

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

PUAKO BEACH APARTMENTS
South Kohala, Island, County and
State of Hawaii

REGISTRATION NO. 430

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: August 1, 1972
Expires: September 1, 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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED FEBRUARY 1, 1972 AND INFORMATION SUBSEQUENTLY FILED AS OF JULY 27, 1972. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES, EFFECTIVE JUNE 6, 1967.

1. PUAKO BEACH APARTMENTS is a proposed leasehold condominium project with a total of thirty eight (38) units to be sold. Apartment Leases for a term to December 31, 2036 will be issued direct from the fee owners of the land to purchasers.

The condominium building will contain thirty-three (33) 3-bedroom, 2-bath units; two (2) 2-bedroom, 2-bath units; two (2) 1-bedroom, 1 bath units and one (1) 3-bedroom, 3-bath luxury unit. The building will have four (4) stories of residential apartments and an exposed basement, not completely, but only partially below grade. The building will be served by one elevator. There will be a total of thirty-eight (38) parking stalls, two (2) parking spaces will be completely under cover in the basement and the other thirty six (36) stalls will all be exposed. Each apartment will be assigned one stall.

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 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 recorded in the Bureau of Conveyances as of this date.
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 Regime.
6. The Preliminary Public Report automatically expires thirteen (13) months after date of issuance, to-wit: August 1, 1972 unless a Supplemental Public Report issues or the Commission upon review of registration issues an order extending the effective period of this report.

NAME OF PROJECT: PUAKO BEACH APARTMENTS

LOCATION: The approximate 47,499 square feet of real property to be committed to the regime, as a leasehold condominium project is situated at Puako Beach Road, South Kohala, Island, County and State of Hawaii.

TAX KEY: THIRD DIVISION 6-9-3: 19, 20 and 21.

ZONING: V-1.25 (resort zoning)

DEVELOPER: KOHALA DEVELOPMENT CORPORATION, a Hawaii corporation, whose principal mailing address is 1860 Ala Moana, Suite 1805, Honolulu, Hawaii 96815, is the Developer. The officers of the corporation are as follows:

President William Doi
Vice-President
and Treasurer Albert Soloff
Secretary Edgar Hamasu

ATTORNEY REPRESENTING DEVELOPER: Vernon T. Tashima, Suite 400, AMFAC Building, 700 Bishop Street, Honolulu, Hawaii 96813. Telephone: 521-2951.

DESCRIPTION: The Declaration of Horizontal Property Regime reflects that the project is to consist of the leasehold land located at Puako Beach Road, South Kohala, Island and State of Hawaii and a building containing a total of thirty-eight (38) apartments. The four (4) story building will be constructed basically with concrete, wood, steel, glass and allied building materials, and will have an exposed basement partly below grade, which is reserved by the Developer for future development. Bulk storage areas of approximately 1,200 square feet will be located in the basement. There will be parking for thirty eight (38) cars, distributed in the basement area and in exposed areas on the property. Two (2) stalls will be completely under cover, in the basement area, while the other 36 will be uncovered. Each apartment will be assigned one stall and are as shown on the Condominium Map, subject, however, to renumbering, reassigning and relocating, at the discretion of the Developer.

One elevator will provide access to the apartments.

There will be 33 3-bedroom, 2-bath type "A" and "B" units; 1 luxury, type "C" unit with 3 bedrooms and 3 baths; 2 2-bedroom, 2-bath type "D" units and 2 1-bedroom, 1-bath type "E" units, or a total of thirty eight (38) units for sale.

The type "A" and "B" units are the same, except the position of the rooms are reversed, referred to as "opposite hand" types. Each Type "A" and "B" will have a gross livable area of 920 square feet more or less, together with a 116 square feet lanai, and will have a living-dining room, kitchen, 3 bedrooms and 2 bathrooms; the one luxury, type "C" unit will have a gross livable area of 1340 square feet, together with a 116 square feet lanai, a living-dining area, kitchen, den, 3 bedrooms and 3 bathrooms; the type "D" unit will have a gross livable area of 854 square feet, more or less, together with an 84 square feet lanai, and will have 2 bedrooms, 2 bathrooms, living-dining room and kitchen; the type "E" unit will have a gross livable area of 486 square feet, more or less, together with a 32 square feet lanai, and will have 1 bedroom, 1 bathroom, living-dining room and kitchen.

Each apartment will be furnished with drapes and wall-to-wall carpeting will be installed in the living-dining area, bedrooms and hallway. Vinyl asbestos resilient floor covering will be used in the bathroom and the kitchenette area.

A pullman-type kitchen will contain a hooded range, refrigerator, garbage disposal, and featuring a laminated

plastic counter tops and splashback. Sliding glass doors will provide access from the living room to the open lanai.

A washer and dryer will also be provided. It will be located in the hallway adjacent to the bathroom.

Bathrooms will feature tub-shower combination with wired glass enclosure, lavatory, water closet and cultured marble counter tops. A medicine cabinet and mirror will be provided. Ceramic tile will be used for the bathtub wainscot.

Ceilings throughout the building will be concrete sprayed with simulated acoustical finish. One and three-quarter inch solid core, flush panel wooden doors will be used for apartment entry while one and three-eighths inch flush panel wooden doors will be used inside the apartments. Folding doors will also be of wood; glass sliding doors will be framed in aluminum.

Each apartment shall include the space and improvements within its perimeter walls, floors and ceilings, including all interior walls and partitions which are not load-bearing within its perimeter walls, floors and ceilings, all doors, window glass and screens, all fixtures and all appliance originally installed as fixtures therein.

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, ducts or other utility lines running through such apartment, the same being deemed common elements as hereinafter provided.

The common element to which each apartment in the building will have immediate access is the corridors on each floor leading to the stairway or to the elevator foyer and elevator on each floor.

COMMON ELEMENTS: The Declaration reflects that the common elements consists of

- (i) Said land as a leasehold.
- (ii) All foundations, floor slabs, columns, girders, beams, supports, load-bearing walls, main walls, interior walls separating adjacent apartments in the same building, halls, roofs of the buildings, stairs, stairways, fire escapes and entrances and exits of the apartment building, elevator and appurtenances.
- (iii) All yards, grounds, landscaping, and refuse facilities, recreational facilities, including swimming and wading pool.
- (iv) All building walkways, building sidewalks, pathways,

parking areas, driveways and road within project.

(v) All ducts, electrical equipment, wiring and other central and appurtenant installations, including power, light, water, sewer, gas and telephone; all pipes, plumbing, wires, conduits, or other utility or service lines, which run through an apartment but which are utilized by or serve more than one apartment; and air conditioning and like utilities, if installed. (The sewage treatment plant shall be a private system situated on the project site).

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called the "limited common elements", are hereby designated and set aside for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements as follows:

(a) The land situated within the outer perimeter of each building shall be appurtenant to and for the exclusive use of the apartments located in said building, as shown on the Condominium Map.

(b) The parking spaces designated on the Condominium Map by the same numbers as those assigned to a particular apartment shall be appurtenant to and for the exclusive use of that apartment.

INTEREST TO BE CONVEYED PURCHASER: The Declaration states that the undivided interest in the common elements appertaining to each apartment are as follows:

<u>Apartment Units</u>	<u>Percentage Interest</u>
Type "A" and "B" - 01, 02, 03, 04, 05, 08, 09, 10 and 106 Three-bedroom - two bath units (33 units)	2.70% each unit
Type "C" (Luxury Unit) - 406 Three-bedroom - three bath unit (1 unit)	3.60%
Type "D" - 206 and 306 Two-bedroom - two bath (2 units)	2.30% each unit
Type "E" - 207 and 307 One-bedroom - one bath (2 units)	1.35% each unit

According to the Declaration and By-Laws, each apartment's share of the common expense and voting rights shall be in proportion to its undivided interest in the common elements.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration states that each apartment shall be used primarily as single family residence by the respective owners.

Each owner shall comply with the terms of the Declaration, By-Laws and House Rules of the Association of Apartment Owners.

OWNERSHIP TO TITLE: The Notice of Intention reflects that ownership to fee title of the three parcels which have been consolidated for building purposes, is vested in Ernest Souza Teixeira, Violet Bell Ramos (AVDA, Inc.) and Fusao Nakamura and Yoshiko Nakamura, respectively, subject to three leases in favor of Albert Soloff who has assigned said leases to the Developer.

Copies of Certificates of Title issued by Long & Melone, Ltd. as of July 21, 1972, certifies that the fee simple title to the land is vested and subject as aforesaid.

ENCUMBRANCES AGAINST TITLE: Certificate of Titles updated July 21, 1972 certifies that title to the land committed to the Regime is subject to the following encumbrances:

As to Lot 80 - Lease dated May 12, 1972 by and between AVDA, Inc., as "Lessor" and Albert Soloff as "Lessee" recorded in Book 8452, Page 1.

- Assignment of Lease dated May 17, 1972 to Kohala Development Corporation as "Sublessee" recorded in Book 8452, Page 30.

As to Lot 81 - Lease dated May 12, 1972 by and between Ernest Souza Teixeira as "Lessor" and Albert Soloff as "Lessee" recorded in Book 8452, Page 36.

- Assignment of Lease dated May 17, 1972 to Kohala Development Corporation as "Sublessee" recorded in Book 8452, Page 65.

As to Lot 82 - Lease dated May 12, 1972 by and between Fusao and Yoshiko Nakamura as "Lessor" and Albert Soloff as "Lessee" recorded in Book 8452, Page 74.

- Assignment of Lease dated May 17, 1972 to Kohala Development Corporation as "Sublessee" recorded in Book 8452, Page 103.

As to All Lots- Inquiry should be made at the Tax Office on the Island of Hawaii for any taxes which may be due or owing and a lien on said premises.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated January 25, 1972 identifies Long & Melone Escrow, Ltd. as "Escrow". On examination, the specimen Reservation and Purchase Agreement and executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes and particularly Sec. 514-35, and Sec. 514-36 through 514-40.

Among other provisions the specimen Escrow Agreement reflects that a purchaser shall be entitled to a refund of his funds if any one of the following shall have occurred: (1) Escrow receives a written request from Seller to return to Purchaser the funds of such Purchaser then held hereunder by Escrow; or (2) if Purchaser's funds were obtained prior to the issuance of a final report and if there is any change in the building plans, subsequent to the execution of Purchaser's contract, requiring the approval of a county officer having jurisdiction over the issuance of permits for construction, unless the Purchaser has given written approval or acceptance of the change; or (3) if the Purchaser's funds were obtained prior to the issuance of a final public report and the request is prior to the time the Final Public Report is issued, or (4) if the Final Report differs in any material respect from the Preliminary Report, unless the Purchaser has given written approval or acceptance of the difference; or (5) if the Final Report is not issued within one year from the date of issuance of the Preliminary Report.

It is incumbent upon the Purchaser and prospective Purchaser that he reads with care the Contract of Sale and the Escrow Agreement. The Escrow Agreement establishes how the proceeds from 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 By-Laws of this project states the Board of Directors may employ for the Association of Apartment Owners, a management agent to perform such duties as the Board shall authorize, including the collection of all assessments from the owners. The specimen Sales Agreement states that Purchaser agrees that Seller (Developer) may employ the first Managing Agent of the project.

STATUS OF PROJECT: The Developer advises the Real Estate Commission that the construction of the building is expected to begin in September, 1972.

The Purchaser and 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 February 1, 1972 and information subsequently filed as of July 27, 1972.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 430 filed with the Commission on February 1, 1972.

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.


(FOR) DOUGLAS R. SODEHAMA, Chairman
REAL ESTATE COMMISSION
STATE OF HAWAII

Distribution:

Department of Taxation
Bureau of Conveyances
Planning Department, County of Hawaii
Federal Housing Administration
Escrow Agent

Registration No. 430
August 1, 1972