

# 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

HALE O PUMEHANA  
757 Kinalau Place  
Honolulu, Hawaii

REGISTRATION NO. 669

### **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: April 2, 1974  
Expired: May 2, 1975

#### 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 ON March 20, 1974. THE DEVELOPER, IN 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. HALE O PUMEHANA is a leasehold condominium project consisting of one sixteen (16) story building containing seventy (70) residential apartment units, eighty-nine (89) parking stalls and a swimming pool.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and the issuance of this Final Public Report prior to completion of construction.

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 been filed in the office of the Recording Officer.

The Declaration of Horizontal Property Regime with the By-Laws attached, was recorded in the Bureau of Conveyances, State of Hawaii, in Liber 9805 at Pages 230-303, and Condominium Map No. 345 has been assigned to the project by said office.

4. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.
5. Advertising or promotional matter has been submitted to the Commission pursuant to the rules and regulations promulgated by the Commission.
6. The specimen Apartment Lease submitted to the Commission by the Developer reflects the leasehold estate to be conveyed to the purchasers.
7. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
8. This Final Public Report automatically expires thirteen (13) months after the date of issuance, April 2, 1974, unless a supplementary Public Report is issued, or the Commission, upon review of the registration, issues an Order extending the effective period of this Report.

NAME OF PROJECT: HALE O PUMEHANA

LOCATION: The land submitted to the Regime, approximately 27,750 square feet, is located at 757 Kinalau Place, Honolulu, Hawaii.

TAX MAP KEY: FIRST TAXATION DIVISION 2-1-40-14 and 2-1-40-19

ZONING: Apartment A-4 District

DEVELOPER: BUDGET-EYF JOINT VENTURE, consisting of Budget Realty, Ltd., and EYF Developments, Incorporated, both Hawaii corporations, whose business and post office address is 1234 Kaunualii Street, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: KAITO & ISHIDA (Attention: Henry N. Kitamura, Esq.) PH, C. R. Kendall Bldg., 888 Mililani Street, Honolulu, Hawaii 96813; Telephone: 521-4576.

DESCRIPTION: The land will be improved, according to the Declaration and the Developer's plans, by constructing thereon a single building consisting of sixteen (16) stories

(fourteen (14) apartment floors and two (2) parking levels) and seventy (70) apartments with five (5) units on each floor. The principal materials used in the construction of the project are reinforced concrete, hollow tile blocks, glass, structural steel, aluminum and allied building materials. The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior loadbearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility or service lines running through each apartment, the same being deemed common elements as hereinafter provided. Each apartment shall include all the walls and partitions within its perimeter walls; any glass windows or panels along the perimeter; doors and door frames; the interior half of the perimeter walls, whether loadbearing or non-loadbearing; the inner decorated or finished surfaces of all walls, floors and ceilings; any adjacent lanai or terrace shown on the condominium map; and the built-in fixtures, appliances and improvements located therein; provided, that the interior half of any load-bearing wall on the perimeter of an apartment and any load-bearing wall within an apartment is a limited common element and appurtenant to such apartment.

Each apartment, together with a lanai, will include two bedrooms, a living room, two baths and a kitchen. The estimated total floor area of each apartment, excluding the lanai area, is 786 square feet. The estimated floor area of the lanai for each apartment is 78 square feet. The apartments are numbered consecutively from the third through the twelfth floors as follows; 301 through 305 on the third floor; 401 through 405 on the fourth floor, etc; and ending with 1201 through 1205 on the twelfth floor. The apartments on the thirteenth through the sixteenth floors are numbered as follows: 1401 through 1405 on the thirteenth floor; 1501 through 1505 on the fourteenth floor; 1601 through 1605 on the fifteenth floor and 1701 through 1705 on the sixteenth floor. Each apartment has a percentage interest of .0143 in the common elements; except that such percentage interest for each of the following apartments numbered 301 through 305 and 401 through 405 shall be .0142.

COMMON ELEMENTS: The Declaration provides that the common elements shall include, but are not limited to the following: (a) said land in fee simple; (b) all foundations, columns, girders, beams, supports, bearing walls, roofs, floors, ceilings, corridors, fire escapes, entry halls, stairs, elevator, trash chute, walkways, entrances and exits of said building; (c) the electrical meter rooms; (d) all ducts, electrical equipment, wiring, pipes and other central and appurtenant installations for services, including power, light, cold and hot water, ventilation, television antenna, refuse and telephone; (e) all driveways and other common ways, landscaping, yards, fences, refuse collection area, parking areas, swimming pool, mailbox area, maintenance and bulk storage areas and laundry room; (f) all or any part of any apparatus or item of common use; and (g) all other parts of the project which are not included in the definition of an apartment.

LIMITED COMMON ELEMENTS: The Declaration provides that certain parts of the common elements are designated "limited common elements" which are set aside and reserved for the exclusive

use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements as follows:

(a) One (1) parking space for each apartment shall be appurtenant to and for the exclusive use of such apartment. The respective apartments and parking spaces which are appurtenant thereto are as follows (A parking space with a "(C)" indicates a compact parking stall):

<u>Apt. No.</u>	<u>Parking Space No.</u>	<u>Apt. No.</u>	<u>Parking Space No.</u>	<u>Apt. No.</u>	<u>Parking Space No.</u>
301	B-57 (C)	704	A-34	1202	B-63
302	B-61 (C)	705	A-35	1203	B-65
303	B-64 (C)	801	A-36	1204	B-66
304	B-67 (C)	802	A-37	1205	B-68
305	B-70 (C)	803	A-38	1401	B-69
401	A-10	804	A-39	1402	B-71
402	A-11	805	A-40	1403	B-72
403	A-13	901	A-41	1404	B-73
404	A-14	902	A-42	1405	B-74
405	A-16	903	A-43	1501	B-75
501	A-17	904	A-44	1502	B-76
502	A-18	905	B-45	1503	B-77
503	A-20	1001	B-47	1504	B-78
504	A-21	1002	B-48	1505	B-79
505	A-23	1003	B-50	1601	B-80
601	A-24	1004	B-52	1602	B-81
602	A-26	1005	B-53	1603	B-82
603	A-27	1101	B-55	1604	B-83
604	A-29	1102	B-56	1605	B-84
605	A-30	1103	B-58	1701	A-1
701	A-31	1104	B-59	1702	A-3
702	A-32	1105	B-60	1703	A-4
703	A-33	1201	B-62	1704	A-6
				1705	A-8

Each of the foregoing parking spaces is shown on the condominium map aforesaid.

(b) Fourteen (14) additional parking spaces designated as Parking Space Nos. A-2(C), A-5(C), A-7(C), A-9(C), A-12(C), A-15(C), A-19(C), A-22(C), A-25(C), A-28(C), B-46(C), B-49(C), B-51(C) and B-54(C), shall be and are hereby declared to be subject to the exception and reservation in favor of the Developer of exclusive easements therein for parking purposes, together with the right, power and authority to lease, assign or otherwise transfer easements for exclusive use of such parking spaces; provided, however, that the Developer and any apartment owner holding a lease to any of said parking spaces and their respective successors, heirs, executors, administrators and assigns, shall not assign, sublet or otherwise transfer any easement rights in and to any of said parking spaces except to any owner of an apartment in the project, or the Association of Apartment Owners.

(c) The mailboxes belonging to each apartment shall be for the exclusive use of the apartment to which they belong.

(d) All loadbearing walls within the perimeter walls of an apartment and the interior one-half of all perimeter walls of an apartment, whether loadbearing or non-loadbearing, shall be appurtenant to the apartment in which they are located.

(e) One of the storage lockers on each floor shall be appurtenant to and for the exclusive use of an apartment on that floor; the Developer reserves the right to designate the particular storage locker that is appurtenant to an apartment.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided percentage interest equal to .0143 in all of the common elements of the project, called "common interest" in the Declaration, and for all other purposes including voting; except that such percentage interest for each of the following apartments numbered 301 through 305 and 401 through 405 shall be .0142.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The apartments shall be used as a single-family residence and for no other purpose; provided that the owners of the apartments shall have the right to lease or rent the apartments to third parties.

OWNERSHIP OF TITLE: A Preliminary Report, dated February 22, 1974, prepared by Long & Melone, Ltd., states that the fee simple title of the land committed to the project is vested, as Tenants in Common, in RUTH SHON KIEHM, wife of Joseph Kiehm, EVELYN SHON, widow, ASAIAH SHON, husband of Sylvia L. Shon, SYLVIA L. SHON, as Trustee, VICTORIA SHON LEE, wife of Jerry Mun Ho Lee, ELIZABETH SHON HALL, unmarried, and ROSE SHON YIM, wife of Earl Yim, Jr.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title above referred to reflects the following encumbrances:

1. For any taxes that may be due and owing on the land, reference is hereby made to the Office of the Tax Assessor of the First Taxation Division.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines as to Lot No. 503 and portion of Lot No. 504, comprising an area of approximately 21,333 square feet, and identified as T.M.K. 2-1-40-14.
3. Reservation, covenant and restriction set forth in Deed recorded in Liber 8840 at Page 73, as to Parcel A, area 6,420 square feet, T.M.K. 2-1-40-19, in favor of the State of Hawaii of all minerals and surface and ground waters appurtenant to said premises, and that the "Grantees, for themselves, and their respective heirs and assigns, covenant that (1) the use and enjoyment of the land herein conveyed shall not be in support of any policy which discriminates against anyone based upon race, creed, color or national origin, and that (2) the use of the foregoing remnant and the subdivision of the same, whether in combination, consolidation or otherwise

with other lands, shall be in accordance with the appropriate zoning and subdivision Ordinances of the City and County of Honolulu".

4. Terms, conditions and provisions contained in that certain trust agreement dated August 31, 1972, recorded in Liber 9108 at Page 305, by and between Asaiah Shon, husband of Sylvia L. Shon, as Grantor, and Sylvia L. Shon, wife of Asaiah Shon, as Trustee, whereby said Grantor assigns to Sylvia L. Shon, in trust, an undivided sixty percent (60%) of all of his right, title and interest in and to the premises committed to the project.
5. Master Lease dated April 23, 1973, with the Developer as Lessee and the fee owners as Lessors, recorded in the Bureau of Conveyances in Liber 9286 at Page 117; said Master Lease to be cancelled upon issuance of all the individual apartment leases.
6. Mortgage dated May 17, 1973, made by the Developer as Mortgagor, and Hawaii Thrift & Loan, Inc. as the Mortgagee, recorded in the Bureau of Conveyances in Liber 9286 at Page 137.
7. Additional Security dated June 20, 1973, recorded in the aforesaid Bureau in Liber 9286 at Page 155, made by the fee owners of the land to Hawaii Thrift & Loan, Inc., as additional security to secure the repayment of the Mortgage note made by the Developer.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement, made between Escrow Hawaii, Ltd., as Depositary, and Developer, as Seller, has been submitted to the Commission as part of the registration. On examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Sections 514-36 through 514-40, Hawaii Revised Statutes.

It is incumbent upon the prospective purchaser that he read with care the Sales Contract and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of units and all sums from any source are placed in trust, as well as the retention, disbursement and refund of said trust funds.

MANAGEMENT AND OPERATIONS: Administration of the project is to be vested in the Association of Apartment Owners, consisting of all apartment owners of the project, through the Board of Directors, in accordance with the By-Laws of the Association. The By-Laws reflects that the initial managing agent shall be Urban Management Corp.

STATUS OF PROJECT: Construction of said building has begun. The Developer has filed with the Commission evidence that the apartment building is estimated to be completed on or about July 21, 1974. The specimen Sales Contract states that if less than thirty-six (36) apartments are sold prior to June 1, 1974, the Developer at his option may cancel the Sales Contracts and refund the amounts paid by the Buyers, without interest.


PROGRAM OF FINANCING: The statement of the Program of Financing submitted by the Developer reflects that the Developer has obtained written commitments from Hawaii Thrift & Loan, Inc. to provide the construction loan for the project, and from Western Mortgage Corporation to provide for the permanent take-out loans.

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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 March 20, 1974, and other information filed as of April 2, 1974.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 669 filed with the Commission on March 20, 1974.

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.

  
(for) DOUGLAS R. SODEHANI, Chairman  
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

Registration No. 669  
April 2, 1974