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 ESPLANADE 500 Lunalilo Home Road Honolulu, Hawaii

REGISTRATION NO. 452

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: June 19, 1972 Expires: July 19, 1973

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 MAY 3, 1972, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF JUNE 14, 1972. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIME LAW, HAWAII REVISED STATUTES, CHAPTER 514.

1. THE ESPLANADE is a proposed leasehold condominium project consisting of two hundred eight (208) residential apartments (exclusive of a residential apartment set aside as a common element for use of the resident manager), arranged throughout four separate apartment buildings designated Buildings 1 through 4, inclusive. There are a total of 34 towers located in the four buildings as follows: Building 1, nine towers designated Tower Nos. A through H and J; Building 2, thirteen towers designated Tower Nos. A through H and J through N; Building 3, six towers designated Tower Nos. A through F; and Building 4, six towers designated Tower Nos. A through F. There are a

total of 22 two-story penthouse apartments containing three bedrooms, three baths, kitchen and a living-dining area; 135 two bedroom apartments located on one level containing two bedrooms, two baths, kitchen and living-dining area; and 51 one bedroom apartments located on one level containing one bedroom, one bath, kitchen and living-dining area. Each penthouse and two bedroom apartment has appurtenant to it two parking spaces and each one bedroom apartment, one parking space, designated on the Condominium File Plan with the same number as the apartment.

In addition to the apartments, 42 "additional parking stalls" are designated as separate freehold estates and are intended by the Developer to be available for separate lease.

- The Developer of the Project has submitted to the Commission for examination all documents deemed necessary for the registration of a 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 been filed in the office of the recording officer.
- Preliminary advertising and promotional matter have been submitted pursuant to 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 514, and the rules and regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
- 6. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, June 19, 1972, unless a Supplementary 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 ESPLANADE

 $\underline{\text{LOCATION}}$: The approximate 4.725 acres of land to be committed to the regime is situated on Lunalilo Home Road, at Maunalua, Honolulu, City and County of Honolulu, State of Hawaii.

TAX KEY: First Division, 3-9-08-09

 $\underline{\text{ZONING}}$: A-3 under the Comprehensive Zoning Code of the City and County of Honolulu.

DEVELOPER: KAIMALA EAST DEVELOPMENT COMPANY, a Hawaii limited partnership, whose business and post office address is 700 Bishop Street, Honolulu, Hawaii 96813 (Telephone No. 531-8061). The general partners of Kaimala East Development Company are OCEANIC PROPERTIES, INC., and HNL PROPERTIES, INC., Hawaii corporations, and the sole limited partner is HONO ASSOCIATES, an Illinois general partnership, duly qualified as a foreign partnership qualified to do business in Hawaii.

The officers for Oceanic Properties, Inc., are:

President Warren G. Haight Vice President - Admin. Bronson B. Baker Vice President Wendell Brooks, Jr. William Curlett Vice President Vice President & Treasurer Robert A. Minckler Vice President Donald Rietow Robert Y. Tsuyemura Vice President George W. Y. Yim Vice President & Secretary Controller Stanley Lee

Richard M. Macfarlanc
RobRoy MacLeod
Assistant Secretary
Raul Ishii
Assistant Controller

The officers for HNL Properties, Inc. are:

Norman Perlmutter President and Treasurer
Eric D. Mayer Vice President and Secretary

ATTORNEY REPRESENTING DEVELOPER: Chun, Kerr & Dodd (Attention: Edward Y. C. Chun), 1408 Amfac Building, 700 Bishop Street, Telephone: 531-6575.

<u>DESCRIPTION</u>: The proposed Declaration of Horizontal Property Regime reflects that the project is to consist of 208 residential apartments arranged throughout 4 separate buildings situate on the 4.725 acres of land hereinbefore described. Each apartment shall consist of the space measured horizontally by the distances between the interior surfaces of the perimeter walls of each apartment, and the space measured by the area of the lanai patio, balcony, or private yard of each apartment; and measured vertically by the distance between the topside surface of the concrete floor and the underside surface of the ceiling.

The principal materials of which the apartment buildings shall be constructed are as follows: Reinforced concrete and concrete block finished with stucco and wood.

There are a total of 22 two-story penthouse apartments containing three bedrooms, three baths, kitchen and a living-dining area; 135 two bedroom apartments located on one level containing two bedrooms, two baths, kitchen and living-dining area; and 51 one bedroom apartments located on one level containing one bedroom, one bath, kitchen and living-dining area. Each penthouse and two bedroom apartment has appurtenant to it two parking spaces and each one bedroom apartment, one parking space, designated on the Condominium File Plan with the same number as the apartment.

In addition to the apartments, 42 "additional parking stalls" are designated as separate freehold estates and are intended by the Developer to be available for separate lease.

The floor area of each apartment, together with the area of its appurtenant lanai, patio, balcony and/or private yard, and also its appurtenant individual percentage interest in the common elements, and the percentage interest of each "additional parking stall" in said common elements is as follows:

Unit No.	Parking Spaces	No. of Bedrooms	Sq. Ft. <u>Living Area</u>	<u>Lanai</u>	<u>Patio</u>	<u>Total</u>	Percent of Common Area
31C	1	1	762	112	336	1,210	.2960
31D	1	T	762	112	336	1,210	.2960
31E	1	1	762	112	336	1,210	.2960
31F	1 .	1	762	112	336	1,210	.2960
11A	2	2	1,083	119	336	1,538	.4850
11B	2	2	1,083	119	336	1,538	.4850
11C	2	2	1,083	119	336	1,538	.4850
11D	2	2	1,083	119	336	1,538	.4850
11E	2	2	1,083	119	336	1,538	.4850
11F	2	2	1,083	119	336	1,538	.4850
11G	2	2	1,083	119	336	1,538	.4850
11H	2	2	1,083	119	336	1,538	.4850
11J	2	2	1,083	119	336	1,538	.4850
21D	2	2	1,083	119	616	1,818	.4850
21E	2	2	1,083	119	560	1,762	.4850
21F	2	2	1,083	119	616	1,818	.4850
21G	2	2	1,083	119	616	1,818	.4850
21H	2	2	1,083	119	616	1,818	.4850
21J	2	2	1,083	119	560	1,762	.4850
21K	2	2	1,083	119	616	1,818	.4850
21L	2	2	1,083	119	616	1,818	.4850
21M	2	2	1,083	119	560	1,762	.4850
21N	2	2	1,083	119	616	1,818	.4850
32A	1	1	790	98	350	1,238	.2960
32B	1	1	790	98	350	1,238	.2960
42E	1	1	790	98	350	1,238	.2960
42F	1	1	790	98	350	1,238	.2960

<u>Unit No.</u>	Parking Spaces	No. of Bedrooms	Sq. Ft. Living Area	<u>Lanai</u>	<u>Total</u>	Percent of Common Area
33A - 35A	1	1	762	112	874	.2960
33B - 35B	1	1	762	112	874	.2960
33C -	1	1	762	112	874	.2960
32D - 33D	1	1	762	112	874	.2960
32E - 36E	1	1	762	112	874	.2960
32F - 36F	1	1	762	112	874	.2960
12A - 16A	2	2	1,083	119	1,202	.4850
12B - 16B	2	2	1,083	119	1,202	.4850
12C - 17C	2	2	1,083	119	1,202	.4850
12D - 17D	2	2	1,083	119	1,202	.4850
12E - 17E	2	2	1,083	119	1,202	.4850
12F - 17F	2	2	1,083	119	1,202	.4850
12G - 17G	2	2	1,083	119	1,202	.4850
12н - 16н	2	2	1,083	119	1,202	.4850
12J - 16J	2	2	1,083	119	1,202	.4850
22A - 25A	2	2	1,083	119	1,202	.4850
22B - 25B	2	2	1,083	119	1,202	.4850
22C - 25C	2	2	1,083	119	1,202	.4850
22D - 25D	2	2	1,083	119	1,202	.4850
22E - 26E	2	2	1,083	119	1,202	.4850
22F - 26F	2	2	1,083	119	1,202	.4850
22G - 27G	2	2	1,083	119	1,202	.4850
22н - 27н	2	2	1,083	119	1,202	.4850
22J - 27J	2	2	1,083	119	1,202	.4850
22K - 27K	2	2	1,083	119	1,202	.4850
22L - 27L	2	2	1,083	119	1,202	.4850
22M - 26M	2	2	1,083	119	1,202	.4850
22N - 26N	2	2	1,083	119	1,202	.4850
41A - 44A	1	1	762	112	874	.2960
41B - 44B	1	1	762	112	874	.2960
41C - 43C	1	1	762	112	874	.2960
41D - 43D	1	1	762	112	874	.2960
43E - 47E	1	1	762	112	874	.2960
43F - 47F	1	1	762	112	874	.2960

		Parking	No. of	Sq. Ft.	Lanai	Lanai		Percent of
		Spaces	Bedrooms	Living Area	No. 1	<u>No. 2</u>	<u>Total</u>	Common Area
PH	17A	2	3	1,657	175	84	1,916	.8335
PH	17B	2	3	1,657	175	84	1,916	.8335
PH	18C	2	3	1,657	1/5	84	1,916	.8335
PH	18D	2	3	1,657	175	84	1,916	.8335
PH	18E	2	3	1,657	175	84	1,916	.8335
PH	18F	2	3	1,657	175	84	1,916	.8335
PH	18G	2	3	1,657	175	84	1,916	.8335
PH	17H	2	3	1,657	175	84	1,916	.8335
РН	17 J	2	3	1,657	175	84	1,916	.8335
PH	26A	2	3	1,657	175	84	1,916	.8335
PH	26B	2	3	1,657	175	84	1,916	.8335
PH	26C	2	3	1,657	175	84	1,916	.8335
PH	26D	2	3	1,657	175	84	1,916	.8335
PH	27E	2	3	1,657	175	84	1,916	.8335
PH	27F	2	3	1,657	175	84	1,916	.8335
PH	28G	2	3	1,657	175	84	1,916	.8335
PH	28H	2	3	1,657	175	84	1,916	.8335
PH	28Ј	2	3	1,657	175	84	1,916	.8335
PH	28K	2	3	1,657	175	84	1,916	.8335
PH	28L	2	3	1,657	175	84	1,916	.8335
PH	27M	2	3	1,657	175	84	1,916	.8335
PH	27N	2	3	1,657	175	84	1,916	.8335

Additional Parking Stalls

C1 - C14, inclusive	.0340
III - II28 inclusive	.0220

<u>COMMON ELEMENTS</u>: The proposed Declaration reflects that the common elements shall include all of the land and improvements other than apartments and additional parking stalls specifically including:

(a) Said land in fee simple;

(b) All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter and load-bearing walls, roofs, and walkways around and between said building;

(c) All yards, grounds, landscaping, garden areas, mail boxes, refuse facilities, recreation decks, tennis courts, restrooms for common use, swimming pool and lobby, and like facilities;

- (d) All driveways and parking areas;
- (e) All ducts, sewer lines, electrical equipment, pipes, wiring and other central and appurtenant transmission facilities, installations for services including power, light, water, gas, air conditioning, refuse, telephone and radio and television signal distribution.
- (f) The resident manager's apartment, designated as No. 32C in Building No. 3, together with one parking space, designated 32C, appurtenant thereto;
- (g) Thirty-six (36) guest automobile parking spaces designated as spaces G-1 through G-36, inclusive, on said Condominium File Plan;
- (h) An undesignated easement for locating upon that portion of Kuapa Pond abutting the land subject to the Declaration for the locating thereupon of the boat dock facilities as shown on said Condominium File Plan, together with said dock facilities; provided that the mooring facilities shall be assigned for the exclusive use of owners in accordance with provisions of the By-Laws.
- (i) 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.

<u>LIMITED COMMON ELEMENTS</u>: The proposed Declaration reflects that the limited common elements include:

- (a) Two automobile parking spaces for each three bedroom apartment and two bedroom apartment and one such space for each one bedroom apartment, designated on said Condominium File Plan by the number corresponding to the number of each apartment, shall be appurtenant to and for the exclusive use of such apartment.
- (b) Each storage locker, located in the parking area and designated on said Condominium File Plan by a number corresponding to the number of each apartment, shall be an exclusive appurtenance to each apartment bearing said corresponding number;
- (c) Each penthouse apartment (i.e. apartments designated with the prefix "PH") shall have appurtenant to it the air conditioning equipment serving such penthouse and an easement for support of such equipment on the roof of each tower;
- (d) All central air conditioning facilities and equipment, including ducts therefor, shall be a common element limited for the use of apartments other than penthouse apartments and for the use of the common rooms of the project;
- (e) Any walkway, or corridor which connects the apartment or apartments adjoining it to the elevator, stairway, or exterior of the project shall be appurtenant to and for the exclusive use of said adjoining apartment or apartments;
- (f) All other common elements of the project which are rationally related to less than all of said apartments or buildings shall be limited to the use of such apartments or buildings.

INTEREST TO BE CONVEYED TO PURCHASER: The proposed Declaration reflects that the undivided interests, referred to above, established and to be conveyed with the respective apartments cannot be changed, that the undivided interests in the common areas and facilities and the leasehold titles to the respective apartments to be conveyed, shall not be separated or separately conveyed, and each said undivided interest shall be deemed to be conveyed or encumbered with its respective apartment even though the description in the instrument of conveyance or encumbrance may refer only to the leasehold title to the apartment. The additional parking stalls may be separately conveyed, but only to an owner of an apartment. The proportionate shares of the separate owners of the respective apartments and additional parking stalls 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 interest shown above under the topical heading of DESCRIPTION.

<u>PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE</u>: The proposed Declaration reflects that the apartments are intended to be used as residential apartments, and the additional parking stalls are only for the purpose of the parking of passenger automobiles.

OWNERSHIP OF TITLE: A preliminary report issued on January 24, 1972 and a title insurance policy issued on May 1, 1972, by Title Guaranty of Hawaii, Incorporated, certifies that the Trustees of the Bernice P. Bishop Estate have title to the land committed to the project. By lease dated as of January 1, 1972, and recorded in the Bureau of Conveyances of the State of Hawaii on May 1, 1972 in Liber 8274, at Page 325, said Trustees leased the aforesaid property to Developers for a term expiring on December 31, 2028, a copy of which lease has been filed with the Real Estate Commission.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report issued on January 24, 1972, and a title insurance policy issued on May 1, 1972, prepared by Title Guaranty of Hawaii, Inc., identifies the following encumbrances on the land:

- Mortgage dated January 21, 1972, recorded in Liber 8274 on Page 337, made by Oceanic Properties, Inc. and HNL Properties, Inc., Hawaii corporations, the general partners of Kaimala East Development Company to the First National Bank of Chicago.
- Real Property Taxes for the Second Half of Fiscal Year -July 1, 1971 through June 30, 1972.
- 3. The reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 4475.
- 4. The restrictions, covenants, conditions, provisions and easements contained in that certain "Declaration of Protective Provisions" April 3, 1970, recorded in Liber 7156 on Page 81.
- 5. The restrictions, covenants, conditions, provisions and easements contained in the certain "Declaration of Protective Provisions for Luna-Kai Marina Park" dated March 1, 1971 recorded in Liber 7444 on Page 188.
- 6. A ten-foot pedestrian walkway easement.
- 7. Easement "B" for drainage purposes.

- Easement "A" for purposes of access to accomplish maintenance and repairs to drainage facilities and improvements.
- Drainage Easement (7 feet wide) as shown on Survey of C.S.F. No. 16.360.
- 10. A Grant in favor of the City and County of Honolulu, dated January 9, 1967, recorded in Liber 5599 on Page 402; granting easements for drainage purposes over and across Easements "3" and "5", as shown on File Plan 1137.
- 11. Terms, agreements, reservations and covenants contained in the lease herein referred to.

<u>PURCHASE MONEY HANDLING</u>: A copy of the executed Escrow Agreement dated May 3, 1972, identifies Title Guaranty Escrow Services, Inc., a Hawaii corporation, Escrow Agent. On examination the specimen Contract of Sale and the executed Escrow Agreement are found to be in compliance with Hawaii Revised Statutes, Chapter 514, and particularly Hawaii Revised Statutes, Sec. 514-35 and Section 514-36 through Section 514-40.

Among other provisions the executed Escrow Agreement states that a purchaser under contract of sale, upon written request, shall be entitled to a refund of all monies deposited with Escrow, without interest and less Escrow's cancellation fee of \$15.00, if any of the following events shall have occurred: (1) If funds were obtained from an apartment purchaser prior to the issuance of a final public report upon the project by the Real Estate Commission, and there is a change in the plans for the said buildings requiring the approval of the official of the City and County of Honolulu having jurisdiction over the issuance of permits for the construction of buildings, unless Developer obtains the written approval or acceptance of such specific change in building plans by such apartment purchaser; (2) If a purchaser's funds were obtained prior to the issuance of a final public report and purchaser requests a refund prior to the time the final public report is issued; (3) If the final public report differs in any material respect from the preliminary public report, unless the purchaser has given written approval or acceptance of the difference; (4) If the final public report is not issued within one year from the date of issuance of the preliminary public report; or (5) Seller has requested Escrow in writing to return to purchaser the funds of such purchaser then held hereunder by Escrow.

The specimen Contract of Sale states that the terms of the Escrow Agreement are made a part of the Contract of Sale by reference. It is incumbent upon the purchaser and prospective purchaser that he reads with care the Contract of Sale and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the dwelling units and all sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds.

MANAGEMENT AND OPERATIONS: The Sales Contract authorizes the Developer from time to time prior to closing, for and on behalf of purchaser at his proportionate common expense, to enter into contracts, licenses and concessions as are generally necessary or desirable for the management, operation or maintenance of the project. The Developer has advised that it is currently negotiating with Aaron M. Chaney, Inc., a Hawaii corporation, for a property management and agency agreement.

STATUS OF PROJECT: The Developer has advised that it has entered into a contract for construction of all of the improvements contemplated by the building plans, except for landscaping, with Charles Pankow Associates. A copy of the contract for construction dated November 8, 1971, together with a performance bond, have been filed with the Real Estate Commission. Developer further advises that as of May 1, 1972 approximately 11% of the construction has been completed, and that substantial completion of the project is scheduled for spring 1973.

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 May 3, 1972, and additional information subsequently filed as of June 14, 1972.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 452 filed with the Commission on May 3, 1972.

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.

(for) DOUGLAS R. SODETANI, Chair REAL ESTATE COMMISSION STATE OF HAWAII

Distribution:

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

June 19, 1972 Registration No. 452