



## REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

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

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

on  
KE AEKAI  
Weliweli, Koloa  
Island and County of Kauai  
Hawaii

REGISTRATION NO. 87

#### 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.

July 9, 1965

#### SPECIAL ATTENTION

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

- (1) KE AEKAI is a proposed fee simple condominium project consisting of seventy-two (72) dwelling units.
- (2) The Developer has filed the following documents or specimen documents with the Commission for examination: Notice of Intention; Declaration of Horizontal Property Regime; Declaration of Covenants, Conditions and Restrictions and By-Laws of Association of Apartment Owners; Developer's Articles of Association and Affidavit; Assignment of Interest in Parcels of Land Described; Agreement of Sale - November 1, 1963; Agreement of Sale - January 3, 1964; Three Policies of Title Insurance; Assignment of Land to Developer; Reservation Certificate; Purchase Agreement; Apartment Deed; Escrow Agreement; Feasibility Study by Certified Public Accountant; Lender's Letter of Intention to Finance Project; Exclusive Listing Contract; Building Plans and Outline Specifications; Construction Management Agreement; and Copies of Promotional and Advertising Material.
- (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 each succeeding session of the Legislature since enactment of the original enabling legislation.

NAME OF PROJECT: KE AEKAI

DEVELOPER: SIGMA OF HAWAII, INC., 1441 Kapiolani Blvd., Suite 1321, Honolulu, Hawaii. Telephone 999-227. A Hawaii corporation registered with the Director, Department of Regulatory Agencies, State of Hawaii, July 29, 1964. The officers are as follows:

E. Lloyd Evans, President and Treasurer	3006 Pualei Circle, Apt. 108 Honolulu, Hawaii
Kiyoto Kamada, Vice President	751 Waiakamilo Road Honolulu, Hawaii
Jerry Dunkelberger, Secretary	177 Ala Moana Blvd., Apt. 542 Honolulu, Hawaii
Percy K. Mirikitani, Director	Merchandise Mart Bldg., Room 438 Honolulu, Hawaii
Bruce G. Smith, Director	10 Cleveland Circle Skillman, New Jersey

ATTORNEY REPRESENTING DEVELOPER: Percy K. Mirikitani, Room 438, Merchandise Mart Building, Hotel & Alakea Streets, Honolulu, Hawaii. Telephone 561-702.

TAX KEY: FOURTH DIVISION 2-8-19, Parcels #17, 20, 21, 57, 60 and 61.

ZONING: Commercial Resort

DESCRIPTION: The Declaration states that the buildings which are to be constructed upon the 93,567 square feet of land committed to the Regime are fifteen (15) in number having an aggregate of seventy-two (72) apartment units. The principal materials of which the buildings are to be constructed are wood, concrete and masonry. The exact location, size and number of each building and apartment unit are shown on the Condominium Map filed with the Bureau of Conveyances in Honolulu, Hawaii; said buildings to be constructed upon the land are designated as follows:

Four (4) buildings lettered A, B, C, and D, each consisting of two (2) stories of apartment units, each floor containing four (4) units having a lava rock retaining wall. Foundations are of reinforced concrete. The exterior finish is of 1x8 redwood T & G walls, masonry and transite panel with an interior finish consisting of Gypsum board and T & G walls. The roof surfacing is of 1x8 T & G sheathing; 1"x4" nailer with handsplit cedar shingles; the floors are of 4" slab on grade. 1x4 hardwood T & G on second floor.

One (1) building lettered E consists of three (3) stories of apartment units, each floor containing six (6) units having a lava rock retaining wall, foundations of reinforced concrete, and an exterior stud wall with drop siding over ½" Gypsum sheathing on exterior surface. 1x8 redwood wall concrete block bearing walls and transite panel with an interior finish consisting of Gypsum board on stud walls. The roof surfacing is made of 1x8 T & G sheathing; 1"x4" nailer O.C. with hand-split cedar shingles; the floors consisting of 4" slab on grade. 1x4 hardwood T & G with sub-floor on second and third floors.

Nine (9) buildings lettered F, G, H, I, J-K, L, M, N, and O, each building consisting of two (2) stories of apartment units; each having a foundation of reinforced concrete, a lava rock retaining wall, an exterior finish of 1x8 redwood T & G walls, transite panel with an interior finish consisting of Gypsum board and T & G walls. The roof surfacing consists of 1x8 T & G sheathing; 1"x4" nailer with hand-split cedar shingles; the floors consist of 4" slab on grade with 1x4 hardwood T & G on second floor.

One (1) building designated as a combination office and storage room over which there shall be two (2) apartments, one designated for management and the other undesignated. This building shall consist of two (2) stories, having a foundation of reinforced concrete; exterior wall 8x8x16 concrete block bearing walls, concrete and lava rock wall. The floors consisting of 4" slab on grade, 1x4 hardwood T & G on second floor; roof surfacing consisting of 1x8 T & G sheathing; 1"x4" nailer with hand-split cedar shingles. Interior partitions consisting of exposed concrete block and Gypsum stud wall.

Each apartment has access to and over the yard which constitutes one of the common elements. Building A is a two-story building consisting of eight (8) apartment units each having two (2) deluxe bedrooms numbered 1 through 4 on the first floor and 5 through 8 on the second floor. Each apartment unit has an approximate floor space of 756 square feet of living area and 112 square feet of lanai area. Each apartment shall consist of six (6) rooms: two (2) bathrooms, kitchen area, living room area and two (2) bedroom areas. The kitchen area shall be divided from the living room area by a counter. Each apartment shall have immediate access to the corridor on the particular floor on which it is located. The corridor exits located on the second floor shall lead to the stairways.

Buildings B, C, and D consisting of twenty-four (24) apartment units are two-story buildings, each unit having two (2) standard bedrooms numbered 1 through 4 on the first floor and 5 through 8 on the second floor. Each apartment has an approximate floor space of 648 square feet of living area and 96 square feet of lanai area. Each apartment shall consist of six (6) rooms: a bathroom and, in addition thereto, an area which includes a toilet and wash basin; kitchen area; living room area; and two (2) bedroom areas. The kitchen area shall be divided from the living room area by a counter. Each apartment shall have immediate access to the corridor on the particular floor on which it is located, which corridor exits located on the second floor shall lead to the stairways.

Building E consisting of eighteen (18) apartment units is a three-story building each unit having one (1) standard bedroom numbered 1 through 6 on the first floor, 21 through 26 on the second floor, and 31 through 36 on the third floor. Each apartment has an approximate floor space of 480 square feet of living area and 72 square feet of lanai area. Each apartment shall consist of four (4) rooms: a bathroom area, kitchen area, living room area and a bedroom area; the kitchen area being divided from the living room area by a counter. Each apartment shall have immediate access to the corridor on the particular floor on which it is located, which corridor exits located on the second and third floors shall lead to the stairways.

Buildings F through O are duplex units consisting of twenty (20) apartment units, each unit having one deluxe bedroom. Each apartment unit is numbered F1, F2; G1, G2, etc. Each apartment has an approximate floor space of 520 square feet of living area and 78 square feet of lanai area. Each apartment shall consist of five (5) rooms: the ground floor consists of a toilet, a living room and a kitchen; the kitchen area shall be divided from the living room area by a counter. The upper floor consists of a bathroom and a deluxe bedroom. Each apartment shall have its own immediate exit.

COMMON ELEMENTS: The Common Elements are identified in the Declaration as: (a) the land on which the project is located; (b) all garden and recreation areas, walkways and swimming pool; (c) all parking areas; (d) the premises for the lodging of personnel in charge of operations, except as otherwise provided; (e) the compartments for installation of central services such as power, water, light, gas, reservoirs, water tanks, treatment plants, pumps and plumbing; (f) all devices from the terminal point to the point of entry of the buildings; and (g) in general all devices or installations existing for common use.

LIMITED COMMON ELEMENTS: There shall be certain Limited Common Elements located on each floor in each building to be used in common by all owners of the apartments on that floor, they shall consist of: (a) all foundations, footings, columns, girders, beams, floor slabs, main walls, roofs, halls, stairways, and other

structural members of the building; (b) all paint, decorative application to the exterior of the perimeter walls, light fixtures, drains, floor coverings in the hallway and in general all such other devices or installations existing exclusively for the common use of all apartment units on a particular floor. The partition between the apartment units to be used by the owners of the apartment units separated by such partitions; and (c) all other devices or installations existing for or rationally of use to all the owners of apartments on each specific floor.

INTEREST TO BE CONVEYED PURCHASER: The Declaration states that the fraction or percentage of undivided interest in the Common Elements appertaining to each apartment and its owner for all purposes, including voting, is 1/72 or 1.388%. It is further reflected that if at any time the number of apartments in this Regime shall be more or less than 72, then and in each instance said fraction or percentage shall be changed from 1/72 to a fraction whose numerator is one and whose denominator is the actual number of apartments then in this Regime.

OWNERSHIP TO TITLE: The Notice of Intention represents that the fee is vested in E. Lloyd Evans, 3006 Pualei Circle, Apt. 108, Honolulu, Hawaii. Telephone 933-747. The three policies of title insurance submitted as part of this Horizontal Property Act registration identify the Insured one E. Lloyd Evans (husband of Margaret Rose Evans), as either buyer or purchaser under various Agreements of Sale of the land committed to the project.

ENCUMBRANCES AGAINST LAND: The Developer through the Notice of Intention has submitted copies of Agreements of Sale under which he is purchasing various parcels of the land to be utilized in the project. These agreements, as follows, are with:

Mr. George A. Shipman	- Parcel 17, 20, 60
Grace W. Buscher	- Parcel 61
Mrs. Alma Kuulei Zalopany	- Parcel 21
Mr. John Carvalho	- Parcel 57

PURCHASE MONEY HANDLING: An Escrow Agreement, in specimen form, has been filed with the Commission. The depository is identified in the Notice of Intention as SECURITY TITLE CORPORATION. The unexecuted agreement sets forth the duties and responsibilities of the escrow agent in receiving, holding and disbursing funds.

Note: It is incumbent upon the prospective purchaser that he reads the executed Escrow Agreement as it will be that document 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.

STATUS OF PROJECT: The Developer has submitted a copy of a November 16, 1964 letter of agreement between HAWAIIAN DREDGING & CONSTRUCTION CO., LTD. and E. LLOYD EVANS setting forth the services the Company will provide under duties as the Owner's representative for the purpose of constructing a hotel-apartment complex on the land described. As at the date of this Public Report no building has commenced at the site.

MISCELLANEOUS: The Feasibility Study of March 1, 1965, prepared by PEAT, MARWICK, MITCHELL & CO., Certified Public Accountants is brought to the attention of purchaser and prospective purchaser as a commentary paper worth reviewing.



YUKIO KASHIWA, Vice Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

cc: DEPT. OF TAXATION  
DEPT. OF REGULATORY AGENCIES  
(Business Registration Division)  
BUREAU OF CONVEYANCES  
PLANNING & TRAFFIC COMMISSION, COUNTY OF KAUAI  
FEDERAL HOUSING ADMINISTRATION