

# 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

KAHANA VILLAGE  
Kahana, Lahaina, Maui, Hawaii

REGISTRATION NO. 895

### 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: January 31, 1977  
Expires: March 1, 1978

#### 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 DECEMBER 29, 1976 AND INFORMATION SUBSEQUENTLY FILED AS OF JANUARY 25, 1977. 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. The KAHANA VILLAGE is a proposed leasehold condominium project containing 42 apartments in seven (7) apartment building complexes, a manager's building, and a swimming pool with pavilion containing equipment and storage facilities. There will be a total of 53 parking stalls which will be common elements.

2. The Developer of the project has submitted to the Commission for examination of all documents deemed necessary for the registration of a condominium project and the issuance of this Preliminary Public Report.
3. The Developer reports that the Declaration of Horizontal Property Regime, the Bylaws and the Condominium Map will be filed in the Bureau of Conveyances of the State of Hawaii immediately prior to the application for a Final Public Report.
4. Advertising or promotional materials have been submitted to the Commission pursuant to its rules and regulations.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of the Hawaii Revised Statutes, Chapter 514, and the Rules and Regulations of the Hawaii Real Estate Commission which relate to the Horizontal Property Regimes.
6. This Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, January 31, 1977, unless a Final or a Supplementary Public Report issues, or the Commission, upon review of registration, issues an order extending the effective date of this report.
7. This Preliminary Public Report is made a part of the registration of The KAHANA VILLAGE condominium project. The Developer has the responsibility of placing a true copy of this Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers and securing a signed copy of the receipt for the Preliminary Public Report from each purchaser.

NAME OF PROJECT: KAHANA VILLAGE

LOCATION: The project is located at Kahana, Lahaina, Island and County of Maui, State of Hawaii, and consists of approximately 3.198 acres or 139,319 square feet of land.

TAX KEY: 4-3-05-29, Second Division

ZONING: A-1, Apartment

DEVELOPER: The developer of the project is KV Partnership I, KV Partnership II and KV Partnership III, each of which is a registered Hawaii limited partnership, with principal place of business and postal address at Route 1, Box 700, Honoapiilani Highway, Lahaina, Maui, Hawaii 96761.

ATTORNEY REPRESENTING DEVELOPER: Cades Schutte Fleming & Wright, (Attention: Douglas E. Prior or Larry T. Takumi), 16th Floor, First Hawaiian Bank Building, P. O. Box 939, Honolulu, Hawaii 96808; telephone: 531-7232.

DESCRIPTION OF PROJECT AND APARTMENTS: The proposed project consists of seven (7) two-story apartment building complexes, a manager's building, and a swimming pool with pavilion containing

equipment and storage facilities. There are fourteen (14) two-bedroom with study apartments and twenty-eight (28) two-bedroom apartments in the project. Each apartment building complex contains two (2) two-bedroom with study apartments on the first floor and four (4) two-bedroom apartments on the second floor with mezzanine. Each apartment building complex has two adjoining wings, each wing containing one two-bedroom with study apartment and two (2) two-bedroom apartments. There is no basement in any of the buildings in the project. All of the buildings in the project are of wood construction with concrete block foundations, cedar shake roofs, bronzed anodized aluminum windows and patio doors, rough sawn plywood and batt exterior siding.

There are six basic types of apartments in the project. Each apartment has direct access to a stairway which is a limited common element. Each apartment has an exterior storage locker (bearing the number of the apartment) which is a limited common element. The layout, location, unit type and number of each apartment are shown on the Condominium Map.

There are seven (7) type "A1" and seven (7) type "B1" apartments in the project. There is one type "A1" and one type "B1" on the first floor of every apartment building complex. The type "A1" and type "B1" apartments are identical except that the type "B1" apartment is in a reverse configuration from the type "A1" apartment. Each type "A1" and type "B1" apartment contains a living-dining room, kitchen, two-bedrooms, a study, a dressing room and two bathrooms (one bathroom containing a toilet and bathtub-shower combination and the other containing a toilet, bathtub and separate shower).

There are seven (7) type "A2" and seven (7) type "A3" apartments in the project. There is one type "A2" and one type "A3" apartment in each apartment building complex, both apartments being located on the second floor directly above the type "A1" apartment. The type "A2" and type "A3" apartments are identical except that the type "A3" apartment is in a reverse configuration from the type "A2" apartment. Each type "A2" and type "A3" apartment contains a dining-living area, kitchen, two-bedrooms and two bathrooms each containing a toilet and bathtub-shower combination. Each type "A2" and type "A3" apartment is in a two level configuration, with the entry, dining-living area, kitchen, one bedroom and bathroom on the lower level and one bedroom and bathroom on the mezzanine. Each type "A2" and type "A3" apartment has a lanai off the living room area containing approximately 107 square feet. The type "A3" apartment has a second lanai off the living room and kitchen area containing approximately 33 square feet.

There are seven (7) type "B2" and seven (7) type "B3" apartments in the project. There is one type "B2" and one type "B3" apartment in each apartment building complex, both apartments being located on the second floor directly above the type "B1" apartment. The type "B2" and type "B3" apartments are identical except that the type "B3" apartment is in a reverse configuration from the type "B2" apartment. Each type "B2" and type "B3" apartment contains a dining-living area, kitchen, two bedrooms and two bathrooms each containing a toilet and bathtub-shower combination. Each type "B2" and type "B3" apartment is in a

two level configuration, with the entry, dining-living area, kitchen, one bedroom and bathroom on the lower level and one bedroom and bathroom on the mezzanine. Each type "B2" and type "B3" apartment has a lanai off the living room containing approximately 107 square feet. The type "B3" apartment has a second lanai off the living room and kitchen area containing approximately 33 square feet.

Each of the seven (7) apartment building complexes contains one type "A1", one type "A2", one type "A3", one type "B1", one type "B2" and one type "B3" apartment. The square foot area of each apartment by model type is approximately as follows:

<u>Model Type</u>	<u>Interior Area</u>	<u>Lanai Area</u>
A1, B1	1566	196
A2, B2	1118	107
A3, B3	1118	140

Each apartment unit type will contain a four-burner range and oven, counter top grille-ventilator combination, disposal, refrigerator, dishwasher, water heater, stacked washer and dryer, carpeting and drapes.

The first digit of each apartment number indicates the apartment building complex. The apartment numbers by unit type are as follows:

<u>Unit Type</u>	<u>Apartment Numbers</u>
A1	1A1, 2A1, 3A1, 4A1, 5A1, 6A1, 7A1
A2	1A2, 2A2, 3A2, 4A2, 5A2, 6A2, 7A2
A3	1A3, 2A3, 3A3, 4A3, 5A3, 6A3, 7A3
B1	1B1, 2B1, 3B1, 4B1, 5B1, 6B1, 7B1
B2	1B2, 2B2, 3B2, 4B2, 5B2, 6B2, 7B2
B3	1B3, 2B3, 3B3, 4B3, 5B3, 6B3, 7B3

There is a total of fifty-three (53) parking stalls (42 standard and 11 compact) all of which are common elements.

The respective apartments shall not be deemed to include the undecorated or unfinished walls, the floors and ceilings surrounding each apartment, 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. Each apartment shall be deemed to include the adjacent lanai as shown in the Condominium Map, all the walls and partitions which are not load bearing within its perimeter walls, the inner decorated or finished surfaces or all walls, floor and ceilings, doors and door frames, windows and window frames, and the built-in fixtures.

COMMON ELEMENTS: The common elements will include the land and all improvements on the land other than the apartments, the limited common elements, and all common elements mentioned in

Chapter 514, Hawaii Revised Statutes, which are actually constructed on the land and specifically shall include, but shall not be limited to:

1. The land in fee simple;
2. All foundations, columns, girder supports, and load bearing walls;
3. The roofs;
4. All the landscaped perimeter, plantings, planting boxes, and retaining walls, planting areas, and similar items;
5. All parking stalls;
6. All roads, driveway areas, fences and exterior ground level walkways;
7. The exterior stairways, exterior storage lockers, ducts, electrical equipment, wiring and other central and appurtenant installations for services including power, light, cold and hot water, refuse and telephone;
8. The manager's building;
9. The swimming pool with pavilion containing equipment and storage facilities; and
10. All other devices or other installations upon the land existing for or rationally of common use to all the owners of apartments within the project.

LIMITED COMMON ELEMENTS: The exterior storage lockers assigned to each apartment and the stairways leading to and from each apartment will be limited common elements reserved for the use of each respective apartment.

INTEREST TO BE CONVEYED TO PURCHASERS: The proposed Declaration states the percentage of undivided interest in all of the common elements appertaining to each apartment by unit type is as follows:

<u>Unit Type</u>	<u>Common Interest Percentage</u>	<u>Number of Apts of Each Unit Type</u>	<u>Total</u>
A1	2.964	6	17.784
	*2.963	1	2.963
A2	2.089	7	14.623
A3	2.090	7	14.630
B1	2.964	6	17.784
	*2.963	1	2.963
B2	2.089	7	14.623
B3	2.090	7	14.630
			<u>100.000%</u>

\*These apartment units are located in Building No. 7 as shown on the Condominium Map.

The common interest, the proportionate share in the profits and common expenses of the project and for all other purposes, including the proportionate representation for voting in the Association of Apartment Owners, for each apartment, shall be governed by the above percentages.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The apartments hereinabove described shall at all times be used only as a private dwelling for the owner, his family, tenants and social guests, and for such other purposes which are compatible with the applicable zoning ordinances. The owners of the respective apartments may rent or lease their apartments on any long-term or short-term (including daily) basis for such residential use. The apartments shall not be used as an office or for any other commercial purpose.

OWNERSHIP OF TITLE: The Developer has filed with the Commission a Preliminary Title Report, dated October 13, 1976, prepared by First American Title Company of Hawaii, Inc., which certifies that the title to the land committed to this regime is vested in Benjamin Naleieha and Sanford J. Langa as Trustees of the Naleieha Family Trust (under a Trust Agreement dated April 24, 1969) ("Lessors").

ENCUMBRANCES: The Preliminary Title Report prepared by First American Title Company of Hawaii, Inc. states that as of the date of the search (October 13, 1976) title to the land is subject to:

1. For any taxes that may be due and owing a lien on the land, reference is hereby made to the Office of the Tax Assessor of the Second Division, Island of Maui, Hawaii.
2. A lease from the Trustees of The Naleieha Family Trust to Broms-Lonie, Inc. dated April 1, 1971 and recorded in the Bureau of Conveyances in Book 7751, Page 88, which lease was assigned to Franklin Service Corporation by instrument dated December 29, 1975 and recorded in Book 11192, Page 108.
3. Grant in favor of the County of Maui, recorded in the Bureau of Conveyances in Book 10652, Page 280, granting an easement of open and clear space for the purpose of preserving a clear and unobstructed view from Honoapiilani Highway to the sea.
4. Trust Agreement dated April 24, 1969, recorded in said Bureau of Conveyances in Liber 6887, Page 324.

The Developer has advised the Commission that the Developer and the Lessors have agreed in principle to extend the term of the lease described in item 2 to ninety (90) years with fixed rental for the first thirty (30) years commencing from the estimated completion date for the project. The Developer will file an amendment to the lease prior to the issuance of the Final Public Report. The lease will be surrendered as to each apartment prior to the issuance of any apartment leases to purchasers. The Developer has requested the County of Maui to release the easement of open and clear space described in item 3 on the basis of changes made in the original site plans for the project.

The Developer believes this request will be granted.

PURCHASE MONEY HANDLING: A copy of the specimen Sales Contract and the Escrow Agreement have been submitted as part of the registration. The Escrow Agreement dated December 20, 1976, identifies BANK OF HAWAII, as the escrow agent. Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514, Hawaii Revised Statutes, and particularly with Section 514-35 and Sections 514-36 through 514-40, Hawaii Revised Statutes. A prospective purchaser should carefully examine the form of Sales Contract and Escrow Agreement to determine the time for and the amount of installment payments on the purchase price, the estimated common monthly expenses and the sharing of the closing costs.

Among other provisions, the specimen Sales Contract provides that the purchasers should be aware that the Seller's mortgage loan (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 purchasers intentionally waive and subordinate the priority of lien under the Sales Contract in favor of the mortgage loan.

The specimen Sales Contract further provides that if the purchasers who have agreed to obtain mortgage loans have not secured commitments therefor satisfactory to the Developer, the Developer may cancel the Sales Contracts and refund all monies paid by the purchasers without interest.

NOTE: The Seller, under the Sales Contract, may at its option cancel the contract if less than twenty-five (25) apartments are sold prior to November 1, 1977, or in the event the Seller cannot get a building permit prior to November 1, 1977.

It is incumbent upon the purchaser and prospective purchaser that he reads with care the Sales Contract and the executed Escrow Agreement. The Escrow Agreement establishes how the proceeds from the sale of the condominium units are placed in trust, as well as the retention and disbursement of said funds.

MANAGEMENT AND OPERATION: Article III, Section 3, of the Bylaws states that the Board of Directors shall at all times employ a responsible managing agent to manage and control the property subject at all times to direction by the Board of Directors.

STATUS OF PROJECT: The Developer advises that construction of the project will commence in June, 1977, and will be completed about April 1, 1978.

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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 December 29, 1976.

This PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 895 filed with the Commission on December 29, 1976.

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

*Ah Kau Young*  
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AH KAU YOUNG, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

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

REGISTRATION NO. 895  
January 31, 1977