

**KS -Waiawa**

**LUC Motion to Amend Service of Process Checklist**

July 24, 2019

HAR § 15-15-94(a) requires service of a Motion to Amend to be made "on all parties to the boundary amendment proceeding in which the condition was imposed or in which the order was issued, and to any person that may have a property interest in the subject property as recorded in the county's real property tax records at the time the motion is filed."

On behalf of the Trustees of the Estate of Bernice Pauahi Bishop, dba Kamehameha Schools ("KS"), we filed a Motion to Amend with the State Land Use Commission on July 24, 2019 in LUC Docket A87-610. Under said Docket, in 1988, the Land Use Commission granted the reclassification of 1,395 acres of land from the Agricultural District to the Urban District (the "**Petition Area**"). KS owns the Petition area. In order to comply with HAR § 15-15-94(a), KS obtained title reports for the parcels within the Petition Area in order to determine the identify of any persons that may have a recorded property interest in any portion of the Petition Area, so that KS could serve such persons with copies of the Motion. The persons served are listed on the Certificate of Service that was filed with the LUC on July 24, 2019. This chart identifies the recorded encumbrances within the Petition Area. The 8 TMK Nos. are:

1. 9-4-006: 034 (aka Land Court Lot 16461), consisting of 1.165 acres. Title Report Order No. 4600061 dated 4/18/2014.
2. 9-4-006: 035 (Lot 16462), consisting of 2.564 acres. Title Report Order No. 4600062 dated 5/2/2014.
3. 9-4-006: 036 (Lot 16463), consisting of 21.345 acres. Title Report Order No. 4600066 dated 5/2/2014.
4. 9-4-006: 037 (Lot 16464), consisting of 36.330 acres (only a portion of Parcel 37 in Petition Area). Title Report Order No. 4600064 dated 4/18/2014.
5. 9-6-004: 024, consisting of 1,566.977 acres. Title Report Order No. 4600068 dated 5/2/2014.
6. 9-6-004: 025, consisting of 76.241 acres. Title Report Order No. 4600070 dated 5/2/2014.
7. 9-6-004: 026, consisting of 47.036 acres. Title Report Order No. 4600067 dated 5/2/2014.
8. 9-6-005: 003, consisting of 1,831.445 acres (only a portion in Petition Area). Title Report Order No. 4900786 dated 6/1/2015.

**KS Exhibit 25**

Tab	Document/Encumbrance for LUC Motion Service of Process Only	Affected TMK(s) Per Title Reports	Party or Parties to Serve
1	<p>Declaration of Conditions Imposed by the LUC in Docket No. A87-610, recorded in Liber 22151 Page 250, filed July 19, 1988 as Land Court Document No. 1565292.</p> <p>As amended by Amendment to Declaration of Conditions Imposed by the Land Use Commission, recorded Nov. 10, 1992, Doc. No. 92-182606, Land Court Document No. 1969166.</p> <p>A new Declaration of Conditions Imposed by the State Land Use Commission was recorded January 21, 2015, as Document No. A-54991338.</p>	<p><u>All:</u></p> <p>9-4-006: 034, 035, 036, and 037</p> <p>9-6-004: 024, 025, and 026</p> <p>9-6-005: 003</p>	<p>N/A</p> <p>This Declaration does not give anyone a recorded property interest in the Petition Area. However, under HAR §15-15-94(a), when filing a Motion to Amend with the LUC, the moving party must serve all parties to the original boundary amendment proceeding. Those parties were Tom Gentry and Gentry Pacific, Ltd.</p> <p>Tom Gentry, died in 1998. No service of Motion necessary.</p> <p>Gentry-Pacific, Ltd. Attn: Victoria Slovak 733 Bishop Street, Suite 1400 Honolulu, HI 96813</p>
2, 3	<p>Unilateral Agreement and Declaration for Conditional Zoning.</p> <p>KS as Fee Owner, and GIP, as Declarant, recorded Dec. 3, 1997 as Regular System Doc. No. 97-168626 and Land Court Doc. No. 2423720.</p> <p>The foregoing document was amended by Ordinance No. 98-69 and the Amendment to Unilateral Agreement and Declaration for Conditional Zoning recorded on Nov. 24, 1998 as Regular System Doc. No. 98-176077.</p>	<p><u>All:</u></p> <p>9-4-006: 034, 035, 036, and 037</p> <p>9-6-004: 024, 025, 026</p> <p>9-6-005: 003</p>	<p>N/A</p> <p>GIP was the Declarant, due to holding the rights of the Buyer under the Agreement of Sale, Master Lease and Development Agreement. That agreement has been terminated and GIP has no rights as Declarant under this UA.</p>

4	Unilateral Agreement and Declaration for Conditional Zoning re Ordinance No. 03-01. GIP, as Declarant, and KS as fee owner, recorded Jan. 28, 2003 as Regular System Doc. No. 2003-015986.	9-6-04: 024(por.)	N/A GIP was the Declarant, due to holding the rights of the Buyer under the Agreement of Sale, Master Lease and Development Agreement. That agreement has been terminated and GIP has no rights as Declarant under this UA.
5	Notice of Termination (and of Rights and Obligations that Survive Termination) and Quitclaim, between KS, GIP, and WRD. <sup>1</sup> Dated 1/1/09, recorded 8/25/09 as Regular System Doc. No. 2009-129931 and Land Court Doc. No. 3891022.	<u>All:</u> 9-4-006: 034, 035, 036, 037 9-6-004: 024, 025, 026 9-6-005: 003	N/A Per the 2012 Notice of Surrender, GIP terminated and surrendered all of its rights under the "Restated Agreement" thus, no rights should remain under this Notice of Termination.
6	Notice of Surrender, executed by WRD, GIP, and KS, recorded Aug. 31, 2012 as Regular System Doc. No. A-46260711 and Land Court Doc. No. T-8278443	<u>All:</u> 9-4-006: 034, 035, 036, 037 9-6-004: 024, 025, 026 9-6-005: 003	N/A Notice of Surrender surrendered and terminated all agreements, rights and obligations that survived termination of the Restated Agreement.
7	Deed and Agreement. WRD as Grantor. KS as Grantee. Additional Parties: GIP, Waiawa Development LLC, and A&B Waiawa, LLC. Recorded Aug. 31, 2012 as Regular System Doc. No. A-46260713A thru A-46260713B and Land Court Doc. No. T-8278445A thru T-827844B.	9-4-006: 035 9-6-004: 026	No service necessary. All rights in favor of KS.
8	Land Court Order No. 144521, recorded Jan. 10, 2002 noting KS' and GIP's petition for subdivision, and designating Easements 6373 and 6374.	9-4-006: 034, 035, 036, and 037	N/A Land Court Order does not give rights to any party.

<sup>1</sup> Waiawa Ridge Development LLC.

9, 10	<p>The rights to all ground irrigation systems above the 650 foot elevation, including all ditches, siphons, dams, reservoirs, intake adits, pumps and pipelines conveyed to Waiahole Water Company, Ltd. as set forth in the Bill of Sale dated 6/10/1915, recorded as Book 426 Page 294.</p> <p>These rights were later conveyed to Waiahole Irrigation Company, Ltd, by Deed, Grant and Assignment, dated 9/18/70, recorded in Book 7213, Page 338.</p>	<p>9-6-004: 026 9-6-005: 003</p>	<p>Waiahole Irrigation Company, Ltd merged with AMFAC Land Company, Ltd.; AMFAC Land Company, Ltd. then merged with KLC Holding Corp. in 2002.</p> <p>KLC Holding Corp. Attn: Kaanapali Land, LLC 1100 Alakea Street, Suite 2100 Honolulu, HI 96813</p>
11	<p>Grant of Easement for underground communication cable and incidental purposes, in favor of USA, dated May 16, 1946, recorded as Book 2026 Page 182</p>	<p>9-6-004: 024 9-6-005: 003</p>	<p>USA U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001</p>
12, 13	<p>Grant of Easement for underground communication cable and incidental purposes, from KS in favor of USA, acting through the Secretary of the Army, dated Dec. 24, 1956, recorded as Book 3240 Page 149.</p> <p>Partially reconveyed to KS by Quitclaim Deed dated Sept. 30, 1965, recorded as Book 5173 Page 246.</p>	<p>9-6-004: 024 9-6-005: 003</p>	<p>USA U.S. Secretary of the Army Attn: John McHugh 1500 Army Pentagon Washington, D.C. 20310-1500</p> <p>U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001</p>
14, 15	<p>Easement Tract WR-8 (5.29 acres), described in the Declaration of Taking, Civil No. 705, recorded as Book 1973 Page 206.</p> <p>Easement conveyed to the State of Hawai'i, BLNR by Quitclaim Deed recorded June 20, 1985 as Book 18721 Page 536.</p>	<p>9-6-004: 024 9-6-005: 003</p>	<p>State of Hawai'i, Board of Land and Natural Resources 1151 Punchbowl Street, Room 220 Honolulu, HI 96813</p>

16	Grant of perpetual easement for utility and incidental purposes from KS to HECO, <sup>2</sup> dated 6/17/61, recorded as Book 4091 Page 428.	9-6-004: 024 9-6-005: 003	HECO Hawaiian Electric Company, Inc. Attn: Susan A. Li 900 Richards Street, Room 404 Honolulu, HI 96813
17	Grant of Easement Noy(R)-68088, from KS to of USA, acting through the Department of the Navy, for an infiltration tunnel to collect, take and remove water from the property, and incidental purposes, dated 10/11/65, recorded as Book 5192 Page 423.	9-6-004: 024	USA, Department of the Navy 1200 Navy Pentagon Washington, D.C. 20350-1200  U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530-0001
18	Grant of Easement from Tom Gentry to State of Hawaii (DOT) for slope purposes for Highway, dated 2/18/90, recorded as Land Court Doc. No. 1708437.	9-4-006: 036 (Easement 4760 as shown on Map 731, L. C. App. 1000)	State of Hawai'i, Department of Transportation AliiAIMoku Building 869 Punchbowl Street Honolulu, HI 96813
19	Any and all access rights in favor of the owners of TMK No. 9-6-004: 003 over and across the land herein described, to a public road, if any, which parcel is landlocked.	9-6-004: 024	The fee owners of Parcel 003 are the Dorothy Y. Yoshimura Trust and Yoshimasa I. Yoshimura Trust.  94-306 Kahualena Street Waipahu, HI 96797
20, 21	Grant of Easement from KS to HECO, dated 7/31/70, recorded at Book 7153 Page 358.  Partial Cancellation of Easement, dated 6/18/97, recorded as Regular System document No. 97-089976.	9-6-004: 024	HECO Hawaiian Electric Company, Inc. Attn: Susan A. Li 900 Richards Street, Room 404 Honolulu, HI 96813

<sup>2</sup> Hawaiian Electric Company.

22	Grant of Easement (for slope maintenance) from KS in favor of City & County, dated 8/24/76 recorded as Book 13472 Page 230	9-6-004: 024	City & County of Honolulu  Acting Corporation Counsel Paul S. Aoki, Corporation Counsel 530 S. King Street, Room 110 Honolulu, HI 96813
23	Grant of Easement (for water pipeline and incidental purposes), from KS to City & County and the Board of Water Supply, dated 2/14/83, recorded as Book 16964 Page 83.	9-6-004: 024	Board of Water Supply, City & County of Honolulu 630 S. Beretania Street, Honolulu, HI 96843
24	Grant of Easement (for utility purposes) from KS to HECO, dated 11/7/96, recorded as Regular System Doc. No. 96-175593.	9-6-004: 024	HECO Hawaiian Electric Company, Inc. Attn: Susan A. Li Hawaiian Electric Company, Inc. 900 Richards Street, Room 404 Honolulu, HI 96813
25	Lease No. 14,748, dated 12/2/64, from KS to Hawaiian Telephone Company (now Hawaiian Telcom, Inc.), and AT&T, <sup>3</sup> recorded as Book 5117 Page 381.  65-year lease beginning Sept. 1, 1964 and ending in 2029.	9-6-004: 024	Hawaiian Telcom, Inc. Attn: Gwen Massiah Legal Department 1177 Bishop Street Honolulu, HI 96813  AT&T Corp. Attn: The Corporation Company, Inc. 1136 Union Mall, Suite 301 Honolulu, HI 96813

<sup>3</sup> American Telephone and Telegraph Company; name changed to AT&T Corp. 4/20/1994

26	<p>Lease of Easement No. 28,889, from KS to GTE Hawaiian Telephone Company Incorporated (now Hawaiian Telecom, Inc.) as lessee, dated 6/8/99, recorded as Doc. No. 99-102567.</p> <p>Amendment of Lease of Easement (nka Easement T-1), recorded as Doc. No. 2000-164469.</p>	<p>9-6-04: 024</p> <p>9-6-005: 003</p>	<p>Hawaiian Telcom, Inc.  Attn: Gwen Massiah  Legal Department  1177 Bishop Street  Honolulu, HI 96813</p>
27, 10, 28	<p>Grant of Easement in the ahupua'a of Waiawa for the construction and use of a tunnel, conduit, water course, shafts, etc. from KS in favor of Waiahole Water Company, Ltd., dated 1/1/1913, recorded at Book 388 Page 460.</p> <p>Waiahole Water Company, Ltd. conveyed these rights to Waiahole Irrigation Company, Ltd., by Deed, Grant and Assignment dated 9/18/70, recorded at Book 7213 Page 338.</p> <p>Waiahole Irrigation Company, Ltd. later assigned these rights to Agribusiness Development Company, Limited, an instrumentality of the State of Hawai'i, Department of Agriculture, by Quitclaim Assignment dated 7/9/99, recorded as Regular System Doc. No. 99-109934 and Land Court Doc. No. 2558831.</p>	<p>9-6-005: 003</p>	<p>Agribusiness Development Corporation  State Office Tower  235 S. Beretania Street, Room 205 Honolulu,  HI 96813</p>
29	<p>Grant of Easement for pole and wire lines, from KS to The Hawaiian Electric Company, Limited, dated 6/12/1962, recorded at Book 4406 Page 189.</p>	<p>9-6-005: 003</p>	<p>HECO</p>
30	<p>Supplemental Grants of Easement, from KS to Hawaiian Electric Company, Inc., dated 1/30/1979, recorded at Book 13673 Page 733.</p>	<p>9-6-005: 003</p>	<p>HECO</p>