

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

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P. O. BOX 3469  
HONOLULU, HAWAII 96801

## PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
THE WAILANA AT WAIKIKI  
1360 Ala Moana Boulevard  
Honolulu, Hawaii

REGISTRATION NO. 163

### 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.

*Reservations for the purchase of any unit in the Condominium Project may be taken under an agreement for sale providing the Developer complies with the Commission's Declaratory Order No. 1 of December 14, 1965.*

July 6, 1967

#### 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED TO THE COMMISSION APRIL 13, 1967 AND ADDITIONAL INFORMATION FILED AS LATE AS JUNE 20, 1967.

1. THE WAILANA AT WAIKIKI is a proposed leasehold condominium project consisting of a commercial garage, nine (9) commercial-office units and one hundred eighty-five (185) dwelling units arranged throughout a twenty-three (23) story building. Two hundred and eighty-seven parking stalls are to be made available.
2. The Developer has filed all documents and exhibits deemed necessary by the Commission for the registration of the Horizontal Property Regime venture and the issuance of a Preliminary Public Report.
3. The Developer has advised the Commission as to the Program of Financing the Project. There are indications that the construction or interim financing will be negotiated through a Hawaii financial institution. Correspondence has been submitted to the Commission

showing that negotiations are being carried on with an out-of-state mortgage banking firm to secure the permanent financing for individual apartments in the project. The Developer has also filed with the Commission a Cost and Income Projection presentation as at June 13, 1967.

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 170A, Revised Laws of Hawaii 1955 (as amended), and the Condominium Rules and Regulations promulgated thereunder which relate to Horizontal Property Regime.

NAME OF PROJECT: THE WAILANA AT WAIKIKI

LOCATION: The approximate 43,127 square feet of land committed to the regime is situate on the Ewa (north westerly) side of the eighteen hundred block of a boulevard where Ena Road and Kalia Road meet the major thoroughfare, Ala Moana Boulevard at Waikiki, Honolulu, Oahu, Hawaii.

TAX KEY: FIRST DIVISION 2-6-12-2

ZONING: Commercial

DEVELOPER: STARK ENTERPRISES, LTD., 2259 Kalakaua Avenue, Honolulu, Hawaii. Telephone 933-481. A Hawaii corporation, registered with the Department of Regulatory Agencies, State of Hawaii on August 14, 1964. A copy of the certificate changing the name from STARK ENTERPRISES, INC., to STARK ENTERPRISES, LTD., as filed with the Department of Regulatory Agencies on March 10, 1967 is on file with the Commission. The officers, as reflected in the Notice of Intention, are as follows:

Bruce C. Stark	President and Treasurer	240 Makee Road Honolulu, Hawaii
Lois Stark	Secretary	240 Makee Road Honolulu, Hawaii

DESCRIPTION: The land will be improved, according to the Developer's plans and intention to sell, by constructing thereon one twenty-three (23) story apartment building containing a total of one hundred eighty-five apartment units from the fifth to the twenty-third floor, commercial office space on the fourth floor, garages for apartment use on the third and second floors, commercial stores and restaurant space on the ground floor and commercial garage in the basement, all in accordance with the plans being prepared and later to be placed on file in the office of the Assistant Registrar of the Land Court, where a condominium map number will be assigned by the recording officer. The specimen Declaration of Horizontal Property Regime states that the Developer intends to sell the apartment and commercial units therein to third persons by the delivery or assignment to each purchaser of a condominium unit lease from the Lessor of such condominium unit and of an undivided interest in the common elements of the project. The condominium units are arranged as follows:

Residential Apartments: There shall be one hundred and eighty-five (185) apartment units in the building consisting of eleven (11) apartments per

floor from floors five (5) to nineteen (19), and penthouse apartments consisting of five (5) apartments per floor from floors twenty (20) through twenty-three (23). The apartments on each floor will be numbered from "0" to "10", preceded by the number which corresponds to the floor, with even numbers along the makai (ocean) wing and odd numbers along the mauka (mountain) wing. For example, those on the fifth floor starting from the makai and proceeding to mauka will bear the numbers 510, 508, 506, 504, 502, 500, 501, 503, 505, 507, 509. The penthouse apartments on each floor will be lettered PH, and numbered from "00" to "04" preceded by the numbers which correspond to the floor. For example, those penthouse apartments on the twentieth floor will bear the letters and numbers of PH 2004, PH 2002, PH 2000, PH 2001, PH 2003. Each of the One Hundred Eighty-five (185) apartments will be one of the five types or a modified type thereof: Types A, B, C, D and E.

Type "A" Apartment: Each type "A" apartment shall include two bedrooms, two bathrooms, a lanai, a living room, a dining room and kitchen, and shall contain approximately 1132 sq. ft. of enclosed area and 54 sq. ft. of lanai area, or a 1186 sq. ft. of total apartment area, excepting, however, the modified type "A<sub>1</sub>" apartment shall contain the same number of rooms heretofore described but shall contain 1128 sq. ft. of enclosed area and 54 sq. ft. of lanai or 1182 sq. ft. of total apartment area. Appurtenant to apartment 509 is 1395 sq. ft. of lanai area on the ewa (west) side of the apartment.

Type "B" Apartment: Each type "B" apartment shall include two bedrooms, two bathrooms, a lanai, a dressing room, a living room, a dining room and a kitchen, and shall contain approximately 1150 sq. ft. of enclosed area and 54 sq. ft. of lanai or 1212 sq. ft. of total apartment area.

Type "C" Apartment: Each type "C" apartment shall include two bedrooms, two bathrooms, two lanais, a living room, a dressing room, a laundry room, a dining room and a kitchen and shall contain approximately 1326 sq. ft. of enclosed area and 108 sq. ft. of lanai area or 1434 sq. ft. of total apartment area.

Type "D" Penthouse Apartment: Each Type "D" penthouse apartment shall include two bedrooms, two bathrooms, two dressing rooms, a lanai, a dining room, a living room and a kitchen, and shall contain approximately 1356 sq. ft. of enclosed area and 161 sq. ft. of lanai area or 1517 sq. ft. of total apartment area, except the modified type "D<sub>1</sub>" penthouse apartment on the twentieth floor only shall contain the same number of rooms and enclosed area but the lanai shall be 972 sq. ft. or 2328 sq. ft. of total apartment area.

Type "E" Penthouse Apartment: Each type "E" penthouse apartment shall contain three bedrooms, two bathrooms, two dressing rooms, a lanai, a dining room, a living room and a kitchen, and shall contain approximately 1900 sq. ft. of enclosed space and 237 sq. ft. of lanai area or 2137 sq. ft. of total apartment area except "E<sub>1</sub>" penthouse apartment shall contain the same number of rooms and enclosed area but the lanai shall be 1936 sq. ft. or 3836 sq. ft. of total apartment area.

Location of Apartment:

(1) 105 apartments having the last two numbers from "03" to "09" are type "A" and 15 apartments having the last two numbers "10" are the modified type "A<sub>1</sub>".

(2) 30 apartments having the last two numbers "01" and "02" are type "B".

(3) 15 apartments having the last two numbers "00" are type "C".

(4) 12 penthouse apartments having the letters PH and last two numbers from "01" to "04" are type "D" except those penthouse apartments on the twentieth floor only are the modified type "D<sub>1</sub>".

(5) 3 penthouse apartments having the letters PH and last two numbers "00" are type "E" except PH 2000 which is the modified "E<sub>1</sub>". All of said apartments are described and located on the condominium floor plans to be filed in the office of the recording officer.

Boundary Line: 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 ceiling surrounding the apartments or any pipes, wires, conduits or other utility lines, running through such apartments 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, the exterior of the lanai railing and the airspace encompassed within the boundary line, together with fixtures and other such improvements located within.

Commercial Units: There shall be located on the ground floor and the fourth floor commercial units to be used primarily for shops and/or services, offices and restaurant.

1. Ground Floor. There shall be located on the ground floor four commercial units to be used primarily for restaurant, shops or services which units are described as follows:

"A" Unit located on the makai end of the building containing approximately 5330 sq. ft. and appurtenant thereto a non-exclusive service area in the makai-diamond head end of the building.

"B" Unit located mauka of "A" Unit and makai of the basement garage stairway, containing approximately 500 sq. ft.

"C" Unit located on the mauka-diamond head end of the building containing approximately 5000 sq. ft. The bathroom facilities situated mauka of the manager's office shall be held by commercial units "A" and "B" and "C" as tenants in common and shall be appurtenant thereto.

"KDI" Unit located on the diamond head-makai end of the building containing approximately 7757 sq. ft. with the right to use same for restaurant operation, and appurtenant thereto a non-exclusive service area at the diamond head-makai end of the building.

2. Fourth Floor. There shall be five commercial units to be used primarily as office space which units are described as follows:

Office Area "A" located on the makai wing of the building and extending to the elevator corridor containing approximately 5735 sq. ft.

Office Area "B" located on the mauka wing of the building and extending to the elevator corridor, containing approximately 6875 sq. ft.

Office Area "C" located on the ewa portion of the center of the building adjacent to the elevator lobby, containing approximately 2400 sq. ft.

Office Area "D" located makai of office area "C" containing approximately 537 sq. ft.

Office Area "E" located mauka of office area "C" containing approximately 1254 sq. ft. The bathroom facilities situated on the makai-ewa of the floor shall be held by office area "A", "B", "C", "D" and "E" as tenants in common and shall be appurtenant thereto. All of said commercial units are described and located on the typical floor plans to be filed with the office of the recording officer.

Boundary Line: The boundary line of each of the commercial units described herein is the exterior of doors, windows, and glass walls and the frames thereof, and the interior of unfinished surfaces of the perimeter walls, load bearing walls and floors and ceilings, said commercial unit meaning and including the paint, wallpaper, tiles, enamel, stain or other finishing on such interior surfaces, the air space encompassed within said boundary line, together with fixtures and other such improvements located within said boundary line, but reserving as common elements any pipes, wires, conduits and other utility lines running through such commercial units which are utilized for or serve other condominium units.

Commercial Garage: There shall be located in the basement floor eighty-five parking stalls for use as commercial parking to service the restaurant, stores and offices, containing approximately 13,043 sq. ft. together with access to the driveways and the ingress and egress ramps. The boundary line of each stall shall be as shown and described on the typical floor plans to be filed in the office of the recording officer.

COMMON ELEMENTS: An estate consisting of all remaining portions of the project being described and referred to in the proposed Declaration as "Common Elements" which definition includes the building, the land on which it is located and all elements mentioned in the Horizontal Property Act which are actually constructed in the project and specifically include, but are not limited to: (a) Said land; (b) All foundations, columns, girders, beams, supports, main walls, roofs, corridors excepting those reserved hereinafter, lobbies, stairs, stairways, entrances, and exits of said building; (c) All driveways, yards, gardens, recreational facilities, including the swimming pool and garden deck on the fourth floor and the recreational deck on the fifth floor; (d) All parking area excepting the basement parking stalls, manager's office, service rooms, equipment rooms, storage areas except as otherwise designated, and bathroom facilities on the third and fifth floors; (e) All central appurtenant installations for common services, including power, light, water, telephone, air conditions, television antenna, and trash disposal; (f) The three elevators and all tanks, pumps, motors, fans, compressors, ducts, and in general, all apparatus and installations existing for common use; (g) All other parts of the project necessary or convenient to its existence, maintenance, and safety, or normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements herein called and designated as "limited common elements" are hereby set aside and reserved for the exclusive use of certain units, and such units shall have appurtenant thereto an exclusive easement for the use of such limited common elements. The limited common elements so set aside and reserved are as follows:

Parking: One or more parking stalls on the second floor or third floor as designated on said Condominium Map by number corresponding to the number of each apartment shall be appurtenant to and for the exclusive use of such apartment. An apartment may have by special contract with Developer an additional exclusive easement to one or more of the unassigned seventeen parking stalls. Said seventeen parking stalls are reserved by the Developer unless otherwise relinquished by sale or lease by the Developer.

Storage Facilities: Storage facilities in the basement are for the exclusive use of the commercial garage unit, those facilities on the ground floor for the exclusive use of commercial area "A", "B" and "C", those facilities on the second and third floors for the exclusive use of the apartment units, and those storage facilities designated by number to correspond with the apartment number and located along the corridors from the sixth floor to the twenty-third floor shall be for the exclusive use by the corresponding numbered apartment.

Corridors: Each corridor from the fourth floor to the twenty-third floor shall be for the exclusive use of the condominium owners of that floor, their guests and invitees, excepting however, the corridor leading from the elevators to the garden and recreational deck on the fourth and fifth floors shall be a common element.

Office Garden: The office garden located on the fourth floor, containing 2,056 sq. ft. shall be appurtenant to and for the exclusive use of Office Area "A" and "B".

INTEREST TO BE CONVEYED PURCHASER: Each unit according to its type shall have appurtenant thereto an undivided percentage interest called herein its "common interest", in the common elements for all purposes, including voting as follows:

<u>Type of Apartment</u>	<u>Percentage Common Interest</u>
A 1150	.004331
A <sub>1</sub> 1146	.004316
B 1176	.004429
C 1362	.005129
D 1410	.005310
D <sub>1</sub> 1630	.006327
E 1797	.007453
E <sub>1</sub> 2545	.009585
<u>Commercial Units</u>	
(a) Ground Floor	
"A" 5330	.020075
"B" 530	.002184
"C" 5800	.021845
"KDI" 7757	.029220
(b) Fourth Floor	
"A" 5735	.021600
"B" 6875	.025900
"C" 2400	.009040
"D" 537	.002022
"E" 1254	.004722
(c) Basement Commercial Garage	
4624	.017443

The "common interest" of the apartment units shall be determined by the total of the square footage of the interior apartment and one-third (1/3) of the square footage of the lanai. The "common interest" of the basement commercial garage shall be determined by including only one-third (1/3) of the square footage of the parking stalls. The "common interest" of the commercial units shall be determined by the square footages occupied by said units.

PURPOSE OF BUSINESS AND RESTRICTIONS AS TO USE: The specimen Declaration of Horizontal Property Regime states that the purpose for which said building and other improvements and each of the Condominium units are intended and shall be restricted as to use as follows:

(a) The common interest and easements appurtenant to each unit shall have a permanent character and shall not be altered without the approval of all the owners affected, expressed in a duly recorded amendment to this Declaration. The common interest and easements shall not be separated from the unit to which they appertain and shall be deemed to be conveyed, leased or encumbered with such unit even though such interest or easements are not mentioned or described expressly in the instrument of transfer.

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

(c) The apartments shall be occupied and used as private residences and hotel purposes and for no other purpose. The apartment owners shall have the absolute right to lease their apartments subject to the limitations, restrictions, covenants, and conditions contained in this Declaration or in the By-Laws of the Association of Owners or in any Apartment Lease.

(d) The commercial garage in the building shall be used only for parking and storing of cars.

(e) The commercial area "A", "B" and "C" on the ground floor and office area "A", "B", "C", "D", "E" on the fourth floor shall be used only for sale of merchandise or services or office purposes, or any other commercial undertaking as permitted by law except for dispensing of food.

(f) The commercial area "KDI" shall be used only for the operation of a restaurant for dispensing of food, beverages and entertainment, together with equipment and appurtenances necessary for such restaurant operation. The owner of each Condominium unit may utilize his unit and the common interest appurtenant thereto only in accordance with the foregoing provisions of this paragraph and for vehicular and pedestrian ingress and egress to the unit on established ways and means provided therefor, and in such manner as shall be permitted in the By-Laws and Rules and Regulations.

(g) The owner of a Condominium unit shall not use the same for any purpose which will injure the reputation of the building or premises. Such owner shall not suffer anything to be done or kept in said Condominium unit or elsewhere on the premises which will jeopardize the soundness of the building or premises, or which will interfere with or unreasonably disturb the rights of other owners, or which will obstruct the public halls or stairways of the building, or which will increase the rate of fire insurance on the building or the contents thereof or which will reduce the value of the premises or impair any easement or hereditament nor add any material structure or do any such work, unless otherwise provided in the By-Laws, without the consent of two-thirds in interest of the common interests being first obtained.

OWNERSHIP TO TITLE: The Notice of Intention reflects, and the Preliminary Report of Title prepared April 10, 1967 by Security Title Corporation, a Hawaii corporation, verifies that title to the land is vested in KDI Investments, Inc., a Hawaii corporation, as to First Parcel Only. Kapiolani Drive Inn, Limited, a Hawaii corporation, is vested with title to the Second Parcel Only, as Lessee, under the Indenture of Lease dated July 1, 1960, effective as of November 1, 1959, filed in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 263431, made by and between KDI Investments, Inc., as Lessor, and Kapiolani Drive Inn, Limited, as Lessee, for a term of 75 years and 2 months, beginning on November 1, 1959, and ending December 31, 2034. Said Lease was amended by instrument dated April 7, 1961, effective as of November 1, 1959 filed as Land Court Document No. 272432.

Note: The corporate name of Kapiolani Drive Inn, Limited, a Hawaii corporation, was changed to KDI Investments, Inc., as disclosed by instrument dated October 30, 1959, recorded on November 4, 1959 in the Bureau of Conveyances, State of Hawaii, in Liber 3718, Page 152.

The owners of the land committed to the regime have given written notice that an option to lease the two parcels has been granted to Stark Enterprises, Ltd., and Haas and Haynie Corporation, under the terms and conditions as set forth in that certain unrecorded option agreement dated November 10, 1966. Said notice was executed by authorized agents of KDI Investments, Inc., and Kapiolani Drive Inn, Limited, on November 19, 1966.

ENCUMBRANCES AGAINST TITLE: The Security Title Corporation Preliminary Report of Title reflects: Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Grant 2739 (as to Parcel First only). Easement reserved to the State of Hawaii for sewer purposes and described as Easement 15-A on appropriate and related map. Perpetual Easement in favor of the City and County of Honolulu for sewer purposes, as shown on Map 15, as created by Land Court Order No. 7213, dated January 29, 1947 (as to Parcel Second only). Unrecorded Option above of November 10, 1966, although not an encumbrance, is reflected here in the Commission's report for the information of the purchaser or prospective purchaser.

PURCHASE MONEY HANDLING: An Escrow Agreement has been executed and a copy of same filed with the Commission. The Escrow Agent is Security Title Corporation, a Hawaii corporation. Upon examination the specimen Deposit Receipt and Sale Agreement and executed Escrow Agreement are found to be in consonance with the Commission's Declaratory Ruling No. 1, dated December 14, 1965.

It is incumbent upon the purchaser and prospective purchaser that he reads the Deposit Receipt and Sale Agreement, and the executed Escrow Agreement. The latter establishes how the proceeds from the sale of dwelling units and funds from other sources are placed in trust, as well as the retention and disbursement of said trust funds.

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. The Board of Directors may employ necessary personnel to carry out management and operation function of the project. An initial managing agent has been identified in the specimen Deposit Receipt and Sale Agreement. No specimen Property Management Contract has been submitted as part of the registration.

STATUS OF PROJECT: No building contract has been executed. A contractor has been identified in the Notice of Intention. The Developer advises that construction of the project will start upon reaching 30% pre-sales of units. The specimen Deposit Receipt and Sale Agreement states that if the building and other improvements are not completed for occupancy on or before December 31, 1970 the Sale Agreement shall terminate and all payments made by purchasers shall be refunded without deduction or interest.

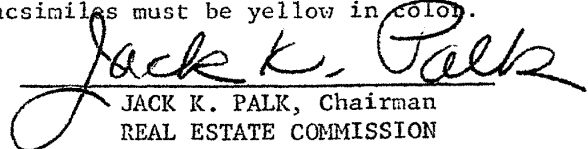
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The purchaser or prospective purchaser should be cognizant of the fact that this report represents information disclosed by the Developer in the required Notice of Intention submitted April 13, 1967 and subsequent examination of the project up to June 20, 1967.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 163 filed with the Commission on April 13, 1967.

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 in color.

REB:km

Distribution:  
DEPARTMENT OF TAXATION  
BUREAU OF CONVEYANCES  
PLANNING DEPARTMENT, CITY & COUNTY OF HONOLULU  
FEDERAL HOUSING ADMINISTRATION

  
JACK K. PALK, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII