

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
HALE POKI
1720 Poki Street
Honolulu, Hawaii 96822

REGISTRATION NO. 1408 (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: May 7, 1981

Expires: June 7, 1982

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 APRIL 2, 1981. 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. HALE POKI is a fee simple condominium project consisting of two (2) two-story L-shaped buildings containing eighteen (18) apartments. There are ten (10) parking spaces in the project, as designated

on the Condominium Map. Only four (4) apartments will have appurtenant to it one (1) parking space each and one (1) apartment will have appurtenant to it six (6) parking spaces, as provided in the Declaration of Horizontal Property Regime for the project. The Developer has informed the Commission that construction of Building A of the project is estimated to have been completed in 1959 and Building B of the project is estimated to have been completed in 1961.

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 February 26, 1981, have been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15425, at Page 623.

The Bureau of Conveyances has assigned Condominium Map No. 794 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 HALE POKI condominium project. The Developer is responsible for placing a true copy of this Final Public Report (white paperstock), 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 Final Public Report automatically expires thirteen months after the date of issuance, May 7, 1981, 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: HALE POKI

LOCATION: The project is located on that certain parcel of land located at 1720 Poki Street, Honolulu, Hawaii, and contains an area of 9,375 square feet or thereabouts.

TAX KEY: 2-4-23-28, 1st Division

ZONING: A-4

DEVELOPER: CARISSA, INC., Suite 2105, 745 Fort Street, Honolulu, Hawaii 96813, Telephone No. 521-7254. The officers are:

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 two (2) existing two-story L-shaped structures constructed primarily of concrete, concrete block, steel reinforcing and glass.

There are eighteen (18) apartments in the buildings. Building A contains two (2) two-bedrooms and ten (10) one-bedrooms and Building B contains four (4) one-bedrooms and two (2) studios. Each first floor apartment has access to a walkway which is part of the common elements. Each second floor apartment has access to an open hallway and breezeways connecting the open hallways, which leads to two (2) stairways, attached to Building B. The hallways and the breezeways are parts of the common elements.

Each of the two (2) floors in Building A contains six (6) apartments, one (1) two-bedroom and five (5) one-bedrooms, for a total of twelve (12) apartments in the building. The second floor in Building B contains six (6) apartments, four (4) one-bedrooms and two (2) studios, for a total of six (6) apartments in the building. The ground floor of Building B serves as covered parking for the Project.

The apartments are numbered as follows: The numbering of apartments on each floor of Building A proceeds from the west end to the east end and then from the southeast end to the north end. The numbering of apartments on Building B proceeds from the south end to the north end and then from the southwest end to the east end. Apartments 101 through 106 are located on the first floor of Building A, Apartments 201 through 206 are located on the second floor of Building A, Apartments 207 through 212 are located on the second floor of Building B, all as shown on the Condominium Map.

There are seven (7) types of Apartments in the Project, designated as Type "A", Type "B", Type "C" Type "D", Type "E", Type "F", and Type "G" on the Condominium Map. Apartments 101, 102, 103, 104, 201, 202, 203 and 204 are Type "A" apartments. Apartments 105 and 205 are Type "B" apartments. Apartment 106 is a Type "C" apartment. Apartment 206 is a Type "D" apartment. Apartments 208 and 211 are Type "E" apartments. Apartments 207, 209 and 212 are Type "F" apartments. Apartment 210 is a Type "G" apartment.

Each of the eight (8) Type "A" apartments contains a living room, kitchen, bathroom and one (1) bedroom for a floor area of approximately 408 square feet and a lanai of approximately 68 square feet, for a total area of approximately 476 square feet.

Each of the two (2) Type "B" apartments contains a living room, kitchen, bathroom and one (1) bedroom for a floor area of approximately 482 square feet and a lanai of approximately 68 square feet, for a total area of 550 square feet.

Each of the Type "C" and "D" apartments contains a living room, kitchen, bathroom and two (2) bedrooms for a floor area of approximately 632 square feet. The Type "C" apartment contains a lanai of approximately 105.33 square feet, for a total area of approximately 737.33 square feet. The Type "D" apartment contains a lanai of approximately 68 square feet, for a total area of approximately 700 square feet.

Each of the two (2) Type "E" studio apartments contains a combination living room, dining room and bedroom area, a kitchen area and a bathroom for a total floor area of approximately 301 square feet.

Each of the three (3) Type "F" apartments contains a living room, kitchen, bathroom and one (1) bedroom, for a total floor area of approximately 447 square feet.

The Type "G" apartment contains a living room, kitchen, bathroom and one (1) bedroom, for a total floor area of approximately 455 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 provided in Paragraph 5 of the Declaration. 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, halls, breezeways, corridors, stairs, stairways, entrances and exits of said building.

c. All driveways, parking areas, loading 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.

f. The laundry room located on the second floor of Building B.

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 said Condominium Map. Thirteen (13) apartments have no parking spaces, four (4) apartments have one (1) parking space appurtenant thereto and one apartment has six (6) 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 | none | 110 | none |
| 102 | none | 111 | none |
| 103 | none | 112 | none |
| 104 | none | 201 | none |
| 105 | 7 | 202 | none |
| 106 | 8 | 203 | none |
| 107 | none | 204 | 1,2,3,4,5,6 |
| 108 | none | 205 | 9 |
| 109 | none | 206 | 10 |

b. Each of the six (6) apartments located on first (ground) floor of Building A also contains a fenced courtyard area having the following areas:

| <u>Apartment Number</u> | <u>Courtyard Area (Approximate)</u> |
|-------------------------|-------------------------------------|
| 101, 102, 103, 104 | 102 square feet |
| 105 | 487 square feet |
| 106 | 505 square feet |

INTEREST TO BE CONVEYED TO PURCHASER: Each Type "A" apartment shall have appurtenant thereto an undivided 5.444 percentage interest, each Type "B" apartment shall have appurtenant thereto an undivided 6.291 percentage interest, each Type "C" apartment shall have appurtenant thereto an undivided 8.433 percentage interest, each Type "D" apartment shall have appurtenant thereto an undivided 8.006 percentage interest, each Type "E" apartment shall have appurtenant thereto an undivided 3.442 percentage interest, each Type

"F" apartment shall have appurtenant thereto an undivided 5.113 percentage interest and each Type "G" apartment shall have appurtenant thereto an undivided 5.204 percentage interest in all common elements of the project, such interest being defined and referred to herein 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.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: 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 common interest and easements appurtenant to each apartment shall have a permanent character, shall not be altered without the consent of all owners of apartments affected thereby as expressed in an amendment to this Declaration duly recorded, shall not be separated from such apartment and shall be deemed to be conveyed or encumbered with such apartment even though not expressly mentioned or described in the conveyance or other instrument.

b. The common elements shall remain undivided, and no right shall exist to partition or divide any part thereof except as provided by said Horizontal Property Act.

c. 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 this Declaration or the By-Laws of the Association of Apartment Owners.

d. The proposed 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 Owner's Certificate of Title dated October 14, 1980 and updated on March 19, 1981, issued by Aloha Title Co., Inc., confirms such ownership.

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

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Rights of parties in possession on month-to-month tenancy or under written but unrecorded leases, none of whom hold unrecorded deeds or options or contracts for the purchase of the conveyed property.
3. Real Property Mortgage, Security Agreement and Financing Statement dated October 10, 1980, made by CARISSA, INC., a Hawaii corporation, as Mortgagor, to LIBERTY BANK, a Hawaii corporation, as Grantee, recorded in the Bureau of Conveyances of the State of Hawaii in Book 15052, at Page 609, to secure a debt in the principal sum of \$300,000.00.
4. Purchase Money Second Mortgage dated October 10, 1980, made by CARISSA, INC., a Hawaii corporation, as Mortgagor, to PARK'S POULTRY FARM, INC., a Hawaii corporation, as Mortgagee, recorded in said Bureau of Conveyances in Book 15052, at Page 631, to secure a debt in the principal sum of \$304,327.31.
5. The covenants, agreements, obligations, conditions, easements and other provisions set forth in that certain Declaration of Horizontal Property Regime of Hale Poki dated February 26, 1981, recorded in said Bureau of Conveyances in Book 15425, at Page 623, (Condominium Map No. 794), and the By-laws attached thereto, to which reference is hereby made.
6. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, First Division.

RESERVATION OF EASEMENTS: In addition to the above easements, the Owners reserve 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 as of February 23, 1981, 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 as herein provided 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 hereby irrevocably appoints any such instrument on behalf of Buyer, should Buyer refuse or fail to do within five (5) days after request is made"; and (3) that Buyer is aware that Building A of the Project is estimated to have been constructed in 1959 and Building B of the Project is estimated to have been constructed in 1961; that the buildings were 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 he reads 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: It is estimated that Building A of the Project was completed in 1959 and that Building B of the Project was completed in 1961, as evidenced by an Affidavit of the Developer stating that the Notice of Completion files of the Circuit Court of the First Circuit have not been maintained back to such dates and describing the investigation upon which the estimated dates of completion were arrived at.

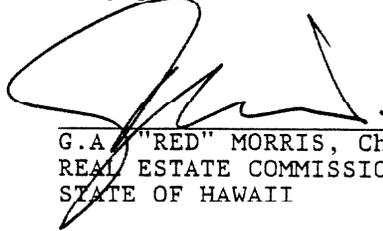
The Developer has advised the Commission that the Buildings were previously used as rental units prior to conversion to a condominium project. All apartments are sold in their used "as is" condition.

A letter dated September 26, 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 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 April 2, 1981.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1408 filed with the Commission on April 2, 1981.

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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Registration No. 1408
May 7, 1981

