

**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  
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 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: September 11, 1969  
Expires: October 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 AUGUST 4, 1969, AND ADDITIONAL INFORMATION SUBMITTED AS LATE AS SEPTEMBER 3, 1969. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. The registration is in compliance with the requirements of the law and regulations. The Developer has given the Commission adequate information on his intention to offer the described dwelling units for sale.
2. The KIHEI KAI-NANI, PHASE ONE is a proposed fee simple residential cluster condominium having one hundred eighty (180) units arranged throughout thirteen (13) residential apartment buildings. Parking stalls are available.
3. Promotional matter has been submitted pursuant to rules and regulations promulgated by 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 Horizontal Property Regimes.
5. 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 Preliminary Public Report.
6. 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 in Liber 6581, at page 314, and the Floor Plans are Condominium Map No. 142.
7. This Preliminary Public Report is made a part of the registration on Kihei Kai-Nani, Phase One condominium project. The Developer has the responsibility of placing a true copy of this Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt for the Final Horizontal Property Regime Public Report from each purchaser and prospective purchaser when it is issued is also the responsibility of the Developer.
8. This Preliminary Public Report automatically expires thirteen (13) months from the date of issuance, September 11, 1969, 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: KIHEI KAI-NANI, PHASE ONE

LOCATION: The project is located on a lot fronting Kihei Road, on the Island of Maui and containing 5.192 acres or thereabouts. The description of the land, by metes and bounds and the reserved easements, rights, powers and privileges are more fully set forth in the Declaration.

TAX KEY: SECOND DIVISION, 3-9-20, portion of 3

ZONING: Hotel, H-2

DEVELOPER: The Notice of Intention reveals the Developer to be PAUL S. FERREIRA, 311 Nakoa Drive, Wailuku, Maui.

ATTORNEY REPRESENTING DEVELOPER: ROBERT K. FUKUDA, 301 Gasco Building, 1060 Bishop Street, Honolulu, Hawaii. Telephone 538-1991.

DESCRIPTION OF PROJECT: The Declaration of Horizontal Property Regime reflects that this is a fee simple residential cluster condominium apartment complex consisting of fourteen (14) buildings designated as Buildings 1 to 14. All buildings will be constructed principally of concrete and concrete hollow tile block.

Buildings 1, 2, 3 and 7 will be identical and will contain 12 apartment units in each building, six on the first floor, and six on the second floor.

Buildings 5 and 13 will be identical and will contain 8 apartment units in each building, four on the first floor, and four on the second floor.

Buildings 4, 6, 8, 9, 10 and 11 will be identical and will contain 16 units in each building, six on the first floor, six on the second floor, and four on the third floor.

Building 12 will contain 20 units, eight on the first floor, eight on the second floor, and four on the third floor.

Building 14 will house the swimming pool equipment, showers, toilets and lockers.

All apartment units in Kihei Kai-Nani, Phase One will include a bedroom, a bathroom, a kitchenette, a living area, a foyer and a lanai. The apartments will be numbered as follows:

	<u>FIRST FLOOR</u>	<u>SECOND FLOOR</u>	<u>THIRD FLOOR</u>
Bldg. 1	100, 101, 102, 103, 104, 105	200, 201, 202, 203, 204, 205	
Bldg. 2	106, 107, 108, 109, 110, 111	206, 207, 208, 209, 210, 211	
Bldg. 3	112, 113, 114, 115, 116, 117	212, 213, 214, 215, 216, 217	
Bldg. 7	152, 153, 154, 155, 156, 157	252, 253, 254, 255, 256, 257	
Bldg. 5	124, 125, 126, 127	224, 225, 226, 227	
Bldg. 13	128, 129, 130, 131	228, 229, 230, 231	
Bldg. 4	118, 119, 120, 121, 122, 123	218, 219, 220, 221, 222, 223	318, 319, 320, 321
Bldg. 6	146, 147, 148, 149, 150, 151	246, 247, 248, 249, 250, 251	346, 347, 348, 349
Bldg. 8	158, 159, 160, 161, 162, 163	258, 259, 260, 261, 262, 263	360, 361, 362, 363
Bldg. 9	170, 171, 172, 173, 174, 175	270, 271, 272, 273, 274, 275	372, 373, 374, 375
Bldg. 10	164, 165, 166, 167, 168, 169	264, 265, 266, 267, 268, 269	366, 367, 368, 369
Bldg. 11	140, 141, 142, 143, 144, 145	240, 241, 242, 243, 244, 245	340, 341, 342, 343
Bldg. 12	132, 133, 134, 135, 136, 137 138, 139	232, 233, 234, 235, 236, 237, 238, 239	334, 335, 336, 337

All apartment units will be as shown on said Condominium Map as "Typical First Floor Plan, Type E", and "Typical 2nd and 3rd Floor Plan, Type E."

All apartment units will contain a total living area of approximately 723 square feet, except that each end unit will contain an additional 14 square feet, or a total living area of approximately 737 square feet.

Also, apartment units 321, 334, 337, 349, 360, 366 and 372, will include the adjacent sun decks of approximately 1400 square feet as shown on said Condominium Map, in addition to the aforesaid living area.

COMMON ELEMENTS AND LIMITED COMMON ELEMENTS: The Declaration states that the owners of apartments will have undivided interests in the common elements, including among other elements, the land, the swimming pool, building 14 and the parking spaces. The parking spaces will not be assigned to particular apartments. There will be certain common elements within each building described as limited common elements, which will be reserved for the exclusive use of owners of apartments within that building.

RESERVATION OF EASEMENTS, RIGHTS, POWER AND PRIVILEGES: The Declaration recites that the owners and the Developer reserve to themselves, their respective successors and assigns, in perpetuity and for the use and benefit of the adjacent Lot 1-A and all owners, occupants, lessees and tenants of Lot 1-A and all buildings and other improvements hereafter constructed thereon at any time, and all portions thereof, and their respective guests, invitees, licensees and business visitors, the following easements, rights, powers and privileges:

1. An easement over, across, along and under an easement area from Lot 1-A, to the Kihei Road, for roadway, sanitary sewer, utility and other purposes. Said easement area is more fully described by metes and bounds in the Declaration.

2. The right, power and privilege: To subdivide and sell, lease, assign, pledge, mortgage, or otherwise dispose of, or encumber, in any manner, by any form of document or instrument, in any amounts and for any reason or purpose, Lot 1-A and all buildings and improvements constructed thereon, together with all rights, powers, privileges, and easements appertaining thereto.

To construct any and all types of building and improvements on Lot 1-A, such as hotels, apartments and condominium apartments.

To enter the above-described easement area whenever necessary or desirable and install, repair, maintain and replace therein, all pipes, wires, ducts, cables, conduits, chases or other utility or service lines necessary, useful or desirable for the use or benefit of Lot 1-A and all buildings and improvements constructed thereon.

To use any and all common elements of the Kihei Kai-Nani, Phase One located or installed within the above-described easement area, including without limitation all roads, driveways, sidewalks, pipes, wires, ducts, cables, conduits, chases, and other utility or service lines; and also to use the sewer treatment plant, the swimming pool, swimming pool equipment and Building No. 14, and all other recreational facilities.

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 for one-half (1/2) of all costs of repair and maintenance of the facilities so used.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED. The Declaration reflects that the percentage of undivided interest in all the common elements of whatever kind appertaining to each apartment and its owner for all purposes shall be .556% which percentage shall be the basis for the determination and allocation of common assessments and expenses and common profits to be shared by the Apartment Owners.

PURPOSE OF BUILDINGS AND RESTRICTION AS TO USE: The Declaration reflects that all buildings are intended for residential use; provided that any apartment owner may at any time rent or lease his apartment or any part thereof for income purposes, individually or in concert with any other apartment owner or owners.

OWNERSHIP OF TITLE: The Developer reports that title to the land is vested in S. George Fukuoka and Masaru Yokouchi. The Owner's Certificate of Title dated August 7, 1968 by Title Guaranty of Hawaii confirms such ownership.

ENCUMBRANCES AGAINST PROPERTY: The Developer has submitted an Owner's Certificate of Title dated August 7, 1968 prepared by Title Guaranty of Hawaii, a licensed abstractor. The report states that there were no liens or encumbrances against the land as of that date, except an Agreement of Sale in favor of Paul S. Ferreira dated July 15, 1968, recorded in the Bureau of Conveyances at Honolulu in Liber 6173, at Page 289.

Note: The Developer reports to the Commission that he intends to borrow the necessary funds to purchase the property and the property will be paid for before the interim construction mortgage is placed of record. The Developer further reports that it is his intention to seek from the interim lender the right to have partial closings. Such would require partial releases from the blanket mortgage at such time as the units are conveyed, and in no event will Developer convey an Apartment Deed which is subject to interim mortgage.

PURCHASE MONEY HANDLING: A copy of the specimen Contract of Sale and the executed Escrow Agreement have been submitted as part of the registration. The Escrow Agreement identifies the American Security Bank as the "Escrow". On examination, the specimen Contract of Sale and the executed escrow agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes. The language in the specimen contract illustrates compliance with the requirements of Sec. 514-36 through 514-40, Hawaii Revised Statutes.

Among other provisions the executed Escrow Agreement proved the following which relates to refund of purchasers' monies:

If, at any time subsequent to the issuance of a building permit for the project, the building plans for the project are changed to such an extent as to require reapproval by the county officer having jurisdiction over the issuance of building permits, or, in the event that the final report is not issued within one (1) year from the date of the issuance of the preliminary report, any purchaser may have the funds deposited by him with Escrow refunded without interest and less \$25.00 Escrow Cancellation fee, credit report fee, finance fees and all other costs. No refund shall be made to any purchaser who has previously approved such change in writing if a copy of such approval has been furnished to Escrow.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Contract of Sale and the executed Escrow Agreement. The latter document, the 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 methods of disbursement of said funds.

MANAGEMENT AND OPERATIONS: The Declaration states that the Board of Directors shall, in accordance with the By-Laws of the Association of Apartment Owners, appoint a Managing Agent. The initial Managing Agent shall be Valley Isle Realty, Inc.

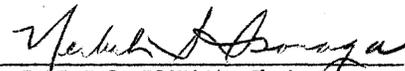
CONTRACTOR: The contractor shall be Maui Builders Co., Ltd. and the Developer reports that the contractor is required to post a performance and payment bond equal to one hundred per cent (100%) of the cost of construction.

STATUS OF PROJECT: Clearing and grading of the land has commenced, and the Developer reports he is presently negotiating terms of a firm commitment for the interim construction loan as well as the individual long-term takeout loans.

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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 August 4, 1969 and as late as September 3, 1969.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION No. 295 filed with the Commission 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 yellow.

  
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  
ESCROW AGENT

September 11, 1969  
Registration No. 295