LAND COURT SYSTEM REGULAR SYSTEM

AFTER RECORDATION, RETURN ORIGINAL BY: MAIL ( ) PICK UP ( )

OWNER NAME

ADDRESS

ESCROW #

Tax Map Key No.: ( ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Total Pages: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**RELEASE OF UNILATERAL DECLARATION OF RESTRICTIVE COVENANTS**

**FOR UNIT DESIGNATED AS RESERVED HOUSING UNIT**

THIS RELEASE OF UNILATERAL DECLARATION OF RESTRICTIVE COVENANTS FOR UNIT DESIGNATED AS RESERVED HOUSING UNIT, made this \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ by the HAWAII COMMUNITY DEVELOPMENT AUTHORITY, a body corporate and public instrumentality of the State of Hawaii (“HCDA”), whose address is 547 Queen Street, Honolulu, Hawaii 96813:

1. **BACKGROUND:**
   1. By 400 Keawe Limited Warranty Condominium Unit Deed (With Reservations, Covenants, Conditions and Restrictions, Repurchase Option and Shared Equity Requirements) (hereinafter the “Deed”) dated Execution Date, recorded Recorded Date at the Bureau of Conveyances of the State of Hawaii (the “Bureau”) as Document No. \_\_\_\_\_\_\_\_\_\_\_\_\_ thru \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and in the Office of the Assistant Registrar of the Land Court, State of Hawaii (the “Land Court”) as Document No. \_\_\_\_\_\_\_\_\_\_, and duly noted on Transfer Certificate Title No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,(delete this green section if not applicable) OWNER NAME,single/ joint/ married/ husband and wife/ single, now known as MARRIED NAME, wife of spouse’s name, (the “Declarant” herein) acquired title to Unit No. \_\_\_\_\_ (the “Unit”) in the 400 Keawe condominium project (the “Project”) more particularly described in “Exhibit A” attached hereto and made a part hereof.
2. The Project is located within Kakaako Community Development District and is subject to the jurisdiction of the HCDA and the terms of the HCDA’s Mauka Area Rules for the Kakaako Community Development District.  The Project was developed subject to and in accordance with the terms of various permits and agreements, including the certain Planned Development Permit No. KAK 14-012 for the joint development of the 400 Keawe and 440 Keawe Street Projects issued on June 10, 2014, by the HCDA (the “Planned Development Permit”), and that certain Joint Development Agreement by and between the HCDA and  i) CASTLE & COOKE HOMES HAWAII, INC., a Hawaii corporation, and ii) LANCE KEAWE WILHELM, ROBERT K.W.H. NOBRIGA, CORBETT AARON KAMOHAIKIOKALANI KALAMA, MICAH A. KANE, and JANEEN-ANN AHULANI OLDS, as Trustees of the Estate of Bernice Pauahi Bishop, (collectively the “Developers”) dated November 14, 2014, recorded in the Bureau as Document No. A-54310835 (the “Joint Development Agreement”), and to that certain Development Agreement by and between HCDA and the DEVELOPERS, dated November 14, 2014, recorded in said Bureau as Document No. A-54310836A through A-54310836B (the “Development Agreement”).
3. In accordance with the terms of the Planned Development Permit, the Joint Development Agreement and the Development Agreement, the Developer designated some of the units in the Project as “Reserved Housing Units” available to person or families who meet certain eligibility and income requirements set forth in the Planned Development Permit.  This Unit is designated as a Reserved Housing Unit.
   1. As owner of a Reserved Housing Unit, the Declarant was required to execute and record at the Bureau and file in the Land Court that certain Unilateral Declaration of Restrictive Covenants for Unit Designated as Reserved Housing Unit dated Execution Date, recorded on Recorded Date in said Bureau as Document No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_ and also filed in Land Court as Document No. \_\_\_\_\_\_\_\_\_\_\_\_ duly noted on Transfer Certificate Title No. \_\_\_\_\_\_\_\_\_\_\_\_ (delete this green section if not applicable) (the “Unilateral Declaration”).
4. Section II. G. of the Unilateral Declaration provides that the Unilateral Declaration shall be released only by written instrument executed by HCDA and recorded at the Bureau, and that following such release, all further transfers of the title to the Unit or any interest therein shall be made free and clear of the Unilateral Declaration and the terms, conditions and restrictions set forth in the Unilateral Declaration of Restrictive Covenants for Unit Designated as Reserved Housing Unit.
   1. The Declarant has requested that the HCDA release the Unilateral Declaration in accordance with Section II. G. thereof, the regulated term of the Unilateral Declaration having expired and the Declarant having paid or concurrently paying all required equity sharing to the HCDA.
5. **RELEASE OF UNILATERAL DECLARATION.**

In accordance and compliance with Section II. G of the Unilateral Declaration, and in consideration of the Declarant’s observance and performance of the covenants and conditions the Declarant was required to observe and perform under the Unilateral Declaration, the HCDA does herby absolutely and forever release and terminate the Unilateral Declaration and declares it to be void and of no further force or effect whatsoever.

IN WITNESS WHEREOF, the HCDA has caused these presents to be executed by its duly authorized officer(s) effective as of the day and year first above written.

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Its: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

"HCDA"

APPROVED AS TO FORM:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Deputy Attorney General

State of Hawaii

STATE OF HAWAII )

) SS.

CITY AND COUNTY OF HONOLULU )

On this the day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ❑personally known to me **-OR-** ❑proved to me on the basis of satisfactory evidence who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.

Notary Public Signature

Printed Name:

Notary Public, State of Hawaii

My Commission Expires:

(Official Stamp or Seal)

STATE OF HAWAII NOTARY CERTIFICATION

Doc. Description: Release of Unilateral Declaration of Restrictive Covenants for Unit Designated as Reserved Housing Unit

Date of Document: # Pages:\_\_\_\_\_\_

Notary Public Signature Date

Print Name: (Official Stamp or Seal)

Notary Public, State of Hawaii, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Circuit

EXHIBIT "A"

FIRST: Unit No. ### (the "Unit") of the "400 Keawe" condominium project (the “Project”), as described in that certain Declaration of Condominium Property Regime of 400 Keawe dated November 14, 2014 recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-54310841A, as the same may be amended from time to time (the “Declaration”), and as shown on the plans of the Project filed in said Bureau of Conveyances as Condominium File Plan No. 5346, as the same may be amended from time to time (the "Condominium Map");

TOGETHER with easements appurtenant to said Unit established by and described in the Declaration, including the following:

The exclusive right to use those certain limited common elements of the Project which are described in the Declaration as being appurtenant to said Unit, including Parking Stall No(s). ##, as described in the Declaration and as shown on the Condominium Map.

Nonexclusive easements in the common elements designed for such purposes for ingress to, egress from, utility services for and support, maintenance and repair of such Unit; in the other common elements for use according to their respective purposes, subject always to the exclusive use of the limited common elements as provided in said Declaration; and in all other units and common elements of the building in which the Unit is located or any adjacent buildings for support.

SUBJECT, HOWEVER, to easements for encroachments by other units and the common elements and limited common elements of the Project now or hereafter existing and for access from time to time during reasonable hours as may be necessary for the operation of the Project or for making emergency repairs or for the inspection, installation, repair, maintenance or replacement of any common elements, as established by and more particularly described in the Declaration.

SECOND: An undivided 0.90756% interest in all common elements of the Project, as established for said Unit by the Declaration, as tenant in common with all other owners from time to time of undivided interests in and to said common elements, subject to all easements appurtenant to any units of the Project. The Project is located on and includes Lot 1-A as more particularly described as follows:

All of that certain real property situated at Kaakaukukui, Kakaako, Honolulu, Oahu, Hawaii, being portions of Lot 1, Block 5 of the "KAKAAKO SUBDIVISION", and Royal Patent Number 4483, Land Commission Award Number 7712, Apana 6, No. 1 to M. Kekuanaoa (no V. Kamamalu) as shown on map prepared by

Wayne M. Teruya, Licensed Professional Land Surveyor with ParEn, Inc. dba Park Engineering, approved by the Director of Planning and Permitting, City and County of Honolulu, dated October 2, 2015 (DPP File No. 2014/SUB-89), approved on October 9, 2015, being more particularly described in DESCRIPTION OF SUBDIVISION, dated October 28, 2015, recorded as Document No. A[-57790666](https://docservice.tghawaii.com/EDIVH/797051416c6f52664750436f4b6f716762503876627732/537179594665587830663831/313346424c565769595131755459766957634a7163306265346735543049734630/), and thus bounded and described to-wit:

Beginning at the most easterly corner of this parcel of land, on the northwesterly side of Keawe Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 4,611.22 feet South and 3,940.09 feet West and thence running by azimuths measured clockwise from true South:

1. 50° 30' 258.00 feet along the northwesterly side of Keawe Street;
2. Thence along the remainder of said Lot 1, on a curve to the right having a radius of

30.00 feet, the chord azimuth and distance being: 95° 30' 42.43 feet;

|  |  |  |  |
| --- | --- | --- | --- |
| 3. 140° | 30' | 199.55 | feet along the northeasterly side of Auahi Street; |
| 4. 230° | 30' | 288.00 | feet along Block 4 of the "KAKAAKO SUBDIVISION"; |
| 5. 320° | 30' | 229.55 | feet along Lots 3-A and 3-B, to the point of  beginning, and containing an area of 65,917 square feet. |

Being a portion of the premises acquired by Limited Warranty Deed With Reservations and Covenants dated November 14, 2014, by Lance Keawe Wilhelm, Robert K.W.H. Nobriga, Corbett Aaron Kamohaikiokalani Kalama, Micah A. Kane, and Janeen-Ann Ahulani Olds, as Trustees of the Estate of Bernice Pauahi Bishop, as Grantor, and Castle & Cooke Homes Hawaii, Inc., a Hawaii corporation, as Grantee, recorded as Document No. A-54310843.

SUBJECT, HOWEVER, to the following:

* 1. Mineral and water rights of any nature.
  2. Terms and provisions contained in unrecorded Findings of Fact, Conclusions of Law, and Decision and Order for the Master Plan Permit for the Kaiāulu ‘O Kaka‘ako Master Plan dated September 2, 2009, by and between the Trustees of the Estate of Bernice Pauahi Bishop, and Hawaii Community Development Authority, State

of Hawaii, regarding the development of certain KS lands in Kakaako. A Memorandum of Said Master Plan Permit is dated October 27, 2009, recorded as Document No. [2010-](http://docservice.tgexpress.com/DIV/oGWUe-F3kQj53j6myRCx-w2/SqyYFeXx0f81) [012595](http://docservice.tgexpress.com/DIV/oGWUe-F3kQj53j6myRCx-w2/SqyYFeXx0f81).

* 1. Terms and provisions contained in unrecorded Master Plan Development Agreement for the Kaiaulu ‘O Kaka‘ako Master Plan dated October 6, 2009, by and between the Trustees of the Estate of Bernice Pauahi Bishop, and Hawaii Community Development Authority, State of Hawaii. A Memorandum of said Master Plan Development Agreement (“KKMP”) is dated October 27, 2009, recorded as Document No. [2010-012596](http://docservice.tgexpress.com/DIV/O6AU_JImJCKY0cdAuElImg2/SqyYFeXx0f81).
  2. The restrictions on use and other restrictions and all other of the covenants, agreements, obligations, conditions, reservations, easements and other provisions set forth in that certain Community Charter for Kaiāulu ‘O Kaka’ako dated September 16, 2014, recorded as Document No. A-53740943, as supplemented by Supplement to Community Charter for Kaiāulu ‘O Kaka’ako dated November 14, 2014, recorded as Document No. A-54310833.
  3. Joint Development Agreement (Land Block B) dated November 14, 2014, by and among the Hawaii Community Development Authority, a body corporate and a public instrumentality of the State of Hawaii, Castle & Cooke Homes Hawaii, Inc., a Hawaii corporation, and Lance Keawe Wilhelm, Robert K.W.H. Nobriga, Corbett Aaron Kamohaikiokalani Kalama, Micah A. Kane, and Janeen-Ann Ahulani Olds, as Trustees of the Estate of Bernice Pauahi Bishop, recorded as Document No. A-54310835.
  4. Development Agreement; Joinder (Lot B-1) dated November 14, 2014, by and among the Hawaii Community Development Authority, a body corporate and a public instrumentality of the State of Hawaii, and Castle & Cooke Homes Hawaii, Inc., a Hawaii corporation, recorded as Document No. A-54310836A; Joinder by Lance Keawe Wilhelm, Robert K.W.H. Nobriga, Corbett Aaron Kamohaikiokalani Kalama, Micah A. Kane, and Janeen-Ann Ahulani Olds, as Trustees of the Estate of Bernice Pauahi Bishop, dated November 14, 2014, recorded as Document No. A-5431836B.
  5. Declaration of Easements and Maintenance Agreement (Open/Recreation Space) dated November 14, 2014, by Lance Keawe Wilhelm, Robert

K.W.H. Nobriga, Corbett Aaron Kamohaikiokalani Kalama, Micah A. Kane, and Janeen- Ann Ahulani Olds, as Trustees of the Estate of Bernice Pauahi Bishop, recorded as Document No. A-54310838.

* 1. Declaration of Parking Use Rights dated November 14, 2014, by Lance Keawe Wilhelm, Robert K.W.H. Nobriga, Corbett Aaron Kamohaikiokalani Kalama, Micah A. Kane, and Janeen-Ann Ahulani Olds, as Trustees of the Estate of Bernice Pauahi Bishop, recorded as Document No. A-54310839.
  2. Declaration of Covenants Running With the Land (PFD Credits for “400 Keawe” – Portion of Land Block B) dated November 14, 2014, by Lance Keawe Wilhelm, Robert K.W.H. Nobriga, Corbett Aaron Kamohaikiokalani Kalama, Micah A. Kane, and Janeen-Ann Ahulani Olds, as Trustees of the Estate of Bernice Pauahi Bishop, recorded as Document No. A-54310840.
  3. Condominium File Plan No. 5346, as amended from time to time.
  4. Declaration of Condominium Property Regime of 400 Keawe dated November 14, 2014, recorded as Document No. A-54310841A, as amended by First Amendment to Declaration of Condominium Property Regime of 400 Keawe dated April 13, 2015, recorded as Document No. A-55830726, as further amended by Second Amendment to Declaration of Condominium Property Regime of 400 Keawe, Removal of Property from Chapter 514B and Partial Release of Declaration of Condominium Property Regime, By-Laws and Condominium Map dated November 20, 2015, recorded as Document No. A-58270498, as further amended from time to time.

Fee Owner Joinder by the Trustees under the Will and of the Estate of Bernice Pauahi Bishop, deceased, dated November 14, 2014, recorded as Document No. A-54310841B.

* 1. By-Laws of the Association of Unit Owners of 400 Keawe dated November 14, 2014, recorded as Document No. A-54310842A, as amended from time to time.

Fee Owner Consent by the Trustees under the Will and of the Estate of Bernice Pauahi Bishop, deceased, dated November 14, 2014, recorded as Document No. A-54310842B.

* 1. Terms and provisions of that certain Limited Warranty Deed with Reservations and Covenants effective as of November 14, 2014, by and between Lance Keawe Wilhelm, Robert K.W.H. Nobriga, Corbett Aaron Kamohaikiokalani Kalama, Micah A. Kane, and Janeen-Ann Ahulani Olds, as Trustees of the Estate of Bernice Pauahi Bishop, as Grantor, and Castle & Cooke Homes Hawaii, Inc., a Hawaii corporation, as Grantee, recorded as Document No. A-54310843.
  2. Designation of Easement "1" for waterline purposes, as shown on map prepared by Wayne M. Teruya, Licensed Professional Land Surveyor with ParEn, Inc. dba Park Engineering, approved by the Director of Planning and Permitting, City and County of Honolulu, dated October 2, 2015 (DPP File No. 2014/SUB-89), approved on October 9, 2015, being more particularly described in DESCRIPTION OF SUBDIVISION, dated October 28, 2015, recorded as Document No. A[-57790666](https://docservice.tghawaii.com/EDIVH/797051416c6f52664750436f4b6f716762503876627732/537179594665587830663831/313346424c565769595131755459766957634a7163306265346735543049734630/).
  3. Designation of Easement "2" for pedestrian access purposes, as shown on map prepared by Wayne M. Teruya, Licensed Professional Land Surveyor with ParEn, Inc. dba Park Engineering, approved by the Director of Planning and Permitting, City and County of Honolulu, dated October 2, 2015 (DPP File No. 2014/SUB-89), approved on October 9, 2015, being more particularly described in DESCRIPTION OF SUBDIVISION, dated October 28, 2015, recorded as Document No. A[-57790666](https://docservice.tghawaii.com/EDIVH/797051416c6f52664750436f4b6f716762503876627732/537179594665587830663831/313346424c565769595131755459766957634a7163306265346735543049734630/).
  4. Designation of Easement "3" for pedestrian access purposes, as shown on map prepared by Wayne M. Teruya, Licensed Professional Land Surveyor with ParEn, Inc. dba Park Engineering, approved by the Director of Planning and Permitting, City and County of Honolulu, dated October 2, 2015 (DPP File No. 2014/SUB-89), approved on October 9, 2015, being more particularly described in DESCRIPTION OF SUBDIVISION, dated October 28, 2015, recorded as Document No. A[-57790666](https://docservice.tghawaii.com/EDIVH/797051416c6f52664750436f4b6f716762503876627732/537179594665587830663831/313346424c565769595131755459766957634a7163306265346735543049734630/).
  5. 15-Foot Building Setback Line (Private) as shown on map prepared by Wayne M. Teruya, Licensed Professional Land Surveyor with ParEn, Inc. dba Park Engineering, approved by the Director of Planning and Permitting, City and County of Honolulu, dated October 2, 2015 (DPP File No. 2014/SUB-89), approved on October 9, 2015.
  6. Any rights or interests which may exist or arise by reason of the facts shown on survey map prepared by Wayne M. Teruya, Land Surveyor, with ParEn, Inc. dba Park Engineering, dated November 10, 2014.
  7. Grant dated January 8, 2016, recorded as Document No.

A-58560257, in favor of Hawaiian Electric Company, Inc., a Hawaii corporation, of a right and easement for utility purposes.

* 1. Grant of Water Meter Easement dated January 7, 2016, recorded as Document No. A-58970599, in favor of the City and County of Honolulu and the Board of Water Supply, City and County of Honolulu.
  2. Unilateral Declaration of Restrictive Covenants for Unit Designated as Reserved Housing Unit dated APRIL 15, 2016, recorded as Document No, A-59490113, made by Castle & Cooke Homes Hawaii, Inc., as Declarant, as amended from time to time with consent from the Hawaii Community Development Authority of the State of Hawaii.

THIRD: All of the right, title and interest of the Grantor in and to all of the furnishings, fixtures and appliances located in the Unit.

BEING THE PREMISES DESCRIBED IN DEED

GRANTOR : A&B KAKAAKO, a Hawaii limited liability company

GRANTEE : JOHN AND JANE DOE, husband and wife

DATED : January 11, 2008

RECORDED : 2008-026827

\*(Include this text only if owner purchased unit as a single and is now married)

Note: The marriage of HUSBAND’s NAME to WIFE’S NAME (now known as MARRIED NAME) on DATE at LOCATION as noted on Transfer Certificate of Title No. ##### by Land Court Document No. ##### recorded on DATE.

END OF EXHIBIT “A”

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