

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 RICHARDS STREET
P. O. BOX 3469
HONOLULU, HAWAII 96801

PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
MAUI KAI
Honokowai, Kaanapali
Island and County of Maui, Hawaii

REGISTRATION NO. 247

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.

Issued: February 25, 1969
Expires: March 25, 1970

SPECIAL ATTENTION

A comprehensive reading by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED DECEMBER 27, 1968 AND INFORMATION SUBSEQUENTLY FILED AS LATE AS FEBRUARY 25, 1969. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT AND AMENDMENTS THERETO BY ACT 244 (L. 1967) EFFECTIVE JUNE 6, 1967.

1. Maui Kai is a proposed fee simple condominium project consisting of eighty (80) residential apartment units arranged throughout a proposed ten (10) story building, which will be sold upon and subject to the terms and provisions of Apartment Deeds to be issued by Maui-Sans Souci Associates, Developer and Owner. The building will be served by two elevators and there will be eighty-eight (88) parking stalls available.
2. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium and the issuance of this Preliminary Public Report.

3. Only galley draft copy of advertising and promotional matter has been submitted to the Commission. However, the Developer advises the Commission that if the final version of the advertising and promotional matter differs from the draft copy, Developer will immediately notify the Commission and will suspend all exposure to the public until the Commission approves the advertising material. Furthermore, Developer advises the Commission that the final version of advertising material will be submitted to the Commission as soon as its printing is completed.
4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners, and a copy of the approved Floor Plans) have not been filed in the office of the recording officer. Developer advises the Commission that filing is anticipated within two or three weeks.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 170-A, Revised Laws of Hawaii 1955, as amended, and the Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
6. This Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, February 25, 1969, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: MAUI KAI

LOCATION: The site, comprising 1.717 acres (Lot 10-A), together with 25.52% undivided interest in Lot 10-C, area 0.542 acre and 7.15% undivided interest in Lot 11, area 0.696 acre, of fee simple land, is located on the makai side of Honoapiilani Highway (approximately 50 feet away) and on the south side of Honokowai Stream in Honokowai, Kaanapali, Island and County of Maui, State of Hawaii. (The whole of said Lots 10-C and 11 are access lots established as easement for roadway and utility purposes to Lot 10-A and other adjoining property.) The site is located on the beach and has approximately 194 feet of beach frontage. It is north of Kaanapali Resort and separated from Maui Hilton Hotel by the runway which brings small aircraft to Kaanapali.

TAX MAP KEY: SECOND DIVISION: Portion of 4-4-01-99 (formerly portion of 4-4-01-62).

ZONING: Hotel-Apartment/Resort.

DEVELOPER: MAUI-SANS SOUCI ASSOCIATES, a Hawaii limited partnership, having its principal place of business at Maui Hilton Hotel, Kaanapali, Maui, and post office address at P. O. Box 767, Lahaina, Maui. The four general partners of the partnership are:

	<u>Address</u>	<u>Telephone</u>
(1) RESORT REALTY, INC., a Hawaii corporation	P. O. Box 767 Lahaina, Maui	363-750
Jack Cross, President	(same)	(same)
(2) JACKBILT INDUSTRIAL CORP., a California corporation	3300 West Olive Ave. Burbank, California	VI92401
Jack Howard, President	(same)	(same)
(3) McLAIN-HAWAIIAN, INC. a Hawaii corporation	1100 First Hawaiian Bank Building Honolulu, Hawaii	536-7261
Robert B. McLain President	2200 W. Beverly Blvd. Los Angeles, California	DUL0315

	<u>Address</u>	<u>Telephone</u>
(4) Paul Hammarberg	1430 Franklin Street Oakland, California	452-3633

ATTORNEY REPRESENTING DEVELOPER: Ashford & Wriston (Attention: John Jubinsky), 235 Queen Street, Honolulu, Hawaii 96810, phone: 531-3761.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime and plans submitted by the Developer indicate a fee simple residential condominium building consisting of a 10-story reinforced concrete and hollow block building. There will be 60 freehold estates designated in the space within the perimeter walls, floors and ceilings and the adjacent lanais of each of the 60 apartment units of the project contained in the building, which spaces (herein called the "apartments") are designated on said plans and described as follows:

- (a) Apartments 101X, 102X and 103 to 106 inclusive are located on the first floor. Apartments 201 to 206 inclusive, 301 to 306 inclusive, 401 to 406 inclusive, 501 to 506 inclusive, 601 to 606 inclusive, 701 to 706 inclusive, 801 to 806 inclusive, 901 to 906 inclusive and 1001 to 1006 inclusive, are located on the second to tenth floor inclusive.
- (b) Each apartment contains the number of rooms and approximate gross floor area according to its respective type, which types are designated A to G inclusive, as follows:
 - A. Eighteen apartments (201 to 1001, inclusive, and 206 to 1006, inclusive) contain four rooms, including one living room, one bedroom, one bathroom and a lanai, and floor area of 704.06 square feet.
 - B. Nineteen studio apartments (107, 202 to 1002 inclusive, 207 to 1007 inclusive) contain three rooms, including one living room, one bathroom and a lanai, and floor area of 509.46 square feet.
 - C. Twenty studio apartments (103 to 1003 inclusive and 106 to 1006 inclusive) contain three rooms, including one living room, one bathroom and a lanai, and floor area of 534.31 square feet.
 - D. Twenty apartments (104 to 1004 inclusive and 105 to 1005 inclusive) contain four rooms, including one living room, one bedroom, one bathroom and a lanai, and floor area of 600.34 square feet.
 - E. One apartment (101X) contains five rooms, including one living room, two bedrooms, two bathrooms, and floor area of 1,091.93 square feet.
 - F. One apartment (108) contains four rooms, including one living room, one bedroom, one bathroom and a lanai, and floor area of 690.70 square feet.
 - G. One apartment (102X) contains two rooms, including one bathroom, and floor area of 361.52 square feet.
- (c) Each apartment has immediate access to the open corridors and entrances of the building, the stairways and elevators between the residential floors and basement of the building, and the walkways, driveways and ramps connecting the building to the street entrances of the project.
- (d) The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each apartment shall be deemed to include the adjacent lanai(s), all the walls and partitions which are not load-bearing within its perimeter walls,

the inner decorated or finished surfaces of all walls, floors and ceilings, and all appliances originally installed therein including dishwasher, if any, built-in range and oven, exhaust fan and garbage disposer.

COMMON ELEMENTS: The proposed Declaration reflects that all remaining portions of the project shall be designated one freehold estate, herein called the "common elements," shall include specifically but not limited to:

- (a) Said land in fee simple; (b) all foundations, floor slabs, columns, girders, beams, supports, bearing walls, roofs, chases, entries, stairways, walkways and elevators of said building; (c) all yards, grounds, landscaping, mail boxes and refuse facilities; (d) all parking areas, ramps, driveways and access roads; (e) all ducts, electrical equipment, wiring and other central and appurtenant installations including power, light, water, sewer and telephone; and (f) all electrical and laundry rooms, surfboard room, mechanical room, refuse room, all lobbies and garden tool locker.

LIMITED COMMON ELEMENTS: The proposed Declaration reflects that certain parts of the common elements, herein called the "limited common elements," shall be designated and set aside for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto easements for the use of such limited common elements as follows:

- (a) One parking space in the parking area adjacent to the building shall be assigned to each apartment, except that nine parking spaces shall be assigned to apartment 102X, and one storage space in the locker room shall be assigned to each apartment upon the original conveyance thereof, shall be designated on the aforesaid Condominium File Plan and Map by the same number as that assigned to the apartment, and shall be appurtenant to and for the exclusive use of such apartment.
- (b) The hallways and walkways on any floor of the building shall be appurtenant to and for the exclusive use of the apartments of such floor.

INTEREST TO BE CONVEYED PURCHASER: The proposed Declaration states that each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project (herein called the "common interest"), and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting, according to the plan of such apartment as follows:

Type A apartments:	1.3754%
Type B apartments:	.9953%
Type C apartments:	1.0437%
Type D apartments:	1.5635%
Type E apartments:	2.1333%
Type F apartments:	1.3493%
Type G apartments:	.7062%

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration provides that apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and guests, and for no other purpose, except that Apartment 102X may also be used as a manager's office. Except for the limitations on use expressed in the preceding sentence, the owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the proposed Declaration.

FINANCING OF PROJECT: Developer has received and accepted a loan commitment for permanent "take-out" loans from Maui Savings & Loan Association in participation with Crestmont Savings & Loan Association of Morristown, New Jersey dated October 11, 1968. Interim construction financing has not yet been finalized, but Developer informs the Commission that it reasonably anticipates that such financing will be arranged with Bank of Hawaii in the very near future.

OWNERSHIP OF TITLE: The Developer in its Notice of Intention represents that the owners of the fee title to the property committed to the project are Jackbilt

Industrial Corp., Resort Realty, Inc., Paul Hammarberg and McLain-Hawaiian, Inc., as general partners of Maui-Sans Souci Associates, a Hawaii limited partnership. The Policy of Title Insurance issued by Title Insurance and Trust Company, a California corporation, and dated December 16, 1966, a copy of which was filed with the Commission, certifies that such representation is correct. The deed evidencing title, a copy of which was filed with the Commission, was recorded in the Bureau of Conveyances, State of Hawaii, in Liber 6336, at Page 17 and was filed in the Office of the Assistant Registrar of the Land Court as Document No. 462011, on which Transfer Certificate of Title No. 124527 issued.

ENCUMBRANCES AGAINST THE TITLE: The Policy of Title Insurance dated December 16, 1966 certifies and insures that title to the property is subject to: (1) Taxes for the second half of fiscal year, July 1, 1966 through June 30, 1969 not yet due and payable; (2) Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent Number 7691; (3) Covenants, conditions and restrictions applicable to lots 10-A, 10-C and 11 as set forth in that certain instrument dated November 30, 1966, filed as Land Court Document No. 461001 and also recorded in the Bureau of Conveyances in Liber 6334, on Page 394; (4) Easement for roadway purposes only in favor of lot 10-B, along, across and upon that portion of said lot 10-A designated as Easement "A" on said Map 5 of said Application 465, and being then described by metes and bounds; (5) Declaration of covenants and conditions set forth in that certain instrument dated December 5, 1966, filed as Document No. 462012 and also recorded in Liber 6336, on Page 26. Developer has advised the Commission that all real property taxes are paid and that the next installment will be due and payable on June 10, 1969.

PURCHASE MONEY HANDLING: An executed Escrow Agreement dated December 7, 1966 identifies Title Guaranty Escrow Services, Inc., as the escrow. Upon examination the specimen Reservation Agreement, the specimen Sales Agreement and the executed Escrow Agreement are found to be in consonance with the Chapter 170A, Revised Laws of Hawaii 1955, and particularly Sec. 170A-33, and Sec. 170A-33.1 through 170A-33.5 as incorporated in the Horizontal Property Act through Act 244 (L. 1967), effective June 6, 1967.

Among other provisions the executed Escrow Agreement reflects that a purchaser shall be entitled to a refund without interest and less Escrow's \$10.00 cancellation fee, if any of the following shall have occurred: (a) Escrow receives a written request from the seller to return to purchaser the funds of such purchaser then held by escrow; or (2) if a purchaser's funds were obtained prior to the issuance of a final public report and if there is any change in the condominium building plans, subsequent to the execution of purchaser's sales agreement, requiring the approval of a county officer having jurisdiction over the issuance of permits for construction, unless the purchaser has given written approval or acceptance of the change; or (3) if a purchaser's funds were obtained prior to the issuance of a final public report and if the request is prior to the time the final public report is issued; or if the final public report differs in any material respect from the preliminary public report, unless the purchaser has given written approval or acceptance of the difference; or (4) if the final report is not issued within one year from the date of issuance of the preliminary report.

It is incumbent upon the purchaser and prospective purchaser to read and understand the Escrow Agreement before executing the sales agreement, since the Escrow Agreement prescribes the procedure for receiving and disbursing purchaser's funds. The specimen sales agreement specifically provides that the purchaser approves said Escrow Agreement and assumes the benefit and obligations therein provided.

MANAGEMENT OF THE PROJECT: The proposed By-Laws which are incorporated in the proposed Declaration provide that the operation of the project shall be conducted for the Association of Apartment Owners under the direction of the Board of Directors by a responsible corporate managing agent. The Developer has submitted to the Commission an executed management agreement appointing as the initial managing agent Resort Realty, Inc., whose principal place of business is Maui Hilton Hotel, Kaanapali, Maui, and whose post office address is P. O. Box 787, Lahaina, Maui, Hawaii.

STATUS OF THE PROJECT: The specimen sales agreement states that in the event that less than sixty-five (65) apartments are sold prior to June 30, 1969, or the project

cannot be built by December 31, 1970 or seller is prevented by law from proceeding with construction of the project, seller may at its option, cancel the agreement, refund to buyer all monies paid without interest, and be relieved and released of all further liabilities under the agreement. In the event the project cannot be built by December 31, 1970, purchaser has a like option to cancel the agreement. Complete and final plans and specifications are in the process of preparation and preliminary cost estimates have been obtained, sufficient in the Developer's opinion to justify an estimate that a contract will in all probability be let on or about March 1, 1969. Developer reasonably contemplates signing a contract for construction with F & M Contractors, Inc. within two or three weeks, and that construction will start within three or four months thereafter and be completed within twelve (12) months from commencement. Construction will be financed by purchaser's money from escrow as well as by interim construction financing, which Developer reasonably anticipates will be supplied by Bank of Hawaii.

The purchaser or prospective purchaser should be cognizant of the fact that this published report represents information disclosed by the Developer in the required Notice of Intention submitted December 27, 1968 and information subsequently filed as late as February 25, 1969.

This is a PRELIMINARY HORIZONTAL PROPERTY REGIMES CONDOMINIUM PUBLIC REPORT which is made a part of REGISTRATION NO. 247 filed with the Commission December 27, 1968. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be yellow.


WILLIAM H. C. YOUNG, Member
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:
DEPARTMENT OF TAXATION
BUREAU OF CONVEYANCES
PLANNING COMMISSION, COUNTY OF MAUI
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

February 25, 1969
Registration No. 247