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C. GANDALIRA, CLERK
CIRCUIT COURT OF
THE THIRD CIRCUIT
STATE OF HAWAII

KENNETH G. GOODENOW 8022-0
121 Waianuenue Avenue
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Hilo, HI 96721-0686
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Attorneys for Plaintiff
EWM ENTERPRISES LP

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

EWM ENTERPRISES LP, a Nevada limited
partnership,

CIVIL NO. 01-1-0302
(Other Civil Action)

Plaintiff,

FINAL JUDGMENT; EXHIBITS A-D

vs.

HEIRS AND ASSIGNS OF KAPALIHAIU
(w), also known as KAPALEHAO (w), et al.;
HEIRS AND ASSIGNS OF G. F. BECKLEY
(k); HEIRS AND ASSIGNS OF KAWAINUI
(w); STATE OF HAWAII; COUNTY OF
HAWAII; the following owners or occupants
of adjoining lands: JOSEPH DE PONTE;
MANUEL DE PONTE, JR.; GLORIA P.
GIDADE; LUCY SANTOS; BEATRICE
FERNANDEZ; LOUISE DOWNING C/O
DOROTHY FERNANDEZ; ANTONE PARO;
ALEXANDRINA DE PONTE PARO;
DOROTHY CHING; ERNEST PARO;
RAYMOND PARO; JOAN SHIM; MRS.
JOSE DE PONTE C/O DOROTHY
FERNANDEZ; JOSEPH FAISCA and

I hereby certify that this is a full, true and correct
copy of the original on file in this office.

Clerk, Third Circuit Court, State of Hawaii

[CAPTION CONT'D]

HELEN FAISCA, Trustee of the Joseph Faisca and Helen Faisca Revocable Living Trust Under Unrecorded Trust, dated July 29, 1996; MONIZ-CIESLAK PARTNERS; Heirs of persons named above who are deceased, or persons holding under said Heirs, and spouses, assigns, successors, personal representatives, executors, administrators, and trustees of persons named above who are deceased; DOES 1 through 100; and all other persons unknown claiming any right, title, estate, lien or interest in the real property described and TO ALL WHOM IT MAY CONCERN,

Defendants.

FINAL JUDGMENT

In accordance with Rules 54 and 58 of the Hawaii Rules of Civil Procedure, and pursuant to the Order on Plaintiff's Motion for Partial Summary Judgment filed May 15, 2002, the Partial Summary Judgment filed November 1, 2002, Surety Kohala Corporation's Stipulation with the State of Hawaii filed February 11, 2003, the Order Granting Plaintiff's Motion for Determination of Heirs of G. F. Beckley, Filed June 8, 2004 filed July 22, 2004, the Order Granting Plaintiff's Motion to Confirm the Boundaries of the Beckley Lot filed October 21, 2009, the Order on Defendants Michael S. Enos, et al.'s Motion for Summary Judgment on Title, and Continuing Hearing on Defendants Michael S. Enos, et al.'s Motion for Summary Judgment on Easement, Filed October 27, 2009 filed December 8, 2009, the Stipulation to Dismiss All Claims Against Plaintiff EWM Enterprises, LP with Prejudice and Order filed September 28, 2010, Defendants Michael S. Enos, et al.'s Stipulation of Dismissal of Cross-Claims as to Moniz-Cieslak Partners, without Prejudice filed September 30, 2010, the Order Granting Plaintiff's Motion for Rule 54(B) Certification of (1) Order on Plaintiff's Motion for Partial Summary Judgment, Filed May 15, 2002; and (2) Order Granting Plaintiff's Motion to Confirm the Boundaries of the Beckley Lot,

Filed October 21, 2009 filed November 20, 2010, the Rule 54(B) Judgment and Decree on Title to Grant 748 to Kaikuahine filed November 30, 2010, and the Order Granting Motion to Confirm Boundaries of Plaintiff's Interest in Grant 748 filed August 10, 2011, judgment is hereby entered as follows:

1. Pursuant to the Order On Plaintiff's Motion for Partial Summary Judgment filed May 15, 2002 and the Partial Summary Judgment filed November 1, 2002:

a. Plaintiff Surety Kohala Corporation¹ is the owner, in fee simple, absolute, free and clear of all claims, liens, clouds or encumbrances, of a portion of Royal Patent Grant Number 748 to Kaikuahine, situate lying and being at Kapua, District of North Kohala, Island and County of Hawaii, State of Hawaii, containing 38.448 acres, more or less, being all of Grant 748 located within Tax Key (3) 5-4-008:001, except for 6 acres which were deeded to G. F. Beckley (the "Beckley Lot") subject also to the reservations of the State of Hawaii.

b. The portion of Grant 748 which is Tax Key (3) 5-4-008:007, 2.9 acres, and the portion of Grant 748 which is Tax Key (3) 5-4-008:009, 8.652 acres, are owned by the Moniz-Cieslak Partnership.

2. Pursuant to Surety Kohala Corporation's Stipulation with the State of Hawaii filed February 11, 2003:

a. The State owns all minerals and metallic mines including all geothermal rights of every kind and description including the right to remove and the method of entry of removal;

b. The parcel is subject to the rights of native tenants;

c. The State's right, title, interest and claim to all water is reserved;

¹ EWM Enterprises, LP substituted in as plaintiff pursuant to the Stipulation to Substitute EWM Enterprises, LP as Plaintiff; Order filed August 30, 2010.

d. The State's and public's right of access through the public roadways on the parcel is protected and not restricted;

e. An easement for the free flowage of any waters over and across any stream is reserved;

3. Pursuant to the Order Granting Plaintiff's Motion for Determination of Heirs of G. F. Beckley, Filed June 8, 2004, filed July 22, 2004, the living heirs of G. F. Beckley were determined to be the following:

- a. Marilyn Keahaulani Fox
- b. William Gary Enos
- c. Helen Joyle Keonaona Goldberg
- d. Michael Steven Enos
- e. Robert Wayne Enos
- f. Anita Kuuleialoha Weber
- g. Nancy Ann Hill Keaweoluna
- h. Adatchie Kalehuimakanoenoe Eaton
- i. Erleen Haunani Eaton-Revilla
- j. Thomas Harry Eaton
- k. Joseph Raymond Eaton
- l. Thomas William Keala Eaton

4. Pursuant to the Order Granting Plaintiff's Motion to Confirm the Boundaries of the Beckley Lot filed October 21, 2009, the boundaries of the Beckley Lot shown as "Lot 1" on Exhibit "A" attached hereto and the metes and bounds description for "Lot 1" as set forth on Exhibit "B" attached hereto were confirmed.

5. Pursuant to the Order Granting Plaintiff's Motion for Default Judgment filed October 21, 2009, default judgment was entered against Defendant Joseph Raymond Eaton also known as Joseph Raymond Keanu, with respect to all issues in this action.

6. Pursuant to the Order on Defendants Michael S. Enos, et al.'s Motion for Summary Judgment on Title, and Continuing Hearing on Defendants Michael S. Enos, et al.'s Motion for Summary Judgment on Easement, Filed October 27, 2009 filed December 8, 2009, the following individuals were listed as the living Heirs of G. F. Beckley, and as such, the owners of the following respective undivided shares in the Beckley Lot:

- a. Defendant Nancy Ann Hill Keaweoluna (a.k.a. Nancy Ann Beckley): 1/4th undivided interest;
- b. Defendant Marilyn Keahaulani Fox: 1/20th undivided interest;
- c. Defendant William Gary Enos: 1/20th undivided interest;
- d. Defendant Helen Joyle Keonaona Goldberg: 1/20th undivided interest;
- e. Defendant Michael Steven Enos: 1/20th undivided interest;
- f. Defendant Robert Wayne Enos: 1/20th undivided interest;
- g. The Heirs and Assigns of Adatchie Kalehuamakanoenoe Eaton: 1/16th undivided interest;
- h. Defendant Erleen Haunani Eaton-Revilla: 1/16th undivided interest;
- i. Defendant Thomas Harry Eaton: 1/16th undivided interest;
- j. Joseph Raymond Eaton (a.k.a. Joseph R. Keanu): 1/16th undivided interest;

- k. Douglas Wade Kimo Weber: 1/8th undivided interest; and
- l. Thomas William Keala Eaton (a.k.a. Thomas Keala Weber): 1/8th

undivided interest.

7. Pursuant to the Stipulation to Dismiss all Claims Against Plaintiff EWM Enterprises, LP with Prejudice and Order filed September 28, 2010, all claims that have or could have been asserted in this action by Defendants Michael Steven Enos, William Gary Enos, Marilyn Keahaulani Fox, Helen Joyle Keonaona Goldberg, Robert Wayne Enos, Douglas Wade Kimo Weber, Nancy Ann Hill Keaweoluna (a.k.a. Nancy Ann Beckley), Erleen Haunani Eaton-Revilla, Thomas Harry Eaton, Thomas William Keala Eaton (a.k.a. Thomas Keala Weber) (collectively the "Enos Defendants") and Defendant Moniz-Cieslak Partners ("MCP") against Plaintiff EWM Enterprises, LP, including but not limited to, the claims asserted by the Enos Defendants in their Motion for Summary Judgment on Title and Easement filed on October 27, 2009, are dismissed with prejudice.

8. Pursuant to Defendants Michael S. Enos, et al.'s Stipulation of Dismissal of Cross-Claims as to Moniz-Cieslak Partners, without Prejudice, filed September 30, 2010, all of the Enos Defendants' claims against MCP were dismissed without prejudice.

9. Pursuant to the Order Granting Plaintiff's Motion for Rule 54(B) Certification of (1) Order on Plaintiff's Motion for Partial Summary Judgment, Filed May 15, 2002; and (2) Order on Plaintiff's Motion to Confirm the Boundaries of the Beckley Lot, Filed October 21, 2009 filed November 30, 2010 and the Rule 54(B) Judgment and Decree on Title to Grant 748 to Kaikuahine filed November 30, 2010:

a. Plaintiff EWM Enterprises, LP is the sole owner of all right, title and interest in and to the following real property in fee simple absolute:

All of that certain parcel of land (being all of the land described in and covered by Royal Patent Grant Number 748 to Kaikuahine) situate, lying and being at Honomakau, District of North Kohala, Island and County of Hawaii, State of Hawaii, now bearing Tax Map Key Nos. (3) 5-4-008: 044, 056, and 57, containing an area of 32.43 acres, 6.00 acres, and 13.00 acres respectively, more or less, as shown on Exhibit "C" attached hereto.

b. Defendants Michael Steven Enos, William Gary Enos, Marilyn Keahaulani Fox, Helen Joyle Keonaona Goldberg, Robert Wayne Enos, Douglas Wade Kimo Weber, Nancy Ann Hill Keaweoluna (a.k.a. Nancy Ann Beckley), Erleen Haunani Eaton-Revilla, Thomas Harry Eaton, Thomas William Keala Eaton (a.k.a. Thomas Keala Weber), Joseph Raymond Eaton (a.k.a. Joseph Raymond Keanu), Kalehua Makanoenoe Manuia (a.k.a. Kalehua B. Minchew-Eaton), Kananiokeaupunimalalama Manuia (a.k.a. Kanani Minchew-Eaton), Ainoa Kaiaokamalie Manuia (a.k.a. Ainoa K. Minchew-Eaton), and the Heirs and/or Assigns of Adatchie Kalehuamakanoenoe Eaton, Jr., are the sole owners, as tenants in common, of all right, title and interest in and to the following real property in fee simple absolute:

All of that certain parcel of land (being all of the land described in and covered by Royal Patent Grant Number 748 to Kaikuahine) situate, lying and being at Honomakau, District of North Kohala, Island and County of Hawaii, State of Hawaii, bearing Tax Map Key Nos. (3) 5-4-008: 055, containing an area of 6.00 acres, more or less as shown on Exhibit "A". A metes and bounds description of Parcel 55 is attached hereto as Exhibit "B".

10. Pursuant to the Order Granting Motion to Confirm Boundaries of Plaintiff's Interest in Grant 748 filed August 10, 2011:

a. Plaintiff's interest in Royal Patent Grant Number 748 to Kaikuahine in Honomakau, District of North Kohala, Island and County of Hawaii, is depicted as Lots 2, 3 and 4 on the map attached hereto as Exhibit "A", and is designated on the map attached hereto as Exhibit C as Tax Map Key Nos. (3) 5-4-008:056, 057, and 044, respectively

and the boundaries of said properties described by metes and bounds on Exhibit "D" attached hereto are confirmed.

11. All other claims not specifically covered by this judgment are hereby dismissed.

12. This Court expressly directs that this judgment shall be entered as a Final

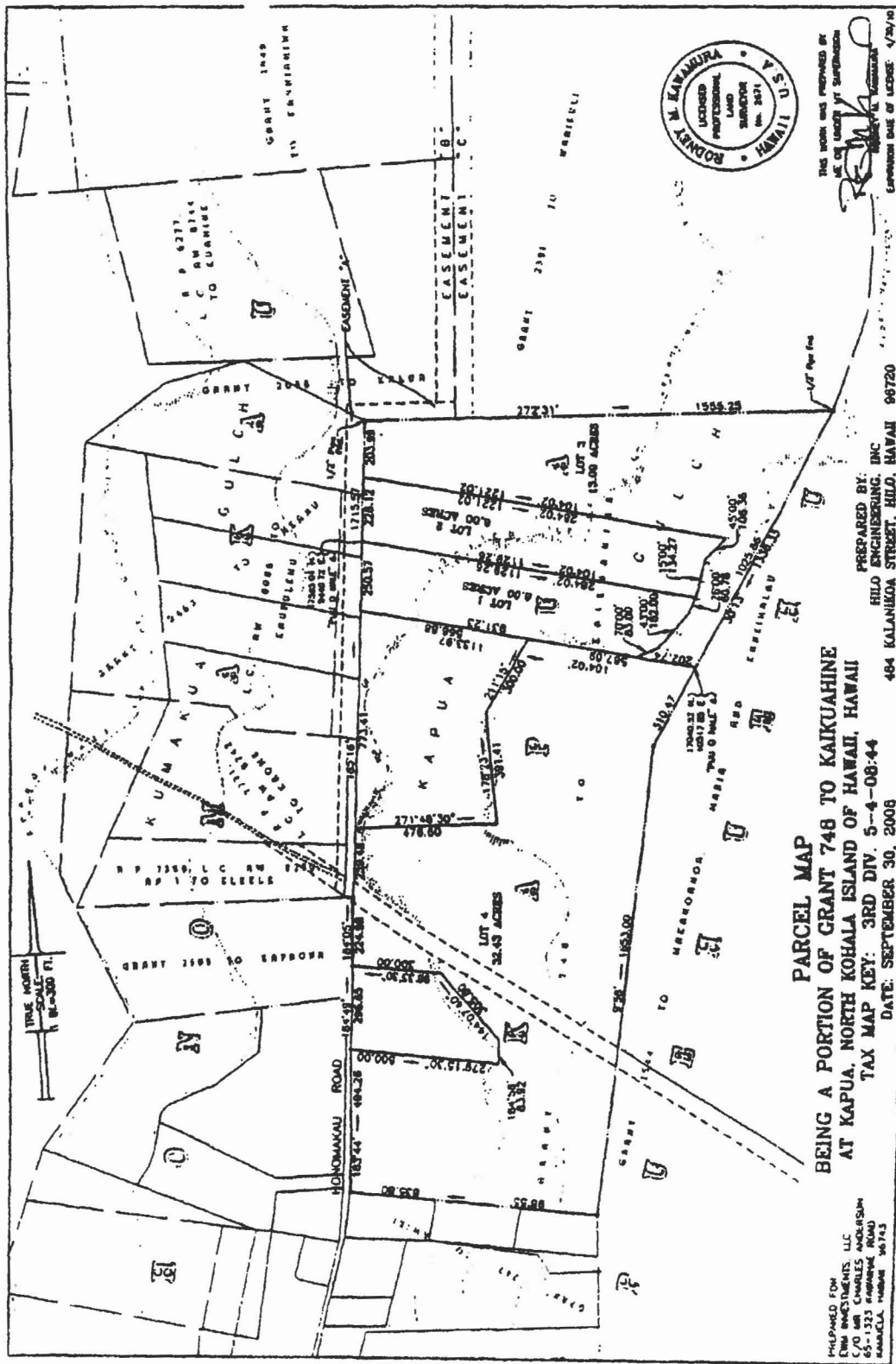
Judgment as it resolves all claims against all parties to this action.

DATED: Kealahou, Hawaii, SEP 22 2011, 2011.

ELIZABETH A. STRANCE (SEAL)

JUDGE OF THE ABOVE-ENTITLED COURT

EWM Enterprises, LP v. Heirs and Assigns of Kapalihau (w), also known as Kapalehao (w), et al.; Civil No. 01-1-0302; FINAL JUDGMENT.



THIS MAP WAS PREPARED BY
 ME OR UNDER MY SUPERVISION
 RODNEY M. KARAMURA
 LICENSED PROFESSIONAL LAND SURVEYOR
 STATE OF HAWAII, NO. 2471
 EXPIRES DATE OF LICENSE: 4/30/19

PARCEL MAP
 BEING A PORTION OF GRANT 748 TO KAIKUAHINE
 AT KAPUA, NORTH KOHALA ISLAND OF HAWAII, HAWAII
 TAX MAP KEY: 3RD DIV. 5--4-08-44
 DATE: SEPTEMBER 30, 2008

PREPARED FOR
 ERM INVESTMENTS, LLC
 C/O MR. CHARLES ANDERSON
 65-1225 KAPUAHINE ROAD
 KAPUAHINE, HAWAII 96743

PREPARED BY:
 HILD ENGINEERING, INC.
 464 KALANIKOA STREET, HILD, HAWAII 96720

EXHIBIT A

LOT 1


Being a portion of Grant 748 to Kaikuahine

Kapua, North Kohala, Island of Hawaii, Hawaii

Beginning at the northwest corner of this parcel of land, also being the southwest corner of Lot 2 on the easterly side of Grant 2463 to Heanu, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O NALE" being 17,565.01 feet north and 9,440.72 feet east and running by azimuths measured clockwise from true south:

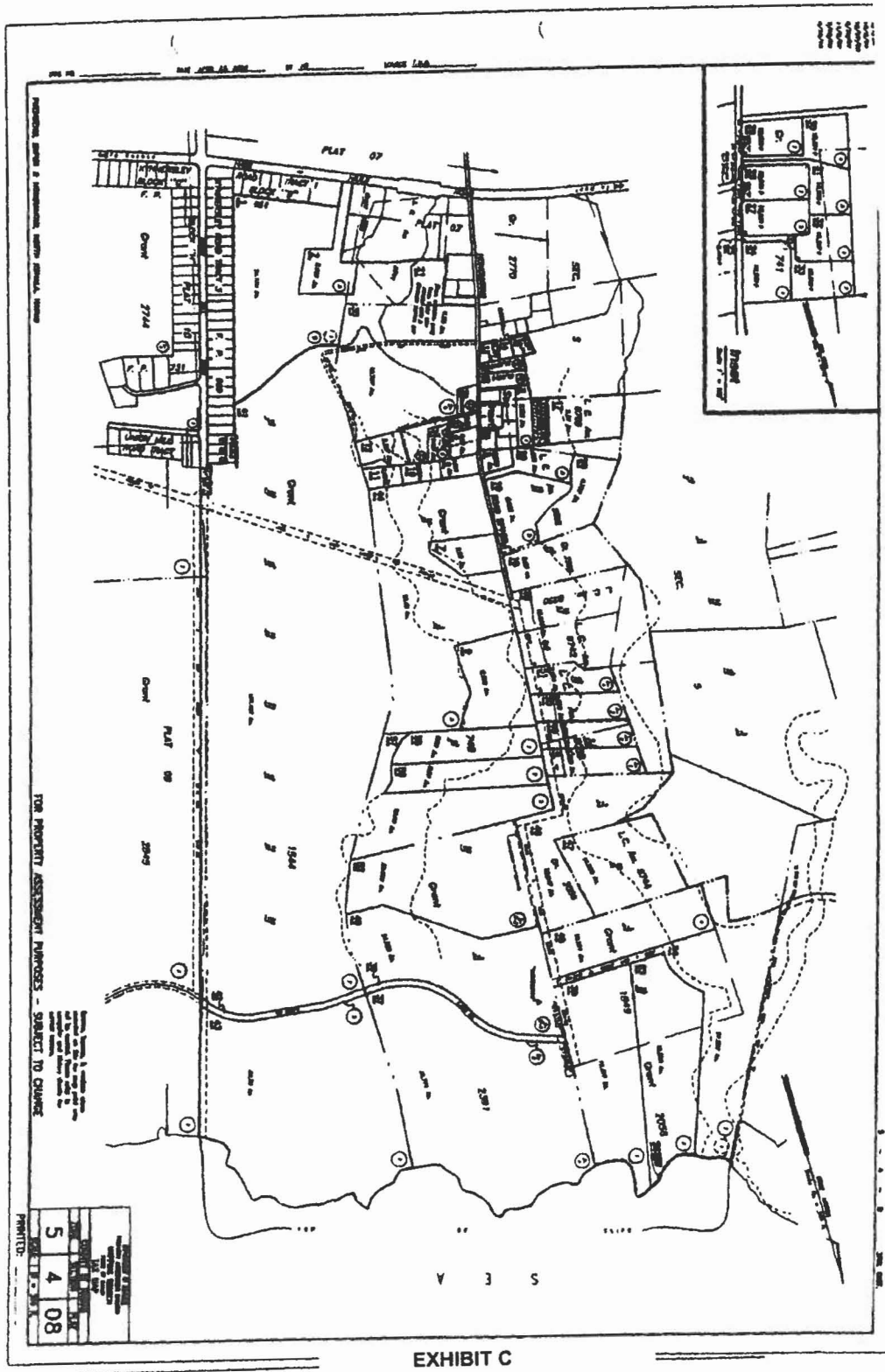
- | | | | |
|----|----------|---------|--|
| 1. | 284° 02' | 1129.26 | feet along Lot 2; |
| 2. | 26° 00' | 60.78 | feet along Lot 3; |
| 3. | 43° 00' | 162.00 | feet along Lot 3; |
| 4. | 70° 00' | 83.00 | feet along Lot 3; |
| 5. | 104° 02' | 931.23 | feet along the remainder of Grant 748 to Kaikuahine; |
| 6. | 185° 16' | 250.57 | feet along Grant 2463 to Heanu to the point of beginning and containing an area of 6.00 Acres. |




RODNEY M. KAWAMURA
Licensed Professional Land Surveyor
Certificate No. 2671
Expiration Date of License: 4/30/10

September 30, 2008
HILO ENGINEERING, INC.
484 Kalanikoa Street
Hilo, Hawaii 96720

Tax Map Key: 3rd Div. 5-4-08: Portion 44



LOT 2

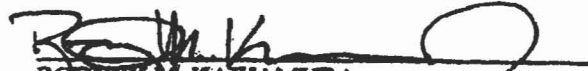
Being a portion of Grant 748 to Kaikuahine

Kapua, North Kohala, Island of Hawaii, Hawaii

Beginning at the southwest corner of this parcel of land, also being the northwest corner of Lot 1 on the easterly side of Grant 2463 to Heanu, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O NALE" being 17,565.01 feet north and 9,440.72 feet east and running by azimuths measured clockwise from true south:

- | | | | |
|----|----------|----------|---|
| 1. | 185° 16' | 228.12 | feet along Grant 2463 to Heanu
and Grant 2056 to Kahua; |
| 2. | 284° 02' | 1,221.02 | feet along Lot 3; |
| 3. | 45° 00' | 106.36 | feet along Lot 3; |
| 4. | 15° 00' | 134.27 | feet along Lot 3; |
| 5. | 104° 02' | 1,129.26 | feet along Lot 1 to the point of beginning and
containing an area of 6.00 Acres. |




RODNEY M. KAWAMURA
Licensed Professional Land Surveyor
Certificate No. 2671
Expiration Date of License: 4/30/12

September 20, 2010
HILO ENGINEERING, INC.
484 Kalanikoa Street
Hilo, Hawaii 96720

Tax Map Key: 3rd Div. 5-4-08:56

EXHIBIT D

LOT 3


Being a portion of Grant 748 to Kaikuahine

Kapua, North Kohala, Island of Hawaii, Hawaii

Beginning at the southeast corner of this parcel of land, also being the northeast corner of Lot 4 on the westerly side of Grant 1544 to Makanoanoa, Maria and Kaneihala, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O NALE" being 17,040.52 feet north and 10,517.85 feet east and running by azimuths measured clockwise from true south:

- | | | | |
|-----|----------|----------|---|
| 1. | 104° 02' | 202.74 | feet along Lot 4; |
| 2. | 250° 00' | 83.00 | feet along Lot 1; |
| 3. | 223° 00' | 162.00 | feet along Lot 1; |
| 4. | 206° 00' | 60.78 | feet along Lot 1 |
| 5. | 195° 00' | 134.27 | feet along Lot 2; |
| 6. | 225° 00' | 106.36 | feet along Lot 2; |
| 7. | 104° 02' | 1,221.02 | feet along Lot 2; |
| 8. | 185° 16' | 203.99 | feet along Grant 2056 to Kalua; |
| 9. | 272° 31' | 1,555.25 | feet along Grant 2056 to Kalua
and Grant 2391 to Wahikuli; |
| 10. | 30° 13' | 1,025.86 | feet along Grant 1544 to Makanoanoa, Maria
and Kaneihala to the point of beginning and
containing an area of 13.00 Acres. |




RODNEY M. KAWAMURA
Licensed Professional Land Surveyor
Certificate No. 2671
Expiration Date of License: 4/30/12

September 20, 2010
HILO ENGINEERING, INC.
484 Kalanikoa Street
Hilo, Hawaii 96720
Tax Map Key: 3rd Div. 5-4-08:57

LOT 4

Being a portion of Grant 748 to Kaikuahine


Kapua, North Kohala, Island of Hawaii, Hawaii

Beginning at the northeast corner of this parcel of land, also being the southeast corner of Lot 3 on the westerly side of Grant 1544 to Makanoanoa, Maria and Kaneihalaui, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O NALE" being 17,040.52 feet north and 10,517.85 feet east and running by azimuths measured clockwise from true south:

1.	30° 13'	310.47	feet along Grant 1544 to Makanoanoa, Maria and Kaneihalaui;
2.	9° 58'	1,653.00	feet along Grant 1544 to Makanoanoa, Maria and Kaneihalaui;
3.	98° 55'	835.80	feet along Grant 749 to Awiki;
4.	183° 44'	494.26	feet along Honomakau Road;
5.	279° 15' 30"	500.00	feet along the remainder of Grant 748 to Kaikuahine;
6.	184° 58'	83.92	feet along the remainder of Grant 748 to Kaikuahine;
7.	144° 07' 40"	305.80	feet along the remainder of Grant 748 to Kaikuahine;
8.	98° 33' 30"	300.00	feet along the remainder of Grant 748 to Kaikuahine;
9.	184° 05'	224.98	feet along Honomakau Road;
10.	185° 16'	259.48	feet along Honomakau Road;
11.	271° 48' 30"	476.60	feet along the remainder of Grant 748 to Kaikuahine;
12.	178° 23'	391.41	feet along the remainder of Grant 748 to Kaikuahine;

13. 211° 15' 300.00 feet along the remainder of Grant 748 to
Kaikuahine;
14. 284° 02' 567.09 feet along Lot 1 and Lot 3 to the point of beginning
and containing an area of 32.43 Acres.




RODNEY M. KAWAMURA
Licensed Professional Land Surveyor
Certificate No. 2671
Expiration Date of License: 4/30/12

September 20, 2010
HILO ENGINEERING, INC.
484 Kalanikoia Street
Hilo, Hawaii 96720

Tax Map Key: 3rd Div. 5-4-08:44