

**JM** Jason McFarlin  
Attorney at Law

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October 30, 2019

Via email: [jason@mcfarlinlawyer.com](mailto:jason@mcfarlinlawyer.com)

Jason B. McFarlin, Esq.  
62 N. Market Street, Suite 305  
Wailuku, HI 96793

STATE OF HAWAII  
LAND USE COMMISSION

Re: LETTER OF REPRESENTATION for Jason B. McFarlin, Esq.

Dear Mr. McFarlin:

We are appointing you Jason B. McFarlin, to represent the parties as stated below, for the sole purpose of matters related to "*Petitioners Wailuku Plantation LLC, Edgar Somera, Fay Somera, Larry S. Sky, Dayong Zhao, Xiu Xiang Fang, Bong HWA Shi Jordan, WenXiao Liu and Elise Travis' Motion for Order Bifurcating Docket No. A89-642*".

Edgar Somera & Fay Somera  
TMK No. (2)3-4-032-018  
522 Kulaiwi Drive  
Wailuku, Hawaii. 96793

Larry S. Sky  
TMK No. (2) 3-4-032-001  
80-21 Soi Nai Tai, Moo2  
Rawai Phuket 83130. THAILAND

\_\_\_\_\_  
Edgar Somera.      Date

\_\_\_\_\_  
Larry S. Sky      Date

\_\_\_\_\_  
Fay Somera      Date

Dayong Zhao  
TMK No. (2) 3-2-032-001  
1771 Piihana Road  
Wailuku, HI 96793

Bong HWA Shi Jordan  
TMK No. (2) 3-4-032-001  
P.O. Box 330158  
Kahului, HI 96733

\_\_\_\_\_  
Dayong Zhao      Date

\_\_\_\_\_  
Bong HWA Shi Jordan.      Date

WenXiao Liu  
TMK No. (2) 3-4-032-001  
P.O. Box 330158  
Kahului, HI 96733

Elise Travis  
TMK No. (2) 3-4-032-001  
214 Heleuma Place  
Wailea, Maui, Hawaii 96753

\_\_\_\_\_  
WenXiao Liu      Date

\_\_\_\_\_  
Elise Travis      Date

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STATE OF HAWAII  
LAND USE COMMISSION

**JM** Jason McFarlin  
Attorney at Law

October 30, 2019

*Via: U.S. Mail, Certified, Return Receipt Requested*  
To All Property Owners of  
(2) 3-4-032-018  
(2) 3-4-032-001

Re: Docket No. A89-642  
C. Brewer Properties, Inc.

Dear Property Owners:

The State of Hawaii, Land Use Commission is requiring us to complete this Motion to Bifurcate. (Bifurcate definition: "to divide into two branches or parts")

The reason we need to bifurcate, is to make the approval process with the State of Hawaii and County of Maui easier by allowing us to gain approvals without the Wailuku Project District owners being involved.

Previously, the Wailuku Project District and Piihana Project District were owned by one entity, C Brewer Properties, Inc. Now the Piihana Project District is solely owned by Wailuku Plantation LLC (Vernon Lindsey's Company), as well as YOU (current lot owners within the Piihana Project District).

As such, we need every owner identified in the LETTER OF REPRESENTATION attached to sign & authorize Jason B. McFarlin Esq. to represent YOU solely for the purpose of this Motion. This Motion is attached for your reference.

Please review and sign the enclosed Letter of Representation and return it to this office upon receipt. You may scan and email it, fax it or send via U.S. Postal Service to the address below. If you have questions or concerns, please don't hesitate to contact me.

Mahalo in advance,

*Jason McFarlin Esq.*

Jason B. McFarlin, Esq.  
Attorney for Vernon Lindsey and  
Wailuku Plantation LLC

Cc: Letter of Representation  
Motion to Bifurcate

62 N Market St. #305 • Wailuku, HI 96793 • Phone (808) 269-0625 • Fax (888) 892-3422  
Email: [jason@mcfarlinlawyer.com](mailto:jason@mcfarlinlawyer.com)

**JM** Jason McFarlin  
Attorney at Law



December 3, 2019

*Via facsimile: (808) 587-3827*  
Mr. Daniel E. Orodener  
Executive Officer  
State Land Use Commission  
P.O. Box 2359  
Honolulu, Hawaii. 96804-2359  
*email: dbedt.luc.web@hawaii.gov*

Re: 2019 Annual Report Notice of Mailing to Property Owners & Receipts  
LUC Docket No. A89-642 Wailuku and Piihana Project Districts  
Wailuku, Maui, Hawaii

Dear Mr. Orodener:

This letter will serve as notification that we have provided each owner of the Piihana Project Districts, Wailuku, Maui, Hawaii, with a copy of the 2019 Annual Report. So far, four (Wen Xiao Liu, Dayong Zhao, Bong Jordan, Larry Skye) of the seven owners have signed the Annual Report, and two more owners have notified me that they will be signing soon (Edgar & Faye Somera). We will be re-sending Elise Travis another copy of the Annual Report and requesting her signature.

Enclosed please find the following documents as reference:

- 1) Copy of personalized letter sent to each owner;
- 2) Copy of mailings via certified mail, return receipt requested, to the owners who have not yet signed the Annual Report (Edgar & Faye Somera, and Elise Travis).
- 3) Copies of four owner's signatures returned, signed in counterpart on the 2019 Annual Report.

Please contact this office with any questions or concerns you may have at (808) 269-0625.

Sincerely,

A handwritten signature in black ink that reads "Jason B. McFarlin Esq." in a cursive style.

Jason B. McFarlin, Esq.

cc: County of Maui Dept. of Planning

**JM** Jason McFarlin  
Attorney at Law

12/3/19

RECEIVED  
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STATE OF HAWAII  
LAND USE COMMISSION

Subject: A 89-642 C. Brewer Status Report Hearing

RE: Clarification of Issues raised in letter dated November 8, 2019

Dear Land Use Commission:

I am the Attorney representing Wailuku Plantation LLC (WPLLC), Co-Petitioner in the Piihana Project District (PPD) in Wailuku, Maui, Hawaii. I will answer each of your questions in the order they were presented.

**1. Details of scheduling and financing plan for completion of this project with conditions as currently written.**

WPLLC is actively pursuing HUD financing at this time. The first portion of the PPD we wish to develop is the Affordable Housing. Condition #1 requires us to build 300 affordable units. At this time, our financing application is aimed at obtaining financing for 120 of these units. We will pursue further financing as construction of these initial affordable units is completed.

The HUD Financing Application also includes funds for building the infrastructure associated with the Affordable Housing, such as the Bridge (Condition 3d), Imi Kala Extension (Condition 3c), and Extension of Piihana Road from Imi Kala Street to Market Street (Condition 3e).

We have secured a General Contractor and have received bids from other contractors for the completion of the Bridge. We have also met with Mayor Victorino and inquired about obtaining financial support from Maui County for the bridge. Next week, we will be meeting with Alice Lee, of the Maui County Counsel to address bridge financing as well. As Condition 3d. is currently written, financing for construction of the bridge is WPLLC's sole responsibility. Construction of the bridge has been a stumbling block which has deterred prior PPD owners from developing PPD.

We are currently searching for an Architect for the Affordable Housing. Mr. Lindsey's Architect retired recently and will be unable to take on this project. Securing an Architect is one requirement for obtaining HUD financing.

We believe we have satisfied the other requirements for HUD financing, but have not yet submitted our application.

When we secure an Architect we will be submitting our HUD Financing Application. We are hoping to do so in January of 2020.

**2. Provide all “Notices of Sales” as required per condition No. 11 and information for all owners related to the Petition Area.**

No sales have occurred since the previous Status Hearing held on September 26, 2019. We provided Notices of Sales for all sales that occurred prior to the last meeting and will do so for all sales that take place in the future.

**3. Details of total acres sold from the Project District and proof that all deeds contain the Docket Conditions.**

So far, 8 lots have been sold in the PPD, to 7 owners. This represents approximately 3 acres. The PPD is 79 acres. The remaining 76 acres are solely owned by WPLLC.

Mr. Lindsey testified at the September 26, 2019, hearing that all 7 owners have been advised of the Docket Conditions. The deeds do not include the Docket Conditions. Future deeds will contain Docket Conditions.

**4. Are these landowners considered “Petitioner”?**

In terms of Bifurcation, the 7 new landowners are classified as Petitioners. See question 7 below.

**5. Are new owners aware of the Decision and Order conditions pertaining to the Petition Area?**

Mr. Lindsey testified at the September 26, 2019, hearing that all 7 of the new owners have been advised of the Conditions.

**6. All landowners and their representatives are required to submit annual reports as part of conditions.**

So far 4 of the 7 owners have signed the Annual Report, and 2 more owners notified me that they will be setting up an appointment soon to sign. We are resending 1 owner the

Annual Report and anticipate her signature (she signed the Motion to Bifurcate, and apparently overlooked signing the Annual Report).

These annual reports with the owner's signatures were faxed the LUC on December 3, 2019.

## **7. What is the proposed timeline and status for bifurcation.**

Mr. Randall Sakumoto was kind enough to provide me with "Petitioners Wailuku Plantation LLC, Edgar Somera, Fay Somera, Larry s. Sky, Dayong Zhao, Xiu Xiang Fang, Bong HWA Shi Jordan, WenXiao Lie and Elise Travis' Motion for Order Bifurcating Docket No. A89-642" (hereinafter "Motion to Bifurcate"). We have contacted each owner about the Motion to Bifurcate.

So far 3 of 7 owners have signed a Letter of Representation authorizing me to represent them for the sole purpose of matters related to the Motion to Bifurcate. And, 2 owners have provided a verbal commitment that they will meet with me soon to sign this Letter of Representation, and 1 owner has contacted me to notify me he is currently out of the country and unable to receive/ sign PDF's. We are following up with the 1 owner who have not yet signed and has not contacted me.

I anticipate obtaining the remaining signatures by January 2020.

It is my understanding that Mr. Sakumoto is in the process of obtaining all the Wailuku Project District owners' names and addresses who will need to be served notice that the Wailuku Project District and Piihana Project District are Bifurcating. We will begin serving notice of the Motion to Bifurcate once we obtain the names and addresses of the Wailuku Project District owners, and after we have secured the remaining PPD owners' signatures on the Letter of Representation authorizing me to represent them on the Motion to Bifurcate. I anticipate this happening in the first quarter of 2020.

Status of our progress on the Motion to Bifurcate was submitted via fax on December 3, 2019.

Yours Truly,

Jason McFarlin Esq.  
Attorney for Wailuku Plantation LLC, Co-Petitioner