

# REAL ESTATE COMMISSION

PROFESSIONAL & VOCATIONAL LICENSING DIVISION  
DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS  
STATE OF HAWAII  
1010 RICHARDS STREET  
P. O. BOX 3469  
HONOLULU, HAWAII 96801

## FINAL HORIZONTAL PROPERTY REGIMES (CONDOMINIUM) PUBLIC REPORT

ON

LUNAPULE KONA  
75-123 Lunapule Road  
Kailua-Kona, Hawaii 96740

Registration No. 1542

### 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 7, 1984  
Expires: April 7, 1985

#### 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 APRIL 14, 1983 AND ADDITIONAL INFORMATION SUBSEQUENTLY FILED WITH THE COMMISSION AS OF FEBRUARY 28, 1984. THE DEVELOPER, BY NOTIFYING THE COMMISSION OF ITS INTENTION TO SELL, IS COMPLYING WITH THE REQUIREMENTS OF THE HORIZONTAL PROPERTY ACT SET FORTH IN CHAPTER 514A, HAWAII REVISED STATUTES, AS AMENDED.

1. Since the issuance of the Commission's Preliminary Public Report dated July 19, 1983, material changes have been made in the documents and Plans for the project. This Final Report reflects these changes and shall become a part of LUNAPULE KONA Condominium Project.
2. The Developer of the project 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.

The Developer reports that the basic documents which include the Declaration of Horizontal Property Regime together with By-Laws of the Association of Apartment Owners and a copy of the approved Floor Plans, have been filed in the Office of the recording officer as follows:

(a) The Declaration of Horizontal Property Regime, executed on March 22, 1983, together with the By-Laws of the Association of Apartment Owners, was recorded in the Bureau of Conveyances of the State of Hawaii in Liber 17428 at Page 250.

(b) The Bylaws of the Association of Apartment Owners of Lunapule Kona was also separately recorded in the Bureau of Conveyances of the State of Hawaii in Liber 17428 at Page 287.

(c) Condominium Plans for Lunapule Kona have been designated as Condominium Map No. 888, by the Registrar of the Bureau of Conveyances.

(d) An amendment to the Declaration of Horizontal Property Regime, dated December 22, 1983 was filed in Liber 17545, Page 411.

3. Advertising and promotional matter have not been submitted to the Commission.
4. 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.
5. This Final Public Report is made a part of the registration of LUNAPULE KONA Condominium Project, Registration No. 1542. The Developer is responsible for placing this Final Public Report (white paper stock) together with a copy of the Preliminary Public Report (yellow paper stock) and updated Disclosure Abstract in the hands of all purchasers and prospective purchasers and for securing a signed copy of the receipt therefor from each purchaser and prospective purchaser.
6. This Final Public Report automatically expires thirteen months after the date of issuance, March 7, 1984, 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.

This Final Public Report reflects changes in the Preliminary Public Report under the topical headings, DEVELOPER; ATTORNEY REPRESENTING DEVELOPER; DESCRIPTION; INTEREST TO BE CONVEYED TO PURCHASER; ENCUMBRANCES AGAINST TITLE; RESERVATION FOR FUTURE DEVELOPMENT; and STATUS OF PROJECT. The Developer reports that the balance of the information in the Preliminary Public Report remains unchanged.

DEVELOPER: Developer's mailing address has been changed to Suite 201, 75-5722 Kuakini Highway, Kailua-Kona, Hawaii 96740. Except for this change, the remainder of this section as stated in the Preliminary Public Report is the same.

ATTORNEY REPRESENTING DEVELOPER: This section in the Preliminary Public Report shall be amended to read as follows:

Developer's attorney is Max D. Crittenden, Attorney at Law, Suite 201, 75-5722 Kuakini Highway, Kailua-Kona, Hawaii 96740. Phone: (808)329-8377.

DESCRIPTION: Because of the changes involved, this section amends in its entirety the same section in the Preliminary Public Report to reduce the project from 14 units to 8 units, more particularly described as follows:

The Declaration of Horizontal Property Regime reflects that the project consists of eight (8) apartment units contained in one two-story building, together with parking facilities, and a one-story building which will house an office, men's and women's toilets and pool equipment. Said structure will be constructed principally of wood.

According to the Declaration of Horizontal Property Regime submitted by the Developer, the apartments are to be constructed according to four different floor plans. The following describes the location, apartment types and apartment number of each type of apartment:

Building A: There are eight (8) apartments located on the first and second floors of Building A, being Apartment Nos. 101, 102, 103, 104, 105, 106, 107 and 108.

Building B: The Developer has amended his plans to show that Building B, included in the original plans, will be built at a future date, at the option of the Developer. Building B is included in the Declaration of Horizontal Property Regime for reference only. At such time as Building B is built, a Supplementary Horizontal Property Regimes Public Report will be filed.

Building C: There is an office, men's and women's toilets, and pool equipment room in this building.

The apartments are constructed according to four (4) different floor plans. A description of each of said floor plans, designating the layout, number of rooms and approximate floor area is as follows:

(a) Type "1a": Apartment Nos. 103 and 107 are one-story apartments and each consists of six rooms, including two (2) bedrooms, two (2) bathrooms, a living/dining room and a kitchen and contains a total floor area of approximately 932.3533 square feet, in addition to a lanai of approximately 192.6664 square feet at Unit 103, and 135.583 square feet at Unit 107.

(b) Type "1aR": Apartment Nos. 102 and 106 are one-story apartments and each consists of six (6) rooms, including two (2) bedrooms, two (2) bathrooms, a living/dining room and a kitchen and contains a total floor area of approximately 932.3533 square feet, in addition to a lanai of approximately 192.6664 square feet at Unit 102 and 135.583 square feet at Unit 106.

(c) Type "2a": Apartment Nos. 104 and 108 are one-story apartments and each consists of six rooms, including two (2) bedrooms, two (2) bathrooms, a living/dining room, and a kitchen and contains a total floor area of approximately 930.6893 square feet, in addition to a lanai of approximately 192.3336 square feet at Unit 104 and 139.7918 square feet at Unit 108.

(d) Type "2aR": Apartment Nos. 101 and 105 are one-story apartments and each consists of six (6) rooms, including two (2) bedrooms, two (2) bathrooms, a living/dining room, and a kitchen and contains a total floor area of approximately 930.6893 square feet, in addition to a lanai of approximately 192.3336 at Unit 101 and 139.7918 square feet at Unit 105.

Each apartment has immediate access to the grounds of the project.

Each apartment shall include all the walls and partitions which are not load-bearing within its perimeter or party walls, doors and door frames, windows and window frames, the lanai air space (if any), the inner decorated or finished surfaces of all walls, floors and ceilings, and all fixtures originally installed therein, and all air space encompassed within the apartment.

The respective apartments shall not be deemed to include the undecorated or unfinished surfaces of the perimeter or party walls or interior load-bearing walls, the floors and ceilings surrounding each apartment or any pipes, 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.

INTEREST TO BE CONVEYED TO PURCHASER. This section in the Preliminary Public Report shall be replaced in its entirety by the following:

Each apartment shall have appurtenant thereto an undivided percentage interest in all common elements of the project (herein called the "common interest"), and the same proportionate share in all common profits and expenses of the project and for all other purposes including voting, as set forth below:

<u>Apartment Number</u>	<u>Common Interest</u>
101	7.69%
102	7.71%
103	7.71%
104	7.69%
105	7.33%
106	7.31%
107	7.31%
108	7.33%

The Developer will retain an undivided 39.92 percentage interest which is that percentage that has been allocated to the proposed Building B.

ENCUMBRANCES AGAINST TITLE: A Commitment For Title Insurance, dated December 6, 1983, issued by First American Title Insurance Company lists the following encumbrances:

1. Real Property Taxes, due and payable, reference is made to the Finance Director, County of Hawaii.
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. A 10-ft. wide future road widening setback line along the Northerly side of Lunapule Road.
4. The terms and provisions of that certain unrecorded Agreement dated March 7, 1980, made by and between the Water Commission

of the County of Hawaii and the Developers for the improvement of the Alii Drive pipe line, to which reference is hereby made. (Besides other land). The interest of Lunapule Alii Hui was assigned to Darwin Lindberg and Homer Scott, Jr., by Assignment of Developer's Rights dated April 2, 1980, recorded on April 15, 1980 in the Bureau of Conveyances of the State of Hawaii in Liber 14654 Page 484. Consent thereto recorded in Liber 14654 Page 487.

5. GRANT

In Favor of Hawaii Electric Light Company, Inc., a Hawaii corporation, and Hawaiian Telephone Company, also a Hawaii corporation

Dated: December 5, 1979  
Liber: 14674  
Page: 209  
Purpose: Granting an easement for guy wires and anchors

6. GRANT

In Favor of Lunapule Kona Associates, a Hawaii general partnership, and Hawaii Electric Light Company, Inc., a Hawaii corporation

Dated: March 14, 1983  
Liber: 16937  
Page: 491  
Purpose: Granting a perpetual right and easement to construct and maintain utilities

7. Condominium Map No. 888, filed in said Bureau.

8. The restrictions, covenants, agreements, obligations, condition, easements and other provisions set forth in Declaration of Horizontal Property Regime dated March 22, 1983 recorded in said Bureau in Liber 17428 Page 250 and the By-Laws attached thereto.

The foregoing Declaration of Horizontal Property Regime was amended December 22, 1983, recorded in Liber 17545, Page 411.

9. The restrictions, covenants, agreements, obligations, condition, easements and other provisions set forth in the By-Laws of the Association of Apartment Owners of Lunapule Kona, dated April 6, 1983, recorded in said Bureau in Liber 17428 Page 287.

RESERVATION FOR FUTURE DEVELOPMENT: By amendment dated December 22, 1983, the Developer has revised the Condominium File Plan and the Declaration of Horizontal Property Regime to reflect that Building "B" as outlined in the Plot Plan will start construction within 10 years from date of the Final Public Report. Prior to commencement of construction of Building "B", Developer shall comply with the Horizontal Property Act, Chapter 514A, Hawaii Revised Statutes, as amended, and the Rules and Regulations, including the filing of a Supplementary Public Report.

Prior to construction, Developer shall file with the Association of Apartment Owners (a) evidence of financial responsibility; (b) construction contract together with a 100% performance bond or an irrevocable letter of credit; (c) evidence that the common elements will not be encumbered; and (d) the 6 units to be built shall be of like quality or better than the existing 8 units.

common element to reflect the future development of the 6 units to be added to the project.

Additionally, the Association of Apartment Owners has the right of monitoring the construction of the additions. Failure on the Developer to start construction of the proposed future units within the specified dates shall result in the termination of such reservation to build, subject to the reallocation of the percentage interest, and area so reserved shall forever remain a common element of the project.

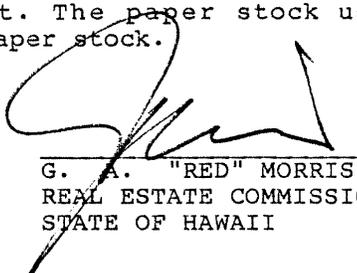
STATUS OF THE PROJECT: Construction of the project has been completed and a Certificate of Occupancy was issued by the County of Hawaii on August 11, 1983.

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The purchaser or prospective purchaser should be cognizant of the fact that this Final Public Report represents information disclosed by the Developer in the required Notice of Intention submitted April 14, 1983, and information subsequently filed as of February 28, 1984.

THIS FINAL HORIZONTAL PROPERTY REGIME (CONDOMINIUM) PUBLIC REPORT is made a part of Registration No. 1542 filed with the Commission July 19, 1983.

This Report, when reproduced, shall be a true copy of the Commission's Public Report. The paper stock used in making facsimiles must be of white paper stock.



G. A. "RED" MORRIS, Chairman  
REAL ESTATE COMMISSION  
STATE OF HAWAII

Distribution:

Director of Finance,  
County of Hawaii  
Bureau of Conveyances  
Planning Commission,  
County of Hawaii  
Federal Housing Administration  
Escrow Agent

Registration No.: 1542

Dated: March 7, 1984

DISCLOSURE ABSTRACT

LUNAPULE KONA

1. Name of Project: LUNAPULE KONA  
Kailua-Kona, Hawaii

2. Developer: LUNAPULE KONA ASSOCIATES

3. Project Manager: There is no project manager, however, until an initial Managing Agent for the project is appointed, the Developer will act as Managing Agent. The Developer's business and mailing address is c/o Suite 201, 75-5722 Kuakini Highway, Kailua-Kona, Hawaii 96740.

4. Estimated Annual Maintenance Fees and Monthly Estimated Cost for Each Apartment. A schedule of the annual estimated maintenance fees for the Project is attached hereto. The schedule further discloses that the monthly assessment for common expenses for each apartment is as follows:

<u>Unit No.</u>	<u>Estimated Monthly Assessment</u>
101, 104	\$147.82
102, 103	148.20
105, 108	140.90
106, 107	140.51

5. Description of Warranties. The closing of the sale of an apartment in the Project shall constitute the assignment by the Developer to the purchaser of the apartment of any and all warranties given Developer by the General Contractor for the Project, including the General Contractor's agreement to promptly correct any of its work found to be defective or not in conformance with its Construction Contract for a period of one (1) year after the "Date of Substantial Completion" as defined in the Construction Contract and the benefit of such agreement shall accrue to the purchaser on closing without further instrument or document.

Manufacturer's warranties on appliances or furnishings in the apartment shall be assigned by the Developer to the purchaser and shall thereafter run in favor of the purchaser directly from the manufacturer. These warranties will expire at different times, depending upon the date of installation of the appliances or furnishings.

Developer makes no other warranties, express or implied, with respect to any apartment or common element and anything installed therein.

6. Use of Apartments. The apartments in the Project shall be occupied and used only as private dwellings by the respective owners thereof, their tenants, families, domestic servants and social guests, and for no other purpose except that the apartments may be rented for transient or hotel purposes.

7. Commercial Apartments. There are no commercial apartments or non-residential developments in the Project.

The estimated annual maintenance fees and monthly estimated cost for each apartment were prepared under general accounting principles by the developer, Lunapule Kona Associates.

DATED: Kailua-Kona, Hawaii, March 5, 1984.

LUNAPULE KONA ASSOCIATES

By *Dawson D. Lindberg*  
Its

LUNAPULE KONA  
KAILUA-KONA, HAWAII

ESTIMATED ANNUAL MAINTENANCE FEES

	<u>Per Month</u>	<u>Per Year</u>
Audit & Taxes	\$ 10	\$ 120
Insurance Pkg.	217	2,604
Management & Accounting	280	3,360
Misc., Project	20	240
Refuse Service	60	720
R & M Grounds	100	1,200
Pool Maintenance	125	1,500
Pest Control	60	720
Payroll - Resident Manager	300	3,600
Supplies, Grounds	25	300
Supplies, Building	25	300
Electricity	400	4,800
Water/Sewer	<u>300</u>	<u>3,600</u>
	\$1,922	\$23,064