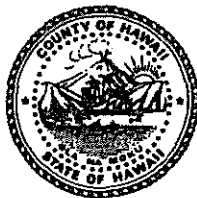


Harry Kim
Mayor



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 28, 2008

Russell Figueiroa, President
RM Towill Corporation
2024 North King Street, Suite 200
Honolulu, Hawai'i 96819-3456

Dear Mr. Figueiroa:

Lots of Record Determination

Makaka, Kopu, Hionamo, Punaluu, Moaula and Opu, Ka'u, Hawai'i

**TMK: 9-6-003:002 & 022; 9-6-004:011, 012 & 014; 9-6-005:010, 012, 013 & 056
and 9-6-006:005 & 008**

This is in response to your request dated January 11, 2008. Please accept our apology for the length of time taken to reply.

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).

Following the lot numbering scheme given in your lot count for determination, our conclusions, as to 16 lots of record, are as follows (**lots claimed in your letter which we do not accept are shown in bold**):

9-6-003:Pors. 002

Lot 1, Grant 6487, L.C. Aw. 7608:1; extinguished by Subdivision Number 7540-R	
Lot 2, Grant 6487, L.C. Aw. 7608:2;	ditto
Lot 3, Grant 7674, L.C. Aw. 10,877;	ditto
Lot 4, Grant 2895;	ditto
Lot 5, Grant 2946;	ditto
Lot 6, Grant 2537;	ditto
Lot 7, Grant 2955;	ditto

We accept Parcel 002 as a single lot.

Russell Figueiroa, President
RM Towill Corporation
Page 2
July 28, 2008

9-6-003:Pors. 022

(Lots 8 and 9 were transposed between your letter and the reference maps. The numbers here reflect the reference maps)

Lot 8, Portion Grant 2877; extinguished by Subdivision Number 5298a

Lot 9, Portion Grant 814; extinguished by Subdivision Number 5298a

We accept Parcel 022 as a single lot

9-6-004:011, 012 & 014

Lot 10, Grant 6944, L.C. Aw. 8972

Lot 11, Grant 6869, L.C. Aw. 9996

Lot 12, Portion Grant 6845, L.C. Aw. 10119

9-6-005:Pors. 010

Lot 13, L.C. Aw. 10755:2

Lot 14, Grant 5518, L.C. Aw. 8362

Lot 15, Grant 6925, L.C. Aw. 8761

9-6-005:012, 013 & 056

Lot 16, Grant 7670, L.C. Aw. 8034

Lot 17, Grant 6929, L.C. Aw. 8804

Lot 18, Portion Grant 2460; extinguished by Subdivision Number 5298a

Lot 19, Grant 7127, L.C. Aw. 8360-B; extinguished by Subdivision Number 5298a

We accept Parcel 056 as a single lot

9-6-006:Pors. 005

Lot 20, Grant 2894

Lot 21, Portion Grant 2460

9-6-006:006, 007 & 008

Lot 22, Grant 7950, L.C. Aw. 10,594:1 (Lot 1 of Ld. Ct. App. 659, map 1)

Lot 23, Grant 7950, L.C. Aw. 10,594:2 (Lot 1 of Ld. Ct. App. 659, map 1)

Lot 24, Grant 2698, (Ld. Ct. App. 658, map 1)

This determination is subject to the following:

It is our understanding that based on this information provided regarding pre-existing lots, you may be submitting an application for consolidation and re-subdivision of the subject parcels which would result in the development of specific metes and bounds for the subdivided lots. If you want to consolidate and resubdivide, we will require a title report showing that the applicant has good title to all properties involved in the consolidation/resubdivision. If consolidation and re-subdivision is not the intent, you may want to have a modern metes and bounds survey

Russell Figueiroa, President
RM Towill Corporation
Page 3
July 28, 2008

conducted for a more accurate and current land area determination and that a map reflecting this information may be submitted for certification.

A request for separate tax map key parcel numbers should be in writing to this department.

Again, the applicant for any actions regarding subdivision or assignment of parcel numbers must be accompanied by proof of clear title to any and all lots.

Please be informed that, in accordance with sec. 23-5 of the Hawai'i County code, sec. 6-10.2 of the Hawai'i County Charter, and Rule 8 of the Board of Appeals, within thirty (30) days of this decision, you may appeal the director's decision as follows:

- (a) An appeal shall be in writing, in the form prescribed by the board of appeals and shall specify the person's interest in the subject matter of the appeal and the grounds of the appeal. A filing fee of \$250 shall accompany any such appeal. The person appealing a decision of the director shall provide a copy of the appeal to the director and to the owners of the affected property and shall provide the board of appeals with the proof of service.
- (b) The appellant and the director shall be parties to an appeal. Other persons may be admitted as parties to an appeal. Other persons may be admitted as parties to an appeal, as permitted by the board of appeals.

According to sec. 23-5, Hawai'i County Code, the board of appeals may affirm the decision of the director, or it may reverse or modify the decision or remand the decision with appropriate instructions if based upon the preponderance of evidence the board finds that the decision is:

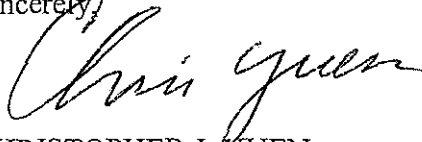
- (a) In violation of this chapter or other applicable law; or
- (b) Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (c) Arbitrary, or capricious, or characterized by an abuse of discretion or clearly unwarranted exercise of discretion.

In view of the above, we have enclosed COUNTY OF HAWAI'I BOARD OF APPEALS
GENERAL PETITION FOR APPEAL OF DECISIONS BY PLANNING DIRECTOR.

Russell Figueiroa, President
RM Towill Corporation
Page 4
July 28, 2008

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

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

JRH:jlh

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Enc.: County of Hawaii Board of Appeals General Petition for Appeal of Decisions by
Planning Director

xc: Real Property Tax Division-Hilo
Tax Maps & Records Supervisor
Manager-DWS
Director-DPW