

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAI'I

In the Matter of the Petition of )  
MOANA CORPORATION )  
To Amend the Agricultural Land Use )  
District Boundary into the Urban )  
Land Use District For Approximately )  
457.54 Acres of Land Situated at )  
Poipu, Island of Kauai, State of )  
Hawai'i, TMK: 2-8-14: 05, 07, 08, )  
por. 19, 20, 21, 26-36; 2-8-15: 77; )  
2-8-29: 1-94 )

DOCKET NO. A76-418  
ORDER GRANTING MOTION TO  
CONTINUE HEARING AND  
OTHER PROCEEDINGS ON  
LAND USE COMMISSION'S  
ORDER TO SHOW CAUSE

This is to certify that this is a true and correct  
copy of the document on file in the office of the  
State Land Use Commission, Honolulu, Hawaii.

MAY 29 1996

Date

by

*Ruth L. ...*  
Executive Officer

ORDER GRANTING MOTION TO CONTINUE HEARING AND OTHER  
PROCEEDINGS ON LAND USE COMMISSION'S ORDER TO SHOW CAUSE

MAY 29 9 25 AM '96  
LAND USE COMMISSION  
STATE OF HAWAII

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OF THE STATE OF HAWAI'I

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ORDER GRANTING MOTION TO CONTINUE HEARING AND OTHER  
PROCEEDINGS ON LAND USE COMMISSION'S ORDER TO SHOW CAUSE

On February 5, 1996, First Hawaiian Bank, as Trustee of the Eric A. Knudsen Trust, and Hawaiian Trust Company, Limited, as Trustee of the Augustus F. Knudsen Trust (collectively "Knudsen Trusts"), filed a Motion To Continue Hearing and Other Proceedings on Land Use Commission's Order to Show Cause ("Motion").

The Motion requested the Land Use Commission ("Commission") to defer all proceedings in the Order to Show Cause until the Commission has served proper and sufficient notice of the Order to Show Cause proceedings to the remainder beneficiaries of the Augustus F. Knudsen Trust.

The Augustus F. Knudsen Trust terminated upon the death of the income beneficiary of said Trust, and pursuant to its Trust Agreement, Trust assets are to be distributed to the remainder beneficiaries.

A Petition for Instructions to Determine Termination of Trust, Ascertainment of Remainder Beneficiaries and Allocation and Distribution of Remainder Beneficiaries ("Petition") was filed with the First Circuit Court of the State of Hawaii. On February 2, 1996, the Court held a hearing on the Petition and granted the Petition.

On February 28, 1996, the Knudsen Trusts filed a Memorandum in Support of Motion to Continue Hearing and Other Proceedings on Land Use Commission's Order to Show Cause.

On February 29, 1996, the Motion came before the Commission at its meeting in Honolulu, Oahu. Upon presentation of arguments by the parties, the Commission continued action on the Motion.

On March 13, 1996, the Office of State Planning filed a Memorandum in Response to Memorandum in Support of Motion to Continue Hearing and Other Proceedings on Land Use Commission's Order to Show Cause.

On March 14, 1996, the County of Kauai Planning Department filed a Memorandum in Response to the Motion to Continue Hearing and Other Proceedings on Land Use Commission's Order to Show Cause Dated February 5, 1996.

On March 14, 1996, the continued action on the Motion came before the Commission at its meeting in Lihue, Kauai. Upon presentation of additional arguments on the Motion, the Commission continued action on the motion until such time that the First Circuit Court issued a determination on the Petition

regarding termination of the Augustus F. Knudsen Trust and identified the remaining beneficiaries.

On April 1, 1996, the Court filed an Order of Instructions Regarding Petition for Instructions to Determine Termination of Trust, Ascertainment of Remainder Beneficiaries and Allocation and Distribution of Remainder Beneficiaries' Shares ("Order"). Said Order identifies fifteen individuals as beneficiaries of the Augustus F. Knudsen Trust. Said Order also identifies five partnerships and one trust to which the beneficiaries have assigned their interests to. The fifteen beneficiaries and the respective partnerships and trust identified in the Order, have a property interest in the property that is the subject of an Order to Show Cause proceeding in the subject docket.

On May 16, 1996, the continued action on the Motion came before the Commission at its meeting in Honolulu, Oahu. Additional arguments were provided by the parties and representatives of the partnerships to which the beneficiaries have assigned their interests.

The partnerships include Milohae Limited Partnership, Baldwin-Knudsen Family Partnership, Moir Family Partnership, KVH Partners, and CGB Partners. Said partnerships submitted Petitions to Intervene and said petitions were considered by the Commission on May 16, 1996 at its meeting in Honolulu, Oahu.

Upon consideration of the arguments presented by the partnerships, and with no objection by the Knudsen Trusts, Sports Shinko (Kauai), Ltd., the Office of State Planning, and the

County of Kauai Planning Department, the partnerships were admitted as Intervenors in the proceedings.

The Intervenors requested a ninety day continuance of the Order to Show Cause proceedings in order for the Intervenors to review the record on this docket.

The Commission, having considered the arguments presented by the parties and Intervenors, both written and oral, and having reviewed the entire record for the subject docket to date, and with good cause shown;

NOW HEREBY GRANTS the Motion to Continue Hearing and Other Proceedings on Land Use Commission's Order to Show Cause filed by the Knudsen Trusts.

Dated: Honolulu, Hawai'i, May 29, 1996.

LAND USE COMMISSION  
STATE OF HAWAI'I

By Allen K. Hoe  
ALLEN K. HOE  
Chairperson and Commissioner

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAI'I

In the Matter of the Petition of	)	DOCKET NO. A76-418
MOANA CORPORATION	)	CERTIFICATE OF SERVICE
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District For Approximately	)	
457.54 Acres of Land Situated at	)	
Poipu, Island of Kauai, State of	)	
Hawai'i, TMK: 2-8-14: 05, 07, 08,	)	
por. 19, 20, 21, 26-36; 2-8-15: 77;	)	
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Motion to Continue Hearing and Other Proceedings on Land Use Commission's Order to Show Cause was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

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DATED: Honolulu, Hawaii, this 29th day of May 1996.



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ESTHER UEDA  
Executive Officer