

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

June 22, 2007

PSF:07od-084

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Oahu

Consent to Assign General Lease No. S-4907, Applicant Robertajeane Leilani Keinath, Assignor, to Robertajeane Leilani Keinath, Ernest Keolaokalani Keinath and Florencio Alboa Carreira, Assignees, Maunalaha Homesites, Maunalaha, Honolulu, Oahu, TMK: (1) 2-5-24:08.

APPLICANT:

Robertajeane Leilani Keinath, Assignor, to Robertajeane Leilani Keinath and Ernest Keolaokalani Keinath, husband and wife, as tenants by the entirety, and Florencio Alboa Carreira, as tenant in common, together as joint tenants, Assignees, whose mailing address is 2221 Makiki Heights Drive, Honolulu, Hawaii 96822.

LEGAL REFERENCE:

Section 171-36(a) (5), Hawaii Revised Statutes, as amended.

LOCATION AND AREA:

Portion of government lands of Makiki situated at Maunalaha Homesites, Maunalaha, Honolulu, Oahu, identified as Lot 7 and by Tax Map Key: (1) 2-5-24:08, consisting of approximately 0.35 acres, as shown on the attached map labeled Exhibit A.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES _____ NO x

CHARACTER OF USE:

Residential purposes as the Lessee's principle domicile.

TERM OF LEASE:

65 years, commencing on December 1, 1983, and expiring on November 30, 2048.

LEASE RENTAL:

\$120.00 per annum, due semi-annually.

DCCA VERIFICATION: Not required for individuals.

APPLICANT REQUIREMENTS:

Sign statement agreeing to abide by and to be bound by the terms, conditions and covenants of the subject lease agreement.

REMARKS:

The Maunalaha Valley direct leases came about as a result of Act 225, SLH 1981, which authorizes the Department of Land and Natural Resources to negotiate and enter into long-term residential leases with persons who meet the following criteria, as approved at the Land Board's meeting on August 12, 1983, agenda item F-14:

1. At the time of enactment of the Act, reside on a parcel or parcels of land in tax map keys (1) 2-5-19 and 2-5-20, or have permits allowing them to reside on such land, or are descendants of persons who lawfully resided on such land before 1920;
2. Have built homes on such land for use as their own residence prior to 1940, pursuant to government authority; and
3. Can prove that the various governments of Hawaii have expressed an intent to grant them long-term tenure.

The lease was first issued to Julia K. Polelia in 1983. The Board approved the consent to assignment from Julia K. Polelia to Robertajeon Leilani Keinath, her daughter, at its September 13, 1985 meeting under agenda item F-17.

General Lease No. S-4907 allows assignments with prior Board approval if:

1. The proposed assignee or transferee meets the eligibility criteria set out in Section 2 of Act 225, SLH 1981, or is a descendant or heir, consanguineous or affined, of the assignor or transferor; and
2. The proposed assignee or transferee shall agree in writing, as a condition precedent, to abide by and to be bound by the terms, conditions and covenants of the subject lease agreement.

Robertajeon Leilani Keinath now wishes to include her husband and nephew on her lease, both of whom are eligible for this lease under Act 225, SLH 1981. Her nephew is her sister's son. Due to health considerations, Mrs. Keinath must complete this assignment as soon as possible.

The lease site has a dwelling built with the help of Habilitat for Humanity in 1999, according to the City and County's real property

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tax records.

The lessee is current with her rent through November 30, 2007. She purchased insurance last November and let the policy through Habitat for Humanity lapse. Unfortunately, the new insurance company, Liberty Mutual, informed staff that the policy lists the State as "additional interest" but the requirement is "additional insured". Another policy will need to be found.

There were two Notice of Default letters mailed during the past two years for delinquent rent. The rent was paid within the thirty-day cure period.

The Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

No agency or community comments were solicited.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. S-4907 from Robertajean Leilani Keinath, as Assignor, to Robertajean Leilani Keinath, Ernest Keolaokalani Keinath and Florencio Alboa Carreira, Assignees, subject to the following:


1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



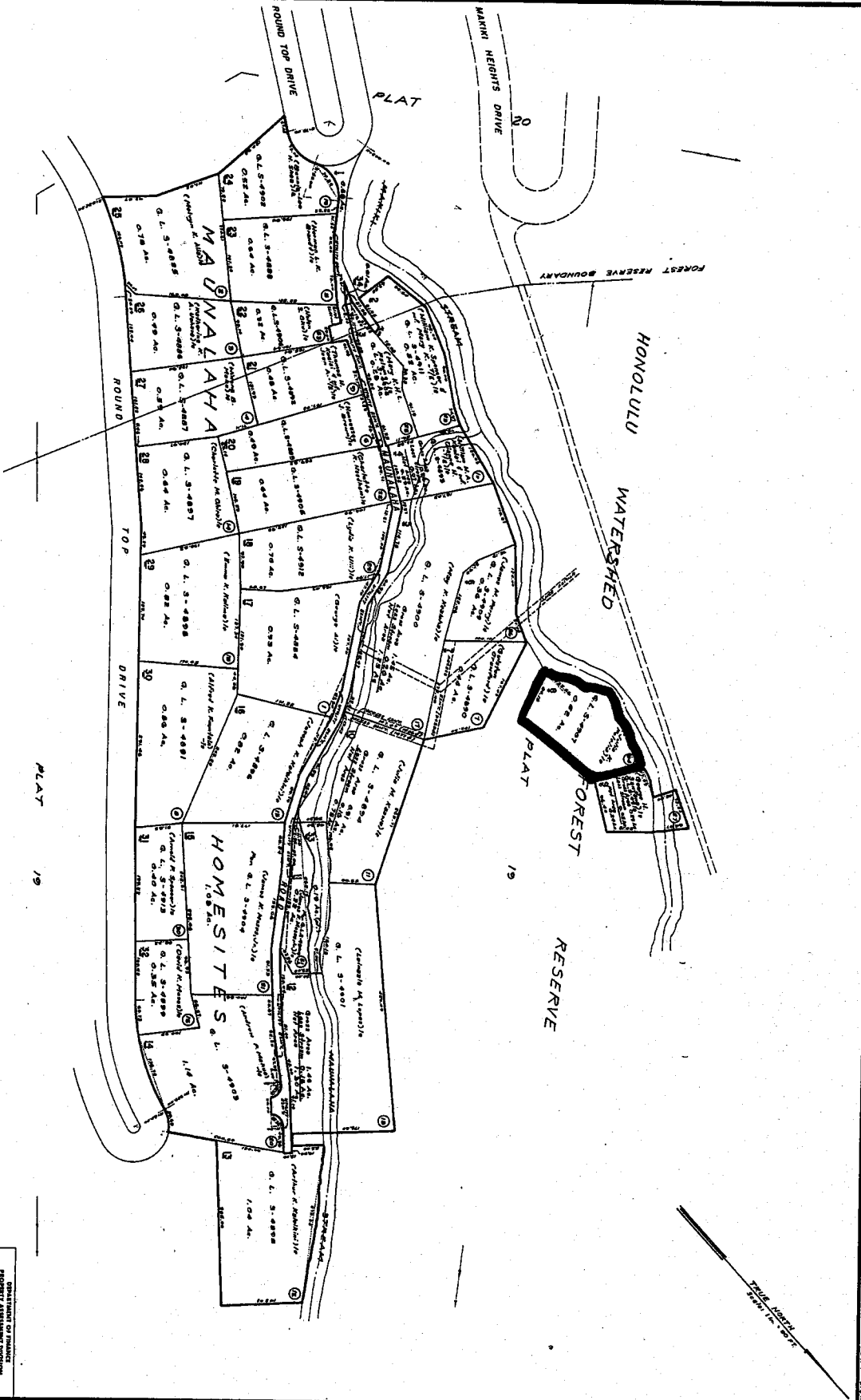
Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



Allan A. Smith, Interim Chairperson

MAKINI & TANTALUS, OAHU, HAWAII, "MAUNALANA HOMESITES" (P.C. 2-3-19 & 20)



NOTE: All lots, shown by the shaded areas, are subject to the provisions of the Forest Reserve Act, Chapter 205, Hawaii Revised Statutes.

FOR PROPERTY ASSESSMENT PURPOSES SUBJECT TO CHANGE

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT			
TAX MAPS SECTION			
TAX MAP			
ZONE	SECTION	LOT	AREA
2	5	24	
SCALE: 1" = 50 FT.			

EXHIBIT "A"