

# 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  
KOLOA GARDEN APARTMENTS  
Poipu Road  
Koloa, Kauai, Hawaii

REGISTRATION NO. 391

### 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: June 25, 1971  
Expires: July 25, 1972

#### 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 JUNE 8, 1971 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED ON JUNE 23, 1971. 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. KOLOA GARDEN APARTMENTS is a proposed fee simple condominium project consisting of twenty (20) apartment units contained in five 2-story buildings, constructed principally of wood.
2. The Developer of the project has submitted to the Commission for examination a filing of documents and exhibits which are complete except for some particular requirement, or requirements, which can be expected to be completed as part of this registration.
3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners and a copy of the approved Floor Plans) have not yet been filed in the office of the recording officer.

4. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
5. 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.
6. If a Final Public Report is not issued within one year from the date of this Preliminary Report, purchasers shall be entitled to refund of moneys paid, less escrow charges, without further obligation.
7. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, June 25, 1971, 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: KOLOA GARDEN APARTMENTS

LOCATION: The 64,644 square feet of land committed to the project is located on the West side of Poipu Road, Koloa, Island and County of Kauai, State of Hawaii, Tax Key No. 4th Division, 2-6-04-31 & 33.

ZONING: Residential

DEVELOPER: SITEFAB CORPORATION, a Hawaii corporation, whose principal place of business is Koloa, Kauai, Hawaii and whose post office address is P. O. Box 146, Koloa, Kauai, Hawaii 96756.

ATTORNEY REPRESENTING DEVELOPER: Henshaw, Conroy & Hamilton, (Mr. Dwight M. Rush), 1410 First Hawaiian Bank Building, 161 South King Street, Honolulu, Hawaii, Telephone 521-2611.

DESCRIPTION: This will be a fee simple project. The plan is to build twenty (20) apartment units contained in five 2-story buildings, without basements, constructed principally of wood. The apartments are designated on the floor plans which are to be recorded and located as follows:

Apartment Nos. 1 and 3 are located on the first floor of Building "A"; Apartment Nos. 2 and 4 are located on the second floor of Building "A";

Apartment Nos. 5 and 7 are located on the first floor of Building "B"; Apartment Nos. 6 and 8 are located on the second floor of Building "B";

Apartment Nos. 9 and 11 are located on the first floor of Building "C"; Apartment Nos. 10 and 12 are located on the second floor of Building "C";

Apartment Nos. 13 and 15 are located on the first floor of Building "E"; Apartment Nos. 14 and 16 are located on the second floor of Building "E"; and

Apartment Nos. 17 and 19 are located on the first floor of Building "D"; Apartment Nos. 18 and 20 are located on the second floor of Building "D".

Each apartment contains the number of rooms and approximate floor area according to the floor plan, which is part of said Condominium Map, designated as "Two Bedroom Apartments", and "One Bedroom Apartment", and are described as follows:

TWO BEDROOM APARTMENTS: Twelve (12) apartments, being Nos. 1 to 12, inclusive, contain six (6) rooms, including two bedrooms, two bathrooms, one kitchen and one living room. The apartments on the upper story of Buildings "A", "B" and "C", being Apartment Nos. 2, 4, 6, 8, 10 and 12, include a balcony. The floor area of each of the two-bedroom apartments on the lower floors is approximately 1008 square feet. The floor area of each of the two-bedroom apartments on the upper floors is approximately 1008 square feet plus a balcony of 192 square feet.

ONE BEDROOM APARTMENTS: Eight (8) apartments, being Nos. 13 to 20, inclusive, contain five (5) rooms, including one bedroom, one bathroom, a dressing room, a living room, a kitchen and a lanai. These apartments are located on the upper and lower floors of Buildings "D" and "E". The floor area of each of these apartments is 672 square feet, including a lanai of 94 square feet.

Each apartment has immediate access to an access hallway which leads to stairways connecting the upper level apartments to the ground and street entrance and parking areas of the project.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter walls or interior load-bearing walls, the floors and ceilings surrounding each apartment, or any pipes, wires, conduits, or other utilities or service lines running through such apartments which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided. Each apartment shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, doors and door frames, windows and window frames, the lanai air space, and all fixtures originally installed including range, refrigerator, dishwasher and disposal.

COMMON ELEMENTS: The Declaration states that one freehold estate is to be designated of all remaining portions of the project, called "common elements", including specifically but not limited to: (a) said land in fee simple; (b) all foundations, floor slabs, columns, girders, beams, supports, unfinished perimeter and load-bearing walls, roofs, chases, entries, stairways and walkways of said building; (c) all yards, grounds, landscaping, swimming pool and other recreational facilities, all refuse facilities, all roads, parking areas and driveways; (d) all ducts, electrical equipment, wiring, pipes and other central and appurtenant transmission facilities and installation over, under and across the project for services such as power, light, water, gas, sewer, air conditioning, telephone and radio and television signal distribution, if any; and (e) the one-story building, designated "F", on said Condominium Map.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, called "limited common elements", are set aside for the exclusive use of certain apartments and shall have appurtenant thereto easements as follows: the stairways leading to the second floor of Buildings "A", "B", "C", "D" and "E" shall be appurtenant to and for the exclusive use of the apartments on the upper floor of said buildings.

INTEREST TO BE CONVEYED TO PURCHASER: Each apartment shall have appurtenant thereto a percentage interest in all common elements of the project, and the same proportionate share in all common profits and expenses of the project and for all other purposes, including voting, as follows:

Two-Bedroom Apartment	5.4%
One-Bedroom Apartment	4.4%

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The residential apartments shall be occupied and used only as residences by the respective owners thereof, their tenants, families, domestic servants and social guests, and the owners of the respective apartments shall have the absolute right to lease or rent such apartments for transient purposes, subject to all provisions of the Declaration of Horizontal Property Regime.

OWNERSHIP TO TITLE: The Notice of Intention states the ownership to title is vested in several individuals, namely, Charles French, Lois Read French, Larry Carlsen, Pauline B. Carlsen, Edward R. Dale, Clara P. Dale, Anthony Giraldez, Norma L. Giraldez, Gertrude McGinnis, Edward Stahl, Elizabeth L. Stahl, Sally Morrison and Gladys Johnston. Developer has submitted a preliminary title report dated May 5, 1971, prepared by Abstractor Security Title Corporation showing the fee, simple owner of the land to be Kauai Rentals, Inc., a Hawaii corporation. A deed from Kauai Rentals, Inc. to the above named parties has been recorded in the Bureau of Conveyances of the State of Hawaii on June 2, 1971, in Liber 7578, Page 202. Transfer of title from Kauai Rentals, Inc. to the above individual is reflected in the title report dated June 2, 1971.

ENCUMBRANCES AGAINST TITLE: The title report identifies the following encumbrances: Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patents Numbered 6714 and 4053. Reservation in favor of McBryde Sugar Company, Ltd., a Hawaii corporation, of all water rights as are or may be appurtenant to said premises, as reserved in that certain Deed dated September 9, 1949, in the Bureau of Conveyances of the State of Hawaii in Book 2258, Page 489.

PURCHASE MONEY HANDLING: A copy of the Escrow Agreement executed May 18, 1971 identifies Security Title Corporation, a Hawaii corporation, as the Escrow Agent. On examination the specimen Reservation Agreement, Deposit Receipt and Contract and 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 Section 514-36.1 through Section 514-40, Hawaii Revised Statutes.

Among other provisions, the executed Escrow Agreement provides that a purchaser shall be entitled to a refund of his funds, without interest and less Escrow's \$15.00 cancellation fee, if purchaser shall in writing request refund of his funds and if any one of the following shall have occurred: (1) Escrow receives a written request from the seller to return to purchaser the funds of such purchaser then held by Escrow; or (2) if the request is prior to the time the Final Public Report is issued, or if after such time, the Final Report differs in any material respect from the Preliminary Report, unless the purchaser has given written approval or acceptance of the differences; or (3) if the Final Report is not issued within one year from date of issuance of the Preliminary Report.

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

MANAGEMENT AND OPERATIONS: The declarant discloses that the administration of the project shall be vested in the Association of Apartment Owners. The proposed By-Laws of the Association place the responsibility of employing a responsible Managing Agent to manage and control the project subject at all times to direction by the Board. Sitefab Corporation, a Hawaii corporation, P. O. Box 146, Koloa, Kauai, Hawaii, has been identified as the initial Managing Agent.

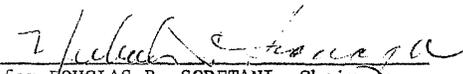
STATUS OF THE PROJECT: Construction of the project will commence as soon as sufficient sales demonstrate the success of the project.

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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 June 8, 1971, and additional information subsequently filed on June 23, 1971.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 391 filed with the Commission on June 8, 1971. 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 in color.

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

  
for DOUGLAS R. SODETANI, Chairman  
REAL ESTATE COMMISSION  
State of Hawaii

June 25, 1971  
Registration No. 391