

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of State Parks
Honolulu, Hawaii 96813

February 11, 2011

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

(Kauai)

Consent to Assign General Lease No. SP-0130, Richard
and Crystal Jones, Assignor, to Corwin and Joanne
Acoba, Assignee

APPLICANT:

Richard and Crystal Jones, Assignor, to Corwin and
Joanne Acoba, Assignee

LEGAL REFERENCE:

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

LOCATION:

Lot 86, Waimea (Kona), Kauai, Tax Map Key: (4)1-4-004:059,
as shown on the attached map labeled Exhibit A.

AREA:

.58 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:

Recreation - residence.

TERM OF LEASE:

20 years, commencing January 1, 2009, and expiring on December 31, 2029. There is one rental reopening scheduled after ten years.

ANNUAL RENTAL:

\$5000.00.

CONSIDERATION:

\$7400.00.

RECOMMENDED PREMIUM:

\$3700.00

DCCA VERIFICATION:

N/A because all persons involved are individuals and not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/assignee shall prepare and submit fully executed assignment of lease.

REMARKS:

Richard and Crystal Jones held the previous lease covering the property.

Act 223 (2008) and board action directed staff to negotiate new leases with existing permit holders so the new lease was issued to Richard and Crystal Jones who now wish to assign to Corwin and Joanne Acoba.

Lessee is in compliance with all lease terms and conditions. There have been no prior defaults.

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.

Rent re-opening is not scheduled until after the first ten years of the lease. There are no outstanding rental reopening issues.

No comments have been received from any agency or the community.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. SP-130 from Richard and Crystal Jones, Assignor, to Corwin and Joanne Acoba, Assignee, subject to the following:

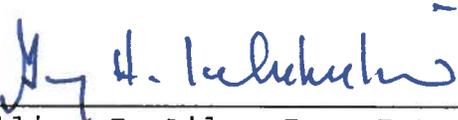
1. Premium of \$3,700.00 to be charged;
2. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,

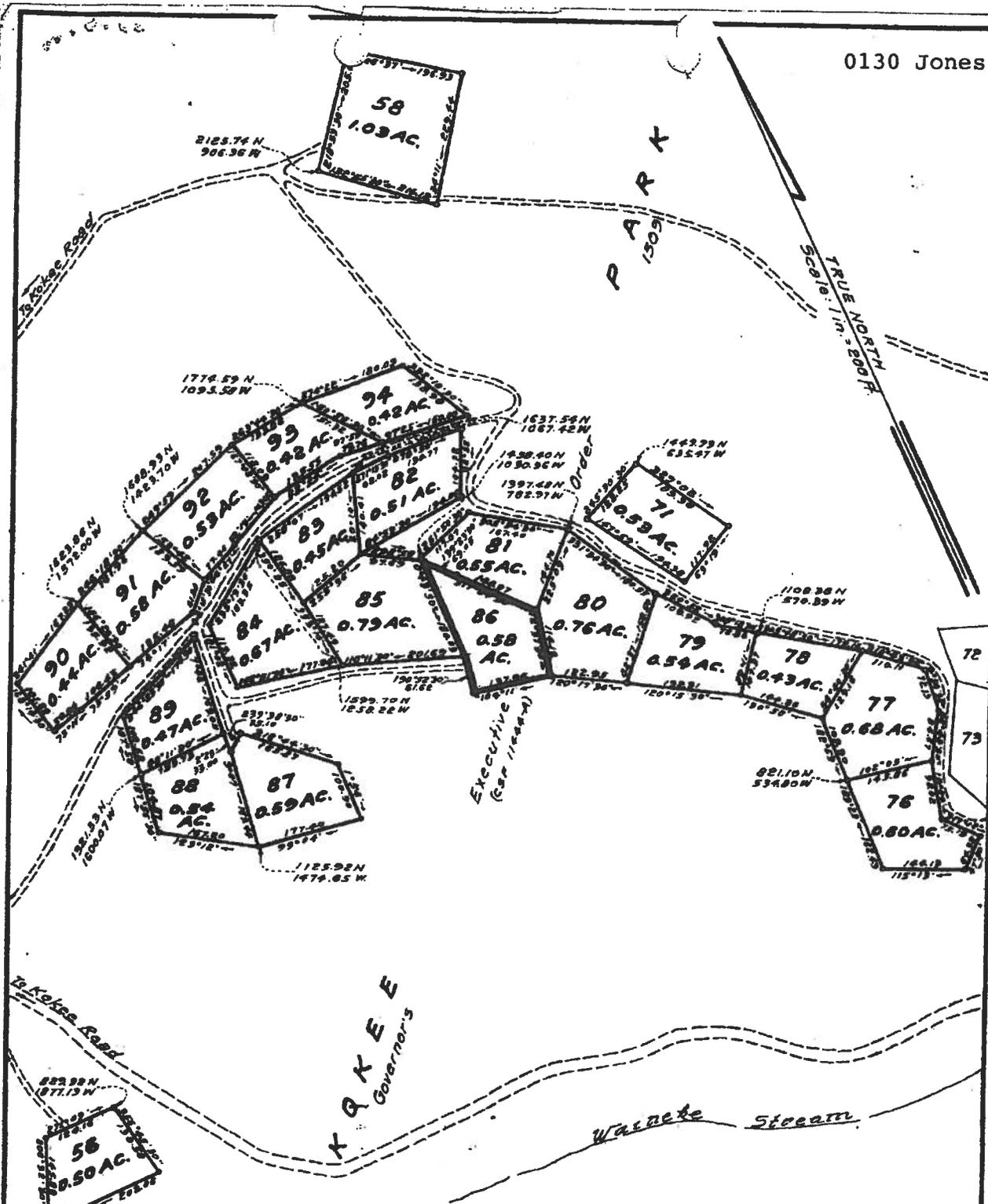


Daniel S. Quinn
State Parks Administrator

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Interim Chairperson



KOKEE CAMP SITE LOTS
LOTS 56, 58, 71, 76, 77, 78, 79, 80, 81, 82, 83,
84, 85, 86, 87, 88, 89, 90, 91, 92, 93 AND 94

Waimea, (Kona) Kauai, Hawaii.

Scale: 1 inch = 200 feet

EXHIBIT "A"

All corners marked with pipes
 Coordinates referred to KOKEE "A"

JOB K-3622
 C. BK

TAX MAP 1-4-04
 KAUAI FILE
 FOLDER 3

SURVEY DIVISION
 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
 STATE OF HAWAII

A.T. Nov. 2, 1968

Sheet 7 of 7 sheets

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



RECEIVED
STATE PARKS DIV

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

10 MAY 28 AIO :13

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

DEPT OF LAND &
NATURAL RESOURCES

May 17, 2010

MEMORANDUM

TO: Laura H. Thielen, Chairperson 

THROUGH: Morris M. Atta, Acting Administrator

FROM: Cyrus C. Chen, Real Estate Appraisal Manager 

SUBJECT: In-House Valuation Recommendation – Assignment of Lease Calculation

GL No.: SP-130
 Lessee/Assignor: Richard & Crystal Jones
 Assignee: Corwin & Joanne Acoba
 Location: Lot 86, Waimea, Kauai
 Land Area: 0.58 acres
 Tax Map Key: (4) 1-4-4: 59
 Char. of Use: Recreation-residence

We have been requested to provide an in-house evaluation of the assignment premium due to the State for an assignment of GL SP-130 due to the current lessees unable to maintain the property and the required financial obligations. The subject lease is administered and managed by the Division of State Parks but have requested assistance from Land Division staff to determine assignment of lease premiums due, if any.

A review of the lease documents and information provided by lessee was reviewed and analyzed. Staff applied the formula approved by the Land Board on December 15, 1989, agenda item F-10, comprising of the Assignment of Lease Evaluation Policy. No construction records or receipts were available. A letter from the lessee states that they have received no documents except for the lease when they took over this lease in 1991.

Net consideration	\$7,400
Actual improvement cost	\$0 (no construction records)
Adjusted improvement cost	\$0
Trade fixture cost	\$0
Total improvement and trade fixture cost	\$0
Less depreciation	<u>(\$0)</u>

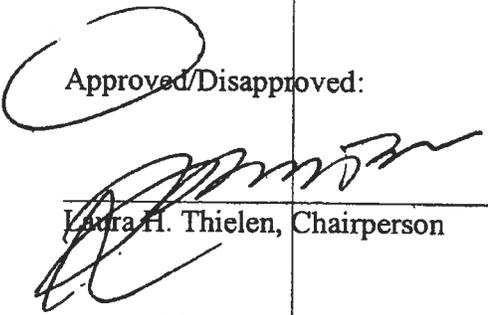
Depreciated value of improvements & fixtures	\$0
Less adjusted improvement cost (inc. trade fixtures)	<u>(\$0)</u>
Excess	\$7,400
Premium % (1-5 years elapsed)	<u>50%</u>
Premium	\$3,700

The calculations, as summarized above were based on the fact that there were no construction records or receipts, resulting in no value attributed to the improvements. Therefore, the calculation results in a premium of \$3,700 due to the State.

Special Conditions and Limiting Assumptions

- 1) The subject property was not inspected by the staff appraiser.
- 2) This memo does not comply with USPAP and is to be used for determining the assignment premium due the State only.

Approved/Disapproved:



 Laura H. Thielen, Chairperson

5/26/2010

 Date

cc: District Branch Files
 Central Files

MAY 27 2010

Mr. DANIEL QUINN
DIV. OF STATE PARKS
PO BOX 621
Honolulu, Hi. 96809

RECEIVED
STATE PARKS

'09 JUL 16 4 55

DEPT OF LAND &
NATURAL RESOURCES

PO BOX ⁵²²⁸⁰ 104
Kilauea, Hi. 96754
JULY 13, 2009

RE: New Lease, Lot 86 Kokee
STATE PARK

TMK # (4)1-4-004: 059

Dear Mr. Quinn:

I write you today to request permission to re-assign my lease to Corwin and Joanne Acoba. The burden of maintaining this property with lease, insurance, taxes, etc. has become onerous, especially since recent events have decimated my retirement funds, a real hardship for us.

The Acoba family is well respected in our community, with Joanne being a teacher of many years, and Corey working in a stable construction job.

Their address is as follows: PO Box 271

Hawapepe, Hi. 96716.

They have also agreed to allow my wife and I to visit from time to time.

The enclosed documents are unsigned, as the lease points out no assignment will be made prior to Attorney General review. Thank you,
Richard M. Jones

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE OFFICE BUILDING

ASSIGNMENT OF STATE GENERAL LEASE NO. SP-0130

KNOWN ALL MEN BY THESE PRESENTS:

THAT, RICHARD AND CRYSTAL JONES, husband and wife, whose mailing address is P.O. Box 104, Kilauea, Hawai'i, 96754-0104, herein referred to as the "Assignors", for and in consideration of the sum of \$7,400.00, paid by CORWIN and JOANNE ACOBA, husband and wife, as tenants by the entirety, whose mailing address is P.O. Box 271, Hanapepe, Kauai, Hawai'i, 96716, herein referred to as the "Assignees", the receipt whereof is hereby acknowledged, and in consideration of assuming the obligations of State General Lease No. SP-0130, has assigned and does hereby assign, transfer and set over unto the said Assignees, that certain indenture of lease from the State of Hawai'i, as lessor, and known as General Lease No. SP-0130, and all of their right, title and interest under and by virtue of the said lease in and to the premises therein described, being a portion of the government land known as Lot 86, Kokee Camp Site Lots, situated at Waimea (Kona), Island and County of Kauai, State of Hawai'i, and more particularly identified as Kauai Tax Map Key No. (4) 1-4-004:059, in said lease more particularly described.

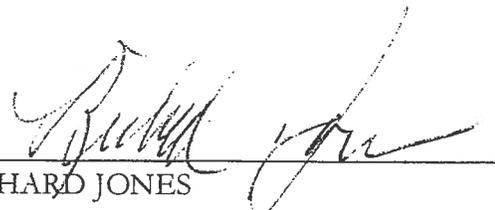
TO HAVE AND TO HOLD the same unto the Assignees, their heirs, successors and permitted assigns, from and after the date hereof, for and during the remaining term of said General Lease, and the rights and privileges in and under said lease, subject always to the rents, covenants, and provisions therein contained and on the part of the Assignees to be kept, observed and performed, and to the consent of the Board of Land and Natural Resources being hereto attached.

AND, the said Assignee aforesaid, for and in consideration of the execution of this instrument of assignment and transfer of said General Lease, does hereby undertake and

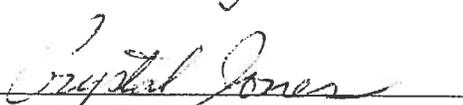
agree with the said Assignors and the said State of Hawai'i, that said Assignees will pay the rent reserved in said lease and keep, observe and perform all of the terms, covenants, and conditions therein to be kept, observed and performed.

IN WITNESS WHEREOF, the said Assignors and Assignees have caused this instrument to be executed as of this _____ day of DEC 20 2010, 2010.

ASSIGNORS:



RICHARD JONES

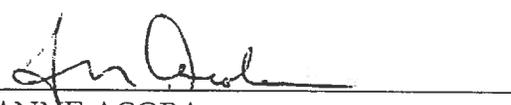


CRYSTAL JONES

ASSIGNEES:



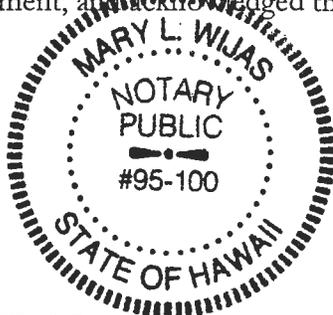
CORWIN ACOBA



JOANNE ACOBA

STATE OF HAWAII)
) SS.
COUNTY OF KAUAI)

On this 27 day of December, 2010, before me personally appeared RICHARD JONES, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.



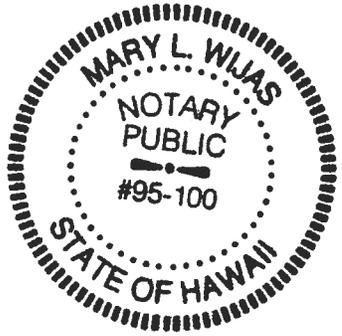
Mary L. Wijas
Print Name: Mary L. Wijas
Notary Public, State of Hawaii

My commission expires: 3/14/11
Doc. Date: 12/27/10 #Pages: 4
Notary: Mary L. Wijas
5th Circuit

STATE OF HAWAII)
) SS.
COUNTY OF KAUAI)

Doc. Description: Assignment of State General Lease No. SP-0130

On this 27 day of December, 2010, before me personally appeared CRYSTAL JONES, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.



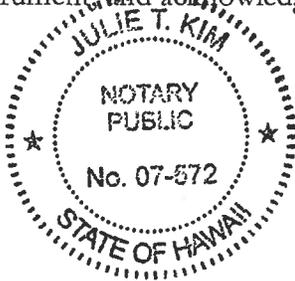
Mary L. Wijas
Print Name: Mary L. Wijas
Notary Public, State of Hawaii

My commission expires: 3/14/11

Doc. Date: 12/27/10 #Pages: 4
Notary: Mary L. Wijas
5th Circuit
Doc. Description: Assignment of State General Lease SP-0130

STATE OF HAWAII)
) SS.
COUNTY OF KAUAI)

On this DEC 20 2010 day of DEC 20 2010, 2010, before me personally appeared CORWIN ACOBA, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.



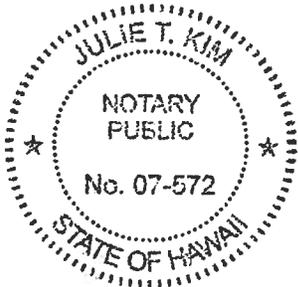
Julie Kim

Print Name: JULIE T. KIM
Notary Public, State of Hawai'i

My commission expires: 11-18-2011

STATE OF HAWAII)
) SS.
COUNTY OF KAUAI)

On this DEC 20 2010 day of DEC 20 2010, 2010, before me personally appeared JOANNE ACOBA, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.



Julie Kim

Print Name: JULIE T. KIM
Notary Public, State of Hawai'i

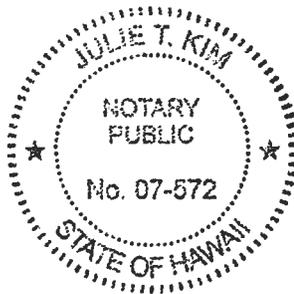
My commission expires: 11-18-2011

Doc. Date: DEC 20 2010 # Pages 4

Notary Name: Julie T. Kim Fifth Circuit

Doc. Description ASSIGNMENT OF STATE

GENERAL LEASE NO. SP-0130



Julie Kim
Notary Signature

DEC 20 2010
Date