

**REAL ESTATE COMMISSION**

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

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

**FINAL  
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)  
PUBLIC REPORT  
ON**

HALE KAMAOLE  
Kihei Road  
Kihei, Maui, Hawaii  
REGISTRATION NO. 326

**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: September 26, 1973  
Expires: October 26, 1974

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 prospective purchasers is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION DATED MARCH 18, 1970, AND ADDITIONAL INFORMATION FILED AS OF AUGUST 9, 1973. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report on the Hale Kamaole Condominium Project, dated April 20, 1970 and Supplementary Public Reports dated May 18,

1970, April 27, 1972, respectively, Registration No. 326, the Developer has submitted additional information and requests the issuance of a Final Public Report for the project. This Final Report, a copy of which the Developer is required to provide to all prospective purchasers of apartments, is made a part of Registration No. 326.

2. HALE KAMAOLE is a fee simple condominium project consisting of five (5) buildings without basements, three (3) containing 2 stories and a mezzanine, one (1) consisting of 3 stories and a mezzanine, and one (1) containing 3 stories and a mezzanine, in part, and 2 stories and a mezzanine in part, having a total of one hundred eighty-eight (188) apartment units, and one (1) manager's unit. Two hundred three (203) parking stalls are available.

3. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium project and the issuance of this Final Public Report.

4. No advertising or promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission.

5. The Developer of the project 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 recorded in the Bureau of Conveyances of the State of Hawaii.

The Declaration of Horizontal Property Regime, dated August 7, 1973, with the By-Laws attached, was recorded in the Bureau of Conveyances of the State of Hawaii in Liber 9513, Page 234.

The approved Floor Plans showing the layout, location, etc. have been designated Condominium File Plan No. 309 by the Bureau of Conveyances of the State of Hawaii.

6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Horizontal Property Act, Chapter 514 of the Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.

7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, September 26, 1973, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the period of this report.

NAME OF PROJECT: HALE KAMAOLE

LOCATION: The site, containing approximately 7.839 acres is located on Kihei Road, Kihei, Maui, Hawaii.

TAX MAP KEY: 3-9-04: 84, 85 & 86

ZONING: A-1, A-2

DEVELOPER: Life Resources, Incorporated, an Oregon corporation, whose address is 525 South Rancho Avenue, Colton, California 92321, and whose officers are: J. Robert West, President, 320 Marion Road, Redlands, California 92373; Robert W. Enisign, Vice President, 6931 Crest Road, Palos Verdes, California 90274; Richard Hardy, Vice President, 2553 Diana Drive, Anaheim, California 92806; Weldon B. Jolly, Secretary-Treasurer, 1329 Pacific Avenue, Redlands, California 92373, and Continental Diversified Industries, an Arizona corporation, the address of which is 482 West 5th Street, Suite 1B, San Bernardino, California 92403. Its officers are: Kent Rogers, President, 482 West 5th Street, San Bernardino, California 92401; Dennis Peacock, Vice President, 731 West 9th Street, San Pedro, California 90733; Jacob N. Peilte, Secretary-Treasurer, 1420 East Chapman, Orange, California 29666.

ATTORNEYS REPRESENTING DEVELOPER: Conroy, Hamilton, Gibson, Nickelsen & Rush (Attention: Dwight M. Rush and Ken Harimoto), 20th Floor Hawaii Building, 745 Fort Street, Honolulu, Hawaii 96813, Phone: 521-2611.

DESCRIPTION: The Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a fee simple condominium project consisting of 188 apartments contained in five (5) buildings without basements, three (3) containing 2 stories and a mezzanine, one (1) consisting of 3 stories and a mezzanine, and one (1) containing 3 stories and a mezzanine, in part, and 2 stories and a mezzanine, in part, constructed principally of wood on a concrete slab, and designated as Buildings "1", "2", "3", "4" and "5", respectively, which spaces, therein called "apartments", are designated on said plans and described as follows:

(a) Apartments 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123 and 124 are located on the first floor of Building "1"; Apartments 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223 and 224 are located on the second floor of Building "1"; Apartments 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319 and 320 are located on the third floor of Building "1"; Apartments 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143 and 144 are located on the first floor of Building "2"; Apartments 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243 and 244 are located on the second floor of Building "2"; Apartments 325, 326, 327, 328, 329, 340, 341, 342, 343 and 344 are located on the third floor of Building "2"; Apartments 145, 146, 147, 148, 149, 150, 151 and 152 are located on the first floor of Building "3"; Apartments 245, 246, 247, 248, 249, 250, 251 and 252 are located on the second floor of Building "3"; Apartments 153, 154, 155, 156, 157, 158, 159 and 160 are located on the first floor of Building "4"; Apartments 253, 254,

255, 256, 257, 258, 259 and 260 are located on the second floor of Building "4"; Apartment 161 (Manager's Apartment hereinafter designated a common element), 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176 and 177 are located on the first floor of Building "5"; and Apartments 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276 and 277 are located on the second floor of Building "5".

(b) Each apartment contains the number of rooms and approximate floor area according to its respective floor plan, which plans are part of said Project plan as follows:

(1) One bedroom apartments: Apartments 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, and 177, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, and 244 each contains one bedroom, one bathroom, a dining area, kitchen, living room, and lanai, contains a total area including the lanai, of 880.7 square feet.

(2) Two bedroom apartments: Apartments 201, 202, 203, 204, 221, 222, 223, 224, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 305, 306, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, and 344 each consists of one story plus a mezzanine and contains one bedroom, one bathroom, a kitchen, combined living room and dining area, two storage areas and a lanai on the first level and one bedroom and a bathroom on the mezzanine level. Each such apartment contains a total floor area including the lanai of approximately 1214.9 square feet.

(c) Each apartment has immediate access to an exterior walkway leading to the elevators and/or stairways between the upper and ground floors of the buildings, and walkways connecting such buildings to the street entrance and parking area of the Project;

(d) The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits, or other utilities or service lines running through such apartments which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each apartment shall be deemed to include all the walls and partitions which are not load bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, doors and door frames, windows and window frames, the exterior air space bounded by the interior of the lanai railing, and all fixtures originally installed, including range, refrigerator, water

heater, garbage disposal, dishwasher and air conditioner.

COMMON ELEMENTS: The Declaration reflects that all remaining portions of the project shall comprise an estate, being described and referred to herein as the "common elements", which estate shall include the building, land on which it is located and all elements mentioned in the Horizontal Property Act which are actually constructed in the project, and specifically includes but is not limited to: (1) Said land in fee simple; (2) All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter and load-bearing walls, roofs, chases, entries, exterior stairways and walkways of said buildings; (3) All yards, grounds, landscaping, lanais and other recreational facilities; all refuse facilities; all roads, parking areas and driveways; (4) All ducts, electrical equipment, wiring, pipes and other central and appurtenant transmission facilities and installations over, under and across the project for services such as power, light, water, gas, sewer, air conditioning, television and radio and television signal distribution, if any; (5) The apartment 161 on said plans which shall be reserved for the exclusive use and occupancy of the Resident Manager of the project; (6) The areas designated on said plans as "Office", "pavilion" and "laundry building"; (7) The tennis court; (8) The two swimming pools with adjacent areas and equipment appurtenant thereto; and (9) Any and all other apparatus or installations of common use and all other parts of the project necessary or convenient to its existence, maintenance and safety, or normally in common use.

INTEREST TO BE CONVEYED TO PURCHASERS: The Declaration states that each apartment shall have appurtenant thereto a percentage interest in all common elements of the project, herein called the "common interest" and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting, as follows:

Two-bedroom	.06352355%
One-bedroom	.04602435%

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration provides that the apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests. The owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration.

OWNERSHIP OF TITLE: Developer, in its Notice of Intention, represents that Life Resources, Incorporated is the Owner of the fee title to the property submitted to the Regime. A Preliminary Report issued by Title Guaranty of Hawaii, Incorporated, dated May 31, 1973, a copy of which has been filed with the Commission, certifies that such representation is correct.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report issued by Title Guaranty of Hawaii, Incorporated, dated May 31, 1973, certifies the following encumbrances against title to the property:

1. Real Property Taxes that may be due and owing for the fiscal year July 1, 1971 through June 30, 1973.

2. As to Parcel First only:

"Excepting and reserving a 15-foot wide waterline easement in favor of Board of Water Supply, County of Maui for the construction, reconstruction, maintenance and repair for a waterline over, under and through the parcel of land."

3. As to Parcel Third only:

An easement for road purposes, to be used in common with Lots 2-A and 2-B, being a 25-foot strip; provided, however, that if and when the proposed government highway shall be constructed and completed and access to Lots 2-A and 2-B be made available, then in such event all private easement rights in said roadway over Lot 2-C shall automatically terminate.

4. Agreement dated September 24, 1971, recorded in Liber 7829 on Page 438, by and between Life Resources, Inc. and Global Contractors, Inc.

5. Mortgage, dated May 21, 1972, in favor of Honolulu Federal Savings and Loan Association, to secure an indebtedness of Life Resources, Incorporated in the amount of \$2,361,000.00 and recorded in Liber 8341, Page 58.

By subordination agreement dated May 30, 1972 and recorded in Liber 8341 at Page 35, Global Contractors, Inc. has consented and agreed to subordinate that certain agreement dated September 24, 1971 and recorded in Liber 7829 at Page 438 to the lien of the above mortgage.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement between Title Guaranty Escrow Services, Inc., as escrow agent, Life Resources, Inc., as Seller, dated January 17, 1972, has been submitted to the Commission. On examination, the executed Escrow Agreement and the specimen Reservation Agreement, Deposit, Receipt and Contract are found to be in compliance with Chapter 514, Hawaii Revised Statutes. The language in the specimen contract illustrates compliance with the requirements of Section 514-36 through 514-40, Hawaii Revised Statutes.

Among other provisions, the Escrow Agreement provides that a purchaser shall be entitled to a refund of his funds, and Escrow shall pay said funds to purchaser, without interest and less Escrow's \$20.00 cancellation fee, if purchaser shall in writing request refund of his funds and any one of the following shall have occurred: (1) Escrow receives a written request from

Developer to return to purchaser the funds of such purchaser then held by Escrow; or (2) If purchaser's funds were obtained prior to the issuance of a Final Public Report and if there is any change in the condominium building plans, subsequent to the execution of purchaser's contract, requiring the approval of a county officer having jurisdiction over the issuance of permits for construction of buildings, unless the purchaser has given written approval or acceptance of the specific change; or (3) If the request is prior to the time the Final Public Report is issued, or if after such time, if the Final Public Report differs in any material respect from the Preliminary Public Report, unless the purchaser has given written approval of acceptance of the difference; or (4) If the Final Public Report is not issued within one year from the date of issuance of the Second Supplementary Public Report.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Reservation Agreement, Deposit, Receipt and Contract and the executed Escrow Agreement. The latter document, Escrow Agreement, establishes how the proceeds from the sale of the 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 revised Declaration states that the operation of the condominium project shall be conducted for the Association of Apartment Owners by a responsible managing agent. The initial managing agent shall be Dennis Peacock, whose address is 731 West 9th Street, San Pedro, California 90733.

NOTE: The prospective purchaser is advised that the Developer of the project is not offering to provide services relating to the sale or rental of apartments of the project and no representation or reference to that effect has been made by or on behalf of the Developer. Rental of the apartments and the provision of management services in connection therewith is and shall be the sole responsibility of the purchaser.

STATUS OF PROJECT: Construction of the project commenced in July, 1972. The Developer has entered into a contract, dated September 24, 1971, for the construction of the buildings of the project with Global Contractors, Inc. It is estimated by the Developer that construction of the project will be completed in November, 1974.

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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 March 18, 1970, and information subsequently filed as of August 9, 1973.

This is a FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 326 filed with the Commission on March 18, 1970.

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

  
(for) DOUGLAS R. SODEHANI, CHAIRMAN  
REAL ESTATE COMMISSION  
STATE OF HAWAII

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FEDERAL HOUSING ADMINISTRATION  
ESCROW AGENT

REGISTRATION NO. 326

September 26, 1973