

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII
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HONOLULU, HAWAII 96801

FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
THE IRONWOODS
Kapalua, Maui, Hawaii

REGISTRATION NO. 991

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: February 15, 1979
Expires: March 15, 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 or prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED April 11, 1978, AND INFORMATION SUBSEQUENTLY FILED AS OF JANUARY 12, 1979. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report on THE IRONWOODS, Registration No. 991, dated May 5, 1978, the Developer has prepared and forwarded additional information to that filed in the April 11, 1978 submittal.

2. This Final Public Report is made a part of the registration of THE IRONWOODS and the Developer is responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers receiving the Preliminary Public Report (yellow paper stock).

Securing a signed copy of the Receipt for both Horizontal Property Regimes Public Reports 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 issuance of this Final Public Report.
4. Advertising and promotional matter have been submitted pursuant to the rules and regulations promulgated by the Commission.
5. The basic documents (Master Lease, 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.

The Declaration of Horizontal Property Regime, together with the By-Laws of the Association of Apartment Owners attached thereto, were recorded in the Bureau of Conveyances of the State of Hawaii in Liber 13387 at Page 540, and Condominium Map No. 586 has been designated to the project by said Bureau.

NOTE: Minor changes have been made to the basic documents primarily to comply with the 1978 Amendments to Chapter 514A of the Hawaii Revised Statutes which relates to Horizontal Property Regimes.

6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A of the Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
7. This Final Public Report automatically expires thirteen (13) months after date of issuance, FEBRUARY 15, 1979, unless a 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 topical headings of the Preliminary Public Report has not changed, except for DESCRIPTION, LIMITED COMMON ELEMENTS, OWNERSHIP OF TITLE, ENCUMBRANCES AGAINST TITLE, PURCHASE MONEY HANDLING, STATEMENT OF FINANCING and STATUS OF PROJECT.

DESCRIPTION: The information under this topical heading has not been changed except for the addition of a provision clarifying that all pipes, shafts, ducts, pumps, conduits,

wires and other utility or service lines running through such apartment which are utilized for and serve only that apartment are included in that apartment, and the following notes:

Note 1. A portion of the Land is in the Conservation District, and must remain open space. No use of the Conservation District lands shall be permitted except for maintenance activities, including landscaping. New uses require application to and action by the Board of Land and Natural Resources of the State of Hawaii and the Lessor as long as the area is classified as Conservation District.

Note 2. The Bylaws provide that no owner of an apartment shall make any modifications to party walls, first floor ceilings, second floor floor coverings, the function of rooms (i.e., converting a bedroom to a recreation room) or fenestrations which may affect another owner without first meeting certain acoustical standards set forth in the Bylaws.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, called "Limited Common Elements", are set aside and reserved for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows:

(a) The garage and parking stall bearing the same number as the apartment as shown on the Condominium Map;

(b) The air conditioning system (including the compressor, ducts, coils, wiring, panels, etc.) serving a particular apartment; and

(c) Entranceways to each apartment shall be limited common elements for the exclusive use of the apartment they serve.

OWNERSHIP TO TITLE: Title to the land is vested in Maui Land & Pineapple Company, Inc. and leased to the Developer.

ENCUMBRANCES AGAINST TITLE: The Developer has filed with the Commission a Preliminary Report prepared by Long & Melone Escrow, Ltd., dated December 29, 1978. The title search report states that title to the land committed to the regime is subject to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

2. Location of the seaward boundary in accordance with the laws of the State of Hawaii.

3. The terms, covenants and restrictions of the Declaration of Covenants and Restrictions dated December 29, 1976, made by Maui Land & Pineapple Company, Inc. and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 11922, at Page 26 ("Kapalua Protective Provisions"), as amended from time to time.

4. Grant of easement in favor of Maui Electric Ltd. and Hawaiian Telephone co. dated May 7, 1976, and recorded in the Bureau in Liber 11443 at Page 479.

5. That certain Mortgage and Security Agreement dated April 24, 1975, made by Kapalua Land Company, Ltd., as Mortgagor, and Bank of Hawaii, as Mortgagee, recorded in the Bureau in Liber 10667, at Page 1 (affects the land described above besides other land).

6. That certain Financing Statement recorded May 28, 1975, made by Kapalua Land Company, Ltd., as Debtor, and Bank of Hawaii, as Secured Party, recorded in the Bureau in Liber 10667 at Page 44 (covers fixtures, etc., used in construction or operation of improvements on the land described above besides other land).

7. By instrument dated May 23, 1975, and recorded in the Bureau in Liber 10667, at Page 62, Kapalua Land Company, Ltd. and Maui Land & Pineapple Company, Inc., assign to Bank of Hawaii, all right, title and interest in and to the land described above, besides other land, as additional security to the Mortgage described above.

8. That certain Financing Statement recorded May 28, 1975, made by Kapalua Land Company, Ltd., as Debtor, and Bank of Hawaii, as Secured Party, recorded in the Bureau in Liber 10667 at Page 74 (covers all fixtures, etc., located within or used or to be used in connection with the operation or occupancy of, and any improvements now or hereafter located on the land described above besides the other land).

9. That certain Financing Statement recorded May 28, 1975, made by Maui Land & Pineapple Company, Inc., as Debtor, and Bank of Hawaii, as Secured Party, recorded in the Bureau in Liber 10667 at Page 76 (covers all fixtures, etc., located within or used or to be used in connection with the operation or occupancy of, and any improvements now or hereafter located on the land described above besides other land).

10. By Additional Security Mortgage and Security Agreement dated June 30, 1976, and recorded in the Bureau in Liber 11515, at Page 358, Maui Land & Pineapple Company, Inc. assigns to Bank of Hawaii all of its rights, title and interest in and to the land described above, besides other land, as additional security to the Mortgage and Security Agreement described above.

11. Additional Charge Mortgage, Security Agreement and Financing Statement and Amendment of Original Mortgages dated January 4, 1978, and recorded in the Bureau in Liber 12654, at Page 550, made by Maui Land & Pineapple Company, Inc., as Mortgagor, and Bank of Hawaii, as Mortgagee.

12. Additional Charge Mortgage, Security Agreement and Financing Statement and Amendment of Original Mortgages dated January 4, 1978, and recorded in the Bureau

in Liber 12654, at Page 584, made by Kapalua Land Company, Ltd., as Mortgagor, and Bank of Hawaii, as Mortgagee.

13. That certain Lease (the Ironwoods) dated December 1, 1978, made by Maui Land & Pineapple Company, Inc., as Lessor, and Kapalua Land Company, Ltd., as Lessee, recorded in the Bureau in Liber 13387 at Page 515.

14. That certain Declaration of Horizontal Property Regime (the Ironwoods) dated December 1, 1978, made by Maui Land & Pineapple Company, Inc. and Kapalua Land Company, Ltd., recorded in the Bureau in Liber 13387 at Page 540.

15. That certain Amendment of Mortgages dated December 18, 1978, recorded in the Bureau in Liber 13387, Page 638, made by and between Bank of Hawaii, Maui Land & Pineapple Company, Inc., and Kapalua Land Company, Ltd.

16. That certain Additional Charge Mortgage dated December 18, 1978, and recorded in the Bureau in Liber 13387 at Page 626, made by Kapalua Land Company, Ltd., as Mortgagor, and Bank of Hawaii, as Mortgagee.

17. For any taxes that are due and owing and a lien on the land, reference is made to the Office of the Tax Assessor, Second Division.

NOTE 1. The Developer advises that the following reservations and exceptions are contained in the Lease and Declaration mentioned in items 13 and 14 above:

(a) "Reservation in favor of Maui Land & Pineapple Company, Inc., of the right, at its expense and for the benefit of the land described above or adjacent property or other Kapalua Resort property (i) to grant over, across and under the easements described above and the common elements, easements for utilities, sanitary and storm sewers, cable television, walkways, ingress and egress for vehicular and pedestrian traffic, and rights of way, and (ii) to relocate or realign any existing easements and; rights of way over, across, and under the land described above, including without limitation, any existing utilities, sanitary and sewer lines and cable television and connect same, over across and under the land described above, provided that such easements and such relocations and connections of lines shall not materially impair or interfere with the use of the land described above."

(b) "Reserving and excepting to Maui Land & Pineapple Company, Inc., its successors and assigns (collectively the "Reservant"), forever, as appurtenant to lands of Reservant, located in the District of Lahaina, Island and County of Maui, State of Hawaii, now owned and used or hereinafter acquired and used by Reservant (whether in fee, lease, or otherwise), in its pineapple plantation and other agricultural operations, the perpetual right and easement over and upon the lands described above and/or submitted to the Kapalua protective Provisions, to discharge and emit, diffuse and inflict, noise, smoke, soot, dust, lights, noxious vapors, odors, and other minor nuisances of every description created by and resulting from the operations of Reservant in burning, harvesting, fertilizing, watering, growing, planting, generating power, trucking, hauling,

milling, and all other activities incidental to the operation of a pineapple plantation and all other agricultural activities of Reservant."

NOTE 2. The Developer has informed the Commission that at the time of the first conveyance or lease of each apartment, every mortgage and other lien, except any improvement district or utility assessment affecting the apartment being conveyed or leased and its common interest shall be released therefrom by partial release duly recorded.

PURCHASE MONEY HANDLING: The Developer has informed the Commission that Final Subdivision approval from the County of Maui was obtained on September 15, 1978.

STATEMENT OF FINANCING: The Statement of Program of Financing submitted by the Developer reflects that the Developer's costs will be \$14,460,000.00. Of this sum, a maximum of \$9,187,000.00 will be available through a construction loan from the Bank of Hawaii, and the balance through Buyers' deposits and Developer's own resources. Costs will be paid from sales proceeds realized from sales of the apartments in the project. Each purchaser is expected to obtain and arrange for his own financing. No permanent financing will be provided by the Developer.

STATUS OF PROJECT: The Developer advises that construction of the project commenced in May 1978, and estimates that construction will be completed about October 1979. The Developer has filed with the Commission a 100% Completion Bond.

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 April 11, 1978, and information subsequently filed as of January 12, 1979.

THIS FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 991 filed with the Commission April 11, 1978.

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.

Ah Kau Young

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. 991
February 15, 1979