

**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  
KIHEI KAI-NANI, PHASE ONE  
Kamaole, Kula, Maui  
State of Hawaii

REGISTRATION NO. 295

**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: April 14, 1970  
Expires: May 14, 1971

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 AUGUST 4, 1969 AND ADDITIONAL INFORMATION FILED AS LATE AS MARCH 10, 1970. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND REPORTING CHANGES IN THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. The Developer has complied with Section 514-14, Hawaii Revised Statutes, and has fulfilled the requirements for the issuance of a Final Public Report.
2. Since the issuance of the Commission's Preliminary Public Report on Registration No. 295, dated September 11, 1969, the Developer has forwarded additional information that embraces material changes in the project. The changes subsequently made are determined to be a material revision to the information disclosed earlier on which the Preliminary Public Report was based.

This Final Public Report is made a part of the registration on KIHEI KAJ-NANI, PHASE ONE, condominium project. The Developer is 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.

3. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.
4. The basic documents (the Declaration of Horizontal Property Regime and By-Laws and a copy of the approved Floor Plans) have been filed in the Bureau of Conveyances, State of Hawaii. The Declaration and By-Laws are recorded by Liber 6581, page 314, and the Registrar of the Bureau of Conveyances has designated the project Condominium Map No. 142.  
  
Amendment to Declaration of Horizontal Property Regime, executed December 15, 1969, was recorded in the Bureau of Conveyances on December 23, 1969 in Liber 6821, page 433.
5. Promotional and advertising materials have been submitted pursuant to the rules and regulations promulgated by the Commission.
6. The purchaser and prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Condominium Rules and Regulations promulgated thereunder which relate to Horizontal Property Regimes.
7. This Final Public Report automatically expires thirteen (13) months after the date of issuance, April 14, 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: KIHEI KAI-NANI, PHASE ONE

DEVELOPER: The Developer, on February 18, 1970, advised the Commission that the organization responsible for the development of the condominium project has been restructured as a Joint Venture. On September 30, 1969, a joint venture agreement was entered into by and between Alii Land, Inc., a Hawaii corporation of Honolulu, Hawaii, and Paul S. Ferreira, Shirley M. Ferreira, Marvin P. Romme and Theresa L. Romme, all of Wailuku, Maui, Hawaii, and Kanji Wakamatsu of Waikapu, Maui, Hawaii. Said joint venture agreement is recorded in the Bureau of Conveyances, State of Hawaii, at Honolulu, in Liber 6821, page 439. The venture is to be conducted under the name and style of "Kihei Kai-Nani Development Company."

DESCRIPTION: This fee simple residential cluster or low rise condominium apartment complex consists of fourteen (14) buildings designated as Buildings 1 to 14. Buildings 1 to 13 will be dwelling units and the fourteenth structure will be a pool shelter with swimming pool.

RESERVATION OF RIGHTS, POWERS AND PRIVILEGES: The last, indented paragraph under this topical heading of the Preliminary Public Report is deleted: "Provided, however, that so long as such shall continue, the owners, occupants, lessees and tenants of Lot 1-A shall contribute to and pay for one-half (1/2) of all costs of repair and maintenance of the facilities so used." The following language shall be substituted: "Provided, however, that so long as such use shall continue, the owners, occupants, lessees and tenants of Lot 1-A shall contribute to and pay a proportionate share of all costs of repair and maintenance of the facilities so used. In the event apartments or condominium apartments are constructed on Lot 1-A, the proportionate share shall be the ratio of the total number of apartments on Lot 1-A against the total number of apartments in Kihei Kai-Nani, Phase One. In the event a hotel is constructed on Lot 1-A,

the proportionate share shall be the ratio of the total number of hotel rooms on Lot 1-A against the total number of apartments in Kihei Kai-Nani, Phase One.

Provided, further, that during the construction of any and all buildings and improvements on Lot 1-A, all roads, roadways and sidewalks in the easement area may be used by contractors, subcontractors, tradesmen, material suppliers and their agents, servants and employees, including without limitation, heavy equipment, trucks and private vehicles, at all times necessary or convenient for such construction, and no claim, demand or charge shall be made for such use, except for the repair of actual damages caused by such use, if any; nor shall any claim, demand or charge be made for any nuisance created by such construction or abatement thereof."

The substitution language immediately above is recited in the Amendment to Declaration of Horizontal Property Regime executed December 15, 1970 and recorded in the office of the recording officer in Liber 6821, page 433.

OWNERSHIP OF TITLE: In the Preliminary Public Report the disclosure was that title to the land was vested in S. George Fukuoka and Masaru Yokouchi. The Developer, on February 18, 1970, advised the Commission of the following documents that were executed:

Deed dated September 30, 1969 by S. George Fukuoka and Masaru Yokouchi, "Grantors," to Paul S. Ferreira and Marvin P. Romme, "Grantees," recorded in Bureau of Conveyances in Liber 6745, page 442.

Deed dated September 30, 1969 by Paul S. Ferreira and Marvin P. Romme, "Grantors," to Hawaii Thrift and Loan, Inc., Grantee, recorded in Liber 6745, page 448.

Deed dated September 30, 1969 by Hawaii Thrift and Loan, Inc., "Grantor" to Paul S. Ferreira as Trustee for the Joint Venture known as the Kihei Kai-Nani Development Company, consisting of Paul S. Ferreira, Shirley M. Ferreira, Marvin P. Romme, Theresa L. Romme, Kanji Wakamatsu and Alii Land, Inc., recorded in Liber 6745, page 452.

PURCHASE MONEY HANDLING: A copy of the Amended Escrow Agreement, executed February 5, 1970, and a specimen of the Contract of Sale has been submitted as part of the registration. The Amended Escrow Agreement identifies Honolulu Trust Co., Ltd., a Hawaii corporation, as the "Escrow." On examination the specimen Contract of Sale and the executed Amended Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes. The language in the specimen Contract of Sale and the Amended Escrow Agreement complies with the requirements of Chapter 514, Hawaii Revised Statutes.

It is incumbent upon the purchaser and prospective purchaser that he reads, with care, the Contract of Sale and the executed Amended Escrow Agreement. The latter document, the Amended Escrow Agreement, establishes how the proceeds from the sale of apartments and all sums received from any source are placed in escrow, as well as the retention, disbursement and refund of said monies.

STATUS OF PROJECT: A copy of the building agreement executed December 1, 1969 by and between Kihei Kai-Nani Development Company, a Joint Venture, and Guenther Schmidt, dba Maui Builders, has been submitted as part of this registration. As of the date of this Final Public Report construction is 95% completed on the first fifty-two units, the Developer indicates that the contractor will commence building the next sixty (60) units in May 1970 and about six months thereafter construction on the last increment of the one hundred and eighty (180) condominium apartments will start. The construction Schedule graph indicates that the project will be completed for occupancy seventeen (17) months after site preparation work commenced. Satisfactory evidence has been filed that there are adequate funds to complete the project free and clear of all charges, liens and encumbrances.

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 August 4, 1969 and additional information filed as late as March 10, 1970.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 295 filed with the Commission on August 4, 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.

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

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

April 14, 1970  
Registration No. 295