

REAL ESTATE COMMISSION
PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS
STATE OF HAWAII
1010 RICHARDS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

**FINAL
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT**

on

MAUNA LANI POINT
Kalahuiipua'a and Anaehoomalu
South Kohala, Hawaii

Registration No. 1645

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: June 27, 1986

Expires: July 27, 1987

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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED ON NOVEMBER 13, 1984, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF JUNE 2, 1986. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, 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 "MAUNA LANI POINT", Registration No. 1645, issued December 11, 1984, the Developer has submitted additional information which is deemed material.

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 issuance of this Final Public Report.
3. Advertising and promotional matter have been submitted pursuant to the Rules and Regulations promulgated by the Commission.
4. The Developer reports that the revised Declaration of Horizontal Property Regime dated April 22, 1986 has been filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1371344, and also recorded in the Bureau of Conveyances of the State of Hawaii in Liber 19499, at Page 146. The Project is covered by Condominium Map No. 591, filed in said Office of the Assistant Registrar and Condominium File Plan No. 1004, recorded in said Bureau of Conveyances. The revised By-laws of the Association of Apartment Owners of Mauna Lani Point dated April 22, 1986 have been filed in said Office of the Assistant Registrar as Document No. 1371345, and recorded in said Bureau of Conveyances in Liber 19499, at Page 173.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A of the Hawaii Revised Statutes, as amended, and the Rules and Regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Final Public Report amends the Commission's Preliminary Public Report and is made a part of the registration of the MAUNA LANI POINT condominium project. The Developer shall be responsible for placing this Final Public Report (white paper stock) and Disclosure Abstract in the hands of all purchasers and prospective purchasers and securing a signed copy of the receipt therefor.
7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, June 27, 1986, unless a Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.

The information in the Preliminary Public Report of December 11, 1984, under the topical headings identified below by capital letters, has been changed as hereinafter stated. Furthermore, the topic headings of REGISTRATION OF PROJECT FOR SALES IN THE STATE OF CALIFORNIA and DEVELOPER'S INITIAL ASSUMPTION OF ALL ACTUAL COMMON EXPENSES have been added. Except for these changes, the information in the Preliminary Public Report remains unchanged.

LOCATION: The County of Hawaii has given final approval to Developer's application to subdivide the lot where the project is situated (Subdivision No. 84-142). The project will now consist

of 17.783 acres located in Kalahuipua'a and Anaehoomalu, South Kohala, Island of Hawaii, State of Hawaii, including Lot 14, area 3.741 acres, as shown on Map 7, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1785 of Francis Hyde Ii Brown, and Lot 3, area 14.042 acres, of the "MAUNA LANI POINT", as shown on File Plan Number 1856, filed in the Bureau of Conveyances of the State of Hawaii. Since the issuance of the Preliminary Public Report for the Project, the Developer has decided not to subject Lot 1 of said Subdivision No. 84-142 to the Mauna Lani Point Horizontal Property Regime. Developer has also decided to withdraw its plans to develop a second phase to the project on Lot 2 of said subdivision.

DEVELOPER: The current officers of Mauna Lani Resort, Inc. are:

Chairman of the Board	Noboru Gotoh	Tokyu Corporation 3-8-27 Kaminoge Setagaya-Ku Tokyo, Japan 158
Vice Chairman of the Board	Hideo Matsuo	Tokyu Corporation 26-20, Sakuragaoka-Cho Shibuya-Ku, Tokyo, Japan 150
Vice Chairman of the Board	Yoshio Tanaka	2552 Kalakaua Avenue Honolulu, Hawaii 96815
President	Kenneth F. Brown	3715 Diamond Head Road Honolulu, Hawaii 96815
Executive Vice President	Nobuo Kitsuda	73-4422 Paiaha Street Kailua-Kona, Hawaii 96740
Senior Vice President	Thomas H. Yamamoto	P. O. Box 52 Kapaau, Hawaii 96755-0052
Vice President	Takeo Hatakama	73-1398 Kaiminani Drive Kailua-Kona, Hawaii 96740
Vice President & Treasurer	Tatsuaki Yamamoto	P. O. Box 1752 Kamuela, Hawaii 96743-1752
Assistant Vice President	Satoshi Wada	73-1296 Ilau Street Kailua-Kona, Hawaii 96740
Assistant Vice President	Francine Duncan	P. O. Box 182 Kamuela, Hawaii 96743-0182
Secretary	Yasuo Miyazawa	73-1261 Kukuna Street Kailua-Kona, Hawaii 96740

DESCRIPTION OF PROJECT:

A. Description of Buildings: The Declaration of Horizontal Property Regime indicates that the property shall contain nine (9) separate apartment buildings designated as Buildings "A" through "H" and "J", one (1) recreational pavilion,

and one hundred sixty three (163) parking stalls of regular size. The revised Declaration of Horizontal Property Regime reflects that the manager's office-maintenance facility and residence has been removed from the project, will not be subjected to the Mauna Lani Point Horizontal Property Regime and will be owned by the Developer and leased to the Managing Agent for the Project.

COMMON ELEMENTS: The manager's office-maintenance facility and residence, located on the southeastern perimeter of the property, together with all rights of access to said office, will not be a common element of the Project. There will now be a total of one hundred sixty three (163) parking areas and spaces, one hundred twenty two (122) of which are appurtenant to the apartments in the Project, forty one (41) of which are to be used for guest parking.

LIMITED COMMON ELEMENTS: The revised Declaration of Horizontal Property Regime has eliminated the manager's office-maintenance facility and residence and the parking stalls appurtenant thereto as a limited common element of the Project and will instead be owned by the Developer.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED TO PURCHASERS: The Developer has withdrawn its plans to develop a second phase to the Project. The common interest of each apartment will thus not be subject to change due to the merger of an additional phase.

OWNERSHIP OF TITLE: A Preliminary Title Report dated May 13, 1986, prepared by Title Guaranty of Hawaii, Inc., certifies that title to the land committed to this regime is vested in Mauna Lani Resort, Inc., the Developer.

ENCUMBRANCES AGAINST TITLE: The Preliminary Title Report dated May 13, 1986, prepared by Title Guaranty of Hawaii, Inc., states that as of the date of the search, title to the land is subject to the following encumbrances:

1. AS TO PARCEL FIRST:

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

b. Grant in favor of Hawaii Electric Light Company, Inc. and Hawaiian Telephone Company, dated November 30, 1982, filed as aforesaid as Land Court Document No. 1142270, granting perpetual rights and easements to build, construct, reconstruct, rebuild, repair, maintain and operate underground lines, handholes and transformer vaults, etc., over, upon, across, through and under a portion of said parcel.

c. Provisions set forth in Amended Decree dated June 17, 1982, filed as aforesaid as Land Court Order No. 63028, on June 21, 1982.

d. Designation of Easement "S" (15 feet wide, area 3,374 square feet) for golf cartpath purposes, as shown on

Map 8, as set forth by Land Court Order No. 72403, filed January 15, 1985.

e. Designation of Easement "T" (15 feet wide, area 4,815 square feet) for sanitary sewer purposes, as shown on Map 8, as set forth by Land Court Order No. 72403, filed January 15, 1985.

f. Grant in favor of Hawaii Electric Light Company, Inc., dated September 12, 1985, filed as Land Court Document No. 1326774, granting perpetual rights and easements for transmission and distribution of electricity over said parcel.

2. AS TO PARCEL SECOND:

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

b. Easement "4" (area 71,331 square feet) for roadway and utility purposes, as shown on said File Plan No. 1856.

c. Easement "5" (10 feet wide, area 1,787 square feet) for irrigation line and electrical purposes, as shown on said File Plan No. 1856.

d. Easement "6" (15 feet wide, area 5,464 square feet) for sanitary sewer purposes, as shown on said File Plan No. 1856.

e. Easement "7" (area 9,417 square feet) for golf cartpath purposes, as shown on said File Plan No. 1856.

f. Easement "8" (15 feet wide, area 1,013 square feet) for sanitary sewer purposes, as shown on said File Plan No. 1856.

g. Easement "9" (15 feet wide, area 2,506 square feet) for golf cartpath purposes, as shown on said File Plan No. 1856.

h. Easement "10" (15 feet wide, area 782 square feet) for sanitary sewer purposes, as shown on said File Plan No. 1856.

i. Grant in favor of Hawaii Electric Light Company, Inc., Hawaiian Telephone Company and Sun Cablevision of Hawaii, Inc., dated November 30, 1982, recorded in Liber 16725, at Page 696, granting a perpetual right and easement to build, construct, reconstruct, rebuild, repair, maintain and operate underground lines, handholes and transformer vaults, etc., over, upon, across, through and under said parcel.

j. Grant in favor of Hawaii Electric Light Company, Inc., dated September 12, 1985, recorded in Liber 18989 at Page 193, granting a perpetual right and easement to build,

construct, reconstruct, rebuild, repair, maintain and operate underground lines and transformer vaults, etc., over, upon, across, through and under said parcel.

k. Grant in favor of Mauna Lani Resort, Inc., dated April 25, 1986, recorded in Liber 19499 at Page 308, granting a non-exclusive easement to use and have access over, in and to said Easement "7".

3. Declaration of Covenants and Restrictions (Mauna Lani Resort Association) dated June 3, 1982, filed as Document No. 1120889, and also recorded as aforesaid in Liber 16425, at Page 203; as amended by instruments dated August 13, 1982, filed as Document No. 1129996, recorded in Liber 16545, at Page 345; and dated June 23, 1986, filed as Document No. 1380755, recorded in Liber 19613, Page 236.

4. Pending Civil Action No. 3400, Third Circuit Court, George Anthanasius Keeaumoku Wilcox, aka George N. Wilcox, et al., Plaintiffs vs. Richard Smart, Defendant. (Note: Title insurance policy to be issued will specifically insure against loss as a result of said civil action.)

5. For real property taxes due and payable, reference is made to the Director of Finance, County of Hawaii.

6. The restrictions on use and other restrictions and all other of the covenants, agreements, obligations, conditions, reservations, easements and other provisions set forth in Declaration of Horizontal Property Regime dated April 22, 1986, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 1371344, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 19499 at Page 146, as the same may hereafter be amended in accordance with law or with said Declaration. (Project covered by Condominium Map No. 591, filed in said Office of the Assistant Registrar and Condominium File Plan No. 1004, recorded in said Bureau of Conveyances).

7. By-Laws of the Association of Apartment Owners of the Condominium Project known as "MAUNA LANI POINT" dated April 22, 1986, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 1371345, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 19499 at Page 173, as the same may hereafter be amended.

OPTION TO DEVELOP AND MERGE ADDITIONAL PHASE: The Developer has withdrawn its plans to develop a second phase to the Project.

MANAGEMENT AND OPERATION: The initial managing agent of the project will be Vacation Resorts/Maui, Ltd., whose principal place of business and post office address is Kaanapali Alii, 50 Nohea Kai Drive, Lahaina, Maui, Hawaii 96761.

REGISTRATION OF PROJECT FOR SALES IN THE STATE OF CALIFORNIA:

The Developer advises that it is presently registering the Project with the California Department of Real Estate for sales in the State of California. The Developer reserves the right at its sole and absolute discretion to unilaterally amend the Declaration of Horizontal Property Regime, the By-laws of the Association of Apartment Owners, and all other documents related to and associated with the Project, to conform with the requirements imposed by the California Department of Real Estate in order to register the Project for sales in the State of California.

DEVELOPER'S INITIAL ASSUMPTION OF ALL ACTUAL COMMON EXPENSES:

Pursuant to Section 514A-15(b), Hawaii Revised Statutes, the Developer will initially assume all the actual common expenses in the Project, and the apartment owner shall not be obligated for the payment of his respective share of the common expenses until such time the Developer files an amended Disclosure Abstract with the Real Estate Commission, State of Hawaii ("Commission"), which shall provide that after a date certain, the respective apartment owner shall thereafter be obligated to pay for his respective share of common expenses that is allocated to his apartment. The amended Disclosure Abstract shall be filed at least 30 days in advance with the Commission with a copy of the Disclosure Abstract being delivered either by mail or personal delivery after the filing to each of the apartment owners whose maintenance expenses were assumed by the Developer.

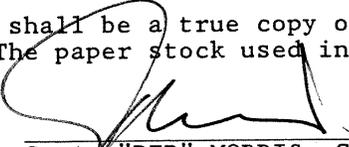
PURPOSE OF BUILDING AND RESTRICTION AS TO USE: The Project will contain one hundred sixteen (116) residential apartments, which, with the exception of a mortgagee in possession of an apartment following a default under a mortgage encumbering an apartment in the Project, a foreclosure proceeding or other arrangement in lieu of foreclosure, shall at all times be occupied and used only for residential purposes by the respective owners thereof, their tenants, licensees, families, domestic servants and social guests, and for no other purpose; provided, however, that such apartments may be leased or rented for transient accommodations. The respective apartment owners shall have the absolute right to rent or lease such apartments subject to all provisions of the Declaration of Horizontal Property Regime of Mauna Lani Point. There is no other commercial or non-residential use in the Project, except for one (1) recreational pavilion.

STATUS OF THE PROJECT: The Developer advises that the estimated completion date of the construction of the Project is November 30, 1986.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the Notice of Intention submitted on November 13, 1984 and information subsequently filed as of June 2, 1986.

THIS FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1645 filed with the Commission on November 13, 1984.

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.



G. A. "RED" MORRIS, CHAIRMAN
REAL ESTATE COMMISSION
STATE OF HAWAII

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Department of Finance, County of Hawaii
Bureau of Conveyances
Planning Department, County of Hawaii
Federal Housing Administration
Escrow Agent

Registration No. 1645

DATED: June 27, 1986