

R-621

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

OCT 30, 2000 08:02 AM

Doc No(s) 2000-153217

/s/CARL T. WATANABE
ACTING
REGISTRAR OF CONVEYANCES

LAND COURT SYSTEM

REGULAR SYSTEM

Return by: MAIL (X) PICKUP () TO:

CARLSMITH BALL LLP
Steven S.C. Lim
121 Waiamemee Avenue
Hilo, Hawaii 96720

TITLE OF DOCUMENT:

FINAL JUDGMENT

No. of Pages: 8

In accordance with the provisions of chapter 502-31 of the Hawaii Revised Statutes, as amended, this sheet is attached to that certain FINAL JUDGMENT filed on October 23, 2000, in the Circuit Court of the Third Circuit, State of Hawaii, in Civil No. 91-109:

VACATIONLAND HAWAII COMMUNITY ASSOCIATION, INC.,
a Hawaii Non-Profit Corporation,

Plaintiff,

vs.

KENNETH WEST and JEAN WEST, individually, et al.,

Defendants.

EXHIBIT B

FILED

2008 OCT 23 PM 3:44

CARLSMITH BALL LLP
STEVEN S.C. LIM 2505
JERILYNN ONO HALL 5552
121 Waiianuenu Avenue
P.O. Box 686
Hilo, Hawaii 96721-0686
Tel. No. (808) 935-6644

C. OKAWA, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

Attorneys for Plaintiff
VACATIONLAND HAWAII COMMUNITY
ASSOCIATION, INC.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

VACATIONLAND HAWAII COMMUNITY
ASSOCIATION, INC., a Hawaii Non-Profit
Corporation,

Plaintiff

vs.

KENNETH WEST and JEAN WEST,
individually; VIRGINIA SPENCER, MICHAEL
CLARK and JEANNIE CLARK, individually;
ROGER SCHOCK and ANTOINETTE
SCHOCK, individually; PHILLIP BURNS and
JOAN BURNS, individually, and as Class I-B
Representatives of all persons similar situated,
DAISY S. KUWAYE, EDWARD R. KUWAYE,
YASUO KUWAYE, YOSHINOBU KUWAYE,
KAPOHO LAND AND DEVELOPMENT CO.,
LTD., STANLEY I. HARA, KAZUHISA ABE,
HARUKO ABE, DIANE H. HARA, YASUO
KUWAYE and HANAKO KUWAYE, WAYNE
Y. KUWAYE and CAROLE KUWAYE,
LEROY CHOW and FRANCES CHOW,
RICHARD HUELSCAMP and CAROL
HUELSCAMP, GLENN L. WOOD, RACHAEL
K. FUJIMOTO, WILLIAM McKEE, STEPHEN
FISHER, SPENCER CHING and CONNIE
CHING, LOIS CECIL, MARY WERSCHEY,
JOHN RIBAN and DALE RIBAN; JOHN G.
MORITZ, and DONALD CECIL,

Defendants.

CIVIL NO. 91-109

FINAL JUDGMENT

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


Clerk, Third Circuit Court, State of Hawaii

FINAL JUDGMENT

Plaintiff VACATIONLAND HAWAII COMMUNITY ASSOCIATION, INC.'s (hereinafter referred to as "Plaintiff") Motion for Entry of Final Judgment (hereinafter referred to as the "Motion") was heard on October 10, 2000, with counsel Jerilynn Ono Hall appearing on behalf of Plaintiff, Gary Murai appearing on behalf of Defendant Virginia Spencer, and Pro Se Defendants Kenneth West and Jean West appearing for the record.

The Court, having considered the Motion, Memorandum in Support of Motion, and the representations of the parties, being fully advised on the issue, and good cause having been shown,

In accordance with Rules 54 and 58 of the Hawaii Rules of Civil Procedure, and pursuant to an Order Granting Plaintiff's Motion Default Judgment filed on May 12, 1993, it is hereby decreed and Final Judgment is hereby entered in favor of Plaintiff as follows:

The following Defendants shall have a duty to contribute annual and special assessments for the purposes stated in VHCA's Bylaws, including maintenance of the roadway improvements within the Subdivision:

Rachel K. Fujimoto
Mary Werschey
John Riban
Dale Riban
John G. Moritz
Donald Cecil
Lois Cecil
Rick L. Wood
Glenn L. Wood
Troy Brandon Wood
Michael Clark
Jeannie Clark
Roger Schock

**Antoinette Schock
Spencer Ching
Connie Ching
Marlon Reid Woo**

and the following owners of lots within the Subdivision Unit I and Unit II whose properties do not abut a public roadway but have rights to ingress and egress over Subdivision roadways, who had not been joined and agreed that VHCA should maintain the Subdivision roadways pursuant to the Bylaws, and who shall have a duty to contribute annual and special assessments for the purposes stated in VHCA's Bylaws, including maintenance of the roadway improvements within the Subdivision:

**Sam Warren
Mary Warren
Harriet A. Young
Isamu Iwata
Edith Iwata
Everett Adams
Mary Lou Adams
Ronald Tatsuta
Irene Tatsuta
Benoa Enterprises Corp.
Elroy Kelii
Blossom Kelii
Seisho Oshiro
Tomio Fugimoto
Agnes Fugimoto
James M. Brooks
James L. Fulton
Jerry Dill
LaVona Dill
James Buchanon
Howard Ishii
Luvia Ishii
Robert Blas
Junelle Blas
Ambrose Pasquini
Florence Pasquini**

Michael S. Wargo
James Andrews
Sybil Andrews
Martin Obra
Lloyd Hara
Mildred Hara
Marjorie M. Corley
Edward Fukuda
Judith Fukuda
Eric Takata
Benjamin Carvalho
Lorraine Carvalho
Clive Tanimoto
Doris Sasaki
Gerald Otomo
May Otomo
Rodney Imamura
Amy Imamura
Bruce Ching
Gail Ching
Vivian Nakamoto
Laurence Foster
David Ikeda
Virginia Ikeda
Milton Schmidt
Edith Schmidt
Nicolette Farnsworth
Thomas A. Walker
Wah Duck Young
Nori Uekawa
Doris Uekawa
Katherine Wenzel
James Veloria
Delores Veloria
Emilio Alcon
Violetta Alcon
Lloyd Foster
Alice Foster
Charlene Glasser
Wendy E. Wagner
Winston Howard
Clesson Chikasuye
John Murphy

Suzanne Murphy
Robert Wales
Ann Wales
J.K. Ingham, III
Richard P. Fong, et al.
Shelly Pitman
Donald E. Leonard

and all other owners of lots within the Subdivision Unit i and Unit II who joined and agreed aht
VHCA should maintain the Subdivision roadways pursuant to the Bylaws (Class I-B members).

It is further decreed and Final Judgment is hereby entered in favor of Plaintiff as
summarized forth below:

VHCA is authorized and recognized as the entity responsible for collecting and administering annual and special assessments for the purposes of maintaining, improving and administering the roadway system of the Subdivision and any other roadway of which VHCA may in the future obtain ownership and become obligated to maintain. The administrative costs allowed shall include, without limitation, the costs of meetings, notices and reasonable attorneys' fees and costs incurred in interpreting and litigating such issues concerning roadway assessment and maintenance as are authorized by VHCA or its authorized representatives.

Except as otherwise provided in the Order, all property owners within the Subdivision have a duty to contribute annual and special assessments for the purposes of maintaining, improving and administering the roadway maintenance program of the Subdivision as prescribed in VHCA's Bylaws. Said annual and special assessments shall be payable to VHCA or other legal entity as may be provided in VHCA's Articles of Incorporation and Bylaws, as they may be amended.

VHCA shall be entitled to collection assessments as authorized in the Order from (1) the owners of real property abutting the Subdivision who use the Subdivision's roadways for ingress and egress to their properties; and (2) from the owners of real property located outside of the Subdivision who have the right, easement, title or interest, or who by necessity are required to use the Subdivision's roads for access to a public highway.

The Court approved the Settlement Agreement entered on the record at a January 21, 1993 hearing between VHCA and various Defendants represented by Glenn S. Hara, Esq., including Defendants Vacationland Associates, Daisy S. Kuwaye, Edward R. Kuwaye, Yasuo Kuwaye, Yoshinobu Kuwaye, Kazuhisa Abe, Stanley I. Hara, Haruko Abe, Hanako Kuwaye, Wayne Y. Kuwaye, Carol Kuwaye, Leroy Chow and Frances K. Chow, pertaining to the payment of assessments to VHCA by owners of real property located on the South/Pohoiki side of the Subdivision on the North/Kumukahi Point side of the Subdivision.

Defendants Kenneth West and Jean West shall have no obligation to pay to VHCA any annual or special assessments for road maintenance as provided in the Order because they do not use and have agreed not to use the Subdivision roadways for access to their real property. In the event that VHCA or its designated representative assumes fee simple title to Lot 130, Defendants Kenneth West and Jean West, and their successors and assigns, shall thereafter have a duty to contribute annual and special assessments to VHCA or its authorized representatives under the authority and terms set forth in the Order.

Defendant Linda M. McLean, who represented to the Court that she waives and disclaims any right, title or interest in using or owning any interest in the Subdivision roadways for access, ingress, egress and any other purpose, shall have no duty to contribute annual or special assessments to VHCA or its authorized representative for the purposes as stated in the Order. Defendant McLean, on behalf of herself, her successors and assigns shall execute a quitclaim deed of her fractional interest in the use, for any purpose, of the Subdivision roadways and other improvements managed and maintained by VHCA.

VHCA shall not assess nor collect from any party any outstanding or delinquent annual assessments for road maintenance which remained unpaid as of the date of the Order. Any payments already made as of the date of the Order shall remain the property of VHCA and be applied to the purposes stated in VHCA's Articles of Incorporation and Bylaws.

Defendant Virginia Spencer, as an owner of a lot within the Subdivision who takes access over and across subdivision roadways to the public highway, has the duty to pay VHCA or its designated

