

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

February 8, 2013

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

Hawaii

Consent to Assignment of Interest in Grant of Easement under Land Office Deed No. S-27,750 from Earl E. and Doris J. Bakken, Trustees under that certain unrecorded The Bakken Residence Trust Agreement dated December 16, 1991, Assignor, to Earl E. Bakken, and his successors in Trust, as Trustee under the Earl E. Bakken Revocable Trust Agreement dated March 13, 1991, Assignee, Puuwaawaa, North Kona, Hawaii, Tax Map Key: (3) 7-1-002: portion of parcel 008.

APPLICANT:

Earl E. and Doris J. Bakken, Trustees under that certain unrecorded The Bakken Residence Trust Agreement dated December 16, 1991, as Assignor, to Earl E. Bakken, and his successors in Trust, as Trustee under the Earl E. Bakken Revocable Trust Agreement dated March 13, 1991, as Assignee.

LEGAL REFERENCE:

Section 171-13, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government (Crown) lands of Puuwaawaa situated at Puuwaawaa, North Kona, Hawaii, identified by Tax Map Key: (3) 7-1-002: por. 008, as shown on the attached map labeled Exhibit A.

AREA:

6.812 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:

Easement for roadway and utility purposes.

CONSIDERATION:

The properties which are benefitted by the Grant of Easement were transferred from Assignor to Assignee as part of the estate plans for the Bakkens. No consideration has been paid by Assignee to Assignor.

DCCA VERIFICATION:

Assignor and Assignee as Trustees are exempt and as such are not required to register with the DCCA.

REMARKS:

At its meeting of February 25, 1983, under Agenda Item F-2, the Board of Land and Natural Resources (Board) approved a direct sale of easement to Conrad Roland Lehman, Bernhard Lehman, O.V. Lynn, Jr. and Loretta Lynn.

At its meeting of April 22, 1988, under Agenda Item F-3, the Board approved the change of one of the applicants from Bernhard Lehman to Doris Jane Bakken (Life Tenant) and Earl Elmer Bakken (Reversionary Grantee).

At its meeting of October 22, 1993, under Agenda Item F-1-c, the Board consented to the Assignment of Interest in Grant of Easement under Land Office Deed No. S-27,750 from Doris Jane Bakken aka Doris J. Bakken (Life Tenant) and Earl Elmer Bakken aka Earl E. Bakken (Reversionary Grantee), as Assignors, to Earl E. Bakken and Doris J. Bakken, Trustees under that certain unrecorded The Bakken Residence Trust Agreement dated December 16, 1991, as Assignees.

Currently, Earl and Doris Bakken are making alterations to their estate plan and wish to transfer their interest in the subject easement by quitclaim assignment to Earl E. Bakken and his successors in trust as Trustee under the Earl E. Bakken Revocable Trust Agreement dated March 13, 1991. (Refer to attached Exhibit B)

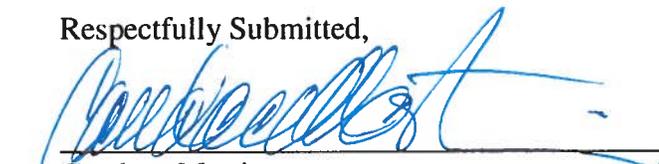
Neither of the Bakkens or either of the aforementioned trusts has had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION:

That the Board consent to the assignment of interest in Grant of Perpetual, Non-Exclusive Easement from Earl E. and Doris J. Bakken, Trustees under that certain unrecorded The Bakken Residence Trust Agreement dated December 16, 1991, as Assignor, to Earl E. Bakken, and his successors in Trust, as Trustee under the Earl E. Bakken Revocable Trust Agreement dated March 13, 1991, 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,



Candace Martin
Land Agent

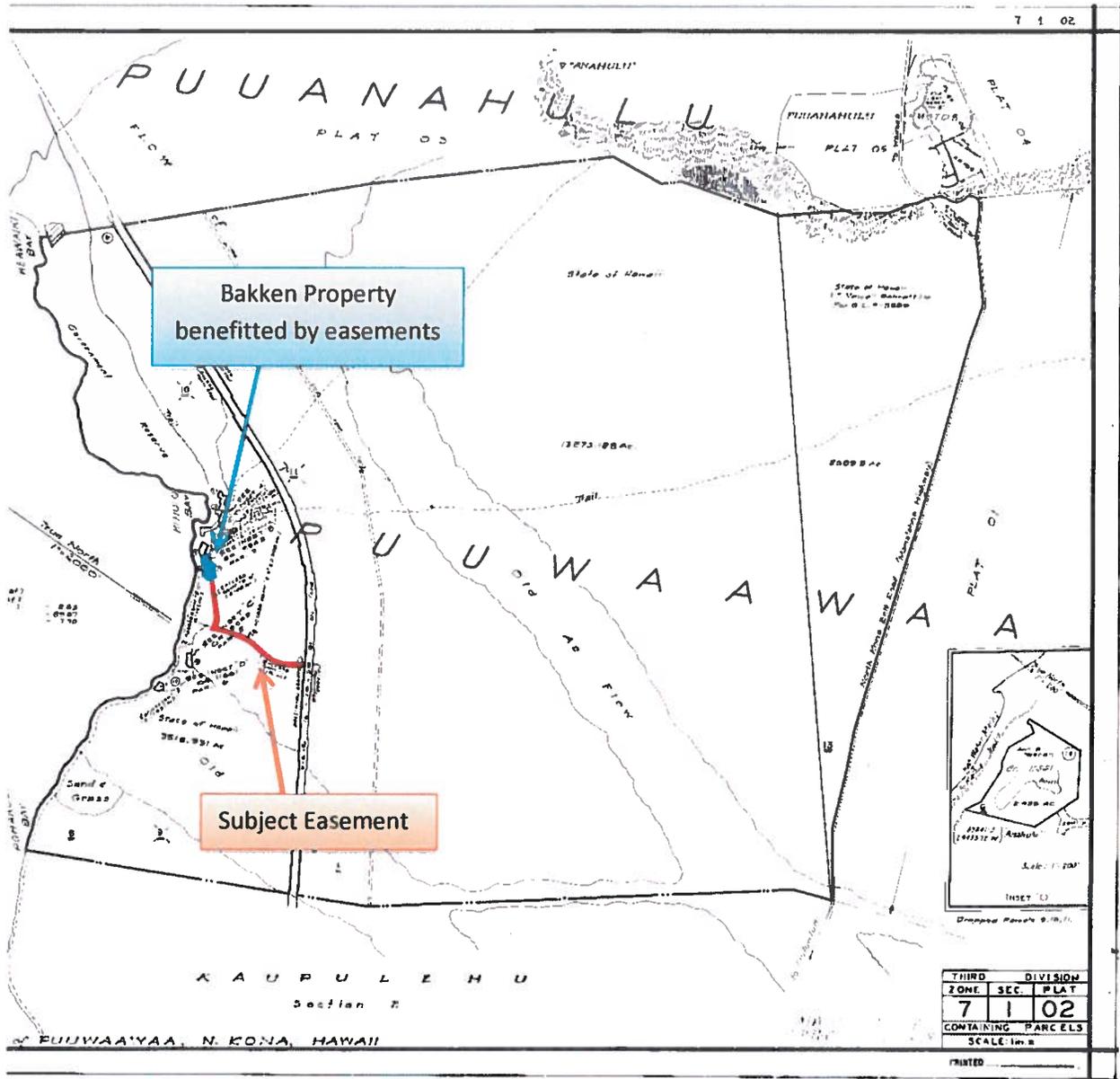
APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Chairperson



EXHIBIT A



Return by Mail (X) Pickup () To:
Lynn H. Higashi
Cades Schutte LLPP
75-170 Hualalai Rd, Suite B303
Kailua-Kona, HI 96740 Ph: (808) 329-5811

Tax Map Key Nos. (3) 7-1-002:003 and 014
Total No. of Pages: 5

**QUITCLAIM ASSIGNMENT OF INTEREST
IN GRANT OF NON-EXCLUSIVE EASEMENT**
(Kiholo)

KNOW ALL MEN BY THESE PRESENTS:

That **EARL E. BAKKEN, Trustee under that certain unrecorded The Bakken Residence Trust Agreement dated December 16, 1991**, a short form of which, dated April 28, 1992, is recorded as Document No. 92-076182, with full powers to sell, mortgage, lease or otherwise deal with the land, whose mailing address is Post Office Box : Waikoloa, Hawaii 96738-9998, hereinafter called "Assignor," in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration to Assignor paid, the receipt of which is hereby acknowledged, does hereby remise, release and forever quitclaim unto **EARL E. BAKKEN, and his successor(s) in trust, as Trustee under the Earl E. Bakken Revocable Trust Agreement dated March 13, 1991, as amended**, with full powers to sell, mortgage, lease or otherwise deal with the land, whose mailing address is Post Office Box Waikoloa, Hawaii 96738-9998, hereinafter called "Assignee," his successors in trust and assigns, all of the estate, right, title and interest of Assignor in and to:

That certain Grant of Non-Exclusive Easement ("the Grant") dated May 10, 1989, made by and between the State of Hawaii, by its Board of Land and Natural Resources, pursuant to the

provisions of Section 171-13(2), Hawaii Revised Statutes, as amended, as Grantor, and Conrad Roland Lehman, unmarried, as to an undivided 1/3 interest, O. V. Lynn, Jr. and Loretta Lynn, as tenants by the entirety, as to an undivided 1/3 interest, and Doris Jane Bakken and Earl Elmer Bakken (Assignor's predecessor in interest), as to an undivided 1/3 interest, as Grantees, recorded in the Bureau of Conveyances of the State of Hawaii in Book 23251, Page 137, covering right, privilege and authority to use, repair, construct, maintain a roadway for ingress and egress and utility purposes in, over, under and across a portion of the Government (Crown) Land of Puuwaawaa situated at Puuwaawaa, North Kona, Island of Hawaii, State of Hawaii, designated "Perpetual Non-Exclusive Access Easement " and described as follows:

1. Easement 1: containing an area of 1.196 acres, more particularly described in Exhibit "A" and delineated on Exhibit "B" attached to and made parts of the Grant.
2. Easement 2-A: containing an area of 2.348 acres, more particularly described in Exhibit "C" and delineated on Exhibit "D" attached to and made parts of the Grant.
3. Easement 2-B: containing an area of 2.146 acres, more particularly described in Exhibit "E" and delineated on Exhibit "F" attached to and made part of the Grant.
4. Easement 2-C: containing an area of 1.122 acres, more particularly described in Exhibit "G" and delineated on Exhibit "H" attached to and made parts of the Grant.

TO HAVE AND TO HOLD the same unto Assignee, Assignee's successors in trust and assigns, forever, to be added to and become a part of the trust estate held under the aforesaid Trust Agreement as the same now exists or may be amended, with full power in Assignee, subject to the terms of the Grant, to sell, mortgage, lease, convey or otherwise dispose of said property, or any right, title or interest therein, and any such mortgage, lease, deed, grant or other instrument of conveyance or transfer by Assignee shall be conclusively deemed to be pursuant to proper authorization, shall be binding upon Assignee and shall constitute the act and deed of Assignee, and no person dealing with Assignee need inquire into the power or authority of Assignee to execute and deliver any such mortgage, lease, deed, grant or other instrument of conveyance.

AND Assignee, in consideration of the foregoing, does hereby agree to adhere to and share in the responsibilities set forth in the Grant and will observe and perform all of the covenants and conditions contained in the Grant

[The rest of this page is intentionally left blank; signature page follows.]

IN WITNESS WHEREOF, Assignor and Assignee have executed these presents this
21 day of November, 2012.

Earl E Bakken

**EARL E. BAKKEN, Trustee under that certain
unrecorded The Bakken Residence Trust
Agreement dated December 16, 1991**

“Assignor”

Earl E Bakken

**EARL E. BAKKEN, as Trustee under the Earl E.
Bakken Revocable Trust Agreement dated March
13, 1991, as amended**

“Assignee”

ASSIGNOR:

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 21 day of Nov, 2012, before me personally appeared **EARL E. BAKKEN, Trustee under that certain unrecorded The Bakken Residence Trust Agreement dated December 16, 1991**, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



(Official Stamp or Seal)

[Signature]

Notary Public, State of Hawaii

Printed Name: CHRISTINE THOMAS

My commission expires: Sept. 28, 2016

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Quitclaim Assignment of Interest in Grant of Non-Exclusive Easement for Tax Map Key Nos. (3) 7-1-002:003 and 014

Doc. Date: 11/21/12 or Undated at time of notarization.

No. of Pages: 05 Jurisdiction: Third Circuit
(in which notarial act is performed)

[Signature] Date of Notarization and Certification Statement
Signature of Notary

CHRISTINE THOMAS
Printed Name of Notary



(Official Stamp or Seal)

ASSIGNEE:

STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

On this 21 day of Nov., 2012, before me personally appeared **EARL E. BAKKEN**, as Trustee under the Earl E. Bakken Revocable Trust Agreement dated March 13, 1991, as amended, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



(Official Stamp or Seal)

Christine Thomas

Notary Public, State of Hawaii

Printed Name: CHRISTINE THOMAS

My commission expires: SEPT. 28, 2016

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Quitclaim Assignment of Interest in Grant of Non-Exclusive Easement for Tax Map Key Nos. (3) 7-1-002:003 and 014

Doc. Date: 11/21/12 or Undated at time of notarization.

No. of Pages: 5 Jurisdiction: Third Circuit
(in which notarial act is performed)

Christine Thomas 11/21/12
Signature of Notary Date of Notarization and Certification Statement

CHRISTINE THOMAS
Printed Name of Notary



(Official Stamp or Seal)