

Deed for Retention Basin

RETENTION BASIN DEED

THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS:
STATE OF HAWAII

BUREAU OF CONVEYANCES
DATE **MAR 29 1999** TIME **3:00 p.m.**
DOCUMENT NO. **99-046948**

LAND COURT SYTSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICKUP ()

Ku'au Bayview at Paia Homeowners Association
c/o 840 Alua Street, Suite 103
Wailuku, Maui, Hawaii 96793

TYPE OF DOCUMENT:

WARRANTY DEED

PARTIES TO DOCUMENT:

Grantor: A & B PROPERTIES, INC.
Grantee: KU'AU BAYVIEW AT PAIA HOMEOWNERS ASSOCIATION
c/o 840 Alua Street, Suite 103
Wailuku, Maui, Hawaii 96793

TAX MAP KEY FOR PROPERTY:

(2) 2-5-13-94

KU'AU BAYVIEW AT PAIA SUBDIVISION

LOT NO. 96

LOT NO. 96

THIS DEED is made this 10th day of March, 1999, by and between A & B PROPERTIES, INC., a Hawaii corporation, hereinafter called "Grantor" and KU'AU BAYVIEW AT PAIA HOMEOWNERS ASSOCIATION, whose address is 840 Alua Street, Suite 103 Wailuku, Maui, Hawaii 96793, hereinafter called "Grantee." For and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration to it paid by Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, and the survivor of the Grantee and its heirs devisees, personal representatives and assigns, absolutely and in fee simple:

All of that certain parcel of land situate at Paia, Hamakuapoko, County of Maui, State of Hawaii, more particularly described in Exhibit "A", attached hereto and made a part hereof (such land being herein called the Property);

And the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto;

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereon and thereto belonging or appertaining or held and enjoyed therewith, unto the Grantee according to the tenancy herein set forth, forever.

The Property is being conveyed to Grantee in "as is" condition and Grantor makes no representations or warranties whatsoever to Grantee or any other person or entity as to the condition of the Property or its suitability for any particular purpose

AND, in consideration of the premises, the Grantor does hereby covenant with the Grantee that the Grantor is seized of the Property herein described in fee simple; that said Property is free and clear of and from all liens and encumbrances, except for the lien of real property taxes not yet by law required to be paid, and except as may herein specifically be set forth in Exhibit "A" attached hereto; that the Grantor has good right to sell and convey said same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The conveyance herein set forth and the warranties of the Grantor concerning the same are expressly declared to be in favor of the Grantee, and the Grantee's heirs, personal representatives, successors and assigns.

Except as otherwise provided above, the terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the parties hereto and their respective heirs, personal representatives, successors and assigns, according to the context thereof.

This deed may be executed in any number of counterparts by any party hereto, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, the Grantor and Grantee have executed these presents on the day and year first above written.

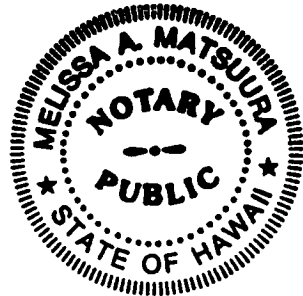
A & B PROPERTIES, INC.

By [Signature]
Its **EXECUTIVE VICE PRESIDENT**
By [Signature]
Its **ASST. SECRETARY**

"Grantor"

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

On this 10th day of March, 1999, before me personally appeared ~~NOBERT BUELSING~~ and CHARLES W. LOOMIS, to me personally known, who, being by me duly sworn or affirmed, did say that they are the EXECUTIVE VICE PRESIDENT and ASST. SECRETARY respectively, of A & B PROPERTIES, INC., a Hawaii corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and said Officers acknowledged said instrument to be the free act and deed of said corporation.



Melissa A. Matsuura
MELISSA A. MATSUURA

Notary Public, State of Hawaii
My commission expires: 2/13/2001

EXHIBIT "A"

All of that certain parcel of land situate at Paia, Hamakuapoko, Island and County of Maui, State of Hawaii, being Lot 96 of the KU'AU BAYVIEW at PAIA SUBDIVISION as shown on File Plan Number 2181, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 71,121 square feet, more or less.

Being a portion of the property conveyed by deed dated April 30, 1996, recorded May 2, 1996, in the Bureau of Conveyances, State of Hawaii, as Document No. 96-061189, and by Correction Deed dated May 2, 1996, recorded May 31, 1996, in said Bureau as Document No. 96-077075.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all minerals and metallic mines.
2. Covenants, conditions, restrictions, reservations, agreements, obligations and other provisions set forth in the Declaration of Covenants, Conditions and Restrictions dated May 30, 1996, recorded as aforesaid in Document No. 96-077076.
3. Designation of Restriction of vehicle access rights, as shown on the map of File Plan 2181.
4. Easement 8, area 73 square feet, more or less, for electrical purposes, as shown on the map of File Plan 2181.
5. Easement 22, area 9,837 square feet, more or less, for electrical purposes, as shown on the map of File Plan No. 2181.
6. An easement for utility purposes, in favor of Maui Electric Company, Limited, a Hawaii corporation, and GTE Hawaiian Telephone Company Incorporated, a Hawaii corporation, dated September 22, 1995, recorded June 28, 1996, in the Bureau of Conveyances, State of Hawaii, as Document No. 96-092572. Said Document was assigned as security in Document Nos. 96-092573 and 96-092574, as amended by an instrument dated October 15, 1996, recorded February 12, 1997, in said Bureau, as Document No. 97-019835.