

REAL ESTATE COMMISSION
PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES
STATE OF HAWAII
1010 RICHARDS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

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

on
KA HALE MO'I
666 Prospect Street
Honolulu, Hawaii 96813

REGISTRATION NO. 346

This Report Is Not an Approval or Disapproval of This Condominium Project

It was prepared as a supplement to an earlier Report dated 10/16/70 and 1/7/71 issued by the Real Estate Commission on the above 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: March 13, 1972
Expires: April 13, 1973

SPECIAL ATTENTION

A comprehensive reading 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 28, 1970 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS LATE AS March 13, 1972. THE DEVELOPER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND RECORDING CHANGES IN THE PROJECT IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Final Report on January 7, 1971, on Ka Hale Mo'i Registration No. 346, the Developer has materially changed the project in accordance with rights reserved by the Developer in the Declaration as noted in the Preliminary Public Report of October 16, 1970. The Developer is responsible for placing this Supplementary Public Report (pink paper stock) in the hands of all Purchasers or prospective Purchasers receiving the Preliminary Public Report (yellow paper stock) and the Final Public Report (white paper stock). Securing a signed copy of the Receipt for the Horizontal Property Regime Public Report from each Purchaser or prospective Purchaser is also the responsibility of the Developer.

2. The Developer has submitted to the Commission all documents deemed necessary for registration of the condominium project and the issuance of this Supplementary Public Report. The project has been amended by adding 39 apartments to the project in a new building designated Building II on the land. There has also been added 115 permanent parking stalls. The Amended Declaration of Horizontal Property Regime executed on January 23, 1972 was recorded in the Bureau of Conveyances of the State of Hawaii in Liber 8157, at Page 116, and filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 572145. The map for the amended project has been filed together with the existing Condominium Map No. 177 filed in the Bureau of Conveyances and Condominium Map No. 106 filed in the Office of the Assistant Registrar.
3. All advertising and promotional material has been submitted to the Commission prior to public exposure.
4. The Purchaser or prospective Purchaser is advised to acquaint himself with the provisions of Chapter 514 of the Hawaii Revised Statutes and Condominium Rules and Regulations which relate to the Horizontal Property Regime.
5. This Supplementary Public Report expires 13 months after date of issuance, March 13, 1972, unless an additional Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.
6. Upon information supplied by the Developer, the following topical headings in the Commission's Preliminary and Final Public Reports have been amended: Description of Apartments, Limited Common Elements, Interest to be Conveyed to Purchaser, Encumbrances Against Title, Purchase Money Handling, Financing of Project, Management and Operations and Status of Project.

DESCRIPTION OF APARTMENTS: The description of apartments is amended to include a second building on the project designated Building II. Building II is constructed principally of reinforced concrete, hollow concrete block, aluminum, steel and allied building materials. Building II is 8 stories high and contains 39 residential apartment units on the 5th through 8th floors and a parking garage containing 90 covered parking stalls on the 1st through 4th floors. There are an additional 25 uncovered parking stalls on the premises. There are five (5) three-bedroom, 2-1/2 baths apartments designated Type "G" apartments which are numbered II-801, 802, 808, 809 and 812. Each Type "G" apartment contains eight (8) rooms, specifically, three (3) bedrooms, two (2) baths, one (1) powder room, one (1) living room and one (1) kitchen with a floor area of approximately 1,362 square feet and a lanai area of approximately 375 square feet. There are fifteen (15) one-bedroom, 1-1/2 baths apartments designated Type "H" apartments which are numbered II-501, 502, 506, 509, 512, 601, 602, 606, 609, 612, 701, 702, 706, 709 and 712. Each Type "H" apartment contains five (5) rooms, specifically, one (1) bedroom, one (1) bathroom, one (1) living room, one (1) kitchen, one (1) powder room with a floor area of approximately 681 square feet and a lanai area of approximately 187 square feet. There are fifteen (15) one-bedroom, one-bath apartments designated Type "I" apartments which are numbered II-503, 504, 507, 508, 510, 603, 604, 607, 608, 610, 703, 704, 707, 708 and 710. Each Type "I" apartment contains four (4) rooms, specifically, one (1) bedroom, one (1) bathroom, one (1) living room and one (1) kitchen with a floor area of approximately 681 square feet and a lanai area of approximately 187 square feet. There are four (4) two-bedroom, two-baths apartments designated Type "J" apartments which are numbered II-505, 605, 705, 805. Each Type "J" apartment contains six (6) rooms, specifically, two (2) bedrooms, two (2) bathrooms, one (1) living room and one (1) kitchen with a floor area of approximately 960 square feet and a lanai area of approximately 264 square feet. Each apartment of Building II shall have immediate access to a central corridor running through the length of the building leading to stairways and an elevator to the public street entrances and parking areas of the project.

LIMITED COMMON ELEMENTS: The Amended Declaration reflects that certain parts of the common elements, herein called "limited common elements", have been set aside for exclusive use of certain apartments. In Building I the elevator lobbies and connecting walkways on each floor from the second floor through the eighth floor shall be appurtenant to and for the exclusive use of the apartments located on each such floor. In Building II the elevator lobbies and corridors on each floor from the fifth floor through the eighth floor shall be appurtenant to and for the exclusive use of the apartments located on each such floor. The 115 numbered parking stalls designated on the amended Condominium Map shall be appurtenant to the respective apartments to which the same are conveyed. Any parking stall and easement may be transferred from apartment to apartment in the project but shall always be appurtenant to one of the apartments in the project.

INTEREST TO BE CONVEYED TO PURCHASER: The Amended Declaration discloses that each apartment shall include all the walls and partitions which are not load-bearing within its perimeter walls, the interior decorated or finished surfaces of all walls, floors and ceiling and all fixtures originally installed therein, including carpets in all rooms except bathrooms, kitchens and closets, range and oven with hood, dishwasher, disposal, refrigerator and washer-dryer combination. The apartments shall have the following appurtenant interests in all of the common elements of the project herein called "common interest" and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting and representation in the Association of Apartment Owners:

BUILDING I

<u>Apartment No.</u>	<u>Common Interest</u>
Type "A" apartment: 101	.63%
Type "B" apartment: 102	.63%
Type "C" apartment: 103	.63%
Type "D" apartments: 201, 210, 301, 310, 401, 410, 501, 510 601, 610, 701, 710	1.25%
Type "E" apartments: 202-209 inclusive; 302-309 inclusive; 402-409 inclusive; 502-509 inclusive; 602-609 inclusive; 702-709 inclusive;	.99%
Type "F" apartments: PH-A and PH-B	1.67%

BUILDING II

Type "G" apartments: II-801, 802, 808, 809, 812	1.67%
Type "H" apartments: II-501, 502, 506, 509, 512, 601, 602, 606, 609, 612, 701, 702, 706, 709, 712	.63%
Type "I" apartments: II-503, 504, 507 508, 510, 603, 604, 607, 608, 610, 703, 704, 707, 708, 710	.63%
Type "J" apartments: II-505, 605, 705, 805	1.25%

The Amended Declaration further provides that any apartment owner of a Type "G" apartment unit and any apartment owner of adjacent Type "H" and Type "I" apartment units on any floor in Building II may to the extent lawful under ordinances of the City and County of Honolulu subject to the prior written consent of all lien holders on the apartments concerned and at the apartment owner's sole cost and expense file an amendment to the Declaration to subdivide, consolidate and/or re-subdivide from time to time the said apartment or apartments so long as the aggregate common interest appurtenant to the said apartment or apartments prior to any such subdivision, consolidation and/or re-subdivision in the aggregate common interest appurtenant to said apartment or apartments after such subdivision, consolidation and/or re-subdivision are identical and provided that no portion of the common elements are altered or included and that a copy of such amendment is furnished to the Association of Apartment Owners within 10 days after recordation and filing thereof. The Amendment to the Declaration may be executed by the Developer without the consent or joinder of the Owner and the Developer may grant the right to amend to a Purchaser. The Developer advises that the Apartment Lease provides that the Purchaser is given the right to execute and file such an amendment.

OWNERSHIP TO TITLE: A Certificate of Title prepared by Security Title Corporation, licensed abstractors, dated February 9, 1972, verifies that there has been no change in the ownership to title.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title prepared by Security Title Corporation dated February 9, 1972, certifies that title to the property is subject to the following estates, interests, liens and encumbrances: (1) The terms, covenants and conditions as contained in the Amended Lease by and between Hawaiian Trust Company, Limited, Trustee, and Developer, dated October 7, 1970, recorded in Liber 7230, at Page 302; and with the Assistant Registrar of the Land Court as Document No. 515030. (2) Condominium Map No. 177, filed in the Bureau of Conveyances of the State of Hawaii on October 21, 1970 and Supplements filed on March 1, 1972. (3) Condominium Map No. 106, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii on October 21, 1970 and Supplements filed on March 1, 1972. (4) The covenants, agreements, obligations, conditions and other provisions set forth in that certain KA HALE MO'I DECLARATION OF HORIZONTAL PROPERTY REGIME dated October 7, 1970, filed in said Office of the Assistant Registrar as Document No. 516053, and also recorded on October 21, 1970, in said Bureau of Conveyances in Book 7244, Page 11, as amended by Ka Hale Mo'i Amended Declaration of Horizontal Property Regime dated January 28, 1972 filed in said Office of the Assistant Registrar as Document No. 572145 and recorded in said Bureau of Conveyances in Liber 8157, Page 116, and the By-Laws attached thereto to which reference is hereby made. (5) Mortgage and Financing Statement dated January 19, 1971, filed in said Office of the Assistant Registrar as Document No. 526185, and also recorded on February 1, 1971, in said Bureau of Conveyances in Book 7385, Page 461, made by Michael Marshall Ross, husband of Annette Kay Ross, as Mortgagor, to Amfac Financial Corp., a Hawaii corporation, as Mortgagee. (6) By Additional Security Mortgage dated January 19, 1971, filed in said Office of the Assistant Registrar as Document No. 526186, and also recorded on February 1, 1971, in said Bureau of Conveyances in Book 7386, Page 4, Hawaiian Trust Company, Limited, a Hawaii corporation, Trustee under Deed of Trust made by Theo. H. Davies & Co., Ltd., dated January 1, 1945, mortgaged the fee simple title to the real property to Amfac Financial Corp., a Hawaii corporation, as additional security for the repayment of the foregoing mortgage. (7) Sixty-five (65) apartment leases for the apartments contained in Building I and mortgages securing said leases, said mortgages being a lien on the apartment leases only. (8) Taxes. For taxes that may be due and owing, purchaser should check with the Tax Assessor of the First Division.

PURCHASE MONEY HANDLING: An executed Amended Escrow Agreement dated January 25, 1972, identifies Security Title Corporation as escrow. Upon examination, the Sales Contract and Escrow Agreement are found to be in consonance with Chapter 514, Hawaii Revised Statutes, particularly, Sections 514-36 to 514-40.

Among other provisions the executed Escrow Agreement reflects that the Purchaser shall be entitled to a refund without interest if Purchaser shall in writing request refund and escrow receives a written request from Seller to return to Purchaser the funds of such Purchaser then held by escrow.

It is incumbent upon the Purchaser and prospective Purchaser to read and understand the Escrow Agreement before executing the Sales Contract since the Escrow Agreement prescribes the procedure for receiving and disbursing Purchaser's funds. The Sales Contract specifically provides that the Purchaser approves the Escrow Agreement.


FINANCING OF PROJECT: Developer has submitted his estimated cost involved in completing the amended project and plans of financing the project. Developer intends to pay the cost of the project with funds available to him from down payments made by Purchasers and loans obtained by Purchasers secured by Mortgages of the lease of the condominium apartments. The Commission has been advised that Developer has received a commitment to finance the project from Amfac Financial Corp. by long-term loans secured by mortgages of the apartment leases. Purchaser should clearly satisfy themselves regarding the terms and interest rate of the permanent financing.

MANAGEMENT AND OPERATIONS: The By-Laws of the Association of Apartment Owners which are incorporated in the Declaration provide that the operation of the project shall be conducted for the Association of Apartment Owners under the direction of the Board of Directors by a responsible corporate managing agent. Developer has advised the Commission that the managing corporate agent for the project is now Honolulu Properties, Inc.

STATUS OF PROJECT: The Developer advises that all improvements on the project have been constructed with completion in February 1972. As evidence of the completion of the improvements of Building II and the 115 parking spaces, the Developer has filed with the Commission a Registered Engineer's Certificate stating that the supplementary plans of the project fully and accurately depict the layout, location and apartment numbers and dimensions of the additional apartments of the Ka Hale Mo'i Horizontal Property Regime as built.

The purchaser or prospective purchaser should be cognizant of the fact that this Supplementary Final Public Report represents information disclosed by the Developer in the required Notice of Intention submitted August 28, 1970 and additional information subsequently filed as late as March 13, 1972. The information disclosed in the Commission's Preliminary Public Report and Final Public Report should be carefully reviewed by the purchaser or prospective purchaser.

This SUPPLEMENTARY FINAL HORIZONTAL PROPERTY REGIMES CONDOMINIUM PUBLIC REPORT is made a part of REGISTRATION NO. 346 filed with the Commission on August 28, 1970. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be pink in color.


for DOUGLAS R. SODEHANI, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

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ESCROW AGENT

Registration No. 346
March 13, 1972