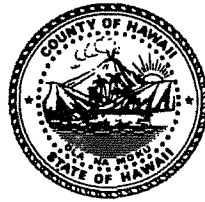


William P. Kenoi
Mayor



BJ Leithead Todd
Director

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PLANNING DEPARTMENT

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June 7, 2012

Carol Mendes
Branch Manager/Kamuela
Title Guaranty Escrow Services, Inc.
65-1230 Mamalahoa Highway, Building F101
Kamuela, HI 96743

Dear Ms. Mendes:

Pre-Existing Lots of Record Determination
Portions of Lot 14, Kalōpā Homesteads,
Also being portions of Grant 8492,
Kalōpā, Hāmākua, Island of Hawai'i, Hawai'i
TMK: 4-4-003:042

This is to acknowledge receipt on June 7, 2012, of your e-mail request regarding the subject matter.

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 a one acre lot created by the conveyance and recordation of a deed of a portion of Grant 8492, recorded on October 31, 1938, Libre 1468, Page 296. This is a legal lot of record since the creation of it occurred prior to November 22, 1944, the effective date of the first subdivision ordinance.

This one acre was later conveyed and recorded by deed on November 17, 1947 along with an additional 1.3555 acre portion of Lot 14, Grant 8492. This action conveyed two (2) portions of the grant/lot and is not considered to have consolidated the lots. The fact that this conveyance of the additional 1.3555 acre portion of the grant/lot had occurred after November 22, 1944, the 1.3555 acre lot should be considered an illegal lot creation. In response to that, we have the following to offer:

Carol Mendes
Branch Manager/Kamuela
Title Guaranty Escrow Services, Inc.
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The past practices of the State Bureau of Conveyances (BOC) with regard to the methods of recording land ownership documents have 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 is not unique to this piece of land and does present some difficulty for the Planning Department and for those who think that they have a legally created parcel of land.

That having been said, on February 3, 1986, a subdivision (SUB 5361) was granted final subdivision approval. This subdivided the 15.2149 acre purported balance of Lot 14/Grant 8492. In granting the subdivision, the Planning Department allowed present day Parcel 042 by default since its area was not included in the action as it should have been. This occurred because of the abovementioned method of recordation which gave "legitimacy" to the 1.3555 acres as being a portion of the 2.3555 acre Parcel 042.

Therefore, we affirm that the subject property shown as one (1) Tax Map Key Parcel number on the plat map does indeed contain two (2) separate legal lots of record.

A written request for separate tax map key numbers may be made by the landowner, or authorized by same, to the Tax Maps and Records Section of this department.

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

Sincerely,


BJ LEH HEAD TODD
Planning Director

JRH:lnm

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xc: Tax Maps & Records Supervisor
Manager-DWS
Verna Marie Ferreira, et al.