

**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  
HONOKOWAI EAST  
Honokowai  
Lahaina, Maui, Hawaii

REGISTRATION NO. 500

**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: March 29, 1973  
Expires: April 29, 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 the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED NOVEMBER 27, 1972. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. Honokowai East at Kaanapali is a proposed leasehold condominium project consisting of fifty-one (51) residential leasehold apartment units, in a single four (4) story building, which will be sold upon and subject to the terms and provisions of Apartment Leases to be issued by Elizabeth P. May, formerly known as Elizabeth P. Byington, the owner. The building will be served by one elevator, and there will be fifty-four (54) parking stalls available.

2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium and the 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 514, Hawaii Revised Statutes, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.

6. This Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, March 29, 1973, 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: HONOKOWAI EAST

LOCATION: The site, comprising 63,501 square feet, is Lot 1-B, a portion of Lot 1 of Honokowai Apartments, Subdivision II, at Honokowai, Lahaina, Maui, Hawaii. Access to the public highway is over an easement in favor of said property for roadway and utility purposes over and across Parcels B, C and D of the said Honokowai Apartments, Subdivision II. This land is located on the mauka side of the Honoapiilani Highway, approximately six miles from the town of Lahaina, and is also to the rear of the Honokowai Apartments, which are situate across the street from the Honokowai Beach Park.

TAX MAP KEY: SECOND DIVISION: 4-4-01-66

ZONING: Apartment A-3

DEVELOPER: Honokowai East, a registered limited partnership, whose address is Suite 909, 700 Bishop Street, Honolulu, Hawaii. The general partners are Michael Ross and Carlos Read.

ATTORNEY REPRESENTING DEVELOPER: David L. Mui, 1860 Ala Moana Boulevard, Suite 2100, Honolulu, Hawaii 96815. Telephone 955-0686.

DESCRIPTION: The specimen Declaration of Horizontal Property Regime and plans submitted by the Developer reflect the project is to consist of fifty-one (51) separately designated and legally described leasehold estates in apartment units in a four (4) story building with a ground floor and elevator. In addition there will be an apartment for the Manager and offered to the Association of Apartment Owners at the original sales price. Construction shall be of reinforced concrete, and reinforced concrete block will be the principal materials used in the construction of the building. There will be a parking stall for each apartment and also four (4) stalls for guest parking. There will be a swimming pool, a cabana with restroom facilities, and two (2) tennis courts.

The apartments shall be numbered and are situated as follows:

Facing the apartment building from the side starting at the extreme left.

<u>Floor</u>	<u>Apartments by Number</u>
1.	111-109-107-105-103-101-102-104-106-108-110-112
2.	213-211-209-207-205-203-201-202-204-206-208-210-212
3.	313-311-309-307-305-303-301-302-304-306-308-310-312
4.	413-411-409-407-405-403-401-402-404-406-408-410-412

The apartments and access thereto are more particularly described as follows:

Apartment 101 is a one bedroom apartment consisting of a bedroom, living room-dining room, a bathroom, a kitchenette, and an office. This apartment will contain 545 square feet including 98 square feet of lanai.

Apartments 111-213-313-413-112-212-312-412 are two bedroom apartments consisting of an entry hall, two bedrooms, a living room, kitchenette and eating area and a bathroom. Each two bedroom apartment will contain 793 square feet including 98 square feet of lanai.

All other apartments are studio apartments consisting of a livingroom-dining-sleeping area, a kitchenette and a bathroom. Each studio unit will contain 420 square feet including 98 square feet of lanai.

All first floor units shall have immediate access to the land heretofore described. The remaining units shall have immediate access to the external covered walks, stairways, and elevator that connect the units above the ground.

COMMON ELEMENTS: The specimen Declaration reflects that the common elements include: (a) The land heretofore described and the super-adjacent air space above the roof, and next to the exterior walls, of the said building, and the public parking areas other than the limited common elements consisting of a parking space for each apartment; (b) The vehicular entry/exit to the parking area, the pedestrian entrances, all other concrete walks, planting areas, and gardens giving access to the building, the pedestrian entrances from the parking area and all walkways onto which each apartment directly opens; (c) 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; (d) The swimming pool and its filtration system, lobby pass through, washers, dryers, sewage disposal units, outdoor lighting, tennis courts, cabana, fencing, and storage spaces outside of the leasehold estate units; (e) All central and appurtenant installations for services such as power, lights, telephone, gas, hot and cold water lines, television lines, 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, ducts and other apparatus and installations existing for, or in the said building for common use; (f) All intangible personal property, choses in action, debts, monies, reserves, funds, and other assets held by the Association of Apartment Owners for the benefit of the several apartment owners; and (g) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use and which are not part of any apartment.

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 undivided interest in the common elements appertaining to each apartment is established in the Declaration as Exhibit "D", attached hereto and made a part hereof. Each such interest is designated the common interest appertaining to each apartment and is referred to in the Declaration as such. The share of each apartment in the common profits and of the common expenses and its vote for all purposes in and under the project shall be a portion of the wholes thereof equal to its common interest.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The specimen Declaration incorporates By-Laws which provide 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, By-Laws, and Horizontal Property Regime, of the Association of Apartment Owners.

OWNERSHIP TO TITLE: The Notice of Intention identifies Elizabeth P. Byington, whose residence and post office address is 535 Ocean Avenue, Santa Monica, California, as the fee simple owner of the land committed to the project. The Certificate of Title issued by Hawaii Escrow & Title, Inc., dated February 16, 1973, and filed with the Commission, certifies that such representation is correct.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title prepared by Hawaii Escrow & Title, Inc., dated February 16, 1973, certifies that title to the property to be committed is subject to: Reservation - to the Hawaiian Government all mineral and metallic mines of every description. Easement - for roadway and utility purposes in favor of the County of Maui as shown on survey of Lot 1 of Honokowai Apartments Subdivision II dated April 26, 1968, prepared by Sam O. Hirota. Reservation - right to discharge, etc., noise, smoke, etc., in connection with sugar cane plantations operations as reserved in instrument of Pioneer Mill Co., Limited, dated December 28, 1967, recorded in Liber 5917, Page 321.

The terms, covenants and conditions as contained in Lease dated March 10, 1972, recorded September 14, 1972, in Liber 8583, Page 294.

Mortgage executed by Michael Marshall Ross and Annette Kay Ross, husband and wife, in favor of Amfac Financial Corp., a Hawaii corporation, in the amount of \$950,000.00, dated September 13, 1972, recorded September 14, 1972, in Liber 8583, Page 327.

Assignment of various second (2nd) mortgages as security, by Michael Marshall Ross, husband of Annette Kay Ross, to Amfac Financial Corp., a Hawaii corporation, dated September 13, 1972, recorded September 14, 1972, in Liber 8583, Page 340.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated November 1, 1972, identifies Hawaii Escrow & Title, Inc., 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 514, Hawaii Revised Statutes, and particularly Section 514-35 through 514-40 Hawaii Revised Statutes. 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 Hawaii Revised Statutes, Sec. 514-36 through Section 514-39, 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, without interest and less a cancellation fee of \$15.00, if purchaser shall in writing request refund of his funds and any one of the following shall have occurred: (a) Escrow receives a written request from Seller to return to purchaser the funds of such purchaser then held hereunder by Escrow; or (b) If purchaser's funds were obtained prior to the issuance of a Final Public Report and if there is any change in the 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, unless the purchaser has given written approval or acceptance of the change; or (c) If the request is prior to the time the Final Public Report is issued, or if after such time, the Final Public Report differs in any material respect from the Preliminary Report, unless the purchaser has given written approval or acceptance of the differences; or (d) If the Final Public Report is not issued within one year from the date of issuance of the Preliminary Public Report.

The specimen Reservation Agreement provides that Developer shall have the absolute right to cancel the Reservation Agreement if it fails to sell more than forty (40) apartment units by March 15, 1974.

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. The property manager has been identified in the Notice of Intention to Sell as Read Realty Management Company, Inc.

STATUS OF PROJECT: No building contract has yet been submitted to the Commission.

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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 November 12, 1972, and additional information subsequently filed by Developer as of March 21, 1973.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 500 filed with the Commission on December 27, 1972. The report, when recorded, shall be a true copy of the Commission's public report. The paper stock must be yellow in color.

  
DOUGLAS R. SODEVANI, Chairman  
Real Estate Commission  
State of Hawaii

Distribution:

Department of Taxation  
Bureau of Conveyances  
Planning Department, County of Maui  
Federal Housing Administration  
Escrow Agent

Registration No. 500  
March 29, 1973

DESIGNATION OF APARTMENTS  
APARTMENT NUMBERS, AREA  
AND PERCENTAGE INTEREST IN  
COMMON ELEMENTS AND FOR VOTING

<u>Unit Number</u>	<u>Area in Square Feet of Each Unit</u>	<u>Percentage Interest in the Common Elements and Voting</u>
<u>First Floor</u>		
101	545.0	2.2218%
111	793.0	3.2329%
109	420.0	1.7122%
107	420.0	1.7122%
105	420.0	1.7122%
103	420.0	1.7122%
102	420.0	1.7122%
104	420.0	1.7122%
106	420.0	1.7122%
108	420.0	1.7122%
110	420.0	1.7122%
112	793.0	3.2329%
<u>Second Floor</u>		
213	793.0	3.2329%
211	420.0	1.7122%
209	420.0	1.7122%
207	420.0	1.7122%
205	420.0	1.7122%
203	420.0	1.7122%
201	420.0	1.7122%
202	420.0	1.7122%
204	420.0	1.7122%
206	420.0	1.7122%
208	420.0	1.7122%
210	420.0	1.7122%
212	793.0	3.2329%

EXHIBIT "D"

<u>Unit Number</u>	<u>Area in Square Feet of Each Unit</u>	<u>Percentage Interest in the Common Elements and Voting</u>
<u>Third Floor</u>		
313	793.0	3.2329%
311	420.0	1.7122%
309	420.0	1.7122%
307	420.0	1.7122%
305	420.0	1.7122%
303	420.0	1.7122%
301	420.0	1.7122%
302	420.0	1.7122%
304	420.0	1.7122%
306	420.0	1.7122%
308	420.0	1.7122%
310	420.0	1.7122%
312	793.0	3.2329%
<u>Fourth Floor</u>		
413	793.0	3.2329%
411	420.0	1.7122%
409	420.0	1.7122%
407	420.0	1.7122%
405	420.0	1.7122%
403	420.0	1.7122%
401	420.0	1.7122%
402	420.0	1.7122%
404	420.0	1.7122%
406	420.0	1.7122%
408	420.0	1.7122%
410	420.0	1.7122%
412	793.0	3.2329%
	<hr/> 24,529.0 sq.ft.	<hr/> 99.9974%