

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

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

PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on

NA HOLOKAI
34 Wailana Place
Kihei, Maui, Hawaii

REGISTRATION NO. 1333

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 but may only take reservations therefore after

- (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: September 23, 1980
Expires: October 23, 1981

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 JUNE 18, 1980 AND INFORMATION SUBSEQUENTLY FILED AS OF AUGUST 29, 1980. THE DEVELOPER, NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAWS, HAWAII REVISED STATUTES, CHAPTER 514A.

1. NA HOLOKAI is a proposed fee simple condominium project containing twelve (12) apartments (ten (10) two-bedroom and two (2) three-bedroom types) located in one (1) four-story building. There will be a total of fifteen (15) parking stalls; twelve (12) apartments will have one parking stall appurtenant to the apartment as a limited common element. Three parking stalls will be common elements.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and the issuance of this Preliminary Public Report.
3. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners, and a copy of the approved Floor Plans) have not been recorded in the office of the recording officer.
5. 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.
6. This Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, September 23, 1980, unless a Supplementary or Final Public Report issues, or the Commission, upon review of the registration, issues an order extending the effective period of this report.
7. This Preliminary Public Report is made a part of registration on NA HOLOKAI condominium project. The Developer has the responsibility of placing a true copy of the Preliminary Public Report (yellow paper stock) and Disclosure Abstract in the hands of all purchasers and prospective purchasers and securing a signed copy of the receipt therefor.

NAME OF PROJECT: NA HOLOKAI

LOCATION: The project will be located at 34 Wailana Place, Kihei, Maui, Hawaii, on a parcel that is approximately 15,010 square feet in area.

TAX KEY: Second Division 3-9-01:128

ZONING: Hotel-medium

DEVELOPER: Wailana Partnership, a Hawaii partnership, is the developer of the project. Its postal address is c/o Robert Griffith, Suite 201-B, 1993 S. Kihei Road, Kihei, Maui, Hawaii 96753, and its telephone number is 879-1072. The general partners are Caine Enterprises (Hawaii) Corporation, Frank Carvalho, Harry Cornish, Cuthill Enterprises, Inc., Robert L. Griffith, Guthrie Enterprises, Inc., Ernest R. Hokanson and McLaren Enterprises, Inc.

ATTORNEY REPRESENTING DEVELOPER: LAWRENCE N. C. ING, 2145 Wells Street, Suite 204, Wailuku, Maui, Hawaii 96793; telephone: 242-4555.

DESCRIPTION OF PROJECT: The proposed Declaration of Horizontal Property Regimes describes the project as follows:

1. Building Description. The project will consist of ten (10) two-bedroom apartments on the second, third and fourth floors, and two (2) three-bedroom apartments on the fourth floor, all in one (1) four-story building. The second, third and fourth floors shall have four (4) apartments each. Each of the floors will be connected to the other floor by a stairway and elevator. There is a storage room assigned for each apartment on the ground floor.

The principal materials of which the said building shall be constructed are as follows:

- a. the ground floor slab shall be of poured reinforced concrete;
 - b. the floor above the ground floor shall be of poured reinforced concrete;
 - c. the third and fourth floors shall be of wood with a reinforced concrete topping;
 - d. the structural system shall be of standard wood platform framing with some exterior reinforced concrete tile walls and wood siding or plaster on studs with the exception of reinforced concrete pillars and hollow tile walls incorporated in the ground floor structural system;
 - e. the interior partitions within each apartment shall be of wood studs with gypsum board and plaster;
 - f. the stairs shall be of concrete;
 - g. the roof shall be of wood, with monier tile covering;
 - h. the floors within each unit shall be covered with carpet, vinyl asbestos tile or sheet vinyl.
2. Limits of Apartment. The respective apartments shall not be deemed to include the party or perimeter walls or interior load bearing walls. The floors and ceilings surrounding each of them or any pipes, vents, wires, conduits or other utility lines running through them which are utilized or serve more than one unit are deemed common elements as hereinafter provided. Each apartment shall be deemed to include all the walls and partitions, floors and ceilings which are not load bearing within its perimeter walls including paper, wallpaper or other like carpeting, floor covering and built-in fixtures.

3. Numbering of Units. Each apartment has been given a numerical designation by which its location in the building can be determined, as follows:

The second floor units shall be 101, 102, 103 or 104. The third floor units shall be 201, 202, 203 or 204. The fourth floor units shall be 301, 302, 303 or 304.

4. Description of Apartments. There will be ten (10) two-bedroom units and two (2) three-bedroom units described as follows:

- (a) Type 1-A includes a living-dining room, kitchen, two bedrooms, 2 baths and lanai. It includes a floor area of approximately 871.92 square feet (including 66 square feet of lanai);
- (b) Type 2-A includes a living-dining room, kitchen, two bedrooms, 2 baths and lanai. It includes a floor area of approximately 943.61 square feet (including 77 square feet of lanai);
- (c) Type 3-A includes a living-dining room, kitchen, one bedroom, plus a mezzanine bedroom, two baths and lanai. It includes a floor area of approximately 1,159.99 square feet (including 123.75 square feet of lanai);
- (d) Type 4-A includes a living-dining room, kitchen, two bedrooms, plus a mezzanine bedroom, three baths and lanai. It includes a floor area of approximately 1,238.66 square feet (including 77 square feet of lanai).

COMMON ELEMENTS. The common elements include:

- a. The land in fee simple.
- b. The foundations, floor slabs, columns, girders, beams, supports, bearing walls, roof, corridors, stairways, fire escapes, entrances and exits of the building, electrical, general storage and elevator equipment rooms.
- c. The roof.
- d. The mailbox, refuse collection enclosure, swimming pool, poolside wet bar and appliances and ground floor bathroom.
- e. The driveways, loading areas and three (3) unassigned parking stalls.
- f. The central and appurtenant installations for services such as power, light, gas, hot and cold water and like utilities.

g. All of the parts of the project existing for the common use and are necessary to the existence, maintenance and safety of the project.

LIMITED COMMON ELEMENTS: The limited common elements are the storage area on the first floor and the parking stalls which are set aside and reserved for the exclusive use of the particular apartment as shown on the Condominium Map as follows:

<u>Unit #</u>	<u>Parking Stall #</u>	<u>Square Footage of Storage Area</u>
101	9	84
102	10	79
103	11	97
104	12	97
201	1	78
202	8	91
203	7	91
204	2	91
301	4	83
302	5	85
303	6	85
304	3	89

INTEREST TO BE CONVEYED TO PURCHASERS: The undivided percentage interest of ownership in the common elements ("common interest") appertaining to each apartment for all purposes, including voting, is as follows:

<u>Type</u>	<u>Floor</u>	<u>Unit #</u>	<u>Percentage Interest</u>
1-A	2nd	101	7
1-A	2nd	104	7
1-A	3rd	201	7
1-A	3rd	204	7
2-A	2nd	102	8
2-A	2nd	103	8
2-A	3rd	202	8
2-A	3rd	203	8
3-A	4th	301	9
3-A	4th	304	9
4-A	4th	302	11
4-A	4th	303	11

100%

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed Declaration provides that all apartments shall be occupied and used as living accommodations for permanent or transitory use and may be leased or rented from time to time for transient occupancy by the respective owners thereof, their tenants, families, domestic servants and social guests subject to such limitation as may be contained in the Declaration or in the By-Laws and House Rules which may be adopted from time to time governing the use of the apartments.

The purchasers or prospective purchasers are advised to read with care the proposed House Rules which provides in part: (1) Occupancy limited to 6 persons for two-bedroom and 8 persons for three-bedroom apartments; (2) No dogs, cats or other domestic pets are allowed in the premises.

OWNERSHIP OF TITLE: A Commitment For Title Insurance issued by First American Title Company of Hawaii on April 17, 1980 reflects that title is vested in Wailana Partnership, a Hawaii registered partnership.

ENCUMBRANCES AGAINST TITLE: Said Commitment by First American Title Company of Hawaii also reflects the following encumbrances:

1. For any taxes that may be due and owing and a lien on the land, reference is made to the Office of the Tax Assessor of the Second Division, County of Maui, Hawaii.
2. Powerline easement as disclosed in mortgage at Liber 13788, Page 403.
3. Eight-foot wide road and utility easement along the northern boundary of the subject premises recorded at Liber 13788, Page 403.
4. Mortgage dated April 24, 1979, recorded in Liber 13788 at Page 403 in favor of Hokanson Enterprises, Inc., et al.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated April 21, 1980, identifies First American Title Company of Hawaii, as Escrow. On examination, the specimen Deposit, Receipt and Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514A Hawaii Revised Statutes and particularly Sections 514A-37, 39, 40 and 63 through 66.

The Escrow Agreement provides, among others, that a purchaser shall be entitled to a return of his funds, and Escrow shall pay such funds to such purchaser, without interest, less cancellation fee of \$25.00, promptly after purchaser has requested such return if Escrow shall have received from Developer a written notice that any one of the following has occurred:

1. Developer shall have requested Escrow to return to purchaser the funds of purchaser then being held hereunder by Escrow; or
2. Developer shall have notified Escrow of Developer's exercise of the option to rescind the sales contract pursuant to any right of rescission stated therein or otherwise available to Developer; or
3. With respect to a purchaser whose funds were obtained prior to the issuance of the Final Report, there shall have been a change in the building plans requiring approval of a county officer having jurisdiction over the issuance of

building permits except such changes as are specifically authorized in the Declaration of Horizontal Property Regime or by the terms of the sales contract or to which said purchaser has otherwise consented in writing; or

4. The Final Report differs in a material respect from the Preliminary Report, and the purchaser's written approval of such change shall not have been obtained; or

5. The Final Report shall not have been issued within one (1) year from the date of issuance of the Preliminary Report.

The specimen Sales Contract provides among other provisions:

1. Purchaser agrees that all rights of Purchaser are and shall be subject and subordinate to the lien of any mortgage, security agreement and financing statement securing the repayment of the interim loan made to finance the cost of construction and other costs during construction;

2. The Sales Contract shall be binding upon execution of contract between Seller and Purchaser and within two (2) days after Seller receives and executed receipt for the Final Public Report from Purchaser.

3. If Seller encounters unexpected delays in the development and construction of the project which requires an increase in apartment sales prices over and above 5% to maintain financial feasibility of the project, Seller may at its option terminate the Sales Contract and cause Escrow to refund to Purchaser all monies paid without interest and seller shall be released from all liability.

It is incumbent upon the purchaser and the prospective purchaser that he read with care the Sales Contract and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds on the sale of the Apartments and all sums from any source are placed in Escrow, as well as the retention, disbursement, and refund of said escrow funds.

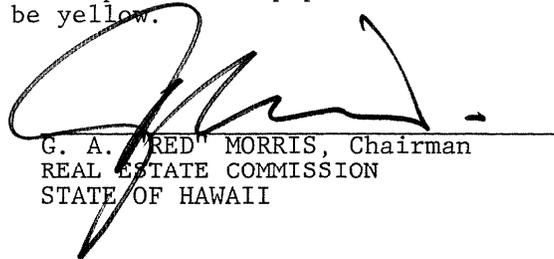
MANAGEMENT AND OPERATION: The proposed Declaration provides that the operation of the project shall be conducted for the Association by a responsible managing agent who shall be appointed by the Association in accordance with the By-Laws. The developer proposes to appoint Robert L. Griffith, one of the partners, as its initial managing agent.

STATUS OF PROJECT: As of this date, no construction contract has been entered into by the developer. Completion of the project is estimated to be twelve (12) months after commencement of construction.

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 June 18, 1980 and information subsequently filed as of August 29, 1980.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES
(CONDOMINIUM) PUBLIC REPORT is made a part of the REGISTRATION
NO. 1333 filed with the Commission on June 18, 1980.

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



G. A. "RED" MORRIS, 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. 1333

September 23, 1980