

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS

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

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

on

2398/2526 PACIFIC HEIGHTS ROAD
2398/2526 Pacific Heights Road
Honolulu, Hawaii 96813

Registration No. 1648 (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: December 13, 1984
Expires: January 13, 1986

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 FILED NOVEMBER 14, 1984 AND ADDITIONAL INFORMATION SUBSEQUENTLY SUBMITTED AS OF NOVEMBER 26, 1984. THE DEVELOPER IS NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. 2398/2526 PACIFIC HEIGHTS ROAD Condominium Project is a two-unit, fee simple condominium conversion project consisting of two apartments contained in two separate structures. In addition, there are a total of two carports located in the Project, which are designated limited common elements, one appurtenant to each apartment.
2. The Developer of the Project has filed all documents and materials deemed necessary by the Commission for the registration of this condominium project and the issuance of this Final Public Report.
3. The basic documents, the Declaration of Horizontal Property Regime and By-Laws of the Association of Apartment Owners, have been recorded in the Bureau of Conveyances of the State of Hawaii on November 9, 1984. The Declaration was recorded in Liber 18261 at Page 140; the By-Laws were recorded in Liber 18261 at Page 151. The Approved Floor Plans showing the layout, location, dwelling numbers, etc., have been designated as Condominium Map No. 930.
4. No advertising or promotional matter has 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 of the Hawaii Revised Statutes, as amended, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
6. This Final Public Report is made part of the registration of the 2398/2526 PACIFIC HEIGHTS ROAD Condominium Project. The Developer has the responsibility of placing a true copy of this Final Public Report (white paper stock) and Disclosure Abstract in the hands of all purchasers and prospective purchasers and obtaining a signed receipt therefor.
7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, December 13, 1984, unless a Supplementary Report issues or the Commission upon a review of the registration issues an order extending the effective period of this Report.

NAME OF PROJECT: 2398/2526 PACIFIC HEIGHTS ROAD

LOCATION:

The site, consisting of approximately 5,038 square feet, is located at 2398/2526 Pacific Heights Road, Honolulu, Hawaii.

TAX MAP KEY: First Division 2-2-23-3

ZONING: R-6 (Residential)

DEVELOPER:

Philip John Cascavilla. [REDACTED]
[REDACTED]

ATTORNEY REPRESENTING DEVELOPER:

Roger V. Meeker, 250 South Hotel Street, Courtyard Suite, Honolulu, Hawaii 96813.
Phone: 524-6335.

DESCRIPTION:

The Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a fee simple project consisting of a 5,038 square foot parcel of land together with the existing improvements thereon, containing a total of two (2) apartments. The apartments are described as follows:

- (1) Apartment 2398 is a separate single-story wood-frame structure, without basement, containing two bedrooms, one bath, living room and kitchen — all containing a net interior living area of approximately 696 square feet. Said apartment also contains attached wooden deck/lanai areas totalling approximately 447 square feet, plus a detached carport of approximately 78 square feet.
- (2) Apartment 2526 is a separate two-story wood-frame structure, without basement, containing three bedrooms, one and one-third baths, living room, dining room, study, kitchen, and laundry room — all containing a net interior living area of approximately 1880 square feet. Said apartment also contains an attached carport of approximately 351 square feet.

The respective apartments shall not be deemed to include any pipes, wires, conduits or other utility lines running over, under or through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided.

Each apartment has direct access to the common areas.

COMMON ELEMENTS:

One freehold estate is hereby designated of all the remaining portions of the Project, herein referred to as "common elements", including specifically, but not limited to:

- (1) The land in fee simple;
- (2) All ducts, electrical equipment, wiring and other central and appurtenant installations for common services, if any, including power, light, water, sewage, irrigation and telephone;
- (3) Any and all other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the Project.

LIMITED COMMON ELEMENTS:

Certain parts of the common elements, herein referred to as the "limited common elements", are hereby designated and set aside for the exclusive use of one or more apartments, and such apartment(s) 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. The immediate land and yard area upon and around which each apartment is located, as so shown and designated on the Condominium Map. Specifically, that portion of the land area located on the lower side of the moss rock wall which approximately bisects the property is hereby deemed a limited common element appurtenant to and for the exclusive use of Apartment 2398; that portion of the land area located on the upper side of said moss rock wall is hereby deemed a limited common element appurtenant to and for the exclusive use of Apartment 2526.
- B. The above-mentioned moss rock wall located between and separating the two apartments of the Project is hereby deemed a limited common element appurtenant to and for the exclusive use of Apartment 2526.

INTEREST TO BE CONVEYED TO PURCHASER:

Each apartment and its owner(s) shall have appurtenant thereto a fifty percent (50%) interest in the common elements of the Project, for all purposes including voting, said interest being referred to as the "common interest".

EASEMENTS:

In addition to the exclusive easements established in the limited common elements, each apartment shall have appurtenant thereto non-exclusive easements in the common elements designed for such purposes of ingress to, egress from, utility services for, and support, maintenance and repair of such apartment, and in the other common elements of the Project for use according to their respective purposes. In addition, each apartment shall have appurtenant thereto easements in the other apartment(s) for the purposes of utility services for, and the maintenance and repair of said utility services, including electricity, gas, water, sewage, and telephone.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE:

The Declaration provides that the apartments of the Project shall be occupied and used only as private residential dwellings by the respective owners thereof, their families, domestic servants, personal guests and tenants, and for no other purposes. The apartment owners shall have the absolute right to lease or rent their apartments subject to the limitations, restrictions, covenants and conditions contained in the Declaration and By-Laws of the Association of Apartment Owners. Subject also to said Declaration and By-Laws, maximum allowance and freedom shall be given so as to accommodate the individual apartment owner's artistic, creative, and life-style requirements.

OWNERSHIP OF TITLE:

The Preliminary Title Report dated September 19, 1984, issued by Long & Melone, Ltd., indicates that fee simple title to the property is vested in Philip John Cascavilla, the Developer of the Project.

ENCUMBRANCES AGAINST TITLE:

The above-mentioned Preliminary Title Report indicates the following encumbrances:

- (1) Title to all mineral and metallic mines reserved to the State of Hawaii.
- (2) The existing rights of way for water mains and to rights of way for water, sewer and gas mains, electric light, telephone and telegraph poles, as public utilities over the land portion of the Project, as the same are contained in that certain Deed from Hawaiian Trust Company, Limited, Trustee, to Edna B. Harte, dated February 28, 1921, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 582 at Page 468.
- (3) Mortgage in favor of INTERNATIONAL SAVINGS AND LOAN ASSOCIATION, LIMITED, dated December 13, 1982, recorded in said Bureau in Liber 16738 at Page 764.
- (4) Mortgage in favor of JOSEPHINE KAUFFMAN, dated December 13, 1982, recorded in said Bureau in Liber 16738 at Page 770.
- (5) For real property taxes that may be due and owing, reference is hereby made to the Office of the Tax Assessor, City and County of Honolulu.

PURCHASE MONEY HANDLING:

The Developer has not executed an escrow agreement prior to issuance of this Final Public Report. The choice as to who shall escrow the transaction is to be made mutually by the Seller (Developer) and Purchaser at the time of entering a sales contract (DROA) respecting Apartment 2526 of the Project. A copy of the Specimen Deposit, Receipt, Offer and Acceptance (DROA) has been submitted as part of the registration.

Note: The Disclosure Abstract, which as a part of the specimen Sales Contract, provides that NO WARRANTIES FOR FITNESS OF USE OR MERCHANTABILITY OR ANY OTHER KIND ARE MADE AS TO ANY OF THE APARTMENTS OR COMMON ELEMENTS OF THE PROJECT. PURCHASERS ARE ADVISED TO CONDUCT THEIR OWN INSPECTION OF THE APARTMENT THEY DESIRE TO BUY. THE APARTMENTS ARE SOLD "AS IS". The Project is a conversion of fully constructed and existing buildings to condominium status. The present zoning code allows only one single-family residence on 5,000 square feet of land area in an R-6 zoned district.

MANAGEMENT OF PROJECT:

The By-Laws which are incorporated in the Declaration provide that the operation of the Project may be conducted for the Association of Apartment Owners under the direction of the Board of Directors by a responsible Managing Agent. No Managing Agent has been appointed as of the date of this report.

STATUS OF PROJECT:

The Developer is unable to determine the exact age of the two dwellings comprising the Project. However, an investigation by the Building Department of the City and County of Honolulu revealed that they were constructed prior to the zoning of the lot — most probably in the 1920's or 1930's when the Pacific Heights area was first developed. To the best of Developer's knowledge, information and belief, there are no outstanding notices of uncured violations of the building code or other municipal regulations of the City and County of Honolulu. No variance has been granted from any ordinance, code, rule, regulation, or other requirement in force at the time of their construction or from any current ordinance, code, rule or regulation, or other requirement.

According to the City and County of Honolulu, the lot having 5,038 square feet of land area with two single-family dwellings in an R-6 residential district is a nonconforming lot. Regulations concerning nonconforming lots are in Section 21-1.7 of the Comprehensive Zoning Code.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted November 14, 1984 and information subsequently filed as of November 26, 1984.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1648 filed with the Commission on November 14, 1984. 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

DISTRIBUTION: Department of Finance, City and County of Honolulu
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REGISTRATION NO: 1648

December 13, 1984