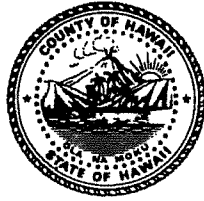


William P. Kenoi
Mayor



BJ Leithead Todd
Director

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County of Hawai'i
PLANNING DEPARTMENT

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July 10, 2012

Mary Begier, Realtor
Mary Begier Realty
101 Aupuni Street, Suite 315
Hilo, HI 96720

Dear Ms. Begier:

SUBJECT: Legal Lots of Record Determination
Tax Map Keys 1-4-022:013 & 014, Kapoho, Puna, Hawai'i

This is in response to your request for the legal status of lots that were created by the Kapoho Land and Development Company, Ltd. in Puua, Halekamahina 2nd and Kapoho ahupua'a of lower Puna District on the Island of Hawai'i.

First of all, be informed that the past practices of the State Bureau of Conveyances (BOC) with regard to the methods of recording land ownership documents has not always been in agreement with County subdivision law. Prior to the mid 1990's, it was a simple matter of presenting properly prepared deed documents and/or subdivision plats to the BOC and they would be recorded and subsequently indicated on the Tax Map Plats giving the appearance of legally subdivided land. These maps are for property tax assessment purposes only and do not necessarily reflect the proper creation of lots as specified by county law. Needless to say, this situation presents some difficulty for the Planning Department and for those who think that they have a legally created parcel of land.

That having been said, our review of the records at hand has found the following:

Several subdivision plat maps dated between 1949 and 1951 were recorded with the Tax Map Bureau of the State of Hawai'i in 1952 as T.M.B. Index Nos. 294 '52, 295 '52, 296 '52, 297 '52, 298 '52 and 299 '52. These "subdivision" actions involved portions of Tax Map Plats 1-4-001 & 1-4-002 and were subsequently platted on Tax Map Plats 1-4-012 through 1-4-023. As noted above, these plat maps were not properly processed through the County's Traffic and Planning Commission.

Mary Begier, Realtor
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However, in 2005 the Planning Department, in response to citizen difficulties regarding building permit applications, addressed the status of the lots in several of the Kapoho Land and Development Co., Ltd. "subdivisions". Citing documents from the State Surveyor's Office, County Real Property Tax Office, and Department of Taxation Property Assessment Division, it was found that these lands have been platted, assigned respective TMK parcel numbers, documented in the tax maps, and individually assessed for county real property tax purposes since 1952.

Additionally, many of these lots have, in good faith, changed ownership one or more times; some have undergone consolidation and/or subdivision actions; and building permits for dwellings and other structures have been issued for some of them.

Under these circumstances, the Planning Director has determined that it is in the best interest that the lots in these subdivisions be recognized as legal lots of record.

In view of the above recitals, we confirm to you that the subject parcels, 1-4-022:013 & 014, containing 3.763 acres and 4.033 acres respectively, are considered to be legal lots of record.

If you should have further questions about this matter, please feel free to contact Jonathan Holmes of this department.

Sincerely,


BJ LEITHEAD TODD

JRH:Inm

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xc: Manager, DWS
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