

The Chamber's Board of Directors is comprised of executives and owners from small, medium and large businesses, representing a variety of industries. The Board meets monthly to discuss Chamber initiatives and programs, and address issues that impact the business community and the state. They help guide the Chamber and determine what action should be taken on behalf of our members and Hawaii's business community.

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Park**

Senior VP,
Government
&
Community
Relations
Pacific,



**David
Okabe**

EVP CFO &
Treasurer,
Hawaii
Pacific
Health,
Chair-Elect,

Exhibit #21
page 1 of 1

Puna Community Development Plan (PCDP)

This year the County Council passed ordinance 08-116, the Puna Community Development Plan (PCDP), September 2008. The plan aspires to improve the economy, the environment, connectivity between the subdivisions, distance to services problems, etc. This revision is now an official planning document for the Puna district, however it requires more detail before much of it can be implemented. Amending the plan to add these critical details, and to trigger implementation actions has begun, and it will proceed in 2009. The PCDP Action Committee (a volunteer body for the County), the "Amend-It" program (Friends of Puna's Future-NP, NGO), community associations, large land owners in Puna and the general public need to come together to make this great plan work.

Get the latest revision of the Puna CDP online, here:

<http://www.hcrc.info/community-planning/community-development-plans/puna/>

Beginning implementation raises more questions than answers. Questions about roads, zoning and land use, social and public services, education, transportation, energy and commerce, are all addressed in the plan. They are not resolved, but are brought to light as recognized needs. Some of the goals are complex. The resources, time, money, land and expertise to make this puzzle come together, are all right here. Every one of us will benefit from good planning for upper Puna, and each of us has something important to contribute, as we move this document from "plan" to "project". Please get involved! (see ACTION COMMITTEE, page 8)

Fern Forest and the Puna Community Development Plan (PCDP)

A) The Puna CDP establishes that Glenwood will have a "Neighborhood" village center, but it doesn't specifically say where this new development should be. Here are some things to consider, while selecting a site:

- **No commercial development on the north side of the highway** (mauka), since most of the residential development is on the south.
- **Not on the Fern Forest community lot.**
- **A Neighborhood Village Center** (ten or fewer acres; 50,000 or fewer sq. feet commercial space) will be centrally located to serve substandard subdivisions of Fern Forest, Eden Roc, Glenwood Gardens and Aloha Estates, and surrounding new developments.
- **The south side of the highway below south Glenwood road and above south Oshiro road**, (towards Eden Roc, Mountain View), is closer and more central to all nearby subdivisions, including those on the north side of the highway, towards Volcano.
- **Parcel sizes in this area are large enough (average 50-acres)** to subdivide 10 acres from it for the village center, to have a twenty acres of green buffer parcels around the original development piece, and still have twenty acres remaining to dedicate as greenways and natural buffers as a requirement for developing the village center.

B) The Puna CDP establishes that connector roads will exist between the subdivisions. It does not claim the Ala Moana end of Kaleponi as that link between Fern Forest and Eden Roc.

- Since the last Puna CDP, lots of people assumed Kaleponi was going to be paved, and a thru road was going to be opened between all the mauka subdivisions all the way down the hill and out to state highway 130. Things have changed a bit in the new plan.
- First, the connector road between Kaleponi and Eden Roc is still being looked at by people who disregard the politics of the controversy. Residents of Fern Forest and Eden Roc know that road will never be opened to thru traffic unless the County pursues it, and since it doesn't have a good reason to, it won't.
- Alternatively, a new site could be explored, found and developed. Something closer to the highway would tie in to (1) above, and all of it could tie in to the old Volcano road, and the old Trail, creating a perfect hub area for some future charter school, community college for agriculture, and/or other necessary development projects.

Please attend: Glenwood to Mountain View Home-Grown Regional Planning Meeting

December 7, 2008, 1pm. Fern Forest community lot Quonset

See maps and talk with people about specific parts of the Puna CDP.

Bring your thoughts and comments related to 10-20 year planning for the region.

Be heard, hear others. See you there!

Exhibit #22

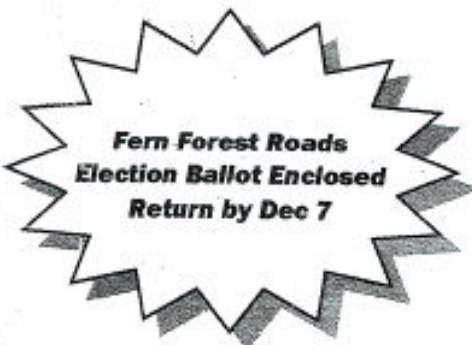
Fern Forest Community Association, Inc.

FFCA-MRMA

E-mail: FFCAMRMA@ALOHA.NET

PO Box 395

Mountain View, HI 96771



THUNDERFOOT PROPERTY OWNER

Thunderfoot
PO Box 840
Volcano, HI 96785

For Everyone's SAFETY.

Please Drive SLOW on Rainy Days



ACTION COMMITTEE—Puna Community Development Plan (PCDP) (continued from page 6)

Action committee members are volunteers for County government, for a term expected to last four years. Members are liaison between government and community; educating, recommending and involving public participation throughout the process. They will make recommendations to change County legislation by way of ordinance revisions, new ordinances, zoning changes and the like.

The committee needs to hear our comments. Residents from Glenwood to Mountain View are strongly urged to participate this time around. Land use is the big deal. It wraps all other concerns into one very simple problem. Zoning codes do not currently allow developments of the types that a Glenwood neighborhood village center needs. Strategizing a re-zoning plan is critical.

"Those with information or land in the planning area could help resolve basic issues (from the government perspective) like how to select the right village center site, or where to put a new clinic, school, connector road between the subdivisions. Please do participate in this CDP process. Everyone is encouraged to attend upcoming 2009 PCDP Action Committee meetings. The meetings are expected to start happening about mid-year.

Watch the County's website to keep current.

<http://www.hcrc.info/community-planning/community-development-plans/puna/>

Exhibit #22

Counts
PC DP

COUNTY OF HAWAII



STATE OF HAWAII

ORDINANCE NO. 08 116

BILL NO. 318
(Draft 4)

AN ORDINANCE ADOPTING THE COUNTY OF HAWAII PUNA COMMUNITY DEVELOPMENT PLAN.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Purpose. The purpose of this ordinance is to adopt the Puna Community Development Plan (attached hereto as Appendix A, as amended to Draft 3) pursuant to the County of Hawai'i General Plan, Section 15.1 (February 2005 as amended).

SECTION 2. Adoption. Chapter 16, section 16-2, Hawai'i County Code 1983 (2005 Edition, as amended), is amended to read as follows:

"Section 16-2. Adoption of community development plans. The community development plans listed below are adopted and incorporated by reference. A copy of the plans and amendments shall be available for public inspection at the Planning Department.

PUNA. The document identified as "Puna Community Development Plan" is adopted by reference subject to later amendments by ordinance, and may be cited as the "Puna CDP." The planning area for the Puna CDP encompasses the judicial district of Puna and the Volcano Census Designated Place that includes the Volcano Golf Course subdivision in the district of Ka'u.

SECTION 3. Severence. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and

All co-conspirators of
County of Hawaii
County of Hawaii County Council
County of Hawaii
Bob Jacobson & W.M.

County
Kim Tavares - employee of County of Hawaii and Board of
FFCA
Exhibit # ~~22~~ 22 Hui

Plus, Ordinance
done in
collusion &
conspiracy &
turning public &
private properties
gov. & corp.
interest!

page 1 of 2

underscoring need not be included.

SECTION 5. Effective Date. This ordinance shall take effect upon its approval

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Kona, Hawaii
Date of Introduction: August 13, 2008
Date of 1st Reading: August 13, 2008
Date of 2nd Reading: August 27, 2008
Effective Date: September 10, 2008
REFERENCE: Comm. 1300-67 Council

Note: See many other Exhibits that I provided that connects Bob Jacobson, Kim Tavares, the County of Hawaii, County of Hawaii County Council members, the FFCA and others. In fact Kim Tavares is currently being represented in this case by the Hawaii County Corporation Counsel as supporting my claims she worked for the County of Hawaii while sitting on the Board of FFCA and simultaneously held a seat on the Puna Community. Also I personally witnessed Julie & Bob Jacobson and Kim Tavares, along with Deborah Penelope Blair at many FFCA meetings. Note Julie and Bob were both County Council of Hawaii members adding further collusion and conspiracy since they were Council members back to back.

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PUNA COMMUNITY DEVELOPMENT PLAN

SEPTEMBER 2008

(Adopted September 10, 2008 by Ordinance No. 08-116 & Amended: November 4, 2010 by Ordinance No. 10-104; June 8, 2011 by Ordinance Nos. 11-51, 11-52, & 11-53; & December 6, 2011 by Ordinance No. 11-117 & 11-118)

Puna Community Development Plan Steering Committee

Jon A. Olson, Chair
Greg Braun, Vice-Chair
Eddie Alonzo
Stephanie Bath
Barbara Lively
Martha Lockwood

Kim D. Tavares
Frederick R. Warshauer

Darren AhChong (former member)
JoAnne Backman (former member)
Shirley Pedro (former member)

FFCA
&
Hui

worked for County
whole

on
steering
committee
and boards of
FFCA
for
Hui

County of Hawai'i Planning Department Staff

Christopher Yuen, Director
Larry Brown, Project Manager
Ron Whitmore, Planner

Consultant to the Steering Committee

PlanPacific, Inc.
John P. Whalen, FAICP, Principal
Christopher Pramukulmetar
Kenji Salmoiraighi

Cover: The flower of the 'ōhi'a lehua tree, which is found from mauka to makai in Puna, and is a symbol of resilience and adaptability

From County of Hawai'i website

Exhibit #22

Exhibit # 23

DEVEREUX, DOROTHY L. (R). House; 1968 Constitutional Convention. In office: Pau Hana Hui.

DOI, HERBERT T. Kauai Director Dept. of Personnel Services. In office: Kauai Ventures; White Rock Ltd. Partnership.

DOI, NELSON K. (D). Hawaii County Attorney; 1950 and 1968 Constitutional Conventions; Senate including President; Circuit Court Judge; Lt. Governor. In office: M&D Investors; Nusite Developers; Keolu Partners; Komo-hana Investors.

DOI, REGINALD Y. Kauai Planning Commission. In Office: Kundo Assocs.; Thomas Baker Assocs.; Hanapepe 7.

DURAN, RAMON A. Director Advanced Planning Division Honolulu Planning Dept.; State Land Use Commission executive officer; Honolulu Dept. of General Planning deputy planning officer; Director Honolulu Dept. of Parks and Recreation. In office: Simon & Seafort Venture; Kaneohe Woods Ltd. Partnership.

ESPOSITO, O. VINCENT (D). House including Speaker; Senate. In office: Hilton-Burns Hotels Co. Inc.; Hawaiian Village Inc.; attorney handling miscellaneous land and development matters, including 1960 Honolulu City Council rezoning of land for Kahala Hilton Hotel. After office: KBH Co.

FASI, FRANK F. (D). Senate; Honolulu City Council; 1968 Constitutional Convention; Mayor of Honolulu. In office: Frank F. Fasi Supply Co. (buy/sell new/used buildings and construction materials); Fasi family 1954 purchased 4.5 acres near Oahu Prison for Fasi Supply Co., later leased for miscellaneous light industrial/commercial operations.

FELIX, JOHN H. Administrative Assistant to Gov. William F. Quinn; Honolulu Civil Service Commission; Honolulu Redevelopment Agency including Chairman; Honolulu Board of Water Supply including Chairman; Honolulu Planning Commission including Chairman; Honolulu Police Commission; Honolulu Board of Parks and Recreation including Chairman. In office: Park Surf (a partnership); Monte Vista Development Co.; Windward Partners.

FERNANDES, JOHN B. SR. (D). Kauai County Board of Supervisors; House; Senate. In office: F&M Bros. After office: JB Assocs.

FERNANDES, WILLIAM E. (D). House; Senate; Deputy Director State Dept. Agriculture; Kauai County Council. In office: F&M Bros.; Toshiharu Yama Assocs.; JB Assocs.

FERRY, JAMES P. Chairman Board of Land and Natural Resources. Before office: real estate broker; tract manager Joe Pao Realty; Ferry and Assocs.; Jim P. Ferry & Richard A. Botelho Realty Co. After office: planning consultant, including on Joe Pao LUC application regarding Mount Olomana, Oahu 1969-70; Manaulu Assocs.; JB Properties; director Kanoa Estate Inc.

FONG, HIRAM L. JR. (R). House; Honolulu City Council. In office: part of father's businesses, outlined below.

FONG, HIRAM L. SR. (R). House; 1950 Constitutional Convention; US Senate. In office: principal of a constellation of development, finance and law firms that over time led to Fong becoming one of wealthiest men in Hawaii. Development projects included creation of residential community on Campbell Estate land at Makakilo, and two speculative subdivisions on Hawaii: Fern Forest Vacation Estates and Royal Hawaiian Estates.

FREITAS, ANDREW S. Maui De-
vise residential subdivision Kato

FUJITA, ARTHUR S. 1973-74
Planning Commission. In office
Ltd. Partnership; Lucky Twenty

FUJICHI, GUY V. Dean of S
While holding that position: K
Partnership.

FUJIVAMA, WALLACE S. Univ
dium Authority. In office: Apart
ship; Kapalama Investment Ce
Investors; as attorney handled n
including for Seibu Group Ente
Maui Planning Commission 197
1982 regarding its Nukoli, Kau
ring Commission 1983, and Rea

FUKUNAGA, CAROL (D). 197
Lt. Gov. John D. Waihee III. In o

FUKUOKA, S. GEORGE (D). Di
of Supervisors and Council; Sen
velopment Co.; B&F Enterprise
Venture; Kam 5; Mid Ten; Pau
Inc.; Valley Isle Realty Inc.; Sh
Ltd.; investor various parcels Kai

FUXAKI, JAMES T. House Maj
nuc as attorney had extensive
Oceanic Properties Inc., Kailua
Corp. (wholly-owned subsidiary)

GAGE, REGINALD P. Real Prop
Kauai Finance Dept. While holdi

GARCIA, RICHARD (D). House
dial relations Alexander & E
Oahu collectively valued at \$940.

GILL, THOMAS P. (D). House;
In office: Thomas P. Gill Trust II
which Seaside Towers leasehold
landed land matters, such as r
square feet Kaneohe to hotel-apo

HEAKE, RICHARD H. Maui P
Hale First Huc. Uesaka Hui.

HERGEN, GERALD T. (D). 1978
In office: James Hancall.

HINE, HELENE H. (D). Hawai
Chairman; County Council. In of

HIVENS, EDGAR A. Hawaii Co
of Education; Deputy to Chairm
office: B&H Partners. Apartmen

↑ my subdivision that I control
5 (Ave) parcels in; hereinafter known
as "Fern Forest" subdivision;

Note

Evidence of land speculation by gov. officials and their
corporations; and their descendants; AND the land
speculation was done by an attorney and a member of
the 1950 State of Hawaii Constitutional Convention, so he
(Hiram Fong) knew that zoning Fern Forest agricultural
was fraud and deceitful; AND (continued in the FECA
Exhibit #23 Land speculation + fraud)

Page 1 of 11

(See also
Exhibit #23, 1)

Exhibits
#10 and 11

IDEAS: Essays

George Cooper On The Writing Of 'Land And Power In Hawaii'

The co-author of one of the most influential books in Hawaii history reflects on his work more than 30 years after its publication.

By [George Cooper](#)

November 6, 2022 · 16 min read



About the Author



George Cooper

George Cooper is a lawyer who works in Cambodia for the World Bank, for the 501(c)(3) nonprofit organization Inclusive Development International and for the Cambodian NGO Equitable Cambodia. His work for the World Bank involves projects that assist the Cambodian land ministry to issue collective titles to Indigenous Peoples' villages.

Editor's note: Few works have had a more lasting impact in the islands than "*Land and Power in Hawaii: The Democratic Years*." First published in 1985, it describes "a pervasive way of conducting private and public affairs," as the University of Hawaii Press explains on its website promoting the book. "State and local office holders throughout Hawaii took their personal financial interests into account" in their actions as public officials.

Exhibit #23.1

Latest Comments (32)

[Read more](#)

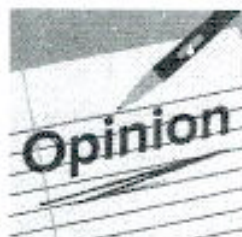
I'm proud to have worked on that book on the production side.

George and Gavin are wonderful people. I'm eternally indebted to

CaptainMandrake · 7 months ago

George, each time I canvass for a community cause or show up at a town hall to voice a concern I think about how you inspired me

Niumalu · 7 months ago



Jonathan Likeke Scheuer, who recently finished eight years on the Land Use Commission, the last four as chair, told Civil Beat, "For me it is not just that the phrase 'land and power' has

entered people's consciousness. It's how that phrase has impacted our framing of politics and land regulation in Hawaii. I believe for those who continue to profit by developing land, in part succeeding based on their personal relationships, that public consciousness has resulted in some limits."

Scheuer, who also served 11 years on the board of the Hawaii Land Trust, added, "For many of us in my generation — or at least myself — it's also been inspirational. 'Land and Power' has been a guide post for how to develop ourselves, personally and professionally, to be able to push back against that old regime and try to work for a better relationship between our people and the islands."

George Cooper, who wrote "Land and Power" with Gavan Daws, today lives in Cambodia where he works with human rights organizations focused on protecting the rights of the poor to land and natural resources. Here is what Cooper has to say about "Land and Power" today.

'A Personal Story'

The book is based on what I researched, mainly from the public record, and what Gavan Daws shaped into a book. The draft research turned up information about systemic corruption in Hawaii politics and government that is still with Hawaii.

Whenever I am asked what it's like to live in Hawaii, and how this place evolved (or failed to do so), I refer them to 'LAND AND

Share · 7 months ago

Join the conversation

About IDEAS

IDEAS is the place you'll find essays, analysis and opinion on every aspect of life and public affairs in Hawaii. We want to showcase smart ideas about the future of Hawaii, from the state's sharpest thinkers, to stretch our collective thinking about a problem or an issue. Email news@civilbeat.org to submit an idea.

Exhibit #23.1

Before co-authoring "Land and Power," Gavan wrote, among other books, "Shoal of Time: A History of the Hawaiian Islands" (1968).

This essay is a personal story about how "Land and Power" was written and what it led me to in later life, all the way until now.

I am a
lawyer, still
registered as
such in
Hawaii
though on
inactive
status
because in
1996 I left
Hawaii and
eventually
settled in
Cambodia.
While
studying at

the William S. Richardson School of Law at the University of Hawaii Manoa, I put all possible required hours into directed studies that I designed based on interests I had developed before law school, as a lecturer in Survival Plus (a UH Manoa environmental program), as a radio news announcer for KIVM on Kauai, and as a stringer for The Garden Island. I was also a community organizer on Kauai.

These studies resulted first in a paper inspired by Tom Coffman — then an investigative writer for the Honolulu Star-Bulletin — on campaign

Exhibit #23.1

contributions by architects and engineers, and then a follow-up paper on U.S. Attorney Harold M. Fong's torpedoing of a criminal case that the state filed against Honolulu Mayor Frank F. Fasi, by indicting the state's chief witness, Hal Hansen, over the controversial development project called Kukui Plaza.

A then-former professor of mine — Daniel Lerner, Ford Professor of Sociology, Massachusetts Institute of Technology — wrote a note to the head of UH Press, Iris Wiley, endorsing the idea that UH Press should publish a full history by me. I never followed up on writing a book, though.

Tom Coffman and I met because I saw one of his articles about architects and engineers, and immediately I was transfixed by the idea that someone who was not a professional criminal investigator or lawyer could figure out what he did, and that a newspaper as prestigious as I considered the Star-Bulletin to be at the time would publish it. I really wanted to learn how to do what Tom did. He is the author of "Catch a Wave: A Study of the Early Statehood Politics of Hawaii" (1973).

Exhibit #23,1

I started doing research on a paper on architects and engineers for a criminal law class in which students had to pick their own subjects for their papers. Side by side with the research I started reading, during study hours at the law school, books about the Watergate scandal plus a book about Vice President Spiro T. Agnew, who resigned from office in 1973 upon pleading guilty to cheating on his federal income taxes. I remember fellow students sometimes looking at me strangely for reading all these books at my carrel in the students' study area while neglecting my law studies.

I also wrote a letter to one of the then most famous U.S. attorneys and district court judges in the country, Herbert Jay Stern, in New Jersey. He was famous for prosecuting corruption and organized crime cases. From 1971 to 1973 he served as the United States attorney for the District of New Jersey. He personally conducted or supervised several major corruption and organized crime trials in New Jersey, including the mayors of Newark and Atlantic City, two state treasurers and secretaries of state of New Jersey, as well as U.S. Congressman Cornelius E. Gallagher.

 I wrote to him about a federal policy suggesting — but not mandating — that U.S. attorneys not do what Harold Fong did, by indicating a key witness in a case in state court. He wrote back endorsing the policy, and I wrote him again refining my questions and he replied again. His letters were exhibit "A" in my case against Fong.

Exhibit
#23.1

← relative of
Senator Hiram
Fong whom co-owned
three business with
five other men that
owned my subdivision
See Exhibit #23.1
owned FF

While in law school I sent my water rights history to Gavan Daws, whom I hardly knew. I wondered what he would think. We met at Kuhio Grill, a favorite hangout for UH students and professors. I told him that Professor Lerner had sent that note to Iris Wiley, and he said I should finish the book.

In 1980 Gavan asked me to write a book with him about Interstate H-3. I said I would, but I could not start until after I came back from a one-year, around-the-world trip I was about to go on. He agreed. I came back in mid-1981 and started.

Cory Lum/Civil Beat/PHIL

George Ariyoshi was governor of Hawaii from 1973 to 1986. He was the lawyer for the Royal Gardens subdivision on the Big Island around 1960, writing its general partnership registration statement in return for getting a limited partner share — even though the land was known to be vulnerable to lava flows. The photo from the Hawaii State Archives/Honolulu Star-Advertiser Collection shows the governor in 1977.

An order had been given in 1960 to start H-3 but, because of massive protest, construction did not start until the late 1980s, meaning there was nothing to write about concerning H-3 at the time I was starting except that it was being protested. Also, I felt that H-3 was too limited a subject and I wanted to do something more substantial, but I

Exhibit #23.1

did not know what. Meanwhile I started reading with great interest what Jim Dooley was writing in The Honolulu Advertiser about hui (partnerships) as a vehicle for investing in land and development by all kinds of Hawaii residents — including politicians, criminals, judges, labor leaders and old money people — the people at the time who were at the top of the power structure.

Jim's work inspired me to look at all partnership papers (initial filings and annual reports) filed with the territory and subsequent state governments from 1954 to 1981. The year 1981 was when I did this piece of research. I ended up looking at about 57,000 separate documents. I was looking for what Jim wrote was there about politicians, etc.



What the Royal Garden subdivision looked like on Feb. 19, 1977.

To spot them in the microfiche in the Hawaii Archives, and clippings in the joint archives of the Star-Bulletin and Advertiser — where head librarian Bea Kaya took an interest in my work and was extremely helpful — I relied mainly on what was in my head from news work.

Exhibit #23.1

Part of my job as a radio news announcer was to broadcast all the news, including the Hawaii news, and that more than anything else embedded in my mind who was who in the power structure. I also consulted the encyclopedia "Men and Women of Hawaii." The result was a table of all names I recognized grouped by occupation.

“
I thought the book Gavan and I were writing would be boring, because I gathered a lot of data.

The table floored me. I can say without a doubt that looking at it changed my life. It is where "Land and Power" came from. Tom agreed, which helped me have the

nerve to tell Gavan we had to change the focus of the book to what it became. In my telling Gavan this I thought it was obvious what the book would be about, and it did not occur to me that an outline might be necessary. Gavan, in a monument to his tolerance of and generosity toward me, said "fine." By then we were friends, and we will always be.

I thought the book Gavan and I were writing would be boring and almost no one would read it because I gathered a lot of data and then displayed it mainly in long tables. I was then shocked by how big the media and public reaction was.

Exhibit #23.1



The Royal Garden subdivision on May 15, 2011, after it had mostly been destroyed by lava.

Gavan and I published "Land and Power" by Benchmark Books, which we organized. David Rick, who was a close friend of ours, did most of the publishing work. Gavan asked the University of Hawaii Press to publish it, but the UHP director declined without explaining why. A total of 10,000 hardcover copies were printed and rapidly sold.

Gavan then asked UHP again if they would publish our book and this time they agreed. A difference between the hardcover edition that Benchmark Books published, and the softcover edition published by UHP, is that the hardcover edition had no reviews by prominent people, newspapers, etc., whereas the paperback edition by UHP does.

I wrote the first draft of what is now on the back of the paperback edition and what appears there is what I wrote, except for my including in my first draft an excerpt from a handwritten letter to me from an inmate in the Oahu prison, which included approximately these words: "This book

Exhibit #23.1

just goes to show what I've always said, that the real criminals are in office not in prison." But
→ Gavan and I agreed we could not include such a quote because UHP would never allow it.



Concerned scientists observe a lava flow from Puu Oo as it advanced down a street in Royal Gardens subdivision on July 2, 1983. Photo by J.D. Griggs.

In the end, which is to say now, I am so glad we did it. My aim — which I never thought would be realized — was to raise by just one step up only the general conversation in Hawaii about land and power, to acknowledge there was a connection. It seems to have done that: To my amazement the term "land and power" passed into the general vocabulary of Hawaii as a kind of condition that has been forever true in Hawaii, and in the years our book covered, who owned the land and held the power changed but the basic condition had not, and it seems it never will.

One final thing to say about the writing of "Land and Power" is something that occurred to me while we were writing the book — that it was the book I had always wanted to read but since no one had written it, we were. Another is to quote from a

book by James Eckhardt entitled "Boom, Bust and Cambodia: The Year of Living Stupidly" (2001). Eckhardt was born in Australia and as a young man came by boat to Singapore. In the book he wonders what he would now tell a young man who was just getting off a boat from Singapore? He wrote, "You lucky guy."

My Work After 'Land And Power'

When I first arrived in Hawaii, I was a student at the University of Hawaii Manoa in the Asian Studies program with a scholarship from the East-West Center — I was a grantee. At the time the Kalama Valley land struggle was going on and I was introduced to some of its leaders — Kalani Ohelo and Larry Kamakawiwo'ole — by John Witeck, whom I had known from elementary and high school days in Arlington, Virginia.

I went out to the valley one night to see what was going on and I was told the local people (Kokua Hawaii) had kicked all the haoles (white people) out of the valley that day. That meant all I could do were things like holding signs in public places supporting the struggle, which I did.

As insignificant as holding signs was, it led to my eventually becoming involved in what I realized after I started working in Cambodia is a worldwide problem of mass eviction of poor people by large companies, powerful generals, senior government leaders, etc. That work has been at the core of my life from Kalama Valley until today.

Exhibit #23.1

On Kauai I worked with the Niumalu-Nawiliwili Tenants Association. They were being evicted from their homes by their landlord, the Kanoa Estate.

It is striking how during that period no politician of either party was convicted of crimes based on corruption charges.

I worked with the Kilauea Agricultural Association whose half dozen members were being evicted from their farms — two of the farms were quite large — by

investors who bought in large parcels the lands of the Kilauea Sugar Plantation. The plantation was owned by C. Brewer and Co., one of "The Big Five" companies of the Republican era in Hawaii's history.

And finally, I worked with the 'Ohana o Māhā'ulepū, a group of mainly young people fighting to preserve a relatively undeveloped shoreline near Poipu, on the south coast of Kauai, from high-end development. The ohana succeeded in 1974 in defeating a land use district change by the Land Use Commission from agricultural to urban requested by Leadership Homes. Most of the land at issue before the LUC is still undeveloped.

When I went to law school, I helped the all-Filipino Ota Camp association negotiate the buying of the houses that had been rented to them by the Honolulu city government. The association and city had signed a contract that allowed for this.

This supports my claims that drastic judicial intervention is necessary and examples need to be made to prevent this kind of wrongdoing and depravities in the future! AND granting my demands herein this document is a start.

and done in collusion & conspiracies with corporate interests and land speculation at my expense!

Exhibit #23.1



same applies today

It's shocking and egregious!

Supports my claims that no gov. or gov. official or ~~criminal~~ criminal system (police, prosecutors and courts and judges) are doing their sworn duties, oaths, ethics, codes of conduct, justice, protecting the people and our (my) rights but are the criminals and authors of my deprivations

After law school I represented the Waiahole Waikane Community Association before the Land Use Commission to oppose the development of a golf course in relatively undeveloped Waikane Valley, and the buying of homes and farms in Waiahole Valley by people in that valley and in Waikane Valley entitled to buy them by a provision in an agreement between the state and the WWCA that ended the attempt by Elizabeth Marks and Joe Pao to evict them. The golf course was stopped by the efforts by many people, least of all by me.

In looking back at the period in which Gavan and I wrote "Land and Power," it is striking how during that period, to the best of my knowledge, no politician of either party was convicted of crimes based on corruption charges, whereas today such convictions are commonplace.

Charles Djou wrote in *Civil Beat* in February, "Last week a Honolulu city planning bureaucrat pleaded guilty to accepting bribes to illegally fix issuance of building permits. Yet, amidst the guilty pleas of former state Sen. Kalani English and former state Rep. Ty Cullen, mixed with federal indictments of multiple senior cabinet officials in Kirk Caldwell's former mayoral administration, another state legislator escaping punishment for drunk driving, plus a former Honolulu police chief now in prison, this major news story was all but lost."

I am proud that the book remains influential and is read. The University of Hawaii Professional Assembly — the faculty union — currently lists "Land and Power" on its "Suggested Reading List" as its top pick for a book to read about

Hawaii. I thought it an impossibility that "Land and Power" would be ranked ahead of a variety of other books, especially on Native Hawaiians and especially Craig Howes' and Jonathan Kamakawiwo'ole Osorio's "The Value of Hawaii: Knowing the Past, Shaping the Future" and Tom's "A Nation Within."

Coffman recently told me that "Land and Power" portrayed "not just a political party but an entire large slice of society living off land development and speculation. In its stubborn recitation, its theme stuck in the minds of many. It explains for us why our landscape is so cluttered and poorly planned. The title was both accurate and ingenious. A friend of mine recently wrote to me saying, 'It's the only book you can understand merely by reading the title and the index.'"

land speculation

Read this next:



John Pritchett: Rule The Roost

By John Pritchett November 4, 2022 6 min read

Not a subscription

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That's why donations from readers like you are essential to our continued existence.

Help keep our journalism free for all readers by becoming a monthly member of Civil Beat today.

Note - page 16 not included, it was advertisements.

Exhibit #23.1

fraud

Chapter 23 is for

subdividers not for renaming after subdivision formed



County of Hawai'i Planning Department

www.colplanningdept.com planning@co.hawaii.hi.us
East Hawai'i Office - 101 Puuhale Street, Suite 3 Hilo, Hawai'i 96720
Phone (808) 961-8288 Fax (808) 961-3742
West Hawai'i Office - 74-5044 Aiea Koolakole Hwy Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770 Fax (808) 323-3563

PROCEDURES FOR ESTABLISHING STREET NAMES

PRIVATE ROADWAYS

- Naming of private roadways shall comply with the following:
 - roadway suggested to be named complies with the minimum roadway standards of the Subdivision Code (Sec. 23-40 thru 53); or has a minimum pavement width of 16 feet within a minimum 20-foot wide right-of-way;
 - the purchase and installation of all street signs will be borne by the petitioner, and
 - written consent to name the affected private roadway(s) is secured from its respective owner(s).
- An individual property owner, community organization or group, shall submit a list of suggested street names with a corresponding map showing all of the roadways to be named. All suggested street names must be Hawaiian words with the appropriate spelling and meaning as per the Hawaiian Dictionary (Pukui and Elbert, 1971) and/or other appropriate sources. Suggested street names shall not exceed ten (10) letters (including glottal & macrons).
- Exceptions may be made for non-Hawaiian words of long-standing and common local usage, provided that a written history behind the suggested non-Hawaiian word can be provided. Preference shall be given to names of places, persons or events historically or traditionally associated with the ahupua'a in which the street principally lies.
- The Planning Department will then check the suggested street names for appropriate spelling and meaning as well as check our reserved street name listing to verify whether the street names are already in use or reserved. The department will notify the petitioner in writing as to which suggested street names are acceptable and those which not acceptable.
- Those suggested street names which have been found to be acceptable will be placed on the department's list of street names as reserved name(s) until such time a poll survey of landowners whose lots front the affected roadways is conducted by the petitioner.
- A poll survey must be sent by mail and/or other acceptable means to all recorded property owners (including absentee owners) of land fronting the respective roadways to be named. Upon completion of the poll, the results should be submitted to the Planning Department for our records.
- Should a minimum of two-thirds of the landowners concur, the suggested street names will then be listed as the street name for their respective roadways.

Racial & ethnic discrimination

HCC §4-85(a) for subdivision

HCC §14-85(b) petition for renaming

fraud

versus roads

versus renaming when

the subdivider names the roads w/ County approval so, road names already established HCC §14-85 So, it would be renaming already established road names. Plus, County cannot make procedure for changes when they are not a tenant in

Common. They can only record a new road name if it doesn't conflict w/ another name if it's already taken, charging

- petition is different from a poll or survey

deception

Exhibit #24 page 1 of 2

road name is a civil matter of powers in tenancy in common

CHPDSN

Public Streets

GOVERNMENT (Public) ROADWAYS

1. An individual property owner(s), community association or group shall submit a list of suggested street names to the department with a corresponding map showing the roadway(s) to be named. All suggested street names must be Hawaiian words with the appropriate spelling and meaning as per the Hawaiian Dictionary (Pukui and Elbert, 1971) and/or other appropriate sources. Suggested street names shall not exceed ten (10) letters (including glottal & macrons).
2. Exceptions may be made for non-Hawaiian words of long-standing and common local usage, provided that a written history behind the suggested non-Hawaiian word can be provided. Preference shall be given to names of places, persons or events historically or traditionally associated with the ahupua'a in which the street principally lies.
3. The Planning Department will then check the suggested street names for appropriate spelling and meaning as well as check our reserved street name listing to verify whether the street name(s) are already in use or reserved. The department will notify the petitioner in writing as to which suggested street name(s) are acceptable and those which not acceptable.
Those suggested street name(s) which have been found to be acceptable will be placed on the department's list of street names as reserved name(s) until such time a poll survey of landowners whose lots front the affected roadways is conducted by the petitioner.
5. A poll survey must be sent by mail and/or other acceptable means to all recorded property owners (including absentee owners) of land fronting the respective roadways to be named. Upon completion of the poll, the results should be submitted to the Planning Department for our records.
6. Should two-thirds of the landowners concur, the suggested street names will then be forwarded to the County Council through the Planning Commission for adoption by resolution.

RECOMMENDED REFERENCE SOURCES

The Planning Department will confirm spelling and meaning of suggested Hawaiian street names with the following reference sources:

- Hawaiian Dictionary, Pukui, Mary and Elbert, Samuel H., University of Hawaii Press, 1971 or later revision
- A Dictionary of the Hawaiian Language, Andrews, Lorrin, 1974 reprint of 1865 revision
- Place Names of Hawaii, Pukui, Elbert and Mookini, University of Hawaii Press, 1974
- Ololo No'eau, Pukui, Mary Kawena, Bishop Museum Press, 1983

Should there be any questions regarding these procedures, please feel free to contact the Planning Department at 961-8288.

p:\forms & reference\forms\2014 updated forms\12-02-2014 revised standards.doc

Page 2 of 2

County only has authority to register a road name for the private lot owners after they decide as tenants in common, by the means they determine collectively.

Exhibit #24 page 2 of 2

a community association cannot represent my interests in my intellectual properties, etc. the FFAA does not own the road names and is NOT to poll or survey on behalf of land owners. And supports claims of County collusion with FFAA

County cannot determine favorable vote quorum! Damages! or any quorum; that is unlawful control of my interests in my properties; violates 1st, 4th, 5th, 9th + 14th Amendments

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AO-440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. C23 00006 Jms KJM

APR 12 2023

PROOF OF SERVICE

at 11 o'clock and 00 min. A M
CLERK, U.S. District Court

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4(j))

This summons for (name of individual and title, if any) POLYNESIAN INVESTMENT COMPANY LIMITED
was received by me on (date) 3/27/23

- ☐ I personally served the summons on the individual at (place) _____
on (date) _____; or
- ☐ I left the summons at the individual's residence or usual place of abode with (name) _____
_____, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or
- ☐ I served the summons on (name of individual) _____, who is
designated by law to accept service of process on behalf of (name of organization) _____
on (date) _____; or
- ☐ I returned the summons unexecuted because _____; or

Other (specify): Went to 2390 Aina Iani Place in Honolulu twice, second time
Brian Yee claimed P.I.C was his father's and he's been deceased 7-8 yrs.
said his brothers are the ones who know about it. He made a phone
call, we exchanged numbers, and arranged that I would return tomorrow,
My fees are \$ 47.00 for travel and \$ 22.00 for services, for a total of \$ 69.00

3/28/23 - Went Back and Brian Yee refused to accept summons.
I declare under penalty of perjury that this information is true.

Date: 4/3/23

Ardea Copeland

Server's signature

Ardea Copeland

Printed name and title

3/29/23 - Researched DCCA to
find that Randall Yee is the
agent for P.I.C listed to the
2390 Aina Iani place as well
51000 Bishop St. Attempted service
+ 1000 Bishop, Clerk had not heard of P.I.C
Additional information regarding attempted service, etc:

P.O box 441, Volcano, HI 96785

Server's address

1/3/23 - Summons and Complaint were mailed certified to
1000 Bishop St Suite 908,
Honolulu, HI

See Attachment #1

Exhibit #29
pg 1 of 2

ATTACHMENT #1

All documents that were served are as follows :

1. Summons
2. Complaint
3. Motion By Plaintiff Thunderfoot To Amend The Complaint And Attachment #A and #B (originally filed January 6, 2023) Under the Civil Rules of Civil Procedure Rule 15 And L.R. 10.4; And Attached Amended : Complaint, Attachment #A, And Attachment #B
4. Motion To Add An Additional Party, Anne Lopez, As A Defendant Under the Civil Rules of Civil Procedure Rules 15, 19 And/or Notice of Motion; And Attachment #A
5. Court Order Setting Scheduling Conference
6. Court Minutes and Order To Continue Scheduling Conference to 5/5/23
7. Official Notice For : Scheduling Conference Meeting Date Change From March 6, 2023 To May 5, 2023 And Request For A Meeting Of The Parties Requirement

Note : Polynesian Investment Company Ltd
has responded to the Complaint in a Motion
to Dismiss my Complaint in U.S. District Court
District of Hawaii where it was admitted
they gave FFCA \$75,000; which was unlawful.

Exhibit #25 page 2 of 2

Michael Yee
FF. road
name
changes
Fraud

Note:
I
received
this
March
12, 2019
I never
received
a letter.

theft
of
intellectual
property

violates
134, 1344
5th, 8th,
14th
Amendments

conspiracy
abuse
of
power

Exhibit #
26

File:
owns
3 lots
in
FF see
Exhibits
#12 & 13

Harry Kim
Mayor



Michael Yee
Director

Duane Kamahe
Deputy Director

West Hawai'i Office
74-5004 Aiea Koolahakale Hwy
Kailua-Kona, Hawai'i 96740
Phone (808) 323-4770
Fax (808) 327-1567

County of Hawai'i
PLANNING DEPARTMENT

East Hawai'i Office
101 Paiahi Street, Suite 2
Hilo, Hawai'i 96720
Phone (808) 961-8388
Fax (808) 961-8742

January 10, 2019

SUBJECT: CORRECTION OF STREET NAME NOTIFICATION

This is to notify you that an error was found in our records regarding the spelling of the street name of the roadway fronting your property. Ala Naulani Road was corrected to Ala Nānalanani on December 28, 2018. The street address for tax map key (TMK) number [REDACTED] has been changed from [REDACTED] Ala Naulani Road to [REDACTED] Ala Nānalanani.

Please notify your local post office, telephone and utility companies, financial institutions, correspondents, publishers, and other concerned agencies and businesses of this correction.

On July 14, 2004 Ordinance No. 04-82 on street addressing and naming was adopted by the County Council. The County of Hawai'i found it necessary to adopt a uniform system of assigning addresses and naming streets to improve emergency responder services. By assigning an address, the County of Hawai'i does not tacitly grant any approval to structures, land use or other activities that require conforming to laws, codes, covenants, restrictions, agreements, standards, or permit approval.

Should you have any questions, please contact Theodore Oshiro at (808) 961-8167 or email Theodore.oshiro@hawaiicounty.gov

Sincerely,

Michael Yee

File: MICHAEL YEE
Planning Director

CC by Fire Department
e-mail: Police Department
Elections Division
Department Of Water Supply
Hawaii Electric Light Company
Dept. of Public Works-Building Division

Hawaiian Telecom
U. S. Post Office
Spectrum
Akimaka
Address Management Systems

Exhibit #26

www.hawaiicounty.gov

Hawai'i County is an Equal Opportunity Provider and Employer

theodore.oshiro@hawaiicounty.gov

Note: unlawful
road changes and entering
it into a gov. database
is fraud U.S.C.S. 1001, 1002,
1018, 11341, 11342, 12015 etc.

page 1 of 1

L-194

STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
RECORDED

JAN 08, 1999 08:30 AM

Doc No(s) 2512596

on Cert(s) 413.086

Issuance of Cert(s) 524.462

/s/ CARL T. WATANABE
ASSISTANT REGISTRAR

CONVEYANCE TAX: \$55.00

← \$55.00 does not match
the sale price herein, but
does match

AFTER RECORDATION, RETURN BY MAIL (X) PICK-UP () TO:

Community Development Hui of Fern Forest
c/o Penelope C. Blair
P.O. Box 836
Volcano, HI 96785-0836

Sale price as
recorded at
Property Tax Office
fraud and money
laundering

Affects TMK No. (3)-1-1-028-085
(Community Lot)

WARRANTY DEED

THIS DEED, made this 31st day of December, 1998, by FERN FOREST COMMUNITY ASSOCIATION, INCORPORATED, a Hawaii non-profit corporation, whose address is P.O. Box 395, Mountain View, Hawaii, 96771, hereinafter called the "Grantor," and COMMUNITY DEVELOPMENT HUI OF FERN FOREST, a Hawaii non-profit corporation, whose address is P.O. Box 836, Volcano, Hawaii, 96785, hereinafter called the "Grantee,"

WITNESSETH:

That in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee as tenant in severalty, its successors and ass'ns, in fee simple

All of that certain parcel of land together with improvements thereon situate at Fern Forest Vacation Estates Subdivision, District of Puna, County and State of Hawaii, described on the tax maps of the County of Hawaii as TMK No. (3)-1-1-028-085, and more particularly described on the attached Exhibit "A" incorporated herein by reference, subject, however, to the encumbrances, if any, noted therein

EXHIBIT "A"

All of that certain parcel of land situate at Keaau, District of Puna, Island and County of Hawaii, State of Hawaii, described as follows:

LOT 85, Block D-D, area 3.000 acres, more or less, as shown on Map 52, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1053 (amended) of W. H. Shipman, Limited;

Together with an undivided 1/3000 interest in Roadway Lot 8214, said roadway to be used in common with others entitled thereto,

Being all of the land conveyed by that certain Registered Land Deed made by and between Paula Jean Feiler, as Grantor, and Fern Forest Community Association, Incorporated, as Grantee, dated April 19, 1993, and recorded in the Office of the Assistant Registrar of the Land Court of the State of Hawaii on May 6, 1993, as Document No. 2021438, and described in Transfer Certificate of Title No. 413,086.

SUBJECT, HOWEVER, TO THE FOLLOWING:

As to the undivided interest in Lot 8214, the terms of that certain Declaratory Judgment filed on April 10, 1991, in the matter known as Fern Forest Community Association vs. Polynesian Investment Company, Limited, et al., Civil No. 87-519, Circuit Court of the Third Circuit, State of Hawaii, regarding payment of annual road maintenance fees.

Also evidence for FFCA having no legal right to "take control" of the private roads where in 1993 when FFCA first acquired lot had had proprietary interest in roads years after claiming it wanted full control in 1978 FFCA newsletter (Exhibit #10) and after Civil Case No. 87-519 from 1987-1991 in Third Circuit Court State of Hawaii (see Exhibit #32)



Parcel Information

Parcel Number 110280850000
Location Address 11-2864 ALA KAPENA
Project Name Fern Forest Vacation Estates
Property Class AGRICULTURAL For zoning information, refer to [Zone Maps](#)
Neighborhood Code 1131A-5
Legal Information LOT 85 3.000 AC BLK D-D MAP 52 LCAPP 1053
Land Area (acres) 3.0000
Land Area (approximate sq ft) 130,680

[View Map](#)

[Plat \(TMK\) Maps](#)

Owner Information

Owner Names
FERN FOREST COMMUNITY ASSN Fee Owner, Tenants in Severalty

Mailing Address
FERN FOREST COMMUNITY ASSN
C/O DATA PROCESSING SERVICES INC
99 AUPUNI ST STE 206
HILO HI 96720 4277

Assessment Information

[Show Historical Assessments](#)

Year
2021

Property Class
AGRICULTURAL

Total
Taxable
Value
\$75,600

Land Information

Property Class
AGRICULTURAL

Square Footage
130,680

Acreage
3

Other Building and Yard Improvements

Description	Quantity	Year Built
QUONSET HUT STORAGE	1	1994
CARPORT OPEN GRAVEL FLOOR	1	2003
WOOD STORAGE ENCLOSED	1	2003
LEAN-TO STRUCTURE	1	2003

Permit Information

Date	Permit Number	Reason	Permit Amount
1/8/2003	030033	Canopy	\$55,000
1/24/1994	940088		\$2,000
1/24/1994	940087		\$10,000

Bldg Division Permit and Inspections Information

<https://hawaii-county-hi-energy-public-tyler-host.net/apps/GetServiceofHome>

Sales Information

Sale Date	Sale Amount	Date Recorded
04/17/2015	\$1,000	04/23/2015
12/31/1998	\$55,000	01/08/1999
04/19/1993	\$20,000	05/06/1993
03/29/1993	\$0	05/06/1993
09/01/1991	\$15,000	
08/27/1991	\$15,000	09/10/1991

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2021-2	Real Property Tax	02/22/2022	\$0.00	\$0.00	\$353.43	\$0.00	\$0.00	\$0.00	\$353.43
	Tax Bill with Interest computed through 12/31/2021		\$0.00	\$0.00	\$353.43	\$0.00	\$0.00	\$0.00	\$353.43

Pay online at <http://payments.hawaii.gov/greatdashboard>
Other Payment Options [Click Here](#)

Exhibit #27

page 3 of 3

CONVERGENCE OF OPPORTUNITIES: CONNECTING FERN FOREST AND EDEN ROC

Fern Forest and Eden Roc residents have a long history of wanting to travel between subdivisions at the intersection between lower Kaleponi and Punahale.

FFCA 2022-2023
newsletter
pg. 10

They have repeatedly appealed to the boards and even removed obstacles themselves when the boards ignored their requests and petitions.

The topic of maintaining this vital connection point was part of the approved subdivision plans reflected in the Puna Community Development Plan (PCDP), adopted as Ordinance in 2008. General, inter-subdivision connectivity location recommendations were also reiterated in the County Council Subcommittee Report accepted in August 2016. The Kaleponi/Punahale location was given the highest priority, both because of need and because it was relatively inexpensive.

That report was created after extensive resident participation, led by Patti Pinto, Marlene Hapai, and significant community support to demonstrate the link between emergency response and preparedness with open roads connecting the subdivisions.

In spite of the PCDP, hundreds of meetings of the Action Committee and community groups, support from County Council/elected officials, the allocation of \$11 million, and formation of a Mayor's Committee that met for several years to implement connectivity priorities, as of September 2022, not a single location has been opened!

The Kaleponi/Punahale location received significant support in testimony in connection with resolution 205-17, "Acknowledge Ruling from Office of Civil Rights dated September 28th, 2000". The road barriers were cited as flagrant civil rights violations, disproportionately affecting low-income families, native Hawaiians, and the rights of general residents to reasonable access to jobs, education, healthcare, and social opportunities.

Legislation proposed by Rep. Matt Kanealli-Kleinfelder and Sen. Joy San Buenaventura across the years has specifically supported connectivity, including between Fern Forest and Eden Roc, in conjunction with health and safety.

The minutes of Matt's Hawaii Island Subdivision Alliance and of Joy's Community meetings, along with both of their newsletters, indicate many opportunities for funding. Current buzzwords include Hazard Mitigation and Resilience; developing programs using this language may make us eligible for lava recovery and COVID-19 funds.

FF wasn't affected by lava damages or covid, so how are we eligible. Whose we? they mean FFCA?

(cont'd)

If our IRS status makes us ineligible for certain funds, there are possible fiscal agents, such as Malama o Puna or Puna Strong that we could partner with.

At the September 18 meeting, the FFCA board indicated willingness to work with the county and Eden Roc to explore options that would benefit not only both subdivisions, but also Upper Puna.

After decades of being virtually ignored, Fern Forest is in a position to create a convergence of opportunities to develop a model of resilience and hazard mitigation based on collaboration, rather than on competition.

If you are willing to be involved at any level in any way, the county is trying to identify "asset helpers", who are essential to demonstrate community support for connectivity or other activities that can improve the quality of life in Upper Puna. Please check the volunteer section of this newsletter for more information on how you can help make a difference.

—Hannah Hedrick



March 2017 Kaleponi connectivity cleanup

↑ old photo

page 1 of 1

2022-23
FERN FOREST NEWSLETTER | 10

Exhibit # 28
page 1 of 1



FERN FOREST NEWS

Mailing: FFCA c/o DPS, Inc. 99 Aupuni Street, Suite 206, Hilo, HI 96720

Phone: (808) 968-9070 DPS (808)-935-7185 Email: ffcahawaii@gmail.com

Web Site: fernforestcommunityassociation.com

NOTICE TO FFCA MEMBERS: ON OR ABOUT DECEMBER 11, 2018, THE FFCA MAILED LETTERS TO A SMALL NUMBER OF MEMBERS WITH THE SUBJECT LINE "DISRUPTION OF FFCA ANNUAL MEMBERSHIP MEETING, DECEMBER 2, 2018". THE FFCA HEREBY RETRACTS ANY AND ALL SUCH LETTERS AND STATES THAT THE FFCA DOES NOT MAINTAIN A "DO NOT ADMIT" LIST FOR ITS MEETINGS. ALL FFCA MEMBERS ARE WELCOME AND ENCOURAGED TO PARTICIPATE IN FFCA MEETINGS IN ACCORDANCE WITH THE FFCA'S GOVERNING DOCUMENTS AND APPLICABLE LAW.

Lies

CURRENT BOARD MEMBERS

PRESIDENT: CHRIS QUARRE', SECRETARY: MARGUERITE HAUBERG, TREASURER: ROBERT ARIETA

Annual Meeting of the Members

Date: Sunday, December 5, 2021.

Time: 1:00 pm.

Place: TBA



PRESIDENT'S REPORT

BY: CHRIS QUARRE'

Lawsuit

It's finally over! Due to hard work and both sides being willing to come to a mutual agreement, the suit has ended. Now let's all get back to being one community!

Road Experts

There is one thing that I have found that is universal here in Fern Forest, everyone here seems to be an expert on how to fix, maintain, or improve our roads. Everyone that is, but me. I admit freely that I am not a road expert. The reality is NO ONE is an expert on our roads (Road Manager may be the one exception). Why? Because they are not gravel, they are not dirt, they are not paved. They are a combination of lava, soft ground up & hard lava & gravel. There really is not equipment built to specifically work on this substrate combination. Therefore, we do the best we can with what we have. Is our equipment, tractor, scraper etc... the perfect equipment for the job? Probably not. If we were buying new equipment now would we buy different, probably, but this is what we were left with.

This board came in with limited funds, most spent by previous board on lawsuits. With only about 60% paying MRMA (Road fees) we are limited in what we can do. So, I will tell you all to be careful of these individuals that claim to be road experts and say they have all the answers and want to spend a ton of your funds on new equipment etc...

1 Exhibit #29

Just to be clear the roads here will never, not in any near future anyway, be paved. The county requirements & cost, millions, is just way out of reach. However, I can also say that we have some of the best unpaved roads around, yes really! If you drive around a few of the other communities, especially unpaved ones like Hawaiian Acres you will find that our roads are actually quite good in comparison.

Sense of Community

When we have asked the community to get involved in a positive way, community cleanup, take pride-make a new sign, volunteer for anything, the response has been very limited. Big Mahalo to those who have responded and helped with Community Clean-ups, Neighborhood Watch, the Volunteer Fire Station and the VFFF (Volcano Friends Feeding Friends) activities. And remember that your FFCA Board does NOT have any say with issues between neighbors, trespassing etc. not our kuleana! This is a beautiful and unusual place filled with beautiful & unusual people. The fierce individualism is understood and expected, but we can still come together for a better community!

Board of Director's Openings

The application to be on the Board has been totally simplified, there is only a Ballot statement to write. We encourage any member-in-good-standing to apply. There are four positions open for the 2022 Board. Remember it is a volunteer position and we have worked very hard these past months to keep the FFCA alive with the minimum number of Board Directors (3). We have worked to improve our roads and community, but there is more to be done with your help.

Community Knowledge - As I speak with people around FF, I find that there are many that still think the "old" board and the lawsuit are still going on. It is OVER, and we need everyone's help to spread the word.

Want nice roads, slow down & pay road fees!

One thing that really makes me chuckle is when someone complains about their road and then says they already don't pay or will stop paying their fees. So, you don't like the situation and your answer is to not fund the fixing of the thing you're unhappy about? This board has focused on the roads & will continue to do so with what funds we have left this year. We have one Road Manager doing the job of maintaining & repairing 42 miles of roads! Obviously, it can take some time to get to your road. When I bought land here in FF, I knew what I was getting into, road wise, & no one ever told me that the roads would get better. I also drove around other subdivisions and realized how good ours are in comparison. For those that like to complain about how your car is falling apart because of the roads, you are driving way too fast, period!

In Closing

I hope everyone in Fern Forest has a great rest of the year! Pay your road fees, volunteer, get involved, join the next FFCA Board, be part of the solution! Let's all enjoy this beautiful place we call home. Mahalo!

YOU KNOW WHO YOU ARE



BY: FILIESHA LERAND

A BIG MAHALO to all those Fern Forest Residents who go the EXTRA mile with mowing our easements/filling in potholes. Your efforts help to make our subdivision look great and allow our FFCA road manager to concentrate on keeping up with the seemingly never-ending road repairs.



2021 FINANCIAL STATEMENT SUMMARY REPORT BY: ROBERT ARIETA, FFCA BOARD TREASURER

Fern Forest Association By-Laws ARTICLE IX, Newsletter Section 1.

"This newsletter will include: a) the ballot for annual election of directors according to Article IV, Section 2, b) **an annual financial statement summary**, and c) a review of prior year's activities." p12

This year as per our By-Laws, we are including a more detailed Financial Report than has been done in the past. This statement includes Jan 2021 to August 2021 financials as the rest are not available at the time of printing. Financials from September 2021 to December 2021 will be posted on the website as soon as they become available. Balance Sheets (Accrual Basis) and Profit and Loss (Cash Basis) Statements are available for those interested on the FFCA website:

<https://fernforestcommunityassociation.com/financial/>

Although not specified in the By-Laws, a **Proposed Budget for 2022** is included here for your review. As the budget vote is not mentioned in our By-Laws, a vote for approval or disapproval is irrelevant, as there are no contingencies if the budget is not approved. Therefore, it will not appear on this year's ballot.

This year we saw the increase in the cost of gravel by \$1.50 per ton and the cost of hauling by \$2 a ton. The combined cost increases have compelled the board to reluctantly raise the road assessment by \$10 for the coming 2022 year to \$180 per lot.

Fern Forest Financial Report, Jan 2021-Aug 2021

Income

2021 Assessments- \$305,543

Prior Years Assessments- \$61,673

Total Income- \$367,216

Expenses

Administrative

Outstanding Balance from 2020- \$8,588

Bank/ PayPal Charges - \$2,892

Labor- \$9,611

Insurance- \$22,190

Office Supplies/ Mailings- \$3,332

Professional

Accounting/ Tax- \$18,665

Legal Fees- \$3,512

Facilities

Repairs/ Maintenance- \$1,585

Property Tax/ MRMA- \$1,203

Portable Toilets- \$1,028

Security Services- \$310

Utilities- \$1,941

Road Maintenance

Hauling/ Materials- \$85,967

Labor & Services- \$98,094

Insurance- \$7,365

Repairs/ Maintenance/ Fuel- \$13,090

Total Expenses- \$279,373

Proposed Fern Forest Budget for 2022

Income

Potential Assessments- \$465,660

Estimated Collected Assessments- \$324,000

Expenses

Administrative

Bank/ PayPal Charges - \$3,000

Labor- \$10,000

Insurance- \$25,000

Office Supplies/ Mailings- \$4,000

Professional

Accounting/ Tax- \$30,000

Legal Fees- \$4,000

Facilities

Repairs/ Maintenance- \$4,000

Property Tax/ MRMA- \$1,500

Portable Toilets- \$2,000

Security Services- \$500

Power- \$1,500

Phone/ Internet- \$1,500

Road Maintenance

Hauling/ Materials- \$100,000

Labor & Services- \$90,000

Insurance- \$10,000

Repairs/ Maintenance/ Fuel- \$17,000

Total Expenses- \$304,000

Emergency Reserve- \$20,000

Total Budget 2022- \$324,000

← road maintenance fee not a membership fee because I'm abducted against my will violating Bth/ Amendment and I cannot vote if I don't pay violating many rights.

That's a lot of money!



FFCA MEMBERSHIP STANDING & VOTING RIGHTS REPORT
BY: KRISTEN McCARDEL. MEMBER NOMINATING AND ELECTIONS COMMITTEE

In order to have your vote counted in the election, your membership must be in good standing. The FFCA Bylaws (Article II Sections 1 and 4, and Article XIII Section 4) define the criteria for a membership that is in good standing. To be considered "in good standing," a member must pay all Mandatory Road Maintenance (MRM) fees for a given property/TMK.

The FFCA's accounting firm, Data Processing Services (DPS), sends a notice in January of each year informing the member of the amount owed to keep the account in good standing for that calendar year. The accounting firm sends a second letter in July each year to members whose accounts are delinquent, or not in good standing, informing members of the amount owed.

➔ Per the bylaws, a "member may be a member in good standing as to all, some or none of the lots such member owns, but shall in any case be entitled to vote only if the member is a member in good standing as to at least one lot the member owns." This means that for an owner of multiple lots, as long as at least one of their properties is current on all fees, they may cast a vote for that lot. Just make sure the specific TMK number on the ballot corresponds to the TMK that has been paid in full.

➔ Members may submit payment with a mailed ballot or at the Members Meeting in person in order to have their vote counted. Per the bylaws, "if a member in default shall Pay the delinquency in full at or before the start of the meeting ... or shall make full payment of his delinquency at the time such member submits a ballot for said meeting, then such member shall be considered a member in good standing as to such lot." If you intend to pay your MRM fees and submit your ballot at the Annual Members Meeting, please arrange to arrive early so that your payment can be processed and your ballot can be certified.

If you are not sure whether your account is in good standing, you can contact DPS by email (dataproffca@yahoo.com) or by phone (808-935-7185). Provide your name and the TMK number for the property you are querying, and the staff at DPS can tell you whether the account is in good standing or what sum must be paid to bring the account current. If you are unsure, please check with DPS before submitting your ballot, so that you can submit the correct sum to bring your account current. The FFCA Board recommends that you check your account and submit your payment and/or ballot as soon upon receipt of the newsletter as possible to ensure that your ballot is received in a timely manner.



COMMUNITY LIAISON REPORT

BY: MARGUERITE HAUBERG, FFCA BOARD MEMBER

Besides being Secretary on the Board, I took on being Community Liaison, which has given me a sense of accomplishment this past year. We started with along the road Community Clean-ups in January of 2021. Then starting in March, we were able to get the County Fee Waiver to dump appliances and larger amounts of garbage in Hilo. We have continued these clean ups about every other month. Many volunteers made Community Clean-ups happen successfully. Mahalo nui loa to all those who gave time and energy for our aina.

Another of my Community projects was to get the Volunteer Fire Company up and running on the FFCA lot again. Volunteer Fire Captain Joel Thompson was able to bring the fire engine back into the

Quonset Hut. Volunteer Fire Fighter training started up on July 27, 2021. We were able to entice 3 new volunteers to start the training! Training will alternate between our lot and the Volcano Fire Station in the future.

The Board also approved VFFF (Volcano Friends Feeding Friends) run by Kehaulani La'a to distribute meals for students, "Kaukau 4 Keiki", during the summer break. Six Fridays in June and July we opened the FFCA lot for families to collect their meals. This was much appreciated by all. Mahalo big time to all the volunteers!

I am also the Liaison to Neighborhood Watch and help with their meetings which started up again in June, 2021. They continue to meet the third Saturday of each month at the FFCA lot. All lot owners are welcome to attend!



FERN FOREST NEIGHBORHOOD WATCH CO-ORDINATOR REPORT.

BY: RON COSTA

Aloha Fern Forest Lot Owners. 2021 has been another challenging year for all of us in the U.S. However, it didn't hinder our ability to watch-out for and help our neighbors. Our Neighborhood Watch Block Captains and Volunteers continued to be vigilant by reporting suspicious individuals and activities. We also continued to identify the abandoned vehicles being dropped off in the subdivision and notified the county police to tag these vehicles and have them removed.

Squatters have been and continue to be a real problem in Fern Forest. Newly enacted laws and pending legislation are designed to help with the problem. When a squatter decides to take over your property, the current laws don't give you the ability to immediately have them removed. It's a 'PROCESS' that begins with FFCA notifying you of the violation. From this point forward it's your or your "On-Island" Representative's responsibility to notify the Police and file a complaint. If you live "Off-Island", you must have an "On-Island" representative to be your contact person for the Police. It is very important that the FFCA has your correct contact information.

All of this and more of the inner workings can be overwhelming, if you need someone to help you get started, you can contact me at rcostamhs65@outlook.com and I will do my best to help.

Important Note: As a reminder to all lot owners, especially for those who live here full or part time, please identify your lot with the correct address using the standard 911 sized (3 to 4 inches) reflective numbers and letters. These signs must be placed in or near the entrance and in plain view. When emergency response personnel (Police, Fire and Ambulance) are responding to your call, the less time it takes to find you, the quicker your needs can be assessed. Safety is a priority for all of us in Fern Forest. Mahalo to all.



FERN FOREST EASEMENTS EXPLAINED

BY: MELISSA FLETCHER

Aloha Fern Foresters, the FFCA Board asked if I'd write up a summary of road easements in our subdivision for the annual newsletter. It was a topic discussed on a couple of our community social media pages several months ago. People were voicing concerns about notices/warnings put on vehicles parked along the road. Many thought that these areas were their property to do with as they

wanted. I'll do my best to help explain. This is my understanding of the topic after reviewing source documents - I am not a land attorney, this is not legal advice.

It is shown in multiple documents (subdivision application/permits/mapping/surveys) that the roads in Fern Forest are owned and to be maintained by the FFCA and, according to the County Tax Map, each road is about 40' or 60' wide (the few roads that are 60' were designed for future main thoroughfare, like Captains Drive, Kaleponi, and Kahauale'a). None of our actual roads are that wide at this time, but the entire width remains FFCA property. It can be used for future widening, drainage, or other road business. To that end, it is important to the functioning of the road crews that the community keep these areas clear of personal property.

The unused areas next to the roads are often referred to as 'Road easements'. A better term would actually be road 'frontage'. It is not a part of any personal property purchased in the sale of a lot in Fern Forest. To put it another way, a property owner's 3 acres do not start until that deeded road width ends. If a person is using that area to store their own personal property, they do not have legal right to do so.

wrong I had a real estate license, the interest belongs to property owner not FFCA; the Land Court
A property owner does have a 1/3000 interest in all subdivision roads as a member of the FFCA. The aim of that clause in each deed is to ensure that all lot owners can get to their property via guaranteed roads and that the FFCA can maintain those roads. *the clause existed prior to birth of FFCA. this is ridiculous and blatant fraud!*

If you are parked on the side of the road, you are parked on FFCA property. If you work to make the side of the road nice in front of your property, you are improving FFCA property. FFCA can take a dozer through your hard work or tow your vehicle. It isn't intended to be personal - it's the job of the board to manage that land and they're working for us. We can all Kokua and help keep our roads maintained by keeping the easements clear.

A hui hou~

Application 1053 was done by Shipman in the year 1901 I believe, and the FF was born prior to 1959 and the FFCA was not born until 1978, so, the FFCA cannot own the roads.

FERN FOREST ROADS REPORT

BY: ROBERT ARIETA. BOARD MEMBER ROADS LIAISON

This year has been very challenging, and the roads are no exception. We started out the year "in a hole" both literally and figuratively as the maintenance had been discontinued due to lack of funds. In January the board voted unanimously to suspend all mowing of shoulders to concentrate all of the time, effort and funds into repairing the roads.

Further hindering our efforts have been the excessive rains this year (for reference our electronic rain gauge measured 137.66" in 2017, 249.2" in 2018, 173.76" in 2019 and 216.88" for last year 2020). As of 16 August 2021, our rain gauge is at 191.3" so far this year. Despite everything, the road manager has managed to place 4,734 tons of gravel on the roads so far this year (averaging 118 tons per mile). While gravel is merely a band aid, we have yet to find a better solution with funds available. The cost of paving was found to be \$500,000 PER mile - with close to 40 miles of unpaved roads in the association, it would cost approximately \$20 million dollars to pave the remaining roads. Until a more lasting option can be found, we would appreciate everyone's help in preserving the existing gravel on the roads, by keeping to the 15MPH speed limit. Barring unforeseen emergencies, the plan is to have completed two rounds of gravel on all of the major roadways by the end of this year 2021.

why pave agricultural roads where farm equipment goes between parcels? this ruins pavement. Paving is a step toward unlawful conversion of FF to non-agricultural use,

Councilwoman Jen Ruggles Aids the Forest

2017-2018
FFCA newsletter

"Jen's leadership and assistance have had a very positive impact on our community over the past year, and we thank Jen and her staff for all their help."

The board has also been working with Jen Ruggles, our County Council member on a number of issues.

On the topic of subdivision "Connectivity", the board has been informed that we are the "caboose" in upper Puna. Connectivity plans end when Eden Roc is joined to Fern Forest. Rather than the route going up through Fern Forest on Kaleponi to join with the subdivisions above us, which the county has now indicated it will not fund, the Board has shifted its focus to joining neighboring subdivisions of Eden Roc and Kopua Farms Estates via the old "Volcano Trail."

This route runs roughly parallel to Highway 11, and offers the option of improving one of the roads to Highway 11, thereby giving Fern Forest another exit route in case of emergency. This approach has major support in both of the subdivisions just downslope of us, while the proposed Kaleponi connection has received significant resistance from residents of Eden Rock and Kopua Farms.

Jen Ruggles' office also has been a great help in coordinating with the County Solid Waste Division to waive tipping fees for disposal of

easeement trash; an ongoing project.

We are also working with Jen Ruggles to bring Hele-On Bus into the Forest. Our Goal is to have a bus stop shelter at the top of the Forest at Kahaulahea and Kaleponi and one at Ala Kapena and Kaleponi. Both are proposed as 'spurs' with entry and exit from Volcano Highway.

Jen's leadership and assistance have had a very positive impact on our community over the past year, and we thank Jen and her staff for all their help.

The board can always be reached at
ffcahawaii@gmail.com.

Your financial account questions can be addressed immediately with Ken Ah Lo of DPS at
datapro001@yahoo.com.

"The board has put substantial effort into providing an online archive of records and other information that can help lot owners better understand the activities of the board and the manner in which it expends road assessment fees"

Website Increases Information and Transparency

On the Web @ www.fernforestcommunityassociation.org

The FFCA board's website and internet exposure is expanding. The board can always be reached at ffcahawaii@gmail.com. Your financial account questions can be addressed immediately with Ken Ah Lo at datapro001@yahoo.com.

The FFCA's official website has been greatly expanded during 2017. The board has put substantial effort into providing an online archive of records and other information that can help lot owners better understand the activities of the board and the manner in which it expends road assessment fees. Board minutes, financial summaries, policy statements, and other board-sponsored events

are posted to the site regularly. The website also promotes other organized activities in the forest and devotes informational pages to the Neighborhood Watch and the Fire substation.

The goals during the coming year are to expand the archive of historical records, create an Association calendar, and to increase video documentation of board and staff activities. A page for the Fern Forest Community Association is on Facebook, and all owners are welcome to join. At present, the page is hosted by a member of the board. We hope to set up a separate and official Facebook page in 2018.

The membership is cautioned about the vagaries of the web and its addresses. Our official address as a ".org" site. Other sites exist with different domain names and attempt to impersonate the Association or falsely represent themselves as speaking for a majority of members. These often distribute bogus information. If you have any questions about what site represents the FFCA, please contact the office at our official email address at ffcahawaii@gmail.com or call the office at 968 9070. We will respond promptly

2017-2018
FFCA newsletter

Exhibit #30 page 1 of 1

Judiciary Internet

eCourt Kōkua
JUDICIARY INFORMATION MANAGEMENT SYSTEM

Home

Party Search

Vehicle Search

Case Search

View / Purchase Documents

Case Search • Filing Date Search

Case Search

Search Criteria

Please enter as much information as possible to help narrow your search.

Case ID or Citation Number:	<input type="text" value="3CC870000519"/>	Application Number:	<input type="text"/>	Beginning Case Filing Date:	<input type="text"/>
Arrest Number:	<input type="text"/>	TGT Number:	<input type="text"/>	Ending Case Filing Date:	<input type="text"/>
OTN:	<input type="text"/>				
SJD:	<input type="text"/>				

Search

Reset

Search results for criteria: Case ID or Citation Number: 3CC870000519

Generate Printable Case View

Summary

Events

Dockets

Case Description

Case ID: 3CC870000519 - FERN FOREST COMM ASSOC VS POLYNESIAN INVESTMENT ET
 Type: CV - Circuit Court Civil
 Status: TERMINATED - Terminated Case
 Last Updated: 09-Nov-1994

Filing Date: FRIDAY, SEPTEMBER 4, 1987
 Court: THIRD CIRCUIT
 Location: NORTH AND SOUTH HILLO DIVISION

Related Case: No related cases were found

Case Parties

Seq. #	Alias	End Date	Type	ID	Name / Aliases
1	Oda, Stuart H		Plaintiff	@4357995	FERN FOREST COMMUNITY ASSOC
2			Defendant	@4357999	POLYNESIAN INVESTMENT CO LTD
3			Defendant	@4358000	OISHI ENTERPRISES
4	Rego, Anson O		Defendant	@4358001	ANSON REGO'S INC
5			Defendant	@4358002	ISLAND TROPICALS
6			Defendant	@4358003	CYMBIDIUM PARTNERS
7			Defendant	@4358004	MATSUSHIGE, STELLA
8			Defendant	@4358005	KIMURA, GEORGE
9			3rd Party Defendant	@3517245	FINANCE REALTY CO LTD
10			3rd Party Defendant	@4358006	FONG, HIRAM L
11			Other	@3668344	FINANCE FACTORS
12	Dabney, Michael B. Kamelelele, Joseph K		Other	@4358008	COUNTY OF HAWAII PLANNING AND TRAFFIC COMMISSION PLANNING COMMISSION

Exhibit #31

STUART H. ODA 1099
Attorney At Law
A Law Corporation
282 Ululani Street
Hilo, HI 96720

Tel. No. 935-3355

Attorney for Plaintiff

THIRD CIRCUIT COURT
STATE OF HAWAII
FILED

91 APR 10 AM 7:54

M. TSUJI
CLERK

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

FERN FOREST COMMUNITY
ASSOCIATION, a Hawaii
non-profit corporation,
Plaintiff,

vs.

POLYNESIAN INVESTMENT
COMPANY, LIMITED, et al.,
Defendants.

CIVIL NO. 87-519

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter having come on for a non-jury trial on February 28, 1991, with the Court having heard the testimony, and reviewed the files, record and exhibits, makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT:

1. Plaintiff FERN FOREST COMMUNITY ASSOCIATION is a Hawaii non-profit corporation, duly incorporated in 1978 in the State of Hawaii.

2. Plaintiff corporation is a community association of residents and non-residents alike who are owners of real property in a subdivision known as Fern Forest Vacation

I hereby certify that this is a full, true and correct copy of the original on file in this office pursuant to Section 92-30, Hawaii Revised Statutes.

Exhibit #32

M. TSUJI
Clerk, Third Circuit Court, State of Hawaii

Estates Subdivision, in Puna, County and State of Hawaii.
The subdivision is also called Fern Forest Subdivision.

3. The said subdivision is made up of approximately 3,000 individual lots of approximately three acres each in size.

4. The membership in the association is approximately 150, some of whom are non-residents of the subdivision.

3,000 lots and only 150 people, some not land owners gets control of the roads!

5. There are approximately 53 miles of roadways within the subdivision, with the major roadways being Captain's Drive and "B" Road.

6. All of the roadways within the subdivision
→ are privately owned. Each lot owner has a 1/3000th fractional interest in the roadways per lot and an easement for ingress and egress over the said roadways.

7. There are approximately 200 dwellings within the vast subdivision. The number of residents is unknown.

8. Since the association was formed in 1978 it has assumed voluntarily the task of maintaining the roadways within the subdivision by receiving voluntary donations from property owners in diverse amounts.

9. The roadways are primarily made of natural materials, such as loose gravel, dirt and imported cinder and fill. None of the roadways are paved.

10. The association membership pays a membership fee of \$10.00 per year, and membership is voluntary, but is restricted to owners of real properties within the

** was voluntary*

subdivision. In addition, road maintenance fees of \$15.00 per year are requested from lot owners.

11. The association does not own any road maintenance equipment or real estate within the subdivision, and has contracted out all road maintenance work to private contractors as they become necessary.

no
proprietary
interests!

12. No one firm or individual has indicated any interest in the past to maintain the roadways for the residents within the subdivision and Plaintiff association has continued to this date the voluntary maintenance of all of the roadways within the subdivision.

13. During the fiscal year ending September 11, 1990, the association has received in donations for dues and road maintenance purposes a sum of \$12,245.00. During that same period of time the association has spent the sum of \$7,953.00 for road maintenance purposes. Other miscellaneous expenses amounted to \$1,534.00 for total expenditures of \$9,487.00.

14. Plaintiff association has filed a class action proceeding under Rule 23(b)(2), Hawaii Rules of Civil Procedure.

15. Up to the trial date hereof, Defendants CAROL FRENCH and J. G. FARMS, INC. served as class representatives.

↑ this is unlawful

CONCLUSIONS OF LAW:

1. This court has jurisdiction in this action.

Exhibit #32

2. The action is maintainable as a class action under Rule 23(b)(2), Hawaii Rules of Civil Procedure, and the class was certified as follows:

All property owners, including those purchasers under Agreements of Sale, in Fern Forest Subdivision, District of Puna, County and State of Hawaii, whose lots abut private subdivision roadways, holding an undivided 1/3000th fractional interest in and to Roadway Lot 8214, containing an area of 231.789 acres, as shown on Map 52, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1053 (amended), and such other private roadways within the said subdivision.

3. In accordance with the opinion of the Supreme Court of the State of Hawaii in Paradise Hui Hanalike, a Hawaii non-profit corporation, et al., vs. Hawaiian Paradise Park Corporation, et al., 66 Haw. 362 (1983), where a subdivision is created consisting of lots and private roadways servicing them, and the deeds to the lots are silent as to any duty to contribute to the maintenance of the roads, owners of lots abutting the roads have a legal duty to contribute to necessary road maintenance.

4. Plaintiff FERN FOREST COMMUNITY ASSOCIATION, a Hawaii non-profit corporation, or its successors and assigns, shall be entitled to collect road maintenance fees from those described in the class above, and enforce the foregoing duty to contribute toward road maintenance by filing a claim for equitable liens against property owners and their lots with the Land Court of the State of Hawaii or Bureau of Conveyances, as the case may be, for any roadway

Also unlawful
No Law
can be
made to
force me
to
improve
my
property,
especially
on ag.
lands
and
creates
violations
of 13th
Amendment
and Antitrust
issues, and
backsteering

Exhibit #32

assessment payments that may become delinquent, and by such other procedures that may be available pursuant to law.

5. Plaintiff FERN FOREST COMMUNITY ASSOCIATION is the only viable organization to continue the road maintenance function within the said subdivision at the present time.

Judgment shall issue in accordance herewith.

DATED: Hilo, Hawaii APR 9 1981

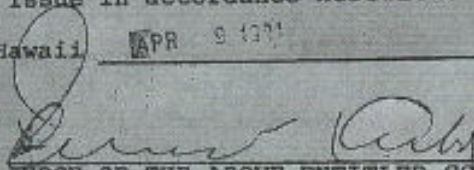

JUDGE OF THE ABOVE-ENTITLED COURT



Exhibit #32



- willful and deliberate fraud & deception
- conspiracy between County & FFCA to steal roads
- violates Land Court records - Land Appl. No. 1053 W.H. Shipman in 1900
- violates certificate of titles
- violates control & enjoyment of private property rights
- false entries into gov. databases by County & FFCA
- Antitrust violations
- Plethora of Constitutional and Civil Rights violations
- Conspiracy, theft by deception of real property and FFCA's receipt of stolen goods, etc.

Exhibit #33

page 1 of 4

close up of info, note clear on page 1

close up. of info, not clear on page!

Map Layers Results Report Home

Search Results Report Home

Layer List Legend

Quick Links:

- Property Search
- View Map

Layers:

- ☒ Parcels
- ☐ Yearly Sales
- ☐ Parcel Numbers
- ☐ Address Numbers
- ☒ Roads
- ☒ BaseMap
- ☐ Aerials (Ea/I)
- ☐ Aerials (Low scale)
- ☒ 2018 Aerials (NAIP)

Basemap Layer Defaults

110201700000
 FERN FOREST COMMUNITY ASSOC
 231.79 Acres Value \$100
[View Record | Google Maps](#)

Results:

Parcel ID - 110201700000
 Alt ID - 110201700000
 Owner - FERN FOREST COMMUNITY ASSOC
 Acres - 231.789
[View Record | Google Maps](#)

Parcel Information:

Parcel ID	Alt ID	Owner	Acres
110201700000	110201700000	FERN FOREST COMMUNITY ASSOC	231.789

Map Data:

Layer	Visible
Parcels	<input checked="" type="checkbox"/>
Yearly Sales	<input type="checkbox"/>
Parcel Numbers	<input type="checkbox"/>
Address Numbers	<input type="checkbox"/>
Roads	<input checked="" type="checkbox"/>
BaseMap	<input checked="" type="checkbox"/>
Aerials (Ea/I)	<input type="checkbox"/>
Aerials (Low scale)	<input type="checkbox"/>
2018 Aerials (NAIP)	<input checked="" type="checkbox"/>

Property Details:

Field	Value
Parcel ID	110201700000
Alt ID	110201700000
Owner	FERN FOREST COMMUNITY ASSOC
Acres	231.789
Assessed Value	\$100

Map Tools:

Zoom In Zoom Out Full Screen Measure

Legend:

- Parcels
- Yearly Sales
- Parcel Numbers
- Address Numbers
- Roads
- BaseMap
- Aerials (Ea/I)
- Aerials (Low scale)
- 2018 Aerials (NAIP)

Exhibit #33

Exhibit #33

page
2 of 4

Exhibit 1133

page 2 of 4

Parcel Information

Parcel Number 110201700000
Location Address
Project Name Fern Forest Vacation Estates
Property Class AGRICULTURAL
Property Class refers to Tax Classification ONLY. For Zoning information, please go to
Planning Department GIS Public Layers (hawaiicounty.gov) or email planning@hawaiicounty.gov
Neighborhood Code 1100
Legal Information
Land Area (acres) 231.7890
Land Area (approximate sq ft) 10,096,729

[View Map](#)[Plat \(TMK\) Maps](#)

Owner Information

Owner Names
 FERN FOREST COMMUNITY ASSOC Fee Owner

Mailing Address
 FERN FOREST COMMUNITY ASSOC
 SR-ROADWAY

Assessment Information

[Show Historical Assessments](#)

Year	Property Class	Market Land Value	Dedicated Use Value	Assessed Land Value	Market Building Value	Assessed Building Value	Total Market Value	Total Assessed Value	Total Exemption Value	Total Taxable Value
2023	AGRICULTURAL	\$100	\$0	\$100	\$0	\$0	\$100	\$100	\$100	\$0

Land Information

Property Class	Square Footage	Acreage	Agricultural Use Indicator
AGRICULTURAL	10,096,729	231.789	

Building Division Permit & Inspections Information

<https://hawaii-county-hi-energy.gov/pub.tylerhost.net/Apps/SelfService#/home>

Sales Information

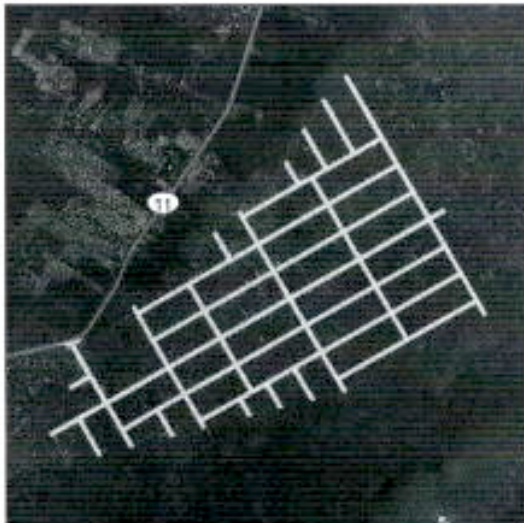
Sale Date	Sale Amount	Instrument #	Instrument Type	Instrument Description	Date Recorded	Land Court Document Number	Cert # Book/Page	Conveyance Tax	Document Type
10/07/1992	\$0	9200183554	FEE CONVEYANCE	Quitclaim deed	11/12/1992			0.00	Quitclaim deed
12/31/1991	\$0	0000000000							

Fraud for the Easement Deed

Exhibit # 33

page 3 of 4

Map



Recent Sales in Area

Sale date range:

From: 21/01/2021 To: 21/01/2024

Sales by Neighborhood

Sales by Subdivision

1500

Feet

Sales by Distance

No data available for the following modules: Condominium/Apartment Unit Information, Agricultural Assessment Information, Residential Improvement Information, Commercial Improvement Information, Sketches, Other Building and Yard Improvements, Permit Information, Current Tax Bill Information, Historical Tax Information.

The County of Hawaii Real Property Tax Office makes every effort to provide the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

[Read Privacy Policy](#) | [GDPR Privacy Notice](#)
Last Data Update: 21/01/2024 17:07:48

[Contact Us](#)

Developed by
 **Schneider**
GEOSPATIAL

Exhibit #33 page 4 of 4

Email #4 - County Rep. Theodore Oshiro to Thunderfoot regarding email to him 2/2/21
FW: info for ALII WAO RD TO JUNGLE KING AVE phone no. 808 345-3075

From: Oshiro, Theodore (theodore.oshiro@hawaiicounty.gov)

To: msthunderfoot@yahoo.com

Cc: mary.aken@hawaiicounty.gov; grantg.nagata@hawaiicounty.gov

Date: Wednesday, February 3, 2021, 07:52 AM HST

Hi Ms. Thunderfoot,

My supervisor, Mary Aken, did research regarding your concerns. If you could review Mary's email below and the 3 documents which she provided.

↑ one of the attachments was the 1992 Deed for the
FFCA easements

Also, I am including our Manager, Grant Nagata, in this email correspondence.

Thank you.

Theodore Oshiro

County of Hawaii Planning Department

Aupuni Center

101 Pauahi Street, Suite 3

Hilo, HI 96720-3043

(808) 961-8167

Fax: (808) 961-8742

From: Aken, Mary <Mary.Aken@hawaiicounty.gov>

Sent: Tuesday, February 2, 2021 1:28 PM

To: Oshiro, Theodore <Theodore.Oshiro@hawaiicounty.gov>

Cc: Nagata, Grant G <GrantG.Nagata@hawaiicounty.gov>

Subject: RE: info for ALII WAO RD TO JUNGLE KING AVE phone no. 808 345-3075

Hi Theo,

Email #5-Mary Aken to Theodore Oshiro 2/2/21

My research regarding the ownership of the roadways in Fern Forest has concluded that each of the lot owners in the subdivision have been conveyed undivided 1/3000 interest ownership in the roadway. This means that the roadway is collectively owned by all the lot owners in the subdivision. For your reference, I've attached the deed for TMK 1-1-027:053 which notes this interest under the Exhibit A. Conveying a fraction of undivided ownership in the roadway, together with the buildable lot, is a common practice amongst developers. This way, once all the lots are sold, they no longer have any responsibility for the road. In this case, Finance Realty Co. LTD was the developer, which is shown on the attached Land Court Application 1053, Map 52.

In 1992 the attached quitclaim deed was recorded to convey Finance Realty Company, LTD right, title, and interest with regards to any and all **easements** in Fern Forest subdivision to Fern Forest Community Association, Inc. This document did not convey ownership of the road, only the rights to the easements.

In regards to the street naming procedure, the owners of properties along Jungle King Road were polled, not Fern Forest Association, and of the 29 owners that responded, 19 voted for Alii Wao Road and 10 voted for Jungle King. These surveys have been submitted to our office, and we have no reason to believe that the polling was not conducted in good faith. With that said, should Ms. Thunderfoot wish to conduct her own survey, we would be willing to review those results as well.

Please let me know if you have any questions.

MARY AKEN

County of Hawai'i Planning Department

Tax Maps and Records Supervisor II

101 Pauahi Street, Suite 3

Hilo, Hawai'i 96720

(808) 961-8168

Email: Mary.Aken@hawaiicounty.gov

From: Oshiro, Theodore <Theodore.Oshiro@hawaiicounty.gov>

Sent: Monday, February 1, 2021 2:16 PM

To: Aken, Mary <Mary.Aken@hawaiicounty.gov>

Cc: Nagata, Grant G <GrantG.Nagata@hawaiicounty.gov>

Subject: FW: info for ALII WAO RD TO JUNGLE KING AVE phone no. 808 345-3075

Mary,

Additional information sent from Ms. Thunderfoot.

Exhibit #34

page 2 of 3

proof County knew I owned property prior to asking me what lots I own. And proof mail in my name not

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Theodore Ostron
County of Hawaii Planning Department
August Center
101 Puuhii Street, Suite 3
Honolulu, HI 96720-3043
(808) 961-8167
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[Further evidence for HHC's purpose being for land speculation is seen in the n the FCCA legally created and dissolved, called the Community Development Hu "development" is right in the name.]

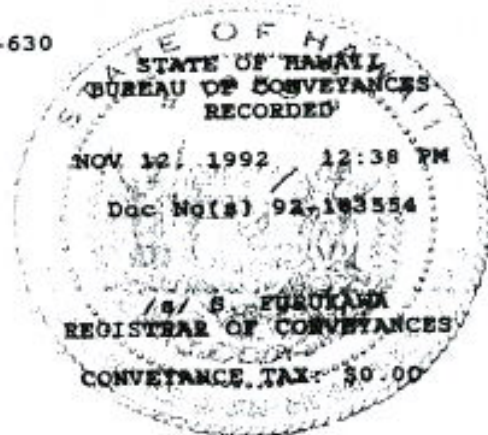
page 3 of 3

printed from screenshot

Exhibit #34 page 3 of 3

Note: I have an audio recording of one of the grantee's signatories, Donna ~~Herbst~~ Herbst, admitting this property transfer was unlawful; AND can provide it to the Court.

R-630



LAND COURT
AFTER RECORDATION, RETURN BY: MAIL ☒ PICKUP ☐

PENELOPE C. BLAIR
P.O. BOX 836
VOLCANO, HI 96785

QUITCLAIM DEED

THIS DEED, made this 7th day of October, 1992, by FINANCE REALTY COMPANY, LIMITED, a Hawaii corporation, and FINANCE FACTORS, LIMITED, a Hawaii corporation, both doing business in Honolulu, City and County of Honolulu, State of Hawaii, hereinafter called the "Grantors", and the Fern Forest Community Association, Inc., a Hawaii non-profit corporation, whose post office address

is District of Puna, County and State of Hawaii, hereinafter called the "Grantee";

W I T N E S S E T H :

That the Grantors, for good consideration and in compliance with an appropriate Court order, do hereby release, remise, and forever quitclaim unto the Grantee, all of their right, title, and interest with regard to any and all easements in the Fern Forest subdivision, District of Puna, County and State of Hawaii, with the exception of 1) any and all undivided 1/3,000th fractional interests in and to roadway lot 8214, and 2) any other easments held for the purpose of access to any owned lots; which Grantors may hold in their capacity as owners of particular lots in the subdivision.

IN WITNESS WHEREOF, the parties hereto have executed this instrument on the day and year first above written.

FINANCE REALTY COMPANY, LIMITED

By Carroll S. T. Sam
Its Vice President Secretary

By Katherine S. Sam
Its VICE PRESIDENT

[SIGNATURES CONTINUED ON FOLLOWING PAGE]

Exhibit #34 35

[SIGNATURES CONTINUED FROM PRECEDING PAGE]

FINANCE FACTORS, LIMITED

By William K. Pang
Its President

By Lamuel S. [Signature]
Its Secretary

"Grantors"

FERN FOREST COMMUNITY
ASSOCIATION, INC.

By Diane L. Ley
Its PRESIDENT

→ By Dona L. Herbst
Its SECRETARY

"Grantee"

Exhibit # ~~35~~ 35

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

SS.

On this OCT 7 day of 1992, 19____,
before me appeared DANIEL B. I. LAU and
Katharine S. Kam, to me personally known,
who, being by me duly sworn, did say that they are the
Vice President Secretary and Vice President
respectively of Finance Realty Company, Limited, a Hawaii
corporation, and that the seal affixed to the foregoing
instrument is the corporate seal of said corporation, and
that said instrument was signed and sealed in behalf of said
corporation by authority of its Board of Directors, and the
said DANIEL B. I. LAU and Katharine S. Kam
acknowledged said instrument to be the free act and deed of
said corporation.

15

Clairine J. Uemura
Notary Public, State of Hawaii

My commission expires: 6/12/94

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

SS.

On this OCT 7 day of 1992, 19____,
before me appeared Wendell K. Pang and
DANIEL B. I. LAU, to me personally known,
who, being by me duly sworn, did say that they are the
President and Secretary
respectively of Finance Factors, Limited, a Hawaii
corporation, and that the seal affixed to the foregoing
instrument is the corporate seal of said corporation, and
that said instrument was signed and sealed in behalf of said
corporation by authority of its Board of Directors, and the
said Wendell K. Pang and DANIEL B. I. LAU
acknowledged said instrument to be the free act and deed of
said corporation.

16

Clairine J. Uemura
Notary Public, State of Hawaii

My commission expires: 6/12/94

Exhibit # ~~100~~ 35

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

)
) SS.
)

On this 6th day of September, 1992,
before me appeared DIANE L. LEE and
DONNA L. HERBST, to me personally known,
who, being by me duly sworn, did say that they are the
PRESIDENT and SECRETARY
respectively of Fern Forest Community Association, Inc., a
Hawaii corporation, and that the seal affixed to the
foregoing instrument is the corporate seal of said
corporation, and that said instrument was signed and sealed
in behalf of said corporation by authority of its Board of
Directors, and the said OFFICERS
acknowledged said instrument to be the free act and deed of
said corporation.

L. S. Stan
Notary Public, State of Hawaii

My commission expires: 6/12/95

L.S.

Exhibit # ~~35~~ 35