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

THE ISLAND SANDS
Maalaea, Maui, Hawaii

REGISTRATION NO. 510

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: March 21, 1973
Expires: April 21, 1974

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 DECEMBER 27, 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. THE ISLAND SANDS is a fee simple condominium project, consisting of eighty-four (84) residential apartments arranged throughout a single building of six (6) stories. There are eighty-four (84) uncovered parking stalls available.

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 document (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. 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 Real Estate Commission which relate to horizontal property regimes.

6. This Preliminary Public Report automatically expires thirteen (13) months after date of issuance, March 21, 1973, 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: THE ISLAND SANDS

LOCATION: The approximate 1.752 acres of land to be committed to the regime is situated at Maalaea, Island and County of Maui, State of Hawaii.

TAX KEY: Second Division 3-18-14-14 and 15.

ZONING: Apartment (A-2, six-story height limit open-space bonus granted)

DEVELOPER: Kirchmeyer Development Corporation, a Hawaii corporation, general partner of Kanpak Limited Partnership, a limited partnership, organized under the laws of the State of Hawaii.

General Partner: Kirchmeyer Development Corporation
Pres. & Treas. - Ken Kirchmeyer
Vice Pres. & Secy. - Patricia Kirchmeyer

Limited Partner: Koziol, Inc.

Address: 1993 Kihei Road, Kihei, Maui, Hawaii 96753
Telephone: 879-2628 (Maui)

ATTORNEY REPRESENTING DEVELOPER: Mr. Lawrence N.C. Ing, 2180 Main Street, Room 419, Wailuku, Maui, Hawaii. Telephone 244-7975 (Maui)

DESCRIPTION: The proposed Declaration of Horizontal Property Regimes reflects that the project is to consist of eighty-four (84) apartments arranged throughout a single building of six (6) stories situate upon the 1.752 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 distances 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 ground floor slab shall be of poured reinforced concrete; (2) the floor slabs above the ground floor shall be of precase, prestressed concrete slabs; (3) the structural framewalls shall be of concrete block and/or reinforced

concrete poured in place; (4) the walls between apartments, and between apartments and the apartments and the corridors, shall be of concrete block and plaster; (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 precast, prestressed concrete slabs with reinforced lightweight concrete slopping field applied finish; and (8) the concrete floors shall be covered with carpet or V. A. tile.

There are fourteen (14) apartments located on the first through the sixth story of the building.

Apartments 100 through 114 are located on the first story.
Apartments 200 through 214 are located on the second story.
Apartments 300 through 314 are located on the third story.
Apartments 400 through 414 are located on the fourth story.
Apartments 500 through 514 are located on the fifth story.
Apartments 600 through 614 are located on the sixth story.
(There are no apartments numbered 113, 213, 313, 413, 513, or 613)

The apartments will be of ten general types: "A" two-bedroom units; "B" one-bedroom units; "C" two-bedroom units; "D" two-bedroom units; "E" two-bedroom units; "F" two-bedroom units; "G" two-bedroom units; "H" two-bedroom units; "J" studio units, and"K" studio units.

Apartments 100, 200, 300, 400, 500 and 600 are "A" two-bedroom units.

Apartments 101, 201, 301, 401, 501, 601, 103, 203, 303, 403, 503, 603, 104, 204, 304, 404, 504, 604, 107, 207, 307, 407, 507, 607, 109, 209, 309, 409, 509, 609, 110, 210, 310, 410, 510, and 610 are "B" one-bedroom units.

Apartments 102, 202, 302, 402, 502, 602, 108, 208, 308, 408, 508, and 608 are "C" two-bedroom units.

Apartments 105, 205, 305, 405, 505, and 605 are "D" two-bedroom units.

Apartment 106 is a "E" two-bedroom unit.

Apartments 111, 211, 311, 411, 511 and 611 are "F" two-bedroom units.

Apartments 112, 212, 312, 412, 512 and 612 are "G" two-bedroom units.

Apartments 206, 306, 406, 506 and 606 are "H" two-bedroom units.

Apartments 214, 314, 414, 514 and 614 are "K" studio units.

Apartment 114 is a "J" studio unit which shall be the manager's quarters.

The first digit of each unit number signifies the floor it is on.

Each "A" two-bedroom unit shall consist of two bedrooms, two baths, a kitchen, living-dining area, and two lanais, and each shall have an approximate enclosed floor space of 936 square feet, and two lanais of approximately 154 square feet total, for a total floor area of 1,090 square feet.

Each "B" one-bedroom unit shall consist of one bedroom, one bath, a kitchen, living-dining room, and a lanai, and each shall have an approximate enclosed floor space of 559 square feet, and a lanai of approximately 111 square feet, for a total floor area of 670 square feet.

Each "C" two-bedroom unit shall consist of two bedrooms, two baths, a kitchen, living-dining area, and a lanai, and each shall have an approximate enclosed floor space of 899 square feet, and a lanai of approximately 111 square feet, for a total floor area of 1010 square feet.

Each "D" two-bedroom unit shall consist of two bedrooms, two baths, a kitchen, living-dining area, and a lanai, and each shall have an approximate enclosed floor space of 890 square feet, and a lanai of approximately 111 square feet, for a total floor area of 1001 square feet.

Each "E" two-bedroom unit shall consist of two bedrooms, one bath, a kitchen, living-dining area, and a lanai, and each shall have an approximate enclosed floor space of 683 square feet, and a lanai of approximately 111 square feet, for a total floor area of 794 square feet.

Each "F" two-bedroom unit shall consist of two bedrooms, two baths, a kitchen, living-dining area, and a lanai, and each shall have an approximate enclosed floor space of 899 square feet, and a lanai of approximately 111 square feet, for a total floor area of 1010 square feet.

Each "G" two-bedroom unit shall consist of two bedrooms, two baths, a kitchen, living-dining area, and two lanais, and each shall have an approximate enclosed floor space of 1069 square feet, and two lanais of approximately 158 square feet total, for a total floor area of 1227 square feet.

Each "H" two-bedroom unit shall consist of two bedrooms, two baths, a kitchen, living-dining area and a lanai, and each shall have an approximate enclosed floor area of 802 square feet, and a lanai of approximately 111 square feet, for a total floor area of 913 square feet.

Each "K" studio unit shall consist of a living-dining-bedroom area, a kitchen and a lanai, and each shall have an approximate enclosed floor area of 433 square feet and a lanai of approximately 77 square feet, for a total floor area of 500 square feet.

The "J" unit shall consist of a living-dining-bedroom area, a kitchen and a lanai. This unit shall be a part of the common elements.

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: (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, supports, bearing walls, corridors, fire escapes, entry halls, stairs, lobbies, walkways, entrances and exits of improvements in the project; (c) the roof; (d) all yards, gardens, refuse and recreation areas, including the swimming pool; (e) parking areas and driveways; provided, however that the right to use parking

spaces in the parking areas may be rented or assigned for the exclusive use of certain apartments or otherwise disposed of by the Association under such terms and conditions as it determines; (f) all ducts, electrical equipment, wiring and other central and appurtenant installations for services including power, light, cold and hot water, refuse and telephone: (g) any and all apparatus and installations of common use and all other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use; and (h) the apartment (numbered apartment 114 on said plans), reserved for use by the Resident Manager of the project.

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 apartment 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) one parking space designated by number will be assigned to each residential apartment and will be for the exclusive use of such apartment; and (b) entry hallway adjoining an apartment or apartments is 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 as follows:

Each type "A" two-bedroom unit shall have a common interest of 1.55565 per cent.

Each type "B" one-bedroom unit shall have a common interest of 0.95623 per cent.

Each type "C" two-bedroom unit shall have a common interest of 1.44148 per cent.

Each type "D" two-bedroom unit shall have a common interest of 1.42863 per cent.

Each type "E" two-bedroom unit shall have a common interest of 1.13318 per cent.

Each type "F" two-bedroom unit shall have a common interest of 1.44148 per cent.

Each type "G" two-bedroom unit shall have a common interest of 1.75117 per cent.

Each type "H" two-bedroom unit shall have a common interest of 1.30304 per cent.

Each type "K" studio unit shall have a common interest of 0.71360 per cent.

Apartment number 114 shall be the manager's quarters and be a part of the common elements. No common interest percentage will be assigned to it.

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 such 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 in accordance with the terms of the proposed Declaration of Horizontal Property Regimes, and the proposed By-Laws of Association of Apartment Owners of The Island Sands.

OWNERSHIP OF TITLE: A certificate of Title prepared November 20, 1972, by Title Guaranty of Hawaii, Inc., a Hawaii corporation, certifies that Guy S. Haywood and Anita B. Haywood have title to the land committed to the project.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title, prepared November 20, 1972, 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 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.

Agreement of Sale dated July 7, 1972, recorded in Liber 8420 on page 162, entered by and between Guy S. Haywood and Anita B. Haywood as Seller and Kirchmeyer Development Corporation, as purchaser.

Reservation in favor of the State of Hawaii of all mineral and metallic mines.

As to Parcel Second: Twenty (20) feet perpetual easement for storm drainage purposes in favor of the County of Maui (with the right of ingress and egress to and along the existing drainage ditch), as shown on map entitled "Maalaea Beach Lots," dated June 28, 1951 and recorded in Liber 2486 on page 101.

As to Parcel Second: Rights reserved unto Hawaiian Commercial & Sugar Company, Limited, to discharge waste irrigation water down and through drainage ditch, as contained in Deed dated January 4, 1951.

To the Location of the Seaward Boundary in accordance with the law of the State of Hawaii.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated November 10, 1972, 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 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 executed 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 cancellation fee, if any of the following events shall have occurred: (1) Escrow Agent receives a written request from Developer to return to purchaser the funds of such person then held hereunder by Escrow Agent; (2) a purchaser's funds were obtained prior to the issuance of the Final Public Report and there has been a change in the condominium building plans subsequent to the execution of the purchaser's purchase agreement requiring the approval of the County Officer having jurisdiction over the issuance of permits for construction of buildings, unless the purchaser has given written approval or acceptance of the specific change; or (3) if the purchaser's funds were obtained prior to the issuance of the Final Public Report and the request is prior to the time the Final Public Report is issued; (d) if the Final Public Report differs in any material respect from any Preliminary Public Report that has been issued, unless the purchaser has given written approval or acceptance of the difference; or (5) the Final Public Report is not issued within one year from the date of the issuance of the Preliminary Public Report. Upon refund of said funds to the purchaser as aforesaid, Escrow Agent shall return to Developer such purchaser's purchase agreement and any apartment deed theretofore delivered to Escrow Agent and thereafter purchaser shall be no longer obligated thereunder.

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: No building contract has been executed.

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 December 27, 1972.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 510 filed with the Commission on December 27, 1972.

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.

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

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

REGISTRATION NO. 510

March 21, 1973