

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

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

## SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on

WAIOHULI BEACH HALE  
Kihei, Maui, Hawaii

Registration No. 690

### **This Report Is Not an Approval or Disapproval of This Condominium Project**

It was prepared as a supplement to an earlier Report dated June 3, 1974 and October 12, 1978 issued by the Real Estate Commission on the above 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: June 6, 1979  
Expires: November 12, 1979

### 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 or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MAY 23, 1974, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF MAY 31, 1979. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report of June 3, 1974 and Final Public Report of October 12, 1978 on WAIOHULI BEACH HALE, Registration No. 690, the Developer reports that a change has been made to allow the sale in fee of the apartments in the Project and to reflect the mandatory membership of the apartment owner in a non-profit corporation which will landscape and maintain two parcels owned by the State of Hawaii.

The changes subsequently made are determined to be a material revision to the information disclosed earlier. This Supplementary Public Report (pink paper stock) amends the Final Public Report (white paper stock) and Preliminary Public Report (yellow paper stock) becoming a part of the WAIHOLI BEACH HALE registration. The Developer is responsible for placing a true copy of this Supplementary Public Report in the hands of all purchasers and prospective purchasers, along with a copy of the Preliminary Public Report and the Final Public Report. The purchaser shall sign the required receipt signifying that he has had an opportunity to read the three reports.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration and the updating of information disclosed therein.
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 been filed in the office of the recording officer in Liber 13008 on Page 58, and the Condominium Map is numbered 552. The Amendment to Declaration has been filed in the said office of the recording officer in Liber 13661 on Page 680.
4. No advertising or promotional material 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 514A, Hawaii Revised Statutes, and the Condominium Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
6. This Supplementary Public Report expires on November 12, 1979, unless another supplementary public report is issued or the Commission upon review of the registration issues another order extending the effective period of this report.

The information in the Preliminary and Final Public Reports dated June 3, 1974, and October 12, 1978, respectively, have not been disturbed, except for the following:

INTEREST TO BE CONVEYED PURCHASER: According to the specimen copies of the conveyance documents submitted to the Commission, the Developer proposes to convey apartments by way of a Condominium Conveyance Document which purports to convey a fee interest in an apartment and a specified undivided interest in and to the common elements of the apartment building, together with a specified undivided leasehold interest in and to the land submitted to the Horizontal Property Regime. The Condominium Conveyance Document specifically provides that no assignment, mortgage or sublease may be made of the leasehold interest in

the land separate and apart from a transfer of the apartment with which the Condominium Conveyance Document was issued. In addition, a purchaser of an apartment unit shall be required to either have the Association of Apartment Owners or a newly created nonprofit organization of which each apartment owner shall be a member landscape and maintain at its own cost two parcels of land owned by the State of Hawaii and located on the ocean side of the Project, to which the Apartment Owner shall have a right of access from the State of Hawaii.

All other information under this topical heading in the Final Public Report of October 12, 1978 remains unchanged.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The House Rules state, among other provisions: (1) Pets will be allowed only upon the approval of the Board of Directors of the Association of Apartment Owners; and (2) The occupants of an apartment shall be entitled to use only one parking stall on the project, regardless of the number of owners or tenants in said apartment.

ENCUMBRANCES: The Preliminary Title Report issued by Title Guaranty of Hawaii, Inc. as of May 4, 1979, certifies that the records reveal no liens or encumbrances against said title, save and except,

1. For real property taxes due and owing, reference is made to the Office of the Tax Assessor, Second Division.
2. A grant in favor of the Board of Water Supply of the County of Maui, dated June 17, 1974, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10206 at Page 594; granting a nonexclusive easement to construct, reconstruct, maintain, operate, repair and remove a water pipeline or pipelines, etc. over and across that certain parcel of land.
3. Terms, agreements, reservations, covenants, conditions and provisions contained in the Master Lease dated March 5, 1974 by and between Roman Catholic Church in the State of Hawaii, a Hawaii Ecclesiastical Corporation, as Lessor, and David P. Ting and Sons, Inc., a Hawaii corporation, as Lessee, and recorded in Liber 13008 at Page 20 for a term of 62 years commencing on August 1, 1974, which said Master Lease was amended by instrument dated June 15, 1978, and recorded in Liber 13008 at Page 47, Re: Description.
4. Covenants, conditions, restrictions, easements, reservations and all other provisions set forth in Declaration of Horizontal Property Regime dated July 10, 1978, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 13008 at Page 58 and the By-Laws attached thereto as the same are or may hereafter be amended in accordance with law, said Declaration or By-Laws. (Project covered by Condominium Map No. 552.) Said Declaration was amended by instrument dated April 12, 1979, and recorded in Liber 13661 at Page 680.

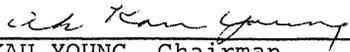
5. Mortgage, Security Agreement and Financing Statement by and between David P. Ting and Sons, Inc., a Hawaii corporation, as Mortgagor, and Washington Mortgage Co., Inc., a Washington corporation, as Mortgagee, dated July 11, 1978, and recorded in Liber 13008 at Page 115, in the amount of \$3,033,000.00.
6. A grant in favor of Maui Electric Co., Ltd., a Hawaii corporation, dated April 3, 1979 and recorded in Liber 13632 at Page 134; granting an easement for electrical purposes over, across, through and under a portion of the premises.

MANAGEMENT AND OPERATIONS: By virtue of an agreement dated May 1, 1979, a copy of which has been provided to the Commission, Duane Paul Ting, Inc. has been designated the initial Managing Agent.

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The purchaser or prospective purchaser should be cognizant of the fact that this report represents information disclosed by the Developer in the required Notice of Intention submitted May 23, 1974 and information subsequently filed as of May 31, 1979.

This SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 690 filed with the Commission on May 23, 1974.

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

  
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AH KAU YOUNG, 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. 690

June 6, 1979