

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

May 8, 2009

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

PSF 07od-008

OAHU

Consent to Assign Homestead Lease No. 54, Lulu Enos Namaka and Hattie Enos Kalama, Assignors, to Thomas Kalama, Sharon Nonenohealani Enos Kalama, Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson, William Pali Enos, Jr., Assignees; Waianae, Oahu; TMK (1) 8-5-4:3 & 61.

APPLICANTS:

Assignors

Lulu Enos Namaka
Hattie Enos Kalama

Assignees

Thomas Kalama
Sharon Nonenohealani Enos Kalama
Muriel Puninani Enos Ioane
Julia Kauai Yukie Enos Hanson
William Pali Enos, Jr.

LEGAL REFERENCE:

Section 171-99(e), Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Hauula situated at Waianae, Oahu, identified by Tax Map Key: (1) 8-5-004:003 & 061, as shown on the attached map labeled Exhibit A.

AREA:

(1) 8-5-004:003 - 22.504 acres
(1) 8-5-004:061 - 31.119 acres
Total: 53.623 acres

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:

Homestead purposes.

TERM OF LEASE:

999 years, commencing on May 12, 1943 and expiring on May 11, 2942

ANNUAL RENTAL:

Not applicable.

CONSIDERATION:

Not applicable.

RECOMMENDED PREMIUM:

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

DCCA VERIFICATION:

Individual. Not applicable

BACKGROUND:

Certificate of Occupation No. 104 was issued to John Enos II on May 12, 1937 over the subject State lands. A condition in the Certificate of Occupation provides for the issuance of a 999-year homestead lease to the occupier after he has occupied the property for six years.

After John Enos II died on January 17, 1941, his daughter Hattie Enos Kalama, continued to reside on the subject State lands. On October 23, 1947, Homestead Lease (HL) No. 54 was issued to the "Heirs of John Enos II, Deceased, by Hattie Enos Kalama".

The current provision of 171-99(e), HRS, effective from June 2000, allows the lessee to convey, devise, or bequest to any member of the lessee's family as defined in the law, or to pass on by intestate succession.

Pursuant to the judgment filed on January 14, 2009 pursuant to "Order Granting Petition for Determination of Heirs" regarding the estate of John Enos II, Deceased (P. No. 08-1-0374), Hattie Kalama and Lulu Namaka, surviving children of John Enos II, are named as the heirs. The subject HL is also cited in the probate as the only asset of the deceased. The following children of the deceased passed away before the new provision of 171-99(e), HRS took effect in 2000.

William Pali Enos
Annie Kekau Enos
Joseph Kanai Enos
Edward Manuel Enos
Agnes Kekau Enos
Agnes Enos Bannister
Carl Andrew Enos, Sr.
Clifford Daniel Enos
John Enos Hiwauli, Sr.

[Note: Lulu Enos Namaka and Hattie Enos Kalama are used in the assignment of lease document.]

Based on the above, Hattie Enos Kalama and Lulu Enos Namaka each has 50% in HL 54, and they intend to transfer the entirety of their interests to the assignees. Each of the assignees shall have 20% of the leasehold interest under HL 54.

Assignees have 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 did not respond to our request for comment before the suspense date. Staff did not solicit comment from other governmental agencies as there is no change in the use of the property.

RECOMMENDATION: That the Board consent to the assignment of Homestead Lease No. 54 from Lulu Enos Namaka and Hattie Enos Kalama, Assignors to Thomas Kalama, Sharon Nonenohealani Enos Kalama, Muriel Puninani Enos Ioane, Julia Kauai Yukie Enos Hanson, William Pali Enos, Jr., Assignees, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
2. Review and approval by the Department of the Attorney General; and
3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Barry Cheung
District Land Agent

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson 

