

January 2026

**NON-EA OR EIS PUBLICATION FORM
ENVIRONMENTAL REVIEW PROGRAM**

Project Name: 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: Petition for Registration of Title to Accretion
Island: Oahu
District: Kailua, District of Koolaupoko
TMK: (1) 4-3-007-041
Permits Required: N/A
Applicant or Proposing Agency:
(Address, Contact Person, Telephone, E-mail)
Petitioner DAVID BARBETTA, as Trustee of The David Barbetta
Revocable Trust, dated July 2, 2025
c/o Janna Ahu, Esq., Dentons US LLP
1001 Bishop Street, Suite 1800, Honolulu, HI 96813
Telephone: (808) 524-1800
Email: janna.ahu@dentons.com

Approving Agency or Accepting Authority: Land Court, State of Hawai`i
(Address, Contact Person, Telephone, E-mail)
Consultant: N/A
(Address, Contact Person, Telephone, E-mail)

Status: Petition for Registration of Title to Accretion filed January 23, 2026

Project Summary:

(Summarize proposed action and purpose/need in less than 200 words in the space below):

YOU ARE HEREBY NOTIFIED that Petitioner DAVID BARBETTA, as Trustee of The David Barbetta Revocable Trust, dated July 2, 2025, has filed a petition for registration of title to accretion in the Land Court, State of Hawai`i, Case No. 1CLD-26-0000207, to register title to accreted land within lands identified as Lot 25 as shown on Map 2 of Application No. 505, Tax Map Key No. (1) 4-3-007-041, all situate, lying and being at Kailua, District of Koolaupoko, City and County of Honolulu, State of Hawai`i.

**Electronically Filed
FIRST CIRCUIT
1CLD-26-0000207
23-JAN-2026
04:44 PM
Dkt. 1 PET**

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

HELENE IRWIN CROCKER,

to register and confirm title to certain land at
Kailua, Koolaupoko, Oahu, State of Hawai'i

Ld. Ct. Application No. 505

DAVID BARBETTA, as Trustee of The David
Barbetta Revocable Trust, dated July 2, 2025,

Petitioner,

vs.

STATE OF HAWAII; CITY AND COUNTY
OF HONOLULU; SHERRY D. LAMBERT;
and LANIKAI ASSOCIATION INC.,

Respondents.

1CLD Case No. _____

PETITION FOR REGISTRATION OF TITLE
TO ACCRETION; DECLARATION OF
JANNA WEHILANI AHU; DECLARATION
OF DAVID BARBETTA; DECLARATION
OF RYAN SUZUKI; EXHIBITS "A" – "G";
[PROPOSED] ORDER TO SHOW CAUSE;
[PROPOSED] CITATION

Hearing:

Date: April 6, 2026

Time: 9:00 a.m.

Judge: Honorable Kevin T. Morikone

PETITION FOR REGISTRATION OF TITLE TO ACCRETION

PAUL ALSTON 1126
JANNA WEHILANI AHU 10588

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

Attorneys for Petitioner
DAVID BARBETTA, as Trustee of The
David Barbetta Revocable Trust, dated
July 2, 2025

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

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

HELENE IRWIN CROCKER,

to register and confirm title to certain land at
Kailua, Koolaupoko, Oahu, State of Hawai'i

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Petitioner,

vs.

STATE OF HAWAII; CITY AND COUNTY
OF HONOLULU; SHERRY D. LAMBERT;
and LANIKAI ASSOCIATION INC.,

Respondents.

1CLD Case No. _____

PETITION FOR REGISTRATION OF TITLE TO ACCRETION

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

COMES NOW Petitioner DAVID BARBETTA, as Trustee of The David Barbetta
Revocable Trust, dated July 2, 2025 (“Petitioner”), through his counsel Dentons US LLP, and
submits his Petition for Registration of Title to Accretion to Lot 25 as shown on Map 2 of
Application No. 505, pursuant to Land Court Rule 26.

1. Petitioner is the owner of Lot 25 as shown on Map 2 of Land Court Application
No. 505 covered by Transfer Certificate of Title (“TCT”) No. 1291594. *See* Ex. A (the
Quitclaim Deed); *see also* the Declaration of David Barbetta (“Barbetta Decl.”) at ¶ 1.

2. Petitioner, as trustee, has the power, under the trust instrument and applicable law,
to:

(a) enter into any transaction for the benefit of the Trust,

- (b) deal with real property,
- (c) execute any documents and declarations on behalf of the Trust,
- (d) institute, compromise, and defend any actions and proceedings on behalf of the Trust,
- and
- (e) exercise all general and specific powers conferred to the Trustee under Hawai`i Trust Code sections 554D-815 and 554-816.

See Ex. B (the Certificate of Trust-The David Barbetta Revocable Trust). Thus, he has the power to bring the instant Petition.

3. Pursuant to HRS § 501-33, “[a]n applicant for registration of land by accretion shall prove by a preponderance of the evidence that the accretion is natural and permanent and that the land accreted before or on May 20, 2003[.]” *See also* HRS § 669-1(e) (“The person bringing the action shall prove by a preponderance of the evidence that the accretion is natural and permanent and that the land accreted before or on May 20, 2003. The person bringing the action shall supply the office of environmental quality control with notice of the action for publication in the office's periodic bulletin in compliance with section 343-3(c)(4).”).

4. “A party proves something under the preponderance of evidence standard when ‘the existence of the contested fact is more probable than its nonexistence.’” *Borrson v. Weeks*, 155 Hawaii 490, 496, 567 P.3d 195, 201 (2025) (citation omitted). The Hawai`i Supreme Court “has explained that the party with the burden of proof under the preponderance standard needs to ‘tip the scale slightly[.]’” *Id.* (citation omitted). “Upon consideration of all the evidence, if you find that a particular claim, defense or fact is more likely true than not true, then such claim, defense, or fact has been proven by a preponderance of the evidence.” Haw. Civ. Jury Instructions, Instruction No. 3.3

(https://www.courts.state.hi.us/docs/legal_references/jury_instructions_civil.pdf) (accessed on January 16, 2026).

5. Accreted lands are “natural” if they are “lands formed by the gradual accumulation of land on a beach or shore along the ocean by the action of natural forces.” HRS § 171-1; *see also Maunalua Bay Beach Ohana 28 v. State*, 122 Hawaii 34, 50, 222 P.3d 441, 457 (Ct. App. 2009) (accreted lands are “lands formed by the gradual accumulation of land on a beach or shore along the ocean by the action of nature forces”, e.g., beach-front property can be increased in size by the slow deposit of beach sand over time).

6. “‘Permanent’ means that the accretion has been in existence for at least twenty years.” HRS § 501-33; *see also* HRS § 669-1(e).

7. Simply put, a landowner seeking to register accretion must prove that it is *more likely than not* that: (1) the accreted land existed before or on May 20, 2003 and (2) the accreted land became permanent before the petition was filed (based upon evidence that it existed for at least twenty years before filing).

8. Petitioner, as successor to the original grantee, owned all accretion that existed before May 2003, and he is entitled to register (or, in the case of non-Land Court property, quiet title) that land whenever he can establish it has become “permanent.” Until that time, the accreted land is his, but it cannot be registered or recorded as being part of his up-land parcel. *See Application of Banning*, 73 Haw. 297, 303-4, 832 P.2d 724, 728 (1992) (holding that accretion belongs to the littoral landowner).

9. The original dimensions of Lot 25 when it was originally subdivided and registered are reflected on Map 2 of Land Application No. 505. *See* Ex. C, (certified copy of Map 2). Map 2 of Land Application No. 505 reflects that Lot 25 was 13,309 square feet. *See id.*

10. An aerial overlay photograph dated August 22, 1996 depicts the vegetation line at that time had moved seaward from its original dimensions (as shown on Map 2, Ex. C) by approximately 83.33 feet on the northwest side of Lot 25 and 101.70 feet on the southeast side of Lot 25, for a total accreted area of 6,652 square feet by that date. *See* Ex. F. According to a survey worksheet from the files of the Land Survey Division of the Department of Accounting and General Services (“Survey Division”), the vegetation line on April 21, 1997 had moved seaward from its original dimensions (as shown on Map 2, Ex. C) by approximately 101.70 feet on the southeast side of Lot 25. *See* Ex. D (the certified copy of the Survey Division worksheet). Thus, the accreted land existed in 1996/1997, more than six years before May 20, 2003.

11. According to the shoreline survey, certified by the Survey Division on August 29, 2024, the shoreline boundary has continued to naturally move seaward. *See* Ex. E (shoreline map certified by DLNR). Thus, the accreted land (that was in existence in 1996/1997) has existed for at least twenty years, and is “permanent” as defined by HRS § 501-33 and HRS § 669-1(e).

12. Based on Map 2 (Ex. C), the August 22, 1996 aerial photograph (Ex. F), the State of Hawai‘i Survey Division survey worksheet for the April 21, 1997 survey (Ex. D), and the August 29, 2024 DLNR certified shoreline (Ex. E), the accretion is “permanent” and “has been in existence for at least twenty years.”

13. Accordingly, it is more likely than not that since the title of Lot 25 was originally registered, there has been gradual and natural accretion to Lot 25 that accreted on or before May 20, 2003 so that the new shoreline boundary is as shown on the proposed new land court map prepared by Ryan Suzuki, and filed herewith a reduced copy of which is attached as Ex. G.

14. Petitioner is the sole owner of Lot 25. *See* Ex. A (the Quitclaim Deed); *see also* Barbetta Decl. ¶ 1.

15. The TCT reflects that Lot 25 is encumbered by a Mortgage, Doc. No. T12198077, recorded on May 26, 2023. The recorded Mortgage provides constructive notice of a lender has a security interest in Lot 25, but it has no bearing on Petitioner’s right to bring this Petition and register title to accretion.

16. Petitioner files herewith a map showing accretion to said Lot 25. *See* Ex. G (the proposed new Land Court Map). The Proposed New Land Court Map shows an accretion area of 6,652 square feet. *See id.*

17. Lot 25 has access to Mokulua Drive, a public road. *See* Barbetta Decl. ¶ 4.

18. Petitioner will supply the office of environmental quality control with notice of the Petition, for publication, in compliance with HRS § 501-33 and HRS § 343-3(c)(4).

19. 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 (Ex. G) attached hereto:

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

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

Lot 280: SHERRY D. LAMBERT
958 Mokulua Drive
Kailua, HI 96734

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

HELENE IRWIN CROCKER,

to register and confirm title to certain land at
Kailua, Koolaupoko, Oahu, State of Hawai`i

Ld. Ct. Application No. 505

DAVID BARBETTA, as Trustee of The David
Barbetta Revocable Trust, dated July 2, 2025,

Petitioner,

vs.

STATE OF HAWAII; CITY AND COUNTY
OF HONOLULU; SHERRY D. LAMBERT;
and LANIKAI ASSOCIATION INC.,

Respondents.

1CLD Case No. _____

**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 Petitioner David Barbetta, as Trustee of The David Barbetta Revocable Trust, dated July 2, 2025, in this case.

2. I make this *Declaration in Support of Petitioner DAVID BARBETTA, as Trustee of The David Barbetta Revocable Trust, dated July 2, 2025 Petition for Registration of Title to Accretion.*

3. Attached as Exhibit "A" is a certified copy of the Quitclaim Deed, Doc. No. T-13065096 recorded in the Land Court of the State of Hawai`i, Office of the Assistant Registrar, on October 9, 2025.

4. Attached as Exhibit “C” is a certified copy of Map 2 of Land Court, Territory of Hawai`i Lanikai Beach Tract, Subdivision of Land Court Application No. 505.

5. Attached as Exhibit “D” is a certified copy of the shoreline survey worksheet depicting the survey on April 21, 1997 conducted by the Survey Division, Department of Accounting and General Services, State of Hawai`i.

6. Attached as Exhibit “E” is a certified copy of the Shoreline Survey of Lot 25 (Map 2) of Land Court Application No. 505, TMK (1) 4-3-007:041, certified by the Chairperson of the Board of Land and Natural Resources, State of Hawai`i on August 29, 2024.

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

DATED: Honolulu, Hawai`i, January 23, 2026.

/s/ Janna Wehilani Ahu
JANNA WEHILANI AHU

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

Ld. Ct. Application No. 505

Of

HELENE IRWIN CROCKER,
to register and confirm title to certain land at
Kailua, Koolaupoko, Oahu, State of Hawai'i

DAVID BARBETTA, as Trustee of The
David Barbetta Revocable Trust, dated July 2,
2025

Petitioner,

vs.

STATE OF HAWAII; CITY AND COUNTY
OF HONOLULU; SHERRY D. LAMBERT;
and LANIKAI ASSOCIATION INC.,

Respondents.

1CLD Case No. _____

**DECLARATION OF
DAVID BARBETTA**

DECLARATION OF DAVID BARBETTA

I, David Barbetta, do hereby declare that:

1. The David Barbetta Revocable Trust owns Lot 25 as shown on Map 2 of Land Court Application No. 505, TMK: (1) 4-3-007: 041 ("Lot 25"). I am the Trustee for the David Barbetta Revocable Trust.

2. I make this Declaration in Support of *Petitioner David Barbetta, as Trustee of The David Barbetta Revocable Trust, dated July 2, 2025's Petition for Registration of Title to Accretion* and it is based on personal knowledge of the matters set forth herein.

3. Attached as Exhibit "B" is a true and correct copy of the Certificate of Trust ("The David Barbetta Revocable Trust"), dated October 20, 2025.

4. Lot 25 has access to Mokulua Drive, a public road.

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

DATED: Honolulu, Hawai'i, January 18, 2026.



DAVID BARBETTA

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

Of

HELENE IRWIN CROCKER,
to register and confirm title to certain land at
Kailua, Koolaupoko, Oahu, State of Hawai'i

Ld. Ct. Application No. 505

DAVID BARBETTA, as Trustee of The
David Barbetta Revocable Trust, dated July 2,
2025

Petitioner,

vs.

STATE OF HAWAII; CITY AND COUNTY
OF HONOLULU; SHERRY D. LAMBERT;
and LANIKAI ASSOCIATION INC.,

Respondents.

1CLD Case No. _____

DECLARATION OF RYAN SUZUKI

DECLARATION OF RYAN SUZUKI

I, Ryan Suzuki, do hereby declare that:

1. I am a Hawai'i licensed professional land surveyor working for R.M. Towill Corporation ("R.M. Towill").
2. I have been a land surveyor for 31 years, of which 31 years have been employed with R.M. Towill.
3. I make this declaration in support of *Petitioner DAVID BARBETTA, as Trustee of The David Barbetta Revocable Trust, dated July 2, 2025, Petition for Registration of Title to Accretion* ("Petition").

4. R.M. Towill was retained by Petitioner to conduct a shoreline survey of Lot 25 as shown on Map 2 of Land Court Application No. 505, TMK: (1) 4-3-007: 041 (“Lot 25”) and I was assigned to supervise the shoreline survey.

5. On November 13, 2023, I oversaw the shoreline survey of Lot 25 in my capacity as a Hawai'i licensed professional land surveyor.

6. I submitted the resultant survey results from the November 13, 2023 work to the Land Division of the State Department of Land and Natural Resources on December 19, 2023 for review in order to obtain certification of the shoreline.

7. I received comments from the State Land Survey Division office on February 29, 2024 and I amended the shoreline survey based on the feedback received on July 17, 2024.

8. On August 29, 2024, the State of Hawaii, Department of Land and Natural Resources certified the shoreline survey for Lot 25 performed by R.M. Towill under my supervision. A certified copy of the certified shoreline is attached as Exhibit E.

9. In my capacity as a surveyor at R.M. Towill, I have access to the historic photograph files, which are kept by R.M. Towill as part of its business records.

10. In those files I located an aerial photograph dated August 22, 1996, which depicts Lot 25 and the surrounding area. From my experience, these photos depict the area shown, including the vegetation and improvements.

11. I reviewed the shoreline survey worksheet dated April 21, 1997 from the State Land Survey Division office, which depicts a shoreline survey completed by the State Land Survey Division on April 21, 1997.

12. Onto the August 22, 1996 historic aerial photograph, I added the lot lines and shoreline for Lot 25 as located on November 13, 2023 and certified on August 29, 2024, to

show how they relate to vegetation line as of August 22, 1996, depicted on said photograph. Attached as Exhibit F to the Petition is a true and correct copy of that composite picture. I believe the composite fairly depicts what is shown thereon.

13. Based on the vegetation line on the August 22, 1996 aerial photograph (Ex. F) and the shoreline survey worksheet dated April 21, 1997 from the State Land Survey Division office (Ex. D), I drafted a proposed new land court map for Lot 25 with the proposed accreted land, a reduced copy of which is attached as Exhibit G.

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

DATED: Honolulu, Hawai`i, JANUARY 19, 2020





RYAN SUZUKI



STATE OF HAWAII
OFFICE OF THE ASSISTANT REGISTRAR
RECORDED

October 9, 2025 11:22 AM

Doc No(s) T - 13065096

on Cert(s) 1253984

Issuance of Cert(s) 1291594

Pkg 12616584 KM

/s/ MIKE H. IMANAKA
ASSISTANT REGISTRAR

Conveyance Tax: \$0.00

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

Mike H. Imanaka
Registrar of Conveyances
Assistant Registrar, Land Court
State of Hawaii

After recordation, return by Mail [] Pickup [X]

Case Lombardi (LRS)
737 Bishop Street, Suite 2600
Honolulu, Hawaii 96813

Total Pages: 4

Tax Map Key No. (1) 4-3-007-041

QUITCLAIM DEED

THIS QUITCLAIM DEED is dated October 6, 2025, by and between **DAVID BARBETTA**, unmarried, (hereinafter the "Grantor") and **DAVID BARBETTA, as Trustee of The David Barbetta Revocable Trust, dated July 2, 2025** (hereinafter the "Grantee"), both of whose address is 952 Mokulua Drive, Kailua, Hawaii 96734.

WITNESSETH THAT:

Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to the Grantor paid by Grantee, receipt of which is hereby acknowledged, does hereby release, remise, and quitclaim unto Grantee in fee simple, **as tenant in severalty in trust**, with all powers under said trust, including full power to manage, control, sell, convey, exchange, partition, divide, subdivide, improve, repair, or otherwise deal with the trust assets and interests therein, the property described in Exhibit "A" attached hereto (hereinafter the "**Property**").

AND the reversions, remainders, rents, issues and profits and all of the estate, right, title and interest of the Grantor, both at law and in equity, in and to the Property.

TO HAVE AND TO HOLD the Property, including the improvements thereon, and all rights, easements, privileges and appurtenances belonging or appertaining to or held and enjoyed with the Property, unto the Grantee according to the tenancy set forth herein, forever.

This instrument and the covenants of the Grantor shall be binding upon the Grantor and inure to the benefit of the Grantee. The terms "Grantor" and "Grantee" as and when used herein, or any pronouns used in place thereof, shall mean and include the masculine, feminine or neuter, the singular or plural number, individuals, partnerships, trustees and corporations, and each of their respective heirs, personal representatives, successors in interest and assigns. All covenants and obligations undertaken by two or more persons shall be deemed to be joint and several, unless a contrary intention is expressed elsewhere herein.

IN WITNESS WHEREOF, the Grantor has executed this instrument as of the date first referenced above.



DAVID BARBETTA

"Grantor"

CC
L
FHP

EXHIBIT "A"

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

Lot 25, area 13,309 square feet, more or less, of the "LANIKAI BEACH TRACT", as shown on Map 2, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii ("**Land Court**") with Land Court Application No. 505 of Helen Irwin Crocker.

Together with a perpetual right of way as an easement or easements appurtenant to said above-described land, in common with all others entitled, over and along each and all the several strips of land, each fifteen feet wide, leading from Mokulua Drive to the high-water mark of the sea, described and shown on said Map as Lots B, C, D, E, F, G, and H.

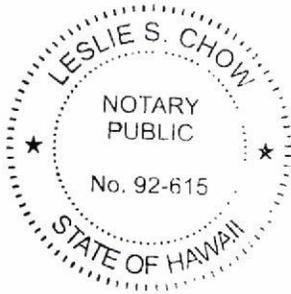
Being the land described in Warranty Deed filed May 26, 2023 in the Land Court as Document No. T-12198076, and covered by Certificate of Title No. 1,253,984.

SUBJECT, HOWEVER, to all encumbrances of record.

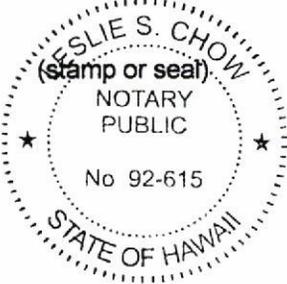
END OF EXHIBIT "A"

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On October 6, 2025, before me personally appeared **DAVID BARBETTA** to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.



Leslie S. Chow
Type or print name: Leslie S. Chow
Notary Public, State of Hawaii
My commission expires: 9.16.2028

Date of Doc: <u>October 6, 2025</u>	# Pages: <u>4</u>
Name of Notary: <u>Leslie S. Chow</u>	Notes:
Commission Expires: <u>9.16.2028</u>	
Doc. Description: <u>Quitclaim Deed to Trust</u>	
	
<u>Leslie S. Chow</u> Notary Signature	<u>10.06.2025</u> Date
First Circuit, State of Hawaii	
NOTARY CERTIFICATION	

CERTIFICATE OF TRUST

Name: The David Barbetta Revocable Trust
Date: July 2, 2025
Grantor: David Barbetta
Trustee: David Barbetta
Address: 952 Mokulua Drive, Kailua, HI 96734
Tax ID No.: Grantor's social security number

The Trustee certifies that:

- 1. The Trust exists and is in full force and effect.
2. The Trust is revocable and amendable by David Barbetta.
3. The trust instrument has not been revoked, modified, or amended in any manner which would cause the representations contained in this Certificate of Trust to be inaccurate or incorrect.
4. The Trustee has the power, under the trust instrument and applicable law, to (a) enter into any transaction for the benefit of the Trust, (b) deal with real property, (c) execute any documents and declarations on behalf of the Trust, (d) institute, compromise, and defend any actions and proceedings on behalf of the Trust, and (e) exercise all general and specific powers conferred to the Trustee under Hawaii Trust Code sections 554D-815 and 554-816.
5. If there is more than one Trustee of the Trust, action on behalf of the Trust may be taken by (a) unanimous consent of the Trustees when two Trustees are acting and (b) majority consent of the Trustees when three or more are acting.
6. The Trust is governed by the laws of the State of Hawaii.
7. The representations made in this Certificate of Trust are true, complete, and accurate.

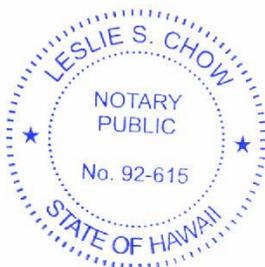
The undersigned Trustee hereby indemnifies any third party to whom this Certificate of Trust is presented from, and holds such third party harmless against, any claims, judgments, or other liabilities or cost of defense or settlement arising out of or related to any actual or alleged improper or unsuitable actions taken at the Trustee's instruction.

Dated: October 20, 2025

[Signature of David Barbetta]
David Barbetta, Trustee

STATE OF HAWAII)
: ss
COUNTY OF HONOLULU)

On the 20th day of October, 2025, personally appeared before me DAVID BARBETTA, who acknowledged that he executed the foregoing instrument in the capacity indicated.



[Signature of Leslie S. Chow]
Notary Public

My commission expires: 9.16.2028

SLC_8231057

NOTARY CERTIFICATION (Hawaii Administrative Rules § 5-11-8)

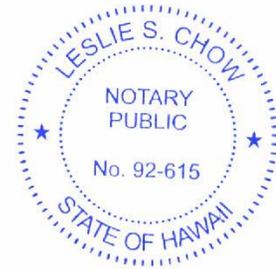
Document Description: Certificate of Trust

Doc. Date: 10.20.2025 No. of Pages: 1
First Judicial Circuit

Notary Name: Leslie S. Chow

LS Chow 10.20.2025
Notary Signature Date

(Notary's Official Stamp or Seal)



LAND COURT
 TERRITORY OF HAWAII
 "LANIKAI BEACH TRACT"
 SUBDIVISION OF
 LAND COURT APPLICATION NO. 505
 Being the Land of "KAOHAA", a Job of the Land of KAILIHA
 KAILUA, KOOLAUPONO, OAHU, T.H.

Scale: 1 inch = 100 Feet

HONOLULU, T.H.
 April 12, 1924

WRIGHT, HARVEY & WRIGHT

By Geo. J. Wright
 Surveyor & Maker of Plan
 455 Kaimuana St.

NOTE: a denotes Concrete Posts and 4

Realty Austin Company Ltd Applicant
 By Smith, Warren, Stanley & Vitourek
 Its attorney.

John Axel 28th 1924
 Attorney

I hereby certify that the map herein being a subdivision of Land Court Application No. 505 has been examined and verified and found to be correct.
 Honolulu, T.H., *Walter Hill*
 Surveyor, Territory of Hawaii
 May 12, 1924.

APPROVED: May 13, 1924
 R. P. Bishop
 Judge of the Land Court.

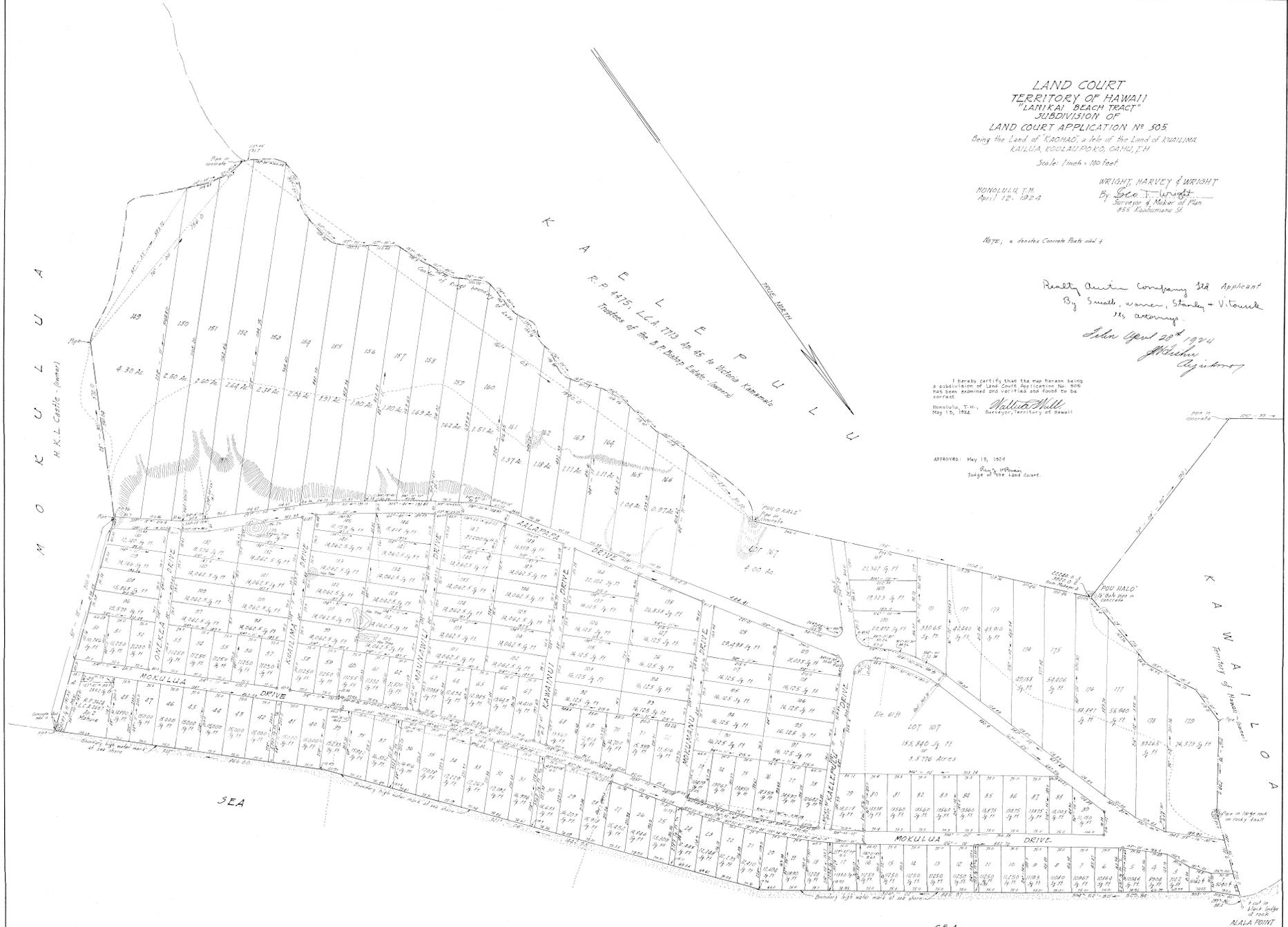


EXHIBIT C

I hereby certify this to be a true and correct copy of original Map of Land Court Application 505 as file in the Office of the Registrar of Conveyances in compliance with Section 202-2 of the Hawaii Revised Statutes.

Honolulu, Hawaii

April 4, 1925

Date

Paul S. Parker
 State Land Surveyor

RECEIVED
 I hereby certify that the foregoing documents are a true and correct copy of the original documents on file in the Office of the Registrar of Conveyances, Department of Registration and Records, Honolulu, Hawaii.
 25
 November 2025
W. Z. H.
 STATE CLERK OFFICE FOR
 HAWAII

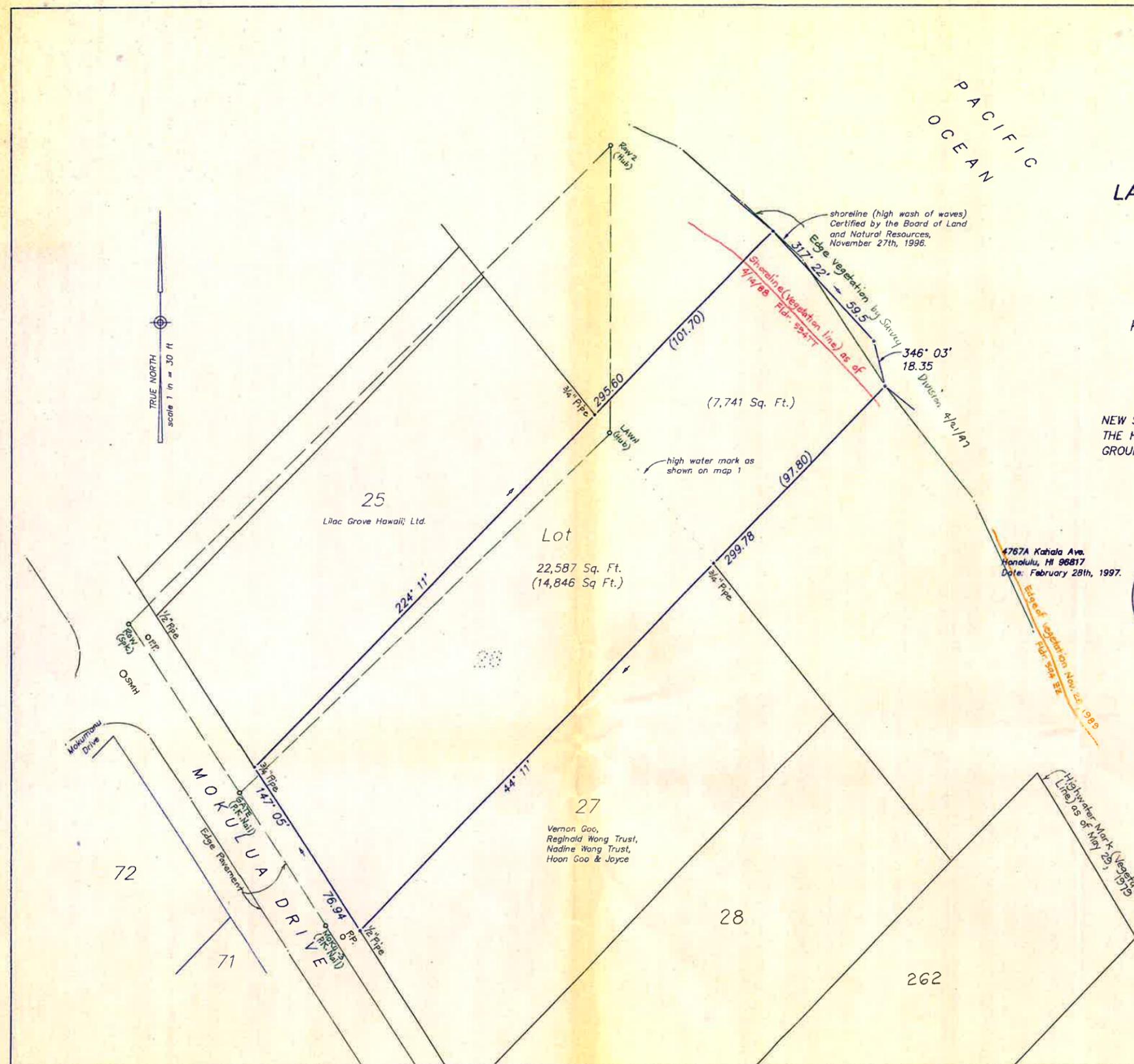
MAP

PACIFIC OCEAN

LAND COURT
STATE OF HAWAII

LAND COURT APPLICATION 505
ACCRETION TO LOT 26
AS SHOWN ON MAP 2
AND REDESIGNATION OF SAID LOT
WITH ACCRETION AS LOT
KAILUA, KOOLAUPOKO, OAHU, HAWAII

NEW SHORELINE AS SHOWN HEREON IS ESTABLISHED AT
THE HIGH WASH OF THE WAVES AS OBSERVED ON THE
GROUND BY THE UNDERSIGNED ON NOVEMBER 27, 1996.



This work was prepared by me or under my supervision
 James M. BROCK PE, PLS.
 Consulting Engineer/Surveyor
James M. Brock
 James M. BROCK
 Licensed Professional Land Surveyor
 State of Hawaii Certificate No. 3218
 Land Court Certificate No. 176

Owner : The Sugarpine Trust
 Transfer Certificate of Title : 469997

*filed march 19, 1997
 Dennis Shimoda,
 Clerk*

EXHIBIT D

CERTIFICATION

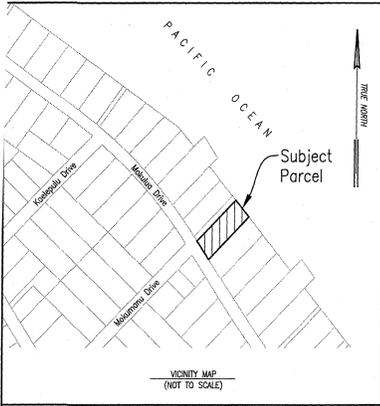
I hereby certify that the foregoing document is a true and correct copy of the document on file in the Survey Division, Department of Accounting and General Services, State of Hawaii.

Dated: Honolulu, Hawaii, this 15 day of

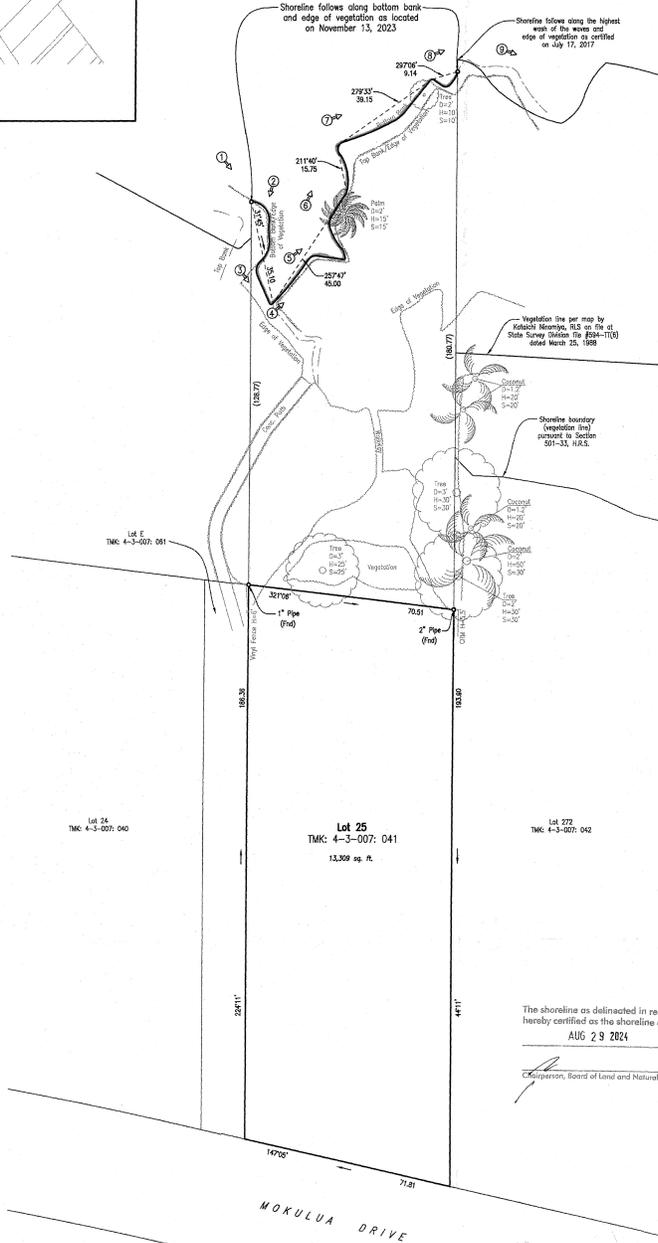
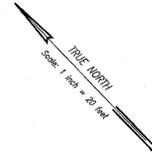
October 2025

Ma F. A.

STATE LAND SURVEYOR
STATE OF HAWAII



PACIFIC OCEAN



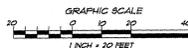
The shoreline as delineated in red is hereby certified as the shoreline as of
AUG 29 2024

Commission, Board of Land and Natural Resources

Property Owner:
Parcel: (1) 4-3-007: 041
BARBETTA, DAVID
952 Mokuia Drive
Kaliua, Hawaii 96734

Notes:
Azimuths are referred to Government Survey Triangulation Station "MOKAPU" Δ.
Boundaries shown are from record data.
⊙ ⊙ Indicates picture number and direction taken.

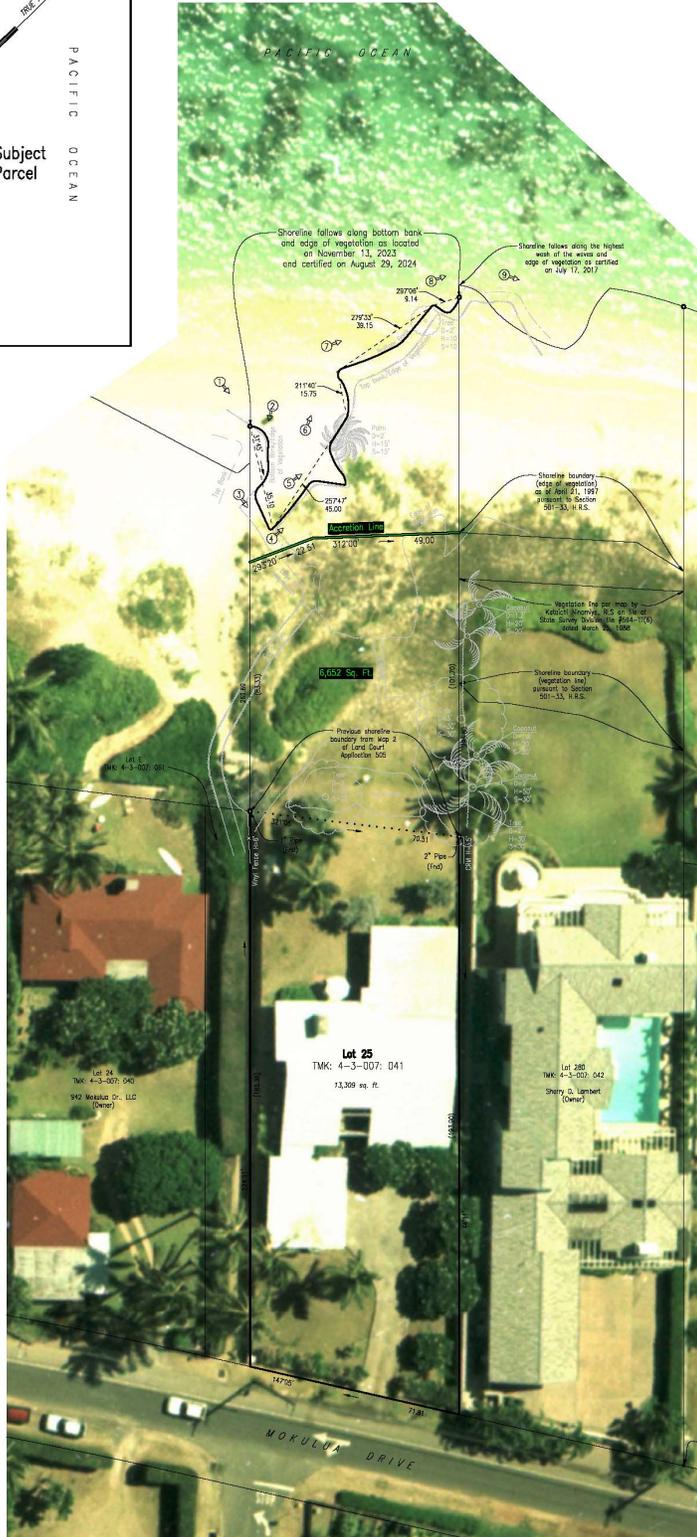
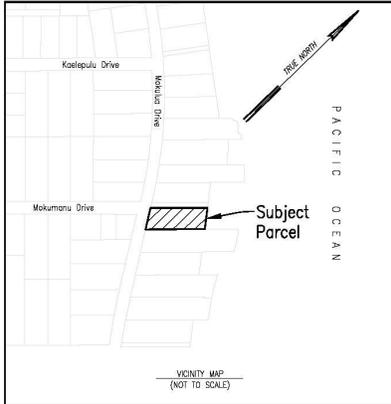
Shoreline Survey
of Lot 25 (Map 2)
of Land Court Application 505
Tax Map Key: (1) 4-3-007: 041
At Kaliua, Koolaulapoko, Oahu, Hawaii



"SEH HINE" 'UIN
I hereby certify that the foregoing document is a true and correct copy of the document on file in the Survey Division, Department of Accounting and General Services, State of Hawaii.
Dated: Honolulu, Hawaii, this 25 day of November 2025
Ryan M. Suzuki
STATE LAND SURVEYOR
STATE OF HAWAII



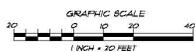
R. M. TOWILL CORPORATION
This work was prepared by me or under my direct supervision
Ryan M. Suzuki Expiration Date
Licensed Professional Land Surveyor
Certificate Number 10059



Property Owner:
Parcel: (1) 4-3-007: 041
David Barbellio Revocable Trust
952 Mokuia Drive
Kaliua, Hawaii 96734

Notes:
Azimuths are referred to Government Survey Triangulation Station "MOKAPU" Δ .
Boundaries shown are from record data.
⊕ indicates picture number and direction taken.
Aerial Photograph dated August 22, 1996.

Shoreline Survey
of Lot 25 (Map 2)
of Land Court Application 505
Tax Map Key: (1) 4-3-007: 041
At Kaliua, Koolau-poko, Oahu, Hawaii



R. M. TOWILL CORPORATION
This work was prepared by me or under my direct supervision
Ryan M. Suzuki 4/30/26
Ryan M. Suzuki (Expiration Date)
Licensed Professional Land Surveyor
Certificate Number 10059

LAND COURT
 STATE OF HAWAII
 LAND COURT APPLICATION 505
 ACCRETION TO LOT 25
 AS SHOWN ON MAP 2
 AND REDESIGNATION OF SAID LOT 25
 WITH ACCRETION AS LOT ____
 AT KAILUA, KOOLAUPOKO, OAHU, HAWAII

PROPOSED SHORELINE BOUNDARY AS SHOWN HEREON IS ESTABLISHED AT THE MOST INLAND SECTION OF THE BOTTOM BANK AND EDGE OF VEGETATION AS CERTIFIED ON AUGUST 24, 2024, PURSUANT TO SECTION 501-33, H.R.S., MADE UNDER THE DIRECT SUPERVISION OF THE UNDERSIGNED ON FEBRUARY 19, 2025 AND MAY BE CHECKED BY THE STATE LAND SURVEYOR WITH 043007.041.20240829.

2024 N King Street, Suite 200
 Honolulu, Hawaii 96819
 October 15, 2025



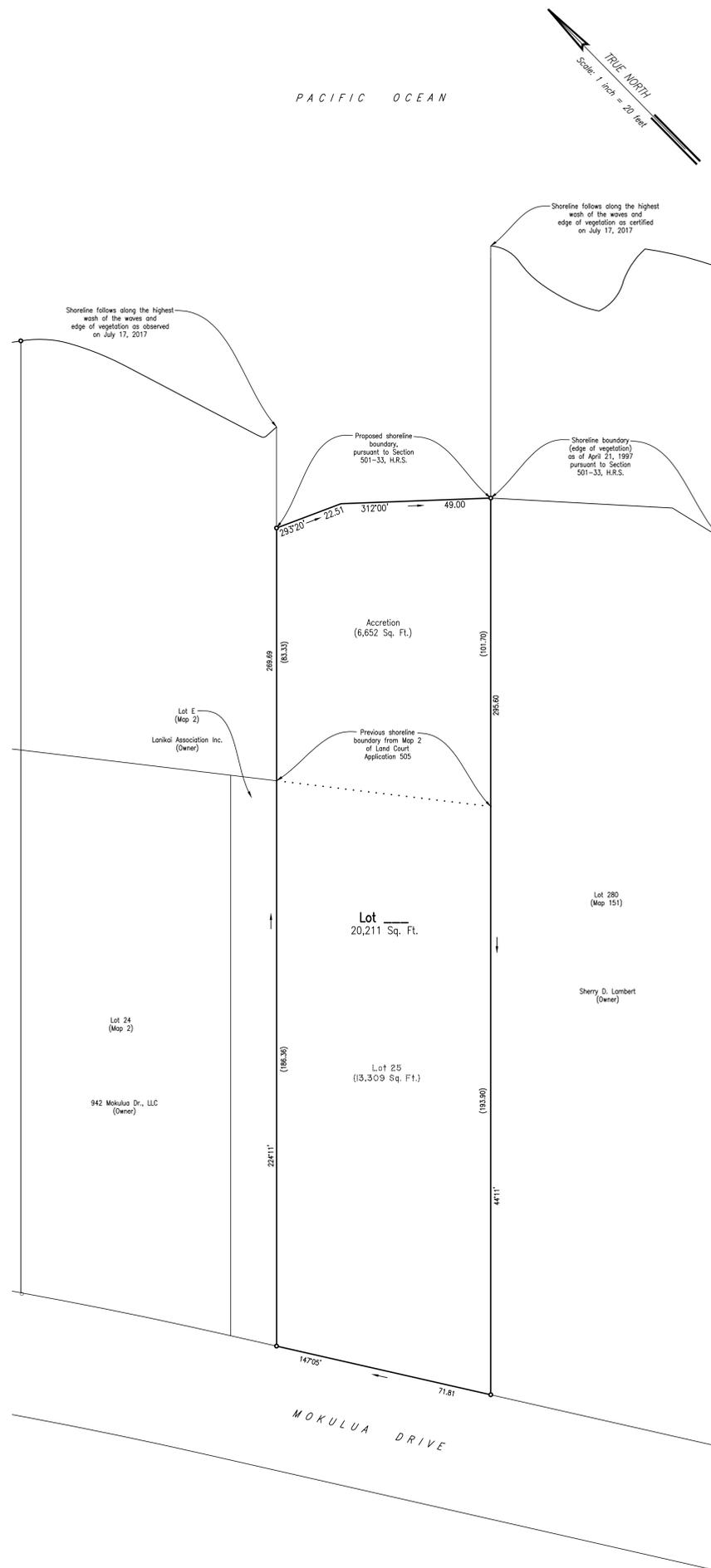
R. M. TOWILL CORPORATION
 This work was prepared by me or under my direct supervision
 Ryan M. Suzuki, 4/30/26
 Ryan M. Suzuki, Expiration Date
 Licensed Professional Land Surveyor
 Certificate Number 10059

Owner: David Barbeta Revocable Trust

Transfer Certificate of Title: 1,291,594

Authorized and Approved By Order of the Judge
 Of The Land Court Dated
 By Order of the Court

Registrar of the Land Court



Notes:
 Owners of adjoining lands as shown on plan are from records in the Real Property Mapping Branch.

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

HELENE IRWIN CROCKER,

to register and confirm title to certain land at
Kailua, Koolaupoko, Oahu, State of Hawai'i

Ld. Ct. Application No. 505

DAVID BARBETTA, as Trustee of The David
Barbetta Revocable Trust, dated July 2, 2025,

Petitioner,

vs.

STATE OF HAWAII; CITY AND COUNTY
OF HONOLULU; SHERRY D. LAMBERT;
and LANIKAI ASSOCIATION INC.,

Respondents.

1CLD Case No. _____

[PROPOSED] ORDER TO SHOW CAUSE

[PROPOSED] ORDER TO SHOW CAUSE

PAUL ALSTON 1126
JANNA WEHILANI AHU 10588

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

Attorneys for Petitioner
DAVID BARBETTA, as Trustee of The
David Barbetta Revocable Trust, dated
July 2, 2025

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

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

HELENE IRWIN CROCKER,

to register and confirm title to certain land at
Kailua, Koolaupoko, Oahu, State of Hawai'i

Ld. Ct. Application No. 505

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1001 Bishop Street, Suite 1800
Honolulu, Hawai'i 96813
Telephone: (808) 524-1800

Attorneys for Petitioner
DAVID BARBETTA, as Trustee of The
David Barbetta Revocable Trust, dated
July 2, 2025

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

In the Matter of the Application
of
HELENE IRWIN CROCKER,
to register and confirm title to certain land at
Kailua, Koolaupoko, Oahu, State of Hawai'i

Ld. Ct. Application No. 505

DAVID BARBETTA, as Trustee of The David
Barbetta Revocable Trust, dated July 2, 2025,

1CLD Case No. _____

Petitioner,

ORDER TO SHOW CAUSE

vs.

STATE OF HAWAII; CITY AND COUNTY
OF HONOLULU; SHERRY D. LAMBERT;
and LANIKAI ASSOCIATION INC.,

Respondents.

ORDER TO SHOW CAUSE

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

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

SHERRY D. LAMBERT
958 Mokulua Drive
Kailua, HI 96734

LANIKAI ASSOCIATION, INC.
ATTENTION: BRIAN SMITH,
President of Lanikai Association
1422 Mokolea Drive
Kailua, HI 96734

WHEREAS, Petitioner DAVID BARBETTA, as Trustee of The David Barbetta
Revocable Trust, dated July 2, 2025 (“Petitioner”) has filed in this Court a Petition for

Registration of Title to Accretion, in which Petitioner prays for the recognition of accretion to Lot 25 as shown on Map 2 of Land Court Application No. 505 of HELENE IRWIN CROCKER, 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.** 1291594, and good cause appearing therefor,

IT IS HEREBY ORDERED that citation is issued to the State of Hawai`i; the City and County of Honolulu; Sherry D. Lambert; and Lanikai Association Inc., requiring them to appear in this Court on April 6, 2026 at 9:00 a.m., before the Honorable Kevin T. Morikone, Judge of the Land Court of the State of Hawai`i, 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 Petitioner should not be granted.

IT IS HEREBY FURTHER ORDERED that a certified copy of the Petition, exhibits and this Order be forthwith served upon the State of Hawai`i; the City and County of Honolulu; Sherry D. Lambert; and Lanikai Association Inc., by certified mail, return receipt requested or by personal service.

DATED: Honolulu, Hawai`i, _____.

JUDGE OF THE LAND COURT

Attest:

By _____
Registrar of the Land Court

Application No. 505; 1CLD Case No. _____; In the Matter of the Application of HELENE IRWIN CROCKER, to register and confirm title to certain land at Kailua, Koolaupoko, Oahu, State of Hawai`i; **ORDER TO SHOW CAUSE**

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

HELENE IRWIN CROCKER,

to register and confirm title to certain land at
Kailua, Koolaupoko, Oahu, State of Hawai'i

Ld. Ct. Application No. 505

DAVID BARBETTA, as Trustee of The David
Barbetta Revocable Trust, dated July 2, 2025,

Petitioner,

vs.

STATE OF HAWAII; CITY AND COUNTY
OF HONOLULU; SHERRY D. LAMBERT;
and LANIKAI ASSOCIATION INC.,

Respondents.

1CLD Case No. _____

[PROPOSED] CITATION

[PROPOSED] CITATION

PAUL ALSTON

1126

Referred to the Surveyor of the State
of Hawai'i for check and report.

JANNA WEHILANI AHU

10588

Map filed _____

DENTONS US LLP

1001 Bishop Street, Suite 1800

Honolulu, Hawai'i 96813

Telephone: (808) 524-1800

_____ () white prints required.

Dated: _____

BY ORDER OF THE COURT:

Registrar

Attorneys for Petitioner

DAVID BARBETTA, as Trustee of The
David Barbetta Revocable Trust, dated
July 2, 2025

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

HELENE IRWIN CROCKER,

to register and confirm title to certain land at
Kailua, Koolaupoko, Oahu, State of Hawai'i

Ld. Ct. Application No. 505

DAVID BARBETTA, as Trustee of The David
Barbetta Revocable Trust, dated July 2, 2025,

Petitioner,

vs.

STATE OF HAWAII; CITY AND COUNTY
OF HONOLULU; SHERRY D. LAMBERT;
and LANIKAI ASSOCIATION INC.,

Respondents.

1CLD Case No. _____

CITATION

CITATION

PAUL ALSTON 1126
JANNA WEHILANI AHU 10588

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

Attorneys for Petitioner
DAVID BARBETTA, as Trustee of The
David Barbetta Revocable Trust, dated
July 2, 2025

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

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

HELENE IRWIN CROCKER,

to register and confirm title to certain land at
Kailua, Koolaupoko, Oahu, State of Hawai'i

Ld. Ct. Application No. 505

DAVID BARBETTA, as Trustee of The David
Barbetta Revocable Trust, dated July 2, 2025,

Petitioner,

vs.

STATE OF HAWAII; CITY AND COUNTY
OF HONOLULU; SHERRY D. LAMBERT;
and LANIKAI ASSOCIATION INC.,

Respondents.

1CLD Case No. _____

CITATION

CITATION

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

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

SHERRY D. LAMBERT
958 Mokulua Drive
Kailua, HI 96734

LANIKAI ASSOCIATION, INC.
ATTENTION: BRIAN SMITH,
President of Lanikai Association
1422 Mokolea Drive
Kailua, HI 96734

YOU ARE HEREBY NOTIFIED that Petitioner DAVID BARBETTA, as Trustee of The David Barbetta Revocable Trust, dated July 2, 2025 (“Petitioner”) has filed in this Court a Petition for Registration of Title to Accretion, in which Petitioner prays for the recognition of accretion to Lot 25 as shown on Map 2 of Land Court Application No. 505 of HELENE IRWIN CROCKER, 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. 1291594**;

YOU ARE HEREBY CITED AND FURTHER NOTIFIED, pursuant to the foregoing Order to Show Cause, to appear before the Honorable Kevin T. Morikone, 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 April 6, 2026 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, _____.

REGISTRAR

Application No. 505; 1CLD Case No. _____; In the Matter of the Application of HELENE IRWIN CROCKER, to register and confirm title to certain land at Kailua, Koolaupoko, Oahu, State of Hawai`i; **CITATION**

NOTICE OF ELECTRONIC FILING

**Electronically Filed
FIRST CIRCUIT
1CLD-26-0000207
23-JAN-2026
04:44 PM
Dkt. 3 NEF**

An electronic filing was submitted in Case Number 1CLD-26-0000207. You may review the filing through the Judiciary Electronic Filing System. Please monitor your email for future notifications.

Case ID: 1CLD-26-0000207

Title: David Barbetta, as Trustee of the David Barbetta Revocable Trust, dated July 2, 2025 v. State of Hawai`i; City and County of Honolulu; Sherry D. Lambert; and Lanikai Association Inc.

Filing Date / Time: FRIDAY, JANUARY 23, 2026 04:44:57 PM

Filing Parties: Paul Alston
Janna Ahu

Case Type: Land Court

Lead Document(s): 1-Petition for _____

Supporting Document(s): 2-Land Crt Info Sheet

Document Names: 1-Petition for Registration of Title to Accretion; Declaration of Janna Wehilani Ahu; Declaration of David Barbetta; Declaration of Ryan Suzuki; Exhibits "A" – "G"; [Proposed] Order to Show Cause; [Proposed] Citation
2-Land Court Information Sheet

If the filing noted above includes a document, this Notice of Electronic Filing is service of the document under the Hawai`i Electronic Filing and Service Rules.

This notification is being electronically mailed to:

Janna Wehilani Ahu (*janna.ahu@dentons.com*)

Paul Alston (*Paul.Alston@dentons.com*)

The following parties need to be conventionally served:

Lanikai Association, Inc.

Sherry D. Lambert

City and County of Honolulu

State of Hawaii

This filing type incurs a fee of \$315.00. You must pay by credit card or in person.