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PROBATE SPECIAL MASTER

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER

OF

THE KALIMA CLASS ACTION
SETTLEMENT TRUST DATED JUNE 23,
2023.

T. No. 1CTR-23-0000142
(Trust)

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR
INSTRUCTIONS #2, FILED ON
JANUARY 19, 2024; EXHIBITS
"1" - "2"; CERTIFICATE OF SERVICE**

Hearing:

Date: April 5, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR INSTRUCTIONS #2**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate
Special Master to examine the Petition for Instructions #2, filed January 19, 2024 (the
"Petition"), and respectfully submits this Report.

I. INTRODUCTION

This Master was appointed by *Joint Order Adopting Settlement Special Master's
Findings and Recommendations and Appointing Probate Special Master* (the "Appointment

Order”) [Dkt. 1617], filed on March 3, 2023, in *Kalima v. Hawaii*, Civ. No. 99-4771-12 LWC (“Kalima”), for the purposes set forth in the Appointment Order, as well as by the *Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings*, filed on December 29, 2023 [Dkt.12] (“Omnibus Order”), entered herein to examine and report on the Petitions for Instructions filed in this proceeding. The Omnibus Order requests that your Master: (1) examine and report findings and recommendations to the Court on all Petitions and on any other relevant matters in this Trust proceeding as deemed appropriate by the Master or the Court; (2) provide periodic status reports to the Court; and (3) address any outstanding issues contained in the Petitions or other pleadings filed in this proceeding.

This Report is filed pursuant to Rules 28 and 29 of the Hawaii Probate Rules.

Those appearing in these proceedings are Probate Special Counsel Scott C. Suzuki, Esq. and those proposed beneficiaries of the Trust Petitioners as noted below.

Your Master has examined the pleadings and their respective exhibits, in addition to other documents, most of which are listed below. Your Master has corresponded with some individuals and provides the following findings and recommendations.

II. DOCUMENTS EXAMINED AND OTHER RESEARCH

Your Master examined, among other things, the following pleadings and documents:

- Petition for Instructions #2, filed January 19, 2024, with Exhibits
- Notice of Hearing published in the Star Advertiser on February 5, 2024, February 12, 2024 and February 19, 2024.
- Omnibus Order Re: Kalima Class Qualified Settlement Trust Proceedings, filed on December 29, 2023
- Kalima Qualified Settlement Trust, attached to the Omnibus Order (“QST”)

- Probate Plan, attached to the Omnibus Order
- Facilitator database, Epic Claims Administrator
- Exhibits and objections submitted to the Claims Administrator

A. Interviews

Your Master corresponded with a few individuals related to each Deceased Class Member as more fully outlined below.

B. Efforts to Locate Wills

Several of the deceased Class Members died intestate. In a typical probate proceeding seeking adjudication of intestacy, the Court will inquire about the efforts made to locate a Will. As this not a typical probate proceeding, the Claims Administrator Representative, Robert Coomes, filed a declaration on December 21, 2023, that details all of the efforts they have made to give notice to Class Members and the deceased Class Members' families. [Dkt. 3] They were asked to provide all relevant estate planning information and documents to the Claims Administrator. The same information is posted on the Kalima Lawsuit website that is available to the public. There is a toll-free phone number to contact the Claims Administrator. Given the number of notices and efforts made by the Claims Administrator, your Master believes that deceased Class Members' families have had ample notice to provide a Will or Trust for their decedent, if one exists.

Furthermore, the family will receive a copy of this Petition and if the decedent is noted to be intestate, but there actually is a Will, your Master expects the family to contact the Claims Administrator, your Master, Probate Special Counsel or to appear at the Court hearing.

III. BACKGROUND

As the Court is aware, the purpose of these Petitions for Instructions is to provide an efficient and cost-effective, yet accurate procedure to identify the proper heirs and devisees of those Kalima Class Members who are no longer living. Probate Special Counsel has researched each Deceased Class Member's family background based on self-reporting, database information, court records and oral history. Probate Special Counsel has also provided notice of the Probate Plan, Qualified Settlement Trust and notice of this hearing by U.S. Postal mail, publication of notice in the Honolulu Star-Advertiser and links to the documents on the Info-Kalima.com website.

Probate Special Counsel published Notice of the hearing on this Petition #2 in the Honolulu Star-Advertiser on February 5, 2024, February 12, 2024 and February 19, 2024. Your Master is satisfied that all interested parties were provided adequate notice of this hearing and that jurisdiction and venue are proper pursuant to HRS §554D-201-203.

IV. DECEASED CLASS MEMBERS

Your Master has reviewed the circumstances for each named Deceased Class member and provides the following findings and recommendations:

A. WILLIAM KALAEMAKANI AHIA, JR.

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master also reviewed the Letters of Administration that were issued in December 2006, in P. No 06-1-0402 in the Third Circuit, State of Hawaii. Exhibit "A" of Petition #2. As stated by the Petitioner, Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent's settlement consistent with the probate proceeding. As this was an intestacy proceeding, your Master agrees that the distribution should be made in accordance with the intestacy statutes.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the decedent's children as follows: **JENNIFER L. AHIA, Personal Representative of the Estate of WILLIAM K. AHIA III (Post-Deceased), SAMUEL K. AHIA, ALFRED A.D. AHIA and ROBERT K. AHIA.**

B. HAROLD ALEXANDER AHUNA, SR.

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Clara P. Ahuna.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. However, the decedent's surviving spouse died after the decedent. There were no Wills submitted for Harold Ahuna, Sr. or Clara P. Ahuna. They had four children, one of whom died after her parents. That child has a surviving child.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to: **ALEX "BUNNY" AHUNA, MARK "MARKO" AHUNA, WAYNE "WINGUS" AHUNA and RENI YANO (Descendant of CECILIA MAHINA KAAI).**

C. JOSEPH PETER AHUNA

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Gladys Kuulei Puakalehua Enos. The family sent in the first page of what appears to be the decedent's Last Will and Testament and his power of attorney. A true and correct copy is attached as Exhibit

“1.” Because we do not have a complete copy of the attached Will, this must be treated as an intestacy.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. However, the decedent’s surviving spouse died after the decedent. The surviving spouse’s estate is entitled to the settlement funds. However, since she also died intestate, the settlement would pass to her heirs at law.

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed in equal shares to the heirs of **GLADYS KUULEI PUKALEHUA PUALOA-AHUNA** (Post-Deceased): **WILLIE PUALOA III, RICHARD PUALOA, LANI CHASE, VERLA MOORE, UILANI PUALOA, IPOLANI TANO, and NOELANI PUALOA-UBANDO.**

D. STANLEY MANU AH TONG AIKALA

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Joan Kekaulike Papa.

The only document provided was a Certificate of Trust. A true and correct copy is attached as Exhibit “2.” Your Master contacted Mrs. Aikala on March 5, 2024 to inquire whether she had a copy of her husband’s Will. She informed me that she had no interest in receiving any settlement funds and has told several people this previously. Your Master asked if she was sure, since she is entitled to the funds. She asked that she not be contacted again about this topic and that she is sure she does not want any funds. She also informed that she would hire an attorney if we did not stop contacting her.

Your Master then contacted the estate planning attorneys who are listed on the Certificate of Trust, Richard J. Sakoda, Esq., with Sterling and Tucker, LLP. Your Master explained the circumstances and requested a copy of any Will or long form of Trust to see if there were other interested parties involved. On or about March 8, 2024, Mr. Sakoda informed your Master that Mrs. Aikala would not authorize their office to release copies of Mr. Aikala's long form Trust or Will. She reiterated that she does not want the Kalima settlement money and she does not want to be contacted or bothered about it. Mr. Sakoda asked her to submit something in writing to confirm that she does not want the Kalima award.

On March 12, 2024, your Master contacted Mr. Sakoda and asked him to inform Mrs. Aikala of the settlement award amount and to again confirm that she is refusing these funds. He advised that he informed Mrs. Aikala of the award and she still refused the funds. She told him that she was putting a letter in the mail to confirm her refusal. To date, your Master has not received written confirmation, but the correspondence with Mr. Sakoda satisfies your Master that Mrs. Aikala is disclaiming her husband's settlement funds.

At this point, your Master finds and recommends that the settlement award for Mr. Aikala be returned to the general settlement fund, to be redistributed to class members at a later date should there be a surplus.

E. NELLIE NAHALA AINA

Your Master and Probate Special Counsel were informed by the Claims Administrator after Petition #2 was filed, that this decedent does not have a valid claim and her name was inadvertently included as a Deceased Class Member.

Your Master therefore respectfully requests that **NELLIE NAHALA AINA**, be stricken from Petition #2.

F. ABRAHAM AIONA

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow(er). Your Master also reviewed the Will of the decedent which was executed on or about August 31, 2000 and probated under P. No 02-1-0144 in the First Circuit Court, State of Hawaii. Exhibit "F" of Petition #2. The Will directs the residue to be distributed to the Trust agreement, dated October 16, 1991. The Order Granting Petition for Formal Probate of Will and Formal Appointment of Personal Representative, filed June 25, 2002, names **ABRAHAM K. AIONA** as the Successor Trustee.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **ABRAHAM K. AIONA, Trustee of the Abraham Aiona Revocable Living Trust Agreement dated October 16, 1991.**, for distribution consistent with the Trust terms.

G. QUINTIN GARY AIONA

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Myrna Naomi Kelekolio, now known as **MYRNA N. AIONA**. The information provided by the family indicates that the decedent and the surviving spouse have three children.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the entire intestate estate. Your Master has confirmed that the surviving spouse is entitled to inherit the entirety of the settlement amount, as stated in the Petition.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's surviving spouse, **MYRNA N. AIONA**.

H. CHARLES NUHI AIPIA JR.

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Beverly Masako Yamamoto, now known as Beverly Masako Aipia.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the surviving spouse is entitled to inherit the entirety of the settlement amount, as stated in the Petition.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's surviving spouse, **BEVERLY MASAKO AIPIA**.

I. MARCIA HAUNANI UWEKOOLANI AKAHI

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced.

Pursuant to HRS §560:2-103, if there is no surviving spouse, then the intestate share goes to the decedent's descendants by representation.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the

decedent's surviving children: **ERNESTINE AKAHI, LLOYDE AKAHI and JASON AKAHI.**

J. BRIAN KEOLAONAPAEMOKU AKANA

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Never Married.

Pursuant to HRS §560:2-103, if there is no surviving spouse, then the intestate share goes to the decedent's descendants by representation and if none, to the decedent's parents equally if both survive, or to the surviving parent.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the decedent's surviving parents: **HEATHER K. MINTON and NICHOLAS K. AKANA.**

K. GEORGE AKANA SR.

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. Your Master also reviewed the obituaries of Ione Akana and George Akana, Jr., both of whom died after the decedent. Exhibit "G" of Petition #2.

Your Master contacted the decedent's brother Kevin Akana on or about March 5, 2024 and he confirmed that his parents were divorced when his father died.

Pursuant to the laws of intestacy, the Decedent's entire estate would be distributed to his surviving descendants. Deceased child George Akana, Jr. is survived by two adult grandchildren, each of whom will share their father's distribution equally.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and

convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to the intestate heirs of GEORGE AKANA, SR., in the following proportions:

KEVIN M. AKANA – ONE-HALF (1/2)
GEORGE AKANA III - ONE-FOURTH (1/4) (Descendant of George Akana, Jr.)
KOA AKANA - ONE-FOURTH (1/4) (Descendant of George Akana, Jr.)

L. AMY CHARLOTTE KAELEHIWA AKAO

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to **ERNEST AKAO**.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. However, since the decedent’s surviving spouse died after the decedent, the surviving spouse’s estate is entitled to the settlement funds. Since he also died intestate, the settlement would go to his heirs at law.

Your Master spoke with Lehi Brown on March 13, 2024. He is the named family representative for the deceased Class Member. He shared that Amy Akao and Ernest Akao were married but estranged for several years and lived on different islands. Mr. Brown mentioned they may have been divorced. Your Master searched the JEFS court records and could not locate any divorce proceedings under either name. Mr. Brown is the decedent’s son from a prior relationship and voiced disappointment that Mr. Akao’s children from a prior relationship would be receiving the settlement funds. Your Master explained that we are bound by the intestacy laws and asked if he had any knowledge of his mother having a Will. He said he could not locate one.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the heirs at law of **ERNEST AKAO** (Post-Deceased): **ANDREW AKAO, DAVID AKAO, IPOLANI WRIGHT, NOHEALANI TUCKER, ANELALANI AKAO,** and **HOLLY AKAO.**

M. JOSEPH AKEAU AKAU

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Ramona Esther Cummings, now known as **RAMONA AKAU**. The information provided by the family indicates that the decedent and the surviving spouse have three children.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the entire intestate estate. Your Master has confirmed that the surviving spouse is entitled to inherit the entirety of the settlement amount, as stated in the Petition.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent's surviving spouse, **RAMONA AKAU.**

N. LEONARD A. AKAU

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Elaine M. P. Isaacs, now known as **ELAINE M.P. AKAU.**

Your Master also reviewed the Will of the decedent which was executed on or about August 24, 1993 and filed in the First Circuit Court, State of Hawaii as well as the Leonard A Akau Trust, dated August 24, 1993. Exhibit "I" of Petition #2.

The Will directs the residue to be distributed to the Trust which names **ELAINE MAILE JUULEI PIILANI ISAACS AKAU** as the Successor Trustee.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees."

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **ELAINE MAILE KUULEI PIILANI ISAACS AKAU, Trustee of the Leonard A. Akau Trust dated August 24, 1993**, for distribution consistent with the Trust terms.

O. THELMA AKAU

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to APITAI AKAU, JR.

Your Master also reviewed the Will of the decedent which was executed on or about May 11, 1993, the First Codicil executed on or about May 13, 1994, and filed in the First Circuit Court, State of Hawaii as well as the Leonard A Akau Trust, May 13, 1994 and the Thelma May Akau Revocable Living Trust, dated May 11, 1993. Exhibit "J" of Petition #2.

The Will directs the residue to be distributed to the Trust which names **APITAI AKAU, JR.**, as the Successor Trustee.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "established by clear and

convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to **APITAI AKAU, JR., Trustee of the Thelma May Akau Revocable Living Trust dated May 11, 1993, as amended**, for distribution consistent with the Trust terms.

P. GORDON KANANI AKEN, SR.

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Helen Leimomi Tabangcora, now known as **HELEN L. AKEN**. The information provided by the family indicates that the decedent and the surviving spouse have five children.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the entire intestate estate. Your Master has confirmed that the surviving spouse is entitled to inherit the entirety of the settlement amount, as stated in the Petition.

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed in its entirety to the decedent’s surviving spouse, **HELEN L. AKEN**.

Q. JAMES KUU IPOALOHA AWEAU

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Blossom Lima, now known as **BLOSSOM M. AWEAU**. The information provided by the family indicates that the decedent and the surviving spouse have five children.

Your Master also reviewed the Short Form Trust Agreement of the James K. Aweau Revocable Living Trust, dated July 4, 2003. Exhibit “K” of Petition #2. James K. Aweau and Blossom M. Aweau are appointed as Co-Trustees.

Paragraph 1-5.1(B)(3) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “established by clear and convincing evidence as ordered by the Probate Court... following service of appropriate notice to the heirs and purported devisees.”

On the basis of the foregoing, your Master finds and recommends that this deceased class member’s share of the *Kalima* settlement proceeds should be disbursed to **TRUSTEE OF THE JAMES K. AWEAU REVOCABLE LIVING TRUST**, for distribution consistent with the Trust terms. Blossom Aweau contacted your Master and indicated that she will be present at the hearing by Zoom video.

R. SAMUEL KAHAKUMAKA AWEAU, JR.

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Laura Siu En Ching, now known as **LAURA C. AWEAU**.

Pursuant to HRS §560:2-102, the surviving spouse is entitled to receive the first of a certain dollar amount. However, since the decedent’s surviving spouse died after the decedent, the surviving spouse’s estate is entitled to the settlement funds. Since she also died intestate, the settlement would go to her heirs at law.

Your Master spoke with Keith Aweau on March 13, 2024 who confirmed that he and his sister were the only surviving children of both parents and that they searched for and could not locate a Will for either parent.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the heirs-at-law of **LAURA C. AWEAU: KEITH S. AWEAU and PAMELA SAKUMA.**

S. NELSON KALANIPOO AWO

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced.

Pursuant to HRS §560:2-103, if there is no surviving spouse, then the intestate share goes to the decedent's descendants by representation.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed in equal shares to the decedent's surviving children: **PUUONEOMAKAPUU N. JOHNSON, KAPIOLANI N. AWO, KALAPANA K. GARRETT, and GEORGE K. AWO.**

T. RUTH LUKA POAIPUNI

Your Master reviewed the facts contained in Petition #2 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. Your Master reviewed the Order Granting Petition for Adjudication of Intestacy and Appointment of Personal Representative and the Letters of Administration, both filed in the probate matter P. No. 2CLP-23-0000078, on July 26, 2023. Exhibit "L" of Petition #2.

JONAH J. POAIPUNI, JR. was appointed Personal Representative on or about July 26, 2023, in the Circuit Court of the Second Circuit, State of Hawaii. Letters of Administration were issued and are currently valid.

Paragraph 1-5.1(B)(1) of the QST instructs the Trustee to distribute the decedent's settlement proceeds to the duly appointed and currently acting Personal Representative of the deceased class member's estate.

On the basis of the foregoing, your Master finds and recommends that this deceased class member's share of the *Kalima* settlement proceeds should be disbursed to **JONAH J. POAIPUNI, JR.**, Personal Representative of the Estate of **RUTH LUKA POAIPUNI**, also known as RUTH LUKA KAIMIKAUA POAIPUNI, also known as RUTH L. POAIPUNI, Deceased.

V. CONCLUSION

WHEREFORE, your Master recommends and prays as follows:

- A. That the Court approve and adopt this Master's Report Re: Petition for Instructions #2;
- B. That the Court grant the Petition for Instructions #2, filed January 19, 2024;
- C. That the Court find that jurisdictional requirements have been met and venue is proper;
- D. That the Court find that, as far as known, all persons necessary to an adjudication of this matter are parties hereto and shall be bound by all orders arising from this Petition and the Court find that there is no need to appoint a guardian ad litem to represent the interests of unknown or unascertained contingent remainder beneficiaries;
- E. That the Court authorize and Order the Claims Administrator to follow the distributions as outlined in this Report;
- F. That the Court award the Petitioner's reasonable attorneys' fees and costs to be paid by the Trust and deducted from the above beneficiaries' distributions on a pro rata basis, subject to the filing of an affidavit or declaration;

G. That the Court grant reasonable Master's fees and costs, to be paid by the Trust and deducted from the above beneficiaries' distributions on a pro rata basis, subject to the filing of an affidavit or declaration;

H. That the Court enter judgment as to this Petition pursuant to Hawaii Probate Rule 34(a) accordingly; and

I. Grant such other and further relief as this Court may deem just and equitable.

DATED: Honolulu, Hawaii, on March 14, 2024.

/s/ Emily H. Kawashima
EMILY H. KAWASHIMA
PROBATE SPECIAL MASTER

*THE
LAST WILL AND TESTAMENT
OF*

Joseph Peter Ahuna Sr.

I, Joseph Peter Ahuna Sr., a resident of the State of Hawaii, County of Hawaii, and City of Kailua Kona; and being of sound mind, do hereby make, publish and declare this to be my Last Will and Testament, thereby, revoking and making null and void any and all other Last Wills and Testaments and/or Codicils to Last Wills and Testaments heretofore made by me. All references herein to this Will shall be construed as referring to this Last Will and Testament only.

FAMILY CLAUSE

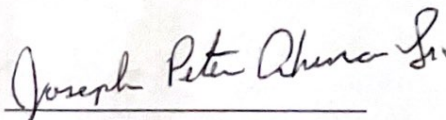
At the time of executing this Last Will and Testament, I am married to Gladys K. Pualoa-Ahuna. The names of my children are listed below. If I do not leave any property to any of my children, my failure to do so is intentional.

Iwalani Ahuna
Joseph P.H. Ahuna Jr.
Renee Cabrinha
Kekoa Ahuna

RESIDENCY CLAUSE

Having in mind the possibility that I may temporarily reside outside of, or simply be absent from the State of Hawaii, County of Hawaii, and City of Kailua Kona, at the time of my death, I elect and hereby declare that this Will and each and every disposition and provision contained herein shall be construed and regulated by and in accordance with the laws of said State of Hawaii. It is my desire that this Will be probated in the State of Hawaii, my place of domicile, and that the principal administration of my Estate be made in said State of Hawaii

Page 1 of my Last Will and Testament


(Signature)

COPY

This
CERTIFICATE OF TRUST
prepared for
STANLEY M. A. T. AIKALA
and
JOAN K. AIKALA

Sterling & Tucker
820 Mililani Street, 4th Floor
Honolulu, HI 96813
Oahu: (808) 531-5391 FAX (808) 538-3949
Neighbor Island: (800) 807-3820
www.sterlingandtucker.com

EXHIBIT "2"

Certificate of Trust

The undersigned Trustors and Trustees hereby certify the following:

1. This Certificate of Trust refers to that certain unrecorded trust agreement known as the STANLEY M. A. T. AND JOAN K. AIKALA LIVING TRUST, dated November 10, 1999, as amended and restated on JUN 15 2004 by STANLEY M. A. T. AIKALA and JOAN K. AIKALA, as Trustors, and the following initial Trustees:

STANLEY M. A. T. AIKALA
JOAN K. AIKALA

2. Section 4 of Article Three of the Trust provides, in relevant part, as follows:

a. Vacancy in Position of Trustee While We Are Both Alive and Competent

We may serve as the only Trustees, or we may name any number of Trustees to serve with us. If any of these other Trustees subsequently fails or ceases to serve as a Trustee for any reason, we may or may not appoint another to fill the vacancy as we both agree.

b. Vacancy in Position of Trustee While One of Us Is Alive and Competent

If only one of us is living and competent and a Trustee position becomes vacant, or such Trustor desires to appoint a Co-Trustee, then that one of us may or may not appoint another Trustee.

c. Successor Trustees

If either STANLEY M. A. T. AIKALA or JOAN K. AIKALA should die, resign, refuse to serve, be removed, become incapacitated and/or for any reason(s) be unable or unwilling to serve, then the remainder of them, if able and willing to serve, shall continue to serve alone as Trustee.

If both STANLEY M. A. T. AIKALA and JOAN K. AIKALA should die, resign, refuse to serve, be removed, become incapacitated and/or for any reason(s) be unable or unwilling to serve, then FIRST HAWAIIAN BANK shall serve as successor Trustee.

3. Unless otherwise provided in our Trust Agreement, when either one or both of the Trustors are serving as Trustee under our Trust, that either one or both of the Trustors acting as Trustee may conduct business and act on behalf of our Trust without the consent of any other Trustees. The Trustors are the primary beneficiaries under our Trust Agreement.

4. Our Trustees under our Trust Agreement are authorized to exercise all powers conferred upon Trustees by law and to enter into all types of accounts at banks, savings and loan associations, credit unions, and other financial institutions; to enter into loans both unsecured and secured by trust assets; to be the beneficiary of insurance, pension and profit sharing plans, credit unions, and other beneficiary-type assets; to buy, hold, invest and reinvest in the name of the Trustee, Trust or other nominee in certificate of deposits, money market funds, stocks, bonds, mutual funds, and securities of all types; to acquire, sell, convey, encumber, lease, borrow, manage and otherwise deal with interests in real and personal property, including any undivided interest in same, in trust name. All powers of our Trustees are fully set forth in Article Fourteen of our Trust Agreement.
5. Our Trust has not been revoked and there have been no amendments limiting the powers of our Trustees over trust property.
6. No person or entity paying money to or delivering property to our Trustee shall be required to see to its application. All persons relying on this document regarding our Trustee(s) and their powers over trust property shall be held harmless for any resulting loss or liability from such reliance. A copy of this Certificate of Trust shall be just as valid as the original.

The undersigned certify that the statements in this Certificate of Trust are true and correct and that it was executed on JUN 15 2004.

Trustors:

Stanley M. A. T. Aikala
STANLEY M. A. T. AIKALA

Joan K. Aikala
JOAN K. AIKALA

Trustees:

Stanley M. A. T. Aikala
STANLEY M. A. T. AIKALA

Joan K. Aikala
JOAN K. AIKALA

STATE OF HAWAII

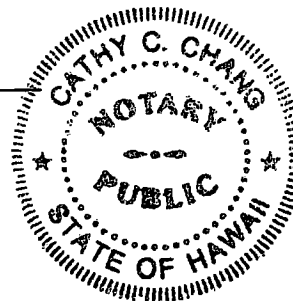
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SS
)

CITY & COUNTY OF HONOLULU

On this JUN 15 2004, before me personally appeared STANLEY M. A. T. AIKALA and JOAN K. AIKALA, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Cathy C. Chang

CATHY C. CHANG
Notary Public, State of Hawaii
My Commission Expires: Jan. 30, 2008



CERTIFICATE OF TRUST

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

IN THE MATTER

OF

THE KALIMA CLASS ACTION
SETTLEMENT TRUST DATED JUNE
23, 2023.

T. No. 1CTR-23-0000142
(Trust Proceeding)

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a file-marked copy of the foregoing document will be duly served by depositing the same in the United States Mail, postage prepaid, on the following identified interested person(s) immediately after filing.

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DATED: Honolulu, Hawaii, March 14, 2024.

/s/ Emily H. Kawashima
EMILY H. KAWASHIMA
Probate Special Master