

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

MAKIKI WEST
1036 Green Street, Honolulu, Hawaii

REGISTRATION NO. 1460

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: October 2, 1981
Expires: November 2, 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 or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED September 21, 1981 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED WITH THE COMMISSION AS OF September 30, 1981. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. MAKIKI WEST is a proposed fee simple residential condominium conversion project consisting of an existing 3 story building containing 30 apartments (24 one bedroom apartments; 6 two bedroom apartments), together with 29 parking spaces, assigned to specific apartments as a limited common element. One apartment (Apartment No. 105) will be conveyed without a parking space assignment. A schedule of parking assignments is shown on Exhibit "A" attached hereto and made a part hereof.

2. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of the approved floor plans) have not been filed in the office of the recording officer.

3. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Preliminary Public Report.

4. Advertising and promotional matter has not as yet been submitted pursuant to the rules and regulations promulgated by the Commission.

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

6. This Preliminary Public Report is made a part of the registration on MAKIKI WEST condominium project. The Developer is responsible for placing this Preliminary Public Report (yellow paper stock), attached with Disclosure Abstract in the hands of all purchasers and prospective purchasers and for securing a signed copy of the receipt therefor from each purchaser and prospective purchaser.

7. This Preliminary Public Report automatically expires thirteen months after date of issuance, October 2, 1981 unless a Final or Supplementary Public Report is issued or the Commission upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: MAKIKI WEST

LOCATION: The project is located at 1036 Green Street, Honolulu, Hawaii, and consists of 15,540 square feet of land in fee simple.

TAX MAP KEY: 2-4-17-8

ZONING: Apartment A-1

DEVELOPER: JYC AND ASSOCIATES, a Hawaii limited partnership, having its principal place of business at 225 Queen Street, Suite 301, Honolulu, Hawaii. Telephone: 531-6166. The limited partnership lists Jerrold Y. Chun as the general partner.

ATTORNEY REPRESENTING DEVELOPER: Kinji Kanazawa, 301 Town Tower at Harbor Square, 225 Queen Street, Honolulu, Hawaii. Phone: 524-7180.

DESCRIPTION:

(a) The Project is a conversion into a horizontal property regime of an existing three story building containing 30 apartments, together with 29 parking spaces. Said structure is constructed principally of reinforced concrete floor slabs, shear walls and roof, with non-load-bearing partition walls of steel stud and gypsum board and aluminum frame glass windows (jalousies).

(b) The types of apartment units, the description, layout, number of rooms of said types of apartment units together with parking assignments are more fully described as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

(c) The apartments are numbered and located in the manner as shown on Condominium Plan of Makiki West and as outlined also in Exhibit "A" attached hereto.

(d) The apartments have immediate access to an open balcony to two stairways at each end of the apartment building, all such being common elements, on each floor of the apartment building leading to the grounds of the Project.

(e) The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter or party walls or interior load-bearing 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. Each apartment shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter or party walls, doors and door frames, windows and window frames, the lanai air space (if any), the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures originally installed therein.

(f) All units will be furnished with carpeting in the living room, hallway and bedroom, and ceramic tile flooring in the kitchen area. The appliances included with each apartment are a range and oven, refrigerator, and garbage disposal.

COMMON ELEMENTS: One freehold estate is hereby designated in all of the remaining portions and appurtenances of the project herein called the "common elements" including specifically, but not limited to:

(a) Said land in fee simple.

(b) All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter and load-bearing walls, roofs and water heater enclosures.

(c) All yards, grounds, landscaping, planters, planting areas, fences, and all nature of utility panels, laundry area, central heater system enclosure, storage areas and like facilities.

(d) All ducts, sewer lines, electrical equipment, pipes, wiring and other central and appurtenant transmission facilities, installations which serve more than one apartment for services such as power, light, water, gas, refuse, and telephone signal distribution. There will be individual electric meters installed for each unit.

(e) Two stairways and single loaded open balcony on each floor for common use.

(f) The driveway serving the parking stalls.

(g) Any and all other apparatus and installations of common use and all other parts of the project necessary or convenient to its existence, maintenance or safety, and normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called and designated "limited common elements", are hereby 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:

(a) 29 off-street parking spaces met code requirements when the 30 unit three-story apartment building was constructed according to the certification dated March 18, 1981 from Roy H. Tanji, Director and Superintendent of the Building Department of the City and County of Honolulu filed with the Real Estate Commission. 24 parking spaces as shown on said Condominium Map (parking spaces 1 to 24, inclusive) shall be assigned as limited common elements appurtenant to 24 apartments, however, 5 parking spaces (parking spaces 25 to 29, inclusive) shall be assigned as conditional parking spaces appurtenant to 5 apartments, upon the unlikely possibility that the City and County of Honolulu may require the relocation, redesignation or removal of these 5 parking spaces due to future widening or improvement of Green Street, or for any other reasons. Except as set forth in Exhibit "A", each apartment is intended to have at least one parking space appurtenant to it but otherwise any automobile parking space easement may be transferred from apartment to apartment in the project by amendment of Exhibit "A" of this Report and such transfer of parking spaces between apartments shall be effective only upon recording of the same of record, setting forth such transfer and executed by the apartment owners affected, Tenants and Mortgagee, if any. The parking space numbers for the parking spaces appurtenant to each apartment is as set forth in said Exhibit "A" and as shown on the Condominium Map.

(b) All other common elements of the project which are rationally related to less than all of said apartments shall be limited to the use of such apartments.

COMMON INTEREST: Each apartment shall have appurtenant thereto an undivided interest in all common elements of the project (herein called the "common interest"), and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting, according to the plan of such apartment are more particularly set forth in Exhibit "A" aforesaid.

PURPOSE OF BUILDING AND RESTRICTION AS TO USE: The apartment shall be occupied and used only for purposes permitted from time to time by applicable zoning ordinances, rules and regulations, 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 of Horizontal Property Regime and the By-Laws of the MAKIKI WEST.

NOTE: The proposed House Rules provide that occupancy is limited to two persons per bedroom, except that members of immediate families of owners or renters may exceed such limits.

OWNERSHIP: According to a Preliminary Title Report issued by Pacific Guaranty Title Corporation, dated August 27, 1981, the owner of the fee simple title is vested in Frank Yamamoto, duly appointed Commissioner pursuant to Order Appointing Commissioner filed on February 14, 1980 in the Circuit Court of the First Circuit, State of Hawaii, Civil No. 54042, and by Commissioner's Agreement of Sale dated January 15, 1981, the fee simple title was agreed to be conveyed by Frank Yamamoto, Commissioner, as Seller to JYC AND ASSOCIATES, a Hawaii limited partnership, as Purchaser, recorded in the Bureau of Conveyances of the State of Hawaii in Book 15287, at Page 167.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Title Report shows the premises are subject to the following encumbrances:

1. Title to all minerals and metallic mines reserved to the State of Hawaii.

2. That certain Mortgage in favor of Pacific Savings and Loan Association, a Hawaii corporation, dated December 12, 1972, recorded in the Bureau of Conveyances of the State of Hawaii in Book 8811, Page 345, and by assignment thereof, in favor of American Savings and Loan Association, a Utah corporation, dated August 12, 1977, recorded as aforesaid in Book 12382, Page 1.

3. That certain Mortgage in favor of Amfac Financial Corp., a Hawaii corporation, dated June 5, 1974, recorded as aforesaid in Book 9947, Page 535.

4. Further proceedings in the matter of Janice Moo-Koong Kim, also known as Janice Moo Kung Kim, Plaintiff, vs. Grace Kim Gunn, also known as Grace Kim, also known as Grace Gunn, et al., above in the First Circuit Court, State of Hawaii, under Civil No. 54042. Order appointing Frank Yamamoto, Commissioner with full power to sell entered February 14, 1980.

5. Commissioner's Agreement of Sale dated January 15, 1981, by and between Frank Yamamoto, Commissioner, as Seller, and JYC AND ASSOCIATES, a Hawaii limited partnership, as Purchaser, recorded as aforesaid in Book 15287, Page 167.

6. For real property taxes due and payable, reference is made to Finance Director, City and County of Honolulu.

EASEMENTS: In addition to the above, the apartments and common elements shall also have and be subject to the following easements:

1. Each apartment shall have appurtenant thereto nonexclusive easements in the common elements designed for such purposes for ingress to, egress from, utility services for and support of such apartment; in the other common elements for use according to their respective purposes, subject always to the exclusive use of the limited common elements as provided herein; and in all other apartments of the building for support.

2. If any part of the common elements now or hereafter encroaches upon any apartment or limited common element, a valid easement for such encroachment and the maintenance thereof, so long as it continues, shall exist. In the event the building shall be partially or totally destroyed and then rebuilt, minor encroachments of any part of the common elements due to construction shall be permitted, and valid easements for such encroachments and the maintenance thereof shall exist.

3. The Association of Apartment Owners of the Project shall have the right, to be exercised by its Board of Directors or Managing Agent, to enter any apartments and limited common elements, if any, from time to time during reasonable hours as may be necessary for the operation of the Project or at any time to undertake emergency repairs therein required to prevent damage to any apartments or common elements or for the installation, repair or replacement of any common elements.

PURCHASE MONEY HANDLING: An Escrow Agreement dated August 27, 1981, has been executed and a copy of same has been filed with the Commission. The Escrow Agent is King Escrow Services Corporation, a Hawaii corporation. Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be consonant with Chapter 514A, Hawaii Revised Statutes, and particularly Section 514A-39 and 514A-63 through 514A-66.

It is incumbent upon the prospective purchaser that he reads with care the Sales Contract and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the apartments and all sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds.

NOTE: The specimen Sales Contract contains among others the following provisions:

1. No Interest On Deposits. Any and all interest received by Seller and/or Escrow on Buyer's deposits shall become the sole property of the Seller, and Buyer and Seller hereby jointly so instruct Escrow pursuant to the provisions of Sections 402-8 and 449-16.5 of the Hawaii Revised Statutes.

2. That Buyer expressly acknowledges and agrees that the Project (Makiki West) consists of a fully constructed and existing building, converted into a horizontal property regime under the Hawaii Horizontal Property Act, Chapter 514A, Hawaii Revised Statutes, that the Buyer has been fully informed of the conversion and offered an adequate opportunity to examine the apartment unit selected and described and the phase of the project as finalized, and further that Seller has granted to Buyer the opportunity to review the Preliminary Horizontal Property Regime Public Report covering the project.

3. That a site inspection of the apartment building and the individual condominium apartments, made by LMLI Architects & Planners, Inc., Registered Architects, has disclosed no signs of structural problems indicating significant evidence that may affect the structural integrity of the apartment building or the individual condominium apartments.

4. The physical facilities and installations for sewer, water and electrical services appeared after inspection to be in operating efficiency and adequate for the apartment building in its proposed multiple ownership residential condominium apartment use.

5. No warranty of continued use of the economic life of the physical facilities delivering such mechanical services is made for any specified period, except those warranties, if any, of the manufacturers or producers of such physical facilities.

Except for the agreement set forth above, it is expressly understood and agreed by and between Seller and Buyer that Buyer's Apartment will be conveyed to Buyer as is and that THERE ARE NO EXPRESS OR IMPLIED WARRANTIES, INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS OF THE APARTMENT FOR A PARTICULAR PURPOSE, involved in this sale.

6. Subordination. Buyer agrees that all of the rights of Buyer under this agreement are and shall be subject and subordinate to the lien of any mortgage securing the repayment of the interim loans made to finance the cost of construction and other costs during construction and to any and advances made thereon, and to any and all sums which may become a lien pursuant to the terms of such interim loans or any other agreement relating thereto. Buyer irrevocably appoints Seller, the Attorney-in-Fact of Buyer, to execute and deliver on behalf of Buyer any instrument of subordination which the interim lenders of their respective successor in interest may require.

MANAGEMENT AND OPERATIONS: The By-Laws of the Association of Owners vest the Board of Directors with the powers and duties necessary for the administration of the affairs of the project.

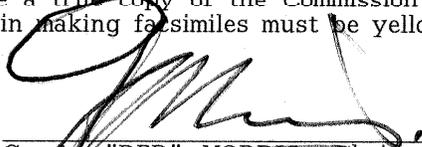
An executed Management Agreement indicates TOWN MANAGEMENT, a division of IRIS RIBER REALTY, 733 Bishop Street, Suite 2100, Honolulu, Hawaii, 96813, as the initial management agency.

STATUS OF PROJECT: The project has been inspected by the office of the Director and Building Superintendant, City and County of Honolulu, which has confirmed that the apartment building met all code requirements when constructed. No variances or special permits were granted to allow deviations from any applicable codes. The renovation and refurbishing work is being done by Kenneth Asato, General Contractor, under Building Permit No. 153226 issued on April 28, 1981. Presently, all renovations and refurbishment of each unit are substantially completed and will be ready for occupancy by September 30, 1981.

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 September 21, 1981, and information subsequently filed as of September 30, 1981.

THIS PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1460 filed with the Commission on September 21, 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
PLANNING DEPARTMENT, CITY
AND COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

Registration No. 1460

DATED: October 2, 1981

EXHIBIT "A"

DESCRIPTION OF APARTMENTS, PERCENTAGE INTEREST
IN COMMON ELEMENTS AND SCHEDULE OF PARKING ASSIGNMENTS

I. DESCRIPTION OF APARTMENT UNITS

<u>EAST WING APARTMENTS</u>	<u>DESCRIPTION</u>	<u>*NET LIVING AREA</u>
101 and 108 TYPE A (End Units)	1-bedroom apartment unit & lanai consisting of a living room-kitchen combination, one bathroom with shower & tub facility, basin and water closet and one bedroom, together also with an open lanai.	401 s.f. (Apt.) 58 s.f. (Lanai)
102 to 107 incl. TYPE A (Center Units)	1-bedroom apartment unit & lanai consisting of a living room-kitchen combination, one bathroom with shower & tub facility, basin and water closet and one bedroom, together also with an open lanai.	411 s.f. (Apt.) 58 s.f. (Lanai)
201 and 208 TYPE A (End Units)	1-bedroom apartment unit & lanai consisting of living room-kitchen combination, one bathroom with shower & tub facility, basin and water closet and one bedroom, together also with an open lanai.	401 s.f. (Apt.) 58 s.f. (Lanai)
202 to 207 incl. TYPE A (Center Units)	1-bedroom apartment unit & lanai consisting of living room-kitchen combination, one bathroom with shower & tub facility, basin and water closet and one bedroom, together also with an open lanai.	411 s.f. (Apt.) 58 s.f. (Lanai)
301 and 308 TYPE A (End Units)	1-bedroom apartment unit without lanai consisting of living room-kitchen combination, one bathroom with shower & tub facility, basin & water closet and one bedroom.	401 s.f. (Apt.) No Lanai
302 to 307 incl. TYPE A-1 (Center Units)	1-bedroom apartment unit without lanai consisting of living room-kitchen combination, one bathroom with shower & tub facility, basin & water closet and one bedroom.	411 s.f. (Apt.) No Lanai

NORTH WING
APARTMENTS

109 and 110 TYPE B	2-bedroom apartment unit without lanai consisting of living room-kitchen combination, one bathroom with tub & shower combination, basin & water closet and two separate bedrooms.	553 s.f. (Apt.) No Lanai
209 and 210 TYPE B	2-bedroom apartment unit without lanai consisting of living room-kitchen combination, one bathroom with tub & shower combination, basin & water closet and 2 separate bedrooms.	553 s.f. (Apt.) No Lanai
309 and 310 TYPE B	2-bedroom apartment unit without lanai consisting of a living room-kitchen combination, one bathroom with tub & shower combination, basin & water closet and 2 separate bedrooms.	553 s.f. (Apt.) No Lanai

*Net living area is measured from the interior surface of the apartment perimeter walls.

II. PERCENTAGE OF COMMON INTEREST ATTRIBUTABLE TO
EACH APARTMENT UNIT

<u>APARTMENT UNITS</u>	<u>PERCENTAGE INTEREST OF EACH UNIT</u>	<u>TOTAL PERCENTAGE INTEREST IN COMMON ELEMENTS</u>
101 to 108 incl. 201 to 208 incl. 302 to 307 incl. (Total of 22 Units)	3.1226	68.6972
301 and 308 (Total of 2 Units)	3.0466	6.0932
109 and 110 209 and 210 309 and 310 (Total of 6 Units)	4.2016	25.2096
<hr/> 30 Units		<hr/> 100.0000

NOTE: The percentage of common interest attributed to each apartment is equal to the net livable area of each unit divided by the total net livable area of the whole condominium complex, (multiplied by 100 to convert to percentage).

e.g., common interest to one bedroom unit: 411 - 13.162
(total net livable area of complex) x 100 = 3.1226

III. SCHEDULE OF PARKING ASSIGNMENTS

<u>APARTMENT NUMBER</u>	<u>PARKING ASSIGNMENT</u>	<u>APARTMENT NUMBER</u>	<u>PARKING ASSIGNMENT</u>
101	1	206	28(Cond-C)
102	24	207	12(Cond)
103	23	208	17
104	29(Cond)	209	7
105	None	210	8
106	25(Cond)	301	3
107	26(Cond)	302	4
108	16	303	14
109	5	304	15
110	6	305	13(C)
201	2	306	19(C)
202	22	307	20(C)
203	21	308	18
204	11(C)	309	9
205	27(Cond-C)	310	10

NOTATION:

All parking spaces are uncovered.

C = Parking Space for Compact Cars

Cond = Conditional Parking Spaces

Cond-C = Conditional Parking Spaces for Compact Cars

All other parking spaces will be for standard size cars.