

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII  
1010 NICHOLSON STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
HONOKOWAI APARTMENTS  
Honokowai, Lahaina  
Island and County of Maui  
Hawaii

REGISTRATION NO. 214

### 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 10, 1968  
Expires: November 10, 1969

#### 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 JULY 19, 1968 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS LATE AS OCTOBER 9, 1968. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW AND AMENDMENTS THERETO BY ACT 244 (L. 1967) EFFECTIVE JUNE 6, 1967.

1. The registration is in compliance with the requirements of the law and regulations. The Developer has given the Commission adequate information on his intention to offer the described and existing dwelling units for sale.
2. HONOKOWAI APARTMENTS is an existing residential apartment operation being converted to a fee simple condominium project of thirty (30) dwelling units arranged throughout three 2-story buildings. Thirty-five (35) parking stalls are available.
3. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.

4. 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 and effective June 6, 1967) and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
5. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.
6. The Developer reports that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of the 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 of Horizontal Property Regime, executed August 30, 1968, with By-Laws attached was filed in the Bureau of Conveyances, State of Hawaii, in Liber 6250, pages 413-475 on October 9, 1968.

The Registrar of Conveyances designated Condominium Map No. 116 to the project.

7. This Final Public Report is made a part of the registration on HONOKOWAI APARTMENTS condominium project. The Developer has the responsibility of placing a true copy of this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt for the Final Horizontal Property Regime Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.
8. This Final Public Report expires thirteen (13) months from the date of issuance, October 10, 1968, unless a supplementary report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: HONOKOWAI APARTMENTS

LOCATION: The approximate 51,201 square feet committed to the regime is located on the mauka (east) side of Honoapiilani Highway at the village of Honokowai, on the northwest side of the island about six (6) miles from the town of Lahaina and thirty-four (34) miles from the county seat of Wailuku along State Highway Number 30, a paved principal road, on the Island of Maui, Hawaii.

TAX KEY: SECOND DIVISION 4-4-1-66

ZONING: Apartment A-3

DEVELOPER: The Notice of Intention identifies the Developer as the individual.

R. G. F. Byington	535 Ocean Avenue Santa Monica, California or RR1, Box 354C Lahaina, Maui, Hawaii 96761
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ATTORNEY REPRESENTING DEVELOPER: Pratt, Moore, Bortz & Case (Attention: Mr. Ted G. Clause), 11th Floor, First National Bank Building, P. O. Box 494, Honolulu, Hawaii 96809. Telephone 567-261.

DESCRIPTION: The project consists of thirty (30) separately designated and described apartments in three 2-story apartment buildings, a laundry building and a recreation building. Building "A" contains ten (10) 1-bedroom apartments, five on each floor, and is closest to the highway. Building "B" contains ten (10) 2-bedroom apartments, five on each floor, and is the first building east of Building "A". Building "C" consists of ten (10) 1-bedroom apartments,

five on each floor, and is the first building east of Building "B". There are no basements. Each building is constructed of reinforced concrete first floor, with 8 x 8 x 16" reinforced concrete block walls and 8 x 8 x 16" reinforced concrete block walls on the front and back of the building on the first floor. With respect to the apartment building construction: The floor of the second floor is 5/8" plywood with 2 x 3" blocking on 2 x 3" joists with 16" centers. The front and back walls of the second floor apartments are 1-1/4" redwood siding. The walls between all apartments on both floors are 6 x 8 x 16" reinforced concrete block walls. The ceilings in all apartments are 3/4" canec ceilings.

Building "A" One-Bedroom Apartments: All one-bedroom apartments consist of living room, kitchen, lanai, one bedroom, a bathroom, carpets, drapes, furniture and appliances. All one-bedroom apartments in Building "A" contain approximately 533 square feet of usable floor space, including 504 square feet inside and a lanai of approximately 34 square feet.

Building "B" Two-Bedroom Apartments: All two-bedroom apartments consist of a living room, kitchen, two bedrooms, a bathroom, carpets, drapes, furniture and appliances. All two-bedroom apartments contain approximately 605 square feet of floor space.

Building "C" One-Bedroom Apartments: All one-bedroom apartments consist of living room, kitchen, one bedroom, a bathroom, carpets, drapes, furniture and appliances. All one-bedroom apartments in Building "C" contain approximately 504 square feet of floor space.

Each apartment opens directly upon a walkway which walkways are common elements.

COMMON ELEMENTS: The recorded Declaration identifies the common elements of the project as follows: (a) The land as described and committed to the Regime; (b) The foundations, beams, supports, rock and concrete retaining walls, all walls with the exception of the finished surfaces inside each apartment which inside surfaces shall be elements of the respective apartments, the beams and columns of the buildings, and the stairs and stair landings, the entrances and exits to the condominium as follows: The vehicular entry/exit to the parking area, the pedestrian entrances, all other concrete walks, planting areas and gardens giving access to the various buildings, the pedestrian entrances from the parking area and the walkways onto which each apartment directly opens; (c) the roofs, yards, gardens, swimming pools, provided pool equipment, storage areas not specifically included in any apartment, laundry rooms and equipment, maintenance shops and equipment, recreation rooms and equipment, parking stalls and areas (provided, however, that each apartment shall have as a limited common element appertaining thereto the parking stall described in the approved Floor Plans (Condominium Map No. 116) and identified with the number corresponding to the apartment number of apartment similarly described and identified); (d) central and appurtenant installations for services including plumbing, sprinkler system, telephone equipment, electrical installations, television antenna system, trash enclosure, and all ducts and fans; (e) all intangible personal property, choses in action, debts, monies, reserves, funds and other assets held by the Association of Apartment Owners for the benefit of the several apartment owners; and (f) all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use and which are not part of any apartment.

LIMITED COMMON ELEMENTS: The Declaration sets forth the limited common elements as all parking stalls with a number corresponding to the number of an apartment. Each such stall shall appertain to the apartment to which its number corresponds, and shall be located in accordance with Condominium Map No. 116 as recorded.

INTEREST TO BE CONVEYED PURCHASER: The percentage undivided interest in the common elements appertaining to each apartment is established in the Declaration as 3-1/3% common interest. Each such interest is designated the common interest appertaining to each apartment and is referred to in the Declaration as such. The share of each apartment in the common profits and of the common expenses and

and its vote for all purposes in and under the project shall be a portion of the wholes thereof equal to its common interest.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The buildings of the condominium and the apartments therein are intended for and are restricted to use in accordance with the covenants, servitudes and restrictions contained in the Declaration and in the By-Laws of the Association of Apartment Owners and any House Rules as they shall have been amended from time to time.

OWNERSHIP TO TITLE: The Notice of Intention states that ownership of title to the land is vested in R. G. F. Byington, husband of Elizabeth P. Byington, whose residence and post office address is 535 Ocean Avenue, Santa Monica, California. The title evidence report prepared October 4, 1968 by the Abstractor, Long & Melone, Ltd., a Hawaii corporation, verifies that the vestee is as designated.

ENCUMBRANCES AGAINST TITLE: The October 4, 1968 identifies the following: Reservation - to the Hawaiian Government all mineral and metallic mines of every description. Lease - Pioneer Mill Company, Limited, a Hawaii corporation, to Honokowai Development Company, Inc., a Hawaii corporation, dated December 7, 1966, recorded in Liber 5521, page 6, for a term of 40 years from January 1, 1966, to and including December 31, 2005. Mortgage - Honokowai Development Company, Inc., a Hawaii corporation, to The Puget Sound National Bank, dated December 7, 1966, recorded in Liber 5521, page 39, to secure: \$140,000 mortgages above leasehold of December 7, 1966. Assignment of Lease - Honokowai Development Company, Inc., a Hawaii corporation, to R. G. F. Byington, husband of Elizabeth P. Byington, dated April 1, 1968, recorded in Liber 6030, page 363. Consideration: \$10.00 and other. Assigns above lease recorded in Liber 5521, page 6. Consent - dated April 13, 1968, recorded Liber 6030, page 373. Amfac, Inc., consents to the assignment of lease. Mortgage - R. G. F. Byington, husband of Elizabeth P. Byington, to Honokowai Development Company, Inc., dated April 1, 1968 recorded in Liber 6030, page 375. To secure \$180,000. Mortgages leasehold interest. Consent - Dated April 18, 1968 recorded in Liber 6030, page 384. Amfac, Inc., consents to the foregoing mortgage. (Note: The Developer's plan embraces an arrangement whereby the two mortgages identified in the Certificate of Title are to be released as proceeds from the sale of the condominium units become available. The plan also requires that the Developer's leasehold interest in the land committed to the regime will be merged with the fee, once the Master Lease has been cancelled, permitting the individual apartment purchasers to receive their apartment in fee simple). Easement - for roadway and utility purposes over and across the land situate of Honokowai being a portion of Grant 13,332 to Pioneer Mill Co., Limited, as described. Declaration of Horizontal Property Regime - executed August 30, 1968, with By-Laws of the Association of Apartment Owners attached, recorded in the Bureau of Conveyances on October 9, 1968 in Liber 6250, pages 413-475. Condominium Map No. 116 has been designated to the project.

PURCHASE MONEY HANDLING: A copy of the specimen sale agreement and the executed Escrow Agreement has been submitted as part of the registration. The Escrow Agreement made October 8, 1968 identifies The First National Bank of Hawaii, a national banking association, as the "Escrow." On examination the specimen sale contract and the executed escrow agreement are found to be in compliance with Chapter 170A, Revised Laws of Hawaii 1955 (as amended), 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 sale agreement and the executed Escrow Agreement. The latter document, the Escrow Agreement, establishes how the proceeds from the sale of dwelling units and all sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds.

MANAGEMENT AND OPERATIONS: The recorded Declaration states that the Board of Directors shall, in accordance with the By-Laws of the Association of Apartment Owners, appoint a Managing Agent. The initial Managing Agent is identified as Lyman Crockenberg, whose address is Honokowai Apartments, R.R.1, Box 354, Lahaina, Maui, Hawaii.

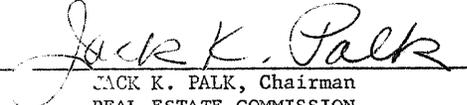
STATUS OF PROJECT: The project was completed for occupancy in 1964 and has been operated since that time as a residential rental apartment complex.

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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 July 19, 1968 and additional information subsequently filed by the Developer as of October 9, 1968.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 214 filed with the Commission July 19, 1968.

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.

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

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Distribution:

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

October 10, 1968  
Registration No. 214

