

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

November 14, 2014

Ref. No.: GLS-5229

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

**HAWAII**

Consent to Assign General Lease No. S-5229, Helen M. Calip, Assignor, to Janice K. Kilgore, Assignee, Milolii-Hoopuloa, South Kona, Hawaii, Tax Map Key: (3) 8-9-014:059.

**APPLICANT:**

Helen M. Calip, as Assignor, to Janice K. Kilgore, married, Tenant in Severalty, as Assignee.

**LEGAL REFERENCE:**

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

**LOCATION:**

Portion of Government lands of Milolii-Hoopuloa, Lot 6, Phase III, situated at Milolii-Hoopuloa, South Kona, Hawaii, identified by Tax Map Key: (3) 8-9-014:059, as shown on the attached map labeled Exhibit A.

**AREA:**

.2296 acres, or 10,000 square feet, more or less.

**TRUST LAND STATUS:**

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution:

YES \_\_\_ NO  x

**CHARACTER OF USE:**

Residential purposes.

TERM OF LEASE:

65-years, commencing on June 1, 1992 and expiring on May 31, 2057. First rental reopening is scheduled for June 1, 2017.

ANNUAL RENTAL:

\$132.00.

CONSIDERATION:

Gratis

RECOMMENDED PREMIUM:

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

DCCA VERIFICATION:

ASSIGNOR:

Not applicable, assignor as an individual is not required to register with DCCA.

ASSIGNEE:

Not applicable, assignor as an individual is not required to register with DCCA.

REMARKS:

Act 62, Session Laws of Hawaii 1982, as amended by Act 83, Session Laws of Hawaii 1984, authorized the Department of Land and Natural Resources to negotiate and enter into long term leases to persons residing in Milolii who were dispossessed or displaced as a result of the 1926 volcanic eruption of Mauna Loa on the Island of Hawaii. Act 362, Session Laws of Hawaii 1987, as amended by Act 68, Session Laws of Hawaii 1989, and Act 86, Session Laws of Hawaii 1991, extended the sunset date to January 1, 1989, providing sufficient time to process Phase III of the Milolii-Hoopulua Lots.

At its meeting of July 22, 1988, Item F-3, the Board of Land and Natural Resources approved the issuance of direct leases for residential purposes at Milolii-Hoopulua Lots, Phase III, Hoopulua, South Kona, Hawaii.

On June 1, 1992, Linda M. Figueira was issued a direct residential lease encumbered under General Lease Number S-5229, Milolii-Hoopulua, South Kona, Hawaii, TMK: (3) 8-9-014:059.

At its meeting of June 9, 1995, Item F-1-k, the Board of Land and Natural Resources approved the assignment of General Lease No. S-5229, Linda M. Figueira, Assignor, to Helen K. Calip, Assignee. Mrs. Figueira requested that the lease be assigned to Mrs. Calip because Mrs. Figueira and her family have plans to relocate to Portland, Oregon.

On January 2014, staff was notified that Mrs. Helen Calip had passed away on January 14, 2014. Prior to her passing, Mrs. Calip had the foresight to prepare the necessary documents required to provide for the assignment of her lease to her daughter, Janice K. Kilgore. The Office of the Attorney General was consulted to review and confirm if the documents prepared by Mrs. Calip were acceptable to proceed with the assignment of the lease. The AG's response was an affirmative, therefore, staff is recommending the assignment of General Lease No. S-5229, Helen M. Calip, Lessee/Assignor to Janice K. Kilgore, Assignee.

Mrs. Janice K. Kilgore is a qualified applicant for a Milolii-Hoopuloa residential lease as the daughter of Helen M. Calip, who was a survivor of the 1926 lava flow.

Staff reviewed the file and can report that for the past two (2) years, rent has been current. At time Mrs. Calip passed away, the insurance company confirmed that the homeowner's policy was current with an expiration of September 11, 2014. For reasons unknown, the information on the current homeowner's certificate was never updated in our data base. A bond in the amount of \$264 is deposited with Budget and Finance. Helen Calip has not been cited for any illegal or unlawful activity on the State property. Upon completed assignment of the lease, Mrs. Kilgore will provide HDLO with the required certificate of insurance in her name.

Janice K. Kilgore has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

There are no outstanding rental reopening issues.

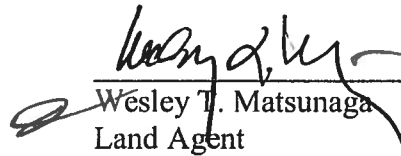
No comments were solicited as there will be no new dispositions or change in land use.

RECOMMENDATION: That the Board:

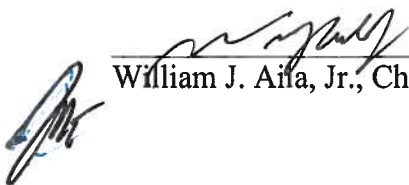
- A. Consent to the assignment of General Lease No. S-5229 from Helen M. Calip, as Assignor, to Janice K. Kilgore, as Assignee, subject to the following:
  1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;

2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
\_\_\_\_\_  
Wesley T. Matsunaga  
Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
William J. Aifa, Jr., Chairperson

SUBJECT

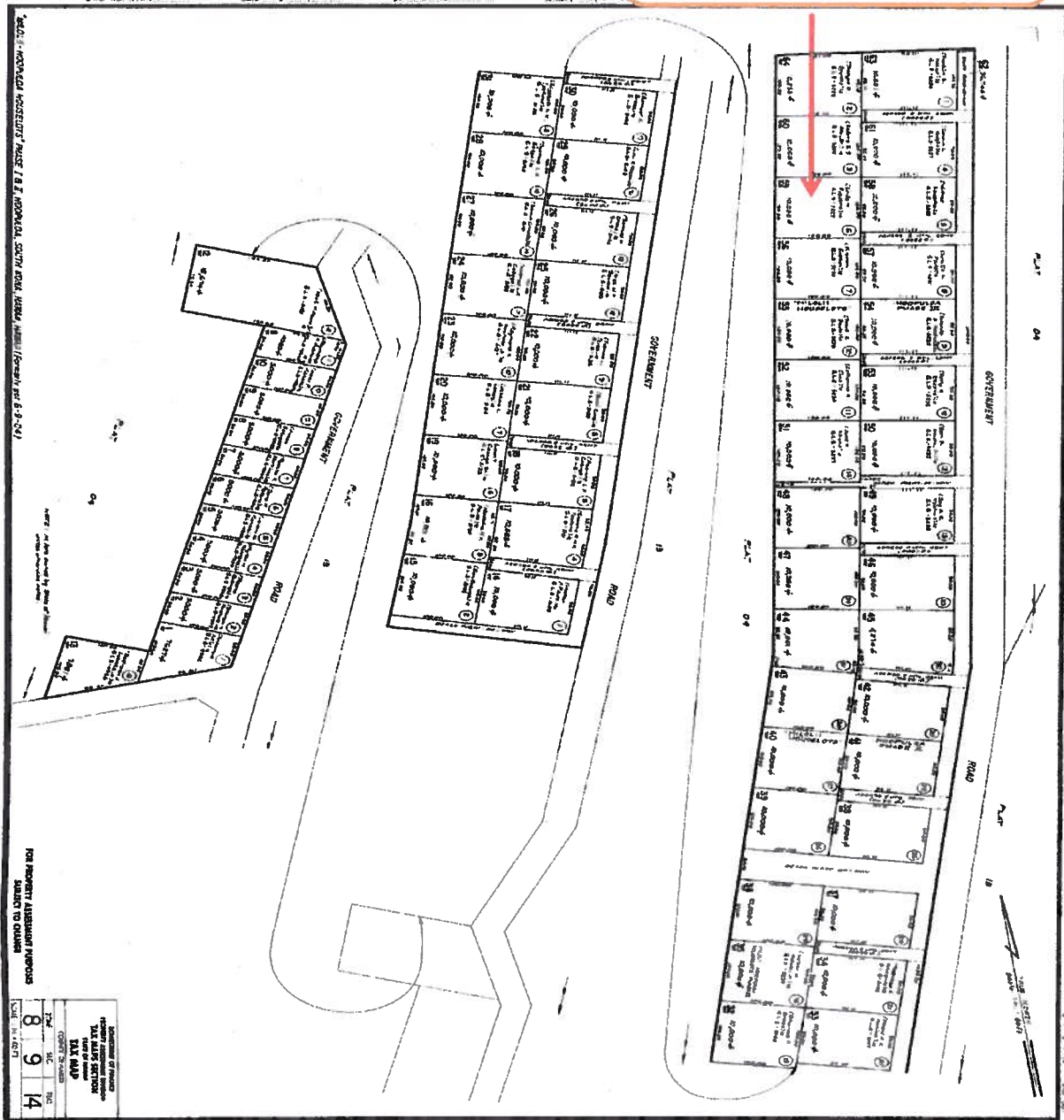


EXHIBIT A