

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

August 24, 2007

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

Oahu

Request to Extend the Cure Period for the Notice of Default on General Lease No. S-4908, Francis Daniel Beirne and Dannielle Ululani Beirne, Lessees, Maunalaha Homesites, Makiki, Oahu, Tax Map Key: 2-5-24:03.

REMARKS:

At its meeting on December 9, 2005, the Board approved the assignment of lease from Francis Daniel Beirne and Dannielle Ululani Beirne to Francis Daniel Beirne, Donald F. Beirne and Clayton Beirne (two of Francis' sons). Ms. Dannielle Ululani Beirne was maintaining the insurance until her brother, Francis Daniel Beirne, and his two sons elected to assume the lease via the assignment process.

After the Board approved the assignment, all of the Assignors and Assignees signed the assignment documents. However, prior to the Chairperson executing the consent to assignment, the insurance lapsed. Also, certain of the assignees then reconsidered accepting assignment of the lease. Consequently, at this writing, no consent to the assignment has been provided by the State and there is no insurance coverage currently in place.

A Notice of Default letter, dated May 25, 2007, was mailed to Francis Daniel Beirne's address and accepted June 2, 2007. The cure period expired August 2, 2007, but Mrs. Francis Daniel Beirne called earlier and explained their insurance application difficulties and requested additional time. See Exhibit A.

Staff recommends granting an extension of an additional sixty (60) days, as our experience has been that many of our lessees have had problems with securing an acceptable homeowners' policy; many insurers will not list the State as additional insured.

RECOMMENDATION:

That the Board grant an extension of an additional sixty (60) days to the notice of default cure period, for General Lease No. S-4908 subject to the following:

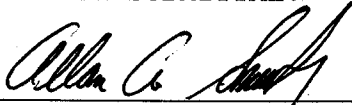
1. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Al Jodar
Land Agent

APPROVED FOR SUBMITTAL:



for

 Laura H. Thielen, Interim Chairperson


FRANCIS DANIEL BEIRNE
541 ASPEN LANE
POMONA, CA. 91767

STATE OF HAWAII
DEPT. OF LAND AND NATRUAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HI. 96809

To whom it may concern,

Concerning the lease known as General Lease S-4908, due to the change of ownership we are in the process of acquiring liability insurance. We are asking for an extension at this time, as we are looking forward to taking care of this as soon as possible.

Thank You,


Francis Daniel Beirne

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2007 JUL 23 A 10:11

RECEIVED
LAND DIVISION

EXHIBIT "A"

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here



STATE OF HAWAII
LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
 OLULU, HAWAII 96809

May 25, 2007

ALLAN A. SMITH
 INTERIM CHAIRPERSON
 BOARD OF LAND AND NATURAL RESOURCES
 COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
 DEPUTY DIRECTOR

PETER T. YOUNG
 DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
 BOATING AND OCEAN RECREATION
 BUREAU OF CONVEYANCES
 COMMISSION ON WATER RESOURCE MANAGEMENT
 CONSERVATION AND COASTAL LANDS
 CONSERVATION AND RESOURCES ENFORCEMENT
 ENGINEERING
 FORESTRY AND WILDLIFE
 HISTORIC PRESERVATION
 KAHOLAWE ISLAND RESERVE COMMISSION
 LAND
 STATE PARKS

Sent To **Francis Beirne**
 Street, Apt. No.; **541 Aspen Lane**
 or PO Box No. **Pomona, CA 91767**
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

Ref.: OD-GL4908

CERTIFIED MAIL: 7373 8341

FRANCIS DANIEL BEIRNE

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Francis Daniel Beirne
Dannielle Ululani Beirne
541 Aspen Lane
Pomona, CA 91767

OD-GL4908 kck

Article Number
 (Transfer from service label)

7003 3110 0005 7373 8341

Form 3811, August 2001 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
Francis D. Beirne

B. Received by (Printed Name) C. Date of Delivery
 05-25-07

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

and Natural Resources at its
 General Lease S-4908, you
 the following:

___ **Post required Liability Insurance Policy**
(Expired: 04/12/2007)

___ Other

You are hereby given sixty (60) days from the date of receipt of this letter to cure the above-described breach.

*M
5/24*

Your failure to act on the above matter may result in one or more of the following:

1. Cancellation of General Lease S-4908.
2. Retention of all sums heretofore paid under General Lease S-4908 as liquidated damages.
3. Termination of all your rights and obligations under General Lease No. S-4908.

We therefore urge your fullest cooperation. Should you have any questions, please contact Mr. Cecil Santos at our District Land Office at (808) 587-0433.

Sincerely,



ALLAN A. SMITH
Interim Chairperson

cc: Land Board Member
District Office
Central Office

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