

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

May 24, 2024

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

Ref No. 23OD-087

OAHU

Amend Prior Board Action of September 22, 2023, agenda item D-13; (1) *Consent to Assign General Lease of Easement No. S-5175, (a) Shoji Kitami, Assignor to Masahiro Kitami, Assignee; (b) Masahiro Kitami Assignor, to Lukasz John Maj and Mary Liu Lan, Assignees; (2) Amend the Easement Conditions regarding Consent to Assignment and Insurance Provision; Kaneohe, Koolaupoko, Oahu, Tax Map Key: (1) 4-6-001:011seaward, as amended on January 12, 2024, under agenda item D-5.*

This second amendment is to correct the legal capacity of assignor described in the prior board action after the appointment of Masahiro Kitami as the Ancillary Personal Representative of the Estate of Shoji Kitami.

BACKGROUND:

At its meeting of September 22, 2023, under agenda item D-13, the Board gave its consent to the above-described assignments of the subject easement (“GL5175”) for pier and shed purposes.¹

When the Department of the Attorney General was requested to prepare the documentation pursuant to the 2023 approval, it was noted that Masahiro Kitami was identified as “successor in interest to Shoji Kitami” in the assignment document. However, there was no document that transferred GL5175 to Masahiro Kitami before his father, Shoji Kitami, passed away in early 2023. The applicant decided to open a probate proceeding in the State to establish his legal capacity to act on behalf of the estate of his father.

On January 12, 2024, under agenda item D-5, the Board authorized the issuance of an immediate management right-of-entry to the proposed assignees to manage the pier under GL 5175.²

On April 12, 2024, Masahiro Kitami was authorized by the Circuit Court of the First Circuit to perform the duties of Ancillary Personal Representative and to administer the estate according to law. Copy of the court document is attached as **Exhibit 1**.

Staff recommends the Board amend its prior action by correcting the legal capacity of

¹ <https://dlnr.hawaii.gov/wp-content/uploads/2023/09/D-13.pdf>

² <https://dlnr.hawaii.gov/wp-content/uploads/2024/01/D-5.pdf>

Masahiro Kitami in the title line, as described in the Recommendation section below.

RECOMMENDATION: That the Board:

- A. Amend its prior Board action of September 22, 2023, under agenda item D-13 by revising the title line of the request to read:

*(1) Consent to Assign General Lease of Easement No. S-5175, ~~(a) Shoji Kitami, Assignor to Masahiro Kitami, Assignee; (b) Masahiro Kitami, Ancillary Personal Representative of the Estate of Shoji Kitami, Deceased, Assignor, to Lukasz John Maj and Mary Liu Lan, Assignees;~~
(2) Amend the Easement Conditions regarding Consent to Assignment and Insurance Provision; Kaneohe, Koolaupoko, Oahu, Tax Map Key:
(1) 4-6-001:011seaward.*

- B. Affirm that, except as amended hereby, all terms and conditions listed in its September 22, 2023 approval, as amended on January 12, 2024, shall remain the same.

Respectfully Submitted,

Barry Cheung

Barry Cheung
District Land Agent *RCM* *RT*

APPROVED FOR SUBMITTAL:



Dawn N. S. Chang, Chairperson

ADVIS LLLC

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FIRST CIRCUIT
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Attorney for Petitioner, Masahiro Kitami

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

THE ESTATE

OF

SHOJI KITAMI,

Deceased.

P. NO. 1CLP-24-000039
(Formal)

**ANCILLARY LETTERS
TESTAMENTARY**

ANCILLARY LETTERS TESTAMENTARY

The copy of the Last Will and Testament of the Decedent having been admitted to ancillary probate by this Court, MASAHIRO KITAMI is authorized to perform the duties of Ancillary Personal Representative under said Last Will and Testament, and to administer the estate according to law.

LIMITATIONS ON POWER: NONE.

EXPIRATION DATE: These Ancillary Letters Testamentary shall expire three (3) years from the date hereof, unless renewed for good cause.

BY ORDER OF THE HONORABLE JEANNETTE H. CASTAGNETTI, Judge
of the above-entitled Court.

DATED: Honolulu, Hawaii, April 12, 2024

/s/ S. Adams

Clerk of the above-entitled Court



RECEIVED
Estate & Probate Branch
MAR 27 2024

I do hereby certify that the foregoing is a full, true and correct copy of the official court record of the Courts of the State of Hawai'i.
Dated at Honolulu, Hawaii on 12-APR-2024, /s/ Lori Ann Okita, Clerk of the First Judicial Circuit, State of Hawai'i



EXHIBIT 1