

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-ANAOLE APARTMENTS
Kahuhipa Street
Kaneohe, Hawaii

REGISTRATION NO. 764

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: May 14, 1975
Expires: June 14, 1976

SPECIAL ATTENTION

A comprehensive reading of this report is urged by prospective purchasers 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 APRIL 16, 1975, AND INFORMATION SUBSEQUENTLY FILED AS OF MAY 9, 1975. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES, AS AMENDED.

1. The registration is in compliance with the requirements of the law and regulations. The Developer has given the Commission adequate information on its intention to offer the described apartment units for sale. This Final Public Report is made a part of the registration on Hale-Anaole Apartments Condominium Project. The Developer is

responsible for placing a true copy of this Final Public Report in the hands of all purchasers and prospective purchasers.

Securing a signed copy of the Receipt for Horizontal Property Regime Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.

2. Hale-Anaole Apartments is a proposed leasehold condominium having 106 apartment units, plus a manager's unit, contained in a 13 story residential apartment building, a 5 story residential apartment building and a 3 story residential apartment building. One or more parking stalls are assigned to each apartment. There are 134 parking stalls, of which 31 are covered.
3. No advertising or promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission.
4. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the issuance of this Final Public Report prior to the completion of construction.
5. 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 Assistant Registrar of the Land Court.

The Declaration of Horizontal Property Regime, executed March 6, 1975, together with the By-Laws of the Association of Apartment Owners, was filed in the Office of the Assistant Registrar of the Land Court as Document No. 716555. The Land Court has designated Condominium Map No. 246 to the project.

6. The Developer has arranged for the financing of apartments in this project by way of mortgages insured by the Department of Housing and Urban Development pursuant to Section 234 of Title II of the National Housing Act. As a condition of its providing such insurance, the Department of Housing and Urban Development requires that the Association of Apartment Owners of Hale-Anaole Apartments enter into with the Department and record a Regulatory Agreement whereby the Association may be regulated and restricted by the Department. The Regulatory Agreement is proposed to be executed by the Developer for and on behalf of the Association and

recorded with the Declaration. Purchasers of apartments in the project should, therefore, familiarize themselves with the provisions of the Regulatory Agreement.

7. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514 of the 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, May 14, 1975, unless a Supplementary Public Report issues or the Commission, upon review of the Registration, issues an order extending the effective period of this report.

NAME OF PROJECT: HALE-ANAOLE APARTMENTS

LOCATION: The project is located at 46-425 and 46-429 Kahuhipa Street, Kaneohe, Hawaii, on Lot 1435, area 96,969 square feet, or 2.226 acres, as shown on Map 127, filed with Land Court Application No. 1100, being all of the land covered by Transfer Certificate of Title No. 170,576 issued to the Trustees of the Estate of Bernice Pauahi Bishop. The description of the land and reserved easements, rights, powers and privileges are more fully set forth in the Declaration.

TAX KEY: FIRST DIVISION 4-6-12-19

ZONING: A-3

DEVELOPER: The notice of intention reveals that the Developer to be Hale-Anaole Apartments, a Limited Partnership, whose general partners are Philip Ing and Clarence Shima and whose principal place of business is Room 200, 81 South Hotel Street, Honolulu, Hawaii.

ATTORNEY REPRESENTING DEVELOPER: Philip T. Chun, 257 Alexander Young Building, Honolulu, Hawaii, Telephone 5336273

DESCRIPTION OF THE PROJECT: The Declaration of Horizontal Property Regime reflects that this is a leasehold condominium consisting of a 13 story building (Building A), a 5 story building (Building B) and a 3 story building (Building C). The buildings will be constructed of reinforced concrete.

The apartment numbers, apartment types and number of rooms are as follows:

Building A, 46-425 Kahuhipa Street, Kaneohe, Hawaii

<u>Apartment No.</u>	<u>Apartment Type</u>	<u>No. of Rooms</u>
200	B	4
201	A	7
202	B	4
203	A	7
204	B	4
205	A	7
300	B	4
301	A	7
302	B	4
303	A	7
304	B	4
305	A	7
400	B	4
401	A	7
402	B	4
403	A	7
404	B	4
405	A	7
500	B	4
501	A	7
502	B	4
503	A	7
504	B	4
505	A	7
600	C-1	5
601	C	5
602	C-1	5
603	C	5
604	C-1	5
605	C	5
700	C-1	5
701	C	5
702	C-1	5
703	C	5
704	C-1	5
705	C	5
800	C-1	5
801	C	5
802	C-1	5
803	C	5
804	C-1	5
805	C	5

Building A continue

<u>Apartment No.</u>	<u>Apartment Type</u>	<u>No. of Rooms</u>
900	C-1	5
901	C	5
902	C-1	5
903	C	5
904	C-1	5
905	C	5
1000	C-1	5
1001	C	5
1002	C-1	5
1003	C	5
1004	C-1	5
1005	C	5
1100	C-1	5
1101	C	5
1102	C-1	5
1103	C	5
1104	C-1	5
1105	C	5
1200	C-1	5
1201	C	5
1202	C-1	5
1203	C	5
1204	C-1	5
1205	C	5
PH-1	C-1	5
PH-2	C	5
PH-3	C-1	5
PH-4	C	5
PH-5	C-1	5
PH-6	C	5

Building B, 46-429 Kahuhipa Street, Kaneohe, Hawaii

<u>Apartment No.</u>	<u>Apartment Type</u>	<u>No. of Rooms</u>
100	D	7
101	D	7
102	D	7
103	D	7
104	D	7
105	D	7
106	D	7

Building B continue

<u>Apartment No.</u>	<u>Apartment Type</u>	<u>No. of Rooms</u>
200	E	7
201	E	7
202	E	7
203	E	7
204	E	7
205	E	7
206	E	7
300	F-2	5
301	F-1	5
303	F-2	5
304	F-1	5
306	F-2	5
307	F-1	5
309	F-2	5
310	F-1	5
312	F-2	5
313	F-1	5
315	F-2	5
316	F-1	5
318	F-2	5
319	F-1	5

Building C, 46-429 Kahuhipa Street, Kaneohe, Hawaii

<u>Apartment No.</u>	<u>Apartment Type</u>	<u>No. of Rooms</u>
302	G	8
305	G	8
308	G	8
311	G	8
314	G	8
317	G	8
320	G	8

The types of apartments referred to herein consist of the following:

- a. The 12 Type A apartments each consists of three (3) bedrooms, one and one-half (1½) baths, a kitchen and a living-dining room and each contain a total area of approximately 931 square feet.
- b. The 12 Type B apartments each consists of one (1) bedroom, one (1) bath, a kitchen and a living-dining room and each contain a total area of approximately 552 square feet.

- c. The 24 Type C and 24 Type C-1 apartments each consists of two (2) bedrooms, one (1) bath, a kitchen and a living-dining room and each contain a total area of approximately 723 square feet. The layout of the Type C apartments is the reverse of that of the Type C-1 apartments.
- d. The 7 Type D apartments each consists of three (3) bedrooms, two (2) baths, a kitchen and a living-dining room and each contain a total area of approximately 1136 square feet. Type D apartments are split-level units.
- e. The 7 Type E apartments each consists of three (3) bedrooms, two (2) baths, a kitchen, a living-dining room and a lanai and each contain a total area of approximately 1154 square feet. Type E apartments are split-level units.
- f. The 7 Type F-1 and 7 Type F-2 apartments each consists of two (2) bedrooms, one (1) bath, a kitchen, a living-dining room and a lanai and each contain a total area of approximately 832 square feet. The layout of the Type F-2 apartments is the reverse of that of the Type F-1 apartments. Type F-1 and Type F-2 apartments are split-level units.
- g. The 7 Type G apartments each consists of four (4) bedrooms, two (2) baths, a kitchen, a living-dining room and a lanai and each contain a total area of approximately 1372 square feet. Type G apartments are split-level units.

Each apartment has immediate access to the hallways and entrances of the buildings, the stairways and passageways. Building A is serviced by elevators and stairways.

Each apartment will be furnished with a washer, dryer, range/oven, refrigerator, garbage disposal, carpets and drapes.

COMMON ELEMENTS: The Declaration states that the owners of apartments will have undivided interests in the common elements, including among other elements, the following: (a) Said land in fee simple; (b) All foundations, floor slabs, columns, girders, beams, supports, loadbearing walls, roofs, lobbies, hallways, stairs, walkways, entrances and exits of said buildings; (c) All yards, gardens and recreation areas; (d) Parking areas, loading areas and driveways; (e) All pipes, cables, conduits, ducts, electrical equipment, wiring and other central and appurtenant transmission facilities and installations over, under and across

the project which serve more than one apartment for service such as power, light, gas, water, sewer, telephone and television signal distribution; (f) Elevators with elevator housing and appurtenant equipment; (g) Apartment 200 and parking stall No. 45 for use of the resident manager; (h) Office, storage rooms, trash room, electrical room, transformer room and mail boxes on the ground floor of Building A and laundry facilities and mechanical rooms on the ground floor of Buildings A and C; (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 and safety, or normally in common use.

LIMITED COMMON ELEMENTS: Certain parts of the common elements are designated in the Declaration as "limited common elements" and are 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. One or two automobile parking spaces shall be assigned to each of the apartments upon the original conveyance thereof and shall be appurtenant to for the exclusive use of such apartments. 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 and such transfer of parking spaces between apartments shall be effective only upon the filing of an instrument in the Office of said Assistant Registrar setting forth such transfer.

Note: The condominium map reflects that there will be fifteen (15) tandem parking spaces.

- b. The corridors, balconies and elevator lobbies on each apartment floor are restricted for the use by the apartment owners living on that particular floor.
- c. All other common elements of the project which are rationally related to less than all of the said apartments or buildings shall be limited to the use of such apartments of buildings.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED: The Declaration reflects that the percentage of undivided interest in all of the common elements of whatever kind appertaining to each apartment and its owner for all purposes shall be as follows:

<u>Type of Plan</u>	<u>Common Interest</u>
Type A Units	1.0409%
Type B Units other than Apartment 200 in said Building A	.7447%
Type C and C-1 Units	.8956%
Type D Units	1.0950%
Type E Units	1.0737%
Type F-1 and F-2 Units	.9229%
Type G Units	1.1753%
Apartment 505 in said Building A (Type A Unit)	1.0410%

Said percentage shall be the basis for the determination and allocation of common assessments and expenses and common profits to be shared by the apartment owners.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration reflects 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 shall not be rented for transient or hotel purposes, which are defined as (a) rental for any period less than 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. Except for such transient or hotel purposes the owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration.

OWNERSHIP OF TITLE: The Developer reports that title of the land is vested in the Trustees of the Bernice Pauahi Bishop Estate. The lien letter issued by Long & Melone, Ltd. on April 11, 1975 confirms such ownership.

ENCUMBRANCES AGAINST PROPERTY: The Developer has submitted a lien letter dated April 11, 1975, prepared by Long & Melone, Ltd., a licensed abstractor. The report states that there were no liens or encumbrances against the land as of that date except the following:

1. Easement 426 (10 feet wide), as shown on Map 105 of Land Court Application No. 1100 for storm drain purposes, as set forth in Land Court Order No. 33972, filed October 8, 1971.
2. A 10-foot setback line along Kahuhipa Street.

3. Lease dated April 25, 1974, filed as Document No. 682614.
4. Mortgage in favor of the Bank of Hawaii, dated May 17, 1974 filed in said Office as Document No. 682615.

Note: The Developer reports to the Commission that partial releases from said mortgage will be granted prior to the issuance of apartment leases.

5. Declaration of Horizontal Property Regimes and By-Laws attached dated March 6, 1975, filed in said Office as Document No. 716555. The Land Court has designated Condominium Map No. 246 to the project.
6. Taxes for Fiscal Year 1974 - 1975, second installment due May 30, 1975.

PURCHASE MONEY HANDLING: A copy of the specimen subscription and purchase agreement, and the executed escrow agreement have been submitted as part of the registration. The escrow agreement identifies Bank of Hawaii as the "Escrow". On examination, the specimen subscription and purchase agreement, and the executed escrow agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes. The language in the specimen contract illustrates compliance with the requirements of Section 514-36 through 514-40, Hawaii Revised Statutes, as amended.

Among other provisions the executed escrow agreement provides the following which relates to the refund of purchasers money:

If purchaser's funds were obtained prior to the issuance of a final public report and there is a change in the condominium building plans subsequent to the execution of purchaser's purchase and subscription agreement requiring approval of a county officer having jurisdiction over the issuance of permits for construction of buildings, or, the final public report differs in any material respect from the preliminary public report, or, in the event that the final report is not issued within one (1) year from the date of the issuance of the preliminary report, any purchaser may have the funds deposited by him with Escrow refunded without interest.

Among other provisions the specimen subscription and purchase agreement provides that if purchaser within five (5) days after the execution of this agreement notifies the Seller in writing that purchaser wishes to withdraw from this agreement, the amounts theretofore paid by him under this agreement will be returned to him and thereupon all rights and liabilities of purchaser hereunder shall cease and terminate. The right of the purchaser to withdraw

shall, however, expire unless exercised within such five (5) day period, except that if title to the family unit is not conveyed to the Purchaser in accordance with FHA requirements on or before March 26, 1976, the purchaser and the seller shall have the right to withdraw from this agreement, in which event seller shall return to purchaser all sums paid hereunder and purchaser's and seller's rights shall cease and terminate without further liability on the part of either party.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the subscription and purchase agreement, and the executed escrow agreement. The latter document, the escrow agreement, establishes how the proceeds from the sale of apartments and all sums received from any source are placed in escrow, as well as the methods of disbursements of said funds.

MANAGEMENT AND OPERATIONS: The Declaration discloses that the administration of the project shall be vested in the Association of Apartment Owners. The proposed By-Laws of the Association place the responsibility of employing a responsible corporate Managing Agent to manage and control the project, subject at all times to direction by the Board.

Kipco, Inc. has been named by the Developer as the corporate Managing Agent of the condominium project and the Developer has filed with the Commission a copy of the management agreement entered into with Kipco, Inc. dated December 26, 1974.

STATUS OF PROJECT: Construction has been started. It is estimated that improvements will be completed on or about August 1975.

FINANCING OF PROJECT: The Developer has filed with the Commission a firm commitment from the Federal Housing Administration of the Department of Housing and Urban Development of the United States showing the estimated total project cost which will be met by sales proceeds. The payment program by a purchaser of an apartment is contemplated to be as follows: Each purchaser will pay 10% of the purchase price in cash as a down payment, and upon being given an apartment lease, such purchaser will thereupon borrow up to 90% of the sale price of the apartment from GNMA, such loan to be payable over a period of 30 years. Said mortgage will be insured by the Federal Housing Administration, Department of Housing and Urban Development.

Down payment moneys and proceeds from the individual mortgage loan will be placed in Escrow with Bank of Hawaii.


CONTRACTOR: The Developer has submitted a construction contract for the construction of the building, dated May 8, 1974, naming Dynamic Industries Corporation, a Hawaii corporation, as the contractor. Performance and Payment Bonds equal to 100% of construction costs have been filed with the Commission. Seaboard Surety Company of New York is named as surety in said bonds.

The Developer has also submitted to the Commission a specimen apartment lease which will be executed by the fee simple owners of the property. Prior to issuance of the first apartment lease, the master lease issued to the Developer will be cancelled.

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 April 16, 1975, and information subsequently filed as of May 9, 1975.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 764 filed with the Commission on April 16, 1975.

This 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. SODEHANI, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

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Registration No. 764
May 14, 1975