

Certified to be a true and correct copy of the original  
recorded on 8/13/09 at 8:01am in the  
Office of the Assistant Registrar of the Land Court as  
Document No. \_\_\_\_\_ /Transfer Certificate of  
Title No. \_\_\_\_\_ and/or in the Bureau of  
Conveyances as Document No. 2009-124495  
By: [Signature]  
FIRST HAWAII TITLE CORPORATION

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (  ) Pickup (  ) To:

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

FHTC  
Escrow No. 20326607DW  
Title No. 196175

Tax Keys: (2) 4-7-1:2 and (2) 4-7-5:1  
Easement N: Affecting Lot 6

Total No. of Pages: 6

MAKILA RIDGE  
DECLARATION OF EASEMENT

Emergency Evacuation Route

This Declaration of Easements is dated as of this 15th day of July, 2009, and is executed by MAKILA RIDGE PROPERTIES INC., a Hawaii corporation, of 33 Lono Avenue, Suite 450, Kahului, Hawaii 96732 ("Developer"), and MAKILA LAND CO., LLC, a Hawaii limited liability company, of 33 Lono Avenue, Suite 450, Kahului, Hawaii 96732 ("Declarant").

RECITALS:

A. Developer is the developer and owner of Makila Ridge Subdivision in Makila, Launiupoko, Maui, Hawaii ("Makila Ridge"), as referred to and described in the Fourth Amendment to the Declaration described in Recital B below, and including Lot 6, described in Exhibit "A" attached hereto and made a part hereof.

B. Declarant is the "Declarant" under the Amended and Restated Makila Plantation Declaration of Covenants, Conditions and Restrictions, dated September 16, 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 as Document Nos. 2003-246052, 2003-272575 and 2009-031680, and as further amended by Fourth Amendment dated as of July 15, 2009, and recorded as Document No. \_\_\_\_\_ (collectively, the "Declaration").

C. MAKILA PLANTATION HOMEOWNERS ASSOCIATION, INC., a Hawaii non-profit corporation ("Association"), is the homeowners association for Makila Plantation, vested with the jurisdiction and responsibility to govern, manage and maintain the Common Areas of Makila Plantation, to which Makila Ridge has been annexed by the said Third Amendment described in the preceding paragraph.

D. The purpose of this Declaration is to establish an easement for emergency evacuation purposes and to confirm its status as a Common Area of Makila Plantation under the jurisdiction, management and authority of the Association.

E. Developer and Declarant have designated Easement "N" over Lot 6, described on the map attached hereto as Exhibit "B" (the "Easement Area").

F. The purpose of this Declaration is to establish easement rights and obligations with respect to said Easement Area.

DECLARATION OF EASEMENTS. Developer hereby declares and grants a non-exclusive, perpetual easement set forth in Recital E above, over, across and under the Easement Area, to the Association, as a Common Area of Makila Plantation, for use as an emergency evacuation route in the event evacuation of persons, vehicles or animals becomes necessary or prudent, from time to time as needed, and to construct and maintain a roadway for that purpose as appropriate. The owners and occupants of Lot 6 and their designees may use or alter all or any portion of the Easement Area for their own purposes as long as its use for emergency evacuation purposes shall not be impaired. The determination of what circumstances shall constitute an "emergency" for purposes of this easement shall be determined (or ratified after use) by any officer of the association in his

or her discretion, it being understood that public safety considerations shall be of paramount importance.

Pursuant to the rights reserved to Declarant under the Declaration, Declarant hereby adds said easement to the list of Common Areas as provided in Section 2.04 of the Declaration.

Executed the day and year first above written.

MAKILA RIDGE PROPERTIES INC.

By   
PETER K. MARTIN  
Its President

"Developer"

MAKILA LAND CO., LLC

By WEST MAUI LAND COMPANY, INC.  
Its Manager

By   
PETER K. MARTIN  
Its Vice President

"Declarant"

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 2013

Date of Doc: <u>15 July 09</u>	# Pages: <u>6</u>
Name: <u>Lea Tamayose</u>	Second Circuit
Doc. Description: <u>Makila Ridge - Declaration of Easement - Emergency Evacuation Route</u>	
<i>Lea Tamayose</i> Notary Signature	
NOTARY CERTIFICATION	



**Exhibit "A"**

TMK: 4-7-01 : 24  
Makila Land Co., LLC  
(Owner)

**WEST MAUI FOREST RESERVE**

**TRUE NORTH**

341°52'53" ——— 1,329.96

**EASEMENT TR-3**  
For Trail Purposes

200' Wide Setback  
from Forest Reserve

**6**  
69.293 Acs.

**EASEMENT DT-1**  
For Drainage and  
Trail Purposes

**Existing Easements  
"O-3" and "N-3"**  
Maalaea-Lahaina Third  
69KV Transmission Line

**EASEMENT V**  
For Electrical Purposes

**EASEMENT TR-3**  
For Trail Purposes

**EASEMENT U**  
For Electrical Purposes

**EASEMENT N**  
For Emergency  
Evacuation Purposes

**EXISTING EASEMENT**  
For Electrical Purposes

**PUNAKEA**  
LOOP

**SEE INSET**

Existing Access &  
Utility Easement  
(portion to be deleted)

**EASEMENT TR-4**  
For Trail Purposes

**EASEMENT WL-1**  
For Waterline Purposes

TMK: 4-7-11 : T6  
Hal Family Trust  
(Owner)

TMK: 4-7-10 : 39  
Denise P. La Costa  
(Owner)

TMK: 4-7-10 : 38  
Scott Macpherson  
(Owner)

TMK: 4-7-10 : 35  
Richard J. Noury  
(Owner)

**KUMU NIU**

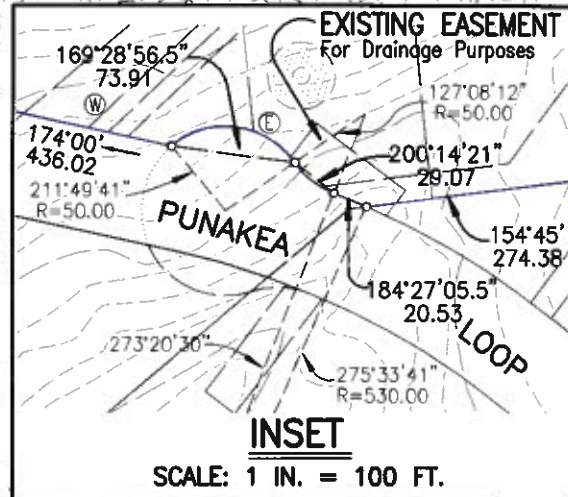
**STREET**  
TMK: 4-7-10 : 32  
Taylor Liu  
(Owner)

TMK: 4-7-10 : 31  
H & H Condominium  
Condo Master  
(Owner)

**EXISTING EASEMENT**  
For Waterline Purposes

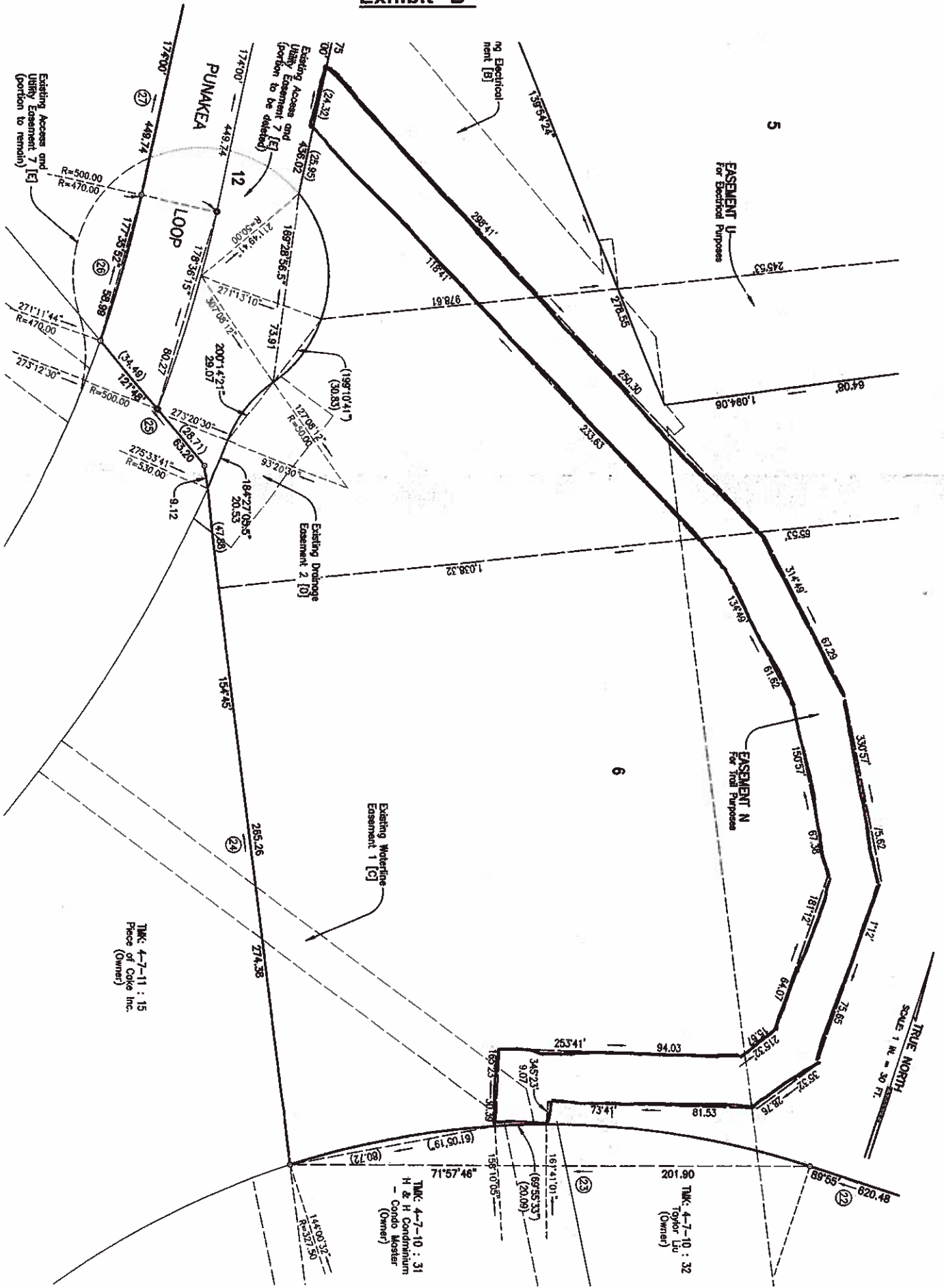
TMK: 4-7-11 : 15  
Piece of Cake Inc.  
(Owner)

**KAI HELE  
KU PLACE**



01/29  
d Co., LLC  
ner)

**Exhibit "B"**



**INSET 11**

SCALE: 1 IN. = 30 FT.