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

MAUNALOA SHORES
1875 Kalanianaole Street
Hilo, Hawaii

Registration No. 678

## 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: May 24, 1974
Expires: June 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 or prospective purchaser is particularly directed to the following:

THE REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED APRIL 22, 1974, AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED AS OF MAY 24, 1974. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF HIS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT AND AMENDMENTS THERETO, CHAPTER 514, HAWAII REVISED STATUTES.

1. Maunaloa Shores is a fee simple condominium project consisting of 84 residential units. The project consists of one 8-story building and 101 parking stalls. The parking stalls are uncovered and are either a regular or a compact size parking stall. One parking stall will be appurtenant to each of the various apartments. This building was completed in 1973 and was previously operated as an apartment building.

   Purchasers will receive, directly from the owner of the fee, Maunaloa Shores, a Hawaii Limited Partnership, an apartment deed.

This Final Public Report is made a part of the registration of Maunaloa Shores Condominium project. 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 Horizontal Property Regime Final Public Report from each purchaser and prospective purchaser is also the responsibility of the Developer.

2. The Developer has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and has fulfilled all requirements of the issuance of this Final Public Report.

3. The basic documents (Declaration of Horizontal Property Regime as amended, By-Laws of the 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 with By-Laws of the Association of Apartment Owners attached was filed with the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 676435 as noted on Transfer Certificate of Title Nos. 145438 and 145439 and recorded in the Bureau of Conveyances at Honolulu, in Liber 9843, Page 464, and as amended by Amended Declaration filed in said Land Court as Document No.682953 and recorded in said Bureau of Conveyances in Liber 9924, Page 416.

4. No advertising and promotional material 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 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 months after date of issuance, May 24, 1974, 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: | Maunaloa Shores |
| LOCATION: | The 63,470 square feet of land which has been submitted to the Horizontal Property Regime is situated at 1875 Kalanianaole Street, Hilo, Hawaii, and more particularly described in Exhibit "A" attached hereto and made a part hereof. |
| TAX KEY: | Third Division 2-1-17-20 |
| ZONING: | Hotel-Resort Safety VS-.75 |
| DEVELOPER: | The Developer is Maunaloa Shores, a Hawaii Limited Partnership. The principal place of business and post office address is c/o Robert Turran, 2987 Kalakaua Avenue, #302, Honolulu, Hawaii 96815. |

ATTORNEY REPRESENTING DEVELOPER: Robert Turran, 2987 Kalakaua Avenue, #302, Honolulu, Hawaii 96815. Telephone 525-8726.

DESCRIPTION:

The project consists of a 63,470 square foot parcel of land in Hilo, Hawaii, with improvements consisting of one multi-family structure. Said structure is constructed principally of reinforced concrete, sheet rock with metal studs, wood and glass.

There are two types of apartment units which have been designated, for classification purposes only, as Type "A" and Type "B". The area and number of rooms contained in each of said types of apartment units are as follows:

Type "A" - a two bedroom apartment with an area of approximately 716.04 square feet and a lanai of approximately 87.96 square feet, containing two bedrooms, one bathroom, one living/dining room and one kitchen. The apartment will include a range-oven, refrigerator-freezer and a garbage disposal. One parking stall will be included with the apartment.

Type "B" - a one bedroom apartment with an area of approximately 514.04 square feet and a lanai of approximately 87.96 square feet, containing one living/dining room, one kitchen, one bathroom and one bedroom. The apartment will include a range-oven, refrigerator-freezer and a garbage disposal. One parking stall will be included with the apartment.

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 each apartment or any pipes, wires, conduits, or other utility or service lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereafter provided. Each apartment shall be deemed to include its balcony or lanai, 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 all fixtures originally installed therein.

The apartment number of each apartment space, its location and model are as shown on Exhibit "B" attached hereto and by reference made a part hereof.

COMMON ELEMENTS:

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

(a) Said land in fee simple.

(b) All foundations, floors, columns, girders, beams, supports, main or load-bearing walls, roofs, walkways, corridors, lobbies, stairs, stairways, entrances and exits of said building.

(c) All driveways, parking areas, yards, gardens, grounds, landscaping, mailboxes, washing machines, dryers, recreational facilities and appurtenances.

(d) All central and appurtenant installations for common services, including power, light, water, telephone, air conditioning and trash disposal.

(e) The elevators, with elevator housing and appurtenant equipment.

(f) All other elements and facilities rationally in common use or necessary to the existence, up-keep and safety of the building of the project.

LIMITED COMMON ELEMENTS: Certain parts of the common elements, herein called the "limited common elements" are hereby designated and set aside for the exclusive use of certain apartments, and such apartments shall have appurtenant thereto exclusive easements for the use of such limited common elements. The limited common elements so designated and set aside are the elevator lobbies and connecting walkways on each floor from the ground floor through the seventh floor, which shall be appurtenant to and for the exclusive use of the apartments which are located on each such floor. Each apartment shall have appurtenant to it one parking space.

COMMON INTEREST: Each apartment shall have appurtenant thereto an undivided fractional interest in all the common elements of the project (herein called the "common interest"), as follows:

| | |
|---|---|
| Type "A" Apartments | 87/7,000 |
| Type "B" Apartments | 65/7,000 |

The common interest, the proportional shares of the profits and common expenses of the project and the proportionate representation for voting purposes in the Association of Apartment Owners of the project shall be in said fraction for each apartment.

USE: All apartments of the project shall be occupied and used as permanent or temporary residences or hotel lodgings. The apartment owners shall have absolute right to rent their apartments, subject to the limitations, restrictions, covenants and conditions contained in the Declaration or in the By-Laws. Each apartment owner shall not use his apartment for any purpose which will injure the reputation of the

project, or suffer anything to be done or kept in his apartment or elsewhere on the project which will (a) jeopardize the soundness of the building or the premises, (b) interfere with or unreasonably disturb the rights of other owners and occupants, (c) increase the rate of fire insurance on the building or the contents thereof, (d) reduce the value of the premises.

OWNERSHIP: The Preliminary Report by Title Guaranty of Hawaii dated April 17, 1974. shows that the title to the land is vested in Maunaloa Shores, a Hawaii Limited Partnership.

ENCUMBRANCES ACAINST TITLE: The Preliminary Report by Title Guaranty of Hawaii also shows that the property is encumbered as follows:

1. Title to all mineral and metallic mines reserved to the State of Hawaii.

2. The covenants, conditions and restrictions for Maunaloa Shores as set forth in that certain Declaration dated March 19, 1974, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 676435 and recorded in the Bureau of Conveyances in Liber 9843, Page 464, and as amended by Amended Declaration filed in said Land Court as Document No. 682953, and recorded in said Bureau of Conveyances in Liber 9924, Page 416.

3. Taxes due and owing are now a lien and reference is hereby made to the State Department of Taxation.

4. Mortgage dated December 16, 1971, in favor of Zenith Mortgage Company, a California corporation, recorded in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 562149 and also recorded in the Bureau of Conveyances in Liber 8010, Page 95, which mortgage was assigned to First Federal Savings and Loan Association of Philadelphia, a Federal Corporation, by document dated January 9, 1974, and recorded in the Land Court as aforesaid as Document No. 664478 and also recorded in the Bureau as aforesaid in Liber 9684, Page 21.

5. Regulatory Agreement for multi-family Housing Projects under Section 221(d)(4) of the National Housing Act, as amended, by and between Ernest Schwartz, M.D. and Annette Louise Schwartz, husband and wife, General Partners of Maunaloa Shores, a Hawaii Limited Partnership, and the Secretary of Housing and Urban Development dated December 16, 1971, filed in Land Court as aforesaid as Document No. 562150 and also recorded in the Bureau in Liber 8010, Page 102.

PURCHASE MONEY HANDLING: An Escrow Agreement dated April 19, 1974, has been executed and a copy of same has been filed with the Commission. The Escrow Agent is Title Guaranty Escrow Service, Inc., a Hawaii Corporation. Upon examination, the Specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes.

It is incumbent upon the prospective purchaser that he reads with care the Sales Contract and the executed Escrow Agreement. The Escrow Agreement establishes the manner and procedure relative to the receipt, deposit and disbursement of the proceeds of the sale of apartment units.

MANAGEMENT AND OPERATION: The Declaration of Horizontal Property Regime provides that operation of the project shall be conducted for the Association by a responsible Managing Agent who shall be appointed initially by the Developer and subsequently by the Association in accordance with the By-Laws. The initial Managing Agent is Ernest Schwartz, M.D.

HOUSE RULES: The House Rules provide in part that although the apartments are primarily intended for residential purposes, certain commercial and business uses permitted by law may be undertaken upon the approval of the Association of Owners provided that such nonresidential usage or traffic generated thereby occurs only during normal business hours.

STATUS OF PROJECT: The Developer in his Notice of Intention has informed the Commission that the construction of the building was completed on or about October, 1973, as evidenced by the Notice of Completion dated the 29th day of October, 1973, which is on file with the Commission. The Developer has also informed the Commission that the building has been used as an apartment building since its completion and that said apartments are presently being renovated for condominium use.

---

The purchaser or prospective purchaser shall be cognizant of the fact that this report represents information disclosed by the Developer in the required Notice of Intention submitted April 22, 1974, and additional information filed as of May 24, 1974.

This FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 678 filed with the Commission on April 22, 1974.

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

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

RT:cr

Distribution:
DEPARTMENT OF TAXATION
BUREAU OF CONVEYANCES
PLANNING DEPARTMENT, COUNTY OF HAWAII
FEDERAL HOUSING ADMINISTRATION
ESCROW AGENT

May 24, 1974

Registration No. 678

All of those certain parcels of land situate at Keaukaha, Waiakea, District of South Hilo, Island and County of Hawaii, State of Hawaii, described as follows:

-FIRST:- LOT NUMBER SIX (6), area 22,351 square feet, as shown on Map 4, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1229 of Nelle Wood Carlsmith;

-SECOND:- LOT NUMBER TWO (2), area 21,119 square feet, as shown on Map 1, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Consolidation No. 124;

BEING ALL OF THE LANDS described in Transfer Certificate of Title No. 145438 & 145439.

-THIRD:- All of that certain parcel of land (being all of the land described in and covered by Land Patent Grant No. 9552 to Ida Y. Todd), situate, lying and being at Keaukaha, Waiakea, District of South Hilo, Island and County of Hawaii, State of Hawaii, being LOT NUMBER NINETY (90), of "LEHIA PARK RESIDENCE LOTS", and thus bounded and described as follows:

Beginning at a galvanized iron spike at the Southwest corner of this lot, the Southeast corner of Lot 91, and on the North side of Leleiwi Road (50 feet wide), the coordinates of said point of beginning referred to Government Survey Trig. Station "Halai" being 5894.94 feet North and 23852.01 feet East as shown on Government Survey Registered Map No. 2730 and running by true azimuths:

| | | | | |
|---|---|---|---|---|
| 1. | 194° | 26' | 200.0 | feet along Lot 91; |
| 2. | 284° | 26' | 100.0 | feet along Reserve; |
| 3. | 14° | 26' | 200.0 | feet along Lot 89; |
| 4. | 104° | 26' | 100.0 | feet along Leleiwi Road to the point of beginning and containing an area of 20,000 square feet. |

TOGETHER with Easement "A" (15 feet wide) over and across Lot 1 for ingress and egress purposes to Government Land (Portion of Leleiwi Beach Park), as shown on Map 1 of said Land Court Consolidation No. 124.

EXHIBIT A

EXHIBIT "B"

| Floor No. | Apartment No. | Apartment Type |
|---|---|---|
| First Floor | 101 | A |
| | 102 | A |
| | 103 | A |
| | 104 | B |
| | 105 | B |
| | 106 | A |
| | 107 | A |
| | 108 | A |
| | 109 | A |
| | 110 | A |
| | 111 | A |
| | 112 | A |
| Second Floor | 201 | A |
| | 202 | A |
| | 203 | A |
| | 204 | B |
| | 205 | B |
| | 206 | A |
| | 207 | A |
| | 208 | A |
| | 209 | A |
| | 210 | A |
| | 211 | A |
| | 212 | A |
| Third Floor | 301 | A |
| | 302 | A |
| | 303 | A |

EXHIBIT "B" cont.

| Floor No. | Apartment No. | Apartment Type |
|---|---|---|
| | 304 | B |
| | 305 | B |
| | 306 | A |
| | 307 | A |
| | 308 | A |
| | 309 | A |
| | 310 | A |
| | 311 | A |
| | 312 | A |
| Fourth Floor | 401 | A |
| | 402 | A |
| | 403 | A |
| | 404 | B |
| | 405 | B |
| | 406 | A |
| | 407 | A |
| | 408 | A |
| | 409 | A |
| | 410 | A |
| | 411 | A |
| | 412 | A |
| Fifth Floor | 501 | A |
| | 502 | A |
| | 503 | A |
| | 504 | B |
| | 505 | B |
| | 506 | A |
| | 507 | A |

EXHIBIT "B" cont.

| Floor No. | Apartment No. | Apartment Type |
|---|---|---|
| | 508 | A |
| | 509 | A |
| | 510 | A |
| | 511 | A |
| | 512 | A |
| Sixth Floor | 601 | A |
| | 602 | A |
| | 603 | A |
| | 604 | B |
| | 605 | B |
| | 606 | A |
| | 607 | A |
| | 608 | A |
| | 609 | A |
| | 610 | A |
| | 611 | A |
| | 612 | A |
| Seventh Floor | 701 | A |
| | 702 | A |
| | 703 | A |
| | 704 | B |
| | 705 | B |
| | 706 | A |
| | 707 | A |
| | 708 | A |
| | 709 | A |
| | 710 | A |
| | 711 | A |
| | 712 | A |