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R-357

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

RECORDATION REQUESTED BY:

Hawaiian Kingdom Trust Company
850 Richards St., Suite 507
Honolulu, Hawai'i 96813

FEB 07, 1996 08:02 AM

Doc No(s) 96-016046

AFTER RECORDATION, RETURN TO:

Hawaiian Kingdom Trust Company
850 Richards St., Suite 507
Honolulu, Hawai'i 96813

/s/ CARL T. WATANABE
ACTING
REGISTRAR OF CONVEYANCES

RETURN BY: MAIL (X) PICKUP ()

Agreement

Articles of Agreement made this 6th day February, A.D. 1996, by and between the Hawaiian Kingdom Trust Company, a general partnership established and existing under and by virtue of the laws of the Hawaiian Kingdom and registered by "Deed of General Partnership" as doc. #96-000263, and doing business at 850 Richards St., Suite 507, Honolulu, Island of O'ahu, of the first part and Perfect Title Company, a general partnership established and existing under and by virtue of the laws of the Hawaiian Kingdom and registered by "Deed of General Partnership" as doc. #95-153346, and also doing business at 850 Richards St., Suite 507, Honolulu, Island of O'ahu, of the second part, witnesseth,

That the said party of the first part has chosen the party of the second part, to investigate and confirm or reject all claims of fee-simple titles to land in accordance to the resolution passed by the party of the first part on the 3rd day of February, A.D. 1996, exhibit "A." That said party of the second part for the considerations hereinafter mentioned do for themselves their executors and administrators covenant and agree to and with the said party of the first part its heirs and assigns that they will investigate all claims to fee-simple titles in accordance with the abovementioned resolution, at a cost of ten dollars (\$10.00) per year to be computed from the date of the claim back to the 10th day of December, A.D. 1845, which shall also include any and all miscellaneous costs incurred by the investigation (i.e.) "probate records, photocopying, and plane fare," to be paid by the claimant. That upon these investigations, the party of the first part shall issue awards in confirmation of the investigated claims.

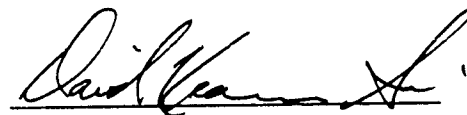
In consideration whereof the said party of the first part doth for itself and its heirs and assigns covenant and agree to and with the said party of the second part and their executors and

administrators to allow them the abovementioned consideration. And the said parties hereto bind themselves and their heirs, executors and administrators and assigns to the true and faithful performance of the agreement herein contained. And these presents are upon this condition that in case of a breach of the agreement herein, by the party of the second part, the party of the first part may without any notice or demand or process of law terminate this agreement.

In witness whereof said partnerships have hereunto set their hands and seals this 6th day of February, A.D. 1996.




Donald A. Lewis, Trustee
Hawaiian Kingdom Trust Company



David Keanu Sai, Partner
Perfect Title Company

Island of O'ahu)
) ss.
Hawaiian Kingdom)

On this 6th day of February, 19 96, before me personally appeared Donald A. Lewis, Trustee for the Hawaiian Kingdom Trust Company and David Keanu Sai, Partner for Perfect Title Company, parties to the foregoing instrument who severally acknowledged that they executed the same for the uses and purposes herein set forth.



Notary Public
My Commission Expires: 02/21/99
State of Hawaii
City & County of Honolulu

h.s.

Resolution

Whereas at a meeting of the Hawaiian Kingdom Trust Company, having in view the proper authority required and allowed by deeds of trust namely documents #96-000664, #96-004246, #96-006277, #96-014115 and #96-014116, duly registered in the Bureau of Conveyances, it has become necessary to the prosperity of our Kingdom and the proper physical, mental and moral improvement of our beneficiaries, who retain a vested undivided right in all the lands of the Hawaiian Islands, as native Hawaiian subjects, that the necessary steps be taken for the quieting of all land titles in the Hawaiian Islands. Due to the fact that all patents in fee-simple, having originated from the Hawaiian Kingdom government, were subject to the corporate rights of this body politic, it is by the authority vested in us, by the abovementioned deeds of trust, that we are authorized to initiate these necessary steps in accordance to Hawaiian law, as if we are the absentee government.

The Trustees having convened, it was

Resolved, 1st. That Perfect Title Company, a general partnership established and existing under and by virtue of the laws of the Hawaiian Kingdom and duly registered in the Bureau of Conveyances as document #95-153346, be chosen to investigate and confirm or reject all claims to land arising after the 10th day of December, A.D. 1845.

2nd. That the same be employed at a compensation to be hereafter determined, derivable solely from the fees and perquisites resulting from the labors of Perfect Title Company.

3rd. That said company be duly sworn to fidelity in the discharge of its duties as such. That it be, and is, hereby authorized to receive claims and evidences for our after consideration, from and after the first publication hereof. That it be required to endorse upon each claim the day and hour of its receipt by the company. That its office is at 850 Richards Street, suite 507, in Honolulu, phone #808-524-4477 and fax #808-524-0771, for the transaction of its duties, and for the facility of claimants. And that it be discharged with keeping all records and proceedings upon claims.

4th. That claims submitted for settlement be taken up and acted upon according to the order of their presentation, and be settled according to order taken in each case by majority in number of Perfect Title Company. Only property where Native Tenants are claiming under their vested right, will be advanced.

5th. That the stated hours of Perfect Title Company be held Monday through Friday, commencing at 8 a.m. until 4:30 p.m..

Exhibit "A"

6th. That these resolutions be published in the Pacific Business News, the Ka Wai Ola newspapers, and any other newspaper that circulates throughout the Hawaiian Islands, concurrently with the notice to claimants required by law, to the end that they may be apprised of these by-laws established by the Hawaiian Kingdom Trust Company.

PRINCIPLES ADOPTED

1st. The field of Perfect Title Company is "the investigation and final ascertainment or rejection of all claimants of fee-simple titles, whether Hawaiian subjects or foreigners, to any landed property acquired after December 10th, A.D. 1845.

2nd. The more minute powers of Perfect Title Company for organization, and to carry out these objects, are specified and conferred; as the power to summon parties and enforce mandates, and to administer oaths. These are auxiliary to the power and objects of the company respecting land titles, which it is chosen to confirm or reject definitely.

3rd. The principles by which the Company are to be governed in deciding certain questions (i.e.) "testate and intestate interests, tenants in common, lineal and collateral heirship, conditions and services of holding good title, commutation, and native tenant rights," are to be those laws established by the civil code of the Hawaiian Kingdom.

4th. From the fact that certain unlawful acts were committed since the 16th day of January, A.D. 1893, by Hawaiian subjects and foreigners, which ultimately placed the Hawaiian Kingdom government into "abeyance," and also from the fact that the native Hawaiian subjects still retain a vested undivided right in all the lands of the Hawaiian Islands; a few of these native Hawaiian subjects have come forward and granted to the Hawaiian Kingdom Trust Company, by certain "deeds of trusts," full power to serve in the place of the Hawaiian Kingdom government for their benefit. It is by this authority that the Hawaiian Kingdom Trust Company designates Perfect Title Company, such power of confirming or rejecting land titles. The Trust Company must infer that these native Hawaiian subjects intended the utmost liberality to prevail towards the claimants, rather against the pecuniary interests of themselves or the Hawaiian Kingdom government.

5th. Perfect Title Company is only authorized to ascertain a claimant's kind and amount of title, and to award for or against that title, "wholly or in part." They are not authorized to grant leases or patents.

6th. Connected with each claim of a fee-simple title, is its abstract of title, without the ascertainment and demarcation of which, it were impossible to make an award, or to quiet the

title. The Trust Company is therefore under the necessity of causing each claimant to pay for their own investigation and determination of title at an expense of \$10.00 per year, from the year of their claim back to the 10th day of December, A.D. 1845, payable to Perfect Title Company, before the Trust Company can issue a formal award in confirmation of the claim.

The following benefits will result from these investigations and awards:

1st. They will quiet the title, hitherto "clouded," and leave the owner, whether in fee or for years, to the free agency and independent proprietorship of his lands confirmed, subject to rights of native tenants. So long as a cloud on title continues to remain on all the lands of the Hawaiian Islands, an encumbrance is thus placed upon the title which prevents real sales, or transfers from party to party, and, by parity of reasoning, to real mortgages also. To quiet the title, and disembarass the owner or temporary possessor from this clog upon his free agency, is beneficial to that proprietor in the highest degree, and also to the nation; for it not only sets apart definitely what belongs to the claimant, but, untying his hands enables him to use his property more freely, by mortgaging it for commercial objects, and by building upon it, with the definite prospect that it will descend to his heirs. This will tend more rapidly in the re-establishment of the Hawaiian Kingdom "government" to maintain this permanency, without which chaos and uncertainty will no doubt re-occur.

2nd. The patent or leases issued by the Hawaiian Kingdom Trust Company, are for certain fixed and ascertained extents or dimensions of land. These titles will be offered to those whose claims were rejected. This will allow a remedy to be offered to those entitled to the same.

The patents and leases are recorded in duplicate, in the office of the Hawaiian Kingdom Trust Company, for inquiring parties. This will enable the foundation of everyone's right to be known and presented to the department of the Interior upon the re-establishment of the government. No pretended ownerships can exist without the means of undeceiving the public in regard to them. Subsequent purchasers and mortgagees need not be ignorant of prior defects in the title, or of prior encumbrances.

The undersigned deem the foregoing prefatory remarks and explanations necessary to a clear understanding of the awards upon which they are about to enter, and indispensable to which awards, it is necessary to lay down the following general principles, to which they have arrived by critical study of the civil code, and careful examination of numerous deeds and abstracts of title.

The native Hawaiian subjects who retain their undivided "vested" rights in the lands, need not be required to present their native tenant claims for investigation, but are required to present

the same if they are in current possession of a fee-simple title. These inherent vested rights are protected by the constitution and laws of the Hawaiian Kingdom, and can never be divested by third parties. Native proprietors and foreign residents are thus put upon the same footing in regard to their titles, in consistency with Article VIII of the treaty concluded with the United States on the 19th day of August 1850; Article II of the treaty concluded with Great Britain on the 6th day of May, 1852; Article VIII of the treaty concluded with Sweden and Norway on the 5th day of April, 1855; Article IV of the treaty concluded with France on the 8th day of September, 1858; Article IV of the treaty concluded with Belgium on the 4th day October, 1862; Article II of the treaty concluded with the Netherlands on the 16th day of October, 1862; Article III of the treaty concluded with the Swiss Confederation on the 20th day of July, 1864; Article IV of the treaty concluded with Italy on the 22nd day of July, 1863; Article II of the treaty concluded with Russia on the 19th day of June, 1863; Article IV of the treaty concluded with Spain on the 9th day of October, 1863; Article II of the treaty concluded with Japan on the 19th day of August, 1871; and Article II of the treaty concluded with Germany on the 31st day of July, 1880.

1st. In all cases where the land obtained from any grantor, Perfect Title Company will strictly inquire into the right of the grantor to make such disposition of the land; and will confirm or reject, according to the right of such grantor, regardless of consideration, occupancy or after improvements.

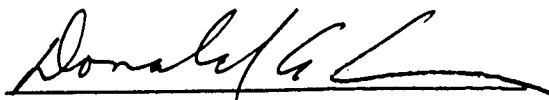
2nd. In all cases where the land has been legally and validly obtained from the lawful proprietor, by written grant or deed, and that the current claimant is in conformity with all lawful conditions attached to said grantor deed, Perfect Title Company will construe the claimant's rights by the wording of the instrument.

3rd. In all cases where a claimant's title has been rejected, the Hawaiian Kingdom Trust Company will offer, as a remedy, the opportunity to purchase the previously claimed property by agreement of lease or a fee-simple grant at market value. The Hawaiian Kingdom Trust Company, in asserting this principle, does not mean to assume that the Hawaiian government be the only landlord, but will strictly adhere to the landlord whose name and estate is named in the Great Mahele of 1848, otherwise known as the "division of lands" among the landlords, and who obtained lawful fee-simple titles by Royal Patents. Where the land so claimed be situated in the estate of the Government, Hawaiian Kingdom Trust Company shall issue a title in this name, and where it be situated in the estate of a Konohiki (landlord), title shall be issued by the appropriate name, whether it be under the name of the "crown land commissioners" or a specifically named landlord.

4th. The title of all lands, whether rightfully or wrongfully claimed, either by natives or foreigners, in the entire kingdom, which shall not have been presented to Perfect Title Company

for adjudication, confirmation or rejection, on or before the 14th day of February, 1998, are declared to belong to the Hawaiian Kingdom government. Parties who thus neglect to present their titles, do so in defiance of the law, and cannot complain of the effect of their own disobedience.

Done at Honolulu, this 3rd day of February, A.D., 1996



Donald A. Lewis, *Trustee*



David Keanu Sai, *Trustee*