

# Resolution

No. 22-23

AUTHORIZING THE DISPOSITION BY SEALED BID COUNTY OWNED SANDHILLS ESTATES LOTS 22, 74 AND 76, IDENTIFIED AS TAX MAP KEY NOS. (2) 3-8-089:022, 074 AND 076, SITUATED IN WAILUKU, MAUI, HAWAII, PURSUANT TO SECTION 3.44.030, MAUI COUNTY CODE

WHEREAS, the County of Maui is the fee owner of real property consisting of Sandhills Estates Lots 22, 74 and 76 located in Wailuku, Maui, Hawaii, and identified as tax map key numbers (2) 3-8-089:022, (2) 3-8-089:074 and (2) 3-8-089-076, respectively, as described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated by reference herein; and

WHEREAS, Section 3.44.040, Maui County Code, states disposition of real property may be sold by a call for sealed bids, if the Council finds that disposition in such a manner is in the public interest and adopts a resolution to that effect, approved by two-thirds of its members; and

WHEREAS, the current County of Maui Public Health Emergency Rules effective January 8, 2022 and Governor David Y. Ige's Statewide Emergency Proclamation related to COVID-19 encourages individuals to avoid or limit gathering with non-household members, thus disposition by public auction, which necessitates the gathering of non-household members, is not in the public interest; and

WHEREAS, the Sandhills Estates lots are not ideal for County development; and

WHEREAS, Section 3.44.070 (B), Maui County Code, provides that the sale price of real property to be disposed of by sealed bid shall be no less than the fair market value determined by an appraiser whose services shall be contracted for by the County; and

WHEREAS, Sandhills Estates Lots 22, 74, 76 have been appraised, pursuant to Section 3.44.070 (B), Maui County Code, which appraisal determined the values of Lot 22 as \$307,439, Lot 74 as \$378,566 and Lot 76 as \$379,494; and

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WHEREAS, the Department of Finance will publish notice pursuant to Section 3.44.040 (C), Maui County Code; and

WHEREAS, the successful bidder shall pay winning bid amount, plus closing costs including, but not limited to, appraisal fees, legal fees for documentation preparation, recording fees, conveyance taxes, escrow costs, and surveying fees, if any; and

WHEREAS, it would be in the public interest to sell the lots and use the proceeds to further public purposes, now therefore,


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

1. That it hereby finds that it is in the public interest to sell the three County owned Sandhills Estates lots 22, 74 and 76 and identified as TMK Nos. (2) 2-8-089-022, 074, and 076 by a call for sealed bids, pursuant to Section 3.44.040, Maui County Code;

2. That it does hereby authorize the Mayor of the County of Maui and the Director Finance to execute all necessary documents in connection with the disposition of said property; and

3. That certified copies of this Resolution be transmitted to the Mayor of the County of Maui, and the Director of Finance.

APPROVED AS TO FORM  
AND LEGALITY:



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KRISTINA C. TOSHIKIYO  
Deputy Corporation Counsel  
County of Maui  
LF2019-0399  
2022-01-24 Sandhills Lots Disposition Resolution

**Resolution No.** 22-23

INTRODUCED BY:

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

Upon the request of the Mayor.

**EXHIBIT "A"**

**ALL of that certain parcel of land situate at District of Wailuku, Island and County of Maui, State of Hawaii, described as follows:**

**LOT 22, area 10,604 square feet, more or less, as delineated on the map entitled "SANDHILLS ESTATES", which said map was filed in the Bureau of Conveyances of the State of Hawaii as File Plan No. 2404.**

**Together with a non-exclusive easement for access purposes over and across Lots 110 through 114, inclusive, of SANDHILLS ESTATES AT MAUI LANI (File Plan 2404), as shown on the Subdivision Map, entitled "Sandhills Estates", prepared by Warren S. Unemori, Licensed Professional Land Surveyor, dated May 2, 1005, approved by the County of Maui on June 13, 2005 (Subdivision File No. 3.2067), which said Lots 110-114, inclusive, being roadway lots, are more particularly described in DECLARATION OF EASEMENTS dated August 16, 2005, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-164162. Subject, contained therein, and provided further however that if said Lots, or any portion thereof, is conveyed or dedicated to and accepted by the County of Maui or other governmental authority for use as a public roadway, such access easement rights over and across those portions of said Lots so conveyed or dedicated and accepted or conveyed shall automatically terminate.**

**Together with a non-exclusive easement for access purposes to be used in common with others entitled thereto over and across Lot II-D-3-A being more particularly described in LIMITED WARRANTY DEED AND RESERVATION OF RIGHTS AND EASEMENTS dated July 1, 2003. Provided, however, that if Lot II-D-3-A, or any portion thereof, is conveyed or dedicated to and accepted by the County of Maui or other governmental authority for use as a public roadway, such access easement rights over and across those portions of Lot II-D-3-A so dedicated and accepted or conveyed shall automatically terminate.**

**Together with a nonexclusive easement appurtenant to Lot II-D-2-A-1-A for access and utility purposes to be used in common with others entitled thereto over and across that certain parcel of land (being portion[s] of the land[s] described in and covered by Royal Patent Number 1996, Land Commission Award 420 to Kuihelani, Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu and Royal Patent Grant Number 3343 to Claus Spreckels) situate, lying and being at Wailuku, Island and County of Maui, State of Hawaii, being Lot II-D-2-C, bearing Tax Key designation (2) 3-8-007-141, and containing an area of 3.258 acres, more or less; provided, however, that if Lot II-D-2-C, or any portion thereof, is conveyed or dedicated to and accepted by the County of Maui or other governmental authority for use as a public roadway, such access easement rights over and across those portions of Lot II-D-3-A so dedicated and accepted or conveyed shall automatically terminate; provided, further that if Lot II-D-2-C, or any portion thereof, is conveyed or dedicated to and accepted by any governmental or quasi-governmental authorities or utility or service companies for public utility purposes, such utility rights over and across those portions of Lot II-D-2-C, as and to the extent so dedicated and accepted or conveyed, shall automatically terminate.**

Being all the property described in the DEED recorded on September 27, 2005, in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-217744, from NEW SANDHILLS LLC, a Hawaii limited liability company as Grantor, to GERRY RIOPTA and MELISSA RIOPTA as Grantees.

SUBJECT, HOWEVER, to the following:

1. Title to all minerals, and metallic mines reserved to the State of Hawaii.
2. ELEVATION AGREEMENT dated September 16, 1980, recorded in the Bureau of Conveyances of the State of Hawaii in Book 15037, Page 310.
3. Certificate dated June 2, 1983 recorded in said Bureau in Book 17086, Page 382 re: reclassification of approximately 680 acres from Agricultural District to Urban District.
4. SUBDIVISION AGREEMENT (LARGE LOTS) dated February 14, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23036, Page 373.
5. AGREEMENT TO DEFER SUBDIVISION REQUIREMENTS dated September 27, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23854, Page 9.
6. SUBDIVISION AGREEMENT (LARGE LOTS) dated August 29, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23899, Page 689.
7. UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL USE dated November 28, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23963, Page 712; as supplemented by instrument recorded as Document No. 2000-006771.
8. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the DECLARATION OF COVENANTS AND RESTRICTIONS dated January 30, 1990, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 90-014464.  
  
Said Declaration was amended by instruments recorded as Document Nos. 90-197551 and 94-085713.
9. SUBDIVISION AGREEMENT (LARGE LOTS) dated March 22, 1991, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 91-051286.
10. SUBDIVISION AGREEMENT (LARGE LOTS) dated June 19, 1991, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 91-085078.

11. SUBDIVISION AGREEMENT (THREE LOTS OR LESS) dated June 19, 1991, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 91-085079.

12. Acknowledgement by Maui Lani Partners dated May 29, 1991 re: sewage system, recorded in said Bureau as Document No. 91-085080.

13. AGREEMENT dated July 17, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-094052.

14. AGREEMENT dated July 17, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-094053.

15. SUBDIVISION AGREEMENT (LARGE LOTS) dated July 11, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-094143.

16. DEFERRAL OF SUBDIVISION REQUIREMENTS AGREEMENT dated July 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-07157.

17. RECIPROCAL EASEMENT AGREEMENT dated September 6, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-116080.

18. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the MAUI LANI DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS dated January 22, 1997, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 97-010578.

Said Declaration replaces and restates the Declaration dated February 13, 1996, recorded as Document No. 96-020854.

Said Declaration was amended by instruments recorded as Document Nos. 97-128719, 2000-160115, 2001-131425 and 2001-171089.

Said Declaration was supplemented by instruments recorded as Document No. 2002-74303 and 2003-134772.

19. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the DEED dated November 26, 1996, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 97-083250.

20. **HOLD HARMLESS AGREEMENT** dated August 30, 2001, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-183756. 21. **SUBDIVISION AGREEMENT (LARGE LOTS)** dated November 12, 2001, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-195819.

22. **Covenants, Conditions and Restrictions**, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the **LIMITED WARRANTY DEED AND RESERVATION OF RIGHTS AND EASEMENTS** dated July 1, 1003, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-134773.

23. **SUBDIVISION AGREEMENT (LARGE LOTS)** dated March 12, 2004, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-058381.

24. **Grant of waterline and water systems improvement easement** in favor of the County of Maui dated April 14, 2005, recorded in said Bureau as Document No. 2005-075919.

25. **Covenants, Conditions and Restrictions**, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the **SANDHILLS ESTATES DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS** dated August 16, 2005, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-164161.

26. **Covenants, Conditions and Restrictions**, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the **DECLARATION OF EASEMENTS** dated August 16, 2005, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-164162.

27. **Covenants, conditions, restrictions, reservations, agreements, obligations, easements and other provisions set forth in DEED** dated September 2, 1998, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 98-133049, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or natural origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c) or Section 515-6, HRS.

**Partial Release of Covenants** dated August 10, 2005, recorded as Document No. 2005-158476.

28. **Easement "E-4"** for utility purposes, as shown on File Plan No. 2404.

29. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the LIMITED WARRANTY DEED; RESERVATIONS; EASEMENTS; AND RESTRICTIONS recorded on October 26, 2005, in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-217744.

30. Any claim of lien, whether expired or current, filed or recorded against the property by or on behalf the MAUI LANI COMMUNITY ASSOCIATION for unpaid association dues together with interest and costs of collection.

31. Any claim of lien filed or recorded against the property by or on behalf of the COUNTY OF MAUI and or THE DEPARTEMENT OF TAXATION OF THE COUNTY OF MAUI for unpaid property taxes together with interest and costs of collection.

32. Any other claim of lien, including lien for services, labor or material arising from an improvement or work under construction or completed at the date hereof, which may exist as of the date of this Limited Warranty Deed.

END OF EXHIBIT "A"  
Tax Map Key No. (2) 3-8-89-22

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**EXHIBIT "A"**

**ALL of that certain parcel of land situate at District of Wailuku, Island and County of Maui, State of Hawaii, described as follows:**

**LOT 74, area 10,349 square feet, more or less, as delineated on the map entitled "SANDHILLS ESTATES", which said map was filed in the Bureau of Conveyances of the State of Hawaii as File Plan No. 2404.**

**Together with a non-exclusive easement for access purposes over and across Lots 110 through 114, inclusive, of SANDHILLS ESTATES AT MAUI LANI (File Plan 2404), as shown on the Subdivision Map, entitled "Sandhills Estates", prepared by Warren S. Uncmori, Licensed Professional Land Surveyor, dated May 2, 1005, approved by the County of Maui on June 13, 2005 (Subdivision File No. 3.2067), which said Lots 110-114, inclusive, being roadway lots, are more particularly described in DECLARATION OF EASEMENTS dated August 16, 2005, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-164162. Subject, contained therein, and provided further however that if said Lots, or any portion thereof, is conveyed or dedicated to and accepted by the County of Maui or other governmental authority for use as a public roadway, such access easement rights over and across those portions of said Lots so conveyed or dedicated and accepted or conveyed shall automatically terminate.**

**Together with a non-exclusive easement for access purposes to be used in common with others entitled thereto over and across Lot II-D-3-A being more particularly described in LIMITED WARRANTY DEED AND RESERVATION OF RIGHTS AND EASEMENTS dated July 1, 2003. Provided, however, that if Lot II-D-3-A, or any portion thereof, is conveyed or dedicated to and accepted by the County of Maui or other governmental authority for use as a public roadway, such access easement rights over and across those portions of Lot II-D-3-A so dedicated and accepted or conveyed shall automatically terminate.**

**Together with a nonexclusive easement appurtenant to Lot II-D-2-A-I-A for access and utility purposes to be used in common with others entitled thereto over and across that certain parcel of land (being portion[s] of the land[s] described in and covered by Royal Patent Number 1996, Land Commission Award 420 to Kuihelani, Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu and Royal Patent Grant Number 3343 to Claus Spreckels) situate, lying and being at Wailuku, Island and County of Maui, State of Hawaii, being Lot II-D2-C, bearing Tax Key designation (2) 3-8-007-141, and containing an area of 3.258 acres, more or less; provided, however, that if Lot II-D-2-C, or any portion thereof, is conveyed or dedicated to and accepted by the County of Maui or other governmental authority for use as a public roadway, such access easement rights over and across those portions of Lot II-D-3-A so dedicated and accepted or conveyed shall automatically terminate; provided, further that if Lot II-D-2-C, or any portion thereof, is conveyed or dedicated to and accepted by any governmental or quasi-governmental authorities or utility or service companies for public utility purposes, such utility rights over and across those portions of Lot II-D-2-C, as and to the extent so dedicated and accepted or conveyed, shall automatically terminate.**

**Being all the property described in the DEED recorded \_\_\_\_\_, in the Bureau of Conveyances of the State of Hawaii as Document No. \_\_\_\_\_ from HOOKAHI LLC, a Hawaii limited liability company as Grantor, to NATHAN KWEE and JASMINE KWEE, husband and wife, as Grantee.**

**SUBJECT, HOWEVER, to the following:**

1. Title to all minerals, and metallic mines reserved to the State of Hawaii.
2. ELEVATION AGREEMENT dated September 16, 1980, recorded in the Bureau of Conveyances of the State of Hawaii in Book 15037, Page 310.
3. Certificate dated June 2, 1983 recorded in said Bureau in Book 17086, Page 382 re: reclassification of approximately 680 acres from Agricultural District to Urban District.
4. SUBDIVISION AGREEMENT (LARGE LOTS) dated February 14, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23036, Page 373.
5. AGREEMENT TO DEFER SUBDIVISION REQUIREMENTS dated September 27, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23854, Page 9.
6. SUBDIVISION AGREEMENT (LARGE LOTS) dated August 29, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23899, Page 689.
7. UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL USE dated November 28, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23963, Page 712; as supplemented by instrument recorded as Document No. 2000-006771.
8. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the DECLARATION OF COVENANTS AND RESTRICTIONS dated January 30, 1990, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 90-014464.  
  
Said Declaration was amended by instruments recorded as Document Nos. 90-197551 and 94-085713.
9. SUBDIVISION AGREEMENT (LARGE LOTS) dated March 22, 1991, recorded the Bureau of Conveyances of the State of Hawaii as Document No. 91-051286.
10. SUBDIVISION AGREEMENT (LARGE LOTS) dated June 19, 1991, recorded the Bureau of Conveyances of the State of Hawaii as Document No. 91-085078.
11. SUBDIVISION AGREEMENT (THREE LOTS OR LESS) dated June 19, 1991, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 91-085079.
12. Acknowledgement by Maui Lani Partners dated May 29, 1991 re: sewage system, recorded in said Bureau as Document No. 91-085080.
13. AGREEMENT dated July 17, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-094052.
14. AGREEMENT dated July 17, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-094053.
15. SUBDMISION AGREEMENT (LARGE LOTS) dated July 11, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-094143.

16. DEFERRAL OF SUBDIVISION REQUIREMENTS AGREEMENT dated July 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-07157.

17. RECIPROCAL EASEMENT AGREEMENT dated September 6, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-116080.

18. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the MAUI LANI DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS dated January 22, 1997, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 97-010578.

Said Declaration replaces and restates the Declaration dated February 13, 1996, recorded as Document No. 96-020854.

Said Declaration was amended by instruments recorded as Document Nos. 97-128719, 2000-160115, 2001-131425 and 2001-171089.

Said Declaration was supplemented by instruments recorded as Document No. 2002-74303 and 2003-134772.

19. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the DEED dated November 26, 1996, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 97-083250.

20. HOLD HARMLESS AGREEMENT dated August 30, 2001, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-183756.

21. SUBDIVISION AGREEMENT (LARGE LOTS) dated November 12, 2001, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-195819.

22. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the LIMITED WARRANTY DEED AND RESERVATION OF RIGHTS AND EASEMENTS dated July 1, 2003, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-134773.

23. SUBDIVISION AGREEMENT (LARGE LOTS) dated March 12, 2004, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-058381.

24. Grant of waterline and water systems improvement easement in favor of the County of Maui dated April 14, 2005, recorded in said Bureau as Document No. 2005-075919.

25. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the SANDHILLS ESTATES

**DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS dated August 16, 2005, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-164161.**

26. **Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the DECLARATION OF EASEMENTS dated August 16, 2005, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-164162.**

27. **Covenants, conditions, restrictions, reservations, agreements, obligations, easements and other provisions set forth in DEED dated September 2, 1998, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 98-133049, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or natural origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c) or Section 515-6, HRS.**

**Partial Release of Covenants dated August 10, 2005, recorded as Document No. 2005-158476.**

28. **Easement "E-4" for utility purposes, as shown on File Plan No. 2404.**

29. **Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the LIMITED WARRANTY DEED; RESERVATIONS; EASEMENTS; AND RESTRICTIONS recorded on November 2, 2005, in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-22305**

30. **Any claim of lien, whether expired or current, filed or recorded against the property by or on behalf the MAUI LANI COMMUNITY ASSOCIATION for unpaid association dues together with interest and costs of collection.**

31. **Any claim of lien filed or recorded against the property by or on behalf of the COUNTY OF MAUI and or THE DEPARTMENT OF TAXATION OF THE COUNTY OF MAUI for unpaid property taxes together with interest and costs of collection.**

32. **Any other claim of lien, including lien for services, labor or material arising from an improvement or work under construction or completed at the date hereof, which may exist as of the date of this Limited Warranty Deed.**

**END OF EXHIBIT "A"  
Tax Map Key No. (2) 3-8-89-74**

**EXHIBIT "A"**

ALL of that certain parcel of land situate at District of Wailuku, Island and County of Maui, State of Hawaii, described as follows:

LOT 76, area 10,699 square feet, more or less, as delineated on the map entitled "SANDHILLS ESTATES", which said map was filed in the Bureau of Conveyances of the State of Hawaii as File Plan No. 2404.

Together with a non-exclusive easement for access purposes over and across Lots 110 through 114, inclusive, of SANDHILLS ESTATES AT MAUI LANI (File Plan 2404), as shown on the Subdivision Map, entitled "Sandhills Estates", prepared by Warren S. Unemori, Licensed Professional Land Surveyor, dated May 2, 1005, approved by the County of Maui on June 13, 2005 (Subdivision File No. 3.2067), which said Lots 110-114, inclusive, being roadway lots, are more particularly described in DECLARATION OF EASEMENTS dated August 16, 2005, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-164162. Subject, contained therein, and provided further however that if said Lots, or any portion thereof, is conveyed or dedicated to and accepted by the County of Maui or other governmental authority for use as a public roadway, such access easement rights over and across those portions of said Lots so conveyed or dedicated and accepted or conveyed shall automatically terminate.

Together with a non-exclusive easement for access purposes to be used in common with others entitled thereto over and across Lot II-D-3-A being more particularly described in LIMITED WARRANTY DEED AND RESERVATION OF RIGHTS AND EASEMENTS dated July 1, 2003. Provided, however, that if Lot II-D-3-A, or any portion thereof, is conveyed or dedicated to and accepted by the County of Maui or other governmental authority for use as a public roadway, such access easement rights over and across those portions of Lot II-D-3-A so dedicated and accepted or conveyed shall automatically terminate.

Together with a nonexclusive easement appurtenant to Lot II-D-2-A-I-A for access and utility purposes to be used in common with others entitled thereto over and across that certain parcel of land (being portion[s] of the land[s] described in and covered by Royal Patent Number 1996, Land Commission Award 420 to Kuihelani, Royal Patent 4475, Land Commission Award 7713, Apana 23 to V. Kamamalu and Royal Patent Grant Number 3343 to Claus Spreckels) situate, lying and being at Wailuku, Island and County of Maui, State of Hawaii, being Lot II-D2-C, bearing Tax Key designation (2) 3-8-007-141, and containing an area of 3.258 acres, more or less; provided, however, that if Lot II-D-2-C, or any portion thereof, is conveyed or dedicated to and accepted by the County of Maui or other governmental authority for use as a public roadway, such access easement rights over and across those portions of Lot II-D-3-A so dedicated and accepted or conveyed shall automatically terminate; provided, further that if Lot II-D-2-C, or any portion thereof, is conveyed or dedicated to and accepted by any governmental or quasi-governmental authorities or utility or service companies for public utility purposes, such utility rights over and across those portions of Lot II-D-2-C, as and to the extent so dedicated and accepted or conveyed, shall automatically terminate.

Being all the property described in the DEED recorded on September 27, 2005, in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-194665, from NEW SANDHILLS LLC, a Hawaii limited liability company as Grantor, to JOSEPH PETER CABEBE and CHERYL JEANNE CABEBE as Grantees.

SUBJECT, HOWEVER, to the following:

1. Title to all minerals, and metallic mines reserved to the State of Hawaii.
2. ELEVATION AGREEMENT dated September 16, 1980, recorded in the Bureau of Conveyances of the State of Hawaii in Book 15037, Page 310.
3. Certificate dated June 2, 1983 recorded in said Bureau in Book 17086, Page 382 re: reclassification of approximately 680 acres from Agricultural District to Urban District.
4. SUBDIVISION AGREEMENT (LARGE LOTS) dated February 14, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23036, Page 373.
5. AGREEMENT TO DEFER SUBDIVISION REQUIREMENTS dated September 27, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23854, Page 9.
6. SUBDIVISION AGREEMENT (LARGE LOTS) dated August 29, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23899, Page 689.
7. UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL USE dated November 28, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23963, Page 712; as supplemented by instrument recorded as Document No. 2000-006771.
8. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the DECLARATION OF COVENANTS AND RESTRICTIONS dated January 30, 1990, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 90-014464.  
  
Said Declaration was amended by instruments recorded as Document Nos. 90-197551 and 94-085713.
9. SUBDIVISION AGREEMENT (LARGE LOTS) dated March 22, 1991, recorded the Bureau of Conveyances of the State of Hawaii as Document No. 91-051286.
10. SUBDIVISION AGREEMENT (LARGE LOTS) dated June 19, 1991, recorded the Bureau of Conveyances of the State of Hawaii as Document No. 91-085078.
11. SUBDIVISION AGREEMENT (THREE LOTS OR LESS) dated June 19, 1991, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 91-085079.
12. Acknowledgement by Maui Lani Partners dated May 29, 1991 re: sewage system, recorded in said Bureau as Document No. 91-085080.
13. AGREEMENT dated July 17, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-094052.
14. AGREEMENT dated July 17, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-094053.
15. SUBDIVISION AGREEMENT (LARGE LOTS) dated July 11, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-094143.

16. DEFERRAL OF SUBDIVISION REQUIREMENTS AGREEMENT dated July 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-07157.

17. RECIPROCAL EASEMENT AGREEMENT dated September 6, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-116080.

18. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the MAUI LANI DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS dated January 22, 1997, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 97-010578.

Said Declaration replaces and restates the Declaration dated February 13, 1996, recorded as Document No. 96-020854.

Said Declaration was amended by instruments recorded as Document Nos. 97-128719, 2000-160115, 2001-131425 and 2001-171089.

Said Declaration was supplemented by instruments recorded as Document No. 2002-74303 and 2003-134772.

19. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the DEED dated November 26, 1996, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 97-083250.

20. HOLD HARMLESS AGREEMENT dated August 30, 2001, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-183756. 21. SUBDIVISION AGREEMENT (LARGE LOTS) dated November 12, 2001, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2001-195819.

22. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the LIMITED WARRANTY DEED AND RESERVATION OF RIGHTS AND EASEMENTS dated July 1, 1003, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-134773.

23. SUBDIVISION AGREEMENT (LARGE LOTS) dated March 12, 2004, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2004-058381.

24. Grant of waterline and water systems improvement easement in favor of the County of Maui dated April 14, 2005, recorded in said Bureau as Document No. 2005-075919.

25. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the SANDHILLS ESTATES DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS dated August 16, 2005, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-164161.

26. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the DECLARATION OF EASEMENTS dated August 16, 2005, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-164162.

27. Covenants, conditions, restrictions, reservations, agreements, obligations, easements and other provisions set forth in DEED dated September 2, 1998, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 98-133049, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or natural origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c) or Section 515-6, HRS.

Partial Release of Covenants dated August 10, 2005, recorded as Document No. 2005-158476.

28. Easement "E-4" for utility purposes, as shown on File Plan No. 2404.

29. Covenants, Conditions and Restrictions, but omitting any covenants or restrictions if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons contained in the LIMITED WARRANTY DEED; RESERVATIONS; EASEMENTS; AND RESTRICTIONS recorded on September 27, 2005, in the Bureau of Conveyances of the State of Hawaii as Document No. 2005-194665.

30. Any claim of lien, whether expired or current, filed or recorded against the property by or on behalf the MAUI LANI COMMUNITY ASSOCIATION for unpaid association dues together with interest and costs of collection.

31. Any claim of lien filed or recorded against the property by or on behalf of the COUNTY OF MAUI and or THE DEPARTEMENT OF TAXATION OF THE COUNTY OF MAUI for unpaid property taxes together with interest and costs of collection.

32. Any other claim of lien, including lien for services, labor or material arising from an improvement or work under construction or completed at the date hereof, which may exist as of the date of this Limited Warranty Deed.

END OF EXHIBIT "A"  
Tax Map Key No. (2) 3-8-89-76





EXHIBIT "B"

