

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

August 28, 2009

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

OAHU

After-the-Fact Consent to Assign General Lease No. S-4297,
Miguel A. Ramirez & Valerie S. Ramirez, Assignor, Miguel A.
Ramirez, Assignee; Miguel A. Ramirez, Assignor, Miguel A.
Ramirez & Valerie S. Ramirez, Assignee, Waimanalo,
Koolaupoko, Oahu, Tax Map Key: (1) 4-1-010:004.

APPLICANT:

Miguel A. Ramirez & Valerie S. Ramirez, husband and wife, whose
mailing address is 41-879 Mahailua Street, Waimanalo, Hawaii
96795.

LEGAL REFERENCE:

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

LOCATION:

Portion of Government lands of Waimanalo situated at Waimanalo,
Koolaupoko, Oahu, identified by Tax Map Key: (1) 4-1-010:004, as
shown on the attached map labeled Exhibit A.

AREA:

14.054 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:

General agriculture purposes.

TERM OF LEASE:

60 years, commencing on March 12, 1970 and expiring on March 11,
2030. Last rental reopening occurred on June 23, 2005; next
rental reopening is scheduled for June 23, 2015.

ANNUAL RENTAL:

\$9,140.00 due semi-annually.

CONSIDERATION:

Not applicable

RECOMMENDED PREMIUM:

Not applicable.

DCCA VERIFICATION:

Not applicable.

REMARKS:

Miguel & Valerie Ramirez (Lessee) acquired the State lease pursuant to a foreclosure proceeding. Consent to such assignment and lease extension were completed in 2002.

On June 20, 2005, the Chairperson gave its consent to a mortgage when Miguel Ramirez refinanced the leasehold interest. According to Mr. Ramirez, the mortgage company told him that the lease needed to be in his name only because he is the sole mortgagor of the mortgage. Therefore, an assignment of the subject lease from Miguel & Valerie Ramirez to Miguel Ramirez was recorded at the Bureau of Conveyance. Later, Mr. Ramirez was told such assignment was actually not necessary. Another assignment of lease from Miguel Ramirez to Miguel & Valerie Ramirez was signed and recorded too. These two assignments are collectively known as 2005 assignments

Currently, the Lessee is working with the State Department of Agriculture for a second mortgage (which the Chairperson has given its consent). During the document stage, the aforesaid assignments of lease in 2005 were discovered.

Staff notes that the net result of the 2005 assignments does not change the tenancy of the subject lease. For housekeeping purposes, staff recommends the Board give its consent to the 2005 assignments so the Lessee can pursue the second mortgage with the Department of Agriculture.

Staff did not solicit comments from other agencies and staff does not have any objections to the request.

RECOMMENDATION: That the Board authorize

- A. After-the-fact consent to the assignment of General Lease No. S-4297 from Miguel A. Ramirez & Valerie S. Ramirez as Assignor to Miguel A. Ramirez as Assignee, 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.
- B. After-the-fact consent to the assignment of General Lease No. S-4297 from Miguel A. Ramirez as Assignor to Miguel A. Ramirez & Valerie S. Ramirez as Assignee, 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 

