

REQUEST FOR LEGAL SERVICES

Date: October 16, 2025
From: Yuki Lei K. Sugimura, Chair
Budget, Finance, and Economic Development Committee

TRANSMITTAL

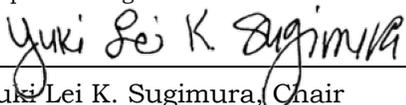
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Nancy H. Zhao, Esq.

Subject: BILL 138 (2025), BILL 139 (2025), BILL 140 (2025), AND RESOLUTION 25-186, RELATING TO WEST MAUI LAND ACQUISITIONS (WEST MAUI COMMUNITY PLAN AREA)

(BFED-7)

Background Data: Please see the attached. Please submit your response to bfed.committee@mauicounty.us with a reference to BFED-7.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER: Legal opinion.

Requestor's signature  Yuki Lei K. Sugimura, Chair	Contact Person <u>Kirsten Szabo or Peter Hanano</u> (Telephone Extension: <u>7662 or 8007, respectively</u>)
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ROUTINE (WITHIN 15 WORKING DAYS) RUSH (WITHIN 5 WORKING DAYS)
 PRIORITY (WITHIN 10 WORKING DAYS) URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 22, 2025
REASON: Councilmember Paltin requested the response be received before the matter is discussed at the October 24, 2025, Council meeting.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE): Please see the attached for the specific request.

DEPARTMENT OF THE CORPORATION COUNSEL

Date _____

By _____

(Rev. 7/03)

bfed:ltr:007acc02

Attachment

As discussed at the October 7, 2025, BFED Committee meeting, may I please request a legal opinion on the following:

1. Please explain, in layperson's terms, the "exceptions" and "exclusions" sections of the title report.
2. Please state whether the County's title insurance provides protection against heirship or land court issues. The example discussed includes cases where not all heirs signed and later quiet title claims, similar to the Pioneer Mill matter (Lot 3A), were filed. If coverage exists, describe its scope and limits. If coverage does not exist, or is excluded, please explain.
3. Please identify whether heirship and quiet title scenarios are treated as an "exclusion" or an "exception" under the policy. Please cite the specific clause or clauses.
4. Does the County's title insurance cover claims that may be triggered during the effort to clear the title for the eighteen parcels, or if required to seek eminent domain, include historical kuleana or other land-tenure claims (e.g., homestead, cultivation areas, or access rights)? If coverage is limited, please identify the specific policy exclusions or exceptions that apply and any endorsements available to address this risk (meeting time stamp 56:59).

BFED Committee

From: BFED Committee
Sent: Thursday, October 16, 2025 5:24 PM
To: 'CorpCounselRFLS@co.maui.hi.us'
Cc: 'Kristina.C.Toshikiyo@co.maui.hi.us'; 'Nancy.H.Zhao@co.maui.hi.us'
Subject: BILL 138 (2025), BILL 139 (2025), BILL 140 (2025), AND RESOLUTION 25-186, RELATING TO WEST MAUI LAND ACQUISITIONS (WEST MAUI COMMUNITY PLAN AREA) (BFED-7)
Attachments: Correspondence to Corporation Counsel 10-16-2025 BFED-7.pdf