

Bill 102 and Resolution 25-53

Aloha Chair and Councilmembers,

My name is Laura (Lala) Johnson from Waiehu. My testimony today raises a concern regarding the Preliminary Report dated January 31, 2025, prepared by Title Guaranty of Hawaii and attached to Resolution 25-53.

The report references an April 26, 1938 recorded instrument and describes it as a "Deed".

However, the actual instrument, recorded at Liber 1439, Page 282, is not a deed.

It is an Indenture, a document structured to establish mutual obligations, covenants, and conditions, not a one-way transfer of ownership.

I have personally reviewed the instrument at Liber 1439, Page 282, and based on that review, the document is clearly an Indenture, not a deed as described in the report.

Because recorded instruments provide constructive notice of their actual contents, any mischaracterization can affect the interpretation of the chain of title.

This instrument dates to 1938, during the Territorial period of Hawai'i, when many land instruments were structured as indentures specifically to preserve conditions or obligations attached to land rather than simply transferring ownership.

Given this discrepancy, the question before the Council is not whether the public must prove the report wrong, but whether the County has independently verified that the instrument has been correctly identified and interpreted.

If the original document was not reviewed, I respectfully request that the Council pause reliance on the preliminary report until verification is completed.

For many of us who are Kanaka Maoli, land records are not merely technical documents.

Our history shows how errors in interpreting records can affect stewardship and rights connected to 'āina.

When we speak about land, we speak about 'āina that carries genealogy, responsibility, and the wellbeing of future generations.

Furthermore, under Article XVIII, Section 9 of the Constitution of the State of Hawaii, the State and its political subdivisions are entrusted with the proper management and protection of land and natural resources.

Accurate characterization of historical instruments, like the one at Liber 1439, Page 282, is essential to fulfilling that constitutional duty.

RECEIVED AT BFED MEETING ON 3/10/26
Lala Johnson

When the characterization of a recorded land instrument is in question, the responsible course is to verify the original record before relying on secondary interpretations.

Doing so protects the integrity of the Council's decision and ensures that land decisions honor both historical obligations and the public trust.

I respectfully request that the Council verify the instrument at Liber 1439, Page 282 and include this concern in the legislative record.

Mahalo for your time and for your careful stewardship of our lands and records.

Laura (Lala) Johnson

Kanaka Maoli

1.

1439 MAY 282

THIS INDENTURE, made this 26th day of April, 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,

W I T N E S S E T H:

That the said party of the first part herety 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 0.565 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 0.12 South Waiehu, said District of Wailuku, 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 332.

2. All that certain portion of the land and premises mentioned or described in R.P. 5147 L.C.A. 5454, Apana 1, to Puanani, 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 "Luxe" 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 Puanani,



Registrar of Conveyances
Assistant Registrar, Land Court
State of Hawaii

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

