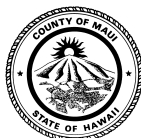


Council Chair  
Alice L. Lee

Vice-Chair  
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Tom Cook  
Gabe Johnson  
Tamara Paltin  
Keani N.W. Rawlins-Fernandez  
Shane M. Sinenci  
Nohelani U'u-Hodgins



Director of Council Services  
David M. Raatz, Jr., Esq.

Deputy Director of Council Services  
Richelle K. Kawasaki, Esq.

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

May 5, 2025

Mr. Jordan Molina, Director  
Department of Public Works  
County of Maui  
Wailuku, Hawaii 96793

Dear Mr. Molina:

**SUBJECT: RESOLUTION 25-86, ACCEPTING DEDICATION OF  
ROADWAY LOTS AT KEHALANI, WAILUKU-KAHULUI  
PROJECT DISTRICT 3 (WAILUKU), SITUATED IN  
WAILUKU, MAUI, HAWAII (WAI-7)**

The Council's Water and Infrastructure Committee is in receipt of Resolution 25-86, to accept the dedication of various roadway lots at Kehalani.

May I please request you respond to the following:

1. In the first numbered paragraph of the first WHEREAS clause, Lots 214 through 221 all refer to Tax Map Key (2) 3-5-018:115, consistent with the deeds executed on June 11, 2019.

Exhibit "A" to Exhibit "1" provides, at p. 1:

LOT:	AREA:	TAX MAP KEY:
214	62,209 sq. ft.	(2) 3-5-018-115
215	17,413 sq. ft.	(2) 3-5-018-115
216	41,454 sq. ft.	(2) 3-5-018-115
217	87,475 sq. ft.	(2) 3-5-018-115
218	6,293 sq. ft.	(2) 3-5-018-115

Mr. Jordan Molina  
May 5, 2025  
Page 2

Exhibit “A” to Exhibit “2” provides, at p. 1:

LOT:	AREA:	TAX MAP KEY:
219	85,008 sq. ft.	(2) 3-5-018-115
220	45,986 sq. ft.	(2) 3-5-018-115
221	44,275 sq. ft.	(2) 3-5-018-115

The County’s Real Property Tax database states that Tax Map Key (2) 3-5-018:115 is 62,209 square feet in size, identical to the size of Lot 214.

Please confirm that TMK (2) 3-5-018:115 is assigned to Lot 214 and advise whether the other lots—Lots 215 through 221—have a different Tax Map Key assigned to them. If so, what are the TMKs and should they also be referenced in the paragraph to make clear the County is accepting the dedication of those parcels?

2. In the fourth numbered paragraph to the first WHEREAS clause, Lot 73 is referenced as Tax Map Key (2) 3-5-025:073. The Real Property Tax database shows this parcel as 251,820 square feet in size, while Exhibit “A” to Exhibit “5” shows Lot 73 as comprised of 50,547 square feet. Should the lot be referred to as a portion of the TMK?

I intend to post this Resolution for consideration at the WAI Committee meeting of May 12, 2025. May I, therefore, request you transmit your response to [wai.committee@mauicounty.us](mailto:wai.committee@mauicounty.us) by **May 7, 2025**. To ensure efficient processing, please include the Committee item number in the subject line.

Should you have any questions, please contact me or the Committee staff (Keone Hurdle at ext. 7659, or Lori Ann Tengan at ext. 7147).

Sincerely,



TOM COOK, Chair  
Water and Infrastructure Committee

wai:ltr:007apw01:cmn

cc: Mayor Richard T. Bissen, Jr.  
Deputy Director of Public Works  
Director of Finance  
Corporation Counsel

# Resolution

No. 25-86

ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE  
KAIMANA AT KEHALANI SUBDIVISION (KEHALANI MAKAI),  
KEHALANI MAKUA (LARGE-LOT) SUBDIVISIONS,  
ILIAHI AT KEHALANI ROADWAY LOT SUBDIVISION AND  
FOR THE SUBDIVISION OF SITE C-1/11 OF WAILUKU PROJECT  
DISTRICT SITUATED IN WAILUKU, MAUI, HAWAII,  
PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, RCFC KEHALANI, LLC, a Delaware limited liability company (hereinafter called "Owner"), desires to dedicate the following roadways:

1. Lots 214, 215, 216, 217, 218, 219, 220, and 221, located within the Kaimana at Kehalani Subdivision (Kehalani Makai), Tax Map Key Number (2) 3-5-018:115, Subdivision File No. 3.1626, as more fully described in Exhibit "A" of the Warranty Deed (Roadway Lots 214, 215, 216, 217, 218) attached hereto as Exhibit "1" and made a part hereof and described in Exhibit "A" of the Warranty Deed (Roadway Lots 219, 220, 221) attached hereto as Exhibit "2" and made a part hereof;

2. Lots 7 and 8, located within the Kehalani Mauka (Large-Lot) Subdivision No. 1, Tax Map Key Number (2) 3-5-001:067, Subdivision File No. 3.1993, as more fully described in Exhibits "A" and "B" of the Warranty Deed (Roadway Lots 7 and 8) attached hereto as Exhibit "3" and made a part hereof;

3. Lot 9, located within the Kehalani Mauka (Large-Lot) Subdivision No. 1, Tax Map Key Number (2) 3-5-001:076, Subdivision File No. 3.1993, as more fully described in Exhibit "A" of the Warranty Deed (Roadway Lot 9) attached hereto as Exhibit "4" and made a part hereof;

4. Lot 73, located within the Kehalani Mauka (Large-Lot) Subdivision No. 1, known as "Koa at Kehalani", Tax Map Key Number (2) 3-5-025:073, Subdivision File No. 3.2063, as more fully described in Exhibit "A" of the Warranty Deed (Roadway Lot 73) attached hereto as Exhibit "5" and made a part hereof;

5. Lot R-1, located within the Kehalani Makua (Large-Lot) Subdivision No. 3-A, Tax Map Key Number (2) 3-5-001:086, Subdivision File No. 3.2124, as more fully described in Exhibit "A" of the Warranty Deed (Roadway Lot R-1) attached hereto as Exhibit "6" and made a part hereof;

6. Lots R-3, R-4 and R-5, located within the Kehalani Mauka (Large-Lot) Subdivision No. 3-B, Tax Map Key Numbers (2) 3-5-001:092, (2) 3-5-001:093 and (2) 3-5-001:094, Subdivision File No. 3.2136, as more fully described in Exhibits "A-C" of the Warranty Deed (Roadway Lots R-3, R-4, and R-5) attached hereto as Exhibit "7" and made a part hereof;

7. Lot R-6, located within the Kehalani Mauka (Large-Lot) Subdivision No. 3-C, Tax Map Key Number (2) 3-5-001:114, Subdivision File No. 3.2149, as more fully described in Exhibit "A" of the Warranty Deed (Roadway Lot R-6) attached hereto as Exhibit "8" and made a part hereof;

8. Lots 4-B 4-C and 4-D, located within the Iliahi at Kehalani Roadway Lot Subdivision, Tax Map Key Number (2) 3-5-001:085 (por.), Subdivision File No. 3.2122, as more fully described in Exhibits "A-C" of the Warranty Deed (Roadway Lots 4-B, 4-C and 4-D) attached hereto as Exhibit "9" and made a part hereof;

9. Lot C-1-B located within the Subdivision of Site C-1/11 of Wailuku Project District, Tax Map Key Number (2) 3-5-001:104, Subdivision File No. 3.2096, as more fully described in Exhibit "A" of the Warranty Deed (Roadway Lot C-1-B) attached hereto as Exhibit "10" and made a part hereof;

WHEREAS, the Director of Public Works has reviewed said dedication and recommends approval of the same; and

WHEREAS, pursuant to Section 3.44.015(D), Maui County Code, the County Council may accept any interest in real property by the passage of a resolution approved by a majority of its members; now, therefore,



BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby accepts Lots 214, 215, 216, 217, 218, 219, 220, and 221, located within the Kaimana at Kehalani Subdivision (Kehalani Makai), Tax Map Key Number (2) 3-5-018:115, Subdivision File No. 3.1626, as more fully described in Exhibit “A” of the Warranty Deed (Roadway Lots 214, 215, 216, 217, 218) attached hereto as Exhibit “1” and made a part hereof and Warranty Deed (Roadway Lots 219, 220, 221) attached hereto as Exhibit “2” and made a part hereof, to be dedicated by the Owner to the County of Maui in accordance with said Warranty Deeds;
2. That it hereby accepts Lots 7 and 8, located within the Kehalani Mauka (Large-Lot) Subdivision No. 1, Tax Map Key Number (2) 3-5-001:067, Subdivision File No. 3.1993, as more fully described in Exhibits “A” and “B” of the Warranty Deed (Roadway Lots 7 and 8) attached hereto as Exhibit “3” and made a part hereof, to be dedicated by the Owner to the County of Maui in accordance with said Warranty Deed;
3. That it hereby accepts Lot 9, located within the Kehalani Mauka (Large-Lot Subdivision No. 1, Tax Map Key Number (2) 3-5-001:076, Subdivision File No. 3.1993, as more fully described in Exhibit “A” of the Warranty Deed (Roadway Lot 9) attached hereto as Exhibit “4” and made a part hereof, to be dedicated by the Owner to the County of Maui in accordance with said Warranty Deed;
4. That it hereby accepts Lot 73, located within the Kehalani Mauka (Large-Lot Subdivision No. 1, known as “Koa at Kehalani”, Tax Map Key Number (2) 3-5-025:073, Subdivision File No. 3.2063, as more fully described in Exhibit “A” of the Warranty Deed (Roadway Lot 73) attached hereto as Exhibit “5” and made a part hereof, to be dedicated by the Owner to the County of Maui in accordance with said Warranty Deed;
5. That it hereby accepts Lot R-1, located within the Kehalani Makua (Large-Lot) Subdivision No. 3-A, Tax Map Key Number (2) 3-5-001:086, Subdivision File No. 3.2124, as more fully described in Exhibit “A” of the Warranty Deed (Roadway Lot

R-1) attached hereto as Exhibit “6” and made a part hereof, to be dedicated by the Owner to the County of Maui in accordance with said Warranty Deed;

6. That it hereby accepts Lots R-3, R-4 and R-5, located within the Kehalani Mauka (Large-Lot) Subdivision No. 3-B, Tax Map Key Numbers (2) 3-5-001:092, (2) 3-5-001:093 and (2) 3-5-001:094, Subdivision File No. 3.2136, as more fully described in Exhibits “A-C” of the Warranty Deed (Roadway Lots R-3, R-4, and R-5) attached hereto as Exhibit “7” and made a part hereof, to be dedicated by the Owner to the County of Maui in accordance with said Warranty Deed; and
7. That it hereby accepts Lot R-6, located within the Kehalani Mauka (Large-Lot) Subdivision No. 3-C, Tax Map Key Number (2) 3-5-001:114, Subdivision File No. 3.2149, as more fully described in Exhibit “A” of the Warranty Deed (Roadway Lot R-6) attached hereto as Exhibit “8”: and made a part hereof, to be dedicated by the Owner to the County of Maui in accordance with said Warranty Deed;
8. That it hereby accepts Lots 4-B 4-C and 4-D, located within the Iliahi at Kehalani Roadway Lot Subdivision, Tax Map Key Number (2) 3-5-001:085 (por.), Subdivision File No. 3.2122, as more fully described in Exhibits “A-C” of the Warranty Deed (Roadway Lots 4-B, 4-C and 4-D) attached hereto as Exhibit “9” and made a part hereof, to be dedicated by the Owner to the County of Maui in accordance with said Warranty Deed;
9. That it hereby accepts Lot C-1-B located within the Subdivision of Site C-1/11 of Wailuku Project District, Tax Map Key Number (2) 3-5-001:104, Subdivision File No. 3.2096, as more fully described in Exhibit “A” of the Warranty Deed (Roadway Lot C-1-B) attached hereto as Exhibit “10” and made a part hereof, to be dedicated by the Owner to the County of Maui in accordance with said Warranty Deed;
10. That it does hereby authorize the Mayor of the County of Maui to execute all necessary documents in connection with the acceptance of said dedication; and

**Resolution No. 25-86**

11. That certified copies of this Resolution be transmitted to the Mayor of the County of Maui, the Director of Public Works, and the Owner, RCFC Kehalani, LLC.

APPROVED AS TO FORM  
AND LEGALITY:

/s/ Michael J. Hopper

MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

LF2020-0350  
2022-07-05 Resolution Dedication Kehalani Roadways

INTRODUCED BY:

A handwritten signature in cursive script, appearing to read "Chris Lee", is written over a horizontal line.

Upon the request of the Mayor.

EXHIBIT "1"

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ( )

County of Maui  
Department of Finance  
200 South High Street  
Wailuku, Maui, HI 96793

Total No. of Pages: \_\_\_\_\_

Tax Map Key No.: (2) 3-5-018-115  
Subdivision File No. 3.1626

**WARRANTY DEED**  
**(Roadway Lots 214, 215, 216, 217, 218)**

KNOW ALL BY THESE PRESENTS:

That RCFC KEHALANI, LLC, a Delaware limited liability company, whose address is at 2005 Main Street, Wailuku, Maui, Hawaii 96793 (the "**Grantor**"), pursuant to Section 3.44.015 F.4 of the Maui County Code and other consideration to the Grantor paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose address is at 200 South High Street, Wailuku, Hawaii 96793 (the "**Grantee**"), receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto said Grantee, as TENANT IN SEVERALTY, absolutely and in fee simple:

All of that certain real property more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference, and as shown on the map attached hereto as **Exhibit "B"**.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said Grantee as aforesaid, absolutely and forever.

And Grantor, in consideration of the premises, does hereby covenant and agree to and with said Grantee that Grantor is lawfully seised of the property described in **Exhibit "A"**, and shown on **Exhibit "B"**, for an estate in fee simple and Grantor's title thereto is free and clear of and from all encumbrances other than (1) real property taxes assessed for the current fiscal year, and (2) those more particularly set forth in **Exhibit "A"**; that Grantor has good right to sell and convey the same as aforesaid and that Grantor will WARRANT AND DEFEND the same unto said Grantee against the lawful claims and demands of all persons, except as aforesaid.

And Grantor further covenants and agrees that unless and until the Hawaii State Land Use Commission removes or releases the conditions described in that certain Declaration of Conditions dated July 25, 1990 and recorded in the Bureau of Conveyances of Hawaii as Document No. 90-117006, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Declaration of Conditions.


And Grantor further covenants and agrees that unless and until such time as the County of Maui removes or terminates the covenants, conditions and restrictions contained in that certain Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991 and recorded in the Bureau of Conveyances of Hawaii as Document No. 91-124296, as amended, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Unilateral Agreement and Declaration of Conditional Zoning.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and their and each of their respective successors, successors in trust, heirs, legal representatives and permitted assigns, according to the context thereof.

- The remainder of this page is intentionally left blank; the next page is the signature page. -

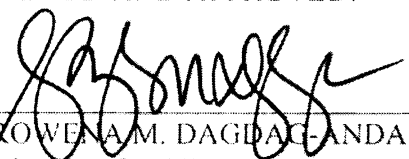
IN WITNESS WHEREOF, Grantor has executed these presents on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

RCFC KEHALANI, LLC,  
a Delaware limited liability company

By   
Aaron A. Giovara  
Its Authorized Signatory

Grantor


REVIEWED AND APPROVED:

By   
ROWENA M. DAGDAG-ANDAYA  
Director of Public Works

ACCEPTED:

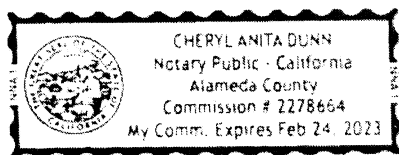
By \_\_\_\_\_  
SCOTT K. TERUYA  
Director of Finance

APPROVED AS TO FORM AND LEGALITY:

By   
~~DAVID A. GALAZIN~~ MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

STATE OF California )  
COUNTY OF San Francisco ) SS.

On this 11 day of June, 2019, before me personally appeared Aaron A. Giovanna, 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.



Cheryl Dunn  
Print Name: Cheryl Dunn  
Notary Public, in and for said State and County.

My commission expires: Feb 24, 2023



EXHIBIT "A"

All of those certain parcels of land situate on the easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G) and the south side of Koa Venture, (File Plan 1426), Kealakapehu, Makole, Pohakuokauhi, Wailuku, Island and County of Maui, State of Hawaii, being the lots hereinafter described, as shown on File Plan No. 2143, said lots being described as follows:

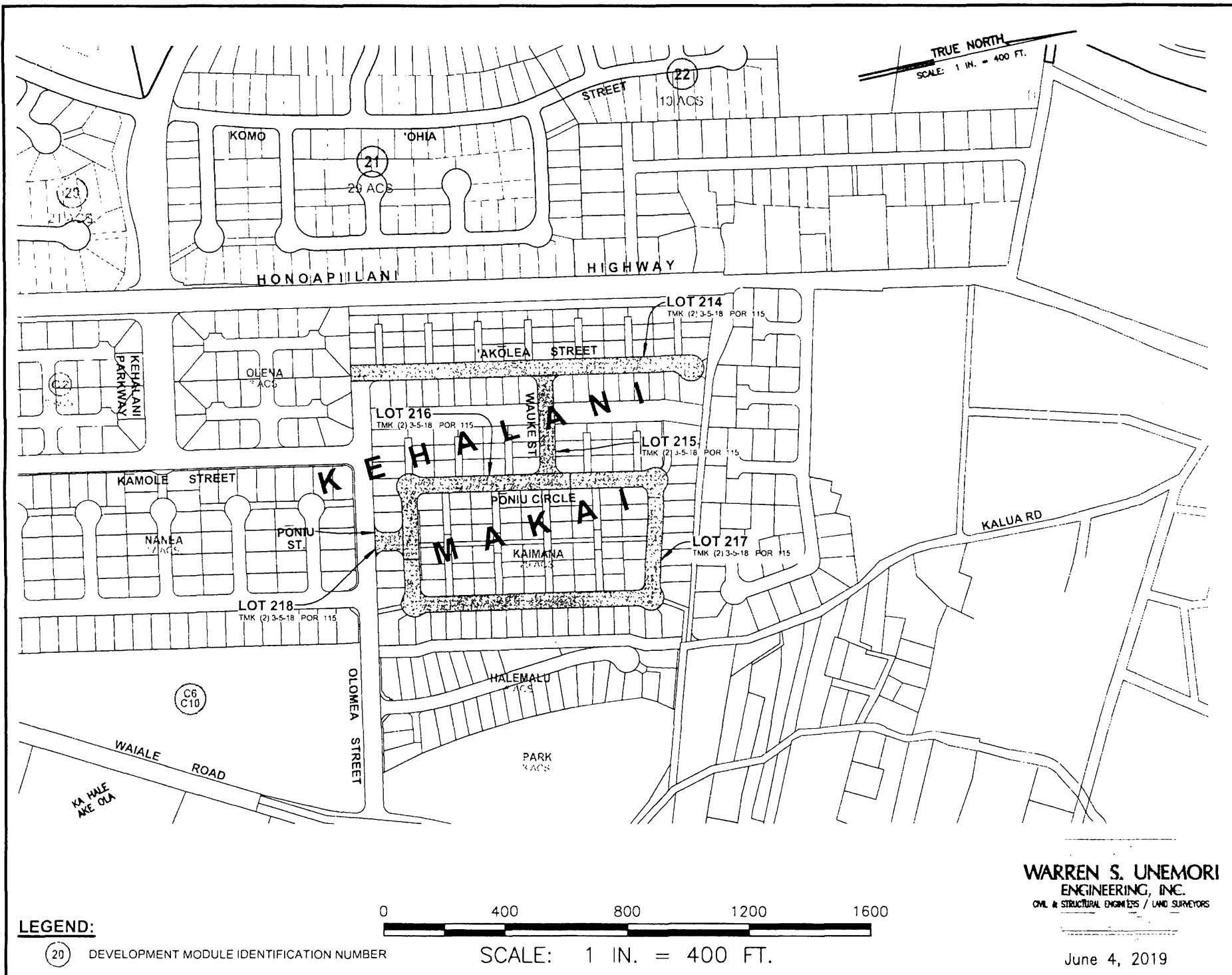
LOT:	AREA:	TAX MAP KEY:
214	62,209 sq. ft.	(2) 3-5-018-115
215	17,413 sq. ft.	(2) 3-5-018-115
216	41,454 sq. ft.	(2) 3-5-018-115
217	87,475 sq. ft.	(2) 3-5-018-115
218	6,293 sq. ft.	(2) 3-5-018-115

Being the premises acquired by Deed from Kehalani Holdings Company, Inc., a Hawaii corporation, as Grantor, to RCFC Kehalani, LLC, a Delaware limited liability company, as Grantee, dated August 27, 2012, recorded in the said Bureau of Conveyances as Document No. A-47700425.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
3. Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.
4. The terms and provisions contained in Subdivision Agreement (Agricultural Use) dated January 26, 1995, recorded in the said Bureau of Conveyances as Document No. 95-019375.
5. Grant dated February 2, 1995, recorded in the said Bureau of Conveyances as Document No. 95-040248, in favor of Maui Electric Company, Limited and GTE Hawaiian Telephone Company Incorporated, granting a right and easement to build, construct, reconstruct, rebuild, repair, maintain and operate pole and wire lines and underground power lines, etc., over, across, through and under Lots 214 through 222, inclusive.
6. Rights of others who may have easement or access rights in the land described herein.

v:\Projdata\04\PRC\04047\cwg2004\exhibits\exp-rdwy ded.ccd or EXHIBIT "B"



## EXHIBIT "2"

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ( )

County of Maui  
Department of Finance  
200 South High Street  
Wailuku, Maui, HI 96793

Total No. of Pages:

Tax Map Key No.: (2) 3-5-018-115  
Subdivision File No. 3.1626

### WARRANTY DEED (Roadway Lots 219, 220, 221)

#### KNOW ALL BY THESE PRESENTS:

That RCFC KEHALANI, LLC, a Delaware limited liability company, whose address is at 2005 Main Street, Wailuku, Maui, Hawaii 96793 (the "**Grantor**"), pursuant to Section 3.44.015 F.4 of the Maui County Code and other consideration to the Grantor paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose address is at 200 South High Street, Wailuku, Hawaii 96793 (the "**Grantee**"), receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto said Grantee, as TENANT IN SEVERALTY, absolutely and in fee simple:

All of that certain real property more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference, and as shown on the map attached hereto as **Exhibit "B"**.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said Grantee as aforesaid, absolutely and forever.

And Grantor, in consideration of the premises, does hereby covenant and agree to and with said Grantee that Grantor is lawfully seised of the property described in **Exhibit "A"**, and shown on **Exhibit "B"**, for an estate in fee simple and Grantor's title thereto is free and clear of and from all encumbrances other than (1) real property taxes assessed for the current fiscal year, and (2) those more particularly set forth in **Exhibit "A"**; that Grantor has good right to sell and convey the same as aforesaid and that Grantor will WARRANT AND DEFEND the same unto said Grantee against the lawful claims and demands of all persons, except as aforesaid.

And Grantor further covenants and agrees that unless and until the Hawaii State Land Use Commission removes or releases the conditions described in that certain Declaration of Conditions dated July 25, 1990 and recorded in the Bureau of Conveyances of Hawaii as Document No. 90-117006, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Declaration of Conditions.

And Grantor further covenants and agrees that unless and until such time as the County of Maui removes or terminates the covenants, conditions and restrictions contained in that certain Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991 and recorded in the Bureau of Conveyances of Hawaii as Document No. 91-124296, as amended, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Unilateral Agreement and Declaration of Conditional Zoning.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and their and each of their respective successors, successors in trust, heirs, legal representatives and permitted assigns, according to the context thereof.

- The remainder of this page is intentionally left blank; the next page is the signature page. -

IN WITNESS WHEREOF, Grantor has executed these presents on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

**RCFC KEHALANI, LLC,**  
a Delaware limited liability company

By \_\_\_\_\_  
\_\_\_\_\_  
**Aaron A. Giovara**  
Its \_\_\_\_\_  
**Authorized Signatory**

Grantor

REVIEWED AND APPROVED:

By \_\_\_\_\_  
\_\_\_\_\_  
**ROWENA M. DACLAG-ANDAYA**  
Director of Public Works

ACCEPTED:

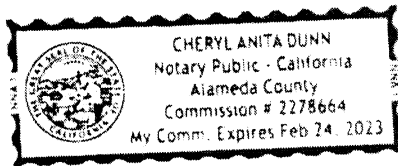
By \_\_\_\_\_  
\_\_\_\_\_  
**SCOTT K. TERUYA**  
Director of Finance

APPROVED AS TO FORM AND LEGALITY:

By \_\_\_\_\_  
\_\_\_\_\_  
~~DAVID A. GALAZIN~~ **MICHAEL J. HOPPER**  
Deputy Corporation Counsel  
County of Maui

STATE OF California )  
 ) SS.  
COUNTY OF San Francisco )

On this 11 day of June, 2019, before me personally appeared Aaron A. Giovana, 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.



Cheryl Dunn  
Print Name: Cheryl Dunn  
Notary Public, in and for said State and County.

My commission expires: Feb 24, 2023

EXHIBIT "A"

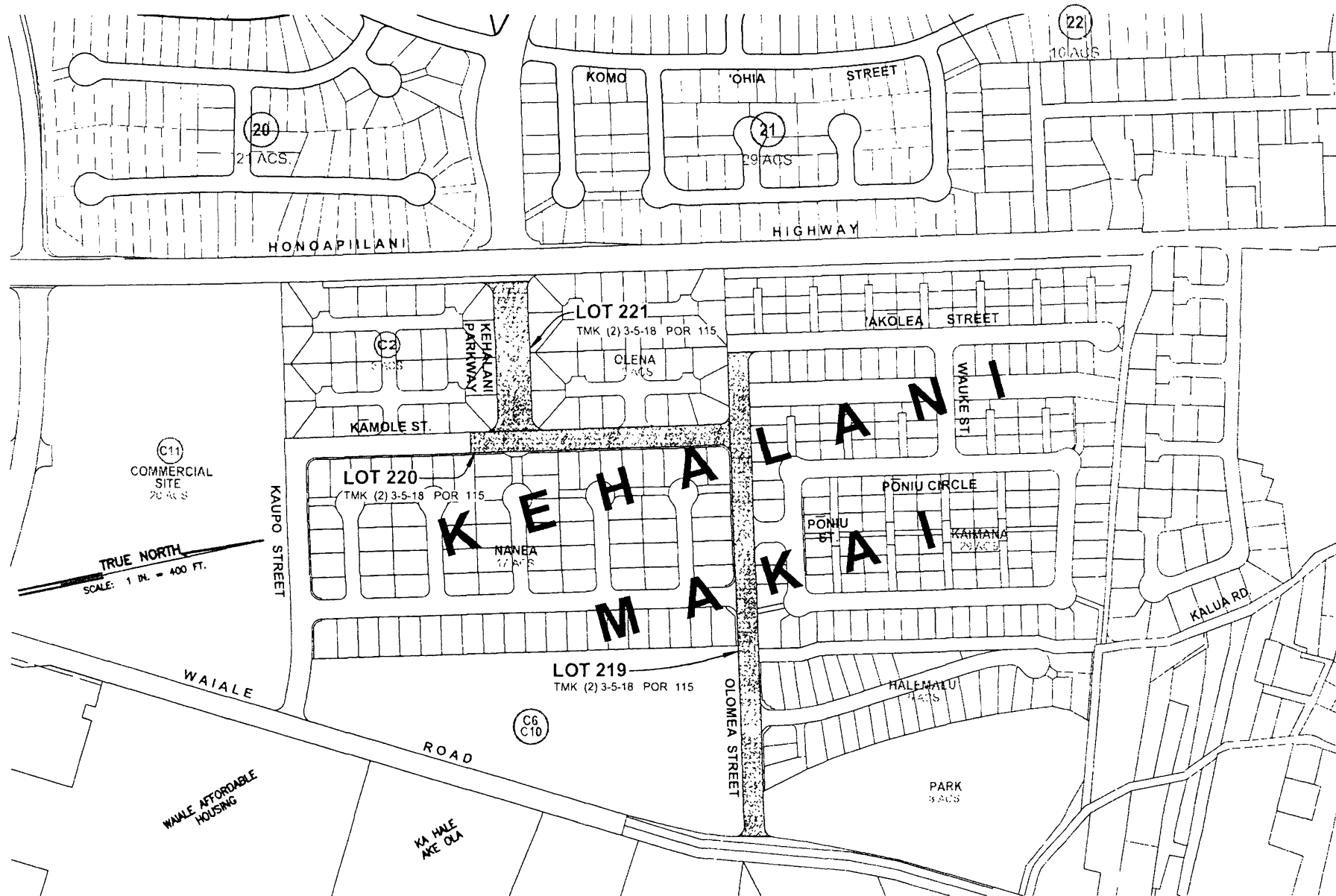
All of those certain parcels of land situate on the easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G) and the south side of Koa Venture, (File Plan 1426), Kealakapehu, Makole, Pohakuokauhi, Wailuku, Island and County of Maui, State of Hawaii, being the lots hereinafter described, as shown on File Plan No. 2143, said lots being described as follows:

LOT:	AREA:	TAX MAP KEY:
219	85,008 sq. ft.	(2) 3-5-018-115
220	45,986 sq. ft.	(2) 3-5-018-115
221	44,275 sq. ft.	(2) 3-5-018-115

Being the premises acquired by Deed from Kehalani Holdings Company, Inc., a Hawaii corporation, as Grantor, to RCFC Kehalani, LLC, a Delaware limited liability company, as Grantee, dated August 27, 2012, recorded in the said Bureau of Conveyances as Document No. A-47700425.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
3. Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.
4. The terms and provisions contained in Subdivision Agreement (Agricultural Use) dated January 26, 1995, recorded in the said Bureau of Conveyances as Document No. 95-019375.
5. Grant dated February 2, 1995, recorded in the said Bureau of Conveyances as Document No. 95-040248, in favor of Maui Electric Company, Limited and GTE Hawaiian Telephone Company Incorporated, granting a right and easement to build, construct, reconstruct, rebuild, repair, maintain and operate pole and wire lines and underground power lines, etc., over, across, through and under Lots 214 through 222, inclusive.
6. Rights of others who may have easement or access rights in the land described herein.



CIVIL & STRUCTURAL ENGINEERS / LAND SURVEYORS

May 29, 2019

**LEGEND:**

20

DEVELOPMENT MODULE IDENTIFICATION NUMBER

0                      400                      800                      1200                      1600

SCALE: 1 IN. = 400 FT.



## EXHIBIT "3"

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ( )

County of Maui  
Department of Finance  
200 South High Street  
Wailuku, Maui, HI 96793

Total No. of Pages: \_\_\_\_\_

Tax Map Key No.: (2) 3-5-1:67

Subdivision File No. 3.1993

### **WARRANTY DEED** **(Roadway Lots 7 and 8)**

KNOW ALL BY THESE PRESENTS:

That RCFC KEHALANI, LLC, a Delaware limited liability company, whose address is at 2005 Main Street, Wailuku, Maui, Hawaii 96793 (the "**Grantor**"), pursuant to Section 3.44.015 F.4 of the Maui County Code and other consideration to the Grantor paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose address is at 200 South High Street, Wailuku, Hawaii 96793 (the "**Grantee**"), receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto said Grantee, as TENANT IN SEVERALTY, absolutely and in fee simple:

All of that certain real property more particularly described in **Exhibits "A" and "B"** attached hereto and incorporated herein by reference, and as shown on the map attached hereto as **Exhibit "C"**.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said Grantee as aforesaid, absolutely and forever.

And Grantor, in consideration of the premises, does hereby covenant and agree to and with said Grantee that Grantor is lawfully seised of the property described in **Exhibits "A" and "B"**, and shown on **Exhibit "C"**, for an estate in fee simple and Grantor's title thereto is free and clear of and from all encumbrances other than (1) real property taxes assessed for the current fiscal year, and (2) those more particularly set forth in **Exhibits "A" and "B"**; that Grantor has good right to sell and convey the same as aforesaid and that Grantor will WARRANT AND DEFEND the same unto said Grantee against the lawful claims and demands of all persons, except as aforesaid.

And Grantor further covenants and agrees that unless and until the Hawaii State Land Use Commission removes or releases the conditions described in that certain Declaration of Conditions dated July 25, 1990 and recorded in the Bureau of Conveyances of Hawaii as Document No. 90-117006, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Declaration of Conditions.

And Grantor further covenants and agrees that unless and until such time as the County of Maui removes or terminates the covenants, conditions and restrictions contained in that certain Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991 and recorded in the Bureau of Conveyances of Hawaii as Document No. 91-124296, as amended, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Unilateral Agreement and Declaration of Conditional Zoning.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and their and each of their respective successors, successors in trust, heirs, legal representatives and permitted assigns, according to the context thereof.

- The remainder of this page is intentionally left blank: the next page is the signature page. -

IN WITNESS WHEREOF, Grantor has executed these presents on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.


**RCFC KEHALANI, LLC,**  
a Delaware limited liability company

By 

**Aaron A. Giovara**  
Its **Authorized Signatory**

Grantor


REVIEWED AND APPROVED:

By   
**ROWENA M. DAGDAG-ANDAYA**  
Director of Public Works

ACCEPTED:

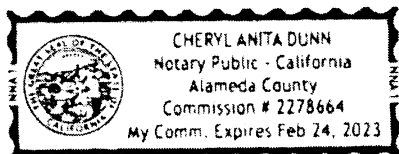
By \_\_\_\_\_  
**SCOTT K. TERUYA**  
Director of Finance

APPROVED AS TO FORM AND LEGALITY:

By   
~~DAVID A. GALAZIN~~ **MICHAEL J HOPPER**  
Deputy Corporation Counsel  
County of Maui

STATE OF California )  
 ) SS.  
COUNTY OF San Francisco )

On this 4 day of June, 2019, before me personally appeared Aaron A. Giovana, 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.



Cheryl Dunn  
Print Name: Cheryl Dunn  
Notary Public, in and for said State and County.

My commission expires: Feb 24, 2023

## EXHIBIT "A"

### Kehalani Mauka (Large-Lot) Subdivision No.1 Description of Lot 7 (Roadway Lot)

Land situated on the westerly side of Honoapiilani Highway,  
Federal Aid Project Number 13-G, at Wailuku, Maui, Hawaii

Being a portion of R.P. 1925, 1928, 1958, L.C. Aw. 387 Part 5  
Sec. 1 to A.B.C.F.M.

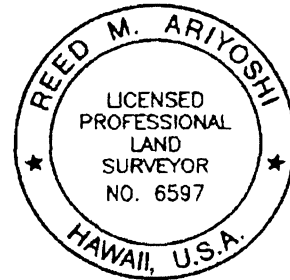
Beginning at a point at the most westerly corner of this parcel  
of land, the coordinates of said point of beginning referred to  
Government Survey Triangulation Station "LUKE" being: 1,159.17 feet  
South and 6,982.50 feet West and running by azimuths measured  
clockwise from True South:

1. 196° 19' 25.88 feet along the easterly side of West  
Alu Road to a point;
2. Thence along same on a curve to the right, with the point of  
curvature azimuth from the  
radial point being:  
110° 44', and the point of  
tangency azimuth from the  
radial point being:  
146° 26', having a radius of  
459.10 feet, the chord azimuth  
and distance being:  
218° 35' 281.45 feet to a  
point;
3. 236° 26' 343.30 feet along same to a point;
4. Thence along same on a curve to the left, having a radius of  
291.50 feet, the chord azimuth  
and distance being:  
212° 31' 236.35 feet to a  
point;
5. 188° 36' 137.66 feet along same to a point;
6. Thence along same on a curve to the left, having a radius of  
390.50 feet, the chord azimuth  
and distance being:  
165° 40' 304.32 feet to a  
point;
7. 142° 44' 44.86 feet along same to a point;

8. Thence along same on a curve to the right, having a radius of 56.60 feet, the chord azimuth and distance being:  
181° 16' 70.52 feet to a point;
9. 219° 48' 123.26 feet along same to a point;
10. Thence along same on a curve to the left, having a radius of 336.50 feet, the chord azimuth and distance being:  
192° 49' 305.36 feet to a point;
11. 165° 50' 189.16 feet along same to a point;
12. Thence along same on a curve to the right, having a radius of 107.50 feet, the chord azimuth and distance being:  
203° 20' 130.86 feet to a point;
13. 240° 50' 253.47 feet along the southerly side of West Alu Road to a point;
14. Thence along same on a curve to the left, having a radius of 1,181.80 feet, the chord azimuth and distance being:  
236° 52' 45" 162.99 feet to a point;
15. 232° 55' 30" 14.56 feet along same to a point;
16. 323° 34' 17.50 feet along the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387 Part 5 Sec. 1 to A.B.C.F.M. to a point;
17. 52° 55' 30" 14.36 feet along Lot 1 of Kehalani Mauka (Large-Lot) Subdivision No. 1, being also along the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387 Part 5 Sec. 1 to A.B.C.F.M. to a point;

18. Thence along same on a curve to the right, having a radius of 1,199.30 feet, the chord azimuth and distance being: 56° 52' 45" 165.40 feet to a point;
19. 60° 50' 207.43 feet along same to a point;
20. Thence along same on a curve to the left, having a radius of 150.00 feet, the chord azimuth and distance being: 23° 20' 182.63 feet to a point;
21. 345° 50' 143.12 feet along same to a point;
22. Thence along same on a curve to right, having a radius of 354.00 feet, the chord azimuth and distance being: 12° 49' 321.24 feet to a point;
23. 39° 48' 36.71 feet along same to a point;
24. Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being: 129° 48', and the point of tangency azimuth from the radial point being: 57° 14' 28", having a radius of 150.00 feet, the chord azimuth and distance being: 3° 31' 14" 177.52 feet to a point;
25. Thence along same on a curve to the right, with the point of curvature azimuth from the radial point being: 237° 14' 28", and the point of tangency azimuth from the radial point being: 278° 36', having a radius of 408.00 feet, the chord azimuth and distance being: 347° 55' 14" 288.16 feet to a point;
26. 8° 36' 137.66 feet along same to a point;

27. Thence along same on a curve to the right, having a radius of 309.00 feet, the chord azimuth and distance being:  
32° 31' 250.54 feet to a point;
28. 56° 26' 343.30 feet along same to a point;
29. Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being:  
146° 26', and the point of tangency azimuth from the radial point being:  
110° 44', having a radius of 441.60 feet, the chord azimuth and distance being:  
38° 35' 270.72 feet to a point;
30. 16° 19' 24.60 feet along same to a point;
31. 106° 32' 17.45 feet along same to the point of beginning and containing an Area of 1.164 Acres.



WARREN S. UNEMORI ENGINEERING, INC.

Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
June 4, 2019

By: Reed M. Ariyoshi 04/30/20 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 6597

Wells Street Professional Center



Being the premises acquired by Deed from Kehalani Mauka LLC, a Hawaii limited liability company, as Grantor, to RCFC Kehalani, LLC, a Delaware limited liability company, as Grantee, dated January 30, 2014, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-51440592.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. Rights of native tenants as reserved in Royal Patents 1925, 1928 and 1958.
3. Ditch as referenced on the tax map.
4. Grant in favor of the County of Maui, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Hawaii, dated April 9, 1957, recorded in the said Bureau of Conveyances in Liber 3256 on Page 66; granting non-exclusive easements for the maintenance of water distribution systems.
5. Grant in favor of the County of Maui, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Hawaii, dated June 2, 1958, recorded in the said Bureau of Conveyances in Liber 3458 on Page 395; granting easements for the existing water pipe line over and across Easement 1, together with Easements A and B for two existing storage tanks, said easements being more particularly described as follows:

Easement #1:

A non-exclusive easement which, except at points where proximity of the lot boundaries may necessitate a lesser width, shall extend five feet on each side of the following described center line, over, under, along and across a portion of R. P. 1925-1928-1958 L.C.Aw. 387 Part 5 Section 1 to American Board of Commissioners for Foreign Missions, situate at Wailuku, Island and County of Maui, State of Hawaii, and more particularly described as follows:

Beginning at a point on the southeasterly side of Olu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 99.04 feet north and 6394.44 feet west and running by true azimuths:

1. 37° 53' 127.78 feet;
2. 349° 42' 36.7 feet;
3. 337° 07' 29.00 feet;
4. 327° 05' 99.00 feet;
5. 336° 14' 47.6 feet;
6. 345° 01' 41.9 feet;
7. 351° 42' 38.75 feet.

6. Grant to Maui Electric Company, Limited and Verizon Hawaii, Inc., now known as Hawaiian Telcom, Inc., dated January 5, 1987, recorded in the said Bureau of Conveyances in Liber 20331 on Page 23, granting a nonexclusive right and easement for utility purposes.

7. The terms and provisions contained in the Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.

8. The terms and provisions contained in the Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.

As amended by Second Supplemental Unilateral Agreement dated \_\_\_\_\_, 2003, recorded as Document No. 2003-091382; Supplemental Unilateral Agreement dated \_\_\_\_\_, 2003, recorded as Document No. 2003-091383; and Amendment to Second Supplemental Unilateral Agreement dated \_\_\_\_\_, 2006, recorded as Document No. 2006-037109.

9. The terms and provisions contained in Deed dated December 15, 1993, recorded in the said Bureau of Conveyances as Document No. 93-208058.

The foregoing includes, but is not limited to, matters relating to an easement to maintain and operate the watercourses constituting a portion of the Wailuku Water System which traverses over portions of the premises described herein.

Assignment of In Gross Reservations effective October 1, 2005, recorded as Document No. 2005-229077, assigning

to Wailuku Water Company, LLC, a Hawaii limited liability company.

10. Unrecorded Grant of Easement dated August 3, 1999 between Wailuku Agribusiness Co., Inc. ("WACI") and Hawaii Land & Farming Company, Inc., a Delaware corporation, as mentioned in instrument dated November 29, 1999, recorded in the said Bureau of Conveyances as Document No. 99-188640.

11. Grant to Maui Electric Company, Limited and Verizon Hawaii Inc., now known as Hawaiian Telcom, Inc., dated October 28, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-224014, granting a right and easement to build, construct, reconstruct, rebuild, repair, maintain and operate pole and wire line and underground power lines etc.

12. The terms and provisions contained in the Agreement to Dedicate Upon Demand dated December 26, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234287.

13. The terms and provisions contained in the Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130559.

14. The terms and provisions contained in the Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289. As amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

15. The terms and provisions contained in the Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295.

16. Grant to Maui Electric Company, Limited, a Hawaii corporation, and Verizon Hawaii, Inc., a Hawaii corporation, now known as Hawaiian Telcom, Inc., dated February 3, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-032467, granting a right and easement to build, construct, reconstruct, rebuild, repair, maintain and operate underground power lines, etc.

END OF EXHIBIT "A"

Tax Map Key: (2) 3-5-1:67

EXHIBIT "B"

**Kehalani Mauka (Large-Lot) Subdivision No.1**  
**Description of Lot 8 (Roadway Lot)**

Land situated on the westerly side of Honoapiilani Highway,  
Federal Aid Project Number 13-G, at Wailuku, Maui, Hawaii

Being a portion of R.P. 1925, 1928, 1958, L.C. Aw. 387 Part 5  
Sec. 1 to A.B.C.F.M.

Beginning at a point at the northwesterly corner of this parcel  
of land, the coordinates of said point of beginning referred to  
Government Survey Triangulation Station "LUKE" being: 1,207.18 feet  
North and 5,546.21 feet West and running by azimuths measured  
clockwise from True South:

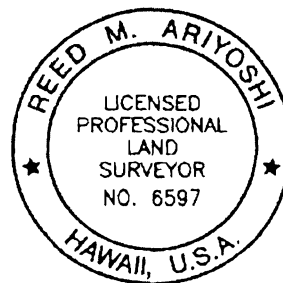
1. Thence along the southerly side of West Aliu Road on a curve  
to the left, with the point of  
curvature azimuth from the  
radial point being:  
325° 49' 52", and the point of  
tangency azimuth from the  
radial point being:  
324° 41' 12", having a radius  
of 1,513.70 feet, the chord  
azimuth and distance being:  
235° 15' 32" 30.23 feet to a  
point;
2. 322° 28' 17.51 feet along Lot 16 of Iao Village  
Subdivision, being also along  
the remainder of R.P. 1925,  
1928, 1958, L.C. Aw. 387 Part 5  
Sec. 1 to A.B.C.F.M. to a  
point;

3. Thence along Lots 1 and 10 of Kehalani Mauka (Large-Lot)

Subdivision No. 1, being also along the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387 Part 5 Sec. 1 to A.B.C.F.M., on a curve to the right, with the point of curvature azimuth from the radial point being:  $324^{\circ} 39' 41''$ , and the point of tangency azimuth from the radial point being:  $326^{\circ} 02' 03''$ , having a radius of 1,531.20 feet, the chord azimuth and distance being:  $55^{\circ} 20' 52''$  36.69 feet to a point;

4.  $163^{\circ} 04'$

18.31 feet along Lot A of Tank Lot Subdivision, being also along the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387 Part 5 Sec. 1 to A.B.C.F.M. to the point of beginning and containing an Area of 0.014 Acre.



WARREN S. UNEMORI ENGINEERING, INC.

Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
June 4, 2019

By: Reed M. Ariyoshi 04/30/20 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 6597

Being the premises acquired by Deed from Kehalani Mauka LLC, a Hawaii limited liability company, as Grantor, to RCFC Kehalani, LLC, a Delaware limited liability company, as Grantee, dated January 30, 2014, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-51440592.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. Rights of native tenants as reserved in Royal Patents 1925, 1928 and 1958.
3. Grant in favor of the County of Maui, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Hawaii, dated April 9, 1957, recorded in the said Bureau of Conveyances in Liber 3256 on Page 66; granting non-exclusive easements for the maintenance of water distribution systems.
4. Grant to Maui Electric Company, Limited and Verizon Hawaii, Inc., now known as Hawaiian Telcom, Inc., dated January 5, 1987, recorded in the said Bureau of Conveyances in Liber 20331 on Page 23, granting a nonexclusive right and easement for utility purposes.
5. The terms and provisions contained in the Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
6. The terms and provisions contained in the Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.  
  
As amended by Second Supplemental Unilateral Agreement dated \_\_\_\_\_, 2003, recorded as Document No. 2003-091382; Supplemental Unilateral Agreement dated \_\_\_\_\_, 2003, recorded as Document No. 2003-091383; and Amendment to Second Supplemental Unilateral Agreement dated \_\_\_\_\_, 2006, recorded as Document No. 2006-037109.
7. The terms and provisions contained in Deed dated December 15, 1993, recorded in the said Bureau of Conveyances as Document No. 93-208058.

The foregoing includes, but is not limited to, matters relating to an easement to maintain and operate the watercourses constituting a portion of the Wailuku Water System which traverses over portions of the premises described herein.

Assignment of In Gross Reservations effective October 1, 2005, recorded as Document No. 2005-229077, assigning to Wailuku Water Company, LLC, a Hawaii limited liability company.

8. Unrecorded Grant of Easement dated August 3, 1999 between Wailuku Agribusiness Co., Inc. ("WACI") and Hawaii Land & Farming Company, Inc., a Delaware corporation, as mentioned in instrument dated November 29, 1999, recorded in the said Bureau of Conveyances as Document No. 99-188640.

9. Grant to Maui Electric Company, Limited and Verizon Hawaii Inc., now known as Hawaiian Telcom, Inc., dated October 28, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-224014, granting a right and easement to build, construct, reconstruct, rebuild, repair, maintain and operate pole and wire line and underground power lines etc.

10. The terms and provisions contained in the Agreement to Dedicate Upon Demand dated December 26, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234287.

11. The terms and provisions contained in the Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130559.

12. The terms and provisions contained in the Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289. As amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

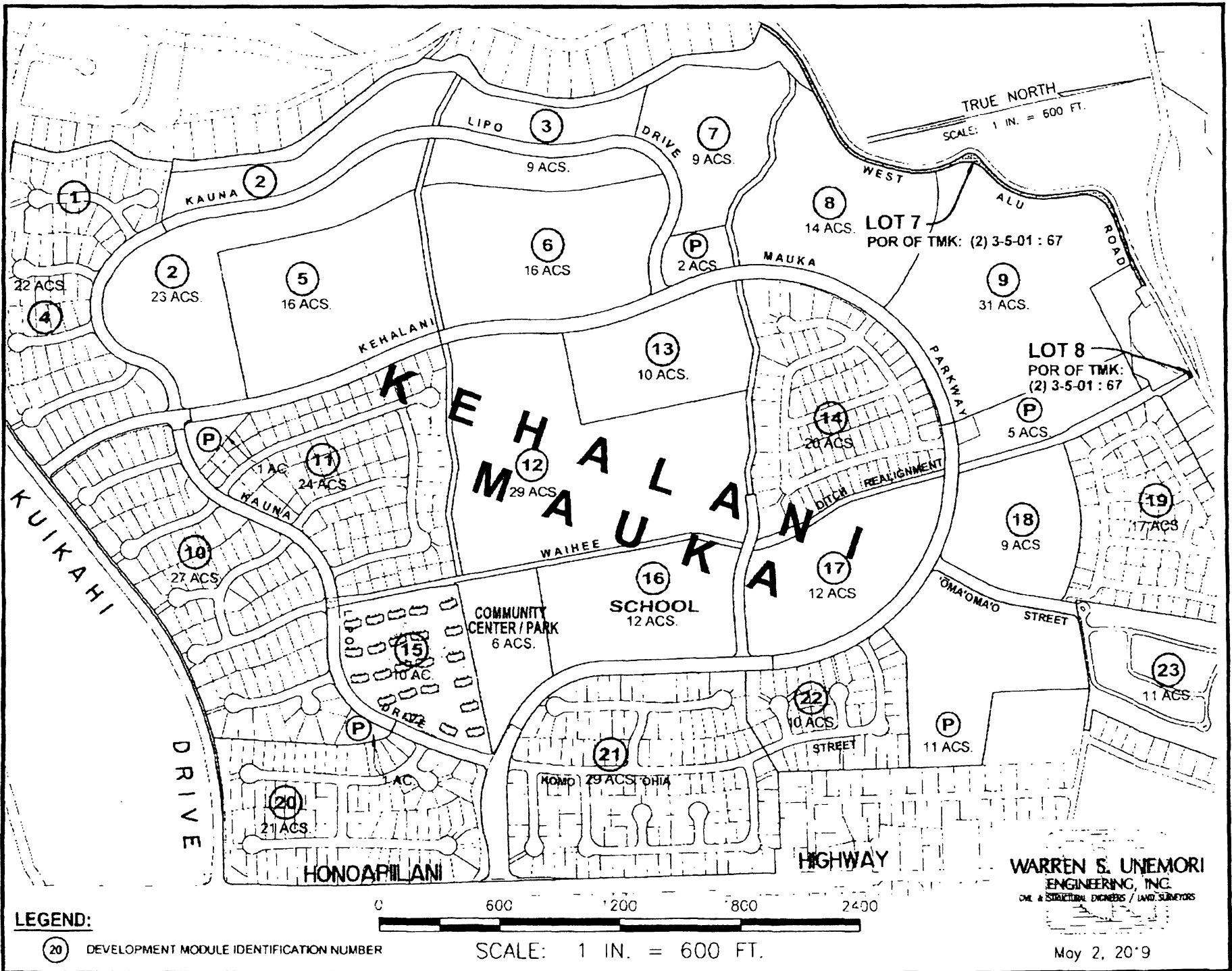
13. The terms and provisions contained in the Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295.



14. Grant to Maui Electric Company, Limited, a Hawaii corporation, and Verizon Hawaii, Inc., a Hawaii corporation, now known as Hawaiian Telcom, Inc., dated February 3, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-032467, granting a right and easement to build, construct, reconstruct, rebuild, repair, maintain and operate underground power lines, etc.

END OF EXHIBIT "B"

Tax Map Key: (2) 3-5-1:67



## EXHIBIT "4"

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ( )

County of Maui  
Department of Finance  
200 South High Street  
Wailuku, Maui, HI 96793

Total No. of Pages: \_\_\_\_\_

Tax Map Key No.: (2) 3-5-001-076  
Subdivision File No. 3.1993

### WARRANTY DEED (Roadway Lot 9)

KNOW ALL BY THESE PRESENTS:

That RCFC KEHALANI, LLC, a Delaware limited liability company, whose address is at 2005 Main Street, Wailuku, Maui, Hawaii 96793 (the "**Grantor**"), pursuant to Section 3.44.015 F.4 of the Maui County Code and other consideration to the Grantor paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose address is at 200 South High Street, Wailuku, Hawaii 96793 (the "**Grantee**"), receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto said Grantee, as TENANT IN SEVERALTY, absolutely and in fee simple:

All of that certain real property more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference, and as shown on the map attached hereto as **Exhibit "B"**.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said Grantee as aforesaid, absolutely and forever.

And Grantor, in consideration of the premises, does hereby covenant and agree to and with said Grantee that Grantor is lawfully seised of the property described in **Exhibit "A"**, and shown on **Exhibit "B"**, for an estate in fee simple and Grantor's title thereto is free and clear of and from all encumbrances other than (1) real property taxes assessed for the current fiscal year, and (2) those more particularly set forth in **Exhibit "A"**; that Grantor has good right to sell and convey the same as aforesaid and that Grantor will WARRANT AND DEFEND the same unto said Grantee against the lawful claims and demands of all persons, except as aforesaid.

And Grantor further covenants and agrees that unless and until the Hawaii State Land Use Commission removes or releases the conditions described in that certain Declaration of Conditions dated July 25, 1990 and recorded in the Bureau of Conveyances of Hawaii as Document No. 90-117006, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Declaration of Conditions

And Grantor further covenants and agrees that unless and until such time as the County of Maui removes or terminates the covenants, conditions and restrictions contained in that certain Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991 and recorded in the Bureau of Conveyances of Hawaii as Document No. 91-124296, as amended, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Unilateral Agreement and Declaration of Conditional Zoning.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and their and each of their respective successors, successors in trust, heirs, legal representatives and permitted assigns, according to the context thereof.

- The remainder of this page is intentionally left blank; the next page is the signature page. -

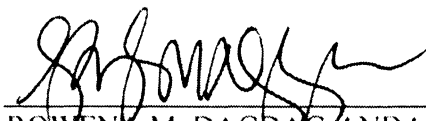
IN WITNESS WHEREOF, Grantor has executed these presents on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

**RCFC KEHALANI, LLC,**  
a Delaware limited liability company

By   
**Aaron A. Giovara**  
Its **Authorized Signatory**

Grantor


REVIEWED AND APPROVED:

By   
**ROWENA M. DAGDAG-ANDAYA**  
Acting Director of Public Works

ACCEPTED:

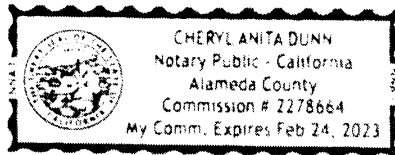
By \_\_\_\_\_  
**SCOTT K. TERUYA**  
Director of Finance

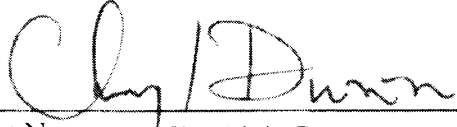
APPROVED AS TO FORM AND LEGALITY:

By   
~~**DAVID A. GALAZIN**~~ **MICHAEL J. HOPPER**  
Deputy Corporation Counsel  
County of Maui

STATE OF California )  
 ) SS.  
COUNTY OF San Francisco )

On this 12 day of April, 2019, before me personally appeared  
Aaron A. Giovana, 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: Cheryl Anita Dunn  
Notary Public, in and for said State and County.

My commission expires: Feb. 24, 2023

## EXHIBIT "A"

### Kehalani Mauka (Large-Lot) Subdivision No. 1 Description of Lot 9 (Roadway Lot)

Land situated on the westerly side of Honoapiilani Highway,  
Federal Aid Project Number 13-G, at Wailuku, Maui, Hawaii

Being portions of R.P. 7659, L.C. Aw. 326 to Wm. Humphreys and  
R.P. 4529-B and 4549, L.C. Aw. 71 to Michael J. Nowlein

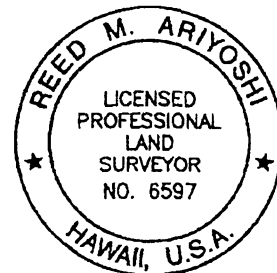
Beginning at a point at the southwesterly corner of this parcel  
of land, the coordinates of said point of beginning referred to  
Government Survey Triangulation Station "LUKE" being: 4,783.80 feet  
South and 5,925.06 feet West and running by azimuths measured  
clockwise from True South:

1. 186° 10' 50" 6.02 feet along the northerly side of  
Kuikahi Drive to a point;
2. 271° 35' 345.39 feet along Lot 6 of Kehalani Mauka  
(Large-Lot) Subdivision No. 1,  
being also along the remainder  
of R.P. 4529-B and 4549, L.C.  
Aw. 71 to Michael J. Nowlein to  
a point;
3. Thence along same on a curve to the right, having a radius of  
1,930.00 feet, the chord  
azimuth and distance being:  
273° 26' 47.5" 125.50 feet to  
a point;
4. 275° 18' 35" 211.99 feet along same to a point;
5. Thence along Lots 6 and 5 of Kehalani Mauka (Large-Lot)  
Subdivision No. 1, being also  
along the remainder of R.P.  
4529-B and 4549, L.C. Aw. 71 to  
Michael J. Nowlein, on a curve  
to the left, having a radius of  
1,004.24 feet, the chord  
azimuth and distance being:  
249° 49' 47.5" 864.04 feet to  
a point;

6.     $224^{\circ} \ 21'$                       916.59 feet along Lots 5 and 1 of Kehalani Mauka (Large-Lot) Subdivision No. 1, being also along the remainder of R.P. 4529-B and 4549, L.C. Aw. 71 to Michael J. Nowlein to a point;
7.    Thence along Lot 1 of Kehalani Mauka (Large-Lot) Subdivision No. 1, being also the remainder of R.P. 4529-B and 4549, L.C. Aw. 71 to Michael J. Nowlein, on a curve to the right, with the point of curvature azimuth from the radial point being:  $134^{\circ} \ 21'$ , and the point of tangency azimuth from the radial point being:  $157^{\circ} \ 43' \ 18''$ , having a radius of 1,947.36 feet, the chord azimuth and distance being:  $236^{\circ} \ 02' \ 09''$  788.86 feet to a point;
8.    Thence along Lot 3 of Kehalani Mauka (Large-Lot) Subdivision No. 1, being also the remainder of R.P. 4529-B and 4549, L.C. Aw. 71 to Michael J. Nowlein, on a curve to the right, with the point of curvature azimuth from the radial point being:  $157^{\circ} \ 43' \ 18''$ , and the point of tangency azimuth from the radial point being:  $171^{\circ} \ 50'$ , having a radius of 1,500.00 feet, the chord azimuth and distance being:  $254^{\circ} \ 46' \ 39''$  368.51 feet to a point;
9.     $261^{\circ} \ 50'$                       109.07 feet along same to a point;



10. Thence along the northerly side of Kuikahi Drive on a curve to the left, having a radius of 1,933.86 feet, the chord azimuth and distance being: 63° 05' 30" 1,242.71 feet to a point;
11. 44° 21' 916.59 feet along same to a point;
12. Thence along same on a curve to the right, having a radius of 1,017.74 feet, the chord azimuth and distance being: 71° 09' 30" 918.02 feet to a point;
13. 97° 58' 82.59 feet along same to a point;
14. Thence along same on a curve to the left, having a radius of 1,933.86 feet, the chord azimuth and distance being: 94° 46' 30" 215.34 feet to a point;
15. 91° 35' 337.88 feet along same to the point of beginning and containing on Area of 1.009 Acres.



WARREN S. UNEMORI ENGINEERING, INC.

Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 14, 2017

By: Reed M. Ariyoshi 04/30/18 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 6597

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. Grant to County of Maui dated October 4, 1954, but effective as of November 1, 1954, recorded in the said Bureau of Conveyances in Liber 2882 on Page 113, granting easements 10 feet wide for waterline purposes.
3. Grant (unrecorded) to Board of Water Supply of the County of Maui dated December 6, 1978, granting a nonexclusive easement for waterline purposes, as referenced in instrument dated December 6, 1978, recorded in the said Bureau of Conveyances in Liber 13464 on Page 463.
4. Grant to the County of Maui, a political subdivision of the State of Hawaii, dated January 24, 1983, recorded in the said Bureau of Conveyances in Liber 17680 on Page 534, granting an easement over and across Easement "J" for sewerline purposes, being more particularly described therein.
5. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
6. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.  
  
Said above Agreement was supplemented by instrument dated --- (acknowledged April 15, 2003), recorded as Document No. 2003-091383.
7. The terms and provisions contained in Right of Entry and Operating Agreement dated February 18, 1997, recorded in the said Bureau of Conveyances as Document No. 97-029978, by and among Wailuku Agribusiness Co., Inc., a Hawaii corporation, C. Brewer Homes, Inc., a Delaware corporation, and Board of Water Supply of The County of Maui.
8. Unrecorded Grant of Easement dated August 3, 1999 between Wailuku Agribusiness Co., In. and Hawaii Land & Farming Company, Inc., a Delaware corporation, as mentioned in instrument dated November 29, 1999, recorded in the said Bureau of Conveyances as Document No. 99-188640.
9. The terms and provisions contained in Subdivision Agreement (Large Lots) dated October 2, 2002, recorded in the

said Bureau of Conveyances as Document No. 2002-198458, by and between Kehalani Mauka LLC and the County of Maui.

10. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated October 31, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-218046, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui.

11. Grant to Maui Electric Company, Limited, and Verizon Hawaii Inc., now known as Hawaiian Telcom, Inc., dated October 28, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-224014, granting a right and easement for utility purposes.

12. The terms and provisions contained in Agreement to Dedicate upon Demand dated --- (acknowledged December 26, 2002), recorded in the said Bureau of Conveyances as Document No. 2002-234287, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and County of Maui, Department of Public Works and Waste Management, a body politic and corporate and a political subdivision of the State of Hawaii.

13. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130559.

14. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

15. The terms and provisions contained in Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 24, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a

Hawaii limited liability company, and the Department of Public Works and Waste Management, an agency of the County of Maui.

16. The terms and provisions contained in Agreement to Implement Unilateral Agreement and Declaration for Conditional Zoning (Regarding Incremental Park Dedication) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234296, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and Hawaii Land & Farming Company, Inc., a Delaware corporation.

17. The terms and provisions contained in Storage Credits and Amended Right of Entry Agreement for 3.0 Mg Concrete Reservoir at Wailuku, Maui, Hawaii, dated December 5, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234297, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, and the Board of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130561.

18. Right-of-way (60 feet wide) as shown on map prepared by Warren S. Unemori, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated November 7, 2002, last revised December 13, 2002, approved by the Department of Public Works, County of Maui, LUCA File No. 3.1993, on December 30, 2002.

19. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated December 12, 2003, recorded in the said Bureau of Conveyances as Document No. 2004-052289, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the County of Maui, a political subdivision of the State of Hawaii, through its Department of Water Supply.

20. The terms and provisions contained in Subdivision Agreement (Large Lots) dated June 14, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-127165, by and between Kehalani Mauka, LLC, and the County of Maui, through its Department of Public Works and Environmental Management, a body politic and corporate, and a political subdivision of the State of Hawaii.

21. Grant to Maui Electric Company, Limited, and Verizon Hawaii Inc., now known as Hawaiian Telcom, Inc., dated February 3, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-032467, granting a right and easement for utility purposes.

22. Assignment of In Gross Reservations dated effective as of October 1, 2005, recorded in the said Bureau of

Conveyances as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

23. The terms and provisions contained in Agreement to Satisfy Subdivision Park Assessment Requirements dated September 21, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-173418, by and between Akolea at Kehalani LLC, a Hawaii limited liability company, and County of Maui, Department of Parks and Recreation.

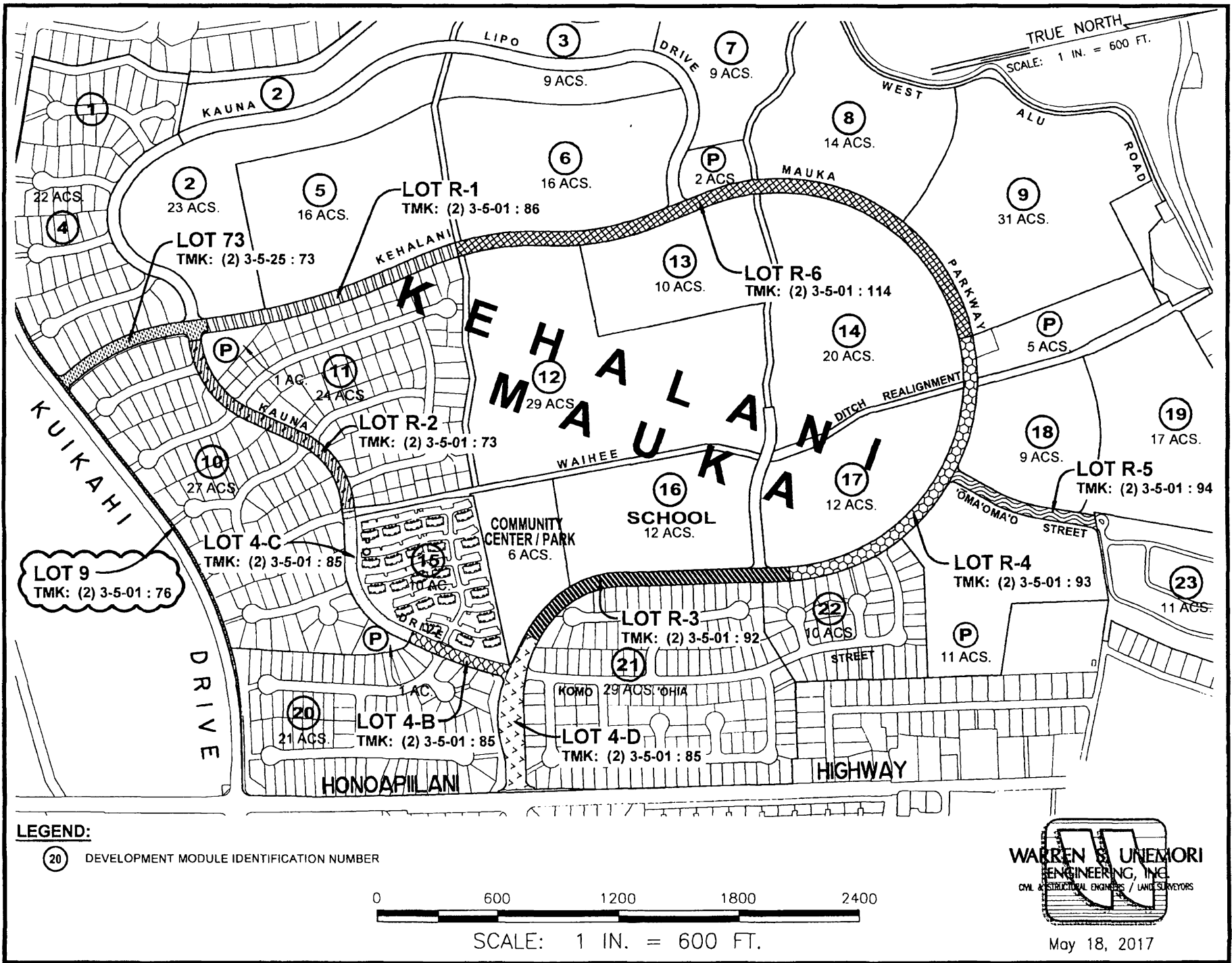
24. Assignment of In Gross Reservations dated October 17, 2014, recorded in the said Bureau of Conveyances as Document No. A-54130023, by and between J. Alan Kugle, Trustee in dissolution for C. Brewer and Company, Limited, a dissolved Hawaii corporation, successor by merger to Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

25. Grant to Wailuku Water Company, LLC, a Hawaii limited liability company, dated February 18, 2015, recorded in the said Bureau of Conveyances as Document No. A-55360421, granting a nonexclusive right and easement for water system purposes, being more particularly described therein and as shown on map attached thereto.

# EXHIBIT "B"

lwy dedication-00.dwg

V:\Projdata\13proj\13032 - RCFC Kehalani (Mouka Rdwy



## EXHIBIT "5"

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ( )

County of Maui  
Department of Finance  
200 South High Street  
Wailuku, Maui, HI 96793

Total No. of Pages:

Tax Map Key No.: (2) 3-5-025-073  
Subdivision File No. 3.2063

### **WARRANTY DEED (Roadway Lot 73)**

#### KNOW ALL BY THESE PRESENTS:

That RCFC KEHALANI, LLC, a Delaware limited liability company, whose address is at 2005 Main Street, Wailuku, Maui, Hawaii 96793 (the "**Grantor**"), pursuant to Section 3.44.015 F.4 of the Maui County Code and other consideration to the Grantor paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose address is at 200 South High Street, Wailuku, Hawaii 96793 (the "**Grantee**"), receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto said Grantee, as TENANT IN SEVERALTY, absolutely and in fee simple:

All of that certain real property more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference, and as shown on the map attached hereto as **Exhibit "B"**.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said Grantee as aforesaid, absolutely and forever.

And Grantor, in consideration of the premises, does hereby covenant and agree to and with said Grantee that Grantor is lawfully seised of the property described in **Exhibit "A"**, and shown on **Exhibit "B"**, for an estate in fee simple and Grantor's title thereto is free and clear of and from all encumbrances other than (1) real property taxes assessed for the current fiscal year, and (2) those more particularly set forth in **Exhibit "A"**; that Grantor has good right to sell and convey the same as aforesaid and that Grantor will WARRANT AND DEFEND the same unto said Grantee against the lawful claims and demands of all persons, except as aforesaid.

And Grantor further covenants and agrees that unless and until the Hawaii State Land Use Commission removes or releases the conditions described in that certain Declaration of Conditions dated July 25, 1990 and recorded in the Bureau of Conveyances of Hawaii as Document No. 90-117006, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Declaration of Conditions.

And Grantor further covenants and agrees that unless and until such time as the County of Maui removes or terminates the covenants, conditions and restrictions contained in that certain Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991 and recorded in the Bureau of Conveyances of Hawaii as Document No. 91-124296, as amended, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Unilateral Agreement and Declaration of Conditional Zoning.

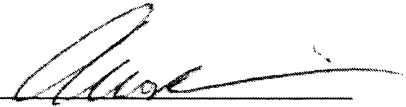
The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and their and each of their respective successors, successors in trust, heirs, legal representatives and permitted assigns, according to the context thereof.

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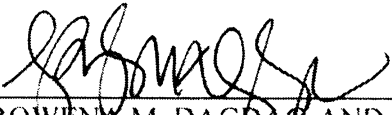


IN WITNESS WHEREOF, Grantor has executed these presents on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

**RCFC KEHALANI, LLC,**  
a Delaware limited liability company

By   
**Aaron A. Giovara**  
Its **Authorized Signatory**  
Grantor

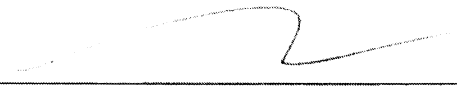
REVIEWED AND APPROVED:

By   
**ROWENA M. DAGDAG-ANDAYA**  
Acting Director of Public Works

ACCEPTED:

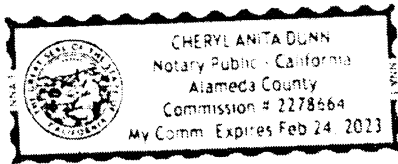
By \_\_\_\_\_  
**SCOTT K. TERUYA**  
Director of Finance

APPROVED AS TO FORM AND LEGALITY:

By   
~~DAVID A. GALAZIN~~ **MICHAEL J. HOPPER**  
Deputy Corporation Counsel  
County of Maui

STATE OF California )  
 ) SS.  
COUNTY OF San Francisco )

On this 12 day of April, 20 19, before me personally appeared Aaron A. Giovara, 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.



Cheryl Dunn  
Print Name: Cheryl Anita Dunn  
Notary Public, in and for said State and County.

My commission expires: Feb. 24, 2023

EXHIBIT "A"

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent 4529-B and 4549, Land Commission Award 71 to Michael J. Nowlein) situate, lying and being at the westerly side of Honoapiilani Highway, District of Waikapu, Island and County of Maui, State of Hawaii, being LOT 73 of "KOA AT KEHALANI", as shown on File Plan No. 2407, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 50,547 square feet, more or less.

Together with a non-exclusive easement for access and utility purposes, over and across Access Easement "1" and Road Reserve 2, being within Lot 4, as shown on subdivision map of the "Kehalani Mauka (Large Lot) Subdivision No. 1" dated November 7, 2002, revised December 13, 2002, approved by the County of Maui on December 30, 2002 (LUCA File No. 3.1993), as granted by Grant of Easements dated September 27, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-201360; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein.

Together with a non-exclusive easement for access and utility purposes, over and across Road Reserve 9, over Lot 1-B, as shown on subdivision map of the "Kehalani Mauka (Large Lot) Subdivision No. 2" dated September 21, 2004, approved by the County of Maui on October 22, 2004 (LUCA File No. 3.2059), as granted by Grant of Easements dated September 27, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-201360; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein.

Being the premises acquired by the Grantor herein by Deed of Kehalani Mauka LLC, a Hawaii limited liability company, dated August 27, 2012, recorded in the said Bureau of Conveyances as Document No. A-47700424.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. Grant (unrecorded) to Board of Water Supply of the County of Maui dated December 6, 1978, granting a nonexclusive easement for waterline purposes, as referenced in instrument dated December 6, 1978, recorded in the said Bureau of Conveyances in Liber 13464 on Page 463.
3. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.

4. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.

Said above Agreement was supplemented by instrument dated --- (acknowledged April 15, 2003), recorded as Document No. 2003-091383.

5. The terms and provisions contained in Right of Entry and Operating Agreement dated February 18, 1997, recorded in the said Bureau of Conveyances as Document No. 97-029978, by and among Wailuku Agribusiness Co., Inc., a Hawaii corporation, C. Brewer Homes, Inc., a Delaware corporation, and Board of Water Supply of The County of Maui.

6. The terms and provisions contained in Subdivision Agreement (Large Lots) dated October 2, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-198458, by and between Kehalani Mauka LLC and the County of Maui.

7. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated October 31, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-218046, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui.

8. The terms and provisions contained in Agreement to Dedicate upon Demand dated --- (acknowledged December 26, 2002), recorded in the said Bureau of Conveyances as Document No. 2002-234287, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and County of Maui, Department of Public Works and Waste Management, a body politic and corporate and a political subdivision of the State of Hawaii.

9. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130559.

10. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

11. The terms and provisions contained in Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 24, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295, by and among Hawaii Land & Farming Company,

Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Public Works and Waste Management, an agency of the County of Maui.

12. The terms and provisions contained in Agreement to Implement Unilateral Agreement and Declaration for Conditional Zoning (Regarding Incremental Park Dedication) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234296, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and Hawaii Land & Farming Company, Inc., a Delaware corporation.

13. The terms and provisions contained in Storage Credits and Amended Right of Entry Agreement for 3.0 Mg Concrete Reservoir at Wailuku, Maui, Hawaii, dated December 5, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234297, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, and the Board of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130561.

14. The terms and provisions contained in Declaration of Easements dated September 10, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-187029.

15. Grant to Maui Electric Company, Limited and Verizon Hawaii Inc., now known as Hawaiian Telcom, Inc., dated October 5, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-222597, granting a right and easement for utility purposes.

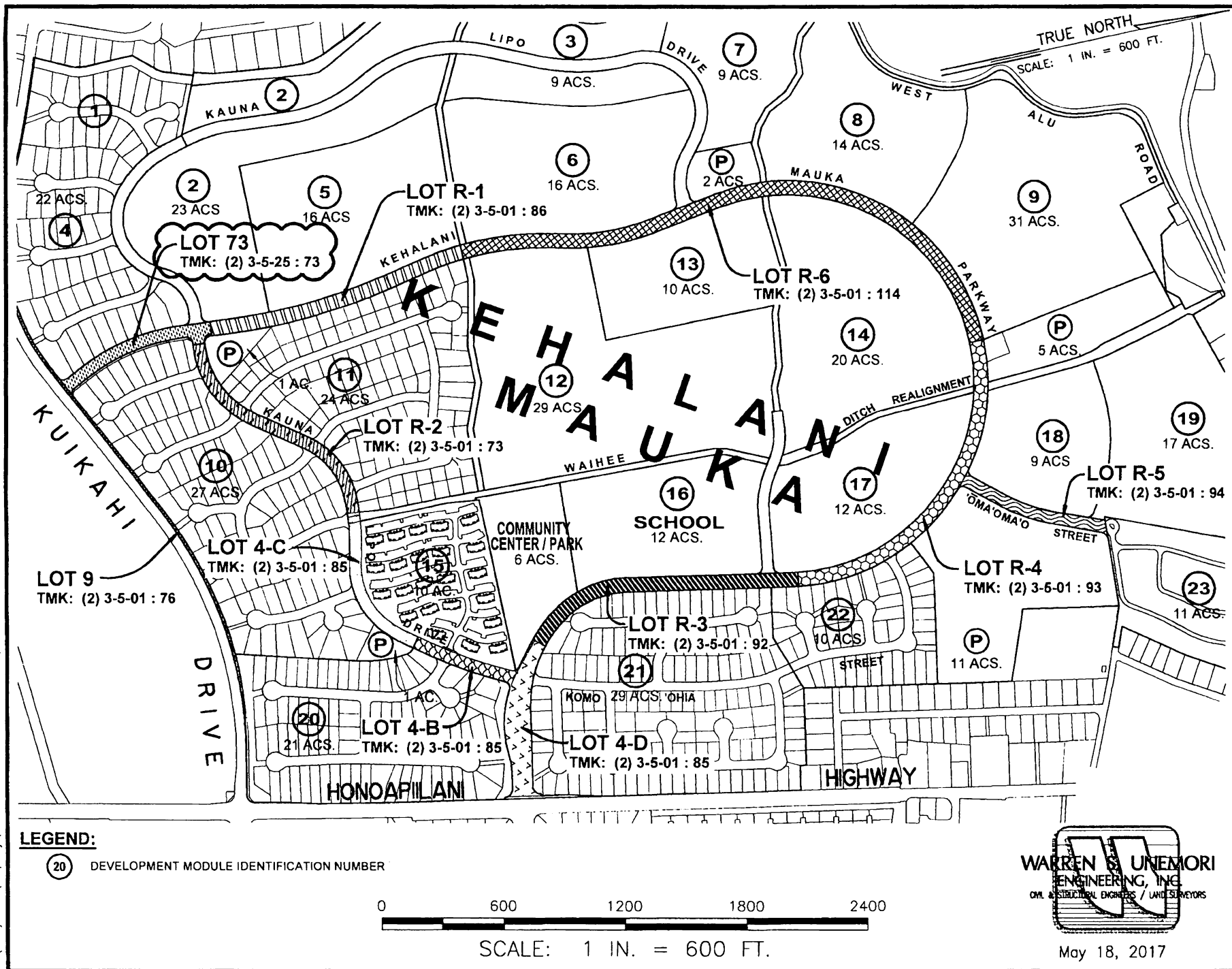
16. The terms and provisions contained in Declaration of Easements dated January 4, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-010097.

17. Assignment of In Gross Reservations dated effective as of October 1, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

18. The terms and provisions contained in Agreement to Satisfy Subdivision Park Assessment Requirements dated September 21, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-173418, by and between Akolea at Kehalani LLC, a Hawaii limited liability company, and County of Maui, Department of Parks and Recreation.

19. Assignment of In Gross Reservations dated October 17, 2014, recorded in the said Bureau of Conveyances as Document No. A-54130023, by and between J. Alan Kugle, Trustee in dissolution for C. Brewer and Company, Limited, a dissolved Hawaii corporation, successor by merger to Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

20. Grant to Wailuku Water Company, LLC, a Hawaii limited liability company, dated February 18, 2015, recorded in the said Bureau of Conveyances as Document No. A-55360421, granting a nonexclusive right and easement for water system purposes, being more particularly described therein and as shown on map attached thereto.



## EXHIBIT "6"

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ( )

County of Maui  
Department of Finance  
200 South High Street  
Wailuku, Maui, HI 96793

Total No. of Pages: \_\_\_\_\_

Tax Map Key No. (2) 3-5-001-086  
Subdivision File No. 3.2124

### **WARRANTY DEED (Roadway Lot R-1)**

KNOW ALL BY THESE PRESENTS:

That RCFC KEHALANI, LLC, a Delaware limited liability company, whose address is at 2005 Main Street, Wailuku, Maui, Hawaii 96793 (the "**Grantor**"), pursuant to Section 3.44.015 F.4 of the Maui County Code and other consideration to the Grantor paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose address is at 200 South High Street, Wailuku, Hawaii 96793 (the "**Grantee**"), receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto said Grantee, as TENANT IN SEVERALTY, absolutely and in fee simple:

All of that certain real property more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference, and as shown on the map attached hereto as **Exhibit "B"**.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said Grantee as aforesaid, absolutely and forever.



And Grantor, in consideration of the premises, does hereby covenant and agree to and with said Grantee that Grantor is lawfully seised of the property described in **Exhibit "A"** and shown on Exhibit "B", for an estate in fee simple and Grantor's title thereto is free and clear of and from all encumbrances other than (1) real property taxes assessed for the current fiscal year, and (2) those more particularly set forth in **Exhibit "A"**; that Grantor has good right to sell and convey the same as aforesaid and that Grantor will WARRANT AND DEFEND the same unto said Grantee against the lawful claims and demands of all persons, except as aforesaid.

And Grantor further covenants and agrees that unless and until the Hawaii State Land Use Commission removes or releases the conditions described in that certain Declaration of Conditions dated July 25, 1990 and recorded in the Bureau of Conveyances of Hawaii as Document No. 90-117006, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Declaration of Conditions


And Grantor further covenants and agrees that unless and until such time as the County of Maui removes or terminates the covenants, conditions and restrictions contained in that certain Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991 and recorded in the Bureau of Conveyances of Hawaii as Document No. 91-124296, as amended, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Unilateral Agreement and Declaration of Conditional Zoning.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and their and each of their respective successors, successors in trust, heirs, legal representatives and permitted assigns, according to the context thereof.

- The remainder of this page is intentionally left blank; the next page is the signature page. -

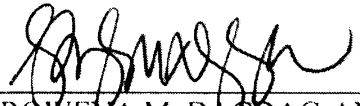
IN WITNESS WHEREOF, Grantor has executed these presents on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

**RCFC KEHALANI, LLC.**  
a Delaware limited liability company

By   
Aaron A. Giovara  
Its Authorized Signatory

Grantor


REVIEWED AND APPROVED:

By   
ROWENA M. DAGDAG-ANDAYA  
Acting Director of Public Works

ACCEPTED:

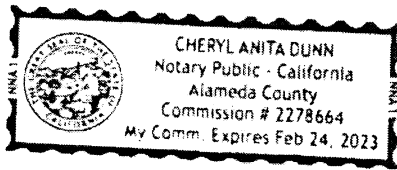
By \_\_\_\_\_  
SCOTT K. TERUYA  
Director of Finance

APPROVED AS TO FORM AND LEGALITY:

By   
~~DAVID A. GALAZIN~~ MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

STATE OF California )  
 ) SS.  
COUNTY OF San Francisco )

On this 12 day of April, 2019, before me personally appeared  
Aaron A. Giovara, 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.



*Cheryl Dunn*  
Print Name: Cheryl Anita Dunn  
Notary Public, in and for said State and County.

My commission expires: Feb 24, 2023

## EXHIBIT "A"

### Kehalani Mauka (Large-Lot) Subdivision No. 3-A Description of Lot R-1

Land situated on the westerly side of Honoapiilani Highway  
(F.A.P. No. 13-G) at Wailuku, Waikapu, Maui, Hawaii

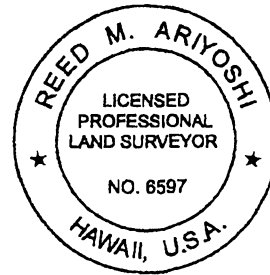
Being portions of Grant 483 to E. Bailey and R.P. 4529-B and  
4549, L.C. Aw. 71 to Michael J. Nowlein

Beginning at a point at the northeasterly corner of this lot,  
the coordinates of said point of beginning referred to Government  
Survey Triangulation Station "LUKE" being 2,552.81 feet South and  
5,211.85 feet West and running by azimuths measured clockwise from  
True South:

1. Thence along Lot 3-B of Kehalani Mauka (Large-Lot) Subdivision  
No. 3-A, being also along the  
remainder of Grant 483 to E.  
Bailey, on a curve to the left,  
with the point of curvature  
azimuth from the radial point  
being:  
66° 13' 46" and the point of  
tangency azimuth from the  
radial point being:  
58° 50', having a radius of  
1,397.40 feet, the chord  
azimuth and distance being:  
332° 31' 53" 180.26 feet to a  
point;
2. 328° 50' 205.23 feet along same to a point;
3. Thence along Lot 3-B of Kehalani Mauka (Large-Lot) Subdivision  
No. 3-A, being also along the  
remainders of Grant 483 to E.  
Bailey and R.P. 4529-B and  
4549, L.C. Aw. 71 to Michael J.  
Nowlein, on a curve to the  
right, having a radius of  
2,899.79 feet, the chord  
azimuth and distance being:  
336° 55' 815.50 feet to a  
point;

4. 345° 00' 108.16 feet along Lot 3-B of Kehalani Mauka (Large-Lot) Subdivision No. 3-A, being also along the remainder of R.P. 4529-B and 4549, L.C. Aw. 71 to Michael J. Nowlein to a point;
5. Thence along same on a curve to the left, with the point of curvature azimuth from the radial point being: 75° 00' and the point of tangency azimuth from the radial point being: 345° 00', having a radius of 30.00 feet, the chord azimuth and distance being: 300° 00' 42.43 feet to a point;
6. 75° 00' 10.00 feet along Lot 73 (Kehalani Mauka Parkway) of Sites 1 and 4 at Kehalani (File Plan 2407), being also along the remainder of R.P. 4529-B and 4549, L.C. Aw. 71 to Michael J. Nowlein, to a point;
7. Thence along same on a curve to the right, having a radius of 30.00 feet, the chord azimuth and distance being: 120° 00' 42.43 feet to a point;
8. 165° 00' 10.00 feet along same to a point;
9. 75° 00' 60.00 feet along same to a point;
10. 165° 00' 98.16 feet along Lot 3-D of Kehalani Mauka (Large-Lot) Subdivision No. 3-A, being also along the remainder of R.P. 4529-B and 4549, L.C. Aw. 71 to Michael J. Nowlein to a point;

11. Thence along Lots 3-D and 3-C of Kehalani Mauka (Large-Lot) Subdivision No. 3-A, being also along the remainders of R.P. 4529-B and 4549, L.C. Aw. 71 to Michael J. Nowlein and Grant 483 to E. Bailey on a curve to the left, having a radius of 2,829.79 feet, the chord azimuth and distance being: 156° 55' 795.81 feet to a point;
12. 148° 50' 205.23 feet along Lot 3-C of Kehalani Mauka (Large-Lot) Subdivision No. 3-A, being also along the remainder of Grant 483 to E. Bailey to a point;
13. Thence along same on a curve to the right, with the point of curvature azimuth from the radial point being: 58° 50' and the point of tangency azimuth from the radial point being: 66° 23' 09", having a radius of 1,467.40 feet, the chord azimuth and distance being: 152° 36' 34.5" 193.29 feet to a point;
14. 249° 30' 70.11 feet along Lot 3-A of Kehalani Mauka (Large-Lot) Subdivision No. 3-A, being also along the remainder of Grant 483 to E. Bailey to the point of beginning and containing an Area of 2.096 Acres.



By: Reed M. Ariyoshi 5/5/10 04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 6597

Together with easement rights in Easements "1", "3" and "4" for access purposes, as set forth by Declaration of Easements dated September 19, 2004, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-187029; and subject to the terms and provisions contained therein.

Together also with easement rights for access in the following:

1. Roadway Lots 7, 8 and 9, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 1 (Subdivision File No. 3.1993);
2. Roadway Lots 4B, 4C, 4D and 4E of Iliahi at Kehalani Roadway Lot Subdivision (Subdivision File No. 3.2122);
3. Roadway Lots 73 and 85 as shown on File Plan 2407;
4. Roadway Lot R-2 of "Kehalani Mauka Large-Lot) Subdivision NO. 3-A" (Subdivision File No. 3.2124);
5. Roadway Lots R-3, R-4 and R-5, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 3-B (Subdivision File No. 3.2136); and
6. Roadway Lot R-6, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 3-C (Subdivision File No. 3.2149);

PROVIDED, HOWEVER, that if and when in the event said above Roadway Lots are conveyed, transferred and dedicated to the County, State or any governmental authority and accepted as public highway or road, said easement as to the lots so conveyed shall automatically cease and terminate.

Together also with an easement for surface drainage purposes over the "Easement Area", being a portion of the land(s) bearing Tax Key designation (2) 3-5-002-001, as granted by Grant Of Easement dated September 9, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-184672, as shown on the map attached thereto; and subject to the terms and provisions contained therein.

Together also with an easement for access, utility and water tank construction over the "Easement Area" over Tax Map Key (2) 3-5-001-001, as granted by Instrument dated --- (acknowledged June 7, 2006, June 8, 2006 and June 5, 2006),



recorded as Document No. 2008-060543, as shown on the map attached thereto; and subject to the terms and provisions contained therein.

Being the premises acquired by the Grantor herein by Deed of Kehalani Mauka LLC, a Hawaii limited liability company, dated September 6, 2013, recorded in the said Bureau of Conveyances as Document No. A-50221214.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. The terms and provisions contained in Deed dated June 23, 1924, recorded in the said Bureau of Conveyances in Liber 740 on Page 134.
3. Grant (Unrecorded) to Board of Water Supply of the County of Maui dated December 6, 1978, granting a nonexclusive easement for waterline purposes, as referenced in instrument dated December 6, 1978, recorded in the said Bureau of Conveyances in Liber 13464 on Page 463.
4. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
5. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.  
  
Supplemental Unilateral Agreement dated --- (acknowledged April 15, 2003), recorded as Document No. 2003-091383, by Kehalani Mauka LLC, a Hawaii limited liability company.
6. The terms and provisions contained in Right of Entry and Operating Agreement dated February 18, 1997, recorded in the said Bureau of Conveyances as Document No. 97-029978, by and among Wailuku Agribusiness Co., Inc., a Hawaii corporation, C. Brewer Homes, Inc., a Delaware corporation, and Board of Water Supply of The County of Maui.
7. The terms and provisions contained in Subdivision Agreement (Large Lots) dated October 2, 2002, recorded in the

said Bureau of Conveyances as Document No. 2002-198458, by and between Kehalani Mauka LLC and the County of Maui.

8. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated October 31, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-218046, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui.

9. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, a body politic and corporate and a political subdivision of the State of Hawaii.

Above agreement amended by instrument dated August 13, 2008, recorded as Document No. 2008-130559.

10. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, a body politic and corporate and a political subdivision of the State of Hawaii.

Above agreement amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

11. The terms and provisions contained in Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 24, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Public Works and Waste Management, an agency of the County of Maui, a body politic and corporate and a political subdivision of the State of Hawaii.

12. The terms and provisions contained in Agreement to Implement Unilateral Agreement and Declaration for Conditional Zoning (Regarding Incremental Park Dedication) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234296, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and Hawaii Land & Farming Company, Inc., a Delaware corporation.

13. The terms and provisions contained in Storage Credits and Amended Right of Entry Agreement for 3.0 Mg Concrete Reservoir at Wailuku, Maui, Hawaii, dated December 5, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234297, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, and the Board of Water Supply of the County of Maui, a body politic and corporate and a political subdivision of the State of Hawaii.

14. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated December 12, 2003, recorded in the said Bureau of Conveyances as Document No. 2004-052289, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the County of Maui, a political subdivision of the State of Hawaii, through its Department of Water Supply.

15. The terms and provisions contained in Subdivision Agreement (Large Lots) dated June 14, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-127165, by and between Kehalani Mauka, LLC, and the County of Maui, through its Department of Public Works and Environmental Management, a body politic and corporate, and a political subdivision of the State of Hawaii.

16. Grant to Maui Electric Company, Limited, and Verizon Hawaii Inc., now known as Hawaiian Telcom, Inc., dated February 3, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-032467, granting a perpetual right and easement for utility purposes.

17. The terms and provisions contained in Warranty Deed dated June 29, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-151551.

18. Drainage Corridor (South) as shown on "Kehalani Mauka (Large Lot) Subdivision No. 3-A" map prepared by Warren S. Unemori, Licensed Professional Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated December 17, 2004, revised

June 14, 2006, July 20, 2006, July 24, 2006 and November 16, 2006, approved by the County of Maui, Department of Public Works and Environmental Management on November 28, 2006, Subdivision File No. 3.2124.

19. The terms and provisions contained in the Subdivision Agreement (Large Lots) dated November 9, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-214934, by and between Kehalani Mauka, LLC; Kehalani 511-Maui, LLC; Kehalani Holdings Company, Inc., "Owner" and the County Of Maui, through its Department of Public Works and Environmental Management, a body politic and corporate, and a political subdivision of the State of Hawaii, re: Kehalani Mauka (Large-Lot) Subdivision 3-A consisting Lots 3-A, 3-B, 3-C, 3-D, R-1, R-2, R-3 and WD-1.

20. The terms and provisions contained in the Second Amended Right of Entry Agreement for 3.0 Mg Concrete Reservoir at Wailuku, Maui, Hawaii, dated August 13, 2008, recorded in the said Bureau of Conveyances as Document No. 2008-130561, between Kehalani Holdings Company, Inc., a Hawaii corporation, Kehalani Mauka, LLC, a Hawaii limited liability company "Owner" and the Department of Water Supply Of The County Of Maui, an agency of the County of Maui, a body politic and corporate, and a political subdivision of the State of Hawaii, "Department", re: unrecorded Right of Entry Agreement for 3.0 MG Concrete Reservoir at Wailuku, Maui, Hawaii dated February 17, 1993.

21. The terms and provisions contained in Declaration of Easement for Roadway Access and Utility (Lot R-1) dated July 9, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-123788, re: to grant and establish a non-exclusive easement for access purposes in favor of Lot 3-C.

22. The terms and provisions contained in Declaration of Easement for Roadway Access and Utility (Lots R-1 and R-2 in favor of Lot 3-D) dated October 11, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-181574, re: to grant and establish a non-exclusive easement for roadway access and utility purposes in favor of Lot 3-D.

23. Grant to County of Maui dated September 1, 2010, recorded in the said Bureau of Conveyances as Document No. 2010-132283, granting a nonexclusive easement for access to water meter, and to reconstruct, maintain, operate, repair and remove water pipelines and related appurtenances.

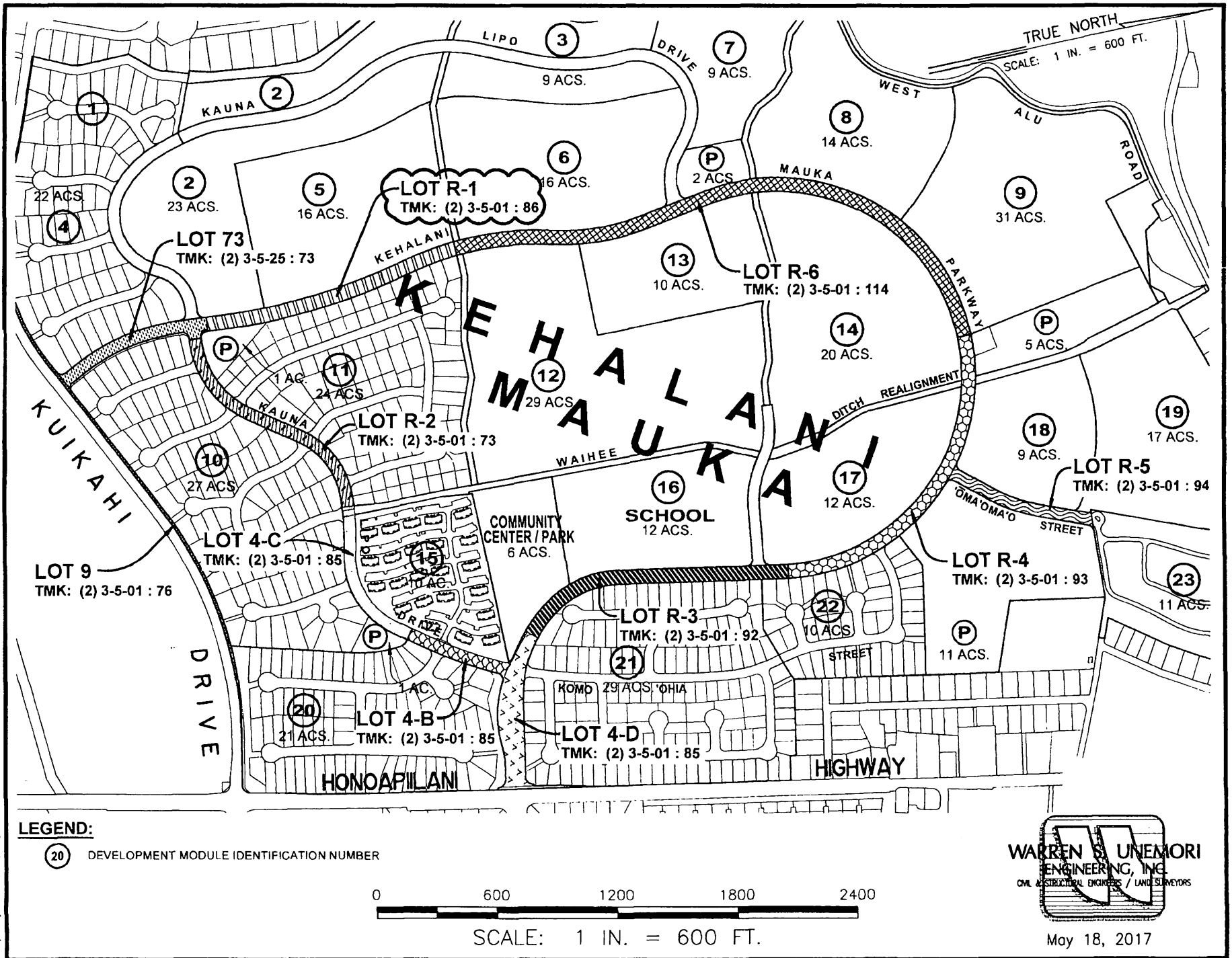
24. Grant to Time Warner Entertainment Co., L.P., a Delaware limited partnership, dated April 5, 2011, recorded in the said Bureau of Conveyances as Document No. 2011-055829, granting a non-exclusive easement for cable television system purposes.

25. Assignment of In Gross Reservations dated October 17, 2014, recorded in the said Bureau of Conveyances as Document No. A-54130023, by and between J. Alan Kugle, Trustee in Dissolution for C. Brewer and Company, Limited, a dissolved Hawaii corporation, successor by merger to Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

# EXHIBIT "B"

V:\Projdata\13032 - RCFC Kehalani (Mauka Rdwy C

y dedication-00.dwg



## EXHIBIT "7"

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ( )

County of Maui  
Department of Finance  
200 South High Street  
Wailuku, Maui, HI 96793

Total No. of Pages: \_\_\_\_\_

Tax Map Key Nos.: (2) 3-5-001-092, (2) 3-5-001-093, (2) 3-5-001-094  
Subdivision File No. 3.2136

### **WARRANTY DEED** **(Roadway Lots R-3, R-4, and R-5)**

KNOW ALL BY THESE PRESENTS:

That RCFC KEHALANI, LLC, a Delaware limited liability company, whose address is at 2005 Main Street, Wailuku, Maui, Hawaii 96793 (the "**Grantor**"), pursuant to Section 3.44.015 F.4 of the Maui County Code and other consideration to the Grantor paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose address is at 200 South High Street, Wailuku, Hawaii 96793 (the "**Grantee**"), receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto said Grantee, as TENANT IN SEVERALTY, absolutely and in fee simple:

All of those certain real properties more particularly described in **Exhibits "A", "B" and "C"** attached hereto and incorporated herein by reference, and as shown on the map attached hereto as **Exhibit "D"**.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said Grantee as aforesaid, absolutely and forever.

And Grantor, in consideration of the premises, does hereby covenant and agree to and with said Grantee that Grantor is lawfully seised of the property described in **Exhibits "A", "B" and "C"**, and shown on **Exhibit "D"**, for an estate in fee simple and Grantor's title thereto is free and clear of and from all encumbrances other than (1) real property taxes assessed for the current fiscal year, and (2) those more particularly set forth in **Exhibits "A", "B" and "C"**; that Grantor has good right to sell and convey the same as aforesaid and that Grantor will WARRANT AND DEFEND the same unto said Grantee against the lawful claims and demands of all persons, except as aforesaid.

And Grantor further covenants and agrees that unless and until the Hawaii State Land Use Commission removes or releases the conditions described in that certain Declaration of Conditions dated July 25, 1990 and recorded in the Bureau of Conveyances of Hawaii as Document No. 90-117006, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Declaration of Conditions.

And Grantor further covenants and agrees that unless and until such time as the County of Maui removes or terminates the covenants, conditions and restrictions contained in that certain Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991 and recorded in the Bureau of Conveyances of Hawaii as Document No. 91-124296, as amended, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Unilateral Agreement and Declaration of Conditional Zoning.


The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and their and each of their respective successors, successors in trust, heirs, legal representatives and permitted assigns, according to the context thereof.

- The remainder of this page is intentionally left blank; the next page is the signature page. -



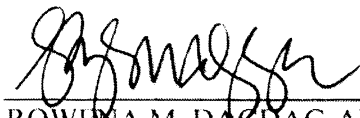
IN WITNESS WHEREOF, Grantor has executed these presents on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

**RCFC KEHALANI, LLC,**  
a Delaware limited liability company

By  \_\_\_\_\_  
Its Authorized Signatory

Grantor

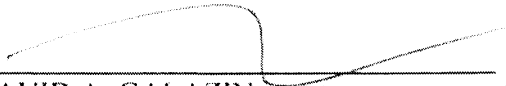
REVIEWED AND APPROVED:

By  \_\_\_\_\_  
ROWENA M. DAGDAG-ANDAYA  
Acting Director of Public Works

ACCEPTED:

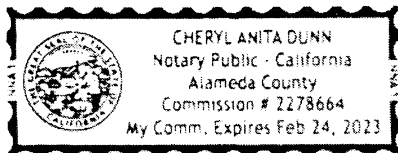
By \_\_\_\_\_  
SCOTT K. TERUYA  
Director of Finance

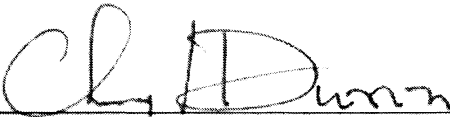
APPROVED AS TO FORM AND LEGALITY:

By  \_\_\_\_\_  
~~DAVID A. GALAZIN~~ MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

STATE OF California )  
 ) SS.  
COUNTY OF San Francisco )

On this 12 day of April, 20 19, before me personally appeared Aaron A. Giovara, 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: Cheryl Anita Dunn  
Notary Public, in and for said State and County.

My commission expires: Feb. 24, 2023

## EXHIBIT "A"

### Kehalani Mauka (Large-Lot) Subdivision No. 3-B Description of Lot R-3 (Kehalani Mauka Parkway)

Land situated on the westerly side of Honoapiilani Highway  
(F.A.P. No. 13-G) at Wailuku, Maui, Hawaii

Being portions of Grant 483 to E. Bailey and Royal Patent 1925,  
1928, 1958, Land Commission Award 387, Part 5, Section 1 to  
American Board of Commissioners for Foreign Missions

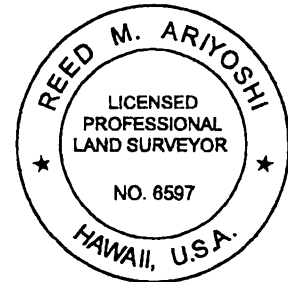
Beginning at a point at the northeasterly corner of this lot,  
being also the southeasterly corner of Lot R-4 (Kehalani Mauka  
Parkway) of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, the  
coordinates of said point of beginning referred to Government Survey  
Triangulation Station "LUKE" being: 701.75 feet South and 3,830.56  
feet West and running by azimuths measured clockwise from True South:

1. Thence along Lots 38 and 39 of Site 22 at Kehalani (File Plan  
2437) on a curve to the right,  
with the point of curvature  
azimuth from the radial point  
being:  
259° 15' and the point of  
tangency azimuth from the  
radial point being:  
260° 47', having a radius of  
1,000.00 feet, the chord  
azimuth and distance being:  
350° 01' 26.76 feet to a point;
2. 350° 47' 820.62 feet along Lots 39 and 40 of Site 22  
at Kehalani (File Plan 2437)  
and Lots 125 to 137, inclusive  
of Site 21 at Kehalani (File  
Plan 2415) to a point;
3. Thence along Lots 137 to 141, inclusive of Site 21 at Kehalani  
(File Plan 2415) on a curve to  
the left, with the point of  
curvature azimuth from the  
radial point being:  
80° 47' and the point of  
tangency azimuth from the  
radial point being:  
38° 53' 04", having a radius of  
450.00 feet, the chord azimuth  
and distance being:  
329° 50' 02" 321.79 feet to a  
point;

4. Thence along Lots 141 and 107 of Site 21 at Kehalani (File Plan 2415) on a curve to the left, with the point of curvature azimuth from the radial point being:  
38° 53' 04" and the point of tangency azimuth from the radial point being:  
21° 19', having a radius of 600.00 feet, the chord azimuth and distance being:  
300° 06' 02" 183.25 feet to a point;
5. 21° 19' 60.00 feet along the remainder of Grant 483 to E. Bailey, being also along Lot 4-D (Kehalani Mauka Parkway) of Iliahi at Kehalani Roadway Lot Subdivision to a point;
6. 291° 19' 153.57 feet along same to a point;
7. Thence along the remainder of Grant 483 to E. Bailey, being along Lot 4-B (Kauna Lipo Drive) of Iliahi at Kehalani Roadway Lot Subdivision on a curve to the right, with the point of curvature azimuth from the radial point being:  
201° 19' and the point of tangency azimuth from the radial point being:  
248° 33' 44", having a radius of 30.00 feet, the chord azimuth and distance being:  
314° 56' 22" 24.04 feet to a point;
8. 70° 38' 2.74 feet along same to a point;

9. Thence along the remainder of Grant 483 to E. Bailey, being also along Lot P-1 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B on a curve to the left, with the point of curvature azimuth from the radial point being: 239° 27' 20" and the point of tangency azimuth from the radial point being: 199° 19', having a radius of 30.00 feet, the chord azimuth and distance being: 129° 23' 10" 20.59 feet to a point;
10. 109° 19' 130.64 feet along same to a point;
11. Thence along same on a curve to the right, with the point of curvature azimuth from the radial point being: 19° 19' and the point of tangency azimuth from the radial point being: 38° 53' 04", having a radius of 670.00 feet, the chord azimuth and distance being: 119° 06' 02" 227.71 feet to a point;
12. Thence along the remainder of Grant 483 to E. Bailey, being also along Lots P-1 and 3-A-2 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B on a curve to the right, with the point of curvature azimuth from the radial point being: 38° 53' 04" and the point of curvature azimuth from the radial point being: 80° 47', having a radius of 520.00 feet, the chord azimuth and distance being: 149° 50' 02" 371.85 feet to a point;
13. 170° 47' 820.62 feet along the remainder of Grant 483 to E. Bailey, being also along Lots 3-A-2 and 3-A-3 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B to a point;

14. Thence along Lot 3-A-3 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of Grant 483 to E. Bailey on a curve to the left, with the point of curvature azimuth from the radial point being:  $260^{\circ} 47'$  and the point of tangency azimuth from the radial point being:  $259^{\circ} 15'$ , having a radius of 930.00 feet, the chord azimuth and distance being:  $170^{\circ} 01' 24.89$  feet to a point;
15.  $259^{\circ} 15'$  70.00 feet along Lot R-4 (Kehalani Mauka Parkway) of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of Grant 483 to E. Bailey and containing an Area of 2.272 Acres.



Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
April 14, 2017

By: Reed M. Ariyoshi 04/30/18 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 6597

Together with easement rights in Easements "1", "3" and "4" for access purposes, as set forth by Declaration of Easements dated September 19, 2004, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-187029; and subject to the terms and provisions contained therein.

Together also with easement rights for access in the following:

1. Roadway Lots 7, 8 and 9, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 1 (Subdivision File No. 3.1993);

2. Roadway Lots 4B, 4C, 4D and 4E of Iliahi at Kehalani Roadway Lot Subdivision (Subdivision File No. 3.2122);

3. Roadway Lots 73 and 85 as shown on File Plan 2407;

4. Roadway Lots R-1 and R-2 of "Kehalani Mauka Large-Lot) Subdivision NO. 3-A" (Subdivision File No. 3.2124); and

5. Roadway Lots R-4 and R-5, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 3-B (Subdivision File No. 3.2136); and

6. Roadway Lot R-6, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 3-C (Subdivision File No. 3.2149);

PROVIDED, HOWEVER, that if and when in the event said above Roadway Lots are conveyed, transferred and dedicated to the County, State or any governmental authority and accepted as public highway or road, said easement as to the lots so conveyed shall automatically cease and terminate.

Together also with an easement for surface drainage purposes over the "Easement Area", being a portion of the land(s) bearing Tax Key designation (2) 3-5-002-001, as granted by Grant of Easement dated September 9, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-184672, and subject to the terms and provisions contained therein.

Being the premises acquired by the Grantor herein by Deed of Kehalani Mauka LLC, a Hawaii limited liability company, dated August 27, 2012, recorded in the said Bureau of Conveyances as Document No. A-47700420.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. Grant (Unrecorded) to Board of Water Supply of the County of Maui dated December 6, 1978, granting a nonexclusive easement for waterline purposes, as referenced in instrument dated December 6, 1978, recorded in the said Bureau of Conveyances in Liber 13464 on Page 463.
3. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
4. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.

Said above Agreement was supplemented by instrument dated --- (acknowledged April 15, 2003), recorded as Document No. 2003-091383.

5. The terms and provisions contained in Right of Entry and Operating Agreement dated February 18, 1997, recorded in the said Bureau of Conveyances as Document No. 97-029978, by and among Wailuku Agribusiness Co., Inc., a Hawaii corporation, C. Brewer Homes, Inc., a Delaware corporation, and Board of Water Supply of The County of Maui.

6. The terms and provisions contained in Subdivision Agreement (Large Lots) dated October 2, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-198458, by and between Kehalani Mauka LLC and the County of Maui.

7. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated October 31, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-218046, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui.

8. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by



instrument dated August 13, 2008, recorded as Document No. 2008-130559.

9. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

10. The terms and provisions contained in Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 24, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Public Works and Waste Management, an agency of the County of Maui.

11. The terms and provisions contained in Agreement to Implement Unilateral Agreement and Declaration for Conditional Zoning (Regarding Incremental Park Dedication) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234296, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and Hawaii Land & Farming Company, Inc., a Delaware corporation.

12. The terms and provisions contained in Storage Credits and Amended Right of Entry Agreement for 3.0 Mg Concrete Reservoir at Wailuku, Maui, Hawaii, dated December 5, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234297, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, and the Board of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130561.

13. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated December 12, 2003, recorded in the said Bureau of Conveyances as Document No. 2004-052289, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the County of Maui, a political subdivision of the State of Hawaii, through its Department of Water Supply.

14. The terms and provisions contained in Subdivision Agreement (Large Lots) dated June 14, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-127165, by and between Kehalani Mauka, LLC, and the County of Maui, through its

Department of Public Works and Environmental Management, a body politic and corporate, and a political subdivision of the State of Hawaii.

15. Roadway Reserve "10" (70 feet wide) for access and utility purposes as shown on map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 21, 2004, approved by the Department of Public Works, County of Maui, LUCA File No. 3.2059, on October 22, 2004.

16. Grant to Maui Electric Company, Limited, and Verizon Hawaii Inc., now known as Hawaiian Telcom, Inc., dated February 3, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-032467, granting a right and easement for utility purposes.

17. Assignment of In Gross Reservations dated effective as of October 1, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

18. Grant to Kehalani Mauka LLC, a Hawaii limited liability company, and Kehalani Holdings Company, Inc., a Hawaii corporation, dated July 11, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-149321, granting easements for access and utility purposes as shown on map attached thereto.

19. The terms and provisions contained in Subdivision Agreement (Large Lots) dated November 9, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-214934, by and among Kehalani Mauka, LLC, Kehalani 511-Maui, LLC, Kehalani Holdings Company, Inc. and County of Maui.

20. Mauka/Makai Drainage Corridor (North) as shown on map prepared by Warren S. Unemori, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated December 17, 2004, last revised November 16, 2006, approved by the Department of Public Works, County of Maui, LUCA File No. 3.2124, on November 28, 2006.

21. The terms and provisions contained in Subdivision Agreement (Large Lots) dated May 16, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-097366, by and between Kehalani Mauka LLC and the County of Maui, through its Department of Public Works and Environmental Management, a body politic and corporate, and a political subdivision of the State of Hawaii.

22. The terms and provisions contained in Declaration of Easement for Roadway Access and Utility (Lots R-3 and R-4 in favor of Lot 3-A-3) dated October 11, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-181575.

23. Grant to County of Maui, a political subdivision of the State of Hawaii, dated September 1, 2010, recorded in the said Bureau of Conveyances as Document No. 2010-132282, granting a nonexclusive easement for water meter and pipeline purposes, being more particularly described therein and as shown on map attached thereto.

24. Grant to Time Warner Entertainment Co., L.P., a Delaware limited partnership, dated April 5, 2011, recorded in the said Bureau of Conveyances as Document No. 2011-055829, granting a non-exclusive easement for cable television system purposes.

25. Assignment of In Gross Reservations dated October 17, 2014, recorded in the said Bureau of Conveyances as Document No. A-54130023, by and between J. Alan Kugle, Trustee in Dissolution for C. Brewer and Company, Limited, a dissolved Hawaii corporation, successor by merger to Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

Kehalani Mauka (Large-Lot) Subdivision No. 3-B  
Description of Lot R-4 (Kehalani Mauka Parkway)

Being portions of Grant 483 to E. Bailey and Royal Patent 1925, 1928, 1958, Land Commission Award 387, Part 5, Section 1 to American Board of Commissioners for Foreign Missions

Beginning at a point at the southeasterly corner of this lot, being also the northeasterly corner of Lot R-3 (Kehalani Mauka Parkway) of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being: 701.75 feet South and 3,830.56 feet West and running by azimuths measured clockwise from True South:

1.      79'    15'                      70.00 feet along R-3 (Kehalani Mauka Parkway) of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of Grant 483 to E. Bailey to a point;
2.      Thence along Lots 3-A-3, WD-2, and 3-A-1 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainders of Grant 483 to E. Bailey and R.P. 1925, 1928, 1958, L.C. Aw. 387, Part 5, Section 1 to A.B.C.F.M. on a curve to the left, with the point of curvature azimuth from the radial point being: 259' 15' and the point of tangency azimuth from the radial point being: 160' 04', having a radius of 930.00 feet, the chord azimuth and distance being: 119' 39' 30" 1,416.29 feet to a point;
3.      160'    04'                      70.00 feet along Lot 3-A-1 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387, Part 5, Section 1 to A.B.C.F.M. to a point;

4. Thence along Lots P-2, WD-3, WL-1, 3-A-4 and R-5 (Omā'oma'o Street) of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, Lot 1-J of Kehalani Mauka (Large-Lot) Subdivision No. 2 and Lots 20, 47 (Komo 'Ohia Street), 21, 27, 49, 28, 29, 36, 37 and 38 of Site 22 at Kehalani (File Plan 2437), being also along the remainders of R.P. 1925, 1928, 1958, L.C. Aw. 387, Part 5, Section 1 to A.B.C.F.M. and Grant 483 to E. Bailey on a curve to the right, with the point of curvature azimuth from the radial point being:  
160° 04' and the point of tangency azimuths from the radial point being:  
259° 15', having a radius of 1,000.00 feet, the chord azimuth and distance being:  
299° 39' 30" 1,522.89 feet to the point of beginning and containing an Area of 2.684 Acres.

SUBJECT, HOWEVER, to the following:

1. A Drainage Easement E-6 in favor of Kehalani Mauka LLC and being more particularly described as follows:

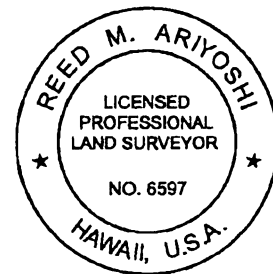
Beginning at a point at the southwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 35.41 feet North and 4,921.22 feet West and running by azimuths measured clockwise from True South:

1. 157° 40' 72.50 feet along the remainder of Lot R-4 (Kehalani Mauka Parkway) of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387, Part 5, Section 1 to A.B.C.F.M.;

2. Thence along Lot WD-3 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387, Part 5, Section 1 to A.B.C.F.M. on a curve to the right, with the point of curvature azimuth from the radial point being: 172° 11' 51" and the point of tangency azimuth from the radial point being: 173° 58' 51", having a radius of 1,000.00 feet, the chord azimuth and distance being: 263° 05' 21" 31.12 feet;
3. 337' 40' 73.17 feet along the remainder of Lot R-4 (Kehalani Mauka Parkway) of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387, Part 5, Section 1 to A.B.C.F.M.;
4. Thence along Lot WD-2 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387, Part 5, Section 1 to A.B.C.F.M. on a curve to the left, with the point of curvature azimuth from the radial point being: 175° 14' 50" and the point of tangency azimuth from the radial point being: 173° 19' 06", having a radius of 930.00 feet, the chord azimuth and distance being: 84° 16' 58" 31.31 feet to the point of beginning and containing an Area of 0.050 Acre, more or less.
2. A Irrigation Easement 2 (10 feet wide) in favor of Hawaiian Commercial and Sugar Company and extending 5.00 feet on each side of the centerline described more particularly as follows:

Beginning at the easterly end of this centerline, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being: 413.28 feet South and 3,933.03 feet West and running by azimuths measured clockwise from True South:

1. 69' 00' 70.62 feet along the remainder of Lot R-4 (Kehalani Mauka Parkway) of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of R.P. 1925, 1928, 1958, L.C. Aw. 387, Part 5, Section 1 to A.B.C.F.M. to the westerly end of this centerline and containing an Area of 706 Square Feet, more or less.
3. A portion of an existing Utility Easement in favor of Maui Electric Company, Ltd. and Hawaiian Telephone Company.



By: Reed M. Ariyoshi 9/16/13 04/30/14  
Licensed Professional Land Surveyor  
Certificate No. 6597

Together with easement rights in Easements "1", "3" and "4" for access purposes, as set forth by Declaration of Easements dated September 19, 2004, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-187029; and subject to the terms and provisions contained therein.

Together also with easement rights for access in the following:

1. Roadway Lots 7, 8 and 9, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 1 (Subdivision File No. 3.1993);

2. Roadway Lots 4B, 4C, 4D and 4E of Iliahi at Kehalani Roadway Lot Subdivision (Subdivision File No. 3.2122);

3. Roadway Lots 73 and 85 as shown on File Plan 2407;

4. Roadway Lots R-1 and R-2 of "Kehalani Mauka Large-Lot) Subdivision NO. 3-A" (Subdivision File No. 3.2124);

5. Roadway Lots R-3 and R-5, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 3-B (Subdivision File No. 3.2136); and

6. Roadway Lot R-6, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 3-C (Subdivision File No. 3.2149);

PROVIDED, HOWEVER, that if and when in the event said above Roadway Lots are conveyed, transferred and dedicated to the County, State or any governmental authority and accepted as public highway or road, said easement as to the lots so conveyed shall automatically cease and terminate.

Together also with an easement for surface drainage purposes over the "Easement Area", being a portion of the land(s) bearing Tax Key designation (2) 3-5-002-001, as granted by Grant Of Easement dated September 9, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-184672, and subject to the terms and provisions contained therein.

Being the premises acquired by the Grantor herein by Deed of Kehalani Mauka LLC, a Hawaii limited liability company, dated August 27, 2012, recorded in the said Bureau of Conveyances as Document No. A-47700420.



SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. Irrigation easement in favor of Hawaiian Commercial and Sugar Co., as contained in Deed dated June 23, 1924, recorded in the said Bureau of Conveyances in Liber 740 on Page 134.
3. Grant (Unrecorded) to Board of Water Supply of the County of Maui dated December 6, 1978, granting a nonexclusive easement for waterline purposes, as referenced in instrument dated December 6, 1978, recorded in the said Bureau of Conveyances in Liber 13464 on Page 463.
4. Grant to Maui Electric Company, Limited and Hawaiian Telephone Company, now known as Hawaiian Telcom, Inc., dated January 5, 1987, recorded in the said Bureau of Conveyances in Liber 20331 on Page 23, granting a right and easement for utility purposes as shown on map attached thereto.
5. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
6. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.

Said above Agreement was supplemented by instrument dated --- (acknowledged April 15, 2003), recorded as Document No. 2003-091383.
7. The terms and provisions contained in Right of Entry and Operating Agreement dated February 18, 1997, recorded in the said Bureau of Conveyances as Document No. 97-029978, by and among Wailuku Agribusiness Co., Inc., a Hawaii corporation, C. Brewer Homes, Inc., a Delaware corporation, and Board of Water Supply of The County of Maui.
8. The terms and provisions contained in Subdivision Agreement (Large Lots) dated October 2, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-198458, by and between Kehalani Mauka LLC and the County of Maui.

9. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated October 31, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-218046, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui.

10. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130559.

11. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

12. The terms and provisions contained in Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 24, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Public Works and Waste Management, an agency of the County of Maui.

13. The terms and provisions contained in Agreement to Implement Unilateral Agreement and Declaration for Conditional Zoning (Regarding Incremental Park Dedication) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234296, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and Hawaii Land & Farming Company, Inc., a Delaware corporation.

14. The terms and provisions contained in Storage Credits and Amended Right of Entry Agreement for 3.0 Mg Concrete Reservoir at Wailuku, Maui, Hawaii, dated December 5, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234297, by and between Hawaii Land & Farming Company, Inc., a

Delaware corporation, and the Board of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130561.

15. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated December 12, 2003, recorded in the said Bureau of Conveyances as Document No. 2004-052289, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the County of Maui, a political subdivision of the State of Hawaii, through its Department of Water Supply.

16. The terms and provisions contained in Subdivision Agreement (Large Lots) dated June 14, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-127165, by and between Kehalani Mauka, LLC, and the County of Maui, through its Department of Public Works and Environmental Management, a body politic and corporate, and a political subdivision of the State of Hawaii.

17. Roadway Reserve "10" (70 feet wide) for access and utility purposes as shown on map prepared by Reed M. Ariyoshi, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated September 21, 2004, approved by the Department of Public Works, County of Maui, LUCA File No. 3.2059, on October 22, 2004.

18. Grant to Maui Electric Company, Limited, and Verizon Hawaii Inc., now known as Hawaiian Telcom, Inc., dated February 3, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-032467, granting a right and easement for utility purposes.

19. Assignment of In Gross Reservations dated effective as of October 1, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

20. Grant to Kehalani Mauka LLC, a Hawaii limited liability company, and Kehalani Holdings Company, Inc., a Hawaii corporation, dated July 11, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-149321, granting easements for access and utility purposes as shown on map attached thereto.

21. The terms and provisions contained in Subdivision Agreement (Large Lots) dated November 9, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-214934, by and among Kehalani Mauka, LLC, Kehalani 511-Maui, LLC, Kehalani Holdings Company, Inc. and County of Maui.

22. Waihee Ditch Pedestrian Way/Bikeway as shown on map prepared by Warren S. Unemori, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated December 17, 2004, last revised November 16, 2006, approved by the Department of Public Works, County of Maui, LUCA File No. 3.2124, on November 28, 2006.

23. The terms and provisions contained in Subdivision Agreement (Large Lots) dated May 16, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-097366, by and between Kehalani Mauka LLC and the County of Maui, through its Department of Public Works and Environmental Management, a body politic and corporate, and a political subdivision of the State of Hawaii.

24. Designation of Easement "E-6" for drainage purpose as shown on map prepared by Reed M. Ariyoshi, Land Surveyor, dated January 24, 2007, last revised June 15, 2007, approved by the Department of Public Works, County of Maui, LUCA File No. 3.2136, on June 25, 2007.

25. Designation of Easement "E-14" for irrigation purpose as shown on map prepared by Reed M. Ariyoshi, Land Surveyor, dated January 24, 2007, last revised June 15, 2007, approved by the Department of Public Works, County of Maui, LUCA File No. 3.2136, on June 25, 2007.

26. The terms and provisions contained in Declaration of Easement for Roadway Access and Utility (Lots R-3 and R-4 in favor of Lot 3-A-3) dated October 11, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-181575.

27. Grant to County of Maui, a political subdivision of the State of Hawaii, dated September 1, 2010, recorded in the said Bureau of Conveyances as Document No. 2010-132284, granting a nonexclusive easement for water meter and pipeline purposes, being more particularly described therein and as shown on map attached thereto.

28. Grant to Time Warner Entertainment Co., L.P., a Delaware limited partnership, dated April 5, 2011, recorded in the said Bureau of Conveyances as Document No. 2011-055829, granting a non-exclusive easement for cable television system purposes.

29. Assignment of In Gross Reservations dated October 17, 2014, recorded in the said Bureau of Conveyances as Document No. A-54130023, by and between J. Alan Kugle, Trustee in

Dissolution for C. Brewer and Company, Limited, a dissolved Hawaii corporation, successor by merger to Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

## EXHIBIT "C"

### Kehalani Mauka (Large-Lot) Subdivision No. 3-B Description of Lot R-5 ('Ōma'oma'o Street)

Land situated on the westerly side of Honoapiilani Highway  
(F.A.P. No. 13-G) at Wailuku, Maui, Hawaii

Being portions of Grant 172 to E. Bailey and Royal Patent 1925,  
1928, 1958, Land Commission Award 387, Part 5, Section 1 to  
American Board of Commissioners for Foreign Missions

Beginning at a point at the northwesterly corner of this lot,  
the coordinates of said point of beginning referred to Government  
Survey Triangulation Station "LUKE" being 802.79 feet North and  
4,249.59 feet West and running by azimuths measured clockwise from  
True South:

1. Thence along Lot 1-J of Kehalani Mauka (Large-Lot) Subdivision  
No. 2, being also along the  
remainder of Grant 172 to E.  
Bailey on a curve to the left,  
with the point of curvature  
azimuth from the radial point  
being:  
163° 45' and the point of  
tangency azimuth from the  
radial point being:  
92° 14', having a radius of  
50.00 feet, the chord azimuth  
and distance being:  
37° 59' 30" 58.44 feet to a  
point;
2. 2° 14' 254.62 feet along same to a point;
3. Thence along Lot 1-J of Kehalani Mauka (Large-Lot) Subdivision  
No. 2, being also along the  
remainders of Grant 172 to E.  
Bailey and Royal Patent 1925,  
1928, 1958, Land Commission  
Award 387, Part 5, Sec. 1 to  
A.B.C.F.M. on a curve to the  
right, having a radius of  
830.00 feet, the chord azimuth  
and distance being:  
11° 35' 30" 269.93 feet to a  
point;

- 2

7. Thence along Lot 3-A-4 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of Royal Patent 1925, 1928, 1958, Land Commission Award 387, Part 5, Sec. 1 to A.B.C.F.M. on a curve to the left, with the point of curvature azimuth from the radial point being:  $17^{\circ} 36' 38''$  and the point of tangency azimuth from the radial point being:  $290^{\circ} 57'$ , having a radius of 30.00 feet, the chord azimuth and distance being:  $244^{\circ} 16' 49''$  41.17 feet to a point;
8.  $200^{\circ} 57'$  189.11 feet along same to a point;
9. Thence along Lot 3-A-4 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainders of Royal Patent 1925, 1928, 1958, Land Commission Award 387, Part 5, Sec. 1 to A.B.C.F.M. and Grant 172 of E. Bailey on a curve to the left, having a radius of 770.00 feet, the chord azimuth and distance being:  $191^{\circ} 35' 30''$  250.42 feet to a point;
10.  $182^{\circ} 14'$  270.57 feet along Lots 3-A-4 and 3-A-5 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of Grant 172 of E. Bailey to a point;
11.  $253^{\circ} 45'$  99.27 feet along Lot 1-K of Kehalani Mauka (Large-Lot) Subdivision No. 2, being also along the remainder of Grant 172 of E. Bailey to the point of beginning and containing an Area of 1.060 Acres.



SUBJECT, HOWEVER, to the following:

1. A Sewerline Easement S-1 in favor of the County of Maui and being more particularly described as follows:

Beginning at a point at the northeasterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 300.08 feet North and 4,328.69 feet West and running by azimuths measured clockwise from True South:

1. Thence along Lot 1-J of Kehalani Mauka (Large-Lot) Subdivision No. 2, being also along the remainders of Grant 172 to E. Bailey and Royal Patent 1925, 1928, 1958, Land Commission Award 387, Part 5, Sec. 1 to A.B.C.F.M. on a curve to the right, with the point of curvature azimuth from the radial point being:  $286^{\circ} 25'$  and the point of tangency azimuth from the radial point being:  $287^{\circ} 27' 09''$ , having a radius of 830.00 feet, the chord azimuth and distance being:  $16^{\circ} 56' 04.5''$  15.01 feet;
2.  $107^{\circ} 32' 20''$  60.00 feet along the remainder of Lot R-5 ( $\text{'\text{O}ma\text{'oma'o}$  Street) of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of Royal Patent 1925, 1928, 1958, L.C. Aw. 387, Part 5, Sec. 1 to A.B.C.F.M.;

3. Thence along Lot 3-A-4 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of Royal Patent 1925, 1928, 1958, Land Commission Award 387, Part 5, Sec. 1 to A.B.C.F.M. on a curve to the left, with the point of curvature azimuth from the radial point being:  $287^{\circ} 26' 45''$  and the point of tangency azimuth from the radial point being:  $286^{\circ} 19' 46''$ , having a radius of 770.00 feet, the chord azimuth and distance being:  $196^{\circ} 53' 15.5''$  15.00 feet;

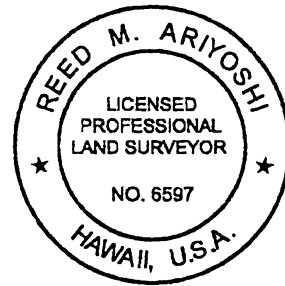
4.  $287^{\circ} 32' 20''$  60.01 feet along the remainder of Lot R-5 ( $\text{'\text{O}ma\text{'oma'o}$  Street) of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of Royal Patent 1925, 1928, 1958, Land Commission Award 387, Part 5, Sec. 1 to A.B.C.F.M. and Grant 172 to E. Bailey to the point of beginning and containing an Area of 900 Square Feet, more or less.

2. A Sewerline Easement S-2 in favor of the County of Maui and being more particularly described as follows:

Beginning at a point at the southeasterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 745.96 feet North and 4,285.98 feet West and running by azimuths measured clockwise from True South:

1.  $92^{\circ} 14'$  60.00 feet along the remainder of Lot R-5 ( $\text{'\text{O}ma\text{'oma'o}$  Street) of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of Grant 172 to E. Bailey;

2. 182° 14' 15.00 feet along Lot 3-A-5 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of Grant 172 to E. Bailey;
  3. 272° 14' 60.18 feet along the remainder of Lot R-5 ('Ōma'oma'o Street) of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of Grant 172 to E. Bailey;
  4. Thence along Lot 1-J of Kehalani Mauka (Large-Lot) Subdivision No. 2, being also along the remainder of Grant 172 to E. Bailey on a curve to the left, with the point of curvature azimuth from the radial point being:  
97° 04' 30" and the point of tangency azimuth from the radial point being:  
92° 14', having a radius of 50.00 feet, the chord azimuth and distance being:  
4° 39' 15" 4.22 feet;
  5. 92° 14' 10.78 feet along same to the point of beginning and containing an Area of 900 Square Feet, more or less.
3. A portion of an existing Utility Easement in favor of Maui Electric Company, Limited and Hawaiian Telephone Company.



*Reed M. Ariyoshi* 7/16/10 04/30/12  
\_\_\_\_\_  
Licensed Professional Land Surveyor  
Certificate No. 6597

Together with easement rights in Easements "1", "3" and "4" for access purposes, as set forth by Declaration of Easements dated September 19, 2004, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-187029; and subject to the terms and provisions contained therein.

Together also with easement rights for access in the following:

1. Roadway Lots 7, 8 and 9, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 1 (Subdivision File No. 3.1993);
2. Roadway Lots 4B, 4C, 4D and 4E of Iliahi at Kehalani Roadway Lot Subdivision (Subdivision File No. 3.2122);
3. Roadway Lots 73 and 85 as shown on File Plan 2407;
4. Roadway Lots R-1 and R-2 of "Kehalani Mauka Large-Lot) Subdivision NO. 3-A" (Subdivision File No. 3.2124);
5. Roadway Lots R-3 and R-4, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 3-B (Subdivision File No. 3.2136); and
6. Roadway Lot R-6, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 3-C (Subdivision File No. 3.2149);

PROVIDED, HOWEVER, that if and when in the event said above Roadway Lots are conveyed, transferred and dedicated to the County, State or any governmental authority and accepted as public highway or road, said easement as to the lots so conveyed shall automatically cease and terminate.

Together also with an easement for surface drainage purposes over the "Easement Area", being a portion of the land(s) bearing Tax Key designation (2) 3-5-002-001, as granted by Grant Of Easement dated September 9, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-184672, and subject to the terms and provisions contained therein.

Being the premises acquired by the Grantor herein by Deed of Kehalani Mauka LLC, a Hawaii limited liability company, dated August 27, 2012, recorded in the said Bureau of Conveyances as Document No. A-47700420.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. Rights of native tenants as reserved on Royal Patent Grant 172.
3. Grant (Unrecorded) to Board of Water Supply of the County of Maui dated December 6, 1978, granting a nonexclusive easement for waterline purposes, as referenced in instrument dated December 6, 1978, recorded in the said Bureau of Conveyances in Liber 13464 on Page 463.
4. Grant to Maui Electric Company, Limited and Hawaiian Telephone Company, now known as Hawaiian Telcom, Inc., dated January 5, 1987, recorded in the said Bureau of Conveyances in Liber 20331 on Page 23, granting a right and easement for utility purposes as shown on map attached thereto.
5. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
6. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.

Said above Agreement was supplemented by instrument dated --- (acknowledged April 15, 2003), recorded as Document No. 2003-091383.
7. The terms and provisions contained in Right of Entry and Operating Agreement dated February 18, 1997, recorded in the said Bureau of Conveyances as Document No. 97-029978, by and among Wailuku Agribusiness Co., Inc., a Hawaii corporation, C. Brewer Homes, Inc., a Delaware corporation, and Board of Water Supply of The County of Maui.
8. The terms and provisions contained in Subdivision Agreement (Large Lots) dated October 2, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-198458, by and between Kehalani Mauka LLC and the County of Maui.
9. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated October 31, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-218046, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui.

10. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130559.

11. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

12. The terms and provisions contained in Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 24, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Public Works and Waste Management, an agency of the County of Maui.

13. The terms and provisions contained in Agreement to Implement Unilateral Agreement and Declaration for Conditional Zoning (Regarding Incremental Park Dedication) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234296, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and Hawaii Land & Farming Company, Inc., a Delaware corporation.

14. The terms and provisions contained in Storage Credits and Amended Right of Entry Agreement for 3.0 Mg Concrete Reservoir at Wailuku, Maui, Hawaii, dated December 5, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234297, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, and the Board of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130561.

15. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated December 12, 2003, recorded in the said Bureau of Conveyances as Document No. 2004-052289, by and between Kehalani Mauka LLC, a Hawaii limited

liability company, and the County of Maui, a political subdivision of the State of Hawaii, through its Department of Water Supply.

16. The terms and provisions contained in Subdivision Agreement (Large Lots) dated June 14, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-127165, by and between Kehalani Mauka, LLC, and the County of Maui, through its Department of Public Works and Environmental Management, a body politic and corporate, and a political subdivision of the State of Hawaii.

17. Grant to Maui Electric Company, Limited, and Verizon Hawaii Inc., now known as Hawaiian Telcom, Inc., dated February 3, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-032467, granting a right and easement for utility purposes.

18. Assignment of In Gross Reservations dated effective as of October 1, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

19. Grant to Kehalani Mauka LLC, a Hawaii limited liability company, and Kehalani Holdings Company, Inc., a Hawaii corporation, dated July 11, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-149321, granting easements for access and utility purposes as shown on map attached thereto.

20. The terms and provisions contained in Subdivision Agreement (Large Lots) dated November 9, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-214934, by and among Kehalani Mauka, LLC, Kehalani 511-Maui, LLC, Kehalani Holdings Company, Inc. and County of Maui.

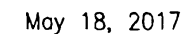
21. The terms and provisions contained in Subdivision Agreement (Large Lots) dated May 16, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-097366, by and between Kehalani Mauka LLC and the County of Maui, through its Department of Public Works and Environmental Management, a body politic and corporate, and a political subdivision of the State of Hawaii.

22. Grant to County of Maui, a political subdivision of the State of Hawaii, dated September 1, 2010, recorded in the said Bureau of Conveyances as Document No. 2010-132284, granting a nonexclusive easement for water meter and pipeline purposes, being more particularly described therein and as shown on map attached thereto.



23. Grant to Time Warner Entertainment Co., L.P., a Delaware limited partnership, dated April 5, 2011, recorded in the said Bureau of Conveyances as Document No. 2011-055829, granting a non-exclusive easement for cable television system purposes.

24. Assignment of In Gross Reservations dated October 17, 2014, recorded in the said Bureau of Conveyances as Document No. A-54130023, by and between J. Alan Kugle, Trustee in Dissolution for C. Brewer and Company, Limited, a dissolved Hawaii corporation, successor by merger to Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".



## EXHIBIT "8"

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ( )

County of Maui  
Department of Finance  
200 South High Street  
Wailuku, Maui, HI 96793

Total No. of Pages: \_\_\_\_\_

Tax Map Key No. (2) 3-5-001-114  
Subdivision File No. 3.2149

### **WARRANTY DEED (Roadway Lot R-6)**

KNOW ALL BY THESE PRESENTS:

That RCFC KEHALANI, LLC, a Delaware limited liability company, whose address is at 2005 Main Street, Wailuku, Maui, Hawaii 96793 (the "**Grantor**"), pursuant to Section 3.44.015 F.4 of the Maui County Code and other consideration to the Grantor paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose address is at 200 South High Street, Wailuku, Hawaii 96793 (the "**Grantee**"), receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto said Grantee, as TENANT IN SEVERALTY, absolutely and in fee simple:

All of that certain real property more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference, and as shown on the map attached hereto as **Exhibit "B"**.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said Grantee as aforesaid, absolutely and forever.

And Grantor, in consideration of the premises, does hereby covenant and agree to and with said Grantee that Grantor is lawfully seised of the property described in **Exhibit "A"**, and shown on **Exhibit "B"**, for an estate in fee simple and Grantor's title thereto is free and clear of and from all encumbrances other than (1) real property taxes assessed for the current fiscal year, and (2) those more particularly set forth in **Exhibit "A"**; that Grantor has good right to sell and convey the same as aforesaid and that Grantor will WARRANT AND DEFEND the same unto said Grantee against the lawful claims and demands of all persons, except as aforesaid.

And Grantor further covenants and agrees that unless and until the Hawaii State Land Use Commission removes or releases the conditions described in that certain Declaration of Conditions dated July 25, 1990 and recorded in the Bureau of Conveyances of Hawaii as Document No. 90-117006, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Declaration of Conditions


And Grantor further covenants and agrees that unless and until such time as the County of Maui removes or terminates the covenants, conditions and restrictions contained in that certain Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991 and recorded in the Bureau of Conveyances of Hawaii as Document No. 91-124296, as amended, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Unilateral Agreement and Declaration of Conditional Zoning.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and their and each of their respective successors, successors in trust, heirs, legal representatives and permitted assigns, according to the context thereof.

- The remainder of this page is intentionally left blank; the next page is the signature page. -


IN WITNESS WHEREOF, Grantor has executed these presents on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

**RCFC KEHALANI, LLC,**  
a Delaware limited liability company

By   
**Aaron A. Giovara**  
Its **Authorized Signatory**

Grantor


REVIEWED AND APPROVED:

By   
**ROWENA M. DAGDAG-ANDAYA**  
Acting Director of Public Works

ACCEPTED:

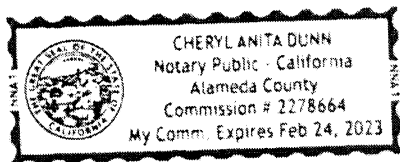
By \_\_\_\_\_  
**SCOTT K. TERUYA**  
Director of Finance

APPROVED AS TO FORM AND LEGALITY:

By   
~~DAVID A. GALAZIN~~ **MICHAEL J. HOPPER**  
Deputy Corporation Counsel  
County of Maui

STATE OF California )  
 ) SS.  
COUNTY OF San Francisco )

On this 12 day of April, 2019, before me personally appeared Aaron A. Giovara, 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.



A handwritten signature in cursive script that reads "Cheryl A. Dunn".

Print Name: Cheryl Anita Dunn  
Notary Public, in and for said State and County.

My commission expires: Feb. 24, 2023

## EXHIBIT "A"

### Kehalani Mauka (Large-Lot) Subdivision No. 3-C Description of Lot R-6 (Kehalani Mauka Parkway)

Land situated on the westerly side of Honoapiilani Highway  
(F.A.P. No. 13-G) at Wailuku, Maui, Hawaii.

Being portions of Grant 483 to E. Bailey and Royal Patent  
1925, 1928, 1958, Land Commission Award 387, Part 5, Section  
1 to American Board of Commissioners for Foreign Missions.

Beginning at a point at the northeasterly corner of this lot,  
being also the southeasterly corner of Lot 3-A-1-E of Kehalani  
Mauka (Large-Lot) Subdivision No. 3-C and the southwesterly corner  
of Lot P-2 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, the  
coordinates of said point of beginning referred to Government  
Survey Triangulation Station "LUKE" being: 51.81 feet North and  
5,153.93 feet West and running by azimuths measured clockwise from  
True South:

1.    340°    04'                      70.00 feet along Lot R-4 (Kehalani Mauka  
   Parkway) of Kehalani Mauka  
   (Large-Lot) Subdivision No.  
   3-B, being also along the  
   remainder of Royal Patent 1925,  
   1928, 1958, Land Commission  
   Award 387, Part 5, Section 1 to  
   American Board of Commissioners  
   for Foreign Missions to a  
   point;

2. Thence along Lots 3-A-1-C, D-4 and 3-A-1-B of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, being also along the remainders of Royal Patent 1925, 1928, 1958, Land Commission Award 387, Part 5, Section 1 to American Board of Commissioners for Foreign Missions and Grant 483 to E. Bailey on a curve to the left with the point of curvature azimuth from the radial point being:  
160° 04' and the point of curvature azimuth from the radial point being:  
61° 10', having a radius of 930.00 feet, the chord azimuth and distance being:  
20° 37' 1,413.30 feet to a point;
3. 331° 10' 328.84 feet along Lot 3-A-1-B of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, being also along the remainder of Grant 483 to E. Bailey to a point;
4. Thence along Lots 3-A-1-B and 3-A-1-A of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, being also along the remainder of Grant 483 to E. Bailey on a curve to the right, having a radius of 1,180.92 feet, the chord azimuth and distance being:  
342° 45' 474.24 feet to a point;
5. 354° 20' 50.02 feet along Lot 3-A-1-A of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, being also along the remainder of Grant 483 to E. Bailey to a point;



6. Thence along Lot 3-A-1-A of Kehalani Mauka (Large-Lot) Subdivision No. 3-C and Lot D-1 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B, being also along the remainder of Grant 483 to E. Bailey on a curve to the left, with the point of curvature azimuth from the radial point being: 84° 20' and the point of tangency azimuth from the radial point being: 66° 13' 47", having a radius of 1,397.40 feet, the chord azimuth and distance being: 345° 16' 53.5" 439.70 feet to a point;
7. 69° 30' 70.11 feet along Lot R-1 (Kehalani Mauka Parkway) of Kehalani Mauka (Large-Lot) Subdivision No. 3-A, being also along the remainder of Grant 483 to E. Bailey to a point;
8. Thence along Lot D-2 of Kehalani Mauka (Large-Lot) Subdivision No. 3-B and Lot 3-A-1-F of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, being also along the remainder of Grant 483 to E. Bailey on a curve to the right, with the point of curvature azimuth from the radial point being: 66° 23' 09" and the point of tangency azimuth from the radial point being: 84° 20', having a radius of 1,467.40 feet, the chord azimuth and distance being: 165° 21' 34.5" 457.78 feet to a point;
9. 174° 20' 50.02 feet along Lot 3-A-1-F of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, being also along the remainder of Grant 483 to E. Bailey to a point;

10. Thence along same on a curve to the left, having a radius of 1,110.92 feet, the chord azimuth and distance being: 162° 45' 446.13 feet to a point;
11. 151° 10' 328.84 feet along Lots 3-A-1-F and P-3 of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, being also along the remainder of Grant 483 to E. Bailey to a point;
12. Thence along Lots P-3, D-5, 3-A-1-D and 3-A-1-E of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, being also along the remainders of Grant 483 to E. Bailey and Royal Patent 1925, 1928, 1958, Land Commission Award 387, Part 5, Section 1 to American Board of Commissioners for Foreign Missions on a curve to the right, with the point of curvature azimuth from the radial point being: 61° 10' and the point of tangency azimuth from the radial point being: 160° 04', having a radius of 1,000.00 feet, the chord azimuth and distance being: 200° 37' 1,519.68 feet to the point of beginning and containing an Area of 4.754 Acres.

SUBJECT, HOWEVER, the following:

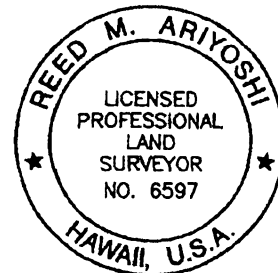
1. A Drainage Easement E-15 in favor of Kehalani Mauka LLC and being more particularly described as follows:

Beginning at a point at the northwesterly corner of this easement, being also the southeasterly corner of Lot 3-A-1-D and the northeasterly corner of Lot D-5 of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being: 1,119.58 feet South and 5,875.90 feet West and running by azimuths measured clockwise from True South:

1. 255° 46' 70.01 feet along the remainder of Lot R-6 (Kehalani Mauka Parkway) of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, being also along the remainder of Grant 483 to E. Bailey;
2. Thence along Lot D-4 of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, being also along the remainder of Grant 483 to E. Bailey on a curve to the left with the point of curvature azimuth from the radial point being: 76° 41' 27" and the point of tangency azimuth from the radial point being: 74° 50' 33", having a radius of 930.00 feet, the chord azimuth and distance being: 345° 46' 30.00 feet;
3. 75° 46' 70.01 feet along the remainder of Lot R-6 (Kehalani Mauka Parkway) of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, being also along the remainder of Grant 483 to E. Bailey;

4. Thence along Lot D-5 of Kehalani Mauka (Large-Lot) Subdivision No. 3-C, being also along the remainder of Grant 483 to E. Bailey on a curve to the right, with the point of curvature azimuth from the radial point being: 74° 54' 26" and the point of tangency azimuth from the radial point being: 76° 37' 34", having a radius of 1,000.00 feet, the chord azimuth and distance being: 165° 46' 30.00 feet to the point of beginning and containing an Area of 0.048 Acres, more or less.

2. An existing Drainage Easement E-3 in favor of Kehalani Mauka LLC.



WARREN S. UNEMORI ENGINEERING, INC.

Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
August 25, 2015

By: Reed M. Ariyoshi 04/30/16 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 6597

Together with easement rights in Easements "1", "3" and "4" for access purposes, as set forth by Declaration of Easements dated September 19, 2004, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-187029; and subject to the terms and provisions contained therein.

Together also with easement rights for access in the following:

1. Roadway Lots 7, 8 and 9, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 1 (Subdivision File No. 3.1993);
2. Roadway Lots 4B, 4C, 4D and 4E of Iliahi at Kehalani Roadway Lot Subdivision (Subdivision File No. 3.2122);
3. Roadway Lots 73 and 85 as shown on File Plan 2407;
4. Roadway Lots R-1 and R-2 of "Kehalani Mauka (Large-Lot) Subdivision NO. 3-A" (Subdivision File No. 3.2124); and
5. Roadway Lots R-3, R-4 and R-5, as shown on the Kehalani Mauka (Large-Lot) Subdivision No. 3-B (Subdivision File No. 3.2136);

PROVIDED, HOWEVER, that if and when in the event said above Roadway Lots are conveyed, transferred and dedicated to the County, State or any governmental authority and accepted as public highway or road, said easement as to the lots so conveyed shall automatically cease and terminate.

Together also with an easement for surface drainage purposes over the "Easement Area", being a portion of the land(s) bearing Tax Key designation (2) 3-5-002-001, as granted by GRANT OF EASEMENT dated September 9, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-184672, and subject to the terms and provisions contained therein.

Being the premises acquired by the Grantor herein by Deed of Kehalani Mauka LLC, a Hawaii limited liability company, dated August 27, 2012, recorded in the said Bureau of Conveyances as Document No. A-47700413.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. The terms and provisions contained in Deed dated June 23, 1924, recorded in the said Bureau of Conveyances in Liber 740 on Page 134.
3. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
4. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296, between B. G. Moynahan, Vice President for Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Declarant".

Supplemental Unilateral Agreement dated --- (acknowledged April 15, 2003), recorded as Document No. 2003-091383, by Kehalani Mauka LLC, a Hawaii limited liability company.

5. The terms and provisions contained in Right of Entry and Operating Agreement dated February 18, 1997, recorded in the said Bureau of Conveyances as Document No. 97-029978, by and among Wailuku Agribusiness Co., Inc., a Hawaii corporation, C. Brewer Homes, Inc., a Delaware corporation, "Grantor", and Board of Water Supply of The County of Maui, a body politic and corporate and a political subdivision of the State of Hawaii, "Board".

6. Grant to Board Of Water Supply of the County of Maui, dated --- (acknowledged November 17, 1997, March 3, 1998 and August 26, 1997), recorded in the said Bureau of Conveyances as Document No. 98-074648; granting a nonexclusive easement over said Temporary Water Easement "1", for a term of 3 years or until the Water System Improvements are removed, whichever comes first. The Grantee may request, in writing, extensions to the term of this easement.

7. The terms and provisions contained in Subdivision Agreement (Large Lots) dated October 2, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-198458, by and between Kehalani Mauka LLC and the County of Maui.

8. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated October 31, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-218046, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui.

9. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, a body politic and corporate and a political subdivision of the State of Hawaii.

Above agreement amended by instrument dated August 13, 2008, recorded as Document No. 2008-130559.

10. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, a body politic and corporate and a political subdivision of the State of Hawaii.

Above agreement amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

11. The terms and provisions contained in Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 24, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Public Works and Waste Management, an agency of the County of Maui, a body politic and corporate and a political subdivision of the State of Hawaii.

12. The terms and provisions contained in Agreement to Implement Unilateral Agreement and Declaration for Conditional Zoning (Regarding Incremental Park Dedication) dated December 18, 2002, recorded in the said Bureau of Conveyances as

Document No. 2002-234296, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and Hawaii Land & Farming Company, Inc., a Delaware corporation.

13. The terms and provisions contained in Storage Credits and Amended Right of Entry Agreement for 3.0 Mg Concrete Reservoir at Wailuku, Maui, Hawaii, dated December 5, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234297, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, and the Board of Water Supply of the County of Maui, a body politic and corporate and a political subdivision of the State of Hawaii.

Said Storage Credits and Amended Right of Entry Agreement was amended by unrecorded First Amendment and by Second Amendment dated August 13, 2008, recorded as Document No. 2008-130561.

14. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated December 12, 2003, recorded in the said Bureau of Conveyances as Document No. 2004-052289, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the County of Maui, a political subdivision of the State of Hawaii, through its Department of Water Supply.

15. The terms and provisions contained in Subdivision Agreement (Large Lots) dated June 14, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-127165, by and between Kehalani Mauka, LLC, and the County of Maui, through its Department of Public Works and Environmental Management, a body politic and corporate, and a political subdivision of the State of Hawaii.

16. Grant to Maui Electric Company, Limited, and Verizon Hawaii Inc., now known as Hawaiian Telcom, Inc., dated February 3, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-032467, granting a perpetual right and easement for utility purposes.

17. Grant to Ohia At Kehalani LLC, a Hawaii limited liability company, dated July 11, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-149321, granting easements for access and utility purposes over and across Lot 1-A, in favor of Lot 1-H, of the Kehalani Mauka (Large Lot) Subdivision No. 2.



18. Mauka/Makai Drainage Corridor (North) as shown on "Kehalani Mauka (Large Lot) Subdivision No. 3-A" map dated December 17, 2004, last revised December 16, 2006, approved on November 28, 2006, Subdivision File No. 3.2124.

19. Mauka/Makai Drainage Corridor (South) as shown on "Kehalani Mauka (Large Lot) Subdivision No. 3-A" map dated December 17, 2004, last revised December 16, 2006, approved on November 28, 2006, Subdivision File No. 3.2124.

20. The terms and provisions contained in the Subdivision Agreement (Large Lots) dated November 9, 2006, recorded in the said Bureau of Conveyances as Document No. 2006-214934, between Kehalani Mauka, LLC, Kehalani 511-Maui, LLC, Kehalani Holdings Company, Inc. and County Of Maui.

21. The terms and provisions contained in the Subdivision Agreement (Large Lots) dated May 16, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-097366.

22. Designation of Easement "E-3" for drainage purposes, as shown on "Kehalani Mauka (Large Lot) Subdivision No. 3-B" map dated January 24, 2007, last revised June 15, 2007, approved on June 25, 2007, Subdivision File No. 3.2136.

23. Grant to Time Warner Entertainment Co., L.P., a Delaware limited partnership, dated April 5, 2011, recorded in the said Bureau of Conveyances as Document No. 2011-055829, granting a non-exclusive, irrevocable, unrestricted easement in gross to the property for the installation, maintenance, operation, removal and repair of cable television system or other similar facilities, including, without limitation, lines, cables, amplifiers and other electronic equipment, towers and poles.

24. The terms and provisions contained in the Large Lot Subdivision Water Availability Agreement dated July 1, 2011, recorded in the said Bureau of Conveyances as Document No. 2011-105518, between Kehalani Mauka LLC, a Hawaii limited liability company, ("Owner"), and County of Maui, through its Department of Water Supply, a body politic and corporate, and a political subdivision of the State of Hawaii, ("County").

25. The terms and provisions contained in the Subdivision Agreement (Large Lots) dated March 20, 2014, recorded in the said Bureau of Conveyances as Document No. A-54160763, between RCFC Kehalani, LLC, ("Subdivider"), and

County Of Maui, through its Department of Public Works, a political subdivision of the State of Hawaii.

26. Designation of Easement "E-15" for drainage purposes, as shown on "Kehalani Mauka (Large Lot) Subdivision No. 3-C" map dated May 5, 2005, last revised August 20, 2014, and approved on June 2, 2015, Subdivision File No. 3.2149.

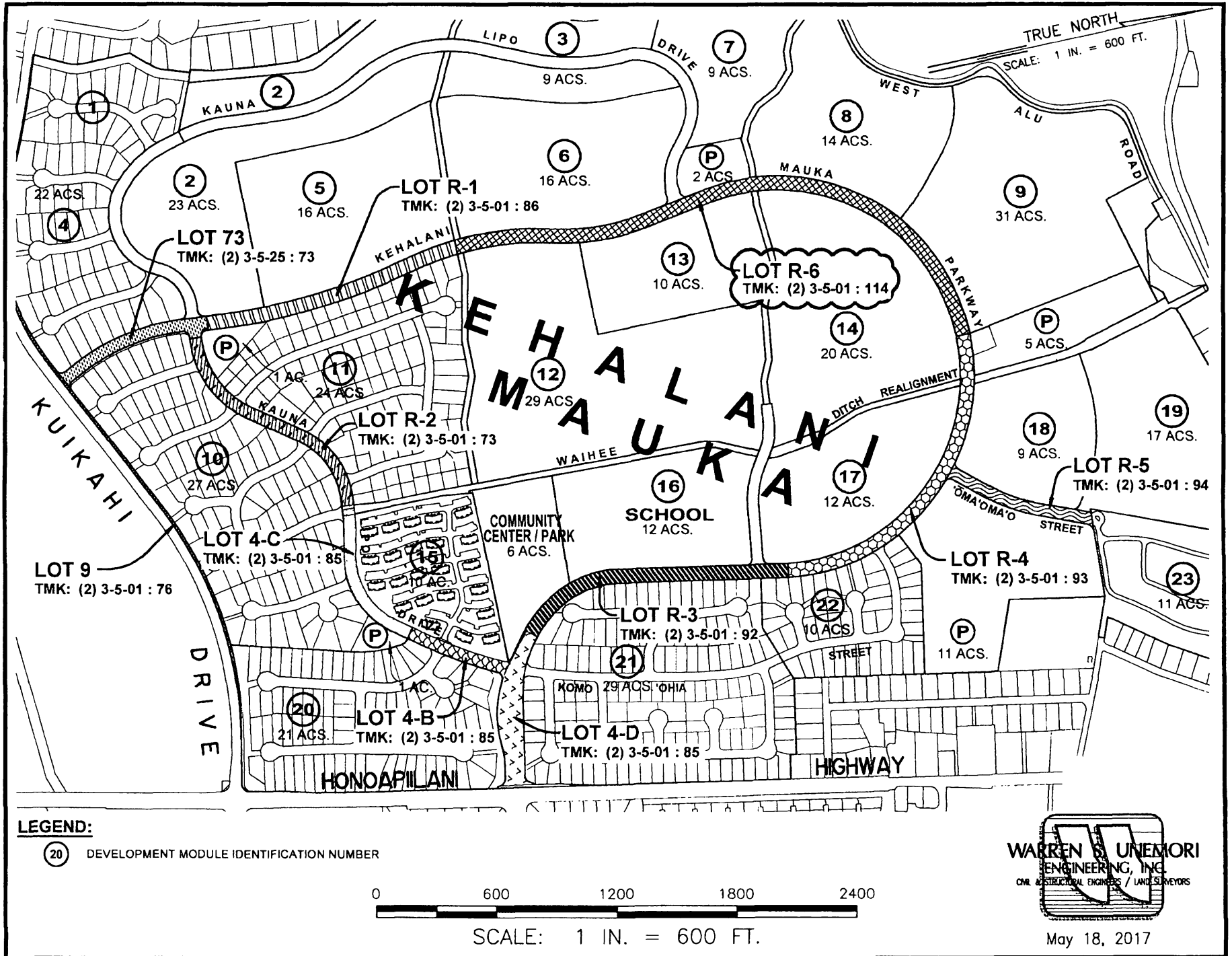
27. 100 Year Flood Inundation Limits, as shown on "Kehalani Mauka (Large Lot) Subdivision No. 3-C" map dated May 5, 2005, last revised August 20, 2014, approved on June 2, 2015, Subdivision File No. 3.2149.

28. Grant to County of Maui dated October 25, 2016, recorded in the said Bureau of Conveyances as Document No. A-61500090, granting a nonexclusive easement for access to water meter and for waterline purposes.

# EXHIBIT "B"

:\projdata\13proj\13032 - RFCF Kehalani (Mauka Rd

:\projdata\13proj\13032 - RFCF Kehalani (Mauka Rd

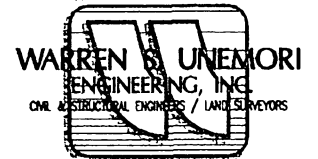


## LEGEND:

(20) DEVELOPMENT MODULE IDENTIFICATION NUMBER

0 600 1200 1800 2400

SCALE: 1 IN. = 600 FT.



May 18, 2017

## EXHIBIT "9"

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ( )

County of Maui  
Department of Finance  
200 South High Street  
Wailuku, Maui, HI 96793

Total No. of Pages: \_\_\_\_\_

Tax Map Key No.: (2) 3-5-001:085 (portion of)  
Subdivision File No. 3.2122

### **WARRANTY DEED** **(Roadway Lots 4-B, 4-C and 4-D)**

KNOW ALL BY THESE PRESENTS:

That RCFC KEHALANI, LLC, a Delaware limited liability company, whose address is at 2005 Main Street, Wailuku, Maui, Hawaii 96793 (the "**Grantor**"), pursuant to Section 3.44.015 F.4 of the Maui County Code and other consideration to the Grantor paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose address is at 200 South High Street, Wailuku, Hawaii 96793 (the "**Grantee**"), receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto said Grantee, as TENANT IN SEVERALTY, absolutely and in fee simple:

All of those certain real properties more particularly described in **Exhibits "A", "B" and "C"** attached hereto and incorporated herein by reference, and as shown on the map attached hereto as **Exhibit "D"**.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said Grantee as aforesaid, absolutely and forever.

And Grantor, in consideration of the premises, does hereby covenant and agree to and with said Grantee that Grantor is lawfully seised of the property described in **Exhibits "A", "B" and "C"**, and shown on **Exhibit "D"**, for an estate in fee simple and Grantor's title thereto is free and clear of and from all encumbrances other than (1) real property taxes assessed for the current fiscal year, and (2) those more particularly set forth in **Exhibits "A", "B" and "C"**; that Grantor has good right to sell and convey the same as aforesaid and that Grantor will WARRANT AND DEFEND the same unto said Grantee against the lawful claims and demands of all persons, except as aforesaid.

And Grantor further covenants and agrees that unless and until the Hawaii State Land Use Commission removes or releases the conditions described in that certain Declaration of Conditions dated July 25, 1990 and recorded in the Bureau of Conveyances of Hawaii as Document No. 90-117006, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Declaration of Conditions


And Grantor further covenants and agrees that unless and until such time as the County of Maui removes or terminates the covenants, conditions and restrictions contained in that certain Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991 and recorded in the Bureau of Conveyances of Hawaii as Document No. 91-124296, as amended, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Unilateral Agreement and Declaration of Conditional Zoning.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and their and each of their respective successors, successors in trust, heirs, legal representatives and permitted assigns, according to the context thereof.

- The remainder of this page is intentionally left blank; the next page is the signature page. -


IN WITNESS WHEREOF, Grantor has executed these presents on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.

**RCFC KEHALANI, LLC,**  
a Delaware limited liability company

By   
\_\_\_\_\_  
Aaron A. Giovara  
Its Authorized Signatory

Grantor


REVIEWED AND APPROVED:

By   
\_\_\_\_\_  
ROWENA M. DAGDAG-ANDAYA  
Acting Director of Public Works

ACCEPTED:

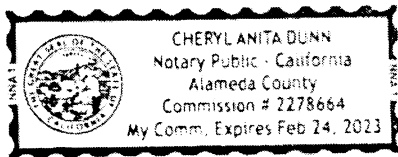
By \_\_\_\_\_  
SCOTT K. TERUYA  
Director of Finance

APPROVED AS TO FORM AND LEGALITY:

By   
\_\_\_\_\_  
~~DAVID A. GALAZIN~~ MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

STATE OF California )  
 ) SS.  
COUNTY OF San Francisco )

On this 12 day of April, 20 19, before me personally appeared Aaron A. Giovara, 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.



*Cheryl Dunn*

Print Name: Cheryl Anita Dunn  
Notary Public, in and for said State and County.

My commission expires: Feb. 24, 20123

## EXHIBIT "A"

### Iliahi at Kehalani Roadway Lot Subdivision Description of Lot 4-B (Roadway Lot)

Land situated on the westerly side of Honoapiilani Highway  
(F.A.P. No. 13-G) at Wailuku, Maui, Hawaii

Being a portion of Grant 483 to E. Bailey

Beginning at a point at the southeasterly corner of this lot,  
being also the southeasterly corner of Lot 4-C (Roadway Lot) of Iliahi  
at Kehalani Roadway Lot Subdivision, the coordinates of said point of  
beginning referred to Government Survey Triangulation Station "LUKE"  
being 2,551.20 feet South and 3,282.04 feet West and running by  
azimuths measured clockwise from True South:

1. 107° 00' 60.00 feet along Lot 4-C (Roadway Lot) of  
Iliahi at Kehalani Roadway Lot  
Subdivision, being also along  
the remainder of Grant 483 to  
E. Bailey to a point;
2. 197° 00' 95.65 feet along Lot 4-A of Iliahi at  
Kehalani Roadway Lot  
Subdivision, being also along  
the remainder of Grant 483 to  
E. Bailey to a point;
3. Thence along same on a curve to the left with the point of  
curvature azimuth from the  
radial point being:  
287° 00', and the point of  
tangency azimuth from the  
radial point being:  
286° 24' 23", having a radius  
of 1,970.00 feet, the chord  
azimuth and distance being:  
196° 42' 11.50" 20.41 feet to  
a point;



4. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being:  
286° 24' 23", and the point of tangency azimuth from the radial point being:  
243° 38' 22", having a radius of 30.50 feet, the chord azimuth and distance being:  
175° 01' 22.50" 22.24 feet to a point;
5. 194° 52' 09" 63.87 feet along same to a point;
6. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being:  
326° 05' 55", and the point of tangency azimuth from the radial point being:  
283° 19' 54", having a radius of 30.50 feet, the chord azimuth and distance being:  
214° 42' 54.50" 22.24 feet to a point;
7. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being:  
283° 19' 54", and the point of tangency azimuth from the radial point being:  
275° 31' 41", having a radius of 1,970.00 feet, the chord azimuth and distance being:  
189° 25' 47.50" 268.10 feet to a point;
8. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being:  
275° 31' 41", and the point of tangency azimuth from the radial point being:  
239° 27' 20", having a radius of 30.00 feet, the chord azimuth and distance being:  
167° 29' 30.50" 18.58 feet to a point;

9.    250°   38'                      2.74 feet    along Lot 1-F of Kehalani Mauka (Large-Lot) Subdivision No. 2, being also along the remainder of Grant 483 to E. Bailey to a point;
10.    Thence along same on a curve to the left with the point of curvature azimuth from the radial point being: 248° 33' 44", and the point of tangency azimuth from the radial point being: 201° 19', having a radius of 30.00 feet, the chord azimuth and distance being: 134° 56' 22"    24.04 feet to a point;
11.    291°   19'                      33.23 feet    along Lot 4-D of Iliahi at Kehalani Roadway Lot Subdivision, being also along the remainder of Grant 483 to E. Bailey to a point;
12.    Thence along same on a curve to the left with the point of curvature azimuth from the radial point being: 21° 19', and the point of tangency azimuth from the radial point being: 11° 37' 28", having a radius of 500.00 feet, the chord azimuth and distance being: 286° 28' 14"    84.48 feet to a point;
13.    Thence along Lot 3 of Kehalani Mauka (Large-Lot) Subdivision No. 1, being also along the remainder of Grant 483 to E. Bailey, on a curve to the left with the point of curvature azimuth from the radial point being: 191° 37' 28", and the point of tangency azimuth from the radial point being: 96° 06' 26", having a radius of 30.00 feet, the chord azimuth and distance being: 53° 51' 57"    44.42 feet to a point;

14. Thence along same on a curve to the right with the point of curvature azimuth from the radial point being: 276° 06' 26", and the point of tangency azimuth from the radial point being: 287° 00', having a radius of 2,030.00 feet, the chord azimuth and distance being: 11° 33' 13" 385.35 feet to a point;

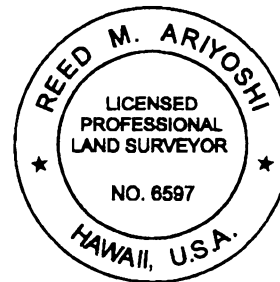
15. 17° 00' 95.65 feet along same to the point of beginning and containing an Area of 31,980 Square Feet.

TOGETHER WITH, the following:

1. A Restriction of Vehicular Access Rights along Courses 3, 4, 6 and 7 and a portion of Course 2 of the above described lot.

SUBJECT, HOWEVER, to the following:

1. A portion of an existing Access and Utility Easement in favor of Lot 2 of Kehalani Mauka (Large-Lot) Subdivision No. 1.



By: Reed M. Ariyoshi 4/30/20 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 6597

Being a portion of the premises acquired by the Grantor herein by Deed of Kehalani Mauka LLC, a Hawaii limited liability company, dated August 27, 2012, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-47700424.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. Roadway Reserve 2 (60 feet wide) for access and utility purposes as shown on subdivision map prepared by Warren S. Unemori, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated November 7, 2002, last revised December 13, 2002, approved by the Department of Public Works, County of Maui, LUCA File No. 3.1993, on December 30, 2002.
3. Rights of native tenants as reserved in Royal Patent Grant Number 483.
4. Grant (unrecorded) to Board of Water Supply of the County of Maui dated December 6, 1978, granting a nonexclusive easement for waterline purposes, as referenced in instrument dated December 6, 1978, recorded in the said Bureau of Conveyances in Liber 13464 on Page 463.
5. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
6. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.  
  
Said above Agreement was supplemented by instrument dated --- (acknowledged April 15, 2003), recorded as Document No. 2003-091383.
7. The terms and provisions contained in Right of Entry and Operating Agreement dated February 18, 1997, recorded in the said Bureau of Conveyances as Document No. 97-029978, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, C. Brewer Homes, Inc., a Delaware corporation, and Board of Water Supply of the County of Maui.
8. The terms and provisions contained in Subdivision Agreement (Large Lots) dated October 2, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-198458, by and between Kehalani Mauka LLC and the County of Maui.

9. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated October 31, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-218046, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui.

10. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130559.

11. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

12. The terms and provisions contained in Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 24, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Public Works and Waste Management, an agency of the County of Maui.

13. The terms and provisions contained in Storage Credits and Amended Right of Entry Agreement for 3.0 Mg Concrete Reservoir at Wailuku, Maui, Hawaii, dated December 5, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234297, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, and the Board of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130561.

14. The terms and provisions contained in Assignment of Water Credits dated December 31, 2003, recorded in the said Bureau of Conveyances as Document No. 2004-005408, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, "Assignor", and Iliahi at Kehalani LLC, a Hawaii limited liability company, "Assignee".

15. Grant to Ohia at Kehalani LLC, a Hawaii limited liability company, dated October 25, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-217834, granting a non-exclusive easement for access and utility purposes.

16. Grant to Maui Electric Company Limited, a Hawaii corporation, and Verizon Hawaii, Inc., a Hawaii corporation, now known as Hawaiian Telcom, Inc., dated October 5, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-222595, granting a perpetual right and easement for utility purposes.

17. The terms and provisions contained in Declaration of Easements dated January 4, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-010097.

The foregoing includes, but is not limited to, matters relating to granting of Access Easement 1 in favor of Lot 1-E of Subdivision No. 2, said easement more particularly described therein.

18. Grant to County of Maui dated July 21, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-146045, granting a perpetual nonexclusive easement over Roadway Lots 4B, 4C, 4D and 4E for Water System Improvement purposes, said easements being more particularly described therein and as shown on map attached thereto.

19. Grant to Hawaii Land & Farming Company, Inc., a Delaware corporation, dated September 27, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-201360, granting easements for access and utility purposes over and across said Access Easement "1" and Roadway Reserve "2".

20. Assignment of In Gross Reservations dated effective as of October 1, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

21. Grant to Iliahi at Kehalani Association of Apartment Owners, an unincorporated association, and Milo Court at Kehalani LLC, a Hawaii limited liability company, dated February 5, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-022789, granting non-exclusive easements for access purposes over and across the Roadway Lots, more particularly described therein.

22. Assignment of In Gross Reservations dated October 17, 2014, recorded in the said Bureau of Conveyances as Document No. A-54130023, by and between J. Alan Kugle, Trustee in Dissolution for C. Brewer and Company, Limited, a dissolved Hawaii corporation, successor by merger to Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

23. Easement rights for access purposes in favor of Lot 3-A-2-A, as set forth in Warranty Deed dated September 26, 2014, recorded in the said Bureau of Conveyances as Document No. A-54550544.

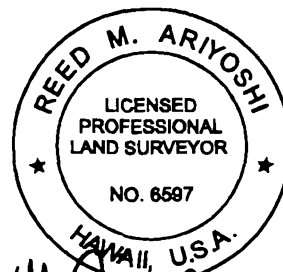
Iliahi at Kehalani Roadway Lot Subdivision  
Description of Lot 4-C (Roadway Lot)

Being a portion of Grant 483 to E. Bailey

1.      17°     00'                       82.16 feet along Lot 1-E of Kehalani Mauka  
  (Large-Lot) Subdivision No. 2,  
  being also along the remainder  
  of Grant 483 to E. Bailey, to a  
  point;
2.      Thence along same on a curve to the right, having a radius of  
  410.00 feet, the chord azimuth  
  and distance being:  
  51° 15' 55"     461.68 feet to a  
  point;
3.      85°     31'     50"               30.58 feet along same to a point;
4.      Thence along same on a curve to the left with the point of  
  curvature azimuth from the  
  radial point being:  
  175° 31' 50", and the point of  
  tangency azimuth from the  
  radial point being:  
  164° 50' 25", having a radius  
  of 1,070.00 feet, the chord  
  azimuth and distance being:  
  80° 11' 7.50"     199.35 feet to  
  a point;
5.      164°     50'     25"               60.00 feet along Lot 1-B of Kehalani Mauka  
  (Large-Lot) Subdivision No. 1,  
  being also along the remainder  
  of Grant 483 to E. Bailey to a  
  point;



6. Thence along Lots 4-F and 4-A of Iliahi at Kehalani Roadway Lot Subdivision, being also along the remainder of Grant 483 to E. Bailey, on a curve to the right with the point of curvature azimuth from the radial point being:  $164^{\circ} 50' 25''$ , and the point of tangency azimuth from the radial point being:  $175^{\circ} 31' 50''$ , having a radius of 1,130.00 feet, the chord azimuth and distance being:  $260^{\circ} 11' 7.50''$  210.53 feet to a point;
7.  $265^{\circ} 31' 50''$  30.58 feet along Lot 4-A of Iliahi at Kehalani Roadway Lot Subdivision, being also along the remainder of Grant 483 to E. Bailey to a point;
8. Thence along same on a curve to the left, having a radius of 350.00 feet, the chord azimuth and distance being:  $231^{\circ} 15' 55''$  394.12 feet to a point;
9.  $197^{\circ} 00'$  82.16 feet along same to a point;
10.  $287^{\circ} 00'$  60.00 feet along Lot 4-B (Roadway Lot) of Iliahi at Kehalani Roadway Lot Subdivision, being also along the remainder of Grant 483 to E. Bailey, to the point of beginning and containing an Area of 1.064 Acres.



By: Reed M. Ariyoshi 4/30/20 Exp.  
 Licensed Professional Land Surveyor  
 Certificate No. 6597

Being a portion of the premises acquired by the Grantor herein by Deed of Kehalani Mauka LLC, a Hawaii limited liability company, dated August 27, 2012, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-47700424.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
  2. Roadway Reserve 2 (60 feet wide) for access and utility purposes as shown on subdivision map prepared by Warren S. Unemori, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated November 7, 2002, last revised December 13, 2002, approved by the Department of Public Works, County of Maui, LUCA File No. 3.1993, on December 30, 2002.
  3. Grant to Wailuku Water Company, LLC, a Hawaii limited liability company, dated February 18, 2015, recorded in the said Bureau of Conveyances as Document No. A-55360421, granting a non-exclusive right and easement over and across Easement "4-B-2" for water system purposes, being more particularly described therein and as shown on map attached thereto.
  4. Rights of native tenants as reserved in Royal Patent Grant Number 483.
  5. Grant (unrecorded) to Board of Water Supply of the County of Maui dated December 6, 1978, granting a nonexclusive easement for waterline purposes, as referenced in instrument dated December 6, 1978, recorded in the said Bureau of Conveyances in Liber 13464 on Page 463.
  6. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
  7. . The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.
- Said above Agreement was supplemented by instrument dated --- (acknowledged April 15, 2003), recorded as Document No. 2003-091383.
8. The terms and provisions contained in Right of Entry and Operating Agreement dated February 18, 1997, recorded in the said Bureau of Conveyances as Document No. 97-029978, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation,

C. Brewer Homes, Inc., a Delaware corporation, and Board of Water Supply of the County of Maui.

9. The terms and provisions contained in Subdivision Agreement (Large Lots) dated October 2, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-198458, by and between Kehalani Mauka LLC and the County of Maui.

10. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated October 31, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-218046, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui.

11. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130559.

12. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

13. The terms and provisions contained in Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 24, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Public Works and Waste Management, an agency of the County of Maui.

14. The terms and provisions contained in Storage Credits and Amended Right of Entry Agreement for 3.0 Mg Concrete Reservoir at Wailuku, Maui, Hawaii, dated December 5, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234297, by and between Hawaii Land & Farming Company, Inc.,

a Delaware corporation, and the Board of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130561.

15. The terms and provisions contained in Assignment of Water Credits dated December 31, 2003, recorded in the said Bureau of Conveyances as Document No. 2004-005408, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, "Assignor", and Iliahi at Kehalani LLC, a Hawaii limited liability company, "Assignee".

16. Grant to Ohia at Kehalani LLC, a Hawaii limited liability company, dated October 25, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-217834, granting a non-exclusive easement for access and utility purposes.

17. Grant to Maui Electric Company Limited, a Hawaii corporation, and Verizon Hawaii, Inc., a Hawaii corporation, now known as Hawaiian Telcom, Inc., dated October 5, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-222595, granting a perpetual right and easement for utility purposes.

18. The terms and provisions contained in Declaration of Easements dated January 4, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-010097.

The foregoing includes, but is not limited to, matters relating to granting of Access Easement 1 in favor of Lot 1-E of Subdivision No. 2, said easement more particularly described therein.

19. Grant to County of Maui dated July 21, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-146045, granting a perpetual nonexclusive easement over Roadway Lots 4B, 4C, 4D and 4E for Water System Improvement purposes, said easements being more particularly described therein and as shown on map attached thereto.

20. Grant to Hawaii Land & Farming Company, Inc., a Delaware corporation, dated September 27, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-201360, granting easements for access and utility purposes over and across said Access Easement "1" and Roadway Reserve "2".

21. Assignment of In Gross Reservations dated effective as of October 1, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

22. Grant to Iliahi at Kehalani Association of Apartment Owners, an unincorporated association, and Milo Court at Kehalani LLC, a Hawaii limited liability company, dated February 5, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-022789, granting non-exclusive easements for access purposes over and across the Roadway Lots, more particularly described therein.

23. Assignment of In Gross Reservations dated October 17, 2014, recorded in the said Bureau of Conveyances as Document No. A-54130023, by and between J. Alan Kugle, Trustee in Dissolution for C. Brewer and Company, Limited, a dissolved Hawaii corporation, successor by merger to Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

24. Easement rights for access purposes in favor of Lot 3-A-2-A, as set forth in Warranty Deed dated September 26, 2014, recorded in the said Bureau of Conveyances as Document No. A-54550544.

**EXHIBIT "C"**

Iliahi at Kehalani Roadway Lot Subdivision  
Description of Lot 4-D

Land situated on the westerly side of Honoapiilani Highway  
(F.A.P. No. 13-G) at Wailuku, Maui, Hawaii

Being a portion of Grant 483 to E. Bailey

Beginning at a point on the northeasterly corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 1,834.91 feet South and 2,650.93 feet West and running by azimuths measured clockwise from True South:

1. 350' 49' 11" 164.80 feet along Lot 4-E (Highway Widening Lot) of Iliahi at Kehalani Roadway Lot Subdivision, being also along the remainder of Grant 483 to E. Bailey to a point;
2. Thence along Lot 3 of Kehalani Mauka (Large-Lot) Subdivision No. 1, being also along the remainder of Grant 483 to E. Bailey, on a curve to the left with the point of curvature azimuth from the radial point being: 238' 29' 17", and the point of tangency azimuth from the radial point being: 170' 49' 11", having a radius of 40.00 feet, the chord azimuth and distance being: 114' 39' 14" 44.54 feet to a point;
3. 80' 49' 11" 63.69 feet along same to a point;
4. Thence along same on a curve to the left, having a radius of 400.00 feet, the chord azimuth and distance being: 73' 34' 5.50" 100.98 feet to a point;
5. 66' 19' 15.92 feet along same to a point;

6. Thence along Lot 3 of Kehalani Mauka (Large-Lot) Subdivision No. 1 and Lot 4-B (Roadway Lot) of Iliahi at Kehalani Roadway Lot Subdivision, being also along the remainder of Grant 483 to E. Bailey, on a curve to the right, having a radius of 500.00 feet, the chord azimuth and distance being:  
88° 49' 382.68 feet to a point;
7. 111° 19' 186.80 feet along Lot 4-B (Roadway Lot) of Iliahi at Kehalani Roadway Lot Subdivision and Lot 1-F of Kehalani Mauka (Large-Lot) Subdivision No. 2, being also along the remainder of Grant 483 to E. Bailey to a point;
8. 201° 19' 60.00 feet along Lots 1-F and 1-G of Kehalani Mauka (Large-Lot) Subdivision No. 2, being also along the remainder of Grant 483 to E. Bailey to a point;
9. Thence along Lot 2 of Kehalani Mauka (Large-Lot) Subdivision No. 1, being also along the remainder of Grant 483 to E. Bailey, on a curve to the left with the point of curvature azimuth from the radial point being:  
21° 19', and the point of tangency azimuth from the radial point being:  
350° 49' 11", having a radius of 600.00 feet, the chord azimuth and distance being:  
276° 04' 5.50" 315.61 feet to a point;
10. 260° 49' 11" 372.25 feet along same to a point;

11. Thence along same on a curve to the left with the point of curvature azimuth from the radial point being: 350° 49' 11", and the point of tangency azimuth from the radial point being: 260° 49' 11", having a radius of 40.00 feet, the chord azimuth and distance being: 215° 49' 11" 56.57 feet to a point;
12. 260° 49' 11" 9.00 feet along same to the point of beginning and containing an Area of 1.829 Acres.

TOGETHER WITH, the following:

1. A Restriction of Vehicular Access Rights along Courses 2 and 11 of the above described lot.

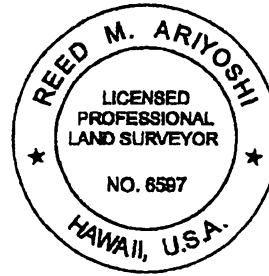
SUBJECT, HOWEVER, to the following:

1. A portion of an existing red line Utility Easement in favor of Maui Electric Company, Limited and Hawaiian Telephone Company and the centerline approximately described as follows:

Beginning at a point at the northerly end of this centerline, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being: 1,836.08 feet South and 2,658.18 feet West and running by azimuths measured clockwise from True South:

1. 350° 41' 07" 153.57 over and across a portion of Lot 4-D of Iliahi at Kehalani Roadway Lot Subdivision, being also over and across a portion of Grant 483 to E. Bailey to the northerly side of Lot 3 of Kehalani Mauka (Large-Lot) Subdivision No. 1.
2. An existing Access Easement 1 in favor of Lots 1, 2 and 3 of Kehalani Mauka (Large-Lot) Subdivision No. 1.
3. A portion of an existing Access and Utility Easement in favor of Lot 2 of Kehalani Mauka (Large-Lot) Subdivision No. 1.





By: Reed M. Ariyoshi 10/6/10 4/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 6597

Being a portion of the premises acquired by the Grantor herein by Deed of Kehalani Mauka LLC, a Hawaii limited liability company, dated August 27, 2012, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-47700424.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. Grant to Maui Electric Company, Limited and Hawaiian Telephone Company, now known as Hawaiian Telcom, Inc., dated January 5, 1987, recorded in the said Bureau of Conveyances in Liber 20331 on Page 23, granting a nonexclusive easement for utility purposes, as shown on the map attached thereto.
3. Roadway Reserve 1 for access and utility purposes as shown on map prepared by Warren S. Unemori, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated November 7, 2002, last revised December 13, 2002, approved by the Department of Public Works, County of Maui, LUCA File No. 3.1993, on December 30, 2002.
4. Setback (25 feet wide) for building purpose along Honoapiilani Highway as shown on map prepared by Warren S. Unemori, Land Surveyor, with Warren S. Unemori - Engineering, Inc., dated November 7, 2002, last revised December 13, 2002, approved by the Department of Public Works, County of Maui, LUCA File No. 3.1993, on December 30, 2002.
5. Rights of native tenants as reserved in Royal Patent Grant Number 483.
6. Grant (unrecorded) to Board of Water Supply of the County of Maui dated December 6, 1978, granting a nonexclusive easement for waterline purposes, as referenced in instrument dated December 6, 1978, recorded in the said Bureau of Conveyances in Liber 13464 on Page 463.
7. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
8. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.

Said above Agreement was supplemented by instrument dated --- (acknowledged April 15, 2003), recorded as Document No. 2003-091383.

9. The terms and provisions contained in Right of Entry and Operating Agreement dated February 18, 1997, recorded in the said Bureau of Conveyances as Document No. 97-029978, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, C. Brewer Homes, Inc., a Delaware corporation, and Board of Water Supply of the County of Maui.

10. The terms and provisions contained in Subdivision Agreement (Large Lots) dated October 2, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-198458, by and between Kehalani Mauka LLC and the County of Maui.

11. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated October 31, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-218046, by and between Kehalani Mauka LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui.

12. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130559.

13. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

14. The terms and provisions contained in Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 24, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295, by and among Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Public Works and Waste Management, an agency of the County of Maui.

15. The terms and provisions contained in Storage Credits and Amended Right of Entry Agreement for 3.0 Mg Concrete Reservoir at Wailuku, Maui, Hawaii, dated December 5, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234297, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, and the Board of Water Supply of the County of Maui, as amended by instrument dated August 13, 2008, recorded as Document No. 2008-130561.

16. The terms and provisions contained in Assignment of Water Credits dated December 31, 2003, recorded in the said Bureau of Conveyances as Document No. 2004-005408, by and between Hawaii Land & Farming Company, Inc., a Delaware corporation, "Assignor", and Iliahi at Kehalani LLC, a Hawaii limited liability company, "Assignee".

17. Grant to Ohia at Kehalani LLC, a Hawaii limited liability company, dated October 25, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-217834, granting a non-exclusive easement for access and utility purposes.

18. Grant to Maui Electric Company Limited, a Hawaii corporation, and Verizon Hawaii, Inc., a Hawaii corporation, now known as Hawaiian Telcom, Inc., dated October 5, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-222595, granting a perpetual right and easement for utility purposes.

19. The terms and provisions contained in Declaration of Easements dated January 4, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-010097.

The foregoing includes, but is not limited to, matters relating to granting of Access Easement 1 in favor of Lot 1-E of Subdivision No. 2, said easement more particularly described therein.

20. Grant to County of Maui dated July 21, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-146045, granting a perpetual nonexclusive easement over Roadway Lots 4B, 4C, 4D and 4E for Water System Improvement purposes, said easements being more particularly described therein and as shown on map attached thereto.

21. Grant to Hawaii Land & Farming Company, Inc., a Delaware corporation, dated September 27, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-201360, granting easements for access and utility purposes over and across said Access Easement "1" and Roadway Reserve "2".

22. Assignment of In Gross Reservations dated effective as of October 1, 2005, recorded in the said Bureau of Conveyances as Document No. 2005-229077, by and between Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

23. Grant to Iliahi at Kehalani Association of Apartment Owners, an unincorporated association, and Milo Court at Kehalani LLC, a Hawaii limited liability company, dated February 5, 2007, recorded in the said Bureau of Conveyances as Document No. 2007-022789, granting non-exclusive easements for access purposes over and across the Roadway Lots, more particularly described therein.

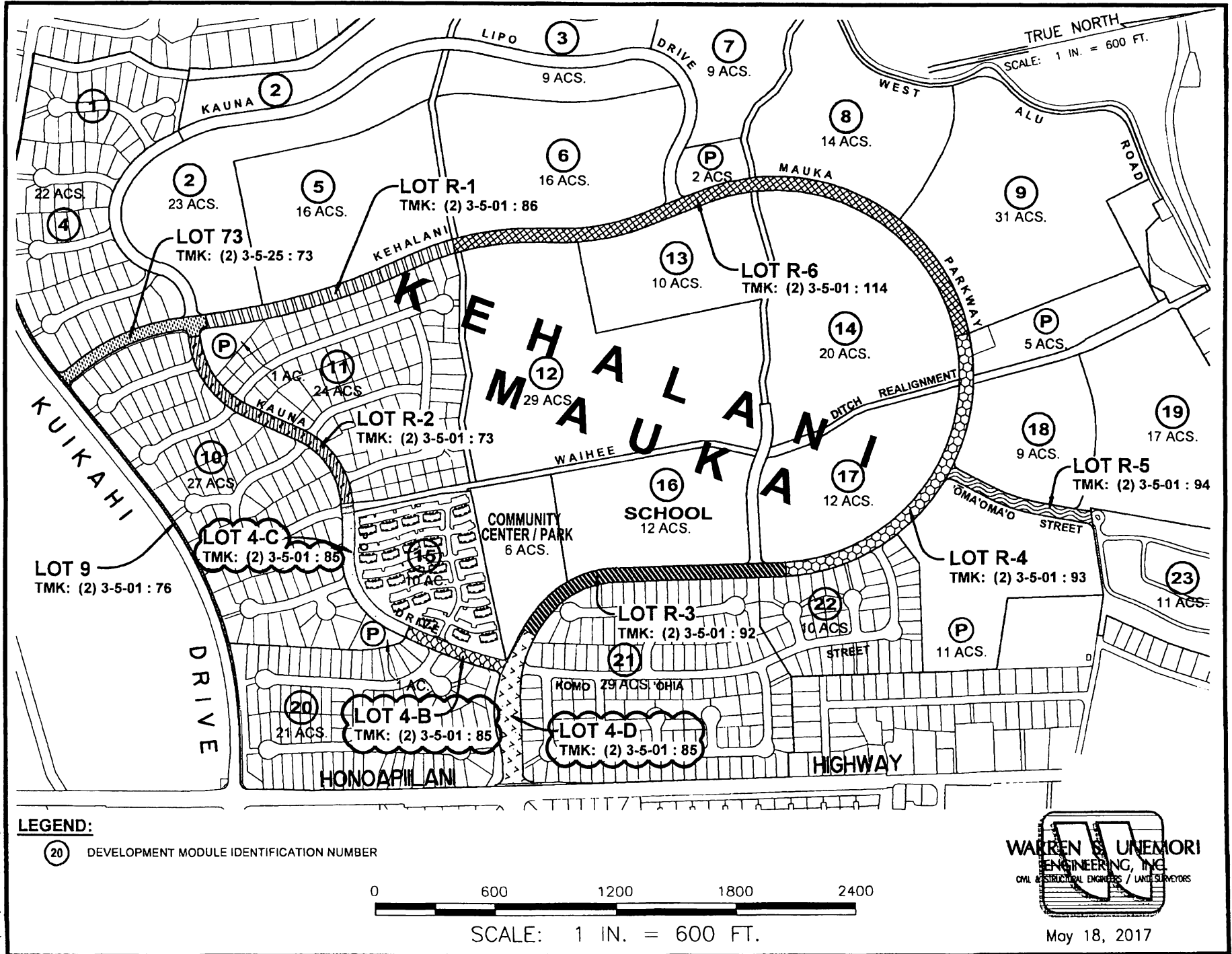
24. Assignment of In Gross Reservations dated October 17, 2014, recorded in the said Bureau of Conveyances as Document No. A-54130023, by and between J. Alan Kugle, Trustee in Dissolution for C. Brewer and Company, Limited, a dissolved Hawaii corporation, successor by merger to Wailuku Agribusiness Co., Inc., a Hawaii corporation, "Assignor", and Wailuku Water Company, LLC, a Hawaii limited liability company, doing business as Wailuku Water Company, "Assignee".

25. Easement rights for access purposes in favor of Lot 3-A-2-A, as set forth in Warranty Deed dated September 26, 2014, recorded in the said Bureau of Conveyances as Document No. A-54550544.

# EXHIBIT "D"

s:\rdwy dedication-00.dwg

V:\Projdata\13proj\13032 - RFCF Kehalani (Mauka Rc

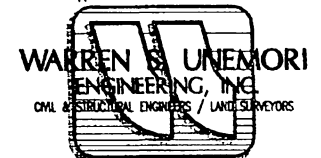


## LEGEND:

(20) DEVELOPMENT MODULE IDENTIFICATION NUMBER

0 600 1200 1800 2400

SCALE: 1 IN. = 600 FT.



May 18, 2017

## EXHIBIT "10"

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ( )

County of Maui  
Department of Finance  
200 South High Street  
Wailuku, Maui, HI 96793

Total No. of Pages: \_\_\_\_\_

Tax Map Key No.: (2) 3-5-001-104  
Subdivision File No. 3.2096

### **WARRANTY DEED (Roadway Lot C-1-B)**

#### KNOW ALL BY THESE PRESENTS:

That RCFC KEHALANI, LLC, a Delaware limited liability company, whose address is at 2005 Main Street, Wailuku, Maui, Hawaii 96793 (the "**Grantor**"), pursuant to Section 3.44.015 F.4 of the Maui County Code and other consideration to the Grantor paid by the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose address is at 200 South High Street, Wailuku, Hawaii 96793 (the "**Grantee**"), receipt whereof is hereby acknowledged, does by these presents grant, bargain, sell and convey unto said Grantee, as TENANT IN SEVERALTY, absolutely and in fee simple:

All of that certain real property more particularly described in **Exhibit "A"** attached hereto and incorporated herein by reference, and as shown on the map attached hereto as **Exhibit "B"**.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all improvements, tenements, hereditaments, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto said Grantee as aforesaid, absolutely and forever.

And Grantor, in consideration of the premises, does hereby covenant and agree to and with said Grantee that Grantor is lawfully seised of the property described in **Exhibit "A"**, and shown on **Exhibit "B"**, for an estate in fee simple and Grantor's title thereto is free and clear of and from all encumbrances other than (1) real property taxes assessed for the current fiscal year, and (2) those more particularly set forth in **Exhibit "A"**; that Grantor has good right to sell and convey the same as aforesaid and that Grantor will WARRANT AND DEFEND the same unto said Grantee against the lawful claims and demands of all persons, except as aforesaid.

And Grantor further covenants and agrees that unless and until the Hawaii State Land Use Commission removes or releases the conditions described in that certain Declaration of Conditions dated July 25, 1990 and recorded in the Bureau of Conveyances of Hawaii as Document No. 90-117006, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Declaration of Conditions.

And Grantor further covenants and agrees that unless and until such time as the County of Maui removes or terminates the covenants, conditions and restrictions contained in that certain Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991 and recorded in the Bureau of Conveyances of Hawaii as Document No. 91-124296, as amended, Grantor will observe and perform all of the covenants, obligations and liabilities contained in said Unilateral Agreement and Declaration of Conditional Zoning.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, the singular or plural number, individuals or corporations and their and each of their respective successors, successors in trust, heirs, legal representatives and permitted assigns, according to the context thereof.

- The remainder of this page is intentionally left blank; the next page is the signature page. -



IN WITNESS WHEREOF, Grantor has executed these presents on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.


**RCFC KEHALANI, LLC,**  
a Delaware limited liability company

By   
Aaron A. Giovara

Its ~~Authorized Signatory~~

Grantor


REVIEWED AND APPROVED:

By   
ROWENA M. DAGDAG-ANDAYA  
Director of Public Works

ACCEPTED:

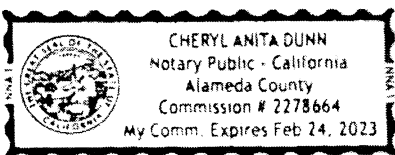
By \_\_\_\_\_  
SCOTT K. TERUYA  
Director of Finance

APPROVED AS TO FORM AND LEGALITY:

By   
~~DAVID A. GALAZIN~~ MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui

STATE OF California )  
 ) SS.  
COUNTY OF San Francisco )

On this 11 day of June, 2019, before me personally appeared Aaron A. Giovanna, 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.



Cheryl Dunn  
Print Name: Cheryl Dunn  
Notary Public, in and for said State and County.

My commission expires: Feb 24, 2023

EXHIBIT "A"

Subdivision of Site C-1/11 of Wailuku Project District  
Description of Lot C-1-B

Land situated on the easterly side of Honoapiilani Highway,  
Federal Aid Project Number 13-G, at Wailuku, Maui, Hawaii

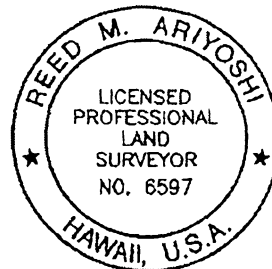
Being a portion of Deed: Kamehameha IV to William P. Alexander,  
dated October 16, 1862, and Recorded in Liber 16, Page 8.

Beginning at a point at the northwesterly corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,504.67 feet South and 1,998.18 feet West and running by azimuths measured clockwise from True South:

- |    |      |     |     |             |  |
|----|------|-----|-----|-------------|--|
| 1. | 170° | 49' | 11" | 60.00 feet  | along Lot C-1-A of Subdivision of Site C-1/11 of Wailuku Project District and Lots 1 and 2 of Olena - Phase II at Kehalani (File Plan 2371), being also along the remainder of Deed: Kamehameha IV to William P. Alexander, dated October 16, 1862, and Recorded in Liber 16, Page 8 to a point; |
| 2. | 260° | 49' | 11" | 442.00 feet | along the southerly side of Kāmole Street and Lot 90 of Nanea at Kehalani (File Plan 2239) to a point;   |
| 3. | 350° | 49' | 11" | 60.00 feet  | along the westerly end of Kāupo Street to a point;   |
| 4. | 80°  | 49' | 11" | 442.00 feet | along Lot C-1-A of Subdivision of Site C-1/11 of Wailuku Project District, being also along the remainder of Deed: Kamehameha IV to William P. Alexander, dated October 16, 1862, and Recorded in Liber 16, Page 8 to the point of beginning and containing an Area of 0.609 Acre.               |

SUBJECT, HOWEVER, to the following:

1. A portion of an existing Waterline Easement W-4 in favor of the County of Maui.



WARREN S. UNEMORI ENGINEERING, INC.

Wells Street Professional Center  
2145 Wells Street, Suite 403  
Wailuku, Maui, Hawaii 96793  
August 5, 2011

By: Reed M. Ariyoshi 04/30/12 Exp.  
Licensed Professional Land Surveyor  
Certificate No. 6597

Being the premises acquired by Limited Warranty Deed from Kehalani Holdings Company, Inc., a Hawaii corporation, as Grantor, to RCFC Kehalani, LLC, a Delaware limited liability company, as Tenant in Severalty, as Grantee, dated as of August 27, 2012, recorded in the said Bureau of Conveyances as Document No. A-47700418.

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature.
2. The terms and provisions contained in Declaration of Conditions dated July 25, 1990, recorded in the said Bureau of Conveyances as Document No. 90-117006.
3. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Zoning dated August 29, 1991, recorded in the said Bureau of Conveyances as Document No. 91-124296.

Supplemental Unilateral Agreement dated --- (acknowledged April 15, 2003), recorded as Document No. 2003-091383, by Kehalani Mauka LLC, a Hawaii limited liability company.

4. The terms and provisions contained in Deferral of Subdivision Requirements Agreement dated February 16, 1995, recorded in the said Bureau of Conveyances as Document No. 95-073993, between C. Brewer Homes, Inc., a Delaware corporation, and Department of Water Supply of the County of Maui.

5. The terms and provisions contained in Unilateral Agreement and Declaration for Conditional Land Use District Boundary Amendment dated November 24, 1998, recorded in the said Bureau of Conveyances as Document No. 98-186506, by C. Brewer Homes, Inc., a Delaware corporation, "Declarant".

6. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234288, between Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the County of Maui, an agency of the County of Maui, a body politic and corporate, and a political subdivision of the State of Hawaii.

Above agreement amended by instrument dated August 13, 2008, recorded as Document No. 2008-130559.

7. The terms and provisions contained in Agreement for Implementation of Water Master Plan for Kehalani (Wailuku Project District 3) (Transmission Credits) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234289, between Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Water Supply of the

County of Maui, an agency of the County of Maui, a body politic and corporate, and a political subdivision of the State of Hawaii.

Above agreement amended by instrument dated August 13, 2008, recorded as Document No. 2008-130560.

8. The terms and provisions contained in Kehalani-Wailuku Project District 3 Offsite Sewer Improvements dated December 24, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234295, between Hawaii Land & Farming Company, Inc., a Delaware corporation, Kehalani Mauka, LLC, a Hawaii limited liability company, and the Department of Public Works and Waste Management, an agency of the County of Maui, a body politic and corporate, and a political subdivision of the State of Hawaii.

9. The terms and provisions contained in Agreement to Implement Unilateral Agreement and Declaration for Conditional Zoning (Regarding Incremental Park Dedication) dated December 18, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234296, between Kehalani Mauka LLC, a Hawaii limited liability company, and Hawaii Land & Farming Company, Inc., a Delaware corporation.

10. The terms and provisions contained in Storage Credits and Amended Right of Entry Agreement for 3.0 MG Concrete Reservoir at Wailuku, Maui, Hawaii dated December 5, 2002, recorded in the said Bureau of Conveyances as Document No. 2002-234297, between Hawaii Land & Farming Company, Inc., a Delaware corporation, and the Board of Water Supply of the County Of Maui, an agency of the County of Maui, a body politic and corporate, and a political subdivision of the State of Hawaii.

11. The terms and provisions contained in Waterline Easement Agreement dated December 31, 2003, recorded in the said Bureau of Conveyances as Document No. 2004-077138, between Hawaii Land & Farming Company, Inc., a Delaware corporation, and the County of Maui, a political subdivision of the State of Hawaii, re: Easement "W-4".

12. Grant to the County of Maui, a political subdivision of the State of Hawaii, dated June 7, 2004, recorded in the said Bureau of Conveyances as Document No. 2004-150969, granting a perpetual nonexclusive easement over Easement "W-4" for water pipeline purposes, being more particularly described therein.

13. Grant to Maui Electric Company, Limited and Hawaiian Telcom, Inc. dated April 9, 2012, recorded in the said Bureau of Conveyances as Document No. A-46540984, granting a perpetual right and easement for utility purposes.

