

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

December 8, 2022

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

Kaua'i

Consent to Assign General Lease No. SP0460, Yvette Scribner, Assignor, to, Yvette Scribner and Mark Scribner, Assignees, Lot 47, Pu'u Ka Pele Park Lots, Waimea (Kona), Kaua'i, Tax Map Key: (4)1-4-002:034

APPLICANT:

Yvette Scribner, Assignor, to, Yvette Scribner and Mark Scribner, husband and wife, Assignees.

LEGAL REFERENCE:

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

LOCATION:

Lot 47, Pu'u Ka Pele Park Lots, Waimea (Kona), Kaua'i, Tax Map Key: (4)1-4-002:034, as shown on the attached legal description and survey map labeled **EXHIBIT A.**

AREA:

1.15 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, 2012, and expiring on December 31, 2031. There was one rental reopening on the tenth year.

ANNUAL RENTAL:

Seven thousand six hundred and no/dollars (\$7,600.00) annually due on the first of every January.

CONSIDERATION:

Yvette Scribner attests a sum of Ten Dollars (\$10.00) compensation was given for the assignment of the lease per the attached affidavit labeled **EXHIBIT B**.

RECOMMENDED PREMIUM:

Not applicable for the assignment of this lease.

APPLICANT REQUIREMENTS:

Applicant/Assignee shall prepare and submit a fully executed Assignment of Lease and meet other requirements as deemed to best serve the interest of the State.

REMARKS:

At its meeting of June 9, 2011, under agenda item E-2, the Board of Land and Natural Resources (Board), approved the sale of 18 leases at public auction for recreational residence pursuant to Act 223 (2008) by way of a three-tiered public auction. On December 8, 2011, Yvette Scribner was selected as the highest bid for Lot 47.

By way of a letter dated October 21, 2022, with a copy of the Assignment of General Lease No. SP0460, attached as **EXHIBIT B**, from the Applicant's attorney, State Parks was informed that Mrs. Scribner would like to assign the lease from Yvette Scribner, Assignor, to Yvette Scribner and Mark Scribner, husband and wife, Assignees.

Lessees are in compliance with the rent as well as the liability insurance required pursuant to the terms of the lease.

Assignees 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.

No comments have been solicited or received from any agency or the community. Staff has no objections to this request.

RECOMMENDATION:

That the Board:

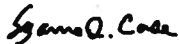
1. Approve the request to Consent to Assign General Lease No. SP0460, Yvette Scribner, Assignor, to Yvette Scribner and Mark Scribner, husband and wife, Assignees subject to the terms above which are hereby incorporated by reference and further subject to the following:
 - a. The standard terms and conditions of the most current consent and/or amendment to lease forms, as may be amended from time to time.
 - b. Review and approval by the Department of the Attorney General; and,
 - d. 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 – Legal Description and Survey Map
EXHIBIT B – Assignment of Lease



STATE OF HAWAII

SURVEY DIVISION
DEPT. OF ACCOUNTING AND GENERAL SERVICES
HONOLULU

KAUAI FILE
FOLDER 2
C.S.F. No.

November 27, 1967

(Revised - November, 1967)

PUU KA PELE PARK LOTS

LOT 47

Waimea (Kona), Kauai, Hawaii

Being a portion of Waimea Canyon Park
(Governor's Executive Order 2209)

Beginning at the southeast corner of this lot, the
coordinates of said point of beginning referred to Government
Survey Triangulation Station "HALE 2" being 3340.08 feet South
and 2656.96 feet West, thence running by azimuths measured
clockwise from True South:-

1. 68° 05' 268.53 feet along remainder of Waimea Canyon
Park (Governor's Executive Order
2209) and Lot 61 of Puu Ka Pele
Park Lots;
2. 173° 09' 249.01 feet along remainder of Waimea Canyon
Park (Governor's Executive Order
2209);
3. 269° 36' 226.45 feet along remainder of Waimea Canyon
Park (Governor's Executive Order
2209);
4. 335° 38' 134.09 feet along Lot 72 of Puu Ka Pele Park
Lots;
5. 6° 21' 26.60 feet along remainder of Waimea Canyon
Park (Governor's Executive Order
2209), to the point of beginning
and containing an Area of 1.15
Acres.

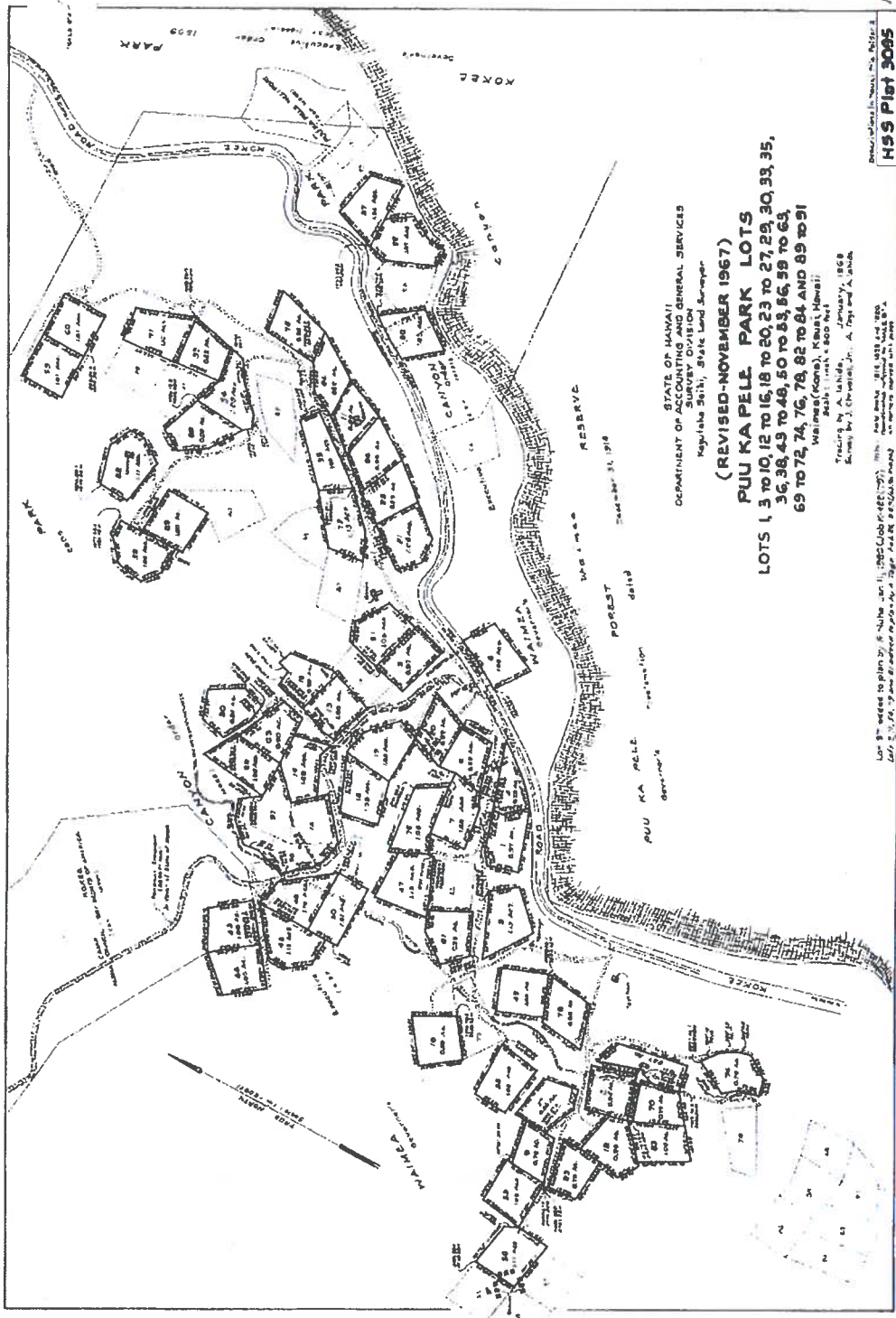
SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

Compiled from Survey
by J. Chrystal, Jr.,
A. Ishida and Gov't.
Survey Records.

By: Akira Ishida
Akira Ishida
Land Surveyor

rum

EXHIBIT A



STATE OF HAWAII
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 SURVEY DIVISION
 Kapilaha Seih, State Land Surveyor

(REVISED-NOVEMBER 1967)

PUU KA PELE PARK LOTS
 LOTS 1, 3 TO 10, 12 TO 16, 18 TO 20, 23 TO 27, 29, 30, 33, 35,
 36, 38, 43 TO 48, 50 TO 53, 56, 59 TO 63,
 69 TO 72, 74, 76, 78, 82 TO 84 AND 89 TO 91

Waimea (Kona), Kona, Hawaii
 Sub 1 (1000 x 800 feet)

Tracing by A. L. Loh, Jr., January, 1968
 Survey by J. C. Overton, Jr., A. L. Loh, A. L. Loh

Lot 91 added to plan by S. H. Loh, Jr. (1965) (Lot 91-487-77). This plan shows 315 lots, 142 of which are in Sub 1, 173 in Sub 2 and 100 in Sub 3. The total area of the park is 1,000 acres, 100 of which are in Sub 1, 173 in Sub 2 and 100 in Sub 3.

Division of Land and Natural Resources
H55 Plot 3085

ST-10-687 10/70

AFTER RECORDATION, RETURN BY MAIL

KURT BOSSHARD
3144 Elua Street
Lihue, Hawaii 96766

TITLE OF DOCUMENT:

ASSIGNMENT OF GENERAL LEASE NO. SP-0460

PARTIES TO DOCUMENT:

Assignor: **YVETTE SCRIBNER, wife of Mark Scribner**
2455 Poohiwi Road
Kalaheo, Hawaii 96741

Assignee: **YVETTE SCRIBNER, wife of Mark Scribner**
2455 Poohiwi Road
Kalaheo, Hawaii 96741

MARK SCRIBNER, husband of Yvette Scribner
2455 Poohiwi Road
Kalaheo, Hawaii 96741

PROPERTY DESCRIPTION:
TMK (4)1-4-002:034

**Lot 47, being a portion of
Waimea Canyon Park, Waimea
Kauai, Hawaii**

LIBER/PAGE:

DOCUMENT NO.:

TRANSFER
CERTIFICATE
OF TITLE NO(S):

EXHIBIT B

ASSIGNMENT OF GENERAL LEASE NO. SP-0460

THIS ASSIGNMENT dated November 9, 2022, is made by and between YVETTE SCRIBNER, wife of Mark Scribner, whose residence and mailing address is 2455 Poohiwi Road, Kalaheo, Hawaii 96741, hereinafter called "Assignor", and YVETTE SCRIBNER, wife of Mark Scribner, whose residence and mailing address is 2455 Poohiwi Road, Kalaheo, Hawaii 96741, and MARK SCRIBNER, husband of Yvette Scribner, whose residence and mailing address is 2455 Poohiwi Road, Kalaheo, Hawaii 96741, hereinafter called "Assignees";

W I T N E S S E T H :

In consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration paid by the Assignees, the receipt whereof is hereby acknowledged, and in further consideration of the covenants and agreements of the Assignees hereinafter expressed, the Assignor does hereby sell, assign, transfer and deliver all of the right, title and interest of the Assignor in and to the General Lease No. SP-0460 described in Exhibit "A", attached hereto and expressly made a part hereof, unto the Assignees, as joint tenants with full rights of survivorship, the survivor of them, their successors and assigns.

TO HAVE AND TO HOLD said Lease and all the right, interest and estate of the Assignors in and to the premises demised by and described in the Lease, and all the rights, privileges, building, improvements and appurtenances situated on or built on or used, occupied and enjoyed in connection with the Lease, unto the

Assignees, according to the tenancy set forth herein, for and during the unexpired term of the Lease.

This Assignment is subject, however, to the payment of the rents reserved by the Lease and subject also to the covenants and conditions contained in the Lease which are or ought to be observed by the Lessee therein named.

The Assignees confirm that Assignees have inspected the property being conveyed and specifically attest that Assignees are leasing the property on an "AS IS" basis, with a full understanding that only Assignees and not the Assignor will be responsible for any and all imperfections, defects, obsolescence, wear and tear, and all other conditions of said property and hereby waives any claim hereafter against the Assignor for breach of express or implied warranty as to the condition of the property.

The Assignees do hereby promise, covenant and agree to and with the Assignor that the Assignees will pay the rent, taxes, assessments and other charges reserved in said Lease as and when the same become due and payable pursuant to the provisions of said Lease, and will also faithfully at all times hereafter indemnify and save the Assignor harmless from and against the nonpayment of said rent, taxes, assessments and other charges and the nonobservance of the covenants and conditions contained in said lease.

The rights and obligations of the Assignor and the Assignees shall be binding upon and inure to the benefit of their respective estates, heirs, personal representatives, administrators, successors, successors in trust and permitted assigns. All obligations undertaken by two or more persons shall be deemed joint

and several unless a contrary intention is clearly expressed elsewhere herein.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

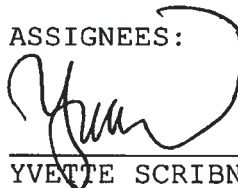
IN WITNESS WHEREOF, the parties have executed this instrument as of the day and year first above written.

ASSIGNOR:



YVETTE SCRIBNER

ASSIGNEES:



YVETTE SCRIBNER



MARK SCRIBNER

STATE OF HAWAII)
) SS.
COUNTY OF KAUAI)

On this 9th day of November, 2022, before me personally appeared YVETTE SCRIBNER, To me known to be the person described herein, who, being by me duly sworn or affirmed, did say that she executed the foregoing ASSIGNMENT OF GENERAL LEASE NO. SP-0460 dated November 9, 2022, as Assignor and Assignee, which document consists of 6 pages (including Exhibit "A"), as her free act and deed.

Witness my hand and seal.



Name of Notary: Renee S. N. Hiranaka
Notary Public, Fifth Judicial Circuit
State of Hawaii

My commission expires: 3/30/2026
Commission No.: 94-190

STATE OF HAWAII)
) SS.
COUNTY OF KAUAI)

On this 9th day of November, 2022, before me personally appeared MARK SCRIBNER, to me known to be the person described herein, who, being by me duly sworn or affirmed, did say that he executed the foregoing ASSIGNMENT OF GENERAL LEASE NO. SP-0460 dated November 9, 2022, as Assignee, which document consists of 6 pages (including Exhibit "A"), as his free act and deed.

Witness my hand and seal.



Name of Notary: Renee S. N. Hiranaka
Notary Public, Fifth Judicial Circuit
State of Hawaii

My commission expires: 3/30/2026
Commission No.: 94-190

Exhibit A - Description of the Premises



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES
HONOLULU

KAUAI FILE
G.S.F. No. FOLDER 2

November 27, 1967

(Revised - November, 1967)

PUU KA PELE PARK LOTS

LOT 47

Waimea (Kona), Kauai, Hawaii

Being a portion of Waimea Canyon Park
(Governor's Executive Order 2209)

Beginning at the southeast corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "HALE 2" being 3340.08 feet South and 2656.96 feet West, thence running by azimuths measured clockwise from True South:-

1. 68° 05' 268.53 feet along remainder of Waimea Canyon Park (Governor's Executive Order 2209) and Lot 61 of Puu Ka Pele Park Lots;
2. 173° 09' 249.01 feet along remainder of Waimea Canyon Park (Governor's Executive Order 2209);
3. 269° 36' 226.45 feet along remainder of Waimea Canyon Park (Governor's Executive Order 2209);
4. 335° 38' 134.09 feet along Lot 72 of Puu Ka Pele Park Lots;
5. 6° 21' 26.60 feet along remainder of Waimea Canyon Park (Governor's Executive Order 2209), to the point of beginning and containing an Area of 1.15 Acres.

SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

Compiled from Survey
by J. Chrystal, Jr.,
A. Ishida and Gov't.
Survey Records.

By: Akira Ishida
Akira Ishida
Land Surveyor

run

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202 21 208 22 210 23 212 24 214 25 216 26 218 27 220 28 222 29 224 30 226 31 228 32 230 33 232 34 234 35 236 36 238 37 240 38 242 39 244 40 246 41 248 42 250 43 252 44 254 45 256 46 258 47 260 48 262 49 264 50 266 51 268 52 270 53 272 54 274 55 276 56 278 57 280 58 282 59 284 60 286 61 288 62 290 63 292 64 294 65 296 66 298 67 300 68 302 69 304 70 306 71 308 72 310 73 312 74 314 75 316 76 318 77 320 78 322 79 324 80 326 81 328 82 330 83 332 84 334 85 336 86 338 87 340 88 342 89 344 90 346 91 348 92 350 93 352 94 354 95 356 96 358 97 360 98 362 99 364 100 366 101 368 102 370 103 372 104 374 105 376 106 378 107 380 108 382 109 384 110 386 111 388 112 390 113 392 114 394 115 396 116 398 117 400 118 402 119 404 120 406 121 408 122 410 123 412 124 414 125 416 126 418 127 420 128 422 129 424 130 426 131 428 132 430 133 432 134 434 135 436 136 438 137 440 138 442 139 444 140 446 141 448 142 450 143 452 144 454 145 456 146 458 147 460 148 462 149 464 150 466 151 468 152 470 153 472 154 474 155 476 156 478 157 480 158 482 159 484 160 486 161 488 162 490 163 492 164 494 165 496 166 498 167 500 168 502 169 504 170 506 171 508 172 510 173 512 174 514 175 516 176 518 177 520 178 522 179 524 180 526 181 528 182 530 183 532 184 534 185 536 186 538 187 540 188 542 189 544 190 546 191 548 192 550 193 552 194 554 195 556 196 558 197 560 198 562 199 564 200 566 201 568 202 570 203 572 204 574 205 576 206 578 207 580 208 582 209 584 210 586 211 588 212 590 213 592 214 594 215 596 216 598 217 600 218 602 219 604 220 606 221 608 222 610 223 612 224 614 225 616 226 618 227 620 228 622 229 624 230 626 231 628 232 630 233 632 234 634 235 636 236 638 237 640 238 642 239 644 240 646 241 648 242 650 243 652 244 654 245 656 246 658 247 660 248 662 249 664 250 666 251 668 252 670 253 672 254 674 255 676 256 678 257 680 258 682 259 684 260 686 261 688 262 690 263 692 264 694 265 696 266 698 267 700 268 702 269 704 270 706 271 708 272 710 273 712 274 714 275 716 276 718 277 720 278 722 279 724 280 726 281 728 282 730 283 732 284 734 285 736 286 738 287 740 288 742 289 744 290 746 291 748 292 750 293 752 294 754 295 756 296 758 297 760 298 762 299 764 300 766 301 768 302 770 303 772 304 774 305 776 306 778 307 780 308 782 309 784 310 786 311 788 312 790 313 792 314 794 315 796 316 798 317 800 318 802 319 804 320 806 321 808 322 810 323 812 324 814 325 816 326 818 327 820 328 822 329 824 330 826 331 828 332 830 333 832 334 834 335 836 336 838 337 840 338 842 339 844 340 846 341 848 342 850 343 852 344 854 345 856 346 858 347 860 348 862 349 864 350 866 351 868 352 870 353 872 354 874 355 876 356 878 357 880 358 882 359 884 360 886 361 888 362 890 363 892 364 894 365 896 366 898 367 900 368 902 369 904 370 906 371 908 372 910 373 912 374 914 375 916 376 918 377 920 378 922 379 924 380 926 381 928 382 930 383 932 384 934 385 936 386 938 387 940 388 942 389 944 390 946 391 948 392 950 393 952 394 954 395 956 396 958 397 960 398 962 399 964 400 966 401 968 402 970 403 972 404 974 405 976 406 978 407 980 408 982 409 984 410 986 411 988 412 990 413 992 414 994 415 996 416 998 417 1000