

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

October 24, 2008

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

Kauai

Forfeiture of Revocable Permit No. S-7393, Shawn Grace, Permittee, Hanapepe,
Waimea, Kauai, Tax Map Key: (4) 1-8-08: 7 and 32.

PURPOSE:

Forfeiture of Revocable Permit No. S-7393, Shawn Grace, Permittee.

LEGAL REFERENCE:

Section 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waimea situated at Hanapepe, Waimea, Kauai, identified
by Tax Map Key: (4) 1-8-08: 7 and 32, as shown on the attached map labeled Exhibit A.

AREA:

17.53 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Pasture purposes.

COMMENCEMENT DATE OF PERMIT:

Commenced on March 1, 2005.

MONTHLY RENTAL:

\$13.00.

REMARKS:

Pursuant to the provisions contained in Revocable Permit S-7393, Shawn Grace, Permittee, was mailed a default notification letter dated September 10, 2008 for:

- Failure to keep lease rental payments current
- Failure to post required security deposit
- Failure to post required fire insurance policy
- Failure to post required liability insurance policy

This notice offered the Permittee a thirty-day cure period to correct the default. This cure period expired on October 10, 2008. As of October 15, 2008, this breach has not been cured.

As of October 14, 2008, the current status of all permit compliance items is as follows:

RENT: The Permittee is current with all rent obligations.

INSURANCE: The Permittee has not posted the required liability insurance policy. Expired November 15, 2007.

SECURITY DEPOSIT: The Permittee has posted the required security deposit.

Permittee's History of Defaults: By letter dated October 5, 2007, Permittee was notified of delinquent rent for the month of September 2007. Payment was made on November 29, 2007.

RECOMMENDATION: That the Board:

1. Authorize the cancellation of Revocable Permit No. S-7393 in the manner specified by law;

2. Authorize the retention of all sums heretofore paid or pledged under Revocable Permit No. S-7393 to be applied to any past due amounts;
3. Terminate the permit and all rights of Permittee and all obligations of the Permitter effective as of November 1, 2008, provided that any and all obligations of the Permittee which have accrued up to said effective date or which are stated in the lease to survive termination shall endure past such termination date until duly fulfilled, and further provided that Permitter reserves all other rights and claims allowed by law; and
4. Authorize the Department of the Attorney General, the Department of Land and Natural Resources, or their agents to collect all monies due the State of Hawaii under Revocable Permit No. S-7393 and to pursue all other rights and remedies as appropriate.

Respectfully Submitted,

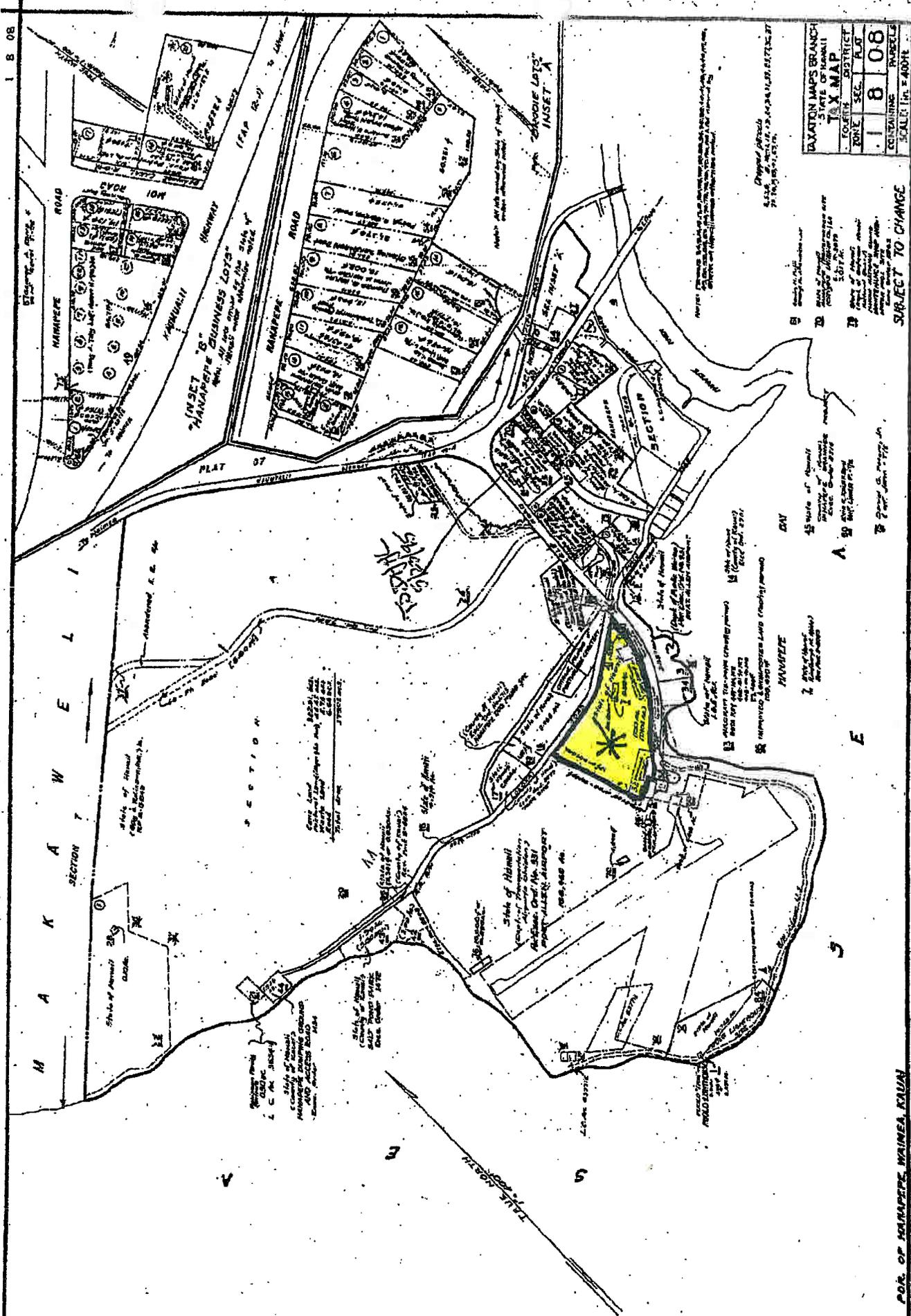


 Marvin Mikasa
Land Agent

APPROVED FOR SUBMITTAL:


Laura H. Thielen, Chairperson

1 8 08



TAXATION MAPS BRANCH	
STATE OF HAWAII	
TAX MAP	
FOURTH DISTRICT	SECTION
PLAT	1808
CONTAINING PARCELS	
SCALES IN FEET	

EXHIBIT "A"

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