

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

March 27, 2009

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

PSF No. 07od-112

OAHU

Mutual Cancellation of General Lease No. 4913, Arnold P. Spencer and Corinne A. Versola-Spencer, Lessees; Consent to Assign General Lease No. S-4911, Charles P. Spencer Jr., Assignor, to Arnold P. Spencer & Carmela K. Gomez, Assignee, Maunaloa, Honolulu, Oahu, Tax Map Key: (1) 2-5-24:02 & 31.

APPLICANT:

GL 4913-Mutual Cancellation  
Arnold P. Spencer and Corinne A. Versola-Spencer, Lessees.

GL 4911-Assignment  
Charles P. Spencer Sr., as Assignor, to Arnold P. Spencer & Carmela K. Gomez, Tenants in Common, whose mailing address is 2315-A Maunaloa Road, Honolulu, Hawaii 96816, as Assignee.

LEGAL REFERENCE:

Section 171-6 & 36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Oahu situated at Maunaloa, Honolulu, Oahu, identified by Tax Map Key: (1) 2-5-024:002 & 031, as shown on the attached map labeled Exhibit A.

AREA:

GL4911  
(1) 2-5-024:002 - 0.520 acre, more or less.

GL4913  
(1) 2-5-024:031 - 0.400 acre, 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: YES \_\_\_\_\_ NO  X

CHARACTER OF USE:

Residential purposes.

TERM OF LEASE:

Both GL 4911 & GL 4913  
65 years, commencing on December 1, 1983 and expiring on November  
30, 2048. Last rental reopening occurred on December 1, 2008;  
next rental reopening is scheduled for December 1, 2018.

ANNUAL RENTAL:

Both GL 4911 & GL 4913  
\$120.00, due semi-annually.

CONSIDERATION:

GL 4911  
\$ 100.00.

RECOMMENDED PREMIUM:

Not applicable as the lease does not allow for a premium.

DCCA VERIFICATION:

ASSIGNOR:  
Individual, not applicable.

ASSIGNEE:  
Individual, not applicable.

REMARKS:

Both GL 4911 & 4913 were direct leases issued pursuant to Act  
225, SLH 1981 which authorized the Board to negotiate and enter  
into long-term residential leases with persons who meet the  
following criteria, as approved by the Board on August 12, 1983,  
item F-14:

1. At the time of enactment of the act reside on a parcel or  
parcels of land on tax map key (1) 2-5-19 and 2-5-020, or  
have permits allowing them to reside on such land, or are  
descendants of persons who lawfully resided on such land  
before 1920;
2. Have built homes on such land for use as their own  
residence prior to 1940 pursuant to government authority;  
and
3. Can prove that the various governments of Hawaii have  
expressed an intent to grant them long-term tenure.

According to Arnold Spencer, he does not have a house on the property due to its topography. Currently, they are living on the leased premises under GL 4911, of which, his brother Charles Spencer is the lessee.

Meanwhile, Charles Spencer does not live on the leased premises under GL 4911, and is willing to transfer his interest to Arnold Spencer (his brother) and Carmela Gomez (his sister).

Copies of birth certificate for Arnold Spencer and Carmela Gomez kept in the file confirm that the assignees are the descendants of the original lessee.

Arnold Spencer and his wife understand that they cannot hold two leases. Pursuant to condition 30 of GL 4913, "[t]he Lessee may terminate this lease at any time by giving thirty (30) days notice in writing to Lessor of his or her intention to terminate". A notice dated May 26, 2008 (Exhibit B) was received from Arnold Spencer, and Mrs. Corinne Spencer also agrees to the request by her husband.

The rents for GL 4911 & 4913 are current. The Assignees understand they have to obtain the required liability insurance policy if this request is approved.

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

Office of Hawaiian Affairs indicates no objections to the requested assignment and mutual cancellation. Engineering Division, who is conducting the restoration project after the 2006 mudslide in the area, has no comments to the requests too. Staff did not solicit comments from other governmental agencies.

At the time of writing this submittal, staff has not received any objection from the community association. There are no other pertinent issues or concerns. Staff does not have any objections to the requested assignment and mutual termination.

RECOMMENDATION: That the Board:

1. Consent to the assignment of General Lease No. S-4911 from Charles P. Spencer Sr., as Assignor, to Arnold P. Spencer & Carmela K. Gomez, as Assignee, subject to the following:
  - a. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
  - b. Review and approval by the Department of the Attorney General; and
  - c. Such other terms and conditions as may be prescribed by

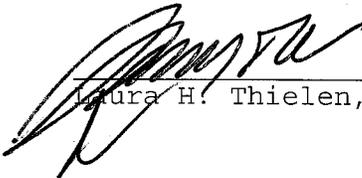
the Chairperson to best serve the interests of the State.

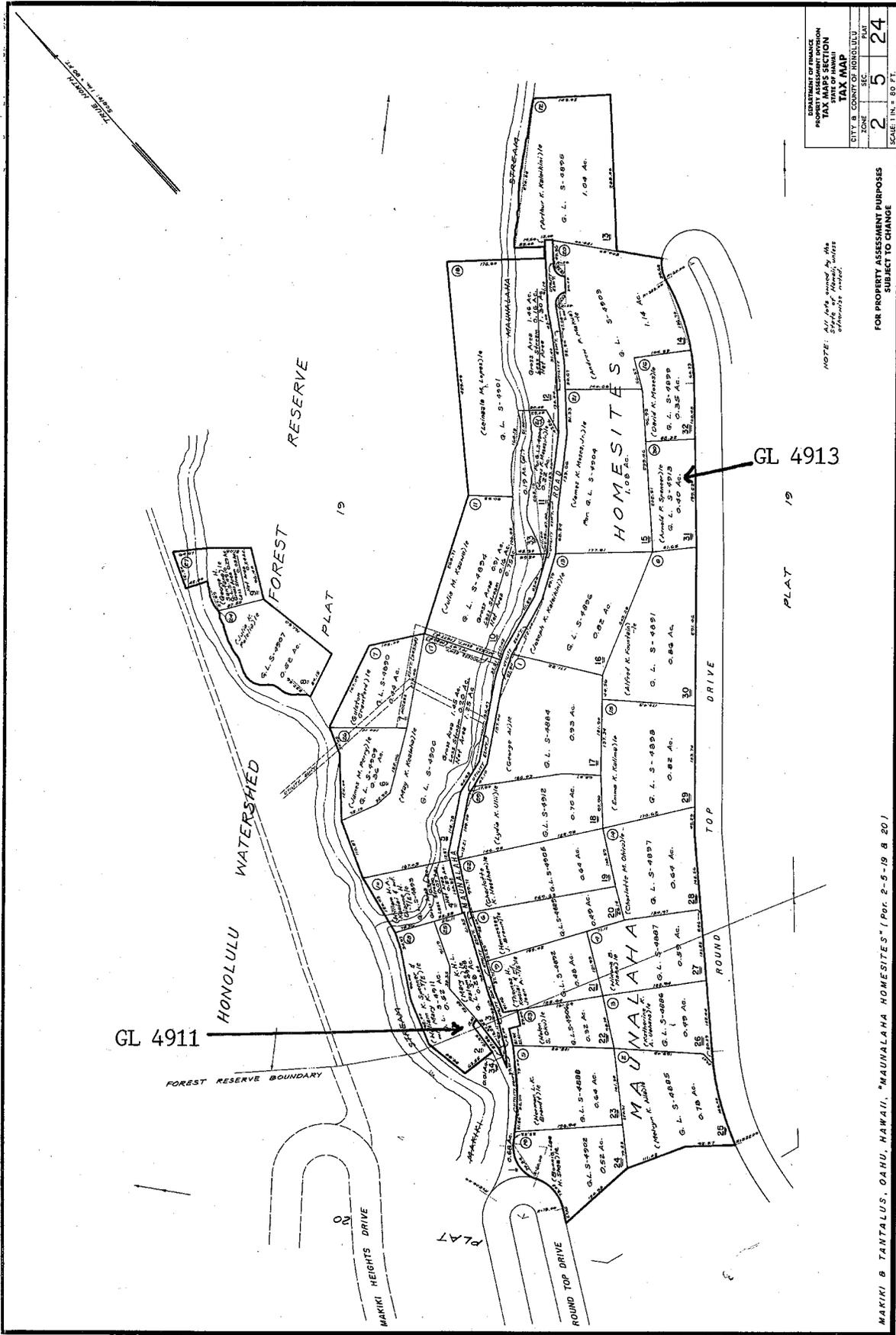
2. Authorize the mutual termination of General Lease No. 4913 upon the consent to the assignment of General Lease No. 4911 is effected.

Respectfully Submitted,

  
\_\_\_\_\_  
Barry Cheung  
District Land Agent

APPROVED FOR SUBMITTAL:

  
\_\_\_\_\_  
Laura H. Thielen, Chairperson 



DEPARTMENT OF FINANCE PROPERTY TAX MAPS SECTION STATE OF HAWAII			
CITY & COUNTY	DISTRICT	SECTION	PLAT
2	5	24	

NOTE: All maps issued by the Department of Finance are subject to change without notice.

FOR PROPERTY ASSESSMENT PURPOSES  
SUBJECT TO CHANGE

GL 4911

GL 4913

MAKIKI B TANTALUS, OAHU, HAWAII, "MAUNALANA HOMESITES" (Pgs. 2-5-19 & 20)

DWG. NO. 6576 DATE: February, 1964 BY: G.S./M.H. SOURCE: T.H.B.

EXHIBIT "A"

Mr. Al Jodar  
Dept. of Land & Natural Resources  
Land Division  
P.O.Box 621

Dear Mr. Jodar,

Please accept my apology for producing this letter in an untimely manner. This letter is in regards to the property at 2315 Maunalaha Rd. Makiki, Honolulu, Hawaii. It has almost been a year since my mother, Mary Spencer, has passed away leaving said property.

I would like for the board to consider this property to be assigned to myself, Arnold P. Spencer and my sister, Carmela Spencer- Gomez. ( Please refer to a document that was submitted in August of 2007 from Charles P. Spencer.) I am willing to give back the 2570 Round Top property. My wife and I understand that the property at Round Top is unsafe and would be difficult to make a home there. We have also been inquiring about Property/Homeowner's Insurance through our Insurance Agent, Larry Bolibol, for the Maunalaha property. Please inform us as to the next step(s) needed to complete assignment.

Sincerely,

  
Arnold Spencer

RECEIVED  
MAY 26 2008  
LAND DIVISION

2008 JUN 12 A 9 00

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

GL 4911  
GL 4913

**EXHIBIT "B"**