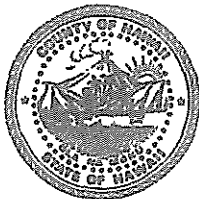


Larry Kim  
Mayor



Christopher J. Yuen  
Director

Brad Kurokawa, ASLA  
LEED® AP  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224  
(808) 961-8288 • FAX (808) 961-8742

August 11, 2008

Steven S. C. Lim, Esq.  
Carlsmith Ball LLP  
121 Waiuanue Avenue  
Hilo, HI 96721-0686

Dear Mr. Lim:

**Lot of Record Determination**  
**Anuheha Volcano House Lots, Ola'a, Puna, Hawai'i**  
**TMK: 1-9-010:009**

---

We have received your letter of November 14, 2007 and your follow up letters dated February 25, 2008 and April 21, 2008 and accompanying attachments requesting a determination of pre-existing lots for the above-described property. We apologize for the length of time it has taken for us to respond to your inquiry.

We have reviewed our department records, and those of the Department of Finance – Real Property Tax Division (RPT) in accordance with Article 11 (Pre-existing Lots) of the Subdivision Code (Sections 23-117 through 23-120). Our review of the records has found the following:

1. The subject TMK is part of a larger subdivision shown on File Plan 269, "Anuheha Volcano House Lots, Third Series", approved May 17, 1927;
2. The subject TMK was subsequently conveyed as a 5.03 acre block by document Book 1336 page 54, recorded on August 10, 1936 which contained individual survey descriptions of Lots B-1, 56-A, AL-2, 57-A, 58-A, 60-A, 62-A, 64-A, 66-A, 68-A, 70-A, 72-A, 74-A, 76-A, 78-A, 59, 61 and 63-B;
3. Subsequent conveyances have also describe these lots individually;

Steven S. C. Lim, Esq.

Page 2

August 11, 2008

4. We do not have any record of these lots being consolidated with each other or any other lot adjoining them.

In view of the above, we confirm that Parcel 009, currently described as one (1) TMK Parcel, is indeed, composed of the following eighteen (18) separate legal lots of record:

- 1) Lot No. 56-A, consisting of 10,380 square feet;
- 2) Lot No. 57-A, consisting of 4,875 square feet;
- 3) Lot No. 58-A, consisting of 10,500 square feet;
- 4) Lot No. 59, consisting of 11,250 square feet;
- 5) Lot No. 60-A, consisting of 10,500 square feet;
- 6) Lot No. 61, consisting of 11,250 square feet;
- 7) Lot No. 62-A, consisting of 10,500 square feet;
- 8) Lot No. 63-B, consisting of 3,750 square feet;
- 9) Lot No. 64-A, consisting of 10,500 square feet;
- 10) Lot No. 66-A, consisting of 10,500 square feet;
- 11) Lot No. 68-A, consisting of 10,500 square feet;
- 12) Lot No. 70-A, consisting of 10,500 square feet;
- 13) Lot No. 72-A, consisting of 10,500 square feet;
- 14) Lot No. 74-A, consisting of 10,500 square feet;
- 15) Lot No. 76-A, consisting of 10,500 square feet;
- 16) Lot No. 78-A, consisting of 20,860 square feet;
- 17) Lot No. B-1, consisting of 43,560 square feet;  
and
- 18) Lot No. AL-2, consisting of 8,000 square feet.

It is our understanding that, based on this information provided regarding pre-existing lots, you may be submitting an application for consolidation and resubdivision of the subject parcels which would result in the development of specific metes and bounds for the subdivided lots. If consolidation and resubdivision is not the intent, you may want to have a modern metes and bounds survey be conducted for a more accurate and current land area determination and that a map reflecting this information may be submitted for certification.

A written request for separate tax map key parcel numbers should be addressed to our Tax Maps and Records Section for appropriate action.

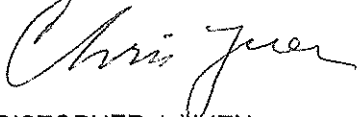
Steven S. C. Lim, Esq.

Page 3

August 11, 2008

Should you have any questions, please feel free to contact Hans Santiago or Daryn Arai of this department.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

HKS:jlh

P:\WP60\PREXIPrec2008\1-9-10-9CARLSMITH.doc

xc: ✓ Tax Maps and Records Supervisor  
Real Property Tax Division-Hilo  
Manager, DWS  
Director, DPW