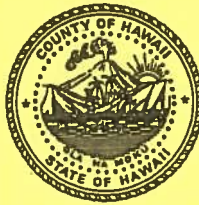


Harry Kim  
Mayor



Christopher J. Yuen  
Director

Roy R. Takemoto  
Deputy Director

**County of Hawaii**  
**PLANNING DEPARTMENT**

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043  
(808) 961-8288 • Fax (808) 961-8742

November 15, 2005

Gregory R. Mooers, President  
Mooers Enterprises  
PO Box 1101  
Kamuela, HI 96743

Dear Mr. Mooers:

**FINAL SUBDIVISION APPROVAL NO. SPH-05-000006**  
**FINAL PLAT MAP**  
**SUBDIVIDERS: SUNSTONE REALTY PARTNERS V, LLC**  
**"KONA SEA RANCH SUBDIVISION, INCREMENT I"**  
Proposed Subdivision of Portion of Grant 1725  
**Into Lots 1 thru 9, Inclusive and Lot R-1 (Road Lot)**  
At Kukuioapae 2<sup>nd</sup>, South Kona, Island of Hawaii, Hawaii  
**TMK: 8-7-011:001 (Formerly SUB-99-000125)**

This is to acknowledge receipt of ten (10) copies of the final plat map dated April 19, 2005; diskette of final plat map in .dwg file; Certification of Staking; and Real Property Tax Clearance for the referenced application.

Please be informed that final subdivision approval for recordation is hereby granted to the final plat map as attached herewith inasmuch as all requirements of the Subdivision Code, Chapter 23, as modified have been met.

You and the subdivider may wish to consult an attorney and surveyor for the preparation of the necessary legal documents and description of the certified final plat map for the purpose of recordation with the State of Hawaii, Bureau of Conveyances.

While we are issuing Final Subdivision Approval, we continue to ask for your attention to our letter to you dated October 27, 2005, which detailed our understanding of the various items that must be completed in order to accommodate pedestrian public access within Increments I and II. We understand that a revised

*Hawai'i County is an Equal Opportunity Provider and Employer*

002647  
NOV 17 2005

Gregory R. Mooers, President  
Mooers Enterprises  
Page 2  
November 15, 2005

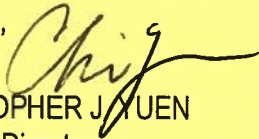
final plat map for Increment II will be submitted that will reflect the approved alignments of the pedestrian public access easements within both Increments I and II as shown in orange on the April 19, 2005 final plat map for Increment II that accompanied our October 27, 2005 letter.

Finally, the County of Hawaii is currently appealing a decision by the Third Circuit Court, Kona Division, in Kelly v. Oceanside 1250 Partners, et. al.. The court decided, in part, that the county did not properly ensure compliance with Chapter 205 of Hawaii Revised Statutes in approving a subdivision in the state land use agricultural district. The County takes the position that the decision was incorrect and the decision imposed requirements on agricultural subdivisions that are not found in Chapter 205. However, because of the state of the law at this time, we recommend that subdividers in the state land use agricultural district consult with, and rely on, independent legal counsel in deciding whether their subdivisions comply with the requirements of Chapter 205. We also recommend that you advise subsequent lot purchasers to consult with, and to rely on, independent legal counsel regarding permissible uses on the property.

By a copy of this letter, we are forwarding a copy of the certified final plat map to the listed officers for their file.

Copies of the certified final plat map are enclosed.

Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

ETC/DSA:Inm

P:\WP60\SUBDIV\Documents\Subc2005-4\SPH-05-000006SunstoneKonaSeaRanch\FPMFSA.doc

Encs. - 2 Certified FPM

xc:     Manager, DWS w/Certified FPM  
          Director, DPW w/Certified FPM  
          District Environmental Health Program Chief, DOH w/Certified FPM  
          District Engineer, DOT w/Certified FPM  
          PLNG-KONA w/Certified FPM  
          DPW-ENG-KONA  
          Tax Maps and Records Supervisor I w/Certified FPM & diskette  
          Real Property Tax Division-Kona w/Certified FPM  
          Sunstone Realty Partners V, LLC  
          Wes Thomas Associates  
          VAR 1097; SPH-05-000007