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STATE OF HAWAII  
BUREAU OF CONVEYANCES  
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MAR 05, 2007 08:02 AM

Doc No(s) 2007-039993



/s/ CARL T. WATANABE  
REGISTRAR OF CONVEYANCES

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LAND COURT SYSTEM

REGULAR SYSTEM

Makila Land Co.

Return by Mail ( ) Pickup ( ) To:

RS  
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Makila Land Co. LLC  
33 Lono Avenue, Suite 450  
Kahului, HI 96732

TMK: (2) 4-7-1:25

Total No. of Pages: 98

DEED OF CONSERVATION EASEMENT INCLUDING DEVELOPMENT RIGHTS

THIS DEED OF CONSERVATION EASEMENT INCLUDING DEVELOPMENT RIGHTS ("Easement") is made this 28<sup>th</sup> day of February, 2007, by MAKILA LAND CO., LLC., a Hawaii limited liability company, having an address at 33 Lono Ave., Suite 450, Kahului, Hawaii, 96732 ("Grantor"), in favor of MAUI COASTAL LAND TRUST, a Hawaii non-profit corporation, having an address at P.O. Box 965, Wailuku, Hawaii, 96793 ("Grantee"). MAKILA NUI HOMEOWNERS' ASSOCIATION, INC., a Hawaii non-profit corporation, having an address at 33 Lono Avenue, Suite 450, Kahului, Hawaii 96732 ("Association"), is also a party to this Deed of Conservation Easement.

RECITALS:

A. Grantor is the sole owner in fee simple of that certain real property situate in Lahaina, County of Maui, State of Hawaii, consisting of nine contiguous parcels totaling 317.44 acres, more or less, and bearing tax map key number: (2) 4-7-1:25 all as more particularly described in Exhibit A. Portions of said land have been delineated and are being set aside for conservation preservation, monitoring and enforcement under this Easement as described on Exhibit B (the "Protected Property").

- B. The Protected Property is divided into two categories:
1. The Cultural and Native Plant Preservation, Restoration, Education and Resource Area, described in Exhibit C (Area 1); and
  2. The General Restriction Area described in Exhibit D (Area 2).

The terms "native plants" herein means indigenous and endemic plants only, where said plants are placed or cultivated within Area 1. Said plants in conjunction with Area 2 may include a broader definition of "native" which shall be approved by Grantee, as appropriate, such as plants, not indigenous, which are generally considered to be "Hawaiian" and were introduced by native Hawaiians or other post-contact settlers.

C. The Protected Property possesses important conservation values, including agricultural, scenic, open space and preservation of native plant species and habitat (collectively, the "Conservation Values"). The Protected Property is located above the coastline in the Lahaina District, an area that has recently been threatened with significant development. A traveler on Honoapiilani Highway looking towards the mountains across the Protected Property sees gentle sloping grasslands, up to forest reserve and the West Maui Mountains. The current and intended agricultural use of the Protected Property is for preservation of cultural sites and nature plant species of and to prevent land altering changes or development. Area 1 is characterized as highly sensitive in terms of its existing pristine condition with extensive native species and habitat as well as cultural and archaeological significance. Area 2 is also very valuable for its conservation values but is somewhat less sensitive than Area 1 in its vegetation and habitat.

D. The Association is the holder of the Makila Nui Declaration of Easements – Cultural and Native Plant Preservation, Restoration, Education and Resource Area as a co-steward with Grantee for the protection of Area 1 and also has co-stewardship with Grantee over Area 2 under the Makila Nui Declaration of Covenants, Conditions and Restrictions.

E. The following land use designations relate to the Protected Property:

1. State District Boundary. The Protected Property is classified as "Agriculture," as defined by HRS Chapter 205. Use of the Protected Property is limited to agricultural uses, including the construction of homes, as set forth in HRS Chapter 205.
2. County Zoning. The Protected Property is zoned "Agriculture," as defined by Chapter 19.30A of the Maui County Code.
3. Community Plan. The Protected Property lies within West Maui Community Plan which designates this area for agricultural uses.
4. Development. Under said State and County designations applicable to the Agricultural district, agricultural uses, subdivision and construction of dwellings are permitted, subject to a two-acre minimum lot size, construction of required infrastructure, approval of County of Maui agencies and other requirements.

F. Also Maui County has established the West Maui Community Plan which articulates preservation policies in order to enhance the region's overall living environment. Specific Objectives of the West Maui Community Plan that are addressed by this Conservation Easement include:

1. Preservation of scenic open space vistas by discouraging large scale development of the grassy, sloping areas and the natural pu'us between the Mountains and the highway.
2. Prohibiting uses and discouraging activities which adversely affect the preservation and perpetuation of native plant species, cultural sites and other sites of historical, cultural and archaeological significance.

G. In the absence of this Deed of Conservation Easement, the Protected Property could be developed in a manner which would destroy the Conservation Values of the Protected Property. The Easement will prohibit development so as not to degrade the Conservation Values of the Protected Property.

H. The specific Conservation Values of the Protected Property are further documented in an inventory of relevant features of the Protected Property which Grantor is providing to Grantee and which will be maintained on file at the offices of the Grantee and incorporated into this Easement by this reference ("Baseline Documentation"). The Baseline Documentation, which will be reviewed and accepted by Grantor and Grantee, consists of reports, maps, photographs, and other documentation that provide, collectively, an accurate representation of the Protected Property at the time of this grant and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant.

I. Grantor intends that the Conservation Values of the Protected Property be preserved and maintained in perpetuity by permitting the continuation of only those uses of the Protected Property that do not significantly impair or interfere with the Conservation Values. Such uses existing at the time of this grant include without limitation, restricted passive (non-commercial) recreational uses that are consistent with intent and purpose of this Easement.

J. Grantor, as owner of the Protected Property, has the right to protect and preserve the Conservation Values of the Protected Property, and desires to transfer such rights to Grantee in perpetuity.

K. Grantee is a publicly supported, tax-exempt nonprofit organization, qualified under Sections 501(c)(3) and 170(h) of the Internal Revenue Code of 1986, as amended, and also qualified as a nonprofit corporation under HRS 414D, whose primary purpose is to acquire, hold, preserve and dispose of land, easements, leases, or other rights and interests in land, or improvements to land, with an emphasis on coastal lands of Maui, Lana'i and Moloka'i, for the purpose of:

1. Protecting scenic and open space values;
2. Protecting and promoting ecological integrity of native plant species and natural habitats; and
3. Protecting archaeological, historical and cultural resources.

L. Grantee agrees, by accepting this Easement, to honor the intentions of Grantor as stated in this Easement and to preserve and protect in perpetuity the Conservation Values of the Protected Property for the benefit of this generation, and the generations to come.

M. Reference herein to "Grantor" shall mean Makila Land Co., LLC., but after its conveyance of any portion of the Protected Property to a third party purchaser, the term "Grantor", as to said portion, shall thereafter mean said purchaser and his, her or its successors and assigns, as to all activities, obligations, violations and other actions affecting said portion. Makila Land Co., LLC shall have no liability hereunder with respect to events occurring from and after the transfer of title to said portion.

**GRANT:** For reasons stated above, and in consideration of the mutual covenants, terms, conditions, and restrictions contained in this Easement, Grantor hereby voluntarily grants, conveys and warrants to Grantee a conservation easement in perpetuity over the Protected Property, consisting of certain rights in the Protected Property, as defined in this Easement, subject only to the restrictions contained in this Easement and title matters of record as of the date of this grant. This conveyance is a conveyance of an interest in real property and constitutes a "conservation easement" as defined in Hawaii Revised Statutes Section 198-1. This Grant is made as an absolute, unconditional, unqualified, and completed gift, subject only to the mutual covenants, terms, conditions and restrictions set forth in the Easement and title matters of record as of the date of this grant, and for no other consideration whatsoever. Grantor expressly intends that this Easement run with the land and that this Easement shall be binding upon Grantor's personal representatives, heirs, successors, and assigns in perpetuity.

The terms and conditions of this easement are as follows:

1. **Purposes.** The purposes of the Easement are to:

(a) First priority is to protect Area 1's native plant species, habitat and cultural and archaeological features.

(b) Second priority is to assure that the entire Protected Property will remain as open space for the unobstructed scenic vistas provided from Honoapiilani Highway;

(c) Third priority is to assure that the entire Protected Property shall be retained forever predominately in open-space condition, and

(d) Similar priority is to prevent any use of, or activity on, the Protected Property that will significantly impair or interfere with the Conservation Values of the Protected Property.

Said stated purposes are herein collectively referred to as the "Purpose". Grantor intends that this Easement will confine the use of, and activity on, the Protected Property to such uses and activities that are consistent with the Purpose. Except as specifically provided for in Section 9 below, this Easement shall not be construed as affording to the general public physical access to the Protected Property.

2. **Rights Conveyed to Grantee.** To accomplish the Purpose of this Easement the following rights are conveyed to Grantee:

(a) Protection: Grantee has the right to preserve and protect in perpetuity and Property to prevent any uses that will significantly impair or interfere with the Conservation Values of the Protected.

(b) Access:

(i) Grantee shall enter the Protected Property at least annually, at a reasonable time and upon prior written notice to Grantor, for the purpose of making inspections to monitor compliance with this Easement.

(ii) Grantee shall enter the Protected Property at such other times as are necessary if Grantee has a reason to believe that a violation of the Easement is occurring or has occurred, for the purpose of mitigating or terminating the violation and otherwise enforcing the provisions of this Easement. Such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not in any case unreasonably interfere with Grantor's allowed uses and quiet enjoyment of the Protected Property.

(c) Enforcement. Grantee has the right to enforce this Easement and to enjoin any use of, or activity on, the Protected Property that is inconsistent with the Purpose of this Easement, and to require the restoration of such areas or features of the Protected Property as may be damaged by uses or activities inconsistent with the provisions of this Easement.

(d) Association. The Grantee and the Association shall have concurrent jurisdiction over the Protected Property. The Association shall take a pro-active and primary role in monitoring the Protected Property and taking enforcement steps against persons acting in violation of the Conservation Values. The Grantee shall cooperate with the Association, provide expertise and advice when needed, and primary enforcement in cases where the Association shall wrongfully fail or refuse to fulfill its enforcement responsibilities, or where Grantee reasonably believes that independent measures are appropriate to protect the Conservation Values.

3. Grantor's Reserved Uses and Activities Consistent With the Purpose of the Easement. Grantor reserves for itself and its personal representatives, heirs, successors and assigns, all rights accruing from ownership of the Protected Property, including the right to engage in, or permit or invite others to engage in, any use of, or activity on, the Protected Property that is not inconsistent with the Purpose of the Easement and that is not prohibited by this Easement. Without limiting the generality of this subsection, Grantor specifically reserves for itself and its personal representatives, heirs, successors, and assigns, the following uses and activities:

(a) Recreational Use. Grantor may use the Protected Property for passive (non-commercial) recreation activities of hiking, bird watching, walking and scenic enjoyment. Specific areas of such access, including public recreational access, shall be delineated by Grantor, subject to Grantee's review.

(b) Agricultural Use. Grantor may not use the Protected Property for general, active agricultural use which would adversely affect the native plant species. The following limitations apply to agricultural activities:

(i) Agricultural activities may include the propagation and harvesting of native plant species.

(ii) Livestock is prohibited except in Area 2 in cases where Grantee has approved limited or intermittent livestock operations for fire suppression or other purposes beneficial to reasonable land management.

(iii) Prior to initiating any non-native plant agricultural activity in Area 2, Grantor must submit a plan to Grantee for review and approval. The plan must indicate the desired location and nature of the activities and describe practices that will ensure that the activities will not interfere with the Conservation Values of the Protected Property. Grantee shall have the right to charge and collect a fee from the person or entity seeking approval to reimburse Grantee for its time and materials expended in its review.

(c) Recreation. The undertaking of recreational activities such as hiking, walking and bird watching on the Protected Property are permitted; provided that such activities are conducted in a manner and intensity that does not adversely impact the Conservation Values of the Protected Property. No motorized recreational vehicles or activities that could adversely impact the Conservation Values of the Protected Property are allowed.

(d) Fences. The construction and maintenance of fences is permitted to separate the Protected Property from the remainder of the land provided that their design and location shall not interfere with the Conservation Values of the Protected Property.

(e) Signs. The placement of signs on the Protected Property is permitted to advertise for sale or rent or to state the conditions of access to the Protected Property is permitted; provided that such signs are located to preserve, as much as possible, the undisturbed Conservation Values of the Protected Property. Signs in excess of three (3) square feet need prior written approval by Grantee of sign location and design.

(f) Protection of Public Health or Safety. The undertaking of other activities necessary to protect public health or safety on the Protected Property are permitted, such as fire access and removal of vegetation for firebreaks. Also elimination of feral animals which harm the Conservation Values is permitted. Any such activity shall be conducted so that interference with the Conservation Values of the Protected Property is avoided, or, if avoidance is not possible, minimized to the extent possible.

(g) Easements and Dedications. The granting of easements to governmental agencies or utility providers for the installation, maintenance, repair and replacement of underground utility services may be permitted; and the right to grant to adjoining lands appropriate drainage easements which may be required by the County of Maui, provided that such utility and drainage easements shall not materially alter the natural appearance of the Protected Property for scenic and open space purposes, and no such easements or dedications shall adversely affect the Conservation Values of the Protected Property. Grantor shall notify Grantee in writing prior to granting any such easement or making any such dedication.

4. Uses and Activities Inconsistent With the Purpose of the Easement. Any use of, or activity on, the Protected Property inconsistent with the Purpose of the Easement is prohibited, and Grantor acknowledges and agrees that it will not conduct, engage in or permit any such use or activity. Without limiting the generality of the foregoing, the following uses of,

or activities on, the Protected Property, though not an exhaustive list of inconsistent uses or activities, are inconsistent with the purposes of this Easement and shall be prohibited, except as expressly provided in Section 3 above:

(a) Subdivision. The legal or "de facto" division, subdivision or partitioning of the Protected Property, except for division of existing lots into not more than two units by condominium conversion.

(b) Construction. The placement or construction of any buildings, structures, or other improvements of any kind including, without limitation, buildings, barns, sheds, roads, and parking lots, except (i) agricultural sheds or barns, not exceeding 200 square feet in floor area, in Area 2 only, as needed in connection with active and ongoing agricultural operations; (ii) otherwise as may be approved by Grantee and used to preserve or protect the Conservation Values of the Protected Property; and (iii) fencing as permitted under Section 3(d) above.

(c) Alteration of Land. The alteration of the surface of the land, including, without limitation, the excavation or removal of soil, sand, gravel, rock, peat, or sod, except as deemed necessary by Grantee for agricultural uses or to preserve or protect the Conservation Values of the Protected Property, provided that such activities shall have been reviewed and approved in advance by Grantee under Section 3(b)(iii) above.

(d) Erosion or Water Pollution. Any use or activity that causes or is likely to cause significant soil degradation or erosion or significant pollution of any surface or subsurface waters.

(e) Alteration of Water Courses. The draining, filling, dredging, ditching, or diking of wetland areas, the alteration or manipulation of ponds and water courses, or the creation of new wetlands, water impoundments, or water courses, except as deemed necessary by Grantee for agricultural uses or to preserve or protect the Conservation Values of the Protected Property.

(f) Waste Disposal. The disposal or storage of rubbish, garbage, debris, unregistered vehicles, abandoned equipment, parts thereof, or other unsightly, offensive, or hazardous waste or material on the Protected Property.

(g) Signs. The placement of commercial signs, billboards, or other advertising material on the Protected Property.

(h) Yard Lights. The placement and use of any outdoor electric lights, except as deemed necessary by Grantee for agricultural uses or to preserve or protect the Conservation Values of the Protected Property and except to the extent that such lights are shielded on all sides so as to direct light to the ground.

(i) Mining. The exploration for, or development and extraction of, minerals and hydrocarbons on or below the surface of the Protected Property.

(j) Introduced Vegetation. The introduction of non-native plants and non-native invasive species on the Protected Property, except as otherwise provided in this Grant of Easement.

(k) Off-Road Vehicles. The operation of motorcycles, "all terrain" vehicles, or any other type of off-road motorized vehicles within the Protected Area, other than agricultural, fire protection or maintenance vehicles permitted by Grantee.

5. Commitments.

(a) Invasive Non-Native Species. Grantor, Grantee and the Association commit to work together over the coming years to explore and implement reasonable methods of controlling and eradicating invasive non-native species on the Protected Property, except for non-native species necessary in connection with the permitted agricultural uses.

(b) Native Species. Grantor, Grantee and the Association commit to work together over the coming years to encourage the establishment of appropriate native species on the Protected Property.

6. Notice and Approval.

(a) Notice. Grantor shall notify Grantee and receive Grantee's written approval prior to undertaking certain permitted activities as required by Section 3. The purpose of requiring Grantor to notify Grantee prior to undertaking certain permitted uses and activities is to afford Grantee an opportunity to ensure that the use or activity in question is designed and carried out in a manner consistent with the purposes of this Easement. Whenever notice is required, Grantor shall notify Grantee in writing not less than forty-five (45) days prior to the date Grantor intends to undertake the use or activity in question. The notice shall describe the nature, scope, design, location, timetable, and any other material aspect of the proposed activity in sufficient detail to permit Grantee to make an informed judgment as to its consistency with the purpose of this Easement.

(b) Approval. Where Grantee's approval is required, Grantee shall grant or withhold its approval in writing within thirty (30) days of receipt of Grantor's written request for approval. Grantee's approval may be withheld only upon a reasonable determination by Grantee that the action as proposed would be inconsistent with the purposes of this Easement. Grantee's approval may include reasonable conditions, which must be satisfied in undertaking the proposed use or activity. If Grantor must undertake emergency action to protect health or safety on the Property or must act by and subject to the requirement of any governmental agency, Grantor may proceed with such action without Grantee's approval only if Grantor notifies Grantee prior to taking such action and Grantee cannot provide its approval, with or without conditions, within such time as is reasonable under the circumstances.

(c) Grantee's Failure to Approve Within the Required Time. When Grantee's approval is required, and when Grantee does not grant or withhold its approval in the time period and manner set forth herein, Grantor may assume Grantee's affirmative approval of the permitted use or activity in question.

(d) Addresses for Notices. Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing either served personally or sent by certified mail, return receipt requested, postage prepaid, addressed to as follows:



To Grantors: The landowner at the address shown  
or then current tax billing records of the County of Maui

To Grantee: Maui Coastal Land Trust  
P.O. Box 965  
Wailuku, HI 96793

To Association: Makila Nui Homeowners' Association, Inc.  
33 Lono Avenue, Suite 450  
Kahului, HI 96732

or to such other address as either party from time to time shall designate by written notices to the other.

7. Dispute Resolution. If a dispute arises between the parties concerning the consistency of any proposed use or activity with the purpose of this Easement, the parties shall meet together to discuss the dispute and attempt resolution. Thereafter, either party may refer the dispute to mediation by request made in writing to the other. Within ten (10) days of the receipt of such a request, the parties shall select a single mediator to hear the matter. The matter shall be settled in accordance with the Hawaii mediation rules then in effect. The parties agree not to proceed with any disputed use or activity pending resolution of the dispute. If mediation shall be unsuccessful in resolving the dispute by the end of thirty (30) days from the initial request to mediate, then either party may pursue all available equitable and legal remedies.

8. Grantee's Remedies.

(a) Notice of Violation, Corrective Action. If Grantee determines that the Grantor or its successors or assigns is in violation of the terms of this Easement or that a violation is threatened, Grantee shall give written notice to Grantor or its successors or assigns of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Protected Property resulting from any use or activity inconsistent with the Purpose of this Easement, to restore the portion of the Protected Property so injured to its prior condition in accordance with a plan approved by Grantee.

(b) Grantor's Failure to Respond. Grantee may bring an action as provided in subsection (c) if Grantor:

(i) Fails to cure the violation within thirty (30) days after receipt of notice thereof from Grantee;

(ii) Under circumstances where the violation cannot reasonably be cured within the thirty (30) day period, fails to begin curing such violation within the thirty (30) day period and fails to continue diligently to cure such violation until finally cured.

(c) Grantee's Action.

(i) Injunctive Relief. Grantee may bring an action at law or in equity in a court having jurisdiction to enforce the terms of this Easement:

a. To enjoin the violation, ex parte as necessary, by temporary or permanent injunction; and

b. To require the restoration of the Protected Property to the condition that existed prior to any such injury.

(ii) Damages. Grantee shall be entitled to recover damages for violation of the terms of this Easement or injury to any Conservation Values protected by this Easement. Without limiting Grantor's liability in any way, Grantee, in its sole discretion, may apply any damages recovered to the cost of undertaking corrective or restoration action on the Protected Property. All such actions for injunctive relief may be taken without Grantee being required to post bond or provide other security.

(d) Emergency Enforcement. If Grantee, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the Conservation Values of the Protected Property, Grantee may pursue its remedies under this section without prior notice to Grantor or without waiting for the period provided for cure to expire; provided, that Grantee shall first make a reasonable attempt under the circumstances to give verbal/telephone notice to Grantor of the violation and proposed action.

(e) Scope of Relief. Grantee's rights under this section apply equally in the event of either actual or threatened violations of the terms of this Easement. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement are inadequate and that Grantee shall be entitled to injunctive and other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Grantee's remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

(f) Costs of Enforcement. In the event Grantee must enforce the terms of this Easement, the costs of restoration necessitated by acts or omissions of Grantor or anyone under Grantor's control or authority or anyone in contractual privity with Grantor, in violation of the terms of this Easement and Grantee's reasonable enforcement expenses, including attorney's fees, shall be borne by Grantor or those of its personal representatives, heirs, successors, or assigns, against whom a judgment is entered. In the event that Grantee secures redress for an Easement violation without initiating or completing a judicial proceeding, the costs of such restoration and Grantee's reasonable expenses shall be borne by Grantor and those of its heirs, successors, or assigns who are otherwise determined to be responsible for the unauthorized activity or use. If Grantor ultimately prevails in any judicial proceeding initiated by Grantee to enforce the terms of this Easement, each party shall bear its own costs.

(g) Grantee's Forbearance. Forbearance by Grantee to exercise its rights under this Easement in the event of any breach of any terms of this Easement by Grantor, its agents, employees, contractors, family members, invitees or licensees shall not be deemed or construed to be a waiver by Grantee of such term of any Grantee's rights under this Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

(h) Waiver of Certain Defenses. Grantor acknowledges that it has carefully reviewed this Easement and has consulted with and been advised by counsel of its terms and

requirements. In full knowledge of the provisions of this Easement, Grantor hereby waives any claim or defense it may have against Grantee or its successors or assigns in interest under or pertaining to this Easement based upon waiver, laches, estoppel, or prescription.

(i) Acts Beyond Grantors Control. Nothing contained in this Easement shall be construed to entitle Grantee to bring any action against Grantor to abate, correct, or restore any condition on the Protected Property or to recover damages for any injury to or change in the Protected Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or for acts of trespassers, that Grantor could not reasonably have anticipated or prevented or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Protected Property resulting from such causes.

(j) Estoppel Certificates. Upon request by Grantor, Grantee shall within thirty (30) days execute and deliver to Grantor or to any party designated by Grantor any document, including an estoppel certificate, that certifies, to the best of Grantee's knowledge, Grantor's compliance or lack thereof with any obligation of Grantor contained in this Easement and otherwise evidences the status of this Easement. Such certification shall be limited to the condition of the Protected Property as of Grantee's most recent inspection. If Grantor requests more current documentation, Grantee shall conduct an inspection, at Grantor's expense, within thirty (30) days of receipt of Grantor's written request.

9. Access By Public. Nothing herein shall prevent the exercise of any rights of Native Hawaiians for traditional and customary practices as may be required by Hawaii law.

10. Costs, Liabilities and Insurance, Taxes, Environmental Compliance and Indemnification.

(a) Costs, Legal Requirements, Liabilities and Insurance. Grantor retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Protected Property, including the maintenance of any insurance coverage desired by Grantor. Grantor and Grantee release and relieve the other, and waive their entire right to recover for loss or damage to the extent that the loss or damage is covered by proceeds of the injured party's insurance. This waiver applies whether or not the loss is due to the negligent acts or omissions of Grantor or Grantee. Grantor remains solely responsible for obtaining any applicable governmental permits and approval for any activity or use permitted by this Easement, and all such activity or use shall be undertaken in accordance with all applicable federal, state, and local laws, regulations, and requirements. Grantor shall keep the Protected Property free of any liens arising out of any work performed for, material furnished to, or obligations incurred by Grantor.

(b) Taxes. Grantor shall pay before delinquency all taxes, assessments, fees, charges of whatever description levied on or assessed against the Protected Property by competent authority (collectively "taxes"), including any taxes imposed upon, or incurred as a result of, this Easement, and shall furnish Grantee with satisfactory evidence of payment upon request. If Grantor fails to pay any taxes when due, Grantee is authorized, but in no event obligated, to make or advance such payment of taxes upon three (3) days prior written notice to Grantor, in accordance with any bill, statement, or estimate procured from the appropriate authority, without inquiry into the validity of the taxes or the accuracy of the bill, statement or

estimate, and the obligation created by such payment shall bear interest until paid by Grantor at the maximum rate allowed by law.

(c) Representations and Warranties. Grantor represents and warrants that to the best of Grantor's knowledge:

(i) There are no apparent or latent defects in or on the Protected Property;

(ii) Grantor and the Protected Property are in compliance with all federal, state, and local laws, regulations and requirements applicable to the Protected Property and its use;

(iii) There has been no release, dumping, burying or abandonment on the Protected Property by Grantor or any other person, or migration from any source off-site, on or to the Protected Property, of any substances, materials, or wastes which are hazardous, toxic, dangerous, harmful or are designated as, or contain components which are, or are designated as, hazardous, toxic, dangerous, or harmful and/or which are subject to regulation as hazardous, toxic, dangerous, or harmful and/or as a pollutant by any federal, state or local law, regulation, statute, or ordinance;

(iv) There is no pending or threatened litigation affecting the Protected Property or any portion of the Protected Property that will materially impair the Conservation Values of any portion of the Protected Property. No civil or criminal proceedings have been instigated or are pending against the Grantor or its predecessors by government agencies or third parties arising out of alleged violations of environmental laws, and neither Grantor nor its predecessors in interest have received any notices of violation, penalties, claims, demand letters, or other notifications relating to a breach of environmental laws.

(d) Remediation. If at any time, there occurs, or has occurred, a release in, on, or about the Protected Property of any substance now or hereafter defined, listed, or otherwise classified, pursuant to any federal, state, or local law, regulation, or requirement as, toxic or dangerous to the air, water, or soil, or in any other way harmful or threatening to human health or environment, Grantor agrees to take all steps necessary to assure its containment and remediation, including any cleanup that may be required, unless the release was caused by Grantee, in which case Grantee should be responsible for remediation.

(e) Control. Nothing in this Easement shall be construed as giving rise, in the absence of a judicial decree, to any right or ability in Grantee to exercise physical or managerial control over the day-to-day operations of the Protected Property, of any of Grantor's activities on the Protected Property, or otherwise to become an "operation" with respect to the Protected Property within the meaning of the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended ("CERCLA") or the environmental laws of the State of Hawaii.

(f) Indemnification. Grantor agrees to release and hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents, and contractors and the personal representatives, heirs, successors, and assigns of each of them (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages,

expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorney's fees, arising from or in any way connected with:

(i) Injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Protected Property, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties; and

(ii) The obligations, covenants, representations and warranties in subsections (a) through (d) of this Section 10.

11. Subsequent Transfer or Extinguishment.

(a) Extinguishment. This Easement may be terminated or extinguished, whether in whole or in part only under one or more of the following circumstances:

(i) The parties jointly agree to extinguish this Easement, or release a portion of the Protected Property from the terms of this Easement, upon a determination by Grantee in its discretion that circumstances have rendered the Purpose of this Easement impractical to achieve. Grantee's determination shall be in accordance with the provisions of the Assignment of Rights referenced in Section 13 below.

(ii) Upon petition by one or all of the parties, a court having jurisdiction over this Easement determines by judicial proceedings that circumstances have rendered the Purpose of this Easement impossible to achieve.

(iii) All or any of the Protected Property is taken by exercise of the power of eminent domain or acquired in lieu of condemnation, whether by public, corporate, or other authority.

(b) Valuation. This Easement constitutes a real property interest immediately vested in Grantee, which the parties stipulate to have a fair market value determined by subtracting the fair market value of the Protected Property as encumbered by this grant from the fair market value of the Protected Property unencumbered by this grant immediately before this grant became effective. The values before and after the time of this grant shall be those values used in Grantee's appraisals.

(c) Condemnation. If all or any of the Protected Property shall be taken by exercise of the power of eminent domain or acquired by purchase in lieu of condemnation, whether by public, corporate, or other authority, so as to terminate this Easement, in whole or in part, Grantor and Grantee shall act jointly to recover the full value of the interest in the Protected Property subject to the taking or in lieu purchase and all direct or incidental damages resulting from the taking or in lieu purchase. All expenses reasonably incurred by Grantor and Grantee in connection with the taking or in lieu purchase shall be paid out of the amount recovered. Except as provided by applicable law, Grantor and Grantee agree that Grantee's share of the balance of the amount recovered shall be an amount determined by multiplying the balance (excluding compensation properly allocable to improvements constructed by Grantor after the date of this grant, all of which shall be paid to Grantor) by a fraction, the numerator of which is the value of this Easement at the time of this grant determined under paragraph (b) above and the

denominator of which is the value of the Protected Property unencumbered by this grant immediately before this grant became effective.

(d) Application of Proceeds. Grantee shall use any proceeds received under the circumstances described in this Section 11 in a manner consistent with its conservation purposes, which are exemplified by the Easement.

(e) Subsequent Transfers. Grantor agrees to:

(i) Incorporate the terms of this Easement by reference in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Protected Property, including without limitation, a leasehold interest;

(ii) Describe this Easement in and append it to, any executory contract for the transfer of any interest in the Protected Property;

(iii) Give written notice to the Grantee of the transfer of any interest in all or a portion of the Protected Property no later than forty-five (45) days prior to the date of such transfer. Such notice to Grantee shall include the name, address, and telephone number of the prospective transferee or the prospective transferee's representative.

The failure of the Grantor to perform any act required by this paragraph shall not impair the validity of this Easement or limit its enforceability in any way.

12. Amendment. If circumstances arise under which an amendment to or modification of this Easement would be appropriate, Grantor and Grantee are free to jointly amend this Easement; provided that no amendment shall be allowed that shall affect the qualification of this Easement or the status of Grantee under any applicable laws, including Hawaii Revised Statutes Chapter 198 or Section 170(h) of the Internal Revenue Code of 1986, as amended (or any successor provisions(s) then applicable). Any such amendment shall be consistent with the Purpose of this Easement, shall not affect its perpetual duration, shall be in accordance with the Assignment of Rights referred to in Section 13 below and shall be recorded in the State of Hawai'i Bureau of Conveyances.

13. Assignment and Succession.

(a) Assignment. This Easement is transferable, but Grantee may assign its rights and obligations under this easement only to an organization that is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1986, as amended (or any successor provision then applicable), and the applicable regulations promulgated thereunder, and authorized to acquire and hold conservation easements under Hawaii Revised Statutes Chapter 198 (or any successor provision(s) then applicable) and in accordance with the provisions of the Assignment of Rights referenced in subsection (b) below. As a condition of such transfer, Grantee shall -require that the transferee exercises its rights under the assignment consistent with the Purpose of this Easement. Grantee shall notify Grantor in writing, at Grantor's last known address, in advance of such assignment. The failure of Grantee to give such notice shall not affect the validity of such assignment nor shall it impair the validity of this Easement or limit its enforceability in any way.

(b) Succession. If at any time it becomes impossible for Grantee to ensure compliance with the covenants, terms, conditions and restrictions contained in this Easement and Grantee has not named a successor organization, or the Grantee shall cease to exist or to be a qualified organization under Section 170(h) of the Internal Revenue Code of 1986, as amended (or any successor provision then applicable) or to be authorized to acquire and hold conservation easements under Hawaii Revised Statutes Chapter 198 (or any successor provision(s) then applicable), then Grantee's rights and obligations under this Easement shall become vested and fall upon such other entity (who shall accept this Easement) with purposes similar to Grantee's, constituting a "qualified organization" within the meaning of the Internal Revenue Code of 1986, as amended (or any successor provision(s) then applicable); provided that if such vesting in any of the entities named above is deemed to be void under the Rule Against Perpetuities, the rights and obligations under this Easement shall vest in such organization as a court having jurisdiction shall direct, pursuant to the applicable Hawaii law and the Internal Revenue Code of 1986, as amended (or any successor provision(s) then applicable), and with due regard to the purposes of this Easement.

14. Recordation. Grantee shall record this instrument in a timely fashion in the official records of Maui County, Hawaii, and in any other appropriate jurisdictions, and may re-record it at any time as may be required to preserve its rights in this Easement.

15. General Provisions.

(a) Controlling Law. The interpretation and performance of this Easement shall be governed by the laws of the State of Hawaii.

(b) Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the Purpose of this Easement and the policy and purpose of Hawaii Revised Statutes Chapter 198. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

(c) Severability. If any provision of this Easement, or its application to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected.

(d) Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Protected Property and supersedes all prior discussions, negotiations, understandings, or agreements between grantor and grantee relating to the Protected Property, all of which are merged into this Easement. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment that complies with Section 12.

(e) No Forfeiture. Nothing contained in this Easement will result in a forfeiture or reversion of Grantor's title in any respect.

(f) "Grantor" - "Grantee". Subject to the terms of Section M of the RECITALS, the terms "Grantor" and "Grantee," wherever used in this Easement, and any pronouns used in their place, shall be held to mean and include, respectively the above-named

Grantor, and its personal representatives, heirs, successors, and assigns, and the above-named Grantee, its personal representatives, successors and assigns.

(g) Successors and Assigns. The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties to this Easement and their respective personal representatives, heirs, successors, and assigns, and shall continue as a servitude running in perpetuity with the Protected Property.

(h) Termination of Rights and Obligations. A party's rights and obligations under this Easement terminate upon transfer of the party's interest in the Easement or Protected Property, except that liability for acts or omissions occurring prior to transfer shall survive transfer.

(i) Counterparts. The parties may execute this instrument in two or more counterparts, which shall be signed by both parties. Each counterpart shall be deemed an original instrument as against any party who has signed it. In the event of any disparity between the counterparts produced, the recorded counterpart shall be controlling.

16. Transfer Administrative Fees. In recognition of the administrative costs Grantee will bear in the event Grantor no longer owns or controls the Protected Property, Grantor, Grantee and the Association agree to the following administrative fees for the purposes of educating and working with new land owners of the Protected Property or portions thereof.

(a) Definitions. For the purposes of this paragraph 16, the following definitions shall apply:

(i) "Third Party Buyer" means any first person other than Grantor as defined above, to whom Grantor shall convey all or a portion of the Protected Property in the form of a Condominium Unit which has been newly established on any part of the Protected Property under HRS Chapter 514B, as amended, or any successor statute.

(ii) "New Lot Fee", per newly created Condominium Unit, shall be \$7,500.00.

(b) Time of Payment: The transfer administrative fees described above shall be paid simultaneous with any closing and transfer to a Third Party Buyer of a Condominium Unit and Grantor shall cause to be included in the closing documents an instruction to the escrow agent to pay to Grantee the specified amount and deliver the same to Grantee's address identified in this Easement. The escrow instruction may also include whether the buyer or seller is paying the administrative fee.

(c) Other Transfers. Said Transfer Administrative Fee shall apply only to the first sale of a Condominium Unit (together with any interests in the common elements of the condominium) to a Third Party Buyer following the creation of the condominium and shall not apply to subsequent resales of said unit or to sales of all or any portion of the Protected Property in any legal form, tenancy or interest other than a Condominium Unit.

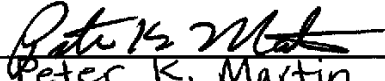


17. Schedule of Exhibits.

- Exhibit A - Legal Description of Property Subject to Easement
- Exhibit B - Legal Description of Protected Property
- Exhibit C - Description of Area 1
- Exhibit D - Description of Area 2

Executed and effective the day and year first above written.

MAKILA LAND CO., LLC

By:   
Peter K. Martin  
Its: Managing Member

"Grantor"

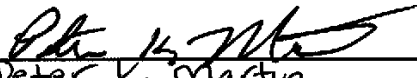
MAUI COASTAL LAND TRUST

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

"Grantee"

MAKILA NUI HOMEOWNERS' ASSOCIATION, INC.

By:   
Peter K. Martin  
Its: President

"Association"

17. Schedule of Exhibits.

- Exhibit A - Legal Description of Property Subject to Easement
- Exhibit B - Legal Description of Protected Property
- Exhibit C - Description of Area 1
- Exhibit D - Description of Area 2

Executed and effective the day and year first above written.

MAKILA LAND CO., LLC

By: \_\_\_\_\_  
Its: \_\_\_\_\_

"Grantor"

MAUI COASTAL LAND TRUST

By: Day B. Bonar  
Its: EXECUTIVE DIRECTOR

By: Wesley Ho  
Its: Vice President / Treasurer

"Grantee"

MAKILA NUI HOMEOWNERS' ASSOCIATION, INC.

By: \_\_\_\_\_  
Its: \_\_\_\_\_

"Association"

STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

On this 28<sup>TH</sup> day of FEBRUARY, 2007, before me personally appeared DALE BONAR, 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. X

JADE ENGLISH  
Notary Public  
State of Hawaii

Jade English  
Print Name: JADE ENGLISH  
Notary Public, State of Hawaii, COUNTY OF MAUI

My commission expires: 4/14/10

STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

On this 28<sup>TH</sup> day of FEBRUARY, 2007, before me personally appeared WESLEY LO and \_\_\_\_\_, 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.

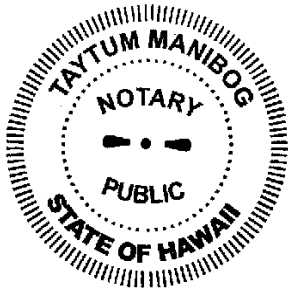
JADE ENGLISH  
Notary Public  
State of Hawaii

Jade English  
Print Name: JADE ENGLISH  
Notary Public, State of Hawaii, COUNTY OF MAUI

My commission expires: 4/14/10

STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

On this 9<sup>th</sup> day of February, 2008, before me personally appeared Peter K. Martin, 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.



Taytum Manibog  
Print Name: Taytum Manibog  
Notary Public, State of Hawaii.

My commission expires: 2-29-2008

STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

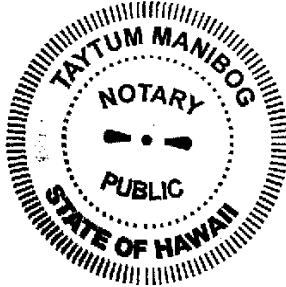
On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public, State of Hawaii.

My commission expires: \_\_\_\_\_

STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

On this 9th day of February, 2007, before me personally appeared Peter K. Martin, 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.



Taytum Manibog  
Print Name: Taytum Manibog  
Notary Public, State of Hawaii.

My commission expires: 2-29-2008

EXHIBIT 'A'  
Description of Lot 1

**MAHANALUA NUI SUBDIVISION PHASE V**

**LOT 1**

Being a portion of Lot 2  
of Launiupoko (Large Lot) Subdivision No. 2,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the North corner of this parcel of land, being also the East corner of Lot 24 of Mahanalua Nui Subdivision Phase IV, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 774.17 feet North and 1,104.75 feet West, and running by azimuths measured clockwise from true South:

1. 312° 07' 1,096.77 feet along Lot 2 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;
2. 24° 48' 1,171.72 feet along Lots 3 and 4 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;
3. 138° 45' 58" 532.15 feet along Lot 10 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;

Thence along Lot 30 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the left with a radius of 105.50 feet, the chord azimuth and distance being:

4. 211° 44' 55" 156.55 feet;



**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

5. 163° 51' 155.45 feet along Lot 30 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;
6. 155° 30' 30" 158.06 feet along Lot 29 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;
7. 161° 02' 10" 184.83 feet along same;
8. 149° 22' 30" 16.04 feet along same;
9. 133° 33' 40" 146.52 feet along Lots 29 and 27 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;
- Thence along Lot 27 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the left with a radius of 164.50 feet, the chord azimuth and distance being:
10. 116° 08' 40" 98.48 feet;
11. 98° 43' 40" 180.97 feet along Lot 27 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;
- Thence along Lots 27 and 26 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the right with a radius of 93.00 feet, the chord azimuth and distance being:
12. 113° 23' 45" 47.10 feet;

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|     |      |         |             |   |
|-----|------|---------|-------------|---|
| 13. | 128° | 03' 50" | 89.91 feet  | along Lot 26 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;         |
| 14. | 136° | 52' 40" | 32.13 feet  | along same;   |
| 15. | 172° | 24' 50" | 26.27 feet  | along same;   |
| 16. | 190° | 04' 20" | 8.87 feet   | along same;   |
| 17. | 231° | 25' 20" | 10.45 feet  | along same;   |
| 18. | 236° | 54' 20" | 28.76 feet  | along Lot 25 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;         |
| 19. | 244° | 34' 40" | 112.64 feet | along same;   |
| 20. | 228° | 07' 20" | 53.04 feet  | along same;   |
| 21. | 212° | 17'     | 81.58 feet  | along same;   |
| 22. | 228° | 31'     | 224.13 feet | along Lots 25 and 24 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips; |
| 23. | 255° | 27'     | 113.80 feet | along Lot 24 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;         |
| 24. | 231° | 37' 40" | 85.62 feet  | along same;   |
| 25. | 224° | 04' 20" | 104.09 feet | along same, to the point of beginning and containing an area of 25.801 Acres.   |

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WAILUKU, MAUI, HAWAII 96783



Together with Easement AC-1, affecting Lot 24 of Mahanalua Nui Subdivision Phase IV, for access and utility purposes.

Reserving, therefrom, the following easements:

Easement P-1 for conservation purposes, in favor of Makila Nui Homeowners Association;

Portion of Easement 9-A for trail purposes, in favor of Makila Nui Homeowners Association.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro exp 04/08*

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
December 20, 2006

TMK: (2) 4-7-001: 025 (Por.)

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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

EXHIBIT 'A'  
Description of Lot 2

**MAHANALUA NUI SUBDIVISION PHASE V**

**LOT 2**

Being a portion of Lot 2  
of Launiupoko (Large Lot) Subdivision No. 2,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the West corner of this parcel of land, being also the East corner of Lot 24 of Mahanalua Nui Subdivision Phase IV, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUpoko" being 774.17 feet North and 1,104.75 feet West, and running by azimuths measured clockwise from true South:

1. 252° 09' 10" 193.19 feet along Lot 23 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;
2. 267° 08' 109.54 feet along same;  
  
Thence along Lot 23 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the left with a radius of 68.00 feet, the chord azimuth and distance being:
3. 223° 24' 40" 94.00 feet;
4. 179° 41' 20" 50.10 feet along Lot 23 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;
5. 145° 24' 20" 180.03 feet along same;
6. 117° 37' 30" 117.18 feet along same;



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WAILUKU, MAUI, HAWAII 96793

- |     |              |             |   |
|-----|--------------|-------------|---|
| 7.  | 104° 27' 30" | 243.50 feet | along Lot 21 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;         |
| 8.  | 143° 40' 40" | 157.22 feet | along same;   |
| 9.  | 196° 59'     | 49.56 feet  | along same;   |
| 10. | 242° 17' 20" | 362.59 feet | along same;   |
| 11. | 275° 22' 20" | 169.34 feet | along Lot 16 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;         |
| 12. | 302° 00' 30" | 112.82 feet | along same;   |
| 13. | 282° 42' 50" | 354.90 feet | along same;   |
| 14. | 278° 59' 20" | 206.23 feet | along Lots 16 and 15 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips; |
| 15. | 297° 41' 30" | 564.03 feet | along Lot 15 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;         |
| 16. | 55° 01'      | 447.00 feet | along Lot 3 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;           |
| 17. | 17° 28'      | 619.22 feet | along same;   |
| 18. | 24° 48'      | 252.89 feet | along same;   |

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WAILUKU, MAUI, HAWAII 96793

19. 132° 07' 1,096.77 feet along Lot 1 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, to the point of beginning and containing an area of 26.804 Acres.

Together with Easement AC-2, affecting Lot 21 of Mahanalua Nui Subdivision Phase IV, for access and utility purposes.

Subject, however, to portion of Easement D for electrical transmission purposes in favor of Maui Electric Co. Ltd.

Reserving, therefrom, the following:

Easement C for water/fire exit purposes, in favor of Makila Nui Homeowners Association, Launiupoko Water Co. LLC and Launiupoko Irrigation Co. LLC. ;

Easement P-2 for conservation purposes in favor of Makila Nui Homeowners Association;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* exp 01/08

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 15, 2007

TMK: (2) 4-7-001: 025 (Por.)

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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

EXHIBIT 'A'

Description of Lot 3

**MAHANALUA NUI SUBDIVISION PHASE V**

**LOT 3**

Being a portion of Lot 2  
of Launiupoko (Large Lot) Subdivision No. 2,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the Northeast corner of this parcel of land,  
being also the Southeast corner of Lot 13-A, being a portion of  
Lot 13 of Mahanalua Nui Subdivision Phase IV, the coordinates of  
said point of beginning referred to Government Survey  
Triangulation Station "LAUNIUPOKO" being 775.98 feet North and  
1,288.35 feet East, and running by azimuths measured clockwise  
from true South:

1. 331° 46' 44" 159.15 feet along Roadway Lot 11 (Wailau  
Place) of Mahanalua Nui  
Subdivision Phase V, along the  
remainder of R. P. 1358, L. C.  
Aw. 82 to Thomas Phillips;

Thence along Roadway Lot 11  
(Wailau Place) of Mahanalua  
Nui Subdivision Phase V, along  
the remainder of R. P. 1358,  
L. C. Aw. 82 to Thomas  
Phillips, on a curve to the  
right with a radius of 100.00  
feet, the chord azimuth and  
distance being:

2. 7° 05' 22" 115.60 feet;

3. 42° 24' 333.22 feet along Roadway Lot 11 (Wailau  
Place) of Mahanalua Nui  
Subdivision Phase V, along the  
remainder of R. P. 1358, L. C.  
Aw. 82 to Thomas Phillips;



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CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521  
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WAILUKU, MAUI, HAWAII 96793

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the right with a radius of 500.00 feet, the chord azimuth and distance being:

4. 56° 48' 248.69 feet;

5. 71° 12' 77.29 feet along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

6. 98° 11' 18.15 feet;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the left with a radius of 48.00 feet, the chord azimuth and distance being:

7. 92° 01' 45" 52.48 feet;

8. 148° 25' 180.12 feet along Lot 4 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;

9. 69° 42' 1,108.70 feet along same;



- |     |              |             |   |
|-----|--------------|-------------|---|
| 10. | 204° 48'     | 419.81 feet | along Lots 1 and 2 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;  |
| 11. | 197° 28'     | 619.22 feet | along Lot 2 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |
| 12. | 235° 01'     | 447.00 feet | along same;   |
| 13. | 297° 41' 30" | 191.21 feet | along Lots 15 and 14 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |
| 14. | 287° 57' 10" | 363.67 feet | along Lots 14 and 13-A of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |
| 15. | 296° 39' 40" | 333.87 feet | along Lot 13-A of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |
|     |              |             | Thence along Lot 13-A of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the left with a radius of 100.00 feet, the chord azimuth and distance being: |
| 16. | 263° 51' 40" | 108.34 feet | to the point of beginning and containing an area of 25.868 Acres.   |

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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

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

1871 WILI PALOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96793

Subject, however, to the following:

Portion of Easement D for electrical transmission purposes, in favor of Maui Electric Co. Ltd.;

Portion of Easement O-1, for electrical transmission purposes, in favor of Maui Electric Co., Ltd.

Reserving, therefrom, the following:

Restriction of rights of vehicular access into and from Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V over and across courses 1 to 5, inclusive, of the above described Lot 3;

Portion of Easement 4 for cultural and native plant purposes, in favor of Makila Nui Homeowners Association;

Portion of Easement 9 for trail purposes, in favor of Makila Nui Homeowners Association;

Easement P-3 for conservation purposes in favor of Makila Nui Homeowners Association;

Portion of Easement 9-A for trail purposes, in favor of Makila Nui Homeowners Association;

Portion of Easement O-3, for electrical transmission purposes, in favor of Maui Electric Co., Ltd.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* EXP 7/08

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 15, 2007

TMK: (2) 4-7-001: 025 (Por.)

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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



EXHIBIT 'A'

Description of Lot 4

**MAHANALUA NUI SUBDIVISION PHASE V**

**LOT 4**

Being a portion of Lot 2  
of Launiupoko (Large Lot) Subdivision No. 2,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the Southwest corner of this parcel of land,  
being also the South corner of Lot 1 of Mahanalua Nui Subdivision  
Phase V, the coordinates of said point of beginning referred to  
Government Survey Triangulation Station "LAUNIUPOKO" being  
1,025.02 feet South and 782.67 feet West, and running by azimuths  
measured clockwise from true South:

1. 204° 48' 1,004.80 feet along Lot 1 of Mahanalua Nui  
Subdivision Phase V, along the  
remainder of R. P. 1358, L. C.  
Aw. 82 to Thomas Phillips;

2. 249° 42' 1,108.70 feet along Lot 3 of Mahanalua Nui  
Subdivision Phase V, along the  
remainder of R. P. 1358, L. C.  
Aw. 82 to Thomas Phillips;

3. 328° 25' 180.12 feet along same;

Thence along Roadway Lot 11  
(Wailau Place) of Mahanalua  
Nui Subdivision Phase V, along  
the remainder of R. P. 1358,  
L. C. Aw. 82 to Thomas  
Phillips, on a curve to the  
left with a radius of 48.00  
feet, the chord azimuth and  
distance being:

4. 11° 34' 45" 70.57 feet;

5. 29° 19' 303.52 feet along Lot 5 of Mahanalua Nui  
Subdivision Phase V, along the  
remainder of R. P. 1358, L. C.  
Aw. 82 to Thomas Phillips;

6. 12° 37' 238.81 feet along same;

7. 337° 12' 80.22 feet along same;



**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

8. 53° 59' 1,368.55 feet along same;
9. 138° 45' 58" 401.80 feet along Lot 10 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, to the point of beginning and containing an area of 27.756 Acres.

Reserving, therefrom, the following easements:

Portion of Easement 4 for cultural and native plant purposes, in favor of Makila Nui Homeowners Association;

Portion of Easement 9 for trail purposes, in favor of Makila Nui Homeowners Association;

Portion of Easement 9-A for trail purposes in favor of Makila Nui Homeowners Association;

Easement P-4 for Conservation Purposes in favor of Makila Nui Homeowners Association.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* 5/20/07

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 15, 2007

TMK: (2) 4-7-001: 025 (Por.)

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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

EXHIBIT 'A'

Description of Lot 5

**MAHANALUA NUI SUBDIVISION PHASE V**

**LOT 5**

Being a portion of Lot 2  
of Launiupoko (Large Lot) Subdivision No. 2,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the Northeast corner of this parcel of land,  
being also the South corner of Lot 6 of Mahanalua Nui Subdivision  
Phase V, the coordinates of said point of beginning referred to  
Government Survey Triangulation Station "LAUNIUpoko" being 524.40  
feet South and 1,285.15 feet East, and running by azimuths  
measured clockwise from true South:

Along Lot 10 of Mahanalua Nui  
Subdivision Phase V, along the  
remainder of R. P. 1358, L. C.  
Aw. 82 to Thomas Phillips,  
along center of gulch for the  
next two (2) courses, the  
direct azimuths and distances  
between points on said center  
of gulch being:

1. 49° 07' 10" 805.40 feet;
2. 40° 36' 30" 1,090.70 feet;
3. 138° 45' 58" 734.49 feet along Lot 10 of Mahanalua Nui  
Subdivision Phase V, along the  
remainder of R. P. 1358, L. C.  
Aw. 82 to Thomas Phillips;
4. 233° 59' 1,368.55 feet along Lot 4 of Mahanalua Nui  
Subdivision Phase V, along the  
remainder of R. P. 1358, L. C.  
Aw. 82 to Thomas Phillips;
5. 157° 12' 80.22 feet along same;
6. 192° 37' 238.81 feet along same;
7. 209° 19' 303.52 feet along same;



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

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

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WAILUKU, MAUI, HAWAII 96793

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the left with a radius of 48.00 feet, the chord azimuth and distance being:

8. 281° 20' 65.39 feet;
9. 320° 30' 726.69 feet along Lot 6 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, to the point of beginning and containing an area of 25.019 Acres.

Reserving, therefrom, the following easements:

Portion of Easement 9-A for trail purposes in favor of Makila Nui Homeowners Association;

Easement P-5 for Conservation Purposes in favor of Makila Nui Homeowners Association.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* 2/15/07

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 15, 2007

TMK: (2) 4-7-001: 025 (Por.)

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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

EXHIBIT 'A'  
Description of Lot 6

**MAHANALUA NUI SUBDIVISION PHASE V**

**LOT 6**

Being a portion of Lot 2  
of Launiupoko (Large Lot) Subdivision No. 2,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the East corner of this parcel of land, being also the South corner of Lot 7 of Mahanalua Nui Subdivision Phase V, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUpOKO" being 147.50 feet South and 2,483.33 feet East, and running by azimuths measured clockwise from true South:

Along Lot 10 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, along center of gulch for the next two (2) courses, the direct azimuths and distances between points on said center of gulch being:

1. 74° 31' 30" 642.30 feet;
2. 70° 27' 43" 614.55 feet;
3. 140° 30' 726.69 feet

along Lot 5 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the left with a radius of 48.00 feet, the chord azimuth and distance being:

4. 217° 49' 33.75 feet;



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CIVIL ENGINEERS • SURVEYORS

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

1671 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96793

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

5. 224° 13' 18.15 feet;

6. 251° 12' 77.29 feet along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the left with a radius of 540.00 feet, the chord azimuth and distance being:

7. 236° 48' 268.59 feet;

8. 222° 24' 359.37 feet along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

9. 244° 38' 22.70 feet;



Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the left with a radius of 48.00 feet, the chord azimuth and distance being:

10. 186° 14' 45" 94.72 feet;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

11. 132° 53' 45" 27.49 feet;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the left with a radius of 140.00 feet, the chord azimuth and distance being:

12. 155° 58' 22" 20.48 feet;

13. 151° 46' 44" 173.68 feet along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;

14. 218° 41' 40" 453.57 feet along Lot 12 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;



15. 326° 00' 1,579.17 feet along Lot 7 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, to the point of beginning and containing an area of 29.233 Acres.

Subject, however, to the following easements:

Portion of Easement D for electrical and transmission purposes, in favor of Maui Electric Co. Ltd.;

Portion of Easement O-1 for electrical transmission purposes, in favor of Maui Electric Co., Ltd.;

Reserving, therefrom, to the following:

Portion of Easement 10 for trail purposes, in favor of Makila Nui Homeowners Association;

Easement P-6 for Conservation Purposes in favor of Makila Nui Homeowners Association;

Easement A-1 for trail, access, and utility purposes in favor of Makila Nui Homeowners Association and Makila Land Co. LLC.;

Portion of Easement O-3 for Electrical transmission purposes in favor of Maui Electric Co. Ltd.;

Restriction of rights of vehicular access into and from Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, over and across courses 6 to 13, inclusive, of the above described Lot 6.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* *EX 1/08*

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 15, 2007

TMK: (2) 4-7-001: 025 (Por.)

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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



EXHIBIT 'A'  
Description of Lot 7

**MAHANALUA NUI SUBDIVISION PHASE V**

**LOT 7**

Being a portion of Lot 2  
of Launiupoko (Large Lot) Subdivision No. 2,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the South corner of this parcel of land, being also the East corner of Lot 6 of Mahanalua Nui Subdivision Phase V, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUpOKO" being 147.50 feet South and 2,483.33 feet East, and running by azimuths measured clockwise from true South:

1. 146° 00'            1,579.17 feet    along Lot 6 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;
2. 218° 41' 40"      195.35 feet      along Lot 12 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;
3. 235° 03'            352.77 feet      along Roadway Lot 11 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;

Thence along Roadway Lot 11 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the left with a radius of 94.00 feet, the chord azimuth and distance being:

4. 166° 18' 25"      175.21 feet;



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CIVIL ENGINEERS • SURVEYORS

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

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

- |     |              |               |   |
|-----|--------------|---------------|---|
| 5.  | 97° 33' 50"  | 78.00 feet    | along Roadway Lot 11 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |
| 6.  | 169° 46' 50" | 72.67 feet    | along Lots 8 and 7 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |
| 7.  | 193° 30'     | 179.41 feet   | along Lot 7 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;  |
| 8.  | 207° 59' 30" | 80.99 feet    | along same;   |
| 9.  | 191° 18' 10" | 119.28 feet   | along same;   |
| 10. | 270° 05'     | 233.69 feet   | along Lot 8 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |
| 11. | 252° 26'     | 173.71 feet   | along same;   |
| 12. | 275° 12'     | 182.87 feet   | along same;   |
| 13. | 250° 16'     | 396.12 feet   | along same;   |
| 14. | 341° 52' 53" | 1,658.26 feet | along Lot B-1-D of Launiupoko (Large-Lot) Subdivision, being also along the West Maui Forest Reserve, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips; |

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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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

1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96783

Thence along Lot 10 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, along center of gulch for the next three (3) courses, the direct azimuths and distances between points on said center of gulch being:

- 15. 41° 22' 40" 850.20 feet;
- 16. 53° 55' 181.60 feet;
- 17. 64° 03' 15" 290.35 feet to the point of beginning and containing an area of 62.785 Acres.

Together with Easement AC-3, affecting Lot 8 of Mahanalua Nui Subdivision Phase IV, for access and utility purposes.

Reserving, therefrom to the following easements:

Easement 8 for cultural and native plant purposes, in favor of Makila Nui Homeowners Association;

Portion of Easement 10 for trail purposes, in favor of Makila Nui Homeowners Association;


Easement 10-A for trail purposes, in favor of Makila Nui Homeowners Association;

Easement P-7 for Conservation Purposes in favor of Makila Nui Homeowners Association.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

  
ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 15, 2007

TMK: (2) 4-7-001: 025 (Por.)

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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

EXHIBIT 'A'  
Description of Lot 8

**MAHANALUA NUI SUBDIVISION PHASE V**

**LOT 8**

Being a portion of Lot 2  
of Launiupoko (Large Lot) Subdivision No. 2,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the North corner of this parcel of land, being also the East corner of Lot 9 of Mahanalua Nui Subdivision Phase V, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 3,756.66 feet North and 2,461.02 feet East, and running by azimuths measured clockwise from true South:

- |    |              |               |   |
|----|--------------|---------------|---|
| 1. | 341° 52'     | 1,532.14 feet | along Lot B-1-D of Launiupoko (Large-Lot) Subdivision, being also along the West Maui Forest Reserve, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips; |
| 2. | 70° 16'      | 396.21 feet   | along Lot 7 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |
| 3. | 95° 12'      | 182.87 feet   | along same;   |
| 4. | 72° 26'      | 173.71 feet   | along same;   |
| 5. | 90° 05'      | 233.69 feet   | along same;   |
| 6. | 151° 19' 40" | 165.57 feet   | along Lot 6 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;  |
| 7. | 160° 45' 20" | 120.58 feet   | along same;   |
| 8. | 129° 12' 30" | 296.08 feet   | along Lots 6 and 5 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |



**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

- |     |              |             |  |
|-----|--------------|-------------|--|
| 9.  | 70° 43' 20"  | 380.50 feet | along Lot 5 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips; |
| 10. | 152° 38' 40" | 405.55 feet | along Lot 2 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips; |
| 11. | 194° 10' 20" | 104.16 feet | along same;  |
| 12. | 103° 00' 50" | 64.93 feet  | along same;  |
| 13. | 92° 08' 10"  | 52.20 feet  | along same;  |
| 14. | 119° 12'     | 65.20 feet  | along same;  |
| 15. | 232° 45'     | 653.94 feet | along Lot 9 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;  |
| 16. | 271° 04'     | 411.21 feet | along same;  |
| 17. | 235° 16'     | 714.47 feet | along same, to the point of beginning and containing an area of 41.432 Acres.  |

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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

Together with Easement AC-4, affecting Lot 6 of Mahanalua Nui Subdivision Phase IV, for access and utility purposes.

Reserving, therefrom, the following Easements:

Portion of Easement 12 for trail purposes, in favor of Makila Nui Homeowners Association;

Easement P-8 for Conservation Purposes in favor of Makila Nui Homeowners Association.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* *02/15/07*

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 15, 2007

TMK: (2) 4-7-001: 025 (Por.)

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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

EXHIBIT 'A'  
Description of Lot 9

**MAHANALUA NUI SUBDIVISION PHASE V**

**LOT 9**

Being a portion of Lot 2  
of Launiupoko (Large Lot) Subdivision No. 2,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the East corner of this parcel of land, being also the North corner of Lot 8 of Mahanalua Nui Subdivision Phase V, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 3,756.66 feet North and 2,461.02 feet East, and running by azimuths measured clockwise from true South:

- |    |              |             |  |
|----|--------------|-------------|--|
| 1. | 55° 16'      | 714.47 feet | along Lot 8 of Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;  |
| 2. | 91° 04'      | 411.21 feet | along same;  |
| 3. | 52° 45'      | 653.94 feet | along same;  |
| 4. | 45° 52'      | 121.12 feet | along Lot 2 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips; |
| 5. | 328° 19' 50" | 144.78 feet | along same;  |
| 6. | 5° 22' 10"   | 270.17 feet | along same;  |
| 7. | 104° 10' 10" | 62.96 feet  | along same;  |
| 8. | 172° 30' 50" | 126.08 feet | along same;  |

Thence along Lot 2 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, on a curve to the left with a radius of 53.50 feet, the chord azimuth and distance being:



**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

- |     |              |             |  |
|-----|--------------|-------------|--|
| 9.  | 135° 49' 45" | 63.92 feet; |  |
| 10. | 99° 08' 40"  | 107.13 feet | along Lots 2 and 1 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;  |
| 11. | 142° 30' 10" | 89.44 feet  | along Lot 1 of Mahanalua Nui Subdivision Phase IV, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |
| 12. | 173° 58' 20" | 385.39 feet | along same;  |
| 13. | 194° 46' 30" | 556.18 feet | along Lot 1 of Mahanalua Nui Subdivision Phase IV and along Lots 35, 34 and 33 of Mahanalua Nui Subdivision Phase III, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips; |
| 14. | 212° 59' 40" | 611.15 feet | along Lots 33, 32 and 30 of Mahanalua Nui Subdivision Phase III, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |
| 15. | 236° 52' 30" | 186.15 feet | along Lot 30 of Mahanalua Nui Subdivision Phase III, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |
| 16. | 217° 55' 20" | 337.47 feet | along same;  |
| 17. | 187° 28' 10" | 167.46 feet | along same;  |
| 18. | 123° 49' 30" | 70.40 feet  | along same;  |
| 19. | 224° 00'     | 802.40 feet | along Lot 1 of Launiupoko (Large-Lot) Subdivision No. 2, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;   |

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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96783



20. 341° 52' 53" 1,669.23 feet along Lot B-1-D of Launiupoko (Large-Lot) Subdivision, being also along the West Maui Forest Reserve, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips, to the point of beginning and containing an area of 52.738 Acres.

Together with Easement R-2, affecting Lot 1 of Mahanalua Nui Subdivision Phase IV, and Lots 35, 34, 33 and 32 of Mahanalua Nui Subdivision Phase III, for access purposes.

Subject, however, to the following easements:

Easement A for water well and water tank purposes, in favor of Makila Nui Homeowners Association;

Easement B for waterline purposes, in favor of Makila Nui Homeowners Association;

Easement O-2 for electrical transmission purposes, in favor of Maui Electric Co., Ltd.;

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1871 WILIPA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96793

Reserving, therefrom, the following easements:

Easement 1 for preservation and park purposes, in favor of Makila Nui Homeowners Association;

Easement 2 for reservoir and cultural purposes, in favor of Launiupoko Irrigation Co. LLC, Launiupoko Water Co. LLC, and Makila Nui Homeowners Association;

Easement 3 for access and utility purposes, in favor of Launiupoko Irrigation Co. LLC, Launiupoko Water Co. LLC, and Makila Land Co. LLC;

Easements 5 and 6 for cultural and native plant purposes, in favor of Makila Nui Homeowners Association;

Portion of Easement 12 for trail purposes, in favor of Makila Nui Homeowners Association;

Easement 13 for trail purposes, in favor of Makila Nui Homeowners Association.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro".

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 15, 2007

TMK: (2) 4-7-001: 025 (Por.)



EXHIBIT 'B'

Description of Easement P-1

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-1  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 1  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the North corner of this easement, being also  
the East corner of Lot 24 of Mahanalua Nui Subdivision, Phase IV,  
the coordinates of said point of beginning referred to Government  
Survey Triangulation Station "LAUNIUPOKO" being 774.17 feet North  
and 1,104.75 feet West and running by azimuths measured clockwise  
from True South:

1. 312° 07' 1,096.77 feet along Lot 2 of Mahanalua Nui  
Subdivision Phase V;
2. 24° 48' 1,171.72 feet along Lots 3 and 4 of  
Mahanalua Nui Subdivision  
Phase V;
3. 138° 45' 58" 532.15 feet along Lot 10 of Mahanalua Nui  
Subdivision Phase V;

Thence along Lot 30 of  
Mahanalua Nui Subdivision  
Phase IV, on a curve to the  
left with a radius of 105.50  
feet, the chord azimuth and  
distance being:

4. 211° 44' 55" 156.55 feet;
5. 163° 51' 155.45 feet along Lot 30 of Mahanalua Nui  
Subdivision Phase IV;
6. 155° 30' 30" 158.06 feet along Lot 29 of Mahanalua Nui  
Subdivision Phase IV;
7. 161° 02' 10" 184.83 feet along same;
8. 149° 22' 30" 16.04 feet along same;
9. 133° 33' 40" 99.01 feet along Lot 29 of Mahanalua Nui  
Subdivision Phase IV;



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**CIVIL ENGINEERS • SURVEYORS**

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

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

- |                  |             |   |
|------------------|-------------|---|
| 10. 254° 08'     | 416.17 feet | along the remainder of Lot 1 of Mahanalua Nui Subdivision Phase V;            |
| 11. 175° 55'     | 299.00 feet | along same;   |
| 12. 108° 46'     | 458.00 feet | along same;   |
| 13. 255° 27'     | 113.80 feet | along Lot 24 of Mahanalua Nui Subdivision Phase IV;                           |
| 14. 231° 37' 40" | 85.62 feet  | along same;   |
| 15. 224° 04' 20" | 104.09 feet | along same, to the point of beginning and containing an area of 18.938 Acres. |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* EXP 04/08

ERIK S. KANESHIRO  
 Licensed Professional Land Surveyor  
 Certificate No. 9826

Honolulu, Hawaii  
 January 25, 2007

TMK: (2) 4-7-001: 025 (Por.)

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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

EXHIBIT 'B'

Description of Easement P-2

MAHANALUA NUI SUBDIVISION PHASE V

EASEMENT P-2  
(FOR CONSERVATION PURPOSES)

Being a portion of Lot 2  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the West corner of this easement, being also  
the South corner of Lot 23 of Mahanalua Nui Subdivision, Phase  
IV, the coordinates of said point of beginning referred to  
Government Survey Triangulation Station "LAUNIUPOKO" being 774.17  
feet North and 1,104.75 feet West and running by azimuths  
measured clockwise from true South:

1. 252° 09' 10" 193.19 feet along Lot 23 of Mahanalua Nui  
Subdivision Phase IV;
2. 267° 08' 109.54 feet along same;

Thence along Lot 23 of  
Mahanalua Nui Subdivision  
Phase IV, on a curve to the  
left with a radius of 68.00  
feet, the chord azimuth and  
distance being:

3. 223° 24' 40" 94.00 feet;
4. 179° 41' 20" 50.10 feet along Lot 23 of Mahanalua Nui  
Subdivision Phase IV;
5. 145° 24' 20" 180.03 feet along same;
6. 286° 10' 30" 885.13 feet along the remainder of Lot 2  
of Mahanalua Nui Subdivision,  
Phase V;
7. 17° 28' 619.22 feet along Lot 3 of Mahanalua Nui  
Subdivision Phase V;
8. 24° 48' 252.89 feet along same;



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

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

9. 132° 07'

1,096.77 feet along Lot 1 of Mahanalua Nui Subdivision Phase V, to the point of beginning and containing an area of 13.133 Acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* [Signature]

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)

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HONOLULU, HAWAII 96817-5031

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

EXHIBIT 'B'

Description of Easement P-3

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-3  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 3  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the Northeast corner of this easement, being also the Southeast corner of Lot 13-A of Mahanalua Nui Subdivision, Phase IV, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 775.98 feet North and 1,288.35 feet East and running by azimuths measured clockwise from true South:

1. 331° 46' 44" 159.15 feet along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, on a curve to the right with a radius of 100.00 feet, the chord azimuth and distance being:

2. 7° 05' 22" 115.60 feet;

3. 42° 24' 229.79 feet along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V;

4. 117° 01' 537.30 feet along the remainder of Lot 3 of Mahanalua Nui Subdivision Phase V;

5. 107° 32' 117.50 feet along same;

6. 75° 49' 30" 479.40 feet along same;

7. 52° 50' 87.00 feet along same;

8. 7° 57' 30" 100.22 feet along same;

9. 95° 20' 206.26 feet along same;



**AUSTIN, TSUTSUMI & ASSOCIATES, INC.**

CIVIL ENGINEERS - SURVEYORS

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

1371 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96793

10. 197° 28' 501.22 feet along Lot 2 of Mahanalua Nui Subdivision Phase V;
11. 235° 01' 447.00 feet along same;
12. 297° 41' 30" 191.21 feet along Lots 15 and 14 of Mahanalua Nui Subdivision Phase IV;
13. 287° 57' 10" 363.67 feet along Lots 14 and 13-A of Mahanalua Nui Subdivision Phase IV;
14. 296° 39' 40" 333.87 feet along Lot 13-A of Mahanalua Nui Subdivision Phase IV;
- Thence along Lot 13-A of Mahanalua Nui Subdivision Phase IV, on a curve to the left with a radius of 100.00 feet, the chord azimuth and distance being:
15. 263° 51' 40" 108.34 feet to the point of beginning and containing an area of 13.906 Acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* *exp/for*

ERIK S. KANESHIRO  
 Licensed Professional Land Surveyor  
 Certificate No. 9826

Honolulu, Hawaii  
 February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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 HONOLULU, HAWAII 96817-5031

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



EXHIBIT 'B'

Description of Easement P-4

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-4  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 4  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the West corner of this easement, being also the South corner of Lot 1 of Mahanalua Nui Subdivision, Phase V, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 1,025.02 feet South and 782.67 feet West and running by azimuths measured clockwise from true South:

1. 204° 48'                    854.81 feet    along Lot 1 of Mahanalua Nui Subdivision Phase V;
2. 289° 33' 30"            530.92 feet    along the remainder of Lot 4 of Mahanalua Nui Subdivision Phase V;
3. 50° 41'                    344.73 feet    along same;
4. 338° 45'                    138.51 feet    along same;
5. 243° 58'                    542.40 feet    along same;
6. 217° 17'                    205.30 feet    along same;
7. 221° 24'                    209.88 feet    along same;
8. 12° 37'                    238.81 feet    along Lot 5 of Mahanalua Nui Subdivision Phase V;
9. 337° 12'                    80.22 feet     along same;
10. 53° 59'                    1,368.55 feet    along same;



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

11. 138° 45' 58" 401.80 feet along Lot 10 of Mahanalua Nui Subdivision Phase V, to the point of beginning and containing an area of 14.476 Acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro*

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)

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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 221  
HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96783

EXHIBIT 'B'

Description of Easement P-5

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-5  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 5  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the Southeast corner of this easement, being also the Southwest corner of Lot 6 of Mahanalua Nui Subdivision, Phase V, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUpoko" being 524.40 feet South and 1,285.15 feet East, and running by azimuths measured clockwise from true South:

Along Lot 10 of Mahanalua Nui Subdivision Phase V, along center of gulch for the next two (2) courses, the direct azimuths and distances between points on said center of gulch being:

1. 49° 07' 10" 805.40 feet;
2. 40° 36' 30" 1,090.70 feet;
3. 138° 45' 58" 734.49 feet along Lot 10 of Mahanalua Nui Subdivision Phase V;
4. 233° 59' 1,368.55 feet along Lot 4 of Mahanalua Nui Subdivision Phase V;
5. 241° 34' 546.00 feet along the remainder of Lot 5 of Mahanalua Nui Subdivision Phase V;



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501 SUMNER STREET, SUITE 521  
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1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96793

6. 320° 30'

339.43 feet along Lot 6 of Mahanalua Nui Subdivision Phase V, to the point of beginning and containing an area of 21.618 Acres, more or less.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* EXP 01/08

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)

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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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HONOLULU, HAWAII 96817-5031

1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96783

EXHIBIT 'B'

Description of Easement P-6

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-6  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 6  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the East corner of this easement, being also  
the South corner of Lot 7 of Mahanalua Nui Subdivision, Phase V,  
the coordinates of said point of beginning referred to Government  
Survey Triangulation Station "LAUNIUPOKO" being 147.50 feet South  
and 2,483.33 feet East and running by azimuths measured clockwise  
from true South:

Along Lot 10 of Mahanalua Nui  
Subdivision Phase V, along  
center of gulch for the next  
two (2) courses, the direct  
azimuths and distances between  
points on said center of gulch  
being:

1. 74° 31' 30" 642.30 feet;
2. 70° 27' 43" 614.55 feet;
3. 140° 30' 339.43 feet along Lot 5 of Mahanalua Nui  
Subdivision Phase V;
4. 241° 34' 503.73 feet along the remainder of Lot 6  
of Mahanalua Nui Subdivision  
Phase V;
5. 160° 42' 44" 407.65 feet along same;
6. 151° 46' 44" 93.27 feet along same;
7. 222° 24' 93.50 feet along Roadway Lot 11 (Wailau  
Place) of Mahanalua Nui  
Subdivision Phase V;

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

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

8. 244° 38' 22.70 feet;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, on a curve to the left with a radius of 48.00 feet, the chord azimuth and distance being:

9. 186° 14' 45" 94.72 feet;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

10. 132° 53' 45" 27.49 feet;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, on a curve to the left with a radius of 140.00 feet, the chord azimuth and distance being:

11. 155° 58' 22" 20.48 feet;

12. 151° 46' 44" 173.68 feet along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V;

13. 218° 41' 40" 453.57 feet along Lot 12 of Mahanalua Nui Subdivision Phase IV;



14. 326° 00'

1,579.17 feet along Lot 7 of Mahanalua Nui  
Subdivision Phase V to the  
point of beginning and  
containing an area of 23.764  
Acres, more or less.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* *ET 02/08*

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)

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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

EXHIBIT 'B'

Description of Easement P-7

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-7  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 7  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the North corner of this easement, being also the East corner of Lot 8 of Mahanalua Nui Subdivision Phase V, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 2,300.49 feet North and 2,937.48 feet East and running by azimuths measured clockwise from true South:

1. 341° 52' 53" 725.37 feet along Lot B-1-D of Launiupoko (Large-Lot) Subdivision, being also along the West Maui Forest Reserve;
2. 110° 03' 97.45 feet along the remainder of Lot 7 of Mahanalua Nui Subdivision, Phase V;
3. 106° 42' 104.20 feet along same;
4. 97° 36' 193.20 feet along same;
5. 155° 18' 30" 285.50 feet along same;
6. 94° 28' 20" 703.34 feet along same;
7. 191° 18' 10" 119.28 feet along Lot 7 of Mahanalua Nui Subdivision, Phase IV;
8. 270° 05' 233.69 feet along Lot 8 of Mahanalua Nui Subdivision, Phase V;
9. 252° 26' 173.71 feet along same;
10. 275° 12' 182.87 feet along same;



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



11. 250° 16'

396.21 feet along same, to the point of beginning and containing an area of 7.458 Acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* 2/16/07

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)

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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

EXHIBIT 'B'

Description of Easement P-8

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-8  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 8  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the North corner of this easement, being also  
the East corner of Lot 9 of Mahanalua Nui Subdivision, Phase V,  
the coordinates of said point of beginning referred to Government  
Survey Triangulation Station "LAUNIUPOKO" being 3,756.66 feet  
North and 2,461.02 feet East and running by azimuths measured  
clockwise from true South:

1. 341° 52' 53" 1,532.14 feet along Lot B-1-D of Launiupoko  
(Large-Lot) Subdivision, being  
also along the West Maui  
Forest Reserve;
2. 70° 16' 396.21 feet along Lot 7 of Mahanalua Nui  
Subdivision Phase V;
3. 95° 12' 182.87 feet along same;
4. 72° 26' 173.71 feet along same;
5. 90° 05' 233.69 feet along same;
6. 151° 19' 40" 165.57 feet along Lot 6 of Mahanalua Nui  
Subdivision, Phase IV;
7. 160° 45' 20" 10.18 feet along same;
8. 238° 25' 707.21 feet along the remainder of Lot 8  
of Mahanalua Nui Subdivision,  
Phase V;
9. 156° 27' 228.54 feet along same;
10. 72° 58' 443.60 feet along same;
11. 65° 48' 386.80 feet along same;



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

- |     |              |             |   |
|-----|--------------|-------------|---|
| 12. | 70° 43' 20"  | 380.50 feet | along Lot 5 of Mahanalua Nui<br>Subdivision Phase IV;                               |
| 13. | 152° 38' 40" | 405.55 feet | along Lot 2 of Mahanalua Nui<br>Subdivision Phase IV;                               |
| 14. | 194° 10' 20" | 104.16 feet | along same;   |
| 15. | 103° 00' 50" | 64.93 feet  | along same;   |
| 16. | 92° 08' 10"  | 52.20 feet  | along same;   |
| 17. | 119° 12'     | 65.20 feet  | along same;   |
| 18. | 232° 45'     | 653.94 feet | along Lot 9 of Mahanalua Nui<br>Subdivision Phase V;                                |
| 19. | 271° 04'     | 411.21 feet | along same;   |
| 20. | 235° 16'     | 714.47 feet | along same, to the point of<br>beginning and containing an<br>area of 36.067 Acres. |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* exp 1/12

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)

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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

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

1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96783

EXHIBIT 'B'  
Description of Easement 4

**MAHANALUA NUI SUBDIVISION PHASE V**  
**EASEMENT 4**  
**(FOR CULTURAL AND NATIVE PLANT PURPOSES)**

Being portions of Lots 3 and 4  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the Southwest corner of this easement, the direct azimuth and distance from the South corner of Lot 1 of Mahanalua Nui Subdivision, Phase V, being 204° 48' 854.81 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 249.04 feet South and 424.11 feet West and running by azimuths measured clockwise from true South:

- |    |              |             |   |
|----|--------------|-------------|---|
| 1. | 204° 48'     | 569.80 feet | along Lots 1 and 2 of Mahanalua Nui Subdivision, Phase V;                   |
| 2. | 197° 28'     | 118.00 feet | along Lot 2 of Mahanalua Nui Subdivision, Phase V;                          |
| 3. | 275° 20'     | 328.80 feet | along the remainder of Lot 3 of Mahanalua Nui Subdivision, Phase V;         |
| 4. | 303° 36' 30" | 256.60 feet | along same;   |
| 5. | 314° 43'     | 88.30 feet  | along the remainders of Lots 3 and 4 of Mahanalua Nui Subdivision, Phase V; |
| 6. | 353° 45' 30" | 119.80 feet | along the remainder of Lot 4 of Mahanalua Nui Subdivision, Phase V;         |
| 7. | 25° 35'      | 47.30 feet  | along same;   |
| 8. | 42° 02'      | 553.44 feet | along same;   |



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501 SUMNER STREET, SUITE 521  
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WAILUKU, MAUI, HAWAII 96793

9. 109° 33' 30" 530.92 feet along same, to the point of beginning and containing an area of 10.474 Acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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Honolulu, Hawaii  
February 16, 2007

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WAILUKU, MAUI, HAWAII 96793

EXHIBIT 'B'  
Description of Easement 5

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT 5  
(FOR CULTURAL AND NATIVE PLANT PURPOSES)**

Being a portion of Lot 9  
of Mahanalua Nui Subdivision, Phase V  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the North corner of this easement, being also the Southeast corner of Lot 1 of Launiupoko (Large Lot) Subdivision No. 2, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 5,343.14 feet North and 1,941.92 feet East and running by azimuths measured clockwise from true South:

- |     |              |             |   |
|-----|--------------|-------------|---|
| 1.  | 341° 52' 53" | 616.43 feet | along Lot B-1-D of Launiupoko (Large-Lot) Subdivision, being also along the West Maui Forest Reserve; |
| 2.  | 71° 52' 53"  | 600.00 feet | along the remainder of Lot 9 of Mahanalua Nui Subdivision, Phase V;                                   |
| 3.  | 341° 52' 53" | 197.83 feet | along same;   |
| 4.  | 59° 24'      | 105.31 feet | along same;   |
| 5.  | 32° 48'      | 112.27 feet | along same;   |
| 6.  | 70° 32'      | 171.19 feet | along same;   |
| 7.  | 89° 18'      | 266.05 feet | along same;   |
| 8.  | 212° 59' 40" | 21.93 feet  | along Lot 30 of Mahanalua Nui Subdivision, Phase III;   |
| 9.  | 236° 52' 30" | 186.15 feet | along same;   |
| 10. | 217° 55' 20" | 337.47 feet | along same;   |
| 11. | 187° 28' 10" | 167.46 feet | along same;   |
| 12. | 123° 49' 30" | 70.40 feet  | along same;   |



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HONOLULU, HAWAII 96817-5031

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WAILUKU, MAUI, HAWAII 96793

13. 224° 00'

802.40 feet along Lot 1 of Launiupoko  
(Large Lot) Subdivision No. 2,  
to the point of beginning and  
containing an area of 9.402  
Acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)

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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

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HONOLULU, HAWAII 96817-5031

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

EXHIBIT 'B'

Description of Easement 6

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT 6  
(FOR CULTURAL AND NATIVE PLANT PURPOSES)**

Being a portion of Lot 9  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the North corner of this easement, the direct azimuth and distance from the Northeast corner of Lot 32 of Mahanalua Nui Subdivision, Phase III, being 32° 59' 40" 87.87 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 4,073.57 feet North and 980.55 feet East and running by azimuths measured clockwise from true South:

1. 334° 00' 104.83 feet along the remainder of Lot 9 of Mahanalua Nui Subdivision, Phase V;
2. 64° 00' 174.43 feet along same;
3. 212° 59' 40" 203.51 feet along Lot 32 of Mahanalua Nui Subdivision, Phase III, to the point of beginning and containing an area of 0.210 of an Acre.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* <sup>for</sup> *AT*

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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WAILUKU, MAUI, HAWAII 96793



EXHIBIT 'B'  
Description of Easement 8

**MAHANALUA NUI SUBDIVISION PHASE V**  
**EASEMENT 8**  
**(FOR CULTURAL AND NATIVE PLANT PURPOSES)**

Being a portion of Lot 7  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the South corner of this easement, being also the East corner of Lot 6 of Mahanalua Nui Subdivision, Phase V, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 147.50 feet South and 2,483.33 feet East and running by azimuths measured clockwise from true South:

1. 146° 00'            1,579.17 feet    along Lot 6 of Mahanalua Nui Subdivision, Phase V;
  2. 218° 41' 40"      195.35 feet      along Lots 12 and 11 of Mahanalua Nui Subdivision, Phase IV;
  3. 235° 03'            352.77 feet      along Lot 11 of Mahanalua Nui Subdivision, Phase IV;
- Thence along Lot 11 of Mahanalua Nui Subdivision, Phase IV, on a curve to the left, with a radius of 94.00, the chord azimuth and distance being:
4. 166° 18' 25"      175.21 feet;
  5. 97° 33' 50"       78.00 feet      along Lot 11 of Mahanalua Nui Subdivision, Phase IV;
  6. 169° 46' 50"      72.67 feet      along Lots 8 and 7 of Mahanalua Nui Subdivision, Phase IV;
  7. 261° 19'           141.20 feet      along the remainder of Lot 7 of Mahanalua Nui Subdivision, Phase V;



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- |     |      |         |             |  |
|-----|------|---------|-------------|--|
| 8.  | 278° | 53'     | 109.20 feet | along same;  |
| 9.  | 268° | 13'     | 101.00 feet | along same;  |
| 10. | 285° | 03'     | 109.20 feet | along same;  |
| 11. | 281° | 12'     | 112.50 feet | along same;  |
| 12. | 286° | 02'     | 110.70 feet | along same;  |
| 13. | 227° | 37'     | 90.50 feet  | along same;  |
| 14. | 307° | 36'     | 124.23 feet | along same;  |
| 15. | 253° | 00'     | 67.40 feet  | along same;  |
| 16. | 277° | 36'     | 193.20 feet | along same;  |
| 17. | 286° | 42'     | 104.20 feet | along same;  |
| 18. | 290° | 03'     | 97.45 feet  | along same;  |
| 19. | 341° | 52' 53" | 932.89 feet | along Lot B-1-D of Launiupoko<br>(Large-Lot) Subdivision, being<br>also along the West Maui<br>Forest Reserve; |

Thence along Lot 10 of Mahanalua Nui Subdivision Phase V, along center of gulch for the next three (3) courses, the direct azimuths and distances between points on said center of gulch being:

- |     |     |         |              |
|-----|-----|---------|--------------|
| 20. | 41° | 22' 40" | 850.20 feet; |
| 21. | 53° | 55'     | 181.60 feet; |

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CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521  
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22. 64° 03' 15" 290.35 feet to the point of beginning and containing an area of 50.922 Acres, more or less.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* *exp 2/16/07*

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)



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**EXHIBIT 'C'**

Description of Area 1

Easement 4

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT 4  
(FOR CULTURAL AND NATIVE PLANT PURPOSES)**

Being portions of Lots 3 and 4  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the Southwest corner of this easement, the direct azimuth and distance from the South corner of Lot 1 of Mahanalua Nui Subdivision, Phase V, being 204° 48' 854.81 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 249.04 feet South and 424.11 feet West and running by azimuths measured clockwise from true South:

- |    |              |             |   |
|----|--------------|-------------|---|
| 1. | 204° 48'     | 569.80 feet | along Lots 1 and 2 of Mahanalua Nui Subdivision, Phase V;                   |
| 2. | 197° 28'     | 118.00 feet | along Lot 2 of Mahanalua Nui Subdivision, Phase V;                          |
| 3. | 275° 20'     | 328.80 feet | along the remainder of Lot 3 of Mahanalua Nui Subdivision, Phase V;         |
| 4. | 303° 36' 30" | 256.60 feet | along same;   |
| 5. | 314° 43'     | 88.30 feet  | along the remainders of Lots 3 and 4 of Mahanalua Nui Subdivision, Phase V; |
| 6. | 353° 45' 30" | 119.80 feet | along the remainder of Lot 4 of Mahanalua Nui Subdivision, Phase V;         |
| 7. | 25° 35'      | 47.30 feet  | along same;   |
| 8. | 42° 02'      | 553.44 feet | along same;   |



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WAILUKU, MAUI, HAWAII 96793

9. 109° 33' 30" 530.92 feet along same, to the point of beginning and containing an area of 10.474 Acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro*

ERIK S. KANESHIRO  
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Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)

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WAILUKU, MAUI, HAWAII 96793

EXHIBIT 'C'

Description of Area 1

Easement 5

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT 5  
(FOR CULTURAL AND NATIVE PLANT PURPOSES)**

Being a portion of Lot 9  
of Mahanalua Nui Subdivision, Phase V  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the North corner of this easement, being also the Southeast corner of Lot 1 of Launiupoko (Large Lot) Subdivision No. 2, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 5,343.14 feet North and 1,941.92 feet East and running by azimuths measured clockwise from true South:

1. 341° 52' 53" 616.43 feet along Lot B-1-D of Launiupoko (Large-Lot) Subdivision, being also along the West Maui Forest Reserve;
2. 71° 52' 53" 600.00 feet along the remainder of Lot 9 of Mahanalua Nui Subdivision, Phase V;
3. 341° 52' 53" 197.83 feet along same;
4. 59° 24' 105.31 feet along same;
5. 32° 48' 112.27 feet along same;
6. 70° 32' 171.19 feet along same;
7. 89° 18' 266.05 feet along same;
8. 212° 59' 40" 21.93 feet along Lot 30 of Mahanalua Nui Subdivision, Phase III;
9. 236° 52' 30" 186.15 feet along same;
10. 217° 55' 20" 337.47 feet along same;
11. 187° 28' 10" 167.46 feet along same;
12. 123° 49' 30" 70.40 feet along same;



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**CIVIL ENGINEERS • SURVEYORS**

501 SUMNER STREET, SUITE 521  
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1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96793

13. 224° 00'

802.40 feet along Lot 1 of Launiupoko  
(Large Lot) Subdivision No. 2,  
to the point of beginning and  
containing an area of 9.402  
Acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)

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EXHIBIT 'C'

Description of Area 1

Easement 6

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT 6  
(FOR CULTURAL AND NATIVE PLANT PURPOSES)**

Being a portion of Lot 9  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the North corner of this easement, the direct azimuth and distance from the Northeast corner of Lot 32 of Mahanalua Nui Subdivision, Phase III, being 32° 59' 40" 87.87 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 4,073.57 feet North and 980.55 feet East and running by azimuths measured clockwise from true South:

1. 334° 00' 104.83 feet along the remainder of Lot 9 of Mahanalua Nui Subdivision, Phase V;
2. 64° 00' 174.43 feet along same;
3. 212° 59' 40" 203.51 feet along Lot 32 of Mahanalua Nui Subdivision, Phase III, to the point of beginning and containing an area of 0.210 of an Acre.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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Honolulu, Hawaii  
February 16, 2007

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**EXHIBIT 'C'**

**Description of Area 1**

**Easement 8**

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT 8  
(FOR CULTURAL AND NATIVE PLANT PURPOSES)**

Being a portion of Lot 7  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the South corner of this easement, being also the East corner of Lot 6 of Mahanalua Nui Subdivision, Phase V, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 147.50 feet South and 2,483.33 feet East and running by azimuths measured clockwise from true South:

1. 146° 00' 1,579.17 feet along Lot 6 of Mahanalua Nui Subdivision, Phase V;
2. 218° 41' 40" 195.35 feet along Lots 12 and 11 of Mahanalua Nui Subdivision, Phase IV;
3. 235° 03' 352.77 feet along Lot 11 of Mahanalua Nui Subdivision, Phase IV;  
  
Thence along Lot 11 of Mahanalua Nui Subdivision, Phase IV, on a curve to the left, with a radius of 94.00, the chord azimuth and distance being:
4. 166° 18' 25" 175.21 feet;
5. 97° 33' 50" 78.00 feet along Lot 11 of Mahanalua Nui Subdivision, Phase IV;
6. 169° 46' 50" 72.67 feet along Lots 8 and 7 of Mahanalua Nui Subdivision, Phase IV;
7. 261° 19' 141.20 feet along the remainder of Lot 7 of Mahanalua Nui Subdivision, Phase V;



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501 SUMNER STREET, SUITE 521  
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1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96783

- |     |      |         |              |   |
|-----|------|---------|--------------|---|
| 8.  | 278° | 53'     | 109.20 feet  | along same;   |
| 9.  | 268° | 13'     | 101.00 feet  | along same;   |
| 10. | 285° | 03'     | 109.20 feet  | along same;   |
| 11. | 281° | 12'     | 112.50 feet  | along same;   |
| 12. | 286° | 02'     | 110.70 feet  | along same;   |
| 13. | 227° | 37'     | 90.50 feet   | along same;   |
| 14. | 307° | 36'     | 124.23 feet  | along same;   |
| 15. | 253° | 00'     | 67.40 feet   | along same;   |
| 16. | 277° | 36'     | 193.20 feet  | along same;   |
| 17. | 286° | 42'     | 104.20 feet  | along same;   |
| 18. | 290° | 03'     | 97.45 feet   | along same;   |
| 19. | 341° | 52' 53" | 932.89 feet  | along Lot B-1-D of Launiupoko<br>(Large-Lot) Subdivision, being<br>also along the West Maui<br>Forest Reserve;  |
|     |      |         |              | Thence along Lot 10 of<br>Mahanalua Nui Subdivision<br>Phase V, along center of gulch<br>for the next three (3)<br>courses, the direct azimuths<br>and distances between points<br>on said center of gulch being: |
| 20. | 41°  | 22' 40" | 850.20 feet; |   |
| 21. | 53°  | 55'     | 181.60 feet; |   |

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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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1871 WILI PA LOOP, SUITE A  
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22. 64° 03' 15" 290.35 feet to the point of beginning and  
containing an area of 50.922  
Acres, more or less.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

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Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)

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AUSTIN, TSUTSUMI & ASSOCIATES, INC.

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

EXHIBIT 'D'

Description of Area 2

Easement P-2

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-2  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 2  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the West corner of this easement, being also  
the South corner of Lot 23 of Mahanalua Nui Subdivision, Phase  
IV, the coordinates of said point of beginning referred to  
Government Survey Triangulation Station "LAUNIUPOKO" being 774.17  
feet North and 1,104.75 feet West and running by azimuths  
measured clockwise from true South:

1. 252° 09' 10" 193.19 feet along Lot 23 of Mahanalua Nui  
Subdivision Phase IV;
2. 267° 08' 109.54 feet along same;

Thence along Lot 23 of  
Mahanalua Nui Subdivision  
Phase IV, on a curve to the  
left with a radius of 68.00  
feet, the chord azimuth and  
distance being:

3. 223° 24' 40" 94.00 feet;
4. 179° 41' 20" 50.10 feet along Lot 23 of Mahanalua Nui  
Subdivision Phase IV;
5. 145° 24' 20" 180.03 feet along same;
6. 286° 10' 30" 885.13 feet along the remainder of Lot 2  
of Mahanalua Nui Subdivision,  
Phase V;
7. 17° 28' 619.22 feet along Lot 3 of Mahanalua Nui  
Subdivision Phase V;
8. 24° 48' 252.89 feet along same;



**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

9. 132° 07'

1,096.77 feet along Lot 1 of Mahanalua Nui  
Subdivision Phase V, to the  
point of beginning and  
containing an area of 13.133  
Acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro".

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)

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501 SUMNER STREET, SUITE 521  
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EXHIBIT 'D'

Description of Area 2

Easement P-3

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-3  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 3  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the Northeast corner of this easement, being also the Southeast corner of Lot 13-A of Mahanalua Nui Subdivision, Phase IV, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 775.98 feet North and 1,288.35 feet East and running by azimuths measured clockwise from true South:

1. 331° 46' 44" 159.15 feet along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, on a curve to the right with a radius of 100.00 feet, the chord azimuth and distance being:

2. 7° 05' 22" 115.60 feet;

3. 42° 24' 229.79 feet along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V;

4. 117° 01' 537.30 feet along the remainder of Lot 3 of Mahanalua Nui Subdivision Phase V;

5. 107° 32' 117.50 feet along same;

6. 75° 49' 30" 479.40 feet along same;

7. 52° 50' 87.00 feet along same;

8. 7° 57' 30" 100.22 feet along same;

9. 95° 20' 206.26 feet along same;



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WAILUKU, MAUI, HAWAII 96793

10. 197° 28' 501.22 feet along Lot 2 of Mahanalua Nui Subdivision Phase V;
11. 235° 01' 447.00 feet along same;
12. 297° 41' 30" 191.21 feet along Lots 15 and 14 of Mahanalua Nui Subdivision Phase IV;
13. 287° 57' 10" 363.67 feet along Lots 14 and 13-A of Mahanalua Nui Subdivision Phase IV;
14. 296° 39' 40" 333.87 feet along Lot 13-A of Mahanalua Nui Subdivision Phase IV;

Thence along Lot 13-A of Mahanalua Nui Subdivision Phase IV, on a curve to the left with a radius of 100.00 feet, the chord azimuth and distance being:

15. 263° 51' 40" 108.34 feet to the point of beginning and containing an area of 13.906 Acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro*

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)

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1871 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96783

EXHIBIT 'D'

Description of Area 2

Easement P-4

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-4  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 4  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the West corner of this easement, being also  
the South corner of Lot 1 of Mahanalua Nui Subdivision, Phase V,  
the coordinates of said point of beginning referred to Government  
Survey Triangulation Station "LAUNIUPOKO" being 1,025.02 feet  
South and 782.67 feet West and running by azimuths measured  
clockwise from true South:

- |     |              |               |  |
|-----|--------------|---------------|--|
| 1.  | 204° 48'     | 854.81 feet   | along Lot 1 of Mahanalua Nui<br>Subdivision Phase V;                     |
| 2.  | 289° 33' 30" | 530.92 feet   | along the remainder of Lot 4<br>of Mahanalua Nui Subdivision<br>Phase V; |
| 3.  | 50° 41'      | 344.73 feet   | along same;  |
| 4.  | 338° 45'     | 138.51 feet   | along same;  |
| 5.  | 243° 58'     | 542.40 feet   | along same;  |
| 6.  | 217° 17'     | 205.30 feet   | along same;  |
| 7.  | 221° 24'     | 209.88 feet   | along same;  |
| 8.  | 12° 37'      | 238.81 feet   | along Lot 5 of Mahanalua Nui<br>Subdivision Phase V;                     |
| 9.  | 337° 12'     | 80.22 feet    | along same;  |
| 10. | 53° 59'      | 1,368.55 feet | along same;  |



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11. 138° 45' 58" 401.80 feet along Lot 10 of Mahanalua Nui Subdivision Phase V, to the point of beginning and containing an area of 14.476 Acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

A handwritten signature in black ink, appearing to read "Erik S. Kaneshiro".

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

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501 SUMNER STREET, SUITE 521  
HONOLULU HAWAII 96817-5031

1671 WILI PA LOOP, SUITE A  
WAILUKU, MAUI, HAWAII 96793

**EXHIBIT 'D'**

**Description of Area 2**

**Easement P-5**

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-5  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 5  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the Southeast corner of this easement, being also the Southwest corner of Lot 6 of Mahanalua Nui Subdivision, Phase V, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 524.40 feet South and 1,285.15 feet East, and running by azimuths measured clockwise from true South:

Along Lot 10 of Mahanalua Nui Subdivision Phase V, along center of gulch for the next two (2) courses, the direct azimuths and distances between points on said center of gulch being:

1. 49° 07' 10" 805.40 feet;
2. 40° 36' 30" 1,090.70 feet;
3. 138° 45' 58" 734.49 feet along Lot 10 of Mahanalua Nui Subdivision Phase V;
4. 233° 59' 1,368.55 feet along Lot 4 of Mahanalua Nui Subdivision Phase V;
5. 241° 34' 546.00 feet along the remainder of Lot 5 of Mahanalua Nui Subdivision Phase V;



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1871 WILI PA LOOP, SUITE A  
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6. 320° 30'

339.43 feet along Lot 6 of Mahanalua Nui Subdivision Phase V, to the point of beginning and containing an area of 21.618 Acres, more or less.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* EXP 9/08

ERIK S. KANESHIRO  
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Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

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HONOLULU, HAWAII 96817-5031

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

EXHIBIT 'D'

Description of Area 2

Easement P-6

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-6  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 6  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the East corner of this easement, being also  
the South corner of Lot 7 of Mahanalua Nui Subdivision, Phase V,  
the coordinates of said point of beginning referred to Government  
Survey Triangulation Station "LAUNIUPOKO" being 147.50 feet South  
and 2,483.33 feet East and running by azimuths measured clockwise  
from true South:

Along Lot 10 of Mahanalua Nui  
Subdivision Phase V, along  
center of gulch for the next  
two (2) courses, the direct  
azimuths and distances between  
points on said center of gulch  
being:

1. 74° 31' 30" 642.30 feet;
2. 70° 27' 43" 614.55 feet;
3. 140° 30' 339.43 feet along Lot 5 of Mahanalua Nui  
Subdivision Phase V;
4. 241° 34' 503.73 feet along the remainder of Lot 6  
of Mahanalua Nui Subdivision  
Phase V;
5. 160° 42' 44" 407.65 feet along same;
6. 151° 46' 44" 93.27 feet along same;
7. 222° 24' 93.50 feet along Roadway Lot 11 (Wailau  
Place) of Mahanalua Nui  
Subdivision Phase V;

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Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

8. 244° 38' 22.70 feet;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, on a curve to the left with a radius of 48.00 feet, the chord azimuth and distance being:

9. 186° 14' 45" 94.72 feet;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being:

10. 132° 53' 45" 27.49 feet;

Thence along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V, on a curve to the left with a radius of 140.00 feet, the chord azimuth and distance being:

11. 155° 58' 22" 20.48 feet;

12. 151° 46' 44" 173.68 feet along Roadway Lot 11 (Wailau Place) of Mahanalua Nui Subdivision Phase V;

13. 218° 41' 40" 453.57 feet along Lot 12 of Mahanalua Nui Subdivision Phase IV;

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14. 326° 00'

1,579.17 feet along Lot 7 of Mahanalua Nui  
Subdivision Phase V to the  
point of beginning and  
containing an area of 23.764  
Acres, more or less.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* 02/16/07

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

TMK: (2) 4-7-001: 025 (Por.)



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EXHIBIT 'D'

Description of Area 2

Easement P-7

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-7  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 7  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the North corner of this easement, being also the East corner of Lot 8 of Mahanalua Nui Subdivision Phase V, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 2,300.49 feet North and 2,937.48 feet East and running by azimuths measured clockwise from true South:

1. 341° 52' 53" 725.37 feet along Lot B-1-D of Launiupoko (Large-Lot) Subdivision, being also along the West Maui Forest Reserve;
2. 110° 03' 97.45 feet along the remainder of Lot 7 of Mahanalua Nui Subdivision, Phase V;
3. 106° 42' 104.20 feet along same;
4. 97° 36' 193.20 feet along same;
5. 155° 18' 30" 285.50 feet along same;
6. 94° 28' 20" 703.34 feet along same;
7. 191° 18' 10" 119.28 feet along Lot 7 of Mahanalua Nui Subdivision, Phase IV;
8. 270° 05' 233.69 feet along Lot 8 of Mahanalua Nui Subdivision, Phase V;
9. 252° 26' 173.71 feet along same;
10. 275° 12' 182.87 feet along same;



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11. 250° 16'

396.21 feet along same, to the point of beginning and containing an area of 7.458 Acres.



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

*Erik S. Kaneshiro* 2/16/07

ERIK S. KANESHIRO  
Licensed Professional Land Surveyor  
Certificate No. 9826

Honolulu, Hawaii  
February 16, 2007

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EXHIBIT 'D'

Description of Area 2

Easement P-8

**MAHANALUA NUI SUBDIVISION PHASE V**

**EASEMENT P-8  
(FOR CONSERVATION PURPOSES)**

Being a portion of Lot 8  
of Mahanalua Nui Subdivision, Phase V,  
being also a portion of Royal Patent 1358,  
Land Commission Award 82 to Thomas Phillips.

Situate at Launiupoko, Lahaina, Maui, Hawaii

Beginning at the North corner of this easement, being also the East corner of Lot 9 of Mahanalua Nui Subdivision, Phase V, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LAUNIUPOKO" being 3,756.66 feet North and 2,461.02 feet East and running by azimuths measured clockwise from true South:

1. 341° 52' 53" 1,532.14 feet along Lot B-1-D of Launiupoko (Large-Lot) Subdivision, being also along the West Maui Forest Reserve;
2. 70° 16' 396.21 feet along Lot 7 of Mahanalua Nui Subdivision Phase V;
3. 95° 12' 182.87 feet along same;
4. 72° 26' 173.71 feet along same;
5. 90° 05' 233.69 feet along same;
6. 151° 19' 40" 165.57 feet along Lot 6 of Mahanalua Nui Subdivision, Phase IV;
7. 160° 45' 20" 10.18 feet along same;
8. 238° 25' 707.21 feet along the remainder of Lot 8 of Mahanalua Nui Subdivision, Phase V;
9. 156° 27' 228.54 feet along same;
10. 72° 58' 443.60 feet along same;
11. 65° 48' 386.80 feet along same;



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- |     |              |             |   |
|-----|--------------|-------------|---|
| 12. | 70° 43' 20"  | 380.50 feet | along Lot 5 of Mahanalua Nui<br>Subdivision Phase IV;                               |
| 13. | 152° 38' 40" | 405.55 feet | along Lot 2 of Mahanalua Nui<br>Subdivision Phase IV;                               |
| 14. | 194° 10' 20" | 104.16 feet | along same;   |
| 15. | 103° 00' 50" | 64.93 feet  | along same;   |
| 16. | 92° 08' 10"  | 52.20 feet  | along same;   |
| 17. | 119° 12'     | 65.20 feet  | along same;   |
| 18. | 232° 45'     | 653.94 feet | along Lot 9 of Mahanalua Nui<br>Subdivision Phase V;                                |
| 19. | 271° 04'     | 411.21 feet | along same;   |
| 20. | 235° 16'     | 714.47 feet | along same, to the point of<br>beginning and containing an<br>area of 36.067 Acres. |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro exp. 1/02  
 ERIK S. KANESHIRO  
 Licensed Professional Land Surveyor  
 Certificate No. 9826

Honolulu, Hawaii  
 February 16, 2007

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