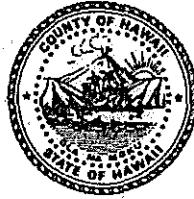


**Harry Kim**  
Mayor



**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

July 17, 2008

Steven S.C. Lim, Esq.  
Carlsmith Ball, LLP  
P.O. Box 686  
Hilo, HI 96720-0686

Dear Mr. Lim:

**DETERMINATION OF PRE-EXISTING LOTS**  
**Makapala and Niulii, North Kohala, Hawai'i**  
**Tax Map Keys 5-2-001:014, 5-2-009:040 & 043 and 5-2-010:002**

This is in response to your letter dated March 14, 2008, and accompanying attachments, requesting a determination of pre-existing lots for the above-described properties. Please accept our apology for the length of time to respond.

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, listed by your item numbers:

**5-2-001:014 Pors.**

1. Portion Land Court Application 1332, Map 4, Lot 20A containing 129.141 acres; and
2. Land Commission Award 9556 containing 0.302 acres (dropped parcel 5-2-009:023).

**5-2-010:002**

3. Land Court Application 1332, Map 2, Lot 8 containing 4.665 acres.

Steven S.C. Lim, Esq.  
Carlsmith Ball, LLP  
Page 2  
July 17, 2008

**5-2-009:040 & 043**

4. Portion Land Commission Award 10353, containing 0.63 acres; and
5. Portion Land Commission Award 10353, containing Lots 1, 4, 5 & 6 of Subdivision No. 2364 with land areas of 0.925 acres, 1,433 square feet, 0.057 acres and 0.857 acres, respectively (1.872 acres total).

In view of the above, we confirm that Parcels 014, 002, 040 & 043 currently described as four (4) Tax Map Key Parcels, are actually composed of the above-described eight (8) separate legal lots of record.

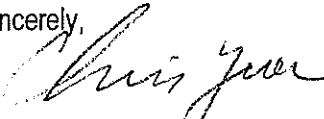
We do not have any records of these lots being consolidated with each other or any other lots adjoining them.

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.

Be aware that of the eight (8) lots, only five (5) can be used to create buildable lots. The remaining three (3) lots (Lots 4, 5 & 6 of SUB 2364) can be consolidated but only resubdivided into roadway or other non-buildable lots.

Should you have any questions, please feel free to contact Jonathan Holmes or Daryn Arai of this department at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

JRH:Inm

P:\wp60\PREX\Prec2008\5-2-1-14,5-2-9-40&43,5-2-10-20hanaakalaLIM.doc

xc:  Tax Maps and Records Supervisor  
Real Property Tax Division-Kona  
Manager, DWS  
Director, DPW  
Planning Dept.-Kona

*Subd = Pre-existing lots*

August 24, 1988

Mr. Steven S. C. Lim  
Case & Lynch  
275 Ponahawai Street, Suite 201  
Hilo, HI 96720

Dear Mr. Lim:

Pre-existing Lots  
TMK: 5-2-10:2; 5-2-09:14 & 23  
and 5-2-01:14

This is in response to your request of July 26, 1988 for our determination of pre-existing lots at Makapala, North Kohala, Hawaii.

Pursuant to your identification of the six lots, we have determined the following:

1. TMK: 5-2-10:02 is a pre-existing lot.
2. TMK: 5-2-09:40 may be considered two separate lots. Subdivision approval 2364 was granted for the creation of a lot south of Parcel 43. Additional documents must be submitted showing the existence of the area north of Parcel 43 prior to 1944 when the first Subdivision Ordinance of the County of Hawaii was established.
3. TMK: 5-2-09:43 was a railroad right-of-way. Therefore, it cannot be considered a lot for consolidation/resubdivision action resulting in the creation of a lot where residential use would be permitted.
4. TMK: 5-2-01:14 is Lot 20-A of Land Court Application 1332. Subdivision 1224 was approved on March 10, 1958 by the County of Hawaii.

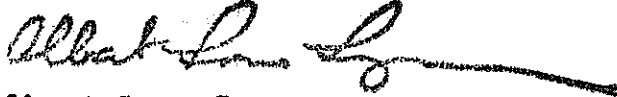
AUG 25 1988

Mr. Steven S. C. Lim  
Page 2  
August 24, 1988

5. TMK: 5-2-09:23 is a pre-existing lot.
6. R. P. 4275, L. C. Aw. 8683 is a portion of Lot 5 of Land Court Application 1332 (Map 1) filed on May 12, 1941 which was subdivided into Lot 20-A in 1958. As such, L. C. Aw. 8683 is not a pre-existing lot.

Should you have any questions, please feel free to contact Wally Matsunami of my staff at 961-8288.

Sincerely,



Albert Lono Lyman  
Director

OWM:mh