Certified to be a true and correct copy of the original
recorded on 4/25/07 at 8:0/am in the
Office of the Assistant Registrar of the Land Court as
Document No/Transfer Certificate of
Title No and/or in the Bureau of
Conveyances as Document No. 2007-073664
By: Wenny
FIRST HAWAII TITLE CORPORATION

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (x) Pickup () To:

Makila Land Co., LLC c/o West Maui Land Company 33 Lono Avenue Suite 450 Kahului, HI 96732

Escrow # 20305463 DW

Total No. of Pages:___

101679 tdw mz

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

(Lot 3)

SECOND AMENDMENT OF MAKILA NUI DECLARATION OF EASEMENTS <u>Hiking Trails</u>

This Amendment is dated this 23 day of April, 2007 and is executed by Makila Land Co., LLC, a Hawaii limited liability company, whose address is 33 Lono Avenue, Suite 450, Kahului, Hawaii, 96732 ("Declarant"), and Makila Nui Homeowners Association, Inc., a Hawaii non-profit corporation, whose address is 33 Lono Avenue, Suite 450, Kahului, Maui, Hawaii, 96732, hereinafter called the "Association".

RECITALS: Reference is made to the Makila Nui Declaration of Easements, Hiking Trails, dated February 8, 2007 recorded in the State of Hawaii Bureau of Conveyances as Document 2007-039992 as amended by Amendment dated March 19, 2007, recorded in said Bureau as Document No. 2007-051983 (collectively the "Declaration"). Said Declaration established several easements for hiking and recreation over several properties. A portion of said easements is described as Easements 9 and 9A on Exhibits B and C of the Declaration, encumbering (in part) Lot 3 of Mahanalua Nui Subdivision Phase V, which is described on Exhibit "A",

attached hereto and made a part hereof ("Lot 3"). Lot 3 is owned by the Declarant as of the date of this Amendment. Pursuant to Declarant's rights reserved under Section 4 of the Declaration, the parties desire to amend easements 9 and 9A, to remove that portion of said easements which are located on Lot 3.

AMENDMENT: The Declarant hereby amends the descriptions of Easements 9 and 9A by deleting therefrom all portions of Easements 9 and 9A which are located upon, cross or encumber Lot 3. Lot 3 is hereby released from Easements 9 and 9A and said easements no longer encumber Lot 3, in any respect.

Declarant is aware that Easements 9 and 9A, as a result of this Second Amendment, may have gaps which render the remaining portions of said easements non-contiguous and without connection to the trail system. Declarant reserves the right, pursuant to Section 4 of the Declaration, to further amend the Declaration to provide additional easements or relocations of the deleted portions of Easements 9 and 9A to establish such access and connections, but no portion of any new or relocated easement shall be located within the boundaries of Lot 3. Said further amendment shall be in Declarant's sole discretion.

The Association hereby joins in and consents to this Amendment.

In all other respects the Declaration shall remain in full force and effect and unmodified, except as amended by the First Amendment and this Second Amendment.

Executed the day and year first above written.

MAKILA LAND CO., LLC

ts: Managina Membr

MAKILA NUI HOMEOWNERS' ASSOCIATION

124

Its: President

STATE OF HAWAII						
COUNTY OF MAUI) SS	•					
On this Hill day of personally appeared Pefer K. known, who, being by me duly swo person(s) executed the foregoing in person(s), and if applicable, in the cauthorized to execute such instruments.	strument as the free act and deed of such					
AVBLIC PHAINING	Notary Public, State of Hawaji Printed Name: Dane Wannek My Commission Expires: 7-17-07					
STATE OF HAWAII) COUNTY OF MAUI) SS.						
On this 23 day of 1981, 2007, before me personally appeared <u>Peter K. Wartin</u> , 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.						
AUBLIC AUBLIC OF HAMILIAN TO SEE OF THE	Notary Public, State of Hawaii Printed Name: Diane Wannen My Commission Expires: 7-17-07					

EXHIBIT "A"

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 Grant No. 1358, Land Commission Award No. 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 of (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;

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 right 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 '		1,108.7	O feet along same;
10.	204°	48'		419.8	Mahanalua Nui Subdivision Phase V, along the remainder of R. P. 1358, L. C. Aw. 82 to Thomas Phillips;
11.	197°	28'		619.22	Property 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 Roadway 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"		feet to the point of beginning and containing an area of 25.868 acres, more or less, as

per survey of Erik S. Kaneshiro, Licensed Professional Land Surveyor, Certificate No. 9826 dated February 15, 2007.

Being a portion of the land conveyed by the following:

- (1) Limited Warranty Deed and Reservation of Rights between Pioneer Mill Company, Limited, a Hawaii corporation, as Grantor, and Makila Land Co., LLC, a Hawaii limited liability company, as Grantee, dated January 16, 2001, recorded in the said Bureau of Conveyances as Document No. 2001-006058.
- (2) Deed and Reservation of Rights between Pioneer Mill Company, Limited, a Hawaii corporation, as Grantor, and Makila Land Co., LLC, a Hawaii limited liability company, as Grantee, dated January 16, 2001, recorded in the said Bureau of Conveyances as Document No. 2001-006059.

END OF EXHIBIT "A"

Tax Key: (2) 4-7-001-025 (portion)