

The following are provisions from the various documentation relating to soils, drainage and easements.

1. Soils, Setbacks, Slopes and Drainage Disclosure. Developer hereby makes the following disclosures concerning the soil, setback from slopes, and drainage patterns. The Project is located on the Waiau Ridge at the mauka end of Kaahumanu Street in Honolulu, Hawaii. In constructing the homes and the roads and other improvements, Developer was required to cut into the hillside and grade and fill in land areas to create flat areas and slopes. This means there is considerable fill, and in addition, much of the soil is expansive in nature and has a tendency to shrink or swell with moisture changes. Developer took into account the nature of the soil and the location of slopes within the Project when determining the construction design which includes, but is not limited to the method of construction of improvements, the location of the units, and the amount of setback of the units from the slopes. Developer notes that it is important for the unit owners to preserve and maintain the drainage patterns within the Project and to prevent and control erosion. The unit owners should be aware of these characteristics and conditions when buying a home in the Project, and it is also important that the unit owners consider same when landscaping their Private Yards and also when considering the construction of any additions to their unit. The unit owners are advised to consult with qualified design professionals when considering landscaping or the construction of any additional improvements because care must be taken to maintain existing drainage patterns so as to drain surface water away from the footings and foundations of the home and because the nature of the soil should be considered when deciding the method of the construction of additional improvements, such as concrete patio slabs, masonry walls, gutters, etc.

2. Soils-Settlement-Drainage: The unit owners understand, and subsequent owners are hereby notified, that portions of the Project may have been created in part by filling of lands and that the Project is comprised of built-up earth fill overlaying the pre-existing earth. The unit owners further understand, and subsequent owners are hereby notified, that some settlement and movement of the earth in the Property may occur. The unit owners hereby agree, and subsequent owners are hereby notified, that the Developer shall not have any liability or responsibility whatsoever in connection with damage due to concentration of water on the Property or saturation of water in the soils thereon or in connection with any future improvements on the Property by the unit owners or the Association.