

# 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

LEINANI APARTMENTS, UNIT I  
Honoapiilani Highway  
Kaanapali, District of Lahaina  
Island and County of Maui  
Hawaii

REGISTRATION NO. 327

### 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: May 14, 1970  
Expires: June 14, 1971

#### 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 APRIL 8, 1970, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED ON MAY 13, 1970. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. LEINANI APARTMENTS, UNIT I, is a proposed fee simple condominium project consisting of thirty (30) dwelling units arranged throughout a single building of three (3) floors. There are thirty (30) parking stalls available, according to the Developer's intention to sell.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the proposed condominium project and the issuance of this Preliminary Public Report.

3. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners, and copy of the approved Floor Plans) have been filed in the office of the recording officer.

The Declaration submitting Deeds to Horizontal Property Regime made February 25, 1970, with By-Laws of the Association of Apartment Owners attached, was filed on March 2, 1970 in the Bureau of Conveyances, State of Hawaii, in Liber 6909, at Page 304.

Condominium Map No. 161 has been assigned the Project by the Registrar, Bureau of Conveyances.

4. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
6. If a Final Public Report is not issued within one year from the date of this Preliminary Public Report, purchasers shall be entitled to refund of monies paid without further obligations.
7. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, May 14, 1970, unless a Supplementary Public Report issues or the Commission upon review of the registration issues an order extending the effective period of this report.

NAME OF PROJECT: LEINANI APARTMENTS, UNIT I

LOCATION: The approximate 28,315 square feet of land committed to the regime is situate mauka (East) of the Main Government Road, Honoapiilani Highway, Kaanapali, District of Lahaina, Island and County of Maui, Hawaii. The property in question is approximately 14.0 miles from the town of Wailuku, the county seat.

TAX KEY: SECOND DIVISION, PORTION OF 4-3-06-4 and 4-3-06-36

ZONING: Apartment II

DEVELOPER: The corporation, LEINANI APARTMENTS, INC., a Hawaii corporation, Wailuku, Maui, Hawaii. Telephone (Maui) 35103.

The officers of the corporation are:

Robert O. Ohata, President  
Robert Y. Ohata, Vice President  
Eva M. DuPonte, Secretary  
Seiya Ohata, Treasurer

ATTORNEY REPRESENTING DEVELOPER: Meyer M. Ueoka, 2121 Main Street, Wailuku, Maui, Hawaii. Telephone (Maui) 33761.

DESCRIPTION: A three-story residential building covering the ground space of about 7837 square feet will be erected on the 28,315 square feet of land committed to the regime. It will contain thirty (30) apartments and each apartment will have exclusive use of a designated parking space. The building will be constructed of reinforced concrete. The building will contain ten (10) apartments on each of its three floors consisting of eight (8) one-bedroom and two (2) two-bedroom apartments on each floor. The twenty-four (24) one-bedroom units will each have approximately 728 square feet in area, containing one bedroom, a combination living room-dining room area, a kitchen, a bathroom, and a lanai. The six (6) two-bedroom units will each have approximately 988 square feet in area, containing two bedrooms, a combination living room-dining room area, a kitchen, two bathrooms and a lanai.

The immediate common elements to which each apartment has access will be a hall or passageway. Numbering of each apartment is as follows:

First Floor: 101, 102, 103, 104, 105, 106, 107, 108, 109  
and 110

Second Floor: 201, 202, 203, 204, 205, 206, 207, 208, 209  
and 210

Third Floor: 301, 302, 303, 304, 305, 306, 307, 308, 309  
and 310

Apartment numbers, the third digit of which ends in the number "8" or "9" shall be two-bedroom apartments. All other apartments will be one-bedroom apartments.

**COMMON ELEMENTS:** The specimen Declaration of Horizontal Property Regime identifies the following as common elements: (a) undivided fee simple interest in the land; (b) all foundations, columns, girders, beams, supports, bearing walls, roof, balconies, lobbies, hallways, stairs, walkways, entrance and exits of said building; (c) parking area, driveways, yard and refuse area; (d) all ducts, electrical equipment, wiring and other central and appurtenant installations for services including power, light, water, refuse and telephone; (e) switchroom and transformer vault; (f) trashrooms; and (g) storage rooms and all other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the building or the project.

**LIMITED COMMON ELEMENTS:** Certain parts of the common elements, called and designated "limited common elements" in the specimen Declaration are set aside and reserved for the exclusive use of certain apartments and such apartments will have appurtenant thereto an exclusive easement for the use of such limited common elements. Said limited common elements set aside and reserved are as follows: (a) one parking space designated by number will be assigned to each apartment and will be for the exclusive use of such apartment; and (b) entry hallway adjoining an apartment or apartments will be appurtenant to and for the exclusive use of such apartment or apartments which it adjoins.

**INTEREST TO BE CONVEYED PURCHASER:** The specimen Declaration reflects that percentage of the undivided interest in the common elements pertaining to each apartment and its owner for all purposes, including voting, is as follows:

One-bedroom apartments: 3.111% for each (24 units)

Two-bedroom apartments: 4.222% for each ( 6 units)

**PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE:** The purpose for which the apartments are intended and restricted as to use is residential, but this will not be construed to prohibit the renting or leasing of said apartments for profits, individually or otherwise, so long as the ultimate tenant thereof uses the apartment as a place in which to reside as distinguished from a place in which to carry on a trade or business.

**OWNERSHIP TO TITLE:** The Notice of Intention states, and the Certificate of Title prepared April 14, 1970 by the licensed title abstractor, Title Guaranty of Hawaii, Incorporated, a Hawaii corporation, verifies that title to the land is vested in LEINANI APARTMENTS, INC., a Hawaii corporation.

**ENCUMBRANCES AGAINST TITLE:** The title search document identifies the following: Mortgage, dated December 20, 1968, filed in Vol. 6632, Page 117, at the Office of the recording officer in favor of Clarence Seong, Commissioner. Declaration of Horizontal Property Regime, dated February 25, 1970, by LEINANI APARTMENTS, INC., dba LEINANI APARTMENTS, UNIT I, Developer, filed in Vol. 6909, Page 304 of said recording office. Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 415. Taxes for the 2nd half of the fiscal year 1969-1970 are due June 10, 1970.

The Developer has also filed with the Commission a copy of an unrecorded Indenture of Mortgage made March 2, 1970 by Leinani Apartments, Inc. in favor of MDG Supply, Inc. The Developer advises that this Indenture of Mortgage will be recorded concurrently with the filing of a release of prior mortgage made by Leinani Apartments, Inc. to Clarence Seong, dated December 20, 1968.

PURCHASE MONEY HANDLING: A copy of an Escrow Agreement dated March 21, 1970 has been executed and a copy of Amendment to Escrow Agreement dated May 12, 1970 has been filed with the Commission. The Escrow Agent is the Bank of Hawaii. Upon examination, the executed Escrow Agreement is found to be in consonance with the provisions of Chapter 514, Hawaii Revised Statutes. The Developer advises that purchasers' funds will not be used for construction cost during construction. The executed Escrow Agreement states that escrowed funds shall not be disbursed until such time as construction of the building is completed and the property has been released from any existing liens and encumbrances, if any, except under certain conditions contained in the Escrow Agreement.

It is incumbent upon the purchaser and prospective purchaser that he reads the Purchase Agreement for Apartment and the executed Escrow Agreement. The latter establishes how the proceeds from the sale of dwelling units and funds from other sources are placed in trust, as well as the retention and disbursement of said trust funds.

MANAGEMENT AND OPERATIONS: Administration of the project, as proposed in the specimen Declaration will be vested in the Association of Apartment Owners. The proposed By-Laws of the Association of Apartment Owners grant the Board of Directors the powers and duties necessary for the administration of the affairs of the Association. The Board of Directors may employ for the Association a management agent or manager. No property management agent or manager has been identified as at the date of the issuance of this Preliminary Public Report.

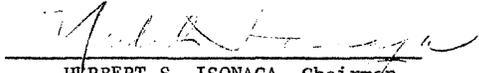
STATUS OF PROJECT: The Developer has entered into a construction contract dated February 25, 1970 with Builders, Inc., as contractor, for the construction of Leinani Apartments, Phase 1 Condominium Project. A Bond in an amount equal to the construction contract price has been issued by MDG Supply, Inc. as surety. The construction contract specifies the construction will be completed 8 months from the day notice to proceed is given to the contractor. The estimated completion day is November 11, 1970.

-----

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 April 8, 1970 and additional information subsequently filed on May 13, 1970.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 327 filed with the Commission on April 8, 1970.

The report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be yellow in color.

  
HERBERT S. ISONAGA, Chairman  
REAL ESTATE COMMISSION  
State of Hawaii

YH:km

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

Registration No. 327  
May 14, 1970