

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII
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HONOLULU, HAWAII 96801

FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on
THE KAA NAPALI PLANTATION
Puukolii Road
Lahaina
Island and County of Maui
Hawaii
REGISTRATION NO. 248

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.

Issued: June 1, 1970

Expires: July 1, 1971

SPECIAL ATTENTION

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

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED DECEMBER 27, 1968 AND ADDITIONAL INFORMATION, RECITING CHANGES, SUBSEQUENTLY FILED WITH THE COMMISSION AS LATE AS MAY 12, 1970. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report of February 10, 1969 on THE KAA NAPALI PLANTATION, Registration No. 248, the Developer reports that changes have been made in the information as presented in the December 27, 1968 notice of intention to sell.

The changes subsequently made are determined to be a material revision to the information earlier disclosed. This Final Public Report is made a part of the registration on THE KAA NAPALI PLANTATION condominium project. The Developer is held responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers receiving the Preliminary Public Report (yellow paper stock).

Securing a signed copy of the Receipt for Horizontal Property Regime Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.

2. The Developer has complied with Sec. 514-15, Hawaii Revised Statutes, and has fulfilled the requirements for the issuance of this Final Public Report prior to completion of construction.
3. The Developer of the Project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and issuance of this Final Public Report.
4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Owners, and a copy of the approved Floor Plans) have been filed in the Office of the recording officer.

The Declaration of Horizontal Property Regime, with By-Laws of Association of Owners attached, was filed in the Bureau of Conveyances of the State of Hawaii in Liber 6995, at Page 209.

The Bureau of Conveyances has designated Condominium File Plan No. 168 to the project.

5. Advertising and promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
6. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Condominium Rules and Regulations which relate to Horizontal Property Regimes.
7. This Final Public Report automatically expires thirteen (13) months after date of issuance, June 1, 1970, 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: THE KAA NAPALI PLANTATION

The information under the topical headings LOCATION, TAX KEY, ZONING, ATTORNEY REPRESENTING DEVELOPER, COMMON ELEMENTS AND USE have not been disturbed.

DEVELOPER: KAA NAPALI DEVELOPMENT CORPORATION, a Hawaii corporation, the principal place of business and post office address of which is 320 Ward Avenue, Honolulu, Hawaii, is both the Owner and Developer of this project. Telephone 538-3841. The corporation was organized and registered with the Director of Department of Regulatory Agencies, State of Hawaii, on August 15, 1967. The officers are as follows:

| | |
|--------------------|--|
| WILLIAM BLACKFIELD | Chairman of the Board and Treasurer |
| CLARENCE R. SHORT | President and Secretary |
| HISASHI TANAKA | Vice-President |
| JOSEPH R. RENSCH | Vice-President |
| WILLIAM BIGELOW | Assistant Treasurer and Assistant Secretary |
| MARILYN KEOMALU | Assistant Secretary |

DESCRIPTION: The information under this topical heading has been changed on account of design changes in the buildings formerly numbered as 10, 13 and 14. The number of houses in the project will remain at 62 but they will be contained in 16 houses rather than 15. The redesigned houses are to be located in Buildings 10, 13, 14A and 14B. Each building contains two stories but the houses located in each building contain only one story. The redesigned houses are as follows (the other houses remaining as formerly described):

| <u>House</u> | <u>Building</u> | <u>Stories</u> | <u>Plan</u> |
|-----------------|-----------------|----------------|-------------|
| 33, 34, 35 & 36 | 10 | on 1st floor | C |
| 37 & 38 | 10 | on 2nd floor | C-1 |
| 47, 48, 49 & 50 | 13 | on 1st floor | C |
| 51 & 52 | 14A | on 1st floor | C |
| 53 & 54 | 14A | on 2nd floor | C-1 |
| 55 & 56 | 14B | on 1st floor | C |
| 57 & 58 | 14B | on 2nd floor | C-1 |

Each of the above mentioned houses shall contain the rooms and approximate gross floor area according to its respective plan, which plans are designated C and C-1 as follows:

Plan C - A one-story townhouse containing two bedrooms, two baths, living room, kitchen and one lanai of 128 square feet. The gross floor area, including the lanai, is 1280 square feet. Twenty-eight houses (5, 6, 7, 8, 9, 10, 12, 13, 14, 19, 20, 21, 22, 23, 24, 33, 34, 35, 36, 43, 47, 48, 49, 50, 51, 52, 55 and 56) are of this plan.

Plan C-1. Same as Plan C except that it is located on the second story of Buildings 10, 14A and 14B. Entrances are served by a covered exterior stairwell and balcony. Six houses (37, 38, 53, 54, 57 and 58) are of this plan.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called the "limited common elements", are hereby designated and set aside for the exclusive use of certain houses, and such houses shall have appurtenant thereto exclusive easements for the use of such limited common elements as follows:

- (a) The land situated within the outer perimeter of each building shall be appurtenant to and for the exclusive use of the houses located in said building, as shown on the Condominium File Plan.
- (b) The parking space or spaces designated on the Condominium File Plan by the same number or numbers assigned to a particular house shall be appurtenant to and for the exclusive use of that house.
- (c) The stairways serving Houses 37 and 38 in Building 10, Houses 53 and 54 in Building 14A and Houses 57 and 58 in Building 14B, respectively, shall be appurtenant to and for the exclusive use of the respective houses which they serve.

INTEREST TO BE CONVEYED PURCHASER: Each house shall have appurtenant thereto the undivided interest in the common elements as specified and established in the Declaration, such interest being defined and referred to therein as the "common interest". The common interest, the proportionate share in the profits and common expenses of the project and for all other purposes, including the proportionate representation for voting in the Association of Owners, for each house shall be 1/62nd or a 1.6129 percentage interest. The Developer has, however, reserved the following rights: (1) to amend the Declaration by adjusting the percentages of common interest appurtenant to each house in order to develop future increments and to carry out the plan of a total condominium project of 186 dwelling units; (2) to withdraw portions of the property which the Developer may find are not susceptible to such development; (3) to grant, relocate, cancel and otherwise dispose of any and all utility and other easements now or hereafter located on or affecting the subject property, provided that any such grant, relocation, cancellation or other disposition shall not permanently impair the use of any house or its appurtenant interest in the common elements; and (4) to enter upon the common elements of the project in order to locate and construct roads, driveways and related facilities to serve additional portions of the subject property which are developed and the right to grant appropriate easements.

Certain easements have been established which will allow purchasers to have access to the Kaanapali Beach. The Developer will grant to purchasers rights to non-exclusive easements of right-of-way to the Kaanapali Beach

to be used for pedestrian travel in common with all others entitled thereto, subject, however, to the terms and conditions stated in the grants. Said grants of easements were dated March 6, 1970 and March 9, 1970 and were filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document Nos. 499179 and 498923, respectively.

OWNERSHIP TO TITLE: The Developer advises and the Certificate of Title dated December 16, 1968, updated by a Continuation dated May 4, 1970 furnished by United Title Company, Limited, shows that the fee simple title is vested in Kaanapali Development Corporation by deed dated September 29, 1967, filed in the Bureau of Conveyances of the State of Hawaii in Liber 5815, at Page 214.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title and updated Continuation certifies that title to the property is subject to the following: Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent Number 2567. Easement G-1 for irrigation waterline purposes. Declaration of Covenants and Restrictions dated September 29, 1967, recorded in the Bureau of Conveyances in Volume 5815, Page 198. Easement in favor of Pioneer Mill Company, Ltd. to discharge, emit, diffuse and inflict noise, smoke, soot, dust, lights, noxious vapors, odors and other minor nuisances of every description created by and resulting from the operations of Pioneer Mill Co., Ltd. in burning sugar cane and bagasse, milling, generating power, trucking, hauling, and all other activities incidental to the operation of a sugar plantation. Mortgage dated September 29, 1967, recorded in Liber 5815, Page 225, from Kaanapali Development Corp. to Pioneer Mill Co., Ltd., to secure \$705,250. Mortgage dated April 17, 1969, recorded in Volume 6532, Page 49, from Kaanapali Development Corp. to Forest Lawn Mortgage & Investment Co., to secure \$537,166.04. This mortgage was assigned to Blackfield Hawaii Corp. by Assignment of Mortgage dated April 1, 1970, recorded in Volume 6959, Page 400.

The Developer advises that the first and second mortgages will be retired either by total discharges or by partial releases to be effective either prior to or simultaneously with the recordation of the deeds covering the respective houses. The Declaration of Covenants and Restrictions dated September 29, 1967, filed in the Bureau of Conveyances in Liber 5815, at Page 198, is designed to establish a common building scheme for the purpose of enhancing and increasing the value, desirability and attractiveness of the property. The Developer advises that the restrictions as to spacing requirements of buildings contained in Paragraph 4 of said Declaration of Covenants and Restrictions have been varied by the Architectural Control Committee for the buildings in the first increment.

FINANCING OF PROJECT: The Developer has submitted a notarized statement of the total estimated cost of completing the project and a program of financing, which shows sufficient funds to cover the total project cost. A portion of the project cost has already been paid out of Developer's funds, and the balance will be covered by a construction loan. Developer has obtained a commitment for the construction loan from the Bank of Hawaii (with participation by Territorial Savings & Loan Association.) Developer has also obtained commitments for permanent loans to purchasers totaling an amount of \$2,500,000 from Territorial Savings & Loan Association, American Mutual Life Insurance Company, and the Bank of Hawaii.

PURCHASE MONEY HANDLING: The Developer advises that the Escrow Agreement between the Developer and Title Guaranty Escrow Services, Inc., previously mentioned in the Preliminary Public Report has been cancelled. In its place, the Developer has submitted an Escrow Agreement made January 20, 1969, by and between the Developer and Bank of Hawaii, under the same escrow terms as in the former Escrow Agreement.

The change in the escrow agents necessitates a change in the Sales Agreement, therefore, the name of the escrow agent on Page 3 of the Sales Agreement will be changed to "Bank of Hawaii".

Upon examination, the specimen Sales Agreement and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes. The conditions referring to the issuance of a Final Public Report prior to the completion of construction have been complied with.

The Sales Agreement states that the Purchaser may, at his option, request and obtain a refund of all moneys paid by Purchaser, without interest, if the Final Report varies in any material respect from the Preliminary Report or if the Final Public Report is not issued within one year from the date of issuance of the Preliminary Report or if there is any change in the condominium building plans subsequent to the execution of the Sales Agreement requiring the approval of a county officer having jurisdiction over issuance of permits for construction of buildings and Purchaser's written approval or acceptance of the specific change has not been obtained.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Sales Agreement and a copy of the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of dwelling units and funds from other sources are placed in trust, as well as the retention and disbursement of said trust funds.

MANAGEMENT OF THE PROJECT: The Declaration provides that the operation of the project shall be conducted for the Association by a responsible corporate Managing Agent. A Property Management and Agency Agreement between the Developer and First Management & Sales, Inc., a Hawaii corporation, was executed on July 3, 1969. This Agreement has been assigned by a subsequent agreement dated May 4, 1970, to Holiday Management Corporation.

STATUS OF THE PROJECT: The Developer reports that the contracts for the construction of the improvements have been executed and executed copies thereof, together with the required bonds, have been filed with the Commission. It is anticipated that construction on the project will be completed on or about December 1, 1970.

With the exception of the foregoing changes, the other information in the Preliminary Public Report of February 10, 1969, has not changed.

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 additional information subsequently filed as late as May 12, 1970.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 248 filed with the Commission on December 27, 1968.

This report when reproduced shall be a true copy of the Commission's public report. The paper stock used in making facsimilies must be white in color.


HERBERT S. ISONAGA, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

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

June 1, 1970
Registration No. 248

