

OCEAN RESORT VILLAS

EXHIBIT A

(To Declaration of Condominium Property Regime)

All of that certain parcel of land situate at Hanakaoo and Honokowai, Kaanapali, Lahaina, District of Lahaina, Island and County of Maui, State of Hawaii, described as follows:

LOT 98, area 13.998 acres, as shown on map 86, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1744 of Pioneer Mill Company, Limited.

Saving and Excepting the portion thereof lying seaward of the debris line.

Together with a perpetual nonexclusive easement for access of vehicular and pedestrian traffic and for underground utility to and from Honoapiilani Highway over and across Lot 34, area 1.428 acres, as shown on Map 7, as set forth by Land Court Order No. 110015 and Land Court Order No. 138359, and also set forth in that certain Grant of Easement and Covenant to Share Costs dated December 6, 2000, recorded in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 2668971.

Being the real property conveyed to SVO PACIFIC, INC., a Florida corporation, by Warranty Deed dated December 6, 2000, filed December 6, 2000, in the Office of the Assistant Registrar of the Land Court, as Document No. 2668968, and noted on Transfer Certificate of Title No. 569,700.

Being the land described in the Transfer Certificates of Title listed in Exhibit 1 to this Exhibit A.

SUBJECT, HOWEVER, TO:

1. The lien of real property taxes not yet due and owing.
2. Reservation of all mineral or metallic mines of every description to the Hawaiian Government; said reservation, however, being subject to that certain covenant that neither the State of Hawaii nor persons authorized by it will enter, occupy or use the said land for the exercise of the reserved mineral and mining rights for a period of 75 years from January 29, 1960, as contained in that certain instrument dated January 29, 1960, recorded in the Office of the Registrar of Conveyances in Book 3822, page 37.
3. The property borders on the ocean and is subject to the provisions of Hawaii Revised Statute 205A, Sections 41 to 49 relative to shoreline setbacks and prohibitions on use, and to the regulations of the Land Use Commission and the County Planning Department.
4. Designation of Easement "42", for road, utility and pedestrian purposes, as shown on Maps 15 and 74, as set forth by Land Court Order No. 29190, filed November 7, 1968.
5. Easement dated March 9, 1970, filed as Document No. 498923 for a right of way over

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Easement "42".

6. Subdivision Agreement (Large Lots) dated August 6, 1990, filed August 20, 1990, as Land Court Document No. 1756822, and recorded August 20, 1990, as Document No. 90-127827.
7. Private Water System Agreement dated October 2, 1991, recorded October 7, 1991, as Document No. 91-136263 as amended by Amendment to Agreement dated October 14, 1992, recorded October 20, 1992, as Document No. 92-169921 (Not noted on Transfer Certificate of Title No. 569,700).
8. Restriction of Access Rights, as shown on Maps 2 and 74, as set forth by Land Court Order No. 109618, filed November 27, 1992.
9. A 40 foot Building Setback, as shown on Maps 71 and 74, as set forth by Land Court Order No. 109618, filed November 27, 1992.
10. Designation of Easement "172" (area 4,432 square feet), for sewer force purposes, as shown Maps 71 and 74, as set forth by Land Court Order No. 109618, filed November 27, 1992.
11. Unilateral and Irrevocable Declaration of Perpetual Rights and Uses and Perpetual Restrictions, (North Beach Shoreline Setback Area) dated December 29, 1998 (effective December 14, 1998), filed January 13, 1999, as Land Court Document No. 2513420, and recorded January 13, 1999, as Document No. 99-005138, as amended by instrument dated December 6, 2000, filed December 6, 2000, as Land Court Document No. 2668965, and recorded December 6, 2000, as Document No. 2000-170916.
12. Designation of Easement "246" (area 1.072 acres), for roadway (bikeway and trolley included) and utility purposes, as shown on Map 86, as set forth by Land Court Order No. 138359, filed May 8, 2000.
13. Designation of Easement "247" (area 2.057 acres), for shoreline setback purposes, as shown on Map 86, as set forth by Land Court Order No. 138359, filed May 8, 2000.
14. Designation of Easement "248" (area 0.252 acre), for drainage purposes, as shown on Map 86, as set forth by Land Court Order No. 138359, filed May 8, 2000.
15. Designation of Easement "250" (area 0.037 acre), for drainage purposes, as shown on Map 86, as set forth by Land Court Order No. 138359, filed May 8, 2000.
16. Designation of Easement "251" (area 0.262 acre), for wetland purposes, as shown on Map 86, as set forth by Land Court Order No. 138359, filed May 8, 2000.
17. Designation of Easement "252" (area 0.387 acre), for slope preservation, as shown on Map 86, as set forth by Land Court Order No. 138359, filed May 8, 2000.

18. Restriction of Vehicular Access Rights, as shown on Map 86, as set forth by Land Court Order no. 138359, filed May 8, 2000.
19. Reservations of the State of Hawaii, as set forth in Land Court Order No. 138359, filed May 8, 2000, including matters relating to the following: (a) Claims, if any, of native tenants, (b) Claims, if any, to any historic, religious and archaeological sites, (c) Claims, if any, to rights of access through public highways, trails and pathways and historical uses on and across the parcels to the shoreline be determined, protected and not restricted; (d) Claims, if any, to waters having their source upon or flowing under the parcels.
20. Encroachments shown on survey map dated May 17, 2000, prepared by James R. Thompson, Licensed Professional Land Surveyor.
21. Declaration of Covenants, Conditions, Easements and Restrictions for Ka'napali North Beach dated December 6, 2000, filed December 6, 2000, as Land Court Document No. 2668967, and recorded December 6, 2000, as Document No. 2000-170917. Designation of Successor Declarant and Assignment of Declarant's Rights and Interest, dated December 21, 2000, filed February 20, 2001, as Land Court Document No. 2684122, and recorded February 20, 2001, as Document No. 2001-022804. Designation of Successor Declarant and Assignment of Declarant's Rights and Interests Under Declaration of Covenants, Conditions, Easements and Restrictions for Ka'napali North Beach dated January 28, 2003, filed January 28, 2003, as Land Court Document No. 2885398, and recorded January 28, 2003, as Document No. 2003-015949.
22. Grant of Easement and Agreement (Roadway and Utility Purposes) dated December 6, 2000, filed December 6, 2000, as Land Court Document No. 2668969.
23. Easement dated December 6, 2000, filed December 6, 2000, as Land Court Document No. 2668970 for roadway, bikeway, pedestrian and utility purposes.
24. Grant of Easements and Covenants to Share Costs (Roadway Lot 34 -Lots 98 and 101) dated December 6, 2000, filed December 6, 2000, as Land Court Document No. 2668971.
25. Unilateral Declaration of Restrictions; Joinder Agreement (North Beach Unit Count and Drainage), dated February 15, 2001, filed February 16, 2001, as Land Court Document No. 2683897, and recorded February 16, 2001, as Document No. 2001-022448.
26. Declaration of Restrictions (Unit Count), dated February 15, 2001, filed March 8, 2001, as Land Court Document No. 2688326, and recorded March 8, 2001, as Document No. 2001-032604.
27. Designation of Easement "261", as shown on Map 87, as set forth by Land Court Order No. 142094, filed May 25, 2001.
28. Declaration of Merger of Condominium Phases of Ocean Resort Villas dated August 28,

2001, filed August 31, 2001, as Land Court Document No. 2734237.

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