

RECORDER'S MEMO
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Mich. Lu. A.

Registrar of Conveyances
Assistant Registrar, Land Court
State of Hawaii



R-542
STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
OCT 25, 2005 08:01 AM
Doc No(s) 2005-216739



20 1/2 Z6

/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES
CTax (35): \$10500.00

LAND COURT SYSTEM
AFTER RECORDATION, RETURN BY Mail () Pickup ()

REGULAR SYSTEM

R/S

Fidelity National Title
Insurance Company
201 Merchant Street, Suite 2100
Honolulu, HI 96813

Escrow # 802776-lmj
Title # 802776

①

17 pages

TITLE OF DOCUMENT:

DEED

PARTIES TO DOCUMENT:

Grantor: THOMAS M. OKUNA, also known as Thomas Matsuhei Okuna and Matsuhei Okuna, unmarried;

Grantee: EDMUND C. OLSON, Trustee of the Edmund C. Olson Trust No. 2, w/a dated August 21, 1985, whose address is 11560 Tennessee, Los Angeles, California 90064.

Affects: TMK (3rd) 9-5-016: 006, ~~019~~, 025, 026, 031, and 9-5-017: 008, 010 and 11

This document contains 17 pages

DEED

KNOW ALL MEN BY THESE PRESENTS:

That THOMAS M. OKUNA, also known as Thomas Matsuhei Okuna and Matsuhei Okuna, unmarried, whose address is HC 1 Box 13, Naalehu, Hawaii 96772, hereinafter called the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration, to him in hand paid by EDMUND C. OLSON, Trustee of the Edmund C. Olson Trust No. 2, u/a dated August 21, 1985, whose address is 11560 Tennessee, Los Angeles, California 90064, hereinafter called the Grantee, the receipt whereof is hereby acknowledged, has sold and by these presents does hereby bargain, sell, assign, convey and transfer unto the said Grantee, all of Grantor's interest in the properties described in Exhibit A attached hereto and by reference made a part hereof.

TOGETHER with all and singular the improvements, tenements, rights, easements, privileges, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the same unto the said Grantee, his heirs and assigns and successors in trust, forever, for the uses and purposes set forth in said Edmund C. Olson Trust No. 2, as the same now exists or as it may hereafter be amended, with full power in the Trustee to sell, convey, exchange, mortgage, lease, assign, hold, or otherwise deal with and dispose of the said property in accordance with the terms of said Edmund C. Olson Trust No. 2.


And the said Grantor does hereby covenant to and with the said Grantee, his heirs and assigns and successors in trust, that he is seized in fee of the said granted premises; that he has good

right and lawful authority to sell and convey the same; that the same is free and clear of encumbrance of every kind and character, save and except as noted on said Exhibit A; and that he will and his heirs and assigns shall WARRANT and DEFEND the title thereto against the lawful claims of all persons whomsoever.

Grantee acknowledges that the Property is being sold "AS IS", with knowledge of the conditions disclosed by Grantor and/or discovered during inspection(s) of the Property. Grantee understands and agrees that all land and improvements, (including but not limited to the roof, walls, foundations, soils, plumbing, electrical and mechanical systems, etc.) real property, and personal property (if any) will be sold in **Existing "AS IS" Condition, WITHOUT WARRANTY OR REPRESENTATIONS, EXPRESSED OR IMPLIED** except as may be otherwise stated herein.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same conveyance, binding all of the parties hereto notwithstanding all of the parties are not signatory to the original or same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand on this _____ day of 29th Sept., 2005.


THOMAS M. OKUNA, also known as
Thomas Matsuhei Okuna and Matsuhei Okuna

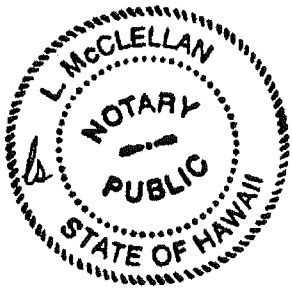
GRANTOR



EDMUND C. OLSON, Trustee of the
Edmund C. Olson Trust No. 2, u/a
Dated August 21, 1985

STATE OF HAWAII)
): ss.
COUNTY OF HAWAII)

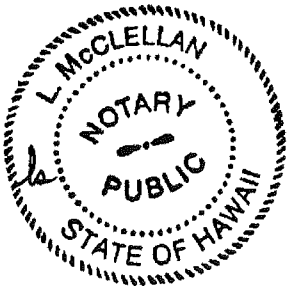
On this 29 day of September, 2005, before me personally appeared THOMAS M. OKUNA, also known as Thomas Matsuhei Okuna and Matsuhei Okuna, to me known to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.



Notary Public **L. McCLELLAN**
State of Hawaii **June 5, 2009**
My commission expires: _____

STATE OF HAWAII)
): ss.
COUNTY OF HAWAII)

On this 29 day of September, 2005, before me personally appeared EDMUND C. OLSON, Trustee of the Edmund C. Olson Trust No. 2, u/a dated August 21, 1985, to me known to be the person described in and who executed the foregoing instrument and acknowledged to me that he executed the same as his free act and deed.



Notary Public **L. McCLELLAN**
State of Hawaii **June 5, 2009**
My commission expires: _____

EXHIBIT A

AS TO PARCEL FIRST:

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Grant Number 993 to Kimokeo Keawe, Royal Patent Grant Number 2648 to Puhi, and all Royal Patent Grant Number 1530 to Kimokeo) situate, lying and being at Kaalaiki, District of Ka'u, Island and County of Hawaii, State of Hawaii, bearing Tax Map Key designation (3) 9-5-016-008, and containing an area of 80.303 acres more or less.

AS TO PARCEL SECOND:

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Grant Number 2646 to Kapai) situate, lying and being at Kaala Iki and Hikukano, District of Ka'u, Island and County of Hawaii, State of Hawaii, being Lot 3A bearing Tax Map Key designation (3) 9-5-016-019, and containing an area of 40.734 acres, more or less. *NP*
E.O.
te

AS TO PARCEL THIRD:

All of that certain parcel of land (being all of Apana 1 of Royal Patent Grant 5420, Land Commission Award Number 7091 to Kakuahine and portion of the land described in and covered by Royal Patent Grant Number 2370 to Noa Malailua) situate, lying and being at Kaalaiki and Hokukano, in the District of Ka'u, Island and County of Hawaii, State of Hawaii, bearing Tax Map Key designation (3) 9-5-016-025, containing an area of 106.38 acres, more or less.

AS TO PARCEL FOURTH:

All of that certain parcel of land (being all of Royal Patent Grant No. 2648 to Puhi and portions of Royal Patent Grant Number 993 to Kimokeo Keawe and Royal Patent Grant 2307 to Noa Malailua) situate, lying and being on the mauka side of the Hawaii Belt Road at Kaalaiki, District of Ka'u, Island and County of Hawaii, State of Hawaii, bearing Tax Map Key designation (3) 9-5-016-028, containing an area of 237.487 acres, more or less.

AS TO PARCEL FIFTH:

All of that certain parcel of land (portion of Royal Patent Grant Number 993 to Kimokeo Keawe) situate, lying and being on the Mauka side of the Hawaii Belt Road at Kaalaiki, District of Ka'u, Island and County of Hawaii, State of Hawaii, bearing Tax Map Key designation (3) 9-5-016-031, containing an area of 2.130 acres, more or less.

AS TO PARCEL SIXTH:

All of that certain parcel of land (portion of Royal Patent Number _____, Land Commission Award Number 9971 Apana 11 to W. P. Lelelohoku) situate, lying and being at Hilea Nui, District of Ka'u, Island and County of Hawaii, State of Hawaii, bearing Tax Map Key designation (3) 9-5-017-008, containing an area of 329.82 acres more or less.

AS TO PARCEL SEVENTH:

All of that certain parcel of land (portion of Royal Patent Number _____, Land Commission Award Number 9971, Apana 11 to W. P. Lelelohoku) situate, lying and being at Hilea Nui, District of Ka'u, Island and County of Hawaii, State of Hawaii, bearing Tax Map Key designation (3) 9-5-017-010, containing an area of 1.43 acres.

AS TO PARCEL EIGHTH:

All of that certain parcel of land (portion of Royal Patent Number _____, Land Commission Award Number 7733 Apana 1 to Moa) situate, lying and being at Hilea Nui, District of Ka'u, Island and County of Hawaii, State of Hawaii, bearing Tax Map Key designation (3) 9-5-017-11, containing an area of .25 acre.

Together with easement for access as provided in Civil No. 4590 as set forth in paragraph 8 of Final Amended Partial Judgment filed herein on February 4, 1987, recorded in the Bureau of Conveyances of the State of Hawaii in Book 20482 Page 147.

Being all of the lands acquired by the following:

AS TO PARCEL FIRST AND FIFTH:

1. By Exchange Deed dated April 4, 1953, of Hutchinson Sugar Plantation Company, a California Corporation doing business in the Territory of Hawaii (now State of Hawaii), recorded in the Bureau of Conveyances of the State of Hawaii in Book 2721 Page 210;
2. By Deed of Masaru Okuna, dated Frevbruary 9, 1963, recorded in said Bureau in Book 4460 at Page 136;
3. By Quitclaim Deed of Lucy Kahuanui, widow of Moses K. Kumukoa, and Stanley Kumukoa, unmarried dated June 10, 1965, recorded in said Bureau in Book 5075 at Page 449;
4. By Quitclaim Deed of Joseph Kumukoa, unmarried, dated July 18, 1965, in said Bureau in Book 5083 at Page 557;
5. By Judgment dated and filed in the Circuit Court of the Third Circuit, State of Hawaii, C.A. No. 1240 (Action to Quiet Title and to Partition), on July 12, 1966, recorded in said Bureau in Book 5490 at Page 198;
6. By Deed of Arthur H. Ulrich, husband of Euleia Ulrich, dated August 3, 1970, recorded in said Bureau in Book 7120 at Page 279;
7. By Quitclaim Deed of Memoe Okuna, widow of Masaru Okuna, dated January 29, 1971, recorded in said Bureau in Book 7413 at Page 49;
8. By Decree Quieting Title dated June 8, 1988, filed in the Circuit Court of the Third Circuit, State of Hawaii, Civil No. 8073, recorded in said Bureau in Book 22191 at Page 424.

~~AS TO PARCEL SECOND:~~

- ~~1. By Exchange Deed dated April 4, 1953, of Hutchinson Sugar Plantation Company, a California Corporation doing business in the Territory of Hawaii (now State of Hawaii), recorded in the Bureau of Conveyances of the State of Hawaii in Book 2721 Page 210;~~
2. By Deed of Masaru Okuna, dated February 9, 1963, recorded in said Bureau in Book 4460 at Page 136;
3. By Quitclaim Deed of Lucy Kahuanui, widow of Moses K. Kumukoa, and Stanley Kumukoa, unmarried dated June 10, 1965, recorded in said Bureau in Book 5075 at Page 449;
4. By Quitclaim Deed of Joseph Kumukoa, unmarried, dated July 18, 1965, in said Bureau in Book 5083 at Page 557;
5. By Judgment dated and filed in the Circuit Court of the Third Circuit, State of Hawaii, C.A. No. 1240 (Action to Quiet Title and to Partition), on July 12, 1966, recorded in said Bureau in Book 5490 at Page 198;
6. By Deed of Arthur H. Ulrich, husband of Euleia Ulrich, dated August 3, 1970, recorded in said Bureau in Book 7120 at Page 279;

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~~7. By Quitclaim Deed of Momoe Okuna, widow of Masaru Okuna, dated January 29, 1971, recorded in said Bureau in Book 7413 at Page 49;~~ LM

8. By Decree Quieting Title dated June 8, 1988, filed in the Circuit Court of the Third Circuit, State of Hawaii, Civil No. 9073, recorded in said Bureau in Book 22191 at Page 424;

9. By Final Partial Judgment dated April 8, 1987, filed in the Circuit Court of the Third Circuit, State of Hawaii, Civil No. 9073, recorded in said Bureau in Book 20609 at page 729. LM

AS TO PARCEL THIRD, SIXTH and SEVENTH:

1. By Exchange Deed dated April 4, 1953, of Hutchinson Sugar Plantation Company, a California company doing business in the Territory of Hawaii (now State of Hawaii), recorded in said Bureau in Book 2721 at Page 210;

2. By Decree Quieting Title dated June 8, 1988, filed in the Circuit Court of the Third Circuit, State of Hawaii, Civil No. 9073 recorded in said Bureau in Book 2219 at Page 424;

AS TO PARCEL FOURTH:

1. By Deed of Masaru Okuna dated February 9, 1963, recorded in said Bureau in Book 4460 at Page 136;

2. By Quitclaim Deed of Lucy Kahuanui, widow of Moses K. Kumukoa, and Stanley Kumukoa, unmarried, dated June 10, 1965, recorded at said Bureau in Book 5075 at Page 449;

3. By Quitclaim Deed of Joseph Kumukoa, unmarried, dated July 18, 1965, recorded in said Bureau in Book 5083 at Page 557;

4. By Judgment dated July 12, 1968, in C.A. No. 1240 (Action to Quiet title and to Partition), Circuit Court of the Third Circuit, State of Hawaii recorded in said Bureau;

5. By Deed of Arthur H. Ulrich, husband of Eulela Ulrich, dated August 4, 1970, recorded in said Bureau in Book 7120 at Page 279;

6. By Quitclaim Deed of Momoe Okuna, widow of Masaru Okuna, dated January 29, 1971, recorded in Book 7413 at Page 49;

7. By Decree Quieting Title dated June 8, 1988, filed in the Circuit Court of the Third Circuit, State of Hawaii, Civil No. 9073, recorded in Book 22191 at Page 424.

AS TO PARCEL EIGHTH:

1. BY Exchange Deed dated April 4, 1953, of Hutchinson Sugar Plantation Company, a California Corporation doing business in the Territory of Hawaii (now State of Hawaii), recorded in said Bureau in Book 2721 at page 210;
2. By Decree Quieting Title dated June 8, 1988, filed in the Circuit Court of the Third Circuit, State of Hawaii, C.A. No. 9073, recorded in said Bureau in Book 22191 at Page 424;
3. By Final Amended Partial Judgment dated February 4, 1987, filed in the Circuit Court of the Third Circuit, State of Hawaii, C.A. No 9073, recorded in said Bureau in Book 20482 at Page 147;
4. By Quitclaim Deed of James Edward Ferreira, Sr., husband of Diana Lokelani Ferreira dated August 19, 1993, recorded in said Bureau in Document No. 93-141532;
5. By Quitclaim Deed of Alvin Logan, single, dated October 18, 1998, recorded in said Bureau in Document No. 98-160247;
6. By Quitclaim Deed of Annie Kuheana, dated March 5, 1998, recorded in said Bureau in Document No. 98-030527;
7. By Warranty Deed by Stanley H Roehrig, Attorney at Law, a Law Corporation dated October 22, 1998, recorded in said Bureau in Document No. 98-161331.

**Tax Map Key: 9-5-016-08; 9-5-016-19; 9-5-016-26; 9-5-016-25; 9-5-016-31;
9-5-17-8; 9-5-17-10; 9-5-17-11.**

SUBJECT HOWEVER< to the following:

1. Reservation in favor of the state of Hawaii of all mineral and metallic mines.
2. **Claims arising out of rights customarily and traditionally exercise for subsistence, cultural, religious, access or gathering purposes as provided for in the Hawaii Constitution or the Hawaii revised Statutes.**
3. AS TO PARCELS FIRST AND THIRD:
 - A. **Shoreline setbacks: "Shoreline setbacks established pursuant to the laws of the State of Hawaii, or any political subdivision thereof, and any ordinances, rules or regulations adopted or promulgated by any governmental authority pursuant to such laws."**
 - B. **Seaward boundary: "Determination of the seaward boundary of the land described herein pursuant to the laws of the State of Hawaii."**
4. AS TO PARCELS SEVENTH AND EIGHTH:

The effects if any to the following:

 - A. **Intermittent stream called Hilea Stream empties into Kawa Bay, as disclosed in Civil No. 4590, filed in the Third Circuit Court, State of Hawaii.**
 - B. **Flood Zone areas as shown on survey map prepared by Ronaldo B. Aurelio, Land Surveyor with Austin, Tsutsumi & Associates, Inc., dated November 1, 1989, revised November 20, 1990 and February 22, 1993.**
5. AS TO PARCEL FIRST:
 - A. **Reservations of the fish pond as contained in Grant 1530 and Decree Quieting Title dated June 8, 1988, recorded in the Bureau of Conveyances of the State of Hawaii in Book 22191 at Page 424.**

B. Reservation of 1.00 acre grave lot, location and owners undetermined, as disclosed in the Hawaii County Tax History Sheets.

C. Easement (15.00 feet wide) for roadway purposes, as shown on survey map prepared by Ronaldo B. Aurelio, Land Surveyor, dated April 8, 1993, said easement being more particularly described as follows:

Centerline Description and Extending 7.50 feet on either side of the following described centerline:

Beginning at the west end of this easement, and on the southwesterly boundary of the aforescribed Lot 1A, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUEHU" (MILL) being 10,550.14 feet south and 4,788.49 feet west and running by true azimuths measured clockwise from South:

Along a meandering dirt road, the direct azimuth and distance between points being

1. 257° 11' 425.40 feet
2. 249° 30' 495.30 feet
3. 225° 36' 361.50 feet
4. 230° 04' 188.70 feet
5. 221° 27' 228.10 feet
6. 228° 55' 176.60 feet
7. 216° 48' 392.23 feet
8. 225° 37' 809.22 feet to the northeasterly end of this easement, being also the northeast boundary of Lot 1A, and containing an area of 0.983 acres, more or less.

D. Pedestrian easement along the Hilea Trail (3.00 feet wide) more particularly described as per survey of Paul T. Nuha, Land Surveyor, to-wit:

Part 2: Comprising the following:

1. Portion of Grant 893 to Kimoko Keawe.
2. Portion of Land Commission Award 9971, Apana 11 to W.P. Lalaiohoku.

Being a strip of land three (3.00) feet wide, extending one and one-half (1.50) feet on each side of the following described centerline.

Beginning at the west end of this centerline and on the southeast boundary of Royal Patent 6679, Land Commission Award 10190.

1. 308° 27' 30" 8.31 feet
2. 290° 44' 50" 80.41 feet
3. 254° 57' 40" 318.76 feet
4. 284° 25' 40" 136.53 feet
5. 305° 50' 35" 267.00 feet to the east end of this centerline and on the highwater mark at seashore and containing an area of 2,427 square feet.

6. AS TO PARCEL SECOND:

A. Two Final Partial Judgments dated April 6, 1987, filed in the Circuit Court of the Third Circuit, State of Hawaii, recorded in said Bureau in Book 20608 at Page 729 and Book 20609 at Page 732.

B. A tax lien for the amount shown and any other amounts due, in favor of the State of Hawaii.

Amount: \$1,117.05
Filed by: State of Hawaii, Department of Taxation
Taxpayer: Beth P. Ehu
Certificate No.: N/A
Recorded: October 15, 1980, in the Bureau of Conveyances of the State of Hawaii, Book 15057, Page 422, (As to the interest of Beth Ehu).

C. A judgment, for the amount shown below, and any other amounts due:

Amount: \$6,145.53
Debtor: Joseph K. Papalimu, a.k.a. Joseph Papalimu
Creditor: Direct Merchants Credit Card Bank
Date entered: December 14, 2004
County: Hawaii
Court: Third Circuit
Case No.: 3RC04-1-088
Recorded: January 12, 2005, in the Bureau of Conveyances of the State of Hawaii, Document No. 2005-007282, (also filed as Land Court Document No. 3218801).

7. AS TO PARCELS SIXTH AND SEVENTH:

A. Issuance of a Patent of Land Commission Award 9971 Apana 11 to Wm. Pitt Leseiohoku.

8. AS TO PARCEL EIGHTH:

A. Issuance of a Patent on Land Commission Award 7733 Apana 1 to Moa.

B. Final Amended Partial Judgment dated February 4, 1987 filed in the Circuit Court of the Third Circuit, State of Hawaii, Civil No. 9073, recorded in said Bureau in Book 20483 at Page 147.

C. Terms, provisions, conditions and restrictions and the failure to comply with said terms, contained in that certain, Unrecorded Stanley H. Roehrig Revocable Trust, as amended, to which reference is hereby made.

D. A judgment, for the amount shown below, and any other amounts due:

Amount: \$8,698.37
Debtor: John Andrade and Andrew N. Kailiawa, Jr.
Creditor: Hawaii Federal and State Employees Federal Credit Union
Date entered: January 10, 1988
County: Hawaii
Court: Third Circuit
Case No.: 95-584
Recorded: January 24, 1988, in the Bureau of Conveyances of the State of Hawaii, Document No. 96-009810, (NOTE: Not certain if Party under search).

E. A judgment, for the amount shown below, and any other amounts due:

Amount: \$8,698.37
Debtor: Andrew N. Kailiawa, Jr. (SS# 576-62-0719)
Creditor: Hawaii Federal and State Employees Federal Credit Union
Date entered: January 26, 1988
County: Hawaii
Court: Third Circuit
Case No.: 95-584
Recorded: February 8, 1988, in the Bureau of Conveyances of the State of Hawaii, Document No. 96-015545, (NOTE: Not certain party under search).

F. A tax lien for the amount shown and any other amounts due, in favor of the State of Hawaii.

Amount: \$116.17
Filed by: Department of Labor and Industrial Relations
Taxpayer: Lillian M Soares dba Lily's Precision Hair Shapers
Certificate No.: N/A
Recorded: June 14, 1988, in the Bureau of Conveyances of the State of Hawaii, Book 21527, Page 773, (NOTE: Not certain if party under search).

G. The interest of Emily Deal, if any, as disclosed on the Hawaii County Real Property Tax Office Assessment information website.

9. AS TO PARCEL FIRST AND FOURTH:

A. Judicial Notice of Writ of Execution dated April 27, 1987, United States District Court for the District of Hawaii, Civil No. 86-1083.
Re: Ordered and Adjudged that the Plaintiffs, Rhoda Simeona an Eliza Simeona recover of the Defendants Thomas M. Okuna, et. al., the sum of \$2,500,000.00. That the money damage, not being forthcoming the Plaintiffs intent here is to take POSSESSION of subject real property until a satisfaction of lien shall appear on the record being given by Plaintiffs.

B. The effects if any to the following:

1) Declaration of Land Patent dated February 28, 1991 recorded in said Bureau as Document No. 91-032286.

2) Assignee(s) Declaration of Land Patent/Grant dated March 14, 1991, recorded as Document No. 91-033907.

3) Assignee(s) Declaration of Land Patent dated April 3, 1991, recorded in said Bureau as Document No. 91-042903.

4) Na Palapala Sila Nui, Declaration of an Indigenous Genealogical Heire, Declaration and Statement of Claim of Living Heirs of Puhi, recorded on October 17, 1997 in said Bureau as Document No. 97-145944.

5) Deed

Grantor: Abel Simeona Lui, widower
Grantee: Beverly Yolanda Feleti (NMS)
Dated: January 14, 2002
Recorded: January 14, 2002, in the Bureau of Conveyances of the State of Hawaii, Document No. 2002-006264.

6) Deed

Grantor: Beverly Yolanda Feleti (married)
Grantee: Abel Simeona Lui (NMS)
Dated: January 14, 2002
Recorded: January 14, 2002, in the Bureau of Conveyances of the State of Hawaii, Document No. 2002-006265.

7) Deed

Grantor: Abel S. Lui (NMS)
Grantee: Han Kamakani Phua (NMS)
Dated: March 12, 2004
Recorded: March 12, 2004, in the Bureau of Conveyances of the State of Hawaii, Document No. 2004-061779, (an undivided. 1/2 interest).

8) Deed

Grantor: Han Kamakani Phua (NMS)
Grantee: Abel S. Lui (NMS)
Dated: March 12, 2004
Recorded: March 12, 2004, in the Bureau of Conveyances of the State of Hawaii, Document No. 2004-051780, (an undivided 1/2 interest).

9) Affidavit of Genealogy dated June 7, 2004, recorded in said Bureau as Document No. 2004-117405.

10. Easements of rights-of-way as mentioned in Civil No. 4590, Third Judicial Circuit, as set forth in Amended Judgment dated November 8, 1983, recorded in the Bureau of Conveyances of the State of Hawaii in Book 17461 at Page 52, to-wit:
- (A) A 3 foot wide pedestrian easement along the Ancient Walking Trail.
 - (B) A 15 foot wide pedestrian, equestrian, and wagon easement along the portion of the Government Road which extends from the Honuapo boundary of the subject property to Hilea Stream.
 - (C) A 15 foot wide pedestrian, equestrian and vehicular easement along that portion of the Government Road which extends from Hilea Stream to the Punalu'u boundary of the subject property.
 - (D) A 3 foot wide pedestrian easement from the upper reach of the waves at the mouth of Hilea Stream to the intersection of Hilea Stream with the Government Road.
 - (E) A 10 foot wide vehicular, equestrian and pedestrian easement along the Corral Gate Road as located in Plaintiffs' Exhibit 13(a).

11. Terms and provisions, including the failure to comply with any Covenants, Conditions and Reservations, as contained in that certain Decree of Quieting Title dated June 8, 1988, recorded in said Bureau in Book 22191 at Page 424.

12. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the Unrecorded Real Property Purchase Agreement

By and Between: Thomas Matsuhai Okuna, "Seller" and Fred M. Packard,
"Buyer"
Dated: June 15, 1988 and June 14, 1988

Said Agreement was assigned to Kawa Bay Resorts, Inc., a Hawaii corporation, with Seller's consent, by unrecorded instrument dated August 25, 1988, and amended by unrecorded instrument dated February 14, 1989, the foregoing instruments being incorporated in Memorandum of Purchase dated February 14, 1989, recorded in the Bureau of Conveyances of the State of Hawaii in Book 22951 at Page 175. (affects land under search, besides other lands)

13. The terms and provisions, including the failure to comply with any covenants, conditions and reservations contained in instrument dated June 8, 1984, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 94-099185.

The foregoing includes, but is not limited, to the following:

(A) Easement for access purposes appurtenant to Land Commission Award 7733, Apans 1, as set forth in paragraph 8 of Final Amended Partial Judgment filed herein on February 4, 1987, concerning Land Commission Award 7733, Apans 1, recorded in the Bureau of Conveyances of the State of Hawaii in Book 20482 at Page 147.

(B) Public rights of way for access, more specifically described in Findings of Fact, Conclusions of Law and Order dated October 14, 1980, in Civil 4590, Third Circuit Court, as affirmed in Supreme Court Memorandum Opinion No. 8160, dated December 3, 1982 and clarification of the location of easement (f) as ordered in said Memorandum Opinion N. 8160, by survey description and map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, filed under C.S.F. 19,736, dated May 31, 1983.

(C) The following condition imposed by the Planning Director, County of Hawaii, for approval of Subdivision Number 6267: Prior to any development of Lot 1A, other than related to the agricultural activities, the owner of Lot 1A, his successors and assigns, will comply with the provisions of Chapter 27, Flood Control, Hawaii County Code, as those provisions existed on March 16, 1983, and will submit a flood study to assess the effect on all affected property. The word "development" shall be as defined in Section 27-11 of said Chapter 27.

14

A pending Court Action as disclosed by a recorded notice:

Plaintiff: Clara Apiki Omerod, et al
Defendant: C. Brewer and Company, Ltd., et als
Court: Circuit Court, Third Circuit
Case No.: 03-1-0226
Nature of Action: to Quiet Title, partition and Award of Common Law Property Rights and Native Tenant Pash Rights
Recorded: September 2, 2003, in the Bureau of Conveyances of the State of Hawaii, Document No. 2003-184425.

15. **Any facts, rights, interests or claims which a correct survey would disclose and which are not disclosed by the public records.**
16. **Fidelity National Title Insurance Company recommends that a modern metes and bounds survey be made of the property described herein in order to definitely establish its boundaries and accurately compute its area.**
17. **Any claims for mechanics' liens, by reason of recent work of improvement related to the land herein described.**
18. **Any failure to comply with applicable subdivision ordinances, laws or regulations.**