

# 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

KONA WEST

Kuakini Highway  
Kailua-Kona, Hawaii

REGISTRATION NO. 1328

### **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: February 11, 1981

Expires: March 11, 1982

#### 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 JULY 3, 1980, AND INFORMATION SUBSEQUENTLY FILED AS OF JANUARY 21, 1981. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT, CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report of September 12, 1980, on the "KONA WEST" condominium project, Registration No. 1328, the Developer reports that changes have been made and requests a Final Public Report on the project.

2. The Developer of the project has submitted to the Commission for examination all documents deemed necessary 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 and also filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii. The Declaration was recorded in said Bureau in Liber 15268 at Page 446, and also filed in said Office as Document No. 1050163 and noted on Transfer Certificate of Title No. 218,947. The Floor Plans have been designated as Condominium Map Nos. 780 and 446, respectively.

4. No advertising or promotional materials have been filed pursuant to the rules and regulations promulgated by the Commission.

5. Purchasers or prospective purchasers are advised to acquaint themselves with the provisions of Chapter 514A, Hawaii Revised Statutes, and the condominium rules and regulations which relate to Horizontal Property Regimes.

6. This Final Public Report is made a part of the registration of KONA WEST condominium project. The Developer is responsible for placing a true copy of this Final Public Report (white paper stock), together with a copy of the Preliminary Public Report (yellow paper stock) and Disclosure Statement in the hands of all purchasers and prospective purchasers. Securing a signed receipt therefor from all purchasers and prospective purchasers is also the responsibility of the Developer.

7. This Final Public Report automatically expires thirteen (13) months after date of issuance, February 11, 1981, unless a Supplementary Public Report is issued or the Commission, upon review of the registration, issues an order extending the effective period of this report.

Except for the topical headings which follow, the information contained in the Preliminary Public Report of September 12, 1980, has not been disturbed.

DESCRIPTION OF PROJECT: The description of the Project remains unchanged except for the percentage common interest of eight (8) apartments, which change is shown below.

Description of Apartments: The percentage common interest for Apartment Nos. 101, 102, 103, 105, 107, 109, 111 and 112 has been changed from 2.777778% to 2.777777%. Accordingly, the location, living area, lanai area and common interest of each of the apartments are as follows:

<u>Apt. No.</u>	<u>Living Area (Sq. Ft.)</u>	<u>Lanai Area (Sq. Ft.)</u>	<u>Percentage Common Interest</u>
101	338.00	72.075	2.777777%
102*	338.00	65.00	2.777777%
103*	338.00	65.00	2.777777%
104	338.00	118.24	2.777778%
105*	338.00	65.00	2.777777%
106	338.00	112.58	2.777778%
107*	338.00	65.00	2.777777%
108	338.00	112.58	2.777778%
109	338.00	65.00	2.777777%
110	338.00	112.58	2.777778%
111	338.00	65.00	2.777777%
112	338.00	65.00	2.777777%
201	338.00	72.075	2.777778%
202	338.00	65.00	2.777778%
203	338.00	65.00	2.777778%
204	338.00	118.24	2.777778%
205	338.00	65.00	2.777778%
206	338.00	112.58	2.777778%
207	338.00	65.00	2.777778%
208	338.00	112.58	2.777778%
209	338.00	65.00	2.777778%
210	338.00	112.58	2.777778%
211	338.00	65.00	2.777778%
212	338.00	65.00	2.777778%
301	338.00	72.075	2.777778%
302	338.00	65.00	2.777778%
303	338.00	65.00	2.777778%
304	338.00	118.24	2.777778%
305	338.00	65.00	2.777778%
306	338.00	112.58	2.777778%
307	338.00	65.00	2.777778%
308	338.00	112.58	2.777778%
309	338.00	65.00	2.777778%
310	338.00	112.58	2.777778%
311	338.00	65.00	2.777778%
312	338.00	65.00	2.777778%

\* Denotes handicap units (four (4) total)

ENCUMBRANCES AGAINST TITLE: A preliminary title report dated December 15, 1980, issued by Security Title Corporation reports that title to the land is subject to the following:

1. Real property taxes that might be due and owing. (For more information, reference is made to the Office of the Tax Assessor, Third Division.)

2. The reservation of mineral and metallic mines in favor of the State of Hawaii (Parcel Second only).
3. Final Order of Condemnation dated January 13, 1964, made in the matter entitled COUNTY OF HAWAII, a municipal corporation, Plaintiff, vs. HENRY F. AKONA, ET AL., Defendants, filed in the Circuit Court of the Third Circuit State of Hawaii, under Civil No. 875, a certified copy of which was recorded on July 20, 1964, in the Bureau of Conveyances of the State of Hawaii in Liber 4794 at Page 524. Re: Parcel Line J-13, condemned for public use of the County of Hawaii "Kailua-Kona Sewerage System" containing an area of 467 square feet (as to Parcel First).
4. The terms and provisions of that certain Lease dated October 12, 1979, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 979155, and also recorded on November 20, 1979, in said Bureau in Liber 14185 at Page 549, made by and between KALIKOOKALANI BURGESS CHUN, wife of Richard Leland Scott Seymour; IHILANI BURGESS STATON, wife of Ronald Gene Staton; and KALIKOOKALANI BURGESS CHUN, as Trustee for Kaliko Mary Adams Burgess, formerly known as Kaliko Burgess Chun, also known as Kaliko Mary Adams Burgess Chun, under that certain unrecorded Inter Vivos Trust Agreement dated July 7, 1979, with power to sell, lease, hypothecate or otherwise convey all of the property included in the trust estate, as Lessor, to VICTOR KWAI BEU YOUNG, husband of Betty Higashi Young, as Lessee, for a term of fifty-six (56) years commencing on November 1, 1979, and terminating on November 1, 2035. Said Lease is now held by KONA SUN ASSOCIATES, a registered Hawaii Limited Partnership, as Lessee, by Assignment of Lease dated January 29, 1980, filed in said Office of the Assistant Registrar as Document No. 996811 and also recorded in said Bureau in Liber 14498 at Page 671. Consent thereto filed as Document No. 996812 and also recorded in Liber 14498 at Page 677.
5. Mortgage dated September 30, 1980, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1033954, and also recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15021 at Page 202, made by Kona Sun Associates, a Hawaii limited partnership, as Mortgagor, to State Savings and Loan Association, a Utah corporation doing business in the State of Hawaii, as Mortgagee, to secure the repayment of the sum of \$1,400,000.00, any additional advances and other amounts secured thereby, all according to the terms of that certain promissory note of said Mortgagor.

MANAGEMENT AND OPERATIONS: The Developer has executed a Management Agreement dated December 23, 1980, with Aaron M. Chaney, Inc., whose address is at Suite 104, 75-5722 Kuakini Highway, Kailua-Kona, Hawaii 96740, providing for the appointment of Aaron M. Chaney, Inc. as the initial Managing Agent.

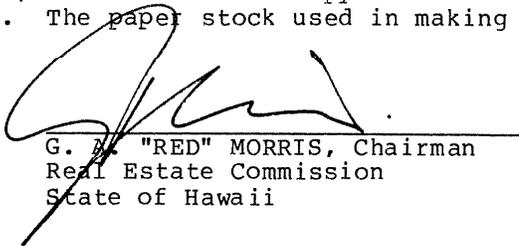
STATUS OF PROJECT: The Developer advises the Commission that construction of the project commenced on October 14, 1980, and that the Developer now estimates that said construction will be completed by February 15, 1981.

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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 July 3, 1980, and subsequently filed as of January 21, 1981.

This FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT is made a part of REGISTRATION NO. 1328 filed with the Commission on July 3, 1980.

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.



G. B. "RED" MORRIS, Chairman  
Real Estate Commission  
State of Hawaii

Distribution:

Department of Taxation  
Bureau of Conveyances  
Planning Department, County of Hawaii  
Federal Building Administration  
Escrow Agent

Registration No. 1328

February 11, 1981