RECORDATION REQUESTED BY:

83- 11159

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

AFTER RECORDATION, RETURN TO: COUNTY OF HAWAII
PLANNING DEPARTMENT
Hilo, Hawaii

83 FEB 2 A10: 51

LIBER/PG 16833 154
C.E. AFONA III REGISTRAR

RETURN BY: MAIL

CANCELLATION OF FARM DWELLING AGREEMENT

THIS AGREEMENT made and executed this 15th day of June 1982, by and between Emilio Richard Olcese Jr, hereinafter called the "First Party", whose mailing address is: P.O. Box 4648, Kawaihae, Hawaii, 96743, and the COUNTY OF HAWAII, hereinafter called the "Second Party";

W I T N E S S E T H:

WHEREAS, on May 16, 1979 an agreement was entered into by and between the First Party and the Second Party whereby the First Party was authorized to construct a single-family farm dwelling building located on the property described as Tax Map Key: 5-9-08:07 Lot #17 and zoned A-20a by the Second Party and classified agriculture by the State Land Use Commission, and

WHEREAS, the agreement to construct a single-family farm dwelling unit contained 6 conditions, and

WHEREAS, the agreement also provided that should the pertinent provisions of the State and County laws and rules and regulations change to authorize said dwelling, upon request of the First Party, the agreement dated May 16, 1979 may be considered for severance, and

WHEREAS, no other single-family dwelling has ever before May 16, 1979 or since been constructed on the subject property; and

WHEREAS, the single-family farm dwelling constructed under the agreement dated May 16, 1979 has been completed and is presently occupied by the First Party; and should never have been requested to be a single-family farm dwelling on May 16, 1979.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

Emilio Richard Olcese Jr.

First Party

COUNTY OF HAWAII
By: Planning Department

Sidney Fuke

Planning Director
Second Party

STATE OF HAWAII)
) SS:
COUNTY OF HAWAII)

On this 16th day of June, 19 82, before me personally appeared Emilio Richard Olcese Jr. to me known to be the persons described in and who executed the foregoing instrument and acknowledged that ~~the~~ he executed the same as ~~their~~ his free act and deed.

Notary Public, Third Judicial Circuit
State of Hawaii

My Commission expires: 2/12/86

STATE OF HAWAII)
) SS:
COUNTY OF HAWAII)

On this 23rd day of December, 1982, before me appeared SIDNEY FUKE, to me personally known, who, being by me duly sworn, did say that he is the Director of the Planning Department of the County of Hawaii; that the Planning Department of the County of Hawaii has no corporate seal; and that the instrument was signed on behalf of the Planning Department of the County of Hawaii, a governmental agency; and said SIDNEY FUKE acknowledged the instrument to be the free act and deed of the County of Hawaii.

My commission expires: 9/22/85

Guilderma K. Sumera
NOTARY PUBLIC, State of Hawaii

NOW, THEREFORE, in consideration of the above recitals and the conditions and covenants contained herein the parties agree as follows:

The County agrees that the agreement dated May 16, 1979 between the First Party and the Second Party is no longer applicable and that the agreement is hereby declared null and void.

The First Party agrees that he will do whatever is necessary in order that the agreement dated May 16,1979 no longer constitutes a covenant running with the land as it relates to Tax Map Key:5-9-08:07 Lot 17.

The First Party will pay for all of the necessary costs and expenditures to accomplish such purposes.

IT IS MUTUALLY AGREED BY AND BETWEEN the parties that if any additional documents are necessary that they will execute same in order that the farm dwelling agreement dated May 16, 1979 is no longer applicable in order not to constitute an encumbrance on Tax Map Key:5-9-08:07 Lot 17.

IT IS ALSO MUTUALLY AGREED BY AND BETWEEN the parties that by cancelling the Farm Dwelling permit on Tax Map Key:5-9-08:07 Lot 17 that the single-family dwelling occupied by the First Party is now the one and only Residency on this lot.