

TIME SHARE PLAN
FORMAT FOR PREPARATION OF DISCLOSURE STATEMENT

1. **DEVELOPER**

Give the name, address, and phone number of the developer.

2. **PLAN MANAGER**

Give the name and address of the plan manager and describe the nature of responsibilities, duties, and authority. Also, give the name and address of responsible managing employees, if any.

3. **TIME SHARE PLAN**

State whether the time share plan is a time share ownership plan or a time share use plan, and describe the rights and responsibilities of purchaser and developer under the plan. State when and how the property has been committed to time sharing. If it is a preexisting time share plan or unit, also state how it satisfies the requirements of the law and rules on preexisting units.

4. **DESCRIPTION OF TIME SHARE UNITS, BUILDING, LOCATION, ETC.**

Describe the time share units, the building, and its location. Give the total number of units, number of interests a unit is divided into, and the number of weeks or days per interest. If the building is under construction, give the schedule of completion of all units and amenities and dates of availability. A brief description of the hazard and liability insurance coverages on the project and any protection afforded purchasers against the possible loss or destruction of the time share unit(s) should also be provided.

5. **MULTIPLE LOCATION TIME SHARE PLAN**

If it is a multiple location time share plan, describe the plan, time share units, the building and its location. Give the total number of units, number of interests a unit is divided into, and the number of weeks or days per interest. If the building is under construction, give the schedule of completion of all units and amenities and dates of availability.

6. **TIME SHARE PLAN IN A CONDOMINIUM**

If the time share plan is located in a horizontal property regime, give the description of the project and any pertinent provisions of the project instruments.

7. **RESTRAINTS ON TRANSFER OF PURCHASER'S INTEREST**

State any restraints on the transfer of the purchaser's interest in the time share units or plan.

8. **MUTUAL RESCISSION PROVISION**

State that there is a seven (7) calendar-day period of mutual rescission and that each purchaser will be given a notice of cancellation form with the pertinent information filled in by the developer at the time of purchase (see Form TS-10).

9. **TITLE DEFECTS OR ENCUMBRANCES**

List any liens, title defects or encumbrances on or affecting the title to the units or plan.

10. **PENDING OR ANTICIPATED SUITS**

List any pending or anticipated suits that are material to the time share units or plan of which the developer has or should have knowledge.

(CONTINUED ON PAGE 2)

11. FINANCIAL OBLIGATION OF PURCHASER

State the total financial obligation of the purchaser, which shall include the initial price and any additional charges to which the purchaser may be subject. If the developer is offering to sell any time share interest by agreement of sale or other installment sales contract and the time share interest is subject to a blanket lien, a description of the consequences which a subsequent foreclosure of that blanket lien will have upon the purchaser's interest in the agreement of sale or sales contract and the time share interest being sold thereunder should also be provided.

12. ESTIMATE OF DUES, MAINTENANCE FEES, REAL PROPERTY TAXES, ETC.

Give an estimate of dues, maintenance fees, real property taxes, and similar periodic expenses, and method or formula by which they are derived and apportioned.

13. ESCROW ACCOUNT

State where escrow account, meeting the requirements of Section 514E-16, Hawaii Revised Statutes ("HRS"), is held. Give the name of the escrow company, bank or trust company.

14. ESCROW AGREEMENT

Give the date of escrow agreement and summarize escrow agreement.

15. ESTABLISHMENT OF NONPROFIT CORPORATION, CLUB MEMBERSHIP, OR ASSOCIATION

State when and how the developer plans to form a nonprofit corporation or club membership or association for management of the time share plan. Describe its functions and responsibilities.

16. DEVELOPER IS ALSO ACQUISITION AGENT, SALES AGENT, PLAN MANAGER OR EXCHANGE AGENT

If the developer or an affiliate of the developer is the acquisition agent, sales agent, plan manager or exchange agent for the plan, disclose the nature of the association and any major conflicts of interest which may arise due to such association. Include in this section a brief description of the method by which interests in the time share plan will be offered and the name and address of each sales agent through which the offering is to be made.

17. COMPLIANCE WITH COUNTY REQUIREMENTS

State that it has been confirmed by the proper county authority that the time share property is located in a zone as required by Section 514E-5, HRS, and that time sharing is permitted.

18. SALES IN VIOLATION OF HAWAII TIME SHARE LAW

State that pursuant to Section 514E-11.3, HRS, every sale or transfer made in violation of Chapter 514E, HRS, is voidable at the election of the purchaser.

19. SERVICE OF PROCESS

Give the name and address of the person in the State of Hawaii to receive service of process.

Signature

Date

Title

(CONTINUED ON PAGE 3)

INSTRUCTIONS

TIME SHARE PLAN

FORMAT FOR PREPARATION OF DISCLOSURE STATEMENT

1. Please follow this format in preparing the disclosure statement for registration of a time share plan.
2. Do not change the number sequence. Type the numbered headings in caps and underscore as shown. If not applicable, type the language in parenthesis, state "not applicable", and briefly explain why.
3. When time share units are annexed to the time share plan, sale of the new units shall not commence until such time as a revised disclosure statement has been filed with and accepted by the Director. Since the revised disclosure statement must be given to all prospective purchasers, any information in the original disclosure statement which is applicable should be included and all revised language should be underscored. Forms TS-02B and TS-09 shall also be filed for the purpose of annexing time share units to the time share plan.
4. The date of acceptance of a revised disclosure statement shall be recorded on the upper-right corner of the face page of the statement after the annexation application has been accepted.