

1990-11-08-KA-FEA

FILE COPY

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
P. O. BOX 621  
HONOLULU, HAWAII 96809

FOR DLNR USE ONLY  
Reviewed by \_\_\_\_\_  
Date \_\_\_\_\_  
Accepted by \_\_\_\_\_  
Date \_\_\_\_\_  
Docket/File No. \_\_\_\_\_  
180-Day Exp. \_\_\_\_\_  
EIS Required \_\_\_\_\_  
PH Required \_\_\_\_\_  
Board Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Well No. \_\_\_\_\_

DEPARTMENT MASTER APPLICATION FORM  
*Zaima Kuleana Farming Project*

(Print or Type)

I. LANDOWNER/WATER SOURCE OWNER  
(If State land, to be filled in by Government Agency in control of property)

Name James K. Zaima & Alexis Zaima  
Address P. O. Box 1365  
Lihue, Hawai'i 96766

Telephone No. 245-4039  
 SIGNATURE *[Signature]*  
Date 8-23-90

II. APPLICANT (Water Use, omit if applicant is landowner)

Name James K. Zaima  
Address POB 1365  
Lihue, Hawai'i 96766

Telephone No. 245-4039  
Interest in Property Owner

(Indicate interest in property; submit written evidence of this interest) |  
 \*SIGNATURE *[Signature]*  
Date 8-23-90

- III. TYPE OF PERMIT(S) APPLYING FOR
- A. State Lands
  - B. Conservation District Use
  - C. Withdraw Water From A Ground Water Control Area
  - D. Supply Water From A Ground Water Control Area
  - E. Well Drilling/Modification

\*If for a Corporation, Partnership, Agency or Organization, must be signed by an authorized officer.

IV. WELL OR LAND PARCEL LOCATION REQUESTED

District Haena  
Island Kaua'i  
County Kaua'i  
Tax Map Key 5-9-03-5; ICA 10562 Apana 1  
Area of Parcel Approx. 1 acre  
(Indicate in acres or sq. ft.)  
Term (if lease) \_\_\_\_\_

For complete V. responses, please see the following attached sheets.

Environmental Requirements

Pursuant to Chapter 343, Hawaii Revised Statutes, and in accordance with Title 11; Chapter 200, Environmental Impact Statement Rules for applicant actions, an Environmental assessment of the proposed use must be attached. the Environmental assessment shall include, but not be limited to the following:

- (1) Identification of applicant or proposing agency;
- (2) Identification of approving agency, if applicable;
- (3) Identification of agencies consulted in making assessment;
- (4) General description of the action's technical, economic, social, and environmental characteristics;
- (5) Summary description of the affected environment, including suitable and adequate location and site maps;
- (6) Identification and summary of major impacts and alternatives considered, if any;
- (7) Proposed mitigation measures, if any;
- (8) Determination;
- (9) Findings and reasons supporting determination; and
- (10) Agencies to be consulted in the preparation of the EIS, if applicable.

VI. Summary of Proposed Use (what is proposed)

V. ENVIRONMENTAL ASSESSMENT

- (1) Applicant: James K. Zaima
- (2) Approving Agency: Board of Land and Natural Resources
- (3) Consulting Agency: Department of Land and Natural Resources
- (4) General Description of the Actions Technical, Economic, Social, and Environmental Characteristics:

Technical

The parcel in question will be used to plant kalo (taro) and ung choy (Chinese water crest). (See, Letter dated 1/8/90 from Mr. Lono Brede to the Native Hawaiian Legal Corporation, appended as Exhibit "A"). The parcel is approximately 1 acre (47,611 square feet), and was used traditionally for agricultural purposes. Applicant wishes to restore the parcel for agricultural use.

Economic

Crops are intended for family consumption and small scale sale of any excess. Farming activities are intended to supplement family income. Due to the small acreage, economics of scale would preclude any large economic development.

Social

Crops will be attended by applicant's 'ohana (family and extended family) members. (See, Letter dated 11/2/89 from James K. Zaima to Chairman Paty, appended as Exhibit "B"). In addition, the task of clearing the parcel and planting kalo is intended by applicant to bring his family together through an activity of Hawaiian cultural significance. Furthermore, applicant wishes to use the parcel for family retreats.

Environmental

Approximately 80% of the parcel is covered with hau bush. In addition, there are an estimated six (6) java plum trees, six (6) red Y.V. Guava trees and four (4) large palm trees on the parcel. Applicant intends to clear off all brush to make way for planting. Applicant will selectively cut the java plum guava and palm trees. This action will have minimal environmental impact, amounting merely to restoration of the parcel as an agricultural terrace.

A combination of tidal waves in 1946 and 1957 along with inundation by foreign flora has resulted in the area falling into disuse. Applicant intends to farm the kuleana once again and will only use hand tools to minimize impact.

(5) **Site and Area Characteristics:**

Flora and Fauna

The subject parcel is currently vacant and undeveloped, and inundated with hau bush, plum, guava and palm trees. It has limited ground vegetation including unknown shrubs, due mostly to a thick canopy created by the hau bush, guava and palm trees. In addition, the soil may be described as swampy, with loose soil and mud due to percolating spring water and constant rain in Limahuli. ✓

Common animal species in the area may include field mice, and stray cats. There are no known rare or endangered animal or plant life found on the parcel.

Site and Area

The parcel in question is a kuleana and located north of Kuhio Highway Road "A", approximately 1,800 feet west of Haena Park at Haena, Halelea, Kaua'i, Hawai'i, being the whole of Royal Patent 6993, Land Commission Award 10,562, Apana 1 to Opu, and being more fully described in Exhibit "B." For the most part, the landscape is inclined at approximately 25 - 35 degree slope. Rainfall in the area averages approximately 20 inches per year resulting in the swampy conditions. The general surrounding area is relatively low-lying and mostly rural in character. The parcel is identified as Tax Map Key (4) 5-9-03:05 in Limahuli, County and Island of Kaua'i. (See, Map appended as Exhibit "C"). ✓

Archaeological Features

The subject parcel does not appear to have any known significant historic or archaeological sites or features. Traditionally, the area was farmed intensively by Native Hawaiians. The parcel does include two (2) agricultural rock wall features. (See, photographs appended as Exhibit "D.") Nevertheless, records on file with the Kaua'i County Planning Department show this parcel as having no archaeological features on either the State or National Registers of Historic Sites, nor are any sites presently being nominated.

(6) **Identification and Summary of Major Impacts and Alternatives:**

There will be no major impacts to the subject parcel. Impacts, if any, will come from the removal of haole flora which will be replaced with Hawaiian kalo (taro) and Chinese water cress. Moreover, in order to farm the land, applicant is required to drain the soil of the inundation of water which has resulted in the swampy conditions. Otherwise, applicant does not perceive any anticipated negative impacts, since the actions of applicant will amount only to a restoration of the parcel to its former use as agricultural land. ✓?

(7) **Proposed Mitigation Measures:**

Applicant intends to use hand tools to mitigate impacts on the 'aina (land) when he clears the parcel of haole (foreign) flora. No machines of any kind will be used. This will not pose a problem for applicant since the parcel is just over an acre in size.

(8) **Determination:**

Applicant suggests that the proposed use is and will be viable upon the clearing of trees and shrubs, and upon the draining of the soil and preparation for planting.

(9) **Findings and Reasons Supporting Determination:**

Please see, numbers 1-8, infra.

(10) **Consulting Agency for Environmental Impact Statement:**

Based on this environmental assessment, applicant does not believe an Environmental Impact Statement will be required and instead believes that a negative declaration should be rendered by the Chairman of the Board of Land and Natural Resources.

**VI. SUMMARY OF PROPOSED USE**

As noted above, the parcel in question will be used to plant kalo (taro) and ung choy (Chinese water crest). (See, Exhibit "A"). Traditionally used for agricultural purposes, applicant wishes to restore the parcel to its former use. Crops will be attended by applicant's 'ohana (See, Exhibit "B"). In addition, the task of clearing the parcel and planting kalo is intended by applicant to bring his family together through an activity of Hawaiian cultural significance. Furthermore, applicant wishes to use the parcel for family retreats. Applicant intends to clear off all brush to make way for planting. Applicant will selectively cut java plum, guava and palm trees. This action will have minimal environmental impact, amounting merely to restoration of the parcel as an agricultural terrace.

A combination of tidal waves in 1946 and 1957 along with inundation by foreign flora has resulted in the area falling into disuse. Applicant intends to farm the kuleana once again and will only use hand tools to minimize impact.

INFORMATION REQUIRED FOR ALL USES

I. Description of Parcel

- A. Existing structures/Use. (Attach description or map).
- B. Existing utilities. (If available, indicate size and location on map. Include electricity, water, telephone, drainage, and sewerage).
- C. Existing access. (Provide map showing roadways, trails, if any. Give street name. Indicate width, type of paving and ownership).
- D. Vegetation. (Describe or provide map showing location and types of vegetation. Indicate if rare native plants are present).
- E. Topography; if ocean area, give depths. (Submit contour maps for ocean areas and areas where slopes are 40% or more. Contour maps will also be required for uses involving tall structures, gravity flow and other special cases).
- F. If shoreline area, describe shoreline. (Indicate if shoreline is sandy, muddy, rocky, etc. Indicate cliffs, reefs, or other features such as access to shoreline).
- G. Existing covenants, easements, restrictions. (If State lands, indicate present encumbrances.)
- H. Historic sites affected. (If applicable, attach map and descriptions).

II. Description: Describe the activity proposed, its purpose and all operations to be conducted. (Use additional sheets as necessary).

III. Commencement Date: Immediately following grant of CDUA.

Completion Date: Approximately 6 - 8 months.

IV. TYPE OF USE REQUESTED (Mark where appropriate) (Please refer to Title 13, Chapter 2)

- 1. Permitted Use (exception occasional use);  
DLNR Title 13, Chapter 2, Section \_\_\_\_\_; Subzone \_\_\_\_\_.
- 2. Accessory Use (accessory to a permitted use);  
DLNR Title 13, Chapter 2, Section \_\_\_\_\_; Subzone \_\_\_\_\_.
- 3. Occasional Use: Subzone \_\_\_\_\_.
- 4. Temporary Variance: Subzone \_\_\_\_\_.
- 5. Conditional Use: Subzone \_\_\_\_\_.
- 6. Non-conforming use by "farming . . . kuleana land. . ."  
consistent with the intent and spirit of section 13-2-1,  
presently pending before the BLNR.

I. DESCRIPTION OF PARCEL

(A) Existing Structures/Use:

The only existing structures are two agricultural rock walls. The walls will not be disturbed but rather used as a basis or foundation for laying out most of the parcel for agricultural terraces. Since 1957, the parcel has laid fallow and in disuse.

(B) Existing Utilities:

There are no existing utilities on the subject parcel. The kuleana is entirely rural. Applicant does not expect to need electricity provided to the property in the near future, since no electrical tools will be employed. Applicant does intend to use gas lanterns and a portable bathroom while the land is being cleared and prepared.

(C) Existing Access:

An existing access off the Kuhio Highway Road "A" is depicted by the Survey Map appended as Exhibit "E." Applicant intends to utilize this access road as an agricultural road under appropriate County ordinances and State Department of Transportation requirements.

(D) Vegetation:

See, Section I, subsection (5), infra.

(E) Topography:

The landscape is inclined at approximately 25 - 35 degree slope. Rainfall in the area averages approximately 20 inches per year resulting in swampy conditions. Surrounding area is low-lying and rural in character.

(F) Shoreline Area:

The subject parcel is located nearby the shoreline but is not actually on the shoreline.

(G) Existing Covenants, Easements, Restrictions:

Pursuant to judgment entered into in Civil No. 87-0170, James K. Zaima v. Heirs of Opu (April 28, 1988) (appended as Exhibit "F"), applicant James K. Zaima, et al is declared and adjudged to be the rightful owners as tenants in common of Tax Map Key 4-9-3-5, an area of 47,611 square feet. The above decree subjects title in Zaima, et al. to "the reservation of all minerals and metallic mines of every description in favor of the State of Hawai'i (as stated in Royal Patent Grant No. 6993).

In addition, "[n]o right, title, interest or claims to water having its source upon or flowing over, or under the lands involved in this action shall be adjudicated herein."

(H) **Historic Sites Affected:**

As mentioned infra, no historic sites will be affected. Applicant intends to keep the two (2) agricultural walls located on the subject parcel in intact and in place.

II. **DESCRIPTION OF ACTIVITY PROPOSED**

See, "Section II. Summary of Proposed Use," infra.

III. **COMMENCEMENT DATE:** Upon grant of Conservation District Use Application by the Chairman of the Board of Land and Natural Resources.

**COMPLETION DATE:** Approximately 6 - 8 months following commencement.



Area of Proposed Use 47,611 Square Feet  
(indicate in acres or sq. ft.)

Name & Distance of Nearest Town or Landmark  
1/6 Mile From Haena State Park

Boundary Interpretation (If the area is within 40 feet of the boundary of the Conservation District, include map showing interpretation of the N/A boundary by the State Land Use Commission).

Conservation District Subzone Haena, Kaua'i  
County General Plan Designation \_\_\_\_\_

V. FILING FEE

1. Enclose \$50.00. All fees shall be in the form of cash, certified or cashier's check, and payable to the State of Hawaii.
2. If use is commercial, as defined, submit additional public hearing fee of \$50.00.

INFORMATION REQUIRED FOR CONDITIONAL USE ONLY

I. Plans: (All plans should include north arrow and graphic scale).

- A. Area Plan: Area plan should include but not be limited to relationship of proposed uses to existing and future uses in abutting parcels; identification of major existing facilities; names and addresses of adjacent property owners.
- B. Site Plan: Site plan (maps) should include, but not be limited to, dimensions and shape of lot; metes and bounds, including easements and their use; existing features, including vegetation, water area, roads, and utilities.
- C. Construction Plan: Construction plans should include, but not be limited to, existing and proposed changes in contours; all buildings and structures with indicated use and critical dimensions (including floor plans); open space and recreation areas; landscaping, including buffers; roadways, including widths; offstreet parking area; existing and proposed drainage; proposed utilities and other improvements; revegetation plans; drainage plans including erosion sedimentation controls; and grading, trenching, filling, dredging or soil disposal.
- D. Maintenance Plans: For all uses involving power transmission, fuel lines, drainage systems, unmanned communication facilities and roadways not maintained by a public agency, plans for maintenance shall be included.
- E. Management Plans: For any appropriate use of animal, plant, or mineral resources, management plans are required.
- F. Historic or Archaeological Site Plan: Where there exists historic or archaeological sites on the State or Federal Register, a plan must be submitted including a survey of the site(s); significant features; protection, salvage, or restoration plans.

II. Subzone Objective: Demonstrate that the intended use is consistent with the objective of the subject Conservation District Subzone (as stated in Title 13, Chapter 2).



2

JANUARY 08, 1990

NATIVE HAWAIIAN LEGAL CORP.  
1270 QUEEN EMMA STREET  
SUITE 1004  
HONOLULU, HI. 96813

ALOHA E DOUG,

ENCLOSED ARE THE LETTERS AND FORMS EXPLAINING OUR DESIRES  
AND INTENTIONS AS WELL AS THAT OF THE D.L.N.R.

THE SHADED PART OF THE ENCLOSED MAP REPRESENTS OUR PORTION  
OF THE LAND. IF THAT IS NOT SUFFICIENT, PLEASE LET ME KNOW AND  
I WILL TRY TO FORWARD YOU MORE INFORMATION.

SHOULD THERE BE MORE THAT I CAN DO TO INSURE OUR ACCESS TO  
THE LAND, PLEASE LET ME KNOW. I AM AND WILL ALWAYS BE READY TO  
RESPOND AS SOON AS POSSIBLE!!

MAHALO NUI LOA FOR ALL YOUR HELP!!

MAHALO,

LONO BREDE

*Lonon Brede*

W. A.

ADDITIONAL INFORMATION:

WE HAVE THREE CHILDREN THAT LIVES WITH US ON A PART TIME BASIS. I HAVE LISTED THEIR NAMES ON PAR. D LINE 5, 6, & 7. PRESENTLY I'M UNEMPLOYED. AND WOULD LIKE TO USE THIS TIME TO CLEAR OUR LAND TO PLANT TARD & LANG. CACY. (CHINESE WATER CREST). INCOME FOR ME TRICKLES IN WHEN I HELP SOMEONE FIX CDDS & ENDS, WHICH I DON'T EXPECT <sup>FROM</sup> PEOPLE. & WE HAVE THE LAND TO GROW FOOD & ALSO MAKE A SMALL INCOME BUT CANNOT DO NOTHING UNTIL PERMISSION FROM STATE IS GIVEN.

OUR SAVING ACCOUNT IS SECURED BY LOANS WE MADE, THIS IS AS TRUTH FULL AND OPEN AS I CAN BE. IF YOU NEED FURTHER HELP PLEASE & LET ME KNOW, I WAIT YOUR RESPONSE.

MAYARD  
LONG BLEDE.



2

0 0 0 0  
LN  
89 NOV 1 10 11 AM  
DEPT. OF LAND & NATURAL RESOURCES  
STATE OF HAWAII  
NOVEMBER 2, 1989  
RECEIVED  
W. M. PATY  
W. M. PATY

JAMES K. ZAIMA  
P. O. BOX 1365  
LIHUE, KAUAI, HAWAII  
96766

89 NOV 3 3:41 PM  
RECEIVED  
DINAR  
OCEA

MR. WILLIAM PATY  
DEPARTMENT OF LAND & NATURAL RESOURCE  
1151 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813

DEAR MR. WILLIAM PATY:

This letter is being penned in hopes of being granted permission from your office of the Department of Land and Natural Resource to clean our parcel designated as TMK (4) 5-9-03-05 in Limahuli on the island of Kauai.

As owners of TMK (4) 5-9-03-05, we are concerned about the environmental impact of cleaning our parcel and have therefore resorted to using only hand implements. If granted permission, we have in mind using a chain saw, hoe, sickle, weed eater and the like. No "heavy equipment" will be employed to clean the parcel.

Approximately 80% of the property is overgrown with hau bush and we would like to clear all of it off. Also, presently existing on the property are six Java Plum trees and six red Y.V. guava trees. We would like to cut all of the aforementioned trees.

If granted permission, we would like to undertake the task of cleaning the property as a family project coordinated by my son-in-law, Mr. Lono Brede.

Mr. Lono Brede has consulted with Mr. Ralph Daehler, State Forestry Manager of Kauai, regarding the disposal of debris. It was suggested that the hau bush be compiled and left to decompose and later be used as compose. The remains of the Java Plum tree and the Y. V. guava tree could be used as firewood.

It is our intention to utilize the land area to farm taro, watercress, and ti plant. We would like to use the land also as a recreational retreat for family picnics.

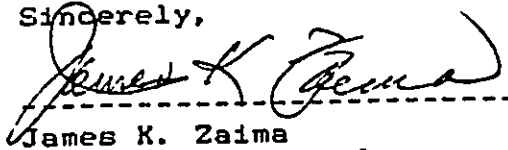
We would appreciate your written response and reaction to the above proposal to clean our property. We would like to work closely with you to insure that all the above mentioned undertakings would be in the best interest of all those involved,

113

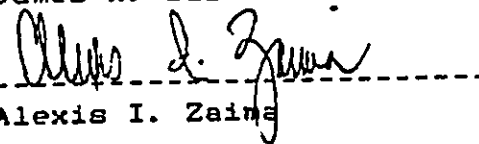
including your office of the Department of Land and Natural Resource.

We would like to thank you in advance for considering the contents of this letter and we anxiously await you reply.

Sincerely,



James K. Zaima



Alexis I. Zaima



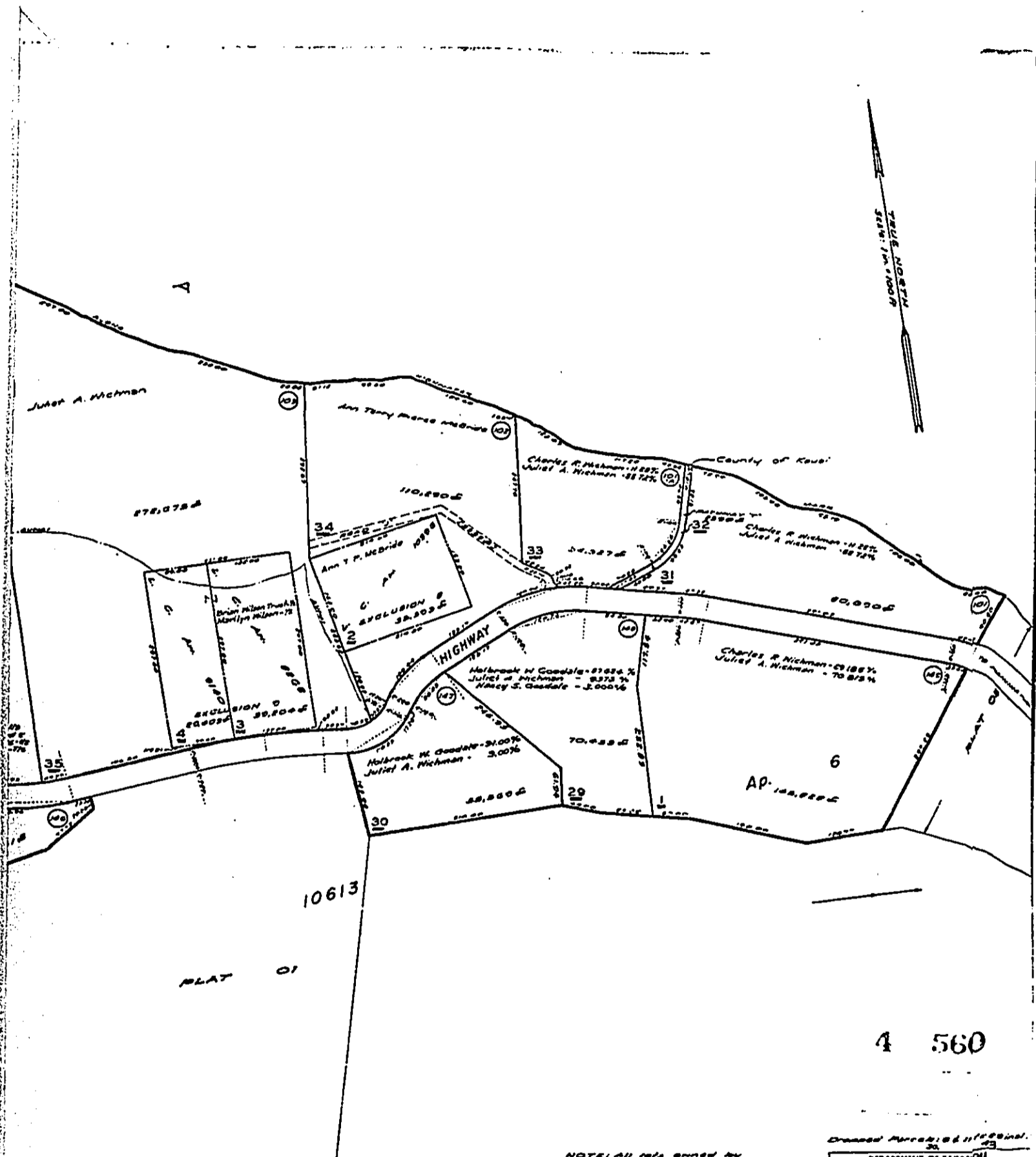
Lono Brede



92







PLAT 01

4 560

NOTE: All lots owned by  
 Agents Not unless  
 otherwise noted.

FOR PROPERTY ASSESSMENT PURPOSES  
 SUBJECT TO CHANGE

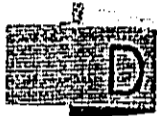
Drawn According to Original

DEPARTMENT OF TAXATION  
 PROPERTY TECHNICAL OFFICE  
 TAX MAPS BRANCH  
 STATE OF HAWAII

**TAX MAP**

FOURTH TAXATION DISTRICT		
ZONE	SEC.	PLAT
5	9	03

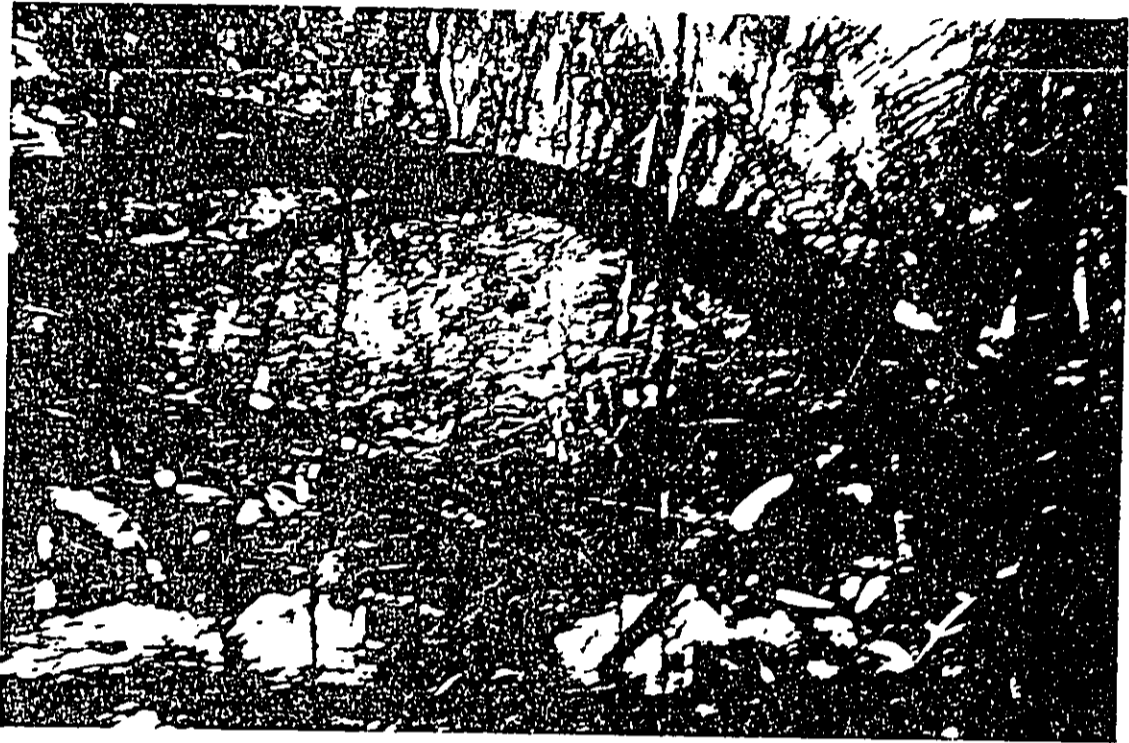
SCALE: 1 IN. = 100 FT.



1



D







2

12:31 PM  
7/10/90

ALOHA OLADDAM EDDIE

THIS IS THE PICTURES OF OUR AINA.  
THE ROADWAY IS THE ENTRANCE TO THE PROPERTY  
& THE PICTURE W/ THE RIBBONS & KIDS IS THE  
PROPERTY LINE THAT DIVIDE US. THE REST OF  
THE PICTURES IS INSIDE OF OUR AINA, ROCK WALL  
ETC.

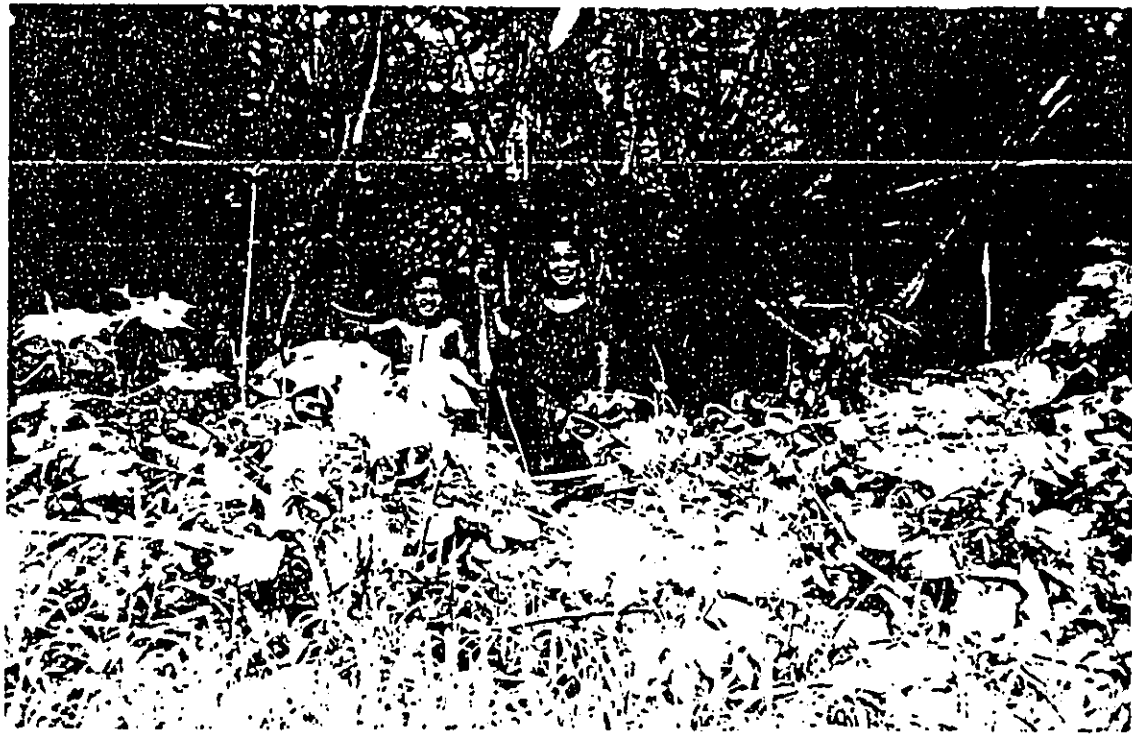
OH AN. WHEN YOU WILL LIKE HAVE THE  
PICTURES BACK, THAT SMALL MAP WE GAVE  
YOU, WE LIKE THAT BACK TOO. CAUSE GET THE  
LOCATION OF THE PINS IN THE BACK.

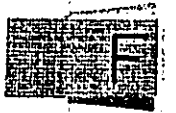
MAHALO

THE FRED OHANA.

EDDIE







2

SOURCE T.O. - <b>Kaui</b>		LOCATION		<b>FOURTH DIVISION</b>			
BY: <b>LLG</b>	DATE: <b>9/19/44</b>	<b>1944</b>		ZONE	SEC.	PLAT	PARCEL
210 ✓				5	9	03	5

<input checked="" type="checkbox"/> TAX MAPS	FOR FURTHER REFERENCE, SEE Z. 5 S. 8 P. 04 R. 8 etc. R/S TMB NO. 210 ' 44 DATED 8/17/44 LIBER. PAGE
<input checked="" type="checkbox"/> TAX OFFICE	
<input checked="" type="checkbox"/> TRACING	
<input checked="" type="checkbox"/> ROUTE SLIP	
<input checked="" type="checkbox"/> SKETCH	
<input checked="" type="checkbox"/> ADJOINING PARCELS	
<input checked="" type="checkbox"/> F.W. LEDGER	
<input checked="" type="checkbox"/> RETURN PLATE	
<input checked="" type="checkbox"/> [unclear]	
<input checked="" type="checkbox"/> [unclear]	

FORMER KEY				CHANGE	FINAL DATA AS SHOWN ON TAX MAPS AS OF 9/19/44				OWNER	INT.	
ZONE	SEC.	PLAT	PARCEL		ZONE	SEC.	PLAT	PARCEL	AREA		
				add Est.	5	9	03	5	1.60 ac.	Balani Maka Est.	

F

SOURCE T. O. - Kauai	LOCATION - Wainiha & Haena	FOURTH DIVISION			
BY C. Killa DATE 8/17/44		ZONE	SEC.	PLAT	PARCEL
	ROUTE SLIP -- 1944	5-3-		04	08, etal

9/13/44 doc 210 ✓

1944

CHANGE OWNERSHIP:

Died: 11/3/36

Elani Maka to EALANI MAKI ESTATE  
c/o Jacob K. Maka

DESCRIPTION:

5-8-04-8 LCAW: 9803, Wainiha Area 1.59Ac.  
 5-9-01-03(30) Haena Hui .01316 Und.Int.  
 5-9-02-06 LCAW: 10562:2, Haena Area 1.88Ac.  
 5-9-03-05 " 10562:1 Haena Area 1.60Ac.

NOTE: and the first name "Ealani"  
 Information of death from Bureau of Vital Statistics,  
 thru County Clerk of Kauai.

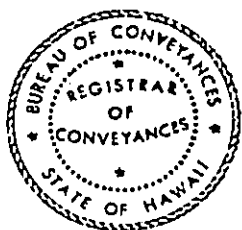
TAX MAPS	✓
TAX OFFICE	✓
TRACING	✓
ROUTE SLIP	✓
SKETCH	✓
ADJOINING PARCELS	✓
F.S. LEDGER	✓
RETURN PLATE	✓

FORMER KEY				CHANGE	FINAL DATA AS SHOWN ON TAX MAPS AS OF 9/19/44				OWNER	INT.	
ZONE	SEC.	PLAT	PARCEL		ZONE	SEC.	PLAT	PARCEL	AREA		
				add Est	5	8	04	8	1.59 ac	Ealoni Maka Est.	
				do	5	9	01	Recap 3	int } .01316 }	do	
				do	5	9	02	6	1.88 ac	do	
				do	5	9	03	5	1.60 ac	do	

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
BUREAU OF CONVEYANCES  
P. O. BOX 2867  
HONOLULU, HAWAII 96803

Date MAY 23 1990

I hereby certify that the attached instrument is a true copy from the records of the Bureau of Conveyances of the State of Hawaii.



CONV 103  
APR 1977

Attest: *Hein Hoopaka*  
for REGISTRAR OF CONVEYANCES

DOCUMENT CAPTURED AS RECEIVED

1984527-579

IN THE DISTRICT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

In the Matter of the Estate

JAMES KAGAMI MARR, also known

as JAMES MARR,

Deceased.

ORDER FOR APPROVAL OF FIRST AND FINAL ACCOUNTS,  
DISTRIBUTION OF ESTATE  
AND  
DISCHARGE OF ADMINISTRATRIX

FILED # 333 Filed P  
MAY 9 1963  
YOSHIO ISHII  
Dist. Clerk

MORITO KAWAZAMI  
P. O. Box 117  
Eleele, Kauai, Hawaii  
Attorney for Petitioner

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
STATE OF HAWAII

In the Matter of the Estate  
of  
JACOB KAOAHI MAKA, also known  
as JACOB MAKA,  
Deceased.

ORDER FOR APPROVAL OF FIRST AND FINAL ACCOUNTS,  
DISTRIBUTION OF ESTATE  
AND  
DISCHARGE OF ADMINISTRATRIX

MYRA ELIZABETH MAKA, Administratrix of the Estate of  
JACOB KAOAHI MAKA, also known as JACOB MAKA, deceased having  
filed in the above entitled Court and cause her First and  
Final Account, together with her petition praying for the  
approval of said account and for distribution of the property  
remaining in her hands as Administratrix to the persons en-  
titled thereto, for her discharge from any further liability  
or responsibility under her trust as such Administratrix, and  
praying that said estate be finally closed; and

Order of notice of hearing as to said account having been  
made Returnable Thursday, April 18, 1963, at 2:00 P. M., before  
this Court, at Chambers in Probate in the Circuit Court Building  
in Lihue, which said order further required that notice of said  
order be given by publication; and

Due proof having been made that Myra Elizabeth Maka has  
faithfully performed all of the duties of her trust as Adminis-  
tratrix, according to law and the orders of this Court; and

DOCUMENT CAPTURED AS RECEIVED

1527 No. 581

...of said estate, which was returned to said decedent, 33,  
...and said estate having filed an application for  
approval of said account;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:  
That said First and Final Account be and it is hereby approved,  
affirmed and settled; and

That the possession and control of the said Administratrix  
as to the whole of the real estate of the decedent be and here-  
by is (continued) that in accordance with the provisions of  
Article 115-4 (a) revised Laws of Hawaii, 1955, all such right,  
title and interest as the decedent had in real estate at the  
time of his death, January 3, 1961, became vested as of said  
time in fee simple absolute as tenants in common in the heirs  
at law of the said decedent, the surviving children of the said  
decedent, to-wit:

- Murphy Kunihealani Maki
- Mildred Olanolen
- Helena Santos
- Majorie Yokotake
- Hilda Zaima

subject however to the interest by way of dower of Myra Elizabeth  
Maki, widow of the said deceased.

That the said real estate shown by the inventory filed in  
the proceedings herein are:

- Lot 52, Waihiha Hui, Hanalei, Kauai, Hawaii  
Area: 222,236 sq. ft. - Tax Key No. 5-8-08-12
- 1/2 Undivided interest in L.C. Aw 9803,  
Waihiha Valley, Hanalei, Kauai, Hawaii  
Area: 1.548 acres - Tax Key No. 5-8-04-08
- 1/2 Undivided interest in L.C. Aw 10562:1,  
Maena, Kauai, Hawaii  
Area: 1.60 acres - Tax Key No. 5-9-02-05
- 1/2 Undivided interest in L.C. Aw 10562:2,  
Maena, Kauai, Hawaii  
Area: 1.88 acres - Tax Key No. 5-9-02-06



DOCUMENT CAPTURED AS RECEIVED

1963 4527 46582

00658 Undivided Interest in the Mauna Kea  
Road, Mauna Kea, Hawaii - Tax Office Share  
Account No. 22-2) Tax No. 349-01-0)

That there being no personal property remaining in the  
estate, the said Administratrix and hereby is discharged  
from all further responsibility as such Administratrix.

Dated: Mauna Kea, State of Hawaii, this 9th day of  
June, 1963.

 *[Signature]*

Judge of the Circuit Court,  
Fifth Circuit, State of Hawaii

I do hereby certify that the foregoing  
is a full, true and correct copy of the  
original on file in this office.

*[Signature]*  
Clerk of the Circuit Court, Fifth Circuit,  
State of Hawaii

Entered of Record JUN 7 1963 at 8:01 o'clock A.M.  
and compared by [Signature] Registrar of Conveyances  
By [Signature] Clerk

Prob. No. 1456

PROBATE

Division

Title In the Matter of the Estate of

WMA, Balant David

Docket No. \_\_\_\_\_

19 45

Page \_\_\_\_\_

Page \_\_\_\_\_

No. 500-0

From _____	No. _____
Subject _____	No. _____

FAVORITE SERIES



**In the Circuit Court of the Fifth Circuit  
Territory of Hawaii**

In the Matter of the Estate of  
 \_\_\_\_\_  
**KALANI MAKA,**  
 \_\_\_\_\_  
 Deceased.  
 \_\_\_\_\_  
 vs.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

PROBATE NO. 1455

*Submitted  
Approved by Judge*

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**In the Circuit Court of the Fifth Circuit  
Territory of Hawaii**

In the Matter of the Estate of  
HAANI HANA  
 Deceased.  
 vs.

PROGRAM NO. 1455

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In the Circuit Court of the Fifth Circuit  
TERRITORY OF HAWAII

AT CHAMBERS—IN PROBATE

In the Matter of the Estate of

Ealani Kaka (w)

late of Haena, Kauai  
Decedent.

PETITION FOR LETTERS OF  
ADMINISTRATION.

Prob. No. 1455

TO THE HONORABLE Philip L. Rice  
Judge of the Circuit Court of the Fifth Circuit.

The Petition of Jacob Kaka Kaka, of Honolulu, City and County of Honolulu, the only son of the said Ealani Kaka (w), intestate, deceased, respectfully shows to this Court that the said Ealani Kaka (w) died on or about the 7th day of November, A. D. 1917, being at the time of her death a resident of Haena, Kauai, and leaving Estate within the jurisdiction of this Court. That due search and inquiry have been made to ascertain if said deceased left any Will and Testament, but none have been found, and, according to the best knowledge and belief of your Petitioner, said deceased died intestate.

Your Petitioner further shows, that the Estate of said deceased is of a value of \$1500.00 and over, and consists of as follows:

Personal Property  
Deposit of \$507.48 in American Security Bank, Bk. No. 750

Real Estate:

Kuleanas at Kainiha and Haena, value \$112.00

01316 undivided interest in Haena Hui, value \$144.00

Housslot at Haena with improvements, value \$273.00

The heirs of said deceased, known to your Petitioner, are:

Jacob Kaka Kaka, adult, son; and 7 grandchildren, being the

children of the late Irene Kaka Thomas, daughter of deceased,

with Elie Thomas, whose names and ages, respectively, are:

Agnes, 22; Irene, 20; Elie, 18; Fred, 17; Samuel, 11;

Henry, 13; and Betty, 11.

WHEREFORE, your Petitioner prays that he may be appointed Administrator of said Estate, and that due notice be given to all persons interested to appear at such time and place as this Court may direct to show cause, if any they have, why the prayer of this Petition should not be granted.

Subscribed and sworn to before me this 20th

day of September, 1917. Jacob Kaka Kaka

J. Lewis  
NOTARY PUBLIC  
FIRST JUDICIAL CIRCUIT  
TERRITORY OF HAWAII  
Clerk of the Circuit Court of the Fifth Circuit.

My commission expires 1919.  
I here give names, ages, residence and connection of all the heirs, whether married or single, minors or adults, etc.

FILED  
October 16 1917  
To the Clerk of the Court

In the Circuit Court of the Fifth Circuit  
TERRITORY OF HAWAII

AT CHAMBERS - IN PROBATE

In the State of the Estate of

PETITION FOR LETTERS OF  
ADMINISTRATION

Vol. No. 1122

CIRCUIT COURT FIFTH CIRCUIT	IN PROBATE	Estate of	Deceased	Filed
			Position of Jacob Kaouli Maka	Judge of the Circuit Court of the Fifth Circuit

Your Petitioner further states that the Estate of said deceased is of the value and consists of as follows:

.....  
.....  
.....

The heirs of said deceased, known to your Petitioner, are:  
Jacob Kaouli Maka, .....  
.....  
.....

WHEREFORE, your Petitioner prays that he may be appointed Administrator of said Estate, and that due notice be given to all persons interested to appear at such time and place as this Court may direct to show cause why they have, why the prayer of this Petition should not be granted.

.....  
.....  
.....

.....  
.....  
.....

In the Circuit Court of the Fifth Judicial Circuit  
Territory of Hawaii

AT CHAMBERS - IN PROBATE

IN THE MATTER OF THE ESTATE  
OF  
KALANI MAKA (w)  
late of Haena, Kauai  
Deceased.

Prob. No. 1455

ORDER OF NOTICE OF HEARING PETITION FOR ADMINISTRATION

IT IS HEREBY ORDERED that Tuesday the 13th day of  
November 1945, at 2 o'clock P.M., before the Judge  
of this Court presiding in Probate, in his Courtroom, County Building, Lihue, Kauai, T. H.,  
be and is appointed the time and place for hearing the Petition for Administration heretofore  
filed in the above entitled matter, and for the hearing of all persons interested therein;

AND IT IS FURTHER ORDERED that Notice of this Order shall be published in  
the "The Garden Island" newspaper of general circulation, printed and published in Lihue, Kauai, T. H., once a week  
in each of three successive weeks, the first publication to be not less than twenty days prior  
to said date herein appointed for hearing.

DATED: Lihue, Kauai, T. H., October 20, 1945

BY THE COURT:

*J. K. Hancock*  
Acting Clerk.

FILED

At 11:20 o'clock A.M.  
October 20, 1945  
E. Vera B. Pedro  
File Clerk.

FIFTH CIRCUIT COURT NOTICE  
Estate of Ealani Maka, Deceased  
Probate No. 1455

FILED petition of Jacob Kuoahi Maka, alleging  
intestacy of Ealani Maka, deceased, leaving property  
in this jurisdiction necessary for administration and  
praying that Letters of Administration issue to peti-  
tioner.

Tuesday, November 13, 1945, at 2:00 o'clock p.m.,  
before the Judge presiding in probate, in his Courtroom,  
Circuit Court Building, Lihue, Kauai, T. H., is appointed  
the time and place for hearing said petition for adminis-  
tration and all persons interested.

Dated: Lihue, Kauai, T. H., October 20, 1945.

BY THE COURT:

*J. K. Kawai*  
Acting Clerk

(Publish in "The Garden Island" on October 23, 30 and  
November 6, 1945)

Received a copy of the foregoing for publication as  
above indicated, this 20<sup>th</sup> day of October, 1945.

GARDEN ISLAND PUBLISHING COMPANY, LTD.,

By *K. Kawai*

FILED at 11:25 o'clock A. M.

October 20 1945

*Kalena S. Pede*  
Clerk of Court



In the Circuit Court of the Fifth Circuit

TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

IN THE MATTER OF

The Estate of Ealani Maka, Deceased

Affidavit of Publication

Probate No. 1455

Territory of Hawaii }  
County of Kauai }

K. Kawaka being duly sworn,  
deposes and says, that she is the Cashier of "The Garden Island," a newspaper published in Lihue, County of Kauai, Territory of Hawaii, and  
the NOTICE in the above entitled matter of which the enclosed is a  
true and correct printed copy, was published

times in "The Garden Island" newspaper, commencing on the  
\_\_\_\_\_ day of October  
and ending on the \_\_\_\_\_ day of November  
6, (both days inclusive), to-wit: on October 22  
November 6, 1945

and that this affiant is not a party to or in any way interested in the  
above entitled matter.

K. Kawaka

Subscribed and sworn to before me this 13<sup>th</sup>  
day of November, A. D. 1945

Ragne Lorenson  
Clerk of the Circuit Court of the Fifth Circuit

FILED at 2:42 o'Clock P.M.  
November 13 1945  
Kalena J. Pede  
Clerk of the Circuit Court, Fifth Circuit

# In the Circuit Court of the Fifth Circuit

TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

IN THE MATTER OF

The Estate of Ealani Maka, Deceased

Affidavit of Publication

Probate No. 1455

**FIFTH CIRCUIT COURT  
NOTICE**  
Estate of Ealani Maka,  
Deceased  
Probate No. 1455  
FILED petition of Jacob Kao-  
ahi Maka, alleging intestacy of  
Ealani Maka, deceased, leaving  
property in this jurisdiction ne-

cessary for administration and  
praying that Letters of Admin-  
istration issue to petitioner.  
Tuesday, November 13, 1945, at  
2:00 o'clock p.m., before the  
Judge presiding in probate, in his  
Courtroom, Circuit Court Build-  
ing, Lihue, Kauai, T. H., is ap-  
pointed the time and place for  
hearing said petition for admin-  
istration and all persons inter-  
ested.

Dated: Lihue, Kauai, T. H.,  
October 30, 1945.

BY THE COURT:  
(Seal) KENICHI UMEMOTO,  
Acting Clerk  
(Oct. 23, 30; Nov. 6, 1945)

Territory of Hawaii }  
County of Kauai. }

K. Kawaoaka

being duly sworn,

she  
deposes and says, that ~~she~~ is the Cashier of "The Garden Island," a news  
paper published in Lihue, County of Kauai, Territory of Hawaii; that  
the NOTICE in the above entitled matter of which the annexed is a  
true and correct printed copy, was published 3

times in "The Garden Island" aforesaid, commencing on the

23rd day of October, 1945

and ending on the 6th day of November

1945, (both days inclusive), to wit: on October 23, 30,  
November 6, 1945

and that this affiant is not a party to or in any way interested in the  
above entitled matter.

*K. Kawaoaka*

Subscribed and sworn to before me this

day of \_\_\_\_\_ A. D. 1945

Clerk of the Circuit Court of the Fifth Circuit

IN THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

IN RE: [Illegible]

CHAPTER 11

SECTION 541

NOTICE TO CREDITORS

IN RE: [Illegible]

[Illegible]

[Illegible]

[Illegible text block]

<p>Notice in the "Garden Island" newspaper, commencing on the day of October 1948</p> <p>and ending on the day of October 1948</p> <p>(both days inclusive), to-wit: on October 1948</p> <p>November 8, 1948</p>	<p><b>Method of Publication</b></p>
--	-------------------------------------



COURT  
FILE

[Illegible text at the bottom of the page]

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

In the Matter of the Estate of

EALANI MAKA (w)

late of Haena, Kauai,

Deceased.

Probate No. 1455

ORDER CONTINUING HEARING

FILED at 2:05 o'clock P.M.

November 20, 1945

u. Kalina J. Pedro  
Clerk, Circuit Court, Fifth  
Circuit, Territory of Hawaii.

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

In the Matter of the Estate of )  
MALANI MAKA (w) )  
late of Haena, Kauai, )  
Deceased. )


Probate No. 1455

ORDER CONTINUING HEARING

The above entitled matter having been duly set for hearing on Tuesday, November 13, 1945, at 2 o'clock p.m., and notice thereof having been published as required by law, and no appearance having been entered, either personally or otherwise, by any person - other than the petitioner by his petition theretofore filed, and not otherwise - the Court has, orally, directed and now

IT IS HEREBY ORDERED that said matter, to wit, the hearing on petition for letters of administration therein, stand continued until and be heard on Monday, the 10th day of December, 1945, at 2 o'clock p.m.; subject, however, to being moved on for hearing, by the petitioner or his attorney, at an earlier date and with the consent of the Court.

Entered as of the 13th day of November, 1945.

  
Judge, Circuit Court, Fifth  
Circuit, Territory of Hawaii.

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN OPEN COURT  
MONDAY, DECEMBER 10, 1945  
COURT CONVENED AT 2 P.M.

IN PROBATE

Present: HONORABLE PHILIP L. RICE, Judge Presiding  
Kasuo Inamura, Assistant Clerk  
Kenichi Uemoto, Court Reporter

In the Matter of the Estate of )  
KALANI MAKA (w) )  
late of Haena, Kauai, )  
Deceased. )

Probate No. 1455  
Hearing on Petition for Letters of Administration

Appearances: A. G. Kaulukou, Esq., attorney for petitioner  
Jacob Kneahi Maka, son of decedent

The Court found that the preliminaries required by statute as to setting of the date for hearing and publication of notice thereof had been complied with, and that this matter had been set for hearing on Tuesday, November 13, 1945, at 2 o'clock p.m., and continued until this date and time.

Jacob Kneahi Maka was sworn. He testified that he is living temporarily in Honolulu, T. H.; that Kalani Maka, who died on November 7, 1936, at Haena, Kauai, was his mother.

Mr. Kaulukou moved that the petition be amended to show that decedent died on November 7, 1936, instead of on November 7, 1940. Such motion was granted and the petition amended accordingly.

The witness further testified that decedent left no will; that the estate of decedent is worth more than \$1,500, same consisting of \$207.48 on deposit with American Security Bank; kulaenas at Wainiha and Haena, valued at about \$112; interest in Haena Kai, valued at about \$144; and houselot at Haena and improvements thereon, valued at about \$783; that she left as her heirs at law an adult son, Jacob Kneahi Maka, and seven grandchildren, children of the late Irene Apunakehi Thomas, daughter of decedent, namely: Agnes, 28 years of age; Irene, 20 years of age; Elia, 19; Fred, 17; Samuel, 15; Harry, 13; and Betty, 11; that Elia is now dead; that he was present when his mother passed away; and that the expenses of the funeral, amounting to \$783, were paid by him to Kauai Funeral Parlors, Limited.

The Court found the allegations of the petition to have been sustained by competent and credible evidence and appointed the petitioner administrator of the estate, as prayed for; and ordered that letters of administration issue to him upon his filing an approved bond in the sum of \$500 or, in lieu thereof, a receipt showing payment of funeral expenses of equal or greater amount, together with his claim for reimbursement; that notice to creditors be published in "The Garden Island," the first publication to be made within thirty days from and after issuance of letters of administration; and that an inventory of the estate be filed within such thirty days.

Next case was called.

BY ORDER OF THE COURT

*Kasuo Inamura*  
Assistant Clerk

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

In the Matter of the Estate of

EALANI MAKA,  
late of Haena, Kauai, T. H.,  
Deceased.

Probate No. 1455

ORDER APPOINTING ADMINISTRATOR

Filed at 10:15 o'clock A. M.

December 24, 1945.

Helena R. Pedro  
Clerk, Fifth Circuit Court.





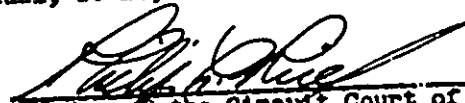
Building, Lihue, Kauai, as the time and place for the hearing of said petition and all persons interested therein, and it was provided by said order that notice thereof be published in the "Garden Island", a newspaper of general circulation, printed and published in Lihue, County of Kauai, T. H., once a week in each of three successive weeks, the first publication to be not less than twenty days prior to said date appointed for hearing; and it appears by affidavit of publication that notice was published in said "Garden Island", to wit: October 23, 30 and November 6, 1945;

And the petition coming on to be heard on Tuesday, the 13th day of November 1945, was continued upon the motion in writing of the petitioner through his attorney, A. G. Kaulukou, Esquire, until Monday, December 10, 1945, at 2:00 o'clock p.m., at which time the petitioner and his said attorney, being present in court, and no other persons having appeared to contest or object thereto, the Court proceeded with the matter and evidence was adduced and admitted, and thereupon the Court finds that the facts alleged in said petition are true and that the deceased died intestate and left surviving her the persons named in the petition and hereinbefore.

WHEREFORE, IT IS ORDERED, that Letters of Administration of the Estate of Ealani Maka (w) issue to Jacob Kaohi Maka upon his filing an approved bond in the sum of Five Hundred Dollars (\$500.00); or a receipt in the sum of Seven Hundred Fifty Dollars (\$750.00) being moneys advanced by the said Jacob Kaohi Maka on account of the funeral expenses of the deceased; and that an inventory be filed within thirty days (30) after the issuance of such letters, and notice to creditors be printed and published in the Garden Island, a newspaper, in Lihue, Kauai, T. H., the first publication of such notice to be within thirty days from and succeeding issuance

of the Letters of Administration.

Dated at Lihue, Kauai, T. H., December 24<sup>th</sup>, 1945.

  
Judge of the Circuit Court of the  
Fifth Judicial Circuit, Territory  
of Hawaii.

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII  
AT CHAMBERS

In the Matter of the Estate of  
.....HALANI MAKI,.....)  
.....Deceased.....)

BOND P...No. 1455...

KNOW ALL MEN BY THESE PRESENTS, that we.....  
.....JACOB KAOHI MAKI.....,Principal.....,  
and.....ROYAL INDEMNITY COMPANY,.....,Surety.....  
are held and firmly bound unto the Honorable PHILIP L.  
RICE.....Judge of the Circuit Court of the Fifth  
Circuit of the Territory of Hawaii, and his successors  
in office, in the penal sum of .....  
FIVE HUNDRED AND 00/100 - - - - - Dollars  
for the payment of which well and truly to be made, we  
bind ourselves, our heirs, executors and administrators  
firmly by these presents.

THE CONDITION of the above obligation is such, that  
whereas the above bounden ....JACOB KAOHI MAKI.....  
has been duly appointed .....Administrator.....  
of the Estate of ..... Halani Maki, Deceased .....: Now  
if he shall faithfully perform the duties of said office,  
according to law, then this obligation shall be void,  
otherwise of full force.

Witness our hands and seals this 17th day of.....  
.....JANUARY, A.D. 1944.

*Jacob Kaohi Maki*  
Jacob Kaohi Maki  
ROYAL INDEMNITY COMPANY  
*Philip L. Rice*  
Philip L. Rice  
Attorney-in-fact

The amount of the penalty and the sufficiency of the  
sureties of the above Bond are hereby approved this 17th  
day of..... January....., A. D. 1944.

Attest: *Philip L. Rice*  
Clerk of the Circuit Court of  
the Fifth Circuit

FILED at 3:51 P.M.  
January 17, 1944  
Philip L. Rice  
Clerk of the Circuit Court, Fifth Circuit

TERRITORY OF HAWAII,  
CITY & COUNTY OF HONOLULU.

On this 15th day of January, 1946, before me appeared WM. F. GRANDALL to me personally known, who, being by me duly sworn, did say that he is the Attorney-in-fact of the ROYAL INDEMNITY COMPANY, a corporation of the State of New York, duly appointed under Power of Attorney dated the 10th day of November, 1936, which Power of Attorney is now in full force and effect; that the said ROYAL INDEMNITY COMPANY is and was on the 11th 1946 duly authorized by the Insurance Commissioner of the Territory of Hawaii to guarantee the fidelity of persons holding offices of public or private trust and the performance of contracts other than of insurance and to execute and guarantee bonds and undertakings required or permitted in actions or proceedings or by law allowed; and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation under the authority of its Board of Directors, and said WM. F. GRANDALL acknowledged said instrument to be the free act and deed of said corporation. The Territorial license of the Royal Indemnity Company expires April 15, 1946.

*Walter J. ...*  
Notary Public, First Judicial  
Circuit, Territory of Hawaii.  
My commission expires June 30,  
1949.

In the Circuit Court of the Fifth Circuit  
TERRITORY OF HAWAII

AT CHAMBERS—IN PROBATE

In the Matter of the Estate of

KALANI MAKA,

LETTERS OF ADMINISTRATION

late of Haena, Kauai, T. H.,  
Deceased.

JACOB KACHI MAKA is

hereby appointed Administrator of the Estate of Kalani Maka, late of Haena,  
Kauai, T. H., deceased.

BY ORDER OF THE HONORABLE PHILIP L. RICE,

Judge of the Circuit Court of the Fifth Circuit this 16<sup>th</sup>

day of February, 1946.

Samuel H. Kamae  
Chief Clerk of the Circuit Court of the Fifth Circuit,  
Territory of Hawaii.

Filed at 11:11 o'clock A.M.

February 16, 1946

Samuel H. Kamae  
File Clerk.

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

In the Matter of the Estate of  
KALANI MAKA,  
late of Haena, Kauai, T. H.,  
Deceased.

Probate No. 1455

INVENTORY

Filed at 2:11 o'clock P.M.

February 28, 1946.

Samuel H. Hamura  
Clerk, Fifth Circuit Court.

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

In the Matter of the Estate of )  
EALANI MAKI, )  
late of Haena, Kauai, T. H., )  
Deceased. )  
-----

Probate No. 1455

INVENTORY

REAL PROPERTY:

- |     |   |                  |
|-----|---|------------------|
| (1) | 1.59 Ac. L.C.Aw. 9803, Wainiha, Kauai<br>Tax Key 5-8-04-8                           | \$ 56.00         |
| (2) | Haena Hui -.01316 Undivided Interest<br>Interest Valuation<br>Tax Key 5-9-01-3 (30) | 144.00           |
| (3) | 1.88 Ac. L.C.Aw. 10562:2, Haena Houselot<br>Land<br>Improvement                     | 376.00<br>407.00 |
| (4) | 1.60 Ac. L.C.Aw. 10562:1 Haena, Kauai<br>Land                                       | 56.00            |

CASH:

Savings Account - American Security Bank	507.48
Total	<u>\$1,546.48</u>

*Jacob Ka'ao'ahi Maka*

TERRITORY OF HAWAII )  
County of Kauai ) ss.

JACOB KA'AO'AHU MAKI being first duly sworn on oath deposes and says: that he is the Administrator of the Estate of Ealani Maka, deceased; that he has read the foregoing Inventory, knows the contents thereof and that it is a full, true and correct Inventory of all of the property of the decedent.

Subscribed and sworn to before me )  
this xx day of February )  
1946. )

*Jacob M. Long*  
First Judicial Circuit, Territory  
of Hawaii.

My commission expires: Dec 30, 1949

*Jacob Ka'ao'ahi Maka*

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

In the Matter of the Estate

of

KALANI MAKA,

late of Haena, Kauai,  
Deceased.

Probate No. 1455

PETITION FOR ALLOWANCE OF ACCOUNTS, DETERMINING  
TRUST AND DISTRIBUTING THE ESTATE.

FILED at 11:57 o'clock A.M.

April 22, 1947

*Samuel H. Hines*  
File Clerk, Circuit Court, Fifth  
Circuit, Territory of Hawaii.

A. G. KAULUKOU, ESQ.,  
Attorney at Law  
Lihue, Kauai.



In the Circuit Court of the Fifth Circuit,  
Territory of Hawaii

AT CHAMBERS IN PROBATE

No. 1455

IN the Matter of the Estate of

KALANI MAKA,

late of Haena, Kauai,

Deceased.

Petition for Allowance of Accounts,  
Determining Trust and Distributing  
the Estate.

THE PETITION of JACOB KAOAHI MAKA

respectfully shows that on the 16th day  
of February, A. D. 1946, petitioner was duly appointed by this Honorable Court  
as Administrator of the estate of Kalani Maka  
late of Haena, Kauai, deceased; that petitioner was duly  
qualified to act in that capacity by filing an approved bond. That on the 28th day  
of February, A. D. 1946, a sworn inventory was filed of all the property and  
assets of every kind whatsoever, belonging to the estate of said deceased; that notice to creditors of  
the said estate was duly made in the Garfield Island

Likou, Kauai  
newspaper, printed and published in Likou, Kauai  
Territory of Hawaii, for four successive weeks, and that more than four months have elapsed since  
the first publication of said notice.

That collections of all sums known or believed to be due and collectable to said estate have  
been made, that all the duties required by law or Orders of this Court, or which a faithful and  
prudent appointee should do, have been performed. That Schedules marked A and B respectively,  
and made part of this petition show the receipts and expenditures; also, Schedule marked C, and  
made part of this petition, shows the true, full, and exact remainder of property belonging to the  
said Estate.

WHEREFORE, it is prayed that upon a day appointed for hearing of this petition, said ac-  
counts be examined and allowed, that petitioner be ordered to deliver over such property as re-  
mains to the persons thereto entitled; that petitioner be discharged from all further responsibility  
herein; and said bond be cancelled, and sureties thereto released from further obligation.

Jacob K. Maka

The petitioner above named, being duly sworn, deposes and says that the matters set forth  
in the foregoing petition are true.

Subscribed and sworn to before me this

22<sup>nd</sup> of April, 1947 } Jacob K. Maka

Walter S. Stewart  
Clerk of the Circuit Court of the Fifth Circuit

Notary Public, Fifth Judicial  
Circuit, Territory of Hawaii.

MY COMMISSION EXPIRES AUGUST 14, 1948

Filed at Ma o'clock 19

Clerk.

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

In the Matter of the Estate  
of  
MALANI MAKI,  
late of Haena, Kauai,  
Deceased.

Probate No. 1455

FIRST AND FINAL ACCOUNT OF JACOB KAOAHI MAKI, ADMINISTRATOR

SCHEDULE "A" -- RECEIPTS

NONE

SCHEDULE "B" -- DISBURSEMENTS

Sept 20 1945	A. G. Kaulukou to Petition for Letters of Administration - Fifth Circuit Court	\$ 25.00
Vou. No. 1	( advanced by Jacob K. Maka )	
Mar 23 1946	Garden Island Publishing Co. Ltd. - Notice to Creditors	10.00
Vou. No. 2	( advanced by Jacob K. Maka )	
Nov 23 1946	Tax Assessor, Fourth Division, Kauai, Real Property Taxes	11.42
Vou. No. 3 4 5	( advanced by Jacob K. Maka )	
April 22 1947	Fifth Circuit Court - Petition for Allowance of Account and Discharge of Administrator, and Distribution	10.00
Vou. No. 6	( advanced by Jacob K. Maka )	
	Total	<u>\$56.42</u>

SCHEDULE "C"

Receipts as per Schedule "A" none  
Disbursements as per Schedule "B" \$56.42

I HEREBY CERTIFY that the foregoing Account, Schedules "A",  
"B" and the vouchers herewith produced and filed are full, true  
and correct statements of all sums paid by me as Administrator,  
up to and including the 22<sup>nd</sup> day of April, 1947.

Subscribed and sworn to before me  
this 22<sup>nd</sup> day of April, 1947.

Lawrence S. Lawrence  
Notary Public, Fifth Judicial  
Circuit, Territory of Hawaii.

Jacob K. Maka

SCHEDULE "D" -- INVENTORY

REAL PROPERTY:

- (1) L. C. AW. 9803, Wainiha, Kauai,  
1.59 Acres; Tax Key 5-8-04-8.
- (2) Haena Hui, undivided interest  
.01316 Acre.
- (3) L. C. AW. 10562:2 Haena Houselot.  
1.88 Acres.
- (4) L. C. Aw. 10562:1, Haena, Kauai,  
1.60 Acres.

CASH:

Savings Account - American Security Bank \$507.48

Jacob K. Maku  
Administrator

P. No. 1455

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

In the Matter of the Estate of )  
KALANI MAKI, )  
late of Haena, Kauai, )  
Deceased. )

ORDER FIXING TIME AND FOR NOTICE OF HEARING PETITION  
FOR ALLOWANCE OF ACCOUNT, DETERMINATION OF TRUST AND  
DISTRIBUTION OF THE ESTATE

FILED at 3:05 o'clock ~~p~~ m.

April 22, 1947.

Samuel H. Moore  
File Clerk, Circuit Court, Fifth  
Circuit, Territory of Hawaii.

A. G. KAULIKOU, ESQ.  
Attorney for Petitioner  
Lihue, Kauai, T. H.

P. No. 1455

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

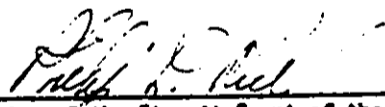
In the Matter of the Estate of )  
MALANI MAKA, )  
late of Haena, Kauai, )  
Deceased. )

ORDER FIXING TIME AND FOR NOTICE OF HEARING PETITION  
FOR ALLOWANCE OF ACCOUNT, DETERMINATION OF TRUST AND  
DISTRIBUTION OF THE ESTATE

IT IS HEREBY ORDERED that Monday, the 2nd day of June, 1947,  
at 1:30 o'clock P.M., before the Judge of this Court, presiding in  
Probate, in his Courtroom, Circuit Court Building, Lihue, Kauai,  
T. H., be and is appointed the time and place for hearing the  
Petition for Allowance of Account, Determination of Trust and  
Distribution of Estate in the above entitled estate, and for the  
hearing of all persons interested therein; and

IT IS FURTHER ORDERED that notice of this order shall be  
published in "The Garden Island," a newspaper of general circulation,  
printed and published in said Lihue, Kauai, T. H., once a week in  
each of four successive weeks, the last publication to be not less  
than ten days prior to the date herein appointed for said hearing.

DATED: Lihue, Kauai, T. H., April 22<sup>nd</sup>, 1947.

  
\_\_\_\_\_  
Judge of the Circuit Court of the  
Fifth Circuit, Territory of  
Hawaii.

FIFTH CIRCUIT COURT NOTICE

Estate of EALANI MAKA, Deceased  
Probate No. 1455

FIRST AND FINAL ACCOUNT OF JACOB K. MAKA, Administrator, and petition for allowance of same, for distribution of the estate of Ealani Maka, deceased, and for discharge of said Administrator, having been filed, all persons interested are notified that -

AN ORDER has been entered and filed appointing Monday, the 22 day of June, 1947, at 1:30 o'clock P M., in the Courtroom of the Fifth Circuit Court, in Lihue, Kauai, T. H., the time and place for hearing said petition and all persons interested therein.

Dated: April 22, 1947.

BY THE COURT:

Amie Umanui  
Chief Clerk

(Publish in the Garden Island - April 29, May 6, 13, 20, 1947)

Received a copy of the foregoing for publication as above indicated this 26th day of April, 1947.

GARDEN ISLAND PUBLISHING CO., LTD.,

By Winnona Keali

Filed at 9:15 o'clock 9 M.

April 25, 1947.

Samuel M. Munn  
Clerk, Fifth Circuit Court.

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT COUNSEL

IN PROBATE

In the Matter of the Estate of )  
LALANI MAKA, ) Probate No. 1455  
Deceased. )

REPORT ON AND CERTIFICATE AS TO FIRST AND FINAL  
ACCOUNT OF ADMINISTRATOR

I hereby certify that I have examined the First and Final Account of Jacob Knoshi Maka, Administrator of the Estate of Lalani Maka, deceased, which was filed in the above entitled court and matter on April 22, 1947, and that I have found such account correct as to the addition of amounts as set forth in Schedule "B", and Schedule "C" of said account contains an inventory of the assets of the estate and same appears to be full, true and correct.

Under Schedule "A" - Receipts, the duly appointed administrator of the estate shows no income received during the period covered by the said account.

All disbursements shown by Schedule "B" of said account are supported by proper vouchers, except Voucher No. 2, said disbursement being supported by a cancelled check. A duplicate receipt therefor should have been obtained from the Garden Island Publishing Company, Ltd.

That all disbursements made, as shown in Schedule "B" of said account, were from moneys advanced by the administrator.

Dated: Lihue, Kauai, T. H., May 19, 1947.

*James H. ...*  
Assistant Deputy Clerk and Cashier  
Circuit Court, Fifth Circuit  
Territory of Hawaii.

FILED *3:25* o'clock *pm*

*May 19* 19*47*

*James H. ...*

Deputy Clerk, Circuit Court, Fifth  
Circuit, Territory of Hawaii

In the Circuit Court of the Fifth Circuit

TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

IN THE MATTER OF

ESTATE OF FALANI WAKA, DECEASED

PROBATE NO. 1455

Affidavit of Publication

Territory of Hawaii }  
County of Kauai. } ss.

Winona Keahi being duly sworn,

deposes and says, that he is the Cashier of "The Garden Island," a newspaper published in Lihue, County of Kauai, Territory of Hawaii; that the NOTICE in the above entitled matter of which the annexed is a true and correct printed copy, was published

times in "The Garden Island" aforesaid, commencing on the 19th day of April, 1947

and ending on the 20th day of April, 1947 (both days inclusive), to-wit: on

April 29, May 6, 13, 20, 1947

and that this affiant is not a party to or in any way interested in the above entitled matter.

Winona Keahi

Subscribed and sworn to before me this 26th day of May, A. D. 1947

Kayue Inomura  
Clerk of the Circuit Court of the Fifth Circuit.

FILED at 8:37 o'clock A.M.  
May 26, 1947  
Kayue Inomura  
Clerk, Circuit Court, Fifth  
Circuit, Territory of Hawaii



In the Circuit Court of the Fifth Circuit

TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

IN THE MATTER OF

ESTATE OF MALA'ANA, DECEASED

FILE NO. 1435

Affidavit of Publication

Territory of Hawaii } ss.  
County of Kauai.

"Inona Kaohi being duly sworn, deposes and says, that he is the Cashier of "The Garden Island," a newspaper published in Lihue, County of Kauai, Territory of Hawaii; that the NOTICE in the above entitled matter of which is annexed is a true and correct printed copy, was published ... times in "The Garden Island" aforesaid, commencing on the 29th day of April, 1947, and ending on the 20th day of May, 1947, (both days inclusive), to-wit: on April 29, May 6, 13, 20, 1947

and that this affiant is not a party to or in any way interested in the above entitled matter.

Inona Kaohi

Subscribed and sworn to before me this 26th day of May, A. D. 1947.

Kahe Memura  
Clerk of the Circuit Court of the Fifth Circuit.

FILED IN THE COUNTY OF KAUAI, TERRITORY OF HAWAII, ON APRIL 29, 1947, AT 8:37 A.M. BY THE CLERK OF THE COURT.

FILED at 8:37 o'clock a.m. May 26, 1947. Clerk of the Circuit Court of the Fifth Circuit, Territory of Hawaii

DOCUMENT CAPTURED AS RECEIVED

The Grand Court of the Fifth Circuit


TERRITORY OF HAWAII

IN PROBATE

MEMBERS

Allegation of Fraud

... and correct printed copy was published ...

<p><b>Affidavit of Publication</b></p> <p>... of the ...</p> <p>... (date) ...</p> <p>... in the ...</p>	
--	---

Oct 1

... and ...

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

IN OPEN COURT  
MONDAY, JUNE 2, 1947  
COURT CONVENED AT 1:30 P. M.

Present: HONORABLE PHILIP L. RICE, Judge Presiding  
William Nestuk, Court Reporter  
John Ilalaole Jr., Courtroom Clerk

In the Matter of the Estate  
of  
EALANI MAKI,  
Deceased.

PROBATE NO. 1455

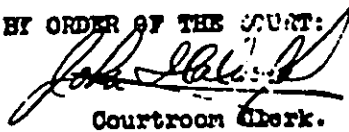
Appearances: None.

Due to the absence of counsel for petitioner and upon the oral request of counsel, the Court continued the matter until 1:30 p. m., June 3, 1947.

The Court noted no appearances.

Next case was called.

BY ORDER OF THE COURT:

  
Courtroom Clerk.

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

In the Matter of the Estate)  
of )  
EALANI LAKA, )  
Decensed. )

PROBATE NO. 1455

T-R-A-N-S-C-R-I-P-T

FILED at 1:55 o'clock p.m.

*James H. Finney*  
1947  
*James H. Finney*  
File Clerk, Circuit Court Fifth  
Circuit, Territory of Hawaii.

Before

Honorable Philip L. Rice, Judge Presiding.

William Kostuk  
Court Reporter

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

In the Matter of the Estate)  
of )  
EALANI L. L. L. )  
Deceased.)

PROBATE NO. 1455

Lihue, Kauai  
June 2, 1947  
Convoked 1:30 p.m.

T-R-A-N-S-C-R-I-P-T

Before

Honorable Philip L. Rice, Judge Presiding.

Appearance:

None.

-----  
(The Clerk called the case.)

THE COURT: Anybody present? (No response) There being no appearance,  
upon the oral request of the attorney for the petitioner, this matter is con-  
tinued until tomorrow afternoon at 1:30.

(Next case was called.)  
-----

I hereby certify that the above transcript is a true and correct trans-  
cript of my shorthand notes taken on said date.

*William West*  
Court Reporter

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

IN OPEN COURT  
TUESDAY, JUNE 3, 1947  
COURT CONVENED AT 1:42 P. M.

Present: HONORABLE PHILIP L. RICE, Judge Presiding  
William Nestuk, Court Reporter  
John Ilalaolo Jr., Courtroom Clerk

In the Matter of the Estate  
of  
EALANI MAKA,  
Deceased.

PROBATE NO. 1455

Appearances: A. C. Kaulukou, Esq., attorney for petitioner.  
Jacob Knochii Maka, petitioner.

The Court noted the report of the Ass't Deputy Clerk & Cashier on the accounts as filed by the administrator and apprised the administrator that a duplicate receipt should have been obtained and filed as Voucher 2, instead of the cancelled check, and that the savings account as listed in the inventory should have been collected and must be collected prior to his discharge as administrator.

Mr. Jacob K. Maka was sworn. He testified that he is the administrator of the estate of above named decedent; that he is familiar with the value of the real estate of decedent; that the realty is worth about \$1000; that the improvements on the land were washed away with the tidal wave; that there is only a small building on the premises; that he has paid for the expenses of the estate out of his personal funds, including the funeral expenses of decedent.

The Court allowed the administrator to reimburse himself for the expenses of the estate, including the funeral expenses of decedent, from whatever personally remaining, and allowed the attorney a fee of \$100.

The Court, subject to the filing of a statement showing the collection of the savings account and the filing of a duplicate receipt showing payment by the administrator of the funeral expenses of decedent, approved and allowed the accounts as filed and ordered distribution of the estate to the heirs of decedent, namely, Jacob K. Maka, undivided one-half interest, and the seven children of Irene Thomas, deceased, the remaining one-half undivided interest in equal shares of the realty.

Next case was called.

BY ORDER OF THE COURT:

*John Ilalaolo Jr.*  
Courtroom Clerk.

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

In the Matter of the Estate)  
of )  
EALANI MAKA, )  
Deceased. )

PROBATE NO. 1455

T-R-A-N-S-C-R-I-P-T

FILED at 8:48 o'clock a. m.

June 4, 1927

*Shannon M. ...*  
File Clerk, Circuit Court, Fifth  
Circuit, Territory of Hawaii.

Before

Honorable Philip L. Rice, Judge Presiding.

William Westok  
Court Reporter

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

In the Matter of the Estate)  
  )  
  of    )  
  EALWT LAYA,    )  
  )    )  
  Deceased. )

PROBATE NO. 1455

Lihue, Kauai  
June 3, 1947  
Convened 1:42 p.m.

T-R-A-N-S-C-R-I-P-T

Before

Honorable Philip L. Rice, Judge Presiding.

Appearances:

A. G. Kaulukou, Esq., attorney for administrator.  
Jacob Koaahi Maka, administrator of the estate.

-----  
(The Clerk called the case.)

THE COURT: There is a report filed herein by the acting Deputy clerk finding that the account is correct as to schedules B and D of said account, but under schedule A the administrator shows no receipts by way of income and disbursements shown by Schedule B of the account are supported by proper vouchers, except voucher No. 2, the disbursement of which is supported by a cancelled check. A duplicate receipt should have been obtained from the Garden Island Publishing Company for that. However, as it is supported by check, the Court will allow that. But upon the Court's examination of the account, the Court finds that in the inventory there is a savings account, American Security Bank, in the sum of \$507.48. That should have been collected by the administrator because it will be uncollectible otherwise; if the estate is closed, the administrator will not be able to collect that.

Has there been any appraisal of the estate?

MR. KAULUKOU: No, your Honor.



THE COURT: Is the estate of a value in excess of \$1500.00 then?

MR. KAULUKOU: We might put the administrator on the stand.

JACOB KAOAHI MAKA,

being first duly sworn, testified on oath as follows:

DIRECT EXAMINATION

BY MR. KAULUKOU:

Q. What is your name, please.

A. Jacob Koaahi Maka.

Q. And you have been acting as administrator for the estate of your mother, Kalani Maka, is that right?

A. Yes.

Q. And you are familiar with real estate, are you not?

A. Quite.

Q. And relative to the value of this estate, Mr. Maka, can you, of your own knowledge, say as to its value?

A. Yes, I can.

Q. And what is the value of it, so far as you are aware, the value of the lands?

A. The values of the land as placed before, say, about a little less than a thousand dollars.

Q. How much?

A. Less than a thousand dollars.

BY THE COURT:

Q. The Court finds at the hearing herein on December 10, 1945--that is the date of the hearing on petition for letters of administration, Mr. Maka stated that the kuleanas at Wainiha and Haena were valued at \$112.00, is that correct?

A. Those kuleanas are.

Q. And Haena Hui valued at about \$144.00?

A. At that time, yes.

Q. Has it increased in value?

A. No, it is less after the tidal wave.

Q. But at the time of your mother's death, it was worth about \$144.00?

A. That is right.

Q. House lot at Haena and improvements thereon were then valued at about \$783.00, is that correct?

A. Yes, your Honor.

Q. What became of the improvements?

A. There is no improvement.

Q. All wiped out by the tidal wave?

A. Yes, your Honor.

Q. There has been no reconstruction?

A. No, your Honor.

MR. KAULUKOU: Some of the houses were restored.

THE WITNESS: Just the cook house and a little bit of a place for my brother to live in right now, not much of a house, but we are hoping after the lumber comes in, we will be able to build.

Q. The Court finds also that you paid the expenses of the funeral amounting to \$752.00?

A. Yes, mother's funeral.

Q. Are you asking to be--

MR. KAULUKOU: I am asking, first of all, that the administrator be reimbursed the various amounts he advanced, totaling \$56.42.

THE COURT: Those items were all advanced by you personally, is that right?

THE WITNESS: Yes, your Honor.

THE COURT: It is so ordered. You may readily be reimbursed if you get the proceeds of the savings account.

MR. KAULUKOU: Relative to the money advanced by him for funeral expenses, may I ask the--there is no request here for him to be reimbursed.

THE COURT: You are not asking to be reimbursed for that amount?

MR. KAULUKOU: It seems to me some reimbursement ought to be made out of it.

THE COURT: Have you a receipt from the funeral parlor?

THE WITNESS: Your Honor, I have had but since the tidal wave--

THE COURT: You could get a duplicate, could you not?

THE WITNESS: I believe I could.

MR. KAULUKOU: I believe that could be arranged.

As to the fees, I leave that to the Court. I do not ask for what is regarded as a full consideration, but such nominal amount as your Honor may deem fit in the premises for the work attending the services.

THE COURT: You have handled the estate from the initiation of the petition for appointment of administrator?

MR. KAULUKOU: Yes, your Honor.

THE COURT: To the conclusion hereof?

MR. KAULUKOU: Yes, your Honor.

THE COURT: And will no doubt prepare the order approving accounts for distribution?

MR. KAULUKOU: After all these other details that have just been indicated have been taken care of.

THE COURT: The Court would say that normally a fee of \$100.00 would be reasonable.

MR. KAULUKOU: That would be acceptable, your Honor.

THE COURT: The fact is that if the estate were of greater value, the Court would feel that fee should be in excess of that. Is a fee of \$100.00, in view of the smallness of the estate, satisfactory to you?

MR. KAULUKOU: Very agreeable, your Honor.

THE COURT: Such a fee will be allowed. The administrator will file a duplicate receipt from Kauai Mortuary, showing the payment by him of the funeral expenses. The Court will allow so much reimbursement thereof as there is cash on hand, but the Court does not feel that any of the real estate should be sold for that purpose.

THE WITNESS: No, your Honor.

THE COURT: Subject to the filing of a supplementary statement showing the collection of the savings account which may have interest to date--may it not; this \$507.48 is without interest?

THE WITNESS: That is with interest.

THE COURT: To what date?

THE WITNESS: I can not recall; I think it was September of the year before last.

THE COURT: That was in your mother's name, that account?

THE WITNESS: Yes, your Honor.

THE COURT: That should be collected then. From that you may pay yourself the disbursements you have made and pay your attorney's fees; and the premium on bond has been paid, has it?

MR. KAULUKOU: Yes, your Honor.

THE COURT: The estate may be closed and the Court finds those named in the order appointing administrator to be Agnes Thronas, Irene Thronas, Elia Thronas, Fred Thronas, Samuel Thronas, Henry Thronas and Betty Thronas, children of your deceased sister, Irene Maki Thronas.

THE COURT: There were just the two of you children?

THE WITNESS: Yes, your Honor.

THE COURT: They will take amongst themselves one half. There will be no personal property left then, or personalty. They will share an undivided one-half amongst themselves; each will take a one-fourteenth interest in the realty and you, Jacob Kaonahi Maki, will be entitled to the other half interest. The Court will approve the account, subject to the filing of the supplementary account and an order may be submitted for signature later without further hearing thereon.

(Next case was called.)

I hereby certify that the above and foregoing transcript is a true and correct transcript of my shorthand notes taken on said date.

*William Vestak*  
Court Reporter

P. No. 1455

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT,  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

In the Matter of the Estate of )  
EALANI MAKa, )  
late of Haena, Kauai, )  
Deceased. )

---

SUPPLEMENTARY ACCOUNT

FILED at 9:25 o'Clock A. M.  
May 1 1948  
*Kajue Inamura*  
Clerk, Circuit Court, Fifth Circuit

A. G. KAULUKOU, ESQ.,  
Lihue, Kauai, T. H.  
Attorney for the Administrator.

P. No. 1455

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

In the Matter of the Estate of )  
EALANI MAKI, )  
late of Haena, Kauai, )  
Decedent. )

SUPPLEMENTARY ACCOUNT

SCHEDULE "A" - RECEIPTS

<u>1946</u>	
July 15	American Security Bank-Withdrawal of Savings Account #750 (not previously reported in Administrator's First and Final Account . . . \$509.74 Interest . . . . . 2.61
<u>1947</u>	
Dec 10	Jacob K. Maka - advance to cover deficiency in estate funds for expenses . . . . . 31.65
	<u>\$544.00</u>

SCHEDULE "B" - PAYMENTS

<u>1947</u>	
June 23 #1	A. G. Kaulukou - Attorney's Fees . . . . . \$100.00
Nov 26 #2	Ching Young Store - Payment in full of claim (account not previously taken care of prior to filing of First and Final Account . . . . . 350.00
Dec 10 #3	Kauai Mortuary, Ltd. - Funeral Expenses . . . . . 94.00
	<u>\$544.00</u>

SCHEDULE "C"

Receipts as per Schedule "A" . . . . .	\$544.00
Payments as per Schedule "B" . . . . .	\$544.00

SCHEDULE "D" - INVENTORY

REAL PROPERTY:

- (1) L.C.Aw. 9803, Wainiha, Kauai, 1.59 acres.
- (2) Haena Iui, undivided interest, .01316 acre.
- (3) L.C.Aw. 1056:1 Haena, Kauai, 1.60 acres.
- (4) L.C.Aw. 1056:2 Haena Houselot. 1.88 acres.

I HEREBY CERTIFY that the foregoing Account, and the vouchers herewith produced and filed are full, true and correct statements of all sums paid by me as Administrator, up to and including the 10th day of December, 1947.

Subscribed and sworn to before me this 28<sup>th</sup> day of April, 1948.  
William L. Malahon  
Notary Public, Fifth Judicial Circuit, Territory of Hawaii.  
My commission expires: Jan. 31, 1952

*Jacob K. Maka*

P. No. 1455

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

In the Matter of the Estate )  
of )  
BALANI MAKI, )  
late of Haena, Kauai, )  
Deceased. )

ORDER APPROVING ACCOUNTS, DECREESING DISTRIBUTION  
OF THE ESTATE AND DISCHARGE OF ADMINISTRATOR

FILED at 9:25 o'clock A. M.

July 8 19 46

Serge J. Nakamura  
Clerk, Circuit Court, Fifth Circuit.

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

AT CHAMBERS

IN PROBATE

In the Matter of the Estate of )  
EALANI MAKI, )  
late of Haena, Kauai, )  
Deceased. )

ORDER APPROVING ACCOUNTS, DECREERING DISTRIBUTION  
OF THE ESTATE AND DISCHARGE OF ADMINISTRATOR

JACOB KAOAHI MAKI, Administrator of the Estate of Ealani Maka, Deceased, having on April 22, 1947, filed in the above entitled Court and matter his account and a petition, both verified, the said account purporting to show fully all receipts and disbursements for one period from and including September 20, 1945 to April 22, 1947, and to contain an inventory showing all property belonging to the said estate; and the said petitioner purporting to show what has been done by the said Administrator in the performance of his duties as such and praying that an order be made to deliver over such property as remains to the persons entitled thereto, and that the said Jacob Kaoahi Maka be relieved from all further responsibility as such Administrator;

An order was entered and filed on April 22, 1947, whereby Monday, June 2, 1947, at 1:30 o'clock P. M., before the Judge of the Fifth Circuit Court, Territory of Hawaii, presiding in Probate, in the Courtroom of said Court, Lihue, Kauai, were appointed the time and place for the hearing of said petition and all persons interested



therein; and it was required that notice of such order be published in The Garden Island, a newspaper of general circulation, once a week in each of four successive weeks, the last publication to be not less than ten days prior to the date appointed for said hearing;

On June 2, 1947 at 1:30 o'clock P. M., the time and place appointed as aforesaid for hearing of said petition, and it then appearing by affidavit filed herein that notice of said order of April 22, 1947 was duly given as thereby required by publication in The Garden Island newspaper on April 29, May 6, 13 and 20, 1947, this matter was continued to June 3, 1947, at 1:30 o'clock P. M. On June 3, 1947 at 1:30 o'clock P. M., the said matter was duly called. and A. G. Kaulukou, Esq., appeared as attorney and counsel for and on behalf of said petitioner who was also present in Court.

The Court, having examined the record and files herein and the said account and also the supplementary account and the vouchers therewith in support of the items of disbursement shown therein, finds the allegations of the petition to be established by competent and credible evidence, the accounts to be in order and correct, and that no inheritance tax is payable on account of the estate.

The Court further finds from the evidence herein adduced that the deceased left as her heirs at law and next of kin an adult son and seven grandchildren, namely:

Jacob Kaoahi Maka,	son
Agnes Thronas	granddaughter
Irene Thronas	granddaughter
Elia Thronas	grandson
Fred Thronas	grandson
Samuel Thronas	grandson
Henry Thronas	grandson
Betty Thronas	granddaughter

NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

(1) That the Final Account and the Supplementary Account of Jacob Kaoahi Maka, Administrator of the Estate of Ealani Maka, be and the same are approved, allowed and settled;

(2) That the possession and control of the Administrator herein as to the whole of the real estate of the decedent be and hereby is, terminated; that all such right, title and interest as said decedent had in real estate at the time of her death, November 7, 1936, is vested in Jacob Kaoahi Maka, her son, and Agnes Thronas, Irene Thronas, Elia Thronas, Fred Thronas, Samuel Thronas, Henry Thronas, and Betty Thronas, as tenants in common, said Jacob Kaoahi Maka being entitled to an undivided one-half interest therein and each of said grandchildren being entitled to an undivided one-fourteenth interest therein; and

(3) That the said Administrator is discharged from all further responsibility as such, his bond cancelled and the surety thereon released from further obligation.

Dated at Lihue, Kauai, T. H., July 27<sup>th</sup>, 1948.

  
Judge of the Circuit Court of the  
Fifth Circuit, Territory of Hawaii.

2



# First American Title Company of Hawaii, Inc.

TO: MR. JIMMY ZAIMA, MS. ALEXIS I. ZAIMA,  
MS. LA VERNE K. BREDE, and MR. CLESSON A. ZAIMA  
P.O. BOX 1365  
LIHUE, HI 96766

DATE: December 01, 1989

FROM: Gail Matsukawa, Kauai Branch

ESCROW NO: B1770  
SANTOS, etal/ZAIMA, etal

ATTACHED PLEASE FIND THE FOLLOWING:

Property: Haena, Halalaea, Kauai

TMK: 4th/5-9-03-05

ORIGINAL	Certified COPY	DESCRIPTION			
<input type="checkbox"/>	<input type="checkbox"/>	TITLE EVIDENCE	_____		
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DEED: WARRANTY	BOOK	<u>23394</u>	PAGE <u>143</u> DOC. NO. _____
<input type="checkbox"/>	<input type="checkbox"/>	LEASE:	BOOK	_____	PAGE _____ DOC. NO. _____
<input type="checkbox"/>	<input type="checkbox"/>	ASSIGNMENT OF LEASE:	BOOK	_____	PAGE _____ DOC. NO. _____
<input type="checkbox"/>	<input type="checkbox"/>	CONSENT:	BOOK	_____	PAGE _____ DOC. NO. _____
<input type="checkbox"/>	<input type="checkbox"/>	MORTGAGE:	BOOK	_____	PAGE _____ DOC. NO. _____
<input type="checkbox"/>	<input type="checkbox"/>	ASSIGNMENT OF MORTGAGE:	BOOK	_____	PAGE _____ DOC. NO. _____
<input type="checkbox"/>	<input type="checkbox"/>	AGREEMENT OF SALE:	BOOK	_____	PAGE _____ DOC. NO. _____
* <input type="checkbox"/>	<input type="checkbox"/>	TRANSFER CERTIFICATE OF TITLE NO.	_____		
<input type="checkbox"/>	<input type="checkbox"/>	FIRE POLICY NO. _____ CO: _____	_____		
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____		
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____		
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____		
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____		

REMARKS: RETAIN THIS COPY  
FOR YOUR FILES

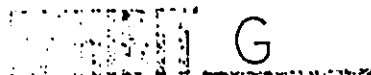
\* IMPORTANT

IF A TRANSFER CERTIFICATE OF TITLE IS BEING TRANSMITTED,  
PLEASE RETURN RECEIPT.

Received by party addressed:

By \_\_\_\_\_

Date: \_\_\_\_\_





66847

Recordation requested by:

Kawai B 1770y

After recordation, return to:

First American Title Co. of Hawaii, Inc.

170 So. King Street, 20th Floor  
Honolulu, HI 96813

Return by Mail  Pickup

88- 85514

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
RECEIVED FOR RECORDS

1988 JUN 17 AM 8:01

22044 464

LIBER/PS  
LAWRENCE R. VIELA, REGISTRAR

KURT R. BOSSHARD #2915  
3144 Elua Street  
Lihue, Hawaii 96766  
Telephone: 245-5302

Attorney for Plaintiffs

RECEIVED  
COURT OF APPEALS  
HAWAII

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT

'88 APR 28 12:04

STATE OF HAWAII

JAMES K. ZAIMA, et al.,  
Plaintiffs,  
vs.  
The Heirs, Assigness of Devisees of  
OPU(k), also known as I. OPU(k),  
and Occupants of Adjoining Parcels  
of Land; STATE OF HAWAII, et al.,  
Defendants.

CIVIL NO. 87-0170  
JUDGMENT; EXHIBIT "A"

JUDGMENT

Pursuant to the Decision and Order filed herein on April 28,  
1988,

IT IS HEREBY ORDERED:

That the Plaintiffs above named be and they are hereby  
declared and adjudged to be the owners, as tenants in common, of  
that parcel of land in Haena, Kauai, Hawaii, identified as TMK:  
5-9-3-5, area of 47,611 square feet, and more particularly  
described in Exhibit "A" attached hereto and made a part hereof.

1. MINERAL RESERVATION

Title to the lands in this action are subject to the  
reservation of all minerals and metallic mines of every

I hereby certify that the within document is a full,  
correct copy of the original on file in this office.  
*Richard C. Lee*  
Circuit Court, Fifth Circuit  
State of Hawaii

description in favor of the State of Hawaii (as stated in Royal Patent No. 6993);

2. WATER RIGHTS RESERVED FROM ADJUDICATION

No right, title, interest or claims to water having its source upon or flowing over, or under the lands involved in this action shall be adjudicated herein;

3. BOUNDARIES

Plaintiffs' property description as described in Exhibit "A" of Plaintiffs' Complaint does not encroach upon State land being School Grant 41, Apana, 8, being EXCLUSION 10 of Haena Hui Land;

4. The State makes no representation as to that portion of Plaintiffs' property that borders on Road "A" which is under the ownership of Kauai County;

DATED: Lihue, Hawaii, APR 28 1988

[Signature]  
JUDGE OF THE ABOVE ENTITLED COURT

APPROVED AS TO FORM AND CONTENT:

[Signature]  
STEVEN K. CHANG  
Attorney for State of Hawaii

ZAIMA, et al., vs. The Heirs, Assignees of CIVIL NO. 87-0170  
Devisees of OPU(k), also known as I. OPU(k),  
and Occupants of Adjoining parcels of Land;  
STATE OF HAWAII, et al.,  
"JUDGMENT; EXHIBIT "A" "

Land situated on the North side of Kuhio Highway Road "A" of Haena Hui Land and approximately 1,800 feet West of Haena Park at Haena, Halelea, Kauai, Hawaii, being the whole of Royal Patent 6993, Land Commission Award 10,562, Apana 1 to Opu, and being more fully described as follows:

Beginning at a pipe (found) at the North corner of this parcel of land being, also, the North corner of Road "K" of Haena Hui Land and on the Southwest boundary of School Grant 41, Apana 8 being EXCLUSION 10 of Haena Hui Land, the coordinates of said point of beginning referred to Governemnt Survey Triangulation Station "NIHA 2" being 307.05 feet South and 9,123.78 feet West and running by azimuths measured clockwise from True South:

1. 353°00' 363.00 feet along Road "K" of Haena Hui Land to a pipe (set);

Thence along the North side of Kuhio Highway, on a curve to the left having a radius of 220.00 feet, the chord azimuth and distance being:

2. 83°00' 75.14 feet;
3. 83°00' 31.25 feet along Lot 106 of Haena Hui Land passing over a pipe;
4. 173°00' 165.00 feet along Lot 106 of Haena Hui Land passing over a "+" cut on rock (found) at a distance of 114.19 feet to a pipe (set);
5. 83°00' 45.41 feet along Lot 106 of Haena Hui Land to a pipe (set);
6. 173°00' 198.00 feet along Lot 105 of Haena Hui Land to a pipe (set);
7. 263°00' 151.80 feet along Lot 105 of Haena Hui Land to a pipe (found) at the point of beginning and containing An Area of 47,449 SQUARE FEET.

EXHIBIT .....<sup>"A"</sup>.....  
PAGE ...1... OF ...2... PAGES



SUBJECT, HOWEVER, TO:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. The Stipulation to State's rights filed on March 15, 1988 in Civil No. 87-0170, Circuit Court of the Fifth Circuit, State of Hawaii.

EXHIBIT     A      
PAGE   2   OF   2   PAGES

66847  
14 Recordation requested by:

Kauai B 1770 JG

After recordation, return to:

First American Title Co. of Hawaii, Inc.

220 South King Street, 7th floor  
Honolulu, Hawaii 96813

Return by Mail  Pickup

88- 85513

STATE OF HAWAII  
BUREAU OF CONDEMNATIONS  
RECEIVED FOR RECORD

1988 JUN 17 AM 8:01

LIBER/22044 451  
ARCHIE K. VIELA, REGISTRAR



interest or claim to the property or have an interest in fixing the boundaries thereof.

3. Publication of Notice of Filing and Hearing of Complaint to Quiet Title was made once a week in each of four (4) successive weeks in the Honolulu Advertiser, a newspaper of general circulation in the State of Hawaii on September 23 and 30 and October 7 and 14, 1987 in form heretofore prescribed by Order of this Court and in the Kauai Times, a newspaper of general circulation printed and published in the County of Kauai, State of Hawaii, on September 23 and 30, and October 7 and 14, 1987.

4. Personal service of a certified copy of the Complaint and of the Exhibits attached thereto and the Summons were made upon each Defendant known to Plaintiffs to be residing within the State of Hawaii and whose residence address is known to Plaintiffs.

5. Each Defendant known to Plaintiffs as not being a resident of the State of Hawaii but whose mailing address is known was given notice by mail sent by Plaintiffs' attorney pursuant to Order of the Court.

6. The Deputy Sheriff of the State of Hawaii posted a duly attested copy of the Notice of Filing and Hearing of Complaint to Quiet Title on the premises described in the Complaint, said posting having been made more than fourteen (14) days prior to the date of the hearing.

7. On December 4, 1987, at the time set for hearing by Order of the Court, by direction of the Court, the Courtroom

Bailiff went outside the door of the Courtroom and called all parties interested to come into the Court; that such Bailiff reported doing so and the Court took notice that there was no response to such calling by anyone but the Plaintiffs and there was no personal appearance by anyone to contest the Complaint.

8. Upon request of the Plaintiffs for Entry of Default against all the Defendants above named and to all whom it may concern for failure to plead or to appear or otherwise defend as to the Complaint filed herein, default was entered pursuant to Rule 55(a), Hawaii Rules of Civil Procedure, against all of said Defendants and to all whom it may concern, EXCEPT the State of Hawaii who filed a timely Answer to the Complaint.

DESCRIPTION OF THE PROPERTY

9. The parcel of land situated in Haena, Kauai, Hawaii, and identified as TMK: 5-9-3-5, area of 47,611 square feet. The metes and bounds description of the parcel is attached hereto as Exhibit "A" and incorporated herein by reference.

QUIET TITLE

10. The source and devolution of title to the property to the Plaintiffs is as follows:

I. Opu(k), original Awardee and Patentee under Land Commission Award No. 10562, dated January 23, 1851, and Royal Patent No. 6993, dated October 24, 1877; HOWEVER, records on file at the Hawaii State Archives discloses the following:

(1) OPU(k), also known as I. OPU(k), was a resident of Haena, Kauai, who occupied a house lot along with one Kuaihelani (no gender shown); and

(2) One OPU(k) married one Kahikinui(w) on October 27, 1849 at Koloa, Kauai; and

The interest of said OPU(k) in and to the land under search was purportedly claimed by one EALANI(w), also known as EALANI MAKA, wife of LAWELA MAKA(k), also known as Lowell Maka; and

No record of transfer(s) and/or conveyance(s) under the name(s) of EALANI(w), also known as EALANI MAKA(w), affecting the land under search;

HOWEVER, probate proceedings on file at the Circuit Court of the Fifth Circuit, Territory of Hawaii (now State of Hawaii) made in matter entitled, "IN THE MATTER OF THE ESTATE OF EALANI MAKA(w), late of Haena, Kauai, Deceased", under Probate No. 1455 discloses the following:

(1) EALANI MAKA(w) died intestate on November 7, 1936 at Haena Kauai; and by

(2) Final Order of Distribution dated July 8, 1948, the estate of the said decedent was distributed to the following, to-wit:

JACOB KAOAHI MAKA, Son, as to an undivided one-half (1/2) interest;  
 AGNES THRONAS  
 IRENE THRONAS  
 ELIA THRONAS  
 FRED THRONAS  
 SAMUEL THRONAS  
 HENRY THRONAS  
 BETTY THRONAS, grandchildren (the children of Irene Maka Thronas, deceased daughter), each as to an undivided one-fourteenth (1/14) interest, ALL AS TENANTS IN COMMON; and

No records of transfer(s) and/or conveyance(s) under the name of JACOB KAOAHI MAKA(k), son of said EALANI MAKA, affecting the land under search; HOWEVER, the following appears of record affecting the purported undivided one-half (1/2) interest of said Jacob Kaoahi Maka in and to the land under search.

(a) ORDER FOR APPROVAL OF FIRST AND FINAL ACCOUNTS, DISTRIBUTION OF ESTATE AND DISCHARGE OF ADMINISTRATRIX

Dated: May 9, 1963  
 Grantor(s): Estate of Jacob Kaoahi Maka, also known as Jacob Maka, Deceased, Probate No. 1884, Circuit Court of the Fifth Circuit, State of Hawaii.

Distributees: Murphy Kuaihealani Maka  
 Mildred Olanolan  
 Helena Santos  
 Marjorie Yokotake; and  
 Hilda Zaima  
 (no marital status shown for all)  
 Liber: 4527  
 Page: 580

Distributes: An undivided one-half (1/2) interest in and to the land under search (besides other lands); Subject to the interest by way of Dower of Myra Elizabeth Maka, widow.

NOTE: No record of transfer(s) and/or conveyance(s) under the name of Mildred Olanolan, also known as Mildred Kaili Chung, affecting the land under search. However, the following appears of record affecting the purported one-tenth (1/10) interest of said Mildred Olanolan in and to the land under search:

(b) ORDER APPROVING ACCOUNT, DETERMINING TRUST AND DISTRIBUTING THE ESTATE

Dated: December 16, 1975  
 Grantor: Estate of Mildred Kaili Chung, Deceased,  
 Probate No. 2312, Circuit Court of the Fifth  
 Circuit, State of Hawaii  
 Distributees: Michael Olanolan; Maydene Olanolan Paik;  
 Vivian Olanolan White; Sheila Ann Olanolan  
 Desilva; Wendall Olanolan; and Dexter Chung  
 (no marital status shown for all) each  
 owning an undivided one-sixtieth (1/60)  
 interest  
 Liber: 11100  
 Page: 528  
 Distributees: An undivided one-tenth (1/10) interest in  
 and to the land under search (besides other  
 lands) subject to Walter Chung's Curtesy  
 Rights

(c) QUITCLAIM DEED

Grantor: Vivian Olanolan White, wife of Clyde K.  
 Grantee: White Emmaline L. White, wife of  
 Vernon K. White  
 Dated: June 8, 1976  
 Liber: 11460

Page: 334  
 Re: conveys one-sixtieth (1/60) interest in and to the land under search (Besides other lands) subject to Walter Chung's Curtesy Rights

## (d) QUITCLAIM DEED

Grantor: Michael Olanolan, husband of Janet Diane Olanolan  
 Grantee: Michael Ernest Olanolan and Janet Diane Olanolan, husband and wife, as Tenants by the Entirety  
 Dated: May 17, 1976  
 Liber: 11465  
 Page: 480  
 Re: conveys undivided one-sixtieth (1/60) interest in and to the land under search (Besides other land) subject to Walter Chung's Curtesy Rights

## (e) QUITCLAIM DEED

Grantor: Maydene Olanolan Paik, wife of James Paik  
 Grantee: Michael Ernest Olanolan and Janet Diane Olanolan, husband and wife, as Tenants by the Entirety  
 Dated: June 2, 1976  
 Liber: 11465  
 Page: 483

## (f) QUITCLAIM DEED

Grantor: Sheila Ann Olanolan DeSilva, wife of Michael DeSilva, Jr.  
 Grantee: Michael Ernest Olanolan and Janet Diane Olanolan, husband and wife, as Tenants by the Entirety  
 Dated: June 8, 1976  
 Liber: 11465  
 Page: 486  
 Re: conveys undivided one-sixtieth (1/60) interest in and to the land under search (Besides other land) subject to Walter Chung's Curtesy Rights

## (g) QUITCLAIM DEED

Grantor: Emmaline L. White, wife of Vernon K. White  
 Grantee: Vivian Olanolan White, wife of Clyde K. White  
 Dated: March 18, 1977  
 Liber: 12090



Page: 197  
 Re: conveys undivided one-sixtieth (1/60) interest in  
 and to the land under search (Besides other land)  
 subject to Walter Chung's Curtesy Rights

NOTE: No record of transfer(s) and/or conveyance(s) under the name of Myra Elizabeth Maka, widow of said Jacob Kaoahi Maka, affecting her purported dower interest in and to the death of Myra Elizabeth Gloss, formerly known as Myra Elizabeth Maka, on October 31, 1983, and;

No record of transfer(s) and/or conveyance(s), probate and/or judicial declaration of heirs under the name of Murphy Kuaihealani Maka, son of said Jacob Kaoahi Maka, affecting his purported one-tenth (1/10) interest in and to the land under search;

HOWEVER, records disclose that said MURPHY KUAIHEALANI MAKKA died intestate on October 17, 1984 purportedly leaving the following heirs-at-law surviving him, to-wit:

1. REBECCA KAPOLIKAAUMOANA MAKKA, widow
2. HENRIETTA BOND, wife of Kenneth Bond
3. MURPHY MAKKA, JR., unmarried
4. JACOB MAKKA, single
5. KEITH MAKKA, single, and
6. SHERMAN MAKKA, single

No record of transfer(s) and/or conveyance(s) under the same of HILDA ZAIMA, also known as HILDA A. ZAIMA and as HILDA APUAKAHEI ZAIMA, daughter of said Jacob Kaoahi Maka, affecting her purported one-tenth (1/10) interest in and to the land under search.

HOWEVER, probate proceedings on file at the Circuit Court of the Fifth Circuit, State of Hawaii, made in the matter entitled "THE ESTATE OF HILDA APUAKAHEI ZAIMA, also known as Hilda A. Zaima, Deceased", under Probate No. 86-0030 filed on August 5, 1986 discloses the following:

1. HILDA APUAKAHEI ZAIMA, died testate on April 6, 1986 at Lihue, Kauai, and
2. JAMES K. ZAIMA, also known as James Kaname Zaima, spouse, shown as Devisee; and
3. JAMES K. ZAIMA and ALEXIS I. ZAIMA were appointed Co-Personal Representatives of the Estate of Decedent under an Order dated and filed on September 8, 1986; and

No record of transfer(s) and/or conveyance(s) under the following name(s) affecting the land under search.

1. The children of IRENE MAKI THRONAS, deceased daughter of EALANI MAKI, to-wit:

- (a) AGNES THRONAS
- (b) IRENE THRONAS, now known as Irene Thronas Stron
- (c) ELIA THRONAS, now known as Olaf Elia Thronas;
- (d) FRED THRONAS
- (e) SAMUEL THRONAS
- (f) HENRY THRONAS; and
- (g) BETTY THRONAS, now known as Betty Thronas La Coe; and

2. The children of JACOB KAOAHI MAKI, deceased son of said EALANI MAKI, to-wit:

- (a) HELENA SANTOS, wife of Eugene Stanley Santos; and
- (b) MARJORIE YOKOTAKE; and

3. The children and spouse of MILDRED KAILI CHUNG, deceased daughter of said JACOB KAOAHI MAKI, to-wit:

- (a) WENDALL OLANOLAN
- (b) DEXTER CHUNG, and
- (c) WALTER CHUNG (spouse) and

4. The purported heirs of Murphy Kuaihealani Maka, deceased son of JACOB KAOAHI MAKI, to-wit:

- (a) REBECCA KAPOLIKAAUMOANA MAKI, widow
- (b) HENRIETTA BOND, wife of Kenneth Bond
- (c) MURPHY MAKI, JR., unmarried
- (d) JACOB MAKI, single
- (e) KEITH MAKI, single, and
- (f) SHERMAN MAKI, single

11. The possession of the property by Plaintiffs predecessors in title and interest was actual, open, notorious, continuous and exclusive for the required statutory period.

12. Plaintiffs and their predecessors in title and interest have paid all of the taxes assessed against the property.

13. The Plaintiffs filed their Complaint to Quiet Title in good faith in the belief that they are the owners of the property based upon inheritance and written instruments.

14. It is hereby stipulated by and between the Plaintiffs James K. Zaima, et al., and Defendant State of Hawaii, through their respective counsel that:

1. MINERAL RESERVATION

Title to the lands in this action are subject to the reservation of all minerals and metallic mines of every description in favor of the State of Hawaii (as stated in Royal Patent No. 6993);

2. WATER RIGHTS RESERVED FROM ADJUDICATION

No right, title, interest or claims to water having its source upon or flowing over, or under the lands involved in this action shall be adjudicated herein;

3. BOUNDARIES

Plaintiffs' property description as described in Exhibit "A" of Plaintiffs' Complaint does not encroach upon State land being School Grant 41, Apana, 8, being EXCLUSION 10 of Haena Hui Land;

4. The State makes no representation as to that portion of Plaintiffs' property that borders on Road "A" which is under the ownership of Kauai County;

CONCLUSIONS OF LAW

1. Plaintiffs and their predecessors in title and interest, by virtue of inheritance, conveyances, and by adverse possession, actual, open, notorious and continuous and exclusive for the required statutory period, have acquired title in fee simple to the property, and all other persons have not, nor has

any of them, any estate, right, title on interest whatever, in the property or any part thereof.

2. The property is vested, as tenants in common, in the Plaintiffs.

ORDER

IT IS HEREBY ordered that Judgment accordingly be entered herein.

DATED: Lihue, Hawaii, APR 28 1988.



*Clifford W. Nakao*

JUDGE OF THE ABOVE ENTITLED COURT

APPROVED AS TO FORM AND CONTENT:

Steven K. Chang  
STEVEN CHANG  
Attorney General's Office

---

ZAIMA, et al., vs. The Heirs, Assignees of  
Devises of OPU(k), also known as I. OPU(k),  
and Occupants of Adjoining Parcels of Land;  
STATE OF HAWAII, et al.,  
"DECISION AND ORDER; EXHIBIT "A"  

---

Land situated on the North side of Kuhio Highway Road "A" of Haena Hui Land and approximately 1,800 feet West of Haena Park at Haena, Halelea, Kauai, Hawaii, being the whole of Royal Patent 6993, Land Commission Award 10,562, Apana 1 to Opu, and being more fully described as follows:

Beginning at a pipe (found) at the North corner of this parcel of land being, also, the North corner of Road "K" of Haena Hui Land and on the Southwest boundary of School Grant 41, Apana 8 being EXCLUSION 10 of Haena Hui Land, the coordinates of said point of beginning referred to Governemnt Survey Triangulation Station "NIHA 2" being 307.05 feet South and 9,123.78 feet West and running by azimuths measured clockwise from True South:

1. 353°00' 363.00 feet along Road "K" of Haena Hui Land to a pipe (set);
- Thence along the North side of Kuhio Highway, on a curve to the left having a radius of 220.00 feet, the chord azimuth and distance being:
2. 83°00' 75.14 feet;
3. 83°00' 31.25 feet along Lot 106 of Haena Hui Land passing over a pipe;
4. 173°00' 165.00 feet along Lot 106 of Haena Hui Land passing over a "+" cut on rock (found) at a distance of 114.19 feet to a pipe (set);
5. 83°00' 45.41 feet along Lot 106 of Haena Hui Land to a pipe (set);
6. 173°00' 198.00 feet along Lot 105 of Haena Hui Land to a pipe (set);
7. 263°00' 151.80 feet along Lot 105 of Haena Hui Land to a pipe (found) at the point of beginning and containing An Area of 47,449 SQUARE FEET.

EXHIBIT "A"  
PAGE 1 OF 2 PAGES

22044 463

SUBJECT, HOWEVER, TO:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. The Stipulation to State's rights filed on March 15, 1988 in Civil No. 87-0170, Circuit Court of the Fifth Circuit, State of Hawaii.

EXHIBIT .....<sup>"A"</sup>  
PAGE 2 OF 2 PAGES

THE ORIGINAL OF THE DOCUMENT  
RECORDED IN THE OFFICE OF THE  
STATE OF HAWAII

RECORDATION REQUESTED BY:

FIRST AMERICAN TITLE CO. OF HAWAII, INC.  
4357 RICE STREET, SUITE 102  
LIHUE, KAUAI, HAWAII 96766

BUREAU OF CONVEYANCES

We hereby certify that this  
is a true copy of the original

AFTER RECORDATION, RETURN TO: day of JUL 12, 1989, at 801 A M. and

FIRST AMERICAN TITLE CO  
OF HAWAII, INC.

FIRST AMERICAN TITLE CO.

recorded in Liber 23394  
on Pages 143

By Cu

Escrow \$ 1770.99

RETURN BY: ( ) MAIL ( ) PICKUP

TMK: (4) 5-9-03-05

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

This Deed, made on this 8 day of February, 1989, by  
NAOMI LEILANI YOKOTAKE, single, whose residence and post office  
address is 7281 Alealea Road, Haena, Hanalei, Hawaii 96714,  
HOWARD TADASHI YOKOTAKE, JR., husband of Valerie Yokotake, whose  
residence and post office address is 55134 Kuhio Highway,  
Hanalei, Hawaii 96714, ROSWELL MITSUO YOKOTAKE, single, whose  
residence address is Hanalei, Hawaii, and whose post office  
address is P.O. Box 95, Hanalei, Hawaii 96714, LESLIE PUMAIKAI  
TAKESHI YOKOTAKE, husband of Mapuana Yokotake, whose residence  
and post office address is 7281 Alealea Road, Haena, Hanalei,  
Hawaii 96714, RUTH UILANI AKIKO YOKOTAKE CHANG, wife of Douglas  
Chang, whose residence address is 2268 Kolo Road, Kilauea, Hawaii  
96756, and whose post office address is P. O. Box 572, Hanalei,  
Hawaii 96714, HENRIETTA BOND, wife of Ken Bond, whose residence  
address is Hanalei, Hawaii, and whose post office address is P.O.

Box 23, Hanalei, Hawaii 96714, REBECCA KAPOLI KAAUMOANA MAKI, single, whose residence address is Hanalei, Hawaii, and whose post office address is P.O. Box 892, Hanalei, Hawaii 96714, MURPHY MAKI, JR., unmarried, whose residence address is Hanalei, Hawaii, and whose post office address is P.O. Box 23, Hanalei, Hawaii 96714, JACOB MAKI, unmarried, whose residence address is Hanalei, Hawaii, and whose post office address is P.O. Box 23, Hanalei, Hawaii 96714, KEITH MAKI, unmarried, whose residence address is Hanalei, Hawaii, and whose post office address is P.O. Box 23, Hanalei, Hawaii 96714, SHERMAN MAKI, unmarried, whose residence address is Hanalei, Hawaii, and whose post office address is P.O. Box 23, Hanalei, Hawaii 96714, EUGENE STANLEY SANTOS and HELENA MAKI SANTOS, husband and wife, whose residence address is Hanalei, Hawaii, and whose post office address is P.O. Box 644, Hanalei, Hawaii 96714, MICHAEL OLANOLAN and JANET OLANOLAN, husband and wife, whose residence address is 56607 Kuhio Highway, Hanalei, Hawaii, and whose post office address is P.O. Box 164, Hanalei, Hawaii 96714, DEXTER CHUNG, single, whose residence address is Haena, Hanalei, Hawaii, and whose post office address is P.O. Box 129, Hanalei, Hawaii 96714, WENDELL OLANOLAN, husband of Annie Lee Olanolan, whose residence address is Hanalei, Hawaii, and whose post office address is P.O. Box 671, Hanalei, Hawaii 96714, VIVIAN KEHAULANI WHITE, wife of Clyde White, whose residence address is 4336 Hakuaina Street, Anahola, Hawaii, and whose post office address is P.O. Box 3, Anahola, Hawaii 96703, FRED THRONAS, husband of Betty Thronas, whose residence and post office address is 5810 Hawiki Road,



Kapaa, Hawaii 96746, SAMUEL THRONAS, husband of Mary Thronas, whose residence address is Kapaa, Hawaii, and whose post office address is P.O. Box 55, Kapaa, Hawaii 96746, OLAF E. THRONAS, single, whose residence address is Lawai, Hawaii, and whose post office address is P.O. Box 269, Lawai, Hawaii 96765, HENRY B. THRONAS, husband of Adrienne Thronas, whose residence and post office address is 254 Kamokila Road, Kapaa, Hawaii 96746, AGNES THRONAS, single, whose residence and post office address is 3121 Pualei Circle, #29, Honolulu, Hawaii 96815, IRENE THRONAS STRONG, unmarried, whose residence and post office address is 23663 Park Capri, #142, Calabasas, California 91302, BETTY A. LA COE, wife of Larry La Coe, whose residence and post office address is 2691 Baton Rouge Drive, San Jose, California 95133, and JAMES ZAIMA, unmarried, whose residence address is Lihue, Hawaii, and whose post office address is P.O. Box 1365, Lihue, Hawaii 96766, hereinafter referred to as "Grantors", and JAMES ZAIMA, unmarried, and ALEXIS ZAIMA, unmarried, both of whose residence address is Lihue, Hawaii, and whose post office address is P.O. Box 1365, Lihue, Hawaii 96766, herein referred to as "Grantees",

W I T N E S S E T H:

That in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, the Grantors do hereby grant, bargain, sell and convey unto the Grantees as joint tenants, their assigns, and the survivor of them and his or her heirs,

devisees, personal representatives and assigns, in fee simple, all their right, title and interest in the property described in Exhibit "A", attached hereto and incorporated herein by reference.

AND the reversions, remainders, rents, issues and profits thereof, and all of the estate, right, title and interest of the Grantors, both as law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with the improvements thereon and all rights, easements, privileges and appurtenances thereunto belonging or appertaining, unto the Grantees, as joint tenants, forever.

AND THE GRANTORS hereby covenant with the Grantees that the Grantors are lawfully seised in fee simple of the premises described herein and have good right to sell and convey the same; that the same are free and clear of all encumbrances except as set forth herein and except for the lien of real property taxes for the current fiscal year which are to be prorated between the Grantors and Grantees as of the date of delivery hereof; and that the Grantors will warrant and defend the same unto the Grantees against the lawful claims and demands of all persons, except as aforesaid.

This conveyance and the covenants of the Grantors and Grantees shall inure to the benefit of, and be binding upon the person or persons identified above as "Grantors" and "Grantees", and their respective heirs, personal representatives, successors, successors in trust, and assigns as the context of this instrument may require. Covenants made by two or more persons

shall be joint and several, the term "person" shall include an individual, partnership, association or corporation, and the use of the singular shall include the plural, and the use of the pronoun in reference to the "Grantors" and "Grantees" shall mean and include the masculine, feminine or neuter as the context may require.

This Warranty Deed may be executed in one instrument signed by all the parties, or in separate instruments which shall be counterparts hereof, with signature pages from separate instruments and notary acknowledgments of signatures of all parties in a single instrument for recording in the Bureau of Conveyances of the State of Hawaii.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed on the year and date first above written.

Naomi Leilani Yokotake DATED: \_\_\_\_\_  
NAOMI LEILANI YOKOTAKE

Leslie Pumaikai Takeshi Yokotake DATED: 2-11-89  
LESLIE PUMAIKAI TAKESHI YOKOTAKE

Howard Tadashi Yokotake Jr. DATED: 2/11/89  
HOWARD TADASHI YOKOTAKE, JR.

Roswell Mitsuo Yokotake DATED: 2/11/89  
ROSWELL MITSUO YOKOTAKE

Helena Maka Santos DATED: 2/9/89  
HELENA MAKI SANTOS

Ruth Uilani Akiko Yokotake Chang DATED: 2/11/89  
RUTH UILANI AKIKO YOKOTAKE CHANG

Eugene Stanley Santos DATED: 2/9/89  
EUGENE STANLEY SANTOS

Rebecca Kapala Kaaumoana Maka DATED: 2/11/89  
REBECCA KAPOLA KAAUMOANA MAKAPALA

Henrietta Bond DATED: 2/17/89  
HENRIETTA BOND

Murphy Maka, Jr. DATED: \_\_\_\_\_  
MURPHY MAKAPALA, JR.

Jacob Maka DATED: 2/17/89  
JACOB MAKAPALA

Keith K. Maka DATED: 3/30/89  
KEITH MAKAPALA

Sherman K. Maka DATED: 3/31/89  
SHERMAN MAKAPALA

Michael Olanolan DATED: \_\_\_\_\_  
MICHAEL OLANOLAN

Janet Olanolan DATED: 2/8/89  
JANET OLANOLAN

Wendell Olanolan DATED: 2/8/89  
WENDELL OLANOLAN

Dexter Chung DATED: 2/8/89  
DEXTER CHUNG

Vivian Kehaulani White  
VIVIAN KEHAULANI WHITE

DATED: Feb. 11, 1989

Fred Thronas  
FRED THRONAS

DATED: \_\_\_\_\_

Samuel Thronas  
SAMUEL THRONAS

DATED: \_\_\_\_\_

Olaf E. Thronas  
OLAF E. THRONAS

DATED: 2/10/89

Henry B. Thronas  
HENRY B. THRONAS

DATED: 6-14-89

Irene Thronas Strong  
IRENE THRONAS STRONG

DATED: Feb. 3, 1989

\_\_\_\_\_  
BETTY A. La COE

DATED: \_\_\_\_\_

\_\_\_\_\_  
AGNES THRONAS

DATED: \_\_\_\_\_

James K. Zaima  
JAMES ZAIMA

DATED: \_\_\_\_\_

"GRANTORS"

James K. Zaima  
JAMES ZAIMA

DATED: \_\_\_\_\_

Alexis D. Zaima  
ALEXIS ZAIMA

DATED: \_\_\_\_\_

"GRANTEES"

\_\_\_\_\_  
VIVIAN KEHAULANI WHITE

DATED: \_\_\_\_\_

\_\_\_\_\_  
FRED THRONAS

DATED: \_\_\_\_\_

\_\_\_\_\_  
SAMUEL THRONAS

DATED: \_\_\_\_\_

\_\_\_\_\_  
OLAF E. THRONAS

DATED: \_\_\_\_\_

\_\_\_\_\_  
HENRY B. THRONAS

DATED: \_\_\_\_\_

\_\_\_\_\_  
IRENE THRONAS STRONG

DATED: \_\_\_\_\_

*Betty C. La Coe*  
\_\_\_\_\_  
BETTY C. La COE

DATED: 2-17-89

\_\_\_\_\_  
AGNES THRONAS

DATED: \_\_\_\_\_

\_\_\_\_\_  
JAMES ZAIMA

DATED: \_\_\_\_\_

"GRANTORS"

\_\_\_\_\_  
JAMES ZAIMA

DATED: \_\_\_\_\_

\_\_\_\_\_  
ALEXIS ZAIMA

DATED: \_\_\_\_\_

"GRANTEES"

\_\_\_\_\_  
VIVIAN KEHAULANI WHITE

DATED: \_\_\_\_\_

\_\_\_\_\_  
FRED THRONAS

DATED: \_\_\_\_\_

\_\_\_\_\_  
SAMUEL THRONAS

DATED: \_\_\_\_\_

\_\_\_\_\_  
OLAF E. THRONAS

DATED: \_\_\_\_\_

\_\_\_\_\_  
HENRY B. THRONAS

DATED: \_\_\_\_\_

\_\_\_\_\_  
IRENE THRONAS STRONG

DATED: \_\_\_\_\_

\_\_\_\_\_  
BETTY A. La COE

DATED: \_\_\_\_\_

*Agnes Thronas*  
\_\_\_\_\_  
AGNES THRONAS

DATED: 2/3/89

\_\_\_\_\_  
JAMES ZAIMA

DATED: \_\_\_\_\_

"GRANTORS"

\_\_\_\_\_  
JAMES ZAIMA

DATED: \_\_\_\_\_

\_\_\_\_\_  
ALEXIS ZAIMA

DATED: \_\_\_\_\_

"GRANTEES"

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 8<sup>th</sup> day of February, 1989, before me personally appeared Janet Olanutan, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

James N. Stouffer  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 8<sup>th</sup> day of February, 1989, before me personally appeared Dexter Chung, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

James N. Stouffer  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 9<sup>th</sup> day of February, 1989, before me personally appeared Helena Inaka Santos, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

James N. Stouffer  
Notary Public, State of Hawaii

My commission expires: 3-7-90



STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 9<sup>th</sup> day of February, 1989, before me personally appeared Eugene Stanley Santos, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

James H. Young  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 9<sup>th</sup> day of February, 1989, before me personally appeared James Laima, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

James H. Young  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 10<sup>th</sup> day of February, 1989, before me personally appeared Cliff E. Thomas, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

James H. Young  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 11<sup>th</sup> day of February, 1989, before me personally appeared Miori Keilani Yokotake, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

James H. Young  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 11<sup>th</sup> day of February, 1989, before me personally appeared Leslie Pamaikai Tadeshi Yokotake, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

James H. Young  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 11<sup>th</sup> day of February, 1989, before me personally appeared Kenji Tadaishi Yokotake, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

James H. Young  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 11<sup>th</sup> day of February, 1989, before me personally appeared Roswell Mitsuhiro Yokotake, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

*Roswell Mitsuhiro Yokotake*  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 11<sup>th</sup> day of February, 1989, before me personally appeared Ruth Wilani Gikiko Yokotake Chabj to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

*Roswell Mitsuhiro Yokotake*  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 11<sup>th</sup> day of February, 1989, before me personally appeared Rebecca Kapele Kakuinohua Maka to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

*Roswell Mitsuhiro Yokotake*  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 11<sup>th</sup> day of February, 1989, before me personally appeared Michael Glanville, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

*James H. Gough*  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 11<sup>th</sup> day of February, 1989, before me personally appeared Wendell Olanoff, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

*James H. Gough*  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )


On this 11<sup>th</sup> day of February, 1989, before me personally appeared Luan Chauhan White, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

*James H. Gough*  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

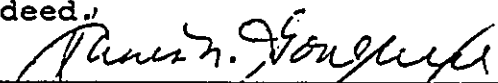
On this 17<sup>th</sup> day of February, 1989, before me personally appeared Henrietta Burt, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as per free act and deed.

  
Notary Public, State of Hawaii

My commission expires: 3/30/90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

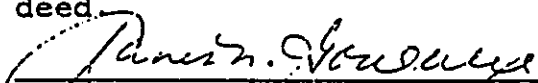
On this 27<sup>th</sup> day of February, 1989, before me personally appeared Alexia Guina, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as per free act and deed.

  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 14<sup>th</sup> day of March, 1989, before me personally appeared Samuel Thomas, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 30<sup>th</sup> day of March, 1989, before me personally appeared Rich Maka, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Richard V. Gough  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 30<sup>th</sup> day of March, 1989, before me personally appeared Shirley Maka, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Richard V. Gough  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 19<sup>th</sup> day of May, 1989, before me personally appeared Fred Thronas, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Richard V. Gough  
Notary Public, State of Hawaii

My commission expires: 3-7-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 14<sup>th</sup> day of June, 1989, before me personally appeared Henry B. Thomas, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

[Signature]  
Notary Public, State of Hawaii

My commission expires: 3-7-90

~~STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )~~

~~On this 28<sup>th</sup> day of June, 1989, before me personally appeared Murphy M. M. M., to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.~~

~~[Signature]  
Notary Public, State of Hawaii~~

~~My commission expires: 3-7-90~~

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 17<sup>th</sup> day of June, 1989, before me personally appeared Jacob Mark, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

[Signature]  
Notary Public, State of Hawaii

My commission expires: 7-20-90

STATE OF HAWAII )  
 ) ss:  
COUNTY OF KAUAI )

On this 7<sup>th</sup> day of July, 1989, before me personally appeared Thurphy Moka, Jr., to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Larry G. Waldstein  
Notary Public, State of Hawaii

My commission expires: 2-22-92

STATE OF HAWAII )  
CITY AND ) ss:  
COUNTY OF HONOLULU )

On this 3rd day of February, 1989, before me personally appeared AGNES THRONAS, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

Alana K. Kono  
Notary Public, State of Hawaii

My commission expires: 9-5-92

STATE OF CALIFORNIA )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_ day of \_\_\_\_\_, 198\_\_\_, before me personally appeared IRENE THRONAS STRONG, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

\_\_\_\_\_  
Notary Public, State of California

My commission expires: \_\_\_\_\_



STATE OF HAWAII )  
                          ) ss:  
COUNTY OF KAUAI )

On this \_\_\_ day of \_\_\_\_\_, 198\_\_, before me personally appeared \_\_\_\_\_, to me known to be the person described in and who executed the foregoing instrument and acknowledged that \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed.

\_\_\_\_\_  
Notary Public, State of Hawaii

My commission expires: \_\_\_\_\_

STATE OF HAWAII )  
CITY AND ) ss:  
COUNTY OF HONOLULU )

On this \_\_\_ day of \_\_\_\_\_, 198\_\_, before me personally appeared AGNES THRONAS, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

\_\_\_\_\_  
Notary Public, State of Hawaii

My commission expires: \_\_\_\_\_

STATE OF CALIFORNIA )  
                          ) ss:  
COUNTY OF Los Angeles )

On this 2 day of February, 1989, before me personally appeared IRENE THRONAS STRONG, to me known to be the person described in and who executed the foregoing instrument and acknowledged that she executed the same as her free act and deed.

*Shanna W. Slattery*  
Notary Public, State of California

My commission expires: July 25, 1989



Land situated on the North side of Kuhio Highway Road "A" of Haena Hui Land and approximately 1,800 feet West of Haena Park at Haena, Halelea, Kauai, Hawaii, being the whole of Royal Patent 5993, Land Commission Award 10,562, Apana 1 to Opu, and being more fully described as follows:

Beginning at a pipe (found) at the North corner of this parcel of land being, also, the North corner of Road "K" of Haena Hui Land and on the Southwest boundary of School Grant 41, Apana 8 being EXCLUSION 10 of Haena Hui Land, the coordinates of said point of beginning referred to Governemnt Survey Triangulation Station "NIHA 2" being 307.05 feet South and 9,123.78 feet West and running by azimuths measured clockwise from True South:

1. 353°00' 363.00 feet along Road "K" of Haena Hui Land to a pipe (set);

Thence along the North side of Kuhio Highway, on a curve to the left having a radius of 220.00 feet, the chord azimuth and distance being:

2. 83°00' 75.14 feet;

3. 83°00' 31.25 feet along Lot 106 of Haena Hui Land passing over a pipe;

4. 173°00' 165.00 feet along Lot 106 of Haena Hui Land passing over a "+" cut on rock (found) at a distance of 114.19 feet to a pipe (set);

5. 83°00' 45.41 feet along Lot 106 of Haena Hui Land to a pipe (set);

6. 173°00' 198.00 feet along Lot 105 of Haena Hui Land to a pipe (set);

7. 263°00' 151.80 feet along Lot 105 of Haena Hui Land to a pipe (found) at the point of beginning and containing An Area of 47,449 SQUARE FEET.

EXHIBIT     A      
PAGE   1   OF   2   PAGES

Being the same premises acquired by JAMES K. ZAIMA  
AGNES TERONAS, IRENE TERONAS STRONG, OLAF TERONAS, FRED TERONAS,  
SAMUEL TERONAS, HENRY B. TERONA, HELENA MAKI SANTOS, BETTY A.  
LACOE, WENDALL OLANOLAN, MICHAEL OLANOLAN, JANET OLANOLAN,  
MARJORIE YOKOTAKE, REBECCA KAPOLI MAKI, HENRIETTA BOND, MURPEY  
MAKI JR., JACOB MAKI, KEITE MAKI, SHERMAN MAKI, DEXTER CHUNG and  
VIVIAN K. WEITE, as Tenants in Common, by Judgment filed on  
April 28, 1988 in the Fifth Circuit, State of Hawaii, as Civil  
No. 87-0170, and recorded in the Bureau of Conveyances of the  
State of Hawaii in Liber 22044 Page 464.

SUBJECT, HOWEVER, TO:

1. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
2. The stipulation to the rights of the State of Hawaii filed on March 15, 1988 in Civil No. 87-0170, Circuit Court of the Fifth Circuit, State of Hawaii, as disclosed by Decision and Order dated April 28, 1988, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 22044 Page 451.
3. "No, right, title, interest or claims to water having its source upon or flowing over or under the lands involved in this action shall be adjudicated herein", as reserved in Judgment dated April 28, 1988, recorded in said Bureau in Liber 22044 Page 464.

EXHIBIT       A        
PAGE   2   OF   2   PAGES

\*Siblings of Ealani Maka

Ealani Maka (w)  
D: 11-03-36  
Prob. No. 1455(5)

-m-  
Lawela Maka (k)

Irene Maka  
deceased  
-m- Elia Thronas  
deceased

Jacob Kacahi Maka  
D: 01-03-61  
Prob. No. 1884(5)  
-m- Henrietta Mahu  
D: 1941

Majorie Maka  
D: 1988  
m: Howard Yokotaki  
Alive

Heiema Maka  
m: Eugene Santos

Murphy Maka  
D: 1984

Mildred Maka  
D: 1984  
M: Walter Chung  
Alive

Hilda Maka  
D: 1986  
Prob. No. 860030  
m: [REDACTED]

\*Irene Thronas Strong  
\*Agnes Thronas  
\*Olaf Elia Thronas  
\*Fred Thronas  
-m- Betty Thronas  
\*Samuel Thronas  
-m- Mary Thronas  
\*Henry B. Thronas  
-m- Adrienne Thronas  
\*Betty A. Thronas  
-m- Larry La Coe

Naomi Ielani Yokotake  
Howard Tadashi Yokotake, Jr.  
-m- Valerie Yokotake  
Rosewell Mitsuo Yokotake  
Leslie Punaikahi Takeshi Yokotake  
-m- Mapuana Yokotake  
Ruth Dilani Akiko Yokotake  
-m- Douglas Chang

Henrietta Maka  
-m- Ken Bond  
Rebecca K.K. Maka  
Murphy Maka, Jr.  
Jacob Maka  
Keith Maka  
Sherman Maka

Laverne Zaima  
m: Iono Brede  
(Client)  
James Zaima, Jr.  
[REDACTED]  
Clesson Zaima

Michael Olanolan  
m: Janet  
Dexter Chung  
Wendell Olanolan  
m: Annie Lee  
Vivian K. White  
m: Clyde White

Information provided by Alexis Zaima  
on 5-22-90 via telephone. 245-4039

See Libn 23394 Page 113  
Grangers