

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

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**PRELIMINARY
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT**

on
HALE KAI O'KIHEI
Uluniu Road
Waiohuli-Keokea Beach Lots, Kihei, Kula
Island and County of Maui
Hawaii

REGISTRATION NO. 169

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 but may only take reservations therefore after

- (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.

Reservations for the purchase of any unit in the Condominium Project may be taken under an agreement for sale providing the Developer complies with the Commission's Declaratory Order No. 1 of December 14, 1965.

July 10, 1967

SPECIAL ATTENTION

A comprehensive reading of the 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 MAY 5, 1967.

1. HALE KAI O'KIHEI is a proposed fee simple condominium project consisting of thirty (30) dwelling units arranged throughout a single building of three (3) floors. There are thirty (30) parking stalls available, according to the Developer's intention to sell.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the proposed condominium project and the issuance of this Preliminary Public Report.
3. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners, and copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration submitting Deeds to Horizontal Property Regime made March 15, 1967, with By-Laws of the Association of Apartment Owners attached, was filed on April 24, 1967 in the Bureau of Conveyances, State of Hawaii, in Liber 5639, at Page 193.

Condominium Map No. 85 has been assigned the project.

4. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 170A, Revised Laws of Hawaii 1955 (as amended), and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

NAME OF PROJECT: HALE KAI O'KINEI

LOCATION: The approximate 0.612 acre of land committed to the regime is situated on Uluniu Road, makai (west) of the main government road, Piilani Highway, at Waiohuli-Keokea Beach Lots, Kihei, Kula, Island and County of Maui, Hawaii. The property in question is approximately 14.0 miles from the town of Wailuku, the county seat.

TAX KEY: SECOND DIVISION 3-9-08-3

ZONING: Apartment

DEVELOPER: The individual, David P. Ting, 1744 E. Kaahumanu Avenue, Wailuku, Maui, Hawaii. Telephone (Maui) 334-695.

ATTORNEY REPRESENTING DEVELOPER: Meyer M. Ueoka, 2121 Main Street, Wailuku, Maui, Hawaii. Telephone (Maui) 33761.

DESCRIPTION: A three-story residential building covering the ground space of about 8,138 square feet will be erected on the 0.612 acre of land committed to the regime. It will contain thirty (30) apartments and each apartment will have exclusive use of a designated parking space. The building will be constructed of reinforced concrete. The building will contain ten (10) apartments on each of its three floors consisting of eight (8) one-bedroom and two (2) two-bedroom apartments on each floor. The twenty-four (24) one-bedroom units will each have approximately 616 square feet in area, containing one bedroom, a combination living room-dining room area, a kitchen, a bathroom, and a lanai. The six (6) two-bedroom units will each have approximately 915 square feet in area, containing two bedrooms, a combination living room-dining room area, a kitchen, two bathrooms and a lanai.

The immediate common elements to which each apartment has access will be a hall or passageway. Numbering of each apartment is as follows:

First Floor: 101, 102, 103, 104, 105, 106, 107, 108, 109 and 110

Second Floor: 201, 202, 203, 204, 205, 206, 207, 208, 209 and 210

Third Floor: 301, 302, 303, 304, 305, 306, 307, 308, 309 and 310

Apartment numbers, the third digit of which ends in the number "5" or "6" shall be two-bedroom apartments. All other apartments will be one-bedroom apartments.

COMMON ELEMENTS: The specimen Declaration of Horizontal Property Regime identifies the following as common elements: (a) undivided fee simple interest in the land; (b) all foundations, columns, girders, beams, supports, bearing walls, roof, balconies, lobbies, hallways, stairs, walkways, entrance and exits of said building; (c) parking area, driveways, yard and refuse area; (d) all ducts, electrical equipment, wiring and other central and appurtenant installations for services including power, light, water, refuse and telephone; (e) switchroom and transformer vault; (f) trashrooms; and (g) storage rooms and all other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the building or the project.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, called and designated "limited common elements" in the specimen Declaration are set aside and reserved for the exclusive use of certain apartments and such apartments will have appurtenant thereto an exclusive easement for the use of such limited common elements. Said limited common elements set aside and reserved are as follows: (a) one parking space designated by number will be assigned to each apartment and will be for the exclusive use of such apartment; and (b) entry hallway adjoining an apartment or apartments will be appurtenant to and for the exclusive use of such apartment or apartments which it adjoins.

INTEREST TO BE CONVEYED PURCHASER: The specimen Declaration reflects that percentage of the undivided interest in the common elements pertaining to each apartment and its owner for all purposes, including voting, is as follows:

One-bedroom apartments: 3.030% for each (24 units)

Two-bedroom apartments: 4.545% for each (6 units)

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The purpose for which the apartments are intended and restricted as to use is residential, but this will not be construed to prohibit the renting or leasing of said apartments for profits, individually or otherwise, so long as the ultimate tenant thereof uses the apartment as a place in which to reside as distinguished from a place in which to carry on a trade or business.

OWNERSHIP TO TITLE: The Notice of Intention states, and the Certificate of Title prepared April 26, 1967 by the licensed title abstractor, Title Guaranty of Hawaii, Incorporated, a Hawaii corporation, verifies that title to the land is vested in David P. Ting, husband of Elsie Y. Ting.

ENCUMBRANCES AGAINST TITLE: The title search document identifies the following: Mortgage, dated May 21, 1964 filed in Vol. 4756, Page 576 at the office of the recording officer in favor of the Bank of Hawaii, a Hawaii corporation, Declaration of Horizontal Property Regime, dated March 15, 1967, by David P. Ting dba HALE KAI O'KIHEI, Developer, filed in Vol. 5639, Page 193 of said recording office.

PURCHASE MONEY HANDLING: An Escrow Agreement dated May 11, 1967 has been executed and a copy of same filed with the Commission. The Escrow Agent is the Bank of Hawaii. Upon examination, the specimen Purchase Agreement for Apartment and the executed Escrow Agreement are found to be in consonance with the Commission's Declaratory Ruling No. 1, dated December 14, 1965.

It is incumbent upon the purchaser and prospective purchaser that he reads the Purchase Agreement for Apartment and the executed Escrow Agreement. The latter establishes how the proceeds from the sale of dwelling units and funds from other sources are placed in trust, as well as the retention and disbursement of said trust funds.

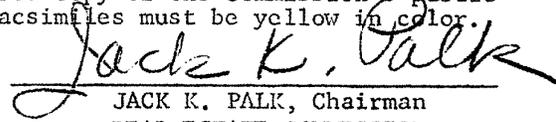
MANAGEMENT AND OPERATIONS: Administration of the project, as proposed in the specimen Declaration, will be vested in the Association of Apartment Owners. The proposed By-Laws of the Association of Apartment Owners grant the Board of Directors the powers and duties necessary for the administration of the affairs of the Association. The Board of Directors may employ for the Association a management agent or manager. No property management agent or manager has been identified as at the date of the issuance of this Preliminary Public Report.

STATUS OF PROJECT: No construction contract has been executed although the Developer in his notice of intention to sell has identified a contractor. A 75% performance bond will be required on the project, according to the Developer. Construction is to commence as soon as the condominium project has been authorized. Correspondence is on file with the Commission affirming that the plans and specifications meet all the Codes and Ordinances of the County of Maui and that a building permit will issue.

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 May 5, 1967.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 169 filed with the Commission on May 5, 1967.

The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be yellow in color.


JACK K. PALK, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

REB:sw

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