

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
THE KULEANA
Honoapiilani Highway
Kaanapali, Maui, Hawaii

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: November 12, 1970
Expires: December 12, 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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED SEPTEMBER 10, 1970, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS LATE AS NOVEMBER 10, 1970. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, 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 and existing dwelling units for sale. The project was completed in July, 1970, and presently many of the units are being occupied under short term rentals. All such rentals are terminable upon sale of the unit.
2. The Kuleana is a proposed leasehold residential cluster condominium having eighteen (18) units arranged throughout two (2) residential apartment buildings. Twenty three parking stalls are available.
3. No advertising or promotional matter has been submitted pursuant to the 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 Final Public Report.
6. The basic documents (the Declaration of Horizontal Property Regime and the covenants, restrictions 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 Book 7212, Page 204; and the Registrar of the Bureau of Conveyances has designated the project as Condominium Map No. 175.
7. This Final Public Report is made a part of the registration on Kuleana condominium project. The Developer has the responsibility of placing a true copy of this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers.
8. This Final Public Report automatically expires thirteen (13) months from the date of issuance, November 12, 1970, 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: THE KULEANA

LOCATION: The project is located on the Honoapiilani Highway at Mahinahina, Kaanapali, on the Island of Maui, State of Hawaii, and is situated on a lot adjoining the ocean and containing 36,198 square feet or thereabouts.

TAX KEY: SECOND DIVISION 4-3-02-4.

ZONING: A-1 (apartment)

DEVELOPER: The Notice of Intention reveals the Developer to be D. Donald Lonie, Jr., whose address is 621 S. W. Morrison Street, Portland, Oregon.

ATTORNEY REPRESENTING DEVELOPER: Cades Schutte Fleming & Wright (Attention: James S. Campbell), 17th Floor, First Hawaiian Bank Building, P. O. Box 939, Honolulu, Hawaii 96808, telephone 531-7232.

DESCRIPTION OF PROJECT: The Declaration of Horizontal Property Regime reflects that this is a leasehold residential cluster condominium apartment complex consisting of two (2) buildings designated respectively as Building A and Building B. Each building consists of (1) a ground floor level, (2) a level other than the ground floor level, and (3) a second floor level. The buildings are erected with wood, glass and concrete.

Building A is located next to the ocean. It has eight (8) apartments designated respectively as A-1, A-2, A-3, A-4, A-5, A-6, A-7 and A-8. A-1 is a type E apartment. A-2 is a type B apartment, A-3 and A-4 are type C apartments. A-5 and A-6 are type D apartments and A-7 and A-8 are type A apartments. Each one of the types of apartments is described below.

Situated in Building A are various limited common elements for use by the occupants of that building. Behind apartment A-5 there is a laundry room containing 241 square feet. Behind apartment A-6 there is a storage room containing 241 square feet.

Building B is located next to the Honoapiilani Highway. It has ten (10) apartments designated respectively as B-1 through B-10. B-1, B-2, B-5 and B-6 are type C apartments. B-3, B-4, B-7 and B-8 are type D apartments. B-9 and B-10 are type A. Each one of the types of apartments is described below.

Situated in Building B are various limited common elements for use by the occupants of the building. Behind B-7 there is a laundry room containing 241 square feet. Behind apartment B-8 there is a storage room containing 241 square feet.

There are five (5) types of apartments, A through E.

Type A apartments are one-bedroom ground floor apartments containing a living area of 768 square feet and a lanai with 65 square feet. Within the living area are a living room, kitchen, bedroom and bathroom. For a floor plan of this type of apartment, see sheet A-1 of the aforesaid condominium map.

Type B apartments are two-bedroom ground floor apartments containing a living area of 1,212 square feet and a lanai containing 130 square feet. Within the living area are two bedrooms, two baths, a living-dining room and a kitchen. For a floor plan of this type of unit, see sheet A-1 of the aforesaid condominium map.

Type C apartments are one-bedroom apartments containing a living area of 699 square feet and a lanai with 127 square feet. Within the living area there are one bedroom, a bathroom, a kitchen and living room. For a floor plan of this type of unit, see sheet A-2 of the aforesaid condominium map.

Type D apartments are one-bedroom apartments, with a living area of 768 square feet. Some have a lanai with 65 square feet and some have a lanai with 127 square feet. Within the living area there are one bedroom, a bathroom, kitchen and living room. For a floor plan of this type of unit, see sheet A-2 of the aforesaid condominium map.

Type E apartments are one-bedroom second floor units with a living area of 988 square feet and a lanai with an area of 254 square feet. Within the living area are a bedroom, bathroom, kitchen and living room. For a floor plan of this type of unit, see sheet A-3 of said condominium map.

Each apartment shall have access to the common elements and limited common elements adjacent thereto.

COMMON ELEMENTS: The Declaration states that the common elements include the limited common elements described below and all other portions of the land and improvements other than the apartments, including the apartment buildings, the land on which they are located, and all elements mentioned in the Horizontal Property Act which are actually constructed on the land described herein and specifically shall include, but shall not be limited to:

- (a) Said land in fee simple;
- (b) All foundations, columns, girders, beams, supports and bearing walls of said buildings;
- (c) All yards and refuse areas;
- (d) All driveway areas;
- (e) Swimming pool; and
- (f) All other devices or installations upon the land existing for or rationally of common use to all the owners of apartments within the project.

LIMITED COMMON ELEMENTS: All portions of each building, exclusive of the apartments therein contained and the common elements above defined, shall be limited common elements appurtenant to and for the exclusive use of the apartments in such building. These limited common elements shall include, but shall not be limited to, the stairways, roof, storerooms and laundry rooms of each building. The compartments and installations of all central services such as power, gas, water lines, pumps, drainage pipes and other utility lines within each building are also limited common elements. Limited common elements germane to any building may be further restricted as to their use. For example, a particular storage locker might be designated for the exclusive use by the owners of a particular apartment. These are, in effect, restricted limited common elements, which, as the case may be, shall be defined "restricted limited common elements germane to a particular building."

One parking stall for each residential apartment shall be a limited common element appurtenant to and for the exclusive use of such apartment and is designated on

the condominium map by the number of the apartment to which it is appurtenant.

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 as follows:

Apartment A-1 (Type E) 7.020%	Apartment B-1 (Type C) 4.966%
A-2 (Type B) 3.611	B-2 (Type C) 4.966%
A-3 (Type C) 4.966	B-3 (Type D) 5.456
A-4 (Type C) 4.966	B-4 (Type D) 5.456
A-5 (Type D) 5.456	B-5 (Type C) 4.966
A-6 (Type D) 5.456	B-6 (Type C) 4.966
A-7 (Type A) 5.456	B-7 (Type D) 5.456
A-8 (Type A) 5.456	B-8 (Type D) 5.456
	B-9 (Type A) 5.456
	B-10 (Type A) 5.456

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The Declaration reflects that Buildings A and B shall be used primarily as a residential apartment building or a hotel. Each apartment will be used as a single family residence or as a hotel room and for no other purpose.

OWNERSHIP OF TITLE: The Developer reports that title is vested in Byron Broms. The title report dated October 5, 1970, by Title Guaranty of Hawaii, Inc., confirms such ownership.

ENCUMBRANCES AGAINST TITLE: Developer has submitted a Title Report dated October 5, 1970, prepared by Title Guaranty of Hawaii, Inc., a licensed abstractor. The report states that title to land is subject to:

Mortgage and Financing Statement dated June 4, 1969, from D. Donald Lonie, Jr., as Trustee for The Haw-Port Development Co. to First Hawaiian Bank, recorded on June 12, 1969, in Liber 6553 at Page 229.

Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patent Grant No. 1166. Provisions set forth in Declaration of Horizontal Property Regimes dated September 12, 1970, recorded in Liber 7212 at Page 204 and the By-laws attached thereto, both filed as Condominium Map No. 175.

PURCHASE MONEY HANDLING: A copy of the specimen Sales Contract and the executed Escrow Agreement have been submitted as part of the registration. The Escrow Agreement made September 23, 1970, identifies Security Title Corporation as the "Escrow". On examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, as amended.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Sales Contract and the executed Escrow Agreement. The latter document, the Escrow Agreement, establishes how the proceeds from the sale of dwelling units and all sums received from any source are placed in trust, as well as the retention and disbursement of said trust funds.

FINANCING OF PROJECT: The Developer has submitted a financing commitment letter from The Pioneer Savings and Loan Association of Hawaii dated September 22, 1970, to provide individual take-out loans not to exceed the aggregate of \$450,000. Said commitment was accepted and approved by the Developer on October 13, 1970.

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. As yet, no Managing Agent has been identified.

CONTRACTOR: The contractor was Inter-Island Builders & Developers, Ltd., and the Developer reports that the contractor was required to post a performance and payment bond equal to one hundred per cent (100%) of the cost of construction.

STATUS OF PROJECT: Construction has been completed since July, 1970, and the Developer reports that presently many of the apartments are being occupied under short term rentals. All such rentals are terminable upon sale of the units.

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 September 10, 1970, and additional information subsequently filed by the Developer as of November 10, 1970.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 348 filed with the Commission September 10, 1970.

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 DEPARTMENT, COUNTY OF MAUI
ESCROW AGENT
FEDERAL HOUSING ADMINISTRATION

November 12, 1970
Registration No. 348

