

SUPERINTENDENT OF REAL ESTATE

INDIVIDUAL EXEMPTION NUMBER 20

HONOKAHUA BEACH HOTEL & RESIDENCES

1. W2005 Kapalua/Gengate Hotel Realty, L.L.C., with respect to its proposed marketing and development containing approximately 107 residential strata lots on all or part of the land legally described in Exhibit "A" attached hereto, is exempt from the requirement, under section 18(1) of the *Real Estate Development Marketing Act*, that it promptly place any deposits it receives from a purchaser in relation to a residential unit with a brokerage, lawyer, notary public or prescribed person who must hold the deposits as trustee in a trust account in a savings institution in British Columbia, on the condition that all such deposits:
 - a) are promptly placed with First American Title Company, Inc.;
 - b) are held by that company in trust pursuant to the terms and conditions of an escrow agreement that complies with the requirements of Chapter 514B of the Hawaii Revised Statutes; and
 - c) are held in the manner required by, and not released except in accordance with, sections 18(2) to 18(6) of the *Real Estate Development Marketing Act*.

DEC 14 2007
Date

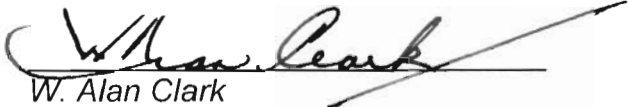

W. Alan Clark
Superintendent of Real Estate

EXHIBIT "A"

PROPERTY DESCRIPTION

PARCEL ONE:

LOT 2A, BEING PORTIONS OF LOT 1 AND LOT 2 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO A PORTION OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8222-B, APANA 1 TO KALE DAVIS SITUATED AT HONOKAHUA, LAHAINA, ISLAND AND COUNTY OF MAUI, STATE OF HAWAII.

BEGINNING AT A 1/2-INCH PIPE AT THE NORTHEAST CORNER OF THIS LOT, THE COORDINATES OF SAID POINT OF BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "HAEWA" BEING:

283.97 FEET NORTH
5,030.50 FEET EAST

AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE FROM TRUE SOUTH:

1. 356° 15' 429.27 FEET ALONG LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS TO A 1/2-INCH PIPE;

2. 30° 00' 160.00 FEET ALONG SAME TO A 1/2-INCH PIPE;

3. 86° 15' 291.88 FEET ALONG SAME TO A "+" IN SIDEWALK;

4. 351° 15' 275.91 FEET ALONG SAME TO A 1/2-INCH PIPE;

5. 81° 15' 166.26 FEET ALONG SAME TO A 1/2-INCH PIPE;

6. 351° 15' 201.21 FEET ALONG SAME TO A 1/2-INCH PIPE;

7. THENCE ALONG SAME ON A CURVE TO THE RIGHT WITH A RADIUS OF 325.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

5° 37' 30" 161.37 FEET TO A 1/2-INCH PIPE;

8. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 350.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

4° 21' 19" 188.77 FEET TO A 1/2-INCH PIPE;

9. THENCE ALONG SAME ON A CURVE TO THE RIGHT WITH A RADIUS OF 2.265.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING;

354° 48' 19" 480.96 FEET TO A 3/4-INCH PIPE;

10. 0° 54' 241.57 FEET ALONG SAME TO A 3/4-INCH PIPE,

11. THENCE ALONG THE REMAINDERS OF LOT 1 AND LOT 2 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD

8522-B, APANA 1 TO KALE DAVIS ON A CURVE TO THE RIGHT WITH A RADIUS OF 30.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

45° 54' 42.43 FEET;

12. 90° 54' 179.45 FEET ALONG SAME;

13. THENCE ALONG THE REMAINDER OF LOT 2 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS ON A CURVE TO THE LEFT WITH A RADIUS OF 500.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

85° 40' 30" 91.07 FEET TO A 3/4-INCH PIPE;

14. 160° 38' 352.51 FEET ALONG LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS TO A 1/2-INCH PIPE;

15. 248° 47' 35.00 FEET ALONG SAME TO A 1/2-INCH PIPE;

16. 160° 38' 85.00 FEET ALONG SAME TO A 1/2-INCH PIPE;

17. 158° 47' 160.71 FEET ALONG LOT 2-A-1-A OF THE KAPALUA DEVELOPMENT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS TO A POINT ("UNABLE TO SET");

18. 68° 47' 160.00 FEET ALONG LOT 2-A-1-A OF THE KAPALUA DEVELOPMENT SUBDIVISION AND LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA TO KALE DAVIS TO A POINT;

19. 160° 06' 327.62 FEET ALONG LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS TO A 1/2-INCH PIPE;

20. 151° 16' 163.24 FEET ALONG SAME TO A 3/4-INCH PIPE;

21. 241° 16' 73.48 FEET ALONG SAME TO A 3/4-INCH PIPE;

22. 175° 30' 902.09 FEET ALONG SAME TO A 1/2 INCH PIPE;

23. 266° 00' 30" 145.96 FEET ALONG LOT A-7-C-2 OF THE KAPALUA DEVELOPMENT SUBDIVISION, BEING ALSO THE REMINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS TO A 1/2-INCH PIPE;

24. THENCE ALONG SAME ON A CURVE TO THE RIGHT WITH A RADIUS OF 495.72 FEET, THE CHORD AZIMUTH AND DISTANCE BEING;

273° 57' 136.98 FEET TO A 3/4-INCH PIPE;

25. 281° 53' 30" 28.08 FEET ALONG SAME TO A 3/4-INCH PIPE;

26. THENCE ALONG SAME ON A CURVE TO THE RIGHT WITH A RADIUS OF 222.20 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

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EXHIBIT "A"
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296° 54' 30" 115.14 FEET TO A 3/4-INCH PIPE;

27. 311° 55' 30" 41.90 FEET ALONG SAME TO A 3/4 INCH PIPE;

28. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 180.35 FEET, THE CHORD AZIMUTH AND DISTANCE BEING;

264° 52' 30" 264.01 FEET TO A 3/4-INCH PIPE;

29. 217° 49' 30" 281.06 FEET ALONG SAME TO A 3/4-INCH PIPE;

30. THENCE ALONG LOT A-7-C-1 OF THE KAPALUA DEVELOPMENT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS ON A CURVE TO THE RIGHT WITH A RADIUS OF 282.65 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

241° 29' 15" 226.88 FEET TO A 3/4-INCH;

31. 265° 09' 164.45 FEET ALONG SAME TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 33.197 ACRES, AS PER SURVEY OF RONALD M. FUKUMOTO, LICENSED PROFESSIONAL LAND SURVEYOR, CERTIFICATE NUMBER 5451, DATED MARCH 13, 2000.

PARCEL TWO:

ALL OF THAT CERTAIN PARCEL OF LAND SITUATED ON THE WESTERLY SIDE OF HONOAPIILANI HIGHWAY (F.A.P. NO. RF-030-1 (3) AS HONOKAHUA, LAHAINA, ISLAND AND COUNTY OF MAUI STATE OF HAWAII, BEING LOT A-7-C-1 OF THE KAPALUA DEVELOPMENT SUBDIVISION, BEING A PORTION OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS; BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE SOUTHWEST CORNER OF THIS LOT BEING ALSO THE SOUTHEAST CORNER OF FOR A-7-C-2 OF THE KAPALUA DEVELOPMENT SUBDIVISION, THE COORDINATES OF SAID POINT OF BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "HAWEA" BEING 161.76 FEET NORTH AND 4,667.26 FEET EAST AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE FROM TRUE SOUTH:

1. 170° 00' 217.70 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT A-7-C-2 OF THE KAPALUA DEVELOPMENT SUBDIVISION TO A 3/4-INCH PIPE;

2. THENCE ALONG THE SHORELINE WHICH FOLLOWS THE VEGETATION LINE AS SURVEYED BY GEORGE F. NEWCOMER LAND SURVEYORS, INC. ON APRIL 10, 1989, THE DIRECT CHORD AZIMUTH AND DISTANCE BEING: 252° 15' 533.47 FEET TO A 3/4-INCH PIPE;

3. 7° 34' 250.72 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT B ("D.T. FLEMING PARK") OF THE KAPALUA DEVELOPMENT SUBDIVISION TO A POINT;

4. 85° 09' 238.75 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOTS 1 AND 2 OF THE KAPALUA CENTRAL RESORT SUBDIVISION TO A 3/4-INCH PIPE;

5. THENCE ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT 2 OF THE KAPALUA CENTRAL RESORT SUBDIVISION ON A CURVE TO THE LEFT WITH THE POINT OF CURVATURE AZIMUTH FROM THE RADIAL POINT BEING: 175° 09', AND THE POINT OF TANGENCY AZIMUTH FROM THE RADIAL POINT BEING 127° 49' 30', HAVING A RADIUS OF 282.65 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 61° 29' 15" 226.88 FEET TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 2.15 ACRES, MORE OR LESS.

TOGETHER WITH, AS TO PARCELS ONE AND TWO, NON-EXCLUSIVE EASEMENTS OVER AND ACROSS THE PROPERTIES DESCRIBED BELOW (COLLECTIVELY THE "EASEMENTS"):

FIRST: EASEMENT "A", 56 FEET WIDE, FOR ACCESS AND UTILITY PURPOSES, AT HONOKAHUA AFORESAID, OVER AND ACROSS A PORTION OF LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE NORTHWEST CORNER OF THIS EASEMENT, BEING ALSO THE NORTHEAST CORNER OF THE ABOVE DESCRIBED LOT, THE COORDINATES OF SAID POINT OF BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "HAWEA" BEING 283.97 FEET NORTH AND 5,030.50 FEET EAST AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE FROM TRUE SOUTH:

1. 265° 09' 74.30 FEET OVER AND ACROSS ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT A-7-C-1 OF THE KAPALUA DEVELOPMENT SUBDIVISION;
2. 7° 34' 57.34 FEET OVER AND ACROSS ROYAL PATENT 2236, AND LAND COMMISSION AWARD 8522-B- APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOTS D AND 2-A-1-B-3 OF THE KAPALUA DEVELOPMENT SUBDIVISION;
3. 85° 09' 63.04 FEET OVER AND ACROSS ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO OVER AND ACROSS LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION;
4. 176° 15' 56.01 FEET OVER AND ACROSS ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT 2 OF THE KAPALUA CENTRAL RESORT SUBDIVISION TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 3845 SQUARE FEET, MORE OR LESS.

SECOND: AN EASEMENT FOR ACCESS PURPOSES, SITUATED AT HONOKAHUA AFORESAID, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY CORNER OF THIS EASEMENT ON THE NORTHERLY SIDE OF HONOAPIILANI HIGHWAY FEDERAL AID PROJECT NO. RF-030-1(3)], THE COORDINATES OF SAID POINT OF BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "HAWEA" BEING 3,725.38 FEET SOUTH AND 4,436.38 FEET EAST AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE FROM TRUE SOUTH:

1. 140° 35' 19" 15.94 FEET ALONG THE REMAINDER OF LOT 2-A-1-B OF THIS SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS TO A POINT;
2. THENCE ALONG SAME ON CURVE TO THE RIGHT WITH A RADIUS OF 290.76 FEET, THE CHORD

AZIMUTH AND DISTANCE BEING: 157° 42' 39.5" 171.21 FEET TO A POINT;

3. 174° 50' 684.35 FEET ALONG SAME TO A POINT;

4. THENCE ALONG CURVE TO THE LEFT WITH A RADIUS OF 640.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING 167° 54' 154.51 FEET TO A POINT;

5. 160° 58' 957.52 FEET ALONG SAME TO A POINT;

6. 162° 15' 270.85 FEET ALONG SAME TO A POINT;

7. 206° 30' 133.68 FEET ALONG SAME TO A POINT;

8. 248° 47' 88.87 FEET ALONG SAME TO A POINT;

9. 338° 47' 20.00 FEET ALONG THE WESTERLY SIDE OF LOT 2-A-1-A OF THIS SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS TO A POINT;

10. 68° 47' 81.14 FEET ALONG THE REMAINDER OF LOT 2-A-1-B OF THIS SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS TO A POINT;

11. 26° 30' 117.81 FEET ALONG SAME TO A POINT;

12. 342° 15' 262.49 FEET ALONG SAME TO A POINT;

13. 340° 58' 957.30 FEET ALONG SAME TO A POINT;

14. THENCE ALONG SAME TO A CURVE TO THE RIGHT WITH A RADIUS OF 660.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 347° 54' 159.34 FEET TO A POINT;

15. 354° 50' 578.76 FEET ALONG SAME TO A POINT;

16. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 452.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 337° 42' 39.5" 266.15 FEET TO A POINT;

17. 320° 35' 19" 1.24 FEET ALONG SAME TO A POINT;

18. 50° 35' 19" 48.00 FEET ALONG THE NORTHERLY SIDE OF HONOAPILANI HIGHWAY (F-AP. NO. RF-030-1(3)) TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 1.234 ACRES.

THIRD: EASEMENT "B", FOR ACCESS AND UTILITY PURPOSES, AT HONOKALUA AFORESAID, OVER AND ACROSS A PORTION OF LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE NORTHWEST CORNER OF THIS EASEMENT, BEING ALSO THE NORTHEAST CORNER OF LOT 2-A-1-B-4 OF THE KAPALUA DEVELOPMENT SUBDIVISION, THE COORDINATES OF SAID POINT OF BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "HAWEA" BEING 42.85 FEET SOUTH AND 3,328.55 FEET EAST AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE FROM TRUE SOUTH;

1. 255° 59' 30" 72.33 FEET OVER AND ACROSS ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-

B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT A-7-C-5 OF THE KAPALUA DEVELOPMENT SUBDIVISION;

2. THENCE OVER AND ACROSS A PORTION OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOTS A-7-C-5 AND A-7-C-2 OF THE KAPALUA DEVELOPMENT SUBDIVISION ON A CURVE TO THE RIGHT HAVING A RADIUS OF 791.94 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 263° 22' 45" 203.65 FEET.

3. 270° 46' 94.73 FEET OVER AND ACROSS ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT A-7-C-2 OF THE KAPALUA DEVELOPMENT SUBDIVISION;

4. THE OVER AND ACROSS AND ALONG SAME ON A CURVE TO THE LEFT HAVING A RADIUS OF 575.11 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 268° 23' 15" 47.75 FEET;

5. 266° 00' 30" 45.00 FEET OVER AND ACROSS, AND ALONG SAME;

6. 355° 30' 60.40 FEET OVER AND ACROSS ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT 2 OF THE KAPALUA CENTRAL RESORT SUBDIVISION;

7. 86° 00' 30" 111.86 FEET OVER AND ACROSS ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO OVER AND ACROSS LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION;

8. 95° 35' 109.51 FEET OVER AND ACROSS ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG TMK: 4-2-01: PARCEL 04;

9. 81° 59' 176.92 FEET OVER AND ACROSS ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG TMK: 4-2-01: PARCEL 13;

10. 342° 33' 2.66 FEET OVER AND ACROSS, AND ALONG SAME;

11. 75° 59' 30" 98.45 FEET OVER AND ACROSS ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO OVER AND ACROSS LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION;

12. 202° 00' 69.23 FEET OVER AND ACROSS ROYAL PATENT 2236 LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT 2-A-1-B-4 OF THE KAPALUA DEVELOPMENT SUBDIVISION TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 27.969 SQUARE FEET, MORE OR LESS.

FOURTH: AN EASEMENT FOR ACCESS AND UTILITY PURPOSES OVER LOT 2-A-1-B-3 OF THE KAPALUA DEVELOPMENT SUBDIVISION AT HONOKAHUA AFORESAID DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE NORTHEASTERLY CORNER OF THIS LOT, THE COORDINATES OF SAID POINT OF BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "HAWEA" BEING 682.19 FEET NORTH AND 5,786.78 FEET EAST AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE FROM TRUE SOUTH:

1. THENCE ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION ON A CURVE TO THE RIGHT HAVING A RADIUS OF 183.00 FEET, THE CHORD AZIMUTH AND DISTANCE

BEING:

27° 37' 36.50 222.50 FEET;

2. 65° 04' 130.25 FEET ALONG SAME;

3. THENCE ALONG SAME ON A CURVE TO THE LEFT HAVING A RADIUS OF 792.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

57° 34' 206.75 FEET;

4. 50° 04' 5.06 FEET ALONG SAME;

5. THENCE ALONG SAME ON A CURVE TO THE RIGHT HAVING A RADIUS OF 318.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

67° 36' 30" 191.69 FEET;

6. 85° 09' 113.30 FEET ALONG SAME;

7. 187° 34' 49.15 FEET ALONG SAME;

8. 265° 09' 102.73 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT D OF THE KAPALUA DEVELOPMENT SUBDIVISION;

9. THENCE ALONG SAME ON A CURVE TO THE LEFT HAVING A RADIUS OF 270.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

247° 36' 30' 162.76 FEET;

10. 230° 04' 5.06 FEET ALONG SAME;

11. THENCE ALONG SAME ON A CURVE TO THE RIGHT HAVING A RADIUS OF 840.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

237° 34' 219.28 FEET;

12. 245° 04' 130.25 FEET ALONG SAME;

13. THENCE ALONG SAME ON A CURVE TO THE LEFT HAVING A RADIUS OF 135.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

207° 09' 165.92 FEET;

14. 254° 14' 40.00 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG THE SOUTH END OF LOWER HONOAPILANI ROAD;

15. 280° 08' 27" 8.54 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 0.934 ACRES.

FIFTH EASEMENT FOR ACCESS AND UTILITY PURPOSES OVER LOT 2-A-1-B-4 OF THE KAPALUA

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DEVELOPMENT SUBDIVISION AT HONOKAHUA AFORESAID, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE SOUTHEAST CORNER OF THIS LOT, THE COORDINATES OF SAID POINT OF BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "HAWEA" BEING 2,200.09 FEET SOUTH AND 363.67 FEET EAST AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE FROM TRUE SOUTH:

1. 117° 35' 24" 80.90 FEET ALONG THE REMAINDER OF ROYAL PATENT 1663, APANA 1, LAND COMMISSION AWARD 5524, APANA 1 TO L. KONIA, BEING ALSO ALONG THE EAST SIDE OF LOWER HONOAPIILANI ROAD;

2. THENCE ALONG SAME ON A CURVE TO THE RIGHT HAVING A RADIUS OF 146.19 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

150° 53' 38.50" 160.54 FEET;

3. 94° 11' 53" 40.00 FEET ALONG THE REMAINDER OF ROYAL PATENT 1663, APANA 1, LAND COMMISSION AWARD 5524, APANA 1 TO L. KONIA, BEING ALSO ALONG THE NORTH END OF LOWER HONOAPIILANI ROAD;

4. THENCE ALONG THE REMAINDER OF ROYAL PATENT 1663, APANA 1, LAND COMMISSION AWARD 5524, APANA 1 TO L. KONIA, BEING ALSO ALONG THE WEST SIDE OF LOWER HONOAPIILANI ROAD ON A CURVE TO THE LEFT HAVING A RADIUS OF 186.19 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

358° 13' 8.50" 38.79 FEET;

5. 101° 26' 54" 8.45 FEET ALONG THE REMAINDER OF ROYAL PATENT 1663, APANA 1, LAND COMMISSION AWARD 5524, APANA 1 TO L. KONIA, BEING ALSO ALONG TMK: 4-2-02:04;

6. THENCE ALONG THE REMAINDER OF ROYAL PATENT 1663, APANA 1, LAND COMMISSION AWARD 5524, APANA 1 TO L. KONIA, BEING ALSO ALONG LOTS A-1 AND A-2 OF THE KAPALUA DEVELOPMENT SUBDIVISION ON A CURVE TO THE RIGHT HAVING A RADIUS OF 194.19 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

190° 17' 30.50" 115.05 FEET;

7. 207° 31' 24" 125.19 FEET ALONG THE REMINDER OF ROYAL PATENT 1663, APANA 1, LAND COMMISSION AWARD 5524, APANA 1 TO L. KONIA, BEING ALSO ALONG LOT A-2 OF THE KAPALUA DEVELOPMENT SUBDIVISION;

8. THENCE ALONG SAME ON A CURVE TO THE RIGHT HAVING A RADIUS OF 236.44 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

223° 34' 54" 130.81 FEET;

9. 239° 38' 24" 173.40 FEET ALONG SAME;

10. THENCE ALONG SAME ON A CURVE TO THE LEFT HAVING A RADIUS OF 294.16 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

224° 01' 54" 158.29 FEET;

11. 208° 25' 24" 91.40 FEET ALONG SAME;

12. 212° 55' 24" 141.26 FEET ALONG THE REMAINDERS OF ROYAL PATENT 1663, APANA 1, LAND COMMISSION AWARD 5524, APANA 1 TO L. KONIA AND ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT A-2 OF THE KAPALUA DEVELOPMENT SUBDIVISION;

13. 218° 36' 30" 219.92 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT A-2 OF THE KAPALUA DEVELOPMENT SUBDIVISION;

14. THENCE ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOTS A-2 AND A-3-A OF THE KAPALUA DEVELOPMENT SUBDIVISION ON A CURVE TO THE LEFT HAVING A RADIUS OF 408.54 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

206° 57' 15" 165.05 FEET;

15. 195° 18' 105.66 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOTS A-3-A AND A-4-A OF THE KAPALUA DEVELOPMENT SUBDIVISION:

16. THENCE ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT A-4-A OF THE KAPALUA DEVELOPMENT SUBDIVISION ON A CURVE TO THE RIGHT HAVING A RADIUS OF 846.51 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

198° 02' 80.74 FEET;

17. 200° 46' 66.02 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOTS A-4-A AND A-5-A-1 OF THE KAPALUA DEVELOPMENT SUBDIVISION;

18. THENCE ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOTS A-5-A-1 AND A-5-A-2 OF THE KAPALUA DEVELOPMENT SUBDIVISION ON A CURVE TO THE RIGHT HAVING A RADIUS OF 355.40 FEET; THE CHORD AZIMUTH AND DISTANCE BEING:

217° 05' 30" 199.80 FEET;

19. 233° 25" 337.70 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOTS A-5-A-2 AND A-6 OF THE KAPALUA DEVELOPMENT SUBDIVISION;

20. THENCE ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT A-6 OF THE KAPALUA DEVELOPMENT SUBDIVISION ON A CURVE TO THE RIGHT HAVING A RADIUS OF 282.65 FEET, THE CHORD AZIMUTH AND DISTANCE BEING;

262° 28' 30' 274.57 FEET;

21. 291° 32' 163.23 FEET ALONG SAME;

22. THENCE ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT A-6 OF THE KAPALUA DEVELOPMENT SUBDIVISION AND THE KAPALUA PLACE SUBDIVISION, FILE PLAN 1956 ON A CURVE TO THE LEFT HAVING A RADIUS OF 735.94 FEET, THE CHORD AZIMUTH AND DISTANCE BEING;

286° 47' 30" 121.67 FEET;

23. 282° 03' 83.16 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG THE KAPALUA PLACE SUBDIVISION FILE PLAN 1956;

24. THENCE ALONG SAME ON A CURVE TO THE LEFT HAVING A RADIUS OF 148.29 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

264° 03' 91.65 FEET;

25. 246° 03' 77.75 FEET ALONG SAME;

26. THENCE ALONG SAME ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1861.47 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

248° 11' 138.59 FEET;

27. 250° 19' 155.12 FEET ALONG SAME;

28. THENCE ALONG SAME ON A CURVE TO THE LEFT HAVING A RADIUS OF 544.96 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

242° 12' 30" 153.73 FEET;

29. 234° 06' 54.39 FEET ALONG SAME;

30. THENCE ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG THE KAPALUA PLACE SUBDIVISION, FILE PLAN 1956 AND LOT A-7-A OF THE KAPALUA DEVELOPMENT SUBDIVISION ON A CURVE TO THE RIGHT HAVING A RADIUS OF 391.78 FEET, THE CHORD AZIMUTH AND DISTANCE BEING;

245° 02' 45" 148.78 FEET;

31. 255° 59' 30" 576.56 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOTS A-7-A AND A-7-C-5 OF THE KAPALUA DEVELOPMENT SUBDIVISION;

32. 22° 00' 69.23 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION;

33. 75° 59' 30" 535.86 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION AND LOT 2-A-2 OF THE KAPALUA DEVELOPMENT SUBDIVISION;

34. THENCE ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOTS 2-A-2 AND 2-A-4 OF THE KAPALUA DEVELOPMENT

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SUBDIVISION ON A CURVE TO THE LEFT HAVING A RADIUS OF 335.78 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

65° 02' 45" 127.52 FEET;

35. 54° 06' 54.39 FEET ALONG SAME;

36. THENCE ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT 2-A-2 OF THE KAPALUA DEVELOPMENT SUBDIVISION ON A CURVE TO THE RIGHT HAVING A RADIUS OF 600.96 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

62° 12' 30" 169.52 FEET;

37. 70° 19' 155.12 FEET ALONG SAME;

38. THENCE ALONG SAME ON A CURVE TO THE LEFT HAVING A RADIUS OF 1805.47 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

68° 11' 134.42 FEET;

39. 66° 03' 77.75 FEET ALONG SAME;

40. THENCE ALONG SAME ON A CURVE TO THE RIGHT HAVING A RADIUS OF 204.29 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

84° 03' 126.26 FEET;

41. 102° 03' 83.16 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT 2-A-3 OF THE KAPALUA DEVELOPMENT SUBDIVISION;

42. THENCE ALONG THE SAME ON A CURVE TO THE RIGHT HAVING A RADIUS OF 791.91 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

106° 47' 30" 130.93 FEET;

43. 111° 32' 163.23 FEET ALONG SAME;

44. THENCE ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOTS 2-A-3 AND 2-A-2-B-1 OF THE KAPALUA DEVELOPMENT SUBDIVISION ON A CURVE TO THE LEFT HAVING A RADIUS OF 226.65 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

82° 28' 30" 220.17 FEET;

45. 53° 25' 377.70 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS, BEING ALSO ALONG LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION;

46. THENCE ALONG SAME ON A CURVE TO THE LEFT HAVING A RADIUS OF 299.40 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

37° 05' 30" 168.31 FEET;

47. 20° 46' 66.02 FEET ALONG SAME;

48. THENCE ALONG SAME ON A CURVE TO THE LEFT HAVING A RADIUS OF 790.51 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

18° 02' 75.40 FEET;

49. 15° 18' 105.66 FEET ALONG SAME;

50. THENCE ALONG SAME ON A CURVE TO THE RIGHT HAVING A RADIUS OF 464.54 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

26° 57' 15" 187.68 FEET;

51. 38° 36' 30' 217.14 FEET ALONG SAME;

52. 32° 55' 24" 136.27 FEE ALONG THE REMAINDER OF ROYAL PATENT 1663, APANA 1, LAND COMMISSION AWARD 5524, APANA 1 TO L. KONIA, BEING ALSO ALONG LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION;

53. 28° 25' 24" 89.21 FEET ALONG SAME;

54. THENCE ALONG SAME ON A CURVE TO THE RIGHT HAVING A RADIUS OF 350.16 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

44° 01' 54" 188.43 FEET;

55. 59° 38' 24" 173.40 FEET ALONG SAME;

56. THENCE ALONG SAME ON A CURVE TO THE LEFT HAVING A RADIUS OF 180.44 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

43° 34' 54" 99.82 FEET;

57. 27° 31' 24" 125.19 FEET ALONG SAME;

58. THENCE ALONG SAME ON A CURVE TO THE LEFT HAVING A RADIUS OF 138.19 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

342° 33' 24" 195.32 FEET;

59. 297° 35' 24" 56.15 FEET ALONG SAME;

60. THENCE ALONG THE REMAINDER OF ROYAL PATENT 1663, APANA 1, LAND COMMISSION AWARD 5524, APANA 1 TO L. KONIA, BEING ALSO ALONG LOWER HONOAPIILANI ROAD ON A CURVE TO THE LEFT HAVING A RADIUS OF 198.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

315° 30' 52" 26.02 FEET TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 5.296 ACRES.

SIXTH: EASEMENT 2, FOR ACCESS PURPOSES, BEING A PORTION OF LOT 1A OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO A PORTION OF ROYAL PATENT 2236, LAND COMMISSION

AWARD 8522-B, APANA 1 TO KALE DAVIS SITUATED AT HONOKAHUA, LAHAINA, 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 "HAWEA BEING:

88.78 FEET SOUTH
3,375.56 FEET EAST

AND RUNNING BY AZIMUTH MEASURED CLOCKWISE FROM TRUE SOUTH:

1. 255° 59' 30" 23.27 FEET ALONG THE REMAINDER OF LOT 1 OF THE KAPAHU CENTRAL RESORT SUBDIVISION AND ALONG EXISTING EASEMENT B OF THE KAPALUA DEVELOPMENT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS;
2. 342° 33' 201.29 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS;
3. 251° 32' 26.53 FEET ALONG SAME;
4. 342° 15' 1,461.94 FEET ALONG THE REMAINDER OF LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS.
5. 72° 15' 30.00 FEET ALONG THE REMAINDER OF LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION AND ALONG LOT 1E OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS;
6. 162° 15' 1,644.46 FEET ALONG THE REMAINDER OF LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS;
7. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 20.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

119° 07' 15" 27.35 FEET TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 1,027 ACRES, AS PER SURVEY OF RONALD M. FUKUMOTO, LICENSED PROFESSIONAL LAND SURVEYOR, CERTIFICATE NUMBER 5451, DATED MARCH 13, 2000.

SEVENTH: EASEMENT 3, FOR ACCESS PURPOSES, BEING A PORTION OF LOT 1A OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO A PORTION OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS SITUATED AT HONOKAHUA, LAHAINA, ISLAND AND COUNTY OF MAUI, STATE OF HAWAII, NOTWITHSTANDING ANY PROVISION TO THE CONTRARY CONTAINED HEREIN, MLPC'S RESERVED RIGHTS TO RELOCATE, REALIGN, REPLACE, SUBSTITUTE, CANCEL AND DEDICATE THE APPURTENANT EASEMENTS DESCRIBED HEREIN SHALL NOT APPLY TO EASEMENT 3.

BEGINNING AT A POINT AT THE SOUTHEAST CORNER OF THIS EASEMENT, THE COORDINATES OF SAID POINT OF BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "HAWEA" BEING:

1,241.14 FEET SOUTH

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3,932.83 FEET EAST

AND RUNNING BY AZIMUTH MEASURED CLOCKWISE FROM TRUE SOUTH:

1. 89° 30' 23.81 FEET ALONG THE REMAINDER OF LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS;

2. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 180.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

79° 51' 29.5" 60.30 FEET;

3. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

26° 13' 59.5" 69.45 FEET;

4. 162° 15' 160.11 FEET ALONG THE REMAINDER OF LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION AND ALONG EASEMENT 2 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS;

5. THENCE ALONG THE REMAINDER OF LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS ON A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

297° 22' 30" 70.56 FEET;

6. 252° 30' 5.88 FEET ALONG SAME;

7. THENCE ALONG SAME ON A CURVE TO THE RIGHT WITH A RADIUS OF 240.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING:

261° 00' 70.95 FEET;

8. 269° 30' 2.68 FEET ALONG SAME;

9. 340° 06' 63.61 FEET ALONG LOT 2 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 8,944 SQUARE FEET, AS PER SURVEY OF RONALD M. FUKUMOTO, LICENSED PROFESSIONAL LAND SURVEYOR, CERTIFICATE NUMBER 5451, DATED MARCH 13, 2000.

EIGHTH: EASEMENT 4, FOR ACCESS PURPOSES, BEING A PORTION OF LOT 1A OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO A PORTION OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS SITUATED AT HONOKAHUA, LAHAINA, ISLAND AND COUNTY OF MAUI, STATE OF HAWAII.

BEGINNING AT A POINT AT THE SOUTHWEST CORNER OF THIS EASEMENT, THE COORDINATES OF SAID POINT OF BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "HAWAEA" BEING:

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275.18 FEET SOUTH
3,458.50 FEET EAST

AND RUNNING BY AZIMUTH MEASURED CLOCKWISE FROM TRUE SOUTH:

1. 162° 33' 203.95 FEET ALONG LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS;
2. 261° 59' 25.83 FEET ALONG LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION AND ALONG EXISTING EASEMENT B OF THE KAPALUA DEVELOPMENT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS;
3. 342° 15' 199.25 FEET ALONG THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS;
4. 71° 32' 26.53 FEET ALONG LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION AND ALONG EXISTING EASEMENT 2 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 5,241 SQUARE FEET, AS PER SURVEY OF RONALD M. FUKUMOTO, LICENSED PROFESSIONAL LAND SURVEYOR, CERTIFICATE NUMBER 5451, DATED MARCH 13, 2000."

NINTH: A NON-EXCLUSIVE EASEMENT FOR ACCESS PURPOSES OVER AND ACROSS LOT 1E OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO A PORTION OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8572-B, APANA 1 TO KALE DAVIS SITUATED AT HONOKAHUA, LAHAINA, ISLAND AND COUNTY OF MAUI, STATE OF HAWAII.

BEGINNING AT A 1/2-INCH PIPE AT THE SOUTHEASTERLY CORNER OF THIS LOT AND THE NORTHWESTERLY SIDE OF HONOAPIILANI HIGHWAY (F.A.P. NO. RF-030-1 (3)), THE COORDINATES OF SAID POINT OF BEGINNING REFERRED TO GOVERNMENT TRIANGULATION STATION "HAWEA" BEING:

3,648.59 FEET SOUTH
4,529.78 FEET EAST

AND RUNNING BY AZIMUTH MEASURED CLOCKWISE FROM TRUE SOUTH:

1. 50° 35' 19" 66.92 FEET ALONG THE NORTHWESTERLY SIDE OF HONOAPIILANI HIGHWAY (F.A.P. NO. RF-030-1 (3)), BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS;
2. 50° 35' 19" 60.00 FEET ALONG SAME;
3. 50° 35' 19" 45.08 FEET ALONG SAME;
4. THENCE ALONG THE REMAINDER OF LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PARENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS ON A CURVE TO THE LEFT WITH A RADIUS OF 30.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 185° 35' 19" 42.43 FEET;
5. 140° 35' 19" 5.41 FEET ALONG SAME;

6. THENCE ALONG SAME ON A CURVE TO THE RIGHT WITH A RADIUS OF 300.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 157° 40' 39.5" 176.31 FEET;
7. 174° 46' 685.46 FEET ALONG SAME;
8. THE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 980.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 167° 59' 231.51 FEET;
9. 161° 12' 977.52 FEET ALONG SAME;
10. 162° 15' 44.69 FEET ALONG SAME;
11. 252° 15' 50.00 FEET ALONG SAME TO A 1/2-INCH PIPE;
12. 342° 15' 10.77 FEET ALONG SAME TO A NAIL;
13. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 200.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 334° 06' 57.5" 56.60 FEET TO A "+" IN CONCRETE CURB;
14. THENCE ALONG SAME ON A CURVE TO THE RIGHT WITH A RADIUS OF 639.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 333° 35' 27.5" 169.22 FEET TO A 1/2-INCH PIPE;
15. 341° 12' 786.62 FEET ALONG SAME TO A "+" IN SIDEWALK;
16. THENCE ALONG SAME ON A CURVE TO THE RIGHT WITH A RADIUS OF 1,060.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 347° 59' 250.40 FEET TO A 1/2-INCH PIPE;
17. 354° 46' 603.90 FEET ALONG SAME TO 1/2-INCH PIPE;
18. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 300.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 337° 40' 39.5" 176.31 FEET TO A 1/2-INCH PIPE;
19. 320° 35' 19" 27.94 FEET ALONG SAME TO A INCH PIPE;
20. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 30.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 275° 35' 19" 42.43 FEET TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 3.967 ACRES.

TENTH: A NON-EXCLUSIVE EASEMENT FOR ACCESS PURPOSES OVER AND ACROSS LOT 1F OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO A PORTION OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS SITUATED AT HONOKAHUA, LAHAINA, ISLAND AND COUNTY OF MAUI, STATE OF HAWAII.

BEGINNING AT A 1/2-INCH PIPE AT THE SOUTHWEST CORNER OF THIS LOT, THE COORDINATES OF SAID POINT OF BEGINNING REFERRED TO GOVERNMENT SURVEY TRIANGULATION STATION "HAWEA" BEING:

2,066.93 FEET SOUTH
4,109.58 FEET EAST

AND RUNNING BY AZIMUTHS MEASURED CLOCKWISE FROM TRUE SOUTH;

1. 161° 12' 130.00 FEET ALONG THE REMAINDER OF LOT 1 OF THE KAPALUA CENTRAL RESORT

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SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS TO A 1/2-INCH PIPE;

2. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 30.00 FEET, THE CHORD . AZIMUTH AND DISTANCE BEING: 296° 12' 42.43 FEET;

3. 251° 12' 127.34 FEET ALONG SAME TO A P-K NAIL;

4. THENCE ALONG THE REMAINDERS OF LOT 1 AND LOT 2 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS ON A CURVE TO THE RIGHT WITH A RADIUS OF 500.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 261° 03' 171.07 FEET;

5. 270° 54' 179.45 FEET ALONG SAME;

6. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 30.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 225° 54' 42.43 FEET;

7. 270° 54' 50.00 FEET ALONG THE REMAINDER OF LOT 1 OF THE KAPALUA CENTRAL RESORT SUBDIVISION, BEING ALSO THE REMAINDER OF ROYAL PATENT 2236, LAND COMMISSION AWARD 8522-B, APANA 1 TO KALE DAVIS;

8. 0° 54' 110.00 FEET ALONG SAME;

9. 90° 54' 50.00 FEET ALONG SAME TO A 1/2-INCH PIPE;

10. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 30.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 135° 54' 42.43 FEET TO A 1/2-INCH PIPE;

11. 90° 54' 111.43 FEET ALONG SAME TO A 1/2-INCH PIPE;

12. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 500.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 81° 03' 171.07 FEET TO A 1/2-INCH PIPE;

13. 71° 12' 174.52 FEET ALONG SAME TO A 1/2-INCH PIPE;

14. THENCE ALONG SAME ON A CURVE TO THE LEFT WITH A RADIUS OF 30.00 FEET, THE CHORD AZIMUTH AND DISTANCE BEING: 26° 12' 42.43 FEET TO THE POINT OF BEGINNING AND CONTAINING AN AREA OF 0.875 ACRES.

TOGETHER, ALSO, WITH A PERPETUAL IRREVOCABLE NON-EXCLUSIVE RIGHT AND LICENSE TO USE FOR ACCESS TO THE TENNIS CENTER, (THE "LICENSE") THAT CERTAIN ROAD OWNED BY MAUI LAND & PINEAPPLE COMPANY, INC., ("MLPC") AND RUNNING FROM LOT 1F TO THE TENNIS CENTER, WHICH ROAD IS SHOWN AND LABELED AS THE "VILLAGE ROAD" ON SCHEDULE 1 ATTACHED TO THAT CERTAIN WARRANTY DEED WITH RESERVATIONS AND COVENANTS RECORDED MARCH 27, 2007 AS REGULAR SYSTEM DOCUMENT NO. 2007-054527 OF OFFICIAL RECORDS.

PROVIDED, HOWEVER, THAT MLPC RESERVES THE RIGHT, FROM TIME TO TIME, TO RELOCATE OR REALIGN THE EASEMENT AND/OR TO PROVIDE A REPLACEMENT OR SUBSTITUTE EASEMENTS (AND CANCEL ANY OF THESE EASEMENT) IF DEEMED NECESSARY OR DESIRABLE BY MLPC, IN MLPC'S REASONABLE DISCRETION, AT MLPC'S SOLE EXPENSE, PROVIDED THAT SUCH RELOCATIONS OR REALIGNMENTS OR REPLACEMENTS OR SUBSTITUTIONS SHALL NOT IMPAIR OR INTERFERE WITH THE

USE OF PARCELS ONE, TWO AND/OR THREE OR THE EASEMENTS UNTIL SUCH TIME AS THE RELOCATED OR REALIGNED OR REPLACEMENT OR SUBSTITUTION EASEMENT IS READY FOR USE; AND PROVIDED, FURTHER, HOWEVER, THAT IN THE EVENT THE EASEMENTS OR A PORTION OR PORTIONS THEREOF IS CONVEYED OR DEDICATED TO THE COUNTY OF MAUI, STATE OF HAWAII, OR OTHER GOVERNMENTAL AUTHORITY FOR USE AS A PUBLIC ROADWAY, THEN SAID EASEMENTS OR ANY PORTION OR PORTIONS THEREOF SO CONVEYED OR DEDICATED, SHALL AUTOMATICALLY TERMINATE.

PROVIDED, HOWEVER, THAT MLPC RESERVES THE RIGHT, FROM TIME TO TIME, TO RELOCATE OR REALIGN THE LICENSE AND/OR TO PROVIDE A REPLACEMENT OR SUBSTITUTE LICENSE (AND CANCEL THE LICENSE) IF DEEMED NECESSARY OR DESIRABLE BY MLPC, IN MLPC'S REASONABLE DISCRETION, AT MLPC'S SOLE EXPENSE, PROVIDED THAT SUCH RELOCATIONS OR REALIGNMENTS OR REPLACEMENTS OR SUBSTITUTIONS SHALL NOT IMPAIR OR INTERFERE WITH THE USE OF PARCELS ONE OR THE LICENSE UNTIL SUCH TIME AS THE RELOCATED OR REALIGNED OR REPLACEMENT OR SUBSTITUTION LICENSE IS READY FOR USE; AND PROVIDED, FURTHER, HOWEVER, THAT IN THE EVENT THE LICENSE OR A PORTION OR PORTIONS THEREOF IS CONVEYED OR DEDICATED TO THE COUNTY OF MAUI, STATE OF HAWAII, OR OTHER GOVERNMENT AUTHORITY FOR USE AS A PUBLIC ROADWAY, THEN SAID LICENSE OR ANY PORTION OR PORTIONS THEREOF SO CONVEYED OR DEDICATED, SHALL AUTOMATICALLY TERMINATE.

FOR PURPOSES HEREOF, AN EASEMENT FOR "ACCESS PURPOSES" SHALL MEAN A GENERAL ACCESS EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE REAL PROPERTY WHICH IS THE SUBJECT OF SUCH EASEMENT (THE "EASEMENT AREA") WHICH EASEMENT SHALL, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, GRANT USE OF THE EASEMENT AREA FOR ACCESS TO AND FROM PUBLIC DEDICATED RIGHTS-OF-WAY FROM EITHER (I) PARCELS ONE, TWO OR THREE, OR (II) EASEMENTS DESCRIBED HEREIN ABUTTING PARCELS ONE, TWO OR THREE.

FOR PURPOSES HEREOF, AN EASEMENT FOR "UTILITY PURPOSES" SHALL MEAN A GENERAL UTILITY EASEMENT OVER AND ACROSS THE REAL PROPERTY WHICH IS THE SUBJECT OF SUCH EASEMENT (THE "EASEMENT AREA"), WHICH EASEMENT SHALL, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, GRANT USE OF THE EASEMENT AREA FOR THE CONSTRUCTION AND INSTALLATION OF UNDERGROUND UTILITIES (INCLUDING WITHOUT LIMITATION, SEWER, WATER, ELECTRICITY, TELEPHONE, AND GAS) AND THE USE, MAINTENANCE, REPAIR AND REPLACEMENT OF SUCH UTILITIES WITHIN THE EASEMENT AREA, WHICH UTILITIES SHALL BENEFIT AND SERVE PARCELS ONE AND TWO.