

MEETINGHOUSE FACILITIES DEPARTMENT Real Estate Services Division 50 East North Temple Street Salt Lake City, Utah 84150-0010 Office: 1-801-240-3840

June 9, 2025

County of Maui Attn: Yuki Lei Sugimura Email: yukilei.sugimura@mauicounty.us

### RE: Letter Regarding Property Located at Approximately 104A Lower Waiehu Beach Road, Wailuku, Hawaii 96793, Maui County Tax Map Key No. (2) 3-3-001-034 (the "Property"); PN 500-2605

Dear Yuki Lei Sugimura:

This letter is being sent in connection with Bill 8 (2025) and Resolution 25-53 being proposed by the County of Maui (the "**County**"). As you are aware, The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole f/k/a Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints ("**CHC**") wishes to sell the Property to the County.

The purpose of this letter is to confirm that, subject to the current and actual knowledge, without a duty to investigate and without creating any personal liability, of Steven Wallis, who is the current CHC Real Estate Property Manager of the Property, and based on (i) the Preliminary Report provided by Title Guaranty of Hawaii, LLC, dated January 31, 2025, attached hereto as <u>Exhibit A</u> (the "**Title Report**"), and (ii) the deeds recorded in Maui County on April 26, 1938, Liber 1439, Page 282, and on September 2, 1998, Document No. 98-144000, each attached hereto as <u>Exhibit B</u> (the "**Deeds**"), CHC is the owner of the Property. As evidenced by the Title Report, the title company shows CHC as the fee owner of the Property, and the Deeds indicate that CHC (through its affiliated entities) have owned the Property since 1938 with no restrictions that would in any way prevent the sale to the County.

Please be advised that this letter is for reference purposes only, and the statements made herein may not be relied upon for any purpose. CHC hereby disclaims any representations or warranties made in this letter, and this letter shall in no way alter, modify, or expand the terms of any existing or future agreements with the County or otherwise.

Please let us know if you have any further questions or concerns regarding the foregoing.

Sincerely,

The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole

d By: Mi

Name: Michael Marcheschi Its: Authorized Agent

# <u>Exhibit A</u>

Preliminary Report

See attached.

# <u>Exhibit B</u>

Deeds

See attached.

### PRELIMINARY REPORT

(No Liability Hereunder)

This report (and any revisions thereto) is issued solely for the convenience of the titleholder, the titleholder's agent, counsel, purchaser or mortgagee, or the person ordering it for the purpose of facilitating the issuance of a policy of title insurance by Title Guaranty of Hawaii, LLC and no liability will arise under this report.

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### SCHEDULE A

Title Guaranty of Hawaii, LLC (the "Company") hereby reports that, subject to those matters set forth in Schedule "B" hereof, the title to the estate or interest to the land described in Schedule "C" hereof is vested in:

# THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah non-profit corporation, as Fee Owner

This report is dated as of January 31, 2025 at 8:00 a.m.

### Inquiries concerning escrow should be directed to:

Escrow Officer - Lindsey Pagnini; Office: (808)856-8072 Email: Lindsey.Pagnini@tghawaii.com

### Inquiries concerning this report should be directed to:

Title Officer - Liz Iglesias; Office: (808)533-5815 Email: Liz.Iglesias@tghawaii.com Please reference Order No. 7311480301, Escrow No. 7322414130

# SCHEDULE B EXCEPTIONS

- 1. Real Property Taxes, if any, that may be due and owing. Tax Key: (2) 3-3-001-034 Area Assessed: 0.41 acre Tax Classification: NON-OWNER-OCCUPIED/RESIDENTIAL Street Address : 104A LOWER WAIEHU BEACH ROAD, WAILUKU, HAWAII 96793 Real Property Tax Website: (2) 3-3-001-034
- 2. Mineral and water rights of any nature.
- 3. The terms and provisions contained in the following:

INSTRUMENT : DEED

DATED : April 26, 1938 RECORDED : Liber 1439 Page 282

The foregoing includes, but is not limited to, matters relating to the following:

"Reserving, however, to said Wailuku Sugar Company all water rights of any character appurtenant to all of the premises hereinabove described that are herein conveyed to said party of the first part."

4. The terms and provisions contained in the following:

INSTRUMENT	:	DEED
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DATED	:	September 2,	1998
RECORDED	:	Document No.	98-144000

### SCHEDULE B CONTINUED

5. The land has no recorded access to a public roadway.

-Note:- The Company will not insure or otherwise be liable for any loss or damage by reason of lack of access to and from the land.

- Encroachment(s) as referenced on the survey map prepared by Justin D. Leisy, Land Surveyor, Action Survey Hawaii, LLC dated November 21, 2024.
  - -Note:- The Company will, in its ALTA Loan Policy to insured lenders, issue its endorsement covering this item.

## END OF SCHEDULE B

### SCHEDULE C

All of that certain parcel of land (being portion(s) of the land(s) described in and covered by Land Commission Award Number 8559-B, Apana 20 to W. C. Lunalilo) situate, lying and being at Papahawale, South Waiehu, District of Wailuku, Island and County of Maui, State of Hawaii, being LOT 2 of the "WAIEHU BEACH LOTS", and thus bounded and described:

Beginning at the Southwest corner of this Parcel, being also the Southeast corner of Lot C of the Waiehu Kai Subdivision (LUCA File No. 3.1401), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being: 13,569.60 feet North and 1,176.00 feet East and running by azimuths measured clockwise from True South:

1. 165°	30'		63.16	feet along Lot C of the Waiehu Kai Subdivision (LUCA File No. 3.1401) to the point; thence,
2. 165°	30'		38.14	feet along Lot B of the Waiehu Kai Subdivision (LUCA File No. 3.1401) to a point thence,
3. 264°	36'		187.40	feet along the remainder of LC Award 8559-B Apana 20 to William C Lunalilo to a point; thence,
4. 354°	55'	20"	101.02	feet along the same to a cotton gin gear pin in asphalt; thence,
5. 84°	56'		170.81	feet along the same to the point of beginning and containing an area of 0.413 acres more or less

### SCHEDULE C CONTINUED

BEING THE PREMISES ACQUIRED BY DEED

- GRANTOR : CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole
- GRANTEE : CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole
- DATED : September 2, 1998 RECORDED : Document No. 98-144000

# END OF SCHEDULE C

- 1. There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.
- 2. Filed with the Department of Commerce and Consumer Affairs of the State of Hawaii (Business Registration), is the name change of CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, to THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah nonprofit corporation, effective August 5, 2019.

# BUYER(S) LIEN INFORMATION

 The Company finds no liens docketed against COUNTY OF MAUL, the proposed purchaser(s).

# GUIDELINES FOR THE ISSUANCE OF INSURANCE

- A. Taxes shown in Schedule B are as of the date such information is available from the taxing authority. Evidence of payment of all taxes and assessments subsequent to such date must be provided prior to recordation.
- B. Evidence of authority regarding the execution of all documents pertaining to the transaction is required prior to recordation. This includes corporate resolutions, copies of partnership agreements, powers of attorney and trust instruments.
- C. If an entity (corporation, partnership, limited liability company, etc.) is not registered in Hawaii, evidence of its formation and existence under the laws where such entity is formed must be presented prior to recordation.
- D. If the transaction involves a construction loan, the following is required:
  - (1) a letter confirming that there is no construction prior to recordation; or
  - (2) if there is such construction, appropriate indemnity agreements, financial statements and other relevant information from the owner, developer, general contractor and major sub-contractors must be submitted to the Company for approval at least one week prior to the anticipated date of recordation.

Forms are available upon request from the Company.

- E. Chapter 669, Hawaii Revised Statutes, sets forth acceptable tolerances for discrepancies in structures or improvements relative to private property boundaries for various classes of real property. If your survey map shows a position discrepancy that falls within the tolerances of Chapter 669, call your title officer as affirmative coverage may be available to insured lenders.
- F. The right is reserved to make additional exceptions and/or requirements upon examination of all documents submitted in connection with this transaction.
- G. If a policy of title insurance is issued, it will exclude from coverage all matters set forth in Schedule B of this report and in the printed Exclusions from Coverage contained in an ALTA policy or in the Hawaii Standard Owner's Policy, as applicable. Different forms may have different exclusions and should be reviewed. Copies of the policy forms are available upon request from the Company or on our website at www.tghawaii.com.
- H. Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

# LIBER 1439 MAGE 282

THIS INDENTURE, made this 26<sup>Th</sup> day of <u>()</u>, A. D., 1938, between CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, a Utah corporation, party of the first part, and WAILUKU SUGAR COMPANY, an Hawaiian corporation, party of the second part.

#### WITNESSETH:



That the said party of the first part hereby grants, bargains and sells unto the said party of the second part, its successors and assigns forever, all those two certain pieces or parcels of land situate in Waiehu, District of Wailuku, Island and County of Maui, Territory of Hawaii, containing an aggregate area of 0.555 of an acre, particularly described as follows:-

1. All of the land and premises mentioned or described in Apana 2 R.P. 3327 L.C.A. 2461 to Kanehailua, situate at Ohia, in South Walehu, said District of Walluku, containing an area of 0.45 of an acre.

Being the same premises acquired by the party of the first part by deed from W. Francis Bailey dated September 4, 1937, recorded in the office of the Registrar of Conveyances in Honolulu in Book 1395 Page 338.

2. All that certain portion of the land and premises mentioned or described in R.P. 5147 L.C.A. 5454, Apana 1, to Pauanihi, situate at Halelena, in Waiehu, said District of Wailuku, containing an area of 5000 square feet, or 0.115 of an acre, described as follows:-

Beginning at the Southwest corner of this lot, the co-ordinates of which point referred to "Luke" Triangulation Station are 12,246.6 feet North and 4,038.9 feet West and running by azimuths measured clockwise from the true South:-221\* 00' 100.0 feet along the Wailuku Sugar Company's portion of Apana 1, L.C.A. 5454 to Pauanihi,

# LIBER 1439 MAGE 283

311° 00' 50.0 feet along the remaining portion of Apana 1, L.C.A. 5454 to Pauanihi,

41° 00' 100.0 feet along the same,

131° 00' 50.0 feet along the same to the point of beginning.

Being a portion of the premises acquired by the party of the first part by deed from Heber J. Grant, Trustee of the Church of Jesus Christ of Latter Day Saints dated January 29,1925, recorded in the office of the Registrar of Conveyances in Honolulu, in Book 829 Page 67.

Together with the appurtenances thereunto belonging, in exchange of and for the lands hereinafter described, of the said party of the second part.

TO HAVE AND TO HOLD the said premises, with the appurtenances, and every part thereof, to the said party of the second part, its successors and assigns forever, in exchange for the said lands hereinafter described.

And the said party of the second part hereby grants, bargains and sells unto the said party of the first part, its successors and assigns forever, all those two certain pieces or parcels of land situate in the said District of Wailuku, containing an aggregate area of 0.446 acre, particularly described as follows:-

1. Portion of Lot 10, Valley View Trect, Registered File Plan No. 200, being a portion of Poalima No. 48, Grant 3343 to Claus Spreckels, situate at Halaula, said District of Wailuku, containing an area of 1557 square feet or 0.036 of an acre, described as follows:-

Beginning at a 3/4" pipe in Southeast corner of Lot 10, on the North side of Vineyard Street and the West side of Muliwai Drive, the co-ordinates of which point referred to "Luke" Triangulation Station being 2,814.64 feet North and

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# LIBER 1439 PAGE 284

3131.95 feet West and running by azimuths measured clockwise
from the true South:
65\* 41\* 43.35 feet along the North side of Vineyard Street,
160\* 35\* 36.26 feet along the remainder of Lot 10,
250\* 17\* 47.23 feet along the same to the road,

347° 36' 33.06 feet along the West side of Muliwai Drive to the point of beginning.

Being a portion of the premises acquired by the said party of the second part by deed from Hawaiian Commercial and Sugar Company dated June 23, 1924 recorded in the aforesaid office in Book 740 Page 134.

2. All of Lot 2 of the Waiehu Beach Lots, being a portion of the Ahupuaa of Waiehu, as described in L.C.A. 8559-B, Apana 20, to W. C. Lunalilo, situate at Papahawale, in South Waiehu, said District of Wailuku, containing an area of 0.41 of an acre, described as follows:-

Beginning at a one inch pipe in a concrete monument in the Southwest corner of this lot the co-ordinates of which point referred to "Luke" Triangulation Station being 13,569.6 feet North and 1,176.0 feet East and running by azimuths measured clockwise from the true South:

165° 30' 101.3 feet along Antone Silva's lot to a concrete monument,

264° 36' 187.4 feet along Wailuku Sugar Company's Lot 1 to a concrete monument,

354° 36' 100.0 feet along the Wailuku Sugar Company's road right-of-way to a concrete monument,

84° 36' 171.3 feet along the same to the point of beginning. Being a portion of the premises acquired by the said party of the second part by deed from H. William Wolters dated March 1, 1895 recorded in the aforesaid office in Book 152 Page 348.

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# LINER 1439 MILT 285

Reserving, however, to said Wailuku Sugar Company all water rights of any character appurtenant to all of the premises hereinabove described that are herein conveyed to said party of the first part.

Together with the appurtenances thereunto belonging, save as aforesaid, in exchange of and for the lands hereinbefore described, of the said party of the first part.

TO HAVE AND TO HOLD the said premises, with the appurtenances, save as aforesaid, and every part thereof, to the said party of the first part, its successors and assigns forever, in exchange for the lands hereinbefore described on pages 1 and 2 hereof.

IN WITNESS WHEREOF, said CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS, has caused this instrument to be executed in duplicate on the  $\sim$ 0 day of , 1938, and the said WAILUKU SUGAR COMPANY has likewise caused this instrument to be executed in duplicate on the / day of May 1938.

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CORPORATION OF THE PRESIDENT OF THE CHURCH OF, JESUS CHRIST OF LATTER DAY SAINTS DIVINUI OF JESUS CITIC LATTER DAY SAINTS SUGAR WAILUKU COMPANY Tts Trea surer

County of Salt Lake

STATE OF UTAH

C On the 26th day of April, L. D., 1930, personally sppeared before me Heber J. Grant who being by me duly sworn did say that he is the President of the Church of Jesus Christ of Latter-day Saints, a corporation sole, and the sold leber J. Grant uid say that he is the aforesaid corporation sole and President aforesaid and that he signed the foregoing instrument as such corporation sole and as such President, the the said Heber J. Grant duly acknowledged to me that said corporation executed the same.

SS



1/201 and for the S of H

Residing at Salt take City, otah

My Commission Expires: January 29, 1940. Antted States of America. State of Atah

I, R. E. MONSON, Secretary of State of the State of Utah, and custodian of all records showing the appointment of Notaries Public within said State, Bo Hereby Certify that \_\_\_\_\_ JOSEPH ECKERSLEY was on them. 30th me day of January \_\_\_\_\_ A. D. 19.35. duly appointed and commissioned a NOTARY PUBLIC in and for the State of Utah, for the term of four years from that date; that to all his official acts as such NOTARY PUBLIC full faith and credit should be given in all Courts of Justice and elsewhere.



In Testimony Thereof, I have berennto set my hand and affixed the Great Seal of the State of Utah, at day of \_\_\_\_\_ April \_\_\_\_\_ in the year of our Lord one thousand nine hundred and \_\_\_\_\_ Thirty-Fight.

# LISTR 1439 MIGE 287

### TERRITORY OF HAWAII

: 35.

CITY AND COUNTY OF HONOLULU)

On this f(t) day of May, A. D., 1938, before me appeared P. E. SPALDING and W.JAWIESON, to me personally known, who being by me duly sworn, did say that they are the VICE PRESIDENT and TREASURER respectively of WAILUKU SUGAR COMPANY, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said F. E. Spalding and W. Jamieson acknowledged said instrument to be the free act and deed of said corporation.

M. MURA NUD. NY Notary rst Jus Public Territory of Hawaii 2 • • > \* U.Bitel Car 1044 AF V

Entered of Record this 12th day of May A. D. 1938 at 10:15 o'clock A.N. and compared. Nark N. Huckestein, Registrar of Conveyences. By Clerk

RECORDATION REQUESTED BY:	R-632	2
• • • • • •		STATE OF HAWAII
LDS Church Real Estate Division 12th Floor East		BUREAU OF CONVEYANCES RECORDED
50 East North Temple Street		SEP 25, 1998 08:02 AM
Salt Lake City, UT 84150-5670		· · · -
File No. 500-2605		Doc No(s) 98-144000
AFTER RECORDATION, RETURN TO:		/s/CARL T. WATANABE Acting
LDS Church Real Estate Division		REGISTRAR OF CONVEYANCES
12th Floor East		CONVEYANCE TAX: \$0.00
50 East North Temple Street		CONVERANCE TAX: 50.00
Salt Lake City, UT 84150-5670	1	

#### DEED

#### KNOW ALL MEN BY THESE PRESENTS:

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That CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, organized and existing under the laws of the State of Utah, with its principal office at 50 East North Temple, Salt Lake City, County of Salt Lake, State of Utah, hereinafter called "GRANTOR", for no consideration by CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE, with its principal office at 50 East North Temple, Salt Lake City, County of Salt Lake. State of Utah, hereinafter called "GRANTEE", does by these presents convey unto said Grantee and its successors and assigns, absolutely and in fee simple all of the real property, easements, rights-of-way, buildings, tenements, hereditaments, and other interest whatsoever belonging to the Grantor in all the parcels of real property described and listed in Exhibit A attached hereto and by this reference made a part hereof.

AND the revisions, remainders, rents, issues and profits thereof, and all of the estate, right, title and interest of the Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, rights, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed in connection there with, unto said Grantee, its successors and assigns, forever.

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IN WITNESS WHEREOF, the Grantor has executed these presents on the  $_{_{_{_{_{}}}}}^{_{_{_{}}}}$  day of September, 1998

CORPORATION OF THE PRESIDENT OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, A UTAH CORPORATION SOLE

Clinton R. Bv: Guera Its. Authorized Agent

#### STATE OF UTAH ) :SS. County of Salt Lake )

Notary Public Residing in: Salt Lake City, Utah Commission expires: 1/1/99



#### EXHIBIT "A" PORTION OF L.C.AW. 8559-B APANA 20 TO WILLIAM C. LUNALILO

#### Being a portion of the Ahupuaa of Waiehu

BEGINNING at a one-inch pipe in concrete monument at the southwest corner of this parcel of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being 13569.6 feet North and 1176.0 feet East, thence running by azimuths measured clockwise from True South.-

1.	165°	30'	101.3 feet	partly along the remainder of L.C.AW. 8559-B Apana 20 to William C. Lunalilo and partly along L.C.AW. 2447 Apana 3 to Kaawa to a concrete monument;
2.	264°	36'	187.4 feet	along the remainder of L.C.AW. 8559-B Apana 20 to William C. Lunalilo to a concrete monument;
3.	354°	36'	100.0 feet	along the remainder of L.C.AW. 8559-B Apana 20 to William C. Lunalilo to a concrete monument;
4.	84°	36'	171.4 feet	along the remainder of L.C.AW. 8559-B Apana 20 to William C. Lunalilo, to the point of beginning.

#### AREA 0.41 ACRE

#### RESERVING, HOWEVER, the Rights of the Natives.

RESERVING ALSO to the State of Hawaii, its successors and assigns, in perpetuity, an minerals in, on or under the land and the right, on its own behalf or through persons authorized by it, to prospect for, mine and remove minerals and to occupy and use so much of the surface of the land as may be required for all purposes reasonably extending to the mining and removal of such minerals by any means whatsoever, conditioned upon the payment, prior to any exercise of such rights, of compensation for destruction of or damage or injury, caused by the exercise of such right to occupy and use said land, to permanent improvements placed upon the land.

"Minerals" within the meaning of such reservation shall mean any or all oil, gas, coal, phosphate, sodium, sulfur, iron, titanium, gold, silver, bauxite, bauxitic clay, disapore, boehmite, laterite, gibbsite, alumina, all ores of aluminum and, without limitation thereon, all other mineral substances and ore deposits, whether solid, gaseous or liquid, in, on or under the land, provided that "minerals" shall not include sand, rock, gravel, and other similar materials when used in road or building construction.

# **BFED Committee**

From:	County Clerk		
Sent:	Monday, June 9, 2025 8:33 AM		
То:	BFED Committee		
Subject:	Fw: Letter of Testimony   Bill 8 (2025) and Resolution 25-53		
Attachments:	Letter of Testimony - Bill 8 (2025) and Resolution 25-53.pdf; Exhibit A - Preliminary Report_(7311480301).pdf; Exhibit B1 - Liber_Page 1439-282.PDF; Exhibit B2 - Regular System 98144000.PDF		

From: Steven Wallis <Steven.Wallis@churchofjesuschrist.org>
Sent: Monday, June 9, 2025 7:21 AM
To: County Clerk <County.Clerk@mauicounty.us>
Cc: Tidwell, Judd @ Salt Lake City <judd.tidwell@CBRE.com>; Vaka Vehikite <vakavehikite@churchofjesuschrist.org>; Guy.Hironaka@co.maui.hi.us
Subject: Letter of Testimony | Bill 8 (2025) and Resolution 25-53

You don't often get email from steven.wallis@churchofjesuschrist.org. <u>Learn why this is important</u> Good morning!

Please see the attached Letter of Testimony and the associated Exhibits in relation to Bill 8 (2025) and Resolution 25-53.

Thank you,

# **Steven Wallis**

Real Estate Project Manager Real Estate Services Division | Meetinghouse Facilities Department The Church of Jesus Christ of Latter-day Saints

Office: (801) 353-4676 | Cell: (360) 762-0102 steven.wallis@churchofjesuschrist.org