

# 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 VILLA  
Kihei, Maui, Hawaii

REGISTRATION NO. 342

#### 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: October 2, 1970  
Expires: November 2, 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:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JULY 29, 1970, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED ON OCTOBER 1, 1970. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, HAWAII REVISED STATUTES, CHAPTER 514.

1. KIHEI VILLA is a proposed fee simple condominium project consisting of twenty-four (24) apartments arranged throughout a single building of two (2) stories. Each apartment shall have a parking stall located in the parking area as an appurtenant limited common element. The common elements include the sewage disposal system, outdoor lighting and central television system.
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 Preliminary Public Report.
3. 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.

4. No advertising or promotional matter has been submitted pursuant to rules and regulations promulgated by the Commission.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Hawaii Revised Statutes, Chapter 514, and the rules and regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.
6. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, October 2, 1970, unless a Supplementary Public Report is published or the Commission, upon review of registration, issues an order extending the effective period of this report.

NAME OF PROJECT: KIHEI VILLA

LOCATION: The approximate 21,088 square feet of land (Lots Nos. 15 and 19 of the Kalama Heights Apartment Subdivision) to be committed to the regime is situated off Kihei Road at Kamaole, Kihei, County of Maui, State of Hawaii.

TAX KEY: SECOND DIVISION 3-9-16-20 and 24

ZONING: A-2 (apartment district)

DEVELOPER: F AND S LAND DEVELOPMENT CORPORATION, a Hawaii corporation, registered with the Department of Regulatory Agencies of the State of Hawaii on October 21, 1969, whose business address is listed as 504 Liholiho Street, Wailuku, Maui, Hawaii.

The officers of the corporation are:

Harold L. Freitas	President
Wilfred M. Scales	Vice-President
Clifford N. Kekauoha	Secretary-Treasurer

ATTORNEY REPRESENTING DEVELOPER: Crockett & Crockett (Attention: Mr. William F. Crockett), 38 South Market Street, Wailuku, Maui, Hawaii. Telephone 244-3796.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project is to consist of twenty-four (24) apartments arranged throughout a single building of two (2) stories situate upon the 21,088 square feet of land hereinbefore described. Each apartment shall consist of the space measured horizontally by the distances between the interior surfaces of the perimeter walls of each apartment, and, in the case of each apartment with a balcony, by the space measured by the area of the balcony of each such apartment; and measured vertically by the distance between the topside surface of the concrete floor and the underside surface of the ceiling.

The principal materials of which the said building shall be constructed are as follows: The foundations shall be of concrete; the ground floor slab shall be of poured concrete; the second floor slab and roof shall be of reinforced concrete, either pre-stressed planks or poured in place; the structural frame and the walls between apartments shall be of hollow concrete blocks; the walls between rooms within each apartment shall be of non-combustible treated wood covered by gypsum board; the stairs shall be of pre-cast reinforced concrete; the concrete floors within each apartment shall be covered with carpet or vinyl asbestos; the roof shall be built up with pitch and gravel.

There are twelve (12) apartments located on each of the two floors. The apartments are numbered in ascending order, by story, from west to east. Apartments 101 through 112 are located on the ground floor. Apartments

201 through 212 are located on the second story.

Each apartment shall consist of a bedroom, bath, kitchen, entry hall, and a living-dining area, and each shall have an approximate enclosed floor space of 622 square feet. Every apartment located on the second story shall also have a balcony of approximately 20 square feet.

Apartments 101 through 112 shall each have immediate access to the land heretofore described. All of the other apartments shall each have immediate access to the respective landings, stairs and stair wells appurtenant to the various apartments as limited common elements.

COMMON ELEMENTS: The proposed Declaration reflects that the common elements include: (a) the land heretofore described, and the superadjacent airspace above the roof, and next to the exterior walls of the said building; (b) all foundations, columns, beams and supports, girders, roof, exterior walls, partition walls between each apartment, floors and ceilings; (c) sewage disposal system, outdoor lighting and central television system; (d) all central and appurtenant installations for services such as power, light, telephone, gas, hot and cold water, refrigeration, air-conditioning, television, sewage disposal, and other utilities (including all pipes, ducts, wires, cables, and conduits used in connection therewith, whether located in common areas or in apartments), and all tanks, pumps, motors, fans, compressors, ducts and other apparatus and installations existing for common use; (e) all tangible personal property, accounts, general intangibles, instruments and money, and any apartment of the regime, acquired and held by the Association of Apartment Owners or the Board of Directors of the horizontal property regime, or their agents, for the administration, maintenance, safety and operation of the common elements of the regime, or for the common use and benefit of the apartment owners; (f) all other apparatus and installations existing for, or rationally of common use to, or necessary or convenient to the existence, maintenance or safety of all the apartments of the horizontal property regime hereby established.

LIMITED COMMON ELEMENTS: There shall be appurtenant to apartments 101 through 112, individually, as a limited common element, appertaining to and reserved for the exclusive respective use of each such apartment, the portions of the land heretofore described immediately adjacent to the bedroom of each such apartment, with the following approximate dimensions: Length seventeen (17) feet; depth ten (10) feet.

There shall be appurtenant to apartments 101, 201, 102 and 202, jointly, as a limited common element, appertaining to and reserved for the joint exclusive use of such apartments, the common landings, stairs and stair well, shown upon the said Condominium Map as "Entry A."

There shall be appurtenant to apartments 103, 203, 104 and 204, jointly, as a limited common element, appertaining to and reserved for the joint exclusive use of such apartments, the common landings, stairs and stair well, shown upon the said Condominium Map as "Entry B."

There shall be appurtenant to apartments 105, 205, 106 and 206, jointly, as a limited common element, appertaining to and reserved for the joint exclusive use of such apartments, the common landings, stairs and stair well, shown upon the said Condominium Map as "Entry C."

There shall be appurtenant to apartments 107, 207, 108 and 208, jointly, as a limited common element, appertaining to and reserved for the joint exclusive use of such apartments, the common landings, stairs and stair well, shown upon the said Condominium Map as "Entry D."

There shall be appurtenant to apartments 109, 209, 110 and 210, jointly, as a limited common element, appertaining to and reserved for the joint exclusive use of such apartments, the common landings, stairs and stair

well, shown upon the said Condominium Map as "Entry E."

There shall be appurtenant to apartments 111, 211, 112 and 212, jointly, as a limited common element, appertaining to and reserved for the joint exclusive use of such apartments, the common landings, stairs and stair well, shown upon the said Condominium Map as "Entry F."

Each apartment shall have a parking stall located in the parking area as shown upon the said Condominium Map. Each such parking stall shall be marked by a number corresponding to the apartment to which it appertains, and each such parking stall shall be a limited common element appertaining to and reserved for the exclusive use of each apartment.

INTEREST TO BE CONVEYED PURCHASER: The proposed Declaration reflects that the percentage of undivided interest in the common elements appertaining to each apartment is as follows: One-twenty-fourth (1/24).

The undivided interests established and to be conveyed with the respective "apartments" cannot be changed, and the Developer/Owner covenants and agrees that the undivided interests in the "common areas and facilities" and the fee simple titles to the respective "apartments" to be conveyed, shall not be separated or separately conveyed, and each said undivided interest shall be deemed to be conveyed or encumbered with its respective "apartment" even though the description in the instrument of conveyance or encumbrance may refer only to the fee simple title to the "apartment." The proportionate shares of the separate owners of the respective "apartments" in the profits and common expenses in the "common areas and facilities" as well as their proportionate representation for voting purposes in the Association of Apartment Owners shall be the undivided interest shown above.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The proposed Declaration reflects that the apartments shall be used as residential apartments in accordance with the terms of the proposed Declaration of Horizontal Property Regime, and the proposed Declaration of Covenants, Conditions and Restrictions and By-Laws of Association of Apartment Owners of Kihei Villa.

OWNERSHIP OF TITLE: The Certificate of Title dated September 21, 1970, issued by Security Title Corporation, certifies that F and S Land Development Corporation, a Hawaii corporation, has title to the land committed to the project.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title, dated September 21, 1970, issued by Security Title Corporation, certifies that there are no liens or encumbrances of whatever kind or nature of record against said title, save and except the following: Taxes that may be due and owing and a lien on the land, reference is hereby made to the office of the Tax Assessor of the Second Division; Restrictions relative to the use of said lands as contained in that certain Deed dated September 24, 1968, recorded in Liber 6233, Page 461, and that certain Deed dated September 25, 1968, recorded in Liber 6234, Page 399.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated June 11, 1970, identifies Security Title Corporation, a Hawaii corporation, as the Escrow Agent. On examination, the specimen Contract of Sale and the executed Escrow Agreement are found to be in compliance with Hawaii Revised Statutes, Chapter 514, and particularly Hawaii Revised Statutes, Section 514-35 and Section 514-36 through Section 514-40.

Among other provisions, the executed Escrow Agreement states that a purchaser under contract of sale, upon written request, shall be entitled to a refund of all moneys deposited with Escrow, without interest, and less a cancellation fee, if any of the following events shall have occurred: (1) If funds were obtained from an apartment purchaser prior to the issuance of a final public report upon the

project by the Real Estate Commission, and there is a change in the plans for the said building requiring the approval of the official of the County of Maui having jurisdiction over the issuance of permits for the construction of buildings, unless Developer obtains the written approval or acceptance of such specific change in building plans by such apartment purchaser. (2) The Final Public Report upon the project differs from the Preliminary Public Report upon the project issued by the Real Estate Commission of the State of Hawaii in any material respect. (3) Such Final Public Report is not issued within one year from the date of issuance of such Preliminary Public Report. (4) Upon the occurrence of any other event which, under Hawaii Revised Statutes, Chapter 514, gives an apartment purchaser under a contract of sale the right to a refund of his purchase money deposited in escrow.

The specimen Contract of Sale states that the terms of the Escrow Agreement are made a part of the Contract of Sale by reference. It is incumbent upon the purchaser and prospective purchaser that he reads with care the Contract of Sale and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the dwelling units and all sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds.

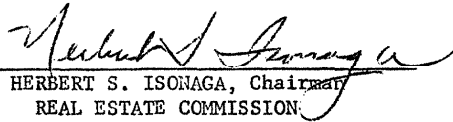
The specimen Contract of Sale further states that the vendor (Developer) shall have the absolute right to rescind the Contract of Sale before the issuance of a Final Public Report upon the project by the Hawaii Real Estate Commission if it fails to sell twenty (20) apartments within twelve months after the issuance of a Preliminary Public Report upon the project by the Hawaii Real Estate Commission.

MANAGEMENT AND OPERATIONS: The By-Laws empower the Board of Directors with the authority to acquire and pay for the services of a person or firm to manage the Horizontal Property Regime. No property manager has been identified in the notice of intention to sell.

STATUS OF PROJECT: No building contract has been executed. The Developer has advised the Commission that construction of the project will start sometime after the issuance of a Final Public Report.

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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 29, 1970, and additional information subsequently filed on October 1, 1970.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 342 filed with the Commission on July 29, 1970. The report, when reproduced, shall be a true copy of the Commission's Public Report. In making facsimiles the paper stock shall be yellow in color.

  
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

October 2, 1970  
Registration No. 342

