

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

September 14, 2018

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

File No.10524 (H)

Hawaii

Issuance of Land Patent in Confirmation of a Portion of
Land Commission Award No. 7716, Apana 4 to R. Keelikolani,
situate at Laaloa, District of N Kona, Island of Hawaii,
Tax Map Key (3) 7-7-007:091.

APPLICANT:

Matthew G. Jewell, Esq., for Gary Allen Ostrom and Heather
Kathleen Ostrom, husband & wife as Tenants by the Entirety,
owners of the subject property.

LEGAL REFERENCE:

Section 171-23, Hawaii Revised Statutes, as amended,
Sections 172-11 and 12, Hawaii Revised Statutes, as amended,
Section 182-2, Hawaii Revised Statutes, as amended and
Section 664-5, Hawaii Revised Statutes, as amended.

LOCATION:

The applicant's private property is comprised of a portion of the
land awarded to R. Keelikolani under Land Commission Award No.
7716, Apana 4, situate at Laaloa, District of North Kona, Island
of Hawaii, containing an area of 1.774 acres, more or less, and
identified by Tax Map Key: (3) 7-7-007:091, as shown on the map
attached hereto as Exhibit A.

DCCA VERIFICATION:

Not applicable. The applicant owners of TMK: (3) 7-7-007:091 are
not businesses, and thus they are not required to register with
the Department of Commerce and Consumer Affairs.

APPLICANT REQUIREMENTS:

Along with a copy of Land Commission Award 7716, Apana 4, the
applicant has provided a map with survey description of the
subject property found in the applicant's Warranty Deed dated
November 20, 2015 and recorded in Document No A-58140257. See
Exhibits B, B-1 and B-2. Said map and description will be
reviewed for approval to State DAGs standards.

REMARKS:

Land Commission Award 7716, Apana 4, dated July 20, 1853, awarded the Ahupuaa of Laaloa, in name only, to R. Keelikolani.

By Resolutions of the Privy Council dated August 27, 1850, R. Keelikolani surrendered several of her lands to the Hawaiian Government in lieu of commutation, thereby releasing its right to commutation therein as set forth in Volume 3 of Privy Council Records on Pages 407-421

Staff abstractor has confirmed that no commutation is due and that no patent has been issued in confirmation of the subject portion of Land Commission Award 7716, Apana 4, containing 1.774 acres and designated as TMK: (3) 7-7-007:091.

The map and survey description of the subject portion of Laaloa provided by the Applicant (Exhibits B-1 and B-2) will be sent to the State Land Surveyor for approval.

Although no commutation is due, the patent issued in confirmation of the award will evidence that the government's right to commutation therein is satisfied and released.

Comments were requested from the Office of Hawaiian Affairs (OHA), however OHA provided no comments by the suspense date.

RECOMMENDATION:

Staff recommends that the Board consent to the issuance of a Land Patent in Confirmation of the subject portion of Land Commission Award No. 7716, Apana 4 to R. Keelikolani subject to the following:

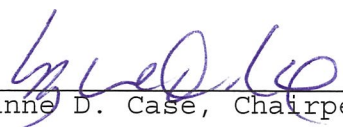
1. The terms and conditions as prescribed by law upon the issuance of Land Patents in confirmation of Land Commission Awards, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General;
3. Review and approval by the State Surveyor of the map and survey description provided by the applicant; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State of Hawaii.

Respectfully Submitted,




E. Mahoe Collins
State Abstractor

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



Ua hoi mai oia i ke hana auno. Laila he Ahupua'a ma Kona, Hawaii, no ka mea ua loa ia i ke hana ma ke Kūi Lanihameha III. ma ka Mahale ana i na aino i ka M. H. 1848, a ua moho ke aha oleia i ka hana auno.

Oho ha onatani e hoko nei m. T. Kellikolani he huleama hoi Anna onatani iho e he Ann Alodio.
 Iho e he nei m. iho he Kupuhi hapa, ahoia Kupuhi ia ia he Palapala Sila Alodio.
 Iho e he nei m. iho he Kupuhi hapa, ahoia Kupuhi ia ia he Palapala Sila Alodio.

Am mai sa va fi astu mai no ka hana ana, a me ka hoholo ana i ka olelo. Penei:

Nika nuni wome ka pae ana i ka olelo ma ka kurepa.
 ka hiki

to ke hope ana i ma ole koina

No ka palapala hii.

To ka hana ana

No he hope ana i ma olelo hoi ke

No. ka hoo holo aia i ka ole i keia la 20. o Iulai 1853.

100
 1852. Iki i na Koroiki. Nov nae na kuleana aia e na kamaia maloto e tui aia.

~~\$~~ 5.00

Aprana 5.

Ua hui mai eia on kama aia o Hinaloli he Ahupuaa ma Kona, Hawaii, me kama; ua loa
eia on kama aia on ke Mii Piamahama III. i ka wa o ka Unahaleana i ma aia i ka No. 1148, a ua
eia on kama aia on ke Mii Piamahama III. i ka wa o ka Unahaleana i ma aia i ka No. 1148, a ua

*One has another's health as B. Keeloband, he thinks his horse malale im o ke Amo Alodio.
his other ones as he has before him, alavla kufom na ia ka Palapala Seta Alodio.*

Penas sa in bu rekun' mai in ka hama ana i ana kea bushole ana i kea ole. Peni;

Me ha cumi a me he frai ana i' ha olele ma ha Nupurua.

At the Hope area is a small oleo from a
the head of the river.

Isaiah 40:1-11

Si bu buku arwa:

Il tuo fratello tuo è tuo figlio è tuo

1882

\$ 3.00

The first edition of this book was printed in 1863 at the press of the American Book Concern, New York.

~~8~~ 5.00

Anna C.

Exhibit B

Awards Volume 9, Page 260

10524(H)

10524(H) *Ua kii mai nia na koma aino. Heatiia he Ahupuaa ma Kona, Hawaii, i ka mea; na koma aino i ka aino na ke Kii Kamahameha III. i ka wa o ka Mahele ana i na aino i ka M. H. 1848, a na*

71D



STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

December 02, 2015 8:01 AM

Doc No(s) A-58140257



/s/ NICKI ANN THOMPSON
REGISTRAR

1 1/1 ICL
B-32728759

Conveyance Tax: \$4,600.00

LAND COURT

REGULAR SYSTEM

Return By Mail ☒ Pick-Up ☐ To:

GARY ALLEN OSTROM
HEATHER KATHLEEN OSTROM

Palo Alto, CA 94303

TITLE NO.: 201549622 -S
ESCROW NO.: 23315065879
CAROL MENDES

TOTAL NUMBER OF PAGES: 9

TITLE OF DOCUMENT:

WARRANTY DEED

PARTIES TO DOCUMENT:

GRANTOR: MONTE VISTA ENTERPRISES, L.L.C., a Hawaii limited liability company, whose mailing address is 422 El Modena Avenue, Newport Beach, CA 92663

GRANTEE: GARY ALLEN OSTROM and HEATHER KATHLEEN OSTROM, husband and wife, whose mailing address is Palo Alto, CA 94303

TAX MAP KEY (3) 7-7-007-091

4811-9022-5963/K29021/11-18-15

Exhibit B-1
10524(H)

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That **MONTE VISTA ENTERPRISES, L.L.C., a Hawaii limited liability company**, whose mailing address is **422 El Modena Avenue, Newport Beach, CA 92663**, hereinafter called the "Grantor", for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to the Grantor paid by **GARY ALLEN OSTROM and HEATHER KATHLEEN OSTROM, husband and wife**, whose mailing address is **Palo Alto, CA 94303**, hereinafter called the "Grantee", the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto the Grantee all of that certain real property designated on the tax maps of the Third Taxation Division, State of Hawaii, as Tax Map Key **7-7-007-091**, more particularly described in Exhibit A attached hereto and made a part hereof, subject to the encumbrances noted therein.

TOGETHER WITH ALL and singular the buildings, improvements, rights, tenements, hereditaments, easements, privileges and appurtenances thereunto belonging or appertaining or held and enjoyed in connection therewith.

TO HAVE AND TO HOLD the same unto the Grantee, **as tenants by the entirety**, their assigns and the survivor of them, and the heirs, personal representatives, and assigns of the survivor of them, in fee simple forever.

AND THE SAID GRANTOR does hereby covenant with the Grantee that the Grantor is lawfully seised in fee simple of said granted premises and that the said premises are free and clear of all encumbrances except as aforesaid, and except for assessments for real property taxes. And the said Grantor further covenants and agrees that the Grantor has good right to sell and convey the said premises in the manner aforesaid; that the Grantor will WARRANT AND DEFEND the same unto the Grantee against the lawful claims and demands of all persons, except as aforesaid.

The parties to this instrument understand that the person or company recording or arranging for the recordation of this instrument is authorized to complete any blanks contained in this instrument with the applicable number of pages, dates and recordation information, whether before or after this instrument has been notarized by a notary public, and in no event shall

completion of any such blanks be deemed to be an alteration of this instrument by means of the insertion of the new content.

This instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

The terms "Grantor" and "Grantee", as and when used hereinabove or hereinbelow shall mean and include the masculine or feminine, the singular or plural number, individuals, associations, trustees, corporations or partnerships, and their and each of their respective successors in interest, heirs, executors, personal representatives, administrators and permitted assigns, according to the context thereof, and that if these presents shall be signed by two or more grantors, or by two or more grantees, all covenants of such parties shall be and for all purposes deemed to be their joint and several covenants.

IN WITNESS WHEREOF, the Grantor has executed these presents on this
20th day of November, 2015.

**MONTE VISTA ENTERPRISES, L.L.C., a
Hawaii limited liability company**

By: **Estancia Forest Holdings Limited
Partnership**
Its: **Member**

By: DAVID R. WAMPLER
Its: General Partner

APPROVED AS TO FORM
CARLSMITH BALL LLP

BY Robert D. Triantos
11-18-15

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA)

COUNTY OF Orange)

On 11/20/15, before me, R.H. Badani, Notary Public,
Date Name And Title Of Officer (e.g. "Jane Doe, Notary Public")

personally appeared DAVID R. WAMPLER,
Name of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify that under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature RH Badani
Signature of Notary Public

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

Description of Attached Document

Title or Type of Document: Warranty Deed

Document Date: 11/20/15 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name:

- ☐ Individual
☐ Corporate Officer - Title(s): _____
☐ Partner - ☐ Limited ☐ General
☐ Attorney In Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer's Name:

- ☐ Individual
☐ Corporate Officer - Title(s): _____
☐ Partner - ☐ Limited ☐ General
☐ Attorney In Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer is representing: _____

Signer is representing: _____

EXHIBIT "A"

All of that certain parcel of land (being portion of the land(s) described in and covered by Royal Patent Number ----, Land Commission Award Number 7716, Apana 4 to R. Keelikolani) situate, lying and being at the southerly and easterly sides of roadway at Laaloa 1st, District of North Kona, Island and County of Hawaii, State of Hawaii, being LOT B-3, and being a portion of Lot B (Revised), and thus bounded and described:

Beginning at a 1/2 inch pipe (set) at the southwesterly corner of this parcel of land, being also a point on the southeasterly side of Roadway bearing 122° 57' 2.40 feet from the northwesterly corner of Lot 1-D, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAILUA (NORTH MERIDIAN)" being 16,588.71 feet south and 14,950.63 feet east and running by azimuths measured clockwise from true South:

Thence, for the next ten (10) courses following along the Westerly face of stonewall and along the Easterly side of Roadway:

| | | | |
|-----|----------|--------|--|
| 1. | 219° 45' | 32.58 | feet to a 1/2 inch pipe (set); |
| 2. | 222° 26' | 27.00 | feet to a 1/2 inch pipe (set); |
| 3. | 213° 43' | 16.39 | feet to a 1/2 inch pipe (set); |
| 4. | 203° 52' | 20.27 | feet to a 1/2 inch pipe (set); |
| 5. | 195° 12' | 19.55 | feet to a Nail (set); |
| 6. | 179° 40' | 23.09 | feet to a 1/2 inch pipe (set); |
| 7. | 172° 18' | 41.16 | feet to a 1/2 inch pipe (set); |
| 8. | 191° 12' | 28.91 | feet to a 1/2 inch pipe (set); |
| 9. | 207° 56' | 21.68 | feet to a Nail (set); |
| 10. | 225° 11' | 16.70 | feet to a Nail (set); |
| 11. | 216° 51' | 162.71 | feet along the Southeasterly side of Roadway to a Spike (set); |

Thence, for the next eleven (11) courses following along Northerly face of stonewall and along the Southerly side of Roadway:

| | | | |
|-----|----------|------|-----------------------|
| 12. | 245° 34' | 8.72 | feet to a Nail (set); |
|-----|----------|------|-----------------------|

EXHIBIT "A"

Warranty Deed to Gary & Heather Ostrom
 Nov 20, 2015, Doc No. A-58140257
 Tax Map Key (3) 7-7-007-091

| | | | | |
|-----|------|-----|-------|--------------------------------|
| 13. | 259° | 34' | 7.03 | feet to a Nail (set); |
| 14. | 271° | 02' | 37.90 | feet to a Nail (set); |
| 15. | 282° | 16' | 9.68 | feet to a Nail (set); |
| 16. | 288° | 40' | 24.15 | feet to a 1/2 inch pipe (set); |
| 17. | 288° | 20' | 23.24 | feet to a 1/2 inch pipe (set); |
| 18. | 263° | 37' | 11.87 | feet to a 1/2 inch pipe (set); |
| 19. | 271° | 49' | 17.28 | feet to a 1/2 inch pipe (set); |

Thence, for the next four (4) courses following along B-2 of this subdivision and along the remainders of Lot B (Revised) and Land Commission Award 7716, Apana 4 to R. Keelikolani:

| | | | | |
|-----|------|---------|--------|--------------------------------|
| 20. | 20° | 36' | 200.92 | feet 1/2 inch pipe (set); |
| 21. | 356° | 20' | 67.04 | feet to a 1/2 inch pipe (set); |
| 22. | 339° | 19' 30" | 90.51 | feet 1/2 inch pipe (set); |
| 23. | 356° | 20' | 36.96 | feet to a 1/2 inch pipe (set); |

Thence, for the next nine (9) courses following along Grant 1757 to Kanewa:

Thence, for the next five (5) courses following along Lot 1-C:

| | | | | |
|-----|------|---------|-------|--|
| 24. | 91° | 37' | 22.04 | feet to a 1/2 inch pipe (found); |
| 25. | 83° | 51' | 29.41 | feet to a 1/2 inch pipe (found); |
| 26. | 89° | 47' | 31.55 | feet to a 1/2 inch pipe (found); |
| 27. | 81° | 02' 30" | 14.27 | feet to a 1/2 inch pipe (found); |
| 28. | 86° | 35' 30" | 47.92 | feet to a 1/2 inch pipe (found); |
| 29. | 92° | 42' 30" | 16.63 | feet along Lots 1-C and 1-D to a point; |
| 30. | 88° | 10' | 32.71 | feet along Lot 1-D to a 1/2 inch pipe (found); |
| 31. | 116° | 26' | 87.04 | feet along Lot 1-D to a 1/2 inch pipe (found); |

32. 122° 57' 15.68 feet along Lot 1-D and along Roadway to the point of beginning and containing an area of 1.774 acres, more or less.

Together with a non-exclusive fifty (50) foot easement for roadway and utility purposes over and under and across Easement "A-1" affecting (3) 7-7-007-004 as granted in Grant of Easement dated July 3, 2003, recorded as Document No. 2003-285706 and said Easement being more particularly described therein; and subject to the terms and provisions contained therein.

Together with a non-exclusive easement for access and utility purposes, hereby granted, over, along and across Easement "A-2" (Part 1) and Easement "A-3" (Part 1) affecting Lot B-1 and Easement "A-2" (Part 2) and Easement "A-3" (Part 2) affecting Lot B-2, as granted by WARRANTY DEED dated July 3, 2006, recorded as Document No. 2006-162058.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR: DAVID R. WAMPLER, married

GRANTEE: MONTE VISTA ENTERPRISES, L.L.C., a Hawaii limited liability company

DATED: July 25, 2010

RECORDED: Document No. 2011-128765

SUBJECT, HOWEVER TO:

1. Mineral and water rights of any nature.
2. Matters arising out of the failure of a patent to have issued on Land Commission Award 7716, Apana 4 to R. Keelikolani, and any matters that may be set forth in any such patent. The Company assumes no obligation to procure any patent or to pay commutation, if any, which may be owed thereon.
3. DESIGNATION OF EASEMENT "A-2" (Part 3) (20 feet wide)

PURPOSE: access and utility

SHOWN: on map prepared by Chrystal Thomas Yamasaki, dated July 15, 2003, revised June 15, 2005, October 27, 2005, and March 30, 2006

4. DESIGNATION OF EASEMENT "A-3" (Part 3)

PURPOSE: access and utility
SHOWN: on map prepared by Chrystal Thomas Yamasaki, dated July 15, 2003, revised June 15, 2005, October 27, 2005, and March 30, 2006

5. DESIGNATION OF EASEMENT "P-3" (10 feet wide)

PURPOSE: planting screen (no vehicular access permitted)
SHOWN: on map prepared by Chrystal Thomas Yamasaki, dated July 15, 2003, revised June 15, 2005, October 27, 2005, and March 30, 2006

6. GRANT

TO: HAWAII ELECTRIC LIGHT COMPANY, INC. and GTE HAWAIIAN TELEPHONE COMPANY INCORPORATED, now known as HAWAIIAN TELCOM, INC.

DATED: September 5, 1996
RECORDED: Document No. 97-019852
GRANTING: right and easement as shown on map attached thereto

7. GRANT

TO: HERBERT J. CHING and JENNIFER J. CHING, husband and wife

DATED: April 20, 2006
RECORDED: Document No. 2006-079551
GRANTING: a non-exclusive fifty (50) foot wide over Easement "A-3" for roadway and utility purposes

8. The terms and provisions contained in the following:

INSTRUMENT: DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR ONO LANE

DATED: June 22, 2006
RECORDED: Document No. 2006-123972

Lack of joinder or consent by STEVEN FUKUMITSU and JANI IWAMOTO.

9. GRANT

TO: WATER BOARD OF THE COUNTY OF HAWAII

DATED: July 19, 2006

RECORDED: Document No. 2006-145188

GRANTING: a right of ingress and egress for utility purposes

10. The terms and provisions contained in the following:

INSTRUMENT: WARRANTY DEED

DATED: July 3, 2006

RECORDED: Document No. 2006-162058

11. Liquid Propane Gas Tank as shown on survey map by Roger D. Fleenor, Professional Land Surveyor, dated November 20, 2015.

*Roger D. Fleenor
Professional Land Surveyor
PO Box 383414
Waikoloa, HI 96738-3414*

LS 7276

Surveyors Report

November 23, 2015

Title Guaranty and Escrow Services
PO Box 2380
Kamuela, HI 96743
Attn. Carol
885-5537 fax

Re: K-2 Survey Lot B-3

Holualoa, North Kona, HI
T.M.K 3-7-7-007-091
Escrow Act No. 15065879

The above-mentioned property was the subject of a field survey, (K-2 Survey) on November 20 & 21, 2015, and was completed following standard surveying procedures. I call your attention to the accompanying map.

1. Twenty One (21) of Thirty Two (32) property corners were recovered and Eleven (11) were reset. All property corners were marked up with bright paint, survey flagging and lath.
2. A rock wall was found along the South boundary of the subject property. The center of this rock wall is the property line and the rock wall should not be considered an encroachment.
3. A rock wall was found along the North boundary. This rock wall falls entirely upon the subject property and therefore does not encroach.
4. A portion of the paved roadway falls outside of Easement A-3 Part 3 by as much as 7.4 feet.
5. There were no violations of county setback code found.

There were no other areas of concern noted at this time.

Should you have any questions please call me.

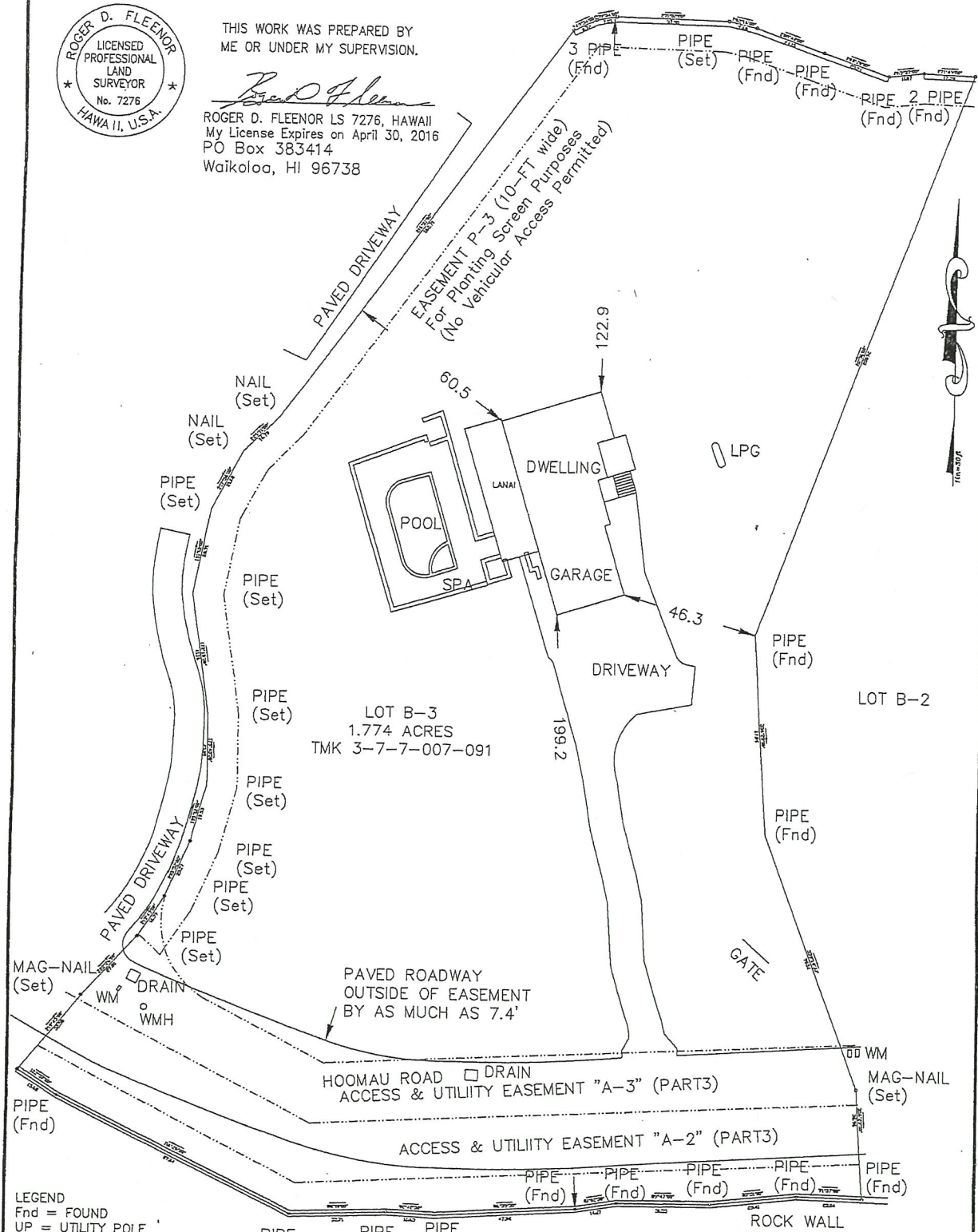
Roger D. Fleenor
PO Box 383414
Waikoloa, HI 96738-3414

**Exhibit B-2
10524(H)**



THIS WORK WAS PREPARED BY
ME OR UNDER MY SUPERVISION.

Roger D. Fleenor
ROGER D. FLEENOR LS 7276, HAWAII
My License Expires on April 30, 2016
PO Box 383414
Waikoloo, HI 96738



LEGEND
Fnd = FOUND
UP = UTILITY POLE
WWS = WASTE WATER SYSTEM
LPG = LIQUID PROPANE GAS
L = LAUNDRY
C = CONCRETE
AC = ASPHALT CONCRETE
EASEMENT
WIRE FENCE

NOTES :
Azimuths and coordinates are referred to government Survey
Triangulation Station "KUILEI".
Elevations if any are referred to Assumed Datum.
Features shown here on represent conditions existing
on November 20, 2015.

K-2 SURVEY MAP OF LOT B-3
BEING A PORTION OF L.C.A.W.7716 TO R. KEELIKOLANI
BEING A PORTION OF LOT B
LAALOA 1ST, NORTH KONA
at LAALOA 1ST, DISTRICT OF NORTH KONA
ISLAND AND COUNTY OF HAWAII
STATE OF HAWAII
SHOWING EXISTING FEATURES
T.M.K. (3 Div.) 7-7-007-091