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PLANNING DEPARTMENT

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March 30, 2005

Monika Mallick
P. O. Box 47
Papaikou, HI 96781

Dear Ms. Mallick:

DETERMINATION OF PRE-EXISTING LOTS OF RECORD

Ninole-Wailau Homesteads, Ka'u, Island of Hawaii, Hawaii

TMK: 9-5-020:019, 022 & 046

We have received your letter of December 23, 2004. First of all, please accept our apology for the length of time taken 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 have found the following:

1. The Ninole-Wailau Homesteads were created in 1891.
2. Parcel 19, 40.12 acres in area consists of Lot 10 and Lot 11, 19.93 acres and 20.19 acres respectively. Lot 10 was initially conveyed as Grant 6362. Lot 11 was initially conveyed as Grant 6363. In 1961, Parcel 20 (Lot 11) was "dropped" into Parcel 19 by the Real Property Tax Office.
3. Parcel 22, currently consists of 58.61 acres (Lot C, 21 acres, Lot 12, 19.64 acres and Lot 14, 17.97 acres). Lots 12 and 14 were initially conveyed as portions of Grant SS-13775 and Lot C was initially conveyed as a portion of Grant 13500. In 1956, Lot 12 (19.64 acres) went to Parcel 21 and Lot 14 (17.97 acres) went to Parcel 23. However, in 1965 these latter two parcels were "dropped" into Parcel 22.

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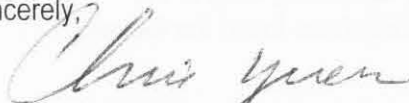
4. Parcel 46, currently consists of 33.86 acres in area (Lot 35, 17.79 acres and Lot 36, 16.07 acres). This 33.86 acre Parcel came from Parcel 33 in 1975. Lot 35 was formerly Parcel 47 and Lot 36 was formerly Parcel 46, both of which were "dropped" into Parcel 40 in 1939.
5. There are no records to indicate that there were any true consolidations of the Lots found with the Parcels. It is likely, because the parcels were owned by the same person(s), that they were combined for the convenience of having only one tax bill.

In view of the above, we have determined that the subject properties are, indeed, seven (7) separate legal lots of record:

- 1) Lot 10 (portion of Parcel 19) consisting of 19.93 acres;
- 2) Lot 11 (formerly Parcel 20) consisting of 20.19 acres;
- 3) Lot 12 (formerly Parcel 21) consisting of 119.64 acres;
- 4) Lot 14 (formerly Parcel 23) consisting of 17.97 acres;
- 5) Lot C (portion of Parcel 22) consisting of 21 acres;
- 6) Lot 35 (formerly Parcel 47) consisting of 17.79 acres; and
- 7) Lot 36 (portion of Parcel 46) consisting of 16.07 acres.

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

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

RKN:lnm

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xc: Tax Maps and Records Supervisor I
Real Property Tax Division-Hilo
Manager-DWS
DPW-Engineering Division (Hilo)
Department of Finance