

I-59 STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
RECORDED

MAY 01, 2000 08:01 AM

Doc No(s) 2622647

on Cert(s) 356,099

Issuance of Cert(s) 553,547

/s/ CARL T. WATANABE
ASSISTANT REGISTRAR

CONVEYANCE TAX: \$370.00

LAND COURT SYSTEM | REGULAR SYSTEM
AFTER RECORDATION, RETURN BY: MAIL PICKUP

Alexander Van Rensselaer Halsey
430 Locust Point Road
Locust, NJ 07760

TG: 162323 B
TGE: A0-203-0110
Teri A. Ferreira

TAX KEY NO.: (2) 2-1-08-060 H.P.R. No. 0023
Apartment No. 21-C

Total Number of Pages: 5

APARTMENT DEED

KNOW ALL MEN BY THESE PRESENTS:

THIS INDENTURE made this 25th day of April, 2000, by and between BRIAN HYN CHO, unmarried, whose residence and post office address is c/o Hokyum Kim, 552 Farview Avenue, Wyckoff, New Jersey 07481, hereinafter called the "Grantor", and ALEXANDER VAN RENSSELAER HALSEY and MARTHA BLANKARN HALSEY, husband and wife, whose residence and post office address is 430 Locust Point Road, Locust, New Jersey 07760, hereinafter called the "Grantee".

WITNESSETH THAT:

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

AND the reversions, remainders, rents, issues and profits thereof, and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto, and all improvements thereon and the easements, privileges and appurtenances thereunto belonging.

TO HAVE AND TO HOLD the same, together with the improvements thereon and all rights, easements, privileges and appurtenances thereunto belonging or appertaining, unto the Grantee, according to the tenancy herein set forth, forever, subject as aforesaid.

AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seised in fee simple of the apartment and undivided interest in the land and premises described herein and has good right to sell and convey the same: that the same are free and clear of all encumbrances except as set forth herein and except for the lien of real property taxes not yet required by law to be paid; and that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

This conveyance and the covenants of the Grantor shall be jointly and severally binding upon the person or persons identified above as "Grantor" and the Grantor's successors and assigns, and shall run in favor of and inure to the benefit of the person or persons identified above as "Grantee" and the Grantee's heirs, successors and assigns and the survivor of them. The use herein of the singular in reference to a party shall include the plural and the use of a pronoun of any gender shall include all genders. The term "person" shall mean and include an individual, partnership, association or corporation, as the context may require.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed as of the date first above written.

SECRET
AN CHY
KOREA

Brian Hyn Cho
BRIAN HYN CHO

"Grantor"

STATE OF NEW JERSEY)
) SS.
COUNTY OF PASSAIC)

On this 25 day of APRIL, 2000, before me personally appeared BRIAN HYN CHO, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

William C. Finn
Notary Public, State of New Jersey

WILLIAM C. FINN
Typed or Printed Name: NOTARY PUBLIC NEW JERSEY
MY COMMISSION EXPIRES 11/15/03
My commission expires: _____

EXHIBIT "A"

-FIRST:-

Apartment No. 21-C of the Condominium Project known as "WAILEA EKAHI II", including Lanai, as established by Declaration of Horizontal Property Regime dated December 18, 1975, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 750105, as amended, and as shown on condominium Map No. 269 and any amendments thereto.

Together with the following:

- (A) The limited common elements appurtenant to said Apartment, as set forth in said Declaration, as amended.
- (B) Non-exclusive easements for ingress and egress and support of said Apartment through the common elements and for repair of said Apartment through all other Apartments and through the common elements.

-SECOND:-

An undivided 0.866% interest as tenant in common with Wailea Land Corporation, a Hawaii corporation and The Northwestern Mutual Life Insurance Company, a Wisconsin corporation, doing business as Wailea Development Company, a Joint Venture, its successors and assigns, and the holders from time to time of other undivided interests in and to the common elements of the Wailea Ekahi II Condominium Project as described in said Declaration, as amended, which includes the land hereinafter described.

The land upon which said Condominium Project "WAILEA EKAHI II" is located is described as follows:

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

LOT 39-A, area 10.388 acres, as shown on Map 10, filed in the Office of the Assistant Registrar of Land Court of the State of Hawaii with Land Court Application No. 1804 of Matson Navigation Company;

Being the same land(s) described in Transfer Certificate of Title No. 356,099 issued to BRIAN HYN CHO, unmarried, as to an undivided 0.866% interest.

NOTE: Lot 39-A has access to and from Piilani Highway and Wailea Alanui, as set forth by Land Court Order No. 42100, filed May 29, 1975.

Being the premises acquired by LIMITED WARRANTY APARTMENT DEED dated August 30, 1990, from F.H.T. Exchange, Inc., a Hawaii corporation as GRANTOR, to BRIAN HYNCHO, unmarried as GRANTEE, filed as Land Court Document No. 1760686.

SUBJECT, HOWEVER, to the following:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines as set forth in Royal Patent Grants Nos. 234 and 548.
2. Grant of easement in favor of the County of Maui dated April 18, 1973, filed as Land Court Document No. 626880; for drainage purposes.
3. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in Declaration of Covenants and Restrictions dated January 17, 1975, filed as Land Court Document No. 713123.
Said Declaration was supplemented by instrument dated December 18, 1975, filed as Land Court Document No. 750107.
4. Declaration as to Merger of Increments in a Condominium Project dated January 17, 1975, filed as Land Court Document No. 713124.
Merger of Ekahi I and Ekahi II by Certificate of Compliance dated October 12, 1976, filed as Land Court Document No. 785381, and the Merger of Ekahi III with Ekahi I and Ekahi II by Certificate of Compliance dated December 23, 1976, filed as Land Court Document No. 796759.
5. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in Open Space Declaration dated July 26, 1974, filed as Land Court Document No. 736880.
6. The terms, provisions, covenants, conditions and reservations contained in Declaration of Horizontal Property Regime for the "Wailea Ekahi II" Condominium Project and By-Laws dated December 18, 1975, filed as Land Court Document No. 750105, and Condominium Map No. 269; as amended by instruments dated June 8, 1976, filed as Land Court Document No. 769158, dated August 24, 1977, filed as Land Court Document No. 859441, dated November 23, 1983, filed as Land Court Document No. 1210107, dated November 23, 1983, filed as Land Court Document No. 1210108, and dated November 23, 1983, filed as Land Court Document No. 1210109.
7. The terms, provisions, covenants, conditions and reservations contained in Restated By-Laws of the Association of Apartment Owners of Wailea Ekahi dated March 16, 1993, filed as Land Court Document No. 2030395.

The foregoing Restated By-Laws restates the original By-Laws dated December 18, 1975, filed as Land Court Document No. 750105, and any amendments thereto.

Certification of Amendment to Restated By-Laws of the Association of Apartment Owners of Wailea Ekahi dated March 12, 1997, filed as Land Court Document No. 2378392.

8. Declaration of Trust dated November 25, 1975, filed as Land Court Document No. 750106, made by Wailea Land Corporation, a Hawaii corporation and The Northwestern Mutual Life Insurance Company, a Wisconsin corporation, doing business as Wailea Development Company, a Hawaii joint venture; re: to hold Manager's residence, as to an undivided 1.462% interest in Apartment 18-B, in Wailea Ekahi II, as Trustees for all the owners of apartments in all phases of Wailea Ekahi Condominium Project.

9. Designation of Easements "39" and "40", affecting Lot 39-A, as shown on Map 15, as set forth by Land Court Order No. 46769, filed March 10, 1977.

10. Designation of Easement "52", for water line purposes, over and across Lot 39-A, as shown on Map 16, as set forth by Land Court Order No. 46770, filed March 10, 1977.

11. Grant in favor of Board of Water Supply of the County of Maui dated May 24, 1977, filed as Land Court Document No. 859442; granting Easement "52".

12. Grant in favor of Maui Electric Company, Limited and GTE Hawaiian Telephone Company Incorporated dated May 24, 1977, filed as Land Court Document No. 859443; granting Easements "39" and "40".

13. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the Wailea Community Association Declaration of Covenants and Restrictions dated December 19, 1986, filed as Land Court Document No. 1427923. Said Declaration was amended by instrument dated September 2, 1994, filed as Land Court Document No. 2180541, dated September 29, 1997, filed as Land Court Document No. 2408259, and dated July 13, 1998, filed as Land Court Document No. 2479882.

14. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the MDU Service Agreement between TCI of Hawaii, Inc. and AOA Wailea Akahi, dated January 1, 1998, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 98-009985.

15. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in Apartment Deed dated July 19, 1976, filed as Land Court Document No. 787460.

END OF EXHIBIT "A"

Tax Map Key No. (2) 2-1-08-060 H.P.R. No. 0023

Apartment No. 21-C