

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 14, 2014

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 14KD-025

Kauai

Consent to Assign General Lease No. S-3993, Melvin Matsumura, Assignor, to Ronald Matsumura and Shane Matsumura, Assignees, Portion of Kapaa Homesteads, 1st Series, Kawaihau, Kauai, Tax Map Key: (4) 4-6-005:009.

APPLICANT:

Melvin Matsumura, Tenant in Severalty, as Assignor, to Ronald Matsumura, single, and Shane Matsumura, single, as Joint Tenants, as Assignees.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kapaa Homesteads, 1st Series situated at Kawaihau, Kapaa, Kauai, identified by Tax Map Key: (4) 4-6-005:009, as shown on the attached map labeled Exhibit A.

AREA:

3.00 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Diversified Agriculture – Residence purposes.

TERM OF LEASE:

50 years, commencing on July 14, 1966 and expiring on July 13, 2016. Last rental reopening occurred on July 14, 2009; no new rental reopening is scheduled before expiration of lease on July 13, 2016.

ANNUAL RENTAL:

\$3,000.00.

CONSIDERATION:

\$ 1.00

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

ASSIGNORS:

Not Applicable. Assignors are individuals and are not required to register with DCCA.

ASSIGNEES:

Not Applicable. Assignees are individuals and are not required to register with DCCA.

REMARKS:

The subject lease was sold at public auction on July 14, 1966 to Ichiji Matsumura and Masako Matsumura, husband and wife, tenants by the entirety, and assigned General Lease No. S-3993.

Ichiji Matsumura passed away on November 21, 1996.

At its meeting of December 10, 1999, Item D-8, the Board of Land and Natural Resources approved the extension of lease term, consent to mortgage and assignment of lease, General Lease No. S-3993, from Masako Matsumura, Assignor, to Masako Matsumura, widow, and Melvin Matsumura, single, as Joint Tenants.

The lease term was extended for fifteen (15) years, with new ending date of July 13, 2016.

Masako Matsumura passed away on May 30, 2010. As a joint tenant with right of survivorship, Melvin Matsumura succeeded to the entire leasehold interest under the lease upon Masako Matsumura's death.

Assignor, Melvin Matsumura, has been in deteriorating physical health and can no longer maintain the farm. He wishes to assign the lease to Ronald Matsumura, his brother, and Shane Matsumura, Ronald's son, who have been living at the residence and helping with the farm since 2010.

Ronald Matsumura and Shane Matsumura have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

There are no outstanding rental reopening issues.

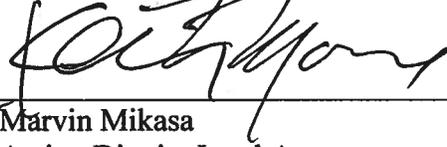
No comments were solicited as there will be no new disposition or change in land use.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. S-3993 from Melvin Matsumura, as Assignor, to Ronald Matsumura and Shane Matsumura, Joint Tenants, as Assignees, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Marvin Mikasa
Acting District Land Agent

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson

