

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

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HONOLULU, HAWAII 96801

## PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

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

REGISTRATION NO. 154

### 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.

*Reservations for the purchase of any unit in the Condominium Project may be taken under an agreement for sale providing the Developer complies with the Commission's Declaratory Order No. 1 of December 14, 1965.*

October 14, 1966

#### SPECIAL ATTENTION

A comprehensive reading of the Report 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:

1. KONA WHITE SANDS is an existing apartment building consisting of ten (10) dwelling units in a single structure to be converted to a fee simple condominium project.
2. The Developer of the project has filed all the basic documents and exhibits deemed necessary by the Commission for the registration of the Horizontal Property Regimes venture.
3. Advertising material has been filed pursuant to the rules and regulations promulgated by the Commission.
4. The prospective purchaser is advised to acquaint himself with the provisions of Chapter 170A, Revised Laws of Hawaii 1955 (as amended), and the Condominium Rules and Regulations promulgated thereunder which relate to Horizontal Property Regime.
5. This Report reflects information disclosed in the required Notice of Intention submitted to the Commission on August 16, 1966.

NAME OF PROJECT: KONA WHITE SANDS

LOCATION: The approximate 15,201 square feet of land committed to the project is situate about 3.0 miles south of the resort town of Kailua, Kona, on the mauka (eastern) side of Alii Drive, at the landmark, White Sands Beach, midway between Kailua, Kona and the village, Keeauhou, District of North Kona, Island and County of Hawaii, Hawaii.

TAX KEY: Third Division 7-7-3-19

ZONING: Apartment-Hotel

DEVELOPER: Joseph S. Mark, individual, 541 Poipu Drive, Honolulu, Hawaii. Telephone 39-131.

ATTORNEY REPRESENTING DEVELOPER: Smith, Wild, Beebe & Cades (Attn: Douglas E. Prior), First National Bank Building, P. O. Box 939, Honolulu, Hawaii 96803, Telephone 569-331, and Samuel Landau, Suite 1401, First National Bank Building, Honolulu, Hawaii, Telephone 569-673.

DESCRIPTION: This project shall include ten (10) studio apartments consisting of the spaces enclosed by and within the interior unfinished surfaces (exclusive of paint, paper, wax, tile, enamel or other finishing) of the perimeter walls, floors and ceilings of each of said apartments. All doors, windows and window frames, balconies and lanais, including the exterior surface of the perimeter wall abutting upon any balcony or lanai, are part of each apartment.

The project consists of one two-story building with five apartments on each floor. The floor area within the perimeter walls of the apartments and the floor area of the lanais of each apartment are approximately as follows:

	<u>Apartment</u>	<u>Lanai</u>
<b>First Floor:</b>		
A-1, A-2, A-4 and A-5	460	104
A-3	405	92
<b>Second Floor:</b>		
B-1, B-2, B-4 and B-5	460	104
B-3	405	92

Each apartment has a bath and one large room which may be partitioned off into a living room and a sleeping room and which contains a kitchen area. The building is constructed of concrete block with a shake roof. Floors and lanais are of concrete and there are glass and aluminum sliding doors leading to the lanais.

Each apartment shall have access either to a walkway or the landscaped grounds, both of which are common elements of the project.

There are six regular size parking stalls available and four small size parking stalls for compact or economy vehicles.

COMMON ELEMENTS: The Declaration states that a freehold estate consisting of all remaining portions of the project, described and referred to as "common elements", which definition specifically includes, but is not limited to all items set forth on the Condominium Map other than apartments and will include: (a) the land described in the exhibit attached to the Declaration, together with all improvements thereon, exclusive of the apartments described, said improvements to include among other things, a parking area for six (6) regular

size cars and four (4) smaller cars and landscaped areas, including plants, grass and other vegetation; (b) all waterlines, electric and telephone lines, sewage facilities, and other utilities which may be required by government authorities to be constructed or installed; (c) the foundations, supporting columns, main walls, framing, roof, stairways, walkways, utility lines and other portions of the buildings existing for or rationally of common use or necessity for the existence, upkeep and safety of the building; and (d) all other devices or installations upon the above-described land existing for or rationally of common use to all the owners of apartments within the project.

LIMITED COMMON ELEMENTS: The Developer reports the project will contain no limited common elements.

INTEREST TO BE CONVEYED PURCHASER: Apartments A-3 and B-3 shall have appurtenant thereto a nine per cent (9%) interest in the common elements and all other apartments shall each have appurtenant thereto a 10.25% interest in the common elements, such interest being defined and referred to as the "common interest". The common interest, the proportionate shares of the common expenses of the project and the proportionate representation for voting purposes in the Association of Apartment Owners of the project shall be in these said percentage shares.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The apartments shall be occupied and used only as private residences by the respective owners thereof, their tenants and families, or as hotel rooms and for no other purposes.

OWNERSHIP TO TITLE: A Certificate of Title prepared June 23, 1966 by Title Guaranty of Hawaii, Incorporated, a Hawaii corporation, shows that title to the land is vested in Henry Gouveia, 219 Nohea Street, Hilo, Hawaii, by Deed dated March 25, 1952 and recorded in the Office of the Registrar of Conveyances, State of Hawaii, at Honolulu, in Liber 2572, on Page 159.

ENCUMBRANCES AGAINST TITLE: Mortgage, dated July 3, 1963, consideration \$90,000.00, by Henry Gouveia, husband of Wilhelmina B. Gouveia, in favor of Bank of Hawaii, recorded in Volume 4554, at Page 590, in the Bureau of Conveyances. The Developer has advised the Commission that Henry Gouveia has given Joseph S. Mark an option to purchase this property and has agreed to join with Mr. Mark in submitting the property to the Horizontal Property Regime.

Upon the exercise of the option by Joseph Mark, the above Bank of Hawaii mortgage will be released and each of the ten (10) apartments will become subject to a purchase money mortgage in favor of Mr. Gouveia to secure payment of the balance of the purchase price of the land and building.

There is a reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent Number 4221.

PURCHASE MONEY HANDLING: An executed Escrow Agreement made September 6, 1966 identifies Title Guaranty Escrow Services, Inc., a Hawaii corporation, as the Escrow Agent.

Note: It is incumbent upon the purchaser that he reads the Reservation Agreement and the Escrow Agreement which establish how the deposits, proceeds from the taking of reservations and the sale of dwelling units are placed in trust as well as the retention and disbursement of the trust funds.

MANAGEMENT AND OPERATIONS: The proposed By-Laws of the Association of Apartment Owners vests the Board of Directors with the authority to secure the services of a person or firm to manage the project. No Managing Agent has been identified in the registration.

STATUS OF PROJECT: The project, constructed by Pacific Builders, Incorporated, 414 Ward Avenue, Honolulu, Hawaii, on plans prepared by Robert A. Miller, Registered Architect, No. 832-A, was completed in late 1964.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 154 filed with the Commission on August 16, 1966.



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YUKIO KASHIWA, Vice Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

DEPARTMENT OF TAXATION  
DEPARTMENT OF REGULATORY AGENCIES  
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