

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawai'i 96813

August 26, 2022

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Kaua'i

Consent to Assign General Lease No. SP0161, Karen Marie Bellavita, Assignor, to, Michelle Rose, Assignee, Lot 51, Kōke'e Camp Lots, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4)1-4-003:017

APPLICANT:

Karen Marie Bellavita, Assignor, to Michelle Rose, Assignee

LEGAL REFERENCE:

Section 171-36(a)(5), Hawai'i Revised Statutes, as amended.

LOCATION:

Lot 51, Kōke'e Camp Lots, Waimea (Kona), Kaua'i, Hawai'i, Tax Map Key: (4)1-4-003:017 as shown on the attached legal description and survey map labeled **EXHIBIT A.**

AREA:

0.58 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawai'i Admission Act
DHHL 30% entitlement lands pursuant to the Hawai'i State Constitution: NO

CHARACTER OF USE:

Recreation residence.

TERM OF LEASE:

Twenty (20) years, commencing January 1, 2009, and expiring on December 31, 2028. One rental reopening in 2019.

ITEM E-1

CURRENT ANNUAL RENTAL:

Nine thousand five hundred dollars (\$9,500.00) annually due on the first of every January.

SECURITY DEPOSIT:

One year of the current annual rental amount, nine thousand five hundred dollars (\$9,500.00).

CONSIDERATION:

No consideration.

APPLICANT REQUIREMENTS:

Applicant/Assignee shall prepare and submit fully executed assignment of lease and meet other requirements as described herein.

BACKGROUND:

On July 22, 2009, Item E-13, the Board approved the consent to assign General Lease no. SP0161, Assignors Waiyee Carmen Wong and Samuel R. Blair to Assignees Daniel Hempey and Patricia Hempey.

At its February 14, 2014 meeting, the Board approved Item E-2 the consent to assign General Lease no. SP0161, Daniel Hempey and Patricia Hempey, Assignors, to Karen Marie Bellavita and amendment to correct the termination date to read December 31, 2028.

By way of a letter dated May 16, 2022, attached as **Exhibit B**, the office of De Costa Hempey Attorneys at Law LLC, attorney for Karen Marie Bellavita, had informed State Parks that Ms. Bellavita seeks to assign General Lease SP0161 to proposed Lessee Michelle Rose.

Lessee is in compliance with the lease terms and conditions. Assignee 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. There have been no prior defaults.

No agency or community comments were solicited. There are no pertinent issues or concerns. Assignee will submit upon the Board's approval, a security deposit in the amount requested by Staff.

RECOMMENDATION:

That the Board:

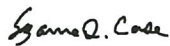
1. Approve the request to Consent to Assign General Lease No. SP0161, Karen Marie Bellavita, Assignor, to, Michelle Rose, Assignee, Lot 51, Kōke'e Camp Lots, Waimea (Kona), Kaua'i, Hawai'i, TMK: (4)1-4-003:017
2. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time.
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



CURT A. COTTRELL
Administrator
Division of State Parks

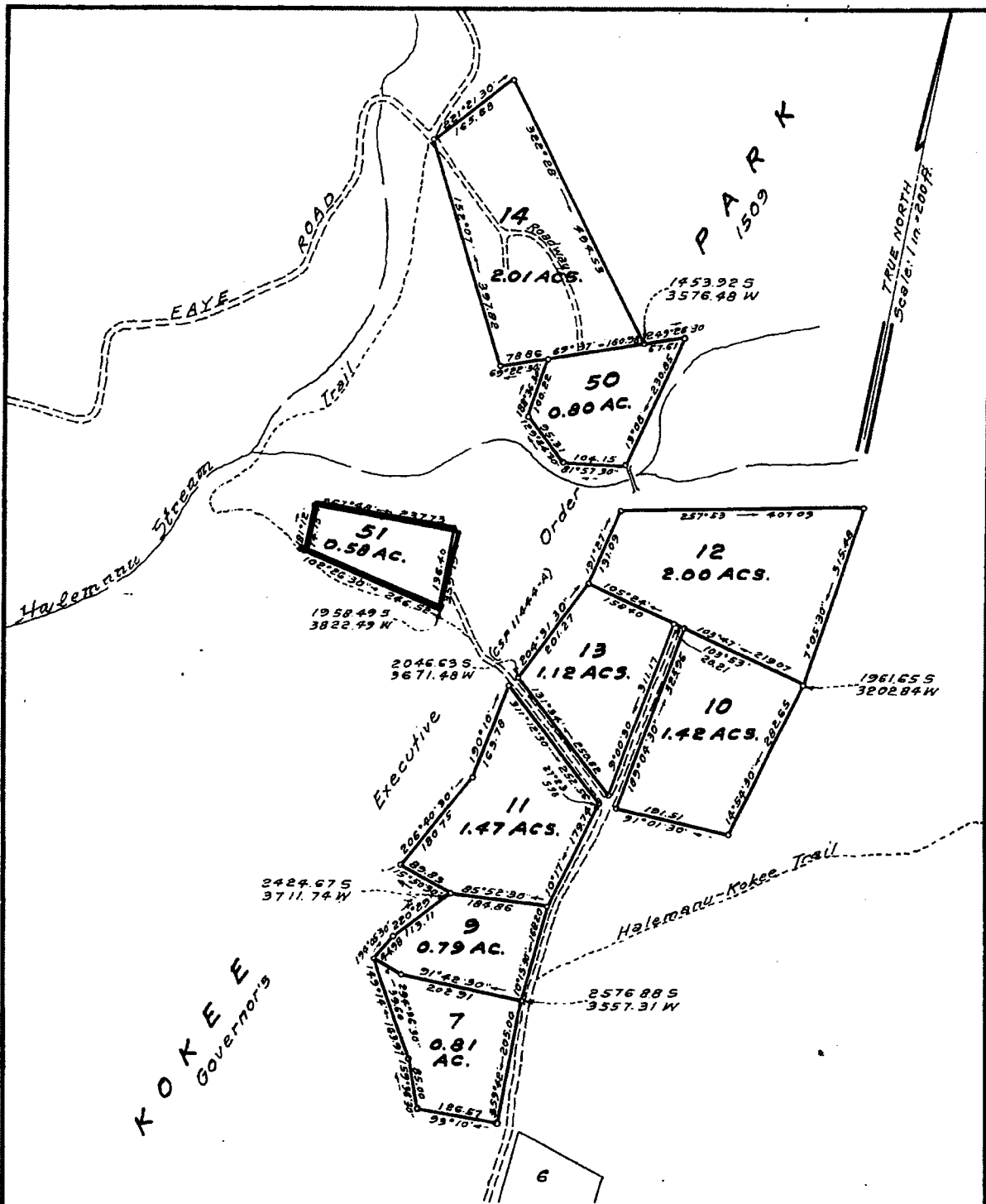
APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

ATTACHMENTS:

- EXHIBIT A – Location
EXHIBIT B – Affidavit of Request of Lease Transfer



KOKEE CAMP SITE LOTS
LOTS 7, 9, 10, 11, 12, 13, 14, 50 AND 51
 Waimea, (Kona) Kauai, Hawaii.
 Scale: 1 inch = 200 feet

JOB K-3626
 C. BK

All corners marked with pipes
 Coordinates referred to KOKEE 'A

TAX MAP 1-4-04
 KAUAI FILE
 FOLDER 3

SURVEY DIVISION
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

EXHIBIT A

A.T. Nov. 2, 1968

AFFIDAVIT OF KAREN MARIE BELLAVITA

STATE OF CALIFORNIA)
) SS
COUNTY OF VENTURA)

I, KAREN MARIE BELLAVITA, being first duly sworn on oath, depose and say:

1. I am the named Lessee in General Lease No. SP-0161 (re: Kōke'e cabin, Waimea (Kona), Kaua'i, Hawai'i, TMK No. (4) 1-4-003:017) ("the Lease");
2. My physical and mailing address is 519 West Eucalyptus Street, Ojai, CA 93023;
3. I am in the process of requesting consent and approval from the Board of Natural Land and Resources to assign the Lease to Michelle Rose, whose mailing address is P.O. Box 1344, Kilauea, HI 96754-1344; and
4. If/when the Board of Land and Natural Resources approves the proposed Assignment of Lease, no valuable consideration or money will be exchanged between myself, as Assignor, and the proposed Assignee, Michelle Rose, for the Assignment of Lease.

FURTHER AFFIANT SAYETH NAUGHT.

DATED: April 8, 2022.

Karen Marie Bellavita
KAREN MARIE BELLAVITA

~~Subscribed and sworn to before me
this _____ day of _____, 202__.~~

~~_____
Notary Public, State of _____~~

~~_____
Printed Name of Notary Public~~

~~My commission expires: _____~~

**California Notarial
Loose Certificate Attached**

EXHIBIT B

CALIFORNIA JURAT

GOVERNMENT CODE § 8202



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

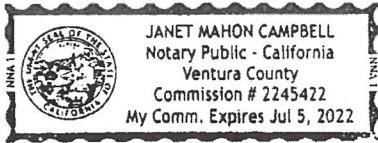
County of Ventura

Subscribed and sworn to (or affirmed) before me on this 8th day of April, 2022, by
Date Month Year

(1) Karen Marie Bellavita

(and (2) _____),
Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



Place Notary Seal and/or Stamp Above

Signature [Signature]
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Affidavit of Request for lease transfer

Document Date: 4-8-2022 Number of Pages: 1

Signer(s) Other Than Named Above: none

