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on Cert(s) AS LISTED HEREIN



R-761 STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECORDED  
MAR 01, 2006 01:30 PM  
Doc No(s) 2006-039949



/s/ CARL T. WATANABE  
ASSISTANT REGISTRAR

32 7/9 Z1 R761



/s/ CARL T. WATANABE  
REGISTRAR OF CONVEYANCES

32 7/9 Z1 L431

FN

AFTER RECORDATION MAIL [ ] PICKUP [X] TO:

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Case Lombardi & Pettit (DML)  
737 Bishop Street, Ste. 2600  
Honolulu, HI 96813

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BARBARA PAULO

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This document contains 21 pages.

TITLE OF DOCUMENT:

## DECLARATION OF RESERVED RIGHTS

PARTIES TO DOCUMENT:

ESTATE: **C.R. CHURCHILL, D.A. HEENAN, RICHARD W. GUSHMAN, II and RONALD J. ZLATOPER**, the duly appointed, qualified and acting **TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED**, acting in their fiduciary and not in their individual capacities

HORTON: **D.R. HORTON - SCHULER HOMES, LLC**, a Delaware limited liability company, 848 Fort Street Mall, Suite 400, Honolulu, Hawaii 96813

### Benefited Property:

TAX MAP KEY(S): (1) 9-2-001-011, (1) 9-1-017-010, (1) 9-1-017-041

Certificate of Title Nos. 784,936 (as to Lot 16245), 784,940 (as to Lot 16246), 617,590 (as to Lot 1212-A), 617,589 (as to Lot 1213-B-2), 617,586 (as to Lot 95-B), 617,587 (as to Lot 96-B), 617,588 (as to Lot 98-C)

### Burdened Property:

TAX MAP KEY(S): (1) 9-1-017-004 (por.), (1) 9-1-017-059, (1) 9-1-018-001

Certificate of Title No. \_\_\_\_\_ (as to Lots 10069-A, Lot 98-B, Lot 11995-A-1)

#2 #5 #1

## DECLARATION OF RESERVED RIGHTS

THIS DECLARATION OF RESERVED RIGHTS (this "Declaration") is made as of March 1, 2006, by and between C.R. CHURCHILL, D.A. HEENAN, RICHARD W. GUSHMAN, II, and RONALD J. ZLATOPER, the duly appointed, qualified and acting TRUSTEES UNDER THE WILL OF AND THE ESTATE OF JAMES CAMPBELL, DECEASED (the "Estate"), acting in their fiduciary and not in their individual capacities, with its principal place of business and post office address at James Campbell Building, 1001 Kamokila Boulevard, Kapolei, Hawaii 96707, and D.R. HORTON - SCHULER HOMES, LLC, a Delaware limited liability company, dba D.R. HORTON-SCHULER DIVISION ("Horton"), whose principal place of business and post office address is 848 Fort Street Mall, Suite 400.

### RECITALS:

A. Horton has acquired from the Estate certain real property situated at Honouliuli, District of Ewa, City and County of Honolulu, more particularly described in Exhibit "A" attached hereto (the "Property").

B. In connection with Horton's acquisition of the Property from the Estate, the Estate desires to hereby reserve certain rights with respect to the Property pursuant to this Declaration.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Estate and Horton agree as follows:

### AGREEMENT:

1. H-1 Mauka Water Allocation. The Property acquired by Horton includes Lot 10069-A, as shown on Map 1162 of Land Court Application No. 1069 and Lot 11995-A-1, as shown on Map 1210 of Land Court Application No. 1069, each as more particularly described on Exhibit "A" (collectively, the "Affected Property"). The Estate is the current owner of certain real property situated mauka of the Affected Property and the H-1 Freeway, including, without limitation, Lots 16245 and Lot 16246, both as shown on Map 1276 of Land Court Application No. 1069 and covered by Certificate of Title Nos. 784,936 and 784,940, respectively (the "Estate's Mauka Lands").

1.1 Reservation of Rights with Respect to H-1 Mauka Water Allocation. To the extent provided in this Declaration and subject to the limitations set forth in Sections 1.2, 1.3 and 3, the Estate hereby reserves:

a. A non-exclusive, perpetual easement in, over and under the Affected Property (i) from Well No. 5/6 located on Lot 10069-A in a southwesterly direction to Pump Site 18 located on Lot 10069-A and (ii) from Pump Site 18 in a northerly direction, generally following along Easement 1495, as shown on Map 430 of Land Court Application No. 1069, to its

intersection with Farrington Highway and thereafter over Lot 11995-A-1 to the Honouliuli Underpass, which easement areas are generally depicted on the map attached hereto as Exhibit "B" (the "Easement Areas" or the "Mauka Irrigation Easements"), and in each case to construct, reconstruct, install, maintain, operate, replace, repair and remove pipelines, conduits, meters, control cable and other equipment, appliances and other appurtenances for water purposes as the Estate shall deem necessary, including those necessary to convey, transmit and distribute water and to properly measure and control water so conveyed, transmitted and distributed to service the Estate's Mauka Lands;

b. Together with rights of access over and to the Easement Areas for all purposes in connection with the rights reserved herein and for the purpose of installing, constructing, operating, repairing, replacing, or maintaining the water facilities within such Easement Areas; and

c. A right to withdraw irrigation water from Well No. 5/6 located on Lot 10069-A, as generally shown on Exhibit "B", subject to the terms and conditions set forth in Sections 1.2 and 1.3.

1.2 Application to Water Commission for Permit. Horton acknowledges and agrees that the Estate may elect to apply to the Water Commission for a permit allowing the Estate to withdraw up to 3 million gallons of water per day from Well No. 5/6 located on Lot 10069-A for the purpose of providing irrigation water to the Estate's Mauka Lands (the "H-1 Mauka Water Allocation"). In the event the Estate elects to apply for the H-1 Mauka Water Allocation, Horton agrees to cooperate with the Estate and not object to the Estate's application. The Estate shall have no right to apply for an allocation of water from any other well located on the Property. The Estate's application to the Water Commission and its ability to draw water from the wells located on the Property shall be limited as follows:

a. The Estate's application to the Water Commission and delivery of water to the Estate's Mauka Lands shall be without cost to Horton;

b. The prior rights of any and all tenants (present and future) occupying the Property shall be paramount to the Estate's ability to draw water from Well No. 5/6;

c. If the Estate is not able to secure the Water Commission's approval of the H-1 Mauka Water Allocation by December 31, 2009, then the Estate shall no longer have the right to apply for a permit to withdraw water from Well No. 5/6; and

d. In the event the Estate is able to secure a full, final, and non-appealable decision permitting the Estate to obtain water from the Waihole water system for the purpose of serving agricultural water needs of

the Estate's Mauka Lands, then the Estate's right to apply for the H-1 Mauka Water Allocation from the existing wells shall terminate without any further action from the parties.

Notwithstanding anything contained in this Declaration to the contrary, if Horton is able to dedicate to BWS the wells located on the Property in exchange for water source credits which are available to reduce the cost of water meters, then such dedication shall be subject to the permit obtained by the Estate in respect of the H-1 Mauka Water Allocation.

1.3 Irrigation Waterline Easements. Prior to the commencement of planning and engineering of the water pipelines for transmission of the H-1 Mauka Water Allocation, the Estate shall give notice to Horton of the commencement of such activity (the "Waterline Planning Notice"). Following the Waterline Planning Notice, Horton may elect by notice (the "Waterline Relocation Notice") to Estate to relocate the Mauka Irrigation Easements provided the areas identified by Horton are reasonably direct for the purpose of transmitting water from Well No. 5/6 to the Estate's Mauka Lands. Horton must give the Waterline Relocation Notice within forty-five (45) days following the Waterline Planning Notice. If Horton makes the election to relocate the water pipelines, the Estate shall no longer have the right to install any improvements within the Easement Areas, and shall undertake to plan, engineer and ultimately construct the water pipelines in the areas identified by Horton pursuant to the Waterline Relocation Notice. Notwithstanding the foregoing, Horton shall have the right to locate waterline facilities within the existing roadway located in the Honouliuli Tunnel, which right shall be superior to and may preclude the Estate's ability to install any water pipelines in such roadway. Following the Estate's construction of improvements within the Easement Areas, Horton shall have the right notwithstanding the Estate's construction of such improvements, to reasonably relocate the easement areas and any improvements constructed by the Estate within the Easement Areas, at Horton's cost and expense, provided that the replacement easements are not significantly more circuitous than the original easement areas.

## 2. Sewer.

2.1 To the extent provided in this Declaration and subject to the limitations set forth in Sections 2.2, 2.3 and 3, the Estate hereby reserves the following easements for access and utility purposes required for the transport of sewage (collectively the "Aina Nui Sewerline Easements") to benefit Lot 1212-A, as shown on Map 441 and covered by Certificate of Title No. 617,590, Lot 1213-B-2, as shown on Map 933 and covered by Certificate of Title No. 617,589, and Lots 95-B, 96-B and 98-C, as shown on Map 442 and covered by Certificate of Title No(s). 617,586, 617,587 and 617,588, respectively, all of Land Court Application 1069:

a. A non-exclusive, perpetual 15-foot wide easement starting at the northernmost point of Lot 98-B, as shown on Map 442, where it is contiguous with Exclusion 5 and bounds Lot 10069-A, as shown on Map 1162, (the "Farrington Makai Lot") and running generally in an eastern

direction along the northern boundary of Lot 98-B, then in a southerly direction along the eastern boundary of 98-B to its intersection with Exclusion 5, Map 1, then generally south on, over and across the eastern boundary of the Farrington Makai Lot to the southern most boundary of the Farrington Makai Lot, and then along the eastern boundary of Lot 10069-A (the "Transfer Line") and thereafter in an westerly direction along the southern most boundary of the Farrington Makai Lot and the southernmost boundary of Lot 10078, as shown on Map 785 to a connection point with the Mango Tree Sewerline, which is the sewerline proposed to run along the entire southern boundary of Lot 10079; and

b. An easement for sewage pump facilities at the geographic low point of the Transfer Line, having an area of not more than 15,000 square feet.

2.2 Infrastructure Planning. In connection with Horton's planning of infrastructure improvements for the Farrington Makai Lot (the "Infrastructure Planning"), Horton shall make provision for the incorporation of the Aina Nui Sewerline Easements; provided Horton shall have the right to locate the sewerline and pump facilities within the roadways and utility corridors to be established by Horton within the Farrington Makai Lot without regard to the easement areas identified in this Section 2. To facilitate the incorporation of the Aina Nui Sewerline Easements, Horton shall provide the Estate with written notice of Horton's intention to do the Infrastructure Planning at least forty-five (45) days prior to the commencement of such planning activity. Should Horton make provision for the sewerline and pump facilities within the roadways and utility corridors to be established by Horton within the Farrington Makai Lot, Horton shall advise the Estate of the relocated areas of the Aina Nui Sewerline Easements and, following such notice, the Estate's reserved easement rights shall be applicable only to those relocated areas; provided, however, in the event of dedication of the relocated easement areas, the Estate's reserved easement rights shall terminate. In the event Horton has not made provision for the Aina Nui Sewerline Easements during Horton's Infrastructure Planning, and the Estate elects to proceed with the planning and engineering of the Aina Nui Sewerline Easements, the Estate shall, prior to the commencement of such planning and engineering, give notice to Horton of the commencement of such activity (the "Sewerline Planning Notice"). Following Sewerline Planning Notice, Horton may elect by notice (the "Sewerline Relocation Notice") to Estate to relocate the Aina Nui Sewerline Easements on the condition that the areas identified by Horton are reasonably direct for the purpose intended to be served by the Aina Nui Sewerline Easements. Horton must give the Sewer Relocation Notice within forty-five (45) days following the Sewerline Planning Notice. If Horton makes the election to relocate the Aina Nui Sewerline Easements, the Estate shall no longer have the right to install any improvements within the originally specified areas for the Aina Nui Sewerline Easements, and shall undertake to plan, engineer and ultimately construct the water pipelines in the areas identified by Horton pursuant to the Sewer Relocation Notice.

3. Right of Relocation. At any time following the installation of any improvements within the Estate's easements reserved pursuant to Sections 1.1 and 2.1, Horton shall have the right, at its cost, to reasonably relocate the easements to areas within streets, roads, parks and other locations within the Property that do not significantly impair the Estate's ability to accomplish the purposes for which the respective easement is being established.

4. Designation of R-1 Waterline Easement. Horton acknowledges and agrees that the Estate is in the process of creating and designating non-potable waterline easements as contemplated by that certain Easement Lease dated June 13, 2001, in favor of US Filter Operating Services (the "R-1 Easement Lease"). More specifically, the Estate is in the process of designating Easement 7 (area 24,752 square feet) located within Lot 10069-A and Easement 9-A (area 4,389 square feet) located within Lot 10069-A (collectively, "Waterline Easement Area No. 1", which waterline easements (the "Waterline Easements") may also affect portions of Exclusion 3, more particularly described on Exhibit "A" as Item 6, and Exclusion 5, more particularly described on Exhibit "A" as Item 5 ("Waterline Easement Area No. 2"; and, together with Waterline Easement Area No. 1, the "Waterline Easement Areas").

4.1 Reservation of Rights with Respect to Waterline Easements. To the extent provided in this Declaration and subject to the limitations set forth in Section 4.2, the Estate hereby reserves the right to designate the Waterline Easement Areas and grant the Waterline Easement Areas to BWS, provided that (i) Horton, as the owner of the property burdened by the Waterline Easements, shall have the right to relocate, at Horton's expense, the Waterline Easements and (ii) the Estate shall use best efforts to secure written confirmation from BWS that its rights to the R-1 waterline are limited to the Waterline Easement Areas.

4.2 Designation of Waterline Easement Areas; Amendment of R-1 Easement Lease. The Estate shall diligently pursue designation of the Waterline Easement Areas and an amendment of the R-1 Easement Lease (the "Amendment") such that the Property encumbered by the R-1 Easement Lease is limited to the Waterline Easement Areas. Horton acknowledges that the ultimate amendment of the R-1 Easement Lease to limit its effect to Waterline Easement Areas is subject to the approval of BWS, which approval may not be obtained. At such time as the amendment of the R-1 Easement Lease is secured, the Estate shall provide a copy of such amendment to Horton.

5. Binding Nature of Restrictions. The reserved rights contained in this Declaration shall run with the land, and shall be binding upon all persons having or who acquire any right, title, or interest in and to the Property affected by this Declaration as described on Exhibit "C" attached hereto for the purposes described therein (the "Burdened Property"), and their agents, heirs devisees, representatives, assignees, successors and assigns, and all tenants, subtenants and vendees of all or any portion of the Burdened Property, and shall inure to the benefit of the Estate and its successors-in-trust, successors in interest and assigns,

in gross, and shall also be appurtenant to and benefit only those lands described on Exhibit "D" attached hereto for the purposes described therein.

6. Notices. All notices, requests, demands, consents and other communications hereunder shall be in writing and shall be deemed to have been duly given when sent by certified or registered mail, return receipt requested, postage prepaid, to the addresses of the Estate and Horton as stated above.

7. Prior Negotiations. With respect to the subject matter hereof, this grant of easement constitutes the entire agreement of the parties hereto and shall supersede all prior offers, negotiations and agreements.

8. No Modification. No terms, provisions, or conditions of this grant of easement may be modified, altered, amended, changed, or extended in any way without an amendment to this grant of easement signed by the Estate and Horton.

9. Governing Law. The validity of this Declaration and any of its terms or provisions, as well as the rights and duties of the parties to this Declaration, shall be governed by federal and Hawaii state laws. Any action at law or in equity to enforce or interpret the provisions of this easement shall be brought in a federal or state court of competent jurisdiction in Honolulu, Hawaii.

10. Severability. In the event that any provision of this grant of easement is declared invalid or unenforceable by a court, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining terms of this grant of easement.

11. No Waiver. The failure of any party to insist upon the strict compliance with any term, provision, or condition of this grant of easement shall not constitute or be deemed to constitute a waiver or relinquishment of such party's right to enforce the same in accordance with this grant of easement.

12. Default; Remedies Are Cumulative. If either party ("defaulting party") fails to perform any of the covenants and agreements contained herein to be performed by such defaulting party within the time for performance as specified herein, then in such event, the other party ("non-defaulting party") may sue the defaulting party for specific performance, injunctive relief and/or monetary damages, including without limitation, attorney's fees, costs and expenses. The remedies of the parties set forth herein shall be in addition to remedies otherwise applicable or provided herein or otherwise available at law or in equity, it being understood that all rights and remedies of the parties shall always be non-exclusive and cumulative and that the exercise of one remedy or form of relief available hereunder shall not be exclusive of, or constitute a waiver of, any other. The failure of any party to enforce the provisions of any paragraph hereunder, shall not constitute a waiver of any right to enforce such provision in any other manner with respect to the other party. No right of action shall accrue in favor of any party

for, or on account of, any failure by the other party to bring any action on account of any violation or breach of the provisions hereof.

13. Enforcement Costs. If the Estate or Horton bring any legal proceeding to enforce any of the terms, covenants or conditions hereof, the unsuccessful party in such proceeding shall pay the prevailing party's costs and expenses, including reasonably attorneys' fees, incurred in the bringing or defending of such proceeding.

14. Headings of Paragraphs. The headings of paragraphs and subparagraphs herein are inserted only for convenience and reference and shall in no way define, limit or describe the scope or intent of any provision of this grant of easement.

15. Definitions and Inurement. The term "Estate" wherever used herein shall be held to mean and include the Estate, their successors in trust and assigns, and the term "Horton" wherever used herein shall be held to mean Horton, and its successors to legal and equitable title to the Property affected by this instrument or any portion thereof, and this instrument shall be binding upon and shall inure to the benefit of the parties hereto and their said respective successors and assigns.

16. Construction Of Law. No party shall be deemed the drafter of this instrument. If this instrument is ever construed by a court of law, such court shall not construe this instrument or any provision hereof against any party as drafter.

17. Trustees' Liability. Any liability which may arise as a consequence of the execution of this instrument by or on behalf of the Trustees Under the Will and of the Estate of James Campbell, Deceased, shall be a liability of the Estate of James Campbell, Deceased, and not the personal liability of any trustee or employee of the Estate of James Campbell.


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IN WITNESS WHEREOF, the Estate and Horton have executed these presents as of the day and year first above written.

THE ESTATE:

TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED, acting in their fiduciary and not in their individual capacities

  
\_\_\_\_\_  
C.R. CHURCHILL

  
\_\_\_\_\_  
D.A. HEENAN

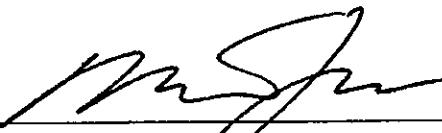
  
\_\_\_\_\_  
RICHARD W. GUSHMAN, II

\_\_\_\_\_  
RONALD J. ZLATOPER

HORTON:


D.R. HORTON - SCHULER HOMES, LLC, a Delaware limited liability company,

By VERTICAL CONSTRUCTION CORPORATION, a Delaware corporation Its Manager

By   
\_\_\_\_\_  
Michael T. Jones  
Its Hawaii Division President

APPROVED AS TO FORM FOR THE ESTATE:

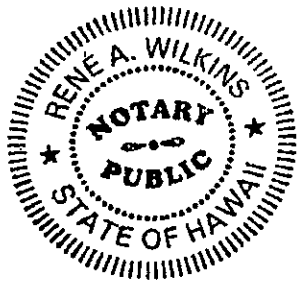
CASE LOMBARDI & PETTIT

  
\_\_\_\_\_



STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On FEBRUARY 24, 2006, before me personally appeared MICHAEL T. JONES, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.



Rene A. Wilkins

Print or type name: Rene A. Wilkins

Notary Public, State of Hawaii.

My commission expires: MAR 30 2007

EXHIBIT "A"

-ITEM 1:-

TMK No. (1) 9-1-017-004 (por.)

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 10067-B, area 181.646 acres, more or less, as shown on Map 876, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795,121 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

-ITEM 2:-

TMK No. (1) 9-1-017-004 (por.)

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 10069-A, area 654.214 acres, more or less, as shown on Map 1162, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795,122 Issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

-ITEM 3:-

TMK No. (1) 9-1-017-072

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 10078, area 182.768 acres, more or less, as shown on Map 785, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased.

Together with access over Easement "4772" as shown on Map 712, affecting Lot 10079 to Lot 8861-D and then over Easement "4770", over and across Lot 8862-A-1 to Farrington Highway, as a public street, as set forth by Land Court Order No. 120505, filed May 10, 1995.

Being land(s) described in Transfer Certificate of Title No. 795,123 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

-ITEM 4:-

TMK No. (1) 9-1-017-004 (por.)

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 10068, area 27.00 acres, more or less, as shown on Map 777, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795,124 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

-ITEM 5:-

TMK No. (1) 9-1-017-059 (por.)

All of that certain parcel of land (portion of the land(s) described in and covered by Royal Patent Number 6971, Land Commission Award Number 11216, Apana 8 to M. Kekauonohi) situate, lying and being at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, being PORTION OF EXCLUSION 5, as shown on Map 1 of Land Court Application No. 1069, being also portion of Old Fort Weaver Road, and thus bounded and described:

Beginning at the southwest corner of this parcel of land and on the westerly side of Fort Weaver Road, FASP No. S-RS-0706 (2), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI NEW" being 7,109.69 feet south and 14,581.08 feet east and thence running by azimuths measured clockwise from true South:

Along Lot 10069, Map 777 of Land Court Application 1069 on a curve to the left with a radius

- of 1407.50 feet, the chord azimuth and distance being:
1. 154° 45' 59" 232.27 feet;
  2. 150° 02' 1404.98 feet along Lot 10069, Map 777 of Land Court Application 1069;
  3. 240° 02' 50.00 feet along the remainder of Old Fort Weaver Road;
  4. 330° 02' 1404.98 feet along Lot 98-B, Map 442 of Land Court Application 1069;
- Thence along Lot 98-B, Map 442 of Land Court Application 1069 on a curve to the right with a radius of 1457.50 feet, the chord azimuth and distance being:
5. 330° 14' 08" 10.29 feet;
- Thence along the westerly side of Fort Weaver Road, FASP No. S-RS-0760 (2) on a curve to the left with a radius of 2080.00 feet, the chord azimuth and distance being:
6. 348° 00' 59" 170.56 feet;
  7. 345° 40' 61.22 feet along the westerly side of Fort Weaver Road, FASP No. S-RS-0760 (2) to the point of beginning and containing an area of 1.728 acres, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR: TRUSTEES UNDER THE WILL AND OF THE ESTATE OF  
JAMES CAMPBELL, DECEASED

GRANTEE: D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited  
liability company

DATED: MAR 1 2006

FILED: Land Court Document No. 3398322  
RECORDED: Document No. 2006-039948

-ITEM 6:-

TMK No. (1) 9-1-017-004 (por.)

All of that certain parcel of land (portion of the land(s) described in and covered by Royal Patent Number 6971, Land Commission Award Number 11216, Apana 8 to M. Kekauonohi) situate, lying and being at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, being PORTION OF EXCLUSION 3, as shown on Map 1 of Land Court Application No. 1069, being also a strip of land 40 feet in width, bearing Tax Key designation (1) 9-1-017-por. 004, and containing an area of 0.650 acre, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR: TRUSTEES UNDER THE WILL AND OF THE ESTATE OF  
JAMES CAMPBELL, DECEASED

GRANTEE: D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited  
liability company

DATED: MAR 1 2006  
FILED: Land Court Document No. 3398322  
RECORDED: Document No. 2006-039948

-ITEM 7:-

TMK No. (1) 9-1-017-059 (por.)

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 98-B, area 7.258 acres, more or less, as shown on Map 442, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795,125  
issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability  
company.

-ITEM 8:-

TMK No. (1) 9-1-018-004

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 11993, area 52.289 acres, more or less, as shown on Map 874, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell.

Being land(s) described in Transfer Certificate of Title No. 795,126 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

-ITEM 9:-

TMK No. (1) 9-1-018-001 (por.)

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 11995-A-1, area 424.430 acres, more or less, as shown on Map 1210, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795,127 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

-ITEM 10:-

TMK No. (1) 9-1-018-001 (por.)

All of that certain parcel of land (portion of the land(s) described in and covered by Royal Patent Number 6971, Land Commission Award Number 11216, Apana 8 to M. Kekauonohi) situate, lying and being at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, being REMNANT B, PORTION OF EXCLUSION 1, as shown on Map 1 of Land Court Application No. 1069, being also abandoned portion of the Old Government Road, and thus bounded and described:

Beginning at the east corner of this piece of land, being also the west corner of Lot 9 as shown on Map 12 of the Consolidation and Resubdivision of Land Court Application 1069, and on the north side of the present Government Road, the



coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI NEW" being 3,262.64 feet south and 7,108.75 feet west, thence running by azimuths measured clockwise from true South:

1. On a curve to the left with a radius of 1,939.86 feet along Parcel 37, along the remainder of the present Government Road, Exclusion 1 of Land Court Application 1069, the chord azimuth and distance being 43° 12' 11" 552.19 feet;
2. 213° 15' 221.14 feet along Lot 43 as shown on Map 11 of the Consolidation and Resubdivision of Land Court Application 1069;
3. Thence on a curve to the right with a radius of 455.00 feet, the chord azimuth and distance being 224° 22' 30" 175.59 feet;
4. 235° 30' 162.57 feet along Lot 43 as shown on Map 11 of the Consolidation and Resubdivision of Land Court Application 1069 to the point of beginning and containing an area of 0.161 acre, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR: TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED

GRANTEE: D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company  
MAR 1 2006

DATED:

FILED: Land Court Document No. 3398322

RECORDED: Document No. 2006-039948

-ITEM 11:-

TMK No. (1) 9-1-018-001 (por.)

All of that certain parcel of land (portion of the land(s) described in and covered by Royal Patent Number 6971, Land Commission Award Number 11216, Apana 8 to M. Kekauonohi) situate, lying and being at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, being REMNANT A, PORTION OF EXCLUSION 1, as shown on Map 1 of Land Court Application No. 1069, being also abandoned portion of the Old Government Road, and thus bounded and described:

Beginning at the southwest corner of this piece of land, being also the west corner of Lot 21 as shown on Map 12 of the Consolidation and Resubdivision of Land Court Application 1069, and on the south side of the present Government Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kapuai New" being 914.74 feet south and 10511.55 feet east, thence running by azimuths measured clockwise from true South:

1. On a curve to the left with a radius of 1939.86 feet across the present Government Road, along Parcel 37, the chord azimuth and distance being 62° 15' 43" 323.35 feet;
2. 233° 22' 347.57 feet along Lot 43 as shown on Map 11 of the Consolidation and Resubdivision of Land Court Application 1069;
3. Thence along same on a curve to the right with a radius of 381.00 feet, the chord azimuth and distance being 250° 56' 229.98 feet;
4. 268° 30' 320.39 feet along Lot 43 as shown on Map 11 of the Consolidation and Resubdivision of Land Court Application 1069;
5. Thence on a curve to the left with a radius of 1939.86 feet across the present Government Road, along Parcel 32-A, the chord azimuth and distance being 78° 52' 46" 299.19 feet;
6. 88° 30' 25.42 feet along Lot 21 as shown on Map 12 of the Consolidation

and Resubdivision of Land Court Application 1069;

7. Thence along same on a curve to the left with a radius of 331.00 feet, the chord azimuth and distance being 70° 56' 199.80 feet;

8. 53° 22' 28.10 feet along Lot 21 as shown on Map 12 of the Consolidation and Resubdivision of Land Court Application 1069 to the point of beginning and containing an area of 0.605 acre, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR: TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED

GRANTEE: D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company

DATED: MAR 1 2006

FILED: Land Court Document No. 3398322

RECORDED: Document No. 2006- 039948

-ITEM 12:-

TMK No. (1) 9-1-018-001 (por.)

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 21, area 0.074 acre, more or less, as shown on Map 12, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795,128 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

-ITEM 13:-

TMK No. (1) 9-1-018-001 (por.)

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 20, area 0.007 acre, more or less, as shown on Map 12, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795,129 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

-ITEM 14:-

TMK No. (1) 9-1-018-001 (por.)

All of that certain parcel of land (portion of the land(s) described in and covered by Royal Patent Number 6971, Land Commission Award Number 11216, Apana 8 to M. Kekauonohi) situate, lying and being at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, being PARCEL 30-B, PORTION OF EXCLUSION 1, as shown on Map 1 of Land Court Application No. 1069, being also abandoned portion of the Old Government Road, and thus bounded and described:

Beginning at the west corner of this piece of land, being also the east corner of Lot 6 as shown on Map 12 of the Consolidation and Resubdivision of Land Court Application 1069, and on the north side of Waianae Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Kapuai New" being 739.82 feet south and 11981.45 feet east, thence running by azimuths measured clockwise from true South:

1. On a curve to the left with a radius of 420.00 feet along Lot 43 as shown on Map 11 of the Consolidation and Resubdivision of Land Court Application 1069, the chord azimuth and distance being 255° 46' 36" 4.06 feet; feet;

2. 255° 30' 196.00 feet along Lot 43 as shown on Map 11 of the Consolidation and Resubdivision of Land Court Application 1069;
3. Thence along same on a curve to the right with a radius of 335.00 feet, the chord azimuth and distance being 278° 42' 46" 264.08 feet;
4. 88° 44' 132.07 feet across the old Government Road, along Parcel 30;
5. Thence on a curve to the left with a radius of 285.00 feet along Lot 20 as shown on Map 12 of the Consolidation and Resubdivision of Land Court Application 1069, the chord azimuth and distance being 88° 44' 102.65 feet;
6. 88° 44' 220.11 feet across the old Government Road, along Parcel 32 to the point of beginning and containing an area of 0.342 acre, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR: TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED

GRANTEE: D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company

DATED: MAR 1 2006

FILED: Land Court Document No. 3399322

RECORDED: Document No. 2006-039948

-ITEM 15:-

TMK No. (1) 9-1-018-001 (por.)

All of that certain parcel of land (portion of the land(s) described in and covered by Royal Patent Number 6971, Land Commission Award Number 11216, Apana 8 to M. Kekauonohi) situate, lying and being at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, being PORTION OF PARCEL 28-A, PORTION OF EXCLUSION 1, as shown on Map 1 of Land Court Application No. 1069, being also abandoned portion of the Old Government Road, bearing Tax Key designation (1) 9-1-018-POR. 001, and containing an area of 2.038 acres, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR: TRUSTEES UNDER THE WILL AND OF THE ESTATE OF  
JAMES CAMPBELL, DECEASED

GRANTEE: D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited  
liability company

MAR 1 2006

DATED:

FILED: Land Court Document No. 3894322

RECORDED: Document No. 2006-039948

-ITEM 16:-

TMK No. (1) 9-1-018-001 (por.)

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 17-A-1, area 19.935 acres, more or less, as shown on Map 423, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795,130  
issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability  
company.

-ITEM 17:-

TMK No. (1) 9-1-010-002 (por.)

All of that certain parcel of land situate at Honouliuli, Ewa, Oahu, City and County of Honolulu, State of Hawaii, described as follows:

LOT 302-A-1-B-2, area 30.825 acres, more or less, as shown on Map 790, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased.

Together with access across Easement "5327" shown on Map 790, as set forth by Land Court Order No. 120643, filed May 23, 1995, and as granted by GRANT OF EASEMENT dated September 30, 2003, filed as Land Court Document No. 3002897; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein.

Together also with a perpetual non-exclusive easement for access to, ingress to and egress from said Lot 302-A-1-B-2 over, upon, across and through Roadway Access Lots 11740 and 11741, as shown on Map 848, Roadway Access Lot 12040, as shown on Map 899, and Roadway Access Lot 13428, as shown on Map 1022, said maps filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069, as granted by GRANT OF EASEMENT dated September 30, 2003, filed as Land Court Document No. 3002897; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein.

Being land(s) described in Transfer Certificate of Title No. 795,131 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

-ITEM 18:-

TMK No. (1) 9-2-002-006

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 12013, area 115.768 acres, more or less, as shown on Map 885, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Together with an access to Farrington Highway (a public highway) over: (i) over Easement 6134 located within Lot 12009, as shown on said Map 885; (ii) over the portion of Easement 51 (shown on Map 22 and on said Map 885) located within

said Lot 12013, as shown on said Map 885; (iii) over the portion of Easement 51 (shown on Map 22 and on Map 874) located within Lot 11993, as shown on Map 874; and (iv) over Easement 50 (shown on Map 22 and on Map 874) located within Lot 11993 and Lot 11994, both shown on Map 874 (Easement 50 and Easement 51 being commonly known as "Palehua Road"), as set forth by Land Court Order No. 126922, filed February 14, 1997; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein.

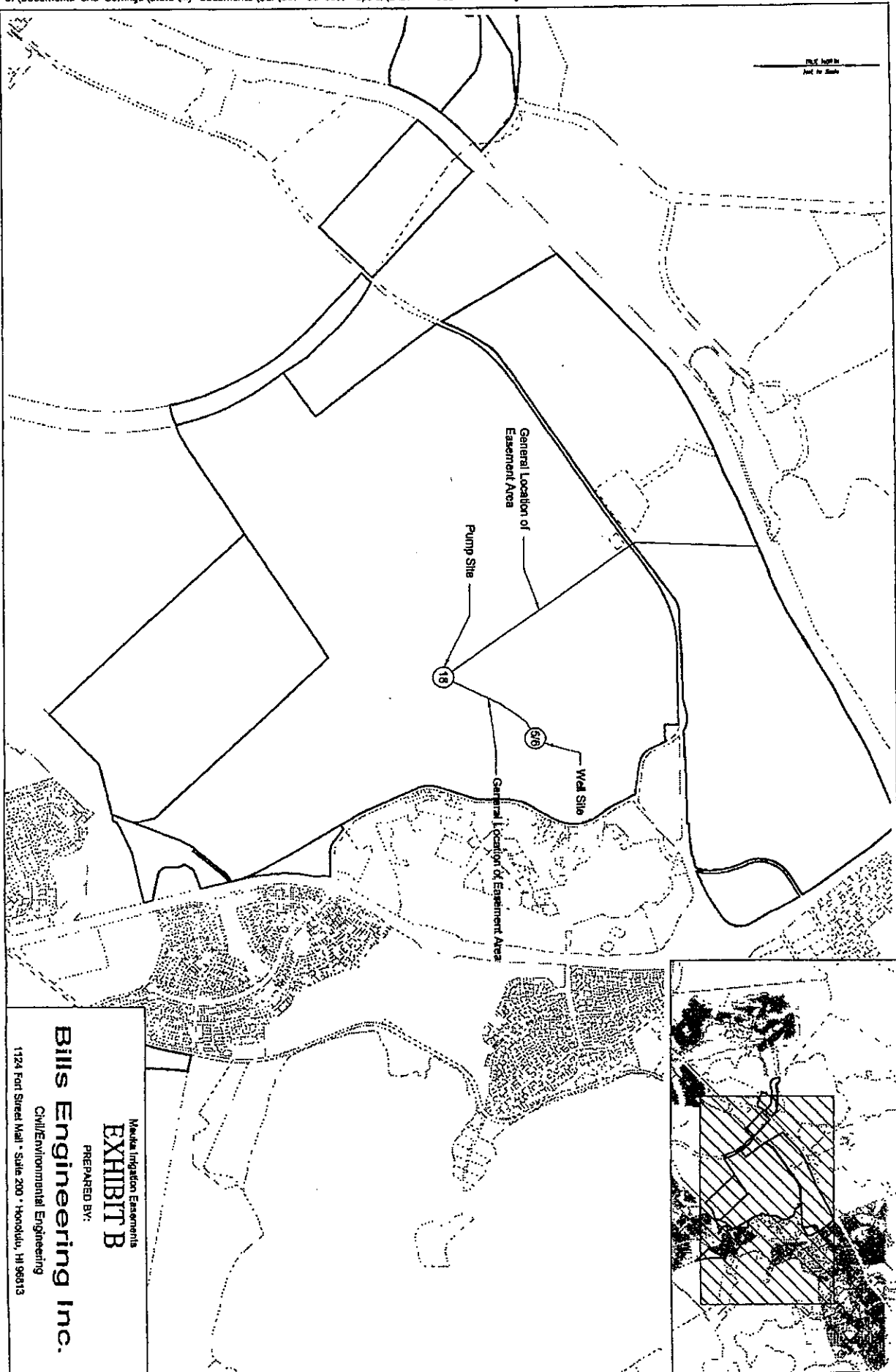
Being land(s) described in Transfer Certificate of Title No. 795,132 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

END OF EXHIBIT "A"



EXHIBIT "B"

See attached.



Makua Ingatson Eschenius  
**EXHIBIT B**  
PREPARED BY:  
**Bills Engineering Inc.**  
Civil/Environmental Engineering  
1124 Fort Street Mall - Suite 200 - Honolulu, HI 96813

EXHIBIT "C"  
Burdened Property

A. As to the Reserved Rights Arising Under Section 1 (H-1 Mauka Water Allocation) of this Declaration:

-Item I:-

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 10069-A, area 654.214 acres, more or less, as shown on Map 1162, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795, 122 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

-Item II:-

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 11995-A-1, area 424.430 acres, more or less, as shown on Map 1210, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795, 127 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

B. As to the Reserved Rights Arising Under Section 2 (Sewer) of this Declaration:

-Item I:-

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 98-B, area 7.258 acres, more or less, as shown on Map 442, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795,125 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

-Item II:-

All of that certain parcel of land (portion of the land(s) described in and covered by Royal Patent Number 6971, Land Commission Award Number 11216, Apana 8 to M. Kekauonohi) situate, lying and being at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, being PORTION OF EXCLUSION 5, as shown on Map 1 of Land Court Application No. 1069, being also portion of Old Fort Weaver Road, and thus bounded and described:

Beginning at the southwest corner of this parcel of land and on the westerly side of Fort Weaver Road, FASP No. S-RS-0706 (2), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI NEW" being 7,109.69 feet south and 14,581.08 feet east and thence running by azimuths measured clockwise from true South:

Along Lot 10069, Map 777 of Land Court Application 1069 on a curve to the left with a radius of 1407.50 feet, the chord azimuth and distance being:

- |    |              |         |   |
|----|--------------|---------|---|
| 1. | 154° 45' 59" | 232.27  | feet;   |
| 2. | 150° 02'     | 1404.98 | feet along Lot 10069, Map 777 of Land Court Application 1069; |
| 3. | 240° 02'     | 50.00   | feet along the remainder of Old Fort Weaver Road;             |
| 4. | 330° 02'     | 1404.98 | feet along Lot 98-B, Map 442 of Land Court Application 1069;  |

Thence along Lot 98-B, Map 442 of Land Court Application 1069 on a curve to the right with a radius of 1457.50 feet, the chord azimuth and distance being:

- |  |              |        |   |
|--|--------------|--------|---|
| 5.   | 330° 14' 08" | 10.29  | feet;                                       |
| Thence along the westerly side of Fort Weaver Road, FASP No. S-RS-0760 (2) on a curve to the left with a radius of 2080.00 feet, the chord azimuth and distance being: |              |        |   |
| 6.   | 348° 00' 59" | 170.56 | feet;                                       |
| 7.   | 345° 40'     | 61.22  | feet along the westerly side of Fort Weaver |

Road, FASP No. S-RS-0760 (2) to the point of beginning and containing an area of 1.728 acres, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR: TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED

GRANTEE: D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company

DATED: MAR 1 2006

FILED: Land Court Document No. 539 8322

RECORDED: Document No. 2006- 039948

-Item III:-

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 10069-A, area 654.214 acres, more or less, as shown on Map 1162, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795,122 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

C. As to the Reserved Rights Arising Under Section 4 (Designation of R-1 Waterline Easement) of this Declaration:

-Item I:-

All of that certain parcel of land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 10069-A, area 654.214 acres, more or less, as shown on Map 1162, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1069 of the Trustees under the Will and of the Estate of James Campbell, deceased;

Being land(s) described in Transfer Certificate of Title No. 795,122 issued to D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company.

-Item II:-

All of that certain parcel of land (portion of the land(s) described in and covered by Royal Patent Number 6971, Land Commission Award Number 11216, Apana 8 to M. Kekauonohi) situate, lying and being at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, being PORTION OF EXCLUSION 3, as shown on Map 1 of Land Court Application No. 1069, being also a strip of land 40 feet in width, bearing Tax Key designation (1) 9-1-017-por. 004, and containing an area of 0.650 acre, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR: TRUSTEES UNDER THE WILL AND OF THE ESTATE OF  
JAMES CAMPBELL, DECEASED

GRANTEE: D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited  
liability company

DATED: MAR 1 2006

FILED: Land Court Document No. 3298322

RECORDED: Document No. 2006-029948

-Item III:-

All of that certain parcel of land (portion of the land(s) described in and covered by Royal Patent Number 6971, Land Commission Award Number 11216, Apana 8 to M. Kekauonohi) situate, lying and being at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawaii, being PORTION OF EXCLUSION 5, as shown on Map 1 of Land Court Application No. 1069, being also portion of Old Fort Weaver Road, and thus bounded and described:

Beginning at the southwest corner of this parcel of land and on the westerly side of Fort Weaver Road, FASP No. S-RS-0706 (2), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAPUAI NEW" being 7,109.69 feet south and 14,581.08 feet east and thence running by azimuths measured clockwise from true South:

Along Lot 10069, Map 777 of Land Court Application 1069 on a curve to the left with a radius of 1407.50 feet, the chord azimuth and distance being:

1. 154° 45' 59" 232.27 feet;
2. 150° 02' 1404.98 feet along Lot 10069, Map 777 of Land Court Application 1069;
3. 240° 02' 50.00 feet along the remainder of Old Fort Weaver Road;

4. 330° 02' 1404.98 feet along Lot 98-B, Map 442 of Land Court Application 1069;  
 Thence along Lot 98-B, Map 442 of Land Court Application 1069 on a curve to the right with a radius of 1457.50 feet, the chord azimuth and distance being:
5. 330° 14' 08" 10.29 feet;  
 Thence along the westerly side of Fort Weaver Road, FASP No. S-RS-0760 (2) on a curve to the left with a radius of 2080.00 feet, the chord azimuth and distance being:
6. 348° 00' 59" 170.56 feet;
7. 345° 40' 61.22 feet along the westerly side of Fort Weaver Road, FASP No. S-RS-0760 (2) to the point of beginning and containing an area of 1.728 acres, more or less.

BEING THE PREMISES ACQUIRED BY DEED

GRANTOR: TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED

GRANTEE: D. R. HORTON-SCHULER HOMES, LLC, a Delaware limited liability company  
 MAR 1 2006

DATED: \_\_\_\_\_  
 FILED: Land Court Document No. 3398322  
 RECORDED: Document No. 2006-039948

END OF EXHIBIT "C"

EXHIBIT "D"  
Benefited Property

A. As to the Reserved Rights Arising Under Section 1 (H-1 Mauka Water Allocation) of this Declaration:

Lots 16245 and Lot 16246, both as shown on Map 1276 of Land Court Application No. 1069.

B. As to the Reserved Rights Arising Under Section 2 (Sewer) of this Declaration:

Lot 1212-A, as shown on Map 441, Lot 1213-B-2, as shown on Map 933, and Lots 95-B, 96-B and 98-C, as shown on Map 442, all of Land Court Application 1069.

C. As to the Reserved Rights Arising Under Section 4 (Designation of R-1 Waterline Easement) of this Declaration:

Lots 16245 and Lot 16246, both as shown on Map 1276 of Land Court Application No. 1069.

END OF EXHIBIT "D"