

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

February 11, 2010

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

Oahu

Forfeiture of General Lease No. S-4007, God's Love Mission, Inc., Lessee,
Waimanalo, Koolaupoko, Oahu, Tax Map Key: (1) 4-1-027:23 and 24.

PURPOSE:

Forfeiture of General Lease No. S-4007, God's Love Mission, Inc., Lessee.

LEGAL REFERENCE:

Section 171-39, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands situated at Waimanalo, Koolaupoko, Oahu, identified by Tax
Map Key:(1) 4-1-027:23 and 24, as shown on the attached map labeled Exhibit A.

AREA:

34.538 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: YES _ NO X__

CHARACTER OF USE:

General agriculture purposes.

TERM OF LEASE:

55 years, commencing on September 12, 1966 and expiring on September 11, 2021.

ANNUAL RENTAL:

\$27,600 (due quarterly for \$6,900).

REMARKS:

Pursuant to the authority granted the Chairperson by the Board of Land and Natural Resources at its meeting of January 13, 1980 and the breach provision contained in General Lease S-4007, God's Love Mission, Inc., Lessee, was served a Notice of Default (NOD) by certified mail dated September 30, 2009 for:

X Failure to keep lease rental payments including late fee current
(\$11,725 for the period from April 28, 2009 to October 27, 2009)

Said NOD accepted by the Lessee on October 1, 2009, offered the Lessee a thirty day cure period to correct the default. This cure period expired on November 1, 2009. At the time of writing this submittal, this breach has not been cured, and the current status of all lease compliance items are as follows:

RENT:

Since the Lessee received the NOD, he paid a total of \$9,000 towards the defaulted amount. Therefore at the time of writing this submittal, there is an outstanding balance of \$2,725 under the said NOD.

For the Board's information, the following two quarterly payment (due on October 28, 2009 and January 28, 2010 and associated late fees have been charged to the subject account. Such charges raised the total outstanding amount to \$16,675.

Staff notes that the subject request is triggered by the NOD dated September 30, 2009 with an outstanding amount of \$2,725.

INSURANCE:

The Lessee has posted the required liability insurance policy.

PERFORMANCE BOND:

There is certificate of deposit in the name of God's Love Mission, which meets the requirement of the performance bond amount.

CONSERVATION PLAN:

The Lessees has not submitted a conservation plan. Upon checking with NRCS, the Lessees have not made any effort to contact NRCS regarding a conservation plan.

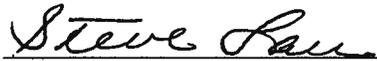
The Lessee has been served notice of defaults in February 20, 2007, December 4, 2007, April 25, 2008 and November 21, 2008 for delinquent rental payments. Notice of Default was also served on April 25, 2008 for non-posting of the required performance bond. A notice of default dated October 22, 2008 was issued to the Lessee for various violations of the terms and conditions of the lease. All of the above defaults have been satisfactorily corrected.

A Board submittal was submitted for August 8, 2008 Land Board meeting for the forfeiture of General Lease No. S-4007 for failure to keep the lease rental payments current in the amount of \$6,625 and for failure to post the required performance bond. The submittal was later withdrawn by staff on the morning of the Board date after the Lessee had satisfactory corrected the above breaches.

RECOMMENDATION: That the Board:

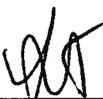
1. Authorize the cancellation of General Lease No. S-4007 in the manner specified by law;
2. Authorize the retention of all sums heretofore paid or pledged under General Lease No. S-4007 to be applied to any past due amounts;
3. Terminate the lease and all rights of Lessee and all obligations of the Lessor effective as of February 11, 2010, provided that any and all obligations of the Lessee 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 Lessor 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 General Lease No. S-4007 and to pursue all other rights and remedies as appropriate.

Respectfully Submitted,



Steve Lau
Land Agent

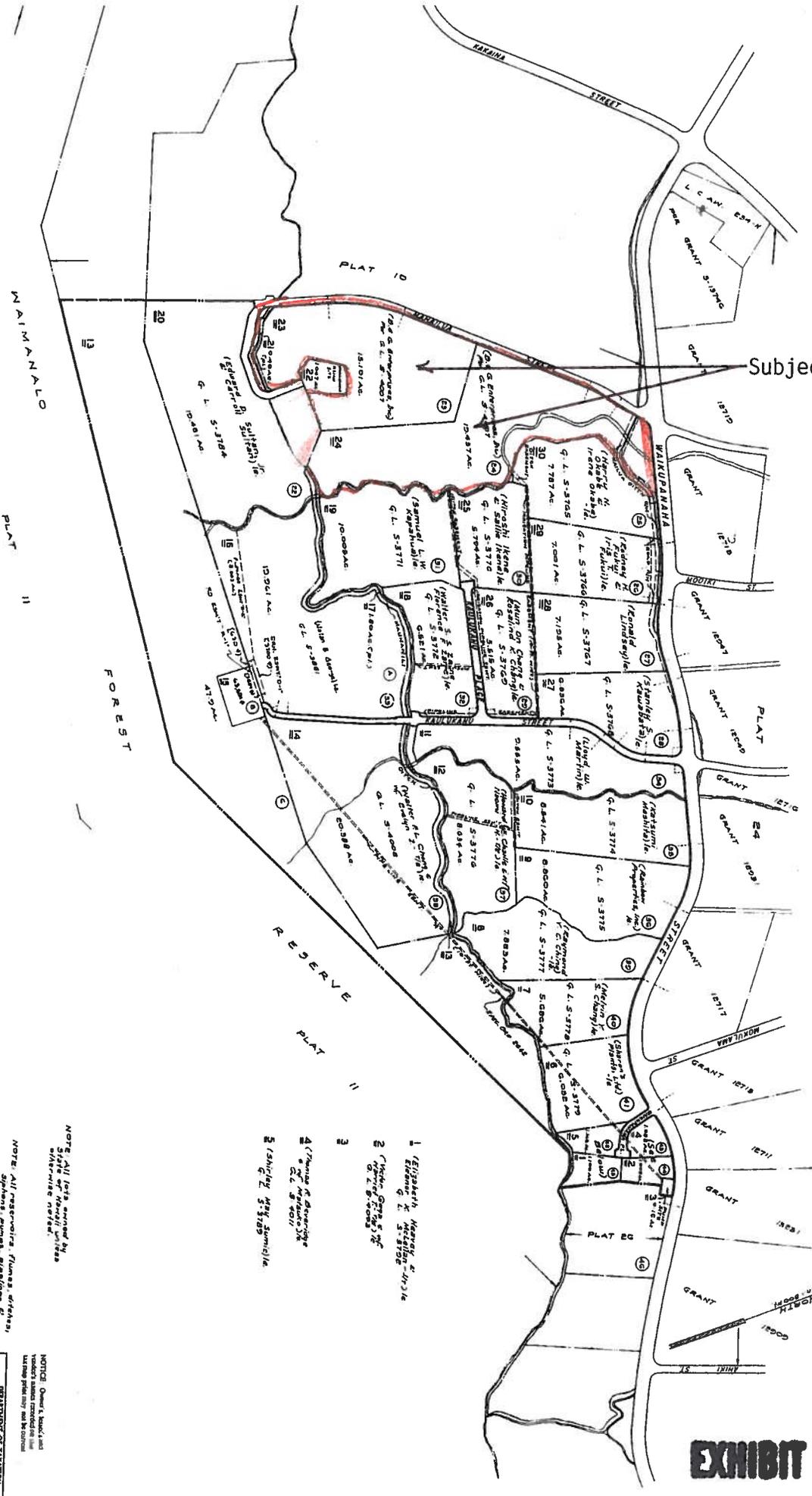
APPROVED FOR SUBMITTAL:



Laura H. Thielert, Chairperson



Subject Location



- 1 (Eugene H. Meyer & Co. Inc. Estate) G. L. 5-3705 - 47.31a
- 2 (Helen G. Meyer) G. L. 5-3706
- 3 (Thomas H. Meyer) G. L. 5-3707
- 4 (Shirley May Meyer) G. L. 5-3708

NOTE: All lots owned by State of Hawaii, unless otherwise noted.

NOTE: All reservations, franchises, rights, claims, claims, interests, or other interests concerning the property shown on this map are shown on the State of Hawaii, Department of Land and Natural Resources, Office of Land Development.

FOR REAL PROPERTY TAXATION PURPOSES SUBJECT TO CHANGE

EXHIBIT "A"

NOTICE: Owner's Name and Address should be shown.
DEPARTMENT OF TAXATION PROPERTY ASSESSMENT DIVISION STATE OF HAWAII TAX MAP
SCALE: 1 IN. = 300 FT.
4 1 27

MAIMANALO AGRICULTURAL SUBD., MAIMANALO, KOOLAUPOKO OAHU (Formerly Doc. 4-1-08)