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
KIHEI RESORT
Kaonoulu (Kihei), Maui
State of Hawaii

REGISTRATION NO. 1156

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: August 20, 1979
Expires: September 20, 1980

SPECIAL ATTENTION

A comprehensive reading of this report is urged in order that the personal requirements and expectations to be derived from the property can be ascertained. The attention of the purchaser and prospective purchaser is particularly directed to the following:

THIS REPORT REFLECTS INFORMATION DISCLOSED IN THE REQUIRED NOTICE OF INTENTION SUBMITTED JULY 26, 1979, AND INFORMATION FILED AS OF AUGUST 14, 1979. DEVELOPER IN NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL AND SUBMITTING INFORMATION ON THE PROJECT, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. KIHEI RESORT is a proposed fee simple condominium project consisting of 64 apartments in five (5) two-story building complexes, a separate resident manager's

building, a swimming pool-pavilion complex, and an open parking area containing 82 standard size parking stalls.

2. The Developer of the Project has submitted to the Commission for its examination all documents deemed necessary for the registration of the condominium project and the issuance of this Preliminary Public Report.

3. The Developer reports that the Declaration of Horizontal Property Regime, the Bylaws of the Association of Apartment Owners and the Condominium Map will be recorded in the Bureau of Conveyances of the State of Hawaii immediately prior to the application for a Final Public Report.

4. No advertising or promotional materials have been submitted to 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 Rules and Regulations of the Hawaii Real Estate Commission which relate to Horizontal Property Regimes.

6. This Preliminary Public Report expires thirteen (13) months after date of issuance, August 20, 1979, unless a Final or Supplementary Public Report issues, or the Commission, upon review of the registration, issues an order extending the effective date of this report.

7. This Preliminary Public Report is part of the registration of KIHEI RESORT. The Developer has the responsibility of placing a true copy of this Preliminary Public Report (yellow paper stock) and Disclosure Abstract in the hands of all purchasers and prospective purchasers and securing a signed copy of the receipt for same.

NAME OF PROJECT: KIHEI RESORT

LOCATION: The Project is located in Kaonoulu (Kihei), Wailuku, Island and County of Maui, State of Hawaii and has a land area of approximately 113,325 square feet.

TAX KEY: 3-9-01-137(2) and 3-9-01-136(2), Second Division.

ZONING: A-1 under the Ordinances of the County of Maui.

DEVELOPER: Gibraltar Maui Partners, a Hawaii general partnership, Suite 1620, Pioneer Plaza, 900 Fort Street Mall, Honolulu, Hawaii 96813; Telephone: (808) 537-6752. The partners are: A.W.L. DEVELOPMENTS INC.; C.G.P. DEVELOPMENTS INC.; G.D.H. DEVELOPMENTS INC.; J.F.M. DEVELOPMENTS INC.; J.J.V. INVESTMENTS INC.; VITEDAD INC.; W.G.G. MAUI INC.; 1455 MORT INC.; 1465 MACK DEVELOPMENT INC.; KIHEI DEVELOPMENT CORPORATION; JAYARKAY INVESTMENTS LTD. and BEVLEN MAUI ESTATES LTD.

ATTORNEYS REPRESENTING DEVELOPER: Cades Schutte Fleming & Wright (Attention: Larry T. Takumi), Suite 1400, 1000 Bishop Street, P.O. Box 939, Honolulu, Hawaii 96808: Telephone (808) 521-9200.

DESCRIPTION OF PROJECT AND APARTMENTS: The Project consists of five (5) two-story apartment building complexes containing sixty-four (64) condominium apartments, a resident manager's unit and a swimming pool-pavilion complex. There are thirty-two (32) one bedroom apartments and thirty-two (32) two bedroom apartments in the Project. The five apartment building complexes are identified as Buildings I, II, III, IV and V, and are of wood construction with concrete block foundations, cement plaster with wood trims on the first floor, rough sawn wood siding on the second floor and concrete roof tile.

Buildings I and V are identical in structure, with each building containing six (6) one bedroom apartments on the first floor and six (6) two bedroom apartments on the second floor with mezzanine.

Building III contains four (4) one bedroom apartments on the first floor and four (4) two bedroom apartments on the second floor with mezzanine.

Buildings II and IV are identical in structure, with each building containing eight (8) one bedroom apartments on the first floor and eight (8) two bedroom apartments on the second floor with mezzanine.

Building VI is the resident manager's unit which is of wood construction with concrete block foundations, cement plaster with wood trims on the first floor, rough sawn wood siding on the second floor and concrete roof tile.

Building VII is the pavilion which is a part of the swimming pool-pavilion complex which includes a swimming pool, equipment and storage facilities, shower and toilets, and a jacuzzi pool.

Buildings I, II, III, IV and V are arranged in a horseshoe pattern with the entry way to each apartment facing an interior courtyard area. Buildings VI and VII are also situated within the interior courtyard area. The buildings are numbered in a consecutive order beginning with the building located in the northwest corner of the Property.

There is a total of eighty-two (82) parking stalls (all standard size) in the Project, with eighteen (18) guest parking stalls and sixty-four (64) assigned parking stalls reserved for the exclusive use of the apartment owners.

There are eight (8) basic apartment model types in the Project:

Model A Apartments. The Model A apartments are end units located on the first floor of every apartment building complex. Each Model A apartment has an interior living area of approximately 635 square feet, including a living room, kitchen with built-in breakfast counter, one bedroom, and a bathroom (with toilet and bathtub-shower combination). Each Model A apartment has a lanai off the living room area containing an area of approximately 67 square feet, together with an adjoining fenced-in court area of approximately 100 square feet which is a limited common element. Each Model A apartment has direct access to an entry way shared with the adjoining Model B apartment.

Model B Apartments. The Model B apartments are interior units located on the first floor of each apartment building complex. Each Model B apartment has an interior living area of approximately 621 square feet, including a living room, kitchen with built-in breakfast counter, one bedroom and a bathroom (with toilet and bathtub-shower combination). Each Model B apartment has a lanai off the living room area containing an area of approximately 67 square feet, together with an adjoining fenced-in court area of approximately 52 square feet which is a limited common element. Each Model B apartment has direct access to an entry way shared with the adjoining Model A, or in some cases Model C, apartment.

Model C Apartments. The Model C apartments are interior units located on the first floor of each apartment building complex and are identical to the Model B apartments except that the Model C apartments are in a reverse configuration from the Model B apartments. Each Model B apartment has direct access to an entry way shared with the adjoining Model D, or in some cases Model B, apartment.

Model D Apartments. The Model D apartments are end units located on the first floor of every apartment building complex and are identical to the Model A apartments except that the Model D apartments are in a reverse configuration from the Model A apartments. Each Model D apartment has direct access to an entry way shared with the adjoining Model C apartment.

Model E Apartments. The Model E apartments are end units located on the second floor of each apartment building complex. Each Model E apartment has an interior living area of approximately 838 square feet, including a dining-living area, a kitchen, two bedrooms and two bathrooms, each containing a toilet and bathtub-shower combination. Each Model E

apartment is in a two-level configuration with the entry, dining-living area, kitchen, one bedroom and one bathroom on the lower level, and one bedroom and bathroom on the mezzanine. The lower level and the mezzanine are connected by an interior stairway. Each Model E apartment also has a lanai off the dining-living area containing approximately 67 square feet. Each Model E apartment has direct access to a stairway shared with the adjoining Model F apartment.

Model F Apartments. The Model F apartments are interior units located on the second floor of each apartment building complex. Each Model F apartment has an interior living area of approximately 824 square feet, including a dining-living area, a kitchen, two bedrooms and two bathrooms, each containing a toilet and bathtub-shower combination. Each Model F apartment is in a two-level configuration with the entry, dining-living area, kitchen, one bedroom and one bathroom on the lower level, and one bedroom and bathroom on the mezzanine. The lower level and the mezzanine are connected by an interior stairway. Each Model F apartment also has a lanai off the dining-living area containing an area of approximately 67 square feet. Each Model F apartment has direct access to a stairway shared with the adjoining Model E, or in some cases Model G, apartment.

Model G Apartments. The Model G apartments are interior units located on the second floor of each apartment building complex and are identical to the Model F apartments except that the Model G apartments are in a reverse configuration from the Model F apartments. Each Model G apartment has direct access to a stairway shared with the adjoining Model H, or in some cases Model F, apartment.

Model H Apartments. The Model H apartments are end units located on the second floor of each apartment building complex and are identical to the Model E apartments except that the Model H apartments are in a reverse configuration from the Model E apartments. Each Model H apartment has direct access to a stairway shared with the adjoining Model G apartment.

By way of summary, the square foot area of each apartment by model type is approximately as follows:

Model Type	Interior Area	Lanai Area	Total
A	635	67	702
B	621	67	688
C	621	67	688
D	635	67	702
E	838	67	905
F	824	67	891
G	824	67	891
H	838	67	905

The apartments by model type are shown below. The first digit identifies the location of the apartment on either the first or second floor. The letter following the third digit identifies the apartment model type.

Apartment Model Type	Apartment Nos.
A	Building I: 101A
	Building II: 107A
	Building III: 115A
	Building IV: 119A
	Building V: 127A
B	Building I: 102B, 104B
	Building II: 108B, 110B, 112B
	Building III: 116B
	Building IV: 120B, 122B, 124B
	Building V: 128B, 130B
C	Building I: 103C, 105C
	Building II: 109C, 111C, 113C
	Building III: 117C
	Building IV: 121C, 123C, 125C
	Building V: 129C, 131C
D	Building I: 106D
	Building II: 114D
	Building III: 118D
	Building IV: 126D
	Building V: 132D
E	Building I: 201E
	Building II: 207E
	Building III: 215E
	Building IV: 219E
	Building V: 227E
F	Building I: 202F, 204F
	Building II: 208F, 210F, 212F
	Building III: 216F
	Building IV: 220F, 222F, 224F
	Building V: 228F, 230F
G	Building I: 203G, 205G
	Building II: 209G, 211G, 213G
	Building III: 217G
	Building IV: 221G, 223G, 225G
	Building V: 229G, 231G
H	Building I: 206H
	Building II: 214H
	Building III: 218H
	Building IV: 226H
	Building V: 232H

The resident manager's unit (Building VI) has an interior area of approximately 836 square feet, including an office room, a dining-living room area, a kitchen, one bedroom, a bathroom, a lanai off the living room area containing an area of approximately 53 square feet, and a fenced-in court area of approximately 100 square feet, all of which are common elements.

LIMITS OF APARTMENTS:

Each apartment shall be deemed to include: (i) any adjacent lanai to which such apartment has direct, exclusive access, (ii) all the walls and partitions which are not load-bearing within its perimeter walls, (iii) the inner decorated or finished surfaces of all walls, floors and ceilings, (iv) any doors, windows or panels along the perimeters, and (v) all fixures originally installed therein. The respective apartments shall not be deemed to include: (a) the undecorated or unfinished surfaces of the perimeter walls, the interior load-bearing walls, or the party walls, (b) the undecorated or unfinished floors and ceilings surrounding each apartment, or (c) any pipes, shafts, wires, conduits or other utility or service lines running through such apartment which are utilized for or serve more than one apartment, the same being deemed common elements as hereinafter provided.

COMMON ELEMENTS:

The common elements will include all portions of the Project, other than the apartments, including, specifically, but not limited to, the common elements mentioned in the Horizontal Property Act which are actually constructed on the land, and all other portions of the Project necessary or convenient to its existence, maintenance and safety, or normally in common use, and which are not included as part of an apartment and those common elements more particularly described as follows:

1. All of the land in fee simple;

2. All parking stalls (including the eighteen (18) guest parking stalls and the sixty-four (64) parking stalls assigned to the apartments as limited common elements);

3. The resident manager's unit (Building VI);

4. All facilities in the swimming pool-pavilion complex, which includes Building VII, a swimming pool, equipment and storage facilities, showers and toilets, and a jacuzzi pool; and

5. All landscaped areas, trash enclosures, roads, driveway areas, stairways, entry ways and fences (including the limited common elements described below).

LIMITED COMMON ELEMENTS:

The limited common elements and apartments to which their use is reserved are:

1. Stairways and entry ways shall be limited common elements for the exclusive use of the apartments they serve.

2. The court area adjoining each Model A, B, C, and D apartment and the fence enclosing the court area shall be a limited common element reserved for the exclusive use of each Model A, Model B, C and D apartment.

3. The following numbered parking stalls as shown on the Condominium Map shall be assigned and reserved for the exclusive use of the following apartments:

Parking Stall No.	Apartment No.	Parking Stall No.	Apartment No.
7	101A	8	201E
9	102B	10	202F
81	103C	82	203G
17	104B	18	204F
19	105C	20	205G
21	106D	22	206H
26	107A	27	207E
28	108B	29	208F
30	109C	31	209G
32	110B	33	210F
34	111C	35	211G
36	112B	37	212F
38	113C	39	213G
40	114D	74	214H
67	115A	68	215E
69	116B	70	216F
71	117C	72	217G
73	118D	66	218H
60	119A	59	219E
62	120B	61	220F
64	121C	63	221G
75	122B	65	222F
77	123C	76	223G
25	124B	78	224F
23	125C	24	225G
80	126D	79	226H
15	127A	16	227E
13	128B	14	228F
11	129C	12	229G
5	130B	6	230F
3	131C	4	231G
1	132D	2	232H

(Parking stall nos. 41-58, reserved for guest parking, are deemed common elements)

INTEREST TO BE CONVEYED TO PURCHASER:

The percentage of undivided interest in all the common elements appertaining to each apartment including voting by model type is as follows:

Model Type	Common Interest Percentage	No. of each Model Type	Total
A	1.36	5	6.80
B	1.36	11	14.96
C	1.36	11	14.96
D	1.36	5	6.80
E	1.76	4	7.04
	*1.80	1	1.80
F	1.76	10	17.60
	*1.80	1	1.80
G	1.76	10	17.60
	*1.80	1	1.80
H	1.76	4	7.04
	*1.80	1	1.80
		64	100.00%

* These apartments are located in Building III as shown on the Condominium Map.

PURPOSE OF BUILDINGS AND RESTRICTIONS AS TO USE:

Each apartment shall at all times be used only as a private residential or vacation 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 or vacation use. The apartments shall not be used as an office or for any other commercial purpose.

Note: The House Rules provide that a dog or cat may be kept in the apartment unit and/or appurtenant enclosed area subject to the Board of Directors right of changing occupancy rules or evicting pets resulting from complaints from four apartment owners. Pet residency is further subject to posting $100 security deposit.

OWNERSHIP OF TITLE:

A Preliminary Title Report dated July 16, 1979, issued by Title Guaranty of Hawaii, Incorporated, states that fee simple title to the land is held by the Developer.

ENCUMBRANCES:

The Preliminary Title Report states that the title to the property is subject to the following encumbrances:

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

2. Mortgage dated December 29, 1978, in favor of Donald H. Tokunaga, husband of Alice Y. Tokunaga, Douglas R.

Sodetani, husband of Clara S. Sodetani, and Meyer M. Ueoka, husband of Yukie H. Ueoka, as Trustees for Kaonoulu-Kihei Venture, an unincorporated association, recorded in said Bureau in Book 13381, Page 24. (The Mortgage will be released prior to the issuance of any apartment deeds.)

3. Agreement dated May 23, 1979, recorded in Book 13745, Page 705, by and between the County of Maui, Department of Water Supply, and Gibraltar Maui Partners.

4. *For any taxes that are due and owing, reference* is made to the Office of the Tax Assessor, Second Division.

PURCHASE MONEY HANDLING:

A copy of a specimen Deposit Receipt and Sales Contract and an executed Escrow Agreement have been submitted as part of the registration. The Escrow Agreement, dated July 24, 1979, identifies First Hawaiian Bank as the "Escrow Agent". Upon examination, the specimen Sales Contract and the executed Escrow Agreement are found to be in compliance with Chapter 514A, Hawaii Revised Statutes, and particularly with Sections 514A-37, 39, 40, 63 through 66. A prospective purchaser should carefully examine the form of Sales Contract and the Escrow Agreement to determine the time for and the amount of the installment payments on the purchase price and his obligations to pay the closing costs. It is incumbent upon the purchaser to read and understand the Escrow Agreement before signing the Sales Contract since the Escrow Agreement prescribes the procedure for receiving and disbursing the purchaser's down payments and the Sales Contract provides that the purchaser approves the Escrow Agreement. The Sales Contract also provides that the buyer's right, title and ineterst under *the Sales Contract shall be subject and subordinate to the* liens and security interests of any mortgage or other security instruments made by the Developer in favor of any lending institution to secure a loan for the purpose of constructing the Project. The Sales Contract, among other things, contains acknowledgments by each buyer: (i) that the Developer will not sponsor, arrange or promote any program for the rental or temporary use and occupancy of apartments in the Project; (ii) that the buyer must make any such arrangements for his apartment, if desired, without the involvement or participation of the Developer; (iii) that the Developer has authorized no agents, salesmen or brokers to make any representations as to rental or other income from any apartment or any other economic benefit, including possible advantages from the ownership of an apartment under federal or state tax laws, to be derived from the purchase of an apartment in the Project; (iv) that the buyer acknowledges that no such representations or warranties have been made and that the Developer expressly disclaims and repudiates any representation from any source as to any possible economic benefit arising from ownership of an apartment in the Project; and (v) that until the Developer closes the sales of all the apartments in the Project, the buyer shall not enter into any agreement with any purchaser, lessee or owner of another apartment in the *Project or any third party*

under which the buyer agrees to share rental income from apartments in the Project. The Sales Contract also discloses that the Project is situated in the interim regulation area, as defined in the County of Maui Department of Water Supply's 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 Waichu Water Sources; (ii) that until acceptance by the County of Maui Department of Water Supply (the "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 Project; and (iii) that the Developer may petition the Director of Public Works, County of Maui, for a certificate of occupancy for the Project only after acceptance by the County and satisfactory operation of the Central Maui Water Transmission Source and Pipeline projects. The Central Maui Water Transmission Source and Pipeline projects are expected to be in operation before the end of the calendar year 1979. Additionally, the Sales Contract provides that the Seller makes no warranties, expressed or implied, with respect to Buyer's apartment, the Common Elements, or anything installed therein. The Seller merely arranges and passes through to the Buyers the Contractor's normal one year warranty for workmanship and materials for the construction of the Project. Warranties for appliances and furnishings installed in the Project shall also pass from the Manufacturers and Dealers directly to individual Purchasers.

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 Project, subject at all times to direction by the Board of Directors.

STATUS OF PROJECT:

The Developer currently estimates that construction of the Project will commence in December, 1979 and will be completed in December, 1980.

The purchaser and prospective purchasers should be cognizant of the fact that this Public Report represents information disclosed by the Developer in the required Notice of Intention submitted July 26, 1979 and information subsequently filed as of August 14, 1979.

This PRELIMINARY HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1156 filed with the Commission on July 26, 1979.

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

AH KAU YOUNG, Chairman
Real Estate Commission
State of Hawaii

Distribution:

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Registration No. 1156

August 20, 1979