

# **OWNERSHIP PATTERNS OF LAND BENEATH HAWAII'S CONDOMINIUMS AND COOPERATIVE HOUSING PROJECTS**

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## FOREWORD

Both the Senate and House of Representatives of the Thirteenth State Legislature respectively adopted resolutions, Senate Resolution No. 25, S.D. 1, and House Resolution No. 249, H.D. 1, generally directing the Legislative Reference Bureau to study and analyze the ownership patterns of lands beneath Hawaii's residential condominiums and cooperative housing projects so that a determination can be made as to whether an oligopoly of landowners exists.

This report responds to the Legislature's directive.

The Legislative Reference Bureau thanks the numerous individuals who participated in this study. Special mahalo goes to the various finance directors of the counties of the State, Mr. Hiram Kamaka, Mr. Raymond Higa, Mr. Red Morris, Mr. Daniel Aono who generated reams of computer print-outs for the condominium portion of this report, Mr. Randy Ching who assisted in the cooperative housing portion of this report, Ms. Ann Takahashi who helped compile data on leasehold condominiums, and Mr. Thomas Sean Brennan who compiled and prepared the combined tables and statistics of leasehold and fee simple condominiums appearing in chapter 3. Their cooperation was invaluable.

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## Chapter 1

### INTRODUCTION

During the Regular Session of 1986 of the Thirteenth State Legislature, the Senate adopted Senate Resolution No. 25, S.D. 1, and the House of Representatives adopted House Resolution No. 249, H.D. 1 (see Appendix A). Both resolutions are directly connected to the issue of whether the Land Reform Act<sup>1</sup> should be extended to or a new one created for residential condominiums and housing cooperatives so that owners of condominium units and shareholders of stock in corporations owning housing cooperatives that are situated on leasehold land are given an opportunity to obtain or buy the fee simple title to such land; and in connection therewith, generally directed the Legislative Reference Bureau to study and analyze the ownership patterns of lands beneath Hawaii's residential condominiums and cooperative housing corporations so that a determination can be made by the Legislature as to whether an oligopoly of landowners exists. Both requested that the Bureau study not overlap one being conducted by the Hawaii Housing Authority (HHA).

The HHA study, contracted to SMS Research, Inc., consists of a market sample survey of the number of owner-occupants and owner-investors of condominium units situated on leasehold land who would be qualified for, able to, and interested in, buying the fee simple interest in their properties.

In keeping with the Legislature's directive, this report deals with areas other than those covered by the Hawaii Housing Authority and its consultant.

This study neither draws conclusions nor was the Bureau asked to make any policy recommendations. Accordingly, the focus of the study is the data about the ownership of land beneath residential condominiums and cooperatives: no policy recommendations are made.

## CONDOMINIUMS AND COOPERATIVES

These data were collected primarily from tax assessment records of the various counties of the State, and from various issues of the Hawaii TMK Service, Hawaiian Condominium Guide.

Other topics the study addresses are as follows: whether the Land Reform Act can be extended to condominiums and cooperatives under Hawaii Housing Authority v. Midkiff, 467 U.S. 229 (1984) and Hawaii Housing Authority v. Lyman, 68 Haw. 55 (1985); a profile of condominium owners and of shareholders of stock in corporations owning housing cooperatives; and a profile of those who own the fee simple title to land beneath condominiums and housing cooperatives.

## Chapter 2

### THE LAND REFORM ACT

Senate Resolution No. 25, S.D. 1, and House Resolution No. 249, H.D. 1, are both directly connected to the issue of whether the Land Reform Act should be extended to or a new one created for residential condominiums and housing cooperatives so that owners of condominium units and shareholders of stock in corporations owning housing cooperative projects that are situated on leasehold land are given an opportunity to obtain or buy the fee simple title to such land (see Appendix A).

The Land Reform Act, as amended, is codified as chapter 516 in the Hawaii Revised Statutes.<sup>1</sup> It allows for the transfer of certain single family residential lots from landowners to their lessees under certain conditions either by way of condemnation or by negotiation.<sup>2</sup> The Land Reform Act has been challenged as unconstitutional but has thus far been upheld by the Supreme Court of the United States and the Supreme Court of the State of Hawaii, at least with respect to the issue of whether such a transfer of private land is an unconstitutional taking by government under the constitutions of the United States or the State of Hawaii.<sup>3</sup> The United States Supreme Court also found that the Act did not violate the Due Process and Contract Clauses of the United States Constitution. Both decisions are reproduced in Appendix B. Both the United States and the Hawaii Constitutions prohibit the state government of Hawaii from taking or condemning private property for uses other than public ones.<sup>4</sup> Similar constitutional challenges may be expected of any legislation extending the Land Reform Act to or creating a new one for residential condominiums and housing cooperatives. Accordingly, a brief discussion of the opinions of the Supreme Court of the United States and the Supreme Court of the State of Hawaii addressing the Land Reform Act follows.

In Hawaii Housing Authority v. Midkiff, the Supreme Court of the United States addressed the question of whether the public use clause of the Fifth



Amendment of the United States Constitution prohibits the State of Hawaii from taking, with just compensation, title in real property from lessors and transferring it to lessees under the Land Reform Act in order to reduce the concentration of ownership of fee simple in Hawaii.<sup>5</sup> The United States Supreme Court held that such a transfer of ownership did not violate the public use clause of the Fifth Amendment of the United States Constitution. The Court essentially found that:

- (1) Where the exercise of eminent domain power is rationally related to a conceivable public purpose, a compensated taking is allowed under the Public Use Clause of the United States Constitution;
- (2) Regulating oligopoly and the evils associated with it is a classic exercise of a state's police powers which, subject to certain constitutional limitations, allows to states certain powers to further the public interest;
- (3) The public interest is determined by the legislative branch and that its determination is "well-nigh conclusive" unless the legislature's approach to correcting a land oligopoly problem is irrational;
- (4) Regardless of whether a law is successful or not, the question is whether the legislature "rationally could have believed that the [law] would promote its objectives"; and
- (5) "[W]hen the legislature's purpose is legitimate and its means are not irrational, [the United States Supreme Court's] cases make clear that empirical debates over the wisdom of takings--no less than debates over the wisdom of other kinds of socioeconomic legislation--are not to be carried out in the federal courts. Redistribution of fee simple to correct deficiencies in the market determined by the state legislature to be attributable to land oligopoly is a rational exercise of the eminent domain power."

## THE LAND REFORM ACT

The Court could not condemn as irrational the Land Reform Act's approach to correcting the land oligopoly problem and accordingly upheld the Land Reform Act.

The Court noted that exercise of the power of eminent domain was justified as the unique way titles were held in Hawaii skewed the land market.

In Hawaii Housing Authority v. Lyman, the Hawaii Supreme Court found that the Land Reform Act does not violate the public use clause of the Hawaii Constitution. The Court adopted as appropriate for judicial evaluation of the Legislature's public use determinations a minimum rationality standard and limited its constitutional review of the Land Reform Act to that standard.

Essentially following the lead of the United States Supreme Court, the Hawaii Supreme Court specifically held the following:

...once the legislature has spoken on the social issue involved, so long as the exercise of the eminent domain power is rationally related to the objective sought, the legislative public use declaration should be upheld unless it is palpably without reasonable foundation. The crucial inquiry is whether the legislature might reasonably consider the use public...and whether it rationally could have believed that application of the sovereign's condemnation powers would accomplish the public use goal.

The Hawaii Supreme Court found that employing the State's eminent domain authority to redistribute fees simple to correct socioeconomic problems attributed to a land oligopoly is a rational means to accomplish these ends.

Neither court defined "land oligopoly" or questioned the Legislature's determination that one existed under the following facts:

- (1) The state and federal governments owned almost 49% of the State's lands and another 47% was owned by only 72 private landowners, 18 of the private landowners owning more than 40% of this land;

(2) On Oahu 22 landowners owned 72.5% of the fee titles.

It appears reasonable to assume that if statistics on condominiums and cooperatives are identical to or show more concentrated ownership than those in Midkiff and Lyman an oligopoly determination is more likely to be upheld in court. If statistics show otherwise it is uncertain how they would rule. Following their holdings in Midkiff and Lyman, one would expect the courts to defer to legislative determination of whether an oligopoly exists unless clearly irrational.

On the other hand, condominiums and cooperatives inherently differ greatly from single family residences for purposes of land reform. Accordingly, identical or similar statistics are no guarantee that any land reform law for condominiums and cooperatives would be upheld by the courts. Also, land area for condominiums and cooperatives is likely to be less important than for single family residences due simply to their different natures. The land under a single family residence could conceivably hold a condominium project containing 10, 50, 100, or more units or residences. Therefore, statistics for condominiums and cooperatives should be reviewed with these factors in mind.

## Chapter 3

### OWNERSHIP PATTERNS OF LANDS BENEATH HAWAII'S CONDOMINIUMS AND COOPERATIVE HOUSING PROJECTS

Data on ownership patterns of lands beneath Hawaii's condominiums and cooperative housing projects were obtained from real property tax assessment and other records of the various counties, various editions of Hawaiian Condominium Guide published by Hawaii TMK Service, and surveys of cooperative housing corporations. It was decided to forego an attempt to separate commercial units or apartments and condominium or cooperative housing projects, or other non-residential ones, from residential units or apartments and projects. This decision was based on the following factors: (1) the tax files did not provide a method of eliminating non-residential units or apartments and projects; and (2) the existence of mixed use projects and units which allowed both residential and commercial uses makes data based on a separation within those projects nearly meaningless.

#### Condominiums

There are a total of 98,111 condominium units in the State<sup>1</sup> (see Table 1). Seventy-six per cent, or 74,325 units, are located on Oahu, 14,100 or 14 per cent in the county of Maui, 6 per cent or 5,629, on the island of Hawaii, and 4,057 or 4 per cent, in the county of Kauai (see Tables 1 and 2).

Of the units entered in the computer records as either leasehold or fee simple,<sup>2</sup> 63 per cent are situated on leasehold land and 37 per cent on fee simple lands (see Table 1). Eighty-four per cent of all leasehold condominium units are located on Oahu, 51 per cent of all units, fee simple, leasehold and other, in the State (see Table 2). Sixty-six per cent of all fee simple units are located on Oahu, 23 per cent of all units in the State (see Table 2). Sixty-eight per cent of all leasehold and fee simple units on Oahu are held in leasehold, 32 per cent in fee simple; all other counties have more fee units than leasehold (see Table 1). The data show that the great majority of

Table 1

## CONDOMINIUM UNITS

County	Lease Units	Fee Units	Lease & Fee Units	"Other"* Units	Total Units	% Lease Units to Lease and Fee Units	% Fee Units to Lease and Fee Units	% Lease Units to All Units	% Fee Units to All Units	% "Other" Units to All Units in County	% "Other" Units to All Units in State
City & County of Honolulu	49,825	22,988	72,813	1,512	74,325	68	32	67	31	2	1.5
County of Maui	6,120	6,462	12,582	1,518	14,100	49	51	43	46	11	1.5
County of Hawaii	1,803	3,314	5,117	512	5,629	35	65	32	59	9	.5
County of Kauai	1,647	2,092	3,739	318	4,057	44	56	41	52	8	.3
Total	59,395	34,856	94,251	3,860	98,111	63	37	61	36	-	3.9**

\*Under the method information is categorized and input into the real property tax assessment computer records, "'other' units" includes fee and leasehold condominium units that have other classifications, i.e. sold on agreement of sale.

\*\*Due to rounding figures.

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Table 2

## CONDOMINIUM UNITS

County	Leasehold Units				Fee Simple Units		
	% of State Total Condo Units	% of State Total Lease Condo Units	% of State Total Condo Units	% of State Total Lease and Fee Condo Units	% of State Total Fee Condo Units	% of State Total Condo Units	% of State Total Lease and Fee Condo Units
City and County of Honolulu	76	84	51	53	66	23	24
County of Maui	14	10	6	6	19	7	7
County of Hawaii	6	3	2	2	10	3	4
County of Kauai	4	3	2	2	6	2	2
Total	100	100	61	63	101*	35	37

\*Should be 100; 101 figure is due to rounding of figures to closest whole number

## CONDOMINIUMS AND COOPERATIVES

condominium units are located on Oahu, and that both proportionately and numerically the great majority of units on Oahu are leasehold rather than in fee simple (see Tables 1 and 2). With respect to the State as a whole, condominium units on leasehold land are concentrated on Oahu (see Tables 1 and 2).

Homeowner exemptions claimed for real property taxes were reviewed in order to determine the number of condominium units which were owner-occupied. The filing of a homeowner exemption does not guarantee owner occupancy, however, any error in the figures presented is expected to show more owner-occupied units than actually exist. Accordingly, the immediately following figures, if inaccurate, are probably lower than shown. The data showed that homeowner exemptions were filed statewide for both leasehold and fee simple condominiums at virtually the same rate: 28.18 per cent for leasehold, 27.80 per cent for fee simple (see Tables 3 and 4). Homeowner exemptions were filed for 28.03 per cent of both leasehold and fee simple units in the State (see Table 5).

The greatest concentration of homeowner exemptions was filed on Oahu. Of the units on Oahu, 32.70 per cent of the leasehold, 38.77 per cent of the fee simple, and 34.61 per cent for leasehold and fee simple together had homeowner exemptions filed (see Tables 3, 4, and 5). The breakdown for other counties was considerably less: County of Maui - 4.54 for leasehold and 7.35 for fee simple, 5.98 per cent for leasehold and fee simple together; County of Hawaii - 6.54 for leasehold and 7.57 for fee simple, 7.21 per cent for leasehold and fee simple together; and County of Kauai - 2.85 for leasehold and 2.48 for fee simple, 2.65 per cent for leasehold and fee simple together (see Tables 3, 4, and 5). Numerically, only 26,424 homeowner exemptions were filed for the 94,251 existing fee and lease units in the State (see Table 5). Most of them, 25,203, were filed for units located on Oahu (see Table 5).

The data indicate that the great majority of condominium units throughout the State are not owner-occupied, especially those in counties other than the City and County of Honolulu. The data further indicate that

Table 3

## HOMEOWNER EXEMPTIONS FILED FOR LEASEHOLD CONDOMINIUM UNITS

	# of Units Filing HO*	% of Lease Units in County	% of Lease & Fee Units in County	% of All Lease & Fee Units Filing HO in County	% of All Lease Units Filing HO in State	% of All Lease & Fee Units Filing HO in State	% of All Lease Units in State	% of All Lease & Fee Units in State
City & County of Honolulu	16,291	32.70	22.37	64.64	97.35	61.65	27.43	17.28
County of Maui	278	4.54	2.21	36.92	1.66	1.05	.47	.29
County of Hawaii	118	6.54	2.31	31.98	.71	.45	.20	.12
County of Kauai	47	2.85	1.26	47.47	.28	.18	.08	.05
TOTAL	16,734	--	--	--	100.00	63.33	28.18	17.74

\*"HO" means "homeowner exemption".

Table 4

## HOMEOWNER EXEMPTIONS FILED FOR FEE SIMPLE CONDOMINIUM UNITS

	# of Units Filing HO*	% of Fee Units in County	% of Lease & Fee Units in County	% of All Lease & Fee Units Filing HO in County	% of All Fee Units Filing HO in State	% of All Lease & Fee Units Filing HO in State	% of All Fee Units in State	% of All Lease & Fee Units in State
City & County of Honolulu	8,912	38.77	12.24	35.36	91.97	33.73	25.57	9.45
County of Maui	475	7.35	3.77	63.08	4.90	1.80	1.36	.50
County of Hawaii	251	7.57	4.90	68.02	2.59	.95	.72	.27
County of Kauai	52	2.48	1.39	52.53	.54	.20	.15	.05
TOTAL	9,690	--	--	--	100.00	36.67**	27.80	10.27

\*"HO" means "homeowner exemption".

\*\*Due to computer rounding.



Table 5

HOMEOWNER EXEMPTIONS FILED FOR LEASEHOLD AND FEE SIMPLE CONDOMINIUM UNITS

County	# of Units	% of All Lease & Fee Units Filing HO* in State	% of All Lease & Fee Units in County	% of All Lease & Fee Units in State
City & County of Honolulu	25,203	95.38	34.61	26.74
County of Maui	753	2.85	5.98	.80
County of Hawaii	369	1.40	7.21	.39
County of Kauai	99	.37	2.65	.10
TOTAL	26,424	100.00	--	28.03

\*"HO" means "homeowner exemption".

in the county where the greatest percentage of units are concentrated, the City and County of Honolulu, homeowner exemptions are more likely to be filed for fee simple units (38.77 per cent) than for leasehold units (32.70 per cent) (see Tables 3 and 4). This holds true for all other counties except for the County of Kauai where homeowner exemptions were filed for 2.85 per cent of leasehold units and 2.48 per cent of fee simple units (see Tables 3 and 4).

Eight hundred twenty individuals or entities own the fee simple title to the lands under the 59,395 leasehold units in the State (see Tables 1, 8 and 9, and Appendix C).

Only thirty-nine own individually the fee title to lands beneath more than 0.5 per cent of all leasehold condominium units in the State (see Table 6 and Appendix C). The remaining 781 individuals or entities collectively own the fee title to lands beneath roughly 44 per cent of leasehold condominiums (see Tables 6 and 7, and Appendix C).

Thirty-nine individuals and entities hold the fee simple title to lands beneath 55.93064 per cent of all leasehold condominium units in the State (see Table 6). Of these only thirteen hold individually the fee title to lands under more than one per cent of all leasehold units (see Table 6). The largest owner, the Bishop Estate, owns fee title to lands under 10,987 units, 18.49819 per cent of all leasehold units in the State, far surpassing the second largest owner, Magoon Estate, Limited which owns fee title to lands under 1,520 or 2.55914 per cent of all leasehold condominium units (see Table 6).

These top 39 owners represent 4.7561 per cent of all holders of fee simple title to lands beneath leasehold condominiums (see Table 6). It follows that 4.7561 per cent of all such holders own the fee simple title to lands beneath 55.93064 per cent of all leasehold condominium units (see Table 6).

There are 1,341 condominium projects (leasehold and fee simple) in the State.<sup>3</sup> Of these 727 are situated at least partly<sup>4</sup> on leasehold land. Those 39 individuals and entities each holding fee simple title to lands beneath more

Table 6

CONDOMINIUMS  
 HOLDERS OF FEE SIMPLE TITLE TO LANDS UNDER  
 .5 PER CENT OR MORE OF ALL LEASEHOLD  
 CONDOMINIUM UNITS IN STATE (By Rank)

Rank	Name	No. of Units	Percentage
1	Bernice Pauahi Bishop Estate	10,987	18.49819
2	Magoon Estate, Limited	1,520	2.55914
3	Honolulu Limited	1,249	2.10287
4	First Hawaiian Bank	1,189	2.00185
5	Liliuokalani Trust Estate	1,136	1.91262
6	Kawaiahao Church	1,018	1.71395
7	Hawaiian Trust Company	981	1.65165
8	City and County of Honolulu	952	1.60283
9	James Campbell Estate	865	1.45635
10	James C. Castle Estate	774	1.30314
11	3900 Corporation	736	1.23916
12	Turieb, Limited	614	1.03376
13	Katherine K. Choy, et al.	600	1.01019
14	Iolani School	570	0.95968
15	Roman Catholic Church	566	0.95294
16	Theodore Smyth, Trustee	560	0.94284
17	C. Robinson Ltd. Partnership	527	0.88728
18	Lum Yip Kee, Limited	516	0.86876
19	Queen Emma Foundation	469	0.78963
20	Maui Land & Pineapple, Inc.	444	0.74754
21	Samuel M. Damon Estate	436	0.73407
22	Hawaii Baptist Convention	428	0.72060
23	Hawaii Housing Authority	426	0.71723
24	Stark Development, Limited	412	0.69366
25	Bishop Trust Co., Ltd.	403	0.67851
26	300 West 23rd Street Co.	401	0.67514
27	Shell Enterprise Co., Ltd.	380	0.63978
28	Hawaiian Resorts, Limited	369	0.62126
29	Harry Weinberg	369	0.62126
30	Honolulu Sailors' Home Society	368	0.61958
31	Bankers Life Insurance Co.	347	0.58422
32	Tung Te Corp. et al.	347	0.58422
33	Hawaiian Electric Co., Inc.	346	0.58254
34	Niu Pia Farms, Inc.	346	0.58254
35	Axel Ornellas Trust	332	0.55897
36	American Trust Co. of Hawaii	324	0.54550
37	Hawaii Conference Foundation	310	0.52193
38	William Weinberg	306	0.51519
39	Bali Land Corp.	297	0.50004
Totals		33,220	55.93064

Total number of separate owners: 820

Top 39 owners as a percentage of total owners: 4.7561

Table 7

CONDOMINIUMS  
 HOLDERS OF FEE SIMPLE TITLE TO LANDS UNDER  
 .5 PER CENT OR MORE OF ALL LEASEHOLD  
 CONDOMINIUM UNITS IN STATE (Alphabetical Order)

Name	No. of Units	Percentage	Rank
American Trust Co. of Hawaii	324	0.54550	36
Bali Land Corp.	297	0.50004	39
Bankers Life Insurance Co.	347	0.58422	31
Bernice Pauahi Bishop Estate	10,987	18.49819	1
Bishop Trust Co., Ltd.	403	0.67851	25
James Campbell Estate	865	1.45635	9
James C. Castle Estate	774	1.30314	10
Katherine K. Choy, et al.	600	1.01019	13
City and County of Honolulu	952	1.60283	8
Samuel M. Damon Estate	436	0.73407	21
First Hawaiian Bank	1,189	2.00185	4
Hawaii Baptist Convention	428	0.72060	22
Hawaii Conference Foundation	310	0.52193	37
Hawaii Housing Authority	426	0.71723	23
Hawaiian Electric Co., Inc.	346	0.58254	33
Hawaiian Resorts, Limited	369	0.62126	28
Hawaiian Trust Co.	981	1.65165	7
Honolulu Sailors' Home Society	368	0.61958	30
Honolulu Limited	1,249	2.10287	3
Iolani School	570	0.95968	14
Kawaiahao Church	1,018	1.71395	6
Liliuokalani Trust Estate	1,136	1.91262	5
Lum Yip Kee, Limited	516	0.86876	18
Magoon Estate, Limited	1,520	2.55914	2
Maui Land & Pineapple, Inc.	444	0.74754	20
Niu Pia Farms, Inc.	346	0.58254	34
Axel Ornellas Trust	332	0.55897	35
Queen Emma Foundation	469	0.78963	19
C. Robinson Ltd. Partnership	527	0.88728	17
Roman Catholic Church-Hawaii	566	0.95294	15
Shell Enterprise Co., Ltd.	380	0.63978	27
Theodore Smyth, Trustee	560	0.94284	16
Stark Development, Limited	412	0.69366	24
Tung Te Corp., et al.	347	0.58422	32
Turieb, Limited	614	1.03376	12
Harry Weinberg	369	0.62126	29
William Weinberg	306	0.51519	38
300 West 23rd Street Co.	401	0.67514	26
3900 Corporation	736	1.23916	11
Totals	33,220	55.93064	

Table 8

CONDOMINIUMS  
 HOLDERS OF FEE SIMPLE TITLE TO LANDS UNDER  
 .5 PER CENT OR MORE OF ALL LEASEHOLD  
 CONDOMINIUM UNITS IN STATE (Project Holdings)

Rank	Name	Units	Percent	Projects*	Percent
1	Bernice Pauahi Bishop Estate	10,987	18.49819	130	17.88171
2	Magoon Estate, Limited	1,520	2.55913	5	0.68776
3	Honolulu Limited	1,249	2.10287	4	0.55021
4	First Hawaiian Bank	1,189	2.00185	9	1.23796
5	Liliuokalani Trust Estate	1,136	1.91262	5	0.68776
6	Kawaiahao Church	1,018	1.71395	2	0.27510
7	Hawaiian Trust Co.	981	1.65165	5	0.68776
8	City and County of Honolulu	952	1.60283	1	0.13755
9	James Campbell Estate	865	1.45635	9	1.23796
10	James C. Castle Estate	774	1.30314	5	0.68776
11	3900 Corporation	736	1.23916	1	0.13755
12	Turieb, Limited	614	1.03376	1	0.13755
13	Katherine K. Choy, et al.	600	1.01019	1	0.13755
14	Iolani School	570	0.95968	5	0.68776
15	Roman Catholic Church	566	0.95294	6	0.82531
16	Theodore Smyth, Trustee	560	0.94284	2	0.27510
17	C. Robinson Ltd. Partnership	527	0.88728	2	0.27510
18	Lum Yip Kee, Limited	516	0.86876	3	0.41265
19	Queen Emma Foundation	469	0.78963	13	1.78817
20	Maui Land & Pineapple, Inc.	444	0.74754	4	0.55021
21	Samuel M. Damon Estate	436	0.73407	1	0.13755
22	Hawaii Baptist Convention	428	0.72060	1	0.13755
23	Hawaii Housing Authority	426	0.71723	6	0.82531
24	Stark Development, Limited	412	0.69366	2	0.27510
25	Bishop Trust Co., Ltd.	403	0.67851	5	0.68776
26	300 West 23rd Street Co.	401	0.67514	2	0.27510
27	Shell Enterprise Co., Ltd.	380	0.63978	1	0.13755
28	Hawaiian Resorts, Limited	369	0.62126	3	0.41265
29	Harry Weinberg	369	0.62126	1	0.13755
30	Honolulu Sailors' Home Society	368	0.61958	1	0.13755
31	Bankers Life Insurance Co.	347	0.58422	1	0.13755
32	Tung Te Corp. et al.	347	0.58422	1	0.13755
33	Hawaiian Electric Co., Inc.	346	0.58254	1	0.13755
34	Niu Pia Farms, Inc.	346	0.58254	2	0.27510
35	Axel Ornellas Trust	332	0.55897	2	0.27510
36	American Trust Co. of Hawaii	324	0.54550	6	0.82531
37	Hawaii Conference Foundation	310	0.52193	2	0.27510
38	William Weinberg	306	0.51519	1	0.13755
39	Bali Land Corp.	297	0.50004	1	0.13755
Totals		33,220	55.93064	253	34.80055

Total number of owners: 820

Top 39 project owners as a percentage of total project owners: 4.75610

Total number of projects: 727

\*In instances where fee simple title to land under a particular project was held by separate entities or individuals the fee simple title to land under a particular condominium project was attributed to and counted toward the number of holdings where that title was held for land under more than 50 per cent of the units in the project.

Table 9

CONDOMINIUMS  
 HOLDERS OF FEE SIMPLE TITLE TO LANDS UNDER  
 0.5 PER CENT OR MORE OF ALL LEASEHOLD  
 CONDOMINIUM PROJECTS IN STATE (By Rank)

Rank	Name	Units	Percent	Projects	Percent
1	Bernice Pauahi Bishop Estate	10,987	18.49819	130	17.88171
2	Queen Emma Foundation	469	0.78963	13	1.78817
3	First Hawaiian Bank	1,189	2.00185	9	1.23796
4	James Campbell Estate	865	1.45635	9	1.23796
5	Roman Catholic Church	566	0.95294	6	0.82531
6	Hawaii Housing Authority	426	0.71723	6	0.82531
7	American Trust Co. of Hawaii	324	0.54550	6	0.82531
8	Magoon Estate, Limited	1,520	2.55913	5	0.68776
9	Liliuokalani Trust Estate	1,136	1.91262	5	0.68776
10	Hawaiian Trust Co.	981	1.65165	5	0.68776
11	James C. Castle Estate	774	1.30314	5	0.68776
12	Iolani School	570	0.95968	5	0.68776
13	Bishop Trust Co., Ltd.	403	0.67851	5	0.68776
14	300 Corporation	259	0.43606	5	0.68776
15	Honolulu Limited	1,249	2.10287	4	0.55021
16	Maui Land & Pineapple, Inc.	444	0.74754	4	0.55021
17	Augustus F. Knudsen et al. Trust	228	0.38387	4	0.55021
18	Norman Quigley et al. Trust	141	0.23739	4	0.55021
19	Margaret C. Hind Estate	111	0.18688	4	0.55021
20	Kamehameha Investment Corp.	38	0.06398	4	0.55021
Totals		22,680	38.18503	238	32.73728

Total number of owners: 820

Top 39 project owners as a percentage of total project owners: 2.43902

Total number of projects: 727

than 0.5 per cent of all leasehold condominium units own the fee title to lands under 253 of the 727 leasehold projects in the State (see Table 8).<sup>5</sup> The 39 owners represent 4.7561 per cent of all individuals and entities holding fee simple title to lands beneath leasehold condominium projects and hold that title to land beneath 34.80055 per cent of all leasehold condominium projects in the State (see Table 8). Fourteen of the top 39 unit owners hold fee title to lands under only one condominium project (see Table 8).

There are only twenty entities that hold individually the fee simple title to lands under more than .5 per cent of condominium projects (4 or more projects) (see Table 9). Fifteen of them also each hold the fee title to more than .5 per cent of lands beneath leasehold condominium units (see Tables 7 and 9). As in the case of fee ownership of land beneath condominium units, the holdings of Bishop Estate of fee title to lands under condominium projects far surpasses that of any other person or entity (see Table 9). Bishop Estate owns the fee title to lands under 130 projects or 17.88171 per cent of all leasehold projects (see Table 9). The second largest owner, Queen Emma Foundation, holds fee title to the land beneath 13 projects or 1.78817 per cent of all leasehold projects (see Table 9).

Twenty-six thousand one hundred eleven individuals or entities hold fee simple interest in the lands beneath all condominiums, leasehold and fee simple, in the State<sup>6</sup> (see Table 10). The 39 owners listed on Table 6 who each hold the fee simple title to lands beneath 0.5 per cent or more of all leasehold condominium units represent 0.14936 per cent of the total number of those 26,111, and hold fee title to lands under 33,409 condominium units, leasehold and fee simple, or 35.44684 per cent of all leasehold and fee simple units (see Tables 10 and 11).

#### City and County of Honolulu

There are a total of 17,882 individuals and entities who hold fee simple title to lands beneath all fee simple and leasehold condominium units in the City and County of Honolulu (see Table 12). Sixty or 0.33553 per cent of all owners in the City and County each hold fee simple title to land beneath more

Table 10

CONDOMINIUMS  
 HOLDERS OF FEE SIMPLE TITLE TO LANDS UNDER  
 .5 PER CENT OR MORE OF ALL LEASEHOLD  
 CONDOMINIUM UNITS IN STATE - HOLDINGS TO  
 LAND UNDER BOTH LEASEHOLD AND FEE SIMPLE  
 CONDOMINIUM UNITS (By Rank)

Rank	Name	Units (F + L)	Percent (F + L)
1	Bernice Pauahi Bishop Estate	10,993	11.66353
2	Magoon Estate, Limited	1,520	1.61271
3	First Hawaiian Bank	1,253	1.32942
4	Honolulu Limited	1,249	1.32518
5	Liliuokalani Trust Estate	1,136	1.20529
6	Kawaiahao Church	1,019	1.08115
7	Hawaiian Trust Co.	981	1.12041
8	City and County of Honolulu	952	1.01006
9	James Campbell Estate	865	0.91776
10	James C. Castle Estate	774	0.82121
11	3900 Corporation	737	0.78195
12	Turieb, Limited	614	0.65145
13	Katherine K. Choy, et al.	600	0.63659
14	Iolani School	570	0.60476
15	Roman Catholic Church-Hawaii	567	0.60158
16	Theodore Smyth, Trustee	562	0.59628
17	C. Robinson Ltd. Partnership	527	0.55914
18	Lum Yip Kee, Limited	516	0.54747
19	Queen Emma Foundation	469	0.49761
20	Maui Land & Pineapple, Inc.	444	0.47108
21	Samuel M. Damon Estate	436	0.46259
22	Bishop Trust Co., Ltd.	432	0.45835
23	Hawaii Baptist Convention	428	0.45411
24	Hawaii Housing Authority	426	0.45198
25	Stark Development, Limited	419	0.44455
26	300 West 23rd Street Co.	401	0.42545
27	American Trust Co. of Hawaii	394	0.41803
28	Shell Enterprise Co., Ltd.	381	0.40423
29	Harry Weinberg	369	0.39151
30	Hawaiian Resorts, Limited	369	0.39151
31	Honolulu Sailors' Home Society	368	0.39044
32	Bankers Life Insurance Co.	347	0.36816
33	Hawaiian Electric Co., Inc.	347	0.36816
34	Tung Te Corp. et al.	347	0.36816
35	Niu Pia Farms, Inc.	346	0.36710
36	Axel Ornellas Trust	336	0.35649
37	Hawaii Conference Foundation	310	0.32891
38	William Weinberg	307	0.32572
39	Bali Land Corp.	298	0.31617
Totals		33,409	35.44684

Total number of owners in fee: 25,457

Total number of owners in lease: 820

Total number of owners in fee and lease (less 167 owners in both fee and lease): 26,111

Percentage of top 39 owners in lease as a percentage of total number of owners in fee and lease: 0.14936



Table 11

CONDOMINIUMS  
 HOLDERS OF FEE SIMPLE TITLE TO LANDS UNDER  
 0.5 PER CENT OR MORE OF ALL LEASEHOLD  
 CONDOMINIUM UNITS IN STATE - HOLDINGS TO LAND  
 UNDER BOTH LEASEHOLD AND FEE SIMPLE  
 CONDOMINIUM UNITS (Alphabetical Order)

Name	Units (F + L)	Percent (F + L)
American Trust Co. of Hawaii	394	0.41803
Bali Land Corp.	298	0.31617
Bankers Life Insurance Co.	347	0.36816
Bernice Pauahi Bishop Estate	10,993	11.66353
Bishop Trust Co., Ltd.	432	0.45835
James Campbell Estate	865	0.91776
James C. Castle Estate	774	0.82121
Katherine K. Choy, et al.	600	0.63659
City and County of Honolulu	952	1.01006
Samuel M. Damon Estate	436	0.46259
First Hawaiian Bank	1,253	1.32942
Hawaii Baptist Convention	428	0.45411
Hawaii Conference Foundation	310	0.32891
Hawaii Housing Authority	426	0.45198
Hawaiian Electric Co., Inc.	347	0.36816
Hawaiian Resorts, Limited	369	0.39151
Hawaiian Trust Co.	981	1.12041
Honolulu Sailors' Home Society	368	0.39044
Honolulu Limited	1,249	1.32518
Iolani School	570	0.60476
Kawaiahao Church	1,019	1.08115
Liliuokalani Trust Estate	1,136	1.20529
Lum Yip Kee, Limited	516	0.54747
Magoon Estate, Limited	1,520	1.61271
Maui Land & Pineapple, Inc.	444	0.47108
Niu Pia Farms, Inc.	346	0.3671
Axel Ornellas Trust	336	0.35649
Queen Emma Foundation	469	0.49761
C. Robinson Ltd. Partnership	527	0.55914
Roman Catholic Church-Hawaii	567	0.60158
Shell Enterprise Co., Ltd.	381	0.40423
Theodore Smyth, Trustee	562	0.59628
Stark Development, Limited	419	0.44455
Tung Te Corp. et al.	347	0.36816
Turieb, Limited	614	0.65145
Harry Weinberg	369	0.39151
William Weinberg	307	0.32572
300 West 23rd Street Co.	401	0.42545
3900 Corporation	737	0.78195
Totals	33,409	35.44684

Total number of owners in fee: 25,457

Total number of owners in lease: 820

Total number of owners in fee and lease (less 167 owners in both fee and lease): 26,111

Percentage of top 39 owners in lease as a percentage of total number of owners in fee and lease: 0.14936

Table 12

CONDOMINIUMS  
 HOLDERS OF FEE SIMPLE TITLE TO LANDS UNDER  
 .25 PER CENT OR MORE OF ALL CONDOMINIUM UNITS,  
 BOTH LEASEHOLD AND FEE SIMPLE, IN CITY &  
 COUNTY OF HONOLULU (By Rank)

Rank	Owner Name	Units	Percent
1	Bernice Pauahi Bishop Estate	10,940	15.02478
2	Magoon Estate, Limited	1,520	2.08753
3	First Hawaiian Bank	1,165	1.59998
4	Liliuokalani Trust Estate	1,074	1.43793
5	Hawaiian Trust Co., Ltd.	1,036	1.44282
6	Kawaiahao Church et al.	1,019	1.39947
7	City and County of Honolulu	952	1.30745
8	James Campbell Estate	865	1.18797
9	James C. Castle Estate, et al.	774	1.06299
10	3900 Corporation	737	1.01218
11	Turieb, Limited	614	1.84325
12	Saje Ventures II	606	0.83226
13	Katherine K. Choy Trustees, et al.	600	0.82402
14	Iolani School	570	0.78282
15	Honolulu, Limited	568	0.78008
16	C. Robinson Limited Partnership	527	0.72377
17	Lum Yip Kee, Ltd.	516	0.70866
18	Queen Emma Foundation	469	0.64412
19	Roman Catholic Church-Hawaii	437	0.60016
20	Samuel M. Damon Trust Estate	436	0.59879
21	Hawaii Baptist Convention	428	0.5878
22	Hawaii Housing Authority	426	0.58506
23	Stark Development, Limited	417	0.57269
24	Shell Enterprise Co., Ltd.	381	0.52325
25	Hawaiian Resorts, Limited	369	0.50677
26	Honolulu Sailors' Home Society	368	0.5054
27	Theodore H. Smyth, Trustee	363	0.49853
28	Bishop Trust Co., Ltd.	360	0.49441
29	Harry Weinberg	351	0.48205
30	American Trust Co. of Hawaii	348	0.46515
31	Bankers Life Insurance Co.-Nebraska	347	0.47656
32	Hawaiian Electric Co., Ltd.	347	0.47656
33	Tung Te Corp. et al.	347	0.47656
34	Axel Ornellas Trust	335	0.46008
35	Hawaii Conference Foundation	310	0.42574
36	Bali Land Corp.	298	0.40926
37	Agnes S.A.M. Sang	293	0.4024
38	Anna A. Neiman Trust	285	0.39141
39	Jack H. Ujimori	282	0.38729
40	Hanohano Enterprises, et al.	272	0.37355
41	St. Louis/Chaminade Ed Center	271	0.37218
42	Clarence O. Furuya, et al.	264	0.36257
43	Honolulu Federal Savings & Loan	261	0.35845
44	Alice H. Castle Trust Estate	254	0.34883

Rank	Owner Name	Units	Percent
45	SBS Realty Corp.	247	0.33922
46	Church of Jesus Christ of LDS	239	0.32823
47	Floye G. Adams, et al.	228	0.31313
48	Thrift Guaranty Corp. - Hawaii	221	0.30351
49	Katherine M. Cooper, Trustee	219	0.30077
50	300 West 23rd Street Co.	211	0.28978
51	John H. Magoon, Sr. Trust Estate	209	0.28703
52	Hawaii National Bank, et al.	202	0.27742
53	Hirano Enterprises	200	0.27467
54	Kim Hyang Man/C.S., et al.	198	0.27192
55	KDI Investments, Inc.	197	0.27055
56	Indo Pacific Investment, Inc.	196	0.26918
57	McInerny Foundation, et al.	194	0.26643
58	Honolulu Myohoji	192	0.26368
59	Georgia C. Souza Trust Estate	190	0.26094
60	Yee Akin, Ltd.	186	0.25544
Totals		36,704	50.40858

Total number of owners in lease and fee: 17,882

Top 60 owners as a percentage of total number of owners in lease  
and fee: 0.33553

than 0.25 per cent of all such units on Oahu (see Table 12). Together they hold fee simple title to lands beneath 36,704 condominium units, 50.40858 per cent of all condominium units on Oahu (see Table 12). The entity holding fee simple title to lands beneath the most units is Bishop Estate with 10,940 units or 15.02478 per cent of all units, both leasehold and fee simple, on Oahu (see Table 12). The next largest owner is the Magoon Estate, Ltd. with 1,520 units or 2.08753 per cent (see Table 12). All other owners hold the fee title to land under less than 2.0 per cent of the units.

#### County of Maui

There are a total of 4,983 individuals and entities who hold fee simple title to lands beneath all fee simple and leasehold condominium units in the County of Maui (see Table 13). Fifty-six or 1.12382 per cent of all owners in Maui County each hold fee simple title to lands beneath more than 0.25 per cent of all such units in the County of Maui (see Table 13). Together they hold fee simple title to lands beneath 6,174 condominium units, 49.0701 per cent of all condominium units in the County of Maui (see Table 13). Persons holding fee simple title to lands beneath as few as 32 condominium units are among the top 56 owners (see Table 13).

#### County of Hawaii

There are a total of 1,777 individuals and entities who hold fee simple title to lands beneath all fee simple and leasehold condominium units in the County of Hawaii (see Table 14). Forty-two or 2.36353 per cent of all owners in Hawaii County each hold fee simple title to lands beneath more than 0.25 per cent of all such units in the County of Hawaii (see Table 14). Together they hold fee simple title to lands beneath 3,048 condominium units, 59.56615 per cent of all condominium units in the County of Hawaii (see Table 14). Persons holding fee simple title to lands beneath as few as 13 condominium units are among the top 42 owners (see Table 14).

Table 13

CONDOMINIUMS  
 HOLDERS OF FEE SIMPLE TITLE TO LANDS UNDER  
 0.25 PER CENT OR MORE OF ALL CONDOMINIUM  
 UNITS, BOTH LEASEHOLD AND FEE SIMPLE,  
 IN COUNTY OF MAUI (By Rank)

Rank	Owner Name	Units	Percent
1	Honolulu, Limited	681	5.41249
2	Maui Land & Pineapple	444	3.52885
3	Kamaole Sands	354	2.81354
4	William Weinberg	307	2.43999
5	Royal Kaanapali Joint Venture	263	2.09028
6	300 Corporation	257	2.0426
7	Theodore H. Smyth, Trustee	199	1.58162
8	Ralph L. Hoyle, Jr., et al.	196	1.55778
9	August Reimann, Jr. Trust	192	1.52598
10	Hyades B. Kiesel, et al.	188	1.49419
11	Sugar Way, Ltd. et al.	187	1.48625
12	Kaanapali Properties, et al.	184	1.4624
13	Alice C. Avery Trust, et al.	181	1.43856
14	Hill Enterprises, Ltd.	122	0.96963
15	Fred Y.W. Chang, et al.	116	0.92195
16	Mike Resnick et al., Inc.	105	0.83452
17	Kuuleialoha B. Lay	101	0.80273
18	Walter G. Luckau, et al.	89	0.70735
19	HRT, Ltd.	85	0.67556
20	Hogan, Hogan, Hogan/Hogan, Inc.	84	0.66762
21	Gertrude F. Berger, et al.	83	0.65967
22	Harvard Properties, Inc.	78	0.61993
23	David Donald Lonie, Jr.	73	0.58019
24	Robert P. Bruce	69	0.5484
25	Hawaii Omori Corporation	69	0.5484
26	Kaanapali Royal Associates	69	0.5484
27	Charles Nakoa, et al.	68	0.54045
28	Norman/Joyce Quigley Trust	62	0.49276
29	Winnifred K. Sanborn	62	0.49276
30	First Hawaiian Bank	60	0.47687
31	Kahana Sunset Land Purchase	60	0.47687
32	James K. Schuler & Associates, Inc.	58	0.46097
33	William K. Buchanan Estate	57	0.45302
34	Puuone Development	57	0.45302
35	Polynesian Shores, Inc.	54	0.42918
36	Eugenia U. Smith Trust	53	0.42123
37	Trustees of B.P. Bishop Estate	53	0.42123
38	Elizabeth C. Robinson, et al.	49	0.38944
39	Isaac Feig, et al.	48	0.38149
40	Samuel W. Lee, et al.	48	0.38149
41	Roman Catholic Church-Hawaii	46	0.3656
42	Elizabeth P. Byington Trust	43	0.34175
43	M.S. Land, Inc.	43	0.34175

Rank	Owner Name	Units	Percent
44	Robert G.B. Bjornson Trust, et al.	42	0.33381
45	Kazuo R. Kishi Trust	42	0.33381
46	David P. Ting & Sons, Inc.	40	0.31791
47	Wilbert Y. K. Yee, et al.	40	0.31791
48	Molokai Beach, Ltd.	38	0.30201
49	Kamaole Vacations, Inc.	37	0.29407
50	Arthur H. Randle, et al.	37	0.29407
51	Louis G. Van der Linden, et al.	35	0.27817
52	Wendell F./Myrtle L. Crockett	34	0.27022
53	NM-KL Associates	34	0.27022
54	Terry L./Doris L. Phillips	34	0.27022
55	Hawaii Carpenters Pension Trust	32	0.25433
56	Steven Y.M. Yee, et al.	32	0.25433
Totals		6,174	49.0701

Total number of owners in lease and fee: 4,983

Top 56 owners as a percentage of total number of owners in  
lease and fee: 1.12382

Table 14

CONDOMINIUMS  
 HOLDERS OF FEE SIMPLE TITLE TO LANDS UNDER  
 0.25 PER CENT OR MORE OF ALL CONDOMINIUM  
 UNITS, BOTH LEASEHOLD AND FEE SIMPLE,  
 IN COUNTY OF HAWAII (By Rank)

Rank	Owner Name	Units	Percent
1	Kamehameha Investment Corp.	338	6.60543
2	City Bank	210	4.10396
3	Hilo-Pacific Associates	182	3.55677
4	Fidelity Federal Savings & Loan	149	2.91186
5	Ichthus Land Company	134	2.61872
6	Joseph Gomes	126	2.46238
7	John Noyes, et al.	115	2.24741
8	Margaret C. Hind Trust Estate	112	2.18878
9	State Savings & Loan Association	102	1.99335
10	Di Tullio-Hawaiian Venture I	98	1.91518
11	Alaskan Kahala Investments	95	1.85655
12	Harold C./Lois E. Hill, et al.	93	1.81747
13	August/Kona, Ltd.	89	1.7393
14	Liliuokalani Trust Estate	89	1.7393
15	Roman Catholic Church-Hawaii	84	1.64158
16	Coolidge/Mary T. Carter	76	1.48524
17	Hasegawa Komuten Co., Ltd.	76	1.48524
18	Kalamakumu, Inc.	66	1.28981
19	Bishop Trust Co., Ltd.	65	1.27027
20	Recreational Time Share-Hawaii	64	1.25073
21	Ellen Chong Chee, et al.	62	1.21164
22	Lands of Kukuau	62	1.21164
23	Kona Properties, Inc.	61	1.1921
24	Richard Smart Trust	57	1.11393
25	Oscar L./Ernestine H. Armstrong	45	0.87942
26	James P. Wohl, Trustee	37	0.72307
27	Kalikookalani B. Chun	36	0.70353
28	K. Ebisuzaki, Ltd.	34	0.66445
29	Shigenobu Kojima	30	0.58628
30	Avda Inc., Tex Inc., and Nakamura	27	0.52765
31	First Hawaiian Bank	27	0.52765
32	Territorial Savings & Loan Association	26	0.50811
33	American Trust Co. of Hawaii	25	0.48856
34	Honolulu Federal Savings and Loan Association	23	0.44948
35	Raymond M. Kobayashi Jr./G.R.	20	0.39085
36	Vacation Internationale, Ltd.	20	0.39085
37	James K. Schuler & Associates	18	0.35176
38	Henry De Aguiar	17	0.33222
39	Hawaii Carpenters Pension Fund	16	0.31268
40	MRD, Inc.	15	0.29314
41	Great State Corporation	14	0.27359
42	Richard W./Patricia Clark	13	0.25405
Totals		3,048	59.56615

Total number of owners in lease and fee: 1,777

Top 42 owners as a percentage of total number of owners in  
 lease and fee: 2.36353

## County of Kauai

There are a total of 1,469 individuals and entities who hold fee simple title to lands beneath all fee simple and leasehold condominium units in the County of Kauai (see Table 15). Twenty-nine or 1.97413 per cent of all owners in Kauai County each hold fee simple title to lands beneath more than 0.25 per cent of all such units in the County of Kauai (see Table 15). Together they hold fee simple title to lands beneath 2,046 condominium units, 54.72051 per cent of all condominium units in the County of Kauai (see Table 15). An entity holding fee simple title to lands beneath as few as 11 condominium units is among the top 29 owners (see Table 15).

## *Cooperative Housing Corporations*

There are 69<sup>7</sup> cooperative housing corporations in the State of Hawaii, 67 on Oahu and 2 in the County of Maui.<sup>8</sup> All cooperatives appearing in Appendix D were included in this count even where records of the State of Hawaii Department of Commerce and Consumer Affairs showed them to be involuntarily dissolved. Projects in the process of converting to condominiums were also included. None exist in the counties of Hawaii and Kauai. Both cooperatives in Maui county, the Mauian and Napili Village, are run generally as hotels or transient vacation rentals.<sup>9</sup>

There are 2,832 cooperative apartments in the State of Hawaii, 2,738 on Oahu and 94 in the County of Maui.<sup>10</sup>

Thirty-five individuals or entities own the fee simple title to lands beneath all cooperative housing projects in the State, 34 on Oahu and 1 on Maui.<sup>11</sup> Twenty-six of those 35 or 74.29 per cent own the fee simple title to lands beneath a single cooperative project; 9 or 25.71 per cent own the fee simple title to lands beneath more than one cooperative project.<sup>12</sup> A list provided by the City and County of Honolulu of cooperative housing projects located on Oahu and the number of apartments each contains is found in Appendix D.



Table 15

CONDOMINIUMS  
 HOLDERS OF FEE SIMPLE TITLE TO LANDS UNDER  
 0.25 PER CENT OR MORE OF ALL CONDOMINIUM  
 UNITS, BOTH LEASEHOLD AND FEE SIMPLE,  
 IN COUNTY OF KAUAI (By Rank)

Rank	Owner Name	Units	Percent
1	Niu Pia Farms, Ltd.	346	9.25381
2	Augustus F. Knudsen Estate	254	6.79326
3	300 West 23rd Street Corp.	190	5.08157
4	PT-V Trust, et al.	176	4.70714
5	G.N. Wilcox Memorial Hospital	143	3.82455
6	Worldwide Condominium Development, Inc.	93	2.48729
7	Zalopany Child/Grandchild Trust	77	2.05937
8	Debra Investment Corp.	76	2.03262
9	S. Otsuka Estate, Inc.	74	1.97913
10	Metropolitan Mortgage & Securities, Inc.	61	1.63145
11	Jeanne A./David G. Anderson	56	1.49772
12	State Savings & Loan Association	53	1.41749
13	American Savings & Loan Association	45	1.20353
14	Eric M. Moir, Trustee	45	1.20353
15	Martha K. Jewett, Trustee	41	1.09654
16	Princeville Development Corp.	41	1.09654
17	Leonard H./Alma K. Zalopany	37	0.98956
18	Hasegawa Komuten Co., Ltd.	36	0.96282
19	Sailboat Square Investments	33	0.88258
20	Hong Min Hee Trust, et al.	30	0.80235
21	Hawaii E & R Co.	24	0.64188
22	Realty Income Trust	22	0.58839
23	Graham Beach Partners	18	0.48141
24	Consolidated Oil & Gas, Inc.	16	0.42792
25	American Trust Co. of Hawaii	12	0.32094
26	Poipu Sands Ltd. Partnership	12	0.32094
27	Security Pacific Mortgage Corp.	12	0.32094
28	The Housing Group-Hawaii, Inc.	12	0.32094
29	Cap Development Corp.	11	0.29419
Totals		2,046	54.72051

Total number of owners in lease and fee: 1,469

Top 29 owners as a percentage of total number of owners in  
 lease and fee: 1.97413

A written survey was conducted of the cooperatives located on Oahu. Of the 30 responding to the question, 27 projects were located on leasehold land; 3 on fee simple (see Table 16).<sup>13</sup> A telephone survey was conducted of the 2 cooperatives on Maui. Both projects are situated on leasehold land (see Table 17).

The combined results of both surveys showed that 90.6 per cent of all responding cooperative projects (29 projects) and 94.69 per cent of all cooperative apartments (1,409 apartments) were located on leasehold land; 9.4 per cent of all responding projects (3) and 5.31 per cent of the apartments (79) were situated on fee simple property (see Table 18). Of those responding 465 or 31.6 per cent of the apartments were owner-occupied; 1,007 or 68.4 per cent were not owner-occupied (see Table 19). In the City and County of Honolulu, 465 or 33.4 per cent of the apartments were owner-occupied and 69.1 per cent were not (see Table 20). In the County of Maui all 94 apartments were not owner-occupied (see Table 21).

The survey results showed a vast difference in the ratio of owner-occupants living in fee simple cooperative apartments as opposed to leasehold apartments: 74.7 per cent for fee simple apartments; 29.1 per cent for leasehold apartments. These figures as with all figures obtained from the written survey of cooperatives on Oahu, however, are misleading since they represent only 3 cooperative housing projects (79 apartments) situated on fee simple land, an insignificant number of projects and apartments.

#### City and County of Honolulu

Twenty-seven or 90 per cent of the cooperative housing projects responding to the question are situated on leasehold property; 3 or 10 per cent on fee simple land (see Table 16). One thousand three hundred fifteen or 94 per cent of cooperative apartments were situated on leasehold land; 79 or 6 per cent on fee simple property (see Table 16).

Table 16  
COOPERATIVE HOUSING CORPORATIONS  
PROJECTS AND APARTMENTS

City and County of Honolulu

Land Title	Number Projects*	Per cent Projects	Number Apartments**	Per cent Apartments
Lease	27	90	1,315	94
Fee Simple	3	10	79	6
Lease and Fee Simple	30*	100	1,394	100

\*There were 31 responses to the survey. One respondent did not answer this question. Accordingly the total shown on the chart is 30 instead of 31.

\*\*Includes all 31 respondents.

Table 17  
COOPERATIVE HOUSING CORPORATIONS  
PROJECTS AND APARTMENTS

County of Maui

Land Title	Number Projects	Per cent Projects	Number Apartments	Per cent Apartments
Lease	2	100	94	100
Fee Simple	0	0	0	0
Lease and Fee Simple	2	100	94	100

Table 18  
COOPERATIVE HOUSING CORPORATIONS  
PROJECTS AND APARTMENTS

Statewide				
Land Title	Number Projects	Per cent Projects	Number Apartments	Per cent Apartments
Lease	29	90.6	1,409	94.69
Fee Simple	3	9.4	79	5.31
Lease and Fee Simple	32	100	1,488	100

Table 19  
COOPERATIVE HOUSING APARTMENTS  
OWNER/OCCUPANTS

Statewide				
Land Title	Number 0/0	Number Non-0/0	Per cent 0/0	Per cent Non-0/0
Lease	406	987	29.1	70.9
Fee Simple	59	20	74.7	25.3
Lease and Fee Simple	465	1,007	31.6	68.4

Table 20  
COOPERATIVE HOUSING APARTMENTS  
OWNER/OCCUPANTS

City and County of Honolulu

Land Title	Number 0/0	Number Non-0/0	Per cent 0/0	Per cent Non-0/0
Lease	406	909	30.9	69.1
Fee Simple	59	20	74.7	25.3
Lease and Fee Simple	465	929	33.4	66.6

Table 21  
COOPERATIVE HOUSING APARTMENTS  
OWNER/OCCUPANTS

County of Maui

Land Title	Number 0/0	Number Non-0/0	Per cent 0/0	Per cent Non-0/0
Lease	0	94	0	100
Fee Simple	0	0	-	-
Lease and Fee Simple	0	94	0	100

County of Maui

Both cooperative housing projects located on Maui, a total of 94 apartments, are located on leasehold land (see Table 17). Both are run generally as transient vacation rentals and neither is occupied by any owners (see Table 21).

## Chapter 4

### SUMMARY AND CONCLUSIONS

There are 1,341 condominium projects (727 leasehold) and 69 cooperative housing projects in the State of Hawaii consisting of 98,111 condominium units and 2,832 cooperative apartments. 59,395 condominium units are situated on leasehold land, 34,856 on fee simple property.<sup>1</sup> The owner-occupancy rate for both condominiums and cooperatives is low: a little over 28 per cent for condominiums; under 32 per cent for cooperatives. The owner-occupancy rate for condominiums and cooperatives situated on leasehold land is just over 28 per cent for condominiums and just over 29 per cent for cooperatives. The data indicate that the great majority of condominium unit owners do not live in them. 820 individuals or entities hold the fee simple title to lands beneath leasehold condominium projects; 35 individuals or entities hold the fee simple title to all lands beneath cooperative housing projects. Only one fee simple landholder, the Bishop Estate, held fee title to lands under more than three per cent of all leasehold condominium units. The Bishop Estate held fee title to lands beneath approximately 18.5 per cent of all leasehold condominium units. The next largest fee title holder was Magoon Estate, Limited with about 2.5 per cent. With respect to all lands under all condominium units, both leasehold and fee simple, the Bishop Estate was once again the largest holder of fee simple title with a little over 15 per cent. The next largest holder of fee title of land beneath all condominium units was Magoon Estate, Limited with a little over 2 per cent. With respect to the holders of fee title to lands beneath leasehold condominium projects, Bishop Estate again was the largest fee holder holding fee title to lands under almost 18 per cent of all leasehold condominium projects.

Thirty-nine individuals and entities or just under 5 per cent of all holders of fee simple title to lands beneath leasehold condominium units and projects own that title to lands beneath just over 56 per cent of all condominium units in the State. These same individuals and entities own the

fee title to lands under 253 or about 35 per cent of the 727 leasehold condominium projects in the State.

26,111 individuals or entities hold the fee simple interest in the lands beneath all condominiums, leasehold and fee simple, in the State. The top 39 holders of fee title to lands under leasehold condominium units represent 0.14936 per cent of these 26,111, and hold fee title to lands under 33,409 condominium units, leasehold and fee simple, or about 35 per cent of all leasehold and fee simple units in the State.

A final note of caution follows. The concept of redistribution of land, the goal of the Land Reform Act, is not automatically transferable to land under condominiums and housing cooperatives. The Land Reform Act applies to single-family residential lots which are inherently different from condominiums and housing cooperatives. Land area for condominiums and cooperatives is likely to be less important than for single-family residences due simply to their different natures. The land under a single-family residential lot could conceivably hold a condominium or cooperative housing project containing 10, 50, 100, or more units or residences. The concern of the Land Reform Act was home ownership or ownership of the land upon which individuals lived. While land area is easily correlated to single-family residential lots, it does not necessarily correlate for condominiums and cooperatives.

The policy issue which the legislature must ultimately address in deciding whether to adopt laws allowing conversion of lease to fee title to lands under leasehold condominiums and cooperatives is whether and under what circumstances should individuals be able to own the fee title to lands upon which they live. Regardless of the answer to these questions, the data indicate that the great majority of those who live in leasehold condominiums and cooperatives do not own them.



## DISCLOSURE

The Legislative Reference Bureau sought and received an advisory opinion from the State Ethics Commission as to whether it was permissible for the researcher assigned to do this study to work on it. The researcher raised a conflict of interest question because the researcher owns a condominium unit located on leasehold land, and because her parents, friends, and acquaintances hold or she believed it highly likely that they hold leasehold interests in various residential properties. On the facts presented them, the State Ethics Commission issued an opinion stating that the researcher's "participation in the study will not violate the conflicts-of-interests section of the ethics code."

A copy of the correspondence between the Legislative Reference Bureau and the State Ethics Commission is appended to this report as Appendix E.

## Footnotes

### Chapter 1

1. Chapter 516, Hawaii Revised Statutes.

### Chapter 2

1. For information on the history of land ownership in Hawaii and the Land Reform Act see the following sources: Robert H. Horwitz and others, Public Land Policy in Hawaii: An Historical Analysis, University of Hawaii, Legislative Reference Bureau, Report No. 5 (Honolulu: 1969); Robert H. Horwitz and Judith B. Finn, Public Land Policy in Hawaii: Major Landowners, University of Hawaii, Legislative Reference Bureau, Report No. 3 (Honolulu: 1967); Major Landholdings in Hawaii, University of Hawaii, Legislative Reference Bureau, Request No. 7969 (Honolulu: 1961); Hawaii Housing Authority v. Midkiff, 467 U.S. 229, 104 S.Ct. 2321 (1984); Hawaii Housing Authority v. Lyman, 68 Haw. 55 (1985).
2. See §§516-22 and 516-51, Hawaii Revised Statutes.
3. Hawaii Housing Authority v. Midkiff, 467 U.S. 229, 104 S.Ct. 2321 (1984); Hawaii Housing Authority v. Lyman, 68 Haw. 55 (1985).
4. Ibid.
5. The Fifth Amendment of the United States Constitution, made applicable to the states through the Fourteenth Amendment of the United States Constitution, provides in pertinent part that "private property [shall not] be taken for public use, without just compensation."
6. Tax Assessment Records. Where the computer data showed a fee simple interest in land under a particular condominium project was held by multiple owners, each owner or groups of owners listed separately was counted as a single owner for purposes of calculation.
7. A particular project could consist of more than one cooperative and hence be counted twice or more. See for example Kalia, Inc. on Appendix D.
8. See Appendix D. Letters Joseph W. Andrews, Director of Finance, County of Hawaii, 8/4/86; Roy Fujioka, Chief Appraiser, Department of Finance, County of Kauai, 7/16/86; Denise Cumming, Real Property Tax Division, County of Maui, 8/5/86, to Samuel B. K. Chang, Director, Legislative Reference Bureau.
9. Telephone survey of cooperative housing projects located on Maui.
10. See Appendix D. Telephone survey of cooperative housing projects located on Maui.
11. Hawaii TMK Service, Hawaiian Condominium Guide 1982, Oahu Supplement, Condos, Co-ops, Clusters & P.U.D.s (Honolulu: 1981); telephone survey of cooperative housing projects located on Maui.
12. Ibid.
13. One respondent did not answer this question.

### Chapter 4

1. Discrepancy due to the method by which information is input in the real property tax assessment records. See footnote 2 in chapter 3.

### Chapter 3

1. All statistics on condominium units include all types of condominiums, i.e. residential and commercial. The computer records did not provide a method of eliminating non-residential units.
2. Under the method information is categorized and input into the real property tax assessment computer records, approximately 3.9 per cent or 3,860 units are classified under categories other than fee simple or leasehold. This "other" classification occurs where a unit is held under an agreement of sale, under a life tenancy (remainderman), or by a government entity. Since the percentage of units entered as "other" than leasehold or fee simple is small and seemed likely to reflect the same or similar ratio of lease to fee units as those input as such, it was decided to accept the tax records as is without attempting to manually trace the exact ownership of land under units classified as "other" than leasehold or fee simple.
3. Tax Assessment Records.
4. Qualification is made because the tax assessment records show that various condominium projects contain both fee simple and leasehold units.
5. An individual or entity was deemed to own the lands under a project where it did so for over 50 per cent of the leasehold units in a project.

(To be made one and seven copies)

THE SENATE

THIRTEENTH LEGISLATURE, 1986.

STATE OF HAWAII

S.R. NO. 25  
S.D. 1

## SENATE RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE LAND OWNERSHIP PATTERNS OF HAWAII'S RESIDENTIAL CONDOMINIUMS AND COOPERATIVE HOUSING CORPORATIONS.

WHEREAS, the Hawaii Land Reform Act provided the opportunity for single-family residence leaseholders to obtain the fee simple rights thereto; and

WHEREAS, a key factor in establishing the constitutionality and public purpose of the Land Reform Act was the determination, based upon exhaustive research, study, and analysis, that a land oligopoly existed and that its prevailing practice was to lease rather than sell lands in fee simple; and

WHEREAS, legislation has been introduced that would in effect create a Land Reform Act for residential condominium and cooperative housing owners, similarly allowing them an opportunity to purchase the land beneath their units in fee simple; and

WHEREAS, before such legislation is adopted, the Legislature wishes to first determine whether a land oligopoly exists with respect to lands beneath residential condominiums and housing cooperatives, whether there is a prevailing practice of leasing rather than selling lands in fee simple, and whether it is in the public interest to allow owners of condominiums and cooperative housing units situated on leasehold land to obtain fee simple rights thereto; and

WHEREAS, this body would like the Legislative Reference Bureau to conduct a study upon which such a determination may be made, the Bureau having earlier studied land-holding patterns in this State; and

WHEREAS, the Hawaii Housing Authority is currently undertaking a study to determine, among other things, the number of leasehold condominiums in the State, the number of condominium units that are owner-occupied versus rented out, and the level of desire and ability of condominium owners to participate in the conversion of leasehold condominiums; and

WHEREAS, the methodology and results, and information gathered during the course of the study being conducted by the Hawaii Housing Authority should be made readily available and expediently provided to the Legislative Reference Bureau and their study expanded if requested by the Bureau in order to avoid overlap and duplication of effort; now, therefore,

BE IT RESOLVED by the Senate of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, that the Legislative Reference Bureau is requested to study and analyze the ownership patterns of the land beneath Hawaii's residential condominiums and cooperative housing corporations and to determine the land ownership patterns that exist; and

BE IT FURTHER RESOLVED that the study shall not overlap the results of and information from the above mentioned study by the Hawaii Housing Authority and shall determine who owns the land beneath Hawaii's residential condominiums, and shall also determine (1) who owns the land beneath Hawaii's cooperative housing corporations; (2) whether or not ownership of lands beneath such condominiums and cooperatives is patterned in the manner of an oligopoly; and (3) the leasing policies of such landowners; and

BE IT FURTHER RESOLVED that the study shall complement the one being conducted by the Hawaii Housing Authority regarding the number of condominium units that are owner-occupied versus rented out, and provide information on the number of condominium and cooperative owners who reside in their units versus those who do not, to the extent possible; and

BE IT FURTHER RESOLVED that the study shall include to the extent possible other factors needed to authenticate the existence or nonexistence of a land oligopoly of the land under Hawaii's residential condominiums and cooperative housing corporations, and illustrate as fully as possible the patterns of such ownership in the State; and

BE IT FURTHER RESOLVED that all state agencies and the judiciary cooperate fully with the Legislative Reference Bureau in its study, that the results and information gathered during the course of the study being conducted by the Hawaii Housing Authority shall be made readily available and expediently provided to the Bureau by the Authority and that the Authority shall fully apprise the Bureau of all aspects of the Authority's study, including methodology, and accommodate requests by the Bureau to expand the Authority's study, in order to avoid overlap and duplication of effort; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau shall submit a report of its findings to the Legislature no later than twenty days prior to the convening of the Regular Session of 1987, or as soon as is reasonably possible after receiving the results of the study being conducted by the Hawaii Housing Authority; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Director of the Office of the Legislative Reference Bureau, the Governor, the Director of Social Services, the Executive Director of the Hawaii Housing Authority, the Director of Taxation, the Chairperson of the Board of Land and Natural Resources, the Registrar of Conveyances, the Director of Commerce and Consumer Affairs, the Chief Justice of the Supreme Court of the State of Hawaii, and judges of the Land Court.

## HOUSE RESOLUTION

REQUESTING A STUDY OF THE LAND OWNERSHIP PATTERNS OF HAWAII'S  
RESIDENTIAL CONDOMINIUMS AND COOPERATIVE HOUSING  
CORPORATIONS.

WHEREAS, Chapter 516, Hawaii Revised Statutes, commonly referred to as the Land Reform Act, provides a means whereby lessees of single-family residential lots are able to purchase the fee simple interests in their lots; and

WHEREAS, the Land Reform Act which uses the State's eminent domain powers to condemn private property for public purpose has been found to be constitutional by both the United States Supreme Court and the Hawaii Supreme Court; and

WHEREAS, a key factor in establishing the constitutionality and public purpose of the Land Reform Act was the legislative determination, based upon exhaustive research, study, and analysis, that an oligopoly of large land owners existed whose prevailing practice to lease their lands rather than sell them in fee simple resulted in skewing the state's residential fee simple market, inflating land prices, and injuring the public welfare; and

WHEREAS, a similar fee conversion program for leasehold condominiums and cooperatives has been proposed to also provide an opportunity for owner-occupants in a leasehold multi-unit structure to purchase the fee simple interest in the land; and

WHEREAS, before such a program can be implemented, the legislature must first decide whether a public purpose exists by determining whether an oligopoly of landowners exists whose prevailing practice is to lease their lands to residential condominium and cooperative housing corporations, and whether it is in the public interest to allow such condominium and cooperative housing owners to have their property condemned in order to obtain the fee simple rights; and

WHEREAS, such legislation must also be based upon comprehensive information relating to lessees and how they utilize their units; and

WHEREAS, although the Hawaii Housing Authority will be conducting a market survey to determine who owns the land underneath Hawaii's residential condominiums and cooperative housing corporations and the owner-occupancy rate of these multi-unit structures, many other legal and social issues still need to be thoroughly investigated before the legislature can determine whether a fee conversion program for leasehold condominiums and cooperatives meets the public purpose and interest requirements so as to withstand judicial scrutiny and prevent unnecessary future expenditures of taxpayer money; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, that the Legislative Reference Bureau is requested to study and analyze the ownership patterns of the land beneath Hawaii's residential condominiums and cooperative housing corporations to determine whether, in fact, an oligopoly of such landowners does exist; and

BE IT FURTHER RESOLVED that the study shall determine whether the economics of land ownership for condominiums and cooperative housing corporations are similar to those surrounding single-family residences by looking at such factors as:

- (1) Who owns the land underneath Hawaii's residential condominiums and cooperative corporations.
- (2) Whether this land ownership is patterned in the manner of an oligopoly.
- (3) The leasing policies of the landowners.
- (4) The portion of the acreage which is in use by the owners, or leased to others, for residential, commercial, industrial, and other purposes.
- (5) An analysis of the conditions and terms under which the condominium and cooperative projects were originally developed;

and

BE IT FURTHER RESOLVED that the study shall also provide pertinent information relating to lessees such as:

- (1) The number of condominium or cooperative owners who actually reside in their units.
- (2) How many units serve as second or vacation homes or are used for investment or speculative purposes.
- (3) The number of owner-occupants who would be qualified for, able to, and interested in, purchasing the fee simple interest in their properties;

and

BE IT FURTHER RESOLVED that the study shall include all other factors which are necessary to authenticate the existence or non-existence of an oligopoly which owns most of the land under Hawaii's residential condominiums and cooperative housing corporations, and illustrate as fully as possible the patterns of such ownership in the State; and

BE IT FURTHER RESOLVED that in order to avoid any duplication of effort, the Legislative Reference Bureau consult with the Hawaii Housing Authority; and

BE IT FURTHER RESOLVED that the Hawaii Housing Authority assist and cooperate with the Legislative Reference Bureau in its study, including providing the Bureau with the results of their market survey; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau submit a report of its findings to the Legislature no later than October 1, 1986; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Legislative Reference Bureau, the Hawaii Housing Authority, and the Hawaii Council of Associations of Apartment Owners.



## Appendix B

HAWAII HOUSING AUTHORITY *v.* MIDKIFF

229

### Syllabus

#### HAWAII HOUSING AUTHORITY ET AL. *v.* MIDKIFF ET AL.

#### APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

No. 83-141. Argued March 26, 1984—Decided May 30, 1984\*

To reduce the perceived social and economic evils of a land oligopoly traceable to the early high chiefs of the Hawaiian Islands, the Hawaii Legislature enacted the Land Reform Act of 1967 (Act), which created a land condemnation scheme whereby title in real property is taken from lessors and transferred to lessees in order to reduce the concentration of land ownership. Under the Act, lessees living on single-family residential lots within tracts at least five acres in size are entitled to ask appellant Hawaii Housing Authority (HHA) to condemn the property on which they live. When appropriate applications by lessees are filed, the Act authorizes HHA to hold a public hearing to determine whether the State's acquisition of the tract will "effectuate the public purposes" of the Act. If HHA determines that these public purposes will be served, it is authorized to designate some or all of the lots in the tract for acquisition. It then acquires, at prices set by a condemnation trial or by negotiation between lessors and lessees, the former fee owners' "right, title, and interest" in the land, and may then sell the land titles to the applicant lessees. After HHA had held a public hearing on the proposed acquisition of appellees' lands and had found that such acquisition would effectuate the Act's public purposes, it directed appellees to negotiate with certain lessees concerning the sale of the designated properties. When these negotiations failed, HHA ordered appellees to submit to compulsory arbitration as provided by the Act. Rather than comply with this order, appellees filed suit in Federal District Court, asking that the Act be declared unconstitutional and that its enforcement be enjoined. The court temporarily restrained the State from proceeding against appellees' estates, but subsequently, while holding the compulsory arbitration and compensation formulae provisions of the Act unconstitutional, refused to issue a preliminary injunction and ultimately granted partial summary judgment to HHA and private appellants who had intervened, holding

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\*Together with No. 83-236, *Portlock Community Association (Maunaloa Beach) et al. v. Midkiff et al.*; and No. 83-283, *Kahala Community Association, Inc., et al. v. Midkiff et al.*, also on appeal from the same court.

the remainder of the Act constitutional under the Public Use Clause of the Fifth Amendment, made applicable to the States under the Fourteenth Amendment. After deciding that the District Court had properly not abstained from exercising its jurisdiction, the Court of Appeals reversed, holding that the Act violates the "public use" requirement of the Fifth Amendment.

**Held:**

1. The District Court was not required to abstain from exercising its jurisdiction. Pp. 236-239.

(a) Abstention under *Railroad Comm'n v. Pullman Co.*, 312 U. S. 496, is unnecessary. *Pullman* abstention is limited to uncertain questions of state law, and here there is no uncertain question of state law, since the Act unambiguously provides that the power to condemn is "for a public use and purpose." Thus, the question, uncomplicated by ambiguous language, is whether the Act on its face is unconstitutional. Pp. 236-237.

(b) Nor is abstention required under *Younger v. Harris*, 401 U. S. 37. *Younger* abstention is required only when state-court proceedings are initiated before any proceedings of substance on the merits have occurred in federal court. Here, state judicial proceedings had not been initiated at the time proceedings of substance took place in the District Court, the District Court having issued a preliminary injunction before HHA filed its first state eminent domain suit in state court. And the fact that HHA's administrative proceedings occurred before the federal suit was filed did not require abstention, since the Act clearly states that those proceedings are not part of, or are not themselves, a judicial proceeding. Pp. 237-239.

2. The Act does not violate the "public use" requirement of the Fifth Amendment. Pp. 239-244.

(a) That requirement is coterminous with the scope of a sovereign's police powers. This Court will not substitute its judgment for a legislature's judgment as to what constitutes "public use" unless the use is palpably without reasonable foundation. Where the exercise of the eminent domain power is rationally related to a conceivable public purpose, a compensated taking is not prohibited by the Public Use Clause. Here, regulating oligopoly and the evils associated with it is a classic exercise of a State's police powers, and redistribution of fees simple to reduce such evils is a rational exercise of the eminent domain power. Pp. 239-243.

(b) The mere fact that property taken outright by eminent domain is transferred in the first instance to private beneficiaries does not condemn that taking as having only a private purpose. Government does not itself have to use property to legitimate the taking; it is only the taking's purpose, and not its mechanics, that must pass scrutiny under

the Public Use Clause. And the fact that a state legislature, and not Congress, made the public use determination does not mean that judicial deference is less appropriate. Pp. 243-244.

702 F. 2d 788, reversed and remanded.

O'CONNOR, J., delivered the opinion of the Court, in which all other Members joined, except MARSHALL, J., who took no part in the consideration or decision of the cases.

Laurence H. Tribe, Special Deputy Attorney General of Hawaii, argued the cause for appellants. With him on the briefs for appellants in Nos. 83-141 and 83-283 were Kathleen M. Sullivan and David Rosenberg, Special Deputy Attorneys General, Tany S. Hong, Attorney General, Michael A. Lilly, First Deputy Attorney General, Dennis E. W. O'Connor, James H. Case, and A. Bernard Bays. Richard J. Archer and Corey Y. S. Park filed briefs for appellants in No. 83-236.

Clinton R. Ashford argued the cause for appellees. With him on the brief were E. Barrett Prettyman, Jr., B. Evan Bayh III, Rosemary T. Fazio, G. Richard Morry, and Earl T. Salo.†

JUSTICE O'CONNOR delivered the opinion of the Court.

The Fifth Amendment of the United States Constitution provides, in pertinent part, that "private property [shall not] be taken for public use, without just compensation." These cases present the question whether the Public Use Clause of that Amendment, made applicable to the States through the Fourteenth Amendment, prohibits the State of Hawaii from taking, with just compensation, title in real property from

†Briefs of *amici curiae* urging affirmance were filed for the Office of Hawaiian Affairs by H. K. Bruss Keppeler; for the Pacific Legal Foundation by Ronald A. Zumbach and Harold J. Hughes; and for the Queen Liliuokalani Trust et al. by Daniel H. Case.

William A. Dobrovir and Joseph D. Gebhardt filed a brief for the Hawaiians et al. as *amici curiae*.

lessors and transferring it to lessees in order to reduce the concentration of ownership of fees simple in the State. We conclude that it does not.

## I

## A

The Hawaiian Islands were originally settled by Polynesian immigrants from the western Pacific. These settlers developed an economy around a feudal land tenure system in which one island high chief, the ali'i nui, controlled the land and assigned it for development to certain subchiefs. The subchiefs would then reassign the land to other lower ranking chiefs, who would administer the land and govern the farmers and other tenants working it. All land was held at the will of the ali'i nui and eventually had to be returned to his trust. There was no private ownership of land. See generally Brief for Office of Hawaiian Affairs as *Amicus Curiae* 3-5.

Beginning in the early 1800's, Hawaiian leaders and American settlers repeatedly attempted to divide the lands of the kingdom among the crown, the chiefs, and the common people. These efforts proved largely unsuccessful, however, and the land remained in the hands of a few. In the mid-1960's, after extensive hearings, the Hawaii Legislature discovered that, while the State and Federal Governments owned almost 49% of the State's land, another 47% was in the hands of only 72 private landowners. See Brief for the Hou Hawaiians and Maui Loa, Chief of the Hou Hawaiians, as *Amici Curiae* 32. The legislature further found that 18 landholders, with tracts of 21,000 acres or more, owned more than 40% of this land and that on Oahu, the most urbanized of the islands, 22 landowners owned 72.5% of the fee simple titles. *Id.*, at 32-33. The legislature concluded that concentrated land ownership was responsible for skewing the State's residential fee simple market, inflating land prices, and injuring the public tranquility and welfare.

To redress these problems, the legislature decided to compel the large landowners to break up their estates. The legislature considered requiring large landowners to sell lands which they were leasing to homeowners. However, the landowners strongly resisted this scheme, pointing out the significant federal tax liabilities they would incur. Indeed, the landowners claimed that the federal tax laws were the primary reason they previously had chosen to lease, and not sell, their lands. Therefore, to accommodate the needs of both lessors and lessees, the Hawaii Legislature enacted the Land Reform Act of 1967 (Act), Haw. Rev. Stat., ch. 516, which created a mechanism for condemning residential tracts and for transferring ownership of the condemned fees simple to existing lessees. By condemning the land in question, the Hawaii Legislature intended to make the land sales involuntary, thereby making the federal tax consequences less severe while still facilitating the redistribution of fees simple. See Brief for Appellants in Nos. 83-141 and 83-283, pp. 3-4, and nn. 6-8.

Under the Act's condemnation scheme, tenants living on single-family residential lots within developmental tracts at least five acres in size are entitled to ask the Hawaii Housing Authority (HHA) to condemn the property on which they live. Haw. Rev. Stat. §§ 516-1(2), (11), 516-22 (1977). When 25 eligible tenants,<sup>1</sup> or tenants on half the lots in the tract, whichever is less, file appropriate applications, the Act authorizes HHA to hold a public hearing to determine whether acquisition by the State of all or part of the tract will "effectuate the public purposes" of the Act. § 516-22. If HHA finds that these public purposes will be served, it is author-

<sup>1</sup> An eligible tenant is one who, among other things, owns a house on the lot, has a bona fide intent to live on the lot or be a resident of the State, shows proof of ability to pay for a fee interest in it, and does not own residential land elsewhere nearby. Haw. Rev. Stat. §§ 516-33(3), (4), (7) (1977).

ized to designate some or all of the lots in the tract for acquisition. It then acquires, at prices set either by condemnation trial or by negotiation between lessors and lessees,<sup>2</sup> the former fee owners' full "right, title, and interest" in the land. § 516-25.

After compensation has been set, HHA may sell the land titles to tenants who have applied for fee simple ownership. HHA is authorized to lend these tenants up to 90% of the purchase price, and it may condition final transfer on a right of first refusal for the first 10 years following sale. §§ 516-30, 516-34, 516-35. If HHA does not sell the lot to the tenant residing there, it may lease the lot or sell it to someone else, provided that public notice has been given. § 516-28. However, HHA may not sell to any one purchaser, or lease to any one tenant, more than one lot, and it may not operate for profit. §§ 516-28, 516-32. In practice, funds to satisfy the condemnation awards have been supplied entirely by lessees. See App. 164. While the Act authorizes HHA to issue bonds and appropriate funds for acquisition, no bonds have issued and HHA has not supplied any funds for condemned lots. See *ibid.*

### B

In April 1977, HHA held a public hearing concerning the proposed acquisition of some of appellees' lands. HHA made the statutorily required finding that acquisition of appellees' lands would effectuate the public purposes of the Act. Then, in October 1978, it directed appellees to negotiate with certain lessees concerning the sale of the designated properties. Those negotiations failed, and HHA subsequently ordered appellees to submit to compulsory arbitration.

Rather than comply with the compulsory arbitration order, appellees filed suit, in February 1979, in United States Dis-

<sup>2</sup>See § 516-56 (Supp. 1983). In either case, compensation must equal the fair market value of the owner's leased fee interest. § 516-1(14). The adequacy of compensation is not before us.

trict Court, asking that the Act be declared unconstitutional and that its enforcement be enjoined. The District Court temporarily restrained the State from proceeding against appellees' estates. Three months later, while declaring the compulsory arbitration and compensation formulae provisions of the Act unconstitutional,<sup>3</sup> the District Court refused preliminarily to enjoin appellants from conducting the statutory designation and condemnation proceedings. Finally, in December 1979, it granted partial summary judgment to appellants, holding the remaining portion of the Act constitutional under the Public Use Clause. See 483 F. Supp. 62 (Haw. 1979). The District Court found that the Act's goals were within the bounds of the State's police powers and that the means the legislature had chosen to serve those goals were not arbitrary, capricious, or selected in bad faith.

The Court of Appeals for the Ninth Circuit reversed. 702 F. 2d 788 (1983). First, the Court of Appeals decided that the District Court had permissibly chosen not to abstain from the exercise of its jurisdiction. Then, the Court of Appeals determined that the Act could not pass the requisite judicial scrutiny of the Public Use Clause. It found that the transfers contemplated by the Act were unlike those of takings previously held to constitute "public uses" by this Court. The court further determined that the public purposes offered by the Hawaii Legislature were not deserving of judicial deference. The court concluded that the Act was simply "a naked attempt on the part of the state of Hawaii to take the private property of A and transfer it to B solely for B's private use and benefit." *Id.*, at 798. One judge dissented.

<sup>3</sup>As originally enacted, lessor and lessee had to commence compulsory arbitration if they could not agree on a price for the fee simple title. Statutory formulae were provided for the determination of compensation. The District Court declared both the compulsory arbitration provision and the compensation formulae unconstitutional. No appeal was taken from these rulings, and the Hawaii Legislature subsequently amended the statute to provide only for mandatory negotiation and for advisory compensation formulae. These issues are not before us.

On applications of HHA and certain private appellants who had intervened below, this Court noted probable jurisdiction. 464 U. S. 932 (1983). We now reverse.

## II

We begin with the question whether the District Court abused its discretion in not abstaining from the exercise of its jurisdiction. The appellants have suggested as one alternative that perhaps abstention was required under the standards announced in *Railroad Comm'n v. Pullman Co.*, 312 U. S. 496 (1941), and *Younger v. Harris*, 401 U. S. 37 (1971). We do not believe that abstention was required.

### A

In *Railroad Comm'n v. Pullman Co.*, *supra*, this Court held that federal courts should abstain from decision when difficult and unsettled questions of state law must be resolved before a substantial federal constitutional question can be decided. By abstaining in such cases, federal courts will avoid both unnecessary adjudication of federal questions and "needless friction with state policies . . . ." *Id.*, at 500. However, federal courts need not abstain on *Pullman* grounds when a state statute is not "fairly subject to an interpretation which will render unnecessary" adjudication of the federal constitutional question. See *Harman v. Forssenius*, 380 U. S. 528, 535 (1965). *Pullman* abstention is limited to uncertain questions of state law because "[a]bstention from the exercise of federal jurisdiction is the exception, not the rule." *Colorado River Water Conservation Dist. v. United States*, 424 U. S. 800, 813 (1976).

In these cases, there is no uncertain question of state law. The Act unambiguously provides that "[t]he use of the power . . . to condemn . . . is for a public use and purpose." Haw. Rev. Stat. § 516-83(a)(12) (1977); see also §§ 516-83(a)(10), (11), (13). There is no other provision of the Act—or, for that matter, of Hawaii law—which would suggest that

§ 516-83(a)(12) does not mean exactly what it says. Since "the naked question, uncomplicated by [ambiguous language], is whether the Act on its face is unconstitutional," *Wisconsin v. Constantineau*, 400 U. S. 433, 439 (1971), abstention from federal jurisdiction is not required.

The dissenting judge in the Court of Appeals suggested that, perhaps, the state courts could make resolution of the federal constitutional questions unnecessary by their construction of the Act. See 702 F. 2d, at 811-812. In the abstract, of course, such possibilities always exist. But the relevant inquiry is not whether there is a bare, though unlikely, possibility that state courts *might* render adjudication of the federal question unnecessary. Rather, "[w]e have frequently emphasized that abstention is not to be ordered unless the statute is of an uncertain nature, and is obviously susceptible of a limiting construction." *Zwickler v. Koota*, 389 U. S. 241, 251, and n. 14 (1967). These statutes are not of an uncertain nature and have no reasonable limiting construction. Therefore, *Pullman* abstention is unnecessary.<sup>4</sup>

### B

The dissenting judge also suggested that abstention was required under the standards articulated in *Younger v. Harris*, *supra*. Under *Younger*-abstention doctrine, interests of comity and federalism counsel federal courts to abstain from jurisdiction whenever federal claims have been or could be presented in ongoing state judicial proceedings that concern

<sup>4</sup>The dissenting judge's suggestion that *Pullman* abstention was required because interpretation of the State Constitution may have obviated resolution of the federal constitutional question is equally faulty. Hawaii's Constitution has only a parallel requirement that a taking be for a public use. See Haw. Const., Art. I, § 20. The Court has previously determined that abstention is not required for interpretation of parallel state constitutional provisions. See *Examining Board v. Flores de Otero*, 426 U. S. 572, 598 (1976); see also *Wisconsin v. Constantineau*, 400 U. S. 433 (1971).

important state interests. See *Middlesex Ethics Committee v. Garden State Bar Assn.*, 457 U. S. 423, 432-437 (1982). *Younger* abstention is required, however, only when state court proceedings are initiated "before any proceedings of substance on the merits have taken place in the federal court." *Hicks v. Miranda*, 422 U. S. 332, 349 (1975). In other cases, federal courts must normally fulfill their duty to adjudicate federal questions properly brought before them.

In these cases, state judicial proceedings had not been initiated at the time proceedings of substance took place in federal court. Appellees filed their federal court complaint in February 1979, asking for temporary and permanent relief. The District Court temporarily restrained HHA from proceeding against appellees' estates. At that time, no state judicial proceedings were in process. Indeed, in June 1979, when the District Court granted, in part, appellees' motion for a preliminary injunction, state court proceedings still had not been initiated. Rather, HHA filed its first eminent domain lawsuit *after* the parties had begun filing motions for summary judgment in the District Court—in September 1979. Whether issuance of the February temporary restraining order was a substantial federal court action or not, issuance of the June preliminary injunction certainly was. See *Doran v. Salem Inn, Inc.*, 422 U. S. 922, 929-931 (1975). A federal court action in which a preliminary injunction is granted has proceeded well beyond the "embryonic stage," *id.*, at 929, and considerations of economy, equity, and federalism counsel against *Younger* abstention at that point.

The only extant proceedings at the state level prior to the September 1979 eminent domain lawsuit in state court were HHA's administrative hearings. But the Act clearly states that these administrative proceedings are not part of, and are not themselves, a judicial proceeding, for "mandatory arbitration shall be in advance of and shall not constitute any part of any action in condemnation or eminent domain." Haw. Rev. Stat. § 516-51(b) (1976). Since *Younger* is not a

bar to federal court action when state judicial proceedings have not themselves commenced, see *Middlesex County Ethics Committee v. Garden State Bar Assn.*, *supra*, at 433; *Fair Assessment in Real Estate Assn., Inc. v. McNary*, 454 U. S. 100, 112-113 (1981), abstention for HHA's administrative proceedings was not required.

### III

The majority of the Court of Appeals next determined that the Act violates the "public use" requirement of the Fifth and Fourteenth Amendments. On this argument, however, we find ourselves in agreement with the dissenting judge in the Court of Appeals.

#### A

The starting point for our analysis of the Act's constitutionality is the Court's decision in *Berman v. Parker*, 348 U. S. 26 (1954). In *Berman*, the Court held constitutional the District of Columbia Redevelopment Act of 1945. That Act provided both for the comprehensive use of the eminent domain power to redevelop slum areas and for the possible sale or lease of the condemned lands to private interests. In discussing whether the takings authorized by that Act were for a "public use," *id.*, at 31, the Court stated:

"We deal, in other words, with what traditionally has been known as the police power. An attempt to define its reach or trace its outer limits is fruitless, for each case must turn on its own facts. The definition is essentially the product of legislative determinations addressed to the purposes of government, purposes neither abstractly nor historically capable of complete definition. Subject to specific constitutional limitations, when the legislature has spoken, the public interest has been declared in terms well-nigh conclusive. In such cases the legislature, not the judiciary, is the main guardian of the public needs to be served by social legislation, whether it

be Congress legislating concerning the District of Columbia . . . or the States legislating concerning local affairs. . . . This principle admits of no exception merely because the power of eminent domain is involved. . . ." *Id.*, at 32 (citations omitted).

The Court explicitly recognized the breadth of the principle it was announcing, noting:

"Once the object is within the authority of Congress, the right to realize it through the exercise of eminent domain is clear. For the power of eminent domain is merely the means to the end. . . . Once the object is within the authority of Congress, the means by which it will be attained is also for Congress to determine. Here one of the means chosen is the use of private enterprise for redevelopment of the area. Appellants argue that this makes the project a taking from one businessman for the benefit of another businessman. But the means of executing the project are for Congress and Congress alone to determine, once the public purpose has been established." *Id.*, at 33.

The "public use" requirement is thus coterminous with the scope of a sovereign's police powers.

There is, of course, a role for courts to play in reviewing a legislature's judgment of what constitutes a public use, even when the eminent domain power is equated with the police power. But the Court in *Berman* made clear that it is "an extremely narrow" one. *Id.*, at 32. The Court in *Berman* cited with approval the Court's decision in *Old Dominion Co. v. United States*, 269 U. S. 55, 66 (1925), which held that deference to the legislature's "public use" determination is required "until it is shown to involve an impossibility." The *Berman* Court also cited to *United States ex rel. TVA v. Welch*, 327 U. S. 546, 552 (1946), which emphasized that "[a]ny departure from this judicial restraint would result in courts deciding on what is and is not a governmental function and in their invalidating legislation on the basis of their view

on that question at the moment of decision, a practice which has proved impracticable in other fields." In short, the Court has made clear that it will not substitute its judgment for a legislature's judgment as to what constitutes a public use "unless the use be palpably without reasonable foundation." *United States v. Gettysburg Electric R. Co.*, 160 U. S. 668, 680 (1896).

To be sure, the Court's cases have repeatedly stated that "one person's property may not be taken for the benefit of another private person without a justifying public purpose, even though compensation be paid." *Thompson v. Consolidated Gas Corp.*, 300 U. S. 55, 80 (1937). See, e. g., *Cincinnati v. Vester*, 281 U. S. 439, 447 (1930); *Madisonville Traction Co. v. St. Bernard Mining Co.*, 196 U. S. 239, 251-252 (1905); *Fallbrook Irrigation District v. Bradley*, 164 U. S. 112, 159 (1896). Thus, in *Missouri Pacific R. Co. v. Nebraska*, 164 U. S. 403 (1896), where the "order in question was not, and was not claimed to be, . . . a taking of private property for a public use under the right of eminent domain," *id.*, at 416 (emphasis added), the Court invalidated a compensated taking of property for lack of a justifying public purpose. But where the exercise of the eminent domain power is rationally related to a conceivable public purpose, the Court has never held a compensated taking to be proscribed by the Public Use Clause. See *Berman v. Parker*, *supra*; *Rindge Co. v. Los Angeles*, 262 U. S. 700 (1923); *Block v. Hirsh*, 256 U. S. 135 (1921); cf. *Thompson v. Consolidated Gas Corp.*, *supra* (invalidating an uncompensated taking).

On this basis, we have no trouble concluding that the Hawaii Act is constitutional. The people of Hawaii have attempted, much as the settlers of the original 13 Colonies did,<sup>4</sup> to reduce the perceived social and economic evils of a

<sup>4</sup>After the American Revolution, the colonists in several States took steps to eradicate the feudal incidents with which large proprietors had encumbered land in the Colonies. See, e. g., Act of May 1779, 10 Henning's Statutes At Large 64, ch. 13, § 6 (1822) (Virginia statute); Divesting Act of

land oligopoly traceable to their monarchs. The land oligopoly has, according to the Hawaii Legislature, created artificial deterrents to the normal functioning of the State's residential land market and forced thousands of individual homeowners to lease, rather than buy, the land underneath their homes. Regulating oligopoly and the evils associated with it is a classic exercise of a State's police powers. See *Exxon Corp. v. Governor of Maryland*, 437 U. S. 117 (1978); *Block v. Hirsh*, *supra*; see also *People of Puerto Rico v. Eastern Sugar Associates*, 156 F. 2d 316 (CA1), cert. denied, 329 U. S. 772 (1946). We cannot disapprove of Hawaii's exercise of this power.

Nor can we condemn as irrational the Act's approach to correcting the land oligopoly problem. The Act presumes that when a sufficiently large number of persons declare that they are willing but unable to buy lots at fair prices the land market is malfunctioning. When such a malfunction is signalled, the Act authorizes HHA to condemn lots in the relevant tract. The Act limits the number of lots any one tenant can purchase and authorizes HHA to use public funds to ensure that the market dilution goals will be achieved. This is a comprehensive and rational approach to identifying and correcting market failure.

Of course, this Act, like any other, may not be successful in achieving its intended goals. But "whether *in fact* the provision will accomplish its objectives is not the question: the [constitutional requirement] is satisfied if . . . the . . . [state] Legislature *rationally could have believed* that the [Act] would promote its objective." *Western & Southern Life Ins. Co. v. State Bd. of Equalization*, 451 U. S. 648, 671-672 (1981); see also *Minnesota v. Clover Leaf Creamery Co.*, 449 U. S. 456, 466 (1981); *Vance v. Bradley*, 440 U. S. 93, 112 (1979). When the legislature's purpose is legitimate and its

1779, 1775-1781 Pa. Acts 258, ch. 139 (1782) (Pennsylvania statute). Courts have never doubted that such statutes served a public purpose. See, e. g., *Wilson v. Iseninger*, 185 U. S. 55, 60-61 (1902); *Stewart v. Gorter*, 70 Md. 242, 244-245, 16 A. 644, 645 (1889).

means are not irrational, our cases make clear that empirical debates over the wisdom of takings—no less than debates over the wisdom of other kinds of socioeconomic legislation—are not to be carried out in the federal courts. Redistribution of fees simple to correct deficiencies in the market determined by the state legislature to be attributable to land oligopoly is a rational exercise of the eminent domain power. Therefore, the Hawaii statute must pass the scrutiny of the Public Use Clause.\*

## B

The Court of Appeals read our cases to stand for a much narrower proposition. First, it read our "public use" cases, especially *Berman*, as requiring that government possess and use property at some point during a taking. Since Hawaiian lessees retain possession of the property for private use throughout the condemnation process, the court found that the Act exacted takings for private use. 702 F. 2d, at 796-797. Second, it determined that these cases involved only "the review of . . . congressional determination[s] that there was a public use, *not* the review of . . . state legislative determination[s]." *Id.*, at 798 (emphasis in original). Because state legislative determinations are involved in the instant cases, the Court of Appeals decided that more rigorous judicial scrutiny of the public use determinations was appropriate. The court concluded that the Hawaii Legislature's professed purposes were mere "statutory rationalizations." *Ibid.* We disagree with the Court of Appeals' analysis.

The mere fact that property taken outright by eminent domain is transferred in the first instance to private beneficiaries does not condemn that taking as having only a private

\*We similarly find no merit in appellees' Due Process and Contract Clause arguments. The argument that due process prohibits allowing lessees to initiate the taking process was essentially rejected by this Court in *New Motor Vehicle Board v. Fox Co.*, 439 U. S. 96, 108-109 (1978). Similarly, the Contract Clause has never been thought to protect against the exercise of the power of eminent domain. See *United States Trust Co. v. New Jersey*, 431 U. S. 1, 19, and n. 16 (1977).



purpose. The Court long ago rejected any literal requirement that condemned property be put into use for the general public. "It is not essential that the entire community, nor even any considerable portion, . . . directly enjoy or participate in any improvement in order [for it] to constitute a public use." *Rindge Co. v. Los Angeles*, 262 U. S., at 707. "[W]hat in its immediate aspect [is] only a private transaction may . . . be raised by its class or character to a public affair." *Block v. Hirsh*, 256 U. S., at 155. As the unique way titles were held in Hawaii skewed the land market, exercise of the power of eminent domain was justified. The Act advances its purposes without the State's taking actual possession of the land. In such cases, government does not itself have to use property to legitimate the taking; it is only the taking's purpose, and not its mechanics, that must pass scrutiny under the Public Use Clause.

Similarly, the fact that a state legislature, and not the Congress, made the public use determination does not mean that judicial deference is less appropriate.<sup>7</sup> Judicial deference is required because, in our system of government, legislatures are better able to assess what public purposes should be advanced by an exercise of the taking power. State legislatures are as capable as Congress of making such determinations within their respective spheres of authority. See *Berman v. Parker*, 348 U. S., at 32. Thus, if a legislature, state or federal, determines there are substantial reasons for an exercise of the taking power, courts must defer to its determination that the taking will serve a public use.

<sup>7</sup> It is worth noting that the Fourteenth Amendment does not itself contain an independent "public use" requirement. Rather, that requirement is made binding on the States only by incorporation of the Fifth Amendment's Eminent Domain Clause through the Fourteenth Amendment's Due Process Clause. See *Chicago, B. & Q. R. Co. v. Chicago*, 166 U. S. 226 (1897). It would be ironic to find that state legislation is subject to greater scrutiny under the incorporated "public use" requirement than is congressional legislation under the express mandate of the Fifth Amendment.

## IV

The State of Hawaii has never denied that the Constitution forbids even a compensated taking of property when executed for no reason other than to confer a private benefit on a particular private party. A purely private taking could not withstand the scrutiny of the public use requirement; it would serve no legitimate purpose of government and would thus be void. But no purely private taking is involved in these cases. The Hawaii Legislature enacted its Land Reform Act not to benefit a particular class of identifiable individuals but to attack certain perceived evils of concentrated property ownership in Hawaii—a legitimate public purpose. Use of the condemnation power to achieve this purpose is not irrational. Since we assume for purposes of these appeals that the weighty demand of just compensation has been met, the requirements of the Fifth and Fourteenth Amendments have been satisfied. Accordingly, we reverse the judgment of the Court of Appeals, and remand these cases for further proceedings in conformity with this opinion.

*It is so ordered.*

JUSTICE MARSHALL took no part in the consideration or decision of these cases.

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HAWAII HOUSING AUTHORITY, a public body and a body corporate and politic, Plaintiff-Appellee, v. RICHARD LYMAN, JR., MATSUO TAKABUKI, MYRON B. THOMPSON, WILLIAM S. RICHARDSON and HENRY H. PETERS, Trustees of the Kamehameha Schools/Bishop Estate, and KAISER HAWAII-KAI DEVELOPMENT CO., a Nevada corporation, KAISER AETNA, a California corporation, and KACOR REALTY, INC., a California corporation, Defendants-Appellants, and SALEEM AHMED, CAROL Y. AHMED, DOUGLAS E. ANDERSON, ANNE E. ANDERSON, BRYAN L. ANZAI, JUNE H. ANZAI, THOMAS T. ARAGAKI, JR., CAROLYNNE K. ARAGAKI, HAROLD Z. ARAKAKI, WALTER K. ASHITOMI, ETHEL N. ASHITOMI, ADRIAN Q. H. AU, ANDREA R. AU, GAIL K. F. AU, GRACE P. E. AU, WILLIAM T. BEATTIE, JUANITA J. BEATTIE, MERLE R. BEGHTEL, LORNA N. BEGHTEL, FRANK P. BERTOLDO, JOYCE E. BERTOLDO, FLORIAN P. BIANCHI, JR., FRED R. BOLL, LEATRICE R. BOLL, PAUL F. O. BRITOS, BARBARA E. BRITOS, RUSSELL S. BROWN, EVELYN L. BROWN, WARD B. BROWN, MOSES H. BURROWS, BEATRICE L. H. BURROWS, CYRUS T. P. CHI, FAYE A. CHI, ROBERT T. CHIBANA, ROSEMAE N. CHIBANA, STEVEN H. K. CHANG, TAMMIE C. J. CHANG, WU ON CHIN, LAI KUEN CHIN, CLARENCE K. H. CHING, SUMIKO CHING, DELWIN P. K. CHING, ERIC Y. L. CHING, LAURA L. K. N. CHING, ARTHUR L. CHONG, SYLVIA S. J. CHOY, GODWIN C. CHU, JULIA C. CHU, STEPHEN M. S. CHUN, GAIL C. CHUN, MELVIN H. COCKETT, MICHELLE ANN COCKETT, DEWEY L. CONNER, PATRICIA CONNER, DAVID B. CRAIG, ALBERT L. DALTON, EDITH C. DALTON, RESURRECCION B. DARVAL, WILLIAM C. DECKER, NANCY G. DECKER, ROBERTA R. DIAS, RAY G. DIX, DONNA M. DIX, SAMUEL N. EISMEN, MARIANNE EISMEN, RICHARD M. ELLIS, JR., SHIZUKO M. ELLIS, RICHARD H. EMERSON, CAROL K. EMERSON, MICHAEL M. ESTERBROOK, YUMIKO ESTERBROOK, TA KUNG FINE, SHIRLEY H. L. L. FINE, SAMUEL S. FOSTER, JR., CAROLINE T. FOSTER, KENNETH K. FUJII, ICHIRO FUKUMOTO, JEAN T. FUKUMOTO, MORRIS M. FURUBAYASHI, MARJORIE T. FURUBAYASHI, KAIZO FURUYA, JUDY M. FURUYA, JAMES A.

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FURUYAMA, LOREEN M. FURUYAMA, EUGENE L. GELFO, II, JO CAROL GELFO, FERNANDO J. GEORGE, NOELIA GEORGE, ERICH P. GERHOLD, MARGARET D. GERHOLD, DU SHUN GIM, KYUNGNIN Y. GIM, LAWRENCE Y. L. GO, SR., ELLEN M. GO, TAKENORI GOJO, YASUMI GOJO, KAKALA GOPALAKRISHNAN, VIJAYALEKSHMY GOPALAKRISHNAN, JAY P. GURIAN, JULIA M. GURIAN, EDWARD M. HAMADA, ARLEAN N. HAMADA, CARYS. HANAOKA, AMY E. HANAOKA, WAYNE H. HARADA, VIOLET H. HARADA, RODNEY K. HARAGA, JANE S. HARAGA, SAMUEL T. HASEGAWA, AMY Y. HASEGAWA, GLENN M. HASHIMOTO, LINDY M. HASHIMOTO, UMEO HASHIRO, CAROLE Q. HASHIRO, JACK HAWLEY, MARTA HAWLEY, STANLEY I. HAYASHI, RUTH K. HAYASHI, MELVIN J. N. HEE, NATHALIE L. J. HEE, FUMIO HIDANO, YAEKO HIDANO, JAMES M. HIGA, MERLE N. HIGA, WALLACE M. HIGASHI, EUNICE T. HIGASHI, GARY I. HIRAIWA, MARGARET F. HIRAIWA, AKIRA HIRONAGA, MISAKO HIRONAGA, JAMES S. HOLDERNESS, ARDELLE S. HOLDERNESS, EDWARD M. HOLLACHER, OPAL J. HOLLACHER, HARVEY O. HONDA, VIRGINIA S. HONDA, HORACE H. HONDA, FRIEDA M. HONDA, MATTHEW C. H. HONG, KATHERINE S. HONG, PAUL S. H. HONG, ETHELS. Y. K. HONG, MORDECAI H. HUDSON, III, MARY S. HUDSON, KATHY A. HUFFMAN, ALAN N. HUGHGILL, CHARLES T. IIDA, WINIFRED F. IIDA, HARUYOSHI IKAWA, ELINOR T. IKAWA, DONNA R. IKEDA, KENNETH T. INADA, BARBARA S. INADA, WAYNE S. INAMINE, SHARON O. INAMINE, EDWIN T. INOUE, SUZETTE S. INOUE, WILLIAM IRVINE, LARRY H. ISOBE, EDNA C. ISOBE, MICHAEL H. ITO, PATRICIA J. ITO, CARL G. IZUMI, SUSAN Y. IZUMI, THOMAS M. JASKUNAS, CAROL L. JASKUNAS, GORDON K. S. JAY, ROY H. KADOOKA, LORRAINE S. KADOOKA, GEORGE K. Y. KAI, MARTHA B. Y. KAI, EDITH M. KAHAKELII, GORDON K. KAMAKAHI, LUANA L. KAMAKAHI, ROBERT T. KANESHIRO, FAITH R. KANESHIRO, ROY A. KANESHIRO, JUNE J. KANESHIRO, RONALD T. KASHIMOTO, CAROL JANE S. KASHIMOTO, CLIFFORD H. KASHIWABARA, LILLIAN KASHIWABARA,

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JAMES K. KASHIWAI, AKIE KASHIWAI, STEPHEN K. KASPEROWICZ, ROBERTA J. KASPEROWICZ, NOBUKO KATO, RICHARD T. KATO, LEONA Y. KATO, THEODORE S. KAWAHIGASHI, DANA T. KAWAHIGASHI, THOMAS S. KAWASAKI, LINDA H. KAWASAKI, CHESTER M. KAWASHIGE, SHIRLEY J. KAWASHIGE, MARTIN W. KEOUGH, SHIRLEY M. KEOUGH, GEORGE K. KIKUCHI, MARIAN K. KIKUCHI, SOO BOK KIM, MARY KIM, WENDELL S. H. KIM, ELSIE T. KIM, ARTHUR I. KIMURA, RENE M. KIMURA, SEIJI KODAMA, LINDA H. KODAMA, FREDERICK T. KOGA, JAYNE K. KOGA, NORMAN M. KOGA, NANNETTE S. C. KOGA, KENT KOIKE, NANCY N. KOIKE, ARTHUR A. KOJIMA, BARBARA A. KOJIMA, STANLEY I. KOKI, SUMIKO K. KOKI, JOHAN C. KOORENHOF, MARIA G. KOORENHOF, RONALD S. KUBO, SR., BERNADETTE C. KUBO, HARRY T. KUBOTA, BETSY K. KUBOTA, SCOTT S. KUNIMURA, ANN T. KUNIMURA, LINDY T. KUNISHIMA, GERALDINE N. KUNISHIMA, ERNEST T. KUROSAWA, SUMIYE O. KUROSAWA, ROBERT LACNO, EVELYN D. LACNO, DON LAMOND, SUSAN M. LAMOND, LAWRENCE L. LANGLEY, LINDA JO LANGLEY, GORDON M. Y. LAU, ROBERT C. LAWTON, KATHLEEN R. LAWTON, HOWARD K. T. LEE, ESTHER K. C. LEE, BRADLEY K. LEE, GINNY T. LEE, WALTER LIEBETRAU, JEAN M. LIEBETRAU, THOMAS L. L. LIMM, CAROLINE A. H. LIMM, GEORGE Y. H. LIU, MARIAN K. LIU, MELVIN D. LLOYD, ARLENE D. LLOYD, ELDEN LOEFFELHOLZ, PATRICIA L. LOEFFELHOLZ, JOSEPH H. LOEWENHARDT, SUSAN R. LOEWENHARDT, GERALD F. LONERGAN, AGNES J. LONERGAN, JOYCE A. M. LORIMER, HILTON J. LUI, LAURA M. LUI, DENNIS H. Y. LUM, SYLVIA K. LUM, HENRY L. McCALLUM, MARJORIE E. McCALLUM, SALOM J. H. McILRATH, CHARLES M. MAEDA, BARBARA K. MAEDA, THOMAS K. MAKAOI, MILDRED A. K. MAKAOI, VINCENTE C. MARTINEZ, GRACE S. MARTINEZ, MASATOSHI P. MATSUI, MAE M. MATSUI, ROBERT K. MATSUNAKA, HELEN M. MATSUNAKA, BERTRAM T. MATSUNOBU, BETTY Y. MATSUNOBU, JOY RAE MEDEIROS, SAMSON L. MERCADO, DOROTHY L. MERCADO, ROY A. MINATO, MAR-

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JORIE T. MINATO, CARL H. MITO, PHYLLIS K. MITO, RICHARD I. MITOBE, JEANNETTE E. MITOBE, CALVIN M. MIURA, BETH S. MIURA, GARY T. MIYAHARA, JOANNIE M. MIYAHARA, HENRY H. MIYAMOTO, MERLE S. MIYAMOTO, CLEMENT MONDOY, PATRICIA A. MONDOY, DOUGLAS J. MONIZ, ELAINE N. MONIZ, TAKIO MURAKAMI, NOBUKO MURAKAMI, ROY H. MURAMOTO, KAREN K. MURAMOTO, MELVYN M. MURAOKA, MARILYN H. MURAOKA, GEORGE M. NAKAMA, GRACE K. NAKAMA, HARRY Y. NAKAMA, PATSY T. NAKAMA, SHIGEKI NAKAMOTO, FLORENCE K. NAKAMOTO, SUSAN S. NAKAMOTO, FRANK K. NAKAMURA, CLARA M. NAKAMURA, PAUL H. NAKANELUA, JR., BARBARA J. NAKANELUA, THOMAS S. NAKASHIMA, HELEN M. NAKASHIMA, RICHARD Y. NAKASONE, SCARLETT S. NAKASONE, GERALD P. NAUGHTON, JUNE C. NAUGHTON, ROBERT A. NISHI, ROSEMARY Y. NISHI, DONALD M. NISHIYE, JOYCE A. NISHIYE, GEORGE M. NOJIRI, JUNE DALE K. NOJIRI, NELSON M. NOMI, BEVERLY K. S. NOMI, HERBERT M. NOUCHI, CAROL A. NOUCHI, RICHARD S. NUSHIDA, SHERRY S. NUSHIDA, JEUN ODA, JUDITH H. ODA, CLIFFORD R. O'DONNELL, AKIRA OGATA, MUTSUE L. OGATA, TOKIO OGAWA, AKIKO OGAWA, RICHARD T. OHTA, BARBARA K. OHTA, OWEN OKUMURA, MARION K. OKUMURA, CLIFTON T. ONAGA, ELLEN M. ONAGA, WALLACE T. ONUMA, JANE K. ONUMA, RAYMOND S. OSHIRO, CAROL M. OSHIRO, DEL A. OSMAN, KAY F. OSMAN, SUENO OTA, WAYNE S. OTAKE, JEAN H. OTAKE, VIVIAN Y. OZAKI, GARET P. PAI, SYLVIA E. PAI, SAVIO W. H. PANG, CARESSA Y. M. PANG, ALFONSO J. PASION, GRACE H. PASION, TIM L. POELL, LAURA W. POELL, RONALD PORTO, BRENDA L. PORTO, ROBERT J. PROCTOR, ARDITH J. V. PROCTOR, SYED A. RAHIM, MAJEDA RAHIM, PATRICIA J. REILLY, MANUEL G. REZENTES, JR., YVONNE A. REZENTES, RALPH S. SAITO, JEAN K. SAITO, HIDEKO SAKAMOTO, THOMAS S. SAKATA, HIDEKO SAKATA, HORACE N. SASAKI, EMMA N. SASAKI, ROSALINE M. SASAKI, ROY S. SASAKI, LAURA N. SASAKI, GLENN K. SATO, DONNA M. SATO, HARRY H. SATO,

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TERRY T. SATO, HARUO SATO, RICHARD C. SHARPE, DIANA M. SHARPE, YASUKO H. SHERIFF, RAYMOND H. SHIBATA, LILLIAN Y. SHIBATA, FRED H. SHIGEKANE, SHARON J. SHIGEKANE, MELVIN E. SHIGETA, JANE K. SHIGETA, TZU C. S. SHIH, TSUEN M. J. SHIH, FRANCIS M. SHITABATA, ELAINE A. SHITABATA, APOLONIO G. SINDIONG, JOAN M. SINDIONG, ARTHUR K. B. SIU, DAPHNE L. SIU, PETER C. SMITH, STEPHANIE S. SMITH, MELVIN M. SUEYOSHI, SHARON H. SUEYOSHI, MELVIN K. SUGIHARA, EVELYN C. SUGIHARA, SE MO SUH, YOUNG S. SUH, BRIAN N. SUNADA, LYNETTE C. SUNADA, TSUNEO SUNADA, ROSE H. SUNADA, MORIYOSHI SUZUKI, YASUKO SUZUKI, ROBERT L. SWAN, PEARL L. SWAN, ALTON H. TAKAHASHI, PAMELA A. TAKAHASHI, HERBERT Y. TAKAYAMA, BEVERLY E. TAKAYAMA, JAY M. TANAKA, HAZEL M. TANAKA, KATSUKO H. TANG, ROLLAND F. TANG, SHIRLEY A. TANG, ROBERT EIICHI TERUYA, JUDITH S. TERUYA, ROBERT EISHO TERUYA, ALICE A. TERUYA, RONALD M. TOKITA, SALLY T. TOKITA, KURO R. TOMASA, CLARA K. U. TOMASA, FUJIO TOMITA, ELEANOR S. TOMITA, VELMA TONG, TOKIYAKI TOYAMA, PATRICIA S. TOYAMA, KENNETH A. TSURUYA, MACHIKO TSURUYA, ALBERT H. TSUTSUI, PHYLLIS T. TSUTSUI, RALPH M. UEMAE, LILLIAN N. UEMAE, STEVEN T. USUI, ELBERTA T. USUI, JORGE VARGAS, BERTHA R. VARGAS, LESLIE M. VICTOR, DORIS L. VICTOR, BARBARA O. VONNEGUT, GEORGE T. WADA, BETTY T. WADA, ROBIN L. WETZEL, WALTER K. W. WONG, CHARLENE Y. WONG, WALLACE T. YAMADA, SHARON R. YAMADA, JAMES T. YAMAGUCHI, LYNN M. YAMAGUCHI, HOWARD M. YAMAMOTO, FAYE B. YAMAMOTO, LEROY T. YAMAMOTO, EVELYN S. YAMAMOTO, RAY K. YAMAMOTO, PAULINE H. YAMAMOTO, JANET T. YAMASHITA, ALLAN Y. YAMAUCHI, JANET M. YAMAUCHI, YOSHIO YOSHIDA, SETSUKO YOSHIDA, GARY T. YOSHITAKE, CAROLYNN S. YOSHITAKE, ALVIN K. Y. YOUNG, ESTHER K. K. H. YOUNG, WINSTON N. YOUNG, ELEANOR L. Q. YOUNG, SUNG C. YUE, and DOROTHY M. YUE, Defendants-Appellees, and JOHN DOES 1-10, MARY DOES 1-10, DOE PARTNER-

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SHIPS 1-10, DOE CORPORATIONS 1-10, DOE "NON-PROFIT" CORPORATIONS 1-10, and DOE ENTITIES 1-10,  
Defendants

NO. 9706

APPEAL FROM FIRST CIRCUIT COURT  
HONORABLE ARTHUR S. K. FONG, JUDGE  
HONORABLE RONALD B. GREIG, JUDGE

(CIVIL NO. 63408)

JULY 29, 1985

LUM, C.J., NAKAMURA, PADGETT, HAYASHI, JJ.,  
AND INTERMEDIATE COURT OF APPEALS  
ASSOCIATE JUDGE HARRY T. TANAKA IN PLACE OF  
WAKATSUKI, J., DISQUALIFIED

EMINENT DOMAIN — *scope of right — public use.*

Under the Hawaii Constitution, the state is vested with the right to take private property for public use but a strictly private taking will not pass constitutional scrutiny.

CONSTITUTIONAL LAW — *construction, operation and enforcement of constitutional provisions — general rules of construction — relation to former or other constitutional provisions.*

The Hawaii Supreme Court is not precluded from interpreting the state constitution to afford greater protection than that required by federal constitutional interpretations where warranted by logic and due regard for the purposes of those protections.

EMINENT DOMAIN — *distribution of governmental powers and authority — judicial powers and functions — authority of legislature — public use.*

Courts have traditionally favored a policy of deference to legislative conclusions of public use because of the high regard courts must have for decisions of a coordinate department of the government on a matter within its knowledge and duty.

SAME — *same — same — same — same.*

Whether a use is public is, in the first instance, for the legislature to decide.

SAME — *same — same — same — same.*

Courts are bound by the legislature's public use determination unless such use is clearly and palpably of a private character.

SAME — *same — same — same — same.*

Once the legislature has spoken on the social issue involved, so long as the exercise of the eminent domain power is rationally related to the objective sought, the legislative public use declaration should be upheld unless it is palpably without reasonable foundation.

SAME — *same — same — same — same.*

## Syllabus

The crucial inquiry is whether the legislature might reasonably consider the use public and whether it rationally could have believed that application of the sovereign's condemnation powers would accomplish the public use goal.

SAME — *same — same — same — same — Hawaii Land Reform Act.*

Exercise of the state's eminent domain power to redistribute fees simple to correct socio-economic problems which the legislature has attributed to a land oligopoly, is a rational means to accomplish a legitimate public purpose.

SAME — *same — same — same — same.*

If some conceivable public benefit may be realized, what is outwardly only a private transaction may be raised to a public affair.

CONSTITUTIONAL LAW — *legislative enactments — presumption of constitutionality.*

Every enactment of the legislature carries a presumption of constitutionality and should be upheld unless it is shown to be, beyond all reasonable doubt, in violation of the constitution.

EMINENT DOMAIN — *compensation — sufficiency of statutory provisions.*

The constitutional requirement that "just compensation" be paid for condemned property is not violated where the Act provides that compensation be paid for the fair market value of the owner/lessor's "leased fee interest," and where the owner/lessor is allowed to present evidence of such value using any method normally used by qualified appraiser.

PARTIES — *persons entitled to intervene.*

The trial court did not abuse its discretion in allowing the lessees to appear as a party in the action and to take an active role in the presentation of the case.

EVIDENCE — *relevancy in general.*

Where the owner/lessor introduced evidence of the negotiated sale price of certain residential leasehold lands as comparables to be used to value the property in this case, it was within the sound discretion of the trial court to admit the rebuttal testimony of an attorney who was involved in those negotiated sales.

SAME — *expert testimony — admitting adverse party's appraisal report.*

The trial court did not abuse its discretion in refusing to admit into evidence portions of an appraisal report prepared by an opposing party in connection with pre-trial negotiations.

RULES OF CIVIL PROCEDURE — *multiple claims for relief — entry of final judgment as to fewer than all claims.*

HRCF Rule 54(b) permits a court to direct entry of a final judgment as to fewer than all claims, where more than one claim for relief is presented in an action.

SAME — *same — same — necessity of full adjudication.*

While HRCF Rule 54(b) permits a judgment to be entered as to fewer than all claims, any judgment so certified pursuant to the rule must be fully adjudicated.

SAME — *same — same — condemnation proceedings.*

A judgment fixing valuation in a Land Reform Act condemnation proceeding is not partial even though it does not specify who is liable to pay the award, to whom it will be paid and when it must be paid. These elements of the award judgment are elsewhere provided for by statute.

SAME — *same — same — same.*

## Opinion of the Court

A judgment in a Land Reform Act condemnation proceeding is not partial, although it leaves unresolved a cross-claim for a portion of the condemnation award.

SAME — same — same.

A court may, on its own motion, certify a claim pursuant to HRCF Rule 54(b).

## OPINION OF THE COURT BY LUM, C.J.

This is an appeal from a judgment in condemnation proceedings involving residential leasehold lands brought by the Hawaii Housing Authority under Hawaii Revised Statutes, Chapter 516, a codification of the Hawaii Land Reform Act.<sup>1</sup> The Trustees of the Bernice Pauahi Bishop Estate, as Appellants, challenge the constitutionality of the Act on the grounds that it allows taking of their property for private rather than public use and that they were denied just compensation. Kaiser Hawaii-Kai Development Co., Kaiser Aetna and Kacor Realty, Inc., the property developers, separately appeal from the same judgment to the extent that it affects their contractual interest in the condemnation proceeds and from a later order denying a motion to alter or amend the judgment.<sup>2</sup> For the reasons set forth below, we affirm the rulings of the lower court.

## I.

## A.

The ancient Hawaiian land tenure system was essentially feudal in nature and devoid of the relatively modern concept of private property ownership. The pattern of land division paralleled the societal hierarchy so that authority and control over the land rested with a comparative

<sup>1</sup>The Hawaii Land Reform Act, codified at Hawaii Revised Statutes, Chapter 516, was first adopted as Act 307, 1967 Haw. Sess. Laws 488. The Act thereafter was amended by Act 46 in 1968, Act 203 in 1969, Act 215 in 1971, Acts 2 and 107 in 1972, Acts 184 and 186 in 1973, Acts 159 and 242 in 1976, Act 140 in 1978, Act 227 in 1979, Acts 39 and 107 in 1980, Acts 203, 204 and 270 in 1983, and Acts 89, 157 and 162 in 1984.

<sup>2</sup>The appeals were consolidated for purposes of our review.

## Opinion of the Court

few.<sup>3</sup> Beginning in the 1800's, efforts were made to adjust land rights to new relationships and dependencies largely brought about by western influences. While dramatic land divisions were effectuated and a system of fee simple ownership instituted, for a number of socio-economic reasons land remained vested in a minority. See generally J. Chinen, *The Great Mahele* (1958); Levy, *Native Hawaiian Land Rights*, 63 Calif. L. Rev. 848 (1975).

This disproportional concentration of land ownership continues today. After a comprehensive investigation, the legislature determined that at least three-fourths of all the privately held land in the state is currently owned by a small group of estates, trusts, and private landowners, some of whom have chosen to lease their land for residential use rather than to sell it. Act 307, § 1, 1967 Haw. Sess. Laws 488, 489.<sup>4</sup> In extensive findings, the legislature concluded that this concentrated land ownership was responsible for skewing the state's residential fee simple

<sup>3</sup>All lands were vested in the sovereign who distributed large portions of the principal chiefs who in turn granted control of more limited acreage to subordinate subchiefs and land agents; on the lowest rung, commoner tenants were permitted to work the land. *Kalipi v. Hawaiian Trust Co.*, 66 Haw. 1, 6-7, 656 P.2d 745, 749 (1982); Levy, *Native Hawaiian Land Rights*, 63 Calif. L. Rev. 848, 849 (1975). Each in his turn derived benefits in the form of goods and services but ultimately held his interest in land at the will of the sovereign or superior, subject always to dispossession and redivision. *Id.*; see also *In re Estate of His Majesty Kamehameha IV*, 2 Haw. 715, 718-19 (1864).

<sup>4</sup>Hearings relating to subsequent amendments to Act 307 yielded similar information which were made part of the legislative findings. For example, in 1975 the legislature found:

(a) The fee simple ownership of residential lands in the State is still concentrated in the hands of a small number of landowners. The state and federal governments and the largest 72 private landowners own approximately 95 per cent of all land area within the State. On Oahu alone, 22 major private landowners own 72.5 per cent of all land.

(b) The small number of landowners have continued to follow the policy of not selling their land for residential use but of leasing their lands under long-term residential leases. While fee simple ownership still accounted for 68.9 per cent of all owner-occupied housing on Oahu in 1972, leasehold residential development has dominated the housing market since 1967 as it had during the period 1950 to 1967. Between 1950 and 1966, 40 per cent of all owner-occupied housing units developed on Oahu had been on leasehold. Between 1967 and 1972, 46 per cent of such development has been on leaseholds. In 1973, leaseholds constituted 32 per cent of all owner-occupied housing, more than double the percentage in 1960.

Act 184, § 1, 1975 Haw. Sess. Laws 408, 408.

## Opinion of the Court

market, inflating land prices, and injuring the public welfare.<sup>5</sup>

To remedy these problems, the legislature in 1967 enacted the Hawaii Land Reform Act, HRS Chapter 516 (hereinafter the Act), providing for the condemnation and subsequent transfer of the residential fee interest to the lessee. Its stated intent is to increase the availability, alienability and turnover of single family residential lots, spread ownership of fees simple, disperse the oligopolistic market power of the large landowners, and stabilize land prices, inflation, and the state's economy by containing the cost of living and the cost of public assistance. See HRS § 516-83; Act 307, § 1, 1967 Haw. Sess. Laws at 488-90.

Under the Act's condemnation scheme, any lessee of a single family house lot of no more than two acres within a development tract of at least five acres may apply to the Hawaii Housing Authority (hereinafter the HHA) to condemn the underlying fee interest. An eligible tenant is one who, among other things, owns or has an equitable interest in the residential structure on the lot, is a state resident or intends to live on the lot, shows proof of ability to pay the HHA for a fee interest, and does not own fee simple residential land elsewhere nearby. HRS § 516-33 (1976 & Supp. 1984). When twenty-five eligible tenants or lessees of half

(f) The dispersion of ownership of fee simple residential lots to as large a number of people as possible, the ability of the people to acquire fee simple ownership of residential lots at a fair and reasonable price and the ability to lease of residential leases to derive full enjoyment from their leaseholds are factors which vitally affect the economy of the State and the public interest, health, welfare, security and happiness. Act 307, § 1, 1967 Haw. Sess. Laws at 489, 490. Similar findings can be found in Act 186, § 2, 1976 Haw. Sess. Laws at 423, 424-27 (codified at HRS § 516-83 (1976)) and in Act 184, § 1, 1975 Haw. Sess. Laws at 408-09.

(g) The shortage of single-family, residential, fee simple property, and the restriction on the people of a real choice between fee simple and leasehold residential property have in turn caused land prices for both fee simple and leasehold residential lots to become artificially inflated and have enabled lessors to include in residential leases terms and conditions that are financially disadvantageous to the lessees, restrict unduly their freedom to enjoy their leasehold estates and are weighted heavily in favor of the landlord as against the lessees.

(h) The State's urban areas and have deprived the people of the State of a choice to own or to take leases to the land on which their homes are situated.

(i) The population growth and the increase in demand for residential lots, and the concentration of ownership of private lands in the hands of a few and their practice of leasing, rather than selling in fee simple, the residential lots developed on their lands, have led to a serious shortage of residential fee simple property at reasonable prices in the State's urban areas and have deprived the people of the State of a choice to own or to take leases to the land on which their homes are situated.

<sup>5</sup>The legislature found:

## B.

of the lots in the tract file appropriate applications, the HHA, after public notice and hearing, may designate some or all of the lots in the eminent domain if it finds that the acquisition will effectuate the public purposes of the Act. HRS § 516-22 (1976). The HHA then acquires the fee interest in the designated lots either by eminent domain proceedings pursuant to HRS Chapter 101 or by negotiations between the parties. HRS §§ 516-23, -25 (1976). In either case, compensation must equal the fair market value of the owner's leased fee interest. HRS §§ 516-14(1), -24 (Supp. 1984).

After acquiring title, the HHA may sell the land titles to qualified tenant applicants. HRS § 516-30 (1976). It may lend up to ninety per cent of the purchase price subject to certain restrictions including the right of first refusal if the borrower resells within ten years. HRS §§ 516-34, -35 (1976). If the HHA does not sell the acquired fee to the lessee, it may lease the lot or sell it to another, however it may not sell or lease more than one lot to any one purchaser or tenant. HRS § 516-28 (1976). While the Act authorizes the issuance of general obligation bonds for purposes of acquisition, HRS § 516-45 (1976), to date this has not occurred.

## Opinion of the Court

<sup>6</sup>The HHA subsequently designated three additional households, bringing the total number to 257.

The instant appeal arises from the application of the Act to 257 leased lots in the Kamihohiki Valley Subdivision in Hawaii Kai, Oahu. The lessees of those lots had applied to the HHA for purchase of the underlying fee interest. When it was determined that at least 25 of the lessor applicants were eligible, the HHA, on January 18, 1979, adopted a resolution proposing designation of 254 lots for acquisition. On March 30, 1979, after notice and hearing, the HHA determined that the public purpose of the Act would be effectuated by the taking and designated the lots for acquisition.<sup>6</sup>

Negotiations to fix compensation failed and, on November 10, 1980, the HHA filed a complaint for condemnation against the Trustees of the Bernice Pauahi Bishop Estate (hereinafter the Trustees), the owner of

"Trustees' interest derives from the will of Princess Bernice Pauahi Bishop establishing a perpetual trust for the education of Native Hawaiians. The corpus of the trust is lands owned by the Princess. Trust lands comprise about 8% of the land area in the State and 15.1% of the lands on Oahu; about 2% of its total holdings are devoted to residential leaseholds. The estate owns 19.6% of Oahu residential land and 24.43% of that island's unimproved residential land.

Subsequently, the United States Supreme Court reversed the Ninth Circuit and upheld the Act as against the Trustees' "public use" challenge under the U.S. Constitution. *Hawaii Housing Authority v. Midkiff*, — U.S. —, 104 S. Ct. 2321 (1984).

A bench trial to determine whether the taking was for a "public use" under the United States and Hawaii Constitutions was held on March 14, 1983 to June 6, 1983. The proceeding was necessitated by this court's opinion in *Hawaii Housing Authority v. Castle*, 65 Haw. 465, 653 P.2d 781 (1982), reversing the lower court's summary judgment finding the Act constitutional and remanding for evidentiary hearings on the public use issue. Meanwhile, in *Midkiff v. Torn*, 702 F.2d 788 (9th Cir. 1983), a separate federal case brought by the Trustees, the Ninth Circuit declared the Act unconstitutional, but the trial of the instant case continued to conclusion with the trial court upholding the Act's constitutionality. Findings of Fact and Conclusions of Law were filed on September 6, 1983 and judgment incorporating the verdict of the "valuation" trial was entered on September 29, 1983. The judgment was silent as to the rights of Kaiser. Motions to alter or amend the judgment and to amend the court's findings and conclusion were denied on December 29, 1983, and the Trustees and Kaiser timely filed separate appeals on January 27, 1984.

Trustees was filed in open court on November 3, 1982. A five week jury trial was held in September 1982 to determine the value of the Trustees' leased fee interest in the Kamiloiki lots. The verdict assigning a value considerably less than that sought by the Trustees was filed in open court on November 3, 1982. A five week jury trial was held in September 1982 to determine the value of the Trustees' leased fee interest in the Kamiloiki lots. The verdict assigning a value considerably less than that sought by the Trustees was filed in open court on November 3, 1982. A five week jury trial was held in September 1982 to determine the value of the Trustees' leased fee interest in the Kamiloiki lots. The verdict assigning a value considerably less than that sought by the Trustees was filed in open court on November 3, 1982.

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We consider first the issue of whether the Hawaii Land Reform Act violates the "public use" requirement of article I, section 20 of the Hawaii Constitution. The Trustees contend the Act is a thinly veiled attempt to divest large private landowners without an appreciable public benefit and, as such, permits the unconstitutional exercise of the state's condemnation powers for primarily private rather than public use. Under the applicable standards we disagree and conclude that the Act passes the scrutiny of the public use clause.

However, the role of the courts in making this determination is necessarily limited by the separation of powers between the legislative and judicial branches. *Hawaii Housing Authority v. Schneck*, 39 Haw. 543, 549 (1952); *Hawaii Housing Authority v. Midkiff*, *supra*, at 2329. In the case at bar, the Hawaii Legislature determined that disproportionate concentrations of residential landholdings exist to the public detriment and that use of the sovereign's eminent domain powers to realign ownership patterns was for the public benefit, and therefore, a "public use". Accordingly, our inquiry must center upon the extent to which we may examine these declarations to determine whether in fact a public use exists and would be furthered by operation of the statute.

### A.

The United States Supreme Court's opinion in *Hawaii Housing Authority v. Midkiff*, *supra*, involving the propriety of the Act under the fifth amendment to the United States Constitution, is obviously relevant

"The provision reads, '[p]rivate property shall not be taken or damaged for public use without just compensation.'" Haw. Const. art. I, § 20.



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approach to achieving the legitimate public purpose of correcting problems which the legislature attributed to an oligopolistic land market. *Id.* It upheld the legislative public use determination and concluded that the Act passed scrutiny of the federal public use clause. *Id.*

## B.

When enacted, article I, section 20 of the Hawaii Constitution was identical to the fifth amendment to the United States Constitution and was adopted because of the certainty given to the interpretation of the action by the federal decisions. Committee of the Whole Report No. 5, 304 (1960).<sup>11</sup> The two sections remain substantially similar.<sup>12</sup> Consequently, the United States Supreme Court's interpretation of the federal public use clause as it applies to the Land Reform Act is persuasive authority for our review of the Hawaii constitutional provision.

However, we are not precluded from interpreting our state constitution to afford greater protection than that required by federal constitutional interpretations and have not hesitated to do so where warranted by logic and due regard for the purposes of those protections. *State v. Kaine*, 55 Haw. 361, 369, 520 P.2d 51, 58 (1974); *State v. Teixeira*, 50 Haw. 138, 142 n. 2, 433 P.2d 593, 597 n. 2 (1967). We decline in this instance to embrace the Court's broader ruling in *Hawaii Housing Authority v. Midkiff*, *supra*, equating the public use requirement of eminent domain with the state's police power. Rather, our review is limited to an examination of the Act's constitutionality under the minimum rationality standard, which we adopt as appropriate for judicial evaluation of the legislature's public use determinations. We have traditionally favored a policy of deference to legislative conclusions of public use because of the "high regard which the courts

<sup>11</sup>The provision was adopted by a vote of the people of Hawaii in 1950 and ratified by the United States Congress upon Hawaii's admission to statehood in 1959.

<sup>12</sup>The fifth amendment to the United States Constitution provides in pertinent part, "nor shall property be taken for public use, without just compensation." The Hawaii provision differs only insofar as it provides that "property shall not be taken or damaged . . ." The "or damaged" language was added by the Hawaii Constitutional Convention of 1968 to bring our eminent domain provision in line with that of twenty-five other states. Stand. Comm. Rep. No. 55 (Majority), in 1 Proceedings of the Constitutional Convention of Hawaii of 1968 at 235 (1973).

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to our discussion? There, the Court unanimously upheld the Act's of eminent domain, like the police power, is merely a means through which legislative authority may be exercised to serve the public welfare. As long as the object to be accomplished is within the legislature's authority, it is empowered to select the vehicle to achieve that end and, having done so, the public interest has been declared in well-nigh conclusive terms; the fact that eminent domain is involved is irrelevant. *Id.* at 2328-29. Thus, the Court, relying on *Berman v. Parker*, 348 U.S. 26 (1954), broadly held that the public use clause is "coextensive with the scope of a sovereign's police powers." *Id.* at 2329. The Hawaii Legislature's attempt to regulate oligopoly and its concomitant evils is a classic exercise of these powers. *Id.* at 2330.

The Court did recognize a role for judicial review of a legislature's public use determination but, because of the dangers of unwarranted invasions of the legislative function, it is an extremely limited one. *Id.* at 2329. Courts will not substitute their judgment for the legislature's judgment as to what constitutes a public use "unless the use be palpably without reasonable foundation." *Id.*, quoting *United States v. Getysburg Electric Railway Co.*, 160 U.S. 668, 680 (1896). The Supreme Court thus reaffirmed a minimum rationality standard of review to be applied by federal courts in evaluating legislative findings of public use. Where the exercise of the eminent domain power is rationally related to a conceivable public purpose, a compensated taking is not proscribed by the public use clause. *Id.*

The Court emphasized that inquiries into whether the provision will accomplish its objective are not to be indulged, the test being whether the legislature could have believed that the Act would promote its objective. *Id.* at 2330. Thus, "[w]hen the legislature's purpose is legitimate and its means are not irrational . . . empirical debates over the wisdom of takings—no less than debates over the wisdom of other kinds of socioeconomic legislation—are not to be carried out in the federal courts." *Id.*

Under this standard, the Court concluded that use of the eminent domain power to redistribute private fee simple interests was a rational

<sup>13</sup>For a further analysis of the opinion, see Note, *Midkiff v. Tom: The Constitutionality of Hawaii's Land Reform Act*, 6 U. Haw. L. Rev. 561, 601 add. (1984).

<sup>14</sup>The Court did not reach the issue of just compensation. 104 S. Ct. at 2326 n. 2.

[must] have for . . . a decision of a co-ordinate department of the government on its knowledge and duty." *Hawaiian Housing Authority v. Schnack*, 39 Haw. 543, 549 (1952); see also *Hawaiian Housing v. Midkiff*, *supra*, at 2329. As the state legislature has primary authority for the exercise of the state's right of eminent domain, *Territory v. Aona*, 43 Haw. 253, 255-56 (1959); 29A C.J.S. *Eminent Domain* § 19, questions concerning the nature of the proposed use are, in the first instance, for the legislature to decide. *Hawaiian Housing Authority v. Schnack*, *supra*, at 549; 29A C.J.S. *Eminent Domain* § 30.

Designation of the types of activities to which condemned property is to be applied is a legislative declaration that such use is public, creating a judicial presumption of public use. *Territory v. Aona*, *supra*, at 257; *Hawaiian Housing Authority v. Schnack*, *supra*, at 549; 29A C.J.S. *Eminent Domain* § 30. Where the legislature has gone further by promulgating specific findings and declarations of public use, these are entitled to great weight, indeed, to a prima facie acceptance of their correctness. *Hawaiian Housing v. Schnack*, *supra*, at 549.

Under these principles, courts are bound by the legislature's public use determination unless such use is clearly and palpably of a private character. *Id.* at 550; *State v. Anderson*, 56 Haw. 566, 574, 545 P.2d 1175, 1180-81 (1976) (deciding whether exercise of the State tax power was for a public purpose). As specified in *Hawaiian Housing Authority v. Schnack*:

[T]his does not mean that either the decision of the legislature or the presumption is conclusive, for the issue of public use is a judicial question and one of law to be decided on the facts and circumstances of each particular case. Nevertheless, the great weight accorded to the legislative finding and the prima facie acceptance of its correctness, as well as the binding effect of the presumption, demonstrates that the courts will not lightly disturb such a finding and will not overrule it unless it is manifestly wrong.

39 Haw. at 550. The courts will not invade the legislative province unless, under the above principles, a clearly private taking is demonstrated.

We therefore hold that once the legislature has spoken on the social issue involved, so long as the exercise of the eminent domain power is rationally related to the objective sought, the legislative public use declaration should be upheld unless it is palpably without reasonable foundation. The crucial inquiry is whether the legislature might reason-

ably consider the use public, *id.* at 549, and whether it rationally could have believed that application of the sovereign's condemnation powers would accomplish the public use goal. *Hawaiian Housing Authority v. Midkiff*, *supra*, at 2330.

The Hawaii Legislature, in comprehensive findings, determined that skewed patterns of land ownership have interfered with the normal functioning of the state's residential land market and declared that condemnation of certain concentrated private property interests would serve a public use by correcting the perceived social and economic evils of a land oligopoly. Clearly, the legislature reasonably could have believed that condemnation and resale of the fee interest in leasehold land would promote the objectives of increasing the availability of residential property, realigning the residential fee simple market, reducing land prices, and would beneficially impact the state economy and general public welfare.

These are legitimate public purposes. The employment of the state's eminent domain authority to redistribute fees simple to correct socioeconomic problems attributed to the legislature to a land oligopoly is a rational means to accomplish these ends.

Manifest error in declaring that the Act's objectives are of a public rather than clearly private nature is not shown. We are mindful that a taking which provides private lessors with fee simple title is a non-traditional exercise of eminent domain but novelty is not a deterrent. *Territory v. Aona*, *supra*, at 258. The mere fact that property condemned by the state is transferred in the first instance to private parties does not characterize the taking as strictly private. *Hawaiian Housing Authority v. Midkiff*, *supra*, at 2331. If some conceivable public benefit may be realized, what is outwardly only a private transaction may be raised to a public affair. *Id.* The Hawaii Land Reform Act was designed to rectify a problem of public dimensions; it is not palpably without reasonable foundation.

Every enactment of the legislature carries a presumption of constitutionality and must be judicially affirmed unless it has been shown beyond all reasonable doubt to be in violation of the constitution. *City & County of Honolulu v. Ariyoshi*, 67 Haw. —, —, 689 P.2d 757, 763 (1984). Under the above articulated standard, the Trustees have failed to meet this burden. Accordingly, we defer to the state legislature's public use determination and uphold the constitutionality of the Act under the

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public use clause.<sup>13</sup>

## III.

The Trustees further contend they were denied "just compensation," as required by the federal and state constitutions, for their interests in the condemned parcels. They argue, first, that the provisions of the Act governing the manner by which their interests are valued do not provide compensation sufficient to meet the constitutional standards. Second, they argue that certain procedural and evidentiary rulings made by the trial court resulted in their receiving less than just compensation. Finally, they argue that the trial court's decision that interest on the compensation awarded—also known as "blight of summons" damages—must be limited to the rate of five percent, deprives them of just compensation.

## A.

The Act provides for the condemnation of the "leased fee interests" in the houselots, and "leased fee interest" is defined as "all of the interests of the fee owner, lessor and all legal and equitable owners of the land which is leased, other than the lessee's interest as defined by this chapter." HRS § 516-1(6) (1976). The Act further provides that "[t]he compensation to be paid for the leased fee interest . . . shall be the owner's basis as defined in section 516-1(14)," HRS § 516-24 (Supp. 1984), and "[o]wner's basis" means the value of the lessor's leased fee interest in the lot that would apply if such interests were normally traded on an open market. The fair market value of the owner's basis shall be established to provide the lessor with just compensation for his interest in the lot and shall take into consideration every interest and equity of the lessee in establishing that market value." HRS § 516-1(14) (Supp. 1984). Section 516-1(14) goes on to state that the value of the leased fee interest may be determined by either of two specified methods or by "any other method which is normally used by qualified appraisers in establishing the fair market value of a lessor's leased fee interest in land."

<sup>13</sup>Numerous procedural issues were raised during the "public use" trial. On review of the record, we find the Trustees' allegations of error to be without merit.

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The Trustees have not demonstrated that these statutory provisions deprive them of just compensation. They fail to show that their interest in the land is greater than the "leased fee interest" as defined in the Act. With regard to valuation methods, neither party attempted to use either of the two methods specified in § 516-1(14), therefore we need not decide whether those methods would have provided just compensation. Both parties presented expert valuation testimony utilizing "other method[s]" . . . normally used by qualified appraisers in establishing the fair market value of a lessor's leased fee interest in land." The Trustees do not contend that they were prevented from introducing valuation evidence according to the method of their choice, nor do they contend that the methods employed by the opposing valuation experts were improper. In short, there is simply no basis for finding that the statutory scheme fails to provide just compensation.

## B.

The Trustees contend that the Lessees should not have been a party to this action and that it was wrong for the HHA to "delegate control" of the valuation portion of the trial to the Lessees. More specifically, the Trustees argue that the HHA had an obligation to present evidence of the value of the interests being taken, and this obligation was not fulfilled where the HHA failed to present valuation evidence from its own experts but rather relied on the testimony of experts hired by the Lessees.

In 1983 the legislature amended the Act to make explicit that the lessees shall be a party to proceedings under the Act and that they must be given the opportunity to present valuation evidence. HRS § 516-56 (Supp. 1984). This case, however, was tried prior to this amendment to the Act. The issue, therefore, is whether it was proper for the trial court to permit the Lessees to appear as parties in the absence of the express provision of § 516-56. HRS § 101-21 (1976), which applies to eminent domain proceedings generally, says that:

Any person in occupation of or having any claim or interest in any property sought to be condemned or in the damages for the taking thereof though not named in the complaint, may appear, plead, and defend in respect to his own property or interest, in like manner as if named in the complaint.

Thus we find it was well within the trial court's discretion to allow the Lessees to appear as parties herein.

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Inasmuch as they were proper parties, the trial court did not err by allowing the Lessees to take an active role in the presentation of the case. Although the HHA had the burden of presenting valuation evidence, it was not required to do so independently from the Lessees. The testimony of the Lessees' appraiser was competent and reasonable, and it was within the trial court's discretion to allow the HHA to meet its burden in this manner.

The Trustees complain that the trial court erred in admitting the testimony of Attorney Bernard Bays, who had represented another group of lessees in negotiations with the Trustees for the sale of house-lots. The Trustees had introduced evidence of those negotiated sales as "comparables," to prove the value of the house-lots being condemned in this action. The Lessees called Mr. Bays as a rebuttal witness in an attempt to show that those negotiated sales involved an element of compulsion or coercion and therefore did not reflect true market value. Such evidence was relevant and the trial court did not abuse its discretion in admitting it.

Finally, the Trustees complain that the trial court erred in refusing to admit into evidence an appraisal report which had been prepared in 1978 at the request of the lessees' association for use in pre-trial negotiations with the Trustees. The report concluded that the values of the lots were significantly greater than the values presented by the Lessees' appraiser at trial, and the Trustees therefore wanted to introduce the report to show that the values presented by the Lessees at trial were unreasonably low. The trial court admitted portions of the report over the Lessees' objections, including the methodology used, the comparables used, the appreciation rate, and even the fact that the final values reported were multiples higher than those presented by the Lessees' appraiser at trial. The Trustees argue that it was error for the trial court to refuse to admit *all* of the report.

The legislature amended § 516-51 in 1983 and 1984 so as to make such an appraisal report undiscoverable and inadmissible in any action brought under the Act. But even prior to this legislative action, we had held that a party to condemnation proceedings does not necessarily have a right to introduce appraisal evidence prepared by an opposing party. In *City & County of Honolulu v. Bonded Investment Co.*, 54 Haw. 385, 507 P.2d 1084 (1973), the condemnees wanted to call two expert appraisers to testify on the subject of market value. These appraisers had been hired by the City & County during the preparation of the case, but they

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were not called to testify by the City & County. We noted that these appraisers

possessed no unique knowledge with regard to the instant case as would an eyewitness of an automobile accident. Condemnees were seeking expert testimony on the subject of fair market value favorable to them. This could be acquired by hiring their own expert appraisers. Further, there was no showing of good cause why the City's experts should have been called rather than any others. Condemnees have not shown the unavailability of other competent expert appraisers in this case. Therefore, as a matter of fairness, and in the absence of good cause, the trial court, in its discretion, correctly disallowed condemnnees from using the City's expert appraisers.

*Id.* at 391, 507 P.2d at 1089.

Accordingly, we find that the trial court acted within the limits of its discretion in ruling that the report was at least partially inadmissible by the Trustees.

C.

The Trustees filed a motion prior to trial in which they asked the court to rule that they should be allowed to present evidence to establish the appropriate interest rate and compounding period to be used in computing damages for the delay in payment of the condemnation award from the date of designation until the date full payment is received. After a hearing on the motion on September 20, 1982, the court filed an order on October 19, 1982, denying the motion. In effect, the court ruled that any such interest must be paid at the rate of five percent, pursuant to HRS §§ 101-25 and 101-33, and our decision in *City & County of Honolulu v. Bonded Investment Co.*, *supra*. The Trustees now attempt to appeal that order, arguing that the limitation of such interest to five percent is a denial of their constitutional right to just compensation. We are reluctant, however, to decide this question at the present time, given the state of the record before us.

This appeal was taken from a judgment entered on September 29, 1983, which was certified for review pursuant to HRCJP Rule 54(b). That judgment lists the value of the "leased fee interest" for each of the lots being condemned, but makes no provision for any award of interest. It was evidently contemplated by the trial court that an award of interest on the amounts listed in the judgment appealed from, would be made

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after the disposition of this appeal. Although it might nevertheless be possible for us to review at this time the decision of the trial court that any interest awarded will be limited to five percent, we decline the invitation. We think it preferable that an appellate court decide that issue on a record that includes a complete treatment of the blight of summons issue. We therefore reserve our decision on this issue until such time as it is properly presented on appeal.

## IV.

Defendants Kaiser Hawaii-Kai Development Co., Kaiser Aetna and Kacor Realty, Inc., (hereinafter collectively Kaiser) appeal from the judgment entered September 29, 1983. Kaiser was named as a Defendant in the eminent domain action initiated by the HHA along with the Trustees, the complaint seeking resolution of all claims to the subject property and to the compensation and damages awarded. Kaiser cross-claimed against the Trustees for a share of the condemnation award. Kaiser had acted as developer of the Kamiloiki tract, and pursuant to the terms of its development agreement with the Trustees, Kaiser alleged that it was entitled to a portion of any such proceeds.

Before trial, the parties and the judge agreed in chambers to separate Kaiser's cross-claim from the condemnation proceeding on public use and valuation. The Order appealed from holds that the taking is for a public use and assigns values to the individual lots. It states that there is no just reason for delay and directs entry of judgment on these issues.<sup>14</sup>

Kaiser asserts that the failure of the trial court to rule on its cross-claim against the Trustees rendered the judgment on valuation partial, and therefore, not appealable. Our review of the record convinces us, however, that the trial court committed no error in certifying its judgment.

Kaiser's argument flies in the face of a plain reading of HRCP Rule 54(b), which provides:

(b) Judgment Upon Multiple Claims or Involving Multiple Parties. When more than one claim for relief is presented in an action, whether as a claim, counter-claim, cross-claim, or third-party claim, or when multiple parties are involved, *the court may direct the entry*

<sup>14</sup>While not specifically referring to HRCP Rule 54(b), the express determinations recited in the Order track the language of that Rule's requirements.

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*of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. (Emphasis added.)*

The fact that no ruling was made on the cross-claim, therefore, is entirely within the contemplation of the rule, with its language directing judgment as to "fewer than all of the claims."

It is true, as Kaiser points out, that while HRCP Rule 54(b) permits the entry of judgment on one of several claims, the claim itself must be fully adjudicated. Kaiser alleges that the valuation judgment is merely partial, because it leaves open the issues of who will be liable to pay the condemnation award, the parties to whom it must be paid and when it will be paid. Kaiser's entitlement to a portion of the proceeds was also not determined.

As the HHA notes, however, the first three of these elements are dictated by statute. The statute, in HRS § 516-23 (1976) references the statutory eminent domain sections, which provide for payment by the plaintiff. HRS § 101-25 (1976). The Land Reform Act section on compensation itself refers to "compensation paid by the Hawaii housing authority." HRS § 516-26 (1976). Regardless of the HHA's ultimate source for these funds, by statute the HHA as plaintiff-condemnor will be the party bearing liability, if any, for the award.

Similarly, the statute provides for the identity of the recipient of the award:

*Interest in compensation paid by the authority.* The fee owner, lessor, and all legal and equitable owners shall share in the compensation paid by the Hawaii housing authority as their respective interests appear. Notwithstanding any contrary provision in any contract or lease, a developer or other person entitled to share in the lease rentals shall share in such compensation paid by the authority to the extent of his interest as may be determined by agreement of those entitled to share in the compensation paid by the authority, or in the absence of such agreement, pursuant to chapter 658.

HRS § 516-26 (1976).

Kaiser's rights to any proceeds of the award necessarily derive from those of the Trustees, since such rights, if they do exist, stem from the development agreement contract. Kaiser does not assert an equitable interest in the subject parcels, but its rights pursuant to this document. Therefore, while the Trustees may ultimately be liable to Kaiser pursu-

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ant to that agreement, a judgment naming the Trustees is not partial. It merely signifies that the rights of the Trustees and Kaiser *inter se* will have to be resolved later.

Finally, the time of payment is provided for by statute. HRS § 101-25 (1976) provides for payment within two years after final judgment.

Similarly, the judgment is not partial although it leaves unresolved the apportionment between Kaiser and the Trustees. Kaiser's rights to such proceeds, if any, will derive from the development agreement. Nothing in the judgment as entered bars a court from undertaking construction and interpretation of that agreement. The trial court could grant a Rule 54(b) motion to enter final judgment on the Trustee's condemnation award while a cross-claim considering the Trustee's duty to pay Kaiser a share was pending. The cross-claim remains Kaiser's vehicle for determining its share of the award.

In addition, we find no merit in Kaiser's allegation that the trial court abused its discretion in granting the Rule 54(b) certification. The trial court is vested with discretion to certify a claim under Rule 54(b) after weighing the advantage of expedited appeal against the potential for waste of judicial resources and equitable arguments for delay. *Curtiss-Wright Corp. v. General Electric Co.*, 446 U.S. 1, 8, 10 (1980). While the court may not certify a non-final claim, it may in its discretion certify fewer than all claims in a multiple claims or parties situation. *Sears, Roebuck & Co. v. Mackey*, 351 U.S. 427, 437 (1956).

This discretion was not abused in this case. Notwithstanding Kaiser's arguments, additional piecemeal litigation would not result from certification, since the Trustee/Kaiser claim was an entirely separate matter from the merits of the valuation claim. The agreement of the parties in a sense contemplated adjudication in pieces, since the cross-claim was bifurcated from the valuation proceeding. Its resolution would turn not on the issues raised at the valuation proceeding, but upon interpretation of the development agreement.

Kaiser's argument that the trial court erred in not considering its interest in the litigation is fallacious. By its own representation made by counsel in chambers, Kaiser had no interest in participating in the valuation portion of the proceeding. Similarly, Kaiser's attack on the certification procedure is unavailing. The court's power to certify such a claim under Rule 54(b) may be invoked on motion of a party, by agreement of the parties, or by the trial court, which by virtue of the discretion vested in it may execute or decide not to execute a certificate

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on its own motion. 6 *Moore's Federal Practice*, ¶ 54.41[3] at 742-43 (2nd ed. 1976).

## V.

As against the Trustee's challenge, we uphold the constitutionality of the Hawaii Land Reform Act under the public use and just compensation clauses of article I, section 20 of the Hawaii Constitution and the just compensation clause of the fifth amendment to the United States Constitution. Appellant Kaiser's appeal concerning alleged errors in the lower court's condemnation award is dismissed as being without merit. The judgment of the trial court is affirmed.

Clinton R. Ashford (Wayne Nasser, Rosemary T. Fazio and Paul S. Aoki with him on the briefs; Ashford & Wriston, of counsel) for Appellants Trustees.

Michael A. Lilly, Attorney General, (Sonia Faust, Terrence Yamamoto, Peter L. Yee, Deputy Attorneys General, with him on the answering brief filed on 1/3/85) for Appellee Hawaii Housing Authority.

Dennis E. W. O'Connor (Jerrold K. Guben and Theodore Y. Uyeno with him on the briefs; Hoddick Reinwald, O'Connor & Marrack, of counsel) for Appellees Lessees.

On the Briefs:

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H.K. Bruss Keppeler for amicus curiae The Office of Hawaiian Affairs.

# Appendix C

## ALPHABETICAL LIST OF HOLDERS OF FEE SIMPLE TITLE TO LANDS BENEATH LEASEHOLD CONDOMINIUM UNITS

### County Tax Assessment Records - Summer 1986

	FIRST OWNER	TMK	# OF UNITS	ISLAND	INSTRUMENT
	A C LYAU CO LTD	27003023	1	1	L
	A F & E A KNUDSEN TR EST	28017027	26	4	L
1	A H ENTERPRISES	34008044	3	2	L
2	ABC LEISURE WORLD INC	26020069	39	1	L
3	ADAMS FLOYE G ETAL	26021011	228	1	L
4	ADMK OF VETERANS AFFAIRS	94005028	1	1	L
5	AH NEE ROY/MARY M	23023006	1	1	L
6	AKAKA ELLEN C ETAL	26027026	32	1	L
7	AKAMINE THOMASINA TR EST ETL	24023033	1	1	L
8	AKANA WAYNE K ETAL	23021028	1	1	L
9	AKIN YEE LTD	24023033	122	1	L
10	AKIYAMA MINORU/GRACE S	24029026	1	1	L
11	ALA WAI MANSION INC	26015009	33	1	L
12	ALASCAN KAHALA INVSTMNTS	75004021	95	3	L
13	ALCANTARA RUBEN R	23021028	1	1	L
14	ALEGRE FRANK C SR TRUST ETAL	43002021	1	2	L
15	ALICE BENSON EISING TRUST	54012008	1	4	L
16	ALII VILLAS	75021007	12	3	L
17	AM TR CO OF HI INC TRUSTEE	27035034	185	1	L
18	AM TRUST CO OF HI INC TRS	22003010	42	1	L
19	AMER TR CO OF HAWAII INC TRS	27035034	1	1	L
20	AMERICAN INVEST CO LTD	24023013	49	1	L
21	AMERICAN SVGS & LN ASSOC	26025040	53	1	L
22	AMERICAN TR CO OF HI INC TRS	28012051	1	1	L
23	AMERICAN TR CO OF HI INC TRS	73012014	62	1	L
24	AMERICAN TRUST CO	82003018	1	3	L
25	AMERICAN TRUST CO OF HI INC TRS	26015013	14	1	L
26	AMERICAN TRUST CO OF HI TRS	77015068	18	3	L
27	AMFAC DEV CORP ETAL	24018007	67	1	L
28	AMFAC INC	44006011	11	2	L
29	AMIRA SELMA	44008002	1	2	L
30	ANDERSON DAVID C ETAL	43002019	7	2	L
31	ANDERSON DAVID G/JEANNE	54012002	3	4	L
32	ANDERSON JEANNE A	54005003	25	4	L
33	ANDERSON JEANNE A	54012002	28	4	L
34	ANDREW JAMES R ETAL	43006063	1	2	L
35	ANDREWS MCROTHY S TRS ETAL	16006036	1	1	L
36	ANDREWS JAMES R ETAL	43006063	11	2	L
37	ANGELOTTI ROBERT J JR	98040002	1	1	L
38	ANNE HOYWARE EST	44001052	1	2	L
39	AOTANI EDWARD R/ETHEL S	33005013	24	1	L
40	APC GEORGE ETAL	43006014	28	2	L
41	ARAKAKI JASON I	73012014	1	1	L
42	ARAKAKI TSUYO	24016036	17	1	L
43	ARIANA FAIRBANKS TR	21012006	1	1	L
44	ARMSTRONG OSCAR/ERNESTINE	21019014	43	3	L
45	ASSN APT OWNERS HOLIDAY VLY	23021029	1	1	L
46	ASSN APT OWNERS OF CONSULATE	24024022	6	1	L
47	ASSN OF APT OWNRS OF NA PALI	45039001	103	1	L
48	ASSOC APT OWNERS HOLIDAY VLG	23021028	1	1	L
49	ATWATER MAXINE TR	48031019	1	1	L
50	AU FRANCIS T C ETAL	26024069	161	1	L
51	AU GARY J/HARRIET A ETAL	24029010	1	1	L
52	AU HARRY H T/DORIS W U ETAL	24015008	28	1	L
53	AU HOW CHING INC	24019017	40	1	L
54	AU MAN KWONG/LILLY HEE	11059020	30	1	L
55	AUGUSTUS F KNUDSEN TR ETAL	28017010	45	4	L
56	AUSTEN EDMUND TR EST ETAL	97021020	48	1	L
57	AUSTIN PLAZA ASSOCIATES	21012006	2	1	L

	AUSTIN PLAZA ASSOCIATES ETAL	21012006	1	1	L
	AUYONG ELSIE L ETAL TR	16006036	120	1	L
	AVDA INC TEX INC & NAKAMURA	69003019	27	3	L
1	AVERY ALICE O TR ETAL	46002007	181	2	L
2	B P BISHOP EST	39008009	1	1	L
3	B P BISHOP TR EST	96003053	22	1	L
4	BACLAWSKI ANN	23021028	1	1	L
5	BALI LAND CORP	11062024	297	1	L
6	BALSAMO LOUIS W/ANNABEL L	23019061	1	1	L
7	BANKERS LIFE INS CO OF NB	11060011	1	1	L
8	BANKERS LIFE INS CO OF NEB	11060011	22	1	L
9	BANKERS LIFE INS CO OF NEBR	11060011	324	1	L
10	BANKOH CORP	21012006	15	1	L
11	BARNESON JOHN L TRUST	44008002	1	2	L
12	BARNHILL AUDLEY V/MARCELLA B	26024024	1	1	L
13	BATES ROBERT L/JLZEBEL K	75020003	7	3	L
14	BEAUCHAMP CAROL A	38013003	1	2	L
15	BENNETT MARGARET C ETAL	24030054	28	1	L
16	BERGER EMIKO TKS	39035013	1	1	L
17	BERGER GERTRUDE F ETAL	44001038	83	2	L
18	BERNARD PARKER	77008022	1	3	L
19	BILL HANSON'S SERVICE BUICK	42001028	1	2	L
20	BILLEDSON JOHN C ETAL	38014004	1	2	L
21	BISHU AUGUST R TRUST	26021004	36	1	L
22	BISHOP B P EST	35024026	43	1	L
23	BISHOP B P EST	46002034	20	1	L
24	BISHOP B P EST	46002035	11	1	L
25	BISHOP B P EST	46002036	24	1	L
26	BISHOP B P EST	46002037	32	1	L
27	BISHOP B P EST	46002038	43	1	L
28	BISHOP B P EST	98002034	60	1	L
29	BISHOP B P EST	98002035	65	1	L
30	BISHOP B P EST	98002039	64	1	L
31	BISHOP B P EST TRUSTEES	46031022	192	1	L
32	BISHOP B P EST TRUSTEES	98059003	139	1	L
33	BISHOP B P TR EST	15026001	66	1	L
34	BISHOP B P TR EST	15026014	69	1	L
35	BISHOP B P TR EST	15026017	48	1	L
36	BISHOP B P TR EST	15026030	81	1	L
37	BISHOP B P TR EST	15027018	147	1	L
38	BISHOP B P TR EST	15027042	59	1	L
39	BISHOP B P TR EST	16002096	144	1	L
40	BISHOP B P TR EST	21026016	12	1	L
41	BISHOP B P TR EST	23016017	176	1	L
42	BISHOP B P TR EST	23018024	22	1	L
43	BISHOP B P TR EST	23018029	92	1	L
44	BISHOP B P TR EST	23019006	67	1	L
45	BISHOP B P TR EST	27006007	125	1	L
46	BISHOP B P TR EST	27016002	51	1	L
47	BISHOP B P TR EST	27016006	45	1	L
48	BISHOP B P TR EST	27016032	30	1	L
49	BISHOP B P TR EST	28006060	25	1	L
50	BISHOP B P TR EST	35016016	87	1	L
51	BISHOP B P TR EST	35017004	228	1	L
52	BISHOP B P TR EST	35017018	214	1	L
53	BISHOP B P TR EST	35017029	67	1	L
54	BISHOP B P TR EST	35017035	181	1	L
55	BISHOP B P TR EST	35023002	194	1	L
56	BISHOP B P TR EST	35024009	94	1	L
57	BISHOP B P TR EST	39008004	124	1	L



	BISHOP	B	P	TR	EST	39008003	90	1	L
	BISHOP	B	P	TR	EST	39008009	201	1	L
	BISHOP	B	P	TR	EST	39029076	64	1	L
1	BISHOP	B	P	TR	EST	39030050	3	1	L
2	BISHOP	B	P	TR	EST	39030051	8	1	L
3	BISHOP	B	P	TR	EST	39030052	6	1	L
4	BISHOP	B	P	TR	EST	39030053	2	1	L
5	BISHOP	B	P	TR	EST	39030065	37	1	L
6	BISHOP	B	P	TR	EST	39031002	232	1	L
7	BISHOP	B	P	TR	EST	39034001	6	1	L
8	BISHOP	B	P	TR	EST	39034002	4	1	L
9	BISHOP	B	P	TR	EST	39034047	6	1	L
10	BISHOP	B	P	TR	EST	39034048	4	1	L
11	BISHOP	B	P	TR	EST	39034049	4	1	L
12	BISHOP	B	P	TR	EST	39034050	4	1	L
13	BISHOP	B	P	TR	EST	39034051	4	1	L
14	BISHOP	B	P	TR	EST	39034052	26	1	L
15	BISHOP	B	P	TR	EST	39034055	6	1	L
16	BISHOP	B	P	TR	EST	39034056	2	1	L
17	BISHOP	B	P	TR	EST	39034057	4	1	L
18	BISHOP	B	P	TR	EST	39034059	54	1	L
19	BISHOP	B	P	TR	EST	39034064	61	1	L
20	BISHOP	B	P	TR	EST	39035004	6	1	L
21	BISHOP	B	P	TR	EST	39035005	2	1	L
22	BISHOP	B	P	TR	EST	39035006	8	1	L
23	BISHOP	B	P	TR	EST	39035007	19	1	L
24	BISHOP	B	P	TR	EST	39035009	12	1	L
25	BISHOP	B	P	TR	EST	39035010	6	1	L
26	BISHOP	B	P	TR	EST	39035011	11	1	L
27	BISHOP	B	P	TR	EST	39035012	24	1	L
28	BISHOP	B	P	TR	EST	39035013	125	1	L
29	BISHOP	B	P	TR	EST	39035016	38	1	L
30	BISHOP	B	P	TR	EST	39038005	55	1	L
31	BISHOP	B	P	TR	EST	39070001	145	1	L
32	BISHOP	B	P	TR	EST	39070002	111	1	L
33	BISHOP	B	P	TR	EST	39070003	132	1	L
34	BISHOP	B	P	TR	EST	39070004	420	1	L
35	BISHOP	B	P	TR	EST	39070006	114	1	L
36	BISHOP	B	P	TR	EST	39070007	28	1	L
37	BISHOP	B	P	TR	EST	39070008	46	1	L
38	BISHOP	B	P	TR	EST	46001055	28	1	L
39	BISHOP	B	P	TR	EST	46001056	13	1	L
40	BISHOP	B	P	TR	EST	46002032	34	1	L
41	BISHOP	B	P	TR	EST	46002033	58	1	L
42	BISHOP	B	P	TR	EST	46002044	2	1	L
43	BISHOP	B	P	TR	EST	46002058	20	1	L
44	BISHOP	B	P	TR	EST	46017050	1	1	L
45	BISHOP	B	P	TR	EST	46031010	66	1	L
46	BISHOP	B	P	TR	EST	46031019	122	1	L
47	BISHOP	B	P	TR	EST	96003040	32	1	L
48	BISHOP	B	P	TR	EST	96003052	27	1	L
49	BISHOP	B	P	TR	EST	96003053	14	1	L
50	BISHOP	B	P	TR	EST	96003054	25	1	L
51	BISHOP	B	P	TR	EST	98002038	80	1	L
52	BISHOP	B	P	TR	EST	98002044	24	1	L
53	BISHOP	B	P	TR	EST	98002049	36	1	L
54	BISHOP	B	P	TR	EST	98011041	119	1	L
55	BISHOP	B	P	TR	EST	98011048	37	1	L
56	BISHOP	B	P	TR	EST	98011049	124	1	L
57	BISHOP	B	P	TR	EST	98011050	93	1	L

	BISHOP B P TR EST	98011052	91	1	L
	BISHOP B P TR EST	98012054	204	1	L
	BISHOP B P TR EST	98012079	415	1	L
1	BISHOP B P TR EST	98014009	39	1	L
2	BISHOP B P TR EST	98014016	42	1	L
3	BISHOP B P TR EST	98014017	27	1	L
4	BISHOP B P TR EST	98014027	42	1	L
5	BISHOP B P TR EST	98030053	300	1	L
6	BISHOP B P TR EST	98039001	141	1	L
7	BISHOP B P TR EST	98039002	367	1	L
8	BISHOP B P TR EST	98039004	88	1	L
9	BISHOP B P TR EST	98039009	300	1	L
10	BISHOP B P TR EST	98039012	43	1	L
11	BISHOP B P TR EST	98040002	111	1	L
12	BISHOP B P TR EST	98040006	92	1	L
13	BISHOP B P TR EST	98059001	107	1	L
14	BISHOP B P TR EST	98059002	113	1	L
15	BISHOP B P TR EST	98059003	37	1	L
16	BISHOP B P TR EST	98059005	113	1	L
17	BISHOP B P TR EST	98059007	1	1	L
18	BISHOP B P TR EST	98059008	105	1	L
19	BISHOP B P TR EST	98059023	103	1	L
20	BISHOP B P TR EST	99064025	63	1	L
21	BISHOP B P TR EST ETAL	46012002	115	1	L
22	BISHOP B P TRS EST	42002016	135	1	L
23	BISHOP B P TRS EST	46017050	12	1	L
24	BISHOP B P TRS EST	46031011	98	1	L
25	BISHOP B P TRS EST	46031016	105	1	L
26	BISHOP B P TRS EST	98011042	274	1	L
27	BISHOP B P TRS EST	98039003	289	1	L
28	BISHOP B P TRS EST	98039013	316	1	L
29	BISHOP B P TRS EST	98059004	171	1	L
30	BISHOP B P TRS EST	98059007	91	1	L
31	BISHOP BP TR EST	98059005	1	1	L
32	BISHOP BP TR EST	98059007	2	1	L
33	BISHOP EST TRS B P	22019006	1	1	L
34	BISHOP EST TRS B P	39030050	1	1	L
35	BISHOP EST TRS B P	39030053	1	1	L
36	BISHOP MUSEUM TRS	26007004	62	1	L
37	BISHOP TR CO LTD TRS	24019015	1	1	L
38	BISHOP TR CO LTD TRS	26024079	45	1	L
39	BISHOP TRUST CO LTD TR	28012037	18	1	L
40	BISHOP TRUST CO LTD TR	75008001	1	3	L
41	BISHOP TRUST CO LTD TRS	24019015	37	1	L
42	BISHOP TRUST CO LTD TRS	27019015	237	1	L
43	BISHOP TRUST CO LTD TRS	75008001	62	3	L
44	BISHOP TRUST CO LTD TRUSTEE	24024029	1	1	L
45	BISHOP TRUST CO LTD TRUSTEE	75008001	1	3	L
46	BJORKSON ROBERT G B TR ETAL	38014016	42	2	L
47	BLACK ANDERSON D/SHEILA U	24024022	1	1	L
48	BLACK DEV CORP	21040037	83	1	L
49	BLACKBURN & ASSOC INC	26003013	44	1	L
50	BLACKBURN WILLIS E ETAL	26028037	48	1	L
51	BLAIR L E/J G FAMILY TRUST	44008002	1	2	L
52	BLOODWORTH KEITH R ETAL	23021028	1	1	L
53	BOLTE GUSSIE M TR	24019010	161	1	L
54	BOKOVSKIS LEO ETAL	38013010	1	2	L
55	BOYD GEORGE/VITA	84002010	1	1	L
56	BOYD THOMAS G	27013008	1	1	L
57	BRADLEY HUGH J/KAZUKO	38014021	1	2	L

	BRAY INVESTMENTS LTD	26020069	1	1	L
	BREKKE GARY R/ROSEMARIE E	54011003	2	4	L
	BRENNER ELIZABETH E	43010007	1	2	L
1	BRIGGS LORRAINE SANDERSON TR	21008077	1	2	L
2	BROMS BYRON/JEAN C	43008004	13	2	L
3	BROOKS DESMOND K	26024024	2	1	L
4	BROWN ALICE Y ETAL	23021028	1	1	L
5	BRUCE ROBERT P	38014004	69	2	L
6	BUCHANAN WILLIAM K TR EST	42006013	57	2	L
7	BURCH WILLIAM L	75008001	1	3	L
8	BURDEN J ALFRED TRUSTEE	38014001	21	2	L
9	BUSHMAN GERALD R/SUZANNE	78010032	1	3	L
10	BUTLER LORRAINE	77008022	1	3	L
11	BYINGTON ELIZABETH P TRUST	44001066	1	2	L
12	C & C OF HON	21004040	1	1	L
13	C & C OF HONOLULU	21004040	951	1	L
14	CALIF WESTRN STATES LIFE INS	17023008	135	1	L
15	CAMERON PAUL E/LOIS E	42001032	1	2	L
16	CAMPBELL JAMES TR EST	57001027	167	1	L
17	CAMPBELL JAMES TR EST	57001029	199	1	L
18	CAMPBELL JAMES TR EST	92019011	65	1	L
19	CAMPBELL JAMES TR EST	92019012	74	1	L
20	CAMPBELL JAMES TR EST	92019013	52	1	L
21	CAMPBELL JAMES TR EST	92019016	95	1	L
22	CAMPBELL JAMES TR EST	92019020	92	1	L
23	CAMPBELL JAMES TR EST	92019021	119	1	L
24	CAMPBELL JAMES TR EST ETAL	21002004	2	1	L
25	CANNON G W ETAL	77008022	1	3	L
26	CAP DEVELOPMENT CORP	54005039	11	4	L
27	CARIAPPA KARTHAMADA/UHSULA	43002017	1	4	L
28	CARISSA INC ETAL	27034040	1	1	L
29	CARLSMITH CURTIS W ETAL	24019014	1	1	L
30	CARTER COOLIDGE/MARY T	75021004	76	3	L
31	CARTER HELEN G	26021110	69	1	L
32	CARTER M V TR EST	23019061	25	1	L
33	CARTER MARGARET TR EST	23019061	21	1	L
34	CARTER MARGARET V TR EST	23019061	59	1	L
35	CASSIDY TERENCE P	75020011	1	3	L
36	CASTLE & COOKE INC ETAL	21012006	1	1	L
37	CASTLE ALICE H TR EST	44012004	86	1	L
38	CASTLE ALICE H TR EST	44012064	168	1	L
39	CASTLE GEORGE P TR ETAL	21040003	182	1	L
40	CASTLE H K L TR EST ART B	42001050	85	1	L
41	CASTLE HAROLD K L TR EST	45106033	4	1	L
42	CASTLE JAMES C ETAL	42001045	202	1	L
43	CASTLE JAMES C TRS ETAL	42001046	202	1	L
44	CASTLE JAMES C TRS ETAL	42001047	96	1	L
45	CASTLE JAMES C TRS ETAL	42001048	180	1	L
46	CASTLE JAMES C TRS ETAL	42001049	94	1	L
47	CENTER LILY A	26016051	1	1	L
48	CENTER LILY A	31032002	38	1	L
49	CENTER LILY A EST	31032002	1	1	L
50	CENTER LILY A EST ETAL	26016051	1	1	L
51	CENTER LILY A ETAL	26016051	14	1	L
52	CENTER LILY A 19	31032002	1	1	L
53	CENTER LILY A 36	31032002	1	1	L
54	CENTRAL PACIFIC DEV CORP	75004020	1	3	L
55	CH OF JESUS CHRIST OF L D S	24007002	1	1	L
56	CHA YONG IL INC	23021028	1	1	L
57	CHANG ALBERT Y H/JOYCE Y	11017005	16	1	L

●	CHANG FRED Y W ETAL	43016006	116	2	L
	CHANG N S INC	26027020	107	1	L
	CHAPMAN JOAN L	23021028	1	1	L
1	CHAR WILLIAM K	24013015	6	1	L
●	CHEE ELLEN C ETAL	75018012	1	3	L
3	CHEE ELLEN CHONG ETAL	75018012	61	3	L
4	CHEE WILLIAM K M/MAY C	24012012	20	1	L
●	CHEUNG VALIANT K P	23019061	1	1	L
4	CHILD JOHN E	21038008	1	1	L
7	CHILD JULIA E	21038008	4	1	L
●	CHING ALFRED/EDITH T	11062049	37	1	L
10	CHING HUNG WO TR	26014026	121	1	L
10	CHING KIN INC	99007001	60	1	L
●	CHING MUN SHEE EST	26024097	89	1	L
●	CHING SHAI HENRY/PATSY	24012011	54	1	L
12	CHING YOU KEE/EDNA T	23011025	63	1	L
●	CHONG JERRY Y	23021028	2	1	L
15	CHONG PATRICIA ANN L G ETAL	16006036	1	1	L
16	CHU AN TRUST ESTATE	28001025	34	1	L
●	CHUY KATHERINE K TR ETAL	26016046	600	1	L
18	CHUY YOUNG WO TR ETAL	23023005	53	1	L
19	CHU ALEXANDER E/GERTRUDE	23023006	1	1	L
●	CHUN CHEW HUNG ETAL	24009008	88	1	L
21	CHUN IRENE M L ETAL	26012007	34	1	L
22	CHUN KALIKOUKALANI B	75006031	36	3	L
●	CHUN KEE LTD	26027025	32	1	L
24	CHUN LEON L M ETAL	24015030	67	1	L
25	CHUN ROBERT T/WF	24029010	28	1	L
●	CHUN VIOLET S	24023039	10	1	L
27	CHUNG HENRY & CO	26012027	39	1	L
28	CHUNG HENRY & CO	26021050	42	1	L
●	CHUNG MARTHA ETAL	24030053	57	1	L
30	CHUNG THOMAS D M ETAL	24029001	84	1	L
31	CHURCH GREGORY LYNN ETAL	26013014	1	1	L
●	CHURCH OF JESUS CHRIST LDS	24007002	238	1	L
33	CITY BANK	31026044	1	1	L
34	CLEVELAND WILLIAM TRUST	54002013	1	2	L
●	COHLMA GEORGE S ETAL	43006014	1	2	L
36	CONNER DOROTHY A REVOC TR	27033019	20	1	L
37	CONNER RALPH R/BARBARA ANN	75019003	1	3	L
●	COOK ANNETTE B TR	26024085	50	1	L
39	COOKE CHARLES & A C LTD ETAL	23036039	2	1	L
40	COOKE FOTN LTD ETAL	23036039	1	1	L
●	COOKE FOUNDATION LTD ETAL	23036039	44	1	L
42	COOPER ALBERT M JR/WF	84002010	1	1	L
43	COOPER KATHERINE M TR	26023056	219	1	L
●	CORP PRES CH JESUS CHR LDS	26015012	29	1	L
45	CORRIGAN JOHN L/EMMA G	23021028	1	1	L
46	CROCKER NATIONAL BANK	54005039	2	4	L
●	CROCKETT FREDERICK M	28013029	29	1	L
48	CROCKETT WENDELL F/MYRTLE L	38014022	34	2	L
49	CUCINELL SAMUEL A	23021028	1	1	L
●	CUYKENDALL ADEN L/JEAN A	27004001	1	1	L
51	D'ANJOU MILD J ETAL	42002005	1	2	L
52	DAHLBERG HELEN E	26003001	7	3	L
●	DALEY JAMES C/WILLOW	75020011	1	3	L
54	DAMON SAMUEL M TR EST	26014032	436	1	L
55	DAVID P TING & SONS INC	38014024	37	2	L
●	DAVIDSON BARBARA L	38013003	1	2	L
57	DAVIES T H & CO LTD TR	22004022	1	1	L

DAVIES THEO M & CO LTD TR	22004022	5	1	L
DAVIES THEO M : CO TRUST	22004022	36	1	L
DAVIES THEO HECO LTD TR	22004022	62	1	L
DE AGUIAR HENRY	77008022	17	3	L
DE PERALTA LINDA S ETAL	11060011	1	1	L
DEAGUIAR HENRY	77008022	7	3	L
DEBUSCA MARIANO P ETAL	15027042	1	1	L
DEISLER DONALD E/DIANE L	27027023	1	1	L
DENISON HARRY L TR	31035002	6	1	L
DITMARS RICHARD M SR ETAL	43009002	1	2	L
DOHERTY STEVEN M ETAL	45003011	1	2	L
DOUGALL JAMES C/D P	43003017	1	2	L
DRESSSEL DAVID L/VALAREE ETAL	26024079	1	1	L
DRESSSEL DAVID L/VALAREE S	26024079	44	1	L
DUNCAN WILLIAM F/JEAN E TR	43008006	1	2	L
DUNG FRANCIS K Y/MARGARET	11062009	56	1	L
DUNN RICHARD A	26024024	1	1	L
DUNN WILLIAM C ETAL	42001022	1	2	L
DURANT JAYNE S TR	26021020	138	1	L
DURANT JAYNE S TRUST	26021020	1	1	L
EASTPAC REALTY CORP	27001028	4	1	L
EBISUZAKI K LTD	21006018	34	3	L
EGBERT MARGARET A ETAL	45039001	1	1	L
EISENBERG NANCY C	23021028	1	1	L
ELIZABETH P BYINGTON TRUST	44001066	43	2	L
EVANGELISTA SOLEDAD/E L	17031006	1	1	L
EXCELSIOR LODGE 1 LODGE	23036001	81	1	L
FAIRES DENA M ETAL	26013014	1	1	L
FARM ALEXANDER S ETAL	28013087	20	1	L
FARRAND STEPHEN R	26019001	1	1	L
FEIG ISAAC ETAL	38013003	1	2	L
FEIG ISAAC/QUIGLEY N	38013003	47	2	L
FELIX HENRY M	21041024	74	1	L
FELTS ZETELLE H	69003019	1	3	L
FERNANDES ROSE F TR	24030075	54	1	L
FERRER RAFAEL G/BARBARA G	44008002	1	2	L
FIDELITY FED SAV & LOAN	75020014	147	3	L
FIN PLAZA OF THE PAC TR	21012006	2	1	L
FIRST ASSEMBLY OF GOD	24014004	53	1	L
FIRST HAWAIIAN BANK TRS	26017016	67	1	L
FIRST HAWAIIAN BANK TRS	27002030	168	1	L
FIRST HAWAIIAN BANK TRUSTEE	43006041	50	2	L
FIRST HAWN BANK TR ETAL	26015050	153	1	L
FIRST HAWN BANK TRS	24017051	41	1	L
FIRST HAWN BANK TRS	24020059	60	1	L
FIRST HAWN BANK TRS	26012029	456	1	L
FIRST HAWN BANK TRS	26024059	109	1	L
FIRST HAWN BANK TRS ETAL	26015050	29	1	L
FIRST HAWN BANK TRUSTEE	26025018	56	1	L
FIRST INTERSTATE BANK OF HAW	28017010	1	4	L
FIRST INTERSTATE BANK OF HI	28012070	4	1	L
FIRST SERVICE CORPORATION	46017022	3	1	L
FIRST UNITED METHODIST CH	24013019	148	1	L
FISH OSCAR H	27015004	71	1	L
FISH OSCAR H	27015035	23	1	L
FISHER FAMILY TR	23036039	1	1	L
FIVE MABLE COMPANY	54011003	1	4	L
FLITCROFT DAREN J ETAL	54012005	1	4	L
FLOOD BERNICE W TRUSTEE	38014002	13	2	L
FONG INN ESTATE LTD	26025022	48	1	L

6	FONG WESLEY F ETAL	23021028	1	1	L
	FOSTER CHARLES E/ALICE T	26024024	1	1	L
	FRANKHOUSER H T/P	21006018	1	3	L
1	FRAZIER PETER B	58011027	1	4	L
2	FRITSCHLE PARKER W	44006011	1	2	L
3	FUJINAGA EDWIN Y/ANDREA S	27035015	1	1	L
4	FUJITA GEORGE H ETAL	17040002	97	1	L
5	FURUYA CLARENCE D ETAL	24016043	160	1	L
6	FUKUYA CLARENCE O/LONA L	26016009	103	1	L
7	FURUYA GEORGE K/YURIKO ETAL	27027028	33	1	L
8	G N WILCOX MEM HOSPITAL	37001017	1	4	L
9	G N WILCOX MEMORIAL HOSPITAL	37001017	142	4	L
10	GAMBLE ROBERT E/ISABELLE	76014022	1	3	L
11	GARCIA KEVIN DEE	98030053	1	1	L
12	GEBHART M G/WYN JOAN	45013027	1	2	L
13	GECC FINANCIAL CORPORATION	24023058	16	1	L
14	GETHING THOMAS W	26028037	1	1	L
15	GIBALTAR MAUI PARTNERS	39001136	8	2	L
16	GILL THOMAS P TR ETAL	26021025	106	1	L
17	GILL THOMAS P TRS ETAL	26021025	6	1	L
18	GILL THOMAS TR EST ETAL	26021025	2	1	L
19	GILL THOMAS TR ETAL	26021025	8	1	L
20	GIRARD SUSAN M	21040002	1	1	L
21	GODDER WALTER L/PATRICIA	42002005	1	2	L
22	GOMES JOSEPH	75018071	126	3	L
23	GOMES MANUEL I TR EST	31026038	30	1	L
24	GOMES MANUEL TR EST	31026035	20	1	L
25	GOMES MARIA C ETAL TRS	31026033	38	1	L
26	GOMES MARIA C ETAL TRS	31026044	23	1	L
27	GOMES MARIA C TR ETAL	31026033	1	1	L
28	GOMES MARIA C TRS	31026044	1	1	L
29	GOMES MARIA C TRS ETAL	31026040	30	1	L
30	GOMES MARIA ETAL TR	31026033	1	1	L
31	GOMES MARIA ETAL TRS	31026033	2	1	L
32	GOMES MARIE C ETAL TRS	31026044	1	1	L
33	GOMES MARIN C TRS	31026044	1	1	L
34	GONSALVES LELAND W/EDNA N G	45039001	6	1	L
35	GOTO ROBERT T TR ETAL	17009013	77	1	L
36	GRAY ZANE J R	24024022	1	1	L
37	GRIFFITH EARL	43054013	1	1	L
38	GUARDIAN LIFE INS CO OF AM	21044033	110	1	L
39	GUARDIAN LIFE INS CO OF AM	26015026	58	1	L
40	HADDOX VICTOR G/SUSAN M	39020016	1	2	L
41	HADLEY ERNEST L JR ETAL	24016014	22	1	L
42	HADLEY PEARL B ESTATE	24016014	2	1	L
43	HAGLUND JOHN F III ETAL	21039002	20	1	L
44	HALE NAPILI PARTNERS	43002024	17	2	L
45	HAMAMOTO HOWARD H/JOANNE	24012012	45	1	L
46	HAMASAKI SATOSHI ETAL	23019061	1	1	L
47	HAMMONS JIM E/EVELYN	26027003	1	1	L
48	HANDHANO ENTERPRISES ETAL	53008001	130	1	L
49	HANDHANO ENTERPRISES ETAL	53008002	142	1	L
50	HAD GEORGE D JR ETAL	28024015	53	1	L
51	HARADA SADAHEI TR EST ETAL	27031017	67	1	L
52	HARPSTER RODNEY M ETAL	54012008	1	4	L
53	HARRIS DESSIE A	43008002	1	2	L
54	HARVARD PROPERTIES INC	43010013	76	2	L
55	HASEGAWA KOMUTEN (USA) INC	75020016	71	3	L
56	HASEGAWA KOMUTEN CO LTD	75020016	1	3	L
57	HASEGAWA KOMUTEN USA INC	75020016	1	3	L

1	HATA EMI ETAL	24015017	1	1	L
2	HAW VETERANS MEMORIAL FD	22010023	37	1	L
3	HAW VETERANS MEMORIAL FUND	22010023	1	1	L
4	HAWAII BAPTIST CONVENTION	24028005	428	1	L
5	HAWAII CALIFORNIA INVEST LTD	28012051	1	1	L
6	HAWAII CARPENTERS PENSION TR	44001051	32	2	L
7	HAWAII CONFERENCE FNDTN	17031028	20	1	L
8	HAWAII CONFERENCE FOUNDATION	22020002	290	1	L
9	HAWAII HOUSING AUTHORITY	11058002	21	1	L
10	HAWAII HOUSING AUTHORITY	11061002	24	1	L
11	HAWAII HOUSING AUTHORITY	12001049	27	1	L
12	HAWAII HOUSING AUTHORITY	17035014	48	1	L
13	HAWAII HOUSING AUTHORITY	22004062	1	1	L
14	HAWAII HOUSING AUTHORITY	45005011	16	1	L
15	HAWAII HOUSING AUTHORITY	94005034	229	1	L
16	HAWAII NAT'L BANK MON ETAL	84002049	201	1	L
17	HAWAII OMORI CORPORATION	43006007	28	2	L
18	HAWAII OMORI CORPORATION	43008001	31	2	L
19	HAWAII OMORI CORPORATION	45004002	10	2	L
20	HAWAII PROJECTS INC	43009005	11	2	L
21	HAWAIIAN ELECTRIC CO INC	27019014	346	1	L
22	HAWAIIAN RESORTS LTD	51005004	84	1	L
23	HAWAIIAN RESORTS LTD	84004006	124	1	L
24	HAWAIIAN RESORTS LTD	84004014	160	1	L
25	HAWAIIAN TRADEWINDS INC	43002052	1	2	L
26	HAWAIIAN TRUST CO LTD TRS	26012010	659	1	L
27	HAWAIIAN TRUST CO LTD TRS	68011026	1	1	L
28	HAWN FINANCE & INV CO LTD	16006036	1	1	L
29	HAWN REAL ESTATE CORP	21006018	3	3	L
30	HAWN RESORTS LTD	84004014	1	1	L
31	HAWN TR CO LTD TRS	28012061	1	1	L
32	HAWN TR CO LTD TRS	75027010	56	1	L
33	HAWN TRUST CO LTD TRS	26011008	136	1	L
34	HAWN TRUST CO LTD-TRUSTEE	23036011	128	1	L
35	HEE HONG MIN ETAL	28019003	1	4	L
36	HEE HONG MIN/VIOLET	28019003	1	4	L
37	HEGGSTAD HALVARD L ETAL	38014015	1	2	L
38	HENDRICKS HARRIET FAY ETAL	23019061	1	1	L
39	HENSON JOY ETAL	38014021	1	2	L
40	HILL ENTERPRISES LTD ETAL	39004081	122	2	L
41	HILL HAROLD C ETAL	75021007	1	3	L
42	HILL HAROLD C/LOIS E	75021007	46	3	L
43	HILL HAROLD C/LOIS E ETAL	75021007	25	3	L
44	HILL HAROLD C/LOIS ETAL	75021007	1	3	L
45	HILL HAROLD G/LOIS E ETAL	75021007	19	3	L
46	HILL JACK W/BETTY JO	75021007	1	3	L
47	HILL RUSSELL O TRUST ETAL	39004139	14	2	L
48	HILLIGOSS LLOYD J TRUST ETAL	44006011	1	2	L
49	HIND MARGARET C TRUST ESTATE	76015009	6	3	L
50	HIND MARGARET C TRUST ESTATE	76015014	12	3	L
51	HIND MARGARET C TRUST ESTATE	76015017	20	3	L
52	HIND MARGARET C TRUST ESTATE	76015023	73	3	L
53	HIRANO ENTERPRISES	27017020	200	1	L
54	HIROE GAIL C ETAL	24015004	1	1	L
55	HO ABRAHAM S H/SHIRLAND ETAL	24016005	62	1	L
56	HO ARTHUR K W ETAL	23021028	1	1	L
57	HOGAN, HOGAN, HOGAN/HOGAN INC	43010001	84	2	L
58	HOLMAN BARBARA L	26010002	1	1	L
59	HOLST OLAV C	26010007	1	1	L
60	HON SAILORS HME SOC ETAL	21016015	361	1	L

0	HON SAILORS HME SOCIETY ETAL	21016015	6	1	L
0	HON SCOTTISH RITE BODIES TR	24025026	70	1	L
1	HONG JUN GI & EUL SUN	26026014	1	1	L
2	HONG MIN HEE TRUST ETAL	28019003	30	4	L
3	HONOLULU LIMITED	27004001	568	1	L
4	HONOLULU LIMITED	38014021	71	2	L
5	HONOLULU LIMITED	44001097	420	2	L
6	HONOLULU LTD	44001099	190	2	L
7	HONOLULU MYCHOJI	22010035	173	1	L
8	HONOLULU MYCHOJI	22010035	5	1	L
9	HONOLULU SAILORS HOME SOC	21016015	1	1	L
10	HORIE ROY A/JOYCELYN A	27035109	15	1	L
11	HUKIKAWA TADASHI/MATSUE	24019029	19	1	L
12	HOSAKA JACK T/ELEANDR F	27017002	2	1	L
13	HOSAKA KAZUO ETAL	27017002	1	1	L
14	HOSAKA KAZUO/MIYUKI	27017002	2	1	L
15	HOSAKA MASAMI/DORIS Y	27017002	3	1	L
16	HOSAKA RICHARD F/MILDRED M	27017002	1	1	L
17	HOSAKA ROBERT M/JOYCE T	27017002	2	1	L
18	HOTEL ASSOCIATES INC	26027033	11	1	L
19	HOYLE RALPH L JR ETAL	44008021	196	2	L
20	HRT LTD	43006005	85	2	L
21	HSC INC	24066002	1	3	L
22	HUGHES TERESA EST	26025032	11	1	L
23	HUGHES TERESA F EST	26025032	21	1	L
24	HUGHES TRUST	28012050	48	1	L
25	MUMPHREY JUNE B TRUST	42002004	1	2	L
26	HUNG MARSHALL W ETAL	23036001	1	1	L
27	HYACINTH Y L YOUNG TR ETAL	24015021	88	1	L
28	ICHISHITA WALLY K/AIKO ETAL	24024029	1	1	L
29	ICHTHUS LAND COMPANY	75008003	134	3	L
30	IGE BETTY S ETAL	24020037	1	1	L
31	INCUBE RALPH S CO LTD	27017002	16	1	L
32	INSURANCE CONCEPTS INC ETAL	44008002	1	2	L
33	IOLANI SCHOOL	27020009	291	1	L
34	IOLANI SCHOOL	44011082	148	1	L
35	IOLANI SCHOOL ETAL	45103001	56	1	L
36	IOLANI SCHOOL ETAL	45103005	61	1	L
37	IOLANI SCHOOL ETAL	45103008	14	1	L
38	IRELAND LOREN E TRS ETAL	26012002	1	1	L
39	IRWIN CHARLES P/NANCY R	39020003	1	2	L
40	ISHIMOTO ELEANOR S ETAL	26019035	15	1	L
41	ISLAND INSURANCE CO LTD	23034004	86	1	L
42	ITO STEVEN K	23021028	1	1	L
43	IWAMOTO CONSTRUCTION INC	27017015	10	1	L
44	JACKBILT INC CORP ETAL	44001100	1	2	L
45	JACOBSEN EMMY J	43002055	1	2	L
46	JAMES THEODORE R	58011027	7	4	L
47	JAMES THEODORE R ETAL	26024024	2	1	L
48	JEFFERS JOSEPH C/MURIEL W	24024029	1	1	L
49	JEWETT MARTHA K TR	41005003	41	4	L
50	JONES OSCAR JR/MARY	43009005	1	2	L
51	JOSEPH RICHARD B/JANET P	54011003	1	4	L
52	K EBISUZAKI LTD	21006018	1	3	L
53	KAHAHA INA SOLOMON W K	22004020	1	1	L
54	KAANAPALI BEACH-ADAMSON J	44002002	1	2	L
55	KAANAPALI BEACH-FAST DOUGLAS	44008002	1	2	L
56	KAANAPALI PROPERTIES ETAL	44008002	184	2	L
57	KAANAPALI ROYAL ASSOCIATES	44008023	69	2	L
58	KAHANA SUNSET LAND PURCHASE	43003015	60	2	L



1	KAI ERNEST K ETAL	58011027	2	4	L
2	KAIULANI GIFT SHOP INC	22004020	1	1	L
3	KALAMAKUMU INC	75020011	66	3	L
4	KALLENBERGER MARK A ETAL	54011003	1	4	L
5	KAM DARRILYN Y I	28001050	1	1	L
6	KAM WILFRED Y B ETAL	24021001	26	1	L
7	KAMADLE NALU DEVELOPMENT CO	39005008	28	2	L
8	KAMEHAMEHA DEVELOPMENT CORP	78010047	1	3	L
9	KAMEHAMEHA INVESTMENT CORP	78010032	5	3	L
10	KAMEHAMEHA INVESTMENT CORP	78010033	6	3	L
11	KAMEHAMEHA INVESTMENT CORP	78010047	6	3	L
12	KAMEHAMEHA INVESTMENT CORP	78013003	21	3	L
13	KANEDA CHOSAKU ETAL	21021059	12	1	L
14	KANEMORI JEAN H	23021028	1	1	L
15	KANENAKA EDWIN N TRS	27003023	1	1	L
16	KANDA ESTATE INCORPORATED	98008002	54	1	L
17	KAPIOLANI DEV CO	24012012	35	1	L
18	KAU VIOLET L ETAL	31033011	25	1	L
19	KAWAHARA RONALD A TRUSTEE	42002004	2	2	L
20	KAWAIAHAO CHURCH ETAL	26025005	875	1	L
21	KAWAIAHAO CHURCH TRS	27027023	143	1	L
22	KAWAIAHAO CHURCH ETAL	26025005	1	1	L
23	KAWAMOTO ELEANOR F ETAL	24007002	1	1	L
24	KAZAMA KATSUMI/HARUKO	99038002	47	1	L
25	KDI INVESTMENTS INC	26012002	196	1	L
26	KEALOMA EUNICE M B TRS ETAL	17031050	28	1	L
27	KELLOGG ELEANOR A ETAL	26026014	1	1	L
28	KEKSCHBAUM R J/B L	54002013	1	2	L
29	KHONG CHENG H ETAL	23021028	1	1	L
30	KIDANI EDWIN M TR ETAL	28012059	53	1	L
31	KIESEL HYADES B ETAL	43010002	186	2	L
32	KIHEI PROPERTIES INC	39001075	2	2	L
33	KIKAWAI INC	31033010	1	1	L
34	KIKIWAH INC	31033010	8	1	L
35	KIKIWAH INC 12	31033010	1	1	L
36	KIKIWAH INC 13	31033010	1	1	L
37	KIKIWAH INC 14	31033010	1	1	L
38	KIKIWAH INC 16	31033010	1	1	L
39	KIKIWAH INC 19	31033010	1	1	L
40	KIKIWAH INC 3	31033010	1	1	L
41	KIKIWAH INC 5	31033010	1	1	L
42	KIKIWAH INC 6	31033010	1	1	L
43	KIKIWAH INC 8	31033010	1	1	L
44	KILBURN LILLIAN S TR	87033012	2	1	L
45	KILBURN LILLIAN S TRUST	87033012	13	1	L
46	KILPATRICK ETHEL M TR EST	28012049	29	1	L
47	KIM EVELYN Y K	23021028	1	1	L
48	KIM HYANG MAN/C S ETAL	24017056	61	1	L
49	KIM HYANG MAN/S C ETAL	24017056	137	1	L
50	KIM RONALD D S ETAL	23021028	1	1	L
51	KIMURA HIDEO/HANAKO ETAL	28012014	44	1	L
52	KIMURA MICHAEL M ETAL	24024021	1	1	L
53	KIMURA MICHAEL M TR ETAL	24024021	112	1	L
54	KIMURA PHYLLIS T ETAL	27014042	24	1	L
55	KISHI KAZUO R TRUST	43006011	42	2	L
56	KITANURA HARRY H ETAL	24024029	1	1	L
57	KIYABU BETSY M ETAL	24010018	1	1	L
58	KNUDSEN A F/E A TR EST	28017027	1	4	L
59	KNUDSEN AUGUSTUS F TR ETAL	28014018	32	4	L
60	KNUDSEN E A/A F TR EST	28017026	1	4	L

	KNUDSEN E A/A F TR ESTS	28017026	148	4	L
	KNUDSEN E A/K F TR ESTS	28017026	1	4	L
	KO YOUNG HO ETAL	22003011	32	1	L
	KOBATABE CLYDE S/SARAH	23021028	1	1	L
	KOBATAKE KELVIN K	23021028	1	1	L
	KODAMA GERALD T/DOREEN ETAL	23021028	1	1	L
	KOHASHI DOROTHY I	24023024	12	1	L
	KOMETANI HAROLD K ETAL	24016004	47	1	L
	KONA PROPERTIES INC	75007017	60	3	L
	KONA PROPERTIES INC ETAL	75007017	1	3	L
	KONG RAYMOND F TRS ETAL	26007015	152	1	L
	KORSEY MAX J/ROSE T	26024074	1	1	L
	KOSHI MITSUAKI/YOSHIO	21041024	1	1	L
	KOY PAUL TR EST	31033015	16	1	L
	KRAMER JERRY D/IRENE	23019061	1	1	L
	KRAUS GREGORY P/LORETTA	14005040	1	2	L
	KRONICK NORMAN M ETAL	21021045	73	1	L
	KRONICK NORMAN M TRS ETAL	21021045	1	1	L
	KUAKINI MEDICAL CENTER	17017023	40	1	L
	KUAKINI MEDICAL CTR	17017023	26	1	L
	KUALOA LAND CORP	45014005	6	1	L
	KUEBYAMA GERTRUDE S	27017002	2	1	L
	KUNIMOTO CHILDRENS TR	23010009	10	1	L
	KUNUYUKI BROTHERS INC ETAL	28010024	95	1	L
	KUPAU JESSICA R TR	13011024	3	1	L
	LACHEL LEONARD F/FRANCE Y M	23021028	1	1	L
	LAI ROBERT/RACHAEL E ETAL	23021028	1	1	L
	LAKE ISABEL M	43009005	1	2	L
	LALAKEA MOLLIE P ETAL	17015006	43	1	L
	LAMBORN ROBERT M/LEXIE L	17015006	1	1	L
	LANGDON ROBERT E JR	54012008	1	4	L
	LANIAKEA INC	26012032	28	1	L
	LASICK JOHN C	42004038	1	1	L
	LAU L STEPHEN/VIRGINIA M	28012051	1	1	L
	LAU ROBERT INN WAI	24066002	1	3	L
	LAU YUEN LIN TR ETAL	51003045	2	1	L
	LAY KUULEIALOHA B ETAL	43010004	101	2	L
	LEE NATHAN K T/NANCY K S	27017002	1	1	L
	LEE ROBERT E K D	73019008	1	1	L
	LEE RUSSELL H/LILIA	23036039	1	1	L
	LEE SAMUEL W ETAL	38013018	48	2	L
	LEENDERS JAN J/KAREN M	26028019	1	1	L
	LEONG YAU HOON TR EST	22005004	59	1	L
	LEONIDA DAVE T ETAL	98008002	1	1	L
	LEWIS DAVID P TR ETAL	51003001	8	1	L
	LEWIS DAVID P/ANN MARIE	51003001	3	1	L
	LEWIS TRACY/DANA G ETAL	75020011	1	3	L
	LEWIS VALENTINE S TR EST	26025021	91	1	L
	LEWIS WILLIAM B	44008002	1	2	L
	LI CHENG PIK HAR ETAL	26024079	1	1	L
	LILIUKALANI TR EST ETAL	26028011	435	1	L
	LILIUKALANI TRUST EST	26026014	131	1	L
	LILIUKALANI TRUST EST	27022003	96	1	L
	LILIUKALANI TRUST EST	74010036	89	3	L
	LIM MAX S H/LILY S M	26011021	2	1	L
	LIN SHU/IVY H J	23021028	1	1	L
	LIN WEN TSUNG ETAL	26013013	1	1	L
	LINMAN JAMES W/FRANCES F	54012005	1	4	L
	LOCKETT JOHN B	43003017	1	2	L
	LONIE DAVID DONALD JR	43008005	72	2	L

	LOOK DONALD C G/MILDRED	24023017	20	1	L
	LOCK DONALD C G/MILDRED L	28012025	33	1	L
	LOUIS ANTOINE TR EST	26013004	48	1	L
1	LOUIS LEIGHTON S C ETAL	24025067	39	1	L
2	LOUIS LEIGHTON S C/WF	24025067	2	1	L
3	LOVE PARTNERS	14005040	14	2	L
4	LOYALTY INS AGENCY LTD	24019014	129	1	L
5	LUCKAU WALTER G ETAL	39001107	89	2	L
6	LUM ALICE L ETAL	28011016	48	1	L
7	LUM CHARLOTTE C ETAL	24025039	60	1	L
8	LUM GEORGE C C/HARRIET C S	23021025	2	1	L
9	LUM MAN SING ETAL	31032029	62	1	L
10	LUM VIOLET H Y C	24030051	38	1	L
11	LUM YIP KEE LTD	26017005	198	1	L
12	LUM YIP KEE LTD	27013008	204	1	L
13	LUM YIP KEE LTD	27028003	114	1	L
14	LUNG WUI TR ETAL	21042001	114	1	L
15	LURIA MARK	28013099	83	1	L
16	LUTZ RICHARD D/BARBARA	43002019	1	2	L
17	LYCEUM INC ETAL	26010002	1	1	L
18	M K M INC	45002001	48	1	L
19	M S LAND INC	43006012	1	2	L
20	M S LAND INC	43009002	17	2	L
21	M.S. LAND INC	43006012	25	2	L
22	MAEDA EDWIN M/ELAINE S ETAL	23021028	1	1	L
23	MAGDON ESTATE LTD	26012002	404	1	L
24	MAGDON ESTATE LTD	26013013	277	1	L
25	MAGDON ESTATE LTD	26013014	481	1	L
26	MAGDON ESTATE LTD	26013018	108	1	L
27	MAGDON ESTATE LTD	26017057	250	1	L
28	MAGDON EVA V TR	22004062	25	1	L
29	MAGDON HELENE H TR EST	11062005	27	1	L
30	MAGDON JOHN H SR EST	45014005	24	1	L
31	MAGDON JOHN H SR TR EST	22004025	10	1	L
32	MAGDON JOHN H SR TR EST	27017004	175	1	L
33	MAGDON JULIET C TR EST	43054013	73	1	L
34	MAGDON TR EST JULIET C	43054013	2	1	L
35	MAH EDWIN W ETAL	23015018	32	1	L
36	MAKAMA VALLEY INC	84002010	46	1	L
37	MAKAHIKI WAY PARTNERSHIP	27008009	1	1	L
38	MAKINODAN AKIRA TR ETAL	26024024	2	1	L
39	MALANI THERESA K	24016023	74	1	L
40	MALIA ENTERPRISES	28013042	72	1	L
41	MALL HOWARD E/LORRAINE S	23021028	1	1	L
42	MAMIYA ELLA T TR ETAL	26011023	139	1	L
43	MANCUS EUGENE E/LAURA	26013014	1	1	L
44	MANILDI JACK/VINA G	24015017	1	1	L
45	MANDA FINANCE CO INC	24024029	1	1	L
46	MANDA FINANCE CO INC	26020033	1	1	L
47	MARSHALL GUY C ETAL	26028001	144	1	L
48	MARSHALL WAYNE E/ONILEE J	54012009	1	4	L
49	MASAKI CLAIRE M ETAL	27031016	1	1	L
50	MATSUDA RALPH S/SHIZUE H	24024029	1	1	L
51	MATSUOKA JAMES K/KAREN M	26024024	1	1	L
52	MATSUSHIMA TOSHIO TRS ETAL	17019021	121	1	L
53	MATSUURA THOMAS/FLORENCE TRS	39031002	1	1	L
54	MAUI LAND & PINEAPPLE CO INC	42001024	120	2	L
55	MAUI LAND & PINEAPPLE CO INC	42001028	155	2	L
56	MAUI LAND & PINEAPPLE CO INC	42001030	38	2	L
57	MAUI LAND & PINEAPPLE CO INC	42001032	131	2	L

6	MAY RANDOLPH P ETAL	38014002	1	2	L
	MAYBERG STANLEY/ANNABELLE	44008022	1	2	L
	MCANDREWS RONALD D ETAL	24007002	1	1	L
1	MCCLELLAN JOHN H	26024024	1	1	L
2	MCGAHA DAYLE O/KUNIKO K	23021026	2	1	L
3	MCGREGOR GERALDINE A	42001028	1	2	L
4	MCINERNEY FON ETAL	23021029	2	1	L
5	MCINERNEY FNDTN TR	26021049	192	1	L
6	MCKAY RICHARD M	75021004	1	3	L
7	MCKINNEY ALANA A TR	84002010	1	1	L
8	MCKINNEY BRIAN	39008004	1	2	L
9	MCLAUGHLIN ELIZABETH ETAL	26007006	155	1	L
10	MCLAUGHLIN SUSAN D	45039001	1	1	L
11	MCMLLEN DARWIN W/ANN MARIE	43002017	1	4	L
12	MCNAMARRA LULU	31032005	5	1	L
13	MCNAMARRA LULU H	31032005	4	1	L
14	MCNAMARRA LULU H TR	31032005	28	1	L
15	MDR DEVELOPMENT COMPANY	44008002	1	2	L
16	MEDEIROS JASON W/ALICE	28012022	2	1	L
17	MEDEIROS JASON W/ALICE P	28012022	45	1	L
18	MEE JOHN M L/GRACE W P	23021029	1	1	L
19	MERK HOWARD C/EDNA S	42001028	1	2	L
20	METTER RAYMOND E/EDNA M	43010009	1	2	L
21	MEW TING CHOW INC	22010025	40	1	L
22	MICHAEL JOSEPHINE TR EST	24021039	64	1	L
23	MIKE RESNICK ETAL INC	43010011	105	2	L
24	MILES ALEXANDER S K	23037007	1	3	L
25	MILILANI TOWN INC	95034069	30	1	L
26	MILLER OLIVE D ETAL	26017038	23	1	L
27	MILWOOD JAMES W	75021039	1	3	L
28	MINATOYA WILFRED T TR ETAL	26023050	112	1	L
29	MIRIKITANI CHIYOKO TR	26028019	22	1	L
30	MIRIKITANI ELEANOR	26028019	1	1	L
31	MIRIKITANI IRENE	26028019	1	1	L
32	MIRIKITANI MARIAN TR	26028019	1	1	L
33	MISAWA AKIRA/TOSHIKO	23010011	26	1	L
34	MISAWA TOSHIKO	23010011	1	1	L
35	MITCHELL GEORGE A ETAL	43002061	1	2	L
36	MIYASAKA GEORGE TR ETAL	17020021	2	1	L
37	MIYASHIRO GARY T ETAL	24007002	1	1	L
38	MIYATA & SONS LIQUIDATION TR	98010001	43	1	L
39	MIYATA CHARLES A ETAL TRS	98010001	65	1	L
40	MIYAWAKI KAZUMI TR ETAL	24014052	71	1	L
41	MIYAZAKI SHARIE K	23021028	1	1	L
42	MIZUTA JUICHI/MATSUYO	26025060	1	1	L
43	MIZUTA JUICHI/WF	26025060	17	1	L
44	MIZUTA TRUST	27010036	52	1	L
45	MOANA CORP	26017026	1	4	L
46	MOIR ERIC M TRUSTEE	28016007	45	4	L
47	MOORE JOHN G TRUSTEE ETAL	44001097	2	2	L
48	MURAN ROBERT N	68011028	1	1	L
49	MURAN ROBERT N/JUDITH A	68011028	17	1	L
50	MORIWAKI MASUO/RACHEL S	26021102	1	1	L
51	MORO DOMENICO EST	26025017	27	1	L
52	MOW GEORGE K B/FLORENCE K	29021066	1	1	L
53	MOW HENRY K H ETAL	24023014	39	1	L
54	MUMPER ROBERT L/REBECCA M R	28012051	1	1	L
55	MUN ALTON U ETAL	26025033	48	1	L
56	MURAKAMI GINICHI/MICHINO	22004059	6	1	L
57	MURAKAMI JAMES H/SHIRLEY S	24024029	1	1	L

	MURAKAMI MICHINO	22004020	3	1	L
	MURAKAMI MICHINO	26027019	16	1	L
	MYERS DANIEL J JR/BETH C	24024022	1	1	L
1	MYERS MICHAEL S HR10 PLAN TR	28012061	12	1	L
2	NAKAKURA CONSTR CO LTD ETAL	68011026	1	1	L
3	NAKAMA KIKUJIRD/KIMIE ETAL	27008006	49	1	L
4	NAKAMOTO CLARK H TRUST ETAL	37002018	1	2	L
5	NAKAMOTO FRANCIS M ETAL	23021028	1	1	L
6	NAKASONE HARRY S	27017005	141	1	L
7	NAKOA CHARLES ETAL	43005009	68	2	L
8	NALEIHA INVESTMENT CO	43005020	3	2	L
9	NALEIHA INVESTMENT CO	43005021	4	2	L
10	NALEIHA INVESTMENT CO	43005031	2	2	L
11	NALEIHA INVESTMENT COMPANY	43005020	5	2	L
12	NALEIHA BENJAMIN ETAL	43005029	30	2	L
13	NAMKONG JOAN Y ETAL	24025039	1	1	L
14	NATL SECURITIES & INV INC	84002010	138	1	L
15	NELSON JULIAN S/EVELYN	22003010	1	1	L
16	NELSON MICHAEL H	42002007	20	2	L
17	NEWMALL LARRY ETAL	26027003	1	1	L
18	NEWTON D H TRUSTEE ETAL	41005003	1	4	L
19	NEWTON JOHN L/MARY K	26010007	1	1	L
20	NIEMAN ANNA A TRUST	26002014	285	1	L
21	NISHIDA SATORU/GERTRUDE Y	26024024	1	1	L
22	NISHIHARA CATHERINE N	45003011	1	2	L
23	NISWANDER THOMAS H/B	44001042	1	2	L
24	NIU PIA FARMS	43002017	2	4	L
25	NIU PIA FARMS LTD	43002013	203	4	L
26	NIU PIA FARMS LTD	43002017	141	4	L
27	NM-KL ASSOCIATES	43002043	34	2	L
28	NDORREN ERIK K/JOANN A TRUST	43009004	1	4	L
29	NDYES JOHN ETAL	75019003	115	3	L
30	DBARA AXEL K/CHRISTA A	24019014	1	1	L
31	DBAYASHI LESTER M/FRANCES A	24030053	1	1	L
32	OFFNER WALTER W	43002017	2	4	L
33	OGEN EDWARD/CAROLINE	24023014	1	1	L
34	OHATA ROBERT G/ALICE H	34008044	1	2	L
35	OKA WILFRED M/BEATRICE NG	11062051	44	1	L
36	OKADA GLENN K/IRENE T ETAL	27005026	51	1	L
37	OKAHARA KARIN H	23021028	1	1	L
38	OKUMOTO RONALD T ETAL	33001007	1	1	L
39	OLSTED-CATTON ETAL	74010036	1	3	L
40	OMURA YOKO ETAL	23022052	1	1	L
41	ORLANDO CO LTD	26024073	100	1	L
42	ORNELLES AXEL ETAL	26027003	60	1	L
43	ORNELLES AXEL TR	24004004	1	1	L
44	ORNELLES AXEL TRUST	24004004	271	1	L
45	OSHIMA ARLENE T	24024029	1	1	L
46	OTA TATSUICHI INC	94011001	63	1	L
47	OUSTER GERALD/ANN	75021039	1	3	L
48	OUYE FRANCIS D	23012016	1	3	L
49	OWEN PATRICK H	38014021	1	2	L
50	PAOPAO JOHN F/SHARON S	23037007	1	3	L
51	PAKKEE RUTH K TR	28012003	30	1	L
52	PARKER STEPHEN F ETAL	43002019	2	2	L
53	PATRICKSON RICHARD F	23021028	1	1	L
54	PAUL WILFRED H	28016025	42	1	L
55	PAULING LINUS C JR	23021028	1	1	L
56	PETERSON FREDERICK C/JULIE A	24024022	1	1	L
57	PETHERBRIDGE DAVID A	26005014	1	4	L

PHILLIPS TERRY L/DORIS L	38013010	34	2	L
PIERCE JOHN J/PEARL T	78010032	1	3	L
PIERSON WENDELL T ETAL	43002019	1	2	L
PIGNATIELLO JOSEPH V ETAL	43010002	1	2	L
PIIANAIA ABRAHAM	27017031	52	1	L
PIIAVAIA ABRAHAM	27017031	1	1	L
PIONEER FEDERAL SAVINGS BANK	69003019	1	3	L
PIRES FRANK M TR ESTATE	23012014	11	2	L
PIVAKOFF ANNE	26015035	7	1	L
PIVAKOFF ANNE D	26015035	2	1	L
POLYNESIAN SHORES INC	54002013	54	2	L
POST WILLIAM F	23021022	1	1	L
PDV INC	54005039	6	4	L
PT-V TRUST ETAL	54005039	176	4	L
PUUCNE DEVELOPMENT	38037050	7	2	L
QUEEN EMMA FOUNDATION	99076020	22	1	L
QUEEN EMMA FOUNDATION THE	26021102	69	1	L
QUEEN EMMA FOUNDATION THE	99073003	2	1	L
QUEEN EMMA FOUNDATION THE	99073018	20	1	L
QUEEN EMMA FOUNDATION THE	99076009	36	1	L
QUEEN EMMA FOUNDATION THE	99076010	19	1	L
QUEEN EMMA FOUNDATION THE	99076011	28	1	L
QUEEN EMMA FOUNDATION THE	99076012	28	1	L
QUEEN EMMA FOUNDATION THE	99076013	40	1	L
QUEEN EMMA FOUNDATION THE	99076014	59	1	L
QUEEN EMMA FOUNDATION THE	99076016	47	1	L
QUEEN EMMA FOUNDATION THE	99076018	57	1	L
QUEEN EMMA FOUNDATION THE	99076020	28	1	L
QUEENS MEDICAL CENTER	99002017	76	1	L
QUIGLEY NORMAN TRS ETAL	28016026	21	1	L
QUIGLEY NORMAN-JOYCE TRUST	38013013	16	2	L
QUIGLEY NORMAN/JOYCE TRS	11058013	58	1	L
QUIGLEY NORMAN/JOYCE TRUST	38013013	4	2	L
QUIGLEY NORMAN/JOYCE TRUST	39001044	42	2	L
RAMELLI GARY G/SIGRID E	46002007	1	2	L
RANDLE ARTHUR H ETAL	45013027	35	2	L
RANSIL ALICE M ETAL	84002010	1	1	L
RASMUSSEN MARIE C TR ETAL	26027002	48	1	L
RAY EDITH V ETAL	17023008	1	1	L
REALTY DEVELOPMENT CORP	21019014	2	3	L
REALTY INCOME TRUST	54012005	7	4	L
REALTY INCOME TRUST	54012008	9	4	L
REALTY INCOME TRUST	54012009	6	4	L
REALTY INVESTMENT CORP	21019014	1	3	L
RECTOR PAUL I/ELSIE A	26024041	51	1	L
REEVES LURLINE B	24014012	1	1	L
REIMANN AUGUST JR	43002061	137	2	L
REIMANN AUGUST JR TR ETAL	43002021	55	2	L
RESORT MARKETING ASSUC INC	75021004	1	3	L
REYNOLDS CHRIS C ETAL	44001050	21	2	L
RICE RUBERT L	76015016	3	3	L
RICHARD SMART TRUST	62002021	23	3	L
RICHARD SMART TRUST	62002022	3	3	L
RICHARD SMART TRUST	62002023	14	3	L
RISPIN JEANETTE	38014002	1	2	L
ROBINSON BEVERLY N TRS ETAL	66006005	51	1	L
ROBINSON C J LTD PTN ETAL	94107100	120	1	L
ROBINSON C LTD PRTRNSHP ETAL	94047005	407	1	L
ROBINSON ELIZABETH C ETAL	44001071	20	2	L
ROBINSON ELIZABETH/ARNETT	44001052	29	2	L

	ROBINSON IWALANI TR EST	11062013	26	1	L
	ROBINSON MARY K H ETAL TRS	84002010	1	1	L
	ROBINSON WILLIAM T/ELLEN TR	24019023	29	1	L
1	ROGERS BARBARA TR ETAL	24009002	39	1	L
2	ROHRS MARVIN M/ELIZABETH M	43002019	1	2	L
3	ROMAN CATHOLIC CH IN SOH	23016066	84	3	L
4	ROMAN CATHOLIC CHURCH OF HI	39009029	46	2	L
5	ROMAN CATHOLIC CHURCH S OF H	11071016	2	1	L
6	ROMAN CATHOLIC CHURCH S OF H	11071027	2	1	L
7	ROMAN CATHOLIC CHURCH S OF H	26025015	69	1	L
8	ROMAN CATHOLIC CHURCH THE	21010046	363	1	L
9	ROMER ROBERT ETAL	75019003	1	3	L
10	ROMERHAUS CHERYL C	23021028	1	1	L
11	ROMERO REGHIS M/VIRGIE M	11058013	1	1	L
12	ROSS TR	24029019	32	1	L
13	ROUSE PAUL K/GERTRUDE A	75018017	1	3	L
14	ROYAL KAA NAPALI JT VENTURE	44008022	256	2	L
15	ROYAL WAIKIKI VENTURES	21039024	12	1	L
16	ROYAL WAIKIKI VENTURES	28012059	5	1	L
17	RUEFF ALAN ETAL	54012005	1	4	L
18	RUNDEL M STANLEY TRUST	44008002	1	2	L
19	RUSH DWIGHT M ETAL	24031002	34	1	L
20	RUTHERFORD ANDREW C/ENID L	34013026	1	2	L
21	S & H ENTERPRISES	84002010	1	1	L
22	S OTSUKA EST INC	43009004	72	4	L
23	S OTSUKA ESTATE INC	43009004	1	4	L
24	S OTSUKA IN	43009004	1	4	L
25	SAGAWA ETHEL A	27017002	2	1	L
26	SAJE VENTURES II	26012047	1	1	L
27	SAKATA KIICHI TRS	27007031	86	1	L
28	SAKUGAWA ALVIN N	23021028	1	1	L
29	SANBORN WINNIFRED K	43006044	62	2	L
30	SANG AGNES S A M	23032007	293	1	L
31	SANTIVITTOUNWONGS RITT TR	23036039	1	1	L
32	SAPIRO B TR EST ETAL	26024074	2	1	L
33	SAPIRO BARNETT TR EST ET	26024074	118	1	L
34	SAPIRO BARNETT TR EST ETAL	26024074	1	1	L
35	SASAKI JAMES S	27025018	8	1	L
36	SATO EDWARD H ETAL	24024013	32	1	L
37	SAVO MARY V	27015004	1	1	L
38	SBS REALTY CORP	26007026	247	1	L
39	SCHMITZ JOSEPH S ETAL	26027031	177	1	L
40	SCHNEIDER JOSEPH J/ROMA	54011003	1	4	L
41	SCHRAEDER ANNETTE TR ETAL	97021020	1	1	L
42	SENDEL ELIZABETH TR	31033009	11	1	L
43	SENDEL ELIZABETH TRUST	31033009	1	1	L
44	SHALL ALLEN B/SUSAN L	43002055	1	2	L
45	SHAW DONALD H	43002061	1	2	L
46	SHELL ENTERPRISE CO LTD	26020058	380	1	L
47	SHERMAN CHARLES E/L C ETAL	26004031	1	4	L
48	SHIMIZONO FAMILY TR	27017002	1	1	L
49	SHIMIZONO FAMILY TRUST THE	27017002	1	1	L
50	SHIRABE EDWIN K	28012051	1	1	L
51	SHIRAKI BESSIE M ETAL	24010018	8	1	L
52	SHIRAKI HILDA K	24021040	36	1	L
53	SHON EVELYN C ETAL	21040014	69	1	L
54	SILL JACK D ETAL	43005009	1	2	L
55	SIMPSON JULIAN E/JEAN C	39005023	8	2	L
56	SINDO AKIHIKO/LUCINDY	11062042	1	1	L
57	SIPE RANDI ETAL	44001041	1	2	L

SKILLMAN DAVID V	54012009	1	4	L
SMART RICHARD TRUST	62002021	17	3	L
SMITH ELVIA M ETAL	26021019	21	1	L
SMITH EUGENIA U TR	39002024	53	2	L
SMITH JOHN L/BARRIE	41005003	1	4	L
SMITH SUE A ETAL	45039001	1	1	L
SMYTH THEODORE H TR	26021021	1	1	L
SMYTH THEODORE H TRS	26021021	359	1	L
SMYTH THEODORE H TRUSTEE	43010007	1	2	L
SMYTH, THEODORE H TRUSTEE	43010007	198	2	L
SMYTHE THEODORE H TRS	26021021	1	1	L
SNDW NORMAN R ETAL	39004139	1	2	L
SOFOS CORPORATION	27035079	84	1	L
SONG LOUIS/ROSE	26024024	3	1	L
SORIANO PAULINE P	23021028	1	1	L
SOUZA GEORGIA C TR EST ETAL	24029023	190	1	L
SPENCER PETER ETAL	15026014	1	1	L
ST LOUIS CHAMINADE ED CTR	33001007	271	1	L
STARK DEVELOPMENT LTD ETAL	26028040	173	1	L
STARK LTD ETAL	23036039	239	1	L
STATE OF HAWAII	39002005	2	4	L
STATE SAV & LOAN ASSN	7500E003	2	3	L
STERLING BETTIE A	75021007	1	3	L
STERN STEPHEN J	69003019	1	3	L
STEVENS WILLIAM F	54012005	1	4	L
STILL ERNEST R/ETHEL L	65003024	1	3	L
STONE DONALD E ETAL	98008002	1	1	L
STORY LYNNE L ETAL	38014004	1	2	L
STREET CHARLES G JR EST	26017006	14	1	L
STREVELER DENNIS J D/L ETAL	45039001	1	1	L
STURBS GREGORY D ETAL	26024024	1	1	L
SUGAR WAY LTD ETAL	38013014	187	2	L
SULLIVAN EARL L/SIU MING	21006019	1	3	L
SUNADA KACRU/AYAKO	45003002	30	1	L
SWENSON JULIET P S M	26016001	68	1	L
SYLVA FRANK H	45003009	28	2	L
TAGUMA BETTY M	28024028	79	1	L
TAKABA DOUGLAS T/JUDITH D	23021028	1	1	L
TAKAHASHI JAMES M	27017002	3	1	L
TAKENAKA KOMUTEN CO LTD	26024053	88	1	L
TANABE GEORGE T ETAL	27007055	100	1	L
TANAKA HAROLD H/LYNDA G	27007055	1	1	L
TANAKA KOICHI ETAL	31020020	32	1	L
TANAKA MOLLY H	75007017	1	3	L
TAD HORACE T/RACHEL S	73012014	1	1	L
TADGOSHI DAVID K/FLCRENCE F	73004036	1	1	L
TATSUCHI OTA INC	94011001	1	1	L
TEHO LOT VENTURE ETAL	24020037	165	1	L
TENN KUI HING/WF	26017031	50	1	L
TERESA F HUGHES EST	26025032	4	1	L
TERESA F HUGHES EST 17	26025032	1	1	L
TERESA F HUGHES EST 19	26025032	1	1	L
TERESA F HUGHES EST 20	26025032	1	1	L
TERUYA BROTHERS LTD	11061032	37	1	L
TERUYA KOICHI/TAEKD	24024029	1	1	L
TERUYA NANCY ETAL	21040002	6	1	L
TESHIMA HARUO/MINEKO	79014014	9	3	L
TESHIMA SHIZUKO ETAL	79014016	8	3	L
THE ALPHA GROUP INC	39001075	1	2	L
THE EPISCOPAL CHURCH IN HAW	17031006	45	1	L



THE QUEEN EMMA FOUNDATION	99072012	14	1	L
THE SASAKI LIVING TR	23019061	1	1	L
THE SHIMOZONO FAMILY TR	27017002	1	1	L
THRIFT GUARANTY CORP OF HI	24024029	97	1	L
TITLE GUARANTY ESCROW SERV	23018076	17	1	L
TIVEY RUTH V	23019061	1	1	L
TOKICKA ABRAHAM K	23023006	1	1	L
TOKIOKA ABRAHAM K/AMY T	23023006	1	1	L
TOKIOKA BUNJI + WF TE	23023006	2	1	L
TOKIOKA BUNJI/WF	23023006	2	1	L
TOKIOKA CHIZU	23023006	8	1	L
TOKUNAGA DONALD H ETAL	43006016	29	2	L
TOM WALLACE K S ETAL	24012010	69	1	L
TOMKIN MARGARET FRASER TRUST	42002005	1	2	L
TOMPKIN MARGARET FRASER TRS	42002005	17	2	L
TONG SOW YEE SOCIETY	46002024	38	1	L
TRIANGLE VENTURE	24025073	44	1	L
TRINI GENE A/MARVALLIE M	84004007	2	1	L
TROPIC SHORES REALTY LTD	45039001	1	1	L
TRS B P BISHOP EST	23019006	1	1	L
TRS B P BISHOP EST	35017029	1	1	L
TRS B P BISHOP EST	35023002	2	1	L
TRS B P BISHOP EST	35024009	1	1	L
TRS B P BISHOP EST	98002048	31	1	L
TRS B P BISHOP EST 31	23019006	1	1	L
TRS B P BISHOP ESTATE	39030053	3	1	L
TRS OF LILIUOKalani TR	26028049	385	1	L
TRUSTEES B P BISHOP EST	98059004	29	1	L
TRUSTEES BISHOP B P EST	39007006	18	1	L
TRUSTEES BISHOP B P EST	46002031	42	1	L
TRUSTEES OF BP BISHOP ESTATE	45003011	53	2	L
TSUCHIYA MITSUO	17023008	1	1	L
TSUTSUMI MASATO/KIYOKU	59001006	1	2	L
TUNG TE CORP ETAL	27013002	347	1	L
TURIER LIMITED	97024035	614	1	L
TUTTLE JOHN J	42001032	1	2	L
U S MUTUAL MTG CORP	39070004	1	1	L
UEKI ADRIENNE T	23021023	1	1	L
UJIMORI JACK H	98039005	281	1	L
UNEMORI TSURU ETAL	27017031	1	1	L
UNITED CHINESE SOCIETY	21039009	36	1	L
UYEHARA GLENN H	23021023	1	1	L
UYEHARA HARRY S/HELEN ETAL	17012013	86	1	L
VACATION INTERNATIONALE LTD	43009004	1	4	L
VAN DER LINDEN L G ETAL	43003017	26	2	L
VAN DER LINDEN L G/WF	43003017	1	2	L
VAN DER LINDEN LOUIS G/C	43003017	2	2	L
VANDER LINDEN CAROLYN C ETAL	43003017	1	2	L
VANDERLINDEN CAROLYN TR	43003017	1	2	L
VANDERLINDEN L G ETAL	43003017	1	2	L
VANDERLINDEN L G WF ETAL	43003017	3	2	L
VANDERLINDEN L G/WF ETAL	43003017	1	2	L
VICTORIA MANSIONS TR	24015005	47	1	L
VICTORIA PLAZA TR	24015004	69	1	L
VICTORIA PLAZA TRUST	24015004	1	1	L
VIGLET H L PROPERTIES INC	26023045	113	1	L
VISTA DEVELOPMENT CORP	24013015	31	1	L
VOELKER DIETMAR G H/CHRISTA	23021028	1	1	L
VON GELDERN ETHEL D	22003050	107	1	L
WAAL ARTHUR JR	24030052	20	1	L

	WADE ROBERT H/JEAN P	26024024	1	1	L
	WAHLQUIST MARILYN W	43002017	1	4	L
	WAICO PALMS INC	26023007	143	1	L
1	WAIKIKI HOLIDAY APTS HOTEL	26017028	44	1	L
2	WAIKIKI HOLIDAY APTS HTL INC	26017023	1	1	L
3	WAIPAHU INVESTMENTS LTD	94048062	34	1	L
4	WAKAMIYA AMY M	24023005	1	1	L
5	WAKAYAMA JACK K/MILDRED ETAL	24028001	97	1	L
6	WALTON CHARLES W III/BETTY C	75020011	1	3	L
7	WARDUNTON JEFFREY S ETAL	45003009	1	2	L
8	WARD EUGENE E ETAL	75008016	1	3	L
9	WEE TIMOTHY I SR TR	21017016	6	1	L
10	WEINBERG HARRY	23006001	351	1	L
	WEINBERG HARRY ETAL	44001052	18	2	L
	WEINBERG WILLIAM	44001055	306	2	L
11	WELLS FOUR HUI	34008044	1	2	L
12	WEKY EMIL EST	87005011	59	1	L
13	WHITMAN KIM H/K B S	75021004	1	3	L
14	WHITTAKER JAMES W/LOIS D	43002049	1	2	L
15	WILBUR JOHN W ETAL	54011003	1	4	L
16	WILFORD WALTON TERRY	38013010	1	2	L
17	WILFRED MIYAHIRA IRA TR ETAL	23036020	146	1	L
18	WILMORE BARBARA K	75021039	1	3	L
19	WINDWARD MARINE SERV & SALES	45002001	20	1	L
20	WINGARD FERN H ETAL	23019061	1	1	L
21	WOHL JAMES P TRUSTEE	21017024	36	3	L
22	WOLFE BJB M/LOIS S	28012051	1	1	L
23	WONG BARBARA C	26010007	1	1	L
24	WONG GABRIEL K Y/PATRICIA	26024024	1	1	L
25	WONG MARGUERITE S Y ETAL	26007020	90	1	L
26	WONG DY CUM	27031016	23	1	L
27	WONG WALTER B S/NANCY C	26024024	1	1	L
28	WONG WELLINGTON C ETAL	24011056	62	1	L
29	WORLDWIDE CONDO DEV	54005018	1	4	L
30	WORLDWIDE CONDO DEV INC	54005018	4	4	L
31	WORLDWIDE CONDOMINIUM DEV	54005018	88	4	L
32	YACHT HARBOR ASSOCIATES	23036039	1	1	L
33	YACHT HARBOR ASSOCIATES ETAL	23036039	1	1	L
34	YACHT HARBOR LAND CO ETAL	23036039	45	1	L
35	YAMADA ELMER H/TOMOE ETAL	27018030	1	1	L
36	YAMAGUCHI MICHIO TR ETAL	87008010	155	1	L
37	YAMAMOTO WAYNE T ETAL	23021028	1	1	L
38	YANAGI WALLACE T	11059026	41	1	L
39	YASUDA MORRIS M TR EST ETAL	11061015	55	1	L
40	YASUDA MORRIS TR EST ETAL	11061015	22	1	L
41	YASUNAGA JAMES A	21040002	1	1	L
42	YEE AKIN LTD	24023033	2	1	L
43	YEE FRANCIS Y O/MILDRED ETAL	23014059	1	1	L
44	YEE FRANCIS Y O/MILDRED W	23014059	1	1	L
45	YEE LUM YUEN KAM EST	24013033	70	1	L
46	YEE RONALD Y C/FLORENCE ETAL	23014059	68	1	L
47	YEE ROSITA CHANG	27019001	73	1	L
48	YEE STEVEN Y M ETAL	43008002	32	2	L
49	YEE WILBERT ETAL	38014026	39	2	L
50	YEE YUK LIN CORP	27018036	64	1	L
51	YEYIA JOHN TR ETAL	54012008	1	4	L
52	YIN SIT SHA SOCIETY	52006002	4	1	L
53	YM & M INC	27035015	51	1	L
54	YUKOYAMA DAIHARU ETAL	26013002	1	1	L
55	YOSHIDA JAMES/HARRIET ETAL	21041013	46	1	L

1	YOSHIKAWA INVESTMENT CO LTD	26024032	36	1	L
2	YOULIN VIRGINIA S	28013022	18	2	L
3	YOUNG BETTY M TRUSTEE	39005021	7	2	L
4	YOUNG HYACINTH TR ETAL	24015017	72	1	L
5	YOUNG HYACINTH Y L TR ETAL	24015017	1	1	L
6	YOUNG HYACINTH Y L TR ETAL	24015021	1	1	L
7	YOUNG ROBERT C/HELEN ETAL	28012054	30	1	L
8	ZALOPANY CHILD/GRDCHILD TR	28020003	77	4	L
9	ZALOPANY LEONARD H/ALMA K	28019004	37	4	L
10	ZERBE GERTRUDE M TR ETAL	24020040	107	1	L
11	1ST NATL BANK OF ABILENE TR	75020016	1	3	L
12	1650 PIKOI JOINT VENTURE	24030058	40	1	L
13	1976 AUSTIN REV TR	21012006	1	1	L
14	300 CORPORATION	26010002	3	1	L
15	300 CORPORATION	39001006	97	2	L
16	300 CORPORATION	43005008	25	2	L
17	300 CORPORATION	43005015	77	2	L
18	300 CORPORATION	43010009	57	2	L
19	300 WEST 23RD STREET CO	26017003	211	1	L
20	300 WEST 23RD STREET CO	45007002	190	4	L
21	3900 CORPORATION	26021026	736	1	L
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Appendix D  
1984 CO-OPS  
(No change for 1985/1986)

	Tax Key	Name	No. of Units
1.	2-3-036-038	Atkinson Towers	112
2.	2-4-017-006	Terrazza Ltd.	60
3.	2-4-024-014	Oahuan Tower	56
4.	2-4-024-023	Punahou Terrace Ltd.	45
5.	2-4-024-066	Oahuan	46
6.	2-4-030-092	Makikikian	32
7.	2-6-004-012	Waikiki Shores	157
8.	2-6-011-002	Waikai	20
9.	2-6-011-015	Tradewinds Hotel Inc.	240
10.	2-6-012-001	Kalia Inc. Bldg. B	104
11.	2-6-012-065	Kalia Inc. Bldg. A	96
12.	2-6-012-066	Kalia Inc. Bldg. C	104
13.	2-6-017-004	Rosalei Apt.	160
14.	2-6-017-053	411 Kaiolu Inc.	39
15.	2-6-019-016	Tiki Apts.	14
16.	2-6-021-075	Queen Emma	15
17.	2-6-021-076	Beachside Apts.	15
18.	2-6-021-104	Hawaiian Prince Apt.	60
*	2-6-021-108	Beachside Apts.	15
19.	2-6-021-109	Waikiki Regents	15
20.	2-6-023-020	Alii Inc.	16
21.	2-6-023-064	Hawaiian Ebbtide	40
22.	2-6-023-074	Capri Apt. Inc.	15
23.	2-6-024-003	Kuhio Ebbtide Hotel Bldg. C	19
24.	2-6-024-004	Kuhio Ebbtide Hotel Bldg. A	24
25.	2-6-024-005	Kuhio Ebbtide Hotel Bldg. B	24
26.	2-6-024-021	Hale Hui Ltd.	15
27.	2-7-011-056	Coolidge Apt. Ltd.	20
28.	2-7-021-001	Prince Anne Apts. Inc.	8
29.	2-7-021-003	Canal Classic (Apt. 1-6)	6
30.	2-7-021-004	Canal Classic (Apt. 7-12)	6
31.	2-7-021-005	Hale Laau	8
32.	2-7-021-006	Hale Laau II	8
33.	2-7-021-007	Iolani Banyan	48
34.	2-7-021-013	Diana Apt. Inc.	9
35.	2-7-021-014	Lani Homes	97
36.	2-7-021-020	Iolani Gardens	8
37.	2-7-021-021	Iolani Gardens	8
38.	2-7-021-028	Laau Gardens	36
39.	2-7-022-005	2511 Kapiolani Co-op	11
40.	2-7-022-036	Kaipuu Inc.	6
41.	2-8-001-049	Beretania Hale	24
42.	2-8-012-047	Punahou Arms	12
43.	2-8-012-088	Dole Terrace	12
44.	3-1-026-029	Diamond Head Surf	20
45.	3-1-026-030	Diamond Head Surf	20

	Tax Key	Name	No. of Units
46.	3-1-026-031	Diamond Heal Alii	54
47.	3-1-026-043	Diamond Head Terrace	25
48.	3-1-026-045	Diamond Head Hale	16
49.	3-1-032-001	Tahitiene Inc.	31
50.	3-1-032-003	Coral Strand	50
51.	3-1-032-004	Diamond Head Apt.	57
52.	3-1-032-007	San Souci Apt.	88
53.	3-1-032-010	Colony Surf	171
54.	3-1-032-026	Diamond Head Ambassador (C)	22
55.	3-1-032-027	Diamond Head Ambassador (B)	35
56.	3-1-032-028	Diamond Head Ambassador (A)	35
57.	3-1-032-030	Tropic Seas	64
58.	3-1-033-001	Kainalu	57
59.	3-1-033-059	Seabreeze Apts.	10
60.	3-5-016-002	Kahala Gardens (Apt. E)	2
61.	3-5-016-005	Kahala Gardens (Apt. A)	4
62.	3-5-016-006	Kahala Gardens (Apt. B)	4
63.	3-5-016-007	Kahala Gardens (Apt. C)	2
64.	3-5-016-008	Kahala Gardens (Apt. D)	4
65.	9-4-047-017	Leolua Gardens	41
66.	9-4-047-024	Kunia Terrace	41

TOTAL 2,738\*\*

\*Assessed with Tax Map Key 2-6-021-076.

\*\*No change for 1985.

List provided by the City and County of Honolulu.

## Appendix E

Samuel B. K. Chang  
Director



LEGISLATIVE REFERENCE BUREAU  
State of Hawaii  
State Capitol  
Honolulu, Hawaii 96813  
Phone (808) 548-6237

July 14, 1986

Daniel J. Mollway, Esq.  
Executive Director  
State Ethics Commission  
Kamamalu Bldg., Room 405  
250 South King Street  
Honolulu, Hawaii 96813

Dear Mr. Mollway:

I would like to request an advisory opinion as to whether it is permissible for me to do the study described below in my capacity as a researcher with the Legislative Reference Bureau. I have been assigned to do a study requested by the legislature through Senate Resolution No. 25, S.D. 1, and House Resolution No. 249, H.D. 1, copies of which are enclosed, the basic purpose of which is to "study and analyze the ownership patterns of the land beneath Hawaii's residential condominiums and cooperative housing corporations" so that a determination can be made as to whether an oligopoly of landowners exists.

The study is directly connected to the issue of whether the Land Reform Act should be extended to residential condominiums and housing cooperatives so that owners of condominium units and shareholders of stock in corporations owning housing cooperatives that are situated on leasehold land are given an opportunity to obtain or buy the fee simple title to such land. See enclosed copies of Senate Resolution No. 25, S.D. 1, House Resolution No. 249, H.D. 1, and respective committee reports thereon. The study, however, will not make any policy recommendation as to whether the legislature should or should not extend the Land Reform Act to condominiums and housing cooperatives and is expected to deal mainly with ascertaining who owns the fee simple title to lands beneath all condominiums and housing cooperatives in Hawaii and fee simple land ownership patterns that may emerge from that data. Other topics the study probably but not necessarily will address are as follows: whether the Land Reform Act can be extended to condominiums and cooperatives under Hawaii Housing Authority v. Midkiff, \_\_\_ U.S. \_\_\_, 52 U.S.L.W. 4673 (1984), a copy of which is enclosed, assuming no land oligopoly exists and assuming that one does exist, and in connection therewith, whether and how "land oligopoly" is defined in Hawaii Housing Authority v. Midkiff (it is not specifically defined therein, see enclosed copy of case) and whether any exists under that definition, if any; a profile of condominium owners and of shareholders of stock in corporations owning housing

July 14, 1986

cooperatives; and a profile of those who own the fee simple title to land beneath condominiums and housing cooperatives and their willingness to sell such title.

I own a condominium unit situated on leasehold land. My parents as well as various friends and acquaintances of mine own single family residential homes situated on leasehold land and have undergone or are undergoing a leasehold conversion process to obtain fee title to lands beneath their homes and I believe it to be highly likely that many other friends and acquaintances hold leasehold interests to land beneath their respective homes or investment properties, be they single family residential, condominium, or cooperative properties. The study will be distributed to the legislature and might or might not affect decisions which may be made by the legislature as a whole or individual legislators if they deal with the issue of whether to extend the Land Reform Act or a related concept to condominiums and housing cooperatives, which decision, if any, may in turn affect any interest I may have in the land beneath my condominium unit. If the legislature chooses not to act, this also may affect any interest I may have in the land beneath my condominium unit.

May I please ask for an immediate decision on this matter.

Finally, I would like to disclose that I have in the past on many occasions met one of the commissioners, Laurie Loomis, socially, and we share mutual friends and acquaintances.

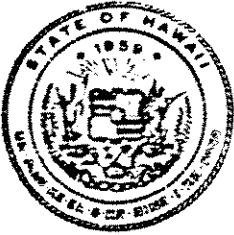
Thank you for your time and attention. Please do not hesitate to contact me at 548-6237 should you need more information or have any questions.

Very truly yours,

*Colleen C. Sakai*

Colleen C. Sakai  
Researcher

CCS:mm  
Enclosures



# STATE ETHICS COMMISSION

250 SOUTH KING ST., ROOM 405 • P.O. BOX 616 • HONOLULU, HAWAII 96809 • TELEPHONES (808) 548-2350/548-8504

August 5, 1986

## CONFIDENTIAL

Colleen C. Sakai, Esq.  
Researcher  
Legislative Reference Bureau  
State Capitol  
Honolulu, Hawaii 96813

Dear Ms. Sakai:

This is in response to your letter of July 14, 1986, in which you asked for an opinion as to whether you may participate in a study to analyze the ownership patterns of the land beneath Hawaii's residential condominiums and cooperative housing corporations so that a determination can be made as to whether an oligopoly of land owners exists. You have stated that this study has been authorized through Senate Resolution No. 25, S.D. 1, and House Resolution No. 249, H.D. 1. When completed, the study will be presented to the Legislature, and the Legislature may then take action to determine whether the Land Reform Act should be extended to residential condominiums and housing cooperatives so that owners of condominium units and shareholders in stock corporations owning housing cooperatives may be given an opportunity to buy the fee simple title to such land.

In your letter of July 14, 1986, you stated that the study will not make any policy recommendations as to whether the Legislature should or should not extend the Land Reform Act to condominiums and housing cooperatives. You have stated that you own an interest in a lease-hold condominium as an investment and for this reason are concerned as to whether your participation in the study would involve you in a conflict of interest.

The section of the ethics code relevant to the question you raise is section 84-14(a), a part of the conflicts-of-interests section of the ethics code, which reads in pertinent part as follows:

**§84-14 Conflict of interests. (a) No employee shall take any official action directly affecting:**

- (1) A business or other undertaking in which he has a substantial financial interest; or
- (2) A private undertaking in which he is engaged as legal counsel, advisor, consultant, representative, or other agency capacity.

This section of the ethics code prohibits a state employee from taking action that directly affects a business or other undertaking in which the employee has a substantial financial interest. In this case, you will not be

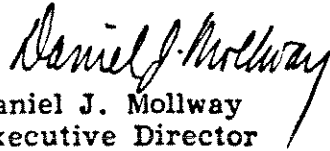


Colleen C. Sakai, Esq.  
Page 2  
August 4, 1986

taking any action that directly affects your interest in your condominium. Any legislation passed in this matter, of course, will be passed by the Legislature itself. For this reason, we believe your participation in the study will not violate the conflicts-of-interests section of the ethics code.

If you have any further questions concerning this matter, please feel free to contact me at 548-2350 or 548-8504. On behalf of the Commission, I would like to thank you for seeking the Commission's advice in this matter.

Very truly yours,

A handwritten signature in cursive script, reading "Daniel J. Mollway". The signature is written in dark ink and is positioned above the printed name and title.

Daniel J. Mollway  
Executive Director

DJM/sr