

# CARLSMITH BALL LLP

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LAND USE COMMISSION  
2008 FEB 19 P 1:12

OUR REFERENCE NO.:  
062225-00001

February 19, 2020

## VIA HAND DELIVERY

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

Re: **2008-2020 Annual Report**  
Land Use Commission Docket No. A92-677  
Original Petitioner: North Kona Development Group  
Successor Petitioner: TDM Kua 4, LLC  
Development: Maniniowali (Phase III)  
Tax Map Key Nos.: (3) 7-2-034:001 through 023 and 037

Dear Executive Officer Orodener:

By Findings of Fact, Conclusions of Law, and Decision and Order in Docket No. A92-677, filed on March 5, 1993 (the "**D&O**"), the State of Hawai'i Land Use Commission (the "**Commission**") reclassified approximately 388.057 acres of land located at Maniniowali/Kuki'o 2, North Kona, Island, County and State of Hawai'i, formerly a portion of Tax Map Key ("**TMK**") No.: 7-2-004: 017 (the "**Petition Area**"), from the State Land Use ("**SLU**") Conservation District to the SLU Urban District. The Commission imposed twenty-two (22) conditions of approval upon the reclassification (the "**D&O Conditions**"), including D&O Condition No. 19, which requires the filing of annual reports with the Commission detailing the progress made in complying with the D&O Conditions. On behalf of our client, TDM Kua 4, LLC ("**TDM**"), we hereby submit this Annual Report.

TDM is a successor petitioner to the original petitioner in this Docket, North Kona Development Group ("**NKDG**"). As the Commission is aware, NKDG conveyed the Petition Area to Maniniowali Equity Company, LLC ("**MEC**") by Warranty Deed, dated August 4, 1999, and recorded in the State of Hawai'i Bureau of Conveyances ("**BOC**") as Document No. 99-130551. MEC subsequently conveyed the Petition Area to WB Manini'owali, LLC ("**WBM**") by Deed, dated May 18, 2001, and recorded in the BOC as Document No. 2001-074742.

TDM acquired approximately 100.363 acres of the Petition Area (“**Phase III**”) from WBM by Warranty Deed with Covenants, dated May 12, 2008, and recorded in the BOC as Document No. 2008-077398. A copy of TDM’s Warranty Deed was provided to the Commission as a part of the 2005-2014 Annual Report in this Docket filed by KD Maniniowali, LLLP (“**KDM**”) on July 25, 2014.

This 2019 Annual Report is intended to report specifically on TDM’s compliance with the D&O Conditions as they related to TDM’s development of Phase III. We understand that the Kukio Community Association (“**KCA**”) has filed a separate 2019 Annual Report to report on its compliance with the D&O conditions as they relate to the remainder of the Petition Area.

The chart enclosed herein as **Exhibit A** outlines TDM’s compliance with the D&O Conditions. For context, the following sections provide a brief summary of the development history and current status of Phase III.

I. Subdivision History of the Petition Area.

On September 19, 2001, in compliance with Project District Ordinance No. 00-7, the County of Hawai‘i (the “**County**”) Planning Department (the “**Planning Department**”) approved a Project District Plan covering the Petition Area (“**Site Plan**”). The Site Plan allowed for the development of 140 market lots, composed of 110 “estate” single-family residential lots, thirty (30) “cottage” single-family residential lots, and three (3) bulk lots for the Members’ Club and Pool, the Sports Club, and Play Field (collectively, the “**Maniniowali Project**”).

Subsequent to receiving approval for the Site Plan, but prior to TDM’s involvement, the following Final Subdivision Approvals were granted by the County:

<b>Subdivision No.</b>	<b>Subdivision Phase</b>	<b>Tentative Approval Date</b>	<b>Final Approval Date</b>	<b>No. of Market Lots</b>
2000-0096	Phase I	10/19/01	12/24/02	33
2003-0138	Villas	02/04/04	10/12/04	30
2004-000085	Phase II	09/04/04	10/11/05	43
2005-000225	Phase III	08/11/06	04/21/08	34
			<b>Total</b>	<b>140</b>

Shortly after taking title to Phase III in 2008, TDM began the necessary planning to redesign the 34-lot Phase III subdivision to address changes in market preferences along the Kona coast, which indicated that larger lots were desired. TDM ultimately settled on a preferred lotting plan, and consolidated and re-subdivided Phase III into a new, less dense 20-lot configuration. The Planning Department granted Final Subdivision Approval No. SUB-16-001602 on April 13, 2017. The Second Amended and Restated Affidavit of Daniel L. Berg was recorded with the BOC on June 14, 2018, as Document No. A-67390784, in order to place the approved SUB-16-001602 on title. See **Exhibit B**, enclosed herein. Phase III is now identified as TMK Nos.: (3) 7-2-034: 001 through 020 (market lots), 021 through 023 (common area lots), and 037 (road lot).

In addition to the subdivisions discussed above, the Planning Department has approved eleven (11) consolidations of the approved market lots within the entire Maniniowali Project. Collectively, those subdivisions have resulted in a total of 110 single-family residential lots within the Petition Area, as of the date of this Annual Report.

II. Development Status of Phase III.

Although PDO 00-07 allows the development of 900 residential units within the Maniniowali Project, TDM's 20-lot Phase III subdivision represents the last subdivision of market lots within the Petition Area. TDM has completed all the required subdivision improvements for Phase III. The Planning Department confirmed that the subdivision improvements were completed in accordance with the approved Phase III construction plans, and discharged TDM from its obligations of suretyship with the County by way of letter dated November 21, 2018. *See Exhibit C*, attached hereto. Since the completion of Phase III, TDM is actively marketing the newly subdivided market lots for sale. TDM is also currently in the process of turning over the common area lots to KCA, which should be completed in the near future.

\* \* \* \* \*

We trust that the information provided satisfies the annual reporting requirements of D&O Condition No. 19. If you require any additional information, please feel free to contact my paralegal Jason Knable at 808-935-6644 at any time.

Sincerely,



Steven S.C. Lim  
Derek B. Simon

**“EXHIBIT A”**

**TDM Kua 4, LLC  
2008-2020 Annual Progress Report  
LUC Docket No. A92-667  
Reclassification of 388.057 acres from the Conservation District to the Urban District  
Effective Date March 5, 1993**

No.	Condition	Status	Comments
1.	<p>Petitioner shall provide affordable housing opportunities for low/moderate and gap group residents of the State of Hawaii to the satisfaction of the State Housing Finance and Development Corporation in accordance with the Affordable Housing Guidelines, adopted by the Housing Finance and Development Corporation, effective July 1, 1992, as periodically amended. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable among Petitioner, the State Housing Finance and Development Corporation and the County of Hawaii.</p>	Satisfied.	<p>This condition has been fully satisfied as to Phase III of the Maniniowali project area.</p> <p>On October 23, 2001, the Hawai'i County Housing Agency passed Resolution No. 126 approving KDM's payment of \$66,080 to satisfy KDM's affordable housing obligation for the entire 140-lot Maniniowali Project, which includes the lots TDM developed in Phase III. By letter dated December 5, 2002, the County of Hawai'i Office of Housing and Community Development acknowledged that KMD's in-lieu payment of \$66,800 satisfied D&amp;O Condition No. 1.</p>
2.	<p>Petitioner shall immediately stop work on the impacted area and contact the Historic Preservation Division, State Department of Land and Natural Resources, should any archaeological resources such as artifacts, shell, bones or charcoal deposits, human burials, or rock or coral alignments, paving or walls of historic or prehistoric significance be encountered during the development of the Property.</p>	Satisfied.	<p>This condition has been satisfied as to Phase III.</p> <p>TDM has completed all site work and grading within Phase III.</p>
3.	<p>Petitioner shall preserve at least 5 historic sites (all or a portion of the mauka-makai trail as determined by the Department of Land and Natural and 4 burial sites), and archaeologically data recover the remaining sites, provided that if any remaining site is established as a shrine, its disposition shall be determined by the State Department of Land and Natural Resources. A detailed preservation plan (scope of work) and archaeological data recovery plan (scope of work) shall be approved by the State Department of Land and Natural Resources prior to the work. The detailed preservation plan shall include acceptable buffer zones around the sites, interim protection measures during construction, and long-term management measures (e.g. public access, trails, interpretative sign design and text, maintenance). The buffer zones and interim protection measures shall be approved and</p>	Satisfied.	<p>This condition has been fully satisfied as to Phase III.</p> <p>By way of letter dated February 12, 2001, the State of Hawaii, Department of Land and Natural Resources, State Historic Preservation Division (“SHPD”) approved the <i>Archaeological Data Recovery Plan and Detailed Interim Protection Plan for Historic Sites at Maniniowali and Kuki'o 2 Ahupua'a</i>, dated October 2000 and prepared by Thomas S. Dye, Ph.D of International Archaeological Research Institute, Inc. SHPD subsequently approved KDM's <i>Archaeological Data Recovery Report</i> for the Petition Area by letter dated August 19, 2003</p> <p>On September 14, 2001, KDM submitted its <i>Final Detailed Interim Preservation Plan</i> for the Petition Area (the “<b>Interim PP</b>”). SHPD approved the Interim PP</p>

	<p>implemented prior to construction. The archaeological data recovery plan shall be executed prior to construction. The State Department of Land and Natural Resources shall verify in writing the successful execution of both plans.</p>		<p>by way of letter dated November 29, 2001.</p> <p>SHPD approved KDM's (long-term) <i>Preservation Plan</i> for the Petition Area by letter dated July 30, 2003.</p>
4.	<p>Petitioner shall fund, design, and construct the necessary roadway improvements to the satisfaction of the State Department of Transportation and the County of Hawaii.</p> <p>a. The Petitioner shall submit construction plans for work within the State highway right-of-way for review and approval by the State Department of Transportation.</p> <p>b. Petitioner shall participate in the funding and construction of off-site transportation improvements necessitated by the proposed development of the Property.</p> <p>c. In the event that the County of Hawaii adopts an impact fee ordinance for transportation improvements, the requirements set forth in condition 4 herein, shall be satisfied to the extent that the cost of any specific traffic improvement is also included in the County's impact fee computation.</p>	<p><b>Satisfied.</b></p>	<p>This condition has been fully satisfied as to Phase III.</p> <p>All highway access related improvements were coordinated with the State Department of Transportation ("DOT"). Access to the Maniniowali Project, including Phase III, is via the DOT-approved Kuki'o Resort channelized intersection at the Queen Ka'ahumanu Highway ("QKH").</p> <p>A secondary access to the Maniniowali project is available to the south via the Kekaha Kai State Park intersection at QKH; however, access is currently limited to construction and maintenance vehicle traffic.</p> <p>The County of Hawaii has not adopted an Impact Fee Ordinance for transportation improvements; however, Condition U of Change of Zone Ordinance 00-7 required KDM to provide "fair-share" contributions to support road and traffic improvements for the entire 140-lot Maniniowali Project (including Phase III). KDM constructed traffic improvements, and paid the balance of the required "fair-share" contributions for all 140 lots. Planning confirmed KDM's "fair-share" payment by letter dated December 24, 2002.</p>
5.	<p>Petition shall provide its fair share for school facilities necessitated by the proposed development, as required by the State Department of Education.</p>	<p><b>Satisfied.</b></p>	<p>This condition has been fully satisfied as to Phase III.</p> <p>On December 19, 2001, KDM and the State Department of Education ("DOE") executed an <i>Education Contribution Agreement</i> ("ECA"). Pursuant to the ECA, KDM agreed to provide payments of \$1,011.00 per unit developed within the Petition Area, capped at 140 residential units. .</p> <p>On May 17, 2004, KDM paid the DOE \$33,363.00 for the 33-lot Phase I. On February 29, 2008, KDM paid the balance of \$108,177.00 to DOE to fully satisfy the terms of the ECA for the remaining 107 residential lots of the Maniniowali Project. On March 10, 2008, DOE confirmed KDM's satisfaction of the ECA and total payment of \$141,540.00 for all 140 lots/units in the Maniniowali Project.</p>
6.	<p>Petition shall implement effective soil erosion and dust control measures both during and after construction to the satisfaction of the State Department of Health.</p>	<p><b>Satisfied.</b></p>	<p>This condition has been fully satisfied as to Phase III.</p> <p>A soil erosion and dust control program was approved by the State Department of Health ("DOH") by letter dated January 16, 2002, as part of the Air Quality Monitoring and Mitigation Plan for the entire 140-lot Maniniowali Project.</p>

			<p>TDM has completed all site work and grading within Phase III. TDM also completed all subdivision related improvements within Phase III.</p> <p>On November 5, 2001, the Planning Department approved KDM's <i>Emergency Preparedness and Response Plan</i>, which required KDM to fund the installation of a civil defense siren.</p> <p>We understand that the Kukio Community Association ("KCA") is currently coordinating with the State of Hawai'i Emergency Management Agency ("HIEMA") and County Civil Defense Agency on installation of the required civil defense siren. KCA most recently corresponded with HIEMA regarding D&amp;O Condition No. 7 on November 25, 2019.</p> <p>This condition is no longer applicable.</p> <p>On January 18, 2002, KDM informed the Commission that KDM had voluntarily downsized the scope of the Maniowali Project by, <i>inter alia</i>, eliminating the golf course.</p> <p>By letter dated January 30, 2002, the Commission confirmed that KDM remained in substantial compliance with North Kona Development Group's ("NKDG") (the original petitioner in this Docket) representations to the Commission at the time the Commission approved the district boundary amendment for the Petition Area notwithstanding the elimination of the golf course and certain other modifications.</p> <p>This condition has been satisfied as to Phase III.</p> <p>KDM developed a private wastewater treatment plant ("WWTP") that met the approval of the DOH and the County of Hawaii Department of Public Works ("DPW"), and this WWTP currently serves the entire Maniowali project, including Phase III. Hawaii Water Service Company, Inc., ("HWSC"), which is regulated by the Public Utilities Commission, operates the WWTP.</p> <p>See response to Condition 8.</p> <p>See response to Condition 8.</p>
7.	Petitioner shall fund and construct adequate civil defense measures as determined by the State and County of Hawaii civil defense agencies.	Working towards satisfaction.	
8.	Petitioner shall make available adequate golf tee times at affordable rates for public play to State of Hawaii residents.	No longer applicable.	
9.	Petitioner shall fund and construct adequate wastewater transmission and disposal facilities, as determined by the State Department of Health and the County of Hawaii Department of Public Works.	Satisfied.	
10.	Petitioner shall comply with the "Twelve (12) Conditions Applicable to All New Golf Course Developments", prepared by the State Department of Health dated January 1992 (Version 4), as amended.	No longer applicable.	
11.	Petitioner shall engage the services of a qualified golf course superintendent to oversee the irrigation of the golf course and applicable of fertilizers, pesticides and herbicides to the golf course within the Property and who shall be qualified in the application of fertilizers, pesticides and herbicides on those area.	No longer applicable.	
12.	Petitioner shall participate in the air quality monitoring program as	Satisfied.	This condition has been satisfied as to Phase III.

	specified by the State Department of Health.			By letter dated January 16, 2002, DOH approved an Air Quality Monitoring and Mitigation Program for the entire 140-lot Maniowali Project. In that letter, DOH also confirmed that the Air Quality Monitoring and Mitigation Program satisfied the requirements of D&O Condition No. 12. This condition has been satisfied as to Phase III.
13.	Petitioner shall cooperate with the State Department of Health and the County of Hawaii Department of Public Works to conform to the program goals and objectives of the Integrated Solid Waste Management Act, Chapter 342G, Hawaii Revised Statutes.	<b>Satisfied.</b>		By letter dated October 21, 2001, the County of Hawaii, Department of Environmental Management, Solid Waste Division approved the Integrated Solid Waste Management Program for the entire Maniowali Project, including Phase III. This condition has been satisfied as to Phase III.
14.	Petitioner shall monitor coastal water quality, and develop and implement a program to identify major areas of groundwater introduction into the marine environment, in consultation with the State Department of Health.	<b>Satisfied.</b>		On December 18, 2001, the DOH approved the Maniowali Water Quality Monitoring Program. A copy of DOH's approval letter was previously submitted to the Commission as Attachment N to KDM's March 2002 Annual Report. We understand that KDM regularly submits annual Water Quality Monitoring Reports to the Planning Department and DOH. The most recent report was submitted to the Planning Department and DOH by KCA on December 13, 2019. This condition has been satisfied as to Phase III.
15.	Petitioner shall fund the development of the necessary water source, storage, and transmission facilities to provide an adequate supply of potable water to the Property.	<b>Satisfied.</b>		KDM installed a private potable water system for entire Maniowali Project, which is fully functional and operational, and managed by HWSC. The Phase III subdivision is connected to the private water system. This condition has been satisfied as to Phase III.
16.	Petitioner shall fund the design and construction of drainage improvements required as a result of the development of the Property to the satisfaction of the County of Hawaii Department of Public Works and the State Department of Land and Natural Resources.	<b>Satisfied.</b>		This condition has been satisfied as to Phase III.
17.	Petitioner shall develop the Property in substantial compliance with the representations made to the Commission. Failure to so develop the Property may result in reversion of the Property to its former classification, or change to a more appropriate classification..	<b>Compliance on-going.</b>		On January 18, 2002, PBR Hawaii and Steven S.C. Lim, Esq. of Carlsmith Ball, LLP made a presentation to the Commission on the status of the Maniowali Project and KDM's compliance with the conditions of approval and representations made to the SLUC. Among the items addressed in the presentation were the reduction of the density of the Maniowali Project (down to 140 units) and the elimination of the golf course. By way of letter dated January 30, 2002, the Commission confirmed that KDM and the reduced Maniowali Project remained in substantial compliance with the representations previously made to the Commission on January 30, 2002. A

			copy of the Commission's letter was included as Attachment O to KDM's 2002 Annual Report.  The Planning Department confirmed that the Phase III subdivision improvements were completed in accordance with the approved construction plans, and it discharged TDM from its obligations of suretyship with the County by way of letter dated November 21, 2018. See <u>Exhibit 3</u> , attached hereto. Since the completion of Phase III, TDM has been actively marketing the newly subdivided market lots for sale. TDM is also currently in the process of turning over the common area lots to the KCA, which should be completed shortly.  TDM acknowledges and will comply with this condition.
18.	Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interest in the Property covered by the approved petition prior to visible commencement of construction on the Property.	<b>Satisfied.</b>	
19.	Petitioner shall provide annual reports to the Land Use Commission, the Office of State Planning, and the County of Hawaii Planning Department in connection with the status of the subject Project and Petitioner's progress in complying with the conditions imposed.  Adequate assurance of satisfaction may be evidenced by execution of a certificate of satisfaction in recordable form stating that such condition has been satisfied, in whole or in part. The Office of State Planning will certify for itself and all state departments and agencies, and the County of Hawaii Planning Department will certify for itself and all county departments and agencies. Any other party to the boundary amendment proceeding may be asked to indicate whether they concur in the certification of satisfaction.	<b>Compliance on-going.</b>	TDM submits this 2008-2020 Annual Report in compliance with Condition 19. A copy of this Annual Report, and all future annual reports filed with the Commission, will also be delivered to the Planning Department and State of Hawai'i Office of Planning.
20.	The commission may fully or partially release these conditions as to all or any portions of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.	<b>Acknowledged</b>	TDM acknowledges this condition.
21.	Within 7 days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with the Bureau of Conveyances a Statement to the effect that the Property is subject to conditions imposed by the Land Use Commission in the reclassification of the Property, and (b) shall file a copy of such recorded statement with the Commission.	<b>Satisfied.</b>	The original petitioner in this Docket, North Kona Development Group, recorded a Declaration of Conditions with the State of Hawai'i Bureau of Conveyances on May 20, 1993 as Document No. 93-081033.
22.	Petitioner shall record the conditions imposed by the Commission with the Bureau of Conveyances pursuant to Title 15, Chapter 15, Section 92, Hawaii Administrative Rules.	<b>Satisfied.</b>	NKDG recorded a Declaration of Conditions with the State of Hawai'i Bureau of Conveyances on May 20, 1993 as Document No. 93-081033.





THE ORIGINAL OF THE DOCUMENT  
RECORDED AS FOLLOWS:  
STATE OF HAWAII  
BUREAU OF CONVEYANCES  
DOCUMENT NO. Doc A - 67390784  
DATE - TIME June 14, 2018 3:29 PM

LAND COURT

REGULAR SYSTEM

Return By Mail  Pick-Up  To:

CARLSMITH BALL LLP  
ASB Tower, Suite 2200  
1001 Bishop Street  
Honolulu, Hawaii 96813

Attention: Steven S.C. Lim  
Telephone: (808) 935-6644

TITLE OF DOCUMENT:

SECOND AMENDED AND RESTATED AFFIDAVIT OF DANIEL L. BERG

TAX MAP KEY(S): (3) 7-2-034: 001 through 036, inclusive

(This document consists of 51 pages.)

SECOND AMENDED AND RESTATED AFFIDAVIT OF DANIEL L. BERG

STATE OF HAWAII                                 )  
  )  
COUNTY OF HAWAII                            )               SS.

DANIEL L. BERG, being first duly sworn on oath, deposes and says that:

I am a Licensed Professional Surveyor, Certificate No. 11245 in the State of Hawaii; and

The approved Revised Final Plat Map attached as "Exhibit C" and the metes and bounds descriptions for Easements G, K, and Y also attached as "Exhibit D" to the Amended and Restated Affidavit of Daniel L. Berg dated October 12, 2017, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 64990909 on October 17, 2017 (the "First Affidavit"), required revisions to address as-built conditions; and

This Second Amended and Restated Affidavit of Daniel L. Berg amends, replaces, and restates in its entirety that certain First Affidavit to allow for recordation of the approved Second Revised Final Plat Map and updated legal descriptions for Easements G, K, and Y; and

Attached hereto as "**Exhibit A**" is a true and correct copy of the letter from the Planning Department of the County of Hawaii dated April 13, 2017, granting FINAL SUBDIVISION APPROVAL NO. SUB-16-001602 of the Final Plat Map showing the consolidation of Lots 1 to 34, Road Lots H, P & Q, Parcel 1, Parcel 2, and Easements 1 through 20, and resubdivision into Residential Lots 1 through 20, Road Lots R and S, Parcels 1, A and B, Easements A through L, and Easements W through Z, for land situated at Maniniowali, District of North Kona, Island and County of Hawaii, State of Hawaii; and

Attached hereto as "**Exhibit B**" is a true and correct copy of the letter from the Planning Department of the County of Hawaii dated June 1, 2018, granting approval of the Second Revised Final Plat Map for FINAL SUBDIVISION APPROVAL NO. SUB-16-001602; and

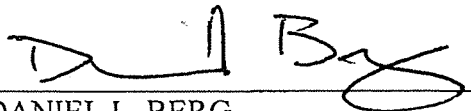
Attached hereto as "**Exhibit C**" is a true and correct reduced copy of the certified Second Revised Final Plat Map for FINAL SUBDIVISION APPROVAL NO. SUB-16-001602; and

Attached hereto as "**Exhibit D**" is a true and correct copy of the metes and bounds descriptions of said Lots 1 through 20, Road Lots R and S, Parcels 1, A and B, Easements A through L, and Easements W through Z for FINAL SUBDIVISION APPROVAL NO. SUB-16-001602.

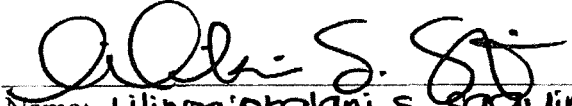
*[The remainder of this page has been left blank intentionally; signature page to follow]*

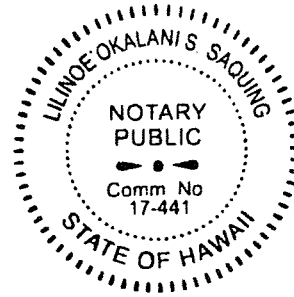
DATED: Hilo, Hawaii, June 12, 2018.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

  
DANIEL L. BERG

Subscribed and sworn (or affirmed) before me this 12 day of June, 2018.

  
Name: Lilinoe'okalani S. Saquing  
Notary Public, State of Hawaii



My commission expires: 10.29.2021

(Notary Stamp or Seal)

NOTARY CERTIFICATION STATEMENT


Document Identification or Description: SECOND AMENDED AND RESTATED AFFIDAVIT OF DANIEL L. BERG

Document Date: June 12, 2018

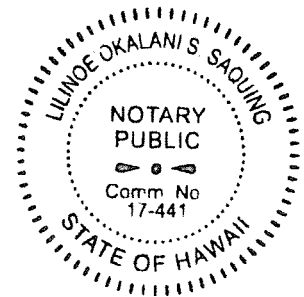
No. of Pages: 59 (including this page)

Jurisdiction (in which notarial act is performed):

Third Judicial Circuit of the State of Hawaii

 06.12.18  
Signature of Notary Date of Notarization and Certification Statement

Lilinoe'okalani S. Saquing  
Printed Name of Notary



(Notary Stamp or Seal)

Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokaloie Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
PLANNING DEPARTMENT

East Hawai'i Office  
101 Paahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

April 13, 2017

Steven S.C. Lim, Esq.  
Carlsmith Ball, LLP  
P.O. Box 686  
Hilo, HI 96721-0686

Dear Mr. Lim:

**FINAL SUBDIVISION APPROVAL NO. SUB-16-001602**  
**FINAL PLAT MAPS (SHEETS 1 & 2)**

**Amended & Restated Agreement (Subdivision Improvements)**  
**And Bond No. PB01748500002 (\$6,721,070.00)**

**SUBDIVIDER: TDM KUA 4, LLC**  
**"Maniniowali Phase III"**

Proposed Consolidation of Lots 1 through 34, Inclusive; Road Lots H, P & Q;  
Parcels 1 & 2; & Easements 1 through 20, Inclusive of Maniniowali Phase III  
And Resubdivision Into Lots 1 through 20, Inclusive; Road Lots R & S,  
Parcels 1, A & B; Easements A through L, Inclusive; &  
Easements W through Z, Inclusive

Maniniowali, North Kona, Island of Hawaii, Hawaii

TMK: 7-2-034:001 through 036. Inclusive

This is to acknowledge receipt of twelve (12) sets of the final plat maps (Sheets 1&2) dated April 5, 2017, and one (1) CD digital copy of the final plat maps for the above referenced subdivision application.

Please be informed that final subdivision approval for recordation is hereby granted to the final plat maps (Sheets 1&2) as attached herewith inasmuch as the surety documents to complete construction of improvements within the subdivision have met the approval of all the listed officers.

You and the subdivider may wish to consult a surveyor for the preparation of the necessary legal documents and description of the certified final plat maps (Sheets 1&2) for the purpose of recordation with the State of Hawai'i, Bureau of Conveyances.

Steven S.C. Lim, Esq.  
Carlsmith Ball, LLP  
Page 2  
April 13, 2017

By a copy of this letter, we are forwarding a copy of the certified final plat maps (Sheets 1&2) to the listed officers for their file.

Copies of the certified final plat maps (Sheets 1&2) and surety documents are enclosed.

Sincerely,

  
MICHAEL YEE  
Planning Director

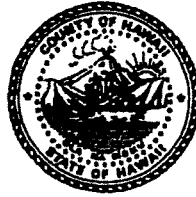
JRH:lnm

\\COH33\planning\public\Admin Permits Division\Subdivision\2017\2017-2\SUB-16-001602TDMKua4ManInlowallPh3FPMFSA  
&AmendRestatedAgmt&Bond 04-13-17.doc

Encs.: 5 Sets Certified FPM (Sheets 1&2)  
Copy of Subdivision Agreement and Bond No. PB01748500002 (\$6,721,070.00)

xc: Manager, DWS w/1 Set Certified FPM (Sheets 1&2)  
Director, DPW w/1 Set Certified FPM (Sheets 1&2)  
District Environmental Health Program Chief, DOH w/1 Set Certified FPM (Sheets 1&2)  
Planning Department-Kona w/1 Set Certified FPM (Sheets 1&2)  
Real Property Tax Division-Kona w/1 Set Certified FPM (Sheets 1&2)  
Tax Maps and Records Supervisor w/1 Set Certified FPM (Sheets 1&2) & 1-CD  
County Treasurer w/Original Subdivision Agreement and Bond No. PB01748500002 (\$6,721,070.00)  
TDM KUA 4, LLC  
Daniel L. Berg, LPLS, dlb & Associates  
FSA-SUB-05-000225; SMA 395; VAR-06-000017

Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
PLANNING DEPARTMENT

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

June 1, 2018

Steven S.C. Lim, Esq.  
Carlsmith Ball, LLP  
P.O. Box 686  
Hilo, HI 96721-0686

Dear Mr. Lim:

**SECOND REVISED FINAL PLAT MAP**

**SUBDIVIDER: TDM KUA 4, LLC**

**"Manini'ōwali Phase III"**

Consolidation of Lots 1 through 34, Inclusive; Road Lots H, P & Q;  
Parcels 1 & 2; and Easements 1 through 20, Inclusive of Manini'ōwali Phase III

And Resubdivision Into Lots 1 through 20, Inclusive; Road Lots R & S,

Parcels 1, A & B; Easements A through L, Inclusive; and

Easements W through Z, Inclusive

Manini'ōwali, North Kona, Island of Hawai'i, Hawai'i

TMK: 7-2-034:001 through 036, Inclusive

(Final Subdivision Approval No. SUB-16-001602)

This is to acknowledge receipt of twelve (12) sets of the second revised final plat maps (Sheets 1&2) dated May 23, 2018, and one (1) CD w/digital copy of the second revised final plat maps (Sheets 1&2) for the above referenced subdivision application. These second revised final plat maps revised the boundaries of Easements G, K, and Y to reflect the current as-built construction.

Please be advised that we have certified the second revised final plat maps (Sheets 1&2) of which five (5) are enclosed. Copies of the certified second revised final plat maps (Sheets 1&2) have been circulated to the listed officers for their files.

Steven S.C. Lim, Esq.  
Carlsmith Ball, LLP  
Page 2  
June 1, 2018

Should you have any questions, please feel free to contact Jonathan Holmes of this department.

Sincerely,



MICHAEL YEE  
Planning Director

JRH:tb

\\COH33\planning\public\Admin Permits Division\Subdivision\2018\2018-2\FSA-SUB-16-001602TDMKua4ManiniowaliPh3  
2ndREVFPMP 06-01-18.docx

Encs.: 5 Certified Second Revised FPM (Sheets 1&2) SUB-16-001602-Revised-(2)

xc: Manager, DWS w/Certified Second Revised FPM (Sheets 1&2)  
Director, DPW w/Certified Second Revised FPM (Sheets 1&2)  
District Environmental Health Program Chief, DOH w/Certified Second Revised FPM (Sheets 1&2)  
Planning Department-Kona w/1 Set Certified Second Revised FPM (Sheets 1&2)  
Real Property Tax Division-Kona w/1 Set Certified Second Revised FPM (Sheets 1&2)  
Tax Maps and Records Supervisor w/1 Set Certified Second Revised FPM (Sheets 1&2) & 1-CD  
TDM KUA 4, LLC  
Daniel L. Berg, LPLS, dlb & Associates  
FSA-SUB-05-000225; SMA 395; VAR-06-000017



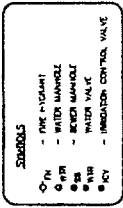
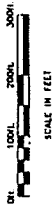
**MANIOWALI PHASE III**  
**Consolidation and Reconfiguration**

Consolidation of Residential Lots 1 to 31;  
 Road Lots H, P & Q; Parcel 1; Parcel 2,  
 and Easements 1 through 20,  
 And Reconfiguration into  
 Residential Lots 1 through 20;  
 Road Lots R and S; Parcels 1, A and B;  
 and Easements A through L,  
 and Easements W through Z.  
 Situated at Maniowali, No. Kono  
 Island and County of Hawaii, Hawaii

TRAKS) 7-2-014, 001 through 038  
 Sheet 2 of 2

NOTES: (1) All dimensions are in feet and inches, unless otherwise indicated.  
 (2) All areas are based on a plan of the property which was filed with the Department of Land and Natural Resources on 03/11/2014.  
 (3) All areas are based on a plan of the property which was filed with the Department of Land and Natural Resources on 03/11/2014.  
 (4) All areas are based on a plan of the property which was filed with the Department of Land and Natural Resources on 03/11/2014.  
 (5) All areas are based on a plan of the property which was filed with the Department of Land and Natural Resources on 03/11/2014.

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 (5) All areas are based on a plan of the property which was filed with the Department of Land and Natural Resources on 03/11/2014.

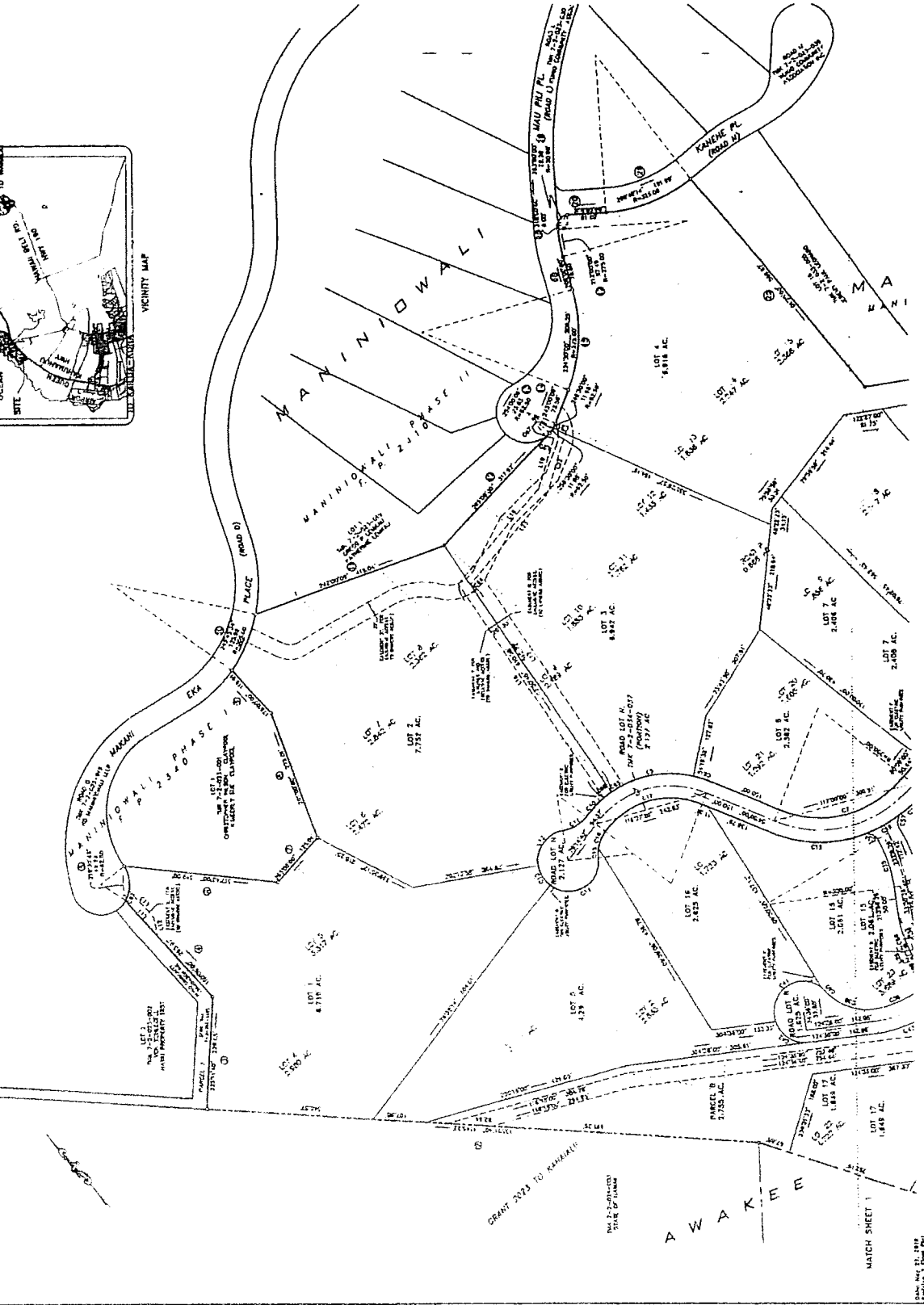
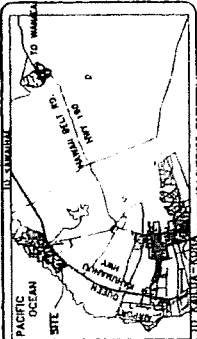


**Sub-Island Plan**  
 APPROVED FOR THE COUNTY OF HAWAII BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES

Date: JUN 11 2014



**dib & Associates**  
 ENGINEERS, ARCHITECTS, CONSULTANTS  
 1401 KALANIANA'OHU BLVD., SUITE 200  
 HONOLULU, HAWAII 96813  
 TEL: (808) 531-0000  
 FAX: (808) 531-0001  
 WWW.DIB-ASSOCIATES.COM

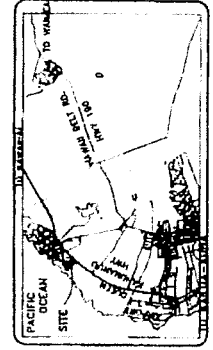
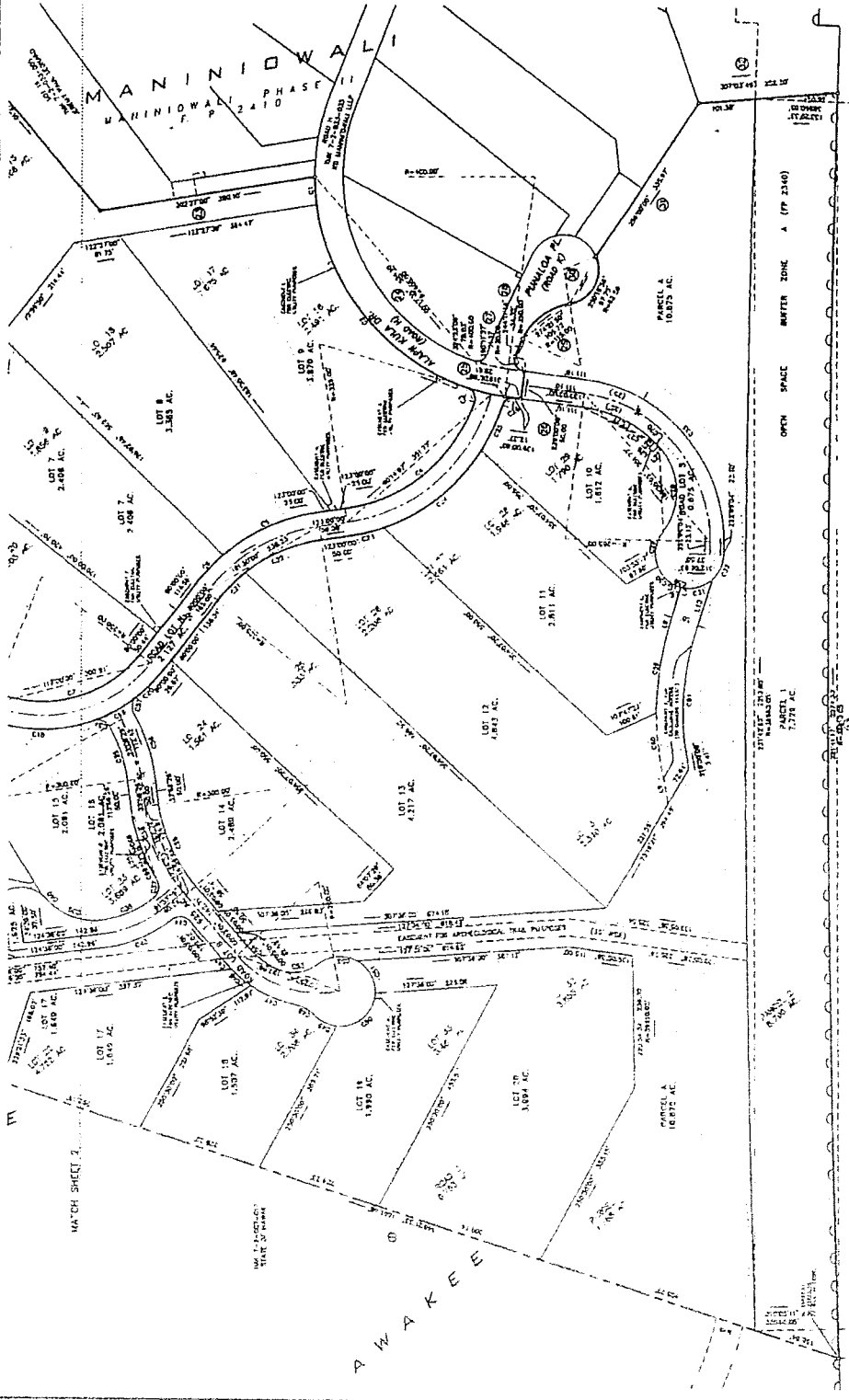


**MANINIOWALI PHASE III**  
**Consolidation and Re-subdivision**  
 Consideration of Residential Lots 1 to 24;  
 Read Lots M, P & Q Parcel 1, Parcel 2,  
 and Elements 1 through 25,  
 and Elements 1 through 25,  
 Read Lots 1 through 20,  
 Residential Lots 1 through 20,  
 Read Lots R and S, Parcel 1, A and B;  
 Elements A through L,  
 and Elements W through Z,  
 Situated at Maniniowali, No. Kane  
 Island and County of Hawaii, Hawaii  
 (with) 1/2-2-61-101 on map page 548  
 Sheet 1 of 2

MANINIOWALI PHASE II	MANINIOWALI PHASE III	MANINIOWALI PHASE III	MANINIOWALI PHASE III	MANINIOWALI PHASE III	MANINIOWALI PHASE III	MANINIOWALI PHASE III	MANINIOWALI PHASE III	MANINIOWALI PHASE III	MANINIOWALI PHASE III
1	1	1	1	1	1	1	1	1	1

**NOTES**  
 1. FINE WEIRANT  
 2. WATER MANDATE  
 3. SEWER MANDATE  
 4. WATER VALVE  
 5. EMPLOYMENT CONTROL V.M.C.

Applied Geomatics Land Surveys  
 dib & Associates



**QUEEN KAAHUBAUNI HWY.**  
 (HAWAII - KAHUOUE ROAD PROJECT NO. 15 - RE - 74)  
 SCALE IN FEET  
 1" = 1000'  
 1" = 2000'  
 1" = 4000'  
 SUBJECT SUBJECT TO THE FOLLOWING CONDITIONS:  
 1. THIS MAP IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.  
 2. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THE SURVEY DATA AND THE TECHNICAL ASPECTS OF THE SURVEY. THE SURVEYOR DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY OTHER SOURCES OR THE RESULTS OF ANY ANALYSIS PERFORMED BY OTHERS.  
 3. THIS MAP IS NOT TO BE USED AS A TITLE DOCUMENT OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR.

DATE	REVISION

REVENUE DEPARTMENT  
STATE OF CALIFORNIA  
SUGAR-16-001002 204 REV

DATE: JUN 01 2010

REVENUE DEPARTMENT  
STATE OF CALIFORNIA  
SUGAR-16-001002 204 REV

REVENUE DEPARTMENT  
STATE OF CALIFORNIA  
SUGAR-16-001002 204 REV

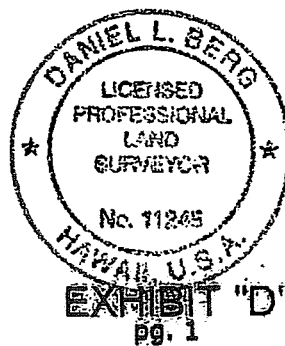
**Lot 1**

That certain parcel of land being Lot 1 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the southwest corner of this parcel of land, being also a point on the northeasterly boundary of Grant 2023 to Kahaialii, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,679.15 feet north and 13,236.18 feet west and running by azimuths measured clockwise from true South:

1. 135°11'40" 346.57 ft. along said Grant 2023, thence;
2. 225°11'40" 229.05 ft. along Parcel 3 as shown on the Maniniowali Phase I Subdivision filed as DAGS File Plan No. 2340, thence;
3. 180°06'00" 263.97 ft. along said Parcel 3, thence;  
along a curve to the left having a radius of 62.50 feet, the direct chord being;
4. 219°30'45" 69.99 ft. along the southerly boundary of Road Lot D, as shown on said Maniniowali Phase I Subdivision, commonly known as Makani Eka Place, thence;
5. 317°43'00" 319.00 ft. along Lot 1 as shown on said Maniniowali Phase I Subdivision, thence;
6. 265°00'00" 125.01 ft. along Lot 1 as shown on said Maniniowali Phase I Subdivision, thence;
7. 339°35'12" 218.25 ft. along Lot 2, thence;
8. 302°13'58" 264.82 ft. along Lot 2, thence;  
along a curve to the left having a radius of 62.50 feet, the direct chord being;
9. 10°53'06" 45.50 ft. along Road Lot N, thence;
10. 79°32'14" 604.01 ft. along Lot 5 to the Point of Beginning, enclosing an area of 6.719 acres, more or less.

TMK(3) 7-2-034-001



This description was prepared by me or under my direction.

  
Daniel L. Berg, PLS 11245

**Lot 2**

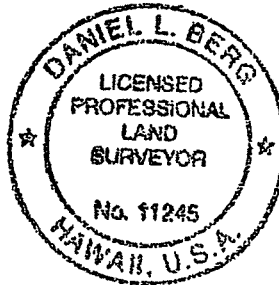
That certain parcel of land being Lot 2 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the northwest corner of this parcel of land, being also a point on the southerly boundary of Road Lot D (commonly known as Makani Eka Place) as shown on the Maniniowali Phase I Subdivision, filed as DAGS File Plan No. 2340, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 18,554.02 feet north and 12,840.10 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |   |
|----|------------|--------|-----|---|
|    |            |        |     | Along a curve to the left having a radius of 305.00 feet, the direct chord being;                       |
| 1. | 245°45'34" | 125.99 | ft. | along said Road Lot D (Makani Eka Place), thence;   |
| 2. | 292°00'00" | 419.04 | ft. | along Lot 1 as shown on the Maniniowali Phase II Subdivision, filed as DAGS File Plan No. 2410, thence; |
| 3. | 07°50'45"  | 610.28 | ft. | along Lot 3, thence;  |
|    |            |        |     | along a curve to the left having a radius of 225.00 feet, the direct chord being;                       |
| 4. | 88°32'43"  | 72.73  | ft. | along the Road Lot N, thence;   |
|    |            |        |     | along a curve to the right having a radius of 225.00 feet, the direct chord being;                      |
| 5. | 100°54'56  | 55.39  | ft. | along the Road Lot N, thence;   |
|    |            |        |     | along a curve to the left having a radius of 62.50 feet, the direct chord being;                        |

- |     |            |        |     |   |
|-----|------------|--------|-----|---|
| 6.  | 77°24'35"  | 88.66  | ft. | along the Road Lot N, thence;   |
| 7.  | 122°13'58" | 264.82 | ft. | along Lot 1, thence;  |
| 8.  | 159°35'12" | 218.25 | ft. | along Lot 1, thence;  |
| 9.  | 201°00'00" | 273.01 | ft. | along Lot 1 as shown on the Maniniowali Phase I<br>Subdivision, filed as DAGS File Plan No. 2340,<br>thence;  |
| 10. | 178°00'00" | 119.91 | ft. | along Lot 1 as shown on the Maniniowali Phase I<br>Subdivision, filed as DAGS File Plan No. 2340<br>to the Point of Beginning, enclosing an area of<br>7.752 acres, more or less. |

TMK(3) 7-2-034-002



This description was prepared by  
me or under my direction.

*D. L. Berg*  
Daniel L. Berg, PLS 11245



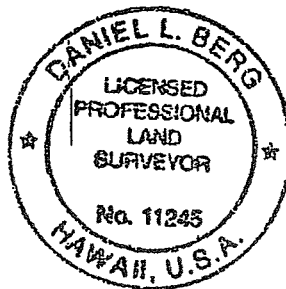
**Lot 3**

That certain parcel of land being Lot 3 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the northwest corner of this parcel of land, being also a point on the southerly boundary of Lot 1 as shown on the Maniniowali Phase II Subdivision, filed as DAGS File Plan No. 2410, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 18,448.77 feet north and 12,336.70 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |  |
|----|------------|--------|-----|--|
| 1. | 265°00'00" | 317.92 | ft. | along Lot 1 as shown on said Maniniowali Phase II Subdivision, thence;<br><br>along a curve to the left having a radius of 62.50 feet, the direct chord being; |
| 2. | 259°30'00" | 11.98  | ft. | along Road Lot L (commonly known as Mau Pili Place) as shown on said Maniniowali Phase II Subdivision, thence;   |
| 3. | 335°26'57" | 494.19 | ft. | along Lot 4, thence;   |
| 4. | 48°22'23"  | 216.64 | ft. | along Lot 7, thence;   |
| 5. | 73°43'30"  | 207.61 | ft. | along Lot 6, thence;   |
| 6. | 54°19'38"  | 127.82 | ft. | along Lot 6, thence;<br><br>along a curve to the left having a radius of 225.00 feet, the direct chord being;  |
| 7. | 121°05'12" | 177.57 | ft. | along Road Lot N, thence;  |
| 8. | 187°50'45" | 610.28 | ft. | along Lot 2 to the Point of Beginning, enclosing an area of 6.942 acres, more or less.   |

TMK(3) 7-2-034-003



This description was prepared by me or under my direction.

Daniel L. Berg, PLS 11245



**Lot 4**

That certain parcel of land being Lot 4 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

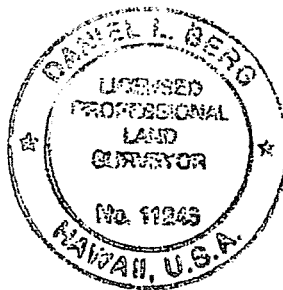
Beginning at the northeast corner of this parcel of land, being also a point on the southerly boundary of Road Lot M (commonly known as Kanehe Place) as shown on the Maniniowali Phase II Subdivision, filed as DAGS File Plan No. 2410, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHPUU" being 18,666.86 feet north and 11,449.52 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |  |
|----|------------|--------|-----|--|
| 1. | 01°25'00"  | 559.82 | ft. | along Lot 16 as shown on said Maniniowali Phase II Subdivision, thence;  |
| 2. | 302°27'00" | 396.10 | ft. | along Lot 16 as shown on said Maniniowali Phase II Subdivision, thence;<br><br>along a curve to the left having a radius of 400.00 feet, the direct chord being; |
| 3. | 37°37'27"  | 50.20  | ft. | along Road Lot H, (commonly known as Alapii Kula Drive) as shown on said Maniniowali Phase II Subdivision, thence;   |
| 4. | 122°27'00" | 446.23 | ft. | along Lot 9 and Lot 8, thence;   |
| 5. | 79°59'50"  | 244.75 | ft. | along Lot 8 and Lot 7, thence;   |
| 6. | 48°22'23"  | 34.15  | ft. | along Lot 7, thence;   |
| 7. | 155°26'57" | 494.19 | ft. | along Lot 3, thence;<br><br>along a curve to the left having a radius of 62.50 feet, the direct chord being;   |
| 8. | 248°30'00" | 11.98  | ft. | along Road Lot L, (commonly known as Mau Pili Place) as shown on said Maniniowali Phase II Subdivision, thence;  |



- |     |            |        |     |  |
|-----|------------|--------|-----|--|
| 9.  | 243°00'00" | 73.56  | ft. | along said Road Lot L, thence;<br><br>along a curve to the left having a radius of 325.00 feet, the direct chord being;  |
| 10. | 224°30'00" | 206.25 | ft. | along said Road Lot L, thence;   |
| 11. | 206°00'00" | 70.00  | ft. | along said Road Lot L, thence;<br><br>along a curve to the right having a radius of 275.00 feet, the direct chord being; |
| 12. | 212°00'00" | 57.49  | ft. | along said Road Lot L, thence;   |
| 13. | 218°00'00" | 8.00   | ft. | along said Road Lot L, thence;<br><br>along a curve to the right having a radius of 20.00 feet, the direct chord being;  |
| 14. | 263°00'00" | 28.28  | ft. | along said Road Lot M (commonly known as Kanehe Place), thence;  |
| 15. | 308°00'00" | 81.00  | ft. | along said Road Lot M, thence;<br><br>along a curve to the left having a radius of 325.00 feet, the direct chord being;  |
| 16. | 290°49'14" | 191.99 | ft. | along said Road Lot M to the Point of Beginning, enclosing an area of 6.916 acres, more or less.                         |

TMK(3) 7-2-034-004



This description was prepared by me or under my direction.

*Daniel L. Berg*

Daniel L. Berg, PLS 11245



**Lot 5**

That certain parcel of land being Lot 5 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:


Beginning at the southwest corner of this parcel of land, being also a point on the northeasterly boundary of Grant 2023 to Kahaialii, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,602.54 feet north and 13,160.09 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |  |
|----|------------|--------|-----|--|
| 1. | 135°11'40" | 107.98 | ft. | along said Grant 2023, thence;   |
| 2. | 259°32'14" | 604.01 | ft. | along Lot 1, thence;<br><br>along a curve to the left having a radius of 62.50 feet, the direct chord being;       |
| 3. | 282°43'13" | 114.91 | ft. | along Road Lot N, thence;<br><br>along a curve to the right having a radius of 75.00 feet, the direct chord being; |
| 4. | 223°19'16" | 19.37  | ft. | along Road Lot N, thence;  |
| 5. | 09°30'08"  | 438.78 | ft. | along Lot 16, thence;  |
| 6. | 304°36'00" | 133.39 | ft. | along Lot 16, thence;<br><br>along a curve to the left having a radius of 62.50 feet, the direct chord being;      |
| 7. | 343°49'53" | 79.06  | ft. | along Road Lot R, thence;  |
| 8. | 124°36'00" | 385.61 | ft. | along Parcel B, thence;  |
| 9. | 116°18'00" | 429.69 | ft. | along Parcel B to the Point of Beginning, enclosing an area of 4.291 acres, more or less.                          |

TMK(3) 7-2-034-005



This description was prepared by me or under my direction.

  
Daniel L. Berg,  
PLS 11245



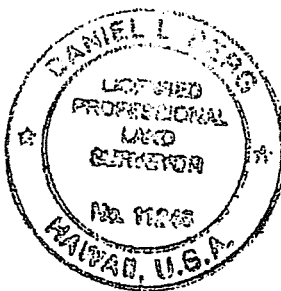
Lot 6

That certain parcel of land being Lot 6 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the southeast corner of this parcel of land, being also a point on the northerly boundary of Road Lot N, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,470.93 feet north and 11,891.76 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |   |
|----|------------|--------|-----|---|
| 1. | 80°00'00"  | 50.44  | ft. | along Road Lot N, thence;<br>along a curve to the right having a radius of 225.00 feet, the direct chord being; |
| 2. | 117°00'00" | 270.82 | ft. | along Road Lot N, thence;   |
| 3. | 154°00'00" | 150.00 | ft. | along Road Lot N, thence;<br>along a curve to the left having a radius of 225.00 feet, the direct chord being;  |
| 4. | 149°09'49" | 37.94  | ft. | along Road Lot N, thence;   |
| 5. | 234°19'38" | 127.82 | ft. | along Lot 3, thence;  |
| 6. | 253°43'30" | 207.61 | ft. | along Lot 3, thence;  |
| 7. | 350°00'00" | 420.70 | ft. | along Lot 7 to the Point of Beginning, enclosing an area of 2.382 acres, more or less.                          |

TMK(3) 7-2-034-006



This description was prepared by me or under my direction.

A handwritten signature of Daniel L. Berg in black ink.

Daniel L. Berg,  
PLS 11245

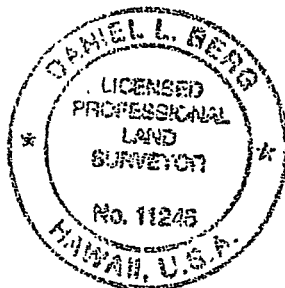
Lot 7

That certain parcel of land being Lot 7 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the southwest corner of this parcel of land, being also a point on the northerly boundary of Road Lot N, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,470.93 feet north and 11,891.76 feet west and running by azimuths measured clockwise from true South:

1. 170°00'00" 420.70 ft. along Lot 6 thence;
2. 228°22'23" 250.79 ft. along Lot 3 and Lot 4, thence;
3. 259°59'50" 30.31 ft. along Lot 4, thence;
4. 356°02'45" 562.43 ft. along Lot 8, thence;  
along a curve to the left having a radius of  
350.00 feet, the direct chord being;
5. 85°46'27" 70.43 ft. along Road Lot N, thence;
6. 80°00'00" 114.56 ft. along Road Lot N to the Point of Beginning,  
enclosing an area of 2.406 acres, more or less.

TMK(3) 7-2-034-007



This description was prepared by  
me or under my direction.

A handwritten signature in black ink, appearing to read "Daniel L. Berg", written over a horizontal line.

Daniel L. Berg,  
PLS 11245

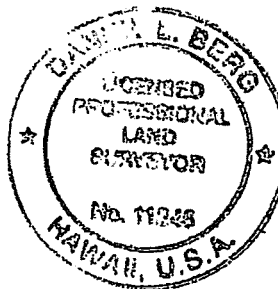
**Lot 8**

That certain parcel of land being Lot 8 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the southeast corner of this parcel of land, being also a point on the northerly boundary of Road Lot N, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,426.06 feet north and 11,506.57 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |  |
|----|------------|--------|-----|--|
| 1. | 123°00'00" | 25.00  | ft. | along Road Lot N, thence;<br><br>along a curve to the left having a radius of 350.00 feet, the direct chord being; |
| 2. | 107°16'27" | 189.72 | ft. | along Road Lot N, thence;  |
| 3. | 176°02'45" | 562.43 | ft. | along Lot 7, thence;   |
| 4. | 259°59'50" | 214.44 | ft. | along Lot 4, thence;   |
| 5. | 302°27'00" | 81.75  | ft. | along Lot 4, thence;   |
| 6. | 03°35'48"  | 625.66 | ft. | along Lot 9 to the Point of Beginning, enclosing an area of 3.365 acres, more or less.                             |

TMK(3) 7-2-034-008



This description was prepared by me or under my direction.

*Daniel L. Berg*

Daniel L. Berg,  
PLS 11245

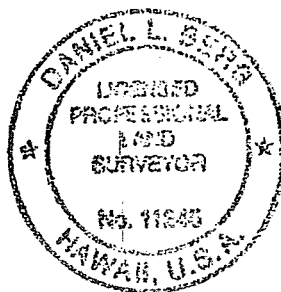
Lot 9

That certain parcel of land being Lot 9 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the southwest corner of this parcel of land, being also a point on the northerly boundary of Road Lot N, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,426.06 feet north and 11,506.57 feet west and running by azimuths measured clockwise from true South:

1.           183°35'48"           625.66   ft.    along Lot 8, thence;
2.           302°27'00"           364.47   ft.    along Lot 4, thence;  
  
  along a curve to the left having a radius of  
  400.00 feet, the direct chord being;
3.           01°41'53"           427.81   ft.    along Road Lot H, commonly known as Alapii  
  Kula Drive, as shown on Maniniowali Phase II  
  Subdivision filed as DAGS File Plan 2410,  
  thence;  
  
  along a curve to the right having a radius of  
  20.00 feet, the direct chord being;
4.           15°58'06"           28.68   ft.    along Road Lot N, thence;  
  
  along a curve to the right having a radius of  
  300.00 feet, the direct chord being;
5.           92°23'12"           305.55   ft.    along Road Lot N, thence;
6.           123°00'00           25.00   ft.    along Road Lot N to the Point of Beginning,  
  enclosing an area of 3.870 acres, more or less.

TMK(3) 7-2-034-009



This description was prepared by me or under my direction.

*[Signature]*  
Daniel L. Berg,  
PLS 11245

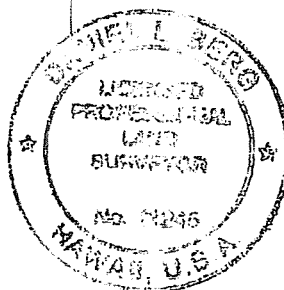
**Lot 10**

That certain parcel of land being Lot 10 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the northwest corner of this parcel of land, being also a point on the southerly boundary of Road Lot N, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,326.79 feet north and 11,228.63 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |   |
|----|------------|--------|-----|---|
|    |            |        |     | Along a curve to the left having a radius of 350.00 feet, the direct chord being;       |
| 1. | 247°06'22" | 90.00  | ft. | along Road Lot N, thence;   |
|    |            |        |     | along a curve to the right having a radius of 20.00 feet, the direct chord being;       |
| 2. | 279°21'35" | 25.52  | ft. | along Road Lot N, thence;   |
| 3. | 319°00'00" | 123.47 | ft. | along Alapii Kula Drive and Road Lot S, thence;   |
|    |            |        |     | along a curve to the right having a radius of 240.00 feet, the direct chord being;      |
| 4. | 338°16'10" | 158.40 | ft. | along Road Lot S, thence;   |
|    |            |        |     | along a curve to the right having a radius of 115.00 feet, the direct chord being;      |
| 5. | 39°11'52"  | 152.88 | ft. | along Road Lot S, thence;   |
|    |            |        |     | along a curve to the left having a radius of 62.50 feet, the direct chord being;        |
| 6. | 50°05'10"  | 63.95  | ft. | along Road Lot S, thence;   |
| 7. | 103°33'17" | 67.60  | ft. | along Lot 11, thence;   |
| 8. | 174°07'20" | 355.00 | ft. | along Lot 11 to the Point of Beginning, enclosing an area of 1.612 acres, more or less. |

TMK(3) 7-2-034-010



This description was prepared by me or under my direction.

*Daniel L. Berg*  
Daniel L. Berg,  
PLS 11245

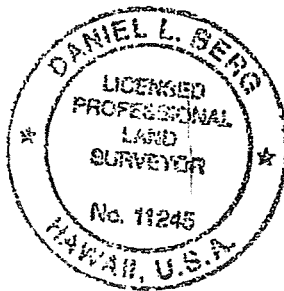
**Lot 11**

That certain parcel of land being Lot 11 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:


Beginning at the northwest corner of this parcel of land, being also a point on the southerly boundary of Road Lot N, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,340.74 feet north and 11,456.26 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |   |
|----|------------|--------|-----|---|
|    |            |        |     | Along a curve to the left having a radius of 350.00 feet, the direct chord being;       |
| 1. | 273°30'23" | 228.05 | ft. | along Road Lot N, thence;   |
| 2. | 354°07'20" | 355.00 | ft. | Along Lot 10, thence;   |
| 3. | 283°33'17" | 67.60  | ft. | along Lot 10, thence;   |
|    |            |        |     | along a curve to the left having a radius of 62.50 feet, the direct chord being;        |
| 4. | 352°23'19" | 56.61  | ft. | along Road Lot S, thence;   |
| 5. | 59°00'00"  | 74.27  | ft. | along Lot 12, thence;   |
|    |            |        |     | along a curve to the left having a radius of 525.00 feet, the direct chord being;       |
| 6. | 50°21'54"  | 157.65 | ft. | along Lot 12, thence;   |
| 7. | 107°47'22" | 100.61 | ft. | along Lot 12, thence;   |
| 8. | 174°07'20" | 550.00 | ft. | along Lot 12 to the Point of Beginning, enclosing an area of 2.811 acres, more or less. |

TMK(3) 7-2-034-011



This description was prepared by me or under my direction.

  
Daniel L. Berg,  
PLS 11245





Lot 12

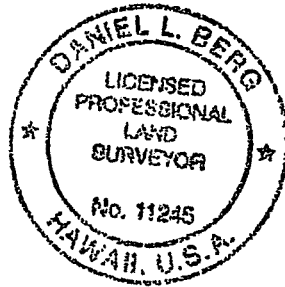
That certain parcel of land being Lot 12 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the northeast corner of this parcel of land, being also a point on the southerly boundary of Road Lot N, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,340.74 feet north and 11,456.26 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |   |
|----|------------|--------|-----|---|
| 1. | 354°07'20" | 550.00 | ft. | along Lot 11, thence;   |
| 2. | 287°47'22" | 100.61 | ft. | Along Lot 11, thence;   |
|    |            |        |     | along a curve to the right having a radius of<br>525.00 feet, the direct chord being; |
| 3. | 230°21'54" | 157.65 | ft. | along Lot 11, thence;   |
| 4. | 239°00'00" | 74.27  | ft. | along Lot 11, thence;   |
|    |            |        |     | along a curve to the left having a radius of 62.50<br>feet, the direct chord being;   |
| 5. | 297°28'32" | 58.66  | ft. | along Road Lot S, thence;   |
| 6. | 59°00'00"  | 104.94 | ft. | along Parcel A, thence;   |
|    |            |        |     | along a curve to the left having a radius of<br>475.00 feet, the direct chord being;  |
| 7. | 44°30'00"  | 237.86 | ft. | along Parcel A, thence;   |
| 8. | 30°00'00"  | 3.41   | ft. | along Parcel A, thence;   |
| 9. | 73°16'21"  | 294.49 | ft. | along Parcel A, thence;   |

10. 174°07'20" 886.92 ft. along Lot 13, thence;  
along a curve to the right having a radius of  
300.00 feet, the direct chord being;
11. 288°24'06" 151.23 ft. along Road Lot N, thence;
12. 303°00'00" 50.00 ft. along Road Lot N, thence;  
along a curve to the left having a radius of  
350.00 feet, the direct chord being;
13. 297°45'36" 63.93 ft. along Road Lot N to the Point of Beginning,  
enclosing an area of 4.843 acres, more or less.

TMK(3) 7-2-034-012



This description was prepared by  
me or under my direction.

Daniel L. Berg,  
PLS 11245



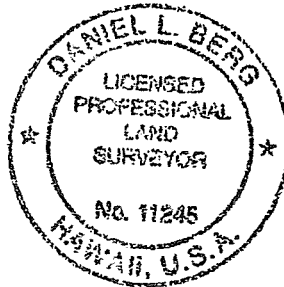
Lot 13

That certain parcel of land being Lot 13 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:


Beginning at the northwest corner of this parcel of land, being also a point on the southerly boundary of Road Lot N, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,417.56 feet north and 11,906.49 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |  |
|----|------------|--------|-----|--|
| 1. | 260°00'00" | 138.34 | ft. | along Road Lot N, thence;<br><br>along a curve to the right having a radius of<br>300.00 feet, the direct chord being; |
| 2. | 266°54'06" | 72.10  | ft. | along Road Lot N, thence;  |
| 3. | 354°07'20" | 886.92 | ft. | along Lot 12, thence;  |
| 4. | 127°36'00" | 674.18 | ft. | along Parcel A, thence;  |
| 5. | 180°03'01" | 50.45  | ft. | along Road Lot R, thence;  |
| 6. | 307°36'00" | 266.83 | ft. | along Lot 14, thence;  |
| 7. | 264°07'20" | 80.38  | ft. | along Lot 14, thence;  |
| 8. | 174°07'20" | 550.00 | ft. | along Lot 14 to the Point of Beginning, enclosing<br>an area of 4.217 acres, more or less.                             |

TMK(3) 7-2-034-013



This description was prepared by  
me or under my direction.

  
Daniel L. Berg,  
PLS 11245



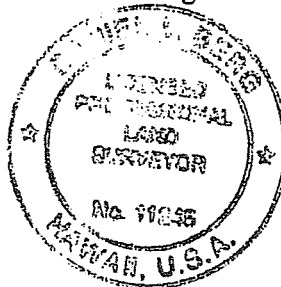
**Lot 14**

That certain parcel of land being Lot 14 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the northeast corner of this parcel of land, being also a point on the southerly boundary of Road Lot N, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,417.56 feet north and 11,906.49 feet west and running by azimuths measured clockwise from true South:

- |     |            |        |     |   |
|-----|------------|--------|-----|---|
| 1.  | 354°07'20" | 550.00 | ft. | along Lot 13, thence;   |
| 2.  | 84°07'20"  | 80.38  | ft. | along Lot 13 thence;  |
| 3.  | 127°36'00" | 266.83 | ft. | along Lot 13, thence;   |
| 4.  | 180°03'01" | 59.74  | ft. | along Road Lot R, thence;   |
|     |            |        |     | along a curve to the right having a radius of<br>275.00 feet, the direct chord being;                             |
| 5.  | 196°59'44" | 160.30 | ft. | along Road Lot R, thence;   |
| 6.  | 213°56'26" | 50.00  | ft. | along Road Lot R, thence;<br>along a curve to the left having a radius of<br>325.00 feet, the direct chord being; |
| 7.  | 203°18'59" | 119.84 | ft. | along Road Lot R, thence;   |
|     |            |        |     | along a curve to the right having a radius of<br>25.00 feet, the direct chord being;                              |
| 8.  | 232°43'15" | 32.16  | ft. | along Road Lot R, thence;   |
|     |            |        |     | along a curve to the left having a radius of<br>275.00 feet, the direct chord being;                              |
| 9.  | 266°22'29" | 61.07  | ft. | along Road Lot N, thence;   |
| 10. | 260°00'00" | 26.67  | ft. | along Road Lot N to the Point of Beginning,<br>enclosing an area of 2.489 acres, more or less.                    |

TMK(3) 7-2-034-014



This description was prepared by  
me or under my direction.

*Daniel L. Berg*

Daniel L. Berg,  
PLS 11245

Lot 15

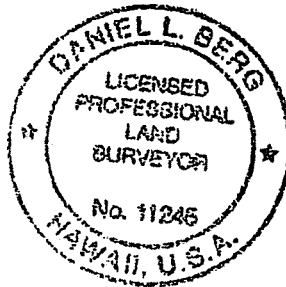
That certain parcel of land being Lot 15 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the northwest corner of this parcel of land, being also a point on the southerly boundary of Road Lot N, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,687.94 feet north and 12,288.52 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |   |
|----|------------|--------|-----|---|
| 1. | 334°00'00" | 138.79 | ft. | along Road Lot N, thence;<br><br>along a curve to the left having a radius of 274.97 feet, the direct chord being;  |
| 2. | 312°57'56" | 197.39 | ft. | along Road Lot N, thence;<br><br>along a curve to the right having a radius of 25.00 feet, the direct chord being;  |
| 3. | 331°34'19" | 31.90  | ft. | along Road Lot R, thence;<br><br>along a curve to the right having a radius of 275.00 feet, the direct chord being; |
| 4. | 23°18'45"  | 101.44 | ft. | along Road Lot R, thence;   |
| 5. | 33°56'26"  | 50.00  | ft. | along Road Lot R, thence;<br><br>along a curve to the left having a radius of 325.00 feet, the direct chord being;  |
| 6. | 21°51'49"  | 136.00 | ft. | along Road Lot R, thence;<br><br>along a curve to the right having a radius of 25.00 feet, the direct chord being;  |
| 7. | 51°41'59"  | 33.40  | ft. | along Road Lot R, thence;<br><br>along a curve to the right having a radius of 195.00 feet, the direct chord being; |
| 8. | 108°56'37" | 103.11 |     | along Road Lot R, thence;   |

- along a curve to the right having a radius of 114.49 feet, the direct chord being;
- |     |            |        |     |   |
|-----|------------|--------|-----|---|
| 9.  | 152°10'32" | 104.96 | ft. | along Road Lot R, thence;   |
|     |            |        |     | along a curve to the left having a radius of 62.50 feet, the direct chord being;        |
| 10. | 174°02'21" | 11.52  | ft. | along Road Lot R, thence;   |
| 11. | 189°30'08" | 437.12 | ft. | along Lot 16 to the Point of Beginning, enclosing an area of 2.061 acres, more or less. |

TMK(3)7-2-034-015



This description was prepared by me or under my direction.

*Daniel L. Berg*

Daniel L. Berg,  
PLS 11245



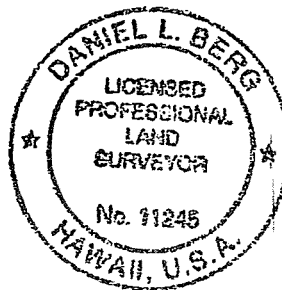
**Lot 16**

That certain parcel of land being Lot 16 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the northwest corner of this parcel of land, being also a point on the southerly boundary of Road Lot N, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,777.62 feet north and 12,516.85 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |   |
|----|------------|--------|-----|---|
|    |            |        |     | Along a curve to the right having a radius of 75.00 feet, the direct chord being;     |
| 1. | 244°59'30" | 36.93  | ft. | along Road Lot N, thence;   |
|    |            |        |     | along a curve to the right having a radius of 175.00 feet, the direct chord being;    |
| 2. | 296°37'20" | 212.47 | ft. | along Road Lot N, thence;   |
| 3. | 334°00'00" | 11.21  | ft. | along Road Lot N, thence;   |
| 4. | 09°30'08"  | 437.12 | ft. | along Lot 15, thence;   |
|    |            |        |     | along a curve to the left having a radius of 62.50 feet, the direct chord being;      |
| 5. | 95°54'25"  | 119.44 | ft. | along Road Lot R, thence;   |
| 6. | 124°36'00" | 133.39 | ft. | along Lot 5, thence;  |
| 7. | 189°30'08" | 438.78 | ft. | along Lot 5 to the Point of Beginning, enclosing an area of 2.625 acres, more or less |

TMK(3)7-2-034-016



This description was prepared by me or under my direction.

Daniel L. Berg,  
PLS 11245



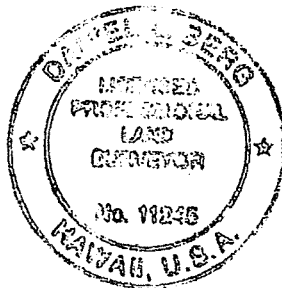
**Lot 17**

That certain parcel of land being Lot 17 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the south corner of this parcel of land, being also a point on the northeasterly boundary of Awakee, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 16,828.01 feet north and 12,504.65 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |   |
|----|------------|--------|-----|---|
| 1. | 149°21'33" | 262.19 | ft. | along Awakee, thence;   |
| 2. | 239°21'33" | 168.02 | ft. | along Parcel B, thence;   |
| 3. | 304°36'00" | 367.37 | ft. | along Parcel B, thence;   |
|    |            |        |     | along a curve to the left having a radius of<br>225.00 feet, the direct chord being;      |
| 4. | 351°11'01" | 46.58  | ft. | along Road Lot R, thence;   |
| 5. | 98°52'30"  | 112.87 | ft. | along Lot 18, thence;   |
| 6. | 70°30'00"  | 221.66 | ft. | along Lot 18 to the Point of Beginning, enclosing<br>an area of 1.649 acres, more or less |

TMK(3) 7-2-034-017



This description was prepared by me or under my direction.

*Daniel L. Berg*

Daniel L. Berg  
PLS 11245





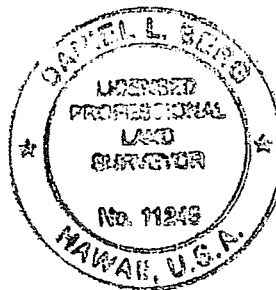
### Lot 18

That certain parcel of land being Lot 18 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the south corner of this parcel of land, being also a point on the northeasterly boundary of Awakee, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 16,630.71 feet north and 12,387.78 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |  |
|----|------------|--------|-----|--|
| 1. | 149°21'33" | 229.32 | ft. | along Awakee, thence;  |
| 2. | 250°30'00" | 221.66 | ft. | along Lot 17, thence;  |
| 3. | 278°52'30" | 112.87 | ft. | along Lot 17, thence;  |
|    |            |        |     | along a curve to the left having a radius of 225.00 feet, the direct chord being;      |
| 4. | 334°08'05" | 86.70  | ft. | along Road Lot R, thence;  |
|    |            |        |     | along a curve to the right having a radius of 75.00 feet, the direct chord being;      |
| 5. | 339°42'24" | 43.05  | ft. | along Road Lot R, thence;  |
|    |            |        |     | along a curve to the left having a radius of 62.50 feet, the direct chord being;       |
| 6. | 336°38'13" | 42.24  | ft. | along Road Lot R, thence;  |
| 7. | 70°30'00"  | 289.71 | ft. | along Lot 19 to the Point of Beginning, enclosing an area of 1.507 acres, more or less |

TMK(3)7-2-034-018



This description was prepared by me or under my direction.

Daniel L. Berg,  
PLS 11245



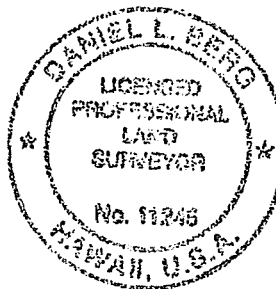
Lot 19

That certain parcel of land being Lot 19 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the south corner of this parcel of land, being also a point on the northeasterly boundary of Awakee, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 16,437.79 feet north and 12,273.50 feet west and running by azimuths measured clockwise from true South:

- |    |              |        |     |   |
|----|--------------|--------|-----|---|
| 1. | 149°21'33"   | 224.23 | ft. | along Awakee, thence;   |
| 2. | 250°30'00" " | 289.71 | ft. | along Lot 18, thence;   |
|    |              |        |     | along a curve to the left having a radius of 62.50 feet, the direct chord being;          |
| 3. | 270°35'09""  | 90.37  | ft. | along Road Lot R, thence;   |
| 4. | 307°36'00"   | 225.06 | ft. | along Lot 20, thence;   |
| 5. | 70°30'00"    | 453.51 | ft. | along Lot 20, to the Point of Beginning , enclosing an area of 1.990 acres, more or less. |

TMK(3) 7-2-034-019



This description was prepared by me or under my direction.

Daniel L. Berg,  
PLS 11245



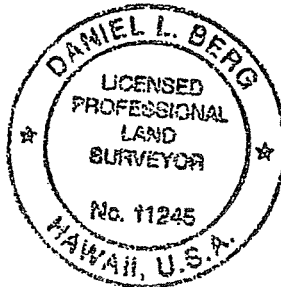
**Lot 20**

That certain parcel of land being Lot 20 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the south corner of this parcel of land, being also a point on the northeasterly boundary of Awakee, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 16,171.82 feet north and 12,115.95 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |   |
|----|------------|--------|-----|---|
| 1. | 149°21'33" | 309.14 | ft. | along Awakee, thence;   |
| 2. | 250°30'00" | 453.51 | ft. | along Lot 19, thence;   |
| 3. | 127°36'00" | 225.06 | ft. | along Lot 19, thence;<br><br>along a curve to the left having a radius of 62.50 feet, the direct chord being;       |
| 4. | 192°10'55" | 66.43  | ft. | along Road Lot R, thence;   |
| 5. | 307°36'00" | 387.12 | ft. | along Parcel A, thence;   |
| 6. | 319°05'36" | 115.00 | ft. | along Parcel A, thence;<br><br>along a curve to the left having a radius of 39,210.05 feet, the direct chord being; |
| 7. | 40°54'39"  | 236.35 | ft. | along Parcel A, thence;   |
| 8. | 70°30'00"  | 353.15 | ft. | along Parcel A, to the Point of Beginning, enclosing an area of 3.994 acres, more or less.                          |

TMK (3) 7-2-034-020



This description was prepared by me or under my direction.

*Daniel L. Berg*  
Daniel L. Berg,  
PLS 11245



**Road Lot R**

That certain parcel of land being Road Lot R as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

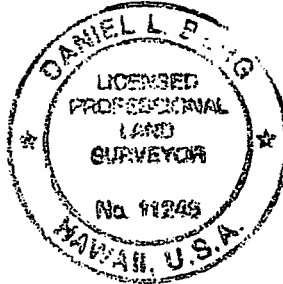
Beginning at the most northerly corner of this parcel of land, being also a point on the southerly boundary of Road Lot N, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,428.67 feet north and 12,083.23 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |  |
|----|------------|--------|-----|--|
|    |            |        |     | along a curve to the left having a radius of 274.55 feet, the direct chord being;          |
| 1. | 282°20'35" | 91.66  | ft. | along Road Lot N, thence;  |
|    |            |        |     | along a curve to the left having a radius of 25.00 feet, the direct chord being;           |
| 2. | 52°43'15"  | 32.16  | ft. | along Lot 14, thence;  |
|    |            |        |     | along a reverse curve to the right having a radius of 325.00 feet, the direct chord being; |
| 3. | 23°18'59"  | 119.84 | ft. | along Lot 14, thence;  |
| 4. | 33°56'26"  | 50.00  | ft. | along Lot 14, thence;  |
|    |            |        |     | along a curve to the left having a radius of 275.00 feet, the direct chord being;          |
| 5. | 16°59'44"  | 160.30 | ft. | along Lot 14, thence;  |
| 6. | 00°03'01"  | 142.71 | ft. | along Lot 14, Lot 13, and Parcel A, thence;  |
|    |            |        |     | along a curve to the left having a radius of 175.00 feet, the direct chord being;          |
| 7. | 349°55'22" | 61.54  | ft. | along Parcel A, thence;  |
|    |            |        |     | along a compound curve to the left having a radius of 75.00 feet, the direct chord being;  |
| 8. | 306°41'27" | 81.92  | ft. | along Parcel A, thence;  |
|    |            |        |     | along a reverse curve to the right having a radius of 62.50 feet, the direct chord being;  |

- |     |            |        |     |  |
|-----|------------|--------|-----|--|
| 9.  | 44°59'12"  | 93.76  | ft. | <p>along Parcel A, Lot 20, Lot 19, and Lot 18, thence;</p> <p>along a reverse curve to the left having a radius of 75.00 feet, the direct chord being;</p> |
| 10. | 159°42'24" | 43.05  | ft. | <p>along Lot 18, thence;</p> <p>along a reverse curve to the right having a radius of 225.00 feet, the direct chord being;</p>                             |
| 11. | 161°32'18" | 142.88 | ft. | <p>along Lot 18, Lot 17, and Parcel B, thence;</p>   |
| 12. | 180°03'01" | 102.02 | ft. | <p>along Parcel B, thence;</p> <p>along a curve to the left having a radius of 25.00 feet, the direct chord being;</p>                                     |
| 13. | 136°42'25" | 34.32  | ft. | <p>along Parcel B, thence;</p> <p>along a reverse curve to the right having a radius of 245.00 feet, the direct chord being;</p>                           |
| 14. | 108°58'54" | 131.92 | ft. | <p>along Parcel B, thence;</p>   |
| 15. | 124°36'00" | 142.96 | ft. | <p>along Parcel B, thence;</p> <p>along a curve to the right having a radius of 62.50 feet, the direct chord being;</p>                                    |
| 16. | 241°57'50" | 111.01 | ft. | <p>along Lot 5, Lot 16, and Lot 15 thence;</p> <p>along a reverse curve to the left having a radius of 115.00 feet, the direct chord being;</p>            |
| 17. | 332°10'32" | 104.96 | ft. | <p>along Lot 15, thence;</p> <p>along a compound curve to the left having a radius of 195.00 feet, the direct chord being;</p>                             |
| 18. | 288°56'37" | 103.11 | ft. | <p>along Lot 15, thence;</p> <p>along a compound curve to the left having a radius of 25.00 feet, the direct chord being;</p>                              |
| 19. | 231°41'59" | 33.40  | ft. | <p>along Lot 15, thence;</p> <p>along a reverse curve to the right having a radius of 325.00 feet, the direct chord being;</p>                             |

20. 201°51'49" 136.00 ft. along Lot 15, thence;
21. 213°56'26" 50.00 ft. along Lot 15, thence;  
 along a curve to the left having a radius of  
 275.00 feet, the direct chord being;
22. 203°18'45" 101.44 ft. along Lot 15, thence;  
 along a compound curve to the left having a  
 radius of 25.00 feet, the direct chord being;
23. 151°34'19" 31.90 ft. along Lot 15, to the Point of Beginning,  
 enclosing an area of 1.625 acres, more or less.

TMK(3) 7-2-034-037 (Portion)



This description was prepared by  
 me or under my direction.

*Daniel L. Berg*

Daniel L. Berg,  
 PLS 11245

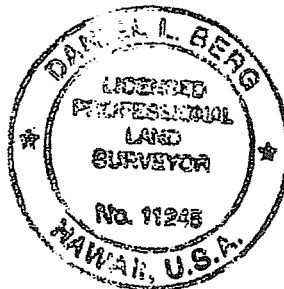
**Road Lot S**

That certain parcel of land being Road Lot S as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the north corner of this parcel of land, being also the corner common to Road Lot K (commonly known as Punaloa Place) and Road Lot H (commonly known as Alapii Kula Drive) as shown on the Maniniowali Phase II Subdivision, filed as DAGS File Plan No. 2410, and Parcel A, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,381.12 feet north and 11,074.70 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |  |
|----|------------|--------|-----|--|
| 1. | 319°00'00" | 111.10 | ft. | along Parcel A, thence;<br><br>along a curve to the right having a radius of 290.00 feet, the direct chord being;                                    |
| 2. | 00°35'03"  | 384.96 | ft. | along Parcel A, thence;  |
| 3. | 42°09'04"  | 23.10  | ft. | along Parcel A, thence;<br><br>along a curve to the right having a radius of 62.50 feet, the direct chord being;                                     |
| 4. | 151°29'43" | 117.93 | ft. | along Parcel A, Lot 12, Lot 11, and Lot 10, thence;<br><br>along a reverse curve to the left having a radius of 115.00 feet, the direct chord being; |
| 5. | 219°11'52" | 152.88 | ft. | along Lot 10, thence;  |
| 6. |            |        |     | along a compound curve to the left having a radius of 240.00 feet, the direct chord being;   |
| 7. | 158°16'10" | 158.40 | ft. | along Lot 10, thence;  |
| 8. | 139°00'00" | 111.10 | ft. | along Lot 10, thence;  |
| 9. | 229°00'00" | 50.00  | ft. | along said Road Lot H, to the Point of Beginning, enclosing an area of 0.875 acres, more or less.  |

TMK(3) 7-2-034-037 (portion)



This description was prepared by me or under my direction.

Daniel L. Berg,  
PLS 11245

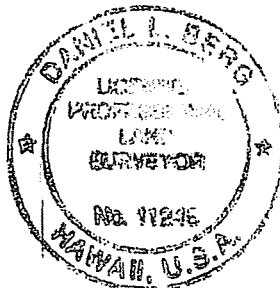
**Parcel 1**

That certain parcel of land being Parcel 1 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the south corner of this parcel of land, being marked by a PK nail in concrete at the northwest boundary of Queen Kahumanu Highway (Kailua-Kawaihae Road Project No. 19 BC -01-71), being also a point on the northeasterly boundary of Awakee, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 15,682.51 feet north and 11,826.10 feet west and running by azimuths measured clockwise from true South:

1. 149°21'33" 158.94 ft. along Awakee, thence;  
along a curve to the right having a radius of 38,960.05 feet, the direct chord being;
2. 221°42'52" 2,213.89 ft. along Parcel A to a point in the southerly boundary of Maniniowali, thence;
3. 307°03'48" 150.91 ft. along Parcel 2 as shown on Maniniowali Phase II Subdivison, filed as DAGS File Plan No. 2410, thence;  
along a curve to the left having a radius of 38,810.05 feet, the direct chord being;
4. 41°41'17" 2,274.30 ft. along the northwesterly boundary of Queen Kaahumanu Highway, to the Point of Beginning, enclosing an area of 7.729 acres, more or less.

TMK(3) 7-2-034-021



This description was prepared by me or under my direction.

*Daniel Berg*

Daniel L. Berg,  
PLS 11245



**Parcel A**

That certain parcel of land being Parcel A as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

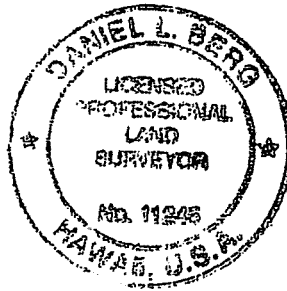
Beginning at the south corner of this parcel of land, being also a point on the northeasterly boundary of Awakee, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 15,819.26 feet north and 11,907.10 feet west and running by azimuths measured clockwise from true South:

- |     |            |        |     |   |
|-----|------------|--------|-----|---|
| 1.  | 149°21'33" | 409.77 | ft. | along Awakee, thence;   |
| 2.  | 250°30'00" | 353.15 | ft. | along Lot 20, thence;<br>along a curve to the right having a radius of<br>39,210.05 feet, the direct chord being;                     |
| 3.  | 220°54'39" | 236.35 | ft. | along Lot 20, thence;   |
| 4.  | 139°05'36" | 115.00 | ft. | along Lot 20, thence;   |
| 5.  | 127°36'00" | 387.12 | ft. | along Lot 20 to a point on Road Lot R, thence;<br>along a curve to the left having a radius of 62.50<br>feet, the direct chord being; |
| 6.  | 126°49'58" | 68.53  | ft. | along Road Lot R, thence;<br>along a reverse curve to the right having a radius<br>of 75.00 feet, the direct chord being;             |
| 7.  | 126°41'27" | 81.92  | ft. | along Road Lot R, thence;<br>along a compound curve to the right having a<br>radius of 175.00 feet, the direct chord being;           |
| 8.  | 169°55'22" | 61.54  | ft. | along Road Lot R, thence;   |
| 9.  | 180°03'01" | 32.52  | ft. | along Road Lot R, to the southwesterly corner of<br>Lot 13, thence;   |
| 10. | 307°36'00" | 674.18 | ft. | along Lot 13, thence;   |
| 11. | 253°16'21" | 294.49 | ft. | along Lot 12, thence;   |
| 12. | 210°00'00" | 3.41   | ft. | along Lot 12, thence;<br>along a curve to the right having a radius of  |


- 475.00 feet, the direct chord being;
13. 224°30'00" 237.86 ft. along Lot 12, thence;
  14. 239°00'00" 104.94 ft. along Lot 12 to a point on Road Lot S, thence;  
along a curve to the left having a radius of 62.50 feet, the direct chord being;
  15. 245°48'43" 50.20 ft. along Road Lot S, thence;
  16. 222°09'04" 23.10 ft. along Road Lot S, thence;  
along a curve to the left having a radius of 290.00 feet, the direct chord being;
  17. 180°35'03" 384.96 ft. along Road Lot S, thence;
  17. 139°00'00" 111.10 ft. along Road Lot S to a point on the southerly boundary of Road Lot K, (commonly known as Punaloa Place) as shown on Maniniowali Phase II Subdivison, filed as DAGS File Plan No. 2410, thence;  
along a curve to the right having a radius of 20.00 feet, the direct chord being;
  18. 190°11'27" 31.17 ft. along said Road Lot K, thence;  
along a compound curve to the right having a radius of 350.00 feet, the direct chord being;
  19. 244°11'14" 34.35 ft. along said Road Lot K, thence;  
along a compound curve to the right having a radius of 115.00 feet, the direct chord being;
  20. 274°21'50" 105.72 ft. along said Road Lot K, thence;  
along a reverse curve to the left having a radius of 62.50 feet, the direct chord being;
  21. 250°16'58" 97.75 ft. along said Road Lot K, to a point on the southerly boundary of Maniniowali, thence;
  22. 256°00'02" 335.97 ft. Along Lot 32 of said Maniniowali Phase II, thence;
  23. 307°03'48" 101.38 ft. along Parcel 2 of said Maniniowali Phase II to the northwesterly corner of Parcel 1, thence;  
along a curve to the left having a radius of 38,960.05 feet, the direct chord being;

24.            41°42'52"            2,213.89    ft.    along Parcel 1, to the Point of Beginning,  
enclosing an area of 10.874 acres, more or less.

TMK (3) 7-2-034-022



This description was prepared by  
me or under my direction.

  
Daniel L. Berg,  
PLS 11245

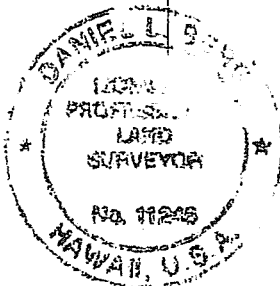
**Parcel B**

That certain parcel of land being Parcel B as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the south corner of this parcel of land, being also a point on the northeasterly boundary of Awakee, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,053.59 feet north and 12,638.28 feet west and running by azimuths measured clockwise from true South:

- |     |            |        |     |   |
|-----|------------|--------|-----|---|
| 1.  | 149°21'33" | 67.88  | ft. | along Awakee, thence;   |
| 2.  | 135°11'40" | 691.39 | ft. | along Awakee, thence;   |
| 3.  | 296°18'00" | 429.69 | ft. | along Lot 5, thence;  |
| 4.  | 304°36'00" | 385.61 | ft. | along Lot 5, to a point on Road Lot R, thence;  |
| 5.  | 304°36'00" | 142.96 | ft. | along Road Lot R, thence;<br><br>along a curve to the left having a radius of<br>245.00 feet, the direct chord being;         |
| 6.  | 288°58'54" | 131.92 | ft. | along Road Lot R, thence;<br><br>along a reverse curve to the right having a radius<br>of 25.00 feet, the direct chord being; |
| 7.  | 316°42'25" | 34.32  | ft. | along Road Lot R, thence;   |
| 8.  | 00°03'01"  | 102.02 | ft. | along Road Lot R, thence;<br><br>along a curve to the left having a radius of<br>225.00 feet, the direct chord being;         |
| 9.  | 358°35'15" | 11.49  | ft. | along Road Lot R, thence;   |
| 10. | 124°36'00" | 367.37 | ft. | along Lot 17, thence;   |
| 11. | 59°21'33"  | 168.02 | ft. | along Lot 17, to the Point of Beginning,<br>enclosing an area of 2.755 acres, more or less                                    |

TMK(3) 7-2-034-023



This description was prepared by  
me or under my direction.

*Daniel Berg*  
Daniel L. Berg,  
PLS 11245

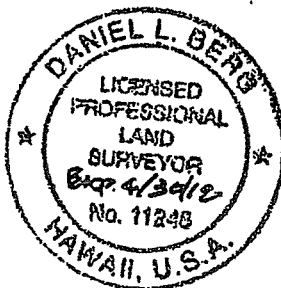
**Easement A**

Easement A, being a portion of Lot 19 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the north corner of this parcel of land, being also a point on Road Lot R at the corner common to Lot 19 and Lot 20, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 16,726.50 feet north and 12,024.31 feet west and running by azimuths measured clockwise from true South:

- |    |            |       |     |  |
|----|------------|-------|-----|--|
| 1. | 307°36'00" | 10.00 | ft. | along the line common to Lot 19 and Lot 20, thence;  |
| 2. | 37°36'00"  | 10.00 | ft. | perpendicular to said line common to Lot 19 and Lot 20, thence;  |
| 3. | 127°36'00" | 12.01 | ft. | parallel with said line common to Lot 19 and Lot 20, thence;<br>along a curve to the left having a radius of 62.50 feet, the direct chord being; |
| 4. | 228°57'56" | 10.20 | ft. | along Road Lot R, to the Point of Beginning, enclosing an area of 109 square feet, more or less.   |

Affects TMK 7-2-034-019



This description was prepared by  
me or under my direction.

*Daniel L. Berg*

Daniel L. Berg,  
PLS 11245

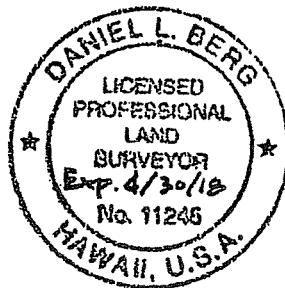
**Easement B**

Easement B, being a portion of Lot 17 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the east corner of this parcel of land, being also a point on Road Lot R at the corner common to Lot 17 and Lot 18, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 16,884.59 feet north and 12,184.19 feet west and running by azimuths measured clockwise from true South:

- |    |            |       |     |   |
|----|------------|-------|-----|---|
| 1. | 98°52'30"  | 14.09 | ft. | along the line common to Lot 17 and Lot 18, thence;   |
| 2. | 188°52'30" | 10.00 | ft. | perpendicular to said line common to Lot 17 and Lot 18, thence;   |
| 3. | 278°52'30" | 10.00 | ft. | parallel with said line common to Lot 17 and Lot 18, thence;<br>along a curve to the left having a radius of 225.00 feet, the direct chord being; |
| 4. | 346°37'07" | 10.80 | ft. | along Road Lot R, to the Point of Beginning, enclosing an area of 120 square feet, more or less.  |

Affects TMK 7+-2-035-017



This description was prepared by me or under my direction.

A handwritten signature of Daniel L. Berg in black ink, written over a horizontal line.

Daniel L. Berg,  
PLS 11245

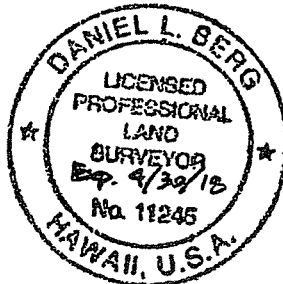
**Easement C**

Easement C, being a portion of Lot 16 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the south corner of this parcel of land, being also a point on Road Lot R at the corner common to Lot 15 and Lot 16, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,256.82 feet north and 12,360.68 feet west and running by azimuths measured clockwise from true South:

- |    |            |       |     |   |
|----|------------|-------|-----|---|
|    |            |       |     | along a curve to the left having a radius of 62.50 feet, the direct chord being;  |
| 1. | 159°32'05" | 20.02 | ft. | along Road Lot R, thence;   |
| 2. | 189°30'08" | 10.00 | ft. | parallel with the line common to Lot 15 and Lot 16, thence;   |
| 3. | 279°30'08" | 10.00 | ft. | perpendicular to said line common to Lot 15 and Lot 16, thence;   |
| 4. | 09°30'08"  | 27.34 | ft. | along said line common to Lot 15 and Lot 16, to the Point of Beginning, enclosing an area of 176 square feet, more or less. |

Affects TMK 2-7-034-016



This description was prepared by me or under my direction.

A handwritten signature in black ink that reads "Daniel L. Berg".

Daniel L. Berg,  
PLS 11245

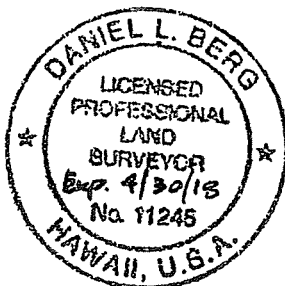
**Easement D**

Easement D, being a portion of Lot 5 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the north corner of this parcel of land, being also a point on Road Lot N at the corner common to Lot 1 and Lot 5, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,788.83 feet north and 12,642.22 feet west and running by azimuths measured clockwise from true South:

- |    |            |       |     |   |
|----|------------|-------|-----|---|
|    |            |       |     | along a curve to the left having a radius of 62.50 feet, the direct chord being;  |
| 1. | 344°56'02" | 10.03 | ft. | along Road Lot N, thence;   |
| 2. | 79°32'14"  | 10.81 | ft. | parallel with the line common to Lot 1 and Lot 5, thence;   |
| 3. | 169°32'14" | 10.00 | ft. | perpendicular to said line common to Lot 1 and Lot 5, thence;   |
| 4. | 259°32'14" | 10.00 | ft. | along said line common to Lot 1 and Lot 5, to the Point of Beginning, enclosing an area of 103 square feet, more or less. |

Affects TMK 7-2-034-005



This description was prepared by me or under my direction.

Daniel L. Berg,  
PLS 11245



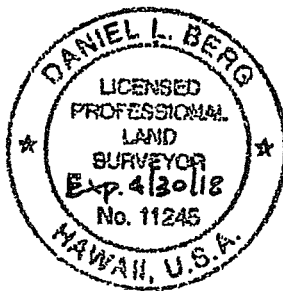
**Easement E**

Easement E, being a portion of Lot 2 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the southeast corner of this parcel of land, being also a point on Road Lot N at the southwest corner of Easement Y, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,846.05 feet north and 12,439.94 feet west and running by azimuths measured clockwise from true South:

- |    |            |       |     |  |
|----|------------|-------|-----|--|
|    |            |       |     | along a curve to the left having a radius of 225.00 feet, the direct chord being;  |
| 1. | 91°27'54"  | 10.06 | ft. | along Road Lot N, thence;  |
| 2. | 187°50'45" | 11.12 | ft. | parallel with the west line of Easement Y and the line common to Lot 2 and Lot 3, thence;  |
| 3. | 277°50'45" | 10.00 | ft. | perpendicular to said west line of Easement Y and the line common to Lot 2 and Lot 3, thence;  |
| 4. | 07°50'45"  | 10.00 | ft. | along said Easement Y and parallel with the line common to Lot 2 and Lot 3, to the Point of Beginning, enclosing an area of 105 square feet, more or less. |

Affects TMK 7-2-034-002



This description was prepared by me or under my direction.

Daniel L. Berg,  
PLS 11245

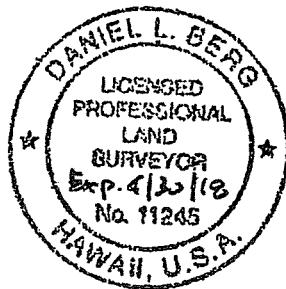
**Easement F**

Easement F, being a portion of Lot 7 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the south corner of this parcel of land, being also a point on Road Lot N at the corner common to Lot 6 and Lot 7; the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,470.93 feet north and 11,891.76 feet west and running by azimuths measured clockwise from true South:

- |    |            |       |     |   |
|----|------------|-------|-----|---|
| 1. | 170°00'00" | 10.00 | ft. | along the line common to Lot 6 and Lot 7, thence;   |
| 2. | 260°00'00" | 10.00 | ft. | perpendicular to said line common to Lot 6 and Lot 7, thence;   |
| 3. | 350°00'00" | 10.00 | ft. | parallel with said line common to Lot 6 and Lot 7, thence;  |
| 4. | 80°00'00"  | 10.00 | ft. | along said Road Lot N, to the Point of Beginning, enclosing an area of 100 square feet, more or less. |

Affects TMK 7-2-034-007



This description was prepared by me or under my direction.

A handwritten signature in black ink that reads "Daniel L. Berg".

Daniel L. Berg,  
PLS 11245

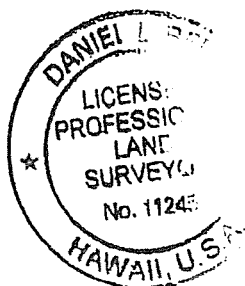
**Easement G**  
(Revised)

Easement G, being a portion of Lot 15 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

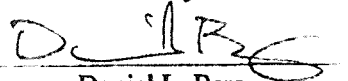
Beginning at the southeast corner of this parcel of land, being also a point on westerly sideline Road Lot R; the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,182.898 feet north and 12,176.24 feet west and running by azimuths measured clockwise from true South:

- |    |            |       |     |  |
|----|------------|-------|-----|--|
| 1. | 108°29'53" | 10.00 | ft. | along remainder of Lot 15, thence;   |
| 2. | 198°29'53" | 10.00 | ft. | along remainder of Lot 15, thence;   |
| 3. | 288°29'53" | 10.00 | ft. | along remainder of Lot 15,thence;  |
|    |            |       |     | along said Road Lot R on a curve to the left<br>having a radius of 325.00 ft., the direct chord<br>azimuth and distance being; |
| 4. | 108°29'53" | 10.00 | ft. | to the Point of Beginning, enclosing an area of<br>100 square feet, more or less.  |

Affects TMK 7-2-034-015



This description was prepared by  
me or under my direction.

  
Daniel L. Berg,  
PLS 11245

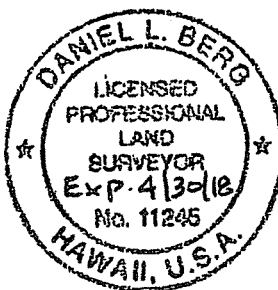
**Easement H**

Easement H, being a portion of Lot 9 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the southwest corner of this parcel of land, being also a point on Road Lot N at the corner common to Lot 8 and Lot 9; the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,426.06 feet north and 11,506.57 feet west and running by azimuths measured clockwise from true South:

- |    |            |       |     |   |
|----|------------|-------|-----|---|
| 1. | 183°35'48" | 10.00 | ft. | along the line common to Lot 8 and Lot 9, thence;   |
| 2. | 273°35'48" | 10.00 | ft. | perpendicular to said line common to Lot 8 and Lot 9, thence;   |
| 3. | 03°35'48"  | 15.64 | ft. | parallel with said line common to Lot 8 and Lot 9, thence;  |
| 4. | 123°00'00" | 11.48 | ft. | along said Road Lot N, to the Point of Beginning, enclosing an area of 128 square feet, more or less. |

Affects TMK 7-2-034-009



This description was prepared by me or under my direction.

Daniel L. Berg,  
PLS 11245

**Easement I**

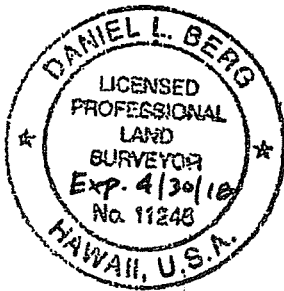
Easement I, being a portion of Lot 9 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Commencing at the northeast corner of Lot 9, thence along a curve to the left having a radius of 400.00 feet, the direct chord bearing; 26°26'35" 105.57 feet along the westerly line of Road Lot H (commonly known as Alapii Kula Drive) as shown on the Maniniowali Phase II Subdivision, filed as DAGS File Plan No. 2410, to the northeast corner of this parcel of land, being the Point of Beginning, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,760.39 feet north and 11,206.77 feet west and running by azimuths measured clockwise from true South:

continuing along a curve to the left having a radius of 400.00 feet, the direct chord being;

- |    |            |       |     |   |
|----|------------|-------|-----|---|
| 1. | 18°00'02"  | 12.00 | ft. | along said Road Lot H, thence;  |
| 2. | 108°00'00" | 8.00  | ft. |   |
| 3. | 198°00'00" | 12.00 | ft. |   |
| 4. | 288°00'00" | 8.00  | ft. | to the Point of Beginning, enclosing an area of 96 square feet, more or less. |

Affects TMK 7-2-034-009



This description was prepared by me or under my direction.

Daniel L. Berg,  
PLS 11245

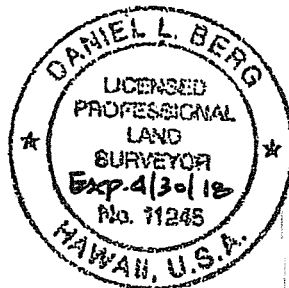
**Easement J**

Easement J, being a portion of Lot 9 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Commencing at the southeast corner of Lot 9, thence along a curve to the right having a radius of 400.00 feet, the direct chord bearing; 150°45'44" 18.32 feet along the westerly line of Road Lot H (commonly known as Alapii Kula Drive) as shown on the Maniniowali Phase II Subdivision, filed as DAGS File Plan No. 2410, to the southeast corner of this parcel of land, being the Point of Beginning, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,443.51 feet north and 11,181.52 feet west and running by azimuths measured clockwise from true South:

- |    |            |       |     |   |
|----|------------|-------|-----|---|
| 1. | 62°45'00"" | 8.00  | ft. | along remainder of Lot 9, thence;<br><br>along a curve to the right having a radius of 408.00 feet, the direct chord being; |
| 2. | 154°58'30" | 41.68 | ft. | thence;   |
| 3. | 246°28'43" | 8.00  | ft. | thence;<br><br>along a curve to the left having a radius of 400.00 feet, the direct chord being;                            |
| 4. | 334°58'59" | 41.16 | ft. | along Road Lot H to the Point of Beginning, enclosing an area of 332 square feet, more or less.                             |

Affects TMK 7-2-034-009



This description was prepared by me or under my direction.

A handwritten signature of Daniel L. Berg in black ink.

Daniel L. Berg,  
PLS 11245

**Easement K**

(Revised)

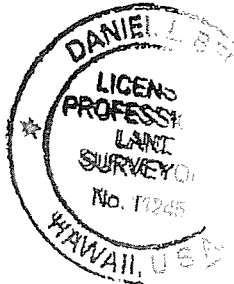
Easement K, being a portion of Lot 10 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, , situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Commencing at the northeast corner of Lot 10 common to the northwest corner of Road Lot S, thence 319°00'00", 111.10 feet along Road Lot S, thence on a curve to the right having a radius of 240.00 feet, the direct chord bearing: 336°43'47" 146.17 feet, along Road Lot S to the northeast corner of this parcel of land, the coordinates of the Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,130.19 feet north and 10,981.80 feet west and running by azimuths measured clockwise from true South:


along a curve to the right having a radius of 240.00 feet, the direct chord being;

- |    |            |       |     |  |
|----|------------|-------|-----|--|
| 1. | 355°39'11" | 10.00 | ft. | along Road Lot S, thence;  |
| 2. | 85°39'11"  | 15.00 | ft. | along remainder of Lot 10, thence;   |
| 2. | 175°39'11" | 10.00 | ft. | along same, thence;  |
| 4. | 265°39'11" | 15.00 | ft. | along same, to the Point of Beginning, enclosing an area of 150 square feet, more or less. |

Affects TMK 7-2-034-010



This description was prepared by me or under my direction.

  
Daniel L. Berg,  
PLS 11245

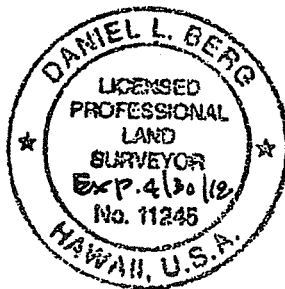
**Easement L**

Easement L, being a portion of Lot 11 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the east corner of this parcel of land, being also a point on Road Lot S at the corner common to Lot 11 and Lot 12, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 16,901.70 feet north and 11,119.07 feet west and running by azimuths measured clockwise from true South:

- |    |            |       |     |   |
|----|------------|-------|-----|---|
| 1. | 59°00'00"  | 10.11 | ft. | along the line common to Lot 11 and Lot 12, thence;   |
| 2. | 149°00'00" | 10.00 | ft. | along remainder of Lot 19, thence;  |
| 3. | 239°00'00" | 10.29 | ft. | along same, thence;<br>along a curve to the left having a radius of 62.50 feet, the direct chord being; |
| 4. | 330°03'03" | 10.00 | ft. | along Road Lot S, to the Point of Beginning, enclosing an area of 101 square feet, more or less.        |

Affects TMK 7-2-034-011



This description was prepared by me or under my direction.

*Daniel L. Berg*

Daniel L. Berg,  
PLS 11245



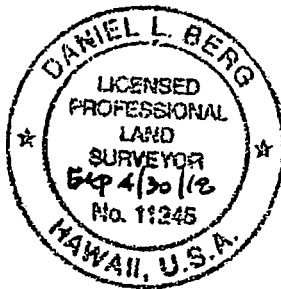
**Easement W**

Easement W, being a portion of Lot 3 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the southwest corner of this parcel of land, being also a point on Road Lot N at the corner common to Lot 2 and Lot 3, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,844.20 feet north and 12,420.00 feet west and running by azimuths measured clockwise from true South:

- 1. 187°50'45" 497.47 ft. along Lot 2, thence;  
along a curve to the left having a radius of 225.00 feet, the direct chord being;
- 2. 264°39'37" 30.81 ft. along Easement 37, thence;
- 3. 07°50'45" 506.51 ft. along remainder of Lot 3, thence;  
along a curve to the left having a radius of 225.00 feet, the direct chord being;
- 4. 101°40'37" 30.07 ft. along Road Lot N to the Point of Beginning, enclosing an area of 15,022 square feet, more or less.

Affects TMK 7-2-034-003



This description was prepared by me or under my direction.

*Daniel L. Berg*

Daniel L. Berg,  
PLS 11245

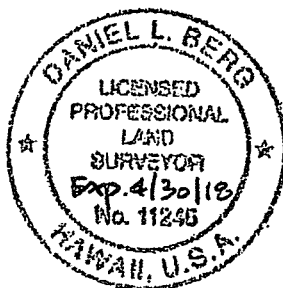
**Easement X**

Easement X, being a portion of Lot 1 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the northwest corner of this parcel of land, being also the northwest corner of Lot 1, at Road D as shown on Maniniowali Phase I, filed as DAGS File Plan No. 2340, commonly known as Makani Eka Place, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 18,350.42 feet north and 13,317.44 feet west and running by azimuths measured clockwise from true South:

- |    |            |       |     |   |
|----|------------|-------|-----|---|
|    |            |       |     | along a curve to the left having a radius of 62.50 feet, the direct chord being;  |
| 1. | 243°13'39" | 22.42 | ft. | along said Road D, thence;  |
| 2. | 00°06'00"  | 75.00 | ft. | along remainder of Lot 1, thence;   |
| 3. | 30°06'00"  | 40.00 | ft. | along remainder of Lot 1, thence;   |
| 4. | 180°06'00" | 99.51 | ft. | along Parcel 3 as shown on said DAGS File Plan No. 2340, to the Point of Beginning, enclosing an area of 1,730 square feet, more or less. |

Affects TMK 7-2-034-001



This description was prepared by me or under my direction.

*Daniel L. Berg*

Daniel L. Berg,  
PLS 11245

**Easement Y**

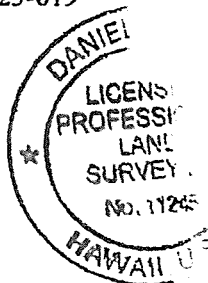
(Revised)

Easement Y, being a portion of Lot 2 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the southeast corner of this parcel of land, being also a point on Road Lot N at the corner common to Lot 2 and Lot 3, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 17,844.20 feet north and 12,420.00 feet west and running by azimuths measured clockwise from true South:

- |     |            |        |     |   |
|-----|------------|--------|-----|---|
| 1.  |            |        |     | along Road Lot N on a curve to the left having a radius of 225.00 feet, the direct chord being;   |
|     | 95°17'46"  | 20.02  | ft. | thence;   |
| 2.  | 187°50'45" | 528.72 | ft. | along remainder of Lot 2, thence;   |
| 3.  | 262°00'26" | 255.75 | ft. | along remainder of Lot 2 and remainder of Lot 3, thence;  |
| 4.  | 238°41'41" | 110.09 | ft. | along remainder of Lot 3, thence;   |
| 5.  | 144°40'52" | 16.97  | ft. | along remainder of Lot 3 and Lot 1 as shown on Maniniowali Phase II, filed as DAGS File Plan No. 2410, thence;                                  |
| 6.  |            |        |     | along said Lot 1 and Road Lot L, commonly known as MauPili Place, on a curve to the left having a radius of 62.50 feet, the direct chord being; |
|     | 263°51'18" | 22.91  | ft. | thence;   |
| 7.  | 324°40'52" | 27.25  | ft. | along remainder of Lot 4, thence;   |
| 8.  | 58°41'41"  | 135.67 | ft. | along remainder of Lot 4 and remainder of Lot 3, thence;  |
| 9.  | 82°00'26"  | 244.76 | ft. | along remainder of Lot 3, thence;   |
| 10. | 07°50'45"  | 512.72 | ft. | along Lot 2 to the Point of Beginning, enclosing an area of 18,300 square feet, more or less.   |

Affects TMK's 7-2-034-002, 003,004, TMK 7-2-023-019



This description was prepared by me or under my direction.

*Daniel L. Berg*  
Daniel L. Berg,  
PLS 11245

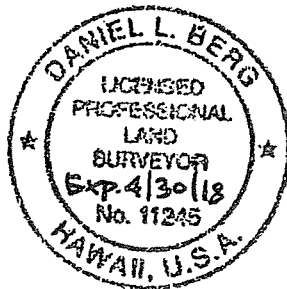
**Easement Z**

Easement Z, being a portion of Lot 12 as shown on the subdivision approved by Hawaii County Planning Director as SUB-16-001602, being a portion of L.P. Grant S-15,728 to North Kona Development Group, situated at Maniniowali, District of North Kona, Island and County of Hawaii, Hawaii more particularly described as follows:

Beginning at the northwest corner of this parcel of land, being also a point on Road Lot S at the corner common to Lot 11 and Lot 12, the coordinates of said Point of Beginning referred to Government Survey Triangulation Station "AKIHIPUU" being 16,901.70 feet north and 11,119.07 feet west and running by azimuths measured clockwise from true South:

- |    |            |        |     |  |
|----|------------|--------|-----|--|
|    |            |        |     | along a curve to the left having a radius of 62.50 feet, the direct chord being;               |
| 1. | 297°28'32" | 58.66  | ft. | along Road Lot S, thence;  |
| 2. | 59°00'00"  | 104.94 | ft. | along Parcel A, thence;  |
|    |            |        |     | along a curve to the left having a radius of 475.00 feet, the direct chord being;              |
| 3. | 44°30'00"  | 237.86 | ft. | along Parcel A, thence;  |
| 4. | 30°00'00"  | 3.41   | ft. | along Parcel A, thence;  |
| 5. | 73°16'21"  | 72.94  | ft. | along Parcel A, thence;  |
| 6. | 210°00'00" | 56.52  | ft. | along remainder of Lot 12, thence;   |
|    |            |        |     | along a curve to the right having a radius of 525.00 feet, the direct chord being;             |
| 7. | 224°30'00" | 262.90 | ft. | along remainder of Lot 12 and Lot 11, thence;  |
| 8. | 239°00'00" | 74.27  | ft. | along Lot 11 to the Point of Beginning, enclosing an area of 18,343 square feet, more or less. |

Affects TMK 7-2-034-012

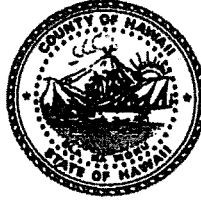


This description was prepared by me or under my direction.

Daniel L. Berg,  
PLS 11245



Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokaloie Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**County of Hawai'i**  
PLANNING DEPARTMENT

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

**CERTIFIED MAIL**  
**(7006 2150 0004 3151 7215)**

**November 21, 2018**

Steven S.C. Lim, Esq.  
Carlsmith Ball, LLP  
P.O. Box 686  
Hilo, HI 96721-0686

Dear Mr. Lim:

**RELEASE SUBDIVISION AGREEMENT & BOND NO. PB01748500002  
(\$6,721,070.00)**

**SUBDIVIDER: TDM KUA 4, LLC  
"Maniniowali Phase III"**

Consolidation of Lots 1 through 34, Inclusive; Road Lots H, P & Q;  
Parcels 1 & 2; & Easements 1 through 20, Inclusive of Maniniowali Phase III  
And Resubdivision Into Lots 1 through 20, Inclusive; Road Lots R & S,  
Parcels 1, A & B; Easements A through L, Inclusive; &  
Easements W through Z, Inclusive  
Maniniowali, North Kona, Island of Hawaii, Hawaii  
TMK: 7-2-034:001 through 036, Inclusive  
(Final Subdivision Approval No. SUB-16-001602)

All of the listed officers have informed this department that the required subdivision improvements in accordance with the construction plans and specifications were completed to their approval.

In view of the above, you are hereby discharged from meeting with the terms and obligations of suretyship on file with the County Treasurer (Original Subdivision Agreement and Bond) and this department to ensure the completion of abovesaid subdivision improvements for final approval to the subdivision.

**"Exhibit C"**

Steven S.C. Lim, Esq.  
Carlsmith Ball, LLP  
Page 2  
November 21, 2018

A set of Original Subdivision Agreement and Bond are returned to you with this letter.

Sincerely,



MICHAEL YEE  
Planning Director

JRH:tb

\\coh33\planning\public\Admin Permits Division\Subdivision\2018\2018-4\FSA-SUB-16-001602TDMKua4ManiniowaliPhIII  
ReleaseA&B 11-21-18.docx

Encs.: Original Subdivision Agreement and Bond No. PB01748500002 (\$6,721,070.00)

xc: Manager, DWS  
Director, DPW  
Planning Department-Kona  
DPW-ENG-KONA  
TDM KUA 4, LLC  
Daniel L. Berg, LPLS, dlb & Associates  
FSA-SUB-05-000225; SMA 395; VAR-06-000017

**AMENDED AND RESTATED AGREEMENT**  
(SUBDIVISION IMPROVEMENTS)  
MANINI'OWALI PHASE III SUBDIVISION  
SUB-16-001602

THIS AMENDED AND RESTATED AGREEMENT is made, executed, and delivered this 20th day of March, 2017 (the "Agreement"), by and between **TDM Kua 4, LLC ("TDM")**, a domestic limited liability company, whose principal place of business and mailing address is 55 Merchant Street, Suite 2900, Honolulu, Hawaii 96813, and the **COUNTY OF HAWAII**, whose principal place of business and mailing address is 25 Aupuni Street, Hilo, Hawaii 96720, hereinafter called the "County" through its applicable agencies, departments, boards, commissions, officers and employees,

W I T N E S S E T H :

**WHEREAS**, WB Maniniowali, LLC, executed an April 14, 2008 Agreement with the County (the "Original Agreement") to complete the subdivision improvements and final staking relating to the 34-lot Manini'owali Phase III Subdivision under SUB-05-000225 (the "**34-lot Subdivision**"), which the County subsequently granted Final Subdivision Approval on April 21, 2008; and

**WHEREAS**, a May 8, 2008 Agreement named TDM the new "**Subdivider**" of the 34-lot Subdivision, which also replaced and superseded the Original Agreement in its entirety; and

**WHEREAS**, the County granted four (4) time extensions to the Subdivider to complete the 34-lot Subdivision, with the most recent extension being that Amended and Restated Agreement dated September 21, 2015, associated with Bond No. 070-005-021; and

**WHEREAS**, the Subdivider did not complete the subdivision improvements as proposed under the 34-lot Subdivision secured by the Original Agreement, but instead the Subdivider proposed to consolidate and resubdivide the 34-lot Subdivision into a 20-lot Manini'owali Phase III Subdivision utilizing a new Tentative Approval (SUB-16-001602) dated January 12, 2017; and

**WHEREAS**, the Subdivider will complete the construction of subdivision improvements and utilities (such as roads, drainage, sewer lines, water system, and irrigation)



(the "Subdivision Improvements"), including final staking, in that certain subdivision development known as:

**MANINI'OWALI PHASE III SUBDIVISION**  
(SUB-16-0001602) situate at Manini'owali, District of North Kona, Island, County and State of Hawaii, TMK: (3) 7-2-034:001 thru 037.

The Subdivision Improvements shall be constructed in accordance with construction plans and specifications approved by all appropriate agencies and further approved by the Planning Department of the County of Hawaii in the above-referenced Subdivision File, and by this reference made a part of this Agreement; and

**WHEREAS**, this Agreement amends and restates in the entirety that certain Amended and Restated Agreement dated September 21, 2015 between the County and the Subdivider, and Bond 070-005-021 is hereby discharged, canceled and replaced by Bond PB01748500002; and

**NOW, THEREFORE, IT IS HEREBY AGREED**, by and between the Subdivider and the County, that:

On or before **May 8, 2019**, or within such time extension as may be mutually agreed upon by the County and the Subdivider in writing, the Subdivider shall make, install, and complete all of the above-mentioned Subdivision Improvements in accordance with the construction plans and specifications therefore, in accordance with the requirements and standards of the County, and to the satisfaction of the applicable governmental agencies, departments, boards, commissions, officers and employees.

In the event the Subdivider fails to complete all required Subdivision Improvements within the time specified hereinabove or such extension as may be mutually agreed upon in writing, or fails to timely complete or abandons the subdivision prior to final approval, or this Agreement is terminated by the County for the Subdivider's noncompliance with any provision contained in this Agreement, the County, through its applicable agencies, departments, boards, commissions, officers and employees, may complete the Subdivision Improvements and recover the full cost and expense thereof from the Subdivider.

The Subdivider's obligations to complete the Subdivision Improvements as specified in this Agreement shall be secured by a good and sufficient surety bond (other than personal surety), certified check, irrevocable letter of credit, or other security acceptable to the Planning Director and approved by the Corporation Counsel, such bond or other acceptable security to be payable to the County Director of Finance, and conditioned upon the faithful performance of any and all work required to be done by the Subdivider in accordance with the provisions of this Agreement. Said bond or other acceptable security shall be no less than the sum of SIX MILLION SEVEN HUNDRED TWENTY-ONE THOUSAND SEVENTY AND 00/100 (\$6,721,070.00).

This Agreement may be executed in counterparts, each of which shall be deemed an original, and said counterparts together shall constitute one and the same document, binding on all parties hereto, notwithstanding that all of the parties are not signatory to the original or to the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this document, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

This Agreement amends and restates in the entirety that certain Amended and Restated Agreement dated September 21, 2015 between the County and the Subdivider, and Bond 070-005-021 is hereby discharged, canceled and replaced by Bond PB01748500002.

*[The remainder of this page has been intentionally left blank; signature page to follow]*

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed the day and year first above written.

RECOMMEND APPROVAL  
(as applicable)

PLANNING DEPARTMENT

By [Signature]  
Printed Name: Daryn Arai  
Its Director

TDM Kua 4, LLC, a Delaware limited liability company

By: TDM Kua 4, LLC an Oregon limited liability company its administrative member

By [Signature]  
Printed Name: Thomas C. Connor  
Its Manager

DEPARTMENT OF WATER SUPPLY

"Subdivider"

By [Signature]  
Printed Name: Keith K. Okamoto  
Its Manager-Chief Engineer

COUNTY OF HAWAII, a municipal corporation

By [Signature]  
Printed Name: HARRY KIM  
Its MAYOR

DEPARTMENT OF PUBLIC WORKS

By [Signature]  
Printed Name: Frank DeMarco  
Its Director

"County"

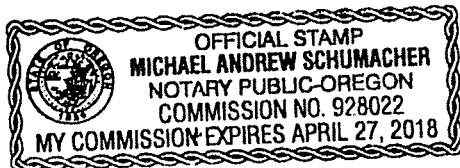
APPROVED AS TO FORM AND LEGALITY

[Signature]  
Deputy Corporation Counsel

Date: 2/24/17

STATE OF Oregon )  
 ) ss.  
COUNTY OF Lane )

On this 1 day of February, 2017, before me appeared Thomas C Connor, to be personally known, who being by me duly sworn, did say that he/she is the Manager of TDM-Kua <sup>1410</sup> LLC, and that the instrument was signed pursuant to authorization and on behalf of the individual, corporation, partnership or limited liability company, and acknowledged said instrument to be the free act and deed of the individual, corporation, partnership or limited liability company.

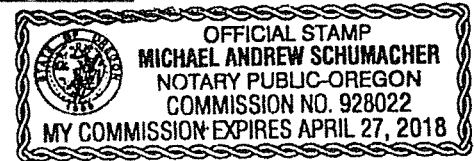


Michael Schumacher  
Name: Michael Schumacher  
Notary Public, State of Oregon

My commission expires: 4-27-18

(Notary Stamp or Seal)

<u>NOTARY CERTIFICATION STATEMENT</u>	
Document Identification or Description:	<u>AMENDED AND RESTATED AGREEMENT</u>
	<u>(Subdivision Improvements)</u>
Document Date:	<u>January 30, 2017</u>
No. of Pages:	<u>Four</u>
Jurisdiction (in which notarial act is performed):	
Third Judicial Circuit	
<u>Michael Schumacher</u> Signature of Notary	<u>2-1-17</u> Date of Notarization and Certification Statement
<u>Michael Schumacher</u> Printed Name of Notary	(Notary Stamp or Seal)



STATE OF HAWAII )  
 )  
COUNTY OF HAWAII ) SS.

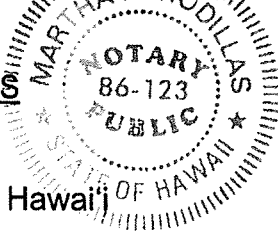
On this 20th day of March, 2017, before me personally appeared HARRY KIM, to me personally known, who, being by me duly sworn, did say that he is the Mayor of the County of Hawaii, a municipal corporation of the State of Hawaii, that the foregoing instrument was signed on behalf of the County of Hawaii by authority given to said Mayor of the County of Hawaii by Sections 5-1.3 and 13-13 of the County Charter, County of Hawaii (2016), as amended, and said HARRY KIM acknowledged said instrument to be the free act and deed of said County of Hawaii.

Martha A. Rodillas  
Signature

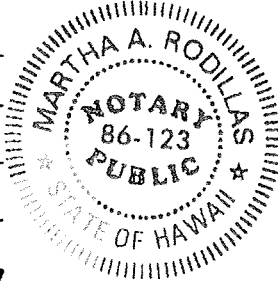
MARTHA A. RODILLAS  
Print or Type Name

Notary Public, State of Hawaii

My Commission Expires: 03-26-18



NOTARY CERTIFICATION	
Doc. Date: <u>MAR 20 2017</u>	No. of Pages: <u>6</u>
Notary Name: <u>MARTHA A. RODILLAS</u>	Third Circuit
Doc. Description: <u>Amended and Restated Agreement</u>	
<u>Martha A. Rodillas</u> Notary Signature	<u>MAR 20 2017</u> Date



THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the Principal, as Subdivider, has submitted for approval to the Planning Department of the County of Hawaii (hereinafter "Planning Department") copies of a preliminary plat showing the subdivision of land for the Project; and

WHEREAS, the preliminary plat has been approved by the County Planning Department and thereafter construction plans showing details of road construction, drainage structures, water systems, and all other applicable utilities and improvements, proposed to be installed or constructed by the said Principal within the Project (hereinafter the "Subdivision Improvements"), have been submitted to and approved as applicable by the Planning Department, the Department of Public Works, and the Department of Water Supply of the County of Hawaii, which said construction plans are made a part of this Bond the same as though set forth herein; and

WHEREAS, the Principal will enter into an Agreement with the County of Hawaii and/or its applicable agencies, departments, boards, commissions, officers and employees, concurrently with this Bond, to complete the aforementioned Subdivision Improvements within the time therein specified, or such extension as may be mutually agreed upon, and upon default, the County of Hawaii and/or its applicable agencies, departments, boards, commissions, officers and employees, may cause the same to be completed and recover the costs thereof from the Principal and Surety, which said Agreement is made part of this Bond the same as though set forth herein; and

WHEREAS, the Subdivision Improvements as shown on the construction plans to be constructed and installed within the Project by the Principal have not been completed and approved by the County Planning Department; and

WHEREAS, the Principal has applied to the County Planning Department for final approval of the subdivision map for recordation;

NOW, THEREFORE, if the above Principal shall fully and faithfully do and perform all of the things agreed by the Principal, to be done and performed according to the

terms of said Agreement, and shall construct and install all of the improvements within the Project in accordance with the construction plans therefore, on or before **May 8, 2019**, or within such time extension as may be mutually agreed upon by the Obligee and Principal in writing, that upon the final inspection and approval of all the Subdivision Improvements by the applicable State and/or County agencies, departments, boards, commissions, officers and employees, this obligation shall be void; otherwise it shall be and remain in full force and effect.

TDM Kua 4, LLC, a Delaware limited liability company

By: TDM Kua <sup>1\*</sup> ~~X~~ LLC, an Oregon limited liability company, its administrative member

By: Thomas C Connor  
Printed Name: Thomas C. Connor  
Its: Manager

"Principal"

Philadelphia Indemnity Insurance Company

By: Michelle Bench  
Printed Name: MICHELLE BENCH

Its: ATTORNEY-IN-FACT

"Surety"

**BOND**  
(SUBDIVISION IMPROVEMENTS)  
MANINI'OWALI PHASE III SUBDIVISION  
SUB-16-001602

KNOW ALL MEN BY THESE PRESENTS:

THAT THIS BOND is signed, sealed, delivered and dated this 30TH day of JANUARY, 2017 (the "Bond"), and the following parties hereby agree to be bound as provided herein:

Project: MANINI'OWALI PHASE III SUBDIVISION  
Tax Map Key No.: (3) 7-2-034:001 thru 037  
Manini'owali, North Kona, Island  
County and State of Hawaii

Principal: TDM Kua 4, LLC  
1399 Franklin Blvd., Suite 300  
Eugene, OR 97440

Surety: Philadelphia Indemnity Insurance Company  
c/o Steve May, VP  
1420 5<sup>th</sup> Avenue, Suite 3510  
Seattle, WA 98101

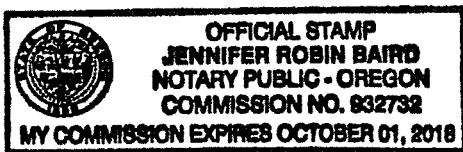
Obligee: COUNTY OF HAWAII  
25 Aupuni Street  
Hilo, Hawaii 96720

The Principal and Surety are held and firmly bound onto the County of Hawaii, a municipal corporation of the State of Hawaii and/or its applicable agencies, departments, boards, commissions, officers and employees, hereinafter collectively called the Obligee, their successors and assigns for the Project in the full and just sum of SIX MILLION SEVEN HUNDRED TWENTY-ONE THOUSAND SEVENTY AND 00/100 (\$6,721,070.00) for the payment of which to the said Obligee, its successors and assigns, well and truly to be made, we do hereby bind ourselves and our respective heirs, executors and administrators, assigns and/or successors, jointly and severally firmly by these presents.



STATE OF OREGON )  
 )  
 ) SS.  
COUNTY OF LANE )

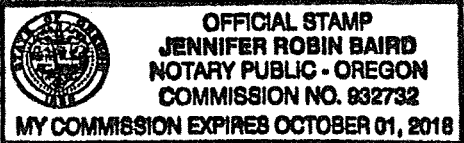
On this 30TH day of JANUARY, 2017, before me appeared MICHELLE BENCH, to be personally known, who being by me duly sworn, did say that he/she is the ATTORNEY-IN-FACT of PHILADELPHIA INDEMNITY INSURANCE COMPANY, and that the instrument was signed pursuant to authorization and on behalf of the individual, corporation, partnership or limited liability company, and acknowledged said instrument to be the free act and deed of the individual, corporation, partnership or limited liability company.



Jennifer R. Baird  
Name: JENNIFER ROBIN BAIRD  
Notary Public, State of OR

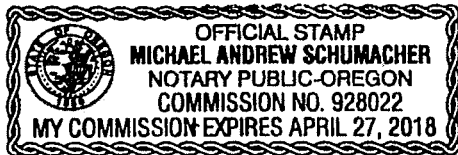
My commission expires: 10-1-18

(Notary Stamp or Seal)

<u>NOTARY CERTIFICATION STATEMENT</u>	
Document Identification or Description: <u>BOND</u>	
Document Date: <u>JANUARY 30TH, 2017</u>	
No. of Pages: <u>SIX</u>	
Jurisdiction (in which notarial act is performed): Third Judicial Circuit	
<u>Jennifer R. Baird</u> Signature of Notary	<u>1-30-17</u> Date of Notarization and Certification Statement
JENNIFER ROBIN BAIRD Printed Name of Notary	(Notary Stamp or Seal)

STATE OF Oregon )  
 ) ss.  
COUNTY OF Lane )

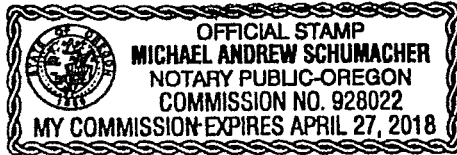
On this 1 day of February, 2017, before me appeared Thomas G. Connor, to be personally known, who being by me duly sworn, did say that he/she is the Manager of TDM Kua, LLC, and that the instrument was signed pursuant to authorization and on behalf of the individual, corporation, partnership or limited liability company, and acknowledged said instrument to be the free act and deed of the individual, corporation, partnership or limited liability company.



Michael Schumacher  
Name: Michael Schumacher  
Notary Public, State of Oregon  
My commission expires: 4-27-18

(Notary Stamp or Seal)

<b>NOTARY CERTIFICATION STATEMENT</b>	
Document Identification or Description: <u>BOND</u>	
Document Date: <u>January 30, 2017</u>	
No. of Pages: <u>Six</u>	
Jurisdiction (in which notarial act is performed): Third Judicial Circuit	
<u>Michael Schumacher</u> Signature of Notary	<u>2-1-17</u> Date of Notarization and Certification Statement
<u>Michael Schumacher</u> Printed Name of Notary	(Notary Stamp or Seal)



PHILADELPHIA INDEMNITY INSURANCE COMPANY  
231 St. Asaph's Rd., Suite 100  
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Robin Baird, Keith Yam, Kenneth Price, Kyle Hudson and Michelle Bench of KPD Insurance Inc., its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$25,000,000.00.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY at a meeting duly called the 1<sup>st</sup> day of July, 2011.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company to: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with the respect to any bond or undertaking to which it is attached.

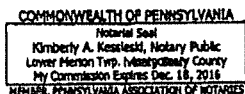
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 10<sup>TH</sup> DAY OF JUNE 2013.



(Seal)

Robert D. O'Leary Jr., President & CEO  
Philadelphia Indemnity Insurance Company

On this 10<sup>th</sup> day of June 2013, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



(Notary Seal)

Notary Public:

residing at:

Bala Cynwyd, PA

My commission expires:

December 18, 2016

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 10<sup>th</sup> day of June 2013 true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 30<sup>th</sup> day of January 2017



Edward Sayago, Corporate Secretary  
PHILADELPHIA INDEMNITY INSURANCE COMPANY