

# 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

KAMOA VIEWS  
2124 Awihi Place  
Kihei, Maui, Hawaii  
REGISTRATION NO. 1073

Issued: May 17, 1979

Expires: June 17, 1980

### **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.

#### 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, 1978 AND INFORMATION SUBSEQUENTLY FILED ON MAY 11, 1979. THE DEVELOPER, NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY REGIMES LAWS, HAWAII REVISED STATUTES, CHAPTER 514A.

1. KAMOA VIEWS is a proposed fee simple condominium project containing forty-four (44) apartments located in one four-story building, consisting of forty-two (42) one-bedroom and two (2) studio types and a total of fifty-five (55) unassigned parking stalls (41 regular, 14 compact).
2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary for the registration of a condominium project and the issuance of this Preliminary Public Report.

3. No advertising or promotional matter has been submitted pursuant to the rules and regulations promulgated by the Commission.
4. The basic documents (Declaration of Horizontal Property Regime, By-Laws of Association of Apartment Owners, and a copy of the approved Floor Plans) have not been recorded in the office of the recording officer.
5. The purchaser or prospective purchaser is advised to acquaint himself with the provisions of Chapter 514A of the Hawaii Revised Statutes and the condominium rules and regulations which relate to horizontal property regimes.
6. This Preliminary Public Report automatically expires thirteen (13) months after the date of issuance, May 17, 1979, unless a Supplementary or Final Public Report issues, or the Commission, upon review of the registration, issues an order extending the effective period of this report.
7. This Preliminary Public Report is made a part of registration on KAMOA VIEWS condominium project. The Developer has the responsibility of placing a true copy of the Preliminary Public Report (yellow paper stock) in the hands of all purchasers and prospective purchasers. Securing a signed copy of the receipt for the Preliminary Horizontal Property Regime Public Report from each such person is also the responsibility of the Developer.

NAME OF PROJECT: KAMOA VIEWS

LOCATION: The project is located at 2124 Awihi Place, Maui, Hawaii, and consists of approximately 35,535 square feet of land.

TAX KEY: Second Division 3-9-16-39, 40 & 41

ZONING: A-2, Apartment District (4 stories)

DEVELOPER: PARADISE DEVELOPERS INC., a Hawaii corporation, is the developer of the project pursuant to a Developer/Agent Agreement with United Realty, Inc. with its principal place of business at Kihei, Hawaii. The postal address is P. O. Box 1307, Kihei, Maui, Hawaii 96753 and telephone number 572-0972. The officers are IVAN G. PIVAROFF, President/Treasurer; HENRY A. GOMES, Vice-President; and GWEN S. PIVAROFF, Secretary.

ATTORNEY REPRESENTING DEVELOPER: LAWRENCE N. C. ING, 2180 Main Street, Suite 419, Wailuku, Maui, Hawaii 96793; telephone: 244-7975.

DESCRIPTION OF PROJECT: The proposed Declaration of Horizontal Property Regimes describes the project as follows:

1. Building Description. The project will consist of ~~forty-four~~ (44) residential apartment units, in one four (4) story building with 55 paved parking stalls. Each unit shall consist of the space measured horizontally by the distances between the interior half of the perimeter walls of each unit, and the space measured by the area of the lanai of each unit; and measured vertically by the distances between the topside surface of the concrete floor and the underside of the ceiling.

The principal materials of which the said buildings shall be constructed are as follows:

- a. the ground floor slab be of poured reinforced concrete;
  - b. the floor above the ground floor shall be of reinforced precast prestressed concrete with a reinforced concrete topping;
  - c. the structural system shall be of standard 8 inch concrete masonry units and reinforced concrete columns and beams;
  - d. the interior partitions within each apartment shall be of metal studs with gypsum board and paint finish;
  - e. the stairs shall be of reinforced concrete;
  - f. the roof shall be of wood, with metal tiles and insulated built-up composition roofing on reinforced concrete;
  - g. the floors within each unit shall be covered with carpet and vinyl asbestos tile.
2. Limits of Apartment. Each apartment shall include all the walls and partitions within its perimeter walls; all glass windows or panels along the perimeters; the entirety of perimeter non-party walls except for the exterior decorated surfaces; the interior half of perimeter party walls; the inner decorated or finished surfaces of the floors and ceilings; the adjacent lanai to the exterior edge of the concrete floor slabs; the built-in fixtures including the range, refrigerator, garbage disposal, dishwasher, washer/dryer, water heater, sinks, bathroom fixtures, carpets and drapes; and all air space encompassed within the apartment; provided, however that the portion of each party wall and of each load bearing wall (whether or not a party wall) which is included in any apartment is a common element (except for the inner decorated surface of said wall within said apartment, which is not a common element) and that the exterior decorated surface of each perimeter non-party wall is a common element; and provided further that any ventilation duct shafts within an apartment as shown on said condominium map is a common element.

3. Numbering of Units. Each apartment, has been given a numerical designation by which its location in the building can be determined. The first floor will be 102 thru 115. The second floor will be 201 thru 215. The 3rd floor will be 301 thru 315. The two studio apartments are numbered 201 and 301.
4. Description of Apartments. There will be forty-two (42) one bedroom units and two (2) studio units described as follows:
  - (a) The studio includes an entry, kitchen, living, dressing room and bath. It includes a floor area of approximately 505 square feet;
  - (b) The one-bedroom includes an entry, kitchen, living/dining area, bedroom, bathroom and lanai. It includes a floor area of approximately 704 square feet including 111 square feet of lanai;

COMMON ELEMENTS: The common elements include:

1. The land in fee simple;
2. The foundations, floor slabs, columns, girders, beams, supports, bearing walls, roofs, corridors, elevator, elevator shaft, stairways, fire escapes, entrances and exits of the buildings;
3. The roof;
4. The mailboxes, lobby, office, storage room and swimming pool;
5. The driveways, loading areas and the fifty-five (55) unassigned parking stalls;
6. The central and appurtenant installations for services such as power, air conditioning, light, hot and cold water and like utilities;
7. All of the parts of the project existing for the common use and are necessary to the existence, maintenance and safety of the project.

LIMITED COMMON ELEMENTS: The proposed Declaration provides that there will be no limited common elements.

INTEREST TO BE CONVEYED TO PURCHASERS: The undivided fractional interest ownership in the common elements ("common interest") appertaining to each apartment for all purposes including voting is as follows:

<u>Unit</u>	<u>% of Common Elements</u>
One bedroom	2.302
Studio	1.658

PURPOSE OF BUILDING AND RESTRICTIONS AS TO USE: The Declaration provides that all apartments shall be occupied and used as living accommodations for permanent or transitory

use and may be leased or rented from time to time for transient occupancy by the respective owners thereof, their tenants, families, domestic servants and social guests subject to such limitation as may be contained in the Declaration or in the By-Laws and House Rules which may be adopted from time to time governing the use of the apartments.

The purchasers or prospective purchasers are advised to read with care the proposed House Rules which provides in part: (1) Occupancy limited to two persons for studio and four persons for one-bedroom apartments; (2) No dogs, cats or other domestic pets are allowed in the premises.

OWNERSHIP OF TITLE: The Preliminary Title Report by Title Guaranty of Hawaii, Inc., dated March 23, 1979, reflects that title is vested in FS&T ASSOCIATES (a Hawaii Limited Partnership). The Developer entered into a development agreement dated June 4, 1978 with United Realty, Inc. who has agreed to purchase the land committed to the project by way of an Agreement of Sale with the fee owner.

ENCUMBRANCES AGAINST TITLE: Said Preliminary Title Report by Title Guaranty of Hawaii, Inc., also reflects the following encumbrances:

1. For any taxes that may be due and owing and a lien on the land, reference is made to the Office of the Tax Assessor of the Second Division, County of Maui, Hawaii.
2. Easement "B" (5 feet wide) for electric and telephone purposes situated in the Western portion of premises and shown on "Kalama Heights Apartment Subdivision" map, being file plan No. 986. Granted to Maui Electric Company, Ltd., by grant of easement dated June 3, 1966 and recorded in Liber 5385 at Page 142.
3. Easement "A" (10 feet wide) for waterline situated in Western portion of premises and shown on "Kalama Heights Subdivision" map, being file plan 986.
4. Easement (19.38 feet wide) in favor of the Department of Water Supply of the County of Maui for water line and maintenance purposes situated in Western portion of the premises as shown on map prepared by Warren S. Unemori, surveyor, dated April 8, 1974.
5. Grant in favor of William Bung Chow Hee and Vivian Mow Hee, husband and wife, dated April 3, 1969, recorded in Liber 6539 at Page 341; creating a reciprocal appurtenant easement for driveways and parking purposes over easement "L" and easement "K".
6. A 22-foot proposed master planned road setback line along easterly boundary of the premises as shown on the map prepared by Warren S. Unemori, surveyor, dated July 23, 1974.
7. Those certain restrictive covenants prohibiting:
  - A. The use of second-hand lumber in the construction of improvements on the premises;
  - B. The construction of "quonset hut" type buildings on the property;
  - C. Raising animals, livestock or poultry on the premises (household pets excepted)contained in Deed dated September 24, 1968, recorded in said Bureau in Liber 6233, Page 461.

8. Agreement of Sale from FS&T Associates, a Hawaii Limited Partnership to United Realty, Inc., a Hawaii corporation, dated April 28, 1978 and recorded in Liber 12858 at Page 488.

9. Agreement dated January 15, 1979, recorded in Liber 13422 at Page 567, by and between the County of Maui, Department of Water Supply, and Paradise Developers, Inc.

NOTE: The above agreement made pursuant to the Rules and Regulations of the Department of Water Supply and the Special Rule Regulating for an Interim Period the Approval of Subdivision Applications, the Approval of Building Permits and the Approval of Water Meters from the Mokuhau, Iao-Kepaniwai and Waiehu Water Sources state the following conditions:

- a. Until acceptance by County and satisfactory operation of the Central Maui Water Transmission Source and Pipeline projects, no water meter of any size other than a temporary construction meter shall be issued for the subdivision.
- b. Developer may petition the Director of Public Works, County of Maui, for a certificate of occupancy for the subdivision only after acceptance by County and satisfactory operation of the Central Maui Water Transmission Source and Pipeline projects.

10. Compliance with the provisions of Chapter 425 of the Hawaii Revised Statutes, as amended, relating to the registration of the partnership of FS&T Associates with the Office of the Director of the Regulatory Agencies of the State of Hawaii.

PURCHASE MONEY HANDLING: A copy of the executed Escrow Agreement dated December 13, 1978 identifies Title Guaranty Escrow Services, Inc., a Hawaii corporation, as Escrow. On examination, the specimen Deposit, Receipt and Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514A Hawaii Revised Statutes and particularly Sections 514A-37, 39, 40 and 63 through 66.

The Escrow Agreement provides, among others, that a purchaser shall be entitled to a return of his funds, and Escrow shall pay such funds to such purchaser, without interest, less cancellation fee of \$25.00, promptly after purchaser has requested such return if Escrow shall have received from Developer a written notice that any one of the following has occurred:

1. Developer shall have requested Escrow to return to purchaser the funds of purchaser then being held hereunder by Escrow; or

2. Developer shall have notified Escrow of Developer's exercise of the option to rescind the sales contract pursuant to any right of rescission stated therein or otherwise available to Developer; or

3. With respect to a purchaser whose funds were obtained prior to the issuance of the Final Report, there shall have been a change in the building plans requiring approval of a county officer having jurisdiction over the issuance of building permits except such changes as

are specifically authorized in the Declaration of Horizontal Property Regime or by the terms of the sales contract or to which said purchaser has otherwise consented in writing; or

4. The Final Report differs in a material respect from the Preliminary Report, and the purchaser's written approval of such change shall not have been obtained; or

5. The Final Report shall not have been issued within one (1) year from the date of issuance of the Preliminary Report.

The specimen Sales Contract provides among other provisions:

1. Purchaser agrees that all rights of Purchaser are and shall be subject and subordinate to the lien of any mortgage, security agreement and financing statement securing the repayment of the interim loan made to finance the cost of construction and other costs during construction;

2. The Sales Contract shall be binding upon execution of contract between Seller and Purchaser and within two (2) days after Seller receives and executed receipt for the Final Public Report from Purchaser.

3. If Seller encounters unexpected delays in the development and construction of the project which requires an increase in apartment sales prices over and above 5% to maintain financial feasibility of the project, Seller may at its option terminate the Sales Contract and cause Escrow to refund to Purchaser all monies paid without interest and seller shall be released from all liability.

It is incumbent upon the purchaser and the prospective purchaser that he read with care the Sales Contract and Escrow Agreement establishes how the proceeds on the sale of the Apartments and all sums from any source are placed in Escrow, as well as the retention, disbursement, and refund of said escrow funds.

MANAGEMENT AND OPERATION: The Declaration provides that the operation of the project shall be conducted for the Association by a responsible managing agent who shall be appointed by the Association in accordance with the By-Laws. By virtue of an agreement dated December 11, 1978, Aaron M. Chaney, Inc., a Hawaiian corporation has been designated the initial managing agent.

STATUS OF PROJECT: As of this date no construction contract has been entered into by the developer. It is estimated that the project will be completed eleven (11) months after the commencement of construction.

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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 December 29, 1978, and subsequent information filed as of May 11, 1979.

This PRELIMINARY HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of the REGISTRATION NO. 1073 filed with the Commission on December 29, 1978.

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

  
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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. 1073

Date: May 17, 1979