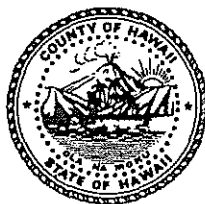


William P. Kenoi
Mayor



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
Phone (808) 961-8288 • Fax (808) 961-8742

October 1, 2009

Brodie Callender
MacArthur and Company
Sotheby's International Realty
65-1298 Opelo Road
Kamuela, HI 96743

Dear Mr. Callender:

REQUEST FOR INFORMATION

"Formerly portion of Pōhā-kea Ranch", Kaapahu Homesteads, Hāmākua, Hawai'i
Tax Map Key 4-4-012:022

This is in response to your request for information. We apologize for the length of time it has taken to respond to your request. 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. On July 9, 1980, deeds (book 14847, page 250 & book 14847, page 259) are recorded that transfer portions of Lot 2 (Grant 5526) & portion of Grant 5223 (current TMK: 4-4-012:029, 030, 031 & 032) from Woodson K. Woods III to Theo H. Davies & Co., Ltd. The legal descriptions within the deeds do not match the legal description in the prior deed (book 14847, page 243) which creates the "sliver" remnant now shown as TMK: 4-4-012:022;
2. Letter dated March 27, 1980 from the Planning Department to Theo H. Davies & Co., Ltd. confirming the existence of non-conforming, pre-existing parcels;
3. Letter dated April 21, 1980 from the Planning Department to Theo H. Davies & Co., Ltd. stating that the Planning Department has no objection to the sale of the non-conforming, pre-existing lots; and
4. Letters dated August 20, 2009 from the Planning Department to Stacy Disney re-confirming the non-conforming, pre-existing lot status of TMK: 4-4-012:029, 030, 031 & 032.

Brodie Callender
MacArthur and Company
Sotheby's International Realty
Page 2
October 1, 2009

In view of the above, we confirm that TMK: 4-4-012:022, currently shown on the Tax Map as a remnant sliver containing 0.4634 acres, is indeed, a separate legal lot of record through the Planning Departments acceptance of adjoining land areas.

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

Sincerely,



BJ LEITHEAD TODD
Planning Director

HKS:ctc/lm
P:\wp60\PREX\Prec2009\4-4-12-22Callender.doc

Encs.: Tax Map Parcel 22
Copy of PD Letters March 27, 1980; April 21, 1980; and August 20, 2009

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

March 27, 1980

Mr. E. M. Bush
Land Administrator
Theo. H. Davies & Co., Ltd.
P. O. Box 3020
Honolulu, Hawaii 96802

Dear Mr. Bush:

Pohakea Ranch

TMK: 4-3-11:18 and 4-4-12:22

4-4-12: 30, 31 & 32

This is to acknowledge your letter of March 10, 1980 and the three (3) maps showing lots in the Hamakua District, Island of Hawaii.

We have reviewed the map(s) (1) Kaapahu, Hamakua, Hawaii, (2) Pohakea Homesteads, Hamakua, Hawaii, and (3) Paaulo Homesteads, Second Subdivision, Hamakua, Hawaii and find that lots were in existence prior to zoning and subdivision ordinances. Therefore, the lots may be considered to be nonconforming, pre-existing parcels.

Should you have any questions, please feel free to contact this office.

Sincerely,

Sidney Fuke
Sidney Fuke
Director

WY: mh

April 21, 1980

Mr. E. M. Bush
Land Administrator
Theo. H. Davies & Co., Ltd.
P. O. Box 3020
Honolulu, Hawaii 96802

Dear Mr. Bush:


Pohakea Ranch

This is to acknowledge your letter of April 7, 1980 requesting our approval to convey the parcels described in your March 10, 1980 letter to us.

Please be informed that we have no objections for the nonconforming, pre-existing parcels to be conveyed separately. However, we recommend you contact the Bureau of Conveyances in Honolulu to examine the deed(s) for the parcel(s).

Should you have any questions concerning the above, please feel free to call or write this office.

Sincerely,


SIDNEY FUKU
DIRECTOR

WY:mh

4. 3-11-18 27