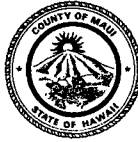


Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
G. Riki Hokama  
Michael P. Victorino  
Mike White



Director of Council Services  
Ken Fukuoka

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

July 27, 2012

MEMO TO: Patrick K. Wong  
Corporation Counsel

F R O M: Robert Carroll, Chair  
Land Use Committee

A handwritten signature in black ink, appearing to read "Robert Carroll", is written over the printed name and title.

SUBJECT: **COMMUNITY PLAN AMENDMENT AND CONDITIONAL PERMIT  
FOR MAUI OCEANFRONT INN AND SARENTO'S ON THE BEACH  
RESTAURANT (KIHAI) (LU-25)**

I received the attached documents relating to In Re Western Apartment Supply & Maintenance Co., Case No. 11-00941, filed in the United States Bankruptcy Court, District of Hawaii. The documents indicate that a hearing is scheduled for August 20, 2012, at 9:30 a.m. with objections due on August 6, 2012.

I am forwarding the documents to you in the event that the Department of the Corporation Counsel needs to take any action related to this matter.

Should you have any questions, please contact me or the Committee staff (Carla Nakata at ext. 7134, or Pauline Martins at ext. 8039).

lu:ltr:025acc02:kmh

Attachment

cc: Joseph Prutch, Planner, Department of Planning  
James Giroux, Deputy Corporation Counsel (without attachment)

Filer's Name, Address, Phone, Fax, Email:

RUSH MOORE LLP A Limited Liability Law Partnership  
SUSAN TIUS 2873-0  
737 Bishop Street, Suite 2400  
Honolulu, Hawaii 96813-3862  
Tel. No. 521-0406; Fax No. 521-0497; E-mail: Stius@rmhawaii.com  
Attorney for JOSEPH M. TOY, Chapter 11 Trustee of the Estate of  
WESTERN APARTMENT SUPPLY & MAINTENANCE CO.



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF HAWAII  
1132 Bishop Street, Suite 250  
Honolulu, Hawaii 96813

RECEIVED

'12 JUL 26 10:14

OFFICE OF THE CLERK  
COUNTY COUNCIL  
hib 907321 (02/10)

Debtor: WESTERN APARTMENT SUPPLY & MAINTENANCE CO.		Case No.: 11-00941
Joint Debtor: (if any)		Chapter: 11
[If Adversary Proceeding, complete information below. Use "et al" if multiple parties.]		Adversary Proceeding No.: (if applicable)
Plaintiff(s):  vs. Defendant(s):		
<p align="center"><b>NOTICE OF HEARING</b></p> <p align="center"><b>Courtroom – 1132 Bishop Street, Honolulu, Hawaii</b></p>		Hearing Date: August 20, 2012 Time: 9:30 a.m.
		Objections Due: August 6, 2012
Matter being heard:	Applications for Final Compensation and Expense Reimbursement by Joseph M. Toy, Trustee; Hospitality Advisors LLC, Consultant; KMH LLP, Accountants; and Rush Moore LLP, General Counsel	Related Dkt No.:  340-344
Moving Party:	Joseph M. Toy, Trustee; Hospitality Advisors LLC, Trustee's Consultant; KMH LLP, Trustee's Accountants; Torkildson, Katz, Moore, Heatherington & Harris, Trustee's Special Counsel; and Rush Moore LLP, Trustee's General Counsel.	

**NOTICE IS HEREBY GIVEN** that this matter is set for hearing at the date and time above. The relief being requested consists of the following. [Briefly describe the relief sought, including pertinent details.]

Applications for Final Compensation and Expense Reimbursement filed by Trustee and Trustee's Professionals:

APPLICANT	COMPENSATION (inc. GET)	COSTS	TOTAL
Joseph M. Toy, Chapter 11 Trustee			
Section 326 % based on disbursements of \$993,203.33 as of 05/14/2012:	\$29,796.19	\$ 824.16	\$30,620.35
Hospitality Advisors LLC for Specialized Hospitality Services for the period from 05/01/2012:	\$54,838.20	\$1,013.40	\$55,851.60
KMH LLP, Trustee's Accountants for the period from 05/01/2012:	\$27,670.67	\$ 0	\$27,670.67
Torkildson, Katz, Moore, Heatherington & Harris, Trustee's Special Counsel for the period 01/01/2012 -06/30/2012:	\$ 2,745.55	\$ 301.02	\$ 3,046.57
Rush Moore LLP, Trustee's General Counsel for the period from 05/01/2012:	\$39,334.02	\$ 601.01	\$39,935.03

**Your rights may be affected.** You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in this motion, or if you want the court to consider your views on the motion, then you or your attorney must file a statement explaining your position not later than the date below.

**Date response due** [enter specific date, and how calculated using the relevant statute, federal or local rule, or order shortening time, e.g. *X days before hearing or X days after* \_\_\_\_\_ .]:

August 6, 2012

Date

How calculated: 14 days prior to hearing date  
per LBR 9013-1(c)(2).

Statements must be filed with the court at:

United States Bankruptcy Court  
District of Hawaii  
1132 Bishop Street, Suite 250  
Honolulu, HI 96813

If you mail your response to the court, you must mail it early enough so the court will **receive** it on or before the deadline stated above. The court may disregard any response filed untimely.

You must also mail or transmit a copy to the moving party at:

Responses to be sent to: SUSAN TIUS, ESQ.  
Rush Moore LLP  
737 Bishop Street, Ste. 2400  
Honolulu, Hawaii 96813-3862  
Attorney for JOSEPH M. TOY, Chapter 11 Trustee of the  
Estate of WESTERN APARTMENT SUPPLY &  
MAINTENANCE CO.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or application and may enter an order granting that relief.

If no objection to the relief being sought is filed by the deadline stated above, the court may cancel the hearing (although certain types of motions will remain on the court's calendar). If the hearing is canceled, the court may grant the relief if the moving party promptly files a declaration and request for entry of an order [local form hib\_9021-1]. If the moving party wishes to proceed with a hearing in the absence of an objection, the moving party should file a request for the matter to remain on calendar [local form hib\_9013-1c3].

Dated: July 23, 2012

/s/ Susan Tius

for Movant

(Print name also if original signature)

Filer's Name, Address, Phone, Fax, Email:

RUSH MOORE LLP A Limited Liability Law Partnership  
SUSAN TIUS 2873-0  
737 Bishop Street, Suite 2400  
Honolulu, Hawaii 96813-3862  
Tel. No. 521-0406; Fax No. 521-0497; E-mail:  
Stius@rmhawaii.com

Attorney for JOSEPH M. TOY, Chapter 11 Trustee



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF HAWAII  
1132 Bishop Street, Suite 250  
Honolulu, Hawaii 96813

RECEIVED

'12 JUL 26 10:14

OFFICE OF THE CLERK  
COUNTY COUNCIL  
Hib 9073-1 (02/10)

Debtor: WESTERN APARTMENT SUPPLY & MAINTENANCE CO.		Case No.: 11-00941
Joint Debtor: (if any)		Chapter: 11
[If Adversary Proceeding, complete information below. Use "et al" if multiple parties.]  Plaintiff(s):  vs. Defendant(s):		Adversary Proceeding No.: (if applicable)
<p align="center"><b>NOTICE OF HEARING</b></p> <p align="center">Courtroom – 1132 Bishop Street, Honolulu, Hawaii</p>		Hearing Date: August 20, 2012 Time: 9:30 a.m.
		Objections Due: August 6, 2012
Matter being heard:	TRUSTEE'S MOTION TO DISMISS CASE AND FOR RELIEF RELATED TO DISMISSAL	Related Dkt No.:  346
Moving Party:	JOSEPH M. TOY, Chapter 11 Trustee	
<p><b>NOTICE IS HEREBY GIVEN</b> that this matter is set for hearing at the date and time above. The relief being requested consists of the following. [Briefly describe the relief sought, including pertinent details.]</p> <p>The Trustee seeks entry of an Order:</p> <p>(1) Approving dismissal of the Debtor's case, effective upon the Trustee's filing of a supplemental final report to which the Office of the United States Trustee advises the Court that it has no objection;</p> <p>(2) Authorizing payment, subject to Court approval, of the pending final applications for allowance of compensation and reimbursement of costs, of the Trustee, the Trustee's hospitality consultant, the Trustee's Accountant, the Trustee's Special Counsel and the Trustee's General Counsel;</p> <p>(3) Authorizing payment of such other and further administrative expenses, if any, to which OneWest Bank ("OWB") consents;</p> <p>(4) Authorizing funding of a \$10,000 retainer to the client trust account of O'Connor Playdon Guben LLP for payment for preparation of the Debtor's 2011 income tax returns by the Debtor's accountants, MacNeill &amp; Wolski, CPAs, with the surplus retainer funds, if any, turned over to OWB;</p>		

(5) After payment of the foregoing amounts, authorizing turnover of the balance of Estate funds to OWB on account of its first lien secured by the Estate funds;

(6) Authorizing the Trustee's execution of the Assignment assigning to OWB the receivables, refunds, and any other amounts owed to the Debtor;

(7) Approving the Trustee's record and report showing gross cash receipts and disposition of all property of the Estate, including approving disbursements (paid and to be paid) of Estate funds;

(8) Approving abandonment of any remaining property of the Estate that the Trustee has not administered or which otherwise has not been disposed of by Court Order;

(9) Upon filing of the Trustee's supplemental final report certifying the disbursement of all Estate funds, to which the Office of the United States Trustee advises the Court that it has no objection, the Trustee, his attorneys and accountants shall be deemed to be discharged and released from any further responsibilities and liabilities arising under or in connection with this case, without need of further hearing or Court Order;

(10) Finding that there shall not be a fourteen day stay from entry of the Order granting this Motion because the bankruptcy purpose for the Debtor's case no longer exists in that substantially all of the Debtor's assets have been sold and there has been, or under this proposed Order, will be disbursement of all Estate funds; and

(11) Granting such other and further relief as is appropriate.

**Your rights may be affected.** You should read the motion or application and the accompanying papers carefully and discuss them with your attorney if you have one in this bankruptcy case or proceeding. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in this motion, or if you want the court to consider your views on the motion, then you or your attorney must file a statement explaining your position not later than the date below.

**Date response due** [enter specific date, and how calculated using the relevant statute, federal or local rule, or order shortening time, e.g. *X days before hearing or X days after* \_\_\_\_\_ .]:

August 6, 2012  
Date

How calculated: 14 days prior to hearing date  
per LBR 9013-1(c)(2).

Statements must be filed with the court at:

United States Bankruptcy Court  
District of Hawaii  
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Attorney for JOSEPH M. TOY, Trustee of the Estate of  
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If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or application and may enter an order granting that relief.

If no objection to the relief being sought is filed by the deadline stated above, the court may cancel the hearing (although certain types of motions will remain on the court's calendar). If the hearing is canceled, the court may grant the relief if the moving party promptly files a declaration and request for entry of an order [local form hib\_9021-1]. If the moving party wishes to proceed with a hearing in the absence of an objection, the moving party should file a request for the matter to remain on calendar [local form hib\_9013-1c3].

Dated: July 23, 2012

/s/ Susan Tius

for Movant

(Print name also if original signature)