

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

TUTU RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on

KAMAOLE BEACH ROYALE  
Kihei, Maui, Hawaii

REGISTRATION NO. 416

### **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: August 20, 1973  
Expires: September 20, 1974

#### 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 OCTOBER 26, 1971, AND ADDITIONAL INFORMATION SUBSEQUENTLY SUBMITTED AS LATE AS AUGUST 20, 1973. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514 OF THE HAWAII REVISED STATUTES.

1. Since the issuance of the Preliminary Public Report of December 6, 1971, on KAMAOLE BEACH ROYALE, Registration No. 416, the Developer has made changes to the plan or setup as represented to the Commission in the October 26, 1971 registration.
2. The Developer has submitted to the Commission all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report prior to the completion of construction.

This Final Public Report amends the December 6, 1971 document, becoming a part of the registration of the Kamaole Beach Royale condominium project. The Developer is responsible for placing the Preliminary Public Report (Yellow Paper Stock) and this Final Public Report (White Paper Stock) in the hands of all purchasers and prospective purchasers. The buyer shall sign the required receipt signifying that he has had the opportunity to read both reports.

3. Advertising and promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
4. The Commission has determined that the basic documents (Declaration of Horizontal Property Regime, with By-Laws of Association of Apartment Owners, and a copy of the approved Floor Plans) have been filed in the office of the recording officer. The Declaration of Horizontal Property Regime executed on April 26, 1973, with the By-Laws attached, was recorded in the Bureau of Conveyances of the State of Hawaii in Liber 9122, pages 26-79. The Bureau of Conveyances has designated Condominium Map No. 274 to the project.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514, Hawaii Revised Statutes, and the Rules and Regulations promulgated thereunder which relate to the Horizontal Property Act.
6. This Final Public Report automatically expires thirteen (13) months after date of issuance, August 20, 1973, unless a Supplementary Public Report is issued or the Commission, upon review of the registration issues an order extending the effective period of this report.

The information in the topical headings of the Preliminary Public Report with the exceptions of DESCRIPTION, COMMON ELEMENTS, LIMITED COMMON ELEMENTS, INTEREST TO BE CONVEYED TO PURCHASER and STATUS OF PROJECT has not been disturbed. The topical heading of FINANCING OF PROJECT has been added.

NAME OF PROJECT: KAMAOLE BEACH ROYALE

DESCRIPTION: The Declaration of Horizontal Property Regime reflects that the project when completed is to consist of sixty-five (65) residential apartments arranged throughout a single building of seven (7) stories, including the ground floor, situate upon the 46,792 square feet of land submitted to the said horizontal property regime.

The principal materials of which the said building shall be constructed are as follows: The footings and ground floor slab shall be poured in place reinforced concrete; the floors above ground level shall be precast and prestressed concrete slabs with reinforced concrete field applied finish; the structural frame,

perimeter walls between apartments, and all other bearing walls shall be of reinforced concrete block or 3,000 pound test reinforced concrete; the walls within each apartment shall be of metal studs covered with 1/2 inch thick plasterboard; the stairs between the floors of the building shall be of reinforced concrete; the roof shall be poured in place reinforced concrete with a lightweight concrete sloping field applied finish; the interior concrete floors of the apartments shall be covered with carpet or vinyl.

Apartment 101 is located on the ground floor. (The following common elements are also located on the ground floor: manager's apartment, office, tenant's storage room, tenant's social room, electric room, maintenance and storage room, trash room, elevator lobby, elevator and covered parking areas.)

Apartments 201 through 212 are located on the second floor, and are numbered, in ascending order, from north to south.

Apartments 301 through 312 are located on the third floor, and are numbered, in ascending order, from north to south.

Apartments 401 through 412 are located on the fourth floor, and are numbered, in ascending order, from north to south.

Apartments 501 through 512 are located on the fifth floor, and are numbered, in ascending order, from north to south.

Apartments 601 through 612 are located on the sixth floor, and are numbered, in ascending order, from north to south.

Apartments 701 through 704 are located on the seventh floor, and are numbered, in ascending order, from north to south.

The apartments are of seven (7) types: (1) "A One-Bedroom Apartments"; (2) "B Three-Bedroom Apartments"; (3) "C Two-Bedroom Apartments"; (4) "C-1 Two-Bedroom Apartments"; (5) "D Two-Bedroom Apartments"; (6) "E Two-Bedroom Apartments"; (7) "F One-Bedroom Apartments".

The following thirty (30) apartments are "A One-Bedroom Apartments": 204, 205, 206, 207, 208, 209, 304, 305, 306, 307, 308, 309, 404, 405, 406, 407, 408, 409, 504, 505, 506, 507, 508, 509, 604, 605, 606, 607, 608, and 609.

Each "A One-Bedroom Apartment" shall consist of a bedroom, bath, foyer, kitchen, living area, and lanai, and each such apartment shall have an approximate enclosed floor space of 580 square feet, a lanai of approximately 99 square feet, and an approximate total floor area of 679 square feet.

The following ten (10) apartments are "B Three-Bedroom Apartments": 201, 212, 301, 312, 401, 412, 501, 512, 601, and 612.

Each "B Three-Bedroom Apartment" shall consist of three bedrooms, two baths, dressing room, entry, foyer, hall, kitchen, living area, and lanai, and each such apartment shall have an approximate enclosed floor space of 1182 square feet, a lanai of approximately 198 square feet, and an approximate total floor area of 1380 square feet.

The following two (2) apartments are "C Two-Bedroom Apartments":  
702 and 703.

Each "C Two-Bedroom Apartment" shall consist of two bedrooms, two baths, entry, foyer, kitchen, living area, two private roof decks, and lanai, and each such apartment shall have an approximate enclosed floor space of 1092 square feet, a lanai of approximately 164 square feet, and an approximate total floor area (exclusive of the private roof decks) of 1256 square feet.

One private roof deck of Apartment 703 shall be located next to the north wall of Apartment 703, shall be rectangular in shape, and approximately fourteen (14) feet, two (2) inches, by forty-nine (49) feet, four (4) inches; the other private roof deck of Apartment 703 shall be located next to the west side of the lanai of Apartment 703, shall be rectangular in shape, and approximately six (6) feet by twenty-nine (29) feet; the aggregate areas of both private roof decks of Apartment 703 shall be approximately 872 square feet. One private roof deck of Apartment 702 shall be located next to the south wall of Apartment 702, shall be rectangular in shape, and approximately fourteen (14) feet, two (2) inches, by forty-nine (49) feet, four (4) inches; the other private roof deck of Apartment 702 shall be located next to the west side of the lanai of Apartment 702, shall be rectangular in shape, and approximately six (6) feet by twenty-nine (29) feet; the aggregate areas of both private roof decks of Apartment 702 shall be approximately 872 square feet.

The following two apartments are "C-1 Two-Bedroom Apartments":  
701 and 704.

Each "C-1 Two-Bedroom Apartment" shall consist of two bedrooms, two baths, entry, foyer, kitchen, living area, two private roof decks, and lanai, and each such apartment shall have an approximate enclosed floor space of 1092 square feet, a lanai of approximately 164 square feet, and an approximate total floor area (exclusive of the private roof decks) of 1256 square feet.

One private roof deck of Apartment 704 shall be located next to the south wall of Apartment 704, shall be rectangular in shape, and approximately twenty-nine (29) feet by forty-nine (49) feet, four (4) inches; the other private roof deck of Apartment 704 shall be located next to the west side of the lanai of Apartment 704, shall be rectangular in shape, and approximately six (6) feet by twenty-nine (29) feet; the aggregate areas of both private roof decks of Apartment 704 shall be approximately 1604 square feet. One private roof deck of Apartment 701 shall be located next to the north wall of Apartment 701, shall be rectangular in shape, and approximately twenty-nine (29) feet by forty-nine (49) feet, four (4) inches; the other private roof deck of Apartment 701 shall be located next to the west side of the lanai of Apartment 701, shall be rectangular in shape, and approximately six (6) feet by twenty-nine (29) feet; the aggregate areas of both private roof decks of Apartment 701 shall be approximately 1604 square feet.

The following ten (10) apartments are "D Two-Bedroom Apartments":  
202, 211, 302, 311, 402, 411, 502, 511, 602, and 611.

Each "D Two-Bedroom Apartment" shall consist of two bedrooms, two baths, entry, foyer, hall, kitchen, living area, and lanai, and each such apartment shall have an approximate enclosed floor area of 851 square feet, a lanai of approximately 99 square feet, and an approximate total floor area of 950 square feet.

The following ten (10) apartments are "E Two-Bedroom Apartments": 203, 210, 303, 310, 403, 410, 503, 510, 603, and 610.

Each "E Two-Bedroom Apartment" shall consist of two bedrooms, two baths, dressing room, foyer, kitchen, living area, and lanai, and each such apartment shall have an approximate enclosed floor area of 906 square feet, a lanai of approximately 198 square feet, and an approximate total floor area of 1104 square feet.

Apartment 101 is an "F One-Bedroom Apartment".

The "F One-Bedroom Apartment" shall consist of one bedroom, two baths, dressing room, foyer, kitchen, living area, and lanai, and such apartment shall have an approximate enclosed floor area of 758 square feet, a lanai of approximately 99 square feet, and an approximate total floor area of 857 square feet.

Apartment 101 shall have immediate access to the land submitted to the horizontal property regime. Each other apartment shall have immediate access to the covered walk immediately adjacent to and connecting the apartments on each floor, and the stairs and elevator between the floors.

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 lanai of each apartment, and the private roof decks of each apartment with private roof decks, and measured vertically by the distances between the topside surface of the concrete floor and the underside surface of the concrete ceiling of each apartment.

In addition to the rights and easements created and established by Chapter 514, Hawaii Revised Statutes, in and with respect to the common elements of the horizontal property regime established, each apartment shall have appurtenant thereto, under and by virtue of the Declaration of Horizontal Property Regime, a non-exclusive easement in the common elements designed for such purpose for ingress and egress, utility services, support, maintenance and repair, as the case may be; and the Association of Apartment Owners shall have the irrevocable right, under and by virtue of the Declaration of Horizontal Property Regime, and in addition to the rights created and given to the apartment owners by Section 514-6(f), Hawaii Revised Statutes, to be exercised by its Board of Directors, Manager or Managing Agent, as the case may be, to enter each apartment from time to time during reasonable hours as may be necessary for the repair, replacement, restoration and installation of any common element.

COMMON ELEMENTS: The Declaration reflects that the common elements include:

(a) The land heretofore described, and the super-adjacent airspace above the roof, and next to the exterior walls, of the said building.

(b) All foundations, columns, girders, beams and supports, roof, structural frame, perimeter walls between apartments, floors and ceilings, the covered walks on the east side of each floor, elevator lobby on each floor, elevator and elevator shaft, stairs, and trash chute.

(c) The manager's apartment, office, tenant's storage room, tenant's social room, electric room, maintenance and storage room (including maid's washer/dryer), trash room, ground floor entrance/lobby, all parking areas, swimming pool and filtration plant, outdoor lighting, shuffleboard court, the public roof deck on the seventh floor of approximately 1334 square feet, and the rooms for janitorial services located on each floor above the ground floor.

(d) All central and appurtenant installations for services such as power, light, telephone, gas, hot and cold water, refrigeration, 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 the following pairs of apartments, as a limited common element, appertaining to and reserved for the joint and exclusive use of such apartments, the entry between each such pair of apartments, as shown and marked on the Condominium Map:

203/204  
303/304  
403/404  
503/504  
603/604  
205/206  
305/306  
405/406  
505/506  
605/606  
207/208  
307/308  
407/408  
507/508  
607/608  
209/210  
309/310  
409/410  
509/510  
609/610

INTEREST TO BE CONVEYED TO PURCHASER: The Declaration reflects that the percentage of undivided interest in the common elements appertaining to the apartments is as follows:

<u>Apt. No.</u>	<u>Per Cent</u>
101	1.5530%
201	2.0190%
202	1.5530%
203	1.7080%
204	1.0865%
205	1.0865%
206	1.0865%
207	1.0865%
208	1.0865%
209	1.0865%
210	1.7080%
211	1.5530%
212	2.0190%
301	2.0500%
302	1.5840%
303	1.7392%
304	1.1180%
305	1.1180%
306	1.1180%
307	1.1180%
308	1.1180%
309	1.1180%
310	1.7392%
311	1.5840%
312	2.0500%
401	2.0800%
402	1.6150%
403	1.7702%
404	1.1490%
405	1.1490%
406	1.1490%
407	1.1490%
408	1.1490%
409	1.1490%
410	1.7702%
411	1.6150%
412	2.0800%
501	2.1125%
502	1.6460%
503	1.8014%
504	1.1801%
505	1.1801%
506	1.1801%
507	1.1801%
508	1.1801%
509	1.1801%
510	1.8014%
511	1.6460%
512	2.1125%
601	2.0000%
602	1.6770%
603	1.8324%
604	1.2111%
605	1.2111%

<u>Apt. No.</u>	<u>Per Cent</u>
606	1.2111%
607	1.2111%
608	1.2111%
609	1.2111%
610	1.8324%
611	1.6770%
612	2.0000%
701	2.6000%
702	2.2017%
703	2.2017%
704	2.6000%

The undivided interests established and to be conveyed with the respective "apartments" cannot be changed, and the Developer 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 of 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.

CONTRACTOR: Kam Hawaii Construction, Inc. shall be the contractor.

FINANCING OF PROJECT: In the Supplement to the Notice of Intention submitted October 26, 1971, the Developer gives an estimated total cost of \$2,375,564.79 to complete the project.

Kassler & Co., 901 Hawaii Building, 745 Fort Street, Honolulu, Hawaii, has agreed to make a construction loan in the principal amount of \$2,000,000.00 to Alii Kamaole for the project. Alii Kamaole expects to close the construction loan with Kassler & Co. on or about June 15, 1973. At that time a construction loan mortgage of the property to Kassler & Co. will be recorded with the Bureau of Conveyances of the State of Hawaii. The contract of sale between Alii Kamaole and each apartment purchaser provides for the subordination of the interest and equity of each apartment purchaser in the property to the lien created by the construction loan mortgage to be held by Kassler & Co.

Alii Kamaole has sold 60 apartments of the project for the aggregate purchase price of \$2,470,000. Under the apartment contracts of sale the aggregate amount of \$617,500 of the total purchase price for these apartments will be due and payable during the course of construction, and, after the issuance of a final public report for the project by the Hawaii Real Estate Commission, and the receipt and acceptance of such final report by each apartment purchaser, these funds can be used to pay for construction costs, architectural, engineering, finance and legal fees, and other incidental expenses of the project.

STATUS OF PROJECT: In the Supplement to the Notice of Intention submitted October 26, 1971, Developer discloses that it has entered into a contract for the construction of the project with Kam Hawaii Construction, Inc., dated March 23, 1973, for the cost of the work, and a contractor's fee equal to ten per cent (10%) of the cost of the work, but not to exceed the aggregate amount of \$1,975,000.00.

Construction has not commenced. Alii Kamaole expects to give the contractor notice to proceed with the work on or about July 1, 1973. Construction must be completed within 13 months after the commencement of construction.

The Aetna Casualty And Surety Company is surety for Kam Hawaii Construction, Inc., the contractor, under a performance and payment bond in the principal amount of \$1,975,000.00.

The general conditions of the construction contract (§13.2.2) provides as follows:

"If, within one year after the Date of Substantial Completion or within such longer period of time as may be prescribed by law or by the terms of any applicable special guarantee required by the Contract Documents, any of the Work is found to be defective or not in accordance with the Contract Documents, the Contractor shall correct it promptly after receipt of a written notice from the Owner to do so unless the Owner has previously given the Contractor a written acceptance of such condition. The Owner shall give such notice promptly after discovery of the condition."

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 26, 1971, and additional information subsequently filed as of August 7, 1973.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 416, filed with the Commission October 26, 1971.

This report when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be white in color.

  
Chairman, REAL ESTATE  
COMMISSION STATE OF  
HAWAII

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