

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

1010 RICHARDS STREET  
P. O. BOX 3409  
HONOLULU, HAWAII 96801

## FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on

NAPILI PUAMALA  
Lahaina, Maui, Hawaii

REGISTRATION NO. 631

### 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 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: December 24, 1973

Expires: January 24, 1975

#### SPECIAL ATTENTION

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

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED October 31, 1973. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF CHAPTER 514 OF THE HAWAII REVISED STATUTES.

1. NAPILI PUAMALA is a fee simple condominium project consisting of eighteen (18) apartments arranged throughout a single building of two (2) stories, including the ground floor, and a partial basement located under the northeast end of the ground floor. The common elements include the swimming pool and filtration plant, the partial basement, the eighteen (18) parking stalls, shuffleboard court, outdoor lighting, and sewage treatment and disposal system.

2. The Developer has submitted to the Commission all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report prior to the completion of construction. The Developer is responsible for placing this Final Public Report (white paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the Receipt for the Final Horizontal Property Regime Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.
3. Promotional material has not been submitted pursuant to the rules and regulations promulgated by the Commission.
4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners, and a copy of the approved Floor Plans) have been filed in the office of the recording officer. The Declaration of Horizontal Property Regime executed on September 19, 1973, with the By-Laws attached, was recorded in the Bureau of Conveyances of the State of Hawaii in Liber 9525 on Pages 482-529. The Registrar has designated Condominium Map No. 311 to the project.
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 Regimes.
6. This Final Public Report automatically expires thirteen (13) months after date of issuance, December 24, 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: NAPILI PUAMALA

LOCATION: The approximate 20,034 square feet of land to be committed to the regime is situate at Lahaina (Kaanapali) Maui, Hawaii.

TAX KEY: SECOND DIVISION 4-3-02-46

ZONING: H-1 (Napili Bay Civic Improvement District)

DEVELOPER: NAPILI PLACE ASSOCIATES, a Limited Partnership organized under the laws of the State of Hawaii, the principal place of business and post office address of which is Napili, Lahaina, Maui, Hawaii. The general partners are:

F. M. Bonnor	1512 Western Crescent Vancouver 8, B. C., Canada
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Roy F. Begg	1426 Begg Street Vancouver, B. C., Canada
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John Stolberg	1211 Mitchell Road Richmond, B. C., Canada
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ATTORNEY REPRESENTING DEVELOPER: Crockett & Crockett  
(Attention: Mr. William F. Crockett), 38 S. Market St., Wailuku,  
Maui, Hawaii, Telephone: 244-3796.

DESCRIPTION: The Declaration of Horizontal Property Regime reflects that the project is to consist of eighteen (18) apartments arranged throughout a single building of two (2) stories situate upon 20,034 square feet of land.

The principal materials of which such building shall be constructed are as follows: the foundation shall be of reinforced poured in place concrete; the ground floor slab shall be poured in place reinforced concrete on grade; the second story floor shall be pre-stressed concrete planks with concrete topping; the structural frame shall be of reinforced concrete blocks; the perimeter walls between apartments shall be of reinforced concrete blocks; the walls within each apartment shall be of wood studs covered with 1/2 inch thick gypsum board; the stairs between the floors of the building shall be of reinforced concrete; the roof shall be of thick cedar shakes on wooden roof trusses; the interior concrete floors of the apartments shall be covered with carpet or vinyl asbestos.

Apartments 121 through 129 are located on the ground floor, and are numbered, in ascending order, from southwest to northeast.

Apartments 221 through 229 are located on the second floor, and are numbered, in ascending order, from southwest to northeast.

All of the apartments are of one type. Each apartment consists of a living room/bedroom, bath, dressing area, kitchen, and lanai, and each apartment shall have an approximate enclosed floor space of 400 square feet, a lanai of approximately 89 square feet, and an approximate total floor area of 489 square feet.

Each apartment located on the ground floor (apartments 121 through 129) shall have immediate access to the land submitted to the horizontal property regime. The remaining apartments shall have immediate access to an adjacent exterior balcony located on the second floor, and the stairways between and connecting the ground floor and the second 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 concrete ceiling of each apartment.

In addition to the rights and easements created and established by Haw. Rev. Stat., Chapter 514 in and with respect to the common elements of the horizontal property regime hereby established, each apartment shall have appurtenant thereto, under and by virtue of this Declaration of Horizontal Property Regime, a non-exclusive easement in the common elements designed for such purpose for ingress and egress, utility services, support, maintenance and repair, as the case may be; and the Association shall have the irrevocable right, under and by virtue of this

Declaration of Horizontal Property Regime, and in addition to the rights created and given to the apartment owners by Haw. Rev. Stat. Section 514-6(f), to be exercised by its Board of Directors, Manager or Managing Agent, as the case may be, to enter each apartment from time to time during reasonable hours as may be necessary for the repair, replacement, restoration or installation of any common element.

COMMON ELEMENTS: The 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 and supports, roof, structural frame, perimeter walls between apartments, floors and ceilings, the exterior balcony adjacent to the apartments on the second floor, and the stairways between and connecting the ground floor and the second floor.
- (c) The swimming pool and filtration plant, the partial basement, all parking areas, shuffleboard court, outdoor lighting, and sewage treatment and disposal system.
- (d) All central and appurtenant installations for services such as power, light, telephone, gas, hot and cold water, refrigeration, 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 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: There shall be appurtenant to each apartment, as a limited common element, appertaining to and reserved for the exclusive use of each apartment, a storage locker located in the partial basement marked by a number corresponding to the apartment to which it appertains.

INTEREST TO BE CONVEYED TO PURCHASER: The Declaration reflects that the percentage of undivided interest in the common elements appertaining to the apartments is as follows:

Apartment No. 121	5.55%
122	5.55%
123	5.55%
124	5.55%
125	5.55%
126	5.55%
127	5.55%
128	5.55%
129	5.55%
221	5.65%
222	5.55%
223	5.55%
224	5.55%
225	5.55%
226	5.55%
227	5.55%
228	5.55%
229	5.55%

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 Declaration reflects that the apartments shall be used as residential apartments, but such apartments may be leased or rented from time to time by transients.

OWNERSHIP OF TITLE: A Preliminary Report dated October 9, 1973, prepared by Security Title Corporation, certifies that NAPILI PLACE ASSOCIATES, a Hawaii Limited Partnership, has title to the land committed to the project.

ENCUMBRANCES AGAINST TITLE: Taxes for the Fiscal Year 1972-1973 in the amount of \$495.71 have been paid in full. Declaration of Horizontal Property Regime dated September 19, 1973, recorded in Liber 9525 on Pages 482-529, the plans therefor being designated as Condominium Map No. 311. Reservation contained in Land Patent Grant No. 13,342, dated June 18, 1957.

FINANCING OF PROJECT: Organizational Background. Napili Place Associates, a Hawaii limited partnership, consists of eighteen limited partners. The limited partners originally purchased the Napili Puamala property (Lot Number 3 of the Napili Beach Lots,

situate at Napili 4 and 5, District of Lahaina, Island and County of Maui, State of Hawaii) in order to construct and operate an apartment building as a "rental property". The limited partnership was organized to purchase the property, construct the apartment building, and to operate the property. The limited partners did not originally intend to divide the property into separate horizontal property regime apartments.

However, the limited partners now believe that it will be in their best interest to divide the property into 18 separate horizontal property regime apartments after the construction of the apartment building has been completed. Accordingly, upon the completion of the construction of the apartment building, the limited partnership will convey an apartment to each limited partner by an apartment deed; the limited partnership will be dissolved after all of the apartments have been conveyed to the limited partners. The limited partnership will not offer any apartment for sale to the public.

Financing. Each limited partner originally contributed SIX THOUSAND SIX HUNDRED SIXTY SEVEN and 00/100 DOLLARS (\$6,667.00) in cash as capital to the limited partnership. The limited partnership used the initial contributions of capital to purchase the property and for initial development expenses.

Each limited partner subsequently contributed NINETEEN THOUSAND and 00/100 DOLLARS (\$19,000.00) in cash to the limited partnership as an additional contribution of capital for the construction of the Napili Puamala apartment building (aggregate amount of THREE HUNDRED FORTY TWO THOUSAND and 00/100 DOLLARS (\$342,000.00). On November 1, 1973, each limited partner shall contribute in cash to the limited partnership, as a further additional contribution of capital, the amount of THREE THOUSAND and 00/100 DOLLARS (\$3,000.00) in cash, for the construction of the Napili Puamala apartment building (aggregate amount of FIFTY FOUR THOUSAND and 00/100 DOLLARS (\$54,000.00).

The Developer gives an estimated total cost of \$396,000.00 to complete the project.

STATUS OF PROJECT: Developer discloses that it has entered upon a contract for the construction of the project with Service Contracting Company, dated March 30, 1973, for the full project as shown in the building plans and specifications. Construction commenced July 1, 1973, and the estimated date of completion is December 1, 1973. Approximately 35% of the project has been completed as of September 30, 1973.

Pacific Insurance Company, Limited is surety for the Contractor under a performance and payment Bond in the principal amount of \$276,811.00. The Obligee is Napili Place Associates.

Section 4.5.1 of the General Conditions of the Contract provides as follows:

"The Contractor warrants to the Owner and the Architect that all materials and equipment furnished under this Contract will be new unless otherwise specified, and that all Work will be of good quality,

free from faults and defects and in conformance with the Contract Documents. All Work not so conforming to these standards may be considered defective. If required by the Architect, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment."

Section 13.2.2 of the General Conditions of the Contract provides as follows:

"If, within one year after the Date of Substantial Completion or within such longer period of time as may be prescribed by law or by the terms of any applicable special guarantee required by the Contract Documents, any of the Work is found to be defective or not in accordance with the Contract Documents, the Contractor shall correct it promptly after receipt of a written notice from the Owner to do so unless the Owner has previously given the Contractor a written acceptance of such condition. The Owner shall give such notice promptly after discovery of the condition."

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.

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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 October 31, 1973.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 631, filed with the Commission October 31, 1973.

This report when reproduced, shall be a true copy of the Commission's public report. The paper stock used in making facsimiles must be white in color.

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

**DISTRIBUTION:**

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Federal Housing Administration  
Escrow Agent

Registration No. 631  
December 24, 1973

