



HB860
RELATING TO ACTIONS FOR QUIET TITLE
House Committee on Judiciary

February 28, 2017

2:00 p.m.

Room 325

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB860, which seeks to address legal processes that have long been exploited, to forcibly sever Native Hawaiian families' connections to their ancestral lands.

Kuleana land parcels ("kuleana"), many of which have been passed down from original awardee through multiple generations of heirs, often represent the last vestige of the legal recognition originally granted to Native Hawaiian families' traditional tenure of ancestral lands. Today, maintaining a connection to family kuleana continues to be critical for many Native Hawaiians to maintain a connection to their ancestors and ancestral lands, as well as to uphold the traditional practices, lifestyles, and values that derive from the cultural and family heritage.

Unfortunately, legal mechanisms, such as quiet title and adverse possession, have often been used to forcibly sever the connection between Native Hawaiian families and their kuleana. Prior to the overthrow of the Hawaiian Kingdom government, quiet title action was a beneficial legal tool for Native Hawaiian awardees to stave-off adverse possession claims made by encroaching large agricultural landowners. However, beginning in the Territorial era, changes to the quiet title process resulted in the use of quiet title actions to dispossess Native Hawaiian families of their kuleana. The current framework of quiet title action continues to leave kuleana vulnerable to dispossession, including through the use of complex and cost-prohibitive legal processes that effectively foreclose quiet title defendants, i.e. kuleana owners, from challenging quiet title actions and adverse possession claims.

HB860 seeks to address the various means by which the current quiet title framework has been exploited, to unfairly sever Native Hawaiians from lands held in their family for generations; furthermore, this measure attempts to better ensure that families are able to maintain traditional and cultural access to their kuleana parcels, notwithstanding the filing of a quiet title action against them.

Therefore, OHA urges the Committee to **SUPPORT** HB860. Mahalo for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 12:52 AM
To: JUDtestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HB860 on Feb 28, 2017 14:00PM

HB860

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We continue to STRONGLY SUPPORT this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 10:04 AM
To: JUDtestimony
Cc: wao-hsl@WeAreOne.cc
Subject: Submitted testimony for HB860 on Feb 28, 2017 14:00PM

HB860

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments: Strongly Support indigenous rights of ownership and return of rightful Hawaiian Sovereignty. Also, free public access to all beaches and all other public trust doctrines. www.WeAreOne.cc

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February 27, 2017

VIA HAND DELIVERY
AND FACSIMILE: (808) 586-6531

Representative Scott Y. Nishimoto, Chair
House Committee on Judiciary
Room 302, State Capitol
Honolulu, Hawaii 96813

Re: HB 860: Hearing February 28, 2017 at 2:00 pm

Dear Chairman Nishimoto:

My name is Michael W. Gibson. I am an attorney. I have been licensed to practice law in Hawaii for more than 40 years. I am a litigator primarily handling real estate disputes. Quiet Title and Partition cases are a majority of the type of cases I handle. I have been in at least 50 such cases in the last 40 years.

I have several comments concerning HB 860. My first comment is that the bill requires the court to order mandatory mediation in any action to quiet title to a kuleana. In my experience I have never been involved in a quiet title case that was resolved by mediation. The bill does not say who pays for the mediation. If it is the plaintiff who exclusively pays then the impact of the bill will make it less likely that anyone who was not wealthy could not afford to quiet title to their property.

The next concern that I have with HB 860 is that it requires that upon request of the defendants, separate actions commenced by plaintiff must be consolidated into a single action. This would require cases with different defendants, different chains of paper title, different genealogies and at different stages in the judicial process would have to be consolidated.

Section (f)(3) of HB 860 is particularly troublesome. It states that a defendant who was found to have no interest in a kuleana could not have access to the kuleana to exercise native Hawaiian traditional and customary practices terminated. First of all not every defendant in a quiet title case is a native Hawaiian. Kuleana can and are owned by Japanese, Chinese, Portuguese and haoles. The bill confuses "PASH" rights with kuleana rights. Kuleana rights are defined in HRS §7-1. The kuleana rights are appurtenant to the ownership of the kuleana and not severable. The rights include rights of access to a government road, right to water, and rights to take house timber, firewood, aho cord, thatch or ti leaf. PASH rights are the rights of native

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Hawaiians to practice their traditional and customary practices on undeveloped or less than fully developed lands who can trace their genealogy to lands that their ancestors previously used for traditional and customary practices. To have those rights the native Hawaiian need not have any current fee simple ownership within the ahupuaa.

Next, HB 860 states that a plaintiff in a quiet title case could not recover costs, expenses or attorneys fees. In fact there is no provision in the quiet title statute, HRS §669 which provides for an award of fees and costs. I assume the drafter of HB 860 confuses the quiet title statute (HRS §669) with the partition statute (HRS §668). HRS §668-17 states that the judge in his/her discretion can award fees and costs in a partition case to be paid by any party who derived benefits from the plaintiff's attorneys services as may seem equitable in light of the services performed and the benefits derived.

The proposed language regarding recovery of fees and costs benefits the high net worth plaintiffs and disfavors the Hawaiian family who may have twenty or more owners but whose individual interest is too small to justify incurring the fees and costs of filing a partition lawsuit resulting in the family being struck with the status quo and the number of owners increasing with each new generation.

Finally, and most significantly, the legislature in 2016 passed HRS §668A which became effective January 1, 2017. The law is called the Heirs Property Law. It was sponsored by the Committee on Uniform Laws. It was finally passed last year after years of being submitted to a committee made up of interested parties including the Legislature, title companies, the Native Hawaiian Legal Corporation and myself and landowner representatives. The law was intended to address the concerns of HB 860. I urge you to see how HRS 668A works for a couple years before amending it.

In summary, I think HB 860 is flawed because it mixes up Quiet Title and Partition. HB 860 seems to be an attempt to fix partition cases but it clearly deals with HRS 669 which is the Quiet Title statute. Finally, and most importantly, I urge the legislature to see how HRS 668A works before enacting new legislation like HB860.

Very truly yours,

ASHFORD & WRISTON
A LIMITED LIABILITY LAW PARTNERSHIP LLP

By 
Michael W. Gibson

MWG:baa



LATE

February 28, 2017

Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

Comments, Concerns and Proposed Amendments to HB 860, Relating to Actions for Quiet Title (Provides that: (1) actions for quiet title of kuleana lands shall be subject to mandatory mediation; (2) court cases by the same plaintiff that seeks quiet title for separate kuleana lands within the same court circuit shall be consolidated; (3) defendant's access for cultural and traditional practices shall not be alienated or extinguished; and (4) plaintiff shall not recover costs, expenses, or attorney's fees from the defendant.)

JUD Hrg: Tuesday, February 28, 2017, 2:00 p.m., in Conference Room 325

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. LURF's mission is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

While LURF supports the general intent of this measure, it provides the following **comments, concerns and objections to HB 860**, because it will:

- Have significant unintended consequences on relatives and other small and large parties who own or claim ownership of lands;
- Create unnecessary judicial conflicts, confusion and burdens, which could actually subvert and delay actual justice for relatives who are trying to establish or claim real property rights; and
- Cause further legal issues and litigation because it mixes-up and misapplies the laws relating to kuleana rights and the rights relating to native Hawaiian access and gathering.

LURF further **respectfully requests that HB 860 be amended to establish and fund a Quiet Title Working Group to review the issues which gave rise to this measure and to make recommendations to the 2018 legislature;** the

Quiet Title Working Group could include kuleana land owners, judges who handle quiet title actions, as well as relative land owners and other stakeholders and legal experts.

HB 860. LURF understands that this bill was well-meaning, however, it does not consider the full legal impacts, and it will create future legal issues and concerns, because it does not include any factual background or purpose clause. Notwithstanding the fact that it lacks factual background and a purpose clause, this measure proposes the following:

- (1) To require that actions for quiet title of kuleana lands shall be subject to **mandatory mediation;**
- (2) That court cases by the same plaintiff that seeks quiet title for separate kuleana lands within the same court circuit **shall be consolidated;**
- (3) That defendant's **access for cultural and traditional practices** shall not be alienated or extinguished; and
- (4) That the **plaintiff shall not recover costs, expenses, or attorney's fees** from the defendant.

Legal Issues and Background: Quiet title actions under Chapter 669, Hawaii Revised Statutes (HRS) are legal actions to allow a judicial determination as to who owns a property. Quiet title actions are brought under many different circumstances; LURF understands that examples of quiet title actions can include adverse possession claims where one party is attempting to acquire title to property owned by another, based on its “possession” of the property for a statutory period under certain conditions; and resolving competing claims of ownership rights among different relatives, family members and heirs, or between various lienholders. Other reasons for quiet title actions could include: to allow title insurance to be issued for the property (without title insurance issued by a title company, a property cannot be sold at a market rate, act as security for a loan, thus the property cannot be mortgaged, or be subdivided); to resolve property interests between private parties and state or county governments; to resolve allegations of a fraudulent conveyance of property; to resolve boundary disputes; and to clarify surveying errors.

LURF further understands that in Hawaii, quiet title actions can now be combined with partition actions under HRS Chapter 668, HRS and the new HRS Chapter 668A (Uniform Partition of Heirs Property Act, became effective January 1, 2017), so that relatives and others who hold partial interests in real estate can be identified. Under HRS Chapter 668, “Relative” means an ascendant, descendant, or collateral or an individual otherwise related to another individual by blood, marriage, adoption, or law of this State other than this chapter (Act 260, SLH 2016).

Under the new chapter 668A relative owners and other partial interest owners who don't want to sell their interest are able to buy out the other co-owner plaintiff who wants to sell the property through a court supervised appraisal process and if no relative owner or co-owner wants to buy out the plaintiff then the property can be sold on the open market or by judicial auction again supervised by the Court. In all cases, each relative owner or other partial interest holder who wants to sell their interest is paid their proportionate share of the property at a market rate.

The current procedure helps to identify relative owners and other small interest holders and to compensate them fairly, even those who might not otherwise have known of their interests in the property; it also permits those who don't want to sell an opportunity to buy out the plaintiff at an appraised fair market rate, and also permits relative owners or other owners to have clean title going forward.

The procedure is necessary in Hawaii because of laws that permit land ownership to be split among hundreds (or thousands) of relative owners, resulting in broken title as well as hundreds of owners to small non-subdivision capable parcels.

Hawaii's quiet title law, HRS Chapter 669, can work effectively and efficiently with the current partition system under HRS Chapter 668A to assist in cleaning title and to protect relative owners and other minority interest holders who may use the procedures to determine their ownership interests and to be paid their fair share for their interests or to buy out other family relative owners or co-owners who do not want to continue to own land with the other co-owners.

Hawaii's partition law includes the use of special masters, appraisers, and gives the judge broad discretionary powers to mediate and resolve property title disputes among relatives and other owners. However, HB 860 conflicts with this law in several respects and would result in unintended negative consequences and costs for families and relatives trying to determine and resolve property interests.

HB 860 conflicts with the provisions of Hawaii's partition law, and may have significant unintended consequences on relatives who own or claim ownership of lands by complicating, confusing and increasing the costs of such legal processes.

LURF's Position. LURF's members include ali'i trusts and many landowners who provide access for cultural and traditional practices and fairly address kuleana claims. While this proposed measure, may be well-meaning, this bill does not provide any facts, explanation, or legal justification for the proposed amendments to the law. LURF believes that the best way to serve the interests of the kuleana owners, cultural and traditional practitioners, land owners and the judicial system, is for quiet title legislation to be based on, the facts, circumstances, and unintended consequences and cultural and legal issues, which should at the very least be investigated and presented to justify any proposed changes in the quiet title laws.

In addition to the matters mentioned above, LURF would recommend that this Committee recommend a study to review the full legal and procedural impacts of the mandates proposed in HB 860, and any unintended consequences; and the results of the study should be presented to the Legislature. Some of the issues which should be studied include the following:

1. **Mandatory mediation for quiet title actions concerning kuleana lands could have unintended negative consequences. HRS 669-1(f)(1).** LURF supports mediation, however, mandatory mediation could be

expensive; may not result in a resolution; and could limit the flexibility of the presiding judge, who has broad powers over quiet title/partition actions. The

2. Mandatory consolidation of cases could create judicial complications and confusion; and should be left to the discretion of the presiding judge, who can consider all of the judicial circumstances. HRS 669-1(f)(2) According to experienced quiet title attorneys, the consolidation of different court cases by the same plaintiff that seeks quiet title for separate kuleana lands within the same court circuit would create unnecessary confusion and burdens, which could actually subvert actual justice:

- **Consolidation is best left to the discretion of the presiding judge – mandatory consolidation could result in unintended consequences on Court’s docket.** Mandatory consolidation of various unrelated cases (with the same plaintiff) could render a court’s docket unwieldy.
- **Different timing.** Different quiet title action cases for different and separate kuleana lands are not likely to be filed at the same time – one case could be just being filed and at the start, while another case could be ready to start trial;
- **Different plaintiffs and defendants.** Different cases and separate kuleana lands would likely have different plaintiffs and defendants, which would make the case cumbersome and confusing;
- **Irrelevant judicial proceedings for certain defendants and relatives.** The different defendants and/or relatives would be wasting their time sitting in court while evidence, arguments and witnesses for separate kuleana lands (not pertaining to them) were being litigated;
- **Different ownership evidence.** Different cases and each separate kuleana land will have different chains of paper title, which could make all of the documents hard to manage and prone to misfiling mistakes;
- **Different family genealogies.** Different cases and each separate kuleana land will have different genealogies, which could make it hard to keep the facts straight and the case could become unwieldy;
- **Unique facts, issues and relationships.** Each case is unique, so a “cookie-cutter consolidation mandate” might not result in the best justice for the plaintiff and defendants;
- **Usurping judicial discretion.** While there are some cases may be better decided when consolidated, such consolidation of quiet title cases should be a decision made by a judge who has reviewed all the facts and has applied the law (not by legislation proposed without any facts or justification); and
- **Limiting judicial alternatives.** Perhaps the Working Group might recommend that the quiet title cases remain separate, but that the same Judge be assigned each of the different cases, because he/she may become familiar with the applicable genealogies.

3. **PASH rights of access for religious, cultural and traditional practices are different from kuleana rights – HB 860 mixes-up both rights and will cause legal disputes and appeals.** HB 860 provides that “*defendant's access for cultural and traditional practices shall not be alienated or extinguished;*” however, access rights for cultural and traditional practices, commonly called “PASH rights” and kuleana rights are separate and distinct.

PASH rights refers to the ruling in the 1995 Hawaii Supreme Court case, *Nansay Hawaii Inc. v. Public Access Shoreline Hawaii*, which recognized the rights to access lands for religious uses and for cultural "gathering rights" such as the traditional collection of plants, wood and natural resources that supported their ancestors, if the claimants could prove that their ancestors continuously participated in the religious and cultural practices.

PASH rights are different from kuleana rights, however, the current version of HB860 appears to confuse the two rights and confers PASH rights to kuleana claimants, without following the PASH law.

LURF understands the following differences between PASH rights and kuleana rights:

- PASH rights are over the land owned by an ahupuaa landowner, not over any and all kuleana lands;
 - PASH rights belong to native Hawaiians who can trace their genealogy to ancestors living in the area of the ahupuaa;
 - On the other hand, kuleana rights belong to the owners of the kuleana, and kuleana owners can be Hawaiian or non-Hawaiian, and their ancestors could be from anywhere in the world;
 - PASH rights include cultural and traditional practices on the land;
 - On the other hand, kuleana rights include rights to access, rights to a certain amount of water, depending on the use of the kuleana at the time it was awarded in around 1850, and other kuleana rights;
 - Kuleana owners, do not “automatically have PASH rights”; and
 - Thus, LURF respectfully requests that HB 860 should be amended to accurately distinguish between a kuleana owner’s rights versus PASH rights.
4. **Unfairness and unintended consequences when plaintiffs are not allowed to recover costs, expenses, or attorney's fees.**
- Without any facts, explanation, reason or justification, HB 860 prohibits plaintiffs from recovering recover costs, expenses, or attorney’s fees from a defendant.
 - Costs and expenses could include, among other things, a title search (approximately \$5,000), publication in newspapers to give notice of the pending case (\$2,0000), etc.

- This would be unfair if one family member is forced to bring a quiet title action to determine the kuleana rights of various parties who claim to be related;
- Every case is different, and fairness and justice would dictate that a judge should be allowed discretion to apportion the costs and fees in a quiet title action.

LURF believes that given the potential legal, cultural and economic impacts of this bill, further study, investigation and legal analysis should be required by the Legislature.

Based on the above, LURF respectfully urges these Committees to carefully consider all the facts and circumstances relating to the above quiet title issues, and at the very least, **defer** taking any action until all issues and concerns relating to this significant change in the quiet title laws have been thoroughly reviewed and vetted through a study.

LURF would respectfully request that **HB 860 be held in Committee** until amended to include background facts and a purpose clause; to delete the misapplication of, and confusion relating to legal rights under the *PASH* law and kuleana rights; to establish a Quiet Title Working Group, including kuleana land owners, claimants, judges who handle quiet title actions, as well as other stakeholders and legal experts; and provide funding for the Working Group to conduct further study, investigate and to prepare a report with recommendations for the 2018 Legislature.

Thank you for the opportunity to present testimony regarding this measure.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 25, 2017 1:20 PM
To: JUDtestimony
Cc: mark.gordon333@gmail.com
Subject: Submitted testimony for HB860 on Feb 28, 2017 14:00PM

HB860

Submitted on: 2/25/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Gordon	Individual	Support	No

Comments: Aloha Please Support HB860 ! This proposed Bill would require individuals as well as companies to enter into mediation before attempting to steal land from native Hawaiians. The recent attempted lawsuit brought by Mark Zuckerberg has brought attention to the ongoing situation of kuleana lands being taken from many Native Hawaiians over the years. The proposed Bill would allow more voice to Native Hawaiians via mediation and help them not to incur high costs in fighting very affluent individuals, companies and corporations. Your Support of HB860 Respectfully Mark Gordon Waikoloa HI.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 25, 2017 12:33 PM
To: JUDtestimony
Cc: lynnehi@aol.com
Subject: *Submitted testimony for HB860 on Feb 28, 2017 14:00PM*

HB860

Submitted on: 2/25/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 25, 2017 7:55 AM
To: JUDtestimony
Cc: katc31999@gmail.com
Subject: *Submitted testimony for HB860 on Feb 28, 2017 14:00PM*

HB860

Submitted on: 2/25/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Culina	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 24, 2017 5:47 PM
To: JUDtestimony
Cc: ladyshyshy57@gmail.com
Subject: Submitted testimony for HB860 on Feb 28, 2017 14:00PM

HB860

Submitted on: 2/24/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rochelle K. KUNIPO Garcia	Individual	Support	No

Comments: Aloha mai, I am asking for YOUR SUPPORT with passing the HB860 Bill. Passing this Bill will enable Native Hawaiians to fight for their ancestral a'ina by eliminating the financial responsibility of the Defendant(s) to pay for Plaintiff's costs, expenses, or attorney's fees. Help us to correct what is wrong and that has been wrong for all these years. Injustice for Native Hawaiians! Passing HB860 Bill will have a positive impact for Native Hawaiians who are struggling to keep their Kuleana Lands in their Ohana. Please support and pass HB860 Bill through your JUD Committee and on to the Senate. IN GOD WE TRUST! E 'ONIPA'A I KE KULAIWI Mahalo, Rochelle. Ka'ilialoha KUNIPO Garcia Ladyshyshy57@gmail.com

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 1:51 AM
To: JUDtestimony
Cc: kinikalela_m@mail.com
Subject: Submitted testimony for HB860 on Feb 28, 2017 14:00PM

HB860

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kinikalela	Individual	Support	No

Comments: Aloha kākou, I strongly support bill HB860! Pls pass this measure to take the financial burden off of the title holder (defendant) so if they want to fight to keep the land, it won't be so much of a financial burden to them. Mahalo nui!

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 12:00 AM
To: JUDtestimony
Cc: kimcoco@kimcoco.com
Subject: Submitted testimony for HB860 on Feb 28, 2017 14:00PM

HB860

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Coco Iwamoto	Individual	Support	No

Comments: As a non-Native Hawaiian, real estate investor, and attorney, I testify in STRONG SUPPORT of HB860. The current quiet title practices are stacked against the original inheritors of kuleana lands and the custom of collective stewardship over individual ownership. Furthermore, the current laws are adversarial, alienating and costly - mediation has a higher likelihood of reaching a decision that is beneficial to more interested parties and may allow for greater transparency and accessibility in the process.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 2:28 PM
To: JUDtestimony
Cc: mary@mauivortex.com
Subject: Submitted testimony for HB860 on Feb 28, 2017 14:00PM

HB860

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Whispering Wind	Individual	Support	No

Comments: Aloha Representatives, I SUPPORT this important bill to protect Hawaiian's right's to their land. Please pass HB 860. Mahalo!

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 26, 2017 2:26 PM
To: JUDtestimony
Cc: bmurphy420@mail.com
Subject: Submitted testimony for HB860 on Feb 28, 2017 14:00PM

HB860

Submitted on: 2/26/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Murphy	Individual	Support	No

Comments: Aloha Lawmakers, I SUPPORT HB860 because Hawaiians should always have access over their land. Please pass this important bill.

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JUDtestimony

From: nanakuli50@gmail.com
Sent: Sunday, February 26, 2017 11:33 PM
To: JUDtestimony
Subject: HB860

Aloha Chairman Nishimoto and Vice Chair Buenaventura,

I am writing to you regarding HB 860, a bill for an "act relating to actions for quiet title". I honorably request your SUPPORT OF THIS HB 860 and to further hear and discuss this very important bill, for Native Hawaiians.

The purpose of this bill request is to protect Kuleana Lands, and the defendents. Unfortunately, many Kanaka Ma'oli 'ohana have lost their promised lands, that have passed down for generations because of no protection and "kinks" in the legal system.

Help our native Hawaiians, Kanaka Ma'oli hold onto their lands as their ancestors wanted it to be. I encourage your support of HB 860.

Mahalo for your time.

Pamela K Anderson
87-155 Waiolu street
Waianae, HI 96792
Ph (808) 351-7281

Sent from [Mail](#) for Windows 10

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 8:11 AM
To: JUDtestimony
Cc: laurenelaide721@yahoo.com
Subject: *Submitted testimony for HB860 on Feb 28, 2017 14:00PM*

HB860

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lauren Ampolos	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 10:47 AM
To: JUDtestimony
Cc: jeannine@hawaii.rr.com
Subject: Submitted testimony for HB860 on Feb 28, 2017 14:00PM

HB860

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Support	No

Comments: My ancestors were lawai'a and kālai wa'a from Kapāilua since 1777. I strongly support HB860 which will help Native Hawaiian families maintain their ancestral lands. My 'ohana was also a victim of Mark Zuckerberg's attorney Keoni Shultz in 2012. Although our lands in Kona Hema were not kuleana lands, they were in our family for generations and had almost 300 heirs. Through the help of the County of Hawai'i which charged unreasonably high taxes of a quarter million dollars for basically 222 acres of lava land, Papa Bay Ranch LLC was able to purchase them at a fraction of the taxes at auction. After being served with the Quiet Title Complaint which only afforded me 20 days to respond, I called the Native Hawaiian Legal Corporation and the Office of Hawaiian Affairs for help and was told that because these were not kuleana lands, they would not kōkua. So I called Mr. Shultz to find out what would happen if I fought the action and was told that if I lost, I would be responsible for paying all of the costs for the action against all the heirs, not just mine. It's no wonder that Native Hawaiians give up their lands without a fight. The theft of lands from Native Hawaiians has to stop. This Bill is a good start, but must also include lands that are not kuleana, but in families for generations because the same problems exist for them/us. Mahalo.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 11:36 AM
To: JUDtestimony
Cc: tulsigreenlee@icloud.com
Subject: *Submitted testimony for HB860 on Feb 28, 2017 14:00PM*

HB860

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tulsi Greenlee	Individual	Support	No

Comments:

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Cc: tampaltin@gmail.com
Subject: *Submitted testimony for HB860 on Feb 28, 2017 14:00PM*

HB860

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Paltin	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 2:43 PM
To: JUDtestimony
Cc: begoniabarry@gmail.com
Subject: *Submitted testimony for HB860 on Feb 28, 2017 14:00PM*

HB860

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Support	No

Comments:

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 5:44 AM
To: JUDtestimony
Cc: hokuokekai50@msn.com
Subject: *Submitted testimony for HB860 on Feb 28, 2017 14:00PM*

HB860

Submitted on: 2/28/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lacques	Individual	Support	No

Comments:

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LATE

HB860 (HSCR507)

RELATING TO ACTIONS FOR QUITE TITLE

House Committee on Ocean, Marine Resources and Hawaiian Affairs

February 28, 2017

Aloha Honorable Representatives of the Twenty-Ninth State Legislature and members of the committee.

My family whom have lived on lands that were awarded to our family from the time of the great mahele have been in constant litigation for the past 20 years by a company that bought 5000 acres from Pioneer Mill sugar company in Lahaina with a warranty title deed and now are carving it up for development of gentlemen estates and gated communities with no regard for our cultural and historical livelihood.

Family suffers the onslaught of being forced into court litigation's with financial burdens, an unhealthy livelihood for our family and always badgered about our history with no regard to our family burial grounds, constantly being down degraded about our past by frivolous accusations of our genealogy by hired guns (attorneys) who have no sympathy or regard to the host of these lands.

For seventeen years we have been subjected to a life similar to criminals on our own lands. Is there no end.

Please support HB860 (HSCR507) so we can at least find closure in saving our birth right and our families that lay in state.

Respectfully submitted,

Jonah Ke'eaumoku Kapu

Aha Moku O Maui

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 6:46 PM
To: JUDtestimony
Cc: clareloprinzi@gmail.com
Subject: Submitted testimony for HB860 on Feb 28, 2017 14:00PM

HB860

Submitted on: 2/27/2017

Testimony for JUD on Feb 28, 2017 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
clare loprinzi	Individual	Support	No

Comments: Support this

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JUDtestimony

LATE

From: webmaster
Sent: Tuesday, February 28, 2017 10:42 AM
To: JUDtestimony
Cc: 'Uilani'
Subject: FW: Bill HB860/HSCR507

-----Original Message-----

From: Uilani [mailto:uilani.kapu@gmail.com]
Sent: Monday, February 27, 2017 11:01 PM
To: webmaster <webmaster@Capitol.hawaii.gov>
Subject: Bill HB860/HSCR507

Aloha Committee

I am writing to ask this committee to please pass this bill. Our ohana has been physically living on these lands for over 20 years which has been awarded to our ohana from the mahele. We have been in court with the same company for 15 years on several different reasons, most for land titles and 2 of them have gone to the intermediate court of appeals and have been sent back to circuit court which are still pending. Our attorney has passed in December and it is not easy finding someone to take on a case that is this old. We are asking for some kind of assistance which we feel this bill will bring. For we fear that they may hit us with a huge court cost. We have never had the opportunity to have a jury trial as we asked and the judge has thrown out. Where is the fair justice?

Mahalo,
Uilani Kapu
Please pass this bill

Sent on my Boost Mobile Phone.