

**BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII**

In the Matter of the Petition of

KEVIN M. BARRY AND MONICA S.
BARRY, TRUSTEES OF THE BARRY
FAMILY TRUST DATED NOVEMBER 15,
2006

To Amend the Land Use District Boundary of
Certain Lands Situated at Kea'au, Puna,
County and State of Hawai'i, Consisting of
0.51 Acres from the Conservation District to
the Agricultural District, Tax Map Key No. (3)
1-5-059:059.

DOCKET NO: A18-806

**AFFIDAVIT OF DEREK B. SIMON
ATTESTING TO MAILING OF THE
NOTIFICATION OF PETITION
FILING; EXHIBITS "A" - "B"**

**AFFIDAVIT OF DEREK B. SIMON
ATTESTING TO MAILING OF THE NOTIFICATION OF PETITION FILING**

DEREK B. SIMON, being first sworn on oath, deposes and says that:

1. Affiant is one of the attorneys for KEVIN M. BARRY AND MONICA S.
BARRY, TRUSTEES OF THE BARRY FAMILY TRUST DATED NOVEMBER 15, 2006
("**Petitioners**"), is licensed to practice law in the State of Hawai'i, is duly authorized to make
this affidavit, and does so upon personal knowledge and belief.

2. This affidavit is made to comply with Section 15-15-50(d), Hawai'i
Administrative Rules ("**HAR**") for the State of Hawai'i Land Use Commission
("**Commission**").

3. On December 19, 2018, Petitioners filed with the Commission a Petition For Land
Use District Boundary Amendment ("**Petition**") in Docket No. A18-806.

4. On December 19, 2018, the same day that the Petition was filed with the
Commission and pursuant to HAR § 15-15-50(d), Petitioners sent a Notification of Petition

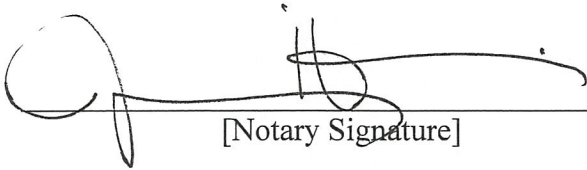
Filing to persons included on the Statewide and Hawai'i-County mailing lists provided to Petitioners by the Chief Clerk of the Commission on or about December 17, 2018, copies of which are attached hereto as Exhibits "A" and "B", respectively.

Further affiant sayeth naught.



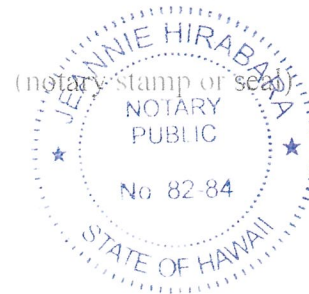
DEREK B. SIMON

The attached document: AFFIDAVIT OF DEREK B. SIMON ATTESTING TO MAILING OF THE NOTIFICATION OF PETITION FILING, dated December 19, 2018, which consists of nine (9) pages (including this page), was executed by Derek B. Simon who was subscribed and sworn to before me this 19th day of December, 2018, in the First Judicial Circuit of the State of Hawai'i.


[Notary Signature]

Printed Name: Jeannie Hirabara

My commission expires: 2/7/22



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PETITIONERS' EXHIBITS

- Exhibit "1" Fee Owners' Authorization
- Exhibit "2" Tax Map Showing the Petition Area
- Exhibit "3" Warranty Deed, dated June 25, 2007
- Exhibit "4" Agricultural Lands of Importance to the State of Hawai'i Map for the Petition Area
- Exhibit "5" Land Study Bureau Map for the Petition Area
- Exhibit "6" Flood Insurance Rate Map for the Petition Area
- Exhibit "7" State Department of Education Map for the County of Hawai'i
- Exhibit "8" County of Hawai'i Zoning Map for the Petition Area
- Exhibit "9" Notification of Petition Filing