

# 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

KAMUELA HALE  
712 Kamuela Avenue  
Honolulu, Hawaii 96816

REGISTRATION NO. 1461 (CONVERSION)

### 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: October 16, 1981

Expires: November 16, 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 and prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED SEPTEMBER 25, 1981. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIME LAW, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. KAMUELA HALE is a fee simple condominium project consisting of a four-story rectangular-shaped building containing fifteen (15) apartments. There

are fifteen (15) parking spaces in the project, as designated on the Condominium Map. Each apartment will have appurtenant to it one (1) parking space, as provided in the Declaration of Horizontal Property Regime for the project. The Developer has informed the Commission that construction of the project was completed in February, 1968.

2. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, as amended, with By-Laws of Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration and By-Laws dated as of July 23, 1981, has been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15706, at Page 536 and the Amendment of the Declaration and By-laws dated September 10, 1981, has been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15813, at Page 700.

The Bureau of Conveyances has assigned Condominium Map No. 816 to the project.

3. No advertising and promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission other than the published notices required under Section 514-A, 101, et seq.
4. The purchaser and prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, and the rules and regulations promulgated thereunder which relate to the Horizontal Property Regime Act.
5. This Final Public Report is made a part of the registration on the KAMUELA HALE condominium project. The Developer is responsible for placing a true copy of this Final Public Report (white paperstock), with the Disclosure Abstract attached, in the hands of all purchasers and prospective purchasers and securing a signed copy of the Receipt therefor.
6. This public report automatically expires thirteen months after the date of issuance, October 16, 1981, unless a supplementary public report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: KAMUELA HALE

LOCATION: The project is located on that certain parcel of land located at 712 Kamuela Avenue, Honolulu, Hawaii, and containing an area of 6,000 square feet or thereabouts. The

description of the land and the reserved easements, rights, powers and privileges are more fully set forth in the Declaration.

TAX KEY: 2-7-34-40, 1st Division

ZONING: A-3

DEVELOPERS:

CARISSA, INC., a Hawaii corporation, Suite 2105, 745 Fort Street, Honolulu, Hawaii 96813, Telephone No. 521-7254.

Dennis T. Aoki - President

Francis Y. Aoki - Vice President

Inez F. Aoki - Secretary-Treasurer

MORTGAGE PROCESSORS, INC., a Hawaii corporation, Suite 2105, 745 Fort Street, Honolulu, Hawaii 96813, Telephone No. 521-7254.

Francis Y. Aoki - President

Howard Y. Ikeda - Treasurer

Cynthia S. Aoki - Vice President, Secretary and Assistant Treasurer

ATTORNEY REPRESENTING DEVELOPER: Kobayashi, Watanabe, Sugita & Kawashima (Kenneth Y. Sugita) 745 Fort Street, 8th Floor, Honolulu, Hawaii, 96813, Telephone No. 524-5700.

DESCRIPTION OF PROJECT: The project consists of a four-story rectangular-shaped structure constructed primarily of concrete, concrete block, steel reinforcing and glass. There is no basement in the building.

There are fifteen (15) apartments in the building. The building contains twelve (12) two-bedroom and three (3) one-bedroom units. The ground floor is the parking level and contains no apartments. The laundry and refuse areas are also located on the ground floor. Each apartment is located on the upper floors and has access to an open hallway which leads to two (2) stairways located at each end of the building. The hallways and the stairways are parts of the common elements.

Each of the three (3) upper floors above the ground floor contains four (4) two-bedroom apartments and one (1) one-bedroom apartment, for a total of fifteen (15) apartments in the building. The ground floor serves as covered parking for the Project.

The apartments are numbered as follows: The numbering of apartments on each floor proceeds from the east end to the west end. Apartments 201 through 205 are located on the second floor, Apartments 301 through 305 are located on the third floor, and Apartments 401 through 405 are located on the fourth floor, all as shown on said Condominium Map.

There are five (5) types of Apartments in the Project, designated as Type "A", Type "B", Type "C", Type "D" and Type "E" on said Condominium Map. Apartments 201, 301 and 401 are Type "A" apartments. Apartments 202, 302 and 402 are

Type "B" apartments. Apartments 203, 303 and 403 are Type "C" apartments. Apartments 204, 304 and 404 are Type "D" apartments. Apartments 205, 305 and 405 are Type "E" apartments.

Each of the three (3) Type "A" apartments contains a living room, kitchen, two (2) bathrooms and two (2) bedrooms for a floor area of approximately 647 square feet.

Each of the three (3) Type "B" apartments contains a living room, kitchen, two (2) bathrooms and two (2) bedrooms for a floor area of approximately 670 square feet.

Each of the three (3) Type "C" apartments contains a living room, kitchen, two (2) bathrooms and two (2) bedrooms for a floor area of approximately 670 square feet.

Each of the three (3) Type "D" apartments contains a living room, kitchen, two (2) bathrooms and two (2) bedrooms for a floor area of approximately 665 square feet.

Each of the three (3) Type "E" apartments contains a living room, kitchen, bathroom and one (1) bedroom for a floor area of approximately 427 square feet.

The fifteen (15) apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or of the interior load-bearing walls, the floors and perimeter ceilings surrounding each apartment, or any pipes, wires, ducts, conduits, or other utility or service lines running through such apartments which are utilized for or serve more than one apartment, all of which are common elements as provided in Paragraph 5 of the Declaration. Each apartment shall be deemed to include the walls and partitions which are not load-bearing and which are within its perimeter walls; doors and door frames; windows and window frames; the inner decorated or finished surfaces of walls, floors and ceilings, adjoining and connected thereto; and all fixtures originally installed therein.

COMMON ELEMENTS: The Declaration states that the owners of apartments will have an undivided interest in the common elements, including specifically but not limited to:

- a. Said land in fee simple.
- b. All foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, stairs, stairways, entrances and exits of said building.
- c. All driveways, parking areas, loading areas, yards, gardens, walkways and open areas.
- d. All central and appurtenant installations for common services, including power, sewer, gas, light, water, telephone and trash disposal.
- e. All tanks, pumps, motors, fans, compressors, ducts, and, in general, all apparatus and installations existing for common use.

f. The laundry area and the refuse area located on the ground floor.

LIMITED COMMON ELEMENTS: The Declaration reflects that certain parts of the common elements, called the limited common elements, are designated and set aside 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. There are fifteen (15) parking spaces in the project designated as Nos. 1 through 15, which are limited common elements as designated in said Condominium Map. Each apartment has one (1) parking space appurtenant thereto. The parking spaces appurtenant the apartments are as follows:

<u>Apartment No.</u>	<u>Parking Stall No.</u>	<u>Apartment No.</u>	<u>Parking Stall No.</u>
201	15	304	7
202	14	305	6
203	13	401	1
204	12	402	2
205	11	403	3
301	10	404	4
302	9	405	5
303	8		

b. There are fifteen mailboxes for the Project which are numbered identically with the apartment numbers and which are designated as limited common elements. Each apartment shall have appurtenant to it as a limited common element the mailbox which is numbered identically with such apartment.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project, referred to as the "common interest", and the same proportionate share in all common profits and expenses of the project and for all other purposes, including voting, as follows:

<u>Apartment Number</u>	<u>Percentage</u>
201, 301 and 401	7.004%
202	7.254%
302 and 402	7.253%
203	7.254%
303 and 403	7.253%
204	7.200%
304 and 404	7.199%
205	4.624%
305 and 405	4.623%

PURPOSES AND RESTRICTIONS: The purposes for which said building and other improvements and each of the apartments are intended and shall be restricted as to use are as follows:

a. 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.

b. The common elements shall remain undivided, and no right shall exist to partition or divide any part thereof except as provided by said Horizontal Property Act.

c. 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 owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of this Declaration or the By-Laws of the Association of Apartment Owners.

d. Administration of the project shall be vested in its Association of Apartment Owners, consisting of all apartment owners of the project in accordance with the By-Laws of the Association. The owner of each apartment upon acquiring title thereto automatically shall become a member of the Association and shall remain a member thereof until such time as his ownership of such apartment ceases for any reason, at which time his membership in the Association automatically shall cease.

e. The House Rules provide, in part that (1) no livestock, poultry, rabbits or other animals shall be allowed or kept in any part of the project except that pets other than cats and dogs may be allowed with the prior written approval of the Board of Directors or the Managing Agent, which approval may be revoked at any time at the discretion of the Board of Directors; and (2) cooking and fires of any kind are prohibited on balconies and no fireworks of any sort shall be set off on balconies.

OWNERSHIP OF TITLE: Title to the land is vested in Carissa, Inc., a Hawaii corporation, and Mortgage Processors, Inc., a Hawaii corporation, as Tenants in Common. The Owner's Policy of Title Insurance dated July 23, 1981, issued by Title Insurance Company of Minnesota and a Preliminary Report dated September 15, 1981 issued by Founders Title & Escrow of Hawaii confirms such ownership.

ENCUMBRANCES AGAINST TITLE: Said Owner's Title Insurance Policy and said Preliminary Report report that title to the land is subject to the following:

1. Title to all minerals and metallic mines reserved to the State of Hawaii.

2. Condominium Map No. 816, recorded in the Bureau of Conveyances of the State of Hawaii.

3. Covenants, conditions, restrictions, reservations, agreements, obligations, provisions, easements and by-laws set forth in the Declaration of Horizontal Property Regime dated and effective as of July 23, 1981, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15706, at Page 536; said Declaration being amended by instrument dated September 10, 1981, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15813, at Page 700.

4. Any and all easements encumbering the apartments herein mentioned, and/or the common interest appurtenant thereto, as created by or mentioned in said Declaration, and/or as delineated on said Condominium Map.

5. Mortgage dated July 22, 1981, from Carissa, Inc., a Hawaii corporation, and Mortgage Processors, Inc., a Hawaii corporation, as Mortgagor, to City Bank, a Hawaii corporation, as Mortgagee, recorded as aforesaid in Book 15706, at Page 566, to secure the payment of \$650,000.00.

6. An undated Financing Statement made by and between Carissa, Inc., a Hawaii corporation, and Mortgage Processors, Inc., a Hawaii corporation, as Debtors, to City Bank, a Hawaii corporation, as Secured Party, recorded as aforesaid in Book 15706, at Page 574.

7. Mortgage dated July 21, 1981, from Carissa, Inc., a Hawaii corporation, and Mortgage Processors, Inc., a Hawaii corporation, as Mortgagor, to Chong Hee Mizuta, wife of Charles Takafumi Mizuta, as Mortgagee, recorded as aforesaid in Book 15706, at Page 575, to secure the payment of \$243,750.00.

8. For any taxes that may be due and owing, reference is made to the Office of the Tax Assessor, Finance Department.

Note: The land upon which the project is located is within the "Urban Renewal Plan for the Honolulu Project" (Project No. Hawaii R-11) adopted by the Honolulu Redevelopment Agency on February 29, 1972, and must be conveyed or otherwise dealt with in accordance with said Urban Renewal Plan, as disclosed by Affidavit of Albert Jeremiah, Jr., Legal Counsel of the Honolulu Redevelopment Agency, dated July 17, 1973, recorded in the Bureau of Conveyances of the State of Hawaii in Book 9316, at Page 407.

NOTE: In addition to the above easements, the Owners reserve unto themselves any and all easements required to serve the project, and all rights-of-way now or hereafter granted or required to construct, install, operate, maintain, repair and replace lines and other transmission facilities and appurtenances for electricity, gas, telephone, water, sewer, drainage, radio and television signal distribution and other services and utilities over,

across and under said easements according to the respective designations thereof, the right to enter for such purposes, and to trim any trees in the way of such lines and the right to grant to any public utility or governmental authority such easements, rights and rights-of-way.

PURCHASE MONEY HANDLING: A copy of the specimen Sales Contracts and the executed Escrow Agreement dated September 23, 1981, have been submitted as part of the registration. The Escrow Agreement identifies Founders Escrow Corporation, doing business as Founders Title & Escrow, as the Escrow. Upon examination, the specimen Sales Contracts and the executed Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes, as amended.

Among other provisions, the Sales Contract provides: (1) that in the event less than 75% of the apartments in the Project are sold six (6) months after the issuance of the Final Public Report by the Real Estate Commission, Seller at its option may terminate the Sales Contract and refund all payments made by the Buyer without deduction or interest; (2) that the "Buyer agrees that all of the rights of Buyer pursuant to the terms and conditions of this sales contract are and shall be subject and subordinate to the lien of any mortgage heretofore or hereafter made to finance the cost of construction and other costs during construction and to any and all advances made thereon; and to any and all sums which may become a lien pursuant to the terms of such mortgage or any other agreement relating to such mortgage. The subordination of Buyer's rights as herein provided shall be self-operating and no further instrument of subordination shall be required. In confirmation of such subordination, Buyer agrees to promptly execute and deliver any instrument that the holder of such mortgage or its successors in interest may require to evidence such subordination, and Buyer hereby irrevocably appoints any such instrument on behalf of Buyer, should Buyer refuse or fail to do within five (5) days after request is made"; and (3) that Buyer is aware that the building was constructed in 1968; that the building was formerly used as rental units; and that each apartment is sold in its used "as is" condition.

It is incumbent upon the purchaser and prospective purchaser that he read with care the Sales Contract and the executed Escrow Agreement. The latter 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 disbursement of said funds.

MANAGEMENT AND OPERATIONS: The Declaration discloses that the administration of the project shall be vested in the Association of Apartment Owners. Operation of the project shall be conducted for the Association by a responsible corporate Managing Agent who shall be appointed by the Association in accordance with the By-Laws except that the initial Managing Agent shall be appointed by the Developer. Go Properties, Inc., 745 Fort Street, Suite 1001, Honolulu, Hawaii 96813, has been named as the initial Managing Agent.



STATUS OF PROJECT: The project was completed in February, 1968, as evidenced by a copy of the Notice of Completion filed on February 29, 1968, in the Circuit Court of the First Circuit of the State of Hawaii.

The Developer has advised the Commission that the Building was previously used as rental units prior to conversion to a condominium project. All apartments are sold in their used "as is" condition.


A letter dated February 25, 1981, from the Building Department, City and County of Honolulu lists certain questions regarding whether the building met all code requirements at the time it was constructed and that no variances or special permits were granted to allow deviations from any applicable codes. The developer has certified that the items questioned in said letter will be corrected prior to the conveyance of the apartment and that the condominium map filed confirms this.

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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 September 25, 1981.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1461 filed with the Commission on September 25, 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 white.

  
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. 1461  
October 16, 1981