

7210-03
February 20, 2013



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Mr. Daniel E. Orodener, Executive Officer
State Land Use Commission
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawaii 96804-2359

Subject: **2013 Annual Report**
Land Use Commission Docket A05-758
Pupukea Ridge Preservation Project
Tax Map Key: 5-9-23: 001; 5-9-24: 001, and 6-1-02: 022

2013 FEB 25 A 10:31
LAND USE COMMISSION
STATE OF HAWAII

Dear Mr. Orodener:

In accordance with Condition No. 8 of the "Findings of Fact, Conclusions of Law, and Decision and Order" for the subject project granted by the State Land Use Commission (LUC) on April 24, 2006, transmitted herewith is a report on the progress and status of the project and compliance with the conditions of the Stand Land Use Boundary Amendment. The status of the conditions imposed from the April 21, 2006 approval is as follows:

1. *Conveyance of Lands for a State Park Reserve. Petitioner shall, upon receiving all necessary entitlements and governmental approvals, proceed with the consolidation, re-subdivision, and conveyance of approximately 79.031 acres of land, which shall include Petition Area A and adjacent Conservation District land, to the DLNR for a State Park Reserve, to be kept in perpetuity for the public good in maintenance and preservation of the view planes, open space, recreational values, and the cultural, historical, and natural qualities of Pupukea Ridge.*

The Petitioner, A Charitable Foundation (ACF), is continuing to obtain the necessary approvals needed to consolidate and re-subdivide the subject lands to be conveyed.

A Subdivision Application was submitted to the City & County of Honolulu Department of Planning and Permitting (DPP) on December 19, 2011. The application (2011/SUB-161) was deferred on February 3, 2012 pending submissions of additional information (see Attachment A). A request for an extension of the deferral was submitted on April 23, 2012 and the new deadline to submit information was November 3, 2012.

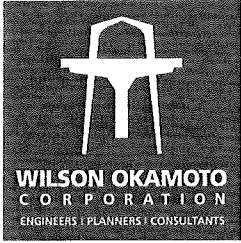
On September 26, 2012 Pending Item No. 2, a draft declaration of restrictive covenants for Lots B and C stating that these lots will not be further subdivided to create additional agricultural lots, and informing future owners, lessees,

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tenants, etc. of this restriction which is to run with the land was submitted (see Attachment B).

ACF is still in the process of obtaining Pending Item No. 1, Private Road Certification. Upon receiving information, the Petitioner will submit a new Subdivision Application to DPP.

2. ***Farm Dwelling.*** *Farm dwelling(s) on Petition Area B, if any, shall be consistent with the DOH's sewage disposal rules and regulations. Any single-family dwelling on the lot shall be a single-family dwelling located on and used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling.*

The Petitioner will comply with this condition in the event that any farm dwellings are proposed for development.

3. ***Agricultural Uses.*** *Any future use of the retained 15.144 acres of land, which include Petition Area B, shall be consistent with City and County zoning, and Petitioner or any future owner shall not subdivide the retained 15.144 acres into more than two zoning or subdivided lots.*

The Petitioner intends to subdivide the agricultural land portion into two separate lots with road lot access to comply with this condition. Any future use of the retained 15.144 acres of land will be consistent with the City and County zoning and will not be subdivided into more than two lots.

4. ***Maintenance of Trail System.*** *With the approval of DLNR, Petitioner shall be responsible for maintaining the existing trail system as currently configured in Petition Area A and the adjacent Conservation District land at its own cost following the conveyance of Petition Area A and the adjacent Conservation District land to the DLNR until such time as the DLNR decides to accept responsibility for the maintenance, or ten years from the date of this Decision and Order, whichever occurs first.*

ACF is maintaining the existing trail system with assistance from Happy Trails, a horseback riding operation. ACF will continue to maintain the trails for ten years from the date of the Decision and Order or until such a time as the DLNR decides to accept responsibility for the maintenance.

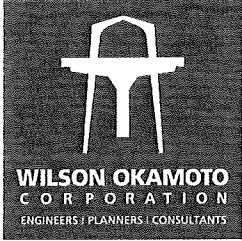
5. ***Previously Unidentified Burial/Archaeological/Historic Sites.*** *Without any limitation to any other condition found herein, if any burials or archaeological*

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or historic sites, such as artifacts, marine shell concentrations charcoal deposits, stone platforms, pavings, and walls not previously identified in studies referred to herein, are discovered during the course of development of the Petition Areas, then all development activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigation measures have been implemented to its satisfaction.

This condition is acknowledged and will be complied with should such situations occur. If any burial, archaeological, or historic sites are discovered during the course of development of the area, all development activity will stop until the issuance of an archaeological clearance from the State Historic Preservation Division.

6. ***Compliance with Representations to the Commission.*** *Petitioner shall comply with the representations made to the Commission. Failure to so comply may result in reversion of the Petition Areas to their former classification, or change to a more appropriate classification.*

ACF will comply with the representations made to the Commission.

7. ***Notice of Change to Ownership Interest.*** *Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Areas, prior to any development of the Petition Areas.*

The condition is acknowledged and will be complied with should this situation arise.

8. ***Annual Reports.*** *Petitioner shall timely provide without any prior notice, annual reports to the Commission, the OP, and the DPP in connection with the status of the Petition Areas and the Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.*

This report constitutes the annual report submittal for the year 2013. A copy of this annual report will be sent to the Office of Planning and the City and County of Honolulu Department of Planning & Permitting.

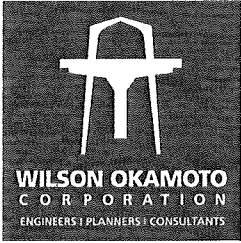
9. ***Release of Conditions Imposed by the Commission.*** *The Commission may fully or partially release the conditions provided herein as to all or any portion of the*

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Petition Areas upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.

Acknowledged.

10. Recording of Conditions. *Within seven days of the issuance of the Commissioner's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a statement that the Petition Areas are subject to conditions imposed herein by the Commission in the reclassification of the Petition Areas, and (b) shall file a copy of such recorded statement with the Commission.*

A statement that the Petition areas are subject to conditions imposed by the Commission, along with the Commission's Decision and Order, were recorded with the Bureau of Conveyances on June 7, 2006, and a copy of the recorded statement was filed with the Commission.

11. Recording of Conditions. *Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances pursuant to section 15-15-92, HAR.*

The Commission's Decision and Order was recorded with the Bureau of Conveyances on June 7, 2006.

Please feel free to call me if you should have any questions regarding the status of any of the items above.

Sincerely,

Tracy Fukuda
Project Manager

Attachment

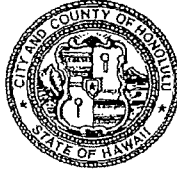
cc: Mr. Dave Druz, A Charitable Foundation
Mr. Jesse K. Souki, Office of State Planning
Mr. George Atta, Department of Planning and Permitting
Mr. Curtis Tabata, Matsubara & Kotake Attorneys at Law

ATTACHMENT A
Subdivision Application Deferral Letter (2011/SUB-161)
from City & County of Honolulu Department of Planning &
Permitting
Letter dated February 3, 2012

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET * HONOLULU, HAWAII 96813
Phone: (808) 768-8000 * Fax: (808) 768-4950

PETER B. CARLISLE
MAYOR



DAVID K. TANOUE
DIRECTOR
JIRO A. SUMADA
DEPUTY DIRECTOR

SUBDIVISION	
File Number	: 2011/SUB-161
Project	: SUB / Pupukea--Maulukua Rd. (Pupukea Ridge Preservation Project) / TMI
Location	:
Tax Map Key	: 5-9-023:001 (various)
Owner	: A Charitable Foundation Corporation
Surveyor	: Towill, Shigeoka & Associates, Inc.
Agent	: Wilson Okamoto & Associates, Inc.

Description of the Proposal: Consolidation and resubdivision of Lot 179 of File Plan 860 (being portions of Grant 5159 to L.B. Nevin and Grant 5236 to Earl K. Ellsworth) and Lot 1-B-2 as shown on Map 8 of Land Court Application 561, into 3 lots: Lot A of 79.031 acres (for State Park Reserve), and Lots B of 9.237 acres and C of 5.691 acres (for agricultural purposes); together with a 50-foot wide right-of-way (Lot D) for Maulukua Road turnaround.


The existing water system is not designed for agricultural demands. The proposed subdivision does not increase the existing number of zoning lots for agricultural uses. However, no further subdivision of Lots B and C to create additional agricultural lots will be permitted.

Action on the proposal was **DEFERRED** pending:

1. Submission by the applicant of a signed and notarized certification from the applicant's surveyor and the owner of the land, that the proposed subdivision has legal rights to use the privately-owned roadway system including Maulukua Road to serve as access to the proposed subdivision and that the City will not be responsible for the privately-owned roadway system or any liabilities connected therewith, under the provisions of Sections 2-201(c)(1) and 5-503 of the Subdivision Rules and Regulations (see attached certification).
2. Submission of an acceptable draft declaration of restrictive covenants for Lots B and C stating that these lots will not be further subdivided to create additional agricultural lots, and informing future owners, lessees, tenants, etc. of this restriction which is to run with the land.

Section 2-203 (c) of the Subdivision Rules and Regulations states that the deferral shall be for a period of 90 days from the date of this action, unless a written request for an extension of the deferral is submitted to the Director of Planning and Permitting prior to the expiration of the 90-day period. The subdivision application will automatically expire and become null and void if the 90-day period passes without a request for an extension of the deferral. Any further action will require the submission of a new application including 20 prints of the map, a new filing fee and necessary documents.

THIS COPY IS NOTIFICATION OF THE ACTION TAKEN AND THE DATE IT WAS SIGNED.

	For DIRECTOR	February 3, 2012
SIGNATURE	TITLE	DATE

This action does not constitute approval of any other required permits, such as building or sign permits. Should you have any questions, please call Mario Siu-Li at 768-8098, Jane Asaoka at 768-8281, or Dennis Silva, Jr. at 768-8099.

PRIVATE ROAD CERTIFICATION

FOR OWNERS OF LAND BEING SUBDIVIDED

Since the roadway system serving the proposed subdivision is privately owned, please submit the following letter of certification:

The letter of certification should be completed, signed and notarized by the owners of the land of the proposed subdivision.

Name of Private Road :

Owner(s) of Road :

Proposed Subdivision :

Tax Map Key :

Owners of Proposed
Subdivision :

Surveyor _____ :

The undersigned hereby certifies that the proposed subdivision has legal rights to use the privately-owned roadway system to serve as access for the proposed subdivision. The City and County of Honolulu will not be responsible for maintenance of the privately-owned roadway system or any liabilities connected therewith. The owners will be responsible for informing all future owners that the proposed subdivision is served by a privately-owned roadway system and that the City is not responsible for maintenance of the roadways or any liabilities connected therewith."

OWNERS:

Print or Type Names

Signature

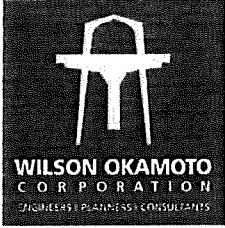
Date

ABOVE CERTIFICATION MUST BE NOTARIZED

ATTACHMENT B

Submittal of Information for Pending Item No. 2 to DPP for
Subdivision Application 2011/SUB-161
Letter dated September 26, 2012

7210-01
September 26, 2012



1907 South Beretania Street
Artesian Plaza, Suite 400
Honolulu, Hawaii, 96826 USA
Phone: 808-946-2277
FAX: 808-946-2253
www.wilsonokamoto.com

Mr. David K. Tanoue, Director
City & County of Honolulu
Department of Planning and Permitting
650 South King Street, 8th Floor
Honolulu, Hawaii 96813

Attention: Mr. Dennis Silva

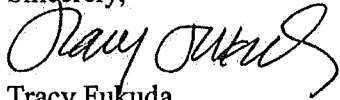
Subject: Subdivision Application No. 2011/SUB-161
Pupukea Ridge Preservation Project
Pupukea, Oahu, Hawaii
Tax Map Key: 5-9-23: 01, 5-9-24: 01, and 6-1-02: 22

Dear Mr. Tanoue:

On behalf of A Charitable Foundation (ACF), we hereby submit Pending Item No. 2, a draft declaration of restrictive covenants for Lots B and C stating that these lots will not be further subdivided to create additional agricultural lots, and informing future owners, lessees, tenants, etc. of this restriction which is to run with the land.

If you have any questions or require additional information, please call me at 808-946-2277.

Sincerely,



Tracy Fukuda
Project Manager

Attachment

cc: Mr. David Druz, A Charitable Foundation

ATTACHMENT

DRAFT DECLARATION OF RESTRICTIVE COVENANTS

LAND COURT SYSTEM

AFTER RECORDATION: RETURN BY MAIL (X) PICK UP ()
BENJAMIN M. MATSUBARA, ESQ.
Matsubara - Kotake
888 Mililani Street, Eighth Floor
Honolulu, Hawai'i 96813
Telephone: (808) 526-9566

Tax Map Key Nos.: (1) 5-9-023-001
(1) 5-9-024-001
(1) 6-1-002-022

Total No. of Pages: _____

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANTS (this "Declaration") is made this _____ day of _____, 2012, by **A CHARITABLE FOUNDATION CORPORATION**, a Nevada non-profit corporation, whose mailing address is 2657 Windmill Parkway # 220, Henderson, Nevada 89014 ("Declarant").

W I T N E S S E T H;

WHEREAS, Declarant is the owner of those certain parcels of property in Pupukea, Koolauloa, City and County of Honolulu, State of Hawai'i, consisting of Lots 179 and 1-B-2, as more particularly described in Exhibit "1" attached hereto and incorporated by reference herein;

WHEREAS, Declarant plans to consolidate Lots 179 and 1-B-2, and re-subdivide said consolidation into three new lots as follows: 1) Lot "A" comprising of 79.031 acres for a State Park Reserve; 2) Lot "B" comprising of 9.237 acres for agricultural purposes; 3) Lot "C" comprising of 5.61 acres for agricultural purposes; and 4) Lot "D" comprising of 0.216 acres for a 50-foot wide right-of-way for Maulukua Road turnaround;

WHEREAS, Declarant desires to execute and record this Declaration of Restrictive Covenants, creating an Agricultural Subdivision situated at Pupukea for Lots "B" and "C" (the "Subject Property"), as more particularly described in Exhibit "2" attached hereto and incorporated by reference herein;

WHEREAS, this Declaration of Restrictive Covenants will contain certain restrictive covenants relating only to the use of the Subject Property;

WHEREAS, on April 24, 2006, the Land Use Commission, State of Hawai'i ("LUC"), did enter its Findings of Fact, Conclusions of Law and Decision and Order in LUC Docket No. A05-758 ("Decision and Order"), reclassifying a portion of Lots 179 and 1-B-2 to the State Land Use Conservation District and a portion of Lots 179 and 1-B-2 to the State Land Use Agricultural District;

WHEREAS, the Decision and Order included condition number 3 which provided in part that Declarant would not subdivide the Subject Property into more than two zoning or subdivided lots;

WHEREAS, Chapter 205 of the Hawai'i Revised Statutes requires that subdivisions within the agricultural district with soil classified by the Land Study Bureau's Detailed Land Classification Productivity Rating Class A or B shall be restricted to uses primarily in pursuit of an agricultural activity, and further, that any deed, lease, agreement of sale, mortgage or other instrument of conveyance covering any land within the agricultural subdivision shall expressly contain the restriction on uses and the conditions as prescribed in said Chapter 205 and shall be encumbrances running with the land.

NOW, THEREFORE, Declarant hereby declares and agrees to the following:

1. That the Subject Property shall not be further subdivided to create additional agricultural lots.
2. That the Subject Property are held and shall be held, conveyed, mortgaged, encumbered, leased rented, used, occupied and improved subject to this Declaration, which shall constitute covenants running with the land and shall be binding on and for the benefit of Declarant, its successors and assigns, and all subsequent owners, lessees or occupants of any or part of the Subject Property and their respective heirs, executors, administrators, successors, and assigns.
3. The Subject Property shall be made subject to the restriction of permissible uses as prescribed in Chapter 205-4.5, Hawai'i Revised Statutes, as amended from time to time, and any deed, lease, agreement of sale, mortgage, or other instrument of conveyance covering any land within the Subject Property shall expressly contain the restriction of uses and the condition as prescribed in the statute which restriction and condition shall be encumbrances running with the land.
4. All of the lots shall be subject to the provisions of Section 205-4.5(a) and (b) of the Hawai'i Revised Statutes, while the soil of the land is classified Overall (Master)

Productivity Rating Class A or B under the Detailed Land Classification of the Land Study Bureau of the State of Hawai'i, including the following:

- a. The condition that the land shall be used primarily in and for the pursuit of an agricultural activity or any activity permitted on AG2 zoned land;
- b. The restriction of the use thereof to those uses specified in Section 205-4.5(a) above mentioned;
- c. The restriction and condition above mentioned shall be encumbrances running with the land until such time that the land is reclassified to a land use district other than agricultural district; and
- d. Any deed, lease, agreement of sale, mortgage, or other instrument of conveyance of the land shall expressly contain the restriction on uses and the condition above mentioned.

5. The owner of any lot in the above described real property or any part thereof or interest therein violating any provisions hereof, shall be subject to the violation and penalty clause of applicable State and City laws and regulation. Failure by Declarant, any other property owner or owners or their representatives, heirs, successors or assigns or said City and County of Honolulu to enforce any of the covenants, restrictions, reservations, easements or charges herein contained shall, in no event, be deemed a waiver of the right to do so thereafter, unless otherwise herein provided.

6. It is specifically agreed by each owner that this Declaration shall continue in full force and effect and shall not be repealed, amended or altered in any way, except with the written consent of the Director of the Department of Planning and Permitting of the City and County of Honolulu.

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed the day and year first herein above written.

A CHARITABLE FOUNDATION
CORPORATION, a Nevada non-profit
corporation

By _____
Print Name:
Its:

This is to certify that the above described Declaration of Restrictive Covenants shall be filed and recorded with the Bureau of Conveyances, State of Hawai'i and the Land Court, State of Hawaii.

A CHARITABLE FOUNDATION
CORPORATION, a Nevada non-profit
corporation

By _____
Print Name:
Its:

DRAFT

STATE OF HAWAII)

: SS.

CITY AND COUNTY OF HONOLULU)

On this _____ day of _____, 2012, before me appeared _____, to me personally known, who, being by me duly sworn, did say that he/she is the _____ of A CHARITABLE FOUNDATION CORPORATION, a Nevada non-profit corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation; and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and said _____, acknowledged said instrument to be the free act and deed of said corporation.

Name: _____

Notary Public, State of Hawai`i

My Commission expires: _____

STATE OF HAWAII NOTARY CERTIFICATION

Doc. Description: Declaration of Restrictive Covenants

Date of Document: _____ # Pages: _____

Date of Notarization: _____

Notary Public Signature

Print Name: _____

Notary Public, State of Hawaii, _____ Circuit

Notary Commission No. _____

(Stamp or Seal)

EXHIBIT "1"

FIRST:

ALL of that certain parcel of land situate at Pupukea, Koolauloa, City and County of Honolulu, State of Hawaii, being LOT 179 of the "PUPUKEA HIGHLANDS," as shown on File Plan Number 860, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 38.684 acres, more or less.

BEING the same parcel of land acquired by Declarant by that certain Limited Warranty Deed dated May 23, 2003, recorded in said Bureau as Document No. 2003-107293.

SUBJECT, HOWEVER, to:

1. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in that certain Encroachment Agreement dated July 9, 2001, recorded in said Bureau as Document No. 2001-149812.

2. Structure position discrepancies as shown on the survey map prepared by Peter H. Souza, Jr., Land Surveyor., with M & E Pacific, Inc., dated July 6, 2000, revised May 8, 2002, subject to the provisions of Chapter 669, Hawaii Revised Statutes.

SECOND:

ITEM I:

ALL of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Grant 880 to Kaeliwai and Mahele Award 13 to Paalua) situate, lying and being at Waimea, District of Koolauloa, City and County of Honolulu, State of Hawaii, being LOT 1-B-2 bearing Tax Key designation (1) 6-1-002-022, and containing an area of 55.491 acres, more or less.

ITEM II:

ALL of that certain parcel of land situate at Waimea, District of Koolauloa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 1-B-2, area 55.491 acres, more or less, as shown on Map 8, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 561 of Mary F. Van Valkenburg and others.

BEING the lands described in Transfer Certificate of Title No. 647,646 to the Declarant.

AS TO ITEM I AND ITEM II:

TOGETHER with ADDITIONAL EASEMENT being 1.481 acres, more or less, as set forth by Land Court Order No. 22150, filed January 10, 1964, being more particularly described as follows:

A. A. Wilson by indenture dated October 27, 1911, has granted to the owners and tenants of the Ahnpuaa of Waimea, their successors and assigns, a perpetual right of way over the wagon road over Lot 14 of Pupukea Homesteads to connect said lands of the Ahupuaa of Waimea with Pupukea Government Road.

A portion of said wagon road passes over Lot 15 of Pupukea Homesteads, and Libby, McNeill & Libby of Honolulu, Limited, the owner of said Lot 15 by Grant of Easement dated December 25, A.D. 1923, granted a perpetual easement of right of way over so much of said wagon road as passes over said Lot 15 - the center line of which is described in said grant by divided azimuth and distance.

That a description of said right of way as it exists upon the ground of said Lot 14 and as it was granted by azimuth and distance upon said Lot 15 is as follows:

Beginning at a point in the center line of 1.4 foot roadway, on the boundary between the land of Waimea and Grant 5087 to A. A. Wilson, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Waimea" being 1317.25 feet south and 1960.37 feet east, and also the true azimuth being 267° 31' 7.06 feet, and running by true azimuths, along the center line of said Lot 14 foot roadway, from the above described initial point as follows:

1.	185°	00'	438.00	feet;
2.	163°	30'	52.80	feet;
3.	134°	20'	44.00	feet;
4.	117°	40'	58.00	feet;
5.	109°	50'	453.00	feet;
6.	127°	16'	36.00	feet;
7.	165°	00'	35.00	feet;
8.	189°	00'	140.00	feet;
9.	207°	10'	32.00	feet;
10.	264°	10'	36.00	feet;

11.	287°	24'	127.00	feet;
12.	266°	20'	169.00	feet;
13.	259°	00'	38.40	feet;
14.	240°	50'	47.00	feet;
15.	255°	30'	44.00	feet;
16.	296°	54'	137.65	feet to the boundary between Grant 5087 and 5162; from this point on, for the next 6 courses, the center line of roadway runs through Lot 15 Grant 5162 to L. A. Ginaca
17.	296°	54'	26.00	feet;
18.	273°	00'	25.80	feet;
19.	224°	00'	23.00	feet;
20.	181°	00'	17.80	feet;
21.	139°	57'	78.30	feet;
22.	162°	16'	20.00	feet to the boundary between Grants 5087 to A. A. Wilson and 5162 to L. A. Ginaca; thence from here on the center line runs through Lot 14 Grant 5087 to A. A. Wilson;
23.	162°	16'	40.10	feet;
24.	133°	09'	87.20	feet;
25.	119°	30'	100.00	feet;
26.	106°	50'	91.00	feet;
27.	125°	00'	31.00	feet;
28.	150°	40'	130.30	feet;
29.	122°	40'	83.70	feet;

30.	136°	11'	108.30	feet;
31.	117°	53'	170.00	feet;
32.	130°	20'	272.30	feet;
33.	114°	05'	138.50	feet;
34.	103°	53'	189.30	feet;
35.	88°	10'	142.00	feet;
36.	96°	51'	201.00	feet;
37.	122°	50'	27.00	feet;
38.	154°	30'	43.00	feet;
39.	177°	30'	27.00	feet to a point that is by true azimuth 223° 25' 30" and distant 751.10 feet from Waimea Triangulation Station;
40.	188°	48'	563.00	feet a little more or less to the south of Main Government Road on the north side of Grant 5087 to A. A. Wilson and containing an area of 1.481 acres of which 1.42 acres are in Lot 14 and 0.061 acre in Lot 15.

BEING the lands having been acquired by Declarant by that certain Limited Warranty Deed dated May 23, 2003, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 2936207, and also filed in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-107294.

SUBJECT, HOWEVER, as to Item I: Reservation in favor of the State of Hawaii of all mineral and metallic mines.

END OF EXHIBIT "1"

EXHIBIT "2"

FIRST (LOT "B"):

ALL of that certain parcel of land situate at Pupukea, Koolauloa, Oahu, Hawaii a portion of the Consolidation and Resubdivision of Lot 179 of Pupukea Highlands (File Plan 860) and Lot 1-B-2 of Land Court Application 561 (Map 8), being also a portion of Grant 5236 to Earl K. Ellsworth, and thus bounded and described as per survey dated March 9, 2012, to-wit:

Beginning at the Northeast corner of this parcel of land, being also the Southeast corner of Lot 178 of "Pupukea Highlands" Subdivision (FILE PLAN 860), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUPUKEA" being 6,958.04 feet South and 3,276.92 feet East, and thence running by azimuths measured clockwise from True South:

- | | | | |
|----|-------------|-------------|---|
| 1. | 3° 45' | 41.30 | feet along Roadway Lot D, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8); |
| 2. | 33° 05' 30" | 31.36 feet; | Thence along same, on a curve to the right with a radius of 32.00 feet, the chord azimuth and distance being: |
| 3. | 25° 18' 15" | 51.91 feet; | Thence along same, on a curve to the left with a radius of 43.00 feet, the chord azimuth and distance being: |
| 4. | 78° 10' 30" | 400.05 | feet along Lot C, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8); |
| 5. | 88° 21' | 1118.17 | feet along the same; |
| 6. | 128° 32' | 394.54 | feet along Lot A, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and |

			Lot 1-B-2 of Land Court Application 561 (Map 8);
7.	269° 24'	943.69	feet along Lots 173 and 174 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
8.	272° 16'	188.70	feet along Lot 174 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
9.	258° 38' 30"	168.84	feet along Lot 175 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
10.	254° 58' 20"	211.24	feet along Lot 176 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
11.	284° 15'	208.49	feet along Lot 177 of "Pupukea Highlands" Subdivision (FILE PLAN 860);
12.	289° 50' 30"	165.94	feet along Lot 178 of "Pupukea Highlands" Subdivision (FILE PLAN 860), to the point of beginning and containing an area of 9.237 Acres, more or less.

SECOND (LOT "C"):

ALL of that certain parcel of land situate at Pupukea, Koolauloa, Oahu, Hawaii, being a portion of the Consolidation and Resubdivision of Lot 179 of Pupukea Highlands (File Plan 860) and Lot 1-B-2 of Land Court Application 561 (Map 8), being also a portion of Grant 5236 to Earl K. Ellsworth, and thus bounded and described as per survey dated March 9, 2012, to-wit:

Beginning at the Southeast corner of this parcel of land, being also the Southwest corner of Lot 13 of "North Shore Heights" Subdivision (FILE PLAN 1049), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUPUKEA" being 7,160.43 feet South and 3,313.74 feet East, and thence running by azimuths measured clockwise from True South:

1.	50° 00'	190.00	feet along Lot 12 of Land Court Application 561 (Map 11);
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2. 90° 00' 420.00 feet along the same;
3. 80° 08' 06" 543.29 feet along the same;
4. 84° 08' 14" 222.57 feet along the same;
5. 128° 32' 339.91 feet along Lot A, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8);
6. 268° 21' 1118.17 feet along Lot B, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8);
7. 258° 10' 30" 400.05 feet along the same;
8. Thence along Roadway Lot D, being a portion of the consolidation and resubdivision of Lot 179 of "Pupukea Highlands" Subdivision (FILE PLAN 860) and Lot 1-B-2 of Land Court Application 561 (Map 8), on a curve to the left with a radius of 43.00 feet, the chord azimuth and distance being:
- 265° 57' 45" 85.21 feet;
9. 3° 45' 94.18 feet along Lot 13 of "North Shore Heights" Subdivision (File Plan 1049), to the point of beginning and containing an area of 5.691 Acres, more or less.

END OF EXHIBIT "2"