



L-471 STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
RECORDED

JUL 02, 2007 08:01 AM

Doc No(s) 3622615

on Cert(s) 784,909

Issuance of Cert(s) 865,588



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/s/ CARL T. WATANABE
ASSISTANT REGISTRAR
CTax (10): \$450.00

K2
LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL ☒ PICK-UP ()



Kevin + Monica Barry
12903 Texana Street
San Diego, CA 92129
2806095
File No. 4-2806095 (dll)

Transfer Certificate of Title: 784,909

Tax Map Key: (3) 1-5-059-059

This document contains 7 pages.

WARRANTY DEED

This Deed, made on this 25th day of June, 2007, is by
and between the following parties:

"Grantor": **KAREN EDENS**, wife of Erinn Clarke Edens, whose mailing address is 1813
Weekend Villa Road, Ramona, California 92065.

"Grantee": **KEVIN M. BARRY and MONICA S. BARRY**, Trustees of the Barry Family
Trust dated November 15, 2006, with full powers to buy, sell, lease, mortgage
or otherwise deal with and dispose of the property of the trust estate and the
interests therein, whose address is 12903 Texana Street, San Diego, California
92129.

Petitioners'
Exhibit 3

WITNESSETH:

That in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee as Trustee aforesaid, Grantee's successors in trust and assigns, in fee simple, all of that certain real property more fully described in *Exhibit "A"* attached hereto and by reference made a part hereof, subject to the encumbrances noted therein.

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 thereon and thereto belonging or appertaining or held and enjoyed therewith, unto the Grantee as Trustee aforesaid, **IN TRUST**, for the uses and purposes and with all of the powers set forth in the said trust instrument.

AND, in consideration of the premises, the Grantor does hereby covenant with the Grantee that the Grantor is seised 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 rights and obligations of the Grantor and the Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, personal representatives, successors, successors in trust and assigns. All obligations undertaken by two or more persons shall be deemed to be joint and several unless a contrary intention shall be clearly expressed elsewhere herein.

The conveyances herein set forth and the warranties of the Grantor concerning the same are expressly declared to be in favor of the Grantee, Grantee's successors in trust 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 or feminine, the singular or plural number, individuals, partnerships, corporations, or fiduciaries and their and each of their respective successors, successors in trust, heirs, personal representatives and assigns, according to the context thereof. If these presents shall be signed by two or more Grantors or by two or more Grantees, all covenants of such parties shall for all purposes be joint and several unless a contrary intention is clearly expressed elsewhere herein.

IN WITNESS WHEREOF, the Grantor has executed this Warranty Deed on the day and year first above written.

GRANTOR:


KAREN EDENS

APPROVED AS TO FORM:
TSUKAZAKI YEH & MOORE
A Limited Liability Law Company
By MICHAEL W. MOORE
June 20, 2007

STATE OF CALIFORNIA

COUNTY OF

San Diego

)
) ss.
)

(CL) (NP)

On this date June 25th, 2007, before me personally appeared Courtney Liguori ^{NP} ~~to me known~~ (or who has proven to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing "Warranty Deed", and who acknowledged that she executed said instrument as her free act and deed.

(CL) (NP)

WITNESS my hand and official seal.



[Seal]

Courtney Liguori
(Notary's signature)
COURTNEY LIGUORI
(Type/Print clearly notary's name)
Notary Public, State of California

My commission expires: APRIL 6, 2011

EXHIBIT "A"

Tax Map Key No: (3) 1-5-059-059

All of that certain parcel of land situate at Keaau, District of Puna, Island and County of Hawaii, State of Hawaii, described as follows:

LOT 463, area .51 acre, more or less, in **BLOCK 10**, as shown on Map 65, filed with Land Court Application No. 1053 (amended) of W. H. Shipman, Limited.

TOGETHER WITH an undivided 1/5750th interest in and to Lots 60; 62; 8297; 8363; 8385; 8387 and 3115 in Block 7; and Lot 1 in Block 10; as shown on Maps 10, 10, 55, 56, 56, 57, 58 and 65, respectively, of said Application No. 1053 (amended); and Lot 4-B, as shown on Map 2 of Land Court Application No. 1689 of W. H. Shipman, Limited; to be used in common with others entitled thereto, for roadway and utility purposes only.

Being a portion of the premises described in and covered by **Transfer Certificate of Title No. 784,909**.

ISSUED TO: KAREN EDENS, wife of Erinn Clarke Edens

(DEED recorded December 20, 2005 as Land Court Document No. 3369350, of Official Records.)

SUBJECT, HOWEVER, to the following:

1. AS TO LOTS 60 AND 62 ONLY:

Right of way over and across Lots 60 and 62, in favor of Lot 58, as granted by that certain DEED recorded as Land Court Document No. 104733, filed in the Land Court of the State of Hawaii

2. AS TO LOT 4-B ONLY:

- a. Title to all mineral and metallic mines reserved to the State of Hawaii.
- b. A LEASE OF RIGHT OF WAY for utility purposes in favor of Hawaiian Telephone Company (now Hawaiian Telcom, Inc.) for a term of 30 years from May 6, 1955, and thereafter from year to year until terminated by either party on 90 days written notice, recorded as Land Court Document No. 181820 of Official Records.

- c. That certain unrecorded RIGHT OF WAY in favor of Olaa Sugar Company Limited, as mentioned in Deed recorded as Land Court Document No. 721232 of Official Records.
3. AS TO LOT 62 ONLY:
- EASEMENT 29 for utility purposes, shown on Map No. 10 filed with Land Court Application No. 1053, as set forth by Land Court Order No. 17102, recorded April 24, 1959.
4. AS TO LOT 8387 ONLY:
- EASEMENT 30 for utility purposes, shown on Map No. 57 filed with Land Court Application No. 1053, as set forth by Land Court Order No. 17102, recorded April 24, 1959.
5. AS TO LOTS 62 AND 8387 ONLY:
- A GRANT OF EASEMENTS 29 and 30 for utility purposes, in favor of Hilo Electric Light Company, Limited, recorded as Land Court Document No. 236028, of Official Records.
6. AS TO LOTS 60, 62, 8297, 8363, 8385, 8387, 3115, 1 AND 4-B:
- Exception, reservation and power as set forth in that certain Deed recorded as Land Court Document No. 253279 of Official Records.
- Said exception, reservation and power were assigned to Paradise Hui Hanalike, a Hawaii nonprofit corporation, by Land Court Order No. 77755, recorded April 2, 1988.
- Note: The change of name of Paradise Hui Hanalike to Hawaiian Paradise Park Owners Association, effective August 28, 2001, as set forth by Land Court Order No. 145509, recorded April 5, 2002.
7. AS TO THE UNDIVIDED INTEREST IN LOTS 8297 AND 8387:
- Final Order of Condemnation filed in the Third Circuit Court of the State of Hawaii with Civil No. 89-212, condemning a portion of Lots 8297 and 8387 more particularly described therein.
- Note: The foregoing instrument is not noted on Transfer Certificate of Title referred to herein.

8. AS TO THE UNDIVIDED INTEREST(S) IN THE ROADWAY LOT(S):

Rights of ingress and egress in favor of others entitled thereto.

9. DECISION dated April 25, 1983, filed in the Supreme Court of the State of Hawaii, with Case No. 8699, re: obligation of all lot owners of the Hawaiian Paradise Park, Increment 1 to pay road maintenance assessments.

Note: The foregoing instrument is not noted on Transfer Certificate of Title referred to herein.

END EXHIBIT "A"