

REAL ESTATE COMMISSION
PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES
STATE OF HAWAII
1010 RICHARDS STREET
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FINAL
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT

on
PUUONE TERRACE
PIO PLACE, WAILUKU
ISLAND & COUNTY OF MAUI
STATE OF HAWAII

REGISTRATION NO. 722

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: October 2, 1974
Expires: November 2, 1975

SPECIAL ATTENTION

A comprehensive reading of this report by prospective purchasers 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED TO THE COMMISSION SEPTEMBER 18, 1974. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514, HAWAII REVISED STATUTES.

1. PUUONE TERRACE is a proposed fee simple condominium project consisting of sixty seven (67) apartment units arranged throughout a single 4 story building plus a subground floor, with sixty six (66) parking spaces. There are 66 one-bedroom apartment units and one commercial apartment.
2. This Final Public Report is made a part of the registration on the PUUONE TERRACE project. The Developer is responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers. 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 has complied with Sec. 514-15, Hawaii Revised Statutes, and has fulfilled the requirements for the issuance of this Final Public Report prior to completion of construction of the project.
4. The Developer reports that the basic documents have been filed in the office of the recording officer. The Declaration of Horizontal Property Regime with By-Laws of the Association of Apartment Owners attached, was recorded on September 4, 1974 in the Bureau of Conveyances of the State of Hawaii in Liber 10119, Page 272. Condominium Map No. 381 showing the layout, location, apartment numbers, etc., was also recorded in the Bureau of Conveyances on September 4, 1974.
5. Advertising and promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
6. 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 the Horizontal Property Act.

7. This Final Public Report expires thirteen (13) months from date of issuance on October 2, 1974 unless a supplementary report is published or the Commission upon review of the registration issues an order extending the effective period of this report.

NAME OF PROJECT: PUUONE TERRACE

LOCATION: The approximately 46,115 sq. ft. of land to be committed to the regime is situated on the westerly side of Pio Drive at Owa, Wailuku, Maui, State of Hawaii.

TAX KEY: Second Division 3-8-37-39, 40, 41 and 42.

ZONING: A-2, (Apartment)

DEVELOPER: HAENA DEVELOPMENT CORP., a Hawaii corporation whose principal place of business and post office address is Suite 1501, 700 Bishop Street, Honolulu, Hawaii. Telephone: 536-6661. Theodore R. di Tullio and Julia W. di Tullio, the fee simple owners of the land, have granted development rights to HAENA DEVELOPMENT CORP.

ATTORNEY REPRESENTING DEVELOPER: Axel Ornelles, 745 Fort Street, Honolulu, Hawaii. Telephone: 538-1991.

DESCRIPTION: This will be a fee simple condominium complex consisting of a 4-story hollow tile building containing sixty-six (66) one-bedroom apartment units and one commercial apartment unit. 66 parking spaces are located on the sub-ground and on the ground level. Each unit will be numbered as shown on the floor plans filed with the Declaration in the office of the recording officer and is in accordance with said plans.

- (a) There are six apartments on the ground level and twenty apartments each on the second, third and fourth floors. On the ground level the six apartments are numbered 101 through 106. On the second floor the twenty apartments are numbered 201 through 220, on the third floor, 301 through 320 and on the fourth floor, 401 through 420. There are ten apartments on each side of a central corridor on the second, third and fourth floors, with all of the units ending in an odd number on the north side of the corridor and the units ending in an even number are on the south side of the corridor, as follows:

Sub-Ground Floor	Parking and commercial apartment A
Ground Floor	101, 102, 103, 104, 105, 106 and parking
Second Floor	201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220

Third Floor	301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320
Fourth Floor	401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420

The immediate common element to which each apartment has access is a corridor in the center of each floor of the building leading to the stairs.

- (b) Each of the 66 residential apartments consists of one bedroom, one bath, a combination living-dining room and a kitchen, with an enclosed living area of approximately 586 sq. ft. overall.
- (c) The commercial apartment is in the sub-ground floor of the building and contains an area of approximately 264 sq. ft. It consists of loft space and will be used as a laundry area with coin operated washers and dryers.

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 all the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures originally installed therein.

COMMON ELEMENTS: The Declaration states that the common elements of the project include the following:

- (a) Said land in fee simple;
- (b) All foundations, columns, girders, beams, supports, bearing walls, roofs, chases, entry halls, stairs, walkways, entrances and exits of said buildings;
- (c) One elevator with elevator housing and appurtenant equipment;
- (d) All yards, parking areas and refuse areas;
- (e) All ducts, electrical equipment, wiring and other central and appurtenant installations for services including power, light, cold and hot water, refuse and telephone;

- (f) All recreation areas and all other parts of the project necessary or convenient to its existence, maintenance and safety or normally in common use for the operation of the building or the common elements.

LIMITED COMMON ELEMENTS: The limited common elements, according to the Declaration, shall consist of one parking stall for the exclusive use of each unit and designated on the floor plans to be placed on record by a number corresponding to the number of such unit.

INTEREST TO BE CONVEYED PURCHASER: Each residential apartment unit shall have appurtenant thereto an equal undivided 1.5048 percentage interest in the common elements as specified and established in the Declaration for such, and known as the "common interest." Commercial apartment A shall have appurtenant thereto an undivided 0.6832 percentage interest in said common elements. The aggregate of the common interests of all the owners shall be the basis for determination of assessments and allocations of common expenses, division and distribution of common profits, for voting in the Association of PUUONE TERRACE Condominium Apartment Owners, and for all other related purposes.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The entire building is intended for residential use except for Apartment A and shall be used for no other purpose, in accordance with the terms of the Declaration, the By-Laws of the Association of PUUONE TERRACE Condominium Apartment Owners, and the House Rules, as they exist or as they may be amended from time to time, and each Owner shall also observe, comply with and perform all applicable laws, ordinances and rules and regulations of all governmental agencies. Apartment A is a commercial unit and shall only be used to carry on the business of a laundry.

OWNERSHIP TO TITLE: A Preliminary Report prepared September 4, 1974 by Security Title Corporation shows that title to the parcel of land committed to the regime is vested in THEODORE R. Di TULLIO and JULIA W. Di TULLIO.

ENCUMBRANCES AGAINST TITLE: A Preliminary Report prepared September 4, 1974 by Security Title Corporation shows the following encumbrances against the parcel of land submitted to the regime:

- (a) Declaration of Horizontal Property Regime of PUUONE TERRACE and the By-Laws attached thereto dated August 20, 1974 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10119, Page 272. The required floor plans are filed as Condominium Map No. 381.
- (b) Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 1996.

- (c) The restrictive covenants set forth in those certain Deeds dated April 21, 1971, recorded in the Bureau of Conveyances of the State of Hawaii in Book 7508, Page 40, and dated October 21, 1970, recorded in said Bureau in Book 7251, Page 59.
- (d) The terms and provisions of that certain Loan Agreement dated July 17, 1974, recorded on July 31, 1974 in the Bureau of Conveyances of the State of Hawaii in Book 10062, Page 542, by and between KASSLER & CO., a Colorado corporation, duly qualified and doing business in the State of Hawaii, as "Lender", and HAENA DEVELOPMENT CORP., a Hawaii corporation, as "Borrower", to which reference is hereby made.

That certain instrument attached to said Loan Agreement recorded in said Bureau of Conveyances in Book 10062, Page 594, to which reference is hereby made.
- (e) Undated Financing Statement recorded on July 31, 1974 in said Bureau of Conveyances in Book 10063, Page 1, the debtor being Haena Development Corp. and the secured party being Kassler & Co.
- (f) A 15-foot Building Setback running along Pio Place, as shown on File Plan No. 709.
- (g) Grant dated December 4, 1961, recorded in said Bureau of Conveyances in Book 4181, Page 276, in favor of MAUI ELECTRIC COMPANY, LIMITED and Hawaiian Telephone Company, granting perpetual rights and easements for pole and wire lines or underground power lines.
- (h) Mortgage dated July 17, 1974 in the sum of \$1,500,000.00 filed in Book 10062, Page 515 made by Haena Development Corp. and Theodore R. Di Tullio and Julia W. Di Tullio in favor of Kassler & Co.
- (i) Real property taxes for the fiscal year of 1976 are a lien.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement, executed July 16, 1974 between Security Title Corporation as Escrow and HAENA DEVELOPMENT CORP., as Developer, has been submitted to the Commission as part of this registration. The specimen Contract of Sale and the executed Escrow Agreement have been examined. The documentation provides that the sale contract will not become effective until the Commission issues its Final Public Report on the project and the purchaser has given his receipt for a copy of same.

The developer has advised the Commission that the specimen Deposit, Receipt and Sales Contract shows that if less than seventy-five (75%) percent of the apartments are sold as of April 5, 1975, the Seller may cancel this agreement at its option and refund to buyer all monies paid, less Escrow's cancellation fee.

The developer has also advised the Commission that if at any time during the period of the said contract agreement the Purchaser's credit shall be found unsatisfactory to Seller, or financing becomes unavailable to Purchaser or Seller, Seller may, at its option, cancel said agreement and refund all monies to Purchaser, without interest, and less any charges for a credit report and Escrow cancellation fee. Escrow's cancellation fee is \$15.00 as provided in said Escrow Agreement.

Trust funds will be returned at purchaser's written request if there is any change in the condominium building plans subsequent to execution of the Contract of Sale requiring approval of a County or City and County Officer having jurisdiction over issuance of permits for construction of buildings, unless purchasers agree in writing to such change. It is incumbent upon the purchaser and prospective purchaser that he reads, with care, the Contract of Sale and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of units and all sums from any source are placed in trust, as well as the retention, disbursement, accrual of interest and refund of said trust funds.

MANAGEMENT AND OPERATION: The Declaration of Horizontal Property Regime states that the administration of the project shall be vested in the Association of PUUONE TERRACE Condominium Owners, whose members include all of the owners of apartment units, in accordance with the By-Laws of the Association. The By-Laws vest the Board of Directors with the authority to employ and at all times maintain a responsible managing agent. The Required Notice of Intention represents that the Developer will employ AARON M. CHANEY INC., 841 Bishop Street, Honolulu, Hawaii, as the first Managing Agent.

FINANCING OF PROJECT: The Developer has complied with the provisions of Section 514-15 of the Hawaii Revised Statutes by filing with the Commission the following:

1. Developer's notarized statement showing all costs involved in completing the project.
2. Developer's notarized estimate of the time of completion of construction of June 5, 1975.
3. Developer's notarized statement that the total project cost will be covered with funds from a construction loan made by Kassler & Co.
4. Copy of executed Construction Contract dated May 6, 1974.
5. Copy of Promissory Note dated July 17, 1974, signed by HAENA DEVELOPMENT CORP. in favor of KASSLER & CO. in the sum of \$1,500,000.

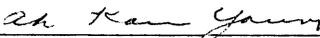
The Developer has informed the Commission that no permanent financing has been obtained as yet for the project.

STATUS OF PROJECT: A building contract was executed on May 6, 1974 between HAENA DEVELOPMENT CORP. as "Developer" and GLOBAL CONTRACTORS INC. as "Contractor." The Developer has advised the Commission that construction began on August 5, 1974 and that the building may be completed and ready for occupancy by June 5, 1975.

The purchaser or prospective purchaser should be cognizant of the fact that the published report represents information disclosed by the Developer in the Required Notice of Intention submitted September 18, 1974.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 722 filed with the Commission on September 18, 1974.

The Report, when reproduced, shall be a true copy of the Commission's public report. The paper stock used in supplying facsimilies shall be white.


(for) Douglas R. Sodehani, 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. 722
October 2, 1974.