

ORIGINAL

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STATE OF HAWAII
BUREAU OF CONVEYANCES
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23924 329

REGISTRAR

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL (X) PICK-UP ()

DEPARTMENT OF WATER SUPPLY
COUNTY OF MAUI
P. O. BOX 1109
WAILUKU, HI 96793

23924 330

RECORDATION REQUESTED BY:

County of Maui

AFTER RECORDATION, RETURN TO:

Department of Water Supply
County of Maui
P. O. BOX 1109
Wailuku, Hawaii 96793

RETURN BY MAIL

DEFERRAL OF SUBDIVISION REQUIREMENTS

THIS AGREEMENT, made and entered into this 17th day of October, 1989, by and amongst MAUI LAND & PINEAPPLE COMPANY, INC., whose mailing address is Post Office Box 187, Kahului, Hawaii 96732, referred to as "ML&P", GEORGE NUINUI KAAE, Trustee representing the heirs of KAAE, whose address is 1954 18-B New Jersey Avenue, Honolulu, Hawaii 96816, KAYE KEALOHA, Trustee representing the heirs of KAUAHOA, whose address is 66-079 Kam Highway, Haleiwa, Hawaii 96712, ADAM MAIOHAO KAUKAU, Trustee representing the heirs of KAUKAU, whose address is 378 Sposita Circle, San Jose, California 95136, BLANCHE WAHINEHOOKAI, Trustee representing the heirs of KUHELELOA, whose address is 99-181-H Kohomua Street, Aiea, Hawaii 96701, MIRIAM LEINAALA DUNAWAY, Trustee representing the heirs of LIMA, whose address is 3325 Kalua Road, Honolulu, Hawaii 96816, HERBERT DUNN, Trustee representing the heirs of NAHAOLELUA, whose address is 149-A Kainalu Drive, Kailua, Hawaii 96734, DOUGLAS BROWN TOLENTINO, Trustee

representing the heirs of NAIAPAOKAI, whose address is 3418 Taylor Street, Honolulu, Hawaii 96818, EDNA BUSH ELLIS, Trustee representing the heirs of NAKAI (MAHIOLÉ), whose address is 1634 Nuuanu Avenue #118, Honolulu, Hawaii 96817, CECILIA L. M. NAPIHAA, Trustee representing the heirs of NIKA, whose address is 41-697 Inoaole Street, Waimanalo, Hawaii 96795, WILLIAM AHIA, Trustee representing the heirs of POHAKU (AHIA), whose address is P. O. Box 266, Naalehu, Hawaii 96772, JOYCE KANG, Trustee representing the heirs of TILTON, whose address is 99-741 Aiea Hts. Dr., Aiea, Hawaii 96701, and the NATIVE HAWAIIAN LEGAL CORPORATION, Trustee representing the member of the class of claimants defined and established in Civil No. 3673(1) Second Circuit Court entitled State of Hawaii vs. Pioneer Mill Co., etal, whose address is 1164 Bishop Street, Suite 900, Honolulu, Hawaii 96813, collectively referred to as the "Trustees", under that certain LAND TRUST AGREEMENT, dated DECEMBER 4, 1987, and the COUNTY OF MAUI and its DEPARTMENT OF WATER SUPPLY, referred to as the "County",

W I T N E S S E T H:

WHEREAS, ML&P has submitted an application for the subdivision of a parcel of real property situate at Alaeloa, Mailepai, Kahana, Mahinahina 1, 2, 3 & 4, Lahaina, Maui, Hawaii, identified as Tax Map Key 4-3-01:31 into Lots 2-A and 2-B, which subdivision is known as M.L.&P. - N.H.L.C.

SUBDIVISION, referred to as the "Subdivision"; and

WHEREAS, the Department of Water Supply, County of Maui, referred to as the "Department", does not have a public water system in the vicinity of the Property; and

WHEREAS, the Department requires that water service and fire protection be provided to the Subdivision according to standards, and payments of \$3,400.00 and \$100.00 for source and storage assessments, respectively, be made; and

WHEREAS, ML&P requests compliance of the Department's requirements be deferred until such time that the lots are developed, and the Department is willing to defer compliance of the requirements conditioned upon the terms and conditions contained hereinbelow; now, therefore,

IN CONSIDERATION of the mutual obligations and covenants of the parties as hereinafter set forth, it is hereby understood and agreed by ML&P, the Trustees, and the County that:

1. ML&P and the Trustees acknowledge that the Department's requirements of the Subdivision are:

- (a) Provide water service and fire protection according to standards;
- (b) Pay a source assessment of \$3,400.00; and
- (c) Pay a storage assessment of \$100.00.

2. ML&P and the Trustees understand and agree that upon any request for water service or any building permit for the construction of any structure on any of the lots, or the further subdivision of any of the lots within the Subdivi-

sion, ML&P and/or the Trustees shall comply with the Department's requirements under all of the Department's rules for both lots in effect at the time of such a request.

3. The Department will recommend final approval of the Subdivision upon the full execution of this agreement.

4. ML&P and the Trustees, their heirs, assigns, and successors in interest agree that they will defend, indemnify, and hold harmless the County, its employees and assigns, from and against any and all claims and demands for loss and damage, including but not limited to property damage and personal injury, including claims for wrongful death, that may arise out of or in connection with the Department's processing of the Subdivision under this agreement, and will reimburse the County, its employees and assigns, for any judgments, costs, and expenses, including attorney's fees, incurred in connection with the defense of any such claim or incurred by the County in enforcing this agreement.

5. This agreement shall run with the Property, be binding, and constitute notice to all subsequent grantees, assignees, mortgagees, lienors, and other persons who may claim any interest in the Property or any portion thereof.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the date first above written.

23924 334

ML&P

Dennis K. Iwasaka

DENNIS K. IWASAKA
(Please type or print name above)

Its Sec'y & Treas.

Richard H. Cameron

RICHARD H. CAMERON
(Please type or print name above)

Its Asst. Secretary

Trustees:

For the heirs of KAAE

George Nuinui Kaae
George Nuinui Kaae

For the heirs of KAUAHOA

Kaye Kealoha
Kaye Kealoha

For the heirs of KUHELELOA

Blanche Wahinehookai
Blanche Wahinehookai

For the heirs of LIMA

Miriam Leinaala Dunaway
Miriam Leinaala Dunaway

For the heirs of NAHAOLELUA

Herbert Dunn
Herbert Dunn

For the heirs of NAIAPAAKAI

Douglas Brown Tolentino
Douglas Brown Tolentino

For the heirs of NAKAI (MAHIOLE)

Edna Bush Ellis
Edna Bush Ellis

For the heirs of NIKA

Cecilia L. M. Napihaa
Cecilia L. M. Napihaa

For the heirs of POHAKU (AHIA)

William Ahia
William Ahia

For the heirs of TILTON

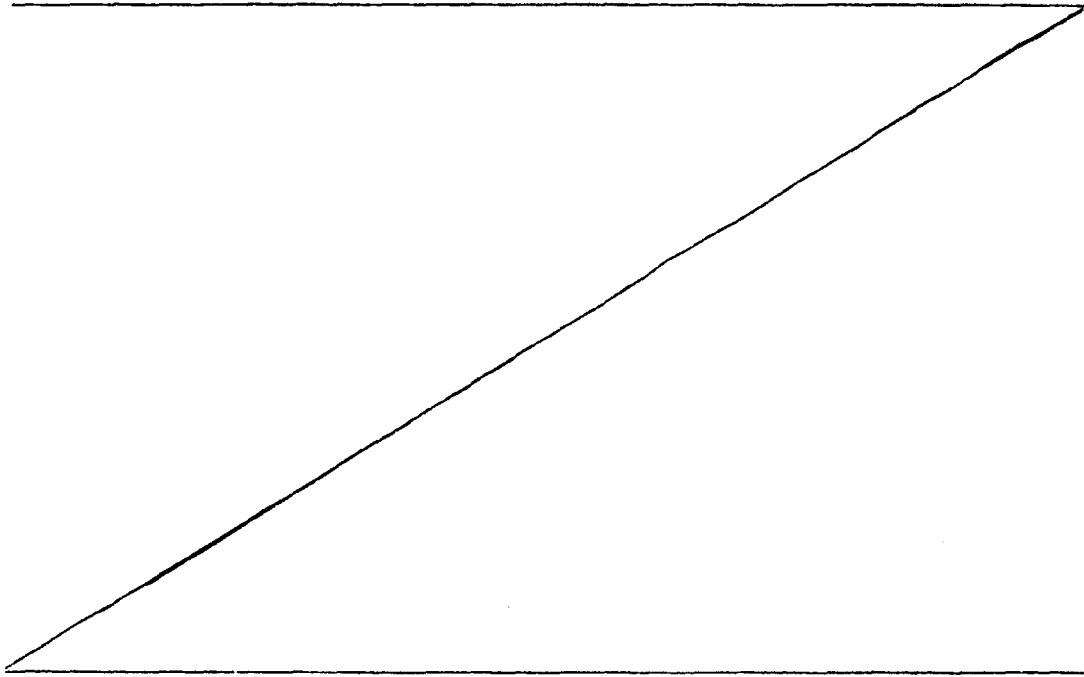
Joyce Kang
Joyce Kang

23924 336

For the heirs of KAUKAU

Adam Kaukau
ADAM KAUKAU

Adam Kaukau



23924 337

For the member of the class of claimants defined and established in Civil No. 3673(1) Second Circuit Court entitled State of Hawaii vs. Pioneer Mill Co., etal.

NATIVE HAWAIIAN LEGAL CORPORATION

Mahealani Ing
Mahealani Ing
(Please type or print name above)
Its Executive Director

(Please type or print name above)
Its _____

County:

Hannibal Tavares
Its Mayor

Vince G. Bagoye, Jr.
Vince G. Bagoye, Jr.
Its Director
Department of Water Supply

APPROVED AS TO FORM
AND LEGALITY:

Howard Fukushima
Howard Fukushima
Deputy Corporation Counsel
County of Maui

STATE OF HAWAII)
) SS:
COUNTY OF MAUI)

On this 29th day of AUGUST, 1989, before me appeared Dennis K. Iwasaka Richard H. Cameron, to me personally known, who, being by me duly sworn, did say that they are the Secretary-Treasurer and Asst. Secretary respectively, of MAUI LAND & PINEAPPLE COMPANY, INC., a Hawaii Corporation, that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and the said officers acknowledged said instrument to be the free act and deed as such corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Stephanie J. Hall
Notary Public, State of Hawaii
My Commission Expires: 9-29-89

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

On this 20th day of July, 1989, before me appeared GEORGE NUIINUI KAAE, to me personally known, who, being by me duly sworn, did say that he is the Trustee representing the heirs of KAAE under that certain Land Trust Agreement, dated December 4, 1987, and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Paul Lucie Loh
Notary Public, State of Hawaii
My Commission Expires: 2/2/90

23924 339

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

On this 10th day of July, 1989, before me appeared KAYE KEALOHA, to me personally known, who being by me duly sworn, did say that she is the Trustee representing the heirs of KAUAHOA, under that certain Land Trust Agreement, dated December 4, 1987, and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

L.S


Notary Public, State of Hawaii
My Commission Expires: 3-13-91

23924 340

STATE OF CALIFORNIA

)
) SS:
)

On this 24 day of JULY, 1989, before me appeared ADAM MAIOHAO KAUKAU, to me personally known, who being by me duly sworn, did say that he is the Trustee representing the heirs of KAUKAU, under that certain Land Trust Agreement, dated December 4, 1987, and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

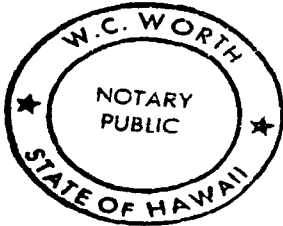


Katherine H. King
Notary Public, State of California
My Commission Expires: 6-9-93

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

On this 21st day of JULY, 1989, before me appeared BLANCHE WAHINEHOOKAI, to me personally known, who, being by me duly sworn, did say that she is the Trustee representing the heirs of KUHELELOA under that certain Land Trust Agreement, dated December 4, 1987, and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



W. C. Worth
Notary Public, State of Hawaii
My Commission Expires: 4-4-92

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

On this 20th day of JULY, 1989, before me appeared MIRIAM LEINAALA DUNAWAY, to me personally known, who, being by me duly sworn, did say that she is the Trustee representing the heirs of LIMA under that certain Land Trust Agreement, dated December 4, 1987, and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



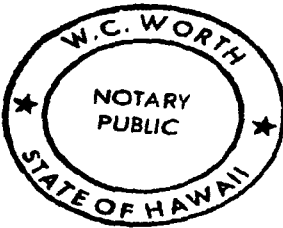
W. C. Worth
Notary Public, State of Hawaii
My Commission Expires: 4-4-92

23924 342

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

On this 20th day of JULY, 1989, before me appeared HERBERT DUNN, to me personally known, who, being by me duly sworn, did say that he is the Trustee representing the heirs of NAHAOLELUA under that certain Land Trust Agreement, dated December 4, 1987, and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



St. P. Smith
Notary Public, State of Hawaii
My Commission Expires: 4-4-92

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

On this 2nd day of August, 1989, before me appeared DOUGLAS BROWN TOLENTINO, to me personally known, who, being by me duly sworn, did say that he is the Trustee representing the heirs of NAIAPAAKAI under that certain Land Trust Agreement, dated December 4, 1987, and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

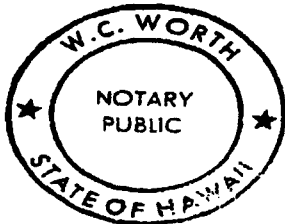
Carol Anne Tall
Notary Public, State of Hawaii
My Commission Expires: 2/24/90

23924 343

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

On this 20th day of JUNY, 1989, before me appeared EDNA BUSH ELLIS, to me personally known, who, being by me duly sworn, did say that she is the Trustee representing the heirs of NAKAI (MAHIOLE) under that certain Land Trust Agreement, dated December 4, 1987, and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

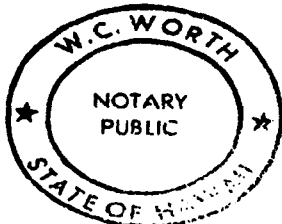


W.C. Worth
Notary Public, State of Hawaii
My Commission Expires: 4-4-92

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

On this 20th day of JULY, 1989, before me appeared CECILIA L. M. NAPIHAA, to me personally known, who, being by me duly sworn, did say that she is the Trustee representing the heirs of NIKA under that certain Land Trust Agreement, dated December 4, 1987, and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



W.C. Worth
Notary Public, State of Hawaii
My Commission Expires: 4-4-92

23924 344

STATE OF HAWAII)
COUNTY OF MAUI) SS.

On this 5th day of July, 1989, before me appeared WILLIAM AHIA, to me personally known, who being by me duly sworn, did say that he is the Trustee representing the heirs of POHAKU (AHIA) under that certain Land Trust Agreement, dated Dec. 4, 1981, and who executed the foregoing instrument and acknowledged that HE executed the same as HIS free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.


Notary Public, State of Hawaii

My commission expires: 6-14-90

23924 345

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

On this 24 day of August, 1988, before me personally appeared MAHELOANI I NG and who executed the foregoing instrument, to me known to be the persons NATIVE HAWAIIAN LEGAL CORPORATION, Trustee representing the member of the class of claimants defined and established in Civil No. 3673(1) Second Circuit Court entitled State of Hawaii vs. Pioneer Mill Co., etal. and acknowledged that they executed the same as the free act and deed of said corporation as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Chae Luni Lall
Notary Public, State of Hawaii

My commission expires: 2/21/90

23924 346

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this _____ day of _____, 19____, before me appeared HANNIBAL TAVARES, to me personally known, who, being by me duly sworn did say that he is the Mayor of the COUNTY OF MAUI, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said COUNTY OF MAUI, and that the said instrument was signed and sealed on behalf of said COUNTY OF MAUI by authority of its Council, and the said HANNIBAL TAVARES acknowledged the said instrument to be the free act and deed of said COUNTY OF MAUI.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public, State of Hawaii
My commission expires: _____

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 17th day of October, 1989, before me appeared VINCE G. BAGOYO, JR., to me personally known, who, being by me duly sworn, did say that he is the Director of the DEPARTMENT OF WATER SUPPLY of the COUNTY OF MAUI, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said COUNTY OF MAUI, and that the said instrument was signed and sealed on behalf of said COUNTY OF MAUI pursuant to rules and regulations of the DEPARTMENT OF WATER SUPPLY, and the said VINCE G. BAGOYO, JR., acknowledged the said instrument to be the free act and deed of the said COUNTY OF MAUI.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Naomi K. Williams

Notary Public, State of Hawaii
My commission expires: 7/2/93

LS

23924 347

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

On this 20th day of July, 1989, before me appeared JOYCE KANG, to me personally known, who, being by me duly sworn, did say that she is the Trustee representing the heirs of TILTON under that certain Land Trust Agreement, dated December 4, 1987, and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

W.C. Worth

Notary Public, State of Hawaii

My Commission Expires: 4-4-92

