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/s/ LESLIE T. KOBATA  
ACTING REGISTRAR

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Tax Map Keys: (2) 2-7-007: 079, 080, 081, 082, 083  
(2) 2-7-007-005  
(2) 2-7-004-001

**AMENDED AND RESTATED DECLARATION OF EASEMENTS  
(Haiku Sugar East)**

THIS AMENDED AND RESTATED DECLARATION OF EASEMENTS (“*Declaration*”) is made as of September 1, 2016, by **ALEXANDER & BALDWIN, LLC**, a Hawaii limited liability company, successor by conversion of Alexander & Baldwin, Inc., with its post office address at 822 Bishop Street, Honolulu, Hawaii 96813 (“*A&B*”), **KONANUI, LLC**, a Hawaii limited liability company, whose address is P.O. Box 999, Haiku, Hawaii 96708 (“*Konanui*”), and **KARY M. HISASHIMA**, husband of Debbie Hisashima, whose address is P.O. Box 656, Haiku, Hawaii 96708 (“*Kary*”), **KARLEE C. HISASHIMA**, unmarried, whose address is P.O. Box 656, Haiku, Hawaii 96708 (“*Karlee*”), and **JUDY Y. HISASHIMA**, Trustee under that certain Declaration of Revocable Trust of Judy Y. Hisashima dated September 28, 1981, with full powers to sell, mortgage, lease or otherwise deal with the land, whose address is P.O. Box 656, Haiku, Hawaii 96708 (“*Judy*”) (*Kary*, *Karlee* and *Judy* are collectively called the “*Hisashima Owners*”).

**RECITALS**

A. A&B and the Hisashima Owners executed that certain Declaration of Easements (Haiku Sugar East) dated December 22, 2014, recorded in the Bureau of Conveyances of the State of Hawaii as Document Nos. A-54690744A thru A-54690744B (the “*Original Declaration*”).

B. The Original Declaration affects six (6) lots identified as Lot 1, Lot 2, Lot 3, Lot 4, Lot 5 and Lot 6 (collectively, the “*Subdivision Lots*”) of the subdivision called “Haiku Sugar

East” (the “*Subdivision*”), comprising approximately 356.64 acres of land in Pauwela, East Kuiaha and West Kaupakulua, Hamakualoa, County and Island of Maui, State of Hawaii, as shown on the final subdivision map of the Subdivision approved by the County of Maui (“*Subdivision Map*”) dated October 10, 2014. The Subdivision Lots are more particularly described in Exhibit “A” attached hereto and incorporated herein by reference, and shown on the maps attached hereto as Exhibit “B” and incorporated herein by reference.

C. A&B is the current owner in fee simple of Lot 1, Lot 3, Lot 4 and Lot 5 as described in said Exhibit “A” and shown on said Exhibit “B”.

D. A&B is also the current owner in fee simple of that certain parcel of land, containing an approximate area of 137.703 acres, located in Pauwela, East Kuiaha and West Kaupakulua, Hamakualoa, County and Island of Maui, State of Hawaii and identified as Tax Map Key No. (2) 2-7-004-001 (the “*Separate Parcel I*”).

E. Konanui is the current owner in fee simple of Lot 2 as described in said Exhibit “A” and shown on said Exhibit “B”.

F. Hisashima Owners are the current owners of Lot 6 as described in said Exhibit “A” and shown on said Exhibit “B”.

G. A&B, Konanui and the Hisashima Owners now desire to amend and restate the Original Declaration in its entirety, as more particularly set forth below.

NOW, THEREFORE, A&B, Konanui and the Hisashima Owners agree that the Original Declaration is amended and restated in its entirety to read as follows:

In order to enhance the Subdivision and to facilitate the usefulness and enjoyment of the Subdivision by the Owners and Occupants of the Subdivision Lots, A&B, Konanui and the Hisashima Owners declare and reserve various easements for various purposes, including, without limitation, access, utilities, conservation and recreation and other purposes (each such easement, including without limitation, Access Easements, Utility Easements and the Conservation Easement as those terms are defined in this Declaration, are individually called a “*Subdivision Easement*” and collectively called the “*Subdivision Easements*”), in favor of various Subdivision Lots, other specified lots and Benefited Parties, which Subdivision Easements are more particularly described in Exhibit “C” and Exhibit “D” both attached hereto and incorporated herein by reference, and shown on said Exhibit “B” and said “Exhibit “D””.

A&B, Konanui and the Hisashima Owners hereby declare that each Subdivision Lot and Separate Parcel 1 shall be held, sold, conveyed, encumbered, leased, occupied and improved, subject to the limitations, restrictions, easements, reservations, covenants and conditions set forth in this Declaration, all of which are established and declared and agreed to be for the purpose of enhancing and protecting the value, desirability, attractiveness or usefulness of the Subdivision. These limitations, restrictions, easements, reservations, covenants and conditions shall run with the land and shall be binding upon each Subdivision Lot and Separate Parcel 1 and all persons, including without limitation, the Owners and Occupants thereof, and the Benefited Parties, having or who acquire any right, title or interest therein (regardless of whether any provision of this Declaration specifically so provides), and shall inure to the benefit of the applicable

Subdivision Lot or other specified lot and the Benefited Parties identified herein, and their respective successors and assigns, but only to the extent expressly provided herein.

## ARTICLE 1

### DEFINITIONS

**1.1 Definitions.** In addition to the terms defined in other provisions of this Declaration, the following words, when used in this Declaration or any supplemental declaration (unless the context requires otherwise), shall have the following meanings:

*“Access & Utility Easement”* shall mean the forty (40) foot wide easement described and shown on Exhibit “D” attached hereto and made a part hereof affecting Separate Parcel 1.

*“Affected Lot”* shall mean the Subdivision Lot or Separate Parcel 1 within which a Subdivision Easement is located.

*“Benefited Lot”* shall mean the Subdivision Lot or other specified Lot that is benefited by a Subdivision Easement or to which a Subdivision Easement is appurtenant, as set forth herein.

*“Benefited Party”* shall mean any person, entity or other party, including without limitation, Owners, Occupants, Governmental Entities, or utility companies, in whose favor, or for whose benefit, a particular Subdivision Easement is stated to run in this Declaration.

*“Bureau”* shall mean the Bureau of Conveyances of the State of Hawaii located in Honolulu, Hawaii.

*“Declarant”* shall collectively mean (a) **ALEXANDER & BALDWIN, LLC**, a Hawaii limited liability company, and its successors and assigns, and such other persons to whom Alexander & Baldwin, LLC or its successors or assigns, may assign its rights as Declarant, and (b) **KONANUI, LLC**, a Hawaii limited liability company, and its successors and assigns, and such other persons to whom Konanui, LLC or its successors or assigns, may assign its rights as Declarant, and (c) **KARY M. HISASHIMA**, husband of Debbie Hisashima, **KARLEE C. HISASHIMA**, unmarried, and **JUDY Y. HISASHIMA**, Trustee under that certain Declaration of Revocable Trust of Judy Y. Hisashima dated September 28, 1981, with full powers to sell, mortgage, lease or otherwise deal with the land, and their respective heirs, personal representatives, successors, successors in trust and assigns, and such other persons to whom the Hisashima Owners or its respective heirs, personal representatives, successors, successors in trust and assigns, may assign its rights as Declarant. (For purposes of this definition of “Declarant”, Alexander & Baldwin, LLC’s “successors and assigns” shall not include any person or entity to whom Alexander & Baldwin, LLC conveys or leases a Subdivision Lot or Separate Parcel 1, unless the rights of “Declarant” expressly have been assigned to such person or entity, and Konanui, LLC’s “successors and assigns” shall not include any person or entity to whom Konanui, LLC conveys or leases a Subdivision Lot, unless the rights of “Declarant” expressly have been assigned to such person or entity, and Kary M. Hisashima, Karlee C. Hisashima, and Judy Y. Hisashima, Trustee under that certain Declaration of Revocable Trust of Judy Y. Hisashima dated September 28, 1981, and their respective heirs, personal representatives, successors, successors in trust and assigns shall not include any person or entity to whom any of

the Hisashima Owners convey or lease a Subdivision Lot, unless the rights of “Declarant” expressly have been assigned to such person or entity).

“**Declaration**” shall mean this Amended and Restated Declaration of Easements and the limitations, restrictions, easements, reservations, covenants and conditions set forth herein, as the same may hereafter be amended and/or supplemented.

“**DLNR**” shall mean the State of Hawaii Department of Land and Natural Resources.

“**Departmental Permit**” shall mean that certain Departmental Permit for Conservation District Use Application MA-3697 issued by DLNR to Makai Hana V, LLC on April 5, 2014, of which a Notice of Approval of Conservation District Use Permit (CDUP MA-3697) is recorded in the Bureau as Document No. A-54660878.

“**Easement Area**” shall mean the area comprising each respective Subdivision Easement.

“**Governmental Entity**” shall mean the County of Maui, State of Hawaii, United States of America and/or any agency, department, subdivision or instrumentality thereof.

“**Mortgagee**” shall mean the holder of a mortgage lien or liens recorded at the Bureau, or any successor thereto, against any Subdivision Lot or Separate Parcel 1 and the Easements created herein.

“**Occupant**” shall mean all invitees, guests, renters or other occupants of an Owner and/or a Subdivision Lot or Separate Parcel 1.

“**Owner**” shall mean the record owner, whether one or more persons or entities, of the fee simple title to a Subdivision Lot or Separate Parcel 1.

“**Separate Parcel 1**” shall mean that certain parcel of land, containing an approximate area of 137.703 acres, located in Pauwela, East Kuiaha and West Kaupakulua, Hamakualoa, County and Island of Maui, State of Hawaii and identified as Tax Map Key No. (2) 2-7-004-001.

## ARTICLE 2

### ACCESS EASEMENTS

**2.1 Declaration of Access Easements.** A&B and the Hisashima Owners hereby declare and grant a perpetual, non-exclusive easement for the following purposes only, over, upon, across and through the following easements (“**Access Easements**”) affecting the following Affected Lots, in favor of and appurtenant to the following Benefited Lots, to the extent expressly provided herein, upon and subject to the terms and conditions set forth in this Declaration:

Access Easements	Area (acres unless otherwise noted)	Affected Lot	Benefited Lots	Purpose(s)
1A	1.615	6	2	Private pedestrian and private vehicular ingress and egress to Hana Highway
4A	1.493	4	3	Pedestrian and vehicular ingress and egress to Nahele Road
5A	1.781	5	3 & 4	Pedestrian ingress and egress to the coastline of the Subdivision from Nahele Road
Access & Utility Easement	2.256	Separate Parcel 1	3, 4, & 5	

**2.2 Specific Terms and Conditions Applicable to Access Easements 5A and Access & Utility Easement.**

(a) Owners and Occupants of the Benefited Lots and Owners and Occupants of the Affected Lots acknowledge that the Departmental Permit requires that there be two (2) "public access easements to the coastline" to conduct "traditional customary uses along the shoreline area". Owners and Occupants of the Benefited Lots and Owners and Occupants of the Affected Lots acknowledge that the public may use the Access Easements 5A and the Access & Utility Easement for access from Nahele Road to the coastline of the Subdivision to conduct "traditional customary uses along the shoreline area", which public access may impact the development and use of Separate Parcel 1 and Subdivision Lots 3, 4 and 5. Owners and Occupants of Separate Parcel 1 and Subdivision Lots 3, 4 and 5 agree to assume all risks of impairment of such Owner's or Occupant's use and enjoyment of their respective Affected Lot or Benefited Lot, loss in market value and property damage and personal injury arising from such use of Access Easements 5A and the Access & Utility Easement.

(b) Owners of the Affected Lots shall have the right to (i) use and improve and permit others to use and improve Access Easements 5A and the Access & Utility Easement in common with the Owners and Occupants of the Benefited Lots for access and all other purposes, and (ii) place limits on the hours and days for use of Access Easements 5A and the Access & Utility Easement by the general public, the number of general public users that may use Access Easements 5A and the Access & Utility Easement at any one time, and the extent and nature of the use of Access Easements 5A and the Access & Utility Easement by the general

public; provided however, that such use and limitations must be made in such manner as will not unreasonably interfere with (i) the use of Access Easements 5A and the Access & Utility Easement by Owners and Occupants of the Benefited Lots or (ii) the public's use of Access Easements 5A and the Access & Utility Easement for access to the coastline of the Subdivision to conduct "traditional customary uses along the shoreline area". Each Owner and Occupant of an Affected Lot shall keep unobstructed, and shall not disturb, obstruct, impair or damage the roads or other improvements upon and/or located within Access Easements 5A or the Access & Utility Easement.

### **2.3 Specific Terms and Conditions Applicable to Access Easement 1A.**

(a) Owners and Occupants of the Benefited Lot shall maintain, repair, upkeep and preserve Access Easement 1A, or any portion thereof, in good order and condition, and the Owners and Occupants of the Affected Lot agree at all times to cooperate with the Owners and Occupants of the Benefited Lot in the maintenance, repair, upkeep of Access Easement 1A and to preserve Access Easement 1A in good order and condition. Owners and Occupants of the Benefited Lot shall be responsible for all costs incurred in order to maintain, repair, upkeep and preserve Access Easement 1A, or any portion thereof, including without limitation, the fees of engineers or other design professionals, the fees for any required permits, any maintenance contract for cleaning or otherwise keeping up Access Easement 1A, and any construction contract for repairing or resurfacing Access Easement 1A or reconstructing the road bed (collectively, the "Easement 1A Costs"); provided, however, that, (i) if any improvements to Access Easement 1A are required to subdivide any Lot, the Owner of the Lot applying for such subdivision shall be (a) solely responsible for the cost of such improvements and such cost shall not be included as part of the "Easement 1A Costs", and (b) such Owner of the Lot shall be solely responsible for maintaining and repairing such improvements, and (ii) the Easement 1A Costs shall be apportioned equally between Lot 2 and Lot 6 from and after the date that Lot 6 is (a) subdivided or (b) no longer used for passive agricultural uses such as pasture use or pineapple farming.

(b) Owners and Occupants of the Benefited Lot and Owners and Occupants of the Affected Lot acknowledge the presence of a gate currently located at the intersection of Access Easement 1A and Hana Highway (the "Gate"). Owners and Occupants of the Benefited Lot and Owners and Occupants of the Affected Lot shall each have access to the Gate, and shall, jointly and severally, be responsible for, reconstructing, operating, maintaining, insuring, repairing and removing the Gate, in a good and safe condition, ordinary wear and tear excepted.

## **ARTICLE 3**

### **UTILITY EASEMENTS**

**3.1 Declaration of Utility Easements.** A&B and the Hisashima Owners hereby declare and grant a perpetual, non-exclusive easement for water, sewer, electrical, gas, telephone, cable, and other utilities to and from the Benefited Properties over, upon, across, under and through the following easements ("*Utility Easements*") affecting the following Affected Lots, in favor of and appurtenant to the following Benefited Lots and Benefitted Parties, to the extent expressly provided herein, upon and subject to the terms and conditions set forth in this Declaration:

Utility Easements	Area (acres unless otherwise noted)	Affected Lot	Benefited Lots	Purpose(s)
1A	1.615	6	2	Water, sewer, electrical, gas, telephone, cable, and other utilities
4A	1.493	4	3	
5A	1.781	5	3 & 4	

**3.2 Specific Terms and Conditions.** The Utility Easements described in this ARTICLE 3 shall be used by Owners and Occupants of each respective Benefited Lot and any Benefited Party having the right to use such Utility Easements, subject to and upon the following terms and conditions:

(a) Benefited Lot Owners and any Benefited Party have the right to grade, construct, install, maintain, use, operate, repair, replace and remove from time to time, road improvements, above-ground poles and wire lines, and underground wires lines and related apparatus, equipment and improvements (collectively, the "*Improvements*"), including the right to remove and/or trim and keep trimmed any tree or trees in the way of the Improvements, as may be reasonably necessary to provide the Benefited Lots with such utility service over, across and upon the Utility Easement area, together with a perpetual, nonexclusive easement to enter, cross over and upon the Affected Lot to the Utility Easement area for the purposes of obtaining access to the Improvements and transporting to and from the Utility Easement area such vehicles, personnel, materials and equipment as are reasonably necessary for the purposes of the rights granted in this ARTICLE 3. Notwithstanding the foregoing, all wire lines in Utility Easement 1A shall be underground unless overhead lines already exist in Utility Easement 1A, in which case the wire lines shall not be required to be underground.

(b) Any Owner of a Benefited Lot shall have the right to do the following as required by the utility service provider for the provision of utility service to a Benefited Lot, all without the consent of the Owners of the Affected Lot: (i) the right to remove or trim trees; (ii) grade and install a paved or unpaved roadways; and (iii) construct, install, repair, replace, remove, maintain, and alter from time to time other Improvements in the Utility Easement area. Notwithstanding the foregoing, an Owner of a Benefited Lot shall not build, alter, construct, reconstruct or replace any other Improvements in, upon or to the Utility Easement area, without the prior written consent of the Owners of the Affected Lot of the plans for such Improvements, which consent shall not be unreasonably withheld or delayed. After the construction of any improvement in the Utility Easement area, the constructing Owner or Benefited Party shall restore the surface of the ground to its original condition to the extent that such restoration is reasonably possible.

#### ARTICLE 4 CONSERVATION EASEMENT

**4.1 Declaration of Conservation Easement.** A&B hereby declares and grants a perpetual non-exclusive easement over, upon, across, under and through Easement 7 (the "*Conservation Easement*") for the following purposes only, located within the following

Affected Lot, in favor of and appurtenant to, the following Benefited Lots and Benefited Parties, to the extent expressly provided herein, upon and subject to the terms and conditions set forth in this Declaration:

Easement	Area (acres)	Affected Lot	Benefited Lots	Purpose(s)
7	11.76	1	2, 3, 4, & 5	Conservation and recreation

**4.2 Specific Terms and Conditions of Use of Conservation Easement.** The Conservation Easement described in this ARTICLE 4 hereinabove may be used by the Owners and Occupants of each respective Benefited Lot and the Benefited Parties having the right to use such Conservation Easement for the uses described in this ARTICLE 4 and subject further to and upon the following terms and conditions:

(a) The Owners and Occupants of the Benefited Lots and Benefited Parties may only use the Conservation Easement area for open space, hiking, jogging, bicycling, horseback riding, access to the ocean, and other passive recreational uses. Motorized recreational vehicles may not be used in or on the Conservation Easement area.

(b) Each Owner and Occupant of an Affected Lot shall preserve and keep unobstructed, and shall not disturb, obstruct, impair or damage, the Conservation Easement area.

**ARTICLE 5**

**GRANT OF ACCESS AND UTILITY EASEMENTS TO EMI/A&B**

**5.1 Declaration of Easements.** A&B hereby declares and grants a perpetual, non-exclusive easement for the following purposes only, over, upon, across, under and through the following easements ("*EMI Easements*") affecting the following Affected Lot, in favor of East Maui Irrigation Company, Limited, a Hawaii corporation ("*EMP*") and A&B (collectively, "*EMI/A&B*") upon and subject to the terms and conditions set forth in this Declaration:

Easements	Area (acres unless otherwise noted)	Affected Lot	Purpose(s)
A-13	0.173	1	Pedestrian and vehicular ingress and egress, water, sewer, electrical, gas, telephone, cable, and other utilities
A-14	0.433	1	
A-15	0.052	1	

**5.2 Specific Terms and Conditions Applicable to the EMI Easements.** The EMI Easements described in this ARTICLE 4 hereinabove may be used by EMI/A&B for the uses described in this ARTICLE 4 and subject further to and upon the following terms and conditions:

(a) The EMI Easements are easements "in gross" in favor of EMI/A&B, and are not appurtenant to any particular lands owned by EMI or A&B.



(b) EMI/A&B has the right to grade, construct, install, maintain, use, operate, repair, replace and remove from time to time, Improvements, including the right to remove and/or trim and keep trimmed any tree or trees in the way of the Improvements, as may be reasonably necessary to provide EMI or A&B with such utility service over, across and upon the EMI Easements.

(c) EMI/A&B shall have the right to do the following as required by the utility service provider for the provision of utility service to EMI/A&B, all without the consent of the Owners of the Affected Lot: (i) the right to remove or trim trees; (ii) grade and install a paved or unpaved roadways; and (iii) construct, install, repair, replace, remove, maintain, and alter from time to time other Improvements in the EMI Easements area. Notwithstanding the foregoing, EMI/A&B shall not build, alter, construct, reconstruct or replace any other Improvements in, upon or to the EMI Easements area, without the prior written consent of the Owners of the Affected Lot of the plans for such Improvements, which consent shall not be unreasonably withheld or delayed. After the construction of any improvement in the EMI Easements area, EMI/A&B shall restore the surface of the ground to its original condition to the extent that such restoration is reasonably possible.

(d) Owners of the Affected Lot shall have the right to use and permit others to use the EMI Easements area in common with EMI/A&B for access and utility purposes only, provided however, that such use must be made in such manner as will not unreasonably interfere with the use of the EMI Easements area by EMI/A&B. Each Owner and Occupant of an Affected Lot shall keep unobstructed, and shall not disturb, obstruct, impair or damage the roads or other improvements upon and/or located within such EMI Easements area.

## **ARTICLE 6 GENERAL EASEMENT TERMS AND CONDITIONS**

**6.1 Rights Subject to Departmental Permit.** The Owners and Occupants of the Benefited Lots and Owners and Occupants of the Affected Lots shall observe, perform, comply with and abide by all terms, conditions, and provisions contained in the Departmental Permit. The Owners and Occupants of the Benefited Lots and Owners and Occupants of the Affected Lots shall at all times indemnify and hold harmless A&B, Konanui, Hisashima Owners, and Declarant (if A&B or Konanui or Hisashima Owners has assigned its rights as Declarant) from and against any and all claims, liabilities, damages, losses, costs and expenses arising out of or as a result of the failure of such Owners or Occupants of the Benefited Lots or Owners or Occupants of the Affected Lots to comply with the terms, conditions and provisions contained in the Departmental Permit; provided, however, that (a) such indemnified party shall not have acted or failed to act fraudulently or in bad faith or as a result of gross negligence, (b) if the Owner or Occupant is the County of Maui, the indemnification obligations under this Section 6.1 shall apply to the County of Maui only to the extent permitted by law, and subject to Maui County Council approval, and (c) if the Owner or Occupant is Konanui, the indemnification obligations under this Section 6.1 shall apply to Konanui only to the extent Konanui failed to observe, perform, comply with and abide by all terms, conditions, and provisions contained in the Departmental Permit.

**6.2 Rights in Easements.** The Owners and Occupants of the Affected Lots, and their respective successors and assigns, shall have the right to use the Affected Lots, and the Easement

Areas therein, in any manner desired by such Owners and Occupants, to the extent consistent with the Easements declared and granted herein and the terms and conditions of this Declaration. Each Owner shall also have the right to further transfer such easement rights together with the transfer of a Benefited Lot, or to pledge the same to any Mortgagee of a Benefited Lot; provided that such transfer or pledge is upon and subject to all of the applicable terms and conditions and the reservations in favor of Declarant as set forth in this Declaration.

**6.3 Responsibility.** Each Benefited Party and Owner of a Benefited Lot shall and shall cause all of its respective Occupants or its guests, tenants and licensees, to: (a) use due care and diligence in the use of the Easements; (b) observe and perform all laws, ordinances, rules and regulations now or hereafter imposed by any Governmental Entity (collectively, "**Laws**") which are applicable to the Benefited Party's or the Benefited Lot Owner's or Occupant's use of the Affected Lot and the Easement Area; (c) not at any time make or suffer any strip or waste or unlawful, improper or offensive use of the Affected Lots; (d) not exercise the easement rights granted herein in such a manner that unreasonably interferes with the use of the Affected Lots by the Owners and Occupants thereof; (e) be solely responsible for obtaining at its expense any governmental approval, permit or consent required by law for or in connection with any improvement or uses of the Affected Lots by the Benefited Party or the Owner or Occupant of a Benefited Lot; (f) not permit the Affected Lot to be used for any purposes other than those expressly permitted above; (g) complete the construction and installation of any improvements made by such Benefited Party or Owners of the Benefited Lot within the Affected Lot promptly, with due care and diligence, in compliance with all applicable Laws and free and clear of all liens; and (h) not permit the Affected Lot to be used by the general public or for any public purpose (except as provided in the Departmental Permit).

**6.4 Condition of Easement Area.** Declarant makes no warranty or other representation as to the condition of the Easement Areas or its adequacy for the intended use by the Benefited Parties or the Owners and Occupants of the Benefited Lots. Declarant has the right, but not the obligation or duty to the Benefited Parties or Owners or Occupants of the Benefited Lots, (a) to maintain, improve or otherwise upgrade any such facilities or improvements within the Easement Areas, and (b) to construct, reconstruct, install, remove, replace, repair and maintain any structures, paving and other improvements, within the Easement Areas, as shall not unreasonably interfere with the Easements granted to the Benefited Parties or the Owners of the Benefited Lots. Should Declarant maintain and/or repair the Easement Areas on the improvements and facilities located therein pursuant to this paragraph, the Benefited Parties and Owners of the Benefited Lots shall bear with other users of the Easement Areas, a reasonable share of the cost of said maintenance and repair, in a fair and equitable pro rata manner that reflects the relative benefit thereof to each respective party, as determined by Declarant.

**6.5 Insurance.** Every Benefited Party and Owner of a Benefited Lot of any Subdivision Easement described in this Declaration shall each at all times maintain in full force and effect a comprehensive liability and property damage insurance policy covering their respective interests in their respective Easement Areas, with such reasonable limits as determined by Declarant from time to time, but initially with combined single limit coverage for bodily injury and property damage of not less than \$2,000,000 per occurrence. Such policy or policies shall be written by an insurance company duly licensed to do business in the State of Hawaii (or approved in writing by Declarant), shall name Alexander & Baldwin, LLC, Konanui,

Hisashima Owners, Declarant (if A&B or Konanui or Hisashima Owners has assigned its rights as Declarant) and all Owners of the Affected Lots as additional insureds, and shall provide that such policy may not be canceled or modified without not less than thirty (30) days prior written notice to Declarant and all Owners of the Affected Lots. The Benefited Parties and Owners of a Benefited Lot shall, promptly upon A&B's or Konanui's or the Hisashima Owners' or any Owner of the Affected Lot's request, provide satisfactory evidence that such insurance policy is in full force and effect. Notwithstanding the foregoing (a) as long as A&B, or any affiliate or subsidiary of A&B owns a Benefited Lot, A&B may self-insure for the limits set forth in this Section 6.5, and (b) as long as the County of Maui owns a Benefited Lot, the County of Maui may self-insure for the limits set forth in this Section 6.5.

**6.6 Indemnification.** The Owners and Occupants of the Benefited Lots and all Benefited Parties shall at all times indemnify and hold harmless A&B, Konanui, Hisashima Owners, Declarant (if A&B or Konanui or Hisashima Owners has assigned its rights as Declarant) and Owners of the Affected Lots from and against all:

(a) Loss or damage to the property of such Owner, Occupant, such Benefited Party or of others occurring in the Easement Area or arising out of or as a result of the use of the Easement Area by the Owner or Occupant of a Benefited Lot or the Benefited Party; and

(b) Liability for injury or death of any person or persons arising out of or as a result of the use of the Easement Area by the Owner or Occupant of a Benefited Lot or a Benefited Party, or by the failure of such Owner, Occupant or Benefited Party to comply with their respective obligations with respect to the Easement Area hereunder;

provided, however, that (i) such indemnified party shall not have acted or failed to act fraudulently or in bad faith or as a result of gross negligence, and (ii) if the Owner or Occupant is the County of Maui, the indemnification obligations under this Section 6.6 shall apply to the County of Maui only to the extent permitted by law, and subject to Maui County Council approval.

**6.7 Restriction Concerning Easements.** Each Easement shall be appurtenant to each respective Benefited Lot, and shall not be sold, mortgaged, leased, rented or otherwise granted or conveyed separate or apart from such Benefited Lot.

**6.8 Reservation in Favor of A&B.** The Easements shall be subject to a reservation in favor of A&B, who shall have the right, but not the obligation, to do the following:

(a) Enter and otherwise limit the use of the Easement Area by Owners, Occupants, Benefited Parties, and all other individuals entitled to use the same at reasonable times and under reasonable circumstances for the purposes of constructing, reconstructing, maintaining or repairing any structure or improvement in the Easement Area;

(b) Enter and otherwise limit the use of the Easement Area by Owners, Occupants, Benefited Parties, and all other individuals entitled to use the same at any time, and for any purpose, in the event of an emergency, for so long as the emergency continues. A&B shall have the absolute discretion to determine whether or not a particular set of circumstances rises to the level of an emergency for purposes of this Section 6.8(b);

(c) Enter and otherwise limit the use of the Easement Area by Owners, Occupants, Benefited Parties, and all other individuals entitled to use the same at any time, for the sole purpose of minimizing or eliminating any interference, nuisance, harm, or hazard to “traditional customary uses along the shoreline area” of the Subdivision;

(d) Dedicate the Access Easement area, or any portion thereof, to any Governmental Entity for public use, and upon said dedication, the Access Easements over the Affected Lots so dedicated shall automatically terminate, and to that extent, the Access Easement area for the access purposes so dedicated shall be released from the terms of this Declaration;

(e) To install appropriate warning signs along the Access Easements for the safety of the public;

(f) Use and improve any Easement Area for the benefit of or in common with the Owner of any of the Benefited Lots for access and all other purposes; and

(g) Grant easements over, on, under, across, or through any Easement Area for public or private sewers, water, electrical, gas, communications, cable, television or other utility purposes to any appropriate Governmental Entity or public utility, or to any other public or private corporation or association or individual.

**6.9 Condemnation.** In case at any time or times during the term of this Declaration, the Affected Lot over which the Easement Areas are then located, or any part thereof, shall be taken or condemned by any authority having the power of eminent domain, any and all damages awarded or payable for or on account of any land or water or improvements thereon shall be payable to and be the sole property of the Owner of such Affected Lot so condemned or taken. The Benefited Parties and Owners and Occupants of a Benefited Lot shall not by reason thereof be entitled to any claim against Declarant for compensation; provided, however, that a Benefited Party, Owner and Occupant of a Benefited Lot may claim and recover from the condemning authority full compensation for any severance or other damages to its rights granted herein. In every such case the estate and interest of the Benefited Party and Owners and Occupants of a Benefited Lot in the premises so taken or condemned shall cease and be determined upon the taking of possession thereof by the condemning authority.

## ARTICLE 7

### MISCELLANEOUS PROVISIONS

**7.1 Reserved Right to Amend.** Notwithstanding anything contained herein to the contrary, Declarant hereby reserves the right in favor of A&B to amend this Declaration without the consent or joinder of any Owner, Occupant, Benefited Party, Mortgagee (if any) or any other person or entity for the purpose of meeting any requirement imposed by any applicable Law, any federal, state or county government, any governmental or judicial action, order or decree, any institutional mortgage lender or any governmental or quasi-governmental agency including, without limitation, the Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, the U.S. Department of Housing and Urban Development or the Office of Veterans Administration, or for the purpose of correcting any error herein, or for the purpose of exercising any reserved right of A&B under this Declaration, or to include a more precise legal description of the Access & Utility Easement. Each and every Owner, Occupant, Benefited Party,

Mortgagee and other party acquiring an interest in the Subdivision, or a Subdivision Lot therein, by such acquisition, consents to such amendments as described in the preceding sentence and agrees to execute and deliver such documents and instruments and do such other things as may be necessary or convenient to effect the same; and appoints A&B and its assigns, as his or her attorney-in-fact with full power of substitution to execute and deliver such documents and instruments and to do such things on his or her behalf, which grant of such power, being coupled with an interest, is irrevocable for the term of said reserved rights, and shall not be affected by the disability of such party or parties. No amendment hereto shall negate or adversely impact any of Declarant's reserved rights hereunder without the prior written consent of A&B.

**7.2 Termination.** Unless earlier terminated pursuant to the express terms hereof, this Declaration shall remain in effect perpetually or until terminated by Declarant, whichever shall first occur.

**7.3 Severability and the Rule Against Perpetuities.** If any provision of this Declaration, or any section, sentence, clause, phrase or word or the application thereof in any circumstances, shall be held invalid, the validity of the remainder of this Declaration and of the application of such provision, sentence, clause, phrase or word under any other circumstances shall not be affected. If any provision of this Declaration would violate the Rule Against Perpetuities or any other limitation on the duration of the provisions contained herein imposed by law, then such provisions shall be deemed to remain in effect only for the maximum permissible period permitted by law or until 21 years after the death of the last survivor of the now-living descendants of President Barack Obama, whichever is later.

**7.4 No Waiver.** The failure to enforce any provision of this Declaration shall not constitute a waiver thereof or of the right to enforce such provision thereafter.

**7.5 Interpretation.** The captions of the Articles and Sections of this Declaration are for convenience only and shall not be considered to expand, modify or aid in the interpretation, construction or meaning of this Declaration. As used herein, the singular shall include the plural and the masculine shall include the feminine and neuter.

**7.6 Cooperation.** Each Owner, Occupant and Benefited Party shall cooperate with each other Owner, Occupant, Benefited Party, and/or Declarant, as appropriate, in every way and will exercise their best efforts in carrying out the transactions contemplated herein, and in executing and delivering in recordable form all documents, instruments, or copies thereof or other information deemed reasonably necessary or useful by the other Owners or Occupants, Benefited Parties and/or Declarant.

**7.7 Joint and Several Liability.** If an Owner consists of more than one person or the Benefited Parties consist of more than one person or entity or Benefited Lots consist of more than one Lot, all of the obligations of the such Owner, Benefited Party or Owner of a Benefited Lot under this Declaration shall constitute the joint and several obligation of all such persons or entities. The obligations of more than one Owner, Benefited Party or Owner of a Benefited Lot under this Declaration shall constitute the joint and several obligation of all such Owners, Benefited Parties and Owners of the Benefited Lots.

**7.8 Enforcement Costs.** If any legal action or other proceeding, including arbitration, is brought for the enforcement of this Declaration, or because of an alleged dispute,

breach, default or misrepresentation in connection with any provisions of this Declaration, the successful or prevailing party or parties shall be entitled to recover reasonable attorneys' fees, court costs and all expenses even if not taxable as court costs, incurred in that action or proceeding, in addition to any other relief to which such party or parties may be entitled.

**7.9 Interpretation of Terms and Phrases.** The terms and phrases used in this Declaration, other than those capitalized terms given specific meanings, shall be interpreted to have their ordinary, usual, and customary meaning. In the event a term or phrase in a provision of the Declaration may be interpreted to have more than one meaning, the meaning that provides for enforceability and/or validity of the provision shall be the meaning of the term or phrase in question.

**7.10 Binding Effect.** This Declaration shall inure to the benefit of, and be binding upon each Owner, Occupant, Benefited Party and/or Declarant, as appropriate, and their respective heirs, personal representatives, successors, successors in trust and assigns. This Declaration shall be appurtenant to the Affected Lot and the Benefited Lot and for the benefit of the Benefited Lot and shall run with the land.

**7.11 Notices.** Any notice or demand provided for or permitted by this Declaration may be given sufficiently for all purposes in writing mailed as registered or certified mail, addressed to the appropriate party at such party's post office address or such other address designated by such party in writing to the other parties, or delivered personally to such party, as the case may be, and shall be deemed conclusively to have been given on the date of such mailing or personal delivery.


**7.12 Applicable Law.** This Declaration shall be governed by the laws of the State of Hawaii both as to interpretation and performance.


**7.13 Counterpart.** This Declaration may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument. Duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

**[Signatures on the following page.]**

IN WITNESS WHEREOF, Declarant has caused this Declaration to be executed as of the date set forth above.

**ALEXANDER & BALDWIN, LLC**  
a Hawaii limited liability company

By:   
Name: **NELSON N.S. CHUN**  
Title: **SENIOR VICE PRESIDENT**

By:   
Name: **ALYSON NAKAMURA**  
Title: **SECRETARY**

“A&B”

**KONANUI, LLC**, a Hawaii limited liability company

By Courtlandt Gates, Trustee of the Courtlandt and Natalie Gates 2006 Trust, Dated July 31, 2006  
Its Member

\_\_\_\_\_  
Courtlandt Gates  
Trustee as aforesaid

“Konanui”

\_\_\_\_\_  
**KARY M. HISASHIMA**

  
\_\_\_\_\_  
**KARLEE C. HISASHIMA**

\_\_\_\_\_  
**JUDY Y. HISASHIMA**

Trustee as aforesaid

“Hisashima Owners”

**IN WITNESS WHEREOF**, Declarant has caused this Declaration to be executed as of the date set forth above.

**ALEXANDER & BALDWIN, LLC**  
a Hawaii limited liability company

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:

“A&B”

**KONANUI, LLC**, a Hawaii limited liability company

By Courtlandt Gates, Trustee of the Courtlandt and  
Natalie Gates 2006 Trust, Dated July 31, 2006  
Its Member


  
Courtlandt Gates

Trustee as aforesaid

“Konanui”

  
KARY M. HISASHIMA

KARLEE C. HISASHIMA

  
JUDY Y. HISASHIMA

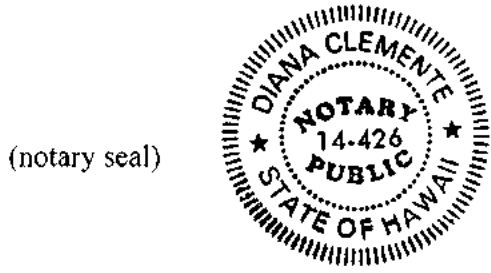
Trustee as aforesaid

“Hisashima Owners”



STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On this 31st day of August, 2016, before me personally appeared NELSON N.S. CHUN,  personally known to me - OR-  proved to me on the basis of satisfactory evidence who, being by me duly sworn or affirmed, did say to 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.



Diana Clemente  
Print Name: DIANA CLEMENTE  
Notary Public, State of Hawaii  
My commission expires: DEC 14 2018

If signing in Hawaii:

<b>NOTARY CERTIFICATE</b> (Hawaii Administrative Rules §5-11-8) DOC. DATE: (Undated at time of notarization) Document Identification or Description: <u>AMENDED AND RESTATED DECLARATION OF EASEMENTS</u> TMKS: (2)2-7-007-079; 080; 081; 082; 083; (2)2-7-007-005 & (2)2-7-004; 001 No. of Pages: <u>21</u> Excluding Exhibits Jurisdiction: <u>First</u> (in which notarial act is performed)	
<u>Diana Clemente</u> Signature of Notary	<u>August 31, 2016</u> Date of Certificate
<u>DIANA CLEMENTE</u> Printed Name of Notary	

STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On this 31st day of August, 2016, before me personally appeared ALYSON J. NAKAMURA,  personally known to me - OR-  proved to me on the basis of satisfactory evidence who, being by me duly sworn or affirmed, did say to that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

(notary seal)



Diana Clemente

Print Name: DIANA CLEMENTE  
Notary Public, State of Hawaii

My commission expires: DEC 14 2018

If signing in Hawaii:

NOTARY CERTIFICATE (Hawaii Administrative Rules §5-11-8)  
DOC DATE: (Undated at time of notarization)  
Document Identification or Description: AMENDED AND RESTATED  
DECLARATION OF EASEMENTS TMKS: (2)2-7-007-079; 080; 081; 082;  
083; (2)2-7-007-005; (2)2-7-004-001  
No. of Pages: 21 Excluding Exhibits Jurisdiction: First  
(in which notarial act is performed)

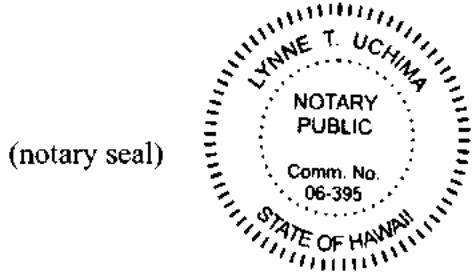
Diana Clemente August 31, 2016  
Signature of Notary Date of Certificate

DIANA CLEMENTE  
Printed Name of Notary



STATE OF HAWAII )  
 ) SS.  
COUNTY OF MAUI )

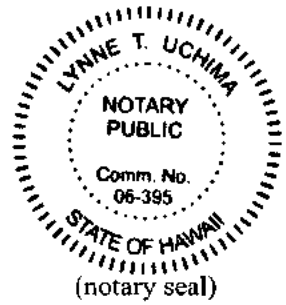
On this 16<sup>th</sup> day of August, 2016, before me personally appeared COURTLANDT GATES, Trustee as aforesaid,  personally known to me -OR-  proved to me on the basis of satisfactory evidence who, being by me duly sworn or affirmed, did say to that such person(s) executed the foregoing instrument 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.



Lynne T. Uchima  
Print Name: LYNNE T. UCHIMA  
Notary Public, State of Hawaii  
My commission expires: 7/2/2018

If signing in Hawaii:

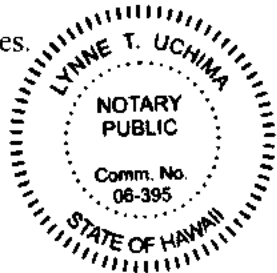
<b>NOTARY CERTIFICATE</b> (Hawaii Administrative Rules §5-11-8)	
Document Identification or Description: <u>AMENDED AND RESTATED DECLARATION OF EASEMENTS</u>	
No. of Pages: <u>79</u>	Jurisdiction: <u>Second</u> (in which notarial act is performed)
<u>Lynne T. Uchima</u> Signature of Notary <b>LYNNE T. UCHIMA</b>	<u>8/16/16</u> Date of Certificate
Printed Name of Notary	



(notary seal)

STATE OF HAWAII )  
 )  
COUNTY OF MAUI ) SS.

On this 31<sup>st</sup> day of August, 2016, before me personally appeared KARY M. HISASHIMA,  personally known to me -OR-  proved to me on the basis of satisfactory evidence who, being by me duly sworn or affirmed, did say to that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.



(notary seal)

*Lynne T. Uchima*

Print Name: LYNNE T. UCHIMA  
Notary Public, State of Hawaii

My commission expires: 7/2/2018

If signing in Hawaii:

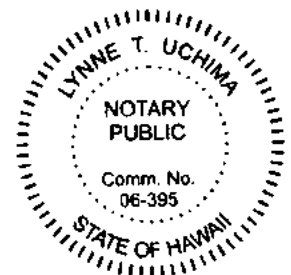
**NOTARY CERTIFICATE** (Hawaii Administrative Rules §5-11-8)

Document Identification or Description: AMENDED AND RESTATED  
DECLARATION OF EASEMENTS

No. of Pages: 79 Jurisdiction: Second Circuit  
(in which notarial act is performed)

*Lynne T. Uchima* 8/31/16  
Signature of Notary Date of Certificate

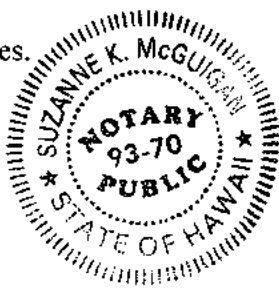
LYNNE T. UCHIMA  
Printed Name of Notary



(notary seal)

STATE OF HAWAII )  
CITY & ) SS.  
COUNTY OF HONOLULU )

On this 1st day of SEPTEMBER, 2016, before me personally appeared KARLEE C. HISASHIMA,  personally known to me ~~-OR-~~  proved to me on the basis of satisfactory evidence who, being by me duly sworn or affirmed, did say to that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.



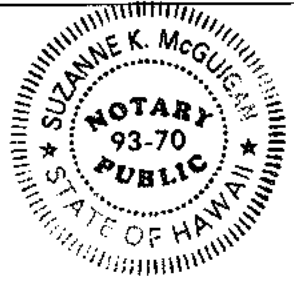
(notary seal)

Suzanne K. McGuigan  
Print Name: SUZANNE K. MCGUIGAN  
Notary Public, State of Hawaii

My commission expires: 2/18/2017

If signing in Hawaii:

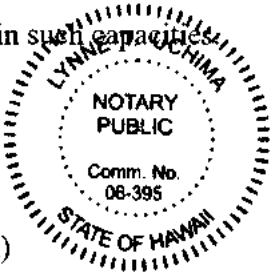
<b>NOTARY CERTIFICATE</b> (Hawaii Administrative Rules §5-11-8)	
DOC DATE: <u>Undated at time of notarization</u>	
Document Identification or Description: <u>AMENDED AND RESTATED</u>	
<u>DECLARATION OF EASEMENTS</u>	
No. of Pages: <u>21</u>	Jurisdiction: <u>FIRST</u>
Excluding Exhibits (in which notarial act is performed)	
<u>Suzanne K. McGuigan</u>	<u>9/1/2016</u>
Signature of Notary	Date of Certificate
<u>SUZANNE K. MCGUIGAN</u>	
Printed Name of Notary	



(notary seal)

STATE OF HAWAII )  
 )  
COUNTY OF MAUI ) SS.

On this 31<sup>st</sup> day of August, 2016, before me personally appeared JUDY Y. HISASHIMA, Trustee as aforesaid,  personally known to me -OR-  proved to me on the basis of satisfactory evidence who, being by me duly sworn or affirmed, did say to that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities



(notary seal)

Lynne T. Uchima  
Print Name: LYNNE T. UCHIMA  
Notary Public, State of Hawaii

My commission expires: 7/2/2018

If signing in Hawaii:

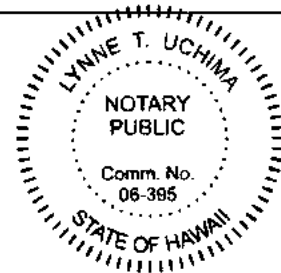
**NOTARY CERTIFICATE** (Hawaii Administrative Rules §5-11-8)

Document Identification or Description: AMENDED AND RESTATED DECLARATION OF EASEMENTS

No. of Pages: 79 Jurisdiction: Second Circuit  
(in which notarial act is performed)

Lynne T. Uchima  
Signature of Notary Date of Certificate  
LYNNE T. UCHIMA

Printed Name of Notary



(notary seal)

**EXHIBIT "A"**

**HAIKU SUGAR EAST  
LOT 1**

Land situated north of Hana Highway  
at Pauwela, East Kulaha, and West Kaupakulua, Hamakualoa, Makawao, Maui, Hawaii

Being portions of Royal Patent 4490, Land Commission Award 10474, Apana 6 to  
Namauu, Grant 217 to William L. Lee, and Grant 383 to Richard Armstrong

Beginning at the southeasterly corner of this lot, the coordinates of said point of  
beginning referred to Government Survey Triangulation Station "KAPUAI" being 7,477.29  
feet north and 7,427.02 feet west and running by azimuths measured clockwise from True  
South:

- |     |            |  |
|-----|------------|--|
| 1.  | 51 ° 37 '  | 174.26 feet along Grant 7669 to Antone Borge:                        |
| 2.  | 58 ° 55 '  | 697.43 feet along same:  |
| 3.  | 164 ° 30 ' | 270.13 feet along Remnant G. Hana Belt Road<br>(F.A.P. No. F32 (3)): |
| 4.  | 206 ° 30 ' | 217.16 feet along same:  |
| 5.  | 171 ° 45 ' | 83.52 feet along same:   |
| 6.  | 141 ° 00 ' | 114.00 feet along same:  |
| 7.  | 105 ° 00 ' | 82.57 feet along same:   |
| 8.  | 78 ° 06 '  | 73.19 feet along same:   |
| 9.  | 40 ° 30 '  | 75.28 feet along same:   |
| 10. | 8 ° 00 '   | 162.19 feet along same:  |
| 11. | 338 ° 30 ' | 64.91 feet along same:   |
| 12. | 326 ° 00 ' | 178.94 feet along same:  |
| 13. | 341 ° 30 ' | 196.24 feet along same:  |
| 14. | 5 ° 00 '   | 63.72 feet along same:   |
| 15. | 27 ° 30 '  | 122.77 feet along same:  |
| 16. | 132 ° 25 ' | 90.00 feet along same:   |
| 17. | 151 ° 48 ' | 130.00 feet along same:  |

18.	143 °	46 '		60.00 feet along same;
19.	117 °	38 '		210.00 feet along same;
20.	112 °	23 '		192.11 feet along same;
21.	133 °	35 '		252.95 feet along same;
22.	139 °	24 '	52 "	132.21 feet along the northeasterly side of Hana Highway;
23.	274 °	10 '		53.22 feet along the southerly side of Kahu Road;
24.	188 °	15 '		75.50 feet along the easterly side of Kahu Road;
25.	164 °	55 '		251.96 feet along same;
26.	171 °	30 '		502.88 feet along same;
27.	166 °	06 '		279.55 feet along same;
28.	167 °	52 '		146.50 feet along same;
29.	199 °	22 '		251.45 feet along same;
30.	151 °	34 '	30 "	107.80 feet along same;
31.	166 °	00 '		1,500.00 feet along Lot 6 of Haiku Sugar East;
32.	123 °	16 '		71.92 feet along same;
33.	180 °	15 '		2,246.91 feet along Lot 2 of Haiku Sugar East;
34.	118 °	00 '		204.14 feet along same;
35.	103 °	00 '		194.92 feet along same;
36.	116 °	00 '		170.57 feet along same;
37.	86 °	07 '		111.03 feet along same;
38.	119 °	50 '		169.47 feet along Lot 2 and Lot 3 of Haiku Sugar East;
39.	113 °	00 '		162.90 feet along Lot 3 of Haiku Sugar East;
40.	123 °	00 '		393.71 feet along Lot 3 and Lot 4 of Haiku Sugar East;
41.	121 °	06 '		119.20 feet along Lot 4 of Haiku Sugar East;
42.	119 °	21 '		144.94 feet along same;
43.	134 °	06 '		60.65 feet along same;



- 44. 82 ° 00 ' 281.28 feet along same;
- 45. 125 ° 00 ' 256.20 feet along Lot 5 of Haiku Sugar East;
- 46. 86 ° 00 ' 147.40 feet along same;
- 47. 99 ° 00 ' 84.60 feet along same;
- 48. 133 ° 00 ' 157.40 feet along same;
- 49. 145 ° 00 ' 62.00 feet along same;
- 50. 202 ° 00 ' 211.10 feet along same;
- 51. 160 ° 00 ' 44.00 feet along same;

Thence along the remainder of Grant 217 to William L. Lee, following along the top of gulch,  
the direct azimuth and distance being:

- 52. 236 ° 06 ' 54.73 feet;

Thence along the ocean for the next eight (8) courses, the direct azimuths and distances being:

- 53. 297 ° 35 ' 16 " 558.10 feet;
- 54. 303 ° 47 ' 15 " 834.27 feet;
- 55. 303 ° 00 ' 16 " 562.03 feet;
- 56. 264 ° 45 ' 466.53 feet;
- 57. 289 ° 09 ' 05 " 189.65 feet;
- 58. 255 ° 27 ' 55 " 528.40 feet;
- 59. 231 ° 33 ' 47 " 487.72 feet;
- 60. 247 ° 23 ' 12 " 445.86 feet;
- 61. 3 ° 15 ' 1,580.00 feet along Grant 771 to Hikiau;
- 62. 356 ° 35 ' 2,838.00 feet along same;
- 63. 345 ° 15 ' 765.60 feet along same;
- 64. 327 ° 45 ' 1,225.88 feet along same to the point of beginning and  
containing an area of 182.443 Acres.

SUBJECT, HOWEVER, to Easement 7 for conservation purposes in favor of Haiku Sugar

East and being more particularly described as follows:

Beginning at the northeasterly corner of this easement, being the northeasterly corner of Lot 1 of Haiku Sugar East, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 13,664.83 feet north and 8,355.65 feet west and running by azimuths measured clockwise from True South:

1. 3 ° 15 ' 82.07 feet along Grant 771 to Hikiau;
2. 93 ° 00 ' 89.46 feet along the remainder of Lot 1 of Haiku Sugar East;
3. 72 ° 00 ' 149.90 feet along same;
4. 53 ° 00 ' 271.80 feet along same;
5. 43 ° 00 ' 258.20 feet along same;
6. 70 ° 00 ' 157.20 feet along same;
7. 46 ° 00 ' 170.00 feet along same;
8. 26 ° 00 ' 174.40 feet along same;
9. 70 ° 00 ' 141.20 feet along same;
10. 95 ° 00 ' 192.00 feet along same;
11. 75 ° 50 ' 14.90 feet along same;
12. 118 ° 00 ' 204.14 feet along Lot 2 of Haiku Sugar East;
13. 103 ° 00 ' 194.92 feet along same;
14. 116 ° 00 ' 170.57 feet along same;
15. 86 ° 07 ' 111.03 feet along same;
16. 119 ° 50 ' 169.47 feet along Lot 2 and Lot 3 of Haiku Sugar East;
17. 113 ° 00 ' 162.90 feet along Lot 3 of Haiku Sugar East;
18. 123 ° 00 ' 393.71 feet along Lot 3 and Lot 4 of Haiku Sugar East;
19. 121 ° 06 ' 119.20 feet along Lot 4 of Haiku Sugar East;
20. 119 ° 21 ' 144.94 feet along same;
21. 134 ° 06 ' 60.65 feet along same;
22. 82 ° 00 ' 281.28 feet along same;

- 23. 125 ° 00 ' 256.20 feet along Lot 5 of Haiku Sugar East;
- 24. 86 ° 00 ' 147.40 feet along same:
- 25. 99 ° 00 ' 84.60 feet along same:
- 26. 133 ° 00 ' 157.40 feet along same:
- 27. 145 ° 00 ' 62.00 feet along same:
- 28. 202 ° 00 ' 211.10 feet along same:
- 29. 160 ° 00 ' 44.00 feet along same:

Thence along the remainder of Grant 217 to William L. Lee, following along the top of gulch, the direct azimuth and distance being:

- 30. 236 ° 06 ' 54.73 feet;

Thence along the ocean for the next eight (8) courses, the direct azimuths and distances being:

- 31. 297 ° 35 ' 16 " 558.10 feet;
- 32. 303 ° 47 ' 15 " 834.27 feet;
- 33. 303 ° 00 ' 16 " 562.03 feet;
- 34. 264 ° 45 ' 466.53 feet;
- 35. 289 ° 09 ' 05 " 189.65 feet;
- 36. 255 ° 27 ' 55 " 528.40 feet;
- 37. 231 ° 33 ' 47 " 487.72 feet;
- 38. 247 ° 23 ' 12 " 445.86 feet along same to the point of beginning and containing an area of 11.76 Acres.

**SUBJECT, ALSO, to Easement A-18 (20-Foot Wide Access, Utility and Ditch Maintenance Easement) and being more particularly described as follows:**

Being a portion of Lot 1 of Haiku Sugar East Subdivision, covered by portions of Grant 383 to Richard Armstrong and Royal Patent 4490, Land Commission Award 10474, Apana 6 to Namauu.

Beginning at the Southwest corner of this piece of land, on the North side of Hana Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 8,183.15 feet North and 9,168.20 feet West, thence running by azimuths measured clockwise from true South:

1.	244 °	46 '	23.17 feet along the remainder of Grant 383 to Richard Armstrong;
2.	237 °	41 '	35.82 feet along same;
3.	252 °	40 '	58.02 feet along the remainders of Grant 383 to Richard Armstrong and R.P. 4490, L.C. Aw. 10474, Ap. 6 to Namauu;
4.	261 °	42 '	30.15 feet along the remainder of R.P. 4490, L.C. Aw. 10474, Ap. 6 to Namauu;
5.	234 °	24 '	3.06 feet along same;
6.	205 °	06 '	7.60 feet along same;
7.	176 °	42 '	8.17 feet along same;
8.	143 °	07 '	10.23 feet along same;
9.	131 °	04 '	14.08 feet along same;
10.	123 °	32 '	27.40 feet along same;
11.	115 °	00 '	8.13 feet along same;
12.	94 °	02 '	11.56 feet along same;
13.	82 °	03 '	25.22 feet along same;
14.	109 °	56 '	28.39 feet along same;
15.	143 °	55 '	33.34 feet along the remainders of R.P. 4490, L.C. Aw. 10474, Ap.6 to Namauu and Grant 383 to Richard Armstrong;
16.	225 °	10 '	25.34 feet along the remainders of Grant 383 to Richard Armstrong and R.P. 4490, L.C. Aw. 10474, Ap.6 to Namauu;
17.	255 °	26 '	44.42 feet along the remainder of R.P. 4490, L.C. Aw. 10474, Ap.6 to Namauu;
18.	146 °	56 '	17.83 feet along same;
19.	122 °	00 '	22.51 feet along same;
20.	162 °	08 '	29.04 feet along same;
21.	142 °	15 '	27.73 feet along same;

22.	159 °	52 '	47.00 feet along same;
23.	174 °	52 '	24.98 feet along same;
24.	195 °	30 '	47.93 feet along same;
25.	206 °	04 '	24.49 feet along same;
26.	215 °	26 '	57.65 feet along same;
27.	223 °	03 '	64.84 feet along same;
28.	216 °	12 '	25.29 feet along same;
29.	152 °	57 '	2.47 feet along same;
30.	126 °	09 '	13.32 feet along same;
31.	112 °	55 '	62.11 feet along same;
32.	163 °	40 '	9.09 feet along same;
33.	186 °	51 '	42.79 feet along same;
34.	235 °	31 '	19.99 feet along same;
35.	6 °	51 '	40.23 feet along same;
36.	343 °	40 '	8.18 feet along same;
37.	292 °	55 '	54.94 feet along same;
38.	306 °	09 '	20.41 feet along same;
39.	332 °	57 '	16.34 feet along same;
40.	22 °	38 '	12.27 feet along same;
41.	36 °	12 '	28.32 feet along same;
42.	43 °	03 '	64.71 feet along same;
43.	35 °	26 '	54.69 feet along same;
44.	26 °	04 '	21.00 feet along same;
45.	15 °	30 '	42.44 feet along same;
46.	354 °	52 '	18.70 feet along same;

47.	339 °	52 '	41.27 feet along same;
48.	322 °	15 '	28.13 feet along same:
49.	342 °	08 '	25.24 feet along same:
50.	302 °	00 '	19.63 feet along same:
51.	326 °	56 '	25.41 feet along same:
52.	337 °	36 '	14.40 feet along same:
53.	46 °	19 '	18.66 feet along same:
54.	75 °	26 '	44.65 feet along same:
55.	45 °	10 '	2.77 feet along same:
56.	323 °	55 '	10.08 feet along same:
57.	289 °	56 '	17.31 feet along same;
58.	262 °	03 '	22.37 feet along same:
59.	274 °	02 '	17.36 feet along same:
60.	295 °	00 '	13.29 feet along same:
61.	303 °	32 '	30.24 feet along same:
62.	311 °	04 '	17.51 feet along same:
63.	323 °	07 '	18.36 feet along same:
64.	356 °	42 '	19.27 feet along same:
65.	25 °	06 '	17.89 feet along same:
66.	55 °	24 '	13.15 feet along same:
67.	81 °	42 '	33.43 feet along same:
68.	72 °	40 '	53.80 feet along the remainders of R.P. 4490, L.C. Aw. 10474, Ap.6 to Namauu and Grant 383 to Richard Armstrong;
69.	57 °	41 '	34.43 feet along the remainder of Grant 383 to Richard Armstrong;
70.	64 °	46 '	15.41 feet along same;

71. 26 ° 30 ' 25.07 feet along same;
72. 171 ° 30 ' 37.10 feet along the North side of Hana Highway to the point of beginning and containing an area of 18.560 Square Feet or 0.426 Acre.

SUBJECT, ALSO, to Easements A-13, A-14, and A-15 for access and utility purposes as shown on survey map prepared by Ken Nomura dated January 11, 2011.

SUBJECT, ALSO, to Haiku Ditch Tunnel as shown on survey map prepared by Ken Nomura dated January 11, 2011.

SUBJECT, ALSO, to S-2 for construction staging and ditch maintenance purposes as shown on survey map prepared by Ken Nomura dated April 30, 2012.

August 9, 2016

JN 16001-16

**HAIKU SUGAR EAST  
LOT 2**

Land situated north of Hana Highway  
at East Kulaaha and West Kaupakulua, Hamakualoa, Makawao, Maui, Hawaii

Being portions of Royal Patent 4490, Land Commission Award 10474, Apana 6 to  
Namauu and Grant 383 to Richard Armstrong

Beginning at the northeasterly corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 12,825.04 feet north and 9,670.23 feet west and running by azimuths measured clockwise from True South:

- |     |            |   |
|-----|------------|---|
| 1.  | 0 ° 15 '   | 2,246.91 feet along Lot 1 of Haiku Sugar East;  |
| 2.  | 123 ° 16 ' | 13.08 feet along Lot 6 of Haiku Sugar East;   |
| 3.  | 143 ° 40 ' | 222.00 feet along same;   |
| 4.  | 101 ° 56 ' | 196.80 feet along same;   |
| 5.  | 106 ° 04 ' | 681.87 feet along same;   |
| 6.  | 189 ° 17 ' | 2,082.79 feet along Lot 3 of Haiku Sugar East;  |
| 7.  | 299 ° 50 ' | 34.37 feet along Lot 1 of Haiku Sugar East;   |
| 8.  | 266 ° 07 ' | 111.03 feet along same;   |
| 9.  | 296 ° 00 ' | 170.57 feet along same;   |
| 10. | 283 ° 00 ' | 194.92 feet along same;   |
| 11. | 298 ° 00 ' | 204.14 feet along same to the point of beginning and<br>containing an area of 41.116 Acres. |

TOGETHER WITH Easement 1A (40 feet wide) affecting Lot 6 of Haiku Sugar East for access purposes as revised on June 29, 2016.

**August 9, 2016**

JN 16001-15



**HAIKU SUGAR EAST  
LOT 3**

Land situated north of Hana Highway  
at East Kula, Hamakualoa, Makawao, Maui, Hawaii

Being a portion of Grant 383 to Richard Armstrong

Beginning at the northerly corner of this lot, being the northeasterly corner of Lot 4 of Haiku Sugar East, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 13,259.25 feet north and 10,723.57 feet west and running by azimuths measured clockwise from True South:

- |     |            |   |
|-----|------------|---|
| 1.  | 303 ° 00 ' | 145.62 feet along Lot 1 of Haiku Sugar East:  |
| 2.  | 293 ° 00 ' | 162.90 feet along same:   |
| 3.  | 299 ° 50 ' | 135.10 feet along same:   |
| 4.  | 9 ° 17 '   | 3,079.33 feet along Lot 2 and Lot 6 of Haiku Sugar East:  |
| 5.  | 93 ° 37 '  | 79.67 feet along Lot 6 of Haiku Sugar East and Grant<br>7149 to Anne B. Wilkens:                                      |
| 6.  | 111 ° 15 ' | 214.91 feet along Grant 7149 to Anne B. Wilkens:  |
| 7.  | 161 ° 42 ' | 17.63 feet along same:  |
| 8.  | 161 ° 41 ' | 39.68 feet along same:  |
| 9.  | 135 ° 53 ' | 132.71 feet along same;   |
| 10. | 153 ° 38 ' | 52.51 feet along same:  |
| 11. | 163 ° 53 ' | 121.29 feet along same:   |
| 12. | 182 ° 01 ' | 173.80 feet along same;   |
| 13. | 206 ° 44 ' | 117.28 feet along same:   |
| 14. | 147 ° 29 ' | 48.17 feet along same;  |
| 15. | 191 ° 38 ' | 2,567.09 feet along Lot 4 of Haiku Sugar East to the<br>point of beginning and containing an area<br>of 33.844 Acres. |

**TOGETHER WITH Easement 4A (40 feet wide) for access purposes affecting Lot 4 of Haiku Sugar East and being more particularly described as follows:**

Beginning at the southerly corner of this easement, being 191°38' 1298.37 feet from the southerly corner of Lot 4 of Haiku Sugar East, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 11,997.00 feet north and 10,983.44 feet west and running by azimuths measured clockwise from True South:

1. 129 ° 00 ' 7.25 feet along the remainder of Lot 4 of Haiku Sugar East;
2. Thence along same, on a curve to the left having a radius of 140.00 feet, the chord azimuth and distance being:  
172 ° 35 ' 193.03 feet;
3. Thence along same, on a curve to the left having a radius of 300.00 feet, the chord azimuth and distance being:  
175 ° 04 ' 394.43 feet;
4. 133 ° 58 ' 47.22 feet along same;
5. 56 ° 50 ' 78.19 feet along same;
6. 84 ° 54 ' 54.05 feet along top of gulch, along the remainder of Grant 383 to Richard Armstrong;
7. 57 ° 10 ' 52.33 feet along top of gulch, along the remainders of Grant 383 to Richard Armstrong and Grant 217 to William L. Lee;
8. 32 ° 05 ' 130.70 feet along top of gulch, along the remainder of Grant 217 to William L. Lee;
9. 68 ° 30 ' 30 " 296.89 feet along same;
10. 104 ° 56 ' 297.93 feet along same;
11. 211 ° 02 ' 41.63 feet along Lot 5 of Haiku Sugar East;
12. 284 ° 56 ' 286.39 feet along the remainder of Lot 4 of Haiku Sugar East;
13. Thence along same, on a curve to the left having a radius of 210.00 feet, the chord azimuth and distance being:  
248 ° 30 ' 30 " 249.38 feet;
14. 212 ° 05 ' 139.60 feet along same;
15. 237 ° 10 ' 71.10 feet along same;
16. 264 ° 54 ' 53.92 feet along same;

17. 236 ° 50 ' 100.10 feet along same;
18. 313 ° 58 ' 79.10 feet along same;
19. Thence along same, on a curve to the right having a radius of 340.00 feet, the chord azimuth and distance being:
- 355 ° 04 ' 447.02 feet;
20. Thence along same, on a curve to the left having a radius of 100.00 feet, the chord azimuth and distance being:
- 356 ° 35 ' 40 " 127.41 feet;
21. 11 ° 38 ' 46.15 feet along Lot 3 of Haiku Sugar East to the point of beginning and containing an area of 1.493 Acres.

TOGETHER, ALSO, with Access and Utility Easement, being more particularly described as follows:

Being an easement for access and utility purposes affecting Parcel 1 of Tax Map Key 2-7-004, being a portion of Grant 217 to William L. Lee, Situated at Pauwela, Makawao, Island and County of Maui, State of Hawaii and described as follows:

BEGINNING at a point on the Northerly boundary of this easement, being the South corner of Lot 5 of the Haiku Sugar East Subdivision (Subdivision File No. 2.3199) , the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI", being:

12,400.05 feet North  
11,878.69 feet West

thence running by azimuths measured clockwise from True South:

1. 284 ° 56 ' 100.00 feet along Lot 4 of the Haiku Sugar East Subdivision (Subdivision File No. 2.3199);
2. 60 ° 18 ' 30 " 174.20 feet along remainder of Grant 217 to William L. Lee, along remainder of Parcel 1 of Tax Map Key (2) 2-7-004;
3. 351 ° 28 ' 30 " 187.27 feet along same;
4. 354 ° 13 ' 30 " 122.51 feet along same;
5. 358 ° 33 ' 30 " 194.04 feet along same;

6.	353 °	55 '		61.77 feet along same to the Westerly boundary of said Lot 4;
7.	344 °	03 '		60.33 feet along said Lot 4;
8.	332 °	12 '		140.53 feet along same;
9.	320 °	59 '		95.17 feet along same;
10.	314 °	28 '	54 "	329.85 feet along same;
11.	19 °	50 '		51.66 feet along same;
12.	35 °	31 '		24.10 feet along remainder of Grant 217 to William L. Lee, along remainder of Parcel 1 of Tax Map Key (2) 2-7-004;
13.	48 °	13 '	30 "	44.95 feet along same;
14.	54 °	44 '	30 "	43.01 feet along same;
15.	54 °	33 '		150.62 feet along same;
16.	51 °	53 '	30 "	83.58 feet along same;
17.	47 °	56 '		41.83 feet along same;
18.	38 °	11 '		37.60 feet along same;
19.	16 °	30 '		35.85 feet along same;
20.	348 °	38 '	37 "	85.55 feet more or less, along same to the intersection of the Westerly boundary of Parcel 3 of Tax Map Key (2) 2-7-007 and the North side of Nahele Road (width varies);
21.	99 °			34.58 feet more or less along Nahele Road (width varies);
22.	96 °	09 '		30.67 feet more or less along same;
23.	185 °	42 '		83.34 feet more or less along remainder of Grant 217 to William L. Lee, along remainder of Parcel 1 of Tax Map Key (2) 2-7-004;
24.	196 °	30 '		47.29 feet along same;
25.	218 °	11 '		48.68 feet along same;
26.	227 °	56 '		46.63 feet along same;

- |     |       |           |   |
|-----|-------|-----------|---|
| 27. | 231 ° | 53 ' 30 " | 85.90 feet along same;  |
| 28. | 234 ° | 33 '      | 151.62 feet along same;   |
| 29. | 234 ° | 44 ' 30 " | 40.79 feet along same;  |
| 30. | 228 ° | 13 ' 30 " | 38.21 feet along same;  |
| 31. | 215 ° | 31 '      | 14.16 feet along same;  |
| 32. | 199 ° | 50 '      | 20.47 feet along same;  |
| 33. | 134 ° | 28 ' 54 " | 306.47 feet along same;   |
| 34. | 140 ° | 59 '      | 101.37 feet along same;   |
| 35. | 152 ° | 12 '      | 148.61 feet along same;   |
| 36. | 164 ° | 03 '      | 67.93 feet along same;  |
| 37. | 173 ° | 55 '      | 66.84 feet along same;  |
| 38. | 178 ° | 33 ' 30 " | 194.14 feet along same;   |
| 39. | 174 ° | 13 ' 30 " | 120.13 feet along same;   |
| 40. | 171 ° | 28 ' 30 " | 213.71 feet along same;   |
| 41. | 157 ° | 47 '      | 211.16 feet along same;   |
| 42. | 247 ° | 47 '      | 66.75 feet along same to a point on the Westerly<br>boundary of said Lot 5;                                 |
| 43. | 337 ° | 47 '      | 75.04 feet along said Lot 5;  |
| 44. | 304 ° | 27 '      | 106.70 feet along same to the POINT OF BEGINNING<br>and containing an area of 2.256 acres,<br>more or less. |

August 9, 2016

JN 16001-15

**HAIKU SUGAR EAST  
LOT 4**

Land situated north of Hana Highway  
at Pauwela and East Kuiaha, Hamakualoa, Makawao, Maui, Hawaii

Being a portion of Grant 383 to Richard Armstrong and a portion of Grant 217 to  
William L. Lee

Beginning at the northeasterly corner of this lot, being the northerly corner of Lot 3 of  
Haiku Sugar East, the coordinates of said point of beginning referred to Government  
Survey Triangulation Station "KAPUAI" being 13,259.24 feet north and 10,723.57 feet west  
and measured clockwise from True South:

- |    |            |   |
|----|------------|---|
| 1. | 11 ° 38 '  | 2.587.09 feet along Lot 3 of Haiku Sugar East;  |
| 2. | 128 ° 04 ' | 76.01 feet along Grant 7149 to Anne B. Wilkens; |
| 3. | 144 ° 05 ' | 180.55 feet along same;                         |
| 4. | 170 ° 03 ' | 54.04 feet along same;                          |
| 5. | 185 ° 55 ' | 97.92 feet along same;                          |
| 6. | 164 ° 41 ' | 13.72 feet along same;                          |
| 7. | 124 ° 53 ' | 104.66 feet along same;                         |
| 8. | 95 ° 33 '  | 38.20 feet along same;                          |
| 9. | 199 ° 50 ' | 98.05 feet along Grant 217 to William L. Lee;   |

Thence along the remainder of Grant 217 to William L. Lee, following along the top of gulch,  
the direct azimuth and distance being:

- |     |                 |              |
|-----|-----------------|--------------|
| 10. | 147 ° 04 ' 51 " | 673.67 feet; |
|-----|-----------------|--------------|

Thence along same and along the remainder of Grant 383 to Richard Armstrong, following along  
the top of gulch, the direct azimuth and distance being:

- |     |                 |              |
|-----|-----------------|--------------|
| 11. | 236 ° 27 ' 32 " | 557.43 feet; |
|-----|-----------------|--------------|

Thence along the remainder of Grant 383 to Richard Armstrong, following along the top of gulch,  
the direct azimuth and distance being:

- |     |                 |              |
|-----|-----------------|--------------|
| 12. | 212 ° 49 ' 25 " | 520.97 feet; |
|-----|-----------------|--------------|

Thence along same and along the remainder of Grant 217 to William L. Lee, following along  
the top of gulch, the direct azimuth and distance being:

13. 57 ° 09 ' 50 " 431.52 feet:

Thence along the remainder of Grant 217 to William L. Lee, following along the top of gulch, the direct azimuth and distance being:

14. 102 ° 10 ' 38 " 401.56 feet:

15. 211 ° 02 ' 880.28 feet along Lot 5 of Haiku Sugar East:

16. 171 ° 20 ' 380.05 feet along same:

17. 262 ° 00 ' 281.28 feet along Lot 1 of Haiku Sugar East:

18. 314 ° 06 ' 60.65 feet along same:

19. 299 ° 21 ' 144.94 feet along same:

20. 301 ° 06 ' 119.20 feet along same:

21. 303 ° 00 ' 248.09 feet along same to the point of beginning and containing an area of 37.951 Acres.

TOGETHER WITH Access and Utility Easement, being more particularly described as follows:

Being an easement for access and utility purposes affecting Parcel 1 of Tax Map Key 2-7-004, being a portion of Grant 217 to William L. Lee, Situated at Pauwela, Makawao, Island and County of Maui, State of Hawaii and described as follows:

BEGINNING at a point on the Northerly boundary of this easement, being the South corner of Lot 5 of the Haiku Sugar East Subdivision (Subdivision File No. 2.3199), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI", being:

12,400.05 feet North  
11,878.69 feet West

thence running by azimuths measured clockwise from True South:

1. 284 ° 56 ' 100.00 feet along Lot 4 of the Haiku Sugar East Subdivision (Subdivision File No. 2.3199):

2. 60 ° 18 ' 30 " 174.20 feet along remainder of Grant 217 to William L. Lee, along remainder of Parcel 1 of Tax Map Key (2) 2-7-004:

3. 351 ° 28 ' 30 " 187.27 feet along same:

4.	354 °	13 '	30 "	122.61 feet along same:
5.	358 °	33 '	30 "	194.04 feet along same:
6.	353 °	55 '		61.77 feet along same to the Westerly boundary of said Lot 4:
7.	344 °	03 '		60.33 feet along said Lot 4:
8.	332 °	12 '		140.53 feet along same:
9.	320 °	59 '		95.17 feet along same:
10.	314 °	28 '	54 "	329.85 feet along same;
11.	19 °	50 '		51.66 feet along same:
12.	35 °	31 '		24.10 feet along remainder of Grant 217 to William L. Lee, along remainder of Parcel 1 of Tax Map Key (2) 2-7-004:
13.	48 °	13 '	30 "	44.95 feet along same:
14.	54 °	44 '	30 "	43.01 feet along same:
15.	54 °	33 '		150.62 feet along same:
16.	51 °	53 '	30 "	83.58 feet along same:
17.	47 °	56 '		41.83 feet along same;
18.	36 °	11 '		37.60 feet along same:
19.	16 °	30 '		35.85 feet along same:
20.	348 °	38 '	37 "	85.55 feet more or less, along same to the intersection of the Westerly boundary of Parcel 3 of Tax Map Key (2) 2-7-007 and the North side of Nahele Road (width varies);
21.	99 °			34.56 feet more or less along Nahele Road (width varies):
22.	96 °	09 '		30.57 feet more or less along same:
23.	185 °	42 '		83.34 feet more or less along remainder of Grant 217 to William L. Lee, along remainder of Parcel 1 of Tax Map Key (2) 2-7-004:
24.	196 °	30 '		47.29 feet along same:



- |     |       |      |      |   |
|-----|-------|------|------|---|
| 25. | 218 ° | 11 ' |      | 48.68 feet along same;  |
| 26. | 227 ° | 56 ' |      | 46.63 feet along same;  |
| 27. | 231 ° | 53 ' | 30 " | 85.90 feet along same;  |
| 28. | 234 ° | 33 ' |      | 151.62 feet along same;   |
| 29. | 234 ° | 44 ' | 30 " | 40.79 feet along same;  |
| 30. | 228 ° | 13 ' | 30 " | 38.21 feet along same;  |
| 31. | 215 ° | 31 ' |      | 14.16 feet along same;  |
| 32. | 199 ° | 50 ' |      | 20.47 feet along same;  |
| 33. | 134 ° | 28 ' | 54 " | 306.47 feet along same;   |
| 34. | 140 ° | 59 ' |      | 101.37 feet along same;   |
| 35. | 152 ° | 12 ' |      | 148.61 feet along same;   |
| 36. | 164 ° | 03 ' |      | 67.93 feet along same;  |
| 37. | 173 ° | 55 ' |      | 66.84 feet along same;  |
| 38. | 178 ° | 33 ' | 30 " | 194.14 feet along same;   |
| 39. | 174 ° | 13 ' | 30 " | 120.13 feet along same;   |
| 40. | 171 ° | 28 ' | 30 " | 213.71 feet along same;   |
| 41. | 157 ° | 47 ' |      | 211.16 feet along same;   |
| 42. | 247 ° | 47 ' |      | 66.75 feet along same to a point on the Westerly<br>boundary of said Lot 5;                                 |
| 43. | 337 ° | 47 ' |      | 75.04 feet along said Lot 5;  |
| 44. | 304 ° | 27 ' |      | 106.70 feet along same to the POINT OF BEGINNING<br>and containing an area of 2.256 acres,<br>more or less. |

**SUBJECT, HOWEVER, to Easement 4A (40 feet wide) for access and utility purposes in favor of Lot 3 of Haiku Sugar East and being more particularly described as follows:**

Beginning at the southerly corner of this easement, being 191°38' 1298.37 feet from the southerly corner of Lot 4 of Haiku Sugar East, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 11.997.00 feet north and 10.983.44 feet west and running by azimuths measured clockwise from True South:

1. 129 ° 00 ' 7.25 feet along the remainder of Lot 4 of Haiku Sugar East;
2. Thence along same, on a curve to the left having a radius of 140.00 feet, the chord azimuth and distance being:  
172 ° 35 ' 193.03 feet;
3. Thence along same, on a curve to the left having a radius of 300.00 feet, the chord azimuth and distance being:  
175 ° 04 ' 394.43 feet;
4. 133 ° 58 ' 47.22 feet along same;
5. 56 ° 50 ' 78.19 feet along same;
6. 84 ° 54 ' 54.05 feet along top of gulch, along the remainder of Grant 383 to Richard Armstrong;
7. 57 ° 10 ' 52.33 feet along top of gulch, along the remainders of Grant 383 to Richard Armstrong and Grant 217 to William L. Lee;
8. 32 ° 05 ' 130.70 feet along top of gulch, along the remainder of Grant 217 to William L. Lee;
9. 68 ° 30 ' 30 " 296.89 feet along same;
10. 104 ° 56 ' 297.93 feet along same;
11. 211 ° 02 ' 41.63 feet along Lot 5 of Haiku Sugar East;
12. 284 ° 56 ' 286.39 feet along the remainder of Lot 4 of Haiku Sugar East;
13. Thence along same, on a curve to the left having a radius of 210.00 feet, the chord azimuth and distance being:  
248 ° 30 ' 30 " 249.38 feet;
14. 212 ° 05 ' 139.60 feet along same;
15. 237 ° 10 ' 71.10 feet along same;
16. 264 ° 54 ' 53.92 feet along same;

17. 236 ° 50 ' 100.10 feet along same:
18. 313 ° 58 ' 79.10 feet along same:
19. Thence along same, on a curve to the right having a radius of 340.00 feet, the chord azimuth and distance being:
- 355 ° 04 ' 447.02 feet:
20. Thence along same, on a curve to the left having a radius of 100.00 feet, the chord azimuth and distance being:
- 356 ° 35 ' 40 " 127.41 feet:
21. 11 ° 38 ' 46.15 feet along Lot 3 of Haiku Sugar East to the point of beginning and containing an area of 1.493 Acres.

August 11, 2016

JN 16001-15

**HAIKU SUGAR EAST  
LOT 5**

Land situated north of Hana Highway  
at Pauwela and East Kuiaha, Hamakualoa, Makawao, Maui, Hawaii

Being a portion of Grant 383 to Richard Armstrong and a portion of Grant 217 to William L. Lee

Beginning at the southerly corner of this lot, being the westerly of Lot 4 of Haiku Sugar East, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 12,400.04 feet north and 11,878.68 feet west and measured clockwise from True South:

Thence along the remainders of Grant 217 to William L. Lee and Grant 383 to Richard Armstrong, following along the top of gulch, the direct azimuth and distance being:

1. 183 ° 45 ' 04 " 591.28 feet:
2. 143 ° 03 ' 44 " 616.08 feet along same and along the remainder of Grant 217 to William Lee:
3. 198 ° 22 ' 39 " 399.72 feet along the remainder of Grant 217 to William L. Lee:

Thence along the remainders of Grant 217 to William L. Lee and Grant 383 to Richard Armstrong, following along the top of gulch, the direct azimuth and distance being:

4. 199 ° 21 ' 40 " 226.12 feet:
5. 340 ° 00 ' 44.00 feet along Lot 1 of Haiku Sugar East:
6. 22 ° 00 ' 211.10 feet along same:
7. 325 ° 00 ' 62.00 feet along same:
8. 313 ° 00 ' 157.40 feet along same:
9. 279 ° 00 ' 84.60 feet along same:
10. 266 ° 00 ' 147.40 feet along same:
11. 305 ° 00 ' 256.20 feet along same:
12. 351 ° 20 ' 380.05 feet along Lot 4 of Haiku Sugar East:
13. 31 ° 02 ' 880.28 feet along same to the point of beginning and containing an area of 13.514 Acres.

TOGETHER WITH Access and Utility Easement, being more particularly described as follows:

Being an easement for access and utility purposes affecting Parcel 1 of Tax Map Key 2-7-004, being a portion of Grant 217 to William L. Lee. Situated at Pauwela, Makawao, Island and County of Maui, State of Hawaii and described as follows:

BEGINNING at a point on the Northerly boundary of this easement, being the South corner of Lot 5 of the Haiku Sugar East Subdivision (Subdivision File No. 2.3199) , the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI", being:

12,400.05 feet North  
11,878.69 feet West

thence running by azimuths measured clockwise from True South:

1. 284 ° 56 ' 100.00 feet along Lot 4 of the Haiku Sugar East Subdivision (Subdivision File No. 2.3199);
2. 60 ° 18 ' 30 " 174.20 feet along remainder of Grant 217 to William L. Lee, along remainder of Parcel 1 of Tax Map Key (2) 2-7-004;
3. 351 ° 28 ' 30 " 187.27 feet along same;
4. 354 ° 13 ' 30 " 122.61 feet along same;
5. 358 ° 33 ' 30 " 194.04 feet along same;
6. 353 ° 55 ' 61.77 feet along same to the Westerly boundary of said Lot 4;
7. 344 ° 03 ' 60.33 feet along said Lot 4;
8. 332 ° 12 ' 140.53 feet along same;
9. 320 ° 59 ' 95.17 feet along same;
10. 314 ° 28 ' 54 " 329.85 feet along same;
11. 19 ° 50 ' 51.66 feet along same;
12. 35 ° 31 ' 24.10 feet along remainder of Grant 217 to William L. Lee, along remainder of Parcel 1 of Tax Map Key (2) 2-7-004;
13. 48 ° 13 ' 30 " 44.95 feet along same;

14.	54 °	44 ' 30 "	43.01 feet along same;
15.	54 °	33 '	150.62 feet along same;
16.	51 °	53 ' 30 "	83.58 feet along same;
17.	47 °	56 '	41.83 feet along same;
18.	38 °	11 '	37.60 feet along same;
19.	16 °	30 '	35.85 feet along same;
20.	348 °	38 ' 37 "	85.55 feet more or less, along same to the intersection of the Westerly boundary of Parcel 3 of Tax Map Key (2) 2-7-007 and the North side of Nahele Road (width varies);
21.	99 °		34.58 feet more or less along Nahele Road (width varies);
22.	96 °	09 '	30.57 feet more or less along same;
23.	186 °	42 '	83.34 feet more or less along remainder of Grant 217 to William L. Lee, along remainder of Parcel 1 of Tax Map Key (2) 2-7-004;
24.	196 °	30 '	47.29 feet along same;
25.	218 °	11 '	48.68 feet along same;
26.	227 °	56 '	46.63 feet along same;
27.	231 °	53 ' 30 "	85.90 feet along same;
28.	234 °	33 '	151.62 feet along same;
29.	234 °	44 ' 30 "	40.79 feet along same;
30.	228 °	13 ' 30 "	38.21 feet along same;
31.	215 °	31 '	14.16 feet along same;
32.	199 °	50 '	20.47 feet along same;
33.	134 °	28 ' 54 "	306.47 feet along same;
34.	140 °	59 '	101.37 feet along same;
35.	152 °	12 '	148.61 feet along same;

- |     |       |      |      |   |
|-----|-------|------|------|---|
| 36. | 164 ° | 03 ' |      | 67.93 feet along same:  |
| 37. | 173 ° | 55 ' |      | 66.84 feet along same:  |
| 38. | 178 ° | 33 ' | 30 " | 194.14 feet along same:   |
| 39. | 174 ° | 13 ' | 30 " | 120.13 feet along same:   |
| 40. | 171 ° | 28 ' | 30 " | 213.71 feet along same:   |
| 41. | 157 ° | 47 ' |      | 211.16 feet along same:   |
| 42. | 247 ° | 47 ' |      | 66.75 feet along same to a point on the Westerly boundary of said Lot 5:                              |
| 43. | 337 ° | 47 ' |      | 75.04 feet along said Lot 5:  |
| 44. | 304 ° | 27 ' |      | 106.70 feet along same to the POINT OF BEGINNING and containing an area of 2.256 acres, more or less. |

SUBJECT, HOWEVER, to Easement 5A for shoreline access purposes in favor of Haiku Sugar East and being more particularly described as follows:

Beginning at the southerly corner of this easement, being the southerly corner of Lot 5 of Haiku Sugar East, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 12,400.05 feet north and 11,878.68 feet west and running by azimuths measured clockwise from True South:

1. Thence along the top of gulch along the remainders of Grant 217 to William Lee and Grant 383 to Richard Armstrong the direct azimuths distances being:
 

183 °	45 '	04 "	591.29 feet;
-------	------	------	--------------
2. 143 ° 03 ' 44 " 616.08 feet along the remainder of Grant 217 to William Lee and Grant 383 to Richard Armstrong
3. 198 ° 22 ' 39 " 399.72 feet along the remainder of Grant 217 to William Lee;
4. Thence along the top of gulch along the remainders of Grant 217 to William Lee and Grant 383 to Richard Armstrong the direct azimuths distances being:
 

199 °	21 '	40 "	226.12 feet;
-------	------	------	--------------
5. 340 ° 00 ' 44.00 feet along Lot 1 of Haiku Sugar East;

- |     |       |           |   |
|-----|-------|-----------|---|
| 6.  | 22 °  | 00 '      | 211.10 feet along same:   |
| 7.  | 326 ° | 00 '      | 27.58 feet along same:  |
| 8.  | 18 °  | 22 ' 39 " | 343.22 feet along the remainder of Lot 5 of Haiku Sugar East:   |
| 9.  | 323 ° | 03 ' 44 " | 618.02 feet along same:   |
| 10. | 22 °  | 39 '      | 79.39 feet along same:  |
| 11. | 46 °  | 21 '      | 208.18 feet along same:   |
| 12. | 28 °  | 58 '      | 60.76 feet along same:  |
| 13. | 356 ° | 34 '      | 77.37 feet along same:  |
| 14. | 337 ° | 47 '      | 174.80 feet along same:   |
| 15. | 304 ° | 27 '      | 92.34 feet along same:  |
| 16. | 31 °  | 02 '      | 40.07 feet along Lot 4 of Haiku Sugar East to the point of beginning and containing an area of 1.781 Acres. |

August 9, 2016

JN 16001-15



**HAIKU SUGAR EAST  
LOT 6**

Land situated north of Hana Highway  
at East Kuiaha, Hamakualoa, Makawao, Maui, Hawaii

Being portions of Grant 6257 to W. R. Patterson and Grant 383 to Richard Armstrong

Beginning at the southerly corner of this lot, being the westerly corner of Kahu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 9,053.04 feet north and 10,278.36 feet west and measured clockwise from True South:

1.      143 °   12 '                    16.77 feet along Hana Highway;

Thence, along same on a curve to the left having a radius of 2684.42 feet, the chord azimuth and distance being:

2.      133 °   25 '   05 "        912.16 feet;

3.      213 °   38 '   10 "        10.00 feet along same;

Thence, along same on a curve to the left having a radius of 2694.42 feet, the chord azimuth and distance being:

4.      120 °   00 '   35         340.85 feet;

Thence along Grant 7149 to Anne B. Wilkens, following along the centerline of East Kuiaha Stream for the next seventeen (17) courses, the direct azimuths and distances being:

5.      169 °   44 '   30 "        33.15 feet;

6.      193 °   42 '                47.00 feet;

7.      213 °   27 '                47.00 feet;

8.      269 °   03 '                47.00 feet;

9.      320 °   34 '                150.00 feet;

10.     297 °   18 '                57.00 feet;

11.     280 °   24 '                54.00 feet;

12.     294 °   35 '                52.50 feet;

13.     300 °   52 '                43.00 feet;

14.	294 °	35 '	46.50 feet:
15.	285 °	15 '	47.00 feet:
16.	271 °	02 '	92.00 feet;
17.	215 °	32 '	42.00 feet:
18.	152 °	57 '	50.00 feet:
19.	125 °	22 '	171.00 feet:
20.	138 °	11 '	42.50 feet:
21.	144 °	01 '	53.63 feet:
22.	273 °	37 '	65.85 feet along Lot 3 of Haiku Sugar East;
23.	189 °	17 '	996.54 feet along same;
24.	286 °	04 '	681.87 feet along Lot 2 of Haiku Sugar East;
25.	281 °	56 '	196.80 feet along same;
26.	323 °	40 '	222.00 feet along same;
27.	303 °	16 '	85.00 feet along same and along Lot 1 of Haiku Sugar East;
28.	346 °	00 '	1,500.00 feet along Lot 1 of Haiku Sugar East;
29.	115 °	31 '	67.30 feet along the northerly side of Kahu Road;
30.	92 °	35 '	347.90 feet along same;
31.	78 °	30 '	147.60 feet along same;
32.	149 °	09 '	255.60 feet along same;
33.	104 °	36 '	77.00 feet along same;
34.	70 °	48 '	110.40 feet along same;
35.	22 °	30 '	246.70 feet along same;
36.	72 °	38 '	67.24 feet along same to the point of beginning and containing an area of 48.774 Acres.

SUBJECT, HOWEVER, to Easement 1A (40-Foot Wide Access and Utility Easement) in favor of Lot 2 of Haiku Sugar East and being more particularly described as follows:

Beginning at the South corner of this piece of land, on the North side of Hana Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 9,476.28 feet North and 10,667.48 feet West, thence running by azimuths measured clockwise from true South:

1. Along the North side of Hana Highway, on a curve to the left with a radius of 2684.42 feet, the chord azimuth and distance being:

130 ° 50 ' 03.5 "      40.20 feet;

2. 226 ° 32 '      115.39 feet along the remainder of Grant 6257 to W.R. Patterson:

3. Thence along same, on a curve to the left with a radius of 192.50 feet, the chord azimuth and distance being:

186 ° 16 '      248.84 feet;

4. 146 ° 00 '      350.00 feet along the remainders of Grant 6257 to W.R. Patterson and Grant 383 to Richard Armstrong;

5. Thence along the remainder of Grant 383 to Richard Armstrong, on a curve to the right with a radius of 100.00 feet, the chord azimuth and distance being:

193 ° 00 '      146.27 feet;

6. 240 ° 00 '      105.40 feet along the remainder of Grant 383 to Richard Armstrong;

7. Thence along same, on a curve to the left with a radius of 175.00 feet, the chord azimuth and distance being:

204 ° 33 '      203.00 feet;

8. 169 ° 06 '      106.44 feet along the remainder of Grant 383 to Richard Armstrong;

9. Thence along same, on a curve to the left with a radius of 112.50 feet, the chord azimuth and distance being:

153 ° 33 '      60.32 feet;

10. 138 ° 00 '      66.00 feet along the remainder of Grant 383 to Richard Armstrong;

11. Thence along same, on a curve to the right with a radius of 120.00 feet, the chord azimuth and distance being:

- 170 ° 03 ' 30 " 127.39 feet;
12. 202 ° 07 ' 160.50 feet along the remainder of Grant 383 to Richard Armstrong;
13. 286 ° 04 ' 40.22 feet along Lot 2 of Haiku Sugar East subdivision;
14. 22 ° 07 ' 164.75 feet along the remainder of Grant 383 to Richard Armstrong;
15. Thence along same, on a curve to the left with a radius of 80.00 feet, the chord azimuth and distance being:
- 350 ° 03 ' 30 " 84.93 feet;
16. 318 ° 00 ' 66.00 feet along the remainder of Grant 383 to Richard Armstrong;
17. Thence along same, on a curve to the right with a radius of 152.50 feet, the chord azimuth and distance being:
- 333 ° 33 ' 81.76 feet;
18. 349 ° 06 ' 106.44 feet along the remainder of Grant 383 to Richard Armstrong;
19. Thence along same, on a curve to the right with a radius of 215.00 feet, the chord azimuth and distance being:
- 24 ° 33 ' 249.40 feet;
20. 60 ° 00 ' 105.40 feet along the remainder of Grant 383 to Richard Armstrong;
21. Thence along same, on a curve to the left with a radius of 60.00 feet, the chord azimuth and distance being:
- 13 ° 00 ' 87.76 feet;
22. 326 ° 00 ' 350.00 feet along the remainders of Grant 383 to Richard Armstrong and Grant 6257 to W.R. Patterson;
23. Thence along the remainder of Grant 6257 to W.R. Patterson, on a curve to the right with a radius of 232.50 feet, the chord azimuth and distance being:
- 6 ° 16 ' 300.55 feet;

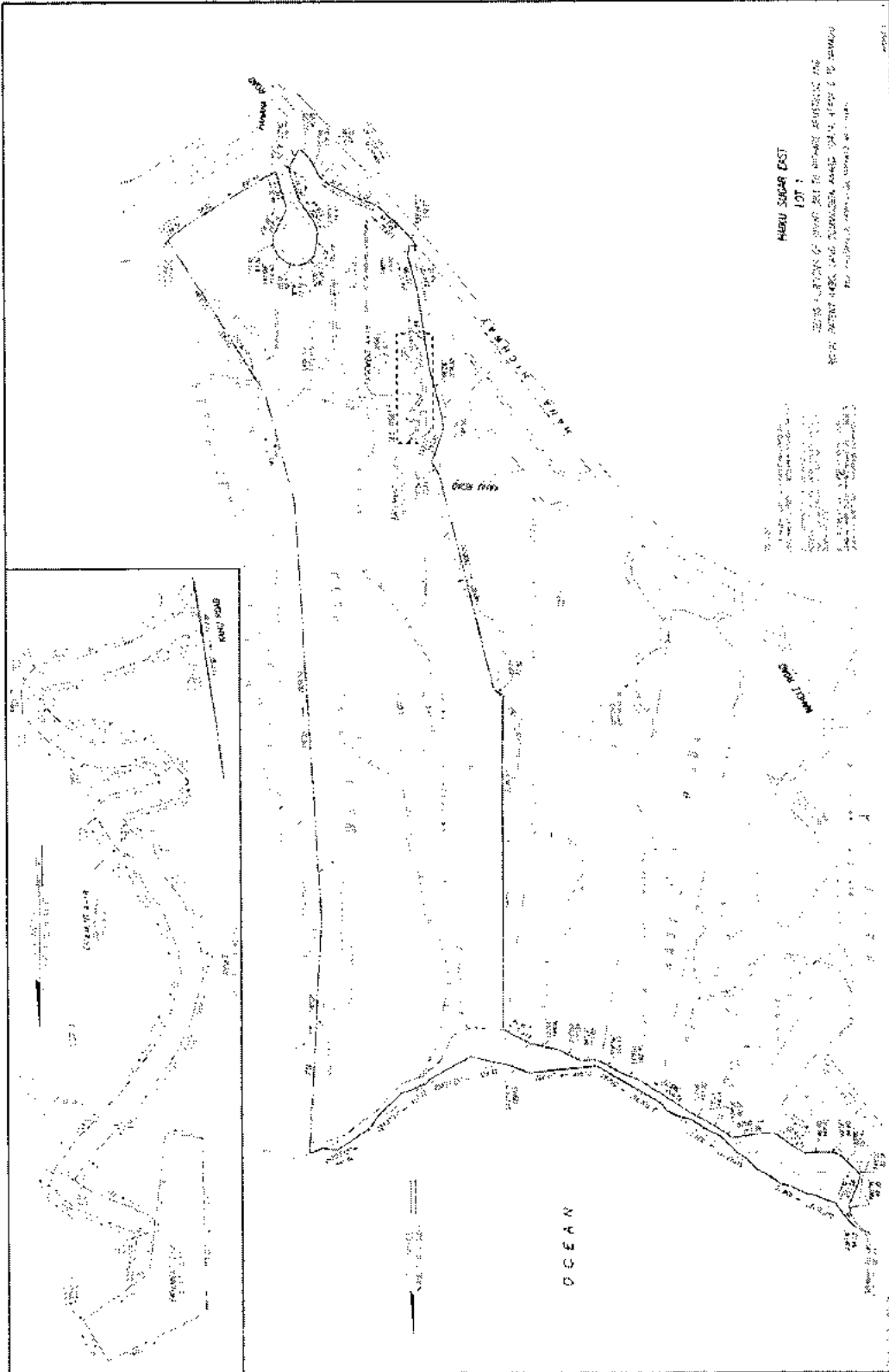
24. 46 ° 32 '

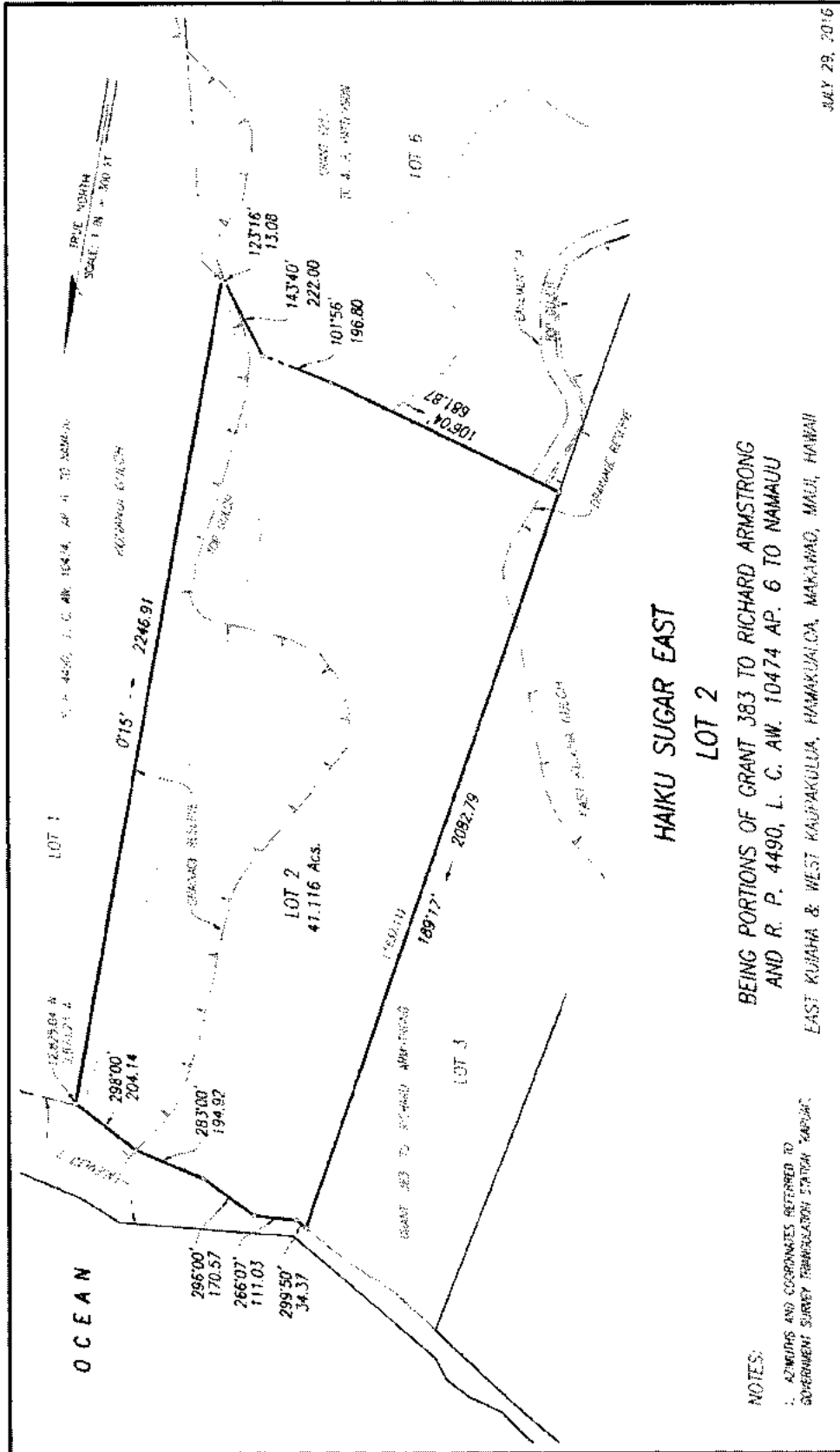
111.39 feet along the remainder of Grant 6257 to  
W.R. Patterson to the point of  
beginning and containing an area of  
70,344 Square Feet, or 1.615 Ac.

**August 11, 2016**

JN 16001-15

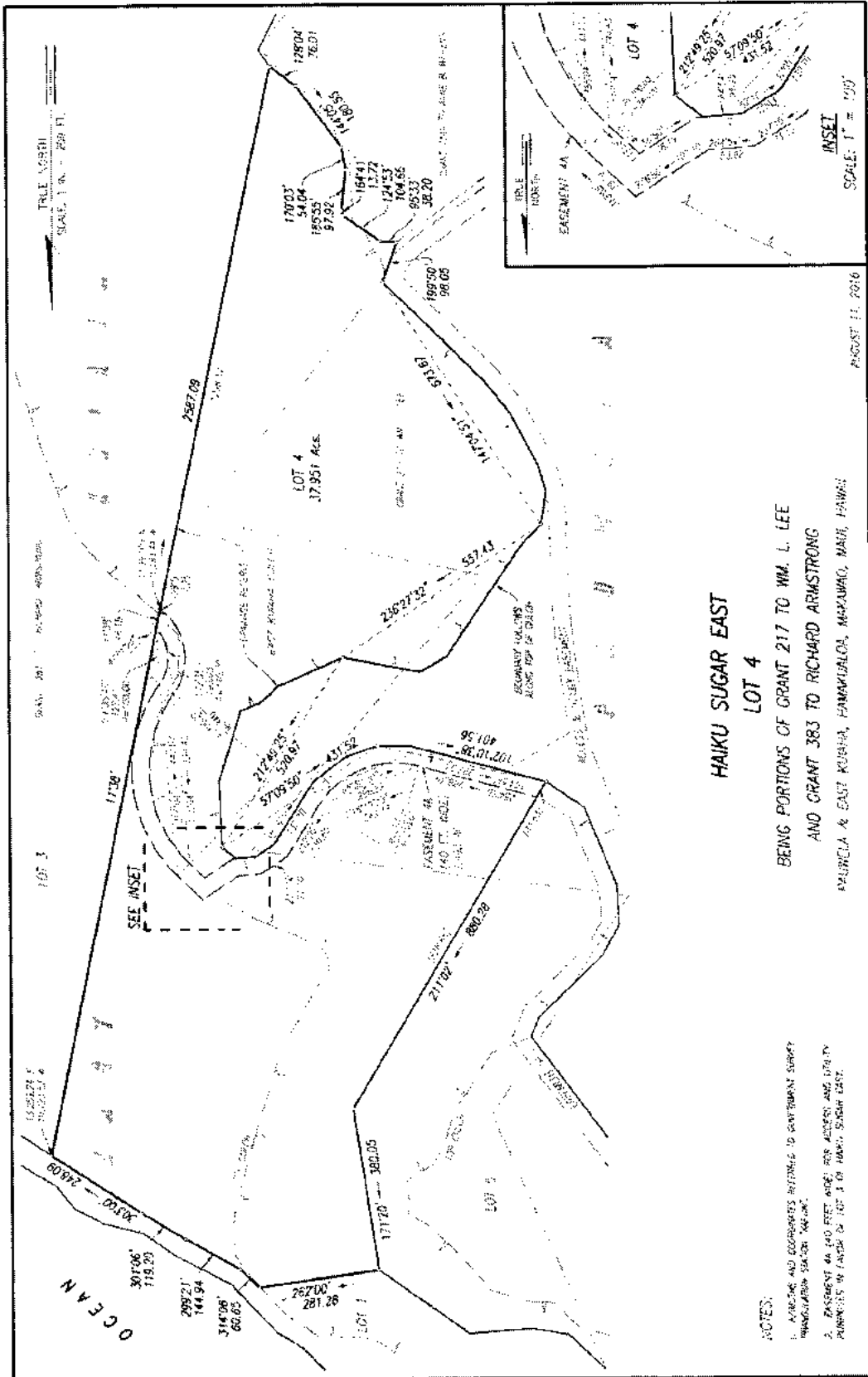
**EXHIBIT "B"**











**HAIKU SUGAR EAST  
LOT 4**

BEING PORTIONS OF GRANT 217 TO WM. L. LEE  
AND GRANT 383 TO RICHARD ARMSTRONG

MAHELA & EAST KUHUA, HANAKUALO, MAKAHAO, MAHE, HAWAII

**NOTES:**

1. ALL BEARINGS AND DISTANCES REFERRED TO GOVERNMENT SURVEY MAPS AND RECORDS.
2. EASEMENT 4A 140 FEET WIDE FOR ACCESS AND UTILITY PURPOSES IS LOCATED ON LOT 3 OF HAIKU SUGAR EAST.

**CONTROL POINT SURVEYING, INC.**  
1125 LEWISTOWN BLVD., SUITE 104, MOLOKAI, HI 96768

AUGUST 11, 2016

TRUE NORTH  
SCALE: 1" = 250 FT.

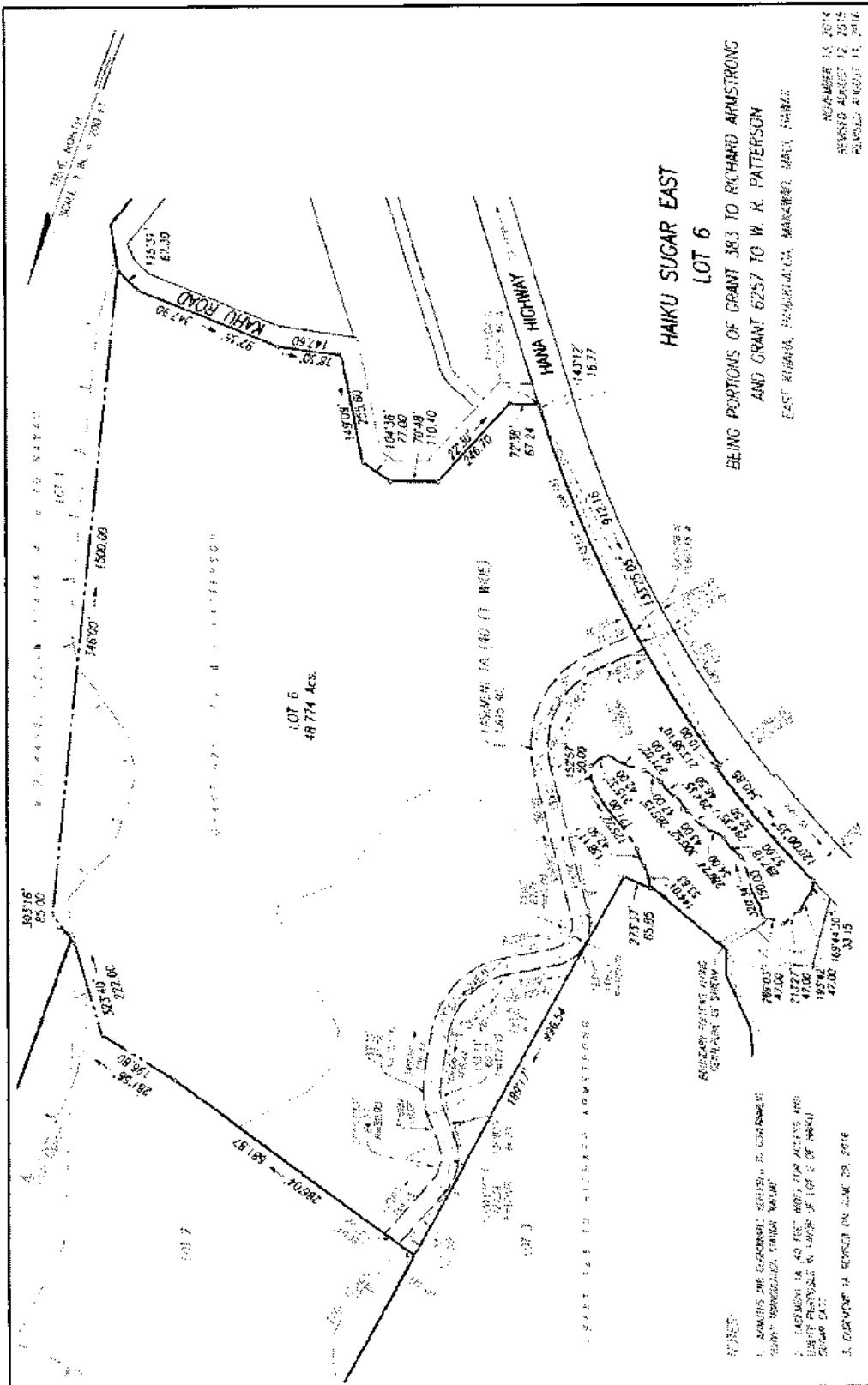
SCALE: 1" = 100'

INSET

SCALE: 1" = 100'

117° 37' 4.13 Sec. Ft.





**HAIKU SUGAR EAST  
LOT 6**

BEING PORTIONS OF GRANT 383 TO RICHARD ARMSTRONG  
AND GRANT 6257 TO W. R. PATTERSON  
EAST KAHUA, HAWAIIAN ISLANDS, HAWAII, HAWAII

NOVEMBER 15, 2014  
REVISED AUGUST 12, 2014  
REVISED AUGUST 11, 2014

11' x 17' = 13 5/8" x 6"

LOT 6  
48,774 Acs.

ISSUANCE TO (40 FT WIDE)  
1,645 AC.

- NOTES:
1. SURVEY AND CORRECTION: (SEE) TO CORRECT THE SURVEY OF THE HAWAIIAN SUGAR COMPANY, HAWAII.
  2. THE SURVEY IS TO BE MADE FOR ACCESS AND EASE OF TRAVEL TO LOT 6 OF THE HAWAII SUGAR COMPANY.
  3. SURVEY IS REVISED IN JUNE 22, 2016

**▲ CONTROLPOINT SURVEYING, INC.**  
1100 Lower Main St. Suite 100, Honolulu, HI 96813

**EXHIBIT "C"**

**HAIKU SUGAR EAST  
EASEMENT 1A  
(40-Foot Wide Access Easement)**

Being a portion of Lot 6 of Haiku Sugar East subdivision, covered by portions of Grant 6257 to W.R. Patterson and Grant 383 to Richard Armstrong.

Land situated at East Kulaha, Hamakuloa, Makawao, Maui, Hawaii

Beginning at the South corner of this piece of land, on the North side of Hana Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 9,476.28 feet North and 10,567.48 feet West, thence running by azimuths measured clockwise from true South:

1. Along the North side of Hana Highway, on a curve to the left with a radius of 2,684.42 feet, the chord azimuth and distance being:  
  
130° 50' 03.5" 40.20 feet;
2. 226° 32' 115.39 feet along the remainder of Grant 6257 to W.R. Patterson;
3. Thence along same, on a curve to the left with a radius of 192.50 feet, the chord azimuth and distance being:  
  
186° 16' 248.84 feet;
4. 146° 00' 350.00 feet along the remainders of Grant 6257 to W.R. Patterson and Grant 383 to Richard Armstrong;
5. Thence along the remainder of Grant 383 to Richard Armstrong, on a curve to the right with a radius of 100.00 feet, the chord azimuth and distance being:  
  
193° 00' 146.27 feet;
6. 240° 00' 105.40 feet along the remainder of Grant 383 to Richard Armstrong;

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Honolulu, Hawaii 96814

7. Thence along same, on a curve to the left with a radius of 175.00 feet, the chord azimuth and distance being:  
204° 33' 203.00 feet;
8. 169° 06' 106.44 feet along the remainder of Grant 383 to Richard Armstrong;
9. Thence along same, on a curve to the left with a radius of 112.50 feet, the chord azimuth and distance being:  
153° 33' 60.32 feet;
10. 138° 00' 66.00 feet along the remainder of Grant 383 to Richard Armstrong;
11. Thence along same, on a curve to the right with a radius of 120.00 feet, the chord azimuth and distance being:  
170° 03' 30" 127.39 feet;
12. 202° 07' 160.50 feet along the remainder of Grant 383 to Richard Armstrong;
13. 286° 04' 40.22 feet along Lot 2 of Haiku Sugar East subdivision;
14. 22° 07' 164.75 feet along the remainder of Grant 383 to Richard Armstrong;
15. Thence along same, on a curve to the left with a radius of 80.00 feet, the chord azimuth and distance being:  
350° 03' 30" 84.93 feet;
16. 318° 00' 66.00 feet along the remainder of Grant 383 to Richard Armstrong;
17. Thence along same, on a curve to the right with a radius of 152.50 feet, the chord azimuth and distance being:  
333° 33' 81.76 feet;

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Honolulu, Hawaii 96814

18. 349° 06' 106.44 feet along the remainder of Grant 383 to Richard Armstrong;
19. Thence along same, on a curve to the right with a radius of 215.00 feet, the chord azimuth and distance being:  
24° 33' 249.40 feet;
20. 60° 00' 105.40 feet along the remainder of Grant 383 to Richard Armstrong;
21. Thence along same, on a curve to the left with a radius of 60.00 feet, the chord azimuth and distance being:  
13° 00' 87.76 feet;
22. 326° 00' 350.00 feet along the remainders of Grant 383 to Richard Armstrong and Grant 6257 to W.R. Patterson;
23. Thence along the remainder of Grant 6257 to W.R. Patterson, on a curve to the right with a radius of 232.50 feet, the chord azimuth and distance being:  
6° 16' 300.55 feet;
24. 46° 32' 111.39 feet along the remainder of Grant 6257 to W.R. Patterson to the point of beginning and containing an area of 70,344 Square Feet, or 1.615 Ac.

June 29, 2016  
Honolulu, Hawaii



  
Cliff Yim Exp. 04/30/2018  
Licensed Professional Land Surveyor  
Certificate Number 16048

Tax Map Key: (2) 2-7-007: 005 (Por.)

ControlPoint Surveying, Inc.  
615 Piikoi Street, Suite 700  
Honolulu, Hawaii 96814

**HAIKU SUGAR EAST  
EASEMENT 4A (Revised)**

An easement (40 feet wide) for access purposes affecting Lot 4 of Haiku Sugar East.  
Being a portion of Grant 383 to Richard Armstrong and Grant 217 to William L. Lee.

Beginning at the southerly corner of this easement, being 191°38' 1298.37 feet from the southerly corner of Lot 4 of Haiku Sugar East, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 11,997.00 feet north and 10,983.44 feet west and running by azimuths measured clockwise from True South:

1. 129 ° 00 ' 7.25 feet along the remainder of Lot 4 of Haiku Sugar East;
2. Thence along same, on a curve to the left having a radius of 140.00 feet, the chord azimuth and distance being:  
  
172 ° 35 ' 193.03 feet;
3. Thence along same, on a curve to the left having a radius of 300.00 feet, the chord azimuth and distance being:  
  
175 ° 04 ' 394.43 feet;
4. 133 ° 58 ' 47.22 feet along same;
5. 56 ° 50 ' 78.19 feet along same;
6. 84 ° 54 ' 54.05 feet along top of gulch, along the remainder of Grant 383 to Richard Armstrong;
7. 57 ° 10 ' 52.33 feet along top of gulch, along the remainders of Grant 383 to Richard Armstrong and Grant 217 to William L. Lee;
8. 32 ° 05 ' 130.70 feet along top of gulch, along the remainder of Grant 217 to William L. Lee;
9. 68 ° 30 ' 30 " 296.89 feet along same;
10. 104 ° 56 ' 297.93 feet along same;
11. 211 ° 02 ' 41.63 feet along Lot 5 of Haiku Sugar East;
12. 284 ° 56 ' 286.39 feet along the remainder of Lot 4 of Haiku Sugar East;
13. Thence along same, on a curve to the left having a radius of 210.00 feet, the chord azimuth and distance being:

- 248 ° 30 ' 30 " 249.38 feet;
14. 212 ° 05 ' 139.60 feet along same;
15. 237 ° 10 ' 71.10 feet along same;
16. 264 ° 54 ' 53.92 feet along same;
17. 236 ° 50 ' 100.10 feet along same;
18. 313 ° 58 ' 79.10 feet along same;
19. Thence along same, on a curve to the right having a radius of 340.00 feet, the chord azimuth and distance being:
- 355 ° 04 ' 447.02 feet;
20. Thence along same, on a curve to the left having a radius of 100.00 feet, the chord azimuth and distance being:
- 356 ° 35 ' 40 " 127.41 feet;
21. 11 ° 38 ' 46.15 feet along Lot 3 of Haiku Sugar East to the point of beginning and containing an area of 1.493 Acres.



*Norman K. Murakami*  
 \_\_\_\_\_  
 Norman K. Murakami  
 Licensed Professional Land Surveyor  
 Certificate No. LS-5824, expires 04/30/16

August 12, 2015  
 JN 11001-09

ControlPoint Surveying, Inc.  
 1129 Lower Main Street, Suite 102  
 Wailuku, Hawaii 96793



**HAIKU SUGAR EAST  
EASEMENT 5A**

An easement (40 feet wide) for shoreline access purposes affecting Lot 5 of Haiku Sugar East. Being a portion of Grant 383 to Richard Armstrong and Grant 217 to William L. Lee.

Beginning at the southerly corner of this easement, being the southerly corner of Lot 5 of Haiku Sugar East, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 12,400.04 feet north and 11,878.68 feet west and running by azimuths measured clockwise from True South:

1. Thence along the top of gulch along the remainders of Grant 217 to William Lee and Grant 383 to Richard Armstrong the direct azimuth and distance being:  

183 °	45 '	04 "	591.29 feet;
-------	------	------	--------------
2. 143 ° 03 ' 44 " 616.08 feet along the remainder of Grant 217 to William Lee and Grant 383 to Richard Armstrong;
3. 198 ° 22 ' 39 " 399.72 feet along the remainder of Grant 217 to William Lee;
4. Thence along the top of gulch along the remainders of Grant 217 to William Lee and Grant 383 to Richard Armstrong the direct azimuth and distance being:  

199 °	21 '	40 "	226.12 feet;
-------	------	------	--------------
5. 340 ° 00 ' 44.00 feet along Lot 1 of Haiku Sugar East;
6. 22 ° 00 ' 211.10 feet along same.
7. 325 ° 00 ' 27.58 feet along same;
8. 18 ° 22 ' 39 " 343.22 feet along the remainder of Lot 5 of Haiku Sugar
9. 323 ° 03 ' 44 " 618.02 feet along same;
10. 22 ° 39 ' 79.39 feet along same;
11. 46 ° 21 ' 208.18 feet along same;
12. 28 ° 58 ' 60.76 feet along same;
13. 356 ° 34 ' 77.37 feet along same;
14. 337 ° 47 ' 174.80 feet along same;

15. 304 ° 27 ' 92.34 feet along same;
16. 31 ° 02 ' 40.07 feet along Lot 4 of Haiku Sugar East to the point of beginning and containing an area of 1.781 Acres.



November 13, 2014  
JN 11001-09

*Norman K. Murakami*  
Norman K. Murakami  
Licensed Professional Land Surveyor  
Certificate No. LS-5824, expires 04/30/16

ControlPoint Surveying, Inc.  
1129 Lower Main Street, Suite 102  
Wailuku, Hawaii 96793

**HAIKU SUGAR EAST  
EASEMENT 7**

An easement for conservation purposes affecting Lot 1 of Haiku Sugar East. Being a portion of Royal Patent 4490, Land Commission Award 10474, Apana 6 to Namauu and Grant 383 to Richard Armstrong.

Beginning at the northeasterly corner of this easement, being the northeasterly corner of Lot 1 of Haiku Sugar East, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 13,664.83 feet north and 8,355.65 feet west and running by azimuths measured clockwise from True South:

- |     |            |  |
|-----|------------|--|
| 1.  | 3 ° 15 '   | 82.07 feet along Grant 771 to Hikiau;                        |
| 2.  | 93 ° 00 '  | 89.46 feet along the remainder of Lot 1 of Haiku Sugar East; |
| 3.  | 72 ° 00 '  | 149.90 feet along same;                                      |
| 4.  | 53 ° 00 '  | 271.80 feet along same;                                      |
| 5.  | 43 ° 00 '  | 258.20 feet along same;                                      |
| 6.  | 70 ° 00 '  | 157.20 feet along same;                                      |
| 7.  | 46 ° 00 '  | 170.00 feet along same;                                      |
| 8.  | 26 ° 00 '  | 174.40 feet along same;                                      |
| 9.  | 70 ° 00 '  | 141.20 feet along same;                                      |
| 10. | 95 ° 00 '  | 192.00 feet along same;                                      |
| 11. | 75 ° 50 '  | 14.90 feet along same;                                       |
| 12. | 118 ° 00 ' | 204.14 feet along Lot 2 of Haiku Sugar East;                 |
| 13. | 103 ° 00 ' | 194.92 feet along same;                                      |
| 14. | 116 ° 00 ' | 170.57 feet along same;                                      |
| 15. | 86 ° 07 '  | 111.03 feet along same;                                      |
| 16. | 119 ° 50 ' | 169.47 feet along Lot 2 and Lot 3 of Haiku Sugar East;       |
| 17. | 113 ° 00 ' | 162.90 feet along Lot 3 of Haiku Sugar East;                 |
| 18. | 123 ° 00 ' | 393.71 feet along Lot 3 and Lot 4 of Haiku Sugar East;       |

- |     |            |  |
|-----|------------|--|
| 19. | 121 ° 06 ' | 119.20 feet along Lot 4 of Haiku Sugar East; |
| 20. | 119 ° 21 ' | 144.94 feet along same;                      |
| 21. | 134 ° 06 ' | 60.65 feet along same;                       |
| 22. | 82 ° 00 '  | 281.28 feet along same;                      |
| 23. | 125 ° 00 ' | 256.20 feet along Lot 5 of Haiku Sugar East; |
| 24. | 86 ° 00 '  | 147.40 feet along same;                      |
| 25. | 99 ° 00 '  | 84.60 feet along same;                       |
| 26. | 133 ° 00 ' | 157.40 feet along same;                      |
| 27. | 145 ° 00 ' | 62.00 feet along same;                       |
| 28. | 202 ° 00 ' | 211.10 feet along same;                      |
| 29. | 160 ° 00 ' | 44.00 feet along same;                       |

Thence along the remainder of Grant 217 to William L. Lee, following along the top of gulch, the direct azimuth and distance being:

- |     |            |             |
|-----|------------|-------------|
| 30. | 236 ° 06 ' | 54.73 feet; |
|-----|------------|-------------|

Thence along the ocean for the next eight (8) courses, the direct azimuths and distances being:

- |     |                 |   |
|-----|-----------------|---|
| 31. | 297 ° 35 ' 16 " | 558.10 feet;  |
| 32. | 303 ° 47 ' 15 " | 834.27 feet;  |
| 33. | 303 ° 00 ' 16 " | 562.03 feet;  |
| 34. | 264 ° 45 ' 00 " | 466.53 feet;  |
| 35. | 289 ° 09 ' 05 " | 189.65 feet;  |
| 36. | 255 ° 27 ' 55 " | 528.40 feet;  |
| 37. | 231 ° 33 ' 47 " | 487.72 feet;  |
| 38. | 247 ° 23 ' 12 " | 445.86 feet along same to the point of beginning and containing an area of 11.76 Acres. |



October 29, 2014

JN 11001-09

*Norman K. Murakami*

Norman K. Murakami

Licensed Professional Land Surveyor

Certificate No. LS-5824, expires 04/30/16

ControlPoint Surveying, Inc.

1129 Lower Main Street, Suite 102

Wailuku, Hawaii 96793

DESCRIPTION  
 EASEMENT A-13  
 AFFECTING  
 GRANT 383 TO RICHARD ARMSTRONG

TAX MAP KEY: (2) 2-7-007:004

All of that certain parcel of land, being an easement for access, utility and ditch maintenance purposes over, under and across a portion of Grant 383 to Richard Armstrong situated at East Kuiaha, Hamakualoa, Makawao, Island and County of Maui, State of Hawaii

Beginning at a point at the northwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 7,924.62 feet North and 8,557.78 feet West and running by azimuths measured clockwise from True South:

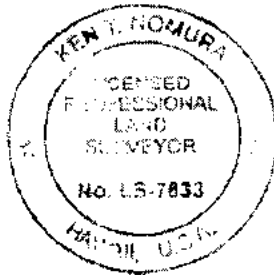
1.	298° 35'	23.87 feet	along R. P. 4490, L. C. Aw 10474:6 to Namauu to a point;
2.	355° 13'	126.36 feet	over and across Grant 383 to Richard Armstrong to a point;
3.	341° 15'	64.49 feet	over and across same to a point;
4.	328° 51'	49.39 feet	over and across same to a point;
5.	302° 03'	43.75 feet	over and across same to a point;
6.	283° 11'	54.99 feet	over and across same to a point;
7.	273° 41'	39.32 feet	over and across same to a point;
8.	78° 06'	21.63 feet	along the northerly side of Old Government Road Remnant to a point;
9.	40° 30'	17.72 feet	along same to a point;
10.	93° 41'	9.52 feet	over and across Grant 383 to Richard Armstrong to a point;
11.	103° 11'	59.99 feet	over and across same to a point;
12.	122° 03'	51.83 feet	over and across same to a point;
13.	148° 51'	56.33 feet	over and across same to a point;
14.	161° 15'	69.11 feet	over and across same to a point;

15. 175° 13' 139.89 feet over and across same to a point;  
16. 177° 08' 2.05 feet over and across same to the  
point of beginning and  
containing an Area of 0.173  
Acre.

Prepared by: A&B Properties, Inc.  
Kahului, Maui, Hawaii

January 31, 2011

This work was prepared by me or under my supervision.



*Ken T. Nomura* 4/30/2012  
Ken T. Nomura  
Licensed Professional Land Surveyor  
Certificate No. LS-7633  
Expiration Date: 4/30/2012

ME  
2/3-h

DESCRIPTION  
 EASEMENT A-14  
 AFFECTING  
 ROYAL PATENT 4490  
 LAND COMMISSION AWARD 10474:APANA 6  
 TO NAMAUU

TAX MAP KEY: (2) 2-7-007:004

All of that certain parcel of land, being an easement for access, utility and ditch maintenance purposes over, under and across a portion of R. P. 4490, L. C. Aw. 10474: Apana 6 to Namauu situated at West Kaupakuhua, Hamakualoa, Makawao, Island and County of Maui, State of Hawaii

Beginning at a point at the southwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 7,924.62 feet North and 8,557.78 feet West and running by azimuths measured clockwise from True South:

1.	177° 08'	173.70 feet	over and across R. P. 4490, L. C. Aw. 10474:6 to Namauu to a point;
2.	184° 30'	107.36 feet	over and across same to a point;
3.	197° 53'	37.43 feet	over and across same to a point;
4.	215° 28'	273.40 feet	over and across same to a point;
5.	219° 58'	94.93 feet	over and across same to a point;
6.	223° 53'	205.65 feet	over and across same to a point;
7.	238° 37'	35.80 feet	over and across same to a point;
8.	246° 10'	22.41 feet	over and across same to a point;
9.	345° 15'	20.25 feet	along Grant 771 to Hilciau to a point;
10.	66° 10'	17.89 feet	over and across R. P. 4490, L. C. Aw. 10474:6 to Namauu to a point;
11.	58° 37'	31.90 feet	over and across same to a point;
12.	43° 53'	202.39 feet	over and across same to a point;
13.	39° 58'	93.45 feet	over and across same to a point;

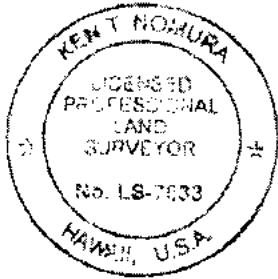


14.	35° 28'	269.52 feet	over and across same to a point;
15.	17° 53'	31.99 feet	over and across same to a point;
16.	4° 30'	103.73 feet	over and across same to a point;
17.	357° 08'	174.13 feet	over and across same to a point;
18.	355° 13'	10.74 feet	over and across same to a point;
19.	118° 35'	23.87 feet	along Grant 383 to Richard Armstrong to the point of beginning and containing an Area of 0.433 Acre.

Prepared by: A&B Properties, Inc.  
Kahului, Maui, Hawaii

January 31, 2011

This work was prepared by me or under my supervision.



*Kent Nomura* 4/30/2012  
 \_\_\_\_\_  
 Ken T. Nomura  
 Licensed Professional Land Surveyor  
 Certificate No. LS-7633  
 Expiration Date: 4/30/2012

ME  
2/3-i

DESCRIPTION

EASEMENT A-15  
AFFECTING  
ROYAL PATENT 4490  
LAND COMMISSION AWARD 10474:APANA 6  
TO NAMAUU

TAX MAP KEY: (2) 2-7-007:004

All of that certain parcel of land, being an easement for access, utility and ditch maintenance purposes over, under and across a portion of Royal Patent 4490, Land Commission Award 10474, Apana 6 to Namauu situated at West Kaupakulua, Hamakualoa, Makawao, Island and County of Maui, State of Hawaii

Beginning at a point at the northerly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI" being 8,466.85 feet North and 8,051.39 feet West and running by azimuths measured clockwise from True South:

1.	327° 45'	188.88 feet	along Grant 771 to Hikiau to a point;
2.	127° 30'	27.55 feet	over and across R. P. 4490, L. C. Aw. 10474:6 to Namauu to a point;
3.	133° 23'	41.31 feet	over and across same to a point;
4.	152° 52'	79.63 feet	over and across same to a point;
5.	163° 56'	45.51 feet	over and across same to the point of beginning and containing an Area of 0.052 Acre.

Prepared by: A&B Properties, Inc.  
Kahului, Maui, Hawaii

January 31, 2011

This work was prepared by me or under my supervision.



Ken T. Nomura 4/30/2012  
Ken T. Nomura  
Licensed Professional Land Surveyor  
Certificate No. LS-7633  
Expiration Date: 4/30/2012

ME  
2/3-j

**EXHIBIT "D"**  
**LAND DESCRIPTION**  
**ACCESS & UTILITY EASEMENT**

**AFFECTING PARCEL 1 OF TAX MAP KEY (2) 2-7-004**

Being an easement for access and utility purposes affecting Parcel 1 of Tax Map Key 2-7-004, being a portion of Grant 217 to William L. Lee. Situated at Pauwela, Makawao, Island and County of Maui, State of Hawaii and described as follows:

**BEGINNING** at a point on the Northerly boundary of this easement, being the South corner of Lot 5 of the Haiku Sugar East Subdivision (Subdivision File No. 2.3199), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI", being:

12,400.05 feet     North  
11,878.69 feet     West

thence running by azimuths measured clockwise from True South:

- |    |              |             |   |
|----|--------------|-------------|---|
| 1. | 284° 56'     | 100.00 feet | along Lot 4 of the Haiku Sugar East Subdivision (Subdivision File No. 2.3199);                          |
| 2. | 60° 18' 30"  | 174.20 feet | along remainder of Grant 217 to William L. Lee, along remainder of Parcel 1 of Tax Map Key (2) 2-7-004; |
| 3. | 351° 28' 30" | 187.27 feet | along same;   |
| 4. | 354° 13' 30" | 122.61 feet | along same;   |
| 5. | 358° 33' 30" | 194.04 feet | along same;   |
| 6. | 353° 55'     | 61.77 feet  | along same to the Westerly boundary of said Lot 4;  |
| 7. | 344° 03'     | 60.33 feet  | along said Lot 4;   |
| 8. | 332° 12'     | 140.53 feet | along same;   |
| 9. | 320° 59'     | 95.17 feet  | along same;   |

10.	314°	28'	54"	329.85 feet	along same;
11.	19°	50'		51.66 feet	along same;
12.	35°	31'		24.10 feet	along remainder of Grant 217 to William L. Lee, along remainder of Parcel 1 of Tax Map Key (2) 2-7-004;
13.	48°	13'	30"	44.95 feet	along same;
14.	54°	44'	30"	43.01 feet	along same;
15.	54°	33'		150.62 feet	along same;
16.	51°	53'	30"	83.58 feet	along same;
17.	47°	56'		41.83 feet	along same;
18.	38°	11'		37.60 feet	along same;
19.	16°	30'		35.85 feet	along same;
20.	348°	38'	37"	85.55 feet	more or less, along same to the intersection of the Westerly boundary of Parcel 3 of Tax Map Key (2) 2-7-007 and the North side of Nahele Road (width varies);
21.	99°			34.58 feet	more or less along Nahele Road (width varies);
22.	96°	09'		30.57 feet	more or less along same;
23.	185°	42'		83.34 feet	more or less along remainder of Grant 217 to William L. Lee, along remainder of Parcel 1 of Tax Map Key (2) 2-7-004;
24.	196°	30'		47.29 feet	along same;
25.	218°	11'		48.68 feet	along same;
26.	227°	56'		46.63 feet	along same;
27.	231°	53'	30"	85.90 feet	along same;

28.	234°	33'		151.62 feet	along same;
29.	234°	44'	30"	40.79 feet	along same;
30.	228°	13'	30"	38.21 feet	along same;
31.	215°	31'		14.16 feet	along same;
32.	199°	50'		20.47 feet	along same;
33.	134°	28'	54"	306.47 feet	along same;
34.	140°	59'		101.37 feet	along same;
35.	152°	12'		148.61 feet	along same;
36.	164°	03'		67.93 feet	along same;
37.	173°	55'		66.84 feet	along same;
38.	178°	33'	30"	194.14 feet	along same;
39.	174°	13'	30"	120.13 feet	along same;
40.	171°	28'	30"	213.71 feet	along same;
41.	157°	47'		211.16 feet	along same;
42.	247°	47'		66.75 feet	along same to a point on the Westerly boundary of said Lot 5;
43.	337°	47'		75.04 feet	along said Lot 5;

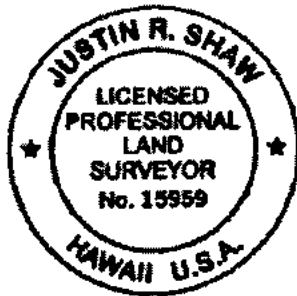
44. 304° 27'

106.70 feet

along same to the **POINT OF BEGINNING** and containing an area of 2.256 acres, more or less.

Prepared by: A & B Properties, Inc.  
Kahului, Maui, Hawaii

Date: July 28, 2016



This work was prepared by me or under my direct supervision

  
Justin R. Shaw

7/28/2016  
Date

Licensed Professional Land Surveyor

Certificate No. LS-15959

Expiration Date: April 30, 2018

