

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

AT CHAMBERS

IN EQUITY

BALDWIN PACKERS, LIMITED,

Petitioner,

vs.

KAPAHU AFONG (w), MRS. MARY
AHALANI, AH CHEEN, et al.,

Respondents.

DECREE DETERMINING AND AWARDING COSTS.

April 9th 32
11:40
Manuel Caspe

SMITH, WARREN, STANLEY & VITOUSEK,
402 Alexander & Baldwin Building,
Honolulu, T. H.,
Attorneys for Petitioner.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT

TERRITORY OF HAWAII

AT CHAMBERS

IN EQUITY

BALDWIN PACKERS, LIMITED,

Petitioner,

vs.

KAPAHU AFONG (w), MRS. MARY AHALANI, AH CHEEN, WILLIAM AHIA, AH TIM YOUNG, DAVID KANUHA AINOA (also known as D. S. Kanuha), MARIA ESPINDA AKANA, AMOY AKI (w), PHOEBE C. AMOY, WILLIAM AUKAI, BANK OF MAUI, LIMITED, B. BENS, BISHOP TRUST COMPANY, LIMITED, as Guardian of Estate of Thelma Katherine Espinda, a Minor, MARY K. BRAY, WILLIAM R. CASTLE, CHUNG KUM SHEE, CHUNG KWUN SHOU, CHUNG YING SHOU, CHUNG NEE CHEUN, HENRY CLARK, CATHERINE Y. COCKETT, ALBERT J. COCKETT, HATTIE CRAWFORD, ERNEST CUMMINGS, KEANAAI DAVIS, MRS. KEANAAI DAVID, EMILY DO REGO, MANUEL F. DE REGO, HEIRS OF DICK DIAMOND, VIOLET ROSALIND ESPINDA, THELMA KATHERINE ESPINDA, MRS. ANNIE K. FARDEN, D. T. FLEMING, K. FUJIYOSHI, EMMA ESPINDA GLAUBRECHT, SHINTARO HARA, GEORGE K. HASEGAWA, HAWAIIAN TRUST COMPANY, LIMITED, as Guardian of Estate of Edward Heen, an Incompetent Person, A. W. HEEN, EDWARD HEEN, ERNEST N. HEEN, E. LULU HEEN, M. L. HEEN, ROBERT HEEN, SARAH (MRS. GEORGE M.) HEEN, WILLIAM H. HEEN, ROSE M. HOLOKAHI, LOUIS HUBBARD, JR., LOUIS HUBBARD, SR., HU WAI, KAAUKEA IAELA, MRS. KANUI IAELA, J. K. JAMES, DAVID P. JELLINGS, MRS. KAONOHI JOHNSON or her heirs, MARAEA KAAA, SAM KAHAI, LILIA K. KAHOLUA, KALAMA KAHUE, a Minor, KAUHANE KAHUE, LETITIA KAHUE, a Minor, PEKEKEO KAHUE, a Minor, SONNY KAHUE, a Minor, D. KAHULAOPIO, DAVID KALEI, SARAH N. KALAI, HEIRS OF KAPILI KALAWAIA, HEIRS OF HAIKAA KALAWAIA, DANIEL MAHOE KALAWAIA, KEAHI KALAIKALAWAIA, KUALANI KALAIKALAWAIA, or her heirs, MRS. AKANEKI KANAMU, H. KANEKO, MOSES KAUAHAHA (also known as Moses Kaukau), ADAM MAIOHAO KAUKAU, ALICE KAUKAU, a Minor, HENRY KAUKAU, JOHN KAUKAU, a Minor, LOUISA KAUKAU, a Minor, KEKAHILIOPIO, S. KOBAYASHI, JOHN KUPIHEA, JUNIA KUPIHEA, a Minor, LAIKUPULIILII, VIOLET LEE, HELENE V. LUCAS, a Minor, MURIEL ETHEL K. LUCAS, a Minor, ROBERT LUCAS, WILLIAM B. L. LUCAS, a Minor, ELIZABETH LUMSDON, MRS. KALUNA LUNNING, H. E. McINTYRE, MAHIOLE or his Heirs, EMMA MAIKAI, a Minor, JOHN MAIKAI, VICTORIA MAIKAI, a Minor, CARRIE M. MAKAIPO, LOUISA MAKAKOA, APAKI MANUWAI (also known as Albert Apaki Manuwai), MRS. HATTIE MARKHAM, MINNA MEDEIROS, HEIRS OF MIKI MOKU, MELEANA MOMONA, ABRAHAM MOORE, CHARLES MOORE, JR., EDWARD MOORE, ELIZABETH MOORE, GEORGE MOORE, JOHN MOORE of Honolulu, T. H., JOHN MOORE of New York, N. Y., JOSEPH MOORE, E. K. NAALAO, S. NAKASHIMA, J. K. NAKOOKOO, and/or J. K. NAKOOKOO, TRUSTEE, LAHAPA A. NAONE, BLANCHE NAPAEPAE, a Minor, BEN NAPAEPAE, EDWARD NAPAEPAE, a Minor, EMALINE NAPAEPAE, a Minor, FLORENCE NAPAEPAE, a Minor, MATILDA NAPAEPAE, a Minor, VICTORIA NAPAEPAE, a Minor, MARGARET PUAMOHAI NAPE, HEIRS OF ASERA P. NAIPAAKAI, FRED LEE NAYLOR, a Minor, FRED NAYLOR, SYLVIA DALE NAYLOR, a Minor, JAMES NIHO, a Minor, KELIIAHONUI NIHO, a Minor,

C. B. NORTON (or his successors in interest), KANDO OMOTO, ALBERT ONTAI, ANNIE OPULELE, K. OTSUJI, MANUEL PAHANA, PALAU PAKI, or heirs, ADAM PALI, E. C. PETERS, PIONEER MILL CO., LTD., ABRAHAM POOLOA, JOSEPH PUA, AUGUST REIMANN, AUGUST REIMANN, JR., KAULA RICHARDSON (w), WILFRED K. RICHARDSON, WINNIFRED K. SAFFERY, JULIA SEONG, TOMISHIGE SHIBAO, KAZUICHI SHIMOTA, ANDREW SILVA, GEORGE SMYTHE (also known as George Ai Smith), ISAAC SMYTHE, JACK SMYTHE, JULIA SMYTHE, NOAH SMYTHE (also known as Noah Smith), PONI SMYTHE, WILLIAM SMYTHE, FRANK STARK, S. TAGUCHI, W. M. TSCHUDI, MRS. ANNIE VIEIRA (also known as Mrs. C. N. Vieira and as Annie Vierra and as ANNIE VIEIRA), CHARLES N. VIEIRA (also known as Charles N. Viiera and as Charles N. Vierra), HEIRS OF WALAHOLO, MARY B. WAIKOLOA, HELEN PILI SHAW WESSEL, ROMAN CATHOLIC CHURCH IN THE TERRITORY OF HAWAII, TERRITORY OF HAWAII, COUNTY OF MAUI, INAMISIO MAIKAI, GEORGE K. HUGO, LAHELA REIMANN, FOURTH DOE, FIFTH DOE, AND ALL OTHER PERSONS, ALTHOUGH UNKNOWN, HAVING OR CLAIMING TO HAVE ANY LEGAL OR EQUITABLE RIGHT, TITLE, OR INTEREST IN THE LAND HEREINAFTER DESCRIBED, OR ANY PART THEREOF OR ANY LIEN OR OTHER CLAIM WITH RESPECT THERETO,

Respondents.

DECREE DETERMINING AND AWARDING COSTS.

WHEREAS the judge of the above court in the above suit by decree dated and filed November 21, 1931, among other things, fixed the amount of fees, expenses and court costs that were to be paid, and taxed the same as costs against all of the parties receiving lots or parcels of land under the terms of said decree in proportion to the respective interests owned by the parties entitled to such lots or parcels of land, all of which were to be paid by the petitioner in the first instance but was to be contributed to by all of said parties in said proportion; and

WHEREAS the total of such fees, expenses and court costs was the sum of \$18,243.07, which has been paid by the petitioner; and

WHEREAS the petitioner's share of such fees, expenses and court costs was the sum of \$15,768.85, leaving a balance of \$2,474.22 that should be paid by the remainder of said parties to the petitioner; and

WHEREAS the following named respondents are the only parties that have paid the share of costs that should have been paid by them, to-wit:

<u>Name</u>	<u>Amount</u>
Charles N. Vieira and Annie Vieira	\$ 10.17
Kazuichi Shimote	\$161.44
John A. Medeiros	191.63
Walter Book	\$8.88

NOW THEREFORE,

BE IT ORDERED, ADJUDGED AND DECREED that the Baldwin Packers, Limited, petitioner above named, recover of and from the following named respondents the amounts set opposite their respective names, being their proportion of the costs taxed and assessed in the above entitled suit, to-wit:

<u>Name of Respondent.</u>	<u>Interest in Original Hui Share.</u>	<u>Lot No.</u>	<u>Share of Costs Taxed.</u>
Annie K. Farden	.6310	7-54	\$ 101.87
Heirs of August Reimann, Sr.	.7340	8	118.50
Moses Nahina	.1000	9	16.14
Lahela Reimann	.0400	10	6.46
Laie Kealoha	.0400	11	6.46
Kamehaiku Alapai	.400	12	6.46
August Reimann, Jr.	.7330	13	118.34
Catherine Y. Cockett	.5710	14	92.18
Mrs. Minna Medeiros	.7330	15	118.34
Ah Cheen	.1000	16	16.14
Victoria Napaepae, Edward Napaepae, Blanche Napaepae, Emaline Napaepae, Matilda Napaepae and Florence Napaepae	.2590	17	41.81

<u>Name of Respondent.</u>	<u>Interest in Original Hui Share.</u>	<u>Lot No.</u>	<u>Share of Costs Taxed.</u>
Adam Pali	.8440	18	\$ 136.26
George Smythe (also known as George Ai Smith)	.0850	19	13.72
Kaluna Lunning	.3470	20	56.02
Annie Opupele	.1250	21	20.18
Manuel F. De Rego	.2500	22	40.36
Henry Sonny Kahue, Mary Kalama Kahue, Letitia Kahue, and Helen Pekekeo Kahue	.5160	23	83.30
Heirs of Waiohoho	.2500	24	40.36
Henry Clark	.1250	25	20.18
Julia Seong	.0500	26	8.07
Junia Kupihea	.0170	27	2.74
Louis Hubbard, Jr. and Hattie Markham	.1600	28	25.83
Isaac Smythe, Jack Smythe, William Smythe, Poni Smythe, and Julia Smythe	.0300	29	4.84
Kando Omoto	.1660	31	26.80
Kazuichi Shimoto	1.0000	32	161.44
Rose M. Holokai, Carrie M. Makaipo, George Moore, John Moore, Charles Moore, Jr., Abraham Moore, Edward Moore and Joseph Moore.	.3330	33	53.76
David Kanuha Ainoa	1.0000	34	161.44
Daniel Mahoe Kalawaia	.0335	35-A	5.41
Heirs of Kapili Kalawaia	.0335	35-B	5.41
William Aukai	.1200	36	19.37
Nonaaina Afat	.0170	37	2.74
Heirs of Kaonohi Johnson	.0550	38	8.88
Emma Maikai, Inamisio Makai, and Victoria Makai	.0470	39	7.59

<u>Name of Respondent.</u>	<u>Interest in Original Hui Share.</u>	<u>Lot No.</u>	<u>Share of Costs Taxed.</u>
Walter Book	.0550	40	0.00
B. Bens	.2500	41	40.36
Joseph Pua	.0330	42	5.33
Muriel Ethel K. Lucas, Robert Lucas, William B. L. Lucas and Heirs of Helene V. Lucas	.0440	45	7.10
Heirs of Andrew Silva	1.0000	46	161.44
Roman Catholic Church in the Territory of Hawaii	.4520	47	72.97
Amoy Aki	.0760	48	12.27
Albert Ontai	.2500	49	40.36
James Niho Manuwai and Keliiahonui Niho Manuwai	.0780	50	12.59
Frank A. Alameda	.7980	51	128.83
Mamuel Pahana	.0830	52	13.40
Margaret Puamohala Nape	.1950	53	31.48
Tomishige Shibao	.3320	55	53.60
Mary Koe	.0170	56	2.74
Laikupuliilii	.0330	57	5.33
Violet Lee	.0160	58	2.58
Fred Lee Naylor and Sylvia Dale Naylor	.0170	59	2.74; and

IT IS HEREBY FURTHER ORDERED, ADJUDGED AND DECREED that the costs to be assessed against those persons ultimately found to be the owners of Lots 44-A, 44-B, 44-C and 44-D is the amount of \$123.02 which shall be apportioned against said persons according to the undivided interests that they are found to own in said lots.

DATED: Wailuku, T. H., April 9th 1932.

Approved:

Smith, Warren, Stanley & Vitorsek
Attorneys for Petitioner.

W. H. Case

Ernest S. ...
Attorneys for Certain Respondents.

Judge of the Above Entitled Court.

Wendell ...
Attorneys for Certain Respondents.