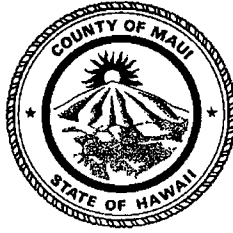


ALAN M. ARAKAWA
Mayor



PATRICK K. WONG
Corporation Counsel

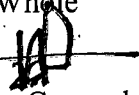
EDWARD S. KUSHI
First Deputy

LYDIA A. TODA
Risk Management Officer
Tel. No. (808) 270-7535
Fax No. (808) 270-1761

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI
200 SOUTH HIGH STREET, 3RD FLOOR
WAILUKU, MAUI, HAWAII 96793
EMAIL: CORPCOUN@MAUICOUNTY.GOV
TELEPHONE: (808) 270-7740
FACSIMILE: (808) 270-7152

November 10, 2016

MEMO TO: Donald S. Guzman, Chair
Committee of the Whole

FROM: Brian A. Bilberry 
Deputy Corporation Counsel

SUBJECT: Litigation Matter – Settlement Proposal re *County of Maui v. Kehalani Holdings Company, Inc., et al.*, Civil No. 11-1-0311(3) (COW-1)

Our Department respectfully requests the opportunity to discuss with the Committee the litigation of the above-referenced case, including settlement options following disposition of third-party claims in this case, and informal discussions with Kehalani Holdings Company, Inc. The County of Maui sued Kehalani Holdings Company, Inc. for injunctive relief and damages relating to building code, housing code, and zoning violations arising out of the illegal dwellings and occupancy on property identified for real property tax purposes as Tax Map Key No. (2) 3-4-032:001 located at Piihana Road, Wailuku, Maui, Hawai'i.

It is anticipated that an executive session may be necessary to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee. A proposed settlement resolution and a copy of the County of Maui's Complaint for Damages and Injunctive Relief, filed June 2, 2011, are attached.

Should you have any questions or concerns, please do not hesitate to contact me. Thank you for your anticipated assistance in this matter.

Attachments

RECEIVED
2016 NOV 10 AM 9:34
OFFICE OF THE
COUNTY COUNCIL

Resolution

No. _____

AUTHORIZING SETTLEMENT
OF COUNTY OF MAUI V. KEHALANI
HOLDINGS COMPANY, INC., ET AL., CIVIL NO. 11-1-0311(3)

WHEREAS, the COUNTY OF MAUI filed a lawsuit in the Second Circuit Court of the State of Hawai'i, against KEHALANI HOLDINGS COMPANY, INC., et al., on June 2, 2011, seeking injunctive relief and damages relating to building code, housing code, and zoning violations arising out of the illegal dwellings and occupancy on property identified for real property tax purposes as Tax Map Key No. (2) 3-4-032:001, located at Piihana Road, Wailuku, Maui, Hawai'i; and

WHEREAS, the County of Maui, to avoid incurring expenses and the uncertainty of a judicial determination of the parties' respective rights and liabilities, seeks to reach a resolution of this case by way of a negotiated settlement or Offer of Judgment; and

WHEREAS, the Department of the Corporation Counsel has requested authority to settle this case under the terms set forth in an executive meeting before the Committee of the Whole; and

WHEREAS, having reviewed the facts and circumstances regarding this case and being advised of attempts to reach resolution of this case by way of a

Resolution No. _____

negotiated settlement or Offer of Judgment by the Department of the Corporation Counsel, the Council wishes to authorize the settlement; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves settlement of this case under the terms set forth in an executive meeting before the Committee of the Whole; and

2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

3. That it hereby authorizes the Director of Finance to satisfy said settlement of this case, under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel; and

4. That certified copies of this resolution be transmitted to the Mayor, the Director of Finance, the Planning Director, and the Corporation Counsel.

APPROVED AS TO FORM AND LEGALITY:



BRIAN A. BILBERRY
Deputy Corporation Counsel
County of Maui

DEPARTMENT OF THE CORPORATION COUNSEL 205

FILED

2011 JUN -2 PM 2:51

PATRICK K. WONG 5878
Corporation Counsel
MARY BLAINE JOHNSTON 1755
Deputy Corporation Counsel
County of Maui
200 S. High Street
Wailuku, Maui, Hawaii 96793
Phone: (808) 270-7741
Facsimile: (808) 270-7152

D. PELLAZAR, CLERK
SECOND CIRCUIT COURT
STATE OF HAWAII

Attorneys for Plaintiff
COUNTY OF MAUI

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

COUNTY OF MAUI,	)	CIVIL NO. 11-1-0311 (3)
	)	(Other Civil Action)
Plaintiff,)	
	)	PLAINTIFF COUNTY OF MAUI'S
vs.	)	COMPLAINT FOR DAMAGES AND
	)	INJUNCTIVE RELIEF; EXHIBITS
KEHALANI HOLDINGS COMPANY, INC.;	)	1 - 7; DEMAND FOR JURY TRIAL;
(fka Hawaii Land and Farming)	)	SUMMONS
Company, Inc.); JOHN DOES 1-10;)	
JOHN DOE GOVERNMENTAL ENTITIES 1-)	
10; JOHN DOE PARTNERSHIPS 1-10;)	
JOHN DOE CORPORATIONS 1-10,)	
)	
)	
Defendants.)	
_____)	

**PLAINTIFF COUNTY OF MAUI'S
COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF**

COMES NOW Plaintiff, the COUNTY OF MAUI, by and through its attorneys, PATRICK K. WONG, Corporation Counsel, and MARY BLAINE JOHNSTON, Deputy Corporation Counsel, and for claims for relief

against Defendant KEHALANI HOLDINGS COMPANY, INC. alleges as follows:

1. The Department of Public Works, Development Services Administration ("DSA") and the Department of Planning are departments of the County of Maui, which is a political subdivision of the State of Hawaii, doing business in the County of Maui, State of Hawaii. Plaintiff County of Maui is hereafter referred to as "Plaintiff County."

2. Defendant KEHALANI HOLDINGS COMPANY, INC. is a for-profit corporation organized and existing under the laws of the State of Hawaii.

a. Defendant Kehalani Holdings Company, Inc. was incorporated on November 29, 2005.

b. On December 31, 2005, Defendant Kehalani Holdings Company, Inc. merged with Delaware corporation Hawaii Land & Farming Company, Inc. The merged entities, since January 1, 2006, have operated under the name KEHALANI HOLDINGS COMPANY, INC.

c. Hawaii Land & Farming Company, Inc. was formerly known as C. Brewer Homes, Inc., changing its name by way of a Certificate of Amendment of Restated Certificate of Incorporation of C. Brewer Homes, Inc., filed in the Office of the Secretary of the State of Delaware on November 30, 1998.

d. C. Brewer Homes, Inc. acquired title to the property identified as Tax Map Key No. (2) 3-4-032-001 from C. Brewer and

Company, Limited, a Hawaii corporation, by way of a Warranty Deed recorded as Document No. 93-208060 at the Bureau of Conveyances, State of Hawaii on December 15, 1993.

3. Plaintiff County has diligently and in good faith attempted to ascertain names and identities of possible defendants whose identity is presently unknown to County. Such attempt includes reviewing relevant public records. Despite the foregoing, the identity of other defendants whose conduct may have been a legal cause of Plaintiff County's damages remains unknown to Plaintiff County.

4. Defendant Kehalani is the owner of record of real property identified as Tax Map Key No. (2) 3-4-032:001 located at Piihana Road, Wailuku, Maui, Hawaii 96793 ("the Property").

5. This Court has jurisdiction over the parties and subject matter, pursuant to Hawaii Revised Statutes §603-21.5 and §603-23.

COUNT I: BUILDING CODE VIOLATION (NOV #V2008-0036)

6. On February 15, 2008, on April 17, 2008 and on June 18, 2008, DSA wrote to Defendant Kehalani, certified mail, return receipt requested, that Defendant's property located at Piihana Road had code violations, as dwellings and other structures were constructed without proper permits being obtained. Defendant Kehalani was instructed to either obtain after the fact permits or to remove the dwellings and structures by August 12, 2008. (Exhibit 1)

7. On August 22, 2008, a Notice of Violation (NOV #V2008-0036) was served on Defendant Kehalani by the DSA for illegal

dwellingings on the property in violation of the 1997 Uniform Building Code, as Amended Section 106.1 ("Permit Required") which provides that "No building or structure regulated by this code shall be constructed, altered or replaced without first obtaining the proper permit." NOV #V2008-0036 imposed an initial fine of \$500, and stated that daily fines would accrue in the amount of \$100 per day, doubling every 30 days, up to a maximum of \$1,000 per day until corrective action was completed if the violations were not corrected by September 22, 2008. (Exhibit 2)

8. On September 22, 2008, Defendant filed a Notice of Appeal of NOV #V2008-0036) to the Board of Variances and Appeals, County of Maui (BVAA Docket No. 2008-0010). The appeal was dismissed with prejudice by stipulation of Plaintiff County and Defendant Kehalani on April 23, 2009. (Exhibit 3)

9. As of the date of the filing of this Complaint for Injunctive Relief and Damages, Defendant Kehalani has not applied for any after the fact permits, has not corrected the violations identified in NOV #V2008-0036, nor has it paid any fines.

10. As of May 31, 2011, the fines accrued pursuant to NOV #V2008-0036 are \$905,500.00, with fines continuing to accrue at \$1,000 per day after May 31, 2011.

COUNT II: HOUSING CODE VIOLATION (NOV #2008-0037)

11. On February 15, 2008, on April 17, 2008 and on June 18, 2008, DSA wrote to Defendant, certified mail, return receipt requested, that Defendant's property had code violations as shack dwellingings, dog and chicken pens and junk cars were on the property

without permits being obtained and that permits must be obtained or the items removed by August 12, 2008. (Exhibit 1)

12. On or about August 22, 2008, a Notice of Violation (NOV #V2008-0037) was issued by DSA and served on Defendant for junk cars and debris on the property in violation of the Maui County Housing Code, section 16.08.170 ("Sanitary Maintenance") which provides:

Every dwelling and every part thereof shall be kept free from vermin, rodent harborages and any accumulation of dirt, rubbish garbage or other matter in or on the dwelling and the surrounding premises.

NOV #V2008-0037 imposed an initial fine of \$200, and stated that daily fines would accrue in the amount of \$100 per day, doubling every 30 days, up to a maximum of \$1,000 per day until corrective action was completed, if the violation was not corrected by September 22, 2008. (Exhibit 4)

14. On September 22, 2008, Defendant filed a Notice of Appeal of NOV #V2008-0037 to the Board of Variances and Appeals, County of Hawaii (BVAA Docket No. 2008-0011). The appeal was dismissed with prejudice by stipulation of Plaintiff County and Defendant Kehalani on April 23, 2009. (Exhibit 5)

15. As of the date of the filing of this Complaint for Injunctive Relief and Damages, on information and belief, Defendant has not corrected the violation identified in NOV #V2008-0037 nor has it paid any fines.

16. As of May 31, 2011, the fines accrued pursuant to NOV #V2008-0037 are \$932,200.00, with fines continuing to accrue at

\$1,000 per day after May 31, 2011.

COUNT III: ZONING VIOLATION:
PROHIBITED ACTIVITY IN AGRICULTURAL DISTRICT

17. On August 23, 2006 and again on September 9, 2006, the Zoning Administration and Enforcement Division ("ZAED") of the Department of Planning, County of Maui, served Notices of Warning on Defendant Kehalani (fka "Hawaii Land and Farming Co, Inc.") on August 23, 2006 and again on September 9, 2006, stating that Defendant was engaged in non-agricultural activity in the Agricultural District. Defendant was advised to cease these activities, remove all vehicles and restore the property to its prior state. (Exhibit 6)

18. On September 18, 2007, Plaintiff County served a Notice of Violation (NOV #2007/0003) on Defendant for violation of Maui County Code, Chapter 19.30A, Section 19.30A.050 ("Permitted Uses") for prohibited nonagricultural activity in the Agricultural District; more specifically, NOV #V2007/0003 states that Defendant's "stockpiling of derelict vehicles, sandblasting business, and stockpiling of rock material to construct rock walls are not permitted uses within the Agricultural district." NOV #2007/0003 states that the initial fine is \$1,000, and that the daily civil fine of \$100 will begin to accrue if corrective action is not completed by October 5, 2007. (Exhibit 7)

19. Defendant did not appeal NOV #2007/0003 so it became final as of October 19, 2007.

20. As of the date of the filing of this Complaint for

Injunctive Relief and Damages, on information and belief, Defendant has not corrected the violations identified in NOV #2007-0003 nor has it paid any fines.

21. The approximate amount of fines owed as of June 1, 2011 for NOV #2007-0003 is \$1,254,000.00.

COUNT IV: INJUNCTIVE RELIEF

22. Plaintiff County realleges and incorporates herein by reference all the allegations set forth in Paragraphs 1 - 21 above, as though fully set forth and alleged herein.

23. As of the date of the filing of this Complaint for Injunctive Relief and Damages, Defendant has not shown that corrective actions have been taken by it to abate any of the violations for which it was cited in the Notices of Violation described above.

24. Plaintiff County will suffer irreparable harm and injury by virtue of Defendant's continuing violations and is without an adequate remedy at law if Defendant is not compelled to cease use of their property for unlawful dwellings, use of the property to store vehicles, junk and debris and unpermitted uses within the agricultural district.

25. Maui County Code Chapter 19.530 ("Enforcement") provides that the County may bring an action for injunctive relief and "may take any other lawful action to prevent or remedy any violation." (MCC § 19.530.020(D)).

WHEREFORE, the County prays as follows:

A. That the Court find Defendant Kehalani in violation

of the Maui County Code provisions described above.

B. That Judgment be entered in favor of the Plaintiff County and against Defendant Kehalani on each Count.

C. That the Court enter an order enjoining Defendant Kehalani from using its property in violation of the provisions of the Maui County Code and requiring Defendant to take immediate action to eliminate all violations.

D. That Defendant be ordered to pay Plaintiff County the applicable fines for Defendant's violations of the Maui County Code.

E. That Plaintiff County be awarded all court costs and reasonable attorneys' fees and any other costs that may be incurred by the County in eliminating the violations on Defendant's property.

F. That Plaintiff County be awarded such other relief the Court deems appropriate, including injunctive relief, prior to final judgment.

DATED: Wailuku, Maui, Hawaii, June 3, 2011.

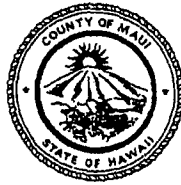
PATRICK K. WONG
Corporation Counsel
Attorney for Plaintiff COUNTY OF MAUI

By 
MARY BLAINE JOHNSTON
Deputy Corporation Counsel

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director



RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

15-FEB-2008

Certified Mail 7007.2560.0001.7800.2090

INSPECTOR'S COPY

Mr. Jesse Wu
Stanford Carr Development LLC
1100 Alakea Street; 27th Floor
Honolulu, Hawaii 96813

SUBJECT: REQUEST FOR SERVICE NUMBER : 08-0000236
BUILDING VIOLATION
FOR ILLEGAL DWELLING, DOG AND CHICKEN PENS, JUNK CARS
AND DEBRIS ON PROPERTY
AT: PIIHANA ROAD, WAILUKU, MAUI, HAWAII
TMK: (2) 3 - 4 - 032 : 001

Dear Mr. Wu:

An inspection of the subject property on February 12, 2008, revealed that your shack dwellings, dog and chicken pens were constructed prior to obtaining the proper permit. You have until August 12, 2008 to **obtain** an after-the-fact building permit that includes a penalty payment and pass code-required inspections; or remove the shack dwellings, dog and chicken pens and junk cars. If you have any questions regarding the building permit application process, please call Renee Segundo at 270-7250.

Upon receipt of the after-the-fact building permit, the property owner shall provide access for the building inspector to conduct the following required inspections: foundation, framing, gypsum board and final. All work shall either be exposed for inspections or the owner shall execute the Certificate of Exemption From County Building Inspections and Hold Harmless Agreement or obtain a variance.

Failure to comply will result in a Notice of Violation being issued with an initial fine of \$500 and daily fines of \$100 per day that doubles every 30 days if the violation is not corrected within 30 days after issuance of the Notice of Violation.


Note that once a Notice of Violation is issued, both the initial and any accrued daily fines will need to be paid. The daily fines will stop accruing on the day that DSA verifies that the violation has been completely abated. Written requests for partial waivers of any accrued daily fines can be considered, however, a minimum payment

EVIDIT |

Mr. Jesse Wu
 Stanford Carr Development LLC
 AT: PIIHANA ROAD, WAILUKU, MAUI, HAWAII
 TMK: (2) 3 - 4 - 032 : 001
 15-FEB-2008
 Page 2 of 2

will be required. Additional information on daily fine waiver requirements can be provided upon request.

If the violation is abated or you have any questions regarding this letter, please call me at 270-7375.

Sincerely,

 NEIL NICHOLAS
 Building Inspector

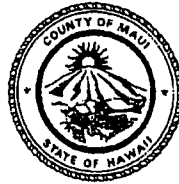
NPN:ijt
 K:\Services\service08-0000236_2

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: Mr. Jesse Wu Stanford Carr Development LLC 1100 Alakea Street, 27th Floor Honolulu, HI 96813 NPN (2) 3-4-032:001		A. Signature <input checked="" type="checkbox"/> <i>Staic Perath</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addresssee	
2. Article Number (Transfer from service label) PS Form 3811, February 2004		B. Received by (Printed Name) <i>Staic Perath</i> <input type="checkbox"/> Date of Delivery <i>2-21-08</i>	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
Article Number 7007 2560 0001 7800 2090		Domestic Return Receipt 102595-02-M-1540	

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director



RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

17-APR-2008

Certified Mail 7007.1490.0003.3052.1372

INSPECTOR'S COPY

Mr. Jesse Wu
Stanford Carr Development LLC
1100 Alakea Street, 27th Floor
Honolulu, Hawaii 96813

SUBJECT: REQUEST FOR SERVICE NUMBER : 08-0000236
BUILDING VIOLATION
FOR ILLEGAL DWELLING, DOG AND CHICKEN PENS, JUNK CARS
AND DEBRIS ON PROPERTY
AT: PIIHANA ROAD, WAILUKU, MAUI, HAWAII
TMK: (2) 3 - 4 - 032 : 001

Dear Mr. Wu:

In our February 15, 2008 letter, you were notified that your shack dwellings, dog and chicken pens were constructed prior to obtaining the proper permit. To date no building permit has been issued.

This is a reminder that you have until August 12, 2008 to **obtain** an after-the-fact building permit that includes a penalty payment and pass code-required inspections; or remove the shack dwellings, dog and chicken pens and junk cars. If you have any questions regarding the building permit application process, please call Renee Segundo at 270-7250.

Upon receipt of the after-the-fact building permit, the property owner shall provide access for the building inspector to conduct the following required inspections: foundation, framing, gypsum board and final. All work shall either be exposed for inspections or the owner shall execute the Certificate of Exemption From County Building Inspections and Hold Harmless Agreement or obtain a variance.

Failure to comply will result in a Notice of Violation being issued with an initial fine of \$500 and daily fines of \$100 per day that doubles every 30 days if the violation is not corrected within 30 days after issuance of the Notice of Violation.

Note that once a Notice of Violation is issued, both the initial and any accrued

17-APR-2008

Mr. Jesse Wu

Stanford Carr Development LLC

SUBJECT: REQUEST FOR SERVICE NUMBER : 08-0000236

BUILDING VIOLATION

FOR ILLEGAL DWELLING, DOG AND CHICKEN PENS, JUNK CARS
AND DEBRIS ON PROPERTY

AT: PIIHANA ROAD, WAILUKU, MAUI, HAWAII

TMK: (2) 3 - 4 - 032 : 001

Page 2 of 2

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If the violation is abated or you have any questions regarding this letter, please call me at 270-7375.

Sincerely,



NEIL NICHOLAS
Building Inspector

NPN:ijt

K:\Services\service08-0000236_3

7007 1490 0003 3052 1372

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage	\$	
Certified Fee		.41
Return Receipt Fee (Endorsement Required)		2.65
Restricted Delivery Fee (Endorsement Required)		2.15
Total Postage & Fees	\$	5.21

Postmark Here

Sent To: **Mr. Jess Wu/Stanford Carr**
 Street, Apt. No., or PO Box No. **1100 Alakea Street, 27th Floor**
 City, State, ZIP+4 **Honolulu, HI 96813**

PS Form 3811, August 2004 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Jesse Wu
 Stanford Carr Development LLC
 1100 Alakea Street, 27th Floor
 Honolulu, HI 96813

NPN (2) 3-4-032:001

2. Article Number
 (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
X Steve Perata

B. Received by (Printed Name) *Steve Perata* C. Date of Delivery *4-23-08*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

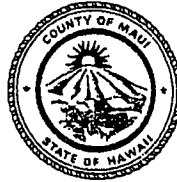
4. Restricted Delivery? (Extra Fee) Yes

7007 1490 0003 3052 1372

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director



RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

June 18, 2008

Certified Mail 7007.1490.0003.3052.2140

INSPECTOR'S COPY

Mr. Jesse Wu
Stanford Carr Development LLC
1100 Alakea Street, 27th Floor
Honolulu, Hawaii 96813

**SUBJECT: REQUEST FOR SERVICE NUMBER : 08-0000236
BUILDING VIOLATION
FOR ILLEGAL DWELLING, DOG AND CHICKEN PENS, JUNK CARS
AND DEBRIS ON PROPERTY
AT: PIIHANA ROAD, WAILUKU, MAUI, HAWAII
TMK: (2) 3 - 4 - 032 : 001**

Dear Mr. Wu:

In our February 15, 2008 and April 17, 2008 letters, you were notified that your shack dwellings, dog and chicken pens were constructed prior to obtaining the proper permit. To date no building permit has been issued.

This is your third and final notice. You have until August 12, 2008 to obtain an after-the-fact building permit that includes a penalty payment and pass code-required inspections; or remove the shack dwellings, dog and chicken pens and junk cars. If you have any questions regarding the building permit application process, please call Renee Segundo at 270-7250.

Upon receipt of the after-the-fact building permit, the property owner shall provide access for the building inspector to conduct the following required inspections: foundation, framing, gypsum board and final. All work shall either be exposed for inspections or the owner shall execute the Certificate of Exemption From County Building Inspections and Hold Harmless Agreement or obtain a variance.

Failure to comply will result in a Notice of Violation being issued with an initial fine of \$500 and daily fines of \$100 per day that doubles every 30 days if the violation is not corrected within 30 days after issuance of the Notice of Violation.

Note that once a Notice of Violation is issued, both the initial and any accrued

June 18, 2008

Mr. Jesse Wu

Stanford Carr Development LLC

SUBJECT: REQUEST FOR SERVICE NUMBER : 08-0000236

BUILDING VIOLATION

FOR ILLEGAL DWELLING, DOG AND CHICKEN PENS, JUNK CARS

AND DEBRIS ON PROPERTY

AT: PIIHANA ROAD, WAILUKU, MAUI, HAWAII

TMK: (2) 3 - 4 - 032 : 001

Page 2 of 2

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If the violation is abated or you have any questions regarding this letter, please call me at 270-7375.

Sincerely,

NEIL NICHOLAS
Building Inspector

NPN:ijt

K:\Services\service08-0000236_4

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery Lynnette Tachi 6/23/08</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Mr. Jesse Wu Stanford Carr Development LLC 1100 Alakea Street, 27th Floor Honolulu, Hawaii 96813</p> <p>NPN (2) 3-4-032:001</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>	<p>7007 1490 0003 3052 2140</p>	

J. #V2008-0036



Date and Time of Violation February 12, 2008

Date of Notice August 22, 2008

Continuing: Yes No

Request for Services No. 08-0000236

Certified Mail No. 7007.2560.0002.6827.7100

DEVELOPMENT SERVICES ADMINISTRATION (DSA)
250 South High Street, Wailuku, Hawaii 96793
County of Maui

FILE COPY

NOTICE OF VIOLATION

TO: Owner Kehalani Holding Company, Inc.
Mailing Address 1100 Alakea Street, 27th Floor, Honolulu, Hawaii 96813

TO: Cont./Lessee/Tenant Mr. Jesse Wu, Stanford Carr Development LLC
Mailing Address 1100 Alakea Street, 27 Floor, Honolulu, Hawaii 96813

RE: ILLEGAL DWELLINGS (Name or description)

ADDRESS Piihana Road, Wailuku, Hawaii

TAX MAP KEY (2) 3 - 4 - 032 : 001 PERMIT NO.

New Building Type Consr Stories Repairing Demolition Reconstruction
Old Building Addition Alteration Remodel Moving Misc. Structure X

I have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's code(s) and/or ordinance(s) governing same:

Table with 2 columns: County Code(s) and/or Ordinance(s) and Section(s), Nature of the Violation(s). Row 1: 1997 UNIFORM BUILDING CODE, AS AMENDED, SECTION 106.1 PERMIT REQUIRED. No building or structure regulated by this code shall be constructed, altered or replaced without first obtaining the proper permit.

ORDER

YOU ARE HEREBY ORDERED AS FOLLOWS:

- X Cease and desist immediately from the violation(s) described above.
X Correct the violation(s) at your own expense before September 22, 2008 (date) by taking the following corrective actions: OBTAIN A BUILDING PERMIT OR REMOVE THE SHACK DWELLINGS.
X Pay an initial civil fine in the amount of \$ 500.00 by September 22, 2008 (date) to DSA.
X Pay a daily civil fine in the amount of \$ 100.00 per day to DSA if the corrective action described above is not completed by the date specified above for corrective action.

This order is effective immediately. You have thirty (30) days from the date of service to appeal this order. The "date of service" means the date of mailing by certified mail or personal delivery, whichever is sooner. If no appeal is filed within the thirty days, the order will be considered final.

Please be advised that if you appeal this order, your appeal shall not stay any provisions of this order. Please be advised that in the future, if you have a violation in the same manner described above, the violation will be considered as recurring and will be subject to an initial civil fine for recurring violation of \$ 1000.00, but not more than \$1000.00, and you may be subject to daily fines and further legal action.

Please be advised that if you do not abide by this Notice of Violation, this matter will be referred to the County Corporation Counsel and/or Prosecuting Attorney for appropriate action.

FOR THE DIRECTOR OF PUBLIC WORKS

Signature of Inspector: [Signature] EXHIBIT 2
Name of Inspector: NEIL NICHOLAS

- x BUILDING: 270-7375
o CONSTRUCTION: 270-7366
o ELECTRICAL: 270-7371
o PLUMBING: 270-7388 (Revised 01/25/07)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Jesse Wu
Stanford Carr Development LLC
1100 Alakea Street, 27th Floor
Honolulu, Hawaii 96813

NPN (2) 3-4-032:001

2. Article Number
(Transfer from service label)

7007 2560 0002 6827 7100

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
Steve Perata Addressee

B. Received by (Printed Name) C. Date of Delivery
Steve Perata *03-28-08*

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

CARLSMITH BALL LLP

BLAINE J. KOBAYASHI 5572
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Maui, HI 96793
Tel No. (808) 242-4535
Fax No. (808) 244-4974

Attorney for KEHALANI
HOLDINGS COMPANY, INC.

'09 APR 23 P3:19

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

BEFORE THE BOARD OF VARIANCE AND APPEALS

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the

Notice of Violation
NOV 2008-0036

For KEHALANI HOLDINGS COMPANY,
INC. for Property Located at Piihana Road,
Wailuku, Maui, Hawaii
TMK No. (2) 3-4-032:001.

DOCKET NO. BVAA 20080010
NOV 2008-0036

STIPULATION TO DISMISS APPEAL

Hearing:

Date: April 23, 2009

Time: 1:30 p.m.

STIPULATION TO DISMISS APPEAL

IT IS HEREBY AGREED AND STIPULATED to by KEHALANI HOLDINGS
COMPANY, INC., by and through its attorney, BLAINE J. KOBAYASHI, and the COUNTY
OF MAUI, by and through its attorney, MARY BLAINE JOHNSTON, Deputy Corporation
Counsel, that the Appeal of the Director of the Department of Public Works' issuance of a
Notice of Violation (V20080036) for the construction of a "shack dwelling" without first

obtaining a building permit for property located off of Piihana Road, Wailuku, Maui, Hawaii, is hereby dismissed with prejudice.

Each party will bear its own attorney's fees and costs.

DATED: Wailuku, Maui, Hawaii, April 22, 2009.



BLAINE J. KOBAYASHI
Attorney for KEHALANI HOLDINGS
COMPANY, INC.



MARY BLAINE JOHNSTON
Deputy Corporation Counsel
County of Maui

Board of Variances and Appeals, County of Maui; BVAA 20080010; STIPULATION TO DISMISS APPEAL

FILE NO. #V2008-0037

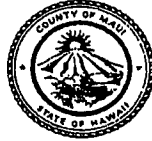
Date and Time Violation February 12, 2008

Date of Notice August 22, 2008

Continuing: Yes No

Request for Services No. 08-0000236

Certified Mail No. 7007.2560.0002.6827.7261



DEVELOPMENT SERVICES ADMINISTRATION (DSA)

250 South High Street, Wailuku, Hawaii 96793

County of Maui

NOTICE OF VIOLATION

FILE COPY

TO: Owner Kehalani Holding Company, Inc.

Mailing Address 1100 Alakea Street, 27th Floor, Honolulu, Hawaii 96813

TO: Cont./Lessee/Tenant Mr. Jesse Wu, Stanford Carr Development LLC

Mailing Address 1100 Alakea Street, 27th Floor, Honolulu, Hawaii 96813

RE: JUNK CARS AND DEBRIS ON PROPERTY (Name or description)

ADDRESS Piihana Road, Wailuku, Hawaii

TAX MAP KEY (2) 3 - 4 - 032 : 001 PERMIT NO.

New Building Type Contsr Stories Repairing Demolition Reconstruction

Old Building Addition Alteration Remodel Moving Misc. Structure X

I have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's code(s) and/or ordinance(s) governing same:

Table with 2 columns: County Code(s) and/or Ordinance(s) and Section(s), Nature of the Violation(s). Row 1: Maui County Housing Code, Section 16.08.170-Sanitary Maintenance; Every Dwelling and every part thereof shall be kept free from vermin, rodent harborages and any accumulation of dirt, rubbish, garbage or other matter in or on the dwelling and the surrounding premises.

ORDER

YOU ARE HEREBY ORDERED AS FOLLOWS:

X Cease and desist immediately from the violation(s) described above.
X Correct the violation(s) at your own expense before September 22, 2008 (date) by taking the following corrective actions: REMOVE THE JUNK CARS AND DEBRIS FROM THE PROPERTY.

X Pay an initial civil fine in the amount of \$ 200.00 by September 22, 2008 (date) to DSA.
X Pay a daily civil fine in the amount of \$ 100.00 per day to DSA if the corrective action described above is not completed by the date specified above for corrective action.

This order is effective immediately. You have thirty (30) days from the date of service to appeal this order. The "date of service" means the date of mailing by certified mail or personal delivery, whichever is sooner. If no appeal is filed within the thirty days, the order will be considered final. You may appeal this order by filing a request on the appropriate form, available at the Board of Variances and Appeals, Planning Department, 250 South High Street, Wailuku, Hawaii 96793, within thirty (30) days of the date of service. Please be advised that if you appeal this order, your appeal shall not stay any provisions of this order. Please be advised that in the future, if you have a violation in the same manner described above, the violation will be considered as recurring and will be subject to an initial civil fine for recurring violation of \$ 400.00, but not more than \$1000.00, and you may be subject to daily fines and other legal action. Please be advised that if you do not abide by this Notice of Violation, this matter will be referred to the County Corporation Counsel and/or Prosecuting Attorney for appropriate action.

FOR THE DIRECTOR OF PUBLIC WORKS

Signature of Inspector: [Handwritten Signature]

Name of Inspector: NEIL NICHOLAS

- x BUILDING: 270-7375
o CONSTRUCTION: 270-7366
o ELECTRICAL: 270-7371
o PLUMBING: 270-7368 [Revised 01/25/07]

EXHIBIT 4

7007 2560 0002 6827 7261

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p><i>Stan Carr</i></p>	
<p>1. Article Addressed to:</p> <p>Mr. Jesse Wu Stanford Carr Development LLC 1100 Alakea Street, 27th Floor Honolulu, Hawaii 96813</p> <p>NPN (2) 3-4-032:001</p>	<p>B. Received by (Printed Name)</p> <p><i>Stan Carr</i></p>	<p>C. Date of Delivery</p> <p><i>Feb 28 08</i></p>
	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>7007 2560 0002 6827 7261</p>		

CARLSMITH BALL LLP

BLAINE J. KOBAYASHI
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Maui, HI 96793
Tel No. (808) 242-4535
Fax No. (808) 244-4974

5572

Attorney for KEHALANI
HOLDINGS COMPANY, INC.

'09 APR 23 P3:19

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

BEFORE THE BOARD OF VARIANCE AND APPEALS

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the

Notice of Violation
NOV 2008-0037

For KEHALANI HOLDINGS COMPANY,
INC. for Property Located at Piihana Road,
Wailuku, Maui, Hawaii
TMK No. (2) 3-4-032:001.

DOCKET NO. BVAA 20080011
NOV 2008-0037

STIPULATION TO DISMISS APPEAL

Hearing:

Date: April 23, 2009

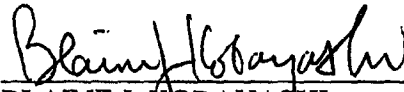
Time: 1:30 p.m.

STIPULATION TO DISMISS APPEAL

IT IS HEREBY AGREED AND STIPULATED to by KEHALANI HOLDINGS COMPANY, INC., by and through its attorney, BLAINE J. KOBAYASHI, and the COUNTY OF MAUI, by and through its attorney, MARY BLAINE JOHNSTON, Deputy Corporation Counsel, that the Appeal of the Director of the Department of Public Works' issuance of a Notice of Violation (V20080037) for the storage of junk cars and debris on property located off of Piihana Road, Wailuku, Maui, Hawaii, is hereby dismissed with prejudice.

Each party will bear its own attorney's fees and costs.

DATED: Wailuku, Maui, Hawaii, April 22, 2009.

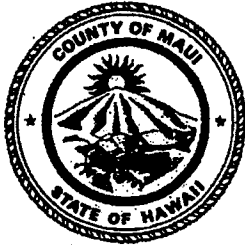


BLAINE J. KOBAYASHI
Attorney for KEHALANI HOLDINGS
COMPANY, INC.



MARY BLAINE JOHNSTON
Deputy Corporation Counsel
County of Maui

Board of Variances and Appeals, County of Maui; BVAA 20080011; STIPULATION TO
DISMISS APPEAL



NOTICE OF WARNING

Department of Planning
Zoning Administration and Enforcement Division

1st Warning 8/23/06 2nd Warning
(Date)

Issued to: Hawaii Land & Farming Co., Inc.
 Hand Delivered Certified Mail

Address: 1100 Alakea St., 27th Floor
Honolulu, HI 96813

TMK: (2) 3-4-032:001

We have determined that the following violation exists on this property.

- Sign Violation
- Zoning Violation
- Special Management Area Violation

Other: _____

Description of Violation: Non agricultural activity in the Agricultural district

We are asking for your cooperation in correcting the above violation by: August 31, 2006

Failure to correct violation shall result in penalties pursuant to the Maui County Code and the Hawaii Revised Statutes. If you need any assistance, please call: Jay Arakawa at 270-7253.

Jay Arakawa 8/23/06 1500hrs
SIGNATURE OF INSPECTOR DATE / TIME

WITNESS SIGNATURE DATE / TIME

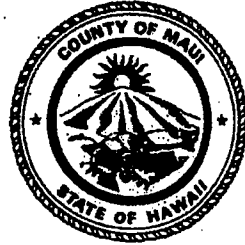
Comments: Cease all non agricultural activity and remove vehicles. Restore property to prior state.

RFS No. 06-0002063

E 1021

Department (original) Issued to (yellow) Inspector (pink)

EXHIBIT 6



NOTICE OF WARNING

Department of Planning
Zoning Administration and Enforcement Division

1st Warning 9/6/06 2nd Warning
(Date)

Issued to: Hawaii Land & Farming Co., Inc.
 Hand Delivered Certified Mail

Address: 1100 Alakea St., 27th Floor
Honolulu, HI 96813

TMK: (2) 3-4-032:001

We have determined that the following violation exists on this property.

- Sign Violation
- Zoning Violation
- Special Management Area Violation

Other: _____

Description of Violation: Non agricultural activity in the Agricultural district.

We are asking for your cooperation in correcting the above violation by: September 25, 2006

Failure to correct violation shall result in penalties pursuant to the Maui County Code and the Hawaii Revised Statutes. If you need any assistance, please call: Jay Arakawa at 270-7253.

Jay Arakawa 9/6/06 1200hrs
SIGNATURE OF INSPECTOR DATE / TIME

WITNESS SIGNATURE DATE / TIME

Comments: Cease all non agricultural activity and restore property to previous state. Noncompliance will result in fines.

RFS No. 06-0002063

E 1027

Department (original) Issued to (yellow) Inspector (pink)



COUNTY OF MAUI
DEPARTMENT OF PLANNING
 250 S. HIGH STREET
 WAILUKU, MAUI, HAWAII 96793
 FOR INFORMATION CALL:
 (808) 270-7253

FILE NO.:	NOV 2007/0003
RFS NO.:	06-0002063
DATE OF NOTICE:	September 18, 2007
DATE OF VIOLATION:	August 23, 2006
CONTINUING:	YES/NO
COLLECTED FINE:	
RECEIPT NO.:	7007/07/19/0004/4646/1634

NOTICE OF VIOLATION
TITLE 19 - COMPREHENSIVE ZONING ORDINANCES

TO:	OWNER: Hawaii Land and Farming Co., Inc.	
	MAILING ADDRESS: 1100 Alakea Street, 27th Floor, Honolulu, Hawaii 96813	
	TENANT: Vernon Lindsey	
	MAILING ADDRESS: 318 Muliwai Drive, Wailuku, Hawaii 96793	
	DESCRIPTION: Prohibited nonagricultural activity in the Agricultural District	
	ADDRESS: No Address, Wailuku, Hawaii	
	TMK: (2) 3-4-032: 001	PERMIT NO:

I have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's Code(s) and/or Ordinance(s) governing same:

CODE(S) AND/OR ORDINANCE(S) SECTION(S)	NATURE OF THE VIOLATION(S)
Maul County Codes, Chapter 19.30A, Section 19.30A. 050, Permitted Uses	Stockpiling of derelict vehicles, sandblasting business, and stockpiling of rock material to construct rock walls are not permitted uses within the Agricultural district.

ORDER

You are hereby ordered as follows:

<input checked="" type="checkbox"/>	Cease and desist immediately.		
<input checked="" type="checkbox"/>	Correct the violation(s) at your own expense before:	October 5, 2007	By taking the following corrective action(s): Cease activity, clear area and restore to original state.
<input checked="" type="checkbox"/>	Pursuant to MCC, §19.530.030(B)(1)(c), pay an initial civil fine in the amount of (\$1,000 per violation):	\$1,000.00	By October 5, 2007 To the Department of Planning (Planning).
<input checked="" type="checkbox"/>	Pursuant to MCC, §19.530.030(B)(1)(d), pay a daily civil fine in the amount of (\$100 per violation):	\$100.00	Per day to Planning if the corrective action described above is not completed by October 5, 2007.

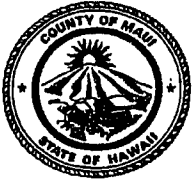
This order shall become final within thirty (30) days after the certified mailing of this notice (date of service).

You may appeal this order by filling a request to the Board of Variances and Appeals, using the appropriate form, available at the Department of Planning, 250 South High Street, Wailuku, Maui, Hawaii 96793, within thirty (30) days after the date of service.

If you decide to appeal this order, your appeal shall not stay any provisions of this order.

In the future, should you have a violation in the same manner as described above, the violation will be considered as recurring and will be subject to additional fines and other legal action.

FOR THE DIRECTOR OF PLANNING:			
Print Name of Inspector:	Jay M. Arakawa	Signature of Inspector:	<i>Jay M. Arakawa</i>
Print Name of Witness:		Signature of Witness:	
Print Name of Party Served:		Signature of Party:	
RELATED DOCUMENTS			



COUNTY OF MAUI
 DEPARTMENT OF PLANNING
 250 S. HIGH STREET
 WAILUKU, MAUI, HAWAII 96793
 FOR INFORMATION CALL:
 (808) 270-7253

FILE NO.:	NOV 2007/0003
NO.:	06-0002063
DATE OF NOTICE:	September 16, 2007
DATE OF VIOLATION:	August 23, 2006
CONTINUING:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
COLLECTED FINE:	
RECEIPT NO.:	7007 0710 0004 4646 1658

NOTICE OF VIOLATION TITLE 19 - COMPREHENSIVE ZONING ORDINANCES

OWNER:	Hawaii Land and Farming Co., Inc.
MAILING ADDRESS:	1100 Alakea Street, 27 th Floor, Honolulu, Hawaii 96813
TENANT:	Alvin Jardine
MAILING ADDRESS:	678 Akakuu Place, Wailuku, Hawaii 96793
DESCRIPTION:	Prohibited nonagricultural activity in the Agricultural District
ADDRESS:	No Address, Wailuku, Hawaii
TMK: (2) 3-4-032: 001	PERMIT NO.:

have inspected the above described structure and/or premises and have found the following violation(s) of the County of Maui's Code(s) and/or Ordinance(s) governing same:

CODE(S) AND/OR ORDINANCE(S) SECTION(S)	NATURE OF THE VIOLATION(S)
Maui County Codes, Chapter 19.30A, Section 19.30A. 050, Permitted Uses	Stockpiling of derelict vehicles, sandblasting business, and stockpiling of rock material to construct rock walls are not permitted uses within the Agricultural district.

ORDER

You are hereby ordered as follows:

<input checked="" type="checkbox"/>	Cease and desist immediately.				
<input checked="" type="checkbox"/>	Correct the violation(s) at your expense before:				
<input checked="" type="checkbox"/>	Pursuant to MCC, pay an initial civil (\$1,000 per violation)				
<input checked="" type="checkbox"/>	Pursuant to MCC, pay a daily civil (\$100 per violation)				

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Hawaii Land and Farming Co., Inc.
1100 Alakea Street, 27th Floor
Honolulu, Hawaii 96813
ATTN: Gary Phillips
TMK (2) 3-4-032:001

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
X. Staci Peralt

B. Received by (Printed Name) Yes No
Staci Peralt

C. Date of Delivery
9-21-07

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

This order shall become effective immediately. You may appeal this order to the Department of Planning, if you decide to appeal this order in the future, should you have any questions, you will be subject to additional fees.

2. Article Number (Transfer from service label) **7007 0710 0004 4646 1658**

FOR THE DIRECTOR OF PLANNING

Name of Inspector: _____
 Name of Witness: _____
 Name of Party Served: _____

Domestic Return Receipt
 PS Form 3811, February 2004
 102595-02-M-1540

Signature of Inspector: _____
 Signature of Witness: _____
 Signature of Party: _____

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

COUNTY OF MAUI,	)	CIVIL NO.
	)	(Other Civil Action)
Plaintiff,)	
	)	DEMAND FOR JURY TRIAL
vs.)	
)	
KEHALANI HOLDINGS COMPANY, INC.;)	
(fka Hawaii Land and Farming)	
Company, Inc.); JOHN DOES 1-10;)	
JOHN DOE GOVERNMENTAL ENTITIES 1-)	
10; JOHN DOE PARTNERSHIPS 1-10;)	
JOHN DOE CORPORATIONS 1-10)	
)	
Defendants)	
)	

DEMAND FOR JURY TRIAL

Plaintiff COUNTY OF MAUI, by and through its attorneys, PATRICK K. WONG, Corporation Counsel, and MARY BLAINE JOHNSTON, Deputy Corporation Counsel, hereby demands trial by jury of all issues so triable.

DATED: Wailuku, Maui, Hawaii, June 2, 2011.

PATRICK K. WONG
Corporation Counsel
Attorney for Plaintiff
COUNTY OF MAUI

By Mary Blaine Johnston
MARY BLAINE JOHNSTON
Deputy Corporation Counsel

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

COUNTY OF MAUI,	)	CIVIL NO.
	)	(Other Civil Action)
Plaintiff,)	
	)	SUMMONS
vs.)	
)	
KEHALANI HOLDINGS COMPANY, INC.;)	
(fka Hawaii Land and Farming)	
Company, Inc.); JOHN DOES 1-10;)	
JOHN DOE GOVERNMENTAL ENTITIES 1-)	
10; JOHN DOE PARTNERSHIPS 1-10;)	
JOHN DOE CORPORATIONS 1-10)	
)	
Defendants)	

SUMMONS

TO: KEHALANI HOLDINGS COMPANY, INC.
fka Hawaii Land and Farming Company, Inc.
1100 Alakea Street, 27th Floor
Honolulu, Hawaii 96813
Defendant

You are hereby summoned and required to serve upon PATRICK K. WONG, Corporation Counsel, and MARY BLAINE JOHNSTON, Deputy Corporation Counsel, attorneys for Plaintiff COUNTY OF MAUI, whose address is 200 South High Street, Wailuku, Maui, Hawaii 96793, an answer to the Complaint which is attached. This action must be taken within twenty (20) days after service of this summons upon you, exclusive of the day of service.

If you fail to make your answer within the twenty-day time limit, judgment by default will be taken against you for the relief demanded in the Complaint.

If you fail to obey this summons, this may result in an entry of default and default judgment.

Pursuant to Rule 4(b) of the Hawaii Rules of Civil Procedure, this summons shall not be delivered between 10:00 p.m. and 6:00 a.m. on premises not open to the public, unless a judge of the District or Circuit courts permits, in writing on the summons, personal delivery during those hours.

DATED: Wailuku, Maui, Hawaii, JUN - 2 2011.

/sgd/ D. PELLAZAR (seal)

CLERK OF THE ABOVE-ENTITLED COURT

SUMMONS; COUNTY OF MAUI vs. KEHALANI HOLDINGS COMPANY INC et. al,
Civil No. _____, Second Circuit Court, State of Hawaii.