

# 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

THE PLAZA HAWAII KAI  
6770 HAWAII KAI DRIVE  
HONOLULU, HAWAII

REGISTRATION NO. 483

### **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: October 26, 1972  
Expires: November 26, 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 31, 1972, AND ADDITIONAL MATERIAL SUBSEQUENTLY FILED ON OCTOBER 25, 1972. THE OWNER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT (CHAPTER 514, HAWAII REVISED STATUTES).

1. The Plaza Hawaii Kai is a proposed leasehold condominium project consisting of one hundred forty-six (146) apartment units arranged through-out two separate structures---a high-rise building containing 14 stories and a low-rise building comprised of a two-story wing and a three-story wing. There will be 295 parking stalls (including guest parking stalls) available. Buyers will receive, by way of an apartment lease, a leasehold interest directly from the owner of the fee.
2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium project and the issuance of the Preliminary Public Report.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners and a copy of Approved Floor Plans) have not yet been filed in the office of the recording officer.
4. The Developer has advised the Commission that advertising and promotional matter required to be filed pursuant to the rules and regulations promulgated by the Commission will be submitted prior to public exposure.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
6. This Preliminary Public Report is made a part of the registration of the Plaza Hawaii Kai condominium project. The Developer has the responsibility of placing a true copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers.
7. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, unless a Supplementary Public Report issues or the Commission upon review of registration issues an order extending the effective period of this report.

NAME OF PROJECT: The Plaza Hawaii Kai

LOCATION: The site, comprising approximately 125,413 square feet, is located on 6770 Hawaii Kai Drive, in Honolulu, Hawaii.

TAX MAP KEY: FIRST DIVISION 3-9-70-1

ZONING: A-3

DEVELOPER: Business Investment Ltd., a Hawaii corporation, whose principal place of business is Suite 1510, Financial Plaza of the Pacific, 130 Merchant Street, Honolulu, Hawaii. The names and addresses of the principal officers of the corporation are:

Colin deSilva	President	Financial Plaza of the Pacific, Suite 1510 Honolulu, Hawaii 96813
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Joan Claire deSilva	Vice President, Secretary/ Treasurer	Financial Plaza of the Pacific, Suite 1510 Honolulu, Hawaii 96813
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John F. Stapleton & Associates is the Development Consultant for the Project.

ATTORNEY REPRESENTING OWNER: Wooddell, Mukai, Wirtz, Ichiki & Whitfield (Mr. Richard G. MacMillan) 500 Alexander Young Bldg., Honolulu, Hawaii 96813, Telephone: 531-6277.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project shall consist of two basic structures: (a) a 14-story, "L" shaped apartment tower with an attached three-level parking structure (hereinafter referred to as the "high-rise building"); and (b) an "L" shaped, low-rise building consisting of a two-story wing, a three-story wing and one level of basement parking (hereinafter referred to as the "low-rise building"). The two buildings shall contain a total of 146 residential apartment units (hereinafter referred to as "apartment units") and 295 parking stalls, including guest parking stalls.

The respective apartment units 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 unit or any pipes, wires, conduits or other utility lines running through such apartment unit which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each apartment shall include adjacent lanai(s), patios and private roof garden, if any, as shown on the Condominium File Plan which shall be filed in the Bureau of Conveyances of the State of Hawaii concurrently with said Declaration. Each apartment shall also include all of 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 any fixtures originally installed therein.

The buildings of the project and the apartment units contained therein are more particularly described as follows:

## 1. BUILDING DESCRIPTIONS.

(a) The high-rise building shall have 14 floors, numbered 1 through 15 (excluding the number 13), and an attached three-level parking structure. The building shall contain 121 apartment units, and will provide parking stalls for 236 automobiles.

The ground floor parking level of the attached parking structure contains parking stalls for 82 automobiles, entrance and exit ramps, and access to the elevator lobby and elevators serving the high rise building.

The second parking level of the attached parking structure shall have parking stalls for 77 automobiles, stairwells, entrance and exit ramps, and access to the elevator lobby and elevators serving the high-rise building.

The third parking level of the attached parking structure contains parking stalls for 77 automobiles (including the guest parking stalls), entrance and exit ramps and a stairwell leading to the second parking level.

Portions of the ground or entry floor of the high-rise building are on two separate levels. The lower level of the entry floor contains a lanai, lobby, elevator lobby, two elevators, the manager's office, a transformer vault, trash room, mailbox room, men's and ladies' restrooms, common meeting room, storage rooms, stairwells and passageways. The second level of the entry or ground floor is situated above the storage rooms, restrooms and common meeting room in the Koko Head or long wing of the building and contains an elevator lobby, elevators, four apartment units, storage rooms, stairwells and passageways.

The second through the fourteenth floors of the high-rise building shall each have 9 apartment units, a main outside corridor, an elevator lobby, elevators and two stairwells.

(b) The low-rise building consists of a two-story wing and a three-story wing with a total of 25 apartment units and one level of basement parking. The two-story wing is the short wing of the building fronting on Hawaii Kai Drive and the three-story wing is the long wing facing Koko Head.

The parking level contains parking stalls for 59 automobiles, entrance and exit ramps, storage rooms and 3 stairwells.

The ground floor contains 7 complete apartment units, the lower floors of 6 two-level units, entry corridors and stairways. The second floor includes 5 complete apartment units, the upper floors of 6 two-level apartment units and the lower levels of 7 apartment units which occupy portions of both the second and third floors. The second floor also includes stairways and entry corridors.

The third floor (which occurs only in the Koko Head wing of the low-rise building) contains the upper floor of 7 two-level apartment units, including private roof garden areas.

## 2. MATERIALS.

(a) The principal materials used in the construction of the high-rise building are reinforced concrete, steel, glass, aluminum and allied building materials.

(b) The low-rise building shall be constructed principally of wood, masonry, glass and allied building materials.

## 3. NUMBERING AND LOCATION OF APARTMENTS.

(a) Each apartment unit in the high-rise building has been given a three or four digit number by which its location in the building can be determined. The last two digits indicate the location of the apartment unit on a floor and the digit or digits preceding the last two digits indicate the floor on which the unit is located. The apartment units in the high-rise building shall be numbered 101 through 104 on the second level of the ground floor, 201 through 209 on the second floor and on the third through fourteenth floors (excluding the number thirteen, which is omitted for the purposes of floor numbering), the numbering system for apartments shall be the same as the second floor except the first digit(s) of each apartment number shall correspond to the number of the appropriate floor. The lowest numbered apartment unit on each floor (except for the ground floor where the lowest numbered unit is situated on the makai end of the long leg of the building) shall be located on the mauka end of the short wing of the building, and each apartment unit on a floor shall be numbered consecutively from the lowest numbered unit.

(b) Each apartment unit in the low-rise building will be numbered consecutively from 1 to 26 (excluding the number 13). The lowest numbered apartment unit on each floor shall be located on the Diamond Head end of the short wing of the building and each apartment on the floor shall be numbered consecutively from the lowest numbered apartment. The apartment units on the first floor shall be numbered 1 through 14 (excluding the number 13) and the apartment units on the second floor shall be numbered 15 through 26, inclusive.

## 4. DESCRIPTION OF APARTMENTS.

(a) The high-rise building will contain 104 two-bedroom, two-bath apartment units of which 13 are Type "A" apartments, 13 are Type "B" apartments, 39 are Type "D" apartments, 26 are Type "D-1" apartments and 13 are Type "E" apartments. The building shall also contain 17 one-bedroom, one-bath apartment units of which 13 are Type "C" apartment units, and 4 are Type "F" apartment units.

(b) The two-story wing of the low-rise building will contain 10 apartment units of which 2 are two-bedroom, two-bath Type "G" apartments, 4 are one-bedroom, one-bath Type "H" apartment units and 4 are one-bedroom, one-bath Type "H-1" apartment units. The three-story wing of the low-rise building will contain 15 apartments, of which 6 are two-bedroom, two-bath types designated respectively as Types "J", "K", "N", "P", "P-1" and "Q", 3 are two-bedroom with study and two-bath types designated respectively as Types "L", "L-1" and "L-1R" units, and 6 are two bedrooms, with study, two baths and powder room, being respectively designated as Types "M", "M-R", "M-1", "R", "S" and "S-1".

(c) The location, gross floor area (including lanai, patios and roof gardens, if any), net floor area (excluding lanais, patios and roof gardens), access, number and type of rooms and undivided percentage interest ownership in the common elements ("common interest") of each apartment unit of the project are as follows:

<u>*Unit Number</u>	<u>Type of Unit</u>	<u>Gross Floor Area</u>	<u>Net Floor Area</u>	<u>Location</u>	<u>Access</u>	<u>**Description of Rooms</u>	<u>Common Interest</u>
<u>HIGH-RISE BUILDING</u>							
101	F	996	813	Koko Head wing	ground level walkways	1, 3, 5, 7	.486211
102	F-1	996	813	Koko Head wing	"	1, 3, 5, 7	.486211
103	F	996	813	Koko Head wing	"	1, 3, 5, 7	.486211
104	F-1	996	813	Koko Head wing	"	1, 3, 5, 7	.486211
101-1401	A	1,561	1,478	Makai wing	main corridor of floor	2,4,5,6,7 and 11	.888991
102-1402	B	1,626	1,626	apex of Koko Head and makai wings	"	2,4,5,6,7	.973725
103	C	819	733	Koko Head wing	"	1,3,5,6,7	.438141
104-1404	D	1,119	1,030	"	"	2,4,5,6,7	.616007
105-1405	D-1	1,119	1,030	"	"	2,4,5,6,7	.616007
106-1406	D	1,119	1,030	"	"	2,4,5,6,7	.616007
107-1407	D	1,119	1,030	"	"	2,4,5,6,7	.616007
108-1408	D	1,119	1,030	"	"	2,4,5,6,7	.616007
109-1409	E	1,643	1,402	"	"	2,4,5,6,7,8 and 11	.885939

<u>*Unit Number</u>	<u>Type of Unit</u>	<u>Gross Floor Area</u>	<u>Net Floor Area</u>	<u>Location</u>	<u>Access</u>	<u>**Description of Rooms</u>	<u>Common Interest</u>
<u>LOW-RISE BUILDING</u>							
Ground Floor							
1	G	1,378	1,046	Diamond Head end makai (short) wing	Walkway	2,4,5,6,7	.625513
2	H	1,329	753	Makai wing	"	1,3,5,6,7	.450494
3	H-1	1,050	753	"	"	1,3,5,6,7	.450494
4	H	1,297	753	"	"	1,3,5,6,7	.450494
5	H-1	1,050	753	"	"	1,3,5,6,7	.450494
6	J	1,562	1,152	Apex makai & Koko Head wing	"	2,4,5,6,7	.688908
7	K	1,590	1,017	Koko Head wing	"	2,4,5,6,7	.608366
8	L	1,818	1,458	"	"	2,4,5,6,7,9	.871934
9	M	1,686	1,320	Koko Head wing	Walkway	2,4,5,6,7,9 and 10	.789399
10	L-1R	1,997	1,458	"	"	2,4,5,6,7,9	.871934
11	M-1	1,815	1,320	"	"	2,4,5,6,7,9 and 10	.789399
12	M-R	1,686	1,320	"	"	2,4,5,6,7,9 and 10	.789399
14	L-1	1,997	1,458	Mauka end Koko	"	2,4,5,6,7,9	.871934
Second Floor							
15	G	1,140	1,044	Diamond Head end makai (short) wing	Stairway	2,4,5,6,7	.625513
16	H	848	752	Makai wing	"	1,3,5,6,7	.450494
17	H-1	849	753	"	"	1,3,5,6,7	.450494
18	H	848	752	"	"	1,3,5,6,7	.450494
19	H-1	849	753	"	"	1,3,5,6,7	.450494
20	N	1,512	1,288	Apex of Makai & Koko Head wing	"	2,4,5,6,7	.770294

*Unit Number	Type of Unit	Gross Floor Area	Net Floor Area	Location	Access	**Description of Rooms	Common Interest
<u>LOW-RISE BUILDING - Second Floor continued</u>							
21	P	1,191	1,068	Koko Head wing	"	2,4,5,6,7	.638851
22	P-1	1,359	1,068	"	"	2,4,5,6,7	.638851
23	Q	1,602	1,177	"	"	2,4,5,6,7	.703841
24	R	1,789	1,488	"	"	2,4,5,6,7,9 and 10	.889672
25	S	2,376	1,512	"	"	2,4,5,6,7,9 and 10	.904296
26	S-1	2,376	1,512	Mauka end Koko Head wing	"	2,4,5,6,7,9 and 10	.904296

In high-rise building, first digit or digits indicates floor. The apartment numbers designated, i.e., "201-1401", are intended to be inclusive of only those apartments having numbers containing the same final two digits.

**\*\*Key to Description of Rooms:**

- |                        |                   |                     |
|------------------------|-------------------|---------------------|
| 1 - 1 Bedroom          | 6 - Foyer         | 11 - Breakfast nook |
| 2 - 2 Bedroom          | 7 - Kitchen       |                     |
| 3 - 1 Bathroom         | 8 - Entrance hall |                     |
| 4 - 2 Bathroom         | 9 - Study         |                     |
| 5 - Living-dining room | 10 - Powder room  |                     |

COMMON ELEMENTS: The common elements hereinafter shall include the limited common elements described and all other portions of the land and improvements other than the units, including the buildings, the land on which they are located, and all elements mentioned in the Horizontal Property Regime Act which are actually constructed on the land described herein. Said common elements shall include, but shall not be limited to:

(a) All land in fee simple;

(b) All foundations, columns, girders, beams, floor slabs, supports, load-bearing walls (except for the inner decorated surface within each unit), roofs, stairways, walkways, entrances and exits of said buildings;

(c) All yards, grounds, landscaping, refuse facilities, driveways, parking areas, the swimming pool, barbeque, and other recreational facilities and appurtenances;



(d) All lobbies, storage areas, trash rooms, equipment rooms, and the mailbox room, common meeting room, restrooms and manager's office located on the ground floor of the high-rise building;

(e) All essential and appurtenant installations for common services, including power, light, water, telephone, and trash disposal;

(f) Elevators, with elevator housing and appurtenant equipment;

(g) Guest automobile parking spaces as shown and delineated on said Condominium File Plan;

(h) All other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the buildings of the Project.

LIMITED COMMON ELEMENTS. The proposed Declaration reflects that certain parts of the common elements, herein designated "limited common elements", are hereby set aside and reserved for the exclusive use of certain units, and such units 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 following limited common elements are appurtenant to and for the exclusive use of all apartment units in the high-rise building: (i) the parking areas within said building and the attached three-level parking structure, except those parking stalls reserved for guest parking as designated on said Condominium File Plan and means of ingress and egress to and from said guest parking stalls; (ii) all storage and loading areas within said building, and the elevator lobby, transformer vault and trash room, located on the ground floor of the building; (iii) the stairwells connecting the floors of the building; (iv) the two elevators serving all floors, with elevator housing and appurtenant equipment; and (v) all foundations, perimeter walls and other structural elements of said building and the attached parking structure and all essential and appurtenant installations for common services located therein, including power, light, water, telephone, and trash disposal.

(b) The following limited common elements are appurtenant to and for the exclusive use of all of the apartment units in the low-rise building: (i) the basement parking area beneath said building and the entrance and exit ramps connecting said parking facility with the common driveways of the Project; (ii) all storage areas situated within the building; (iii) all common walkways on the ground floor; (iv) the three stairwells between the basement parking level and the ground floor; and (v) all foundations, perimeter walls, and other structural components of said building and all essential and appurtenant installations for common services located therein, including power, light, water, telephone, and trash disposal.

(c) In the high-rise building, the elevator lobbies and main corridor on each floor from the second level of the ground floor through the fourteenth floor shall be appurtenant to and for the exclusive use of the apartment units which are located on each such floor.

(d) The mailboxes contained in the mailbox room on the ground floor of the high-rise building shall be appurtenant to and for the exclusive use of the respective apartments with which or to which the same are assigned.

(e) In the low-rise building, there are seven stairways between the ground floor and the second floor which are designated on said Condominium File Plan as stairways "A" through "G", inclusive. Each such stairway, and the entry corridor contiguous thereto, shall be appurtenant to and for the exclusive use of the apartment unit or units which are served thereby, as follows: (i) Stairway "A" shall be appurtenant to and for the exclusive use of Apartment Nos. 15 and 16; (ii) Stairway "B" shall be appurtenant to and for the exclusive use of Apartment Nos. 17 and 18; (iii) Stairway "C" and "D" shall be appurtenant to and for the exclusive use of Apartment Nos. 19, 20, 21, 22 and 23; (iv) Stairway "E" shall be appurtenant to and for the exclusive use of Apartment No. 24; (v) Stairway "F" shall be appurtenant to and for the exclusive use of Apartment No. 25; and (vi) Stairway "G" shall be appurtenant to and for the exclusive use of Apartment No. 26.

(f) The 280 numbered parking stalls (excluding the 15 guest stalls) designated on said Condominium File Plan shall be appurtenant to the respective apartments with which or to which the same are conveyed. All parking stalls shall be freely transferable independently and apart from the apartment to which they are assigned, but each parking stall shall always be appurtenant to one of the apartments of the Project. Unsold parking stalls shall be assigned to one or more apartment units retained by Developer, and Developer reserves the right to sell such parking stalls to other owners of apartment units of the Project, and the proceeds from such sales shall be and remain the sole property of Developer.

INTEREST TO BE CONVEYED TO PURCHASERS. Each apartment unit shall have appurtenant thereto a percentage interest in all common elements of the Project, and the same proportionate share in all common profits and expenses of the Project and for all other purposes including voting, as set forth under the topical subheading "Description of Apartment" hereinabove.

USE: The proposed Declaration provides that apartment units shall be occupied and used only as private dwellings by the respective owners thereof, their servants and guests, and for no other purpose. The apartments shall not be rented for transient or hotel purposes, which are defined as rental for any period less than 30 days, or any rental in which the occupants of the apartment are customary hotel services such as room service for food and beverage, laundry and linen or bellboy service. The apartment owners shall have the absolute right to lease or rent their apartments subject to the limitations, restrictions, covenants and conditions of the Declaration

and By-Laws, provided the occupancy of the rented apartment is only by the lessee, his family, servants and guests.

OWNERSHIP OF TITLE: The preliminary title report dated October 24, 1972, by Security Title Corporation indicates that title to the land is vested in the Trustees of the Estate of Bernice Pauahi Bishop, deceased.

ENCUMBRANCES AGAINST TITLE: The October 24, 1972 preliminary title report discloses the following encumbrances: (a) Reservation to the Hawaiian Government of all mineral and metallic mines of every description, as reserved in Royal Patent No. 4475; (b) Easement 13 (10 feet wide) for drainage purposes as shown on File Plan 1163 recorded in the Bureau of Conveyances, State of Hawaii; (c) Unrecorded Development Agreement dated April 27, 1961, made by and between THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF BERNICE P. BISHOP, DECEASED, and KAISER HAWAII-KAI DEVELOPMENT CO., a Nevada corporation, as disclosed by that certain instrument dated May 1, 1969, recorded on June 4, 1969, in the Bureau of Conveyances of the State of Hawaii in Book 6542 Page 182; (d) Taxes for the fiscal year 1971-1972 are a lien.

PURCHASE MONEY HANDLING: An executed Escrow Agreement, dated August 29, 1972, identifies Security Title Corporation as the Escrow Agent. Upon examination of the Escrow Agreement, as amended, it is found to be in consonance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-35 through Section 514-40.

According to the Deposit Receipt and Sales Contract, in the event that less than eighty (80) apartments in the project are sold prior the expiration of six months from the date of any Sales Contract, Developer may, at its option, cancel the Contract and cause the Escrow Agent to refund to buyer all monies paid with interest at the rate of 6% per annum and Developer shall be relieved and released of all further liability.

It is incumbent upon the purchaser and prospective purchaser to read and understand the provisions of the Deposit Receipt and Sales Contract and the Escrow Agreement before executing the Deposit Receipt and Sales Contract since the Escrow Agreement prescribes the procedure for receiving and disbursing purchaser's funds and the Deposit Receipt and Sales Contract specifically provides that the purchaser approves said Escrow Agreement and assumes the benefit and obligations therein provided.

SEWER AND TELEVISION CABLE CHARGES: Purchasers should be cognizant of the fact that the monthly maintenance charge for each apartment shall include a monthly sewer service fee payable to Hawaii-Kai Community Services Co. for the operation of a sewer collection and treatment system. The amount of sewer fee is presently established at \$5.00 per month. In addition, apartment purchasers shall have the option of subscribing to the cable television service offered by Kaiser


TelePrompTer for a monthly charge which is presently fixed at \$6.00 per month, plus tax and an initial hook-up fee of \$5.00.

MANAGEMENT OF PROJECT: The By-Laws which are incorporated in the Declaration provides that the operation of the project shall be conducted for the Association under the direction of its Board of Directors by a responsible managing agent. The proposed Declaration provides that the Developer, Business Investment, Ltd. will be the initial managing agent.

STATUS OF PROJECT: No construction contract has been executed nor has construction commenced on the project. The Owner has advised the Commission that it proposes to commence construction on or about March 19, 1973. Construction is expected to be completed within eighteen months after the commencement thereof.

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The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Owner in the required Notice of Intention submitted August 31, 1972, and additional information subsequently filed as of October 25, 1972.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 483, filed with the Commission on August 31, 1972. This report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be yellow.

  
DOUGLAS R. SODETANI, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

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Escrow Agent

REGISTRATION NO. 483  
October 26, 1972