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
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 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: December 6, 1971
Expires: January 6, 1973

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 26, 1971 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED ON NOVEMBER 26, 1971. 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. KAMAOLE BEACH ROYALE is a proposed fee simple condominium project which when completed shall consist of sixty-four (64) residential apartments arranged throughout a single building of seven (7) stories, including the ground floor.

   The common elements include the manager's apartment, office, tenant storage room, public toilets, laundry room (and the washers and dryers installed therein), trash room, all parking stalls, swimming pool and its filtration plant, outdoor lighting, the public roof deck on the seventh floor of approximately 1,560 square feet, and the rooms for janitorial services located on each floor.

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, December 6, 1971, 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: KAMAOLE BEACH ROYALE

LOCATION: The approximate 46,792 square feet of land to be committed to the regime is situated at Kamaole Homesteads, District of Kula, County of Maui, State of Hawaii.

TAX KEY: SECOND DIVISION 3-9-20-28

ZONING: H2 Hotel

DEVELOPER: ALII KAMAOLE, a limited partnership, by WALTER C. WITTE, general partner.

Address: 2994 So. Kihei Road
Kihei, Maui, Hawaii 96753

Phone: 879-2069

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

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project when completed is to consist of sixty-four (64) 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 wood studs covered with 1/2 inch thick plasterboard; the stairs between the floors of the said 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.

There are no apartments located on the ground floor. The manager's apartment, office, tenant storage room, public toilets, laundry room, trash room, walk, elevator, and covered parking stalls are located on the ground floor.

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 will be of five (5) types: "A One-Bedroom Apartments"; "B Three-Bedroom Apartments"; "C Two-Bedroom Apartments"; "D Two-Bedroom Apartments"; "E Two-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 555 square feet, a lanai of approximately 99 square feet, and an approximate total floor area of 654 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, entry, foyer, hall, kitchen, living area, and lanai, and each such apartment shall have an approximate enclosed floor space of 1,147 square feet, a lanai of approximately 203 square feet, and an approximate total floor area of 1,350 square feet.

The following four (4) apartments are "C Two-Bedroom Apartments": 701, 702, 703, and 704.

Each "C Two-Bedroom Apartment" shall consist of two bedrooms, two baths, entry, foyer, hall, kitchen, dining room, living room, lanai, and a private roof deck, and each such apartment shall have an approximate enclosed floor space of 1,006 square feet, a lanai of approximately 145 square feet, and a total floor area (exclusive of the private roof deck) of 1,151 square feet. The private roof deck for apartment 701 shall be located next to the north wall of apartment 701, and shall contain approximately 1,560 square feet. The private roof deck for apartment 702 shall be located next to the south wall of apartment 702, and shall contain approximately 780 square feet. The private roof deck for apartment 703 shall be located next to the north wall of apartment 703, and shall contain approximately 780 square feet. The private roof deck for apartment 704 shall be located next to the south wall of apartment 704, and shall contain approximately 1,560 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 820 square feet, a lanai of approximately 99 square feet, and an approximate total floor area of 919 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, foyer, kitchen, living area, and lanai, and each such apartment shall have an approximate enclosed floor area of 873 square feet, a lanai of approximately 203 square

feet, and an approximate total floor area of 1,076 square feet.

Each apartment shall have immediate access to the covered walk immediately adjacent to and connecting the apartments of 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 deck of each apartment with a private roof deck, 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.

COMMON ELEMENTS: The proposed 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 except the seventh floor, stairs, elevator and elevator shaft, trash shute, and the entries between apartments 203/204, 303/304, 403/404, 503/504, 603/604, 209/210, 309/310, 409/410, 509/510, 609/610. (c) The manager's apartment, office, tenant storage room, public toilets, laundry room (and the washers and dryers installed therein), trash room, all parking stalls, swimming pool and its filtration plant, outdoor lighting, the public roof deck on the seventh floor of approximately 1,560 square feet, and the rooms for janitorial services located on each 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 apartments 701, 702, 703, and 704, jointly, as a limited common element, appertaining to and reserved for the joint exclusive use of such apartments, the covered walks next to the east and west sides of such apartments.

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

Apt. No.	Per Cent	Apt. No.	Per Cent
201	2.0190	301	2.0500
202	1.5530	302	1.5840
203	1.7080	303	1.7392
204	1.0865	304	1.1180
205	1.0865	305	1.1180
206	1.0865	306	1.1180
207	1.0865	307	1.1180
208	1.0865	308	1.1180
209	1.0865	309	1.1180
210	1.7080	310	1.7392
211	1.5530	311	1.5840
212	2.0190	312	2.0500

Apt. No.	Per Cent	Apt. No.	Per Cent
401	2.0800	601	2.1435
402	1.6150	602	1.6770
403	1.7702	603	1.8324
404	1.1490	604	1.2111
405	1.1490	605	1.2111
406	1.1490	606	1.2111
407	1.1490	607	1.2111
408	1.1490	608	1.2111
409	1.1490	609	1.2111
410	1.7702	610	1.8324
411	1.6150	611	1.6770
412	2.0800	612	2.1435
501	2.1125	701	2.7952
502	1.6460	702	2.6395
503	1.8014	703	2.6395
504	1.1801	704	2.7952
505	1.1801		
506	1.1801		
507	1.1801		
508	1.1801		
509	1.1801		
510	1.8014		
511	1.6460		
512	2.1125		

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.

PURPOSE OF BUILDING AND RESTRICTION AS TO USE: The proposed Declaration reflects that the apartments are intended to be used as residential apartments, but such apartments may be leased or rented from time to time to transients.

OWNERSHIP OF TITLE: A Certificate of Title issued November 11, 1971, prepared by Security Title Corporation, certifies that Walter Witte, as general partner of ALII KAMAOLE HUI, a limited partnership, has title to the land committed to the project.

ENCUMBRANCES AGAINST TITLE: Taxes that may be due and owing and a lien on the land under search, reference is hereby made to the Office of the Tax Assessor of the Second Division. Mortgage from Walter Witte, as general partner of Alii Kamaole Hui, a limited partnership, to Ona S. Fultz, dated July 16, 1971, recorded in Liber 7676, page 172. A road easement, 20 feet wide, along the northerly and easterly side of the land, as shown on Tax Map Key: 3-9-20-28.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated October 6, 1971, 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, Sec. 514-35 and Sec. 514-36 through Sec. 514-40.

Among other provisions the executed Escrow Agreement states that a purchaser under a contract of sale shall be entitled to a refund of all money deposited

with escrow, without interest, and less a cancellation fee of $15.00, to be kept by Escrow, if a purchaser shall file with Escrow a written request for the refund of such funds, and if any of the following events shall have occurred: (i) If funds were obtained from an apartment purchaser prior to the issuance of a final public report upon the Project by the Hawaii Real Estate Commission, and there is a change in the plans for the said buildings 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. (ii) The Final Public Report for the Project differs from the Preliminary Public Report for the Project issued by the Hawaii Real Estate Commission in any material respect. (iii) Such Final Public Report is not issued within one year from the date of issuance of such Preliminary Public Report. (iv) 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. The specimen Contract of Sale also states that the vendor (seller) 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 fifty-two (52) apartments within twelve months after the issuance of a Preliminary Public Report upon the project by the Hawaii Real Estate Commission. 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. According to the specimen Contract of Sale, Vendor shall have the power to hire the first manager or managing agent for the Association of Apartment Owners.

STATUS OF PROJECT: No building contract has been executed. In the notice of intention to sell, Developer states that no date has been set for construction of the project.

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 on November 26, 1971.

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

for DOUGLAS R. SODETANI, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

YH:va

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

Registration No. 416
December 6, 1971