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R-891 STATE OF HAWAII
BUREAU OF CONVEYANCES
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Doc No(s) 2007-039991



/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES

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LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (x) Pickup () To:

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

Master file # 183275
Escrow # 20305463 DW



99888.3 tdw

Total No. of Pages: 27

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

MAKILA NUI
DECLARATION OF EASEMENTS

Cultural and Native Plant Preservation, Restoration, Education and Resource Area
(Easements 4, 5, 6 and 8, Affecting Lots 3, 4, 7 and 9)

This Declaration of Easements is dated this 8th day of February, 2007 and is executed by Makila Land Co., LLC, a Hawaii limited liability company, of 33 Lono Avenue, Suite 450, Kahului, Hawaii, 96732 ("Declarant"), in favor of Makila Nui Homeowners Association, Inc., a Hawaii non-profit corporation, of 33 Lono Avenue, Suite 450, Kahului, Hawaii, 96732 (the "Association").

RECITALS

Declarant is the owner of Lots 3, 4, 7 and 9 of Makila Nui (Mahanalua Nui Subdivision Phase V) situated in Lahaina, Maui, Hawaii, described on Exhibits "A", "B", "C" and "D" attached hereto and made a part hereof (the "Encumbered

99888.3 tdw

Conditions and Restrictions, dated Feb. 8, 2007, and to be recorded in the State of Hawaii, Bureau of Conveyances concurrently herewith (the "CC&Rs"). The owners of all lots in Makila Nui are members of the Association. The CC&Rs established the Association's power and authority to govern, manage and control the Common Areas of Makila Nui.

Declarant has designated Easements 1 and 2 over Lot 9, and Easement 7 over Lot 10 as described in Exhibits "C", "D" and "E", respectively (called, respectively, and "Easement Area" and collectively, the "Easement Areas"). The purpose of this Declaration is to establish easement rights and obligations of all persons with respect to the Easement Areas.

DECLARATION OF EASEMENTS. Declarant hereby declares and establishes Easements 1, 2 and 7, over Lots 9 and 10, respectively, for the following purposes and subject to the following terms and conditions:

1. **Easements.** Non-exclusive perpetual easements are hereby established over the Easement Areas as archaeological preservation areas and streambed park which shall constitute Common Areas of Makila Nui, under the governance and control of the Association for the following uses: recreational access by the public on foot, on horseback and with mountain bikes, at such times and subject to such restrictions as the Board of Directors of the Association may adopt from time to time for the orderly and reasonable use of the Easement Areas and to protect the natural beauty, archaeological and cultural features, native plants, and general enjoyment and preservation of the Easement Areas.

2. **Vehicles.** No motorized vehicles shall be permitted in the Easement Areas, except as may be necessary for maintenance of the land, access to mauka areas by maintenance and conservation personnel and for fire protection management and prevention measures.

3. **Invasive Species.** No plants shall be placed in the Easement Area which are classified as an "Invasive Horticultural Plant" on the list of "Hawaii's Most Invasive Horticultural Plants" attached hereto as Exhibit "F", as said list may be amended or updated (or replaced) by the Hawaii State Department of Land and Natural Resources, Division of Forestry and Wildlife, or any successor agency.

4. **Conservation Easement.** Access shall be permitted to the holder(s) of any conservation easement which may be established on the property and their authorized agents, for purposes consistent with the terms of the conservation easement.

5. **Declarant's Reserved Rights.** Declarant hereby reserves the

(b) Access by the State of Hawaii, Department of Land and Natural Resources, shall be permitted in connection with any State program or requirement to monitor archaeological or cultural sites or to monitor native species preservation efforts.

(c) Access may be permitted on a case by case basis by the Board of Directors of the Association for native plant preservation and propagation purposes, archaeological and cultural research reasonable preservation purposes, subject to such restrictions and conditions as the Association may require.

(d) The Association and its agents and designees may enter the easement area for any reasonable purpose consistent with the conservation and preservation purposes stated above, including but not limited to land maintenance.

(e) Access shall be permitted to the holder(s) of any conservation easement(s) which may be established on the property, and their authorized agents, for purposes consistent with the terms of the conservation easement.

(f) Except as provided above, others, including the public, shall not have the right of access to the Easement Areas.

3. Status and Enforcement. The Easement Areas are hereby designated as Common Areas under the governance and control of the Association as provided in the CC&Rs. The Association, acting by its Board of Directors, shall have the authority to enforce all of the above restrictions and shall have the authority to adopt such rules and regulations as may be reasonable or appropriate to implement the purpose and intent of this Declaration of Easements.

4. Declarant's Reserved Rights. Declarant hereby reserves the right to enter and cross the Easement Areas for any purpose, to grant to others, in Declarant's sole discretion, such access and other easement rights such as the Declarant shall deem appropriate from time to time, and to amend this Easement from time to time, acting unilaterally, without requiring the consent or joinder of the owners of the Encumbered Land or the management, board or members of the Association, as the Declarant may in its sole discretion deem appropriate, for any purpose. Each such amendment shall be set forth in a formal amendment document, executed by Declarant or Declarant's designee or assignee, recorded in the State of Hawaii, Bureau of Conveyances and transmitted to the Board of Directors of the Association.

5. Compliance with Laws and Regulations. Each person entitled to

the use of the Easement Areas by this document shall observe and perform all laws, ordinances, rules and regulations now or hereafter imposed by any governmental authority which are applicable to the easement area, and shall comply with all rules and regulations established by the Association from time to time governing the Association's members generally and their guests, tenants and licensees, governing the reasonable and safe and appropriate use of the Easement Areas.

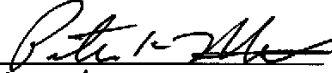
6. Binding Effect. This easement shall inure to the benefit and be binding upon the Declarant and the owners of the Encumbered Lands and Grantor and their respective successors in interest and shall run with the land.

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

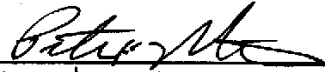
8. "As Is". The Association accepts this easement and the easement area in "as is" condition, without any representations or warranties expressed or implied by the Grantor or the Association as to the physical condition thereof or the suitability of the easement for the purposes of the easement or any improvements now or hereafter constructed within an easement area.

Executed the day and year first above written.

MAKILA LAND CO., LLC

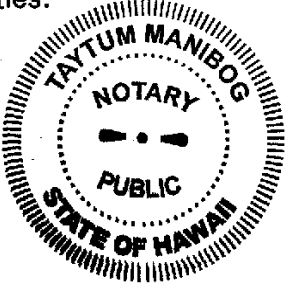
By: 
Peter K. Martin
Its: Managing Member

MAKILA NUI HOMEOWNERS' ASSOCIATION

By: 
Peter K. Martin
Its: President

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

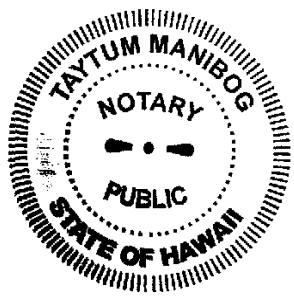
On this 8th day of February, 2007, before me personally appeared Peter K. Martin, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.



Taytum Manibog
Notary Public, State of Hawaii
Printed Name: Taytum Manibog
My Commission Expires: 2.29.2008

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 8th 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
Notary Public, State of Hawaii
Printed Name: Taytum Manibog
My Commission Expires: 2.29.2008

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
HONOLULU, HAWAII 96817-5031

1871 WAILIPA 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 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;

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

EXHIBIT 'B'

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;



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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 exp 07/08

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

EXHIBIT 'C'

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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WAILUKU, MAUI, HAWAII 96793

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|-----|--------------|---------------|---|
| 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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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 EX-0468

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

EXHIBIT 'D'

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:



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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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WAILUKU, MAUI, HAWAII 96793

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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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.



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Description Prepared By:

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.)

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EXHIBIT 'E'

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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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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EXHIBIT 'F'

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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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:

Erik S. Kaneshiro exp 04/08

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Honolulu, Hawaii
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EXHIBIT 'G'

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 [Signature]

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EXHIBIT 'H'

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
(Large-Lot) Subdivision, being
also along the West Maui
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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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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