

MCCORRISTON MILLER MUKAI MACKINNON LLP

ATTORNEYS AT LAW

LAND USE COMMISSION
STATE OF HAWAII

TRANSMITTAL LETTER

2018 DEC 12 A 10:48

VIA HAND DELIVERY

To: Mr. Daniel Orodener
Executive Officer
Land Use Commission
Department of Business, Economic
Development and Tourism,
State of Hawaii
235 South Beretania Street, Suite 406
Honolulu, Hawai'i 96813

Date: December 12, 2018

From: Randall F. Sakumoto
Kelsey S. Yamaguchi

Re: In the Matter of the Petition of
HALE MUA PROPERTIES, LLC;
Docket No. A05-755

Copies	Date	Description
1	---	Release of Declaration of Conditions Applicable to an Amendment of District Boundary from Agricultural to Urban

TRANSMITTED FOR:

- | | |
|---|---|
| <input type="checkbox"/> Your Information | <input checked="" type="checkbox"/> Your Further Necessary Action |
| <input type="checkbox"/> Your Signature and Return | <input type="checkbox"/> Your Approval |
| <input type="checkbox"/> Your Signature and Forwarding as Noted Below | <input type="checkbox"/> Your Review and Comment |
| <input type="checkbox"/> Per Our Conversation | <input type="checkbox"/> Per Your Request |
| | <input checked="" type="checkbox"/> SEE REMARKS BELOW |

IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CALL.

REMARKS: Pursuant to the Findings of Fact, Conclusions of Law, and Decision and Order in the above-referenced matter, filed on 12/3/18, Southwest 7, LLC intends to sign and record in the Bureau of Conveyances the attached Release of Declaration of Conditions Applicable to an Amendment of District Boundary from Agricultural to Urban. If you have any comments or questions, I would appreciate if you would let me know. Thank you

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AFTER RECORDATION, RETURN BY MAIL () PICK UP ()

McCorriston Miller Mukai MacKinnon LLP (RFS)
Five Waterfront Plaza, 4th Floor
500 Ala Moana Boulevard
Honolulu, Hawai'i 96813

Document Contains Pages

Tax Map Key No. (2) 3-3-002:031

**RELEASE OF DECLARATION OF CONDITIONS APPLICABLE TO AN
AMENDMENT OF DISTRICT BOUNDARY FROM AGRICULTURAL TO URBAN**

KNOW ALL PERSONS BY THESE PRESENTS:

This Release of Declaration of Conditions Applicable to an Amendment of District Boundary From Agricultural to Urban is made this ___ day of _____, 201__, by SOUTHWEST 7, LLC, a Colorado limited liability company ("Southwest 7"), whose address is The Ellis House, 3837 West Chester Pike, Newtown Square, Pennsylvania 19073.

WHEREAS, Southwest 7 is the owner of certain real property situate at Waiehu, County of Maui, State of Hawaii, specifically identified as Tax Map Key No. (2) 3-3-002:031 (the "Property") and the successor petitioner to Hale Mua Properties, LLC in Docket No. A05-755 before the State of Hawaii Land Use Commission (the "Commission"); and

WHEREAS, the Commission, by Findings of Fact, Conclusions of Law, and Decision and Order for a State Land Use District Boundary Amendment filed on February 12, 2007, as amended (the "Decision and Order"), in said Docket No. A05-755, amended the State Land Use district boundaries and reclassified a portion of the Property (the "Reclassified Area") from the State Land Use Agricultural District to the State Land Use Urban District, subject to certain conditions; and

WHEREAS, the conditions were recorded with the Bureau of Conveyances of the State of Hawaii (the "Bureau") by that certain Declaration of Conditions Applicable to an Amendment of District Boundary From Agricultural to Urban (the "Declaration"), dated November 25, 2008, and recorded as Document No. 2008-182476; and

WHEREAS, the Commission, by that certain Findings of Fact, Conclusions of Law, and Decision and Order Reverting the Petition Area, certified on December 7, 2018, reverted the Reclassified Area from the State Land Use Urban District to the State Land Use Agricultural District, and released Southwest 7 from the conditions imposed under the Decision and Order and recorded with the Bureau as the Declaration; and

NOW, THEREFORE, the Declaration recorded in the Bureau on December 3, 2008, as Document No. 2008-182476, is hereby cancelled and released.

[Signatures on following page]

IN WITNESS WHEREOF, Southwest 7 has caused this Release of Declaration of Conditions Applicable to an Amendment of District Boundary From Agricultural to Urban to be executed as of the day and year first above written.

SOUTHWEST 7, LLC, a Colorado limited liability company

By:
Its:

STATE OF HAWAI'I)
) SS.
COUNTY OF _____)

On this _____ day of _____, 201__, before me personally appeared _____, to me personally known, 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.

Notary Public, State of Hawai'i

Printed Name: _____

My commission expires: _____

(Official Stamp or Seal)

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Release of Declaration of Conditions Applicable to an Amendment of District Boundary From Agricultural to Urban

Doc. Date: _____ or Undated at time of notarization.

No. of Pages: _____ Jurisdiction: Circuit
(in which notarial act is performed)

Signature of Notary Date of Notarization and
Certification Statement

Printed Name of Notary

(Official Stamp or Seal)