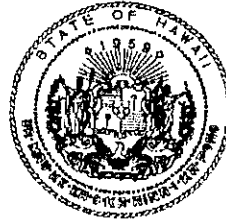


RE
EIV



R-627 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
AUG 01, 2003 08:01 AM
Doc No(s) 2003-159393



/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES

32 1/4 25

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail () Pickup () To:



Kauaula Land Co.
33 Lono Ave, Suite 450
Kahului, HI 96732

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Total No. of Pages: 32

TMK (2) 4-7-002-004 por.
(2) 4-7-003-001 por.

Pu'unoa

First Amendment of Declaration of Covenants, Conditions and Restrictions

Declarant: Kauaula Land Company, LLC
33 Lono Avenue, Suite 450
Kahului, Hawaii 96732

First Amendment of Declaration of Covenants, Conditions and Restrictions

This First Amendment is dated this 8th day of July, 2003, and is executed by KAUAULA LAND COMPANY, LLC, a Hawaii limited liability company, of 33 Lono Avenue, Suite 450, Kahului, Hawaii 96732 (the "Declarant").

RECITALS: Reference is made to the Pu'unoa Declaration of Covenants, Conditions and Restrictions, dated as of May 25, 2001, recorded in the State of Hawaii Bureau of Conveyances as Document No. 2001-129662 (the "Declaration"). Section 11.04 of the Declaration provides that the Declarant shall have the unilateral right to amend the Declaration to comply with any legal requirements, to annex additional Properties and Common Areas and for other purposes.

Declarant is developing Pu'unoa Subdivision II in the lands abutting Pu'unoa Subdivision to the west. The purpose of this First Amendment is to annex certain lots within Pu'unoa Subdivision II as "Properties" under the Declaration, to amend language relating to agricultural uses to better reflect State law and Maui County ordinances relating to agricultural use restrictions and to redefine and add certain Common Areas.

AMENDMENT: Declarant hereby amends the Declaration as follows:

1. Annexation of Properties. Section 2.06 is hereby amended to read as follows:

"2.06 "Property" and "Lot" means each of the subdivided lots numbered 1 through 14, inclusive, described on the Pu'unoa I Plan and on Exhibit "A" attached hereto and made a part hereof, and each of the subdivided lots numbered 1 through 10, inclusive, described on the Pu'unoa II Plan and on Exhibit "A-1" attached hereto and made a part hereof, and any other lots which may be annexed in the future by Declarant in its discretion as provided in Sections 10 and 11.04 or established as a Property under Section 3.19."

Exhibit "A-1" is hereby attached to the Declaration in the form attached to this First Amendment as Schedule 1.

2. Definition of "Plan". Section 2.09 is hereby amended to read as follows:

"2.09 "Plan" means the Pu'unoa I Plan or the Pu'unoa II Plan or both, as the context shall indicate. The "Pu'unoa I Plan" means the subdivision plat entitled "Pu'unoa Subdivision (Formally Kauaula Subdivision)", dated March 5, 2001, as revised by Ronald M. Fukumoto Engineering, Inc. and as approved by the County of Maui on April 27, 2001. The "Pu'unoa II Plan" means the subdivision plat entitled "Pu'unoa Subdivision II", dated November 21, 2002, as revised by R.T. Tanaka Engineers, Inc. and as approved by the County of Maui on April 24, 2003."

3. Definition of "Neighborhood" and "Pu'unoa". Section 2.07 is hereby amended to read as follows:

"2.07 "Neighborhood" and "Pu'unoa" mean Pu'unoa Subdivision and Pu'unoa Subdivision II as described on the Pu'unoa I Plan and the Pu'unoa II Plan, respectively, and as they may be altered or enlarged from time to time, including any future development phase or other subdivisions which may be annexed to Pu'unoa, and including but not limited to all Properties and all roads and other Common Areas (whether now or in the future designated as such)."

4. Amendments Concerning Agricultural Activities. Section 3.01 is amended to better conform to State law and the County of Maui zoning ordinance, and is hereby amended in its entirety to read as follows:

"3.01 Permitted Uses. Pu'unoa is an agricultural subdivision and shall be subject to the Hawaii Right to Farm Act, HRS Chapter 165. All lots may be used only for agricultural uses including farm dwellings, orchards, crops, ranching and other productive agricultural pursuits, all as permitted by the County of Maui Zoning Ordinance and the State of Hawaii Land Use Law, HRS Chapter 205, as amended from time to time. All buildings and structures shall comply with all applicable County of Maui codes and regulations.

(a) State Law Provisions. The specific requirements of HRS 205-4.5 as they exist on the date of this Declaration are as follows:

Section 205-4.5 Permissible uses within the agricultural districts. Within the agricultural district all lands with soil classified by the land study bureau's detailed land classifications as overall (master) productivity rating class A or B shall be restricted to the following permitted uses:

(1) Cultivation of crops, including but not limited to flowers, vegetables, foliage, fruits, forage, and timber;

(2) Game and fish propagation;

(3) Raising of livestock, including but not limited to poultry, bees, fish, or other animal or aquatic life that are propagated for economic or personal use;

(4) Farm dwellings, employee housing, farm buildings, or activity or uses related to farming and animal husbandry;
Farm dwellings as used in this paragraph means a single-family dwelling located on and used in connection with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling;

(5) Public institutions and buildings which are necessary for agricultural practices;

(6) Public and private open area types of recreational uses including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs and overnight camps;

(7) Public, private, and quasi-public utility lines and roadways, transformer stations, communications equipment buildings, solid waste transfer stations, major water storage tanks, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, or treatment plants, or corporation yards, or other like structures;

(8) Retention, restoration, rehabilitation, or improvement of buildings or sites of historic or scenic interest;

(9) Roadside stands for the sale of agricultural products grown on the premises;

(10) Buildings and uses, including but not limited to mills, storage, and processing facilities, maintenance facilities, and vehicle and equipment storage areas that are normally considered directly accessory to the abovementioned uses and are permitted under section 205-2(d);

(11) Agricultural parks; or

(12) Wind energy facilities, including the appurtenances associated with the production and transmission of wind generated energy; provided that such facilities and appurtenances are compatible with agriculture uses and cause minimal adverse impact on agricultural land.

Uses not expressly permitted in subsection (a) shall be prohibited, except the uses permitted as provided in sections 205-6 and 206-8, and construction of single-family dwellings on lots existing before June 4, 1976. Any other law to the contrary notwithstanding no subdivision of land within the agricultural district with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A or B

shall be approved by a county unless the said A and B lands within the subdivision shall be made subject to the restriction on uses as prescribed in this section and to the condition that the uses shall be primarily in pursuit of an agricultural activity.

Any deed, lease, agreement of sale, mortgage or other instrument of conveyance covering any land within the agricultural subdivision shall expressly contain the restriction on uses and the condition as prescribed in this section which restriction and condition shall be encumbrances running with the land until such time that the land is reclassified to a land use district other than agricultural district.

If the foregoing requirement of encumbrances running with the land jeopardizes the owner or the lessee from obtaining mortgage financing from any of the mortgage lending agencies set forth hereinbelow, and said requirement is the sole reason for failure to obtain mortgage financing, then such requirement of encumbrances shall, insofar as such mortgage financing is so jeopardized, be conditionally waived by the appropriate county enforcement officer; provided that such conditional waiver shall thereafter become effective only in the event that the property is subjected to foreclosure proceedings by the mortgage lender.

The mortgage lending agencies mentioned hereinabove are the Federal Housing Administration, Federal National Mortgage Association, Veterans Administration, Small Business Administration, United States Department of Agriculture, Federal Land Bank of Berkeley, Federal Intermediate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, and other federal, state or private mortgage lending agency qualified to do business in Hawaii, and their respective successors and assigns.

Within the agricultural district all lands, with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class C, D, E, or U shall be restricted to the uses permitted for agricultural districts as set forth in section 205-5(b).

(b) Maui County Code Provisions Under Maui County Code Section 19.30A.050B. Dwellings on agriculturally zoned land are limited to "Two farm dwellings per lot, one of which shall not exceed 1,000 square feet of [enclosed living area]." Under HRS Section 205-4.5 "Farm Dwellings" are limited to those dwellings which are single family dwellings "used in connection with a farm" or "where agricultural activity provides income to the family occupying the dwelling."

Section 19.04.040 defines "farm" as "a lot on which the majority of the land is used for and the predominant activity is agriculture and/or agricultural land conservation."

The term "agriculture" under Maui County Code Section 19.04.040 means "the production of plant and animal life for food and fiber, and for raw materials for proposed products. Agriculture includes but is not limited to fruit, vegetable, and flower growing; forestry; aquaculture; bee keeping; grazing and dairying; and their accompanying services and facilities."

The term "agricultural land conservation" under Maui County Code Section 19.04.040 means "the planting of self-nourishing plants and trees to achieve soil conservation and environmental benefits, including but not limited to soil nourishment, prevention of soil erosion, improvement of air quality, and habitat restoration."

5. Amendments Concerning Agricultural Nuisances. Section 3.04, entitled "Nuisances", is hereby amended by revising the parenthetical clause in line 4 which reads "(other than normal and reasonable agricultural activities)" to read "(other than normal and accepted agricultural activities)".

Also Section 8.01 relating to notice and waiver of nuisances from operations is hereby amended in its entirety to read as follows:

"8.01 Nuisances From Agricultural and Other Operations. All owners and occupants of properties are hereby notified that lands within the agricultural zoning district are used for agricultural purposes as well as construction and site work on individual Properties and the Common Areas. Owners, residents and other users of such property or neighboring properties may be subject to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and other operations. Such normal and accepted agricultural practices and operations include but are not limited to noise, odors, dust, smoke, the operation of machinery of any kind, including aircraft, and the storage and disposal of manure. Owners, occupants and users of such property or neighboring properties shall be prepared to accept such inconveniences, discomfort, and the possibility of injury from normal agricultural and other operations. The Developer and Declarant, and their respective officers, directors, employees, and agents of each, shall not have any liability or responsibility for any such noise, dust, emissions and nuisances. Each owner of a Property, by taking title to said Property, thereby waives all such rights and claims."

6. Addition of Pu'unoa II Lots to List of Encumbrances. Exhibit "C" is hereby amended in its entirety by substituting therefor "Exhibit C (Revised)" in the form attached to this First Amendment as Schedule 2.

7. Designation of Roads as Common Areas. Section 7.01, relating to roads, is hereby amended in its entirety to read as follows:

"7.01 Use. A non-exclusive perpetual easement is granted to the Owners and occupants of all Properties and their tenants, licensees and visitors for pedestrian and vehicular passage over Hokiokio Place, Melekomo Place and Wili Okai Way for roadway purposes and any associated easements, together with the non-exclusive right to construct, maintain, improve, operate, repair and replace lines for utility services in or over such roads, all

subject to such reasonable rules and regulations as the Declarant or the Association (through its Board of Directors) may establish from time to time. Note that the public may have rights of access over some or all of the roads in the neighborhood as may be required by law or the County of Maui. Hokiokio Place is defined as Lot 15 on the Pu'unoa II Plan, and Lots 9 and 11 on Land Court Map 4 of Land Court Application 1302; Mele Komo Place is described as Lot 17 on the Pu'unoa II Plan; and Wili Okai Way is described as Lot 16, on the Pu'unoa II Plan. Easement 7, referred to in this Section 7.01 prior to this First Amendment to the Declaration becoming effective, has been deleted and shall have no further force and effect, it being superceded by this First Amendment."

8. Rock Piles. Section 3.23 concerning rock piles is hereby amended by adding the following sentence to the end of the first paragraph:

"The Declarant in its discretion may extend the deadlines (a) for submission of grading plan to the Design Review Committee by up to 36 months and (b) for removal or breaking down of rock piles by up to twenty-four (24) months."

9. Designation and Preservation of Archaeological Sites and Greenways by the Association as Common Areas. Pursuant to Section 2.04(v) the Declarant hereby designates as Common Areas, under the control and management of the Association, the following features identified on the Plan:

- (a) Greenway common area easements "A", "B", "C", "D" and "E" along Kauaula Stream;
- (b) Archaeological site 50-50-04-4795 buffer zone; and
- (c) Archaeological site 50-50-04-4789 buffer zone.

Pursuant to Section 5.02 the Association shall control and manage said areas as a common expense of the Association to comply with all of the terms and conditions of the Archaeological Site Preservation Plan - Kauaula Development Parcel, dated January 2003, prepared by Haun & Associates, attached hereto as Schedule 3 and incorporated herein by reference. The owners of all land on which

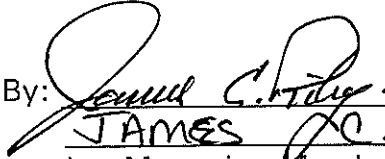
said features are located shall cooperate with the Association in its management, maintenance and operation of said facilities and shall not use, alter or construct any improvements on said areas which shall be inconsistent with or shall violate said Archaeological Site Preservation Plan or interfere with the Association's management thereof. Lot owners may elect to trim and plant vegetation in these areas with native Hawaiian species, subject to the review and approval by the Board of Directors of the Association (and the State of Hawaii Department of Land and Natural Resources, Historic Preservation Division as to all landscaping plans) to ensure consistency with said Archaeological Site Preservation Plan.

10. Plan Review. In reviewing plans for landscaping and construction on individual lots, the Design Review Committee shall give due consideration to input from or land planning standards of West Maui SWCD relating to drainage, storm water management and other relevant considerations.

11. Miscellaneous. In all other respects the Declaration shall remain in full force and effect and unmodified.

Executed the day and year first above written.

KAUAULA LAND COMPANY, LLC,
a Hawaii limited liability company

By: 

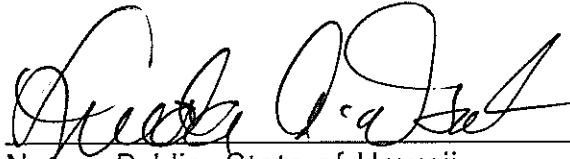
JAMES C. RILEY
Its: Managing Member

"Declarant"

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 10th day of July, 2003, 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.

15



Notary Public, State of Hawaii

Printed Name: LINDA A. DORSET

My Commission Expires: 10/25/04

SCHEDULE 1

Exhibit "A-1" to Pu'unoa Declaration of Covenants, Conditions and Restrictions

Lots 1 through 10, inclusive, of Pu'unoa Subdivision II, described as follows:

LOT 1

PU'UNOA SUBDIVISION II

SITUATED ON THE EASTERLY SIDE OF MELE KOMO PLACE

AT PAHOA, LAHAINA, MAUI, HAWAII

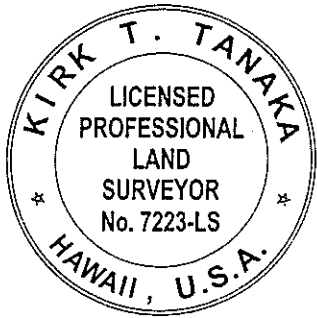
BEING A PORTION OF ROYAL PATENT 4490,

LAND COMMISSION AWARD 10474, APANA 1 TO N. NAMAUI

Beginning at the Southwest corner of this Lot, being also the Northwest corner of Lot 13, Pu'unoa Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 12,154.63 feet South and 3,319.47 feet East and running by azimuths measured clockwise from True South:

1. Along, Mele Komo Place on a curve to the right with a radius of 3,280.00 feet the chord azimuth and distance being:
155° 30' 400.48 feet;
2. 249° 00' 633.37 feet along Lot 2, Pu'unoa Subdivision II;
3. 332° 36' 3.13 feet along Lot 12, Pu'unoa Subdivision;
4. 354° 57' 56.00 feet along Lots 12 and 13, Pu'unoa Subdivision;
5. 328° 46' 142.00 feet along Lot 13, Pu'unoa Subdivision;
6. 38° 57' 24.32 feet along Lot 13, Pu'unoa Subdivision;
7. Thence, along Lot 13, Pu'unoa Subdivision on a curve to the left with a radius of 50.00 feet, the chord azimuth and distance being:
11° 46' 45.68 feet;
8. 344° 35' 83.44 feet along Lot 13, Pu'unoa Subdivision;

9. 62° 00' 569.46 feet along Lot 13, Pu'unoa Subdivision
to the point of beginning and
containing an area of 5.101
Acres.



R. T. TANAKA ENGINEERS, INC.

A handwritten signature in cursive script that reads "Kirk T. Tanaka".

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223

871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

May 6, 2003

LOT 2

PU'UNOA SUBDIVISION II

SITUATED ON THE EASTERLY SIDE OF MELE KOMO PLACE

AT PAHOA & PUHUEHUIKI, LAHAINA, MAUI, HAWAII

BEING PORTIONS OF ROYAL PATENT 4490,

LAND COMMISSION AWARD 10474, APANA 1 TO N. NAMAUU;

LAND PATENT 8399, LAND COMMISSION AWARD 581,

APANA 2 TO S. LAAHILI AND

ROYAL PATENT 8260, LAND COMMISSION AWARD 6754 TO NAEHU

Beginning at the Northwest corner of this Lot, being also the Southwest corner of Lot 3, Pu'unoa Subdivision II, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 11,400.32 feet South and 3,054.66 feet East and running by azimuths measured clockwise from True South:

1. 252° 40' 632.34 feet along Lot 3, Pu'unoa Subdivision II;
2. 357° 22' 34.48 feet along Lot 12, Pu'unoa Subdivision;
3. 11° 30' 74.00 feet along Lot 12, Pu'unoa Subdivision;
4. 355° 16' 94.00 feet along Lot 12, Pu'unoa Subdivision;
5. 324° 38' 88.00 feet along Lot 12, Pu'unoa Subdivision;
6. 332° 36' 88.87 feet along Lot 12, Pu'unoa Subdivision;
7. 69° 00' 633.37 feet along Lot 2, Pu'unoa Subdivision II;
8. Thence, along Mele Komo Place, on a curve to the right with a radius of 3,280.00 feet, the chord azimuth and distance being:
161° 59' 10.1" 341.74 feet;

9. Thence, along Mele Komo Place, on a curve to the right with a radius of 43.00 feet, the chord azimuth and distance being:

186° 41' 50.6" 31.83 feet;

10. Thence, along Mele Komo Place, on a curve to the left with a radius of 43.00 feet, the chord azimuth and distance being:

185° 32' 40.5" 33.43 feet

to the point of beginning and containing an area of 5.427 Acres.



R. T. TANAKA ENGINEERS, INC.

A handwritten signature in cursive script that reads "Kirk T. Tanaka".

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223

871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

May 6, 2003

LOT 3

PU'UNOA SUBDIVISION II

SITUATED ON THE EASTERLY SIDE OF MELE KOMO PLACE

AT PAHOA & PUHUEHUIKI, LAHAINA, MAUI, HAWAII

BEING PORTIONS OF ROYAL PATENT 4490,

LAND COMMISSION AWARD 10474, APANA 1 TO N. NAMAUJ;

LAND PATENT 8399, LAND COMMISSION AWARD 581,

APANA 2 TO S. LAAHILI AND

ROYAL PATENT 8260, LAND COMMISSION AWARD 6754 TO NAEHU

Beginning at the Southwest corner of this Lot, being also the Northwest corner of Lot 2, Pu'unoa Subdivision II, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 11,400.32 feet South and 3,054.66 feet East and running by azimuths measured clockwise from True South:

1. Along Mele Komo Place on a curve to the left with a radius of 43.00 feet, the chord azimuth and distance being:

118° 50'	59.56 feet;
----------	-------------
2. 165° 00' 339.51 feet along Lot 4, Pu'unoa Subdivision II;

Thence, along Land Commission Award 6895, Apana 4 to Kauakahi, along the top of gulch for the next two (2) courses, the direct azimuths and distances between points being:

- | | | | |
|--|----|----------|--------------|
| | 3. | 254° 41' | 194.76 feet; |
| | 4. | 264° 30' | 604.64 feet; |
5. 18° 00' 69.67 feet along Lot 12, Pu'unoa Subdivision;
 6. 10° 00' 156.32 feet along Lot 12, Pu'unoa Subdivision;
 7. 357° 22' 57.52 feet along Lot 12, Pu'unoa Subdivision;

8. 72° 40' 632.34 feet along Lot 2, Pu'unoa Subdivision II to the point of beginning and containing an area of 5.025 Acres, more or less.



R. T. TANAKA ENGINEERS, INC.

J. T. Tanaka

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223

871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

May 6, 2003

LOT 4

PU'UNOA SUBDIVISION II

SITUATED ON THE EASTERLY SIDE OF MELE KOMO PLACE

AT PAHOA & PUEHUEHUIKI, LAHAINA, MAUI, HAWAII

BEING PORTIONS OF LAND PATENT 8399, LAND COMMISSION AWARD 581,

APANA 2 TO S. LAHILI & ROYAL PATENT 8260;

LAND COMMISSION AWARD 6754 TO NAEHU

Beginning at the Northwest corner of this Lot, being also the Northeast corner of Lot 13, Pu'unoa Subdivision II, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 11,253.20 feet South and 2,357.62 feet East and running by azimuths measured clockwise from True South:

Along the remainder of Land Patent 8399, Land Commission Award 581, Apana 2 to S. Laahili and along Land Commission Award 6895, Apana 4 to Kauakahi, along the top of gulch for the next two courses, the direct azimuths and distances between points being:

1. 237° 00' 180.97 feet;
2. 254° 41' 420.15 feet;
3. 345° 00' 339.51 feet along Lot 3, Pu'unoa Subdivision II;
4. Thence, along Mele Komo Place on a curve to the left with a radius of 43.00 feet, the chord azimuth and distance being:
35° 13' 41" 55.02 feet;
5. 72° 00' 520.60 feet along Lot 13, Pu'unoa Subdivision II;
6. 160° 00' 345.02 feet along Lot 13, Pu'unoa Subdivision II to the point of beginning and containing an area of 5.001 Acres, more or less.

SUBJECT HOWEVER to the following:

1. Drainage Reserve 5 for drainage improvements in favor of Pu'unoa Homeowners Association.
2. Greenway Common Area "B".
3. Archaeological Site 50-50-04-4795 buffer zone.



R. T. TANAKA ENGINEERS, INC.

A handwritten signature in cursive script, appearing to read "Kirk T. Tanaka".

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223

871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

May 6, 2003

LOT 5

PU'UNOA SUBDIVISION II

SITUATED ON THE EASTERLY SIDE OF MELE KOMO PLACE

AT PAHOA, LAHAINA, MAUI, HAWAII

BEING PORTIONS OF ROYAL PATENT 4490, LAND COMMISSION AWARD 10474,

APANA 1 TO N. NAMAUU & ROYAL PATENT 8260,

LAND COMMISSION 6754 TO NAEHU

Beginning at the Southwest corner of this Lot, being also the Northwest corner of Lot 6, Pu'unoa Subdivision II, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 12,024.31 feet South and 2,679.48 feet East and running by azimuths measured clockwise from True South:

1. 160° 00' 468.30 feet along Lot 13, Pu'unoa Subdivision II;
2. 252° 00' 481.16 feet along Lot 13, Pu'unoa Subdivision II;
3. Thence, along Mele Komo Place on a curve to the left with a radius of 43.00 feet, the chord azimuth and distance being:
315° 35' 44" 19.29 feet;
4. Thence, along Mele Komo Place on a curve to the right with a radius of 43.00 feet, the chord azimuth and distance being:
323° 48' 42.5" 31.07 feet;
5. Thence, along Mele Komo Place on a curve to the left with a radius of 3,320.00 feet, the chord azimuth and distance being:
341° 37' 47.5" 389.54 feet;

6. 68° 16' 486.65 feet along Lot 6, Pu'unoa Subdivision II to the point of beginning and containing an area of 5.073 Acres.



R. T. TANAKA ENGINEERS, INC.

Kirk T. Tanaka

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223

871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

May 6, 2003

LOT 6

PU'UNOA SUBDIVISION II

SITUATED ON THE EASTERLY SIDE OF MELE KOMO PLACE

AT PAHOA, LAHAINA, MAUI, HAWAII

BEING A PORTION OF ROYAL PATENT 4490, LAND COMMISSION AWARD 424,

APANA 1 TO N. NAMAUU

Beginning at the Northwest corner of this Lot, being also the Southwest corner of Lot 5, Pu'unoa Subdivision II, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 12,024.31 feet South and 2,679.48 feet East and running by azimuths measured clockwise from True South:

1. 248° 16' 486.65 feet along Lot 5, Pu'unoa Subdivision II;
2. Thence, along Mele Komo Place on a curve to the left with a radius of 3,320.00 feet, the chord azimuth and distance being:
334° 43' 30" 410.18 feet;
3. 61° 11' 495.71 feet along Lot 7, Pu'unoa Subdivision II;
4. 152° 00' 246.36 feet along Lot 12, Pu'unoa Subdivision II;
5. 160° 00' 225.74 feet along Lots 12 and 13, Pu'unoa Subdivision II to the point of beginning and containing an area of 5.007 Acres.



R. T. TANAKA ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "Kirk T. Tanaka".

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223

871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

May 6, 2003

LOT 7

PU'UNOA SUBDIVISION II

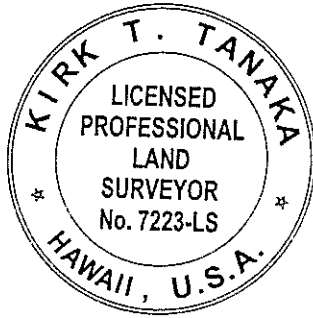
SITUATED ON THE NORTHERLY SIDE OF HŌKIOKIO PLACE
AND WESTERLY SIDE OF MELE KOMO PLACE
AT PAHOA AND POLANUI, LAHAINA, MAUI, HAWAII
BEING PORTIONS OF ROYAL PATENT 4490,
LAND COMMISSION AWARD 10474, APANA 1 TO N. NAMAUI
AND LAND PATENT 3395, LAND COMMISSION AWARD 8559-B,
APANA 23 TO W. C. LUNALILO

Beginning at the Northwest corner of this Lot, being also the Southwest corner of Lot 6, Pu'unoa Subdivision II, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 12,453.96 feet South and 2,872.34 feet East and running by azimuths measured clockwise from True South:

1. 241° 11' 495.71 feet along Lot 6, Pu'unoa Subdivision II;
2. Thence, along Mele Komo Place on a curve to the left with a radius of 3,320.00 feet, the chord azimuth and distance being:
328° 35' 30" 300.25 feet;
3. 326° 00' 115.77 feet along Mele Komo Place;
4. Thence, along Mele Komo Place on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:
13° 41' 43.5" 44.37 feet;
5. Thence, along Hōkiokio Place on a curve to the right with a radius of 2,270.00 feet, the chord azimuth and distance being:
67° 41' 43.5" 498.55 feet;

6. 152° 00'

391.44 feet along Lot 12, Pu'unoa Subdivision II to the point of beginning and containing an area of 5.008 Acres.



R. T. TANAKA ENGINEERS, INC.

Kirk T. Tanaka

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223

871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

May 6, 2003

LOT 8

PU'UNOA SUBDIVISION II

SITUATED ON THE SOUTHERLY SIDE OF HŌKIOKIO PLACE

AT POLANUI, LAHAINA, MAUI, HAWAII

BEING A PORTION OF LAND PATENT 8395,

LAND COMMISSION AWARD 8559-B, APANA 25 TO W. C. LUNALILO

Beginning at the Southwest corner of this Lot, being also the Southeast corner of Lot 9, Pu'unoa Subdivision II, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 13,290.60 feet South and 3,493.92 feet East and running by azimuths measured clockwise from True South:

1. 151° 08' 552.21 feet along Lot 9, Pu'unoa Subdivision II;
2. Thence, along Hōkiokio Place on a curve to the left with a radius of 2,330.00 feet, the chord azimuth and distance being:
245° 00' 406.15 feet;
3. 330° 00' 524.92 feet along Lot 14, Pu'unoa Subdivision;
4. 61° 08' 415.60 feet along Lot B-1, Mahanalua Nui Subdivision to the point of beginning and containing an area of 5.017 Acres.

SUBJECT HOWEVER to Drainage Reserve 4 for drainage improvements
in favor of the Pu'unoa Homeowners Association.



871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

May 6, 2003

R. T. TANAKA ENGINEERS, INC.

A handwritten signature in cursive script, appearing to read "Kirk T. Tanaka".

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223

LOT 9

PU'UNOA SUBDIVISION II

SITUATED ON THE SOUTHERLY SIDE OF HŌKIOKIO PLACE

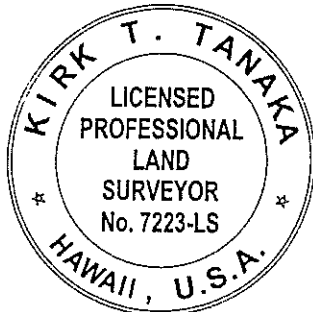
AT POLANUI, LAHAINA, MAUI, HAWAII

BEING A PORTION OF LAND PATENT 8395,

LAND COMMISSION AWARD 8559-B, APANA 25 TO W. C. LUNALILO

Beginning at the Southeast corner of this Lot, being also the Southwest corner of Lot 8, Pu'unoa Subdivision II, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 13,290.60 feet South and 3,493.92 feet East and running by azimuths measured clockwise from True South:

1. 61° 08' 368.60 feet along Lot B-1, Mahanalua Nui Subdivision;
2. 151° 08' 640.93 feet along Lot 10, Pu'unoa Subdivision;
3. Thence, along Hōkiokio Place on a curve to the left with a radius of 2,330.00 feet, the chord azimuth and distance being:
254° 40' 379.13 feet;
4. 331° 08' 552.21 feet along Lot 8, Pu'unoa Subdivision II to the point of beginning and containing an area of 5.003 Acres.



R. T. TANAKA ENGINEERS, INC.

A handwritten signature in cursive script, appearing to read "Kirk T. Tanaka".

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223

871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

May 6, 2003

LOT 10

PU'UNOA SUBDIVISION II

SITUATED ON THE SOUTHERLY SIDE OF HŌKIOKIO PLACE

AT PAHOA & POLANUI, LAHAINA, MAUI, HAWAII

BEING PORTIONS OF LAND PATENT 8395,

LAND COMMISSION AWARD 8559-B, APANA 25 TO W. C. LUNALILO

AND ROYAL PATENT 4490, LAND COMMISSION AWARD 10474,

APANA 1 TO N. NAMAUU

Beginning at the Southwest corner of this Lot, being also the Southeast corner of Lot 11, Pu'unoa Subdivision II, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAINA" being 13,689.19 feet South and 2,770.89 feet East and running by azimuths measured clockwise from True South:

1. 144° 17' 54" 544.72 feet along Lot 11, Pu'unoa Subdivision II;
2. Thence, along lot 11, Pu'unoa Subdivision II on a curve to the right with a radius of 6,075.00 feet, the chord azimuth and distance being:
145° 59' 19.2" 358.39 feet;
3. 269° 20' 205.00 feet along Hōkiokio Place;
4. Thence, along Hōkiokio Place on a curve to the left with a radius of 2,330.00 feet, the chord azimuth and distance being:
264° 20' 406.15 feet;
5. 331° 08' 640.93 feet along Lot 9, Pu'unoa Subdivision II;
6. 61° 08' 457.01 feet along Lot B-1 Mahanalua Nui Subdivision to the point of beginning and containing an area of 8.727 Acres;

SUBJECT HOWEVER to the following:

1. Drainage Reserve 3 for drainage improvements in favor of Pu'unoa Homeowners Association.
2. A proposed 150-foot wide Lahaina By-Pass corridor along the West boundary; and
3. A proposed 44 feet wide roadway adjoining the proposed 150-foot wide Lahaina By-Pass.



R. T. TANAKA ENGINEERS, INC.

A handwritten signature in cursive script that reads "Kirk T. Tanaka".

Kirk T. Tanaka
Licensed Professional Land Surveyor
Certificate No. 7223

871 Kolu Street, Suite 201
Wailuku, Hawaii 96793

May 6, 2003

SCHEDULE 2
Exhibit "C" (Revised)

I. Easements Affecting Lots Within Pu'unoa Subdivision I

<u>Lot No.</u>	<u>Encumbrances</u>
1	▶ Easement 6 for Makila Reservoir, ditch, pipelines and roadway purposes
2	▶ Easement 6 for Makila Reservoir, ditch, pipelines and roadway purposes ▶ Greenway Common Area
3	▶ Easement 6 for Makila Reservoir, ditch, pipelines and roadway purposes ▶ Easement 9 for roadway and utility purposes in favor of abutting landowner ▶ Greenway Common Area ▶ Easement for maintenance and preservation of Archaeological Site and buffer
4	▶ Easement 6 for Makila Reservoir, ditch, pipelines and roadway purposes ▶ Greenway Common Area
5	
6	▶ Easement 8 for roadway and utility purposes
7	▶ Greenway Common Area
8	▶ Easement 5 for agricultural ditch system ▶ Greenway Common Area
9	▶ Easement 5 for agricultural ditch system

<u>Lot No.</u>	<u>Encumbrances</u>
10	▶ Easement 5 for agricultural ditch system
11	▶ Greenway Common Area
12	▶ Easement 5 for agricultural ditch system ▶ Greenway Common Area
13	
14	▶ Greenway Common Area

II. Easements Affecting Lots Within Pu'unoa Subdivision II

<u>Lot No.</u>	<u>Encumbrances</u>
1	
2	
3	▶ Greenway Common Area
4	▶ Drainage Reserve 5 (0.360 acres) ▶ Easement for and Covenant for Maintenance and Preservation of Archaeological Site and Buffer ▶ Greenway Common Area
5	
6	
7	
8	▶ Drainage Reserve 4 (0.381 acres)
9	
10	▶ Drainage Reserve 3 (0.653 acres) ▶ Reservation by Kauaula Land Company LLC to dedicate right of way for bypass and access road within 15 years