

760



STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED  
December 29, 2011 8:01 AM  
Doc No(s) A-43800695



B-31990957

/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

**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.

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:

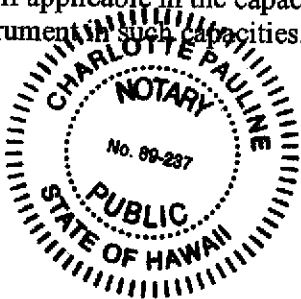
**KA 'OHANA WAI'AHU, Hawaii nonprofit**  
corporation,

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

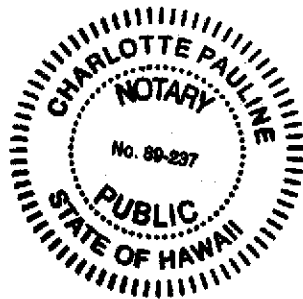
No. of Page(s): \_\_\_\_\_ Jurisdiction: Third Circuit

*Charlotte Pauline*

October 14, 2011

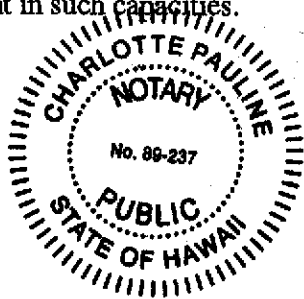
Signature of Notary - Charlotte Pauline Date of Certificate

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

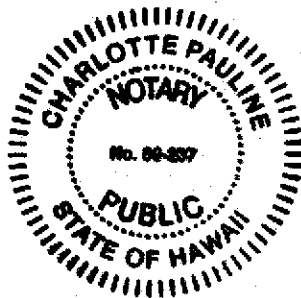
NOTARY CERTIFICATION

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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