

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 HICHAMUS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
HALE ONO LOA
Lahaina, Maui, Hawaii

REGISTRATION NO. 220

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: October 28, 1968

Expires: November 28, 1969

SPECIAL ATTENTION

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

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED AUGUST 8, 1968 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS SEPTEMBER 9, 1968. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT AND AMENDMENTS THERETO BY ACT 244 (L. 1967) EFFECTIVE JUNE 6, 1967.

1. HALE ONO LOA is a proposed leasehold condominium project consisting of sixty-seven (67) dwelling units arranged throughout an integrated residential apartment complex consisting of two separate one-story buildings, and a single central four-story building of two wings. There will be a parking area and a centrally located swimming pool.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and issuance of this Preliminary Public Report.

3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of the approved Floor Plans) have not been filed in the office of the recording officer.
4. No advertising or promotional matter has been submitted pursuant to 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 ACT 244, L. 1967, effective June 6, 1967) and the Condominium Rules and Regulations which relate to Horizontal Property Regime.
6. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, October 28, 1968, unless a Supplementary Public Report issues or the Commission, upon review of registration, issues an order extending the effective period of this report.

NAME OF PROJECT: HALE ONO LOA

LOCATION: The approximate 77,124 square feet, under Lease from WILLIAM SANBORN, WINNIFRED K. SANBORN, ALBERT A. JOHANSEN and BETTIEMAE WALLANI SANBORN JOHANSEN to C-C-C-W DEVELOPMENT CORPORATION, to be committed to the regime is situated at Mahinahina 1, 2 and 3, Kaanapali, District of Lahaina, Island and County of Maui, Hawaii.

TAX KEY: SECOND DIVISION 4-3-06-44, 48 and 49

ZONING: A-2 (Apartment House)

DEVELOPER: C-C-C-W Development Corporation, 658 Front Street, Lahaina, Maui, Hawaii. Telephone 367515. A Hawaii corporation registered with the Department of Regulatory Agencies, State of Hawaii, on August 14, 1967. The officers are:

Robert C. Wright	President	658 Front Street Lahaina, Maui, Hawaii
Jeanne A. Wright	Secretary- Treasurer	658 Front Street Lahaina, Maui, Hawaii

ATTORNEY REPRESENTING DEVELOPER: Crockett & Crockett (Attention: Mr. William F. Crockett), 38 S. Market Street, Wailuku, Maui, Hawaii. Telephone 33-796.

DESCRIPTION: The specimen Declaration of Horizontal Property Regime reflects that the project is to consist of sixty-seven (67) separately designated and legally described leasehold estates arranged throughout the integrated residential apartment complex. The buildings when complete shall consist of two (2) separate one-story buildings situated at the Southwest corner of the land, and a single central four-story building of 2 wings, called the "South Wing" and the "West Wing", connected by a single-story covered lobby. Each of the one-story buildings shall contain two apartments. The South Wing and West Wing shall each contain four stories, including the ground floor. The South Wing shall contain twenty-seven (27) apartments. The West Wing shall contain thirty-six (36) apartments. The South Wing shall also contain the manager's apartment. Reinforced concrete, both poured and precast, and reinforced concrete block will be the principal materials used in constructing the buildings. There shall also be a parking area and a centrally located swimming pool.

The apartment units shall be numbered and situated as follows:

<u>Building</u>	<u>Floor</u>	<u>Unit No.</u>
Central Bldg. (West Wing)	1	101 through 109
	2	201 through 209
	3	301 through 309
	4	401 through 409

<u>Building</u>	<u>Floor</u>	<u>Apartment No.</u>
Central Bldg. (South Wing)	1	111, 112, 114, 115, 116, 117
	2	210, 211, 212, 214, 215, 216, 217
	3	310, 311, 312, 314, 315, 316, 317
	4	410, 411, 412, 414, 415, 416, 417
Single-Story Buildings		A, B, C, D

(Apartment 110, the manager's apartment, a portion of the common elements, is located on the first floor of the South Wing of the central building.)

The apartments are of three types: (1) one bedroom units located in the central building; (2) two bedroom units located in the central building; (3) two bedroom units located in the two separate one-story buildings situated at the Southwest corner of said land.

Each one bedroom unit shall consist of a bedroom, foyer, living room, kitchen, bathroom and lanai, and each shall have an approximate enclosed floor space of 590 square feet of living area and 152 square feet of lanai area.

Apartments 101 through 108; 201 through 208; 301 through 308; 401 through 408; 111 through 116; 210 through 216; 310 through 316; 410 through 416; are all one bedroom units located in the central building. Apartment 110, the manager's apartment, is a one bedroom unit.

Each two bedroom unit located in the central building shall consist of two bedrooms, foyer, living room, kitchen, two bathrooms, and lanai, and shall have an approximate enclosed floor space of 826 square feet of living area. Each such apartment numbered as 109, 209, 309, and 409 shall have 138 square feet of lanai area; each such apartment numbered 117, 217, 317, 417 shall have 176 square feet of lanai area.

Each two bedroom unit located in the two separate one-story buildings situated at the Southwest corner of said land shall consist of two bedrooms, living room, kitchen, two bathrooms and lanai, and each shall have an approximate enclosed floor space of 710 square feet of living area and 176 square feet of lanai area.

Apartments A, B, C, D, 101 through 109, and 111 through 117, shall each have immediate access to the land heretofore described. The remaining apartments shall each have immediate access to the exterior covered walks, stairways, and elevator that connect the apartments to the South and West Wings above the ground floor.

COMMON ELEMENTS: The specimen Declaration reflects that the common elements include: (a) the land heretofore described and the super-adjacent airspace above the roof, and next to the exterior walls, of the said buildings; (b) all foundations, columns, beams and supports, girders, roof, walks, stairways, exterior walls, partition walls between each apartment, floors and ceilings, elevator and elevator shaft, and trash chute of the said building; (c) the manager's apartment, swimming pool and its filtration system, lobby, sewage disposal units, and outdoor lighting; (d) all central and appurtenant installations for services such as power, light, telephone, gas, hot and cold water, refrigeration, air-conditioning, television, sewage disposal, and other utilities (including all pipes, ducts, wires, cables, and conduits used in connection therewith, whether located in common areas or in apartments), and all tanks, pumps, motors, fans, compressors, ducts and other apparatus and installations existing for common use; (e) all other apparatus and installations existing in the said buildings or on the said land hereinbefore described existing for, or rationally of common use to, or necessary or convenient to the existence, maintenance or safety of all of the apartments of the horizontal property regime hereby established.

LIMITED COMMON ELEMENTS: Each apartment shall have a parking stall located in the parking area. Each such parking stall shall be marked by a letter or number corresponding to the apartment to which it appertains. Each such parking stall shall be a limited common element to the apartment to which it appertains.

INTEREST TO BE CONVEYED PURCHASER: The percentage of undivided interest in the common elements appertaining to each apartment is one-sixty-seventh (1/67).

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The specimen Declaration states that the apartments are intended to be used as residential apartments. The Association

of Apartment Owners shall have the power to enact resolutions, rules and regulations, and the power to amend and repeal the same from time to time, restricting and regulating the use of the said building and the apartments thereof; provided, that any such resolution, rule or regulation shall be consistent with the terms of the Declaration and By-Laws of the Association of Apartment Owners.

OWNERSHIP TO TITLE: The Notice of Intention reflects that ownership to title is vested in WILLIAM SANBORN, WINNIFRED K. SANBORN, ALBERT A. JOHANSEN and BETTIEMAE WAILANI SANBORN JOHANSEN, Trustees under that certain Declaration of Trust and Trust Agreement, dated August 7, 1967, and recorded with the Bureau of Conveyances of the State of Hawaii, at Liber 5831, Page 309.

The title evidence reports, prepared May 23, 1968 and July 11, 1968 by the Abstractor, Title Guaranty of Hawaii, a Hawaii corporation, verify that vestees to the following parcels of land are:

- Tax Key: Second Division 4-3-06-44
William Sanborn and
Winnifred K. Sanborn
(Husband and Wife)
(As Joint Tenants)
- Tax Key: Second Division 4-3-06-43
Albert A. Johansen and
Bettiemae Wailani Sanborn Johansen
(Husband and Wife)
(As Tenants By The Entirety)
- Tax Key: Second Division 4-3-06-49
Winnifred K. Sanborn
(Also Known As Winnifred K. S. Sanborn)

The title evidence reports also verify that all of the above vestees entered into a Declaration of Trust and Trust Agreement on August 7, 1967, to merge the above described parcels, and declared that they jointly hold title to the above described parcels of land.

ENCUMBRANCES AGAINST TITLE: The title evidence reports, prepared by Title Guaranty of Hawaii, certify that there are no liens or encumbrances of whatsoever kind or nature against said titles, or other conveyances of record affecting the parcels of land submitted to this horizontal regime, save and except the following: (1) Three separate Deeds, all executed sometime in the Year 1946 by Winnifred K. Sanborn, the titleholder, convey to Myrtle Iwalani Sanborn Finamore, Bettiemae Wailani Sanborn Johansen, and Ralph Edmund Sanborn the right and privilege to use the strip of land identified by Tax Key Map No. 4-3-06-44, as "Roadway"; (2) Mortgage dated November 21, 1963, made by Albert A. Johansen and Bettiemae Wailani Sanborn Johansen to First National Bank of Hawaii, recorded on November 27, 1963 in the Bureau of Conveyances, State of Hawaii, in Liber 4637, Pages 49-54, said mortgage affecting parcel of land identified by Tax Key Map No. 4-3-06-48; (3) Declaration of Trust and Trust Agreement dated August 7, 1967, by and between William Sanborn and Winnifred K. Sanborn, husband and wife, and Albert A. Johansen and Bettiemae Wailani Sanborn Johansen, husband and wife, recorded in the Bureau of Conveyances, State of Hawaii, on August 7, 1968, in Liber 5831, Pages 309-325; (4) Lease made by William Sanborn, Winnifred K. Sanborn, Albert A. Johansen and Bettiemae Wailani Sanborn Johansen, Trustees, to C-C-C-W Development Corporation, dated July 30, 1960, recorded in Liber 6165, Page 310, for a term of sixty-five years; (5) Subordination Agreement made by First National Bank of Hawaii dated September 4, 1968, subordinating the above mentioned Mortgage made by Albert A. Johansen, et al, to the above mentioned lease made by William Sanborn, et al to C-C-C-W Development Corporation; (6) Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent Grant Number 1166.

Note: Attention is called to that certain Financing Statement recorded on February 6, 1967, in Liber 5575, on Page 231, covering household goods on the premises identified by Tax Key Map No. 4-3-06-48 in favor of Budget Finance Plan, as secured party.

Attention is also directed to Case No. 4516 in the Supreme Court of Hawaii wherein on April 30, 1968 the Court rendered its opinion regarding the location of high water mark.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated July 23, 1968 identifies the FIRST NATIONAL BANK OF HAWAII, a national banking association, as the Escrow Agent. On examination the specimen Reservation Agreement, the specimen Contract of Sale, and 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 170A-33.5 as incorporated in the Horizontal Property Act through ACT 244 (L. 1967) effective June 6, 1967.

Among other provisions the Escrow Agreement states that no money shall be disbursed from the funds deposited with Escrow on behalf of Developer unless and until the Real Estate Commission of the State of Hawaii has issued a Final Public Report, and the requirements set forth in R.L.H. 1955, Section 170A-33.1 through 170A-33.4, as amended, have been satisfied. It further states that a purchaser under a contract of sale shall be entitled to a refund of all money deposited with Escrow, less a cancellation fee of \$25.00 if any of the following events shall have occurred: (1) There is a change in the plans for the said building requiring the approval of the official of the County of Maui having jurisdiction over the issuance of permits for the construction of buildings, unless Developer obtains the purchaser's written approval or acceptance of such specific change in building plans; (2) The Final Public Report upon the project differs from the Preliminary Public Report upon the project issued by the Real Estate Commission of the State of Hawaii in any material respect; (3) Such Final Public Report is not issued within one year from the date of issuance of such Preliminary Public Report. Buyer shall, in any event, have the right to a refund of any money deposited in Escrow under a Reservation Agreement, less cancellation fee, without interest, upon written request therefor, at any time prior to the issuance of a Final Public Report by the Commission.

The specimen Reservation Agreement provides that Developer shall have the absolute right to cancel the Reservation Agreement if it fails to sell more than fifty-four (54) apartments within one year after obtaining preliminary approval of the project by the Commission.

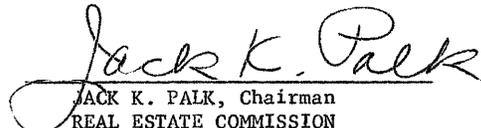
It is incumbent upon the purchaser or prospective purchaser that he reads with care the Reservation Agreement, the Contract of Sale, and the Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of apartment units and all sums received from any source are placed in trust,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

MANAGEMENT AND OPERATIONS: The By-Laws empower the Board of Directors with the authority to engage a Manager or Managing Agent to manage the Horizontal Property Regime. No property manager has been identified in the notice of intention to sell.

STATUS OF PROJECT: No building contract has been executed.

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 August 3, 1968.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 220 filed with the Commission on August 3, 1968. 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

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Distribution:
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BUREAU OF CONVEYANCE
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FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

October 23, 1968
Registration No. 220

