

# 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  
PALM GROVE  
(formerly Maili Holiday)  
Lualualei, Waianae  
Oahu, Hawaii

Registration No. 713

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

It was prepared as a supplement to an earlier Report dated October 21, 1974, 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: May 1, 1979

Expires: April 21, 1980

### SPECIAL ATTENTION

A comprehensive reading of this report 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 AUGUST 27, 1974 AND INFORMATION SUBSEQUENTLY FILED AS OF APRIL 27, 1979. THE DEVELOPER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Final Report of October 21, 1974 on Maili Holiday, Registration No. 713, which report expired November 21, 1975, the name of the project has

been changed to Palm Grove in addition to other changes made to the project. The changes made are determined to be a material revision of the information disclosed earlier.

2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this condominium project and the issuance of the Supplementary Public Report.
3. The Developer has advised that the Declaration, with the By-Laws attached thereto, has been recorded in the Bureau of Conveyances of the State of Hawaii in Liber 1015, at Page 230. An Amendment of said Declaration has been recorded in the Bureau of Conveyances in Liber 13581, at Page 419. The Condominium Map, as amended, has been filed with the Registrar of said Bureau of Conveyances as Map No. 377.
4. Advertising or promotional materials have 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, as amended, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
6. This Supplementary Final Public Report amends the Final Public Report of October 21, 1974 and becomes a part of the Palm Grove registration. The Developer is responsible for placing a true copy of this Supplementary Public Report (pink paper stock) in the hands of all purchasers and prospective purchasers, along with a copy of the Final Public Report (white paper stock). The Developer is responsible for securing from each purchaser or prospective purchaser a signed receipt signifying that he has had an opportunity to read all reports.
7. This Supplementary Public Report expires April 21, 1980, unless another Supplementary Public Report issues, or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information in the Final Public Report of October 24, 1974, with the exception of that information contained under the topical headings LOCATION, TAX MAP KEY, ZONING, DESCRIPTION, INTEREST TO BE CONVEYED TO PURCHASER and USE, has been changed. The project has been renamed. There is a new Developer and a new attorney representing said Developer. The Common Elements and Limited Common Elements have been redefined. The title to the land upon which the Project is located is now under a new owner. Certain encumbrances against the title to the land

existing as of the filing of the Final Report of October 24, 1974 have been removed. A new Escrow Agreement has been executed and a new Escrowee named. A new Managing Agent of the Project has been named. The status of the Project has been changed. These amendments are recited in their entirety as the Commission is of the opinion that all purchasers and prospective purchasers should be cognizant of the changes as follows:

DEVELOPER: AMERICAN SAVINGS AND LOAN ASSOCIATION, a Utah corporation, whose business address is the Financial Plaza of the Pacific, Honolulu, Hawaii; Telephone No. 531-6262. The principal officers and Hawaii Division Officers of the corporation are:

D. Gary Alvey, President and General Manager  
Sam S. Hironaka, Executive Vice President and Manager,  
Hawaii Division  
LeRoy P. (Bob) Taylor, Executive Vice President and Secretary  
J. Floyd Scott, Senior Vice President and Assistant Manager  
Kakuji Kajiwara, Senior Vice President  
Berg H. Fujimoto, Senior Vice President  
Herbert Y. Arata, Regional Vice President, Hawaii  
James F. Gibson, Vice President  
Maurice Jo, Regional Vice President, Maui and Molokai  
Allan Kitagawa, Vice President and Controller  
Robert Lee, Regional Vice President, Oahu  
Mitsuo Oshikata, Vice President  
Emma Lou Rogers, Vice President  
Robert K. Yotsuda, Regional Vice President, Kauai  
Charles Matsumoto, Vice President

ATTORNEY REPRESENTING DEVELOPER: Kobayashi, Watanabe, Sugita & Kawashima (Kenneth Y. Sugita), Suite 814, Hawaii Building, 745 Fort Street, Honolulu, Hawaii, 96813; Telephone: 524-5700.

COMMON ELEMENTS: The common elements include the limited common elements hereinafter described and all other portions of the land and improvements other than the dwellings as they shall specifically include, but not be limited to:

- (a) the above-described land and improvements thereon;
- (b) all roadways, sidewalks, walkways, playground areas as shown and delineated on said Condominium Map, as amended;
- (c) all ducts, electrical equipment, all wiring other central and appurtenant installations including power, light, water, gas, sewer and telephone; and
- (d) all other elements and facilities existing for the common use, or necessary to the existence, upkeep and safety of the project.

LIMITED COMMON ELEMENTS: The Declaration reflects that certain parts of the common elements herein called "limited common elements" are designated and set aside for the exclusive use of certain dwellings. Such dwellings have appurtenant thereto

easements for the use of such limited common elements. The common elements so designated and reserved are as follows:

- (a) The site of each dwelling, consisting of the land beneath and immediately adjacent thereto, as shown and delineated on the above-said Condominium Map, as amended, shall be appurtenant to and for the exclusive use of such dwelling.
- (b) The walkway and driveway connecting the dwelling to public roadways or to the roadway of the project, as shown and delineated on said Condominium Map, as amended, shall be appurtenant to and for the exclusive use of such dwelling, except for the driveways connecting to the roadway dwellings 87-151 and 87-155, 87-226 and 87-232, 87-227 and 87-231, 87-108 and 87-114, 87-525 and 87-529 which driveways shall be appurtenant to and for the mutually exclusive use of both of the respective dwellings so connected.
- (c) The carport, entranceway, deck and yard immediately adjacent to the dwelling, as shown and delineated on said Condominium Map, as amended.

NOTE: The Declaration provides that a dwelling owner has the responsibility to maintain and repair the limited common elements appurtenant to his dwelling including the landscaping of the dwelling site which is a limited common element appurtenant to his dwelling.

OWNERSHIP OF TITLE: The Title Report dated April 6, 1979, from Title Guaranty of Hawaii, Inc., a licensed abstractor, indicates that title to the land is vested in Bishop Trust Company, Limited, a Hawaii corporation, in trust, under the Will and of the Estate of Emil Wery, Deceased.

ENCUMBRANCES AGAINST TITLE: Said Title Report, as updated, indicates the following encumbrances:

1. For any taxes that may be due and owing, reference is made to the office of the Tax Assessor, First Taxation Division.
2. As to Parcel FIRST only:
  - (a) Easement D-6 for drainage purposes in favor of the City and County of Honolulu.
  - (b) Easement D-7 for drainage purposes in favor of the City and County of Honolulu.
  - (c) Easement S-2 for slope purposes in favor of the City and County of Honolulu.
  - (d) Easement S-5 for slope purposes in favor of the City and County of Honolulu.
  - (e) A grant in favor of the City and County of Honolulu, dated October 22, 1975, recorded as aforesaid in Liber 10980, at Page 208; granting Easement R-1 for road and utility purposes.

(f) A grant in favor of the City and County of Honolulu, dated March 29, 1976, recorded as aforesaid in Liber 12040, at Page 375; granting Easement D-1 for drainage purposes through, under and across a portion of said parcel.

3. As to Parcel SECOND only:

(a) Easement S-1 for slope purposes in favor of the City and County of Honolulu.

(b) Easement S-7 for slope purposes in favor of the City and County of Honolulu.

(c) A grant in favor of the City and County of Honolulu, dated May 25, 1973, recorded as aforesaid in Liber 9226, at Page 273; granting an easement for sewer purposes through, under and across a portion of said parcel.

(d) A grant in favor of the City and County of Honolulu dated March 29, 1976, recorded as aforesaid in Liber 12040, at Page 375; granting Easement D-2 for drainage purposes through, under and across a portion of said parcel.

4. Easement for slope construction or drainage easement over and across Easements S-5, S-7, D-6 and D-7, as created by that certain Final Order of Condemnation dated July 23, 1968, recorded as aforesaid in Liber 6180, at Page 194.

5. A grant in favor of the City and County of Honolulu, dated July 8, 1970, recorded as aforesaid in Liber 7103, at Page 324; granting an easement to construct, cut and maintain a slope along, through, over and across Easements S-1 and S-2 of Waianae-Nui Watershed Project, Maili Channel Improvement, Lines M-5 and M-6.

6. A grant in favor of Hawaiian Electric Company, Inc., dated December 2, 1975, recorded as aforesaid in Liber 11072, at Page 267; granting an easement for utility purposes over, under, upon, across and through a portion of the premises.

7. Covenants, conditions, restrictions, easements, reservations and all other provisions set forth in Declaration of Horizontal Property Regime dated August 6, 1974, recorded as aforesaid in Liber 10105, at Page 230 and the By-Laws attached thereto as the same are or may hereafter be amended in accordance with law, said Declaration or By-Laws; said Declaration being amended by instrument dated March 21, 1979, recorded as aforesaid in Liber 13581, at Page 419. (Project covered by Condominium Map No. 377.)

8. Terms, conditions and provisions contained in the Testamentary Trust under the Last Will and Testament of Emil Wery, Deceased, as appears by Probate No. 8189, filed in the Circuit Court of the First Circuit, State of Hawaii.

9. Various Apartment Leases, Apartment Deeds and Agreements of Sale of the dwelling units in the Project.

PURCHASE MONEY HANDLING: The Developer has filed a copy of an updated Escrow Agreement dated March 13, 1979, which identifies

Title Guaranty Escrow Services, Inc. as the Escrow Agent and a copy of the Specimen Sales Contract to be used for the purchase of dwelling units in the Project. Upon examination of the executed Escrow Agreement and the specimen Sales Contract, it is found to be in consonance with the Horizontal Property Regimes Act, as amended.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Escrow Agreement since it prescribes the procedure for receiving and disbursing purchaser's funds and the Contract of Sale specifically provides that the purchaser approves said Escrow Agreement.

FINANCING: Financing for each qualified purchaser of a unit has now been arranged with American Savings and Loan Association. Purchasers may secure financing from other sources provided that the schedule of down payments as called for in the Contract of Sale is followed and the mortgage monies are paid into escrow.

MANAGEMENT OF PROJECT: The Developer has submitted an executed Management Agreement to the Commission dated March 5, 1979, with Certified Management as the new Managing Agent.

STATUS OF PROJECT: The Developer reports that the construction of the project was completed on April 30, 1975. The project was originally known as the Maili Holiday Condominium Project and was originally developed by Edwin Yee, Ltd., a Hawaii corporation (the "Original Developer"). All dwelling units now being sold by the Developer have been occupied either by renters or by purchasers who have transferred back their units to the Original Developer or the Developer. The Developer was transferred the remaining unsold dwelling units in the project by the Original Developer on July 11, 1978. All dwelling units have been partially renovated and are sold in its used "as is" condition. A warranty applies only to the refrigerators and oven/ranges and such warranty expires on November 28, 1979.

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The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Original Developer in the required Notice of Intention submitted August 27, 1974 and information subsequently filed on April 27, 1979.

This is a SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of Registration No. 713, filed with the Commission on August 27, 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.

*Ah Kau Young*  
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Ah Kau Young, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

DISTRIBUTION:

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

REGISTRATION NO. 713

May 1, 1979