

OFFICE OF THE  
ASSISTANT REGISTRAR, LAND COURT  
STATE OF HAWAII  
(Bureau of Conveyances)

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LAND COURT

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CARLSMITH BALL LLP  
ASB Tower, Suite 2100  
1001 Bishop Street  
Honolulu, Hawai'i 96813  
Attention: Derek B. Simon  
Telephone: (808) 523-2500

TITLE OF DOCUMENT:

NOTICE OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION

PETITIONER: KEVIN M. BARRY AND MONICA S. BARRY, TRUSTEES OF THE  
BARRY FAMILY TRUST DATED NOVEMBER 15, 2006,  
P.O. Box 247  
Kea'au, HI 96749

TAX MAP KEY(S): (3) 1-5-059:059  
TCT 865,588

(This document consists of 6 pages.)

**NOTICE OF IMPOSITION OF CONDITIONS BY THE LAND USE COMMISSION**

KNOW ALL MEN BY THESE PRESENTS:

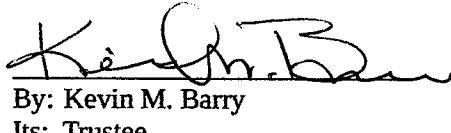
Please take notice that KEVIN M. BARRY AND MONICA S. BARRY, TRUSTEES OF THE BARRY FAMILY TRUST DATED NOVEMBER 15, 2006, whose mailing address is P.O. Box 247, Kea'au, Hawai'i 96749 ("**Petitioners**"), are the Petitioners before the State of Hawai'i Land Use Commission ("**Commission**") in Docket No. A18-806, for the reclassification of approximately 0.51 acres of land at Kea'au, Puna, County, Island and State of Hawai'i, identified as Tax Map Key No. (3) 1-5-059:059, more particularly described in Exhibit "A" attached hereto and incorporated herein, and referred to as the "Petition Area", from the State Land Use Conservation District to the State Land Use Agricultural District.

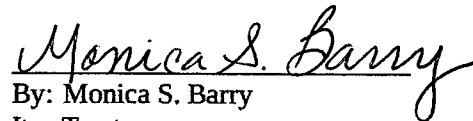
Petitioners hereby state and declare that Commission, by Findings of Fact, Conclusions of Law and Decision and Order filed April 21, 2021, reclassified the Petition Area under Docket A18-806, subject to a number of conditions affecting the Petition Area. Said conditions shall run with the land and shall be set forth in a Declaration of Conditions to be recorded at the Bureau of Conveyances of the State of Hawai'i pursuant to Hawai'i Administrative Rules Section 15-15-92.

This Notice of Imposition of Conditions by the Land Use Commission shall be superseded and automatically revoked upon the recordation at the Bureau of Conveyances of said Declaration of Conditions setting forth the conditions imposed by the Commission in Docket A18-806.

IN WITNESS WHEREOF, the parties have executed these presents on the 27<sup>th</sup>  
day of April, 2021.

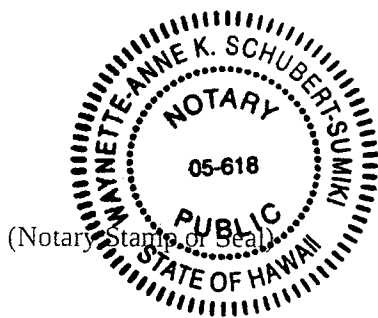
**THE BARRY FAMILY TRUST DATED  
NOVEMBER 15, 2006**

  
By: Kevin M. Barry  
Its: Trustee

  
By: Monica S. Barry  
Its: Trustee

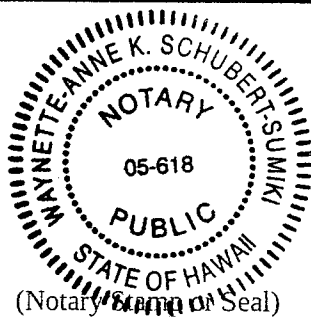
STATE OF HAWAII )  
 ) ss.  
COUNTY OF HAWAII )

On this 27<sup>th</sup> day of April, 2021, before me personally appeared KEVIN M. BARRY, Trustee of the Barry Family Trust dated November 15, 2006, personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Waynette-Anne K. Schubert-Sumiki  
Name: Waynette-Anne K. Schubert-Sumiki  
Notary Public, State of Hawaii  
My commission expires: 10-02-2021

<u>NOTARY CERTIFICATION STATEMENT</u>	
Document Identification or Description:	<u>Notice of Imposition of Conditions by the Land Use Commission</u>
Document Date:	<u>4/27/2021</u>
No. of Pages:	<u>6</u>
Jurisdiction (in which notarial act is performed):	<u>Third</u>
<u>Waynette-Anne K. Schubert-Sumiki</u> Signature of Notary	Date of Notarization and Certification Statement
<u>Waynette-Anne K. Schubert-Sumiki</u> Printed Name of Notary	
Date of Notary Commission Expiration:	<u>10-02-2021</u>



STATE OF HAWAII )  
 ) ss.  
 COUNTY OF HAWAII )

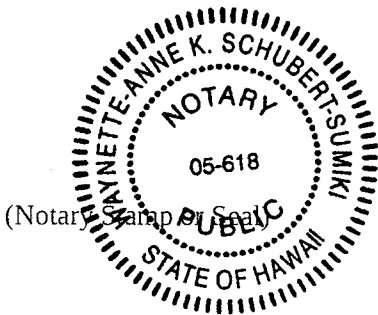
On this 27<sup>th</sup> day of April, 2021, before me personally appeared MONICA S. BARRY, Trustee of the Barry Family Trust dated November 15, 2006, personally known/proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Waynette-Anne K. Schubert-Sumiki

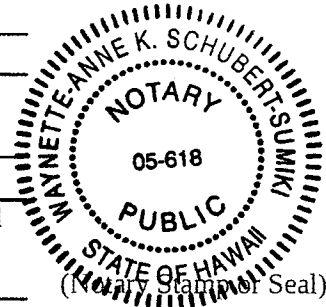
Name: Waynette-Anne K. Schubert-Sumiki

Notary Public, State of Hawai'i

My commission expires: 10-02-2021



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Printed Name of Notary	
Date of Notary Commission Expiration:	<u>10-02-2021</u>



**EXHIBIT "A"**

ALL OF THAT CERTAIN PARCEL OF LAND SITUATE AT KEAAU, DISTRICT OF PUNA, ISLAND AND COUNTY OF HAWAII, STATE OF HAWAII, DESCRIBED AS FOLLOWS:

LOT 463, AREA .51 ACRE, MORE OR LESS, IN BLOCK 10, AS SHOWN ON MAP 65 FILED WITH LAND COURT APPLICATION NO. 1053 (AMENDED) OF W. H. SHIPMAN, LIMITED.

TOGETHER WITH AN UNDIVIDED 1/5750TH INTEREST IN AND TO LOTS 60; 62; 8297; 8363; 8385; 8387 AND 3115 IN BLOCK 7; AND LOT 1 IN BLOCK 10; AS SHOWN ON MAPS 10, 10, 55, 56, 56, 57, 58 AND 65, RESPECTIVELY, OF SAID APPLICATION NO. 1053 (AMENDED); AND LOT 4-B, AS SHOWN ON MAP 2 OF LAND COURT APPLICATION NO. 16889 OF W. H. SHIPMAN, LIMITED; TO BE USED IN COMMON WITH OTHERS ENTITLED THERETO, FOR ROADWAY AND UTILITY PURPOSES ONLY.

BEING ALL OF THE PREMISES DESCRIBED IN AND COVERED BY TRANSFER CERTIFICATE OF TITLE NO. 865,588.  
ISSUED TO: KEVIN M. BARRY AND MONICA S. BARRY, TRUSTEES OF THE BARRY FAMILY TRUST DATED NOVEMBER 15, 2006

(WARRANTY DEED RECORDED JULY 02, 2007 AS LAND COURT DOCUMENT NO. 3622615 OF OFFICIAL RECORDS.)

**END OF EXHIBIT "A"**