

1760686

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
REGISTRAR

10/26
'90 SEP 4 AM 8 01

S. T. ...
REGISTRAR
ON CERTIFICATE

and from which Certificate of Title(s) (None)

356,099 LAND COURT SYSTEM issued REGULAR SYSTEM
STANDARD TIME AND ESCROW Pickup () To:

P. O. Box 208
Kihei, HI 96753

Order 31153
Escrow No. B 11719 J
22638



LIMITED WARRANTY APARTMENT DEED

THIS INDENTURE made this 30th day of August,
1990, by and between F.H.T. EXCHANGE, INC., a Hawaii
corporation, whose principal place of business and post office
address is 201 Merchant Street, Suite 2000, Honolulu, Hawaii
96813, hereinafter called "Grantor". and BRIAN KYUN CHO,
unmarried, whose residence and post office address is 1993 S.
Kihei Road, Suite 201, Kihei, Maui, Hawaii 96753, hereinafter
called "Grantee",

WITNESSETH:

The Grantor, in consideration of the sum of Ten
Dollars (\$10.00) and other good and valuable consideration to
Grantor paid, the receipt of which is acknowledged, does hereby
grant, bargain, sell and convey unto the Grantee as a tenant in
severalty, the real property described in Exhibit "A" attached
hereto and by reference incorporated herein; subject, however,
to all encumbrances noted on said Exhibit "A".

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
REGISTRAR
HAWAII
102.50
SEP 11 1990

SECRET OF KOREA
SECRETARY YONG

And the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title and interest of the Grantor therein and thereto, and all improvements thereon and the easements, privileges, and appurtenances thereunto appertaining.

TO HAVE AND TO HOLD the same unto the Grantee, the heirs, representatives, administrators, successors and assigns of the Grantee, absolutely and in fee simple, subject as aforesaid.

The Grantor hereby covenants with the Grantee that Grantor is the owner in fee simple of the apartment and undivided interest in the land and premises and has good right to sell and convey the same; that the same are free and clear of all encumbrances made by persons claiming by, through or under the Grantor, except as set forth herein; that Grantor will and Grantor's heirs, representatives, administrators, successors and assigns shall WARRANT and DEFEND the same unto the Grantee, the heirs, representatives, administrators, successors and assigns of the Grantee, against the lawful claims and demands of all persons claiming by, through or under the Grantor, except as aforesaid.

The terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine or feminine, or neuter, the singular or plural number, individuals or corporations, and their and each of their respective successors, heirs, personal representatives,

and permitted assigns, according to the context hereof. If these presents shall be signed by two or more Grantors or by two or more Grantees, all covenants of such parties shall for all purposes be joint and several.

IN WITNESS WHEREOF, the Grantor has executed this instrument on the day and year first above written.

APPROVED AS TO FORM:
CASE & LYNCH

F.H.T. EXCHANGE, INC.

BY [Signature]

BY Patsy H. Nakaji
Vice President
Its

By _____
Its

SECRET
AN CHILYONG

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

On this 29th day of August, 1990, before me appeared Patsy H. Nakaji and _____, to me personally known, who, being by me duly sworn, did say that they are the Vice President and _____ respectively, of F.H.T. EXCHANGE, INC., a Hawaii corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in 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 of said corporation.

He is

[Signature]
Notary Public, State of Hawaii.

My commission expires: 7/5/92

EXHIBIT "A"

FIRST:

All of that certain real property situate at Honuaula, District of Makawao, Island and County of Maui, State of Hawaii, described as follows:

Apartment No. 21-C, containing a net area of 792 square feet, more or less, and lanai of 153 square feet, more or less, of that certain Condominium Project known as "WAILEA EKAHI II", as shown on Condominium Map No. 269, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii on January 14, 1976.

Together with all non-exclusive easements appurtenant to said apartment in the common elements, the limited common elements, and in all other apartments in said Condominium Project, as provided in that certain Declaration of Horizontal Property Regime dated December 18, 1975, filed on January 14, 1976 in said Land Court as Document No. 750105, as amended, and/or as delineated on Condominium Map No. 269, and/or as contained in that certain Apartment Deed herein referred to.

SECOND:

An undivided .866% interest in the land hereinafter described, and in all of the other common elements of said Condominium Project, as declared and established by said Declaration, as amended.

Together with all non-exclusive easements appurtenant to the common elements, the limited common elements, and in all other apartments in said Condominium Project, as provided in said Declaration, as amended, and/or as delineated on said Condominium Map No. 269, and/or as contained in said Apartment Deed.

SUBJECT, as to FIRST and SECOND, to all exclusive and non-exclusive easements appurtenant to the common elements, the limited common elements, and to all other apartments in said Condominium Project.

The land(s) upon which said Condominium Project is located is described as follows:

All of that certain parcel of land situate at Honuaula, District of Makawao, Island and County of Maui, State of Hawaii, described as follows:

Lot 39-A, area 10.388 acres, more or less, as shown on Map 10, filed in the said Land Court with Land Court Application No. 1804 of Matson Navigation Company.

Being all of the land described in Transfer Certificate of Title No. 356,099.

Lot 39-A has access to and from Piilani Highway and Wailea Alanui, as set forth by Land Court Order 42100.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.

2. Declaration of Covenants and Restrictions dated January 17, 1975, filed on March 11, 1975 in the said Land Court as Document No. 713123, to which reference is hereby made.

The foregoing Declaration of Covenants and Restrictions was amended by instruments dated April 1, 1975, filed on June 10, 1975 as Document No. 723154; dated December 31, 1975, filed on December 31, 1975 as Document 748896; dated December 18, 1975, filed on January 14, 1976 as Document No. 750107; dated April 26, 1976, filed on September 30, 1976 as Document No. 783806; and dated ---/--/--, filed as Document No. 799269.

3. Declaration of Covenants and Conditions dated July 26, 1974, filed on October 2, 1975 in the said Land Court as Document No. 736880, to which reference is hereby made.

4. The terms, provisions, covenants, easements and reservations as contained in Declaration as to Merger of Increments in a Condominium Project dated January 17, 1975, filed on March 11, 1975 in the said Land Court as Document No. 713124, to which reference is hereby made.

Certificate of Compliance merging Ekahi I and II dated October 12, 1976, filed on October 13, 1976 in the said Land Court as Document No. 785381.

Certificate of Compliance merging Ekahi I, II and II dated December 23, 1976, filed on December 27, 1976 in the said Land Court as Document No. 796759.

5. The covenants, agreements, obligations, conditions, easements and other provisions as contained in Declaration of Horizontal Property Regime of "Wailea Ekahi II" dated December 18, 1975, filed on January 14, 1976 in the said Land Court as Document No. 750105.

Condominium Map No. 269, and the By-Laws attached thereto, to which reference is hereby made.

The foregoing Declaration of Horizontal Property Regime was amended by instruments dated June 8, 1976, filed on June 16, 1976 as Document No. 769158; dated November 23, 1983, filed on December 28, 1983 as Document No. 1210107; dated November 23, 1983, filed on December 28, 1983 as Document No. 1210108; and dated November 23, 1983, filed on December 28, 1983 as Document No. 1210109.

6. Designation of Easements 39 and 40, as shown on Map 15, as set forth by Land Court Order No. 46769, filed March 10, 1977.

7. Designation of Easement 50, as shown on Map 15, as set forth by Land Court Order No. 46770, filed March 10, 1977.

8. Reservation as contained in Deed dated June 19, 1976, filed on October 29, 1976 in the said Land Court as Document No. 787460, to which reference is hereby made.

9. Grant in favor of Board of Water Supply of the County of Maui dated May 24, 1977, and filed on February 9, 1978 in the said Land Court as Document No. 859442, granting an easement for underground water pipeline purposes over, under, across and through Easements 5 and 54.

10. Grant in favor of Maui Electric Company, Limited, a Hawaii corporation, and Hawaiian Telephone Company, a Hawaii corporation, dated May 24, 1977, filed on February 9, 1978 in the said Land Court as Document No. 859443, granting an easement for electrical purposes over, under, upon, across and through Easements 50 and 51.

11. The terms, provisions, covenants, easements and reservations as contained in Apartment Deed entered into by and between Louis (Nmn) DePonte, Jr., husband of Paige L. Clew DePonte, as Grantor, and the Grantor herein, as Grantee, dated _____, 19____, filed on _____, 19____ in the said Land Court as Document No. _____.

END OF EXHIBIT "A"

Tax Key: 2-1-08-60 (2) HPR #23 Apt. No. 21-C

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