

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

MAILI MA KA KAI  
87-1550 Farrington Highway  
Waianae, Hawaii

REGISTRATION NO. 520

**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 23, 1974  
Expires: October 23, 1975

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 and prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JANUARY 23, 1973 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF SEPTEMBER 12, 1974. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND SUBMITTING ADDITIONAL INFORMATION, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAWS, CHAPTER 514, HAWAII REVISED STATUTES.

1. The Developer has complied with Chapter 514, Hawaii Revised Statutes and has fulfilled the requirements for the issuance of a Final Public Report.

2. Since the issuance of the Commission's Preliminary Public Report on Registration No. 520, dated April 23, 1973, and Supplementary Public Report on December 20, 1973, the Developer has forwarded additional information reflecting the fact that material changes have been made in the documents for the project.

Maili Ma Ka Kai is a fee simple condominium project and the purchaser will secure an apartment deed conveying an apartment unit together with the appurtenant common interest.

This Final Public Report is made a part of the registration on the Maili Ma Ka Kai condominium project. The Developer is responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers along with the Preliminary Public Report (yellow paper stock) and Supplementary Public Report (pink paper stock). Securing a signed copy of the Receipt for Horizontal Property Regime Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.

3. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.

The Developer 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, executed with By-Laws attached, was recorded in said Bureau of Conveyances in Liber 10112, Page 44.

The approved Floor Plans showing the layout, location, apartment numbers, etc. have been designated Condominium File Plan No. 378 in said 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 Regime.

6. This Final Public Report expires thirteen (13) months from the date of issuance, September 23, 1974, unless a Supplementary Public Report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information in the topical headings of the Preliminary Public Report of April 23, 1973, and the Supplementary Public

Report of December 20, 1973, with the exception of LIMITED COMMON ELEMENTS, OWNERSHIP OF TITLE, PURCHASE MONEY HANDLING, ENCUMBRANCES AGAINST TITLE, and STATUS OF PROJECT has not been disturbed.

LIMITED COMMON ELEMENTS: The Developer advises that the parking stalls located on the grounds of the Project have been renumbered and reassigned as follows:

Two (2) parking stalls designated on said Condominium File Plan by a number which number is also set forth opposite to the letter and number of each of the respective apartments in Exhibit "C" to the Declaration shall be appurtenant to and for the exclusive use of each such apartment.

The total number of such stalls has been revised from 120 as indicated in the Preliminary Report dated April 23, 1973, to 114.

OWNERSHIP OF TITLE: The Developer represents that it is the owner in fee simple of the property described in the Declaration by Deed dated May 3, 1974, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10021, Page 400; Deed dated May 3, 1974, recorded as aforesaid in Liber 10021, Page 406; and Deed dated July 2, 1974, recorded as aforesaid in Liber 10021, Page 413. A policy of title insurance issued by Security Title Corporation, dated July 9, 1974, a copy of which has been filed with the Commission, certifies that the Developer's representation is correct. An update of title dated August 26, 1974, issued by Security Title Corporation, has also been filed with the Commission and indicates that there has been no change in the status of title.

ENCUMBRANCES AGAINST TITLE: The policy of title insurance issued by Security Title Corporation dated July 9, 1974 and the update of title dated August 26, 1974, certify the following encumbrances against title to the property:

1. That certain undated Financial Statement recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10021, Page 420.
2. That certain Real Property Mortgage and Security Agreement dated July 5, 1974, was recorded as aforesaid in Liber 10021, Page 423, made by Schrader Investment and Development Corporation, a Hawaii corporation, as Mortgagor, to THC Financial Corp., a Hawaii corporation, as Mortgagee.
3. The terms and provisions of that certain Building Loan Agreement dated July 5, 1974, recorded as aforesaid in Liber 10021, Page 453, made by and between THC Financial Corp., a Hawaii corporation, and Schrader Investment and Development Corporation, a Hawaii corporation.

4. Real property taxes for fiscal year 1973-74 have been paid in full, but for any others that may be due and owing and a lien on said lands, reference is hereby made to the office of the Tax Assessment Division of the District in which said land is situated.

NOTE: The revised Condominium Reservation Agreement, Deposit, Receipt and Contract includes a provision under which the purchaser agrees that until the Developer has closed out the sale of all of the apartments in the condominium project, or until April 1, 1976, whichever shall first occur, the purchaser will not enter into an agreement with any purchaser, lessee or owner of another apartment in the project and/or any third party under which the purchaser agrees to share expenses and/or rentals of apartments in the project, and that this agreement of the purchaser shall survive the issuance to the purchaser of the deed conveying the apartment and shall bind the purchaser's heirs, executors, administrators, successors and assigns during the term thereof.

NOTE: The purchaser or prospective purchaser is advised to read and be aware of the provisions of Paragraph P. of the Declaration which reads in its entirety as follows:

"P. PLANNED UNIT DEVELOPMENT. The Project has been zoned as Planned Development-Housing (PD-H) District No. R-23 pursuant to Ordinance No. 4026 of the City and County of Honolulu approved October 13, 1972, a true and correct copy of which is attached hereto as Exhibit "B" and incorporated herein by reference. Unless and until they are repealed or otherwise superseded or amended, the provisions of said Ordinance No. 4026, shall constitute covenants running with the land which shall inure to the benefit of the City and County of Honolulu and its successors and shall be binding upon all who now or hereafter may own or occupy any interest in the Project; provided, however, that if any such provision is repealed or otherwise superseded, it shall automatically cease to operate as a covenant running with the land; and provided, further, that if any such provision is amended, it shall thereafter operate as a covenant running with the land only in its amended form. The apartment owners, by and through the Association, shall from the date hereof assume all obligations of the Owner under said Ordinance, including without limitation, the Bonds, required by Section II, Paragraph 2.a. and Section II, Paragraph 2.d. of said Ordinance."

PURCHASE MONEY HANDLING: The Developer has filed with the Commission a specimen Condominium Reservation Agreement, Deposit, Receipt and Contract which supersedes in its entirety the Subscription and Purchase Agreement heretofore filed with the Commission and mentioned in the Preliminary Public Report for the project. On examination, the specimen Condominium Reservation Agreement, Deposit, Receipt and Contract is found to be in compliance with Chapter 514,

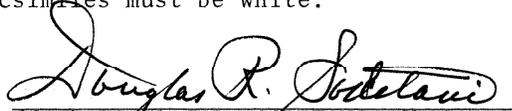
Hawaii Revised Statutes, as amended, and particularly Sections 514-36 through 514-40 thereof. Among other provisions the specimen Condominium Reservation Agreement, Deposit, Receipt and Contract provides that in the event less than twenty-three (23) apartment units are sold prior to April 15, 1975, Seller may at its option cancel this agreement, in which event Seller will cause Escrow to refund to Buyer all monies paid, without interest, and Seller shall be relieved and released of all further liability hereunder.

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: The Developer has entered into ten (10) contracts, each dated April 18, 1974, with H. B. DAVIS COMPANY for construction of the project. Each contract provides for construction of one of the ten buildings of the project. The Developer advises that construction of the project commenced on April 15, 1974 and that it estimates that completion will occur on or about February 15, 1975.

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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 January 23, 1973, and additional material subsequently filed as of September 12, 1974.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 520 filed with the Commission on January 23, 1973. 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. SOTETANI, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

DEPARTMENT OF TAXATION  
BUREAU OF CONVEYANCES  
PLANNING DEPARTMENT,  
CITY AND COUNTY OF HONOLULU  
ESCROW AGENT  
FEDERAL HOUSING ADMINISTRATION

REGISTRATION NO. 520

September 23, 1974