Consent to the Assignment and Assumption of General Lease No. S-5841, Honolulu, LLC, Assignor, to Souske Properties LLC, Assignee, Kapalama-Kai, Honolulu, Oahu, Tax Map Key: (1) 1-5-042:002.

APPLICANT:
Honolulu, LLC\(^1\), as Assignor, to Souske Properties LLC, a Hawaii limited liability company, as Assignee.

LEGAL REFERENCE:
Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:
Portion of Government lands of Kapalama-Kai, Honolulu, Oahu, identified by Tax Map Key: (1) 1-5-042:002, as shown on the attached map labeled EXHIBIT A.

AREA:
20,166 square feet, more or less.

TRUST LAND STATUS:
Section 5(a) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

\(^1\) According to DCCA’s website, on December 22, 2017 Honolulu Limited merged with and into Honolulu, LLC dba Hon Realty, LLC and the survivor entity is Honolulu, LLC dba Hon Realty, LLC.
CHARACTER OF USE:

Commercial (Parking) purposes.

TERM OF LEASE:

Thirty (30) years, commencing on November 1, 2005 and expiring on October 31, 2035. Last rental reopening occurred on November 1, 2015; next rental reopening is scheduled for November 1, 2025.

ANNUAL RENTAL:

$37,500.00.

CONSIDERATION:

$100.00.

RECOMMENDED PREMIUM:

Not applicable.

According to the information in the Request to Consent to Assignment Application as shown on EXHIBIT B, Assignor has indicated that there have been no improvements, renovations, or trade fixtures attached or made to the premises during the term of the lease, and Assignor is not receiving any consideration\(^2\) in exchange for the proposed assignment.

Based on the files, the same types of improvements, paving, parking stall striping etc., done prior to the issuance of the subject lease remain on the subject parcel. Staff does not believe any assignment premium is applicable in the subject request.

DCCA VERIFICATION:

ASSIGNOR:

Place of business registration confirmed: YES
Registered business name confirmed: YES
Good standing confirmed: YES

ASSIGNEE:

Place of business registration confirmed: YES
Registered business name confirmed: YES
Good standing confirmed: YES

\(^2\) According to the assignment and assumption of General Lease No. S-5841 signed by the parties, there is a consideration of $100 noted thereon.
REMARKS:

At its meeting July 9, 2004, under item D-20, the Board of Land and Natural Resources authorized the sale of lease at public auction. Only one (1) application was received and was deemed qualified to bid at the public auction held on June 28, 2005. The winning bidder was Honolulu Limited with a winning bid of $30,800.00 per annum.

In their letter dated February 5, 2020, the Assignee’s attorneys informed our office that the Assignor and Assignee recently closed the purchase and sale of the abutting private property. In connection with the above-mentioned purchase, Assignor agreed to assign all of its interest under the subject lease to the Assignee, subject to the Board’s consent.

There are no outstanding rental reopening or lease compliance issues. No comments were solicited as there will be no change in land use.

RECOMMENDATION:

That the Board consent to the Assignment and Assumption of General Lease No. S-5841 between Honolulu, LLC, as Assignor, to Souske Properties LLC, 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,

[Signature]

Patti E. Miyashiro
Land Agent

APPROVED FOR SUBMITTAL:

[Signature]

Suzanne D. Case, Chairperson
TMK: (1) 1-5-042:002

EXHIBIT A
<table>
<thead>
<tr>
<th>STATE OF HAWAII</th>
<th>For DLNR use only:</th>
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<tbody>
<tr>
<td>DEPARTMENT OF LAND &amp; NATURAL RESOURCES</td>
<td>Date of request:</td>
</tr>
<tr>
<td>REQUEST FOR CONSENT TO ASSIGNMENT</td>
<td>Date request recvd:</td>
</tr>
<tr>
<td></td>
<td>Type of Request:</td>
</tr>
<tr>
<td></td>
<td>Assigned Land Agent:</td>
</tr>
</tbody>
</table>

I. GENERAL INFORMATION

General Lease No. S-5841

Type of Request:
- ( ) Consent to agreement of sale
- (x) Consent to assignment of lease
- ( ) Consent to assignment of sublease
- ( ) Consent to assignment of grant of easement

II. ASSIGNOR/ASSIGNEE INFORMATION

Should the consent be approved, the following information will be used in the preparation of the legal documents. Therefore, please include all applicable parties and legal names.

<table>
<thead>
<tr>
<th>Assignor: Honolulu, LLC, a Maryland limited liability company</th>
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</thead>
<tbody>
<tr>
<td>Last name</td>
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<tr>
<td>Last name</td>
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<tr>
<td>Last name</td>
</tr>
</tbody>
</table>

Assignee(s):
- Souske Properties LLC, a Hawaii limited liability company

| Last name | First Name |
| Last name | First Name |
| Last name | First Name |

- Marital status: ( ) Single ( ) Widow/widower ( ) Married – spouse of: 
- Held as: ( ) Tenant in Severalty ( ) Tenants in Common ( ) Joint Tenants ( ) Tenants by Entirety
- Percentage held: 

| Last name | First Name |
| Last name | First Name |
| Last name | First Name |

- Marital status: ( ) Single ( ) Widow/widower ( ) Married – spouse of: 
- Held as: ( ) Tenant in Severalty ( ) Tenants in Common ( ) Joint Tenants ( ) Tenants by Entirety
- Percentage held: 

| Last name | First Name |
| Last name | First Name |
| Last name | First Name |

- Marital status: ( ) Single ( ) Widow/widower ( ) Married – spouse of: 
- Held as: ( ) Tenant in Severalty ( ) Tenants in Common ( ) Joint Tenants ( ) Tenants by Entirety
- Percentage held: 

| Last name | First Name |
| Last name | First Name |
| Last name | First Name |

Mailing address: 900 Fort Street Mall, Suite 1188

<table>
<thead>
<tr>
<th>Honolulu</th>
<th>Hawaii</th>
<th>96813</th>
</tr>
</thead>
</table>

City | State | Zip Code |

Contact person: Wong Brian

| Last name | First Name |
| Last name | First Name |

EXHIBIT B
Phone number: (808) 275-5328

Assignee intends to hold title as:

Type of owner (check one):
( ) Individual
( ) Husband and Wife
( ) Sole Proprietorship
( ) Joint Venture
( ) Trust
( ) Association
( ) Partnership
( ) Limited Partnership
( ) Limited Liability Partnership
( ) Corporation
( ) Non-Profit Corporation
( ) Limited Liability Corporation
( ) Other (specify):

For partnership or corporation, State of incorporation: Hawaii

II. AGENT
If you have an attorney, consultant or other person processing this request for you, please include the following information.

Agent name: Tanaka Tracy
Last name First name

Agent address: 1100 Alakea Street, Suite 2100
Honolulu, Hawaii 96813

Phone numbers: (808) 792-4207

Assignee is buying adjacent property.

III. ASSIGNMENT INFORMATION (See Exhibit A attached)
The following information is required to process your request. Please furnish evidence of the actual cost for improvements or renovations as well as trade fixtures (copy of construction contract, receipts, inventory of all personal property, etc.).

1) Cost of improvements: $0.00
2) Cost of trade fixtures: $0.00
3) Value of inventory: $0.00
4) Consideration: $100.00
5) What is the reason for the assignment? Assignee is buying adjacent property.
6) Has any of the assignees had a sale, lease, permit, easement, license or any other land disposition canceled within the past five years for failure to satisfy the terms and conditions of such disposition?  No

III. ATTACHMENTS

1) Attach two (2) copies the assignment document, both bearing original signatures.

2) If the subject lease is for pasture or agricultural use, the proposed Assignee is required to complete Attachment A.

3) Attach copy of State and county tax clearances for the Assignee(s). Refer to Attachment B for information.

IV. CERTIFICATION

I/We hereby certify that the statements and information contained in this application, including all attachments, are true and accurate to the best of my/our knowledge and understand that if any statements are shown to be false or misrepresented, this application may be rejected.

[Signature]

[Printed Name]

[Signature]

[Printed Name]

January 10, 2020

Date
Exhibit A

III. ASSIGNMENT INFORMATION

Assignor represents that there have been no improvements, renovations, or trade fixtures attached or made to the premises during the term of the Lease, and Assignor is not receiving any consideration in exchange for the proposed assignment of Lease.

Honolulu, LLC,
a Maryland limited liability company

By: ___________________________

Name: Giorgio Caldarone
Title: VICE PRESIDENT