

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 POHAKU MAUI
Kihei, Maui, Hawaii

REGISTRATION NO. 311

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: February 13, 1970

Expires: March 13, 1971

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 DECEMBER 11, 1969. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, HAWAII REVISED STATUTES, CHAPTER 514.

1. HALE POHAKU MAUI is a fee simple condominium project consisting of one hundred seven (107) apartments arranged throughout a single building of six (6) stories. The common elements include the basement, the ground floor lobby, the manager's apartment and office located on the ground floor next to the ground floor lobby, the elevators and elevator shafts, parking area, swimming pool and its filtration plant, the lobbies next to the elevator shaft on each floor above the ground floor, roof garden/sundeck/community recreation area, sewage disposal system, 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 Regimes, 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 Hawaii Revised Statutes, Chapter 514, and the rules and regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, February 13, 1970, 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 POHAHU MAUI

LOCATION: The approximate 2.22 acres of land (Lots Nos. Sixteen (16), Seventeen (17) and Eighteen (18) of the Kamaole Beach Lots) to be committed to the regime is situated at Kamaole, Kihei, Island and County of Maui, State of Hawaii.

TAX KEY: SECOND DIVISION 3-9-05-10 and 11

ZONING: Hotel (H-2)

DEVELOPER: KAMAOLE BEACH HUI, a limited partnership organized under the laws of the State of Washington, consisting of

General Partner: Walter C. Witte

Limited Partners: J. R. Packard and Elizabeth M. Packard

Walter C. Witte and Margaret Witte

Harry C. Kent and Marie C. Kent

Hosea C. Chavers and Ruth N. Chavers

Ronald M. Brown and Lucille E. Brown

Margaret Shipley

Frederick S. Suhler and Mary Ellen Suhler

LYCA Construction, Inc., a Washington corporation

W & B Enterprises, Inc., a Washington corporation

BUDEL, Inc., a Washington corporation

Herman Lehrer and Griselda Lehrer

J. S. Roberts, Inc., a Washington corporation

Edward P. Miller and Juanita Miller

Gunner R. Aro and Helen M. Aro

Telephone GR 4-0548, Tacoma, State of Washington.

ATTORNEY REPRESENTING DEVELOPER: Crockett & Crockett (Attention: Mr. William F. Crockett), 38 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 seven (107) apartments arranged throughout a single building of six (6) stories situate upon the 2.22 acres of land hereinbefore described. Each apartment shall consist of the space measured horizontally by the distances between the interior surfaces of the perimeter walls of each apartment, and the space measured by the area of the lanai of each apartment; and measured vertically by the distance between the topside surface of the concrete floor and the underside surface of the ceiling.

The principal materials of which the said building shall be constructed are as follows: (1) the ground floor slab shall be of poured reinforced concrete; (2) the floor slabs above the ground floor shall be of reinforced concrete, either prestressed planks or poured in place; (3) the structural framewalls shall be of concrete block and/or reinforced concrete poured in place; (4) the walls between apartments, and between apartments and the corridors, shall be of non-combustible treated wood or metal studs, with gypsum board, and concrete block; (5) the walls within each apartment shall be of noncombustible treated wood or metal studs with gypsum board; (6) the stairs shall be of reinforced concrete; (7) the roof shall be a concrete topped membraned promenade assembly; and (8) the concrete floors shall be covered with sheet vinyl, carpet or ceramic tile.

There are seventeen (17) apartments located on the first story, and eighteen (18) apartments located on each of the other stories of the apartment building. Apartments 101 through 119 are located on the ground floor. Apartments 201 through 219 are located on the second story. Apartments 301 through 319 are located on the third story. Apartments 401 through 419 are located on the fourth story. Apartments 501 through 519 are located on the fifth story. Apartments 601 through 619 are located on the sixth story. (There are no apartments numbered 110, 113, 213, 313, 413, 513 or 613).

The apartments will be of four general types: "A" three-bedroom units; "B" two-bedroom units; "C" one-bedroom units; "D" one-bedroom units.

Apartments 102, 202, 302, 402, 502, 602, 118, 218, 318, 418, 518 and 618 are "A" three-bedroom units.

Apartments 101, 201, 301, 401, 501, 601, 103, 203, 303, 403, 503, 603, 104, 204, 304, 404, 504, 604, 105, 205, 305, 405, 505, 605, 106, 206, 306, 406, 506, 606, 107, 207, 307, 407, 507, 607, 210, 310, 410, 510, 610, 111, 211, 311, 411, 511, 611, 112, 212, 312, 412, 512, 612, 114, 214, 314, 414, 514, 614, 115, 215, 315, 415, 515, 615, 116, 216, 316, 416, 516, 616, 117, 217, 317, 417, 517, 617, 119, 219, 319, 419, 519 and 619 are "B" two-bedroom units.

Apartments 108, 208, 308, 408, 508 and 608 are "C" one-bedroom units.

Apartments 109, 209, 309, 409, 509 and 609 are "D" one-bedroom units.

Each "A" three-bedroom unit shall consist of three bedrooms, two baths, a kitchen, living room, dining area, hall, and lanai, and each shall have an approximate enclosed floor space of 1,270 square feet, and a lanai of approximately 252 square feet.

Each "B" two-bedroom unit shall consist of two bedrooms, two baths, a kitchen, living-dining room, and a lanai, and each shall have an approximate enclosed floor space of 728 square feet, and a lanai of approximately 237 square feet.

Each "C" one-bedroom unit shall consist of a bedroom, bath, kitchen, living-dining room, and a lanai, and each shall have an approximate enclosed floor space of 530 square feet, and a lanai of approximately 144 square feet.

Each "D" one-bedroom unit shall consist of a bedroom, bath, kitchen, living-dining room, and a lanai, and each shall have an approximate enclosed floor space of 510 square feet, and a lanai of approximately 232 square feet.

Apartments 101, 102, 103, 104, 105, 106, 107, 108, 109, 111, 112, 114, 115, 116, 117, 118 and 119 shall each have immediate access to the land heretofore described. All of the other apartments shall each have immediate access to the open corridors immediately adjacent to and connecting the apartments on each story, the elevators, stairways and lobbies.

COMMON ELEMENTS: The proposed Declaration reflects that the common elements include: (a) the land heretofore described, and the superadjacent airspace above the roof, and next to the exterior walls, of the said building; (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 apartments; (c) the basement, the ground floor lobby, the manager's apartment and office located on the ground floor next to the ground floor lobby, the elevators and elevator shafts, parking area, swimming pool and its filtration plant, the lobbies next to the elevator shaft on each floor above the ground floor, roof garden/sundeck/community recreation area, sewage disposal system, 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 tangible personal property, accounts, general intangibles, instruments 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 administration, 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 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: None

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:

Apt. No. 102	1.32931%	Apt. No. 306	.90873%
202	1.34866%	307	.90873%
302	1.36799%	403	.92807%
402	1.38734%	404	.92807%
502	1.40667%	405	.92807%
602	1.42601%	406	.92807%
118	1.32931%	407	.92807%
218	1.34866%	503	.94740%
318	1.36799%	504	.94740%
418	1.38734%	505	.94740%
518	1.40667%	506	.94740%
618	1.42601%	507	.94740%
103	.87006%	603	.96674%
104	.87006%	604	.96674%
105	.87006%	605	.96674%
106	.87006%	606	.96674%
107	.87006%	607	.96674%
203	.88940%	101	.77339%
204	.88940%	201	.79273%
205	.88940%	301	.81206%
206	.88940%	401	.83139%
207	.88940%	501	.85073%
303	.90873%	601	.87006%
304	.90873%	119	.87006%
305	.90873%	219	.88940%

Apt. No. 319	.90873%	Apt. No. 217	.88940%
419	.92807%	310	.90873%
519	.94740%	311	.90873%
619	.96674%	312	.90873%
108	.58000%	314	.90873%
208	.59938%	315	.90873%
308	.61871%	316	.90873%
408	.63805%	317	.90873%
508	.65738%	410	.92807%
608	.67672%	411	.92807%
109	.61871%	412	.92807%
209	.63805%	414	.92807%
309	.65738%	415	.92807%
409	.67672%	416	.92807%
509	.69605%	417	.92807%
609	.71539%	510	.94740%
111	.87006%	511	.94740%
112	.87006%	512	.94740%
114	.87006%	514	.94740%
115	.87006%	515	.94740%
116	.87006%	516	.94740%
117	.87006%	517	.94740%
210	.88940%	610	.96674%
211	.88940%	611	.96674%
212	.88940%	612	.96674%
214	.88940%	614	.96674%
215	.88940%	615	.96674%
216	.88940%	616	.96674%
		617	.96674%

The undivided interests established and to be conveyed with the respective "apartments" cannot be changed, and the Developer/Owner covenant and agree 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 apartments shall be used as 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 Pohaku Maui.

OWNERSHIP OF TITLE: A Certificate of Title dated November 9, 1969, prepared by Security Title Corporation, a Hawaii corporation, certifies that WALTER C. WITTE, general partner of "KAMAOLE BEACH HUI," a limited partnership organized under the laws of the State of Washington and registered to do business within the State of Hawaii, has title to the land committed to the project.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title, prepared November 9, 1969 by Security Title Corporation, 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, reference is hereby made to the Office of the Tax Assessor of the Second Division; Mortgage dated June 20, 1968, recorded in Liber 6116, on page 249, made by Walter C. Witte and Margaret C. Witte to George E. Richardson, et al.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated November 25, 1969, identifies Security Title Corporation, 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 Hawaii Revised Statutes, Chapter 514, and particularly Hawaii Revised Statutes, Section 514-35 and Section 514-36 through Section 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) If funds were obtained from an apartment purchaser prior to the issuance of a final public report upon the project by the Real Estate Commission, and 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 written approval or acceptance of such specific change in building plans by such apartment purchaser. (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. (4) Upon the occurrence of any other event which, under Hawaii Revised Statutes, Chapter 514, gives an apartment purchaser under a contract of sale the right to a refund of his purchase money deposited in escrow.

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.

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 11, 1969.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 311 filed with the Commission on December 11, 1969.

The report when reproduced shall be a true copy of the Commission's Preliminary Public Report. The paper stock used in making facsimiles must be yellow.


HERBERT S. ISONAGA, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

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February 13, 1970
Registration No. 311