

FILED June 17, 1938  
At 10:00 o'clock A. M.  
Gua K. Sproat  
F. H.

Civil No. 30

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

JOHN W. GREGG and PAUL G. RICE,

Plaintiffs,

vs.

HEIRS OF HANAH K. AHI, HENRY AHI, HEIRS OF CARRIE AKANA,  
EUGENIA F. AKANA, GEORGE K. AKANA, JOHN AKANA, WILLIAM  
AKANA, MARJORIE AHI AKI, HEIRS OF ANNIE TRASK APO, SAM  
APO, ADOLPH BARTELS, GEORGE BARTELS, WILLIAM C. BARTELS,  
RACHEL MALIA BICKEL, LILLIAN C. BREWER, HELEN A. BRUNS,  
ELIZABETH MAHUIKI CHANDLER, ROSE W. CHANDLER, WILLIAM J.)  
CHANDLER, MARY GILMAN TRASK CHANG, PETER CHRISTIAN, EMMA)  
CHRISTIAN, CHARLES CHU, SARAH CHU, DORA JANE COLE, COUNTY)  
OF KAUAI, KAMALA KANEALII DE PRIES, BEATRICE KANEALII )  
DELA CRUZ, BERYL M. DIAS, HARRIETTE U. DIAS, SAMUEL K. DIAS,  
LILLIAN LEE DUPIO, HELEN R. ELLIS, MARY K. ELLIS, ISABEL )  
F. FAYE, EVA A. FOUNTAIN, HAZEL APO GROSS, HEIRS OF  
PUAKINA HAILAMA, HEIRS OF WAIKANALOA HAILAMA, DORA )  
HASHIMOTO, JOE M. HASHIMOTO, HAWAIIAN EVANGELICAL ASSOCI- )  
ATION OF CONGREGATIONAL-CHRISTIAN CHURCHES, CHARLA HUDDY )  
DAVID HUDDY, JAMES HUDDY, JR., KIKAU HUDDY, MARIE )  
MAHUIKI INOUE, MAILE KAAPUNI, HEIRS OF K. KALUE, HEIRS )  
OF KAMEALOHA, HEIRS OF BEN KANEALII, BEN KANEALII, JR., )  
DAVID KANEALII, JOSEPH IOKEPA KANEALII, JOSEPH KAUWE )  
KANEALII, HEIRS OF JULIA KUOKOA KANEALII, MICHAEL KANE- )  
ALII, RAYMER K. KANEALII, ROBERT MOEWAI KANEALII, ROBERT )  
P. KANEALII, ROGER M. KANEALII, SAM KANEALII, KAUAI )  
COUNTY WATERWORKS BOARD, ALMA BARTELS KAULU, HEIRS OF )  
CHARLES KEAHI, also known as Charles K. Holokahiki, )  
ELMER C. KEAHI, ESTHER M. KEAHI, JOSEPH K. KEAHI, NORMAN )  
K. KEAHI, RAYMOND M. KEAHI, WINONA M. KEAHI, HEIRS OF )  
KEALOHA, also known as Laika, also known as Kealoha Pa, )  
also known as Eliza Pa, HALAKI KELAU, HOWARD K. KINNEY, )  
JOHN KEONE LEE, CARLOS A. W. LONG, ELIA A. LONG, BERNARD )  
MAHUIKI, DONALD MAHUIKI, JEREMIAH MAHUIKI, HEIRS OF LAA )  
MAHUIKI, LAWRENCE MAHUIKI, JR., RACHEL MAHUIKI, RUTH )  
MAHUIKI, SAMSON MAHUIKI, HEIRS OF HENRIETTA MAKI, HILDA )  
MAKA, JACOB K. MAKI, MURPHY K. MAKI, ESTHER UO MAKAILA, )  
EDWARD MALIA, HEIRS OF HARRY KU MALIA, HEIRS OF HATTIE )  
MALIA, HEIRS OF JAMES MALIA, JOSEPH MALIA, HEIRS OF )  
KALEI MALIA, WILLIAM K. MALIA, HARIET BARTELS MARIANI, )  
HEIRS OF HATTIE K. MASON, McBRYDE SUGAR COMPANY, LIMITED, )  
FLORENCE AHI MEDEIROS, ROSE TRASK MIRANDA, BENJAMIN K. )  
MONTGOMERY, LILLIAN KANEALII MONTIBON, WILLIAM M. MORAGNE, )  
CAROL MALIA NAKANOTO, MARY JANE TRASK NEVES, MILDRED )  
MAKA OLANOLAN, OICHI ONOUE, EMMA OUYE, HEIRS OF ELIZA PA. )  
DAVID PA, LESLIE M. PRESSON

BARTELS SUGANUMA, TERRITORY OF HAWAII, }  
JANE K. TRASK, AGNES THRONAS, FRED THRONAS, HENRY }  
THRONAS, OLAF THRONAS, OLAF ELIA THRONAS, JR., SAMUEL }  
THRONAS, HEIRS OF JOHN TRASK, MARIA WAIULI, PA-U WAIULI, }  
MARY A. WALLACE, DORA A. WALLIS, JULIET R. WICHMAN, }  
ALICE KAUIKEOLANI WILCOX, WINIFRED WILBUR WILLIS, }  
MARJORIE MAKI YOKOTAKE, JOHN DOE 1 to JOHN DOE 100, in- }  
clusive, MARY ROE 1 to MARY ROE 100, inclusive, DOE }  
CORPORATION 1 to DOE CORPORATION 100, inclusive, and all }  
other persons, known or unknown, having or claiming to }  
have any right, title or interest in the land herein- }  
after described or any part thereof or any lien or other }  
claim in respect thereto, }

Defendants, }

COMPLAINT

EXHIBITS A, B, C, D, E,

F-1 and F-2

and

SUMMONS

Civil No. 30

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

JOHN W. GREGG and PAUL G. RICE,

Plaintiffs,

vs.

HEIRS OF HANAH K. AHI, et al.,

Defendants.

COMPLAINT

TO THE HONORABLE PRESIDING JUDGE OF THE FIFTH JUDICIAL CIRCUIT,  
TERRITORY OF HAWAII:

Come now JOHN W. GREGG and PAUL G. RICE, above named plaintiffs (hereinafter called the petitioners), and bring this, their complaint (hereinafter called bill for partition), against the above named defendants (hereinafter called the respondents) for the partition of the land hereinafter described, and allege as follows:

I.

That the petitioner Paul G. Rice is a resident of the Island and County of Kauai, Territory of Hawaii; that petitioner John W. Gregg is a resident of Monticello, Illinois; that respondent, County of Kauai, is now and continuously since 1905 has been a municipal corporation duly organized and existing under and by virtue of the laws of the Territory of Hawaii; that Kauai County Waterworks Foard is a statutory governmental commission;

Congregation-Christian Churches, is also a Hawaii corporation, and is the Trustee for Haena Church, Halelea.

II.

That the following named respondents are minors and have no legally appointed guardians of their estates:

Harriette U. Dias, Charla Huddy, David Huddy, Kikau Huddy, Joseph Kauwe Kanealii, Robert P. Kanealii, Bernard Mahuiki, Donald Mahuiki, Lawrence Mahuiki, Jr., Ruth Mahuiki, Samson Mahuiki and Edward Malia; that your petitioners are informed

and believe and upon such information and belief allege that said minors own or claim to own interests in the lands sought to be partitioned herein and that although said minors do not have claims or interests of precisely the same nature or of equal extent, their claims and interests are recognized and acknowledged by the petitioners to the extent more fully set forth in Paragraphs VIII and XIV herein and are of such substantially similar nature and extent as may be properly represented in aggregate by one person appointed as guardian ad litem therefor.

That petitioners know of no minors or incompetent or insane persons or persons unable by reason of any disability to represent themselves in this proceeding having a claim or interest in kuleanas lying within the lands sought to be partitioned herein or in lands bordering and adjoining the lands sought to be partitioned herein other than said Joseph Kauwe Kanealii, Robert P. Kanealii, Bernard Mahuiki, Donald Mahuiki, Lawrence Mahuiki, Jr., Ruth Mahuiki and Samson Mahuiki; that no useful purpose would be served by the appointment of a guardian ad litem for the

interests in the Hui Lands as set forth above in this paragraph.

III.

That the petitioners are informed and believe and upon such information and belief allege that certain persons formerly or presently having claims or interests herein are dead and the personal representatives and heirs of said deceased persons are unknown and therefore the petitioners have named said deceased persons and their respective heirs as respondents herein, as follows:

Heirs of Hanah K. Ahi, Heirs of Carrie Akana, Heirs of Annie Trask Apo, Heirs of Annabelle Bartels, Heirs of Puakina Hailama, Heirs of Waikanaloa Hailama, Heirs of Hattie Huddy, Heirs of K. Kalue, Heirs of Kamealoha, Heirs of Ben Kanealii, Heirs of Julia Kuokoa Kanealii, Heirs of Charles Keahi, also known as Charles K. Holokahiki, Heirs of Kealoha, also known as Laika, also known as Kealoha Pa, also known as Eliza Pa, Heirs of Laa Mahuiki, Heirs of Henrietta Maka, Heirs of Harry Ku Malia, Heirs of Hattie Malia, Heirs of James Malia, Heirs of Kalei Malia, Heirs of Hattie K. Mason and Heirs of John Trask.

IV.

That the following respondents are residents of the City and County of Honolulu, Territory of Hawaii:

Marjorie Ahi Aki, Adolph Bartels, George Bartels, William C. Bartels, Mary Gilman Trask Chang, Charles Chu, Kamala Kanealii De Fries, Beatrice Kanealii De Fries, ...

Kanealii, Joseph Kauwe Kanealii, Michael Kanealii, Raymer K. Kanealii, Robert Moewai Kanealii, Robert P. Kanealii, Roger M. Kanealii, Sam Kanealii, Alma Bartels Kaulu, Norman K. Keahi, John Keone Lee, Carlos A. W. Long, Elia A. Long, Hilda Maka, Edward Malia, Joseph Malia, William K. Malia, Florence Ahi Medeiros, Rose Trask Miranda, Harriet Bartels Mariani, Lillian Kanealii Montibon, Caroline Malia Nakamoto, Mary Jane Neves, Mildred Maka Olanclan, Leslie M. Pietsch, Richard H. Rice, William H. Rice, Johanna K. Rohrig, Helena Bartels Suganuma, Rose Malia Stanley, Olaf Elia Thronas, Jr., Samuel Thronas, and Jane K. Trask.

That the following respondents are residents of the County of Kauai, said Territory:

George K. Akana, John Akana, William Akana, Eugenia F. Akana, Sam Apo, Lillian C. Brewer, Helen A. Bruns, Elizabeth Mahuiki Chandler, Peter Christian, Emma Christian, Sarah Chu, Dora Jane Cole, Beryl M. Dias, Harriette U. Dias, Samuel K. Dias, Helen R. Ellis, Mary K. Ellis, Eva A. Fountain, Dora Hashimoto, Joe M. Hashimoto, Marie Mahuiki Inouye, Elmer C. Keahi, Esther M. Keahi, Joseph K. Keahi, Raymond M. Keahi, Winona M. Keahi, Halaki Kelau, Howard K. Kinney, Bernard Mahuiki, Donald Mahuiki, Jeremiah Mahuiki, Lawrence Mahuiki, Jr., Rachel Mahuiki, Ruth Mahuiki, Samson Mahuiki, Jacob K. Maka, Murphy K. Maka, Benjamin K. Montgomery, William M. Moragne, Oichi Onoue, Emma Ouye, David Pa, Charles A. Rice, Kathryn O. Rice, Alice Robinson, Aylmer F. Robinson, Eleanor Robinson, Selwyn Robinson, Sinclair Robinson, Fred Thronas.

That the following respondents are residents of the County of Hawaii, said Territory:

Henry Ahi, Helena Maka Santos and Bernice Ahi Smith.

That the residences of the remaining respondents named in the above-entitled cause and not specifically set forth in this or any of the foregoing paragraphs are unknown to the petitioners except that Rachel Malia Bickel resides in National City, California (2606 Hoover St.); that Isabel B. Faye resides in Berkeley, California (1524 Spruce St.); that Hazel Apo Gross resides in San Diego, California (P.O. Box 2226); that James Huddy, Jr., resides in Yuma, Arizona (1816 Arizona Avenue); that Murphy K. Maka is temporarily out of said Territory and his present temporary address is "B" Battery, 64th Sa-Br., APO 25, c/o Postmaster, San Francisco, California; that William K. Malia is temporarily out of said Territory and his present address is AF30113245, 1503-D Supply Squadron, APO 226, c/o Postmaster, San Francisco, California; that Bettie Souza resides in San Jose, California (108 No. 24th St.); that Irene Thronas Strong resides in Wynnewood, Pennsylvania (314 Lancaster Ave.); that Agnes Thronas resides in San Francisco, California (1300 Sacramento St.); that Henry B. Thronas resides in San Jose, California (47 So. 8th St.); and that Esther Uo Makaila resides at Kalaupapa, Molokai, said Territory.

V.

That the petitioners and the respondents named in Paragraph VIII hereof are now the owners as tenants in common

of an estate in feehold to all that constitute the said

particularly described as Land Commission Award No. 10613, Apana 6, Royal Patent No. 3596 originally issued to A. Paki and briefly described as the land lying between the lands of Wainiha on the south and east and Hanakapiai on the south and west, and bordering on the ocean to the north; but excepting and excluding therefrom the following parcels of land within these outer boundaries:

- ( 1 ) L.C.Aw. 9179 to Kaukapawa  
Owned by George K. Akana, Eugenia F. Akana and the heirs of Kamealoha.
- ( 2 ) L.C.Aw. 7998 to Ha'ele  
Owned by County of Kauai.
- ( 3 ) L.C.Aw. 7949, Apanas 1, 2 and 3 to Kekela  
Owned by John W. Gregg.
- ( 4 ) L.C.Aw. 10940 to Uiha  
Owned by John W. Gregg.
- ( 5 ) L.C.Aw. 10674 to Pea  
Owned by Howard K. Kinney.
- ( 6 ) L.C.Aw. 7946 to Kanuiopu  
Owned by Howard K. Kinney.
- ( 7 ) L.C.Aw. 10965 to Wahieloa  
Owned by the heirs of Carlos A. W. Long, Elia A. Long and Leslie M. Pietsch.
- ( 8 ) L.C.Aw. 10562, Apanas 1 and 2 to Opu  
Owned by Jacob K. Maka, Olaf Thronas, Agnes Thronas, Irene Thronas Strong, Olaf Elia Thronas, Jr., Fred Thronas, Samuel Thronas, Henry Thronas and Bettie Souza.
- ( 9 ) L.C.Aw. 7945, Apanas 1 and 2 to Kekulu and Mahu  
Owned by the heirs of Hattie K. Mason.
- (10) L.C.Aw. 10223 to Mca  
Owned by Benjamin K. Montgomery.
- (11) L.C.Aw. 7942 to Kuapiko  
Owned by Oichi Onoue.



- (13) L.C.Aw. 10941 to Naiwi  
Owned by Kila Pa, Halaki Kelau and  
the heirs of Laa Mahuiki.
- (14) L.C.Aw. 8262 to Ohule  
Owned by Wm. Hyde Rice, Limited.
- (15) L.C.Aw. 7996-C to Kanehakili  
Owned by Paul G. Rice and Kathryn O.  
Rice.
- (16) L.C.Aw. 8200-B, Apanas 1 and 2 to Nanahu  
Owned by Alice Robinson.
- (17) L.C.Aw. 8200-C, Apanas 1, 2 and 3 to Mukuohai for Kaenaku  
Owned by Alice Robinson.
- (18) L.C.Aw. 7967, Apanas 1 and 2 to Keahiaka  
Owned by Alice Robinson.
- (19) L.C.Aw. 7943, Apanas 1 and 2 to Keahiahi  
Owned by Esther Uo Makaila and the  
heirs of Julia K. Kanealii.
- (20) L.C.Aw. 9140 to Kukukaelele  
Owned by Juliet R. Wichman.
- (21) Grant 41, Apana 8 to the Board of Education  
Owned by the Territory of Hawaii.

The gross area of the whole land is approximately  
1800 acres and the gross area of the exceptions is approximately  
41 acres.

That a general description of the outside perimeter  
of said tract of land is attached hereto as Exhibit A and by  
reference made a part hereof.

#### VI.

That said land above described as the Ahupuaa of  
Haena and containing a gross area of approximately 1800 acres  
(said Exclusions 1 to 21 thereof being kuleanas or grants  
within said Ahupuaa) was originally awarded (R. P. 3596, L.C.

William Kinney dated January 5, 1875 (recorded in the Bureau of Conveyances of Hawaii in Liber 52, pages 100-101) to Kenoi D. Kaukaha and 37 others as tenants-in-common owning the entire tract in 38 equal shares (said deed naming only 38 grantees but erroneously totalling said grantees as 39 in number), that a copy of said deed is attached hereto as Exhibit B and by reference is made a part hereof; that thereafter said tenants-in-common, acting under a long-established usage and custom practiced by the people of the Hawaiian Islands, formed a Hui or unincorporated voluntary association known as the Hui Kuai Aina o Haena (hereinafter referred to as the "Hui") and in order to effectually manage the Hui Lands (the term "Hui Lands" being used hereinafter to describe the lands herein sought to be partitioned, being the gross area of said Ahupuaa of Haena less said Exclusions 1 to 21, inclusive), adopted By-Laws (a copy thereof being attached hereto as Exhibit C and by reference made a part hereof).

That said By-Laws of said Hui provided that annual meetings should be held on the first Friday in September of every year; that a quorum for meetings of the members should be the owners of not less than twenty (20) full shares of the Hui; that a Board of Seven (7) Directors should be elected each year at the annual meeting to hold office for one year from the date of their election; that the Manager of the Hui (also being one of the Board of Directors) should care for and manage all the property of the Hui and sign all contracts and leases containing rentals of \$50.00 a year or less and not exceeding five

should collect all rentals and other revenues owing to the Hui; that the Secretary of the Hui (also being one of the Board of Directors) should keep the books and records of the Hui including a list of the members of the Hui and the quantum of their interest therein; that the Treasurer of the Hui (being also one of the Board of Directors) should receive all moneys and pay all disbursements; that said By-Laws also established an allotment system whereby each member of the Hui became entitled to select from the Hui Lands for his exclusive occupancy two and one-half ( $2\frac{1}{2}$ ) acres of kula or houselot land and two and one-half ( $2\frac{1}{2}$ ) acres of wet or agricultural land for each one full share that he owned in the Hui and to a lesser amount of land, pro rata, for fractional shares; that such selection should be made by the member and the Manager and surveyed and the proceedings thereafter submitted to the Board of Directors for final approval or rejection, and that all such allotments or selections should be noted and recorded in a book "Record of Kuleana Allotments" by the Secretary after such approval;

That the records of the Hui are in the custody of Charles A. Rice, one of the respondents herein and who served as president of said Hui for many years; that the By-Laws have been continuously in full force and effect from the time of adoption to the present but there have been no meetings of Hui members or elections of the Directors thereof, or meetings of said Directors, for many years last past; that said By-Laws, however, have since adoption thereof been regarded and used by the Hui and the members thereof as expressing and de-

from time to time under said By-Laws to various members of the Hui representing all or a portion of their respective shares whereas other members have neither requested nor received allotments representing their shares or fractional shares.

VII.

That the petitioner John W. Gregg is the owner in fee simple as tenants-in-common as aforesaid of 5.1987 shares, or an undivided 13.682% interest in and to all of said Hui Lands, and that the petitioner Paul G. Rice is the owner in fee simple as tenant-in-common as aforesaid of 2.6114 shares, or an undivided 6.872% interest in and to all of said Hui Lands, which interests they respectively acquired by the following deeds:

1. Deed of Hawaiian Trust Company, Limited, Trustee under the Will and of the Estate of Charles A. Brown to John W. Gregg, dated February 12, 1945 and recorded in the Bureau of Conveyances of Hawaii in Liber 1873 at page 327.
2. Deed of Charles E. Makaanui to Paul G. Rice, dated December 19, 1945 and recorded in said Bureau of Conveyances in Liber 1928 at page 146.
3. Deed of William P. Aarona to Paul G. Rice, dated March 14, 1950 and recorded in said Bureau of Conveyances in Liber 2323 at page 178.
4. Order of Distribution of the assets of the Estate of William Henry Rice to Paul G. Rice, et al., dated May 27, 1946 and filed in Probate Proceedings No. 1449 of the Circuit Court of the Fifth Circuit, Territory of Hawaii and recorded in said Bureau of Conveyances in Liber 1958 at page 353, as amended by Order dated April 25, 1947 and recorded in said Bureau of Conveyances in Liber 2029 at page 498.
5. Order of Distribution of the assets of the Estate of Hans Friedrich Wilhelm Isenberg to Paul G. Rice et al., dated March 7, 1950 and recorded in said Bureau of Conveyances in Liber 2323 at page 178.

VIII.

That the petitioners are informed and believe and upon such information and belief allege that the following is a full, true and correct list of the owners in fee simple of undivided shares or interests in said Hui Lands, together with the name of the original grantee of the share involved; that 38 full shares or interests were created by the deed of William Kinney (hereinafter set out as Exhibit B):

<u>Present Owners</u>	<u>Share No.</u>	<u>Original Owner</u>	<u>Int. in Share</u>	<u>Percentage Interest in Entire Hui</u>
Heirs of Hanah K. Ahi	31	Pili	0.2500	0.658
Heirs of Annie Trask Apo	7	Paakaua	0.1428	0.376
Lillian C. Brewer	4	Napuamauu	0.3000	0.789
	33	Keoki	0.2500	0.658
			0.5500	1.447
Rose W. & Wm. J. Chandler	3	Kahilikolo	0.8000	2.105
	17	Kuehuehu	0.1250	0.329
			0.9250	2.434
Charles Chu	27	Paamaui	0.3000	0.789
Dora Jane Cole	3	Kahilikolo	0.2000	0.526
	4	Napuamauu	0.1000	0.263
	18	Naa'i	0.1250	0.329
	32	Upai	0.4000	1.053
	33	Keoki	0.2500	0.658
			1.0750	2.829
County of Kauai	6	Kale Wahine	1.0000	2.633
	9	Emalia	0.5000	1.316
	27	Paamaui	0.5000	1.316
			2.0000	5.264
Helen R. Ellis	5	Huakahi	0.0600	0.158
	15	Kainalu	0.2000	0.526
	20	Kapilohi	0.1000	0.264
	21	Pilani	0.2000	0.526
	22	Enoka	0.2000	0.526
	24	Beni	0.0400	0.105
	27	Paamaui	0.2000	0.526

<u>Present Owners</u>	<u>Share No.</u>	<u>Original Owner</u>	<u>Int. In Share</u>	<u>Percentage Interest in Entire Hui</u>
Isabel B. Faye	4	Napuamauu	0.1000	0.263
Eva A. Fountain	20	Kapiohi	0.2500	0.658
John W. Gregg	2	Kaahukoo	1.0000	2.632
	10	Henrietta	1.0000	2.632
	11	Z. Seta	0.1071	0.263
	17	Kuehuehu	0.5000	1.316
	18	Naai	0.1250	0.329
	23	Kauai	0.3333	0.877
	25	Kauka	0.5000	1.316
	30	Uo	1.0000	2.632
	34	Kealohi	0.1333	0.351
	37	Niho	<u>0.5000</u>	<u>1.316</u>
			5.1987	13.682
Heirs of Puakina Hailama	5	Huakahi	0.5000	1.316
Joe M. Hashimoto and Dora Hashimoto	31	Pili	0.5000	1.316
Heirs of Charles Keahi, also known as C. K. Holokahiki	16	Hale	0.3333	0.877
Heirs of Hattie Huddy	7	Paakaua	0.1428	0.376
Heirs of K. Kalue	17	Kuehuehu	0.1250	0.329
Heirs of Ben Kanealii	17	Kuehuehu	0.1250	0.329
Heirs of Julia Kuokoa Kanealii	23	Kauai	0.3333	0.877
Robert Moewai Kanealii	17	Kuehuehu	0.1250	0.329
Halaki Kelau	14	Apolo	0.2500	0.658
	18	Naai	<u>0.1250</u>	<u>0.329</u>
			0.3750	0.987
Heirs of Laa Mahuiki	14	Apolo	0.2500	0.658
	18	Naai	<u>0.1250</u>	<u>0.329</u>
			0.3750	0.987
Jacob K. Maka	12	Kahea	0.2500	0.658
Heirs of Henrietta Maka	5	Huakahi	0.2000	0.526
	34	Kealohi	<u>0.2000</u>	<u>0.526</u>
			0.4000	1.052
Heirs of Harry Ku Malia, Hattie Malia, James Malia, and Kalei Malia	16	Hale	0.3333	0.877

<u>Present Owners</u>	<u>Share No.</u>	<u>Original Owner</u>	<u>Int. In Share</u>	<u>Percentage Interest in Entire Hui</u>
Emma Ouye	16	Hale	0.2779	0.731
Heirs of Kealoha, also known as Eliza Pa	31	Pili	0.2500	0.658
Chas. A. Rice	11	Z. Seta	0.0089	0.024
Paul G. Rice	5	Huakahi	0.0600	0.158
	11	Z. Seta	0.0714	0.188
	12	Kahea	0.5000	1.316
	14	Apolo	0.5000	1.316
	15	Kainalu	0.2000	0.526
	18	Naai	0.5000	1.316
	20	Kapilichi	0.1000	0.264
	21	Pilani	0.2000	0.526
	22	Enoka	0.2000	0.526
	24	Beni	0.0400	0.105
	27	Paamaui	0.0400	0.105
	38	Pili	<u>0.2000</u>	<u>0.526</u>
			2.6114	6.872
Richard H. Rice		(Same as Helen R. Ellis)		
William H. Rice		(Same as Helen R. Ellis)		
Alice Robinson	1	Kenoi Kaukaha	1.0000	2.632
	7	Paakaua	0.2856	0.752
	9	Emalia	0.2500	0.658
	19	Aumona	1.0000	2.632
	24	Beni	0.8000	2.105
	29	Nakaloilani	1.0000	2.632
	34	Kealchi	0.3333	0.877
	35	Kalae	1.0000	2.632
	36	Keliihune	<u>1.0000</u>	<u>2.632</u>
			6.6689	17.552
Eleanor Robinson	26	Pueo	1.0000	2.632
Selwyn Robinson	9	Emalia	0.2500	0.658
	11	Z. Seta	0.2769	0.729
	33	Keoki	<u>0.5000</u>	<u>1.316</u>
			1.0269	2.703
Johanna K. Rohrig	4	Napuamaui	0.3000	0.789
Irene Thronas Strong	12	Kahea	0.0313	0.082
Bettie Souza	12	Kahea	0.0313	0.082
Agnes Thronas	12	Kahea	0.0313	0.082
Fred Thronas	12	Kahea	0.0312	0.082

<u>Present Owners</u>	<u>Share No.</u>	<u>Original Owner</u>	<u>Int. In Share</u>	<u>Percentage Interest In Entire Hui</u>
Olaf Elia Thronas, Jr.	12	Kahea	0.0312	0.082
Samuel Thronas	12	Kahea	0.0312	0.082
Jane K. Trask	7	Paakaua	0.1429	0.376
Heirs of John Trask	7	Paakaua	0.1429	0.376
Esther Uo Makaila	23	Kauai	0.3333	0.877
Heirs of Waikanaloa Hailama	25	Kauka	0.5000	1.316
Hawaiian Evangelical Association of Congregational-Christian Churches	32	Upai	0.2000	0.526
Pa-u and Maria Waiuli	16	Hale	0.0612	0.165
	11	Z. Seta	<u>0.0300</u>	<u>0.094</u>
			0.0912	0.258
Dora R. Wallis		(Same as Helen R. Ellis)		
Juliet R. Wichman	13	Paahao	1.0000	2.632
	20	Kapilichi	0.2500	0.658
	28	Makahuki	1.0000	2.632
	34	Kealohi	<u>0.3333</u>	<u>0.877</u>
			2.5833	6.799
Alice Kauikeolani Wilcox	8	J. W. Lota	0.3333	0.877
	11	Z. Seta	0.1667	0.439
	37	Niho	<u>0.1667</u>	<u>0.439</u>
			0.6667	1.755
Winifred Wilbur Willis	8	J. W. Lota	0.6667	1.755
	11	Z. Seta	0.3333	0.877
	37	Niho	<u>0.3333</u>	<u>0.877</u>
			1.3333	3.509

That the petitioners are informed and believe and upon such information and belief allege that the following modifications should be noted upon the foregoing list in order to fully reflect present ownership of said Hui Lands:

The heirs of Hanah K. Ahi are believed to be Henry Ahi, Marjorie Ahi Aki, Florence Ahi Medeiros and Bernice Ahi Smith (as to 1/5th each) and Adolph ...



The heirs of Annie Trask Apo are believed to be Sam Apo and Hazel Apo Gross (1/2 each).

The sole heir of Puakina Hailama is believed to be Sarah Chu.

The heirs of Waiakanaloa Hailama are believed to be Sarah Chu (1/4th) and George K. Akana, John Akana, William Akana, Helen A. Bruns, Eva A. Fountain and Mary A. Wallace (3/24ths each).

The heirs of Hattie Huddy are believed to be James Huddy, Jr., (1/3rd), Beryl M. Dias (1/6th), Harriette U. Dias (1/6th), Charla Huddy (1/9th), David Huddy (1/9th) and Kikau Huddy (1/9th).

The heirs of K. Kalue are believed to be Lillian Lee Dupio and John Keone Lee (1/2 each).

The heirs of Ben Kanealii are believed to be Kamala Kanealii De Fries, Ben Kanealii, Jr., David Kanealii, Joseph Iokepa Kanealii, Michael Kanealii and Sam Kanealii (1/6th each).

The heirs of Julia Kuokoa Kanealii are believed to be Beatrice Kanealii dela Cruz, Joseph Kauwe Kanealii, Raymer K. Kanealii, Robert P. Kanealii, Roger M. Kanealii, and Lillian Kanealii Montibon (1/6th each).

The heirs of Charles Keahi, also known as Charles K. Holokahiki, are believed to be Elmer C. Keahi, Joseph K. Keahi, Norman K. Keahi, Raymond M. Keahi and Winona M. Keahi (1/5th each).

The heirs of Kealoha, also known as Laika, also known as Kealoha Pa, also known as Eliza Pa, are believed to be David

Bartels, Alma Bartels Kaulu, Harriet Bartels Mariani and Helena Bartels Sukanuma (1/50th each).

The heirs of Laa Mahuiki are believed to be Elizabeth Mahuiki Chandler, Marie Mahuiki <sup>Honda</sup> ~~Honda~~, Bernard Mahuiki, Donald Mahuiki, Jeremiah Mahuiki, Lawrence Mahuiki, Jr., Ruth Mahuiki and Samson Mahuiki (1/8th each).

The heirs of Henrietta Maka are believed to be Hilda Maka, Murphy K. Maka, Mildred Maka Olanolan, Helena Maka Santos, and Marjorie Maka Yokotake (1/5th each).

The heirs of Harry Ku Malia, Hattie Malia, James Malia and Kalei Malia are believed to be Rachel Malia Bickel, Edward Malia, Joseph Malia, William K. Malia, Caroline Malia Nakamoto and Rose Malia Stanley (1/6th each).

The sole heir of John Trask is believed to be Mary Jane Neves.

That petitioners are informed and believe and upon their information and belief allege that respondents Mary Gilman Trask Chang, Maile Kaapuni, Esther M. Keahi and Rachel Mahuiki hold or claim dower rights in said Hui Lands, and that respondents William C. Bartels, Samuel K. Dias, Robert Moewai Kanealii, Jacob K. Maka, David Pa and Olaf Thronas hold or claim curtesy rights in said Hui Lands; that the exact nature and extent of said dower and curtesy rights are unknown to the petitioners, and therefore they leave said respondents to their proof thereof.

sought to be partitioned or owners of kuleanas within the Hui Lands and therefore may have claim to some right or interest in said Hui Lands either by disputing the boundaries herein set forth or otherwise, the exact nature and character of which claims are unknown to the petitioners who therefore leave said respondents to their proof thereof:

Eugenia F. Akana, George K. Akana, County of Kauai, Helen R. Ellis, Heirs of Kamealoha, Heirs of Julia Kuokoa Kanealii, Halaki Kelau, Howard K. Kinney, Carlos A. W. Long, Elia A. Long, Heirs of Lea Mahuiki, Jacob K. Maka, Esther Uo Makaila, Heirs of Hattie K. Mason, McBryde Sugar Company, Limited, Benjamin K. Montgomery, Oichi Onoue, Emma Ouye, Kila Pa, Leslie M. Pietsch, Kathryn O. Rice, Richard H. Rice, William H. Rice, Wm. Hyde Rice, Limited, Alice Robinson, Aylmer F. Robinson, Sinclair Robinson, Bettie Souza, Irene Thronas Strong, Agnes Thronas, Olaf Elia Thronas, Jr., Fred Thronas, Henry Thronas, Samuel Thronas, Territory of Hawaii, Dora R. Wallis, Juliet R. Wichman, Alice Kauikeolani Wilcox and Winifred Wilbur Willis.

The petitioners are informed and believe and upon such information and belief allege that respondent County of Kauai claims a right or interest in said land under an allotment of the so-called School Lot and claims or may claim other rights or interests in said Hui Lands the exact nature and extent of which claims are unknown to the petitioners who therefore leave said respondent to its proof thereof;

The petitioners are informed and believe and upon

said Hui Lands by escheat, dedication, prescriptive use or otherwise, the exact nature and extent of which claims are unknown to the petitioners who therefore leave said respondent to its proof thereof.

XI.

The petitioners are informed and believe that there are or may be other persons, at present to the petitioners unknown, who have or may claim to have some interest in said Hui Lands as tenants in common or as lessees, mortgagees, minors or as heirs of or claimants under tenants-in-common in said Hui Lands who have died, or as grantees under unrecorded deeds or other instruments, and, therefore, the petitioners have made such unknown claimants parties respondent hereto under fictitious names; that said fictitious names are John Doe One to John Doe One Hundred Fifty, inclusive, Mary Roe One to Mary Roe One Hundred Fifty, inclusive, and Doe Corporation One to Doe Corporation One Hundred Fifty, inclusive; that petitioners pray that when the true names of any such unknown respondents shall become known the same may be inserted herein in place of their said fictitious names and this action proceed to final decree against said persons by and under such true names as though correctly stated in the first instance.

XII.

That the petitioners have set forth the title and rights of all parties known to them to be interested in the land herein sought to be partitioned and the extent of their

that no person or persons other than the petitioners and the respondents herein named or designated have any interest in or to said land or any part thereof or therein, in possession, remainder, reversion or otherwise, legal or equitable.

XIII.

That the land herein sought to be partitioned consists of valley and flat lands and water shed through which flow two main streams known as Kamokulehua or Manoa Stream and Limahuli Stream, discharging into the sea; that by instrument dated December 15, 1932, said Hui and the County of Kauai entered in a lease of the water of Kamokulehua Stream in Manoa Valley, within said Hui Lands, for a period of 25 years from December 15, 1932, said County to pay \$25.00 upon execution of said lease and \$5.00 per million gallons for all water delivered, drawn or taken into the pipe lines of said County; that a copy of said lease is attached hereto as Exhibit "D" and by reference made a part hereof; that the petitioners are informed that payments for water so drawn or taken have been made to and are in the custody of Charles A. Rice, one of the respondents herein and who served as president of said Hui for many years; that said contract has been assigned by said County to the Kauai County Waterworks Board, a statutory governmental commission.

XIV.

That as described in Paragraph VI hereinabove, allotments of specific portions of the Hui Lands have been made

have entered upon, occupied and used the allotted lands exclusively and made improvements thereon and still occupy and use the same; that the following allotments [setting forth, according to the lists and records of the Hui in present use, the holder or holders of the allotment and the approximate area (in acres) of the allotment] were and are the allotments of specific portions of said Hui Lands made in the manner aforesaid and now held by various shareowners and claimants:

<u>Allottee</u>	<u>No.</u>	<u>Area (acres)</u>
— John W. Gregg	1	4.0
Selwyn Robinson	2	2.4
Alice Robinson	3	4.5
Alice Robinson	4	3.5
Alice Robinson	5	1.1
Jacob K. Maka	6	0.4
Kealoha (Eliza Pa)	7	0.5
John W. Gregg	8	0.3
— Laa Mahuiki	9	0.4
Mary K. Ellis	10	1.9
Paul G. Rice	11	1.0
John W. Gregg	12	1.1
John W. Gregg	13	0.7
Dora Jane Cole	14	3.0
Charles Chu	15	3.5
Isabel E. Faye	16	0.9
Lillian C. Brewer	17	0.9
Lillian C. Brewer	18	0.6

<u>Allottee</u>	<u>No.</u>	<u>Area (acres)</u>
Emma Ouye	21	0.81
Juliet R. Wichman	22	2.97
Juliet R. Wichman	23	8.63
County of Kauai	24	3.2
Selwyn Robinson	25	0.9
William M. Moragne	26	1.3
Jacob K. Maka	27	1.5
Eleanor Robinson	28	3.5
John W. Gregg	29	3.3
Robert Moewai Kanealii	30	1.6
Alice Robinson	31	1.7
John W. Gregg	32	0.3
Jacob K. Maka	33	1.0
Alice Robinson	34	3.5
Hanah K. Ahi	35	0.8
Kealoha (Eliza Pa)	36	0.8
Joe M. and Dora Hashimoto (inc. area held for Peter and Emma Christian)	37	1.6
Eleanor Robinson	38	0.5
William J. and Rose W. Chandler	39	1.0
John W. Gregg	40	1.0
Pa-u and Maria Waiuli	41	0.3
William J. and Rose W. Chandler	42	1.8
Hawaiian Evangelical Association of Congregational-Christian Churches	43	1.1
Helen R. Ellis, Paul G. Rice, Richard H. Rice, William H. Rice, Dora R. Wallis	44	15.0

XV.

That a map of the Ahupuaa of Haena showing the outer boundaries thereof is attached hereto as Exhibit E and by reference made a part hereof; that said map also indicates the location of the Manoa and Limahuli Streams.

That maps of the "flat land" areas are attached hereto as Exhibits F-1 and F-2 and by reference made a part hereof; that said maps indicate the approximate location of the exclusions therefrom (being the kuleanas listed in Paragraph V hereof), the approximate location of the allotments by the number used in the foregoing list in Paragraph XIV hereof and roads, said Exhibits F-1 and F-2 being in the nature of detailed enlargements of the makai portions of the Ahupuaa of Haena as depicted on Exhibit E.

XVI.

That upon the lower lands on which are situated all of the allotted lands, are certain irrigation ditches which were constructed many years ago and which have been continuously in use for many years past in diverting portions of the water of said Limahuli Stream for the purpose of irrigating said lower lands; that the continuation of the right to such use of a portion of the water of said Stream will enhance the value of said allotted lands and such water rights should be made appurtenant to said allotted lands.

XVII.

That said Limahuli Stream has been utilized by all



stream and the watershed from which said waters arise are a potential source of domestic water supply for the members of said Hui; that there are various historical sites and natural formations of community use to the members of the Hui, such as the ancient heiau, Napali Trail, Dry Cave (maninihola) and Wet Caves (Wai a Kanaloa and Wai a Kapalae); that in partitioning the Hui Lands said watershed and waters and portions of said stream and said historical sites and natural formations, etc., should be set aside to all those given interests in said Hui Lands, to be retained for their common use; save and except that it may be desirable that said watershed and surplus waters, over and above the quantity necessary for cultivation of wet lands and kuleanas within said Hui Lands, be set aside as a separate allotment for sale or disposal to the Kauai County Waterworks Board or other governmental authority.

XVIII.

That the petitioners are desirous of having a partition made of said Hui Lands among the parties who shall be found by the Court to be the owners thereof according to their respective rights and interests; that your petitioners believe and upon such belief aver that such partition could best be effected by awarding and setting apart to shareholders occupying the several specific parcels of land particularly described in said allotment list appearing in Paragraph XIV hereof, making adjustments by requiring payments of money from them or distributing money to them, as the case may be, to equalize their respective interests and awarding and setting aside to

lands appurtenant water rights for irrigation purposes and also awarding to all of the owners of said Hui Lands rights in portions of the Limahuli Stream as may be appropriate;

That in order to effect a partition herein it may be necessary or desirable that a commissioner or commissioners be appointed by the Court and authorized not only to make their recommendations to the Court as to the parcel or parcels to be awarded and set off to each of the owners thereof and water rights and other easements and privileges appurtenant thereto, but also to ascertain and fix fair and reasonable sums to be received from or paid to the various owners in order to effect an adjustment of the values of their respective interests.

~~XIX.~~

That the petitioners have no adequate remedy at law.

WHEREFORE petitioners pray:

(1) That this Honorable Court fix and appoint the return day of the summons herein, that process issue and be served and published in the manner and form provided by law directed to all respondents named herein and to all persons known or unknown having or claiming to have any legal or equitable right, title or interest in the premises described herein, or any part thereof, or any lien or other claim with respect thereto, and that said process require said respondents to make a full, true and correct answer to the bill for partition herein on or before the return day fixed and appointed in the summons, stating under oath the precise nature and extent of his interest or claim; and further, that a certified copy

whose residences are specifically set forth in Paragraph IV herein by registered mail, with request for a return receipt, to their respective addresses as set forth in said Paragraph IV;

(2) That this Honorable Court appoint a guardian-ad-litem herein to represent said group of minor respondents named in Paragraph II hereof and also to represent as a class all additional minors and all incompetent or insane persons and other persons unable by reason of any disability to represent themselves in this proceeding as may hereinafter appear to have a claim or interest in the lands sought to be partitioned herein;

(3) That this Honorable Court proceed to effect a partition of the land herein sought to be partitioned, in severalty, as far as is practicable, among the parties who shall be found by the Court to be the owners thereof according to their respective interests, advertising for sale and selling by public auction any portions, including small fractional interests therein, of said lands and water rights as may not be set aside and partitioned among the owners aforesaid, and further to investigate, hear and determine all matters and things incidental to the entire proceeding, all as contemplated and authorized by law and particularly by the provisions of Chapter 304 of the Revised Laws of Hawaii 1945, as amended;

(4) That this Honorable Court, in partitioning this land, award and set apart to the various owners, as far as is practicable, the particular portions of said land held by said owners under their existing allotments in accordance with the rules, agreements, by-laws and constitution of said Hui Kuai

apart to all owners such portions of said lands as may be desirable for community purposes such as watershed, waters, pools, fisheries, roads, trails, historical sites, etc.;

(6) That this Honorable Court, should it deem it advisable, appoint a Commissioner or Commissioners in Partition with such powers as the Court shall deem proper to confer upon them, including the powers of a receiver to collect and receive all moneys accrued and to accrue to said Hui Kual Aina o Haena and to use said moneys, so far as may be necessary under the instructions of the Court, to defray the costs and expenses of these proceedings, as contemplated by law, including the advances made by the petitioners on account thereof, and suitably to divide any surplus among the parties entitled thereto;

(7) That this Honorable Court assess the costs, fees and expenses of these proceedings against all the parties in proportion to their interests in said Hui Lands; and

(8) That this Honorable Court grant such other and further relief in the premises as it may deem meet and proper and which equity may require.

DATED: April 29<sup>th</sup>, 1955.

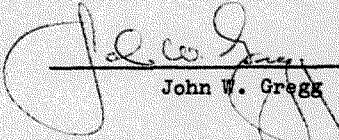
  
John W. Gregg


  
Paul G. Rice

Petitioners

TERRITORY OF HAWAII )  
                          ) SS:  
COUNTY OF KAUAI     )

JOHN W. GREGG and PAUL G. RICE, being first duly sworn, on oath severally depose and say: That they are the petitioners named in the foregoing Bill for Partition; that they have read said Bill for Partition, know the contents thereof, and the same is true to the best of their knowledge, information and belief.

  
\_\_\_\_\_  
John W. Gregg

  
\_\_\_\_\_  
Paul G. Rice

Subscribed and sworn to before me  
this 19<sup>th</sup> day of April, 1955.


  
\_\_\_\_\_  
Notary Public, Fifth Judicial  
Circuit, Territory of Hawaii  
My commission expires: June 30, 1957.

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°  | 29' | 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' | 730.97 feet along same;  |
| 8. | 341° | 03' | 1,335.00 feet along same to "Puu Nopili"<br>marked by a Territory of<br>Hawaii Forest Reserve<br>Monument in the middle<br>of ridge; thence follow-<br>ing up the middle of ridge<br>along the Land of Wainiha<br>to "Kealewalewa", the<br>approximate direct azimuth<br>and distance being: |
| 9. | 59°  | 45' | 45" 2,937.00 feet; thence following up the<br>middle of ridge along the<br>Land of Wainiha to "Pali<br>Eleele", the approximate<br>direct azimuth and dis-<br>tance being:   |

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.

EXHIBIT B

KNOW ALL MEN BY THESE PRESENTS:

THAT I, William Kinney of Onomea, District of Hilo, Hawaii, Hawaiian Islands, for and in consideration of the sum of Fifteen Hundred Dollars paid to me, W. Kinney of Onomea aforesaid, the receipt whereof is hereby acknowledged, do grant, bargain, sell and confirm to Kenoi D. Kaukaha, H. Leka, Piiiani, Pili, Kaahukoo, Kahea, Enoka, Upai, Kahilikolo, Paahao, Kau 1, Keeki, Napuama, Jas Apolo, Peni, Kealohi, Huakahi (w) Kainalu, Kauka 2, Kaluna, Kale, Hale, Pueo, Keliihune, Paakaus, Huehuehu, Paamani, Nihoa, Loka, Naai, Makahuki, A. A. Pali, Emilia (w), Kaaumoana, Nakaloalani, Henelea (w), Kapiioha, Uo (thirty nine persons jointly) of the Island of Kauai, Hawaiian Islands, the land of Haena in the District of Halelea of said Island of Kauai, containing an area of about 2500 acres, being the same as granted to A. Paki by Royal Patent No. 3596, and being the same as granted to W. H. Pease by deed from Charles R. Bishop and Bernice P. Bishop dated the 6th day of February 1858, and being the same as conveyed from the Administrators of the Estate of W. H. Pease to me, Wm. Kinney, by deed of April 18th, 1872, to have and to hold the above granted and bargained premises by its ancient boundaries, with all the appurtenances and privileges thereto pertaining to the said Kenoi D. Kaukaha and thirty-eight others, their heirs and assigns and to their own proper use and behoof forever.

And I, the same Wm. Kinney for myself and heirs, executors & administrators do covenant with the same Kenoi D. Kaukaha and thirty-eight others as aforesaid that and until



the ensealing of these presents, I am well seized of these premises as of a good and indefeasible estate in fee simple, and have good right to sell and bargain, the same in manner and form aforesaid, and that the same is free from all encumbrances whatsoever, and further I do by these presents bind myself my heirs and assigns to warrant and forever defend the above granted and bargained premises to the aforesaid Kencoi D. Kaukaha and thirty eight others, their heirs and assigns, against all claims whatsoever.

— In Witness Whereof, I have hereunto set my hand and seal this 5th day of January, 1875.

/s/ William Kinney

Hawaiian Islands )  
Hilo, Island of Hawaii ) SS.

— On this 6th day of January A. D. 1875 personally appeared before me William Kinney, known to me to be the person described in and who executed the foregoing instrument who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein set forth.

/s/ F. S. Lyman  
Circuit Judge, Third Judicial District

And for the above recited consideration, I Caroline Kinney the wife of the said William Kinney hereby release and quitclaim unto the said Kencoi D. Kaukaha and thirty eight others, all of my right title and possibility of dower in and to the aforegranted premises, as witness my hand and seal at Honolulu, this 23rd day of January A. D. 1875.

/s/ Caroline Kinney

Register Office Oahu SS: On this 23rd day of January A. D. 1875, personally appeared before me Caroline

Kinney, known to me to be the person described in and who executed the foregoing instrument who acknowledged to me that she executed the same of her own free will without compulsion fear or restraint from her husband on examination separate and apart from him.

/s/ Thomas Brown, Registrar of Conveyances

Recorded and Compared this 20th day of August A. D.  
1877 at 1 o'clock P. M.

— /s/ Thomas Brown, Registrar of Conveyances

—

EXHIBIT C

BY LAWS OF THE LAND PURCHASING COMPANY OF HAENA  
ISLAND OF KAUAI TERRITORY OF HAWAII

SECTION 1. NAME

This Hui shall be known and named THE HUI KUA I AINA O HAENA, and its Business office shall be located at Haena, County of Kauai, T. H.

SECTION 2. MEMBERS

The members of this Hui Kua I Aina O Haena shall be the owners and holders of shares who were the purchasers by virtue of a deed from Wm. Kinney to Kenoi Kaukaha & 37 others dated January 5th, A.D. 1875, and recorded in the office Registry of Conveyances in Liber No. 52, pages 100-101, their heirs successors and assigns, and all those who now or hereafter may hold any interest according to the laws of the Territory of Hawaii.

SECTION 3. OFFICERS

The officers of this Hui shall be a President, Vice-President, Secretary, Treasurer and Manager who shall hold their respective offices for the term herein prescribed during good behavior.

SECTION 4. BOARD OF DIRECTORS

The Board of Directors shall consist of all the officers named in Section 3 aforesaid with two other members and shall hold office, as the by laws direct.

SECTION 5. ANNUAL MEETING

There shall be held one Annual Meeting known as the REGULAR MEETING, on the first Friday in September of each and every year, and shall be advertised twenty (20) days prior to the holding of such meeting, in an English and Hawaiian Newspaper;

PROVIDED, however, that the session of such meeting can be extended for some days if the shareholders assembled at such Annual Meeting shall so decide.

SECTION 6. BUSINESS AT ANNUAL MEETING.

The Business at the Annual Meeting shall be The Report of the officers as directed by the By-Laws or other reports relating to the transaction of any other business of the Hui, resolutions and other business for the good of the Hui.

SECTION 7. SPECIAL MEETINGS

A Special Meeting may be called by the petition of Members holding shares according to section 2 of these By-Laws, in writing representing not less than twelve (12) full shares which may be ascertained by counting and including owners of fractional shares thereof; PROVIDED, however, that no meeting shall be advertised unless good and sufficient reasons appear for the calling of such meeting and the business of said meeting shall be confined to the business proposed alone.

SECTION 8. QUORUM

The quorum for the Annual Meeting and Special Meetings shall be the owners of not less than twenty (20) full shares according to Section 2, of these By-Laws either personally represented or by proxy, or those who have any interest according to the laws of the Territory of Hawaii, counting and including the owners of fractional shares.

SECTION 9. ELECTION OF OFFICERS

All officers mentioned in Sections 3 and 4 of these By-Laws or other officers shall be elected at the Annual Meeting from the shareholders in the HUI KUAI AINA O HAENA, according to section 2 of these By-Laws, and shall be elected separately by ballot.

SECTION 10. TENURE OF OFFICE

All officers specified in Section 3 and 4 of these By-Laws shall hold office for one (1) year commencing on the date of their election at the Annual Meeting.

SECTION 11. BONDS

The Manager and Treasurer or any one of them shall be placed under bond, according to the amount and number of sureties as either the Hui or The Board of Directors shall direct, and said bond to be approved by the Board of Directors. On approval of said bond the President who is presiding at the meeting shall sign it, and the Secretary shall attest same enumerating the day, month and year; PROVIDED, however, that no bond shall be required of the Manager or Treasurer, without the action of the Hui or its Board of Directors thereon. All expenses shall be paid out of the Treasury of the Hui.

SECTION 12. COMPENSATION OF OFFICERS.

The officers mentioned in Sections 3 and 4, or any of them shall receive such compensation as the Hui or its Board of Directors shall decide.

SECTION 13. DUTIES OF OFFICERS

PRESIDENT. The President shall preside at all the meetings of the Hui and its Board of Directors, and shall call the meeting of the Hui and the Board of Directors and all other duties as provided for by these By-Laws.

SECTION 14. VICE-PRESIDENT

The Vice-President shall perform all of the duties of the President in the absence of the President as provided for in these By-Laws.

SECTION 15. MANAGER

The Manager is empowered to keep, guard, care and manage all the property of the Hui, for the benefit of the owners of the

Hui, execute and sign all leases to and from the Hui in its name, whose yearly rental shall not exceed \$50.00, and the term of which shall not exceed five years; and any action of the manager on any lease the term of which shall exceed five years and the annual rental thereof shall exceed fifty dollars (\$50.00) shall not be valid unless approved by the Hui or the Board of Directors. He shall have the power to collect all rental due the Hui, to impound any stray animals according to the laws of the Territory of Hawaii, and shall approve all bills against the Hui, not exceeding fifty dollars (\$50.00) at any one time; but any bills against the Hui whose aggregate shall exceed fifty dollars (\$50.00) shall be paid only upon the approval of the Hui or the Board of Directors. He shall sue and be sued in the name of the Hui. He shall report to the Treasurer all moneys received by him and shall deposit same with the Treasurer. He shall have the power to draw on the Treasurer for such amount or amounts as he is authorized to expend by the By-Laws or by the order of the Hui or the Board of Directors. He shall submit an annual report at the regular meeting of the Hui showing all receipts and expenditures and all transactions, unless otherwise directed by the Hui and also report on the standing and progress of the Hui.

#### SECTION 16. SECRETARY

He is the custodian of the books and records pertaining to his office; he shall record the minutes of the Hui and the Board of Directors and all resolutions, as well as all other work pertaining to his office. He shall keep a record of all owners of shares or fraction of shares thereon, in the Hui Kuai Aina O Haena. He shall not submit an annual report only on order of the Hui or the Board of Directors. He shall keep the Manager's or Treasurer's bond or bonds of both of them or either one of them, if placed under bond.

SECTION 17. TREASURER

The Treasurer is charged with the keeping of all moneys, securities and other records of value belonging to the Hui and to keep proper accounts of receipts and disbursements in a record book. He shall settle all bills pursuant to the direction of these By-Laws that are properly approved by the Manager or by the President after a favorable action thereon at any meeting of the Hui. He shall have the power to refuse to pay any money if not properly approved, excepting taxes these he shall pay in the usual course of business. But if he has any doubt as to any matter he shall consult with the Manager, and if it cannot be settled with him, then the Manager may call a meeting of the Hui or the Board of Directors. He shall submit his annual report of receipts and expenditures and all other transactions, unless otherwise directed by the Hui.

SECTION 18. DUTIES OF THE BOARD OF DIRECTORS

The Board of Directors have the power to perform all duties imposed upon it, either at the annual or special meeting of the Hui. The said Board of Directors has the power to consider and pass all measures for the benefit of the Hui, where the power to pass such measures is not provided for in the By-Laws and when such measures are urgent to be acted on. It shall have the power to approve or refuse all applications for land or allotments thereof, whether wet or dry land, reserving, however, and not depriving, the right of the Hui at its meeting to act thereon pursuant to these By-Laws. It shall have the power to appoint any officer, in the place of the officer who is removed, resigned, or had died.

SECTION 19. MEETING OF THE BOARD OF DIRECTORS

The meeting of the Board of Directors shall be held at the call of the President, to transact all business assigned to

it by the Hui at its annual meeting or at a Special Meeting, or any business directed by these By-Laws for the Board of Directors to perform. All other meetings shall be at the request of (3) three members of the Board of Directors or at the request in writing of members representing not less than twenty (20) full shares.

#### SECTION 20. REMOVAL OF OFFICERS

Any officer in Sections 3 and 4 may be removed from office for malfeasance in office contrary to the laws of the Territory of Hawaii; PROVIDED, however, that he cannot be removed unless by the action of the majority of owners of shares present at a meeting called for such purpose according to the By-Laws. Provided, however, that if after any qualified call for such regular or special meetings, there is no quorum present for the investigation of the charges against any officer then it shall be the duty of the Board of Directors to immediately make the investigation and it shall have the power to appoint an officer for the position made vacant by any removal, for the remainder of the term of the officer removed.

#### SECTION 21. TREES

It is strictly prohibited to cut any trees upon any land of the Hui lying idle that is the unallotted lands not allotted by the Hui according to the By-Laws; for the personal profit or benefit of any one, but only for the general benefit and profit of the Shareholders of the HUI KUA I AINA O HAENA: PROVIDED, however, no one is prohibited from cutting any trees for his own use and need.

#### SECTION 22. ANIMALS

No member of the Hui is permitted to run or let in any animals belonging to others in his share either by lease of his



share or otherwise. Twenty (20) head of animals are allowed to be run for every full share on the Hui Land.

#### SECTION 23. KULA AND WET LAND

Every shareholder of the Hui Kuai Aina O Haena is allowed to select  $2\frac{1}{2}$  acres of Kula land and  $2\frac{1}{2}$  acres of Wet land for every full share but to every fractional share may be allotted the amount of land in proportion to the amount or portion or fraction of a share. The selection shall be by the member and manager, and plotted out by a surveyor; the applicant shall furnish two (2) maps of the proposed allotment, to the Hui or the Board of Directors for approval. There shall be no approval of any allotment, unless the manager of the Hui or someone specially appointed for investigation or the members of the Board of Directors, who having personally visited the place to be allotted, shall report that there is nothing in the way for the allotment of said land. All expenses of surveying the land shall be borne by the applicant who shall provide one copy for the Hui, and one copy for himself. All proceedings shall be kept by the Secretary in a book specially provided for that purpose (RECORD OF KULEANA ALLOTMENTS) as these By-Laws provide after the approval of such allotment. Then the President or Vice-President or the one who is presiding at such meeting shall sign with the manager and the secretary; the latter shall attest same; enumerating the actual day and year of such approval.

#### SECTION 24. KULEANAS ALREADY ALLOTTED

No member is allowed to enter upon or select the kula or wet land whose selection had previously been made, allotted and approved by the Hui or its Board of Directors according to these By-Laws, nor shall any agricultural land or house lot be given out again whose selection and approval antedates the approval of these By-Laws.

SECTION 25. NOTABLE PLACES

All notable places by these By-Laws are the dry cave of "MANINIHOLA", the wet cave "WAI A KANALOA", the wet cave "WAI A KAPALAE" and the fire hill of "MAKANA", the Heiau of "LOHIAU" and "KILIOE" or any others, by these By-Laws are set apart as a place for the public to visit and the manager is empowered to open up roads upon lands of the Hui leading to these notable places. The selection or taking of these notable places by members of the Hui shall be of no effect under these By-Laws. The manager is empowered to make a survey of these notable places under expenses of the Hui.

SECTION 26. TEMPORARY PRESIDENT

The Hui may elect a temporary President in the absence of the President or Vice-President at any meeting of the Hui.

SECTION 27. MEANING OF KULA AND WET LAND

The word Kula land in these By-Laws shall mean House Lot; and Wet Land Agricultural Land.

SECTION 28. OF THE WORD HUI

Wherever the word "HUI" appears in these By-Laws it shall be construed to mean and refer to THE HUI KUI AINA O HAENA.

SECTION 29. AMENDING OR ADDING TO

These By-Laws may be added to or amended by a two-thirds vote of the members present at a regular meeting.

SECTION 30. ABOLISHING FORMER BY-LAWS

All By-Laws or portions thereof of the By-Laws known to be By-Laws of the Hui Kua i Aina O Haena, by these are hereby abolished.

SECTION 31. PROMULGATION

These By-Laws shall take effect and become law, from and after its day of approval.

EXHIBIT D

AGREEMENT FOR WATER SUPPLY FOR HAENA WATER WORKS

AGREEMENT made this 15 day of December, A.D. 1932, by and between the HUI KUAI AINA O HAENA, a Hawaiian Association, party of the first part, and the COUNTY OF KAUAI, Territory of Hawaii by the Board of Supervisors of the County of Kauai, party of the second part.

WHEREAS, the County of Kauai has installed and is operating a water works in the village of Haena, District of Hanalei, County of Kauai, Territory of Hawaii; and

WHEREAS, the said Hui Kuai Aina o Haena, a Hawaiian Association, has an available and suitable supply of potable water at, or in the stream of Kamokulehua, in the valley of Manoa, being the property of the said association situated in the District of Hanalei, as aforesaid, and is willing to furnish and supply an adequate quantity of same to the said County of Kauai, for its Haena Water Works on the terms and for the consideration hereinafter mentioned and specified;

WHEREAS, the County of Kauai desires that it shall be granted the privilege to install and/or lay and maintain pipes in connection with the operation and/or maintenance of its said Haena Water Works; and

WHEREAS, the said Hui Kuai Aina o Haena is the owner of the lands between the source of the water supply as aforesaid and the said village of Haena over and through which it will be necessary for the County of Kauai to lay and/or maintain pipes in connection with the operation and/or maintenance of its said Haena Water Works;

NOW THIS INDENTURE WITNESSETH, AS FOLLOWS:

1. Pursuant to the premises, the said party of the first part, for and in consideration of the payments to be made to it, as hereinafter provided, and of the stipulations and covenants herein given, expressed and contained on the part and behalf of the party of the second part to be made, kept, performed, and fulfilled, agrees and undertakes, for the period, or periods, of time hereinafter mentioned, to permit the said party of the second part to take potable water from the stream of Kamokulehua in the valley of Manoa aforesaid, for the Haena Water Works hereinbefore mentioned and referred to, and also demises to said party of the second part, the rights and liberties following, namely:

(a) The right, for the purpose of conveying water from said source of water supply to the village of Haena and vicinity, to lay and/or maintain and use, over, through and under any lands, owned or held under lease, if any, by said party of the first part during the term or period covered by this agreement, a line, or lines of water pipe and build all proper and usual accessories suitable for the same, so that said line of pipe shall be laid below the surface of the earth, in covered or uncovered trenches, and so that no unnecessary damage shall be done to said lands of the party of the first part, and so that upon the completion of the work the surface shall be restored to its present condition, or as near thereto as shall be reasonably possible, said right of way not to exceed six (6) feet in width, that is, the said right of way shall measure three feet on each side of the center line, as shall be determined by the County Engineer of the County of Kauai with the approval of the parties thereto.

(b) Liberty from time to time to enter upon said lands owned or held under lease by said party of the first part, and to open up said line of pipe, or any part thereof, for the purpose of repairing or renewing the same as occasion may require, doing no unnecessary damage to said lands and restoring the surface thereof whenever opened up, as soon as may be.

(c) Liberty to enter upon said lands and to remove said pipe whenever said party of the second part shall determine to abandon the use thereof, or whenever the right to maintain the use upon said lands for any reason shall cease, doing no unnecessary damage to said lands, and restoring the surface thereof when so opened up, as soon as may be.

To hold and enjoy the said rights and liberties hereby demised unto said party of the second part for the period, or periods, of time hereinafter mentioned.

2. For the permission, right or privilege to take potable water for the said Haena Water Works, and for the demise of the rights and liberties of laying and maintaining and using, over, through and under the said lands held by the party of the first part of a line of water pipe for the purpose of conveying water from the source of water supply as aforesaid and for any and all water taken, and/or drawn by said party of the second part therefrom into the pipe line of the party of the second part through or from its intake in the stream of Kamokulehua in the valley of Manoa aforesaid, the said party of the first part shall be paid the sum of Twenty-five Dollars (\$25.00) upon the execution of this agreement; and shall be paid, in addition thereto, at the rate of Five Dollars (\$5.00) per million gallons for all water delivered, drawn, and/or taken into the pipe line,

or lines, of the party of the second part; the quantity of water delivered, drawn and/or taken into said pipe line, or lines, of the party of the second part to be measured by a standard water meter, which shall be purchased and/or paid for, installed and maintained in good order at the expense of the party of the second part, and which shall always be under the joint control of the parties hereto.

3. The said party of the second part covenants with said party of the first part as follows, namely:

(a) That, so long as this agreement is in force, said party of the second part will pay to the said party of the first part for all water delivered, drawn and/or taken into the said pipe line, or lines, and for the rights and liberties demised unto said party of the second part as aforesaid, at the rate of Five Dollars (\$5.00) per million gallons for all water so delivered, drawn and/or taken into said pipe line, or lines, as determined by measurement by a standard water meter, which the party of the second part agrees to purchase and have installed, at its own expense as aforesaid; payments for quantity of water delivered, drawn and/or taken into the said pipe line, or lines, to be made quarterly, the first of such payments to be made on or before the 10th day of January A. D. 1933, and the amount thereof to be determined from a reading of the said standard water meter on the 30th day of December 1932, and the amount of subsequent payments to be determined by successive readings of said standard water meter on the last day of every third month thereafter and to be for the quantity of water received and/or taken into the pipe or pipes, of the party of the second part during the period next ensuing after the last preceding reading for which payment has been made;

(b) That said party of the second part will be responsible for and pay to the party of the first part any damages occasioned to it by said party of the second part or its agent, or agents, in digging and excavating any tunnel and in laying, repairing, renewing, or removing said line, or lines, of pipe hereinbefore referred to, or any part thereof, or by reason of said pipes leaking, breaking or bursting, or that may result from any reason or cause to the said party of the first part or to the lands owned or held by it and in consequences of the granting by said party of the first part of the rights and privileges of laying and/or maintaining and using said pipe line, or lines, over its said lands;

(c) That said party of the second part will keep the pipes and other works of said party of the second part, which shall be laid or constructed in said lands of the party of the first part, in good repair and condition;

(d) That said party of the second part will, whenever its right to maintain the said line of pipe upon said lands of said party of the first part shall cease, and within sixty days thereafter, remove said line of pipe from said premises and in such case, or in case it desires to abandon the use of said line of pipe and remove the same from said premises, will restore the said premises, or such parts thereof as have been opened, disturbed or damaged by said party of the second part, to the same, or as good a state and condition, as they were in immediately before the time of such removal.

4. Said party of the first part covenants with the said party of the second part that said party of the second part performing and observing the covenants and conditions on its part to be performed and observed, may peaceably hold and enjoy the

rights and liberties hereby demised, without any interruption on the part of said party of the first part, for and during such period, or periods, of time, hereinafter mentioned, for which this agreement shall continue to run and have effect.

5. It is mutually agreed and understood that if there shall be any breach of any of the covenants on the part of either party, or of the conditions herein contained, then, in any such case, it shall be lawful for the other or opposite party, on thirty days' notice in writing given to said defaulting party, to determine these presents, and thereupon the same shall be determined without prejudice to the remedies of either party in respect of anything done or suffered before said determination.

6. It is further mutually understood and agreed by the parties hereto that subject to sooner determination for breach of covenant or condition by either party as aforesaid, this agreement shall run and have full effect for a period of twenty-five (25) years from and after the day first above written as the date hereof; PROVIDED, however, that any new Board of Supervisors of the County of Kauai (succeeding and successors to the Board of Supervisors in office at the time of the signing of this agreement) shall have the right to and may terminate this agreement by written notice to that effect given to and served on said HUI KUA I AINA O HAENA, within sixty days from the date on which such new (or succeeding) Board of Supervisors is or shall be by law duly constituted and first qualified to act, and in such case and upon such notice to the said HUI KUA I AINA O HAENA, this agreement shall then absolutely cease and determine.

7. It is further expressly declared, mutually understood and agreed by the parties hereto that the party of the first part does not in any way guarantee or warrant the purity or potable



quality of the water to be sold by it to the party of the second part pursuant to this agreement; that said party of the first part shall not be held liable for any contamination of the water in the stream of Kamokulehua in the valley of Manoa aforesaid by reason of live-stock being in or about the same; and that the said party of the second part shall have the right to and shall construct and/or erect, at its own expense, such fence, or fences, as shall be reasonably necessary to keep live-stock from contaminating the water in the said stream.

8. The mention in this agreement of either of the said parties hereto by name or otherwise shall be deemed to include the successors and assigns of such party, unless clearly inconsistent with the terms and provisions hereof.

IN WITNESS WHEREOF the parties to these presents have caused the same to be executed, in triplicate, by its proper officers thereunto duly authorized, and their appropriate seals, if any, to be hereto attached as of the date first above written.

HUI KUAI AINA O HAENA

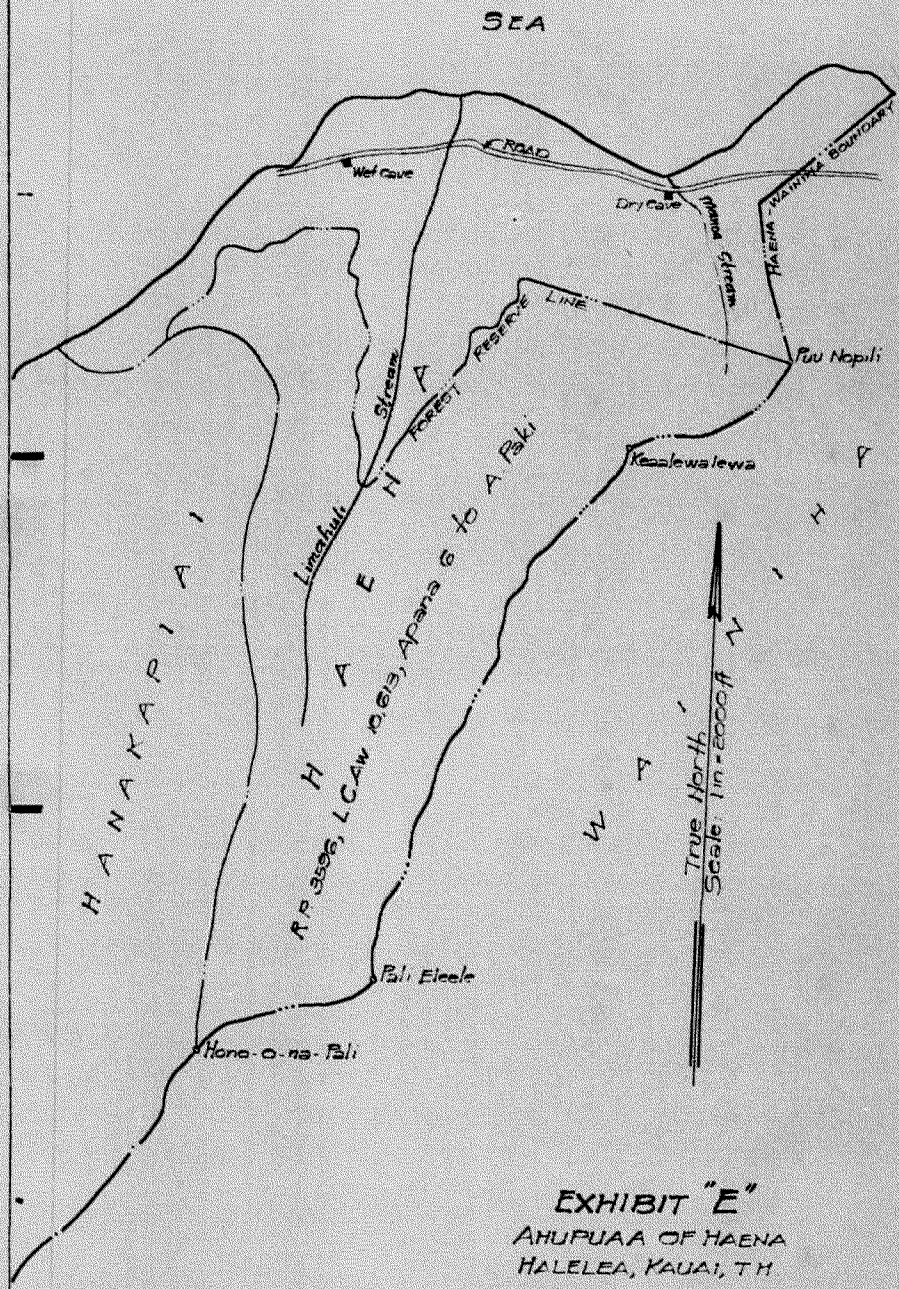
By Chas. A. Rice /s/  
Its President

and  
By Jacob K. Maka /s/  
Its Secretary

COUNTY OF KAUAI, BY ITS BOARD OF  
SUPERVISORS

By Eric A. Knudsen /s/  
Chairman of said Board

and  
By Samuel K. Dias /s/  
County Clerk and Ex-officio  
Clerk of said Board



**EXHIBIT "E"**

AHUPUA'A OF HAENA  
HALELEA, KAUAI, T.H.

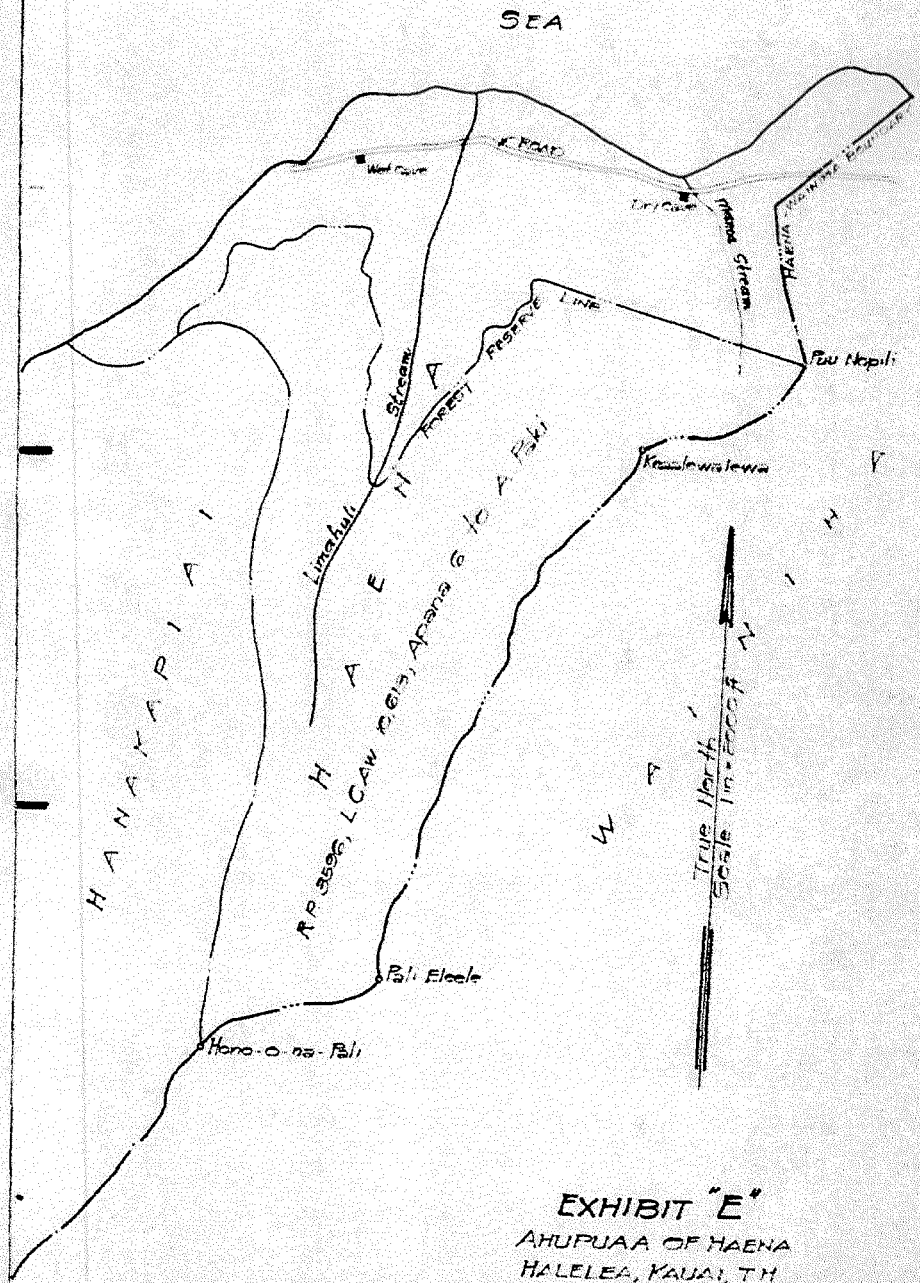
Tax Map Key 5-9-01 253  
Scale 1 in. = 2000 ft.

Compiled

HONOLULU, T.H.  
No. 3274 P.S.

**R. M. TOWILL**  
CIVIL ENGINEER  
SURVEYOR

211 NEWCASTLE ST.  
8-10-54



**EXHIBIT "E"**  
 AHUPUAA OF HAENA  
 HALELEA, KAUA I, TH  
 Tax Map Key 5-2-01-2-5-3  
 Scale 1 in = 2000 ft

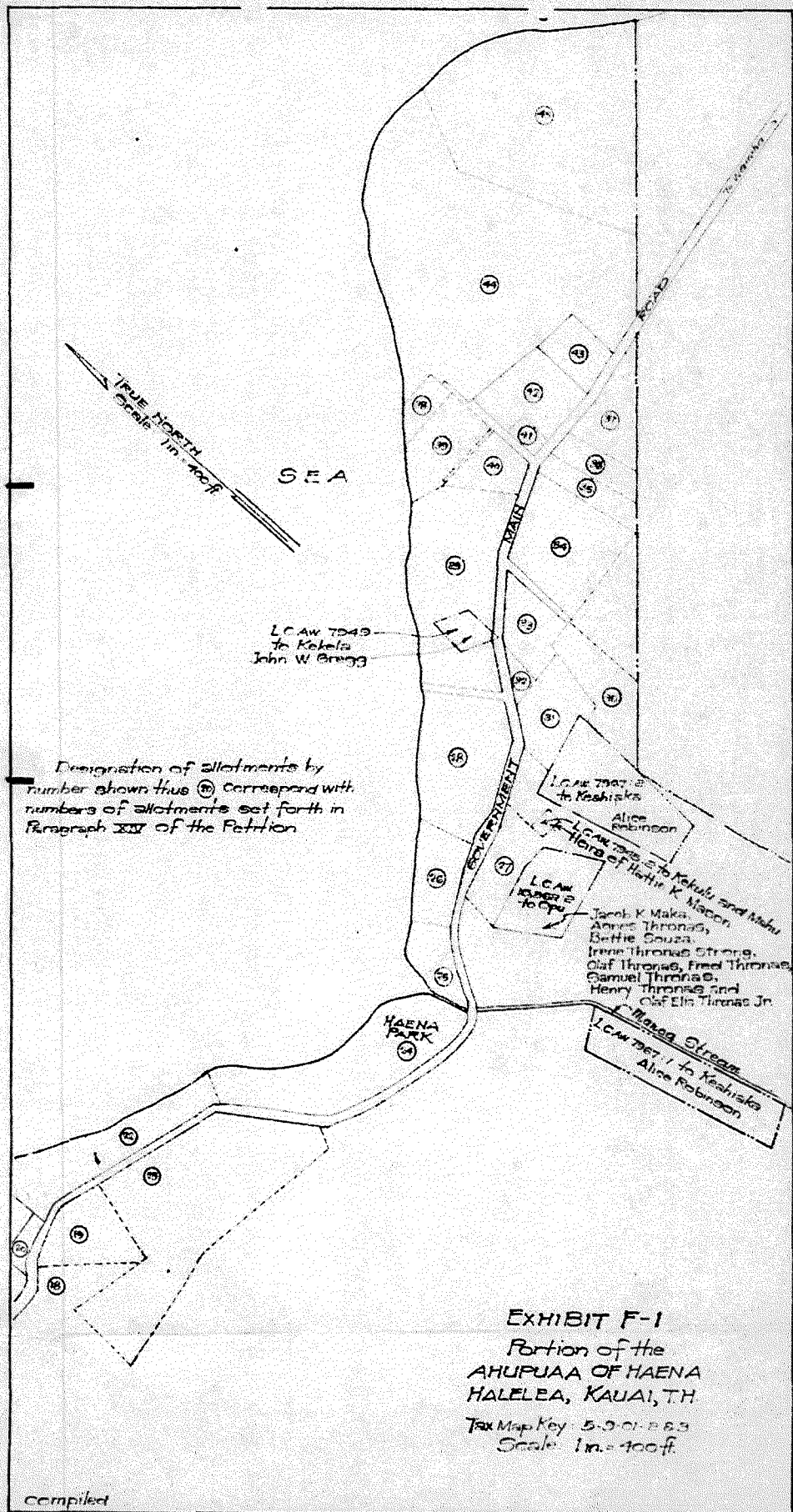
Compiled

2074

**R. M. TOWILL**  
 CIVIL ENGINEER  
 SURVEYOR

B. 10. 13



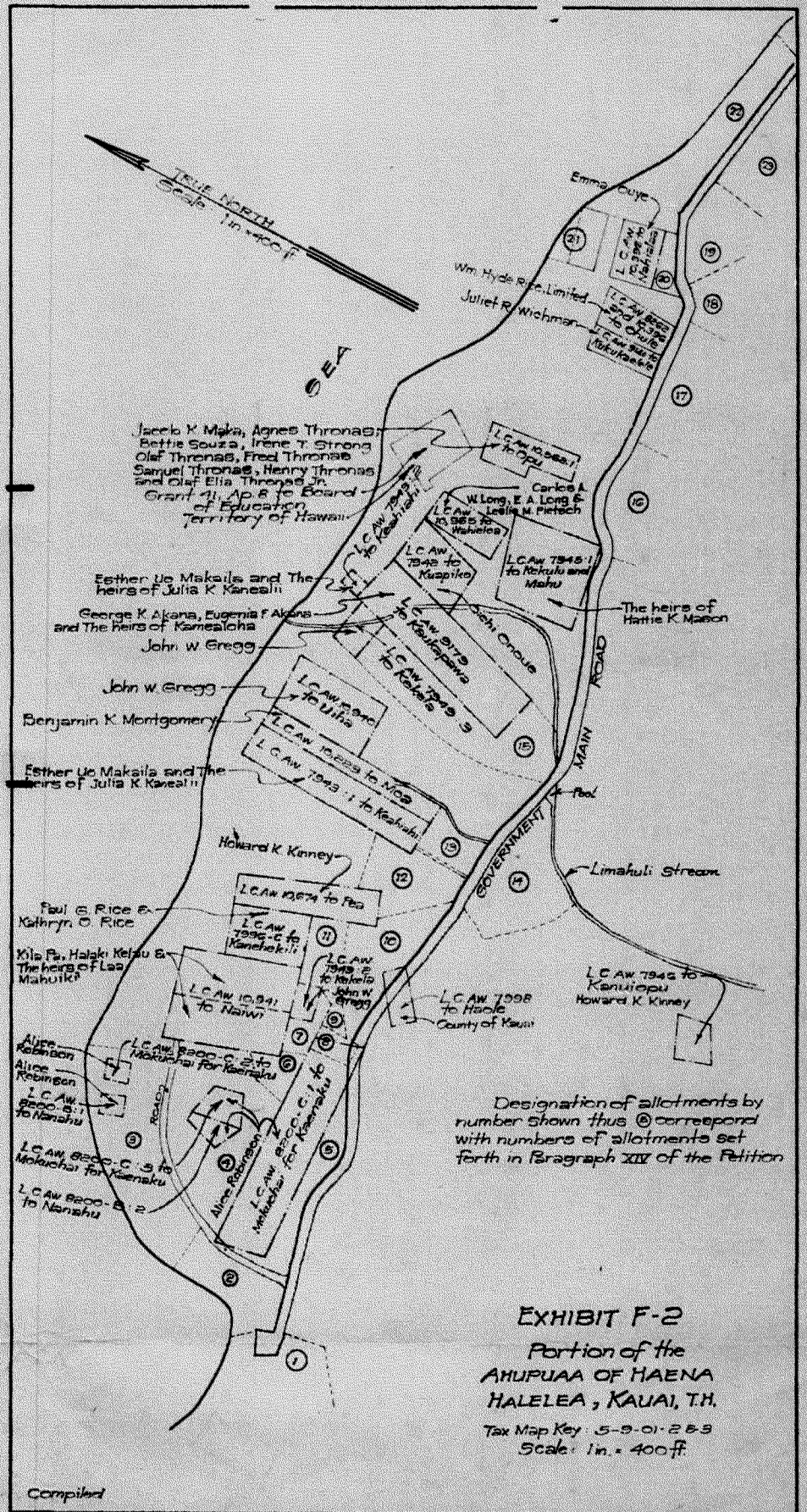


Compiled

Honolulu, TH  
1-2274-1-5

R. M. TOWILL CORPORATION, LTD  
Civil Engineers - Surveyors

233 Merchant St  
Sept. 10, 1954

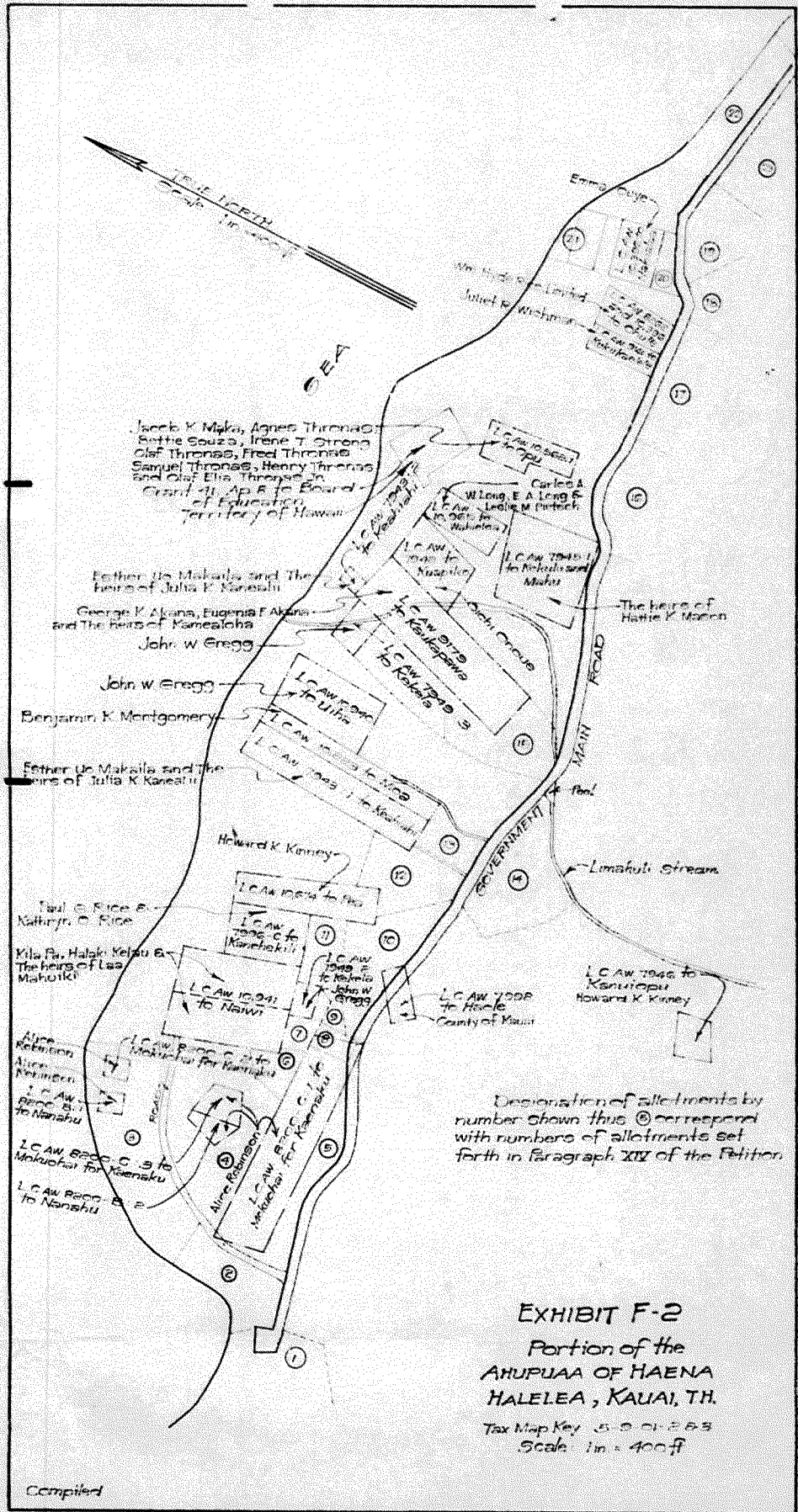


Compiled

Honolulu, T.H.  
1-3274-1-5

R.M. TOWILL CORPORATION, LTD.  
Civil Engineers-Surveyors

239 Merchant St.  
Sept. 10, 1954



Designation of allotments by number shown thus (1) correspond with numbers of allotments set forth in Paragraph XIX of the Petition.

**EXHIBIT F-2**  
 Portion of the  
 AHUPUA'A OF HAENA  
 HALELEA, KAUAI, TH.  
 Tax Map Key 5-2-2-2-2-2  
 Scale 1 in. = 400 ft.

Civil No. 30

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT  
TERRITORY OF HAWAII

JOHN W. GREGG and PAUL G. RICE,

Plaintiffs,

vs.

HEIRS OF HANAH K. AHI, HENRY AHI, HEIRS OF CARRIE AKANA, )  
EUGENIA F. AKANA, GEORGE K. AKANA, JOHN AKANA, WILLIAM )  
AKANA, MARJORIE AHI AKI, HEIRS OF ANNIE TRASK APO, SAM )  
APO, ADOLPH BARTELS, GEORGE BARTELS, WILLIAM C. BARTELS, )  
RACHEL MALIA BICKEL, LILLIAN C. BREWER, HELEN A. BRUNS, )  
ELIZABETH MAHUIKI CHANDLER, ROSE W. CHANDLER, WILLIAM J. )  
CHANDLER, MARY GILMAN TRASK CHANG, PETER CHRISTIAN, EMMA )  
CHRISTIAN, CHARLES CHU, SARAH CHU, DORA JANE COLE, COUNTY )  
OF KAUAI, KAMALA KANEALII DE PRIES, BEATRICE KANEALII )  
DELA CRUZ, BERYL M. DIAS, HARRIETTE U. DIAS, SAMUEL K. DIAS, )  
LILLIAN LEE DUPIO, HELEN R. ELLIS, MARY K. ELLIS, ISABEL )  
F. FAYE, EVA A. FOUNTAIN, HAZEL APO GROSS, HEIRS OF )  
PUAKINA HAILAMA, HEIRS OF WAIKANALOA HAILAMA, DORA )  
HASHIMOTO, JOE M. HASHIMOTO, HAWAIIAN EVANGELICAL ASSOCI- )  
ATION OF CONGREGATIONAL-CHRISTIAN CHURCHES, CHARLA HUDDY, )  
DAVID HUDDY, JAMES HUDDY, JR., KIKAU HUDDY, MARIE )  
MAHUIKI INOUYE, MAILE KAAPUNI, HEIRS OF K. KALUE, HEIRS )  
OF KANEALOHA, HEIRS OF BEN KANEALII, BEN KANEALII, JR., )  
DAVID KANEALII, JOSEPH IOKEPA KANEALII, JOSEPH KAUWE )  
KANEALII, HEIRS OF JULIA KUOKOA KANEALII, MICHAEL KANE- )  
ALII, RAYMER K. KANEALII, ROBERT MOEWAI KANEALII, ROBERT )  
P. KANEALII, ROGER M. KANEALII, SAM KANEALII, KAUAI )  
COUNTY WATERWORKS BOARD, ALMA BARTELS KAULU, HEIRS OF )  
CHARLES KEAHI, also known as Charles K. Holokahiki, )  
ELMER C. KEAHI, ESTHER M. KEAHI, JOSEPH K. KEAHI, NORMAN )  
K. KEAHI, RAYMOND M. KEAHI, WINONA M. KEAHI, HEIRS OF )  
KEALOHA, also known as Laika, also known as Kealoha Pa, )  
also known as Eliza Pa, HALAKI KELAU, HOWARD K. KINNEY, )  
JOHN KEONE LEE, CARLOS A. W. LONG, ELIA A. LONG, BERNARD )  
MAHUIKI, DONALD MAHUIKI, JEREMIAH MAHUIKI, HEIRS OF LAU )  
MAHUIKI, LAWRENCE MAHUIKI, JR., RACHEL MAHUIKI, RUTH )  
MAHUIKI, SAMSON MAHUIKI, HEIRS OF HENRIETTA MAKA, HILDA )  
MAKA, JACOB K. MAKA, MURPHY K. MAKA, ESTHER UO MAKAILA, )  
EDWARD MALIA, HEIRS OF HARRY KU MALIA, HEIRS OF HATTIE )  
MALIA, HEIRS OF JAMES MALIA, JOSEPH MALIA, HEIRS OF )  
KALEI MALIA, WILLIAM K. MALIA, HARIET BARTELS MARIANI, )  
HEIRS OF HATTIE K. MASON, MCBRYDE SUGAR COMPANY, LIMITED, )  
FLORENCE AHI MEDEIROS, ROSE TRASK MIRANDA, BENJAMIN K. )  
MONTGOMERY, LILLIAN KANEALII MONTIBON, WILLIAM M. MORAGNE, )  
CAROL MALIA NAKAMOTO, MARY JANE TRASK NEVES, MILDRED )  
MAKA OLANOLAN, OICHI ONOUE, EMMA OUYE, HEIRS OF ELIZA PA, )  
DAVID PA, LESLIE M. PIETSCH, CHARLES A RICE, KATHRYN O. )  
RICE, RICHARD H. RICE, WILLIAM H. RICE, WM. HYDE RICE, )  
LIMITED, ALICE ROBINSON, AYLNER F. ROBINSON, ELEANOR )  
ROBINSON, SELWYN ROBINSON, SINCLAIR ROBINSON, JOHANNA K. )  
ROHRIG, HELENA MAKA SANTOS, BERNICE AHI SMITH, BETTIE )  
SOUZA, ROSE MALIA STANLEY, IRENE THRONAS STRONG, HELENA )



BARTELS SUGANUMA, TERRITORY OF HAWAII,  
JANE K. TRASK, AGNES THRONAS, FRED THRONAS, HENRY  
THRONAS, OLAF THRONAS, OLAF ELIA THRONAS, JR., SAMUEL  
THRONAS, HEIRS OF JOHN TRASK, MARIA WAIULI, PA-U WAIULI,  
MARY A. WALLACE, DORA A. WALLIS, JULIET R. WICHMAN,  
ALICE KAUIKEOLANI WILCOX, WINIFRED WILBUR WILLIS,  
MARJORIE MAKI YOKOTAKE, JOHN DOE 1 to JOHN DOE 100, in-  
clusive, MARY ROE 1 to MARY ROE 100, inclusive, DOE  
CORPORATION 1 to DOE CORPORATION 100, inclusive, and all  
other persons, known or unknown, having or claiming to  
have any right, title or interest in the land hereinafter  
described or any part thereof or any lien or other  
claim in respect thereto,

Defendants,

SUMMONS

THE TERRITORY OF HAWAII:

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED TO APPEAR on or before  
9:30 o'clock A.M., August 15, 1955, before the Judge of  
the Circuit Court of the Fifth Circuit, Territory of Hawaii,  
to answer the Complaint which is herewith served upon you, or  
to serve an answer to said Complaint upon Howard H. Moore or  
C. Dudley Pratt, attorneys for Petitioners on or before said  
time and date. If you fail to do so judgment by default will  
be taken against you for the relief demanded in said Complaint.

AND ALL UNKNOWN OWNERS, or claimants, and all persons  
generally, known or unknown, having or claiming to have any  
legal or equitable right, title or interest, in the land hereinafter  
described, or any part thereof or any lien or other  
claim with respect thereto shall serve an answer to said  
Complaint on said attorneys on or before said time and date  
or appear before said Judge at said Court Room at said time  
and date. Said Complaint prays that said Court effect a partition  
of the hereinafter described land, in severalty as far as  
practicable, among the parties who shall be found by the Court

to be the owners thereof, according to their respective interests, and further investigate, hear and determine all matters and things incidental to the entire proceedings all as contemplated and authorized by law and particularly by the provisions of Chapter 304 of the Revised Laws of Hawaii 1945, as amended;

The land referred to is: All of that certain parcel of land situate in Halelea, Island and County of Kauai, Territory of Hawaii, and generally known as the Ahupuaa of Haena, and being more particularly described as Royal Patent No. 3596, Land Commission Award 10613, Apana 6, originally issued to Abner Paki and being the valleys and watersheds of the Kamokulehua (Manoa) and Limahuli Streams lying between the land of Wainiha on the east and south and the land of Hanakapiai on the west and bordering on the ocean on the north; but excepting and excluding therefrom the following parcels of land within said outer boundaries:

1. L.C.Aw. 9179 to Kaukapawa  
Owned by George K. Akana, Eugenia F. Akana and the heirs of Kamealoha.
2. L.C.Aw. 7998 to Haole  
Owned by County of Kauai.
3. L.C.Aw. 7949, Apanas 1, 2 and 3 to Kekela  
Owned by John W. Gregg.
4. L.C.Aw. 10940 to Uiha  
Owned by John W. Gregg.
5. L.C.Aw. 10674 to Pea  
Owned by Howard K. Kinney.
6. L.C.Aw. 7946 to Kanuiopu  
Owned by Howard K. Kinney.
7. L.C.Aw. 10965 to Wahieloa  
Owned by the heirs of Carlos A. W. Long, Elia A. Long and Leslie M. Pietsch.
8. L.C.Aw. 10562, Apanas 1 and 2 to Opu  
Owned by Jacob K. Maka, Olaf Thronas, Agnes Thronas, Irene Thronas Strong, Olaf Elia Thronas, Jr., Fred Thronas, Samuel Thronas, Henry Thronas and Bettie Souza

9. L.C.Aw. 7945, Apanas 1 and 2 to Kekulu and Mahu  
Owned by the heirs of Hattie K. Mason.
10. L.C.Aw. 10223 to Moa  
Owned by Benjamin K. Montgomery.
11. L.C.Aw. 7942 to Kuapiko  
Owned by Oichi Onoue.
12. L.C.Aw. 10396 to Nahialaa  
Owned by Emma Cuye
13. L.C.Aw. 10941 to Naiwi  
Owned by Kila Pa, Halaki Kelau and  
the heirs of Laa Mahuiki.
14. L.C.Aw. 8262 and 10396 to Ohule  
Owned by Wm. Hyde Rice, Limited.
15. L.C.Aw. 7996-C to Kanebakili  
Owned by Paul G. Rice and  
Kathryn O. Rice.
16. L.C.Aw. 8200-B, Apanas 1 and 2 to Nanahu  
Owned by Alice Robinson.
17. L.C.Aw. 8200-C, Apanas 1, 2 and 3 to Mukuohai for Kaenaku  
Owned by Alice Robinson.
18. L.C.Aw. 7967, Apanas 1 and 2 to Keahiaka  
Owned by Alice Robinson.
19. L.C.Aw. 7943, Apanas 1 and 2 to Keahiahi  
Owned by Esther Uo Makaila and  
the heirs of Julia K. Kanealii.
20. L.C.Aw. 9140 to Kukukaelele  
Owned by Juliet R. Wichman.
21. Grant 41, Apana 8 to the Board of Education  
Owned by the Territory of Hawaii.

The gross area of said Ahupuaa of Haena containing approximately 1800 acres more or less, and the area of the exclusions and exceptions being approximately 41 acres more or less.

DATED: June 17, 1955

*Guay Afoat*  
F. H.