

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

**VERIFICATION OF MONICA S.
BARRY**

VERIFICATION

I, MONICA S. BARRY, declare that:

1. My husband, Kevin M. Barry, and I are the trustees of the Barry Family Trust dated November 15, 2006, and the Petitioners in the above-captioned matter;
2. I make this verification under Section 15-15-39(c), Hawai'i Administrative Rules;
3. I have read the Amended Petition for Land Use District Boundary Amendment, dated November 4, 2020, including all exhibits attached thereto and incorporated therein, know the contents thereof, and that the contents therein contained are true to the best of my knowledge, information and belief; and
4. I declare under penalty of law that the foregoing is true and correct.

DATED: November 2, 2020, Honolulu, Hawai'i.


MONICA S. BARRY

Co-Trustee
THE BARRY FAMILY TRUST DATED
NOVEMBER 15, 2006

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

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1-5-059:059

DOCKET NO. A18-806

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

AFFIDAVIT OF DEREK B. SIMON ATTESTING TO SERVICE OF
AMENDED 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 November 4, 2020, served a copy of the Amended 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:

MARY ALICE EVANS [Via Hand Delivery]
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State of Hawai'i
235 South Beretania Street, 6th Floor
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MICHAEL YEE, DIRECTOR [Via U.S. Mail, postage prepaid]
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JOSEPH K. KAMELAMELA, ESQ. [Via U.S. Mail, postage prepaid]
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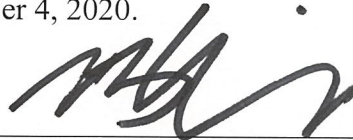
[Via U.S. Mail, postage prepaid]

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, November 4, 2020.

A handwritten signature in black ink, appearing to read 'Derek B. Simon', written over a horizontal line.

DEREK B. SIMON

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,
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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 November 4, 2020, Petitioners filed with the Commission an Amended
Petition For Land Use District Boundary Amendment (“**Amended Petition**”) in Docket No.
A18-806.

4. On November 4, 2020, the same day that the Amended 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 October 29, 2020, copies of which are attached hereto as Exhibits "A" and "B", respectively.

Further affiant sayeth naught.



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EXHIBIT B

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

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KEVIN M. BARRY AND MONICA S.
BARRY, TRUSTEES OF THE BARRY
FAMILY TRUST DATED NOVEMBER 15,
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the Agricultural District, Tax Map Key No. (3)
1-5-059:059

DOCKET NO. A18-806

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that due service of the foregoing document was made by depositing the same with the United States Mail, postage prepaid, or by hand delivery, on November 4, 2020, addressed to:

MARY ALICE EVANS
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DATED: November 4, 2020, Honolulu, Hawai'i



DEREK B. SIMON

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TRUSTEES OF THE BARRY FAMILY TRUST
DATED NOVEMBER 15, 2006