

# CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

121 WAIANUENUE AVENUE

P.O. BOX 686

HILO, HAWAII 96721-0686

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LAND USE COMMISSION  
STATE OF HAWAII

2019 MAY -1 P 2:37

May 1, 2019

## VIA HAND DELIVERY

Daniel E. Orodener, Executive Officer  
State Land Use Commission  
235 South Beretania Street, Room 406  
Honolulu, Hawai'i 96813

Re: Docket No. A02-737  
Notice of Representation of Counsel and Change in Ownership of Petition Area

Dear Mr. Orodener:

This firm has been retained by the University of the Nations, Kona, Inc., a Hawai'i nonprofit corporation ("UNK"), in connection with Docket No. A02-737. We respectfully request that any further correspondence to the Petitioner in this Docket be addressed to our office, with a copy to UNK's Office of General Counsel, attention Julie B. Anjo, Esq.

By way of Findings of Fact, Conclusions of Law, and Decision and Order, dated August 8, 2003, in the above-referenced docket (the "D&O"), the State of Hawai'i Land Use Commission (the "Commission") reclassified approximately 62 acres of land situate at Waiaha 1st, North Kona, Island, County and State of Hawai'i, and identified as Tax Map Key Nos. (3) 7-5-010:85 and (3) 7-5-017:006 (collectively, the "Petitioner Area") from the State Land Use ("SLU") Agricultural District to the SLU Urban District. The reclassification was sought to allow for the development of the Hualalai Village condominiums, a multi-function Cultural Center, and a five-acre Education Facility.

At the time of the reclassification in 2003, the petitioner and fee owner of the Petition Area was U of N Bencorp, a Hawai'i nonprofit corporation ("UNB"). On or around May 18, 2005, UNB formally changed its name to Aeko Hawaii ("Aeko"). See Exhibit 1, attached hereto. By way of Warranty Deeds, dated October 14, 2011, Aeko conveyed the Petition Area to Ka 'Ohana Waiaha, a Hawai'i nonprofit corporation ("KOW"). See Exhibit 2a and Exhibit 2b, attached hereto. By way of Warranty Deeds, dated May 24, 2018, KOW conveyed the Petition Area to UNK, the current fee owner of the Petition Area. See Exhibit 3a and Exhibit 3b, attached hereto.

HONOLULU

HILO

KONA

MAUI

LOS ANGELES

Dan Orodener  
May 1, 2019

Page 2

To the extent the Commission was not previously notified of these conveyances, please accept this as UNK's formal notice of change in ownership of the Petition Area pursuant to Condition No. 16 of the D&O.

Thank you for attention to this matter. If you have any questions, please feel free to contact me.

Sincerely,



Steven S.C. Lim  
Derek B. Simon

cc: Julie B. Anjo, Esq.  
Leo R. Asuncion, Office of Planning, State of Hawai'i  
Dawn T. Apuna, Esq., Deputy Attorney General  
Michael Yee, Planning Department, County of Hawai'i  
Joseph T. Kamelamela, Esq., Corporation Counsel, County of Hawai'i

Enclosures

4841-9148-5589.3.069428-00001



L-455 STATE OF HAWAII  
 OFFICE OF ASSISTANT REGISTRAR  
 RECORDED  
 SEP 02, 2005 08:01 AM

L.C. Order No(s) 162969  
 on Cert(s) 596,798

/s/ CARL T. WATANABE  
 ASSISTANT REGISTRAR



20 1/1 Z4

Land Court

Regular System

Return by Mail ( X ) Pick up ( )

LC

Wallace H. Gallup, Jr.  
 75-5591 Palani Road, Ste 3007  
 Kailua-Kona, HI 96740

TGA: 358655C  
 Total Pgs: 6

Tax Map Key No. (3) 7-5-010-086

**PETITION OF AKEO HAWAII TO  
 NOTE CHANGE OF CORPORATE NAME**

**EXHIBIT 1**

LAND COURT  
STATE OF HAWAII  
FILES

2006 AUG 31 AM 11:57

KATHLEEN HANAWAINE  
REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY:  MAIL  PICKUP

Wallace H. Gallup, Jr.  
75-5591 Palani Road, Ste. 3007  
Kailua-Kona, HI 96740

Tax Map Key No.: (3) 7-5-010-086

This Document has 5 pages

**IN THE LAND COURT OF THE STATE OF HAWAII**

In the Matter of the Application of	)	Application No. 1666
of	)	
Roman Catholic Church in the State	)	
of Hawaii	)	
	)	
to register and confirm title to land	)	
situate at Puaa 3rd, North Kona,	)	
Island and County of	)	
Hawaii, State of Hawaii	)	

PETITION OF AEKO HAWAII TO NOTE CHANGE OF CORPORATE NAME

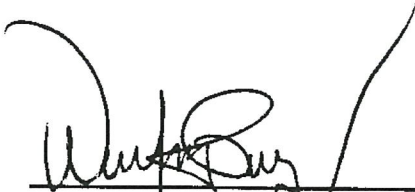
COMES NOW, AEKO HAWAII, a Hawaii nonprofit corporation, party in interest, and respectfully prays for an amendment of Land Court Certificate of Title No. 596,798, to show the following facts:

A TRUE COPY, ATTEST WITH  
THE SEAL OF SAID COURT.

DAVID I.D. FONG  
Clerk



1. The change of corporate name on May 18, 2005, of U OF N BENCORP to AEKO HAWAII, as evidenced by a true copy of the Filed Articles of Amendment to Change Corporate Name attached hereto and made a part hereof.

  
\_\_\_\_\_  
Wallace H. Gallup, Jr.  
Attorney for Petitioner

Subscribed and sworn to before me  
this 26<sup>th</sup> day of August, 2005



Notary Public, State of Hawaii

[Print name: Rose Ann Nash]

My commission expires: 7/20/2007



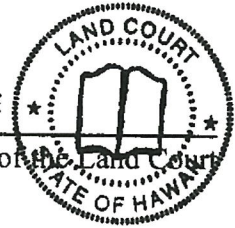
**ORDER**

Upon the record and the evidence herein, the prayer of the petition is hereby granted and the Registrar of this Court is so ordered.

Dated: Honolulu, Hawaii, AUG 31 2005

KATHLEEN HANAWAHINE

Registrar for the Judge of the Land Court



PETITION OF AEKO HAWAII TO NOTE CHANGE OF CORPORATE NAME ON LAND COURT CERTIFICATE OF TITLE NO. 596,798 AND ORDER

LINDA LINGLE  
GOVERNOR

JAMES R. AIONA, JR.  
LT. GOVERNOR



MARK E. RECKTENWALD  
DIRECTOR

LAWRENCE M. REIFURTH  
DEPUTY DIRECTOR

CORINNA M. WONG  
COMMISSIONER OF SECURITIES

STATE OF HAWAII  
BUSINESS REGISTRATION DIVISION  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
335 MERCHANT STREET, P.O. BOX 40  
HONOLULU, HAWAII 96810

[WWW.BUSINESSREGISTRATIONS.COM](http://WWW.BUSINESSREGISTRATIONS.COM)

I, the undersigned Director of Commerce and Consumer Affairs of the State of Hawaii, hereby certify that the attached is a true and exact copy of:

The Articles of Amendment to Change Corporate Name changing its name from U OF N BENCORP to AEKO HAWAII, filed in this Department on May 18, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Department of Commerce and Consumer Affairs, at Honolulu, Hawaii.

Dated: August 18, 2005

*Mark E. Rechtenwald*

Director of Commerce and Consumer Affairs

FILED 05/19/2005 08:51 AM  
Business Registration Division  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
State of Hawaii

STATE OF HAWAII  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
Business Registration Division  
335 Merchant Street  
Mailing Address: P.O. Box 40, Honolulu, Hawaii 96810



**ARTICLES OF AMENDMENT TO CHANGE CORPORATE NAME**

(Section 414D-163, Hawaii Revised Statutes)

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

The undersigned, duly authorized officers of the corporation submitting these Articles of Amendment, certify as follows:

1. The present name of the corporation is:

U OF N BENCORP

2. The name of the corporation is changed to:

AEKO HAWAII

3. The amendment to change the corporation name was adopted on: May 1 2005

(Check one)

(Month)

Day

Year)

at a meeting of the *members*:

Designation (class) Of membership	Total Number of Memberships (votes) outstanding	Total Number of Votes Entitled to be Cast By each Class	Number of Votes Cast by each class For Amendment	Number of Votes Cast by each class Against Amendment

OR

by written consent of the *members* holding at least eighty per cent of the voting power.

OR

by a sufficient vote of the *Board of Directors or incorporators* because member approval was not required.

4. Check one:

The written approval of a specified person or persons named in the articles of incorporation was obtained.

The written approval of a specified person or persons is not required.

The undersigned certifies under the penalties of Section 414D-12, Hawaii Revised Statutes, that the undersigned has read the above statements and that the same are true and correct.

Signed this 1st day of May, 2005

ERNIE WOUTERS, Secretary

(Type/Print Name & Title)  
  
(Signature of Officer)

(Type/Print Name & Title)  
  
(Signature of Officer)

SEE INSTRUCTIONS ON REVERSE SIDE. The articles must be signed by at least one officer of the corporation.

05/19/200520004

700



STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

December 29, 2011 8:01 AM

Doc No(s) A-43800694



1 1/2 KKA  
B-31990957

1st NICKI ANN THOMPSON  
REGISTRAR

Conveyance Tax: \$1637.80

**LAND COURT SYSTEM**

**REGULAR SYSTEM**

After Recordation Return To:

By Mail (X)

Pickup ( )

Jennifer L. Zelko, Esq.  
Torkildson, Katz, Moore,  
Hetherington & Harris  
120 Pauahi Street, Ste. 312  
Hilo, HI 96720

TITLE GUARANTY OF HAWAII HAS  
FILED THIS DOCUMENT FOR RECORD  
AS AN ACCOMMODATION ONLY. THIS  
DOCUMENT HAS NOT BEEN  
REVIEWED OR IN ANY WAY EXAMINED  
AS TO ITS EFFECT ON REAL PROPERTY.

TGA: 4330870

Total Pages: 13

CAC

**TAX MAP KEY NO.:**  
(3) 7-5-010:085

**WARRANTY DEED**

THIS INDENTURE, made effective the 14<sup>th</sup> day of October, 2011, by and between **AEKO HAWAII**, a Hawaii non-profit corporation, whose address is 6001 Egan Dr., Ste. 100, Savage, Minnesota 55378, referred to as "Grantor," and **KA 'OHANA WAI'AHIA**, a Hawaii non-profit corporation, whose address is 75-581 Kuakini Highway #102, Kailua-Kona, Hawaii 96740-2199, hereinafter referred to as "Grantee,"

**WITNESSETH:**

That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto Grantee, as Tenant in Severalty forever, the property, situated on the Island of Hawaii, County of Hawaii, State of Hawaii, and described in Exhibit A attached hereto and by reference made a part hereof.

TO HAVE AND TO HOLD the same, together with all buildings and improvements thereon, all rights, privileges, and easements held or enjoyed in connection therewith, all rents, issues and profits therefrom, or appurtenant thereto, and all of the estate, right, title and interest of Grantor therein and thereto, unto Grantee, Grantee's successors and assigns, forever.

**EXHIBIT 2a**



AND Grantor does hereby covenant and agree with Grantee, Grantee's successors and assigns, that Grantor is lawfully seised in fee simple of the premises hereby conveyed; that Grantor has good right to sell and convey the same as aforesaid; that the same are free and clear from all encumbrances, except non-delinquent real property taxes and as may be described in Exhibit A; and that Grantor will, and Grantor's successors and assigns shall, forever WARRANT AND DEFEND the title to the land against the lawful claims and demands of all persons whomsoever, except as aforesaid.

AT ALL TIMES HEREIN the terms "Grantor" and "Grantee" or any pronouns used in place thereof, shall mean and include the masculine or feminine, singular or plural number, and individuals, firms or corporations, and their and each of their respective successors and assigns, according to the context thereof, and the covenant of any two or more persons herein shall be joint and several.

IN WITNESS WHEREOF, the parties have signed this instrument as of the day and year first above written.

GRANTOR:

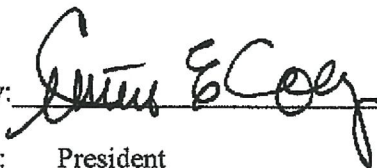
**AEKO HAWAII,**  
a Hawaii nonprofit corporation,

By:   
\_\_\_\_\_  
Warren J. Israelson

Its:

GRANTEE:

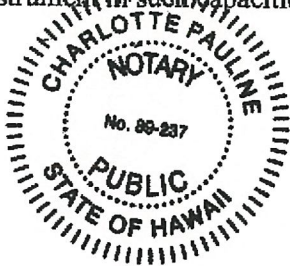
**KA 'OHANA WAI'AHU,**  
a Hawaii nonprofit corporation,

By:   
\_\_\_\_\_  
James E. Coey

Its: President

State of Hawaii )  
County of Hawaii ) SS:

On October 14, 2011, before me personally appeared, **Warren J. Israelson**, to me personally known or satisfactorily proven, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.



*Charlotte Pauline*

Name (print): Charlotte Pauline  
Notary Public, State of Hawaii  
My commission expires: April 26, 2013

NOTARY CERTIFICATION

Document Identification or Description: Warranty Deed

Doc. Date: October 14, 2011

No. of Page(s): \_\_\_\_\_ Jurisdiction: Third Circuit

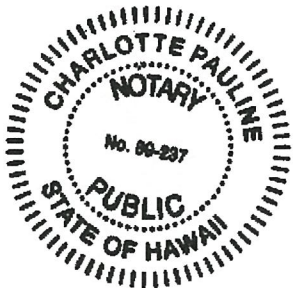
*Charlotte Pauline*

October 14, 2011

Signature of Notary

Date of Certificate

Name (print): Charlotte Decker



State of Hawaii )  
County of Hawaii ) SS:

On October 14, 2011, before me personally appeared, Christine Colby, to me personally known or satisfactorily proven, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.



Charlotte Pauline  
Name (print): Charlotte Pauline  
Notary Public, State of Hawaii  
My commission expires: April 26, 2013

NOTARY CERTIFICATION

Document Identification or Description: Warranty Deed

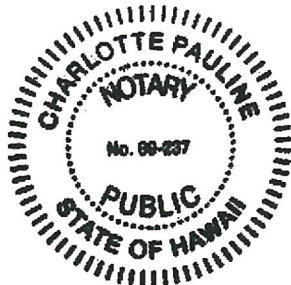
Doc. Date: October 14, 2011

No. of Page(s): \_\_\_\_\_ Jurisdiction: Third Circuit

Charlotte Pauline October 14, 2011

Signature of Notary Date of Certificate

Name (print): Charlotte Pauline



**EXHIBIT A**

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 1930 to Asa Thurston on a portion of Land Commission Award Number 387, Part 4, Section 2, No. 3 to American Board of Commissioners for Foreign Missions) situate, lying and being on the easterly side of Kuakini Highway, Project No. SS-229(1), and on the westerly side of Lot B and Hualalai Road (Kailua-Keauhou Middle Road), at Waiaha 1st, District of North Kona, Island and County of Hawaii, State of Hawaii, being LOT "A", same being a portion of Lot "B", and thus bounded and described as per survey dated April 4, 2001, revised December 20, 2001, to-wit:

Beginning at the northerly corner of this parcel of land at the Great Wall of Kuakini, being the southeast corner of Lot 7, TMK: 7-5-18:28, being the existing northeast corner of TMK: 7-5-18:73 and the existing northwest corner of TMK 7-5-17:07, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" (North Meridian) being 4,301.12 feet south and 3,245.12 feet east and running by azimuths measured clockwise from True South:

1. 258° 38' 49" 419.30 feet to a point;
2. 265° 41' 49" 603.40 feet to a point;
3. 269° 49' 49" 229.50 feet to a point;
4. 261° 25' 49" 329.20 feet to a point;
5. 258° 35' 49" 269.50 feet to a point;
6. 265° 37' 49" 77.10 feet to a point;

Thence, along Lot B, along a curve to the left having a radius of 500.00 feet, the chord azimuth and distance being;

7. 325° 39' 31" 184.00 feet to a point;
8. 315° 03' 20" 145.67 feet along Lot B to a point;

Thence, along Lot B, along a curve to the right having a radius of 900.00 feet, the chord azimuth and distance being;

9. 322° 59' 20" 248.44 feet to a point;

EXHIBIT A CONTINUED

- 10. 240° 55' 18" 92.44 feet along Lot B to a point;
- 11. 179° 04' 30" 10.85 feet along Lot B to a point;
- 12. 269° 04' 30" 20.28 feet along Lot B to a point;
- 13. 240° 55' 18" 144.12 feet along Lot B to a point;

Thence, along Lot B, along a curve to the left having a radius of 160.00 feet, the chord azimuth and distance being;

- 14. 217° 00' 44" 129.69 feet to a point;
- 15. 193° 06' 10" 33.04 feet to a point;

Thence, along Lot B, along a curve to the right having a radius of 100.00 feet, the chord azimuth and distance being;

- 16. 215° 47' 40" 77.15 feet to a point;

Thence, along Lot B, along a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being:

- 17. 271° 35' 47" 54.62 feet to a point;

Thence, along the southwesterly to the westerly side of Hualalai Road (Queen Kaahumanu Highway Extension) Hawaii Belt Road for the following five (5) courses;

- 18. 304° 42' 24" 138.61 feet to a point;
- 19. 302° 00' 00" 134.71 feet to a point;
- 20. 311° 15' 00" 21.71 feet to a point;
- 21. 334° 11' 04" 337.35 feet to a point;
- 22. 71° 47' 48" 37.57 feet to a point;
- 23. 76° 50' 39" 150.56 feet along Lots 29 and 26 of Kona Hillcrest Subdivision to a point;



EXHIBIT A CONTINUED

24. 75° 03' 00" 404.68 feet along Lots 26, 24, 23, 22, 21 and 20 of Kona Hillcrest Subdivision to a point;
25. 78° 26' 08" 2,213.85 feet along TMK: 7-5-017:6, along Grant 5327 to Samuel Liftee to a point;
26. 68° 38' 00" 105.50 feet along TMK: 7-5-17:6, along Grant 5327 to Samuel Liftee to a point;

Thence, along the easterly side of Kuakini Highway, along a curve to the right having a radius of 2,824.79 feet, the chord azimuth and distance being;

27. 143° 26' 35" 838.99 feet to a point;
28. 151° 59' 00" 321.64 feet along the easterly side of Kuakini Highway to a point;
29. 265° 01' 00" 424.15 feet along Lot 7, Land Court Application 1659, Map 4 to the point of beginning and containing a gross area of 57.047 acres, more or less, and a net area of 56.597 acres excluding the two (2) Water Tank Sites (TMK: 7-5-17:13 and 15).

Together with a perpetual and non-exclusive easement over Easement "79" (50-foot wide) for roadway and utility purposes, affecting Lot 1-B as shown on Map 15 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1066 of the Roman Catholic Church in the State of Hawaii as described in Land Court Order No. 143824, as granted by GRANT OF EASEMENT, dated November 23, 2001, filed as Land Court Document No. 2762460, recorded as Document No. 2001-198862; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein.

EXHIBIT A CONTINUED

Together with Easement "R-1" (Part 1) 50 feet wide, for roadway and utility purposes, as granted by GRANT OF EASEMENT, dated November 23, 2001, filed as Land Court Document No. 2762460, recorded as Document No. 2001-198862; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein, more particularly described as follows:

EASEMENT R-1 (PART 1) 50 FEET WIDE  
For Roadway and Utility Purposes

Easement situated on the westerly side of Lot B  
Adjoining the easterly side of Lot C  
on the westerly side of Hualalai Road

as Puaa 2nd & 3rd, North Kona, Hawaii, Hawaii

Being a portion of Lot B, a portion of Grant 1744  
to Kahunaele and a portion of Lot 1  
Land Court Application 1666 - Map 1

Beginning at the northerly corner of THIS EASEMENT being the northerly corner of Lot B, also being the easterly corner of Lot C on the southwesterly side of Hualalai Road, the coordinates of said point beginning referred to Government Survey Triangulation Station "KAILUA" (North Meridian) being 3,519.30 feet south and 5,165.02 feet east and running by azimuths measured clockwise from True South:

Thence, along the southwesterly side of Hualalai Road for the following three (3) courses:

1. 313° 50' 49" 36.33 feet to a point;
2. 314° 26' 49" 100.60 feet to a point;
3. 305° 57' 29" 12.10 feet to a point;

Thence, along the remainder of Lot B for the following four (4) courses:

4. 35° 57' 49" 20.84 feet to a point;

Thence, along a curve to the left having a radius of 60.00 feet, the chord azimuth and distance being:

8

EXHIBIT A CONTINUED

5. 84° 54' 19" 78.82 feet to a point;

Thence, along a curve to the left having a radius of 275.00 feet,  
the chord azimuth and distance being:

6. 31° 22' 51" 118.72 feet to a point;

7. 76° 47' 49" 46.25 feet along the remainder of Lot B,  
the remainder of Easement R-1 and  
Land Court Lot 1-B and Easement R-3  
to a point;

8. 81° 43' 49" 10.67 feet along the remainder of Lot B,  
the remainder of Easement R-1 and  
Land Court Lot 1-B and Easement R-3  
to a point;

Thence, along Lot C, along a curve to the right having a radius  
of 325.00 feet, the chord azimuth and  
distance being:

9. 208° 46' 48.5" 168.96 feet to a point;

Thence, along Lot C, along a curve to the right having a radius  
of 60.00 feet, the chord azimuth and  
distance being:

10. 178° 50' 49" 84.85 feet to a point;

11. 223° 50' 49" 19.57 feet along Lot C to the point of  
beginning and containing an area of  
0.342 acre, more or less.

EXHIBIT A CONTINUED

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : GOMES FAMILY LIMITED PARTNERSHIP, a Hawaii limited  
partnership

GRANTEE : PACU BENCORP, INC., a Hawaii corporation

DATED : July 31, 2000

RECORDED : Document No. 2000-112926

EXHIBIT A CONTINUED

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. The Great Wall of Kuakini as shown on tax map.
3. Matters arising out of, including any utility and access rights in favor of Tax Map Keys (3) 7-5-017-013 and 015 located within the subject land.
4. Waterline easement (6 feet wide) as shown on tax map.

GRANT

TO : HAWAIIAN TELEPHONE COMPANY, a Hawaii corporation,  
now known as HAWAIIAN TELCOM, INC., and HILO  
ELECTRIC LIGHT COMPANY, LIMITED, a Hawaii  
corporation

DATED : August 12, 1969

RECORDED : Liber 6724 Page 257

GRANTING : a perpetual right and easement for utility purposes

Restriction of abutter's right of vehicle access, appurtenant to the remainder of the land of which Parcel 49, is a part, into and from Hawaii Belt Road, FAP Route 11, Project No. 11A-03-69, Palani Road to Kilohana Subdivision over and across course 3 of the above described Parcel 49 and over an across the boundaries designated as Boundaries "29" and "30" more particularly described as follows:

BOUNDARY "29"



EXHIBIT A CONTINUED.

Being the common boundary between Hualalai Road (Kailua-Holualoa Road) and a portion of R. P. 1930 to Asa Thurston, L.C. Award 387 Part 4 Section 2 No. 3 to American Board of Commissioners for Foreign Missions.

Beginning at the southeast end of this right-of-way boundary, on the southwest side of Hawaii Belt Road, FAP Route 11, Project No. 11A-03-69, Palani Road to Kilohana Subdivision, being also the southwesterly side of Hualalai Road (Kailua-Holualoa Road) and at the end of Course 3 of the above described Parcel 49, thence running azimuths measured clockwise from true south:

- |    |          |        |  |
|----|----------|--------|--|
| 1. | 131° 15' | 21.71  | feet along a portion of L.C. Award 387 Part 4 Section 2 No. 3 to American Board of Commissioners for Foreign Missions; |
| 2. | 122° 00' | 134.71 | feet along same;   |
| 3. | 124° 00' | 114.75 | feet along same;   |
| 4. | 127° 00' | 35.36  | feet along same to the northwest end of this right-of-way boundary and having a total length of 306.53 feet.           |

BOUNDARY "30"

Being the common boundary between Lot 103 of "Kona Hillcrest Subdivision" (File Plan 1124) and R.P. 1930 to Asa Thurston, L.C. Award 387 Part 4 Section 2 No. 3 to American Board of Commissioners for Foreign Missions.

Beginning at the east end of this right-of-way boundary, on the southwest side of Hawaii Belt Road, FAP Route 11, Project No. 11A-03-069, Palani Road to Kilohana Subdivision, and at the end of Course 2 of the above described Parcel 49, thence running by azimuth measured clockwise from true south:

- |    |         |       |  |
|----|---------|-------|--|
| 1. | 76° 24' | 31.12 | feet along a portion of L.C. Award 387 Part 4, Section 2, No. 3 to |
|----|---------|-------|--|

EXHIBIT A CONTINUED

American Board of  
Commissioners for Foreign  
Missions to the west end  
of this right-of-way  
boundary and having a  
length of 31.12 feet.

GRANT

TO : WATER BOARD OF THE COUNTY OF HAWAII

DATED : February 25, 2003

RECORDED : Document No. 2003-179095

GRANTING : the right in the nature of a perpetual easement  
over Waterline Easements "W-4", area 0.386 acre or  
16,824 square feet, more particularly described  
therein

5. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF CONDITIONS APPLICABLE TO AN  
AMENDMENT OF DISTRICT BOUNDARY FROM AGRICULTURAL TO  
URBAN

DATED : August 14, 2003

RECORDED : Document No. 2003-171988

6. Filed with the Department of Commerce and Consumer Affairs of the State of Hawaii (Business Registration, is the name change of PACU BENCORP to U OF N BENCORP on November 9, 2000.
7. The name of U OF N BENCORP was changed to AEKO HAWAII by instrument dated May 18, 2005, filed as Land Court Order No. 162969.
8. Claims arising out of customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised statutes.

**END OF EXHIBIT A**

Tax Map Key No.: (3) 7-5-010:085



STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

December 29, 2011 8:01 AM

Doc No(s) A-43800695



1 2/2  
B-31990957

KKA

/s/ NICKI ANN THOMPSON  
REGISTRAR

Conveyance Tax: \$1235.20

**LAND COURT SYSTEM**

*kh* **REGULAR SYSTEM**

After Recordation Return To:

By Mail (X)

Pickup ( )

Jennifer L. Zelko, Esq.  
Torkildson, Katz, Moore,  
Hetherington & Harris  
120 Pauahi Street, Ste. 312  
Hilo, HI 96720

TITLE GUARANTY OF HAWAII HAS  
FILED THIS DOCUMENT FOR RECORD  
AS AN ACCOMMODATION ONLY. THIS  
DOCUMENT HAS NOT BEEN  
REVIEWED OR IN ANY WAY EXAMINED  
AS TO ITS EFFECT ON REAL PROPERTY.

TGA: 433087Q (2)

Total Pages: 1

*CAC*

**TAX MAP KEY NO.:**

(3) 7-5-017:006

**WARRANTY DEED**

THIS INDENTURE, made effective the 14<sup>th</sup> day of October, 2011, by and between **AEKO HAWAII**, a Hawaii non-profit corporation, whose address is 6001 Egan Dr., Ste. 100, Savage, Minnesota 55378, referred to as "Grantor," and **KA 'OHANA WAIHAHA**, a Hawaii non-profit corporation, whose address is 75-581 Kuakini Highway #102, Kailua-Kona, Hawaii 96740-2199, hereinafter referred to as "Grantee,"

**WITNESSETH:**

That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto Grantee, as Tenant in Severalty forever, the property, situated on the Island of Hawaii, County of Hawaii, State of Hawaii, and described in Exhibit A attached hereto and by reference made a part hereof.

TO HAVE AND TO HOLD the same, together with all buildings and improvements thereon, all rights, privileges, and easements held or enjoyed in connection therewith, all rents, issues and profits therefrom, or appurtenant thereto, and all of the estate, right, title and interest of Grantor therein and thereto, unto Grantee, Grantee's successors and assigns, forever.

Exhibit 2b

AND Grantor does hereby covenant and agree with Grantee, Grantee's successors and assigns, that Grantor is lawfully seised in fee simple of the premises hereby conveyed; that Grantor has good right to sell and convey the same as aforesaid; that the same are free and clear from all encumbrances, except non-delinquent real property taxes and as may be described in Exhibit A; and that Grantor will, and Grantor's successors and assigns shall, forever WARRANT AND DEFEND the title to the land against the lawful claims and demands of all persons whomsoever, except as aforesaid.

AT ALL TIMES HEREIN the terms "Grantor" and "Grantee" or any pronouns used in place thereof, shall mean and include the masculine or feminine, singular or plural number, and individuals, firms or corporations, and their and each of their respective successors and assigns, according to the context thereof, and the covenant of any two or more persons herein shall be joint and several.

IN WITNESS WHEREOF, the parties have signed this instrument as of the day and year first above written.

GRANTOR:

**AEKO HAWAII, INC.,**  
a Hawaii nonprofit corporation,

By:   
\_\_\_\_\_  
Warren J. Israelson

Its:

GRANTEE:

**KA 'OHANA WAI'AHIA,** Hawaii nonprofit  
corporation,

By:   
\_\_\_\_\_  
Its: President



State of Hawaii )  
County of Hawaii ) SS:

On October 14, 2011, before me personally appeared, **Warren J. Israelson**, to me personally known or satisfactorily proven, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.



*Charlotte Pauline*

Name (print): Charlotte Pauline  
Notary Public, State of Hawaii  
My commission expires: April 26, 2013

NOTARY CERTIFICATION

Document Identification or Description: Warranty Deed

Doc. Date: October 15, 2011

No. of Page(s): \_\_\_\_\_ Jurisdiction: Third Circuit

*Charlotte Pauline*

October 14, 2011

Signature of Notary - Charlotte Pauline Date of Certificate

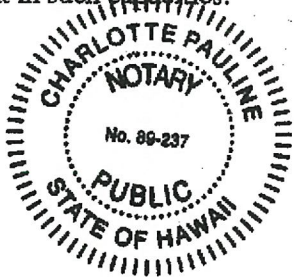
Name (print): \_\_\_\_\_





State of Hawaii )  
County of Hawaii ) SS:

On October 14, 2011, before me personally appeared, Christine Colby, to me personally known or satisfactorily proven, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.



*Charlotte Pauline*

Name (print): Charlotte Pauline  
Notary Public, State of Hawaii  
My commission expires: April 26, 2013

NOTARY CERTIFICATION

Document Identification or Description: Warranty Deed

Doc. Date: October 14, 2011

No. of Page(s): \_\_\_\_\_ Jurisdiction: Third Circuit

*Charlotte Pauline* \_\_\_\_\_ October 14, 2011

Signature of Notary \_\_\_\_\_ Date of Certificate

Name (print): Charlotte Pauline



**EXHIBIT A**

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Land Patent Grant Number 5327 to Samuel Liftee) situate, lying and being on the easterly side of Kuakini Highway, Project FAP No. SS-229(1), and on the northerly side of Kona Hillcrest Subdivision, at Waiaha 2nd, District of North Kona, Island and County of Hawaii, State of Hawaii, being PARCEL 6, and thus bounded and described as per survey dated November 11, 2002, to-wit:

Beginning at the northwest corner of this parcel of land on the easterly side of Kuakini Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" (North Meridian) being 5,295.84 feet south and 3,473.38 feet east and running by azimuths measured clockwise from true South:

Thence, along Lot A, along Land Commission Award 387, Part 4, Section 2, No. 3 to American Board of Commissioners for Foreign Missions for the next two (2) courses:

1. 248° 38' 00" 105.50 feet to a point;
2. 258° 26' 08" 2,213.85 feet to a point;

Thence, along the northerly side of Kona Hillcrest Subdivision for the following seven (7) courses:

3. 71° 43' 30" 124.57 feet along Lots 20 & 19 to a point;
4. 71° 05' 30" 389.65 feet Lots 18 through 14 to a point;
5. 74° 18' 00" 108.90 feet along Lots 14 & 13 to a point;
6. 73° 28' 00" 81.34 feet along Lots 13, 12 & 9 to a point;
7. 74° 29' 00" 176.29 feet along Lots 9 & 8 to a point;
8. 75° 12' 00" 174.88 feet along Lots 7, 6 & 5 to a point;

EXHIBIT A CONTINUED

9. 74° 32' 00" 285.07 feet along Lots 5, 4, 3 & 2 to a point;
10. 70° 05' 00" 39.34 feet along County of Hawaii, Lot 1 to a point;
11. 74° 38' 30" 147.50 feet along County of Hawaii, Lot 1 to a point;
12. 76° 51' 00" 65.76 feet along County of Hawaii, Lot 1 to a point;

Thence, along Parcel 25 (TMK: 7-5-18:25) for the following four (4) courses:

13. 76° 51' 00" 100.00 feet to a point;
14. 76° 01' 30" 141.117 feet to a point;
15. 72° 30' 00" 240.00 feet to a point;
16. 71° 31' 00" 131.08 feet to a point;

Thence, along the easterly side of Kuakini Highway, along a curve to the right having a radius of 2,824.79 feet, the chord azimuth and distance being:

17. 132° 47' 27.5" 208.36 feet to the point of beginning and containing an area of 5.361 acres, more or less.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : GOMES FAMILY LIMITED PARTNERSHIP, a Hawaii limited partnership

GRANTEE : PACU BENCORP, INC., a Hawaii corporation

DATED : July 31, 2000

RECORDED : Document No. 2000-112926

EXHIBIT A CONTINUED

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. The Great Wall of Kuakini as shown on tax map.
3. The terms and provisions contained in the following:  

INSTRUMENT : DECLARATION OF CONDITIONS APPLICABLE TO AN  
AMENDMENT OF DISTRICT BOUNDARY FROM AGRICULTURAL TO  
URBAN

DATED : August 14, 2003  
RECORDED : Document No. 2003-171988
4. Matters arising out of, including any utility and access rights in favor of Tax Map Keys (3) 7-5-017-013 and 015 located within the subject land.
5. Filed with the Department of Commerce and Consumer Affairs of the State of Hawaii (Business Registration), is the name change of PACU BENCORP to U OF N BENCORP on November 9, 2000.
6. The name of U OF N BENCORP was changed to AEKO HAWAII by instrument dated May 18, 2005, filed as Land Court Order No. 162969.
7. Claims arising out of customary and traditional rights and Practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes.

**END OF EXHIBIT A**

Tax Map Key No.: (3) 7-5-017:006

410



STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

June 14, 2018 8:01 AM

Doc No(s) A - 67390372



1 1/2 OFC  
B - 33178987

/s/ LESLIE T. KOBATA  
REGISTRAR

Conveyance Tax: \$5,673.90

LAND COURT SYSTEM

*mw*

REGULAR SYSTEM

Return By Mail  Pick-Up  To:

UNIVERSITY OF THE NATIONS, KONA, INC.  
75-5851 Kuakini Highway  
Kailua Kona, HI 96740

PNIC File # 01801526

r/s 1

TOTAL NUMBER OF PAGES: 10

Title of Document:

**GENERAL WARRANTY DEED**

Parties to the Document:

**GRANTOR:** KA 'OHANA WAIAHA, a Hawaii nonprofit corporation, whose mailing address is 75-581 Kuakini Highway #102, Kailua-Kona, Hawaii 96740-2199;

**GRANTEE:** UNIVERSITY OF THE NATIONS, KONA, INC., a Hawaii nonprofit corporation, whose mailing address is 75-5851 Kuakini Highway, Kailua Kona, Hawaii 96740.

Tax Map Key No.: (3) 7-5-010:085

5/24/2018

**GENERAL WARRANTY DEED**

This deed, made effective on this the 24th day of May, 2018, by and between **KA 'OHANA WAIAHA**, a Hawaii nonprofit corporation, whose mailing address is 75-581 Kuakini Highway #102, Kailua-Kona, Hawaii 96740-2199, hereinafter referred to as "**Grantor**" and **UNIVERSITY OF THE NATIONS, KONA, INC.**, a Hawaii nonprofit corporation, whose mailing address is 75-5851 Kuakini Highway, Kailua Kona, Hawaii 96740, hereinafter referred to as "**Grantee**",

**WITNESSETH:**

That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other valuable consideration to Grantor in hand paid by Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto Grantee, as Tenant in Severalty forever, the property,

**EXHIBIT 3a**

|



situated on the Island of Hawaii, County of Hawaii, State of Hawaii, and described in Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the same, together with all buildings and improvements thereon, all rights, privileges, and easements held or enjoyed in connection therewith, all rents, issues, and profits therefrom, or appurtenant thereto, and all of the estate, right, title, and interest of Grantor therein and thereto, unto Grantee, Grantee's successors and assigns, forever.

AND Grantor does hereby covenant and agree with Grantee, Grantee's successors and assigns, that Grantor is lawfully seised in fee simple of the premises hereby conveyed; that Grantor has good right to sell and convey the same as aforesaid; that the same are free and clear from all encumbrances, except non-delinquent real property taxes and as may be described in Exhibit A; and that Grantor will, and Grantor's successors and assigns shall, forever WARRANT AND DEFEND the title to the land against the lawful claims and demands of all persons whomsoever, except as aforesaid.

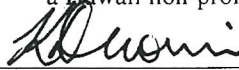
BEING the same land conveyed by Warranty Deed from Aeko Hawaii, a Hawaii nonprofit corporation, to Ka 'Ohana Waiaha, a Hawaii nonprofit corporation on the 14<sup>th</sup> day of October, 2011 and recorded in the State of Hawaii Bureau of Conveyances as Document No. A-43800694 on the 29<sup>th</sup> day of December, 2011.

AT ALL TIMES HEREIN, the terms "Grantor" and "Grantee" or any pronouns used in places thereof, shall mean and include the masculine or feminine, singular or plural number, and individuals, firms or corporations, and their and each of their respective successors and assigns, according to the context thereof, and the covenant of any two or more persons herein shall be joint and several.

*(The remainder of this page is intentionally left blank. Signature page to follow.)*

IN WITNESS WHEREOF, the parties have signed this instrument as of the day and year first above written.

**GRANTOR: KA 'OHANA WAIAHA,**  
a Hawaii non-profit corporation,



By: KEVIN NORRIS  
Its: OFFICER

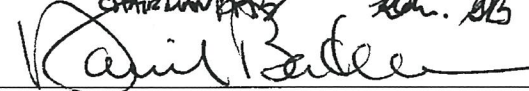


By: GUNILA BAUMANN  
Its: OFFICER

**GRANTEE: UNIVERSITY OF THE NATIONS, KONA, INC.,**  
a Hawaii non-profit corporation,



By: MARTIN REDIGER  
Its: PRESIDENT, BOARD OF TRUSTEES

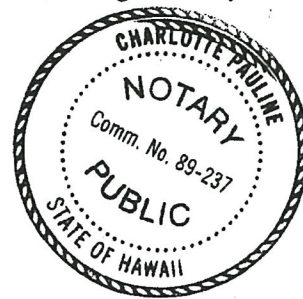


By: DAVID BATEMAN  
Its: SECRETARY, BOARD OF TRUSTEES

STATE OF HAWAII )  
 ) ss.  
COUNTY OF HAWAII )

On this the 24th day of May, 2018, before me personally appeared KEVIN NORRIS, to me known (or proved to me on the basis of satisfactory evidence) that he is an officer of **KA 'OHANA WAIHAHA**, a Hawaii non-profit corporation, and 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 Stamp or Seal)



Charlotte Pauline  
Name: CHARLOTTE PAULINE

Notary Public

State of Hawaii

My commission expires: April 26 2021

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 24 2018

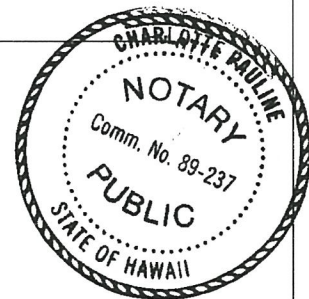
No. of Pages: 16

Jurisdiction (in which notarial act is performed): Third Circuit

Charlotte Pauline May 24 2018  
Signature of Notary Date of Notarization and  
Certification Statement

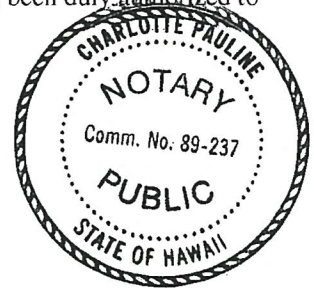
CHARLOTTE PAULINE  
Printed Name of Notary

(Notary Stamp or Seal)



STATE OF HAWAII )  
 ) ss.  
COUNTY OF HAWAII )

On this the 24th day of May, 2018, before me personally appeared GUNILA BAUMANN, to me known (or proved to me on the basis of satisfactory evidence) that she is an officer of **KA 'OHANA WAIHAHA**, a Hawaii nonprofit corporation, and 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 Stamp or Seal)

Charlotte Pauline  
Name: CHARLOTTE PAULINE

Notary Public

State of Hawaii

My commission expires: April 26 2021

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 24 2018

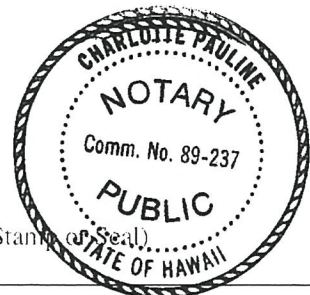
No. of Pages: \_\_\_\_\_

Jurisdiction (in which notarial act is performed): Third Circuit

Charlotte Pauline May 24 2018  
Signature of Notary Date of Notarization and  
Certification Statement

Charlotte Pauline  
Printed Name of Notary

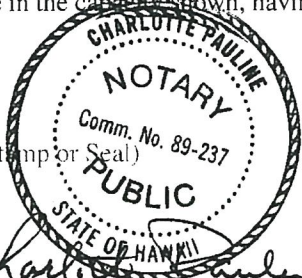
(Notary Stamp or Seal)



STATE OF HAWAII )  
 ) ss.  
COUNTY OF HAWAII )

On this the 24th day of May, 2018, before me personally appeared MARTIN REDIGER, to me known (or proved to me on the basis of satisfactory evidence) that he is the <sup>Chairman</sup> President of the Board of <sup>CP</sup> Trustees of the UNIVERSITY OF THE NATIONS, KONA, INC., a Hawaii nonprofit corporation, and 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 Stamp or Seal)



Name: Charlotte Pauline

Notary Public

State of Hawaii

My commission expires: April 26, 2021

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 26, 2021

No. of Pages: 10

Jurisdiction (in which notarial act is performed): Third Circuit

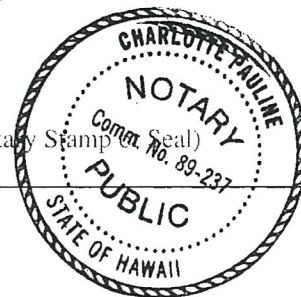
Signature of Notary

Charlotte Pauline  
Printed Name of Notary

Date of Notarization and Certification Statement

May 24, 2018

(Notary Stamp or Seal)

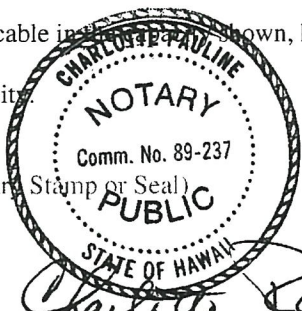




STATE OF HAWAII )  
 ) ss.  
COUNTY OF HAWAII )

On this the 24th day of May, 2018, before me personally appeared DAVID BATEMAN, to me known (or proved to me on the basis of satisfactory evidence) that he is the Secretary of the Board of Trustees of the **UNIVERSITY OF THE NATIONS, KONA, INC.**, a Hawaii nonprofit corporation, and that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the instrument shown, having been duly authorized to execute such instrument in such capacity.

(Notary Stamp or Seal)



*Charlotte Pauline*

Name: CHARLOTTE PAULINE

Notary Public

State of Hawaii

My commission expires: April 26, 2021

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

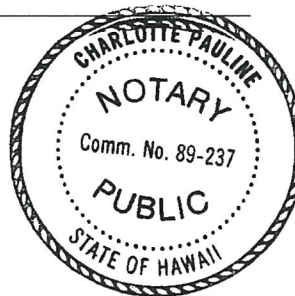
Document Date: May 24, 2018

No. of Pages: \_\_\_\_\_

Jurisdiction (in which notarial act is performed): Third Circuit

Charlotte Pauline May 24, 2018  
Signature of Notary Date of Notarization and Certification Statement

CHARLOTTE PAULINE  
Printed Name of Notary



(Notary Stamp or Seal)

**EXHIBIT A**

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number 1930 to Asa Thurston on a portion of Land Commission Award Number 387, Part 4, Section 2, No. 3 to American Board of Commissioners for Foreign Missions) situate, lying and being on the easterly side of Kuakini Highway, Project No. SS-229(1), and on the westerly side of Lot B and Hualalai Road (Kailua-Keauhou Middle Road), at Waiaha 1st, District of North Kona, Island and County of Hawaii, State of Hawaii, being LOT "A", same being a portion of Lot "B", and thus bounded and described as per survey dated April 4, 2001, revised December 20, 2001, to-wit:

Beginning at the northerly corner of this parcel of land at the Great Wall of Kuakini, being the southeast corner of Lot 7, TMK: 7-5-18:28, being the existing northeast corner of TMK: 7-5-18:73 and the existing northwest corner of TMK 7-5-17:07, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" (North Meridian) being 4,301.12 feet south and 3,245.12 feet east and running by azimuths measured clockwise from True South:

1. 258° 38' 49" 419.30 feet to a point;
2. 265° 41' 49" 603.40 feet to a point;
3. 269° 49' 49" 229.50 feet to a point;
4. 261° 25' 49" 329.20 feet to a point;
5. 258° 35' 49" 269.50 feet to a point;
6. 265° 37' 49" 77.10 feet to a point;

Thence, along Lot B, along a curve to the left having a radius of 500.00 feet, the chord azimuth and distance being;

7. 325° 39' 31" 184.00 feet to a point;
8. 315° 03' 20" 145.67 feet along Lot B to a point;

Thence, along Lot B, along a curve to the right having a radius of 900.00 feet, the chord azimuth and distance being;

9. 322° 59' 20" 248.44 feet to a point;

EXHIBIT A CONTINUED

- 10. 240° 55' 18" 92.44 feet along Lot B to a point;
- 11. 179° 04' 30" 10.85 feet along Lot B to a point;
- 12. 269° 04' 30" 20.28 feet along Lot B to a point;
- 13. 240° 55' 18" 144.12 feet along Lot B to a point;

Thence, along Lot B, along a curve to the left having a radius of 160.00 feet, the chord azimuth and distance being;

- 14. 217° 00' 44" 129.69 feet to a point;
- 15. 193° 06' 10" 33.04 feet to a point;

Thence, along Lot B, along a curve to the right having a radius of 100.00 feet, the chord azimuth and distance being;

- 16. 215° 47' 40" 77.15 feet to a point;

Thence, along Lot B, along a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being:

- 17. 271° 35' 47" 54.62 feet to a point;

Thence, along the southwesterly to the westerly side of Hualalai Road (Queen Kaahumanu Highway Extension) Hawaii Belt Road for the following five (5) courses;

- 18. 304° 42' 24" 138.61 feet to a point;
- 19. 302° 00' 00" 134.71 feet to a point;
- 20. 311° 15' 00" 21.71 feet to a point;
- 21. 334° 11' 04" 337.35 feet to a point;
- 22. 71° 47' 48" 37.57 feet to a point;
- 23. 76° 50' 39" 150.56 feet along Lots 29 and 26 of Kona Hillcrest Subdivision to a point;

EXHIBIT A CONTINUED

24. 75° 03' 00" 404.68 feet along Lots 26, 24, 23, 22, 21 and 20 of Kona Hillcrest Subdivision to a point;
25. 78° 26' 08" 2,213.85 feet along TMK: 7-5-017:6, along Grant 5327 to Samuel Liftee to a point;
26. 68° 38' 00" 105.50 feet along TMK: 7-5-17:6, along Grant 5327 to Samuel Liftee to a point;

Thence, along the easterly side of Kuakini Highway, along a curve to the right having a radius of 2,824.79 feet, the chord azimuth and distance being;

27. 143° 26' 35" 838.99 feet to a point;
28. 151° 59' 00" 321.64 feet along the easterly side of Kuakini Highway to a point;
29. 265° 01' 00" 424.15 feet along Lot 7, Land Court Application 1659, Map 4 to the point of beginning and containing a gross area of 57.047 acres, more or less, and a net area of 56.597 acres excluding the two (2) Water Tank Sites (TMK: 7-5-17:13 and 15).

Together with a perpetual and non-exclusive easement over Easement "79" (50-foot wide) for roadway and utility purposes, affecting Lot 1-B as shown on Map 15 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1066 of the Roman Catholic Church in the State of Hawaii as described in Land Court Order No. 143824, as granted by GRANT OF EASEMENT, dated November 23, 2001, filed as Land Court Document No. 2762460, recorded as Document No. 2001-198862; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein.

EXHIBIT A CONTINUED

Together with Easement "R-1" (Part 1) 50 feet wide, for roadway and utility purposes, as granted by GRANT OF EASEMENT, dated November 23, 2001, filed as Land Court Document No. 2762460, recorded as Document No. 2001-198862; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein, more particularly described as follows:

EASEMENT R-1 (PART 1) 50 FEET WIDE  
For Roadway and Utility Purposes

Easement situated on the westerly side of Lot B  
Adjoining the easterly side of Lot C  
on the westerly side of Hualalai Road

as Puaa 2nd & 3rd, North Kona, Hawaii, Hawaii

Being a portion of Lot B, a portion of Grant 1744  
to Kahunaele and a portion of Lot 1  
Land Court Application 1666 - Map 1

Beginning at the northerly corner of THIS EASEMENT being the northerly corner of Lot B, also being the easterly corner of Lot C on the southwesterly side of Hualalai Road, the coordinates of said point beginning referred to Government Survey Triangulation Station "KAILUA" (North Meridian) being 3,519.30 feet south and 5,165.02 feet east and running by azimuths measured clockwise from True South:

Thence, along the southwesterly side of Hualalai Road for the following three (3) courses:

1. 313° 50' 49" 36.33 feet to a point;
2. 314° 26' 49" 100.60 feet to a point;
3. 305° 57' 29" 12.10 feet to a point;

Thence, along the remainder of Lot B for the following four (4) courses:

4. 35° 57' 49" 20.84 feet to a point;

Thence, along a curve to the left having a radius of 60.00 feet,  
the chord azimuth and distance being:



EXHIBIT A CONTINUED

5. 84° 54' 19" 78.82 feet to a point;

Thence, along a curve to the left having a radius of 275.00 feet,  
the chord azimuth and distance being:

6. 31° 22' 51" 118.72 feet to a point;

7. 76° 47' 49" 46.25 feet along the remainder of Lot B,  
the remainder of Easement R-1 and  
Land Court Lot 1-B and Easement R-3  
to a point;

8. 81° 43' 49" 10.67 feet along the remainder of Lot B,  
the remainder of Easement R-1 and  
Land Court Lot 1-B and Easement R-3  
to a point;

Thence, along Lot C, along a curve to the right having a radius  
of 325.00 feet, the chord azimuth and  
distance being:

9. 208° 46' 48.5" 168.96 feet to a point;

Thence, along Lot C, along a curve to the right having a radius  
of 60.00 feet, the chord azimuth and  
distance being:

10. 178° 50' 49" 84.85 feet to a point;

11. 223° 50' 49" 19.57 feet along Lot C to the point of  
beginning and containing an area of  
0.342 acre, more or less.

EXHIBIT A CONTINUED

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : GOMES FAMILY LIMITED PARTNERSHIP, a Hawaii limited  
partnership

GRANTEE : PACU BENCORP, INC., a Hawaii corporation

DATED : July 31, 2000

RECORDED : Document No. 2000-112926

EXHIBIT A CONTINUED

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. The Great Wall of Kuakini as shown on tax map.
3. Matters arising out of, including any utility and access rights in favor of Tax Map Keys (3) 7-5-017-013 and 015 located within the subject land.
4. Waterline easement (6 feet wide) as shown on tax map.

GRANT

TO : HAWAIIAN TELEPHONE COMPANY, a Hawaii corporation,  
now known as HAWAIIAN TELCOM, INC., and HILO  
ELECTRIC LIGHT COMPANY, LIMITED, a Hawaii  
corporation

DATED : August 12, 1969

RECORDED : Liber 6724 Page 257

GRANTING : a perpetual right and easement for utility purposes

Restriction of abutter's right of vehicle access, appurtenant to the remainder of the land of which Parcel 49, is a part, into and from Hawaii Belt Road, FAP Route 11, Project No. 11A-03-69, Palani Road to Kilohana Subdivision over and across course 3 of the above described Parcel 49 and over an across the boundaries designated as Boundaries "29" and "30" more particularly described as follows:

BOUNDARY "29"

EXHIBIT A CONTINUED

Being the common boundary between Hualalai Road (Kailua-Holualoa Road) and a portion of R. P. 1930 to Asa Thurston, L.C. Award 387 Part 4 Section 2 No. 3 to American Board of Commissioners for Foreign Missions.

Beginning at the southeast end of this right-of-way boundary, on the southwest side of Hawaii Belt Road, FAP Route 11, Project No. 11A-03-69, Palani Road to Kilohana Subdivision, being also the southwesterly side of Hualalai Road (Kailua-Holualoa Road) and at the end of Course 3 of the above described Parcel 49, thence running azimuths measured clockwise from true south:

- |    |          |        |  |
|----|----------|--------|--|
| 1. | 131° 15' | 21.71  | feet along a portion of L.C. Award 387 Part 4 Section 2 No. 3 to American Board of Commissioners for Foreign Missions; |
| 2. | 122° 00' | 134.71 | feet along same;   |
| 3. | 124° 00' | 114.75 | feet along same;   |
| 4. | 127° 00' | 35.36  | feet along same to the northwest end of this right-of-way boundary and having a total length of 306.53 feet.           |

BOUNDARY "30"

Being the common boundary between Lot 103 of "Kona Hillcrest Subdivision" (File Plan 1124) and R.P. 1930 to Asa Thurston, L.C. Award 387 Part 4 Section 2 No. 3 to American Board of Commissioners for Foreign Missions.

Beginning at the east end of this right-of-way boundary, on the southwest side of Hawaii Belt Road, FAP Route 11, Project No. 11A-03-069, Palani Road to Kilohana Subdivision, and at the end of Course 2 of the above described Parcel 49, thence running by azimuth measured clockwise from true south:

- |    |         |       |  |
|----|---------|-------|--|
| 1. | 76° 24' | 31.12 | feet along a portion of L.C. Award 387 Part 4, Section 2, No. 3 to |
|----|---------|-------|--|

EXHIBIT A CONTINUED

American Board of  
Commissioners for Foreign  
Missions to the west end  
of this right-of-way  
boundary and having a  
length of 31.12 feet.

GRANT

TO : WATER BOARD OF THE COUNTY OF HAWAII

DATED : February 25, 2003

RECORDED : Document No. 2003-179095

GRANTING : the right in the nature of a perpetual easement  
over Waterline Easements "W-4", area 0.386 acre or  
16,824 square feet, more particularly described  
therein

5. The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF CONDITIONS APPLICABLE TO AN  
AMENDMENT OF DISTRICT BOUNDARY FROM AGRICULTURAL TO  
URBAN

DATED : August 14, 2003

RECORDED : Document No. 2003-171988

6. Filed with the Department of Commerce and Consumer Affairs of the State of Hawaii (Business Registration, is the name change of PACU BENCORP to U OF N BENCORP on November 9, 2000.
7. The name of U OF N BENCORP was changed to AEKO HAWAII by instrument dated May 18, 2005, filed as Land Court Order No. 162969.
8. Claims arising out of customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised statutes.

**END OF EXHIBIT A**

Tax Map Key No.: (3) 7-5-010:085



410



STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

June 14, 2018 8:01 AM  
Doc No(s) A - 67390373



1 2/2 OFC  
B - 33178987

/s/ LESLIE T. KOBATA  
REGISTRAR

Conveyance Tax: \$585.00

mj

LAND COURT SYSTEM

REGULAR SYSTEM

Return By Mail  Pick-Up  To:

UNIVERSITY OF THE NATIONS, KONA, INC.  
75-5851 Kuakini Highway Drive  
Kailua Kona, Hawaii 96740

PTIC Escrow # 011301526

r/s 2

TOTAL NUMBER OF PAGES: 10

Title of Document:

**GENERAL WARRANTY DEED**

Parties to the Document:

**GRANTOR:** KA 'OHANA WAIHAHA, a Hawaii nonprofit corporation, whose mailing address is 75-5851 Kuakini Highway #102, Kailua-Kona, Hawaii 96740-2199;

**GRANTEE:** UNIVERSITY OF THE NATIONS, KONA, INC., a Hawaii nonprofit corporation, whose mailing address is 75-5851 Kuakini Highway, Kailua Kona, Hawaii 96740.

Tax Map Key No.: (3) 7-5-017:006

**GENERAL WARRANTY DEED**

This deed, made effective on this the 24<sup>th</sup> day of May, 2018, by and between **KA 'OHANA WAIHAHA**, a Hawaii nonprofit corporation, whose mailing address is 75-5851 Kuakini Highway #102, Kailua-Kona, Hawaii 96740-2199, hereinafter referred to as "**Grantor**" and **UNIVERSITY OF THE NATIONS, KONA, INC.**, a Hawaii nonprofit corporation, whose mailing address is 75-5851 Kuakini Highway, Kailua Kona, Hawaii 96740, hereinafter referred to as "**Grantee**",

**WITNESSETH:**

That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00), and other valuable consideration to Grantor in hand paid by Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey unto Grantee, as Tenant in Severalty forever, the property,

**EXHIBIT 3b**

1

situated on the Island of Hawaii, County of Hawaii, State of Hawaii, and described in Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the same, together with all buildings and improvements thereon, all rights, privileges, and easements held or enjoyed in connection therewith, all rents, issues, and profits therefrom, or appurtenant thereto, and all of the estate, right, title, and interest of Grantor therein and thereto, unto Grantee, Grantee's successors and assigns, forever.

AND Grantor does hereby covenant and agree with Grantee, Grantee's successors and assigns, that Grantor is lawfully seised in fee simple of the premises hereby conveyed; that Grantor has good right to sell and convey the same as aforesaid; that the same are free and clear from all encumbrances, except non-delinquent real property taxes and as may be described in Exhibit A; and that Grantor will, and Grantor's successors and assigns shall, forever WARRANT AND DEFEND the title to the land against the lawful claims and demands of all persons whomsoever, except as aforesaid.

BEING the same land conveyed by Warranty Deed from Aeke Hawaii, a Hawaii nonprofit corporation, to Ka 'Ohana Waiaha, a Hawaii nonprofit corporation on the 14<sup>th</sup> day of October, 2011 and recorded in the State of Hawaii Bureau of Conveyances as Document No. A-43800695 on the 29<sup>th</sup> day of December, 2011.

AT ALL TIMES HEREIN, the terms "Grantor" and "Grantee" or any pronouns used in places thereof, shall mean and include the masculine or feminine, singular or plural number, and individuals, firms or corporations, and their and each of their respective successors and assigns, according to the context thereof, and the covenant of any two or more persons herein shall be joint and several.

*(The remainder of this page is intentionally left blank. Signature page to follow.)*

IN WITNESS WHEREOF, the parties have signed this instrument as of the day and year first above written.

**GRANTOR: KA 'OHANA WAIAHA,**  
a Hawaii nonprofit corporation,

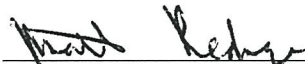


By: KEVIN NORRIS  
Its: OFFICER



By: GUNILA BAUMANN  
Its: OFFICER

**GRANTEE: UNIVERSITY OF THE NATIONS, KONA, INC.,**  
a Hawaii nonprofit corporation,



By: MARTIN REDIGER  
Its: PRESIDENT, BOARD OF TRUSTEES

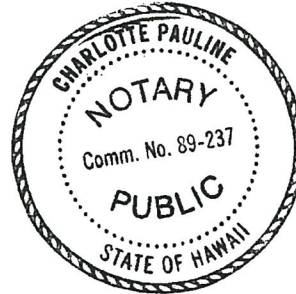
 *Handwritten notes: common to all, Mr. MR 8/13*

By: DAVID BATEMAN  
Its: SECRETARY, BOARD OF TRUSTEES

CP

STATE OF HAWAII )  
 ) ss.  
COUNTY OF HAWAII )

On this the 24th day of May, 2018, before me personally appeared KEVIN NORRIS, to me known (or proved to me on the basis of satisfactory evidence) that he is an officer of **KA 'OHANA WAIAHA**, a Hawaii nonprofit corporation, and 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 Stamp or Seal)

Charlotte Pauline  
Name: Charlotte Pauline

Notary Public

State of Hawaii

My commission expires: April 26 2021

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 24 2018

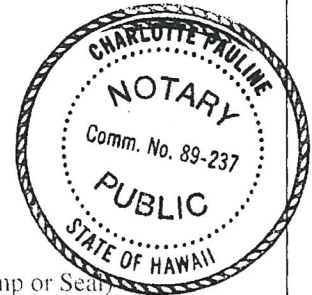
No. of Pages: 10

Jurisdiction (in which notarial act is performed): Third Circuit

Charlotte Pauline May 24, 2018  
Signature of Notary Date of Notarization and  
Certification Statement

Charlotte Pauline  
Printed Name of Notary

(Notary Stamp or Seal)



STATE OF HAWAII )  
 ) ss.  
COUNTY OF HAWAII )

On this the 24th day of May, 2018, before me personally appeared GUNILA BAUMANN, to me known (or proved to me on the basis of satisfactory evidence) that she is an officer of **KA 'OHANA WAIHAHA**, a Hawaii nonprofit corporation, and 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.

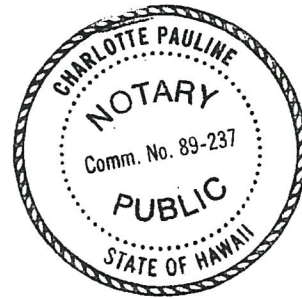
(Notary Stamp or Seal)

Charlotte Pauline  
Name: CHARLOTTE PAULINE

Notary Public

State of Hawaii

My commission expires: April 26 2021



NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 24 2018

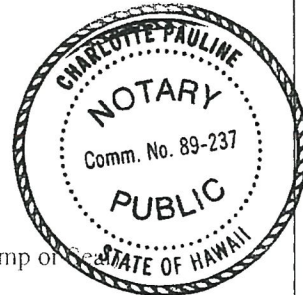
No. of Pages: 10

Jurisdiction (in which notarial act is performed): Third Circuit

Charlotte Pauline May 24 2018  
Signature of Notary Date of Notarization and  
Certification Statement

CHARLOTTE PAULINE  
Printed Name of Notary

(Notary Stamp of)





STATE OF HAWAII )  
 ) ss.  
COUNTY OF HAWAII )

On this the 24th day of May, 2018, before me personally appeared MARTIN REDIGER, to me known (or proved to me on the basis of satisfactory evidence) that he is the ~~President~~ <sup>Chairman CP</sup> of the Board of Trustees of the **UNIVERSITY OF THE NATIONS, KONA, INC.**, a Hawaii nonprofit corporation, and 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 Stamp or Seal)

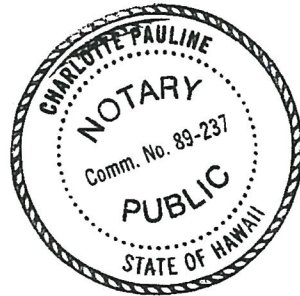
Charlotte Pauline

Name: CHARLOTTE PAULINE

Notary Public

State of Hawaii

My commission expires: April 26 2021



NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 24 2018

No. of Pages: \_\_\_\_\_

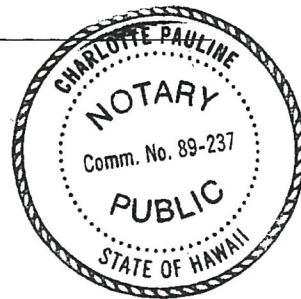
Jurisdiction (in which notarial act is performed): Third Circuit

Charlotte Pauline May 24 2018

Signature of Notary Date of Notarization and Certification Statement

CHARLOTTE PAULINE  
Printed Name of Notary

(Notary Stamp or Seal)



STATE OF HAWAII )  
 ) ss.  
COUNTY OF HAWAII )

On this the 24th day of May, 2018, before me personally appeared DAVID BATEMAN, to me known (or proved to me on the basis of satisfactory evidence) that he is the Secretary of the Board of Trustees of the **UNIVERSITY OF THE NATIONS, KONA, INC.**, a Hawaii nonprofit corporation, and 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 Stamp or Seal)

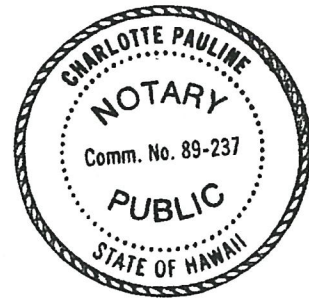
Charlotte Pauline

Name: CHARLOTTE PAULINE

Notary Public

State of Hawaii

My commission expires: April 26 2021



NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 24 2018

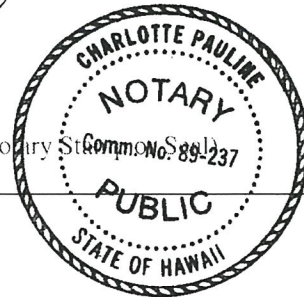
No. of Pages: 10

Jurisdiction (in which notarial act is performed): Third Circuit

Charlotte Pauline May 24 2018  
Signature of Notary Date of Notarization and  
Certification Statement

CHARLOTTE PAULINE  
Printed Name of Notary

(Notary Seal Commission No. 89-237)



**EXHIBIT A**

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Land Patent Grant Number 5327 to Samuel Liftee) situate, lying and being on the easterly side of Kuakini Highway, Project FAP No. SS-229(1), and on the northerly side of Kona Hillcrest Subdivision, at Waialaha 2nd, District of North Kona, Island and County of Hawaii, State of Hawaii, being PARCEL 6, and thus bounded and described as per survey dated November 11, 2002, to-wit:

Beginning at the northwest corner of this parcel of land on the easterly side of Kuakini Highway, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" (North Meridian) being 5,295.84 feet south and 3,473.38 feet east and running by azimuths measured clockwise from true South:

Thence, along Lot A, along Land Commission Award 387, Part 4, Section 2, No. 3 to American Board of Commissioners for Foreign Missions for the next two (2) courses:

1. 248° 38' 00" 105.50 feet to a point;
2. 258° 26' 08" 2,213.85 feet to a point;

Thence, along the northerly side of Kona Hillcrest Subdivision for the following seven (7) courses:

3. 71° 43' 30" 124.57 feet along Lots 20 & 19 to a point;
4. 71° 05' 30" 389.65 feet Lots 18 through 14 to a point;
5. 74° 18' 00" 108.90 feet along Lots 14 & 13 to a point;
6. 73° 28' 00" 81.34 feet along Lots 13, 12 & 9 to a point;
7. 74° 29' 00" 176.29 feet along Lots 9 & 8 to a point;
8. 75° 12' 00" 174.88 feet along Lots 7, 6 & 5 to a point;

EXHIBIT A CONTINUED

- |     |             |        |  |
|-----|-------------|--------|--|
| 9.  | 74° 32' 00" | 285.07 | feet along Lots 5, 4, 3 & 2 to a point;        |
| 10. | 70° 05' 00" | 39.34  | feet along County of Hawaii, Lot 1 to a point; |
| 11. | 74° 38' 30" | 147.50 | feet along County of Hawaii, Lot 1 to a point; |
| 12. | 76° 51' 00" | 65.76  | feet along County of Hawaii, Lot 1 to a point; |

Thence, along Parcel 25 (TMK: 7-5-18:25) for the following four (4) courses:

- |     |             |         |                  |
|-----|-------------|---------|------------------|
| 13. | 76° 51' 00" | 100.00  | feet to a point; |
| 14. | 76° 01' 30" | 141.117 | feet to a point; |
| 15. | 72° 30' 00" | 240.00  | feet to a point; |
| 16. | 71° 31' 00" | 131.08  | feet to a point; |

Thence, along the easterly side of Kuakini Highway, along a curve to the right having a radius of 2,824.79 feet, the chord azimuth and distance being:

- |     |                |        |   |
|-----|----------------|--------|---|
| 17. | 132° 47' 27.5" | 208.36 | feet to the point of beginning and containing an area of 5.361 acres, more or less. |
|-----|----------------|--------|---|

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : GOMES FAMILY LIMITED PARTNERSHIP, a Hawaii limited partnership

GRANTEE : PACU BENCORP, INC., a Hawaii corporation

DATED : July 31, 2000

RECORDED : Document No. 2000-112926

EXHIBIT A CONTINUED

SUBJECT, HOWEVER, to the following:

1. Mineral and water rights of any nature in favor of the State of Hawaii.
2. The Great Wall of Kuakini as shown on tax map.
3. The terms and provisions contained in the following:  

INSTRUMENT : DECLARATION OF CONDITIONS APPLICABLE TO AN  
AMENDMENT OF DISTRICT BOUNDARY FROM AGRICULTURAL TO  
URBAN

DATED : August 14, 2003  
RECORDED : Document No. 2003-171988
4. Matters arising out of, including any utility and access rights in favor of Tax Map Keys (3) 7-5-017-013 and 015 located within the subject land.
5. Filed with the Department of Commerce and Consumer Affairs of the State of Hawaii (Business Registration), is the name change of PACU BENCORP to U OF N BENCORP on November 9, 2000.
6. The name of U OF N BENCORP was changed to AEKO HAWAII by instrument dated May 18, 2005, filed as Land Court Order No. 162969.
7. Claims arising out of customary and traditional rights and Practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes.

**END OF EXHIBIT A**

Tax Map Key No.: (3) 7-5-017:006