

**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  
KIHEI PARK SHORE  
Kihei, Maui, Hawaii

REGISTRATION NO. 484

**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 2, 1972  
Expires: December 2, 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 SEPTEMBER 12, 1972 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF NOVEMBER 1, 1972. 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. KIHEI PARK SHORE is a fee simple condominium project consisting of sixteen (16) apartments arranged throughout a single building of two (2) stories. The common elements include the swimming pool, and filtration plant, trash collection area, sewage treatment plant, parking area, driveway and outdoor lighting.
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 Chapter 514, Hawaii Revised Statutes, 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 2, 1972, 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: KIHEI PARK SHORE

LOCATION: The approximate 22,460 square feet of land to be committed to the regime is situated at Kamaole Homesteads, Kihei, Maui, Hawaii.

TAX KEY: SECOND DIVISION 3-9-17-10

ZONING: A-1 (Apartment)

DEVELOPER: OCEAN PACIFIC MANAGEMENT, INC., a Hawaii corporation, registered with the Department of Regulatory Agencies of the State of Hawaii on June 24, 1970, whose address is: 73 N. Kihei Road, Kihei, Maui, Hawaii.

The officers of the corporation are:

Terry L. Phillips, Pres.  
73 N. Kihei Road  
Kihei, Hawaii 96753

Robert Morris, Sec.-Treas.  
73 N. Kihei Road  
Kihei, Hawaii 96753

ATTORNEY REPRESENTING DEVELOPER:

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

DESCRIPTION: The proposed Declaration of Horizontal Property Regime reflects that the project is to consist of sixteen (16) apartments arranged throughout a single building of two (2) stories situate upon the 22,460 square feet of land hereinbefore described.

The principal materials of which the building shall be constructed are as follows: the foundations shall be of reinforced concrete with spread footings at bearing walls; the ground floor slab shall be of reinforced concrete over vapor barrier and compacted base course; the second floor slab shall be of reinforced concrete; the structural perimeter bearing walls, and the bearing walls between apartments, shall be of reinforced concrete block masonry; the walls within each apartment shall be of wood studs with gypsum board

finish; the exterior non-bearing walls shall be of wood studs with 5/8" x type gypsum board interior finish and nominal 1" redwood t and g exterior finish; the roof rafters shall be of 5/8" type x gypsum board finish interior, covered with cedar or redwood shakes on 1 x 4 furring strips exterior finish; the stairs shall be of reinforced concrete.

Apartments 1 through 8 are located on the ground floor, and are numbered, in ascending order, from north to south. Apartments 9 through 16 are located on the second floor, and are numbered, in ascending order, from north to south.

The apartments are of two types: "Two-Bedroom Apartments", and "One-Bedroom Apartments." The following eight (8) apartments are "Two-Bedroom Apartments": 1, 4, 5, 8, 9, 12, 13, and 16.

Each "Two-Bedroom Apartment" shall consist of two bedrooms, two baths, hall, living area, dining area, kitchen, and lanai, and each such apartment shall have an approximate enclosed floor space of 678.08 square feet, a lanai of approximately 64.21 square feet, and an approximate total floor area of 742.29 square feet.

The following eight (8) apartments are "One-Bedroom Apartments": 2, 3, 6, 7, 10, 11, 14, and 15. Each "One-Bedroom Apartment" shall consist of a bedroom, entry, bath, hall, kitchen, living area, and lanai, and each such apartment shall have an approximate enclosed floor space of 477.97 square feet, a lanai of approximately 44.61 square feet, and an approximate total floor area of 522.58 square feet.

Each apartment located on the ground floor (apartments 1 through 8) shall have immediate access to the land submitted to the horizontal property regime. Each apartment located on the second story (apartments 9 through 16) shall have immediate access to an adjacent exterior second story entry balcony and a connecting stairway between the second story and the ground floor.

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 measured vertically by the distances between the topside surface of the concrete floor and the underside surface of the ceiling of each apartment.

COMMON ELEMENTS: The proposed Declaration reflects that the common elements include: (a) The land submitted to the horizontal property regime, and the super-adjacent airspace above the roof, and next to the exterior walls, of the said building; (b) all foundations, columns, beams and supports, girders, roof, exterior walls, perimeter walls between apartments, floors and ceilings, and exterior second story entry balconies and connecting stairways between the second story and ground floor; (c) the swimming pool, and filtration plant, trash collection area, parking area, driveway, and outdoor lighting; (d) all central and appurtenant installations for services such as power, light, telephone, gas, hot and cold water, refrigeration, air-conditioning, 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: None

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:

Apartment No. 1	7.0%
2	5.5%
3	5.5%
4	7.0%
5	7.0%
6	5.5%
7	5.5%
8	7.0%
9	7.0%
10	5.5%
11	5.5%
12	7.0%
13	7.0%
14	5.5%
15	5.5%
16	7.0%

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 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 used as residential apartments, but such apartments may be leased or rented from time to time to transients.

OWNERSHIP OF TITLE: A Preliminary Report dated August 9, 1972, prepared by Security Title Corporation, certifies that OCEAN PACIFIC MANAGEMENT, INC., a Hawaii corporation, has title to the land committed to the project.

ENCUMBRANCES AGAINST TITLE: The Preliminary Report, prepared August 9, 1972, by Security Title Corporation, certifies that there are no liens or encumbrances of whatever kind or nature of record

against said title, save and except the following: 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; Mortgage dated March 27, 1972, recorded in Liber 8260 on Page 36, made by Ocean Pacific Management, Inc. to Martin Ochsner and Louis Ochsner.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated August 14, 1972, 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, Section 514-35 and Sections 514-36 through 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, and Escrow shall return such funds to such purchaser, without interest, and less a cancellation fee of \$15 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: (1) 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 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; (ii) 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; (iii) Such Final Public Report is not issued within one (1) 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. 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 apartments 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.

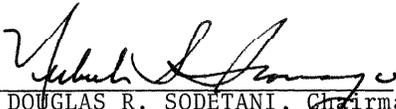
STATUS OF PROJECT: No building contract has been executed as yet.

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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

September 12, 1972, and additional information subsequently filed as of November 1, 1972.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 484 filed with the Commission on September 12, 1972.

This 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 in color.

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

Distribution:  
Department of Taxation  
Bureau of Conveyances  
Planning Department, County of Maui  
Federal Housing Administration  
Escrow Agent

REGISTRATION NO. 484  
November 2, 1972