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 HUKI
Puueo, Hilo
Island and County of Hawaii

REGISTRATION NO. 513

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: April 4, 1973
Expires: May 4, 1974

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 JANUARY 9, 1973. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO PRE-SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. HALE HUKI is a proposed residential condominium project consisting of ten (10) residential apartments contained in one three-story residential building.

2. The developer of the project has submitted to the Commission for examination a filing of documents and exhibits which are complete except for some particular requirement, or requirements, which can be expected to be completed as part of the registration.

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

4. 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.

5. If the Final Public Report is not issued within one (1) year from the date of this Preliminary Public Report, April 4, 1973, purchasers and prospective purchasers shall be entitled to refund of all monies paid without further obligation.

NAME OF PROJECT: HALE HUKI

LOCATION: The approximately 23,370 square feet of land committed to the regime is situate at 42 Wainaku Avenue, in the District of Puueo, South Hilo, Island and County of Hawaii.

TAX KEY: THIRD DIVISION 2-6-03-1 and 49

ZONING: Hotel Resort, VH .75

DEVELOPER: Helen Elizabeth Dahlberg, P. O. Box 1839, Hilo, Hawaii. Ph. 935-1328.

ATTORNEY REPRESENTING DEVELOPER: Nakamoto & Yoshioka (Attention: William S. Chillingsworth), Room 203, 80 Pauahi Street, Hilo, Hawaii. Ph. 935-7156.

DESCRIPTION: Buildings. One building, to be constructed in the shape of an "L" shall be located on the project, with one wing (hereinafter called the "East Wing") running northeast from the point of intersection, and the other wing (hereinafter called the "South Wing") running southeast from the point of intersection. The building shall be constructed primarily of wood frame, hollow-tile, reinforced concrete, shake roofing, and glass. The building shall contain three floors and no basement.

The East Wing shall contain, on the ground floor, two apartment units and one stairwell, and on the second and third floors, three two-story apartment units, and three stairways leading to ground level.

The South Wing shall contain, on the ground floor, one apartment unit, and on the second and third floors, three two-story apartment units, and three stairways leading to ground level.

At the intersection of the South and East Wings, on the ground floor, shall be located three covered parking stalls and seven open parking stalls, and on the second and third floors, one two-story apartment unit, and one stairwell.

Apartments. Ten (10) freehold estates are designated in the spaces within the perimeter walls, floors, ceilings and adjacent lanais of each of the ten apartment units of the project, which spaces, referred to herein as "Apartments", are designated on said plans and described as follows:

(a) Apartments 101 and 102 are located on the makai end and mauka end, respectively, of the East Wing at the ground floor level.

Apartments 204 and 206 are located on the makai end and mauka end, respectively, of the East Wing, on the second and third floor levels, with Apartment 205 located between Apartments 204 and 206.

Apartment 103 comprises the entire ground floor level of the South Wing.

Apartments 207 and 209 are located on the Hamakua (north) end and the Puna (south) end, respectively, of the South Wing, on the second and third floors, with Apartment 208 being located between Apartments 207 and 209.

Apartment 210 is located on the second and third floors at the intersection of the East and South Wings.

(b) Each Apartment contains the number of rooms and approximate floor area according to floor plans as follows:

(1) Two (2) Apartments, 101 and 102 contain five rooms, including one bedroom, bathroom, walk-in linen closet, kitchen, livingroom, and lanai, with a storage area off the lanai. The floor area of each of these Apartments, including lanai, is approximately 1,002 square feet.

(2) One (1) Apartment, 103, contains ten rooms, including two bedrooms, two bathrooms, kitchen, two livingrooms, three walk-in linen closets, and three lanais, with two storage areas located off each of two lanais. The floor area for this Apartment, including lanais, is approximately 2,004 square feet.

(3) Six (6) Apartments, 204, 205, 206, 207, 208 and 209 contain ten rooms, exclusive of linen closets, including three bedrooms, two and one-half bathrooms, kitchen, livingroom, entry, three walk-in closets, laundry room, and lanai. The floor area for each of these Apartments, including lanai, is approximately 1,486 square feet.

(4) One (1) Apartment, 210, contains ten rooms, exclusive of linen closets, including two bedrooms, five walk-in closets, three bathrooms, kitchen, livingroom, library-den, entry, and two lanais. The floor area for this Apartment, including lanais, is approximately 1,853 square feet.

(c) The Apartments on the ground floor level of the East and South Wings have access to walkways leading to the parking area and Wainaku Avenue. The Apartments on the second and third floors of the East and South Wings have access to stairways leading to ground level, and to walkways leading to the parking area and Wainaku Avenue. Apartment 210 contains a stairway leading to ground level and to the parking area.

(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 utility or service lines running through such apartment 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 the walls and partitions which are not load-bearing within its perimeter walls, doors and door frames, windows and window frames, the inner decorated or finished surfaces of all walls, floors and ceilings, exterior air space bounded by the exterior of the lanai railing, and all fixtures originally installed therein including range, oven, refrigerator, dishwasher and garbage disposal, water heater, washer and dryer.

<u>COMMON ELEMENTS</u>: The Declaration states that there is one freehold estate designated in all remaining portions and appurtenances of the project, called the "common elements", including specifically but not limited to:

(a) Said land in fee simple.

(b) All foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter and load-bearing walls and roofs of the building.

(c) All yards, grounds and landscaping; and all refuse facilities.

(d) All roads, parking areas, driveways and walkways.

(e) All ducts, electrical equipment, wiring, pipes and other central and appurtenant transmission facilities and installations over, under and across the project which serve more than one apartment for services such as power, light, water, gas, sewer, telephone and radio signal distribution.

(f) All planting areas of the project.

(g) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: The Declaration states further that certain parts of the common elements, called the "limited common elements", are designated and set aside for the exclusive use of certain apartments and such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows:

(a) One parking space, to be designated at the time of original conveyance, shall be appurtenant to and for the exclusive use of each apartment;

(b) The stairways leading to the second floor of the East and South Wings shall be appurtenant to and for the exclusive use of the apartments with which each stairway is connected.

INTEREST TO BE CONVEYED PURCHASER: Each apartment shall have appurtenant thereto an undivided interest in all common elements of the project, called the "common interest", and the same proportionate share in all profits and expenses of the project and for all other purposes, including voting, as follows:

APARTMENT	COMMON INTEREST
101	6.7600
102	6.7600
103	13.7305
204	10.0545
205	10.0545
206	10.0545
207	10.0545
208	10.0545
209	10.0545
210	12.4225

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The apartments shall be occupied and used only as private dwellings for a single family by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose. The owners of the respective apartments shall have the absolute right to lease the same subject to the limitations, restrictions, covenants and conditions of the Declaration.

TITLE OWNERSHIP: The Preliminary Title Report, dated March 8, 1973, by Security Title Corp., a Hawaii corporation, verifies that title to the property to be submitted to the Horizontal Property Regime is vested in Helen Elizabeth Dahlberg, under the terms of that certain Decree of Partial Distribution of Real Property dated June 26, 1968, filed in the Circuit Court of the Third Circuit of the State of Hawaii as Probate No. 3730, and recorded in the Bureau of Conveyances of the State of Hawaii in Book 6110, Page 58.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report dated March 8, 1973 reports that title to the land is subject to the following: (a) For any Real Property Taxes that may be due and owing on the land a reference is hereby made to the Office of the Tax Assessor of the Third Taxation Division, State of Hawaii;

(b) Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 4687; (c) this report is based on the assumption that J. W. Keomakani, the Grantee, in the certain Deed dated January 7, 1871, recorded in Book 31, Page 323, and J. W. K. Lo, the Grantor, in that certain Deed dated November 30, 1906, recorded in Book 286, Page 281, are one and the same person; (d) the interest of the State of Hawaii and/or the County of Hawaii, if any, in and to that portion of the land hereinafter described created by accretion; (e) mortgage dated January 25, 1973, in favor of the Bank of Hawaii filed with the Office of the Assistant Registrar as Document No. 616293, and also recorded in the Bureau of Conveyances in Book 8904, Page 175, to secure repayment and any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated December 20, 1972 identifies Security Title and Escrow, Inc., a Hawaii corporation, as escrow. On examination the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes.

Among other provisions the Escrow Agreement provides that a Buyer shall be entitled to a refund of his funds, and Escrow shall pay said funds to said Buyer, without interest and less any charges for credit reports or applications if Buyer 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 Buyer the funds of such Buyer then held hereunder by Escrow; or (b) if there is any change in the building plans requiring the approval of a County officer having jurisdiction over the issuance of permits for construction, unless the Buyer has given written approval or acceptance of the change; or (c) if the Buyer entered into a Sales Contract prior to the issuance of the Final Public Report on the project and the Final Public Report differs in any material respect from the Preliminary Public Report; or (d) if the Final Public Report is not issued within one year from the date of issuance of the Preliminary Report. Upon refund of said funds to Buyer as aforesaid, Escrow shall return to Seller such Buyer's sales contract and any Apartment Lease theretofore delivered to Escrow, and thereupon Buyer shall be deemed no longer obligated hereunder.

It is incumbent upon the purchaser and prospective purchaser that he reads, with care, the Sales Contract and the executed Escrow Agreement. The Escrow Agreement established how the proceeds from the sale of units and all sums from any source are placed in trust, as well as the retention and disbursement of said trust funds.

MANAGEMENT AND OPERATIONS: Under the proposed By-Laws of the Association of Apartment Owners, the Board of Directors have the authority to employ a responsible Managing Agent to manage and control the project. No Managing Agent has yet been selected.

STATUS OF PROJECT: The developer gives notice that construction of the project commenced January 10, 1973. No building contract, performance bond or statement of program of financing has been submitted with the registration.

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 January 9, 1973 and information subsequently filed as of March 27, 1973.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 513 filed with the Commission on January 9, 1973.

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

(for) DOUGLAS R. SODETANI, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

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REGISTRATION NO. 513

April 4, 1973