

IEM Committee

From: Colin R Rodrigues <Colin.R.Rodrigues@courts.hawaii.gov>
Sent: Tuesday, November 22, 2016 8:54 AM
To: IEM Committee
Cc: david.goode@co.maui.hi.us
Subject: Fw: Hui Roads (IEM-72)
Attachments: 2016-11-22 Cochran ltr.pdf; Civil 3828 Findings of FactDoc 56.pdf; Civil 3828 Judgment QuietingDoc 57.pdf; 1995-01-20 AG letter to Jud staff attorney.pdf; Trustees Deed_08-24-1993.pdf

Please see below. Thanks

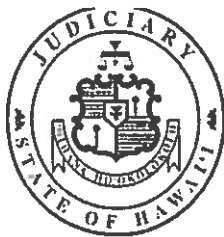
Colin R. Rodrigues
Deputy Chief Court Administrator
Second Circuit Court
2145 Main Street, Suite 106
Wailuku, HI 96793-1679
Phone: (808)244-2855, fax (808) 244-2932
----- Forwarded by Colin R Rodrigues/Users/Judiciary on 11/22/2016 08:52 AM -----

From: Colin R Rodrigues/Users/Judiciary
To: Shelly K. Espeleta <Shelly.Espeleta@mauicounty.us>
Cc: david.goode@co.maui.hi.us
Date: 11/22/2016 08:39 AM
Subject: Hui Roads (IEM-72)

Shelly,

Could you please route the attached letter and attachments regarding the Hui Roads to Ms. Cochran. Thanks

Colin R. Rodrigues
Deputy Chief Court Administrator
Second Circuit Court
2145 Main Street, Suite 106
Wailuku, HI 96793-1679
Phone: (808)244-2855, fax (808) 244-2932



Second Circuit Court - THE JUDICIARY - STATE OF HAWAII

HOAPILI HALE - 2145 MAIN STREET, SUITE 106, WAILUKU, MAU'I, HAWAII 96793-1679
Telephone (808)244-2855 Fax (808)244-2932

Sandy S. Kozaki
CHIEF COURT ADMINISTRATOR

Marsha T. Yamada
DEPUTY CHIEF COURT ADMINISTRATOR
Colin R. Rodrigues
DEPUTY CHIEF COURT ADMINISTRATOR

November 22, 2016

Ms. Elle Cochran
Chair, Infrastructure and Environmental
Management Committee
County Council, County of Maui
200 South High Street
Wailuku, HI 96793

Dear Ms. Cochran:

SUBJECT: Hui Roads on Mailepai Subdivision (West Maui) (IEM-72)

As the result of recent communications with Julie H. China, Deputy Attorney General Land/Transportation Division, who has been assisting us in this matter, we would like to note the following:

1. Hui Road F: The attached documents located and reviewed were;

Findings of Fact and Conclusions of Law in Maui Land and Pineapple Company v. Monden, Civil No. 3828, dated August 29, 1979; Judgment Quieting, Establishing and Confirming Title to Real Property in Maui Land and Pineapple Company v. Monden, Civil No. 3828, dated September 4, 1979; Letter from Deputy Attorney General Dawn Chang to the Judiciary dated January 20, 1995. These documents apply only to Hui Road F, or rather, a portion thereof. The 1979 action involved in Monden was "a portion of Hui Road "F" to Maui Land and Pine was awarded by adverse possession.

Trustee's Deed, Document No. 93-137743, dated August 24, 1993: In 1993, the Court deeded what appears to be another portion of Hui Road F to BIGI U.S.A., Inc.

Based on the above-referenced documents, the most that can be said is that the Court is no longer trustee to a portion of Hui Road F.

Also, as has been noted previously, we have been trying to get a cost estimate for a title report on Hui Roads B,C,D,E,F,H and I from Title Guaranty Escrow Service Inc., since July 2016. All of our follow up contacts have been unsuccessful and Title Guaranty has

indicated that they are having a difficult time preparing such a report. Most recently, by way of an email communication on November 17, 2016, Title Guaranty stated that they are having a difficulty locating the land by the metes and bounds that were provided. Their Historic Research Department has suggested that rather than using the metes and bounds, that it may be better to define the lands/roads on a tax map. The problem with this is that we are not sure if doing a title report from the TMK maps is going to work if they don't match up with the original created roads. The Court only has trusteeship over the roads as described in the 1931 partition. We have no expertise in this area of trying to match the metes and bounds with the tax maps. Based on all this difficulty, we are considering informing Title Guaranty to stop work on the title report estimate. It has been four months and we are still not at the point of even getting a cost estimate on the title report.

What we would like to suggest it that the County take a quit claim deed to Hui Roads A, B, C, D, E, H, I, and whatever portions of F the Court still holds as trustee. Our Deputy Attorney General has offered to draft the quit claim deeds.

Once again, we would like to thank you for all your efforts in this matter. We have provided much effort in trying to bring this to resolution as it is felt that the community is best served if these roads would fall under the jurisdiction of the County or some public body that would be able to provide for their maintenance. Should you have any questions, please feel free to contact me at 244-2855.

Sincerely,

A handwritten signature in cursive script that reads "Colin R. Rodrigues".

Colin R. Rodrigues
Deputy Chief Court Administrator
Second Circuit Court

1979 AUG 29 AM 9 04

A. Kono
A. KOHU
CLERK

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

MAUI LAND AND PINEAPPLE COMPANY,
INC., a Hawaii corporation,

Plaintiff,

vs.

ROBERT M. MONDEN, in his capacity
as the Clerk of The Second Circuit
Court of The State of Hawaii, et al.,

Defendants.

CIVIL NO. 3 38

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

The above-entitled action came on for trial July 27,
1979. The Court finds as follows with respect to the
material disputed issues of fact properly raised by the
parties.

FINDINGS OF FACT

1. Plaintiff Maui Land and Pineapple Company, Inc
brought this action to establish and quiet title to the
following described parcel of land (the "Subject Property"):

That certain parcel of land (a portion of
the land described by R. P. 1663, L. C. A.
5524 to L. Konia, and a portion of Hui Road
"F" established by the Final Decree of Partition
entered by the Second Circuit Court of the
State of Hawaii in Equity No. 235, popularly

known as the "Mailepai Hui Partition"), situated approximately 1,900 feet east of Honoapiilani Highway at Honokeana, Lahaina, Maui, Hawaii, more particularly described as follows:

Beginning at a point at the northwest corner of this piece of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MALO" being 12,428.28 feet South and 8,439.67 feet West and running by azimuths measured clockwise from True South:

1. 294° 30' 433.78 feet along Allotment 51-B of "Mailepai Hui Lands";
2. 24° 30' 30.00 feet along the remainder of R. P. 1663, L. C. Aw. 5524 to L. Konia;
3. 114° 30' 433.78 feet along same;
4. 204° 30' 30.00 feet along the remainder of Hui Road "F" to the point of beginning and containing an Area of 0 299 Acre.

2. The subject property is a part of the land set aside as "Hui Road F" by the Final Decree of Partition entered by the Second Circuit Court of the State of Hawaii in Equity No. 235 (the "Mailepai Hui Partition"). The subject property is located at the mauka (east) end of Hui Road F.

3. Hui Road F was one of several hui roads created by the Mailepai Hui Partition Final Decree. The Mailepai Hui Partition Final Decree made the following provision for all of such hui roads:

"That the roads through the said lands, as laid out and shown upon the said map, as hereinafter more particularly described, be and the same are hereby set aside for the use of everyone having any interest in the said lands and that the title thereto shall for the time being be and it is hereby transferred to the person for the time being holding the office of Clerk of this Court as Trustee, his successors and assigns,

with full power and authority in said Trustee to convey said roadways to a public body corporate charged by law with the general control of roadways but without any duty whatsoever to construct, build, maintain, or repair such roadways or any of them,
* * *."

4. The Clerk of this Court still holds title to Hui Road F (and several of the other hui roads created by the Mailepai Hui Partition Decree), as "trustee", under the Mailepai Hui Partition Final Decree. The Clerk of this Court has not conveyed title to Hui Road F to the County of Maui or to any other public body.

5. The Clerk of this Court has attempted to convey title to Hui Road F (and the several other hui roads created by the Mailepai Hui Partition which the Clerk still holds title to as "trustee") to the County of Maui. The County of Maui has refused to accept title to these hui roads from the Clerk of this Court until these hui roads have been improved to certain standards required by the County of Maui for the dedication of a private road as a public highway.

6. The Mailepai Hui Partition Final Decree effected a partition in kind of several tracts of land. The Commissioners' Map for Partition of Mailepai Hui (Plaintiff's Exhibit 1) shows the allotments made under the Mailepai Hui Partition Final Decree. Several allotments of small parcels of land were located along Hui Road F.

7. Plaintiff is the successor in interest of Baldwin Packers, Limited ("Baldwin Packers"), a former Hawaii corporation.

8. Baldwin Packers was awarded Allotment 3 under the Mailepai Hui Partition Final Decree. Allotment

3 was a large parcel of land that included the land mauka of Hui Road F and the land on the Lahaina (south) side of the top part of Hui Road F.

9. Frank A. Alameda was awarded Allotment 51b under the Mailepai Hui Partition Final Decree. Allotment 51b is located on the Napili (north) side of the top part of Hui Road F.

10. Baldwin Packers purchased Allotment 51b from Frank A. Alameda on November 2, 1936, by a deed recorded with the Bureau of Conveyances of the State of Hawaii at Liber 1348, Page 388 (Plaintiff's Exhibit 4).

11. Hui Road F was created to give the owners of allotments located along Hui Road access to the then existing public highway (now known as the old Honoapiilani Highway). Hui Road F was also created to give Baldwin Packers access from Allotment 3 to the then existing public highway (now known as the old Honoapiilani Highway). Since Baldwin Packers was awarded all of the land mauka of the mauka boundary of Allotment 51b, there was no need to extend Hui Road F beyond the mauka boundary of Allotment 51b.

12. After Baldwin Packers acquired Allotment 51b from Frank A. Alameda, Baldwin Packers owned the land then enclosed, on three sides, that part of Hui Road F which constitutes the subject property. Thereafter, there was no need for anyone, except Baldwin Packers, to go beyond the makai boundary of the subject property.

13. Baldwin Packers was engaged in the business of growing and packing pineapples. Plaintiff is engaged in the business of growing and packing pineapples. Plaintiff has continued the pineapple business of Baldwin Packers.

14. Baldwin Packers and Plaintiff have continuously used the subject property, together with Allotment 51b and parts of Allotment 3, as a single field for the cultivation of pineapple since a time beginning in the years between 1936 and 1940.

15. The State of Hawaii has plans for the construction of a new public highway (known as the "New Honoapiilani Highway" and the "Honoapiilani By-Pass Highway") which will be generally located on the mauka section of the tracts of land partitioned in the Mailepai Hui Partition. The new Honoapiilani Highway will be located mauka of the mauka end of the subject property (the mauka end of Hui Road F).

16. Approximately four years ago, Plaintiff stopped planting on all of its pineapple fields (including the subject property) located makai of the proposed location for the New Honoapiilani Highway. Plaintiff harvested its last pineapple crop from the subject property approximately a year ago. Plaintiff has not cultivated the subject property since that time.

17. There is in evidence the existing General Plan For The Lahaina District County of Maui, dated December 1968 (the "Existing Lahaina General Plan", which has been adopted by the County of Maui. The Existing Lahaina General Plan shows a proposed use for Hui Road F (and land mauka of Hui Road F), including the subject property, as a public highway that would connect the New Honoapiilani Highway and the old Honoapiilani Highway.

18. The jurisdiction of this Court in this action to quiet and establish title to real property is limited to issues that relate to the title to the subject property. This Court does not have jurisdiction in this action to

change the Existing Lahaina General Plan as the same relates to the subject property. Nor does this Court have jurisdiction in this action to preclude any future change in the Existing Lahaina General Plan as the same relates to the subject property.

19. However, Plaintiff has alleged and this Court has accepted and considered the claim that should there ever be an attempt in the future to implement the Existing Lahaina General Plan to the extent of connecting the existing Hui Road F to the New Honoapiilani Highway, it would be more practical and convenient for Plaintiff to provide such access to the New Honoapiilani Highway if it were not restricted by the present configuration of the existing Hui Road F as it now adjoins Plaintiff's land.

CONCLUSIONS OF LAW

Upon the foregoing findings of fact, the Court concludes as follows:

1. The Mailepai Hui Partition Final Decree did not constitute Hui Road F as a public highway.

2. The Clerk of this Court holds title to the subject property as a trustee; but he has no active duties to perform as such trustee with respect to the subject property. The Clerk of this Court thus holds title to the subject property as trustee under a dry or passive trust.

3. The subject property was included as a part of Hui Road F for the benefit of the owners of Allotment 3 and Allotment 51b, the adjoining parcels of land. Plaintiff, as the owner of those adjoining parcels of land, is the sole beneficiary of the passive trust for the subject property.

4. The Clerk of the Court's passive trust for the subject property has been executed by the Statute of Uses. Plaintiff is the sole beneficiary of the passive trust of the subject property executed by the Statute of Uses.

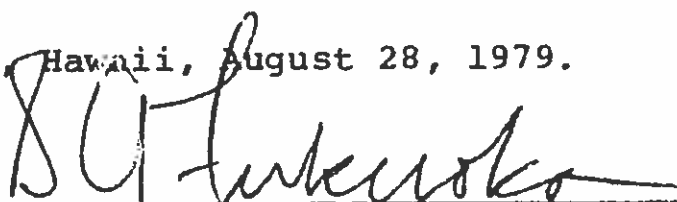
5. Plaintiff has established title to the subject property by operation of the Statute of Uses.

6. Plaintiff (and its predecessor in interest had for more than twenty years prior to the filing of the Complaint been in the actual, open, notorious, continuous and exclusive possession of the subject property against the world.

7. Plaintiff has established title to the subject property by adverse possession.

8. The entry of judgment in this action for Plaintiff, which establishes its title to the subject property does not imply that this Court is changing the Existing Lahaina General Plan as the same relates to the subject property. Nor should the entry in this action of such judgment for Plaintiff, or this conclusion of law, imply that this Court has thereby precluded any future change in the Existing Lahaina General Plan as the same relates to the subject property. However, this Court intends that should there ever be an attempt to modify or implement the Existing Lahaina General Plan in the future with reference to the connecting of Hui Road F to the New Honoapiʻilani Highway, the contents of Paragraph 19 of the Findings of Fact herein be given due consideration.

DATED: Wailuku, Maui, Hawaii, August 28, 1979.


Judge of the Above-Entitled Court

CERTIFICATE OF SERVICE

I hereby certify that on August ___, 1979,
a copy hereof was served upon the following:

WILLIAM F. CROCKETT, ESQ.
Attorney at Law
38 S. Market Street
Wailuku, Hawaii 96793

LAWRENCE N.C. ING, ESQ.
Attorney at Law
2180 Main Street
Wailuku, Hawaii 96793

NELSON CHRISTENSEN, ESQ.
Attorney at Law
203 Lahaina Shopping Center
Office Building
Lahaina, Hawaii 96761

JAMES C. DUCCA, ESQ.
Attorney at Law
300 James Campbell Bldg.
828 Fort Street Mall
Honolulu, Hawaii 96813

CORINNE K. A. WATANABE
Deputy Attorney General
State of Hawaii
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

ROBERT G. HOGAN, ESQ.
Attorney at Law
Suite 320, Dillingham Transportation Bldg.
735 Bishop Street
Honolulu, Hawaii 96813

Lucretia M. Mizukura
Clerk

RECORDATION REQUESTED BY:)

AFTER RECORDATION, RETURN TO:)

RETURN BY: MAIL () PICK-UP ())

WILLIAM F. CROCKETT 802
Attorney at Law
38 S. Market Street
Wailuku, Maui, Hawaii 96793
Tel. No. 244-3796

Attorney for Plaintiff.

L. HENRI
CLERK

J. Henrich

4 11 8 4 1

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

MAUI LAND AND PINEAPPLE COMPANY,
INC., a Hawaii corporation,

Plaintiff,

vs.

ROBERT M. MONDEN, in his capacity
as the Clerk Of The Second Circuit
Court Of The State Of Hawaii, et al.,

Defendants.

CIVIL NO. 3 28

JUDGMENT QUIETING,
ESTABLISHING AND
CONFIRMING TITLE
TO REAL PROPERTY

JUDGMENT QUIETING, ESTABLISHING AND
CONFIRMING TITLE TO REAL PROPERTY

Pursuant to the Findings Of Fact And Conclusions
Of Law filed in this action on AUG 29 1979,
it is;

ORDERED, ADJUDGED AND DECREED, that plaintiff
Maui Land And Pineapple Company, Inc. is the owner in fee
simple and entitled to the possession of all that certain

real property which is more particularly described as follows:

That certain parcel of land (a portion of the land described by R. P. 1663, L. C. Aw. 5524 to L. Konia, and a portion of Hui Road "F" established by the Final Decree Of Partition entered by the Second Circuit Court of the State of Hawaii in Equity No. 235, popularly known as the "Mailepai Hui Partition"), situated approximately 1,900 feet east of Honoapiilani Highway at Honokeana, Lahaina, Maui, Hawaii, more particularly described as follows:

Beginning at a point at the northwest corner of this piece of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MALO" being 12,428.28 feet South and 8,439.67 feet West and running by azimuths measured clockwise from True South:

1. 294° 30' 433.78 feet along Allotment 51-B of "Mailepai Hui Lands";
2. 24° 30' 30.00 feet along the remainder of F. P. 1663, L. C. Aw. 5524 to L. Konia;
3. 114° 30' 433.78 feet along same;
4. 204° 30' 30.00 feet along the remainder of Hui Road "F" to the point of beginning and containing an Area of 0.297 Acre.

and all adverse claims of all persons other than plaintiff, Maui Land And Pineapple Company, Inc., to the said real property or any part thereof are hereby adjudged to be invalid and groundless.

DATED: Wailuku, Maui, Hawaii, SEP 4 1979.


JUDGE OF THE ABOVE-ENTITLED COURT

Benjamin J. Cayetano
MEMORANDUM
COUNCIL



Margery S. Bronste
ATTORNEY GENERAL
Steven S. Michaels
DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
LAND/TRANSPORTATION DIVISION
ROOM 309, KUKUNAQA BUILDING
445 SOUTH KING STREET
HONOLULU, HAWAII 96813

January 20, 1995

Ernest A. Ito
Staff Attorney
Office of the Administrative Director
The Judiciary
State of Hawaii
417 South King Street, Room 209
Ali'iolani Hale
Honolulu, Hawaii 96813-1911

Dear Mr. Ito:

Re: Authority to Grant Easement to Hui Road F

This is in response to your October 19, 1994 memorandum to Russell Suzuki, Deputy Attorney General, regarding the above-referenced matter. Your request was subsequently referred to the Land/Transportation Division for review.

We understand the specific inquiry is whether the Circuit Court Administrator has authority to grant an easement to Hui Road F. Part IV of the Final Decree in Partition in Equity No. 235, dated November 21, 1931, provides the following:

That the roads through the said lands, as laid out and shown upon the said map, as hereinafter more particularly described, be and the same are hereby set aside for the use of everyone having any interest in the said lands and that the title thereto shall for the time being be and it is hereby transferred to the person for the time being holding the office of Clerk of this Court as Trustee, his successors and assigns, with full power and authority in said Trustee to convey said roadways to a public body corporate charged by law with the general control of roadways but without any duty whatsoever to construct, build, maintain, or repair such roadways or any of them, said roads being, to wit[.]

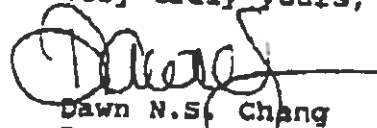
Ernest Ito, Esq.
January 20, 1995
Page 2

In brief, we opine that pursuant to the Findings of Fact and Conclusion of Law and Judgment in Maui Land and Pineapple Company, Inc. v. Robert M. Monden, et al., Civil No. 3828, dated August 29, 1979, a quiet title action, Hui Road F is owned by Maui Land and Pineapple Company ("Maui Land and Pine"), not the Circuit Court Administrator. We have enclosed a copy of the order for your reference. Maui Land and Pine is the successor in interest of Baldwin Packers, Limited, former owner of the lands surrounding Hui Road F. The court's order specifically provides that Hui Road F is not a public highway, and is owned in fee simple by Maui Land and Pineapple, Company as the successor in interest.

The court concluded that the Clerk of the Court holds title as trustee under a dry or passive trust, the sole beneficiary of the passive trust is Maui Land and Pine, and the Clerk of the Court's passive trust has been executed by the Statute of Uses. Therefore, title to the subject roadways was transferred to Maui Land and Pine from the Clerk by means of the Statute of Uses. Accordingly, the Circuit Court Administrator should direct all inquiries regarding Hui Road F to Maui Land and Pine for their appropriate action.

Should you have any questions, I may be contacted at 587-2988.

Very truly yours,



Dawn N.S. Chang
Deputy Attorney General

dnc

c: Russell Suzuki, Deputy Attorney General
✓ Melvin Arakawa, Circuit Court Administrator
13921

Equity 235

THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS:
STATE OF HAWAII

BUREAU OF CONVEYANCES

DATE AUG 24 1993 TIME 1:16P
DOCUMENT NO. 73-137943

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail (X) Pickup () To:

Grant Y. M. Chun
CARLSMITH BALL WICHMAN
MURRAY CASE MUKAI & ICHIKI
2145 Wells Street, Suite 201
Wailuku, Maui, Hawaii 96793

TRUSTEE'S DEED

THIS INDENTURE, made this 30th day of
July, 1993, by ROBERT M. MONDEN, Trustee, duly
appointed as hereinafter set forth, whose mailing address is
c/o Second Circuit Court, 2145 Main Street, Wailuku, Maui,
Hawaii 96793, hereinafter called the "GRANTOR", and BIGI
U.S.A., INC., a Hawaii corporation, whose place of business and
mailing address is 670 Auahi Street, Suite A4, Honolulu, Hawaii
96813, hereinafter called the "GRANTEE",

W I T N E S S E T H:

WHEREAS, the Clerk of the Circuit Court of the Second Circuit, State of Hawaii, was duly appointed as the Trustee of the property described in Exhibit "A", attached hereto and by reference made a part hereof, pursuant to that certain Final Decree in Partition (hereinafter "Final Decree") entered and filed on November 21, 1931, in said Circuit Court, in Equity No. 235, Baldwin Packers, Limited v. Kapahu Afong (w), Mrs. Mary Ahalani, et. al., (the "Mailepai Hui Partition"); and

WHEREAS, pursuant to said Final Decree, Grantor as the present Clerk of said Court is the Trustee of said property described herein and in the Mailepai Hui Partition; and

WHEREAS, Grantee filed in said Court in S. P. No. 93-0070(3), In the Matter of Bigi U.S.A., Inc., as Owner of Parcels Adjacent to a Roadway Remnant Lot Abutting Hui Road "F", an Ex Parte Petition for Authorization to the Clerk of the Circuit Court of the Second Circuit Concerning a Roadway Remnant Lot Abutting Hui Road "F", and the transfer to Grantee of the property described herein was approved by said Court by that certain Ex Parte Order Authorizing Transfer of Interest in a Roadway Remnant Lot Held in Trusteeship by the Clerk of the Circuit Court of the Second Circuit filed on July 27, 1993, whereby the Court authorized and directed the Grantor to transfer to Grantee said property;

NOW, THEREFORE, Grantor, as Trustee, as aforesaid, for and in consideration of the sum of ONE DOLLAR (\$1.00) paid

by the Grantee, the receipt whereof is hereby acknowledged, and of the covenants and agreements of the Grantee hereinafter contained and on the Grantee's part to be faithfully kept and performed, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, forever, all of the right, title and interest of the Grantor in and to the property described in said Exhibit "A" attached hereto and by reference made a part hereof.

TO HAVE AND TO HOLD the same, together with all improvements, rights, easements, privileges and appurtenances thereon and thereunto belonging or appertaining or held and enjoyed therewith, unto the Grantee according to the tenancy and estate as hereinabove set forth, forever.

The covenants and obligations, and the rights and benefits of the Grantor and the Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, devisees, personal representatives, successors, successors in trust, and assigns, and all covenants and obligations undertaken by two or more persons shall be deemed to be joint and several unless otherwise expressly provided herein. The terms "Grantor" and "Grantee," wherever used herein, and any pronouns used in place thereof, shall mean and include the singular and the plural, and the use of any gender shall mean and include all genders.

IN WITNESS WHEREOF, the Grantor has caused these presents to be duly executed on the day and year first above written.

Robert M. Monden

ROBERT M. MONDEN, Trustee as
aforesaid

Approved as to Form
CARLSMITH BALL WICHMAN MURRAY
CASE MUKAI & ICHIKI

By *Brant Y. M. Chun*

STATE OF HAWAII
COUNTY OF MAUI

)
) SS.
)

On this 30th day of July, 1993,
before me appeared ROBERT M. MONDEN, to me personally known,
who being by me duly sworn, did say that he is the Trustee
pursuant to that certain Final Decree in Partition entered and
filed on November 21, 1931, in said Circuit Court, in that
certain proceeding entitled, Baldwin Packers, Limited v. Kapahu
Afong (w), Mrs. Mary Ahalani, et. al., designated as Equity No.
235 in the files of said Court, and that he acknowledged that
he executed the same as his free act and deed as such Trustee.

Shirley G. Hedden

Notary Public, State of Hawaii

My commission expires: 05/11/94

EXHIBIT "A"

All of that certain parcel of land known as a portion of Hui Road "F" of "Mailepai Hui Lands", a portion of Royal Patent 1663, Land Commission Award 5524 to L. Konia, situate at Honokeana, Kaanapali, Lahaina, Island and County of Maui, State of Hawaii, and more particularly described as follows:

Beginning at a found 3/4 inch pipe at the southeasterly corner of this lot and the northeasterly corner of Lot 50-C of Napili Cottages Subdivision, the coordinates of said point of beginning being

South 12,455.63 feet
West 8,452.06 feet

referred to Government Survey Triangulation Station "MALO" and running by azimuth measured clockwise from true South (meridian of said "MALO"); thence,

1. 114° 30' 131.37 feet along Lot 50-C of Napili Cottages Subdivision to a point; thence,
2. Along the remainder of Hui Road "F" of "Mailepai Hui Lands" on a curve to the left with a radius of 150.00 and a central angle of 17° 39', the chord azimuth and distance being
155° 10' 41" 46.03 feet to a point; thence,
3. 294° 30' 166.27 feet along portion of Lot 7 of Pineapple Subdivision (Roadwidening Lot) to a pipe; thence,
4. 24° 30' 30.00 feet along Lot 10 of Honokeana Subdivision, File Plan 2016 to the point of beginning and containing an area of 4,410 square feet, more or less.