

REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII
1010 RICHARDS STREET
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HONOLULU, HAWAII 96801

**SUPPLEMENTARY
HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)
PUBLIC REPORT
ON**

KAUHALE MAKAI
Kihei, Maui, Hawaii

REGISTRATION NO. 606

This Report Is Not an Approval or Disapproval of This Condominium Project

It was prepared as a supplement to an earlier Report dated May 13, 1974, issued by the Real Estate Commission on the above 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 until

- (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: July 16, 1975
Expires: July 16, 1976

SPECIAL ATTENTION

A comprehensive reading by the prospective purchaser is urged in order that personal requirements and expectations to be derived from the property can be ascertained. The attention of the prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED AUGUST 15, 1973, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF JULY 2, 1975. THE DEVELOPER IN NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL AND SUBMITTING ADDITIONAL INFORMATION, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAW, CHAPTER 514, HAWAII REVISED STATUTES.

1. The Developer has complied with Chapter 514, Hawaii Revised Statutes and has fulfilled the requirements for the issuance of a Supplementary Public Report.

2. Since the issuance of the Commission's Final Public Report on Registration No. 606, dated May 13, 1974, the Developer has forwarded additional information reflecting material changes which have been made in the documents for the project.

3. This Supplementary Public Report is made a part of the registration of KAUHALE MAKAI condominium project. The Developer is responsible for placing this Supplementary Public Report (pink paper stock) in the hands of all purchasers and prospective purchasers receiving the Final Public Report (white paper stock). Securing a signed copy of the Receipt for Horizontal Property Regime Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.

4. The Developer of the project has filed all documents and materials deemed necessary by the Commission for the registration of this condominium project and the issuance of this Supplementary Public Report.

5. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners and a copy of the approved Floor Plans) have been recorded in the Bureau of Conveyances of the State of Hawaii.

The Declaration of Horizontal Property Regime executed April 30, 1974, with By-Laws attached was recorded in the Bureau of Conveyances of the State of Hawaii, in Liber 9871, Page 478, as amended by instruments dated March 31, 1975 and June 10, 1975, and recorded as aforesaid in Liber 10628, Page 488 and Liber 10745, Page 169, respectively.

The approved Floor Plans showing the layout, location, apartment numbers, etc., have been designated Condominium File Plan No. 352.

6. Advertising or promotional matter has been filed pursuant to the rules and regulations promulgated by the Commission.

7. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Horizontal Property Act, Chapter 514 of the Hawaii Revised Statutes and the Condominium Rules and Regulations which relate to Horizontal Property Regime.

8. This Supplementary Public Report automatically expires on July 16, 1976, unless the Commission upon review of the registration, issues an order extending the effective period of this report.

NOTE: The Developer has requested and the Commission has granted a second extension through this Supplementary Public Report for one year from date of issuance.

The information in the topical headings of the Final Public Report of May 13, 1974, with the exception of DESCRIPTION, INTEREST TO BE CONVEYED TO PURCHASERS, OWNERSHIP OF TITLE, PURCHASE MONEY HANDLING and STATUS OF PROJECT, has not been disturbed.

DESCRIPTION: The said Declaration, as amended, and documents submitted by the Developer indicate a fee simple project, instead of leasehold, consisting of two six (6) story buildings, without basements, containing a total of one hundred sixty-nine (169) apartments.

INTEREST TO BE CONVEYED TO PURCHASERS: Documents filed with the Real Estate Commission indicate that the purchaser will secure an Apartment Deed, conveying an apartment and an undivided percentage interest in the common elements of the project. This same percentage interest for each apartment shall be used in determining each purchaser's proportionate share of all common profits and expenses of the project and shall be used for all other purposes including determining the proportionate representation for voting purposes in the Association of Apartment Owners of the project.

OWNERSHIP OF TITLE: The Developer represents that Kihei Properties, Inc., a Hawaii corporation, is the Owner in fee simple of the property committed to the project; said property having been conveyed to Kihei Properties, Inc. by Deed dated March 25, 1974, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 9799, Page 444. Kihei Properties, Inc. leased the said property to Developer by Master Lease dated March 28, 1974, recorded as aforesaid in Liber 9799, Page 510. The individual Apartment Deeds to be issued to purchasers designated by the Developer will be executed by Kihei Properties, Inc.

PURCHASE MONEY HANDLING: The Developer advises that paragraph "E-11" of the Condominium Sales Agreement has been revised to provide that in the event less than eighty-three (83) apartments are sold prior to September 15, 1975, Seller may at its sole option cancel this contract and refund all moneys to buyers, without interest, and less Escrow's cancellation fee.

NOTE: The purchaser should be aware that the Seller's mortgage loans (interim, renewals and extensions) used for the construction of the Project shall be and remain at all times a superior lien on the Project, and the purchaser intentionally waives and subordinates the priority of any lien under the Condominium Sales Agreement in favor of the mortgage loans.

STATUS OF PROJECT: The Developer estimates that the project will be substantially completed on or about July 30, 1975.

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 August 15, 1973, and additional information subsequently filed as of July 2, 1975.

This is a SUPPLEMENTARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT which is made a part of REGISTRATION NO. 606 filed with the Commission May 13, 1974. This report when reproduced shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be pink.


(for) DOUGLAS R. SODEVANI, CHAIRMAN
REAL ESTATE COMMISSION
STATE OF HAWAII

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DEPARTMENT OF TAXATION
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REGISTRATION NO. 606

July 16, 1975