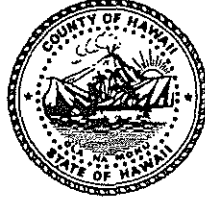


William P. Kenoi
Mayor



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

November 24, 2009

Kenneth J. Van Bergen, Property Manager
County of Hawai'i Finance Department
25 Aupuni Street, Suite 118
Hilo, HI 96720

Dear Mr. Van Bergen:

**PRE-EXISTING LOTS OF RECORD DETERMINATION (PRE-X SUBDIVISION No. 14)
Malanahae, Kapoaula, Hauko, Keahakea, Kaauhuhu, Kapulena, Waialeale 1st & 2nd,
Waikoloa, Niupuka and Hanapai, Hāmākua, Hawai'i
TMK: 4-7-005:001, 002, 003; 4-7-006:001, 005, 006, 007, 010, 018 and 020**

This acknowledges receipt of your request of September 28, 2009, regarding the determination of pre-existing lots within the subject TMK parcels. Please pardon the delay but as you will see, there was some difficulty determining the actual properties that are present within the referenced parcel numbers.

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 in county law. For example, we do not say that the fact that many grants are contained within a single tax map parcel—as happened in TMK No. 4-7-005:001—had the effect of consolidating the grants. The contrary is also true: the fact that one grant was put in two tax map parcels did not necessarily, in itself, subdivide the grant into two lots.

Kenneth J. Van Bergen, Property Manager
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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).

By way of Commissioner's Quitclaim Deed to the County of Hawai'i dated May 9, 1995, and filed as Document No. 95-061558, we have determined that the various Grants, Land Commission Awards, Mahele Awards, etc., within the subject parcels represent the following thirty-two (32) pre-existing lots of record:

TMK 4-7-005:001

- 1) The Whole of Grant 1883
- 2) The Whole of Grant 1768
- 3) The Whole of Grant 1764
- 4) The Whole of Grant 1770
- 5) A Portion of Grant 1564
- 6) A Portion of Grant 1765
- 7) A Portion of Grant 791
- 8) A Portion of Grant 868
- 9) A Portion of Grant 670
- 10) A Portion of Land Commission Award 9971 Apana 4
- 11) A Portion of Land Commission Award 9971 Apana 8

TMK 4-7-005:002

- 12) A Portion of Grant 1882
- 13) A Portion of Grant 1776

TMK 4-7-005:003

- 14) A Portion of Grant 1882

TMK 4-7-006:001

- 15) A Portion of Grant 2449
- 16) A Portion of Land Commission Award 9971 Apana 2

TMK 4-7-006:005

- 17) A Portion of Grant 2123

TMK 4-7-006:006

- 18) A Portion of Grant 2124 ***(w/Parcel 006:007, illegal subdivision)***
- 19) A Portion of Grant 670

TMK 4-7-006:007

- 20) A Portion of Grant 2124 ***(w/Parcel 006:006, illegal subdivision)***

TMK 4-7-006:010

- 21) The Whole of Grant 1763
- 22) The Whole of Grant 1767
- 23) A Portion of Grant 1564
- 24) A Portion of Grant 1765
- 25) A Portion of Grant 791
- 26) A Portion of Land Commission Award 9971 Apana 4

TMK 4-7-006:018 (Lot 16)

- 27) A Portion of Grant 4003
- 28) A Portion of Grant 2123
- 29) A Portion of Grant 2449
- 30) A Portion of Land Commission Award 9971 Apana 2
- 31) A Portion of Mahele Award 4-B

TMK 4-7-006:020

- 32) A Portion of Grant 4012

This determination does not, however, verify the ownership of all of these lots. For instance, on August 20, 1991, the affidavit of Herbert Napuakalani Pratt, Jr. was recorded with the State of Hawai'i Bureau of Conveyances that claims ownership of the **whole** of Grant 2123 of which parcel 4-7-006:005 is a part.

Those that were noted in *****bold***** are for informational purposes since the parcel numbers may not have been legally created by subdivision but are counted because of having been specifically included in the Quitclaim Deed.

We understand that after receiving this pre-existing lot determination, you may submit an application to consolidate and resubdivide these properties. We will require proof of title for any lots being consolidated and resubdivided, such as a title report, to avoid the problems that will occur if lots with bad title are consolidated into other properties.

If consolidation and resubdivision is not the intent, you may want to have a modern metes and bounds survey conducted for a more accurate and current land area determination and that a map reflecting this information may be submitted to this department for certification.

Any request for additional Tax Map Parcel Numbers should be in writing to our Tax Maps and Records Section.

Kenneth J. Van Bergen, Property Manager
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Should you have any questions, please feel free to contact Jonathan Holmes of this department.

Sincerely,



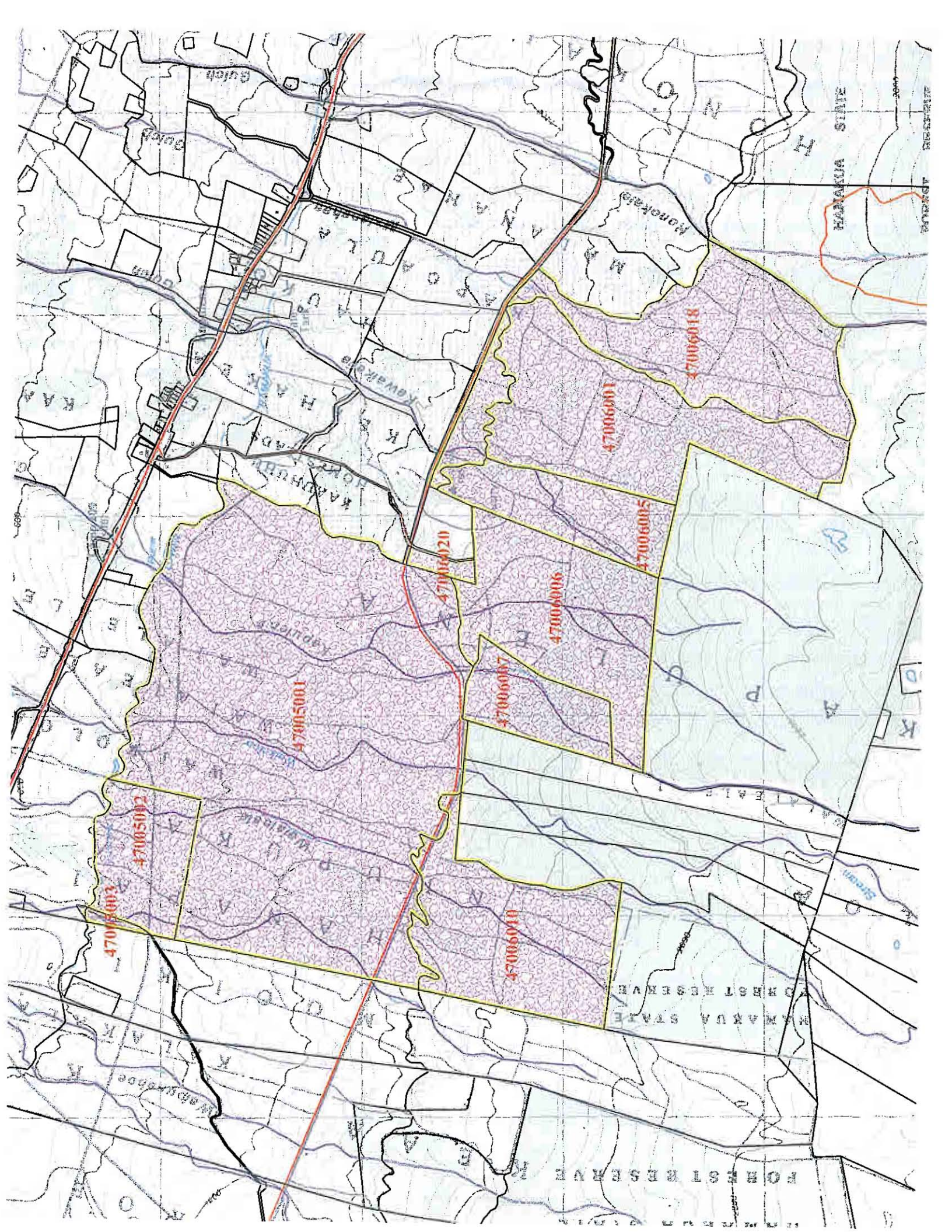
BJ LEITHEAD TODD
Planning Director

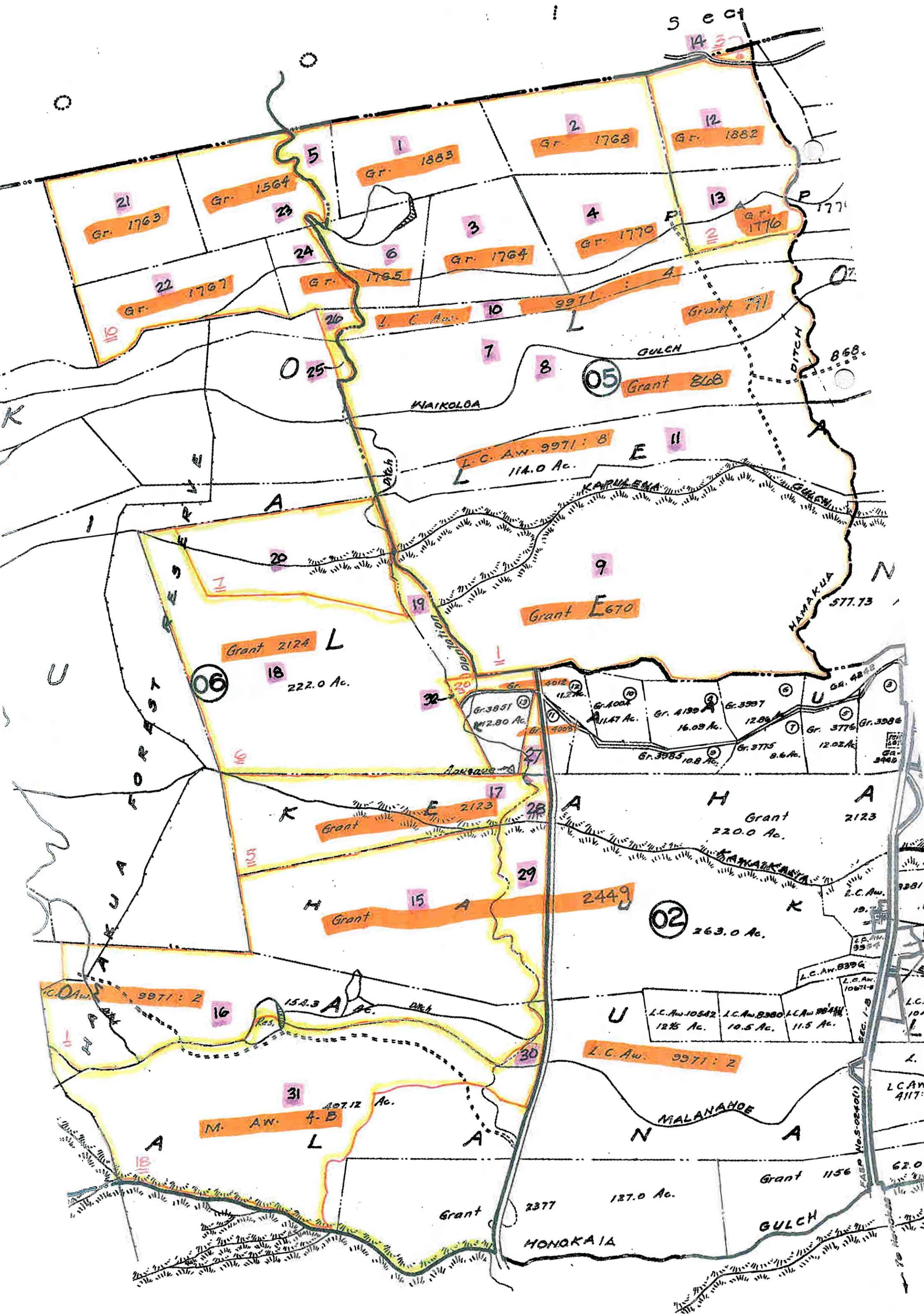
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Encs.: Tax Map Plat w/Pre-existing Lots
GIS Reference Map

xc: Tax Maps and Records Supervisor w/maps
Real Property Tax Division-Hilo w/maps
Manager-DWS w/maps
Director, DPW w/maps
TMK File 4-7-5:1 w/maps





Section 14

Section 15

Gr. 1763

Gr. 1564

Gr. 1883

Gr. 1768

Gr. 1882

Gr. 1763

Gr. 1767

Gr. 1764

Gr. 1770

Gr. 1776

Gr. 1767

Gr. 1765

Gr. 1764

Gr. 1770

Grant 771

025

L.C. Aw. 9971: 4

Grant 868

KAIKOLA

L.C. Aw. 9971: 8
114.0 Ac.

Grant 868

FOREST RESERVE

Grant 2124 L
222.0 Ac.

Grant 670

Gr. 3851
112.80 Ac.

Gr. 4002
11.27 Ac.

Gr. 4199
16.09 Ac.

Gr. 3997
12.89 Ac.

Gr. 3775
9.6 Ac.

Gr. 3776
12.02 Ac.

Gr. 3986
12.02 Ac.

Grant 2123

Grant 2123
220.0 Ac.

Grant 15 A
244.9

02
263.0 Ac.

L.C. Aw. 9971: 2

154.3 Ac.

L.C. Aw. 9971: 2

M. Aw. 4-B
107.12 Ac.

L.C. Aw. 10582
12.5 Ac.

L.C. Aw. 8380
10.5 Ac.

L.C. Aw. 8844
11.5 Ac.

Grant 2377
187.0 Ac.

Grant 1156

HONOKAIA

GULCH

FAEP No. S-02400