

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
LEISURE HERITAGE APARTMENTS
311 Ohua Avenue
Honolulu, Hawaii

REGISTRATION NO. 703

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

It was prepared as a supplement to an earlier Report dated July 24, 1974 & January 29, 1975, 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 10, 1978
Expires: September 29, 1978

SPECIAL ATTENTION

A comprehensive reading of the 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 JULY 12, 1974, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF FEBRUARY 23, 1978. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Final Public Report on LEISURE HERITAGE APARTMENTS, Registration No. 703, dated January 29, 1975, the Commission has extended said Report on three separate occasions until March 29, 1978, and also the Developer has prepared and forwarded additional information to that filed

in the January 28, 1975 submittal. This Supplementary Public Report is made a part of the registration and the Developer is responsible for placing this Supplementary Public Report (pink paper stock) in the hands of all purchasers and 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 of all Horizontal Property Regimes Public Reports from each purchaser and prospective purchaser is also the responsibility of the Developer.

2. The Developer has submitted to the Commission revised documents reflecting changes in the Master Lease, Declaration of Horizontal Property Regime ("Declaration"), Escrow Agreement, Sales Agency Contract, Sales Contract and Apartment Lease. The Developer has also informed the Commission that it has refinanced the project with Honolulu Federal Savings & Loan Association and has submitted copies of the new security instruments encumbering the project. As part of the refinancing plan, the Developer has caused to be issued to itself four Apartment Leases and has mortgaged said Apartment Leases with Finance Factors. A copy of such mortgage is on file with the Commission. The Developer contemplates sales of some of the apartments under Agreements of Sale and has submitted a specimen copy thereof.
3. The Developer has further informed the Commission that the project has been re-structured in respect of the holder of the Master Lease and the lessor of the Apartment Leases. According to the information and documents submitted by the Developer, the Developer subleased all of the apartments of the project by a Master Sublease to Willard Marn Pui Wong, as Trustee, and then assigned its Master Lease to American-Hawaii Ventures, Inc., subject to the Master Sublease. The Developer then reacquired the Master Sublease from Willard Marn Pui Wong, Trustee, and will sell subleasehold estates in and to apartments of the project, the subleases to the apartments (called "Apartment Leases") will be issued by American-Hawaii Ventures, Inc. Under the provisions of the Amendment to Master Lease, a copy of which is on file with the Commission, The Roman Catholic Bishop, the fee owner and Master Lessor, has approved the form of the Apartment Leases and has agreed to an attornment provision wherein and whereby in the event that the Master Lease should be terminated by reason of the default of American-Hawaii Ventures, Inc., the Apartment Lease will continue in effect as a direct lease from the Master Lessor to the Apartment Lessee, provided the Apartment Lessee shall promptly attorn to the Master Lessor upon notice of such termination. Copies of instruments reflecting the foregoing, to-wit, the Master Sublease, Assignment of Master Lease and the Assignment of Master Sublease are on file with the Commission.

4. The Developer has submitted to the Commission for examination all documents deemed necessary for the issuance of this Supplementary Public Report.
5. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
6. The Amendment to the Declaration and the Amendment to Master Lease have been recorded in the office of the recording officer.

The Amendment to the Declaration is filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 838482, and the Amendment to Master Lease is filed as Document No. 838481.

7. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A of the Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
8. This Supplementary Public Report expires on September 29, 1978, unless a further Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information described in the Commission's Preliminary Public Report of July 24, 1974, and Final Public Report of January 29, 1975, in the topical headings hereinafter set forth, has been amended. Information disclosed in the remaining topical headings has not been disturbed. The amendments to the information earlier disclosed and their topical headings are as follows:

DEVELOPER: The address of the developer, Pacific Leisure Enterprises, Inc., is now 919 Bethel Street, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: Hong and Iwai (Donald K. Iwai), 2300 Pacific Trade Center, 190 South King Street, Honolulu, HI 96813; Ph. No. 524-4900.

DESCRIPTION OF PROJECT: The Declaration, as amended, describes the project as follows:

Description of Building. The building consists of a 15-story plus basement structure, constructed on a reinforced concrete foundation supported by concrete piles containing thirteen 1-bedroom and fifty-two 2-bedroom units and four 3-bedroom units serviced by two elevators. The basement level contains a gross floor area of 19,600 square feet housing storage areas, transformer, pump rooms, and pool equipment. Off-street parking will be provided for 72 cars; 33 parking stalls (including 1 compact stall) located on the lobby floor, and 39 parking stalls (including 3 tandem and 2 compact stalls) in the basement level. Apartment units begin from the first floor and running through to

the fourteenth floor will be numbered by the floor involved and A, B, C, D, or E, as the case may be. The location, approximate floor areas, number of rooms, apartment numbers, assigned parking stall and the immediate common element to which the apartments have access are set forth hereinbelow.

The first floor of the apartment building contains the swimming pool and four 2-bedroom, 2-bath units, using Plans B, C, D and E. Apartments C and D are reverse plans and consist of 2 bedrooms, a living/dining room, kitchen and 2 bathrooms totaling 955 square feet plus 3 lanais with a total area of 131 square feet, or a combined floor area of 1,086 square feet. Apartments B and E are reverse plans and consist of 2 bedrooms, a living/dining room, kitchen and 2 bathrooms totaling 900 square feet plus 3 lanais with a total area of 94 square feet, or a combined floor area of 994 square feet.

The second through thirteenth floors are identical with each floor containing five units: Four 2-bedroom, 2-bath units, as described above, and one 1-bedroom unit using Plan A, consisting of one bedroom, a living/dining room, kitchen and 1 bathroom of 720 square feet plus a 77 square feet lanai, or a combined floor area of 797 square feet.

The fourteenth floor consists of 5 apartments. Apartment A-1, as shown on the Condominium Map on the fourteenth floor is a 1-bedroom apartment with the same layout as the 1-bedroom Plan A apartments on the floors below and is designated as Apartment No. 1401-A. The other four apartments on the fourteenth floor are penthouse apartments. Each of the penthouse apartments consists of two levels, one on the fourteenth floor and the other on the fifteenth or penthouse floor immediately above, and has access to and exclusive use of the recreation deck and landscaped garden on the roof consisting of a total area of 986 square feet. Said penthouse apartments are shown on the Condominium Map as PH-2, PH-3, PH-4 and PH-5, respectively.

Apartment PH-2 consists of an entry, kitchen, dining room with lanai, living room with lanai, a bedroom with lanai and a bath on the fourteenth floor and an inside staircase connecting to the penthouse floor consisting of two bedrooms, both with lanais and one with a connecting den, and two baths. This unit has a floor area of 1,756 square feet and 171 square feet of lanais for a total combined area of 1,927 square feet.

Apartment PH-3 consists of an entry, kitchen, dining room with lanai, living room with two lanais and a powder room on the fourteenth floor and an inside

staircase connecting to the penthouse floor consisting of 3 bedrooms with lanais, and two baths. This unit has a floor area of 1,886 square feet, and 279 square feet of lanais for a total combined area of 2,165 square feet.

Apartment PH-4 consists of an entry, kitchen, dining room with lanai, living room with two lanais and a powder room on the fourteenth floor, and an inside staircase connecting to the penthouse floor consisting of 3 bedrooms with lanais, and two baths. This unit has a floor area of 1,886 square feet plus 279 square feet of lanais for a combined total area of 2,165 square feet. (Note: This unit is similar to Apartment PH-3 reversed.)

Apartment PH-5 consists of an entry, kitchen, dining room with lanai, living room with lanai, a bedroom with lanai, and a bath on the fourteenth floor and an inside staircase connecting to the penthouse floor consisting of 2 bedrooms with lanais and 2 baths. This unit has a floor area of 1,606 square feet and 171 square feet of lanais for a combined total area of 1,777 square feet.

Each of the apartments have direct access to a corridor which leads to the elevators, which corridor and elevators are common elements.

The apartments and the numbers assigned to them are identified as follows:

<u>Floor</u>	<u>Apartment Numbers</u>				
1st		102B	103C	104D	105E
2nd	201A	202B	203C	204D	205E
3rd	301A	302B	303C	304D	305E
4th	401A	402B	403C	404D	405E
5th	501A	502B	503C	504D	505E
6th	601A	602B	603C	604D	605E
7th	701A	702B	703C	704D	705E
8th	801A	802B	803C	804D	805E
9th	901A	902B	903C	904D	905E
10th	1001A	1002B	1003C	1004D	1005E
11th	1101A	1102B	1103C	1104D	1105E
12th	1201A	1202B	1203C	1204D	1205E
13th	1301A	1302B	1303C	1304D	1305E
14th	1401A)				
Pent-)	PH-2	PH-3	PH-4	PH-5
house)				

Except as modified above, all other information as reported in the Preliminary Public Report remains unchanged.

LIMITED COMMON ELEMENTS: The Declaration, as amended, provides for the designation of parking stalls as limited common elements, the assignment thereof to each apartment and the procedure for exchange or transfer in the manner following:

One or more parking stalls are assigned to each of the apartments and shall be appurtenant to and be for the exclusive use of such apartments. Any parking stall may be transferred from apartment to apartment or exchanged between apartments in the Project by written instrument, effective only upon the filing thereof in said Office of the Assistant Registrar of the Land Court, setting forth such transfer or exchange executed by the Developer or its successors and assigns, by the transferor and by the transferee of such parking space; provided, however, that the Developer, its successors and assigns, during the continuance in effect of said Lease dated April 1, 1961, filed as Document No. 272267 reserves the right to amend this Declaration for the limited purpose of effecting such transfer or exchange of apartment spaces without the consent or joinder of persons then owning or leasing the apartments, except the transferor and transferee of such parking stalls by filing an amendment to this Declaration.

The respective apartments and the parking stalls which are appurtenant thereto and the location of such parking stalls are as follows:

<u>Apartment No.</u>	<u>Parking Stall No.</u>	<u>Floor Level And/Or Location</u>
201A	C	(L)
301A	29	(L)
401A	25	(L)
501A	20	(B)
601A	13	(B)
701A	9	(B)
801A	4	(B)
901A	20	(L)
1001A	26	(B)
1101A	32	(L)
1201A	16	(L)
1301A	15	(L)
1401A	5	(L)
102B	22	(B)
202B	13	(L)
302B	24	(L)
402B	17	(B)
502B	2	(L)
602B	8	(B)
702B	5	(B)
802B	22	(L)
902B	27	(B)
1002B	31	(B)
1102B	14	(L)
1202B	7	(L)
1302B	17	(L)
103C	23	(B)
203C	28	(L)
303C	23	(L)
403C	16	(B)

503C	12	(B)
603C	1	(B)
703C	6	(B)
803C	21	(L)
903C	28	(B)
1003C	32	(B)
1103C	31	(L)
1203C	6	(L)
1303C	4	(L)
104D	19	(L)
204D	27	(L)
304D	18	(B)
404D	15	(B)
504D	11	(B)
604D	2	(B)
704D	7	(B)
804D	24	(B)
904D	29	(B)
1004D	33	(B)
1104D	30	(L)
1204D	12	(L)
1304D	3	(L)
105E	18	(L)
205E	26	(L)
305E	19	(B)
405E	14	(B)
505E	10	(B)
605E	3	(B)
705E	21	(B)
805E	25	(B)
905E	30	(B)
1005E	34	(B)
1105E	8	(L)
1205E	9	(L)
1305E	1	(L)
PH-2	(C and C (10 and 11	(B) (L)
PH-3	37	(B)
PH-4	36	(B)
PH-5	35	(B)

Note: The symbol "(B)" or "(L)" immediately following each parking stall number above denotes the location thereof either on the basement level or on the lobby level, respectively.

Parking stalls numbered 35, 36 and 37 on the basement level are tandem compact stalls and can accommodate the tandem parking of two compact cars. The parking stalls designated as Parking Stall C, one of which is located on the lobby level and two of which are located on the basement level are stalls for compact cars only.

Each of the foregoing parking stalls is shown on Condominium Map No. 239.

INTEREST TO BE CONVEYED TO PURCHASER: The interest to be conveyed to a purchaser by the Apartment Lease is a subleasehold interest in and to an apartment and an undivided percentage interest in and to the common elements of the project as set forth in the Declaration. Where an apartment is sold by way of an Agreement of Sale, prior to or concurrently with the execution of such Agreement of Sale, Pacific Leisure Enterprises, Inc., the Developer, will execute with and deliver to American-Hawaii Ventures, Inc., the Master Sublessor, a Partial Surrender of Sublease of such apartment to be sold under Agreement of Sale and cause an Apartment Lease for such apartment to be issued to itself. Upon full payment by the purchaser of the purchase price pursuant to and in accordance with the terms of the Agreement of Sale, the Developer will assign the Apartment Lease to the purchaser by an Assignment of Apartment Lease. Specimen copies of the Partial Surrender of Sublease and the Assignment of Apartment Lease are on file with the Commission.

OWNERSHIP OF TITLE: The ALTA loan insurance policy issued by Security Title Corporation dated October 4, 1977, updated as of January 17, 1978, indicates that the fee title to the land is still vested in The Roman Catholic Bishop of Honolulu, a corporation sole.

ENCUMBRANCES AGAINST TITLE: The ALTA policy issued by Security Title Corporation lists the following encumbrances against the title vested in The Roman Catholic Bishop of Honolulu:

1. By Lease dated April 1, 1961, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 272267 (herein the "Master Lease"), the land was demised to William Hin Chee Young and Violet Choy Young, husband and wife. Said Master Lease was assigned to Willard Marn Pui Wong and Mary Song Wong, husband and wife, by Assignment dated February 28, 1962, and filed as aforesaid as Document No. 288841, consent thereto filed as aforesaid as Document No. 288842, and subsequently assigned by said Willard Marn Pui Wong and Mary Song Wong to Pacific Leisure Enterprises, Inc. (the Developer herein), by Assignment dated September 18, 1970, and filed as aforesaid as Document No. 651423.

2. By Sublease dated September 14, 1977, filed as aforesaid as Document No. 838491 (herein "Master Sublease"), Pacific Leisure Enterprises, Inc., subleased all of the apartments of the project to Willard Marn Pui Wong, as Trustee. By Assignment of Lease dated September 14, 1977, filed as aforesaid as Document No. 838481, Pacific Leisure Enterprises, Inc., assigned the Master Lease to American-Hawaii Ventures, Inc., a Hawaii corporation, subject to the Master Sublease, and by Assignment of Sublease dated September 14, 1977, filed as aforesaid as Document No. 838495, Pacific Leisure Enterprises, Inc., reacquired the Master Sublease from Willard Marn Pui Wong, Trustee.

3. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 4493.

4. The restrictive covenants as contained in Deed dated June 21, 1921, and recorded in the Bureau of Conveyances in Liber 605, Page 93.

The foregoing are noted on Transfer Certificates of Title numbered 56,925, 56,952, 57,040 and 61,419 issued to The Roman Catholic Bishop of Honolulu.

Said ALTA policy further lists the following encumbrances on the leasehold estates under the Master Lease (held by American-Hawaii Ventures) and the Master Sublease (held by Pacific Leisure Enterprises, the Developer herein):

1. Real Property Taxes. Real property taxes 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. The covenants, agreements, obligations, conditions and other provisions of the Declaration of Horizontal Property Regime of Leisure Heritage Apartments and the Bylaws attached thereto, dated July 9, 1974, filed as aforesaid as Document No. 706794, consent thereto filed as aforesaid as Document No. 706795, as amended by Amendment to Declaration of Horizontal Property Regime dated September 14, 1977, filed as aforesaid as Document No. 838482, consent thereto filed as aforesaid as Document No. 838483.

3. Real Property Mortgage and Security Agreement dated September 9, 1977, filed as aforesaid as Document No. 838489 made by Pacific Leisure Enterprises, Inc., as Mortgagor, and Honolulu Federal Savings & Loan Association, as Mortgagee.

4. Additional Security Mortgage dated September 9, 1977, filed as aforesaid as Document No. 838496, made by Pacific Leisure Enterprises, Inc., as Mortgagor, and Honolulu Federal Savings & Loan Association, as Mortgagee.

5. Assignment of Rentals And Lessor's Interest In Leases Proceeds And Vendor's Interest In Agreements of Sale filed as aforesaid as Document No. 838497.

6. Substitution of Security filed as aforesaid as Document No. 838508.

7. Although not shown in said ALTA policy, a Financing Statement made by Pacific Leisure Enterprises, Inc., as Debtor, and Honolulu Federal Savings & Loan Association, a Secured Party, covering the personal property of the project is recorded in the Bureau of Conveyances in Liber 12472, Page 537.

A title policy issued by Security Title Corporation as of October 4, 1977, and updated as of January 17, 1978, insuring the mortgage made by Finance Factors,

Limited on the four (4) Apartment Leases issued to Pacific Leisure Enterprises, Inc., indicates that said Apartment Leases dated September 9, 1977, covering Apartments numbered 1103C, 1104D, 1304D and PH-2 and filed in the Office of the Assistant Registrar of the Land Court as Documents numbered 838500, 838502, 838504 and 838506 are subject to the following:

(a) The Master Lease filed as aforesaid as Document No. 272267, as amended by instrument dated September 9, 1977, and filed as aforesaid as Document No. 838481;

(b) The Declaration filed as aforesaid as Document No. 706794, as amended by instrument filed as aforesaid as Document No. 838482, and Condominium Map No. 239;

(c) Additional Charge Mortgage And Guaranty dated September 6, 1977, in favor of Finance Factors, Limited, filed as aforesaid as Document No. 838507; and

(d) As to the common elements only:

(i) Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 4493;

(ii) The restrictive covenants as contained in Deed dated June 21, 1921, and recorded in the Bureau of Conveyances in Liber 605, Page 93.

PURCHASE MONEY HANDLING: An executed copy of a new Escrow Agreement dated September 8, 1977, by and between Pacific Leisure Enterprises, Inc., as Seller, and Security Title Corporation, as Escrow, has been submitted to the Commission. On examination, the Escrow Agreement and a new specimen Deposit Receipt and Sales Contract ("Sales Contract") which has also been submitted to the Commission have been found to be in compliance with Chapter 514A, Hawaii Revised Statutes, as amended. The provisions of the Sales Contract should be carefully read by the purchaser.

Note: The Sales Contract provides that all rights of the Buyers are and shall be subject and subordinate to the liens of that certain Real Property Mortgage and Security Agreement and Additional Security Agreement filed as Document Nos. 838489 and 838496 and Financing Statement recorded in the Bureau of Conveyances in Liber 12472, Page 537.

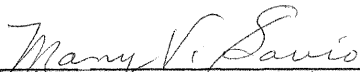
Buyer also acknowledges receipt of notice from Developer that construction of the project was completed about November 1974, and the warranties in respect of such construction and of the appliances in the apartments have expired and that said apartments will be sold "as is." However, the Developer will warrant the building and appliances in each apartment until June 30, 1978.

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 July 12, 1974, and information subsequently filed as of February 23, 1978.

This SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 703 filed with the Commission on July 12, 1974.

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.



(for) AH KAU YOUNG, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

Department of Taxation
Bureau of Conveyances
Planning Department, City and
County of Honolulu
Federal Housing Administration
Escrow Agent

Registration No. 703

March 10, 1978