

## **CHECKLIST FOR DEVELOPER REGISTRATION**

Check appropriate box for documents being submitted. Documents submitted in 3-ring binders will not be accepted. Please submit documents separately, tabbed and numbered in the exact order as follows:

- ☐ Application (Form TS-2A).
- ☐ Disclosure statement (2 copies).
- ☐ Developer's financial statement current not less than 90 days from date of submission of application; provided that such statement shall meet the requirements of Section 16-106-4(a)(3), Hawaii Administrative Rules ("HAR"), Time Sharing.
- ☐ Policy of title insurance, preliminary title report, abstract of title or certificate of title not more than 60 days old at time of submission of application, disclosing the status of ownership of the unit(s) and any and all liens and encumbrances affecting the unit(s) to be registered.
- ☐ Copies of all encumbrances against title to each unit to be registered.
- ☐ Certified copy of articles of incorporation and bylaws if a corporation; certified copy of partnership registration and partnership agreement if a partnership or joint venture.
- ☐ If a corporation, partnership or joint venture, a certificate of good standing issued by the Business Registration Division of the department not more than 30 days prior to time of submission of application.
- ☐ Copy of executed escrow agreement between developer and Escrow Company (See Section 16-106-34, HAR).
- ☐ Name and address of person in the State authorized to receive service of process on behalf of developer.
- ☐ County confirmation of zoning (Form TS-7).
- ☐ Complete statement as to manner in which the time share plan complies with the requirements of Section 514E-6, Hawaii Revised Statutes ("HRS").
- ☐ Complete statement, including a specific citation to the appropriate provision of Section 514E-19, HRS, of the method to be used by the developer to protect purchasers against blanket liens (attach copies of all pertinent agreements and materials relevant to the proposed method of protection).
- ☐ Preexisting plan - evidence of creation of the plan prior to June 29, 1980 and filing of such plan prior to January 1, 1981 (e.g. contracts, agreements, etc.), including the number of interests in the plan, if any, which were previously sold.
- ☐ Declaration of Horizontal Property Regime, as recorded and subsequently amended, including a copy of the project's condominium map if the project is not registered with the Hawaii Real Estate Commission pursuant to Chapter 514A, HRS.
- ☐ Bylaws of association of apartment owners.
- ☐ Association of apartment owners house rules.
- ☐ Declaration of Covenants, Conditions and Restrictions for time share plan, as recorded and subsequently amended.
- ☐ Petition and Charter of Incorporation for time share owners association accepted by the department.
- ☐ Bylaws of time share association or club.

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- ☐ Time share association or club rules.
- ☐ Completed specimen copy of Notice of Mutual Right of Cancellation of Time Share Purchase (Form TS-10).
- ☐ Completed specimen copy of reservation, contract of sale or agreement of sale to be used in connection with the sale of time share interests.
- ☐ Completed specimen copy of deed, lease or other instrument to be used to convey property to the purchaser.
- ☐ Specimen copy of purchaser's declaration of understanding of the plan and the contract, if any.
- ☐ Copy of executed management agreement.
- ☐ Copy of each sales agency or broker listing agreement; provided that the commission schedule may be omitted from such agreement.
- ☐ Copy of executed contract with an exchange agent, if applicable.
- ☐ Copies of any advertising or promotional materials to be used in connection with the marketing of time share interests; provided that such materials shall meet the requirements of Sections 514E-11(3) and 514E-11.1, subsections (2) and (7), HRS.