

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
THE WAIALAE PINNACLE
Waialae Nui, City and County of Honolulu
State of Hawaii

REGISTRATION NO. 1516

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: September 16, 1982

Expires: October 16, 1983

SPECIAL ATTENTION

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

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED AUGUST 25, 1982, AND INFORMATION SUBSEQUENTLY FILED AS OF SEPTEMBER 13, 1982. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT (CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED).

1. THE WAIALAE PINNACLE is a proposed fee simple condominium project consisting of five (5) freestanding residential homes with garages.
2. The Developer of the Project has submitted to the Commission for examination all documents deemed necessary for the registration of this condominium project and issuance of this Preliminary Public Report.
3. 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 yet been recorded.
4. Preliminary advertising and promotional matter will be 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 Hawaii Revised Statutes, Chapter 514A, as amended, and the rules and regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Preliminary Public Report (yellow paper stock) is made a part of the registration of THE WAIALAE PINNACLE condominium project, a copy of which the Developer is required to provide all purchasers or prospective purchasers of apartments along with the disclosure abstract. Securing a signed copy of the receipt for this report from each purchaser and prospective purchaser is also the responsibility of the Developer.
7. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, September 16, 1982, unless a Supplementary Public Report or Final Public Report is published or the Commission, upon review of registration, issues an order extending the effective period of this report.

NAME OF PROJECT: THE WAIALAE PINNACLE

LOCATION: The approximate 2.005 acres of land to be committed to the regime is situated at Waialae-Nui, City and County of Honolulu, State of Hawaii.

TAX KEY: First Division, 3-5-64 por. 50

ZONING: R-6

DEVELOPER: Libbie Kamisugi, Inc., 1060 Young Street, Suite 210, Honolulu, Hawaii, 96814 (Telephone: 536-6200).

The officers of LIBBIE KAMISUGI, INC. are:

M. Libbie Kamisugi	Pres/Treas.
James A. Stubenberg	Vice Pres/Secty.

ATTORNEY REPRESENTING DEVELOPER: Stubenberg & Roney, (Attention: James A. Stubenberg), 32 Merchant Street, Honolulu, Hawaii, 96813 (Telephone: 524-0933).

DESCRIPTION OF PROJECT: The proposed Declaration of Horizontal Property Regime reflects that the project is to consist of five residential apartments, one each to be located in each of the five (5) separate three-story buildings. Each apartment shall consist of the space measured horizontally by the distances between the interior surfaces of the perimeter walls of each apartment, and measured vertically by the distance between the topside surface of the floor and the underside surface of the ceiling. The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed as common elements. 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, and the fixtures originally installed therein.

The principal materials of which the apartment buildings shall be constructed are wood and stucco with concrete footings and tile roofs.

The type of apartments are as follows:

(1) Three (3) Apartments are classified as Apartment Type A and consist of three (3) stories, four (4) bedrooms, one (1) maid's room, five (5) bathrooms, two (2) half bathrooms, two (2) kitchens, recreation room, two (2) studys, a dining room, a living room, a family room and a garage.

(2) Two (2) Apartments are classified as Apartment Type B and consist of three (3) stories, four (4) bedrooms, two (2) bathrooms, a half bathroom, a kitchen, den, living room, dining room, family room, and a garage.

The apartment, apartment type, number of rooms, number of floors, the approximate living area in square feet, the approximate area in square feet of each garage, deck and garden, the approximate total area of each apartment and appurtenant lanais and percentage interest in the common elements are as follows:

Apartment Number	Apartment Type	Number of Rms	Number of Flrs	Approx. Living Area	Approx. Deck	Garden Area	Approx. Garage	Approx. Total	% of Common Int.
1	A	23	3	5,601	1,436	250	945	8,232	20%
2	A	23	3	5,601	1,436	250	945	8,232	20%
3	A	23	3	5,601	1,436	250	945	8,232	20%
4	B	15	3	2,426	585	-0-	420	3,431	20%
5	B	15	3	2,426	585	-0-	420	3,431	20%

NOTE: The architect's calculation of the net living area of the two types of apartment are as follows:

Apartment Type A

Lower level living space	1,729.30 sq. ft.
Main floor living space	2,077.1 sq. ft.
Upper living space	<u>1,589.30 sq. ft.</u>
Total living area	5,395.7 sq. ft.

Apartment Type B

Level 1 living	787.50 sq. ft.
Level 2 living	976.59 sq. ft.
Level 3 living	<u>495.07 sq. ft.</u>
Total living area	2,259.16 sq. ft.

COMMON ELEMENTS: The proposed Declaration reflects that each apartment owner will have an UNDIVIDED TWENTY PERCENT (20%) interest in the common elements which shall include all of the land and improvements other than apartments, including specifically, but not limited to:

- (a) Said land in fee simple;
- (b) All foundations, floor slabs, columns, beams, supports, unfinished perimeter and load bearing walls, roofs, walkways and driveways;
- (c) All grounds, landscaping, garden areas, roads, curbs, and like facilities serving more than one apartment;
- (d) The main driveway (Road "A" on the proposed Condominium Map);
- (e) All ducts, sewer lines, electrical equipment, pipes, wiring and other central and appurtenant transmission facilities over, under and across the Project which serve

more than one apartment for services such as power, light, water, air conditioning, refuse, sewer, telephone and radio and television signal distribution; and

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

LIMITED COMMON ELEMENTS: The proposed Declaration reflects that the limited common elements set aside and reserved for each apartment are the lot and building for each unit, as shown on the proposed condominium map.

INTEREST TO BE CONVEYED TO PURCHASER: The proposed Declaration reflects that the undivided interests established and to be conveyed with the respective apartments shall have a permanent character and shall not be altered without the consent of all of the apartment owners affected, expressed in an amendment to the Declaration which shall be duly recorded, or as otherwise set forth in the Declaration. The undivided interests in the common areas and facilities and the fee titles to the respective apartments to be conveyed shall not be separated or separately conveyed. Each said undivided interest shall be deemed to encumber and be conveyed with its respective apartment even though the description in the instrument of conveyance or encumbrance may refer only to the title to the apartment. The proportionate shares of the separate owners of the respective apartments in the profits and common expenses in the common areas and facilities as well as their proportionate representation for voting purposes in the Association of Apartment Owners shall be the undivided 20% interest shown above under the topical heading of COMMON ELEMENTS.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed Declaration reflects that the apartments are intended to be used only as single family residences. Hotel or transient uses, defined in the proposed Declaration as occupancy of less than 30 consecutive days, is forbidden. The By-laws accompanying the Declaration reflect certain restrictions regarding pets, noise and maintenance, among other things.

OWNERSHIP OF TITLE: The preliminary title report issued on August 6, 1982 by Title Guaranty of Hawaii, Inc. certifies that the Trustees of Bernice P. Bishop have title to the land committed to the project. The Trustees have agreed to sell the aforesaid property to Libbie Kamisugi, Inc. by an Agreement of Sale dated September 26, 1979, recorded in the Bureau of Conveyances in Liber 14045 at Page 415 as amended by Amendment dated June 1, 1981, recorded in Liber 15777 at Page 670. A copy of said Agreement of Sale and Amendment has been filed with the Real Estate Commission.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Report identifies the following encumbrances on the land:

(1) Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent 4475.

(2) Easement "B" (area 993 square feet) for driveway purposes.

(3) Easement "C" (area 3,103 square feet) for utility purposes.

(4) Easement "D" (area 10,957 square feet) for road and utility purposes.

(5) Easement "E" (area 847 square feet) for sanitary sewer purposes.

(6) The above Agreement of Sale, as amended.

(7) Real property taxes as may be due and owing. For details check with the Tax Assessor, First Division.

The Developer has advised the Commission that at the time the first apartment deed is entered into between said Developer, as seller, and Buyer, every mortgage and other lien incurred by Developer affecting both such apartment and any other apartment shall be paid and satisfied of record, and the apartment being sold shall be released from the agreement of sale by partial release duly recorded.

PURCHASE MONEY HANDLING: Purchasers' funds will be used to finance construction of all the apartments. Pursuant to Sections 514A-40(6) and 514A-67 of the Hawaii Revised Statutes, all monies received by Developer will be placed into escrow for disbursement by the escrow agent for certified construction costs according to the terms of the Escrow Agreement. A copy of the executed Escrow Agreement dated August 11, 1982 identifies Title Guaranty Escrow Services, Inc., a Hawaii corporation, as Escrow Agent. On examination, the specimen Receipt and Sales Contract and the executed Escrow Agreement are found to be in compliance with Hawaii Revised Statutes, Chapter 514A, and particularly Sections 514A-37, 514A-39, 514A-40 and 514A-63 through 514A-67.

Among other provisions, the executed Escrow Agreement states that a purchaser under a Receipt and Sales Contract shall have the right to cancel his agreement to purchase and to obtain a refund of all moneys held by Escrow which were paid by such purchaser under such sales agreement if

(i) there is any change in the condominium building plans subsequent to the execution of the Receipt and Sales Contract and prior to the issuance of a Final Public Report, which change requires the approval of a county officer having jurisdiction over issuance of permits

for construction of buildings, and Seller fails to obtain the purchaser's written approval or acceptance of the specific change, but not if ninety (90) days have elapsed since the purchaser has accepted in writing the apartment or he first occupied the apartment, or

(ii) the Final Public Report differs in any material respect from the Preliminary Public Report, and

(iii) the Final Report shall not have been issued within one (1) year from the date of issuance of the Preliminary Report and the purchaser has not waived or has not been deemed to have waived his right to a refund, and

(iv) the Developer and purchaser delivers notice in writing to Escrow requesting refund prior to the expiration of thirty (30) days after the occurrence of any of the foregoing conditions.

It is incumbent upon purchasers and prospective purchasers that they read with care the specimen Reservation Agreement/Sales Contract and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of the condominium apartments are placed in trust, as well as the retention and disbursement of funds. The Sales Contract provides, among other things, for purchaser's assumption of Seller's obligations under certain architectural and construction contracts to be entered into by the Seller.

MANAGEMENT AND OPERATIONS: The Developer has advised that it is negotiating a Management Contract with CERTIFIED MANAGEMENT, a division of A R Corporation, a Hawaii corporation, whose principal place of business and post office address is 98-1238 Kaahumanu Street, Suite 404, P. O. Box 547, Pearl City, Hawaii, 96782. A copy of the proposed Contract has been furnished to the Commission.

The Developer and its agents are not offering to provide services relating to the sale or rental of apartments purchased in the Project, and no representation or reference to that effect has been or will be made by or on behalf of the Developer.

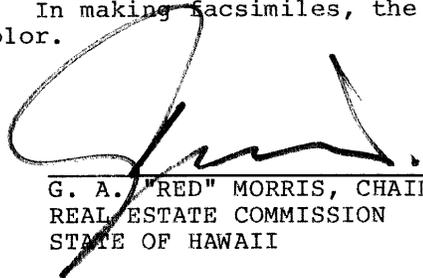
STATUS OF PROJECT: The Developer has advised the Commission that it will enter into a contract for the construction of each apartment which will be assumed by each apartment Buyer. The Sales Contract states that Buyer agrees that it will substantially complete construction of the building containing said apartment within two (2) years from the date of closing as defined in the Sales Contract. The Developer anticipates completion of the project by September, 1983.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents informa-

tion disclosed by the Developer in the required Notice of Intention submitted on August 25, 1982 and information subsequently filed as of September 13, 1982.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1516 filed with the Commission on August 25, 1982.

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



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

Distribution:

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DEPARTMENT OF LAND UTILIZATION,
CITY AND COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT
BUREAU OF CONVEYANCES

REGISTRATION NO. 1516

September 16, 1982