

UNIVERSITY OF THE NATIONS, KONA, INC.
Office of General Counsel



JULIE B. ANJO
75-5851 Kuakini Highway #452
Kailua-Kona, Hawaii 96740
Telephone No.: (808) 326-7228

Attorneys for Movant:
UNIVERSITY OF THE NATIONS, KONA, INC.

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A02-737
)	
U of N BENCORP	)	MOTION TO SUBSTITUTE PETITIONER
	)	AND WITHDRAW LAND USE
	)	COMMISSION APPROVALS AND
To Amend the Agricultural Land Use	)	REVERT LAND USE DISTRICT
District to the Urban Land Use district	)	BOUNDARY CLASSIFICATION TO
for approximately 62 acres, Tax Map Key	)	AGRICULTURAL; MEMORANDUM IN
Nos.: (3) 7-5-10:85 and 7-5-17:06 situate	)	SUPPORT OF MOTION; AFFIDAVIT
at Waiaha 1 st , North Kona, Island, County	)	OF PAUL CHILDERS; CERTIFICATE
and State of Hawaii.	)	OF SERVICE
_____)	

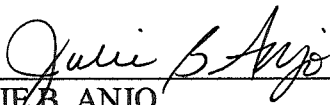
MOTION TO SUBSTITUTE PETITIONER AND
WITHDRAW LAND USE COMMISSION APPROVALS AND
REVERT LAND USE DISTRICT BOUNDARY
CLASSIFICATION TO AGRICULTURAL

The UNIVERSITY OF THE NATIONS, KONA, INC., a Hawaii nonprofit corporation, Movant herein, by and through their undersigned attorney, and pursuant to the Hawaii Administrative Rules (“HAR”) Section 15-15-70 and Hawaii Revised Statutes (“HRS”) Section 205-3.1(b), hereby respectfully moves to substitute the former Petitioner in the above-referenced matter to the University of the Nations, Kona, Inc., a Hawaii nonprofit corporation and withdraw Land Use Commission approvals and revert the land use district boundary classification of the subject 62 acres from its current “Urban” classification to “Agricultural” classification.

Movant further moves to reverse and rescind the conditions previously recorded against the subject property under the “Urban” classification and specifically set forth in the “Declarations of Conditions Applicable to an Amendment of District Boundary from Agricultural to Urban” filed with the State of Hawaii Bureau of Conveyances Document Number 2003-171988, recorded on August 18, 2003.

A memorandum in support of this motion with Exhibits A-F and the Affidavit of Paul Childers of the University of the Nations, Kona, Inc. (“Exhibit G”) is submitted herewith and incorporated herein.

DATED: Kailua-Kona, Hawaii, February 1, 2019.

By: 

JULIE B. ANJO
Office of General Counsel
University of the Nations, Kona, Inc.
Attorney for Movant/Petitioner
UNIVERSITY OF THE NATIONS, KONA, INC.

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A02-737
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U of N BENCORP)	MEMORANDUM IN SUPPORT
)	OF MOTION; AFFIDAVIT OF
To Amend the Agricultural Land Use)	PAUL CHILDERS
District to the Urban Land Use district)	
for approximately 62 acres, Tax Map Key)	
Nos.: (3) 7-5-10:85 and 7-5-17:06 situate)	
at Waiaha 1 st , North Kona, Island, County)	
and State of Hawaii.)	
_____)	

MEMORANDUM IN SUPPORT OF MOTION

THE UNIVERSITY OF THE NATIONS, KONA, INC., a Hawaii nonprofit corporation, the Movant in the above-referenced matter, hereby respectfully submits this memorandum in support of the Motion to Substitute Petitioner and Withdraw Land Use Commission Approvals and Revert Land Use District Boundary Classification to Agricultural in accordance with Hawaii Administrative Rules (“HAR”) Section 15-15-70 and to authorize the revocation and recession of conditions previously recorded against the subject real property.

The real property that is subject of this motion and memorandum is approximately 62 acres, found on Tax Map Key Numbers (3) 7-5-010:085 and (3) 7-5-017:006 situated at Waiaha 1st, North Kona, Island, County, and State of Hawaii.

The Land Use Commission (hereinafter “LUC”), amended the district boundary by Order certified and filed on August 8, 2003 from “Agricultural” to “Urban” at the request of the Petitioner, U of N Bencorp in Docket Number A02-737.

The Findings of Fact, Conclusions of Law, and Decision and Order for a State Land Use District Boundary Amendment contained numerous conditions which were recorded and run with the land pursuant to HAR Section 15-15-79(b). Such conditions were recorded on August 18, 2003 at the Bureau of Conveyances as “Declarations of Conditions Applicable to an Amendment of District Boundary from Agricultural to Urban” as Document Number 2003-17198 (attached hereto as “**Exhibit A**”).

Pursuant to Hawaii Revised Statute Section 205-3.1(b), the University of the Nations, Kona, Inc., a Hawaii nonprofit organization, moves to be substituted as Petitioner based on the transfer of the subject real property by deed to the University of the Nations, Kona, Inc., who holds the land in fee simple absolute as of June 14, 2018.

The original Petitioner, U of N Bencorp changed name to "AEKO Hawaii" on May 5, 2005 ("Exhibit B"). Due to financial difficulties created by the market crash that occurred after the entry of the LUC order, AEKO Hawaii transferred the land by deed to Ka 'Ohana Wai'aha (hereinafter "KOW"), a Hawaii nonprofit corporation and land trust, on December 29, 2011 and recorded in the State of Hawaii Bureau of Conveyances as Document Numbers A-43800694 and A-43800695 ("Exhibit C" and "Exhibit D"). Ka 'Ohana Wai'aha held the land in a Hawaii land trust but was not able nor desired to develop it as set forth in the petition to the LUC by U of N Bencorp.

On June 14, 2018, KOW transferred the land by deed to the Movant/Petitioner, the University of the Nations, Kona, Inc. which was recorded in the State of Hawaii Bureau of Conveyances Document Numbers A-67390372 and A-67390373 ("Exhibit E" and "Exhibit F").

Due to the financial crisis and economic changes in the Kailua-Kona, since the order was entered by LUC, the previous owners have not proceeded with the original plan. Further, a residential development of this nature is not justified based on the current market conditions and needs. This is evidenced in part by the former owners' failure to develop the property as indicated in the original plan. The Movant/Petitioner desires to develop the school on the land and create more learning opportunities through school facilities.

The Movant does not know of any objections to the removal of the "Urban" district classification of the 62 acres in view of the Movant's decision not to proceed with the residential development as set forth in the original petition.

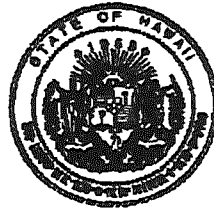
In the absence of any known objections, the Movant believes that the most expeditious and efficient manner to remove the "Urban" classification and continue the development of the land is through this motion.

Therefore, the Movant respectfully request the granting of its motion to obtain the desired results with the minimum cost, expense, and inconvenience to all parties.

DATED: Kailua-Kona, Hawaii, February 1, 2019.

By: Julie B Anjo
JULIE B. ANJO
Office of General Counsel
University of the Nations, Kona, Inc.
Attorney for Movant
UNIVERSITY OF THE NATIONS, KONA, INC.

22



R-1057 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
AUG 18, 2003 01:00 PM
Doc No(s) 2003-171988



/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES

20 1/1 Z1

LAND COURT SYSTEM

181

REGULAR SYSTEM

Return by Mail () Pickup (X) to:

Steven S.C. Lim, Esq.
Carlsmith Ball LLP
121 Waianuenu Avenue
Hilo, HI 96720

TITLE OF DOCUMENT:

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

No. of Pages: 16

PARTIES TO DOCUMENT:

DECLARANT: U of N Bencorp, a Hawaii non-profit corporation, whose mailing address is 75-165
Hualalai Road, Second Floor, Kailua-Kona, HI 96740-1742

PROPERTY: The subject land is situate at Waiaha 1st, Kailua-Kona, District of North Kona,
County and State of Hawaii, Tax Map Key Nos. (3) 7-5-10:85 and 7-5-17:06

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

THIS DECLARATION OF CONDITIONS is made this 14th day of August, 2003, by U of N Bencorp, a Hawaii non-profit corporation, whose mailing address is 75-165 Hualalai Road, Second Floor, Kailua-Kona, HI 96740-1742, as Petitioner in State of Hawaii Land Use Commission Docket No. A02-737 (hereinafter called the "Declarant" or "Petitioner");

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property situate at Waiaha 1st, Kailua-Kona, District of North Kona, County and State of Hawaii, specifically identified as Tax Map Key Nos. (3) 7-5-10:85 and 7-5-17:06, and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (hereinafter called the "Property" or "Reclassified Area"); and

WHEREAS, said State of Hawaii Land Use Commission (hereinafter called the "Commission"), by Findings of Fact, Conclusions of Law, and Decision and Order filed August 8, 2003, in the aforementioned Docket No. A02-737 (hereinafter called the "Decision and Order"), amended the State Land Use district boundaries and reclassified the Property from the Agricultural District to the Urban District, subject to certain conditions enumerated therein; and

WHEREAS, pursuant to Section 15-15-92 of the Commission's Rules, the conditions imposed by the Commission in said Docket No. A02-737 are to run with the land and require Declarant to record said conditions at the Bureau of Conveyances of the State of Hawaii;

NOW, THEREFORE, Declarant hereby declares that the Property described in Exhibit "A" attached hereto and described above shall be reclassified from the State Land Use Agricultural District to the State Land Use Urban District, subject to the following conditions imposed by the Commission in Docket No. A02-737:

1. **Affordable Housing.** Petitioner shall provide affordable housing opportunities for residents of the State of Hawaii in accordance with applicable housing requirements for the Project of the County of Hawaii. The location and distribution of the affordable housing or other provisions for affordable housing shall be under such terms as may be mutually agreeable between the Petitioner and the County of Hawaii.

2. **Drainage Improvements.** Petitioner shall design and construct on-site and regional drainage improvements required as a result of the development of the Reclassified Area to the satisfaction of the State Department of Health, the Commission on Water Resource Management of the State Department of Land and Natural Resources, and the County of Hawaii. The Petitioner shall prepare a Drainage Study meeting with the approval of the County of Hawaii Department of Public Works. The Drainage Study shall consider regional drainage issues.

3. **Public School Facilities.** Petitioner shall contribute to the development, funding, and/or construction of school facilities for the Project, on a fair-share basis, as determined by and to the satisfaction of the Department of Education. Terms of the contribution shall be agreed upon in writing by the Petitioner and the Department of Education prior to seeking building permits for any portion of the Reclassified Area.

4. **Water Resources.** Petitioner shall provide adequate water supply facilities and improvements or equivalent funding to accommodate the Project. The water supply facilities,

improvements and/or equivalent funding shall be coordinated and approved by the Commission on Water Resource Management of the State Department of Land and Natural Resources, and the County of Hawaii Department of Water Supply.

5. Wastewater Facilities. Petitioner shall provide adequate wastewater treatment, transmission, and disposal facilities for the Project as determined by the State Department of Health and the County of Hawaii Department of Environmental Management.

6. Archaeology.

a. Petitioner shall submit a complete inventory survey report of the Reclassified Area for the review and approval of the State Historic Preservation Division of the Department of Land and Natural Resources ("DLNR-SHPD"). Petitioner shall prepare and implement a data recovery plan, a preservation plan, a burial treatment plan, and a monitoring plan to be reviewed and approved by the DLNR-SHPD. The submittal of these plans shall be accompanied by the design plans for the Project to facilitate the development of appropriate mitigation measures.

b. Should any previously unidentified human burials, archaeological or historic sites such as artifacts, marine shell concentrations, charcoal deposits, stone platforms, pavings or walls be found, Petitioner shall stop work in the immediate vicinity and the DLNR-SHPD shall be notified immediately. The significance of these finds shall then be determined and approved by the DLNR-SHPD. Subsequent work shall proceed upon an archaeological clearance from the DLNR-SHPD when it finds that mitigative measures have been implemented to its satisfaction. Petitioner shall also comply with all applicable statutory provisions and

administrative rules regarding inadvertent burial finds within the Reclassified Area. Any mitigation and preservation shall be monitored by the KWC as described below.

c. The proposed mitigation commitments for all identified sites with burials shall be submitted to the DLNR-SHPD for review and comment. A burial treatment plan for those sites, to include without limitation Sites 23683, 23684 and 23685, shall then be approved by DLNR-SHPD, and a certified copy of said plan shall be filed with the Commission prior to any land alteration in the vicinity of these sites. Mitigation commitments shall be monitored by the Kahu Wai'aha Committee ("KWC").

d. For all sites approved by the DLNR-SHPD to undergo archaeological data recovery, an archaeological data recovery plan (scope of work) shall be prepared by Petitioner. This plan shall be approved by the DLNR-SHPD and a certified copy of said plan shall be filed with the Commission prior to any land alteration in the vicinity of these sites. The approved plan shall be monitored by the KWC.

e. For all sites approved for preservation by the DLNR-SHPD, to include without limitation the Great Wall of Kuakini (Site 6302), the papam« or rough square game board (Site 23682), the agricultural heiau (Site 23681), and after completion of the finished grade for the area, at least one of the alignments for the ancient trails (Site 23679 or Site 23680), a preservation plan shall be prepared by Petitioner. (Burial sites are covered under the burial treatment plan.) This plan shall include buffer zones/interim protection measures during construction, and long-range preservation (including public access and interpretation, where appropriate). The plan shall include input from the KWC and relevant Hawaiian groups. The plan shall be approved by the DLNR-SHPD and a certified copy of said plan shall be filed with

the Commission prior to any land alteration in the vicinity of these sites. The approved preservation plan shall be monitored by the KWC.

f. Petitioner shall preserve the approximate alignment of at least one of the mauka-makai trail segments. Due to the difficulty of development on this site, the site grading would occur first, then the Petitioner shall reestablish a minimum of one of the two trail segments, Site 23679 (20 meter segment) or Site 23680 (ten meter segment), at a mutually agreeable site, giving allowances for building footprints, on finished grade, in consultation with the Office of Hawaiian Affairs.

7. Cultural, Historical, Customary and Traditional Rights and Resources.

a. Petitioner shall initially establish and annually provide reasonable operating and capital expenditure costs or facilities through revenues from the Project, the KWC composed of: (1) a person of Native Hawaiian ancestry who is a lineal descendent and knowledgeable regarding the type of cultural resources and practices within the Reclassified Area, as selected by the Executive Officer of the Commission from a list of three names based on a review of their resumes, and (2) a management member knowledgeable regarding the type of cultural resources and practices within the Reclassified Area, as selected by the Petitioner. The individuals making up the KWC shall operate on an equal vote basis.

b. The KWC shall be established by Petitioner no later than six months from the issuance of this Decision and Order. Upon establishment of the KWC, Petitioner shall provide a written report to the Commission, the Office of Planning, and the County of Hawaii with details as to its composition, structure, operating costs and compensation for members and staff, procedures, and plan of action.

c. The KWC shall jointly decide, on an equal vote basis, monitoring and dispute resolution decisions related to the protection of native Hawaiian practitioners' exercise of customary and traditional practices and rights within the Reclassified Area; the availability of natural and cultural resources for present and future generations; and appropriate access within the Reclassified Area to the extent that these rights are protected by PASH vs. Hawaii County Planning Commission, 79 Haw. 425 (1995), in perpetuity. In the event that the two person KWC cannot agree on a specific decision, they shall jointly select a third person to break the tie. A certified description of any action requiring selection of a third member of the KWC shall be filed with the Commission.

d. The KWC shall monitor the quality of the Petitioner's actions to provide access to and/or preserve and maintain traditional and customary native Hawaiian practices and cultural resources. The KWC shall provide recommendations consistent with this Decision and Order to the Commission with respect to maintenance and/or preservation of those traditional and customary native Hawaiian practices and cultural resources.

e. The KWC shall provide reports to the Commission on an annual basis describing items and issues covered in their deliberations and any other findings and recommendations.

f. Petitioner shall preserve and protect rights to gathering for cultural purposes, including religious practice, by providing appropriate access to burial sites and other archaeological sites within the Reclassified Area consistent with this Decision and Order. Petitioner shall adhere to prevailing and/or published protocols of the DLNR-SHPD where these sites are found to exist, as monitored by the KWC.

8. Soil Erosion and Dust Control. Petitioner shall implement efficient soil erosion and dust control measures during and after the development process to the satisfaction of the State Department of Health.

9. Transportation. Petitioner shall participate in the pro-rata funding and construction of local and regional transportation improvements and programs necessitated by the proposed development in designs and schedules accepted and determined by the State Department of Transportation (DOT) and County of Hawaii Department of Public Works (DPW). Agreement between the Petitioner and the DOT and DPW as to the level of funding and participation shall be obtained prior to the Petitioner obtaining County zoning, or prior to the Petitioner securing County building permits if County zoning is not required.

10. Traffic. Petitioner shall, prior to the Petitioner obtaining County zoning, submit a revised Traffic Impact Analysis Report for the review and approval of the DOT and DPW, which shall include an analysis of the entire development of the existing/proposed University of the Nations-Kona, Hualalai Village project, and the Cultural Center, as well as existing and potential future developments in the immediate area as required by the DOT and DPW.

11. Cultural Center. The Petitioner shall develop the Cultural Center with sensitivity to the host native Hawaiian culture, and provide for outreach and educational opportunities for the children of Hawaii. The Petitioner shall consult with the KWC and the Ka Haka 'Ula O Ke'elikolani, College of Hawaiian Language at University of Hawaii-Hilo to promote cultural sensitivity in the development of programs for the Cultural Center. Petitioner shall, prior to commencement of operations for the Cultural Center, submit a status report to the Commission for its approval on the Petitioner's traffic mitigation efforts for development of the Reclassified

Area. If, for any reason, the Cultural Center does not commence operations by January 1, 2008, the Petitioner shall return to the Commission for a hearing to review compliance with the requirements of this Condition.

12. Ka Haka 'Ula O Ke'elikolani, College of Hawaiian Language at University of Hawaii-Hilo. Petitioner shall cooperate with the College of Hawaiian Language at University of Hawaii-Hilo in promoting the perpetuation of the Hawaiian language by providing distance learning opportunities for teaching the native Hawaiian language, as well as cooperating in activities that promote Hawaiian cultural authenticity.

13. Civil Defense. Petitioner shall fund and construct adequate civil defense measures serving the Reclassified Area as determined by the State of Hawaii Department of Defense-Office of Civil Defense, and the County of Hawaii Civil Defense Agency.

14. Solid Waste. Petitioner shall develop a Solid Waste Management Plan in conformance with the Integrated Solid Waste Management Act, Chapter 342G, Hawaii Revised Statutes. Petitioner's Solid Waste Management Plan shall be approved by the County of Hawaii Department of Environmental Management, Solid Waste Division. The Plan shall address and encourage an awareness of the need to divert the maximum amount of waste material caused by developments away from the County's landfills.

15. Compliance with Representations to the Commission. Petitioner shall develop the Reclassified Area in substantial compliance with the representations made by the Petitioner to the Commission in this Docket, as proposed in its Petition and in documentary evidence and testimony before the Commission. Failure to do so for any reason including economic feasibility, may result in the imposition of fines as provided by law, removal of improvements by

Petitioner at Petitioner's own expense, reversion of the Reclassified Area to its former classification, a change to a more appropriate classification, or any other legal remedies.

16. Notice of Change to Ownership Interests. Petitioner shall give notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Property, prior to development of the Property.

17. Annual Reports. Petitioner shall timely provide without prior notice, annual reports to the Commission, the Office of Planning, and the County of Hawaii Planning Department in connection with the status of the development proposed for the Reclassified Area, and Petitioner's progress in complying with the conditions imposed. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission. The annual report shall be due prior to or on the anniversary date of the Commission's approval of the Petition.

18. Release of Conditions Imposed by the Commission. Petitioner may seek from the Commission full or partial release of the conditions provided herein as to all or any portion of the Reclassified Area upon evidence acceptable to the Commission of satisfaction of these conditions.

19. Recording of Conditions. Within seven (7) days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner shall (a) record with Bureau of Conveyances and/or the Assistant Registrar of the Land Court of State of Hawaii, as applicable, a statement that the Reclassified Area is subject to conditions imposed by the Commission in the reclassification of the Reclassified Area, and (b) file a copy of such recorded statement with the Commission. Petitioner shall record the conditions imposed herein by the

Commission with the Bureau of Conveyances and/or Assistant Registrar of the Land Court of the State of Hawaii, as applicable, pursuant to Section 15-15-92, Hawaii Administrative Rules.

The above-stated conditions contained in this Declaration, set forth in Paragraphs enumerated 1 through 19, shall operate as covenants running with the land and shall be binding upon Declarant and each and every subsequent owner, lessee, sublessee, transferee, grantee or assignee.

The limitations, restrictions, covenants and conditions of this Declaration shall continue and remain in full force and effect at all times with respect to the Property included in this Declaration until such time that the Commission removes or releases the conditions relating to the subject Property established through its Decision and Order filed August 8, 2003 in Docket No. A02-737.

The term "Petitioner", as and when used herein, shall mean and include the Declarant herein and the terms "Declarant" and "Petitioner", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine or neuter, the singular or plural number, individuals, partnerships, trustees or corporations and their and each of their respective successors, heirs, personal representatives, successors in trust and assigns, according to the context hereof.

[NO FURTHER TEXT ON THIS PAGE]

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed on the date first written above.

U OF N BENCORP,
a Hawaii non-profit corporation

By: Mark R. Spengler
Mark R. Spengler
Its President and CEO

"Declarant"

STATE OF HAWAII)
) SS
COUNTY OF HAWAII)

On this 14th day of August, 2003, before me personally appeared MARK R. SPENGLER, to me personally known to be the person described in and who executed the foregoing instrument, and acknowledged to me that he executed same as his free act and deed and, if applicable, in the capacity shown, having been duly authorized to execute such instrument in said capacity.

Willetha T. Archer
Name: Willetha T. Archer
Notary Public, State of Hawaii
My commission expires: 5-19-07

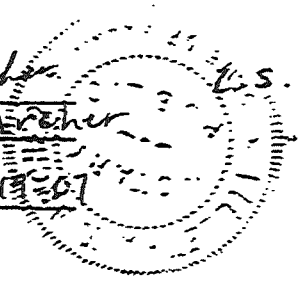


EXHIBIT "A"

All of that certain parcel of land situated on the easterly side of Kuakini Highway, Project FAP No. SS-229(1) and on the westerly side of Lot B and Hualalai Road (Kailua-Keauhou Middle Road), at Waiaha 1st and 2nd, North Kona, Hawaii, Hawaii, being a portion of Lot B, a portion of Royal Patent 1930 to Asa Thurston on a portion of Land Commission Award 387, Part 4, Section 2, No. 3 to American Board of Commissioners for Foreign Missions and a portion of Grant 5327 to Samuel Liftee, and more particularly described as follows:

Beginning at the northerly corner of this parcel of land at the Great Wall of Kuakini, being the southeast corner of Land Court Application 1659, Map 4, Lot 7, (TMK: 7-5-18:28), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA" (North Meridian) being 4,301.12 feet south and 3,245.12 feet east and running by azimuths measured clockwise from true South:

Thence, along Lot A, along Lot 1 of Land Court Application 1666-Map 1 for the following six (6) courses:

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

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

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

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

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

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

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

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

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

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

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

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

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

- 18. 304° 42' 24" 138.61 feet to a point;
- 19. 302° 00' 00" 134.71 feet to a point;
- 20. 311° 15' 00" 21.71 feet to a point;
- 21. 334° 11' 04" 337.35 feet to a point;
- 22. 71° 47' 48" 37.57 feet to a point;

Thence, along the northerly side of Hillcrest Subdivision for the following eight (8) courses:

- | | | | | | |
|---|------|-----|-------|---------------|---|
| 23. | 76° | 50' | 39" | 150.56 feet | along Lots 29 and 26 of Kona Hillcrest
Subdivision to a point; |
| 24. | 75° | 03' | 00" | 404.68 feet | along Lots 26, 24, 23, 22, 21 & 20 to a point; |
| 25. | 71° | 43' | 30" | 124.57 feet | along Lots 20 & 19 to a point; |
| 26. | 71° | 05' | 30" | 389.65 feet | along Lots 18 through 14 to a point; |
| 27. | 74° | 18' | 00" | 108.90 feet | along Lots 14 & 13 to a point; |
| 28. | 73° | 28' | 00" | 81.34 feet | along Lots 13, 12, & 9 to a point; |
| 29. | 74° | 29' | 00" | 176.29 feet | along Lots 9 & 8 to a point; |
| 30. | 75° | 12' | 00" | 174.88 feet | along Lots 7, 6 & 5 to a point; |
| 31. | 74° | 32' | 00" | 285.07 feet | along Lots 5, 4, 3 & 2 to a point; |
| 32. | 70° | 05' | 00" | 39.34 feet | along County of Hawaii, Lot 1 to a point; |
| 33. | 74° | 38' | 30" | 147.50 feet | along County of Hawaii, Lot 1 to a point; |
| 34. | 76° | 51' | 00" | 65.76 feet | along County of Hawaii, Lot 1 to a point; |
| Thence, along Parcel 25 (TMK: 7-5-18:25) for the
following four (4) courses: | | | | | |
| 35. | 76° | 51' | 00" | 100.00 feet | to a point; |
| 36. | 76° | 01' | 30" | 141.17 feet | to a point; |
| 37. | 72° | 30' | 00" | 240.00 feet | to a point; |
| 38. | 71° | 31' | 00" | 131.08 feet | to a point; |
| 39. | 141° | 47' | 47.4" | 1,044.47 feet | to a point; |
| 40. | 151° | 59' | 00" | 321.64 feet | along the easterly side of Kuakini Highway to a
point; |

41. 265° 01' 00" 424.15 feet along Lot 7, Land Court Application 1659, Map 4 to the point of beginning and containing a gross area of 62.409 acres, more or less, and a net area of 61.950 acres excluding the two (2) Water Tank Sites (TMK: 7-5-17:13 and 15), as per survey of Donald C. McIntosh, L.P.L.S. #4968, dated November 18, 2002.

END OF EXHIBIT "A"

FILED 05/18/2005 08:51 AM
Business Registration Division
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
State of Hawaii

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



ARTICLES OF AMENDMENT TO CHANGE CORPORATE NAME

(Section 414D-183, Hawaii Revised Statutes)

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

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

1. The present name of the corporation is:

U OF N BENCORP

2. The name of the corporation is changed to:

AEKO HAWAII

3. The amendment to change the corporation name was adopted on: May 1 2005
(Month Day Year)

(Check one)

at a meeting of the *members*:

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

OR

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

OR

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

4. Check one:

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

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

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

Signed this 1st day of May, 2005

ERNIE WOUTERS, Secretary

(Type/Print Name & Title)

(Signature of Officer)

(Type/Print Name & Title)

(Signature of Officer)

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

05/19/200520004

700



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

December 29, 2011 8:01 AM

Doc No(s) A-43800694



1 1/2 KKA
B-31990957

for NICKI ANN THOMPSON
REGISTRAR

Conveyance Tax: \$1637.80

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation Return To:

By Mail (X)

Pickup ()

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

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

TGA: 4330870
RIS
13
CAC

Total Pages:

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

WARRANTY DEED

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

WITNESSETH:

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

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

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

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

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

GRANTOR:

AEKO HAWAII,
a Hawaii nonprofit corporation,

By: Warren J. Israelson

Its:

GRANTEE:

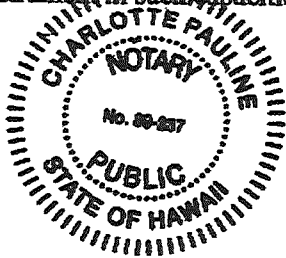
KA 'OHANA WAI'AHU,
a Hawaii nonprofit corporation,

By: James E. Coey

Its: President

State of Hawaii)
County of Hawaii) SS:

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



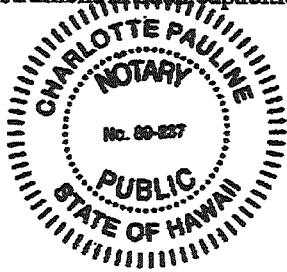
Charlotte Pauline
Name (print): Charlotte Pauline
Notary Public, State of Hawaii
My commission expires: April 26, 2013

<u>NOTARY CERTIFICATION</u>	
Document Identification or Description: <u>Warranty Deed</u>	
Doc. Date: <u>October 14, 2011</u>	
No. of Page(s): <u> </u>	Jurisdiction: <u>Third Circuit</u>
<u>Charlotte Pauline</u>	<u>October 14, 2011</u>
Signature of Notary	Date of Certificate
Name (print): <u>Charlotte Decker</u>	



State of Hawaii)
County of Hawaii) SS:

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



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

<u>NOTARY CERTIFICATION</u>	
Document Identification or Description: Warranty Deed	
Doc. Date: <u>October 14, 2011</u>	
No. of Page(s): _____	Jurisdiction: Third Circuit
<u>Charlotte Pauline</u>	<u>October 14, 2011</u>
Signature of Notary	Date of Certificate
Name (print): <u>Charlotte Pauline</u>	

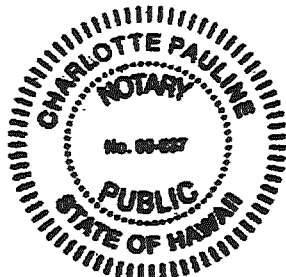


EXHIBIT A

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

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

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

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

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

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

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

EXHIBIT A CONTINUED

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

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

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

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

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

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

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

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

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

EXHIBIT A CONTINUED

- | | | | |
|--|--------------|----------|--|
| 24. | 75° 03' 00" | 404.68 | feet along Lots 26, 24, 23, 22, 21 and 20 of Kona Hillcrest Subdivision to a point; |
| 25. | 78° 26' 08" | 2,213.85 | feet along TMK: 7-5-017:6, along Grant 5327 to Samuel Liftee to a point; |
| 26. | 68° 38' 00" | 105.50 | feet along TMK: 7-5-17:6, along Grant 5327 to Samuel Liftee to a point; |
| Thence, along the easterly side of Kuakini Highway, along a curve to the right having a radius of 2,824.79 feet, the chord azimuth and distance being; | | | |
| 27. | 143° 26' 35" | 838.99 | feet to a point; |
| 28. | 151° 59' 00" | 321.64 | feet along the easterly side of Kuakini Highway to a point; |
| 29. | 265° 01' 00" | 424.15 | feet along Lot 7, Land Court Application 1659, Map 4 to the point of beginning and containing a gross area of 57.047 acres, more or less, and a net area of 56.597 acres excluding the two (2) Water Tank Sites (TMK: 7-5-17:13 and 15). |

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

EXHIBIT A CONTINUED

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

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

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

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

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

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

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

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

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

4. 35° 57' 49" 20.84 feet to a point;

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

EXHIBIT A CONTINUED

5. 84° 54' 19" 78.82 feet to a point;

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

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

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

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

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

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

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

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

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

EXHIBIT A CONTINUED

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : GOMES FAMILY LIMITED PARTNERSHIP, a Hawaii limited
partnership

GRANTEE : PACU BENCORP, INC., a Hawaii corporation

DATED : July 31, 2000

RECORDED : Document No. 2000-112926

EXHIBIT A CONTINUED

SUBJECT, HOWEVER, to the following:

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

GRANT

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

DATED : August 12, 1969

RECORDED : Liber 6724 Page 257

GRANTING : a perpetual right and easement for utility purposes

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

BOUNDARY "29"

EXHIBIT A CONTINUED.

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

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

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

BOUNDARY "30"

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

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

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

EXHIBIT A CONTINUED

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

GRANT

TO : WATER BOARD OF THE COUNTY OF HAWAII

DATED : February 25, 2003

RECORDED : Document No. 2003-179095

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

5. The terms and provisions contained in the following:

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

DATED : August 14, 2003

RECORDED : Document No. 2003-171988

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

END OF EXHIBIT A

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

700



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

December 29, 2011 8:01 AM

Doc No(s) A-43800695



1 2/2 KKA
8-31980857

/s/ NICKI ANN THOMPSON
REGISTRAR

Conveyance Tax \$1235.20

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation Return To:

Kh

By Mail (X)

Pickup ()

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

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

TGA: 4330870 (2)

RJS

Total Pages: 1

CAC

TAX MAP KEY NO.:
(3) 7-5-017:006

WARRANTY DEED

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

WITNESSETH:

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

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

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

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

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

GRANTOR:

AEKO HAWAII, INC.,
a Hawaii nonprofit corporation,

By: 

Warren S. Israelson

Its:

GRANTEE:

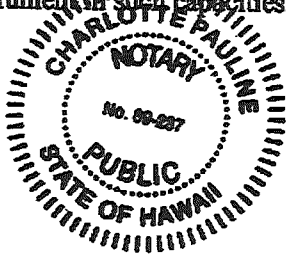
KA 'OHANA WAIHAHA, Hawaii nonprofit
corporation,

By: 

Its: President

State of Hawaii)
County of Hawaii) SS:

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



Charlotte Pauline

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

NOTARY CERTIFICATION

Document Identification or Description: Warranty Deed

Doc. Date: October 15, 2011

No. of Page(s): _____ Jurisdiction: Third Circuit

Charlotte Pauline

October 14, 2011

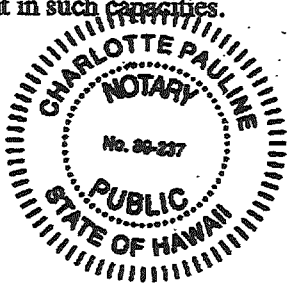
Signature of Notary - Charlotte Pauline Date of Certificate

Name (print): _____



State of Hawaii)
)
County of Hawaii) SS:

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



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

NOTARY CERTIFICATION

Document Identification or Description: Warranty Deed

Doc. Date: October 14, 2011

No. of Page(s): _____ Jurisdiction: Third Circuit

Charlotte Pauline October 14, 2011
Signature of Notary Date of Certificate

Name (print): Charlotte Pauline

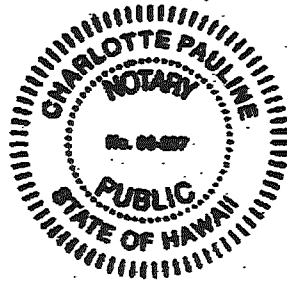


EXHIBIT A

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

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

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

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

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

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

EXHIBIT A CONTINUED

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

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

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

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

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

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : GOMES FAMILY LIMITED PARTNERSHIP, a Hawaii limited partnership

GRANTEE : PACU BENCORP, INC., a Hawaii corporation

DATED : July 31, 2000

RECORDED : Document No. 2000-112926

EXHIBIT A CONTINUED

SUBJECT, HOWEVER, to the following:

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

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

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

END OF EXHIBIT A

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

410



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

June 14, 2018 8:01 AM

Doc No(s) A-67390372



/s/ LESLIE T. KOBATA
REGISTRAR

Conveyance Tax: \$5,673.90

1 1/2 OFC
B-33178987

LAND COURT SYSTEM

mw

REGULAR SYSTEM

Return By Mail Pick-Up To:

①

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

FTIC File # 01801526

2/5 1

TOTAL NUMBER OF PAGES: ⑩

Title of Document:

GENERAL WARRANTY DEED

Parties to the Document:

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

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

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

5/24/2018

GENERAL WARRANTY DEED

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

WITNESSETH:

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

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

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

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

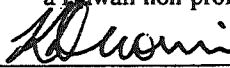
BEING the same land conveyed by Warranty Deed from Aeko Hawaii, a Hawaii nonprofit corporation, to Ka 'Ohana Waiaha, a Hawaii nonprofit corporation on the 14th day of October, 2011 and recorded in the State of Hawaii Bureau of Conveyances as Document No. A-43800694 on the 29th day of December, 2011.

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

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

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

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



By: KEVIN NORRIS
Its: OFFICER



By: GUNILA BAUMANN
Its: OFFICER

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



By: MARTIN REDIGER
Its: PRESIDENT, BOARD OF TRUSTEES

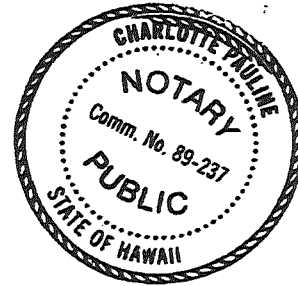


By: DAVID BATEMAN
Its: SECRETARY, BOARD OF TRUSTEES

STATE OF HAWAII)
) ss.
COUNTY OF HAWAII)

On this the 24th day of May, 2018, before me personally appeared KEVIN NORRIS, to me known (or proved to me on the basis of satisfactory evidence) that he is an officer of KA 'OHANA WAI'AHHA, a Hawaii non-profit corporation, and that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

(Notary Stamp or Seal)



Charlotte Pauline
Name: CHARLOTTE PAULINE

Notary Public

State of Hawaii

My commission expires: April 26 2021

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 24 2018

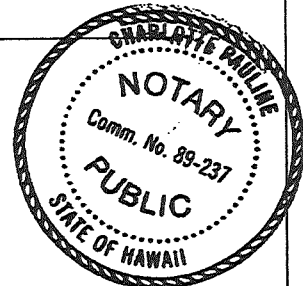
No. of Pages: 16

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

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

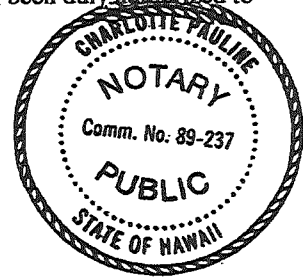
CHARLOTTE PAULINE
Printed Name of Notary

(Notary Stamp or Seal)



STATE OF HAWAII)
) ss.
COUNTY OF HAWAII)

On this the 24th day of May, 2018, before me personally appeared GUNILA BAUMANN, to me known (or proved to me on the basis of satisfactory evidence) that she is an officer of KA 'OHANA WAIAHA, a Hawaii nonprofit corporation, and that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



(Notary Stamp or Seal)

Charlotte Pauline

Name: CHARLOTTE PAULINE

Notary Public

State of Hawaii

My commission expires: April 26 2021

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 24 2018

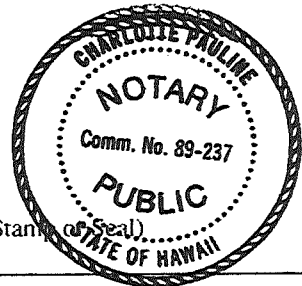
No. of Pages: _____

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

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

Charlotte Pauline
Printed Name of Notary

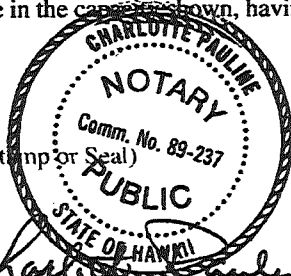
(Notary Stamp or Seal)



STATE OF HAWAII)
) ss.
COUNTY OF HAWAII)

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

(Notary Stamp or Seal)



Name: Charlotte Pauline

Notary Public

State of Hawaii

My commission expires: April 26, 2021

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 26, 2021

No. of Pages: 10

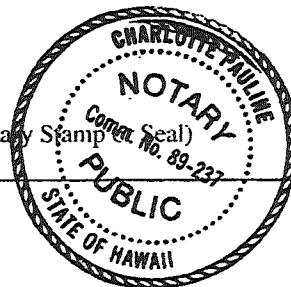
Jurisdiction (in which notarial act is performed): Third Circuit

Signature of Notary

Date of Notarization and Certification Statement

Charlotte Pauline
Printed Name of Notary

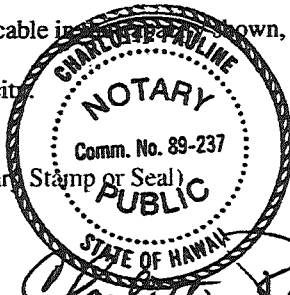
(Notary Stamp or Seal)



STATE OF HAWAII)
) ss.
COUNTY OF HAWAII)

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

(Notary Stamp or Seal)



Charlotte Pauline
Name: CHARLOTTE PAULINE

Notary Public

State of Hawaii

My commission expires: April 26 2021

NOTARY CERTIFICATION STATEMENT

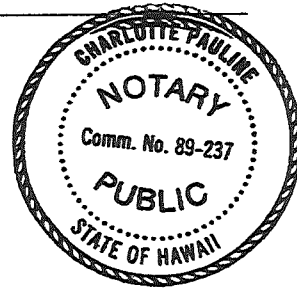
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Charlotte Pauline May 24 2018
Signature of Notary Date of Notarization and
Certification Statement



CHARLOTTE PAULINE
Printed Name of Notary

(Notary Stamp or Seal)

EXHIBIT A

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

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

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

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

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

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

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

EXHIBIT A CONTINUED

10. 240° 55' 18" 92.44 feet along Lot B to a point;
11. 179° 04' 30" 10.85 feet along Lot B to a point;
12. 269° 04' 30" 20.28 feet along Lot B to a point;
13. 240° 55' 18" 144.12 feet along Lot B to a point;
- Thence, along Lot B, along a curve to the left having a radius of 160.00 feet, the chord azimuth and distance being;
14. 217° 00' 44" 129.69 feet to a point;
15. 193° 06' 10" 33.04 feet to a point;
- Thence, along Lot B, along a curve to the right having a radius of 100.00 feet, the chord azimuth and distance being;
16. 215° 47' 40" 77.15 feet to a point;
- Thence, along Lot B, along a curve to the right having a radius of 50.00 feet, the chord azimuth and distance being;
17. 271° 35' 47" 54.62 feet to a point;
- Thence, along the southwesterly to the westerly side of Hualalai Road (Queen Kaahumanu Highway Extension) Hawaii Belt Road for the following five (5) courses;
18. 304° 42' 24" 138.61 feet to a point;
19. 302° 00' 00" 134.71 feet to a point;
20. 311° 15' 00" 21.71 feet to a point;
21. 334° 11' 04" 337.35 feet to a point;
22. 71° 47' 48" 37.57 feet to a point;
23. 76° 50' 39" 150.56 feet along Lots 29 and 26 of Kona Hillcrest Subdivision to a point;

EXHIBIT A CONTINUED

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

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

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

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

EXHIBIT A CONTINUED

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

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

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

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

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

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

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

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

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

4. 35° 57' 49" 20.84 feet to a point;

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

EXHIBIT A CONTINUED

5. 84° 54' 19" 78.82 feet to a point;

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

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

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

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

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

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

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

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

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

EXHIBIT A CONTINUED

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : GOMES FAMILY LIMITED PARTNERSHIP, a Hawaii limited
partnership

GRANTEE : PACU BENCORP, INC., a Hawaii corporation

DATED : July 31, 2000

RECORDED : Document No. 2000-112926

EXHIBIT A CONTINUED

SUBJECT, HOWEVER, to the following:

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

GRANT

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

DATED : August 12, 1969

RECORDED : Liber 6724 Page 257

GRANTING : a perpetual right and easement for utility purposes

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

BOUNDARY "29"

EXHIBIT A CONTINUED .

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

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

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

BOUNDARY "30"

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

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

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

EXHIBIT A CONTINUED

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

GRANT

TO : WATER BOARD OF THE COUNTY OF HAWAII

DATED : February 25, 2003

RECORDED : Document No. 2003-179095

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

5. The terms and provisions contained in the following:

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

DATED : August 14, 2003

RECORDED : Document No. 2003-171988

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

END OF EXHIBIT A

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

410



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

June 14, 2018 8:01 AM

Doc No(s) A-67390373



1 2/2 OFC
B-33178987

/s/ LESLIE T. KOBATA
REGISTRAR

Conveyance Tax: \$585.00

mj

LAND COURT SYSTEM

REGULAR SYSTEM

Return By Mail Pick-Up To:

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

FNTRC EBOOK # 011801526

2/3 2

TOTAL NUMBER OF PAGES: 10

Title of Document:

GENERAL WARRANTY DEED

Parties to the Document:

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

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

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

GENERAL WARRANTY DEED

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

WITNESSETH:

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

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

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

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

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

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

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

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

GRANTOR: KA 'OHANA WAI'AHU,
a Hawaii nonprofit corporation,



By: KEVIN NORRIS
Its: OFFICER

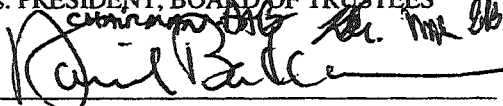


By: GUNILA BAUMANN
Its: OFFICER

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



By: MARTIN REDIGER
Its: PRESIDENT, BOARD OF TRUSTEES

 CP

By: DAVID BATEMAN
Its: SECRETARY, BOARD OF TRUSTEES

STATE OF HAWAII)
) ss.
COUNTY OF HAWAII)

On this the 24th day of May, 2018, before me personally appeared KEVIN NORRIS, to me known (or proved to me on the basis of satisfactory evidence) that he is an officer of KA 'OHANA WAI'AHIA, a Hawaii nonprofit corporation, and that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

(Notary Stamp or Seal)

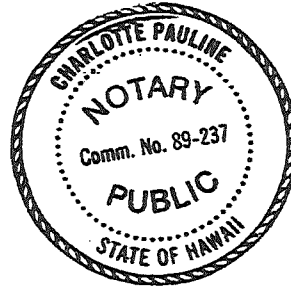
Charlotte Pauline

Name: Charlotte Pauline

Notary Public

State of Hawaii

My commission expires: April 26 2021



NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 24 2018

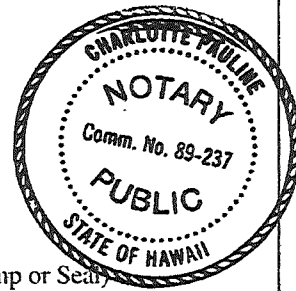
No. of Pages: 10

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

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

Charlotte Pauline
Printed Name of Notary

(Notary Stamp or Seal)



STATE OF HAWAII)
) ss.
COUNTY OF HAWAII)

On this the 24th day of May, 2018, before me personally appeared GUNILA BAUMANN, to me known (or proved to me on the basis of satisfactory evidence) that she is an officer of KA 'OHANA WAIAHA, a Hawaii nonprofit corporation, and that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

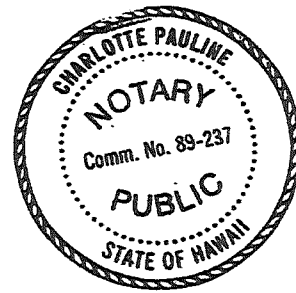
(Notary Stamp or Seal)

Charlotte Pauline
Name: CHARLOTTE PAULINE

Notary Public

State of Hawaii

My commission expires: April 26 2021



NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 24 2018

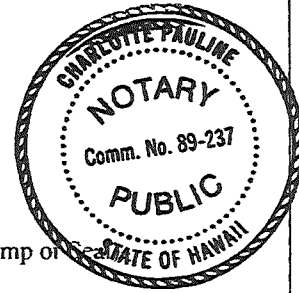
No. of Pages: 10

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

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

CHARLOTTE PAULINE
Printed Name of Notary

(Notary Stamp or Seal)



STATE OF HAWAII)
) ss.
COUNTY OF HAWAII)

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

(Notary Stamp or Seal)

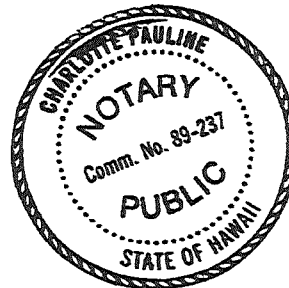
Charlotte Pauline

Name: Charlotte Pauline

Notary Public

State of Hawaii

My commission expires: April 26, 2021



NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

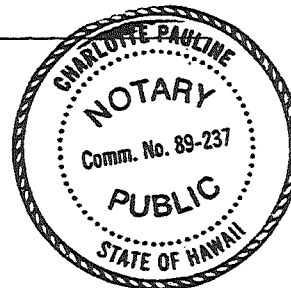
Document Date: May 24, 2018

No. of Pages: _____

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

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

Charlotte Pauline (Notary Stamp or Seal)
Printed Name of Notary



STATE OF HAWAII)
) ss.
COUNTY OF HAWAII)

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

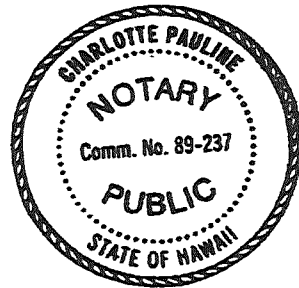
(Notary Stamp or Seal)

Charlotte Pauline
Name: CHARLOTTE PAULINE

Notary Public

State of Hawaii

My commission expires: April 26 2021



NOTARY CERTIFICATION STATEMENT

Document Identification or Description: General Warranty Deed

Document Date: May 24 2018

No. of Pages: 10

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

Signature of Notary

Date of Notarization and
Certification Statement

Charlotte Pauline
Printed Name of Notary

(Notary Seal Commission No. 89-237)

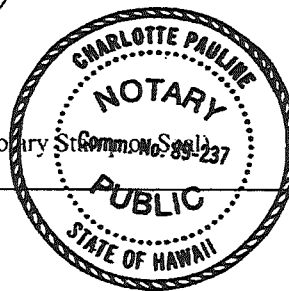


EXHIBIT A

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

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

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

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

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

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

EXHIBIT A CONTINUED

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

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

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

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

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

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : GOMES FAMILY LIMITED PARTNERSHIP, a Hawaii limited partnership

GRANTEE : PACU BENCORP, INC., a Hawaii corporation

DATED : July 31, 2000

RECORDED : Document No. 2000-112926

EXHIBIT A CONTINUED

SUBJECT, HOWEVER, to the following:

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

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

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

END OF EXHIBIT A

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

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A02-737
)	
U of N BENCORP)	
	)	AFFIDAVIT OF PAUL CHILDERS
To Amend the Agricultural Land Use)	
District to the Urban Land Use district	)	EXHIBIT G
for approximately 62 acres, Tax Map Key)	
Nos.: (3) 7-5-10:85 and 7-5-17:06 situate)	
at Waiaha 1 st , North Kona, Island, County)	
and State of Hawaii.)	
_____)	

AFFIDAVIT OF PAUL CHILDERS
OF THE UNIVERSITY OF THE NATIONS, KONA

STATE OF HAWAII)	
	)	SS.
COUNTY OF HAWAII)	

I, PAUL CHILDERS, on behalf of the UNIVERSITY OF THE NATIONS, KONA, INC., being first duly sworn on oath, deposes and says as follows:

1. That he is the affiant and is of age, sound mind, and ability;
2. That he is the Campus Director of the University of the Nations, Kona, Inc., a Hawaii nonprofit corporation, and has authority to speak on behalf of the organization;
3. That the University of the Nations, Kona, Inc. is the owner of the land in the above-referenced matter;
4. That I have reviewed the Motion to Substitute Petitioner and Withdraw Land Use Commission Approvals and Revert Land Use District Boundary Classification to Agricultural to which this affidavit is attached, and am in support of and have authorized filing of said motion;
5. That all the contents of the motion herein and the Memorandum in Support are true and correct to the best of my knowledge and belief;
6. That in the event the Land Use Commission approves said motion, and if we decide to once again amend the boundaries from "Agricultural" to "Urban" property, a petition to amend

the boundaries of the subject real property would need to be filed, considered, and heard with all applicable laws, rules, and regulations.

Further, affiant sayeth not.

DATED: Kailua-Kona, Hawaii, February 1, 2019.

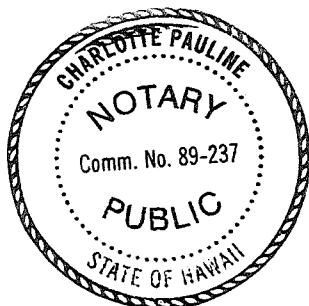


PAUL CHILDERS
Title: Campus Director
UNIVERSITY OF THE NATIONS, KONA, INC.

Subscribed and sworn before me on this the 1st day of February, 2019.



NOTARY PUBLIC, STATE OF HAWAII
NAME: CHARLOTTE PAULINE
My commission expires: April 26, 2021



Notary Certification Statement

Document Date: February 1, 2019

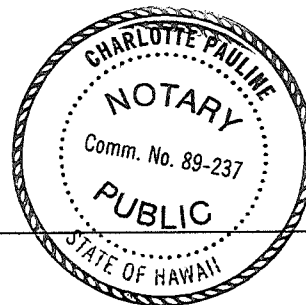
Name of Document: Affidavit of Paul Childers, of the University of the Nations, Kona, Inc.

Pages 2 of 2

Jurisdiction: Third Circuit (in which this notarial act was performed)



Notary Signature
Name: Charlotte Pauline
Date: January 22, 2019



CERTIFICATE OF SERVICE

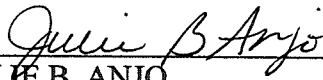
In accordance with HAR Section 15-15-45(b), Service of Process, Land Use Commission Rules, I hereby certify that a true and exact copy of the foregoing document was duly served upon the following parties at their last known address by U.S. certified mail (return receipt requested), and the original was filed with the State of Hawai`i Land Use Commission, Department of Business, Economic Development & Tourism, P.O. Box 2359, Honolulu, Hawai`i 96804-2359 postage prepaid, on this date:

Hawaii County Planning Department
74-5044 Ane Keohokalole Highway, Building E
Kailua-Kona, Hawaii 96740

Hawaii County Planning Commission
74-5044 Ane Keohokalole Highway, Building E
Kailua-Kona, Hawaii 96740

Office of Planning, State of Hawaii
P.O. Box 2359
Honolulu, Hawaii 96804-2359

DATED: Kailua-Kona, Hawaii, February 1, 2019.



JULIE B. ANJO
Office of General Counsel
University of the Nations, Kona, Inc.
Attorney for Movant/Petitioner
UNIVERSITY OF THE NATIONS, KONA, INC.