

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT  
TERRITORY OF HAWAII

At Chambers

In Equity

BALDWIN PACKERS, LIMITED,  
Petitioners  
-vs-  
KAPAHU AFONG et als,  
Respondents  
.....)

Equity No. 235

DECREE DETERMINING INTEREST OF KALUNA LUNNING,  
FRANK STARK AND KAZUICHI SHIMOTE AND DETERMINING  
NUMBER OF ORIGINAL SHARES AND REMAINING CONTESTS.

The above entitled matter came on before the Judge of the above entitled court sitting at chambers in equity on the 3rd day of December 1930, at ten o'clock A. M., for the trial of the issues raised by the amended answer of Kaluna Lunning filed herein November 24, 1930. Enos Vincent, Esq., appeared for the respondent, Kaluna Lunning, and R. A. Vitousek of the firm of Smith, Warren, Stanley & Vitousek, appeared for the petitioner Baldwin Packers, Limited; and also upon the contests raised by the appearances of the respondents Frank Stark and Kazuichi Shimote, said respondents being represented by Enos Vincent, Esq., their attorney and consented to the entry of a decree in the words and figures following; and the respondent, Kaluna Lunning by her attorney in open court withdrew her answer and admitted

the truth of the allegations contained in the petition of the petitioner filed in this suit; and from the admissions and from the records and other good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the said respondent, Kaluna Lunning, at the date of the filing of said petition, owned, held and was vested with an undivided .347 of an undivided share in the Hui of Mailepai and in the lands sought to be partitioned in these proceedings, said interest being comprised of .222 of the original share held by Kaleiopu and .125 of the original share held by Panui, the said .347 of one share being the total interest owned and held by said respondent and being .222 of one share in addition to the interest found to be owned by her in the decree of the Judge of this Court dated and filed in the above proceedings, July 29, 1930.

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that said respondent is not entitled to any other interest in said Hui or in said lands; and

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that there were originally one hundred and thirteen (113) undivided shares or interests in said Hui and said lands and that a "share" in the said Hui of Mailepai is hereby adjudged to mean and be an undivided one one-hundred-thirteenth (1/113th) share or interest in the said Hui and in the said lands owned by said Hui and sought to be partitioned hereby and being the lands particularly described in said decree of July 29, 1930,

and that whenever in any decree heretofore or hereafter made and entered a share is referred to it shall be deemed to mean and refer to a share as herein determined; and

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the respondent, Frank Stark is the owner in fee simple of an undivided 1.104 shares in the said Hui and in the said lands comprising the following interests of the following original share owners, to-wit:

.500 of the original share of Kaumauma,

.167 of the original share of Opunui, and

.437 of the original share of Panui; and

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that Kazuichi Shimote is the owner in fee simple of an undivided 1.00 share in the said Hui and in the said lands comprising the following interests of the following original share owners, to-wit: an undivided .500 of the original share of Makaele and an undivided .500 of the original share of Uahili; and

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the said respondents Frank Stark and Kazuichi Shimote are not entitled to any interests in said Hui and in the said lands excepting as hereinabove specifically set forth, and that the interests in said Hui and lands herein found to be owned by Frank Stark and Kazuichi Shimote include the interests found to be owned by them in the said decree of this Court dated July 29, 1930; and

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the following named persons were the owners in fee simple as of the date of the filing of the petition in this suit of the following specified undivided shares of parts thereof in said Hui or in said lands (a whole share being an undivided 1/113 interest.) and in addition to any other interests found to be held by them by any decree of this Court heretofore made and entered, said persons and said interests being wo-wit:

Kekahilepua .445

(being a portion of the original share of Kaleippu)

Laie Kealoha .040

(being a portion of the original share of Nalepo)

Kamehaiku Alapai .040

(being a portion of the original share of Nalepo)

Lahela Reimann .040

(being a portion of the original share of Nalepo)

Baldwin Packers, Limited 7.963

(being 1.000 of the original share of Upai in said Hui

and said land, .333 of the original share of Kapiopu in said Hui and in said land, and .500 of the original share of Uahili in said Hui and said land, and .250 of the original share of Naholowaa in said Hui and in said land, and being the 6.000 shares referred to in sub-paragraph (k), page six (6) of the said decree of July 29, 1930 and in controversy by the contest of the total number of undivided shares in said Hui, and being less, however, the .120 of one share herein decreed to be owned by said Laie Kealoha, Kamehaiku Alapai and Lahela Reimann); and

AND IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the findings and decrees and orders of this Court contained in the said decreed of July 29, 1930 shall apply, unless herein specifically found to be inapplicable, to the shares or parts thereof and to the owners thereof as herein determined.

Dated at Wailuku, Maui, T. H., this 3<sup>d</sup> day of December, A. D. 1930.

*D.H. Cas*

Judge of the above entitled Court

*D.H. Cas  
Dec 30 1930  
Atty for Plaintiff  
Wailuku Hawaii  
Frank Starks  
H. Shemide*

*[Faint handwritten signature or stamp]*

December 30  
4:05 P  
Mammal Cave