

LAND COURT SYSTEM

REGULAR SYSTEM

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Tax Key: (2) 2-8-5:114

Total No. of Pages: 20

DECLARATION OF EASEMENTS FOR DRAINAGE PURPOSES

(Peahi Hui Subdivision)

(Easements D-1, D-2, D-3, D-4, D-3A and D-3B)

This Declaration is dated this 25th day of September, 2013, and is executed by PEAHI HUI LLC, a Hawaii limited liability company, whose address is 305 E. Wakea Avenue, Suite 100, Kahului, Hawaii 96732 ("Grantor"), in favor of PEAHI HUI ASSOCIATION, a Hawaii non-profit corporation, whose address is 305 E. Wakea Avenue, Suite 100, Kahului, Hawaii 96732 ("Grantee").

Grantor is the owner and developer of Peahi Hui Subdivision situated in Paia, Hamakualoa, Maui, Hawaii, on TMK (2) 2-8-5:114, as set forth on the plan entitled "Peahi Hui Land Subdivision", approved by the County of Maui, Department of Public Works on September 25, 2013, Subdivision File No. 2.1756. Grantor is the owner of all lots in the subdivision.

Grantee is the homeowners association formed for the purpose of managing and administering all common areas within the Subdivision, as set forth in the Peahi Hui Subdivision Declaration of Covenants, Conditions and Restrictions, dated September 25, 2013, recorded in the Bureau of Conveyances of the State of Hawaii concurrently herewith (the "Declaration"), the terms of which are hereby incorporated herein by reference.

EASEMENTS: For valuable consideration, Grantor hereby grants and conveys to the Grantee, non-exclusive, perpetual easements over each of the Easement Areas for the following purposes:

Easements D-1, D-2, D-3, D-4, D-3A and D-3B, as described in Exhibits "A" through "F", for drainage purposes and for the construction, maintenance, operation, repair and replacement of drainage structures and facilities, governed by Sections 3.06 and 4.02 of the Declaration.

All of the foregoing easements are hereby granted subject to all of the following terms and conditions:

A. Covenants. Grantee at all times in connection with all uses and actions within each Easement Area shall: (a) observe and perform all applicable laws, rules and regulations; (b) maintain Grantee's facilities within each Easement Area in good, reasonable, and useable condition; and (c) keep each Easement Area free of mechanic's and materialmen's liens, which may arise out of Grantee's work within, or uses of, such Easement Area.

B. Grant of Use of Easement Areas to Others. Each easement herein is non-exclusive and Grantee recognizes that Grantor and the future owners of the lots or which the easements are located shall have the right to use and grant to others the right to use the Easement Area for their own purposes, without the necessity of any consent or joinder of Grantee or its members; provided, that uses thereof by the Grantee and Grantee's members and their tenants, guests and licensees, shall not thereby be obstructed or unreasonably interfered with.

C. Irrevocability. This easement is irrevocable.

D. Binding Effect. All the terms and conditions of this easement shall inure to the benefit of, and shall be binding upon, Grantor and Grantee and their respective heirs, personal representatives, successors in interest and assigns,

TO BE RECORDED

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Easements D-1, D-2, D-3, D-4, D-3A and D-3B, as described in Exhibits "A" through "F", for drainage purposes and for the construction, maintenance, operation, repair and replacement of drainage structures and facilities, governed by Sections 3.06 and 4.02 of the Declaration.

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B. Grant of Use of Easement Areas to Others. Each easement herein is non-exclusive and Grantee recognizes that Grantor and the future owners of the lots or which the easements are located shall have the right to use and grant to others the right to use the Easement Area for their own purposes, without the necessity of any consent or joinder of Grantee or its members; provided, that uses thereof by the Grantee and Grantee's members and their tenants, guests and licensees, shall not thereby be obstructed or unreasonably interfered with.

C. Irrevocability. This easement is irrevocable.

D. Binding Effect. All the terms and conditions of this easement shall inure to the benefit of, and shall be binding upon, Grantor and Grantee and their respective heirs, personal representatives, successors in interest and assigns,

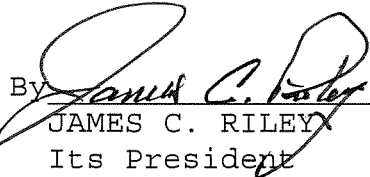
and including all members of Grantee and their tenants, guests and licensees. This Declaration of Easements shall run with the land. The terms "Grantor" and "Grantee" herein shall include their respective successors in interest.

E. Governing Law. This easement shall be governed by and construed under the laws of the State of Hawaii.

Executed the day and year first above written.

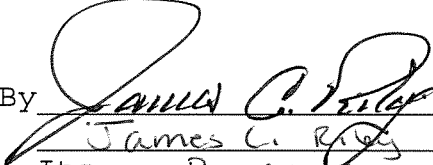
PEAHI HUI LLC

By WEST MAUI LAND COMPANY, INC.
Its Member

By  _____
JAMES C. RILEY
Its President

"Grantor"

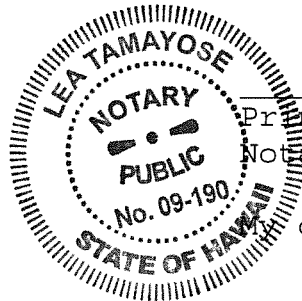
PEAHI HUI ASSOCIATION

By  _____
James C. Riley
Its _____
President

"Grantee"

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 24th day of JULY, 2013, before me personally appeared JAMES C. RILEY, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.



Lea Tamayose

Print Name: LEA TAMAYOSE
Notary Public, State of Hawaii.

commission expires: 17 MAY 2017

Date of Doc: <u>undated</u>	# Pages: <u>20</u>
Name: <u>Lea Tamayose</u>	Second Circuit
Doc. Description: <u>Declaration of Easements for</u> <u>Drainage Purposes TMK: (2)2-8-5:114</u>	
<hr/>	
<i>Lea Tamayose</i> Notary Signature	
NOTARY CERTIFICATION	

EXHIBIT "A"

Peahi Hui Land Subdivision

Easement D-1

Being a portion of Lot 3-K of the Peahi Hui Land Subdivision,
being also a portion of Royal Patent Grant 160 to Charles R.
Bishop.

Situate at Peahi, Makawao, Maui, Hawaii

Beginning at the Southeast corner of this easement, along the West side of Roadway Lot 3-U (Leleaka Place) of the Peahi Hui Land Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 4,858.10 feet North and 1,131.57 feet East, and running by azimuths measured clockwise from true South:

1. 58° 53' 84.77 feet along the remainder of Lot 3-K of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
2. 148° 53' 20.00 feet along same;
3. 238° 53' 96.45 feet along same;

Thence along Roadway Lot 3-U (Leleaka Place) of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop on a curve to the left having a radius of 43.00 feet, the chord azimuth and distance being:

4. 359° 10' 39" 23.16 feet to the point of beginning and containing an area of 0.041 acres;



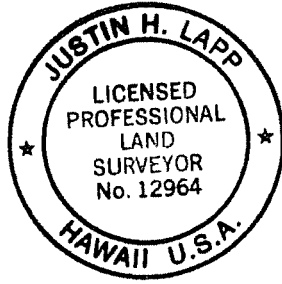
AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

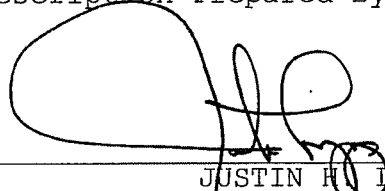
501 SUMNER STREET, SUITE 521
HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A
WAILUKU, MAUI, HAWAII 96793

AUSTIN, TSUTSUMI & ASSOCIATES, INC.



Description Prepared By:



JUSTIN H. LAPP *EXP 04/14*
Licensed Professional Land Surveyor
Certificate No. 12964

Wailuku, Maui, Hawaii
June 26, 2013

TMK: (2) 2-8-005: 114 (Portion)

The above description is subject to Final Subdivision Approval of the Peahi Hui Land Subdivision, Sub. File No. 2.1756.



EXHIBIT "B"

Peahi Hui Land Subdivision

Easement D-2

Being portions of Lots 3-G, 3-H, 3-M, 3-L and 3-N of the Peahi Hui Land Subdivision, being also a portion of Royal Patent Grant 160 to Charles R. Bishop.

Situate at Peahi, Makawao, Maui, Hawaii

Beginning at the Southwest corner of this easement, being also the Southwest corner of Lot 3-G of the Peahi Hui Land Subdivision, along the North side of Roadway Lot 3-U (Leleaka Place), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 4,900.06 feet North and 1,207.05 feet East, and running by azimuths measured clockwise from true South:

- 1. 176° 13' 475.17 feet along Lot 3-J of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
- 2. 155° 09' 257.61 feet along Lot 3-L of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
- 3. 151° 57' 232.40 feet along the remainders of Lots 3-L and 3-N of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
- 4. 126° 41' 111.07 feet along the remainder of Lot 3-N of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop same;

Thence along the South Side of Mihi Road (F.A.P. No. BR-036-1(5)), on a curve to the left have a radius of 62.50 feet, the chord azimuth and distance being:



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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5. 249° 54' 37" 49.44 feet;
6. 278° 50' 23.09 feet along Lot 3-Q of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
7. 331° 58' 315.90 feet along Lot 3-P and the remainders of Lots 3-N and 3-L of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
8. 252° 37' 362.49 feet along Lot 3-L of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;

Thence along same, on a curve to the right have a radius of 15.00 feet, the chord azimuth and distance being:

9. 300° 17' 30" 22.18 feet;
10. 347° 58' 37.49 feet along the West side of Roadway Extension Lot 3-T (Ho'okili Road) of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;

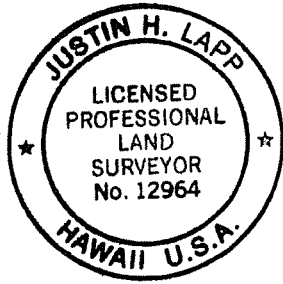
Thence along the remainder of Lot 3-M of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop, on a curve to the left have a radius of 40.00 feet, the chord azimuth and distance being:

11. 120° 17' 30" 59.15 feet;
12. 72° 37' 221.98 feet along same;



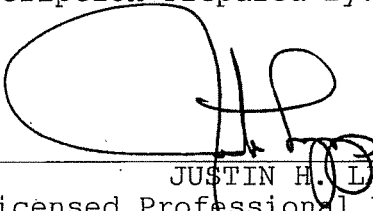
13. 335° 09' 138.17 feet along same;
14. 72° 37' 115.97 feet along same;
15. 335° 08' 44" 110.18 feet along the remainders of Lots 3-M and 3-H of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
16. 356° 13' 480.21 feet along the remainders of Lots 3-H and Lot 3-G of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
17. 80° 30' 0.21 feet along the North side of Roadway Lot 3-U (Leleaka Place) of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
- Thence along same, on a curve to the right have a radius of 30.00 feet, the chord azimuth and distance being:
18. 94° 56' 49" 14.97 feet to the point of beginning and containing an area of 0.909 acres.





AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:


_____ EXP 04/14

JUSTIN H. LAPP
Licensed Professional Land Surveyor
Certificate No. 12964

Wailuku, Maui, Hawaii
June 27, 2013

TMK: (2) 2-8-005: 114(Portion)

The above description is subject to Final Subdivision Approval of the Peahi Hui Land Subdivision, Sub. File No. 2.1756.



EXHIBIT "C"

Peahi Hui Land Subdivision

Easement D-3

Being portions of Lots 3-E, 3-D, 3-C, 3-B and 3-A of the Peahi Hui Land Subdivision, being also a portion of Royal Patent Grant 160 to Charles R. Bishop.

Situate at Peahi, Makawao, Maui, Hawaii

Beginning at the Southwest corner of this easement, along the East side of Roadway Extension Lot 3-T (Ho'okili Road) of the Peahi Hui Land Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 4,935.97 feet North and 1,565.44 feet East, and running by azimuths measured clockwise from true South:

Along Roadway Extension Lot 3-T (Ho'okili Road) of the Peahi Hui Land Subdivision, also along the remainder of Grant 160 to Charles R. Bishop, on a curve to the right having a radius of 560.00 feet, the chord azimuth and distance being:

- 1. 176° 46' 20" 102.05 feet;
- 2. 182° 00' 244.96 feet along same;

Thence along same, on a curve to the left having a radius of 520.00 feet, the chord azimuth and distance being:

- 3. 174° 59' 127.04 feet;
- 4. 167° 58' 567.90 feet along Roadway Extension Lot 3-T and the Hui Road Remnant (Ho'okili Road) of the Peahi Hui Land Subdivision, also along the remainder of Grant 160 to Charles R. Bishop;



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Thence along Roadway Lot 3-W (Ho'okili Road) of the Peahi Hui Land Subdivision, also along the remainder of Grant 160 to Charles R. Bishop, on a curve to the right having a radius of 480.00 feet, the chord azimuth and distance being:

5. 179° 55' 01" 198.78 feet;

6. 281° 52' 02" 20.00 feet along the remainder of Lot 3-A of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;

Thence along same, on a curve to the left, having a radius of 460.00 feet, the chord azimuth and distance being:

7. 3° 11' 12" 138.85 feet;

8. 316° 37' 210.97 feet along Lot 3-A of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;

9. 77° 58' 112.75 feet along the remainder of Lot 3-B of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;

10. 347° 58' 440.12 feet along the remainders of Lots 3-B and 3-C of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;



Thence along the remainders of Lots 3-C and 3-D of the Peahi Hui Land Subdivision, also along the remainder of Grant 160 to Charles R. Bishop, on a curve to the right, having a radius of 540.00 feet, the chord azimuth and distance being:

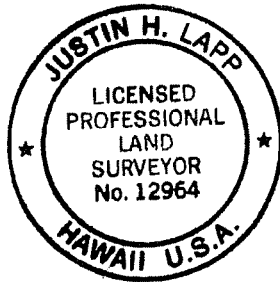
11. 354° 59' 131.93 feet;

12. 2° 00' 244.96 feet along the remainders of Lots 3-D and 3-E of the Peahi Hui Land Subdivision, also along the remainder of Grant 160 to Charles R. Bishop;

Thence along the remainder of Lot 3-E of the Peahi Hui Land Subdivision, also along the remainder of Grant 160 to Charles R. Bishop, on a curve to the left having a radius of 540.00 feet, the chord azimuth and distance being:

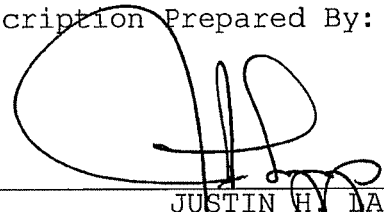
13. 356° 46' 20" 98.41 feet;

14. 81° 32' 40" 20.00 feet along same to the point of beginning and containing an area of 0.807 acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

 A handwritten signature in black ink, appearing to be "J. Lapp", written over a horizontal line.

JUSTIN H. LAPP
Licensed Professional Land Surveyor
Certificate No. 12964

Wailuku, Maui, Hawaii
June 27, 2013
TMK: (2) 2-8-005: 114(Portion)

The above description is subject to Final Subdivision Approval of the Peahi Hui Land Subdivision, Sub. File No. 2.1756.



EXHIBIT "D"

Peahi Hui Land Subdivision

Easement D-4

Being portions of Lots 3-Q and 3-R of the Peahi Hui Land Subdivision, being also a portion of Royal Patent Grant 160 to Charles R. Bishop.

Situate at Peahi, Makawao, Maui, Hawaii

Beginning at the Northeast corner of this easement, being also the Southeast corner of Lot 3-R of the Peahi Hui Land Subdivision, along the West Side of Roadway Extension Lot 3-T (Ho'okili Road), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 6,150.52 feet North and 1,378.68 feet East, and running by azimuths measured clockwise from true South:

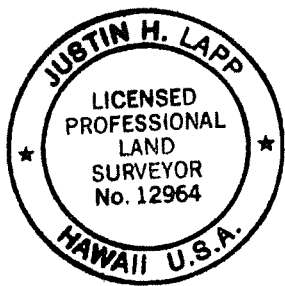
- 1. 347° 58' 30.10 feet along the West side of Roadway Extension Lot 3-T (Ho'okili Road) of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
- 2. 73° 20' 476.30 feet along the remainder of Lot 3-Q of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
- 3. 170° 15' 93.70 feet along the East side of Mihi Road (F.A.P. No. BR-036-1(5));
Thence along same on a curve to the right having a radius of 70.00 feet, the chord azimuth and distance being:
- 4. 199° 35' 30" 68.60 feet;
- 5. 228° 56' 92.50 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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6. 318° 56' 83.43 feet along the remainder of Lot 3-R of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
7. 19° 18' 99.54 feet along same;
8. 253° 20' 366.63 feet along Lot 3-R of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop to the point of beginning and containing an area of 0.733 acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

[Handwritten Signature]

 JUSTIN H. LAPP

Licensed Professional Land Surveyor
 Certificate No. 12964

Wailuku, Maui, Hawaii
 June 27, 2013

TMK: (2) 2-8-005: 114(Portion)

The above description is subject to Final Subdivision Approval of the Peahi Hui Land Subdivision, Sub. File No. 2.1756.



EXHIBIT "E"

Peahi Hui Land Subdivision

Easement D-3-A

Affecting Lot 3-D of The Peahi Hui Land Subdivision, being a portion of Royal Patent Grant 160 to Charles R. Bishop.

Situate at Peahi, Makawao, Maui, Hawaii

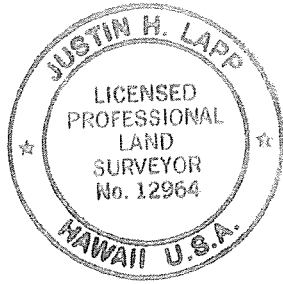
Beginning at the North corner of this easement, along the South boundary of Lot 3-C of the Peahi Hui Land Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 5,395.15 feet North and 1,580.26 feet East, and running by azimuths measured clockwise from true South:

1. 293° 42' 97.72 feet along Lot 3-C of The Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
2. 28° 38' 113.22 feet along the remainder of Lot 3-D of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
3. 113° 42' 30.27 feet along same;
4. 182° 00' 13.31 feet along same;
Thence along same on a curve to the left having a radius of 540.00 feet, the chord azimuth and distance being:
5. 175° 58' 11" 113.46 feet to the point of beginning and containing an area of 6,913 square feet.



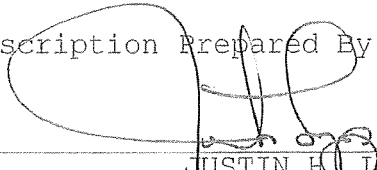
AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS



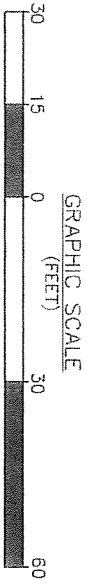
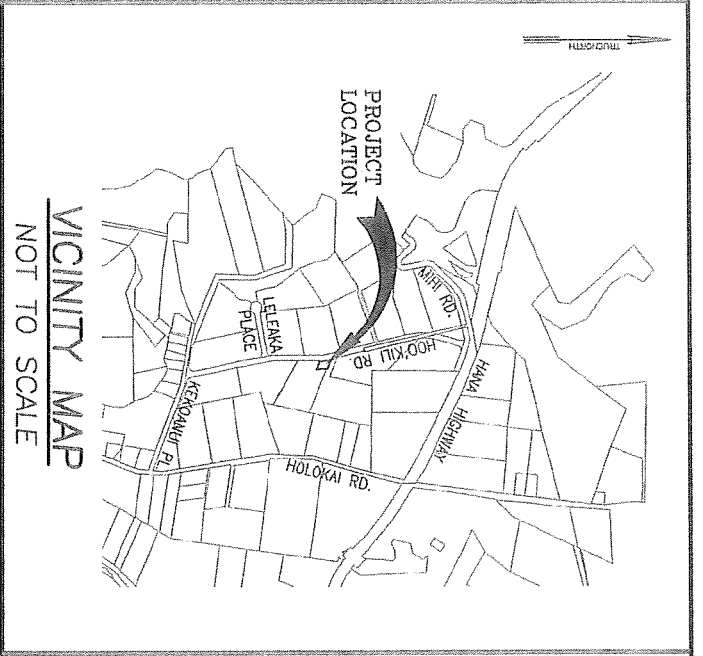
AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

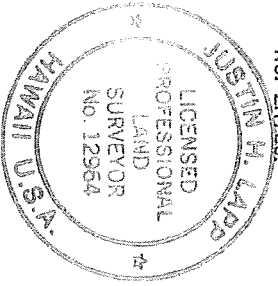

Justin H. Lapp
Exp. 04/14
Justin H. Lapp
Licensed Professional Land Surveyor
Certificate No. 12964

Wailuku, Maui, Hawaii
July 15, 2013
TMK: (2) 2-8-005: Por. 114





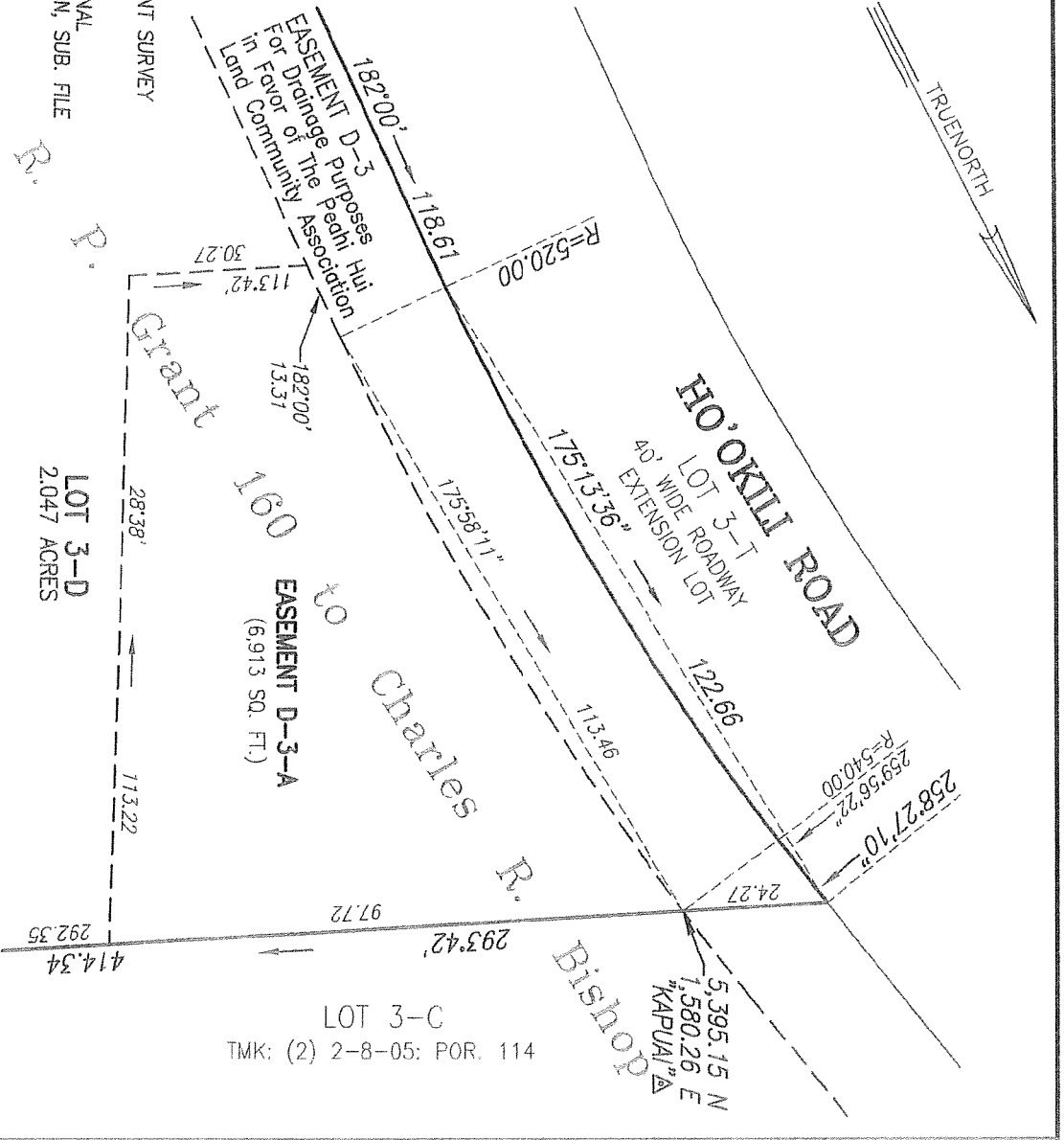
- NOTES:
1. AZIMUTHS AND COORDINATES ARE REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "KAPUAI".
 2. BOUNDARY INFORMATION SHOWN HEREON IS SUBJECT TO FINAL SUBDIVISION APPROVAL OF THE PEAHI HUI LAND SUBDIVISION, SUB. FILE NO. 2.1756.



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION.

[Signature]

LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE NO. 12964



SKETCH SHOWING EASEMENT D-3-A FOR DRAINAGE PURPOSES AFFECTING LOT 3-D OF THE PEAHI HUI LAND SUBDIVISION AT PEAHI, MAKAWAO, MAUI, HAWAII

<p>AUSTIN, TSUTSUMI & ASSOCIATES, INC. ENGINEERS, SURVEYORS * HONOLULU, WAILUKU, HAWAII</p>	J.N. : M-11-534
	SCALE: 1" = 30'
DATE: 07/15/2013	TMK : (2) 2-8-05:POR. 114

EXHIBIT "F"

Peahi Hui Land Subdivision

Easement D-3-B

Affecting Lot 3-E of The Peahi Hui Land Subdivision, being a portion of Royal Patent Grant 160 to Charles R. Bishop.

Situate at Peahi, Makawao, Maui, Hawaii

Beginning at the North corner of this easement, along the South boundary of Lot 3-D of the Peahi Hui Land Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 5,152.71 feet North and 1,583.72 feet East, and running by azimuths measured clockwise from true South:

- 1. 300° 12' 78.18 feet along Lot 3-D of The Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
- 2. 14° 58' 86.13 feet along the remainder of Lot 3-E of the Peahi Hui Land Subdivision, also along the remainder of Royal Patent Grant 160 to Charles R. Bishop;
- 3. 120° 12' 56.26 feet along same;
- 4. 182° 00' 94.29 feet along same to the point of beginning and containing an area of 5,586 square foot;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

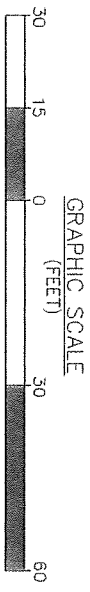
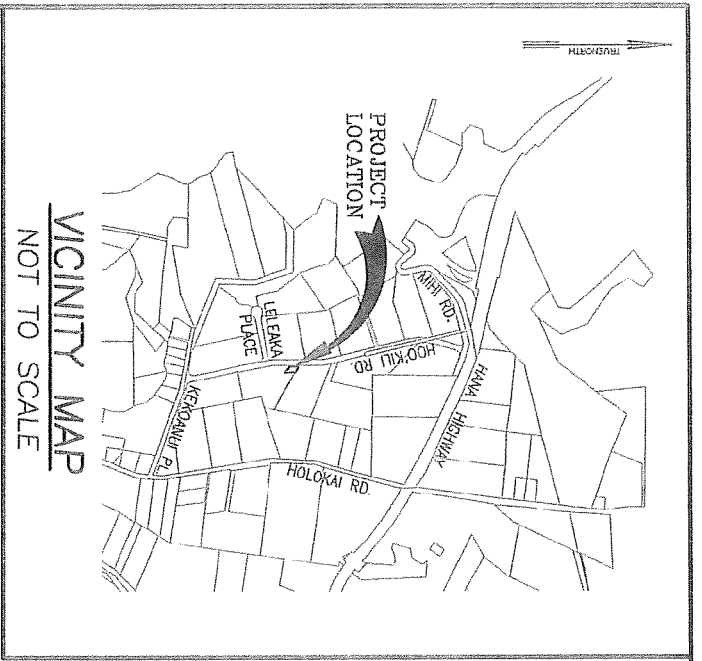
[Handwritten Signature] EXP 02/14
 JUSTIN H. LAPP
 Licensed Professional Land Surveyor
 Certificate No. 12964

Wailuku, Maui, Hawaii
July 15, 2013
TMK: (2) 2-8-005: Por. 114

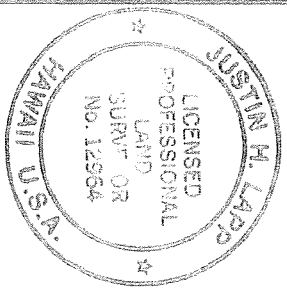


AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

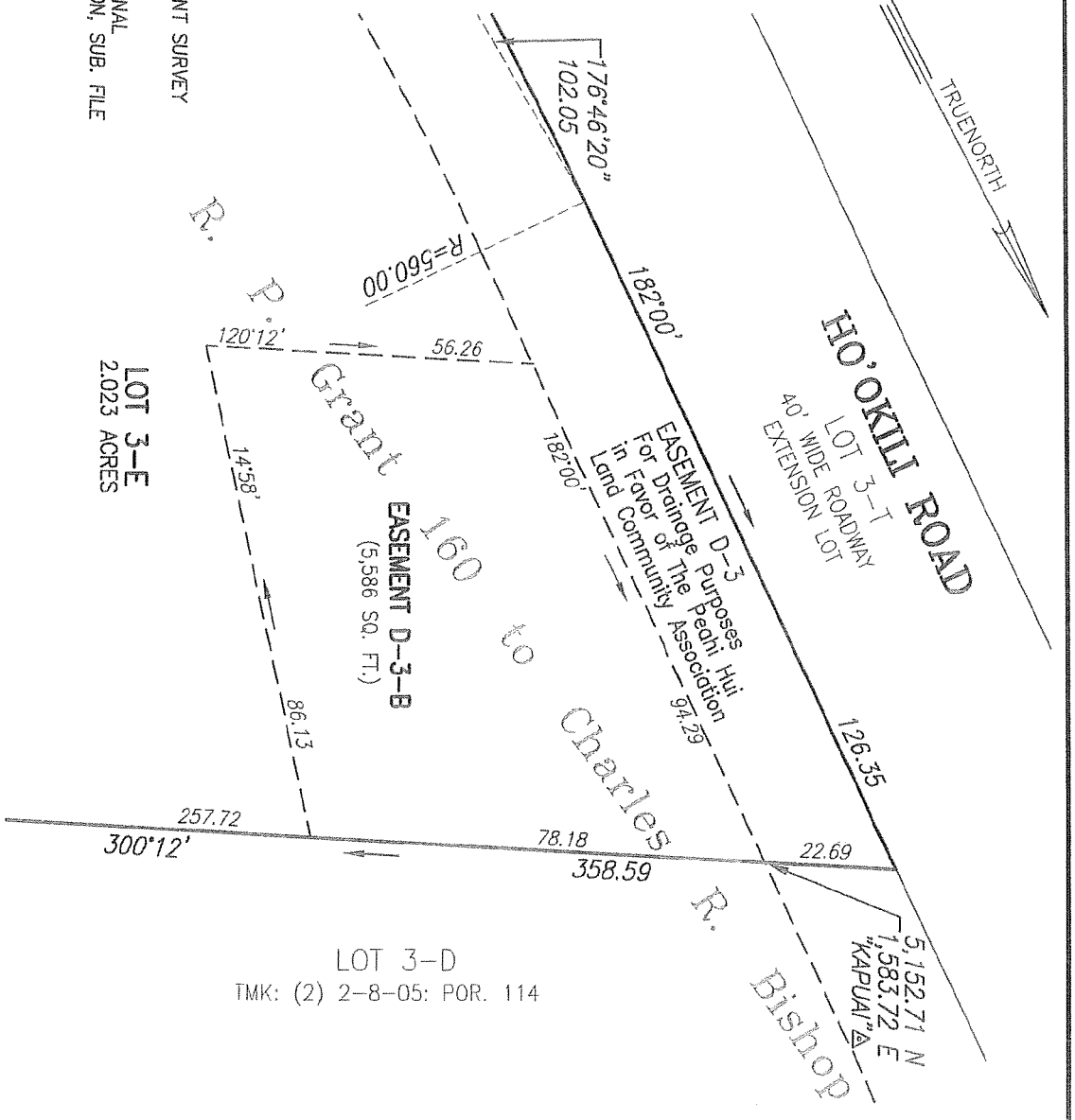


- NOTES:
1. AZIMUTHS AND COORDINATES ARE REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "KAPUAI".
 2. BOUNDARY INFORMATION SHOWN HEREON IS SUBJECT TO FINAL SUBDIVISION APPROVAL OF THE PEAHI HUI LAND SUBDIVISION, SUB. FILE NO. 2.1756.



THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION.

JUSTIN M. LABO
LICENSED PROFESSIONAL LAND SURVEYOR
CERTIFICATE No. 12964



SKETCH SHOWING EASEMENT D-3-B
FOR DRAINAGE PURPOSES AFFECTING LOT 3-E
OF THE PEAHI HUI LAND SUBDIVISION
AT PEAHI, MAKAHAWO, MAUI, HAWAII

ATA AUSTIN, TSUTSUMI & ASSOCIATES, INC.
ENGINEERS, SURVEYORS * HONOLULU, WAILUKU, HAWAII

J.N. : M-11-534	TMK : (2) 2-8-05-POR. 114
SCALE: 1" = 30'	DATE: 07/15/2013