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By: [Signature]
FIRST HAWAII TITLE CORPORATION

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (X) Pickup () To:

MAKILA LAND CO., LLC
33 LONO AVENUE, SUITE 450
KAHULUI, HI 96732

FHTC
Escrow No. 20 306602 DW
Title No. 196175

Tax Keys: (2) 4-7-01:02 and (2) 4-7-05:01

Total No. of Pages: 21

FOURTH AMENDMENT TO
AMENDED AND RESTATED MAKILA PLANTATION
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
(Annexation of Makila Ridge)

Declarant: MAKILA LAND CO., LLC
33 Lono Avenue, Suite 450
Kahului, Hawaii 96732

Owner: MAKILA RIDGE PROPERTIES INC.
33 Lono Avenue, Suite 450
Kahului, Hawaii 96732

FOURTH AMENDMENT TO AMENDED AND RESTATED MAKILA PLANTATION
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This Fourth Amendment is dated as of this 15th day of July, 2009, and is executed by MAKILA LAND CO., LLC, a Hawaii limited liability company, whose principal place of business is 33 Lono Avenue, Suite 450, Kahului, Maui, Hawaii 96732 (the "Declarant"), and MAKILA RIDGE PROPERTIES INC., a Hawaii corporation, whose principal place of business is 33 Lono Avenue, Suite 450, Kahului, Maui, Hawaii 96732 (the "Owner").

RECITALS:

Reference is made to the Amended and Restated Makila Plantation Declaration of Covenants, Conditions and Restrictions dated September 15, 2003, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-227086, as amended by First, Second and Third Amendments, recorded in the said Bureau as Document Nos. 2003-246052, 2003-272575 and 2009-031680, respectively (collectively, the "Declaration").

Owner is the owner of the land comprising Makila Ridge, described in Exhibit "A-3" attached hereto and made a part hereof ("Makila Ridge").

The purpose of this Amendment is to identify and annex additional lots within and subject to the Declaration pursuant to Section 10.01 of the Declaration and to amend the Declaration in certain respects in its application to Makila Ridge.

AMENDMENT: Makila Ridge is hereby annexed to Makila Plantation Subdivision for all purposes and subject to the following terms and conditions:

1. Section 1, RECITALS, is hereby amended by adding a new subparagraph (d) to the descriptions of the lands to which the Declaration applies to read as follows:

"(d) The land described in Exhibit "A-3" hereto and made a part hereof. This land has been subdivided into eleven (11) agricultural lots and one (1) road lot, all to be known as "Makila Ridge".

2. Exhibit "A-3" attached to this Fourth Amendment is hereby added to the Declaration as Exhibit "A-3" thereto.

3. Section 2.06 is amended by adding thereto Lots numbered 1 through 11, consecutively, of Makila Ridge, all to be developed within the land described on Exhibit "A-3" attached to this Fourth Amendment.

4. Section 2.07 hereby adds Makila Ridge to the definition of "neighborhood" and "Makila Plantation".

5. Section 2.09 is amended by adding to the list of plans included within the term "Plan" the Makila Ridge Subdivision Plan, entitled "Makila Ridge", by Warren S. Unemori-Engineering Inc. and approved by the County of Maui Director of Public Works on March 24, 2009. Said plan shall be referred to as the "Makila Ridge Plan".

6. All of the provisions of the Declaration shall apply to all lots in Makila Ridge, except (i) those "Exceptions" listed in Exhibit "B" attached hereto and made a part hereof; and (ii) the "Additional Covenants, Conditions and Restrictions" set forth in Exhibit "C" attached hereto and made a part hereof, all of which are hereby added to Section 2.04 of the Declaration and shall apply to all Makila Ridge lots only.

7. All of those areas and facilities listed in Exhibit "D" attached hereto and made a part hereof are hereby added to the list of common areas in Section 2.04 of the Declaration.

8. Owner hereby consents to and joins in the execution of this Fourth Amendment.

In all other respects the Declaration shall remain in full force and effect and unmodified.

Executed the day and year first above written.

MAKILA LAND CO., LLC

By WEST MAUI LAND COMPANY, INC.
Its Manager

By 
PETER K. MARTIN
Its Vice President

"Declarant"

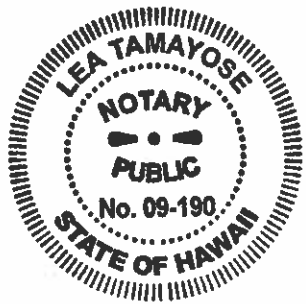
MAKILA RIDGE PROPERTIES INC.

By 
PETER K. MARTIN
Its President

"Owner"

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 17 day of July, 2009, before me personally appeared PETER K. MARTIN, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.



Lea Tamayose
Print Name: Lea Tamayose
Notary Public, State of Hawaii.
My commission expires: 17 May 13

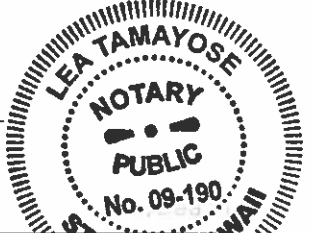
Date of Doc: <u>15 July 09</u>	# Pages: _____
Name: <u>Lea Tamayose</u>	Second Circuit
Doc. Description: <u>4th Amendment to amended & restated Makila Plantation-Declaration of Covenants, Conditions & Restrictions</u>	
<u>Lea Tamayose</u> Notary Signature	
NOTARY CERTIFICATION	

EXHIBIT "A-3"

FIRST:

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Land Commission Award Number 11293, Apana 2 to Isaaka Kaiama; Royal Patent Number 4490, Land Commission Award Number 10474, Apana 2 to N. Namauu; Royal Patent Number 1707, Land Commission Award Number 6875, Apana 2 to Kaulahea; Mahele Award 31, Apana 2 to Kaulunae; Royal Patent Number 6727, Land Commission Award Number 8520, Apana 2 to J. Kaeo (Certificate of Boundaries Number 22); all of Royal Patent Number 4445, Land Commission Award Number 10221, Apana 2 to Makaulia; Royal Patent Number 1198, Land Commission Award Number 6900 to Keaweolu; Royal Patent Number 4445, Land Commission Award Number 10221, Apana 3 to Makaulia situate, lying and being on the easterly side of Honoapiilani Highway (F.A.P. No. F-030-1(1)) at Launiupoko, Polanui, Lahaina, Island and County of Maui, State of Hawaii, being LOT 1 of the "LAUNIUPOKO (LARGE-LOT) SUBDIVISION NO. 2", as show on Survey Map dated December 30, 2002, prepared by Reid M. Ariyoshi, a Licensed Professional Land Surveyor, with Warren S. Unemori Engineering, Inc. and being a portion of Tax Keys (2) 4-7-001-002, (2) 4-7-004-004 and (2) 4-7-005-001; and containing a net area of 507.78 acres, more or less.

SECOND:

Exclusions numbered 3 through 9, inclusive, as shown on the above-described plan and described as Land Commission Award Numbers 6528, Apanas 1, 2 and 3 to Hakuole; 10667, Apana 4 to Pikanele; 10465, Apana 5 to Nalehu; 6795, Apana 2 to Ukokua; and 364, Apana 3 to Jack White.

END OF EXHIBIT "A-3"

Tax Keys: (2) 4-7-001-002 and (2) 4-7-005-001

EXHIBIT "B"

MAKILA RIDGE

EXCEPTIONS

The following provisions shall apply to Makila Ridge:

1. The following sections of the Declaration shall not apply to Makila Ridge:

Sections 2.03, 3.02, 3.04, 3.05, 3.07, 3.10, 3.13, 3.14, 3.15, 3.16, 3.23 and all sections in Article 4.

2. Section 3.03 of the Declaration shall apply only to non-agricultural vehicles in Makila Ridge, and not otherwise.

3. All amendments to the Declaration as set forth in the said Second Amendment to Amended and Restated Makila Plantation Declaration of Covenants, Conditions and Restrictions recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2003-272575 shall also apply to Makila Ridge, namely:

(i) Section 7.01 is amended by deleting all reference to rules and regulations relating to road use. The phrase "...all subject to such reasonable rules and regulations as Declarant or the Association (through its Board of Directors) may establish from time to time" is deleted from the first sentence of Section 7.01.

(ii) The last sentence of Section 8.01 is hereby deleted, which reads "Each owner of a Property by taking title to said Property, thereby waives all such rights and claims."

(iii) Section 11.01 is amended by deleting the phrase "...or any ruling of the Architectural Design Committee," from the first sentence of that section.

(iv) Section 11.02 is amended by deleting the parenthetical clause at the end of the first paragraph, which reads "(except as otherwise provided in Section 4.04 relating to the finality of certain decisions by the Architectural Design Committee)."

(v) A new Section 11.09 is added to read as follows:

"11.09 Act 5 As an Overriding Rule. On July 8, 2003, Act 5 was enacted by the Legislature of the State of Hawaii, which invalidates all restrictions on "agricultural uses and activities as defined in Sections 205-2(d) and 205-4.5(a) [of Hawaii Revised Statutes] on lands classified as agricultural." All restrictions, rules and regulations contained in this Declaration shall be subject to Act 5 as an overriding rule and shall control in the event of any conflict between this Declaration and Act 5. If it shall be determined that any restriction contained herein shall violate Act 5 said restriction shall be deemed void, anything in this Declaration to the contrary notwithstanding. The determination as to whether a violation exists shall be binding upon all owners and occupants of all Properties when made by any administrative agency having jurisdiction, the attorney for the Association, the Board of Directors under Section 11.02, any arbitrator, or any regulatory body or court of law having jurisdiction."

4. Section 3.18 restricting or limiting condominium conversion or further subdivision shall not apply to any of the Lots in Makila Ridge. Upon condominium conversion of a Lot, said Lot as a whole shall continue to be the "Property" or "Lot" for purposes of (a) voting in affairs of the Association (the Lot containing all condominium units being the single "member" for voting purposes and the percentage of vote applicable to each unit being a fraction, the numerator of which is one and the denominator of which is the number of condominium units on said Lot), and (b) paying the common expense assessment applicable to said Lot (with each condominium unit bearing its portion of the assessment based on a fraction, the numerator of which is one and the denominator of which is the number of condominium units on said Lot).

5. Notwithstanding anything to the contrary in Sections 5.01 or 5.03 of the Declaration or in the Bylaws of the Makila Plantation Homeowners Association, Inc., each Property in Makila Ridge shall become a member of Makila Plantation Homeowners

Association, Inc. for all purposes (including voting and the obligation to pay common expense assessments) only when legal title to said Property shall have been transferred by Owner (Makila Ridge Properties Inc.) to a third party upon the initial sale of the Property, and not before.

END OF EXHIBIT "B"

EXHIBIT "C"

The following additional covenants, conditions and restrictions shall apply to Makila Ridge:

1. Setbacks. Each of the lots within Makila Ridge shall be subject to building setbacks as follows, in which no buildings shall be permitted:

(a) Setbacks as required by the County of Maui codes, except the following shall be permitted if allowed by Maui County regulations: fences, landscaping, improved driveway or walkway, and underground utilities.

(b) A two hundred-foot (200') setback from the boundary line of the Conservation District (Forest Reserve) established by the State of Hawaii and shown on the Plans. There shall be no grading of the surface of the land within said setback area, but the Property owner may grub the area to remove vegetation, conduct reasonable agricultural activities and construct and use access roads and trails within the setback area.

2. Plant Species. Each of the lots within Makila Ridge shall be subject to the following provision:

No plants shall be introduced or cultivated on any lot which is listed in "Hawaii's Most Invasive Horticultural Plants" attached to this Exhibit "C" as Schedule C-1, as said list may be amended or updated (or replaced) by the Hawaii State Department of Land and Natural Resources, Division of Forestry and Wildlife (or any successor agency).

3. Agricultural Use: Future Zoning Change. If in the future, any lot shall be rezoned and redesignated to a County of Maui zoning classification and a State of Hawaii land use designation which is other than agriculture, then the agricultural use restrictions set forth in Section 3.01 (and related sections) shall no longer apply to said lot.

4. Water Service. Water service to the lots in Makila Ridge shall be provided by Launiupoko Water Co., Inc. (for potable water service) and Launiupoko Irrigation Co. Inc. (for non-potable, agricultural water service), both of which are registered public utility companies. As required by the PUC tariff applicable to each company, water service is subject to

water supply and pressure considerations. Each Property owner may be required to construct a water storage facility, pump, waterlines, standpipes and other facilities, at said owners' sole expense as needed to meet said owners' needs if water supply or pressure may be insufficient for the owners' use requirements or for fire protection. Neither the Declarant, nor the Developer, nor the Makila Plantation Homeowners Association, Inc., nor any officer, director, member or agent thereof shall be liable to any Property owner for any claims, losses, damages or expenses which shall be caused by or shall result from any failure or interruption of water service or if any property is damaged by fire and the water volume or supply is insufficient to fight the fire. It is incumbent on the owner and occupant of each Property to protect himself or herself against the risk of loss from water service interruptions or failures or water quality problems or fire risk by means of appropriate insurance or similar coverage, by obtaining water from other sources, by storing water in reasonable amounts or other appropriate measures, if said owner or occupant deems that protection against said risks is needed and complying with all applicable safe drinking regulations and guidelines.

END OF EXHIBIT "C"



Hawaii's Most Invasive Horticultural Plants



This is a list of the worst invasive horticultural plants in Hawaii as put forth by the Hawaii State Alien Species Coordinator (Department of Land & Natural Resources [DLNR], Division of Forestry & Wildlife [DOFAW]). It is urged that species on this list not be grown anywhere in the state of Hawaii.

For more information about invasiveness of these & other horticultural plants, the problems they cause, and the criteria by which these species were selected for this list, see the introductory text for this site.

Questions regarding this list should be directed to the State Alien Species Coordinator, DLNR/DOFAW, 1151 Punchbowl St., Rm. 325, Honolulu, HI 96813; ph. 808-587-0164.

Species (Family)	Common Name	Other names
<i>Acacia confusa</i> (Fabaceae)	Formosan koa	
<i>Angiopteris evecta</i> (Marattiaceae)	mule's foot fern	giant fern
<i>Antigonon leptopus</i> (Polygonaceae)	Mexican creeper	mountain rose, coral bells, confederate vine, chain-of-love, hearts-on-a-chain
<i>Ardisia crenata</i> (Myrsinaceae)	Hilo holly	hens eyes, <i>Ardisia crispa</i> , <i>Ardisia crenulata</i>
<i>Ardisia elliptica</i> (Myrsinaceae)	shoebutton ardisia	<i>Ardisia humilis</i> , <i>Ardisia solanacea</i> , <i>Ardisia squamulosa</i>
<i>Artabotrys hexapetalus</i> (Annonaceae)	climbing ylang-ylang	lanalana
<i>Arthrostemma ciliatum</i> (Melastomataceae)	arthrostemma	<i>Arthrostemma latifolia</i> , <i>Arthrostemma fragile</i>
<i>Asparagus densiflorus</i> (Liliaceae)	asparagus fern	sprengeri fern, foptail asparagus, <i>Asparagus sprengeri</i> Regel
<i>Asparagus setaceus</i> (Liliaceae)	climbing asparagus fern	plumosa, <i>Asparagus plumosus</i> Baker, <i>Protasparagus plumosus</i>
<i>Azolla</i> (all species) (Azollaceae)	mosquito fern	ferny azolla
<i>Buddleja davidii</i> (Buddlejaceae)	orange-eyed butterfly bush	summer lilac, buddleia
<i>Buddleja madagascariensis</i>	butterfly bush	smoke bush, buddleia

<http://www.state.hi.us/dlnr/dofaw/hortweeds/specieslist.htm>

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(Buddlejaceae)		
<u>Carmona retusa</u> (Boraginaceae)	Fukien tea	Philippine tea, <i>Carmona microphylla</i> , <i>Ehretia buxifolia</i> , <i>Ehretia microphylla</i>
<u>Casuarina</u> (all species) (Casuarinaceae)	ironwood	Australian pine, she-oak, beefwood, toa
<u>Cestrum diurnum</u> (Solanaceae)	day cestrum	makahala, Chinese inkberry
<u>Cestrum nocturnum</u> (Solanaceae)	night cestrum	night-blooming jasmine, 'Aia-aumoe, kupaoa, onaona-iapana
<u>Chrysophyllum oliviforme</u> (Sapotaceae)	satin leaf	caimitillo; <i>Chrysophyllum monopyrenum</i>
<u>Cinnamomum burmannii</u> (Lauraceae)	Padang cassia	cinnamon tree
<u>Cissus nodosa</u> (Vitaceae)	grape ivy	
<u>Citharexylum caudatum</u> (Verbenaceae)	fiddlewood	juniper berry
<u>Citharexylum spinosum</u> (Verbenaceae)	fiddlewood	<i>Citharexylum quadrangulare</i>
<u>Clerodendrum buchanani</u> (Verbenaceae)	pagoda flower	lau'awa, <i>Clerodendrum fallax</i> , <i>C. speciosissimum</i>
<u>Clerodendrum chinense</u> (Verbenaceae)	glory bower	<i>Clerodendrum philippinum</i> , <i>Clerodendrum fragrans</i>
<u>Clerodendrum macrostegium</u> (Verbenaceae)	(no common name)	
<u>Clusia rosea</u> (Clusiaceae)	autograph tree	copey, Scotch attorney
<u>Coccinia grandis</u> (Cucurbitaceae)	ivy gourd	scarlet-fruited gourd
<u>Conocarpus erectus</u> (Combretaceae)	buttonwood	sea mulberry, button mangrove
<u>Cortaderia jubata</u> and <u>Cortaderia selloana</u> (Poaceae)	pampas grass	
<u>Cotoneaster pannosus</u> (Rosaceae)	cotoneaster	
<u>Cryptostegia</u> (all species) (Asclepidaceae)	rubber vine, India rubber vine	(includes <i>Cryptostegia grandiflora</i> and <i>Cryptostegia madagascariensis</i>)
<u>Cupaniopsis anacardioides</u> (Sapindaceae)	carrotwood	
<u>Delairea odorata</u> (Asteraceae)	German ivy	<i>Senecio mikantoides</i> , Italian ivy, African

		ivy, Cape ivy, climbing groundsel
<u>Dillenia suffruticosa</u> (Dilleniaceae)	shrubby simpoh	
<u>Duranta erecta</u> (Verbenaceae)	golden dewdrop	duranta, pigeon berry, <i>Duranta repens</i>
<u>Eichhornia crassipes</u> (Pontederiaceae)	water hyacinth	
<u>Elaeagnus umbellata</u> (Elaeagnaceae)	oleaster	autumn olive
<u>Erigeron karvinskianus</u> (Asteraceae)	daisy fleabane	Mexican daisy
<u>Eriobotrya japonica</u> (Rosaceae)	loquat	Japanese medlar
<u>Ficus cf. platypoda</u> (Moraceae)	Port Jackson fig (local name)	(this plant is commonly referred to in Hawaii incorrectly as <i>Ficus rubiginosa</i>)
<u>Ficus microcarpa</u> (Moraceae)	Chinese banyan	Malayan banyan, <i>Ficus retusa</i> , <i>Ficus nitida</i>
<u>Fuchsia boliviana</u> (Onagraceae)	fuchsia	lady's eardrops
<u>Fuchsia magellanica</u> (Onagraceae)	hardy fuchsia	lady's eardrops, earring flower, kulapepeiao
<u>Fuchsia paniculata</u> (Onagraceae)	fuchsia	Lady's eardrops
<u>Furcraea foetida</u> (Agavaceae)	Mauritius hemp	maguey, <i>Furcraea gigantea</i>
<u>Grevillea robusta</u> (Proteaceae)	silk oak	she oak, he oak, silver oak, kahili flower, spider flower, ha'iku-ke'oke'o
<u>Hedychium coronarium</u> (Zingiberaceae)	white ginger	butterfly lily, ginger lily, garland flower, 'awapuhi-ke'oke'o
<u>Hedychium flavescens</u> (Zingiberaceae)	yellow ginger	cream ginger, 'awapuhi-melemele
<u>Hedychium gardnerianum</u> (Zingiberaceae)	kahili ginger	
<u>Heterocentron subtriplinervium</u> (Melastomataceae)	pearl flower	
<u>Hiptage benghalensis</u> (Malpighiaceae)	hiptage	
<u>Hydrilla verticillata</u> (Hydrocharitaceae)	hydrilla	water thyme, Florida elodea
<u>Jasminum fluminense</u> (Oleaceae)	jasmine	<i>Jasminum azoricum</i>
<u>Kalanchoe delagoensis</u> (Crassulaceae)	chandelier plant	<i>Kalanchoë tubiflora</i> , <i>Bryophyllum tubiflorum</i> , <i>Kalanchoe verticillata</i>

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7/14/2005

<u>Kalanchoe pinnata</u> (Crassulaceae)	air plant	life plant, 'oliwa ku kahakai, <i>Bryophyllum pinnatum</i> , <i>Cotyledon pinnata</i>
<u>Lantana camara</u> (Verbenaceae)	lantana	lakana, mikinolia-hihiu, sage
<u>Lemna (all species)</u> (Lemnaceae)	duckweed	
<u>Leptospermum scoparium</u> (Myrtaceae)	New Zealand tea	manuka
<u>Ligustrum lucidum</u> (Oleaceae)	tree privet	broadleaf privet
<u>Ligustrum sinense</u> (Oleaceae)	Chinese privet	hedge privet, small-leaved privet
<u>Lonicera japonica</u> (Caprifoliaceae)	Japanese honeysuckle	honekakala
<u>Medinilla cumingii</u> (Melastomataceae)	medinilla	
<u>Medinilla venosa</u> (Melastomataceae)	medinilla	
<u>Melaleuca quinquenervia</u> (Myrtaceae)	paperbark	cajeput tree
<u>Melastoma candidum</u> (Melastomataceae)	Indian rhododendron	<i>Melastoma malabathricum</i> , Malabar melastome
<u>Melastoma sanguineum</u> (Melastomataceae)	fox-tongued melastoma	
<u>Melia azedarach</u> (Meliaceae)	Chinaberry	pride-of-India, margosa tree
<u>Miconia calvescens</u> (Melastomataceae)	miconia	velvet tree, purple plague
<u>Montanoa hibiscifolia</u> (Asteraceae)	tree daisy	
<u>Najas (all species)</u> (Najadaceae)	naiad	pondweed
<u>Nymphaea (all species)</u> (Nymphaeaceae)	water lily	
<u>Ochna thomasi</u> (Ochnaceae)	Mickey Mouse plant	ochna, <i>Ochna kirkii</i>
<u>Olea europaea</u> (Oleaceae)	olive	'oliwa
<u>Passiflora laurifolia</u> (Passifloraceae)	yellow granadilla	yellow water lemon, bell apple
<u>Pennisetum setaceum</u> (Poaceae)	fountain grass	<i>Pennisetum ruppelii</i>
<u>Philadelphus karwinskyanus</u> (Hydrangeaceae)	mock orange	philadelphus, syringa

<u>Photinia davidiana</u> (Rosaceae)	photinia	<i>Stranvaesia davidiana</i> , <i>Cotoneaster frigidus</i>
<u>Pimenta dioica</u> (Myrtaceae)	allspice	<i>Pimenta officinalis</i>
<u>Pimenta racemosa</u> (Myrtaceae)	bay-rum	malagueta, bay tree, <i>Pimenta acris</i>
<u>Pinus patula</u> (Pinaceae)	Mexican weeping pine	jelecote pine, patula pine, pino triste
<u>Pistia stratiotes</u> (Araceae)	water lettuce	
<u>Pittosporum pentandrum</u> (Pittosporaceae)	mamalis	
<u>Pittosporum undulatum</u> (Pittosporaceae)	Victorian box	Victorian laurel, orange pittosporum
<u>Pittosporum viridiflorum</u> (Pittosporaceae)	Cape pittosporum	
<u>Platycerium bifurcatum</u> (Polypodiaceae)	elkhorn fern	common staghorn fern
<u>Psidium cattleianum</u> (Myrtaceae)	strawberry guava	waiawi-'ula'ula
<u>Pyracantha angustifolia</u> (Rosaceae)	firethorn	
<u>Rhodomyrtus tomentosa</u> (Myrtaceae)	rose myrtle	downy myrtle
<u>Rubus</u> (all species) (Rosaceae)	blackberry, raspberry	thimbleberry, brambles, 'ohelo 'ele 'ele
<u>Ruellia devosiana</u> (Acanthaceae)	Ruellia	
<u>Salvinia</u> (all species) (Salviniaceae)	floating fern	
<u>Schefflera actinophylla</u> (Araliaceae)	octopus tree	<i>Brassaia actinophylla</i> , umbrella tree
<u>Schinus molle</u> (Anacardiaceae)	pepper tree	California pepper tree
<u>Schinus terebinthifolius</u> (Anacardiaceae)	Christmas berry	Brazilian pepper, wilelaiki, nani-o-hilo
<u>Solandra maxima</u> (Solanaceae)	cup-of-gold	golden cup, chalice vine
<u>Spathodea campanulata</u> (Bignoniaceae)	African tulip tree	fountain tree, fire bell
<u>Sphaeropteris cooperi</u> (Cyatheaceae)	Australian treefern	<i>Cyathea cooperi</i>
<u>Sphagneticola trilobata</u> (Asteraceae)	wedelia	Wedelia trilobata

<u>Stapelia gigantea</u> (Asclepiadaceae)	carrion flower	starfish flower, Zulu-giant, giant toad plant
<u>Tamarix (all species)</u> (Tamaricaceae)	?	
<u>Terminalia catappa</u> (Combretaceae)	tropical almond	Indian almond, false kamani, kamani-haole
<u>Tetrazygia bicolor</u> (Melastomataceae)	(no common name)	
<u>Thunbergia grandiflora</u> (Acanthaceae)	Bengal trumpet	blue trumpet vine, large-flowered thunbergia
<u>Thunbergia laurifolia</u> (Acanthaceae)	laurel-leaved thunbergia	
<u>Tibouchina herbacea</u> (Melastomataceae)	cane tibouchina	glorybush
<u>Tibouchina urvilleana</u> (Melastomataceae)	glorybush	princess flower, lasiandra
<u>Verbascum thapsus</u> (Scrophulariaceae)	common mullein	woolly mullein, velvet plant

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The template on which this list was based was last updated on 03 May 2001. The content of the species list may have been updated more recently.

EXHIBIT "D"

The following are hereby added to the "Common Areas" under the jurisdiction of the Association, as provided in Section 2.04 of the Declaration:

1. Recreational Trails. All of the following recreational trails affecting the following lots in Makila Ridge, as set forth in the Makila Ridge Declaration of Easements - Hiking Trails dated July 15, 2009, to be recorded in the Bureau of Conveyances of the State of Hawaii:

<u>Easement Designation</u>	<u>Encumbered Land</u>
Easement G	Lots 7 and 8
Easement H	Lot 11
Easement L	Lots 10 and 11
Easement R	Lot 10
Easement S	Lot 10
Easement TR-1	Lots 1 and 10
Easement TR-2	Lots 10, 1, 2 and 3
Easement TR-3	Lots 5 and 6
Easement TR-4	Lot 6
Easement TR-5	Lot 7
Easement TR-6	Lot 7
Easement TR-7	Lot 8
Easement TR-8	Lot 11
Easement DT-1	Lots 6 and 7
Easement AC-1	Lot 7
Easement AC-2	Lot 10
Easement WT-1	Lot 7
Easement WT-2	Lots 7 and 8
Easement WT-3	Lots 8 and 9
Easement P	Lot 10

provided, however, that the control and jurisdiction of the Association over said Easement Areas as Common Areas shall not limit or interfere with the use by others entitled to such easements for non-recreational uses as established by other instruments, affecting Easements G, H, J, L, R, S, DT-1, AC-1, AC-2, WT-1, WT-2, WT-3 and P. The Association's authority and jurisdiction within said Easement Areas shall be limited to those actions which are necessary or appropriate for permitting or implementing recreational use, provided that such use does not unreasonably interfere with or limit such other, non-

recreational use by those entitled under other, separate easement documents.

If the trail or accessway within any such Easement Area shall not yet be physically constructed, the status of said trail or accessway as a Common Area of Makila Plantation Homeowners Association, Inc. under the Declaration shall not become effective until such time as the trail or accessway shall in fact have been physically cleared, constructed and completed. Said work to clear, construct and complete each such trail or accessway may be accomplished at any time in the discretion of the Declarant, the Developer, the Association or the owner of the Encumbered Land.

All of said easements shall be deemed to be added to the list of Easements in Article 6 of the Declaration.

2. Emergency Evacuation. Easement N, encumbering Lot 6, shall be a common area which shall also be used as an emergency evacuation accessway in the event of fire, natural disaster or other circumstance requiring evacuation of the area.

3. Drainage. Drainage Easements A, B, C, D, E, F and DT-1, affecting Lots 1, 2, 4, 3, 5, 6 and 7, respectively, as set forth in the Makila Ridge Declaration of Easements - Drainage, dated July 15, 2009, recorded in the said Bureau of Conveyances as Document No. _____.

The Association shall operate and maintain all drainage facilities within said easement areas in accordance with the Operation and Maintenance Plan attached hereto as Schedule D-1. Also, the Association shall provide and maintain a reasonable reserve fund to pay for ongoing maintenance and repairs of the drainage basins. In the event the Association fails to appropriately maintain any such drainage basin, the West Maui Water and Soil Conservation District shall have the right to enter said easement area by its own forces or by an outside contractor to perform said maintenance work at the Association's expense, and the Association shall pay the cost thereof as a common expense, utilizing any such reserve funds as may be held by the Association for the drainage basins at that time.

All of said easements shall be deemed to be added to the list of Easements in Article 6 of the Declaration.

4. Road Lot 12. Road Lot 12 is hereby added to the list of Roads in Article 7 of the Declaration.

END OF EXHIBIT "D"

SCHEDULE D-1

Operation and Maintenance Plan for Retention Basins,
Underground Drainage System, and Drainage Berms
Makila Ridge Subdivision (Subd. File No. 4.888)
Makila Plantation Subdivision Association

Operation and maintenance of Retention Basins, Drainage Easements, vegetated swales/berms, and underground drainage system that serve to control stormwater discharge into the detention basin and surrounding lands identified as drainage easements. Makila Plantation Subdivision Association is the identified party to operate and maintain these basins, swales, and underground system. Regular maintenance designed to ensure the long-term efficiency of the system shall include:

1. Periodically remove the sediment/soil that is deposited in the catch basins, grated drain inlets, vegetated swales and detention basins and restore to the original dimension. The reclaimed sediment may be used for fill or as a supplement to topsoil.
2. Overgrown vegetation on the bottom, sides and benches of the detention basins shall be removed by means of mowing and/or herbicide spraying.
3. Maintain a vigorous growth of vegetation on all swales and bare soil which includes re-seeding, mulching/matting to protect the disturbed area while vegetation becomes established. Overgrown vegetation along swales shall be removed by means of mowing; if possible avoid herbicides in these areas.
4. Keep all outlets free flowing and maintain the original constructed ridge height and capacity of vegetated berms and swales. The surface of the berms should be compacted to avoid a blow out if a very large storm occurs. Vegetative growth and accumulated silt deposits at all drainage outlets and at all overflow weirs shall be removed and kept clear at all times.
5. Mosquito infestation shall be controlled by removing stagnant water at bottom of the detention basins.
6. After the occurrence of a major storm event, visually inspect the detention basins and swales for accumulation of sediment and debris. Immediately remove any obstructions or blockage in outlets and detention basins. Sediment build up and debris greater than two feet above the basin floor shall be removed immediately after the storm event. Removal of sediment and debris shall be done after it is deemed safe to accomplish remedial work.
7. All access paths to the detention basin shall be maintained and clear of obstructions. Vegetative growth and accumulated silt shall be removed. Loose gravel/dirt within access path shall be compacted to maintain a safe route for vehicles used for the maintenance of the detention basins.