



## REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII  
424 SO. BEREKIANA STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

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

on  
KONA MAGIC SANDS  
Alii Drive, Kailua-Kona  
Island and County of Hawaii  
Hawaii

REGISTRATION NO. 81

### 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.

June 30, 1965

#### SPECIAL ATTENTION

Particular attention of the purchaser or prospective purchaser is directed to the following:

- (1) KONA MAGIC SANDS is a proposed leasehold condominium project consisting of thirty-seven (37) dwelling units.
- (2) The Developer has filed the following documents or specimen documents with the Commission for examination: Notice of Intention; Joint Venture Agreement; Original Lease; Declaration, Master Lease and By-Laws of Horizontal Property Regime; Sub-Lease; Assignment of Lease; Search of Title; Statement of Description of Land and Building; Lease Rental Statement; Loan Commitment Letter; Reservation Agreement; Purchase Agreement; Escrow Agreement; Uniform Condominium Lease (Apartment Lease); Sales Schedule; Schedule of Estimated Monthly Maintenance Cost; Exclusive Authorization to Sell; Attorney in Fact Statement; Construction Contract and Specifications; Correspondence of Planning and Traffic Commission, County of Hawaii; Registration of Trade Name; House Rules of the Project; Drawings and Plans of Plot, Floor and Elevations; and Developer's correspondence on Performance Bonds.
- (3) The purchaser or prospective purchaser is advised to acquaint himself with the general provisions of the Horizontal Property Act (HPA) passed by the Legislature of the State of Hawaii in 1961. This statute has been amended by the Legislature in each session since enactment of the original enabling legislation.

NAME OF PROJECT: KONA MAGIC SANDS

DEVELOPER: A Joint Venture, made and entered into May 6, 1965 between:

Harry T. Kobayashi	1830 Palolo Avenue Honolulu, Hawaii Telephone: 777-621
Sally Shizue Kobayashi	1830 Palolo Avenue Honolulu, Hawaii Telephone: 777-621
Charles S. Kanemori	1491 Ahuawa Loop Honolulu, Hawaii Telephone: 775-296
Jean H. Kanemori	1491 Ahuawa Loop Honolulu, Hawaii Telephone: 775-296
Tokie Sakamoto	1517 Alexander Street Honolulu, Hawaii Telephone: 574-630
Shunichi Miyamoto	1023 Pensacola Street Honolulu, Hawaii Telephone: 587-196

The above six (6) joint venturers, under a document dated May 6, 1965, have named and appointed Horace T. Sakamoto their Attorney in Fact for the purpose of filing and carrying through with the Notice of Intention before the Commission.

ATTORNEY REPRESENTING DEVELOPER: Mr. David K. Namaka, Rm #308, Merchandise Mart Building, Honolulu, Hawaii. Telephone 568-859.

TAX KEY: THIRD DIVISION 7-7-08-022

ZONING: Hotel-Apartment

DESCRIPTION: The 47,916 square feet of land committed to the project is situated in the District of North Kona, Island and County of Hawaii, State of Hawaii, approximately midway between the resort town of Kailua, Kona and the village of Keeahou, Kona on Alii Drive. The proposed building of three (3) floors is to be constructed of reinforced concrete footings, columns, beams and block bearing walls, pre-stressed concrete floor and roof slabs and interior partitions of studded drywalls.

The first floor consists of nine (9) studio apartments, a lobby and a restaurant; the second floor of fourteen (14) studio apartments; and the third floor of fourteen (14) studio apartments.

There shall be thirty-seven (37) studio apartments in the project which shall be designated by numbers which locate the apartments in the building. Each apartment in the building is to be identified by three (3) digits. The first digit indicates the floor of the building upon which it is located; the second is zero; and the third indicates the horizontal position of the apartment from the south end of the building, next to the stairway.

FIRST FLOOR: The apartments are numbered 106 to 114; Apartment 106 being the apartment adjacent to the lobby.

SECOND FLOOR: The apartments are numbered 201 to 214; Apartment 201 being the apartment on the extreme south end of the building.

THIRD FLOOR: The apartments are numbered 301 to 314; Apartment 301 being the apartment on the extreme south end of the building.

The Developer represents that all studio apartments consist of a living-bedroom combination, kitchenette, bathroom and lanai. The total area including the lanai contains approximately 480 square feet.

COMMON ELEMENTS: The Developer states the Common Elements will include: (a) the land committed to the regime and as described; (b) the foundations, beams, supports, rock and retaining walls, all wall with the exception of the finished surfaces inside each apartment which inside surface shall be elements of the respective apartments, the beams and columns of the building, the entrance and exits of the project, the vehicular entry/exit ramp to the parking area, all concrete walks, planting areas and gardens, lobby and sand pit; (c) the flat roof, yards, gardens, swimming pool, parking area other than that designated as a limited common element, laundry facilities, and swimming pool equipment; (d) central and appurtenant installations for services including plumbing, sprinkler system, telephone equipment, electrical installations, trash enclosure and all ducts and fans; (e) all intangible personal property, choses in action, debts, moneys, reserves, funds and other assets held by the Association of Apartment Owners for the benefit of the several apartment owners; (f) and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

LIMITED COMMON ELEMENTS: The Developer advises that the Limited Common Elements are all parking stalls designated with a number corresponding to the number of an apartment. Each stall shall appertain to the apartment to which its number corresponds.

INTEREST TO BE CONVEYED PURCHASER: The Declaration and Master Lease submitting the project to the Horizontal Property Regime states that the percentage of undivided interest in the common elements appertaining to each apartment and its owner for all purposes including voting shall be:

Each apartment	2.43% interest in Common Elements
Restaurant	10.10% interest in Common Elements

OWNERSHIP TO TITLE: The Search of Title, as at February 9, 1965 shows the fee to be vested in Henry De Aguiar and Mary L. De Aguiar, husband and wife, as Tenants by the entirety.

ENCUMBRANCES AGAINST TITLE: The Search of Title discloses that the taxes for the year 1964 (1st installment) have been paid; as at February 28, 1965 taxes for the year (2nd installment) are delinquent; noted are reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent No. 1668; lease dated June 17, 1960, recorded October 11, 1960 in the Bureau of Conveyances of the State of Hawaii in Book 3934, Page 488, made by and between HENRY DE AGUIAR and MARY L. DE AGUIAR, husband and wife, as Lessors, and HARRY T. KOBAYASHI and SALLY SHIZUE KOBAYASHI, husband and wife, as Lessees, for a term of 55 years commencing first day of July, 1960. (By instrument dated November 12, 1963, recorded on November 18, 1963 in Bureau of Conveyances in Book 4631, Page 409, the foregoing lease was extended for an additional period of 20 years.)

The search document also notes proceedings filed in the Circuit Court of the Third Circuit of the State of Hawaii, under Civil No. 780 referring to a decree rendered April 22, 1963. A certified copy of said decree was recorded May 1, 1963 in the Bureau of Conveyances in Book 4505, Page 54.

The Search of Title advises of an option to buy in favor of HARRY T. KOBAYASHI and SALLY SHIZUE KOBAYASHI, husband and wife, as contained in that certain lease identified above between the DE AGUIARS as Lessors, and the KOBAYASHIS as Lessees.

PURCHASE MONEY HANDLING: A specimen copy, not executed, of the proposed escrow arrangement between the Joint Venture, dba KONA MAGIC SANDS, identified as "Vendor" and SECURITY TITLE CORPORATION, identified as "Escrow" has been submitted to the Commission.

Note: It is incumbent upon the prospective purchaser that he reads this agreement which establishes how the proceeds from the sale of dwelling units are placed in trust, as well as the retention and disbursement of the trust fund.

MANAGEMENT AND OPERATIONS: The proposed By-Laws empower the Board of Directors to exercise management control over the project. The manager of the property has been identified in the Notice of Intention as OPTIMUM REALTY CO. (Horace T. Sakamoto, Principal Broker).

STATUS OF PROJECT: A building contract has been executed, May 6, 1965, between the Developer and Harry T. Kobayashi, Contractor. The Notice of Intention states that the Contractor anticipates completion of the building 240 calendar days from the start of the job. The Developer advises that by mutual agreement the Construction Contract is subject to the sale of 90% of the apartments and the approval of the lender. As at the date of this Final Public Report no work has commenced at the site.

  
YUKIO KASHIWA, Vice Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

cc: DEPARTMENT OF TAXATION  
DEPARTMENT OF REGULATORY AGENCIES  
(Business Registration Division)  
BUREAU OF CONVEYANCES  
PLANNING AND TRAFFIC COMMISSION, COUNTY OF HAWAII  
FEDERAL HOUSING ADMINISTRATION