

Kauai Resort and Beach Club

EXHIBIT "A"

I.

Those certain Apartments ("Apartments"), described in Exhibit "A-1" attached hereto and incorporated herein by this reference, of the condominium project ("Project") known as "MARRIOTT'S KAUAI RESORT AND BEACH CLUB", as established by that certain Declaration of Condominium Property Regime ("Declaration") dated March 29, 1995, filed in the Office of the Registrar of the Land Court of the State of Hawaii as Document No. 2230409, and also recorded at the Bureau of Conveyances of the State of Hawaii as Document No. 95-048462, as amended, and as shown on the plans thereof filed in said Land Court as Condominium Map No. 1082 and filed at said Bureau as Condominium Map No. 2232, as the same may be amended from time to time.

Together with appurtenant easements as follows:

- (A) Nonexclusive easements for use of the common elements in accordance with the purpose for which they are intended without hindering or encroaching upon the lawful rights of the other apartment owners, subject always to the exclusive use of the limited common elements as provided in the Declaration.
- (B) A nonexclusive easement in the other apartments in the building in which each such Apartment is located for support.
- (C) Nonexclusive easements for use of the common elements for ingress to, egress from, utility services for and support, maintenance and repair of each such Apartment.
- (D) In the case of encroachment by any such Apartment upon any other apartment or common elements, a valid easement for such encroachment and the maintenance thereof shall and does exist in favor of and appurtenant to the Apartments herein conveyed for so long as such encroachment continues. In the event any building of the Project shall be partially or totally destroyed and then rebuilt, or in the event of any shifting, settlement or movement of any portion of the Project, encroachments upon any part of the common elements or apartments due to the same shall be permitted, and valid easements for such encroachments and the maintenance thereof shall exist in favor of and appurtenant to the Apartments herein conveyed for so long as such encroachment continues.
- (E) The right to use those certain limited common elements of the Project, if any, which are described in the Declaration as being appurtenant to each such Apartment, provided that such easement shall be deemed conveyed or encumbered with each such Apartment even though such interest is not expressly mentioned or described in the conveyance.

EXCEPTING AND RESERVING AND SUBJECT TO easements for encroachments appurtenant to other apartments as they arise in the manner set forth in the preceding paragraph, now or hereafter existing thereon, and subject also to easements for access to the property from time to time during reasonable hours as may be necessary for the operation of the property or for making emergency repairs therein to prevent damage to the common elements or to another apartment or apartments or for the installation, repair or replacement of any common elements.

II.

For each such Apartment, an undivided percentage interest, as described in said Exhibit "A-1", and as established by the Declaration, in and to all common elements of the Project, including the land, or such other

percentage interest as hereafter established for each such Apartment by any amendment of the Declaration, as tenant in common with the holders of other undivided interests in and to said common elements.

THE LAND UPON WHICH SAID "MARRIOTT'S KAUAI RESORT AND BEACH CLUB" CONDOMINIUM PROJECT IS SITUATE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

-FIRST:-

(A) All of those certain parcels of land situate at Kalapaki, District of Lihue, Island and County of Kauai, State of Hawaii, described as follows:

LOTS: 5, area 1.142 acres, and
6, area 0.490 acre,

as shown on Map 4, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1819 of InterIsland Resorts, Ltd;

Together with an easement of right-of-way for ingress and egress over, along and across the property of the Lihue Plantation Company, Limited, to and from Nawiliwili Road as provided in that Deed by and between Charles A. Rice, husband of Grace King Rice, Grantor therein, and the Lihue Plantation Company, Limited, Grantee therein, dated the 3rd day of October, 1930, recorded in Liber 1087 on Pages 311-315, and all of the rights of the Grantor therein pertaining to the maintenance of said easement or right-of-way by the Lihue Plantation Company, Limited.

(B) All of those certain parcels of land situate at Kalapaki, District of Lihue, Island and County of Kauai, State of Hawaii, described as follows:

LOTS: 11-A, area 24.548 acres, and
11-B, area 0.130 acre, as shown on Map 7, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1819 of InterIsland Resorts, Ltd.;

Together with an easement of right-of-way for ingress and egress over, along and across the property of the Lihue Plantation Company, Limited, to and from Nawiliwili Road as provided in that Deed by and between Charles A. Rice, husband of Grace King Rice, Grantor therein, and the Lihue Plantation Company, Limited, Grantee therein, dated the 3rd day of October, 1930, recorded in Liber 1087 on Pages 311-315, and all of the rights of the Grantor therein pertaining to the maintenance of said easement or right-of-way by the Lihue Plantation Company, Limited.

Together also with an easement for sewer line purposes over, across and under the remaining portion of Easement 1, and Easements 6 and 7 as shown on Map 9, as set forth by Land Court Order No. 83112, filed March 16, 1987;

-Note:- (1) Lot 11-B shall have access over and across Lot 11-A, as set forth by Land Court Order No. 30861, filed November 7, 1969.

(2) Lots 11-A and 11-B shall have an easement for storm drain purposes, over Easements 2 and H as shown on Maps 2 and 6, respectively, as set forth by Land Court Order No. 26186, filed October 5, 1966, affecting Lots 16 and 17.

-SECOND:-

All of that certain parcel of land (portion of the land described in and covered by Royal Patent Number 4480, Land Commission Award Number 7713, Apana 2, Part 1 to V. Kamamalu) situate, lying and being at Kalapaki, District of Lihue, Island and County of Kauai, State of Hawaii, being LOT NUMBER 1, area 5.631 acres, of File Plan Number 1905 filed in the Bureau of Conveyances of the State of Hawaii.

Together with the roadway and utility easements pursuant to that certain File Plan 1905 Subdivision Agreement dated as of January 15, 1988, recorded in Liber 22624 at Page 432, by and among the County of Kauai, Hemmeter-VMS Kauai Company I and The Lihue Plantation Company, Limited.

-THIRD:-

All of those certain parcels of land situate at Kalapaki, District of Lihue, Island and County of Kauai, State of Hawaii, described as follows:

LOTS: 8,	area 8,129 square feet,
9,	area 6,472 square feet, and
10,	area 6,119 square feet, as shown on Map 5,
2-A,	area 5,085 square feet,
2-B,	area 5,120 square feet, and
2-C,	area 6,090 square feet, as shown on Map 3

the maps above referred to are filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1819 of InterIsland Resorts, Ltd.;

Together with an easement of right-of-way for ingress and egress over, along and across the property of the Lihue Plantation Company, Limited, to and from Nawiliwili Road as provided in that Deed by and between Charles A. Rice, husband of Grace King Rice, Grantor therein, and the Lihue Plantation Company, Limited, Grantee therein, dated the 3rd day of October, 1930, recorded in Liber 1087 on Pages 311-315, and all of the rights of the Grantor therein pertaining to the maintenance of said easement or right-of-way by the Lihue Plantation Company, Limited.

Together also with rights of way for ingress, egress and utility purposes to a public way through an easement for ingress, egress and utilities, across Easements "3", "4", "5" and "8", as shown on Map 9, as set forth by Land Court Order No. 83112, filed March 16, 1987;

Together also with an easement for sewer line purposes over, across and under the remaining portion of Easement "1" and Easements "6" and "7", as shown on Map 9, as set forth by Land Court Order No. 83112, filed March 16, 1987;

-AS TO PARCELS FIRST AND THIRD:-

Together with an easement for roadway and utility purposes over and across Easement RU-3, as mentioned in that certain Land Court Order No. 83112, filed March 16, 1987.

-AS TO PARCELS FIRST TO THIRD, INCLUSIVE:-

(1) Together with a perpetual easement over and across Easement RU-1 for roadway and utility purposes, acquired from Wm. Hyde Rice, Limited, by an instrument dated as of May 30, 1986, recorded in Liber 19595 at Page 440, more particularly described as follows:

EASEMENT RU-1

For Roadway and Utility Purposes
Being a portion of Royal Patent 4480,
Land Commission Award 7713, Apana 2, Part 1 to V. Kamamalu
Being also a portion of Nawiliwili Water Tank Site
Situated at Kalapaki, Lihue, Kauai, Hawaii

Beginning at the northwest corner of this parcel of land and on the easterly side of Rice Street (Kauai Belt Road, F.A.P. E-12-A), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KALEPA" being 13,378.66 feet south and 1,778.03 feet east, thence running by azimuths measured clockwise from true South:

1. Along the remainders of Nawiliwili Water Tank Site and R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being: 306° 33' 30" 53.24 feet;
2. Thence along the remainders of Nawiliwili Water Tank Site and R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being: 273° 56' 02" 47.77 feet;
3. 27° 30' 55.01 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
4. Thence along the remainders of Nawiliwili Water Tank Site and R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being: 40° 10' 04" 60.76 feet;
5. Thence along the easterly side of Rice Street (Kauai Belt Road, F.A.P. E-12-A) on a curve to the left with a radius of 1,235.00 feet, the chord azimuth and distance being: 169° 31' 05" 53.22 feet;
6. 168° 17' 79.53 feet along the easterly side of Rice Street (Kauai Belt Road, F.A.P. E-12-A) to the point of beginning and containing an area of 4,161 square feet, more or less.

(2) Together with an easement over and across Easement RU-2 for roadway and utility purposes, acquired from Wm. Hyde Rice, Limited, by an instrument dated as of May 30, 1986, recorded in Liber 19595 at Page 440, more particularly described as follows:

EASEMENT RU-2

For Roadway and Utility Purposes
Being a portion of Royal Patent 4480,
Land Commission Award 7713, Apana 2, Part 1 to V. Kamamalu
Situated at Kalapaki, Lihue, Kauai, Hawaii

Beginning at the northeast corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KALEPA" being 13,536.97 feet south and 2,721.62 feet east, thence running by azimuths measured clockwise from true South:

1. 72° 39' 0.48 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
2. 342° 39' 10.00 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
3. 72° 39' 55.31 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
4. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu on a curve to the right with a radius of 226.00 feet, the chord azimuth and distance being: 131° 58' 25" 35.02 feet;
5. 136° 25' 393.84 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
6. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu on a curve to the left with a radius of 99.00 feet, the chord azimuth and distance being: 81° 05' 162.85 feet;
7. 25° 45' 159.37 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
8. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being: 67° 50' 202.40 feet;
9. 109° 55' 93.71 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;

10. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu on a curve to the left with a radius of 99.00 feet, the chord azimuth and distance being: 104° 19' 10" 19.31 feet;
11. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being: 94° 09' 09" 6.37 feet;
12. 207° 30' 55.01 feet along Nawiliwili Water Tank Site, along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
13. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being: 286° 28' 32" 18.13 feet;
14. 289° 55' 93.71 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
15. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu on a curve to the left with a radius of 99.00 feet, the chord azimuth and distance being: 247° 50' 132.70 feet;
16. 205° 45' 159.37 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
17. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being: 261° 05' 248.39 feet;
18. 316° 25' 402.29 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
19. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu on a curve to the left with a radius of 174.00 feet, the chord azimuth and distance being: 309° 24' 24" 42.47 feet; to the point of beginning and-containing an area of 59,354 square feet, more or less.

(3) Together with the easement granted in that certain Grant of Easement and Consent (Entry Road), executed by Wm. Hyde Rice, Limited, Hemmeter-VMS Kauai Company I and Hemmeter-VMS Kauai Company II, dated as of January 15, 1988, filed as Land Court Document No. 1527018 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 21584 at Page 480, more particularly described as follows:

Roadway and Utility Easement

Beginning at the northwest corner of this parcel of land, on the easterly side of Rice Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KALEPA" being 13,377.71 feet south and 1,779.49 feet east, thence running by azimuths measured clockwise from true South:

1. Along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu, on a curve to the left with a radius of 40.00 feet, the chord azimuth and distance being: 306° 33' 30" 53.24 feet;
2. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu, on a curve to the left with a radius of 151.00 feet, the chord azimuth and distance being: 277° 22' 30" 65.58 feet;
3. 289° 55' 93.71 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
4. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu, on a curve to the left with a radius of 99.00 feet, the chord azimuth and distance being: 247° 50' 132.70 feet;
5. 205° 45' 159.37 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
6. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu, on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being: 261° 05' 248.39 feet;
7. 316° 25' 398.07 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
8. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu, on a curve to the left with a radius of 174.00 feet, the chord azimuth and distance being: 308° 28' 14" 48.11 feet;
9. 72° 39' 4.00 feet along Lot 1 of The Kauai Lagoons (File Plan 1905);
10. 342° 39' 10.00 feet along Lot 1 of The Kauai Lagoons (File Plan 1905);
11. 72° 39' 54.08 feet along Lot 1 of The Kauai Lagoons (File Plan 1905);

12. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu, on a curve to the right with a radius of 226.00 feet, the chord azimuth and distance being: 132° 28' 56" 31.01 feet;
13. 136° 25' 398.07 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
14. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu, on a curve to the left with a radius of 99.00 feet, the chord azimuth and distance being: 81° 05' 162.85 feet;
15. 295° 45' 6.00 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
16. 25° 45' 159.37 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
17. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu, on a curve to the right with a radius of 157.00 feet, the chord azimuth and distance being: 67° 50' 210.45 feet;
18. 109° 55' 93.71 feet along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu;
19. Thence along the remainder of R.P. 4480, L.C. Aw. 7713, Apana 2, Part 1 to V. Kamamalu, on a curve to the left with a radius of 45.18 feet, the chord azimuth and distance being: 50° 39' 22" 77.66 feet;
20. Thence along the Easterly side of Rice Street, on a curve to the left with a radius of 1,235.00 feet, the chord azimuth and distance being: 169° 50' 22" 67.08 feet;
21. 168° 17' 79.53 feet along the easterly side of Rice Street to the point of beginning and containing an area of 67,117 square feet, more or less.

(4) Together with all easements appurtenant thereto as granted pursuant to that certain Grant of Easement (FP 1905 Easements in favor of Hemmeter Lots) dated as of January 15, 1988, by The Lihue Plantation Company, Limited, and Hemmeter-VMS Kauai Company I, filed as Land Court Document No. 1527017, recorded in Liber 21584 at Page 403.

(5) Together with all easements appurtenant thereto as designated and granted by that certain Roadway and Utility Easement Agreement dated January 30, 1991, executed by Hemmeter-VMS Kauai Company I, Hemmeter-VMS Kauai Company II, Kauai Lagoons Resort Company, Ltd. and Kauai Lagoons Hotel Company, Ltd., filed as Land Court Document No. 1797886, recorded as Document No. 91-012273, as amended by

instrument dated August 3, 1994, filed as Land Court Document No. 2178041 and recorded as Document No. 94-129352.

Being the premises described in Apartment Deed dated June 30, 1995, made by and between Marriott Kauai, Inc., a Delaware corporation, and Marriott Kauai Ownership Resorts, Inc., a Delaware corporation, as Grantor, and Marriott Kauai Ownership Resorts, Inc., a Delaware corporation, as Grantee, recorded in said Office as Document No. 2247083, and also recorded at said Bureau as Document No. 95-086653.

Being also the premises described in Land Court Certificate of Title No. 459007 issued to MARRIOTT KAUAI OWNERSHIP RESORTS, INC., a Delaware corporation.