

THE NA ALA HELE
TRAIL AND ACCESS INVENTORY
DATABASE

KAUAI COUNTY ID# P7.22B

ISLAND Kauai
QUAD 3
POP. NAME
TRAD. NAME Alealea #1
DISTRICT Hanalei
YR CREATED 1947
OWNER Individual
MANAGER N/A
TMK START 4-5-8-08:34
TMK END 4-5-8-08:34
NETWORK n
LENGTH 0.03
ELEV. RANGE 5
ACCESS STRT 2 Wheel Drive
START PT. E. end Alealea Rd, end of Oneone Rd
END PT. Shoreline
STANDARD Easy
CONDITION Unmaint.
CLIMATE Mild
TRNSP TYPE Foot
FEATURES Sail
AMENITIES None
USE RESTRCT
HAZARDS
COMMENTS Dirt Road to Access
PUB. ACCESS u
MEMO y

ADDITIONAL INFORMATION
COUNTY OF KAUAI
TRAIL AND ACCESS INVENTORY

COUNTY ID NO: P7.22B

TMK: 4-5-8-08:34

EASEMENT DOCUMENT: n

LEGAL DOCUMENT: Other: Decree in Partition

SOURCE OF IDENTIFICATION: Field; TMK

EXISTING SIGN: n TYPE OF SIGN: N/A

LOCATION OF SIGN: N/A

PLACE NEW SIGN: N/A

DEGREE OF USAGE: ACTUAL: Low
POTENTIAL: Low

PROBLEMS & NEEDS:

No Legal Access Documentation, Parking Problem, Ownership

VISUAL VERIFICATION OF PHYSICAL vs ACTUAL LOCATION: Same

MEMOS: Access along easement to State Trig station

Easement identified in Wainiha Hui Decree date 11/21/47 .

ADDITIONAL INFO: Snorkeling, Narrow beach - erosion

HAZARDS: SEASONAL: y MONTHS: Winter
High Surf

UPDATE BEACH ACCESS GUIDE: n
EXPLAIN:

LIBER 2083 PAGE 156

Eq. No. 109

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
TERRITORY OF HAWAII

AT CHAMBERS

IN EQUITY

McBRYDE SUGAR COMPANY, LIMITED,
a Hawaiian corporation,

Petitioner,

vs.

WILLIAM P. AARONA; RUBY
ANAKUELO; MARY AHI; et al.,

Respondents.

SHORT FORM OF
FINAL DECREE IN PARTITION

The petition of McBRYDE SUGAR COMPANY, LIMITED having been filed in this Court in the above entitled cause on March 25, 1940, under the provisions of Chapter 137 of the Revised Laws of Hawaii 1935 (as amended) praying for a partition between itself and the respondents named therein as tenants-in-common thereof of the lands of the Hul Kuai Aina o Wainiha, in the District of Halealea, Island and County of Kauai, Territory of Hawaii, and being all of the Ahupuaa of Wainiha, being also all of Royal Patent 7194, Land Commission Award 11,216, Apana 5 to M. Kekauonohi, and being the same land conveyed by deed of S. W. Castle, et al., dated May 3, 1877, and recorded in the Bureau of Conveyances of the Territory of Hawaii in Liber 50 at Page 160, to Kuehuehu and 70 others as tenants-in-common owning said entire tract of land in 71 equal shares, and said petition having come on for final hearing before

this Court on June 23, 1947 and evidence having been adduced and certain papers and orders having subsequently been filed herein; and

WHEREAS this Court has on this date filed a Final Decree in Partition in the above entitled cause, reviewing in considerable length all of the numerous pleadings, orders and other papers filed herein and the recommendations and reports of the Commissioners in Partition appointed herein; and

WHEREAS said Final Decree in Partition so entered on this date by this Court consists of several hundred pages in length, the expense of recording the same being a great burden upon the parties to said cause and said Decree also consisting, in part, of certain maps which, by reason of provisions of certain statutes of the Territory of Hawaii, are not capable of being recorded; and

WHEREAS it is desirable that certain essential features contained in said Decree be recorded for the general convenience to the parties to said cause and to provide an easier means of checking titles of title, this Court has caused the execution and filing of this instrument as a short form of its Final Decree in Partition filed in the above Court on this date, recording of this document in no way to be construed as limiting or qualifying any of the wording contained in its said Final Decree in Partition, including any of the exhibits attached thereto:

NOW THEREFORE, pursuant to the above recitals:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That J. P. JORSTORPINE, RALPH GARLINGHOUSE and W. F. SAMPSON, Commissioners appointed under Decree of this Court, or any two of them, are hereby authorized and directed to execute deeds of the following lots or parcels of the lands of said Hui Kuai Aina o Wainiha, in the District of Haleleka, Island and County of Kauai, Territory of

Hawaii, and being all of the Ahupuaa of Wainiha, being also all of Royal Patent 7194, Land Commission Award 11,216, Apana 5 to M. Kekauonohi to the following individuals, said lots having the following areas and being fully depicted upon the maps attached to the Final Decree in Partition filed this date in the above entitled Court and full metes and bounds descriptions of said lots and parcels being set forth in exhibits attached to said Final Decree:

<u>Awardee or Awardees</u>	<u>Lot Numbers and Areas</u>
William P. Aarona	15 (26,250 sq. ft.)
Ruby M. Ahakuelo	90 (11,250 sq. ft.)
Ruby M. Ahakuelo, Jade Macomber Hughes, Louis Macomber, Ralph Macomber and Makihana Macomber Otholt - (1/50th each), Laurinda Antone - (1/60th), Emma W. Kekina, Charlotte W. Kia, Rosabella W. Kuamoo, Caroline W. Lake, George Ponce, Sr., Ernest K. Werner, George C. W. Werner and Jerome K. Werner - (1/10th each) and Calvin Werner, Gloria Werner, Louise Werner, Mary Werner and William K. Werner, Jr. - (1/60th each, subject to dower rights of Laurinda Antone).	256 (0.379 acre), 257 (3.175 acres), 259 (0.562 acre), 260 (1.244 acres),
Conrad W. Ahrens, Wilhelmine Ahrens and Irene A. Winkley - (1/3rd each)	4 (24,850 sq. ft.)
Meleana P. Akana, Emma P. Anana, Lily P. Kaniau, Julia P. Naito, Edward Kanoa Panui, George Kaone Panui, Harry Kalili Panui, Henry Kakapua Panui, James Panui - (1/2th each).	49 (22,472 sq. ft.), 51 (22,512 sq. ft.), 112 (11,250 sq. ft.).
Lily Kanehe Akeo	130 (129,202 sq. ft.), 131 (12,209 sq. ft.), 132 (80,432 sq. ft.), 208 (0.059 acre), 228 (0.632 acre), 229 (0.556 acre), 282 (1.429 acres).
Sam Apo, Jr.	64 (13,346 sq. ft.)
Tina Hoe Bailey, Harry Hoe, Kauka Hoe, Mahi Hoe - (1/4th each, subject to curtesy rights of Dan Hoe)	60 (17,830 sq. ft.)
Eva S. Baptiste, Henry E. Gomez, James V. Gomez, Peter A. Gomez, - (1/4th each)	74 (10,720 sq. ft.), 75 (8,040 sq. ft. - 1/4th interest only), 252 (0.362 acre)

Samuel M. Saffery

48 (22,500 sq. ft.)
50 (22,500 sq. ft.)

Harriet Kanehe Shriver

83-A & 83-B (70.95 sq. ft.)
84-A & 84-B (73.18 sq. ft.)
227 (0.672 acres)
262 (0.084 acres)
263 (0.349 acres)

Henry Tai Hook

97 (11,250 sq. ft.)
98 (11,250 sq. ft.)
306 (0.201 acres)

Jane K. Trask

30 (15,000 sq. ft.)

Walter Makinokona and Ella Donlin
Makinokona, tenants by the entirety

106 (10,885 sq. ft.)
107 (11,250 sq. ft.)

Ernest M. Werner

65 (12,350 sq. ft.)

Ethel K. Wilcox

2 (226,438 sq. ft.)

Bernice Kong Young, subject to
parties rights of Kong Tai Ahui

127 (7,200 sq. ft.)

County of Hawaii

Road B (90,730 sq. ft.),
Road C (44,682 sq. ft.),
Road D (58,344 sq. ft.),
Path E (1,763 sq. ft.),
Path F (1,443 sq. ft.),
Path G (1,502 sq. ft.),
Path H (2,702 sq. ft.),
Path J (598 sq. ft.),
Road K (5.086 acres),
Road L (2.004 acres),
Road M (2.418 acres),
Road N (1.126 acres),
Road O (0.562 acres),
Road P (0.104 acre),
Road Q (0.248 acre and
Portion Area 2 (29.686 acres)

Territory of Hawaii

Road A (216,040 sq. ft.),
Portion Area 2 (4.168 acres)
and Triangulation Station
"Niha 2" Reservation (400
sq. ft.) together with
trail easement over Lot
21 (1,380 sq. ft.).

Hawai Electric Co., Ltd.

Perpetual Easement 50-foot
wide for pole and trans-
mission line over Lots
83-B, 84-B, 85-B, 201, 202,
203, 204, 212 and 237.

McBryde Sugar Co., Ltd.

Perpetual Easement 50-foot
wide for pole and trans-
mission line over Lots
201 and 212, and perpetual
easement 60-foot wide for
pole and transmission line
over Lots 201 and 202.

various of the foregoing lots having easements appurtenant thereto or being subject to easements, all as is more fully described in the descriptions of said lots as set forth in the said Final Decree;

That as set forth in said Final Decree, in each case title to the lot or lots so awarded to each owner is hereby vested in fee simple in the particular awardee or awardees, subject to the lesser estates, rights, easements, liens and/or encumbrances allocated thereto; and all right, title and interest, claim and demand whatsoever of every party or claimant, including minors and unknown or undetermined owners, is hereby divested as to every part or parcel allotted to such owner or claimant individually.

That as set forth in said Final Decree, various of the awardees or grantees of said lots owe sums of money to the Commissioners and if such sums of money so owed by them to the Commissioners are not tendered to the Commissioners within sixty (60) days from the entry of said Decree; to-wit: November 21, 1947 the Commissioners shall instead convey said lots to McBryde Sugar Company, Limited (upon payment of the value of said lots) and such defaulting awardees shall instead receive only the cash value of their interests in said Hui lands, less their prorata share of the expenses of said Partition Proceedings, the full computations being set forth in said Final Decree;

That as set forth in said Final Decree, each grantee shall assume and pay all real property taxes assessed against the land described in his deed commencing January 1, 1948; that previously assessed real property taxes shall be paid and discharged by the persons already billed for such taxes through the Office of the Tax Commissioner of the Territory of Hawaii (or by their successors in title receiving their awards if they have died or conveyed their interests in said Hui lands); that all parties receiving awards of

lands hereunder shall take the same free and clear of any delinquent real property taxes, including unpaid taxes for the year 1947, save and except that any real property taxes heretofore assessed against any party or parties hereto by virtue of their interests in said Hui lands and which are delinquent shall become a lien upon the particular parcel or parcels herein awarded to such delinquent taxpayer;

That should any awardee have died prior to execution and delivery by the Commissioners of the deed to which such awardee is entitled, such deed nevertheless shall be effective and fee simple title shall be construed as having passed to the heirs-at-law or devisees, as the case may be, of such awardee;

That as set forth in said Final Decree the rights of McBryde Sugar Company, Limited, as lessee of portions of the lands of said Hui, or interests or rights therein, including water rights, rights of way, etc., under lease from the officers and members of said Hui to William E. Rowell dated February 27, 1903, March 3, 1903, May 21, 1904 and July 2, 1904, shall cease and determine as of the date of entry of this Decree and become merged into the awards herein made to said corporation, said corporation to pay to the Commissioners a prorated rental based upon \$1,500.00 per annum from September 1, 1947 to the entry of this Decree;

Dated: Lihue, Kauai, T. H., this 21st day of November, 1947.

William E. Moore
Judge of the above entitled Court by
Assignment.

Entered of Record this 21st day of November A.D. 1947 at 3:54
o'clock P.M. and compared. Mark. N. Huckestein. Registrar of Conveyances.

M. W. Chang Clerk