

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
HOLIDAY COUNTRY CLUB
84-653 Ala Mahiku Drive
Makaha, Oahu, Hawaii

REGISTRATION NO. 959

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: March 28, 1978
Expires: April 28, 1979

SPECIAL ATTENTION

A comprehensive reading of this report by the prospective Purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective Purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED DECEMBER 13, 1977 AND INFORMATION SUBSEQUENTLY FILED AS OF MARCH 16, 1978. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT (CHAPTER 514A, HAWAII REVISED STATUTES).

1. HOLIDAY COUNTRY CLUB is a proposed leasehold condominium project consisting of 11 two and three-story apartment buildings of wood frame construction, with 149 residential units, all of which will be sold by the developer upon and subject to the terms and provisions of apartment leases to be issued by the owner of the fee simple title. There will be parking stalls for 267 automobiles plus 4 truck loading stalls, 3 administrative units, a recreational building, a tennis cabana, a laundry cabana, 5 maintenance buildings and various recreational areas.
2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium project and

the issuance of the Preliminary Public Report.

3. Basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners and a copy of Approved Floor Plans) have not been filed in the Office of the Recording Officer.
4. The Developer has advised the Commission that advertising and promotional matter required to be filed pursuant to the rules and regulations promulgated by the Commission will be submitted prior to public exposure.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A, Hawaii Revised Statutes, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
6. This Preliminary Public Report is made a part of the registration of HOLIDAY COUNTRY CLUB condominium project. The Developer has the responsibility of placing a true copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the receipt for the report is also the responsibility of the developer.
7. This Preliminary Public Report automatically expires thirteen months after date of issuance, March 28, 1978, unless a final or supplementary report is issued or the Commission, upon review of the registration, issues an order extending the effective date of this report.

NAME OF PROJECT: HOLIDAY COUNTRY CLUB

LOCATION: Makaha, Oahu, Hawaii. The site, comprising 13.530 acres, is located in Makaha Valley. The mailing address of the Manager's office is 84-653 Ala Mahiku Drive, Waianae, Hawaii 96792.

TAX MAP KEY: First Division, 8-4-02: (por. 49)

ZONING: A-2

DEVELOPER: H.C.C. RESORTS, a Hawaii limited partnership, whose business address is 801 Kaheka Street, Honolulu, Hawaii 96814, Telephone: 946-1646; General Partner: Holiday Mart, Inc., a Hawaii corporation, whose business address is 801 Kaheka Street, Honolulu, Hawaii 96814, Telephone: 946-1646; Limited Partners: Holiday Plantation, a Hawaii limited partnership, whose business address is 801 Kaheka Street, Honolulu, Hawaii 96814, Telephone: 946-1646; Loyalty Investments, a Hawaii limited partnership, whose business address is 84 North King Street, Honolulu, Hawaii 96813, Telephone: 536-7211.

ATTORNEYS REPRESENTING DEVELOPER: Phillip L. Rother (Rother & Bybee), Suite 322, Dillingham Transportation Building, 735 Bishop Street, Honolulu, Hawaii 96813, Telephone: 537-5311.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the proposed leasehold project shall contain eleven (11) two and three-story wood frame apartment buildings, including a three-story structure containing the administrative units. The apartments are of two types, 137 two-bedroom, one-bath apartments, and 12 three-bedroom, one-bath apartments. The apartments are all single story units located on the first, second or third floors. Located on 13.530 acres are a total of 149 units plus the common buildings, which include a dwelling unit for the resident manager, an office and an employees' lounge. None of the

buildings contain basements. There is a laundry cabana and 5 maintenance buildings. A recreation building is situated near the swimming pools and contains cooking, showers and various recreational facilities. The units will be numbered 197 through 248 with a letter, A, B or C, indicating a first, second or third floor location, respectively, for the two and three-bedroom apartments. Apartment Numbers 197A through 198B are located in building number 41; 199A through 203C in building number 42; 205A through 210C in building number 43; 211A through 216C in building number 44; 217A through 224C in building number 45; 225A through 232C in building number 46; 233A through 234C in building number 47; 235A through 240C in building number 48; 241A through 242B in building number 49; 243A through 246C in building number 50; 247A through 248C in building number 51. The administrative units are numbered 204A, 204B and 204C and are located in building number 42.

One Hundred Twenty (120) of the two-bedroom units also contain a bathroom, kitchen and living/dining room with a floor area of approximately 815 square feet. Of these, the ground floor units (A) also contain a lanai of approximately 120 square feet and the second floor (B) units and third floor (C) units, a lanai of approximately 30 square feet. Nine (9) of the two-bedroom units also contain a bathroom, kitchen and living/dining room with a floor area of approximately 822 square feet. Of these, the ground floor units (A) also contain front and side lanais with a total area of approximately 140 square feet and the second floor (B) units and third floor (C) units, front and side lanais with a total area of approximately 50 square feet. Eight (8) of the two-bedroom units also contain a bathroom, kitchen and living/dining room with a floor area of approximately 830 square feet. Of these, the ground floor units (A) also contain front and back lanais with a total area of approximately 144 square feet and the second floor units (B), front and back lanais with a total area of approximately 53 square feet.

The twelve (12) three-bedroom units also contain a bathroom, kitchen and living/dining room with a floor area of approximately 993 square feet. Of these, the ground floor units (A) also contain a front lanai of approximately 120 square feet and the second floor (B) units and third floor (C) units, a front lanai of approximately 30 square feet.

The units will be numbered in the manner shown on the Condominium Map. Each unit will be deemed to include all the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, the spaces within the perimeter walls, floors and ceilings, the adjacent lanai or lanais, and all fixtures originally installed therein including refrigerator/freezer, electric range with oven and garbage disposer. All apartment square footage figures are approximate and are based on measurements to the center line of party walls, to the inside of outside walls and omitting duct space. There will be parking stalls for 267 automobiles plus 4 truck loading stalls.

COMMON ELEMENTS: The common elements will include the limited common elements hereinafter described and all other portions of the land and improvements other than the apartments and they shall specifically include but not be limited to: (a) said land in fee simple; (b) all foundations, columns, girders, beams, supports, bearing walls, roofs, chases, entries, stairways, walkways, and entrances of the building; (c) all yards, grounds, landscaping, mailboxes, storage rooms, laundry areas, refuse facilities and guard stations; (d) all parking areas, sidewalks and driveways, including 103 visitor parking spaces; (e) all ducts, electrical equipment, wiring and other central and appurtenant installations including all utilities with the exception of telephone, television and radio signal distribution installations and equipment; (f) all cabanas, the tot pool, swimming pool and equipment; the recreation building with its furniture, fixtures and equipment, basketball court, volleyball court, shuffleboard court, putting green and all other recreational facilities, areas and equipment; (g) the administrative units consisting of the administrator's unit, administrative office and employee lounge; maintenance buildings, laundry cabana; and (h) all

other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the project.

LIMITED COMMON ELEMENTS: The proposed Declaration reflects that certain parts of the common elements, herein called "limited common elements", are designated and set aside for the exclusive use of certain units. Such units shall have appurtenant thereto easements for the use of such limited common elements as follows:

One parking space shall be assigned to each of the two-bedroom apartments and two parking spaces to each of the three-bedroom apartments upon the original conveyance thereof and shall be appurtenant to and for the exclusive use of such apartment. Each such parking space shall be designated by the same number and letter as is assigned in Exhibit "B" of the proposed Declaration to the apartment to which such parking space is appurtenant and each such parking space shall be so designated on said Condominium Map.

NOTE: Of the 271 parking stalls available, a total of 161 stalls (which are limited common elements) shall be assigned to apartment owners at the time of original conveyance of apartments. The Developer has advised the Commission that the balance of 110 parking stalls (which are common elements) shall be designated as follows:

- (a) 3 stalls shall be designated for use in connection with the administrative units.
- (b) 4 stalls shall be designated for truck loading purposes.
- (c) 103 stalls shall be designated for visitor parking.

COMMUNICATION UTILITIES: The proposed Declaration reflects that all telephone equipment and wiring will be installed, maintained by and remain the sole property of Hawaiian Telephone Company, and apartment owners shall contract for telephone service with Hawaiian Telephone Company on an individual basis. All television and radio signal distribution equipment shall be installed, maintained by, and remain the sole property of Atkinson Building, Inc., a Hawaii corporation, and service arrangements regarding that equipment shall be the subject of a contract between the Association of Apartment Owners and Atkinson Building, Inc.

INTEREST TO BE CONVEYED TO PURCHASER: Apartment units shall have appurtenant to each the undivided interest in all common elements of the project as follows: all two-bedroom apartment units - .6596% and all three-bedroom apartment units - .8029%.

The common interest, proportionate share in all common profits and expenses of the project and proportionate representation for voting purposes in the Association of Apartment Owners and all other purposes shall be in said percentage for each apartment.

USE: All apartments of the project may be used only for residential purposes, including time sharing. No apartments shall be used in connection with the carrying on of any trade or business whatsoever. The owners of the respective apartments shall have the absolute right to lease the same subject to the limitations, restrictions, covenants and the conditions of the proposed Declaration.

The proposed House Rules submitted to the Commission provides in part: (1) each two-bedroom apartment shall have no more than six (6) permanent occupants therein, and each three-bedroom apartment shall have no more than eight (8) permanent occupants therein; (2) No livestock, poultry, animals or pets of any kind shall be kept in the units or on the premises for any reason or length of time.

Purchasers are advised to study the proposed House Rules with care as there are several unique rules which have not customarily been found in other condominium projects.

NOTE: The Developer does not at the present time intend to sell the condominium units under a time share program but reserves the right to do so in the future if it should so determine.

OWNERSHIP OF TITLE: A Preliminary Report dated November 4, 1977 and updated as of March 6, 1978, has been issued by Security Title Corporation, a licensed abstractor, which indicates that title to the land is vested in Loyalty Development Company, Limited, a Hawaii corporation. A copy of the Master Lease dated March 31, 1977 to Holiday Mart, Inc., a Hawaii corporation, and a copy of the Assignment of Lease dated March 31, 1977 to H.C.C. Resorts, the Developer, have been filed with the Commission. The Developer advises that said lease will ultimately be surrendered simultaneously with the issuance of apartment leases directly from Loyalty Development Company, Limited to the apartment purchasers. The project will be located exclusively on Lot 1009-A, area 13.530 acres, all as described in Transfer Certificate of Title Number 189,765 issued to said Loyalty Development Company, Limited.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Report as updated March 6, 1978, a copy of which is on file with the Commission, indicates that said land is presently subject to two (2) mortgages, to-wit, to Loyalty Investments filed as Document No. 811799 and to Hawaii National Bank filed as Document No. 811812. However, the Developer advises that said mortgages will be released prior to the recordation of the purchasers' apartment lease assignments. Said Preliminary Report also discloses the following encumbrances:

- 1) Master Lease and Assignment of Lease, both dated March 31, 1977, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 811794 and No. 811796, respectively.
- 2) Grant in favor of the City and County of Honolulu granting all rights in basal water only, filed as Document No. 116618.
- 3) Perpetual covenants in Deed dated June 28, 1973 and filed as Document No. 651892.
- 4) Grant for sewer easement in favor of Makaha Valley, Inc. across Lots 1028, 1023 and 975 of Certificates 158,012, 158,008 and 126,291, respectively, filed as Document No. 707707.
- 5) Easements 87, 91, 92, 93, 94 and 95, as shown on Map 118, as set forth by Land Court Order 41751.
- 6) Easements 144 and 145, as shown on Map 28, as set forth by Land Court Order 45667.
- 7) Lot 1009-B will have access across Lot 1009-A for the purpose of maintaining Easement 144 (surface drainage area) and Easement 145 (sanitary sewerline), as shown on Map 128, as set forth by Land Court Order 45667.
- 8) For any taxes that may be due and owing on the land, reference is hereby made to the Office of the Tax Assessor of the First Taxation Division.

PURCHASE MONEY HANDLING: An executed Escrow Agreement, dated November 17, 1977, identifies Security Title Corporation as the Escrow Agent. Upon examination of the Escrow Agreement, it is found to be on consonance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-35 through Section 514-40. Among other provisions, the Escrow Agreement provides that Escrow Agent shall refund

to Purchaser all of Purchaser's funds, without interest, if Purchaser shall request refund of his funds and any one of the following shall have occurred:

- (a) Developer has requested Escrow Agent in writing to return to Purchaser the funds of Purchaser then held under the Escrow Agreement by Escrow Agent; or
- (b) Developer has notified Escrow Agent 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
- (c) Developer has notified Escrow Agent that Purchaser's funds were obtained prior to the issuance of a Final Public Report for the Project and that either (i) such Final Public Report differs in any material respect from this Preliminary Public Report (as defined in Chapter 514, Hawaii Revised Statutes) for the Project, or (ii) there is any material change in the condominium building plans for Purchaser's apartment or the common elements of the Project subsequent to the execution of the sales contract requiring approval of a county officer having jurisdiction over issuance of permits for construction of buildings, unless in either case the Purchaser has given written approval or acceptance of the specific change; or
- (d) Developer has notified Escrow Agent that a Final Public Report has not been issued within one (1) year of the date of the issuance of this Preliminary Public Report and Purchaser has not waived its right of refund and cancellation of obligation pursuant to Section 514-39, Hawaii Revised Statutes,

It is incumbent upon the Purchaser and prospective Purchaser to read and understand the Escrow Agreement before executing the Sales Contract since the Escrow Agreement prescribes the procedure for receiving and disbursing Purchaser's funds.

The Sales Contract states, in part: that the rights of the Purchaser are subject and subordinate to the lien rights and security interest of the lending institution(s) financing the construction of the project and/or financing the purchases of the apartments therein.

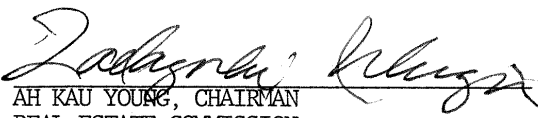
MANAGEMENT OF PROJECT: The By-Laws which are incorporated in the proposed Declaration provide that the operation of the project shall be conducted for the Association under the direction of its Board of Directors by a responsible corporate managing agent. The Developer has submitted a copy of an executed Management Agreement to the Commission, dated February 22, 1977, with Multi Management Corporation, a Hawaii corporation, as Agent.

STATUS OF PROJECT: A construction contract with Superior Building Systems, Inc., as general contractor, is being negotiated. Construction has begun on the project (under a previous construction contract) and is expected to be completed within approximately 18 months from the date hereof.

The Purchaser or prospective Purchaser shall be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted December 13, 1977 and information subsequently filed as of March 16, 1978.

This is a PRELIMINARY HORIZONTAL PROPERTY REGIMES CONDOMINIUM PUBLIC REPORT which is made a part of REGISTRATION NO. 959, filed with the Commission on December 13, 1977.

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.


(for) AH KAU YOUNG, CHAIRMAN
REAL ESTATE COMMISSION
STATE OF HAWAII

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BUREAU OF CONVEYANCES
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FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

Registration No. 959
March 28, 1978