

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

MANA KAI-MAUI
Kihei, Maui, Hawaii

REGISTRATION NO. 415

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: November 1, 1971

Expires: December 1, 1972

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 OCTOBER 8, 1971, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS LATE AS OCTOBER 28, 1971. THE DEVELOPER, BY 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 MANA KAI-MAUI is a fee simple condominium project consisting of ninety-eight (98) residential apartments arranged throughout a single building of eight (8) stories and a basement. There are one hundred twenty-three (123) uncovered parking stalls available. All of the parking stalls are common elements.
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of condominium project and issuance of this Preliminary Public Report.

3. The basic documents (Declaration of Horizontal Property Regimes, 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 the 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, November 1, 1971, unless a Supplementary Public Report issues or the Commission, upon review of registration, issues an order extending the effective period of this report.

NAME OF PROJECT: MANA KAI-MAUI

LOCATION: The approximate 2.00 acres of land to be committed to the regime is situated at Kihei Road, Kihei, Island and County of Maui, State of Hawaii.

TAX KEY: SECOND DIVISION 3-9-4-109 and 3-9-4-23 (to be consolidated).

ZONING: Hotel-medium

DEVELOPER: Condo Resort Developers, a partnership organized under the laws of the State of Hawaii.

- Partners:
- (1) Resort Apartments, Inc., a Colorado corporation registered to do business in Hawaii, James R. Christman, President, of 3535 Valley Oak Drive, Loveland, Colorado.
 - (2) Develco Corporation, a Hawaii corporation, William C. Harr, President, of 888 Mililani Street, Suite 888, Honolulu, Hawaii.

Address: 888 Mililani Street, Suite 888, Honolulu, Hawaii 96813.

Telephone: 531-8502

ATTORNEY REPRESENTING DEVELOPER: Ueoka, Vail & Luna, 2121 Main Street, Wailuku, Maui, Hawaii. Telephone: 244-3761 or 244-9253 (Maui).

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project is to consist of ninety-eight (98) residential apartments arranged throughout a single building of eight (8) stories and basement, situated upon the 2.00 acres 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 the space measured by the area of the lanai of each 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: (1) the foundation shall be of reinforced concrete spread footings and column pads; (2) the floor slabs above the ground floor shall be of post-tensioned reinforced concrete; (3) the structural framewalls shall be of concrete block and reinforced concrete poured in place; (4) the walls between apartments, and between apartments and the corridors, shall be of noncombustible treated wood or metal studs, with gypsum board, and concrete block; (5) the walls within each apartment shall be of noncombustible treated wood or metal studs with gypsum board; (6) the stairs shall be of reinforced concrete; (7)

the roof shall be of post-tensioned reinforced concrete slabs with rigid roof insulation over living areas and built-up roofing; and (8) the concrete floors shall be covered with vinyl asbestos tile, carpet, or trowelled concrete.

The basement shall contain approximately 11,748 square feet and consists of recreational, mechanical and electrical equipment storage and general storage areas which are common elements.

The first floor shall contain a manager's office of approximately 680 square feet, a manager's apartment of approximately 680 square feet, and 2 restrooms of approximately 250 square feet, which are all enclosed and are common elements. The remaining first floor areas are opened arcade space and are also common elements.

There are fourteen (14) apartments located on the second through eighth story of the building.

Apartment 201 through 215 are located on the second story.

Apartment 301 through 315 are located on the third story.

Apartment 401 through 415 are located on the fourth story.

Apartment 501 through 515 are located on the fifth story.

Apartment 601 through 615 are located on the sixth story.

Apartment 701 through 715 are located on the seventh story.

Apartment 801 through 815 are located on the eighth story.

All of the apartments will be of one general two-bedroom type.

The first digit of each unit number signifies the floor it is on. There are no apartments ending with the number 13.

Each apartment unit shall consist of two bedrooms, two baths, living room, a kitchen-dining area and a full width lanai, and each shall have an approximate enclosed floor space of 767.16 square feet, and a lanai of approximately 105.87 square feet, for a total floor area of 873.03 square feet.

All of the apartments shall have immediate access to the open hallway immediately adjacent to and connecting the apartments on each story, elevators, stairways and lobbies.

COMMON ELEMENTS: The proposed Declaration reflects that the common elements include: the structure and the property upon which it is located, and specifically includes, but is not limited to, the first floor, foundations, beams and supports, girders, walls, roofs, main walls, bearing walls, floors and ceilings, entrances and exits of said building, staircases, elevators and elevator shafts, lobbies, halls, parking area, laundry space, manager's quarters, office and storeroom, yards, refuse area, basement, swimming pool, and sewer disposal system; all ducts, electrical equipment, wiring and other central and appurtenant installations for services, including power, light, water, disposal, telephone, water tanks and pumps or the like, or other public utility lines, and all other elements and facilities rationally in common use or necessary to the existence, upkeep and safety of the building.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, called and designated "limited common elements" in the specimen Declaration are set aside and reserved for the exclusive use of certain apartments and such apartments will have appurtenant thereto an exclusive easement for the use of such limited common elements. Said limited common elements set aside and reserved are as follows: (a) entry walkways or hallways adjoining an apartment or apartments are to and for the exclusive use of such apartment or apartments which it adjoins.

INTEREST TO BE CONVEYED PURCHASER: The proposed Declaration reflects that the percentage of undivided interest in the common elements appertaining to the apartments is 1/98 interest per apartment unit.

The undivided interest established and to be conveyed with the respective "apartment" cannot be changed, and the Developer/Owner covenant and agree 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 occupied and used by the respective owners only as provided by the laws of the State of Hawaii and ordinances of the County of Maui and for no other purpose.

OWNERSHIP OF TITLE: Certificates of Title prepared October 6, 1971, by Title Guaranty of Hawaii, Inc., a Hawaii corporation, certifies that the ownership of the subject parcels of land is in James R. Christman, general partner of Maui Shores Syndicate, a Hawaii limited partnership. By statement dated October 2, 1971, fee owner authorized Condo-Resort Developers to develop a condominium project on the premises.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title, prepared October 6, 1971, by Title Guaranty of Hawaii, Inc., certifies that there are no liens or encumbrances of whatever kind or nature or record against said title, save and except that following: (a) Mineral and Metallic Rights are reserved by the State of Hawaii; (b) 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.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated October 8, 1971, identifies Title Guaranty Escrow Services, Inc., 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 the 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 executive Escrow Agreement states that a purchaser under contract of sale, upon written request, shall be entitled to a refund of all monies deposited with Escrow, without interest, and less a \$25.00 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 the 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.

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: A building contract with Harvis Construction, Inc. was executed on October 1, 1971. Final working drawings and specifications are being processed and will be completed on or about November 30, 1971. Once notice to proceed is given by the Developer to the contractor, it will take 15 months to construct the building.

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 October 8, 1971, and information subsequently filed as late as October 28, 1971.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 415 filed with the Commission on October 8, 1971.

The report when reproduced shall be a true copy of the Commission's Preliminary Public Report. The paper stock used in making facsimiles must be yellow.



for DOUGLAS R. SODEVANI, 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

REGISTRATION NO. 415
November 1, 1971