

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

HALE-ANAOLE APARTMENTS
46-255 & 46-259 Kahuhipa Street
Kaneohe, Hawaii

REGISTRATION NO. 764

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

It was prepared as a supplement to an earlier Report dated May 14, 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: December 15, 1976
Expires: June 14, 1977

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 APRIL 16, 1975, AND ADDITIONAL INFORMATION SUBSEQUENTLY SUBMITTED AS OF DECEMBER 13, 1976. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Final Public Report on Registration No. 764 dated May 14, 1975, the Developer has amended the Declaration of Horizontal Property Regime to file "as built" plans of the project and the verified statement of the architect as to such "as built" plans and to assign specific parking spaces to each of the apartments.
2. The Developer is responsible for placing this Supplementary Public Report (pink paper stock) along with the Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt for both Horizontal Property Regimes Public Reports from each purchaser and prospective purchaser is also the responsibility of the Developer.
3. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and issuance of this Supplementary Public Report. The basic documents (Declaration of Horizontal Property Regime and Bylaws of the 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 of the State of Hawaii as Document No. 716555 and as Condominium Map No. 246, respectively. An Amendment of the Declaration has been filed as aforesaid as Document No. 792468.
4. Advertising and promotional matter heretofore used have been submitted pursuant to the rules and regulations of the Commission.
5. 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 Regime.
6. This Supplementary Public Report automatically expires on June 14, 1977, 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.

NOTE: The expiration date of the Final Public Report of this registration was extended from June 14, 1976, to December 14, 1976. At the request of the Developer, the Commission has extended the expiration date to June 14, 1977.

Except for the topical headings which follow, the information in the Final Public Report dated May 14, 1975, has not been disturbed.

LOCATION: The correct address of the project is 46-255 and 46-259 Kahuhipa Street, Kaneohe, Hawaii.

COMMON ELEMENTS: The information disclosed under the topical heading of "Common Elements" has been amended to reflect the assignment of Parking Stall No. 13 to Apartment 200, which shall be for the use of the resident manager, and the designation of Parking Stall Nos. 7, 8, 9, 10, 11 and 12 for use as guests' parking stalls. The remainder of the information disclosed in said topical heading has not been amended.

LIMITED COMMON ELEMENTS: The information disclosed in paragraphs (b) and (c) under this topical heading has not been amended. The information disclosed in paragraph (a) of this topical heading has been amended to read as follows:

"(a) One or two automobile parking spaces shall be assigned to each of the apartments and shall be appurtenant to and be for the exclusive use of such apartments. Each apartment shall have at least one parking space appurtenant to it, but otherwise any parking space may be transferred from apartment to apartment 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 executed by the Lessee (during the continuance in effect of said Master Lease), by the Grantor, by the transferor and by the transferee of such parking space; provided, however, that the Lessee, during the continuance in effect of said Master Lease, and the Grantor reserve the right to amend this Declaration for the limited purpose of effecting such transfer of parking spaces without the consent or joinder of persons then owning or leasing the apartments, except the transferor and transferee of such parking spaces, by filing an amendment to this Declaration.

"The respective apartments and the parking spaces which are appurtenant thereto are as follows:

<u>Apartment No.</u>	<u>Parking Stall No.</u>
<u>Building A</u>	
201	92
202	83
203	58
204	36 & 60
205	27
300	100
301	91
302	82
303	44
304	35
305	26

<u>Apartment No.</u>	<u>Parking Stall No.</u>
<u>Building A (cont'd)</u>	
400	99
401	52 & 66
402	81
403	53 & 65
404	34
405	54 & 64
500	98
501	55 & 63
502	80
503	56 & 62
504	33
505	51 & 67
600	97
601	88
602	79
603	41
604	32
605	19
700	96
701	87
702	78
703	40
704	31
705	22
800	95
801	86
802	77
803	39
804	30
805	21
900	94
901	85
902	76
903	38
904	29
905	20
1000	93
1001	84
1002	75
1003	37
1004	28
1005	23
1100	6
1101	5
1102	4
1103	3
1104	2
1105	1

<u>Apartment No.</u>	<u>Parking Stall No.</u>
<u>Building A (cont'd)</u>	
1200	90
1201	43
1202	25
1203	89
1204	42
1205	24
PH-1	18
PH-2	17 & 59
PH-3	16
PH-4	15
PH-5	14
PH-6	57 & 61
<u>Buildings B & C</u>	
100	125
101	130
102	121
103	115
104	124
105	123
106	122
200	45
201	129 & 73
202	120
203	119
204	118
205	117
206	116
300	131
301	114
302	127 & 133
303	101
304	112
305	48 & 70
306	111
307	110 & 113
308	47 & 71
309	109 & 107
310	108
311	46 & 72
312	50 & 68
313	106
314	126 & 134
315	105
316	104
317	49 & 69
318	103
319	102 & 74
320	128 & 132

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

INTEREST CONVEYED TO PURCHASER: The Final Report of May 14, 1975, did not contain any information under this topical heading. The Developer has disclosed to the Commission that the Apartment Lease to be issued to the purchasers has been revised by extending the term and the fixed rental period thereof. Initially, the term of the Lease was from the date of execution of the Apartment Lease to April 30, 2031. Under the revised Apartment Lease, the term will run as of May 1, 1976, to April 30, 2033. In addition, the first fixed rental period will commence as of May 1, 1976, and end on April 30, 1993, and the second fixed rental period will be for fifteen (15) years commencing on May 1, 1993, and ending on April 30, 2008. Under the new fixed rental period, the purchasers of apartments who shall have executed Apartment Leases prior to May 1, 1978, will be assured a minimum fixed rental period of thirty (30) years.

The Developer has further disclosed that initially it was the intent that purchasers be issued Apartment Leases directly from Trustees of the Bishop Estate and Kihalani Investment, Inc., the Lessors, as shown in the specimen copy of the Apartment Lease submitted to the Commission with the Developer's Notice of Intention. The Developer has disclosed that because of various reasons the Developer will take the Apartment Leases for each of the apartment in the project in the Developer's name, and upon the closing of a Subscription and Purchase Agreement, the Developer will assign the Apartment Lease to the purchaser. The Master Lease and the Lease to the Developer will be cancelled together with the issuance of the Apartment Leases to the Developer.

Specimen copies of the revised Apartment Lease and the Assignment of the Apartment Lease are on file with the Commission.

ENCUMBRANCES AGAINST PROPERTY: The Developer has submitted a lien letter dated December 3, 1976, 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 for planting and beautification purposes, as shown on Survey Map of Thompson, Lee & Associates, Inc., dated May 30, 1974.
3. Master Lease No. 22012 dated June 1, 1972, made by and between the Trustees under the Will and of the Estate of Bernice Pauahi Bishop, deceased, as Lessor, and Kihalani Investment, Inc., a Hawaii corporation, as Lessee, filed as Land Court Document No. 673177.
4. Lease No. 22012-A dated April 25, 1974, made by and between the Trustees under the Will and of the Estate of Bernice Pauahi Bishop, deceased, and Kihalani Investment, Inc., a Hawaii corporation, as Lessors, and Philip Ing, husband of Toshiko Ing, and Clarence

Shima, husband of Mary Ann Shima, General Partners of Hale-Anaole Apartments, a registered limited partnership, as Lessees, filed as Land Court Document No. 682614.

5. Mortgage dated May 17, 1974, in favor of Bank of Hawaii filed as Land Court Document No. 682615.
6. Financing Statement made by Philip Ing and Clarence Shima, General Partners of Hale-Anaole Apartments, as Debtors, in favor of Bank of Hawaii, recorded on May 22, 1974, in the Bureau of Conveyances of the State of Hawaii in Liber 9917, Page 169.
7. Additional Charge Mortgage dated June 20, 1975, in favor of Bank of Hawaii filed as Land Court Document No. 724709.
8. Financing Statement made by Philip Ing and Clarence Shima, General Partners of Hale-Anaole Apartments, as Debtors, in favor of Bank of Hawaii, recorded on June 24, 1975, in said Bureau in Liber 10726, Page 291.
9. Covenants, conditions, restrictions, reservations, easements, liens for assessments, options, powers of attorney, limitations on title, and all other provisions, created by the Hawaii Horizontal Property Act, or set forth in the Declaration of Horizontal Property Regime and By-Laws attached thereto dated March 6, 1975, filed in said Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 716555 (Condominium Map No. 246), as amended November 24, 1976, and filed as Land Court Document No. 792468.
10. Second Additional Charge Mortgage and Additional Security Mortgage and Security Agreement in favor of Bank of Hawaii dated January 16, 1976, and filed as Land Court Document No. 769540.
11. Financing Statement made by Philip Ing and Clarence Shima, General Partners of Hale-Anaole Apartments and Kulana Nani & Associates, as Debtors, in favor of Bank of Hawaii recorded on June 18, 1976, in said Bureau in Liber 11478, Page 48.
12. Taxes for Fiscal Year 1976 - 1977, first installment, paid, second installment due May 30, 1977.

NOTE: The Developer reports to the Commission that partial releases from said mortgages and financing statements will be granted prior to the assignment of the Apartment Lease to the purchaser.

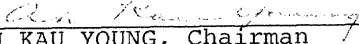
STATUS OF PROJECT: Construction has been completed and the project is ready for occupancy as evidenced by the Notice of Completion dated September 12, 1975, and filed in the First

Circuit Court of the State of Hawaii, a copy of which is filed with the Commission.

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 15, 1975, and information subsequently filed as of December 13, 1976.

This SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made part of REGISTRATION NO. 764 filed with the Commission on April 15, 1975.

This report when reproduced should be a true copy of the Commission's public report. The paper stock used in making facsimiles must be pink.



AH KAU YOUNG, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

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Escrow Agent

December 15, 1976
Registration No. 764