

**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 SERVICE OF
PETITION FOR LAND USE DISTRICT
BOUNDARY AMENDMENT**

**AFFIDAVIT OF DEREK B. SIMON ATTESTING TO SERVICE OF
PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT**

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

1. Affiant is one of the attorneys for Petitioners 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. KEVIN M. BARRY AND MONICA S. BARRY, TRUSTEES OF THE BARRY FAMILY TRUST DATED NOVEMBER 15, 2006 are Petitioners for a State of Hawai‘i Land Use District Boundary Amendment, for certain lands consisting of 0.51 Acres, situate at Kea‘au, Puna, County and State of Hawai‘i, and presently identified by Tax Map Key No. (3) 1-5-059:059, from the State Land Use Conservation District to the Agricultural District.

3. In compliance with Section 15-15-48(a), Hawai‘i Administrative Rules (“**HAR**”), Affiant has, on December 19, 2018, served a copy of the Petition for Land Use District Boundary

Amendment by depositing the same in the United States mail, postage paid, or by hand delivery,
to each of the following persons, addressed as follows:

LEO R. ASUNCION, JR., AICP [Via Hand Delivery]
Acting Director
Office of Planning
State of Hawai'i
235 South Beretania Street, 6th Floor
Honolulu, HI 96813

DAWN TAKEUCHI-APUNA, ESQ. [Via Hand Delivery]
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, HI 96813

Attorney for State of Hawai'i Office of
Planning

MICHAEL YEE, DIRECTOR [Via U.S. Mail, postage prepaid]
Department of Planning, County of Hawai'i
Aupuni Center
101 Pauahi Street, Suite 3
Hilo, HI 96720

JOSEPH K. KAMELAMELA, ESQ. [Via U.S. Mail, postage prepaid]
Corporation Counsel
Department of Corporation Counsel
County of Hawai'i
Hilo Lagoon Centre
101 Aupuni Street, Unit 325
Hilo, HI 96720

Attorney for County of Hawai'i Planning
Department

JOSEPH CLARKSON, CHAIR [Via U.S. Mail, postage prepaid]
Windward Planning Commission
County of Hawai'i
Aupuni Center
101 Pauahi Street, Suite 3
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ANGELIC MALIA HALL, ESQ.
Deputy Corporation Counsel
Department of Corporation Counsel
County of Hawai'i
Hilo Lagoon Centre
101 Aupuni Street, Unit 325
Hilo, HI 96720

[Via U.S. Mail, postage prepaid]

Attorney for County of Hawai'i Windward
Planning Commission

4. This Affidavit is provided in compliance with HAR § 15-15-50(c)(5)(C).

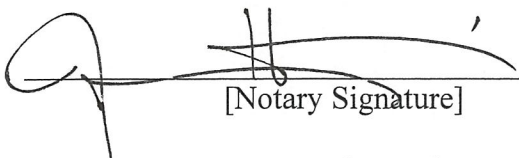
That further Affiant sayeth naught.

DATED: Honolulu, Hawai'i, December 19, 2018.



DEREK B. SIMON

The AFFIDAVIT OF DEREK B. SIMON
ATTESTING TO SERVICE OF PETITION,
dated December 19, 2018, which consists of
three (3) 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

