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R-683 STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED  
OCT 29, 2002 08:02 AM  
Doc No(s) 2002-193393



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/s/ CARL T. WATANABE  
REGISTRAR OF CONVEYANCES  
CONVEYANCE TAX: \$112.20

LAND COURT SYSTEM

13

REGULAR SYSTEM

Return by: MAIL (X) PICKUP ( ) TO:  
*Peter K Kubota Atty-at Law*  
*500 Kilauea Ave*  
*Hilo HI 96720*

THIS DOCUMENT CONTAINS 17 PAGES

TITLE OF DOCUMENT:

**WARRANTY DEED**

PARTIES TO DOCUMENT:

**GRANTOR:** LAUPAHOEHOE PROPERTIES, LLC, a Hawaii limited liability company, whose mailing address is 688 Kinoole Street, Suite 120, Hilo, Hawaii 96720

**GRANTEE:** HAKALAU PROPERTIES, LLC, a Hawaii limited liability company, whose mailing address is 688 Kinoole Street, Suite 120, Hilo, Hawaii 96720

TAX MAP KEY (3) 8-7-005:002

PKK.DED/09-27-02

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS:

That **LAUPAHOEHOE PROPERTIES, LLC**, a **Hawaii limited liability company**, whose mailing address is **688 Kinoole Street, Suite 120, Hilo, Hawaii 96720**, hereinafter called the "Grantor", for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration to the Grantor paid by **HAKALAU PROPERTIES, LLC**, a **Hawaii limited liability company**, whose mailing address is **688 Kinoole Street, Suite 120, Hilo, Hawaii 96720**, hereinafter called the "Grantee", the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee all of that certain real property designated on the tax maps of the Third Taxation Division, State of Hawaii, as Tax Map Key **8-7-005:002**, more particularly described in Exhibit A attached hereto and made a part hereof, subject to the encumbrances noted therein.

TOGETHER WITH ALL and singular the buildings, improvements, rights, tenements, hereditaments, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed in connection therewith.

AND TOGETHER WITH, a perpetual non-exclusive 50 foot wide access easement over and across that certain existing roadway shown on Exhibit "B" attached hereto, and incorporated herein by reference, and a perpetual non-exclusive Beach Access Easement as shown on Exhibit "C" attached hereto, and incorporated herein by reference, subject to the terms and conditions for use of said easements as described in Declaration of Easements dated June 13, 2002, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-108388.

TO HAVE AND TO HOLD the same unto the Grantee, and the Grantee's successors and assigns, in fee simple forever.

SUBJECT, HOWEVER, to: (i) existing county, state and federal laws, rules and regulations, including zoning ordinances and other land use regulations and restrictions applicable to the Property; (ii) claims, if any, to the Property arising out of rights customarily and traditionally exercised for subsistence, cultural, religious, access or gathering purposes, and such claims or rights,

including access, use and/or occupancy rights, as may be attendant or ancillary to kuleana claims, or claims relating to, on or affecting the Property; (iii) encroachments, easements and other rights or facts which may or would be disclosed by a correct boundary and improvement survey or archaeological study of the Property, including, without limitation, trails, rights-of-way, historic property, burial sites and other items of historical, archaeological or religious significance; and (iv) all encumbrances, exceptions, reservations, easements and other items set forth in this Deed.

AND THE SAID GRANTOR does hereby covenant with the Grantee that the Grantor is lawfully seised in fee simple of said granted premises and that the said premises are free and clear of all encumbrances except as aforesaid, and except for assessments for real property taxes not yet due. And the said Grantor further covenants and agrees that the Grantor has good right to sell and convey the said premises in the manner aforesaid; that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

IT IS MUTUALLY AGREED that the terms "Grantor" and "Grantee", as and when used hereinabove or hereinbelow shall mean and include the masculine or feminine, the singular or plural number, individuals, associations, trustees, corporations or partnerships, and their and each of their respective successors in interest, heirs, executors, personal representatives, administrators and permitted assigns, according to the context thereof, and that if these presents shall be signed by two or more grantors, or by two or more grantees, all covenants of such parties shall be and for all purposes deemed to be their joint and several covenants.

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

IN WITNESS WHEREOF, this instrument has been executed by the undersigned on this 11<sup>TH</sup> day of OCTOBER, 2002.

**LAUPAHOEHOE PROPERTIES, LLC,  
a Hawaii limited liability company**

**By Its Managing Member  
LAUPAHOEHOE FARMS, LTD.,  
a Hawaii corporation**

By \_\_\_\_\_

  
**JOHN S. TOLMIE, JR.  
Its President**

GRANTOR

APPROVED AS TO FORM  
PETER K. KUBOTA  
ATTORNEY AT LAW

BY \_\_\_\_\_

  
9-27-02

STATE OF HAWAII )  
 ) ss.  
COUNTY OF HAWAII )

On this 11th day of October, 2002, before me personally appeared JOHN TOLMIE, JR., who did say that he is the President of LAUPAHOEHOE FARMS, LTD., a Hawaii corporation, the Manager of LAUPAHOEHOE PROPERTIES, LLC, a Hawaii limited liability company, to me personally known, who, being by me duly sworn or affirmed, did say that he executed the foregoing instrument as the free act and deed of such corporation by authority of its Board of Directors, as the free act and deed of said limited liability company.



*Carin A. Medeiros*

Name: CARIN A. MEDEIROS  
Notary Public, State of Hawaii

My commission expires: 4/17/2005

# EXHIBIT A

## ITEM FIRST: (3) 8-7-005:002

### PARCEL FIRST:

All of that certain parcel of land (being the whole of Royal Patent 8005, Land Commission Award 8776, Apana 2 to Keaweamahi, and being a portion of Grant 2036 to Beniamina), situated on the Westerly side of South Kona Belt Road at Alae 1<sup>st</sup> and 2<sup>nd</sup>, South Kona, Island and County of Hawaii, State of Hawaii, being LOT 1, described as follows:

Beginning at a spike in ahu (as called for on HTS Plat 203) at the Northwesterly corner of this parcel of land, being also the Southwesterly corner of Lot 1 of the Maukalua Homesteads (HTS Plat 203) and at the shoreline, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PAHOEHOE", being 3,239.5 feet South and 1,875.3 feet West and running by azimuths measured clockwise from true south:

Thence, for the next six (6) courses following along Government Land known as the Haukalua Homesteads (HTS Plat 203);

- |    |          |          |   |
|----|----------|----------|---|
| 1. | 280° 57' | 1,040.00 | feet along Lot 1 to an iron pin in ahu;   |
| 2. | 271° 20' | 145.50   | feet along Lot 2 and 30-ft. Road Reserve to an iron pin in ahu;   |
| 3. | 264° 34' | 225.00   | feet along Lot 2 and 30-ft. Road Reserve to an iron pin in ahu;   |
| 4. | 270° 00' | 597.30   | feet along Lots 2 and 3 and 30-ft. Road Reserve to an iron pin in ahu and passing over a pipe in ahu at 283.5 feet;   |
| 5. | 269° 20' | 770.50   | feet along Lots 3 and 4 and 30-ft. Road Reserve to an iron pin in ahu and passing over a pipe in ahu at 267.9 feet,   |
| 6. | 261° 40' | 1,512.60 | feet along Lots 4, 5 and 6 (Alae School Lot-Executive Order Number 266) and 30-ft. Road Reserve to a pipe, passing over a spike in rock and ahu at 116.2 feet and an iron pin in ahu at 697.3 feet; |

Thence, for the next five (5) courses following along the Westerly side of the South Kona Belt Road;

7.	347°	30'	50"	347.44	feet to a point;
8.	358°	06'	35"	310.36	feet to a point;
9.	355°	58'	35"	267.99	feet to a point;
10.	86°	04'	20"	15.00	feet to a point;
11.	356°	04'	20"	42.29	feet to a point in concrete;
12.	84°	22'	20"	2,723.26	feet along Grant 2025 to Pumealani to a point;
13.	82°	52'	20"	2,576.51	feet along Grant 2025 to Pumealani to a point;
14.	113°	12'	20"	416.64	feet along Grant 2025 to Pumealani to a nail at the shoreline;

Thence, following along the meanderings of the seaward boundary, the direct azimuth and distance being:

15.	224°	19'	10"	1,864.54	feet to the point of beginning and containing an area of 122.959 Acres, more or less.
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SAVING AND EXCEPTING therefrom the following Kuleana and Land Patent (Grant), to-wit:

Royal Patent 8014, L. C. Aw. 9699-D to Kahiamoë, area 5,255 square feet, or 0.121 Acre, hereinafter more particularly described as Parcel Second.

Royal Patent 5939, L. C. Aw. 8158, Apana 2 to Holau, area 4,261 square feet, or 0.098 Acre, hereinafter more particularly described as Parcel Third.

Royal Patent 8015, L. C. Aw. 10302, Apana 2 to Makaele, area 4,110 square feet, or 0.094 Acre, hereinafter more particularly described as Parcel Fourth.

Land Commission Award 8673, Apana 2 to Kaoo, area 6,181 square feet or 0.142 acre, hereinafter more particularly described as Parcel Fifth.

Royal Patent 8016, L. C. Aw. 10818, Apana 2 to Beniamina, area 8,712 square feet, or 0.200 acre, hereinafter more particularly described as Parcel Sixth.

Land Patent (Grant) No. S-15,664 to Magoon Estate, Limited, covering Parcel 1, area 1,498 square feet and Parcel 2, area 240 square feet, hereinafter more particularly described as Parcel Seventh.

**PARCEL SECOND:**

All of that certain parcel of land situated at Alae 1 and 2, South Kona, Island and County of Hawaii, State of Hawaii, being R.P. 8014, L. C. Aw. 9699-D to Kahiamoe, described as follows:

Beginning at the northeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4", being 5848.30 feet North and 4717.26 feet West and running by azimuths measured clockwise from true south:

- |    |      |         |       |  |
|----|------|---------|-------|--|
| 1. | 4°   | 06'     | 64.27 | feet along Grant 2036 to Beniamina;  |
| 2. | 105° | 45' 30" | 99.29 | feet along Grant 2036 to Beniamina;  |
| 3. | 185° | 14' 30" | 44.22 | feet along Grant 2036 to Beniamina;  |
| 4. | 274° | 06'     | 96.36 | feet along Grant 2036 to Beniamina to the point of beginning and containing an area of 5,255 Square Feet, or 0.121 Acre. |

**PARCEL THIRD:**

All of that certain parcel of land (being R. P. 5939, L. C. Aw. 8158, Apana 2 to Holau), situated at Alae 1 and 2, South Kona, Island and County of Hawaii, State of Hawaii, described as follows:

Beginning at the northeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4", being 5914.84 feet North and 4470.68 feet West and running by azimuths measured clockwise from true south:



1.	13°	00'	88.63	feet along Grant 2036 to Beniamina;
2.	125°	00'	75.58	feet along Grant 2036 to Beniamina;
3.	212°	00'	49.57	feet along Grant 2036 to Beniamina;
4.	269°	00'	55.59	feet along Grant 2036 to Beniamina to the point of beginning and containing an area of 4,261 Square Feet, or 0.098 Acre.

**PARCEL FOURTH:**

All of that certain parcel of land situated at Alae 1 and 2, South Kona, Island and County of Hawaii, State of Hawaii, being R.P. 8015, L. C. Aw. 10302, Apana 2 to Makaele, described as follows:

Beginning at the Northeast corner of this parcel of land, the northwest corner of L. C. Aw. 8673, Apana 2 to Kaoo, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4", being 6012.94 feet North and 4505.10 feet West and running by azimuths measured clockwise from true south:

1.	16°	24'	92.34	feet along L. C. Aw. 8673, Apana 2 to Kaoo;
2.	95°	52'	48.18	feet along Grant 2036 to Beniamina;
3.	196°	24'	81.18	feet along Grant 2036 to Beniamina;
4.	263°	43'	30"	51.40 feet along Grant 2036 to Beniamina to the point of beginning and containing an area of 4,110 Square Feet or 0.094 Acre.

**PARCEL FIFTH:**

All of that certain parcel of land (being L.C. Aw. 8673, Apana 2 to Kaoo) situated at Alae 1 and 2, South Kona, Island and County of Hawaii, State of Hawaii, described as follows:

Beginning at the Northwest corner of this parcel of land, the northeast corner of R.P. 8015, L. C. Aw. 10302, Apana 2 to Makaele, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4", being 6012.94 feet North and 4505.10 feet West and running by azimuths measured clockwise from true south:

- |    |      |     |     |       |   |
|----|------|-----|-----|-------|---|
| 1. | 266° | 59' | 30" | 57.37 | feet along Grant 2036 to Beniamina to the west side of R. P. 8016, L. C. Aw. 10818, Apana 2 to Beniamina;                                       |
| 2. | 3°   | 29' | 30" | 94.88 | feet along R. P. 8016, L. C. Aw. 10818, Apana 2 to Beniamina and along Grant 2036 to Beniamina;   |
| 3. | 92°  | 17' | 30" | 77.65 | feet along Grant 2036 to Beniamina;   |
| 4. | 196° | 24' |     | 92.34 | feet along R. P. 8015, L. C. Aw. 10302, Apana 2 to Makaele to the point of beginning and containing an area of 6,181 Square Feet or 0.142 Acre. |

**PARCEL SIXTH:**

All of that certain parcel of land (being R. P. 8016, LL. C. Aw. 10818; Apana 2 to Beniamina) situated at Alae 1 and 2, South Kona, Island and County of Hawaii, State of Hawaii, described as follows:

Beginning at the Northwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4", being 6052.32 feet North and 4445.59 feet West and running by azimuths measured clockwise from true south:

- |    |      |     |  |        |                                     |
|----|------|-----|--|--------|-------------------------------------|
| 1. | 279° | 12' |  | 109.51 | feet along Grant 2036 to Beniamina; |
|----|------|-----|--|--------|-------------------------------------|

2.	356°	14'	30"	71.81	feet along Grant 2036 to Beniamina;
3.	93°	13'		118.03	feet along Grant 2036 to Beniamina;
4.	183°	29'	30"	82.70	feet along L. C. Aw. 8673, Apana 2 to Kaoo and along Grant 2036 to Beniamina to the point of beginning and containing an area of 8,712 Square Feet or 0.200 Acre.

**PARCEL SEVENTH:**

All of that certain parcel of land (being the same land described in and covered by Land Patent (Grant) No. S-15,664) situate at Alae 1 and 2, South Kona, Island and County of Hawaii, State of Hawaii, being portions of Old Government Road and being abandoned Road Remnants, more fully described as follows:

**ABANDONED ROAD REMNANT  
PARCEL 1**

Alae 1 and 2, South Kona, Island and County of Hawaii  
State of Hawaii

Being a portion of Old Government Road.

Beginning at the north corner of this parcel of land and on the west side of South Kona Belt Road (Mamalahoa Highway), the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4" being 7131.06 feet North and 701.19 feet East, thence running by azimuths measured clockwise from True South:

1.	347°	31'		193.93	feet along the west side of south Kona Belt Road (Mamalahoa Highway);
2.	158°	17'		42.78	feet along east side of stonewall, along Grant 2036 to Beniamina;
3.	159°	11'		29.27	feet along east side of stonewall, along Grant 2036 to Beniamina;

4.	162°	25'		19.30	feet along east side of stonewall, along Grant 2036 to Beniamina;
5.	167°	38'		23.80	feet along east side of stonewall, along Grant 2036 to Beniamina;
6.	174°	41'		36.00	feet along east side of stonewall, along Grant 2036 to Beniamina;
7.	178°	10'	40"	44.77	feet along east side of stonewall, along Grant 2036 to Beniamina to the point of beginning and containing an area of 1,498 square feet.

**ABANDONED ROAD REMNANT  
PARCEL 2**

Alae 1 and 2, South Kona, Island and County of Hawaii  
State of Hawaii  
Being a portion of Old Government Road.

Beginning at the south corner of this parcel of land and on the west side of South Kona Belt Road (Mamalahoa Highway), the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKAKUU 4" being 6791.83 feet North and 776.29 feet East, thence running by azimuths measured clockwise from True South:

1.	156°	36'		12.64	feet along Grant 2036 to Beniamina;
2.	167°	33'	30"	76.22	feet along east side of stonewall, along Grant 2036 to Beniamina;
3.	170°	05'		15.72	feet along east side of stonewall, along Grant 2036 to Beniamina;
4.	172°	56'		17.32	feet along east side of stonewall, along Grant 2036 to Beniamina;

5. 347° 31'

121.57 feet along the west side of South Kona Belt Road (Mamalahoa Highway) to the point of beginning and containing an area of 240 Square Feet.

AS TO PARCELS FIRST, SECOND, THIRD, FOURTH, FIFTH, SIXTH AND SEVENTH:

Excepting any portion of the land below the line of shoreline vegetation where it was located prior to any artificial or avulsive changes.

Being a portion of the land(s) conveyed from Kaholo Properties LLC, a Hawaii limited liability company, to Laupahoe Properties, LLC, a Hawaii limited liability company, by Deed dated June 19, 2002, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2002-108395.

SUBJECT, HOWEVER, TO:

1. Title to all mineral and metallic mines reserved to the State of Hawaii.
2. All rights of native tenants.
3. Shoreline setback lines as they may be established by the State Land Use Commission or by the County pursuant to Sections 205A-41 to 205A-43.6 inclusive of the Hawaii Revised Statutes.
4. Ancient trail, as shown on Tax Map 3/8-7-5.

5. AS TO PARCEL FIFTH ONLY:

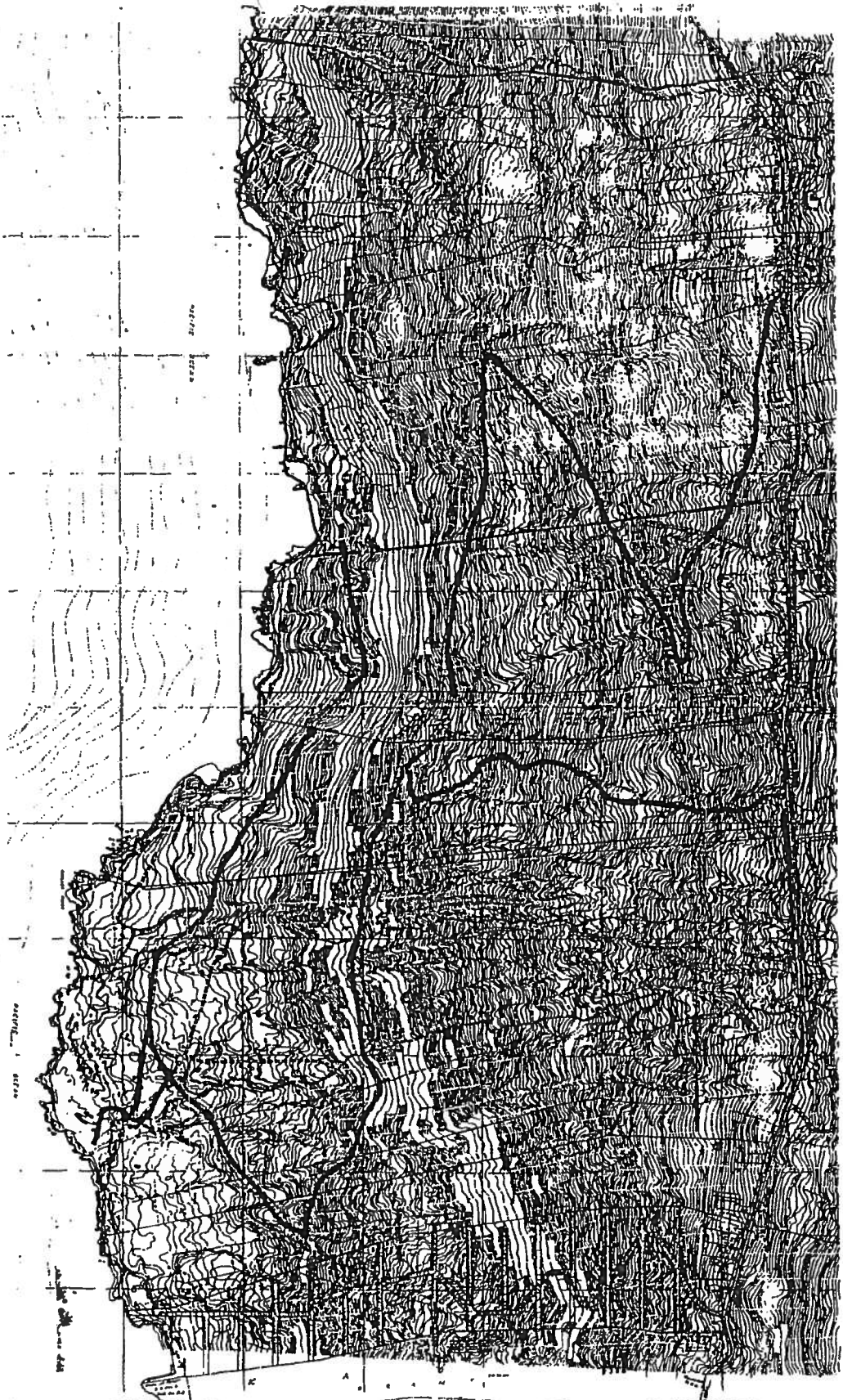
- (a) The lien of the State of Hawaii for payment of commutation, if any, as provided for the Section 172, Hawaii Revised Statutes, no patent having been issued to Kaoo, the Awardee under Land Commission Award No. 8673, Apana 2.

NOTE: No formal application has been made to the Department of Land and Natural Resources, State of Hawaii, for the payment of commutation fees and the issuance of the Land Patent Grant pursuant to Section No. 172, Hawaii Revised Statutes.

6. The following, as shown on survey map prepared by Nobuchika Santo, Registered Land Surveyor, dated March, 1979, to-wit:
  - (a) Stone wall and remains of old wall.
  - (b) Existing gravel road.
7. License dated October 29, 1985, recorded in the Bureau of Conveyances in Book 19347, Page 685, Magoon Estate, Limited, a Hawaii corporation to Iwalani Arakaki, Yasushi Arakaki, Sr., Yasushi Arakaki, Jr., Curtis K. Cortez, Anson K. Cortez, Raynae M. Cortez Fonaimoana, Cy T. Cortez and Roxann N. Arakaki Medley. Grants a License for the lives of the Licensees or until none of them own any interest in Lot A. Tax Map Key: 3/8-7-04-18 and Lot B, Tax Map Key: 3/8-07-04-19 to cross Magoon Estate lands over the existing road going makai and its present location, or at such other location to which that roadway may be changed, for the purpose only of providing access to the sea for fishing and the gathering of ocean animals.
8. Reservations, terms, conditions and covenants as contained in said Land Patent (Grant) No. S-15,664 to-wit:
  - (a) All minerals as hereinafter defines, in, on or under the land and the right, on its own behalf or through persons authorized by it, to prospect for, mine and remove such minerals and to occupy and use so much of the surface of the ground as may be required for all purposes reasonably extending to the mining and removal of such minerals by any means whatsoever, including strip mining. "Minerals", as used herein, shall mean any or all oil, gas, coal, phosphate, sodium, sulphur, iron, titanium, gold, silver, bauxite, bauxitic clay, diaspore, boehmite, laterite, gibbsite, alumina, all ores of aluminum and, without limitation thereon, all other mineral substances and ore deposits, whether solid gaseous or liquid, including all geothermal resources, in, on, or under the land, fast or submerged; provided, that "mineral" shall not include sand, gravel, rock, or other material suitable for use and used in general construction in furtherance of the Patentee's permitted activities on the land and not for sale to others.
  - (b) All surface and ground waters appurtenant to the said land and the right on its own behalf or through persons authorized by its, to capture, divert or impound the same and to occupy and use so much of said land as may be required in the exercise of this right reserved.
  - (c) All prehistoric and historic remains found in, on or under said land.
  - (d) Covenant Against Discrimination. That the use and enjoyment of the land herein granted shall not be in support, of any policy which discriminates against anyone base upon race, creed, color, sex, national origin or a physical handicap.

- (e) Consolidation of Remnant: That the remnant shall be consolidated with its abutting property and the use or subdivision thereof whether in combination, consolidation or otherwise with other land, shall be in accordance with the appropriate zoning and subdivision laws and ordinances of the State of Hawaii, County of Hawaii.
- (f) Compliance with Laws: That the Patentee shall comply with all requirements of municipal, state and federal authorities and observe all municipal ordinances in regards to said premises, now in force or which may hereinafter be in force.
- (g) Non-warranty. The State of Hawaii does not warranty the condition of the remnant roadway and the same is granted "as is".
9. Stone walls as shown on Maps attached to Land Patent No. S-15,664.
10. Approval of the consolidation of Road Remnant Parcels 1 and 2 with the abutting property, by the State of Hawaii and/or County of Hawaii in accordance with appropriate zoning and subdivision laws or ordinances, as set forth by Land Patent Grant No. S-15,664.
11. Any and all trails, archeological sites, burial cave(s) and/or burial grounds that may be shown by an accurate on the ground survey.
12. Rights of the State of Hawaii in and to any and all trails, roads, archeological sites, burial ground(s) or cave(s), prehistoric and historic remains, all surface and ground waters appurtenant to said land and the right to capture, divert or impound the same and to occupy and use so much of the land as may be required in the exercise of this right reserved.
13. All customary and traditional rights, of native Hawaiians as provided for by law, for subsistence, cultural and religious purposes, which rights may involve access to the subject property.
14. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
15. 50 foot wide Road and Utility Easement over and across that certain existing roadway shown on Exhibit "B". Provided that the owner of the property subject to the easement may relocate the easement to another location on the property at his, her or its sole expense, on the following conditions; (1) that the replacement easement is comparable or better than the original easement, and (2) the replacement easement connects with the remainder of the easement shown on Exhibit "B".
16. Terms and conditions of that certain Declaration of Easements dated June 13, 2002, recorded in the Bureau of Conveyances as Document No. 2002-108388.

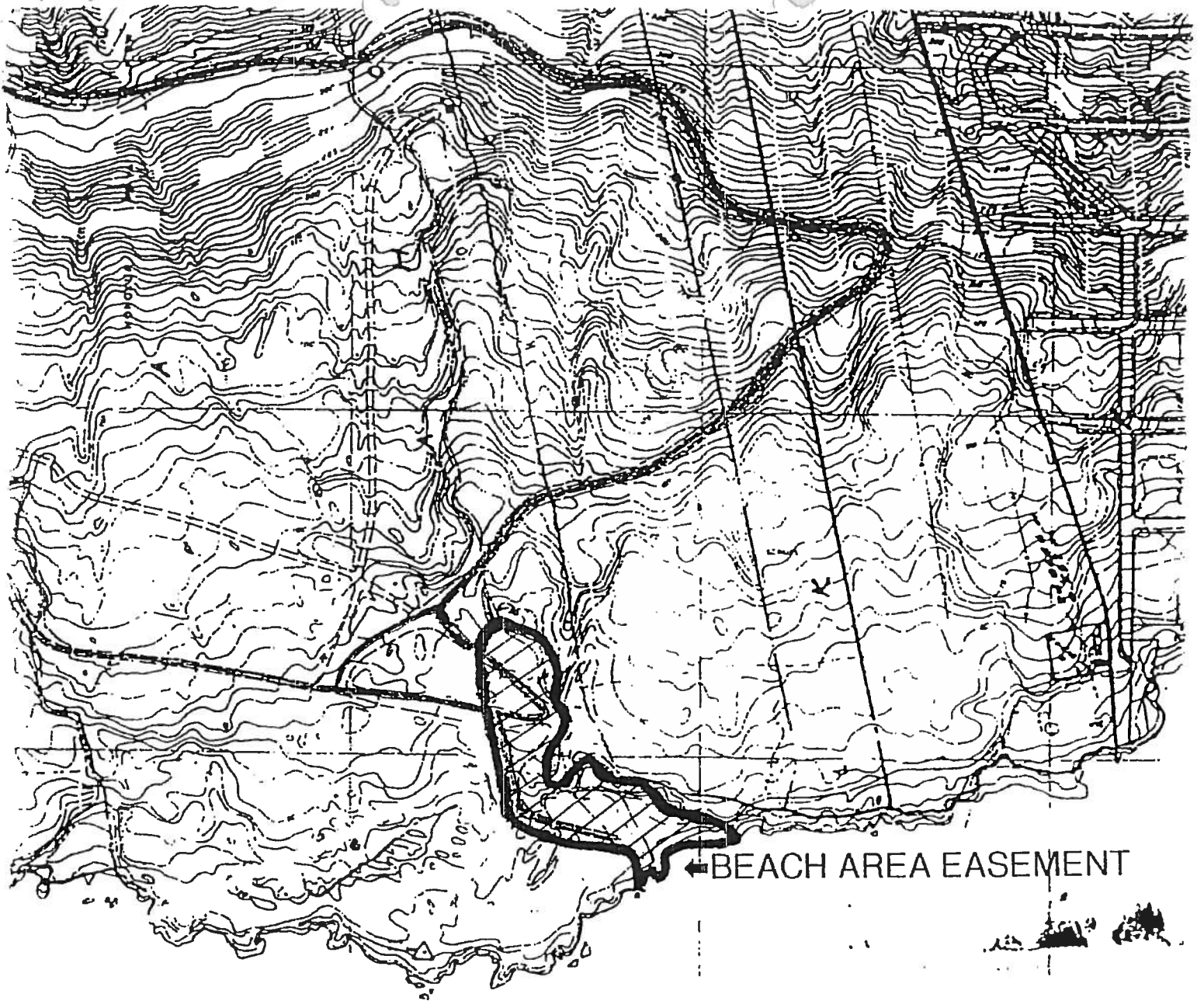
TOPOGRAPHIC MAP OBTAINED FROM SCAN OF R.M. TOWN OF  
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(3) 8-7-005:002  
EXHIBIT B





PACIFIC OCEAN

EXHIBIT C

