My name is Joyclynn Costa. I am opposed to this change in zoning and fast track to build in Waiehu. In 2005 I was involved in a conflict with Sterling Kim project Hale Mua and it’s claim to ownership. Title was a large part of my stand but that was not all. Water was and is still being diverted by way of old plantation ditch system and also pipes. Land marks of boundaries and cultural sites also stand emananct harm. Human remains also know as iwi kupuna have been verified in the area and strong possibility to exposing more if the project is given zoning. I have provided some documentation as my involvement since 2005. I have more to share upon request. Mahalo for your time. I also want to note I showed up on the last hearing that this area came up for consideration with Sterling Kim along with one more person and the LUC denied it then. I would request you do the same and deny this request to rezone the area. Much is being lost to big business and we should shift our purpose to take care of our island and plant food, which is what this place thrived in the past. My apologies that my attachments are not in good order. Sent from Mail for Windows
TO WHOM IT MAY CONCERN

DATE: September 12, 2022

Subject Matter: Waiehu Kuleana (Protect Waiehu Ahupua`a)

Welina mai, my name is Joyclynn Costa. I reside in Haiku and my ohana comes from Moku o Koolau, Makapipi Nahiku ma. I was called to Waiehu in 2005. We had learned of a proposed subdivision project, similar to the one currently proposed. The concept was well intended but the effects on both kuleana and home buyers could be devastating. To fully understand the reality of the status of this place brings, as I have learned by documentation would take years. I hope I can shed some light of understanding to all to prevent any further irreparable harm. Please feel free to look at the attachments provided. Lands being discussed already have owners and boundaries. Please look at the source document found in our law library located on the second floor of our County Courthouse. Lines are being drawn over boundaries already established. Land markings used for boundary pins such as trees, pohaku and ahu have already been displaced damaged or in potential future harm. Claims of what area is also not clear. Although specific names of awardees for LCA and RP (Land Commission Award and Royal Patent) are listed that is not the complete inventory of such holdings that will be affected. The remaining awardees are hidden under the disguise of a TMK. Note: a TMK is not title.

As stated in the beginning I got involved in Waiehu armed with this and other pertinent information. We stood on the land and did kuleana. We cleaned the auwai to provide water to the kuleana below. We cleaned and planted mea ai. We were harassed by the project manager of Hale Mua for well of 7-8 months. Several attempts to remove us with MPD, Swat team and who appeared to be Secret Service were made. It came down to an arrest for Criminal Trespass on the claim that Sterling Kim owned the property. After several court appearances, on April 13, 2007 the courts decided to deny the charges and dismissed the case with prejudice.

I have also provided a snapshot of the land of Lunalilo. He as an Ali`I and the Mo`I for the Hawaiian Kingdom. Many claims have been made in paper form by land speculators and developers however, HRM Lunalilo left his estate for the people of his Country to use so as not to leave them destitute.

Finally there already has been studies done in the area where iwi kupuna have been discovered. There is no doubt there will be more unearthed if this project move forward. There are many appearances of unlawful and not good faith efforts being and has already been done to this aina. A stop work order was requested and received by Corp Council signed by Brian Moto at the time.

My prayer is to call on the families to come home and claim their kuleana to the aina awarded to their kupuna in the 1800’s. These lands awarded in this manner makes it a Political Matter and all else should be considered null and void.

Jacob 33: 32-33 32 “Then if you have anything to say, answer me. 33. Speak for I desire to justify you if not listen to me keep silent and I will teach you wisdom.”
Will of H. A. Wm. C. Lematte
Deposited for safekeeping, June 7, 1871.
To be opened after his decease, by C. B. Dickson.

This was returned to me by the Earl of Teviot, with the
Certificate at 10½ o'clock Am. Dec. 25, 1874. 58.
LUANA HOOPAI, KENNETH K. HOOPAI, JR., JOHN BELLES, JR., FLEMING JAMES BASCAR, SR., BILL DOMEN, JR., LEATRICE LEHUA HOY, and JUNE NOHEALANI HOEWAA. A copy of the AFFIDAVIT filed by MAHEALANI VENTURA-OLIVER is attached as Exhibit A and the other Defendants named herein filed AFFIDAVITS in the identical form.

These Defendants claim in their AFFIDAVITS that they are heirs and assigns to William Charles Lunalilo of properties lawfully described as Royal Patent, Grant or L.C. Award No. 8559-B. These Defendants claim that this "Property", L.C. Award No. 8559-B, is the subject matter contained in this case.

However, L.C. Award No. 8559-B to William Charles Lunalilo is not one of the LCAs in this case. The lands in this case are specifically and precisely identified in paragraph 6 of the Plaintiff's Complaint filed herein on May 9, 2005. The LCAs which are the subject matter of this case are: 3432 to Kula; 2426 to Kaiwi; 2447 to Kaawa; 2572 to Naheana; 3275-T to Kahookano; 3275-U to Kailolani; 3327 to Naialaolao; 3374 to Paele; 3436 to Kapahi; 3437 to Kaliulua; 3441 to Kapaula and 3444 to Kalopa.
Final Order of Probate.

In the Supreme Court.

of the April Term 1874

In the matter of the Will and

Testate of Mrs. Maria Torello,

And from the order of Mr. Justice Harris, of

the 13th day of March A.D. 1874, approving the

said Will and the said Codicil, offered and

laid by Anna Bowser, contesting to the

Supreme Court. And whereas, upon an issue of

fact, the jury by their verdict found that

the said Codicil was good, and properly en-

sured, except as to the fourth clause, which

the said jury found was not good, and upon

argument before the Supreme Court in Bank on

exceptions taken to the finding of said justice

as to the validity of the will, the said Su-

preme Court overruled such exceptions.

On consideration of the premises aforesaid

of the statute in such case made and proved,

It is ordered that the judgment of the said

justice admitting the said Will and Codicil

to probate, be and the same is confirmed as

to the will, and as to the first three clauses.
Principle 5. No surveyor or court has the authority to alter or modify a boundary line once it is created. It can be interpreted only from the evidence of where that boundary is located.

Retracing surveyors will encounter a minority of surveyors who when finding an “error” in the original survey, believe it is their responsibility to “correct” the error and make the original bearings and distances as they should be had they been surveyed correctly. These surveyors have no concept that once the lines have been created, no subsequent surveyor has authority to recreate the original lines. When a creating surveyor indicates a distance or an angle, these are the original measurements, according to the creating surveyor’s methodology and errors. By law they are free of error, even though, in fact, we do realize that the creating surveyor made mistakes. This concept also extends to the presumption that the survey is correct. It is not the job or responsibility of subsequent surveyors to correct the originals. It is their job to report any discrepancies found. Differences do occur because of the different methods and equipment used in obtaining the original measurements and the subsequent measurements, as well as differences among the people who did the work and changes in the circumstances or conditions under which it was done.

2.8. DISTINCTION BETWEEN ORIGINAL BOUNDARY SURVEY AND RETRACEMENT SURVEY

People, including many surveyors and attorneys, use words freely. Such words as love and friend often have different meanings as used in everyday speech from their true meanings. Surveyors use the term property boundary very freely on maps, in reports, and in everyday conversation. Yet no surveyor has the authority to identify and locate property boundaries. Few states define one of the attributes of surveying as “locating property boundaries.”

Without judicial authority, no surveyor has authority to locate property boundaries.

Interestingly though, several states have now added as a distinct category of surveying giving testimony in court as to boundaries.

4 Camp v. Winegar, 210 P. 64 (Colo. 1922).

5 The authors question the authority of a state to enact a law that prohibits a qualified nonregistered surveyor from testifying in a state boundary dispute in which he or she does not hold registration. It is possible that an administrative agency is setting the legal standards for judicial proceedings.
CARLSMITH BALL LLP
TOM C. LEUTENEKER 0721-0
One Main Plaza, Suite 400
2200 Main Street, P.O. Box 1086
Wailuku, Maui, HI 96793-1086
Tel No. 808.242.4535
Fax No. 808.244.4974

Attorneys for Plaintiff
HALE MUA PROPERTIES LLC

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

HALE MUA PROPERTIES, LLC, a Hawaii limited liability company,

Plaintiff,

vs.

HEIRS OR ASSIGNS OF KULA (k), Et al.

Defendants.

CIVIL NO. 05-1-0178(2)
(OTHER CIVIL ACTION)

PLAINTIFF'S MOTION TO STRIKE AND DISMISS THE CLAIMS OF THE LUNALILO CLAIMANTS; EXHIBIT "A"; NOTICE OF MOTION; CERTIFICATE OF SERVICE

DATE: November 23, 2005
TIME: 8:30 a.m.
JUDGE: Shackley F. Raffetto

PLAINTIFF'S MOTION TO STRIKE AND DISMISS THE CLAIMS OF THE LUNALILO CLAIMANTS

Comes now the Plaintiff, Hale Mua Properties LLC, by and through its attorneys

Carlsmith Ball LLP, and hereby files its Motion to Strike and Dismiss the Claims of the Lunalilo Claimants, pursuant to HRCP Rules 7 and 12, the arguments below and the record herein.

On September 14, 2005, certain Defendants filed documents entitled AFFIDAVIT OF TRUTH BY THE HEIRS AND ASSIGNS. These Defendants are MAHEALANI VENTURA-OLIVER, ARTHUR KANE WONG DOCK, DIANA-ANDROMIDA N. HOOPAI, VIOLET

4812-9269-6320.1

EXHIBIT "A"
FOR FILE HALE MUA SUBDIVISION

To: Maui Corp Counsel
From: Aha o Na Wai Eha
Attention: Danny Mateo
Date: July 11, 2006
Re: Colored Title

After viewing the Corp. Counsel meeting on Akaku pertaining to the Hale Mua Subdivision, clarification of title needs to be addressed.

The statement of Title Guaranty certified a (Broken Title). Claims are made that Lunalilo estate R.P. 8559B was awarded to Hale Mua. According to Lunalilo Probate it has not yet closed.

Also attached is the case # to show the case is still in appeals in Oahu.

Mahalo for your attention to this matter

cc: Maui County Planning Department

Received:

[Signature]
Corporation Counsel
7-11-06
**Notice of Entry of Judgment and Order**

- **Date:** 4-13-2007
- **Case No.:** 03-100440
- **Defendant:** MTA, JOYCE

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**Conditions:**
- **Total:** $10,000.00

**Priority:**
- **10:00 AM

**Reason for Hearing:**
- **Ex-Parte Motion to Dam Court Appearance Filed and Signed by Judge Smith**

**Hearing:**
- **Court:** Second Judicial District Court
- **Case:** CR-01-100440
- **Defendant:** MTA, JOYCE
- **Date:** APR 13 2007

**Judgment:**
- **Form of Confinement:**
  - **Probation:***
  - **Sentence:**
    - **Fines:** $15,000.00
    - **Probation:** 2 years

**Defense:**
- **Attorney:** M. O'Connel
- **Client:** MTA, JOYCE

**Signature:**
- **Judge:** O'Connel
- **Clerk:** T. Apo
- **Date:** 4-13-2007

**Notes:**
- **Filed 10 AM, Court Appearance Filed Signed by Judge Smith**

**Committed to Circuit:**
- **Date:** APR 13 2007
- **Time:** 10:00 AM

**Bond:**
- **Address:**
- **Phone:** 444-5555

**Court:** Second Judicial District Court

**Count Copy:**
- **Judge:** O'Connel
- **Clerk:** T. Apo
- **Date:** 4-13-2007
EX PARTE MOTION TO DISMISS WITH PREJUDICE

STATE OF HAWAI'I, by MAHALI MONTCASTLE, Deputy
Prosecuting Attorney for the County of Maui, hereby moves this

CASE NO.: 2165-8588
EX PARTE MOTION TO DISMISS WITH PREJUDICE

JAMES S. SCAGLENTIN
Defendant.

EX PARTE MOTION TO DISMISS WITH PREJUDICE

STATE OF HAWAI'I, by MAHALI MONTCASTLE, Deputy
Prosecuting Attorney for the County of Maui, hereby moves this

CASE NO.: 2166-8588
EX PARTE MOTION TO DISMISS WITH PREJUDICE

JOEL D. COSTA
Defendant.