

CIVIL NO. 1198

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT  
STATE OF HAWAII

PAUL C. GILLETTE and )  
MARTHA T. GILLETTE, )  
 )  
 ) Plaintiffs, )  
 )  
 ) vs. )  
 )  
 ) LAND USE COMMISSION OF THE )  
 ) STATE OF HAWAII, )  
 )  
 ) Defendant. )  
 \_\_\_\_\_ )

2ND CIRCUIT  
STATE OF HAWAII  
WAILUKU, HAWAII  
FILED & ISSUED  
1968 OCT 22 PM 1 20  
(SGD.) HELEN H. CORREA  
CLERK

COMPLAINT FOR DECLARATORY RELIEF

AND

SUMMONS

RECEIVED  
OCT 23 1968 2:10 p.m.  
State of Hawaii  
LAND USE COMMISSION

I hereby certify that this is a full, true and correct copy of the Original.  
Helen H. Correa  
Clerk, Circuit Court, Second Circuit

SANFORD J. LANGA #808  
207 Wailuku Townhouse Building  
Wailuku, Maui, Hawaii  
Attorney for Plaintiffs.

10-28-68  
Copy mailed to Commissioners, G. P. & 2 BAW.

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IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

PAUL C. GILLETTE and	)
MARTHA T. GILLETTE,	)
	)
Plaintiffs.	)
	)
vs.	)
	)
LAND USE COMMISSION OF THE	)
STATE OF HAWAII,	)
	)
Defendant.	)
_____	)

COMPLAINT FOR DECLARATORY RELIEF

1. Plaintiffs are residents of Kula, Maui, Hawaii. Defendant is an agency of the State of Hawaii, as defined by Section 6C-1, R.L.H. 1955, as amended.

2. This action is brought under Section 6C-7, R.L.H. 1955, as amended, for a judicial declaration as to the validity of the rules and regulations promulgated by Defendant, to the extent that said rules and regulations have the effect of classifying Plaintiffs' land, hereinafter described, as a rural district within the provisions of Chapter 98 H, R.L.H. 1955, as amended.

3. Plaintiffs are owners of a parcel of land, approximately 3 acres in area, situated at Kula, Maui, Hawaii, and identified by tax map key 2-3-19-28.

4. Plaintiffs' land has, since prior to the enactment of Chapter 98 H, R.L.H. 1955, been used for residential

purposes of the kind known as multi-family dwelling, and Plaintiffs have since they purchased said property in June, 1962, maintained said property for said purpose, deriving rental income from tenants thereon.

5. Under the regulations promulgated by Defendant, specifically sub-part C of Part II of said regulations, Plaintiffs' use of their property is an urban land use.


6. At the time Plaintiffs purchased said property in 1962, Defendant's regulations then existing had established the area in which Plaintiffs' property is situated as an urban zone, pursuant to Section 98 H-2, R.L.H. 1955.

7. In 1964 Defendant amended its regulations and promulgated new maps which changed the classification of numerous areas, including Plaintiffs' property from urban classification to rural classification.

8. Plaintiffs allege that Defendant's regulations are illegal and void in that Section 98 H-2, R.L.H. 1955, as amended, requires that all land that was in urban use on the date of enactment of Act 205, S.L.H. 1963, is required by law to be included within urban districts.

WHEREFORE Plaintiffs pray that this honorable court enter judgment herein declaring that that portion of Defendant's regulations, which classifies Plaintiffs' land as a rural district is illegal and void and further declaring that Plaintiffs' land is and lies within an urban district pursuant to 98 H-2, R.L.H. 1955, as amended.

Dated at Wailuku, Maui, Hawaii, this 22 day of October, 1968.

  
Sanford J. Langa  
Attorney for Plaintiffs

In the Circuit Court of the Second Circuit

STATE OF HAWAII

CIVIL NO. 1198

PAUL C. GILLETTE and
MARTHA T. GILLETTE
Plaintiff s

V.

SUMMONS

LAND USE COMMISSION OF THE
STATE OF HAWAII,
Defendant

State of Hawaii

To the above-named Defendant:

You are hereby summoned and required to serve upon SANFORD J. LANGA,
plaintiff's attorney,
whose address is 207 Wailuku Townhouse Bldg, Wailuku, Maui, Hawaii,
an answer to the complaint which is herewith served upon you, within 20 days after service
of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by
default will be taken against you for the relief demanded in the complaint.

(SGD.) HELEN H. CORREA

SEAL OF COURT
Clerk of Court

Dated Oct 22, 1968

RETURN ON SERVICE OF SUMMONS

I HEREBY CERTIFY and return that on the ...day of ..., 19...
I served the within summons ...
on ...
at ..., by delivering to ... a certified copy
hereof and of the complaint hereto annexed.

Dated .....

- Police Officer
Person specially appointed by the Court

SUBSCRIBED and sworn to before me
this ... day of ..., 19...

NOTE: This summons is issued pursuant to rule 4 of the Hawaii Rules of Civil procedure. AFFIDAVIT
required only if service is made by a person specially appointed by the court.