

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

August 27, 2021

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

Oahu

Consent to Assign Applicant's 1/6 undivided interest in Certificate of Occupation No. 90-A, Raymond M. Judd, III, also known as Raymond M. Judd, Assignor, to Raymond M. Judd, Trustee of the Raymond M. Judd, III Family Land Trust, Assignee, Waiomao, Pukele, Palolo, Oahu, Tax Map Key: (1) 3-4-003:009.

APPLICANT:

Raymond M. Judd, III, also known as Raymond M. Judd, as Assignor, to Raymond M. Judd, Trustee of the Raymond M. Judd, III Family Land Trust, as Assignee.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waiomao situated at Pukele, Palolo, Oahu, identified by Tax Map Key: (1) 3-4-003:009, as shown on the attached map labeled Exhibit 1.

AREA:

1.183 acres, more or less.

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 CERTIFICATE OF OCCUPATION:

Nine hundred ninety-nine (999) years, commencing on April 19, 1919.

REMARKS:

On April 19, 1919, the Territory of Hawaii issued Certificate of Occupation No. 90-A to Mrs. Amelia King for 1.18 acres in Waiomao, Pukele, Palolo, Oahu, identified as TMK: (1) 3-4-003:009. Mrs. King passed away on October 20, 1939, and her entire interest vested through intestate succession in her daughter, Elizabeth K. Judd (nee Keonaona), as determined by decree in Civil No. 9000 on March 1, 1962.

Elizabeth Keonaona married Samuel H. Kahalewai on June 11, 1921. The marriage produced four children: Herman Harry, Carinthia, Myrna Hauani and Samuel, III. Samuel H. Kahalewai passed away on December 1, 1939. Elizabeth Kahalewai remarried and took the surname Judd. The marriage dissolved prior to Elizabeth Judd's death, with no children resulting from it. Elizabeth Judd passed away on June 22, 1967.

HRS 171-99(e) prescribed a precise order of descendants who could receive the lessee's interest in a 999-year Certificate of Occupation or Homestead Lease. In this case, Elizabeth Judd's interest vested in her four children upon her death, as she left no widower. Following the death of one of those children, Myrna Hauani Kahalewai on March 2, 1982, Myrna's undivided interest vested equally among her three surviving siblings.

In a letter dated March 23, 1983 to the City & County of Honolulu's Department of Finance, the Land Management Administrator noted that the Department's records would be updated to reflect the fact that the Certificate of Occupation now vested in Herman Harry Kahalewai, Carinthia Judd, and Samuel Kahalewai, III as joint tenants.

Herman Harry Kahalewai passed away on September 10, 2001, and Samuel Kahalewai III passed away on November 20, 2008. The status of both Herman's and Samuel's interest is undetermined at this time.

On December 9, 2016, the Board of Land and Natural Resources approved Carinthia Judd's assignment of her undivided 1/3 interest in Certificate of Occupation No. 90-A to her children, William H. K. Judd and Raymond M. Judd, III. Each child received an undivided 1/6 interest in Certificate of Occupation No. 90-A. A copy of the assignment is attached as Exhibit 2.

Applicant, Raymond M. Judd, III wishes to assign his 1/6 interest to himself as Trustee of the Raymond M. Judd, III Family Land Trust to ensure his children will be able to avoid probate proceedings. Mr. Judd created the Raymond M. Judd, III Family Land trust, which limits succession to direct descendants of Raymond M. Judd, III. A copy of the assignment is attached as Exhibit 3.

Staff has confirmed that the real property taxes are current.

Applicant 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.

RECOMMENDATION:

That the Board consent to the assignment of Applicant's undivided 1/6 interest in Certificate of Occupation No. 90-A from Raymond M. Judd, III, also known as Raymond M. Judd, as Assignor, to Raymond M. Judd, Trustee of the Raymond. M. Judd, III Family Land Trust as Assignee, subject to the following:

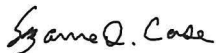
1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the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

Respectfully Submitted,



Andrew R. Tellio
Appraisal and Real Estate Specialist

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

(Revised May 1967)

PALOLO HOMESTEAD LEASES LOT II

Waiomao, Palolo Valley, Honolulu, Oahu, Hawaii

Scale: 1 inch = 50 feet

Total Number of Pages:
Tax Map Key No. (1) 3-4-003:009



Occupancy No. 90-A and the terms of the assignment, the former shall control; and further, that except as provided herein, this consent shall not in any manner be construed as varying in any respect the terms and conditions of the Certificate of Occupancy No. 90-A; and also that no further assignment of any interest under the Certificate of Occupancy No. 90-A shall be made without the written consent of the Board of Land and Natural Resources being first obtained and endorsed thereon.

IN WITNESS WHEREOF, the STATE OF HAWAII, by its Board of Land and Natural Resources, has caused the seal of the Department of Land and Natural Resources to be hereunto affixed and these presents to be duly executed this 5th day of July, 20 17.

STATE OF HAWAII

Approved by the Board of Land and Natural Resources at its meeting held on December 9, 2016.

By *Suzanne D. Case*
SUZANNE D. CASE
Chairperson
Board of Land and
Natural Resources

LESSOR

APPROVED AS TO FORM:

Amanda J. Weston
AMANDA J. WESTON
Deputy Attorney General

Dated: *June 15, 2017*



ORIGINAL

ASSIGNMENT OF CERTIFICATE OF OCCUPATION NO. 90-A, COVERING LOT 11, PALOLO HOMESTEADS

THIS ASSIGNMENT, made this 8 day of MARCH, 2018, by and between
RAYMOND M. JUDD, whose address is 1247 Ekaha Avenue, Honolulu, Hawai'i 96816,
Honolulu, Hawai'i 96816, hereinafter called the "Assignor," and RAYMOND M. JUDD, in his
capacity as trustee of the RAYMOND M. JUDD, III FAMILY LAND TRUST, dated 8 day of
MARCH, 2018, whose principal place of business is 2201 Ahe Place, Honolulu, Hawai'i
96816, hereinafter referred to as "Assignee,"

WITNESSETH:

WHEREAS, by the Certificate of Occupation No. 90-A issued to Mrs. Amilia King
on April 19, 1919, a copy of which is attached hereto as Appendix "A", and incorporated
herein by reference (the Lease), the Territory of Hawaii, as lessor, demised and leased to
Mrs. Amilia King, as lessee, Certificate of Occupation No. 90-A ("C.O. No. 90-A"), for 1.18
acres (comprised of 0.84 acres in Kula land and 0.34 acres in taro land) in Waiomao, Pukele,
Palolo, Oahu, identified as Tax Map Key No. (1) 3-4-03: 009, described in the Lease for
the term and use provided therein; and

WHEREAS, the lessor's interest in the Certificate of Occupation was assigned by
operation of law to the Department, pursuant to the Act of March 18, 1959, Pub. L. 86-3,
Section 5(b), 73 Stat 4 (1959); and

WHEREAS, 1/3 of Ms. King's interest passed through intestate succession to her
granddaughter, Carinthia K. Judd, assignor's mother; and

WHEREAS Carinthia K. Judd assigned her 1/3 interest in C.O. No. 90-A to her son
William H.K. Judd and Assignor in equal shares on September 22, 2016, as approved by the

Board of Land and Natural Resources at its meeting on December 9, 2016, the consent to which was executed on July 5, 2017, see Appendix "B" attached hereto; and

WHEREAS, Assignor currently holds a 1/6 interest in Certificate of Occupation No. 90-A and desires to assign and transfer all of his right, title and interest in and to the property, together with all existing improvements thereon, if any, to himself as trustee of the RAYMOND M. JUDD, III FAMILY LAND TRUST as permitted by Hawai'i Revised Statutes Section 171-99(e);

NOW THEREFORE, Assignor, does hereby, assign, transfer, set over and deliver to Assignees all of his right, title and interest under the Certificate of Occupation No. 90-A, more particularly described as follows:

Certificate of Occupation No. 90-A, for 1.18 acres in Waiomao, Pukele, Palolo Valley, Honolulu, Oahu, identified as Tax Map Key No. (1) 3-4-03: 009.

TO HAVE AND TO HOLD the same unto the Assignee, his successors and assigns, for the rest, residue and remainder of the term of the Certificate of Occupation, subject to all the terms, covenants, conditions and provisions therein contained and on the part of the occupier named in the Certificate of Occupation to be observed and performed, and subject also to any encumbrances hereinabove or hereinafter mentioned.

TOGETHER WITH all of the Assignor's estate, title and interest in and to Certificate of Occupation No. 90-A and the dwellings of all other improvements, rights, easements, privileges and appurtenances situated on, or built on, or used, occupied and enjoyed in connection with the Certificate of Occupation, if any, and the land thereby demised.

AND the Assignor, does hereby covenant and agree to and with the Assignee as follows: That the Certificate of Occupation is in full force and effect and not in default;

that the leasehold estate and interest are free and clear of and from all encumbrances made or suffered by said person other than those hereinabove or hereinafter mentioned, and real property taxes not yet by law required to be paid; that the Assignor has good right to sell and assign the leasehold estate and interest; that the Assignor will WARRANT AND DEFEND the title to the leasehold estate and interest created by the Certificate of Occupation unto the Assignee against the lawful claims and demands of all persons claiming by, through or under said person, except as mentioned hereinabove or hereinafter.

AND Assignee hereby acknowledges, verifies and confirms that Assignee has reviewed and fully understand all the material terms, covenants, and conditions of the Lease, and in consideration of the premises, do hereby promise, covenant and agree to and with the Assignor, and to and with the Department under the Certificate of Occupation, that Assignee will faithfully observe and perform all of the covenants and conditions contained in the Certificate of Occupation which are or ought to be observed and performed by the lessee therein named, and will at all times indemnify and save the Assignor harmless from and against the nonpayment of the rents and the nonobservance of the covenants and conditions contained in the Certificate of Occupation.

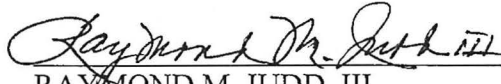
Assignee covenants to perform the terms and conditions under the Certificate of Occupation are premised on the assumption that Assignee has taken the time to review the Certificate of Occupation and have sought legal or other professional advice, if necessary, in order to fully understand all the terms, covenants and conditions which are contained in the Certificate of Occupation.

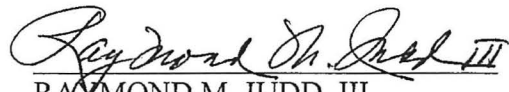
IT IS MUTUALLY AGREED that the terms "Assignor," and "Assignee," as and

when used hereinabove or herein below shall mean and include the masculine or feminine, the singular or plural number, and individuals, firms or corporations, and each of their respective successors and assigns, according to the context thereof, and that the covenant of any two or more persons herein shall be joint and several.

AND IT IS FURTHER MUTUALLY AGREED that this assignment is subject to the approval by the Board of Land and Natural Resources and that, upon such approval, this assignment shall be binding upon the parties hereto.

IN WITNESS WHEREOF, the undersigned executed this instrument as of the day and year first above-written.


RAYMOND M. JUDD, III
Assignor


RAYMOND M. JUDD, III
in his capacity as Trustee of the Raymond M. Judd,
III Family Land Trust
Assignee

STATE OF HAWAII

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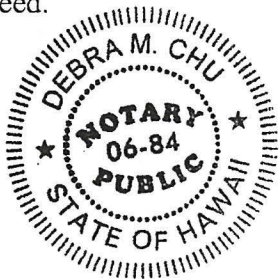
) SS:

CITY AND COUNTY OF HONOLULU

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On this 8th day of March, 2018, before me personally appeared

RAYMOND M. JUDD, III known to me to be the person described in and who executed the foregoing instrument and who furthermore acknowledged that she executed the same as her free act and deed.



Debra M. Chu

Notary Public, State of Hawai'i

Debra M. Chu

Printed Name of Notary

My Commission Expires: 2/19/2022

NOTARY CERTIFICATION

Document Date: 3/8/18 # Pages: 5 w/Exhibit A & B
Notary Name: Debra M. Chu First Circuit

Doc. Description: ASSIGNMENT OF HOMESTEAD
LEASE NO. 54

Debra M. Chu

Notary Signature

3/8/18

Date

