

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

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

**on
THE SUNDOWNER
Pearlridge, Kalauao, Ewa
Honolulu, Hawaii**

REGISTRATION NO. 600

IMPORTANT — Read This Report Before Buying

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

It reflects information obtained by the Real Estate Commission in its investigation of the project. This report, based on a principle of disclosure, is issued by the Commission for the purpose of preventing fraud, misrepresentation or deceit.

The developer shall not enter into a binding contract or agreement for the sale of any unit in a Condominium Project until

- (1) A copy of this Report has been given to the prospective purchaser,
- (2) The latter has been given an opportunity to read same, and,
- (3) His receipt taken therefor.

Issued: March 6, 1974
Expires: April 6, 1975

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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JULY 31, 1973 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED WITH THE COMMISSION AS OF FEBRUARY 6, 1974. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. The Sundowner is a leasehold condominium project consisting of twenty (20) three story buildings having a total of one hundred forty one (141) apartment units, one of which will be retained for use for the project manager as a common element. Two hundred and eleven (211) parking stalls will be available on the project site, 141 of which are preassigned one to each apartment, and 70 of which will be sold to purchasers in a first come, first served basis.
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 this Final Public Report.
3. The Developer of the project reports that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of the Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been recorded in the Bureau of Conveyances of the State of Hawaii.

The Declaration of Horizontal Property Regime dated July 24, 1973, with the By-Laws attached, was recorded in said Bureau in Book 9376, Page 131.

The approved Floor Plans showing the layout, location, etc., have been recorded in said Bureau as Condominium File Plan No. 297.

4. No advertising or promotional matter has been filed 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 514, Hawaii Revised Statutes, as amended, and the condominium rules and regulations which relate to Horizontal Property Regimes.
6. This Final Public Report is made a part of the registration of THE SUNDOWNER condominium project. The Developer has the responsibility of placing a true copy of this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers, and securing a signed copy of the receipt for the Final Public Report from the purchaser. The paper stock used for the Final Public Report shall be white in color.
7. This Final Public Report automatically expires thirteen (13) months from the date of issuance, March 6, 1974, unless a Supplementary Public Report issues or the Commission, upon review of this registration, issues an order extending the effective period of this report.

NAME OF PROJECT: THE SUNDOWNER

LOCATION: The 233,357 square feet of real property committed to the Horizontal Property Regime is situated at Koauka Loop, Pearlridge, Kalauao, Ewa, Honolulu, Hawaii.

TAX KEY: 9-8-39-1

ZONING: A-3 and R-4

DEVELOPER: Shelter Corporation, a Hawaii corporation with principal offices located in Suite 1700, Davies Pacific Center, 841 Bishop Street, Honolulu, Hawaii, 96813, telephone no. 521-5661. The officers of the corporation are: Dirk Broekema-Chairman of the Board; James K. Schuler-President; Jack Gordon-Vice President, Controller and Assistant Secretary; Morgan T. Wright-Secretary; and Charles Dietz-Treasurer and Assistant Secretary.

ATTORNEY REPRESENTING DEVELOPER: Paul, Margolis & Warner (Attention: Robert E. Warner), Suite 1300, Pacific Trade Center, 190 South King Street, Honolulu, Hawaii, 96813, telephone no. 524-1212.

DESCRIPTION: The Declaration of Horizontal Property Regime and the Condominium File Plan indicate a leasehold condominium consisting of the land described above and twenty (20) three-story townhouse type buildings, containing one hundred and forty one (141) apartment units, constructed of reinforced-concrete slabs, concrete hollow-tile, and wood-frame walls and floors with shake roofs. Of the total of 141 units, hereinafter called apartments, 140 apartments will be sold and 1 apartment will be retained for use as a common element to be occupied by the designated project manager.

There are four types of apartments identified as Type A, Type B, Type C, and Type D. Apartments are either typical or reverse. A "reverse" apartment is an apartment with the usual layout of rooms reversed from the typical.

TYPE A APARTMENTS: There are ten (10) Type A apartments. Type A apartments contain eight (8) rooms on one (1) level consisting of four (4) bedrooms, two (2) bathrooms, kitchen/laundry, living/dining room, and lanai. Each Type A apartment contains a net floor area of 1,264 square feet together with a lanai of 226 square feet. Type A apartments are located in ten (10) buildings numbered and identified as follows:

<u>Apartment No.</u>	<u>Building No.</u>	<u>Layout</u>
101	1	typical
125	5	typical
201	6	reverse
216	7	reverse
231	8	typical
307	12	reverse
325	13	typical
340	15	typical
401	16	typical
425	20	typical

TYPE B APARTMENTS: There are thirty-seven (37) Type B apartments on one (1) level each containing seven (7) rooms consisting of three (3) bedrooms, two (2) bathrooms, kitchen/laundry, living/dining room, and lanai. The net floor area of each Type B apartment is 1,056 square feet together with a lanai of 202 square feet. Type B apartments are located in sixteen (16) buildings numbered and designated as follows:

<u>Apartment No.</u>	<u>Building No.</u>	<u>Layout</u>
104	2	typical
107	2	reverse
110	3	reverse
113	3	typical
116	3	reverse
119	4	typical
122	4	reverse
207	6	typical
213	6	reverse
204	7	reverse
210	7	typical
219	8	typical
222	8	reverse
225	8	typical
228	8	reverse
234	9	typical
240	9	reverse
237	10	reverse
243	10	typical
301	11	typical
304	11	reverse
310	11	typical
313	12	typical
316	12	reverse
319	13	typical
322	13	reverse
328	14	typical
331	14	reverse
334	15	typical
337	15	reverse
404	17	typical
407	17	reverse
410	18	reverse
413	18	typical
416	18	reverse
419	19	typical
422	19	reverse

TYPE C APARTMENTS: There are seventy-four (74) split level Type C apartments each containing seven (7) rooms consisting of three (3) bedrooms, two (2) bathrooms, kitchen, living/dining room, and lanai. Each Type C apartment contains a net floor area of 1,261 square feet together with a lanai of 75 square feet. Type C apartments are located in sixteen (16) buildings numbered and designated as follows:

<u>Apartment No.</u>	<u>Building No.</u>	<u>Layout</u>
105	2	Reverse
106	2	Typical
108	2	Reverse
109	2	Typical
111	3	Reverse
112	3	Typical
114	3	Reverse
115	3	Typical
117	3	Reverse
118	3	Typical
120	4	Reverse
121	4	Typical
123	4	Reverse
124	4	Typical
208	6	Reverse
209	6	Typical
214	6	Reverse
215	6	Typical
205	7	Reverse
206	7	Typical
211	7	Reverse
212	7	Typical
220	8	Reverse
221	8	Typical
223	8	Reverse
224	8	Typical
226	8	Reverse
227	8	Typical
229	8	Reverse
230	8	Typical
235	9	Reverse
236	9	Typical
241	9	Reverse
242	9	Typical
238	10	Reverse
239	10	Typical
244	10	Reverse
245	10	Typical
302	11	Reverse
303	11	Typical
305	11	Reverse
306	11	Typical
311	11	Reverse
312	11	Typical
314	12	Reverse
315	12	Typical
317	12	Reverse
318	12	Typical
320	13	Reverse
321	13	Typical

<u>Apartment No.</u>	<u>Building No.</u>	<u>Layout</u>
323	13	Reverse
324	13	Typical
329	14	Reverse
330	14	Typical
332	14	Reverse
333	14	Typical
335	15	Reverse
336	15	Typical
338	15	Reverse
339	15	Typical
405	17	Reverse
408	17	Reverse
409	17	Typical
411	18	Reverse
412	18	Typical
414	18	Reverse
415	18	Typical
417	18	Reverse
418	18	Typical
420	19	Reverse
421	19	Typical
423	19	Reverse
424	19	Typical
406	17	Typical

TYPE D APARTMENTS: There are nineteen (19) split level Type D apartments each containing six (6) rooms consisting of two (2) bedrooms, one and one-half (1-1/2) bathrooms, kitchen, living/dining room, and lanai, Each Type D apartment contains a net floor area of 901 square feet together with a lanai of 110 square feet. Type D apartments are located in ten (10) buildings numbered and designated as follows:

<u>Apartment No.</u>	<u>Building No.</u>	<u>Layout</u>
102	1	Reverse
103	1	Typical
126	5	Reverse
127	5	Typical
202	6	Reverse
203	6	Typical
217	7	Reverse
218	7	Typical
232	8	Reverse
233	8	Typical
308	12	Reverse
309	12	Typical
326	13	Reverse
327	13	Typical
342	15	Typical
341	15	Common Element
402	16	Reverse
403	16	Typical
426	20	Reverse
427	20	Typical

Each apartment has immediate access to the entry or entries appurtenant to such apartment, the stairways and the walkways, driveways and ramps connecting the buildings to the street entrances and parking areas of the project.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each apartment shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures originally installed therein including built-in range-oven, water heater, garbage disposer, range hood and dishwasher.

Water to the common elements and to each apartment will be furnished on a common meter basis with the cost and expense thereof being included within the monthly project maintenance assessment. Electricity for the common elements will be provided on a common meter basis and will likewise be included in the monthly maintenance assessment. Electricity to each apartment will be metered separately to that respective unit and the monthly charge therefor will be the obligation of the individual unit purchaser.

No elevator service is to be provided.

COMMON ELEMENTS: The Declaration of Horizontal Property Regime reflects that the common elements consist of: (a) The land submitted to the Horizontal Property Regime; (b) the foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter and load-bearing walls, chases, entries, stairways and roofs of said building; (c) all yards, grounds, landscaping, the swimming pool and other recreational facilities, all refuse facilities and mailboxes; (d) all parking areas and spaces, driveways, ramps, storage areas, and walkways; (e) all ducts, electrical equipment, wiring, pipes and other central and appurtenant transmission facilities and installations over, under and across the project which serve more than one (1) apartment for services such as power, light, water, gas, sewer, telephone, radio and television signal distribution; (f) apartment no. 341 in building 15 together with parking space 162 reserved for use by the Resident Manager of the project; (g) any and all other apparatus and installations of common use and all part of the property 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 the "limited common elements" have been designated by the Declaration of Horizontal Property Regime and have been set aside for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows:

- (a) Not less than one (1) automobile parking space shall be appurtenant to each apartment upon the original conveyance thereof and shall be for the exclusive use of such apartment; each apartment shall always have at least one parking space appurtenant to it but otherwise any automobile parking space easement may be transferred from apartment to apartment in the project. The Board of Directors shall have the power, with the approval of the Trustees of the Estate of Bernice Pauahi Bishop to transfer said parking spaces between the apartments, effective only upon the recording of an instrument in the Bureau of Conveyances setting forth such transfer.
- (b) The entry or entries of each apartment, the stairway, and the refuse collection area adjacent to and provided for the use of a cluster of three (3) adjacent apartment units shall be appurtenant to and for the exclusive use of such apartment or cluster, as the case may be.
- (c) 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 Declaration of Horizontal Property Regime states that each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project (herein called the "common interest") and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting, as follows:

<u>Unit Type</u>	<u>% of Undivided Int. in Com. Elements Appurtenant to Each Apartment</u>	<u>No. of Unit Type Apartment</u>	<u>Total % of Ownership Per Unit Type</u>
A	.7796002	10	7.7960020
B	.6512702	37	24.0969974
C	.7776892	74	57.5490008
D	.5556842	19	10.5579998
			<u>100.0000000%</u>

DESCRIPTION OF PARKING STALLS: There are 211 parking stalls. 107 stalls are located at ground level and are covered. 104 stalls are located on the second level and are open. The parking stall is delineated by white striping and white numbering. Each parking stall contains approximately 161.5 square feet. Each stall has immediate access to the residential apartment to which it is assigned. 141 parking stalls have been assigned as follows, (the remainder of 70 parking stalls will be offered for sale as limited common elements to apartment purchasers on a first come, first served basis):

<u>Unit No.</u>	<u>Parking Stall Assignment</u>	<u>Unit No.</u>	<u>Parking Stall Assignment</u>
101	4	233	70
102	5	234	71
103	6	235	72
104	38	236	73
105	39	237	77
106	40	238	78
107	41	239	79
108	42	240	89
109	43	241	90
110	1	242	91
111	2	243	86
112	3	244	87
113	17	245	88
114	18	301	173
115	19	302	177
116	20	303	178
117	21	304	170
118	22	305	171
119	23	306	172
120	24	307	179
121	25	308	180
122	26	309	181
123	27	310	167
124	28	311	168
125	11	312	169
126	12	313	182
127	13	314	183
201	44	315	184
202	45	316	164
203	46	317	165
204	83	318	166
205	84	319	188
206	85	320	189
207	50	321	190
208	51	322	185
209	52	323	186
210	80	324	187
211	81	325	195
212	82	326	196
213	53	327	197
214	54	328	153
215	55	329	154
216	59	330	204
217	60	331	201
218	61	332	202
219	32	333	203
220	33	334	198
221	34	335	199
222	56	336	200
223	57	337	155
224	58	338	156
225	62	339	157
226	63	340	161
227	64	341	162
228	65	342	163
229	66	401	111
230	67	402	112
231	68	403	113
232	69	404	120

<u>Unit No.</u>	<u>Parking Stall Assignment</u>	<u>Unit No.</u>	<u>Parking Stall Assignment</u>
405	122	417	148
406	123	418	149
407	114	419	143
408	115	420	144
409	116	421	145
410	124	422	150
411	125	423	151
412	126	424	152
413	131	425	140
414	132	426	141
415	133	427	142
416	147		

EASEMENTS: The Declaration of Horizontal Property Regime creates certain easements in addition to those designated in the limited common elements. Such easements are described as follows:

- (a) Each apartment shall have appurtenant thereto non-exclusive easements in the common elements designed for such purposes for ingress to, egress from, utility services for and support of such apartment; in the other common elements for use according to their respective purposes, subject always to the exclusive or limited use of the limited common elements as herein provided; and in all other apartments of the building for support.
- (b) If any part of the common elements encroaches upon any apartment or limited common element, a valid easement for such encroachment and the maintenance thereof, so long as it continues, shall and does exist. In the event any buildings of the project shall be partially or totally destroyed and then rebuilt, minor encroachments of any parts of the common elements due to such construction shall be permitted, and valid easements for such encroachments and the maintenance thereof shall exist.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration of Horizontal Property Regime provides that the apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose. The apartments may not be rented for transient or hotel purposes. The Declaration defines transient or hotel purposes as (a) rental for any period less than thirty (30) days, or (b) any rental in which the occupants of the apartment are provided customary hotel services such as room service for food and beverage, maid service, laundry and linen or bellboy service. Other than the restrictions on transient or hotel use, however, the owner of the respective apartment has the absolute right to lease such apartment subject to the provisions of the Declaration and the By-Laws, and the governing House Rules.

OWNERSHIP OF TITLE: The notice of intention reflects that title to the land is vested in the Trustees of the Estate of Bernice Pauahi Bishop and leased to Central Oahu Land Corporation, a Hawaii corporation, and Lear Siegler Properties, Inc., a Delaware corporation authorized to do business in Hawaii, in a joint venture known as Central-Trousdale, by lease dated December 1, 1972, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 8877, Page 375, and subleased to U.S. Financial Incorporated, a Delaware corporation, by sublease dated January 2, 1973, recorded in said Bureau in Liber 8877, Page 399, which sublease was assigned to the Developer by instrument dated April 4, 1973, recorded in said Bureau in Liber 9054, Page 168. The Preliminary Report dated January 25, 1974 furnished by Hawaii Escrow & Title, Inc. confirms the foregoing.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Title Report as of January 25, 1974 certified that the records reveal no liens or encumbrances against the title, except the lease and the sublease referred to above, and except the following:

1. Reservation unto the Hawaiian government of all mineral and metallic mines of every description as reserved in Royal Patent 1963,
2. Easement "A", 15,672 square feet for electrical purposes as shown on File Plan 1325,
3. Easement "26" for drainage purposes, as shown on File Plan 1296,
4. Easement "1", 46 feet wide, for flowage purposes, as shown on File Plan 1296,
5. Construction mortgage dated April 3, 1973 from the Developer to Kassler & Co., a Colorado corporation, recorded April 4, 1973 in Liber 9051, Page 189, in the amount of \$7,000,000.
6. Declaration of Horizontal Property Regime dated July 24, 1973, recorded in Liber 9376, Page 131.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated September 12, 1973, between Hawaii Escrow & Title, Inc., as escrow, and Shelter Corporation, as seller, has been filed with the Commission. On examination, the Escrow Agreement, as well as the specimen Sales Contract is found to be in compliance with Chapter 514, Hawaii Revised Statutes.

The provisions of the specimen Sales Contract should be carefully read by the purchasers. The purchaser should particularly note that the specimen Sales Contract provides that under certain circumstances the apartment purchase may be closed before the term of the lease of the apartment shall commence and before the instrument by which the purchaser shall take title may be recorded.

It is incumbent upon the purchaser that he read with care the specimen Sales Contract and Escrow Agreement. The Escrow Agreement establishes how the proceeds and the sale of the apartments and all sums of any sort are placed in trust as well as the retention, disbursement and refund of said trust fund.

MANAGEMENT OF THE PROJECT: The Declaration provides that operation of the project shall be conducted for the Association by a responsible managing agent appointed by the Association in accordance with the By-Laws. The By-Laws provide for the employment on an annual basis of such managing agent by the Board of Directors and vest in such managing agent the administrative functions set forth in the By-Laws.

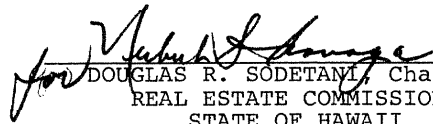
The Developer acting on behalf of the Association has the authority to appoint an initial managing agent for a term not exceeding two (2) years, commencing with the date of completion as that term is defined in Section 507-43 of the Hawaii Revised Statutes, as amended.

STATUS OF PROJECT: Construction of the project commenced on April 23, 1973. The Developer entered into a contract for construction, dated January 24, 1973 with Construction Central Corp. The Developer estimates that the project will be completed on or before September 30, 1974.

The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted July 31, 1973, and information subsequently filed on February 6, 1974.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 600 filed with the Commission on July 31, 1973.

The report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be white.



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

Distribution:
DEPARTMENT OF TAXATION
BUREAU OF CONVEYANCES
PLANNING COMMISSION, CITY AND COUNTY OF HONOLULU
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

REGISTRATION NO. 600

March 8, 1974