

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

KALIA CONDOMINIUM
2164 Kalia Road
Honolulu, Oahu, Hawaii

REGISTRATION NO. 1439 (CONVERSION)

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

It was prepared as a supplement to an earlier Report dated October 2, 1981 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: February 16, 1982
Expires: November 2, 1982

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 TO SELL, SUBMITTED JUNE 24, 1981, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF DECEMBER 23, 1981. THE DEVELOPER, IN 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 Preliminary Public Report of October 2, 1981, on KALIA CONDOMINIUM, Registration No. 1439, the Developer reports that changes have been made in the plan or setup as presented in the June 24, 1981 Notice of Intention to Sell.

The changes subsequently made are determined to be a material revision to the information disclosed earlier. This Supplementary Public Report (pink paper stock) amends the Preliminary Public Report (yellow paper stock), becoming a part of KALIA CONDOMINIUM registration. The Developer is responsible for placing a true copy of this Supplementary Public Report in the hands of all purchasers and prospective purchasers, along with a copy of the Preliminary Public Report and the Amended Developer's Disclosure Abstract, and obtaining a receipt therefor.

2. The Developer of the Project has submitted to the Commission for examination several changes to the proposed Declaration for the Project. The Declaration and By-Laws have not yet been filed with the Bureau of Conveyances of the State of Hawaii.

3. The prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, and the Condominium Rules & Regulations promulgated thereunder which relate to the Horizontal Property Regime.

4. Advertising and promotional matter has not been submitted to the Commission.

5. This Supplementary Public Report expires on November 2, 1982 unless the Commission upon review of the registration issues an order extending the effective date of this report.

The information contained under the topical headings in the Preliminary Public Report of October 2, 1981 with the exception of DESCRIPTION, COMMON ELEMENTS, LIMITED COMMON ELEMENTS, INTEREST TO BE CONVEYED TO PURCHASERS and PURCHASE MONEY HANDLING have not been disturbed. A new topical heading ALTERATION AND TRANSFER OF COMMON INTERESTS has been added and the Estimated Maintenance Fees as found in the Developer's Abstract have been amended as noted herein.

DESCRIPTION: The Developer advises that the information under this topical heading on pages 3-8 of the Preliminary Public Report remains unchanged except for the following:

Apartment Type "R"

One (1) apartment, being Apartment 5 on the eleventh floor, is built according to this floor plan being an apartment consisting of two (2) rooms including a living room, a bathroom and a lanai. This apartment contains a floor area of approximately 415 square feet together with a lanai having a floor area of approximately 186 square feet.

COMMON ELEMENTS: The Developer advises that paragraph (g) of this topical heading has been deleted. Paragraph (g) of the proposed Declaration stated: "The laundry room, including without limitation washers and dryers, located on the eleventh floor of the building; and".

LIMITED COMMON ELEMENTS: The Developer advises that subsection (f) has been added under this topical heading on page 9 of the Preliminary Public Report as follows:

(f) The corridor and elevator lobby area on each floor shall be appurtenant to and for the exclusive use of the respective apartments located on each such floor.

INTEREST TO BE CONVEYED TO PURCHASERS: EXHIBIT "A-1" referred to under this topical heading of the Preliminary Public Report has been amended only to the extent as follows:

<u>Apartment</u>	<u>Percentage Interest</u>
11th Floor - Apartment 5	1.8405
Desk Apartment	7.7510

PURCHASE MONEY HANDLING: The Developer advises that the information found under this topical heading, more specifically paragraph 5 on pages 14 and 15 of the Preliminary Public Report, has been amended to include the following:

(c) If Seller has not sold at least forty (40) units by means of a binding sales contract within 180 days after the issuance of the Final Public Report on the Project by the Real Estate Commission of the State of Hawaii, then Seller shall have the right at its sole option to either: (i) terminate this Agreement and Seller and Buyer shall then have no further obligations hereunder; or (ii) to waive the condition of this paragraph. In the event of a termination, Buyer will be refunded all payments made to Seller under this Agreement, including interest, and Seller will pay all Escrow cancellation fees.

ALTERATION AND TRANSFER OF COMMON INTERESTS: The Developer advises that paragraph D on pages 9-10 of the proposed Declaration of Horizontal Property Regime for the Kalia Condominium has been amended to read as follows:

D. ALTERATION AND TRANSFER OF COMMON INTERESTS. The common interest and easements appurtenant to each apartment shall have a permanent character, shall not be altered without the consent of all owners of apartments affected thereby as expressed in an amendment to this Declaration duly recorded, shall not be separated from such apartment and shall be deemed to be conveyed or encumbered with such apartment even though not expressly mentioned or described in the conveyance or other instrument. The common elements shall remain undivided, provided, however, that subject to the provisions of this paragraph and Section 514A-89, H.R.S., the owner of two apartments separated only by a common or limited common element which is a wall may, with approval of the Lessor and the Board, alter, relocate or remove all or portions of the intervening wall if the structural integrity of the building is not thereby affected, and if the finish of the common or limited common element then remaining is restored to a condition substantially comparable to that of the common or limited common element prior to such alteration. The owner of such adjacent apartments may install doors in such opening(s) in such common or limited common element. Upon the termination of the common ownership of such adjacent apartments, if the intervening wall shall have been altered or removed pursuant to the foregoing provisions, each of the owners of such apartment shall be obligated to restore such intervening wall to substantially a condition in which the same existed prior to such alteration or removal. Additions to or alterations of an apartment made within such apartment or within a common or limited common element appurtenant to and for the exclusive use of such apartment, including an increase in or reduction of the number of rooms in such apartment as described in the Declaration, shall be permitted, provided that an amendment of the Condominium Map shall be duly filed, when necessary, and provided, further, that no work shall be done which will jeopardize the soundness and safety of the Project, reduce the value of such apartment, change the percentage of undivided interest in the common or limited common elements appurtenant to such apartment, or violate the uniform external appearance of such apartment, provided, further, that no work shall be done which would impair any easement without the prior consent of all apartment owners directly

affected thereby. In addition, the owner owners of any unit(s) who desire to perform any of the aforementioned additions or alterations (hereinafter referred to as "Apartment Modifications") shall, at his own cost and expense, submit to the Fee Owner and the Board the following:

1. Architectural plans for the proposed Apartment Modifications;

2. A certificate of a structural engineer licensed in the State of Hawaii stating that those portions of the common or limited common elements affected by the proposed Apartment Modifications are not required for the structural support of all or any portion of an Apartment or the other common or limited common elements;

3. A bid by a contractor licensed in the State of Hawaii setting forth the cost to make the proposed Apartment Modifications and the time within which said Apartment Modifications can be completed;

4. For any work costing in excess of \$5,000 a bond (or other security approved by the Board of Directors), naming the Association and the Fee Owner as obligees, to assure the prompt completion of the proposed Apartment Modifications in a workmanlike manner free of mechanic's liens;

5. All building and other governmental permits required for the construction of said Apartment Modifications; and

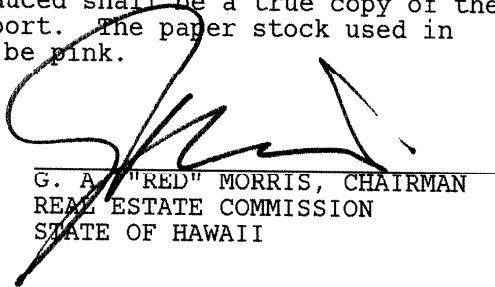
6. Certificates by electrical and plumbing contractors licensed in the State of Hawaii and approved by the Board setting forth in detail the effect, if any, the proposed Apartment Modifications will have on any common or limited common element plumbing and wiring.

Upon compliance by the apartment owner with the conditions set forth above the Fee Owner and Board shall not unreasonably or arbitrarily delay or withhold their consent to any such proposed Apartment Modifications.

Developer's Abstract: The Developer advises that the estimated maintenance fees as incorporated in the Developer's Abstract as Exhibit "A" have been amended, a copy of which is attached hereto.

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 June 24, 1981, and additional information subsequently filed as of December 23, 1981.

This is a SUPPLEMENTAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 1439 filed with the Commission on June 24, 1981. 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.



G. A. "RED" MORRIS, CHAIRMAN
REAL ESTATE COMMISSION
STATE OF HAWAII

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

REGISTRATION NO. 1439

February 16, 1982

KALIA CONDOMINIUM PROJECT
ESTIMATED MAINTENANCE FEES

<u>APARTMENTS</u>	<u>MONTHLY</u>	<u>ANNUALLY</u>
<u>Floors 2-9</u>		
1 & 4	\$ 81.62	\$ 979.45
2 & 3	83.56	1,002.74
5	90.95	1,091.38
6	100.67	1,208.04
7	99.11	1,189.31
8	94.45	1,133.42
9	118.93	1,427.20
10	89.40	1,072.80
 <u>10th Floor</u>		
1A	81.62	979.45
1B	83.96	1,007.46
2A	81.62	979.44
2B	83.96	1,007.46
3	90.95	1,091.38
4	124.38	1,492.54
5	101.05	1,212.61
6	99.88	1,198.60
7	82.79	993.45
 <u>11th Floor</u>		
1A	81.62	979.44
1B	83.18	998.17
2A	81.62	979.44
2B	83.18	998.17
3	90.95	1,091.38
4	104.16	1,249.93
5	233.59	2,803.13
 <u>Penthouse</u>		
1	146.53	1,758.30
2	163.63	1,963.60
3A	68.02	816.18
3B	131.77	1,581.18
4	206.00	2,471.98
 <u>Above Restaurant</u>		
11	146.14	1,753.73
12	109.61	1,315.26
14	303.17	3,637.99
 <u>Commercial Apt.</u>		
1st Flr Restaurant	1,453.56	17,442.77
 <u>Desk Apartment</u>		
Lobby	983.73	11,804.72
	\$12,691.67	\$152,300.00