

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

August 28, 2020

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

File No. 10705(H)

HAWAII

Issuance of Land Patent in Confirmation of a Portion of
Land Commission Award No. 10266 to Makai, situate at Puaa
3, Kona, Hawaii, Tax Map Key: (3)7-5-018:015.

APPLICANT:

David A. Arthurs and Ruth J. Arthurs, Co-Trustees of the David
and Ruth Arthurs Family Trust dated November 24, 2015
(Applicant).

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 property Tax Map Key: (3) 7-5-018:015 (see
attached Exhibit A) is comprised of a portion of the subject Land
Commission Award No. 10266 to Makai, situate at Puaa 3, Kona,
Hawaii, containing an area of 3,747 square feet, more or less, as
shown on Exhibit B.

DCCA VERIFICATION:

Not applicable. As a trust, Applicant is not required to
register with DCCA.

APPLICANT REQUIREMENTS:

None. Applicant has already furnished a copy of Preliminary Title
Report as discussed below.

REMARKS:

In accordance with the Kuleana Act of August 5, 1850, Land
Commission Award 10266 was adjudicated free and clear of

commutation to Makai on September 1, 1851 (see Exhibit B). However, no patent has been issued in confirmation of the subject award.

Applicant has provided a copy of Preliminary Title Report dated November 5, 2015 prepared by Title Guaranty of Hawaii reflecting Applicant as the proposed purchaser of the subject property. By subsequent Warranty Deed dated January 29, 2016, recorded as Document No. A-58830051, the acquisition to title to the same is confirmed in David A. Arthurs and Ruth J. Arthurs, Co-Trustees of the David and Ruth Arthurs Family Trust dated November 24, 2015.

While Applicant's property Tax Map Key: (3) 7-5-018:015 is comprised of 3,747 square foot portion of Land Commission Award 1851 to Makai, Applicant has requested that a patent be issued on the whole of Land Commission Award 1851 to evidence that the government's right to commutation therein is relinquished.

Comments were requested from the Office of Hawaiian Affairs, however, none were provided 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. 10266 to Makai, subject to the following:

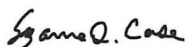
1. The terms and conditions as prescribed by law upon the issuance of Land Patents in confirmation of Land Commission Awards, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson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

Respectfully Submitted,

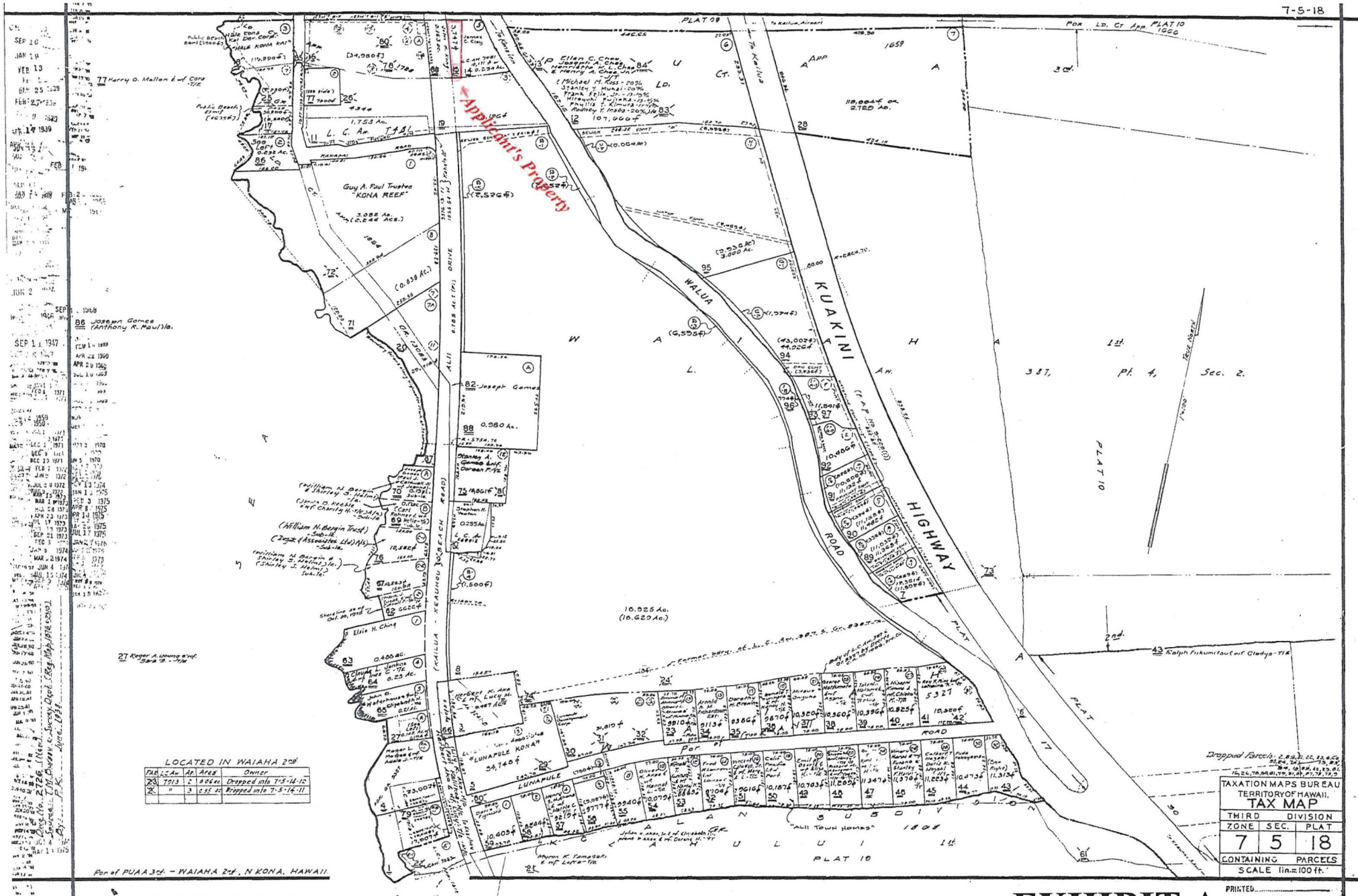


E. Mahoe Collins
State Abstractor

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson



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EXHIBIT A

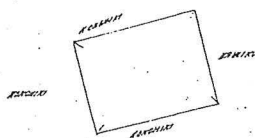
Puaa 3 Kona Hawaii

Pa mia Pua 3, Kona, Hawaii

O hōrmaka ma ke kiki o hōmaka o keia P., a e heli ana Kōnd. 20' Ki. 120' Chap.
 Anohiki; Māu 70' 25" Ki. 150' Chap. ma Anohiki; Māu 17' 50" Kōnd. 124' Chap. ma Owhiki; Kōma 70' 65" Kōnd. 153' Chap.
 ma Anohiki a kiki i keia i hōmaka'i, Māu i a Gama 528 $\frac{7}{10}$ Fathoms.

1st November 1851.

James Dillon



Ukrainian

W. L. Law
J. M. Robertson

J. H. Smith

C. K. Kaula

Honolulu, September 1, 1853.

Sept 72413. Kabama

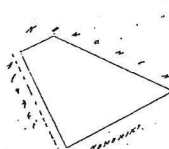
Kaiaha / Kono Hamaui

To Mr. Kaichka, Kona, Hawaii.

*Apoorahy; Maw 25th 40th Km. 129 Chap. Mamui; Maw 7th 8th Km. 46 Chap. Sonohiki; Kama 8th 9th Km. 60 Chap. Sonohiki a hilei i
kahi o Pomaika'i, Maui Apua 365 Patterns*

November 1st 1885

James Ellor



Ulu pan loa

Mr. L. Lee
G. W. Robertson

J. H. Smith

J. Kukulak

Honolulu Septembris, 1853.

Helu 3439 B ~~3438~~ Krabauk

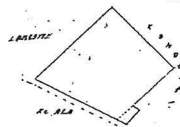
Holualoa, Kona, Hawaii

Pamua Holualaei; Orona, Hawaii.

Chomchiki, Maw 38th Slemu, 109 Chap. Chomchiki, Kuma 62nd Slemu, 130 Chap. Lumaawu, Kuma 57th Slemu, 124 Chap. Ku Ala a
hiki i'kashu i'korma'ka'u. Mai i'a Apama 352 Patterns

1st November 1857.

James Dillon



Ukrainian

Dr. L. Lee #4. ✓

G. M. Robertson

J. H. Smith
J. K. K. K.

Honolulu September 1, 1853