

# 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  
HALE KAI O'KONA  
Alii Drive  
Kailua, Kona, Hawaii

REGISTRATION NO. 980

### 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: March 29, 1979

Expires: April 29, 1980

#### 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 FEBRUARY 17, 1978 AND INFORMATION SUBSEQUENTLY FILED AS OF MARCH 22, 1979. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES ACT, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Report on April 11, 1978 on the HALE KAI O'KONA, Registration No. 980, 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 HALE KAI O'KONA 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 Public Report. The Developer is responsible for securing from each purchaser a signed receipt, signifying that he has had an opportunity to read all 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 basic documents (Declaration of Horizontal Property Regimes, By-Laws of the Association of Apartment Owners) were executed on June 30, 1978 and were filed in the Office of the Assistant Registrar of the Land Court, State of Hawaii as Document No. 888005 and filed in the Bureau of Conveyances, State of Hawaii in Book 13026, Page 688. A copy of the floor plans has been filed as Condominium Map No. 553 in said Office and Condominium Map No. 335 in said Bureau.
4. No advertising and 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 Chapter 514A, 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 March 29, 1979, 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 Public Report of April 11, 1978 under the topical headings PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE, OWNERSHIP OF TITLE, ENCUMBRANCES AGAINST TITLE, MANAGEMENT AND OPERATION AND STATUS OF PROJECT has been changed. All other information remains the same.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE: The executed House Rules provide that no pets are allowed in the premises except on a leash or in a cage and that no more than two persons shall be allowed to occupy each bedroom.

OWNERSHIP OF TITLE: An updated Preliminary Report dated January 30, 1979 by Hawaii Escrow & Title, Inc. certifies that the fee simple title to the land is owned by Fale Kai Development Corporation, the Developer.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Report reflects the following encumbrances:

1. Reservation in favor of the State of Hawaii as to all mineral and metallic mines.

2. The provisions of the Hawaii Revised Statutes, Sections 205.31 through 205.37, relative to shoreline setbacks and prohibitions on the use, and to the regulations of the Land Use Commission and the County of Hawaii Planning Department.

3. Mortgage in favor of American Security Bank dated June 29, 1978 filed in the Office of the Assistant Registrar of the Land Court, State of Hawaii as Document No. 884636 and also recorded in the Bureau of Conveyances, State of Hawaii in Book 12997, Page 418, to secure the repayment of the loan of \$1,106,200.00.

NOTE:

A Financing Statement covering certain personal property therein described recorded in the Bureau of Conveyances, State of Hawaii, in Book 12997, Page 416.

Date Recorded: July 05, 1978.

Debtor: Hale Kai Development Corporation.

Secured Party: American Security Bank.

4. Condominium Map No. 335 filed in the Office of the Assistant Registrar of the Land Court, State of Hawaii, and Condominium Map No. 553, filed in the Bureau of Conveyances, State of Hawaii.

5. Covenants, conditions, restrictions, reservations, agreements, obligations, provisions, easements and by-laws set forth in the Declaration of Horizontal Property Regime dated June 30, 1978, filed July 20, 1978, in the Office of the Assistant Registrar of the Land Court, State of Hawaii, as Document No. 888005, and also recorded July 20, 1978, in the Bureau of Conveyances, State of Hawaii, in Book 13026, Page 688.

6. Taxes which may become due and owing. Reference is hereby made to the County Tax Assessor of the Third Division for further information.

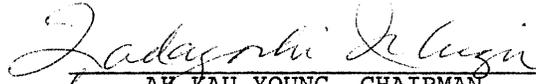
7. Any Assessments that may be levied by governmental authority.

MANAGEMENT AND OPERATION: The Declaration of Horizontal Property Regime provides that the operation of the project shall be conducted for the Association of Apartment Owners by a Managing Agent. Mr. John W. Godfrey, an individual living in Kailua-Kona, Hawaii, on November 6, 1978, entered into a Management Agreement with the Association of Apartment Owners of Hale Kai O'Kona.

STATUS OF PROJECT. The Developer reports that the construction of the building commenced August 1, 1978 and that the projected completion date is about April 15, 1979.

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The purchaser or prospective purchaser shall be cognizant of the fact that this public report represents information disclosed by the Developer in the required Notice of Intention submitted February 17, 1978 and information subsequently filed as of March 22, 1979.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 980 filed with the Commission on February 17, 1978. 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 AH KAU YOUNG, CHAIRMAN  
REAL ESTATE COMMISSION  
STATE OF HAWAII

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

REGISTRATION NO. 980

March 29, 1979