

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

Forfeiture of General Lease No. SP0123, Judith Matthews and Ellen Gallimore-White, Lot 29, Pu'u Ka Pele Park Lots, Waimea, Kona, Kaua'i, Hawai'i, TMK: (4)1-4-002:010

PURPOSE:

Forfeiture of General Lease No. SP0123, Judith Matthews and Ellen Gallimore-White, Lessee.

LEGAL REFERENCE:

Section 171-39, Hawaii Revised Statutes, as amended.

LOCATION:

Government lands of Lot 29, Pu'u Ka Pele Park Lots, Waimea, Kona, Kaua'i, Hawai'i, Tax Map Key: (4)1-4-002:010, as shown on the attached map labeled Exhibit A.

AREA:

1.0 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: NO

CHARACTER OF USE:

Recreation – residence purposes.

TERM OF LEASE:

Twenty (20) years, commencing January 1, 2009, and expiring on December 31, 2028.

ANNUAL RENTAL:

\$5,500.00 due annually on January 1 of each year.

REMARKS:

Pursuant to the authority granted the Chairperson by the Board of Land and Natural Resources at its meeting of July 25, 2008, and the breach provision contained in General Lease SP0123, Judith Matthews and Ellen Gallimore-White, Lessee, was served a Notice of Default (NOD) on numerous occasions since 2019.

As of August 11, 2022, Lessee has not contacted Staff to make payment. All letters sent to the lessee and of interest were certified mail return request receipt. Below is the breakdown of the history of the lessee:

March 22, 2019 NOD for failure to pay rent and water charges and late fees. Failure to provide liability and fire insurance. Lessee was given 30 days for cure. Said notice, returned by the USPS on April 15, 2019.

October 19, 2021 NOD for failure to pay rent and water charges and late fees. Failure to provide liability and fire insurance. Lessee was given 30 days for cure. Said notice, returned by the USPS on November 21, 2021.

January 3, 2022 NOD for failure to pay rent and water charges. Failure to provide liability and fire insurance. Lessee was given 30 days for cure. Said notice, returned by the USPS on February 2, 2022, and May 19, 2022.

Staff's recommendation is to terminate the current Lease's with Judith Matthews and Ellen Gallimore-White.

RECOMMENDATION:

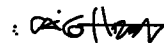
That the Board:

1. Authorize the cancellation of General Lease No. SP0123, in the manner specified by law;

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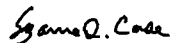
2. Authorize the retention of all sums heretofore paid or pledged under General Lease No. SP0123 to be applied to any past due amounts;
3. Terminate the lease and all rights of Lessee and all obligations of the Lessor effective as of August 26, 2022, provided that any and all obligations of the Lessee which have accrued up to said effective date or which are stated in the lease to survive termination shall endure past such termination date until duly fulfilled, and further provided that Lessor reserves all other rights and claims allowed by law; and
4. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under General Lease No. SP0123 and to pursue all other rights and remedies as appropriate.

Respectfully submitted,



CURT A. COTTRELL
Administrator
Division of State Parks

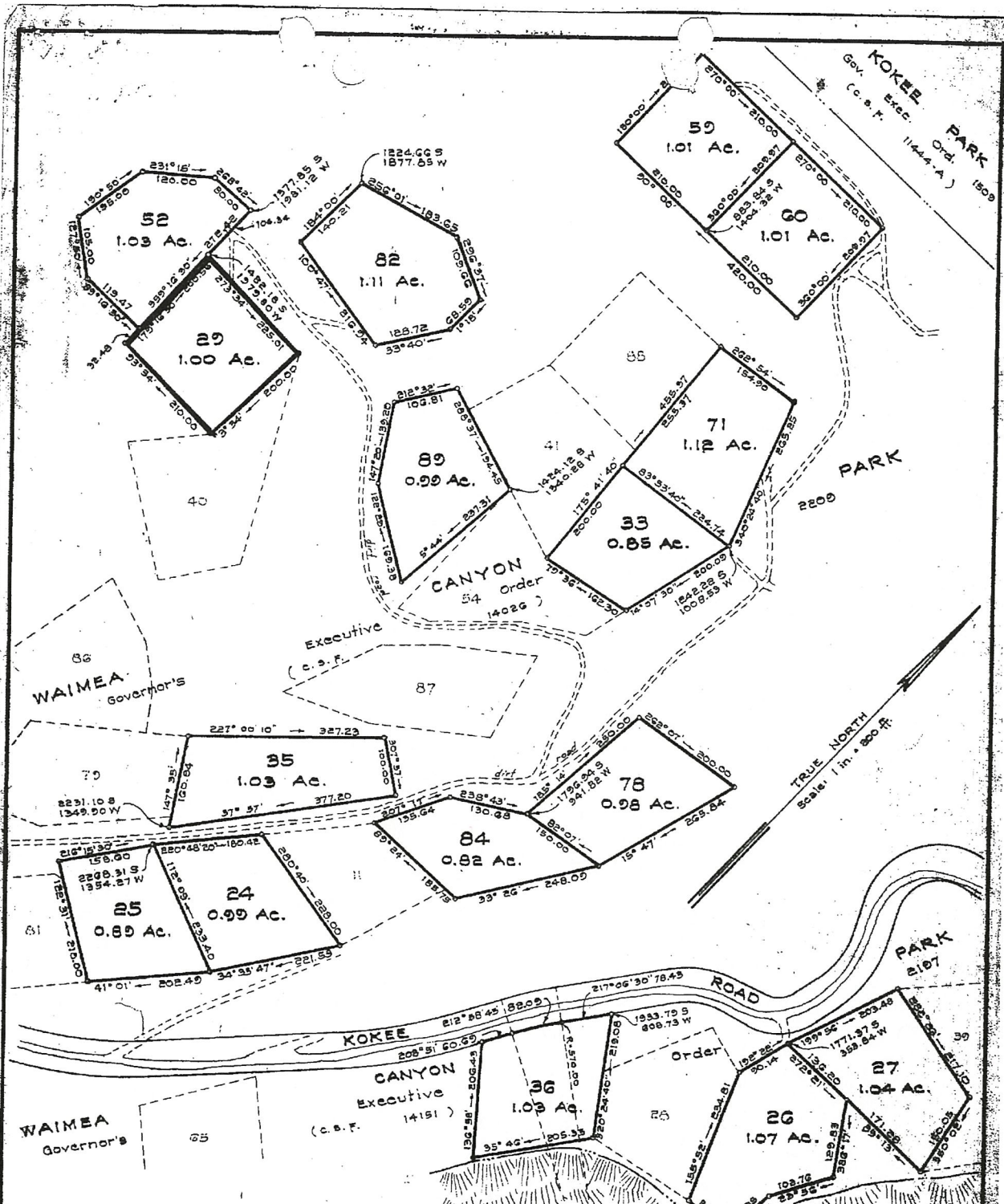
APPROVED FOR SUBMITTAL:



SUZANNE D. CASE
Chairperson
Board of Land and Natural Resources

ATTACHMENTS:

EXHIBIT A – Location



(Revised November 1967)
PUI KA PELE PARK LOTS
 LOTS 24, 25, 26, 27, 29, 33, 35, 36,
 52, 59, 60, 71, 78, 82, 84 AND 89
 Waimea (Kona), Kauai, Hawaii
 Scale: 1 inch = 200 feet

PUI KA PELE FOREST RESERVE
 Governor's Proclamation dated December 31, 1918.

EXHIBIT "B"

JOB No. K-3711
 C. B. K. I. B. M. Folder 1 (Kauai)

All lot corners marked with pipes.
 October 1967, A.T., A.I. and J.C. Jr.
 Coordinates referred to HALE 2' Δ

TAX MAP 1-4-02
 Sheet 3 of 3 Sheets
KAUAI FILE FOLDER 2

SURVEY DIVISION
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

EXHIBIT A

C.S.O. Nov 27, 1967

