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**DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR THE KŪLANA SUBDIVISION**

PARTIES TO DOCUMENT:

DECLARANT: KAPAA 382, LLC,
a Hawaii limited liability company
4569 Kukui Street, Suite 200
Kapaa, Kauai, Hawaii 96746

TAX MAP KEY FOR PROPERTY:

(4) 4-3-03:05

**DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR THE KŪLANA SUBDIVISION**

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**DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR THE KŪLANA SUBDIVISION**

This Declaration Of Covenants, Conditions And Restrictions For The Kūlana Subdivision ("Declaration") is made this 27th day of August, 2004, by KAPAA 382, LLC, a Hawaii limited liability company, whose mailing address is 4569 Kukui Street, Suite 200, Kapaa, Kauai, Hawaii 96746, hereinafter called the "Declarant".

**ARTICLE I
DEFINITIONS**

The following words when used in this Declaration or any Supplemental Declaration (unless the context shall otherwise provide) shall have the following meanings:

"Additional Dwelling Unit" shall have the same meaning as contained in Article 26 of the CZO, as amended from time to time.

"Agriculture" and "Agricultural Activities" means activities and uses for actual and legitimate agricultural purposes permitted by the CZO in the CZO Agriculture District and Open District and/or pursuant to HRS Sections 205-2(d) and 205-4.5 in the State Land Use Commission Agricultural District. It is the intention of the Declarant that in order to qualify as legitimate and actual Agricultural Activities, such activities and use shall be required to qualify as "agricultural use" as defined by the County of Kauai in Article 9, Chapter 5A of the Kauai County Code, 1987 ("KCC"), as amended from time-to-time, and in the Agricultural Dedication Program Rules adopted by the County of Kauai to implement KCC Chapter 5A, Article 9, as amended from time-to-time.

"Agricultural Plan" means a plan describing Agricultural Activities within a Unit in such form and with such content as may be required by the Design Review Committee.

"Agricultural Water" means water used by any Owner for agricultural activities on any Lot.

"Agricultural Water System" means any system which provides Agricultural Water to the Lots, but does not include the public water system of the County of Kauai.

"Assessment" shall mean any amount due by an Owner under the provisions of the Association Documents.

"Association" shall mean the Association Of Apartment Owners Of The Kūlana Condominium, an association formed under Hawaii Revised Statutes Chapter 514A, and its successors and assigns.

"Association Documents" means the Declaration, Association Declaration, the Association Bylaws, the Association Rules, the Design Review Committee Rules, and the Design Guidelines.

"Association Rules" shall mean the rules from time to time in effect, adopted by the Board of Directors of the Association.

"Board" or "Board of Directors" shall mean the Board of Directors of the Association.

"Building" shall mean buildings, garages, residences, or enclosed structures.

"Building Height" shall have the same meaning as that term is defined in the CZO.

"Bureau of Conveyances" shall mean the Bureau of Conveyances of the State of Hawaii, and any successor thereto.

"Bylaws" shall mean the Bylaws of the Association.

"Common Property" shall mean all property, real and personal, in which the Association owns or holds an interest, including an interest by way of an easement, or which the Association is obligated to maintain or elects to maintain for the use and/or enjoyment of all or some of the Owners and others so entitled, including but not limited to roadways, roadway shoulders, drainage, utilities, easements, signs, street lighting systems, landscaping, sewers, waterlines and facilities, landscape and agricultural irrigation systems, gate, the Ditches, Kainahola Stream, the Ponds, the Agricultural Water System, and personal property used for the maintenance or security of the Kūlana Subdivision.

"Condominium Unit" or "Unit" shall mean the structures and improvements comprising a condominium apartment unit within the Kūlana Condominium Project together with its appurtenant common interests, limited common elements, and easements.

"Construction" shall mean exterior construction, alterations, repairs, replacements, additions, demolition, excavation, grading, paving, filling in, landscaping, seeding, sodding, planting and similar activities.

"County" shall mean the County of Kauai.

"County Permit" shall mean the Planning Commission's approval of Subdivision No. S-99-49, and all conditions of such approval.

"CZO" shall mean the Comprehensive Zoning Ordinance of the County of Kauai as codified in Chapter 8 of the Kauai County Code, 1987, as amended from time to time.

"Declarant" shall mean Kapaa 382, LLC, a Hawaii limited liability company, and its successors and assigns, or such other Person to whom Declarant, its successors or assigns, may assign its rights as the Declarant pursuant to this Declaration. (For purposes of this definition of "Declarant", the Declarant's "successors and assigns" shall not include any Person to whom Declarant conveys or leases a Lot or Unit, unless the rights of the "Declarant" expressly have been assigned to such Person).

"Declaration" shall mean this Declaration Of Covenants, Conditions And Restrictions For The Kūlana Subdivision, as amended from time to time.

"Design Review Committee" and "Committee" shall mean the Design Review Committee established by this Declaration.

"Design Review Committee Rules" shall mean those rules adopted by the Declarant or the Design Review Committee pursuant to this Declaration, as may be amended from time to time.

"Design Consultant" shall mean an architect or landscape architect licensed in the State of Hawaii and retained by the Design Review Committee to assist it with its duties.

"Design Guidelines" shall mean the Design Guidelines attached hereto and incorporated herein as Exhibit "C".

"Ditches" shall mean the portions of certain irrigation ditches located on or adjacent to the Property, including the State Ditches owned by the State of Hawaii and designated as State Ditch 8 and State Ditch 8-A; and the Ponds.

"Drainage" shall mean surface water flows and "Drainage System" and/or "Drainage Improvements" shall mean improvements and activities designed to control surface water flows, including the grading and grubbing of property, the creation of ditches or swales, and the installation of improvements in order to collect, direct, redirect, concentrate, and discharge surface water flows. The terms "Drainage", "Drainage System", and "Drainage Improvements" shall include the Ditches and the Stream.

"Drainage System" means the system of natural streams, natural stream lands, natural drainageways, open ditches and swales, inlets, culverts, outlets and other such drainage improvements located on and used for Drainage Control purposes.

" Dwelling Unit" shall have the same meaning as contained in Section 8-1.5 of the CZO, as amended from time to time.

"Enforcing Person" shall mean any of the Enforcing Persons identified in this Declaration.

"Farm Dwelling" shall have the same meaning as contained in H.R.S. Section 205-4.5(a)(4), as amended from time to time. At present, this term means a single-family dwelling located on and used in connection with a farm or where agricultural activity provides income to the family occupying the dwelling.

"Fiscal Year" shall mean July 1 through June 30 of each year, or such other Fiscal Year as may be adopted by the Board.

"Government Entity" shall mean any governmental body or agency, or any department thereof.

"Guest House" shall have the same meaning as contained in Section 8-1.5 of the CZO, as amended from time to time.

"HRS" shall mean the Hawaii Revised Statutes, as amended from time to time.

"Improvement" shall mean and include all buildings, outbuildings, roads, driveways, parking areas, swimming pools, water features, fences, screens, walls, stairs, decks, hedges, windbreaks, plants, trash enclosures, utilities, excavation, grading, landscaping, poles, signs, sewers, culverts and other drainage structures, and any and all other structures, facilities and amenities of any type or kind whatsoever.

"Interest in the Lot" or "Interest in the Unit" shall mean and include any legal or equitable interest, leasehold interest, the interest or lien of the holder of any encumbrance (such as a mortgage), or any other interest in, to or upon any Lot (or any portion thereof) or any Unit (or any portion thereof).

"Kūlana Condominium Project" shall mean the Kūlana Condominium Property Regime established on the Subject Property pursuant to Hawaii Revised Statutes Chapter 514A.

"Landscaping" shall mean any trees, bushes, hedges, plants or vegetation.

"Land Use Agreement" shall mean that certain Land Use Agreement dated and recorded in the Bureau as Document No. 2003-229571 entered into by the Declarant and certain other parties.

"Laws" shall mean all applicable laws, ordinances, rules and regulations (state, federal or county or any agency thereof).

"Long-Term Lease" shall mean a lease having a term (exclusive of all options to extend the term) of thirty (30) years or more.

"Lot" shall mean any one of Lots 1-23 of the Kūlana Subdivision.

"Lot 86-B" shall mean that certain property known as Lot 86-B, being a portion of Lot 86, Kapaa Homesteads, First Series, Grant 7323, located in Kapaa, Puna, Kawaihau, Kauai, Hawaii, identified by Kauai Tax Map Key No. (4) 4-6-07:73.

"Maintenance Assessment" shall mean all amounts assessed by the Association against an Owner, whether by way of an annual assessment, an additional assessment, a special assessment, or any other assessment, related to or arising out of: the ownership, construction, installation, reconstruction, operation, repair, maintenance or replacement of the Stream, the Ditches or the Common Property; or the operation of the Association.

"NRCS" means the Natural Resource Conservation Service of the United States Department of Agriculture.

"Owner" shall mean the record owner (including Declarant) whether one or more persons, of a fee simple title to any Lot and any property hereafter annexed and made subject to this Declaration. Provided, however, that when a Condominium Project has been established on a Lot, then the term "Owner" shall refer to any owner of a Condominium Unit within the Condominium Project.

"Permit" and "County Permit" shall mean the Planning Commission approval of the subdivision of the Subject Property (Subdivision S-99-49).

"Person" shall mean any person, individual or entity, including, without limitation, any trustee, mortgagee, personal representative, corporation (profit or nonprofit), partnership (general or limited), joint venture, association of apartment owners established pursuant to Chapter 514A, HRS, unincorporated Association or trust.

"Planning Commission" shall mean the Planning Commission of the County of Kauai.

"Planning Department" shall mean the Planning Department of the County of Kauai.

"Ponds" shall mean the ponds located on Lots 1, 2, 12, 13 and 14.

"Project" shall mean Lots 1-23, inclusive, as described in Exhibit "A".

"Property Line" shall mean the line defining a Lot or, in the case of a Condominium Unit, the line defining the limited common element appurtenant to a Condominium Unit.

"Public Records" shall mean the Bureau of Conveyances, the Office of the Assistant Registrar, or the Land Court, and each of their respective successors.

"Record" shall mean to file or record a document in the Public Records.

"Recorded Instrument" shall mean: (i) any recorded instrument conveying any interest in a Lot or Unit (including a deed, agreement of sale or lease), other than security instruments (such as mortgages); (ii) any additional declaration; (iii) any supplemental declaration; and (iv) any amendments to the instruments described in (i), (ii) and (iii) above.

"Reservoir" refers to the man-made reservoir located on Lot 6 which has as its source of water the stream and ditches located within the Project.

"Reservoir Lot" shall mean Lot 6 of the Project, which shall be part of the Common Property owned by the Association.

"Residence" means one single family dwelling unit as defined in the CZO, or a farm dwelling as defined by HRS Section 205-4.5(a)(4), together with appurtenant outbuildings as may be approved by the Design Review Committee.

"Residential Use" means residential occupation and use of a residence by a single household (including servants) in conformity with this Declaration and the requirements imposed by the CZO and any other applicable zoning laws or other state or county rules and regulations.

"Restrictions" means this Declaration of Covenants, Conditions and Restrictions for the Kūlana Subdivision.

"Single Family" shall mean an individual or a group of two (2) or more persons related by blood, adoption or marriage living together in a single housekeeping unit as a dwelling unit. For purposes of this Declaration, family shall also include a group of not more than five (5) individuals unrelated by blood, adoption or marriage.

"SLUC" shall mean the Land Use Commission of the State of Hawaii.

"Stream" shall mean the portion of the Kainahola Stream located within the Subdivision.

"Story" shall have the same meaning as that term is defined in the CZO.

"Subdivision" and "Kūlana Subdivision" shall mean Lots 1-23, inclusive, created by the subdivision of the Subject Property, as described in Exhibit "A", attached hereto and incorporated herein.

"Subdivision Map" shall mean the final subdivision map for the Kūlana Subdivision, dated March 15, 2004, which was approved by the Planning Commission in Subdivision Application No. S-99-49 on August 24, 2004.

"Subject Property" shall mean Lots 1-23 of the Kūlana Subdivision situated at Kapaa and Waipouli, Kawaihau, Island and County of Kauai, State of Hawaii, identified by Kauai Tax Map Key No. (4) 4-3-03:05 as described in Exhibit "A", attached hereto and incorporated herein, and any other lands annexed pursuant to this Declaration.

"Utilities" shall mean drainage improvements as well as services for: sewer and wastewater disposal; gas; water (including potable water and/or irrigation water); and telephone, electric, cable television and other services for communications employing electrical or electronic means of transmission.

"Water Tank Lot" shall mean the portion of Lot 8 of the Thronas Subdivision located in Kawaihau and Kapaa, Kauai, Hawaii, identified by Kauai Tax Map Key No. (4) 4-4-03:89 (por.) containing approximately 0.631 acres upon which is located the County of Kauai water tank.

All references in this Declaration to any particular Government Entity, statute, ordinance or governmental approval or permit shall mean any successor thereto or replacement thereof or most nearly comparable substitution therefore.

ARTICLE II RECITALS

Section 1. Subject Property. The Declarant is the owner in fee simple of the Subject Property, as more particularly described in Exhibit "A", attached hereto and incorporated herein.

Section 2. Kūlana Subdivision. The Declarant has developed the Subject Property into a subdivision known as the "Kūlana Subdivision" containing nineteen (19) agricultural lots, two (2) Roadway Lots, one (1) Road Widening Lot, and one (1) Reservoir Lot ("Lots").

Section 3. Permit Conditions. As a condition of approval of the Kūlana Subdivision, the Planning Commission has required that the Subject Property and the Kūlana Subdivision be subject to certain restrictions and conditions. The Permit further provides that such restrictions and conditions are to be recorded with the Bureau as conditions running with the Subject Property.

Section 4. Declarant's Intention. The Declarant intends by this Declaration to impose the Permit conditions and certain additional restrictions upon the Subject Property and the Project in order to comply with the requirements of the County of Kauai and for the benefit of Declarant and the owners of Lots or Units in the Project for the purpose of enhancing, protecting and maintaining: the value and appearance of the Project; the environmental and cultural resources of the

Project; and Agricultural Activities on the Project. It is the further intention of the Declarant that those portions of the Project located within the SLUC Agricultural District be developed, maintained, used and enjoyed in a manner that will promote Agricultural Activities within such portions of the Project. Except where necessary to protect environmental or cultural resources, the provisions of these Restrictive Covenants shall be liberally construed as reasonably necessary to protect and encourage Agricultural Activities within those portions of the Project located within the SLUC Agricultural District. It is the further intention of the Declarant that in order to qualify as legitimate and actual Agricultural Activities, such activities and use shall be required to qualify as "agricultural use" as defined by the County of Kauai in Article 9, Chapter 5A of the Kauai County Code, 1987 ("KCC"), as amended from time-to-time, and in the Agricultural Dedication Program Rules adopted by the County of Kauai to implement KCC Chapter 5A, Article 9, as amended from time-to-time.

ARTICLE III
PROPERTY SUBJECT TO DECLARATION; ANNEXATION

Section 1. Subject Property. The Subject Property (and the Kūlana Subdivision developed thereon), being all of the land described in Exhibit "A" attached hereto, shall be subject to this Declaration. Declarant hereby declares that such land shall be held, sold, conveyed, leased, encumbered, occupied, used and improved subject to this Declaration.

Section 2. Covenants Running with the Land. All of the Kūlana Subdivision shall be held, sold, conveyed, encumbered, leased, occupied, used and improved subject to the covenants, conditions, restrictions and limitations set forth in this Declaration, which shall be known and referred to as the Restrictions, all of which are established and declared and agreed to be for the purpose of enhancing, protecting and preserving the desirability, attractiveness, aesthetics and environment of the Project. Said covenants, conditions, restrictions and limitations shall constitute covenants running with the land, binding according to the terms hereof and upon all Persons having or acquiring any right, title or interest or estate in the Project or any part thereof. Each Person, upon acquiring title to or any other interest, right or estate in a Lot or Unit, or by occupying any portion of the Project, shall be deemed to covenant and agree to observe, perform and comply with each and every provision of this Declaration, whether or not it shall be so expressed in the instrument by which such Person acquired such title, interest, right or estate or commenced such occupancy. Each Owner shall be fully responsible for ensuring that all guests, tenants, invitees, employees, agents and customers of the Owner strictly comply with the provisions of this Declaration, and shall be personally liable for any non-compliance.

Section 3. Annexation. The Declarant may, pursuant to the following provisions of this section, from time to time and in its sole discretion, annex to the Project all or any part of the land (not then constituting a part of the Project) now owned, previously owned, or in the future owned by Declarant located adjacent to or near the Project.

a. Supplemental Declaration. The Annexation of such land shall be effected by Declarant having recorded a Supplemental Declaration describing the land to be

annexed; setting forth such additional or other limitations, restrictions, covenants and conditions applicable to such land; and declaring the land is to be held, sold, conveyed, encumbered, leased, occupied and improved subject to the Restrictions. The Declarant reserves the right to modify, change, alter or supplement the Restrictions with respect to the land annexed.

b. Part of Project. Upon the Annexation becoming effective, the land covered by such Annexation shall become a part of the Project.

c. Restrictions. The declaration described in Section 3.a. above may provide for any of the following:

i. The same limitations, restrictions, covenants and conditions contained herein, or such new and such additional or other limitations, restrictions, covenants and conditions with respect to use as Declarant may deem to be appropriate for the development of such land;

ii. A declaration of restrictions applicable exclusively to a specified area.

d. Land Subject to Restrictions. No land, except that described in Exhibit "A" and except that specifically annexed as above provided, shall be deemed subject to the Restrictions, whether or not shown on any subdivision map filed by Declarant or described or referred to in any document executed or recorded by Declarant. Nothing herein or in any amendment hereto shall be deemed to be a representation, warranty or commitment that the Declarant will commit or subject to the Restrictions any land it may now own or hereafter acquire other than that described in Exhibit "A" or any amendment thereto.

e. Owner's Obligations. The Owner of annexed land shall automatically be a member of the Association and shall be obligated to perform and observe all of the provisions of this Declaration commencing as of the Annexation date, and the voting rights assigned to the Annexed Property and such Owner's obligation to pay assessments shall become effective as of the Annexation date. Such Owner shall not be liable for any liabilities of the Association which may have accrued prior to the Annexation date.

Section 4. Design Guidelines/Design Review Committee Rules. All Lots and Units, except as otherwise specifically provided, shall be subject to the Design Guidelines and to the Design Review Committee Rules.

Section 5. Supplemental Restrictions and Limitations Established by Declarant. Declarant shall have the right to supplement the provisions of this Declaration by including supplemental covenants, conditions, restrictions and limitations ("Supplemental Restrictions") in any recorded instrument applicable to property owned by Declarant. Any such supplement shall not affect any Lot or Unit which at the time of the recordation of the Supplemental Restrictions is owned by an Owner other than the Declarant unless such Owner consents thereto.

ARTICLE IV
KŪLANA CONDOMINIUM PROPERTY REGIME

The Declarant has established a condominium property regime known as the Kūlana Condominium Project on the Subject Property pursuant to the provisions of HRS Chapter 514A. The Association and the Owners of Units within the Kūlana Condominium Project shall all be subject to the terms and conditions of these Restrictions. No Guest House may be designated as a separate Unit in the Kūlana Condominium Project except as set forth in the Association Documents.

ARTICLE V
DESIGN GUIDELINES AND RESTRICTIVE COVENANTS

Section 1. Design Guidelines. All Lots and Units shall be subject to the Design Guidelines and all other restrictions contained herein.

Section 2. Use and Development Restrictions. The following provisions are standards, covenants, conditions, restrictions and requirements which apply to and govern the use of, and construction and development on, each Lot or Unit. These restrictions supplement the Design Guidelines and any other provision, restriction, covenant or condition applicable to the Lot or Unit under Law or by separate instrument or agreement (including any Recorded Instrument), but in the event of any conflict, the strictest provision, restriction, covenant or condition shall apply and control.

No excavation, fill, landscaping, construction, use, Agricultural Activity, or other work shall be undertaken, nor shall any Building or Improvement be placed or constructed, on any portion of any Lot or Unit except in strict compliance with the following provisions.

a. General Provisions. Each Lot and Unit shall be subject to, and the Owner of each Lot or Unit shall strictly comply with, the following provisions:

1. Submission of Plans to Design Review Committee. No Building or Improvement, except as otherwise provided in this Declaration, shall be constructed, erected or maintained on any Lot or Unit, nor shall any addition thereto or change or alteration therein be made until the complete plans and specifications therefore (including, but not limited to: floor, elevation, plot and grading plans; the specifications of principal exterior materials and color schemes; the location, character and method of utilization of all utilities; automobile parking provisions; outside lighting plan) are prepared by or under the supervision of a registered architect or professional engineer licensed in the State of Hawaii and consistent with the Design Guidelines have been submitted to and approved by the Design Review Committee. No Agricultural Activities shall be undertaken on any Lot or Unit until and unless an Agricultural Plan has been submitted to and approved by the Design Review Committee.

2. Construction Consistent with Plans. Each Building and Improvement shall be constructed, erected and maintained in strict accordance with the Design Guidelines and approved plans and specifications. All Agricultural Activities shall be undertaken and maintained only in strict compliance with these Restrictions and with an approved Agricultural Plan.

3. Design Review Committee Approval.

(i) In passing upon all such plans and specifications (other than Agricultural Plans), the Design Review Committee shall take into consideration the Design Guidelines and the suitability of the proposed Building or Improvement and the materials of which it is to be built to the Lot or Unit upon which it is to be erected, its harmony with the surroundings and the effect of the Building or Improvement on other structures, as planned, as viewed from adjacent or neighboring Lots or Units. The Design Review Committee may charge a reasonable fee to review, inspect and approve all plans, specifications, and development. The fees may be set forth in the Design Review Guidelines or in any rules or fee schedules adopted by the Design Review Committee. The initial review fee shall be Five Hundred Twenty-Five And No/100 Dollars (\$525.00) for review and evaluation of plans, which shall include: floor plans; elevations; specifications for major components; and, where relevant in the discretion of the Design Review Committee, specifications for roof, exterior wall coverings, and finishes on all buildings to be constructed. After approval of plans and prior to application for building permits, the unit owner shall make a deposit of Two Thousand Five Hundred And No/100 Dollars (\$2,500.00) as security for completion of improvements in conformity with plans and specifications approved by the Design Review Committee. If construction is completed and confirmed to be in conformity with the approval, the full deposit (without interest) shall be returned to the owner. If there are deficiencies or other problems or matters related to the construction, the deposit will be used to defray costs of inspection, independent certification of questioned components, attorney's fees and other costs incurred in the reasonable discretion of the Design Review Committee.

(ii) In passing upon Agricultural Plans, the Design Review Committee shall take into consideration these Restrictions and the suitability of the proposed Agricultural Activity on the Lot or Unit upon which it is to be undertaken, its harmony with the surroundings and the effect of the Agricultural Activity on other Agricultural Activities, uses, and Improvements on adjacent or neighboring Lots or Units. The Design Review Committee may charge a reasonable fee to review, inspect and approve all Agricultural Plans. The fees may be set forth in the Design Review Guidelines or in any rules or fee schedules adopted by the Design Review Committee.

4. Good Repair. The Owner of each Building or Improvement constructed on the Lot or Unit shall maintain the Building or Improvement in good repair at all times and shall cause all external surfaces that are stained or painted to be restained or repainted at sufficient intervals as to prevent the Building or Improvement from detracting from the beauty of the Project.

5. Easements. Easements for the installation and maintenance of utilities and drainage facilities are reserved to the Declarant or its assignee. Within these easement areas no Building, Improvement, planting or other materials shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may obstruct or retard the flow of water in the easement areas.

6. Temporary Structures. No temporary Buildings or Improvements (including outhouses, sheds, tents or trailers) of any kind shall be erected, altered, placed or permitted to remain on any land in the Project, except as expressly otherwise provided herein. Temporary Buildings or Improvements may be erected or placed on any land during a reasonable period of Construction (not to exceed one year) for use as a construction office and supply shelter, but in no event as a residence. The temporary Buildings or Improvements shall remain upon the land only during the period of construction of permanent improvements thereon and must be removed within 30 days after completion of such construction. Any surplus materials from construction must be removed within that 30 days. Notwithstanding any other provisions contained herein, the Design Review Committee may allow the construction and maintenance (under such conditions as the Design Review Committee deems reasonable) of minimal structures (enclosed area of 100 square feet or less) which serve as the legal "apartment" for any condominium units which are required to comply with the legal requirements of the condominium property act for condominiums established on the property. This paragraph shall apply whether or not such minimal structures are or appear to be permanent.

7. Lien. Each Owner grants to Declarant, and there is excepted and reserved to Declarant, a lien upon the Lot or Unit of the Owner to secure the faithful performance by the Owner of the requirements of the terms of these Restrictions. If any Owner shall fail to comply with the terms of these Restrictions within ten (10) days after Declarant shall have deposited in the United States postal system a notice to the Owner of the failure to comply, Declarant shall have the right to cause the necessary work to be done and to have a lien upon the land of the non-complying Owner for the reasonable cost of such work plus an additional amount equal to 50% of the cost of such work. If within 30 days the non-complying Owner does not pay to Declarant the sum secured by the lien, then Declarant may foreclose the lien in compliance with the mortgage foreclosure Laws of the State of Hawaii. Such liens shall only apply to the Lot, or where a Condominium Project has been established, to the Unit upon which the violation of these Restrictions has occurred.

8. Compliance with Laws. No use, construction or occupation of any Lot, Unit, Building or Improvement shall take place which is in violation of applicable Laws.

9. Condition of Lot or Unit. Each Lot or Unit shall at all times be maintained in a strictly clean, sanitary and orderly condition. No owner shall commit, suffer or permit any waste, nuisance, strip or unlawful, improper or offensive use of the Lot or Unit; or permit any litter or debris to remain upon the Lot or Unit; or create or allow any fire, safety or health hazard.

10. Soil Shifting and Erosion. All vegetation shall be planted and maintained in good condition and in such a manner as to prevent shifting or erosion of soil.

11. Offensive Activities. With the exception of permitted Agricultural Activities, no activity which might be considered offensive shall be carried on upon any Lot or Unit, nor shall anything be done or placed thereon which may be or become a nuisance, or cause embarrassment, disturbance or annoyance to other Owners in the Project. Without limiting any of the foregoing, no exterior speakers, horns, whistles, bells or other sound devices, except security devices used exclusively to protect the security of the improvements, shall be placed or used without the Design Review Committee's prior approval. Any planting or vegetation which cannot be effectively limited from encroaching upon or infesting a neighboring Lot, Unit or property shall be deemed a noxious activity, and each Owner shall take positive steps to eliminate such planting or vegetation from his Lot or Unit. With the exception of permitted Agricultural Activities, Owners shall not allow any unreasonable odor, smoke, dust, light, electronic wave emissions, or noise which is noxious or offensive to any other Owners to emit or emanate from their Lot or Unit.

12. Animals. Animals used for Agricultural Activities will be permitted in numbers commensurate with good animal husbandry and available grazing acreage. Owners will be responsible for installing adequate fencing to contain all their animals within the boundaries of their unit. The Design Review Committee may adopt rules restricting or controlling the number and types of other animals allowed on Lots or Units. All animals kept or maintained on any Lot or Unit shall be kept and maintained only in numbers and at a density compatible with neighboring Agricultural Activities and Farm Dwelling uses within the Project. No dogs may be kept in kennels or cages. All animals shall receive care in conformance with practices of good animal husbandry, including but not limited to:

- a. prompt removal of excess amounts of manure and other waste;
- b. control of flies, insects, worms, and other pests and parasites;
- c. adequate fencing and animal housing or shelter facilities, sufficient to restrict and confine such animals to the lot upon which they are kept and maintained; and
- d. control of noise and of noxious or offensive odors to levels which are customary under practices of good animal husbandry and which are compatible with neighboring Agricultural Activities and Farm Dwelling uses.

The Design Review Committee may require any Owner who fails to keep animals in accordance with the provisions herein to remove any such animals from the Owner's

Lot or Unit. Nothing herein shall require the Design Review Committee to approve the maintenance of animals not used for Agricultural Activities pursuant to an approved Agricultural Plan (including, but not limited to: the raising of roosters in excess of those required for poultry activities being undertaken pursuant to an approved Agricultural Plan; or the raising of exotic birds).

13. Vehicles. Except for construction trailers, no mobile home, travel trailer, truck camper or house trailer (collectively "Campers") or boats or boat trailers, or stripped down, wrecked or junk motor vehicle, shall be kept, parked, stored or maintained on any Lot or Unit, except as provided herein. One Camper per residence, bona fide horse trailers for up to four horses (or similarly legally permitted animals) and two boats/boat trailer combinations, per residence, may be kept, provided they are screened from the view of other Lots or Units or public roads by landscaping or other material, all of which will be subject to the review and approval of the Design Review Committee. No unlicensed vehicles may be operated within the Project except as may be necessary for security, work or management purposes, or for agricultural activities.

14. Garbage. All garbage, rubbish and trash shall be kept in covered containers and emptied weekly. Until County pickup has been established on public roads, owners shall dispose of garbage regularly by taking the same to County transfer stations or by other legal means. Upon establishment of County pickup site(s), each owner will transport trash or garbage to such site weekly on the day before scheduled pickup, unless and until project-sponsored pickups occur. In no event shall such containers be maintained so as to be visible from neighboring properties or roads.

15. Clotheslines. Outside clotheslines or other outside clothes washing, drying or airing facilities shall be screened or maintained in such a manner and in such location as not to be visible from neighboring properties or roads.

16. Destroyed Improvements. All Buildings or Improvements which have been partially or totally destroyed shall be fully repaired, reconstructed or removed within three (3) months from the date of destruction or such reasonably longer period of time as may be necessary to complete any repair or reconstruction with due diligence and continuity; provided, however, that the time for completion of such repair, reconstruction or removal shall be extended for the period of actual delay encountered due to reasons beyond the Owner's control (other than the Owner's financial inability), such as strikes, lockouts, embargoes, shortage of labor and materials, wars, riots and acts of God. In the event of removal, the land shall be cleared of all debris and restored to the grade which existed prior to the destruction of the Building or Improvement thereon (provided, however, that all basements and similar excavations shall be restored to the level of the surrounding grade), and shall be landscaped promptly in accordance with landscaping plans first approved in writing by the Design Review Committee.

17. Hunting, Firearms. There shall be no hunting (including the use of traps or weapons of any nature) or discharge of firearms on any Lot or Unit.

18. Toilet Facilities. Except for Association designed and constructed wastewater or bathroom facilities associated with Project recreational activities and facilities specifically allowed by the County, no outside toilet facilities, other than self-contained portable toilet units used during Construction or for special events shall be constructed or placed on any Lot or Unit. All permanent plumbing fixtures (other than fixtures for incoming water), dishwashers, garbage disposal, toilets or waste water disposal system shall be connected to a waste water disposal system approved by the appropriate governmental authorities.

19. Towers, etc. No towers or windmills shall be installed or maintained on any Lot or Unit. Except for screened mini-dish antenna, no satellite dishes, antennae, or similar facilities (collectively "Antennae") for the reception or transmission of electronic signals, including but not limited to, Antennae related to the reception or transmission of telephone, radio or television signals, and no other exterior antennae of any sort, shall be installed or maintained on any Lot or Unit without the Design Review Committee's prior approval. No activity shall be conducted within any Lot or Unit which interferes with television or radio reception in the Project.

20. Occupancy. No structure shall be occupied until the same has been completed substantially in accordance with plans and specifications previously approved by the Design Review Committee in accordance with the Association Documents, and a certificate of occupancy has been issued by the County.

21. New Materials. All improvements shall be constructed with new materials (except for used materials incorporated into the improvements for decorative or aesthetic effect which have been approved by the Design Review Committee), and no used structure shall be relocated to or placed upon any Lot or Unit (except for temporary use in construction or sales).

22. Explosives. There shall be no blasting or discharge of explosives, including fireworks of any nature, upon any Lot or Unit except with the Design Review Committee's prior approval.

23. Fires. No Owner shall engage in burning activities on any Lot or Unit unless it is done in strict compliance with governmental rules, regulations and laws. No Owner shall permit any condition which creates a fire hazard or is in violation of any fire prevention regulations or otherwise actually causes smoke, cinder or ash to enter any other unit in the Project, thereby disrupting the quiet enjoyment of any neighbor's property.

24. Agricultural/Construction Activity. Agricultural, farming and construction activities by the Declarant and by other Lot or Unit Owners and/or contractors may take place after the Owner has occupied his Lot or Unit. This activity may result in noise, dust and other annoyances to other Owner. Each Owner accepts the foregoing conditions set forth as well as any inconvenience or annoyance which any Owner may experience as a result of such conditions and each Owner expressly waives any rights, claims or actions which the Owner may otherwise have against Declarant and other Lot or Unit Owners and/or contractors as a result of such circumstances.

25. Unsignltness. No unsightly structure or condition which may unreasonably diminish the value or the quiet enjoyment of other Lots or Units shall be caused or permitted on any Lot or Unit. Without limiting the generality of the foregoing, all unsightly structures, facilities, equipment, objects and conditions shall be reasonably screened from the view from public and private streets, roads and driveways serving the public and from the view of other Lots or Units. No Lot or Unit shall be used or maintained as a dumping ground or landfill area for rubbish, trash, garbage or other waste (with the exception of well and sanitarly maintained compost piles). All equipment for the storage or disposal of such material shall be kept in clean and sanitary condition and containers. Rubbish, trash, garbage or other waste, including their containers, shall not be left for refuse pickup or disposal more than 24 hours prior to any scheduled pickup. No Lot or Unit may be used for the storage of vehicles, machinery, equipment or materials used in connection with any offsite commercial activities.

26. Noise. No sound shall be permitted to emit or emanate from any Lot or Unit which is unreasonably loud or annoying to neighbors located on lots or condominium units within the Project or which violates any applicable governmental rule, law or ordinance. Security devices used exclusively for the protection of persons or property are permitted. No animals which create unreasonably loud or repetitious sounds (including, for example, barking dogs, or screeching parrots or other noisy exotic birds) shall be allowed to remain on any Lot or Unit. All vehicles operated on any Lot or Unit must contain appropriate mufflers to prevent unreasonable noise. This includes, but is not limited to, motorcycles, yard implements and machines, and sporting and/or off-road vehicles.

27. Lighting. Exterior lighting on any Lot or Unit may be installed with the prior approval of the Design Review Committee. All exterior lighting which is unreasonably bright or causes unreasonable glare must be shielded from the view of other Lots or Units or from the view from public roads. High intensity discharge exterior lights, including, without limitation, mercury or sodium vapor lamps or lamps which emit light of a similar nature and character, strobe lights, and neon lamps and tubing, are not permitted. All exterior lights either shall have shields to deflect the light or shall be recessed. Nothing herein shall prevent the reasonable use of decorative non-flashing, miniature holiday lights during the Christmas holiday season (December 12 – January 5).

28. Resubdivision. No Lot may be resubdivided unless: it is first transferred into the State Land Use Commission Urban District and into a CZO Use District other than the CZO Agriculture District or the CZO Open District; or the CZO is amended to allow the resubdivision of CZO Agriculture District and/or Open District lands.

29. Permitted/Prohibited Uses. Except as provided herein, only Agricultural Activities, including those allowed in the SLUC Agricultural District or those allowed in the Agricultural District or the Open District of the CZO, shall be allowed on any Lot or Unit.

Residences may be used for transient vacation rentals, for long term rentals, or for bed and breakfast activities. Notwithstanding the provisions of the CZO, the following uses and activities are prohibited on any Lot or Unit, unless the owner of the Lot or Unit on which such use or activity is proposed shall have first obtained written authorization to commence such use or activity from Owners holding no less than 75% of the voting interest in the Association, and all necessary governmental authority or permission:

- a. animal hospitals;
- b. cemeteries;
- c. churches and monasteries;
- d. commercial recreation;
- e. construction and worker temporary housing;
- f. development campgrounds;
- g. mineral extraction and quarries;
- h. piggeries;
- i. private and public utility facilities;
- j. transportation terminals;
- k. communications facilities;
- l. slaughter houses.

b. Specific Provisions. Each Lot or Unit shall be subject to, and the Owner of each Lot or Unit shall strictly comply with, the following specific provisions:

1. Residential Density. Each Lot shall be entitled to have constructed on it the number of Residences set forth in the Kūlana Residential Density Schedule attached hereto and incorporated herein as Exhibit "B". No Lot or Unit Owner may construct on any Lot any more Residences than set forth in the Residential Density Schedule. Lot 6 shall not be entitled to have any Residences constructed on it, but may contain non-residential structures for community use.

2. Highway Setback/Access. No Buildings may be located on any Lot or Unit closer than twenty-five (25) feet from: the Olohena Road right-of-way; the Hauiki Road right-of-way; and the Kaapuni Road right-of-way. No Buildings may be located on any Lot or Unit

closer than twenty-five (25) feet from the Kūlana Place right-of-entry. No Lot or Unit shall be permitted to have direct access onto Hauiki Road, Kaapuni Road, or Olohena Road except as follows:

- (i) Units E and D of Lot 11 and Unit E of Lot 12 shall share a common access onto Hauiki Road;
- (ii) Unit D of Lot 12 shall have access onto Hauiki Road;
- (iii) Unit C of Lot 20 shall have access onto Olohena Road;
- (iv) Units E and F of Lot 1 shall share a common access onto Hauiki Road;
- (v) Lot 7, Lot 8, Lot 9, Lot 10, Unit A of Lot 17, and Units A, B, D and E of Lot 20 shall share a common access onto Kaapuni Road; and
- (vi) Unit C of Lot 12, Units C and D of Lot 13, Lot 14, Unit C of Lot 15, Lot 16, Units B and C of Lot 17, Lot 18 and Lot 19 shall share a common access onto Olohena Road.

3. Stream Setback. Except as otherwise provided herein, all Buildings shall be set back at least fifty (50) feet from the physical boundary of the Stream which traverses the Subject Property or set back outside of the 100-year Floodway (Drainageway line), whichever is greater. The minimum setback is shown by the Building Setback And Drainageway Line shown on the Subdivision Map ("Setback Line"). Provided that, with appropriate governmental and Design Review Committee approvals, Buildings and Improvements may be constructed: adjacent to or within the Reservoir on the Reservoir Lot; or within Flood Zones or Flood Fringe areas located within the 100-year Floodway or Setback Line.

4. Setbacks/Building Locations.

- (i) Location. All Residences and Buildings shall be located within the Building Envelopes on each Lot as shown on the Subdivision Map; provided that the Design Review Committee, for good cause shown, may allow Residences and other Buildings to be located outside of the Building Envelopes, subject to such reasonable conditions as the Design Review Committee may impose.

- (ii) Minimum Setbacks For Buildings And Residences. Except as otherwise provided herein, all Residences and Buildings shall be subject to the following minimum setbacks from any Property Line (with the exception of the Perimeter Boundary as discussed below):
 - (a) Side Setbacks. Setbacks from side boundary lines shall be twenty-five (25) feet.
 - (b) Front Setbacks. Setbacks from front boundary lines shall be twenty-five (25) feet.
 - (c) Rear Setbacks. Setbacks from the rear boundary lines shall be twenty-five (25) feet.
- (iii) Setbacks For Improvements. Except as provided herein, all Improvements shall be set back a minimum of twenty-five (25) feet from any Property Line. Provided that, no setback shall apply to boundary fences, walls, driveways or roads.
- (iv) Perimeter Boundary Setbacks. With the exception of the provisions contained in Section 2.b.2 (Highway Setbacks/Access), the setbacks for Buildings and other Improvements from the perimeter boundary of the Subdivision shall be the same as those established in the CZO.
- (v) Unit 9-B Setback. Buildings (including Residences) on Unit B of Lot 9 ("Unit 9-B") shall be set back at least forty (40) feet from the bluff line on Unit 9-B. The Design Review Committee shall determine the exact location of the bluff line based on a topographic survey to be prepared by and paid for by the Unit 9-B Owner.
- (vi) Setback for Agricultural Activities. Notwithstanding any other provisions contained herein, all fences or walls used in conjunction with Agricultural Activities, including those used for animals, shall be set back at least ten (10) feet from any front, rear, or side boundary line.

5. Utilities. Except as specifically granted by the Board, or in the event unusual supervening circumstances arise, utility improvements on the Lots or Units shall be installed underground. The Developer or any public or private utility authorized to do so by the Declarant may maintain utility poles and overhead utility lines on the Subject Property along Hauiki Road, Kaapuni Road and Olohena Road. No wind generators shall be erected, installed, constructed or maintained on any Lot or Unit. Except for screened mini-dish antenna, no antennae, aerials, satellite discs or dishes or other devices for the reception or transmission of radio or television broadcast signals or other means of communication shall be erected, installed, constructed or maintained on any Lot or Unit unless such devices are screened from the view from public roads and from other Lots or Units and have first been approved by the Design Review Committee. Provided, however, that the Design Review Committee may allow: overhead utilities as it may deem reasonably necessary in areas which do not involve sensitive view areas or corridors; and the Common Property, including water tanks, standpipes, fire hydrants, wells, and related water facilities and appurtenant equipment necessary for the construction and operation of the Water System.

6. Certain Buildings Prohibited. Domes, structures which incorporate geodesic dome shapes in their external design, quonset hut structures or such other geometric architectural shapes that the Design Review Committee may determine to be inappropriate shall be prohibited. However, agricultural shade structures which are used as Condominium Units, whether or not temporary, may be, and the Common Property shall be, allowed as an exception to the restrictions contained herein.

7. County Permit. All Buildings and Improvements on, and uses of, the Subject Property, or any Lot or Unit, shall be subject to the restrictions, conditions, and requirements set forth in the County Permit.

8. Roofs. With the exception of sky lights and roof windows, the roofs of every Building, including accessory Buildings or other Improvements, shall have a pitch of no less than one foot vertical to three feet horizontal and no more than one foot vertical to one foot horizontal (except at exterior lanais and connecting porticos which may have a minimum slope of 1 1/2 feet vertical to 12 feet horizontal), and shall be constructed or made of wood shake or shingle, clay tile, non-reflective ceramic tile, composition shingle or other material of minimum reflectivity. The use of any roofing material which is highly reflective, such as tiles with smooth shiny finishes and the like, or which is inappropriately colored, shall be prohibited. No Building or Improvement may be erected, constructed or maintained which has a height exceeding the maximum height allowed by applicable County laws and regulations on the Lot or Unit. With the exception of Residences, Agricultural Buildings, Garages and Guest Houses, no other accessory Building or Improvement may be erected, constructed or maintained which has a height exceeding fifteen (15) feet measured vertically from finished grade.

9. Materials/Colors. Colors for Buildings shall be warm-toned, earth colors. The use of mirrored glass, reflective sunscreens, or other highly reflective materials for exterior surfaces and roofs shall be prohibited. Color and material boards shall be submitted prior to Building Permit application or construction of buildings to the Design Review Committee for its

prior approval. Except when utilized on solar panels of reasonable size, not to exceed fifty (50) square feet of space in the aggregate (as approved by the Design Review Committee, which approval shall not be unreasonably withheld), no highly reflective finish, other than glass, shall be used on exterior surfaces for Buildings or Improvements. Windows may be tinted but not mirrored.

10. Residential Design. Each Residence which is erected, constructed or maintained on any Lot or Unit shall have a total first (ground) floor living area, exclusive of lanais, patios, guest house, attached facility, garage, carport, storage space and workshop areas, containing not less than 1,500 square feet. The second floor of a two-story or split-level Residence shall contain not more than eighty percent (80%) of the area of the first floor. The first (ground) floor of any Residence shall not be placed, erected, constructed or maintained at a level higher than three (3) feet above the highest finished grade or ground elevation of the lands immediately below the principal entry door of the Residence. A two-story straight vertical plane of more than ten (10) feet in horizontal width shall be broken by an intermediate roof or covered by plantings which shall obscure at least 40% of said vertical plane.

11. Guest House. Notwithstanding any other provisions contained herein, one Guest House shall be allowed on each Lot.

12. Permitted Buildings. Each Residence located within a Lot or Unit may have only the following accessory Buildings: one agricultural Building; one detached or attached garage; one storage shed; and one Guest House (provided that no Lot may have more than one Guest House).

13. Landscaping. As a condition of approval of any Building or Improvement, the Design Review Committee may require the Owner of any Lot or Unit to install or remove Landscaping of such types and amounts, and in such locations, as the Design Review Committee shall reasonably determine. In addition, no Owner may install or maintain any Landscaping, or allow any Landscaping to grow, which unreasonably interferes with views or uses on or from other Lots or Units. The Owners of Lots or Units adjacent to Olohena Road (Lots 12, 14, 16, 18, 19 and 20) shall be required to install Landscaping as approved by the Design Review Committee along Olohena Road in order to screen Buildings and Improvements on said Lots or Units. The owners of such lots shall not be allowed to cut or remove any trees with a diameter greater than one (1) foot (measured at a height of one foot above ground level) without Design Review Committee approval.

14. Building Heights. Buildings (including Residences) shall be limited to one story structures with a maximum Building Height of twenty (20) feet on the following Units and Lots: Unit C of Lot 1; Unit C of Lot 2; Unit D of Lot 3; Units B and D of Lot 5; Unit E of Lot 12; Units A and B of Lot 13; Units B, C and D of Lot 14; and Unit B of Lot 15.

Section 3. State Land Use Commission Restrictions. All of the Lots and Units are presently located within the State Land Use Commission ("SLUC") Agricultural District. Uses within the SLUC Agricultural District shall be primarily in pursuit of Agricultural Activities as set

forth in HRS Chapter 205, as amended from time to time. In addition, lands within the SLUC Agricultural District which also have soils classified by the Land Study Bureau's Detailed Land Classification Overall (Master) Productivity Rating Class A or B shall be restricted to the uses contained in HRS Section 205-4.5, as amended from time to time. Residential uses within the SLUC Agricultural District are restricted to "Farm Dwellings". The term "Farm Dwelling" means a single-family dwelling located on and used in connection with a farm, including clusters of single-family farm dwellings permitted within agricultural parks developed by the State, or where agricultural activity provides income to the family occupying the dwelling. The SLUC Agricultural District restrictions and the limitations and provisions in these Restrictions related to Agricultural Activities shall automatically terminate as to any Lot or Unit or portion thereof which is transferred into the SLUC Urban District.

Section 4. Water.

a. After the completion of required water facilities by the Declarant, domestic (potable) water service will be provided to the Kūlana Subdivision by the Board of Water Supply, County of Kauai and/or the Department of Water, County of Kauai.

b. The sources of Agricultural Water that are available to the Project are located on lands owned by other persons and/or may be subject to laws and regulations of the County and/or the State of Hawaii. As a result, the Declarant cannot guaranty that Agricultural Water will be available in any specific amounts, if at all, to the Lots or Units. Nevertheless, the Declarant has established irrigation water easements within the Project and an Agricultural Water System, all of which will be owned and operated by the Association.

Section 5. Design Review Committee. Within sixty (60) days of the transfer of title of any Lot or Unit to any person, other than the Declarant, the Declarant shall appoint a Design Review Committee composed of no more than three (3) persons to review all plans and proposals for the implementation of Agricultural Activities on, or any and all landscaping of, or uses or construction in, the Project. Declarant may appoint Declarant or any other person Declarant in his sole discretion shall chose to sit on the Design Review Committee. The Design Review Committee shall be responsible for administering the Design Guidelines. The Design Review Committee may adopt such reasonable rules (including rules requiring the payment of fees for all design review activities), consistent with this Declaration and the Design Guidelines, as may be necessary to regulate its own procedures and to regulate and implement the provisions of this Declaration and the Design Guidelines. The Design Review Committee may from time to time select: an architect and/or a landscape architect licensed by the State of Hawaii to act as a Design Consultant to review plans and proposals for the landscaping of, or the construction in, the Project; or an agricultural specialist ("Agricultural Specialist") to review Agricultural Plans. The Design Consultant and the Agricultural Specialist shall serve as advisors to the Design Review Committee. The Design Review Committee may delegate all such tasks and responsibilities, as it deems appropriate to the Design Consultant and the Agricultural Specialist, provided that the Design Review Committee shall be responsible for making all final decisions as to any proposed development within the Project. As long as Declarant owns Lots or Units with a voting interest of ten percent (10%) or more of the total

voting interest in the Association, the Declarant shall have the sole right to appoint the members of the Design Review Committee. Thereafter, the Design Review Committee members shall be appointed by the Board of Directors of the Association.

Each Owner so required to present Agricultural Plans or construction and/or landscaping plans to the Design Review Committee shall be responsible for the payment of any and all such reasonable fees and costs incurred for such design review and assessed by the Design Review Committee, including but not limited to, the fees charged by the Design Consultant and the Agricultural Specialist.

Section 6. Design Review Committee Approval; Enforcement. No person shall develop, use, modify, alter, construct, erect, install, place or maintain any Agricultural Activity, Building, utility, Improvement, landscaping element, or other object on any Lot or Unit, or grade, fill, excavate or grub any Lot or Unit, except in strict accordance with the approved plans and specifications previously submitted to and approved by the Design Review Committee. The Design Review Committee shall either deny, approve or approve with modifications and/or conditions such plans presented within thirty (30) calendar days of the final submittal of all materials requested by the Design Review Committee, in the absence of which such plans shall be deemed to be approved. Such plans and specifications shall contain such information, diagrams, maps and drawings as may be required by the Design Review Committee including, but not limited to: floor, elevation, plot and grading plans; specifications of construction materials and techniques and color schemes; the location, character and method of utilization of all utilities; landscape plans; all driveways and automobile or other parking provisions; any outside lighting plans; a construction schedule for any such work; and any other information requested by the Design Review Committee. The Design Review Committee may require that any or all of such plans and specifications (other than Agricultural Plans) be prepared by a registered architect or professional engineer licensed in the State of Hawaii. The Design Review Committee may grant such departures from the requirements of this Declaration as it deems necessary and appropriate, provided that it shall not have the power to grant variances as to any requirements or conditions imposed by the County or any other governmental entity. No person may: undertake any Agricultural Activities without an approved Agricultural Plan; or occupy or use any Building or Improvement within the Project unless and until the Owner has fully completed such construction or development, has submitted "as-built" plans to the Design Review Committee (in cases where revisions to the original approved plans were made), has obtained all required governmental permits or approvals, and has obtained a certificate of occupancy from the County (as to any Building designed to be occupied by people). If any person shall fail to obtain such approval or to follow such approved plans or specifications, the Declarant, any Owners of any other Lot or Unit in the Project, and/or the County may bring suit, as provided herein, to enforce this provision.

Section 7. Design Review Committee Standards. In passing upon all such plans and specifications presented, the Design Review Committee shall take into consideration: the size, configuration, location and natural features of the Lot or Unit in question; the location of the proposed Agricultural Activities, Buildings or Improvements on the Lot or Unit; the effect the Agricultural Activities, Buildings or Improvements will have on other existing or planned

Agricultural Activities, Buildings or Improvements on other Lots or Units; and the visual impact the proposed Buildings or Improvements will have when viewed from other Lots or Units or from public roads. The Design Review Committee and Design Consultant shall use reasonable judgment in reviewing all such plans and specifications and in determining whether plans and specifications should be denied, approved, or approved with specifications, but shall not be liable to any person for their actions in connection with submitted plans and specifications, unless it can be shown that the Design Review Committee or the Design Consultant acted with the actual intent to commit a wrongful act.

Section 8. Grading. Prior to commencing any site improvements in the nature of grading or grubbing, including grading or grubbing for Agricultural Activities, the Owner shall first submit plans for such grading or grubbing to, and obtain the approval of, the Design Review Committee. In addition, such Owner shall obtain:

a. A grading or grubbing permit from the County and, if required, a Natural Pollution Discharge Elimination System Permit from the Department of Health of the State of Hawaii, together with such other governmental permits relating to such grading or grubbing as may be required; or

b. Alternatively, for Agricultural Activities, a Conservation Plan approved by the NCRS and, where such approval is necessary, by the County or other necessary governmental agencies.

Except for Agricultural Activities, the Design Review Committee shall only approve the minimum amount of grading, filling, tree removal, or tree cutting necessary for the reasonable use and enjoyment of any Lot or Unit. In no case shall any Owner be allowed to increase the elevation of any portion of a Lot or Unit upon which any Building or Improvement is to be located by more than five (5) feet greater than the elevation of the finished grade as approved by the County for the Project. In the event of any excavation on a Lot or Unit, the owner doing or causing such excavation to be done shall provide such artificial lateral support as may be necessary to support adjacent Lots or Units. Each Owner shall control dust during the grading or grubbing process to minimize damage, annoyance or inconvenience to other Owners.

Section 9. Flooding/Erosion/Drainage.

a. Drainage Improvements. No drainage improvements or flooding or erosion control measures shall be implemented or constructed without the prior approval of the Design Review Committee. In addition, each Owner shall comply with the drainage control ordinances of the County or any other governmental entity. No Owner shall undertake Agricultural Activities or permit or cause to be constructed on his Lot or Unit any Buildings or Improvements which interfere with the drainage system for the Project, or which create a problem of flooding, erosion or interference with the natural flow of water, or which will damage his Lot or Unit or other properties, nor shall any Owner fail to act reasonably to minimize runoff damage or interference with the natural flow of storm waters and surface runoff. Owners shall maintain existing drainage

patterns to the extent reasonably possible and shall be solely responsible for resolving any offsite drainage or flooding problems caused by the owner's development or use of his Lot or Unit. The Subdivision Map designates certain areas within the Project as Drainage Ways. The Drainage Ways are delineated by a Building Setback And Drainageway Line ("Setback Line"). No Buildings or Improvements may be constructed within the area inside the Setback Lines or within the Drainage Ways, nor may any Owner do anything that would obstruct the flow of water within such Drainage Ways. No Owner shall interfere with surface water flows on the Owner's Unit, or with the flow of water within the Drainage System, or with the flow of water in any streams, in any manner which: may injure any other Unit Owner or downstream property; or may be in violation of any governmental laws or regulations. Prior design review approval by the Design Review Committee shall be required for any work, use (including Agricultural Activities), construction or improvements which might affect surface water flows on an Owner's Unit, the flow of water within the Drainage System, the flow of water in any streams, or surface water improvements, including, but not limited to, the following: stream or ditch diversions; surface water impoundments within ditches or streams; stream or ditch channel alterations; ponds or reservoirs; or any work which would require a permit issued by the U.S. Army Corps of Engineers or the Commission On Water Resource Management of the State of Hawaii.

b. Maintenance of Drainage System. Surface runoff and storm waters for the Project are handled through a Drainage System, which includes swales, Drainage Ways, the Ditches (including the Ponds), the Stream, drainage inlets, culverts and outlets. In order for the Drainage System to function properly, this Drainage System must be kept free from obstructions or impeding of the water flow. As such, all of the Lots and Units are subject to the following restrictions and covenants:

i. Each Owner is responsible to maintain the portions of the Drainage System upon his Lot or Unit for the free flowage of storm water.

ii. The Owner will accept full responsibility and liabilities of the Drainage System on his Lot or Unit.

iii. All Owners must construct driveways or other accesses that either completely bridge any Drainage Systems, or that are paved at the grade level of the Drainage System, so that there are no obstructions to flow of waters therein. No owner may undertake Agricultural Activities that interfere with or affect the Drainage System. No owner shall allow animals raised in conjunction with Agricultural Activities to drink directly from or enter any Ditch or Stream.

iv. The Owners shall indemnify and hold the County harmless from any responsibility and liabilities which result from the Drainage System and any damages or injuries that may result therefrom.

v. The Developer (for periods prior to turning over the Association to the Owners of the Units) and the Association thereafter shall have a right of entry to

maintain all common elements, all drainage improvements and any other aspect of the Project which affect the safety and security of persons and property within the Subdivision and any Condominium Project. This right shall be exercisable at any time in emergency situations and after thirty (30) days' notice to any Owner to undertake maintenance or repair duties required of any Unit or Lot. Any costs incurred in correcting Owner deficiencies ("Assessment") shall be immediately collectable from a defaulting Owner, together with interest at the higher of three percent (3%) over the cost of borrowing or twelve percent (12%) per annum. Each Owner by acceptance of a sales contract, deed or lease, whether or not it shall be so expressed in any such sales contract, deed or lease, shall be deemed to covenant and agree to pay each Assessment to the Association or Developer, as the case may be (jointly referred to hereinafter as the "Association"). If the Owner does not pay such Assessment when due, the Owner shall be deemed in default and the amount of the Assessment not paid, plus interest at the higher of three percent (3%) over the cost of borrowing or twelve percent (12%) per annum and costs, including reasonable attorney's fees, shall be and become a lien upon the Lot or Unit of such Owner upon recordation by the Association of a notice of default. Such lien shall be subject to and subordinate to the lien of any mortgage on the Lot or Unit of such Owner. A foreclosure of any such paramount lien, whether by judicial proceedings or pursuant to a power of sale contained in such mortgage, shall extinguish the lien as to payment of Assessments which became due prior to such sale, transfer or conveyance, but no such sale, transfer or conveyance shall relieve such Lot or Unit or the purchaser or transferee thereof with regard to Assessments thereafter becoming due. The Association assessment lien may be foreclosed through suit by the Association in like manner as to mortgage of real property, and the Association shall have power to bid on the Lot or Unit at foreclosure sale and to acquire and hold, lease, mortgage or convey the Lot or Unit. A suit to recover a money judgment for unpaid Assessments shall be maintainable without foreclosing or waiving the lien securing the same. The foregoing remedies shall be in addition to any other remedies provided by law for the enforcement of such Assessment obligation.

Section 10. Signs. No signs or advertising devices of any nature or kind shall be erected, placed, installed, constructed or maintained on any Lot or Unit, except as provided herein. The Owners shall obtain Design Review Committee approval, as well as all necessary governmental permits, prior to the installation of any such signs. The types of permitted signs are as follows:

- a. Such signs as may be required to be posted by order of any court of competent jurisdiction;
- b. Signs which have a combined total face area of not more than 1½ square feet, necessary to identify the Owner or occupant of any Lot or Unit and his address;
- c. A maximum of one (1) sign pursuant to a standard design established by the Design Review Committee, indicating or advising that the Lot or Unit on which it has been installed, placed or situated is for sale or for rent;
- d. Signs which are necessary or desirable to give direction, advise of rules or regulations, or caution or warn of hazard or danger;

e. A maximum of one (1) job identification sign per construction site having a maximum face area of six (6) square feet, during the period of actual construction on a Lot; and

f. Temporary signs not exceeding 1½ feet by 2 feet in size.

Notwithstanding the above, the Declarant reserves the right to erect one or more entryways and one or more entryway signs for this Project.

Section 11. Maintenance of Lots, Units and Landscaping. Each Lot and Unit, whether occupied or unoccupied, and all landscaping, Improvements or Buildings placed, erected, constructed, installed or maintained thereon, shall at all time be kept and maintained in good, clean and attractive condition and in such manner as to prevent the Lot or Unit and its landscaping, Improvements or Buildings from becoming unsightly, unsanitary, or a hazard to health. Each Owner shall, at his own expense, trim and maintain all trees, shrubs and plantings: to prevent overhang or other encroachment above or upon any adjoining Lot or Unit or roadway; and, when required as a condition of an approval issued by the Design Review Committee, to prevent the blockage of views from other Units or Lots.

ARTICLE VI ENFORCEMENT OF THIS DECLARATION

Section 1. Persons Entitled to Enforce this Declaration. The following persons (the "Enforcing Persons") shall have the right to exercise any remedy at law or in equity for the enforcement of this Declaration:

- a. Any Lot or Unit Owner.
- b. The Declarant.
- c. The County of Kauai (as to all conditions imposed by the County Permit).
- d. The Association.

Section 2. Breach. If any Owner or other person subject to this Declaration shall breach or fail to comply with any provision of the Association Documents, and such breach or non-compliance shall not be fully remedied within fifteen (15) days after notice of the breach or non-compliance is sent to or received by the Owner or, if such breach or non-compliance cannot reasonably be remedied within said 15-day period, such Owner shall have failed to begin to remedy such non-compliance within said 15-day period and shall have failed to exercise good faith and due diligence to remedy such breach or non-compliance as soon as reasonably possible, then each Enforcing Person (except as otherwise stated) shall have the following rights and remedies:

a. The Association, without liability to the Owner or any other person for trespass or damages, and upon not less than five (5) days prior written notice to the Owner, may enter upon the Lot or Unit or any improvements thereon (but not into any Building on a Lot or Unit used for residential purposes) and perform, or require the Owner to perform immediately, in either case at the Owner's cost and expense, all work (including the planting, watering, fertilizing, cutting and trimming of trees, shrubbery and other vegetation) necessary or desirable to remedy such breach or non-compliance, and/or to abate summarily and remove any improvement or anything else or any condition which is not in compliance.

b. Any Enforcing Person shall have the right to commence and maintain actions and suits to require the Owner to remedy such breach or non-compliance or for specific performance, or to enforce by mandatory injunction or otherwise all of the provisions of this Declaration, or to restrain or enjoin any breach or threatened breach of this Declaration, or to recover damages.

c. Any Enforcing Person shall have the right to pursue all other rights and remedies available at law or in equity.

In any action for the enforcement of the provisions of this Declaration or for damages or any other form of relief, the prevailing party in such action shall be entitled to recover from the losing party all of the prevailing party's costs, expenses and reasonable attorneys' fees.

No remedy herein reserved is intended to be exclusive of any other remedy, but each remedy shall be cumulative and in addition to any remedy given hereunder or now or hereafter existing at law or in equity. The Association shall have the right to hire contractors and agents in performing any work.

No Enforcing Person, nor any other person, shall have any liability whatsoever if it or any other Enforcing Person elects not to enforce any of the provisions of this Declaration or if it or any other Enforcing Person undertakes such enforcement and thereafter terminates enforcement activities or does not succeed in such enforcement activities.

ARTICLE VII INDEMNITY

Section 1. Owner's Indemnification. Each Owner shall indemnify, defend and hold harmless the Declarant, the Association and all other Owners from and against any and all claims arising from: any breach or default in the performance of any of such Owner's obligations under, or such Owner's non-compliance with any of the provisions of the Association Documents; each owner shall release, defend and hold the Association harmless from and against any and all claims the Owner may have arising from the Association's ownership, use, maintenance or operation of the Common Property; any improvements made to, or constructed or maintained in, the Common Property by the Association; or any use by the Owner of the Common Property.

Section 2. Agricultural Use/Waiver and Indemnification. The Owners acknowledge and understand that portions of the Subject Property were used for agricultural activities and other commercial uses. The Owners hereby waive any and all claims they may now have, or which may in the future may accrue, against the Declarant, and agree to indemnify and hold the Declarant harmless from any claims of any persons or entities, relating to the present or future condition of the Subject Property and/or arising out of the past use of the Subject Property, including but not limited to, the following: the past use of portions of the Subject Property for agricultural and other commercial purposes; any past non-compliance with any applicable laws, statutes, rules, regulations, ordinances, limitations, restrictions or requirements ("Regulations") concerning the use or development of the Subject Property, including but not limited to, Regulations related to zoning, land use, development plan, subdivision, building, construction, Hazardous Materials (as defined below), archaeological, historical, environmental, endangered or threatened species, or other such Regulations and any Regulations governing the maintenance, operation, nonuse or closing of groundwater wells, the diversion, discharge or runoff of water, or any other matters relating to water use, consumption and development on or affecting the Subject Property; any surface, soil, subsoil, geologic, drainage or groundwater conditions or other physical conditions and characteristics of or affecting the Subject Property; the identity of the Subject Property as a habitat for endangered or threatened species of fauna or flora; the existence on or under the Subject Property of any Hazardous Materials (which shall include any and all substances regulated by, or defined as or included in the definition of "hazardous substances", "hazardous wastes", "hazardous materials", or "toxic substances" under, any and all federal, state or local environmental, water pollution, hazardous substance, toxic material or waste law, ordinance or regulation applicable to the Subject Property, including without limitation the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601, et seq., the Resource Conservation and Recovery Act, as amended, 42 U.S.C. Section 6901, et seq., the Hazardous Materials Transportation Act, as amended, 49 U.S.C. Section 1251, et seq., the Toxic Substances Control Act, 15 U.S.C. Section 2601 through 2629, the Safe Drinking Water Act, 42 U.S.C. Sections 300f through 300j, and the Hawaii Environmental Response Law, Hawaii Revised Statutes, Chapter 128D); the existence or condition of any surface or underground storage tanks on or under the Subject Property; the availability of Agricultural Water; and all other matters concerning the present condition or past use of the Subject Property.

Section 3. Acknowledgment of Agricultural Operations and Waiver. Each Lot or Unit Owner acknowledges that the Owner's Lot or Unit may periodically be affected by noise, dust, smoke, soot, ash, odor, or other adverse environmental conditions of any other kind created by surrounding agricultural activities, including specifically but not limited to burning, harvesting, tending, and processing on other Lots or Units. Each Owner assumes all risks associated with the location of the Owner's Lot or Unit, including, but not limited to, the occurrence of any nuisance, personal injury, illness or any other loss or damage, incidental to such use and operation of the agricultural activities, and expressly waives any and all claims related thereto against the owners of other Lots or Units. This provision will run with the land and be binding on each Owner's heirs, personal representative, successors, successors in trust and permitted assigns.

ARTICLE VIII
ARBITRATION

Whenever this Declaration requires or permits a dispute or disagreement to be submitted to arbitration, such arbitration shall be conducted in accordance with Chapter 658, HRS and the following provisions. The dispute or disagreement shall be submitted to one arbitrator selected by the disputing parties, or if they cannot agree, by an arbitrator selected by a judge of the Fifth Circuit Court of the State of Hawaii. The decision of the arbitrator shall be final, conclusive and binding upon the parties. The losing party in such arbitration (as determined by the arbitrator) shall pay for all costs and expenses of the arbitration, including the prevailing party's reasonable attorneys' fees, unless the arbitrator determines that there is no losing party, in which event each party shall pay the costs of its own witnesses and attorneys and the costs of the arbitrator shall be paid equally by the parties. The arbitrator's award shall be arrived at expeditiously, in writing, and final, conclusive and binding upon all parties to the arbitration, and may be entered as an order or judgment of the Fifth Circuit Court, State of Hawaii, unless such award is vacated, modified or corrected pursuant to Chapter 658, HRS. Except as set forth above (and in the event of any conflict, the provisions of this Article shall control), the arbitration shall be conducted in accordance with the then applicable Rules of the American Arbitration Association unless otherwise mutually agreed by the parties.

ARTICLE IX
MISCELLANEOUS PROVISIONS

Section 1. Assignment of Rights and Duties. Declarant, its successors and assigns, shall have the right to assign, delegate, convey or transfer in any manner, to any Person(s), without limitation, all or any part of its rights, privileges, powers, interests and obligations hereunder; provided, however, that there shall at all times be only one "Declarant" who shall be the sole person authorized to give any consents or approvals required or requested of the "Declarant" under this Declaration as Declarant, or to enforce this Declaration as Declarant or take any other action as Declarant hereunder.

Section 2. Dedication. If any Lot or Unit should be dedicated in fee simple or leased to any government entity, the government entity need not comply with the provisions of this Declaration; provided, however, that should such government entity thereafter convey, license, lease, sublease, assign or transfer its interest or rights in such Lot or Unit to any person who is not a government entity, such Lot or Unit and conveyance, license, lease, sublease, assignment or transfer automatically shall be subject to and governed by this Declaration, whether or not such conveyance, license, lease, sublease, assignment or transfer expressly refers to or is made subject to this Declaration.

Section 3. Notices. Whenever any notices are sent to an owner, such notices shall be sent to the address of the Owner as listed on the current Notice of Property Assessment Card File located at the Real Property Division of the Department of Finance of the County of Kauai, and shall be deemed to be received by the owner on the earlier of actual date of delivery or three business days

after postmark (whether or not actually received by the Owner). If a Lot or Unit is owned by more than one person, notice to any one person shall be deemed to be notice to all such persons.

Section 4. Joint and Several Liability. If an Owner consists of more than one person, all of the obligations of the Owner under the Association Documents shall constitute the joint and several obligation of all such persons. The obligations of more than one Owner under the Association Documents shall constitute the joint and several obligation of all such Owners. Each Owner shall be liable for all acts and omissions of such Owner's guests, invitees, agents, employees, customers and contractors, and their failure to comply with the provisions of the Association Documents.

Section 5. Inspection. The Association and its authorized agents shall have the right at all reasonable times and pursuant to five (5) days prior written notice to enter upon the Owner's Lot or Unit (but not into any Residential Structure), for purposes of inspecting the same and determining whether the same is in compliance with the Association Documents, without liability for trespass or damages. Each Owner promptly shall produce all documents which the Association reasonably may request to evaluate whether such Owner is in compliance with the provisions of the Association Documents.

Section 6. Duration. Subject to prior termination as provided herein, the provisions of this Declaration shall be valid and shall run with and bind the land for a term of fifty-five (55) years from the date this Declaration is recorded in the Public Records. After such 55-year period, they automatically shall be extended for successive periods of ten (10) years each unless terminated in accordance with the provisions of Section 9 below; provided, however, that in the event that the application of this Section 6 to any of the provisions of this Declaration, would violate the Rule Against Perpetuities or any other limitation on duration imposed by Law, then such provisions of this Declaration shall be deemed to remain in effect only for the maximum period permitted by Law. Provided, however, that any Restrictions imposed as a result of conditions required by the County Ordinances and/or the County Permits shall remain in full force and effect until and unless waived or removed by the County.

Section 7. Severability. The provisions hereof shall be deemed independent and severable, and the invalidity or partial invalidity or unenforceability of any one provision or portion thereof shall not affect the validity or enforceability or any other provisions hereof.

Section 8. Interpretation; No Waiver. The provisions hereof shall be construed and enforced under the Laws of the State of Hawaii and shall be liberally construed to effectuate their purpose of creating a uniform plan for the development and operation of the Project. The headings of paragraphs, sections and Articles herein are inserted only for ease of reference and shall not define or limit the scope or intent of any provision of this Declaration. Failure to enforce any provision hereof shall not constitute a waiver of the right to enforce thereafter said provision or to enforce any other provision hereof. No acceptance of any Assessment paid by any Owner shall be deemed to be a waiver of any breach by such Owner of any provision of the Association Documents or a waiver of any rights of any Enforcing Person or any other Person under the Association

Documents, or be construed as any agreement or representation by any Enforcing Person that such Owner is in compliance with the provisions of the Association Documents.

Section 9. Amendment. The Design Review Committee shall have the right to alter, amend and repeal the Design Review Committee Rules or adopt new Design Review Committee Rules. The Declaration may be amended by the vote of Owners by ballot or proxy representing not less than seventy-five (75%) percent of the undivided interest in the Kūlana Association approving the proposed amendment or amendments or the repeal of the Declaration at a meeting of the Owners called or held for that purpose. The notice of the meeting shall state that the purpose of the meeting is to consider the amendment or repeal of the Restrictions, giving the substance of any proposed amendments or indicating the provisions to be repealed, as the case may be. Provided, however, that this Declaration may not be amended without the consent of the Declarant as long as the Declarant owns Lots or Units which have a voting interest of ten percent (10%) or more of the total voting interests of the Association. Provided, further, that no restriction imposed by the County and contained herein may be amended without the County's consent.

Section 10. Liberal Construction. All the limitations, restrictions, covenants and conditions of Declaration shall be liberally construed together to promote and effectuate the fundamental concepts of the Project.

Section 11. Invalidity. In the event any limitation, covenant, restriction, or reservation of the Declaration is held to be invalid or unenforceable in whole or in part, by an order, judgment or decree of any court, then such decision shall in no way affect the validity of the other limitations, covenants, restrictions or reservations therein contained, and they shall remain in full force and effect.

Section 12. Public Regulations. The Owner of each Lot or Unit is responsible for being informed of and complying with any and all appropriate Federal, State and County laws, rules, regulations, codes and ordinances which are applicable to the Owner's Lot or Unit. No Owner, nor the Owner's invitees, guests, tenants or lessees, shall commit any acts or cause or keep, nor suffer to be caused or kept, any thing or object which would constitute a violation of any law, rule, regulation, code or ordinance of any governmental agency or body. If a standard set forth in the Association Documents differs from a standard established by a governmental agency, and the standard contained in the Association Documents is stricter, then the stricter standard as contained herein shall apply.

Section 13. Ditches/Stream.

a. Construction/Maintenance Responsibilities. The Association shall have the right, but not the duty, to construct, reconstruct, install, replace, maintain and repair: the Agricultural Water System, the Ditches (including the Ponds) and Stream; and all improvements which the Association in its discretion shall decide to construct within the Agricultural Water System, the Ditches and Stream including all improvements required by any governmental regulations or law (collectively referred to as the "Maintenance Work"). The Association shall have the

right, but not the duty, to undertake and pay all costs and expenses necessary to complete the Maintenance Work.

b. Ditch/Stream Easement. The Declarant hereby reserves an easement in favor of the Association on all Units and Lots (referred to as the "Ditch/Stream Easement") as follows:

(i) An exclusive easement on, over and under the Agricultural Water System, the Ditches (including the Ponds) and Stream, including the water contained therein, for the purpose of transporting and using water;

(ii) A nonexclusive easement for pedestrian and vehicular access from public roads and/or any private roads within the Subdivision to the Agricultural Water System, Ditches (including the Ponds) and Stream for the purpose of allowing the Association: to undertake the Maintenance Work associated with the Agricultural Water System, Ditches (including the Ponds) and Stream; and to undertake all activities necessary to allow the Agricultural Water System, Ditches (including the Ponds) and Stream to continue to function at all times to transport water across and through the property. The Ditch/Stream Easement shall be a perpetual easement running in favor of the Association.

c. Association's Exclusive Rights. The Association shall have the exclusive right to use the water located within the Agricultural Water System, Ditches (including the Ponds) and Stream. The Owners shall only have such rights to use the Agricultural Water System, Ditches (including the Ponds) or Stream, or water contained therein, as the Association shall allow, pursuant to rules adopted by the Association.

d. Discharge. No owner of any Lot or Unit may discharge solid or liquid waste into the Stream, the Ditches, or into any other drainage facilities within the Subject Property in violation of this Declaration or any governmental rule, regulation, law or ordinance.

Section 14. Street Lights. The Association shall not construct, locate or maintain any street lights on Hauiki Road or Kaapuni Road without the prior approval of the County.

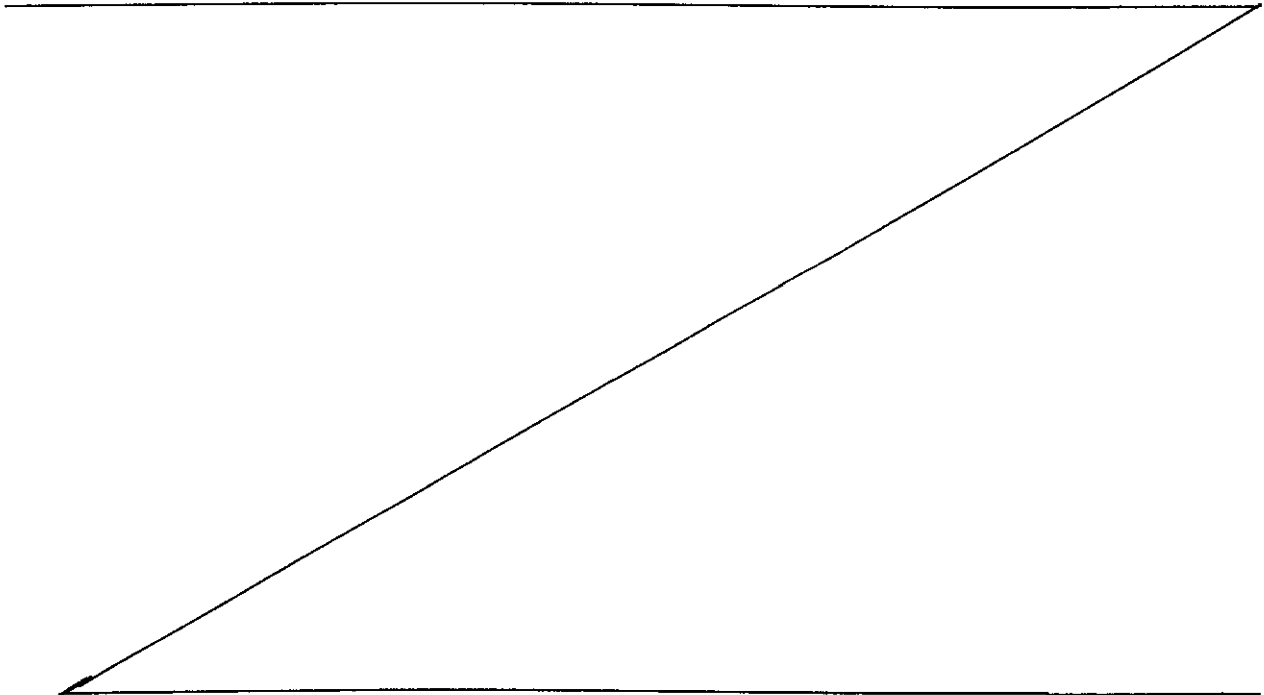
Section 15. Street Maps and Property Signs. The Association shall maintain a street map showing the names and locations of all streets within the Project at the following entrances: Kūlana Place; Olohena Road; and Kaapuni Road. Individual Condominium Unit Owners and Lot Owners shall place an address sign where driveways exit onto Project roadways or driveways, which shall include a street name and a house number (when numbers are given), and Lot and Unit numbers if a street address has not yet been given.

Section 16. Agricultural Easement. The following restrictions shall apply to all structures, uses and activities located within the areas designated on the Subdivision Map as the Agricultural Easement:

- a. No dwelling units shall be allowed; and
- b. Only Agricultural Activities shall be allowed.

Section 17. Water Tank Lot. The Association and the Kūlana Kai Association shall have the duty, responsibility and obligation for maintaining all of the landscaping on the Water Tank Lot in accordance with the provisions of the Land Use Agreement.

Section 18. Lot 86-B. The owner of Lot 86-B shall have the appurtenant right to use the common areas within the Kūlana Subdivision, provided: that the use rights appurtenant to Lot 86-B shall be subject to the same restrictions on use as contained in these Restrictions and applicable to other owners in the Kūlana Subdivision; and that the owner of Lot 86-B shall enter into a Use Agreement with the Association specifying the conditions of use of the common areas in accordance with the provisions of the Land Use Agreement. There shall be no regular costs charged to Lot 86-B for such use rights, provided that Lot 86-B may be charged for special costs associated with such uses on the same basis as other owners within the Kūlana Subdivision.

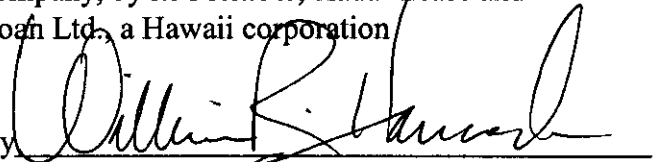


IN WITNESS WHEREOF, the Declarant has caused this Declaration to be duly executed on the day and year first above written.

DECLARANT:

KAPAA 382, LLC, a Hawaii limited liability company, by its Member, Kauai Lease and Loan Ltd., a Hawaii corporation

By




WILLIAM R. HANCOCK
Its President

STATE OF HAWAII)
) SS.
COUNTY OF KAUAI)

27th

On this ^{27th} day of August, 2004, before me appeared WILLIAM R. HANCOCK, to me personally known, who, being by me duly sworn, did say that he is the President of KAUAI LEASE AND LOAN, LTD., a Hawaii corporation ("Corporation"), that the Corporation is a Member of KAPAA 382, LLC, a Hawaii limited liability company ("Company"), and that said instrument was signed on behalf of said Company by authority of its Members, and the said Officer acknowledged said instrument to be the free act and deed of said Company.

LS



Name of Notary: SHARI E. OGATA
Notary Public, State of Hawaii.

My commission expires: 10/05/2004

LOT 1

All that certain parcel of land, being Lot 1, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunafillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land at the East boundary of Lot 86-E-1, Rolling Meadows, Unit I, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,417.52 feet North and 580.45 feet East and running by azimuths measured clockwise from True South:

- | | | |
|-----|--------------|--|
| 01. | 179° 46' 50" | 559.60 feet along Lots 86-E-1 Unit I and 86-D-2 Unit H, Rolling Meadows; |
| 02. | 160° 54' 20" | 482.36 feet along Lot 86-D-2 Unit H, Rolling Meadows; |
| 03. | 238° 47' | 165.67 feet along State Ditch 8A Portion 1; |
| 04. | 145° 57' | 53.10 feet along State Ditch 8A Portion 1; |
| 05. | 175° 13' | 27.69 feet along State Ditch 8A Portion 1; |
| 06. | 206° 02' | 51.94 feet along State Ditch 8A Portion 1; |
| 07. | 205° 33' | 69.17 feet along State Ditch 8A Portion 1; |
| 08. | 243° 50' | 31.25 feet along State Ditch 8A Portion 1; |
| 09. | 253° 48' | 76.63 feet along State Ditch 8A Portion 1; |
| 10. | 242° 02' | 81.48 feet along State Ditch 8A Portion 1; |
| 11. | 308° 25' | 102.64 feet along State Ditch 8A Portion 1; |
| 12. | 320° 26' | 79.77 feet along State Ditch 8A Portion 1; |
| 13. | 232° 30' | 86.00 feet along State Ditch 8A Portion 1; |
| 14. | 278° 00' | 170.00 feet along State Ditch 8A Portion 1; |
| 15. | 188° 52' | 90.00 feet along State Ditch 8A Portion 1; |
| 16. | 246° 20' | 84.00 feet along State Ditch 8A Portion 1; |
| 17. | 166° 16' | 144.00 feet along State Ditch 8A Portion 1; |
| 18. | 207° 48' | 100.00 feet along State Ditch 8A Portion 1; |
| 19. | 193° 40' | 90.00 feet along State Ditch 8A Portion 1; |
| 20. | 235° 42' | 91.00 feet along State Ditch 8A Portion 1; |
| 21. | 214° 29' 50" | 47.73 feet along State Ditch 8A Portion 1; |

22. 269° 22' 28.97 feet along State Ditch 8A Portion 2;
23. 342° 56' 71.54 feet along State Ditch 8A Portion 2;
24. 312° 54' 29.65 feet along State Ditch 8A Portion 3;
25. 320° 12' 58.05 feet along State Ditch 8A Portion 3;
26. 305° 00' 53.67 feet along State Ditch 8A Portion 3;
27. 9° 00' 239.82 feet along Lot 2, Kulana Subdivision;
28. 3° 40' 214.19 feet along Lot 2, Kulana Subdivision;
29. 352° 33' 100.13 feet along Lot 2, Kulana Subdivision;
30. 339° 15' 24" 136.58 feet along Lot 2, Kulana Subdivision;
31. 39° 42' 217.63 feet along Lot 2, Kulana Subdivision;
32. 54° 44' 99.08 feet along Lot 2, Kulana Subdivision;
33. 337° 19' 86.53 feet along Lot 2, Kulana Subdivision;
34. 12° 47' 92.65 feet along Lot 2, Kulana Subdivision;
35. 289° 45' 85.00 feet along Lot 2, Kulana Subdivision;
36. Thence along Lot 2, Kulana Subdivision on a curve to the right with a radius of 112.00 feet, the chord azimuth and distance being:
315° 11' 30" 96.23 feet;
37. 340° 38' 117.59 feet along Lot 2, Kulana Subdivision;
38. Thence along Lot 2, Kulana Subdivision on a curve to the left with a radius of 88.00 feet, the chord azimuth and distance being:
328° 15' 37.74 feet;
39. 315° 52' 65.00 feet along Lot 2, Kulana Subdivision;
40. 45° 52' 44.00 feet along Lot 2, Kulana Subdivision;
41. 60° 53' 529.04 feet along Lot 2, Kulana Subdivision;
42. 44° 47' 195.69 feet along Lot 2, Kulana Subdivision;
43. Thence along Roadway Lot 22 Kulana Subdivision on a curve to the left with a radius of 1,028.00 feet, the chord azimuth and distance being:
105° 35' 12" 107.44 feet;
44. 163° 54' 138.54 feet along State Ditch 8;
45. 169° 06' 27.23 feet along State Ditch 8;

- 46. 118° 14' 33.76 feet along State Ditch 8;
- 47. 59° 50' 38.16 feet along State Ditch 8;
- 48. 116° 23' 31.82 feet along State Ditch 8;
- 49. 88° 33' 36.84 feet along State Ditch 8;
- 50. 58° 53' 54.20 feet along State Ditch 8;
- 51. 70° 50' 26.64 feet along State Ditch 8 to the
point of beginning and containing an AREA of
29.169 Acres.

Excepting therefrom from Ditch "D-10" containing an area of 0.282 acre; also Ditch "D-12" containing an area of 0.136 acre; also Ditch "D-16" containing an area of 0.051 acre; also Ditch "D-17" containing an area of 0.010 acre; also Ditch "D-44" containing an area of 0.077 acre; also Ditch "D-47" containing an area of 0.030 acre; also Ditch "D-56" containing an area of 0.003 acre; also Pond "P-4" containing an area of 0.402 acre; also Pond "P-5" containing an area of 0.975 acre; also excepting and reserving therefrom Kainahola Stream containing an area of 1.010 acre; leaving a net AREA of 26.193 Acres.

NOTES:

- #1. Subject to a Native Hawaiian Stream Access Easement, 10 feet from each bank.
- #2. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #3. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #4. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement AU-3, 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-3" affecting Lot 1, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the East boundary of this parcel of land on the West boundary of Lot 2, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,491.78 feet North and 1,465.49 feet East and running by azimuths measured clockwise from True South:

- 01. 82° 33' 70.00 feet over and across Lot 1, Kulana Subdivision;
- 02. 172° 33' 44.00 feet over and across Lot 1, Kulana Subdivision;
- 03. 262° 33' 6.00 feet over and across Lot 1, Kulana Subdivision;
- 04. Thence over and across Lot 1, Kulana Subdivision on a curve to the left with a radius
of 20.00 feet, the chord azimuth
and distance being:
217° 33' 28.28 feet;
- 05. 172° 33' 36.13 feet over and across Lot 1, Kulana Subdivision;

06. Thence over and across Lot 1, Kulana Subdivision on a curve to the left with a radius of 128.00 feet, the chord azimuth and distance being:
160° 29' 53.52 feet;
07. 148° 25' 231.37 feet over and across Lot 1, Kulana Subdivision;
08. Thence over and across Lot 1, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
103° 25' 28.28 feet;
09. 58° 25' 20.00 feet over and across Lot 1, Kulana Subdivision;
10. 148° 25' 52.00 feet over and across Lot 1, Kulana Subdivision;
11. 238° 25' 20.00 feet over and across Lot 1, Kulana Subdivision;
12. Thence over and across Lot 1, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
193° 25' 28.28 feet;
13. Thence over and across Lot 1, Kulana Subdivision on a curve to the left with a radius of 38.00 feet, the chord azimuth and distance being:
133° 06' 30" 20.06 feet;
14. 117° 48' 29.61 feet over and across Lot 1, Kulana Subdivision;
15. 207° 48' 44.00 feet along State Ditch 8A Portion 1;
16. 297° 48' 29.61 feet over and across Lot 1, Kulana Subdivision;
17. Thence over and across Lot 1, Kulana Subdivision on a curve to the right with a radius of 82.00 feet, the chord azimuth and distance being:
313° 06' 30" 43.30 feet;
18. 328° 25' 323.37 feet over and across Lot 1, Kulana Subdivision;
19. Thence over and across Lot 1, Kulana Subdivision on a curve to the right with a radius of 172.00 feet, the chord azimuth and distance being:
340° 29' 71.91 feet;
20. 352° 33' 100.13 feet along Lot 2, Kulana Subdivision to the point of beginning and containing an AREA of 0.634 Acres.

SUBJECT, ALSO, HOWEVER, to an easement AU-45, 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-45" affecting Lot 1, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the East boundary of this parcel of land on the West boundary of Lot 2, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,561.89 feet North and 1,527.18 feet East and running by azimuths measured clockwise from True South:

01. 135° 52' 65.00 feet over and across Lot 1, Kulana Subdivision;
02. Thence over and across Lot 1, Kulana Subdivision on a curve to the right with a radius of 132.00 feet, the chord azimuth and distance being:
148° 15' 56.62 feet;
03. 160° 38' 117.59 feet over and across Lot 1, Kulana Subdivision;
04. Thence over and across Lot 1, Kulana Subdivision on a curve to the left with a radius of 68.00 feet, the chord azimuth and distance being:
135° 11' 30" 58.42 feet;
05. 109° 45' 163.80 feet over and across Lot 1, Kulana Subdivision;
06. Thence over and across Lot 1, Kulana Subdivision on a curve to the left with a radius of 138.00 feet, the chord azimuth and distance being:
83° 47' 120.85 feet;
07. 57° 49' 52.09 feet over and across Lot 1, Kulana Subdivision;
08. Thence over and across Lot 1, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
12° 49' 28.28 feet;
09. 327° 49' 20.00 feet over and across Lot 1, Kulana Subdivision;
10. 57° 49' 52.00 feet over and across Lot 1, Kulana Subdivision;
11. 147° 49' 20.00 feet over and across Lot 1, Kulana Subdivision;
12. Thence over and across Lot 1, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
102° 49' 28.28 feet;
13. 57° 49' 6.00 feet over and across Lot 1, Kulana Subdivision;
14. 147° 49' 44.00 feet over and across Lot 1, Kulana Subdivision;
15. 237° 49' 150.09 feet over and across Lot 1, Kulana Subdivision;
16. Thence over and across Lot 1, Kulana Subdivision on a curve to the right with a radius of 182.00 feet, the chord azimuth and distance being:
263° 47' 159.38 feet;

17. 289° 45' 163.80 feet over and across Lot 1 and along Lot 2, Kulana Subdivision;
18. Thence along Lot 2, Kulana Subdivision on a curve to the right with a radius of 112.00 feet, the chord azimuth and distance being:
315° 11' 30" 96.23 feet;
19. 340° 38' 117.59 feet along Lot 2, Kulana Subdivision;
20. Thence along Lot 2, Kulana Subdivision on a curve to the left with a radius of 88.00 feet, the chord azimuth and distance being:
328° 15' 37.74 feet;
21. 315° 52' 65.00 feet along Lot 2, Kulana Subdivision;
22. 45° 52' 44.00 feet along Lot 2, Kulana Subdivision; to the point of beginning and containing an AREA of 0.828 Acres.

SUBJECT, ALSO, HOWEVER TO AN EASEMENT "P-4" FOR IRRIGATION DITCH SYSTEM PURPOSES AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All that certain parcel of land, being an easement "P-4" affecting Lot 1, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the State Ditch 8A Portion 1, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,637.07 feet North and 552.95 feet East and running by azimuths measured clockwise from True South:

01. 205° 33' 69.17 feet along State Ditch 8A Portion 1;
02. 263° 33' 106.79 feet over and across Lot 1, Kulana Subdivision;
03. 312° 38' 105.68 feet over and across Lot 1, Kulana Subdivision;
04. 352° 38' 54.99 feet over and across Lot 1, Kulana Subdivision;
05. 46° 26' 15.00 feet over and across Lot 1, Kulana Subdivision;
06. 96° 00' 50.00 feet over and across Lot 1, Kulana Subdivision;
07. 132° 40' 80.00 feet over and across Lot 1, Kulana Subdivision;
08. 60° 30' 39.11 feet over and across Lot 1, Kulana Subdivision;
09. 108° 00' 70.75 feet over and across Lot 1, Kulana Subdivision, to the point of beginning and containing an AREA of 17,492 square feet, or 0.402 Acres.

SUBJECT, ALSO, HOWEVER TO AN EASEMENT "P-5" FOR IRRIGATION DITCH SYSTEM PURPOSES AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All that certain parcel of land, being an easement "P-5" affecting Lot 1, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the East boundary of this parcel of land on the West boundary of Lot 2, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,454.36 feet North and 1,479.67 feet East and running by azimuths measured clockwise from True South:

- | | | |
|-----|--------------|--|
| 01. | 339° 15' 24" | 96.57 feet along Lot 2, Kulana Subdivision; |
| 02. | 39° 42' | 217.63 feet along Lot 2, Kulana Subdivision; |
| 03. | 96° 30' | 60.00 feet over and across Lot 1, Kulana Subdivision; |
| 04. | 178° 30' | 72.00 feet over and across Lot 1, Kulana Subdivision; |
| 05. | 225° 30' | 58.00 feet over and across Lot 1, Kulana Subdivision; |
| 06. | 194° 00' | 52.00 feet over and across Lot 1, Kulana Subdivision; |
| 07. | 118° 30' | 110.00 feet over and across Lot 1, Kulana Subdivision; |
| 08. | 181° 30' | 60.78 feet over and across Lot 1, Kulana Subdivision; |
| 09. | 261° 20' | 108.77 feet over and across Lot 1, Kulana Subdivision; |
| 10. | 280° 00' | 51.41 feet over and across Lot 1, Kulana Subdivision; |
| 11. | 303° 40' | 59.21 feet over and across Lot 1, Kulana Subdivision;
to the point of beginning and containing
an AREA of 0.975 Acres. |

SUBJECT, ALSO, HOWEVER TO AN EASEMENT "D-10" FOR IRRIGATION DITCH SYSTEM PURPOSES AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All that certain parcel of land, being an easement "D-10" 15.00 feet wide, affecting Lot 1, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the East boundary of this parcel of land on the West boundary of Lot 2, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,132.47 feet North and 1,296.85 feet East and running by azimuths measured clockwise from True South:

- | | | |
|-----|----------|--|
| 01. | 65° 40' | 54.37 feet over and across Lot 1, Kulana Subdivision; |
| 02. | 102° 10' | 124.97 feet over and across Lot 1, Kulana Subdivision; |
| 03. | 94° 50' | 107.83 feet over and across Lot 1, Kulana Subdivision; |

- | | | |
|-----|---------|---|
| 04. | 54° 29' | 42.54 feet over and across Lot 1, Kulana Subdivision; |
| 05. | 46° 55' | 68.12 feet over and across Lot 1, Kulana Subdivision; |
| 06. | 35° 46' | 77.66 feet over and across Lot 1, Kulana Subdivision; |
| 07. | 69° 55' | 75.52 feet over and across Lot 1, Kulana Subdivision; |
| 08. | 85° 15' | 76.00 feet over and across Lot 1, Kulana Subdivision; |
| 09. | 50° 35' | 107.00 feet over and across Lot 1, Kulana Subdivision; |
| 10. | 71° 34' | 84.29 feet over and across Lot 1, Kulana Subdivision to
a point on the East boundary of Lot 86-D-2
Rolling Meadows Unit H, and containing an AREA
of 0.282 Acres more or less. |

SUBJECT, ALSO, HOWEVER TO AN EASEMENT "D-12" FOR IRRIGATION DITCH SYSTEM PURPOSES AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All that certain parcel of land, being an easement "D-12", 15.00 feet wide, affecting Lot 1, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the East corner of this parcel of land on the West boundary of Lot 2, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,673.89 feet North and 1,549.86 feet East and running by azimuths measured clockwise from True South:

- | | | |
|-----|----------|--|
| 01. | 133° 21' | 26.62 feet over and across Lot 1, Kulana Subdivision; |
| 02. | 139° 33' | 60.10 feet over and across Lot 1, Kulana Subdivision; |
| 03. | 157° 08' | 68.60 feet over and across Lot 1, Kulana Subdivision; |
| 04. | 167° 51' | 51.29 feet over and across Lot 1, Kulana Subdivision; |
| 05. | 158° 53' | 34.19 feet over and across Lot 1, Kulana Subdivision; |
| 06. | 130° 08' | 66.20 feet over and across Lot 1, Kulana Subdivision; |
| 07. | 107° 47' | 89.03 feet over and across Lot 1, Kulana Subdivision
to the terminus of this description, and
containing an AREA of: 0.136 Acres,
more or less. |

SUBJECT ALSO, HOWEVER to an easement "D-16" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-16" 15.00 feet wide, affecting Lot 1, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the Southeast boundary of Easement "P-4", the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,580.19 feet North and 768.26 feet East and running by azimuths measured clockwise from True South:

- 01. 316° 26' 68.74 feet over and across Lot 1, Kulana Subdivision;
- 02. 311° 58' 62.40 feet over and across Lot 1, Kulana Subdivision;
- 03. 324° 57' 16.34 feet over and across Lot 1, Kulana Subdivision to a point on Kainahola Stream and containing an AREA of 0.051 Acres more or less.

SUBJECT, ALSO, HOWEVER TO AN EASEMENT "D-17" FOR IRRIGATION DITCH SYSTEM PURPOSES AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All that certain parcel of land, being an easement "D-17" 15.00 feet wide, affecting Lot 1, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the State Ditch 8A Portion 1, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,652.14 feet North and 893.56 feet East and running by azimuths measured clockwise from True South:

- 01. 323° 37' 28.00 feet over and across Lot 1, Kulana Subdivision to a point on Kainahola Stream and containing an AREA of 0.010 Acres, more or less.

SUBJECT, ALSO, HOWEVER TO AN EASEMENT "D-44" FOR IRRIGATION DITCH SYSTEM PURPOSES AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All that certain parcel of land, being an easement "D-44" 15.00 feet wide, affecting Lot 1, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of Easement "P-5", the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,482.36 feet North and 1,289.53 feet East and running by azimuths measured clockwise from True South:

- 01. 148° 20' 67.02 feet over and across Lot 1, Kulana Subdivision;
- 02. 160° 20' 96.59 feet over and across Lot 1, Kulana Subdivision;
- 03. 147° 07' 60.96 feet over and across Lot 1, Kulana Subdivision to a point on the Kainahola Stream and containing an AREA of 0.077 Acres more or less.

LOT 2

All that certain parcel of land, being Lot 2, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunaillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kawaihau, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land at the East boundary of Lot 1, on the North side of Roadway Lot 22, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,255.57 feet North and 927.15 feet East and running by azimuths measured clockwise from True South:

01. 224° 47' 195.69 feet along Lot 1, Kulana Subdivision;
02. 240° 53' 529.04 feet along Lot 1, Kulana Subdivision;
03. 225° 52' 44.00 feet along Lot 1, Kulana Subdivision;
04. 135° 52' 65.00 feet along Lot 1, Kulana Subdivision;
05. Thence along Lot 1, Kulana Subdivision on a curve to the right with a radius of 88.00 feet, the chord azimuth and distance being:
148° 15' 37.74 feet;
06. 160° 38' 117.59 feet along Lot 1, Kulana Subdivision;
07. Thence along Lot 1, Kulana Subdivision on a curve to the left with a radius of 112.00 feet, the chord azimuth and distance being:
135° 11' 30" 96.23 feet;
08. 109° 45' 85.00 feet along Lot 1, Kulana Subdivision;
09. 192° 47' 92.65 feet along Lot 1, Kulana Subdivision;
10. 157° 19' 86.53 feet along Lot 1, Kulana Subdivision;
11. 234° 44' 99.08 feet along Lot 1, Kulana Subdivision;
12. 219° 42' 217.63 feet along Lot 1, Kulana Subdivision;
13. 159° 15' 24" 136.58 feet along Lot 1, Kulana Subdivision;
14. 172° 33' 100.13 feet along Lot 1, Kulana Subdivision;
15. 183° 40' 214.19 feet along Lot 1, Kulana Subdivision;
16. 189° 00' 239.82 feet along Lot 1, Kulana Subdivision;
17. 244° 57' 31.11 feet along South side of State Ditch 8A Portion 4;
18. 203° 51' 52.03 feet along South side of State Ditch 8A Portion 4;
19. 217° 15' 90.00 feet along South side of State Ditch 8A Portion 4;

20. 248° 52' 47.86 feet along Lot 77-K, Sea Mountain Estates;
21. 276° 39' 60.94 feet along Lot 77-K, Sea Mountain Estates;
22. 296° 08' 110.93 feet along Lot 77-K, Sea Mountain Estates;
23. 322° 19' 87.22 feet along Lot 77-K, Sea Mountain Estates;
24. 358° 02' 51.46 feet along South side of State Ditch 8A Portion 5;
25. 288° 12' 48.75 feet along South side of State Ditch 8A Portion 5;
26. 305° 48' 30" 228.25 feet along South side of State Ditch 8A Portion 5;
27. 325° 31' 94.73 feet along South side of State Ditch 8A Portion 5;
28. 321° 05' 78.00 feet along South side of State Ditch 8A Portion 5;
29. 315° 50' 58.90 feet along South side of State Ditch 8A Portion 5;
30. 306° 18' 98.38 feet along Lot 4, Kulana Subdivision;
31. 42° 02' 508.06 feet along Lot 3, Kulana Subdivision;
32. Thence along Lot 4, Kulana Subdivision on a curve to the left with a radius of
198.00 feet, the chord azimuth
and distance being:
337° 10' 52.83 feet;
33. 59° 30' 44.00 feet along Lot 3, Kulana Subdivision;
34. 5° 50' 217.52 feet along Lot 3, Kulana Subdivision;
35. 8° 35' 350.12 feet along Lot 3, Kulana Subdivision;
36. 26° 16' 383.25 feet along Lot 3, Kulana Subdivision;
37. 119° 03' 76.97 along the North side of Roadway Lot 21,
Kulana Subdivision;
38. Thence along the North side of Roadway Lot 21, Kulana Subdivision on a curve to the left
with a radius of 322.00 feet, the chord azimuth
and distance being:
77° 11' 429.81 feet;
39. 35° 19' 80.84 along the North side of Roadway Lot 21,
Kulana Subdivision;
40. Thence along the North side of Roadway Lot 21, Kulana Subdivision on a curve to the
right with a radius of 20.00 feet, the chord
azimuth and distance being:
79° 10' 06" 27.71 feet;

41. Thence along the North side of Roadway Lot 22 Kulana Subdivision on a curve to the left with a radius of 1,028.00 feet, the chord azimuth and distance being:
115° 48' 04" 258.36 feet to the point of beginning and containing an AREA of 25.367 Acres.

Excepting and reserving there from, from Ditch "D-11" containing an area of 0.104 acre; also Ditch "D-13" containing an area of 0.186 acre; also Ditch "D-40" containing an area of 0.044 acre; also Ditch "D-56" containing an area of 0.042 acre; also Ditch "D-47" containing an area of 0.052 acre; also Pond "P-6" containing an area of 0.039 acre; also excepting and reserving there from Kainahola Stream containing an area of 1.322 acre; leaving a net AREA of 23.775 Acres.

NOTES:

- #1. Subject to a Native Hawaiian Stream Access Easement, 10 feet from each bank.
- #2. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #3. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #4. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-2", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-2" affecting Lot 2, Kulana Subdivision, and more particularly described as follows:

Beginning at the South corner of this parcel of land at the Northeast corner of Lot 3, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,178.53 feet North and 1,964.05 feet East and running by azimuths measured clockwise from True South:

- 01. Thence over and across Lot 2, Kulana Subdivision, on a curve to the right with a radius of 242.00 feet, the chord azimuth and distance being:
157° 10' 64.57 feet;
- 02. 164° 50' 38.51 feet over and across Lot 2, Kulana Subdivision;
- 03. Thence over and across Lot 2 Kulana Subdivision, on a curve to the left with a radius of 258.00 feet, the chord azimuth and distance being:
137° 00' 240.92 feet;
- 04. 109° 10' 110.15 feet over and across Lot 2, Kulana Subdivision;
- 05. Thence over and across Lot 2 Kulana Subdivision, on a curve to the left with a radius of 278.00 feet, the chord azimuth and distance being:
95° 51' 30" 127.99 feet;
- 06. 82° 33' 68.33 feet over and across Lot 2, Kulana Subdivision;
- 07. 172° 33' 64.00 feet along Lot 1, Kulana Subdivision;

08. Thence over and across Lot 2, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
307° 33' 28.28 feet;
09. 262° 33' 48.33 feet over and across Lot 2, Kulana Subdivision;
10. Thence over and across Lot 2, Kulana Subdivision, on a curve to the right with a radius of 322.00 feet, the chord azimuth and distance being:
275° 51' 30" 148.24 feet;
11. 289° 10' 110.15 feet over and across Lot 2, Kulana Subdivision;
12. Thence over and across Lot 2, Kulana Subdivision, on a curve to the right with a radius of 302.00 feet, the chord azimuth and distance being:
317° 00' 282.01 feet;
13. 344° 50' 38.51 feet over and across Lot 2, Kulana Subdivision;
14. Thence along Lot 4, Kulana Subdivision, on a curve to the left with a radius of 198.00 feet, the chord azimuth and distance being:
337° 10' 52.83 feet;
15. 59° 30' 44.00 along Lot 3, Kulana Subdivision to the point of beginning and containing an Area of: 0.696 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-15", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-15" affecting Lot 2, Kulana Subdivision, and more particularly described as follows:

Beginning at the East boundary of this parcel of land on the North side of Roadway Lot 21, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,167.42 feet North and 1,200.49 feet East and running by azimuths measured clockwise from True South:

01. Thence over and across Lot 2, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
170° 19' 28.28 feet;
02. 125° 19' 236.31 feet over and across Lot 2, Kulana Subdivision;
02. 224° 47' 44.61 feet along Lot 1, Kulana Subdivision;
03. 305° 19' 6.00 feet over and across Lot 2, Kulana Subdivision;
04. Thence over and across Lot 2, Kulana Subdivision, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:

- 06. 260° 43' 17.03 feet over and across Lot 2, Kulana Subdivision;
- 07. 26° 16' 53.15 along Lot 3, Kulana Subdivision to the point of beginning and containing an Area of: 0.357 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "DR-2", 10.00 feet wide, for Drainage purposes and more particularly described as follows:

All that certain parcel of land, being an easement "DR-2" affecting Lot 2, Kulana Subdivision, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land on the North side of Roadway Lot 21, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,330.56 feet North and 1,607.01 feet East and running by azimuths measured clockwise from True South:

- 01. 213° 03' 222.17 feet over and across Lot 2, Kulana Subdivision;
- 02. 300° 04' 4.32 feet over and across Lot 2, Kulana Subdivision;
- 03. 290° 25' 5.82 feet over and across Lot 2, Kulana Subdivision;
- 04. 33° 03' 221.54 feet over and across Lot 2, Kulana Subdivision;
- 05. Thence along the North side of Roadway Lot 21 Kulana Subdivision on a curve to the left with a radius of 322.00 feet, the chord azimuth and distance being:
110° 59' 34" 10.23 feet to the point of beginning and containing an AREA of: 2,216 square feet.

SUBJECT, ALSO, HOWEVER to an easement "P-6" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "P-6" affecting Lot 2, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the North corner of this parcel of land on the East boundary of Lot 1, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,364.04 feet North and 1,513.87 feet East and running by azimuths measured clockwise from True South:

- 01. 24° 16' 80.00 feet over and across Lot 2, Kulana Subdivision;
- 02. 54° 00' 86.19 feet over and across Lot 2, Kulana Subdivision;
- 03. 219° 42' 160.64 feet along Lot 1, Kulana Subdivision to the point of beginning and containing an AREA of: 0.039 Acres.

SUBJECT, ALSO, HOWEVER to an easement "D-11" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-11" 15.00 feet wide, affecting Lot 2, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the South boundary of this parcel of land on the East boundary of Lot 1, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9965.34 feet North and 1,317.60 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|---|
| 01. | 206° 41' | 114.78 | feet over and across Lot 2, Kulana Subdivision; |
| 02. | 145° 40' | 82.38 | feet over and across Lot 2, Kulana Subdivision to a point on the South side of Easement D-39, Kulana Subdivision, and containing an AREA of 0.068 Acres more or less. |

SUBJECT, ALSO, HOWEVER to an easement "D-13", 15.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-13", affecting Lot 2, Kulana Subdivision, the centerline and Southerly side line of which is more particularly described as follows:

Beginning at a point on the Southeast corner of this parcel of land on the West boundary of Lot 3, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,838.93 feet North and 1,881.13 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|--|
| 01. | 80° 43' | 11.71 | feet over and across Lot 2, Kulana Subdivision; |
| 02. | 110° 25' | 87.70 | feet over and across Lot 2, Kulana Subdivision; |
| 03. | 120° 04' | 71.00 | feet over and across Lot 2, Kulana Subdivision; |
| 04. | 133° 27' | 170.28 | feet over and across Lot 2, Kulana Subdivision to a point on the boundary of Lot 1, Kulana Subdivision, and containing an AREA of: 0.117 Acres more or less. |

SUBJECT, ALSO, HOWEVER to an easement "D-39" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-39" 15.00 feet wide, affecting Lot 2, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the East boundary of Lot 1, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,132.47 feet North and 1,296.85 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|-------|---|
| 01. | 245° 40' | 53.14 | feet over and across Lot 2, Kulana Subdivision; |
| 02. | 261° 30' | 46.46 | feet over and across Lot 2, Kulana Subdivision; |

02. 166° 16' 43.80 feet over and across Lot 2, Kulana Subdivision to a point on the East boundary of Lot 1, Kulana Subdivision and containing an AREA of 0.049 Acres more or less.

SUBJECT, ALSO, HOWEVER to an easement "D-40", 10.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-40", affecting Lot 2, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the East boundary of this parcel of land on the North boundary of Roadway Lot 21, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,178.50 feet North and 1,210.65 feet East and running by azimuths measured clockwise from True South:

01. 125° 19' 152.98 feet over and across Lot 2, Kulana Subdivision;

02. 94° 41' 134.32 feet over and across Lot 2, Kulana Subdivision to a point on the East boundary of Lot 1, Kulana Subdivision and containing an AREA of 0.044 acres more or less.

LOT 3

All that certain parcel of land, being Lot 3, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunaillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land at the Southeast corner of Lot 2, on the North side of Roadway Lot 21, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,272.26feet North and 1,720.08 feet East and running by azimuths measured clockwise from True South:

- 01. 206° 16' 383.25 feet along Lot 2, Kulana Subdivision;
- 02. 188° 35' 350.12 feet along Lot 2, Kulana Subdivision;
- 03. 185° 50' 217.52 feet along Lot 2, Kulana Subdivision;
- 04. 239° 30' 44.00 feet along Lot 2, Kulana Subdivision;
- 05. Thence along Lot 4, Kulana Subdivision, on a curve to the left with a radius of 198.00 feet, the chord azimuth and distance being:
315° 13' 97.70 feet;
- 06. 300° 56' 128.53 feet along Lot 4, Kulana Subdivision;
- 07. Thence along Lot 4, Kulana Subdivision, on a curve to the right with a radius of 142.00 feet, the chord azimuth and distance being:
354° 25' 30" 228.27 feet;
- 08. Thence along Lot 4, Kulana Subdivision, on a curve to the left with a radius of 148.00 feet, the chord azimuth and distance being:
21° 50' 130.14 feet;
- 09. 355° 45' 128.60 feet along Lot 4, Kulana Subdivision;
- 10. Thence along Lot 4, Kulana Subdivision, on a curve to the left with a radius of 118.00 feet, the chord azimuth and distance being:
335° 18' 82.46 feet;
- 11. 314° 51' 75.66 feet along Lot 4, Kulana Subdivision;
- 12. 226° 15' 126.06 feet along Lot 4, Kulana Subdivision;
- 13. 294° 50' 82.34 feet along Lot 4, Kulana Subdivision;
- 14. 255° 48' 54.97 feet along Lot 4, Kulana Subdivision;
- 15. 214° 29' 60.00 feet along Lot 4, Kulana Subdivision;
- 16. 316° 51' 142.00 feet along Lot 4, Kulana Subdivision;

17. 254° 52' 340.00 feet along Lot 4, Kulana Subdivision;
18. 274° 54' 25.00 feet along Lot 4, Kulana Subdivision;
19. 7° 07' 328.77 feet along Lot 4, Kulana Subdivision;
20. 309° 47' 40.05 feet along Lot 4, Kulana Subdivision;
21. 39° 47' 15.00 feet along the North side of Roadway Lot 21, Kulana Subdivision;
22. Thence along the North side of Roadway Lot 21, Kulana Subdivision on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:
84° 47' 28.28 feet;
23. 129° 47' 7.82 feet along the North side of Roadway Lot 21, Kulana Subdivision;
24. 39° 47' 44.00 feet along the North side of Roadway Lot 21, Kulana Subdivision;
25. Thence along the North side of Roadway Lot 21, Kulana Subdivision on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:
5° 07' 30" 32.90 feet;
26. 60° 28' 186.80 feet along the North side of Roadway Lot 21, Kulana Subdivision;
27. Thence along the North side of Roadway Lot 21, Kulana Subdivision on a curve to the right with a radius of 578.00 feet, the chord azimuth and distance being:
89° 45' 30" 565.58 feet;
28. 119° 03' 483.52 feet along the North side of Roadway Lot 21, Kulana Subdivision to the point of beginning, and Containing an AREA of 16.049 Acres.

Excepting therefrom from Ditch "D-14" containing an area of 0.128 acre; also excepting and reserving therefrom from Kainahola Stream containing an area of 0.046 acre; leaving a net AREA of 15.617 Acres.

NOTES:

- #1. Subject to a Native Hawaiian Stream Access Easement, 10 feet from each bank.
- #2. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #3. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #4. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-1", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-1" affecting Lot 3, Kulana Subdivision, and more particularly described as follows:

Beginning at the South corner of this parcel of land on the North side of Roadway Lot 21, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,164.71 feet North and 2,873.82 feet East and running by azimuths measured clockwise from True South:

01. 129° 47' 87.97 feet over and across Lot 3, Kulana Subdivision;
02. Thence over and across Lot 3, Kulana Subdivision, on a curve to the left with a radius of 313.00 feet, the chord azimuth and distance being:
113° 50' 30" 171.94 feet;
03. 97° 54' 229.83 feet over and across Lot 3, Kulana Subdivision;
04. Thence over and across Lot 3, Kulana Subdivision, on a curve to the right with a radius of 322.00 feet, the chord azimuth and distance being:
116° 22' 30" 204.08 feet;
05. 134° 51' 99.74 feet over and across Lot 3, Kulana Subdivision;
06. Thence over and across Lot 3, Kulana Subdivision, on a curve to the right with a radius of 162.00 feet, the chord azimuth and distance being:
155° 18' 113.20 feet;
07. 175° 45' 128.60 feet over and across Lot 3, Kulana Subdivision;
08. Thence over and across Lot 3, Kulana Subdivision, on a curve to the right with a radius of 192.00 feet, the chord azimuth and distance being:
201° 50' 168.84 feet;
09. Thence over and across Lot 3, Kulana Subdivision, on a curve to the left with a radius of 98.00 feet, the chord azimuth and distance being:
174° 25' 30" 157.54 feet;
10. 120° 56' 128.53 feet over and across Lot 3, Kulana Subdivision;
11. Thence over and across Lot 3, Kulana Subdivision, on a curve to the right with a radius of 242.00 feet, the chord azimuth and distance being:
135° 13' 119.41 feet;
12. 239° 30' 44.00 along Lot 2, Kulana Subdivision;

13. Thence along Lot 4, Kulana Subdivision on a curve to the left with a radius of 198.00 feet, the chord azimuth and distance being:
315° 13' 97.70 feet;
14. 300° 56' 128.53 feet along Lot 4, Kulana Subdivision;
15. Thence along Lot 4, Kulana Subdivision on a curve to the right with a radius of 142.00 feet, the chord azimuth and distance being:
354° 25' 30" 228.27 feet;
16. Thence along Lot 4, Kulana Subdivision on a curve to the left with a radius of 148.00 feet, the chord azimuth and distance being:
21° 50' 130.14 feet;
17. 355° 45' 128.60 feet along Lot 4, Kulana Subdivision;
18. Thence along Lot 4, Kulana Subdivision, on a curve to the left with a radius of 118.00 feet, the chord azimuth and distance being:
335° 18' 82.46 feet;
19. 314° 51' 99.74 feet along Lot 4, and over and across Lot 3, Kulana Subdivision;
20. Thence over and across Lot 3, Kulana Subdivision on a curve to the left with a radius of 278.00 feet, the chord azimuth and distance being:
296° 22' 30" 176.19 feet;
21. 277° 54' 229.83 feet over and across Lot 3, Kulana Subdivision;
22. Thence over and across Lot 3, Kulana Subdivision on a curve to the right with a radius of 357.00 feet, the chord azimuth and distance being:
293° 50' 30" 196.11 feet;
23. 309° 47' 87.97 feet over and across Lot 3, Kulana Subdivision;
24. 39° 47' 44.00 feet along the North side of Roadway Lot 21, Kulana Subdivision to the point of beginning and containing an AREA of 1.660 Acres.

SUBJECT ALSO, HOWEVER, to an easement AU-31, 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-31" affecting Lot 3, Kulana Subdivision, and more particularly described as follows:

Beginning at the West corner of this parcel of land on the East boundary of Lot 2, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station

"NONOU" being 9,433.49 feet North and 1,799.65 feet East and running by azimuths measured clockwise from True South:

01. 206° 16' 53.15 feet along Lot 2, Kulana Subdivision;
02. 260° 43' 176.43 feet over and across Lot 3, Kulana Subdivision;
03. Thence over and across Lot 3, Kulana Subdivision on a curve to the left with a radius of 78.00 feet, the chord azimuth and distance being:
245° 02' 42.17 feet;
04. 229° 21' 44.85 feet over and across Lot 3, Kulana Subdivision;
05. Thence over and across Lot 3, Kulana Subdivision on a curve to the right with a radius of 102.00 feet, the chord azimuth and distance being:
241° 00' 58" 41.25 feet;
06. Thence over and across Lot 3, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
214° 12' 58" 24.88 feet;
07. 355° 45' 11.29 feet along the West side of Easement AU-1;
08. Thence along the West side of Easement AU-1, on a curve to the left with a radius of 162.00 feet, the chord azimuth and distance being:
344° 08' 05" 65.23 feet;
09. Thence over and across Lot 3, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
109° 16' 10" 27.41 feet;
10. Thence over and across Lot 3, Kulana Subdivision on a curve to the left with a radius of 58.00 feet, the chord azimuth and distance being:
57° 41' 04" 16.81 feet;
11. 49° 21' 44.85 feet over and across Lot 3, Kulana Subdivision;
12. Thence over and across Lot 3, Kulana Subdivision on a curve to the right with a radius of 122.00 feet, the chord azimuth and distance being:
65° 02' 65.96 feet;
13. 80° 43' 193.46 feet over and across Lot 3, Kulana Subdivision;
14. Thence over and across Lot 3, Kulana Subdivision on a curve to the right with a radius of 127.00 feet, the chord azimuth and distance being:
83° 51' 06" 13.89 feet to the point of beginning and containing an AREA of 0.344 Acres.

SUBJECT, ALSO, HOWEVER to an easement "D-14", 15.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-14", affecting Lot 3, Kulana Subdivision, the centerline and Southerly side line of which is more particularly described as follows:

Beginning at a point on the Southwest corner of this parcel of land on the East boundary of Lot 2, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,492.73 feet North and 1,828.88 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|---|
| 01. | 260° 43' | 167.59 | feet over and across Lot 3, Kulana Subdivision; |
| 02. | 234° 08' | 21.10 | feet over and across Lot 3, Kulana Subdivision; |
| 03. | 226° 22' | 69.70 | feet over and across Lot 3, Kulana Subdivision; |
| 04. | 279° 55' | 43.80 | feet over and across Lot 3, Kulana Subdivision; |
| 05. | 264° 01' | 60.91 | feet over and across Lot 3, Kulana Subdivision
to a point on the West boundary of Lot 4,
Kulana Subdivision, and containing an
AREA of: 0.125 Acres, more or less. |

LOT 4

All that certain parcel of land, being Lot 4, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunalillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land at the Southeast corner of Lot 3, on the North side of Roadway Lot 21, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,207.62 feet North and 2,945.75 feet East and running by azimuths measured clockwise from True South:

01. 129° 47' 40.05 feet along Lot 3, Kulana Subdivision;
02. 187° 07' 328.77 feet along Lot 3, Kulana Subdivision;
03. 94° 54' 25.00 feet along Lot 3, Kulana Subdivision;
04. 74° 52' 340.00 feet along Lot 3, Kulana Subdivision;
05. 136° 51' 142.00 feet along Lot 3, Kulana Subdivision;
06. 34° 29' 60.00 feet along Lot 3, Kulana Subdivision;
07. 75° 48' 54.97 feet along Lot 3, Kulana Subdivision;
08. 114° 50' 82.34 feet along Lot 3, Kulana Subdivision;
09. 46° 15' 126.06 feet along Lot 3, Kulana Subdivision;
10. 134° 51' 75.66 feet along Lot 3, Kulana Subdivision;
11. Thence along Lot 3, Kulana Subdivision on a curve to the right with a radius of 118.00 feet, the chord azimuth and distance being:
155° 18' 82.46 feet;
12. 175° 45' 128.60 feet along Lot 3, Kulana Subdivision;
13. Thence along Lot 3, Kulana Subdivision on a curve to the right with a radius of 148.00 feet, the chord azimuth and distance being:
201° 50' 130.14 feet;
14. Thence along Lot 3, Kulana Subdivision on a curve to the left with a radius of 142.00 feet, the chord azimuth and distance being:
174° 25' 30" 228.27 feet;
15. 120° 56' 128.53 feet along Lot 3, Kulana Subdivision;
16. Thence along Lots 2 and 3, Kulana Subdivision on a curve to the left with a radius of 198.00 feet, the chord azimuth and distance being:
142° 53' 148.02 feet;

- | | | |
|-----|----------|---|
| 17. | 222° 02' | 508.06 feet along Lot 3, Kulana Subdivision; |
| 18. | 306° 18' | 20.87 feet along State Ditch 8A Portion 5; |
| 19. | 296° 52' | 69.97 feet along State Ditch 8A Portion 5; |
| 20. | 335° 50' | 86.81 feet along State Ditch 8A Portion 5; |
| 21. | 286° 16' | 95.33 feet along State Ditch 8A Portion 5; |
| 22. | 344° 00' | 39.17 feet along State Ditch 8A Portion 5; |
| 23. | 354° 35' | 115.55 feet along State Ditch 8A Portion 5; |
| 24. | 350° 50' | 112.61 feet along State Ditch 8A Portion 5; |
| 25. | 315° 50' | 57.66 feet along State Ditch 8A Portion 5; |
| 26. | 245° 26' | 47.46 feet along State Ditch 8A Portion 5; |
| 27. | 213° 14' | 100.00 feet along State Ditch 8A Portion 5; |
| 28. | 245° 30' | 39.63 feet along State Ditch 8A Portion 5; |
| 29. | 327° 43' | 322.01 feet along Lot 5, Kulana Subdivision; |
| 30. | 3° 12' | 90.38 feet along Lot 5, Kulana Subdivision; |
| 31. | 15° 07' | 173.52 feet along Lot 5, Kulana Subdivision; |
| 32. | 359° 33' | 111.00 feet along Lot 5, Kulana Subdivision; |
| 33. | 310° 37' | 90.81 feet along Lot 5, Kulana Subdivision; |
| 34. | 274° 54' | 41.29 feet along Lot 5, Kulana Subdivision; |
| 35. | 7° 07' | 351.18 feet along Lot 3, Kulana Subdivision; |
| 36. | 309° 47' | 31.85 feet along Lot 3, Kulana Subdivision; |
| 37. | 39° 47' | 15.00 feet along Lot 3, Kulana Subdivision;
to the point of beginning and
containing an AREA of 15.082 Acres. |

Excepting therefrom from Ditch "D-15" containing an area of 0.050 acres; also from Kainahola Stream containing an area of 1.366 acres; leaving a net AREA of 14.354 Acres.

NOTES:

- #1. Subject to a Native Hawaiian Stream Access Easement, 10 feet from each bank.
- #2. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #3. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #4. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER to an easement "D-15" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-15" 15.00 feet wide, affecting Lot 4, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the East boundary of Lot 3, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,579.03 feet North and 2,165.54 feet East and running by azimuths measured clockwise from True South:

- | | | |
|-----|----------|--|
| 01. | 264° 01' | 48.79 feet over and across lot 4, Kulana Subdivision; |
| 02. | 267° 10' | 95.00 feet over and across Lot 4, Kulana Subdivision to a point on the West side of Kainahola Stream and containing an AREA of 0.050 Acres more or less. |

LOT 5

All that certain parcel of land, being Lot 5, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunalillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land at the Southeast corner of Lot 4, on the North side of Roadway Lot 21, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,219.15 feet North and 2,955.35 feet East and running by azimuths measured clockwise from True South:

- 01. 129° 47' 31.85 feet along Lot 4, Kulana Subdivision;
- 02. 187° 07' 351.18 feet along Lot 4, Kulana Subdivision;
- 03. 94° 54' 41.29 feet along Lot 4, Kulana Subdivision;
- 04. 130° 37' 90.81 feet along Lot 4, Kulana Subdivision;
- 05. 179° 33' 111.00 feet along Lot 4, Kulana Subdivision;
- 06. 195° 07' 173.52 feet along Lot 4, Kulana Subdivision;
- 07. 183° 12' 90.38 feet along Lot 4, Kulana Subdivision;
- 08. 147° 43' 322.01 feet along Lot 4, Kulana Subdivision;
- 09. 218° 30' 45.01 feet along State Ditch 8A Portion 5;
- 10. 172° 10' 83.23 feet along State Ditch 8A Portion 5;
- 11. 201° 40' 64.08 feet along State Ditch 8A Portion 5;
- 12. 230° 41' 85.16 feet along State Ditch 8A Portion 5;
- 13. 273° 00' 61.79 feet along State Ditch 8A Portion 5;
- 14. 3° 00' 147.64 feet along Lot 7, Kulana Subdivision;
- 15. Thence along Lot 7, Kulana Subdivision, on a curve to the left with a radius of 68.00 feet, the chord azimuth and distance being:
324° 00' 30" 85.57 feet;
- 16. 15° 01' 44.00 feet along Lot 7, Kulana Subdivision;
- 17. 285° 01' 387.42 feet along Lot 7, Kulana Subdivision;
- 18. 195° 01' 44.00 feet along Lot 7, Kulana Subdivision;
- 19. 284° 00' 223.10 feet along Lot 7, Kulana Subdivision;
- 20. 285° 42' 288.18 feet along Lot 7, Kulana Subdivision;
- 21. 309° 47' 73.33 feet along Lot 7, Kulana Subdivision;

22. Thence along Lot 7, Kulana Subdivision, on a curve to the right with a radius of 228.00 feet, the chord azimuth and distance being:
291° 35' 25" 315.58 feet;
23. 335° 23' 66.92 feet along Lot 7, Kulana Subdivision;
24. Thence along Lot 7, Kulana Subdivision, on a curve to the left with a radius of 172.00 feet, the chord azimuth and distance being:
326° 53' 30" 50.80 feet;
25. 318° 24' 93.08 feet along Lot 7, Kulana Subdivision;
26. 48° 24' 56.00 feet along Lot 17, Kulana Subdivision;
27. 99° 50' 187.40 feet along Lot 17, Kulana Subdivision;
28. 57° 55' 406.48 feet along Lot 17, Kulana Subdivision;
29. 153° 51' 43" 270.47 feet along Lot 6, Kulana Subdivision;
30. 160° 54' 77.74 feet along Lot 6, Kulana Subdivision;
31. 112° 40' 95.00 feet along Lot 6, Kulana Subdivision;
32. 6° 00' 74.31 feet along Lot 6, Kulana Subdivision;
33. 268° 13' 56.92 feet along Lot 6, Kulana Subdivision;
34. 340° 54' 137.51 feet along Lot 6, Kulana Subdivision;
35. 333° 39' 200.50 feet along Lot 6, Kulana Subdivision;
36. 329° 53' 177.30 feet along Lot 6, Kulana Subdivision;
37. 0° 20' 130.90 feet along Lot 6, Kulana Subdivision;
38. 339° 40' 58.30 feet along Lot 6, Kulana Subdivision;
39. 298° 00' 100.40 feet along Lot 6, Kulana Subdivision;
40. 345° 30' 84.80 feet along Lot 6, Kulana Subdivision;
41. 4° 47' 173.60 feet along Lot 6, Kulana Subdivision;
42. 71° 07' 296.97 feet along Lot 6, Kulana Subdivision;
43. 160° 00' 443.47 feet along Lot 6, Kulana Subdivision;
44. 88° 24' 453.90 feet along Lot 6, Kulana Subdivision;
45. 129° 47' 22.11 feet along Lot 6, Kulana Subdivision;
46. 219° 47' 43.14 feet along Lot 6, Kulana Subdivision;

- 47. 129° 47' 44.00 feet along Lot 6, Kulana Subdivision;
- 48. 39° 47' 10.00 feet along the North side of Roadway Lot 21, Kulana Subdivision, to the point of beginning and containing an AREA of 26.921 Acres.

Excepting therefrom: Ditch "D-19" containing an area of 0.280 acre; also Ditch "D-21" containing an area of 0.120 acre; also Ditch "D-23" containing an area of 0.072 acre; also Ditch "D-25" containing an area of 0.013 acre; also Ditch "D-51" containing an area of 0.193 acre; also from Kainahola Stream containing an area of 0.454 acre; leaving a net AREA of 26.136 Acres.

NOTES:

- #1. Subject to a Native Hawaiian Stream Access Easement, 10 feet from each bank.
- #2. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #3. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #4. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-6", 56.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-6" affecting Lot 5, Kulana Subdivision, and more particularly described as follows:

Beginning at the West corner of this parcel of land on the North side of Roadway Lot 21, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,230.67 feet North and 2,957.14 feet East and running by azimuths measured clockwise from True South:

- 01. 219° 47' 209.70 feet over and across Lot 5, Kulana Subdivision;
- 02. Thence over and across Lot 5, Kulana Subdivision, on a curve to the left with a radius of 772.00 feet, the chord azimuth and distance being:
213° 09' 178.36 feet;
- 03. Thence over and across Lot 5, Kulana Subdivision, on a curve to the right with a radius of 448.00 feet, the chord azimuth and distance being:
229° 10' 345.05 feet;
- 04. 251° 49' 87.95 feet over and across Lot 5, Kulana Subdivision;
- 05. 340° 54' 56.01 feet along Lot 6, Kulana Subdivision;
- 06. 71° 49' 88.85 feet over and across Lot 5, Kulana Subdivision;
- 07. Thence over and across Lot 5, Kulana Subdivision on a curve to the left with a radius of 392.00 feet, the chord azimuth and distance being:
49° 10' 301.92 feet;

- 08. Thence over and across Lot 5, Kulana Subdivision on a curve to the right with a radius of 828.00 feet, the chord azimuth and distance being:
33° 09' 191.29 feet;
- 09. 39° 47' 209.70 feet over and across Lot 5, Kulana Subdivision;
- 10. 129° 47' 56.00 feet along the North side of Roadway Lot 21, Kulana Subdivision, to the point of beginning and containing an AREA of 1.048 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-8", 56.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-8" affecting Lot 5, Kulana Subdivision, and more particularly described as follows:

Beginning at the Northwest corner of this parcel of land on the East boundary of Lot 6, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,809.20 feet North and 3,579.13 feet East and running by azimuths measured clockwise from True South:

- 01. 251° 49' 25.36 feet over and across Lot 5, Kulana Subdivision;
- 02. Thence over and across Lot 5, Kulana Subdivision, on a curve to the left with a radius of 302.00 feet, the chord azimuth and distance being:
237° 37' 148.17 feet;
- 03. 223° 25' 100.22 feet over and across Lot 5, Kulana Subdivision;
- 04. Thence over and across Lot 5, and along Lot 7, Kulana Subdivision on a curve to the right with a radius of 228.00 feet, the chord azimuth and distance being:
279° 24' 377.97 feet;
- 05. 335° 23' 66.92 feet along Lot 7, Kulana Subdivision;
- 06. Thence along Lot 7, Kulana Subdivision on a curve to the left with a radius of 172.00 feet, the chord azimuth and distance being:
326° 53' 30" 50.80 feet;
- 08. 318° 24' 93.08 feet along Lot 7, Kulana Subdivision;
- 09. 48° 24' 56.00 feet along Lot 17, Kulana Subdivision;
- 10. 138° 24' 93.08 feet along Lot 7, Kulana Subdivision;
- 11. Thence over and across Lot 5, Kulana Subdivision on a curve to the right with a radius of 228.00 feet, the chord azimuth and distance being:
146° 53' 30" 67.24 feet;

12. 155° 23' 66.92 feet over and across Lot 5, Kulana Subdivision;
13. Thence over and across Lot 5, Kulana Subdivision on a curve to the left with a radius of 172.00 feet, the chord azimuth and distance being:
99° 24' 285.13 feet;
14. 43° 25' 100.22 feet over and across Lot 5, Kulana Subdivision;
15. Thence over and across Lot 5, Kulana Subdivision on a curve to the right with a radius of 358.00 feet, the chord azimuth and distance being:
57° 37' 175.64 feet;
16. 71° 49' 24.46 feet over and across Lot 5, Kulana Subdivision;
17. 160° 54' 56.01 feet along Lot 6, Kulana Subdivision to the point of beginning and containing an AREA of 1.156 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-28", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-28" affecting Lot 5, Kulana Subdivision, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land on the North side of Easement "AU-8", Lot 5, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,811.49 feet North and 3,586.09 feet East and running by azimuths measured clockwise from True South:

01. Thence over and across Lot 5, Kulana Subdivision on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:
204° 32' 30" 27.14 feet;
02. 157° 16' 22.76 feet over and across Lot 5, Kulana Subdivision;
03. Thence over and across Lot 5, Kulana Subdivision on a curve to the right with a radius of 78.00 feet, the chord azimuth and distance being:
152° 56' 30" 11.76 feet;
04. 148° 37' 197.56 feet over and across Lot 5, Kulana Subdivision;
05. Thence over and across Lot 5, Kulana Subdivision on a curve to the left with a radius of 278.00 feet, the chord azimuth and distance being:
126° 49' 206.48 feet;
06. 195° 01' 44.00 feet along Lot 7, Kulana Subdivision;

07. Thence over and across Lot 5, Kulana Subdivision on a curve to the right with a radius of 322.00 feet, the chord azimuth and distance being:
306° 49' 239.16 feet;
08. 328° 37' 197.56 feet over and across Lot 5, Kulana Subdivision;
09. Thence over and across Lot 5, Kulana Subdivision on a curve to the right with a radius of 122.00 feet, the chord azimuth and distance being:
332° 56' 30" 18.40 feet;
10. 337° 16' 20.41 feet over and across Lot 5, Kulana Subdivision;
11. Thence over and across Lot 5, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
287° 59' 02" 30.32 feet;
12. Thence over and across Lot 5, Kulana Subdivision on a curve to the right with a radius of 302.00 feet, the chord azimuth and distance being:
65° 15' 32" 68.98 feet;
13. 71° 49' 18.04 feet over and across Lot 5, Kulana Subdivision to the point of beginning, and containing an AREA of 0.494 acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-30", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-30" affecting Lot 5, Kulana Subdivision, and more particularly described as follows:

Beginning at the South corner of this parcel of land on the West boundary of Lot 7, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,260.42 feet North and 2,940.84 feet East and running by azimuths measured clockwise from True South:

01. Thence over and across Lot 5, Kulana Subdivision on a curve to the right with a radius of 112.00 feet, the chord azimuth and distance being:
144° 00' 30" 140.94 feet;
02. 183° 00' 49.64 feet over and across Lot 5, Kulana Subdivision;
03. Thence over and across Lot 5, Kulana Subdivision on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:
138° 00' 28.28 feet;
04. 93° 00' 20.00 feet over and across Lot 5, Kulana Subdivision;
05. 183° 00' 52.00 feet over and across Lot 5, Kulana Subdivision;

- 06. 273° 00' 20.00 feet over and across Lot 5, Kulana Subdivision;
- 07. Thence over and across Lot 5, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
228° 00' 28.28 feet;
- 08. 183° 00' 6.00 feet over and across Lot 5, Kulana Subdivision;
- 09. 273° 00' 44.00 feet along State Ditch 8A, Portion 5;
- 10. 3° 00' 147.64 feet along Lot 7, Kulana Subdivision;
- 11. Thence along Lot 7, Kulana Subdivision on a curve to the left with a radius of 68.00 feet, the chord azimuth and distance being:
324° 00' 30" 85.57 feet;
- 12. 15° 01' 44.00 feet along Lot 7, Kulana Subdivision to the point of beginning and containing an AREA of: 0.325 Acres.

SUBJECT ALSO, HOWEVER to an easement "D-19" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-19" 20.00 feet wide, affecting Lot 5, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the South boundary of Lot 7, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,229.40 feet North and 3,056.49 feet East and running by azimuths measured clockwise from True South:

- 01. 315° 30' 19.71 feet over and across Lot 5, Kulana Subdivision;
- 02. 285° 01' 196.74 feet over and across Lot 5, Kulana Subdivision;
- 03. 291° 16' 148.88 feet over and across Lot 5, Kulana Subdivision;
- 04. 314° 59' 61.30 feet over and across Lot 5, Kulana Subdivision;
- 05. 321° 57' 104.50 feet over and across Lot 5, Kulana Subdivision;
- 06. 326° 54' 82.38 feet over and across Lot 5, Kulana Subdivision; to a point on the North side of Easement "D-21" Lot 5, Kulana Subdivision and containing an AREA of 0.280 Acres more or less.

SUBJECT ALSO, HOWEVER to an easement "D-21" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-21" 15.00 feet wide, affecting Lot 5, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the boundary of Lot 7, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,100.06 feet North and 3,715.43 feet East and running by azimuths measured clockwise from True South:

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|-----|---------|--------|--|
| 01. | 8° 34' | 119.17 | feet over and across Lot 5, Kulana Subdivision; |
| 02. | 51° 12' | 20.00 | feet over and across Lot 5, Kulana Subdivision; |
| 03. | 68° 52' | 105.30 | feet over and across Lot 5, Kulana Subdivision; |
| 04. | 55° 36' | 27.50 | feet over and across Lot 5, Kulana Subdivision; |
| 05. | 34° 06' | 9.80 | feet over and across Lot 5, Kulana Subdivision; |
| 06. | 22° 40' | 66.00 | feet over and across Lot 5, Kulana Subdivision to a point on the boundary of Lot 6, Kulana Subdivision and containing an AREA of 0.120 Acres more or less. |

SUBJECT ALSO, HOWEVER to an easement "D-23" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-23" 20.00 feet wide, affecting Lot 5, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the West side of Easement "D-25", Lot 5, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,039.70 feet North and 3,481.78 feet East and running by azimuths measured clockwise from True South:

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|-----|----------|-------|---|
| 01. | 39° 47' | 62.00 | feet over and across Lot 5, Kulana Subdivision; |
| 02. | 104° 06' | 94.74 | feet over and across Lot 5, Kulana Subdivision to a point on the East side of Easement "D-21" Lot 5, Kulana Subdivision and containing an AREA of 0.072 Acres more or less. |

SUBJECT ALSO, HOWEVER to an easement "D-25", 10.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-25", affecting Lot 5, Kulana Subdivision, the North side of which is more particularly described as follows:

Beginning at the North corner of this parcel of land on the boundary of Lot 7, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,070.58 feet North and 3,820.33 feet East and running by azimuths measured clockwise from True South:

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|-----|----------|-------|--|
| 01. | 309° 47' | 42.40 | feet along Lot 7, Kulana Subdivision. and containing an AREA of: 0.013 Acres more or less. |
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SUBJECT ALSO, HOWEVER to an easement "D-51" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-51" 10.00 feet wide, affecting Lot 5, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the South boundary of this parcel of land on the boundary of Lot 6, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,158.49 feet North and 2,976.41 feet East and running by azimuths measured clockwise from True South:

01. 219° 47' 252.84 feet over and across Lot 5, Kulana Subdivision;
02. Thence over and across Lot 5, Kulana Subdivision on a curve to the left with a radius of 833.00 feet, the chord azimuth and distance being:
213° 09' 192.45 feet;
03. Thence over and across Lot 5, Kulana Subdivision on a curve to the right with a radius of 387.00 feet, the chord azimuth and distance being:
229° 10' 298.07 feet;
05. 251° 49' 88.93 feet over and across Lot 5, Kulana Subdivision to a point on the boundary of Lot 6, Kulana Subdivision and containing an AREA of 0.193 Acres more or less.

SUBJECT, ALSO, HOWEVER, to an easement "DR-3", 10.00 feet wide, for Drainage purposes and more particularly described as follows:

All that certain parcel of land, being an easement "DR-3" affecting Lot 5, Kulana Subdivision, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land at the Southeast corner of Lot 4, Kulana Subdivision, on the North boundary of Roadway Lot 21 the coordinates of which referred to Government Survey Triangulation Station "NONOU" being feet 9,219.15 North and 2,955.35 feet East and running by azimuths measured clockwise from True South:

01. 129° 47' 31.85 feet along Lot 4, Kulana Subdivision;
02. 187° 07' 366.18 feet along Lot 4 and over and across Lot 5, Kulana Subdivision;
03. 277° 07' 10.00 feet over and across Lot 5, Kulana Subdivision;
04. 7° 07' 360.71 feet over and across Lot 5, Kulana Subdivision;
05. 309° 47' 26.38 feet over and across Lot 5, Kulana Subdivision;
06. 39° 47' 10.00 along the North side of Roadway Lot 21, Kulana subdivision, to the point of beginning and containing an AREA of: 3,926 square feet.

LOT 6, RESERVOIR

All that certain parcel of land, being Lot 6, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunaillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land on the South boundary of Lot 5, on the South side of Roadway Lot 21, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,165.53 feet North and 2,967.95 feet East and running by azimuths measured clockwise from True South:

01.	309° 47'	22.11 feet along Lot 5, Kulana Subdivision;
02.	268° 24'	453.90 feet along Lot 5, Kulana Subdivision;
03.	340° 00'	443.47 feet along Lot 5, Kulana Subdivision;
04.	251° 07'	296.97 feet along Lot 5, Kulana Subdivision;
05.	184° 47'	173.60 feet along Lot 5, Kulana Subdivision;
06.	165° 30'	84.80 feet along Lot 5, Kulana Subdivision;
07.	118° 00'	100.40 feet along Lot 5, Kulana Subdivision;
08.	159° 40'	58.30 feet along Lot 5, Kulana Subdivision;
09.	180° 20'	130.90 feet along Lot 5, Kulana Subdivision;
10.	149° 53'	177.30 feet along Lot 5, Kulana Subdivision;
11.	153° 39'	200.50 feet along Lot 5, Kulana Subdivision;
12.	160° 54'	137.51 feet along Lot 5, Kulana Subdivision;
13.	88° 13'	56.92 feet along Lot 5, Kulana Subdivision;
14.	186° 00'	74.31 feet along Lot 5, Kulana Subdivision;
15.	292° 40'	95.00 feet along Lot 5, Kulana Subdivision;
16.	340° 54'	77.74 feet along Lot 5, Kulana Subdivision;
17.	333° 51' 43"	270.47 feet along Lot 5, Kulana Subdivision;
18.	328° 51'	200.20 feet along Lot 17, Kulana Subdivision;
19.	352° 10'	60.80 feet along Lot 17, Kulana Subdivision;
20.	0° 53'	97.60 feet along Lot 17, Kulana Subdivision;
21.	292° 28'	93.50 feet along Lot 17, Kulana Subdivision;
22.	192° 44'	280.20 feet along Lot 17, Kulana Subdivision;

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|-----|---|---|
| 23. | 199° 15' | 157.40 feet along Lot 17, Kulana Subdivision; |
| 24. | 213° 10' | 103.60 feet along Lot 17, Kulana Subdivision; |
| 25. | 260° 54' | 95.00 feet along Lot 17, Kulana Subdivision; |
| 26. | 310° 39' | 106.00 feet along Lot 17, Kulana Subdivision; |
| 27. | 338° 05' | 99.60 feet along Lot 17, Kulana Subdivision; |
| 28. | 315° 00' | 131.94 feet along Lot 17, Kulana Subdivision; |
| 29. | Thence along Lot 17, Kulana Subdivision, on a curve to the right with a radius of 182.00 feet, the chord azimuth and distance being:
33° 24' 07" 68.40 feet; | |
| 30. | 134° 14' | 44.00 feet along Lot 17, Kulana Subdivision; |
| 31. | 44° 14' | 609.92 feet along Lot 17, Kulana Subdivision; |
| 32. | 4° 47' | 124.23 feet along Lot 17, Kulana Subdivision; |
| 33. | 71° 07' | 321.49 feet along Lot 17, Kulana Subdivision; |
| 34. | 160° 00' | 447.36 feet along Lot 17, Kulana Subdivision; |
| 35. | 88° 24' | 448.75 feet along Lot 17, Kulana Subdivision; |
| 36. | 129° 47' | 27.77 feet along Lot 17, Kulana Subdivision; |
| 37. | 219° 47' | 15.00 feet along the South side of Roadway Lot 21, Kulana Subdivision, to the point of beginning and containing an AREA of 5.363 Acres. |

Excepting therefrom Ditch "D-22" containing an area of 0.007 acre; also Ditch "D-34" containing an area of 0.025 acre; also Ditch "D-50" containing an area of 0.003 acre; also Ditch "D-52" containing an area of 0.003 acre; also from Kainahola Stream containing an area of 3.005 acre; leaving a net AREA of 2.324 Acres.

NOTES:

- #1. Subject to a Native Hawaiian Stream Access Easement, 10 feet from each bank.
- #2. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #3. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #4. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-7", 56.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-7" affecting Lot 6, Kulana Subdivision, and more particularly described as follows:

Beginning at the Northwest corner of this parcel of land on the boundary of Lot 5, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,794.21 feet North and 3,533.48 feet East and running by azimuths measured clockwise from True South:

01. 251° 49' 48.04 feet over and across Lot 6, Kulana Subdivision;
02. 340° 54' 56.01 feet along Lot 5, Kulana Subdivision;
03. 71° 49' 48.05 feet over and across Lot 6, Kulana Subdivision;
04. 160° 54' 56.01 feet along Lot 5, Kulana Subdivision to the point of beginning and containing an AREA of: 0.062 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-10", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-10" affecting Lot 6, Kulana Subdivision, and more particularly described as follows:

Beginning at the Northeast corner of this parcel of land on the boundary of Lot 17, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,417.49 feet North and 4,388.38 feet East and running by azimuths measured clockwise from True South:

01. Thence along Lot 17, Kulana Subdivision on a curve to the right, having a radius of 182.00 feet the chord azimuth and distance being:
33° 24' 07" 68.40 feet;
02. 134° 14' 44.00 feet along Lot 17, Kulana Subdivision;
03. Thence over and across Lot 6, Kulana Subdivision on a curve to the left, having a radius of 138.00 feet the chord azimuth and distance being:
209° 30' 38" 70.14 feet;
04. 315° 00' 48.98 feet along Lot 17, Kulana Subdivision to the point of beginning and containing an AREA of: 0.070 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-38", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-38" affecting Lot 6, Kulana Subdivision, and more particularly described as follows:

Beginning at the Northwest corner of this parcel of land on the boundary of Lot 5, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,016.43 feet North and 3,885.81 feet East and running by azimuths measured clockwise from True South:

- 01. 274° 47' 63.69 feet over and across Lot 6, Kulana Subdivision;
- 02. 44° 14' 56.98 feet along Lot 17, Kulana Subdivision;
- 03. 94° 47' 27.49 feet over and across Lot 6, Kulana Subdivision;
- 04. 184° 47' 44.00 feet along Lot 5, Kulana Subdivision to the point of beginning and containing an AREA of: 0.046 Acres.

SUBJECT, ALSO, HOWEVER to an easement "D-22" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-22" 15.00 feet wide, affecting Lot 6, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the boundary of Lot 5, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,847.17 feet North and 3,530.26 feet East and running by azimuths measured clockwise from True South:

- 01. 20° 16' 20.00 feet over and across lot 6, Kulana Subdivision to a point on Kainahola stream, and containing an AREA of 0.007 Acres, more or less.

SUBJECT, ALSO, HOWEVER to an easement "D-34" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-34" 30.00 feet wide, affecting Lot 6, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the South boundary of this parcel of land on the boundary of Lot 17, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,272.82 feet North and 4,202.06 feet East and running by azimuths measured clockwise from True South:

- 01. 137° 41' 30.39 feet over and across lot 6, Kulana Subdivision to a point on Kainahola stream, and containing an AREA of 0.021 Acres, more or less.

SUBJECT, ALSO, HOWEVER to an easement "D-50" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-50" 10.00 feet wide, affecting Lot 6, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the boundary of Lot 5, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,146.96 feet North and 2,966.81 feet East and running by azimuths measured clockwise from True South:

01. 219° 47'

15.00 feet over and across lot 6, Kulana Subdivision to a point on the boundary of Lot 17, Kulana Subdivision and containing an AREA of 0.003 Acres, more or less.

SUBJECT, ALSO, HOWEVER to an easement "D-52" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-52" 10.00 feet wide, affecting Lot 6, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the boundary of Lot 5, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,736.56 feet North and 3,553.44 feet East and running by azimuths measured clockwise from True South:

01. 251° 49'

15.00 feet over and across lot 6, Kulana Subdivision to a point on Kainahola stream, and containing an AREA of 0.003 Acres, more or less.

LOT 7

All that certain parcel of land, being Lot 7, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunaillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Northeast corner of this parcel of land at the corner of Lot 8, Kulana Subdivision, on the South side of Kaapuni Road, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,285.37 feet North and 5,808.30 feet East and running by azimuths measured clockwise from True South:

01. 23° 00' 41.04 feet along Lot 8, Kulana Subdivision;
02. Thence along Lot 8, Kulana Subdivision on a curve to the left with a radius of 62.00 feet, the chord azimuth and distance being:
356° 50' 54.68 feet;
03. 330° 40' 34.04 feet along Lot 8, Kulana Subdivision;
- 04 Thence along Lot 8, Kulana Subdivision on a curve to the right with a radius of 96.00 feet, the chord azimuth and distance being:
11° 17' 124.99 feet;
05. Thence along Lot 8, Kulana Subdivision on a curve to the right with a radius of 288.00 feet, the chord azimuth and distance being:
73° 06' 30" 208.37 feet;
06. Thence along Lot 8, Kulana Subdivision on a curve to the right with a radius of 238.00 feet, the chord azimuth and distance being:
122° 58' 30" 228.28 feet;
07. Thence along Lot 8, Kulana Subdivision on a curve to the left with a radius of 172.00 feet, the chord azimuth and distance being:
124° 17' 30" 158.00 feet;
08. 96° 57' 141.07 feet along Lot 8, Kulana Subdivision;
09. Thence along Lot 8, Kulana Subdivision on a curve to the right with a radius of 143.00 feet, the chord azimuth and distance being:
124° 27' 132.06 feet;
10. 151° 57' 120.94 feet along Lot 8, Kulana Subdivision;
11. Thence along Lot 8, Kulana Subdivision on a curve to the left with a radius of 202.00 feet, the chord azimuth and distance being:
145° 53' 42.70 feet;
12. 139° 49' 35.01 feet along Lot 8, Kulana Subdivision;
13. 28° 33' 123.58 feet along Lot 8, Kulana Subdivision;
14. 339° 50' 200.00 feet along Lot 8, Kulana Subdivision;
15. 20° 00' 281.50 feet along Lot 8, Kulana Subdivision;

16. 55° 00' 112.21 feet along Lot 8, Kulana Subdivision;
17. 152° 40' 84.87 feet along Lot 17, Kulana Subdivision;
18. 165° 20' 200.00 feet along Lot 17, Kulana Subdivision;
19. 201° 42' 130.50 feet along Lot 17, Kulana Subdivision;
20. 183° 56' 124.60 feet along Lot 17, Kulana Subdivision;
21. 166° 53' 95.40 feet along Lot 17, Kulana Subdivision;
22. 141° 50' 82.50 feet along Lot 17, Kulana Subdivision;
23. 123° 08' 105.04 feet along Lot 17, Kulana Subdivision;
24. 92° 58' 158.14 feet along Lot 17, Kulana Subdivision;
25. 154° 09' 97.91 feet along Lot 17, Kulana Subdivision;
26. 244° 09' 6.00 feet along Lot 17, Kulana Subdivision;
27. Thence along Lot 17, Kulana Subdivision on a curve to the left with a radius of 183.00 feet,
the chord azimuth and distance being:
146° 16' 30" 50.15 feet;
28. 138° 24' 140.43 feet along Lots 5 and 17, Kulana Subdivision;
29. Thence along Lot 5, Kulana Subdivision on a curve to the right with a radius of 172.00 feet,
the chord azimuth and distance being:
146° 53' 30" 50.80 feet;
30. 155° 23' 66.92 feet along Lot 5, Kulana Subdivision;
31. Thence along Lot 5, Kulana Subdivision on a curve to the left with a radius of 228.00 feet,
the chord azimuth and distance being:
111° 35' 25" 315.58 feet;
32. 129° 47' 73.33 feet along Lot 5, Kulana Subdivision;
33. 105° 42' 288.18 feet along Lot 5, Kulana Subdivision;
34. 104° 00' 223.10 feet along Lot 5, Kulana Subdivision;
35. 15° 01' 44.00 feet along Lot 5, Kulana Subdivision;
36. 105° 01' 387.42 feet along Lot 5, Kulana Subdivision;
37. 195° 01' 44.00 feet along Lot 5, Kulana Subdivision;
38. Thence along Lot 5, Kulana Subdivision on a curve to the right with a radius of 68.00 feet,
the chord azimuth and distance being:
144° 00' 30" 85.57 feet;
39. 183° 00' 147.64 feet along Lot 5, Kulana Subdivision;

40.	273° 00'	96.46 feet along State Ditch 8A, Portion 5;
41.	285° 50'	65.04 feet along State Ditch 8A, Portion 5;
42.	272° 20'	42.80 feet along State Ditch 8A, Portion 5;
43.	303° 23'	91.93 feet along State Ditch 8A, Portion 5;
44.	273° 17'	79.09 feet along State Ditch 8A, Portion 5;
47.	287° 22'	22.17 feet along State Ditch 8A, Portion 5;
48.	315° 50'	151.00 feet along State Ditch 8A, Portion 5;
49.	273° 30'	32.99 feet along State Ditch 8A, Portion 5;
50.	242° 21'	113.35 feet along State Ditch 8A, Portion 5;
51.	223° 18'	39.25 feet along State Ditch 8A, Portion 5;
52.	253° 20'	33.18 feet along State Ditch 8A, Portion 5;
53.	294° 23'	59.13 feet along State Ditch 8A, Portion 5;
54.	295° 18'	81.63 feet along State Ditch 8A, Portion 5;
55.	269° 50'	37.16 feet along State Ditch 8A, Portion 5;
56.	305° 27'	173.12 feet along portion of Lot 2, Kapahi Farm Lots;
57.	295° 30'	673.48 feet along portion of Lot 2, and along Lots 7-A-1-C, and 7-A-1-D-1, and along portion of Lot 7-A-1-D-2, Kapahi Farm Lots;
58.	46° 29'	14.76 feet along State Ditch 8A, Portion 6;
59.	4° 14'	60.48 feet along State Ditch 8A, Portion 6;
60.	337° 20'	26.43 feet along State Ditch 8A, Portion 6;
61.	272° 50'	62.48 feet along State Ditch 8A, Portion 6;
62.	306° 18'	30.23 feet along State Ditch 8A, Portion 6;
63.	269° 42'	107.36 feet along State Ditch 8A, Portion 6;
64.	286° 38'	34.32 feet along State Ditch 8A, Portion 6;
65.	256° 05'	27.31 feet along State Ditch 8A, Portion 6;
66.	295° 30'	102.84 feet along portion of Lot 7-B-1-B, Kapahi Farm Lots;
67.	6° 55'	63.89 feet along State Ditch 8A, Portion 7;
68.	352° 00'	35.74 feet along State Ditch 8A, Portion 7;

69.	314° 21'	59.22 feet along State Ditch 8A, Portion 7;
70.	275° 17'	146.78 feet along State Ditch 8A, Portion 7;
71.	330° 00'	54.62 feet along State Ditch 8A, Portion 7;
72.	293° 06'	44.00 feet along State Ditch 8A, Portion 7;
73.	330° 00'	76.52 feet along State Ditch 8A, Portion 7;
74.	344° 50'	96.68 feet along State Ditch 8A, Portion 7;
75.	19° 30'	50.95 feet along State Ditch 8A, Portion 7;
76.	0° 02'	33.80 feet along State Ditch 8A, Portion 7;
77.	298° 00'	45.65 feet along State Ditch 8A, Portion 7;
78.	229° 06'	60.58 feet along State Ditch 8A, Portion 7;
79.	252° 36'	49.37 feet along State Ditch 8A, Portion 7;
80.	297° 05'	87.24 feet along State Ditch 8A, Portion 7;
81.	277° 20'	39.41 feet along State Ditch 8A, Portion 7;
82.	305° 42'	35.15 feet along State Ditch 8A, Portion 7;
83.	348° 41'	48.29 feet along State Ditch 8A, Portion 7;
84.	329° 50'	42.88 feet along State Ditch 8A, Portion 7;
85.	350° 30'	67.71 feet along State Ditch 8A, Portion 7;
86.	334° 10'	34.33 feet along State Ditch 8A, Portion 7;
87.	300° 40'	67.14 feet along State Ditch 8A, Portion 7;
88.	272° 30'	35.74 feet along State Ditch 8A, Portion 7;
89.	304° 20'	47.32 feet along State Ditch 8A, Portion 7;
90.	282° 20'	43.29 feet along State Ditch 8A, Portion 7;
91.	254° 50'	102.68 feet along State Ditch 8A, Portion 7;
92.	237° 30'	53.97 feet along State Ditch 8A, Portion 7;
93.	171° 58'	58.50 feet along State Ditch 8A, Portion 7;
94.	154° 08'	76.13 feet along State Ditch 8A, Portion 7;
95.	163° 55'	75.17 feet along State Ditch 8A, Portion 7;
96.	196° 30'	14.72 feet along State Ditch 8A, Portion 7;

97. Thence along South side of Kaapuni Road on a curve to the left with a radius of 241.29 feet, the chord azimuth and distance being:
300° 27' 13" 62.60 feet;

98. 293° 00' 18.00 feet along Kaapuni Road to the point of beginning and containing an AREA of 18.864 Acres.

Excepting therefrom Ditch "D-18" containing an area of 0.165 acre; also Ditch "D-20" containing an area of 0.140 acre; also Ditch "D-24" containing an area of 0.771 acre, leaving a net AREA of 17.788 Acres.

NOTES:

- #1. Subject to a Native Hawaiian Stream Access Easement, 10 feet from each bank.
- #2. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #3. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #4. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-23", 56.00 feet and 16.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-23" affecting Lot 7, Kulana Subdivision, and more particularly described as follows:

Beginning at the West corner of this parcel of land at the corner of Lots 5 and 17, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,734.54 feet North and 4,287.54 feet East and running by azimuths measured clockwise from True South:

01. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
276° 02' 33" 26.95 feet;

02. Thence over and across Lot 7, Kulana Subdivision on a curve to the right with a radius of 132.00 feet, the chord azimuth and distance being:
254° 01' 33" 91.77 feet;

03. 274° 22' 200.71 feet over and across Lot 7, Kulana Subdivision;

04. Thence over and across Lot 7, Kulana Subdivision on a curve to the right with a radius of 228.00 feet, the chord azimuth and distance being:
297° 05' 30" 176.16 feet;

05. 319° 49' 292.96 feet over and across Lot 7, Kulana Subdivision;

06. Thence over and across Lot 7, Kulana Subdivision on a curve to the right with a radius of 218.00 feet, the chord azimuth and distance being:
325° 53' 46.08 feet;

07. 331° 57' 120.94 feet over and across Lot 7, Kulana Subdivision;
08. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 127.00 feet, the chord azimuth and distance being:
304° 27' 117.28 feet;
09. 276° 57' 141.07 feet over and across Lot 7, Kulana Subdivision;
10. Thence over and across Lot 7, Kulana Subdivision on a curve to the right with a radius of 188.00 feet, the chord azimuth and distance being:
304° 17' 30" 172.70 feet;
11. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 222.00 feet, the chord azimuth and distance being:
302° 58' 30" 212.94 feet;
12. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 272.00 feet, the chord azimuth and distance being:
253° 06' 30" 196.80 feet;
13. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 80.00 feet, the chord azimuth and distance being:
191° 17' 104.16 feet;
14. 150° 40' 34.04 feet over and across Lot 7, Kulana Subdivision;
15. Thence over and across Lot 7, Kulana Subdivision on a curve to the right with a radius of 78.00 feet, the chord azimuth and distance being:
176° 50' 68.79 feet;
16. 203° 00' 21.67 feet over and across Lot 7, Kulana Subdivision;
17. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
159° 58' 31" 27.29 feet;
18. Thence along Kaapuni Road, on a curve to the left with a radius of 241.29 feet, the chord azimuth and distance being:
294° 58' 31" 16.63 feet;
19. 293° 00' 18.00 feet along Kaapuni Road;
20. 23° 00' 41.05 feet along Lot 8, Kulana Subdivision;
21. Thence along Lot 8, Kulana Subdivision on a curve to the left with a radius of 62.00 feet, the chord azimuth and distance being:
356° 50' 54.68 feet;
22. 330° 40' 34.04 feet along Lot 8, Kulana Subdivision;

23. Thence along Lot 8, Kulana Subdivision on a curve to the right with a radius of 96.00 feet,
the chord azimuth and distance being:
11° 17' 124.99 feet;
24. Thence along Lot 8, Kulana Subdivision on a curve to the right with a radius of 288.00 feet,
the chord azimuth and distance being:
73° 06' 30" 208.37 feet;
25. Thence along Lot 8, Kulana Subdivision on a curve to the right with a radius of 238.00 feet,
the chord azimuth and distance being:
57° 19' 238.09 feet;
26. Thence along Lot 8, Kulana Subdivision on a curve to the left with a radius of 172.00 feet,
the chord azimuth and distance being:
124° 17' 30" 158.00 feet;
27. 96° 57' 141.07 feet along Lot 8, Kulana Subdivision;
28. Thence along Lot 8, Kulana Subdivision on a curve to the right with a radius of 143.00 feet,
the chord azimuth and distance being:
124° 27' 132.06 feet;
29. 151° 57' 120.94 feet along Lot 8, Kulana Subdivision;
30. Thence along Lot 8, Kulana Subdivision on a curve to the left with a radius of 202.00 feet,
the chord azimuth and distance being:
145° 53' 42.70 feet;
31. 139° 49' 35.01 feet along Lot 8, Kulana Subdivision;
32. 28° 33' 42.92 feet along Lot 8, Kulana Subdivision;
33. 139° 49' 273.52 feet over and across Lot 7, Kulana Subdivision;
34. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of
172.00 feet, the chord azimuth
and distance being:
117° 05' 30" 132.89 feet;
35. 94° 22' 200.71 feet over and across Lot 7, Kulana Subdivision;
36. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of
76.00 feet, the chord azimuth
and distance being:
75° 32' 29" 49.05 feet;
37. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of
20.00 feet, the chord azimuth
and distance being:
14° 28' 56" 26.89 feet;
38. Thence along Lot 17, Kulana Subdivision on a curve to the left with a radius of 183.00 feet,
the chord azimuth and distance being:
145° 17' 27" 44.12 feet;

39. 138° 24' 47.35 feet along Lot 17, Kulana Subdivision to the point of beginning and containing an AREA of 1.415 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-24", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-24" affecting Lot 7, Kulana Subdivision, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land on the North side of easement "AU-23" Lot 7, Kulana Subdivision, of the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,219.50 feet North and 5,184.63 feet East and running by azimuths measured clockwise from True South:

01. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
231° 57' 28.28 feet;
02. 186° 57' 30.25 feet over and across Lot 7, Kulana Subdivision;
03. Thence over and across Lot 7, Kulana Subdivision on a curve to the right with a radius of 72.00 feet, the chord azimuth and distance being:
200° 32' 33.82 feet;
04. 214° 07' 91.75 feet over and across Lot 7, Kulana Subdivision;
05. 297° 05' 44.33 feet along State Ditch 8-A Portion 7;
06. 34° 07' 97.18 feet over and across Lot 7, Kulana Subdivision;
07. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 28.00 feet, the chord azimuth and distance being:
20° 32' 13.15 feet;
08. 6° 57' 30.25 feet over and across Lot 7, Kulana Subdivision;
09. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
321° 57' 28.28 feet;
10. 96° 57' 84.00 feet along the North side of Easement AU-23, Lot 7, Kulana Subdivision to the point of Beginning and containing an AREA of 0.174 Acres.
point of beginning and containing an AREA of 0.162 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-29", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-29" affecting Lot 7, Kulana Subdivision, and more particularly described as follows:

Beginning at the South corner of this parcel of land on the boundary of Lot 5, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,160.04 feet North and 3,315.03 feet East and running by azimuths measured clockwise from True South:

- 01. 105° 01' 387.42 feet along Lot 5, Kulana Subdivision;
- 02. 195° 01' 44.00 feet along Lot 5, Kulana Subdivision;
- 03. 285° 01' 387.42 feet over and across Lot 7, Kulana Subdivision;
- 04. 15° 01' 44.00 feet along Lot 5, Kulana Subdivision to the point of beginning and containing an AREA of 0.391 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-33", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-33" affecting Lot 7, Kulana Subdivision, and more particularly described as follows:

Beginning at the South corner of this parcel of land on the boundary of Lot 8, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,950.36 feet North and 4,848.13 feet East and running by azimuths measured clockwise from True South:

- 01. 130° 00' 36.82 feet over and across Lot 7, Kulana Subdivision;
- 02. Thence over and across Lot 7, Kulana Subdivision on a curve to the right with a radius of 172.00 feet, the chord azimuth and distance being:
149° 34' 30" 115.25 feet;
- 03. 169° 09' 56.15 feet over and across Lot 7, Kulana Subdivision;
- 04. Thence over and across Lot 7, Kulana Subdivision on a curve to the right with a radius of 272.00 feet, the chord azimuth and distance being:
174° 21' 49.30 feet;
- 05. 179° 33' 86.78 feet over and across Lot 7, Kulana Subdivision;
- 06. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 228.00 feet, the chord azimuth and distance being:
173° 16' 30" 49.84 feet;
- 07. 167° 00' 217.62 feet over and across Lot 7, Kulana Subdivision;

08. Thence over and across Lot 7, Kulana Subdivision on a curve to the right with a radius of 72.00 feet, the chord azimuth and distance being:
198° 24' 30" 75.04 feet;
09. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
184° 49' 28.28 feet;
10. 319° 49' 84.00 feet along the South side of Easement AU-23, Lot 7, Kulana Subdivision;
11. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
94° 49' 28.28 feet;
12. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 28.00 feet, the chord azimuth and distance being:
18° 24' 30" 29.18 feet;
13. 347° 00' 217.62 feet over and across Lot 7, Kulana Subdivision;
14. Thence over and across Lot 7, Kulana Subdivision on a curve to the right with a radius of 272.00 feet, the chord azimuth and distance being:
353° 16' 30" 59.46 feet;
15. 359° 33' 86.78 feet over and across Lot 7, Kulana Subdivision;
16. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 228.00 feet, the chord azimuth and distance being:
354° 21' 41.33 feet;
17. 349° 09' 56.15 feet over and across Lot 7, Kulana Subdivision;
18. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 128.00 feet, the chord azimuth and distance being:
329° 34' 30" 85.77 feet;
19. 310° 00' 20.81 feet over and across Lot 7, Kulana Subdivision;
20. 20° 00' 46.82 feet along Lot 8, Kulana Subdivision to the point of beginning and containing an AREA of 0.667 Acres.

Beginning at a point on the North boundary of this parcel of land on the South side of State Ditch 8A, Portion 5, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 10,354.45 feet North and 3,740.30 feet East and running by azimuths measured clockwise from True South:

01. 326° 37' 117.94 feet over and across Lot 7, Kulana Subdivision;
02. 355° 20' 186.00 feet over and across Lot 7, Kulana Subdivision;
03. 309° 47' 42.40 feet along Lot 5, Kulana Subdivision;
04. 266° 20' 111.16 feet over and across Lot 7, Kulana Subdivision;
05. Thence over and across Lot 7, Kulana Subdivision on a curve to the right with a radius of 238.00 feet, the chord azimuth and distance being:
302° 48' 46" 256.25 feet;
06. 335° 23' 66.92 feet over and across Lot 7, Kulana Subdivision;
07. Thence over and across Lot 7, Kulana Subdivision on a curve to the left with a radius of 162.00 feet, the chord azimuth and distance being:
326° 53' 30" 47.84 feet;
08. 318° 24' 140.43 feet over and across Lot 7, Kulana Subdivision;
09. Thence over and across Lot 7, Kulana Subdivision on a curve to the right with a radius of 193.00 feet, the chord azimuth and distance being:
326° 16' 30" 52.89 feet;
10. 286° 09' 153.80 feet over and across Lot 7, Kulana Subdivision;
11. 303° 08' 105.04 feet along Lot 17, Kulana Subdivision;
12. 321° 50' 82.50 feet along Lot 17, Kulana Subdivision;
13. 346° 53' 95.40 feet along Lot 17, Kulana Subdivision;
14. 3° 56' 124.60 feet along Lot 17, Kulana Subdivision;
15. 21° 42' 130.50 feet along Lot 17, Kulana Subdivision;
16. 345° 20' 200.00 feet along Lot 17, Kulana Subdivision;
17. 314° 06' 85.65 feet over and across Lot 7, Kulana Subdivision, to a point on the boundary of Lot 8, Kulana Subdivision and containing an AREA of: 0.771 Acres, more or less.

20. 208° 33' 123.58 feet along Lot 7, Kulana Subdivision;
21. 319° 49' 35.01 feet along Lot 7, Kulana Subdivision;
22. Thence along Lot 7, Kulana Subdivision on a curve to the right with a radius of 202.00 feet,
the chord azimuth and distance being:
325° 53' 42.70 feet;
23. 331° 57' 120.94 feet along Lot 7, Kulana Subdivision;
24. Thence along Lot 7, Kulana Subdivision on a curve to the left with a radius of 143.00 feet,
the chord azimuth and distance being:
304° 27' 132.06 feet;
25. 276° 57' 141.07 feet along Lot 7, Kulana Subdivision;
26. Thence along Lot 7, Kulana Subdivision on a curve to the right with a radius of 172.00 feet,
the chord azimuth and distance being:
304° 17' 30" 158.00 feet;
27. Thence along Lot 7, Kulana Subdivision on a curve to the left with a radius of 238.00 feet,
the chord azimuth and distance being:
302° 58' 30" 228.28 feet;
28. Thence along Lot 7, Kulana Subdivision on a curve to the left with a radius of 288.00 feet,
the chord azimuth and distance being:
253° 06' 30" 208.37 feet;
29. Thence along Lot 7, Kulana Subdivision on a curve to the left with a radius of 96.00 feet,
the chord azimuth and distance being:
191° 17' 124.99 feet;
30. 150° 40' 34.04 feet along Lot 7, Kulana Subdivision;
31. Thence along Lot 7, Kulana Subdivision on a curve to the right with a radius of 62.00 feet,
the chord azimuth and distance being:
176° 50' 54.68 feet;
32. 203° 00' 41.04 feet along Lot 7, Kulana Subdivision;
33. 293° 00' 20.00 feet along Kaapuni Road to the point of
beginning and containing an AREA of
13.185 Acres.

Excepting therefrom Ditch "D-27" containing an area of 0.410 acres; also from Kainahola Stream containing an area of 0.080 acres; leaving a net AREA of 12.695 Acres.

NOTES:

- #1. Subject to a Native Hawaiian Stream Access Easement, 10 feet from each bank.
- #2. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #3. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #4. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

15. 319° 49' 35.01 feet along Lot 7, Kulana Subdivision;
16. Thence along Lot 7, Kulana Subdivision on a curve to the right with a radius of 202.00 feet, the chord azimuth and distance being:
325° 53' 42.70 feet;
17. 331° 57' 120.94 feet along Lot 7, Kulana Subdivision;
18. Thence along Lot 7, Kulana Subdivision on a curve to the left with a radius of 143.00 feet, the chord azimuth and distance being:
304° 27' 132.06 feet;
19. 276° 57' 141.07 feet along Lot 7, Kulana Subdivision;
20. Thence along Lot 7, Kulana Subdivision on a curve to the right with a radius of 172.00 feet, the chord azimuth and distance being:
304° 17' 30" 158.00 feet;
21. Thence along Lot 7, Kulana Subdivision on a curve to the left with a radius of 238.00 feet, the chord azimuth and distance being:
302° 58' 30" 228.28 feet;
22. Thence along Lot 7, Kulana Subdivision on a curve to the left with a radius of 288.00 feet, the chord azimuth and distance being:
253° 06' 30" 208.37 feet;
23. Thence along Lot 7, Kulana Subdivision on a curve to the left with a radius of 96.00 feet, the chord azimuth and distance being:
191° 17' 124.99 feet;
24. 158° 40' 34.04 feet along Lot 7, Kulana Subdivision;
25. Thence along Lot 7, Kulana Subdivision on a curve to the right with a radius of 62.00 feet, the chord azimuth and distance being:
176° 50' 54.68 feet;
26. 203° 00' 41.04 feet along Lot 7, Kulana Subdivision;
27. 293° 00' 20.00 feet along Kaapuni Road to the point of beginning and containing an AREA of 1.041 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-34", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-34" affecting Lot 8, Kulana Subdivision, and more particularly described as follows:

Beginning at the North corner of this parcel of land on the property line of Lot 7, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,994.36 feet North and 4,864.15 feet East and running by azimuths measured clockwise from True South:

01. 310° 00' 78.95 feet over and across Lot 8, Kulana Subdivision;
02. Thence over and across Lot 8, Kulana Subdivision on a curve to the right with a radius of 272.00 feet, the chord azimuth and distance being:
321° 15' 106.13 feet;
03. 332° 30' 179.50 feet over and across Lot 8, Kulana Subdivision;
04. Thence over and across Lot 8, Kulana Subdivision on a curve to the left with a radius of 228.00 feet, the chord azimuth and distance being:
316° 30' 125.69 feet;
05. 300° 30' 118.46 feet over and across Lot 8, Kulana Subdivision;
06. 32° 04' 44.02 feet along Lot 9, Kulana Subdivision;
07. 120° 30' 117.26 feet over and across Lot 8, Kulana Subdivision;
08. Thence over and across Lot 8, Kulana Subdivision on a curve to the right with a radius of 272.00 feet, the chord azimuth and distance being:
136° 30' 149.95 feet;
09. 152° 30' 179.50 feet over and across Lot 8, Kulana Subdivision;
10. Thence over and across Lot 8, Kulana Subdivision on a curve to the left with a radius of 228.00 feet, the chord azimuth and distance being:
141° 15' 88.96 feet;
11. 130° 00' 62.93 feet over and across Lot 8, Kulana Subdivision;
- 12.. 200° 00' 46.82 feet along Lot 7, Kulana Subdivision to the point of beginning and containing an AREA of: 0.612 Acres.

SUBJECT, ALSO, HOWEVER to an easement "D-27", 20.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-27" affecting Lot 8, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the South boundary of Lot 7, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,844.68 feet North and 4,757.97 feet East and running by azimuths measured clockwise from True South:

01. 314° 06' 8.63 feet over and across Lot 8, Kulana Subdivision;
02. 328° 48' 136.40 feet over and across Lot 8, Kulana Subdivision;
03. 3° 58' 158.00 feet over and across Lot 8, Kulana Subdivision;

- | | | | |
|-----|----------|--------|--|
| 04. | 14° 51' | 160.00 | feet over and across Lot 8, Kulana Subdivision; |
| 05. | 259° 16' | 160.50 | feet over and across Lot 8, Kulana Subdivision; |
| 06. | 256° 00' | 164.00 | feet over and across Lot 8, Kulana Subdivision; |
| 07. | 274° 32' | 113.06 | feet over and across Lot 8, Kulana Subdivision
to a point on the Westerly boundary of Lot 9,
Kulana Subdivision, and containing an
AREA of: 0.410 Acres more or less. |

LOT 9

All that certain parcel of land, being Lot 9, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunalillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Northeast corner of this parcel of land at the corner of Lot 10, Kulana Subdivision, on the South side of Kaapuni Road, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,263.57 feet North and 5,842.50 feet East and running by azimuths measured clockwise from True South:

01. 23° 00' 34.34 feet along Lot 10, Kulana Subdivision;
02. Thence along Lot 10, Kulana Subdivision on a curve to the left with a radius of 22.00 feet
the chord azimuth and distance being:
356° 50' 19.40 feet;
03. 330° 40' 34.04 feet along Lot 10, Kulana Subdivision;
04. Thence along Lot 10, Kulana Subdivision on a curve to the right with a radius of 136.00 feet
the chord azimuth and distance being:
11° 17' 177.07 feet;
05. Thence along Lot 10, Kulana Subdivision on a curve to the right with a radius of 328.00 feet
the chord azimuth and distance being:
57° 14' 37" 61.09 feet;
06. Thence along Lot 10, Kulana Subdivision on a curve to the left with a radius of 20.00 feet
the chord azimuth and distance being:
20° 55' 37" 26.59 feet;
07. 339° 16' 190.35 feet along Lot 10, Kulana Subdivision;
08. 69° 16' 44.00 feet along Lot 10, Kulana Subdivision;
09. Thence along Lot 10, Kulana Subdivision on a curve to the left with a radius of 202.00 feet
the chord azimuth and distance being:
332° 26' 48.07 feet;
10. 325° 36' 172.04 feet along Lot 10, Kulana Subdivision;
11. 31° 17' 713.77 feet along Lot 10, Kulana Subdivision;
12. 350° 30' 84.40 feet along Lot 10, Kulana Subdivision;
13. Thence along Lot 19, Kulana Subdivision on a curve to the right with a radius of 538.00 feet
the chord azimuth and distance being:
99° 40' 353.27 feet;
14. 118° 50' 372.84 feet along Lot 19, Kulana Subdivision;
15. 226° 26' 433.64 feet along Lot 8, Kulana Subdivision;
16. 212° 04' 339.18 feet along Lot 8, Kulana Subdivision;

17. 220° 04' 231.06 feet along Lot 8, Kulana Subdivision;
18. 232° 52' 96.21 feet along Lot 8, Kulana Subdivision;
19. 184° 19' 20.00 feet along Lot 8, Kulana Subdivision;
20. Thence along Lot 8, Kulana Subdivision on a curve to the left with a radius of 308.00 feet the chord azimuth and distance being:
253° 06' 30" 222.84 feet;
21. Thence along Lot 8, Kulana Subdivision on a curve to the left with a radius of 116.00 feet the chord azimuth and distance being:
191° 17' 151.03 feet;
22. 150° 40' 34.04 feet along Lot 8, Kulana Subdivision;
23. Thence along Lot 8, Kulana Subdivision on a curve to the right with a radius of 42.00 feet the chord azimuth and distance being:
176° 50' 37.04 feet;
24. 203° 00' 41.04 feet along Lot 8, Kulana Subdivision;
25. 293° 00' 9.93 feet along Kaapuni Road;
26. 326° 40' 12.10 feet along Kaapuni Road to the point of beginning and containing an AREA of:
13.211 Acres.

Excepting therefrom Ditch "D-28" containing an area of 0.295 acre; leaving a net AREA of 12.916 Acres.

NOTES:

- #1. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #2. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #3. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-26", 20.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-26" affecting Lot 9, Kulana Subdivision, and more particularly described as follows:

Beginning at the Northwesterly corner of this parcel of land on the boundary of Lot 8, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,940.31 feet North and 5,585.11 feet East and running by azimuths measured clockwise from True South:

01. 184° 19' 20.00 feet along Lot 8, Kulana Subdivision;
02. Thence along Lot 8, Kulana Subdivision on a curve to the left with a radius of 308.00 feet the chord azimuth and distance being:
253° 06' 30" 222.84 feet;

03. Thence along Lot 8, Kulana Subdivision on a curve to the left with a radius of 116.00 feet
the chord azimuth and distance being:
191° 17' 151.03 feet;
04. 150° 40' 34.04 feet along Lot 8, Kulana Subdivision;
05. Thence along Lot 8, Kulana Subdivision on a curve to the right with a radius of 42.00 feet
the chord azimuth and distance being:
176° 50' 37.04 feet;
06. 203° 00' 41.04 feet along Lot 8, Kulana Subdivision;
07. 293° 00' 9.93 feet along Kaapuni Road;
08. 326° 40' 12.10 feet along Kaapuni Road;
09. 23° 00' 34.34 feet along Lot 10, Kulana Subdivision;
10. Thence along Lot 10, Kulana Subdivision on a curve to the left with a radius of 22.00 feet
the chord azimuth and distance being:
356° 50' 19.40 feet;
11. 330° 40' 34.04 feet along Lot 10, Kulana Subdivision;
12. Thence along Lot 10, Kulana Subdivision on a curve to the right with a radius of 136.00 feet
the chord azimuth and distance being:
11° 17' 177.07 feet;
13. Thence along Lot 10, and over and across Lot 9, Kulana Subdivision, on a curve to the right
with a radius of 328.00 feet
the chord azimuth and distance being:
73° 06' 30" 237.31 feet
to the point of beginning and containing an
AREA of 0.237 acres.

SUBJECT, HOWEVER, to an easement "AU-27", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-27" affecting Lot 9, Kulana Subdivision, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land on the boundary of Lot 10, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,757.77 feet North and 5,774.55 feet East and running by azimuths measured clockwise from True South:

01. 159° 16' 190.72 feet over and across Lot 9, Kulana Subdivision;
02. Thence over and across Lot 9, Kulana Subdivision, on a curve to the left with a radius of
20.00 feet the chord azimuth
and distance being:
117° 51' 32" 26.46 feet;

03. Thence along Easement AU-26, on a curve to the left with a radius of 328.00 feet
the chord azimuth and distance being:
249° 31' 08" 79.17 feet;
04. Thence along Lot 10, Kulana Subdivision on a curve to the left with a radius of 20.00 feet
the chord azimuth and distance being:
20° 55' 37" 26.59 feet;
05. 339° 16' 190.35 feet along Lot 10, Kulana Subdivision;
06. 69° 16' 44.00 feet along Lot 10, Kulana Subdivision
to the point of beginning and containing an
AREA of: 0.213 Acres.

SUBJECT, HOWEVER, to an easement "AU-42", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-42" affecting Lot 9, Kulana Subdivision, and more particularly described as follows:

Beginning at the North corner of this parcel of land on the boundary of Lot 8, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,550.33 feet North and 5,262.53 feet East and running by azimuths measured clockwise from True South:

01. 300° 30' 124.99 feet over and across Lot 9, Kulana Subdivision;
02. Thence over and across Lot 9, Kulana Subdivision, on a curve to the right with a radius of
322.00 feet the chord azimuth
and distance being:
321° 47' 233.76 feet;
03. 343° 04' 249.98 feet over and across Lot 9, Kulana Subdivision;
04. 31° 17' 59.01 feet along Lot 10, Kulana Subdivision;
05. 163° 04' 289.29 feet over and across Lot 9, Kulana Subdivision;
06. Thence over and across Lot 9, Kulana Subdivision, on a curve to the left with a radius of
278.00 feet the chord azimuth
and distance being:
141° 47' 201.82 feet;
07. 120° 30' 126.19 feet over and across Lot 9, Kulana Subdivision;
08. 212° 04' 44.02 feet along Lot 8, Kulana Subdivision to the
point of beginning and containing an
AREA of 0.624 Acres.

SUBJECT, ALSO, HOWEVER to an easement "D-28" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-28" 20.00 feet wide, affecting Lot 9, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the East boundary of Lot 8, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,470.35 feet North and 5,212.42 feet East and running by azimuths measured clockwise from True South:

- | | | |
|-----|----------|--|
| 01. | 274° 32' | 35.14 feet over and across Lot 9, Kulana Subdivision; |
| 02. | 288° 36' | 81.32 feet over and across Lot 9, Kulana Subdivision; |
| 03. | 302° 16' | 68.00 feet over and across Lot 9, Kulana Subdivision; |
| 04. | 320° 40' | 84.00 feet over and across Lot 9, Kulana Subdivision; |
| 05. | 342° 42' | 78.00 feet over and across Lot 9, Kulana Subdivision; |
| 06. | 343° 04' | 144.23 feet over and across Lot 9, Kulana Subdivision; |
| 07. | 351° 00' | 126.98 feet over and across Lot 9, Kulana Subdivision; |
| 08. | 294° 00' | 25.74 feet over and across Lot 9, Kulana Subdivision,
to a point on the Westerly boundary of Lot 10,
Kulana Subdivision and containing an
AREA of 0.295 Acres more or less. |

LOT 10

All that certain parcel of land, being Lot 10, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunaililo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the North corner of this parcel of land at the corner of Lot 9, Kulana Subdivision, on the South side of Kaapuni Road, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,263.57 feet North and 5,842.50 feet East and running by azimuths measured clockwise from True South:

- 01. 326° 40' 537.59 feet along the South side of Kaapuni Road and portion of Lot 3, Kapaa Camp and Stable Lot;
- 02. 32° 11' 16.47 feet along Lot 6, Kapaa Camp and Stable Lot;
- 03. 325° 13' 592.47 feet along Lots 6, 7, and portion of Lot 8, Kapaa Camp and Stable Lot;
- 04. 324° 40' 447.85 feet along portion of Lots 8 and 1, Kapaa Camp and Stable Lot;
- 05. 127° 50' 154.93 feet along Lot 20, Kulana Subdivision;
- 06. 108° 50' 140.03 feet along Lot 20, Kulana Subdivision;
- 07. 97° 47' 243.50 feet along Lot 20, Kulana Subdivision;
- 08. 91° 05' 111.22 feet along Lot 20, Kulana Subdivision;
- 09. 60° 00' 434.52 feet along Lot 20, Kulana Subdivision;
- 10. 150° 00' 44.00 feet along Lot 20, Kulana Subdivision;
- 11. Thence along Lots 20 and 19, Kulana Subdivision, on a curve to the right with a radius of 538.00 feet the chord azimuth and distance being:
70° 15' 191.47 feet;
- 12. 170° 30' 84.40 feet along Lot 9, Kulana Subdivision;
- 13. 211° 17' 713.77 feet along Lot 9, Kulana Subdivision;
- 14. 145° 36' 172.04 feet along Lot 9, Kulana Subdivision;
- 15. Thence along Lot 9, Kulana Subdivision on a curve to the right with a radius of 202.00 feet the chord azimuth and distance being:
152° 26' 48.07 feet;
- 16. 249° 16' 44.00 feet along Lot 9, Kulana Subdivision;
- 17. 159° 16' 190.35 feet along Lot 9, Kulana Subdivision;

18. Thence along Lot 9, Kulana Subdivision on a curve to the right with a radius of 20.00 feet
the chord azimuth and distance being:
200° 55' 37" 26.59 feet;
19. Thence along Lot 9, Kulana Subdivision on a curve to the left with a radius of 328.00 feet
the chord azimuth and distance being:
237° 14' 37" 61.09 feet;
20. Thence along Lot 10, Kulana Subdivision on a curve to the left with a radius of 136.00 feet
the chord azimuth and distance being:
191° 17' 177.07 feet;
21. 150° 40' 34.04 feet along Lot 9, Kulana Subdivision;
22. Thence along Lot 10, Kulana Subdivision on a curve to the right with a radius of 22.00 feet
the chord azimuth and distance being:
176° 50' 19.40 feet;
23. 203° 00' 34.34 feet along Lot 9, Kulana Subdivision to the point
of beginning and containing an AREA of:
13.137 Acres.

Excepting therefrom Ditch "D-29" containing an area of 0.070 acres; leaving a net AREA of 13.067 Acres.

NOTES:

- #1. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #2. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #3. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-22", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-22" affecting Lot 10, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the South boundary of this parcel of land on the boundary of Lot 20, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,944.67 feet North and 5,720.48 feet East and running by azimuths measured clockwise from True South:

01. 240° 00' 310.00 feet over and across Lot 10, Kulana Subdivision;
02. Thence over and across Lot 10, Kulana Subdivision on a curve to the left with a radius of 178.00 feet, the chord azimuth and distance being:
192° 48' 261.21 feet;
03. 145° 36' 437.24 feet over and across Lot 10 and along Lot 9, Kulana Subdivision;

04. Thence along Lot 9, Kulana Subdivision on a curve to the right with a radius of 202.00 feet, the chord azimuth and distance being:
152° 26' 48.07 feet;
05. 249° 16' 44.00 feet along Lot 9, Kulana Subdivision;
06. Thence over and across Lot 10, Kulana Subdivision on a curve to the left with a radius of 158.00 feet, the chord azimuth and distance being:
332° 26' 37.60 feet;
07. 325° 36' 437.24 feet over and across Lot 10, Kulana Subdivision;
08. Thence over and across Lot 10, Kulana Subdivision on a curve to the right with a radius of 222.00 feet, the chord azimuth and distance being:
12° 48' 325.78 feet;
09. 60° 00' 310.00 feet along Lot 20, Kulana Subdivision;
10. 150° 00' 44.00 feet along Lot 20, Kulana Subdivision to the point of beginning and containing an AREA of: 1.131 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-43", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-43" affecting Lot 10, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the North corner of this parcel of land on the boundary of Lot 9, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8064.09 feet North and 5,587.64 feet East and running by azimuths measured clockwise from True South:

01. 343° 04' 144.51 feet over and across Lot 10, Kulana Subdivision;
02. Thence over and across Lot 10, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
295° 20' 03" 29.60 feet;
03. Thence along Lot 9, Kulana Subdivision on a curve to the right with a radius of 538.00 feet the chord azimuth and distance being:
72° 15' 10" 87.25 feet;
04. Thence over and across Lot 10, Kulana Subdivision on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
209° 59' 07" 29.22 feet;
05. 163° 04' 106.38 feet over and across Lot 10, Kulana Subdivision;
06. 211° 17' 59.01 feet along Lot 9, Kulana Subdivision to the point of beginning and containing an AREA of: 0.153 Acres.

SUBJECT ALSO, HOWEVER to an easement "D-29" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-29" 20.00 feet wide, affecting Lot 10, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the East boundary of Lot 9, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,992.03 feet North and 5,543.85 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|-------|--|
| 01. | 294° 00' | 70.25 | feet over and across Lot 10, Kulana Subdivision; |
| 02. | 298° 19' | 83.03 | feet over and across Lot 10, Kulana Subdivision to a point on the boundary of Lot 20, Kulana Subdivision, and containing an AREA of: 0.070 Acres more or less. |

SUBJECT, ALSO, HOWEVER, to an easement "DR-4", for Drainage purposes and more particularly described as follows:

All that certain parcel of land, being an easement "DR-4" affecting Lot 10, Kulana Subdivision, and more particularly described as follows:

Beginning at the Northeast corner of this parcel of land, on the South side of Kaapuni Road, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,231.16 feet North and 5,863.81 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|---|
| 01. | 351° 00' | 118.40 | feet over and across Lot 10, Kulana Subdivision; |
| 02. | 81° 00' | 10.00 | feet over and across Lot 10, Kulana Subdivision; |
| 03. | 171° 00' | 140.51 | feet over and across Lot 10, Kulana Subdivision; |
| 04. | 326° 40' | 24.27 | feet along the South side of Kaapuni Road to the point of beginning and containing an AREA of: 1,295 square feet. |

LOT 11

All that certain parcel of land, being Lot 11, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunalillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the South corner of this parcel of land at the corner of Lot 12, Kulana Subdivision, on the North side of Hauiki Road, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,131.39 feet North and 1,873.27 feet East and running by azimuths measured clockwise from True South:

01. 150° 43' 107.63 feet along the North side of Hauiki Road;
02. 144° 19' 243.34 feet along the North side of Hauiki Road;
03. 157° 00' 156.49 feet along the North side of Hauiki Road;
04. 127° 58' 25.54 feet along the North side of Hauiki Road;
05. 153° 39' 172.70 feet along the North side of Roadway Lot 22, Kulana Subdivision;
06. Thence along the North side of Roadway Lot 22, Kulana Subdivision on a curve to the left with a radius of 1,028.00 feet the chord azimuth and distance being: 140° 37' 54" 463.14 feet;
07. Thence along the South side of Roadway Lot 21, Kulana Subdivision on a curve to the right with a radius of 20.00 feet the chord azimuth and distance being: 171° 27' 54" 27.71 feet;
08. 215° 19' 80.84 feet along the South side of Roadway Lot 21, Kulana Subdivision;
09. Thence along the South side of Roadway Lot 21, Kulana Subdivision on a curve to the right with a radius of 278.00 feet the chord azimuth and distance being: 257° 11' 371.07 feet;
10. 299° 03' 560.49 feet along the South side of Roadway Lot 21, Kulana Subdivision;
11. Thence along the South side of Roadway Lot 21, Kulana Subdivision on a curve to the left with a radius of 622.00 feet the chord azimuth and distance being: 290° 01' 57" 194.98 feet;
12. 17° 55' 163.78 feet along Lot 12, Kulana Subdivision;
13. 356° 58' 174.00 feet along Lot 12, Kulana Subdivision;
14. 70° 40' 326.39 feet along Lot 12, Kulana Subdivision;
15. 0° 22' 230.84 feet along Lot 12, Kulana Subdivision;

16. 31° 22' 154.99 feet along Lot 12, Kulana Subdivision to the point of beginning and containing an AREA of: 13.713 Acres.

Excepting therefrom Ditch "D-41" containing an area of 0.276 acres also Ditch "D-54" containing an area of 0.283 acre, leaving a net AREA of 13.154 Acres.

NOTES:

- #1. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #2. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #3. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-4", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-4" affecting Lot 11, Kulana Subdivision, and more particularly described as follows:

Beginning at the West corner of this parcel of land on the North side of Hauiki Road, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,548.69 feet North and 1,625.30 feet East and running by azimuths measured clockwise from True South:

- 01. Thence over and across Lot 11, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
292° 00' 28.28 feet;
- 02. 247° 00' 50.77 feet over and across Lot 11, Kulana Subdivision;
- 03. Thence over and across Lot 11, Kulana Subdivision, on a curve to the right with a radius of 172.00 feet, the chord azimuth and distance being:
275° 00' 161.50 feet;
- 04. 303° 00' 124.06 feet over and across Lot 11, Kulana Subdivision;
- 05. 0° 22' 52.25 feet along Lot 12, Kulana Subdivision;
- 06. 123° 00' 20.00 feet over and across Lot 11, Kulana Subdivision;
- 07. Thence over and across Lot 11, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
78° 00' 28.28 feet;
- 08. 33° 00' 20.00 feet over and across Lot 11, Kulana Subdivision;
- 09. 123° 00' 52.00 feet over and across Lot 11, Kulana Subdivision;
- 10. 213° 00' 20.00 feet over and across Lot 11, Kulana Subdivision;

SUBJECT, ALSO, HOWEVER to an easement "D-54", 30.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-54", affecting Lot 11, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the North side of Hauiki Road, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,485.80 feet North and 1,651.99 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|---|
| 01. | 324° 19' | 310.83 | feet over and across Lot 11, Kulana Subdivision; |
| 02. | 330° 43' | 100.03 | feet over and across Lot 11, Kulana Subdivision to a point on the West boundary of Lot 12, Kulana Subdivision, and containing an AREA of: 0.283 Acres more or less. |

SUBJECT, ALSO, HOWEVER, to an easement "DR-1", for Drainage purposes and more particularly described as follows:

All that certain parcel of land, being an easement "DR-1" affecting Lot 11, Kulana Subdivision, and more particularly described as follows:

Beginning at the West corner of this parcel of land on the North side of Roadway Lot 22, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,045.35 feet North and 1,287.15 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|---|-------|--|
| 01. | 267° 00' | 37.08 | feet over and across Lot 11, Kulana Subdivision; |
| 02. | 177° 00' | 5.00 | feet over and across Lot 11, Kulana Subdivision; |
| 03. | 267° 00' | 33.00 | feet over and across Lot 11, Kulana Subdivision; |
| 04. | 357° 00' | 20.00 | feet over and across Lot 11, Kulana Subdivision; |
| 05. | 87° 00' | 34.42 | feet over and across Lot 11, Kulana Subdivision; |
| 06. | 5° 24' | 19.54 | feet over and across Lot 11, Kulana Subdivision; |
| 07. | Thence along the North side of Roadway Lot 22, Kulana Subdivision on a curve to the left with a radius of 1,028.00 feet the chord azimuth and distance being:
134° 16' 05" 12.84 feet; | | |
| 08. | 185° 24' | 15.05 | feet over and across Lot 11, Kulana Subdivision; |
| 09. | 87° 00' | 16.41 | feet over and across Lot 11, Kulana Subdivision; |

10. Thence along the North side of Roadway Lot 22, Kulana Subdivision on a curve to the left with a radius of 1,028.00 feet the chord azimuth and distance being: 132° 22' 17" 14.05 feet to the point of beginning and containing an AREA of: 1,184 square feet.

SUBJECT, ALSO, HOWEVER, to an easement "DR-5", for Drainage purposes and more particularly described as follows:

All that certain parcel of land, being an easement "DR-5" affecting Lot 11, Kulana Subdivision, and more particularly described as follows:

Beginning at the West corner of this parcel of land on the North side of Roadway Lot 22, Kulana Subdivision, of the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,607.92 feet North and 1,584.90 feet East and running by azimuths measured clockwise from True South:

- | | | |
|-----|----------|--|
| 01. | 281° 40' | 57.49 feet over and across Lot 11, Kulana Subdivision; |
| 02. | 191° 40' | 5.00 feet over and across Lot 11, Kulana Subdivision; |
| 03. | 281° 40' | 25.00 feet over and across Lot 11, Kulana Subdivision; |
| 04. | 11° 40' | 20.00 feet over and across Lot 11, Kulana Subdivision; |
| 05. | 101° 40' | 25.00 feet over and across Lot 11, Kulana Subdivision; |
| 06. | 191° 40' | 5.00 feet over and across Lot 11, Kulana Subdivision; |
| 07. | 101° 40' | 49.67 feet over and across Lot 11, Kulana Subdivision; |
| 08. | 153° 39' | 12.69 feet along the North side of Roadway Lot 22, Kulana Subdivision, to the point of beginning and containing an AREA of: 1,036 square feet. |

SUBJECT, ALSO, HOWEVER, to a future road widening reserve, 13.00 feet wide, along Hauiki Road.

LOT 12

All that certain parcel of land, being Lot 12, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunaillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the West corner of this parcel of land at the corner of Lot 11, Kulana Subdivision, on the North side of Hauiki Road, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,131.39 feet North and 1,873.27 feet East and running by azimuths measured clockwise from True South:

- 01. 211° 22' 154.99 feet along Lot 11, Kulana Subdivision;
- 02. 180° 22' 230.84 feet along Lot 11, Kulana Subdivision;
- 03. 250° 40' 326.39 feet along Lot 11, Kulana Subdivision;
- 04. 176° 58' 174.00 feet along Lot 11, Kulana Subdivision;
- 05. 197° 55' 163.78 feet along Lot 11, Kulana Subdivision;
- 06. Thence along the South side of Roadway Lot 21, Kulana Subdivision on a curve to the left with a radius of 622.00 feet
the chord azimuth and distance being:
267° 12' 07" 297.01 feet;
- 07. 340° 32' 304.51 feet along Lot 13, Kulana Subdivision;
- 08. 27° 09' 152.93 feet along Lot 13, Kulana Subdivision;
- 09. 8° 32' 164.00 feet along Lot 13, Kulana Subdivision;
- 10. 98° 32' 68.52 feet along Lot 13, Kulana Subdivision;
- 11. 29° 20' 369.13 feet along Lot 13, Kulana Subdivision;
- 12. 300° 49' 205.60 feet along Lot 13, Kulana Subdivision;
- 13. 6° 36' 409.55 feet along Lot 14, Kulana Subdivision;
- 14. 68° 36' 157.71 feet along the North side of Roadway Lot 23,
Kulana Subdivision;
- 15. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 37.00 feet
the chord azimuth and distance being:
96° 48' 34.97 feet;
- 16. 35° 00' 13.00 feet along the North side of Roadway Lot 23,
Kulana Subdivision;
- 17. 125° 00' 77.07 feet along the North side of Hauiki Road;

18. Thence along the North side of Hauiki Road on a curve to the right with a radius of 180.00 feet the chord azimuth and distance being:
134° 30' 59.42 feet;
19. 144° 00' 75.00 feet along the North side of Hauiki Road;
20. 54° 00' 10.00 feet along the North side of Hauiki Road;
21. 144° 00' 112.00 feet along the North side of Hauiki Road;
22. 54° 00' 14.81 feet along the North side of Hauiki Road;
23. 151° 27' 63.52 feet along the North side of Hauiki Road;
24. 156° 58' 412.42 feet along the North side of Hauiki Road to the point of beginning and containing an AREA of: 15.751 Acres.

Excepting therefrom Ditch "D-2" containing an area of 0.238 acres, also Ditch "D-3" containing an area of 0.300 acre, also Ditch "D-42" containing an area of 0.070 acre, also Ditch "D-55" containing an area of 0.454 acre, also Pond "P-1" containing an area of 0.706 acre, leaving a net AREA of 13.983 Acres.

NOTES:

- #1. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #2. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #3. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "P-1" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "P-1" affecting Lot 12, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the Southwest corner of this parcel of land, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,835.82 feet North and 2,058.22 feet East and running by azimuths measured clockwise from True South:

01. 166° 40' 79.42 feet over and across Lot 12, Kulana Subdivision;
02. 234° 16' 159.44 feet over and across Lot 12, Kulana Subdivision;
03. 311° 42' 162.22 feet over and across Lot 12, Kulana Subdivision;
04. 42° 41' 133.78 feet over and across Lot 12, Kulana Subdivision;
05. 104° 13' 146.00 feet over and across Lot 12, Kulana Subdivision to the point of beginning, and containing an AREA of: 0.706 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "E-9-A" for Overhead Electrical Transmission purposes and more particularly described as follows:

All that certain parcel of land, being an easement "E-9-A", affecting Lot 12, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the Northeast corner of this parcel of land, on the West boundary of Lot 14, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,593.12 feet North and 2,495.94 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|---|
| 01. | 101° 14' | 402.54 | feet over and across Lot 12, Kulana Subdivision; |
| 02. | 144° 00' | 41.06 | feet along the North side of Hauiki Road; |
| 03. | 54° 00' | 14.81 | feet along the North side of Hauiki Road; |
| 04. | 151° 27' | 55.95 | feet along the North side of Hauiki Road; |
| 05. | 281° 14' | 473.68 | feet over and across Lot 12, Kulana Subdivision; |
| 06. | 6° 36' | 60.20 | feet along Lot 14, Kulana Subdivision to the point of beginning and containing an AREA of: 0.609 Acres. |

SUBJECT, ALSO, HOWEVER to an easement "D-2", 15.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-2", affecting Lot 12, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the South boundary easement "P-1", Lot 12, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,823.54 feet North and 2,106.69 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|---|
| 01. | 14° 13' | 77.50 | feet over and across Lot 12, Kulana Subdivision; |
| 02. | 286° 30' | 150.00 | feet over and across Lot 12, Kulana Subdivision; |
| 03. | 205° 48' | 70.82 | feet over and across Lot 12, Kulana Subdivision; |
| 04. | 359° 32' | 154.15 | feet over and across Lot 12, Kulana Subdivision; |
| 05. | 253° 50' | 211.34 | feet over and across Lot 12, Kulana Subdivision; to a point on the West boundary of Lot 14, Kulana Subdivision and containing an AREA of: 0.238 Acres more or less. |

SUBJECT, ALSO, HOWEVER to an easement "D-3", 15.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-3", affecting Lot 12, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the South boundary of this parcel of land on the boundary easement "P-1", Lot 12, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,974.12 feet North and 2,124.71 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|---|
| 01. | 144° 16' | 115.70 | feet over and across Lot 12, Kulana Subdivision; |
| 02. | 193° 09' | 101.88 | feet over and across Lot 12, Kulana Subdivision; |
| 03. | 201° 09' | 83.27 | feet over and across Lot 12, Kulana Subdivision; |
| 04. | 230° 42' | 126.26 | feet over and across Lot 12, Kulana Subdivision; |
| 05. | 222° 22' | 103.03 | feet over and across Lot 12, Kulana Subdivision; |
| 06. | 252° 00' | 67.00 | feet over and across Lot 12, Kulana Subdivision; |
| 07. | 278° 46' | 99.71 | feet over and across Lot 12, Kulana Subdivision; |
| 08. | 264° 00' | 138.09 | feet over and across Lot 12, Kulana Subdivision; |
| 09. | 278° 32' | 40.00 | feet over and across Lot 12, Kulana Subdivision to a point on the West boundary of Lot 13, Kulana Subdivision and containing an AREA of: 0.300 Acres. |

SUBJECT, ALSO, HOWEVER to an easement "D-42", 10.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-42", affecting Lot 12, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the East boundary of Lot 11, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,914.00 feet North and 2,298.69 feet East and running by azimuths measured clockwise from True South:

01. Thence over and across Lot 12, Kulana Subdivision, on a curve to the left with a radius of 633.00 feet, the chord azimuth and distance being:
267° 14' 15" 304.09 feet to a point on the West boundary of Lot 13, Kulana Subdivision and containing an AREA of: 0.070 Acres more or less.

SUBJECT, ALSO, HOWEVER to an easement "D-55", 30.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-55", affecting Lot 12, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the East boundary of Lot 11, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,146.08 feet North and 1,882.23 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|--|
| 01. | 330° 43' | 9.25 | feet over and across Lot 12, Kulana Subdivision; |
| 02. | 336° 58' | 412.52 | feet over and across Lot 12, Kulana Subdivision; |
| 03. | 331° 27' | 29.50 | feet over and across Lot 12, Kulana Subdivision; |
| 04. | 286° 30' | 211.38 | feet over and across Lot 12, Kulana Subdivision to a point on the Westerly side of Easement "D-2", Lot 12, Kulana Subdivision and containing an AREA of: 0.454 Acres more or less. |

SUBJECT, ALSO, HOWEVER, to a future road widening reserve, 13.00 feet wide, along Hauiki Road.

SUBJECT, ALSO, HOWEVER, to an easement "G-1" for future road widening grading purposes and more particularly described as follows:

All that certain parcel of land, being an easement "G-1", affecting Lot 12, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the Southeast corner of this parcel of land, on the Southwest corner of Lot 14, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,537.55 feet North and 2,489.51 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|--|
| 01. | 68° 36' | 157.71 | feet along the North side of Roadway Lot 23, Kulana Subdivision; |
| 02. | 158° 36' | 37.00 | feet over and across Lot 12, Kulana Subdivision; |
| 03. | 254° 28' | 62.62 | feet over and across Lot 12, Kulana Subdivision; |
| 04. | 253° 50' | 106.95 | feet over and across Lot 12, Kulana Subdivision; |
| 05. | 6° 36' | 23.61 | feet along Lot 14, Kulana Subdivision to the point of beginning and containing an Area of: 4,729.40 square feet. |

LOT 13

All that certain parcel of land, being Lot 13, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunalillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Northeast corner of this parcel of land at the corner of Lot 15, Kulana Subdivision, on the South side of Roadway Lot 21, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,130.94 feet North and 2,939.16 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|---|--------|--|
| 01. | 309° 47' | 60.00 | feet along Lot 15, Kulana Subdivision; |
| 02. | 348° 35' | 125.55 | feet along Lot 15, Kulana Subdivision; |
| 03. | 357° 01' | 323.90 | feet along Lot 15, Kulana Subdivision; |
| 04. | 284° 57' | 169.00 | feet along Lot 15, Kulana Subdivision; |
| 05. | 256° 39' | 45.10 | feet along Lot 15, Kulana Subdivision; |
| 06. | 297° 39' | 51.20 | feet along Lot 15, Kulana Subdivision; |
| 07. | 317° 08' | 102.00 | feet along Lot 15, Kulana Subdivision; |
| 08. | 326° 54' | 28.97 | feet along Lot 15, Kulana Subdivision; |
| 09. | 23° 19' | 272.55 | feet along Lot 16, Kulana Subdivision; |
| 10. | 67° 42' | 778.45 | feet along Lot 14, Kulana Subdivision; |
| 11. | 120° 49' | 205.60 | feet along Lot 12, Kulana Subdivision; |
| 12. | 209° 20' | 369.13 | feet along Lot 12, Kulana Subdivision; |
| 13. | 278° 32' | 68.52 | feet along Lot 12, Kulana Subdivision; |
| 14. | 188° 32' | 164.00 | feet along Lot 12, Kulana Subdivision; |
| 15. | 207° 09' | 152.93 | feet along Lot 12, Kulana Subdivision; |
| 16. | 160° 32' | 304.51 | feet along Lot 12, Kulana Subdivision; |
| 17. | Thence along the South side of Roadway Lot 21, Kulana Subdivision on a curve to the left with a radius of 622.00 feet
the chord azimuth and distance being:
246° 55' 40" 139.99 feet; | | |
| 18. | 240° 28' | 193.80 | feet along the South side of Roadway Lot 21, Kulana Subdivision; |

19. Thence along the South side of Roadway Lot 21, Kulana Subdivision on a curve to the left with a radius of 147.00 feet
the chord azimuth and distance being:
230° 07' 30" 52.78 feet to the point of
beginning and containing an AREA
of: 13.038 Acres.

Excepting therefrom Ditch "D-4" containing an area of 0.084 acres, also Ditch "D-5" containing an area of 0.409 acre, also Ditch "D-43" containing an area of 0.090 acre, also Pond "P-2" containing an area of 0.874 acre, leaving a net AREA of 11.608 Acres.

NOTES:

- #1. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #2. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #3. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "P-2" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "P-2" affecting Lot 13, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the Northwest corner of this parcel of land, on the East boundary of Lot 12, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,523.53 feet North and 2,632.94 feet East and running by azimuths measured clockwise from True South:

- | | | |
|-----|----------|---|
| 01. | 263° 04' | 44.78 feet over and across Lot 13, Kulana Subdivision; |
| 02. | 283° 47' | 92.00 feet over and across Lot 13, Kulana Subdivision; |
| 03. | 321° 08' | 70.00 feet over and across Lot 13, Kulana Subdivision; |
| 04. | 353° 30' | 96.00 feet over and across Lot 13, Kulana Subdivision; |
| 05. | 335° 04' | 36.70 feet over and across Lot 13, Kulana Subdivision; |
| 06. | 62° 40' | 80.00 feet over and across Lot 13, Kulana Subdivision; |
| 07. | 142° 00' | 84.00 feet over and across Lot 13, Kulana Subdivision; |
| 08. | 62° 36' | 62.00 feet over and across Lot 13, Kulana Subdivision; |
| 09. | 125° 52' | 62.41 feet over and across Lot 13, Kulana Subdivision; |
| 10. | 188° 32' | 164.00 feet along Lot 12, Kulana Subdivision, to the point of beginning and containing an AREA of: 0.847 Acres. |

SUBJECT, ALSO, HOWEVER to an easement "D-4", 15.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-4", affecting Lot 13, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the South boundary of easement "P-2", Lot 13, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,305.48 feet North and 2,801.48 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|--------------|--------|--|
| 01. | 332° 40' | 80.00 | feet over and across Lot 13, Kulana Subdivision; |
| 02. | 314° 18' 45" | 138.51 | feet over and across Lot 13, Kulana Subdivision; |
| 03. | 337° 42' | 26.76 | feet over and across Lot 13, Kulana Subdivision to a point on the North boundary of Lot 14, Kulana Subdivision, and containing an AREA of: 0.084 Acres more or less. |

SUBJECT, ALSO, HOWEVER to an easement "D-5", 15.00 feet and 30.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-5", affecting Lot 13, Kulana Subdivision, the centerline and sideline of which is more particularly described as follows:

Beginning at the East corner of this parcel of land on the boundary of Lot 15, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,490.06 feet North and 3,364.70 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|---|
| 01. | 146° 54' | 28.97 | feet along Lot 15, Kulana Subdivision;
(15.00 feet wide) |
| 02. | 137° 08' | 102.00 | feet along Lot 15, Kulana Subdivision;
(15.00 feet wide) |
| 03. | 117° 39' | 51.20 | feet along Lot 15, Kulana Subdivision;
(15.00 feet wide) |
| 04. | 76° 39' | 45.10 | feet along Lot 15, Kulana Subdivision;
(15.00 feet wide) |
| 05. | 29° 27' | 55.00 | feet over and across Lot 13, Kulana Subdivision;
(30.00 feet wide) |
| 06. | 9° 48' | 56.90 | feet over and across Lot 13, Kulana Subdivision;
(30.00 feet wide) |
| 07. | 23° 15' | 55.60 | feet over and across Lot 13, Kulana Subdivision;
(30.00 feet wide) |
| 08. | 47° 18' | 82.30 | feet over and across Lot 13, Kulana Subdivision;
(30.00 feet wide) |
| 09. | 32° 39' | 56.00 | feet over and across Lot 13, Kulana Subdivision;
(30.00 feet wide) |

10. 348° 16' 143.21 feet over and across Lot 13, Kulana Subdivision;
(30.00 feet wide)
11. 337° 42' 37.98 feet over and across Lot 13, Kulana Subdivision
to a point on the boundary of Lot 14, Kulana
Subdivision, and containing an AREA
of: 0.409 Acres more or less.

SUBJECT, ALSO, HOWEVER to an easement "D-43", 10.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-43", affecting Lot 13, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the East boundary of Lot 12, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,936.35 feet North and 2,604.92 feet East and running by azimuths measured clockwise from True South:

01. Thence over and across Lot 13, Kulana Subdivision, on a curve to the left with a radius of 633.00 feet, the chord azimuth and distance being:
246° 54' 11" 141.92 feet;
02. 240° 28' 193.80 feet over and across Lot 13, Kulana Subdivision;
02. Thence over and across Lot 13, Kulana Subdivision, on a curve to the left with a radius of 158.00 feet, the chord azimuth and distance being:
230° 07' 30" 56.73 feet to a point on the
boundary of Lot 15, Kulana Subdivision, and
containing an
AREA of: 0.090 Acres more or less.

LOT 14

All that certain parcel of land, being Lot 14, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunalillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Northwest corner of this parcel of land at the corner of Lots 12 and 13, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,944.38 feet North and 2,536.58 feet East and running by azimuths measured clockwise from True South:

01. 247° 42' 778.45 feet along Lot 13, Kulana Subdivision;
02. 340° 11' 115.40 feet along Lot 16, Kulana Subdivision;
03. 317° 51' 173.58 feet along Lot 16, Kulana Subdivision;
04. 346° 21' 255.36 feet along Lot 16, Kulana Subdivision;
05. 314° 32' 44.00 feet along Lot 16, Kulana Subdivision;
06. Thence along Lot 16, Kulana Subdivision, on a curve to the left with a radius of 42.00 feet, the chord azimuth and distance being:
345° 00' 72.40 feet;
07. 285° 28' 38.02 feet along Lot 16, Kulana Subdivision;
08. Thence along Lot 16, Kulana Subdivision, on a curve to the right with a radius of 172.00 feet, the chord azimuth and distance being:
307° 40' 30" 130.02 feet;
- 09 329° 53' 175.28 feet along Lot 16, Kulana Subdivision;
10. Thence along Lot 16, Kulana Subdivision, on a curve to the right with a radius of 82.00 feet, the chord azimuth and distance being:
353° 27' 10" 65.58 feet;
11. Thence along Lot 16, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
334° 44' 40" 26.91 feet;
12. 112° 28' 176.81 feet along the North side of Roadway Lot 23, Kulana Subdivision;
13. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 713.00 feet the chord azimuth and distance being:
106° 44' 142.46 feet;
14. 101° 00' 658.03 feet along the North side of Roadway Lot 23, Kulana Subdivision;

15. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 538.00 feet
the chord azimuth and distance being:
88° 24' 32" 234.56 feet;
16. 164° 26' 20.01 feet along the North side of Roadway Lot 23, Kulana Subdivision;
17. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 558.00 feet
the chord azimuth and distance being:
72° 11' 03" 69.77 feet;
18. 68° 36' 29.78 feet along the North side of Roadway Lot 23, Kulana Subdivision;
19. 186° 36' 409.55 feet along Lot 12, Kulana Subdivision, Kulana Subdivision, to the point of beginning and containing an AREA of: 13.679 Acres.

Excepting therefrom Ditch "D-1" containing an area of 0.438 acres, also Pond "P-3" containing an area of 0.635 acre, leaving a net AREA of 12.616 Acres.

NOTES:

- #1. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #2. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #3. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-16", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-16" affecting Lot 14, Kulana Subdivision, and more particularly described as follows:

Beginning at the Northeast corner of this parcel of land on the South boundary of Lot 13, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,959.99 feet North and 2,574.63 feet East and running by azimuths measured clockwise from True South:

01. 247° 42' 50.26 feet along Lot 13, Kulana Subdivision;
02. 6° 36' 24.29 feet over and across Lot 14, Kulana Subdivision;
03. Thence over and across Lot 14, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
321° 36' 28.28 feet;

04. 276° 36' 20.00 feet over and across Lot 14, Kulana Subdivision;
05. 6° 36' 52.00 feet over and across Lot 14, Kulana Subdivision;
06. 96° 36' 20.00 feet over and across Lot 14, Kulana Subdivision;
07. Thence over and across Lot 14, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
51° 36' 28.28 feet;
08. 6° 36' 51.13 feet over and across Lot 14, Kulana Subdivision;
09. Thence over and across Lot 14, Kulana Subdivision, on a curve to the left with a radius of 154.00 feet, the chord azimuth and distance being:
323° 48' 209.27 feet;
10. 281° 00' 805.19 feet over and across Lot 14, Kulana Subdivision;
11. Thence over and across Lot 14, Kulana Subdivision, on a curve to the right with a radius of 757.00 feet, the chord azimuth and distance being:
286° 44' 151.25 feet;
12. 292° 28' 93.79 feet over and across Lot 14, Kulana Subdivision;
13. 329° 53' 5.75 feet along Easement AU-40, Lot 14, Kulana Subdivision;
14. Thence along Easement AU-40, Lot 14, Kulana Subdivision, on a curve to the right with a radius of 38.00 feet, the chord azimuth and distance being:
339° 54' 49" 13.24 feet;
15. Thence along Easement AU-40, Lot 14, Kulana Subdivision, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:
51° 12' 19" 35.07 feet;
16. 112° 28' 90.45 feet along the North side of Roadway Lot 23, Kulana Subdivision;
17. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 713.00 feet the chord azimuth and distance being:
106° 44' 142.46 feet;
18. 101° 00' 805.19 feet along the North side of Roadway Lot 23, and over and across Lot 14, Kulana Subdivision;

10. 285° 28' 38.02 feet along Lot 16, Kulana Subdivision;
11. Thence along Lot 16, Kulana Subdivision, on a curve to the right with a radius of 172.00 feet, the chord azimuth and distance being:
307° 40' 30" 130.02 feet;
12. 329° 53' 175.28 feet along Lot 16, Kulana Subdivision;
13. Thence along Lot 16, Kulana Subdivision, on a curve to the right with a radius of 82.00 feet, the chord azimuth and distance being:
353° 27' 10" 65.58 feet;
14. Thence along Lot 16, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
334° 44' 40" 26.91 feet to the point of beginning and containing an
AREA of: 0.538 Acres.

SUBJECT, ALSO, HOWEVER to an easement "D-1", 15.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-1", affecting Lot 14, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the East boundary of Lot 12, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,569.08 feet North and 2,493.16 feet East and running by azimuths measured clockwise from True South:

01. 253° 50' 116.06 feet over and across Lot 14, Kulana Subdivision;
02. 239° 30' 74.98 feet over and across Lot 14, Kulana Subdivision;
03. 281° 00' 825.19 feet over and across Lot 14, Kulana Subdivision;
04. Thence over and across Lot 14, Kulana Subdivision, on a curve to the right with a radius of 764.50 feet, the chord azimuth and distance being:
286° 44' 152.75 feet;
05. 292° 28' 146.19 feet over and across Lot 14, Kulana Subdivision to a point on the West boundary of Lot 16, Kulana Subdivision, and containing an
AREA of: 0.438 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "E-9-B" for Overhead Electrical Transmission purposes and more particularly described as follows:

All that certain parcel of land, being an easement "E-9-B", affecting Lot 14, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the South side of this parcel of land, on the North side of Roadway Lot 23, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,562.33 feet North and 2,650.97 feet East and running by azimuths measured clockwise from True South:

01. 101° 14' 158.06 feet over and across Lot 14, Kulana Subdivision;
02. 186° 36' 60.20 feet along Lot 12, Kulana Subdivision;
03. 281° 14' 919.05 feet over and across Lot 14, Kulana Subdivision;
04. 289° 10' 375.25 feet over and across Lot 14, Kulana Subdivision;
05. Thence along Lot 16, Kulana Subdivision, on a curve to the right with a radius of 82.00 feet, the chord azimuth and distance being:
15° 45' 26" 3.62 feet;
06. Thence along Lot 16, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
334° 44' 40" 26.91 feet
07. 112° 28' 176.81 feet along the North side of Roadway Lot 23, Kulana Subdivision;
08. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 713.00 feet the chord azimuth and distance being:
106° 44' 142.46 feet;
09. 101° 00' 658.03 feet along the North side of Roadway Lot 23, Kulana Subdivision;
10. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 538.00 feet the chord azimuth and distance being:
91° 46' 09" 172.61 feet to the point of beginning and containing an
AREA of: 0.939 Acres.

SUBJECT, HOWEVER, to an easement "P-3" for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "P-3" affecting Lot 14, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the North corner of this parcel of land, on the South boundary of Lot 13, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,180.45 feet North and 3,112.17 feet East and running by azimuths measured clockwise from True South:

- 01. 337° 42' 120.00 feet over and across Lot 14, Kulana Subdivision;
- 02. 26° 42' 72.00 feet over and across Lot 14, Kulana Subdivision;
- 03. 70° 04' 84.00 feet over and across Lot 14, Kulana Subdivision;
- 04. 125° 20' 88.25 feet over and across Lot 14, Kulana Subdivision;
- 05. 157° 42' 89.22 feet over and across Lot 14, Kulana Subdivision;
- 06. 247° 42' 185.51 feet along Lot 13, Kulana Subdivision, to the point of beginning and containing an AREA of: 0.635 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "G-2" for future road widening grading purposes and more particularly described as follows:

All that certain parcel of land, being an easement "G-2", affecting Lot 14, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the Southwest corner of this parcel of land, on the Southeast corner of Lot 12, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,537.55 feet North and 2,489.51 feet East and running by azimuths measured clockwise from True South:

- 01. 186° 36' 23.61 feet along Lot 12, Kulana Subdivision;
- 02. 253° 50' 89.16 feet over and across Lot 14, Kulana Subdivision;
- 03. 283° 06' 70.00 feet over and across Lot 14, Kulana Subdivision;
- 04. 268° 27' 142.00 feet over and across Lot 14, Kulana Subdivision;
- 05. 281° 45' 230.00 feet over and across Lot 14, Kulana Subdivision;
- 06. 280° 10' 264.00 feet over and across Lot 14, Kulana Subdivision;
- 07. 281° 42' 226.00 feet over and across Lot 14, Kulana Subdivision;
- 08. 286° 50' 100.23 feet over and across Lot 14, Kulana Subdivision;
- 09. 292° 20' 180.71 feet over and across Lot 14, Kulana Subdivision;
- 10. Thence along Lot 16, Kulana Subdivision, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:
319° 43' 46" 18.32 feet;
- 11. 112° 28' 176.81 feet along the North side of Roadway Lot 23, Kulana Subdivision;

13. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 713.00 feet
the chord azimuth and distance being:
106° 44' 142.46 feet;
14. 101° 00' 658.03 feet along the North side of Roadway
Lot 23, Kulana Subdivision;
15. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 538.00 feet
the chord azimuth and distance being:
88° 34' 42" 234.56 feet;
16. 164° 26' 20.01 feet along the North side of Roadway
Lot 23, Kulana Subdivision;
17. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 558.00 feet
the chord azimuth and distance being:
72° 11' 03" 69.77 feet;
18. 68° 36' 29.78 feet along the North side of Roadway
Lot 23, Kulana Subdivision to the point of
Beginning and containing an Area of:
12,412 square feet.

LOT 15

All that certain parcel of land, being Lot 15, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunalillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Northwest corner of this parcel of land at the corner of Lot 13, on the South side of Roadway Lot 21, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,142.47 feet North and 2,948.76 feet East and running by azimuths measured clockwise from True South:

- 01. 309° 47' 33.44 feet along Lot 17, Kulana Subdivision;
- 02. 268° 24' 443.59 feet along Lot 17, Kulana Subdivision;
- 03. 340° 00' 451.26 feet along Lot 17, Kulana Subdivision;
- 03. 251° 07' 336.25 feet along Lot 17, Kulana Subdivision;
- 04. 323° 00' 426.10 feet along Lot 17, Kulana Subdivision;
- 05. 286° 41' 44.00 feet along Lot 17, Kulana Subdivision;
- 06. 16° 41' 56.12 feet along Lot 18, Kulana Subdivision;
- 07. Thence along Lot 18, Kulana Subdivision on a curve to the left with a radius of 278.00 feet
the chord azimuth and distance being:
358° 26' 174.12 feet;
- 08. 340° 11' 314.05 feet along Lot 18, Kulana Subdivision;
- 09. 90° 38' 46.96 feet along Lot 18, Kulana Subdivision;
- 10. 124° 44' 96.68 feet along Lot 16, Kulana Subdivision;
- 11. 146° 18' 60.30 feet along Lot 16, Kulana Subdivision;
- 12. 157° 08' 71.80 feet along Lot 16, Kulana Subdivision;
- 13. 123° 30' 135.70 feet along Lot 16, Kulana Subdivision;
- 14. 156° 10' 104.60 feet along Lot 16, Kulana Subdivision;
- 15. 126° 34' 71.00 feet along Lot 16, Kulana Subdivision;
- 16. 87° 08' 128.20 feet along Lot 16, Kulana Subdivision;
- 17. 96° 00' 91.20 feet along Lot 16, Kulana Subdivision;
- 18. 104° 37' 72.50 feet along Lot 16, Kulana Subdivision;
- 19. 71° 53' 62.30 feet along Lot 16, Kulana Subdivision;
- 20. 82° 01' 57.70 feet along Lot 16, Kulana Subdivision;

- | | | | |
|-----|--------------|--------|---|
| 21. | 150° 20' 58" | 33.73 | feet along Lot 16, Kulana Subdivision; |
| 22. | 140° 49' | 47.80 | feet along Lot 16, Kulana Subdivision; |
| 23. | 146° 54' | 151.70 | feet along Lots 16 and 15, Kulana Subdivision; |
| 24. | 137° 08' | 102.00 | feet along Lot 15, Kulana Subdivision; |
| 25. | 117° 39' | 51.20 | feet along Lot 15, Kulana Subdivision; |
| 26. | 76° 39' | 45.10 | feet along Lot 15, Kulana Subdivision; |
| 27. | 104° 57' | 169.00 | feet along Lot 15, Kulana Subdivision; |
| 28. | 177° 01' | 323.90 | feet along Lot 15, Kulana Subdivision; |
| 29. | 168° 35' | 125.55 | feet along Lot 15, Kulana Subdivision; |
| 30. | 129° 47' | 60.00 | feet along Lot 15, Kulana Subdivision; |
| 31. | 219° 47' | 15.00 | feet along the South side of Roadway Lot 21, Kulana Subdivision, to the point of beginning and containing an AREA of: 13.751 Acres. |

Excepting therefrom Ditch "D-6" containing an area of 0.150 acres, also Ditch "D-31" containing an area of 0.575 acre, also Ditch "D-35" containing an area of 0.348 acre, also Ditch "D-48" containing an area of 0.003 acre, leaving a net AREA of 12.675 Acres.

NOTES:

- #1. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #2. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #3. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-12", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-12" affecting Lot 15, Kulana Subdivision, and more particularly described as follows:

Beginning at the Northeast corner of this parcel of land at the corner of Lots 17 and 18, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,465.31 feet North and 4,188.95 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|---|--------|--|
| 01. | 16° 41' | 56.12 | feet along Lot 18, Kulana Subdivision; |
| 02. | Thence along Lot 18, Kulana Subdivision on a curve to the left with a radius of 278.00 feet the chord azimuth and distance being:
358° 26' 174.12 feet; | | |
| 03. | 340° 11' | 314.05 | feet along Lot 18, Kulana Subdivision; |

- 04. 90° 38' 46.96 feet along Lot 18, Kulana Subdivision;
- 05. 160° 11' 297.64 feet over and across Lot 15, Kulana Subdivision;
- 06. Thence over and across Lot 15, Kulana Subdivision, on a curve to the right with a radius of 322.00 feet, the chord azimuth and distance being:
178° 26' 201.68 feet;
- 07. 196° 41' 56.12 feet over and across Lot 15, Kulana Subdivision;
- 08. 286° 41' 44.00 feet along Lot 17, Kulana Subdivision, to the point of beginning and containing an AREA of: 0.559 Acres.

SUBJECT, ALSO, HOWEVER to an easement "D-6", 15.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-6", affecting Lot 15, Kulana Subdivision, the Southerly and Westerly side line of which is more particularly described as follows:

Beginning at a point on the West corner of this parcel of land on the boundary of Lot 13, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,602.43 feet North and 3,190.25 feet East and running by azimuths measured clockwise from True South:

- 01. 256° 39' 45.10 feet along Lot 13, Kulana Subdivision;
- 02. 297° 39' 51.20 feet along Lot 13, Kulana Subdivision;
- 03. 317° 08' 102.00 feet along Lot 13, Kulana Subdivision;
- 04. 326° 54' 151.70 feet along Lots 13 and 16, Kulana Subdivision;
- 05. 320° 49' 47.80 feet along Lot 16, Kulana Subdivision, to a point on the boundary of Lot 16, Kulana Subdivision and containing an AREA of: 0.150 Acres more or less.

SUBJECT, ALSO, HOWEVER to an easement "D-31", 30.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-31", affecting Lot 15, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the East side of easement "D-6", Lot 15, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,352.42 feet North and 3,476.82 feet East and running by azimuths measured clockwise from True South:

- 01. 241° 48' 56.60 feet over and across Lot 15, Kulana Subdivision;
- 02. 262° 56' 167.00 feet over and across Lot 15, Kulana Subdivision;
- 03. 206° 13' 110.80 feet over and across Lot 15, Kulana Subdivision;

- 04. 256° 00' 105.90 feet over and across Lot 15, Kulana Subdivision;
- 05. 323° 01' 133.60 feet over and across Lot 15, Kulana Subdivision;
- 06. 285° 33' 87.30 feet over and across Lot 15, Kulana Subdivision;
- 07. 313° 43' 68.70 feet over and across Lot 15, Kulana Subdivision;
- 08. 263° 05' 105.06 feet over and across Lot 15, Kulana Subdivision to a point on the boundary of Lot 18, Kulana Subdivision, and containing an AREA of: 0.575 Acres more or less.

SUBJECT, ALSO, HOWEVER, to an easement "D-35", 15.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-35", affecting Lot 15, Kulana Subdivision, the Southerly and Westerly side line of which is more particularly described as follows:

Beginning at a point on the East corner of this parcel of land at the corner of Lot 18, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,941.35 feet North and 4,280.09 feet East and running by azimuths measured clockwise from True South:

- 01. 90° 38' 46.96 feet along Lot 18, Kulana Subdivision;
- 02. 124° 44' 96.68 feet along Lot 16, Kulana Subdivision;
- 03. 146° 18' 60.30 feet along Lot 16, Kulana Subdivision;
- 04. 157° 08' 71.80 feet along Lot 16, Kulana Subdivision;
- 05. 123° 30' 135.70 feet along Lot 16, Kulana Subdivision;
- 06. 156° 10' 104.60 feet along Lot 16, Kulana Subdivision;
- 07. 126° 34' 71.00 feet along Lot 16, Kulana Subdivision;
- 08. 87° 08' 128.20 feet along Lot 16, Kulana Subdivision;
- 09. 96° 00' 91.20 feet along Lot 16, Kulana Subdivision;
- 10. 104° 37' 72.50 feet along Lot 16, Kulana Subdivision;
- 11. 71° 53' 62.30 feet along Lot 16, Kulana Subdivision;
- 12. 82° 01' 57.70 feet along Lot 16, Kulana Subdivision to a point on the North boundary of Lot 16, Kulana Subdivision, and containing an AREA of: 0.348 Acres more or less.

LOT 16

All that certain parcel of land, being Lot 16, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunaillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the West corner of this parcel of land at the corner of Lots 13 and 14, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8239.77 feet North and 3256.82 feet East and running by azimuths measured clockwise from True South:

- 01. 203° 19' 272.55 feet along Lot 13, Kulana Subdivision;
- 02. 326° 54' 122.73 feet along Lot 15, Kulana Subdivision;
- 03. 320° 49' 47.80 feet along Lot 15, Kulana Subdivision;
- 04. 330° 20' 58" 33.73 feet along Lot 15, Kulana Subdivision;
- 05. 262° 01' 57.70 feet along Lot 15, Kulana Subdivision;
- 06. 251° 53' 62.30 feet along Lot 15, Kulana Subdivision;
- 07. 284° 37' 72.50 feet along Lot 15, Kulana Subdivision;
- 08. 276° 00' 91.20 feet along Lot 15, Kulana Subdivision;
- 09. 267° 08' 128.20 feet along Lot 15, Kulana Subdivision;
- 10. 306° 34' 71.00 feet along Lot 15, Kulana Subdivision;
- 11. 336° 10' 104.60 feet along Lot 15, Kulana Subdivision;
- 12. 303° 30' 135.70 feet along Lot 15, Kulana Subdivision;
- 13. 337° 08' 71.80 feet along Lot 15, Kulana Subdivision;
- 14. 326° 18' 60.30 feet along Lot 15, Kulana Subdivision;
- 15. 304° 44' 96.68 feet along Lot 15, Kulana Subdivision;
- 16. 340° 11' 42.85 feet along Lot 18, Kulana Subdivision;
- 17. Thence along Lot 18, Kulana Subdivision on a curve to the right with a radius of 20.00 feet
the chord azimuth and distance being:
29° 06' 07" 30.15 feet;
- 18. 25° 30' 146.53 feet along Lot 18, Kulana Subdivision;
- 19. 24° 54' 492.43 feet along Lot 18, Kulana Subdivision;
- 20. 22° 28' 51.50 feet along Lot 18, Kulana Subdivision;
- 21. 112° 28' 192.22 feet along the North side of Roadway
Lot 23, Kulana Subdivision;

22. Thence along Lot 14, Kulana Subdivision on a curve to the right with a radius of 20.00 feet the chord azimuth and distance being:
154° 44' 40" 26.91 feet;
23. Thence along Lot 14, Kulana Subdivision on a curve to the left with a radius of 82.00 feet the chord azimuth and distance being:
173° 27' 10" 65.58 feet;
24. 149° 53' 175.28 feet along Lot 14, Kulana Subdivision;
25. Thence along Lot 14, Kulana Subdivision on a curve to the left with a radius of 172.00 feet the chord azimuth and distance being:
127° 40' 30" 130.02 feet;
26. 105° 28' 38.02 feet along Lot 14, Kulana Subdivision;
27. Thence along Lot 14, Kulana Subdivision on a curve to the right with a radius of 42.00 feet the chord azimuth and distance being:
165° 00' 72.40 feet;
28. 134° 32' 44.00 feet along Lot 14, Kulana Subdivision;
29. 166° 21' 255.36 feet along Lot 14, Kulana Subdivision;
30. 137° 51' 173.58 feet along Lot 14, Kulana Subdivision;
31. 160° 11' 115.40 feet along Lot 14, Kulana Subdivision to the point of beginning and containing an AREA of: 14.560 Acres.

Excepting therefrom Ditch "D-7" containing an area of 0.857 acres, also Ditch D-36 containing an area of 0.329 acres, also Ditch D-45 containing an area of 0.076 acres, leaving a net AREA of 13.298 Acres.

NOTES:

- #1. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #2. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #3. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-5", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-5" affecting Lot 14, Kulana Subdivision, and more particularly described as follows:

Beginning at the West corner of this parcel of land on the corner of Lots 13 and 14, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,239.77 feet North and 3,256.82 feet East and running by azimuths measured clockwise from True South:

01. 203° 19' 208.14 feet along Lot 13, Kulana Subdivision;
02. 319° 40' 236.64 feet over and across Lot 16, Kulana Subdivision;

03. Thence over and across Lot 16, Kulana Subdivision, on a curve to the left with a radius of 128.00 feet, the chord azimuth and distance being:
306° 11' 30" 59.65 feet;
04. 292° 43' 121.18 feet over and across Lot 16, Kulana Subdivision;
05. Thence over and across Lot 16, Kulana Subdivision, on a curve to the right with a radius of 172.00 feet, the chord azimuth and distance being:
306° 43' 83.22 feet;
06. 320° 43' 111.40 feet over and across Lot 16, Kulana Subdivision;
07. Thence over and across Lot 16, Kulana Subdivision, on a curve to the left with a radius of 146.00 feet, the chord azimuth and distance being:
307° 52' 30" 64.90 feet;
08. Thence over and across Lot 16, Kulana Subdivision, on a curve to the right with a radius of 112.00 feet, the chord azimuth and distance being:
325° 42' 19" 114.27 feet;
09. Thence over and across Lot 16, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
316° 10' 41" 25.82 feet;
10. Thence along easement "AU-17", on a curve to the right having a radius of 478.00 feet, the chord azimuth and distance being:
98° 02' 22" 34.37 feet;
11. 100° 06' 57.95 feet along easement "AU-17", Lot 16, Kulana Subdivision;
12. Thence over and across Lot 16, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
215° 39' 34" 36.09 feet;
13. Thence over and across Lot 16, Kulana Subdivision, on a curve to the left with a radius of 68.00 feet, the chord azimuth and distance being:
133° 07' 34" 42.24 feet;
14. Thence over and across Lot 16, Kulana Subdivision, on a curve to the right with a radius of 190.00 feet, the chord azimuth and distance being:
127° 52' 30" 84.46 feet;
15. 140° 43' 111.40 feet over and across Lot 16, Kulana Subdivision;

16. Thence over and across Lot 16, Kulana Subdivision, on a curve to the left with a radius of 128.00 feet, the chord azimuth and distance being:
126° 43' 61.93 feet;
17. 112° 43' 121.18 feet over and across Lot 16, Kulana Subdivision;
18. Thence over and across Lot 16, Kulana Subdivision, on a curve to the right with a radius of 172.00 feet, the chord azimuth and distance being:
126° 11' 30" 80.16 feet;
19. 139° 40' 133.52 feet over and across Lot 16, Kulana Subdivision;
20. Thence over and across Lot 16, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
81° 29' 30" 33.99 feet;
21. 23° 19' 151.98 feet over and across Lot 16, Kulana Subdivision;
22. 160° 11' 64.36 feet along Lot 14, Kulana Subdivision to the point of beginning and containing an AREA of: 0.979 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-17", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-17" affecting Lot 16, Kulana Subdivision, and more particularly described as follows:

Beginning at the West corner of this parcel of land on the East boundary of Lot 14, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,754.36 feet North and 3,472.69 feet East and running by azimuths measured clockwise from True South:

01. 224° 32' 74.15 feet over and across Lot 16, Kulana Subdivision;
02. Thence over and across Lot 16, Kulana Subdivision, on a curve to the right with a radius of 322.00 feet, the chord azimuth and distance being:
252° 19' 300.19 feet;
03. 280° 06' 79.52 feet over and across Lot 16, Kulana Subdivision;
04. Thence over and across Lot 16, Kulana Subdivision, on a curve to the left with a radius of 478.00 feet, the chord azimuth and distance being:
276° 14' 30" 64.33 feet;
05. 272° 23' 202.50 feet over and across Lot 16, Kulana Subdivision;
06. Thence over and across Lot 16, Kulana Subdivision, on a curve to the left with a radius of 328.00 feet, the chord azimuth and distance being:
265° 12' 07" 82.01 feet;

07. 25° 30' 53.64 feet along Lot 18, Kulana Subdivision;
08. Thence over and across Lot 16, Kulana Subdivision, on a curve to the right with a radius of 372.00 feet, the chord azimuth and distance being:
87° 43' 07" 60.50 feet;
09. 92° 23' 202.50 feet over and across Lot 16, Kulana Subdivision;
10. Thence over and across Lot 16, Kulana Subdivision, on a curve to the right with a radius of 522.00 feet, the chord azimuth and distance being:
96° 14' 30" 70.25 feet;
11. 100° 06' 79.52 feet over and across Lot 16, Kulana Subdivision;
12. Thence over and across Lot 16, Kulana Subdivision, on a curve to the left with a radius of 278.00 feet, the chord azimuth and distance being:
72° 19' 259.17 feet;
13. 44° 32' 74.15 feet over and across Lot 16, Kulana Subdivision;
14. 134° 32' 44.00 feet along Lot 14, Kulana Subdivision, to the point of beginning, and containing an AREA of 0.794 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-35", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-35" affecting Lot 16, Kulana Subdivision, and more particularly described as follows:

Beginning at the Southeast corner of this parcel of land at the corner of Lot 18, on the North side of Roadway Lot 23, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,347.88 feet North and 3,708.74 feet East and running by azimuths measured clockwise from True South:

01. 112° 28' 192.22 feet along the North side of Roadway Lot 23, Kulana Subdivision;
02. Thence along Lot 14, Kulana Subdivision, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:
154° 44' 40" 26.91 feet;
03. Thence along Lot 14, Kulana Subdivision, on a curve to the left with a radius of 82.00 feet, the chord azimuth and distance being:
187° 37' 13" 26.79 feet;
04. 292° 28' 218.99 feet over and across Lot 16, Kulana Subdivision;
05. 22° 28' 44.00 feet along Lot 18, Kulana Subdivision to the point of beginning, and containing an AREA of 0.214 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "E-9-C" for Overhead Electrical Transmission purposes and more particularly described as follows:

All that certain parcel of land, being an easement "E-9-C", affecting Lot 16, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the Southeast corner of this parcel of land, on the North side of Roadway Lot 23, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,249.40 feet North and 3,946.88 feet East and running by azimuths measured clockwise from True South:

01. 112° 28' 192.22 feet along the North side of Roadway Lot 23, Kulana Subdivision;
02. Thence along Lot 14, Kulana Subdivision, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:
154° 44' 40" 26.91 feet;
03. Thence along Lot 14, Kulana Subdivision, on a curve to the left with a radius of 82.00 feet, the chord azimuth and distance being:
195° 45' 26" 3.62 feet;
04. 289° 10' 212.90 feet over and across Lot 16, Kulana Subdivision;
05. 22° 28' 33.95 feet along Lot 18, Kulana Subdivision to the point of beginning, and containing an AREA of 0.134 Acres.

SUBJECT, ALSO, HOWEVER to an easement "D-7", 30.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-7", affecting Lot 16, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the South boundary of Lot 15, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,350.19 feet North and 3,461.92 feet East and running by azimuths measured clockwise from True South:

01. 356° 45' 50.80 feet over and across Lot 16, Kulana Subdivision;
02. 319° 40' 21.70 feet over and across Lot 16, Kulana Subdivision;
03. 296° 52' 89.90 feet over and across Lot 16, Kulana Subdivision;
04. 308° 06' 80.50 feet over and across Lot 16, Kulana Subdivision;
05. 292° 43' 59.70 feet over and across Lot 16, Kulana Subdivision;
06. 322° 23' 192.10 feet over and across Lot 16, Kulana Subdivision;
07. 286° 01' 35.20 feet over and across Lot 16, Kulana Subdivision;
08. 227° 45' 93.10 feet over and across Lot 16, Kulana Subdivision;

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|-----|----------|-------|--|
| 09. | 289° 38' | 71.80 | feet over and across Lot 16, Kulana Subdivision; |
| 10. | 332° 34' | 53.90 | feet over and across Lot 16, Kulana Subdivision; |
| 11. | 311° 46' | 40.50 | feet over and across Lot 16, Kulana Subdivision; |
| 12. | 325° 39' | 32.20 | feet over and across Lot 16, Kulana Subdivision; |
| 13. | 355° 12' | 39.40 | feet over and across Lot 16, Kulana Subdivision; |
| 14. | 18° 01' | 31.00 | feet over and across Lot 16, Kulana Subdivision; |
| 15. | 0° 59' | 42.10 | feet over and across Lot 16, Kulana Subdivision; |
| 16. | 340° 08' | 56.10 | feet over and across Lot 16, Kulana Subdivision; |
| 17. | 359° 12' | 52.60 | feet over and across Lot 16, Kulana Subdivision; |
| 18. | 335° 30' | 89.30 | feet over and across Lot 16, Kulana Subdivision; |
| 19. | 310° 36' | 38.70 | feet over and across Lot 16, Kulana Subdivision
to a point on the West boundary of Lot 18,
Kulana Subdivision, and containing an
AREA of: 0.857 Acres more or less. |

SUBJECT, ALSO, HOWEVER to an easement "D-36", 15.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-36", affecting Lot 16, Kulana Subdivision, the northerly line of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the South boundary of Lot 15, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,230.88 feet North and 3,478.61 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|--|
| 01. | 262° 01' | 57.70 | feet along Lot 15, Kulana Subdivision; |
| 02. | 251° 53' | 62.30 | feet along Lot 15, Kulana Subdivision; |
| 03. | 284° 37' | 72.50 | feet along Lot 15, Kulana Subdivision; |
| 04. | 276° 00' | 91.20 | feet along Lot 15, Kulana Subdivision; |
| 05. | 267° 08' | 128.20 | feet along Lot 15, Kulana Subdivision; |
| 06. | 306° 34' | 71.00 | feet along Lot 15, Kulana Subdivision; |
| 07. | 336° 10' | 104.60 | feet along Lot 15, Kulana Subdivision; |
| 08. | 303° 30' | 135.70 | feet along Lot 15, Kulana Subdivision; |
| 09. | 337° 08' | 71.80 | feet along Lot 15, Kulana Subdivision; |
| 10. | 326° 18' | 60.30 | feet along Lot 15, Kulana Subdivision; |

11. 304° 44' 96.68 feet along Lot 15, Kulana Subdivision to the corner of Lots 15 and 18, Kulana Subdivision and containing an AREA of: 0.329 Acres more or less.

SUBJECT, ALSO, HOWEVER to an easement "D-45", 15.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-45" affecting Lot 16, Kulana Subdivision, the centerline line of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the East boundary of Lot 14, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,382.15 feet North and 3,760.63 feet East and running by azimuths measured clockwise from True South:

01. 292° 28' 222.84 feet over and across Lot 16, Kulana Subdivision to a point on the West boundary of Lot 18, Kulana Subdivision, and containing an AREA of: 0.076 Acres more or less.

SUBJECT, ALSO, HOWEVER, to an easement "G-3" for future road widening grading purposes and more particularly described as follows:

All that certain parcel of land, being an easement "G-3", affecting Lot 16, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the Southwest corner of this parcel of land, on the Southeast corner of Lot 14, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,322.86 feet North and 3,769.26 feet East and running by azimuths measured clockwise from True South:

01. Thence along Lot 14, Kulana Subdivision, on a curve to the right with a radius of 20.00 feet, the chord azimuth and distance being:
139° 43' 46" 18.32 feet;
02. 292° 20' 88.89 feet over and across Lot 16, Kulana Subdivision;
03. 290° 54' 119.65 feet over and across Lot 16, Kulana Subdivision;
04. 22° 28' 11.87 feet along Lot 18, Kulana Subdivision;
05. 112° 28' 192.22 feet along the North side of Roadway Lot 23, Kulana Subdivision to the point of Beginning and containing an Area of: 1,939 square feet.

LOT 17

All that certain parcel of land, being Lot 17, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunalillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the West corner of this parcel of land at the corner of Lot 15, Kulana Subdivision, on the East side of Roadway Lot 21, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,142.47 feet North and 2,948.76 feet East and running by azimuths measured clockwise from True South:

- 01. 219° 47' 15.00 feet along Roadway Lot 21, Kulana Subdivision;
- 02. 309° 47' 27.77 feet along Lot 6, Kulana Subdivision;
- 03. 268° 24' 448.75 feet along Lot 6, Kulana Subdivision;
- 04. 340° 00' 447.36 feet along Lot 6, Kulana Subdivision;
- 05. 251° 07' 321.49 feet along Lot 6, Kulana Subdivision;
- 06. 184° 47' 124.23 feet along Lot 6, Kulana Subdivision;
- 07. 224° 14' 606.92 feet along Lot 6, Kulana Subdivision;
- 08. 314° 14' 44.00 feet along Lot 6, Kulana Subdivision;
- 09. Thence along Lot 6, Kulana Subdivision, on a curve to the left with a radius of 182.00 feet, the chord azimuth and distance being:
213° 24' 07" 68.40 feet;
- 10. 135° 00' 131.94 feet along Lot 6, Kulana Subdivision;
- 11. 158° 05' 99.60 feet along Lot 6, Kulana Subdivision;
- 12. 130° 39' 106.00 feet along Lot 6, Kulana Subdivision;
- 13. 80° 54' 95.00 feet along Lot 6, Kulana Subdivision;
- 14. 33° 10' 103.60 feet along Lot 6, Kulana Subdivision;
- 15. 19° 15' 157.40 feet along Lot 6, Kulana Subdivision;
- 16. 12° 44' 280.20 feet along Lot 6, Kulana Subdivision;
- 17. 112° 28' 93.50 feet along Lot 6, Kulana Subdivision;
- 18. 180° 53' 97.60 feet along Lot 6, Kulana Subdivision;
- 19. 172° 10' 60.80 feet along Lot 6, Kulana Subdivision;
- 20. 148° 51' 200.20 feet along Lot 6, Kulana Subdivision;
- 21. 237° 55' 406.48 feet along Lot 5, Kulana Subdivision;

22. 279° 50' 187.40 feet along Lot 5, Kulana Subdivision;
23. 228° 24' 56.00 feet along Lot 5, Kulana Subdivision;
24. 318° 24' 47.35 feet along Lot 7, Kulana Subdivision;
25. Thence along Lot 7, Kulana Subdivision on a curve to the right with a radius of 183.00 feet,
the chord azimuth and distance being:
326° 16' 30" 50.15 feet;
26. 64° 09' 6.00 feet along Lot 7, Kulana Subdivision;
27. 334° 09' 97.91 feet along Lot 7, Kulana Subdivision;
28. 272° 58' 158.14 feet along Lot 7, Kulana Subdivision;
29. 303° 08' 105.04 feet along Lot 7, Kulana Subdivision;
30. 321° 50' 82.50 feet along Lot 7, Kulana Subdivision;
31. 346° 53' 95.40 feet along Lot 7, Kulana Subdivision;
32. 3° 56' 124.60 feet along Lot 7, Kulana Subdivision;
33. 21° 42' 130.50 feet along Lot 7, Kulana Subdivision;
34. 345° 20' 200.00 feet along Lot 7, Kulana Subdivision;
35. 332° 40' 84.87 feet along Lot 7, Kulana Subdivision;
36. 20° 29' 115.66 feet along Lot 8, Kulana Subdivision;
37. 63° 14' 566.73 feet along Lot 18, Kulana Subdivision;
38. 106° 41' 44.00 feet along Lot 15, Kulana Subdivision;
39. 143° 00' 426.10 feet along Lot 15, Kulana Subdivision;
40. 71° 07' 336.25 feet along Lot 15, Kulana Subdivision;
41. 160° 00' 451.26 feet along Lot 15, Kulana Subdivision;
42. 88° 24' 443.59 feet along Lot 15, Kulana Subdivision;
43. 129° 47' 33.44 feet along Lot 15, Kulana Subdivision to the
point of beginning and containing an
AREA of: 16.567 Acres.

Excepting therefrom Ditch "D-26" containing an area of 0.177 acres, also Ditch "D-33" containing an area of 0.564 acre, also Ditch "D-49" containing an area of 0.003 acre, also Kainahola Stream containing an area of 0.589 acres, leaving a net AREA of 15.234 Acres.

NOTES:

- #1. Subject to a Native Hawaiian Stream Access Easement, 10 feet from each bank.
- #2. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #3. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #4. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-9", 44.00 feet and 56.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-9" affecting Lot 17, Kulana Subdivision, and more particularly described as follows:

Beginning at the North corner of this parcel of land at the East corner of Lot 5 and on the boundary of Lot 7, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,734.54 feet North and 4,287.54 feet East and running by azimuths measured clockwise from True South:

- 01. 318° 24' 47.35 feet along Lot 7, Kulana Subdivision;
- 02. Thence along Lot 7, Kulana Subdivision on a curve to the right with a radius of 183.00 feet, the chord azimuth and distance being:
 326° 16' 30" 50.15 feet;
- 03. 64° 09' 6.00 feet along Lot 7, Kulana Subdivision;
- 04. 334° 09' 97.91 feet along Lot 7, Kulana Subdivision;
- 05. Thence over and across Lot 17, Kulana Subdivision, on a curve to the right with a radius of 182.00 feet, the chord azimuth and distance being:
 358° 21' 37" 149.27 feet;
- 06. 135° 00' 48.98 feet along Lot 6, Kulana Subdivision;
- 07. Thence over and across Lot 17, Kulana Subdivision, on a curve to the left with a radius of 138.00 feet, the chord azimuth and distance being:
 174° 28' 08" 95.84 feet;
- 08. 154° 09' 97.91 feet over and across Lot 17, Kulana Subdivision;
- 09. 64° 09' 6.00 feet over and across Lot 17, Kulana Subdivision;
- 10. Thence over and across Lot 17, Kulana Subdivision, on a curve to the left with a radius of 127.00 feet, the chord azimuth and distance being:
 146° 16' 30" 34.80 feet;
- 11. 138° 24' 47.35 feet over and across Lot 17, Kulana Subdivision;
- 12. 228° 24' 56.00 feet along Lot 5, Kulana Subdivision, to the point of beginning and containing an AREA of: 0.342 Acres.

Beginning at the Northwest corner of this parcel of land on the boundary of Lot 6 , Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,011.12 feet North and 3,949.28 feet East and running by azimuths measured clockwise from True South:

01. 274° 47' 58.34 feet over and across Lot 17, Kulana Subdivision;
02. Thence over and across Lot 17, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
 227° 50' 34" 29.23 feet;
03. Thence along Easement AU-11, Lot 17, Kulana Subdivision, on a curve to the left with a radius of 172.00 feet, the chord azimuth and distance being:
 347° 40' 15" 78.74 feet;
04. Thence over and across Lot 17, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
 124° 36' 41" 19.90 feet;
05. 94° 47' 120.41 feet over and across Lot 17, Kulana Subdivision;
06. 224° 14' 56.98 feet along Lot 6, Kulana Subdivision, to the point of beginning and containing an AREA of: 0.110 Acres.

SUBJECT, ALSO, HOWEVER to an easement "D-26", 10.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-26", affecting Lot 17, Kulana Subdivision, the Easterly side line of which is more particularly described as follows:

Beginning at a point on the North corner of this parcel of land at the boundary of Lot 7, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,558.51 feet North and 4,542.03 feet East and running by azimuths measured clockwise from True South:

01. 303° 08' 105.04 feet along Lot 7, Kulana Subdivision;
02. 321° 50' 82.50 feet along Lot 7, Kulana Subdivision;
03. 346° 53' 95.40 feet along Lot 7, Kulana Subdivision;
04. 3° 56' 124.60 feet along Lot 7, Kulana Subdivision;
05. 21° 42' 130.50 feet along Lot 7, Kulana Subdivision;
06. 345° 20' 200.00 feet along Lot 7, Kulana Subdivision to a point on the boundary of Lot 7, Kulana Subdivision, and containing an AREA of: 0.177 Acres more or less.

SUBJECT, ALSO, HOWEVER to an easement "D-33", 30.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-33" affecting Lot 17, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land, on the boundary of Lot 6, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,272.82 feet North and 4,204.06 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|--------|--|
| 01. | 317° 41' | 139.12 | feet over and across Lot 17, Kulana Subdivision; |
| 02. | 325° 06' | 200.80 | feet over and across Lot 17, Kulana Subdivision; |
| 03. | 25° 43' | 93.80 | feet over and across Lot 17, Kulana Subdivision; |
| 04. | 1° 16' | 120.00 | feet over and across Lot 17, Kulana Subdivision; |
| 05. | 311° 01' | 52.30 | feet over and across Lot 17, Kulana Subdivision; |
| 06. | 286° 08' | 129.00 | feet over and across Lot 17, Kulana Subdivision; |
| 07. | 322° 36' | 83.53 | feet over and across Lot 17, Kulana Subdivision to a point on the boundary of Lot 18, Kulana Subdivision, and containing an AREA of: 0.564 Acres more or less. |

SUBJECT, ALSO, HOWEVER to an easement "D-49", 10.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-49" affecting Lot 17, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land, on the boundary of Lot 6, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,135.43 feet North and 2,957.21 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|-------|--|
| 01. | 219° 47' | 15.00 | feet over and across lot 17, Kulana Subdivision to a point on the boundary of Lot 15, Kulana Subdivision and containing an AREA of 0.003 Acres more or less. |
|-----|----------|-------|--|

LOT 18

All that certain parcel of land, being Lot 18, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunaililo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land at the corner of Lot 16, on the North side of Roadway Lot 23, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,249.40 feet North and 3,946.88 feet East and running by azimuths measured clockwise from True South:

01. 202° 28' 51.50 feet along Lot 16, Kulana Subdivision;
02. 204° 54' 492.43 feet along Lot 16, Kulana Subdivision;
03. 205° 30' 146.53 feet along Lot 16, Kulana Subdivision;
04. Thence along Lot 16, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
209° 06' 07" 30.15 feet;
05. 160° 11' 42.85 feet along Lot 16, Kulana Subdivision;
06. 270° 38' 46.96 feet along Lot 15, Kulana Subdivision;
07. 160° 11' 314.05 feet along Lot 15, Kulana Subdivision;
07. Thence along Lot 15, Kulana Subdivision, on a curve to the right with a radius of 278.00 feet, the chord azimuth and distance being:
178° 26' 174.12 feet;
08. 196° 41' 56.12 feet along Lot 15, Kulana Subdivision;
09. 243° 14' 566.73 feet along Lot 17, Kulana Subdivision;
10. 298° 46' 61.37 feet along Lot 8, Kulana Subdivision;
11. 14° 00' 229.64 feet along Lot 8, Kulana Subdivision;
12. 306° 00' 68.56 feet along Lot 8, Kulana Subdivision;
13. 345° 40' 293.70 feet along Lot 8, Kulana Subdivision;
14. 28° 50' 44.00 feet along Lot 19, Kulana Subdivision;
15. 22° 05' 09" 400.47 feet along Lot 19, Kulana Subdivision;
16. 353° 05' 44.00 feet along Lot 19, Kulana Subdivision;
17. . Thence along Lot 19, Kulana Subdivision, on a curve to the right with a radius of 233.00 feet, the chord azimuth and distance being:
283° 05' 43" 159.47 feet;
18. 14° 13' 258.95 feet along Lot 19, Kulana Subdivision;

- 19. 61° 06' 318.16 feet along Lot 19, Kulana Subdivision;
- 20. 18° 54' 116.38 feet along Lot 19, Kulana Subdivision;
- 21. 108° 54' 60.00 feet along the North side of Roadway Lot 23, Kulana Subdivision;
- 22. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 938.00 feet the chord azimuth and distance being: 101° 16' 249.19 feet;
- 23. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 572.00 feet the chord azimuth and distance being: 103° 03' 187.17 feet to the point of beginning and containing an AREA of: 18.707 Acres.

Excepting therefrom Ditch "D-8" containing an area of 0.502 acres, also Ditch "D-32" containing an area of 0.456 acre, also Ditch "D-37" containing an area of 0.348 acre, also Ditch "D-46" containing an area of 0.170 acre, also Kainahola Stream containing an area of 0.817 acres, leaving a net AREA of 16.710 Acres.

NOTES:

- #1. Subject to a Native Hawaiian Stream Access Easement, 10 feet from each bank.
- #2. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #3. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #4. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-13", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-13" affecting Lot 18, Kulana Subdivision, and more particularly described as follows:

Beginning at the Northeast corner of this parcel of land at the Southeast corner of Lot 15, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,941.35 feet North and 4,280.09 feet East and running by azimuths measured clockwise from True South:

- 01. 340° 11' 83.61 feet over and across Lot 18, Kulana Subdivision;
- 02. Thence over and across Lot 18, Kulana Subdivision, on a curve to the left with a radius of 218.00 feet, the chord azimuth and distance being: 301° 38' 271.71 feet;
- 03. 263° 05' 106.60 feet over and across Lot 18, Kulana Subdivision;
- 04. 353° 05' 44.00 feet along Lot 19, Kulana Subdivision;
- 05. 83° 05' 106.60 feet over and across Lot 18, Kulana Subdivision;

06. Thence over and across Lot 18, Kulana Subdivision, on a curve to the right with a radius of 262.00 feet, the chord azimuth and distance being:
121° 38' 326.56 feet;
07. 160° 11' 100.02 feet over and across Lot 18, and along Lot 16, Kulana Subdivision;
08. 270° 38' 46.96 feet along Lot 15, Kulana Subdivision to the point of beginning, and containing an AREA of 0.527 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-18", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-18" affecting Lot 18, Kulana Subdivision, and more particularly described as follows:

Beginning at the Northwest corner of this parcel of land on the East boundary of Lot 16, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,862.02 feet North and 4,228.38 feet East and running by azimuths measured clockwise from True South:

01. Thence over and across Lot 18, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
209° 06' 07" 30.15 feet;
02. 340° 11' 57.17 feet along Easement AU-13, Lot 18, Kulana Subdivision;
03. Thence along Easement AU-13, Lot 18, Kulana Subdivision, on a curve to the left with a radius of 262.00 feet, the chord azimuth and distance being:
337° 22' 31" 25.67 feet;
04. Thence over and across Lot 18, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
115° 21' 04" 25.29 feet;
04. 79° 35' 40" 44.90 feet over and across Lot 18, Kulana Subdivision;
05. 205° 30' 53.64 feet along Lot 16, Kulana Subdivision to the point of beginning, and containing an AREA of 0.046 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-36", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-36" affecting Lot 18, Kulana Subdivision, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land at the Southeast corner of Lot 16, Kulana Subdivision, on the North side of Roadway Lot 23, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,249.40 feet North and 3,946.88 feet East and running by azimuths measured clockwise from True South:

01. 202° 28' 44.00 feet along Lot 16, Kulana Subdivision;
02. Thence over and across Lot 18, Kulana Subdivision, on a curve to the left with a radius of 528.00 feet, the chord azimuth and distance being:
283° 03' 172.78 feet;
03. Thence over and across Lot 18, Kulana Subdivision, on a curve to the right with a radius of 982.00 feet, the chord azimuth and distance being:
281° 16' 260.88 feet;
04. 288° 54' 60.00 feet over and across Lot 18, Kulana Subdivision;
05. 18° 54' 44.00 feet along Lot 19, Kulana Subdivision;
06. 108° 54' 60.00 feet along the North side of Roadway Lot 23, Kulana Subdivision;
07. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 938.00 feet the chord azimuth and distance being:
101° 16' 249.19 feet;
08. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 572.00 feet the chord azimuth and distance being:
103° 03' 187.17 feet to the point of beginning and containing an AREA of: 0.502 Acres.

SUBJECT, ALSO, HOWEVER to an easement "D-8", 30.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-8" affecting Lot 18, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the East boundary of Lot 16, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,622.14 feet North and 4,117.49 feet East and running by azimuths measured clockwise from True South:

01. 310° 36' 11.10 feet over and across Lot 18, Kulana Subdivision;
02. 297° 10' 61.40 feet over and across Lot 18, Kulana Subdivision;
03. 274° 17' 91.70 feet over and across Lot 18, Kulana Subdivision;
04. 265° 05' 79.80 feet over and across Lot 18, Kulana Subdivision;

- | | | | |
|-----|----------|-------|---|
| 05. | 245° 20' | 68.10 | feet over and across Lot 18, Kulana Subdivision; |
| 06. | 278° 48' | 49.50 | feet over and across Lot 18, Kulana Subdivision; |
| 07. | 332° 28' | 57.60 | feet over and across Lot 18, Kulana Subdivision; |
| 08. | 324° 53' | 89.70 | feet over and across Lot 18, Kulana Subdivision; |
| 09. | 305° 27' | 59.80 | feet over and across Lot 18, Kulana Subdivision; |
| 10. | 292° 19' | 99.50 | feet over and across Lot 18, Kulana Subdivision; |
| 11. | 276° 55' | 65.80 | feet over and across Lot 18, Kulana Subdivision to a point on the West boundary of Lot 19, Kulana Subdivision, and containing an AREA of: 0.502 Acres more or less. |

SUBJECT, ALSO, HOWEVER to an easement "D-32", 30.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-32" affecting Lot 18, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the boundary of Lot 17, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,664.26 feet North and 4,583.37 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|----------|-------|---|
| 01. | 322° 36' | 10.27 | feet over and across Lot 18, Kulana Subdivision; |
| 02. | 350° 19' | 97.90 | feet over and across Lot 18, Kulana Subdivision; |
| 03. | 16° 42' | 64.90 | feet over and across Lot 18, Kulana Subdivision; |
| 04. | 48° 10' | 51.50 | feet over and across Lot 18, Kulana Subdivision; |
| 05. | 90° 00' | 85.20 | feet over and across Lot 18, Kulana Subdivision; |
| 06. | 102° 09' | 97.20 | feet over and across Lot 18, Kulana Subdivision; |
| 07. | 80° 51' | 96.50 | feet over and across Lot 18, Kulana Subdivision; |
| 08. | 54° 07' | 84.80 | feet over and across Lot 18, Kulana Subdivision; |
| 09. | 32° 03' | 68.40 | feet over and across Lot 18, Kulana Subdivision; |
| 10. | 83° 05' | 6.04 | feet over and across Lot 18, Kulana Subdivision to a point on the East boundary of Lot 15, Kulana Subdivision, and containing an AREA of: 0.456 Acres more or less. |

SUBJECT, ALSO, HOWEVER to an easement "D-37", 15.00 feet and 30.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-37" affecting Lot 18, Kulana Subdivision, the north line and centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the boundary of Lot 16, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,942.56 feet North and 4,237.11 feet East and running by azimuths measured clockwise from True South:

01. 270° 38' 46.96 feet along Lot 15, Kulana Subdivision;
(15.00 feet wide)
02. 270° 38' 52.04 feet over and across Lot 18, Kulana Subdivision
(30.00 feet wide)
to a point on the West side of Kainahola Stream
and containing an
AREA of: 0.052 Acres more or less.

SUBJECT, ALSO, HOWEVER to an easement "D-46", 15.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-46" affecting Lot 18, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the East boundary of Lot 16, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,297.00 feet North and 3,966.56 feet East and running by azimuths measured clockwise from True South:

01. Over and across Lot 18, Kulana Subdivision, on a curve to the left with a radius of 520.50 feet, the chord azimuth and distance being:
283° 03' 170.32 feet;
02. Thence over and across Lot 18, Kulana Subdivision, on a curve to the right with a radius of 989.50 feet, the chord azimuth and distance being:
281° 16' 262.88 feet;
03. 288° 54' 60.00 feet over and across Lot 18, Kulana Subdivision
to a point on the West boundary of Lot 19,
Kulana Subdivision, and containing an
AREA of: 0.170 Acres more or less.

SUBJECT, ALSO, HOWEVER, to an easement "E-9-D" for Overhead Electrical Transmission purposes and more particularly described as follows:

All that certain parcel of land, being an easement "E-9-D", affecting Lot 18, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the East corner of this parcel of land, on the North side of Roadway Lot 23, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,249.40 feet North and 3,946.88 feet East and running by azimuths measured clockwise from True South:

01. Along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 938.00 feet, the chord azimuth and distance being:
95° 25' 41" 58.76 feet;

LOT 19

All that certain parcel of land, being Lot 19, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunaillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land at the Southeast corner of Lot 18, on the North side of Roadway Lot 23, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,139.02 feet North and 4,430.38 feet East and running by azimuths measured clockwise from True South:

- 01. 198° 54' 116.38 feet along Lot 18, Kulana Subdivision;
- 02. 241° 06' 318.16 feet along Lot 18, Kulana Subdivision;
- 03. 194° 13' 258.95 feet along Lot 18, Kulana Subdivision;
- 04. Thence along Lot 18, Kulana Subdivision, on a curve to the left with a radius of 233.00 feet, the chord azimuth and distance being:
103° 05' 43" 159.47 feet;
- 05. 173° 05' 44.00 feet along Lot 18, Kulana Subdivision;
- 06. 202° 05' 09" 400.47 feet along Lot 18, Kulana Subdivision;
- 07. 208° 50' 44.00 feet along Lot 18, Kulana Subdivision;
- 08. 298° 50' 423.10 feet along Lots 8 and 9, Kulana Subdivision;
- 09. Thence along Lots 9 and Lot 10, Kulana Subdivision, on a curve to the left with a radius of 538.00 feet, the chord azimuth and distance being:
272° 35' 22" 475.80 feet;
- 10. 10° 40' 319.80 feet along Lot 20, Kulana Subdivision;
- 11. 339° 10' 263.89 feet along Lot 20, Kulana Subdivision;
- 12. 351° 10' 178.55 feet along Lot 20, Kulana Subdivision;
- 13. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 432.00 feet the chord azimuth and distance being:
71° 04' 01" 64.28 feet;
- 14. 75° 20' 106.40 feet along the North side of Roadway Lot 23, Kulana Subdivision;
- 15. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 1,108.00 feet the chord azimuth and distance being:
69° 20' 231.64 feet;
- 16. 63° 20' 168.90 feet along the North side of Roadway Lot 23, Kulana Subdivision;

07. Thence over and across Lot 19, Kulana Subdivision, on a curve to the left with a radius of 88.00 feet, the chord azimuth and distance being:
287° 42' 78.62 feet;
08. 261° 10' 28.77 feet over and across Lot 19, Kulana Subdivision;
09. Thence over and across Lot 19, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
216° 10' 28.28 feet;
10. 171° 10' 20.00 feet over and across Lot 19, Kulana Subdivision;
11. 261° 10' 52.00 feet over and across Lot 19, Kulana Subdivision;
12. 351° 10' 20.00 feet over and across Lot 19, Kulana Subdivision;
13. Thence over and across Lot 19, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
306° 10' 28.28 feet;
14. 261° 10' 6.00 feet over and across Lot 19, Kulana Subdivision;
15. 351° 10' 44.00 feet along Lot 20, Kulana Subdivision;
16. 81° 10' 126.77 feet over and across Lot 19, Kulana Subdivision;
17. Thence over and across Lot 19, Kulana Subdivision, on a curve to the right with a radius of 132.00 feet, the chord azimuth and distance being:
107° 42' 117.93 feet;
18. 134° 14' 145.37 feet over and across Lot 19, Kulana Subdivision;
19. Thence over and across Lot 19, Kulana Subdivision, on a curve to the left with a radius of 103.00 feet, the chord azimuth and distance being:
107° 03' 94.11 feet;
20. 79° 52' 43.16 feet over and across Lot 19, Kulana Subdivision;
21. Thence over and across Lot 19, Kulana Subdivision, on a curve to the right with a radius of 322.00 feet, the chord azimuth and distance being:
114° 09' 30" 362.83 feet;
22. 148° 27' 63.78 feet over and across Lot 19, Kulana Subdivision;
23. Thence over and across Lot 19 and along Lot 18, Kulana Subdivision, on a curve to the left with a radius of 233.00 feet, the chord azimuth and distance being:
115° 46' 251.64 feet;

24. 173° 05' 44.00 feet along Lot 18, Kulana Subdivision to the point of beginning, and containing an AREA of 1.314 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-19", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-19" affecting Lot 19, Kulana Subdivision, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land on the North side of "AU-14", Lot 19, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,569.54 feet North and 4,933.98 feet East and running by azimuths measured clockwise from True South:

01. Thence over and across Lot 19, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
283° 27' 28.28 feet;
02. 238° 27' 24.46 feet over and across Lot 19, Kulana Subdivision;
03. Thence over and across Lot 19, Kulana Subdivision, on a curve to the left with a radius of 103.00 feet, the chord azimuth and distance being:
211° 28' 30" 93.44 feet;
04. 184° 30' 177.36 feet over and across Lot 19, Kulana Subdivision;
05. Thence over and across Lot 19, Kulana Subdivision, on a curve to the right with a radius of 122.00 feet, the chord azimuth and distance being:
196° 40' 51.42 feet;
06. 208° 50' 30.87 feet over and across Lot 19, Kulana Subdivision;
07. Thence over and across Lot 19, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
163° 50' 28.28 feet;
08. 298° 50' 84.00 feet along Easement AU-20, Lot 19, Kulana Subdivision;
09. Thence over and across Lot 19, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
73° 50' 28.28 feet;
10. 28° 50' 30.87 feet over and across Lot 19, Kulana Subdivision;
11. Thence over and across Lot 19, Kulana Subdivision, on a curve to the left with a radius of 78.00 feet, the chord azimuth and distance being:

SUBJECT, ALSO, HOWEVER, to an easement "AU-41", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-41" affecting Lot 19, Kulana Subdivision, and more particularly described as follows:

Beginning at the North corner of this parcel of land at the corner of Lots 8 and 18, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 8,143.34 feet North and 4821.37 feet East and running by azimuths measured clockwise from True South:

01. 298° 50' 291.10 feet along Lots 8 and 9, Kulana Subdivision;
02. 28° 50' 44.00 feet along Easement AU-20, Lot 19, Kulana Subdivision;
03. 118° 50' 193.10 feet over and across Lot 19, Kulana Subdivision;
04. Thence over and across Lot 19, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
73° 50' 28.28 feet;
05. 28° 50' 20.00 feet over and across Lot 19, Kulana Subdivision;
06. 118° 50' 52.00 feet over and across Lot 19, Kulana Subdivision;
07. 208° 50' 20.00 feet over and across Lot 19, Kulana Subdivision;
08. Thence over and across Lot 19, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
163° 50' 28.28 feet;
09. 118° 50' 6.00 feet over and across Lot 19, Kulana Subdivision;
10. 208° 50' 44.00 feet along Lot 18, Kulana Subdivision, to the point of beginning and containing an AREA of: 0.346 Acres.

SUBJECT, ALSO, HOWEVER to an easement "D-9", 30.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-9" affecting Lot 19, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the East boundary of Lot 18, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,402.88 feet North and 4,746.61 feet East and running by azimuths measured clockwise from True South:

01. 256° 19' 42.60 feet over and across Lot 19, Kulana Subdivision;
02. 264° 20' 70.40 feet over and across Lot 19, Kulana Subdivision;

- | | | | |
|-----|--------------|--------|---|
| 03. | 303° 01' | 111.80 | feet over and across Lot 19, Kulana Subdivision; |
| 04. | 268° 08' | 135.60 | feet over and across Lot 19, Kulana Subdivision; |
| 05. | 278° 47' | 120.00 | feet over and across Lot 19, Kulana Subdivision; |
| 06. | 251° 05' | 83.75 | feet over and across Lot 19, Kulana Subdivision; |
| 07. | 279° 34' 47" | 41.35 | feet over and across Lot 19, Kulana Subdivision; |
| 08. | 334° 52' | 50.88 | feet over and across Lot 19, Kulana Subdivision; |
| 09. | 280° 20' | 42.00 | feet over and across Lot 19, Kulana Subdivision; |
| 10. | 294° 45' | 25.43 | feet over and across Lot 19, Kulana Subdivision; |
| 11. | 314° 14' | 138.34 | feet over and across Lot 19, Kulana Subdivision; |
| 12. | 298° 49' | 43.94 | feet over and across Lot 19, Kulana Subdivision; |
| 13. | 330° 20' | 55.08 | feet over and across Lot 19, Kulana Subdivision
to a point on the North side of of Roadway
Lot 23, Kulana Subdivision and containing an
AREA of: 0.665 Acres more or less. |

SUBJECT, ALSO, HOWEVER to an easement "D-38", 15.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-38" affecting Lot 19, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the West boundary of this parcel of land on the East boundary of Lot 18, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,187.74 feet North and 4,447.06 feet East and running by azimuths measured clockwise from True South:

- | | | | |
|-----|--|--------|---|
| 01. | Thence over and across Lot 19, Kulana Subdivision, on a curve to the left with a radius of 220.50 feet, the chord azimuth and distance being:
287° 34' 10.26 feet; | | |
| 02. | 286° 14' | 359.19 | feet over and across Lot 19, Kulana Subdivision; |
| 03. | 198° 54' | 109.25 | feet over and across Lot 19, Kulana Subdivision; |
| 04. | 213° 01' | 191.22 | feet over and across Lot 19, Kulana Subdivision
to a point on the South side of Easement
D-9, Lot 19, Kulana Subdivision
and containing an
AREA of: 0.231 Acres more or less. |

SUBJECT, ALSO, HOWEVER, to an easement "E-7-B" for Overhead Electrical Transmission purposes and more particularly described as follows:

All that certain parcel of land, being an easement "E-7-B", affecting Lot 19, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the East corner of this parcel of land, on the North side of Roadway Lot 23, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,180.45 feet North and 5,729.41 feet East and running by azimuths measured clockwise from True South:

01. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 432.00 feet
the chord azimuth and distance being:
71° 04' 01" 64.28 feet;
02. 75° 20' 106.40 feet along the North side of Roadway Lot 23,
Kulana Subdivision;
03. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 1,108.00 feet
the chord azimuth and distance being:
69° 20' 231.64 feet;
04. 63° 20' 7.63 feet along the North side of Roadway Lot 23,
Kulana Subdivision;
05. 217° 24' 122.86 feet over and across Lot 19, Kulana Subdivision;
06. 256° 25' 315.46 feet over and across Lot 19, Kulana Subdivision;
07. 351° 10' 39.19 feet along Lot 20, Kulana Subdivision,
to the point of beginning, and containing an
AREA of 0.407 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "G-5" for future road widening grading purposes and more particularly described as follows:

All that certain parcel of land, being an easement "G-5", affecting Lot 19, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the Southwest corner of this parcel of land, on the Southeast corner of Lot 18, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,139.02 feet North and 4,430.38 feet East and running by azimuths measured clockwise from True South:

01. 198° 54' 5.58 feet along Lot 18, Kulana Subdivision;
02. 288° 20' 57.71 feet over and across Lot 19, Kulana Subdivision;
03. 287° 06' 186.40 feet over and across Lot 19, Kulana Subdivision;
04. 284° 08' 168.00 feet over and across Lot 19, Kulana Subdivision;

05. 290° 10' 132.00 feet over and across Lot 19, Kulana Subdivision;
06. 280° 36' 130.50 feet over and across Lot 19, Kulana Subdivision;
07. 255° 32' 118.50 feet over and across Lot 19, Kulana Subdivision;
08. 246° 30' 127.00 feet over and across Lot 19, Kulana Subdivision;
09. 237° 08' 116.00 feet over and across Lot 19, Kulana Subdivision;
10. 251° 40' 120.00 feet over and across Lot 19, Kulana Subdivision;
11. 252° 51' 116.50 feet over and across Lot 19, Kulana Subdivision;
12. 249° 50' 96.75 feet over and across Lot 19, Kulana Subdivision;
13. 351° 10' 29.34 feet along Lot 20, Kulana Subdivision;
14. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 432.00 feet
the chord azimuth and distance being:
71° 04' 01" 64.28 feet;
15. 75° 20' 106.40 feet along the North side of Roadway Lot 23, Kulana Subdivision;
16. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 1,108.00 feet
the chord azimuth and distance being:
69° 20' 231.64 feet;
17. 63° 20' 168.90 feet along the North side of Roadway Lot 23, Kulana Subdivision;
18. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 312.00 feet
the chord azimuth and distance being:
86° 07' 241.64 feet;
19. 108° 54' 556.56 feet along the North side of Roadway Lot 23, Kulana Subdivision to the point of beginning and containing an
AREA of: 25,221 square feet.

LOT 20

All that certain parcel of land, being Lot 20, Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunalillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Southwest corner of this parcel of land at the Southeast corner of Lot 19, on the North side of Roadway Lot 23, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,180.45 feet North and 5,729.41 feet East and running by azimuths measured clockwise from True South:

- 01. 171° 10' 178.55 feet along Lot 19, Kulana Subdivision;
- 02. 159° 10' 263.89 feet along Lot 19, Kulana Subdivision;
- 03. 190° 40' 319.80 feet along Lot 19, Kulana Subdivision;
- 04. Thence along Lot 10, Kulana Subdivision, on a curve to the left with a radius of 538.00 feet, the chord azimuth and distance being:
243° 10' 22" 59.55 feet;
- 05. 330° 00' 44.00 feet along Lot 10, Kulana Subdivision;
- 06. 240° 00' 434.52 feet along Lot 10, Kulana Subdivision;
- 07. 271° 05' 111.22 feet along Lot 10, Kulana Subdivision;
- 08. 277° 47' 243.50 feet along Lot 10, Kulana Subdivision;
- 09. 288° 50' 140.03 feet along Lot 10, Kulana Subdivision;
- 10. 307° 50' 154.93 feet along Lot 10, Kulana Subdivision;
- 11. 324° 40' 589.59 feet along the remainder of Lot 1, Kapa'a Camp and Stable Lots;
- 12. 31° 17' 151.12 feet along the North side of Roadway Lot 23, Kulana Subdivision;
- 13. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 1,062.00 feet the chord azimuth and distance being:
38° 45' 276.01 feet;
- 14. 46° 13' 68.50 feet along the North side of Roadway Lot 23, Kulana Subdivision;
- 15. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 282.00 feet the chord azimuth and distance being:
62° 26' 30" 157.59 feet;
- 16. 78° 40' 78.13 feet along the North side of Roadway Lot 23, Kulana Subdivision;

17. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 288.00 feet
the chord azimuth and distance being:
69° 25' 92.59 feet;
18. 60° 10' 40.42 feet along the North side of Roadway Lot 23,
Kulana Subdivision;
19. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 372.00 feet
the chord azimuth and distance being:
75° 10' 192.56 feet;
20. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 112.00 feet
the chord azimuth and distance being:
130° 50' 145.97 feet;
21. 171° 30' 295.67 feet along the East side of Roadway Lot 23,
Kulana Subdivision;
22. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 98.00 feet
the chord azimuth and distance being:
108° 30' 174.64 feet;
23. 45° 30' 84.73 feet along the East side of Roadway Lot 23,
Kulana Subdivision;
24. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 432.00 feet
the chord azimuth and distance being:
56° 09' 01" 159.68 feet
to the point of beginning and containing an
AREA of: 27.210 Acres.

Excepting therefrom Ditch "D-30" containing an area of 0.126 acres, also Kainahola Stream, containing an area of 1.870 acres, leaving a net AREA of 25.214 Acres.

NOTES:

- #1. Subject to a Native Hawaiian Stream Access Easement, 10 feet from each bank.
- #2. Subject to a drainageway and building setback line as shown on Subdivision Map.
- #3. Domestic water service will not be available until the required construction improvements for this subdivision are completed and accepted by the Department of Water, County of Kauai.
- #4. Lot 6 is a reservoir and will not receive water service from the Department of Water, County of Kauai.

SUBJECT, HOWEVER, to an easement "AU-21", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-21" affecting Lot 20, Kulana Subdivision, and more particularly described as follows:

Beginning at the Northwest corner of this parcel of land at the Northeast corner of Lot 19, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,917.80 feet North and 5,667.34 feet East and running by azimuths measured clockwise from True South:

01. Thence along Lot 10, Kulana Subdivision, on a curve to the left with a radius of 538.00 feet, the chord azimuth and distance being:
243° 10' 22" 59.55 feet;
02. 330° 00' 44.00 feet along Lot 10, Kulana Subdivision;
03. Thence over and across Lot 20, Kulana Subdivision, on a curve to the right with a radius of 582.00 feet, the chord azimuth and distance being:
64° 37' 37" 93.89 feet;
04. 190° 40' 52.37 feet along Lot 19, Kulana Subdivision, to the point of beginning and containing an AREA of: 0.078 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "AU-37", 44.00 feet wide, for Pedestrian and Vehicular Access and Utility purposes and more particularly described as follows:

All that certain parcel of land, being an easement "AU-37" affecting Lot 20, Kulana Subdivision, and more particularly described as follows:

Beginning at the Southeast corner of this parcel of land on the North side of Roadway Lot 23, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,123.12 feet North and 6,815.87 feet East and running by azimuths measured clockwise from True South:

01. 46° 13' 68.50 feet along the North side of Roadway Lot 23, Kulana Subdivision;
02. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 282.00 feet the chord azimuth and distance being:
62° 26' 30" 157.59 feet;
03. 78° 40' 78.13 feet along the North side of Roadway Lot 23, Kulana Subdivision;
04. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 288.00 feet the chord azimuth and distance being:
69° 25' 92.59 feet;
05. 60° 10' 40.42 feet along the North side of Roadway Lot 23, Kulana Subdivision;
06. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 372.00 feet the chord azimuth and distance being:
75° 10' 192.56 feet;

07. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 112.00 feet
the chord azimuth and distance being:
130° 50' 145.97 feet;
08. 171° 30' 295.67 feet along the East side of Roadway Lot 23,
Kulana Subdivision;
09. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 98.00 feet
the chord azimuth and distance being:
108° 30' 174.64 feet;
10. 45° 30' 57.94 feet along the North side of Roadway Lot 23,
Kulana Subdivision;
11. Thence over and across Lot 20, Kulana Subdivision, on a curve to the right with a radius of 122.00 feet, the chord azimuth and distance being:
63° 20' 74.72 feet;
12. 81° 10' 95.33 feet over and across Lot 20, Kulana Subdivision;
13. 171° 10' 44.00 feet along Lot 19, Kulana Subdivision;
14. 261° 10' 95.33 over and across Lot 20, Kulana Subdivision;
15. Thence over and across Lot 20, Kulana Subdivision, on a curve to the left with a radius of 78.00 feet, the chord azimuth and distance being:
243° 20' 47.77 feet;
16. 225° 30' 57.94 over and across Lot 20, Kulana Subdivision;
17. Thence over and across Lot 20, Kulana Subdivision, on a curve to the left with a radius of 142.00 feet, the chord azimuth and distance being:
288° 30' 253.05 feet;
18. 351° 30' 295.67 feet over and across Lot 20, Kulana Subdivision;
19. Thence over and across Lot 20, Kulana Subdivision, on a curve to the left with a radius of 68.00 feet, the chord azimuth and distance being:
310° 50' 88.63 feet;
20. Thence over and across Lot 20, Kulana Subdivision, on a curve to the left with a radius of 328.00 feet, the chord azimuth and distance being:
255° 10' 169.79 feet;
19. 240° 10' 40.42 feet over and across Lot 20, Kulana Subdivision;

20. Thence over and across Lot 20, Kulana Subdivision, on a curve to the right with a radius of 332.00 feet, the chord azimuth and distance being:
249° 25' 106.73 feet;
21. 258° 40' 78.13 feet over and across Lot 20, Kulana Subdivision;
22. Thence over and across Lot 20, Kulana Subdivision, on a curve to the left with a radius of 238.00 feet, the chord azimuth and distance being:
242° 26' 30" 133.00 feet;
23. 226° 13' 68.50 feet over and across Lot 20, Kulana Subdivision;
26. 316° 13' 44.00 feet over and across Lot 20, Kulana Subdivision to the point of beginning and containing an AREA of: 1.536 Acres.

SUBJECT, ALSO, HOWEVER to an easement "D-30", 20.00 feet wide, for Irrigation Ditch System purposes and more particularly described as follows:

All that certain parcel of land, being an easement "D-30" affecting Lot 20, Kulana Subdivision, the centerline of which is more particularly described as follows:

Beginning at a point on the North boundary of this parcel of land on the South boundary of Lot 10, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,924.07 feet North and 5,681.12 feet East and running by azimuths measured clockwise from True South:

01. 298° 19' 273.97 feet over and across Lot 20, Kulana Subdivision to a point on the West side of Kainahola Stream, and containing an AREA of: 0.126 Acres more or less.

SUBJECT, ALSO, HOWEVER, to an easement "E-5-A" for Overhead Electrical Transmission purposes and more particularly described as follows:

All that certain parcel of land, being an easement "E-5-A", affecting Lot 20, Kulana Subdivision, and more particularly described as follows:

Beginning at the Southeast corner of this parcel of land at the Southwest corner of Lot 1, Kapa'a Camp and Stable Lots, on the North side of Roadway Lot 23, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,467.53 feet North and 7,067.11 feet East and running by azimuths measured clockwise from True South:

01. 31° 17' 37.78 feet along the North side of Roadway Lot 23, Kulana Subdivision;
02. 87° 03' 221.96 feet over and across Lot 20, Kulana Subdivision;
03. 76° 25' 754.86 feet over and across Lot 20, Kulana Subdivision;
04. 171° 30' 27.14 feet along the North side of Roadway Lot 23, Kulana Subdivision;

05. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the left with a radius of 98.00 feet
the chord azimuth and distance being:
161° 47' 01" 33.08 feet;
06. 256° 25' 760.70 feet over and across Lot 20, Kulana Subdivision;
07. 267° 03' 230.56 feet over and across Lot 20, Kulana Subdivision;
08. 324° 40' 34.06 feet along the remainder of Lot 1, Kapa'a Camp and Stable Lots to the point of beginning
And containing an AREA of: 1.367 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "E-7-A" for Overhead Electrical Transmission purposes and more particularly described as follows:

All that certain parcel of land, being an easement "E-7-A", affecting Lot 20, Kulana Subdivision, and more particularly described as follows:

Beginning at the Southeast corner of this parcel of land on the North side of Roadway Lot 23, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,246.61 feet North and 5836.95 feet East and running by azimuths measured clockwise from True South:

01. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the right with a radius of 432.00 feet
the chord azimuth and distance being:
58° 23' 53" 126.25 feet;
02. 171° 10' 39.19 feet along Lot 19, Kulana Subdivision;
03. 256° 25' 116.82 feet over and across Lot 20, Kulana Subdivision to the point of beginning, and having an AREA of: 0.061 Acres.

SUBJECT, ALSO, HOWEVER, to an easement "G-6" for future road widening grading purposes and more particularly described as follows:

All that certain parcel of land, being an easement "G-6", affecting Lot 20, Kulana Subdivision, and more particularly described as follows:

Beginning at a point on the Southwest corner of this parcel of land, on the Southeast corner of Lot 19, Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 7,180.45 feet North and 5,729.41 feet East and running by azimuths measured clockwise from True South:

01. 171° 10' 29.34 feet along Lot 19, Kulana Subdivision;
02. 249° 50' 24.83 feet over and across Lot 20, Kulana Subdivision;
03. 235° 19' 147.66 feet over and across Lot 20, Kulana Subdivision;
04. 232° 16' 104.15 feet over and across Lot 20, Kulana Subdivision;
05. 269° 20' 74.47 feet over and across Lot 20, Kulana Subdivision;

- 06. 306° 30' 76.92 feet over and across Lot 20, Kulana Subdivision;
- 07. 349° 48' 241.21 feet over and across Lot 20, Kulana Subdivision;
- 08. 352° 28' 116.00 feet over and across Lot 20, Kulana Subdivision;
- 09. 311° 51' 91.55 feet over and across Lot 20, Kulana Subdivision;
- 10. 265° 04' 131.43 feet over and across Lot 20, Kulana Subdivision;
- 11. 244° 35' 162.50 feet over and across Lot 20, Kulana Subdivision;
- 12. 255° 46' 175.63 feet over and across Lot 20, Kulana Subdivision;
- 13. 240° 18' 104.18 feet over and across Lot 20, Kulana Subdivision;
- 14. 224° 18' 133.12 feet over and across Lot 20, Kulana Subdivision;
- 15. 217° 13' 130.70 feet over and across Lot 20, Kulana Subdivision;
- 16. 212° 21' 164.76 feet over and across Lot 20, Kulana Subdivision;
- 17. 209° 28' 77.96 feet over and across Lot 20, Kulana Subdivision;
- 18. 324° 40' 27.15 feet along the remainder of Lot 1, Kapa'a
Camp and Stable Lots;
- 19. 31° 17' 151.12 feet along the North side of Roadway Lot 23,
Kulana Subdivision;
- 20. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the
right with a radius of 1,062.00 feet
the chord azimuth and distance being:
38° 45' 276.01 feet;
- 21. 46° 13' 68.50 feet along the North side of Roadway Lot 23,
Kulana Subdivision;
- 22. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the
right with a radius of 282.00 feet
the chord azimuth and distance being:
62° 26' 30" 157.59 feet;
- 23. 78° 40' 78.13 feet along the North side of Roadway Lot 23,
Kulana Subdivision;
- 24. Thence along the North side of Roadway Lot 23, Kulana Subdivision on a curve to the
left with a radius of 288.00 feet
the chord azimuth and distance being:
69° 25' 92.59 feet;
- 25. 60° 10' 40.42 feet along the North side of Roadway Lot 23,
Kulana Subdivision;

**ROADWAY LOT 21
(KULANA PLACE)**

All that certain parcel of land, being Roadway Lot 21 (Kulana Place), Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunaillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the West corner of this parcel of land at the corner of Lot 2, on the North side of Roadway Lot 22 (Hauiki Road) Kulana Subdivision, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,159.89 feet North and 1,170.64 feet East and running by azimuths measured clockwise from True South:

01. Thence along Lot 2, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
259° 10' 06" 27.71 feet;
02. 215° 19' 80.84 feet along Lot 2, Kulana Subdivision;
03. Thence along Lot 2, Kulana Subdivision, on a curve to the right with a radius of 322.00 feet, the chord azimuth and distance being:
257° 11' 429.81 feet;
04. 299° 03' 560.49 feet along Lots 2 and 3, Kulana Subdivision;
05. Thence along Lot 3, Kulana Subdivision, on a curve to the left with a radius of 578.00 feet, the chord azimuth and distance being:
269° 45' 30" 565.58 feet;
06. 240° 28' 186.80 feet along Lot 3, Kulana Subdivision;
07. Thence along Lot 3, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
185° 07' 30" 32.90 feet;
08. 219° 47' 44.00 feet along Lot 3, Kulana Subdivision;
09. 309° 47' 7.82 feet along Lot 3, Kulana Subdivision;
10. Thence along Lot 3, Kulana Subdivision, on a curve to the left with a radius of 20.00 feet, the chord azimuth and distance being:
264° 47' 28.28 feet;
11. 219° 47' 40.00 feet along Lots 3, 4, and 5, Kulana Subdivision;
12. 309° 47' 44.00 feet along Lot 5, Kulana Subdivision;
13. 39° 47' 88.14 feet along Lots 5, 6, 17, and 15, Kulana Subdivision;
14. Thence along Lot 13, Kulana Subdivision, on a curve to the right with a radius of 147.00 feet, the chord azimuth and distance being:
50° 07' 30" 52.78 feet;

**ROADWAY LOT 22
(HAUIKI ROAD)**

All that certain parcel of land, being Roadway Lot 2 (Hauaiki Road), Kulana Subdivision, being a portion of Royal Patent 7373 Land Commission Award 8559-B, Apana 42, to William C. Lunalillo, and a portion of Grant 5266 to Rufus P. Spalding situate at Kapa'a and Waipouli, Kauai, Hawaii, and more particularly described as follows:

Beginning at the Northwest corner of this parcel of land at the corner of Lot 1, Kulana Subdivision, on the East side of State Ditch 8, the coordinates of which referred to Government Survey Triangulation Station "NONOU" being 9,284.43 feet North and 823.65 feet East and running by azimuths measured clockwise from True South:

01. Thence along Lots 1, 2, Roadway Lot 21, and Lot 11, Kulana Subdivision, on a curve to the right with a radius of 1,028.00 feet, the chord azimuth and distance being:
308° 07' 14" 886.08 feet;
02. 333° 39' 172.70 feet along the remainder of Lot 11, Kulana Subdivision;
03. 127° 58' 129.21 feet along the North side of Hauiki Road;
04. 153° 39' 56.26 feet along the North boundary of Remnant Parcel 7, Kapa'a 382 L.L.C.;
05. Thence along the North boundary of Remnant Parcel 7, Kapa'a 382 L.L.C., on a curve to left with a radius of 972.00 feet, the chord chord azimuth and distance being:
129° 01' 55" 809.81 feet;
06. 163° 54' 64.40 feet along the East side of State Ditch 8, to the point of beginning and containing an AREA of: 1.273 Acres.

13. Thence along the North side of Olohena Road on a curve to the right with a radius of 445.00 feet, the chord azimuth and distance being:
60° 25' 229.10 feet;
14. 75° 20' 106.40 feet along the North side of Olohena Road;
15. Thence along the North side of Olohena Road on a curve to the left with a radius of 1,095.00 feet, the chord azimuth and distance being:
69° 20' 228.92 feet;
16. 63° 20' 168.90 feet along the North side of Olohena Road;
17. Thence along the North side of Olohena Road on a curve to the right with a radius of 325.00 feet, the chord azimuth and distance being:
86° 07' 251.71 feet;
18. 108° 54' 616.56 feet along the North side of Olohena Road;
19. Thence along the North side of Olohena Road on a curve to the left with a radius of 925.00 feet, the chord azimuth and distance being:
101° 16' 245.74 feet;
20. Thence along the North side of Olohena Road on a curve to the right with a radius of 585.00 feet, the chord azimuth and distance being:
103° 03' 191.43 feet;
21. 112° 28' 369.03 feet along the North side of Olohena Road;
22. Thence along the North side of Olohena Road on a curve to the left with a radius of 700.00 feet, the chord azimuth and distance being:
106° 44' 139.86 feet;
23. 101° 00' 658.03 feet along the North side of Olohena Road;
24. Thence along the North side of Olohena Road on a curve to the left with a radius of 525.00 feet, the chord azimuth and distance being:
87° 43' 241.25 feet;
25. 164° 26' 20.00 feet along the North side of Olohena Road;
26. Thence along the North side of Olohena Road on a curve to the left with a radius of 545.00 feet, the chord azimuth and distance being:
71° 31' 55.46 feet;
27. 68° 36' 187.49 feet along the North side of Olohena Road;

28. Thence along the North side of Olohena Road on a curve to the right with a radius of 50.00 feet, the chord azimuth and distance being:
96° 48' 47.26 feet;
29. 215° 00' 13.00 feet along Lot 12, Kulana Subdivision;
30. Thence along Lot 12, Kulana Subdivision a curve to the left with a radius of 37.00 feet, the chord azimuth and distance being:
276° 48' 34.97 feet;
31. 248° 36' 187.49 feet along Lots 12 and 14, Kulana Subdivision;
32. Thence along Lot 14, Kulana Subdivision a curve to the right with a radius of 558.00 feet, the chord azimuth and distance being:
252° 11' 03" 69.77 feet;
33. 344° 26' 20.01 feet along Lot 14, Kulana Subdivision;
34. Thence along Lot 14, Kulana Subdivision a curve to the right with a radius of 538.00 feet, the chord azimuth and distance being:
268° 24' 32" 234.56 feet;
35. 281° 00' 658.03 feet along Lot 14, Kulana Subdivision;
36. Thence along Lot 14, Kulana Subdivision a curve to the right with a radius of 713.00 feet, the chord azimuth and distance being:
286° 44' 142.46 feet;
37. 292° 28' 369.03 feet along Lots 14 and 16, Kulana Subdivision;
38. Thence along Lot 18, Kulana Subdivision a curve to the left with a radius of 572.00 feet, the chord azimuth and distance being:
283° 03' 187.17 feet;
39. Thence along Lot 18, Kulana Subdivision a curve to the right with a radius of 938.00 feet, the chord azimuth and distance being:
281° 16' 249.19 feet;
40. 288° 54' 616.56 feet along Lots 18 and 19, Kulana Subdivision;
41. Thence along Lot 19, Kulana Subdivision a curve to the left with a radius of 312.00 feet, the chord azimuth and distance being:
266° 07' 241.64 feet;
42. 243° 20' 168.90 feet along Lot 19, Kulana Subdivision;
43. Thence along Lot 19, Kulana Subdivision a curve to the right with a radius of 1,108.00 feet, the chord azimuth and distance being:
249° 20' 231.64 feet;
44. 255° 20' 106.40 feet along Lot 19, Kulana Subdivision;

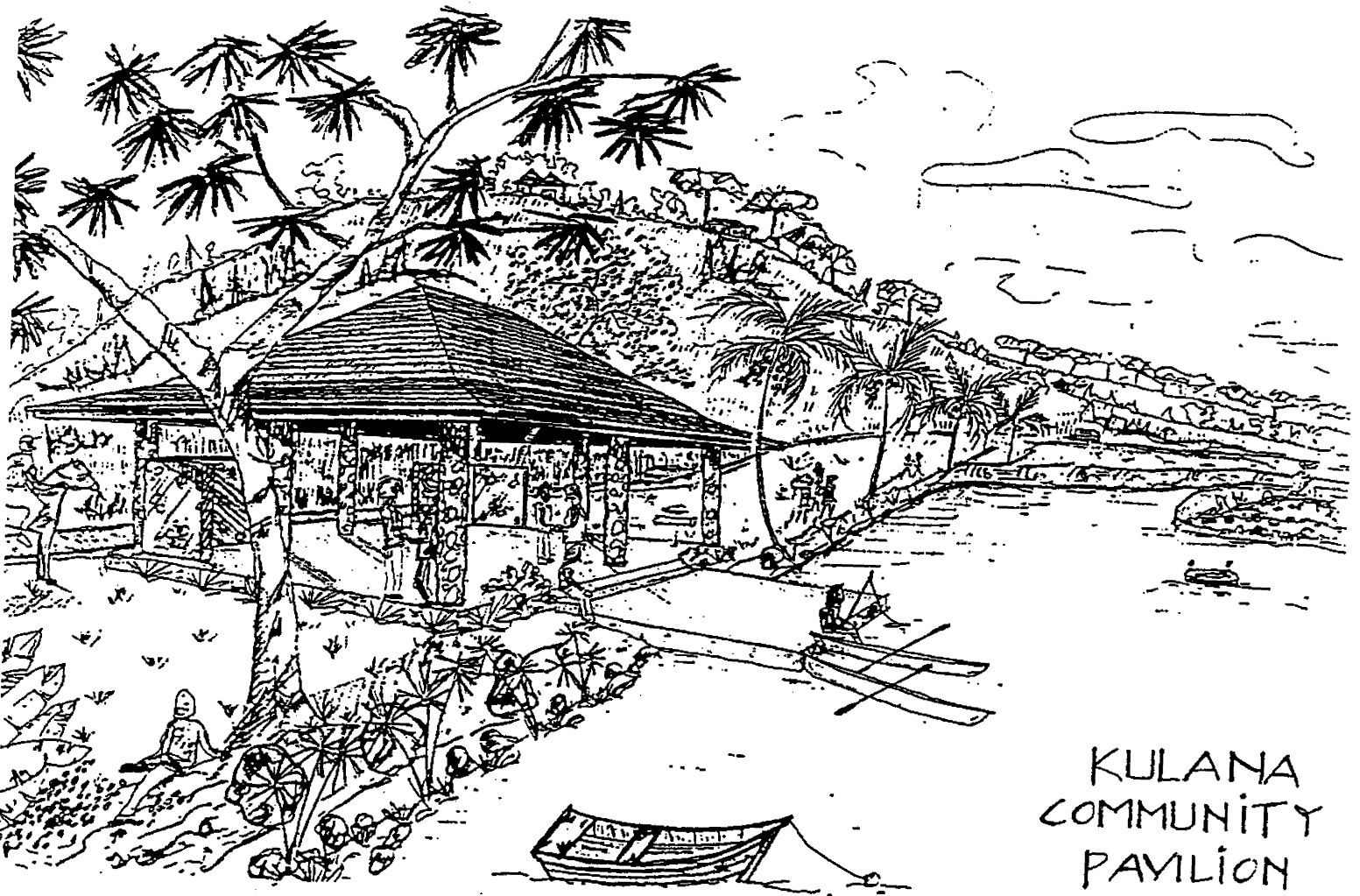
45. Thence along Lots 19 and 20, Kulana Subdivision a curve to the left with a radius of 432.00 feet, the chord azimuth, and distance being:
240° 25' 222.41 feet;
46. 225° 30' 84.73 feet along Lot 20, Kulana Subdivision;
47. Thence along Lot 20, Kulana Subdivision a curve to the right with a radius of 98.00 feet, the chord azimuth and distance being:
288° 30' 174.64 feet;
48. 351° 30' 295.67 feet along Lot 20, Kulana Subdivision;
49. Thence along Lot 20, Kulana Subdivision a curve to the left with a radius of 112.00 feet, the chord azimuth and distance being:
310° 50' 145.97 feet;
50. Thence along Lot 20, Kulana Subdivision a curve to the left with a radius of 372.00 feet, the chord azimuth and distance being:
255° 10' 192.56 feet;
51. 240° 10' 40.42 feet along Lot 20, Kulana Subdivision;
52. Thence along Lot 20, Kulana Subdivision a curve to the left with a radius of 288.00 feet, the chord azimuth and distance being:
249° 25' 92.59 feet;
53. 258° 40' 78.13 feet along Lot 20, Kulana Subdivision;
54. Thence along Lot 20, Kulana Subdivision a curve to the left with a radius of 282.00 feet, the chord azimuth and distance being:
242° 26' 30" 157.59 feet;
55. 226° 13' 68.50 feet along Lot 20, Kulana Subdivision;
56. Thence along Lot 20, Kulana Subdivision a curve to the left with a radius of 1,062.00 feet, the chord azimuth and distance being:
218° 45' 276.01 feet;
57. 211° 17' 151.12 feet along Lot 20, Kulana Subdivision;
58. 324° 40' 14.16 feet along the remainder of Lot 1, Kapa'a Camp and Stable Lots to the point of beginning And containing an AREA of: 1.665 Acres.

EXHIBIT "B"

KŪLANA
RESIDENTIAL DENSITY SCHEDULE

LOT	MAXIMUM PERMITTED RESIDENCES
1	7
2	7
3	5
4	3
5	4
6	-0-
7	5
8	5
9	5
10	5
11	5
12	5
13	5
14	5
15	5
16	5
17	3
18	5
19	5
20	5
21	-0-
22	-0-
23	-0-
TOTAL	94

KŪLANA
SUBDIVISION
KAPAA, KAUAI, HAWAII



**KULANA
COMMUNITY
PAVILION**

DESIGN GUIDELINES

NOVEMBER 17, 2000

TMK # 4-3-03:05

EXHIBIT "C"

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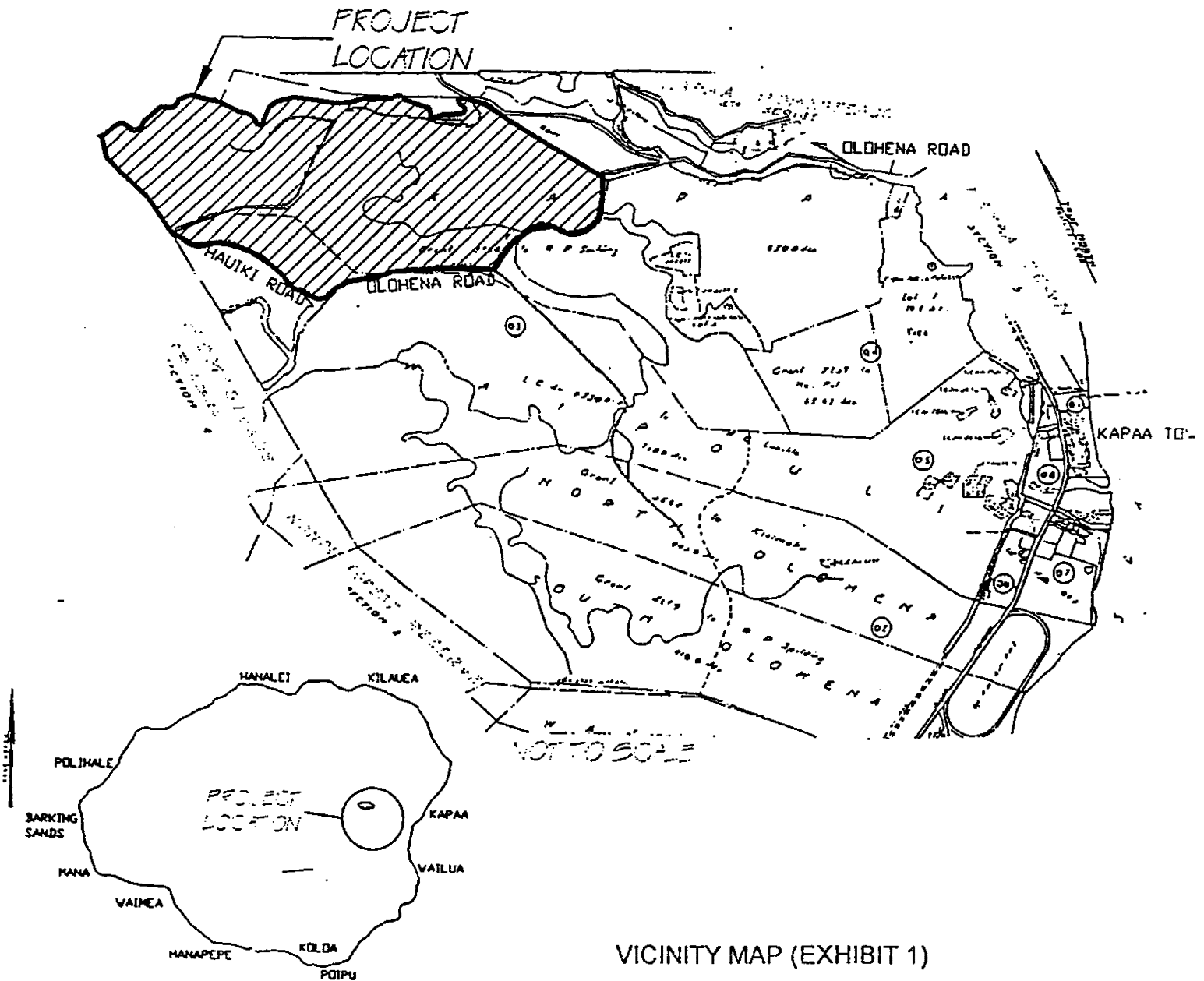
I. INTRODUCTION

A. Reading the Design Guidelines

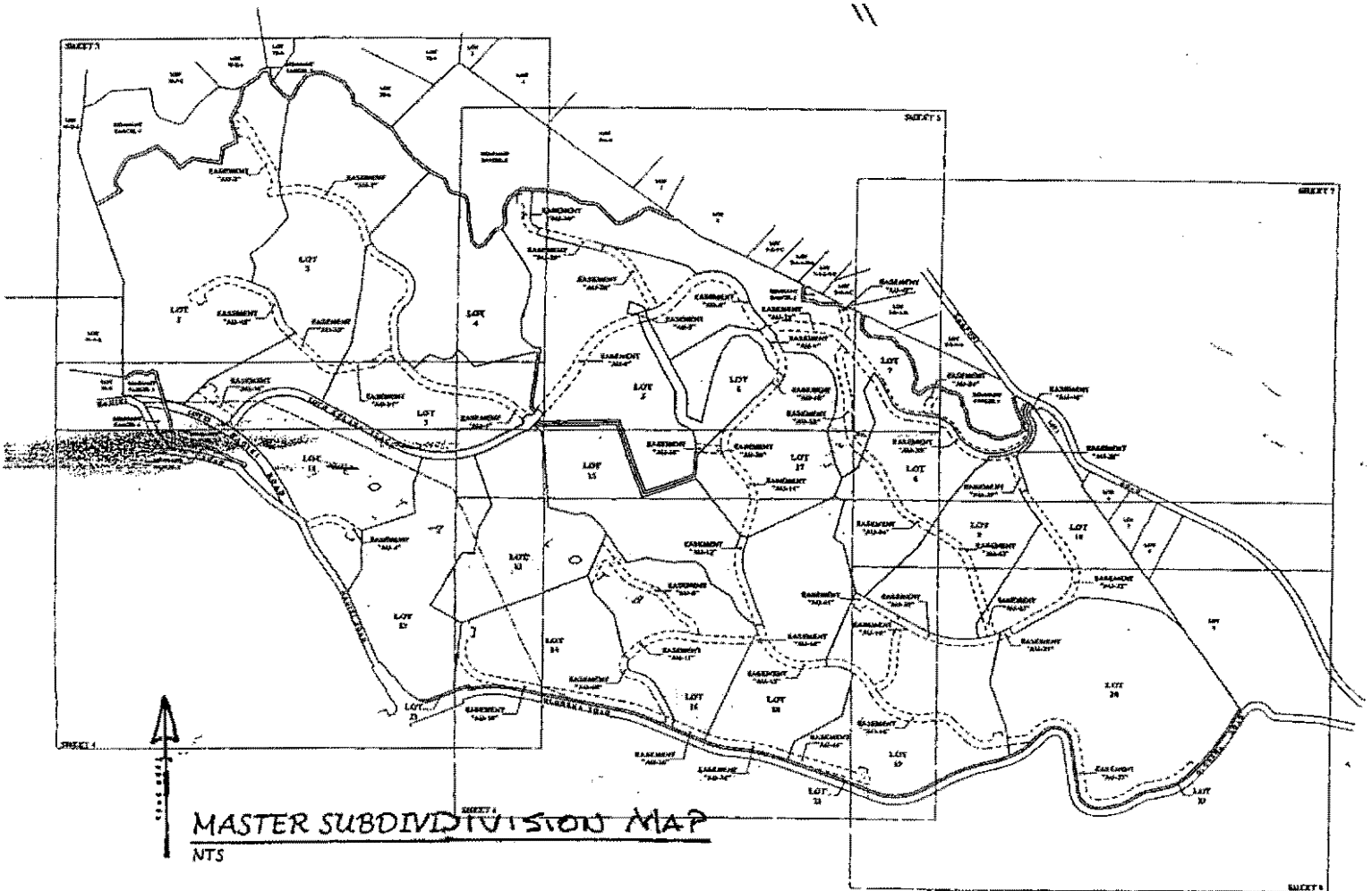
The term "lot" is used throughout these Design Guidelines whenever a Condominium Property Regime has been established on a lot. The term "lot" is meant to refer to any individual condominium unit ("unit") located on the lot or to multiple condominium units on a lot or lots.

B. Regional Location and Setting

Kūlana is located on the east shore of Kauai in the Kawaihau District. This 348 acre subdivision lies between Olohena, Kaapuni, and Hauiki Roads approximately two miles from the center of Kapaa. The Project is shown on the Regional Location Map attached hereto as Exhibit "1".



Kūlana Subdivision is situated amongst the valleys and ridges surrounding Kainahola Stream, the source of which is in the foothills above Kapaa. Kūlana includes 94 agricultural homesites, on lots divided into CPR units, ranging from 1.5 to 15 acres.



C. Purpose of the Design Guidelines

The purpose of these Design Guidelines is to provide the Kūlana Homeowners Association (Association) with a guide to ensure that a pleasant and distinctive residential character will be maintained throughout the project. The intent is that the custom homes will blend with the natural environment and provide a uniform aesthetic setting for the project as a whole.

The standards set forth in these Design Guidelines supplement the Declaration of Covenants, Conditions and Restrictions (CC&Rs). The CC&Rs shall control in the event of any inconsistency between these Design Guidelines and the CC&Rs.

The Design Guidelines also establish the criteria used in the Design Review Process and are written as a general theme to follow. The graphic examples presented in this document are not intended to depict any actual home, nor are they meant to represent any particular graphic scale, yet are open to interpretation by design professionals.

The Design Guidelines may be subject to change and may be amended as determined with the discretion of the Association pursuant to the terms and provisions of the CC&Rs.

D. Project Description and Design Concepts

Kūlana will utilize 348 acres of land to create 94 agricultural homesites on lots divided into CPR units and open space CPR units in the valleys and ridges surrounding Kainahola Stream between Olohena, Kaapuni, and Hauiki roads in Kapaa, Kauai. Agricultural homesites in the form of CPR units will range from 1.5 to 15 acres.

The overall aesthetic design of the project will be one of quality that evokes a sense of harmony with the surrounding community. This will be accomplished by maximizing the natural character of the area with the generous use of natural elements such as stone and wood coupled with lush tropical landscaping.

It is intended that the grading of lots should be minimal. Smooth transitions between lots shall be encouraged rather than harsh slope elevation changes. Gentle berming and lush landscape shall be introduced to minimize the visual impact of any proposed retaining walls. Ideally, a harmonious blend of individual lot site planning, architectural design, and landscape architectural planning will lay the foundation for a quality-oriented custom home community that will provide residents with a sense of permanence and identity.

E. General Provisions

1. Design Review Committee (DRC) Approval Required. Except as otherwise provided in the CC&Rs, no new improvement may be constructed, nor may any existing improvement be materially altered on any lot, except in accordance with plans, specifications, and other materials (the "Plans") submitted to and approved by the DRC, and in accordance with the CC&Rs and the applicable Design Guidelines.

2. Public Regulations. Each lot owner is responsible for being informed of and complying with the appropriate federal, state, and county laws, rules, regulations, codes, and ordinances that are applicable to his/her property. If a standard set forth herein differs from standards established by the various regulating agencies, the stricter standard shall apply.

3. Compliance with Declaration. All owners of lots in Kūlana shall comply with the provisions of the CC&Rs and these Design Guidelines.

4. Variances. The DRC may grant variances, from time to time, to these Design Guidelines as to any one or more individual lots, as provided in the CC&Rs. The approval or disapproval of any plans by the DRC in any one case shall not be deemed a waiver by the DRC of its right to approve, disapprove, object to, or consent to any of the features or elements embodied therein when the same features or elements are embodied in plans submitted in any other cases.

5. Limited Liability. By the establishment and/or enforcement of these Design Guidelines, neither the Declarant, nor the DRC, nor any of the members, employees, officers, or directors of the Association or any of the foregoing shall be deemed to have made any representation whatsoever concerning the view, if any, available to a particular lot or any improvement constructed thereon. Neither the Declarant, nor the DRC, nor any of the members, employees, officers, or directors of any of the foregoing shall be liable to any owner or any other person for any damage, loss, or prejudice suffered or claimed on account of the following, provided that the person against whom the claim is made was, upon the basis of such information as may be actually possessed by him, acted in good faith and without intentional misconduct:

a) the approval or disapproval of any plans, specifications, and other materials, whether or not defective; or

b) the requiring of modifications to any plans as a condition of the DRC approval thereof; or

c) the construction or performance of any work, whether or not pursuant to approved plans, specifications, and other materials; or

d) the development or manner of development of any land within Kūlana; or

e) the performance of any other function pursuant to the provisions of the CC&Rs or these Design Guidelines.

F. Definitions

ARCHITECT

A person licensed to practice architecture in the State of Hawaii.

BUILDER/OWNER BUILDER

A person or entity engaged for the purpose of constructing any improvement within the project. The builder and owner may be one and the same. If the builder and owner are not one and the same, the builder must be a currently licensed and bonded general contractor in the State of Hawaii.

BUILDING COVERAGE, SQUARE FOOTAGE

The relationship between the total land area of a lot and the total land area of the lot taken up by a custom home, garage, accessory buildings, all roofed or covered areas, interior and exterior and impervious paving. Additionally, building square footage shall include trellised areas or structures, including swimming pools. Building square footage shall include decks or walkways constructed above 30 inches from existing or finished grade, whichever is lower.

BUILDING ENVELOPE

That portion of a lot which encompasses the maximum, allowable, developable area of the lot. The building envelope is defined by the applicable setback requirements and height limits set forth in these Design Guidelines.

BUILDING HEIGHTS

Is the total height of the structure. The building height shall be measured from grade at building entry to the top of the highest roof.

BUILDING PERMIT PLANS

Building permits must be obtained from the County of Kauai Building Department. Any and all earthwork calculations and erosion control must be shown, as well as existing and proposed contours.

CIVIL ENGINEER

A person registered to practice civil engineering in the State of Hawaii.

COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&Rs)

The Declaration of Covenants, Conditions, and Restrictions for the Association, as amended periodically.

DECLARANT

Kapaa 382, LLC, as the owners and developers of the project.

DESIGN REVIEW COMMITTEE (DRC)

A committee within the Association which will have the responsibility of administering the Design Guidelines.

DISCOURAGED

For the purposes of these guidelines, the term "discouraged" shall mean prohibited unless owner, builder, and/or architect can offer a reasonable justification for its use in a particular context.

ENCOURAGED

Means this is the essence and quality in which original designers had envisioned for the project.

EXCAVATION

Any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation) including any trenching that results in the removal of earth, rock, or other substance from a depth of more than 12 inches below the natural surface of the land, subsoil, or any grading of the surface.

FILL

Any addition of earth, rock, or other materials to the surface of the land that increases the natural elevation of such surface.

KŪLANA HOMEOWNERS ASSOCIATION

The Kūlana Homeowners Association will be established as a nonprofit corporation, incorporated under the laws of the State of Hawaii, its successors and assigns, for the purpose of managing the project. The Declarant shall appoint a Design Review Committee as provided in the Covenants, Conditions, and Restrictions (CC&Rs) to review and recommend approval or disapproval of proposals and/or plans and specifications for the construction, reconstruction, exterior additions, changes or alterations, or installation of improvements within Kūlana.

HARDSCAPE

Inorganic, impervious building and paving material placed on the ground to form a permanent driving or walking surface (e.g., driveways, walkways, patios, and pool decks).

IMPROVEMENTS

Any changes, alterations, or additions to a lot, including any excavation, fill, buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, hedges, poles,

signs, and any structure or appurtenance thereto of every type and kind.

LANDSCAPE ARCHITECT

A person registered to practice landscape architecture in the State of Hawaii.

LOT

A subdivided lot in Kūlana as approved by the County of Kauai and subject to the jurisdiction of the Association. "Lot" shall mean any lot of record which is subject to the CC&Rs. The term also refers to any condominium unit located on a lot.

CONDOMINIUM UNIT (CPR UNIT)

A horizontal property regime apartment unit limited common element as provided in a Declaration of Condominium Property Regime recorded with the Bureau of Conveyances relative to a particular Kūlana lot. A CPR unit may include no more than one family farm dwelling and, in limited circumstances, one guest house. One agricultural building and one detached garage will also be allowed within each CPR unit.

OWNER

Person or persons, including the Declarant, who either:

- holds fee simple title; or
- a lessee of a lot under a recorded lease from the owner of the fee simple title to said lot for a term of not less than ten (10) years, in which case the lessor, under any such lease, shall cease to be the owner while the lease is in effect.

PROJECT

Refers to the custom lots of Kūlana and all other property subject to the CC&Rs.

STREETSCAPE

Design elements connected with a street, its right-of-way, and immediately adjacent land. The streetscape consists primarily of plants, trees, hardscape, and lighting.

STRUCTURE

This means anything constructed or erected on a lot, the use of which requires location on the ground or attachment to something having location on the ground.

TEMPORARY/PERMANENT

A structure that is said to be temporary cannot remain on site for over a period of thirty (30) days. Permanent structures are structures that are intended to remain on the site for an undetermined amount of time.

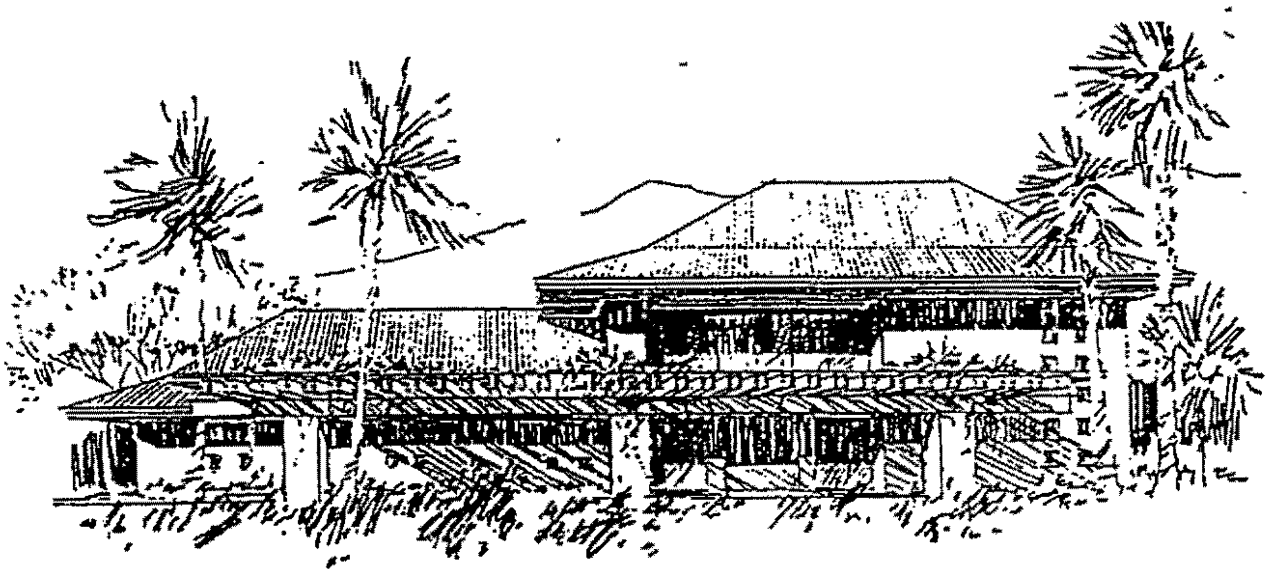
II. ARCHITECTURAL DESIGN GUIDELINES

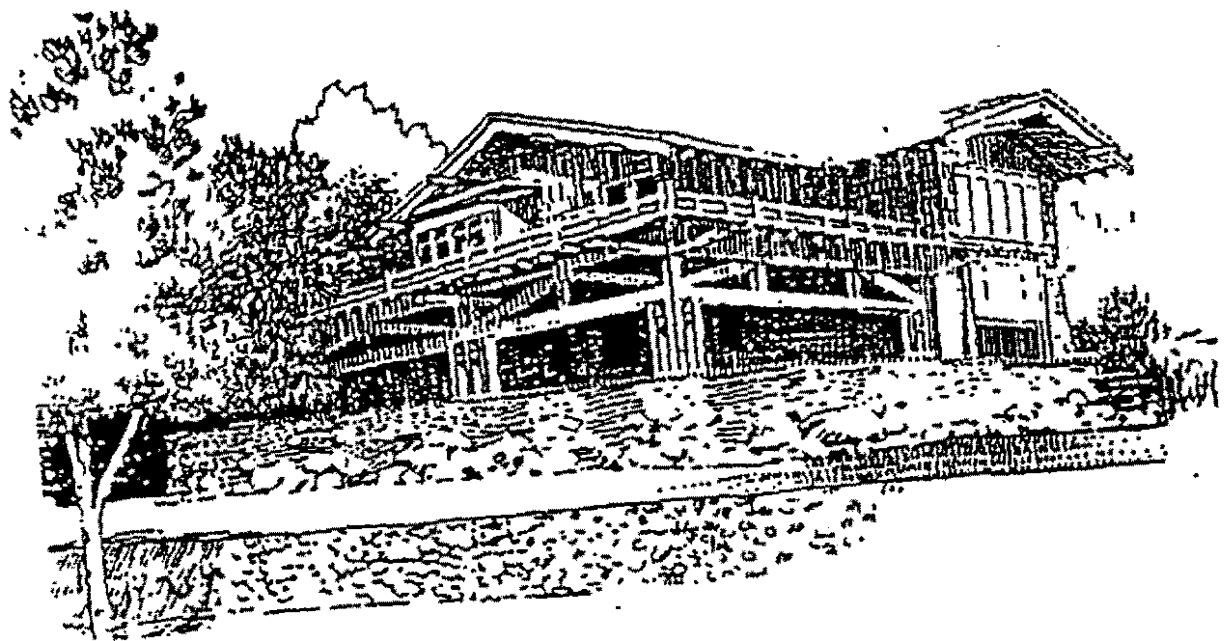
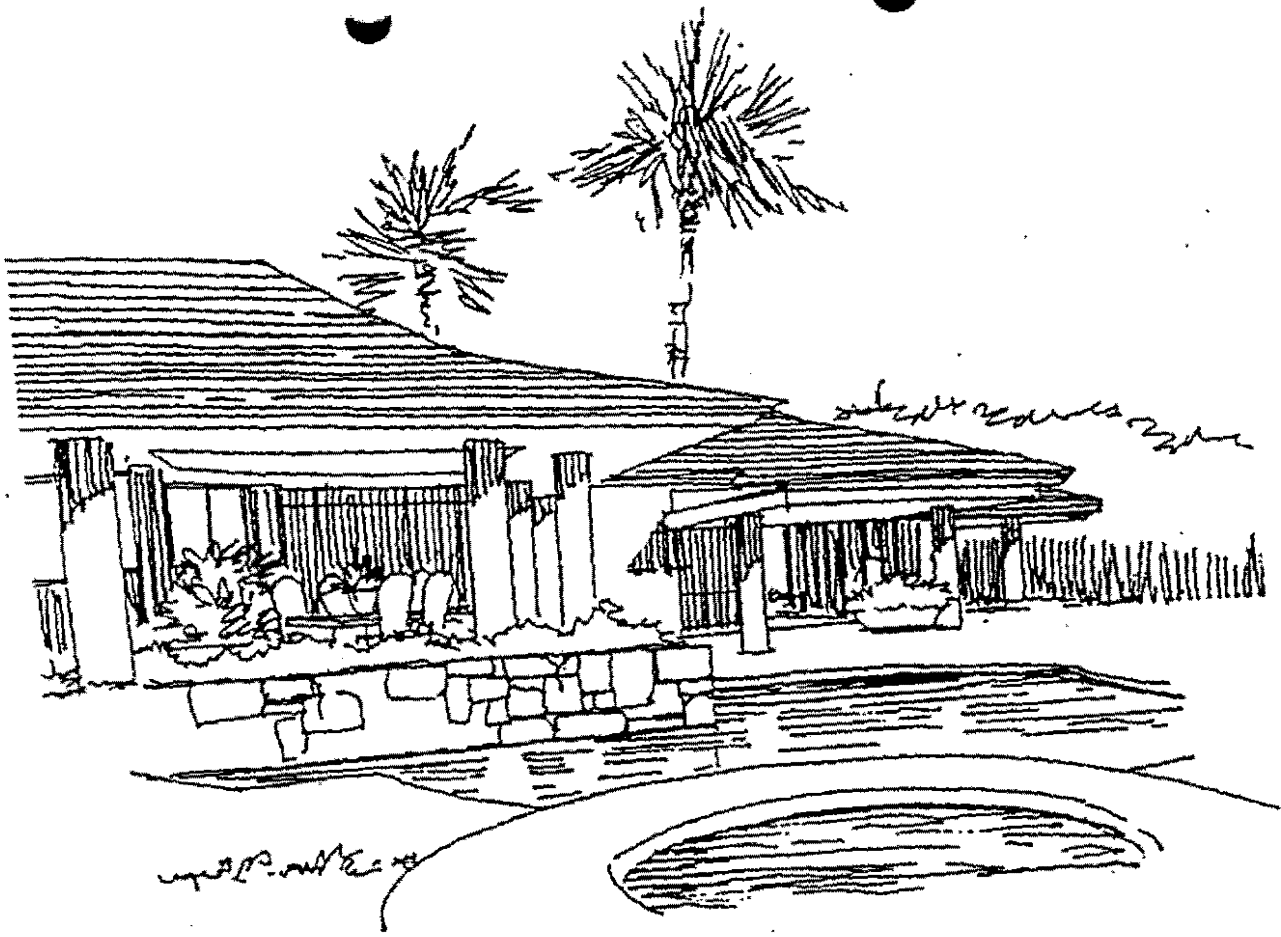
A. Architectural Design Concept

To achieve a harmonious image and identity for Kūlana, it is necessary to create and maintain a consistent architectural style that reflects both traditional and contemporary Hawaiian architecture, along with complementary modern architecture. The climate, cultural influences, and the beauty of the unique communities of Kauai demand attention and care in the design process. Therefore, the architecture of this development is intended to enhance this existing treasure and encourage owners to nestle homes into the natural landscape. These home sites offer unique design opportunities. The purpose of these guidelines is to assist an owner in improving the individuality of their new home while enhancing the community.



Hawaiian architecture evokes a richness of materials and detailing of elements that is timeless and is characterized by the use of forms that provide protection from the elements, be it wind, harsh sunlight, or tropical rainstorms. Hawaii is outdoor living, and Hawaiian architecture utilizes generous overhangs (of at least 3-foot width), covered lanais, outdoor courtyards, and lush landscaping. With attention to these features, Kūlana will become one of the more elegant and natural residential communities in Hawaii.





B. Statement of Objectives

In order to achieve the desired architectural qualities of Kūlana, the following objectives and methods to accomplish them have been incorporated into the design guidelines.

Objective: To create a community that is both timeless and elegant.

Method: Ensure that the architectural style of each home and the corresponding improvements of each home site is consistent with itself and harmonious with adjoining properties, by means of the design review process.

Objective: To promote the flow of interior and exterior space.

Method: Encourage covered lanais, courtyards, and large expanses of openable walls and windows.

Objective: To provide architecture that fits into its environment.

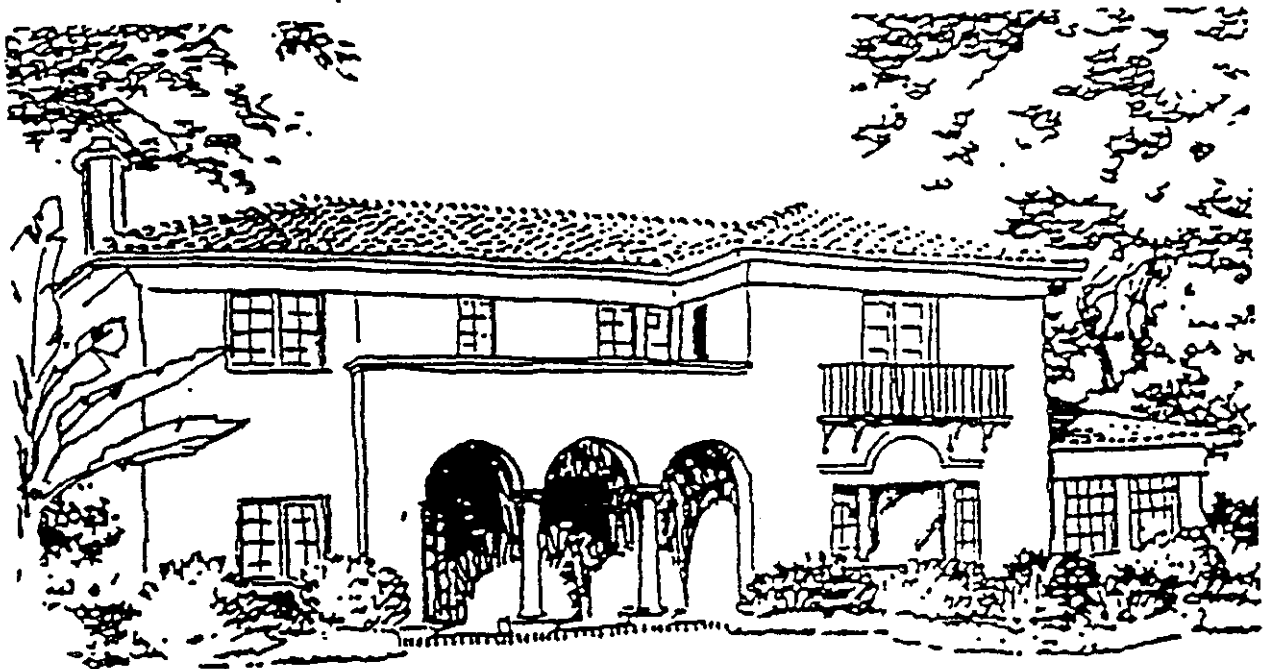
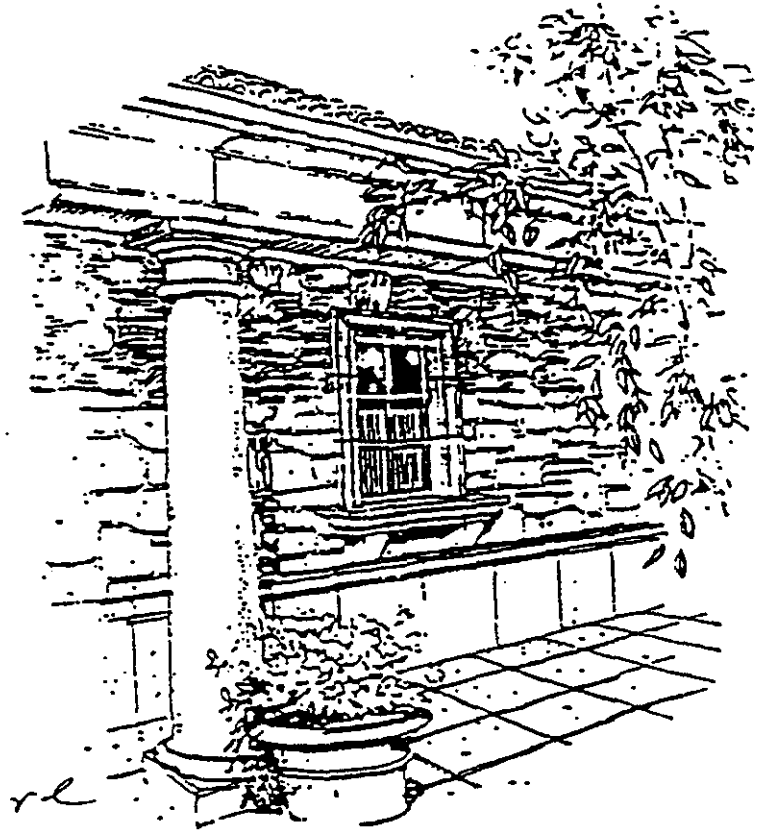
Method: Encourage slab on grade foundations or enclosure of elevated subfloors, require the use of nonreflective roofing materials, limit the height of buildings.

Objective: To create a sense of community.

Method: Utilize consistent tropical plantings in both common areas and residential lots and require earth tone colors that will blend with the environment.

C. Architectural Features

Materials of high quality that will endure the ravages of time should be used at Kūlana. The following materials and colors are either encouraged or discouraged. Used materials are never permitted unless appropriate for aesthetic or historical purposes.

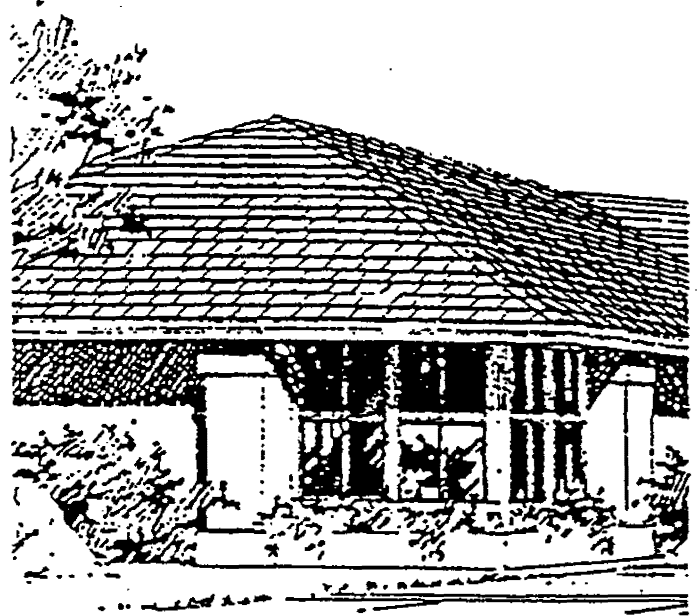


FOUNDATION

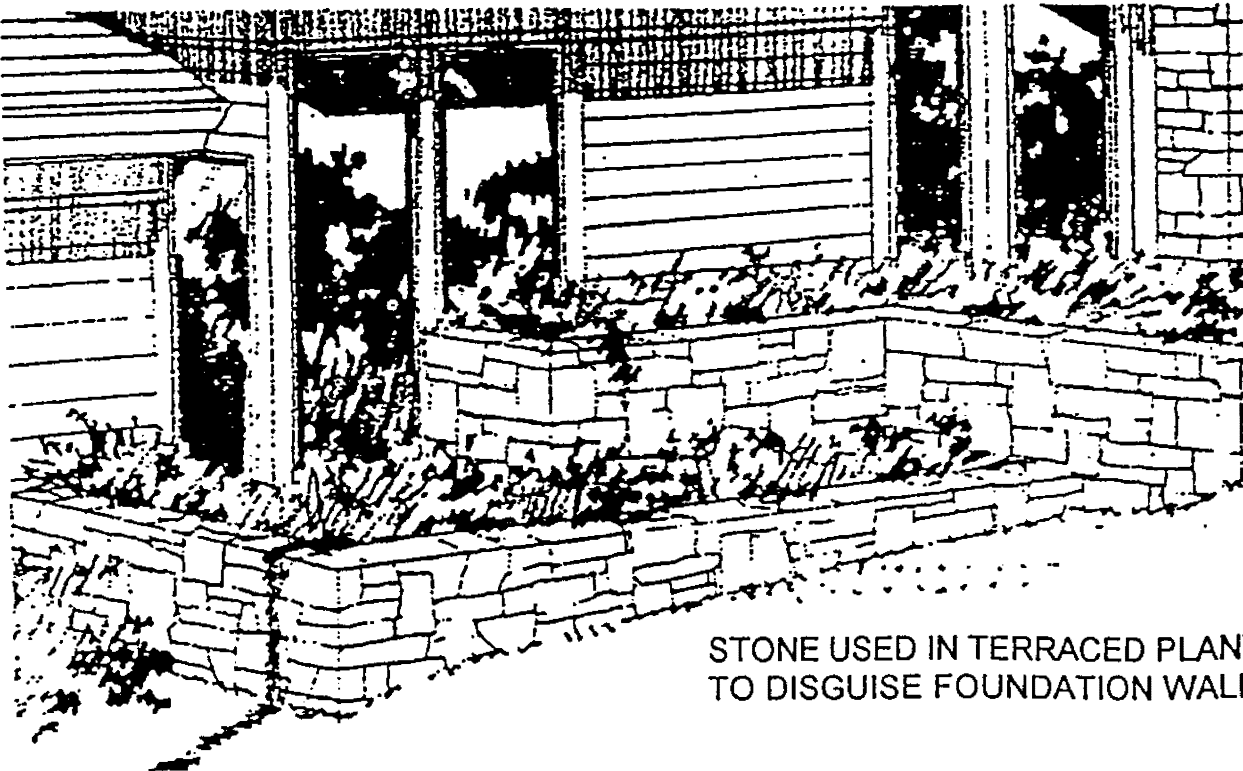
Foundation walls are defined as the space between the lowest floor and the finish grade at the perimeter of the building.

For slab-on-grade construction with retaining walls above grade, exposed foundation wall surfaces are to be finished with painted cement plaster or equivalent, unless stone, split-face concrete block, or decorative concrete is used.

For elevated subfloors, the exposed perimeter must be enclosed, and a continuation of the proposed siding material or well detailed lattice is encouraged.



THE USE OF DETAILING IS
ENCOURAGED AT PERIMETER

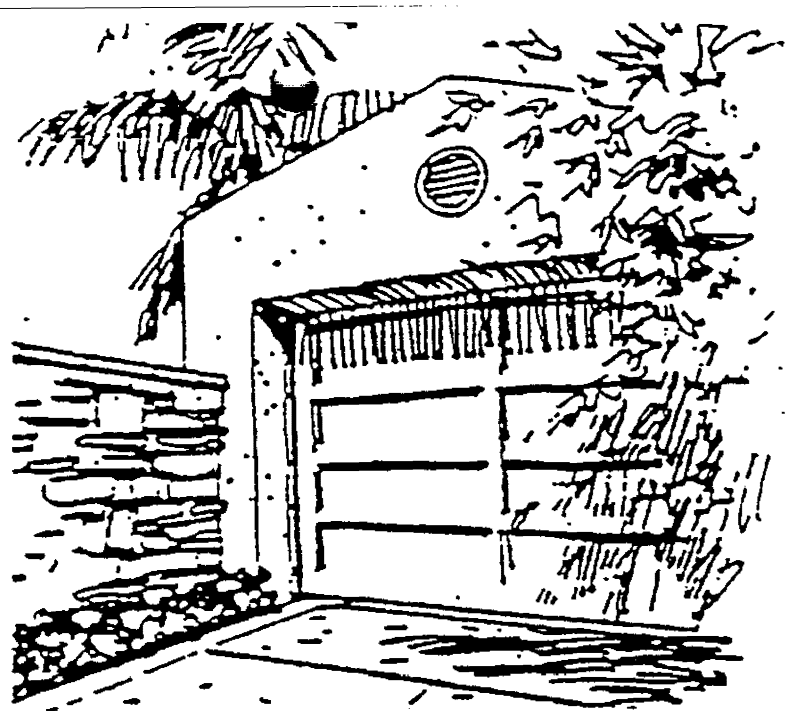


STONE USED IN TERRACED PLANTER
TO DISGUISE FOUNDATION WALLS.

GARAGE

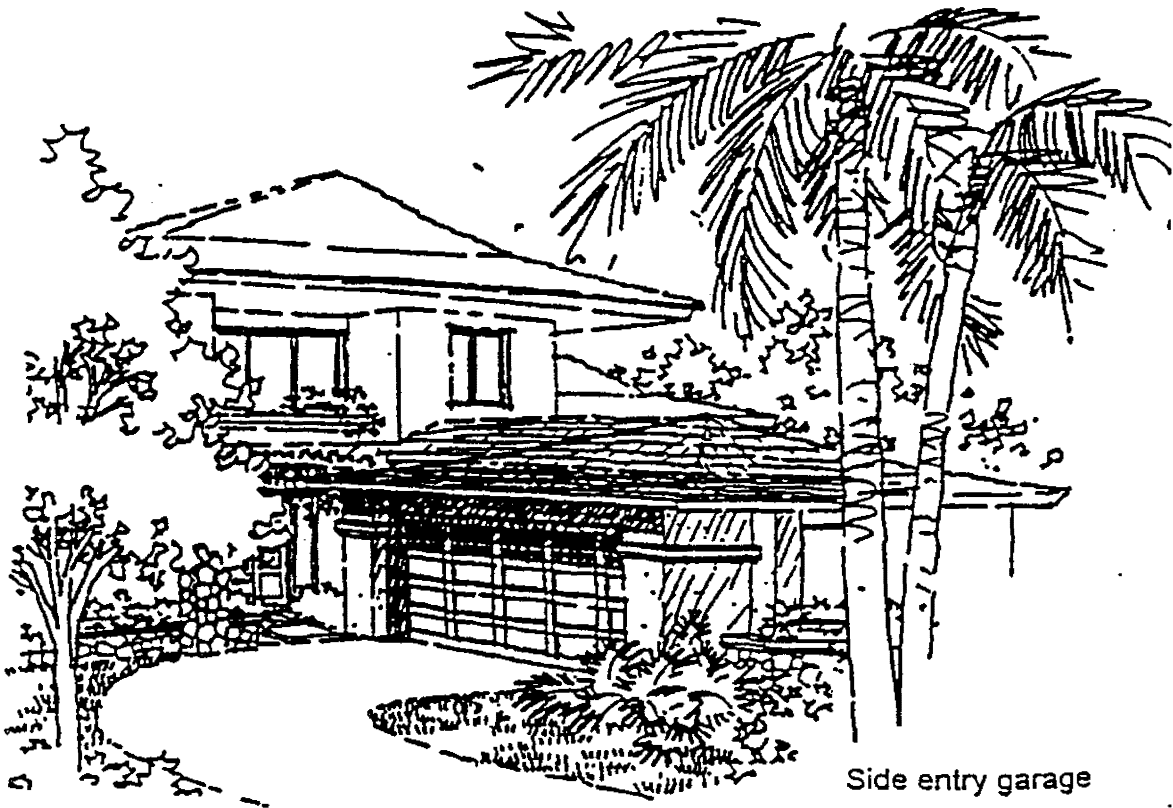
All garages must be located within the building setback lines.

Encouraged: Side entry garages are encouraged. These are desirable because they avoid the possibility of a monotonous streetscape. Front-loaded garages are permitted with appropriate design to enhance visual appeal. Colors used on the garage door must also be used on the home itself, either as the main body color or as the trim color.



RECESSED GARAGE DOOR

Discouraged: Autos that are exposed to view from the street or to adjoining neighbors view. Garage doors that attract visual attention or are painted with more than one color.

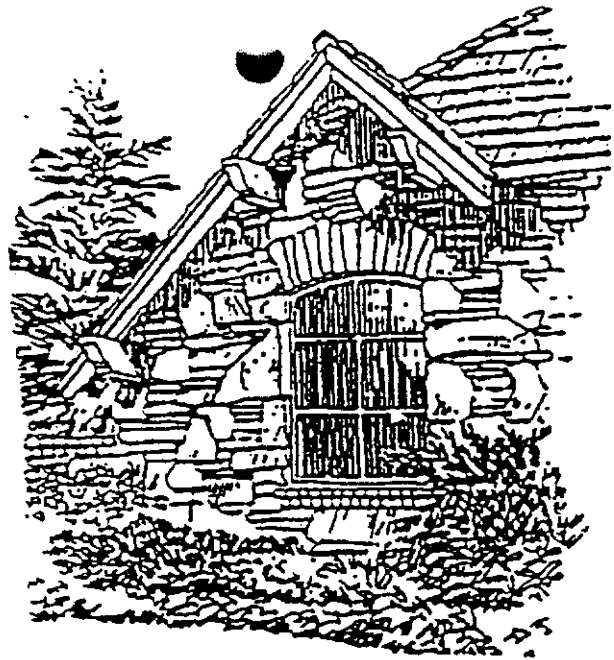


Side entry garage

WINDOWS

Most times of the year, the trade winds provide the island of Kauai its own free air conditioning. Owners and their architects are encouraged to make use of this. Thus, large, ventable areas that provide for cross-ventilation are not only desirable, but also necessary. (Minimum window area is 1/8 of floor area, 1/2 of which must be openable, on a room-by-room basis.)

Encouraged: Dark anodized or painted aluminum frames, vinyl-clad and wood-framed windows. Nonreflective glass and wood-louvered windows, expansive picture windows. True divided light windows are encouraged at front and other prominent elevations. Clear and tinted skylights that have a low side profile (flat glass or acrylic preferred) parallel to the roof slope.



TRUE DIVIDED LIGHT WINDOWS

Discouraged: Reflective glazing, mirrored glass, reflective sunscreens, or other highly reflective materials for exterior surfaces shall be prohibited where it would have a negative visual impact.

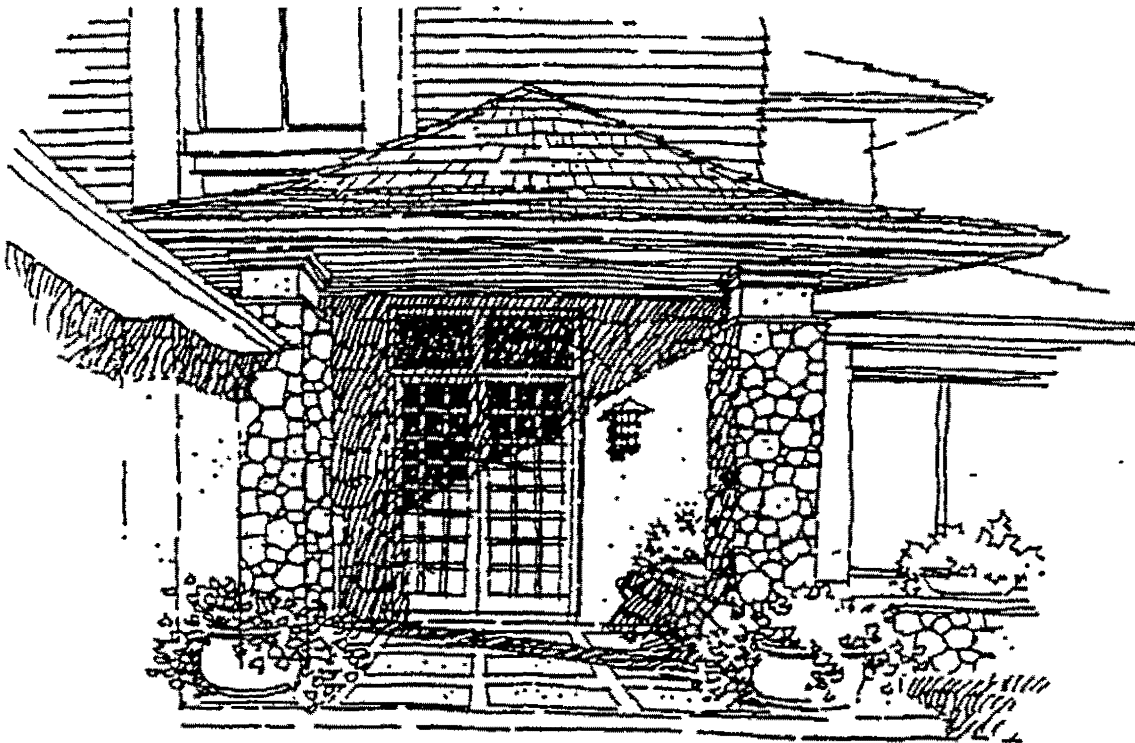
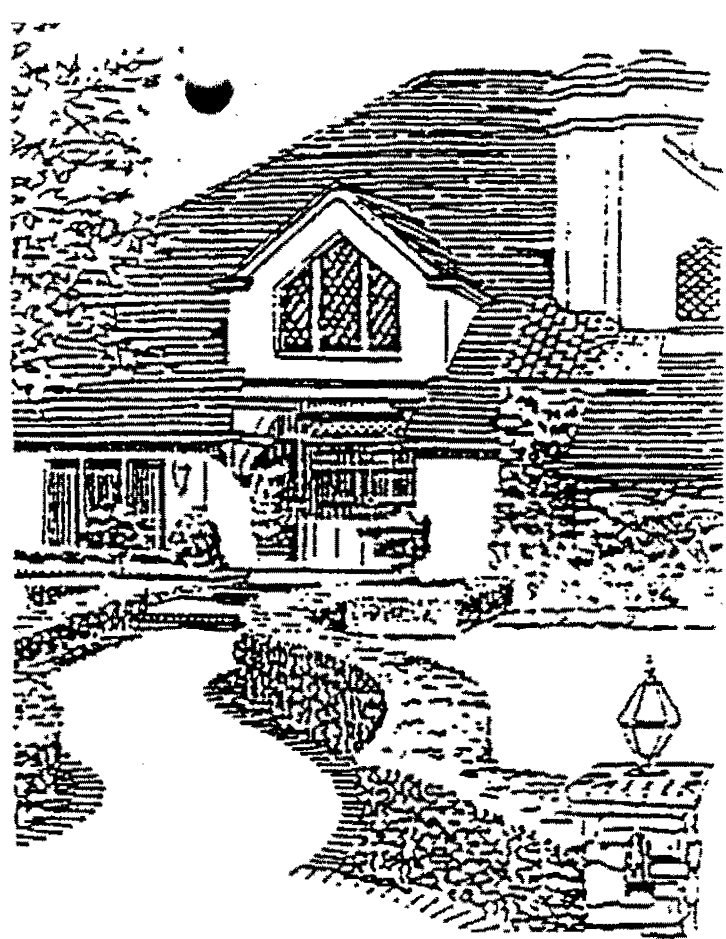


DOORS

The main entrance doors should integrate unobtrusively with the character of the home.

Encouraged: Wood, copper, brass, vinyl, or a combination of these materials with glass.

Discouraged: Brightly painted doors that are in contrast to the colors and architecture of the home. Bright metal finishes, etc., for the body of the door.

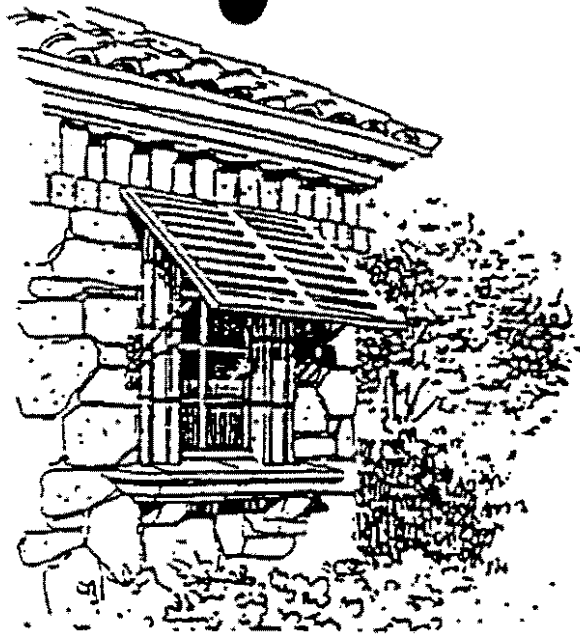


SIMPLE AND ELEGANT GLASS PANE DOORS

EXTERIOR WALLS

Within the scope of traditional and contemporary Hawaiian and modern complementary architecture, a wide range of building materials is acceptable. It is not so much the materials used, but how they are used that becomes important. Interrupting walls with insets and pop-outs can create depth in otherwise flat walls. Uninterrupted wall heights shall not exceed 12 feet.

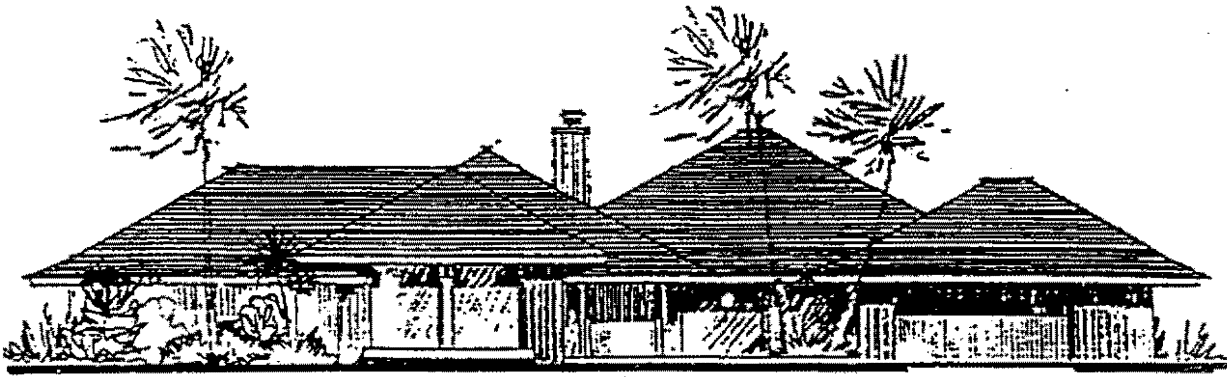
Encouraged: Cement plaster, synthetic plaster (Sto, Dryvit, etc.), stone, horizontal or vertical siding (cedar or redwood). Ruffsawn plywood siding may be used, provided that 1 x 3 or larger vertical battens are used spaced at a maximum of 16" O.C. The combination of any two materials is encouraged.



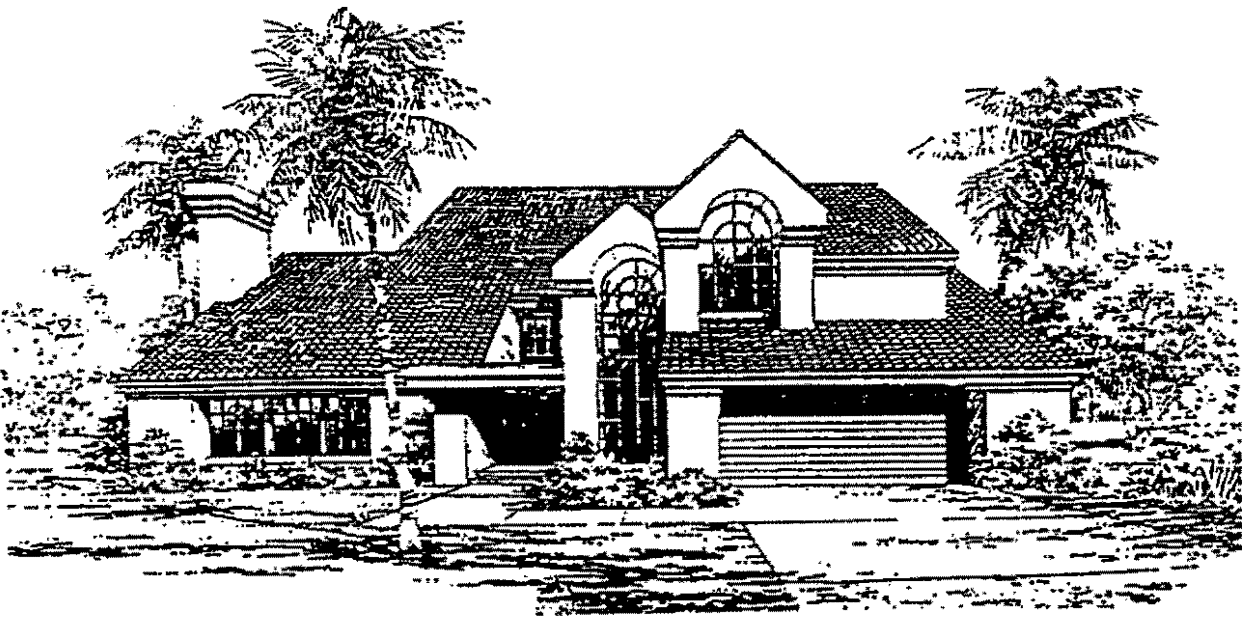
Discouraged: Reflective glazing, mirrored glass, reflective sunscreens or other highly reflective materials for exterior surfaces shall be discouraged.



REDWOOD T & G ON BOLD GABLES



1 X 3 BATTENS OVER RUFFSAWN PLYWOOD



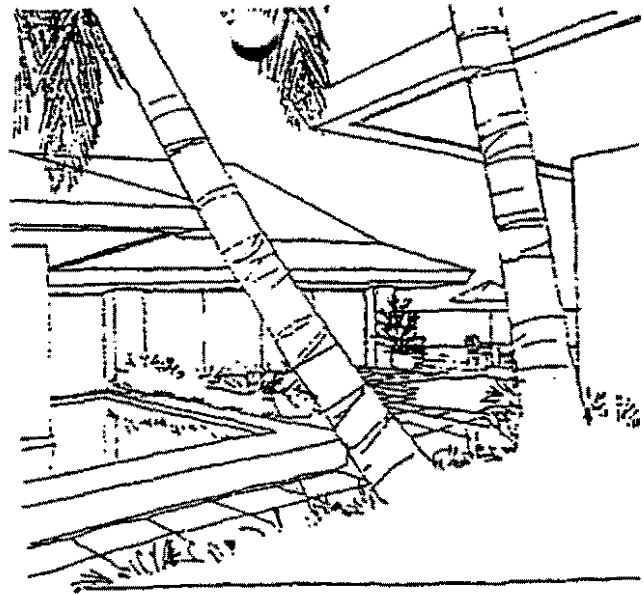
STUCCO WITH INSETS AND POP-OUTS

ROOF AND ROOF LINES

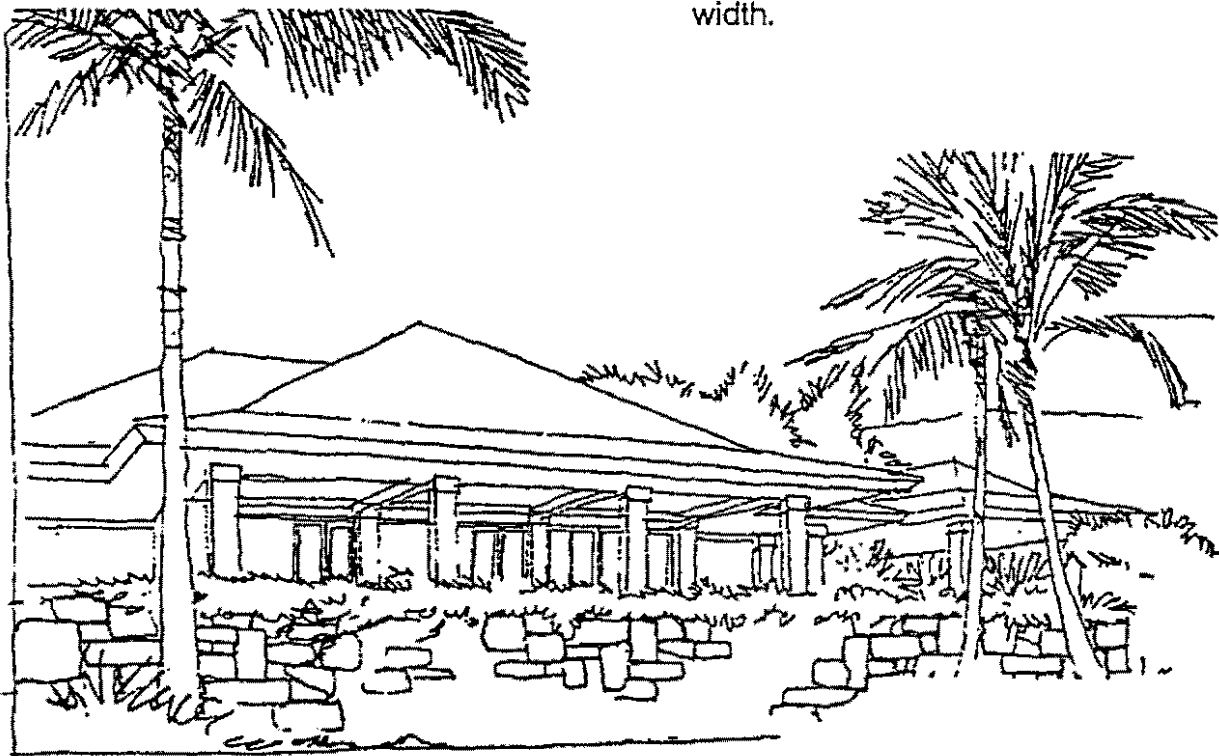
In Hawaii, the roof performs two tasks. Not only does it provide protection from the tropical rainstorms, but it also provides shade from direct sunlight.

This is why the "Hawaiian style" or "double pitch" roof evolved. The double pitch roof is a lower pitched roof that changes to a steeper pitched roof.

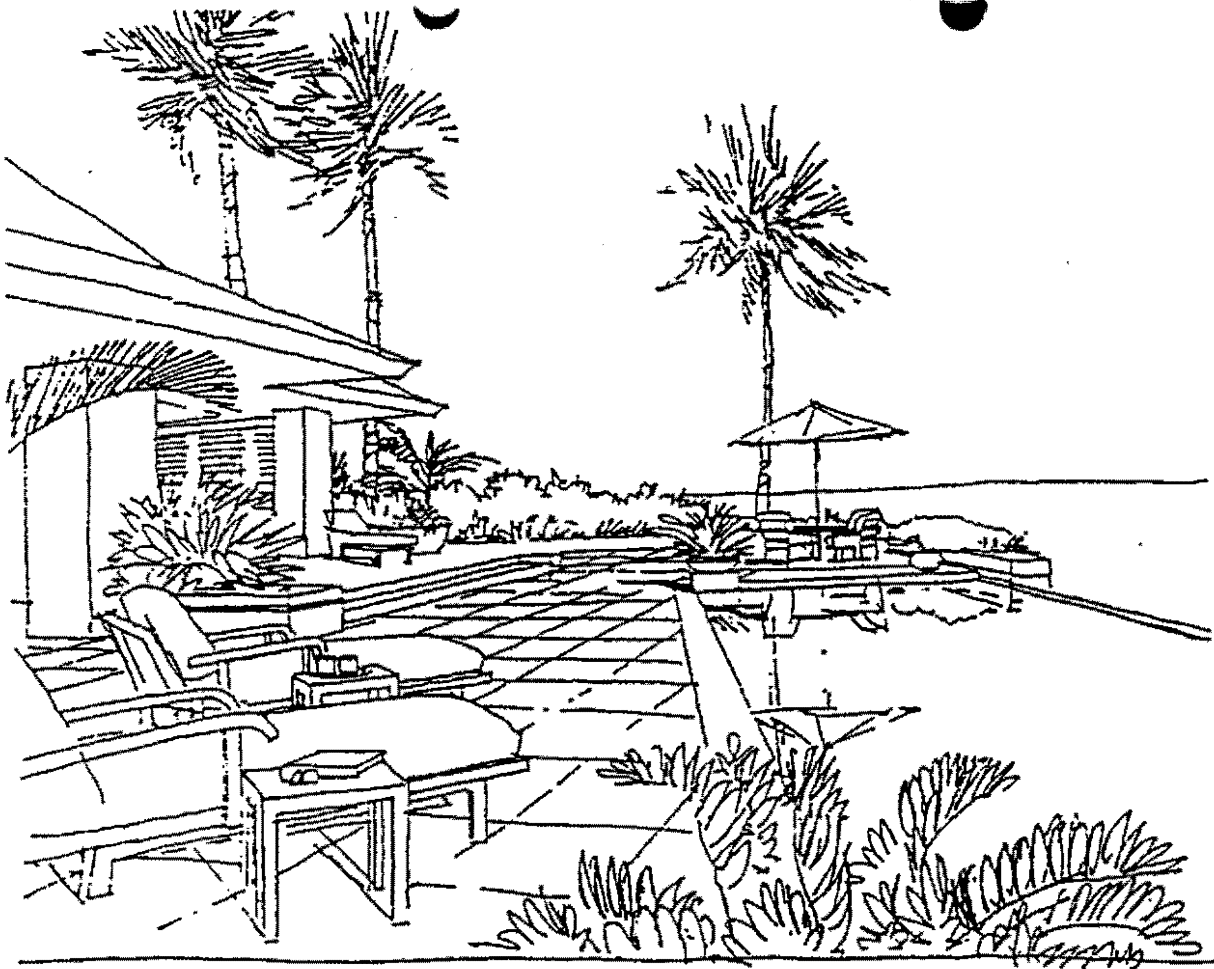
All roofs on each structure shall be sloped with a minimum pitch of 4(vertical) to 12(horizontal).



Generous overhangs of the lower pitched roof protect doors and windows from the sun and rain while letting in the cool trade winds. Most often, these roofs utilize the true hip geometry. However, a combination of hip and gable end roofs are often found in the true Hawaiian style. Overhangs should be of a 3-foot minimum width.



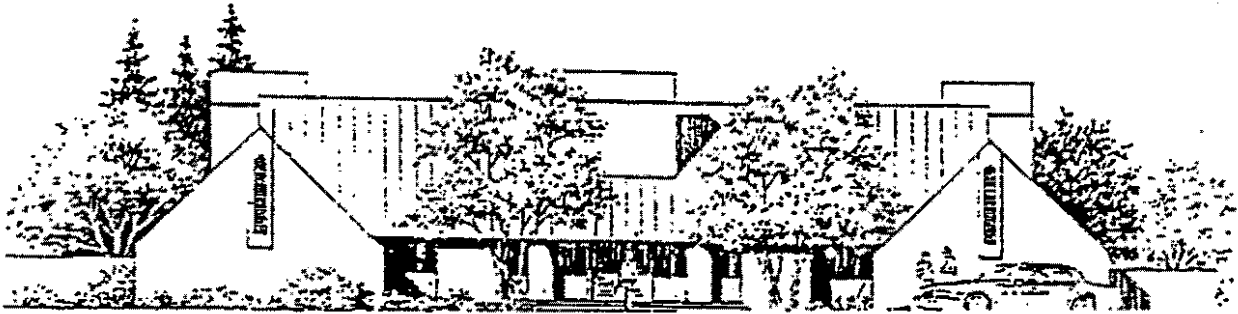
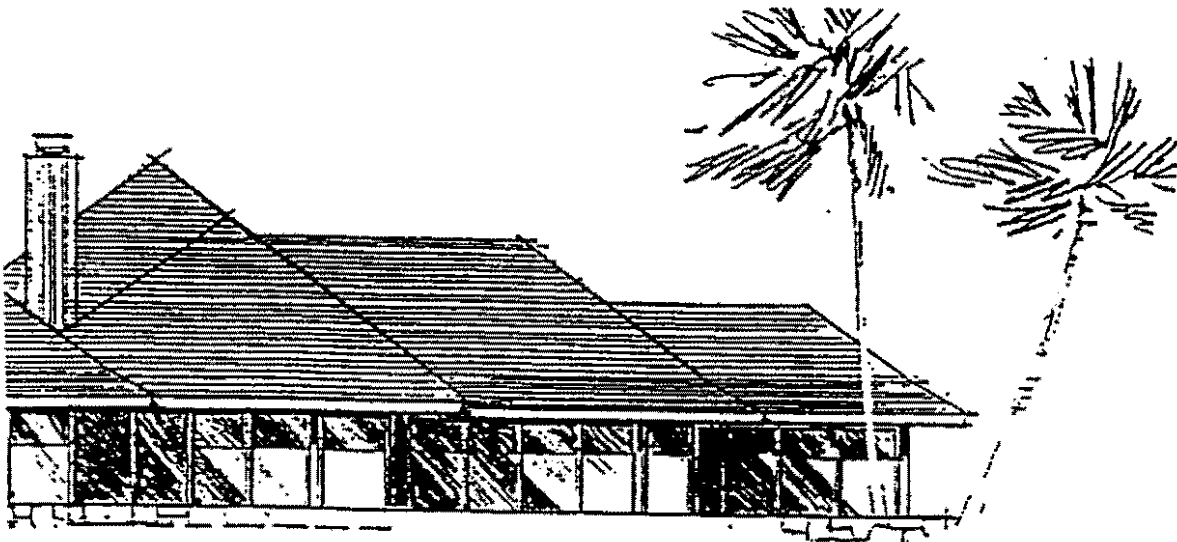
HAWAIIAN STYLE ROOF (EXHIBIT 3)



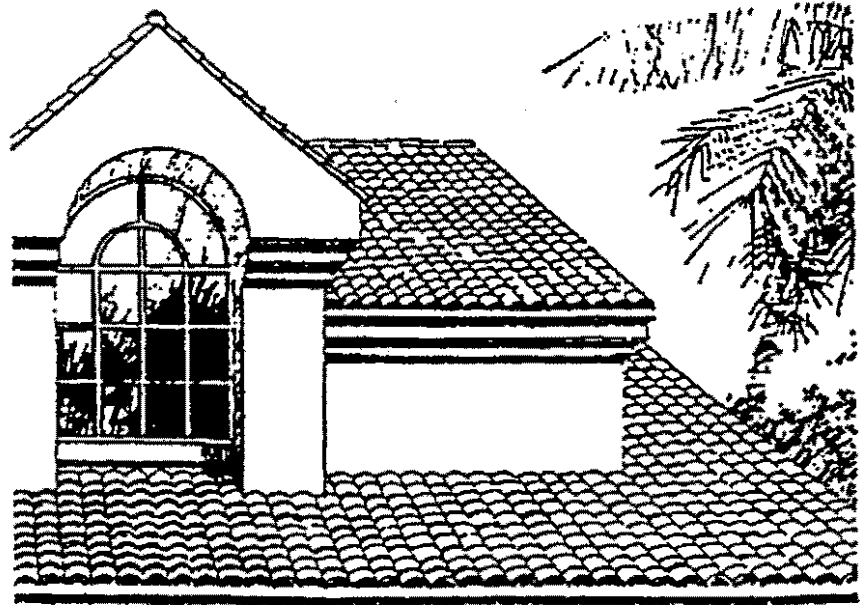
INDOOR-OUTDOOR LIVING WITH LARGE OVERHANGS



Encouraged: Barrel or flat terra cotta clay tile, ceramic tile, flat integral color concrete tile, slate tile, wood shingles, metal roofs (these must have nonreflective earthtone colors), matte glazed Japanese tile (no high gloss finishes), copper roofs, and asphalt shingle. Flat roofs are allowed where appropriate when combined with an acceptable architectural form. Hipped roofs are encouraged; high gloss roofing is discouraged.



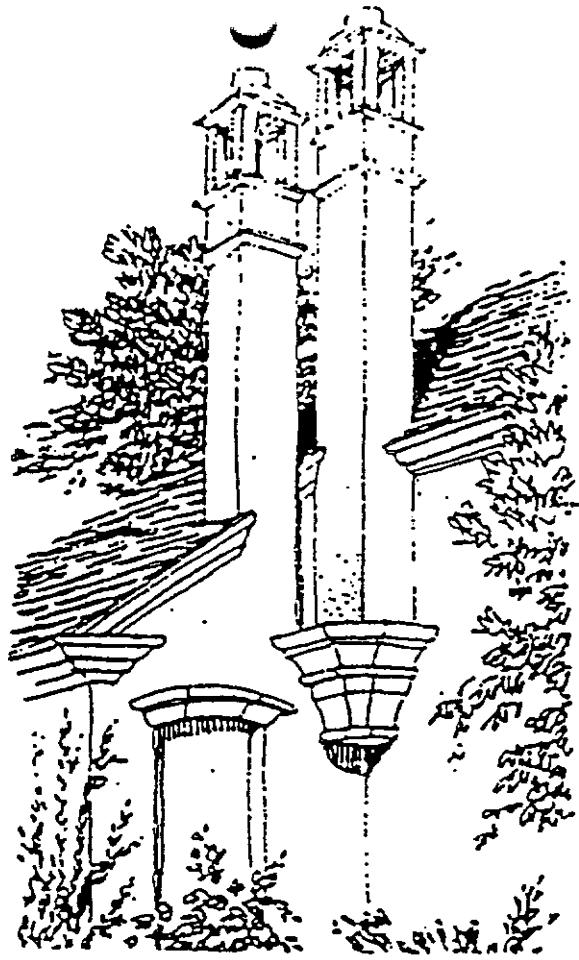
STANDING SEAM METAL ROOFING

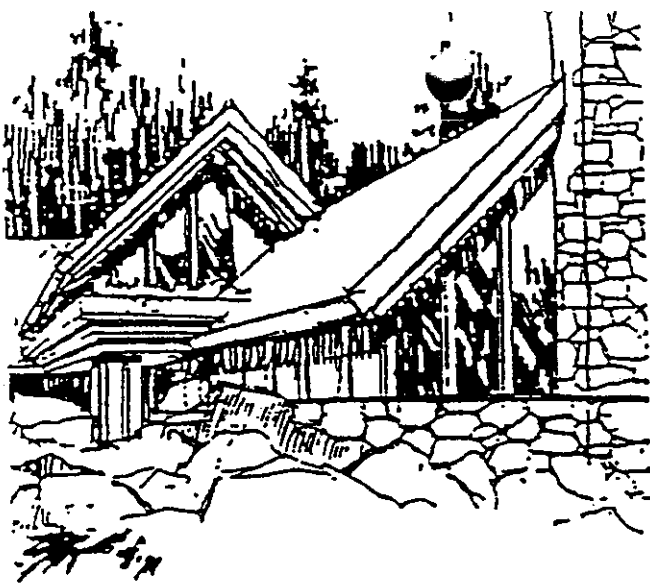


FASCIA DESIGN AND DETAIL

CHIMNEYS

Chimneys can provide welcome vertical accents within the composition of building forms; however, they should not be allowed to dominate the design. Chimneys may not exceed the maximum height limit of 30 feet. The finish on the chimney should be of the same material as the exterior walls of the home, unless the chimney finish material is consistent from ground to top. In other words, the chimney could be stone or stucco in contrast to adjacent walls.





FASCIAS

Fascias are an important design detail. They must be of a material and scale that is compatible with the design theme of the home. Fascia boards, if used, are to be an 8-inch height, minimum. Exposed rafter tails are permitted, provided that they are rounded off, trimmed, or have an appropriate decorative treatment. Colors should be only a few shades darker or lighter than the body color, and stark contrasts are discouraged.

GUTTERS AND DOWNSPOUTS

Gutters and downspouts must be unobtrusive unless designed as a continuous architectural feature. Exposed gutters used as an architectural feature may be used providing they are colored to complement the surface to which they are attached.

ANTENNAE AND SATELLITE DISHES

The use of micro scale residential antennae and micro scale satellite dishes is allowed if screened from view.

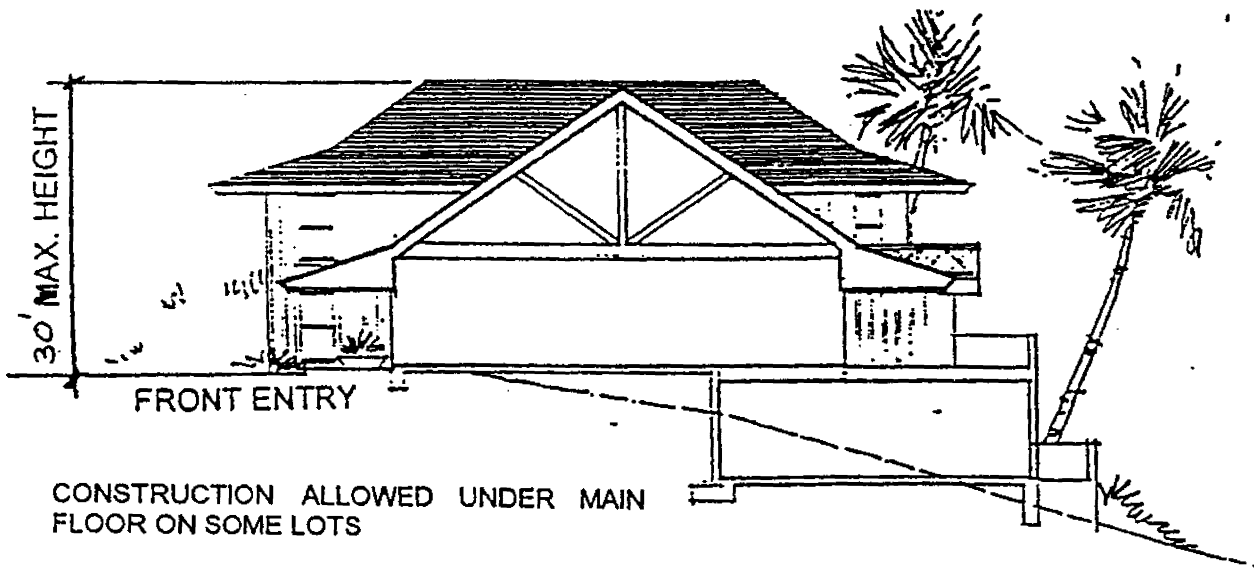
SOLAR HEATING SYSTEMS

Photo voltaic panels and solar heating systems may be used provided they are integrated into the roof design. All panels and frames shall be bronzed, anodized, or colored to match adjacent roofing materials, and they must be flush mounted to the roof such that the visual impact of all solar equipment is minimized. Before any equipment is installed, the design must be submitted for approval.

D. Lot Development Standards

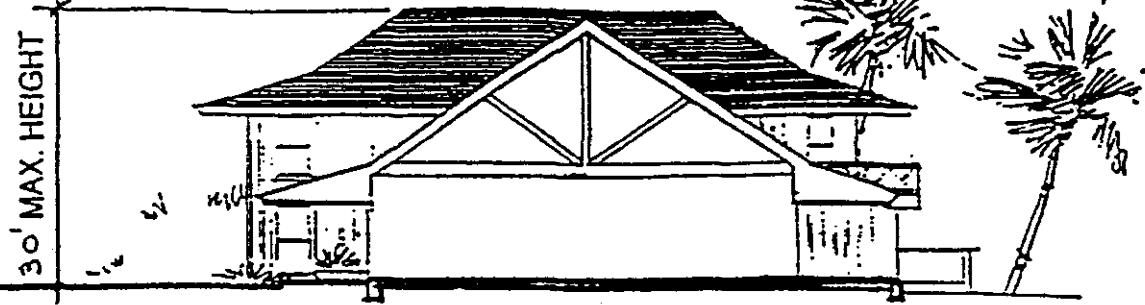
BUILDING HEIGHTS

No farm family dwelling shall be more than two (2) stories above and one (1) story below from the finished grade at the main entry, over twenty (20) feet measured from the finished grade at the main entry to the highest exterior wall plate line, and over thirty (30) feet to the highest point of the roof measured from the finished grade at the main entry. For the purpose of determining the number of stories in a farm family dwelling, a loft shall be considered a story. Agricultural buildings shall be a maximum of nineteen (19) feet measured from the finished grade at the main entry to the highest point of the roof. Agricultural buildings shall be one story only, with a loft area of 400 sf or less.



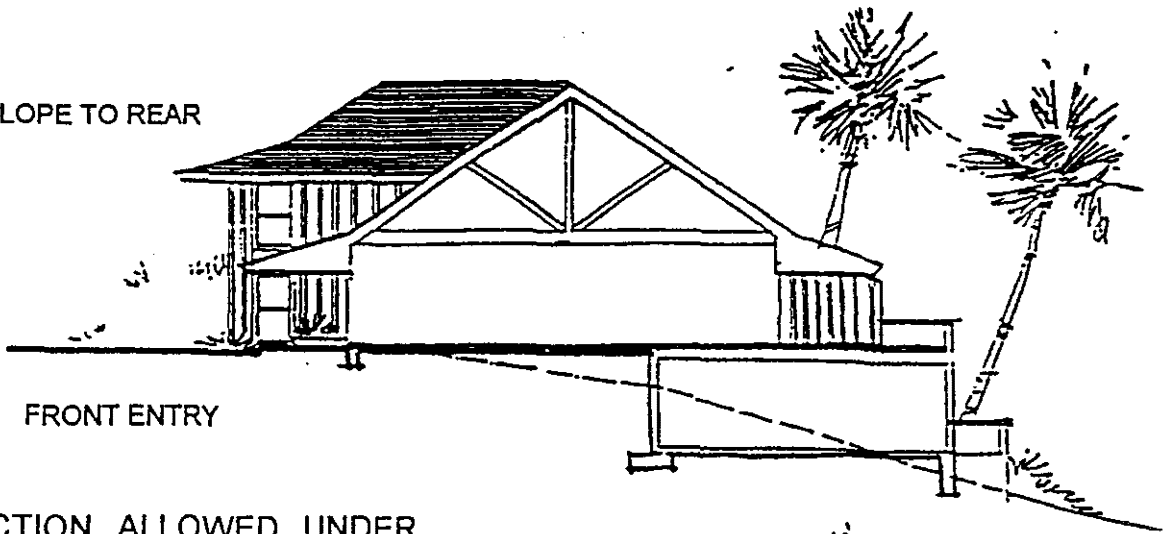
HEIGHT LIMIT REQUIREMENT
(EXHIBIT 4)

FLAT LOTS



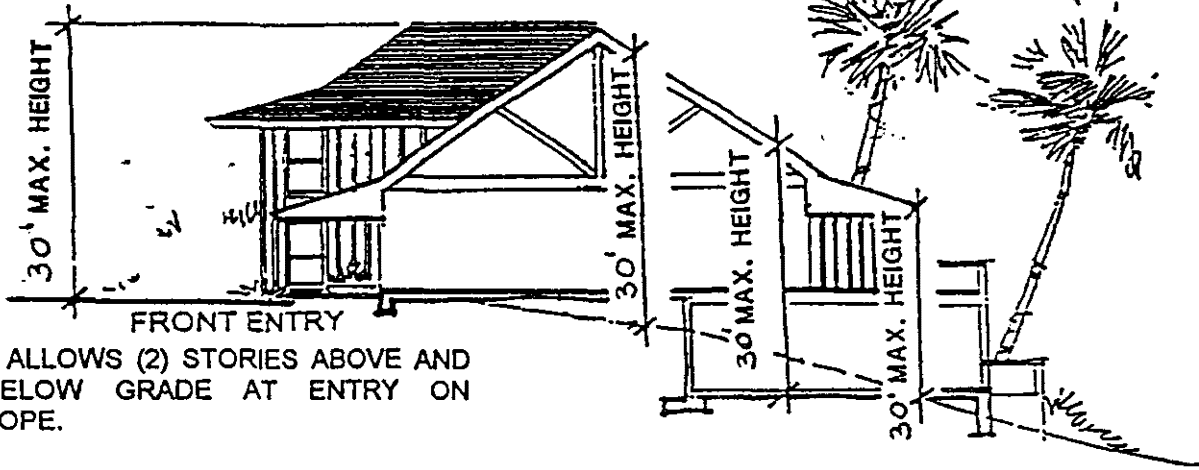
FRONT ENTRY

LOTS WITH SLOPE TO REAR



FRONT ENTRY

CONSTRUCTION ALLOWED UNDER MAIN FLOOR ON SOME UNITS



FRONT ENTRY

COUNTY ALLOWS (2) STORIES ABOVE AND AREA BELOW GRADE AT ENTRY ON DOWNSLOPE.

HEIGHT LIMIT REQUIREMENT (EXHIBIT 5)

SETBACK AND SITE PLANNING

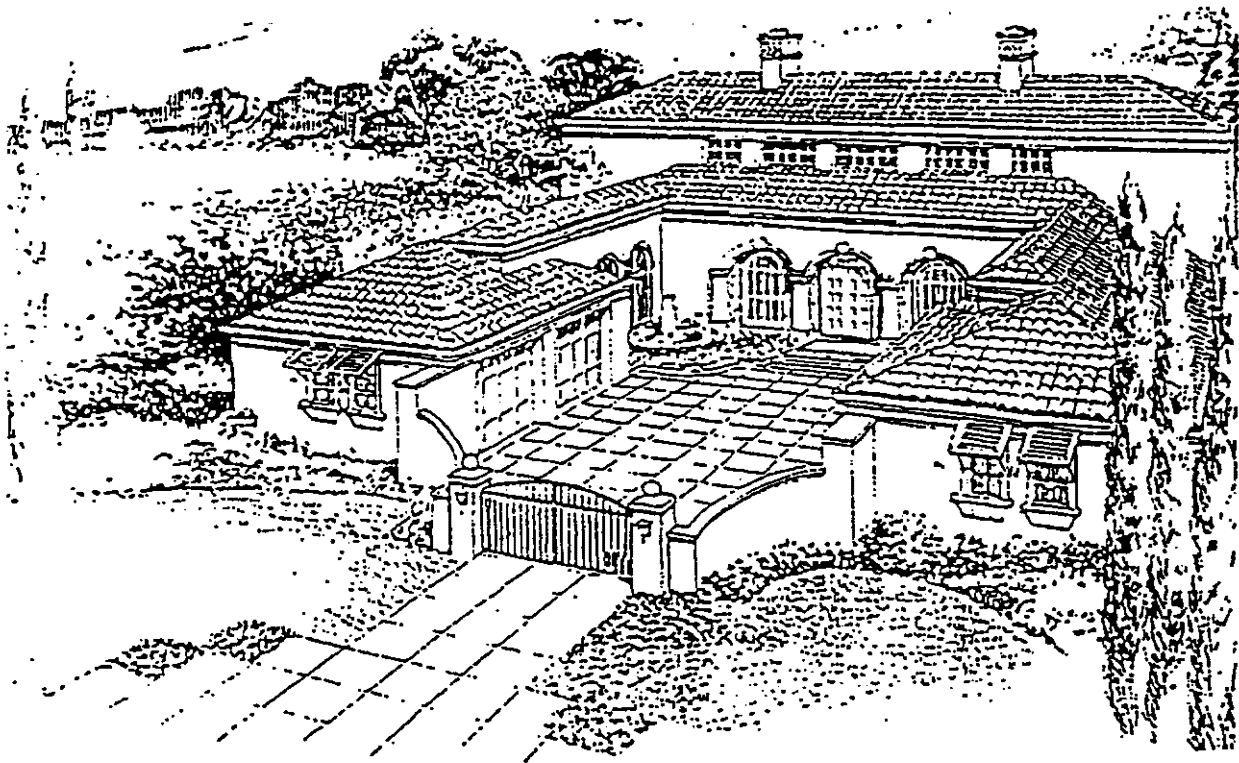
The minimum setback requirement is 25 feet along all lot and CPR unit lines. Accessory uses and structures, including but not limited to decks 30 inches above finished grade, storage buildings, swimming pools, and light fixtures shall be prohibited in the setback area. There shall be a 25-foot setback of all accessory uses and structures along Kūlana Place. Fencing, hedges, and entrance elements must be a minimum of three feet from any lot or CPR unit line, and 25 feet from Kūlana Place.

NOTE: There are NO BUILD ZONES and RESTRICTIVE LANDSCAPE ZONES that are specific to individual CPR units, which must be adhered to.

NOTE: There are community walking, biking, and riding trails that are easements along some roads. Refer to individual CPR unit maps for applicable easements.

BUILDING MASS AND FORM

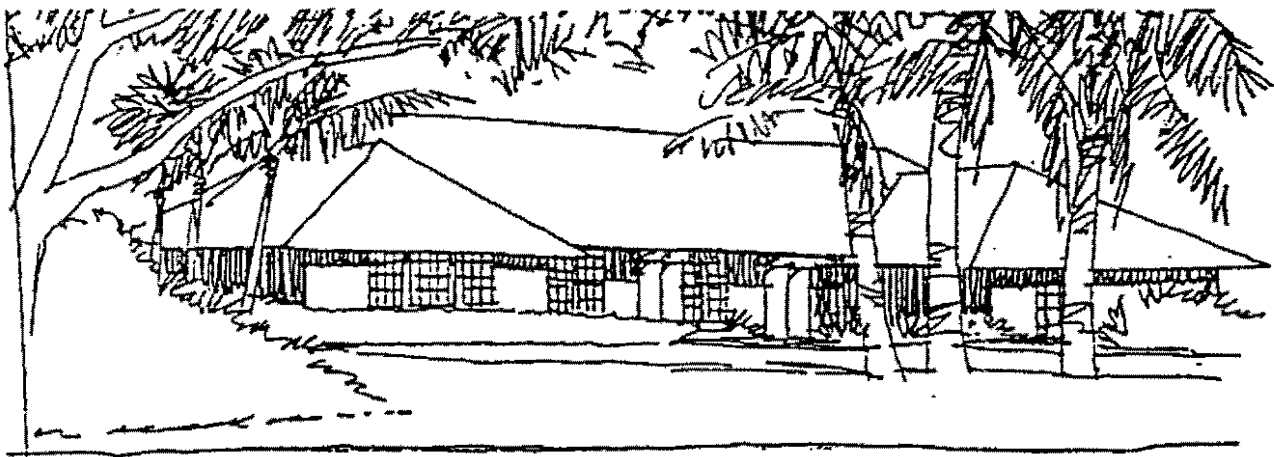
It is recommended that buildings within Kūlana use simple forms that are considerate of not only their immediate neighbors, but the development as a whole. While two story homes are allowed within the appropriate setbacks, they should be softened by stepping back the second floor in some locations to minimize continuous two-story walls. Note that there may be some lots that have a one-story building restriction. Another way to handle this situation is to provide a covered lanai on the first floor, creating the look of a setback to the second floor.





Second floor interior areas (floor above main floor) shall not be more than 80% of the gross first floor area, including attached garages and covered lanais. In cases where the natural slope allows construction under the main floor level as shown in Exhibit 4, not more than 60% of the main floor interior area will be allowed.

All side and rear elevations will be reviewed as critically as front elevations. These elevations will require the same careful design of form, materials, and detailing.



BUILDING COVERAGE AND ENVELOPE

Refer to CPR documents for NO BUILD ZONES and RESTRICTED LANDSCAPE ZONES specific to individual CPR units.

The size of homes, subject to mass and form requirements, is not limited.

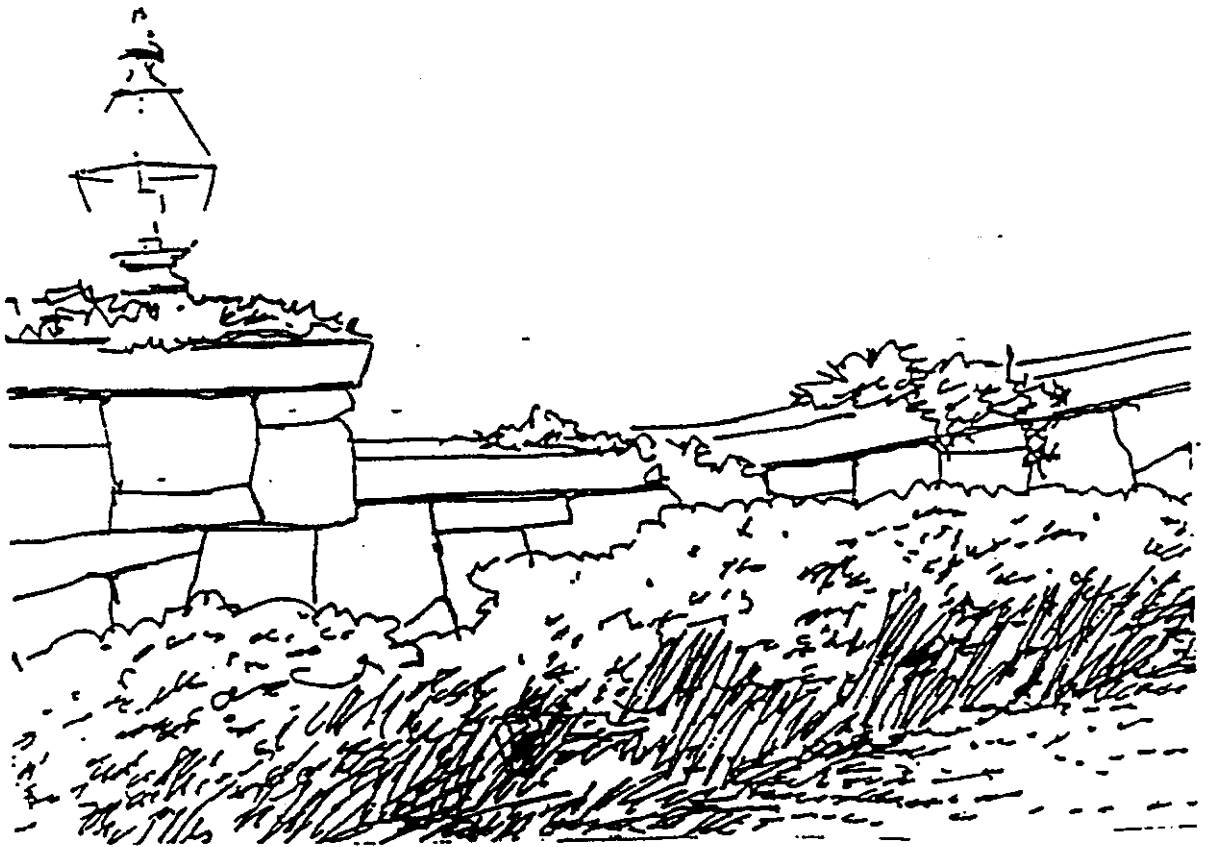
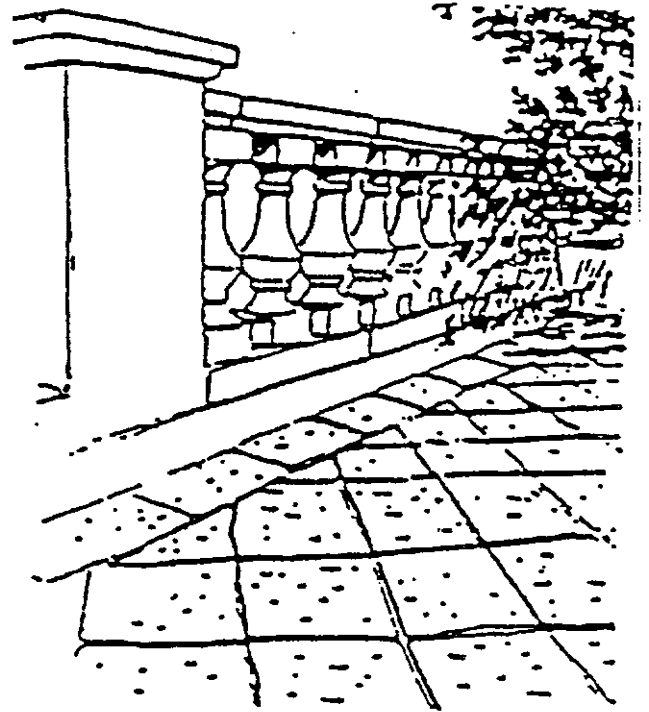
FENCES AND WALLS

Elements such as walls, fences, and arbors can play a vital role in promoting the architectural continuity of a home. Due to the high visibility of walls and fences, their design will have a direct effect on the overall appearance of the site. It is essential that the patterns, textures, and materials chosen complement the surrounding architecture.

The maximum height of fencing is six feet, with the finished surface of fencing facing the exterior of the lot.

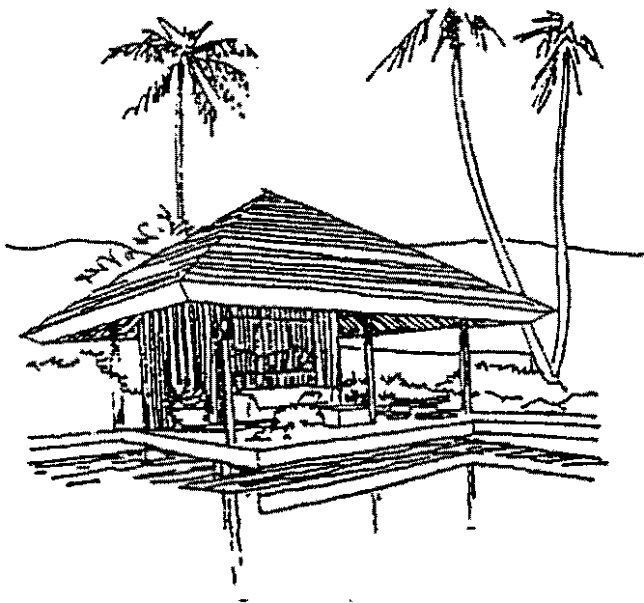
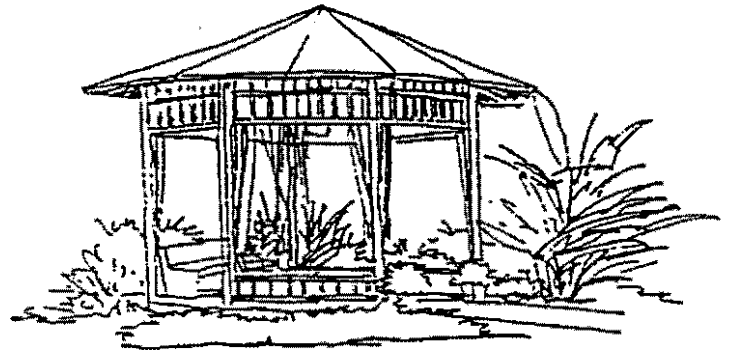
Encouraged: Natural stone walls, stucco-finished concrete block, wood fencing that matches the exterior siding of the house, decorative metal fencing in earth tones, green vinyl-coated metal fencing with associated landscaping.

Discouraged: Barbed wire.



AUXILIARY STRUCTURES

A. Trellis: Shaded areas for outdoor living in Hawaii are a positive design element. A trellis should be built of materials that complement the basic structure of the house. It should have a visual mass that has sufficient bulk to look substantial, and it should align with other trim elements of the home to have balanced proportions. The colors should be the same as the trim. All auxiliary structures must be of permanent construction and built with a building permit.



B. Patio structures, sun shades, and gazebos: These structures should also be built of materials complementary to the basic structure of the house and should also use colors that are being used on the main residence.

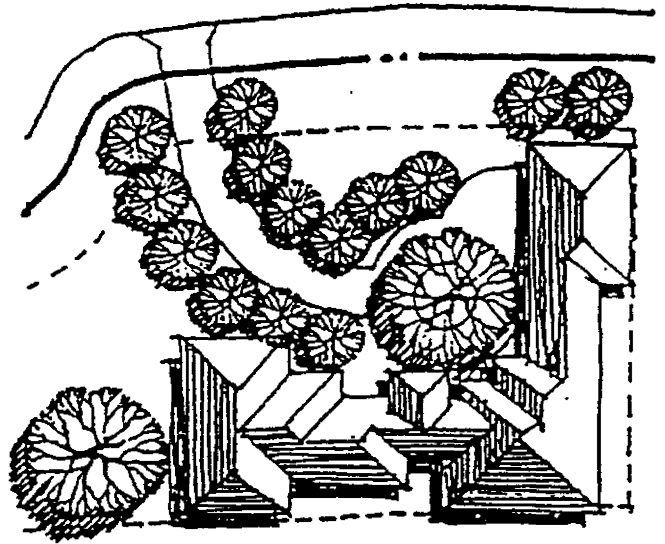
C. Sun decks: Wood decks may be appropriate if detailed and finished to match the adjacent structures. Raised decks should use walls of masonry, stone, or be screened by landscaping so that the framing is not visible.

ELECTRIC METER PANEL

Electric meters, where at all possible, should be hidden from view, yet be easily accessible. They should be located on the side elevation of your proposed home or in a separate meter structure near the boundary. It is recommended that they be built into walls with a matching door access such that the glass meter is the only element visible.

DRIVEWAYS

Driveways may be asphalt or concrete. However, wide expanses of paved areas are discouraged unless they are interrupted with patterns and interspersed with planting. Turf block, gravel, coral, textured, stamped, and colored concrete resembling natural or ceramic materials are also encouraged.



COLOR

Encouraged: Warm toned earth colors including creams, rusts, buffs, beige, ochre, terra cottas, greens, and off-whites. Trim colors should be a few shades darker or lighter and may be somewhat brighter to accent, but they must be appropriate. White trim may be allowed in certain instances. Color and material boards must be submitted at time of plan submittal.

Discouraged: Stark white, bright pastels, bright intense colors in large expanses and/or the use of mirrored glass, reflective sunscreens, or other highly reflective materials for exterior surfaces.

TEMPORARY STRUCTURES

Temporary buildings for construction shall be located in an area approved by the DRC and must be removed from the building site within thirty days of occupying the permanent structure.

UNSIGHTLY ITEMS

It is in the interest of the community of Kūlana to have an uncluttered and attractive neighborhood (keep your junk out of sight). The "keep it hidden" list includes clotheslines, greenhouses, or shade houses, which are all subject to DRC review and approval. All garages, whether attached or detached, must be enclosed.

III. LANDSCAPE ARCHITECTURAL GUIDELINES AND STANDARDS

A. Landscape Concept

Landscaping is an important element contributing to the identity, unity, and overall aesthetics of Kūlana. The landscape character should be one that is distinctive yet cohesive with the natural ambiance of the surrounding environment.

There should be an abundance of flowering and fruiting trees, shrubs, groundcovers, and vines blooming at various times throughout the year. Mature trees should frame or screen the houses appropriately and should soften the visual effect of the structures. Throughout the project, it is encouraged to landscape with edible plants wherever feasible.

The purpose of these landscape standards is to establish a framework for site planning and landscaping that will ensure a unified, high-quality environment.

B. Landscape Zones

FRONT YARDS

Along the streets, within the front yard building setback, owners are encouraged to provide a continuous landscaped effect. Lawn and groundcover areas should be allowed to flow and merge together from lot to lot along the street. Variety in types of different groundcovers,

shrubs, and trees, rather than hard, straight lines, should be used to express the individuality of each property. This continuous landscaping within the streetscape will create the feeling of the houses being a part of a large country estate rather than a suburban subdivision.

Trees and shrubs should be used to soften the visual effect of the house and garage from the street.

SIDE YARDS

Side yards should be landscaped to maximize screening and a sense of privacy between lots. The use of hedges, walls, or fences as visual barriers or sound buffers are encouraged in these areas. These barriers are not to obstruct the neighboring properties off-site views and are subject to view easements and restricted landscape areas that may be found in the individual CPR unit maps.

REAR YARDS

Typically, the rear yard is the area having the most variety of uses and the greatest diversity of landscaping. Landscape concerns and recommendations in this area are the following.

As each lot is landscaped, consideration must be shown for view channels of adjacent owners in the placement of trees and shrubs.

AGRICULTURAL PLANTINGS

Agricultural use of the land and associated planting are encouraged. Refer to the County of Kauai standards for planting agricultural products.

RESTRICTED LANDSCAPE AREAS

Note that there are NO BUILD ZONES and RESTRICTED LANDSCAPE ZONES specific to individual CPR units. Refer to CPR maps.

WALLS/FENCES

It is the design intent of these guidelines to maintain an open feeling within the streetscape of Kūlana, thus, freestanding walls are not recommended within the front yard building setback area. Walls and fences must be set back five feet from the rear and side lot boundary line.

Walls within side yard areas are allowed to a maximum height of six feet. Walls alongside property lines should not intrude into the front yard building setback area.

Walls along rear property lines should be set back sufficiently to allow for landscaping to visually soften the wall as seen from outside the property boundary. The height of retaining walls along the rear property line should not exceed four feet. Where cuts or fills greater than four feet are involved, the use of terraced wall concepts are encouraged. Each successively higher terrace wall should be set back six feet from the face of the lower wall to provide vertical relief.

C. Landscape Responsibilities

EASEMENT CONDITIONS

The Developer will be responsible for installing, and the Association will be responsible for maintaining the following:

- ditches,
- Kūlana Drive,
- other paved roads,
- common easement roads,
- reservoir/stream,
- common areas,
- three major entries, and
- pedestrian and horse trails.

COMMON AREAS

- Reservoir lot and adjacent common area CPR units
- Pedestrian and horse trails
- Ponds in the valley parallel to Olohena Road
- Vehicular entries and common roadways
- Agricultural irrigation system
- Central waterfall located on Lot 5

D. Unit Landscape Standards

Detailed landscape plans are to be prepared for each individual lot.

It is recommended that all planting and irrigation installation work be undertaken by a landscape contractor licensed to perform such work in the State of Hawaii.

Landscape plans shall be included with the plan check submittals and will be approved by the Developer and/or the DRC.

All landscaping improvements are required to be completed within 90 days of moving in.

IRRIGATION

It is suggested that in all landscaped areas a permanent automatic irrigation system be installed, to ensure proper plant growth.

The irrigation system shall be designed and operated to prevent or minimize runoff and discharge of irrigation water onto roadways, driveways, adjacent properties, and any area not under control of the user.

Landscaping requirements for erosion control areas will be identified for each lot.

County drinking water may not be used for agricultural irrigation.

CONCEPTUAL OPEN SPACE
LANDSCAPE PLAN (EXHIBIT 10)

(Reservoir drawing here by Marketing
Consultant)

Areas of separate landscaping maintenance shall be controlled by separate controllers and/or separate control valves.

Approved backflow prevention devices or anti-siphon type valves must be installed at point of connection (POC) on any irrigation system.

To minimize visual impacts, all automatic valves, backflow prevention devices, and controllers shall be installed in valve boxes and/or screened with appropriate plant material to minimize visibility.

MAINTENANCE

Other than the Developer and/or the Association maintained areas, all landscaped portions of each lot shall be maintained by the lot owner in accordance with the best industry standards for professional landscape maintenance. Such maintenance shall include:

- Continuous maintenance for all planted and hardscape areas within the site, keeping it in a neat and clean condition free of weeds, debris, and rubbish.
- Maintaining plant materials in a thriving condition of growth by participating in proper horticultural techniques of pruning, mowing, watering, rolling, edging, trimming, fertilizing, and pest control.
- Natural or "wild" landscaped areas are also encouraged.

If these requirements have not been met, the Association will give the owner written notice that this condition has not been met. If proper maintenance has not been undertaken within 30 days of this written

notice, the Association will arrange to have this work done and will have the appropriate costs billed to the owner.

E. Site Planning Considerations

GRADING STANDARDS

All site work must be executed only in accordance with approved plans and specifications of the County of Kauai, State Health Department, and the DRC.

If any single site grading activity will require more than 100 cubic yards of earthwork, lot owners must submit a grading plan along with their development plans for the individual lots. Grading plans must be prepared in conformance with Kauai County Codes by a civil engineer licensed in the State of Hawaii.

Grading plans submitted to the DRC for approval must include the following information:

- Existing and proposed contours, indicating one-foot intervals up to a slope of 2:1, at which point two-foot contours will suffice;
- Finished elevations of all building pads;
- Top and bottom elevations of any and all retaining walls;
- All drainage provisions, including top of grate and invert elevations for subsurface drainage; and
- Existing trees with spot elevations at base of trunk.

Grading of individual lots shall blend into existing grades along all property boundaries except where retaining walls are used.

All retaining walls in excess of three feet in height must be designed by a licensed

civil or structural engineer and approved by the County of Kauai Building Department.

LOT DRAINAGE

Grading must be designed so that the final subdivision approved drainage report flow of surface water is maintained and dispersed without causing erosion or damage to all affected lots and adjacent properties. Where substantial roofed structures are being designed, rain gutter systems should be installed to contain and disperse excessive runoff without adverse effect to adjoining properties.

Where existing drainage patterns or swales are disturbed by site preparation activities, the lot owner will be responsible for their effective restoration. Restoration may include, but may not be limited to, sand bags, hay bales, hydromulching, and/or geotextile fabrics.

All grading operations must take place within the confines of the individual lot, except where written permission and approval from the adjacent lot owner and the Association has been obtained.

SWIMMING POOLS, SPAS, AND WATER FEATURES

Other water features may occur on a lot within the same setback dimensions as fences and shrubs.

All pumps and filter systems shall be screened from view, sound buffered, and located as far as possible from adjacent lots. All pools should be appropriately landscaped to minimize their visual impact upon adjacent lots.

Swimming pools, spas, and water features shall conform to all applicable County and State requirements.

EXTERIOR LIGHTING

All lighting fixtures must be oriented toward the interior of each lot. No lighting fixtures should be directed toward the streets, neighboring properties, bluff, or common areas. All light sources should be shielded by a hood or baffle so that "hot spots" or glare will be minimized to all adjacent areas.

The quality of light produced should be either white or a warm incandescence. Colored lenses or colored bulbs will not be permitted. Low wattage white Christmas lights shall be permitted in December. Such lights may twinkle but not flash.

If low voltage lights are used, all transformers must be screened from common view.

The use of indirect upward projecting landscape lighting shall not be permitted. All lighting will have a downward projection or internal lighting or illumination systems.

IV. SUBMITTAL AND APPROVAL PROCESS

A. Submittal Process

SUBMITTAL PROCEDURE

Submittal of plans and specifications for the construction or installation of any and all improvements on any lots within Kūlana shall be made to the Kūlana Homeowners Association (Association), Design Review Committee (DRC) at the following address:

**Kūlana Homeowners Association
Attn: Design Review Committee
P. O. Box _____
Kapaa, Kauai, Hawaii 96746**

The Board of Directors of the Association has the power to change the address for the submittal of plans and specifications.

Under sole and absolute discretion, all improvement plans are required to be submitted to the DRC for approval prior to the Kauai County Building permit submittal.

COUNTY AND OTHER APPROVAL

Approval of any project by the DRC does not waive the requirements of the County of Kauai permits, nor does obtaining all required County of Kauai permits waive the need for the DRC approval. It is the

responsibility of the lot owner to adhere to all County of Kauai building and zoning codes and the DRC will not knowingly approve a project that violates the County of Kauai building or zoning codes or those of any other governmental agency or entity. The DRC takes no responsibility for plan conformance to any governmental criteria.

SUBMISSIONS REQUIRED

The submissions must include the following items on a *Submittal Application* (in duplicate) provided to the owner by the DRC.

- Lot Owner's Name**
- Lot Owner's Representative (if applicable)**
- Mailing Address**
- Business and Residence Phone Numbers (including area codes)**
- Lot and Unit and Tax Map Key Numbers (site of proposed construction)**
- Address of Site**
- Name, Address, and Phone Number of Architect**
- List or Number of Drawings Enclosed**

Two submissions (each in duplicate) are required in the design review and approval process for improvements to Kūlana custom lots. In addition, conceptual approval (discussed in item C of this section) is encouraged. The first required submission must show preliminary design; the final submission must consist of working drawings. On completion of the review and approval process, one set of each submission is to be retained by the DRC and one set returned to the owner.

All architectural drawings are to be prepared, stamped, and signed by an architect licensed in the State of Hawaii, except for patio and landscape drawings.

**NO REPRESENTATION BY THE
DESIGN REVIEW COMMITTEE (DRC):
NON-LIABILITY**

No review or approval by the DRC of any item submitted to the DRC pursuant to the CC&Rs shall in any manner constitute the DRC's (or any DRC member's), Declarant's, the Association's, or its Board of Directors (Board) representation, warranty, or agreement that such item (1) has been prepared free of defects or is of good workmanship or design, or will result in improvements that are readily marketable or free of design or construction defects; (2) complies with any or all applicable laws (including uniform building code requirements); or (3) will result in liability by any Committee (or any member thereof) Declarant, the Association, the Board (or any member thereof) to any owner or any other person for any damage, loss or prejudice suffered or claimed on account of (a) the DRC's (or any DRC member's) mistake in judgment or negligence; (b) the approval

or rejecting of, or the failure to approve or reject, any plans, drawings, specifications, or other request or item, whether or not defective; (c) the construction of any improvements or performance of any work, whether or not such construction or performance complies with this Declaration, the Design Guidelines, or the terms of any approval of the DRC; (d) the manner, maintained or operated; (e) the erroneous execution of an estoppel certificate; (f) the failure of any plan, drawing, specification, or any other item approved by the DRC to comply with any or all applicable laws (including building code requirements); or (g) any other matter, decision, act, or omission; provided that such member(s) shall not have acted intentionally in bad faith.

B. Fees

The applicant shall pay the following reasonable applicant fees at the time of submittal to the DRC, the amount to be determined by the DRC and modified from time to time:

1. A submission fee to cover the cost of the DRC to review plans and specifications for the proposed improvements.
 - a) An optional fee for the optional conceptual review of architectural and landscape architectural drawings.
 - b) A fee for both the preliminary and working drawing reviews of architectural and landscape architectural drawings.

2. An inspection fee to cover the DRC field inspection over the construction period.
 - a) This fee will include inspections of foundations, floor plans, roofs, substantial completion, landscaping, and proper cleanup.
3. Additional Fees
 - a) For other proposed improvements (i.e., additions or design revisions), there will be a submission and inspection fee. This fee shall be paid at the time of submission of plans and specifications.

Note: Fees stated in this document do not include fees required by the County of Kauai or any other governmental agency. The fees below are subject to modification by a majority vote by the Board of Directors.

C. Plan Submittals and Review Process

CONCEPTUAL SUBMITTAL (Optional)

The DRC strongly recommends that once the lot owner has completed his or her review of these Design Guidelines and selected an architect, the lot owner informally meets with the DRC to submit preliminary or conceptual plans for improvements to the lot. These drawings should be schematic design drawings drawn to 1/8" = 1'0" minimum scale. Dimensions of the home and other improvements and building envelope should be shown. All submittals shall include two sets of drawings. The DRC will review and comment upon the drawings within two weeks of their receipt.

Suggested Schematic Drawings

- Floor Plan
- Roof Plan
- Elevations
- Sections
- Exterior Colors
- Construction Materials

PRELIMINARY SUBMITTAL

Two sets of drawings are required for the preliminary submittal and they must be prepared to scale. The preliminary submittal must include all of the following at one time to be considered for review.

Plot Plan: (Minimum Scale: 1" = 50'0")

1. Show lot lines accurately, including length, angles, and amount of curve.
2. Show all buildings, structures, fences, setbacks, sidewalks, slopes, and street rights-of-way adjacent to the lot.
3. Show all dimensions on work to be considered, distances between existing and proposed work, and distances between proposed work and property lines.
4. Show required building envelope.
5. Summarize the square footage of the first floor, second floor, garage, basement, and attic. Include FAR calculations.
6. Identify setbacks.

Preliminary Grading Plan: (Minimum Scale: 1" = 50'0")

1. Show existing contours and proposed changes to finished grade.
2. Show slope stabilization (if applicable).
3. Show finish floor elevations.

Landscape Plan: (Minimum Scale: 1" = 50'0")

1. Show all fences, walls, trellises, arbors, gazebos, water features (including swimming pools and spas), and mechanical equipment locations.
2. Show all trees, drainage control and disposal, slope stabilization, and grading.
3. Show all hardscape and identify all exterior landscape lighting locations.
4. Identify all plant types (must be consistent with the landscape standards set forth in these Design Guidelines).

Floor Plans and Roof Plans: (Minimum Scale: 1/8" = 1'0")

1. Indicate all walls, columns, openings, and any conditions or features that will affect the exterior design of the building.
2. Show accurate dimensions for all items and parts of plans and details, including balconies, decks, atriums, carports, garages, storage buildings, square footage of total living area or residence, pools, recreation areas, and lanai areas.

3. Show plans of all proposed roofs with slope pitches and ridge heights above pad elevation.
4. Indicate any unusual conditions or construction detail.
5. Include notes on all items of the exterior that cannot be clearly noted on the elevations.
6. Show all proposed exterior finish materials.

Elevations: (Minimum Scale: 1/8" = 1'0")

1. Provide exterior elevations of all proposed buildings to scale. All horizontal elevation points must be shown on the elevations (i.e., roof pitches, ridgelines, balconies, and terraces).
2. Show all proposed exterior finish materials.
3. Show the maximum permitted building envelope in relation to the proposed home for all elevations.

Exterior Colors and Finishes

A color and material sample board consistent with the color and material palette of these Design Guidelines, or an elevation sheet with color chips attached with a clear indication to which surface the colors relate, and a sample of finish roofing material must be provided. Also, the manufacturers of these colors must be indicated.

Fence and Wall Plans

Drawings must include specifications of materials, color, and height. Heights shall also be shown in relation to adjacent

ground elevations. The plot plan shall clearly indicate the location of proposed construction including location and height of existing fences, walls, and structures.

Perspective, Isometric, Rendering, or Scale Models

These additional drawings are not a standard requirement; however, they may help the DRC to understand the proposal.

REVIEW OF PRELIMINARY SUBMITTAL

When the DRC has determined that all requirements for Preliminary Submittal have been met, the DRC will, within fifteen (15) calendar days, meet and approve, suggest modifications, or reject the proposed improvement application. Failure of the DRC to act within this fifteen (15) day period will constitute an approval of the Preliminary Submittal.

Should the DRC disapprove or reject any submittal, the owner has the right to appeal the decision subject to procedures for appeals established by the Board of Directors of the Association.

Upon the DRC's approval of the Preliminary Submittal, the owner may proceed to submit his or her plans and specifications to the County of Kauai Building and Planning Departments for review prior to the preparation of final working drawings.

FINAL SUBMITTAL

Upon approval of the Preliminary Submittal by the DRC, the lot owner may proceed to the Final Submittal. For the Final Submittal, the lot owner shall submit to the DRC four (4) copies of the final working drawings. The final working drawings must be prepared to scale and include all of the following at one time to be considered for review.

Working Drawings: (Minimum Scale: 1/8" = 1'0")

1. Provide working drawings of all approved Preliminary Submittal drawings including any revisions by the DRC after Preliminary Submittal review.
2. Provide written specifications for all proposed work.

Grading Plan

1. Show contours, flow lines, finished grades, and finish floor elevations.
2. Provide a grading plan prepared by a licensed civil engineer or landscape architect that shows all changes to the finish grade.

Landscape Plan

1. Indicate drainage of surface and subsurface, including direction flow, type, and size of facility. These plans must also show the location of the on-site drywells or drainfields and leachfields.
2. Indicate soil preparation, irrigation plan, and precise grading if changed from preliminary submittal.
3. Indicate type, size, and location of all plant materials.
4. Indicate location of all fences, walls, trellises, arbors, and gazebos. Details should include building methods and colors and materials used.
5. Indicate location of all hardscape and the methods used for paving.
6. Indicate all exterior landscape lighting locations and types of fixtures and equipment used.

Termite Treatment

Soil under all concrete slabs on ground and under all building floors, whether on ground or over air space, and under all footings and masonry foundation walls shall be treated against subterranean termites by a reliable, established, and licensed termite control agency, or shall be isolated from the building foundation by the construction of a termite barrier system approved by the DRC.

Pool Plans

Include plans for drainage, pool equipment, and construction in conformance with the Design Guidelines and all County and State Requirements.

REVIEW OF FINAL SUBMITTAL

Upon determination by the DRC that all requirements for the Final Submittal have been met, the DRC will review this submittal in accordance with the procedures and time periods used for the review of the Preliminary Submittal

This review will include, but is not limited to, a determination of whether or not a submittal is consistent with the Preliminary Submittal. If it is not, the reasons for any discrepancies must be noted and are subject to approval or disapproval.

All plans submitted to the County of Kauai for approval and issuance of permits must first be stamped with the approval of the DRC.

Any proposed changes or deviations from the approved plans that occur during construction must be submitted to the DRC for approval prior to the execution of such changes.

D. Standards of Review

In reviewing plans, specifications, and other materials submitted to it, the DRC shall consider: (a) the suitability of the proposed building, landscaping, grading, or other improvement or use for the area in which it will be located; (b) their compliance with these Design Guidelines; (c) the quality of the materials to be used in construction; and (d) the effect of the proposed building, landscaping, grading, or other improvement or use in Kūlana, including without limitation the effect thereof on view planes of other lot owners. The DRC shall require that the overall visual character of Kūlana be one of natural materials, natural textures, natural colors, and forms compatible with those occurring in the surrounding landscape and that the roofs and other exterior portions of all buildings and other improvements in Kūlana conform to aesthetic standards contained in and/or be constructed with materials specified in these Design Guidelines.

Due to the creation of new building materials and/or building methods, the DRC may grant variances from time to time from the requirements of these Design Guidelines, provided that the variance does not violate any of the standards set forth herein, or in the CC&Rs, and also provided that the proposed building, landscaping, grading, or other improvement would be suitable for the site in which it is to be located.

The approval or rejection of any plans or specifications or other materials by the DRC in any one case shall not be deemed a waiver by the DRC of its right to approve, reject, object to, or consent to any of the features or elements embodied therein when the same features or elements are embodied in plans submitted in any other cases.