

## STATUS REPORT

This Report (and any revisions thereto) is issued for the sole benefit of the Purchaser of this Report identified in the Order No. referenced below. Title Guaranty of Hawaii, Inc.'s responsibility for any actual loss incurred by reason of any incorrectness herein is limited to the lesser of \$3,500 or two times the amount paid for this Report.

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### SCHEDULE A

Title Guaranty of Hawaii, Inc. hereby reports as follows as to the title of the Parties named in Schedule A in and to the title to land described in Schedule C, subject to the matters set forth in Schedule B, based solely upon an abstract and examination of the following Indices in the State of Hawaii: (a) the Office of the Clerks of the Circuit Court of the Judicial Circuit within which the land is located; (b) the Office of the Clerk of the District Court of the United States for the District of Hawaii; (c) the Office of the Registrar of Conveyances; and (d) the Office of the Real Property Tax Assessment Division of the County within which the land is located.

HAWAIIAN MEMORIAL LIFE PLAN, LTD.,  
a Hawaii corporation,  
as Fee Owner

This report is subject to the Conditions and Stipulations set forth in Schedule D and is dated as of September 25, 2017 at 8:00 a.m.

Inquiries concerning this report  
should be directed to  
OFELIA LOPEZ.  
Email olopez@tghawaii.com  
Fax (808) 521-0288  
Telephone (808) 533-5831.  
Refer to Order No. 201748213.

EXHIBIT "4"

**SCHEDULE B  
EXCEPTIONS**

1. Real Property Taxes, if any, that may be due and owing.

Tax Key: (1) 4-5-033-001 Area Assessed: 164.423 acres

Tax Classification: RESIDENTIAL AND PRESERVATION

Street Address: 45-425 KAMEHAMEHA HIGHWAY, KANEOHE, HAWAII 96744

2. Mineral and water rights of any nature.

3. Any and all matters not shown in the Indices described in Schedule A.

4. GRANT

TO : UNITED STATES OF AMERICA

DATED : February 24, 1956

RECORDED : Liber 2799 Page 253

GRANTING : an easement for cable line purposes

The interest of the UNITED STATES OF AMERICA was assigned to HAWAIIAN MEMORIAL PARK CEMETERY ASSOCIATION, a Hawaii non-profit corporation by instrument dated October 6, 1965, recorded as Document No. 2002-185632.

5. Any facts an archaeological study would disclose, including, without limitation, trails, rights of way, historic property and burial sites, and that certain heiau (place of worship), as shown on the survey map prepared by James R. Thompson, Registered Professional Land Surveyor, of Walter P. Thompson, Inc., dated September 18, 1992.
6. Easements, rights, or interests arising out of:

SCHEDULE B CONTINUED

- (1) the sale or transfer of lots, blocks, plots or sections in the land described in Schedule C or of burial rights therein;
  - (2) the sale or transfer of crypts or vaults in any mausoleum, and of niches in any columbarium to be erected on said land; or
  - (3) any internment in said land.
7. Easements over any of the unnamed streets, roads, alleys, walks, paths, parks or parkways, if any.
8. Restrictions imposed by law regarding the sale and disposition of said land or a place within any mausoleum or columbarium erected thereon resulting from the use or dedication of said land for cemetery purposes.
9. The terms and provisions contained in the following:
- INSTRUMENT : UNILATERAL AGREEMENT & DECLARATION FOR CONDITIONAL ZONING
- DATED : April 28, 1997
- RECORDED : Document No. 97-056229
10. NOTICE OF DEDICATION
- DATED : June 12, 2002
- RECORDED : Document No. 2002-103425
- BY : HAWAIIAN MEMORIAL PARK CEMETERY (HMPC), a Hawaii nonprofit corporation
- RE : dedication of land for cemetery purposes
11. MEMORANDUM OF LICENSE AGREEMENT dated May 23, 2011, recorded as Document No. 2011-085125.

SCHEDULE B CONTINUED

12. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

-Note:- A current survey, with metes and bounds description, should be made of said premises.

13. Any unrecorded leases and matters arising from or affecting the same.

**END OF SCHEDULE B**

**SCHEDULE C**

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 7984, Land Commission Award Number 4452, Apana 13 to H. Kalama and Deed: Minister of the Interior to C.C. Harris dated March 12, 1876, recorded in Liber 45 at Page 286) situate, lying and being at Hopenui, Kawaewae and Kalokoai, Kaneohe, District of Koolaupoko, City and County of Honolulu, State of Hawaii, being LOT A bearing Tax Key designation (1) 4-5-033-001, and containing an area of 164.423 acres, more or less.

Together with a perpetual non-exclusive roadway and utility easement, as granted to HAWAIIAN MEMORIAL PARK CEMETERY ASSOCIATION, a Hawaii corporation, by instrument dated May 30, 1991, recorded as Document No. 91-082781, said easement being more particularly described as follows:

Situate at Kaluapuhi-Waikalua, Kaneohe, Oahu, Hawaii.

Being a portion of Grant S-15,608 to Hawaii Housing Authority conveyed to the State of Hawaii by Housing Finance and Development Corporation by Deed dated June 1, 1990 and recorded as Document No. 90-086598 (Land Office Deed S-27807).

Beginning at the northwest corner of this easement and on the boundary between the lands of Kaluapuhi-Waikalua and Kalokoai, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 3,474.60 feet north and 5,154.72 feet west, thence running by azimuths measured clockwise from true South:

- |    |          |        |   |
|----|----------|--------|---|
| 1. | 335° 00' | 52.48  | feet along R.P. 7984, L.C. Aw. 4452, Ap. 13 to H. Kalama;               |
| 2. | 31° 58'  | 753.29 | feet along the remainder of Grant S-15,608 to Hawaii Housing Authority; |

SCHEDULE C CONTINUED

3. Thence along the remainder of Grant S-15,608 to Hawaii Housing Authority, on a curve to the left with a radius of 228.00 feet, the chord azimuth and distance being:

8° 44' 179.88 feet;

4. Thence along the remainder of Grant S-15,608 to Hawaii Housing Authority, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:

300° 30' 28.28 feet;

5. 345° 30' 44.00 feet along the remainder of Grant S-15,608 to Hawaii Housing Authority;

6. 75° 30' 49.62 feet along the remainder of Grant S-15,608 to Hawaii Housing Authority;

7. 127° 30' 55.84 feet along R.P. 7984, L.C. Aw. 4452, Ap. 13 to H. Kalama;

8. Thence along the remainder of Grant S-15,608 to Hawaii Housing Authority, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:

210° 30' 28.28 feet;

9. Thence along the remainder of Grant S-15,608 to Hawaii Housing Authority, on a curve to the right with a radius of 272.00 feet, the chord azimuth and distance being:

188° 44' 214.60 feet;

SCHEDULE C CONTINUED

10. 211° 58' 781.90 feet along the remainder of Grant S-15,608 to Hawaii Housing Authority to the point of beginning and containing an area of 1.072 acres, more or less.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : HAWAIIAN MEMORIAL PARK CEMETERY, a Hawaii nonprofit corporation

GRANTEE : HAWAIIAN MEMORIAL LIFE PLAN, LTD., a Hawaii corporation

DATED : January 15, 2003

RECORDED : Document No. 2003-007488

**END OF SCHEDULE C**

## GENERAL NOTES

1. There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.



## SCHEDULE D

### CONDITIONS AND STIPULATIONS

1. This Status Report (which term shall include any revisions thereto) is a report of the record title only, based solely upon an abstract and examination of the Indices described in Schedule A as of the date of the Report. No responsibility is assumed for (a) matters which may affect the title but either were not disclosed or were incorrectly disclosed in said indices at the date hereof; or (b) matters created, suffered, assumed, or agreed to by Purchaser; or (c) matters not shown herein but actually know to Purchaser. Title Guaranty of Hawaii, Incorporated (the "Company") makes no representation as to the legal effect, validity or priority of matters shown or referred to herein.
2. If the Report is incorrect in any respect, the responsibility of the Company shall be limited to the resulting actual loss, including any attorney's fees and legal costs, but in no event shall exceed the lesser of \$3,500 or two times the amount paid for the Report. Upon payment of any loss hereunder, the Company shall be subrogated to all rights the Purchaser may have against any person or property as a result of such loss.
3. If the Purchaser of this Report shall suffer an actual loss by reason of the incorrectness of the Report, the Purchaser shall promptly notify the Company in writing. After receipt of such notice, the Company shall be allowed a reasonable time in which to investigate the claim. At its sole option, the Company may litigate the validity of the claim, negotiate a settlement or pay to Purchaser the amount the Company is obligated to pay under this Report. The Company's responsibility hereunder constitutes indemnity only and nothing herein shall obligate the Company to assume the defense of the Purchaser with respect to any claim made hereunder.
4. This report is the entire contract between the Purchaser and the Company and any claim by Purchaser against the Company, arising hereunder, shall be enforceable only in accordance with the provisions herein.
5. Notice required to be given the Company shall include the Order Number of this Report and shall be addressed to Title Guaranty of Hawaii, Inc., P.O. Box 3084, Honolulu, HI 96802, Attention: Legal Department.

DATE PRINTED: 10/20/2017

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO.  
(1) 4 5 033 001 0000

CLASS: RESIDENTIAL & etc

AREA ASSESSED: 164.423 AC

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2017

The records of this division show the assessed values and taxes on the property designated by Tax Key shown above are as follows:

BUILDING	\$	641,600
EXEMPTION	\$	0
NET VALUE	\$	641,600
LAND	\$	113,400
EXEMPTION	\$	0
NET VALUE	\$	113,400
TOTAL NET VALUE	\$	755,000

Installment (1 - due 8/20; 2 - due 2/20) Tax Info As Of - 9/26/2017

Tax Year	Installment	Tax Amount	Penalty Amount	Interest Amount	Other Amount	Total Amount	
2017	2	1,337.20				1,337.20	PAID
2017	1	1,337.20				1,337.20	PAID
2016	2	1,361.17				1,361.17	PAID
2016	1	1,361.18				1,361.18	PAID
2015	2	1,386.55				1,386.55	PAID
2015	1	1,386.55				1,386.55	PAID

The real property tax information provided is based on information furnished by the respective counties, is deemed reliable but not guaranteed, and no warranties are given express or implied. Billing and tax collection details may have changed. Please refer to the appropriate

county real property tax offices for any further information or updates for the subject property.

DATE PRINTED: 10/20/2017

CLASS BREAKDOWN FOR TAX MAP KEY BELOW:

TAX MAP KEY						
DIVISION	ZONE	SECTION	PLAT	PARCEL	HPR	NO.
(1)	4	5	033	001	0000	
CLASS: RESIDENTIAL				AREA ASSESSED:		19.790 AC
BUILDING				\$	641,600	
EXEMPTION				\$	0	
NET VALUE				\$	641,600	
LAND				\$	98,900	
EXEMPTION				\$	0	
NET VALUE				\$	98,900	
TOTAL NET VALUE				\$	740,500	

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TAX MAP KEY						
DIVISION	ZONE	SECTION	PLAT	PARCEL	HPR	NO.
(1)	4	5	033	001	0000	
CLASS: PRESERVATION				AREA ASSESSED:		144.633 AC
BUILDING				\$	0	
EXEMPTION				\$	0	
NET VALUE				\$	0	
LAND				\$	14,500	
EXEMPTION				\$	0	
NET VALUE				\$	14,500	
TOTAL NET VALUE				\$	14,500	



R-912 STATE OF HAWAII  
 BUREAU OF CONVEYANCES  
 RECORDED  
 JAN 15, 2003 11:00 AM  
 Doc No(s) 2003-007488



/s/ CARL T. WATANABE  
 REGISTRAR OF CONVEYANCES  
 CONVEYANCE TAX: \$5145.20

28 1/1 Z1

LAND COURT SYSTEM	REGULAR SYSTEM
AFTER RECORDATION, RETURN TO: TORILDSON, KATZ, FONSECA, MOORE & HETHERINGTON 700 Bishop Street, #1500 Honolulu, HI 96813	VIA: <input checked="" type="checkbox"/> J-MAIL <input type="checkbox"/> [XX]-PICKUP  J. George Hetherington Tel No.: 523-6000 Total Pages: 28
TAX MAP KEY NO.: (1) 4-5-034-013 (1) 4-5-035-008 (1) 4-5-033-001	PROPERTY ADDRESS: 45-425 Kamehameha Highway Kaneohe, Hawaii 96744

**WARRANTY DEED**

THIS DEED made this 15<sup>th</sup> day of JANUARY, 2003, by and between HAWAIIAN MEMORIAL PARK CEMETERY, a Hawaii nonprofit corporation, hereinafter called the "Grantor", in favor of HAWAIIAN MEMORIAL LIFE PLAN, LTD., a Hawaii corporation, whose mailing address is c/o 1929 Allen Parkway, Houston, Texas 77019, hereinafter called the "Grantee",

**WITNESSETH :**

That for TEN DOLLARS and other valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee as a Tenant in Severalty, its successors and assigns, in fee simple:

All of that certain real property more particularly described in Exhibit "A", attached hereto and made a part hereof.

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto;

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed therewith unto the Grantee, according to the tenancy herein set forth, forever.

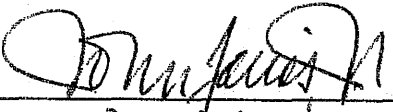
AND, in consideration of the premises, the Grantor does hereby covenant with the Grantee that the Grantor is seized of the property herein described in fee simple; that said property is free and clear of and from all liens and encumbrances, except for the lien of real property taxes not yet by law required to be paid, and except as may be specifically set forth herein; that the Grantor has good right to sell and convey said property, as aforesaid; and, that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The conveyance herein set forth and the warranties of the Grantor concerning the same are expressly declared to be in favor of the Grantee, and the Grantee's heirs, personal representatives, and assigns.

The terms "Grantor" and "Grantee" as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine, or neuter, the singular or plural number, individuals, partnerships, trustees or corporations and their and each of their respective successors, heirs, personal representatives, successors in trust and assigns, according to the context thereof. All covenants and obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention is clearly expressed elsewhere herein.

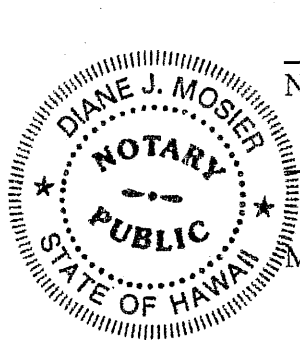
IN WITNESS WHEREOF, the Grantor has executed these presents the day and year first  
above written.

HAWAIIAN MEMORIAL PARK CEMETERY

By   
Its President

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

On this 5<sup>th</sup> of December, 2002, before me personally appeared JOHN FARIAS, JR. to me personally known, who, being by me duly sworn, did say that he is the President of HAWAIIAN MEMORIAL PARK CEMETERY, a Hawaii nonprofit corporation, and that said instrument was signed on behalf of said corporation by authority of its Board of Directors and said officer acknowledged said instrument to be the free act and deed of said corporation.



*Diane J. Mosier*  
Notary Public, State of Hawaii

Diane J. Mosier  
(Type or Print Notary's Name)

My Commission Expires: 10/17/06



EXHIBIT "A"

All of that certain parcel of land (being portions of Royal Patent Number 7983, Land Commission Award Number 4452, Apana 12 to H. Kalama and Royal Patent Number 7984, Land Commission Award Number 4452, Apana 13 to H. Kalama) situate, lying and being at Waikalua-Loke and Kaulekola, Kaneohe and Kailua, District of Koolaupoko, City and County of Honolulu, State of Hawaii, being all of Hawaiian Memorial Park, Garden of Peace, File Plan No. 611; Hawaiian Memorial Park, Garden of Devotion, File Plan No. 616; Hawaiian Memorial Park, Garden of Devotion - Area 2, File Plan No. 618; Hawaiian Memorial Park, Hillcrest Garden - Area 2, File Plan No. 627; Hawaiian Memorial Park, Central Garden - Area 2, File Plan No. 633; Hawaiian Memorial Park, Mountain View Garden - Area 2, File Plan No. 655; Hawaiian Memorial Park, Mount Calvary - Area 1, File Plan No. 656; Hawaiian Memorial Park, Garden of Memories, File Plan No. 658; Hawaiian Memorial Park, Hillcrest Garden - Area 3, File Plan No. 667; Hawaiian Memorial Park, Garden of Reveries, File Plan 683; Hawaiian Memorial Park, "Koolau Garden", File Plan No. 703; Hawaiian Memorial Park, Mount Calvary - Area 2, Section 1, File Plan No. 743; Hawaiian Memorial Park, Pikake Circle, File Plan No. 746; Hawaiian Memorial Park, Garden of Inspiration, Garden of Paradise, File Plan No. 761; Hawaiian Memorial Park Cemetery, Garden of Meditation - Streamside and Mount Calvary - Streamside, File Plan No. 1003; Hawaiian Memorial Park Cemetery, Pali View Garden - Area 5, File Plan No. 1232; Hawaiian Memorial Park Cemetery, Bayview Garden - Area 3, File Plan No. 1233; Hawaiian Memorial Park Cemetery, Lakeview Garden - Government Road Remnant, File Plan No. 1442; Hawaiian Memorial Park Cemetery, Mount Calvary - Area 2, Section 1 - Government Road Remnant, File Plan No. 1444; Hawaiian Memorial Park Cemetery, Mount Calvary, Area 2, Section 2 - Government Road Remnant, File Plan No. 1445; Hawaiian Memorial Park Cemetery, Pacific Slope - Government Road Remnant, File Plan No. 1448; Hawaiian Memorial Park Cemetery, Babyland Unit III, File Plan No. 1611; Hawaiian Memorial Park Cemetery, Hillcrest Garden - Area IV, File Plan No. 1614; Hawaiian Memorial Park Cemetery, Seaview Garden, Area IV, File Plan No. 1615; Hawaiian Memorial Park Cemetery, Muslim Students Garden, File Plan No. 1723; Hawaiian Memorial Park Cemetery, Terraced Lakes Addition, File Plan No. 1774; and Hawaiian Memorial Park Cemetery, Terraced Lakes Unit III, File Plan No. 1775; and being portions of Hawaiian Memorial Park, Unit 1, File Plan No. 610; Hawaiian Memorial Park, Bayview Garden, File Plan No. 612; Hawaiian Memorial Park, Mountain View Garden and Babyland, File Plan No. 614; Hawaiian Memorial Park, Hillcrest Garden, File Plan No. 625; Hawaiian Memorial Park, Central Garden and Pali View Garden, File Plan No. 631; Hawaiian Memorial Park, Pali View Garden - Area 2, File Plan No. 634; Hawaiian Memorial Park, Sea View Garden, File Plan No. 639; Hawaiian Memorial Park, Garden of Love and Mount Calvary - Area 3, File Plan No. 668; Hawaiian Memorial Park, Pacific Slope, File

Plan No. 705; Hawaiian Memorial Park, Lakeview Garden, File Plan No. 707; Hawaiian Memorial Park, "Lakeside Garden", File Plan 716; Hawaiian Memorial Park, "Lakeview Garden - Area 2", File Plan No. 742; Hawaiian Memorial Park, Mount Calvary - Area 2, Section 1, File Plan No. 743; Hawaiian Memorial Park, Mount Calvary - Area 2, Section 2, File Plan No. 744; Hawaiian Memorial Park, Valleyview Garden, File Plan No. 745; Hawaiian Memorial Park Cemetery, Garden of Meditation Area 1, File Plan No. 760; Hawaiian Memorial Park Cemetery, Mount Calvary - Area 2, Section 3, File Plan No. 762; Hawaiian Memorial Park Cemetery, Bayview Garden - Area 2, File Plan No. 853; Hawaiian Memorial Park Cemetery, Garden of Inspiration - Area 2, File Plan No. 854; Hawaiian Memorial Park Cemetery, Pali View Garden - Area 3, File Plan No. 855; Hawaiian Memorial Park Cemetery, Pali View Garden - Area 4, File Plan No. 856; Hawaiian Memorial Park Cemetery, Garden of Meditation - Area 2, File Plan No. 857; Hawaiian Memorial Park Cemetery, Pikake Terrace, File Plan No. 904; Hawaiian Memorial Park Cemetery, Sea View Garden - Area 2, File Plan No. 936; Hawaiian Memorial Park Cemetery, Pine Crest Estate, File Plan No. 993; Hawaiian Memorial Park Cemetery, Terraced Lakes, File Plan No. 1054; Hawaiian Memorial Park Cemetery, Pikake Terrace - Government Road Remnant, File Plan No. 1443; Hawaiian Memorial Park Cemetery, Seaview Garden - Area 3, File Plan No. 1446; Hawaiian Memorial Park, Garden of Meditation, Area 1 - Government Road Remnant, File Plan No. 1447; Hawaiian Memorial Park Cemetery, Babyland Unit II, File Plan No. 1474; and Hawaiian Memorial Park Cemetery, Lakeside Garden Musicians Section II, File Plan No. 1773; and portions of Lots 4-S and 4-V, and thus bounded and described as per survey of James R. Thompson, Registered Professional Land Surveyor, with Walter P. Thompson, Inc., dated September 14, 1992, to-wit:

Beginning at the northwest corner of this parcel of land the same being the southwest corner of Parkway, Phase C-2, File Plan 1692 and on the easterly side of Kamehameha Highway, FAP No. F-083-1(7), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 3,275.07 feet north and 7,347.74 feet west and thence running by azimuths measured clockwise from true South:

- |    |      |     |          |  |
|----|------|-----|----------|--|
| 1. | 233° | 02' | 1,038.79 | feet along Parkway, Phase C-2<br>File Plan 1692;                         |
| 2. | 18°  | 43' | 600.20   | feet along Lots 123, 122, 121<br>and 120, Land Court Application<br>743; |

3.	322°	45'	765.40	feet along Lots 120, 119, 118, 117, 116, 115, 114, 113, 112, 111, 110, 109, 108, 107, 106 and 105 Land Court Application 743;
4.	247°	50'	310.00	feet along Lot 4, Land Court Application 743;
5.	307°	30'	590.00	feet along Government Land (Hawaii State Veterans Cemetery);
6.	322°	15'	1,075.00	feet along Government Land (Hawaii State Veterans Cemetery);
7.	302°	35'	200.00	feet along Government Land (Hawaii State Veterans Cemetery);
8.	24°	00'	638.61	feet along the remainder of R.P. 7983, L.C. Aw. 4452, Ap. 12 to H. Kalama;
9.	140°	45'	19.85	feet along the northerly side of Interstate Highway (H-3), Halekou Interchange;
10.	126°	35'	66.00	feet along the northerly side of Interstate Highway (H-3), Halekou Interchange;
11.	111°	55'	67.00	feet along the northerly side of Interstate Highway (H-3), Halekou Interchange;
12.	100°	15'	73.00	feet along the northerly side of Interstate Highway (H-3), Halekou Interchange;
13.	89°	20'	63.00	feet along the northerly side of Interstate Highway (H-3), Halekou Interchange;

14.	81°	45'		61.00	feet along the northerly side of Interstate Highway (H-3), Halekou Interchange;
15.	69°	55'		125.00	feet along the northerly side of Interstate Highway (H-3), Halekou Interchange;
16.	54°	05'		60.00	feet along the northerly side of Interstate Highway (H-3), Halekou Interchange;
17.	32°	05'		60.00	feet along the northerly side of Interstate Highway (H-3), Halekou Interchange;
18.	23°	40'		57.00	feet along the northerly side of Interstate Highway (H-3), Halekou Interchange;
19.	90°	00'		272.00	feet along the northerly side of Interstate Highway (H-3), Halekou Interchange;
20.	136°	20'	30"	59.15	feet along the easterly side of Kamehameha Highway;
21.	226°	20'	30"	15.00	feet along the easterly side of Kamehameha Highway;
22.	142°	01'	10"	172.80	feet along the easterly side of Kamehameha Highway;
23.	148°	01'		121.22	feet along the easterly side of Kamehameha Highway;
24.	150°	45'	30"	76.97	feet along the easterly side of Kamehameha Highway;
25.	144°	20'	10"	70.56	feet along the easterly side of Kamehameha Highway;
26.	140°	53'		48.56	feet along the easterly side of Kamehameha Highway;
27.	129°	00'	30"	177.62	feet along the easterly side of Kamehameha Highway;

28.	52°	54'	30"	20.00	feet along the easterly side of Kamehameha Highway;
					Thence along the easterly side of Kamehameha Highway on a curve to the right with a radius of 5,624.58 feet, the chord azimuth and distance being:
29.	143°	54'	30"	196.33	feet;
30.	54°	54'	30"	25.00	feet along the northerly side of Kamehameha Highway;
					Thence along the easterly side of Kamehameha Highway on a curve to the right with a radius of 5,649.58 feet, the chord azimuth and distance being:
31.	146°	39'	30"	345.06	feet;
32.	58°	24'	30"	10.00	feet along the easterly side of Kamehameha Highway;
					Thence along the easterly side of Kamehameha Highway on a curve to the right with a radius of 5,659.58 feet, the chord azimuth and distance being:
33.	248°	55'	46"	102.95	feet;
					Thence along the easterly side of Kamehameha Highway on a curve to the right with a radius of 5,659.58 feet, the chord azimuth and distance being:
34.	149°	45'	16"	60.04	feet;

Thence along the easterly side of Kamehameha Highway on a curve to the right with a radius of 5,659.58 feet, the chord azimuth and distance being:

35.	151°	44'		330.86	feet;
36.	152°	28'	10"	177.35	feet along the easterly side of Kamehameha Highway;
37.	149°	44'	45"	100.00	feet along the easterly side of Kamehameha Highway;
38.	145°	56'		300.66	feet along the easterly side of Kamehameha Highway;
39.	149°	44'	45"	206.81	feet along the easterly side of Kamehameha Highway;

Thence along the easterly side of Kamehameha Highway on a curve to the right with a radius of 2,930.00 feet, the chord azimuth and distance being:

40.	150°	51'	55"	114.50	feet;
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Thence along the easterly side of Kamehameha Highway on a curve to the right with a radius of 2,930.00 feet, the chord azimuth and distance being:

41.	152°	33'	11"	58.10	feet;
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Thence along the easterly side of Kamehameha Highway on a curve to the right with a radius of 2,930.00 feet, the chord azimuth and distance being:

42.	154°	42'	39"	162.57	feet;
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43. 166° 59' 52.88 feet along the easterly side of Kamehameha Highway to the point of beginning and containing an area of 71.997 acres, more or less.

Said above described parcel of land having been acquired by HAWAIIAN MEMORIAL PARK CEMETERY ASSOCIATION, a Hawaii corporation, as follows:

1. By TRANSFER AND AGREEMENT of HAWAIIAN MEMORIAL PARK, LTD., a Hawaii corporation, dated July 18, 1961, recorded in Liber 4093 at Page 403.
2. By DEED of the STATE OF HAWAII, dated July 12, 1974, recorded in Liber 10047 at Page 160.

-SECOND:-

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 7984, Land Commission Award Number 4452, Apana 13 to H. Kalama and Deed: Minister of the Interior to C.C. Harris dated March 12, 1876, recorded in Liber 45 at Page 286) situate, lying and being at Hopenui, Kawaewae and Kalokoai, Kaneohe, District of Koolaupoko, City and County of Honolulu, State of Hawaii, being LOT A bearing Tax Key designation (1) 4-5-033-001, and containing an area of 164.423 acres, more or less.

Together with a perpetual non-exclusive roadway and utility easement, as granted to HAWAIIAN MEMORIAL PARK CEMETERY ASSOCIATION, a Hawaii corporation, by instrument dated May 30, 1991, recorded as Document No. 91-082781, said easement being more particularly described as follows:

Situate at Kaluapuhi-Waikalua, Kaneohe, Oahu, Hawaii.

Being a portion of Grant S-15,608 to Hawaii Housing Authority conveyed to the State of Hawaii by Housing Finance and Development Corporation by Deed dated June 1, 1990 and recorded as Document No. 90-086598 (Land Office Deed S-27807).

Beginning at the northwest corner of this easement and on the boundary between the lands of Kaluapuhi-Waikalua and Kalokoai, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 3,474.60 feet north and 5,154.72 feet west, thence running by azimuths measured clockwise from true South:

1. 335° 00' 52.48 feet along R.P. 7984, L.C. Aw. 4452, Ap. 13 to H. Kalama;
2. 31° 58' 753.29 feet along the remainder of Grant S-15,608 to Hawaii Housing Authority;
3. Thence along the remainder of Grant S-15,608 to Hawaii Housing Authority, on a curve to the left with a radius of 228.00 feet, the chord azimuth and distance being:
 

8° 44' 179.88 feet;
4. Thence along the remainder of Grant S-15,608 to Hawaii Housing Authority, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
 

300° 30' 28.28 feet;
5. 345° 30' 44.00 feet along the remainder of Grant S-15,608 to Hawaii Housing Authority;
6. 75° 30' 49.62 feet along the remainder of Grant S-15,608 to Hawaii Housing Authority;
7. 127° 30' 55.84 feet along R.P. 7984, L.C. Aw. 4452, Ap. 13 to H. Kalama;



8. Thence along the remainder of Grant S-15,608 to Hawaii Housing Authority, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
- 210° 30'                      28.28      feet;
9. Thence along the remainder of Grant S-15,608 to Hawaii Housing Authority, on a curve to the right with a radius of 272.00 feet, the chord azimuth and distance being:
- 188° 44'                      214.60      feet;
10. 211° 58'                      781.90      feet along the remainder of Grant S-15,608 to Hawaii Housing Authority to the point of beginning and containing an area of 1.072 acres, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR        :    FIRST HAWAIIAN BANK, a Hawaii banking corporation, not in its individual capacity, but solely as successor Trustee under (i) that certain unrecorded Trust Agreement dated September 24, 1971, and (ii) that certain unrecorded Trust Agreement dated May 5, 1969, as amended

GRANTEE        :    HAWAIIAN MEMORIAL PARK CEMETERY ASSOCIATION, a Hawaii non-profit corporation

DATED            :    December 30, 1990

RECORDED        :    Document No. 91-115934

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. The terms and provisions of the Certificate of Dedication of Land for Cemetery Purposes dated June 12, 2002, recorded in said Bureau of Conveyances of the State of Hawaii as Document No. 2002-103425.
3. -AS TO PARCEL FIRST:-

(A) A perpetual easement or right of way as an appurtenance to Section 3 of Land Court Application No. 743 for ingress and egress on foot and with vehicles of all kinds, and for telephone and electric poles and lines and/or conduits and water pipes over, along, across, through and under that certain strip of land twenty (20) feet wide, situated at Waikalua Loko, Kaneohe, District of Koolaupoko, City and County of Honolulu, State of Hawaii, being a portion of R. P. 7984, L. C. Aw. 4452, Apana 13 to H. Kalama, mentioned in said Transfer Certificate of Title No. 27,851, and more particularly described as follows:

Beginning at an "arrow" cut in rock at the northerly corner of this strip of land, being also the end of Course 3 of Section 3 of Land Court Application 743 and thence running by azimuths measured clockwise from true South:

- |    |          |        |   |
|----|----------|--------|---|
| 1. | 307° 30' | 590.00 | feet along Section B of the Kaluapuhi - Waikalua Homesteads;    |
| 2. | 322° 15' | 146.79 | feet along Section B of Kaluapuhi - Waikalua Homesteads;        |
| 3. | 13° 35'  | 25.61  | feet along the west side of 30-foot Government connecting road; |

- |    |          |        |  |
|----|----------|--------|--|
| 4. | 142° 15' | 160.20 | feet along the remainder of the Land of Waikalua Loko, R. P. 7984, L. C. Aw. 4452, Apana 13 to H. Kalama;                                |
| 5. | 127° 30' | 599.11 | feet along the remainder of the Land of Waikalua Loko, R. P. 7984, L. C. Aw. 4452, Apana 13 to H. Kalama;                                |
| 6. | 247° 50' | 23.17  | feet along Section 3 of Land Court Application 743 to the point of beginning and containing an area of 14,961 square feet, more or less; |

as granted in Leases filed as Land Court Document No. 702600, recorded in Liber 10246 at Page 170, and Land Court Document No. 707645, recorded in Liber 10362 at Page 266.

(B) A right-of-way in favor of the United States of America for a signal cable trunking system, set forth in instrument dated May 31, 1958, recorded in Liber 3437 at Page 166, being more particularly described as follows:

"Being a strip of land five (5.0) feet wide and extending two and one-half (2.5) feet on each side of the following described center line:

Beginning at the northerly end of this right-of-way and on the southerly boundary of Parcel 2, the true azimuth and distance to the end of Course 11 of the above described Parcel 1 being 271° 30' 14.04 feet and the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 3,174.32 feet north and 6,629.79 feet west, and running by an azimuth measured clockwise from true South:

1. 329° 09' 10" 505.28 feet to a point on the southerly boundary of the above described Parcel 1 and containing an area of 2,526 square feet."

(C) Rights-of-way in favor of the United States of America for a signal cable trunking system, set forth in instrument dated July 18, 1961, recorded in Liber 4093 at Page 403, being more particularly described as follows:

- (1) "Being a strip of land five (5.0) feet wide and extending two and one-half (2.5) feet on each side of the following described center line:

Beginning at the northerly end of this right-of-way, the true azimuth and distance to the end of Course 1 of the above described Parcel 2 being 233° 02' 185.58 feet and the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 3,788.25 feet north and 6,666.03 feet west, and running by azimuths measured clockwise from true South:

1. 7° 19' 50" 253.46 feet;
2. 6° 26' 30" 209.64 feet;
3. 329° 09' 10" 179.62 feet to a point on the southerly boundary of the above described Parcel 2 and containing an area of 3,214 square feet."

- (2) "Being a strip of land five (5.0) feet wide and extending two and one-half (2.5) feet on each side of the following described center line:

Beginning at the northerly end of this right-of-way and on the southerly boundary of Parcel 1, the true azimuth and distance to the end of Course 12 of the above described Parcel 3 being 238° 30' 87.73 feet and the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" being 2,740.52 feet north and 6,370.71 feet west, and running by an azimuth measured clockwise from true South:

1. 329° 09' 10" 1,103.73 feet to a point on the southerly boundary of the above described Parcel 3 and containing an area of 5,519 square feet."

(3) "Being a strip of land five (5.0) feet wide and extending two and one-half (2.5) feet on each side of the following described center line:

Beginning at the northerly end of this right-of-way and on the southerly side of Government road right-of-way, 30 feet wide, the coordinates of which referred to Government Survey Triangulation Station "KAILUA" being 1,768.06 feet north and 5,787.60 feet west, and running by azimuths measured clockwise from true South:

1. 307° 57' 50" 904.88 feet;  
2. 315° 28' 50" 265.60 feet to a point on the southeast boundary of the above described Parcel 4 and containing an area of 5,852 square feet."

(D) GRANT

TO : UNITED STATES OF AMERICA

DATED : June 6, 1961

RECORDED : Liber 4069 Page 447

GRANTING : a perpetual easement, together with the right of ingress and egress, for the construction, use, maintenance, inspection, alteration, replacement and repair of an underground communication cable or cable, across, along, through and under Parcel A (area 10,783 square feet) and Parcel B (area 4,899 square feet)

(E) GRANT

TO : HAWAIIAN ELECTRIC COMPANY, INC.

DATED : August 12, 1970

RECORDED : Liber 7149 Page 405

GRANTING : a perpetual right and easement for utility purposes

(F) GRANT

TO : HAROLD KAINALU LONG CASTLE, whose wife's name is Alice Hedemann Castle

DATED : December 15, 1959

RECORDED : Liber 8146 Page 97

GRANTING : a perpetual right and easement for all road and utility purposes over, across, along, upon and under all of Lot 7 and a portion of Lot 6 of File Plan No. 610

(G) UNRECORDED LEASE

LESSOR : HAWAIIAN MEMORIAL PARK CEMETERY ASSOCIATION, a Hawaii nonprofit corporation

LESSEE : HAWAIIAN MEMORIAL PARK MORTUARY CORPORATION, a Hawaii corporation

DATED : February 28, 1962

TERM : commencing March 1, 1963 and expiring February 29, 1984 with option to extend the term of the Lease for three (3) additional ten-year periods and one (1) additional five-year period

Said Lease was amended and restated by instrument dated December 14, 1981, recorded as Document No. 97-011546.

THE LESSEE'S INTEREST ASSIGNED

ASSIGNOR : HAWAIIAN MEMORIAL PARK MORTUARY CORPORATION, a  
Hawaii corporation

ASSIGNEE : RIGHTSTAR HMP, LLC, a Hawaii limited liability  
company

DATED : November 7, 2001

RECORDED : Document No. 2001-175251

Said Lease demising the following described premises:

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Royal Patent Number 7984, Land Commission Award Number 4452, Apana 13 to H. Kalama) situate lying and being at Waikalua-Loko, Kaneohe, Koolaupoko, City and County of Honolulu, State of Hawaii, being the whole of Lot I of Pali View Garden - Area 2, File Plan No. 634, and thus bounded and described:

Beginning at the north corner of this parcel of land, on the southwest side of 32-foot roadway, being the north corner of Lot I and the east corner of Lot 3 of Pali View Garden - Area 2, File Plan 634, the coordinates of which referred to Government Survey Triangulation Station "KAILUA" being 2,219.71 feet north and 6,498.12 feet west, and running by azimuths measured clockwise from true South:

Along the southwest side of 32-foot roadway, along Central Garden - Area 2, File Plan 633, on a curve to the left with a radius of 406.00 feet, the chord azimuth and distance being:

1. 302° 38' 20" 79.79 feet;

- |    |          |     |        |   |
|----|----------|-----|--------|---|
| 2. | 297° 00' |     | 3.39   | feet along the southwest side of 32-foot roadway, along Central Garden - Area 2, File Plan 633; thence along the west side of roadway, along Central Garden - Area 2, File Plan 633, on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being: |
| 3. | 345° 43' | 21" | 45.09  | feet;<br><br>Thence along the northwest side of 70-foot roadway, along Lakeside Garden, File Plan 617, on a curve to the right with a radius of 385.00 feet, the chord azimuth and distance being:  |
| 4. | 44° 02'  | 06" | 128.28 | feet;   |
| 5. | 154° 57' |     | 153.35 | feet along Lots 2, 105, 103, 101, 99, 97, 95, 93, 91 and 89 of Pali View Garden - Area 2, File Plan 634;  |
| 6. | 244° 57' |     | 69.93  | feet along Lots 85, 86 and 87 of Pali View Garden - Area 2, File Plan 634;  |
| 7. | 218° 16' | 30" | 15.21  | feet along Lot 3 of Pali View Garden - Area 2, File Plan 634, to the point of beginning and containing an area of 15,800 square feet, more or less.   |

Said Unrecorded Lease is subject to the following:

(1) REAL PROPERTY LEASEHOLD MORTGAGE, SECURITY AGREEMENT AND FINANCING STATEMENT



MORTGAGOR : RIGHTSTAR HMP, LLC, a Hawaii limited liability company

MORTGAGEE : VESTIN MORTGAGE, INC., a Nevada corporation; OWENS FINANCIAL GROUP, INC., a California corporation; BRIDGE CAPITAL, INC., a Nevada corporation; and THE MORTGAGE GROUP, INC., a Hawaii corporation

DATED : November 7, 2001

RECORDED : Document No. 2001-175257

AMOUNT : \$45,000,000.00

(2) ASSIGNMENT OF RENTS AND LESSORS' INTEREST IN LEASED dated November 7, 2001, recorded as Document No. 2001-175260, by and between RIGHTSTAR HAWAII MANAGEMENT, INC., a Hawaii corporation, RIGHTSTAR INTERNATIONAL, INC., a Nevada corporation, RIGHTSTAR VOT, LLC, a Hawaii limited liability company, RIGHTSTAR AMG, LLC, a Hawaii limited liability company, RIGHTSTAR HMP, LLC, a Hawaii limited liability company, RIGHTSTAR WINDWARD, LLC, a Hawaii limited liability company, RIGHTSTAR NMI, LLC, a Hawaii limited liability company, RIGHTSTAR AAI, LLC, a Hawaii limited liability company, RIGHTSTAR MAUI MEMORIAL, LLC, a Hawaii limited liability company, RIGHTSTAR MAUI FUNERAL, LLC, a Hawaii limited liability company, RIGHTSTAR 50TH STATE, LLC, a Hawaii limited liability company, RIGHTSTAR CPF, LLC, a Hawaii limited liability company, and RIGHTSTAR NUUANU MORTUARY LLC, a Hawaii limited liability company "Assignor", and VESTIN MORTGAGE, INC., a Nevada corporation, OWENS FINANCIAL GROUP, INC., a California corporation, BRIDGE CAPITAL, INC., a Nevada corporation, and THE MORTGAGE GROUP, INC., a Hawaii corporation, "Assignee", assigning all of Assignor's right, title and interest in, to and under that any and all unrecorded leases made by and between Assignor, and lessor, demising all or a portion of the real property described therein, etc., to secure the repayment of that certain promissory note, in the principal sum of \$45,000,000.00.

(H) Restriction of abutter's rights of vehicle access along Kamehameha Highway FAP No. F-083-1 (7), which rights of access were acquired by the State of Hawaii, by Stipulated Judgment and Final Order of Condemnation dated March 22, 1972 and March 21, 1972, filed in the Circuit Court of the First Circuit, State of Hawaii, Civil No. 20310, recorded in Liber 8340 at Page 83.

(I) Restriction of abutter's rights of vehicle access along Interstate Highway, Halekou Interchange, FAP No. I-H3-1 (4), which rights of access were acquired by the State of Hawaii, by Stipulated Judgment and Amended Final Order of Condemnation dated August 29, 1972 and October ---, 1972, filed in the Circuit Court of the First Circuit, State of Hawaii, Civil No. 33992, recorded in Liber 8769 at Page 99.

(J) The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : DEED

DATED : July 12, 1974

RECORDED : Liber 10047 Page 160

The foregoing includes, but is not limited to, matters relating to all surface and ground waters.

(K) GRANT

TO : HAWAIIAN ELECTRIC COMPANY, INC. and VERIZON HAWAII, INC.

DATED : January 26, 1976

RECORDED : Liber 11230 Page 40

GRANTING : a perpetual right and easement for utility purposes

(L) GRANT

TO : STATE OF HAWAII

DATED : September 9, 1980

RECORDED : Liber 15046 Page 136

GRANTING : a perpetual and non-exclusive easement for roadway and utility purposes in, over, under and across that certain easement area containing 86,403 square feet, more or less, more particularly described therein

(M) Encroachments or any other matters as shown on survey map prepared by James R. Thompson, Land Surveyor, with Walter P. Thompson, Inc. dated September 14, 1992.

(N) Easements, rights, or interests arising out of:

- (1) the sale or transfer of lots, blocks, plots or sections in the land described in Schedule C or of burial rights therein;
  - (2) the sale or transfer of crypts or vaults in any mausoleum, and of niches in any columbarium to be erected on said land; or
  - (3) any interment in said land.
- (O) Easements over any of the unnamed streets, roads, alleys, walks, paths, parks or parkways, if any.

(P) Restrictions imposed by law regarding the sale and disposition of said land or a place within any mausoleum or columbarium erected thereon resulting from the use or dedication of said land for cemetery purposes.

(Q) GRANT

TO : HAWAIIAN ELECTRIC COMPANY, INC.

DATED : July 6, 1993

RECORDED : Document No. 93-139578

GRANTING : a perpetual right and easement for utility purposes

(R) LEASE

LESSOR : HAWAIIAN MEMORIAL PARK CEMETERY ASSOCIATION, a  
Hawaii nonprofit corporation

LESSEE : WINDWARD CREMATORY, INC., a Hawaii corporation

DATED : December 14, 1981

RECORDED : Document No. 97-011545

TERM : commencing December 1, 1981 and expiring February  
28, 1994, with the right and option to extend for 2  
additional 10 year periods and 1 additional 5 year  
period

Said Lease was amended by unrecorded instrument dated June 28,  
1996.

THE LESSEE'S INTEREST ASSIGNED

ASSIGNOR : WINDWARD CREMATORY, INC., a Hawaii corporation

ASSIGNEE : RIGHTSTAR WINDWARD, LLC, a Hawaii limited liability  
company

DATED : November 7, 2001

RECORDED : Document No. 2001-175252

Said Lease demising the following described premises:

All of that certain parcel of land (being portion(s) of the  
land(s) described in and covered by Royal Patent Number 7984,  
Land Commission Award Number 4452, Apana 13 to H. Kalama)  
situate, lying and being at Waikalua-Loko, Kaneohe, Koolaupoko,  
City and County of Honolulu, State of Hawaii, being CREMATORY  
SITE of "HAWAIIAN MEMORIAL PARK CEMETERY", same being a portion  
of Garden of Reveries (File Plan 683), and thus bounded and  
described:

Beginning at the north corner of this parcel of land, the  
coordinates of which referred to Government Survey Triangulation  
Station "KAILUA" being 2,777.21 feet north and 5,953.23 feet  
west, and running by azimuths measured clockwise from true South:

- |    |          |       |   |
|----|----------|-------|---|
| 1. | 337° 50' | 31.00 | feet along remainder of Garden of Reveries (File Plan 683);   |
| 2. | 67° 50'  | 22.00 | feet along remainder of Garden of Reveries (File Plan 683);   |
| 3. | 157° 50' | 31.00 | feet along remainder of Garden of Reveries (File Plan 683);   |
| 4. | 247° 50' | 22.00 | feet along remainder of Garden of Reveries (File Plan 683) to the point of beginning and containing an area of 682 square feet, more or less. |

Said Lease is subject to the following:

(1) REAL PROPERTY LEASEHOLD MORTGAGE, SECURITY AGREEMENT AND FINANCING STATEMENT

MORTGAGOR : RIGHTSTAR HMP, LLC, a Hawaii limited liability company

MORTGAGEE : VESTIN MORTGAGE, INC., a Nevada corporation; OWENS FINANCIAL GROUP, INC., a California corporation; BRIDGE CAPITAL, INC., a Nevada corporation; and THE MORTGAGE GROUP, INC., a Hawaii corporation

DATED : November 7, 2001

RECORDED : Document No. 2001-175258

AMOUNT : \$45,000,000.00

(2) ASSIGNMENT OF RENTS AND LESSORS' INTEREST IN LEASED dated November 7, 2001, recorded as Document No. 2001-175260, by and between RIGHTSTAR HAWAII MANAGEMENT, INC., a Hawaii corporation, RIGHTSTAR INTERNATIONAL, INC., a Nevada corporation, RIGHTSTAR VOT, LLC, a Hawaii limited liability company, RIGHTSTAR AMG, LLC, a Hawaii limited liability company, RIGHTSTAR HMP, LLC, a Hawaii limited liability company, RIGHTSTAR WINDWARD, LLC, a Hawaii limited

liability company, RIGHTSTAR NMI, LLC, a Hawaii limited liability company, RIGHTSTAR AAI, LLC, a Hawaii limited liability company, RIGHTSTAR MAUI MEMORIAL, LLC, a Hawaii limited liability company, RIGHTSTAR MAUI FUNERAL, LLC, a Hawaii limited liability company, RIGHTSTAR 50TH STATE, LLC, a Hawaii limited liability company, RIGHTSTAR CPF, LLC, a Hawaii limited liability company, and RIGHTSTAR NUUANU MORTUARY LLC, a Hawaii limited liability company "Assignor", and VESTIN MORTGAGE, INC., a Nevada corporation, OWENS FINANCIAL GROUP, INC., a California corporation, BRIDGE CAPITAL, INC., a Nevada corporation, and THE MORTGAGE GROUP, INC., a Hawaii corporation, "Assignee", assigning all of Assignor's right, title and interest in, to and under that any and all unrecorded leases made by and between Assignor, and lessor, demising all or a portion of the real property described therein, etc., to secure the repayment of that certain promissory note, in the principal sum of \$45,000,000.00.

(S) ASSIGNMENT OF ACCOUNTS RECEIVABLE AND CONTRACT RIGHTS dated November 7, 2001, recorded as Document No. 2001-175277, by and between RIGHTSTAR HAWAII MANAGEMENT, INC., a Hawaii corporation, RIGHTSTAR INTERNATIONAL, INC., a Nevada corporation, RIGHTSTAR VOT, LLC, a Hawaii limited liability company, RIGHTSTAR AMG, LLC, a Hawaii limited liability company, RIGHTSTAR HMP, LLC, a Hawaii limited liability company, RIGHTSTAR WINDWARD, LLC, a Hawaii limited liability company, RIGHTSTAR NMI, LLC, a Hawaii limited liability company, RIGHTSTAR AAI, LLC, a Hawaii limited liability company, RIGHTSTAR MAUI MEMORIAL, LLC, a Hawaii limited liability company, RIGHTSTAR MAUI FUNERAL, LLC, a Hawaii limited liability company, RIGHTSTAR 50TH STATE, LLC, a Hawaii limited liability company, RIGHTSTAR CPF, LLC, a Hawaii limited liability company, and RIGHTSTAR NUUANU MORTUARY LLC, a Hawaii limited liability company "Assignor", and VESTIN MORTGAGE, INC., a Nevada corporation, OWENS FINANCIAL GROUP, INC., a California corporation, BRIDGE CAPITAL, INC., a Nevada corporation, and THE MORTGAGE GROUP, INC., a Hawaii corporation, "Assignee", assigning all of Assignor's right, title and interest in and to all of the accounts receivable and contract rights of Assignor, etc., to secure the repayment of that certain promissory note, in the principal sum of \$45,000,000.00.

4. -AS TO PARCEL SECOND:-

- (A) Any facts an archaeological study would disclose, including, without limitation, trails, rights of way, historic property and burial sites, and that certain heiau (place of worship), as shown on the survey map prepared by James R. Thompson, Registered Professional Land Surveyor, of Walter P. Thompson, Inc., dated September 18, 1992.
  
- (B) Easements, rights, or interests arising out of:
  - (1) the sale or transfer of lots, blocks, plots or sections in the land described in Schedule C or of burial rights therein;
  - (2) the sale or transfer of crypts or vaults in any mausoleum, and of niches in any columbarium to be erected on said land; or
  - (3) any interment in said land.
  
- (C) Easements over any of the unnamed streets, roads, alleys, walks, paths, parks or parkways, if any.
  
- (D) Restrictions imposed by law regarding the sale and disposition of said land or a place within any mausoleum or columbarium erected thereon resulting from the use or dedication of said land for cemetery purposes.
  
- (E) The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : UNILATERAL AGREEMENT & DECLARATION FOR CONDITIONAL ZONING

DATED : April 28, 1997  
RECORDED : Document No. 97-056229

(F) Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

END OF EXHIBIT "A"