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August 10, 2018

Laureen L. Leong, Escrow Officer (via e-mail lleong@tghawaii.com)
Title Guaranty Escrow Services, Inc.
65-1230 Māmalahoa Highway, Building F, Suite 101
Kamuela, HI 96743

Dear Ms. Leong:

DETERMINATION OF PRE-EXISTING LOT OF RECORD
Portion of Royal Patent Grant 749
Honomaka'u, North Kohala, Hawai'i
TMK: 5-4-007:019

We have received your correspondence dated August 8, 2018, requesting verification that the subject Tax Map Key is a pre-existing lot of record.

The County Council recently passed an amendment to the Hawai'i County Code (HCC), Chapter 23, Subdivision, Article 11, Section 23-118 to expand the criteria for the recognition of pre-existing lots of record to include provisions for how property has historically been recorded at the Bureau of Conveyances, Land Court and/or the Tax Maps Bureau. Specifically, Section 23-118 was amended with this additional criterion:

- “(c) The lot was created prior to May 1, 1999 by the recordation with the Department of Land and Natural Resources' Bureau of Conveyances, Registrar of the Land Court or other applicable state agency (i.e. Tax Map Bureau) through evidence of a properly prepared deed and/or subdivision plat and was subsequently issued a Tax Map Parcel Number and individually assessed for real property tax purposes although not included in (a) or (b) above.
- (i) This subsection only applies for such recordings that convey the newly created lot/parcel, for some consideration, to a party other than the grantor.”

Therefore, 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).

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Our review of the records has found the following history:

1. Parcel 019 is depicted on the first Tax Map Bureau plat of September 1935, containing 46,910 sq. ft.;
2. Through Civil Action #496, the court directed a partition of Parcel 019 into 14,977 sq. ft. and 31,933 sq. ft. lots, w/ the 31,933 sq. ft. section going to new Parcel 051;
3. By deed dated November 16, 1960, Parcel 019, w/a revised area of 15,214 sq. ft., was recorded at the Bureau of Conveyances on January 20, 1961 in libre 3990, at page 491;
4. The lot was created prior to May 1, 1999 by the recordation with the Department of Land and Natural Resources' Bureau of Conveyances and therefore, it is a legally created lot of record; and
5. We find no record of this lot having been consolidated with any other adjacent land.

Therefore, we confirm that Parcel 019, containing 15,214 sq. ft. is a legal pre-existing lot of record.

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

Sincerely,



MICHAEL YEE
Planning Director

JRH:tb

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xc: Tax Maps and Records Supervisor
Real Property Tax Division-Kona
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