

LAND USE COMMISSION
STATE OF HAWAII

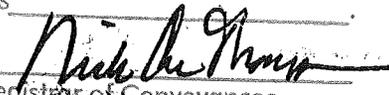
2013 NOV 27 P 4: 08

Doc A-50790870

November 27, 2013 3:29 PM

I hereby certify that this is
a true copy from the records
of the Bureau of Conveyances,

as


Registrar of Conveyances
Assistant Registrar, Land Court
State of Hawaii

LAND COURT

REGULAR SYSTEM

Return By Mail Pick-Up To:

CARLSMITH BALL LLP
ASB Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813
Attention: Jennifer A. Benck
Telephone: (808) 523-2500

TITLE OF DOCUMENT:

NOTICE OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION

PETITIONER: CMBY 2011 INVESTMENT, LLC,
a Washington limited liability
P.O. Box 220
Kihei, Hawaii 96753

TAX MAP KEY(S): (2) 3-8-008: 019

(This document consists of 8 pages.)

NOTICE OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION

KNOW ALL MEN BY THESE PRESENTS:

Please take notice that CMBY 2011 INVESTMENT, LLC, a Washington limited liability company whose mailing address is P.O. Box 220, Kihei, Hawaii 96753 ("Petitioner"), is the Petitioner before the State of Hawaii Land Use Commission in Docket No. A13-797, for the reclassification of approximately 86.030 acres of land at Pulehunui, District of Wailuku, Island and County of Maui, State of Hawaii, identified as TMK No. (2) 3-8-008: 019, more particularly described in Exhibit A attached hereto and incorporated herein, and referred to as the "Petition Area" from the State Land Use Agricultural District to the State Land Use Urban District.

Petitioner hereby states and declares that the State of Hawaii Land Use Commission, by Findings of Fact, Conclusions of Law and Decision and Order filed November 22, 2013, reclassified the Petition Area under Docket A13-797, subject to a number of conditions affecting the Petition Area. Said conditions shall run with the land and shall be set forth in a Declaration of Conditions to be recorded at the Bureau of Conveyances of the State of Hawaii pursuant to Hawaii Administrative Rules Section 15-15-92.

This Notice of Imposition of Conditions by the Land Use Commission shall be superseded and automatically revoked upon the recordation at the Bureau of Conveyances of said Declaration of Conditions setting forth the conditions imposed by the Land Use Commission in Docket A13-797.

IN WITNESS WHEREOF, the parties have executed these presents on the 26th
day of November, 2013.

CMBY 2011 INVESTMENT, LLC, a
Washington limited liability company

By: ~~JSGNE INVESTMENTS, INC.~~
Its: ~~Manager~~

By: _____
Name: John Zapotocky
Its: Vice President

STATE OF WASHINGTON)
)
COUNTY OF Chelan) ss.

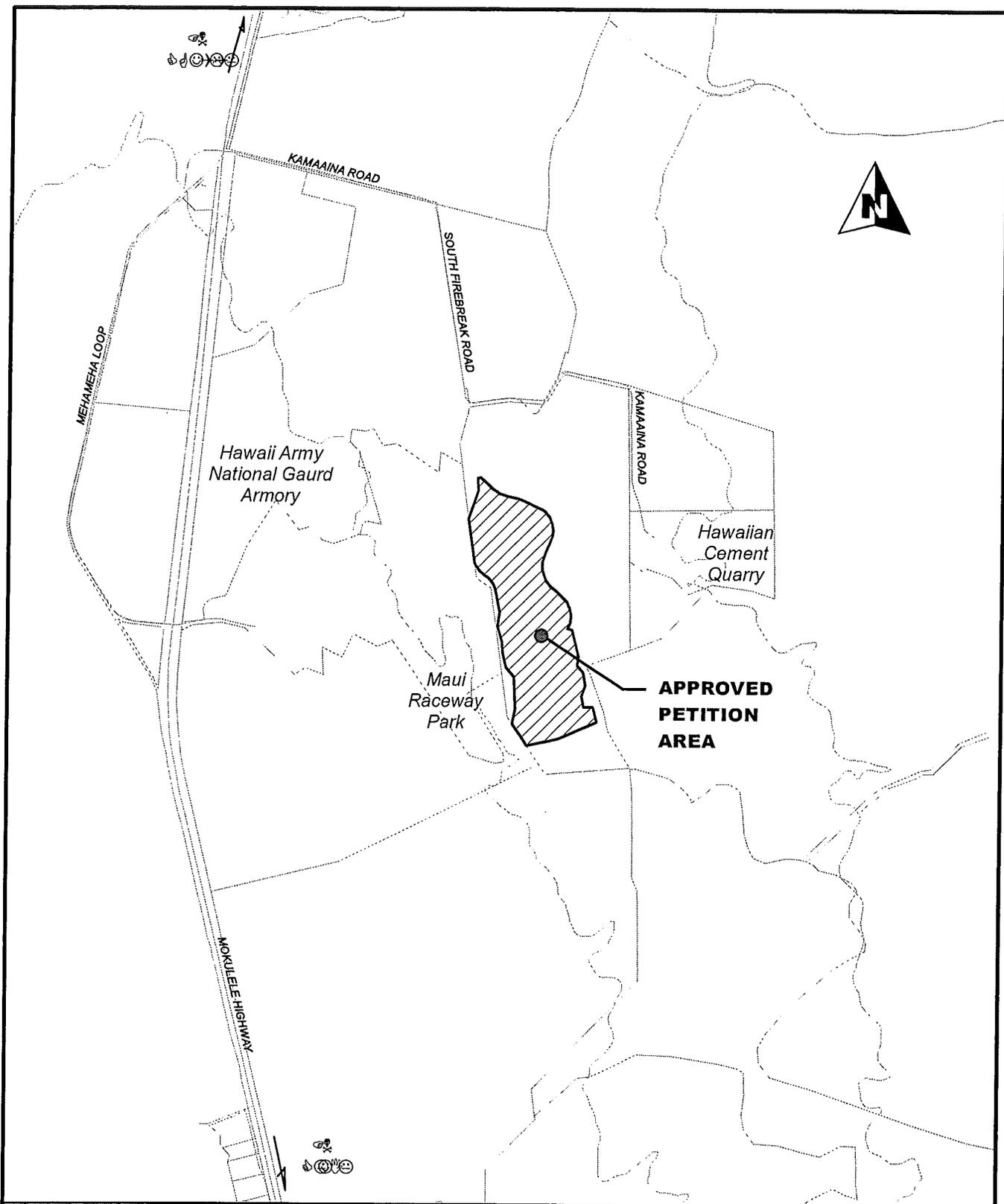
On 26th November, 2013, before me personally appeared John Zapotacky, personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



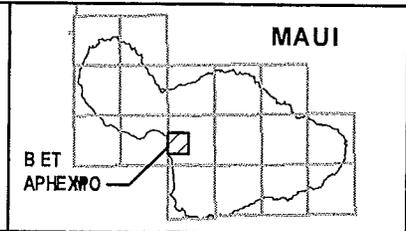
Diane L Grgich (Diane L Grgich)
Name:

Notary Public, State of Washington

My commission expires: 12-9-13



A13-797 CMBY INVESTMENT, LLC
 (Pu'unene Heavy Industrial Subdivision)
LOCATION MAP
 Tax Map Keys: 3-8-008: 019
 Kihei, Maui, Hawai'i
 Scale 1: 24,000
EXHIBIT "A"



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EXHIBIT A

All of that certain parcel of land (being portion of the land(s) described in and covered by Land Patent Number 8140, Land Commission Award Number 5230 to Keaweamaahi) situate, lying and being at Pulehunui, District of Wailuku, Island and County of Maui, State of Hawaii, being LOT 2 of the PUA'A SUBDIVISION, per survey dated March 8, 2011, to wit:

Beginning at a pipe at the northeasterly corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU HELE" being 2,265.99 feet north and 17,073.08 feet east and running by azimuths measured clockwise from true South:

1. 199° 00' 428.45 feet along Lot 3 of the Pua'a Subdivision to a pipe;
2. 179° 00' 180.00 feet along same to a pipe;
3. 260° 00' 50.00 feet along same to a pipe;
4. 315° 00' 200.00 feet along same to a pipe;
5. Thence along same on a curve to the left with a radius of 515.00 feet, the chord azimuth and distance being:
299° 00' 283.91 feet along same to a pipe;
6. 283° 00' 170.00 along Lot 3 of the Pua'a Subdivision to a pipe;
7. 296° 00' 390.00 feet along same to a pipe;
8. Thence along same on a curve to the right with a radius of 362.00 feet, the chord azimuth and distance being:
345° 00' 455.63 feet to a pipe;
9. 24° 00' 240.00 feet along Lot 3 of the Pua'a Subdivision to a pipe;
10. Thence along same on a curve to the left with a radius of 410.00 feet, the chord azimuth and distance being:
348° 30' 476.18 feet to a pipe;
11. 313° 00' 225.00 feet along Lot 3 of the Pua'a Subdivision to a pipe;
12. Thence along same on a curve to the right with a radius of 380.00 feet, the chord azimuth and distance being:
348° 00' 435.92 feet to a pipe;
13. 23° 00' 40.00 feet along same to a pipe;

14. 289° 00' 70.00 feet along same to a pipe;
15. 346° 00' 400.00 feet along same to a pipe;
16. 10° 00' 130.00 feet along same to a pipe;
17. 320° 00' 130.00 feet along same to a pipe;
18. 350° 00' 200.00 feet along same to a pipe;
19. 20° 00' 160.00 feet along same to a pipe;
20. 350° 00' 170.00 feet along same to a pipe;
21. 268° 00' 130.00 feet along same to a pipe;
22. 347° 00' 230.00 feet along same to a pipe;
23. 67° 00' 620.00 feet along same to a pipe;
24. 79° 00' 470.00 feet along same to a pipe;
25. 147° 02' 378.30 feet along Lot 2-B-3 of the Subdivision of Lot 2-B of the Land of Pulehunui to a pipe;
26. 190° 00' 223.81 feet along Lot 1 of the Pua'a Subdivision to a pipe;
27. 179° 00' 470.00 feet along same to a pipe;
28. 140° 00' 185.00 feet along same to a pipe;
29. 167° 00' 220.00 feet along same to a pipe;
30. 178° 00' 157.00 feet along same to a pipe;
31. 164° 00' 236.18 feet along same to a pipe;
32. 189° 00' 220.00 feet along same to a pipe;
33. 168° 00' 340.00 feet along same to a pipe;
34. Thence along same on a curve to the left with a radius of 306.26 feet, the chord azimuth and distance being:
145° 00' 239.33 feet to a pipe;

35. Thence along same on a curve to the right with a radius of 420.00 feet, the chord azimuth and distance being:

139° 19' 250.03 feet to a pipe;

36. 173° 11' 30" 663.31 feet along Lot 2-B-2 of the Subdivision of Lot 2-B of the Land of Pulehunui to the point of beginning and containing an area of 86.030 acres, more or less.

TMK: (2) 3-8-008: 019

END OF EXHIBIT "A"