

# 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  
MENEHUNE SHORES  
Kihei, Maui, Hawaii

REGISTRATION NO. 534

### 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: June 7, 1973

Expires: July 7, 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 FEBRUARY 27, 1973. 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. MENEHUNE SHORES is a proposed fee simple condominium project consisting of 155 apartment units, one of which is a common element, contained in one six-story building. The building is of concrete construction. The common elements include the land in fee simple, a one-bedroom manager's apartment, parking areas, recreation areas, walkways at each floor and grounds.
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, June 7, 1973, unless a Supplementary Public Report issues or the Commission, upon review of registration, issues an order extending the effective period of this report.

NAME OF PROJECT: MENEHUNE SHORES

LOCATION: The 166,214 square feet of land to be committed to the Regime is located at Kihei, Island of Maui, State of Hawaii.

TAX KEY: SECOND DIVISION 3-9-01-37, 38, 41 and 85

ZONING: Hotel - medium

DEVELOPER: MENEHUNE SHORES HUI, a limited partnership registered in the State of Hawaii, whose general partner is WALTER C. WITTE.

Telephone - 879-2069; Address - 1913 South Kihei Road, Kihei, Maui, Hawaii

ATTORNEYS REPRESENTING DEVELOPER: LANGA, KOHNE, WETTER & MOEN, (Attention Charles R. Wetter), Wailuku Townhouse Building, Wailuku, Maui, Hawaii.

Telephone - 244-9168.

DESCRIPTION: The proposed Declaration of Horizontal Property Regime states that the project is to consist of 154 freehold apartments and one apartment which is a common element in one building as follows:

A. Apartments: One hundred fifty four (154) apartment units are designated, comprised of the spaces within the perimeter walls, floors and ceilings of each of one hundred fifty four apartment units of the Project contained in one concrete building containing numbered units as follows:

(1) The building is six stories in height and contains 23 one bedroom apartments, 107 two bedroom apartments, 23 three bedroom apartments, and one commercial apartment. The building also contains a one bedroom first floor apartment with a manager's office, No. 109, which is a common element.

(2) Each apartment contains the number of rooms and approximate floor area according to its respective plan as follows:

(a) Twenty three (23) apartments each consisting of one bedroom, one bathroom, one kitchen, one living room, one entry way, one entry hall, one interior hall and one lanai, containing 773 square feet of floor area (including lanai) and being designated as: 112, 116, 117, 211, 212, 216, 217, 311, 312, 316, 317, 411, 412, 416, 417, 511, 512, 516, 517, 611, 612, 616, 617.

(b) Eleven (11) apartments each consisting of two bedrooms, two bathrooms, one kitchen, one living room, one entry hall, one entry way, two interior halls and one lanai containing 991 square feet of floor area (including lanai) and being designated as: 119, 209, 219, 309, 319, 409, 419, 509, 519, 609, 619.

(c) Ninety six (96) apartments each consisting of two bedrooms, two bathrooms, one kitchen, one living room, one entry way, one entry hall, two interior halls and one lanai, containing 980 square feet (including lanai) and designated as: 101 through 108, 120 through 127, 201 through 208, 220 through 227, 301 through 308, 320 through 327, 401 through 408, 420 through 427, 501 through 508, 520 through 527, 601 through 608, 620 through 627.

(d) Twenty three (23) apartments each consisting of three bedrooms, 2 bathrooms, one kitchen, one living room, one entry way, one entry hall, one interior hall and one lanai, containing 1,250 square feet (including lanai) and designated as: 114, 115, 118, 210, 214, 215, 218, 310, 314, 315, 318, 410, 414, 415, 418, 510, 514, 515, 518, 610, 614, 615, 618.

(e) One commercial apartment consisting of one dining room, one kitchen, and one lanai, containing 2,800 square feet (including lanai) and designated as apartment R.

(3) The first digit of each apartment number designates the floor on which the apartment is located.

(4) The apartments are located in the manner shown on the set of floor plans filed with the Commission.

(5) Each apartment has one entry, and each apartment has access by way of a common exterior hall at each floor level.

(6) 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 the apartments, or any pipes, wires, conduits, or other utility lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as herein-after provided. Each apartment shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter walls, the inner decorated or finished surfaces of all walls, floors and ceilings, and the built-in fixtures.

COMMON ELEMENTS: One freehold estate is hereby designated of all remaining portions of the project, herein called "common elements", including specifically, but not limited to:

(1) Said land in fee simple;

(2) All foundations, floors, columns, girders, beams, supports, bearing walls, roofs, chases, entries, interior stairways, walkways and elevators of said building;

(3) All yards, grounds, landscaping, mailboxes and refuse facilities;

(4) All parking areas and driveways;

(5) All ducts, electrical equipment, wiring and other central and appurtenant installations including power,

light, water, sewage treatment, water sprinkling, and telephone systems;

(6) Recreation area, equipment and well site;

(7) One apartment containing one bedroom, one office, one storage room, one bathroom, one living room, two entry ways, one entry hall, two interior halls and one lanai, containing 991 square feet of floor area (including lanai) and being designated as the manager's apartment, No. 109;

(8) Janitorial rooms, elevator lobbies, and telephone closets located on each floor;

(9) Rubbish collection facilities;

(10) A first floor lobby area located adjacent to Apartment 109.

LIMITED COMMON ELEMENTS: None.

INTEREST TO BE CONVEYED TO PURCHASER: There will be conveyed to the purchaser a fee simple interest in the apartment purchased. The specimen Apartment Deed reflects that the fee simple interest conveyed by each apartment deed shall include an undivided interest in the common elements of the project, together with nonexclusive easements in the common elements for use according to their respective purposes according to the following proportions:

(1) Each one bedroom apartment shall have a .4291% interest;

(2) Each two bedroom apartment shall have a .6458% interest;

(3) Each three bedroom apartment shall have a .8584% interest;

(4) The commercial apartment shall have a 1.2869% interest.

The proportionate shares of each apartment owner in the common profits and expenses of the project as well as their proportionate representation for voting purposes in the Association of Apartment Owners shall be the percentage interest shown above.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The specimen Declaration specified that except for the manager's and commercial apartments the apartments shall be used and occupied only as private dwellings by the respective owners, their tenants, families, domestic servants and social guests, and the owners of the respective apartments shall have the right to lease or rent their apartments for transient residential purposes, subject to all the provisions of the Declaration. The manager's and commercial apartments may be used for any purpose consistent with the zoning of the property.

OWNERSHIP OF TITLE: A Certificate of Title Insurance dated May 22, 1973 issued by Title Guaranty of Hawaii, Inc. certified that Walter C. Witte has title to the land committed to the project by Deeds dated June 20, 1972, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 8457, Page 160, and December 15, 1972, recorded as aforesaid in Liber 8811, Page 444.

ENCUMBRANCES AGAINST TITLE: The Certificate of Title dated May 22, 1973 by Title Guaranty of Hawaii, Inc. certified that there are no liens or encumbrances of whatever kind or nature of record against the title, save and except the following: Taxes that may be due and owing and lien on the land, as to which reference is made to the Office of the Tax Assessor of the Second Division; Mortgage

dated July 24, 1972, recorded as aforesaid in Liber 8457, Page 174, made by and between Sumio Nakashima, et al as mortgagee and Walter C. Witte as mortgagor, the general partner of the Menehune Shores Hui, developer of this project; Reservation in favor of the State of Hawaii of all mineral and metallic mines as reserved in Royal Patents Numbered 3102, 7447, 1998 and 2792; Any shoreline setback requirements under the law; the effect of that certain Deed dated May 10, 1965, recorded as aforesaid in Liber 5036, Page 231. At the date of said deed, said Grantor and Grantee had no record interest therein nor has he since acquired any.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated February 9, 1973 identifies Security Title Corporation as the escrow agent. On examination, the specimen Deposit Receipt and Contract and the executed Escrow Agreement are found to be in compliance with Sections 514-36 through 514-40, Hawaii Revised Statutes.

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 moneys deposited with Escrow, without interest, and less Escrow's \$15 cancellation fee, if any of the following events 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 a Purchaser's funds were obtained prior to the issuance of a final public report and if there is any change in the condominium building plans, subsequent to the execution of Purchaser's sales agreement, requiring the approval of a 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 a 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 Public Report differs in any material respect from the preliminary public report, unless the Purchaser has given written approval or acceptance of the difference; or
- (5) If the Final Public Report is not issued within one year from the date of issuance of the preliminary public report.

Purchaser shall in any event have the right to a refund of any money deposited in Escrow under a reservation or sales agreement less said cancellation fee, without interest, upon written request therefore at any time within ten (10) days after the issuance of a final public report on the project.

Among other provisions the specimen Deposit Receipt and Contract provides that in the event that less than 80 per cent of the apartments are sold prior to January 1, 1974, Seller may at its option cancel this agreement, refund to Buyer all monies paid, and be relieved and released of all further liability hereunder.

The specimen Deposit Receipt and Contract 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 Deposit Receipt and Contract 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.

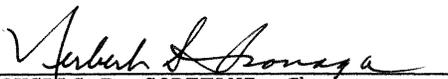
STATUS OF PROJECT: No building contract has been executed.

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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 February 27, 1973.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 534 filed with the Commission on February 27, 1973.

The report when reproduced shall be a true copy of the Commission's Preliminary Public Report. The paper stock used in making facsimilies must be yellow.

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

Distribution:

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

June 7, 1973

Registration No. 534