

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

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

PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
HALE KIHEI
Kihei, Maui, Hawaii

REGISTRATION NO. 283

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: July 23, 1969
Expires: August 23, 1970

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 MAY 21, 1969. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, Haw. Rev. Stat., Ch. 514.

1. HALE KIHEI is a proposed leasehold condominium project consisting of one hundred forty-three (143) residential apartments arranged throughout a single building of twelve (12) stories, and two (2) separate commercial apartments, each located in a separate building. The common elements include a parking area, manager's apartment, a separate pro-shop and maintenance building, tennis courts, shuffleboard courts, cabana, swimming pool and filtration plant, sewage disposal units and outdoor lighting.
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 Haw. Rev. Stat., Ch. 514, and the rules and regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regime.
6. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, July 23, 1969, 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 KIHEI

LOCATION: The approximate 225,255 square feet of land to be committed to the regime is situated at Pulehunui, Kula, Island and County of Maui, State of Hawaii.

TAX KEY: SECOND DIVISION 3-3-13-6

ZONING: H-2 Hotel District, Maui County Ordinance No. 520

DEVELOPER: PORTLAND-MAUI, LTD., 1015 Oregon National Building, Portland, Oregon. Telephone 33-796 (Hawaii). An Oregon corporation registered with the Department of Regulatory Agencies, State of Hawaii, on April 29, 1969. The officers are:

James W. Jamison	President	3223 S. W. Harbor Dr. Portland, Oregon
Rolph B. Fuhrman	Vice-President	P. O. Box 20188 Portland, Oregon
Stanley J. Coffey	Secretary-Treasurer	1024 N.E. 6th Ave. Portland, Oregon

ATTORNEY REPRESENTING DEVELOPER: Crockett & Crockett (Attention: Mr. William F. Crockett), 30 South Market Street, Wailuku, Maui, Hawaii. Telephone 33-796.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project is to consist of one hundred forty-three (143) leasehold residential apartments located within the central residential apartment building of twelve (12) stories, and two (2) commercial apartments, each located in separate buildings, situate upon the 225,255 square feet of land hereinbefore described. Each residential apartment shall consist of the space or area contained in the perimeter walls of each apartment unit in the central residential apartment building, together with an undivided interest in the common elements appertaining thereto. Each commercial apartment shall consist of the space measured horizontally by the distances between the surfaces of the exterior walls of each such separate building; and measured vertically by the distances between the underside surface of the concrete floor and the exterior surface of the roof of each such separate building.

The principal materials of which the central residential apartment building shall be constructed are as follows: the structural frame, floors and roof shall be of reinforced concrete; the exterior structural walls shall be finished with stucco over concrete; the roof shall be of a walking surface material applied over a waterproof membrane applied over concrete; the interior walls between apartments shall be finished with plaster over concrete; the interior walls within each apartment will be steel studs with plaster; the concrete floor slabs will be covered with vinyl asbestos or carpets.

The principal materials of which the other buildings shall be constructed are as follows: the footings and floor slabs shall be of reinforced concrete; the structural frame shall be of wood; the exterior walls shall be of natural finished wood siding, with aluminum sash; the interior walls shall be finished with plaster on wood studs.

There are ten (10) residential apartments located on the first story, and eleven (11) residential apartments located on each of the other stories, of the central residential apartment building. Residential apartments 101 through 109 and 111 and 112 are located on the ground floor of the central residential apartment building.

Residential apartments 201 through 212 are located on the second story of the central residential apartment building. Residential apartments 301 through 312 are located on the third story of the central residential apartment building. Residential apartments 401 through 412 are located on the fourth story of the central residential apartment building.

Residential apartments 501 through 512 are located on the fifth story of the central residential apartment building. Residential apartments 601 through 612 are located on the sixth story of the central residential apartment building. Residential apartments 701 through 712 are located on the seventh story of the central residential apartment building. Residential apartments 801 through 812 are located on the eighth story of the central residential apartment building. Residential apartments 901 through 912 are located on the ninth story of the central residential apartment building. Residential apartments 1001 through 1012 are located on the tenth story of the central residential apartment building. Residential apartments 1101 through 1112 are located on the eleventh story of the central residential apartment building. Residential apartments 1201 through 1212 are located on the twelfth story of the central residential apartment building.

The residential apartments will be of four types: "Two Bedroom Units"; "One Bedroom Units"; "Studio A Units"; "Studio B Units". Residential apartments 101, 201, 301, 401, 501, 601, 701, 801, 901, 1001, 1101 and 1201 are "two bedroom units". Residential apartments 102 through 109; 202 through 210; 302 through 310; 402 through 410; 502 through 510; 602 through 610; 702 through 710; 802 through 810; 902 through 910; 1002 through 1010; 1102 through 1110; 1202 through 1210; are "one bedroom units". Residential apartments 111, 211, 311, 411, 511, 611, 711, 811, 911, 1011, 1111 and 1211 are "studio A units". Residential apartments 112, 212, 312, 412, 512, 612, 712, 812, 912, 1012, 1112, and 1212 are "studio B units".

Each two bedroom unit shall consist of two bedrooms, dressing and bath, bath, kitchen, living room and lanai, and each shall have an approximate enclosed floor space of 1104 square feet and 176 square feet of lanai. Each one bedroom unit shall consist of one bedroom, bath, kitchen, living room and lanai, and each shall have an approximate enclosed floor space of 725 square feet and 176 square feet of lanai. Studio A units shall each consist of a studio, kitchen, bath and lanai, and each shall have an approximate enclosed floor space of 527 square feet, and 176 square feet of lanai. Studio B units shall each consist of a studio, kitchen, bath and lanai, and each shall have an approximate enclosed floor space of 363 square feet, and 176 square feet of lanai.

The commercial apartment numbered "A" is the separate "snack bar" building situated approximately one hundred (100) feet from the southeast corner of the central residential apartment building. The commercial apartment numbered "B" is the separate "sundries" building situated approximately one hundred eighty-five (185) feet from the east side of the central residential apartment building.

Commercial apartment "A" shall consist of a kitchen, meeting room, snack bar, dining area, storage area, locker room, and public toilet facilities, and shall have an approximate floor space of 4200 square feet. Commercial apartment "B" shall consist of an open display area, office, toilet and storage area, and shall have an approximate floor space of 2100 square feet.

Residential apartments 101 through 109 and 111 and 112 shall each have immediate access to the land heretofore described. All of the residential apartments shall each have immediate access to the open corridor immediately adjacent to and connecting the residential apartments on each story, including the ground floor, the elevators, and stairways. Commercial apartments "A" and "B" shall each have immediate access to the land heretofore described.

COMMON ELEMENTS: The proposed Declaration reflects that the common elements include: (a) the land heretofore described, except such portions hereinafter described as limited common elements, 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, and open corridors immediately adjacent to and connecting the residential apartments on each story of the central residential apartment building; (c) the manager's apartment, the separate "office" building, the separate pro-shop and maintenance building, tennis courts, shuffleboard courts, cabana, swimming pool, and its filtration plant, parking area, sewage disposal units, outdoor lighting; elevators and elevator shaft, storage areas on each story adjacent to the elevator shaft, central airconditioning compressor and cooling appliances located on the roof of the central residential apartment building; (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 area or in apartments), and all tanks, pumps, motors, fans, compressors, ducts and other apparatus and installations existing for common use; (e) all tangible personal property and money, and any apartment of the regime, acquired and held by the association of apartment owners or the board of directors of the horizontal property regime, or their agents, for the maintenance, safety and operation of the common elements of the regime, or for the common use and benefit of the apartment owners; (f) all other apparatus and installations existing in the said central residential apartment building 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 the apartments of the horizontal property regime hereby established.

LIMITED COMMON ELEMENTS: Those portions of the land heretofore described upon which commercial apartments "A" and "B" are respectively situated, including an area measured from the exterior surface of the walls of each such commercial apartment to the intersection of a plumb line dropped from the far edge of the roof of each such commercial apartment, shall be a limited common element appertaining to and reserved for the exclusive use of each such commercial apartment.

That portion of the land heretofore described, as shown upon the condominium map filed with the proposed Declaration as "Service Drive", consisting of an area of approximately 4,760 square feet, shall be a limited common element appertaining to and reserved for the exclusive use of commercial apartments "A" and "B".

INTEREST TO BE CONVEYED PURCHASER. The proposed Declaration reflects that the percentage of undivided interest in the common elements appertaining to the apartments is as follows:

Residential Apartments:

Two Bedroom Units

Apartments 101, 201, 301, 401, 501, 601, 701,
301, 901, 1001, 1101, and 120195%

One Bedroom Units

Apartments 102 - 109 inclusive
202 - 210 inclusive
302 - 310 inclusive
402 - 410 inclusive
502 - 510 inclusive
602 - 610 inclusive
702 - 710 inclusive
802 - 810 inclusive
902 - 910 inclusive
1002 - 1010 inclusive
1102 - 1110 inclusive
1202 - 1210 inclusive67%

Studio A Units

Apartments 111, 211, 311, 411, 511, 611, 711,
811, 911, 1011, 1111 and 121152%

Studio B Units

Apartments 112, 212, 312, 412, 512, 612, 712,
812, 912, 1012, 1112 and 121240%

Commercial Apartments:

Apartment "A" 4.00%
Apartment "B" 1.87%

The undivided interests established and to be conveyed with the respective "apartments" cannot be changed, and the Developer/Owner covenants and agrees that the undivided interests in the "common areas and facilities" and the leasehold titles to the respective "apartments" to be conveyed, shall not be separated or separately conveyed, and each said undivided interest shall be

deemed to be conveyed or encumbered with its respective "apartment" even though the description in the instrument of conveyance or encumbrance may refer only to the leasehold title to the "apartment." The proportionate shares of the separate owners of the respective "apartments" in the profits and common expenses in the "common areas and facilities" as well as their proportionate representation for voting purposes in the Association of Apartment Owners shall be the undivided interest shown above.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed Declaration reflects that the "residential apartments" shall be used for residential purposes, and the "commercial apartments" shall be used for accessory business or service establishments which supply commodities or perform services primarily for the occupants of the residential apartments, in accordance with the terms of the proposed Declaration of Horizontal Property Regime, and the proposed Declaration of Covenants, Conditions and Restrictions and By-Laws of Association of Apartment Owners of Hale Kihai.

OWNERSHIP OF TITLE: A Certificate of Title dated January 29, 1969, prepared by Title Guaranty of Hawaii, Incorporated, certifies that Maui Pineapple Company, Limited, a Hawaii corporation, has title to the land committed to the project, subject to an Agreement of Sale with Portland-Maui Associates, a joint venture organized under the laws of the State of Oregon, dated January 23, 1969.

The Developer, Portland-Maui, Ltd., has submitted to the Commission a copy of its Development Agreement entered upon with Portland-Maui Associates, a joint venture, the owner in fee. The Development Agreement, dated May 5, 1969, calls for Developer to construct one hundred forty-three (143) residential apartments arranged throughout a single building of twelve (12) stories, and two (2) separate commercial apartments, each located in a separate building, upon the said property, and owner of fee agrees to submit the said property, including the said buildings, to a horizontal property regime. The Development Agreement further provides for the sale of such apartments by the Developer, and the issuance of appropriate apartment leases by owner of fee to the purchaser of each apartment. The Development Agreement shows that the apartment leases will be for terms of sixty-five (65) years.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title, prepared by Title Guaranty of Hawaii, certifies that there are no liens or encumbrances of whatever kind or nature of record against said title, save and except the following: Taxes that may be due and owing and a lien on the land under search, reference is hereby made to the Office of the Tax Assessor of the Second Division.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated May 12, 1969, identifies Title Guaranty Escrow Services, Inc., a Hawaii corporation, as the Escrow Agent. On examination the specimen Contract of sale and the executed Escrow Agreement are found to be in compliance with Hav. Rev. Stat., Ch. 514, and particularly Haw. Rev. Stat., §514-35 and §514-36 through §514-40.

Among other provisions the executed Escrow Agreement states that a purchaser under contract of sale, upon written request, shall be entitled to a refund of all monies deposited with Escrow, without interest, and less a cancellation fee, 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 the 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; and (3) Such Final Public Report is not issued within one year from the date of issuance of such Preliminary Public Report.

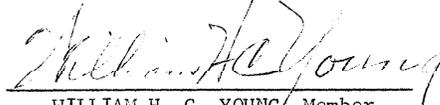
The specimen Contract of Sale states that the terms of the Escrow Agreement are made a part of the Contract of Sale by reference. It is incumbent upon the purchaser and prospective purchaser that he reads with care the Contract of Sale and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the 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 By-Laws empower the Board of Directors with the authority to acquire and pay for the services of a person or firm 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. According to the specimen Reservation Agreement, seller shall have the absolute right to cancel the Reservation Agreement if it fails to sell more than one hundred fourteen (114) apartments within one (1) year after obtaining preliminary approval of the project from the Commission.

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 16, 1969.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 283 filed with the Commission on May 21, 1969.



WILLIAM H. C. YOUNG, Member
REAL ESTATE COMMISSION
STATE OF HAWAII

REB:km

Distribution:

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

July 23, 1969
Registration No. 283