

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

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

## FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
HALE KAI O' KIHEI II  
Kihei, District of Wailuku  
County of Maui  
Hawaii

REGISTRATION NO. 290

### 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: August 11, 1969  
Expires: September 11, 1970

#### 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 purchaser and prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JULY 3, 1969. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514, HAWAII REVISED STATUTES.

1. HALE KAI O' KIHEI II is a proposed fee simple condominium project consisting of twenty-nine (29) dwelling units arranged throughout a single building of three (3) floors. There are twenty-nine (29) parking stalls available, according to the Developer's intention to sell.
2. 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.
3. Advertising and promotional material has been submitted pursuant to the rules and regulations of the Commission.
4. 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 a Horizontal Property Regime.

5. The Developer reports that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of the Association of Apartment Owners attached, and a copy of the approved Floor Plans) have been filed in the office of the recording officer. Said Declaration and By-Laws are recorded in the Bureau of Conveyances of the State of Hawaii in Liber 6527, Page 364.
6. This Final Public Report expires thirteen (13) months from the date of issuance, unless a supplementary report is published or the Commission, upon review of the registration, issues an order extending the effective period of this report.

NAME OF PROJECT: HALE KAI O' KIHEI II

LOCATION: The approximate 0.612 acre of land committed to the regime is situated on Uluniu Road, makai (west) of the main government road, Piilani Highway, at Waiohuli-Keokea Beach Lots, Kihci, Kula, Island and County of Maui, Hawaii. The property in question is approximately 14.0 miles from the town of Wailuku, the county seat.

TAX KEY: Second Division 3-9-08-23, 3-9-08-4

ZONING: Apartment

DEVELOPER: The individual, David P. Ting, 1744 E. Kaahumanu Avenue, Wailuku, Maui, Hawaii. Telephone (Maui) 334-695

ATTORNEY REPRESENTING DEVELOPER: Meyer M. Ueoka, 2121 Main Street, Wailuku, Maui, Hawaii. Telephone (Maui) 33-761.

DESCRIPTION: A three-story residential building covering the ground space of about 8,183 square feet will be erected on the 0.612 acre of land committed to the regime. It will contain twenty-nine (29) apartments and each apartment will have exclusive use of a designated parking space. The building will be constructed of reinforced concrete. The building will contain nine (9) apartments on the First Floor and ten (10) apartments on the Second and Third Floors. The twenty-three (23) one-bedroom units will each have approximately 616 square feet in area, containing one bedroom, a combination living room-dining room area, a kitchen, a bathroom and a lanai. The six (6) two-bedroom units will each have approximately 915 square feet in area, containing two bedrooms, a combination living room-dining room area, a kitchen, two bathrooms and a lanai.

The immediate common elements to which each apartment has access will be a hall or passageway. Numbering of each apartment is as follows:

First Floor:	112, 113, 114, 115, 116, 117, 118, 119, and 200
Second Floor:	211, 212, 213, 214, 215, 216, 217, 218, 219, 220
Third Floor:	311, 312, 313, 314, 315, 316, 317, 318, 319, 320

Apartment numbers, the third digit of which ends in the number "5" or "6" shall be two-bedroom apartments. All other apartments will be one-bedroom apartments.

The Developer also advises that the apartment will be furnished and will include hotpoint range, refrigerator, garbage disposal, heater, carpet and stainless steel sink.

COMMON ELEMENTS: The specimen Declaration of Horizontal Property Regime identifies the following as common elements: (a) undivided fee simple interest in the land; (b) all foundations, columns, girders, beams, supports, bearing walls, roof, balconies, lobbies, hallways, stairs, walkways, entrance and exits of said building; (c) parking area, driveways, yard and refuse area; (d) all ducts, electrical equipment, wiring and other central and appurtenant installations for services including power, light, water, refuse and telephone; (e) switchroom and transformer vault; (f) trash-rooms; and (g) storage rooms, breezeway, and all other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the building or the project.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, called and designated "limited common elements" in the Declaration are set aside and reserved for the exclusive use of certain apartments and such apartments will have appurtenant thereto an exclusive easement for the use of such limited common elements. Said limited common elements set aside and reserved are as follows: (a) one parking space designated by number will be assigned to each apartment and will be for the exclusive use of such apartment; and (b) entry hallway adjoining an apartment or apartments will be appurtenant to and for the exclusive use of such apartment or apartments which it adjoins.

INTEREST TO BE CONVEYED PURCHASER: The specimen Declaration reflects that percentage of the undivided interest in the common elements pertaining to each apartment and its owner for all purposes, including voting, is as follows:

One-bedroom apartments: 3.133% for each  
(23 units)

Two-bedroom apartments: 4.654% for each  
(6 units)

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The purpose for which the apartments are intended and restricted as to use is residential, but this will not be construed to prohibit the renting or leasing of said apartments for profits, individually or otherwise, so long as the ultimate tenant thereof uses the apartment as a place in which to reside as distinguished from a place in which to carry on a trade or business.

OWNERSHIP TO TITLE: The Notice of Intention states, and the Certificate of Title prepared May 22, 1969 by the licensed title abstractor, Title Guaranty of Hawaii, Incorporated, a Hawaii corporation, verifies that title to the first portion of the land committed to Horizontal Property Regime, identified by Tax Key 3-9-03-23, is vested in David P. Ting, husband of Elsie Y. Ting.

ENCUMBRANCES AGAINST TITLE: The title search document identifies the following: Agreement of Sale, dated March 14, 1967, filed in Liber 5634, Page 210, from Edward V. Davis, Vendor, to David P. Ting, Vendee, on the second portion of the land committed to Horizontal Property Regime, identified by Tax Key 3-9-03-4; and Declaration of Horizontal Property Regime, dated May 14, 1969, by David P. Ting, dba HALE KAI O' KIHEI II, Developer, filed in Liber 6527, Page 364, in the Bureau of Conveyances.

PURCHASE MONEY HANDLING: An Escrow Agreement dated May 14, 1969 has been executed and a copy of same filed with the Commission. The Escrow Agent is the Bank of Hawaii. Upon examination, the specimen, Deposit Receipt and Contract of Sale and executed escrow agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly Section 514-14.

It is incumbent upon the purchaser and prospective purchaser that he reads the Purchase Agreement of Apartment and the executed Escrow Agreement. The latter 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 AND OPERATIONS: Administration of the project, as stated in the Declaration, will be vested in the Association of Apartment Owners. The proposed By-Laws of the Association of Apartment Owners grant the Board of Directors the powers and duties necessary for the administration of the affairs of the Association. The Board of Directors may employ for the Association a management agent or manager. No property management agent or manager has been identified as at the date of the issuance of this Final Public Report.

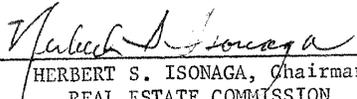
FINANCING OF PROJECT: The Developer on March 10, 1969 obtained an interim finance commitment from MDG SUPPLY, INC., 1980 Main Street, Wailuku, Maui, and on June 20, 1969, the Developer executed a promissory note to MDG SUPPLY, INC., in the amount of \$479,641.61, which requests the full amount of the loan commitment. A statement of cost to complete the project has been submitted to the Commission by the Developer. The Developer advises that no part of the purchaser's money will be used for either the construction of the building or for the furnishing of the apartment.

STATUS OF PROJECT: A construction contract has been executed between the Developer and the contractor, Munco Yamamoto, which is dated May 14, 1969. A 100% performance bond on the project was issued by the Island Insurance Company, Ltd., 1013 Bethel Street, Honolulu, Hawaii. Construction is to commence as soon as the condominium project has been authorized. The contractor agreed to complete project within 225 days after written notice to proceed has been given by the Developer. Correspondence is on file with the Commission affirming that the plans and specifications meet all the Codes and Ordinances of the County of Maui and that a building permit will issue.

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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 July 8, 1969.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 290 filed with the Commission on July 8, 1969.

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

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

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Distribution:

DEPARTMENT OF TAXATION  
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FEDERAL HOUSING ADMINISTRATION  
ESCROW AGENT

August 11, 1969  
Registration No. 290