

R-414

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED

SEP 15, 1998 08:01 AM

Doc No(s) 98-136884

/s/ CARL T. WATANABE  
ACTING  
REGISTRAR OF CONVEYANCES  
CONVEYANCE TAX: \$45.00

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FALG  
109570  
\_\_\_\_\_  
LAND COURT SYSTEM ) REGULAR SYSTEM  
AFTER RECORDATION, RETURN BY MAIL ( ) PICK UP (✓) TO:

FIRST AMERICAN LONG & MELONE TITLE COMPANY, LTD  
Park Plaza I, Suite 201  
4374 Kukui Grove Street, Ste 201  
Lihue, Hawaii 96766

Regarding Escrow No. 00805181-DB Total Pages: 11

TITLE OF DOCUMENT: APARTMENT DEED

PARTIES:

Grantor: HEDSCH, INC., a Hawaii corporation, and HUGH EDWARD RILEY  
and LILLIAN R. RILEY, Trustees of the Riley Family Revocable  
Living Trust  
Grantee: LANIEZA D. GARCIA  
Post Office Box 2026  
Puhi, Hawaii 96766

PROPERTY DESCRIPTION: ) LIBER/PAGE  
TMK NO. 4-6-39-027 (4) ) DOCUMENT NO(S):  
CPR 5, Apt. No. G ) TRANSFER CERTIFICATE OF  
"Ahupua'a Village" ) TITLE NO(S):

**APARTMENT DEED**

KNOW ALL PERSONS BY THESE PRESENTS:

That pursuant to Stipulation Regarding Further Action by Commissioner Due to Private Sales of Individual CPR Units and Order filed on May 13, 1998 in the Circuit Court of the Fifth Circuit, State of Hawaii, in Civil No. 97-0227, HEDSCH, INC., a Hawaii corporation, having its principal place of business at Lihue, Kauai, Hawaii, and HUGH EDWARD RILEY and LILLIAN R. RILEY, Trustees of the Riley Family Revocable Living Trust, under unrecorded Trust Agreement dated June 19, 1992, of           Koloa,            
          Kauai, Hawaii          , hereinafter called "GRANTOR", in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to the Grantor paid by LANIEZA D. GARCIA, unmarried, whose residence address is Puhi, Kauai, Hawaii, and mailing address is Post Office Box 2026, Puhi, Hawaii 96766, hereinafter "GRANTEE", the receipt of which is acknowledged, does hereby grant and convey unto the Grantee, as Tenant in Severalty, the property described in Exhibit "A" attached hereto and incorporated herein by reference.

AND THE reversions, remainders, rents, issues and profits thereof, and all the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

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, in the aforesaid tenancy.

AND THE GRANTOR hereby covenants with the Grantee that the Grantor is lawfully seised in fee simple of the premises described herein and has good right to sell and convey the same; that the same are free and clear of all encumbrances except for the lien of real property taxes for the current fiscal year which are to be prorated between the Grantor and Grantee as of the date of delivery hereof; and that the Grantor will WARRANT AND DEFEND the same unto the Grantee against all claims and demands of all persons, except as aforesaid.

The Grantee does hereby covenant and agree to and with the Grantor that the Grantee will observe, perform, comply with and abide by the Declaration and the Bylaws of the Project referred to in Exhibit "A" as they may from time to time be amended.

This conveyance and the covenants of the Grantor and Grantee shall inure to the benefit of, and be binding upon the person or persons identified above as "Grantor" and "Grantee" and their respective heirs, personal representatives, successors, successors in trust and assigns, as the context of this instrument may require.

This instrument may be executed in one instrument signed by all parties, or in separate instruments which shall be counterparts hereof and the escrow officer is authorized to attach signature pages from separate instruments and notary acknowledgments of signature of all parties to a single document for recordation in the Bureau of Conveyances and/or Land Court of the State of Hawaii.

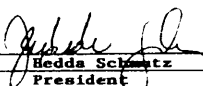
Covenants made by two or more persons shall be joint and several, the use of the pronoun in reference to the "Grantor" or "Grantee" shall mean and include the masculine, feminine or neuter gender as the context may require and the singular shall include the plural.

IN WITNESS WHEREOF, the parties have caused these presents to be duly executed this \_\_\_\_\_ day of  
AUG 21 1998, 19\_\_\_\_\_.

HEDSCH, INC., a Hawaii corporation

By: \_\_\_\_\_

Its \_\_\_\_\_

  
Hedda Schmitz  
President

By: \_\_\_\_\_

Its \_\_\_\_\_

Hugh Edward Riley  
HUGH EDWARD RILEY, Trustee Aforesaid

Lillian R. Riley  
LILLIAN R. RILEY, Trustee Aforesaid

GRANTOR

Lanieza D. Garcia  
LANIEZA D. GARCIA

GRANTEE

STATE OF HAWAII )  
COUNTY OF KAUAI ) ss.

19 98 on this 17th day of July,  
before me appeared Hedda Schmidt  
and President to me personally known,  
who, being by me duly sworn, did say that they are the  
and respectively of HEDSCH, INC., a Hawaii 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(s) acknowledged said instrument to  
be the free act and deed of said corporation.

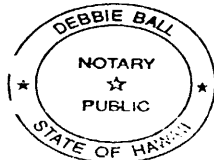
Corine M. Fermin  
LS Notary Public, In and For Corine M. Fermin  
Said County and State

My commission expires: 6/14/2000

STATE OF Hawaii )  
COUNTY OF Kauai ) ss.

On this \_\_\_\_\_ day of JUN 25 1998,  
19\_\_\_\_\_, before me personally appeared HUGH EDWARD RILEY and LILLIAN R. RILEY, Trustees of the Riley Family Revocable Living Trust, under unrecorded Trust Agreement dated June 19, 1992, who satisfactorily proved to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed as said Trustees.

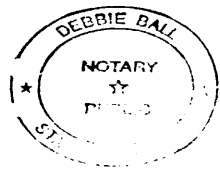
Debbie Ball  
Notary Public, In and For Debbie Ball  
Said County and State  
My commission expires: 8/19/2001



STATE OF HAWAII )  
COUNTY OF KAUAI ) ss.

On this \_\_\_\_\_ day of AUG 21 1998,  
19\_\_\_\_\_, before me personally appeared LANIEZA D. GARCIA, who satisfactorily proved to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Debbie Ball  
Notary Public, In and For Debbie Ball  
Said County and State  
My commission expires: 8/19/2001



**EXHIBIT "A"**

Those certain premises comprising a portion of the project known as "AHUPUA'A VILLAGE" Condominium, situate at Kapaa Homesteads Fourth Series, Kapaa, Island and County of Kauai, State of Hawaii, said project having been established as a Condominium Property Regime by Declaration dated March 8, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-038881 and By Laws dated March 8, 1995, recorded in said Bureau as Document No. 95-038882, as amended, herein called "Declaration" and By-Laws", respectively, under and pursuant to the provisions of Chapter 514A, Hawaii Revised Statutes, as amended, the premises hereby conveyed being more particularly described as follows:

**FIRST:** Apartment No. G as shown on Condominium Map No. 2225 filed in said Bureau of Conveyances.

TOGETHER WITH appurtenant easements as follows:

Exclusive easements to use the limited common elements appurtenant thereto designated for its exclusive use by the Declaration, as amended, and the Condominium Map.

SUBJECT TO easements for the encroachment by any part of the common elements of the Project now or hereafter existing thereon and for entry as may be necessary for operation of the Project or for making repairs therein as provided in the Declaration.

**SECOND:** An undivided 5% percentage interest appurtenant to the apartment and in all common elements of said Project as described in said Declaration including the land more particularly described in said Declaration, such description is incorporated herein by reference and made a part hereof.

**BEING ALL OF THE PREMISES DESCRIBED BY:**

**WARRANTY DEED**

**GRANTOR:** HUGH EDWARD RILEY and LILLIAN R. RILEY, as Trustees of the Riley Family Revocable Living Trust, under unrecorded Trust Agreement dated June 19, 1992

GRANTEE: HEDSCH, INC., a Hawaii corporation

DATED: December 21, 1994

DOCUMENT NO.: 94-213211

THE LAND UPON WHICH SAID CONDOMINIUM PROJECT IS SITUATE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 43

All of that parcel of land being a portion of LOT 179-B, also being a portion of Grant 10796, Kapaa Homesteads Fourth Series, Kapaa, Kawaihau, Kauai, Hawaii, and being more fully described as follows:

Beginning at a pipe at the Southeast corner of this parcel of land, the same being the Northeast corner of LOT 44, the coordinates of said point of beginning referred to Government Survey Triangulation Station "NONOU" being 13,763.76 feet North and 7,658.03 feet East and running by azimuths measured clockwise from true South:

1.	114°	14'	233.72	feet along the North boundary of LOTS 44 and 35, to a pipe;
2.	204°	14'	44.00	feet along the East boundary of Roadway LOT A-1, to a pipe;
3.	294°	14'	56.86	feet along the South boundary of LOT 36, to a pipe;
4.	204°	14'	157.24	feet along the East boundary of LOTS 36 and 37, to a pipe;
5.	114°	14'	76.86	feet along the South boundary of LOT 38 to a pipe;
6.	204°	14'	78.07	feet along the East boundary of LOT 38, to a pipe;

7.	114°	14'	60.17	feet along the North boundary of LOT 38, to a pipe;
8.	204°	14'	177.00	feet along the East boundary of LOTS 39 and 40, to a pipe;
9.	224°	42'	20.00	feet along the East boundary of LOT 41, to a pipe;
10.	184°	00'	106.06	feet along the East boundary of LOT 41, to a pipe;
11.	61°	27'	116.60	feet along the North boundary of LOTS 41 and 42, to a pipe;
12.	73°	45'	20.17	feet along the North boundary of LOT 42, to a pipe;
13.	204°	14'	409.37	feet along the East boundary of LOT 12, to a pipe;
14.	252°	55'	183.66	feet along the State of Hawaii Land, to a pipe;
15.	269°	57'	151.16	feet along the State of Hawaii Land, to a pipe;
16.	24°	14'	1,061.40	feet along the West boundary of LOT 180-A to the point of beginning and containing an area of 4.869 acres.

**SUBJECT, HOWEVER, TO THE FOLLOWING:**

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. Exception and reservation as contained in that certain Land Patent Grant Number 10,796, to which reference is hereby made.

3. RIGHT-OF-ENTRY

IN FAVOR OF: CITIZENS UTILITIES COMPANY

DATED: October 17, 1985  
LIBER: 19076  
PAGE: 339  
PURPOSES: right of entry and temporary easement for utility purposes

4. Easement 2 for access and utility purposes, as shown on survey map prepared by Dennis M. Esaki, approved April 9, 1986.

5. Restrictions, covenants and conditions as contained in:

DECLARATION

DATED: June 25, 1986  
LIBER: 19663  
PAGE: 157

to which reference is hereby made, but deleting any covenant, condition, or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c)

The foregoing Declaration was amended by the following:

LIBER: 20481 Page 218

6. GRANT

IN FAVOR OF: CITIZENS UTILITIES COMPANY, a Delaware corporation, and GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, a Hawaii corporation

DATED: June 8, 1990  
DOCUMENT NO.: 90-137448  
PURPOSE: granting an easement for utility purposes

7. Terms and provisions of that certain Waiver and Release dated January 17, 1995, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-008791, to which reference is hereby made.

8. Terms and provisions of that certain Easement Agreement made by and between HEDSCH, INC., a Hawaii corporation, and Hugh Edward Riley and Lillian R. Riley, as Trustees of the unrecorded Riley Family Revocable Living Trust dated June 19, 1992, dated December 20, 1994, recorded in said Bureau as Document No. 95-013777, to which reference is hereby made.

9. GRANT OF EASEMENT

IN FAVOR OF: CITIZENS UTILITIES COMPANY, a Delaware corporation, and GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, a Hawaii corporation

DATED: September 22, 1995

DOCUMENT NO: 96-063021

PURPOSE: granting Easement E-1 for utilities purposes

10. Condominium Map No. 2225, filed in said Bureau.

11. Restrictions, covenants, agreements, obligations, conditions, easements and other provisions set forth in Declaration of Condominium Property Regime dated March 8, 1995, recorded in said Bureau as Document No. 95-038881, to which reference is hereby made, but deleting any covenant, conditions or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

The foregoing Declaration was amended by the following:

DOCUMENT NO. 95-073716

DOCUMENT NO. 95-082168

12. Restrictions, covenants, agreements, obligations, conditions and other provisions set forth in By-Laws of the Association of Apartment Owners of Ahupua'a Village dated March 8, 1995, recorded in said Bureau as Document No. 95-038882, to which reference is hereby made.
13. Terms and provisions of that certain (original) Warranty Deed dated December 21, 1994, recorded in said Bureau as Document No. 94-213211, to which reference is hereby made.
14. All exclusive and non-exclusive easements mentioned in said Declaration, as amended, and/or said (original) Warranty Deed, and/or as shown on Condominium Map No. 2225.