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

June 9, 2022

Board of Land and Natural Resources State of Hawaii Honolulu, Hawaii File No. 10735(K) Kauai

Issuance of Land Patent in Confirmation of Land Commission Award No. 5467 to Poopali, Heir of Manoha, situate at Nania, District of Waimea, Island of Kauai, Tax Map Key: (4)1-5-002: 023.

APPLICANT:

Jessamine S. McLaren, wife of Michael McLaren (Applicant).

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, designated as Tax Map Key: (4) 1-5-002: 023 (see attached Exhibit A), is comprised of the subject Land Commission Award No. 5467 to Poopali, Heir of Manoha, situate at Nania, District of Waimea, Island of Kauai, 0.35 acre (15,255 square feet), more or less, as shown on Exhibit B.

DCCA VERIFICATION:

Not applicable. Applicant, as landowner, is not required to register with the Department of Commerce and Consumer Affairs.

APPLICANT REQUIREMENTS:

Applicant has furnished a copy of a Preliminary Title Report as discussed below and as shown on Exhibit C.

REMARKS:

Applicant applied for the issuance of land patent in confirmation of Land Commission Award No. 5467 to Poopali, Heir of Manoha, which includes her private property designated as Tax Map Key: (4) 1-5-002: 023. 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 5467 was adjudicated as free and clear of commutation to Poopali, Heir of Manoha on May 5, 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.

Applicant has provided a copy of a Preliminary Title Report dated November 16, 2021, prepared by Old Republic Title & Escrow of Hawaii reflecting Applicant as one the owners of the subject property. By Warranty Deed dated January 27, 2022, recorded as Document No. A-80700414, the acquisition of title to the same is confirmed in Michael McLaren and Jessamine S. McLaren, husband and wife, and Tevake McLaren, a single man, as Joint Tenants.

Applicant's property, designated as Tax Map Key: (4) 1-5-002: 023, is comprised of 0.35 acre (15,255 square feet), more or less, and the Applicant has requested that a patent be issued on the whole of Land Commission Award 5467 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 were requested from the Office of Hawaiian Affairs (OHA) were requested 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 Land Commission Award No. 5467 to Poopali, Heir of Manoha, subject to the following:

- 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:

Sgame Q. Case

RT

Suzanne D. Case, Chairperson

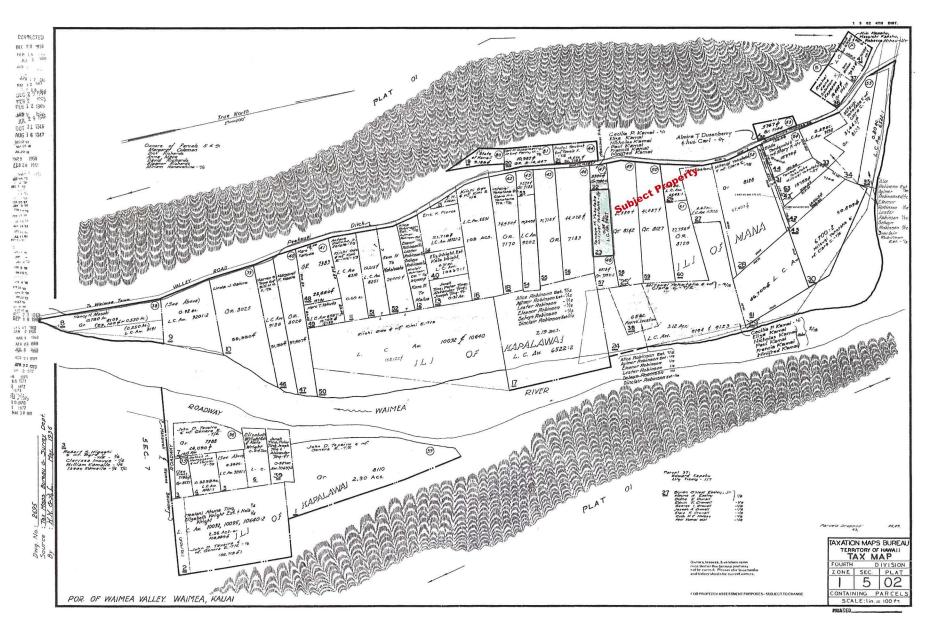
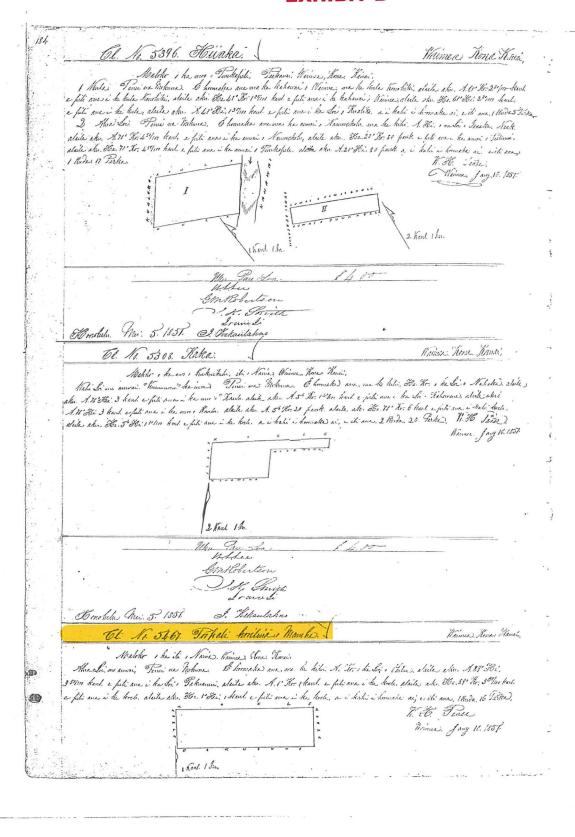


EXHIBIT A

10735(K)

EXHIBIT B



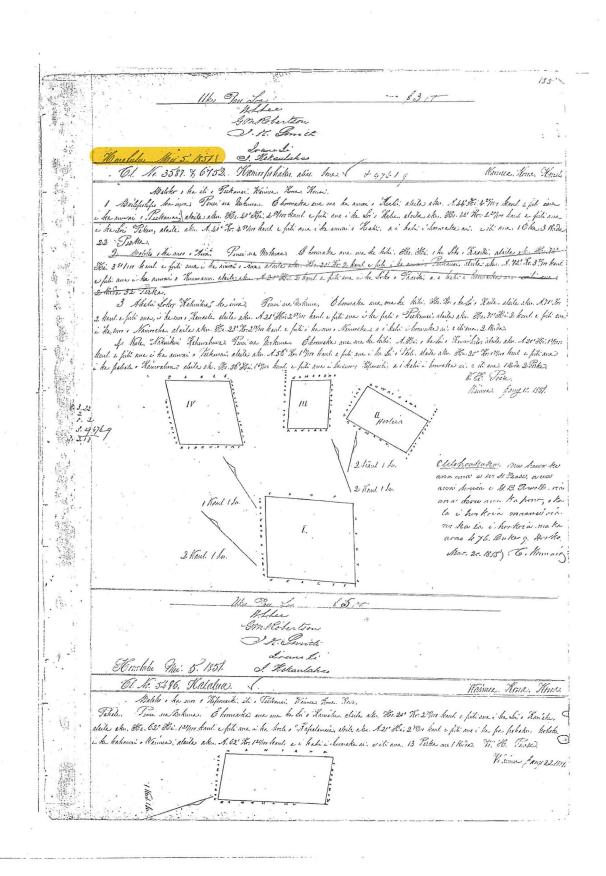


EXHIBIT C



OLD REPUBLIC Title & Escrow of Hawaii

Will Any Of These Situations Affect your Transaction?

- 1. Are your principals exchanging this property?
- 2. Will your principals be using a power of attorney?
- 3. Are any of the parties on title deceased?
- 4. Has there been a change of marital status?
- 5. Do any of the parties signing NOT have a photo ID or Driver's License?
- 6. Will there be a new entity formed (e.g. Partnership or Corporation)?
- 7. Have any of the principals recently filed bankruptcy?
- 8. Are the sellers of this property not residents of the State of Hawaii?
- 9. Are any of the principals minors?
- 10. Is this commercial property?

If you answered "yes" to any of these questions, Please contact your escrow officer.



3176 Poipu Road, Unit 3 Koloa, HI 96756 (808) 742-1494 Fax: (808) 356-0385

PRELIMINARY REPORT

Our Order Number 6822003996-RK

COLDWELL BANKER ISLAND PROPERTIES -KAUAI 2360 Kiahuna Plantation Drive Unit C Koloa, HI 96756

Customer Reference 6822003996-RK

Attention: SHANNON FRENCH

When Replying Please Contact:

Buyer:

JESSAMINE MCLAREN MICHAEL MCLAREN TEVAKE MCLAREN Escrow Officer rkeoho@ortc.com (808) 742-1494

Rochelle Keoho

Property Address:

Menehune Road, Waimea, HI 96796

In response to the above referenced application for a policy of title insurance, OLD REPUBLIC TITLE & ESCROW OF HAWAII, as issuing Agent of Old Republic National Title Insurance Company, hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit I attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit I of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of November 16, 2021, at 8:00 AM

OLD REPUBLIC TITLE & ESCROW OF HAWAII

For Exceptions Shown or Referred to, See Attached

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OLD REPUBLIC TITLE & ESCROW OF HAWAII ORDER NO. 6822003996-RK

The form of policy of title insurance contemplated by this report is:

CLTA Standard Coverage Policy -1990. A specific request should be made if another form or additional coverage is desired.

The estate or interest in the land hereinafter described or referred or covered by this Report is:

Fee Simple

Title to said estate or interest at the date hereof is vested in:

MITSUGI YOKOTAKE, Trustee under that certain unrecorded Revocable Living Trust Agreement dated June 25, 1996, with full powers to sell, convey, mortgage, lease, etc., as to an undivided 1/2 interest and

CLARA N. L. YOKOTAKE also known as CLARA C. YOKOTAKE, Trustee under that certain unrecorded Revocable Living Trust Agreement dated June 25, 1996, with full powers to sell, convey, mortgage, lease, etc., as to an undivided 1/2 interest,

The land referred to in this Report is situated in the State of Hawaii, and described as follows:

See Legal Description Exhibit.

At the date hereof exceptions to coverage in addition to the Exceptions and Exclusions in said policy form would be as follows:

1. Taxes and assessments, general and special, which are a lien, whether due, payable, delinquent or otherwise, for the fiscal year 2021 - 2022:

Tax Map Key

: 4-1-5-002-023

- 2. Mineral and water rights of any nature in favor of the State of Hawaii.
- 3. Matters arising out of the failure of a patent to have issued on Land Commission Award 5467 to Poopali heir of Manoha. The Company assumes no obligation to procure any patent or to pay commutation, if any, which may be owed thereon.

OLD REPUBLIC TITLE & ESCROW OF HAWAII ORDER NO. 6822003996-RK

4. Terms and provisions as contained in an instrument,

Entitled : NOTICE OF DEDICATION

Dated : March 6, 2000

Recorded : in the Bureau of Conveyances, State of Hawaii, as Document No.

2000-032490

for agriculture purposes for a period 10 years

5. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : DESIGNATION OF EASEMENT

Granted To : MITSUGI YOKOTAKE and CLARA C. YOKOTAKE, husband and wife

Dated : March 7, 2006

Recorded : March 14, 2006 in the Bureau of Conveyances, State of Hawaii, as

Document No. 2006-048490

6. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : CONFIRMATION AND RATIFICATION OF DESIGNATION OF

EASEMENT BY TRUSTEES

Granted To : MITSUGI YOKOTAKE, as Trustee of the Mitsugi Yokotake Revocable

Living Trust dated June 25, 1996 and CLARA C. YOKOTAKE, as Trustee of the Clara N. L. Yokotake, aka Clara C. Yokotake Revocable

Living Trust dated June 25, 1996

Dated : June 2, 2006

Recorded : June 8, 2006 in the Bureau of Conveyances, State of Hawaii, as

Document No. 2006-106315

- 7. Terms and provisions contained in the certain unrecorded Revocable Living Trust Agreement dated June 25, 1996, as disclosed in QUITCLAIM DEED INTO TRUST, recorded July 10, 2006, in the Bureau of Conveyances, State of Hawaii, as Document No. 2006-125827
- 8. The requirement that this Company be provided with a suitable Owner's Declaration (form ORT 174). The Company reserves the right to make additional exceptions and/or requirements upon review of the Owner's Declaration.

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OLD REPUBLIC TITLE & ESCROW OF HAWAII ORDER NO. 6822003996-RK

----- Informational Notes -----

- A. There is hereby omitted from any covenants, conditions, restrictions, reservations, agreements, obligations, easements and other provisions, any covenants or restrictions, if any, based upon race, color, religion, sex, including gender identity or expression, sexual orientation, handicap, disability, age, marital status, familial status, national origin, ancestry, source of income, etc., as set forth in applicable state or federal law, unless and only 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.
- B. NOTE: According to the public records, there have been no deeds conveying the property described in this report recorded within a period of 36 months prior to the date hereof except as follows:

NONE

- C. We find no open Mortgages. A written statement must be provided by the current owner(s) attesting to whether any outstanding Mortgages exist.
- D. Short Term Rate ("STR") does not apply.

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ORDER NO.: 6822003996-RK

LEGAL DESCRIPTION EXHIBIT

The land referred to in this Report is situated in the State of Hawaii, and described as follows:

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 5467 to Poopali heir of Manoha) situate, lying and being at Nania, District of Waimea, Island and County of Kauai, State of Hawaii, and thus bounded and described as per survey dated January 16, 2006, to-wit:

Beginning at the Southeast corner of this parcel of land, being the Southwest corner of Lot 48, Government Remnants, on the north boundary of Lot 46, Government Remnants, the coordinates of which referred to Government Survey Triangulation Station, "TRANSIT OF VENUS" being feet 7,068.4 North and 3,638.28 feet East and running by azimuths measured clockwise from True South:

1.	99°	25'	229.36	feet along Lot 46, Government Remnants;
2.	187°	00'	62.12	feet along Lot 47, Government Remnants;
3.	277°	20'	231.00	feet along Lot 49, Government Remnants;
4.	8°	30'	70.47	feet along Lot 48, Government Remnants to
			r	the point of beginning and containing an
				area of 15,255 square feet, more or less.

Together with Easement "AU-2", 15 feet wide, for access and utility purposes, as granted by instrument dated March 7, 2006, recorded as Document No. 2006-048490; and subject to the terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained therein. Said easement being more particularly described as follows:

All of that certain parcel of land being an Easement "AU-2", 15.00 feet wide, for access and utility purposes, affecting Grant 7183 to Kua Papiohuli, being Lot 46, at Waimea Valley, Kauai, Hawaii and more particularly described as follows:

Beginning at the Northwest corner of this parcel of land, being the Southwest corner of Lot 47, Government Remnant, being also the Northwest corner of Lot 46, on the East side of Valley Road, the coordinates of which referred to Government Survey Triangulation Station, "TRANSIT OF VENUS" being 7,120.4 feet North and 3,324.6 feet East and running by azimuths measured clockwise from True South:

1. 279° 25' 347.91 feet along Lot 47, Government Remnant

and L.C. Aw. 5467 to Manoha and Lot 48,

Government Remnant;

2.	9°	25'		15.00	feet over and across Lot 46;
3.	99°	25'	ŧ	347.02	feet over and across Lot 46;
4.	186°	00'		15.03	feet along Valley road to the point of
					beginning and containing an area of 5,212
					square feet, more or less.

Being all the property described in the following:

(A) QUITCLAIM DEED

Recorded

August 20, 1968 in the Bureau of Conveyances, State of Hawaii, in

Book 6187, Page 422

Grantor

: YUTAKA YOKOTAKE and TAMAYO MICHIHARA YOKOTAKE, husband

and wife

Grantee

TAMAYO MICHIHARA YOKOTAKE and MITSUGI YOKOTAKE, as Joint

Tenants

(B) QUITCLAIM DEED INTO TRUST

Recorded

July 10, 2006 in the Bureau of Conveyances, State of Hawaii, in

Document No. 2006-125827

Grantor

: MITSUGI YOKOTAKE, husband of Clara C. Yokotake

Grantee

MITSUGI YOKOTAKE, Trustee under that certain unrecorded

Revocable Living Trust Agreement dated June 25, 1996, as to an undivided 1/2 interest, and CLARA N. L. YOKOTAKE also known as CLARA C. YOKOTAKE, Trustee under that certain unrecorded

Revocable Living Trust Agreement dated June 25, 1996, as to an

undivided 1/2 interest

Exhibit I

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990 (11/09/18) EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses which arise by reason of:

- 1. (a) Any law, ordinance, or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the land;
 - (ii) the character, dimensions, or location of any improvement now or hereafter erected on the land;
 - (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or
 - (iv) environmental protection; or the effect of any violation of these laws, ordinances, or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
 - (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- 2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
- 3. Defects, liens, encumbrances, adverse claims, or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
- 4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing-business laws of the state in which the land is situated.
- 5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
- 6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE SCHEDULE B - PART I

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses which arise by reason of:

- 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
 - Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- 2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
- 3. Easements, liens or encumbrances, or claims thereof, not shown by the public records.
- 4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
- 6. Any lien or right to a lien for services, labor or material unless such lien is shown by the public records at Date of Policy.



FACTS

WHAT DOES OLD REPUBLIC TITLE DO WITH YOUR PERSONAL INFORMATION?

Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.
	The types of personal information we collect and share depend on the product or service you have with us. This information can include:
What?	 Social Security number and employment information Mortgage rates and payments and account balances Checking account information and wire transfer instructions
	When you are <i>no longer</i> our customer, we continue to share your information as described in this notice.
How?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Old Republic Title chooses to share; and whether you can limit this sharing.

Reasons we can share your personal information	Does Old Republic Title share?	Can you limit this sharing?
For our everyday business purposes — such as to process your transactions, maintain your account(s), or respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes — to offer our products and services to you	No	We don't share
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness	No	We don't share
For our affiliates to market to you	No	We don't share
For non-affiliates to market to you	No	We don't share

Go to www.oldrepublictitle.com (Contact Us)

Who we are	
Who is providing this notice?	Companies with an Old Republic Title name and other affiliates. Please see below for a list of affiliates.

What we do			
How does Old Republic Title protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. For more information, visit https://www.oldrepublictitle.com/privacy-policy		
How does Old Republic Title collect my personal information?	 We collect your personal information, for example, when you: Give us your contact information or show your driver's license Show your government-issued ID or provide your mortgage information Make a wire transfer We also collect your personal information from others, such as credit bureaus, affiliates, or other companies. 		
Why can't I limit all sharing?	 Federal law gives you the right to limit only: Sharing for affiliates' everyday business purposes - information about your creditworthiness Affiliates from using your information to market toyou Sharing for non-affiliates to market toyou State laws and individual companies may give you additional rights to limit sharing. See the State Privacy Rights section location at https://www.oldrepublictitle.com/privacy-policy for your rights under state law. 		

Definitions	
Affiliates	Companies related by common ownership or control. They can be financial and nonfinancial companies. • Our affiliates include companies with an Old Republic Title name, and financial companies such as Attorneys' Title Fund Services, LLC, Lex Terrae National Title Services, Inc., Mississippi Valley Title Services Company, and The Title Company of North Carolina.
Non-affiliates	Companies not related by common ownership or control. They can be financial and non-financial companies. • Old Republic Title does not share with non-affiliates so they can market to you
Joint marketing	A formal agreement between non-affiliated financial companies that together market financial products or services to you. • Old Republic Title doesn't jointly market.

American First Title & Trust Company	American Guaranty Title Insurance Company	Attorneys' Title Fund Services, LLC	Compass Abstract, Inc.	eRecording Partners Network, LLC
Genesis Abstract, LLC	Guardian Consumer Services, Inc.	iMarc, Inc.	Kansas City Management Group, LLC	L.T. Service Corp.
Lenders Inspection Company	Lex Terrae National Title Services, Inc.	Lex Terrae, Ltd.	Mississippi Valley Title Services Company	National Title Agent's Services Company
Old Republic Branch Information Services, Inc.	Old Republic Diversified Services, Inc.	Old Republic Escrow of Vancouver, Inc.	Old Republic Exchange Company	Old Republic National Ancillary Services, Inc.
Old Republic National Commercial Title Services, Inc.	Old Republic Title and Escrow of Hawaii, Ltd.	Old Republic National Title Insurance Company	Old Republic Title Company	Old Republic Title Companies, Inc.
Old Republic Title Company of Conroe	Old Republic Title Company of Indiana	Old Republic Title Company of Nevada	Old Republic Title Company of Oklahoma	Old Republic Title Company of Oregon
Old Republic Title Company of St. Louis	Old Republic Title Company of Tennessee	Old Republic Title Information Concepts	Old Republic Title Insurance Agency, Inc.	Old Republic Title, Ltd.
RamQuest Software, Inc.	Republic Abstract & Settlement, LLC	Sentry Abstract Company	Surety Title Agency, Inc.	The Title Company of North Carolina
Trident Land Transfer Company, LLC				

