R-503

STATE OF HAWAIT BUREAU OF CONVEYANCES RECORDED

DEC 02, 1996 09:00 AM

Doc No(s) 96-170196

/s/CARL T. WATANABE ACTING REGISTRAR OF CONVEYANCES

After recording return by mail to:

Langa Breen & Associates Wailuku Executive Center 24 North Church Street, #308 Wailuku Maui Hawaii 96793

Property description:

**Central Maui Power Plant Site** 

TMK: 3-8-3-1

7-3-3-24

# FINAL ORDER OF CONDEMNATION

Maui Electric Company, Ltd. vs. A & B-Hawaii, Inc., et al.

Civil No. 96-0929(3)

Second Circuit Court

document5 --- 00/00/00 0:00 AM Langa Breen & Associates • 24 North Church Street, Suite 308 • Wailuku Maui Hawaii 96793 • 808-242-7222

8	COPY		
			2ND CIRCUIT COURT
	Sanford J. Langa	808	STATE OF HAWAI
مربد	John J. Breen	5022	
	R. Michael O'Donnell Michael G. Smith	5930 6561	96 NOV 26 AH 8: 45
	Langa Breen & Asso		
	24 North Church Street,		ARAKA CLERK
	Wailuku Maui Hawaii 9		
	242-7222 (voice)		
	242-9657 (fax)		
	Attorneys for Plaintiff		
	IN THE CIRC	CUIT COURT (	OF THE SECOND CIRCUIT
		STATE OI	FHAWAII
	MAUI ELECTRIC CO LIMITED, a Hawaii (	× *	Civil Case No. <u>96-0929 (3</u> ) (Condemnation)
		Plaintiff	
		Flaintin	Final Order Of Condemnation;
			Exhibit "A"; Exhibit "B"; Exhibit
	VS.		"C"; Exhibit "D"
	A&B-HAWAII, INC.,	o Howoji	C, Exhibit D
	Corporation; and ALI	t topologi topological de contra de contr	
	BALDWIN, INC., a E	lawali	
	Corporation		I hereby certify that this is a full, true and
		D. C. 1	thereby certify that the Original.
		Defendants	Clerk, Citorit, Corris Sprover in the
			Clerk, Ground

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# FINAL ORDER OF CONDEMNATION

Pursuant to the Stipulated Judgment As To All Parties And All Claims And Order For Withdrawal Of Funds And For Entry Of Final Order Of Condemnation filed herein on <u>NOV 26 1996</u>, which has been fully satisfied,

.

## IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. Lot A-1 and Lot A-2 of the Central Maui Power Plant Site, being a portion of Grant 3343 to Claus Spreckels, and more particularly described in Exhibit "A" annexed hereto, including any and all improvements thereon, appurtenances thereunto belonging and access rights, and

2. Easements 5, 6, 7, 8, 9, 10, and 11 for electrical transmission purposes over, under, across and through said Grant 3343, and more particularly described in Exhibit "B" annexed hereto,

3. are hereby condemned for the construction of a power generation facility and related power transmission lines, and title thereto is hereby vested in Maui Electric Company, Limited, in fee simple absolute as to the property described in Exhibit "A", and absolutely and perpetually as to the easements described in Exhibit "B", subject to Easements 1, 2, 3 and 4, as described in said Exhibit "A", and subject to Letter Agreement — Central Maui Power Plant Site and Easements annexed hereto as Exhibit "C", and the Letter Agreement — Relocation of Central Maui Power Plant Easements annexed hereto as Exhibit "D".

DATED: Wailuku, Hawaii, NOV 25 1996

/s/ Boyd P Mossman (Seal)

Judge of The Above Entitled Court

APPROVED AS TO FORM:

and Attorney for the Plaintiff

Attorney for Defendants

Final Order Of Condemnation Page 2

## LOT A-1 NEW CENTRAL MAUI GENERATION SITE SUBDIVISION

All of that certain parcel of land, being a portion of Grant 3343 to Claus Spreckels situated at Wailuku, Island and County of Maui, State of Hawaii.

Beginning at a 1/2-inch pipe at the southwesterly corner of this lot, said pipe being also the northerly corner of Lot A-2 of the New Central Maui Generation Site Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KOHA" being 9,879.00 feet North and 16,699.54 feet West and running by azimuths measured clockwise from True South:

1.	218° 13'	458.24	feet along Lot A-3 of the New Central Maui Generation Site Subdivision, being also the remainder of Grant 3343 to Claus Spreckels to a pipe;
2.	310° 51'	551.41	feet along the southwesterly side of Pulehu Road to a pipe;
3.	310° 29'	626.14	feet along same to a pipe;
4.	309° 01'	204.21	feet along same to a pipe;
5.	306° 38'	87.23	feet along same to a pipe;
6.	309° 47'	56.65	feet along same to a pipe;

7. Thence along Lot A-2 of the New Central Maui Generation Site Subdivision, being also the remainder of Grant 3343 to Claus Spreckels on a curve to the right with a radius of 30.00 feet, the chord azimuth and distance being: 356° 54' 30" 43.97 feet to a pipe;

8. 44° 02' 380.81 feet along same to a pipe;
9. 128° 26' 1,514.94 feet along same to the point of beginning and containing an Area of 15.127 Acres.

SUBJECT, HOWEVER to the following easements:

#### EASEMENT 1

Being an easement for waterline purposes over, under and across a portion of Lot A-1 of the New Central Maui Generation Site Subdivision, being also a portion of Grant 3343 to Claus Spreckels and being more particularly described as follows:

Beginning at a point at the northeasterly corner of this easement, on the southwesterly side of Pulehu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KOHA" being 9,588.18 feet North and 15,659.00 feet West and running by azimuths measured clockwise from True South:

1.	34°	49'	383.76	feet over and across Lot A-1 of the New Central Maui Generation Site Subdivision to a point;
2.	128°	26'	5.02	feet over and across same to a point;
3.	214°	49'	383.94	feet over and across same to a point;
4.	310°	29'	5.03	feet along the southwesterly side of Pulehu Road to the point of beginning and containing an Area of 1,923 Square Feet.

B)

\* 17 ° .

A)

#### EASEMENT 2

Being an easement for waterline purposes over, under and across Lot A-1 of the New Central Maui Generation Site Subdivision, being also a portion of Grant 3343 to Claus Spreckels and being more particularly described as follows:

Page 2 of 5

Beginning at a pipe at the southeasterly corner of this easement, on the southwesterly side of Pulehu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KOHA" being 9,291.24 feet North and 15,294.06 feet West and running by azimuths measured clockwise from True South:

feet over and across Lot A-1 1. 119° 20' 92.72 of the New Central Maui Generation Site Subdivision to a point;

- 129° 11' feet over and across same to a 199.96 point;
- 131° 41' feet over and across same to a 3. 95.74 point;
- 4. 129° 03' 197.07 feet over and across same to a point;
- 129° 39' 5. 218.20 feet over and across same to a point;
- 6. 132° 02' 94.60 feet over and across same to a point;
  - 130° 55' 115.49 feet over and across same to a point;
- feet over and across same to a 8. 195.25 point;
  - 260.77 feet over and across same to a point;
    - 5.00 feet along Lot A-3 of the New Central Maui Generation Site Subdivision to a point;
    - 260.91 feet over and across Lot A-1 of the New Central Maui Generation Site Subdivision to a point;

195.28 feet over and across same to a point;

12. 309° 20'

2.

- - 7.
  - 129° 20'
  - 130° 13' 30" 9.
  - 10. 218° 13'
  - 310° 13' 30" 11.

					*
13.	310°	55'		115.61	feet over and across same to a point;
14.	312°	02'	3.	94.54	feet over and across same to a point;
15.	309°	39'	•	218.07	feet over and across same to a point;
16.	309°	03'		197.15	feet over and across same to a point;
17.	311°	41'		95.74	feet over and across same to a point;
18.	30 <b>9°</b>	11'		199.89	feet over and across same to a point;
19.	219°	01'		6.97	feet over and across same to a point;
20.	309°	01'		4.20	feet along the southwesterly side of Pulehu Road to a pipe;
21.	306°	38'		87.23	feet along same to the point of beginning and containing an Area of 7,420 Square Feet.

C)

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### EASEMENT 4

Being an easement for access and waterline purposes over, under and across Lot A-1 of the New Central Maui Generation Site Subdivision, being also a portion of Grant 3343 to Claus Spreckels and being more particularly described as follows:

Beginning at a pipe at the southeasterly corner of this easement, said pipe being also the southeasterly corner of Lot A-1 of the New Central Maui Generation Site Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KOHA" being 8,937.30 feet North and 15,512.84 feet West and running by azimuths measured clockwise from True South:

1. 128° 26'

1,514.94 feet along Lot A-2 of the New Central Maui Generation Site -Subdivision to a pipe; 2. 218° 13'

.

: 3. 308° 26' 1,518.61

4. 44° 02"

36.00 feet along Lot A-3 of the New Central Maui Generation Site Subdivision to a point;

.61 feet over and across Lot A-1 of the New Central Maui Generation Site Subdivision to a point;

36.17 feet along Lot A-2 of the New Central Maui Generation Site Subdivision to the point of beginning and containing an Area of 54,604 Square Feet.

## Prepared by A&B Properties, Inc. Kahului, Maui, Hawaii

September 11, 1996

This work was prepared by me or under my supervision.



Registered Professional Land Surveyor No. LS-7633

## LOT A-2

## NEW CENTRAL MAUI GENERATION SITE SUBDIVISION

All of that certain parcel of land, being a portion of Grant 3343 to Claus Spreckels situated at Wailuku, Island and County of Maui, State of Hawaii.

Beginning at a 1/2-inch pipe at the northerly corner of this lot, said pipe being also the southwesterly corner of Lot A-1 of the New Central Maui Generation Site Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KOHA" being 9,879.00 feet North and 16,699.54 feet West and running by azimuths measured clockwise from True South:

- 1. 308° 26' 1,514.94 feet along Lot A-1 of the New Central Maui Generation Site Subdivision, being also the remainder of Grant 3343 to Claus Spreckels to a pipe;
- 2. 224° 02' 380.81 feet along same to a pipe;
- 3. Thence along same on a curve to the left with a radius of 30.00 feet, the chord azimuth and distance being: 176° 54' 30° 43.97 feet to a pipe;
- 4. 309° 47' 92.48 feet along the southwesterly side of Pulehu Road to a pipe;
- 5. 44° 02' 411.70 feet along Lot A-3 of the New Central Maui Generation Site Subdivision, being also the remainder of Grant 3343 to Claus Spreckels to a pipe;

43° 29'
 473.14 feet along same to a pipe;

7. 88° 29' 63.60 feet along same to a pipe;

8.	43°	29'	166.36	feet along same to a pipe;
9.`	358°	29'	65.48	feet along same to a pipe;
. 10.	<b>43°</b>	29 '	721.55	feet along same to a pipe;
11.	128°	13'	1,443.23	feet along same to a pipe;
12.	218°	13'	1,452.27	feet along same to the point of beginning and containing an Area of 50,573 Acres.

SUBJECT, HOWEVER to Easement 3 for access and waterline purposes over, under and across a Portion of Lot A-2 of the New Central Maui Generation Site Subdivision, being also a portion of Grant 3343 to Claus Spreckels and being more particularly described as follows:

Beginning at a pipe at the northwesterly corner of this easement, said pipe being also the southeasterly corner of Lot A-1 of the New Central Maui Generation Site Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KOHA" being 8,937.30 feet North and 15,512.84 feet West and running by azimuths measured clockwise from True South:

224° 02' feet along Lot A-1 of the 36.17 1. New Central Maui Generation Site Subdivision to a point;

2.

3.

4.

308° 26'

44° 02'

128° 26'

feet over and across Lot A-2 60.29 of the New Central Maui Generation Site Subdivision to a point;

feet along Lot A-3 of the New 36.17 Central Maui Generation Site Subdivision to a point;

60.29 feet over and across Lot A-2 Central Maui the New of Generation Site Subdivision to the point of beginning and containing an Area of 2,170 Square Feet.

### Page 2 of 3

# Prepared by A&B Properties, Inc. Kahului, Maui, Hawaii

August 6, 1996

This work was prepared by me or under my supervision.



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Registered Professional Land Surveyor No. LS-7633

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## EASEMENT 5 NEW CENTRAL MAUI GENERATION SITE SUBDIVISION Affecting Lot A-3 (TMK: (2)3-8-03:Por. 1)

All of that certain parcel of land, being an easement for electrical transmission line purposes over and across a portion of Grant 3343 to Claus Spreckels situated at Wailuku, Island and County of Maui, State of Hawaii.

Beginning at a point at the northwesterly corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KOHA" being 8,917.16 feet North and 15,448.86 feet West and running by azimuths measured clockwise from True South:

- 1. 224° 02' 50.24 feet along Lot A-2 of the New Central Maui Generation Site Subdivision to a point;
- 2. 308° 26' 79.15 feet over and across Grant 3343 to Claus Spreckels to a point;

3.

43° 36'

43"

50.21 feet over and across same to a point;

4. 128° 26' 79.52 feet over and across same to the point of beginning and containing an Area of 3,967 Square Feet.

## Prepared by A&B Properties, Inc. Kahului, Maui, Hawaii

September 11, 1996

This work was prepared by me or under my supervision.



Registered Professional Land Surveyor No. LS-7633

Page 2 of 2

## EASEMENT 6 NEW CENTRAL MAUI GENERATION SITE SUBDIVISION (Affecting TMK: (2)3-8-03:4)

All of that certain parcel of land, being an easement for electrical transmission line purposes over and across a portion of Grant 3343 to Claus Spreckels situated at Wailuku, Island and County of Maui, State of Hawaii.

Beginning at a point at the southwesterly corner of this easement, on the northeasterly side of Pulehu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KOHA" BEING 10,270.48 feet North and 16,391.29 feet West and running by azimuths measured clockwise from True South:

1.	218° 13'	100.11	feet over and across Grant 3343 to Claus Spreckels to a point;
2.	130° 51'	244.42	feet over and across same to a point;
3.	130° 15'	647.51	feet over and across same to a point;
4.	129° 45'	168.86	feet over and across same to a point;
5.	219° 45'	35" 50.00	feet along Lot 1 of the Central Maui Sanitary Landfill Subdivision to a point;
6.	309° 45'	169.07	feet over and across Grant 3343 to Claus Spreckels to a point;
7.	310° 15'	647.99	feet over and across same to a point;
8.	310° 51'	292.43	feet over and across same to a point;

9. 38° 13'

10. - 130° 51'

150.16 feet over and across same to a point;

50.05 feet along the northeasterly side of Pulehu Road to the point of beginning and containing an Area of 60,513 Square Feet or 1.389 Acres.

Prepared by A&B Properties, Inc. Kahului, Maui, Hawaii April 17, 1996

This work was prepared by me or under my supervision.



Registered Professional Land Surveyor No. LS-7633

## EASEMENT 7 NEW CENTRAL MAUI GENERATION SITE SUBDIVISION (Affecting TMK: (2)3-8-01:1, (2)3-8-03:4)

All of that certain parcel of land, being an easement for electrical transmission line purposes over and across a portion of Grant 3343 to Claus Spreckels situated at Wailuku, Island and County of Maui, State of Hawaii.

Beginning at a point at the southeasterly corner of this easement, being also on the northerly boundary of Lot 1 of the Central Maui Sanitary Landfill Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KOHA" being 11,063.49 feet North and 17,172.10 feet West and running by azimuths measured clockwise from True South:

1.	129°	45'	323.10	feet	ov	er and	across	Gra	nt
				3343 point			Spreckels	to	a
				Police					

2. 129° 00' 258.93 feet over and across same to a point;

3. Thence over and across same on a curve to the right with a radius of 1,455.00 feet, the chord azimuth and distance being: 134° 52' 30" 297.86 feet to a point;

4. 140° 45' 437.04 feet over and across same to a point;

5. 139° 26' 990.32 feet over and across same to a point;

6.

140° 06' 736.46 feet over and across same to a point;

7. 139° 40' 303.36 feet over and across same to a point;

								*				
	8.	136°	15'		202.49	<pre>feet over point;</pre>	and	across	same	to	a	
• •	9.	135°	20'		413.47	<pre>feet over point;</pre>	and	across	same	to	a	
	10.	136°	06'	1	503.37	<pre>feet over point;</pre>	and	across	same	to	a	
x)	11.	135°	26'	•	1,143.38	<pre>feet over point;</pre>	and	across	same	to	a	
	12.	133°	29'		656.53	<pre>feet over point;</pre>	and	across	same	to	a	
٠	13.	132°	55'		786.55	<pre>feet over point;</pre>	and	across	same	to	a	
	14.	133°	20'		499.08	<pre>feet over point;</pre>	and	across	same	to	a	
	15.	223°	05'		50.00	<pre>feet over point;</pre>	and	across	same	to	a	
	16.	313°	20'		499.12	<pre>feet over point;</pre>	and	across	same	to	a	
	17.	312°	55'		786.62	<pre>feet over point;</pre>	and	across	same	to	a	
	18.	313°	29'		657.63	<pre>feet over point;</pre>	and	across	same	to	a	
	19.	315°	26'		1,144.52	<pre>feet over point;</pre>	and	across	same	to	a	
	20.	316°	06'			<pre>feet over point;</pre>	and	across	same	to	a	
	21.	315°	20'	.*	413.53	<pre>feet over point;</pre>	and	across	same	to	a	
	22.	316°	15'	1. 	204.38	<pre>feet over point;</pre>	and	across	same	to	a	
	23.	319°	40'		305.04	feet over point;	and	across	same	to	a	
	24.	320°	06'		736.36	<pre>feet over point;</pre>	and	across	same	to	a	

Page 2 of 3

						(0)
25.	319°	26'		990	. 61	feet over and across same to a point;
26.、	320°	45'		437	. 61	feet over and across same to a point;
• <b>. 27 .</b>	Thend	ce ove	er and	across st	ame	on a curve to the left with a radius of 1,405.00 feet, the chord azimuth and distance being: 314° 52' 30" 287.63 feet to a point;
28.	309°	00'		259	.25	feet over and across same to a point;
29.	309°	45'		323	.44	feet over and across same to a point;
30.	39°	45'	35"	50	.00	feet along Lot 1 of the Central Maui Sanitary Landfill Subdivision to the point of beginning and containing an Area of 377,550 Square Feet or 8.667 Acres.

Prepared by A&B Properties, Inc. Kahului, Maui, Hawaii September 11, 1996

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This work was prepared by me or under my supervision.

T. NOMI LICENSED PROFESSIONAL LAND SURVEYOR lo. L8-7633

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Registered Professional Land Surveyor No. LS-7633

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### EASEMENT 8 NEW CENTRAL MAUI GENERATION SITE SUBDIVISION (Affecting TMK: (2)3-8-01:1)

All of that certain parcel of land, being an easement for electrical transmission line purposes over and across a portion of Grant 3343 to Claus Spreckels situated at Wailuku, Island and County of Maui, State of Hawaii.

Beginning at a point at the northwesterly corner of this easement, on the northeasterly side of Pulehu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KOHA" being 16,442.27 feet North and 22,521.18 feet West and running by azimuths measured clockwise from True South:

1.	223° 05'	879.66	feet over and across Grant 3343 to Claus Spreckels to a point;
2.	242° 30'	757.56	feet over and across same to a point;
3.	234° 27'	277.87	feet over and across same to a point;
4.	230° 44'	202.33	feet over and across same to a point;
5.	228° 58'	2,708.29	feet over and across same to a point;
6.	229° 05'	3,278.67	feet over and across same to a point;
7.	227° 52'	84.52	feet over and across same to a point;
8.	291° 03'	05* <b>29.2</b> 9	feet along the southerly side of Haleakala Road [Federal Aid Project No. F-037-1(6)] to a point;

	9.	Thenc	e alon	g same	on a	curve	to the left with a radius of 7,689.44 feet, the chord azimuth and distance being: 290° 57' 06" 26.77 feet to a point;	
•	10.	47°	52 '		1:	10.38	feet over and across Grant 3343 to Claus Spreckels to a point;	
	11.	49°	05'	*	3,2	79.15	feet over and across same to a point;	1141
	12.	48°	58'		2,7	09.01	feet over and across same to a point;	
	13.	50°	44'		2	04.72	feet over and across same to a point;	
	14.	54°	27'		2	83.02	feet over and across same to a point;	
	15.	62°	30'		7	52.52	feet over and across same to a point;	
	16.	43°	05'		8	73.05	feet over and across same to a point;	
	17.	135°	19'			50.04	feet along the northeasterly side of Pulehu Road to the point of beginning and containing an Area of 410,080 Square Feet or 9.414 Acres.	

Prepared by A&B Properties, Inc. Kahului, Maui, Hawaii August 7, 1996

This work was prepared by me or under my supervision.

NOMI LICENSED PROFESSIONAL LAND SURVEYOR

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Registered Professional Land Surveyor No. LS-7633

Page 2 of 2

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### EASEMENT 9

## NEW CENTRAL MAUI GENERATION SITE SUBDIVISION (Affecting TMK: (2)3-8-01:6,7 & 14 and (2)2-5-05:19)

All of that certain parcel of land, being an easement for electrical transmission line purposes over and across portions of Grant 3343 to Claus Spreckels, Royal Patent 7512, Land Commission Award 11216, Apana 27 to M. Kekauonohi and the land deeded by the Board of Education to the Trustees of the Oahu College dated: January 30, 1860 situated at Wailuku, Haliimaile and Hamakuapoko, Island and County of Maui, State of Hawaii.

Beginning at a point at the southwesterly corner of this easement, on the northeasterly side of Haleakala Highway [Federal Aid Project No. F-037-1 (6)], the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUUNENE 2" being 5,762.22 feet South and 6,826.22 feet West and running by azimuths measured clockwise from True South:

1.	227°	51'	25"	26.37	feet over and across Grant 3343 to Claus Spreckels to a point;	
2.	229°	08'		847.98	feet over and across same to a point;	
3.	227°	05'		180.87	feet over and across same to a point;	
4.	200°	55'	-450 2	177.19	feet over and across same to a point;	
5.	161°	27'		1,245.48	feet over and across same to a point;	
6.	168°	30'		252.63	feet over and across same to a point;	
7.	173°	10'		255.68	feet over and across same to a point;	
8.	176°	43'		251 <b>.90</b>	feet over and across same to a point;	

		- 54		*						
	5.15	183°	56'	255.54	<pre>feet over point;</pre>	and	across	same	to	a
_	10.	187°	58' '	257.78	<pre>feet over point;</pre>	and	across	same	to	a
-	11.	196°	49'	262.06	<pre>feet over point;</pre>	and	across	same	to	a
	12.	218°	12'	268.35	<pre>feet over point;</pre>	and	across	same	to	a
•	13.	238°	44'	263.99	<pre>feet over point;</pre>	and	across	same	to	a
	14.	255°	58'	437.29	<pre>feet over point;</pre>	and	across	same	to	a
	15.	256°	43'	216.39	<pre>feet over point;</pre>	and	across	same	to	a
	16.	251°	38'	441.36	<pre>feet over, point;</pre>	.and	across	same	to	a
	17.	261°	22'	289.78	<pre>feet over point;</pre>	and	across	same	to	a
	18.	262°	47'	550.70	<pre>feet over point;</pre>	and	across	same	to	a
	19.	255°	02'	824.84	feet over point;	and	across	same	to	a
	20.	257°	00'	262.03	<pre>feet over point;</pre>	and	across	same	to	a
	21.	258°		263.73	feet over point;	and	across	same	to	a
	22.	254°	54'	263.09	<pre>feet over point;</pre>	and	across	same	to	a
	23.	256°	55'	1,102.51	feet over point;	and	across	same	to	a,
	24.	261°	56'	738.92	feet over point;	and	across	same	to	a
	25.	257°	01'	936.10	<pre>feet over point;</pre>	and	across	same	to	a

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a l'includio		1		
26.	263°	52'	501.34	feet over and across same to a point;
27.	258°	41'	574.72	feet over and across same to a point;
- 28.	256°	36'	250.74	<pre>feet over and across same to a point;</pre>
29.	254°	03'	497.69	feet over and across same to a point;
30.	250°	00'	256.06	feet over and across same to a point;
. 31.	248°	24'	237.99	feet over and across same to a point;
32.	251°	31'	260.07	feet over and across same to a point;
33.	264°	09'	234.37	feet over and across same to a point;
34.	288°	30'	230.82	feet over and across same to a point;
35.	292°	52'	220.33	feet over and across same to a point;
36.	301°	50'	229.63	feet over and across same to a point;
37.	306°	38'	782.18	feet over and across same to a point;
38.	296°	45'	466.32	feet over and across same and R. P. 7512, L. C. Aw. 11216, Apana 27 to M. Kekauonohi to a point;
39.	287°	52'	230.55	feet over and across R. P. 7512, L. C. Aw. 112166, Apana 27 to M. Kekauonohi to a point;
40.	279°	01'	213.15	<pre>feet over and across same to a point;</pre>
41.	272°	31'	258.81	feet over and across same to a point;

Page 3 of 8

	42.	260°	44 '			feet over and across same to a point;
•.	43.	247°	14'		221.75	feet over and across same to a point;
	44.	239°	21'		196.60	feet over and across same to a point;
	45.	220°	43'		190.74	feet over and across same to a point;
	46.	202°	01'		420.32	feet over and across same to a point;
	47.	202°	58'		220.56	feet over and across same to a point;
	48.	199°	33'		215.71	feet over and across same to a point;
	49.	181°	55'		495.66	feet over and across same to a point;
	50.	187°	27'		744.37	feet over and across same and the land deeded by the Board of Education to the Trustees of the Oahu College dated: January 30, 1860 to a point;
	51.	184°	03'		242.09	feet over and across the land deeded by the Board of Education to the Trustees of the Oahu College dated: January 30, 1860 to a point;
	52.	189°	33'		229.49	feet over and across same to a point;
	53.	349°	50'	20"	148.25	feet along Ld. Ct. App. 110 to a point;
	54.	9°	33'		87.52	feet over and across the land deeded by the Board of Education to the Trustees of the Oahu College dated: January 30, 1860 to a point;
	55.	4°	03'		241.18	feet over and across same to a point;

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	56.	7°	27'	743.43	feet over and across same and R. P. 7512, L.C. Aw. 11216, Apana 27 to M. Kekauonohi to a point;
۰.	57.	1°	55'	501.00 <sup>°</sup>	feet over and across R. P. 7512, L. C. Aw. 11216, Apana 27 to M. Kekauonohi to a point;
	58.	19°	33'	224.96	feet over and across same to a point;
	59.	22°	58'	221.63	feet over and across same to a point;
	60.	22°	01'	428.14	feet over and across same to a point;
	61.	40°	43'	207.18	feet over and across same to a point;
	62.	59°	21'	208.24	feet over and across same to a point;
	63.	67°	14'	231.12	feet over and across same to a point;
	64.	80°	44 '	426.53	feet over and across same to a point;
	65.	92°	31'	266.81	feet over and across same to a point;
	66.	99°	01'	219.85	feet over and across same to a point;
	67.	107°	52 '	238.30	feet over and across same to a point;
	68.	116°	45'	474.53	feet over and across same and Grant 3343 to Claus Spreckels to a point;
	69.	126°	38'	784.41	feet over and across Grant 3343 to Claus Spreckels to a point;
	70.	121°	50'	223.61	feet over and across same to a point;

Page 5 of 8

						7						
	71.	112°	52'			214.51	<pre>feet over point;</pre>	and	across	same	to	a
	72.`	108°	30'	•	·	218.13	feet over point;	and	across	same	to	a
•	73.	84°	09'			218.05	<pre>feet over point;</pre>	and	across	same	to	a
	74.	71°	31'			253.17	<pre>feet over point;</pre>	and	across	same	to	a
	75.	68°	24'			237.32	<pre>feet over point;</pre>	and	across	same	to	a
	76.	70°	00'			258.53	feet over point;	and	across	same	to	a
	77.	74°	03'			500.58	<pre>feet over point;</pre>	and	across	same	to	a
	78.	76°	36'			252.76	<pre>feet over point;</pre>	and.	across	same	to	a
	79.	78°	41'			577.89	<pre>feet over point;</pre>	and	across	same	to	a
	80.	83°	52'			500.61	feet over point;	and	across	same	to	a
	81.	77 <sup>0</sup>	01'			935.25	<pre>feet over point;</pre>	and	across	same	to	a
	82.	81°	56'			738.88	<pre>feet over point;</pre>	and	across	same	to	a
	83.	76°	55'			1,099.44	<pre>feet over point;</pre>	and	across	same	to	a
	84.	74°	54'			263.89	feet over point;	and	across	same	to	a
	85.	78°	45'			264.65	<pre>feet over point;</pre>	and	across	same	to	a
	86.	77°	00'			260.41	<pre>feet over point;</pre>	and	across	same	to	a
	87.	75°	02'			827.37	<pre>feet over point;</pre>	and	across	same	to	a

Page 6 of 8

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	88.	82°	47'	553.47	feet over and acr point;	coss same to a
۰.	89.	· 81°	22'	284.90	feet over and acr point;	coss same to a
	90.	71°	38'	439.32	<pre>feet over and acr point;</pre>	coss same to a
ł	91.	76°	43'	218.29	<pre>feet over and acr point;</pre>	coss same to a
	92.	75°	58'	429.38	<pre>feet over and acr point;</pre>	ross same to a
	93.	58°	44'	247.36	<pre>feet over and act point;</pre>	ross same to a
	94.	38°	12'	249.85	<pre>feet over and act point;</pre>	ross same to a
	95.	16°	49'	248.75	<pre>feet over and act point;</pre>	ross same to a
	96.	7°	58'	252.16	<pre>feet over and ac: point;</pre>	ross same to a
	97.	3°	56'	250.62	<pre>feet over and ac: point;</pre>	ross same to a
	98.	356°	43'	247.20	<pre>feet over and ac: point;</pre>	ross same to a
	99.	353°	10'	252.09	<pre>feet over and ac: point;</pre>	ross same to a
	100.	348°	30'	247.52	<pre>feet over and ac: point;</pre>	ross same to a
	101.	341°	27'	1,260.35	<pre>feet over and ac point;</pre>	ross same to a
	102.	20°	55'	206.74	<pre>feet over and ac point;</pre>	ross same to a
	103.	47°	05'	193.39	<pre>feet over and ac point;</pre>	ross same to a
	104.	4 9°	08'	848.35	feet over and ac point;	ross same to a
				+		

Page 7 of 8

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105. Thence along the northeasterly side of Haleakala Highway [Federal Aid Project No. F-037-1 (6)] on a curve to the right with a radius of 7,569.44 feet, the chord azimuth and distance being: 110° 35' 27.5" 56.26 feet to the point of beginning and containing an Area of 992,181 Square Feet or 22.777 Acres.

Prepared by A&B Properties, Inc. Kahului, Maui, Hawaii April 17, 1996

This work was prepared by me or under my supervision.



S Terry

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Land La

Registered Professional Land Surveyor No. LS-7633

<u>ME</u> 43/6-z

Page 8 of 8

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## EASEMENT 10 NEW CENTRAL MAUI GENERATION SITE SUBDIVISION (Affecting TMK: (2)3-8-06:1)

All of that certain parcel of land, being an easement for electrical transmission line purposes over and across a portion of Grant 3343 to Claus Spreckels situated at Wailuku, Island and County of Maui, State of Hawaii.

Beginning at a point at the southeasterly corner of this easement, on the southwesterly side of Pulehu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU O KOHA" being 16,377.46 feet North and 22,513.33 feet West and running by azimuths measured clockwise from True South:

1.	<b>4</b> 3°	05'		509.01	feet over and across Grant 3343 to Claus Spreckels to a point;
2.	118°	36'	X.0	120.57	feet over and across same to a point;
3.	139°	10'		900.30	feet over and across same to a point;
4.	110°	58'		98.18	feet over and across same to a point;
5.	151°	12'		227.43	feet over and across same to a point;
6.	139°	13'	-	1,261.33	feet over and across same to a point;
7.	247°	02'	45-	52.52	feet along the southeasterly side of Hansen Road to a point;
8.	319°	13'		1,250.49	feet over and across Grant 3343 to Claus Spreckels to a point;

٩.	331°	12.	214.36	feet over and across same to a point;
. 10.	290°	<b>58'</b>	92.42	feet over and across same to a point;
11.	319°	10'	903.79	feet over and across same to a point;
12.	298°	36'	72.78	feet over and across same to a point;
13.	223°	05'		feet over and across same to a point;
14.	315°	19'	50.04	feet along the southwesterly side of Pulehu Road to the point of beginning and containing an Area of 153,068 Square Feet or 3.514 Acres.

Prepared by A&B Properties, Inc. Kahului, Maui, Hawaii

1.1-

August 8, 1996

This work was prepared by me or under my supervision.

NOMU LICENSED Laur PROFESSIONAL Professional Land Surveyor No. LS-7633 LAND Registered SURVEYOR 0 L8-7833

ME 43/7-b

## EASEMENT 11 NEW CENTRAL MAUI GENERATION SITE SUBDIVISION (Affecting TMK: (2)3-8-06:4)

All of that certain parcel of land, being an easement for electrical transmission line purposes over and across a portion of Grant 3343 to Claus Spreckels situated at Wailuku, Island and County of Maui, State of Hawaii.

Beginning at a point at the southeasterly corner of this easement, on the northwesterly side of Hansen Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 2,925.58 feet South and 18,994.36 feet East and running by azimuths measured clockwise from True South:

1.	67° 00'	52.52	feet along the northwesterly side of Hansen Road to a point;
2.	139° 10'	15• 2,584.51	feet over and across Grant 3343 to Claus Spreckels to a point
3.	138° 53'	217.55	feet over and across same to a point;
4.	128° 12'	229.79	feet over and across same to a point;
5.	136° 42'	132.45	feet over and across same to a point;
6.	48° 43'	320.83	feet over and across same to a point;
7.	53° 50'	327.42	feet over and across same to a point;
8.	56° 19'	201.64	feet over and across same to a point;

	9.	46°	50'	248.69	feet over point;	and	across	same	to	a
۰.	10.	40°	00 •	286.39	feet over point;	and	across	same	to	a
	11.	39°	55 <b>'</b>	1,572.12	feet over point;	and	across	same	to	a
	12.	39°	39 '	721.26	<pre>feet over point;</pre>	and	across	same	to	a
	13.	206°	50 '		feet over point;	and	across	same	to	a
	14.	286°	10،	29.50	feet over point;	and	across	same	to	a
	15.	196°	10'	5.00	feet over point;	and	across	same	to	a
	16.	106°	10.	29.42	<pre>feet over point;</pre>	and	across	same	to	a
	17.	219°	39 '	505.41	feet over point;	and	across	same	to	a
	18.	219°	55'	1,572.28	feet over point;	and	across	same	to	a
	19.	220°	•00	289.41	<pre>feet over point;</pre>	and	across	same	to	a
	20.	226°	50 ·	255.82	<pre>feet over point;</pre>	and	across	same	to	a
	21.	236°	<b>19</b> '	204.71	<pre>feet over point;</pre>	and	across	same	to	a
	22.	233°	50 <b>'</b>	324.10	<pre>feet over point;</pre>	and	across	same	to	a
20	23.	228°	43 '	366.87	feet over point;	and	across	same	to	a
	24.	316°	42'	177.00	feet over point;	and	across	same	to	a
	25.	308°	12'	230.75	feet over point;	and	across	same	to	a

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Page 2 of 3

١,

26. 318° 53'
27. 319° 10' 15"
2,600.81 feet over and across same to a point;
27. 319° 10' 15"
2,600.81 feet over and across same to the point of beginning and containing an Area of

containing an Area of 339,564 Square Feet or 7.795 Acres.

Prepared by A&B Properties, Inc. Kahului, Maui, Hawaii August 8, 1996

This work was prepared by me or under my supervision.



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Registered Professional Land Surveyor No. LS-7633

Page 3 of 3



Thomas J. Jezierny President

January 31, 1996

Mr. Stanley M. Kuriyama, Esq. Vice President A&B-Hawaii, Inc. 822 Bishop Street Honolulu, Hawaii 96813

## Letter Agreement-Central Maui Power Plant Site and Easements

Dear Mr. Kuriyama:

As a result of recent discussions and understandings reached on the above referenced subject, Maui Electric Company, Limited ("MECO") believes it would be appropriate to enter into a letter agreement with A&B-Hawaii, Inc. ("ABHI") regarding MECO's acquisition from ABHI of site A-2 of approximately 50 acres, a 17-acre remnant parcel (collectively the "Property") and related transmission line easements for the Central Maui Power Plant project.

<u>Power Plant Site A-2 and Remnant Parcel</u>: ABHI agrees to convey to MECO the Property for purposes of constructing the proposed Central Maui Power Plant. The Property is a portion of TMK 2-3-8-003-001, generally located as shown on the attached Exhibit I.

<u>Option to Repurchase the Remnant Parcel</u>: ABHI is requesting that MECO grant ABHI an option to repurchase the 17-acre remnant parcel in the event MECO has no utility need for the remnant and decides to dispose of it. MECO agrees to take title to the remnant subject to an option to ABHI to purchase it back at the same price MECO paid for it (\$25,000 per acre), adjusted by the increase in the Honolulu Consumer Price Index from the date MECO acquires the remnant to the date ABHI exercises the option to repurchase. The option to repurchase shall remain effective for the benefit of ABHI, its successors and assigns for a period of 25 years from the date MECO acquires title.

<u>Agricultural Maintenance License and Irrigation Ditch/Pipeline Easement</u>: MECO understands that Hawaiian Commercial & Sugar Company ("HC&S") cultivates sugar cane on the Property. After MECO acquires title, MECO agrees to license the Property to HC&S for crop cultivation on a month-to-month basis at no rent until the area is

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Mr. Stan Kuriyama, Esq. January 31, 1996 Page 2

required for development by MECO for utility purposes or December 31, 2004, whichever comes first, or if cultivation of crops on the Property is no longer permissible by law. HC&S will pay any agricultural property taxes assessed against the Property during the term of the license arrangement. In consideration, HC&S will manage the Property for MECO during the tenure of the license under terms set forth in a license agreement that will be drawn up between the parties without undue delay after an Order of Possession is issued by the Second Circuit Court.

MECO also agrees to take title to the Property subject to easements in favor of HC&S for the existing irrigation and mountain water ditch, pipelines and access road through the remnant parcel. ABHI agrees to cause the surrender and cancellation of the easements if they are no longer required for farming operations. Such ditch, pipelines and access road may be relocated by MECO outside of the Property at MECO's expense, subject to ABHI's approval of the new location and the proposed substitute facilities. The existing irrigation pipeline(s) through site A-2 will be tenured under the above-described license agreement until it is relocated by MECO to a mutually agreeable location outside the Property at MECO's expense.

<u>Transmission Easements</u>: ABHI agrees to convey to MECO perpetual transmission line easements for the Central Maui Power Plant project, consisting of approximately 39 acres. A routing for such easements is generally shown on the attached Exhibit II. However, upon the issuance of a Final Order of Condemnation for the easements, the location of Easements 3 through 8 may be relocated to mutually agreeable, substitute alignments at no further cost to MECO.

<u>Compensation</u>: MECO and ABHI agree that the total compensation payable to ABHI for site A-2, the remnant parcel and the transmission easements is \$1,831,421. MECO and ABHI further agree that the above compensation will be adjusted for changes in the acreage of site A-2, the remnant parcel and the easements resulting from a formal survey. The unit land values to be used for adjusting A-2 and the remnant are \$23,000 per acre and \$25,000 per acre respectively. The unit land values and disutility factors to be used to adjust easement values will be those of the Medusky & Co. appraisal. The compensation recited herein is for the unencumbered fee title of site A-2 and the remnant parcel, subject to the easements and option to repurchase cited above. ABHI warrants that to its knowledge it has good title to the property and that no other person or entity has any lawful claim to site A-2, the remnant parcel and the transmission easement areas.

<u>Closing Deadline</u>: Both MECO and ABHI will make every effort to close the transaction by November 30, 1996, but no later than December 30, 1996. To achieve this closing deadline, MECO shall commence a condemnation action to convey title to the Property and related easements. MECO will file with the PUC an Application requesting authority



Mr. Stan Kuriyama, Esq. January 31, 1996 Page 3

to expend the compensation above and to condemn the Property and related easements. Upon receipt of PUC approval, MECO will file a complaint for condemnation in Second Circuit Court and deposit with the Court the above compensation, as adjusted for acreage changes. ABHI will be able to withdraw the compensation from Circuit Court whenever it is available. The prices set forth in "Compensation" above shall be effective and binding only if payment is made in 1996. If this transaction fails to close by the December 30, 1996, the prices shall be subject to further negotiation and shall be binding only upon the mutual agreement of the parties. If the prices have to be further negotiated, the parties agree that the highest and best use of the Property and the land underlying the easements is agriculture with long-term urban potential, as currently concluded in the Medusky appraisal. If the parties fail to reach agreement on mutually acceptable prices by April 1, 1997, the provisions of this agreement do not apply.

<u>Cooperation</u>: ABHI and MECO pledge to mutually cooperate in the review, drafting and execution of whatever documents, authorizations, stipulations and agreements are needed to close the transaction by the end of 1996.

On behalf of MECO and Hawaiian Electric Company, I thank you for the superb cooperation and professionalism demonstrated by the representatives of ABHI and HC&S in the last four years of discussions concerning the Central Maui Power Plant project.

Sincerely yours,

Thomas

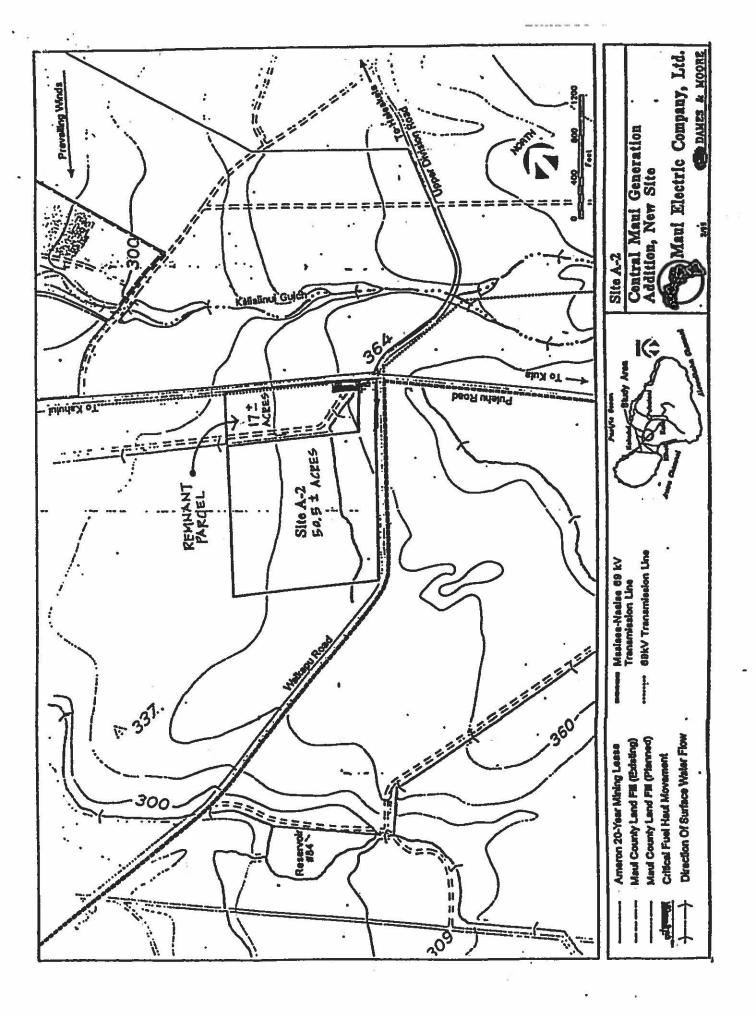
Attachments

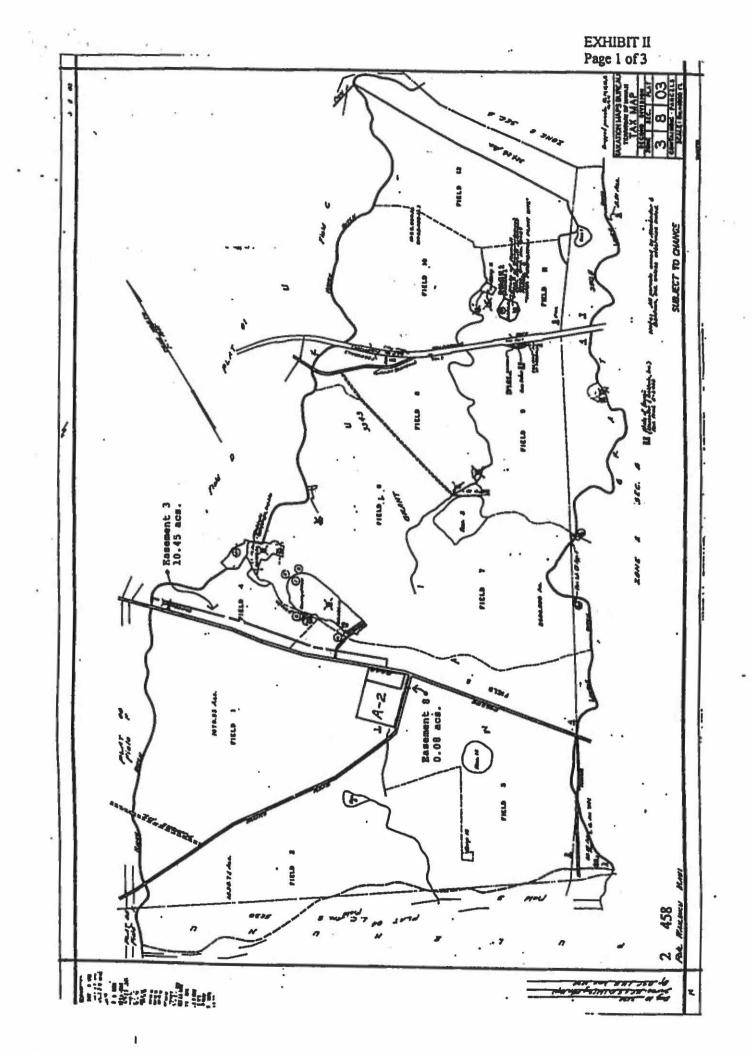
AGREED AND ACCEPTED THIS 2<sup>14</sup> DAY OF <u>Forman</u>, 1996

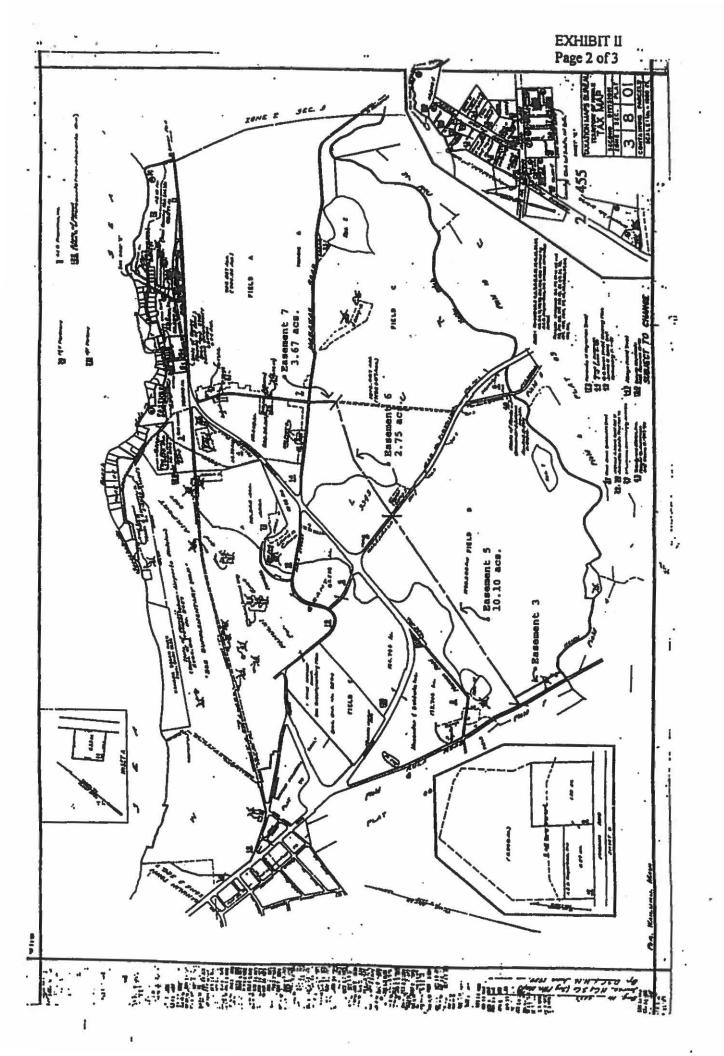
A&B-HAWAII, INC.

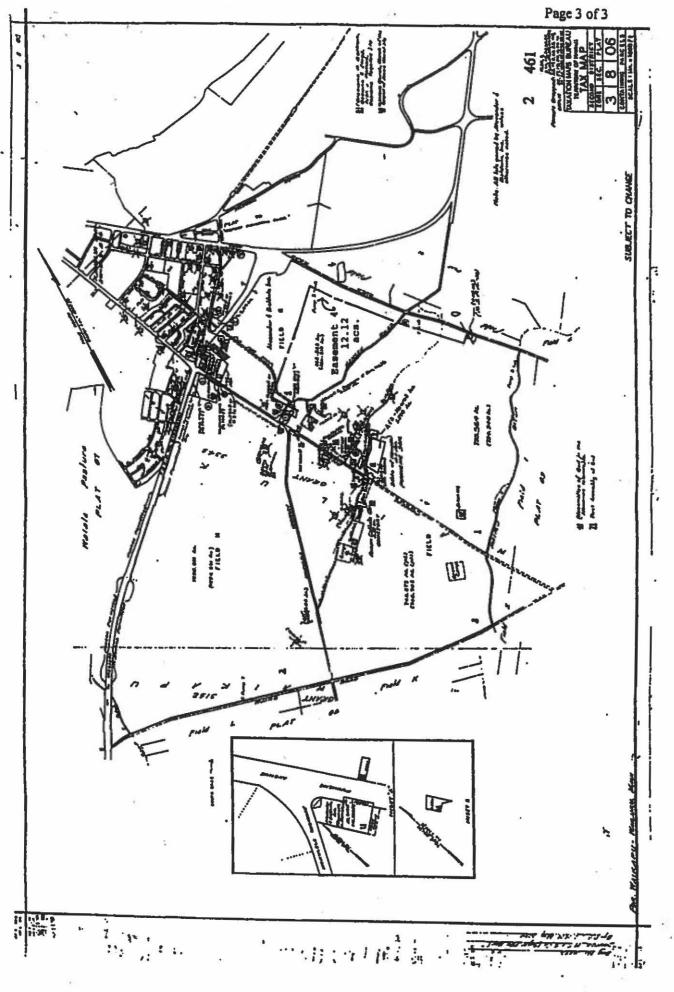
bc: J. Fernie P. Wong K. Kusaka G. Hashiro B. Reinhardt (MECO) N. Shinyama (MECO) T. Jezierny (MECO) Central Maui Power Plant Site













Maui Electric Company, Ltd. • 210 West Kamehameha Avenue • PO Box 398 • Kahului, Maui, HI 96732-0398 • (808) 871-8461



William A. Bonnet, P.E. President

October 24, 1996

Mr. Stanley M. Kuriyama, Esq. Vice President A&B-Hawaii, Inc. 822 Bishop Street Honolulu, Hawaii 96813

## Letter Agreement--Relocation of Central Maui Power Plant Easements

Dear Mr. Kuriyama:

In recent discussions, A&B-Hawaii, Inc. ("ABHI") and Hawaiian Commercial & Sugar Company ("HC&S") (ABHI and HC&S being herein collectively referred to as "A&B") have requested clarification and expansion of the provision in the Central Maui Power Plant letter agreement dated January 31, 1996 ("letter agreement") between ABHI and Maui Electric Company, Limited ("MECO") regarding the relocation of Easements 3 through 8. A&B and MECO believe it would be prudent to clarify the parties' intentions regarding this matter prior to the closing of the transaction.

The letter agreement states: "...upon the issuance of a Final Order of Condemnation for the easements, the location of Easements 3 through 8 may be relocated to mutually agreeable, substitute alignments at no further cost to MECO." Easements 3 through 8 are identified in Exhibit II of the letter agreement, and connect the Central Maui Power Plant site with the existing Maalaea-Kealahou 69kV line and the Puunene and Paia Mills. Since the execution of the letter agreement, Easements 3 through 8 have been formally surveyed by Ken Nomura, and have been renumbered as Easements 5 through 11 inclusive, as shown on the New Central Maui Generation Site Subdivision maps dated March 26, 1996, revised August 6, 1996 and September 11, 1996.

Mr. Stan Kuriyama, Esq. October 24, 1996 Page 2

Although the above easements have been identified for acquisition by MECO (such easements being herein referred to as the "MECO Easements"), this does not mean that they constitute the preferred transmission alignments for A&B. In fact, A&B's current preference is that certain easements be relocated to the locations shown on the Attached Exhibits A-1, A-2 and A-3. However, A&B had agreed to the present location in order to facilitate an agreement that would enable MECO to obtain PUC approval in a timely manner and based on the letter agreement's provision addressing the substitution of easement locations.

At the same time, both parties recognize that these easements are not likely to be utilized for a number of years, and that in the interim site conditions could materially change. Therefore, rather than attempt at this time to agree upon a final and alternate locations for the easements, the parties agree that a final decision on the easement locations shall be deferred and agreed upon as follows:

- A&B will be given an opportunity before the design of transmission lines for the Central Maui Power Plant to propose alternative transmission alignments that would better serve the interests of A&B (such alternate easement alignments being herein referred to as the "A&B Easements"). A&B will be given no less than sixty (60) days advance written notice of MECO's intent to commence the design of the transmission lines, during which period the parties will seek to identify mutually agreeable, substitute easement alignments. Both parties shall at all times act and negotiate reasonably and in good faith. MECO shall not be required to pay any additional compensation to A&B for any substitute easements that may be agreed upon. If the parties agree to substitute easements and A&B thereafter makes a second request to relocate, A&B shall bear the full cost of any such subsequent relocation of the easements.
- 2. If the parties have complied with the foregoing provisions, and are unable to reach mutual agreement by the date MECO intends to commence the design of the transmission lines, then MECO shall have the right to proceed with its engineering and design and to construct the transmission lines within the MECO Easements, provided MECO's decision is based upon verifiable engineering or permitting reasons favoring the MECO Easements. Before commencing its design of the transmission lines, MECO shall provide A&B with such engineering or permitting reasons and such back-up data and information as A&B may reasonably request.
- 3. The foregoing agreements shall be binding upon and inure to the benefit of MECO and A&B, and their respective successors and assigns. The foregoing agreements shall survive the entry of the Final Order of Condemnation and shall not be deemed superseded, amended or affected by the provisions of the Final Order of Condemnation or any other documents that may be stipulated to or approved by the parties in connection with such condemnation.



Mr. Stan Kuriyama, Esq. October 24, 1996 Page 3

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All other terms and conditions of the letter agreement remain in full force and effect. Furthermore, A&B and MECO confirm that they will make every effort to close the Central Maui Power Plant site and easements transaction by November 30, 1996, but no later than December 30, 1996.

We appreciate your cooperation in this matter.

Sincerely yours,

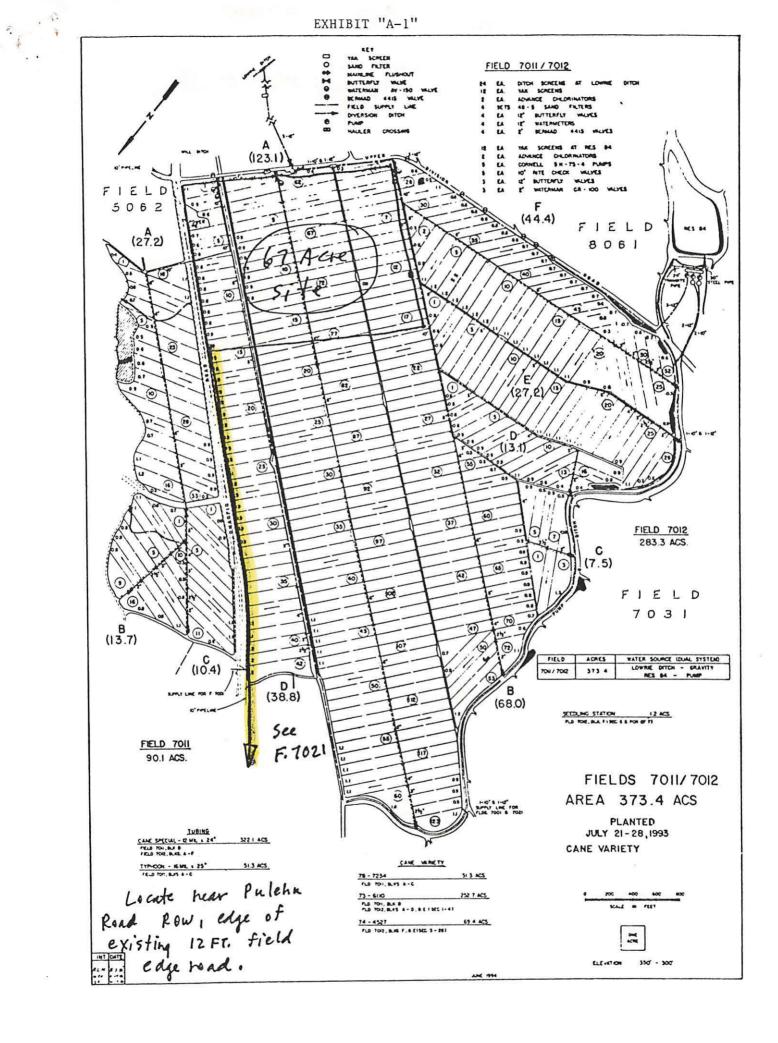
'RB

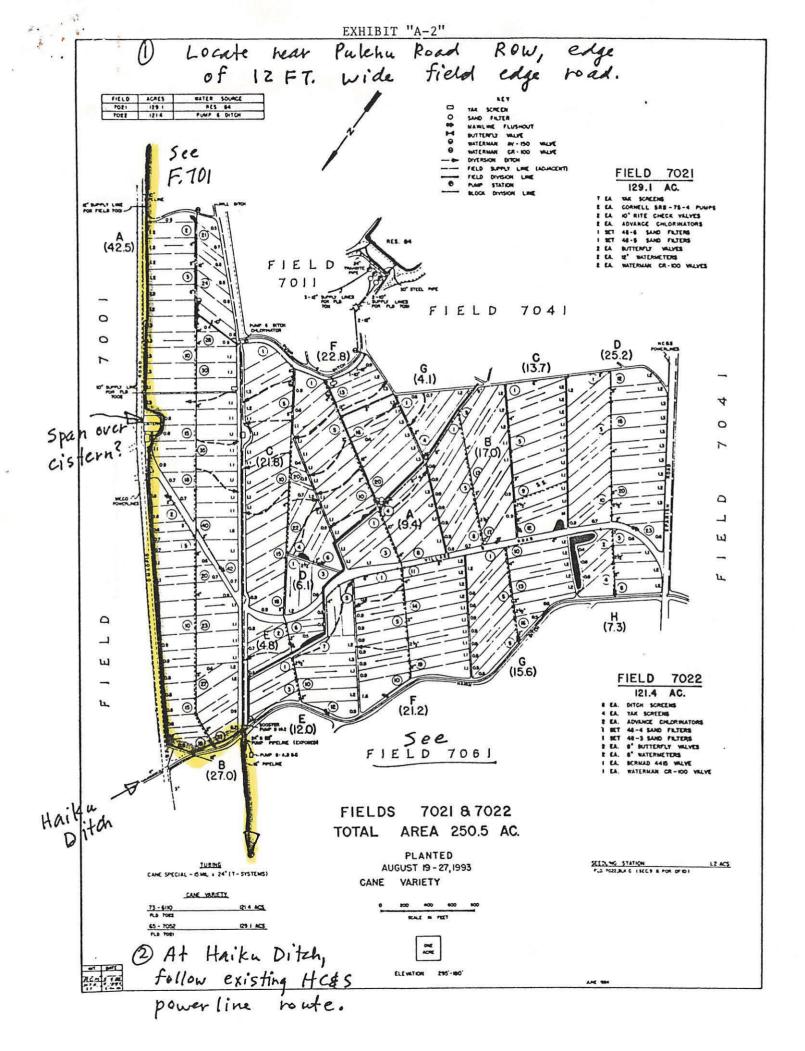
AGREED AND ACCEPTED THIS <u>1916</u> DAY OF <u>November</u>, 1996

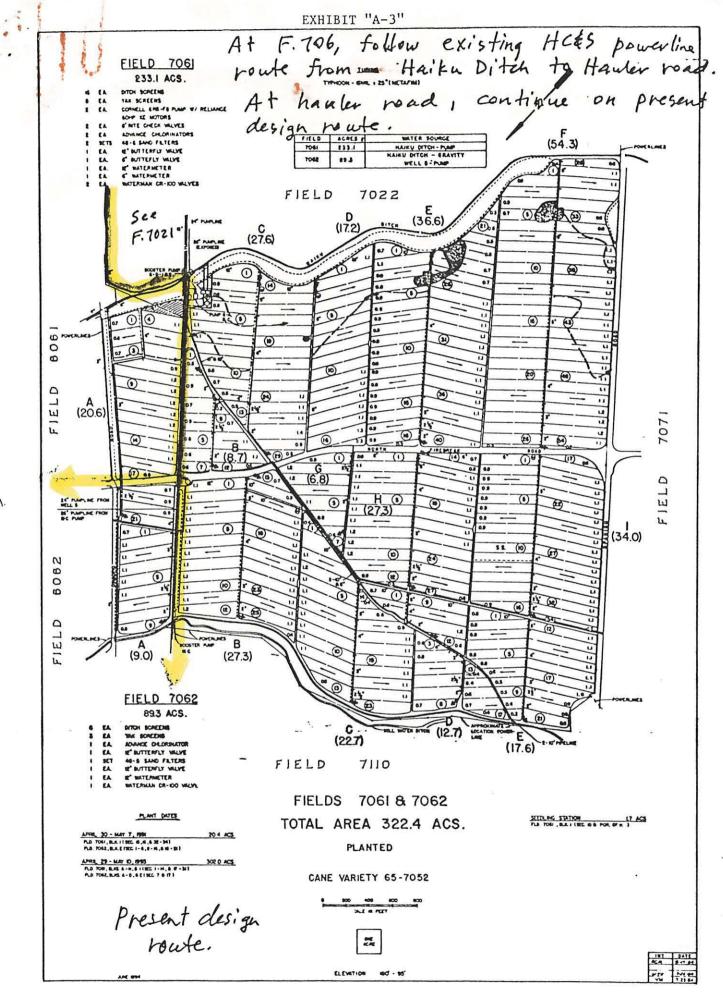
A&B-HAWAII, INC.

By the M. Kunjan Its Vice President









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# Additional Security Mortgage and Financing Statement

#### KNOW ALL MEN BY THESE PRESENTS:

10.14

In order to comply with \$506-3, Hawaii Revised Statutes, and the Uniform Commercial Code, and intending to create a mortgage lien under real property law and a security interest under the Uniform Commercial Code, and to further secure and comply with the after-acquired property provisions of that certain Indenture of Mortgage and Deed of Trust dated March 1, 1948, recorded in the Bureau of Conveyances in Book 2193, pages 227-306, as the same has been and may hereafter by amended and supplemented, hereinafter referred to as the trust mortgage, which trust mortgage was last amended by instrument dated December 1, 1972, recorded in Liber 8774 at page 469; and to further describe certain of the properties covered by various financing statements executed by Maui Electric Company, Limited, as debtor, and Bishop Trust Company, Limited, and its successor trustee, Hawaiian Trust Company, Limited, as secured party, and recorded in said Bureau, Maui Electric Company, Limited, a Hawaii corporation, having its principal office and place of business at, Kahului, Maui, Hawaii, mortgagor in the trust mortgage, does hereby mortgage, confirm, warrant, set over and deliver unto Hawaiian Trust Company, Limited, a Hawaii corporation, having its principal office and mailing address at Honolulu, Hawaii, as successor trustee under the trust mortgage, and its successors in trust and assigns, all of its right, title and interest in the document to which this instrument is attached, and in and to the property affected thereby, together with all goods which are or are to become fixtures thereon and all improvements now or hereafter placed thereon and all additions, purchases, accessions and substitutions thereto and therefor, and the reversions, rents, issues and profits and proceeds thereof.

To have and to hold the same, together with all rights, easements, privileges and appurtenances thereunto belonging or appertaining, unto the said trustee and its successors in trust and assigns.

In trust, nevertheless, under the truste and subject to the conditions and provisions, including the defeasance clause, set forth in the trust mortgage.

Dated: Ovember 27190

Maui Electric Company, Limited by its a Wachi

State Of Hawaii County Of Moui

On  $\sqrt{27.996}$ , before me appeared Eileen Wachi, to me personally known, who being by me duly sworn, did say that she is the Assistant Secretary, of Maui Electric Company, Limited, 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 officer acknowledged said instrument to be the free act and deed of said corporation.

Notary Public, State of Hawaii My commission expires:

JULY 28, 1998

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Langa Breen & Wiltsie • 24 North Church Street • Suite 308 • Wailuku Maui Havaii 96793 • 808-242-7222

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