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Attorneys for Plaintiffs

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

THOMAS M. OKUNA, also known as  
THOMAS MATSUHEI OKUNA and  
MATSUHEI OKUNA, and  
KA'U AGRIBUSINESS COMPANY,  
INC.,

Civil No. 9073  
(South Hilo)

DECREE QUIETING TITLE

Plaintiffs

vs.

FRANCIS APIKI and his assigns  
et al.,

Defendants

1988 JUN -8 PM 3:11  
THIRD CIRCUIT COURT  
STATE OF HAWAII  
FILED

DECREE QUIETING TITLE

In accordance with the Findings of Fact and Conclusions  
of Law on file herein,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That Plaintiff THOMAS M. OKUNA, also known as  
Thomas Matsuhei Okuna and Matsuhei Okina, is the owner in fee

I hereby certify that this is a full, true and  
correct copy of the original on file in this office.

*Clara L. Hyatt*  
Clerk, Third Circuit Court, State of Hawaii

simple absolute of Lots 1, 2, 3, 3-A and 4, as more particularly described in Exhibit A attached hereto and incorporated herein by reference, subject, however, to certain encumbrances as follows:

a. As to Lot 1:

(1) An easement for roadway purposes containing an area of 2.237 acres, more or less, Exclusion 1, School Grant 6, Apana 1, containing an area of 1.147 acres, more or less, and Exclusion 2 being all of Land Commission Award 10190, Apana 1 to Maluue, containing an area of 0.649 acre, more or less, all as more particularly described in Exhibit A attached hereto.

(2) The two Final Amended Partial Judgments filed on February 4, 1987, in Civil No. 9073, Okuna, et al., v. Apiki, et al, in the Third Circuit Court, State of Hawaii, covering Land Commission Award 7733, Apana 1 to Moa, and Royal Patent 7621, Land Commission Award 7715 to Lota Kamehameha.

b. As to Lot 3, Exclusion 3, an Old Government Road located approximately 2,500 feet westerly of the Hawaii Belt Road, containing an area of 7.271 acres, more or less, as more particularly described in Exhibit A attached hereto.

c. As to Lot 3-A:

(1) An Old Government Right of Way, containing 1.649 acres, more or less, as more particularly described in Exhibit A attached hereto.

(2) The Final Amended Partial Judgment filed on April 6, 1987, in Civil No. 9073, Third Circuit Court, State of Hawaii.

(3) The Partial Stipulation for Judgment re MacAulton claim filed on April 21, 1987, in Civil No. 9073, Third Circuit Court, State of Hawaii.

2. That Plaintiff Ka'u Agribusiness Company, Inc., is the owner in fee simple absolute of Lots 5, 6, and 7, all as more particularly described in Exhibit B attached hereto and incorporated herein by reference, subject, however, to certain encumbrances as follows:

a. As to Lot 5: The Final Amended Partial Judgment filed on February 4, 1987, in the Third Circuit Court, State of Hawaii, in favor of the heirs of Apiki and Kailiawa.

b. As to Lot 6:

(1) The Final Amended Partial Judgment filed on February 4, 1987, in the Third Circuit Court, State of Hawaii, in favor of the heirs of Apiki and Kailiawa.

(2) An easement for trail purposes containing an area of 0.912 acres, more or less, as more particularly described in Exhibit B attached hereto.

3. Encumbrances in favor of the State of Hawaii:

(a) Reservation of all mineral and metallic mines as contained in Royal Patent 7027 (Land Commission Award 9225-B), Royal Patent 5420 (Land Commission Award 7091: 1), Grants 1530, 2370, 993, 2648, 2646 and Royal Patent 7621 (Land Commission Award 7715: 14).

(b) Reservation of the Rights of Native Tenants contained in Grants 1530, 2370, 993, 2648, 2046, and Land Commission Awards 7715: 14 and 9971: 11.

(c) Reservation of the fish pond as contained in Grant 1530.

(d) Public right of ways for access, more specifically described in the Findings of Acts, Conclusions of Law and Order, dated October 14, 1980, in Barba v. Okuna, Civil No. 4590, Third Circuit Court, State of Hawaii; subsequently affirmed in Supreme Court Memorandum Opinion No. 8160, dated December 3, 1982; and clarification of the location of easement (f) as ordered in said opinion, by survey description and map prepared by the Survey Division, Department of Accounting and General Services, State of Hawaii, filed under C.S.F. 19,736, dated May 31, 1983, both of which are attached hereto as Exhibits "C" and "D", respectively.

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(e) Public right of way for access to and from School Grant 6, Apana 1, to the Board of Education, over and across Lot A to the Old Government Road.

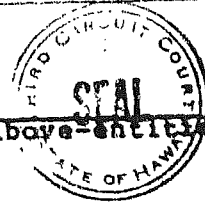
(f) A one-tenth (1/10) fee simple interest in Lot 2 in the State of Hawaii.

(g) Requirement to obtain Land Patents on Land Commission Award 7733, Apana 1 to Moa and Land Commission Award 9971, Apana 11 to Lelelohoku, pursuant to Chapter 172, Hawaii Revised Statutes.

DATED: Hilo, Hawaii, JUN 8 1989

SHUNICHI KIMURA

Judge of the above-entitled Court



715T/30T

EXHIBIT "1"

22191 429

LOT 1

Land Situated on the Southeasterly Side of Hawaii Belt Road  
At Kaalaiki, Hileanui and Hileaiiki, Ka'u, Hawaii

Being the Whole of Royal Patent 7027, Land Commission Award 9225-B to Keawe

Land Commission Award 7733, Apana 1 to Moa

Land Commission Award 7091, Apana 1 to Kaluahine

Grant 1530 to Kimokeo, and Portions of Grant 2370 to Noa Malaihua,

Grant 993 to Kimokeo Keawe, Grant 2648 to Puhi,

Land Commission Award 9971, Apana 11 to Wm. Pitt Leleiohoku

And Land Commission Award 7715, Apana 14 to Lota Kamehameha

Beginning at a spike in boulder at the Northwest corner of this parcel of land, being also the Southwest corner of Lot 6 of Land Commission Award 7715, Apana 14 to Lota Kamehameha, and on the Southeasterly side of Hawaii Belt Road, the coordinate of which referred to Government Survey Triangulation Station "HILL (PUEHU)" being 5,761.53 feet South and 3,798.17 feet West and running by azimuths measured clockwise from true South:

1. 332° 14' 5,237.38 feet along Lot 6 of Land Commission Award 7715, Apana 14 to Lota Kamehameha, passing over a pipe at 3,194.29 feet and a "—" in pahoehoe at 5,093.19 feet, to high water mark at seashore to an "⊕" in pahoehoe;

Thence along high water mark at seashore for the next ten (10) courses, the direct azimuths and distances between points being:

2. 74° 53' 1,078.42 feet to a 1/2 inch pipe;

-1-

ATA

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

ENGINEERS - SURVEYORS

SINCE 1900 FOR THE STATE OF HAWAII