

WILLIAM F. QUINN  
GOVERNOR



CHARLES H. SILVA  
TREASURER

**REAL ESTATE COMMISSION**  
DEPARTMENT OF TREASURY & REGULATION  
STATE OF HAWAII

205 EMPIRE BLDG.  
HONOLULU 13, HAWAII

COMMISSION MEMBERS  
AARON M. CHANEY, CHM.  
DOROTHY S. AHRENS  
YUKIO KASHIWA  
JACK K. PALK  
ERLING P. WICK  
HIROTORI YAMAMOTO  
ROBERT E. BEKEART  
EXECUTIVE SECRETARY

**FINAL**  
**HORIZONTAL PROPERTY REGIMES (CONDOMINIUM)**  
**PUBLIC REPORT**

ON  
THE KAUAIAN  
KEAWALOA TRACT, KOLOA  
Island and County of Kauai  
State of Hawaii

REGISTRATION NO. 9  
**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.

February 8, 1963

SPECIAL ATTENTION

Particular attention of prospective purchasers is directed to the following:

- (1) THE KAUAIAN is a proposed condominium project.
- (2) The developer advises that construction on the project will commence as soon as sufficient sales are made.
- (3) Architects and engineers are presently working on detailed building plans and specifications.
- (4) Forms of the reservation agreement, sales contract, hotel unit deed, and by-laws of council of co-owners have been prepared and are on file with the selling agents for inspection.
- (5) The purchaser is advised to acquaint himself with the general provisions of the horizontal property regime law enacted by the Legislature in 1961, and amended in 1962, governing pro-rata contribution towards monthly maintenance expenses.

DEVELOPER: Milo Marchetti, Jr., dba Kauaian Development Company, P. O. Box 8235, Honolulu 15, Hawaii. Telephone 935-883.

NAME OF PROJECT: THE KAUAIAN

LOCATION: The property in question is on the Island of Kauai in the district of Koloa and is in a proposed hotel apartment zone. The developer has filed with the Commission a variance from the County of Kauai for hotel resort use. The site is approximately 12.0 miles from the town of Lihue, the county seat, off Federal Aid Highway No. 52 on Poipu Beach Road midway between Prince Kuhio Park and Poipu Beach Park - a distance of approximately 1.5 miles along the southern shore of Kauai. This parcel, of 69,500 square feet, more or less, is on the oceanside of the extreme end of Puuholo Road.

TAX MAP KEY: 2-6-07-13

DESCRIPTION: The developer advises that the improvements are designed with an emphasis on a Polynesian theme. The main building will have concrete slab floors, masonry and wood walls, concrete and timber A-Frame roof structures. The detached cottages will be of masonry and wood walls, on concrete slab floors with a timber A-Frame structure.

The main building lower floor will contain eighteen hotel units, commercial facilities and common areas: Units No. 001 to 018 - 384 sq. ft. each. The main building first floor will contain nine hotel units, restaurant, bar, lobby, commercial facilities and common areas: Unit No. 101 - 618 sq. ft., Units No. 102 to 109 - 440 sq. ft. each. The main building second floor will contain eleven hotel units, owner's apartment and common areas: Unit No. 201 - 720 sq. ft., Units No. 202 to 210 - 392 sq. ft. each, Unit No. 211 - 544 sq. ft.

Detached from the main building there will be nine cottages, of 2 floors, containing twenty seven hotel units: Units No. 1A to 9A, Units No. 1B to 9B - 476 sq. ft. each, Units No. 1C to 9C - 612 sq. ft. each.

The developer's description of the improvements - 10 buildings containing sixty five hotel units, common areas with servicing facilities, and commercial facilities, including restaurant, bar, retail shops and concessions will contain 51,463 sq. ft. total area in buildings.

The developer advises that the hotel units and common areas will be unfurnished, but the furnishings and equipment for the units and common areas will be obtained and the purchase or lease payments therefor will be included in maintenance expenses.

GENERAL COMMON ELEMENTS: The developer states, and the documents on file reflect, that the General Common Elements will include:

- (1) The land described in the declaration, the foundations, main walls, roofs, halls, lobbies, stairways, ramps and entrance-exit communication ways.
- (2) The basements, flat roof, swimming pool, yards and gardens, except as otherwise stipulated.
- (3) The premises for the lodging of janitors or persons in charge of the building, except as otherwise provided or stipulated.
- (4) The compartments or installations of central service such as power, light, gas, cold or hot water, refrigeration, reservoirs, water tanks and pumps and the like.
- (5) All devices or installations existing for common use.
- (6) All other elements of the building rationally of common use or necessary to its upkeep, existence and safety.

All commercial areas and facilities are excluded as General Common Elements.

OWNERSHIP TO TITLE: The land is held in fee by Antone Vidinha, Jr. and Edene N. Vidinha, husband and wife, as Tenants by the Entirety.

An Agreement of Sale, dated May 17, 1962 and recorded in the Bureau of Conveyances in Book 4286 on page 286, was entered into by and between Antone Vidinha, Jr. and Edene N. Vidinha, husband and wife, as Sellers, and Milo Marchetti, Jr. and Mary F. Marchetti, as Tenants by the Entirety, as Buyers, by which the buyers agree to purchase the described land for the purchase price set forth in the Agreement.

The Buyers, Milo Marchetti, Jr. and Mary F. Marchetti, husband and wife, have under document #62-30619 recorded October 15, 1962 in the Bureau of Conveyances in Book 4382 on page 490 assigned Master Lease rents to the Sellers, Antone Vidinha, Jr. and Edene N. Vidinha, for the purpose and to the extent necessary to pay such installment payments of interest and/or principal as shall become due under terms of said Agreement of Sale.

ENCUMBRANCES AGAINST TITLE: Master Lease between Milo Marchetti, Jr. and Mary F. Marchetti, Lessor and Kauaian Development Company, Lessee, executed August 29, 1962, recorded in the Bureau of Conveyances in Book 4350 on page 453.

INTEREST TO BE CONVEYED TO PURCHASER: The developer states that each of the 65 hotel unit purchasers will receive a deed to a certain hotel unit and a pro-rata share as tenants in common, with other co-owners, in the common elements of the project.

PURCHASE MONEY HANDLING: An Escrow Agreement has been executed between the developer and TITLE GUARANTY ESCROW SERVICES, LTD., as follows:

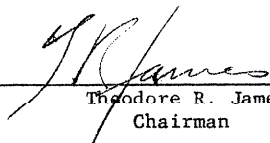
- (1) The owner (developer) shall cause to be deposited in the escrow depository funds paid for the purchase of a hotel unit.
- (2) All funds received in escrow shall be invested in a savings and loan association and shall draw interest accordingly.
- (3) When construction of the project commences, the escrow agent shall deduct its escrow charges, pay all real estate commissions, and disburse the balance in accordance with instructions from the owner (developer) to be used for the development and construction of the improvements.
- (4) If construction has not commenced by December 31, 1963, all moneys on deposit shall be returned to the purchasers in full, together with accrued interest, less escrow charges.

MANAGEMENT AND OPERATION: The developer has not worked out the details in the management or operation of the project. Information on file with the Commission recites that the developer has reserved the right to appoint a manager to supervise the rental and operation of purchaser's unit on a hotel basis as provided in the Contract of Sale and to act as administrator for the Council of Co-Owners to manage the property of the Council and in accordance with the By-Laws of Council of Co-Owners of THE KAUAIAN and applicable state laws and regulations as enacted or amended.

The Declaration and the By-laws define the rights and duties of the individual owners and should receive the particular attention of each purchaser since it is these documents which will govern the management and operation of the project.

STATUS OF PROJECT: A Building Construction Contract was entered into, on September 28, 1962, between Kauaian Development Company, the owner, and Marchetti Enterprises, Ltd., the contractor. A building code permit, No. 870, was issued to the contractor, by the County of Kauai, on December 20, 1962. The developer anticipates commencing construction on or about June 1, 1963.

cc: DEPT. OF TAXATION  
DEPT. OF TREASURY & REGULATION  
(Business Registration Division)

  
Theodore R. James  
Chairman

