

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII  
1010 RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

on  
WAILEA EKAHI I  
WAILEA, ISLAND OF MAUI

REGISTRATION NO. 664

### **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: April 17, 1975  
Expires: May 17, 1976

#### 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:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED MARCH 1, 1974, AND INFORMATION SUBSEQUENTLY FILED AS OF APRIL 15, 1975. DEVELOPER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES ACT, CHAPTER 514, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Report on May 17, 1974, on WAILEA EKAHI I, Registration No. 664, the Developer reports that certain material changes have been made in the Project. This Final Public Report (white paper stock) amends the Preliminary Public Report (yellow paper stock)

becoming a part of the WAILEA EKAHI I registration. The Developer is responsible for placing a true copy of this Final Public Report in the hands of all purchasers and prospective purchasers along with a copy of the Preliminary Report. The Developer is responsible for securing from each purchaser or prospective purchaser a signed receipt, signifying that he has had an opportunity to read both reports.

2. The Developer has submitted to the Commission for examination all documents deemed necessary for the registration of the condominium project and the issuance of this Final Public Report.
3. The Developer advises that the Declaration of Horizontal Property Regime and attached Bylaws are filed in the Office of the Assistant Registrar of the Land Court as Land Court Document No. 713125. The Condominium Map has been filed with the Assistant Registrar as Map No. 243.
4. Advertising and promotional materials have been submitted pursuant to the 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, as amended, 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 April 17, 1975, unless a Supplementary Public Report issues or the Commission upon review of the registration issues an order extending the effective period of this report.

The information in the Preliminary Report of May 17, 1974, under the topical headings LOCATION, TAX KEY, ZONING, DESCRIPTION OF PROJECT, COMMON ELEMENTS, PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED, ENCUMBRANCES, PURCHASE MONEY HANDLING, MANAGEMENT AND OPERATIONS, and STATUS OF PROJECT, has been changed. The Developer reports that no other information in the Preliminary Report has changed.

LOCATION: The land area of the Project is 13 acres.

TAX KEY: The Project is a portion of Maui Tax Map Key 2-1-08-60.

ZONING: The Developer has received planned development approval for the Project.

DESCRIPTION OF PROJECT: The floor areas of the various types of apartments have been changed slightly, as follows:

There are fourteen (14) Type S apartments which are studio apartments, each containing approximately 484 square feet of interior floor area, including a living/dining/sleeping room, a kitchen and bathroom plus a lanai of approximately 116 square feet.

There are twenty-four (24) Type 1-1 apartments which are one bedroom, one bath, apartments, each containing approximately 792 square feet of interior floor area including a living/dining room, kitchen, bedroom and bathroom plus two lanais containing an aggregate of approximately 153 square feet.

There are twenty-two (22) Type 1-2A apartments, each containing approximately 885 square feet of interior floor area including a living/dining room, kitchen, bedroom and two bathrooms, plus two lanais containing an aggregate of approximately 205 square feet. The entry hall of Type 1-2A apartments is so arranged that the bedroom and one bathroom can be used separately from the rest of the apartment.

There are twenty-two (22) Type 1-2B apartments which are one bedroom two bath apartments, each containing approximately 932 square feet of interior floor area including a living/dining room, kitchen, bedroom and two bathrooms, plus two lanais containing an aggregate of approximately 228 square feet. The Type 1-2B apartment has a separate entry way into the bedroom so that the bedroom and one of the bathrooms can be used separately from the rest of the apartment.

There are three Type 1-1 1/2T apartments which are one bedroom one and one-half bath apartments, each containing approximately 991 square feet of interior floor area, including, on the lower floor, a living room, dining room, kitchen and half bath and, on the upper floor, a bedroom and bathroom, plus a lanai on each floor containing an aggregate of approximately 254 square feet.

There are twelve (12) Type 2-2 apartments which are two bedroom two bath apartments, each containing approximately 1,172 square feet of interior floor area, including a living room, dining room, kitchen, two bathrooms and two bedrooms, plus three lanais containing an aggregate of approximately 333 square feet. The entry hall of Type 2-2 apartments is so arranged that one bedroom and bathroom can be separated from the rest of the apartment.

There are three (3) Type 2-2 1/2T apartments which are two bedroom two and a half bath townhouse apartments, each containing approximately 1,575 square feet of interior floor area including, on the lower floor, a kitchen, dining room, half bath and sunken living room, and on the upper floor, two bedrooms and two bathrooms, plus two lanais on each floor containing an aggregate of approximately 370 square feet. The Type 2-2 1/2T apartment has a separate entry way

into one of the bedrooms so that this bedroom and one of the bathrooms can be used separately from the rest of the apartment. The Project will not contain a putting green and tennis court as originally noted in the Preliminary Report and will contain two instead of three shuffle board courts.

Building A, which is a beach pavilion intended for the use and benefit of all of the owners of apartments in all phases of Wailea Ekahi, has been placed in trust for the benefit of all such apartment owners by a Declaration of Trust dated January 31, 1975, filed in the office of the Assistant Registrar of the Land Court as Document No. 713188.

COMMON ELEMENTS: The reference to air conditioning and coolers has been deleted from the description of the common elements.

PERCENTAGE OF UNDIVIDED OWNERSHIP TO BE CONVEYED: The following types of apartments have the percentage of common interest shown below:

<u>Type</u>	<u>Percentage Interest</u>
Studio	.538
1-1	.8805
1-2A	.984
1-2B	1.036
1-1 1/2T	1.102
2-2	1.303
2-2 1/2T	1.751

The percentage of undivided interest in all of the common elements appertaining to Building A shall be 2.701%.

ENCUMBRANCES: The Preliminary Report of Title Guaranty of Hawaii, Incorporated, dated March 11, 1975, shows title to the property to be subject to the following encumbrances and easements:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Location of the seaward boundary in accordance with the law of the State of Hawaii.
3. Easement 3 for drainage and landscaping purposes, as shown on Map 7, as set forth by Land Court Order No. 40959, filed November 15, 1974.
4. Easement 4 for pedestrian access, recreational and landscaping purposes, as shown on said Map 7, as set forth by said Land Court Order No. 40959.
5. Easement 5 for waterline purposes, as shown on said Map 7, as set forth by said Land Court Order No. 40959.

6. Easement 6 for sanitary sewer purposes, as shown on said Map 7, as set forth by said Land Court Order No. 40959.
7. Easement 7 for pedestrian access, recreational and landscaping purposes, as shown on said Map 7, as set forth by said Land Court Order No. 40959.
8. Covenants contained in Declaration of Covenants and Restrictions dated January 17, 1975, filed as Land Court Document No. 713123.
9. "Wailea Ekahi I-Declaration As To Merger of Increments In A Condominium Project", dated January 17, 1975, filed as Document No. 713124.
10. Covenants, conditions, restrictions, easements, reservations and all other provisions set forth in Declaration of Horizontal Property Regime dated January 17, 1975, filed in the office of the Assistant Registrar of the Land Court as Land Court Document No. 713125 and by the By-Laws attached thereto as the same are or may hereafter be amended in accordance with law, said Declaration or By-Laws. (Project covered by Condominium Map No. 243.)
11. Terms, conditions and provisions contained in that certain Declaration of Trust dated January 31, 1975, filed as Document No. 713188, by and between Wailea Land Corporation, a Hawaii corporation, and The Northwestern Mutual Life Insurance Company, a Wisconsin corporation, doing business as Wailea Development Company, a Hawaii joint venture; Re: to hold the beach pavilion, Building A, containing approximately 2,425 square feet, located in the Wailea Ekahi I condominium project and the common interest appurtenant thereto, as Trustee, for all of the owners of apartments in all phases of Wailea Ekahi.
12. Real Property Taxes for the current fiscal year.

NOTE: Developer has abandoned its plans to construct an Information and Sales Center on the adjacent parcel of land proposed for later phases of the Project.

PURCHASE MONEY HANDLING: First Hawaiian Bank has been substituted as escrow agent pursuant to the rights reserved in the original Escrow Agreement. The new Escrow Agreement dated July 24, 1974, is substantially similar to the original Escrow Agreement and is in compliance with the applicable provisions of the Hawaii Revised Statutes. It has been amended twice to comply with requirements of the California Department of Real Estate, with which this Project is also registered. The First Amendment states that if construction of the Project is not completed by January 15, 1976 and Developer is unable to show to the satisfaction of the California Real Estate Commission that it will be completed within the following six (6) months, all purchasers who are residents of California may cancel their Purchase Agreements. The Second Amendment provides that no sale of an apartment to a resident of California may close until at least sixty percent (60%) of the apartments in the Project have closed.

MANAGEMENT AND OPERATION: Developer has contracted with Hawaiiana Management Company on behalf of the Association of Apartment Owners to act as the fiscal and physical manager of the Project. The contract is for a term of one year from the completion of construction of the Project and requires the manager to collect all maintenance fees, disburse the funds collected to pay the common expenses of the Project and assist the apartment owners in organizing the Association of Apartment Owners and conducting its meetings. The management fee is \$700 per month.

STATUS OF PROJECT: Construction of the Project commenced in July, 1974 and it is estimated that all construction and landscaping will be completed by December, 1975.

- - - - -  
The purchaser or prospective purchaser should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted March 1, 1974, and information subsequently filed as of April 15, 1975.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 664 filed with the Commission on March 1, 1974.

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

  
\_\_\_\_\_  
(For) DOUGLAS R. SODEVANI, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

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

April 17, 1975  
REGISTRATION NO. 664