

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

IAO GARDENS
Vineyard Street at Muliwai Drive
Wailuku, Maui, Hawaii

REGISTRATION NO. 823

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: April 18, 1979
Expires: May 18, 1980

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 ON NOVEMBER 13, 1975, AND INFORMATION SUBSEQUENTLY SUBMITTED AS OF APRIL 16, 1979. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL AND SUBMITTING INFORMATION ON MATERIAL CHANGES IN THE PROJECT, 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 Preliminary Public Report on April 27, 1976 and Supplementary Public Report on January 12, 1977 and its extensions thereof, on IAO GARDENS, Registration No. 823, the Developer reports that certain changes have been made in the development plan as presented in the earlier Public Reports. These changes have been determined by Developer to be a material revision to the information disclosed earlier. Therefore, this Final Public Report (white paper stock) amends the Supplementary Public Report (pink paper stock) and Preliminary Public Report (yellow paper stock), becoming a part of the IAO GARDENS registration. Developer is responsible for placing a true copy of this Final Public Report in the hands of all purchasers and prospective purchasers, along with both copies of the Preliminary and Supplementary Public Reports. The buyer shall sign the required receipt signifying that he has had an opportunity to read all three reports.

NOTE: All Purchasers entering into sales contracts prior to the issuance of this Final Public Report are entitled to a refund of all moneys paid by the purchasers, since the Final Report was not issued within one year from the date of issuance of the Preliminary Public Report. If the purchaser shall receive a copy of the Final Report and not take any action after receipt hereof and of notice that he must take action within said period his right to rescind and for refund will be waived.

2. The Developer 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.
3. The Developer advises that the Declaration of the Horizontal Property Regime and attached By-Laws are recorded in the Bureau of Conveyances, State of Hawaii, in Book 13150, Page 551 as amended January 12, 1979 and recorded in Book 13552, page 92. The Condominium Map has been filed in the Bureau as Map No. 571.
4. Advertising and 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 Condominium Rules and Regulations which relate to Horizontal Property Regimes.
6. This Final Public Report automatically expires thirteen (13) months from the date of issuance, April 18, 1979, unless another Supplementary Public Report issues or the Commission, upon review of this registration, issues an order extending the effective period of this report.

The information under the topical headings in the Preliminary Public Report and Supplementary Public Report issued April 27, 1976 and January 12, 1977 respectively, have not been disturbed with the exception of the following:

DEVELOPER: Pacific Horizon Corporation, a Hawaii corporation, whose principal office is located at Suite 412, 745 Fort St., Honolulu, Hawaii 96813, whose mailing address is 745 Fort St., Ste 412, Honolulu, Hawaii 96813, and whose business telephone number is (808) 521-5972. The principal officers of the corporation are Timothy L. Truesdale, President, Robert W. Gibson, Vice President, Carol Young, replacing Lesley M. Alexander as Secretary/Treasurer.

NOTE: A partnership Dissolution Statement dissolving Hale Kahawai Associates was filed in the office of the Director of the Department of Regulatory Agencies on September 10, 1976. Under that Agreement, all obligations, rights, privileges and duties of Hale Kahawai Associates have been assumed by Pacific Horizon Corporation.

ATTORNEY REPRESENTING DEVELOPER: As of the date of issuance of this Final Public Report, the Developer does not have an outside attorney under retainer. Mr. R.W. Gibson, who is an officer of Pacific Horizon Corp. is acting attorney for Developer.

DESCRIPTION: The Declaration of Horizontal Property Regime, as amended, and other documents filed with the Commission show:

1. The project consists of 39 apartment units contained in one four-story, full basement, reinforced concrete and frame building. The project will contain 49 parking stalls, at least one parking stall assigned to each unit. A swimming pool will be located contiguous to the building. One elevator will serve the parking level and the three residential floors above. Each floor contains 13 units numbered consecutively from 0 through 12. Each apartment number is preceded by an appropriate number indicating the floor upon which the respective apartment is located. Thus, apartments on the first floor are number 100 through 112, apartments on the second floor 200 through 212, and apartments on the third floor 300 through 312.
2. Of the 39 apartments in the project, 30 are two-bedroom,

two-bath units, 6 are efficiency units, and 3 are studio units. Said apartments, except that apartments on the third floor will have ceilings showing open beams and roof joists, are of three typical types, described as follows:

Apartment Type	Number of		Apartment Floor Area			Numbering of Apartment Units of This Apartment Type
	Bed rms.	Baths	Living Area	Lanai Area	Total Area	
A	2	2	839.28	60.76	900.04	101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310,
B	Efficiency	1	510.89	55.37	566.36	111, 112, 211, 212, 311, 312
C	Studio	1	389.75	48.55	438.30	100, 200, 300

3. All Type A apartments have a combined living-dining area, kitchen, lanai, two bedrooms and two baths. All Type B apartments have a combined living-dining area, kitchen, lanai, sleeping area and one bath. All Type C apartments have a combined living-dining and sleeping area, kitchen, lanai and one bath. All apartments are of one level construction.
4. Each apartment is furnished with the following: 1 range with continuous cleaning oven and hood containing light and exhaust fan; 1 hot water heater; 1 garbage disposal; 1 washer and dryer unit; 1 dishwasher; 1 frost-free refrigerator with icemaker attachment and separate freezer compartment; drapes and carpets, except in kitchen and bath(s) where floor covering will be asphalt vinyl tile. All units will contain cabinetry in kitchen and bath(s); formica countertops in kitchen and ceramic tile in bath(s). All appliances will be white in color, drapes will be off white and carpets will be earth tone.
5. A total of 49 parking stalls will be provided. Of these, 41 will be located on the covered level of the parking garage, and the remaining 8 will be located at the open ground level adjacent to the garage entrance to the parking structure. One covered stall will be assigned to each apartment.
6. Each apartment has immediate access to the walkways of the Project which connect the apartment to the parking area and the adjacent public street.
7. The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter or party walls, or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, shafts, wires, conduits or other utility service lines running through such apartments which are utilized for or serve more than one apartment, the same

being deemed common elements as herein provided. Each apartment shall be deemed to include all of the walls and partitions which are not load-bearing within its perimeter or party walls, door and door frames, window and window frames, the lanai air space (if any), the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures and appurtenances originally installed therein.

LIMITED COMMON ELEMENTS: The developer has eliminated all 39 storage lockers as limited common elements assigned to the respective apartments.

Each apartment shall have appurtenant thereto an exclusive right to use the parking stall or stalls assigned to such apartment as set forth in the Exhibit attached hereto.

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

Type Apt.	Square Feet	% Common Interest in Common Elements Each Apartment	No. Apts.	Total Area Each Type Sq. Ft.	% Common Interest per Type -- Total
A	900.04	2.83856	30	27,001.20	85.1567
B	566.36	1.78588	6	3,397.56	10.71526
C	438.30	1.37601	3	1,308.90	4.12802
			39	31,707.90	100.00000

OWNERSHIP TO TITLE: A preliminary Report issued by Hawaii Escrow & Title, Inc., dated February 23, 1979, confirms the title of land to be vested in Pacific Horizon Corporation, a Hawaii corporation.

ENCUMBRANCES AGAINST TITLE: The aforesaid Preliminary Report certifies that the title to the property is subject to the following encumbrances:

1. For any taxes that are due and owing, reference is hereby made to the Office of the Tax Assessor, Second Division.
2. Assessments or charges levied by Municipal or Governmental Authority or imposed by any other lawfully constituted body authorized by Statute to assess, levy and collect the same, if any.
3. Title to all minerals and metallic mines reserved to the State of Hawaii.
4. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in the Deed, dated March 14, 1932 recorded March 17, 1932,

in the Bureau of Conveyances, State of Hawaii in Book 1154, Page 189, affecting a portion of the property.

5. Reservations set forth in the Deed, dated March 30, 1935, recorded March 30, 1935, in the Bureau of Conveyances, State of Hawaii, in Book 1273, page 284, further amended by instrument dated June 28, 1978 and recorded September 20, 1978 in Book 13150, page 696.
6. Covenants, conditions, restrictions, reservations, agreements, obligations, provisions, easements and by-laws set forth in the Declaration of Horizontal Property Regime dated July 21, 1978, recorded September 20, 1978, in the Bureau of Conveyances, State of Hawaii, in Book 13150, Page 551. Said Declaration was amended January 12, 1979, recorded March 15, 1979 in Liber 13552, Page 092.
7. Mortgage dated July 21, 1978, recorded September 20, 1978, in the Bureau of Conveyances, State of Hawaii, in Book 13150, Page 634, to secure the repayment of \$1,640,000.00, and any additional advances and other amounts secured thereby, under the terms and provisions thereof,
Mortgagor: Pacific Horizon Corporation, a Hawaii corporation
Mortgagee: Washington Mortgage Co., Inc., a Washington Corporation.
8. Mortgage dated July 28, 1978, recorded September 20, 1978, in the Bureau of Conveyances, State of Hawaii, in Book 13150, Page 665, to secure the repayment of \$21,200.00, and any additional advances and other amounts secured thereby, under the terms and provisions thereof,
Mortgagor: Pacific Horizon Corporation, a Hawaii corporation
Mortgagee: Affon Lipuni Kamauoha.
9. A Financing Statement covering certain personal property therein described recorded in the Bureau of Conveyances, State of Hawaii, in Book 13150, Page 530.
Date Recorded: September 20, 1978
Debtor: Pacific Horizon Corporation
Secured Party: Afoon Lipuni Kamauoha and Wilfred M. Motokane, for Wailuku Joint Venture.
10. Mortgage dated August 11, 1978 recorded February 2, 1979 in the Bureau of Conveyances, State of Hawaii, in Book 13464, Page 287 to secure the repayment of \$175,000.00 and any other amounts payable under the terms thereof.
Mortgagor: Pacific Horizon Corporation, a Hawaii corporation
Mortgagee: Terra Financial Corp., a California corporation
11. The effect of a Lien Note by Pacific Horizon Corporation to R.W. Gibson dated February 6, 1979 recorded February 20, 1979 in Liber 13496, Page 412 in the Bureau of Conveyances.
Amount: \$50,000.00.
12. A judgment for the amount herein stated and any other amount due:
Case No.: 55816
Debtor: Pacific Horizon Corporation, a Hawaii corporation, Tim Truesdale, as President and individually, and Gordon Melhus as Secretary-Treasurer and individually.
Creditor: Estate of Harold J. Kurt, being probated in the Superior Court of California for the County of Los Angeles, California; Probate No. 634824; Katherine M. Rodruges, Executrix for the Estate.
Amount: \$39,806.13
Entered: March 16, 1979
Recorded: March 29, 1979, in Liber 13581, Page 249, in the Bureau of Conveyances.

FINANCING OF PROJECT: The Developer has advised the Commission that as of the date hereof, commitment for construction (interim financing) has been obtained through Washington Mortgage Co., Inc. of Honolulu, Hawaii and for purchase money mortgage take-out financing (permanent) through Hawaiian Federal Savings and Loan Association of Honolulu, Hawaii for conventional financing. These commitments have been accepted by Developer and are of full force and effect.

MANAGEMENT AND OPERATION: The proposed By-Laws of the Association or Apartment Owners provide that the Developer may employ a management agent or a resident manager, as the case may be, to manage and control the project during its first year thereof. Thereafter, the selection of the managing agent or resident manager, or either, shall be at the discretion of the Board of Directors. The Developer has contracted with Oihana Property Management and Sales, Inc. of Kahului, Maui, Hawaii to be managing agent for the first year by contract dated March 3, 1978, with the right in said managing agent to choose the resident manager. The resident manager has not yet been selected. The Developer will not provide rental services for the Apartment Owners.

STATUS OF PROJECT: A construction Contract for the project was executed between Developer and Cawdrey-Mars-General, Joint Venture Contractors, on February 2, 1978. The project is now 50% constructed and completion estimated at August 3, 1979.

A purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required notice of intention submitted November 12, 1975, and additional information filed as of April 16, 1979.

THIS FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 823, filed with the Commission on April 27, 1976.

The report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be white.



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. 823

April 18, 1979

EXHIBIT

SCHEDULE OF PARKING STALL ASSIGNMENTS

<u>APT. NO.</u>	<u>STALL NO.</u>	<u>APT. NO.</u>	<u>STALL NO.</u>
100	26	206	16
101	41	207	12
102	3	208	39
103	10	209	38
104	8	210	33
105	37	211	31
106	35	212	30
107	5	300	40
108	4	301	23
109	2	302	21
110	27	303	13
111	28	304	14
112	20	305	7
200	29	306	15
201	1, 43, 44, 32, 36, 42, 45, 46, 47, 48, 49	307	6
202	34	308	18
203	11	309	19
204	9	310	22
205	17	311	24
		312	25

Parking Stall Information:

1. All stalls are full size.
2. Stalls 1 through 41 covered.
3. Stalls 42 through 49 open.