

**NON-EA OR EIS  
PUBLICATION FORM  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL**

**Project Name: Amended Petition for Registration of Title to Accretion**

**Applicable Law: Petition for Registration of Title to Accretion under H.R.S.**

**Chapter 501-33 and Rule 26 of the Rules of the Land Court**

**Type of Document: Amended Petition for Registration of Title to Accretion**

**Island: Oahu**

**District: Mokuleia, District of Waialua**

**TMK: (1) 6-8-005-003**

**Permits Required: N/A**

**Applicant: Petitioners Michael D. Schneider and Linda L. Schneider, Trustees of  
The Schneider Family Trust**

**c/o Janna Ahu, Esq., Dentons US LLP**

**1001 Bishop St., Suite 1800, Honolulu, HI 96813**

**808-524-1800**

**Approving Agency or Accepting Authority: Land Court, State of Hawai'i**

**Consultant: N/A**

**Status: Amended Petition for Registration of Title to Accretion filed October 17,  
2018**

**Project Summary:** YOU ARE HEREBY NOTIFIED that Petitioners Michael D. Schneider and Linda L. Schneider, Trustees, have filed a petition for registration of title to accretion in the Land Court, State of Hawai'i, L.D No. 18-1-0062, to register title to accreted land within lands identified as Lot 104-B as shown on Map 19 of Application No. 609, Tax Map Key No. (1) 6-8-005-003, containing 0.16 acres, more or less, all situate, lying and being at Mokuleia, District of Waialua, City and County of Honolulu, State of Hawai'i.

LAND CALENDAR  
FIRST CIRCUIT  
LAND & TAX APPEAL COURT

DATE: MONDAY, JANUARY 28, 2019  
JUDGE: HONORABLE GARY WON BAE CHANG, JUDGE PRESIDING  
CLERK:  
REPORTER:  
BAILIFF/LAW CLERK:

-----PAGE 1

9:00 A.M.

1LD 18-1-000062 MICHAEL DAVID SCHNEIDER

PAUL ALSTON  
FOR MICHAEL DAVID SCHNEI

RETURN DAY: PETITION FOR REGISTRATION OF TITLE TO  
ACCRETION {J. W. AHU}

MINUTE ORDER 10/24/18: PER COURT, RETURN DAY  
HEARING ON PETITION FOR REGISTRATION OF TITLE TO  
ACCRETION IS ADVANCED FROM MONDAY, 1/28/19 AT 9:0  
TO \*\*\*FRIDAY, 1/25/19 AT 9:00AM\*\*\*.

COPIES OF THIS MINUTE ORDER MAILED TO COUNSEL  
FOR ALL PARTIES AND MAILED TO THE ADDRESS ON  
RECORD OF ANY SELF REPRESENTED PARTY VIA U.S. MAIL  
POSTAGE PREPAID.

DATE: 10-24-2018 BY ORDER OF THE COURT:  CLERK

2018 OCT 17 AM 11:30

LAND COURT  
STATE OF HAWAII  
FILED

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

Charles Campbell Crozier,

to register and confirm title to land  
situate at Mokuleia, District of  
Waialua, City and County of  
Honolulu, State of Hawai'i

Application No. 609  
1 L.D. 18-1-0062

**AMENDED PETITION FOR  
REGISTRATION OF TITLE TO  
ACCRETION; DECLARATION OF  
JANNA WEHILANI AHU; EXHIBITS  
"A" - "F"; ORDER TO SHOW CAUSE;  
CITATION**

HEARING: JAN 28 2019  
Date: \_\_\_\_\_  
Time: 9:00 AM  
Judge: Hon. Gary W.B. Chang

**AMENDED PETITION FOR  
REGISTRATION OF TITLE TO ACCRETION**

PAUL ALSTON 1126  
A Law Corporation  
JANNA WEHILANI AHU 10588

DENTONS US LLP  
1001 Bishop Street, Suite 1800  
Honolulu, Hawaii 96813  
Telephone: (808) 524-1800

Attorneys for Petitioners

Referred to the Surveyor of the State  
of Hawai'i for check and report.  
Map filed \_\_\_\_\_  
\_\_\_\_\_ ( ) white prints required.

Dated: \_\_\_\_\_

BY ORDER OF THE COURT:

Registrar

A TRUE COPY, ATTEST WITH  
THE SEAL OF SAID COURT,

BESS K. PALMA  
Deputy Registrar

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

Charles Campbell Crozier,

to register and confirm title to land  
situate at Mokuleia, District of  
Waialua, City and County of  
Honolulu, State of Hawai'i

Application No. 609

1 L.D. 18-1-0062

**AMENDED PETITION FOR REGISTRATION  
OF TITLE TO ACCRETION**

TO THE HONORABLE PRESIDING JUDGE OF THE LAND COURT OF THE  
STATE OF HAWAII:

On January 5, 2018, the Court accepted for filing MICHAEL DAVID SCHNEIDER and LINDA LEARNER SCHNEIDER, Trustees of The Schneider Family Trust under an unrecorded Trust Instrument dated February 7, 1991 ("Petitioners") Petition for Registration of Title to Accretion to Lot 104-B as shown on Map 19 (the "Original Petition"), and referred the matter to the State Land Surveyor for verification, check and report.

In response to the Return of the State Land Surveyor dated and filed on March 23, 2018, the Petitioners desire to amend and restate the Original Petition in its entirety to read as follows:

1. Petitioners are the owners of Lot 104-B as shown on Map 19 of Application No. 609 covered by Transfer Certificate of Title ("TCT") No. 361,886.

2. In accordance with the state land surveyors' return, since the title of Lot 104-B was originally registered, there has been gradual and natural accretion to Lot 104-B that accreted on or before May 20, 2003 so that the new shoreline boundary at the top of bank as certified on March 1, 2017 and confirmed by the certified shoreline map dated August 22, 1985 and November 7, 1989 on file with the State Survey Division pursuant to Section 501-33, H.R.S., is as shown on the map dated March 1, 2017 prepared by Dan L.M. Akita, filed herewith, a reduced copy of which is attached as Exhibit A. And, the shoreline boundary set by the accretion that has existed for more than twenty years is shown on the aerial overlay photograph attached as Exhibit B.

3. Petitioners file herewith a map showing accretion to said Lot 104-B and the redesignation of said Lot 104-B with accretion as Lot 114.

4. Lot 104-B is unencumbered and Petitioners are the sole owners.

5. Petitioners acquired Lot 104-B as husband and wife by Limited Warranty Deed, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Doc. No. 1,322,982 on TCT No. 275,212. The property description in the deed states in relevant part:

Exhibit A to Limited Warranty Deed

All of that certain parcel of land situate at Mokuleia, District of Wailua, City and County of Honolulu, State of Hawaii, and described as follows:

LOT 104-B, area 7,357.0 square feet, as shown on Map 19 filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 609 of Charles Campbell Crozier.

NOTE: Lot 104-B abuts on and has access over and across Crozier Drive, a 20-foot right of way.

BEING a portion of the land described in Transfer Certificate of Title. No. 198,338 issued to Florence Wilder Blake, unmarried, to which reference is hereby made.

Ex. C.

6. Subsequently, Petitioners transferred Lot 104-B to themselves as Trustees of The Schneider Family Trust under an unrecorded Trust Instrument dated February 7, 1991 by Quitclaim Deed. Ex. D.

7. Crozier Drive connects to Mahina'ai Street, as shown on TMK: (1) 6-8-013, a copy of which is attached as Ex. E. Upon information and belief, Mahina'ai Street is a public county road.

8. TCT No. 361,886 has been amended to note powers of the trustees. See Ex. F. If the Court or any other party requires the entire Trust Instrument it may be provided upon request.

9. That no other person has any interest in the said accretion, and that the following named are all the adjoining owners, the location of whose lands in reference to the said accretion is as shown by the map attached hereto:

Lot 97:     MARK H. FUJIOKA, Trustee  
             GRANT R. FUJIOKA, Trustee  
             LORI ANN Y. FUJIOKA, Trustee  
             68-393 Crozier Drive  
             Waialua, HI 96791


Lot 104-A: MICHELLE KONDO HO, Trustee  
68-415 Crozier Drive  
Waialua, HI 96791

CITY AND COUNTY OF HONOLULU  
c/o Department of the Corporation Counsel  
530 South King Street  
Honolulu, HI 96813

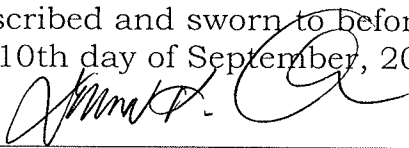
STATE OF HAWAII  
c/o Attorney General  
425 Queen Street  
Honolulu, HI 96813

WHEREFORE, it is prayed that said map be referred to the State Land Surveyor for check and report; that notice of this Petition be served upon the Attorney General and all adjoining owners and others the Court may deem necessary and proper to be served; and that upon approval of the map by the said surveyor and due proof that matters contained herein, the Court adjudge the Petitioners to be the owners of said accretion, approve said map and order the Assistant Registrar of the Land Court to endorse on said Certificate a memorandum of the Decree so adjudging and approving said map.

DATED: Honolulu, Hawai'i, September 10, 2018.

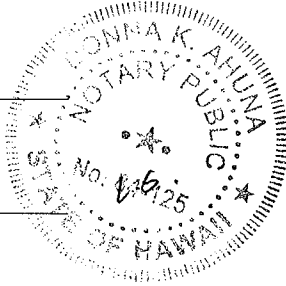
  
\_\_\_\_\_  
PAUL ALSTON  
JANNA WEHILANI AHU  
Attorneys for Petitioners

Subscribed and sworn to before me  
this 10th day of September, 2018.

  
Notary Public, State of Hawai'i

Donna K Ahuna  
Printed Name of Notary

My commission expires: 4-16-2020




Doc. Date: September 10, 2018

Notary Name: Donna K. Ahuna

# Pages: 34  
First Circuit

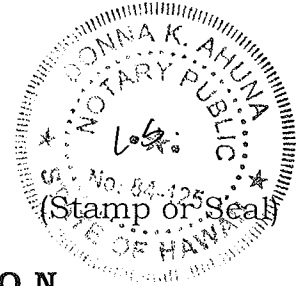
Doc. Description: **AMENDED PETITION FOR REGISTRATION  
OF TITLE TO ACCRETION**



Notary Signature

9/10/18

Date



**NOTARY CERTIFICATION**

Application No. 609; 1 L.D. 18-1-0062; In the Matter of the Application of Charles Campbell Crozier, to register and confirm title to land situate at Mokuleia, District of Waialua, City and County of Honolulu, State of Hawai'i;  
**AMENDED PETITION FOR REGISTRATION OF TITLE TO ACCRETION**



IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

Charles Campbell Crozier,

to register and confirm title to land  
situate at Mokuleia, District of  
Waialua, City and County of  
Honolulu, State of Hawai'i

Application No. 609

1 L.D. 18-1-0062

**DECLARATION OF JANNA  
WEHILANI AHU**

**DECLARATION OF JANNA WEHILANI AHU**

I, Janna Wehilani Ahu, do hereby declare that:

1. I am an attorney licensed to practice before the courts of this State and I am an attorney with the law firm of Dentons US LLP, counsel for Petitioners in this case.
2. I make this *Declaration in Support of Petitioners Amended Petition for Registration of Title to Accretion*.
3. Attached as Exhibit "A" is a reduced copy of a map of Lot 104-B dated March 1, 2017 prepared by Dan L.M. Akita.
4. Attached as Exhibit "B" is an aerial overlay photograph of Lot 104-B dated December 5, 2017.
5. Attached as Exhibit "C" is a certified copy of a Limited Warranty Deed, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Doc. No. 1,322,982 on TCT No. 275,212.

6. Attached as Exhibit "D" is a certified copy of a Quitclaim Deed, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Doc. No. 1,809,958 on TCT No. 361,886.

7. Attached as Exhibit "E" is a true and correct copy of TMK map: (1) 6-8-013.

8. Upon information and belief, Mahina`ai Street is a public county road.

9. Attached as Exhibit "F" is a true and correct copy of excerpts of the *Petition of Michael David Schneider and Linda Learner Schneider, Trustees of the Schneider Family Trust Under an Unrecorded Trust Instrument Dated February 7, 1911, For Amendment of Land Court Certificate of Title No. 361,886 and Order* filed February 2, 2018.

I declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawai`i, September 10, 2018.

  
\_\_\_\_\_  
JANNA WEHILANI AHU

AT MOKULEIA, WAILUA, OAHU, HAWAII

2024 North King Street, Suite 200  
Hennepin, MI 48033  
March 1, 2017



OWNERS: MICHAEL DAVID SCHNEIDER, TRUSTEE  
LINDA LEANNER SCHNEIDER, TRUSTEE  
TRANSFER CERTIFICATE OF TITLE: 361,886

For Mead No. (1) 5-8-55 (3)



I hereby certify that this is  
a true copy from the records  
of the Bureau of Conveyances,

*[Signature]*

Registrar of Conveyances  
Assistant Registrar, Land Court  
State of Hawaii

8-27-89  
1033  
JAMES A. MOORE, JR., RPL

1322982

LAND COURT  
OFFICE OF THE REGISTRAR  
RECORDS SECTION  
HONOLULU, HAWAII

85 SEP 19 AM 6:01

2:00 PM  
FILED  
1989

CERTIFICATE OF TITLE  
ISSUED AND TRANSMITTED BY  
BOOK 7753 PAGE 45

Affects TMK, 1st Div,  
6-8-5:3, area  
7,357 sq ft

LIMITED WARRANTY DEED

DEED dated JUL 11 1985, 1985, by FLORENCE WILDER BLAKE, unmarried, herein called "Grantor," to MICHAEL SCHNEIDER and LINDA SCHNEIDER, husband and wife, whose place of residence and post office address is 15 Woodland Road, Orinda, California 94563, herein called "Grantees,"

W I T N E S S E T H :

That Grantor, in consideration of the sum of \$10.00 and other valuable consideration paid to Grantor by Grantees, receipt of which is hereby acknowledged by Grantor, hereby grants, bargains, sells, and conveys unto Grantees, as tenants by the entirety with full rights of survivorship, all of the property more particularly 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 Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD such property, together with all improvements, rights, easements, privileges, and appurtenances belonging or appertaining thereto or held and enjoyed therewith, unto Grantees, forever.

AND, except as otherwise provided herein, Grantor hereby warrants to Grantees with respect to such property that Grantor is lawfully seized in fee simple thereof and has good right to grant and convey it; that it is free and clear of all encumbrances except as mentioned herein and except for real property taxes for the current fiscal year, which shall be prorated between Grantor and Grantees as of the date of the execution and delivery hereof; and that Grantor will defend it unto Grantees against the lawful claims and demands of all persons except as provided herein; provided, however, that Grantor makes no warranty of title with respect to any portion of such property which lies below the high water mark, as from time to time may be established by statute or by judicial decree; provided, further, that all improvements, furniture, fixtures, and appliances belonging or appertaining to or held and enjoyed with such property are granted and conveyed on an "as is, where is" basis, and Grantor makes no warranties of any kind, either express or implied, with respect thereto; and provided, further, that such property is subject to the provisions of Hawaii Revised Statutes relating to shoreline setbacks.

IT IS UNDERSTOOD AND AGREED that the provisions of this deed shall be binding upon and shall inure to the benefit of Grantor and Grantees and their respective heirs, successors, legal



representatives, and, except for Grantor, assigns; and that the designations "Grantor" and "Grantees" shall mean and include their respective heirs, successors, legal representatives, and, except for Grantor, assigns.

IN WITNESS WHEREOF, Grantor has duly executed and acknowledged this deed on the date first enumerated herein.

Florence Wilder Blake  
Florence Wilder Blake

Grantor

Prepared and approved as to form

by Asa M. Akinaka  
Asa M. Akinaka

STATE OF WASHINGTON )  
COUNTY OF Snohomish ) ss.

On July 15, 1985, before me personally appeared FLORENCE WILDER BLAKE, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed such instrument as her free act and deed.

[Signature]  
Notary Public,  
State of Washington

My commission expires: 5-1-1988

EXHIBIT A  
to  
Limited Warranty Deed

ALL of that certain parcel of land situate at Mokuleia,  
District of Wailua, City and County of Honolulu, State of Hawaii,  
and described as follows:

LOT 104-B, area 7,357.0 square feet, as shown on Map 19  
filed in the Office of the Assistant Registrar of the Land Court  
of the State of Hawaii with Land Court Application No. 609 of  
Charles Campbell Crozier.

NOTE: Lot 104-B abuts on and has access over  
and across Crozier Drive, a 20-foot right of way.

BEING a portion of the land described in Transfer Cer-  
tificate of Title No. 198,338 issued to Florence Wilder Blake,  
unmarried, to which reference is hereby made.

\* \* \*



1809958

STATE OF HAWAII  
OFFICE OF LAND REGISTRATION  
HONOLULU

'91 APR 1 AM 8 02

*[Signature]*  
Assistant Registrar  
ONCE ONLY

and from which the following have been paid:  
360,886

Land Court System

Regular System

Return by Mail to:  
Michael and Linda Schneider  
15 Woodland Road  
Orinda CA 94563

## QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,  
MICHAEL SCHNEIDER and LINDA SCHNEIDER (Husband and Wife as Tenants  
by the Entirety)

do hereby REMISE, RELEASE AND FOREVER QUITCLAIM to  
MICHAEL DAVID SCHNEIDER and LINDA LEARNER SCHNEIDER as Trustees of  
The Schneider Family Trust v/d/t dated February 7, 1991,

the real property situate at Mokuleia, District of Waialua, City and  
County of Honolulu, State of Hawaii, particularly described on  
SCHEDULE "A" attached hereto.

ID: Lot 104-B, TCT 275,212  
TK: 1/6-0-5-3  
91189:qk

Trustees' Address:  
Michael David Schneider and Linda Learner Schneider  
15 Woodland Road  
Orinda CA 94563

Dated February 7, 1991

STATE OF CALIFORNIA  
COUNTY OF CONTRA COSTA  
On February 7, 1991

Before me, the undersigned a Notary Public in and for said State, per-  
sonally appeared Michael Schneider and  
Linda Schneider

MICHAEL SCHNEIDER

LINDA SCHNEIDER

personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person(s) whose name(s) is/are subscribed to the  
within instrument) and acknowledged to me that he/she/they executed  
the same.

WITNESS my hand and official seal

Signature *[Signature]*  
Linda A. Carthen, Notary Public

Form 1104

MAIL TAX STATEMENTS AS DIRECTED ABOVE



(This area for official notarial seal)

I hereby certify that this is  
a true copy from the records  
of the Bureau of Conveyances.

*[Signature]*  
Registrar of Conveyances  
Assistant Registrar, Land Court  
State of Hawaii

RECORDED'S REMO: Legibility of Writing, Typing or Printing UNSATISFACTORY  
in this Document when received.

SCHEDULE "A"

ALL of that certain parcel of land situate at Mokuleia, District of Waialua, City and County of Honolulu, State of Hawaii, described as follows:

LOT 104-B, area 7,357 square feet, as shown on Map 19, filed with Land Court Application No. 609 of Charles Campbell Crozier.

NOTE: Lot 104-B have access over and across Crozier Drive, 20 foot right of way, which said premises abut.

Being all of the land described in and covered by

Transfer Certificate of Title No. 275,212

Issued To : Michael Schneider and Linda Schneider, husband and wife, as  
Tenants by the Entirety



F.P. 1673 "MOLEA AGRICULTURAL SUBD." MOLEA WAAIA, OAHU, HAWAII (Formerly par 6-5-05)

FOR PROPERTY ASSESSMENT PURPOSES, PARCELS MAY NOT BE LEGALLY SUBDIVIDED LOTS. SUBJECT TO CHANGE

DEPARTMENT OF LAND & NATURAL RESOURCES  
DIVISION OF LAND & NATURAL RESOURCES  
HAWAIIAN LAND NATURAL RESOURCES  
CITY & COUNTY OF HONOLULU

SCALE: 1 INCH = 100 FEET

SECTION	8	013
ZONE	6	
PLAT		



IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

Charles Campbell Crozier,

to register and confirm title to land situate at  
Mokuleia, District of Waialua, City and  
County of Honolulu, State of Hawai'i

Application No. 609

1 L.D. 18-1-0062

PETITION OF MICHAEL DAVID  
SCHNEIDER AND LINDA LEARNER  
SCHNEIDER, TRUSTEES OF THE  
SCHNEIDER FAMILY TRUST UNDER AN  
UNRECORDED TRUST INSTRUMENT  
DATED FEBRUARY 7, 1991, FOR  
AMENDMENT OF LAND COURT  
CERTIFICATE OF TITLE NO. 361,886;  
EXHIBIT "A"; ORDER

LAND COURT  
STATE OF HAWAII  
FILED  
2018 FEB -2 PM 2:31  
KATHLEEN HANAWAHINE  
REGISTRAR

PETITION OF MICHAEL DAVID SCHNEIDER AND LINDA LEARNER  
SCHNEIDER, TRUSTEES OF THE SCHNEIDER FAMILY TRUST  
UNDER AN UNRECORDED TRUST INSTRUMENT DATED FEBRUARY  
7, 1991, FOR AMENDMENT OF LAND COURT CERTIFICATE OF  
TITLE NO. 361,886

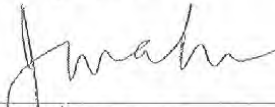
COMES NOW MICHAEL DAVID SCHNEIDER and LINDA LEARNER  
SCHNEIDER, Trustees of the Schneider Family Trust under an unrecorded trust instrument  
dated February 7, 1991, and respectfully prays for an amendment of Land Court Certificate of  
Title No. 361,886 to show the following facts:

There are no powers of trustee noted on title. The trustee powers under the  
Schneider Family Trust under an unrecorded trust instrument dated February 7, 1991 includes  
full power to sell, convey, exchange, mortgage, lease, assign, subdivide or otherwise deal with  
and dispose of all the trust estate, redacted and attached hereto as Exhibit A and made a part  
hereof.

A TRUE COPY, ATTEST WITH  
THE SEAL OF SAID COURT.

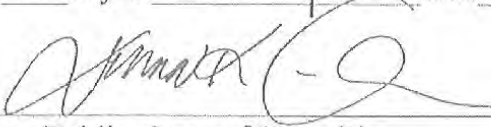
KATHLEEN HANAWAHINE  
Registrar

Dated: Honolulu, Hawai'i, February 1, 2018.

  
PAUL ALSTON  
JANNA W. AHU

Attorneys for Petitioner

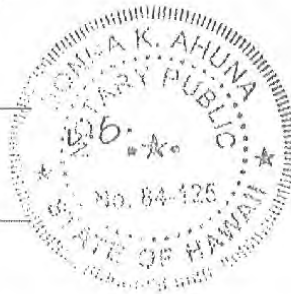
Subscribed and sworn to before me  
this 1st day of February, 2018.



  
Notary Public, State of Hawai'i

Donna K. Ahuna

Printed Name of Notary

My commission expires: 4-16-2020



Date of Doc.:	<u>2/1/18</u>	# Pages:	<u>76</u>
Notary Name.:	<u>Donna K. Ahuna</u>	<u>First</u>	Circuit
Doc. Description:	PETITION OF MICHAEL DAVID SCHNEIDER AND LINDA LEARNER SCHNEIDER, TRUSTEES OF THE SCHNEIDER FAMILY TRUST UNDER AN UNRECORDED TRUST INSTRUMENT DATED FEBRUARY 7, 1991, FOR AMENDMENT OF LAND COURT CERTIFICATE OF TITLE NO. 361,886 AND ORDER		
 Notary Signature		 (Stamp or Seal)	
NOTARY CERTIFICATION			

Application No. 609; In the Matter of the Application of Charles Campbell Crozier, to register and confirm title to land situate at Mokuleia, District of Waialua, City and County of Honolulu, State of Hawai'i; *PETITION FOR AMENDMENT OF LAND COURT CERTIFICATE OF TITLE NO. 361,886*

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

Charles Campbell Crozier,

to register and confirm title to land situate at  
Mokuleia, District of Waialua, City and  
County of Honolulu, State of Hawai'i

Application No. 609

1 L.D. 18-1-0062

ORDER GRANTING THE PETITION OF  
MICHAEL DAVID SCHNEIDER AND  
LINDA LEARNER SCHNEIDER,  
TRUSTEES OF THE SCHNEIDER FAMILY  
TRUST UNDER AN UNRECORDED  
TRUST INSTRUMENT DATED  
FEBRUARY 7, 1991, FOR AMENDMENT  
OF LAND COURT CERTIFICATE OF  
TITLE NO. 361,886

**ORDER GRANTING THE PETITION OF MICHAEL DAVID  
SCHNEIDER AND LINDA LEARNER SCHNEIDER, TRUSTEES OF THE  
SCHNEIDER FAMILY TRUST UNDER AN UNRECORDED TRUST  
INSTRUMENT DATED FEBRUARY 7, 1991, FOR AMENDMENT OF  
LAND COURT CERTIFICATE OF TITLE NO. 361,886**

Upon the record and evidence herein, the prayer of the petition is hereby granted  
and the Assistant Registrar of this Court is so ordered to amend the Land Court Certificate of  
Title No. 361,886 to reflect the trustee powers of MICHAEL DAVID SCHNEIDER and LINDA  
LEARNER SCHNEIDER, Trustees of the Schneider Family Trust under an unrecorded trust  
instrument dated February 7, 1991.

Dated: Honolulu, Hawai'i, \_\_\_\_\_

KATHLEEN HANAWAHINE

Registrar for the Judge of the Land Court



Application No. 609; In the Matter of the Application of Charles Campbell Crozier, to register  
and confirm title to land situate at Mokuleia, District of Waialua, City and County of Honolulu,  
State of Hawai'i; *PETITION FOR AMENDMENT OF LAND COURT CERTIFICATE OF  
TITLE NO. 361,886*

COMPLETE RESTATEMENT  
OF THE DECLARATION OF TRUST FOR THE  
SCHNEIDER FAMILY TRUST

*Prepared by*

J. Wesley Smith, Esq.

Buchman Provine Brothers Smith LLP

2033 N. Main Street, Suite 720

Walnut Creek, California 94596

925-944-9700

wsmith@bpbsllp.com



## COMPLETE RESTATEMENT OF THE DECLARATION OF TRUST FOR THE SCHNEIDER FAMILY TRUST

MICHAEL D. SCHNEIDER ("MICHAEL") and LINDA L. SCHNEIDER ("LINDA"), as Settlers and Trustees, declare that they have entered into this Restatement of the Declaration of Trust for the SCHNEIDER FAMILY TRUST dated February 7, 1991 (the "Restatement" or the "Trust") on June 9, 2015.

The Settlers established the SCHNEIDER FAMILY TRUST on February 7, 1991. The Settlers restated the SCHNEIDER FAMILY TRUST on August 10, 2014. Under Section 3.4 of the Restated Declaration of Trust, the Settlers reserved the right to amend, modify, or revoke the Declaration of Trust or any of its provisions, in whole or in part, at any time by a writing signed by them. Exercising that right, the Settlers completely restate the Declaration of Trust in its entirety as set forth below in this document, so that none of the previous provisions shall continue to be in effect. This complete restatement, and any subsequent amendments, shall constitute the entire and exclusive statement of the terms of the SCHNEIDER FAMILY TRUST dated February 7, 1991.

The Settlers have transferred to themselves, as Trustees, all of the property listed on Schedules A, B and C, and all property subsequently transferred to the Trustees or otherwise titled in the name of the Trust. All such property is sometimes referred to herein as the "Trust Estate" and shall be held, administered, and distributed as provided in this Trust and any subsequent amendments. The revocable trust established under this Declaration of Trust shall continue to be known as the SCHNEIDER FAMILY TRUST dated February 7, 1991. Successor trusts established under this Declaration of Trust shall be known by the names designated below in this Declaration of Trust or as named by the Trustees. The Trustees may refer to these trusts by reference to the name of the income beneficiaries of these trusts or the tax elections made with respect to these trusts.

### ARTICLE 1 DECLARATIONS

**1.1 Family Information.** The Settlers are married to each other. They have three (3) children of their marriage, namely, JASON L. SCHNEIDER, born November 4, 1974; CHRISTOPHER N. SCHNEIDER, born October 3, 1980; and SEAN M. SCHNEIDER, born November 11, 1982. The Settlers have no other living or deceased children.

**1.2 Property Information.** All the community property the Settlers transfer to the Trustees and the proceeds of that property shall remain the Settlers' community property. All separate property transferred to the Trustees by either Settlor and the proceeds of that property shall remain that Settlor's separate property. The Trustees shall segregate the community property and separate property and maintain books and records showing the character of all property.



successor Trustee, regarding the Trustees' authority to act under this Declaration of Trust, the calling of any meeting of the Trustees, the giving of any notice of a meeting, the action taken at a meeting, and other facts concerning the trusts established under this Declaration of Trust. Anyone may rely on a copy of this Declaration of Trust certified by a Trustee, by the Trustee's legal counsel, or by a Notary Public, to be a counterpart or true copy of this Declaration of Trust.

**20.13 Reliance on the Authority of Trustees.** No persons or organizations employed by the Trustees or retained by the Trustees as provided in this article shall be required to oversee or supervise the activities of the Trustees or to inquire into the Trustees' powers, authority, or discretion. Each person or organization so employed or retained may rely implicitly upon the written instructions of the Trustees with respect to the property and business of the trust, including instructions of the Trustees to deal directly with investment counsel employed by the Trustees. In no event shall any person or organization so employed or retained be liable for any act or omission of any Trustee in which that person or organization may also have participated.

**20.14 To Maintain Settlor at Residence.** It is the Settlor's desire to continue to live at home as long as the Settlor is physically able, despite the possibility that alternative housing may be recommended by an Agent or third party for financial or other reasons. The Settlor authorizes and directs the Trustees to take such steps as are necessary to honor these desires, including, but not limited to, modifying the premises of the Settlor's residence, hiring home care providers, or taking such other measures as are considered advisable under the circumstances.

## **ARTICLE 21 THE POWERS OF THE TRUSTEES**

Subject in all instances to their fiduciary duties and the limitations set forth elsewhere in this Declaration of Trust, with regard to the entire trust estate and all trusts established under this Declaration of Trust, the Trustees shall have all the powers described below, all powers granted by law (including all the powers set forth in Probate Code §16220 et seq.), and all powers reasonably necessary to carry out their duties as Trustees to administer, manage, protect, and invest the trust estate. The Trustees in their discretion, without court approval, authorization, or supervision, may exercise these powers except as expressly required in this Declaration of Trust.

**21.1 To Accept Property.** The Trustees may accept or receive additions and contributions to the trust estate from either Settlor or any other person and hold the property in trust under the provisions of this Declaration of Trust. If the Trustees receive property from another fiduciary and if the Trustees believe the action to be in the best interests of the trust estate, the Trustees are authorized to waive an accounting from the fiduciary, to approve his or her actions, to consent to his or her proposed actions, and to consent to his or her discharge.

**21.2 To Disclaim or Reject Property.** The Trustees may renounce or otherwise disclaim all or any part of any interest in property passing to the trust, by gift or bequest, and any right, power, privilege, or discretion granted the Trustees under this Declaration of Trust. The Trustees may reject any property or interest in property passing to the trust, including property that by reason of hazardous materials or substance the Trustees determine (after investigation at the expense of the trust) would be detrimental to the trust purpose.

**21.3 To Retain Property.** The Trustees may retain trust property received at the inception of the trust or at any other time, from either Settlor or any other person until, in the judgment of the Trustees, disposition or distribution of the property should be made. The property may be retained even though the property is unproductive, is property in which a Trustee is personally interested or in which the Trustee owns an undivided interest personally or as trustee of another trust, or there is known or later discovered to be hazardous materials or substances requiring remedial action pursuant to environmental laws. Notwithstanding Probate Code §§16048 and 16049, the Trustees shall have no duty to dispose of any part of the trust property included in the trust at the time of its creation, or later added to the trust by either Settlor or another person, that would not be a proper investment for the Trustees to make. The Trustees may, without liability, continue to hold that property. The Trustees may hold trust property in bearer form so that title may pass by delivery, or in the name of any one Trustee or a nominee without indication of any fiduciary capacity by the nominee. The Trustees may keep all or part of the trust property at any place within the United States or abroad. These provisions are subject to the limitations set forth in Article 9 (The Marital Trust) and Article 10 (Marital Deduction Provisions).

**21.4 To Operate a Business.** The Trustees may continue or participate in the operation of any business or other enterprise (including a partnership as a general or limited partner and a limited liability company as a member or a manager) that is part of the trust property for as long as the Trustees deem advisable, at the risk of the trust estate and not at the risk of the Trustees. The Trustees may incorporate, dissolve, or change the form of the organization of the business or enterprise, or operate it as a partnership or limited liability company, or in any other form. The profits and losses from any business or other enterprise shall be chargeable to and borne by the trust, and not the Trustees. A Trustee, as an individual, may continue to be a shareholder, director, officer, employee, member, manager or partner of any business or enterprise in which the trust holds any interest.

**21.5 To Invest and Reinvest Trust Property.** The Trustees may invest and reinvest trust property (including income and principal) in any kind of property, whether real, personal, or mixed, including (1) real property (including leaseholds; royalty interests; interests in mines, oil and gas wells, timberlands, and other wasting assets), (2) intangible personal property (including common and preferred stock and all other kinds of securities, on margin or otherwise); investment company shares, mutual funds, index funds, common trust funds (including any common trust fund under the management of a corporate trustee) and other sole or collective business and investment vehicles; interests in partnerships (whether as a general or limited partner); commodities; governmental obligations of every kind; obligations of corporations or unincorporated associations; and patents, copyrights, trademarks, and other intangible rights, and (3) tangible personal property (including precious metals, works of art, and other collectibles). The Trustees are authorized to establish and maintain brokerage accounts, including margin accounts, for the purpose of purchasing, acquiring, possessing, pledging, hypothecating, selling and otherwise disposing of, and generally dealing in and with any of the foregoing types of investments.

**21.6 To Administer Securities.** The Trustees may purchase, exchange, or sell stocks, bonds, futures contracts, and other securities, and puts, calls, straddles, and other options. The Trustees may maintain brokerage accounts, including margin and commodity accounts, and in

connection with such accounts, may borrow, pledge securities, make short sales, and sell on margin or otherwise. With respect to all securities held by in the trust estate, the Trustees may exercise the rights, powers, and privileges, and responsibilities of an owner, including the right to vote; to give general or limited proxies; to pay calls, assessments, and other sums; to participate in voting trusts, pooling arrangements, foreclosures, reorganizations, consolidations, mergers, and liquidations; to deposit securities with and transfer title to any protective or other committee; and to exchange, exercise, or sell stock subscription or conversion rights. The Trustees may also accept and retain as an investment any securities received through the exercise of any of the foregoing powers.

**21.7 To Conduct Banking Activities.** The Trustees may establish financial accounts of any kind, including checking, money market, and savings accounts, with any bank, savings and loan association, credit union, brokerage firm, or other financial institution (including such accounts in the banking department of a Trustee that is a corporation or partnership). The Trustees may deposit trust funds into such accounts, withdraw funds from such accounts, and transfer funds among such accounts. The Trustees may designate in writing the persons, whether or not Trustees, who may conduct such banking activities, and the financial institutions may rely, without liability, on such designations.

**21.8 To Purchase and Sell Trust Property.** The Trustees may buy, purchase, acquire, sell, convey, dispose of, exchange, or otherwise transfer any trust property, or any interest in property, for cash or on credit, at public or private sale, with or without notice, and for the prices and upon the terms as the Trustees determine.

**21.9 To Manage Trust Property.** The Trustees may manage, control, divide, develop, improve, repair, exchange, partition, change the character of, or abandon trust property or any interest in trust property. The Trustees may enter into a lease for any purpose as lessor or lessee with or without the option to purchase or renew and for a term within or extending beyond the term of the trust. The Trustees may amend or extend existing leases. The Trustees may also demolish or remove buildings or other improvements on trust property.


**21.10 To Manage Digital Assets and Access.** To access, control, modify, copy, transfer and delete all of the Settlor's digital or virtual accounts and digital or virtual assets (such as music, pictures, account credits, virtual money, etc.); to access the Settlor's financial accounts protected by web-based logins and passwords; to have access to the Settlor's web-based accounts with service providers such as email, memberships in organizations or commercial enterprises, and social media, all of which require a user name and password for access; and to direct all persons or entities handling such data to deal with him or her, even to the extent of compelling the provider to reset the Settlor's information to data of the Settlor's Trustees' choosing. This is intended to be the Settlor's consent and authorization under the Electronic Communications Privacy Act of 1986, the Computer Fraud and Abuse Act of 1986 and all other state and federal data privacy and relevant criminal laws. As used in this instrument, "digital or virtual account" means an electronic means of creating, generating, sending, receiving, communicating, storing, displaying, or processing information and "digital or virtual asset" means any asset or right created, generated, sent, received, communicated, or stored by electronic means or on an electronic device or on a system that delivers or stores electronic information.

Trustee" means a Trustee who is not any of the following: (1) a beneficiary of the trust for which he or she is serving as Trustee, (2) a person who has transferred property to such trust or joined in any such transfer; or (3) a person who is a related or subordinate party as to any such beneficiary or grantor. In addition, if a General Power of Appointment held by a beneficiary of a trust may only be exercised with the consent of an Independent Trustee, the term "Independent Trustee" also means a person who does not have a substantial interest in the property subject to the power which interest is adverse to the exercise of the power in favor of the beneficiary, his or her estate, his or her creditors, or the creditors of his or her estate.

### ARTICLE 32 RELIANCE ON CERTIFIED COPIES

To the same effect as if it were the original, anyone may rely upon a copy of this Declaration of Trust, or any part of this Declaration of Trust, certified by a Settlor or Trustee or their legal counsel to be a true and correct copy of all or any part of this Declaration of Trust, or of any document required to be filed with or maintained at the office of the Trustees. Anyone may rely upon any statements of fact concerning this trust certified by anyone who appears from an original document, or a certified copy, to be serving as a Trustee under this Declaration of Trust, including a certification of trust made pursuant to Probate Code §18100.5.

The Settlers and Trustees have executed this Declaration of Trust as of the day and year first written above, at Walnut Creek, California.

  
MICHAEL D. SCHNEIDER  
LINDA L. SCHNEIDER

Settlers and Trustees



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )

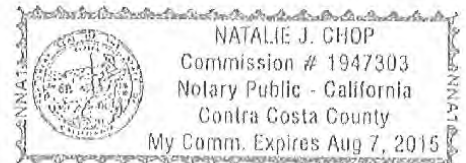
COUNTY OF CONTRA COSTA )

On June 9, 2015, before me, Natalie J. Chop,  
Notary Public, personally appeared Michael D. Schneider & Linda L. Schneider who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument, and acknowledged to me that he/she/they executed the same  
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument  
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the  
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Natalie J. Chop (Seal)



IN THE LAND COURT OF THE STATE OF HAWAI'I

In the Matter of the Application

of

Charles Campbell Crozier,

to register and confirm title to land  
situate at Mokuleia, District of  
Waialua, City and County of  
Honolulu, State of Hawai'i

Application No. 609

1 L.D. 18-1-0062

**ORDER TO SHOW CAUSE**

**ORDER TO SHOW CAUSE**

TO: MARK H. FUJIOKA, Trustee  
GRANT R. FUJIOKA, Trustee  
LORI ANN Y. FUJIOKA, Trustee  
68-393 Crozier Drive  
Waialua, HI 96791

MICHELLE KONDO HO, Trustee  
68-415 Crozier Drive  
Waialua, HI 96791

CITY AND COUNTY OF HONOLULU  
c/o Department of the Corporation Counsel  
530 South King Street  
Honolulu, HI 96813

STATE OF HAWAII  
c/o Attorney General  
425 Queen Street  
Honolulu, HI 96813

WHEREAS, MICHAEL DAVID SCHNEIDER and LINDA LEARNER  
SCHNEIDER, Trustees of The Schneider Family Trust under an unrecorded  
Trust Instrument dated February 7, 1991 ("Petitioners") have filed in this Court  
a Petition for Registration of Title to Accretion, in which Petitioners pray for the  
recognition of accretion to Lot 104-B, as shown on Map 19, of Land Court

Application No. 609 of Charles Campbell Crozier, and the registration of the accretion to such land more fully described in such petition, said land being all of the land covered by **Certificate of Title No. 361,886**, and good cause appearing therefor,

IT IS HEREBY ORDERED that citation is issued to Mark H. Fujioka, Trustee, Grant R. Fujioka, Trustee, Lori Ann Y. Fujioka, Trustee, Michelle Kondo Ho, Trustee, the City and County of Honolulu, and the State of Hawai'i, requiring them to appear in this Court on JAN 28 2019, 2018 at 9:00 a.m., before the Honorable Gary W.B. Chang, Judge of the Land Court of the State of Hawaii, in his courtroom on the fourth floor of Kaahumanu Hale, 777 Punchbowl Street, at Honolulu, Hawai'i 96813, to show cause, if you have any, why the prayer of Petitioners should not be granted.

IT IS HEREBY FURTHER ORDERED that a certified copy of said petition, exhibits and this Order be forthwith served upon Mark H. Fujioka, Trustee, Grant R. Fujioka, Trustee, Lori Ann Y. Fujioka, Trustee, Michelle Kondo Ho, Trustee, the City and County of Honolulu, and the State of Hawai'i, by certified mail, return receipt requested or by personal service.

DATED: Honolulu, Hawai'i, OCT 17 2018.

GARY W.B. CHANG

JUDGE OF THE LAND COURT



Attest:

BESS K. PALMA

By \_\_\_\_\_  
Registrar of the Land Court



IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

Charles Campbell Crozier,

to register and confirm title to land  
situate at Mokuleia, District of  
Waialua, City and County of  
Honolulu, State of Hawai'i

Application No. 609

1 L.D. 18-1-0062

**CITATION**

**CITATION**

STATE OF HAWAII

TO: MARK H. FUJIOKA, Trustee  
GRANT R. FUJIOKA, Trustee  
LORI ANN Y. FUJIOKA, Trustee  
68-393 Crozier Drive  
Waialua, HI 96791

MICHELLE KONDO HO, Trustee  
68-415 Crozier Drive  
Waialua, HI 96791

CITY AND COUNTY OF HONOLULU  
c/o Department of the Corporation Counsel  
530 South King Street  
Honolulu, HI 96813

STATE OF HAWAII  
c/o Attorney General  
425 Queen Street  
Honolulu, HI 96813

YOU ARE HEREBY NOTIFIED that MICHAEL DAVID SCHNEIDER  
and LINDA LEARNER SCHNEIDER, Trustees of The Schneider Family Trust  
under an unrecorded Trust Instrument dated February 7, 1991 ("Petitioners")  
have filed in this Court a Petition for Registration of Title to Accretion, in which



Petitioners pray for the recognition of accretion to Lot 104-B, as shown on Map 19, of Land Court Application No. 609 of Charles Campbell Crozier, and the registration of the accretion to such land more fully described in such petition, said land being all of the land covered by **Certificate of Title No. 361,886**;

YOU ARE HEREBY CITED AND FURTHER NOTIFIED, pursuant to the foregoing Order to Show Cause, to appear before the Honorable Gary W.B. Chang, Judge of the Land Court of the State of Hawai'i, in his courtroom on the fourth floor of Kaahumanu Hale, 777 Punchbowl Street, Honolulu, Hawai'i 96813, on JAN 28 2019, 2018, at 9:00 a.m. to show cause, if you have any, why the prayer of said Petition should not be granted, and, unless you appear at said Court at the time and place aforesaid, your default will be recorded and the Petition will be granted, and you will be forever barred from contesting said Petition or any judgment, decree or writ entered thereon.

WITNESS, the Registrar of the Land Court of the State of Hawai'i.

DATED: Honolulu, Hawai'i, OCT 17 2018.

BESS K. PALMA

REGISTRAR

