

LAND COURT ORDER NO.

61327

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AND COURT  
FILED

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*Debra S. R...*

ASSISTANT  
NOTED ON CERTIFICATE  
FOR

208149 + 236194

CERTIFICATE OF TITLE 236978

BOOK 2370 PAGE 309

# In the Land Court of the State of Hawaii

LAND COURT  
STATE OF HAWAII  
FILES

NOV 10 1 41 PM '81  
REGISTRAR

In the matter of the application )  
of )  
Molokai Ranch, Limited, )  
 )  
 )  
to register and confirm title to land situ- )  
ate at )  
Maluakoi and Iloli, Molokai )  
 )  
 )  
State of Hawaii

Application No. 1633  
(Map 19)

Petition of Malua Koi Corporation,

Owner      to subdivide Lot 17 into lots 128 to 120, inclusive,  
designating of Easements 29 to 121 inclusive, and designation  
of building setback line ( 150 ft. wide ) affecting Lots 129, 130,  
131, 133, 134, 142, 164, 165, 167 to 185, inclusive, 207 and 241.

### ORDER OF SUBDIVISION

Upon the record and the evidence herein, and the map or plan filed with the application for subdivision in this matter having been referred to the Surveyor of the State of Hawaii, and he having examined and checked the same and certified the same to be correct, <sup>copy of the petition and</sup> the Return of the Surveyor by reference made a part hereof,

IT IS ORDERED, ADJUDGED AND DECREED, that the said subdivision, as certified by the Surveyor of the State of Hawaii, is hereby authorized and approved, and the Assistant Registrar of this court is hereby directed to endorse on Owner's Certificate of Title No. 180,977 a reference to said map or plan as approved, and, upon presentation to him of proper deeds of transfer, to issue a new certificate, or certificates, for the lots conveyed, and enter same on said Owner's Certificate of Title No. 180,977 in accordance with Hawaii Revised Statutes, Sections 501-89 and 501-109.

Dated: Honolulu, Hawaii, November 10, 1981

ATTEST WITH  
SEAL OF SAID COURT.  
*[Signature]*

*James A. Smith*  
for Judge of the Land Court

LAND COURT  
STATE OF HAWAII  
IN THE LAND COURT OF THE STATE OF HAWAII  
FILED

In the Matter of the Application

of

MOLOKAI RANCH, LIMITED

to register title to land at  
Kaluakoi, and Ilohi, Molokai,  
Hawaii

Nov 10 1 40 PM '81  
Gould  
REGISTRAR  
CA

SUBDIVISION  
of  
Application 1683  
Map 19

Petition of KALUA KOI CORPORATION, Owner, subdivision of Lot 17 as shown on Map 7 into Lots 128 to 420, inclusive, designation of Easements 29 to 121, inclusive and designation of building setback line (150 ft. wide) affecting Lots 129, 130, 131, 133, 134, 142, 164, 165, 167 to 185, inclusive, 207 and 241

**RETURN OF THE STATE LAND SURVEYOR**

To the Honorable Judge of the Land Court,  
State of Hawaii

Pursuant to an Order duly made and issued out of said Honorable Court on the 30th day of September 1981, referring the map filed for approval of subdivision in the above entitled matter, to the State Land Surveyor for verification, check on the ground if necessary, and report.

The undersigned, the State Land Surveyor begs to report that the same has been examined and checked as to form and mathematical correctness and found to be in order.

And further, said map has been compared with Certificate of Title No. 180,977 and found to be in accord, therewith.

NOTE:

Allegations in the petition have been checked and found to be in accord therewith except for the following.

1. Lots 132 to 424, inclusive, have been changed to Lots 128 to 420, inclusive, respectively.

And pending approval of the Court, the map and said Certificate of Title will be held for further instructions.

Dated at Honolulu, this 10th day of November, 1981

Examined by:

*P. [Signature]*

Assistant

*Kazutake Sasaki*  
STATE LAND SURVEYOR

CV

RECEIVED from the State Land Surveyor blueprints of, and the approved tracing map in the above entitled matter and Certificate of Title No.

Honolulu, Hawaii

19

Of Counsel:

OKUMURA TAKUSHI FUNAKI & WEE  
ATTORNEYS AT LAW  
A LAW CORPORATION

JAMES T. FUNAKI 200  
733 Bishop Street, Suite 1400  
Grosvenor Center  
Honolulu, Hawaii 96813

Attorney for Petitioner

James A. Smith  
REGISTRAR  
JUL 2 10 PM '01  
LAND COURT  
STATE OF HAWAII

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application )	)	Land Court
) of	)	Application No. 1683
) MOLOKAI RANCH, LIMITED	)	
) to register title to land at	)	
) Kaluakoi, and Iloli, Molokai,	)	
) Hawaii	)	
_____ )	)	

PETITION FOR SUBDIVISION, DESIGNATION OF EASEMENTS  
AND  
DESIGNATION OF SETBACK LINE

Referred to the Surveyor of the  
State for check and report.  
Map filed \_\_\_\_\_  
and Land Court Certificate of  
Title No. \_\_\_\_\_  
transmitted herewith.  
\_\_\_\_\_ blue prints  
desired.

BY ORDER OF THE COURT:

\_\_\_\_\_  
Registrar

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application )  
of ) Land Court  
) Application No. 1683  
) MOLOKAI RANCH, LIMITED )  
) to register title to land at )  
) Kaluakoi and Iloli, Molokai, )  
) Hawaii )

PETITION FOR SUBDIVISION, DESIGNATION OF EASEMENTS  
AND  
DESIGNATION OF SETBACK LINE

TO THE HONORABLE JUDGE OF THE LAND COURT:

KALUA KOI CORPORATION, a Hawaii corporation, Petitioner herein, alleges as follows:

1. Petitioner is the owner of the following described lands:

<u>Lot No.</u>	<u>Map No.</u>	<u>Transfer Certificate of Title No.</u>
17	7	180,977
123, 124 and 127	18	<del>236,194</del>
59	9	208,149

filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1683 of Molokai Ranch, Limited.

2. Petitioner files herewith map, which map has been approved by the Department of Public Works of the County of Maui, showing:

a. Subdivision of said Lot 17 into Lots <sup>128</sup> 132 to <sup>120</sup> 424, inclusive; and

b. Designation of easements and the lots affected thereby, as follows:

<u>Easement Number</u>	<u>Area</u>	<u>Lot(s) Affected</u>
29	988 sq. ft.	132
30	175	132
31	400	135
32	800	136

<u>Easement Number</u>	<u>Area</u>	<u>Lot (s) Affected</u>
33	2,400 sq. ft.	138 and 146
34	42	142
35	1,208	142
36	300	144
37	42	145
38	1,204	151
39	200	155
40	601	157
41	176	163
42	176	175
43	301	175
44	42	199
45	599	207
46	175	212
47	200	212
48	600	223
49	175	223
50	601	225
51	42	233
52	200	233
53	200	233
54	42	235
55	42	242
56	4,200	245
57	3,000	250
58	3,000	253
59	1,205	254
60	3,615	254
61	3,000	256
62	300	257
63	300	258
64	5,558	261
65	1,000	262
66	3,706	265
67	800	265
68	5,644	265
69	133	269
70	3,000	270
71	1,991	272
72	598	273
73	2,000	273
74	2,400	279
75	42	279
76	400	281
77	800	281
78	3,053	281
79	2,000	282
80	1,500	286
81	1,603	287
82	3,740	293
83	376	296
84	1,600	297
85	300	298
86	3,773	310
87	1,600	319 and 320

<u>Easement Number</u>	<u>Area</u>	<u>Lot (s) Affected</u>
88	2,400 sq. ft.	320
89	300	321
90	600	322
91	800	324
92	15,528	327
93	600	332 and 333
94	175	333
95	19,035	335
96	1,500	336
97	900	338
98	400	342
99	479	343
100	19,772	344
101	2,000	346
102	18,190	352
103	42	361
104	175	363
105	175	367
106	1,997	369
107	1,800	373
108	23,751	377
109	42	382
110	2,000	383
111	2,949	386
112	800	389
113	400	391
114	175	391
115	3,000	392 and 393
116	23,750	393
117	3,000	<del>397</del> and 398
118	7.141 Acs.	215 to 221, inclusive 246, 249 and 254 to 264, inclusive
119	6.295 Acs.	265 to 272, inclusive, 275, 276, 279, 282, 283, 284, 290, 291 and 292
120	6.621 Acs.	293, 296 and 298 to 310, inclusive
121	1.995 Acs.	312, 314, 315, 316 and 318

c. Designation of building setback line affecting  
<sup>129 130 131 132 133 134 135 136 137 138</sup>  
 Lots 133, 134, 135, 137, 138, 146, 168, 169, 171 to 189,  
<sup>189 190 191 192</sup>  
 inclusive, 211 and 245.

3. All lots created by the subdivision, as shown on the map filed herewith, shall have access to Maunaloa Highway, a public highway, in the following manner:

a. Lots 408 to 424, inclusive, are roadway lots to serve lots adjacent thereto. Lot 408 abuts roadway Lot 59, as shown on Map 9, of Land Court Application 1683; Lot 417 abuts roadway Lot 127, as shown on Map 18, which abuts Lot 59; and Lot 59 abuts Maunaloa Highway, a public highway.

b. Lots 132 to 405, inclusive, shall have non-exclusive rights of access to Maunaloa Highway over and across said Lots 408 to 424, inclusive, as shown on the map filed herewith, roadway Lot 127, as shown on Map 18, and roadway Lot 59, as shown on Map 9; Lot 406 shall have non-exclusive rights of access to Maunaloa Highway over and across Lots 123 and 124, as shown on Map 18, and said Lot 59; and Lot 407 shall have non-exclusive rights of access to Maunaloa Highway over and across Easement 92 affecting Lot 327, Easement 95 affecting Lot 335, Easement 100 affecting Lot 344, Easement 102 affecting Lot 352, Easement 108 affecting Lot 377, and Easement 116 affecting Lot 393, said Lots 408 to 424, inclusive, said Lot 127 and said Lot 59; provided, however, that such rights of access over and across said Lots 408 to 424, inclusive, said Lots 127, 123 and 59 shall cease upon the conveyance of said lots to the government for public road purposes or upon the condemnation thereof by the government for such purposes under the power of eminent domain.

4. The lots created by the subdivision and as shown on the map filed herewith shall be subject to the following encumbrances:

a. As to all of said lots to:

(1) "Excepting and reserving to the Hawaiian Government, all mineral or metallic mines of every description."

(2) Agreement and Release filed as Land Court Document No. 760796.



b. As to Lot 407 only, to Statement of Adverse Claim filed as Land Court Document No. 654679.

5. Ameron, Inc., doing business as Ameron/HC&D, formerly known as HC&D, Ltd., formerly known as Honolulu Construction And Draying Company, Limited, hereinafter called "HC&D", holder of certain rights as set forth in that certain "Statement of Adverse Claim" filed as Land Court Document No. 65467, affecting Lot 17, as shown on Map 7, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1683 on behalf of itself and its successors and assigns, does hereby join in this petition solely for the purpose of releasing its "Statement of Adverse Claim" as set forth below, and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby release and forever discharge its "Statement of Adverse Claim" filed as Land Court Document No. 654679 with respect to Lots <sup>128</sup> 132 to <sup>402</sup> 406, inclusive, and Lots <sup>404</sup> 408 to <sup>420</sup> 424, inclusive, as shown on the map filed herewith; provided, however, that HC&D hereby expressly reserves and excepts from the foregoing release of rights its "Statement of Adverse Claim" with respect to Lot 407 as shown on the map filed herewith.

WHEREFORE, Petitioner respectfully requests that the map filed herewith be examined and, if found correct, that an order issue:

1. Approving and authorizing said subdivision, designation of easements and designation of setback line; and

2. Directing the Assistant Registrar of this Court to endorse on said Transfer Certificates of Title Nos.

180,977, 236174, and 208,149, such appropriate

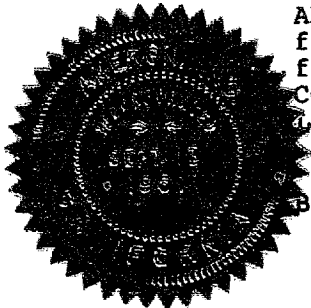
references to said map filed herewith and to said subdivision, designation of easements and designation of setback line as set forth above; and

3. Issuing to Petitioner, KALUA KOI CORPORATION, a Hawaii corporation, whose principal place of business and post office address is Suite 901, Hawaii Building, 745 Fort Street, Honolulu, City and County of Honolulu, State of Hawaii, a new Certificate of Title for said Lots 132 to 424, inclusive, as shown on the map filed herewith and with reference to said map and encumbrances, designation of easements and designation of setback line as set forth above.

DATED: Honolulu, Hawaii, September 29, 1981.

KALUA KOI CORPORATION  
Petitioner

By James T. Funaki  
James T. Funaki  
Attorney for Petitioner



AMERON, INC., dba AMERON HC&D,  
formerly known as HC&D, LTD.,  
formerly known as HONOLULU  
CONSTRUCTION AND DRAYING COMPANY,  
LIMITED

By Myrene Halls  
Its President

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

JAMES T. FUNAKI, being first duly sworn on oath, deposes and says:

That he is a member of OKUMURA TAKUSHI FUNAKI & WEE, ATTORNEYS AT LAW A LAW CORPORATION, Attorneys for Petitioners above named; that he is authorized to make and hereby makes this verification for and on behalf of Petitioners; that he has read the foregoing Petition knows the contents thereof, and that the same are true to the best of his knowledge, information and belief.

James T. Funaki  
James T. Funaki

Subscribed and sworn to before me  
this 29th day of September, 1981.

Francis W. Hinata  
Notary Public, State of Hawaii.

My commission expires OCT 1, 1984

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

On this 30th day of September, 1981,  
before me appeared Eugene F. Folks to me  
personally known, who, being by me duly sworn, did say that he is  
the President of AMERON HC&D, a Division of  
AMERON, INC., a California corporation; that the seal affixed to  
the foregoing instrument is the corporate seal of said  
corporation; that said instrument was signed and sealed in behalf  
of said corporation by authority of its Board of Directors; and  
said Eugene F. Folks acknowledged said  
instrument to be the free act and deed of said corporation.

John Alan Danaher  
Notary Public, State of Hawaii.

My commission expires 8/5/84

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application )  
of )  
MOLOKAI RANCH, LIMITED )  
to register title to land at )  
Kaluakoi, Island of Molokai, )  
State of Hawaii )

Land Court  
Application No. 1683

NOV 7 1 10 PM '81  
James A. Smith  
REGISTRAR

LAND COURT  
STATE OF HAWAII

RELEASE

KNOW ALL MEN BY THESE PRESENTS:

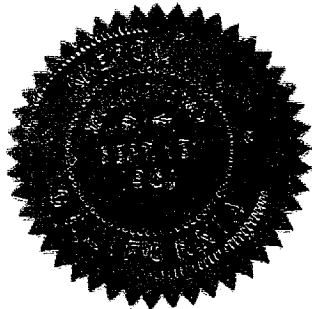
That Ameron, Inc., doing business as Ameron/HC&D, formerly known as HC&D, Ltd., formerly known as Honolulu Construction And Draying Company, Limited, hereinafter called "HC&D", holder of certain rights as set forth in that certain "Agreement and Release" filed as Land Court Document No. 760796, affecting Lot 17, as shown on Map 7, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1683, and noted in Transfer Certificate of Title No. 180,977, having joined in that certain petition for subdivision of said Lot 17 and designation of easements by Kalua Koi Corporation, dated September 29, 1981, filed in said Office of the Assistant Registrar on September 30, 1981, for the sole purpose as set forth in said petition, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby, on behalf of itself and its successors and assigns, release, quitclaim and forever discharge any and all of its right, title, interest and claim under the "Agreement and

7  
for Lot  
1683

A TRUE COPY. ATTEST WITH  
THE SEAL OF SAID COURT.  
James A. Smith  
Registrar

Release" filed as Land Court Document No. 760796 with respect to Lots 132 to 406, inclusive, and Lots 408 to 424, inclusive, as shown on the map filed with the said petition; provided, however, that HC&D hereby expressly reserves and excepts from the foregoing release, quitclaim, and discharge, any and all of its right, title, interest and claim under the said "Agreement and Release" with respect to Lot 407, as shown on the map filed with the said petition; it being understood that this release shall be made a part of said petition and a joinder in the petition by HC&D solely for the purpose of releasing its right, title, interest and claim under the "Agreement and Release" as aforesaid.

IN WITNESS WHEREOF, HC&D has executed these presents on November 2, 1981.



AMERON, INC., dba AMERON HC&D,  
 formerly known as HC&D, LTD.,  
 formerly known as HONOLULU  
 CONSTRUCTION AND DRAYING  
 COMPANY LIMITED

By \_\_\_\_\_  
 Its

Eugene F. Falck  
 President

STATE OF HAWAII )

CITY AND COUNTY OF HONOLULU )

) ss.  
 )

On this 2nd day of November, 1981,  
 before me appeared Eugene F. Falck to me  
 personally known, who, being by me duly sworn, did say that he  
 is the President of AMERON HC&D, a Division of  
 AMERON, INC., a California corporation; that the seal affixed  
 to the foregoing instrument is the corporate seal of said  
 corporation; that said instrument was signed and sealed in  
 behalf of said corporation by authority of its Board of  
 Directors; and said Eugene F. Falck  
 acknowledged said instrument to be the free act and deed of  
 said corporation.

Jo Ann Barabush  
 Notary Public, State of Hawaii.

My commission expires 8/5/84