

**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  
NAPILI BAY

HUI DRIVE, NAPILI BEACH LOTS SUBDIVISION  
NAPILI, LAHAINA, MAUI, HAWAII

REGISTRATION NO. 941

**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: January 13, 1978

EXPIRED: February 13, 1979

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 FILED OCTOBER 18, 1977, AND THE INFORMATION SUBSEQUENTLY FILED AS OF DECEMBER 23, 1977. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514, HAWAII REVISED STATUTES.

1. NAPILI BAY is a fee simple condominium project consisting of three (3) buildings, without basements, consisting of thirty-four (34) apartments and forty-three (43) parking spaces, ten (10) of which are compact stalls.

2. The Developer to the project has filed all documents and materials deemed necessary by the Commission for the registration of this proposed condominium project and the issuance of this Final Public Report.

3. The Developer reports that the Declaration of Horizontal Property Regime and Bylaws ("Bylaws") have been recorded in the Bureau of Conveyances, State of Hawaii, in Book 12489, Page 587, and that the Condominium Map ("Condominium Map") has been recorded as aforesaid, as Map No. 518. The Developer is required to issue to each purchaser or prospective purchaser a copy of the Declaration and Bylaws and give them the opportunity to study these documents prior to entering a sales contract.

4. No advertising of promotional matter has been filed 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 the Horizontal Property Act, Chapter 514, of the Hawaii Revised Statutes and the Rules and Regulations which relate to Horizontal Property Regimes.

6. This Final Public Report automatically expires thirteen (13) months after the date of issuance, January 13, 1978, unless a Supplementary Public Report issues or the Commission, upon review of the registration, issues an order extending the period of this report.

7. This Final Public Report is made a part of registration on NAPILI BAY condominium project. The Developer has the responsibility of placing a true copy of the Final Public Report (white paper stock) in the hands of all purchasers. Securing a signed copy of the Receipt for the Final Horizontal Property Regime Public Report from each purchaser is also the responsibility of the Developer.

NAME OF PROJECT: NAPILI BAY

LOCATION: The approximate 43,089 square feet of land committed to the regime is situated on Hui Drive, Napili Beach Lots Sub-division, Napili, Lahaina, Maui, Hawaii.

TAX MAP KEY: Second Division: 4-3-02-51 and 52.

ZONING: County of Maui: Napili Bay Civil Improvement District.

DEVELOPER: Hawaiian Tradewinds, Inc., a Hawaii corporation is the Developer of the Project and has its principal place of business at 1720 Ala Moana, Honolulu, Hawaii 96815; Phone: 941-9167.



The building exteriors have redwood siding. There are 3 stairways in Building "A", and 2 in Building "B". The roofs are cedar shakes.

NOTE: THE APPROXIMATE GROSS FLOOR AREA OF EACH APARTMENT AS SET FORTH ABOVE INCLUDE ALL OF THE WALLS AND PARTITIONS WITHIN ITS PERIMETER WALLS, MEASURED BY ITS EXTERIOR PERIMETER WALLS AND THE INTERIOR HALF OF ITS PERIMETER PARTY WALLS, WHETHER LOAD-BEARING OR NON-LOAD BEARING.

Each apartment has immediate access to the grounds of the project or to a stairway leading to the grounds of the project.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter or party walls or interior load-bearing walls, the floors and the ceilings surrounding each apartment, or any pipes, wires, conduits, or other utilities or service lines running through each apartments which are utilized for or serve more than one apartment, the same being deemed common elements as herein after provided. Each apartment shall be deemed to include all the walls and partitions which are not load-bearing within its perimeter or party walls, the inner decorated or finished surfaces of all walls, floors and ceilings, and the built-in fixtures.

COMMON ELEMENTS: The common elements will include the Limited Common Elements, as well as 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:

- (a) Said Land in fee simple;
- (b) Apartment No. 118 to be used by the resident manager, together with adjoining office space;
- (c) The one-story building housing the ice maker, public phones, and laundry facilities;
- (d) All foundations, floor slabs, columns and load-bearing walls;
- (e) The roofs;
- (f) All landscaped yards, plantings and retaining walls, and similar items;
- (g) The laundry facilities;
- (h) All roads, driveway areas and exterior ground level walkways;
- (i) All ducts, electrical equipment, wiring and other central and appurtenant installations for services including power light, cold and hot water, refuse and telephone;
- (j) 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;
- (k) The forty-three parking stalls plus the two loading stalls.
- (l) Sewer treatment plant

LIMITED COMMON ELEMENTS: Limited common elements so set aside and reserved are as follows:

(a) The stair cases in and the passageways on the exterior of the second floors of each apartment will be limited common elements reserved for the use of the apartments on the second floor of each building:

(b) All common elements of the project which are rationally related to less than all apartments shall be limited to the use of such apartments.

INTEREST TO BE CONVEYED TO PURCHASER: Documents filed with the Commission indicate that the percentage of undivided interest in all of the common elements appertaining to each apartment will be 3.03%. 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 representations for voting purposes in the Association of Apartment Owners of the project.

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration provides that the apartments shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants, and social guests, and for no other purpose except that the apartments may also be rented to transients. The owners of the respective apartments shall have the absolute right to lease such apartments subject to all provisions of the Declaration and the By-Laws attached hereto.

Note: The house rule limits occupancy to not more than four (4) persons per apartment unit, and no pets are allowed.

ENCUMBERANCES AGAINST TITLE: Said Preliminary Report dated September 9, 1977, issued by Long and Melone, Ltd., as submitted to the Commission, provides that the following are encumbrances against title to the property:

1. The reservation in favor of the State of Hawaii of all mineral and metallic mines.

2. The reservation in favor of the State of Hawaii of an easement ten (10) feet wide for storm drain purposes over, under and across the subject property, as contained in Land Patent Grant No. 13,625.

3. Location of the seaward boundary and shoreline setbacks in accordance with the law of the State of Hawaii.

4. The subject property is encumbered by a mortgage, in favor of Homestead Savings and Loan, a California corporation, dated May 11, 1976, recorded as aforesaid in Land Court Document No. 76-36624 and the Bureau of Conveyances in Book 11403, Page 404, in the amount of \$800,000.00.

5. Real property taxes that may be due and owing, reference is made to the office of the Tax Assessor, Second Division.

6. Covenants, conditions, restrictions, reservations, and easements, liens for assessments, options, powers of attorney, limitations on title, and all other provisions contained in the Declaration of Horizontal Property Regime and By-Laws attached thereto dated October 3, 1977, recorded in the Bureau of Conveyances in Book 12489, Page 587; Condominium Map No. 518.

PURCHASE MONEY HANDLING: An executed Escrow Agreement dated November 23, 1977 identifies Long and Melone Escrow, Ltd. as the "Escrowee". However, the developers have advised the Commission that according to the needs and requirements of the individual financing institutions involved, purchaser's funds will either be placed in the Napili Bay Purchasers' Trust Account until the closing or will use Long and Melone Escrow, Ltd. as escrow.

Among other provisions, the specimen Sales Contract provides that the prospective purchaser 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.

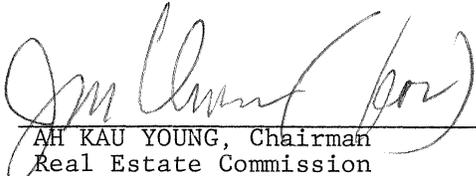
OWNERSHIP TO TITLE: A Preliminary Report issued by Long & Melone, Ltd dated September 9, 1977 certifies that title to the land is vested in Hawaiian Tradewinds, Inc., a Hawaii corporation.

MANAGEMENT OF THE PROJECT: The By-Laws which are incorporated in the Declaration provide that the operation of the project shall be conducted for the Association of Apartment Owners under the direction of the Board of Directors by a responsible managing agent. The executed Management Agreement indicates that the Developer will be the Managing Agent.

STATUS OF PROJECT: The Developer advises that construction of the Project was completed on January 5, 1977, as evidenced by the Notice of Completion dated January 5, 1977, a copy of which has been submitted to the Commission.

-----  
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 18, 1977 and additional information subsequently filed as of December 23, 1977.

This is a FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT, which is made a part of REGISTRATION NO. 941, filed with the Commission on October 18, 1977. This report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stores used in making facsimiles must be white.

  
\_\_\_\_\_  
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. 941  
Date: January 13, 1978