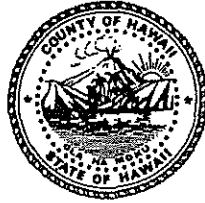


William P. Kenoi
Mayor



Bobby Jean Leithead Todd
Planning Director

Margaret K. Masunaga
Deputy Planning Director

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
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May 31, 2011

Duane A. and Sharyn S. Masukawa
91 Kekela Street
Hilo, HI 96720

Dear Mr. & Mrs. Masukawa:

DETERMINATION OF PRE-EXISTING LOT
Waiākea Homestead House Lots, Waiākea, South Hilo, Hawai'i
Tax Map Key 2-2-039:044 (& 077)

This is in response to further information submitted to this office regarding the determination of a pre-existing lot for the above-described property, Parcel 044.

We have reviewed the documents submitted, 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. Parcel 044 originally consisted of Lot 2 and Lot 12 of Block 401, Waiākea Homestead House Lots;
2. The lots were issued Land Patent (Grant) No.9507 on June 28, 1928;
3. Parcel 077 first shows up in the Real Property Tax records by way of a deed recorded in Book 1961 Page 274 on June 6, 1946 with a description of "Hilo side Half of Lot 11 Por Sub Lot 12 Blk 401 Gr 9507 Waiākea Hmstds Area 19,158ø (sq.ft.) or 0.4398 Ac"; and
4. With regard to recognizing pre-existing lots, Section 23-118 states, in relevant part, "... The lot was created and recorded prior to November 22, 1944 or the lot was created through court order (e.g. partition) prior to July 1, 1973 ..."

Duane A. and Sharyn S. Masukawa
Page 2
May 31, 2011

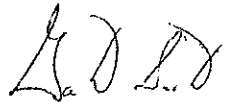
Notwithstanding the above, a subdivision map showing the subject lots (shown as individual lots with different ownerships, albeit with a combined lot area of 38,923 sq. ft.) and identified as "Retraced from W.J. Payne's Map of Dec 1941" and an October 25, 1983 map by Island Survey, Inc. further describing Parcel 077 as separate from Parcel 044.

As is the case here, 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 in 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.

However, considering the length of time that the lots have been possessed in their current configuration, and the further evidence of the platting of the lots prior to their actual recordation, we hereby recognize the pre-existing status to the two lots, "Hilo side Half of Lot 11 Por Sub Lot 12 Blk 401 Gr 9507 Waiākea Hmstds Area 19,158ø (sq.ft.) or 0.4398 Ac", Parcel 044 and the "Puna side half", Parcel 077.

Should you have any questions, please feel free to contact Jonathan Holmes of this department.

Sincerely,



BJ LEITHEAD TODD
Planning Director

JRH:lnm

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xc: Tax Maps and Records Supervisor
Real Property Tax Division-Hilo
Manager, DWS
Director, DPW
Robert T. Shirai, LPLS, Island Survey, Inc.