

MEMORANDUM OF UNDERSTANDING

Regarding the construction of the

Hale Makana O Nanakuli Resource Center, Project No.: FR-5300-N-29

Nanakuli, Island of Oahu

This MEMORANDUM OF UNDERSTANDING (hereinafter "MOU"), constitutes an understanding between the State of Hawaii Department of Hawaiian Home Lands (hereinafter "DHHL") and the University of Hawai'i – West O'ahu (hereinafter "UHWO"); hereinafter "the Parties", regarding the construction of the Hale Makana O Nanakuli Resource Center, Project No.: FR-5300-N-29 (hereinafter "Project") entered into on August 31, 2010.

Whereas the Project is funded by a grant from the US Department of Housing and Urban Development (hereinafter "HUD"); and

Whereas a grant application has been submitted to HUD, and a grant awarded by HUD to UHWO for the construction of the Project in which work will begin in 2010, and the duration of the grant shall be for three years; and

Whereas the Project will consist of UHWO constructing a 1,036-square-foot building, which shall be known as the Resource Center and shall also consist of a 5-room building, plus restroom facilities; and

Whereas the land upon which the construction of the Resource Center is to take place is owned by DHHL, which issued a 65-year lease to the Nanakuli Hawaiian Homestead Community Association (hereinafter NHHCA); and

Whereas UHWO has partnered with the NHHCA to fulfill the activities of the grant and the Resource Center as part of a larger project, separately funded and called Hale Makana O Nanakuli.

NOW, THEREFORE, the Parties commit and agree to the commitments as follows:

DHHL will allow construction activities directly related to the HUD grant for the Project to UHWO for the purposes of creating the Resource Center, provided that all applicable building permits are obtained and the project conforms to all local municipal building codes; and that the final design shall also be subject to DHHL consent and approval. However, such consent and approval shall not be unreasonably withheld.

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DHHL understands that UHWO will work closely with the NHHCA in fulfillment of its grant award from HUD.

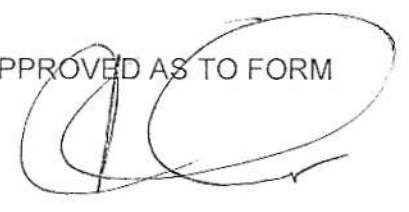
DHHL owns all properties or has easements through properties where grant activities will occur, with no grant funds to be used to buy or encumber property.

DHHL permits the UHWO to access the property and to develop the Resource Center as described in its grant from HUD (Project No.: FR-5300-N-29).

The Parties understand that this MOU is to be in effect for the duration of the grant and not to exceed 5 years from the date as specified above.

STATE OF HAWAII
Department of Hawaiian Home Lands

APPROVED AS TO FORM



Deputy Attorney General
State of Hawaii


for Kaulana H.R. Park, Chairman
Hawaiian Homes Commission

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STATE OF HAWAII
University of Hawaii West Oahu



Ryan M. Mielke
Principle Investigator
FR-5300-N-29

First Amendment
MEMORANDUM OF UNDERSTANDING

Regarding the construction of the
Hale Makana O Nanakuli Resource Center, Project No.: FR-5300-N-29
Nanakuli, Island of Oahu

THIS AGREEMENT, dated this 20th day of October, 2010, is made by and between the State of Hawaii, by its DEPARTMENT OF HAWAIIAN HOME LANDS, (hereinafter "DHHL") whose principal place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii, 96707 and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, and UNIVERSITY OF HAWAII – WEST OAHU, (hereinafter "UHWO"), whose mailing address is 96-129 Ala Ike Street, Pearl City, Hawaii 96782 (Phone No. 454-4735); (hereinafter "the Parties") to amend that certain Memorandum of Understanding dated August 31, 2010, filed in the Office of the Department of Hawaiian Home Lands, hereinafter "MOU".

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Whereas the Parties understood that the MOU was to be in effect for the duration of the grant and not to exceed 5 years from August 31, 2010.

Now therefore the Parties hereby agree to a first amendment to the MOU regarding the HUD grant for the Hale Makana O Nanakuli Resource Center, Project No.: FR-5300-N-29, to be amended, affecting the duration of the MOU subject to the following:

The MOU is in effect for the duration of the grant and a period not to exceed 10 years from August 31, 2010.

All other terms and conditions of the MOU shall remain the same and in full force and effect.

STATE OF HAWAII
Department of Hawaiian Home Lands


Kaulana H.R. Park, Chairman
Hawaiian Homes Commission


APPROVED AS TO FORM

Deputy Attorney General
State of Hawaii

STATE OF HAWAII
University of Hawaii West Oahu


Ryan Mielke
Principle Investigator for FR-5300-N-29