

YUKLIN ALULI
ATTORNEY AT LAW
1720 ALA MOANA BLVD.
HONOLULU, HAWAII 96815
949-1020

April 24, 1990

APR 26 1990

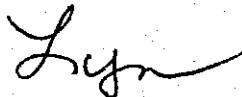
Circuit Court of the
Second Circuit
P.O. Box P
Wailuku, Hawaii 96793

Re: Baldwin Packers, Ltd. vs Afong, et al.
E. No. 235 (S.P. No. 88-0033(3))

Dear Clerk:

Enclosed please find an original and two copies of the Amended Notice of Motion to Intervene as a Defendant and Motion to Revoke Order Modifying Final Decree of Partition and Compel Cancellation of Deeds in the above matter. Please file said documents and return copies to our office in the envelope provided. If you have any questions, please contact me directly.

Very truly yours,



Secretary to
Yuklin Aluli

/ld
Encl.

YUKLIN ALULI 1428-0
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Telephone: 949-1020

RICHARD L. ROST
Attorney at Law
A Law Corporation

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Attorneys for Kepoikai C. Aluli and Emma Aluli Meyer,
Trustees under Deed of Trust made by Noa W. Aluli, Kepoikai
C. Aluli and Geraldine R. Aluli, Trustees of the Kepoikai C.
Aluli Irrevocable Trust

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

BALDWIN PACKERS, LIMITED,	)	E. NO. 235
	)	(SP. NO. 88-0033(3))
Plaintiff,)	
	)	AMENDED NOTICE OF MOTION TO
vs.	)	INTERVENE AS A DEFENDANT AND
	)	MOTION TO REVOKE ORDER
KAPAHU AFONG, et al.,	)	MODIFYING FINAL DECREE OF
	)	PARTITION AND COMPEL
Defendants.	)	CANCELLATION OF DEEDS
)	
	)	Old Date: May 9, 1990
	)	New Date: May 10, 1990
	)	Time: 8:30 a.m.
	)	Judge: Boyd P. Mossman
)	

AMENDED NOTICE OF MOTION TO INTERVENE AS A
DEFENDANT AND MOTION TO REVOKE ORDER MODIFYING FINAL
DECREE OF PARTITION AND COMPEL CANCELLATION OF DEEDS

TO: STEPHEN RINK, ESQ.
 WILLIAM F. OGLE, ESQ.
 1993 S. Kihei Road, Suite 206
 Kihei, Hawaii 96753
 Attorneys for Intervenor
 J. RICHARD FARLEY

 RICHARD S. OGAMI
 ERNEST O. OGAMI
 KENNETH M. OGAMI
 1754 Waiola Street
 Honolulu, Hawaii 96826

 JANE T. O. FURUTA
 1812 Alpine Drive
 San Marino, CA 91108


 HALE NAPILI PARTNERS
 Hale Napili Apartments
 Lahaina, Hawaii 96761

 DONALD E. SCEARCE, ESQ.
 Cades, Schutte, Fleming & Wright
 1000 Bishop Street, 14th Floor
 Honolulu, Hawaii 96813
 Attorneys for Napili Kai, Ltd.

 PAUL R. MANCINI, ESQ.
 Case & Lynch
 333 Lono Avenue, Ste 470
 Kahului, Hawaii 96732

PLEASE TAKE NOTICE that the Motion to Intervene as a Defendant and Motion to Revoke Order Modifying Final Decree of Partition and Compel Cancellation of Deeds filed by Intervenor J. Richard Farley, on April 23, 1990, originally scheduled for May 9, 1990, at 8:30 a.m., are hereby amended to be heard on May 10, 1990, at 8:30 a.m. before the Honorable Boyd P. Mossman, Judge of the Second Circuit Court, in Courtroom 3 in the Circuit Court Building, Wailuku, Hawaii.

DATED: Honolulu, Hawaii, April 24, 1990.



YUKLIN ALULI
RICHARD L. ROST
JAMES W. GEIGER
Attorneys for Kepoikai C. Aluli
and Emma Aluli Meyer, Trustees
under Deed of Trust made by Noa W.
Aluli, Kepoikai C. Aluli and
Geraldine R. Aluli, Trustees of
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DATED: Honolulu, Hawaii, April 24, 1990.



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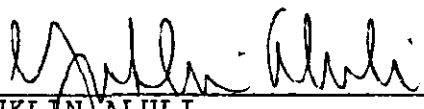
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DATED: Honolulu, Hawaii, April 24, 1990.


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Geraldine R. Aluli, Trustees of
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Trust

CLERK'S MINUTES

EQUITY NO. ~~XXXXXX~~ 235 (3) M.L.NO. _____ S.P.NO. 88-0033 (3)

BALDWIN PACKERS vs. KAPAHU AFONG, ET AL

AT TERM: MAY 10, 1990 TIME: 9:00 am

PRESENT: JUDGE: BOYD P. MOSSMAN
Staff: Courtroom Clerk Y. WAKI
Court Reporter BETH KELLY

COUNSEL: PLAINTIFFS _____ Movant _____
DEFENDANT'S PAUL MANCINI/NAPILI KAI
STEPHEN RINK/J. FARLEY Movant X
WILLIAM F. OGLE
JAMES W. GEIGER/Y. ALULI Movant X

NATURE OF PROCEEDINGS:

X Motion for TO INTERVENE; MOTION TO REVOKE ORDER MODIFYING FINAL DECREE OF PARTITION AND COMPELL CANCELLATION OF DEEDS

OTHER: _____

RETURN DAY _____ CONTINUED FROM: _____

PROCEEDINGS:

X Memorandum filed by X movant X opposing counsel
X reviewed by the Court
X Oral argument by X movant X opposing counsel
No. objections to motion by _____
Testimony adduced from: _____

Exhibits: see copy of Exhibit List attached hereto.

OTHER _____

COURT ACTION:

Motion GRANTED
X Motion DENIED
Hearing continued to _____ at _____ A.M.
OTHER: _____

Y. Waki
Courtroom Clerk

EQUITY
 CIVIL
 M. L.
 S. P.

CLERK'S MINUTES

NO. 235

BALDWIN PACKERS, LTD.

vs.

KAPAHU AFONG, ET AL.

AT TERM: APR 25 1990 TIME: _____
PRESENT: Judge: BOYD P. MOSSMAN Court Reporter _____
Courtroom Clerk S. Filipelli
COUNSEL: PLAINTIFF(S) _____ movant _____
DEFENDANT(S) _____ movant _____
_____ movant _____
_____ movant _____

NATURE OF PROCEEDINGS:

MOTION TO INTERVENE; MOTION TO REVOKE ORDER MODIFYING FINAL
 OTHER DECREE OF FORECLOSURE
_____ RETURN DAY _____ CONTINUED FROM _____

PROCEEDINGS:

_____ Memorandum/Affidavit filed by _____ movant _____ opposing counsel
_____ reviewed by the Court
_____ Oral argument by _____ movant _____ opposing counsel
_____ No objections to Motion by _____
_____ Witnesses

_____ Exhibits (see copy of "Exhibit List" attached hereto and made a part hereof.)
_____ Other:

COURT ACTION:

_____ Motion GRANTED _____ Motion DENIED _____ Motion Taken Under Advisement
_____ Memorandum to be filed by _____
_____ and the Court to rule thereafter
 Continued to May 9, 1990 at 8:30 a.m.
 Other: Case not called in Court.

S. Filipelli
Courtroom Clerk

CIVIL MOTIONS CALENDAR
SECOND CIRCUIT
COURTROOM 3, SUITE 4B

DATE: TUESDAY, DECEMBER 5, 1989
JUDGE: HONORABLE BOYD P. MOSSMAN, JUDGE PRESIDING
CLERK: YVONNE F WAKI

REPORTER:
BAILIFF/LAW CLERK:

-----PAGE 1

8:30 A.M.

✓ EQUITY 235
SP 88-0033

BALDWIN PACKERS LTD
VS.
KAPAHU AFONG ETAL

EUGENE K DESPAIN
DONALD E SCEARCE
FOR BALDWIN PACKERS LTD

MOTION TO REVOKE ORDER MODIFYING FINAL DECREE
OF PARTITION

CONTINUED TO 1/4/90 AT 8:30 AM; CASE NOT CALLED IN
COURT.

DATE: 12/05/89

BY ORDER OF THE COURT: _____

Y. Waki

CLERK

CLERK'S MINUTES

CIVIL NO. _____ EQUITY NO. 235 ✓
~~XXXXXX~~ S.P.NO. 88-0033(3)

BALDWIN PACKERS, LTD. vs. KAPAHU AFONG, ET AL.

AT TERM: OCT 19 1988 TIME: 8:40 a.m.

PRESENT: JUDGE: BOYD P. MOSSMAN
Staff: Courtroom Clerk S. Filipelli
Court Reporter G. Bediamol

COUNSEL: PLAINTIFFS _____ Movant _____
_____ Movant _____
DEFENDANTS Y. Aluli, Esq. _____ Movant X
J. Geiger, Esq. _____ Movant X
P. Mancini, Esq. _____ Movant _____

NATURE OF PROCEEDINGS:
X Motion for MODIFICATION OF FINAL DECREE OF PARTITION

OTHER: _____

RETURN DAY _____ CONTINUED FROM: _____

PROCEEDINGS:
_____ Memorandum filed by _____ movant _____ opposing counsel
_____ reviewed by the Court
_____ Oral argument by _____ movant _____ opposing counsel
X No. objections to motion by Mancini
_____ Testimony adduced from:

Exhibits: see copy of Exhibit List attached hereto.
OTHER _____

COURT ACTION:
X Motion GRANTED; Aluli/Geiger to prepare order,
_____ Motion DENIED
_____ Hearing continued to _____ at _____ A.M.
OTHER: _____

S. Filipelli
Courtroom Clerk

JUN 16 1988

CASE & LYNCH

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

THE KAHULUI BUILDING

33 LONO AVENUE, SUITE 470

KAHULUI, MAUI, HAWAII 96732-1681

(808) 871-8351

W. O. SMITH (1848-1928)
C. DUDLEY PRATT (1900-1970)

HONOLULU OFFICE:

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GROSVENOR CENTER
737 BISHOP STREET
HONOLULU, HAWAII 96813
POST OFFICE BOX 494
HONOLULU, HAWAII 96809-0494
TELEPHONE: (808) 547-5400
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KAUAI OFFICE:

1ST NATIONWIDE PLAZA
4334 RICE STREET, SUITE 202
LIHUE, KAUAI, HAWAII 96766-1388
(808) 245-4705

HILO OFFICE:

PONAHAWAI PROFESSIONAL CENTER
275 PONAHAWAI STREET, SUITE 201
HILO, HAWAII 96720-3084
(808) 961-6611

KONA OFFICE:

KUAKINI TOWER
75-5722 KUAKINI HIGHWAY, SUITE 108
KAILUA-KONA, HAWAII 96740-1733
(808) 329-4421

June 15, 1988

Judge Boyd Mossman
District Court of
The Second Circuit
2145 Main Street
P.O. Box DDD
Wailuku, Hawaii 96793

RE: Equity No. 235

Dear Judge Mossman:

In 1930, Baldwin Packers, Limited, petitioned the Second Circuit Court to partition the Hui Aina o Mailepai lands at Kaanapali, Maui among the various owners. After the ownership interests of all parties were determined, the Court appointed commissioners to recommend a plan of partition of the land. The commissioners' plan, approved and confirmed by the Court, provided for the division of the land into lots, including roads to provide each lot with access to a government road.

In the final decree of partition, the Court allotted the lots among the various owners. Although the roads were for the use of the respective lots, the Court transferred title to the roads to the person from time to time holding the office of Clerk of the Second Circuit Court, as trustee, for the use of the lot owners, with authority in such trustee to convey the roads to a public body corporate charged by law with the general control of roadways, but without any duty whatsoever to construct, build, maintain, or repair the roads.

This was a mistake. The Court, instead, was authorized to fix the boundary line of the lots abutting each road along the center line of such road, and to impose an easement for access to a government road upon each lot over those portions of the road within each lot.

Judge Boyd Mossman
Page 2
June 15, 1988

Relief from this mistake is particularly justified in the case of Hui Road H, shaded in red on the enclosed map. That land has never been used or improved as a road. Understandably, it has never been conveyed by the Second Circuit Court Clerk to a public body corporate charged by law with the general control of roadways. Its various parts have been continuously and exclusively used and incorporated into the development of the lots which it abuts, all of which have direct access to a government road.

For example, that portion of Hui Road H situated between the lots shaded in yellow on the enclosed map is incorporated into the development of those lots as the Napili Kai Beach Club which abuts Honoapiilani Highway, a government road. Those portions of Hui Road H situated between the lots shaded in pink and blue on the enclosed map is incorporated into the development of those lots as the Mauian Hotel, which also abuts Honoapiilani Highway. The lot shaded in orange on the enclosed map also abuts Honoapiilani Highway. The remaining lot abutting Hui Road H - shaded in green on the enclosed map - abuts Hui Drive, also a government road.

By the enclosed motion, Napili Kai, Ltd., the owner of the lots shaded in yellow on the enclosed map, seeks relief from the mistake made in the final decree of partition by a modification of that decree to exclude from the description of Hui Road H that portion situated between the lots shaded in yellow and to vest title in such excluded portion in Napili Kai, Ltd.

The Second Circuit Court Clerk, with whom this motion has been discussed, has no objections to such modification. Notice of the motion will be served upon the owners of the remaining lots abutting Hui Road H. We expect that they will have no objections to such modification, and may move the Court for a similar modification of the decree for their respective lots.

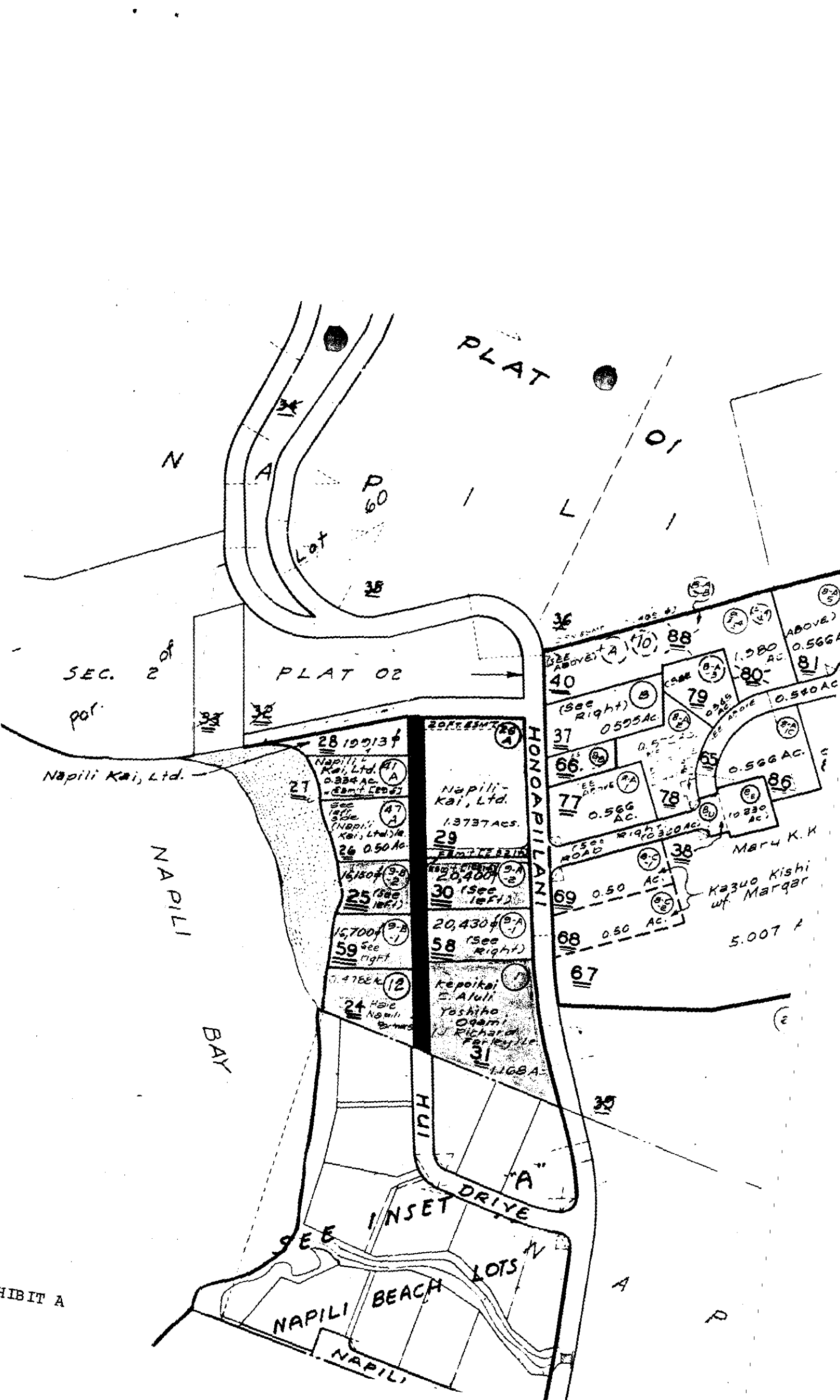
Yours very truly,

CASE & LYNCH

Paul R. Mancini

Paul R. Mancini

PRM/rw
0468j
06/15/88



PLAT

01

N

Lot 60
18

SEC. 2 of
part

PLAT 02

Napili Kai, Ltd.

NAPILI

BAY

HONOPILAI

HUI

DRIVE

SEE INSET

LOTS

NAPILI BEACH

NAPILI

28 19,913

27

Napili Kai, Ltd.
0.334 AC.
26 0.50 AC.

25 16,150

59 15,700

24 7,478

Napili Kai, Ltd.
1.3737 ACS.

29 20,400

30 20,400

58 20,430

31 1,168

Keoikai
E. Aluli
Yoshiho
Ogami
Richard
P. Kaji

40

37 0.595 AC.

66

77 0.566 AC.

69 0.50 AC.

68 0.50 AC.

67

88

79 0.540 AC.

78 0.566 AC.

86 10,230

38

67

Mary K. K

Kazuo Kishi
w/ Marger

5.007

HIBIT A

CASE & LYNCH
PAUL R. MANCINI 1298
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Telephone: 521-9217

Attorneys for Napili Kai, Ltd.

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

BALDWIN PACKERS, LIMITED,	)	EQUITY NO. 235
)	
Plaintiff,	)	MOTION FOR MODIFICATION
vs.	)	OF FINAL DECREE OF PARTITION
)	
KAPAHU AFONG, et al.,	)	MEMORANDUM IN SUPPORT OF MOTION
)	
Defendants.	)	EXHIBIT A
)	
	)	NOTICE OF MOTION
)	
	)	CERTIFICATE OF SERVICE

MOTION FOR MODIFICATION OF FINAL DECREE OF PARTITION

Pursuant to HRCF Rule 60(b), and based on the annexed memorandum, Napili Kai, Ltd. moves the Court for a modification of the Final Decree of Partition to exclude from the description of Hui Road H, and to vest title in Napili Kai, Ltd. to, that portion of Hui Road H situated between Lots 26A, 41A, 47A and portion of Allotment 2.

DATED: Wailuku, Hawaii, _____.

Paul R. Mancini
Donald E. Searce
Attorneys for Napili Kai, Ltd.

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

BALDWIN PACKERS, LIMITED,	)	EQUITY NO. 235
)	
Plaintiff,	)	MEMORANDUM IN SUPPORT OF MOTION
vs.	)	FOR MODIFICATION OF FINAL
	)	DECREE OF PARTITION
KAPAHU AFONG, et al.,)	
	)	EXHIBIT A
Defendants.)	

MEMORANDUM IN SUPPORT OF MOTION
FOR MODIFICATION OF FINAL DECREE OF PARTITION

FACTS

By Final Decree of Partition filed in this partition action, the court approved a report prepared by court appointed commissioners providing for the division of the Hui Aina o Mailepai lands at Kaanapali, Maui into lots, including provision for roads (referred to as Hui Roads) to provide the respective lots with access to a government road.

On the partition map accompanying their report, the commissioners provided for access to a government road for the lots shaded in yellow, pink, blue, green and orange on the map annexed hereto as Exhibit A over a strip of land designated as Hui Road H, shaded in red on Exhibit A.

Napili Kai, Ltd. is the owner of the lots shaded in yellow on Exhibit A - Lot 47A (TMK 4-3-2-26), Lot 41A (TMK 4-3-2-27), portion of Allotment 2 (TMK 4-3-2-28), and Lot 26A (TMK 4-3-2-29) abutting Honoapiilani Highway, a government road.

Aima N. Aluli, Auwae L. Aluli, and Noa T. Aluli, Trustees under Deed of Trust made by Noa W. Aluli, Deceased, are the owners of the lots shaded in pink on Exhibit A - Lot 9-B-2 (TMK 4-3-2-25), and Lot 9-A-2 (TMK 4-3-2-30) abutting Honoapiilani Highway, a government road.

Keopoikai Aluli, Richard S. Ogami, Ernest O. Ogami, Kenneth M. Ogami, Yoshiho Ogami, and Jane T. O. Furuta are the owners of the lots shaded in blue on Exhibit A - Lot 9-B-1 (TMK 4-3-2-59), and Lot 9-A-1 (TMK 4-3-2-58) also abutting Honoapiilani Highway.

Hale Napili Partners is the owner of the lot shaded in green on Exhibit A - Lot 12 (TMK 4-3-2-24) abutting Hui Drive, a government road.

Keopoikai Aluli and Yoshiho Ogami are the owners of the lot shaded in orange on Exhibit A - Lot 11 (TMK 4-3-2-31) also abutting Honoapiilani Highway.

**VESTING OF TITLE TO HUI ROAD H
IN SECOND CIRCUIT COURT CLERK UNAUTHORIZED**

In the Final Decree of Partition, the Court vested title to Hui Road H in the person from time-to-time holding the office of Clerk of the Second Circuit Court, as trustee, for the use of the abutting lot owners, with authority in such trustee to convey Hui Road H to a public body corporate charged by law with the general control of roadways, but without any duty whatsoever to construct, build, maintain, or repair Hui Road H.

RLH 1925 Sec. 2772, the partition statute in effect upon entry of the Final Decree of Partition, authorized the Court to appoint commissioners to prepare a plan for division of the hui land into lots, including provision for roads to provide the respective lots with access to a government road. But, that statute did not authorize the Court to vest title to Hui Road H in the Second Circuit Court Clerk, as trustee for the owners of the lots abutting Hui Road H. Instead, the Court was authorized to fix the boundary line of the lots abutting Hui Road H along the center line of Hui Road H, and to impose an easement for access to a government road upon each lot over those portions of Hui Road H within each lot. Machado vs. Title Guarantee & Trust Co., 99 P.2d 245 (Calif. 1940); 68 C.J.S. Partition §§ 120, 156.

EASEMENT FOR ACCESS TO GOVERNMENT ROAD UNNECESSARY

Hui Road H has never been used or improved as a roadway, or conveyed by the Second Circuit Court Clerk to a public body corporate charged by law with the general control of roadways. Nor is an easement for access to a government road any longer necessary.

That portion of Hui Road H situated between the yellow shaded lots is developed and has been continuously and exclusively used as part of the Napili Kai Beach Club on the yellow shaded lots. Access to a government road for the Napili Kai Beach Club is from Lot 26A, abutting Honoapiilani Highway, a government road.

That portion of Hui Road H situated between the pink shaded lots and the blue shaded lots is developed and has been continuously and exclusively used as part of the Mauian Hotel on the pink and blue shaded lots. Access to a government road for the Mauian Hotel is from Lot 9-A-2, also abutting Honoapiilani Highway.

The orange shaded lot - Lot 11 - also abuts Honoapiilani Highway. And, the green shaded lot - Lot 12 - abuts Hui Drive, also a government road.

CONCLUSION

Based upon the foregoing, the Final Decree of Partition should be modified to exclude from the description of Hui Road H, and to vest title in Napili Kai, Ltd. to, that portion of Hui Road H situated between the Napili Kai, Ltd. owned lots shaded in yellow on Exhibit A.

DATED: Wailuku, Hawaii, _____.

Paul R. Mancini
Donald E. Searce
Attorneys for Napili Kai, Ltd.

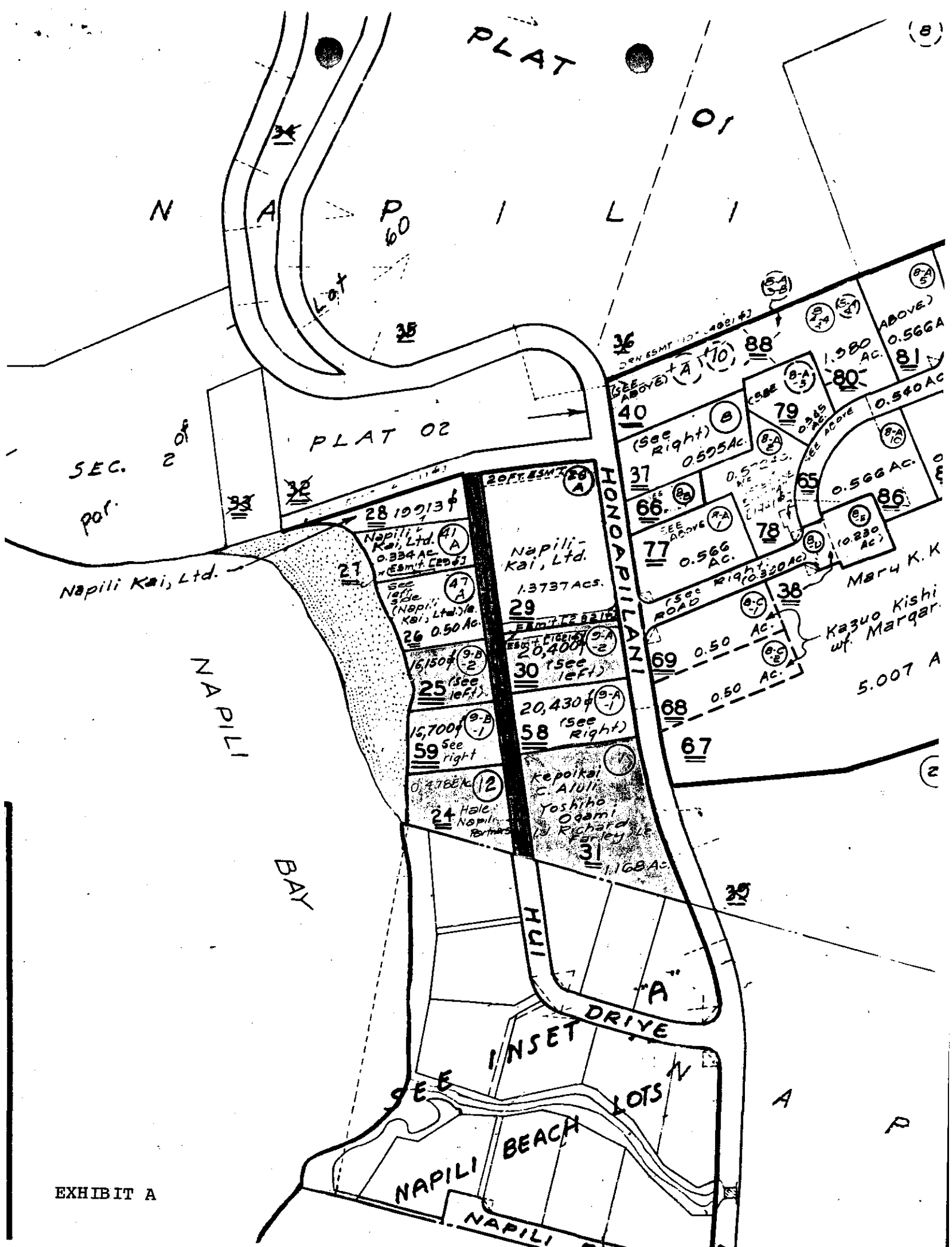


EXHIBIT A

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

BALDWIN PACKERS, LIMITED,	)	EQUITY NO. 235
)	
Plaintiff,	)	NOTICE OF MOTION
vs.)	
)	
KAPAHU AFONG, et al.,)	
)	
Defendants.)	

NOTICE OF MOTION

Aima N. Aluli
 Auwae L. Aluli
 Noa T. Aluli, Trustees
 250 Iolani Avenue
 Honolulu, Hawaii

Keopoikai Aluli
 P.O. Box 818
 Kailua, Hawaii

Yoshiho Ogami
 5353 Keikilani Circle
 Honolulu, Hawaii 96821

Hale Napili Partners
 Hale Napili Apartments
 Lahaina, Maui, Hawaii 96761

Jane T. O. Furuta
 1812 Alpine Drive
 San Marino, California
 91108

Richard S. Ogami
 Ernest O. Ogami
 Kenneth M. Ogami
 1754 Waiola Street
 Honolulu, Hawaii 96826

Clerk of Court
 Second Circuit Court
 2145 Main Street
 Wailuku, Maui, Hawaii 96793

Please take notice that the foregoing motion will be heard by the Honorable Boyd P. Mossman, Judge of the Second Circuit Court, in Courtroom _____ in the Circuit Court Building, Wailuku, Hawaii, on _____, _____, 1987 at _____ a.m.

DATED: Wailuku, Hawaii, _____.

Paul R. Mancini
 Donald E. Searce
 Attorneys for Napili Kai, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by first-class postage prepaid mail on _____:

Aima N. Aluli
Auwae L. Aluli
Noa T. Aluli, Trustees
250 Iolani Avenue
Honolulu, Hawaii

Keopoikai Aluli
P.O. Box 818
Kailua, Hawaii

Yoshiho Ogami
5353 Keikilani Circle
Honolulu, Hawaii 96821

Hale Napili Partners
Hale Napili Apartments
Lahaina, Maui, Hawaii 96761

Jane T. O. Furuta
1812 Alpine Drive
San Marino, California
91108

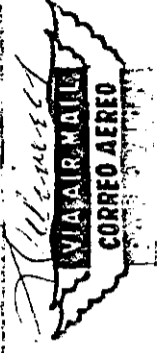
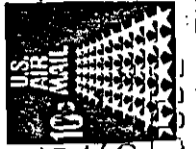
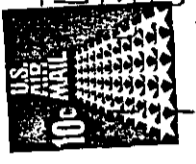
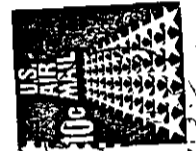
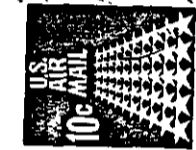
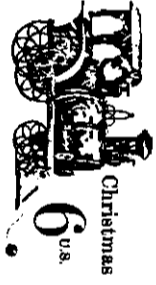
Richard S. Ogami
Ernest O. Ogami
Kenneth M. Ogami
1754 Waiola Street
Honolulu, Hawaii 96826

Clerk of Court
Second Circuit Court
2145 Main Street
Wailuku, Maui, Hawaii 96793

DATED: Wailuku, Hawaii, _____.

Paul R. Mancini
Attorney for Napili Kai, Ltd.

U.S. AIR MAIL
2635 W. LINDWOOD ST
SARASOTA, FLA. 97701



Special Delivery

*Mr David C. Anderson
House of Representatives
100 Humphreys Loop
Washington, D.C. 20541*

March 18, 1971

Miss Violet Lee aka
Mrs. Violet Lee Kinimaka
2635 N. Linwood Street
Santa Ana, California 92701

Re: Baldwin Packers, Limited vs. Kapahu Afong,
et al. Equity No. 235

Dear Miss Lee:

In reply to the request of the Maui Land & Pineapple Company, Inc., dated March 18, 1971, certifying that they have received from you \$2.58, which represents your share of the cost of the proceedings of the above captioned case, we transmit herewith for your files and information original deed to Allotment 58 in the Ahupuaa of Alaeloa in the Mailepae Hui lands.

Very truly yours,

RECEIPT FOR CERTIFIED MAIL 30¢ (plus postage)
SENT TO Miss Violet Lee aka Mrs. Violet Lee Kinimaka
E. 235
HAWAII POSTMARK OR DATE MAR 15 1971
VAN PM

LKN:vf
cc: Mr. David C. A
Mr. Calvin C.

Enclosure
CERTIFIED MAIL
RETURN RECEIPT REQUIRED
DELIVER TO ADDRESSEE

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S) AND REQUIRED FEE(S) PAID.

Show to whom, date and address where delivered Deliver to addressee

RECEIPT
Received the numbered article described below.

REGISTERED NO. _____
CERTIFIED NO. 181835
INSURED NO. _____

DATE DELIVERED 3/22/71

SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
Violet F. Kinimaka

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY _____

SHOW WHERE DELIVERED (only if requested)
Deliver to Addressee Only

vf



Maui Land & Pineapple Company, Inc.

March 18, 1971

Clerk, Second Circuit Court
State of Hawaii
Wailuku, Maui, Hawaii 96793

Dear Sir:

This is to certify that we have this date received from Mrs. Violet Lee Kinimaka, \$2.58 which represents her share of the costs of the proceedings of Equity No. 235.

These costs were determined by decree dated April 9, 1932.

The deed to Allotment 58 in the Ahupuaa of Alaeloa in the Mailepae Hui lands now may be delivered to Mrs. Kinimaka.

Yours truly,

MAUI LAND & PINEAPPLE COMPANY, INC.

Edward S. Cooper
Edward S. Cooper

ESC
yy

cc: Mr. Calvin C. McGregor

P.O. Box 187
Kahului, Maui, Hawaii 96732
Telephone 244-3951

ELMER F. CRAVALHO
Mayor

KASE HIGA
County Attorney



ARTHUR T. UEOKA
Assistant County Attorney
ANDREW T. JOHNSON, JR.
Deputy County Attorney
ERNEST K. C. CHING
Deputy County Attorney

OFFICE OF THE COUNTY ATTORNEY
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII 96793

December 9, 1970

Mr. Lyons K. Naone, Jr.
Chief Clerk
Circuit Court of the Second Circuit
State of Hawaii
Wailuku, Maui, Hawaii 96793

STATE OF HAWAII
WAILUKU, HAWAII
Filed
1970 DEC 9 PM 4 20
Ellen M. Nakamoto
CLERK

Re: Zoning Change of Portions of TMK 4-3-01-01

Dear Mr. Naone:

As we understand the situation, you have been notified in the above-entitled case because you are technically the trustee, or holder of title, of Mailepai Hui Road "A".

It is our opinion that you need not respond one way or the other in this matter. Should any further developments occur which would call for action on your part, we will advise you as expeditiously as possible.

Yours very truly,

[Signature]
Kase Higa
County Attorney

KH:au

Keep the copies in our file

1 copy for Mr. Hoang taken out

THE SECOND CIRCUIT

AWAII

IN EQUITY

IN EQUITY

IN EQUITY

AT CHAMBERS

MAKETAU, HAWAII, ITH...

BALDWIN PACKERS, LTD.,

Petitioner,

KAPAHU AFONG, et al.,

Respondents.

2ND CIRCUIT COURT
STATE OF HAWAII
WAILUKU, HAWAII

FILED

1968 SEP 18 PM 2 26

CLERK

ORDER FOR APPOINTMENT OF SUCCESSOR
COMMISSIONER IN PARTITION

...in partition heretofore been approved
and filed on the 17th day of September, 1968; now, therefore,

ORDER FOR APPOINTMENT OF SUCCESSOR

and filed on the 17th day of September, 1968; now, therefore,

COMMISSIONER IN PARTITION

IT IS HEREBY ORDERED, ADJUDGED AND DECIDED that the
Clerk of this Court be and he is hereby appointed as Successor
Commissioner in Partition in this case and said Clerk of this
Court be and he is hereby authorized to issue such orders and
take such action as may be necessary in the premises.

DATED at Wailuku, Maui, Hawaii, this 18th day of

1968.

Clerk of Court
Circuit Court of the Second Circuit
State of Hawaii
Wailuku, Maui, Hawaii

Judge of the Second Circuit Court

EQUITY NO. 235

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

AT CHAMBERS

IN EQUITY

BALDWIN PACKERS, LTD.,)

Petitioner,)

vs.)

KAPAHU AFONG, et al.,)

Respondents.)

2ND CIRCUIT COURT
STATE OF HAWAII
WAILUKU, MAUI

1963 SEP 18 PM 2 25

CLERK

ORDER FOR APPOINTMENT OF SUCCESSOR

COMMISSIONER IN PARTITION

Clerk of Court
Circuit Court of the Second Circuit
State of Hawaii
Wailuku, Maui, Hawaii

EQUITY NO. 235

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

AT CHAMBERS

IN EQUITY

BALDWIN PACKERS, LTD.,)

Petitioner,)

vs.)

KAPAHU AFONG, et al.,)

Respondents.)

2ND CIRCUIT COURT
STATE OF HAWAII
WAILUKU, MAUI

1969 SEP 19 PM 2 25

CLERK

ORDER FOR APPOINTMENT OF SUCCESSOR

COMMISSIONER IN PARTITION

Clerk of Court
Circuit Court of the Second Circuit
State of Hawaii
Wailuku, Maui, Hawaii

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

AT CHAMBERS

IN EQUITY

BALDWIN PACKERS, LTD.,

Petitioner,

vs.

KAPAHU AFONG, et al.,

Respondents.

ORDER FOR APPOINTMENT OF SUCCESSOR
COMMISSIONER IN PARTITION

A petition for the appointment of successor to ~~Commissioner in Partition~~ commissioners in partition having hitherto been approved and filed on the 17th day of September, 1968; now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Clerk of this Court be and he is hereby appointed as Successor Commissioner in Partition in this case and said Clerk of this Court be and he is hereby authorized to issue such deeds and take such action as may be necessary in the premises.

DATED at Wailuku, Maui, Hawaii, this 18th day of September, 1968.

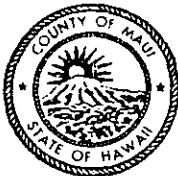
Clerk of Court
Seventh Floor of the State Office Building
Honolulu, Hawaii, Territory

/sgd/ S. GEORGE FUKUOKA
Judge of the above-entitled Court

/sgd/ MUNAKI MORIMOTO
Clerk

SE
Of
COURT

KASE HIGA
COUNTY ATTORNEY



DEPUTIES:
ARTHUR T. UEOKA
ANDREW T. JOHNSON, JR.

OFFICE OF THE COUNTY ATTORNEY
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII 96793

April 3, 1969

Mr. Lyons K. Naone, Jr.
Chief Clerk
Circuit Court of the Second Circuit
State of Hawaii
Wailuku, Maui, Hawaii

Re: Civil No. 235, Baldwin Packers, Ltd.
vs. Kapahu Afong, et al.

Dear Sir:

We transmit herewith a recorded copy of a deed from you to the county in re the above case.

Thank you for your kind cooperation in this matter.

Very truly yours,

Kase Higa

Kase Higa
County Attorney

KH:hm

Enc.

Mr. Naone - file

CLERK'S MINUTES

BALDWIN PACKERS, LTD.,)
)
) Petitioner,)
)
 vs.) EQUITY NO. 235
)
 KAPAHU AFONG, et al,)
)
) Respondents.)
 _____)

AT TERM: WAILUKU, FRIDAY, FEBRUARY 7, 1969, AT 8:47 A.M.

PRESENT: HON. S. GEORGE FUKUOKA, JUDGE PRESIDING
Staff: Ethel M. Miyahira, Courtroom Clerk
Fred Van Voast, Court Reporter
Albert R. Ebisu, Bailiff

COUNSEL: KASE HIGA, ESQ., County Attorney, for County of Maui
MEYER M. UEOKA, ESQ., for David A. Fleming and Alice
S. Fleming
WILLIAM F. CROCKETT, ESQ., for Napili Kai, Ltd.

HEARING ON MOTION TO HAVE ROADWAY KNOWN AS HUI ROAD
"G" CONVEYED TO THE COUNTY OF MAUI

RETURN DAY

8:47 A.M. Mr. Higa presented the facts of the case.
8:49 A.M. Lyons K. Naone, Jr. was sworn and examined by Mr. Higa.
8:50 A.M. Witness was excused.
John M. Fernandez was sworn and examined by Mr. Higa.
The Court received the following in evidence:
8:55 A.M. PETITIONER'S EXHIBIT 1 - Map of road in question and
certified copy of Resolution No. 137 of the County of
Maui. (Pages 524, 525 and 526 of the records)

The Court, based on the evidence adduced, granted the Motion and authorized Lyons K. Naone, Jr., Clerk of this Court, to execute the necessary papers to convey the roadway to the County of Maui and to obtain the approval of the attorneys as to form.

Ethel M. Miyahira

ETHEL M. MIYAHIRA, Courtroom Clerk

BALDWIN PACKERS, LTD. vs.
Kapahu Afong, et al.
Equity No. 235

AT TERM: WAILUKU, FRIDAY, APRIL 14, 1972, AT 9:00 A.M.

PRESENT: HON. S. GEORGE FUKUOKA, JUDGE PRESIDING
Staff: Munaki Morimoto, Deputy Clerk
Judith A. Mock, Court Reporter

COUNSEL: ANDREW T. JOHNSON, JR., ESQ., Assistant County
Attorney, for County of Maui
WILLIAM F. CROCKETT, ESQ., for Maui Land and
Pineapple Co., Ltd., and Honolulu Plantation
Land Company, Inc.

HEARING ON MOTION TO HAVE ROADWAY
KNOWN AS HUI ROAD "A" CONVEYED TO
THE COUNTY OF MAUI

Return Day

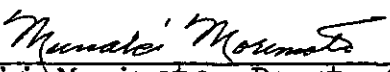
Representation by Mr. Johnson that they received a call from the Attorney General's Office indicating that they have no objection to this motion and that the Chief Clerk has personally indicated that he has no objection.

Mr. Crockett asked that the motion be granted.

Relative to the Resolution to be adopted by the County of Maui (page 9 of the motion), Mr. Johnson represented that the last Council meeting was held on Lanai and through an oversight the resolution did not get on the agenda. He asked permission to file an unsigned copy of the resolution and indicated that he will file the signed resolution together with the order.

The Court granted the motion under those conditions.

Unsigned copy of the Resolution authorizing County Attorney to take necessary steps to acquire title to Hui Road "A" filed in open court by Mr. Johnson.


Munaki Morimoto, Deputy Clerk

real property which is more particularly described as follows:

That certain parcel of land (a portion of the land described by R. P. 1663, L. C. Aw. 5524 to L. Konia, and a portion of Hui Road "F" established by the Final Decree Of Partition entered by the Second Circuit Court of the State of Hawaii in Equity No. 235, popularly known as the "Mailepai Hui Partition"), situated approximately 1,900 feet east of Honoapiilani Highway at Honokeana, Lahaina, Maui, Hawaii, more particularly described as follows:

Beginning at a point at the northwest corner of this piece of land, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MALO" being 12,428.28 feet South and 8,439.67 feet West and running by azimuths measured clockwise from True South:

1. 294° 30' 433.78 feet along Allotment 51-B of "Mailepai Hui Lands";
2. 24° 30' 30.00 feet along the remainder of R. P. 1663, L. C. Aw. 5524 to L. Konia;
3. 114° 30' 433.78 feet along same;
4. 204° 30' 30.00 feet along the remainder of Hui Road "F" to the point of beginning and containing an Area of 0.299 Acre.

and all adverse claims of all persons other than plaintiff, Maui Land And Pineapple Company, Inc., to the said real property or any part thereof are hereby adjudged to be invalid and groundless.

DATED: Wailuku, Maui, Hawaii, SEP 4 1973


JUDGE OF THE ABOVE-ENTITLED COURT

June 6, 1968

Mr. Wendell H. Marumoto
Padgett, Greeley,
Marumoto and Akinaka
438 Alexander Young Building
Honolulu, Hawaii 96813

Re: Equity Case No. 235

Dear Sir:

In reply to your request of June 4, 1968, we transmit herewith certified photocopies of pages 188, 189, 190 and 374 in connection with the above cause.

We would appreciate if you forward to this office, made payable to the clerk of this court, \$4 to cover cost to prepare the same.

Very truly yours,

LYONS K. NAONE, JR.
Chief Clerk

LKN:ke

Encs.

PADGETT, GREELEY, MARUMOTO & AKINAKA

ATTORNEYS AT LAW

438 ALEXANDER YOUNG BUILDING
HONOLULU, HAWAII 96813
TELEPHONE 512-717

CABLE FIATLUX HONOLULU

MAUI OFFICE:
54 MARKET STREET
WAILUKU, MAUI 96793
TELEPHONE 35-755

PLEASE ADDRESS REPLY
TO HONOLULU OFFICE

FRANK D. PADGETT
BURNHAM H. GREELEY
WENDELL H. MARUMOTO
ASA M. AKINAKA
JAMES KRUEGER
WILFRED K. WATANABE

June 4, 1968

WAILUKU, MAUI

1968 JUN 4 10 10 AM

ke

CLERK

Mr. Lyons K. Naone, Jr.
Clerk
Second Circuit Court
Wailuku, Maui 96793

Re: Allotment No. 45 of Baldwin Packers, Ltd.
v. Kapahu Afong et al. (Equity Case No. 235)

Dear Mr. Naone:

In connection with the proceeding to determine the heirs of Helene V. Lucas, presently being conducted in the First Circuit Court, may we please have a certified copy of pages 188, 189, 190 and 374 of the records of the above entitled case, identifying the document of which they are a part. We believe that pages 188, 189 and 190 constitute a part of the Answer of Esther C. Lucas and William B. Lucas, and show the derivation of title of the Lucases from Maipinepine. We believe that page 374 is a portion of the commissioner's report listing the Lucas heirs.

Your early attention to this matter will be greatly appreciated.

Yours very truly,

Wendell H. Marumoto

WHM:aty

Mrs. Konea

1968 4 40

S. George Fukuoka
XXXXXXXXXXXX

July 22, 1968

Mr. Kase Higa
County Attorney
County of Maui
Wailuku, Hawaii 96793

Re: Allotment No. 45 of Baldwin Packers,
Ltd. vs. Kapahu Ah Fong, et al.
Equity Case No. 235

Dear Kase Higa:

We transmit herewith, photocopy of letter dated July 22, 1968 from Wendell H. Marumoto to myself and a photocopy of Decree of Determination and Declaration of Heirs of Helene V. Lucas, Deceased, requesting that I issue a Commissioner's Deed to the heirs as indicated in said Decree.

We would appreciate if your office will prepare the necessary pleadings for the appointment of commissioners to comply with the above request.

Your cooperation to our request would be greatly appreciated.

Very truly yours,

LYONS K. NAONE, JR.
Chief Clerk

LKN:ke

Encs. (2)

cc: Mr. Wendell H. Marumoto
Attorney at Law

S. George Fukuoka
XXXXXXXXXXXX

July 22, 1968

Mr. Wendell H. Marumoto
Padgett, Greeley,
Marumoto and Akinaka
438 Alexander Young Bldg.
Honolulu, Hawaii 96813

Re: Allotment No. 45 of Baldwin Packers,
Ltd. vs. Kapahu Ah Fong, et al.
Equity Case No. 235

Dear Mr. Marumoto:

This is to acknowledge receipt of your letter and the Decree of Determination and Declaration of Heirs of Helene V. Lucas, Deceased, requesting the Clerk of this Court for the issuance of a Commissioner's Deed to the heirs indicated in your Decree.

Please be advised that a copy of the above-mentioned Decree was transmitted to Mr. Kase Higa, County Attorney, County of Maui, Wailuku, Maui with instructions that he prepare the necessary pleadings in connection with your request.

Very truly yours,

LYONS K. NAONE, JR.
Chief Clerk

LKN:ke

PADGETT, GREELEY, MARUMOTO & AKINAKA

ATTORNEYS AT LAW

438 ALEXANDER YOUNG BUILDING
HONOLULU, HAWAII 96813
TELEPHONE 575-976

CABLE FIATLUX HONOLULU

MAUI OFFICE:
54 MARKET STREET
WAILUKU, MAUI 96793
TELEPHONE 35-755

PLEASE ADDRESS REPLY
TO HONOLULU OFFICE

FRANK D. PADGETT
BURNHAM H. GREELEY
WENDELL H. MARUMOTO
ASA M. AKINAKA

JAMES KRUEGER
WILFRED K. WATANABE

July 22, 1968

201 DEPT.
STATE CLERK
WAILUKU, MAUI

1968 JUL 22 11 3 47

CLERK

Mr. Lyons K. Naone, Jr.
Clerk, Second Circuit Court
Wailuku, Maui 96793

Re: Allotment No. 45 of Baldwin
Packers, Ltd. v. Kapahu Ah Fong
et al. (Equity Case No. 235)

Dear Mr. Naone:

Enclosed I send you two certified copies of the Decree of Determination and Declaration of Heirs of Helene V. Lucas, deceased, entered in Civil No. 24227 in the First Circuit Court. As shown thereon, Robert W. Lucas, Norman V. Lucas, William B. Lucas, Muriel Ethel K. Lucas and Thella Lucas are the heirs of Helene V. Lucas.

Request is hereby made for issuance of a Commissioner's Deed to said heirs. If possible, we would appreciate having the Deed reflect the present surnames of two of the heirs, Thella Lucas Perry and Muriel Ethel K. L. Makinney.

Please advise us if there are additional costs in this matter.

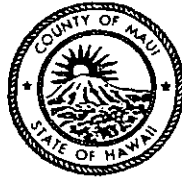
Yours very truly,



Wendell H. Marumoto

WHM:kk
Enclosures

KASE HIGA
COUNTY ATTORNEY



DEPUTIES:
ARTHUR T. UEOKA
LAWRENCE N. C. ING

OFFICE OF THE COUNTY ATTORNEY
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII 96793

September 12, 1968

Mr. Lyons K. Naone, Jr., Chief Clerk
Circuit Court of the Second Circuit
State of Hawaii
Wailuku, Maui, Hawaii 96793

Re: Allotment No. 45 of Baldwin Packers, Ltd.
vs. Kapahu Ah Fong, et al., Equity Case
No. 235

Dear Mr. Naone:

We transmit herewith a proposed petition which we recommend you file with the court in the above-entitled matter.

Our study of the case indicates that the original commissioners are deceased or have been discharged from the case. Your problem is to either have new commissioners appointed or to obtain authority from the court to act as a successor commissioner in order to execute deeds for those who are entitled to them. Should you appoint new commissioners, they will have to be compensated. We believe that only one or two deeds have to be executed. One of these is to the heirs of Helene V. Lucas.

Accordingly, it is our suggestion that you request the court for authority to act as a successor commissioner in this case in accordance with Section 337-13 of the Revised Laws of Hawaii 1955, as amended.

Yours very truly,

Kase Higa

KASE HIGA
County Attorney

KH:hm

Enc.

September 30, 1968

Mr. E. P. Lydgate
Haliimaile
Maui, Hawaii

Re: Baldwin Packers, Ltd.
vs. Kapahu Afong (w),
Mrs. Mary Ahalani, et al.
Equity No. 235

Dear Mr. Lydgate:

This is to confirm our telephone conversation that Allotment 45, to Muriel Ethel K. Lucas, Robert Lucas, William B. L. Lucas and heirs of Helene V. Lucas, the share of costs taxed of \$7.10 were already paid in connection with the above cause.

Very truly yours,

LYONS K. NAONE, JR.
Chief Clerk

LKN:ke

cc: Mr. Kase Higa
County Attorney
County of Maui

Exhibit 231
Jato
FILED February 7, 1969
Ethel M. Muzahin

Equity NO. 231

Photo EXHIBIT 1

FILED Feb. 7, 1969

Ruth M. Myahum

DEPUTY CLERK

April 17, 1968

Mr. Wendell H. Marumoto
Padgett, Greeley, Marumoto
& Akinaka
438 Alexander Young Building
Honolulu, Hawaii 96813

Re: Allotment No. 45 of Baldwin Packers, Ltd.
v. Kapahu Afong et al. (Equity No. 235)

Dear Mr. Marumoto:

This is to acknowledge receipt of your letter of April 4, 1968 relative to Allotment No. 45 in connection with the above-entitled cause.

Please be advised that the probate index of this Court fails to disclose any proceedings in connection with the Estate of Helen V. Lucas nor have we any guardianship proceedings against Miss Lucas.

Very truly yours,

LYONS K. NAONE, JR.
Chief Clerk

LKN:lm

PADGETT, GREELEY, MARUMOTO & AKINAKA

FRANK D. PADGETT
BURNHAM H. GREELEY
WENDELL H. MARUMOTO
ASA M. AKINAKA

JAMES KRUEGER
WILFRED K. WATANABE

ATTORNEYS AT LAW
438 ALEXANDER YOUNG BUILDING
HONOLULU, HAWAII 96813
TELEPHONE 512-717

CABLE FIATLUX HONOLULU

MAUI OFFICE:
54 MARKET STREET
WAILUKU, MAUI 96793
TELEPHONE 35-755

PLEASE ADDRESS REPLY
TO HONOLULU OFFICE

April 4, 1968

U.S. DISTRICT COURT
STATE OF HAWAII
WAILUKU, MAUI

MAR 5 11 10 19
hm
CLERK

Mr. Lyons K. Naone, Jr.
Clerk
Second Circuit Court
Wailuku, Maui 96793

Re: Allotment No. 45 of Baldwin Packers, Ltd. v. Kapahu Afong et al. (Equity Case No. 235)

Dear Mr. Naone:

A hearing was held in the First Circuit Court, before Judge Ogata, with respect to the determination of the heirs of Helene V. Lucas, primarily to determine who would presently be entitled to her one-fourth interest in Allotment 45 awarded in the above entitled case. Since Miss Lucas was a minor at the time of her death, the question before the Court is whether the applicable statute to determine her heirs is Section 3305 or 3306 of the Revised Laws of Hawaii 1925. These statutes have been carried forward and are presently Section 318-4 and Section 318-5 of the Revised Laws of Hawaii 1955.

The fact that will determine which statute is applicable is the nature and source of Miss Lucas' right to her interest in Allotment 45. Therefore, we would appreciate being advised at your earliest convenience as to how Miss Lucas' claim and interest in Allotment 45 was established.

Yours very truly,

Wendell H. Marumoto

Wendell H. Marumoto

WHM:aty

*Miss Lucas' claim
Right of way
Name*

January 26, 1968

Mr. Wendell H. Marumoto
Padgett, Greeley, Marumoto & Akinaka
438 Alexander Young Building
Honolulu, Hawaii 96813

Re: Baldwin Packers, Ltd. v. Kapahu
Afong, et al. Equity No. 235

Dear Mr. Marumoto:

In reply to your letter of January 22, 1968, we enclose photocopy of description of Allotment 45 to Muriel Ethel K. Lucas, et al, relative to the above-entitled cause.

Cost to preparing the above is \$2.00.

Very truly yours,

LYONS K. NAONE, JR.
Chief Clerk

LKN:lm

Encs.

8:10 am
JW

PADGETT, GREELEY, MARUMOTO & AKINAKA

FRANK D. PADGETT
BURNHAM H. GREELEY
WENDELL H. MARUMOTO
ASA M. AKINAKA

JAMES KRUEGER
WILFRED K. WATANABE

ATTORNEYS AT LAW
438 ALEXANDER YOUNG BUILDING
HONOLULU, HAWAII 96813
TELEPHONE 512-717

MAUI OFFICE:
54 MARKET STREET
WAILUKU, MAUI 96793
TELEPHONE 35-755

PLEASE ADDRESS REPLY
TO HONOLULU OFFICE

CABLE FIATLUX HONOLULU

January 22, 1968

Mr. Lyons K. Naone, Jr.
Clerk
Second Circuit Court
Wailuku, Maui 96793

Re: Baldwin Packers, Ltd. v. Kapahu Afong et al.
Equity Case No. 235

Dear Mr. Naone:

In connection with a proceeding to determine the heirs of Helene D. Lucas, will you please provide us with a legal description of the property constituting Allotment 45 in the above entitled matter. As Mr. Padgett discussed with you last Friday, we will proceed to obtain such determination in the First Circuit Court.

Yours very truly,

Wendell H. Marumoto
Wendell H. Marumoto

WHM:aty

*Mr. Eber - Board
from Bill's record
Allotment 45*

June 16, 1965

Copies to: County Attorney Kase Higa
County Chairman Eddie Tam
County Engineer Lasao Sone
Planning Commissioner
Director Robert Chata
Clerk, Circuit Court of the
Second Circuit

Public Works Committee
County of Maui
Wailuku, Maui

Re: Hui Road "F" E 235

Gentlemen:

First, I wish to thank you for allowing me to appear before the Public Works Committee, the Board of Supervisors, the Engineer's Office and the Planning Commission Director.

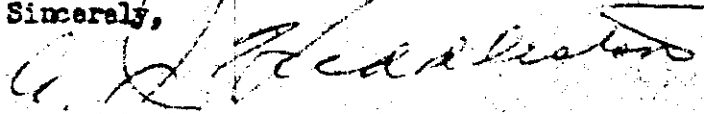
After a rather thorough investigation, I find that there appears to be only one solution to clarifying Hui Road "F" located in the Napili area. The solution, as it appears to me, is that the County accept Hui Road "F" as it is and with its 30-foot width. The main reason for this conclusion is that the Anderson Subdivision adjoining this road has been accepted and filed, thereby establishing the north boundary of the Anderson property and thereby establishing the width of Hui Road "F". The fact that this subdivision was approved leaves the County no other choice. If a 5-foot additional setback had been required on the Anderson Subdivision, then other alternatives would be open to property owners on this road. An improvement district could have been formed and the interested property owners along this road could have given up 5 feet on each side of the road in order to create a 40-foot right of way, but this is no longer possible as the subdivision on the main highway and adjoining Hui Road "F" has been filed and recorded. Therefore, the wider right of way is now impossible.

It appears that it is to everyone's interest, particularly to the public and for the benefit of continued growth of West Maui, that all available lands be opened and subdivided. It is common knowledge that lots and homesites are in critical and extreme short supply in the entire West Maui district. Here on Hui Road "F" is enough land to create nearly 100 house lots. The undersigned pleads to the governing bodies responsible for this action to act quickly and with the best interest of the economy of West Maui fixed firmly as the objective.

As before, the undersigned will appear at any meeting requested. Upon looking in the records, I find that the Hui Road situation in West Maui has been an ambiguous and tangled situation. Obviously there are some other Hui roads that may never be settled, which is unfortunate for West Maui economy. This is not particularly true in Hui Road "F" and we are, at this time, interested in Hui Road "F". The solution is simple. The County can accept Hui Road "F" as it has been platted for many years. There is another thought along these lines, and that is that at the time of accepting this road as a 30-foot right of way, the County Engineer can specify that the setback be increased 5 feet for this particular road, thereby making it possible some time in the future, perhaps many years ahead, for the road to be widened by a majority approval of the adjoining property owners. Something must be done now and it seems the only solution is to accept this road as it is, with certain limitations.

Please let me hear from you.

Sincerely,



A. J. Buddleston

JUN 17 1965 Reid En

A. J. Huddleston
P.O. Box 64
Lafayette, Kent

June 3, 1965

County Clerk
Circuit Court
Second Judicial District

Gentlemen:

Please be advised that the undersigned wishes to have the Hul Road F clarified as to its present and future status. As it is our intention to subdivide property adjoining this road and as it is our understanding that a statute prevents subdivision on private roads and eg the title of this road is vested in the Clerk of the Circuit Court with power and authority to convey said roadway to the County, I wish to request a statement of clarification from the Board of Supervisors.

In particular, I wish to know the following:

1. Is it true that property adjoining Hul Road F cannot be subdivided as long as Hul Road F remains with the Clerk of the Circuit Court?
2. Is it possible to convey title of this road to the County without implication or duty of the county to construct, build, maintain or repair such roadway? (This method would provide authority to grant a subdivision without the expense of constructing the road and under this provision it would be the responsibility of abutting property owners to share in the cost of road improvements, proportionate to their frontage and under the direction of the Public Works Commission.)
3. Is there any other practical approach to allowing subdivision on property adjoining this Hul Road F when the end result is beneficial to all parties concerned? For example, I, as a developer, wish to subdivide the property and in the process, will create residential businesses which are very badly needed in the West Kent area and similarly the County should be interested in adding new property and new values to the tax rolls.

It is understood that some of the Hul roads other than this one, are involved in encroachments and disputes. Therefore, it is my request that this particular road be treated separately in order to expedite a conclusion and policy on this particular road. Will you please place this request in the proper channels. Also be advised that the undersigned will meet with any members of the Board or various committees in order to clarify and resolve this problem.

Respectfully submitted,



A. J. Huddleston

Copy to Board of Supervisors

Ph. 363 121

June 5, 1965]

Mr. A. J. Huddleston
P. O. Box 64
Lahaina, Maui, Hawaii

Re: BALDWIN PACKERS LTD. VS. KAPAHU AFONG, ET AL
Civil No. 235 - Hui Road F - Mailipai Hui

Dear Mr. Huddleston:

You will please be advised that I am this day transmitting your letter of June 3, 1965 in re the above entitled matter to Mr. Kase Higa, County Attorney for the County of Maui for his attention and reply.

Yours very truly,

DAVID . TALLANT
Acting Clerk

DWT:emn

June 5, 1965

Mr. Kass Higa
County Attorney
for the County of Maui
Wailuku, Hawaii

Re: BALDWIN PECKERS LTD. VS. KAPAHU AFONG, ET AL
Civil No. 235 - Hui Road F - Mailipai Hui

Dear Mr. Higa:

Enclosed herewith you will please find letter of
Mr. A. J. Huddleston dated June 3, 1965 relative to
clarification of Hui Road F in the Maili Pai Hui.

Will you please give this matter your attention.

Yours very truly,

DAVID W. TALLANT
Acting Clerk

DWT:emn
encl.

June 2nd, 1965

Mr. Kase Higa
County Attorney for
the County of Maui
Wailuku, Maui

re: Equity No. 235 - Baldwin Packers,
vs Kapahu Afong et al

Dear Mr. Higa:

Enclosed herewith I am transmitting to you,
for your kind attention, a Letter, undated, from Margaret
N. Beddoe to the Clerk of this Court relative to transfer
of Hui Road F in the above partition suit to the County
of Maui.

Very truly yours,

DAVID W. TALLANT
Acting Clerk

1 encl

C
O
P
Y

OFFICE OF THE COUNTY ATTORNEY
COUNTY OF MAUI
WAILUKU, MAUI, HAWAII

July 24, 1964

Mr. A. G. M. Robinson
3422 Alani Drive
Honolulu 14, Hawaii

Dear Sir:

A copy of your letter dated August 11, 1960, addressed to Mr. John V. Cockett, Clerk of the Second Circuit Court, pertaining to Equity Case No. 235, was referred to this office for study. It was our conclusion that the County had nothing to do with said hui roads and, therefore, we had filed your letter.

We understand that you are still interested in the status of the hui roads. As far as this office can ascertain, title to the hui roads, including Hui Roads "H" and "G", is still in the Clerk of the Court. Hui roads can be turned over to the County only if they are improved in accordance with the Subdivision Ordinance of the County of Maui.

Any encroachment on Hui Roads "H" and "G" will not involve the County of Maui since hui roads, as explained above, are not County roads.

Very truly yours,

Kase Higa
County Attorney

KH:ko

cc. Mrs. Marjorie Wilhelm
Board Secretary, County of Maui

✓ Mr. John V. Cockett
Clerk, Second Circuit Court

Jul 27 1964

Rec'd [unclear]

August 27, 1964

Mr. Jack C. Millar
Manager, Napili Kai, Ltd.
RR 1
Lahaina, Maui, Hawaii

Re: Baldwin Packers, Limited vs Kapahu
Afong, et al. Equity No. 235

Dear Sir:

The Final Decree in Partition entered in the above
entitled cause dated and filed November 21, 1931 provides:

"IV.

"That the roads through the said lands, as
laid out and shown upon the said map, as herein-
after more particularly described, be and the
same are hereby set aside for the use of everyone
having any interest in the said lands and that the
title thereto shall for the time being be and it
is hereby transferred to the person for the time
being holding the office of Clerk of this Court as
Trustee, his successors and assigns, with full
power and authority in said Trustee to convey
said roadways to a public body corporate charged
by law with the general control of roadways but
without any duty whatsoever to construct, build,
maintain, or repair such roadways or any of them,
said roads being, to-wit:

.....

"HUI ROAD 'G'.

A portion of L. C. A. 5524, R. P. 1663, to
L. Konia, in the Ahupuaa of Napili 2 and 3,
Kaanapali, Maui, T. H.

A parcel of land 30 feet wide and 566.0 feet
long, containing an area of 0.3898 acre, the
center line of which is described as follows:

Mr. Jack C. Millar

- 2 -

August 27, 1964

Beginning at a point on the Honolulu-Lahaina Government Road, the coordinates of which referred to Government Triangulation Station 'MALO' are:

9,465.5 feet South and
8,907.5 feet West, and running thence by true azimuths:

1. 117° - 09' - 30", 230.00 feet, thence
2. 107° - 05' - 00", 336.00 feet."

Upon the request of Mr. David Fleming, yesterday I viewed Road G. I find that an open ditch or trench has been dug across Road G which is obstructing the use of said road by trucks and other vehicles. If you are responsible for the open trench, I will have to demand that you close it.

I also noticed yesterday what appears to be an enclosure for rubbish cans located on a portion of Road G. That will have to be removed.

I called at your office yesterday to see you about this matter but I was informed that you were out and would not be back until 4:00 p.m.

Yours very truly,

JOHN V. COCKETT
Clerk

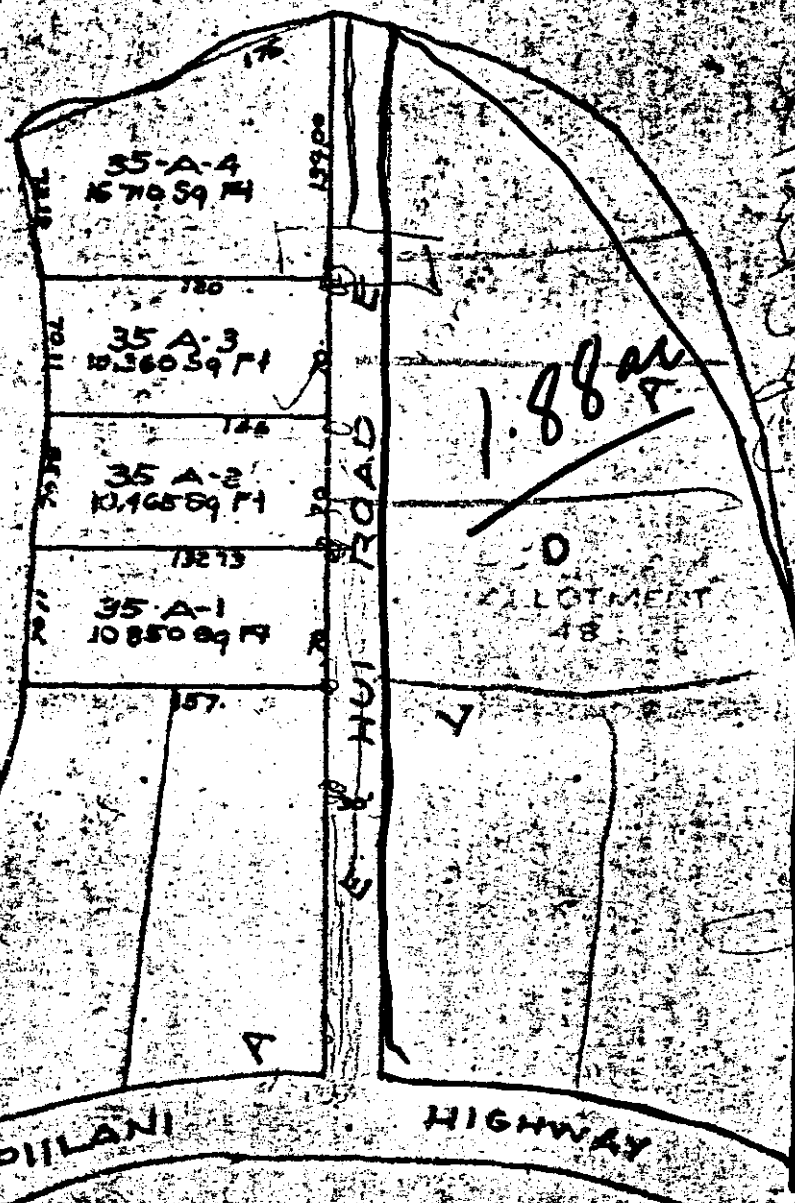
JVC:pht

Eg No 735

PRICES SUBJECT TO CHANGE WITHOUT NOTICE

File No 70 E 7

S E A



300
270
SEA

U.C. M.C. 800

Lahaina - Maui

~~1.88 ac~~

Subdivision of Allotment 35

Lahaina, Maui, _____, 19__

M. W. GEORGE SMYTHE

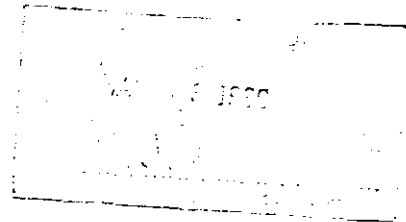
(also known as George W. Smith)

P.O. #1, Lahaina, Maui, Hawaii

Baldwin Packers, Ltd., Br.

WAMI PUBLISHING CO. LTD.

The state court of Court Partition - Allotment 29 - Mailbox #1



JAS:AS

By ~~George W. Smith~~ signed by B. L. Fleming
B.L. Fleming, Manager

George Smythe /

Rec'd the above deed this 7/3/64

Geo W. Smith
for Geo W. Smith, Br.

August 11, 1960.

Mr. John V. Cockett,
Clerk, Second Judicial
Circuit Court,
Wailuku, Maui, Hawaii.

Dear Sir:

In your Equity Case No. 235, Baldwin Packers, Limited, et al., there is on file a Final Decree dated November 21, 1931. Under that Decree you are the Trustee for all the Hui Roads, namely "A" through "I," and you, as such, remain as Trustee until said roads are accepted by a governmental agency to become government roads. As these roads are still Hui Roads, may I now call your attention to the encroachment upon Hui roads "H" and "G."

Since this decree was issued November 21, 1931, may I please be advised of the action you intend to take by August 31, 1960.

Very truly yours,



A. G. M. Robinson,
3422 Alani Drive,
Honolulu 14, Hawaii.

cc:

Honorable W. F. Crockett,
Judge, Second Judicial Circuit Court.

Honorable Eddie Tam,
Chairman, County of Maui
and
Members of the Board.

September 8, 1960

Mr. A. G. M. Robinson
3422 Alani Drive
Honolulu 14, Hawaii

Re: Equity No. 235, Baldwin Packers, Ltd. vs.
Kapahu Afong, et al.

Dear Sir:

Replying to your letter of August 11, 1960 calling my attention to the encroachment upon Hui Roads "H" and "G", please be advised that this matter has been referred to the County Attorney.

Yours very truly,

JOHN V. COCKETT
Clerk

JVC:hc

From the desk of
JACK E. CONLEY



RESPONSE TO THE COMMISSION

TIES COMMISSION

STATE OF HAWAII
OLANI BOULEVARD
HONOLULU 96808 - 67738
ULU 14, HAWAII

MARY G. ARIOLI
SECRETARY

A. E. PIERCE
ENGINEER

W. H. WRIGHT
AUDITOR

ATTORNEY GENERAL
COUNSEL

Dear Judge -

We appreciate any
thing you can do on
this. I hope to trade
some land with
County later.

April 11, 1960

Crockett

Kindest personal
regards and aloha
Jack

title to Hui Road "H" in the
pai Hui Lands, Kaanapali,
2, I have been advised that
or the State of Hawaii has

According to Mr. Richard Cox of the Land Department of Alexander & Baldwin, Agents for Baldwin Packers, Limited, original subdividers of this area, I am advised that on November 21, 1931 a decree was issued by the Second Circuit Court establishing the subdivision and that the title to this road was turned over to the Clerk of the Court for future disposition.

Attached hereto is a sketch of the road in question taken from the latest tax map.

I would appreciate it very much if you would be so kind as to have your staff check on these facts as developed above. I plan to be on Maui on Thursday, April 14, 1960, at which time I would like to discuss the matter further.

Respectfully,

Jack E. Conley
Jack E. Conley

42-235-
Decree filed

JEC/llp
Enclosure

Nov 21/1931

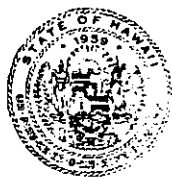
Page 403

authority to convey to a
public body corporate

COMMISSIONERS

J. M. O'DOWDA . . . OAHU
CHAIRMAN
V. J. MORANZ . . . OAHU
F. G. MANARY . . . MAUI
L. G. LYCURGUS . . . HAWAII
M. SHINSEKI KAUAI

JACK E. CONLEY
DIRECTOR



ADDRESS ALL CORRESPONDENCE TO THE COMMISSION

PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII
1311 KAPIOLANI BOULEVARD
TELEPHONES 67737 - 67738
HONOLULU 14, HAWAII

MARY G. ARIOLI
SECRETARY

A. E. PIERCE
ENGINEER

W. H. WRIGHT
AUDITOR

ATTORNEY GENERAL
COUNSEL

April 11, 1960

The Honorable Wendell Frank Crockett
Judge, Second Circuit Court
Wailuku, Maui
Hawaii

Dear Sir:

In an effort to determine title to Hui Road "H" in the Napili Bay area of the Mailepai Hui Lands, Kaanapali, Lahaina, Maui, Tax Key 4-3-02, I have been advised that neither the County of Maui nor the State of Hawaii has title at the present time.

Checking further with Mr. Richard Cox of the Land Department of Alexander & Baldwin, Agents for Baldwin Packers, Limited, original subdividers of this area, I am advised that on November 21, 1931 a decree was issued by the Second Circuit Court establishing the subdivision and that the title to this road was turned over to the Clerk of the Court for future disposition.

Attached hereto is a sketch of the road in question taken from the latest tax map.

I would appreciate it very much if you would be so kind as to have your staff check on these facts as developed above. I plan to be on Maui on Thursday, April 14, 1960, at which time I would like to discuss the matter further.

Respectfully,

Jack E. Conley
Jack E. Conley

*eq. 235-
Rec'd filed*

JEC/llp

Enclosure

Nov 21/1931

Page 403

*authority to convey to a
public body corporate*

April 12, 1960

Mr. Jack E. Conley
Public Utilities Commission
1311 Kapiolani Boulevard
Honolulu 14, Hawaii

Dear Mr. Conley:

The provision in the decree relative to the partition of the Mailepai Hui lands to which you refer, reads as follows:

"That the roads through the said lands, as laid out and shown upon the said map, as hereinafter more particularly described, be and the same are hereby set aside for the use of everyone having any interest in the said lands and that the title thereto shall for the time being be and it is hereby transferred to the person for the time being holding the office of Clerk of this Court as Trustee, his successors and assigns, with full power and authority in said Trustee to convey said roadways to a public body corporate charged by law with the general control of roadways but without any duty whatsoever to construct, build, maintain, or repair such roadways or any of them, said roads being, to-wit:"

Apparently, title is still vested in the Clerk of this Court and will remain until some governmental agency will accept the control of these highways.

Very truly yours,

Wendell F. Crockett
Judge

WFC:pht

COMMISSIONERS

J. M. O'DOWDA . . . OAHU
CHAIRMAN
V. J. MORANZ . . . OAHU
F. G. MANARY . . . MAUI
L. G. LYCURGUS . . . HAWAII
M. SHINSEKI KAUAI

JACK E. CONLEY
DIRECTOR



ADDRESS ALL CORRESPONDENCE TO THE COMMISSION

PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII
1311 KAPIOLANI BOULEVARD
TELEPHONES 67737 - 67738
HONOLULU 14, HAWAII

MARY G. ARIOLI
SECRETARY

A. E. PIERCE
ENGINEER

W. H. WRIGHT
AUDITOR

ATTORNEY GENERAL
COUNSEL

May 5, 1960

The Honorable Wendell F. Crockett, Judge
Circuit Court of the Second Circuit
State of Hawaii
Wailuku, Maui

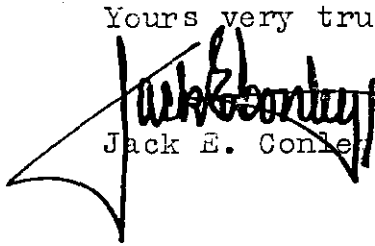
Dear Judge:

I appreciate very much your letter of April 12 relative
to the Mailepai Hui Lands.

Due to pressure of business, I was unable to go to Maui
as I had planned when I wrote you; however, I did get over
the following week for a few hours, but by the time I went
to Lahaina and attended a Planning Commission meeting, it
was time to rush back to the airport.

Thank you again for sending on the requested information
and with kindest personal regards.

Yours very truly,


Jack E. Conley

JEC/llp

Baldwin Packers, Limited

LAHAINA, MAUI, T. H.

May 17, 1966

NO.

Mr. John V. Cockett
Clerk of Second Circuit Court
Wailuku, Maui, Hawaii

Dear Mr. Cockett:

We wish to inform you that Mr. George Smythe (also known as George Ai Smith) has paid to us the amount of 4.84, due and payable as the pro rated share against Allotment 29 of the total Court costs paid by Baldwin Packers, Ltd. at the time of the Mailepai Hui partitioning.

Therefore, we respectfully request that you deliver the deed for Allotment 29 to Mr. Smythe on his presentation to you of our receipt for the payment made and copy of this letter.

Thank you for your courtesy and assistance on this matter.

Very truly yours,

BALDWIN PACKERS, LTD.

By _____
B.L. Fleming, Manager

JAS:AS

cc: George Smythe

Lahaina, Maui, May 13, 1960

MR. GEORGE SMYTHE

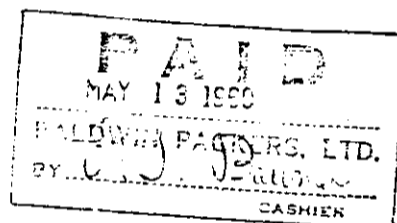
(Also known as George Ai Smith)

R.R.#1, Lahaina, Maui, Hawaii

Baldwin Packers, Ltd., Br.

WEST PUBLISHING CO. LTD.

Pro rata costs of Court Partition - Allotment 29 - Mailepai Hui \$4.84



Lahaina, Maui, May 13, 1960

MR. GEORGE SMYTHE

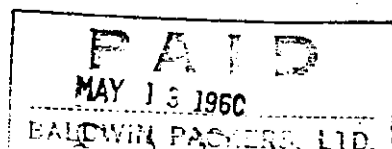
(Also known as George Ai Smith)

R.R.#1, Lahaina, Maui, Hawaii

Baldwin Packers, Ltd., Br.

WEST PUBLISHING CO. LTD.

Pro rata costs of Court Partition - Allotment 29 - Mailepai Hui \$4.84



Baldwin Packers, Limited

LAHAINA, MAUI, T. H.

March 22, 1960

NO.

File

Mr. John V. Cockett
Clerk, Circuit Court, Second Circuit
Wailuku, Maui, Hawaii

Dear Mr. Cockett:

This will acknowledge receipt of your letter dated March 17, 1960 enclosing check from Mr. William E. Cockett in the amount of \$2.74 covering the prorated share of the total Court Costs of the Mailepai Hui partitioning, due and payable to us by Fred Lee Naylor and Sylvia Dale Naylor on Allotment 59.

We understand that Mr. William E. Cockett is acting as attorney for the Naylors.

Attached are three copies of receipted invoice as sent to the Naylors. We have no objection to your releasing the deed for Allotment 59 to the Naylors or their recognized attorney.

H

Thank you for your courtesy and assistance on this matter.

Very truly yours,

BALDWIN PACKERS, LTD.

By *B.L. Fleming*
B.L. Fleming, Manager

JAS:AS

cc: Wm.E. Cockett
Fred Lee Naylor &
Sylvia Dale Naylor

Encl

BALDWIN PACKERS, LTD., Lahaina, Maui, Hawaii

May 17, 1960

Mr. John V. Cockett
Clerk of Second Circuit Court
Wailuku, Maui, Hawaii

Dear Mr. Cockett:

We wish to inform you that Mr. George Smythe (also known as George Al Smith) has paid to us the amount of \$4.84, due and payable as the pro rated share against Allotment 29 of the total Court costs paid by Baldwin Packers, Ltd. at the time of the Mailepai Hui partitioning.

Therefore, we respectfully request that you deliver the deed for Allotment 29 to Mr. Smythe on his presentation to you of our receipt for the payment made and copy of this letter.

Thank you for your courtesy and assistance on this matter.

Very truly yours,

BALDWIN PACKERS, LTD.

By ~~Original signed by B. L. Fleming~~
B.L. Fleming, Manager

JAS:AS

cc: George Smythe /

Rec'd the above deed this 7/3/61

*Geo Al Smith
for Geo Al Smith, et al.*

Baldwin Packers, Limited

LAHAINA, MAUI, T. H.

NO.

May 14, 1959

Mr. John V. Cockett
Clerk of Second Circuit Court
Wailuku, Maui, Hawaii

Σ 235

Dear Mr. Cockett:

We refer to your telephone conversation with our Mr. Swezey on the afternoon of May 7, 1959, in which Mr. Swezey stated to you that we had issued a receipt to Lewis M. Hubbard and Hattie P. Blackburn covering payment to us of the amount of \$25.83. This amount, due and payable to Baldwin Packers, Ltd. by Mr. Hubbard and Mrs. Blackburn as tenants-in-common of Mailepai Hui Allotments 28A and 28B, was the pro-rated portion outstanding against the said allotments of the total Court Costs paid by Baldwin Packers, Ltd. at the time of the Mailepai Hui partitioning.

Very truly yours,

BALDWIN PACKERS, LTD.

By B.L. Fleming, Manager

JAS:mt

411 BOSTON BLDG.
1037 FORT STREET
HONOLULU, HAWAII

LEON L. M. CHUN
ATTORNEY AT LAW

TELEPHONES
51536
51537

January 24, 1950

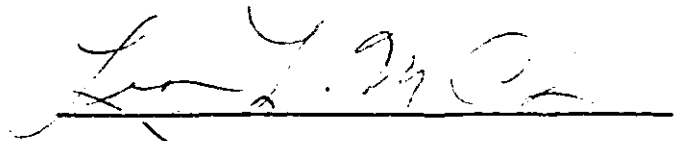
Chief Clerk
Circuit Court of the 2nd Judicial Circuit
Lahaina, Maui, T. H.

Dear Sir:

An old Hawaiian man by the name of KENOLII of Lahaina, Maui, died on or about 1944. I have written the Director of the Bureau of Vital Statistics to determine the exact date of his death. In the meantime however, perhaps you can inform me as to whether anyone ever took out letters testamentary for probate or for administration of Kenolii's estate, if any he had. My clients, Kenolii's heirs, seek such administration and I shall much appreciate it if you will write me regarding the administration, if any of Kenolii's estate.

I shall also appreciate it if you will be kind enough to send me a certified copy of your Equity #235 decree of partition (Baldwin Packers v. Kapahu Afong (w) et al 7/29/30, 2d J. circuit). The costs so incurred will be promptly paid when billed.

Yours truly,



The signature is a cursive script that reads "Leon L. M. Chun".

February 17, 1950

Mr. Leon L. M. Chun
Attorney at Law
411 Boston Building
1037 Fort Street
Honolulu, Hawaii

Dear Mr. Chun:

Replying to your letter of January 24, 1950, a careful search of our probate records failed to disclose any proceedings under the name of KENOLII who died on or about the year 1944.

In connection with your desire for a certified copy of the Decree of Partition in the case entitled Baldwin Packers vs. Kapahu Afong, et al, Equity No. 235, I wish to advise you that the cost for preparing a certified copy would be too costly, in that it would cost you approximately \$200.00. The decree consists of 94 pages.

Please let me hear from you whether or not we should proceed with the typing of the decree.

Yours very truly,

JOHN V. COCKETT
Clerk.

JVC:mmm

411 BOSTON BLDG.
1037 FORT STREET
HONOLULU, HAWAII

LEON L. M. CHUN
ATTORNEY AT LAW

TELEPHONES
51536
51537

February 20, 1950

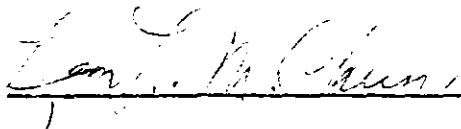
Mr. John V. Cockett
Clerk of the
Circuit Court of the Second Circuit
Wailuku, Maui, T. H.

Dear Sir:

Thank you very much for your letter of February 17, 1950 informing me of the prohibitive cost of preparing a certified copy of Equity No. 235. Please do NOT proceed with the typing of the decree; it costs too much.

I shall appreciate however a further check of your probate records to see whether there has been any proceedings under the name of KENOLII KEKOA, otherwise better known simply as KENOLII, who died on or about July, 1945. Thank you very much.

Yours truly,



1

February 21, 1950

Mr. Leon L. H. Chun
Attorney at Law
411 Boston Building
1037 Fort Street
Honolulu, Hawaii

Dear Mr. Chun:

This is to acknowledge the receipt of your letter of February 20, 1950, advising that the certified copy of the decree in Equity No. 235 is too costly. Accordingly, I will not proceed with the typing of the decree.

A careful search of our probate index failed to disclose any estate under the name of Kenolii Kekoa.

Yours very truly,

JOHN V. COCKETT
Clerk.

JVC:mm

October 22, 1941

Mr. D. T. Fleming, Manager
Baldwin Packers Limited
Lahaina, Maui, T. H.

Re: Baldwin Packers Ltd., Petitioner, vs.
Kapahu Afong, et al, Respondents.
Equity No. 235.

Dear Sir:

Complying with your request of October 21st
I am this day forwarding the Partition Deed execu-
ted by the Commissioners in the above entitled
cause to Mrs. Kaluna Lunning covering lots Nos.
20-a and 20b, to Mrs. Lucy Furtado.

Yours very truly,

JOHN V. COCKETT,
Clerk.

JVC:ec

Baldwin Packers, Limited

LAHAINA, MAUI, T. H.

October 21, 1941

NO.

Mr. John V. Cockett
Clerk, 2nd Circuit Court
Wailuku, Maui, T. H.

Dear Mr. Cockett:

Today, Mrs. Lucy Furtado handed me a check for \$56.02, Mailepai Hui partition costs on lots No. 20 & 20A granted in the partition to Mrs. Kaluna Lunning who during the time of partition sold her undivided interest in the Mailepai Hui to Mrs. Furtado. It will therefore be in order for you to mail the deed in question to Mrs. Furtado.

Yours very truly,



Manager, Baldwin Packers, Ltd.

DTF/ak
cc: Lucy Furtado

June 20th. 1938

Received

from Mailepai Hui Partition Commission per Mr. John A. Caires, Clerk, Second Circuit Court, Wailuku.

ONE HUNDRED EIGHTEEN & ³⁴100 Dollars.

being Partition Costs received from Mrs. Minna Medeiros by Mr. A.F. Tavares

\$ 118.34.

BALDWIN PACKERS, LTD.,

By *[Signature]*
Cashier.

Form 3811
Rev. 1-4-40

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

POSTMARK

Date of delivery

1941

Mrs. Lucy Furtado
Lahaina, Maui, TH

Re: Baldwin Packers Ltd., Petitioner, vs.
Kapahu Afong, et al, Respondents,
Equity No. 235.

Dear Mrs. Furtado:

Complying with the request of Mr. D. T. Fleming, Manager, Baldwin Packers Ltd., dated October 21st, I am herewith transmitting to you Partition Deed executed by the Commissioners, J. H. Kunewa, Charles Savage, and Manuel Asue, dated January 11th, 1932, to Mrs. Kaluna Lunning covering allotments Nos. 20A and 20B, the aggregate area, 4.2602.

Yours very truly,

JOHN V. COCKETT,
Clerk.

JVC:ec
Encl.

Reg. Mail
Ret. Rec. Reg.

ESTABLISHED 1898

HAWAIIAN TRUST COMPANY, LIMITED.

CABLE ADDRESS "TRUSTCO"

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J. E. MIDKIFF	ASST. VICE PRES.
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J. WATERHOUSE
E. H. WODEHOUSE

HONOLULU, HAWAII

U.S.A.

May 18, 1939


To The Clerk of The Court
Second Judiciary Circuit
Wailuku, Maui

Dear Sir:

We are acting as Executors for the Estate of the late David Kanuha Ainoa, also known as D. S. Kanuha, and understand that at the time of his death he still owed his proportionate share of the costs of his allotment of Mailepai Hui lands (Equity No. 235).

Would you kindly let us know the amount due as we wish to pay same. We assume you have a deed of conveyance covering Mr. Ainoa's share ready for delivery.

Very truly yours,


J. E. O'Connor
Assistant Secretary *JL.*

May 24, 1939.

Hawaiian Trust Company, Limited,
Honolulu, T. H.

Gentlemen: Attention: Mr. J. E. O'Connor.

Re: Baldwin Packers, Ltd. vs. Kapahu Afong,
Equity No. 235.

In reply to your letter of May 18, 1939 with reference to the amount of costs taxed against the late David Kanuha Ainoa, I wish to advise that the "Order Awarding Costs" taxes Mr. Ainoa with the sum of \$161.44.

The above amount should be paid to the Baldwin Packers, Limited, who should write a letter to the Clerk of this Court advising that the said amount has been paid and directing that the deed held for the above named person should be delivered to you as Executors of his estate.

Very truly yours,

John A. Caires,
Clerk.

TELEGRAPHIC ADDRESS
ALEXBALD

ALEXANDER & BALDWIN, LTD.

SUGAR · PINEAPPLES · SHIPPING · INSURANCE

SAN FRANCISCO
215 MARKET ST.
SEATTLE
814 2ND AVENUE
PORTLAND
327 S.W. PINE ST.

822 BISHOP STREET.
HONOLULU, HAWAII, U.S.A.

No.

May 29, 1939

Mr. John A. Caires, Clerk
Circuit Court, Second Circuit
Wailuku, Maui

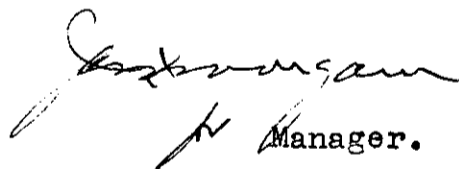
Dear Sir:

This is to advise you that Baldwin Packers, Ltd. has received the sum of \$161.44, which amount represents the share of the late Mr. Ainoa of the cost in the Mailepai Hui partition proceedings - Equity No. 235. You are therefore directed to deliver the deed held for Mr. Ainoa to the proper person entitled thereto.

Very truly yours,

ALEXANDER & BALDWIN, LTD.

By


Manager.

MC: CW

July 13th, 1939.

Alexander & Baldwin,
822 Bishop Street,
Honolulu, T. H.

Attention: Mr. Morgan.

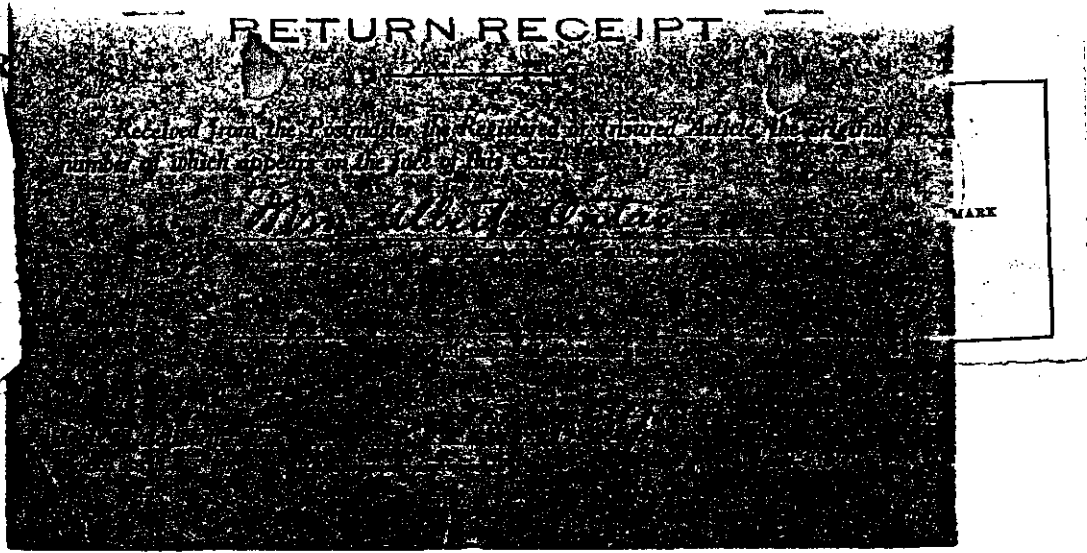
Gentlemen:

This is to acknowledge the receipt of your letter of May 29th last, addressed to Mr. John A. Caires, Clerk, relative to the deed held for Mr. Aiona.

We do not know who is the proper person to receive the deed, and will therefore request that you inform us the name of such a person.

Yours very truly,

Deputy Clerk, Second Circuit
Court, Territory of Hawaii



Mr. Albert Ontai,
Lahaina, Maui.

Dear Sir: Re: Baldwin Packers, Ltd. vs. Kapahu Afong,
et al, Respondents, Equity No. 235.

Enclosed herewith you will find a deed from J. H. Kunewa, Charles Savage and Manuel Asue, Commissioners in partition, to you covering Allotment No. 49, containing 2.9555 acres.

Please acknowledge the receipt of this letter and the above deed.

Very truly yours,

John A. Caires,
Clerk.

REGISTERED MAIL,
RETURN RECEIPT REQUESTED.

O. K.	<u>Sept. 27th</u>	1938
<small>MANAGER</small> <i>J. F. Caires - Clerk of Circuit Court</i> RECEIVED OF BALDWIN PACKERS, LTD.		
<i>Forty</i>	<i>36/100</i>	DOLLARS
<i>Partition Cost Mailepai Partition - Lot # 49</i>		
<i>\$ 40³⁶</i>	<i>Baldwin Packers Ltd</i> BY <i>[Signature]</i>	

Baldwin Packers, Limited

LAHAINA, MAUI, T. H.

NO.

June 20th., 1938

Mr. John A. Caires,
Clerk, Second Circuit Court,
Wailuku, Maui, T. H.

Dear Sir:

Enclosed herewith please find receipt for Mailepai Hui Partition Costs deposited in your office by Mr. A. F. Tavares on behalf of Mrs. Minna Medeiros and by you paid over to us.

It will now be in order for you to deliver the Deed to Mrs. Medeiros.

Yours very truly,

BALDWIN PACKERS, LTD.,

By

D. J. Fleming

Manager

DTF:BBH
encl.