

**PRELIMINARY REPORT**  
(No Liability Hereunder)

This report (and any revisions thereto) is issued solely for the convenience of the titleholder, the titleholder's agent, counsel, purchaser or mortgagee, or the person ordering it for the purpose of facilitating the issuance of a policy of title insurance by Title Guaranty of Hawaii and no liability will arise under this report.

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**SCHEDULE A**

Title Guaranty of Hawaii, Incorporated, hereby reports that, subject to those matters set forth in Schedule "B" hereof, the title to the estate or interest to the land described in Schedule "C" hereof is vested in:

MARLU ABUSAID OLIPHANT-WEST,  
Trustee of the  
Marlu Abusaid Oliphant-West Trust,  
an unrecorded revocable trust  
dated August 20, 2006,  
with full powers to sell, mortgage,  
lease or otherwise deal with the land,  
as Fee Owner

This report is dated as of February 22, 2010 at 8:00 a.m.

Inquiries concerning this report  
should be directed to  
ELIZABETH ANDRADE.  
Email eandrade@tghawaii.com  
Fax (808) 521-0287  
Telephone (808) 539-7742.  
Refer to Order No. 201008648.

**SCHEDULE B  
EXCEPTIONS**

1. Real Property Taxes, if any, that may be due and owing.

Tax Key: (1) 6-1-009-013 Area Assessed: 8,650 sq. ft.

Land Classification: RESIDENTIAL

Street Address: 61-529 KAMEHAMEHA HIGHWAY, HALEIWA, HAWAII 96712

2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. Location of the seaward boundary in accordance with the laws of the State of Hawaii and shoreline setback line in accordance with County regulation and/or ordinance.

4. -AS TO PARCEL FIRST:-

(A) SETBACK (25 feet wide)

PURPOSE : building  
ALONG : road and along sea  
CONTAINED : in instrument dated November 4, 1991, recorded as Document No. 92-108433

(B) The terms and provisions contained in the following:

INSTRUMENT : DECLARATION OF PROTECTIVE PROVISIONS

DATED : January 17, 1991  
RECORDED : Document No. 91-007933

Said Declaration was amended by instrument dated February 24, 1995, filed as Land Court Document No. 2228960, recorded as Document No. 95-045938.

5. -AS TO PARCEL SECOND:-

Rights of others to use the Roadway Beach Remnant or any portion thereof including rights that might exist by grant, prescription, common use and custom.

SCHEDULE B CONTINUED

6. The terms and provisions contained in the following:

INSTRUMENT : DEED  
DATED : November 4, 1991  
RECORDED : Document No. [92-108433](#)

7. The terms and provisions contained in the following:

INSTRUMENT : COMMON FENCE AGREEMENT  
DATED : November 22, 1993  
RECORDED : Document No. [94-026600](#)  
PARTIES : RICHARD FRANK OLIPHANT, unmarried, and WILLIAM ALAN WYLAND and KELLY ANN WYLAND, husband and wife

8. MORTGAGE

LOAN/ACCOUNT NO. 40852949  
MORTGAGOR : MARLU ABUSAID OLIPHANT-WEST, unmarried  
MORTGAGEE : MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,  
solely as nominee for MORTGAGEIT, INC., a New York  
corporation  
DATED : July 12, 2007  
RECORDED : Document No. [2007-133843](#)  
AMOUNT : \$1,330,000.00

**END OF SCHEDULE B**

## SCHEDULE C

-PARCEL FIRST:-

All of that certain parcel of land (being part of the land(s) described in and covered by Royal Patent Number 4475, Land Commission Award Number 7713, Apana 33 to V. Kamamalu) situate, lying and being at Kawaihoa, District of Waialua, City and County of Honolulu, State of Hawaii, comprising LOT 9, Section "B", Kawaihoa Beach Lots, as delineated on Bishop Estate Map 4210-H filed in the Office of the Grantors, and thus bounded and described:

Beginning at a pipe at the south corner of this lot, the east corner of Lot 8, Section "B", and on the northwesterly side of Kamehameha Highway, thence running by azimuths measured clockwise from true South:

1. 148° 51' 30" 100.59 feet along Lot 8, Section "B", to a pipe;

Thence along Rocky Ledge along Bishop Estate land for the next two courses, the direct azimuths and distances being

2. 248° 32' 00" 71.97 feet to a "+" on rock;
3. 276° 14' 00" 45.85 feet to a "+" on rock;
4. 321° 10' 30" 45.76 feet along Bishop Estate land to a pipe;
5. 51° 10' 30" 114.53 feet along the northwesterly side of Kamehameha Highway to the point of beginning and containing an area of 8,650 square feet, more or less.

-PARCEL SECOND:-

An undivided one-eleventh (1/11) interest in and to that certain Beach Remnant Parcel, also referred to as the "Beach Reserves", in the Declaration of Protective Provisions, said parcel being more particularly described as follows:

SCHEDULE C CONTINUED

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent 4475, Land Commission Award 7713, Apana 33 to V. Kamamalu) situate, lying and being at Kawaiiloa, District of Waialua, City and County of Honolulu, State of Hawaii, as delineated on Bishop Estate Map 4210I, filed in the office of Trustees and thus bounded and described, as per survey dated October 30, 1990, to-wit:

Beginning at the southeast corner of this parcel of land, on the northwest side of Kamehameha Highway, the coordinates of the point of beginning referred to Government Survey Triangulation Station "WAIMEA" being 7,637.68 feet south and 6,977.04 feet west and thence running by azimuths measured clockwise from true South:

1. 51° 10' 30" 115.00 feet along the northwest side of Kamehameha Highway to a pipe;
2. 141° 10' 30" 45.76 feet along Lot 9 of Kawaiiloa Beach Lots, Section "B", same being also a portion of R. P. 4475, L. C. Aw. 7713, Ap. 33 to V. Kamamalu to a "+" on rock;

Thence following along rocky ledge and Lots 9 and 8 of Kawaiiloa Beach Lots, Section "B", same being also a portion of R. P. 4475, L. C. Aw. 7713, Ap. 33 to V. Kamamalu for the next three (3) courses, the direct azimuths and distance being:

3. 96° 14' 45.85 feet to a "+" on rock;
4. 68° 32' 71.97 feet to a pipe;
5. 73° 34' 108.02 feet to a pipe;
6. 82° 01' 30" 105.63 feet along Lot 7-B and 7-A of Kawaiiloa Beach Lots, Section "B", same being also a portion of R. P. 4475, L. C. Aw. 7713, Ap. 33 to V. Kamamalu to a "+" on rock;

SCHEDULE C CONTINUED

7. 28° 38' 24" 67.81 feet along Lot 7-A of Kawaihoa Beach Lots, Section "B", same being also a portion of R. P. 4475, L. C. Aw. 7713, Ap. 33 to V. Kamamalu to a "+" on rock;

Thence following along beach, along Lot 6 of Kawaihoa Beach Lots, Section "B" as shown on B. P. Bishop Estate Map No. 42, same being also a portion of R. P. 4475, L. C. Aw. 7713, Ap. 33 to V. Kamamalu, the direct azimuth and distance being:

8. 64° 32' 159.06 feet to a pipe;

9. 140° 12' 62.00 feet along Lot 5 of Kawaihoa Beach Lots, Section "B", same being also a portion of R. P. 4475, L. C. Aw. 7713, Ap. 33 to V. Kamamalu to a "+" on rock;

Thence following rocky ledge and Lots 5, 4, 3, 2 and 1 of Kawaihoa Beach Lots, Section "B", same being a portion of R. P. 4475, L. C. Aw. 7713, Ap. 33 to V. Kamamalu for the next seven (7) courses, the direct azimuths and distances being:

10. 65° 58' 79.45 feet to a "+" on a rock;

11. 79° 26' 114.19 feet to a "+" on a rock;

12. 29° 17' 102.75 feet to a "+" on a rock;

13. 351° 03' 30" 48.25 feet to a "+" on a rock;

14. 45° 04' 174.68 feet to a "+" on a rock;

15. 33° 25' 30" 174.70 feet to a "+" on a rock;

16. 323° 16' 119.34 feet to a pipe;

SCHEDULE C CONTINUED

Thence along a stone wall and Lot 1 of Kawaihoa Beach Lots, Section "B", same being also a portion of R. P. 4475, L. C. Aw. 7713, Ap. 33 to V. Kamamalu, the direct azimuth and distance being:

|     |              |        |   |
|-----|--------------|--------|---|
| 17. | 318° 22'     | 99.40  | feet to a pipe;   |
| 18. | 24° 04'      | 125.00 | feet along the northwest side of Pohakuloa Way;   |
| 19. | 43° 40' 30"  | 95.00  | feet along the northwest side of Kamehameha Highway;  |
| 20. | 133° 40' 30" | 33.00  | feet along Kawaihoa Beach Reserve, being also a portion of R. P. 4475, L. C. Aw. 7713, Ap. 33 to V. Kamamalu; |

Thence along the edge of rocky ledge as shown on B. P. Bishop Estate Map No. 4210 for the next eighty-two (82) courses, the direct azimuths and distance between points on the edge of rocky ledge being:

|     |          |       |       |
|-----|----------|-------|-------|
| 21. | 233° 00' | 45.00 | feet; |
| 22. | 197° 30' | 28.00 | feet; |
| 23. | 168° 30' | 38.00 | feet; |
| 24. | 198° 30' | 42.00 | feet; |
| 25. | 217° 30' | 15.00 | feet; |
| 26. | 191° 30' | 30.00 | feet; |
| 27. | 169° 45' | 47.00 | feet; |
| 28. | 179° 30' | 20.00 | feet; |
| 29. | 194° 15' | 9.00  | feet; |
| 30. | 127° 00' | 24.00 | feet; |

SCHEDULE C CONTINUED

|     |          |       |       |
|-----|----------|-------|-------|
| 31. | 149° 45' | 32.00 | feet; |
| 32. | 123° 00' | 34.00 | feet; |
| 33. | 146° 30' | 48.00 | feet; |
| 34. | 102° 30' | 32.00 | feet; |
| 35. | 84° 00'  | 20.00 | feet; |
| 36. | 107° 00' | 36.00 | feet; |
| 37. | 179° 00' | 12.00 | feet; |
| 38. | 264° 00' | 22.00 | feet; |
| 39. | 266° 30' | 28.00 | feet; |
| 40. | 290° 30' | 13.00 | feet; |
| 41. | 271° 30' | 22.00 | feet; |
| 42. | 233° 30' | 55.00 | feet; |
| 43. | 225° 15' | 33.00 | feet; |
| 44. | 214° 00' | 55.00 | feet; |
| 45. | 156° 30' | 12.00 | feet; |
| 46. | 196° 30' | 40.00 | feet; |
| 47. | 223° 00' | 25.00 | feet; |
| 48. | 202° 30' | 22.00 | feet; |
| 49. | 193° 00' | 27.00 | feet; |
| 50. | 211° 15' | 27.00 | feet; |
| 51. | 241° 00' | 35.00 | feet; |
| 52. | 258° 00' | 22.00 | feet; |
| 53. | 292° 00' | 18.00 | feet; |
| 54. | 227° 30' | 10.00 | feet; |

SCHEDULE C CONTINUED

|     |          |       |       |
|-----|----------|-------|-------|
| 55. | 179° 30' | 14.00 | feet; |
| 56. | 222° 30' | 12.00 | feet; |
| 57. | 178° 00' | 10.00 | feet; |
| 58. | 206° 30' | 50.00 | feet; |
| 59. | 221° 00' | 48.00 | feet; |
| 60. | 235° 30' | 20.00 | feet; |
| 61. | 262° 15' | 78.00 | feet; |
| 62. | 210° 00' | 13.00 | feet; |
| 63. | 174° 00' | 48.00 | feet; |
| 64. | 142° 30' | 15.00 | feet; |
| 65. | 108° 30' | 50.00 | feet; |
| 66. | 105° 00' | 57.00 | feet; |
| 67. | 193° 00' | 13.00 | feet; |
| 68. | 260° 30' | 57.00 | feet; |
| 69. | 282° 30' | 50.00 | feet; |
| 70. | 270° 00' | 30.00 | feet; |
| 71. | 325° 30' | 30.00 | feet; |
| 72. | 341° 30' | 27.00 | feet; |
| 73. | 291° 30' | 28.00 | feet; |
| 74. | 309° 00' | 11.00 | feet; |
| 75. | 286° 00' | 18.00 | feet; |
| 76. | 273° 30' | 55.00 | feet; |
| 77. | 291° 00' | 22.00 | feet; |
| 78. | 311° 30' | 11.00 | feet; |

SCHEDULE C CONTINUED

|      |      |     |       |       |
|------|------|-----|-------|-------|
| 79.  | 294° | 30' | 10.00 | feet; |
| 80.  | 250° | 00' | 8.00  | feet; |
| 81.  | 225° | 30' | 40.00 | feet; |
| 82.  | 189° | 30' | 10.00 | feet; |
| 83.  | 207° | 00' | 14.00 | feet; |
| 84.  | 199° | 00' | 30.00 | feet; |
| 85.  | 214° | 30' | 14.00 | feet; |
| 86.  | 227° | 00' | 22.00 | feet; |
| 87.  | 237° | 00' | 55.00 | feet; |
| 88.  | 249° | 00' | 40.00 | feet; |
| 89.  | 259° | 30' | 45.00 | feet; |
| 90.  | 250° | 45' | 20.00 | feet; |
| 91.  | 238° | 30' | 15.00 | feet; |
| 92.  | 213° | 30' | 30.00 | feet; |
| 93.  | 237° | 00' | 22.00 | feet; |
| 94.  | 223° | 30' | 38.00 | feet; |
| 95.  | 280° | 30' | 40.00 | feet; |
| 96.  | 292° | 00' | 80.00 | feet; |
| 97.  | 324° | 30' | 35.00 | feet; |
| 98.  | 355° | 30' | 8.00  | feet; |
| 99.  | 320° | 00' | 8.00  | feet; |
| 100. | 230° | 00' | 32.00 | feet; |
| 101. | 239° | 45' | 38.00 | feet; |
| 102. | 267° | 15' | 43.23 | feet; |

SCHEDULE C CONTINUED

103. 321° 10' 30" 24.70 feet to the point of beginning and containing an area of 2.13 acres, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR : MARLU ABUSAID OLIPHANT-WEST, unmarried

GRANTEE : MARLU ABUSAID OLIPHANT-WEST, Trustee of the Marlu Abusaid Oliphant-West Trust, an unrecorded revocable Trust dated August 20, 2006, with full powers to sell, mortgage, lease or otherwise deal with the land

DATED : July 16, 2007

RECORDED : Document No. [2007-137789](#)

**END OF SCHEDULE C**

## GENERAL NOTES

1. There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

## GUIDELINES FOR THE ISSUANCE OF INSURANCE

- A. Taxes shown in Schedule B are as of the date such information is available from the taxing authority. Evidence of payment of all taxes and assessments subsequent to such date must be provided prior to recordation.
  - B. Evidence of authority regarding the execution of all documents pertaining to the transaction is required prior to recordation. This includes corporate resolutions, copies of partnership agreements, powers of attorney and trust instruments.
  - C. If an entity (corporation, partnership, limited liability company, etc.) is not registered in Hawaii, evidence of its formation and existence under the laws where such entity is formed must be presented prior to recordation.
  - D. If the transaction involves a construction loan, the following is required:
    - (1) a letter confirming that there is no construction prior to recordation; or
    - (2) if there is such construction, appropriate indemnity agreements, financial statements and other relevant information from the owner, developer, general contractor and major sub-contractors must be submitted to the Title Company for approval at least one week prior to the anticipated date of recordation.
- Forms are available upon request from Title Guaranty of Hawaii.
- E. Chapter 669, Hawaii Revised Statutes, sets forth acceptable tolerances for discrepancies in structures or improvements relative to private property boundaries for various classes of real property. If your survey map shows a position discrepancy that falls within the tolerances of Chapter 669, call your title officer as affirmative coverage may be available to insured lenders.
  - F. The right is reserved to make additional exceptions and/or requirements upon examination of all documents submitted in connection with this transaction.
  - G. If a policy of title insurance is issued, it will exclude from coverage all matters set forth in Schedule B of this report and in the printed Exclusions from Coverage contained in an ALTA policy or in the Hawaii Standard Owner's Policy, as applicable. Different forms may have different exclusions and should be reviewed. Copies of the policy forms are available upon request from Title Guaranty of Hawaii or on our website at [www.tghawaii.com](http://www.tghawaii.com).

DATE PRINTED: 3/01/2010

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

NAME OF OWNER: OLIPHANT-WEST, MARLU A TRUST  
LEASED TO :

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO.  
(1) 6 1 009 013 0000

CLASS: 1 AREA ASSESSED: 8,650 SF

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2009

The records of this division show the assessed values and taxes on the property designated by Tax Key shown above are as follows:

BUILDING \$ 116,600  
EXEMPTION \$ 80,000  
NET VALUE \$ 36,600  
LAND \$ 1,948,900  
EXEMPTION \$ 0  
NET VALUE \$ 1,948,900  
TOTAL NET VALUE \$ 1,985,500

Installment (1 - due 8/20; 2 - due 2/20) Tax Info As Of - 9/30/2009

| Tax Year | Installment | Tax Amount | Penalty Amount | Interest Amount | Other Amount | Total Amount |         |
|----------|-------------|------------|----------------|-----------------|--------------|--------------|---------|
| 2009     | 2           | 3,395.20   |                |                 |              | 3,395.20     | PENDING |
| 2009     | 1           | 3,395.21   |                |                 |              | 3,395.21     | PAID    |
| 2008     | 2           | 3,396.76   |                |                 |              | 3,346.76     | PAID    |
| 2008     | 1           | 3,396.77   |                |                 |              | 3,346.77     | PAID    |

Total Amount Due: 3,395.20

Penalty and Interest Computed to: 9/30/2009