

# 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

MA'AKUA PLANTATION  
Hauula Homestead Road  
and Maakua Road  
Hauula, Hawaii

REGISTRATION NO. 1339

### **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: October 3, 1980  
Expires: November 3, 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 AUGUST 13, 1980, AND INFORMATION SUBSEQUENTLY FILED AS OF SEPTEMBER 15, 1980. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514A, HAWAII REVISED STATUTES.

1. MA'AKUA PLANTATION is a proposed fee simple condominium project consisting of forty-eight (48) condominium apartment units and seventy-three (73) parking stalls (including 25 guest stalls).

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of this proposed condominium project and the issuance of this Preliminary Public Report.

3. The basic documents (Declaration of Horizontal Property Regime, Bylaws of the Association of Apartment Owners, and a copy of the approved floor plans) have not yet been filed in the office of the recording officer.

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, and the condominium rules and regulations which relate to horizontal property regimes.

6. This Preliminary Public Report is made a part of the registration of the MA'AKUA PLANTATION condominium project. The Developer is responsible for placing a true copy of this Preliminary Public Report (yellow paper stock) and the disclosure abstract in the hands of all purchasers and prospective purchasers and securing a signed receipt therefor.

7. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, October 3, 1980, unless a Final or Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: MA'AKUA PLANTATION

LOCATION: The land of the project, consisting of approximately 10.43 acres, is situate on Hauula Homestead Road and Maakua Road, Hauula, Hawaii.

TAX KEY: First Division, 5-4-05-5

ZONING: Resort-Hotel District 2, No. R-1

DEVELOPER: LOUGHRIDGE CORPORATION, a California corporation, P. O. Box 1206, Kailua-Kona, Hawaii. Telephone Number: 885-7905. The names and addresses of the officers are as follows:

Officers

Address

Paul Loughridge, Pres.

P. O. Box 1206  
Kamuela, Hawaii

Arline Loughridge, VP/Sec.

P. O. Box 1206  
Kamuela, Hawaii

Richard Christensen, Treas.

1623 Mission Drive  
Solvang, California

Richard G. MacMillan,  
Ass't. Sec.

345 Queen Street, Suite 800  
Honolulu, Hawaii

ATTORNEY REPRESENTING DEVELOPER: Mukai, Ichiki, Raffetto & MacMillan (Attention: Richard G. MacMillan), 345 Queen Street, Suite 800, Honolulu, Hawaii 96813. Telephone Number: 531-6277.

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

(a) General Description. The Project will consist of forty-nine (49) separate buildings without basements constructed on approximately 10.43 acres of land, together with recreational facilities, roadways and parking areas. Forty-eight (48) of the buildings are two-story structures which will each contain a single residential apartment. The remaining building is one story in height and will contain offices, registration desk and an open-sided cabana which will include barbeques, sinks and an ice machine. The additional recreational facilities of the Project will consist of two (2) tennis courts, swimming pool, jacuzzi, jogging and exercise trails, and picnic and play areas. A total of seventy-three (73) parking spaces (including 25 guest stalls) will be provided in the parking areas of the Project. The Project will be enclosed by a chain link fence, and access from the adjoining public road will be controlled by a card-operated security gate.

(b) Construction Materials. The buildings will be principally of wood construction on concrete slabs or footings with metal roofing; provided, however, that the buildings shall also incorporate glass, aluminum, gypsum, particle board and allied building materials.

(c) Access. Each apartment has immediate access to its entries and to the walkways and driveways of the Project connecting its building to the public roadways adjoining the Project.

(d) Description of Apartments. Each of the forty-eight (48) apartments of the Project shall be on two (2) levels, and each shall contain seven (7) rooms, consisting of a living/sleeping room, kitchen/dining area, bathroom, laundry and storage room, screened-in lanai and separate porch on the ground floor, and a bedroom and bathroom on the second or loft level. The approximate total living area (exclusive of lanai and porch) of each apartment is 786 square feet, and the

approximate gross area of each unit, including lanai and porch, is 1,002 square feet. Said approximate apartment areas have been computed by measuring from the outside of exterior walls, and no reduction has been made to account for interior walls, ducts, vent shafts and the like located within the perimeter walls.

(e) Limits of Apartments. Each apartment shall be deemed to include the footings or slabs on which it is constructed, the exterior walls except for the finished surfaces thereof, the roof, all interior walls, ceilings and floors and partitions, and the finished surfaces thereof, the attached lanai and porch and all fixtures originally installed therein. However, the respective apartments shall not be deemed to include any structural or service elements which are utilized or served more than one (1) apartment, the same being deemed common elements as hereinafter provided.

COMMON ELEMENTS. The proposed Declaration states that the common elements shall include but shall not be limited to:

- (a) All the land of the Project;
- (b) All yards, grounds, walkways, landscaping, fencing, security gate, refuse and sewage disposal facilities, the swimming pool and jacuzzi and their respective filtration equipment, the tennis courts and all other recreational facilities and appurtenances;
- (c) All driveways, turn-around areas and pedestrian and vehicular bridges;
- (d) The guest parking stalls, designated on the proposed Condominium File Plan by the letter "G", and the structure housing the office and cabana;
- (e) All ducts, sewer lines, electrical equipment, pipes, wiring and other central and appurtenant transmission facilities, installations which serve more than one apartment for services such as power, light, water, gas, air conditioning, refuse, telephone and radio and television signal distribution; and
- (f) Any and all other apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance or safety, and normally in common use.

LIMITED COMMON ELEMENTS. The proposed Declaration provides that certain parts of the common elements (designated as "limited common elements"), are set aside and reserved for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements. The limited common elements so set aside and reserved are as follows:

- (a) The site of each apartment, consisting of the land beneath and immediately adjacent thereto as shall be

necessary for the use, repair, maintenance and support of such apartment, shall be a limited common element for the exclusive use of the apartment to which it is appurtenant.

(b) One (1) parking stall shall be appurtenant to and for the exclusive use of each apartment. The number of the specific stall assigned to each apartment shall correspond with the number of each apartment, and the location of each stall shall be as shown in the proposed Condominium File Plan.

(c) All other common elements of the Project which are related to less than all of said apartments shall be limited to the use of the apartments to which they are appurtenant.

INTEREST TO BE CONVEYED TO PURCHASERS: The Developer will, by means of an Apartment Deed, convey the apartment and the undivided percentage interest in the common elements appurtenant thereto, to the purchasers of said apartments. The undivided percentage interest appurtenant to each apartment shall be as follows:

Each apartment (except Apartment No. 27) shall have appurtenant thereto a 2.0833 percentage interest (the "common interest") in all common elements of the Project and the same proportionate share in all common profits and expenses of the Project and for all other purposes including voting. The common interest appurtenant to Apartment No. 27 shall be 2.0849%.

RESTRICTIONS AS TO USE: The apartments shall be occupied and used solely for residential purposes, including, without limitation, hotel, resort or other transient residential uses, consistent with the requirements of the zoning ordinance (Resort-Hotel District 2, No. R-1, Ordinance No. 2479, August 21, 1964) applicable to the Project.

The proposed Bylaws provide, in part, that no livestock, poultry, rabbits or other animals whatsoever shall be allowed or kept in any part of the project, without the prior written consent of the Board of Directors.

TITLE: A Preliminary Title Report from Hawaii Escrow & Title, Inc., dated July 10, 1980 indicates that title to the land is vested in J. Carl Osbourne, Trustee in Reorganization of THC Financial Corp. The latter sold the property to Cooper Ranch Associates, a Hawaii general partnership, by way of an Agreement of Sale, dated December 13, 1978. Cooper Ranch, in turn, sold the property to Loughridge Corporation by way of an unrecorded Deposit Receipt Offer and Acceptance ("DROA") contract, dated May 23, 1979. Said DROA's closing date was December 24, 1979, but closing was conditioned on certain factors, failure of which resulted in an extension. Copies of both the Agreement of Sale by which Cooper Ranch obtained an interest in the property and said DROA between Cooper Ranch and the Developer have been provided the Commission and are available for inspection.

ENCUMBRANCES ON TITLE: Said Preliminary Title Report of July 10, 1980 reflects the following encumbrances on the property:

1. For any Real Property Taxes that may be due and owing, reference is made to the Office of the Tax Assessor, First Division.
2. Any assessments or changes levied by Municipal or Governmental authority.
3. Title to all minerals and metallic mines reserved to the State of Hawaii.
4. Agreement of Sale dated December 13, 1978, recorded on December 22, 1978 in the Bureau of Conveyances of the State of Hawaii in Liber 13366 at Page 138, by and between J. Carl Osbourne, Trustee in Reorganization of THC Financial Corp., a Hawaii corporation, and Cooper Ranch Associates, a Hawaii general partnership.

DEVELOPER'S OPTION TO MERGE PROJECT. Notwithstanding the conveyance of any apartment, Developer shall, from time to time, have the right at its option, up to and including December 31, 1995, to require the Project to be merged with and into one or more condominium developments which may be hereafter constructed by Developer on property adjoining the land of the Project. The terms and conditions upon which such a merger can be effected and the consequences thereof are more particularly set forth in the proposed Declaration to which reference is hereby made.

PURCHASE MONEY HANDLING: An executed Escrow Agreement, dated August 8, 1980, identifies Hawaii Escrow & Title, Inc., a Hawaii corporation, as the escrow agent. Upon 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.

Among other provisions, the Escrow Agreement provides that a purchaser under a Sales Contract shall be entitled to a return of his funds, without interest and less the \$25.00 escrow cancellation fee, after purchaser has requested such return in writing and any of the following events shall have occurred:

(a) Escrow has received a written request from Developer to return to purchaser the funds of such purchaser then being held by Escrow; or

(b) If purchaser's funds were obtained prior to an issuance of a Final Public Report and there is any change in the building plans, subsequent to the execution of the Sales Contract requiring the approval of an official of the county in which the Project is situate having jurisdiction over the issuance of construction permits, unless the purchaser has given written approval or acceptance of the change; or

(c) If purchaser's funds were obtained prior to the issuance of a Final Public Report and the Final Public Report

differs in any material respect from the Preliminary Public Report, unless the purchaser has previously given written approval or acceptance of such difference; or

(d) The Final Public Report is not issued within one (1) year of the date of issuance of this Preliminary Public Report; or

(e) Developer shall have notified Escrow of Developer's exercise of the option to cancel or rescind the sales contract pursuant to any right of cancellation or rescission provided therein or otherwise available to Developer.

Among other provisions, the specimen Deposit Receipt and Sales Contract states:

(1) Buyer should be aware that he will be required to prepay two (2) months' maintenance fee which shall constitute a non-refundable, start-up fee or maintenance reserve.

(2) ALL OF BUYER'S RIGHT, TITLE AND INTEREST UNDER THE SALES CONTRACT ARE AND SHALL BE SUBJECT AND SUBORDINATE TO THE LIEN OF ANY MORTGAGE MADE BY DEVELOPER TO ANY INSTITUTIONAL LENDER FOR THE PURPOSE OF SECURING THE REPAYMENTS OF A CONSTRUCTION LOAN.

(3) Unless at least forty (40) apartments have been sold to qualified purchasers by December 31, 1980, Seller shall have the right to cancel the sales contract upon return of purchaser's funds, plus interest.

It is incumbent upon the purchaser and prospective purchaser to read and understand the Escrow Agreement before executing the Deposit Receipt and Sales Contract, since the Escrow Agreement describes the procedure for receiving and disbursing purchasers' funds, and the Deposit Receipt and Sales Contract specifically provides that the purchaser approves that Escrow Agreement and assumes the benefit and obligations therein provided.

MANAGEMENT OF PROJECT: The proposed Bylaws, which are incorporated in the Declaration, provide that the operation of the Project shall be conducted for the Association by a responsible corporate Managing Agent who shall be appointed by the Association in accordance with the Bylaws. Although the Declaration permits the Developer to appoint the initial Managing Agent, the initial Managing Agent has not yet been selected.

STATUS OF PROJECT: It is anticipated that construction of the Project will commence on or about November 1, 1980.

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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 August 13, 1980 and information subsequently filed as of September 15, 1980.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATON NO. 1339 submitted to the Commission on August 13, 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.



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G. A. "RED" MORRIS, 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. 1339

October 3, 1980