

**LANIAKEA APARTMENTS**  
**DECLARATION OF HORIZONTAL PROPERTY REGIME**

WHEREAS, LANIAKEA, INC., a Hawaii corporation, hereinafter called the "Developer", owns in fee simple all of that certain parcel of land situate in Kalia, Waikiki, Honolulu, City and County of Honolulu described as follows:

Lot 118, area 13,116 square feet as shown on Map 49 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 852 of Bishop Trust Company, Limited, Trustee, and being all of the land described in Transfer Certificate of Title No. 76,522 issued to the Developer herein. +

WHEREAS, there is presently constructed on the above-described parcel of land, a three-story apartment building containing a total of twenty-seven (27) one-bedroom apartment units and one (1) three-bedroom apartment unit in accordance with the plans incorporated herein by reference and filed in the Office of said Assistant Registrar as Condominium Map No. 21.

NOW, THEREFORE, in order to create a condominium project consisting of said parcel of land and the improvements thereon, hereinafter called the "project" and to be known as the "LANIAKEA APARTMENTS", the Developer hereby submits said parcel of land and the improvements thereon to the provisions of Chapter 170A Revised Laws of Hawaii 1955, as amended and do hereby establish a horizontal property regime with respect to said property.

**A. Description of building:**

The building and improvement constructed in accordance with plans incorporated herein by reference and filed with the Office of said Assistant Registrar as Condominium Map No. 21

is a three-story concrete block building, covering approximately 4,816 square feet of ground space and containing twenty-seven (27) one-bedroom apartment units and one (1) three-bedroom apartment unit. The first floor of the building contains seven (7) one-bedroom apartment units, one (1) three-bedroom apartment unit, one (1) laundry room, one (1) closet room, and one (1) office space. The second and third floor each contains ten (10) one-bedroom apartment units. There are fourteen (14) parking stalls on the ground area.

**B. Apartments:**

The apartments in the building are located as shown on said condominium map and are numbered as follows:

**First (ground) floor:**

One-bedroom - 1, 2, 3, 4, 6, 7, and 8	Three-bedroom 5
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**Second floor:**

One-bedroom - 20, 21, 22, 23, 24,  
25, 26, 27, 28, and  
29

**Third floor:**

One-bedroom - 30, 31, 32, 33, 34,  
35, 36, 37, 38, and  
39

The one-bedroom units contains approximately 476 square feet in total area and includes the following: living room, kitchen, one-bedroom, closet, and a bathroom. In addition each unit has a lanai located to the rear of, and in the back of, each apartment containing an area of approximately 85 square feet. There is a storage room at the end of each lanai. The one (1)

three-bedroom apartment unit has a living room, kitchen, three bedrooms, closets and two bathrooms, containing an area of approximately 1025 square feet together with the office space adjoining thereto which contains an area of approximately 189 square feet. In addition it has a rear lanai containing an area of approximately 257.5 square feet. There is a storage room at the end of the lanai.

Each of the apartments on the first floor has a ground area located to the rear of, and adjoining, the rear lanai. Apartment No. 1 has approximately 175.9 square feet of such ground area; Apartment No. 2 has approximately 194.95 square feet of such ground area; Apartment No. 3 has approximately 218.68 square feet of such ground area; Apartment No. 4 has approximately 249.91 square feet of such ground area; Apartment No. 5 has approximately 240.33 square feet of such ground area; and each of Apartment Nos. 6, 7 and 8 has approximately 79.33 square feet of such ground area.

Each of the apartment units on the first floor will have immediate access to a concrete walkway immediately adjacent to the parking area. Each of the apartment units on the second and third floors will have immediate access to a concrete walkway leading to stairs in the building.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as

hereinafter provided. Each apartment shall be deemed to include all the walls and partitions which are not load bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, including plaster, paint, wall-paper, floor covering, and all appliances and built-in fixtures.

C. Additions to or alterations of an apartment:

No apartment owner shall do any work prohibited by Section 170A-8, Revised Laws of Hawaii 1955, as amended; provided, however, that additions to or alterations of an apartment made within such apartment or within a limited common element appurtenant to and for the exclusive use of such apartment shall require approval by the Board of Directors of the Association of Apartment Owners and one-third of the apartment owners.

D. Description of common elements:

A freehold estate consisting of all remaining portions of the project, being described and referred to herein as "common elements", which definition includes the residential building and the property on which it is located and specifically includes, but is not limited to:

1. The above-described land.
2. The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, entrances and exits of the building.
3. Flat roof, service and yard areas, except areas actually reserved, parking areas, parking driveways, trash and garbage areas.

4. Central and appurtenant installations for services such as power, light, gas, hot and cold water, and like utilities,

5. Laundry, storage rooms and facilities.

6. All other parts of the property existing for the common use or necessary to the existence, maintenance and safety of the building.

**E. Limited common element:**

Certain parts of the common elements, herein called and designated as "limited common elements", are hereby set aside and reserved for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto an exclusive easement for the use of such limited common elements. The limited common elements so set aside and reserved are as follows:

1. The ground area located between the edge of the rear lanai of each apartment on the first floor and the property boundary line of the above-described land, as more fully described in Paragraph B above, shall be appurtenant to and for the exclusive use of each apartment adjoining such ground area.

**F. Proportion of undivided interest in common elements:**

Each owner of an apartment unit, whether owned jointly or singly, shall have an undivided one-twenty-eighth (1/28th) interest in and to the land, building, and the common elements herein described. For purposes of voting on all matters requiring action by the apartment owners, there shall be twenty-eight (28) votes, the number of votes being determined by the number of

apartments. There shall be one vote for each such apartment, whether owned jointly or singly.

**G. Purpose of building and restrictions as to use:**

Each apartment shall be used for residential purposes unless such other uses are authorized by the Association of Apartment Owners in accordance with the terms of this Declaration, by-laws of the Association of Apartment Owners and the house rules, as they exist or as they may be amended from time to time, and each owner shall observe, comply with, and perform, all rules, regulations, ordinances and laws made by the Board of Health and any other governmental authority of the municipal, state and federal government applicable to the premises.

**H. Service of process:**

The person who shall receive service of process shall be Mrs. Rose P. Kaneapua, whose residence and post office address is Apartment No. 5, 369 Hobron Lane, Honolulu, Hawaii.

**I. Percentage of votes by apartment owners to determine whether to rebuild, repair, or restore the building:**

In the event of damage or destruction of all or part of the building, the owners shall determine whether said building shall be rebuilt, repaired or restored by a vote of not less than seventy-five per cent (75%) of all of the apartment owners based on the proportionate ownership as defined in Paragraph F above.

**J. Amendment of declaration:**

The declaration herein may be amended by the Developer prior to the sale or lease of the premises herein described or by

a vote of not less than seventy-five per cent (75%) of all of the apartment owners based on the proportionate ownership as defined in Paragraph F above.

K. Assessments, charges and taxes:

Any owner shall pay all assessments, charges and outgoings of every kind and nature in the manner provided in this Declaration or in the by-laws of the Association of Apartment Owners; provided, that each owner or occupant of any unit shall bear the charges, whether for taxes, utilities and other outgoings as may be separately charged or assessed against each such owner or occupant as by law provided.

IN WITNESS WHEREOF, LANIAKEA, INC., has executed this Declaration on this 23<sup>rd</sup> day of December, 19 65.

LANIAKEA, INC.

By Rose P. Kaneohe  
Its President

By George L. K. Kalanishelmi  
Its Treasurer  
Developer

STATE OF HAWAII )  
CITY AND COUNTY OF HONOLULU ) ss.

On this 23<sup>rd</sup> day of December, 19 65, before me personally appeared Rose P. Kaneohe and George L. K. Kalanishelmi; to me personally known, who, being by me duly sworn, did say that they are President and Treasurer, respectively of LANIAKEA, INC.

the corporation named in the foregoing instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and said Rose P. Kanagawa and George L. K. Kalumohana severally acknowledged the instrument to be the free act and deed of said corporation.

James Kama  
 Notary Public, First Judicial  
 Circuit, State of Hawaii.

My commission expires 9-27-67