

5. That certain Option Agreement (short form) dated July 18, 1980 and recorded in Liber 14976 at Page 605, made by and between LILLIAN TENN GOO, wife of RICHARD CHONG SHIM, and CHARLES AKAMU, Jr. AND ALICE TENN AKAMU, husband and wife, as "OPTIONOR," and PATPONG DEVELOPMENTS, INC., a Hawaii corporation, as "OPTIONEE." RE: OPTIONOR grants to OPTIONEE an irrevocable option to lease the premises and to purchase the building and other improvements thereon upon the terms and conditions set forth in that certain unrecorded Option Agreement of even date herewith, for a term commencing July 18, 1980 and expiring at 12:00 midnight on April 30, 1981; said term may be extended by the OPTIONEE up to, but not beyond 12:00 midnight on October 31, 1981. (Not noted on Transfer Certificates of Title Nos. 203,789, 204,006, 204,007, 204,008 and 204,009.)

PURCHASE MONEY HANDLING: A copy of the specimen Sales Contract and the Escrow Agreement has been submitted as part of the registration. The Escrow Agreement dated February 20, 1981, identifies TITLE GUARANTY ESCROW SERVICES, INC., as the escrow agent. Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes, and particularly with Sections 514A-37, 514A-39, and 514-A-63 through 514A-66, Hawaii Revised Statutes, as amended.

Among other provisions the executed Escrow Agreement provides that a purchaser under contract of sale, upon written request,

shall be entitled to a refund of all monies deposited with escrow, less a cancellation fee of \$25.00 imposed by the escrow agent, if any one of the following shall have occurred: (a) Developer has requested escrow in writing to return to purchaser the funds of such purchase then held by escrow; or (b) if the Final Report differs in any material respect from the Preliminary Report and purchaser's written approval of such change is not obtained; or (c) Developer shall have notified escrow of Developer's exercise of the option to cancel or rescind the Sales Contract pursuant to any right of cancellation or rescission provided therein or otherwise available to Developer; or (d) with respect to a purchaser whose funds were obtained prior to the issuance of the Final Public Report, there shall have been a change in the building plans, subsequent to the execution of purchaser's Sales Contract, requiring approval of a county officer having jurisdiction over the issuance of building permits, unless such change is authorized in the Declaration of Horizontal Property Regime or by the terms of the Sales Contract or unless a purchaser's written approval or acceptance of the specific change is obtained or ninety days have elapsed since the purchaser has accepted in writing the unit or the purchaser has first occupied the unit; or (e) the Final Public Report shall not have been issued within one (1) year from the date of issuance of the Preliminary Public Report and the purchaser has not waived or has not been deemed to have waived his right to a refund.

The specimen Sales Contract provides that if the purchasers who have agreed to obtain mortgage loans have not secured commitments therefor within 30 days after execution of the Sales Contract, Developer or purchaser may cancel the Sales Contract and all monies paid by the purchaser shall be refunded without interest, less the cost of any credit report, escrow cancellation fees, if any, and other costs actually incurred by Developer or lending institution in processing such loan application.

The specimen Sales Contract also provides that if less than fifty percent (50%) of the apartments in the project are sold to qualified purchasers, able and willing to close their respective purchases by June 1, 1986, Developer may, at its option, terminate the Sales Contract and refund all payments made by purchaser. Upon tender of such refund to purchaser, Developer and purchaser shall be released from all obligations to each other under the Sales Contract.

MANAGEMENT AND OPERATION: Article VII Section 1 of the proposed By-Laws states that the Board of Directors may employ a responsible corporate managing agent to manage and control the property subject at all times to direction by the Board of Directors. The Developer contemplates that State Management, Inc., 320 Ward Avenue, Room 109, Honolulu, Hawaii 96814; Telephone: 531-1361 will be the initial managing agent.

STATUS OF PROJECT: WAIKIKI HALE is a conversion of an existing residential apartment property into condominium units. The

building was constructed in 1955, and the building was built in accordance with the then existing codes, rules, regulations, ordinances or other requirements in force at the time of its construction, and there were no variance or special permit granted in the construction thereof.

Except for Apartment No. 15-A and a lean to, which will be demolished by the Developer prior to the issuance of the Final Public Report, the City Building Department has certified that there are no other current building violations existing on the project.

The purchaser or prospective purchaser should be cognizant of the fact that this Preliminary Public Report represents information disclosed by the Developer in the required Notice of Intention submitted February 24, 1981, and information subsequently filed as of April 21, 1981.

THIS PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1395 filed with the Commission on February 24, 1981.

The report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be yellow.


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

DISTRIBUTION:

DEPARTMENT OF TAXATION
BUREAU OF CONVEYANCES
TITLE GUARANTY ESCROW SERVICES, INC.
DEPARTMENT OF LAND UTILIZATION, CITY AND COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION

REGISTRATION NO. 1395

DATE: April 24, 1981

The project shall consist of one four (4) story building containing 25 residential apartments.

There are eleven (11) apartment types designated as A, A-1, A-2, B, B-1, B-2, C, D, E, F and G. Types A and B are one-bedroom apartments with one bathroom, a living room/kitchen, a yard area and no lanai. Types A-1, A-2, B-1, B-2 and D are one-bedroom apartments with one bathroom, a living room/kitchen and a lanai area. Type C is a studio apartment with one bathroom, living room/kitchen and no lanai or yard area. Types E and F are one-bedroom apartments with a living room, a kitchen area, one bathroom and a lanai area. Type G is a two-bedroom apartment with one bathroom, a living room, a kitchen area and lanai area.

Each apartment is identified by a three digit number. The first digit designates the floor of the building. The last two digits identify the apartment location on each floor as shown on the Condominium Map. The plan for each apartment and apartment numbers are listed below:

<u>Apt. Type</u>	<u>Gross Living Area (sq ft)</u>	<u>Balcony Area (sq ft)</u>	<u>Net Living Area (sq ft)</u>	<u>Number of Rooms</u>	<u>Included in this Rooms</u>	<u>Yard Area as a Limited Common Element Appurtenant to Apt.</u>	<u>Apartment Nos. of this Apt. Type</u>
A	402	-0-	402	3	Living Room/Kitchen Bathroom 1 Bedroom	150	101,102,103 104,105
A-1	620	198	422	3	Living Room/Kitchen Bathroom 1 Bedroom	-0-	201,301
A-2	505	83	422	3	Living Room/Kitchen Bathroom 1 Bedroom	-0-	202,203,204 205,206,302 303,304,305 306
B	348	-0-	348	3	Living Room/Kitchen Bathroom 1 Bedroom	127	106
B-1	1140	757	383	3	Living Room/Kitchen Bathroom 1 Bedroom	-0-	207
B-2	530	80	450	3	Living Room/Kitchen Bathroom 1 Bedroom	-0-	307
C	355	-0-	355	2	Living Room/Kitchen Bathroom	-0-	107
D	1418	630	788	5	Living Room/Kitchen Bathroom 1 Bedroom	-0-	401