

CIVIL NO. 30

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
STATE OF HAWAII

JOHN GREGG ALLERTON and PAUL G. RICE, )  
Plaintiffs, )  
vs. )  
HEIRS OF HANAH K. AHI, et al., )  
Defendants. )

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REPORT OF THE COMMISSIONERS

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REPORT OF THE COMMISSIONERS

TO THE HONORABLE BENJAMIN M. TASHIRO, JUDGE OF THE ABOVE  
ENTITLED COURT:

Come now HENRY C. WEDEMEYER, YEISO YAMAURA and  
NICHOLAS A. AKANA, heretofore, in a Decree entered in  
the above entitled cause on September 9, 1955 (as amended  
by supplemental orders dated September 23, 1955, and  
November 23, 1955, all of said papers being hereinafter  
called "said Decree"), appointed Commissioners of this  
Court and Receivers of this Court as in said Decree  
specified, and respectfully represent and report unto  
Your Honor:

That the Commissioners have held many meetings  
and hearings and on numerous occasions have personally  
gone upon and inspected the lands of the Hui Kuai Aina  
o Haena, the subject of these proceedings in partition;

That the Commissioners deemed it necessary to employ competent surveyors to assist them in the performance of their duties as such Commissioners and employed R. M. Towill Corporation, of Honolulu, Hawaii; that your Commissioners deemed it necessary also to employ a competent appraiser, Samuel M. Fuller, to assist them in arriving at the values of beach lands in relation to all other lands of the Hui;

That the Commissioners believe that the nature and extent of the land involved in these proceedings is such as to permit an equitable division in kind among all of the several persons having interests therein, except where such interests involve extremely small fractional proportions of shares of said land in which cases a parcel or parcels of land can be awarded to a family group, the aggregate of the individual interests of the members of such family group being sufficiently large to warrant such an award;

That there are 38 full shares in said Hui; that because of the great variation in the nature and classes of land and in the values thereof, the partition of the Hui lands should be made on the basis of value rather than upon the basis of area and the Commissioners have valued all of said Hui Lands at \$442,094.42; that by reason of the conveyance by John G. Allerton and Winifred Willis of lands valued at \$809.20, for which Hui land must be allotted to said two grantors, (in addition

to a conveyance by John G. Allerton of an undivided interest in a kuleana valued at \$138.53 which should be allotted to the share owner receiving the Hui Land surrounding said kuleana as part of his share interest in the Hui), there remains a total distributable value of \$441,285.22; that your Commissioners therefore value one full share in the Hui as of this date at \$11,612.77;

That said lands have been classified so as to show the respective or proportionate valuations of every parcel thereof all in fair relationship to the nature, character, location, usefulness and accessibility thereof, the value of each classification being placed thereon purely for the purpose of arriving at a comparative value for the various classifications;

That the Commissioners have provided for the division of all of the lands into lots and parcels, including provisions for necessary roads and rights-of-ways and for the allotment of the specific parcels to the various parties, all with due regard for existing rights or preferences of various shareowners by reason of prior occupation or improvements of portions thereof of allotments heretofore made under the rules and regulations of said Hui and otherwise;

That after publication of notice three times in newspapers of general circulation in the State of

Hawaii (to-wit: the Honolulu Star Bulletin and The Garden Island) and mailing of copies of said notice to each interested person in the above cause, the Commissioners held hearings at the Courthouse, Lihue, Kauai, on April 26, 1965, and on June 14, 1965, on which occasions the Commissioners received requests from various Hui shareowners for the award to them of various parcels of land and the Commissioners displayed tentative maps of the lands involved showing prospective lots, parcels and subdivisions of said lands; that the Commissioners endeavored to ascertain the wishes of all individual parties interested in said lands in order to accommodate the individual desires of all parties as far as possible;

That the lands sought to be partitioned consist in the main of:

- (a) A long coastal plain, divided into two flats, ranging in width from approximately 100 feet to 1350 feet, approximately two miles long, extending westerly from the Wainiha Hui lands boundary to the base of the beginning of the Napali Cliffs, they being the southwesterly terminal of said coastal plain, said lands being suitable for house lots, beach lots, agricultural pursuits and pasture lands, containing approximately 194 acres;
- (b) Manoa Valley (also known as Kamolehua Valley), approximately 405 acres, containing the source of the County domestic water system in addition to approximately 25 acres suitable for poor pasture;
- (c) A large valley, known as Limahuli Valley, of approximately 995 acres, its highest and best use being determined as follows:

(1) Houselots at the mouth of the valley, covering an area of approximately 15.34 acres,

(2) Medium and poor pasture in the floor of the valley, of approximately 150 acres, and

(3) Limahuli Stream, average daily flow of approximately 3.5 million gallons, being subject to the ancient water rights appurtenant to the wet agricultural lands (kuleanas as well as Hui lands) in Limahuli Valley and its deltas, and

(d) Cliffs with steep and inaccessible slopes;

That the gross area of the whole land is approximately 1,850 acres; that the gross area of the kuleanas and other exceptions is approximately 40 acres, leaving a net area of approximately 1,810 acres of which approximately 1,459 acres are unusable cliffs and 175 acres are usable as poor or medium pasture, leaving only 186 acres or thereabouts suitable for houselot, beach lot and agricultural purposes, of which about 20 acres consist of white sand area between the vegetation line and high-water mark.

That the Commissioners have examined and placed values upon all of the said lands sought to be partitioned; that the Commissioners used an acreage value in appraising the value of said lands except residential and beach lands; that in appraising the said beach and residential lands the Commissioners used the unit value method, being the same method adopted by the tax office assessors of the State of Hawaii; that in

making said appraisals the Commissioners took into consideration the nature and character of said lands, accessibility to public highways, nearness to the shore line, availability of utilities, and such other matters and things as in the opinion of the Commissioners affected the values thereof; that said lands were appraised and valued on the basis indicated as follows:

FIRST FLAT

<u>Classification</u>	<u>Area Sq. Ft.</u>	<u>Rate</u>	<u>Value</u>
Good beach land (to vegetation line)	576,171	16¢	\$ 92,187.36
White sand (bordering same)	284,745	.8¢	2,277.96
White sand (bordering same but affected by drain or swale)	36,518	.4¢	146.07
Medium beach land (to vegetation line)	102,923	13¢	13,379.99
White sand (bordering same)	44,927	.65¢	292.03
Poor beach land (to vegetation line)	24,000	7¢	1,680.00
White sand (bordering same)	15,300	.35¢	53.55
White sand (bordering same but affected by drain or swale)	4,700	.175¢	8.23
Good house land on road	649,976	9¢	58,497.84
Good interior house land	1,335,666	8¢	106,853.28

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<u>Classification</u>	<u>Area Sq. Ft.</u>	<u>Rate</u>	<u>Value</u>
Poor house land	178,000	3¢	\$ 5,340.00
Poor pasture	25.05 ac.	\$15 ac.	375.75
Waste land along road	80.00 ac.	\$10 ac.	800.00
Waste land, watershed & cliff	291.03 ac.	\$ 1 ac.	291.03
Miscellaneous	111,882	--	<u>100.00</u>
<b>TOTAL VALUE FIRST FLAT</b>			<b>\$282,283.09</b>

SECOND FLAT

<u>Classification</u>	<u>Area Sq. Ft.</u>	<u>Rate</u>	<u>Value</u>
Good beach land (to vege- tation line)	269,517	13¢	\$ 35,037.21
White sand (bordering same)	141,984	.65¢	922.89
Poor beach land (to vege- tation line)	588,123	7¢	41,168.61
White sand (bordering same)	216,819	.35¢	758.87
White sand (bordering same but affected by drain or swale)	134,834	.175¢	235.96
Good house land on road	287,400	6¢	17,244.00
Good interior house land	429,488	5¢	21,474.40
Medium interior house land	275,277	3¢	8,258.31
Poor house land	946,105	2¢	18,922.10
Interior land	164,384	1¢	1,643.84



<u>Classification</u>	<u>Area Sq. Ft.</u>	<u>Rate</u>	<u>Value</u>
Good wet agricultural land	640,020	\$250 ac.	\$ 3,673.25
Medium wet agricultural land	460,880	\$125 ac.	1,322.64
Medium pasture	65 ac.	\$ 75 ac.	4,875.00
Poor pasture	85 ac.	\$ 15 ac.	1,275.00
Waste land along road	131.336 ac.	\$ 10 ac.	1,313.36
Waste land, watershed & cliff	885.89 ac.	\$ 1 ac.	885.89
Miscellaneous	2,739,992	--	<u>800.00</u>
TOTAL VALUE SECOND FLAT			\$159,811.33
TOTAL VALUE FIRST FLAT			<u>282,283.09</u>
TOTAL VALUE ENTIRE HUI			\$442,094.42

That the Commissioners have set no value upon the various roads pathways and easements within said Hui lands as they believe that these parcels should be awarded to the County of Kauai or to allottees of Hui lands abutting same, as the case may be, for no consideration;

That there are various historical sites or natural formations within said Hui lands as follows:

- (a) The Dry Cave (Maniniholo) - Lot 44
- (b) The upper Wet Cave (Wai a Kapalae) - Lot 129
- (c) The lower Wet Cave (Wai a Kanaloa) - Lot 128
- (d) Lohiau's House Site - within Lot 123

(e) Heiau and Hula Grounds - within Lot 121

(f) Swimming Pool in Limahuli Stream - within  
Lots 136 and 137

That your Commissioners believe that Lot 129 should be conveyed to the County of Kauai in exchange for a portion of L. C. Aw. 7998 owned by the County and which lies within the proposed State Highway (Road A), mauka of same (adjoining Lot 130) and makai of same (adjoining Lot 114), subject, however, to the condition that said County maintain and preserve the cave contained therein in perpetuity for the general public; and subject also to the condition that no concessions or commercial activities shall be permitted on said Lot 129 and in the event such occurs title of said Lot 129 in said County of Kauai shall thereupon automatically terminate and title shall instead vest in Pacific Tropical Botanical Garden, a corporation chartered by the Congress of the United States of America;

That the Commissioners believe that Lots 44, 123 and 128 should be allotted to said County of Kauai as a part of the lands to which said County is entitled by virtue of being the owner of two full shares in said Hui, but subject to the condition that said County maintain and preserve the caves contained therein (as to Lots 44 and 128) and the stone walls (Lohiau's House) therein (as to Lot 123) in perpetuity for the general public; and subject also to the condition that no concessions or commercial

activities shall be permitted on said respective Lots 44, 123 or 128 and in the event such occurs title to said lots upon which such prohibited concessions or activities have occurred shall automatically terminate as to said County of Kauai and title instead shall vest in said Pacific Tropical Botanical Garden;

That the Commissioners believe that Lot 121 should be allotted to John Gregg Allerton as a part of the lands to which he is entitled by virtue of being the owner of 4.9467 shares in said Hui, but subject to the condition that he maintain and preserve Footpath W leading to same and that his ownership as to the land comprising the heiau and the hula grounds (but not the remainder of said Lot 121) terminate upon his death or upon his conveyance of said Lot 121 whichever event first occurs, upon which occurrence title to area of heiau and hula grounds shall pass to the County of Kauai, subject to the condition that said County maintain and preserve said sites, and said Footpath W, in perpetuity for the general public; and subject also to the condition that no concessions or commercial activities shall be permitted as to said heiau site or hula grounds site and in the event such occurs title to said sites in the County of Kauai shall thereupon automatically terminate and title shall instead vest in said Pacific Tropical Botanical Garden;

That the general public have a perpetual easement to enjoy said swimming pool within said Lots 136 and 137 together with a reasonable area around same, as indicated on the Map thereof, there being no obligation or responsibility, however, upon the owners, from time to time, of said Lots 136 and 137 in any way to clean, maintain, repair, etc., said easement area;

That the Commissioners have investigated the extent to which any portions of said lands have been occupied and also the occupational rights claimed by parties under the rules or practices of said Hui under allotments and assignments thereof and also any and all encumbrances as may be subsisting; that the Commissioners have endeavored to preserve all of such allotments and occupational rights except where the holders thereof have insufficient quantity of interest to support the value of the land or where the holders have indicated a desire or willingness to relinquish them in favor of an award of other lands or where it would be more practicable (particularly in cases involving very small parcels) to award such allotments to only one of several co-allottees (and awarding other lands to the other co-holders); that in many instances the Commissioners have deemed it advisable to amend boundaries of existing allotments in order to straighten boundaries, absorb remnants, provide for roadways, etc.; that there are

several kuleanas within said Ahupuaa of Haena which are exclusions from said Hui lands; that the Commissioners have deemed it advisable in various instances to arrange for exchanges of lands with owners of kuleanas in order to straighten boundaries, absorb remnants, provide roadways, etc.; that the Commissioners have approached said kuleana owners upon said matters and that said kuleana owners generally are favorably inclined to such exchanges and all such exchange deeds as can be executed have been executed, or are in the process of execution, subject to the approval of this Court;

That the main government road should be widened to 40 feet in width, and certain roads should be widened to permit acceptance thereof by the County of Kauai consonant with its ordinances and thus assure maintenance thereof to the lasting benefit of the various owners of said Hui lands as well as for the general public;

The Commissioners further report that certain assignments, transfers and devolutions of interests in said lands, subsequent to said Decree, have been effected; that the Commissioners have inquired into heirships and are informed and believe that the following is a complete list of all such assignments, transfers, devolutions and heirships:

(a) Henry Ahi died intestate and his interests (.0750) descended one fourth to Adolph Bartels, George

Bartels, Alma B. Kealoha (formerly Alma B. Kaulu), Harriet B. Mariani and Helena B. Suganuma, one fourth to the heirs of Marjorie Aki, one fourth to the heirs of Florence Medeiros and one fourth to Bernice Ahi Smith. Bernice Ahi Smith died intestate and her interests descended one half to her widower Charles C. Smith and the balance as follows: one sixth to the heirs of Marjorie Aki, one sixth to the heirs of Florence Medeiros and one sixth to Adolph Bartels, George Bartels, Alma B. Kealoha, Harriet B. Mariani and Helena B. Suganuma. Charles C. Smith conveyed his interests (.0467) to Paul G. Rice (Liber 5079, page 226). The interests of the heirs of Marjorie Aki amount to .0344 and her heirs are: William K. Aki, Jr., Charlotte Aki, Theone Aki, Randolph Aki and Sydney Aki. The interests of the heirs of Florence Medeiros amount to .1843 and her heirs are Bernice Davidson, Gilbert Honda, Healani Aea, Marjory Ann Teixeira, Collette Medeiros and Henrietta Medeiros, subject to the curtesy right of Fred Medeiros in a .1500 interest.

(b) George K. Akana conveyed his interests (.0625 of one share) to F. C. Kling and Jennie Kling (Liber 4094, page 423).

(c) Eva A. Fountain conveyed .2500 of her interests in equal shares to Wayne Ellis and Robert Morton (Liber 3724, page 443).

(d) John Akana, Helen A. Bruns and Mary A. Wallace conveyed their interests (a total of .1875) and Eva A. Fountain conveyed her remaining interests (.0625) to F. C. Kling and Jennie Kling (Liber 4067, page 244).

(e) William Akana conveyed his interests (.0625) to William Moragne and Jean Moragne (Liber 5049, page 442).

(f) Lillian C. Brewer conveyed her interests (.5500) to Juliet Wichman as to .2500 (Liber 3008, page 25) and to Dora Jane Cole as to .3000 (Liber 3007, page 230).

(g) Sarah Chu died and under her Will admitted to probate her interests were devised to her widower, Chu Wai (Liber 3721, page 410). Chu Wai conveyed same (.6250) to himself and William Chu as joint tenants (Liber 4148, page 205).

(h) Dora Jane Cole conveyed .3000 interest to Juliet Wichman (Liber 3635, page 240).

(i) Beatrice dela Cruz and Maile Montibon (correct name is Montervon) conveyed their interests (.0556 each) to Howard H. Moore and Mary May Moore (Liber 4064, page 8).

(j) Lillian Lee Duplo conveyed her interests (.0625) to John Fung Sing Lee and Helen Lee (Liber 5045, page 550). By the same deed, Mr. Lee conveyed his remaining interests (.0625) to himself and his wife, Helen

M. Lee.

(k) Isabel B. Faye conveyed her interests (.1000) to Alexander Lindsey Faye, Jr. (Liber 5073, page 129).

(l) John W. Gregg is now known as John G. Allerton.

(m) Hawaiian Evangelical Association of Congregational-Christian Churches admits that its interests (.2000) are correctly owned by Waioli Hui'ia Church, which has agreed to sell said interests to James L. Meriam (Liber 5303, page 546).

(n) Raymer K. Kanealii conveyed his interests (.0556) to Polly Moore (Liber 4442, page 353).

(o) Robert Moewai Kanealii died and under his Will admitted to probate his interests (.1250) were devised in equal shares to Robert P. Kanealii and Maile Montervon).

(p) Robert P. Kanealii conveyed his total interests (.0556 plus .0625 acquired from the estate of Robert Moewai Kanealii) in equal shares to Howard H. Moore and Mary May Moore (one half) and William M. Moragne and Jean W. Moragne (one half). (Liber 5146, pages 284 and 287).

(q) Joseph Kauwe Kanealii conveyed his interests (.0556) in equal shares to Howard H. Moore and Mary May Moore (one half) and William M. Moragne and Jean W. Moragne



(one half) (Liber 5164, pages 58 and 61).

(r) Roger M. Kanealii conveyed his interests (.0556) to F. C. Kling and Jennie Kling (Liber 4024, page 179).

(s) Halaki Kelau died intestate and her interests (.3750) went by descent in equal shares to Maria Laamea, Victoria Lindsay and the heirs of Virginia Bukoski, same believed to be one daughter, Claire B. Follner.

(t) Jacob K. Maka died intestate and his interests (.2500) went by descent in equal shares to Mildred M. Chung (formerly Mildred M. Olanolan), Murphy Maka, Helena M. Santos, Marjorie M. Yokotake and Hilda M. Zaima (formerly Hilda Maka), subject to the dower rights of Myra Alapai Maka, now known as Myra Alapai Gloss.

(u) Esther Uo Makaila died intestate and her interests (.3333) went by descent in equal shares to Chris Makaila, Adeline Ogawa, Bertha Tom and Herman Uo (Liber 3893, page 200). Herman Uo conveyed his interests (.0833) to William M. Moragne and Jean W. Moragne (Liber 5376, page 159).

(v) Edward K. Malia conveyed his interests (.0556) to Emma Ouye (Liber 4339, page 219).

(w) Rose Trask Miranda conveyed her interests (.1429) to Howard H. Moore and Mary May Moore (Liber 4769, page 193).

(x) Mary Jane Neves conveyed her interests (.1429) to Howard H. Moore and Mary May Moore (Liber 4769, page 195).

(y) Charles A. Rice died and his interests (.0089) are still held by his estate.

(z) Paul G. Rice conveyed 1.2300 of his interests to Edward O. Rice and Martha M. Rice (Liber 5466, page 58) and 1.2300 of his interests to Paul I. Rice and Joyce S. Rice (Liber 5466, page 61), leaving remaining .1982 interest.

(aa) Richard H. Rice died and under his Will admitted to probate his interests (1.0400) were devised to his widow Francelia K. Rice. Said Francelia K. Rice (now Francelia K. Veech) conveyed .2300 interest to John Steelquist (Liber 5530, page 472) and .1700 interest to Richard K. Rice (Liber 5530, page 474) leaving remaining .6400 interest.

(bb) Alice Robinson died and her interests (6.9189) are still held by her estate.

(cc) Rose Malia Stanley conveyed her interests (0.556) to Howard H. Moore and Mary May Moore (Liber 4064, page 6).

(dd) Bettie Souza La Coe (Liber 5412, page 219), Irene Thronas Strong (Liber 5443, page 218), Henry Thronas (Liber 5297, page 596) and Olaf E. Thronas, Jr., (Liber 5297, page 599) conveyed their respective interests (.0357 each) to William Moragne and Jean Moragne.

(ee) Jane K. Trask died intestate and her interests (.1429) went by descent as follows: one-fifth to each of Rose T. Miranda, Nancy T. Naukana and Mary Jane Neves (all of whom conveyed their aggregate interests (.0849) to William M. Moragne and Jean W. Moragne (Liber 5297, page 593, Liber 5313, page 210, Liber 5297, page 589, respectively)), one tenth to each of Sam Apo and Hazel Apo Gross, one fifteenth to James Huddy, Jr., one fifteenth in equal shares to Beryl Dias Bruhn (formerly Beryl M. Dias) and Harriet Dias Yoshino (formerly Harriette U. Dias) and the remaining one fifteenth in equal shares to David Huddy, Dwight Huddy and Charla Huddy Lum (formerly Charla Huddy).

(ff) Maria Waiuli died and title to the interests (.0912) held by her and her widower, Pa-u Waiuli, as joint tenants became vested in said widower who conveyed said interests to himself for life, remainder to Emma Ouye (Liber 4031, page 160). Mr. Waiuli and Mrs. Ouye then conveyed same to William U. Asing, Jr., and Patsy N. Asing (Liber 4339, page 221).

(gg) Alice K. Wilcox died and under her Will admitted to probate her interests (.6667) were devised in equal shares to Gaylord Wilcox, Jr., and Patricia Wilcox, (now Patricia Wilcox Sheehan).

(hh) Mary Gilman Trask Chang joined in the deed of her daughter, Mary Jane Neves (Liber 4769, page 195) to dispose of her dower rights.

(ii) The listing of a dower right in the original Decree in Helen Chum Thronas was erroneous. The interest of the Thronas children in the Hui descended to them upon the intestate death of their mother, Henrietta Maka Thronas. Thereafter their father, Olaf Thronas, who acquired a curtesy interest, married Helen Chum, but on his death his curtesy interest terminated and nothing remained to be passed on to his widow.

(jj) The curtesy interests listed in the original Decree in favor of Samuel K. Dias, Robert Moewai Kanealii and Jacob K. Maka have all terminated as a result of the death of all three of said persons.

(kk) William Moragne conveyed .0500 of his interests to William Moragne, Jr. (Liber 4930, page 533). By subsequent deed William Moragne, Jean Moragne and William Moragne, Jr., conveyed their total interests (.6612) as follows: .1322 interest to each of William M. Moragne, Jr., Jean Mary Moragne Cooke, Sally Ann Moragne and Catherine Josephine Moragne, and the remaining .1324 interest to William M. Moragne and Jean W. Moragne (Liber 5557, page 394). William M. Moragne, Jr., Jean Mary Moragne Cooke, Sally Ann Moragne and Catherine Josephine Moragne have leased their interests to William M. Moragne and Jean W. Moragne for the lifetimes of said lessees (Liber \_\_\_\_\_, page \_\_\_\_\_).

(ll) F. C. Kling and Jennie Kling conveyed .1006

interest to Howard H. Moore and Mary May Moore (Liber 5411, page 83).

(mm) William H. Rice conveyed any anticipated interest in Lot 109, or the substantial equivalent, to Howard H. Moore and Mary May Moore (Liber 5578, page 68).

(nn) Helen R. Ellis conveyed .2600 interest to herself and Wayne E. Ellis as tenants by the entirety, .2600 interest to Helen K. Ellis, .2600 interest to Michael L. Ellis and .2600 interest to Wayne R. Ellis (Liber 5598, page 414).

(oo) The one-half share of original share No. 25 to Kauka mentioned in said Decree as being in dispute between the Estate of Alice Robinson and John G. Allerton has been resolved amicably by each party receiving one half of said one-half share in dispute, thus increasing each party's interest in the Hui by .2500 interest.

(pp) Myra Alapai Gloss has requested that her dower rights (see item (t) above) be admeasured and that she receive a parcel of land therefor. Based upon calculations of the Inheritance Tax Division of the State of Hawaii, the dower interest of Mrs. Gloss at her age in .2500 share (at the rate \$11,612.77 per full share) amounts to \$652.95. Accordingly, the interest of each of Mildred M. Chung, Murphy Maka, Helena M. Santos,

Marjorie M. Yokotake and Hilda M. Zaima diminishes by the amount of \$130.59.

That giving effect to all of the foregoing assignments, transfers and devolutions of interests in said Hui and to the beliefs and findings of the Commissioners as to various heirships as above set forth, the Commissioners are informed and believe that the following is a full, true and correct itemized Hui ownership list as of the date hereof:

Heirs of Marjorie Aki, c/o William K. Aki, Mid-Pacific Golf Club, Kailua [William K. Aki, Jr., Charlotte, Theone, Randolph, Sydney]	.0344
John Gregg Allerton, Koloa	4.9487
Sam K. Apo, P. O. Box 297, Waimea	.0857
William V. & Patsy N. Asing, 1544 Kalaepohaku Place, Honolulu	.0912
Adolph Bartels, 3409-B Wela Street, Honolulu	.0219
George Bartels, 4064 Koko Drive, Honolulu	.0219
Rachel Malia Bickel, 184 Oxford Street, Chula Vista, Calif.	.0556
Beryl M. Bruhn, 45-553 Keluka Place, Kailua	.0286
Elizabeth Mahuiki Chandler, Hanalei	.0469
William & Rosalina Chandler, Hanalei	.9250
Charles Chu, 45-012 Mahalani Circle, Kaneohe	.3000
Chu Wai & William Chu, Kapaa	.6250
Mildred Maka Chung, P. O. Box 129, Hanalei	.1300
Dora Jane Cole, Lihue	1.0750
Jean Mary Moragne Cooke, 2829 Manoa Road, Honolulu	.1322
County of Kauai, c/o Toshio Kabutan, County Attorney, Lihue	2.0000

Kamala Kanealii De Fries, Hanalei	.0208
Helen K. Ellis, 1511 Nuuanu Avenue, Honolulu	.2600
Mary K. Ellis, Lihue	.4000
Michael L. Ellis, Lihue	.2600
Wayne E. Ellis, Lihue	.1250
Wayne E. and Helen R. Ellis, Lihue	.2600
Wayne R. Ellis, Lihue	.2600
Alexander Lindsay Faye, Jr., c/o A. L. Faye, P. O. Box 562, Lihue	.1000
Claire B. Follner, 32 First Ave., Apt. A, Daly City, Calif.	.1250
Hazel Apo Gross, P. O. Box 2226, San Diego, Calif.	.0857
Joe & Dora Hashimoto, Hanalei	.5000
David Huddy, 1207 Waimano Home Road, Pearl City	.0191
Dwight Huddy, 1207 Waimano Home Road, Pearl City	.0191
James Huddy, 4614 Underwood Way, Sacramento, Calif.	.0571
Marie Mahuiki Inouye, Hanalei	.0469
Ben Kanealii, 609 Naale Street, Honolulu	.0208
David Kanealii, P. O. Box 752, Kapaa	.0208
Joseph I. Kanealii, Kwajalein	.0208
Michael Kanealii, 609 Naale Street, Honolulu	.0208
Sam Kanealii, 609 Naale Street, Honolulu	.0208
Elmer C. Keahi, 3619 McCorriston Street, Honolulu	.0666
Joseph K. Keahi, 909 Alahaki Street, Kailua	.0666
Norman K. Keahi, 717 Pahumele Place, Kailua	.0666
Raymond M. Keahi, Kapaa	.0666
Alma Bartels Kealoha, 106-B Lexington Drive, Honolulu	.0219
F. C. and Jenny Kling, 72 Dowsett Avenue, Honolulu	.2675
Maria Laamea, Kapaa	.1250

John K. and Helen M. Lee, 3225 Hoolulu Street, Honolulu	.1250
Victoria Lindsey, Puhi	.1250
Charla Huddy Lum, 1207 Waimano Home Road, Pearl City	.0191
Bernard Mahuiki, Hanalei	.0469
Donald Mahuiki, 1153 Wilder Avenue (Apt. 2), Honolulu	.0469
Jeremiah Mahuiki, P. O. Box 138, Hanalei	.0469
Lawrence Mahuiki, San Diego, California (Navy)	.0469
Ruth Mahuiki, 1153 Wilder Avenue (Apt. 2), Honolulu	.0469
Samson Mahuiki, Hanalei	.0469
Murphy Maka, P. O. Box 23, Hanalei	.1300
Chris Makaila, 1649 Grant Avenue, San Francisco, Calif.	.0833
Joseph Malia, 1624 Myers Street, Honolulu	.0556
William K. Malia, Mst. Sgt. AF30113245 18th Supp. Sqd., Box 384, APO 239, San Francisco, Calif.	.0556
Harriet Bartels Mariani, 1344 Kinau Street, Apt. 1, Honolulu	.0219
Heirs of Florence Ahi Medeiros, c/o Mrs. R. S. Davidson, 84-870 Lahaina Street, Waianae	.1843
[Hsb. Fred Medeiros; children: Bernice Davidson, Gilbert Honda, Healani Aea, Marjory Ann Teixeira, Collette Medeiros, Henrietta Medeiros].	
Maile Kanealii Montervon, 1444-B Lakona Walk, Honolulu	.0625
Howard H. and Mary May Moore, 2544 Alaula Way, Honolulu	.6400
Polly Moore, 2544 Alaula Way, Honolulu	.0556
Catherine Josephine Moragne, Lihue	.1322
Sally Ann Moragne, Lihue	.1322
William M. and Jean W. Moragne, P. O. Box 206, Lihue	.1324
William M. Moragne, Jr., Box 206, Lihue	.1322
Robert Morton, c/o Wayne Ellis, Lihue	.1250
Caroline Malia Nakamoto, 1310 Nanakai Street, Pearl City	.0556



Adeline Ogawa, Kalaupapa	.0833
Emma Ouye, Nawiliwili	.3335
Phyllis K. Pa Ragsac, P. O. Box 692, Kapaa	.1250
Charles A. Rice Est., c/o Patricia Rice, Executrix, Lihue	.0089
Edward & Martha Rice, Glenwood	1.2300
Paul G. Rice, 333 Lewers Road, Honolulu	.1982
Paul I. and Joyce Rice, 4892 Kilauea Avenue, Honolulu	1.2300
Richard K. Rice, 21 Craigsid e Place, Honolulu	.1700
William Harrison Rice, Army & Navy YMCA, Honolulu	1.0400
Alice Robinson Estate, c/o Est. of A.F. Robinson, Makaweli	6.9189
Eleanor Robinson, Makaweli	1.0000
Selwyn A. Robinson, Makaweli	1.0269
Winona Keshi Rosehill, 941 Kaloa Street, Honolulu	.0666
Helena Maka Santos, Hilo	.1300
Patricia W. Sheehan, 17 Ala Kimo Drive, Honolulu	.3334
John Steelquist, 21 Craigsid e Place, Honolulu	.2300
Helene Bartels Sukanuma, 2343 Tantalus Drive, Honolulu	.0219
Agnes Thronas, 300 Gonzalez Street, San Francisco, Calif.	.0357
Fred Thronas, Kapaa	.0357
Samuel Thronas, P. O. Box 55, Kapaa	.0357
Bertha Tom, 107 Ulupa Street, Kailua	.0833
Francelia K. Veech, 72 Craigsid e Place, Honolulu	.6400
Waioli Hui'ia Church, Hanalei	.2000
Dora Rice Wallis, Lihue	1.0400
Charles R. Wichman, Trustco Bldg., Honolulu	.3000
Juliet A. Wichman, Lihue	3.1333

Gaylord Wilcox, Lihue	.3333
Winifred Willis, Kapaa	1.3333
Marjorie Maka Yokotake, Hanalei	.1300
Harriette Dias Yoshino, Lihue	.0286
Hilda Maka Zaima, Lihue	.1300
	<hr/>
	38.0000

That the Commissioners are informed and believe that the following persons are owners of and entitled to dower or curtesy rights in undivided shares or interests in said Hui lands:

Maile Kaapuni, 1207 Waimano Home Road, Pearl City (in .0476 owned by David Huddy, Dwight Huddy and Charla H. Lum);

Esther M. Keahi, Kapaa (in .3333 owned by Elmer, Joseph, Norman and Raymond Keahi and Winona K. Rosehill);

Rachel Mahuiki, 1153 Wilder Avenue, Apt. 2, Honolulu (in .3750 owned by Elizabeth M. Chandler, Marie M. Inouye and Bernard, Donald, Jeremiah, Lawrence, Ruth and Samson Mahuiki);

Myra Alapai Gloss, Box 233, Kilauea (in .2500 owned by Mildred M. Chung, Murphy Maka, Helena M. Santos, Marjorie M. Yokotake and Hilda M. Zaima); that she has requested admeasurement of the value of her dower rights; that your Commissioners, with the assistance of the Inheritance Tax Division of the State of Hawaii, have ascertained that said interests are valued at \$652.95, for which your Commissioners recommend that she be awarded Lot 24;

William C. Bartels, 1525 Young Street, Honolulu (in .0750 owned by Adolph and George Bartels, Alama B. Kealoha, Harriet B. Mariani and Helene B. Sukanuma);

Fred Medeiros (in .1500 owned by Bernice Davidson, Gilbert Honda, Healani Aea, Marjory Ann Teixeira and Collette and Henrietta Medeiros);

The Commissioners further report that certain assignments, transfers and devolutions of interests in the kuleanas located within the boundaries of said Hui Lands subsequent to the filing of the Complaint herein on June 17, 1955, have been effected; that the Commissioners are informed and believe that the following is a complete list of the present owners of the kuleanas within said Hui lands:

<u>Award</u>	<u>Royal Patent</u>	<u>Owners</u>
7942	6307	Richard T. Yano and Donna Yano.
7943:1 and 2	6315	John G. Allerton 11/24, Bertha Tom 1/8, Adeline Ogawa 1/8, Chris Makaila 1/8, Maile Montervon 1/12, and Mokihana de la Cruz 1/12.
7945:1 and 2	6306	Madeleine K. Apuna, Florence L. Char, Pearl Kapuniai, George K. Manoha and William Manoha Mason (subject to curtesy rights of William Mason, Sr.).
7946		Howard K. Kinney
7949:1, 2 and 3	5269	John G. Allerton
7967:1 and 2	5488	Estate of Alice Robinson
7996		Paul G. Rice and Kathryn O. Rice
7998		County of Kauai
8200B:1 and 2		Estate of Alice Robinson
8200C:1, 2 and 3	7091	Estate of Alice Robinson
8262	7267	Juliet A. Wichman
9140		Juliet A. Wichman

9179	7052	George K. Akana, Eugenia F. Akana, George N. Akana and Ralph E. Akana (1/2); Heirs of Kamealoha (1/2).
10223	6224	John G. Allerton
10396		Emma Ouye
10562:1 and 2	6993	Mildred Chung, Murphy Maka, Helena Santos, Marjorie Yokotake and Hilda Zaima (1/2) (subject to dower rights of Myra A. Gloss); Bettie La Coe, Irene Strong, Agnes Thronas, Fred Thronas, Henry Thronas, Olaf Thronas, Jr., and Samuel Thronas (1/2).
10674	7638	Howard K. Kinney
10940	6369	John G. Allerton
10941	6388	Daisy K. Kanamu (1/2); Maria Laamea, Victoria Lindsey and Heirs of Virginia Bukoski (1/4); Elizabeth Chandler, Marie Inouye, Bernard Mahuiki, Donald Mahuiki, Jeremiah Mahuiki, Lawrence Mahuiki, Jr., Ruth Mahuiki and Samson Mahuiki (1/4) (subject to dower rights of Rachel Mahuiki).
10964		Howard H. Moore and Mary May Moore.
School Grant 41:8		State of Hawaii

That the Commissioners, with the surveyors employed by them, have prepared and present herewith a plan for a division of the land sought to be partitioned into lots or parcels, making provisions for necessary roads and easements and also present maps thereof; that a detailed map showing the First Section, or First Flat, is presented herewith marked Exhibit "B" and by reference hereby made a part hereof and a detailed map showing the

Second Section, or Second Flat, is presented herewith marked Exhibit "C" and by reference hereby made a part hereof; that both of said Exhibits "B" and "C" contain insets showing the entire Hui lands; that a detailed tabulation or chart showing each lot and the area contained therein as to each type or classification of land and the value thereof is presented herewith marked Exhibit "D"; that attached hereto as Exhibit "E" is a supplemental map showing land classifications within proposed Lot 70 (Manoa Valley) and Lot 152 (Limahuli Valley);

That in suggesting awards of the various parcels depicted upon said maps to the various interested parties the Commissioners have adopted the practice of awarding land to the various Hui shareowners having an appraised value as near as possible to the value of their interest in said Hui lands as a whole and at the same time preserving their allotments as nearly as possible as is more fully mentioned hereinabove unless any such interested party indicated a desire to have less allotted to him than the equivalent of the value of his said full interest in said Hui lands;

That in causing surveys of the lands to be made, the Commissioners have requested their surveyors, in making descriptions of parcels bordering upon storm drains Manoa Stream and Limahuli Stream, to run the boundaries of such contiguous parcels out to the middle of the drains or streams; that all lands should be subject to the free flowage of water in all streams, drains,

swales and in ancient auwais, and should enjoy water rights as the same existed by ancient usage;

That the Commissioners recommend the division of the Hui lands in lots and parcels as shown by said maps and tabulation (Exhibits "B", "C" and "D") and in the partition of said lands recommend that the lots numbered on said maps and tabulation be allotted to and apportioned among the shareowners of said Hui as follows, and together with, or subject to, the adjusting payment to them, or from them, in order to correlate the value of their interest in said Hui to the value of the lands so allotted:

<u>Allottee</u>	<u>Interest in Hui</u>	<u>Value</u>	<u>Allotted land</u>	<u>Value</u>	<u>Over or (Under)</u>
Aki Estate (15.73%)	.0344)	\$ 2,539.61	66	\$ 2,252.56	(287.05)
Medeiros Estate (84.37%)	.1843)				
John Allerton	4.9487	57,468.11	32	3,614.03	
plus: value of L.C.		156.25	33	23,269.88	
Aw. 7949, Ap. 2 & 3			53	1,029.78	
and 11/24ths of L.C.		138.53	113	15,980.69	
Aw. 7943:2		\$57,762.89	121	100.00	
			122	12,263.23	
			153	170.00	
				\$56,427.61	(1,335.28)
Sam Apo	.0857)				
Hazel Gross	.0857)	1,990.42	65	2,200.03	209.61
William & Patsy Asing	.0912	1,059.08	28	1,105.38	46.30
Adolph Bartels	.0219)				
George Bartels	.0219)				
Alma B. Kealoha	.0219)	1,271.59	67	1,388.80	117.21
Harriet B. Mariani	.0219)				
Helene B. Sukanuma	.0219)				

<u>Allottee</u>	<u>Interest in Hul</u>	<u>Value</u>	<u>Allotted Land</u>	<u>Value</u>	<u>Over or (Under)</u>
Rachel M. Bickel	.0556)				
Joseph Malia	.0556)	\$ 2,582.68	61	\$ 2,640.02	57.34
William K. Malia	.0556)				
Caroline M. Nakamoto	.0556)				
Beryl D. Bruhn	.0286)				
David Huddy	.0191)				
Dwight Huddy	.0191)	1,990.42	64	2,202.02	211.60
James Huddy	.0571)				
Charla H. Lum	.0191)				
Harriet D. Yoshino	.0286)				
William & Rosalina Chandler	.9250	10,741.81	29	4,226.24	
			31	6,033.13	
			126	716.51	
			127	420.00	
				\$11,395.88	654.07
Charles Chu	.3000	3,483.83	112	3,630.87	147.04
William Chu and Chu Wai	.6250	7,257.98	2	2,470.33	
less: 11/24ths of L.C. Aw. 7943:2		138.53	110	1,784.81	
		\$ 7,119.45	111	1,846.44	
			115	1,507.00	
				\$ 7,608.58	489.13
Mildred M. Chung	.1300	1,509.66	50	1,559.57	180.50
less dower (Myra Gloss)		130.59			
		\$ 1,379.07			
Dora Jane Cole	1.0750	12,483.72	9	1,697.60	
			26	1,618.11	
			51	3,112.10	
			46	1,444.23	414.02
			135	2,140.69	
			136	2,885.01	
				\$12,897.74	
County of Kauai	2.0000	23,225.54	43	20,098.51	
			44	100.00	
			120	273.76	
			123	720.16	
			124	792.00	
			125	804.25	
			128	100.00	
			129	(exchg)	
			130	100.00	
				\$22,988.68	(236.86)

<u>Allottee</u>	<u>Interest in Hui</u>	<u>Value</u>	<u>Allotted land</u>	<u>Value</u>	<u>Over or Under</u>
Kamala De Fries	.0208)				
Ben Kanealii	.0208)	\$ 1,451.59	62	\$ 1,337.02	(114.57)
David Kanealii	.0208)				
Joseph Kanealii	.0208)				
Michael Kanealii	.0208)				
Sam Kanealii	.0208)				
Helen R. Ellis	.2600)		10	857.36	
& Wayne E. Ellis	)		16	4,881.32	
	)		20(1/5)	128.00	
Helen K. Ellis	.2600)	12,077.28	30	3,535.66	
Michael L. Ellis	.2600)		45	1,585.89	
Wayne R. Ellis	.2600)		47	2,320.81	
				\$13,309.04	1,231.76
Mary K. Ellis	.4000	4,645.10	3	2,090.83	
			114	2,900.50	
				\$ 4,991.33	346.23
Wayne E. Ellis	.1250	1,451.59	138	1,443.57	(8.02)
Myra Gloss	(dower)	652.95	24	784.98	132.03
A. Lindsay Faye, Jr.	.1000	1,161.27	60	1,103.36	
			146	448.57	
				\$ 1,551.93	390.66
Joe & Dora Hashimoto	.5000	5,806.38	69	5,668.24	(138.14)
Elmer Keahi	.0666)				
Joseph Keahi	.0666)	3,870.92	41	2,561.63	
Norman Keahi	.0666)		137	1,500.03	
Raymond Keahi	.0666)			4,061.66	190.74
Winona K. Rosehill	.0666)				
F. C. & Jenny Kling	.2675	3,106.41	104	3,152.23	45.82
Maria Laamea	.1250)				
Victoria Lindsey	.1250)	4,354.78	117	4,346.64	(8.14)
Claire Bukoski Follner	.1250)				
John and Helen Lee	.1250	1,451.59	59	1,437.84	(13.75)
Elizabeth Chandler	.0469)				
Marie Inouye	.0469)				
Bernard Mahuiki	.0469)				
Donald Mahuiki	.0469)	4,354.78	58	4,413.84	59.06
Jeremiah Mahuiki	.0469)				
Lawrence Mahuiki	.0469)				
Ruth Mahuiki	.0469)				
Samson Mahuiki	.0469)				



<u>Allottee</u>	<u>Interest in Hui</u>	<u>Value</u>	<u>Allotted land</u>	<u>Value</u>	<u>Over or Under</u>
Murphy Maka	.1300)				
Helena M. Santos	.1300)				
Marjorie M. Yokotake	.1300)	\$ 6,038.64	54	\$ 5,489.72	(26.56)
Hilda M. Zaima					
less dower (Myra Gloss)	.1300)	522.36			
		<u>\$ 5,516.28</u>			
Chris Makaila	.0833	967.34	63	936.20	(31.14)
Maile Montervon	.0625	725.80	57	665.79	(60.01)
Howard H. Moore & Mary May Moore	.6400		105	6,026.56	
		7,432.17	106	443.00	
			108	349.50	
				<u>\$ 6,819.06</u>	(613.11)
Polly Moore	.0556	644.40	107	1,171.07	526.67
William & Jean Moragne	.1324)		37	2,228.17	
William Moragne, Jr.	.1322)		39	1,637.11	
Jean Mary Cooke	.1322)	7,678.36	40	1,393.04	
Sally Ann Moragne	.1322)		38	1,696.90	
Catherine Moragne	.1322)		36	1,652.24	
				<u>\$ 8,607.46</u>	929.10
Robert Morton	.1250	1,451.59	139	1,457.68	6.09
Adeline Ogawa	.0833	967.34	56	973.36	6.02
Emma Ouye	.3335	3,872.86	102	4,178.67	305.81
Phyllis Ragsac	.1250	1,451.59	68	1,357.92	(93.67)
Charles Rice Estate	.0089	103.35	134	100.00	(3.35)
Edward and Martha Rice	1.2300	14,283.70	18	14,553.28	
			20(1/10)	64.00	
				<u>\$14,617.28</u>	333.58
Paul G. Rice	.1982	2,301.65	22	2,365.86	
			116	1,057.85	
				<u>\$ 3,423.71</u>	1,122.06
Paul I. and Joyce Rice	1.2300	14,283.70	19	14,118.49	
			20(1/10)	64.00	
				<u>\$14,182.49</u>	(101.21)

<u>Allottee</u>	<u>Interest in Hui</u>	<u>Value</u>	<u>Allotted Land</u>	<u>Value</u>	<u>Over or Under</u>
Richard K. Rice	.1700	\$ 1,974.17	8	\$ 1,982.96	8.79
William Harrison Rice	1.0400	12,077.28	12 14 20(1/5) 109	3,015.04 8,240.40 128.00 1,120.33 \$12,503.77	426.49
A. Robinson Estate	6.9189	80,347.59	34 70 118	3,580.20 25,060.79 34,054.61 \$62,695.60	(17,651.99)
Eleanor Robinson	1.0000	11,612.77	35	11,837.32	224.55
Sammy Robinson	1.0269	11,925.15	119	7,968.98	(3,956.17)
Agnes Thronas	.0357)	1,243.72	49	1,081.71	(162.01)
Fred Thronas	.0357)				
Sam Thronas	.0357)				
John Steelquist	.2300	2,670.93	11	2,727.36	56.43
Bertha Tom	.0833	967.34	55	963.27	(4.07)
Francelia K. Veech	.6400	7,432.17	15 20(1/5)	7,120.58 128.00 \$ 7,248.58	(183.59)
Waioli Hui'ia Church	.2000	2,322.55	23	2,496.98	174.43
Dora Wallis	1.0400	12,077.28	17 20(1/5) 21 27 48	6,081.58 128.00 1,591.04 1,522.35 2,467.62 \$11,790.59	(286.69)
Charles Wichman	.3000	3,483.83	147	624.03	(2,859.80)
Juliet Wichman	3.1333	36,386.29	101 103 140 141 142 143 144 145 148	5,123.39 7,593.08 2,054.40 2,375.76 2,891.02 2,408.68 2,288.80 2,424.92 1,322.77	

<u>Allottee</u>	<u>Interest in Hui</u>	<u>Value</u>	<u>Allotted land</u>	<u>Value</u>	<u>Over or Under</u>
			149	\$ 2,778.07	
			150	1,406.20	
			151	100.00	
			152	8,165.00	
				<u>\$40,932.09</u>	4,545.80
Gaylord Wilcox & Alice W. Sheehan	.6667	7,741.84	1	7,880.21	138.37
Winifred Willis	1.3333	15,483.68	4	1,719.36	
plus: Value of roadway		652.95	13	16,845.21	
in Lot 2, Wainiha Hui		<u>\$16,136.63</u>		<u>\$18,564.57</u>	2,427.94
					<u>(\$12,019.93)</u>
TOTALS	38.0000			\$430,074.49	
Less: Value of Willis roadway & Award 7949:2 and 3				809.20	
				<u>\$429,265.29</u>	
TOTAL VALUE, Lots Allotted				\$429,265.29	
TOTAL VALUE, Lots Unallotted				<u>12,019.93</u>	
TOTAL VALUE, Hui Lots for distribution				\$441,285.22	

That John G. Allerton conveyed all of L. C. Aw. 7949, Apanas 2 and 3 (valued at \$156.25) and an undivided 11/24ths interest in L. C. Aw. 7943, Apana 2 (valued at \$138.53) to the Commissioners; that said total value of \$294.78 should be added to the value of said John G. Allerton in the Hui and for which he should obtain land of offsetting value; that said undivided interest in said Award 7943, Apana 2 should be awarded to the allottee of Lot 111 which completely surrounds said award; that the Commissioners recommend that said Lot 111 be awarded to William Chu and Chu Wai and hence said sum of \$138.53 should be deducted from the value of the share interest of William Chu and Chu Wai in said Hui.

That Winifred Willis, owner of 1.3333 interest in said Hui has conveyed to the Commissioners a certain parcel of land owned by her within the former Hui lands of Wainiha in order to provide a connecting link from the main government road to roadways within said Haena Hui lands and serving various lots created by the partition thereof; that said roadway within Wainiha consists of 7255 square feet having a value of nine cents per square foot (or \$652.95) which should be added to the value of her interests in Haena Hui, thus making the total valuation of \$16,136.63 listed above;

That certain lots have not been allotted, being the following lots having the following valuations:

<u>Lot</u>	<u>Value</u>
5	\$ 1,961.76
6	1,777.92
7	1,695.52
42	5,595.06
52	689.67
131	100.00
132	100.00
133	<u>100.00</u>
TOTAL	\$12,019.93

That because certain of the Hui shareowners (principally the Estate of Alice Robinson, deceased) have

not selected sufficient lands in value covering the full extent of their interests in said Hui and have indicated a desire that no lands awarded to them other than the parcels hereinabove designated, a "surplus" of lots has developed; that to the extent any shareowners desire to avail themselves of such surplus Hui land the same should be made available on a pro-rata basis to those wishing to acquire same at the posted valuations thereof; that plaintiff John G. Allerton has indicated his willingness to purchase any lots as may thereafter remain;

That said Exhibits "B" and "C" show various roads and pathways and your Commissioners recommend that the same be allotted in the following manner:

Roads A and A-1 (the main government road traversing the Hui lands): To the County of Kauai;

Road B-1: To the owners of Lots 8 and 13 in equal shares;

Road B-2: To the owners of Lots 3, 4 and 13 in equal shares;

Road B-3 (together with the roadway through lands of Wainiha conveyed to the Commissioners by said Winifred Willis): To the owners of Lot 2 of Wainiha Hui and the owners of Lots 1 to 9, inclusive, and Lot 13 in equal shares subject to an easement in favor of the County of Kauai;

Road C: To the owners of Lots 23, 24, 26 and

29 in equal shares;

Road D-1: To the County of Kauai;

Road D-2: To the owners of Lots 19, 28, 29, 30, 31, 32 and 33 in equal shares, subject to an easement in favor of the County of Kauai;

Road E: To the County of Kauai;

Road F-1: To the owner of Lot 70 subject to an easement in favor of the County of Kauai and the owners of Lots 46, 47 and 48 and of L. C. Award 10562, Apana 2;

Road F-2: To the owner of Lot 70 subject to an easement in favor of the County of Kauai;

Road G: To the owners of Lots 55 to 63, inclusive, in equal shares;

Road H: To the owners of Lots 64 to 67, inclusive, in equal shares;

Road J-1 and J-2: To the owner of Lot 102 subject to an easement in favor of the owner of Lot 103 and subject, further, as to Lot J-1 only, to an easement in favor of the County of Kauai;

Road K: To the owner of Lot 104 subject to an easement in favor of the owners of L. C. Award 10,562, Apana 1, and also in favor of the State of Hawaii (serving School Grant 41, Apana 8);

Road L: To the owners of Lots 105 and 107 to 112, inclusive, in equal shares subject to an easement in favor of the owners of L. C. Award 7913, L. C. Award

7943, Apana 2, L. C. Award 7942 and L. C. Award 10965;

Road M: To the owner of Lot 113 subject to an easement in favor of L. C. Award 7943, Apana 1;

Road N: To the owners of Lots 115 to 118, inclusive, in equal shares, subject to an easement in favor of the owners of L. C. Award 10941, L. C. Award 7996 and L. C. Award 10674;

Road P: To the owner of Lot 152 subject to an easement in favor of the owners of Lots 137 to 145, inclusive, and the owner of L. C. Award 7946;

Pathways S and T: To the County of Kauai;

Pathway U: To the owners of Lots 105 and 107 to 112, inclusive, in equal shares subject to an easement in favor of the owners of Lots 106, 114, 115, 135 to 146, inclusive, 151, and 152 and L. C. Awards 7913, 7942, 7943, Apana 2, 7945, Apana 1, 7946, 10562, Apana 1, and 10965;

Pathway V: To the owners of the easterly one-half portion of L. C. Award 10941;

Pathway W: To the County of Kauai, to afford access for the public to the heiau and hula grounds within Lot 121;

Pathways X and Y (within Lot 153): To the State of Hawaii, being the existing trail to Kalalau Valley for footpath, horses and cattle;

Easement Z (within Lot 48): To the County of Kauai as a site for a chlorination plant to be used in connection with its water distribution system;

That certain of the lots are subject to easements and that upon final staking of said lots by the surveyors it may appear, by virtue of the terrain, that other reasonable easements should be created; that among the easements presently existing, or which should be created, are the following:

(1) An easement 10 feet wide for utility lines over and under Lots 23 and 24 for the owners of Lot 19;

(2) An easement for roadway and utility lines over and under Lot 19 in favor of the owners of Lot 29;

(3) An easement in favor of the owners of Lot 102 for the right to take and use spring water for domestic purposes (after prior rights thereto for said purpose in favor of the owners of Lots 147, 148, 149 and 150) arising within Lot 151, and for conduits and pipes within Lot 151 and across Road A;

(4) An easement within Lots 125 and 126 for a roadway in favor of the owners of Lots 126 and 127;

(5) An easement for the general public within Lots 136 and 137 for the enjoyment of the existing swimming pool therein and thereon;

(6) Easements for free flowage of water in all existing streams, auwais, ditches and drains, including but not limited to those within Lots 30-33, inclusive, Lots 61-65, inclusive, and Lots 101, 102, 103, 105, 107, 108, 109, 110, 111, 112, 113, 116, 118, 135 and 136,



together with access for those entitled thereto to clean and maintain same, but without liability on the owners of land through which same pass to clean or maintain any of the same;

(7) Easements for utility lines within and along all roadways and also within lots bordering said roads where curves render it economically unreasonable to require pipes, culverts and overhead wires to remain within roadways, all such lines to be located with as little inconvenience to the owners of same as reasonably possible;

(8) Cross easements for drains in reasonable locations within Lots 102 to 112, inclusive, in order to drain spring waters and swamp waters, said drains to be located with as little inconvenience as reasonably necessary to the owners of the land within which said drains pass;

That the holders of easement rights and owners of fee simple interests in easement areas should have the right to construct and maintain roadways or pathways, as the case may be, within said areas and to install overhead and/or underground utility lines (with due regard to avoid unnecessary obstruction to the travelled portion of said areas) but without responsibility or liability to construct or install any roadways, pathways, utility lines, etc., or to maintain the same and that all persons using said

easement areas should do so at their sole risk, save and except as to liability which would have been imposed by law whether a roadway, pathway, utility lines, etc., had been in existence or not;

That all of the values set forth herein and shown on said Exhibit "D" include the value of all easement rights and privileges appurtenant to any of said lots and allow for the detriment thereto of any easement rights and privileges to which they are servient;

That the exchange deeds with kuleanas owners mentioned hereinabove are as follows:

(1) R. P. 6306, L. C. Aw. 7945, Apanas 1 and 2 (owned by the Mason family) have been relocated, Apana 1 wholly mauka of Road A and adjoining Lot 149 as shown on Exhibit "C" and Apana 2 on the mauka side of Road A and adjoining Lot 51 as shown on Exhibit "B";

(2) Conveyance of R. P. 5269, L. C. Aw. 7949 and 5477, Apanas 2 and 3 and an 11/24ths undivided interest in R. P. 6315, L. C. Aw. 7943 Apana 2, shown on Exhibit "C", by John Gregg Allerton in exchange for Hui land of equivalent value;

(3) Exchange of a portion of R. P. 6307, L. C. Aw. 7942 for an adjoining portion of Hui land makai of said kuleana in order to create Road L shown on Exhibit "C";

That the Commissioners have been unable to

effect an exchange as to R. P. 7091, L. C. Aw. 8200-C, Apana 1 in order to obtain that portion thereof which lies athwart Road A and adjoins Lot 129, shown on Exhibit "C"; that in order to connect Road A and Road A-1 it will be necessary for the County of Kauai to negotiate with the owners of said kuleana or condemn said portion thereof;

That the Commissioners have determined from all available data the areas of kalo or wet lands, both hui and kuleana as probably existed at the time of the Great Mahele in 1848 and recommend that said lands be declared to be entitled to water for taro or similar culture (all surplus water not exhausted by reasonable seepage, evaporation, etc., to be returned to the stream from which the same was diverted) at the rate of 15,000 gallons per day, per acre, as follows:

(a) Lot 70 (1.60 acres) and Award 7967:1 (2.38 acres) from the water of Manoa Stream within said Lot 70 (59,700 gallons);

(b) Award 8262 (0.75 acre) and Award 9140 (0.68 acre) from the spring waters arising on Lots 151, 102 and 104 (21,500 gallons);

(c) Lot 104 (1.17 acres), Lot 105 (2.96 acres) Lot 106 (1.14 acres) and Award 10562:1 (1.09 acres) from the spring waters arising on Lots 104, 105, 106 and 107 (95,400 gallons);

(d) The following kuleanas and Hui lands all

from the Limahuli Stream arising on Lot 152:

<u>Lot</u>	<u>Area</u>	<u>Gallons</u>
Lot 107	2.33 acres	35,000
Lot 108	1.40 acres	21,000
Lot 112 (including Award 7949:3)	2.01 acres	30,200
Award 10965	0.84 acre	12,600
Award 7942	1.27 acres	19,100
Award 7913	1.56 acres	23,400
Award 10940	1.82 acres	27,300
Award 10223	1.25 acres	18,800
Award 7943:1	2.33 acres	35,000
Lot 113	5.05 acres	75,800
Award 10674	1.35 acres	20,300
Award 7996	1.35 acres	20,300
Lot 114	0.52 acre	7,800
Lot 115 (including Award 7949:2)	1.69 acres	25,400
Award 10941 (east half)	1.35 acres	20,300
Award 10941 (west half)	0.99 acre	14,900
Lot 118	1.40 acres	21,000
Award 8200C:3	0.43 acre	6,500
Award 8200B:2	0.29 acre	4,400
Award 8200C:1	3.74 acres	56,100
Award 7946	0.50 acre	7,500
Lot 137	0.28 acre	4,200

<u>Lot</u>	<u>Area</u>	<u>Gallons</u>
Lot 138	0.14 acre	2,100
Lot 139	0.20 acre	3,000
Lot 143	0.57 acre	8,600
Lot 144	0.46 acre	6,900
Lot 145	0.32 acre	<u>4,800</u>
TOTAL (from Limaluli Stream)		532,300

That for many years the County of Kauai and/or its Board of Water Supply has maintained a public water distribution system on the First Flat, utilizing surface water in the Manoa Stream within Lot 70; that pursuant to Order of Court entered herein on November 13, 1964, your Commissioners (by deed dated November 17, 1964, recorded in Liber 4905, page 488) conveyed a tank site and well site (with roadway utility and pipeline easements) to the County of Kauai, same being within said Lot 70, and chlorination plant within Lot 48, and shown on said Exhibit "B"; that it is proper that water continue to be furnished to the County for domestic consumption to the owners of Hui lands within the First Flat at the rate of 500 gallons per day per acre of land reasonably useful for residential purposes; that there is a total of 74.57 acres of such land; that therefore the County of Kauai should have the right to take surface water from said stream into its distribution system (and over and above such water as it

might generate from its well or wells) in the amount of 37,285 gallons per day; that should it desire more water it should negotiate for same, or condemn same, from the owner of that portion of Lot 170 whereon said water arises; that the existing water contract of 1932 between the Hui and the County of Kauai be terminated;

That no water distribution system exists on the Second Flat; that it is desirable that water be set aside from the surface waters of Limahuli Stream for the future use of the allottees of Hui lands on the Second Flat which could be surrendered by them at some future time to the County of Kauai in partial recompense for the installation of a water distribution system within the Second Flat; that such water should be set aside for domestic consumption at the rate of 500 gallons per day per acre (but not less than 500 gallons per day per Hui houselot created by the final Decree of Partition entered herein) for all Hui land within the Second Flat reasonably useful for residential purposes; that there is a total of 104.99 acres of such land; that therefore the allottee of Lot 152 (Limahuli Valley) should obtain said lot subject to the reservation therefrom of as many gallons of water per day for the owners of the various lots served thereby pursuant to the foregoing recommendation, being Lots 101 to 150, inclusive; that if said Final Decree contains no change in the layout of lots as recommended in this Report, said gallonage would

amount to 55,300 gallons per day, computed as follows:

<u>Lot</u>	<u>Area</u>	<u>Gallons</u>
101	3.039 acres	1,500
102	2.428 acres	1,200
103	6.250 acres	3,100
104	3.478 acres	1,700
105	6.199 acres	3,100
106	1.139 acres	600
107	2.548 acres	1,300
108	1.398 acres	700
109	19,989 sq. ft.	500
110	33,924 sq. ft.	500
111	38,555 sq. ft.	500
112	5.101 acres	2,600
113	14.341 acres	7,200
114	2.117 acres	1,100
115	1.795 acres	900
116	1.816 acres	900
117	2.485 acres	1,200
118	13.156 acres	6,600
119	2.246 acres	1,100
122	4.296 acres	2,100
123	18,880 sq. ft.	500
124	17,600 sq. ft.	500
125	21,500 sq. ft.	500

<u>Lot</u>	<u>Area</u>	<u>Gallons</u>
126	30,000 sq. ft.	500
127	21,000	500
135	2.040 acres	1,000
136	1.458	700
137	35,218 sq. ft.	500
138	38,119 sq. ft.	500
139	33,256 sq. ft.	500
140	41,088	500
141	2.727 acres	1,400
142	3.318 acres	1,700
143	2.397 acres	1,200
144	2.192 acres	1,100
145	1.313 acres	700
146	1.259 acres	600
147	1.276 acres	600
148	1.659 acres	800
149	3.306 acres	1,700
150	1.832 acres	<u>900</u>
TOTAL		55,300 gallons

That in making the surveys delineated upon Exhibits "B" and "C" the Commissioners' surveyors found it necessary to locate all kuleanas; that accordingly it is desirable that the owners of all of said kuleanas, as well as Hui members, be given notice of the filing of this



report and of the hearing to be held upon the same in order that they may enter their objections, if any, to the locations of said kuleanas;

That in connection with their investigation of said Hui Lands the Commissioners made numerous photographs of various portions of the Hui Lands, including photographs of Limahuli Valley from a helicopter; that various of said photographs may be of assistance to the Court and same are attached hereto (with identifying descriptions) as Exhibit "F".

That the valuations given hereinabove in this report do not reflect prorated charges for court costs, expenses and fees already incurred and still to be incurred herein and adjustments theretofore must be made in final awards set forth in any decree in order to show such prorated charges;

That the Commissioners have received billings from their surveyors for services performed to and including February 28, 1967; that all said bills have been submitted to plaintiffs John Gregg Allerton and Paul G. Rice in varying proportions and have been or are being paid; that the Commissioners are informed by plaintiffs that the further sums have been expended by them for the general benefit of all shareholders of said Hui, a statement of all of same being attached hereto as Exhibit "G" and totalling \$36,029.73; that further services

of the surveyors will be incurred and paid by plaintiffs and there will be attorney fees, costs of drafting deeds, notary fees, recording fees, etc.; that all of said expenses, as allowed by the Court, should be credited to said plaintiffs in the respective sums paid by them and refunded pro-rata to them;

That the Commissioners attach hereto as Exhibit "H" a full, true and correct account of their expenditures and receipts to date, including their own personal expenditures such as for travel, meals, lodging, etc., said statement showing receipts in the sum of \$2,021.28 and disbursements in the sum of \$1,033.00; that a small additional sum is due from the Board of Water Supply of the County of Kauai;

WHEREFORE, the Commissioners respectfully recommend that after a hearing hereon this Honorable Court enter an Interlocutory Decree:

(1) Reimbursing them for expenses paid and allowing them fees or commissions herein;

(2) Confirming the valuations and awards hereinabove set forth and anticipating or fixing by agreement, if possible, and confirming all costs, fees and expenses and prorating the same among the awardees so as to fix and determine the adjusting sums of money due from the Commissioners to Hui members, or vice versa, as the case may be;

(3) Confirming all exchange deeds entered into between the Commissioners and Hui owners and/or owners of various kuleanas;

(4) Preserving rights of free flowage of water in all streams, auwais, ditches, drains, etc., and awarding suitable water rights to wet or kalo lands and awarding suitable amounts of water to Hui landowners for domestic purposes;

(5) Directing the Commissioners to engage their surveyors, preferably at a fixed fee, to go upon the lands and stake same (where staking is reasonable) and to make such minor revisions as may be reasonable because of terrain conditions and recommend easements where same appear proper, fix the location of L. C. Award 7946 (which has been only approximately located), and prepare suitable final maps and descriptions, all without any change in the lot valuations set forth in said Interlocutory Decree, and, after said lands have been staked and the Commissioners have reported same to the Court, together with a list of any amendments in lot boundaries, easements, etc., as may have been made, this Honorable Court enter a Final Decree confirming fee simple title of said Hui lands so awarded to the various allottees thereof and directing the Commissioners to execute deeds therefor to the various allottees, upon payment by them of all adjusting sums as may be due

(the cost of recording same to be borne by the respective grantees); and

(6) Setting forth such other provisions as to the Court may seem meet and advisable.

DATED: Lihue, Hawaii, April 7,

1967.

Henry C. Wodemer

Miss Yamamoto

Nicholas W. Hahn

Commissioners

EXHIBIT A

Description of the Ahuapuaa of Haena

Royal Patent 3596, Land Commission Award 10613, Apana 6  
to Abner Paki at Halelea, Island and County of Kauai,  
Territory of Hawaii

Beginning at the Northeast corner of this parcel of  
land, being also the Northwest corner of the land of Wainiha as  
shown in Equity No. 109 filed in the Circuit Court of the Fifth  
Circuit, Territory of Hawaii, the coordinates of said point of  
beginning referred to Government Survey Triangulation Station  
"NIHA 2" being 728.37 feet North and 3,179.58 feet West, and  
running by azimuths measured clockwise from true South:

1. 49° 28' 876.33 feet along the Land of Wainiha;
2. 49° 25' 305.00 feet along same;
3. 49° 27' 977.80 feet along same;
4. 49° 09' 647.75 feet along same;
5. 348° 57' 282.88 feet along same;
6. 352° 28' 180.59 feet along same;
7. 347° 30' 30" 730.97 feet along same;
8. 341° 03' 1,335.00 feet along same to "Puu Nopili"  
marked by a Territory of  
Hawaii Forest Reserve  
Monument in the middle  
of ridge; thence follow-  
ing up the middle of ridge  
along the Land of Wainiha  
to "Keaalewalewa", the  
approximate direct azimuth  
and distance being:
9. 59° 45' 45" 2,937.00 feet; thence following up the  
middle of ridge along the  
Land of Wainiha to "Pali  
Eleele", the approximate  
direct azimuth and dis-  
tance being:

EXHIBIT "A"

A-1

10. 23° 15' 9,550.00 feet; thence following up the middle of ridge along the Land of Wainiha to "Hono-o-Pali", the triple divide between the Lands of Wainiha, Hanakapiai and Haena, the approximate direct azimuth and distance being:
- 11. 66° 10' 3,060.00 feet;
12. thence following down along the boundary of the Land of Hanakapiai to highwater mark at seashore;
- 13. thence following along highwater mark at seashore to the point of beginning and containing an area of approximately 1850 acres.
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Map of First Flat of Maena Hui Lands showing  
classifications in color and proposed partition  
into lots.

EXHIBIT "B"

Map of First Flat of Baena Hui Lands showing  
classifications in color and proposed partition  
into lots.

EXHIBIT "B"



Map of Second Flat of Haena Hui Lands showing  
classifications in color and proposed partition  
into lots.

EXHIBIT "C"

Tabulation of values of each proposed lot of  
Baena Hui partition.

EXHIBIT "D"

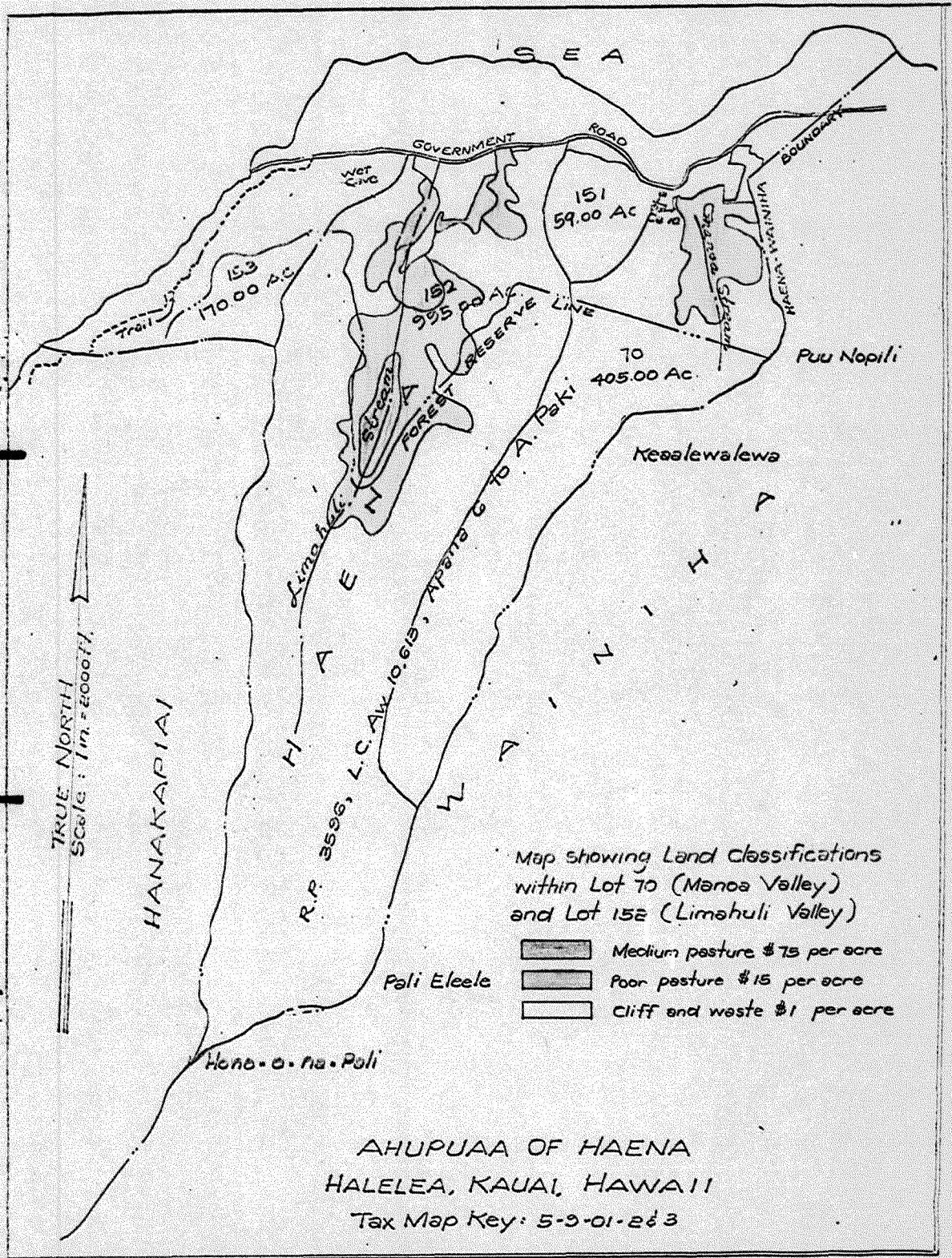
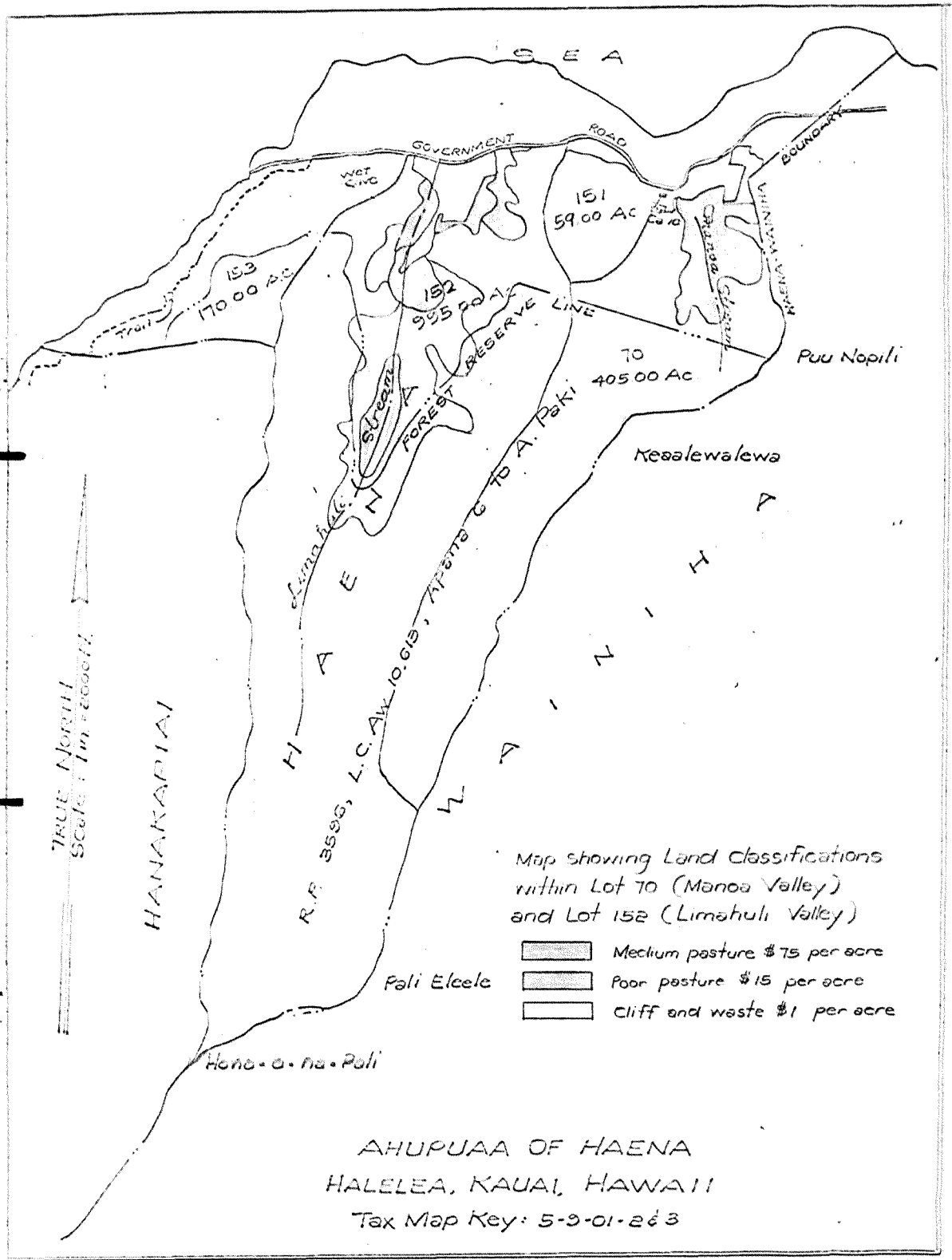


EXHIBIT "E"



Map showing Land Classifications within Lot 70 (Manoa Valley) and Lot 152 (Limahuli Valley)

- Medium pasture \$75 per acre
- Poor pasture \$15 per acre
- Cliff and waste \$1 per acre

AHUPUAA OF HAENA  
 HALELEA, KAUAU, HAWAII  
 Tax Map Key: 5-9-01-263

Photographs of various portions of the Haena  
Hui Lands.

EXHIBIT "F"

PAYMENTS MADE ON ACCOUNT OF HAENA HUI PROCEEDINGS

By Paul G. Rice

May 10, 1951	Walter F. Sanborn	\$ 5.00	
June 1952	Commissioner of Public Lands	8.00	
Jan. 1953	R. M. Towill, Aerial Survey	250.00	
April 1953	Extra Maps	20.00	
May 1953	Pratt, Tavares & Cassidy	7.80	
June 30, 1955	W. F. Sanborn	175.00	
June 30, 1955	Garden Island Pub. Co.	260.00	
July 5, 1955	Circuit Court costs	78.00	
July 18, 1955	Rubin Ortiz, service fees	26.00	
July 19, 1955	W. F. Sanborn	25.00	
Oct. 1, 1965	Garden Island Pub. Co.	20.18	
Oct. 4, 1965	R. M. Towill, survey fees	6,694.69	
November 1965	Gertrude Fusfeld, mimeographing	120.38	
Jan. 24, 1966	R. M. Towill, survey fees	<u>1,772.75</u>	\$ 9,462.80

By John G. Allerton

Jan. 31, 1953	R. M. Towill, aerial survey	\$ 250.00	
April 29, 1953	Pratt, Tavares & Cassidy	13.90	
June 30, 1953	W. F. Sanborn	175.00	
Feb. 16, 1958	Pratt, Tavares & Cassidy	400.27	
Aug. 1, 1964	Pratt, Moore, Bortz & Vitousek	286.41	
Oct. 2, 1965	R. M. Towill Corp.	6,694.69	
Oct. 2, 1965	Garden Island Pub. Co.	20.18	
Jan. 22, 1966	R. M. Towill Corp.	1,772.75	
June 11, 1966	R. M. Towill Corp.	3,022.63	
Aug. 20, 1966	R. M. Towill Corp.	5,242.45	
Dec. 3, 1966	R. M. Towill Corp.	4,939.75	
Feb. 28, 1967	Pratt, Moore, Bortz & Vitousek	336.90	
Feb. 28, 1967	R. M. Towill Corp.	<u>3,412.00</u>	<u>26,566.93</u>
			\$36,029.73

EXHIBIT "G"

HUI KUAI AINA O HAENA

Expenses incurred by Commissioners:

1965 - June	Telephone Tolls	\$ 2.15
Sept.	Kress - Envelopes & Paper	1.97
Oct. 6	Phone Call to Mr. Moore	7.95
	Postage	2.92
Dec.	Phone Rental, 4 Mos. at \$11.44 each	45.76
	Office Rental, 4 Mos. at \$10.00 each	40.00
1966 - Jan.	Postage & Envelopes	6.00
April	Postage & 8-1/2 x 11 paper	3.65
May	Postage	1.00
July	W. J. Senda - Pictures	3.18
Aug.	Helicopter - Fare	30.00
	Speedi-Copy Pad & Ruled Forms	3.46
	Senda - Pictures, Limahuli Valley	19.37
	Haena field trip - lunches	13.10
Sept.	Telephone Tolls	2.59
Oct.	1 Pad Carbon & 1 pad thin sheets	1.10
Nov.	Kauai Surf - Sam Fuller	10.85
	Coco Palms - Sam Fuller	17.50
	Stationery	1.75
Dec.	Office Rent - 12 Mos. at \$10.00 a month	120.00
	Phone Rent - 12 Mos. at \$11.44 a month	137.28
1967 - Jan.	Office & Phone	21.44
Feb.	Do	21.44
Mar.	Do	21.44
1967 - Jan.	Stationery	1.76
	Photos - Sand areas & Swales	7.91
Mar.	Binder & Leaves for Exhibit F	9.94
1955 - 1967	Auto Travel Expense	261.00
1955 - 1967	Air Travel Expense	<u>216.49</u>
	TOTAL TO DATE	\$1,033.00

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Receipts of the Commissioners:

On hand Savings Account, Bank of Hawaii	\$ 299.93
Rentals, two motion pictures companies	1,250.00
Water lease rental	59.77
Interest through December 31, 1966	<u>411.58</u>
TOTAL TO DATE	\$2,021.28

EXHIBIT "H"