

# 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

KAMAHANA  
Princcville, Hanalei  
Kauai, Hawaii

REGISTRATION NO. 956

### **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 19, 1978  
Expires: January 19, 1980

#### SPECIAL ATTENTION

A comprehensive reading of this report 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 NOVEMBER 29, 1977, AND INFORMATION SUBSEQUENTLY FILED AS OF DECEMBER 4, 1978. THE DEVELOPER, IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES.

1. Since the issuance of the Commission's Preliminary Public Report on Registration No. 956, dated December 19, 1977, the Developer has forwarded additional information reflecting material changes that have been made in the documents for the project.

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

3. The basic documents (Declaration of Horizontal Property Regime, By-Laws of the Association of Apartment Owners and a copy of the approved Floor Plans) have been recorded in the Bureau of Conveyances of the State of Hawaii.

The Declaration of Horizontal Property Regime dated November 14, 1978, with By-Laws attached was recorded as aforesaid in Liber 13281, Page 254.

The approved Floor Plans showing the layout, location, apartment numbers, etc., have been designated Condominium File Plan No. 577.

4. Advertising or 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 514A of the 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 the date of issuance, December 19, 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 amends the Commission's Preliminary Public Report, and is made a part of registration on KAMAHANA condominium project. The Developer has the responsibility of placing a true copy of this Final Public Report (white paper stock) and a copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers. Securing a signed copy of the Receipt for both Horizontal Property Regime Public Reports from each purchaser is also the responsibility of the Developer.

The information in the topical headings DEVELOPER, DESCRIPTION, ENCUMBRANCES AGAINST TITLE and STATUS OF PROJECT has been altered as follows. All other topical headings have not been disturbed.

DEVELOPER: The Developer of the project has been changed to: KAMAHANA JOINT VENTURE ASSOCIATES, a Canadian joint venture, Suite 1222, 500-4th Avenue, SW, Calgary, Alberta, Canada T2P 2V6, telephone: 403-263-3356, whose partners are: ASTRAL ENERGY SYSTEMS, LTD., 2700 Shell Centre, 400 - 4th Avenue, SW, Calgary, Alberta; COMMERCIAL TRENCHING SERVICES

LTD., 4723 - 111 A Street, Edmonton, Alberta; THEODOR M. CORCORAN, 611 Willingdon Boulevard, SE, Calgary, Alberta; KENNETH ROBINSON, 1880 Vow Valley Square II, Calgary, Alberta; KEITH BELL, Suite 1222, 500 - 4th Avenue, SW, Calgary, Alberta; GORDON DIXON, 712 Lansdowne Avenue, SW, Calgary, Alberta; ROBERT DUNLOP, 97 Chinook Drive, SW, Calgary, Alberta; BRIAN S. EKSTROM, 470 Three Calgary Place, Calgary, Alberta T2P 0J1; EDWARD GARDNER, P. O. Box 1101, Wailuku, Maui, Hawaii 96793; JOSEPH E. LORIMER, 2516 Wyatt Street, Oakville, Ontario, L6L 2M6; McLEAN MANAGEMENT SERVICES LTD., #2704, 505 - 4th Avenue, SW, Calgary, Alberta; B. HAROLD MONZINGO, 100 Colleen Crescent, SW, Calgary, Alberta; EUGENE SETKA, Suite 1222, 500 - 4th Avenue, SW, Calgary, Alberta; 3 B FARMING LTD., 6804 Ogden Road, SE, Calgary, Alberta, T2C 1B4; DR. RICHARD RYLL, DDS, MSC, #519, 906 - 8th Avenue, SW, Calgary, Alberta; SOOLUX MANAGEMENT, 3018 - 3rd Street, SW, Calgary, Alberta, T2S 1V1.

DESCRIPTION: The description of the "Apartment Type A" was amended to read as follows (the balance of the information in this topical heading was not disturbed):

APARTMENT TYPE A: Eight (8) apartments, being Nos. 5, 6, 11, 12, 13, 14, 15 and 16, are built according to this floor plan, each consisting of eight (8) rooms, including a bedroom, a kitchen, a living room, a bathroom, a dining room and two (2) lanais located on the first floors of their respective buildings, and two (2) bedrooms, a bathroom and a lanai located on the second floor of their respective buildings. Each of these apartments contains a floor area of approximately 2,073 square feet, including the lanais, and shall have an appurtenant common interest of 4.20%.

ENCUMBRANCES AGAINST TITLE: A preliminary report dated October 6, 1978, issued by Long & Melone, Ltd., and other information supplied to the Commission provide that the following are encumbrances against title to the property:

1. For any taxes that may be due and owing and a lien on the land, reference is hereby made to the Office of the Tax Assessor of the Fourth Division, County of Kauai, Hawaii.

2. Easement S-1 (10 feet wide) as shown on said File Plan 1350 for sanitary sewer and located along a portion of the northeasterly boundary of Lot 5-B.

3. Declaration of Restrictions, Covenants and Conditions dated March 1, 1971, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 7444, Page 93, as amended.

4. Grant of Easement in favor of Kassler & Co., a Colorado corporation, dated June 19, 1975, recorded as aforesaid in Liber 10756, Page 267, for roadway and utility purposes, and located within a portion of Easement R-2.

5. Grant of Easement S-1 in favor of Kauai County Public Improvement Corporation, dated October 29, 1975, recorded as aforesaid in Liber 11034, Page 88, for sanitary sewer purposes, as shown on File Plan 1350.

6. Portion of Easement R-2 (22 feet wide) for road and utility purposes over and across Lot 5-B, more particularly described in the Declaration.

7. Reservations unto Consolidated Oil & Gas, Inc., a Colorado corporation, its successors and assigns, as set forth in Deeds dated August 26, 1977 and November 30, 1977, and recorded as aforesaid in Liber 12479, Page 405, and in Liber 12602, Page 248, respectively, of the following:

(a) Nonexclusive easement for road and utility purposes over, under, across, along and through a portion of Easement R-2, as more particularly described in Encumbrance No. 5 immediately above, together with the right to enter on said Lot 5-B for the maintenance and repair of said road and utility lines, together also with the right to grant to the State of Hawaii, County of Kauai or any other appropriate governmental authority or to any public utility corporation, Princeville of Hanalei Community Association, Kauai County Public Improvement Corporation or to any person, persons or corporations, easements for such purposes under such terms and conditions required by the grantee or grantees of such easements.

(b) Right to grant roadway easements over and across any and all roadway lots shown on File Plan Nos. 1179, 1350 and 1360, to the purchaser, purchasers, lessee, lessees, owner or owners of each of the lots within Princeville at Hanalei, and to any purchaser, purchasers, lessee, lessees, owner or owners of lots hereinafter created at Princeville at Hanalei; and of the right to grant roadway and utility easements over, under, across, along and upon that portion of Easement R-2 crossing over said Lot 5-B to any purchaser, purchasers, lessee and lessees of Lot 5-A, being the remainder of Lot 5 (File Plan 1350) and of Lot 4-B, being the parcel of land situate adjacent to said Lot 5-A.

9. Mortgage in favor of Consolidated Oil & Gas, Inc., a Colorado corporation, dated August 31, 1977 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 12479, Page 415.

The Developer reports the following encumbrances in addition to that as reported on the Preliminary Report dated October 6, 1978:

10. Declaration of Horizontal Property Regime dated November 14, 1978, recorded as aforesaid in Liber 13281, Page 264, with Condominium File Plan No. 577.

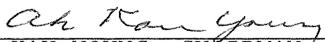
11. Mortgage, Security Agreement and Financing Statement in favor of Bank of Hawaii, a Hawaii corporation, recorded as aforesaid in Liber 13289, Page 37, in the amount of \$2,875,000.

STATUS OF PROJECT: The Developer advises that it estimates construction of the project will begin in December, 1978. The estimated date for completion of construction is October 16, 1979.

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The purchaser or prospective purchaser should be cognizant of the fact that this Report represents information disclosed by the Seller in the required Notice of Intention submitted November 29, 1977, and information subsequently filed as of December 4, 1978.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 956 filed with the Commission on November 29, 1977. 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.

  
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AH KAU YOUNG, CHAIRMAN  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

- DEPARTMENT OF TAXATION
- BUREAU OF CONVEYANCES
- PLANNING COMMISSION, COUNTY OF KAUAI
- FEDERAL HOUSING ADMINISTRATION
- ESCROW AGENT

REGISTRATION NO. 956

December 19, 1978