

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 9, 2018

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

HL No. 54

Oahu

Consent to Assign the 3/5 Undivided Interest in Homestead Lease No. 54 of Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson and William Pali Enos, Jr., Assignor, to Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson and William Pali Enos, Jr. as Trustees of the John Enos II Family Land Trust dated October 23, 2017, Assignee; Waianae, Ewa, Oahu, Tax Map Key (1) 8-5-4:3 & 61.

APPLICANT:

Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson and William Pali Enos, Jr., Tenants in Common, as Assignor, to Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson and William Pali Enos, Jr. as Trustees of the John Enos II Family Land Trust, as Assignee.

LEGAL REFERENCE:

Section 171-99(e), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waianae Homesteads situated at Waianae, Ewa, Oahu, identified by Tax Map Key: (1) 8-5-004:003 & 061, as shown on the attached map labeled Exhibit 1a & 1b.

AREA:

(1)8-5-004:003 - 22.504 acres

(1)8-5-004:061 - 31.119 acres

Total: 53.623 acres

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES ____ NO
 X

CHARACTER OF USE:

Homestead purposes.

TERM OF LEASE:

999 years, commencing on May 12, 1943 and expiring on May 11, 2942.

ANNUAL RENTAL:

Not applicable.

CONSIDERATION:

Not applicable.

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

Background:

Certificate of Occupation No. 104 was issued to John Enos II (Occupier) on May 12, 1937 covering the subject State Lands. The Occupier was entitled to a Homestead Lease with a term of 999-years if, after six years from the date of the Certificate of Occupation, the Occupier had observed and performed all the stipulations and conditions contained therein, including residing on the land.

Although John Enos II died on January 17, 1941, his daughter, Hattie Enos Kalama, continued to reside on the subject State Lands. On October 23, 1947, Homestead Lease (HL) No. 54 was issued to the "Heirs of John Enos II, Deceased, by Hattie Enos Kalama".

An Order Granting Petition For Determination of Heirs, recorded on January 14, 2009, in relation to the Estate of John Enos II, Deceased (P. No. 08-1-0374) named Hattie Enos Kalama and Lulu Enos Nakama, surviving children of John Enos II, as his heirs.

Board Action dated May 8, 2009, under agenda item D-10 (Exhibit 2), consented to the assignment of Homestead Lease No. 54 from Hattie Enos Kalama and Lulu Enos Nakama to Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson, Thomas Kalama, Sharon Nonenohealani Enos Kalama and William Pali Enos, Jr.

Three of the five owners of the Homestead Lease, Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson and William Pali Enos, Jr. wish to transfers their 3/5 undivided interest to Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson and William Pali Enos, Jr. as Trustees of the Trustees of the John Enos II Family Land Trust. Thomas Kalama and Sharon Nonenohealani Enos, each of whom is vested with a 1/5 undivided interest in the Homestead Lease, are outside of the Trust.

Assignee has not had a lease, permit, easement or other disposition of State Lands terminated within the last five years due to non-compliance with such terms and conditions.

Staff only solicited comments from The Office of Hawaiian Affairs, which did not reply by the suspense date. No other government agencies were solicited for comments as there is no change in the use of the property.

RECOMMENDATION:

That the Board consent to the assignment of Homestead Lease No. 54 from Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson and William Pali Enos, Jr., Tenants in Common, as Assignor, Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson and William Pali Enos, Jr. as Trustees of the John Enos II Family Land Trust, as Assignee, subject to the following:

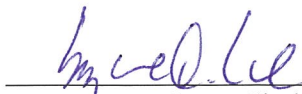
1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Richard T. Howard
Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



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57 Kenneth Y. H. Goo &
Mf. Sylvia S. W. - 7a - 1/3.
Wallace K. Y. Chang &rf
Margaret Y. H. - 7a - 1/3.
Franklin S. H. Goo - 1/3.

ADVANCE SHEET
SUBJECT TO CHANGE

37 Howard Kong Karm & of Eleanor C. & W.

SEC. 6

ADVANCE SHEET
SUBJECT TO CHANGE



TMK: (1) 8-5-004:003 & 063

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

May 8, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF 07od-008

OAHU

Consent to Assign Homestead Lease No. 54, Lulu Enos Namaka and Hattie Enos Kalama, Assignors, to Thomas Kalama, Sharon Nonenohealani Enos Kalama, Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson, William Pali Enos, Jr., Assignees; Waianae, Oahu; TMK (1) 8-5-4:3 & 61.

APPLICANTS:

Assignors

Lulu Enos Namaka
Hattie Enos Kalama

Assignees

Thomas Kalama
Sharon Nonenohealani Enos Kalama
Muriel Puninani Enos Ioane
Julia Kauai Yukie Enos Hanson
William Pali Enos, Jr.

LEGAL REFERENCE:

Section 171-99(e), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Hauula situated at Waianae, Oahu, identified by Tax Map Key: (1) 8-5-004:003 & 061, as shown on the attached map labeled Exhibit A.

AREA:

(1) 8-5-004:003 - 22.504 acres
(1) 8-5-004:061 - 31.119 acres
Total: 53.623 acres

EXHIBIT "2"

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

May 08, 2009

D-10

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CHARACTER OF USE:

Homestead purposes.

TERM OF LEASE:

999 years, commencing on May 12, 1943 and expiring on May 11, 2942

ANNUAL RENTAL:

Not applicable.

CONSIDERATION:

Not applicable.

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

Individual. Not applicable

BACKGROUND:

Certificate of Occupation No. 104 was issued to John Enos II on May 12, 1937 over the subject State lands. A condition in the Certificate of Occupation provides for the issuance of a 999-year homestead lease to the occupier after he has occupied the property for six years.

After John Enos II died on January 17, 1941, his daughter Hattie Enos Kalama, continued to reside on the subject State lands. On October 23, 1947, Homestead Lease (HL) No. 54 was issued to the "Heirs of John Enos II, Deceased, by Hattie Enos Kalama".

The current provision of 171-99(e), HRS, effective from June 2000, allows the lessee to convey, devise, or bequest to any member of the lessee's family as defined in the law, or to pass on by intestate succession.

Pursuant to the judgment filed on January 14, 2009 pursuant to "Order Granting Petition for Determination of Heirs" regarding the estate of John Enos II, Deceased (P. No. 08-1-0374), Hattie Kalama and Lulu Namaka, surviving children of John Enos II, are named as the heirs. The subject HL is also cited in the probate as the only asset of the deceased. The following children of the deceased passed away before the new provision of 171-99(e), HRS took effect in 2000.

William Pali Enos
Annie Kekau Enos
Joseph Kanai Enos
Edward Manuel Enos
Agnes Kekau Enos
Agnes Enos Bannister
Carl Andrew Enos, Sr.
Clifford Daniel Enos
John Enos Hiwauli, Sr.

[Note: Lulu Enos Namaka and Hattie Enos Kalama are used in the assignment of lease document.]

Based on the above, Hattie Enos Kalama and Lulu Enos Namaka each has 50% in HL 54, and they intend to transfer the entirety of their interests to the assignees. Each of the assignees shall have 20% of the leasehold interest under HL 54.

Assignees have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Office of Hawaiian Affairs did not respond to our request for comment before the suspense date. Staff did not solicit comment from other governmental agencies as there is no change in the use of the property.

RECOMMENDATION: That the Board consent to the assignment of Homestead Lease No. 54 from Lulu Enos Namaka and Hattie Enos Kalama, Assignors to Thomas Kalama, Sharon Nonenohealani Enos Kalama, Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson, William Pali Enos, Jr., Assignees, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

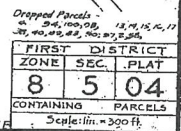


Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 



Subject
Location