

Certified to be a true and correct copy of the original recorded on 12/20/07 at 8:01am 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. 2007-219607
By: [Signature]
FIRST HAWAII TITLE CORPORATION

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail () Pickup () To:
Makila Land Co., LLC
33 Lono Avenue Suite 450
Kahului, HI 96732

Escrow # 20305626 DW
File # 187242

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

Total No. of Pages: 9

THIRD AMENDMENT OF MAKILA NUI
DECLARATION OF EASEMENTS
Hiking Trails

This Amendment is dated this 12th day of December, 2007 and is executed by and among 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". In addition, attached hereto are the consents and joinders of JSG INVESTMENT INC., a Washington corporation, whose address is 1307 Walawala Avenue, Wenatchee, Washington 98801; ALLEC INVESTMENTS LLC, a Hawaii limited liability company, whose address is 2463 South Kihei Road, Kihei, Maui, Hawaii 96753; and HUGH J. FARRINGTON, whose address is 4950 Makena Road, Kihei, Maui, Hawaii 96753 (collectively the "Lot 4 Owners"), who are collectively the owners of Lot 4 of Mahanalui Subdivision Phase V (Makila Nui) ("Lot 4").

RECITALS: Reference is made to the Makila Nui Declaration of Easements, Hiking Trails, dated February 8, 2007 recorded in the Bureau of Conveyances of the State of Hawaii as Document 2007-039992, as amended by Amendment dated March

19, 2007, recorded as Document No. 2007-051983, and Second Amendment dated April 23, 2007 recorded as Document No. 2007-073664 (collectively the "Declaration"). Said Declaration established several easements for hiking and recreation over several properties. A portion of said Easement is described as Easement 9 and 9A on Exhibits B and C of the Declaration, encumbering Lot 4. Lot 3 was released from said Easement by said Second Amendment. Pursuant to Declarant's rights reserved under Section 4 of the Declaration, the parties desire to amend and relocate easements 9 and 9A, to relocate portions of the Easement on Lot 4.

AMENDMENT:

1. The Declarant hereby amends Exhibits B and C of the Declaration by deleting them in their entirety and substituting therefore Exhibits B ("Revised") and Exhibit C ("Revised") in the forms attached hereto and made a part of this Third Amendment.
2. The Declarant further amends the Declaration by adding the following new section to read as follows:


"Construction and Use Limitation. Before any section of the hiking trail may be used by any person other than the owners of the land underlying said trail, said section shall be (a) cleared, marked and improved to a condition which is useable by hikers; and (b) covered by the Association's policy or policies of general liability insurance, in commercially reasonable amounts, naming as additional insured the owners of the land underlying said trail, protecting against claims for personal injury or property damage suffered or incurred by trail users and arising out of trail conditions and trail use.

The Association and the Lot 4 Owner hereby join in and consent to this Amendment.

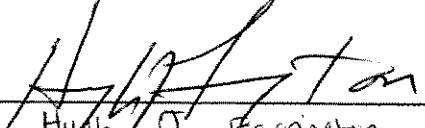
In all other respects the Declaration shall remain in full force and effect and unmodified, except as amended by the First Amendment, Second Amendment, and this Third Amendment.

Executed the day and year first above written.

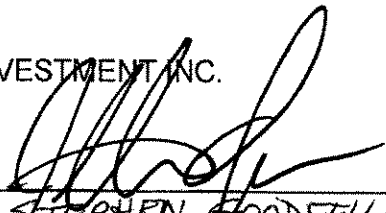
MAKILA LAND CO., LLC

By: 
Peter K. Martin
Its: Managing Member


MAKILA NUI HOMEOWNERS ASSOCIATION

By: 
Hugh J. Farrington
Its: President

JSG INVESTMENT INC.

By: 
J. STEPHEN GOODFELLOW
Its: SECRETARY

ALLEC INVESTMENTS LLC

By: 
ROBERT J. CELLA
Its: MANAGER


HUGH J. FARRINGTON

STATE OF HAWAII)
)
COUNTY OF MAUI) SS.

On this 10th day of December, 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.

Joyce M. Takitani
Notary Public, State of Hawaii
Printed Name: Joyce M. Takitani
My Commission Expires: 8/16/2011

STATE OF HAWAII)
)
COUNTY OF MAUI) SS.

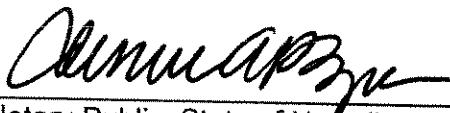
On this _____ day of _____, 2007, before me personally appeared _____, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly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

Notary Public, State of Hawaii
Printed Name: _____
My Commission Expires: _____

STATE OF HAWAII)
)
COUNTY OF MAUI) SS.

On this 4th day of December, 2007, before me personally appeared J. Stephen Goodfellow, 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.


L.S.


Notary Public, State of Hawaii
Printed Name: Desiree A.P. Lopes
My Commission Expires: My Commission Expires 3-30-08

STATE OF HAWAII)
)
COUNTY OF MAUI) SS.

On this 4th day of December, 2007, before me personally appeared Robert J. Cella, 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.


L.S.


Notary Public, State of Hawaii
Printed Name: Desiree A.P. Lopes
My Commission Expires: My Commission Expires 3-30-08

STATE OF HAWAII)
)
COUNTY OF MAUI) SS.

On this 4th day of December, 2007, before me personally appeared Hugh J. Farnington, 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.

L.S.



Notary Public, State of Hawaii
Printed Name: Desiree A.P. Lopes
My Commission Expires: My Commission Expires 3-30-08

Exhibit 'B' (Revised)

MAHANALUA NUI SUBDIVISION PHASE V

EASEMENT 9
(FOR TRAIL 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

Being a strip of land twenty (20) feet wide and extending
for ten (10) feet on each side of the centerline described as
follows:

Beginning at the Northeast end of said centerline and on the
Northwest side of Roadway Lot 11 (Wailau Place), the direct
azimuth and distance from the Northeast corner of Lot 4 of
Mahanalua Nui Subdivision, Phase V, being $52^{\circ}52'46''$ 10.06 feet,
the coordinates of said point of beginning referred to Government
Survey Triangulation Station "LAUNIUPOKO" being 112.25 feet North
and 754.96 feet East and running by azimuths measured clockwise
from true South:

- | | | | |
|-----|-------------------|-------------|---|
| 1. | $148^{\circ} 25'$ | 172.89 feet | along the remainder of Lot 4
of Mahanalua Nui Subdivision,
Phase V; |
| 2. | $69^{\circ} 42'$ | 246.94 feet | along same; |
| 3. | $17^{\circ} 45'$ | 43.81 feet | along same; |
| 4. | $109^{\circ} 41'$ | 33.94 feet | along same; |
| 5. | $29^{\circ} 28'$ | 94.04 feet | along same; |
| 6. | $136^{\circ} 22'$ | 64.27 feet | along same; |
| 7. | $9^{\circ} 38'$ | 70.16 feet | along same; |
| 8. | $102^{\circ} 02'$ | 36.98 feet | along same; |
| 9. | $173^{\circ} 25'$ | 57.07 feet | along same; |
| 10. | $69^{\circ} 42'$ | 26.93 feet | along same; |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

301 SLAMNER STREET, SUITE 521
HONOLULU HAWAII 96817-3021

1871 WIL PA LOOP, SUITE A
WAILUKI MAUI, HAWAII 96783

- | | | | |
|-----|----------|-------------|--|
| 11. | 21° 35' | 45.98 feet | along same; |
| 12. | 75° 20' | 34.78 feet | along same; |
| 13. | 146° 00' | 31.72 feet | along same; |
| 14. | 69° 42' | 110.41 feet | along same; |
| 15. | 38° 25' | 38.52 feet | along same and containing an area of 0.509 of an Acre, more or less. |



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Description Prepared By:

Erik S. Kaneshiro EXT 04/08

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

Honolulu, Hawaii
 April 23, 2007

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



AUSTIN, TSUTSUMI & ASSOCIATES, INC.

CIVIL ENGINEERS • SURVEYORS

501 SUMNER STREET, SUITE 521
 HONOLULU HAWAII 96817-5031

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

Exhibit 'C' (Revised)

