



REAL ESTATE COMMISSION
PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII
424 SO. BERETANIA STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

FINAL
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT

on
PACIFIC GARDENS II
1431 Kahanu Street and 1434 Kaumualii Street
Honolulu, Hawaii

REGISTRATION NO. 131

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.

April 12, 1966

SPECIAL ATTENTION

A comprehensive reading of this Report by prospective purchasers 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:

1. PACIFIC GARDENS II is an existing conventional apartment building complex consisting of seventy (70) dwelling units in a single three-story building completed May 24, 1965. The project is being organized and submitted to the Horizontal Property Act as a lease condominium offering.
2. The Developer of said project has filed all documents, specimen documents and material deemed essential by the Commission for the registration of this proposed condominium project.
3. Advertising and promotional matter required to be filed pursuant to the rules and regulations promulgated by the Commission has been submitted as part of this registration.
4. On March 31, 1966, the Developer reported to the Commission that the Declaration of Horizontal Property Regime with By-Laws of Association of Apartment Owners attached, had been filed in the office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 386594. Amendment to Bishop Estate Lease No. 13,307, filed in said Land Court office as Document No. 386592 was reported to the Commission. Condominium Map No. 29 has been assigned the project.

5. The prospective purchaser is advised to acquaint himself with the provisions of Chapter 170A, Revised Laws of Hawaii 1955, as amended, and the rules and regulations promulgated thereunder which relate to Horizontal Property Regime.

NAME OF PROJECT: PACIFIC GARDENS II

LOCATION: The land area, being approximately 42,600 square feet committed to the project and identified as 1431 Kahanu Street and 1434 Kaumualii Street, is in the block bounded by Winant Street, Kahanu Street, Kaiwiula Street and Kaumualii Street at Kapalama, Honolulu, Oahu, Hawaii.

TAX MAP KEY: FIRST DIVISION 1-5-26-14

ZONING: Apartment District "C"

DEVELOPER: PACIFIC BUILDERS, INC., and DAVE FORD, a partnership under an agreement made December 10, 1963 between:

PACIFIC BUILDERS, INC., a Hawaii corporation, 414 Ward Avenue, Honolulu, Hawaii. Telephone 563-831.

The officers are:

James L. Humpert	President	88 Wailupe Circle Honolulu, Hawaii
Carl K. Miyabara	Secretary and Treasurer	1320 Manu-Mele Street Honolulu, Hawaii

and

DAVE ROBERT FORD, Individual, 4683 Waiiki Place, Honolulu, Hawaii. Telephone 33623.

ATTORNEY REPRESENTING DEVELOPER: Henshaw, Conroy & Hamilton (Attn: Mr. Dwight Rush), 1410 First National Bank Building, Honolulu, Hawaii. Telephone 561-002.

DESCRIPTION: Seventy (70) freehold estates are hereby designated in the spaces within the perimeter walls, floors and ceilings of each of the 70 apartment units of the project contained in one three-story building constructed principally of reinforced-concrete floor and roof slabs and concrete hollow-tile walls. Twenty-two (22) apartments are located on the first floor of said building and numbered clockwise from the Kahanu Street entrance of the project 101B to 123B inclusive except that there is no Apartment 112B; and twenty-four (24) apartments are located on each of the second and third floors of said building and numbered 201B to 224B inclusive on the second floor and 301B to 324B inclusive on the third floor clockwise from the Kahanu Street entrance. Each apartment contains two bedrooms (except that Apartment 104B contains only one bedroom), bathroom, kitchen and living room with gross floor area of approximately 784 square feet in the Type A apartments (Apartments 102B, 110B, 113B, 121B, 202B, 210B, 214B, 222B, 302B, 310B, 314B and 322B without any lanai areas) and approximately 779 square feet including lanai in all other apartments except Apartment 104B containing gross floor area of approximately 648 square feet including lanai.

Each apartment has immediate access to the walkway across the face of its building, the stairways between upper and ground floors of such building, and the walkways connecting such building to the street entrances and parking areas of the project.

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 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, and all fixtures originally installed therein including refrigerator, four-burner surface cooking unit and hood, built-in oven, sink and garbage disposal.

COMMON ELEMENTS: One freehold estate is hereby designated in all remaining portions 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, bearing walls, roofs, chases, entries, stairways and walkways of said buildings; (c) All yards, grounds, landscaping, mailboxes and refuse facilities; (d) All parking areas and driveways; (e) All ducts, electrical equipment, wiring and other central and appurtenant installations for services including power, light, water, sewer and telephone; (f) Coin-operated laundry and drying machines; and (g) A Manager's Office located on the first floor of the building, adjacent to Apartment No. 104B, as shown on said plans.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called the "limited common elements", are hereby designated and set aside for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows:

- (a) One parking space, designated on said plans by the number and letter corresponding to the number and letter of each apartment, shall be appurtenant to and for the exclusive use of such apartment;
- (b) The entries, stairways, hallways and walkways in any residential building of the project shall be appurtenant to and for the exclusive use of the apartments of such building;
- (c) The hallways and walkways on any floor of any residential building of the project shall be appurtenant to and for the exclusive use of the apartments on such floor.

INTEREST TO BE CONVEYED PURCHASER: Each apartment shall have appurtenant thereto an equal undivided 1/70 fractional (1.428+%) 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.

USE: 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 the owners of the respective apartments shall have the absolute right to lease or rent such apartments for transient purposes, subject to all provisions of this Declaration.

OWNERSHIP TO TITLE: The Notice of Intention reflects, and the Lien Letter prepared by Long & Melone, Ltd., a Hawaii corporation, on January 5, 1966 supports, that the fee simple title to the land is vested in Frank E. Midkiff, Edwin P. Murray, Atherton Richards, Richard Lyman, Jr., and Herbert K. Keppler, Trustees Under the Will and of the Estate of Bernice Pauahi Bishop, Deceased. (Transfer Certificate of Title No. 28,714)

The title examiner certifies that title to the land committed to the condominium project is vested in Pacific Builders, Inc., a Hawaii corporation, as an undivided 2/3rd interest and Dave Ford, husband of Theo Birdie Ford, as an undivided 1/3 interest, as Tenants in Common, "Lessees" from the Trustees of the Bishop Estate.

The land had been leased to Theodore C. H. Char and Chad Dunstan, by the Trustees of Bishop Estate under Lease No. 13,306, dated July 1, 1961, filed as Land Court Document No. 337989. Said lease has been assigned to and is now held by Pacific Builders, Inc., as to an undivided 2/3rd interest, and Dave Ford, undivided 1/3 interest, as Tenants in Common, under Assignment of Lease, dated February 10, 1964, filed as Land Court Document No. 337990. The indenture is amended by Modification of Lease dated August 10, 1964, filed as Land Court Document No. 340952. The Trustees of the Bishop Estate consented by instrument dated March 5, 1964, filed as Land Court Document No. 337991.

ENCUMBRANCES AGAINST TITLE: The Developer's Notice of Intention identifies the encumbrances as: (1) the Lease dated July 1, 1961, filed as Land Court Document No. 337989, as amended by Modification of Lease dated August 10, 1964, filed as Land Court Document No. 340952; (2) the 8 foot setback line for road widening along Lot 583-B; Mortgage in favor of Cooke Mortgage Company, dated August 20, 1965, filed as Land Court Document No. 340953; (3) the Consent, dated August 31, 1964 filed as Land Court Document No. 340954 wherein Trustees of Bishop Estate consented to the mortgage in favor of Cooke Mortgage Company; (4) Second Mortgage, Pacific Builders, Inc. and Dave Ford, to Finance Factors, Ltd., dated September 11, 1964, filed as Land Court Document No. 341797 - subject to the foregoing mortgage; (5) Assignment of Mortgage in favor of Cooke Mortgage Company, Inc. to Sun Life Assurance Company of Canada, dated August 5, 1965, filed as Land Court Document No. 367304 - assigns mortgage filed as Land Court Document No. 340953; (6) Notice of Mechanics' and Materialmen's Lien and Demand for Payment filed October 11, 1965 in the First Circuit Court, M.L. NO 1659, also filed as Land Court Document No. 372511, Times Electric, Inc., a Hawaii corporation vs. the Trustees Under the Will and of the Estate of Bernice Pauahi Bishop, Deceased, Pacific Builders, Inc. and Dave Robert Ford; (7) State Tax Lien dated December 17, 1965 filed in the Bureau of Conveyances as Document No. 4553 vs Pacific Builders, Inc.; (8) Assessment-Improvement District No. 167 (Assessment Lot No. 17); and (9) Taxes for the year 1965 have been paid in full, taxes for the year 1966 are now a lien.

The Lien Letter of January 5, 1966 affirms the existence of the above encumbrances and liens as of record.

It is the intention of the Developer to satisfy the above encumbrances before issuing apartment leases. The Commission has been advised that once the merchandising program is launched and successfully concluded, the Developer intends to negotiate for the termination of Lease No. 13,306 - for Land Court Parcel 583-C, being the land committed to the regime, pay off all encumbrances and execute substitute leases with all purchasers - said lease arrangement to include easements for parking in the adjoining lots 33-B and 32-B.

The executed Escrow Agreement, dated January 12, 1966, details the procedures established for satisfying the encumbrances and liens.

PURCHASE MONEY HANDLING: The Developer has filed an executed copy of an Escrow Agreement identifying Security Title Corporation, a Hawaii corporation, as Escrow.

Note: It is particularly incumbent upon the purchaser that he reads a copy of the executed Escrow Agreement which details, in the third paragraph, the conditions under which disbursements will be made from the escrow fund.

MANAGEMENT AND OPERATION: The proposed By-Laws of the Association of Apartment Owners state that the Board of Directors shall have all powers necessary for the administration of the Association. The Developer advises that Aaron M. Chaney, Inc., Certified Property Management, is nominated as the managing agent.

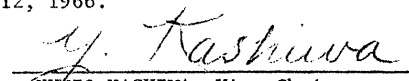
Note: The record should show that the management firm, Aaron M. Chaney, Inc., is to be correctly identified as Manager for PACIFIC GARDENS I, as well as for the project herein reported on. (Vice: Cooke Trust Company, Limited.)

STATUS OF BUILDING: The existing three floor building was completed May 24, 1965 and has been operated since inception of the project as a conventional apartment building.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 131, dated April 12, 1966.

Distribution:

DEPARTMENT OF TAXATION
DEPARTMENT OF REGULATORY AGENCIES
(Business Registration Division)
BUREAU OF CONVEYANCES
PLANNING DEPARTMENT, CITY & COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION


YUKIO KASHIWA, Vice Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII