

CARLSMITH BALL LLP

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Attorneys for Petitioner  
U OF N BENCORP, now known as AEKO HAWAII

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of

U of N BENCORP

To Amend the Agricultural Land Use District  
to the Urban Land Use District for  
Approximately 62 acres, Tax Map Key Nos.:  
(3) 7-5-10:85 and 7-5-17:06 situate at Waiaha  
1st, North Kona, Island County and State of  
Hawaii.

DOCKET NO. A02-737

MOTION TO CHANGE PETITIONER'S  
NAME AND AMEND CAPTION;  
MEMORANDUM IN SUPPORT OF  
MOTION; VERIFICATION OF JENNIFER  
A. BENCK; EXHIBIT A; CERTIFICATE  
OF SERVICE

**MOTION TO CHANGE PETITIONER'S NAME  
AND AMEND CAPTION**

Comes now Petitioner AEKO HAWAII, a Hawaii non-profit corporation, by and through its attorneys, CARLSMITH BALL LLP, and respectfully requests that the Honorable Land Use Commission of the State of Hawaii ("Commission") change the Petitioner's name in this Docket No. A02-737 from U of N Bencorp to AEKO HAWAII, and amend the caption to reflect this change.

This Motion is filed pursuant to § 15-15-70 and § 15-15-71 of the Commission's Rules and is supported by the Memorandum in Support of Motion for Order to Change Petitioner's Name and Amend Caption attached hereto.

DATED: Honolulu, Hawaii, December 21, 2006.



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STEVEN S.C. LIM  
JENNIFER A. BENCK

Attorneys for Petitioner  
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DOCKET NO. A02-737

**MEMORANDUM IN SUPPORT OF  
MOTION**

**MEMORANDUM IN SUPPORT OF MOTION**

This Memorandum is being submitted in support of AEKO HAWAII's Motion to Change Petitioner's Name and Amend Caption in Docket No. A02-737.

The Petition in this Docket was filed on November 21, 2002, on behalf of U of N Bencorp (hereinafter "Bencorp"), a Hawaii non-profit corporation. Bencorp filed an Amended Petition on December 5, 2002. The Land Use Commission issued its Findings of Fact, Conclusions of Law, and Decision and Order in this Docket on August 8, 2003.

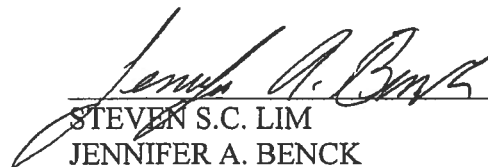
During the course of the original hearing on this Petition, the fee simple owner of the property that is the subject of this Petition ("Property") was Bencorp, a Hawaii 501(c)(2) non-profit corporation with offices at 75-346 Hualālai Road, Unit B-206, Kailua-Kona, Hawaii 96740. Bencorp was formed in 1985, as a benefit corporation serving the development of the University of the Nations ("U of N"), and specifically its Kona campus.

On May 1, 2005, the Board of Directors of Bencorp adopted the Articles of Amendment to Change Corporate Name from U of N Bencorp to AEKO HAWAII, attached hereto as Exhibit "A." Prior to resigning from the Board of Directors, the Board members appointed replacement Board members. The new officers of the Board of AEKO HAWAII are Wes Reinheller, Warren Israelson, Ernie Wouters, and Dwayne Betsill. On May 18, 2005, the Articles of Amendment to Change Corporate Name were filed in the Business Registration Division of the Department of Commerce and Consumer Affairs of the State of Hawaii.

As Bencorp's name was changed to AEKO HAWAII under Bencorp's Articles of Amendment to Change Corporate Name, the subject Motion has been filed to request that the Petitioner's name and the caption in this Docket be changed from U of N Bencorp to AEKO HAWAII.

Based on the foregoing, the Petitioner requests that the Motion to Change Petitioner's Name and Amend Caption be granted.

DATED: Honolulu, Hawaii, December 21, 2006.

  
STEVEN S.C. LIM  
JENNIFER A. BENCK

Attorneys for Petitioner  
U of N Bencorp, now  
known as AEKO HAWAII



LINDA LINGLE  
GOVERNOR

JAMES R. AIONA, JR.  
LT. GOVERNOR



MARK E. RECKTENWALD  
DIRECTOR

LAWRENCE M. REIFURTH  
DEPUTY DIRECTOR

TUNG CHAN  
COMMISSIONER OF SECURITIES

STATE OF HAWAII  
BUSINESS REGISTRATION DIVISION  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
335 MERCHANT STREET, P.O. BOX 40  
HONOLULU, HAWAII 96810

[WWW.BUSINESSREGISTRATIONS.COM](http://WWW.BUSINESSREGISTRATIONS.COM)

**I, the undersigned Director of Commerce and Consumer Affairs of the State of Hawaii, hereby certify that the attached is a true and exact copy of:**

The Articles of Amendment to Change Corporate Name changing its name from U OF N BENCORP to AEKO HAWAII, filed in this Department on May 18, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Department of Commerce and Consumer Affairs, at Honolulu, Hawaii.

Dated: October 11, 2006

*Mark E. Recktenwald*

Director of Commerce and Consumer Affairs

FILED 05/18/2005 08:51 AM  
Business Registration Division  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
State of Hawaii

STATE OF HAWAII  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
Business Registration Division  
335 Merchant Street  
Mailing Address: P.O. Box 40, Honolulu, Hawaii 96810



**ARTICLES OF AMENDMENT TO CHANGE CORPORATE NAME**

(Section 414D-183, Hawaii Revised Statutes)

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

The undersigned, duly authorized officers of the corporation submitting these Articles of Amendment, certify as follows:

1. The present name of the corporation is:

U OF N BENCORP

2. The name of the corporation is changed to:

AEKO HAWAII

3. The amendment to change the corporation name was adopted on: May 1 2005  
(Month Day Year)

(Check one)

at a meeting of the *members*:

Designation (class) Of membership	Total Number of Memberships (votes) outstanding	Total Number of Votes Entitled to be Cast By each Class	Number of Votes Cast by each class For Amendment	Number of Votes Cast by each class Against Amendment

OR

by written consent of the *members* holding at least eighty per cent of the voting power.

OR

by a sufficient vote of the *Board of Directors* or *incorporators* because member approval was not required.

4. Check one:

The written approval of a specified person or persons named in the articles of incorporation was obtained.

The written approval of a specified person or persons is not required.

The undersigned certifies under the penalties of Section 414D-12, Hawaii Revised Statutes, that the undersigned has read the above statements and that the same are true and correct.

Signed this 1st day of May, 2005

ERNIE WOUTERS, Secretary

(Type/Print Name & Title)

(Signature of Officer)

(Type/Print Name & Title)

\_\_\_\_\_

(Signature of Officer)

SEE INSTRUCTIONS ON REVERSE SIDE. The articles must be signed by at least one officer of the corporation.

05/19/200520004

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DOCKET NO. A02-737

**CERTIFICATE OF SERVICE**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Motion to Change Petitioner's Name and Amend Caption; Memorandum in Support of Motion to Change Petitioner's Name and Amend Caption; Exhibit A was served upon the following by certified mail via the U. S. Postal Service, postage prepaid, on the date indicated below:

MARY LOU KOBAYASHI  
Office of Planning  
P. O. Box 2359  
Honolulu, Hawaii 96804-2359

BRYAN C. YEE, Esq.  
Deputy Attorney General  
Hale Auhau, Third Floor  
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CHRISTOPHER J. YUEN, Director  
Planning Department  
County of Hawaii  
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Hilo, Hawaii 96720

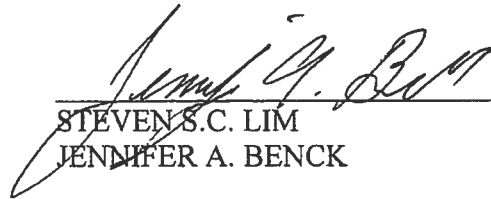


LINCOLN ASHIDA, Esq.  
Corporation Counsel  
County of Hawaii  
101 Aupuni Street, Suite 325  
Hilo, Hawaii 96720-4262

WARREN ISREALSON,  
Vice President and Director  
AEKO HAWAII, formerly known as  
University of the Nations Bencorp  
75-165 Hualalai Road, Second Floor  
Kailua-Kona, Hawaii 96740

GEORGE ATTA, AICP  
Group 70 International, Inc.  
925 Bethel Street, Fifth Floor  
Honolulu, Hawaii 96813-4307

Dated: Honolulu, Hawaii, December 21, 2006.



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STEVEN S.C. LIM  
JENNIFER A. BENCK

Attorneys for Petitioner  
University of the Nations, now  
known as AEKO HAWAII