

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

June 25, 2021

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

File No. 10684(K)
KAUAI

Issuance of Land Patent in Confirmation of Land Commission
Award No. 238-X, Apana 2 to Onionio, situate at Moloaa,
Koolau, Island and County of Kauai, Tax Map Key: (4)4-9-
013:13.

APPLICANT:

Salvatore Fred DiLeonardo, husband of Jo-Ann Takeo Kutaka
DiLeonardo, Jo-Ann Kutaka DiLeonardo, wife of Salvatore Fred
DiLeonardo, and Ora May DiLeonardo, unmarried, as Joint Tenants.

LEGAL REFERENCE:

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

LOCATION:

The applicant's property Tax Map Key: (4) 4-9-013:013, as shown
on Exhibit A is comprised of the whole of subject Land Commission
Award No. 238-X, Apana 2 to Onionio, situate at Moloaa, Koolau,
Kauai, containing 0.4 acre, more or less, as shown on Exhibit B.

DCCA VERIFICATION:

Not applicable. Applicants as landowners are not required to
register with the Department of Commerce and Consumer Affairs.

APPLICANT REQUIREMENTS:

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

REMARKS:

Applicants applied for the issuance of land patent in confirmation of Land Commission Award No. 238-X, Apana 2 to Onionio, which includes their private property designated as Tax Map Key: (4) 4-9-013: 013. State law allows a land patent to issue provided there is no commutation due to the State.

Commutation is the payment an awardee makes to the government to confirm an absolute fee simple title to the land. A landowner may choose to apply for the issuance of a land patent to confirm the tenure of an absolute fee simple title to their property from the State. Where records can be found to establish that no commutation was due to the Hawaiian Kingdom at the time of the award, the State of Hawaii is currently authorized by statute to issue such a patent, if requested by the landowner. In the subject case, Land Commission Award 238-X, Apana 2 was adjudicated as free and clear of commutation to Onionio on September 29, 1851 in accordance with the Kuleana Act of August 5, 1850 (see Exhibit B). However, since that time, no patent was issued to confirm the subject award since no patent application had been submitted.

Applicants have provided a copy of Preliminary Title Report dated April 9, 2021, prepared by Title Guaranty of Hawaii reflecting Applicant as the current owner of the subject property. By Quitclaim Deed dated June 11, 2019, recorded as Document No. A-71940228, the acquisition to title to the same is confirmed in Salvatore Fred DiLeonardo, husband of Jo-Ann Takeko Kutaka DiLeonardo, and Jo-Ann Takeko Kutaka DiLeonardo, wife of Salvatore Fred DiLeonardo, and Ora May DiLeonardo, unmarried, as Joint Tenants.

Applicants' property designated as Tax Map Key: (4) 4-9-013: 013 is comprised of 0.4 acres, more or less and the Applicants have requested that a patent be issued on the whole of Apana 2 of Land Commission Award 238-X to evidence that the government's right to commutation therein is relinquished. Staff has confirmed that no commutation is due and that no patent has been issued to date.

Comments from the Office of Hawaiian Affairs (OHA) were requested however, none were provided by the suspense date.

June 25,2021

RECOMMENDATION:

Staff recommends that the Board consent to the issuance of a Land Patent in Confirmation on the whole of Land Commission Award No. 238-X, Apana 2 to Onionio, subject to the following:

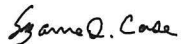
1. The terms and conditions as prescribed by law upon the issuance of Land Patents in confirmation of Land Commission Awards, as may be amended from time to time.
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson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

Respectfully Submitted,



Kayo Watanabe
Abstractor

APPROVED FOR SUBMITTAL:



RT

Suzanne D. Case, Chairperson

DEC 24 1938
 DEC 7 1938
 AUG 11 1938
 FEB 14 1942
 FEB 71 1944
 JUN 19 1947
 NOV 17 1947
 DEC 10 1947
 FEB 22 1951
 MAY 19 1952
 MAY 27 1952
 JUN 10 1952
 JUN 17 1952
 JUN 24 1952
 JUL 1 1952
 JUL 8 1952
 JUL 15 1952
 JUL 22 1952
 JUL 29 1952
 AUG 5 1952
 AUG 12 1952
 AUG 19 1952
 AUG 26 1952
 SEP 2 1952
 SEP 9 1952
 SEP 16 1952
 SEP 23 1952
 SEP 30 1952
 OCT 7 1952
 OCT 14 1952
 OCT 21 1952
 OCT 28 1952
 NOV 4 1952
 NOV 11 1952
 NOV 18 1952
 NOV 25 1952
 DEC 2 1952

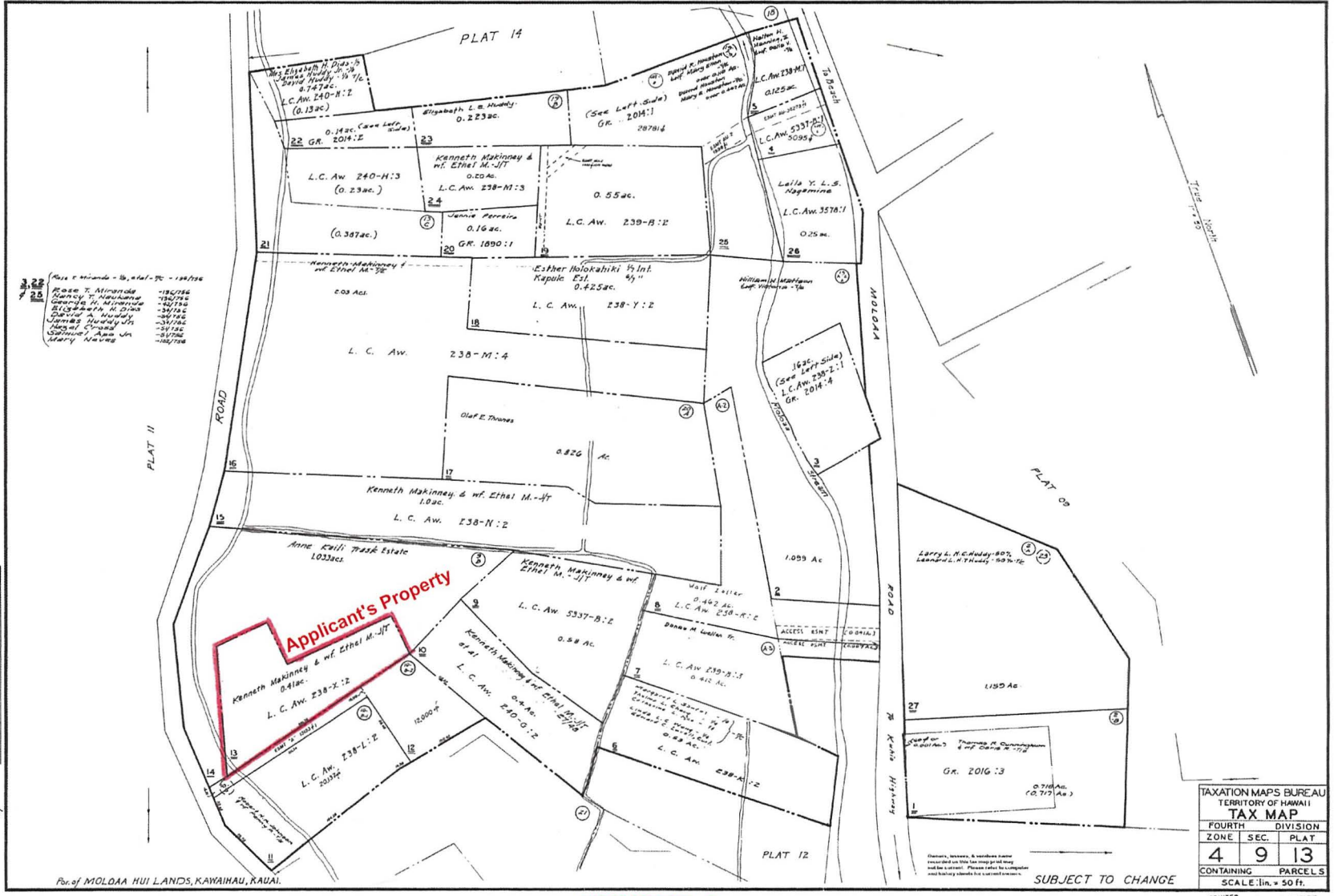


EXHIBIT A

TAXATION MAPS BUREAU			
TERRITORY OF HAWAII			
TAX MAP			
FOURTH	DIVISION		
ZONE	SEC.	PLAT	
4	9	13	
CONTAINING		PARCELS	
SCALE 1 in. = 50 ft.			

File 10684(K)

PRELIMINARY REPORT
(No Liability Hereunder)

This report (and any revisions thereto) is issued solely for the convenience of the titleholder, the titleholder's agent, counsel, purchaser or mortgagee, or the person ordering it for the purpose of facilitating the issuance of a policy of title insurance by Title Guaranty of Hawaii, LLC and no liability will arise under this report.

SCHEDULE A

Title Guaranty of Hawaii, LLC (the "Company") hereby reports that, subject to those matters set forth in Schedule "B" hereof, the title to the estate or interest to the land described in Schedule "C" hereof is vested in:

SALVATORE FRED DILEONARDO,
husband of Jo-Ann Takeko Kutaka Dileonardo,
and
JO-ANN TAKEKO KUTAKA DILEONARDO,
wife of Salvatore Fred Dileonardo,
and
ORA MAY DILEONARDO,
unmarried,
as Joint Tenants,
as Fee Owner

This report is dated as of April 9, 2021 at 8:00 a.m.

Inquiries concerning this report should be directed to:
Title Officer - Dharalyn K. Lim; Office: (808) 521-0249
Email: dlim@tghawaii.com

Inquiries concerning escrow should be directed to:
Escrow Officer - Glenda Matsushima; Office: (808) 826-5313
Email: gmatsushima@tghawaii.com
Please reference Order No. 202056134, Escrow No. 20170282.

**SCHEDULE B
EXCEPTIONS**

1. Real Property Taxes, if any, that may be due and owing.

Tax Key: (4) 4-9-013-013 Area Assessed: 17,860 sq. ft.

Tax Classification: AGRICULTURAL

Street Address: MOLOAA ROAD, ANAHOLA, HAWAII 96703

2. Mineral and water rights of any nature.

3. GRANT

TO : SALVATORE F. DILEONARDO, Trustee under that certain unrecorded Declaration of Trust known as the Salvatore F. Dileonardo Trust, dated March 25, 2010, and JO-ANN T. K. DILEONARDO, Trustee under that certain Declaration of Trust known as the Jo-Ann T. K. Dileonardo Trust, dated July 16, 1997

DATED : April 7, 2021

RECORDED : Document No. A-77750973

GRANTING : an exclusive easement over and across Easement L-2 for landscape purposes more particularly described therein

4. Matters arising out of the failure of a patent to have issued on Land Commission Award 238-X, Apana 2 to Onionio, 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.
5. Claims arising out of customary and traditional rights and practices, including without limitation those exercised for subsistence, cultural, religious, access or gathering purposes, as provided for in the Hawaii Constitution or the Hawaii Revised Statutes.
6. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

END OF SCHEDULE B

SCHEDULE C

All of that certain parcel of land (being all of the land(s) described in and covered by Royal Patent Number (None), Land Commission Award Number 238-X, Apana 2 to Onionio) situate, lying and being at Moloaa, District of Koolau, Island and County of Kauai, State of Hawaii, bearing Tax Key designation (4) 4-9-013-013, and containing an area of 0.41 acre, more or less.

Together with an exclusive easement over and across Easement "AU-1" for access and utility purposes, and an exclusive easement over and across Easement "L-1" for landscaping purposes, as granted by GRANT OF EASEMENTS "AU-1" & "L-1", dated April 7, 2021, recorded as Document No. A-77750974; more particularly described therein, and subject to the terms and provisions contained therein.

BEING THE PREMISES ACQUIRED BY QUITCLAIM DEED

GRANTOR : SALVATORE F. DILEONARDO, Trustee of the Salvatore F. Dileonardo Trust dated March 25, 2010, and JO-ANN T. K. DILEONARDO, Trustee of the Jo-Ann T. K. Dileonardo Trust dated July 16, 1997, as restated

GRANTEE : SALVATORE FRED DILEONARDO, husband of Jo-Ann Takeko Kutaka Dileonardo, and JO-ANN TAKEKO KUTAKA DILEONARDO, wife of Salvatore Fred Dileonardo, and ORA MAY DILEONARDO, unmarried, as Joint Tenants

DATED : June 11, 2019

RECORDED : Document No. A-71940228

END OF SCHEDULE C

GENERAL NOTES

1. There is hereby omitted from any covenants, conditions and reservations contained herein any covenant or restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law. Lawful restrictions under state or federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

BUYER(S) LIEN INFORMATION

1. The Company finds no liens docketed against SEBASTIAN ZIETZ, the proposed purchaser(s).

GUIDELINES FOR THE ISSUANCE OF INSURANCE

- A. Taxes shown in Schedule B are as of the date such information is available from the taxing authority. Evidence of payment of all taxes and assessments subsequent to such date must be provided prior to recordation.
- B. Evidence of authority regarding the execution of all documents pertaining to the transaction is required prior to recordation. This includes corporate resolutions, copies of partnership agreements, powers of attorney and trust instruments.
- C. If an entity (corporation, partnership, limited liability company, etc.) is not registered in Hawaii, evidence of its formation and existence under the laws where such entity is formed must be presented prior to recordation.
- D. If the transaction involves a construction loan, the following is required:
 - (1) a letter confirming that there is no construction prior to recordation; or
 - (2) if there is such construction, appropriate indemnity agreements, financial statements and other relevant information from the owner, developer, general contractor and major sub-contractors must be submitted to the Company for approval at least one week prior to the anticipated date of recordation.

Forms are available upon request from the Company.

- E. Chapter 669, Hawaii Revised Statutes, sets forth acceptable tolerances for discrepancies in structures or improvements relative to private property boundaries for various classes of real property. If your survey map shows a position discrepancy that falls within the tolerances of Chapter 669, call your title officer as affirmative coverage may be available to insured lenders.
- F. The right is reserved to make additional exceptions and/or requirements upon examination of all documents submitted in connection with this transaction.
- G. If a policy of title insurance is issued, it will exclude from coverage all matters set forth in Schedule B of this report and in the printed Exclusions from Coverage contained in an ALTA policy or in the Hawaii Standard Owner's Policy, as applicable. Different forms may have different exclusions and should be reviewed. Copies of the policy forms are available upon request from the Company or on our website at www.tghawaii.com.
- H. Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

DATE PRINTED: 4/16/2021

STATEMENT OF ASSESSED VALUES AND REAL PROPERTY TAXES DUE

TAX MAP KEY

DIVISION ZONE SECTION PLAT PARCEL HPR NO.
(4) 4 9 013 013 0000

CLASS: AGRICULTURAL AREA ASSESSED: 17,860 SF

ASSESSED VALUES FOR CURRENT YEAR TAXES: 2020

The records of this division show the assessed values and taxes on the property designated by Tax Key shown above are as follows:

TOTAL ASSESSED VALUE \$ 113,700
TOTAL EXEMPTION \$ 0
TOTAL NET VALUE \$ 113,700

Installment (1 - due 8/20; 2 - due 2/20) Tax Info As Of - 8/20/2020

Tax Year	Installment	Tax Amount	Penalty Amount	Interest Amount	Other Amount	Total Amount	
2020	2	383.74				383.74	PAID
2020	1	383.74				383.74	PAID

The real property tax information provided is based on information furnished by the respective counties, is deemed reliable but not guaranteed, and no warranties are given express or implied. Billing and tax collection details may have changed. Please refer to the appropriate county real property tax offices for any further information or updates for the subject property.