

# REQUEST FOR LEGAL SERVICES

**RECEIVED**

By Corporation Counsel at 10:08 am, Mar 16, 2026

**Date:** March 13, 2026  
**From:** Yuki Lei K. Sugimura, Chair  
Budget, Finance, and Economic Development Committee

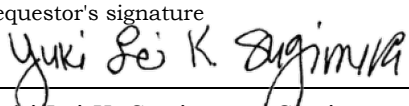
TRANSMITTAL

**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Kristie M. Wrigglesworth, Esq.

**Subject:** BILL 102 (2025), AMENDING THE FISCAL YEAR 2026 BUDGET: APPENDIX A, PART II, OPEN SPACE, NATURAL RESOURCES, CULTURAL RESOURCES, AND SCENIC VIEWS PRESERVATION FUND; AND RESOLUTION 25-53, AUTHORIZING THE ACQUISITION OF REAL PROPERTY LOCATED AT 104A LOWER WAIEHU BEACH ROAD, WAILUKU (KA'EHU BAY) (BFED-46)

**Background Data:** Please see the question below. Please submit your response to [bfed.committee@mauicounty.us](mailto:bfed.committee@mauicounty.us) with a reference to BFED-46.

**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): \_\_\_\_\_  
REASON: \_\_\_\_\_

### FOR CORPORATION COUNSEL'S RESPONSE


ASSIGNED TO: <u>KMW</u>	ASSIGNMENT NO. <u>2025-0169</u>	BY: <u>maa</u>
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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): What remedy would the County have if the County purchased real property and another person or entity is later found to hold valid title?

\*Attached response was emailed to BFED Committee on 03/30/2026.

Date 03/30/2026

DEPARTMENT OF THE CORPORATION COUNSEL  
  
By \_\_\_\_\_

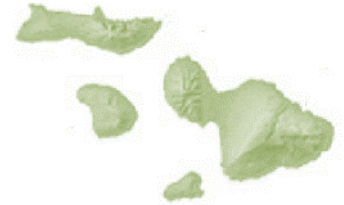
(Rev. 7/03)

**RICHARD T. BISSEN, JR.**  
Mayor

**VICTORIA J. TAKAYESU**  
Corporation Counsel

**MIMI DESJARDINS**  
First Deputy

**LYDIA A. TODA**  
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
WAILUKU, MAUI, HAWAII 96793  
EMAIL: CORPCOUN@MAUICOUNTY.GOV  
TELEPHONE: (808)270-7740

MEMO TO: Maui County Council - BFED Committee  
Yuki Lei K. Sugimura, Chair

FROM: Kristie M. Wrigglesworth, Deputy Corporation Counsel

DATE: March 30, 2026

SUBJECT: BFED-46 Bill 102 (2025) Authorizing the acquisition of real property located at 104A Lower Waiehu Beach Road, Wailuku (Ka'ehu Bay)

We respond to your request for legal services dated March 13, 2026 requesting an opinion on the question present below.

1. What remedy would the County have if the County purchased real property and another person or entity is later found to hold valid title?

- 1) The availability of remedies depends on various factors, including the warranties in the purchase and sale agreement (if any) with the seller(s), whether or not title insurance was purchased, and the type of deed that was used to convey the property to the County. If the County received the property by way of a quitclaim deed without warranties, the County may have to defend against claims for title by others, and ultimately if these were valid claims, the County could be found to have no title, or partial title. If claims were made, it could be necessary for the County to defend or pursue litigation to quiet title and to resolve co-ownership, which could include the costs of buying out any such interests.
- 2) If the County obtained title insurance, the title insurer would determine what the insurer would cover in accordance with the terms of the policy. Typically, with a standard title insurance policy, the title insurance company would defend against claims on title, to include, if necessary, litigation required to clear or resolve issues related to title.
- 3) If the County acquired the property by a warranty deed with seller assurances related to title, and there was a valid claim of title, the

Yuki Lei K. Sugimura, Chair  
BFED Committee  
March 30, 2026  
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County could also have a claim against the seller for breach of the covenants in the warranty deed. Available relief may include damages, recovery of the purchase price, and attorney's fees if authorized by the underlying purchase and sale agreement.

APPROVED FOR TRANSMITTAL:



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KRISTIE M. WRIGGLESWORTH  
Deputy Corporation Counsel

LF2025-0169  
BFED-46 Bill 102 (2025) Response Memo to Chair Sugimura re Acquisition of 104A Lower Waiehu Beach Road Wailuku.docx

## BFED Committee

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**From:** Kristie M. Wrigglesworth <Kristie.Wrigglesworth@co.maui.hi.us>  
**Sent:** Monday, March 30, 2026 1:38 PM  
**To:** BFED Committee  
**Cc:** Melody A. Andrion  
**Subject:** BFED-46 Bill 102 (2025) Response Memo to Chair Sugimura re acquisition of 104A Lower Waiehu Beach Road | Closing (2025-0169)  
**Attachments:** BFED-46 Bill 102 (2025) Response Memo to Chair Sugimura re Acquisition of 104A Lower Waiehu Beach Road Wailuku\_RFLS Closing.pdf

Dear BFED Committee,

See the attached memorandum in response to the request for legal services dated March 13, 2026.

Mahalo,

Kristie Wrigglesworth  
Deputy Corporation Counsel  
Department of the Corporation Counsel  
County of Maui  
200 So. High Street, 3<sup>rd</sup> Floor  
Wailuku, HI 96793  
Office (808) 270-7588  
[Kristie.Wrigglesworth@co.maui.hi.us](mailto:Kristie.Wrigglesworth@co.maui.hi.us)

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