

I hereby certify that this is  
a true copy from the records  
of the Bureau of Conveyances,

Doc A - 61550757  
November 07, 2016 10:45 AM

Registrar of Conveyances  
Assistant Registrar, Land Court  
State of Hawaii



Return by Mail ( ) Pickup (X) To:  
ATTENTION: Kaliko Siu  
Gentry Homes, Ltd.  
733 Bishop Street, Suite 1400  
Honolulu, Hawaii 96813

FirstAm:

Total Pages: 6

Document Title: AGREEMENT FOR ISSUANCE OF CONDITIONAL USE PERMIT  
UNDER SECTION 21-5.380 OF THE LAND USE ORDINANCE (LUO)

Declarant: GENTRY HOMES, LTD.

Property Description: Lots 1 to 11, inclusive, and Lots L-1 to L-3, inclusive, as shown on DPP  
File No. 2016/SUB-8, and further described in Surveyor's Affidavit recorded  
in the Bureau of Conveyances of the State of Hawaii as Document No. A-  
61240588  
[Area 52, Increment 1 Joint Development Agreement]

TMK No. (1) 9-1-069:023 (portion)

**AGREEMENT FOR ISSUANCE OF CONDITIONAL USE PERMIT  
UNDER SECTION 21-5.380 OF THE LAND USE ORDINANCE (LUO)**

THIS INDENTURE is made on November 4, 2016, by GENTRY HOMES, LTD., a  
Hawaii corporation, having its principal place of business and post office address at 733 Bishop  
Street, Suite 1400, Honolulu, Hawaii 96813, hereinafter referred to as the "Declarant".

**RECITALS:**

1. Declarant is the owner of those certain parcels of land described in Exhibit "A", attached hereto and made a part hereof.
2. Section 21-5.380 of the Land Use Ordinance (LUO) provides that if an owner, owners or duly authorized lessee of adjacent lots believe that joint development of their property would result in more efficient use of their land, they may apply for a Conditional Use Permit to allow such development and to treat said lots as one (1) for zoning purposes.
3. LUO Section 21-5.380 requires an applicant for a Conditional Use Permit to submit to the City and County of Honolulu (hereinafter referred to as the "City") an agreement binding himself and his successors in title to maintain a proposed development so that conformity with the applicable zoning regulations will be assured.
4. Declarant proposes to develop all of those parcels of land described in said Exhibit "A", in accordance with the zoning regulations, in the belief that said proposed development would result in a more efficient use of said parcels.
5. Declarant desires to avail itself of the benefits of LUO Section 21-5.380, and hereby makes application for the issuance of a Conditional Use Permit pursuant thereto.

NOW THEREFORE, Declarant hereby covenants and makes the following Declaration and Gentry Investment Properties hereby agrees:

**DECLARATION:**

1. This Agreement is made pursuant to and in compliance with the provisions of LUO Section 21-5.380, relating to joint development of two (2) or more adjacent lots, the terms of which Section shall be effective when the Director of Planning and Permitting of the City and County of Honolulu, State of Hawaii, approves development of those parcels of land described in said Exhibit "A", and issues a Conditional Use Permit therefor.
2. Declarant agrees to develop in accordance with all other provisions of the zoning regulations.
3. Declarant agrees to file copies of this Agreement and the attachments referred to herein each time the Declarant or its successors, or permitted assigns or agents, files an application for a building permit for any structure within the real property which is the subject of this Agreement.
4. Declarant agrees that all of said parcels of land described in said Exhibit "A", shall at all times remain an integral part of said development.
5. Failure to develop substantially in accordance with this Agreement and the zoning regulations shall constitute grounds for the City to revoke or suspend any building permits issued hereunder.

6. Failure to maintain the development in accordance with this Agreement shall constitute grounds for the City to revoke or suspend the Conditional Use Permit issued pursuant to this Agreement.

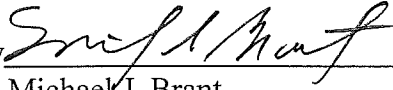
7. This Agreement shall not be amended, terminated, extinguished, nor canceled without the express written approval of the Director of Planning and Permitting of the City and County of Honolulu, State of Hawaii.

8. The City and County of Honolulu, State of Hawaii, shall have the right to enforce this Agreement and the conditions contained herein by appropriate action at law or suit in equity against the Declarant and any person claiming an interest in such property.

9. It is expressly understood and agreed that this Agreement shall run with the land and shall bind, inure to the benefit of, and constitute notice to the respective successors, grantees, assignees, mortgagees, lienors, and any other person who claims an interest in such property of the parties hereto.

IN WITNESS WHEREOF, the undersigned has executed this Joint Development Agreement the day and year first above written.

GENTRY HOMES, LTD.,  
a Hawaii corporation

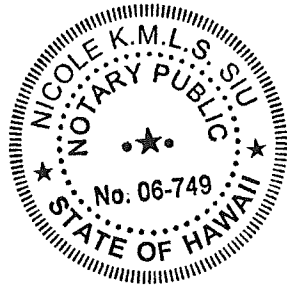
By   
Michael J. Brant  
Its Vice President

“Declarant”

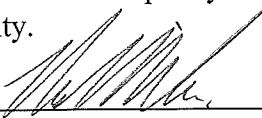
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DATE

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

On this November 4, 2016, before me personally appeared MICHAEL J. BRANT, to me personally known/proved to me on the basis of satisfactory evidence, 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 capacity shown, having been duly authorized to execute such instrument in such capacity.



(Stamp or Seal)

  
Name: Nicole K.M.L.S. Siu  
Notary Public, State of Hawaii  
My commission expires: December 3, 2018

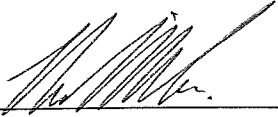
NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Agreement For Issuance of Conditional Use Permit Under Section 21-5.380 of The Land Use Ordinance (LUO)

Document Date: November 4, 2016

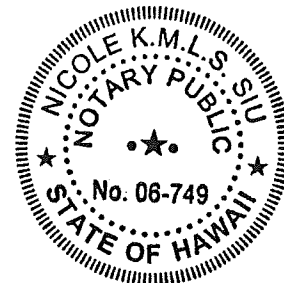
No. of Pages: 6

Jurisdiction (in which notarial act is performed): First Circuit

  
Signature of Notary

November 4, 2016  
Date of Notarization and  
Certification Statement

Nicole K.M.L.S. Siu  
Printed Name of Notary



(Stamp or Seal)

**EXHIBIT "A"**

ALL of those certain parcels of land situate at Honouliuli, District of Ewa, Island of Oahu, State of Hawaii, described as follows:

**Lot 1**, area 0.895 acre;

**Lot 2**, area 0.844 acre;

**Lot 3**, area 0.818 acre;

**Lot 4**, area 0.729 acre;

**Lot 5**, area 0.576 acre;

**Lot 6**, area 0.612 acre;

**Lot 7**, area 0.763 acre;

**Lot 8**, area 0.443 acre;

**Lot 9**, area 0.756 acre;

**Lot 10**, area 0.578 acre;

**Lot 11**, area 0.693 acre;

**Lot L-1**, area 0.074 acre;

**Lot L-2**, area 0.063 acre;

**Lot L-3**, area 0.045 acre;

all as shown on Surveyor's Affidavit recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-61240588.

DPP File No. 2016/Sub-8

**END OF EXHIBIT "A"**

