

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION

DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS

STATE OF HAWAII

1010 RICHARDS STREET

P. O. BOX 3469

HONOLULU, HAWAII 96801

## FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

LILIUOKALANI GARDENS AT WAIKIKI  
300 Wai Nani Way  
Honolulu, Hawaii

REGISTRATION NO. 1518

### 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: March 29, 1983

Expires: April 29, 1984

#### SPECIAL ATTENTION

A comprehensive reading of this report is urged in order that the 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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED OCTOBER 8, 1982, AND INFORMATION FILED AS OF MARCH 22, 1983. DEVELOPER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND SUBMITTING INFORMATION ON THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report on

Registration No. 1518, dated November 1, 1982, the Developer has forwarded additional information reflecting changes that have been made in the documents for the Projects.

2. The Developer of the Project has submitted to the Commission for its examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.
3. The Developer reports that the Declaration of Horizontal Property Regime and the Bylaws of the Association of Apartment Owners have been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document Nos. 1155070 and 1155071, respectively, and noted on Transfer Certificate of Title No. 216,296. The approved floor plans have been filed as Condominium Map No. 481 in the Office of the Assistant Registrar of the Land Court.
4. Advertising or promotional materials have been submitted to the Commission.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, and the Rules and Regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Final Public Report expires thirteen (13) months from the date of issuance, March 29, 1983 unless a Supplementary Public Report issues, or the Commission, upon review of the registration, issues an order extending the effective date of this report.
7. This Final Public Report is made a part of the registration of LILIUO-KALANI GARDENS AT WAIKIKI. The Developer has the responsibility of placing a true copy of this Final Public Report (white paper stock) and the Preliminary Public Report (yellow paper stock) together with the revised Disclosure Abstract in

the hands of all purchasers and securing a signed copy of the receipt therefor from each purchaser.

Except for the information under the topical headings below, there has been no other changes to information provided in the Preliminary Public Report.

LOCATION: The Project has now been assigned a street address of 300 Wai Nani Way, Honolulu, Hawaii.

ZONING: Apartment Precinct under the Waikiki Special Design District Ordinance of the City and County of Honolulu. The zoning for the Project has not changed, however, prospective purchasers are cautioned that an ordinance of the City and County of Honolulu implementing Hawaii's time sharing law does not authorize for the "Apartment Precinct" in Waikiki either time sharing or "transient vacation rentals" which is defined by law and ordinance as rentals "to visitors over the course of one or more years, with the duration of occupancy less than thirty days for the transient occupant." No one should purchase an apartment with the intention to use it for time sharing or transient vacation rental use.

DESCRIPTION OF PROJECT: The model H, H1 and PH-H1 apartments were not fully described in the Preliminary Public Report. These apartments consist of one bedroom, one bathroom, a living/dining area and kitchen. Each model PH-H1 apartment is on the 25th floor and includes a rooftop lanai. With respect to the PH-G apartments, these split-level apartments are as earlier described, however, the bedrooms and two bathrooms are on the 25th floor and the living/dining area, kitchen and half bathroom are on the 24th floor. These apartments also have rooftop lanais. The Preliminary Public Report referred to 10 basic model types. Counting each basic variation separately there are in fact 14 different model types.

The square footage of each of the commercial apartments has been changed. Commercial Apartment 1 will be 468 square feet, Commercial Apartment 2 - 973 square feet and Commercial Apartment 3 - 423 square feet. Commercial Apartment 2 has been enlarged and now occupies the mauka end of Tower II rather than just the Diamond Head-makai corner.

COMMON ELEMENTS: The Declaration has been revised to specifically refer to the "fan coil units" and recreation deck as Common Elements.

LIMITED COMMON ELEMENTS: The parking and loading areas in the Ewa-mauka corner of the first level of the parking structure have been combined into a single Limited Common Element appurtenant to Commercial Apartment 1. In addition to the other Limited Common Elements described in the Preliminary Public Report, storage rooms on the first floor of Tower I and on the 25th floor of Tower II will be Limited Common Elements appurtenant to Commercial Apartment 1.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED: Because the floor areas of the Commercial Apartments have changed the common interests for the Commercial Apartments have been adjusted. The new common interests provided for in the Declaration are as follows:

1. Commercial Apartment 1 - 0.6007%;
2. Commercial Apartment 2 - 0.4992%; and
3. Commercial Apartment 3 - 0.2173%.

Allocation of common interest to the Commercial Apartments has been based on their respective floor areas together with 30% of the interior area of the Limited Common Elements appurtenant to Commercial Apartment 1. Commercial Apartment 2 and Commercial Apartment 3 do not enjoy Limited Common Elements. The Developer believes this method of allocation is fair and equitable as it is primarily based on apartment floor area and because the Limited Common Element areas are largely non-contiguous storage space.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: A specific provision has been added to the Declaration to forbid use of the apartments for time sharing purposes. Local zoning restrictions with respect to time sharing and transient vacation rental use are described above under "Zoning" in this Final Public Report. The specific provision is as follows:

(f) No Time Share Interests shall be created or established out of any Apartment or Apartments in the Project and no offering, sale or transfer of any Time Share Interest in an Apartment or Apartments shall be made by any person. No Owner shall sign any Time Share Instruments pertaining to any Apartment in the Project. The terms "Time Share Interest" and "Time Share Instrument" as used in this paragraph shall have the meaning given them in Section 514E-1, Hawaii Revised Statutes, as amended.

ENCUMBRANCES: The Preliminary Title Report dated March 17, 1983 issued by Title Guaranty of Hawaii, Inc. discloses that the property is subject to the following encumbrances:

1. Declaration of Restrictive Covenants (Private Park) dated October 28, 1982 made by the Trustees of the Liliuokalani Trust and Haseko Development, Inc. and filed as Land Court Document No. 1143109.
2. Lease dated November 1, 1982 by and between the Trustees of the Liliuokalani Trust and Haseko Development, Inc. filed as Land Court Document 1138467.

3. Declaration of Horizontal Property Regime of Liliuokalani Gardens at Waikiki dated March 1, 1983, filed as Land Court Document No. 1155070.
4. Bylaws of the Association of Apartment Owners of Liliuokalani Gardens at Waikiki dated March 1, 1983 filed as Land Court Document No. 1155071.
5. Terms, conditions and provisions contained in that certain Trust Deed of Liliuokalani, dated December 2, 1909, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 319, at Page 447, as amended by instruments dated April 20, 1910, recorded in said Bureau in Liber 335, at Page 8; dated October 10, 1911, recorded in said Bureau in Liber 350, at Page 369, and dated September 2, 1915, recorded in said Bureau in Liber 422, at Page 429.
6. Reservation in favor of the State of Hawaii of mineral and metallic mines affecting all of Lot 5, except for that portion of said Lot 5, as shown on said Map 1, to be within Lot 3, Block H, of Land Court Application No. 1865, and for those portions of the said Lot 5, as shown on Map 1 of Land Court Application No. 1865 to be portions of Grant 7856 to Mrs. Keliihanani Kaloa, and Grant 9578, Parcel B to Chun Kim Sut.
7. Taxes that are due and owing; reference is made to the Finance Director, City and County of Honolulu.

NOTE: Easements A, B and C which are sewer easements described in the Preliminary Public Report were cancelled by an Order of the Land Court of the State of Hawaii filed on February 17, 1983.

MANAGEMENT AND OPERATION: Developer anticipates selecting Chaney, Brooks & Company as Managing Agent for the project rather than the managing agent identified in the form of disclosure abstract attached to the Preliminary Public Report. A revised operating budget and breakdown of maintenance fees prepared by the managing agent are attached to this Final Public Report and replace those attached to the Preliminary Public Report.

NOTE: The Declaration, Bylaws and Apartment Lease have been revised in numerous technical respects from the forms originally filed with the application for the Preliminary Public Report. Any person who has reviewed the earlier forms may wish to inspect the revised documents.

-----

The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted October 8, 1982 and information subsequently filed on March 22, 1983.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1518 filed with the Commission on October 8, 1982.

The Report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be white in color.



G. A. "Red" Morris, Chairman  
Real Estate Commission  
State of Hawaii

Distribution:

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

Registration No. 1518

Dated: March 29, 1983