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C. GANDALIRA, CLERK
CIRCUIT COURT OF
THE THIRD CIRCUIT
STATE OF HAWAII

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Attorneys for Defendant
MARGARET A. SCHATTAUER

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

CHARLES F. HOSLEY,

Plaintiff,

vs.

) CIVIL NO. 08-01-323K
) (Quiet Title)
)
) **FINAL JUDGMENT;**
) **EXHIBITS "1" AND "2".**

KAPIOLANI ESTATE LIMITED, a
dissolved Hawaii corporation; POLOLI
(k); HAWAU (w); KEPOI (w);
HANAKAILUA (k); JOHN A. MAGUIRE;
ESTATE OF EDWARD KA, also known
as EDWARD TODOC KAANAANA;
JOSEPH KA; ESTATE OF LOTTIE KA
MURAKI; ESTATE OF EMMA KA
TAKETA; HELEN KA; HELEN M.K.
CALIP; ESTATE OF EMMA
ELEMAKULE KA; ESTATE OF
JOSEPH K.K., also known as JOSEPH
KINI KAHIONA KA; ANNIE KA; ANNIE
EMMALIA KA LEONG; LORRAINE
PUANANI KA WAHINEKAPU; JOSEPH
KINI KAHIONA; HARRY KAMAULII;
JONATHAN K. LEE

) **Trial Date: May 17, 2011**

774488v4/2560-1

I hereby certify that this is a full, true and correct
copy of the original on file in this office.

Clerk, Third Circuit Court, State of Hawaii

KALEONAHENAHOKALANI SALIS;)
ESTATE OF CHARLES KA; ESTATE)
OF HORA KA, also known as NIHAU)
HOLA KA; heirs and/or successors of)
the above named Defendants; OFFICE)
OF HAWAIIAN AFFAIRS; STATE OF)
HAWAII; COUNTY OF HAWAII;)
adjoining lot owners; WALL RANCH,)
INC., a Hawaii corporation; GEORGE)
A. SCHATTAUER, Trustee under that)
certain unrecorded Revocable Trust of)
George A. Schattauer, dated June 27,)
1989, a memorandum of which was)
recorded in the Bureau of)
Conveyances of the State of Hawaii as)
Document No. 90-014361;)
MARGARET A. SCHATTAUER, Trustee)
under that certain unrecorded)
Revocable Trust of Margaret A.)
Schattauer, dated June 27, 1989, a)
memorandum of which was recorded)
in the Bureau of Conveyances of the)
State of Hawaii as Document No. 90-)
014359; JOHN DOES 1-50,)

Defendants.)

MARGARET A. SCHATTAUER, Trustee)
under that certain unrecorded)
Revocable Trust of Margaret A.)
Schattauer, dated June 27, 1989, a)
memorandum of which was recorded)
in the Bureau of Conveyances of the)
State of Hawaii as Document No. 90-)
014359,)

Counterclaimant,)

vs.)

CHARLES F. HOSLEY,)

Counterclaim)
Defendant)

MARGARET A. SCHATTAUER, Trustee)
under that certain unrecorded)

Revocable Trust of Margaret A. Schattauer, dated June 27, 1989, a memorandum of which was recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 90-014359,

Cross-claimant,

vs.

KAPIOLANI ESTATE LIMITED, a dissolved Hawaii corporation; POLOLI (k); HAWAU (w); KEPOI (w); HANAKAILUA (k); JOHN A. MAGUIRE; ESTATE OF EDWARD KA, also known as EDWARD TODOC KAANAANA; JOSEPH KA; ESTATE OF LOTTIE KA MURAKI; ESTATE OF EMMA KA TAKETA; HELEN KA; HELEN M.K. CALIP; AMY KA; ESTATE OF EMMA ELEMAKULE KA; ESTATE OF JOSEPH K.K., also known as JOSEPH KINI KAHIONA KA; ANNIE KA; ANNIE EMMALIA KA LEONG; LORRAINE PUANANI KA WAHINEKAPU; JOSEPH KINI KAHIONA; HARRY KAMAULII; JONATHAN K. LEE KALEONAHENAHAKALANI SALIS; ESTATE OF CHARLES KA; ESTATE OF HORA KA, also known as NIHAU HOLA KA; heirs and/or successors of the above named Defendants; TERRY MURAKI; JAMES S. TAKETA; GARY TAKETA; OFFICE OF HAWAIIAN AFFAIRS; STATE OF HAWAII; COUNTY OF HAWAII; adjoining lot owners; WALL RANCH, INC., a Hawaii corporation; JOHN DOES 1-50,

Cross-claim
Defendants

FINAL JUDGMENT

In accordance with Rule 58 of the Hawai'i Rules of Civil Procedure, the Court hereby enters Final Judgment, as stated herein, based upon the verdict of the jury in the trial of this matter reached on May 26, 2011 and filed in open court at 4:26 p.m. on May 26, 2011 (the "Verdict"). The Verdict fully and finally resolved (1) the claim in the complaint in Civil No. 08-01-323K (the "Complaint") filed by Plaintiff Charles F. Hosley ("Plaintiff") on October 15, 2008 to quiet title to Grant 1596 to Pololi (the "Claim") against Defendant/Counterclaimant/Cross-Claimant Margaret A. Schattauer ("Schattauer"), (2) Schattauer's First Amended Counterclaim against Plaintiff, filed January 8, 2009, to quiet title to that portion of Grant 1652 to William Johnson ("Grant 1652") claimed by Plaintiff to be included within the boundaries of Grant 1596 to Pololi ("Grant 1596") as Grant 1596 was surveyed in 2008 by Chrystal Yamasaki of Wes Thomas Associates and described in Exhibit "A" to the Complaint, (3) Schattauer's First Amended Cross-Claim, filed February 14, 2011, (the "Cross-Claim") against Defendants Terry Muraki, James S. Taketa, Gary Taketa, and Helen M. K. Calip to quiet title to Grant 1652, as Grant 1652 is described in Exhibit "A" to the Cross-Claim, (4) Schattauer's Cross-Claim against Defendant Amy Ka to quiet title to Grant 1652, as Grant 1652 is described in Exhibit "A" to the Cross-Claim, by reason of the Stipulation Between Defendant/Counterclaimant/Cross-Claimant Margaret A. Schattauer and Cross-Claim Defendant Amy Ka Regarding Claim and Interest of Cross-Claim

Defendant Amy Ka, filed April 27, 2011, (5) the claims of Plaintiff and Defendants Terry Muraki, James S. Taketa, Gary Taketa, Helen M. K. Calip, and Amy Ka against Defendant Wall Ranch, Inc., by reason of the Disclaimer of Defendant Wall Ranch, Inc. filed April 5, 2011, and (6) the claims by Plaintiff against Defendants Terry Muraki, James S. Taketa, Gary Taketa, Helen M. K. Calip, and Amy Ka, by reason of the stipulation among such parties entered into on or about May 23, 2011.

FINAL JUDGMENT is hereby entered as follows:

1. Judgment is entered in favor of Plaintiff Charles F. Hosley and Defendants Terry Muraki, James S. Taketa, Gary Taketa, Helen M. K. Calip, and Amy Ka, and against Defendant Margaret A. Schattauer and Defendant Wall Ranch, Inc., on the issue of paper title to the land described in Grant 1596 to Pololi; Plaintiff Charles F. Hosley and Terry Muraki, James S. Taketa, Gary Taketa, Helen M. K. Calip, and Amy Ka have paper title to the land described in Grant 1596 to Pololi.
2. Judgment is entered in favor of Plaintiff Charles F. Hosley and Defendants Terry Muraki, James S. Taketa, Gary Taketa, Helen M. K. Calip, and Amy Ka, and against Defendant Margaret A. Schattauer and Defendant Wall Ranch, Inc., on the issue of location of Grant 1596 to Pololi; Grant 1596 to Pololi is located on the ground where it is shown on the survey map of Chrystal Yamasaki of Wes Thomas Associates, a copy of which survey map, along with the accompanying metes and bounds survey description, is attached hereto as Exhibit "1."

3. Judgment is entered in favor of Defendant Margaret A. Schattauer and against Plaintiff Charles F. Hosley and Defendants Terry Muraki, James S. Taketa, Gary Taketa, Helen M. K. Calip, Amy Ka, and Wall Ranch, Inc. on the issue of ownership of, and title to, that portion of the land described in Grant 1596 to Pololi that is located within the surveyed boundaries of Grant 1652 to William Johnson; Margaret A. Schattauer owns by adverse possession that portion of the land described in Grant 1596 to Pololi that is located within the surveyed boundaries of Grant 1652 to William Johnson, which surveyed boundaries are as described in the metes and bounds description of Grant 1652 to William Johnson that was attached as Exhibit "A" to the First Amended Cross-Claim filed herein on February 14, 2011 and that is attached hereto as Exhibit "2."

4. Judgment is entered in favor of Plaintiff Charles F. Hosley and Defendants Terry Muraki, James S. Taketa, Gary Taketa, Helen M. K. Calip, and Amy Ka, and against Defendant Wall Ranch, Inc. on the issue of ownership of, and title to, that portion of the land described in Grant 1596 to Pololi that is located outside the surveyed boundaries of Grant 1652 to William Johnson, which surveyed boundaries are as described in the metes and bounds description of Grant 1652 to William Johnson that was attached as Exhibit "A" to the First Amended Cross-Claim filed herein on February 14, 2011 and that is attached hereto as Exhibit "2." Plaintiff Charles F. Hosley and Defendants Terry Muraki, James S. Taketa, Gary Taketa, Helen M. K.

Calip, and Amy Ka own paper title to that portion of the land described in Grant 1596 to Pololi that is located outside the surveyed boundaries of Grant 1652 to William Johnson as tenants in common, with Plaintiff Charles F. Hosley owning an undivided fifty percent (50%) interest therein and Defendants Terry Muraki, James S. Taketa, Gary Taketa, Helen M. K. Calip, and Amy Ka owning an undivided fifty percent (50%) interest therein.

There being no remaining unresolved claims or issues in this matter, this Judgment is entered as a Final Judgment pursuant to Rule 58 of the Hawaii Rules of Civil Procedure.

DATED: Kealakekua, Hawai'i, JUL 12 2011

Ronald Ibarra (seal)

JUDGE OF THE ABOVE ENTITLED COURT

APPROVED AS TO FORM:

MARK VAN PERNIS
GARY W. VANCIL

Attorneys for Plaintiff
CHARLES F. HOSLEY

FINAL JUDGMENT; *Charles F. Hosley v. Kapiolani Estate Limited, et al.*,
Civil No. 08-01-323K

MICHAEL J. MATSUKAWA

Attorney for TERRY MURAKI,
JAMES TAKETA, and GARY TAKETA

DEAN T. KAUKA

Attorney for HELEN K. M. CALIP
and AMY KA

MATTHEW G. JEWELL

Attorney for Defendant
WALL RANCH, INC.

JULIE H. CHINA

Attorney for STATE OF HAWAII

BROOKS L. BANCROFT

Attorney for COUNTY OF HAWAII

FINAL JUDGMENT; Charles F. Hosley v. Kapiolani Estate Limited, et al.,
Civil No. 08-01-323K

GRANT 1596 TO POLOLI

Land situated on the Easterly side of the Keauhou - Kainaliu Beach Road at Kawanui 1st and 2nd, North Kona, Island and County of Hawaii, State of Hawaii,

Being the whole of:

Grant 1596 to Pololi.

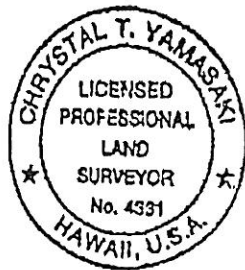
Beginning at a 1/2 inch pipe (set) at the Southwesterly corner of this parcel of land, being also a point on the Easterly side of the Keauhou - Kainaliu Beach Road, said point of beginning bearing 343° 02' 29" 46.18 from the Southwest corner of the Mauka portion of Grant 1652 to William Johnson being also Parcel 2 of Tax Map Key 7-9-005 (3rd Division), the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUU OHAU" being 9,048.45 feet North and 1,367.50 feet West and running by azimuths measured clockwise from True South:

Thence, for the next four (4) courses following along the Easterly side of the Keauhou-Kainaliu Beach Road:

- 1. 174° 30' 35.50 feet along the Westerly face of stonewall along Royal Patent 7454, Land Commission Award 8559-B, Apana 10 to William C. Lunalilo (Certificate of Boundaries No. 43) to a 1/2 inch pipe (set);
- 2. 180° 10' 49.50 feet partially along the Westerly face of stonewall and along Royal Patent 7454, Land Commission Award 8559-B, Apana 10 to William C. Lunalilo (Certificate of Boundaries No. 43) and Grant 1652 to William Johnson to a 1/2 inch pipe (set);

Thence, for the next five (5) courses following along Grant 1652 to William Johnson:

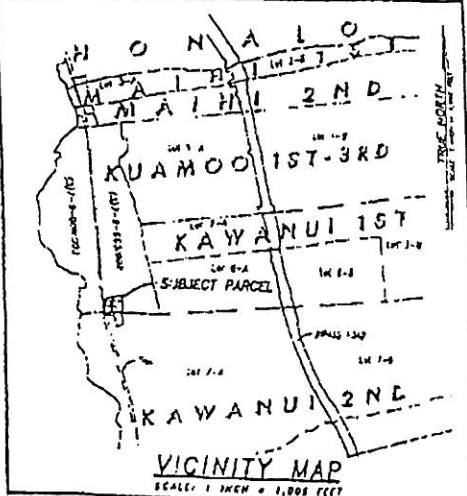
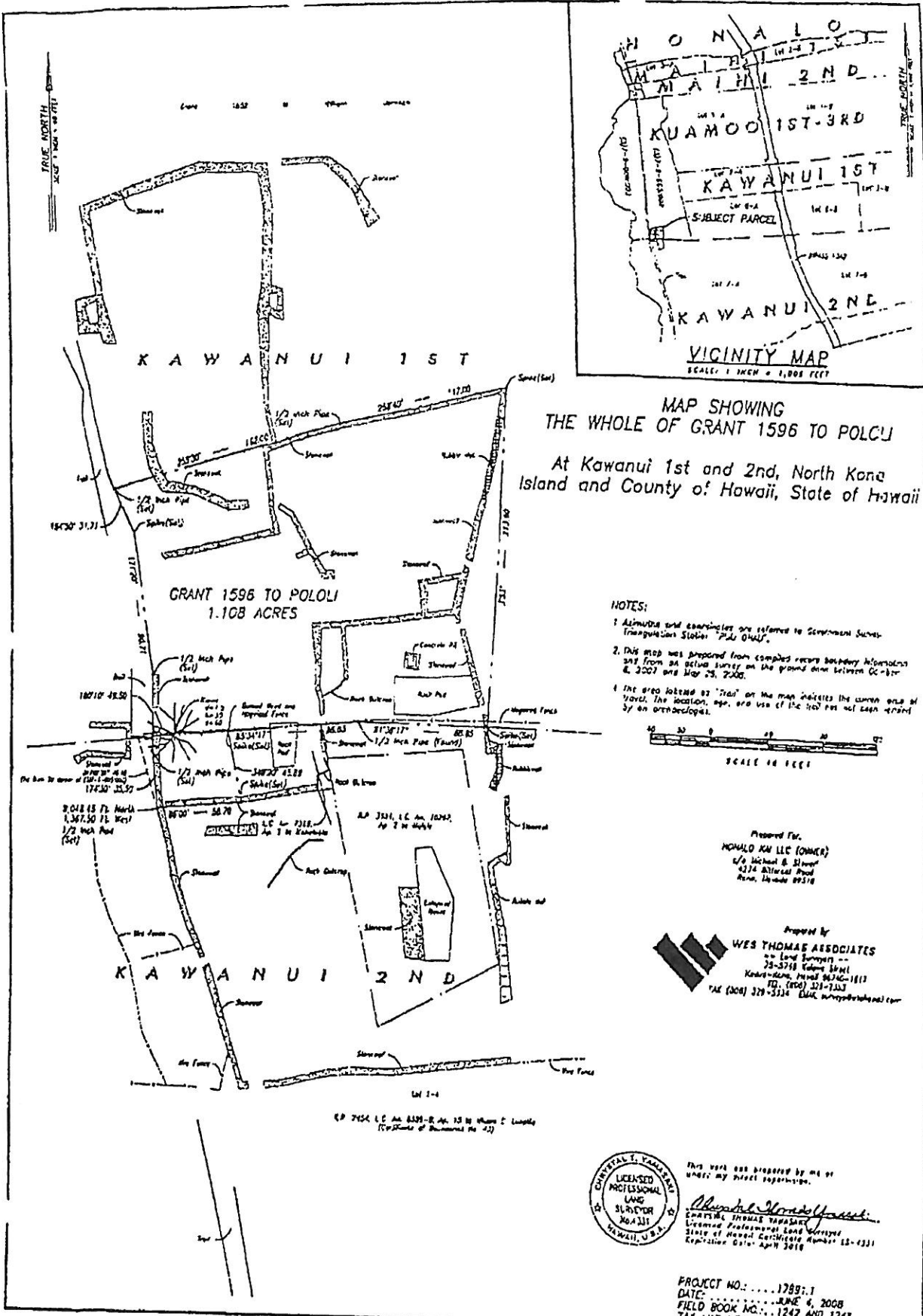
- 3. 171° 20' 90.71 feet to a spike (set);
- 4. 154° 50' 31.71 feet to a 1/2 inch pipe (set);
- 5. 255° 30' 162.00 feet partially along Northerly face of stonewall to a 1/2 inch pipe (set);
- 6. 258° 40' 117.00 feet along Northerly face of stonewall to a spike (set);
- 7. 3° 53' 213.90 feet along to a spike (set);
- 8. 91° 38' 17" 88.85 feet along Royal Patent 7454, Land Commission Award 8559-B, Apana 10 to William C. Lunalilo (Certificate of Boundaries No. 43) to a 1/2 inch pipe (found);
- 9. 85° 34' 17" 88.83 feet along Royal Patent 7454, Land Commission Award 8559-B, Apana 10 to William C. Lunalilo (Certificate of Boundaries No. 43) and along Land Commission Award 7399, Apana 2 to Kahaleola to a spike (set);
- 10. 348° 20' 45.89 feet along Land Commission Award 7399, Apana 2 to Kahaleola to a spike (set);
- 11. 86° 00' 58.70 feet along Southerly face of stonewall, Northerly side of Alanui, and along Royal Patent 7454, Land Commission Award 8559-B, Apana 10 to William C. Lunalilo (Certificate of Boundaries No. 43) to the to the point of beginning and containing an area of 1.108 Acres.



WES THOMAS ASSOCIATES

Chrystal Thomas Yamasaki
 Chrystal Thomas Yamasaki
 Licensed Professional Land Surveyor
 State of Hawaii Certificate No. LS-4331

75-5749 Kalawa Street
 Kailua-Kona, Hawaii 96740-1817
 TMK: 7-9-006: 021 (3rd Division)
 June 4, 2008



**MAP SHOWING
THE WHOLE OF GRANT 1596 TO POLOLI**
At Kawanui 1st and 2nd, North Kona
Island and County of Hawaii, State of Hawaii

- NOTES:**
1. All monuments and cornering are referred to Government Survey Transcription Station "Polo Oahu".
 2. This map was prepared from complete recent boundary information and from an actual survey on the ground done between October 4, 2007 and May 25, 2008.
 3. The area labeled as "Trail" on the map indicates the current use of the land. The location, age, and use of the trail has not been verified by an orthotopographer.



Prepared For:
MONALO KAH LLC (OWNER)
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Prepared By:
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©P 7954 L.C. No. 8399-B, Apr. 13, 1994 where L. Lumbly
(Certificate of Registration No. 72)



This work was prepared by me or under my direct supervision.
Michael B. Sloner
WES THOMAS ASSOCIATES
Licensed Professional Land Surveyor
State of Hawaii Certificate Number: 11-1111
Expiration Date: April 30, 2018

PROJECT NO.: 17897-1
DATE: JUNE 4, 2008
FIELD BOOK NO.: 1242 AND 1248
TAX MAP KEY: 7-9-006(02) (360 DMS/2H)

EXHIBIT "A"

LOT 1

TAX MAP KEY 3-7-9-05:02

SITUATED ON THE OCEAN AT KUAMOO AND KAWAINUI 1ST
NORTH KONA, HAWAII

Being a portion of Grant 1652 to William Johnson

Beginning at a pipe in concrete at the south east corner of this parcel of land on the north boundary of L. C. Aw. 8559-B; Apana 10 to C. Kanaina, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEAUHOU COAST" being 6,130.32 feet south and 4,055.79 feet west and running by azimuths measured clockwise from true south:

- | | | | |
|-----|------------------|---------------|--|
| 1. | 91° - 38' | 566.24 feet | along L. C. Aw. 8559-B; Apana 10 to C. Kanaina to a pipe in concrete; |
| 2. | 85° - 34' | 151.77 feet | along L. C. Aw. 8559-B; Apana 10 to C. Kanaina to a pipe in concrete; |
| | | | thence following along the center line of an ancient trail for the next course dividing Tax Map parcels 2 and 3; |
| 3. | 176° - 07' - 32" | 2,292.75 feet | |
| 4. | 260° - 00' | 20.00 feet | along Maihi 2nd to a nail in wall; |
| 5. | 275° - 01' - 30" | 55.22 feet | along Maihi 2nd to a nail in wall; |
| 6. | 260° - 33' - 05" | 361.69 feet | along Maihi 2nd to a nail in wall; |
| 7. | 356° - 59' - 30" | 159.43 feet | along Grant 1598 to William Johnson; |
| 8. | 352° - 44' | 47.44 feet | along Grant 1598 to William Johnson; |
| 9. | 257° - 06' | 35.51 feet | along Grant 1598 to William Johnson; |
| 10. | 317° - 00' - 30" | 21.98 feet | along Grant 1598 to William Johnson; |

| | | | |
|-----|------------------|-------------|--------------------------------------|
| 11. | 1° - 54' | 19.04 feet | along Grant 1598 to William Johnson; |
| 12. | 343° - 07' - 30" | 49.44 feet | along Grant 1598 to William Johnson; |
| 13. | 4° - 14' - 30" | 54.50 feet | along Grant 1598 to William Johnson; |
| 14. | 34° - 43' | 91.17 feet | along Grant 1598 to William Johnson; |
| 15. | 63° - 16' | 56.06 feet | along Grant 1598 to William Johnson; |
| 16. | 38° - 40' | 20.89 feet | along Grant 1598 to William Johnson; |
| 17. | 350° - 28' - 20" | 61.12 feet | along Grant 1598 to William Johnson; |
| 18. | 342° - 48' - 30" | 38.84 feet | along Grant 1598 to William Johnson; |
| 19. | 322° - 07' - 30" | 25.59 feet | along Grant 1598 to William Johnson; |
| 20. | 339° - 32' - 20" | 79.95 feet | along Grant 1598 to William Johnson; |
| 21. | 341° - 58' - 30" | 82.40 feet | along Grant 1598 to William Johnson; |
| 22. | 340° - 18' - 10" | 142.58 feet | along Grant 1598 to William Johnson; |
| 23. | 338° - 45' | 77.16 feet | along Grant 1598 to William Johnson; |
| 24. | 351° - 41' - 30" | 108.35 feet | along Grant 1598 to William Johnson; |
| 25. | 341° - 35' - 50" | 91.80 feet | along Grant 1598 to William Johnson; |
| 26. | 342° - 42' - 40" | 128.75 feet | along Grant 1598 to William Johnson; |
| 27. | 351° - 11' - 40" | 284.85 feet | along Grant 1598 to William Johnson; |
| 28. | 346° - 02' - 20" | 188.45 feet | along Grant 1598 to William Johnson; |
| 29. | 345° - 38' - 30" | 53.38 feet | along Grant 1597 to Kalua; |
| 30. | 348° - 14' - 30" | 174.69 feet | along Grant 1597 to Kalua; |
| 31. | 344° - 54' - 20" | 163.51 feet | along Grant 1597 to Kalua; |

| | | | |
|-----|------------------|------------|---|
| 32. | 351° - 35' - 20" | 75.14 feet | along Grant 1597 to Kalua; |
| 33. | 347° - 09' | 98.96 feet | along Grant 1597 to Kalua; |
| 34. | 347° - 57' - 20" | 89.52 feet | along Grant 1597 to Kalua to the point of beginning and containing an area of 30.80 acres more or less. |

LOT 2

TAX MAP KEY 3-7-9-05;3

SITUATED ON THE OCEAN AT KUAMOO 1ST AND KAWAINUI 1ST
NORTH KONA, HAWAII

Being a portion of Grant 1652 to William Johnson

Beginning at a nail in concrete at top of cliffs at sea shore at the south west corner of this parcel of land on the north boundary of Kawainui 2nd, the coordinates of said point of beginning referred to Government Survey Triangulation Station "KEAUHOU COAST" being 6,132.40 feet south and 3,254.82 feet east and running by azimuths measured clockwise from true south:

| | | | |
|----|------------------|-------------|--|
| | | | Thence following along top of cliffs at sea shore for the next five courses the azimuth and distance between points being; |
| 1. | 154° - 03' - 50" | 495.19 feet | to a nail in concrete; |
| 2. | 150° - 38' - 15" | 456.56 feet | to a nail in concrete; |
| 3. | 157° - 23' - 15" | 611.72 feet | to a nail in concrete; |
| 4. | 212° - 27' - 30" | 641.12 feet | to a nail in concrete; |
| 5. | 196° - 00' - 35" | 327.88 feet | to a nail in concrete; |
| 6. | 260° - 00' | 172.49 feet | along Maihi 2nd; |

Thence following along center line of an old trail (Kings Trail) for the next course the azimuth and distance between points being;

7. 356° - 07' - 32" 2,292.75 feet
8. 85° - 34' 83.90 feet

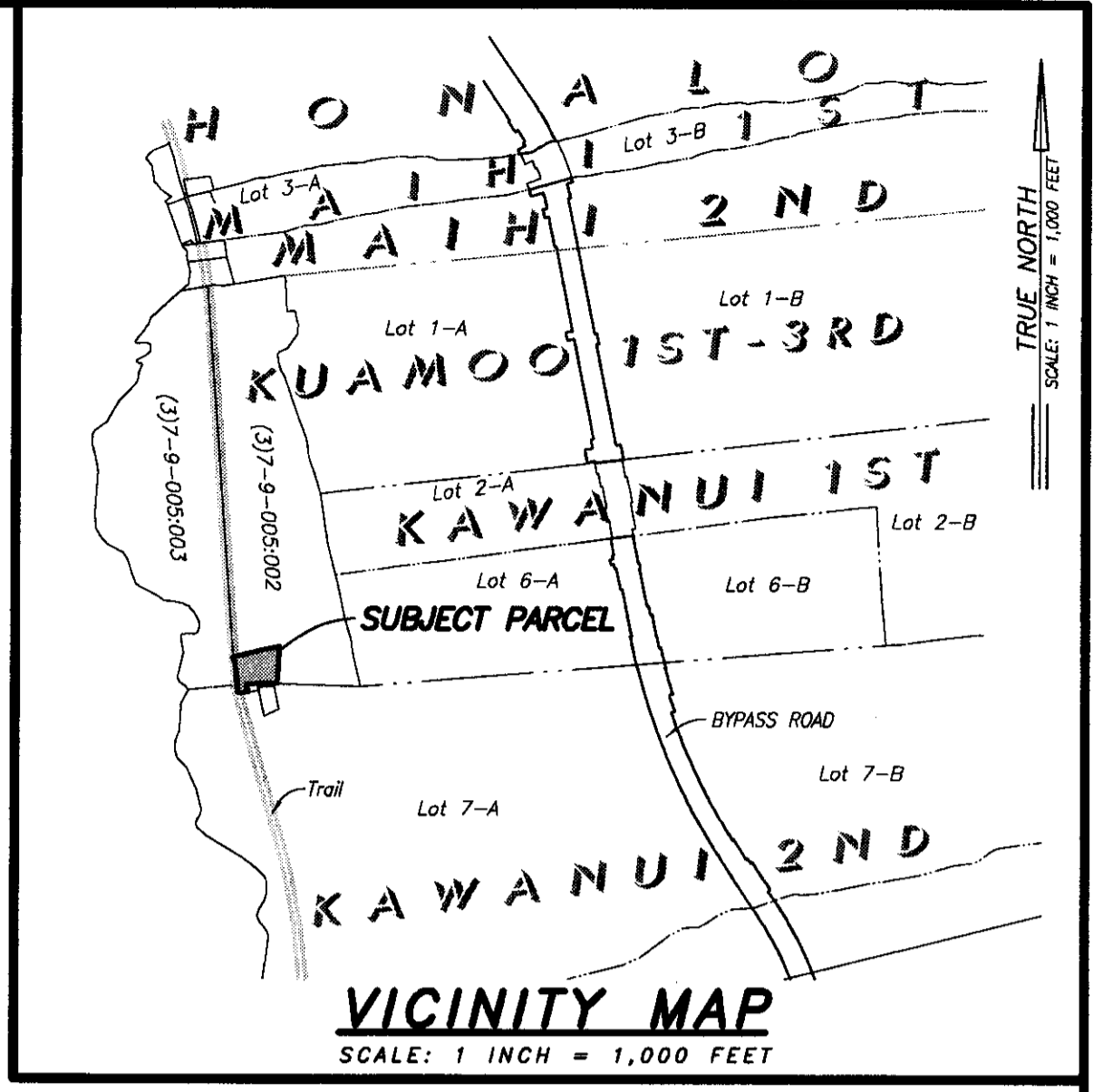
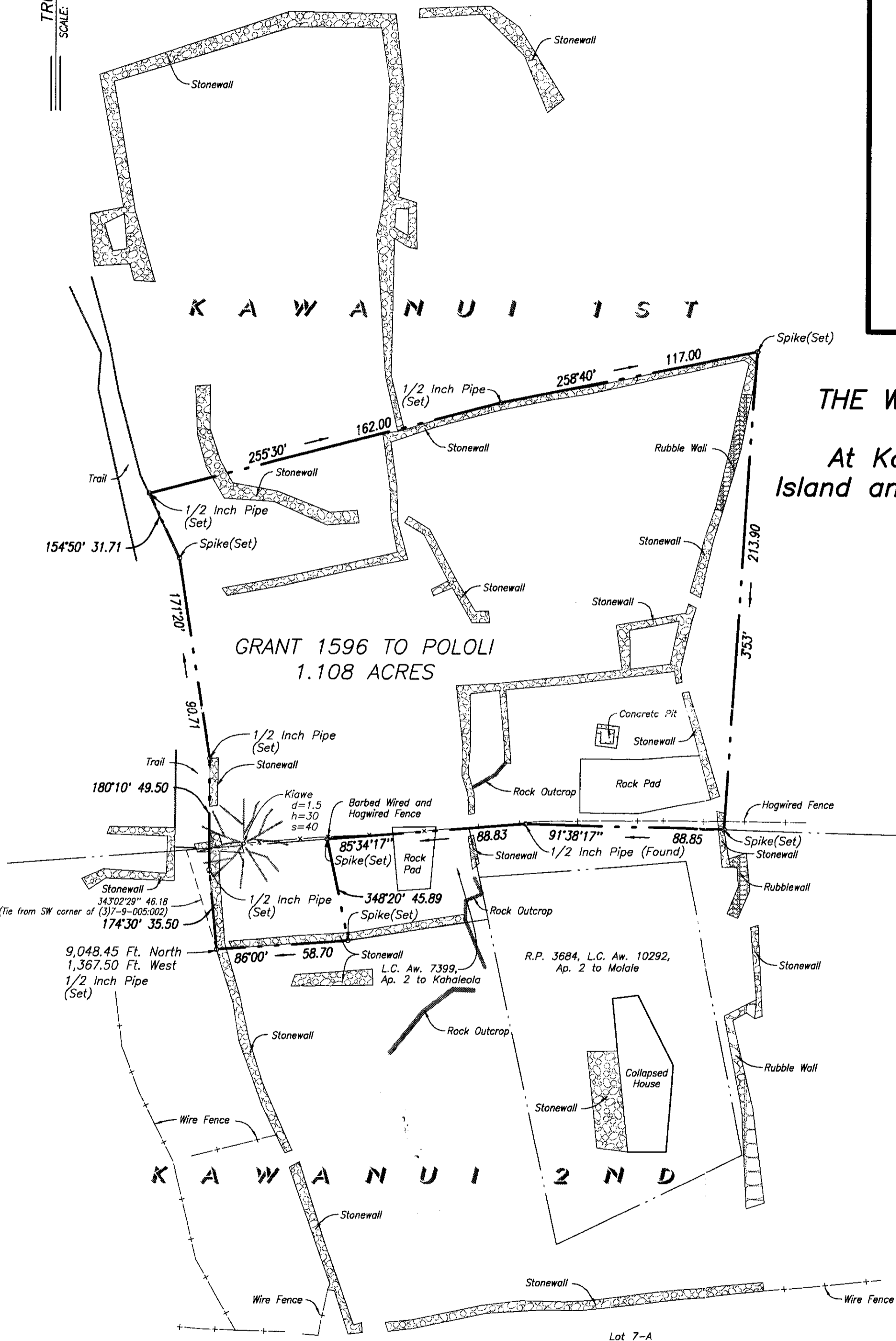
along north boundary of
Kawainui 2nd to the
point of beginning and
containing an area of
16.357 acres more or
less.

BEING the premises conveyed to the Grantor herein by
Commissioner's Deed dated August 19, 1991, and recorded in the
Bureau of Conveyances of the State of Hawaii as Document No.
91-124708.

SUBJECT, HOWEVER, to all easements, encumbrances,
restrictions and reservations which appear of record.

TRUE NORTH
SCALE: 1 INCH = 40 FEET

Grant 1652 to William Johnson



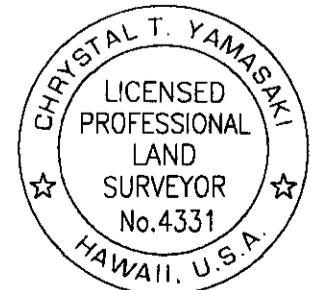
MAP SHOWING
THE WHOLE OF GRANT 1596 TO POLOLI
At Kawanui 1st and 2nd, North Kona
Island and County of Hawaii, State of Hawaii

- NOTES:
1. Azimuths and coordinates are referred to Government Survey Triangulation Station "PUU OHAU".
 2. This map was prepared from compiled record boundary information and from an actual survey on the ground done between October 8, 2007 and May 29, 2008.
 4. The area labeled as "Trail" on the map indicates the current area of travel. The location, age, and use of the trail has not been verified by an archaeologist.



Prepared For:
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Prepared By:
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This work was prepared by me or under my direct supervision.
Crystal Thomas Yamasaki
CRYSTAL THOMAS YAMASAKI
Licensed Professional Land Surveyor
State of Hawaii Certificate Number LS-4331
Expiration Date: April 2010

PROJECT NO.:17891.1
DATE:JUNE 4, 2008
FIELD BOOK NO.:...1242 AND 1248
TAX MAP KEY:....7-9-006:021 (3RD DIVISION)