

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

424 SO. BERETANIA STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

ON

MAUI SANDS II

Honokawai, Lahaina  
Island and County of Maui

REGISTRATION NO. 189

### 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.

Issued: March 14, 1968

Expires: April 14, 1969

#### SPECIAL ATTENTION

A comprehensive reading by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED DECEMBER 6, 1967 AND INFORMATION SUBSEQUENTLY FILED MARCH 8, 1968. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO PRESELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT AND AMENDMENTS THERE TO BY ACT 244 (L. 1967) EFFECTIVE JUNE 6, 1967.

1. MAUI SANDS II is a proposed leasehold condominium project consisting of twenty (20) dwelling units arranged throughout a two-story building. Twenty (20) parking stalls are available pursuant to Agreements dated February 28, 1967 and December 7, 1967 with Association of Apartment Owners of MAUI SANDS I.
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, 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.

Copy of Master Lease between Elizabeth Cockett Robinson and Peninsula Development-Hawaii, Incorporated, dated July 12, 1966 filed in the office of the Assistant Registrar of the Land Court as Land Court Document No. 397665.

Copy of Declaration of Horizontal Property Regime between Elizabeth Cockett Robinson, Peninsula Development-Hawaii, Incorporated, and Harry John Tiedeman dated November 21, 1967, with By-Laws of the Association of Apartment Owners attached, filed in the office of the Assistant Registrar of the Land Court as Document No. 433168.

The Assistant Registrar of the Land Court has designated the floor plans as Condominium Map No. 54 in the Land Court.

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, particularly by ACT 244, L. 1967, effective June 6, 1967) and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
6. If the Final Public Report is not issued within one (1) year from the date of this Preliminary Public Report, March 14, 1968, purchasers and prospective purchasers shall be entitled to refund of all monies paid without further obligation.

NAME OF PROJECT: MAUI SANDS II

LOCATION: The approximate 19,630 square feet of land committed to the regime is situated on the makai (westerly) side of Honoepilani Highway at Honokawai, on the northwest side of the island about five (5) miles from the town of Lahaina and thirty-three (33) miles from the county seat of Wailuku along State Highway Number 30, a paved principal island road.

TAX KEY: SECOND DIVISION 4-4-01-71

ZONING: Apartment

DEVELOPER: Dr. Harry John Tiedeman, 367 Front St., Lahaina, Maui. Telephone (Maui) 363-298.

ATTORNEY REPRESENTING DEVELOPER: H. William Burgess, 692 Alexander Young Building, Honolulu, Hawaii. Telephone 562-315.

DESCRIPTION: Twenty separately designated and described freehold estates consisting of the spaces enclosed by and within the perimeter walls, floors and ceilings and the adjacent lanais of each of the twenty apartment units contained in the apartment building of the project which spaces, defined and referred to in the Declaration as apartments.

The building to be constructed will cover approximately 5,455 square feet of ground space and will be a two-story building, principally of concrete and concrete block construction, with wood roof, without basement and with ten apartments on each floor. The apartments will be numbered in a makai to mauka direction, 1 through 10 on the first floor and 11 through 20 on the second floor. Each apartment will contain one bedroom, one bathroom, one kitchen and one living-dining area. The immediate common elements to which each apartment shall have access will be the corridors or hallways on the ground floor and the corridors or hallways on the second floor leading to the stairways. Apartments 1, 10, 11 and 20 shall each contain a floor area of approximately 638 square

feet together with a lanai of a floor area of approximately 102 square feet. Each of the other apartments shall contain a floor area of approximately 602 square feet together with a lanai of a floor area of approximately 102 square feet. The apartment building and each of the apartments are as more particularly located and described on the floor plans attached to Condominium Map No. 54 in the Land Court.

COMMON ELEMENTS: The Declaration states the common elements consist of a freehold estate of all the remaining portions of the project specifically including, but not limited to: (a) the land described and all easements appurtenant thereto; (b) all foundations, floor slabs, columns, girders, beams, supports, main walls, roofs, halls, walkways, corridors, stairs, stairways, fire escapes and entrances and exits of the apartment building; (c) all yards, grounds, landscaping, mail boxes and refuse facilities; (d) all parking areas, access drives and roadways; and (e) all central and appurtenant installations including all pipes, ducts, wires, hot water heaters, electrical equipment, cables, conduits, meters and other utility lines for services such as power, light, gas, water, sewer and telephone distribution.

LIMITED COMMON ELEMENTS: Certain parts of the common elements called "limited common elements" are designated and set aside for the exclusive use of certain apartments and such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows: (a) the walkway containing an area of approximately 288 square feet on the second floor at the makai end of the building shall be appurtenant and for the exclusive use of apartment No. 11. The walkway containing an area of approximately 288 square feet on the second floor at the mauka end of the apartment building shall be appurtenant to and for the exclusive use of apartment No. 20. The paved walkway on the ground floor at the makai end of the apartment building containing an area of approximately 288 square feet shall be appurtenant to and for the exclusive use of apartment No. 1. The paved walkway on the ground floor at the mauka end of the apartment building containing an area of approximately 288 square feet shall be appurtenant to and for the exclusive use of the apartments on the second floor.

INTEREST TO BE CONVEYED PURCHASER: Each apartment shall have appurtenant thereto an undivided five (5.00%) percentage interest (1/20th fractional interest) in the common elements, such interest being defined and referred to as the "common interest". The common interest, the proportionate shares in the profits and common expenses of the project and the proportionate representation for voting purposes in the Association of Apartment Owners of the project, shall be in said percentage or fraction for each apartment.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: Each apartment shall be used only as a place of dwelling and in accordance with the 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.

OWNERSHIP TO TITLE: The Notice of Intention states that Elizabeth Cockett Robinson, R.R. 1, Box 474, Lahaina, Maui, Hawaii, is vested with the fee simple title. The Supplemental Lien Letter Report, certified to by the abstractor, Security Title Corporation, a Hawaii corporation, on November 30, 1967 verifies the information filed by the Developer.

ENCUMBRANCES AGAINST TITLE: The Developer advises that there are no encumbrances. The title report shows: Reservation of all mineral or metallic mines of every description in favor of the State of Hawaii, as set forth by Land Court Order No. 26931, filed April 5, 1967. Lease - the terms and provisions of that certain Lease dated July 12, 1966, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 397665, made by and between Elizabeth Cockett Robinson, wife of Arnett Gordon Matthew Robinson, as "Lessor", and Peninsula Development-Hawaii, Incorporated, a Washington corporation, as "Lessee", for a term of 51 years commencing from the first day of July 1966 and ending on June 30, 1967. Taxes - Real Property Taxes 1967 paid. Declaration of Horizontal Property Regime and By-Laws between Elizabeth Cockett Robinson,

Peninsula Development-Hawaii, Incorporated, and Harry John Tiedeman dated November 21, 1967, filed in the office of the Assistant Registrar of the Land Court as Document No. 433168, and the floor plans of the building designated by the Assistant Registrar of the Land Court as Condominium Map No. 54.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement, made December 5, 1967 between First National Bank of Hawaii, as "Escrow", and Harry J. Tiedeman, the Developer, as "Seller", has been submitted to the Commission as part of the registration. On examination the specimen Reservation Agreement and the executed Escrow Agreement are found to be in compliance with Chapter 170A, Revised Laws of Hawaii, and particularly Sec. 170A-33., and Sec. 170A-33.1 through Sec. 170A-33.5 as incorporated in the Horizontal Property Act through ACT 244 (L. 1967) effective June 6, 1967.

It is incumbent upon the purchaser and prospective purchaser that he reads, with care, the Reservation Agreement and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of units and all sums from any source are placed in trust, as well as the retention, disbursement, and refund of said trust funds.

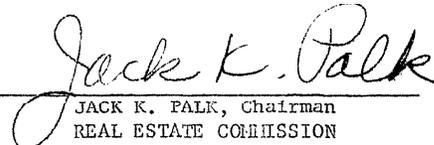
MANAGEMENT AND OPERATIONS: Under the proposed By-Laws of the Association of Apartment Owners, the Board of Directors is charged with employing a responsible person or corporation as managing agent to manage and control the project as set forth in the by-laws or regulations. The declarant states that until the Association of Apartment Owners selects a manager, Harry J. Tiedeman will perform these duties.

STATUS OF PROJECT: The Developer anticipates commencing construction after the Final Public Report issues and within sixty (60) days after sales of at least eighteen (18) units. A copy of the building contract entered into May 12, 1967 between Harry J. Tiedeman, Developer, as "Owner", and Fuku Construction, Inc., a Hawaii corporation, as "Contractor", has been submitted as part of the registration.

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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 December 6, 1967 and additional information subsequently filed as late as March 8, 1968.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 189 filed with the Commission on December 6, 1967.

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

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

REB:sw

Distribution:

DEPARTMENT OF TAXATION  
BUREAU OF CONVEYANCES  
PLANNING COMMISSION, COUNTY OF MAUI  
FEDERAL HOUSING ADMINISTRATION  
ESCROW AGENT

March 14, 1968  
Registration No. 189