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Electronically Filed
FIRST CIRCUIT
1CTR-23-0000142
01-OCT-2024
03:19 PM
Dkt. 564 RMSTR

PROBATE SPECIAL MASTER

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

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 #12, FILED AUGUST
9, 2024; EXHIBIT "1"; CERTIFICATE
OF SERVICE**

Hearing:

Date: November 1, 2024

Time: 10:00 a.m.

Judge: Honorable Jeannette H. Castagnetti

**PROBATE SPECIAL MASTER'S
REPORT RE: PETITION FOR INSTRUCTIONS #12**

COMES NOW, EMILY H. KAWASHIMA, ESQ. ("Master"), duly appointed Probate Special Master to examine the Petition for Instructions #12, filed August 9, 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 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 Hawai‘i Probate Rules.

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

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 now 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 #12, filed August 9, 2024, with Exhibits;
- Notice of Hearing published in the Star-Advertiser on September 11, 2024 and September 18, 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; and
- Exhibits and objections submitted to the Claims Administrator.

A. Interviews

Your Master corresponded with a few individuals related to each Deceased Class Member, as 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 to locate a Will. As this is not a typical probate proceeding, the Claims Administrator Representative, Robert Coomes, filed a declaration on December 21, 2023, detailing 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. 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 Kalima-lawsuit.com website.

Probate Special Counsel published Notice of the hearing on this Petition #12 in the Honolulu Star-Advertiser on September 11, 2024 and September 18, 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.

(A) JACOB KANAHELE BUNIEL

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Mary L. Hill, also known as Mary Louise Buniel. The decedent's spouse died after him in 2016.

Your Master reviewed the unsigned copy of the Last Will and Testament of Jacob K. Buniel dated April 3, 1980, which has not been admitted to probate but directs the estate to be devised to his spouse. The Will is attached as Exhibit "A" to Petition #12.

The decedent's surviving spouse also left a Last Will of Mary L. Buniel, dated October 3, 2003. The Will is a pour over will and directs the residuary estate to the Buniel Trust, dated May 25, 1988, as restated.

The Trust indicates that Tara Buniel-LaDouceur is the next-acting Trustee. Copies of the Will the Trust are attached as Exhibit “B” to Petition #12.

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 distributed to **TARA BUNIEL-LADOUCEUR, Trustee of the Buniel Trust dated May 25, 1988, as amended**, to be distributed in accordance with the terms of the Trust.

(B) MARY LOUISE BUNIEL

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent’s obituary indicates that her spouse predeceased her and that she was survived by her four children.

Your Master reviewed the Last Will of Mary L. Buniel, dated October 3, 2003, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the Buniel Trust, dated May 25, 1988, as restated.

The Trust indicates that Tara Buniel-LaDouceur is the next-acting Trustee. Copies of the Will the Trust are attached as Exhibit “B” to Petition #12.

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 distributed to **TARA BUNIEL-LADOUCEUR, Trustee of the Buniel Trust dated May 25, 1988, as amended**, to be distributed in accordance with the terms of the Trust.

(C) EMILY LEINAALA KAMAKA

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Robert A. Kamaka. Robert died after the decedent in 1993.

At the time of the decedent's death, the 1976 Hawaii Session Laws, Act 200, "Uniform Probate Code Article II, Intestate Succession and Wills" was controlling.

Under Act 200, Section 560:2-102, "The intestate share of the surviving spouse is...[i]f there is surviving issue or parent of the decedent ..., one-half of the intestate estate." There is no designated dollar amount that either should inherit before this provision applies. The surviving issue of the deceased child shall take the remaining half by representation. Section 2-106. Your Master does not take any spousal or homestead elections into account due to the nature of the award and the date of death. Your Master reviewed the Last Will and Testament of Robert A. Kamaka, dated August 14, 1992. Exhibit "C" of Petition #12. The Will devises the residuary to April M. Waahila Chamberlain and Timothy K. Kamaka. Two of the children will receive equal shares of half of the award. The other half will be distributed to all of the children and descendants of the deceased children and will receive shares to be divided among the child's descendants.

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 distributed to:

- APRIL M. WAAHILA CHAMBERLAIN – 18/56**
- TIMOTHY K. KAMAKA – 18/56**
- DOREEN PASCUA – 4/56**
- WYNETTE KAHAKAI – 1/56**
- KEISHA HARGROVE – 1/56**
- ANDREW HARGROVE – 1/56**
- GINGERLYN HAGROVE – 1/56**
- GEORGE PELEKANE – 4/56**
- KURT JARRET – 4/56**
- ZACHARY KAPULE – 4/56**

(D) MARTINSON PELE KANIHO, SR.

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent’s obituary notes that he was survived by spouse, Sharon Chamberlin, also known as Sharon Kaniho. There was no will or trust submitted. On September 27, 2024, your Master spoke to Sharon Kaniho, who confirmed her spouse did not have a will or trust and that the decedent’s three children are from another mother.

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.”

Pursuant to HRS §560:2-102, since one or more of the decedent's surviving descendants are not descendants of the surviving spouse, the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the settlement award exceeds that

amount. 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 as follows:

SHARON KANIHO – FIRST \$100,000, PLUS ONE-HALF OF THE AMOUNT OVER \$100,000
RICHARD KANIHO – ONE-SIXTH (1/6) OF THE AMOUNT OVER \$100,000
TONI KANIHO – ONE-SIXTH (1/6) OF THE AMOUNT OVER \$100,000
VIVIAN KANIHO (surviving spouse of deceased child) – ONE-SIXTH (1/6) OF THE AMOUNT OVER \$100,000

(E) DORALENE UILANI JOHNSON

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. No Will or Trust has been submitted. On or about September 27, 2024, your Master spoke to the decedent's ex-husband's spouse. She confirmed that the descendants listed below are the only descendants of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

KAHALA GANION – ONE-THIRD (1/3)
COREY BORGES – ONE-THIRD (1/3)
KAINOA P. JOHNSON – ONE-THIRD (1/3)

(F) **THOMAS KANIHO**

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Felisa Sesson, also known as Felisa Sesson Kaniho. The decedent's spouse died after the decedent in 2019. There was no will or trust submitted for either decedent or his spouse.

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."

Pursuant to HRS §560:2-102, since one or more of the decedent's surviving descendants are not descendants of the surviving spouse, the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the settlement award does not exceed that amount. Therefore the settlement award will be distributed to the surviving spouse's descendants.

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 descendants of the decedent's surviving spouse as follows:

LEE BERT NABOA – ONE-SIXTH (1/6)
LAMBERT NABOA – ONE-SIXTH (1/6)
LEINELL NABOA – ONE-SIXTH (1/6)
LEIVANELL SALMO – ONE-SIXTH (1/6)
LEINETTE NORITAKE – ONE-SIXTH (1/6)
PATRICK KEONE TAKAHASHI – ONE-SIXTH (1/6)

(G) HORACE KANNO

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's obituary notes that he was survived by spouse Anne Marie Kanno. There was no will or trust submitted.

Since the filing of the Petition #12, Darelyn Arter, daughter of the decedent, provided Probate Special Counsel additional information which he shared with your Master. We learned that the decedent's spouse died after the decedent in 2012. Additionally, children Darelyn Moana Arter and Keith Kanno are the children of the decedent and a former spouse. Robert Kele Kanno and Michael T. Kanno (deceased) are the children of the decedent and Anne Marie Kanno. Their death certificates are being filed under seal.

Pursuant to HRS §560:2-102(1), under the laws of intestacy, the entire settlement award would go to the decedent's surviving spouse. Since she is deceased, the award would be distributed to Anne Marie Kanno's heirs, Robert Kele Kanno and Michael T. Kanno in equal shares. However, since Michael T. Kanno is deceased and has no spouse or descendants, his share would pass to the descendants of his parents, Horace and Anne Marie Kanno.

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 distributed as follows:

DARELYN MOANA ARTER – ONE-SIXTH – 1/6
KEITH KANNO – ONE-SIXTH – 1/6
ROBERT KELE KANNO – TWO-THIRDS – 2/3

(H) ELIZABETH L. KANOA

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Lawrence Kanoa. There was no will or trust submitted.

Pursuant to HRS §560:2-102(1), under the laws of intestacy, when all of the decedent's surviving descendants are also descendants of the surviving spouse, and there is no other descendant of the surviving spouse, then the intestate share goes to the decedent's surviving spouse.

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 distributed to **LAWRENCE KANOA**.

(I) EDWARD JAMES KANOHO

Your Master reviewed the facts contained in Petition #12, as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widower. No Will or Trust has been submitted. On or about September 27, 2024, your Master spoke to the decedent's granddaughter, Janella Souza. She confirmed that her Grandfather did not have a Will or Trust and that those named below are the only descendants of the decedent.

Your Master also spoke to Lesley Morales, granddaughter of the decedent and surviving child of James Kanofo, deceased, and brother of the decedent. She confirmed that her deceased brother died with no descendants.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares. Two of the five children are living and will receive equal shares. The descendants of the deceased children will receive shares to be divided among the child's descendants.

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 distributed as follows:¹

CLARA RODRIGUES – ONE-FIFTH (1/5)
NORMAN KANOHO – ONE-TWENTIETH (1/20)
WARREN KANOHO – ONE-TWENTIETH (1/20)
LESLEY MORALES – ONE-TWENTIETH (1/20)
JAMIE ROBINETT – ONE-TWENTIETH (1/20)
FARRELL KANOHO – ONE-TWENTIETH (1/20)
RADSFORD FELIX – ONE-TWENTIETH (1/20)
HOLLY CORDERO – ONE-TWENTIETH (1/20)
CANDI-ANN GANOTISI – ONE-TWENTIETH (1/20)
JULIANA MONTALVO – ONE-FIFTH (1/5)
DARLENE MACULEY – ONE-TENTH (1/10)
EDWARD A.K. KANOHO – ONE-TENTH (1/10)

(J) ANNIE KUULEI FELIX

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. No

¹ Please note correct spelling of Lesley Morales.

Will or Trust has been submitted. On or about September 30, 2024, your Master spoke to the decedent's son, Radsford Felix. He confirmed that his mother did not have a Will or Trust and that he and his three siblings are the only descendants of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

FARRELL W. KANOHO – ONE-FOURTH (1/4)
RADSFORD FELIX – ONE-FOURTH (1/4)
HOLLY CORDERO – ONE-FOURTH (1/4)
CANDI-ANN GANOTISI – ONE-FOURTH (1/4)

(K) HAROLYNN N. HONG

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. No Will or Trust has been submitted. Your Master received an email from the decedent's daughter, Natasha Kepani who confirmed that their mother did not have a Will or a Trust and that she and her sister are the only descendants of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

NATASHA KEPANI: ONE-HALF (1/2)
ELIZABETH FRANCO: ONE-HALF (1/2)

(L) RONALD KANEKOA

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Divorced.

Your Master reviewed the Letters Testamentary and Statement of Informal Probate of Will and of Informal Appointment of Personal Representative, filed January 30, 2008, as well as the Last Will and Testament of Ronald B. Kanekoa, dated December 20, 1996. Exhibit “D” to Petition #12. The Will leaves the decedent’s residuary estate to his brother, Edward S. Kanekoa (deceased) and his sister, Rebecca L. Sialana (deceased). Edward is survived by his spouse, Lorraine Kanekoa. Rebecca has a pour over Will and Trust, Exhibit “E” to Petitioner #12. The next-acting Trustee is Brenda Jose.

Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “adjudicated in such deceased Class Member’s probate proceeding.”

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

LORRAINE KANEKOA – ONE-HALF (1/2)
BRENDA JOSE, TRUSTEE OF THE REBECCA L. SIALANA
REVOCABLE LIVING TRUST DATED APRIL 18, 1996, AS AMENDED –
ONE-HALF (1/2)

(M) REBECCA SIALANA

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's obituary states that she was survived by her spouse Paul Sialana. Paul Sialana died after the decedent in 2018.

Your Master reviewed the Last Will and Testament of Rebecca Leinaala Sialana dated April 18, 1996, which has not been admitted to probate. The Will is a pour over will and directs the residuary estate to the decedent's revocable Trust.

The Short Form Trust indicates that Rebecca L. Sialana is the next-acting Trustee. Copies of the Will and the Short Form Trust are attached as Exhibit "E" to Petition #12.

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 distributed to **BRENDA JOSE, Trustee of the Rebecca L. Sialana Revocable Living Trust dated April 18, 1996, as amended,** to be distributed in accordance with the terms of the Trust.

(N) JOSEPH LVAEHU LYONS, JR.

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Angeline Cordoban, also known as Angeline Akala Cordoban Lyons. The decedent's spouse died after the decedent in 2010. There was no will or trust submitted for either decedent or his spouse.

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."

Pursuant to HRS §560:2-102, since one or more of the decedent's surviving descendants are not descendants of the surviving spouse, the surviving spouse is entitled to receive the first of a certain dollar amount. Your Master has confirmed that the settlement award does not exceed that amount. Therefore the settlement award will be distributed to the surviving spouse's descendants.

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 descendants of the decedent's surviving spouse as follows:

ROYLIN CORDOBAN – ONE-TWELFTH (1/12)
RYAN CORDOBAN – ONE-TWELFTH (1/12)
OLA ISABEL – ONE-SIXTH (1/6)
LORETTA WHITAKER – ONE-SIXTH (1/6)
LEIALOHA KONDO – ONE-SIXTH (1/6)
KANANI ADOLPHO – ONE-SIXTH (1/6)
JOENELL LYONS-MANGCA – ONE-SIXTH (1/6)

(O) WILLIE PUALOA JR.

Your Master reviewed the facts contained in Petition #12 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, also known as Gladys Kuulei Pualoa. The decedent's spouse died after the decedent in 2020. No Will or Trust has been submitted for either.

At the time of the decedent's death, the 1976 Hawaii Session Laws, Act 200, "Uniform Probate Code Article II, Intestate Succession and Wills" was controlling.

Under Act 200, Section 560:2-102, “The intestate share of the surviving spouse is...[i]f there is surviving issue or parent of the decedent ..., one-half of the intestate estate.” The surviving issue of the decedent shall receive the other one-half of the intestate estate. Section 2-103.

For the surviving spouse’s half, pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent’s descendants in equal shares. On or about September 27, 2024, your Master spoke to the decedent’s daughter, Verla Moore. She confirmed that her father did not have a Will or Trust and that she and her six siblings are the only descendants of the decedent. Her brother Dean Pualoa was unmarried and had no children.

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 distributed as follows:

VERLA K. MOORE – ONE-SEVENTH (1/7)
WILLIE PUALOA III – ONE-SEVENTH (1/7)
RICHARD PUALOA – ONE-SEVENTH (1/7)
RUBY ANN P. MORGAN-CHASE – ONE-SEVENTH (1/7)
COLLEEN U. PUALOA – ONE-SEVENTH (1/7)
GLADYS I. TANO – ONE-SEVENTH (1/7)
LOIS N. PUALOA-UBANDO – ONE-SEVENTH (1/7)

(P) KAREN PIKUAAHIWI MACDONALD

Your Master reviewed the facts contained in Petition #12, as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Widow. No Will

or Trust has been submitted. On or about September 27, 2024, your Master spoke to the decedent's daughter, Kreesheradawnielle Makanani. She confirmed that her mother did not have a Will or Trust and that she and her five siblings are the only descendants of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

RALPH MAKANANI – ONE-SIXTH (1/6)
ROBERTELEONARD MAKANANI - ONE-SIXTH (1/6)
ROGERWILLIAMS MAKANANI – ONE-SIXTH (1/6)
ROYMAND MAKANANI – ONE-SIXTH (1/6)
ROBERTRIANROYSON MAKANANI – ONE-SIXTH (1/6)
KREESHERADAWNIELLE MAKANANI – ONE-SIXTH (1/6)

(Q) COLETTE Y. MACHADO

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Myron Roy Akutagawa. There was no will or trust submitted.

Pursuant to HRS §560:2-102(1), under the laws of intestacy, when all of the decedent's surviving descendants are also descendants of the surviving spouse, and there is no other descendant of the surviving spouse, then the intestate share goes to the decedent's surviving spouse.

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 distributed to **MYRON R. AKUTAGAWA.**

(R) JULIA EWALANI MAHOE

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Solomon Keahialeha Mahoe. There was no will or trust submitted. Your Master also reviewed the Affidavit of Collection attached as Exhibit "F" to Petition #12.

Pursuant to HRS §560:2-102(1), under the laws of intestacy, when all of the decedent's surviving descendants are also descendants of the surviving spouse, and there is no other descendant of the surviving spouse, then the intestate share goes to the decedent's surviving spouse.

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 distributed to **SOLOMON KEAHIALOHA MAHOE.**

(S) **BETSY KA`AI PACHECO CHONG-FRIMODT**

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed.

Your Master reviewed the Short Form of the Betsy Chong Revocable Living Trust dated December 17, 1998, as amended, attached as Exhibit "G" to Petition #12. Your Master made several attempts to contact a family member to obtain a copy of the Will, but was unable to. The Short Form indicates that the next-acting Trustee is DARILYN A. UILANI REVELL.

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 distributed to **DARILYN A. UILANI REVELL, Trustee of the Betsy Chong Revocable Living Trust dated December 17, 1988, as amended**, to be distributed in accordance with the terms of the Trust.

(T) **EMILY J.K. TUNG-LOONG**

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widowed. No Will or Trust has been submitted. Your Master attempted but was unable to reach a family member.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

MENDY TUNG-LOONG-CANTERO – ONE-THIRD (1/3)
MELVIN TUNG-LOONG JR. – ONE-THIRD (1/3)
STINEE M. HEW LEN – ONE-THIRD (1/3)

(U) THEODORE LEWIS KINIMAKA

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as married to Ruth Marie Blake, also known as Ruth Marie Kinimaka, who died after the decedent in 2013. No Will or Trust has been submitted for either. On or about September 28, 2024, your Master spoke to the decedent's son, Shawn Kinimaka. He confirmed that his mother and father did not have a Will or Trust and that he and his brother are the only descendants of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

SHAWN L. KINIMAKA – ONE-HALF (1/2)
MARK C. KINIMAKA – ONE-HALF (1/2)

(V) RUTH MARIE KINIMAKA

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow. No Will or Trust has been submitted. On or about September 28, 2024, your Master spoke to the decedent's son, Shawn Kinimaka. He confirmed that his mother did not have a Will or Trust and that he and his brother are the only descendants of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

SHAWN L. KINIMAKA – ONE-HALF (1/2)
MARK C. KINIMAKA – ONE-HALF (1/2)

(W) NORMA KUULEI KAUNAMANO

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow.

Your Master reviewed the Last Will and Testament of Norma Kaunamano dated March 11, 2013, which has not been admitted to probate which directs the residue of the estate to be devised to her children in equal shares. The Will and Letters are attached as Exhibit “H” to Petition #12.

Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “adjudicated in such deceased Class Member’s probate proceeding.”

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 distributed to:

NORMA JEAN K. MCCOY – ONE HALF (1/2)
WAYNE K. KAUNAMANO JR – ONE HALF (1/2)

(X) JOHN OWEN KAMAKELE III

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent’s death certificate lists marital status as Married to Loriossa Cordero Luna, also known as Loriossa Cordero Kamakele.

Your Master reviewed the Last Will and Testament of John Owen Kamakele, III, dated April 4, 1990 and Letters Testamentary, filed June 9, 2015. Exhibit “I” to Petition #12. Your Master requested a copy of page two which appeared to be missing in Exhibit “I.” It was not available to Probate Special Counsel as well.

Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent’s settlement to the heirs/ devisees of the deceased Class Member as “adjudicated in such deceased Class Member’s probate proceeding.”

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 **LORIOSA CORDERO KAMAKELE**.

(Y) **LABORETT PAAHANA KAMAILE SR.**

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. No Will or Trust has been submitted. On or about September 27, 2024, your Master spoke to the decedent's daughter, Lucille Poepoe. She confirmed that her father did not have a Will or Trust and that she and her six siblings are the only descendants of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

LUCILLE P. POEPOE – ONE-SEVENTH (1/7)
LABORETT P. KAMAILE JR. – ONE-SEVENTH (1/7)
LIWAI I. KAMAILE – ONE-SEVENTH (1/7)
REMUS K. KAMAILE – ONE-SEVENTH (1/7)
REENA B. WHELAN – ONE-SEVENTH (1/7)
RAYMOND E. KAMAILE – ONE-SEVENTH (1/7)
RUDOLPH KOLII-LAGASCA – ONE-SEVENTH (1/7)

(Z) LYNETTE ELIZABETH ALAPAI DELIMA

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Abner K. DeLima.

Your Master reviewed the Ex Parte Petition to Renew Letters of Administration without Limitation of Powers and Transfer from Formal to Informal Proceedings, filed May 13, 2024. Exhibit "J" to Petition #12.

Paragraph 1-5.1(B)(2) of the QST instructs the Trustee to distribute the decedent's settlement to the heirs/ devisees of the deceased Class Member as "adjudicated in such deceased Class Member's probate proceeding."

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 **ABNER K. DELIMA, as Personal Representative of the Estate of Lynette E. DeLima.**

(AA) MARK KENT DE COSTA

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Debra Ellen Gleason, also known as Debra Ellen De Costa. There was no will or trust submitted. On or about September 27, 2024, your Master spoke to the decedent's spouse, Debra Ellen De Costa. She provided her husband's Will, and confirmed that the three children are from her and the decedent. A true and correct copy is attached as Exhibit "1." The Will devises the decedent's estate to his spouse.

Pursuant to HRS §560:2-102(1), under the laws of intestacy, when all of the decedent's surviving descendants are also descendants of the surviving spouse, and there is no other

descendant of the surviving spouse, then the intestate share goes to the decedent's surviving spouse.

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 distributed to **DEBRA ELLEN DECOSTA.**

(BB) LORELEI MARIA KIKO CASTRO

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Married to Louis R. Castro. There was no will or trust submitted. On or about September 24, 2024, your Master spoke to the decedent's spouse. He informed your Master that his spouse did have a Will and Trust. He contacted his estate planning attorney for a copy. Your Master will supplement this report upon receipt and will provide findings and recommendations therein.

(CC) ESTHER NAEOLE

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widow.

Your Master reviewed the Last Will and Testament of Esther D. E. A. Naeole, dated September 23, 2017, which has not been admitted to probate but directs the residue of the estate to be devised to her only child, Harry L. N. R. Auwelo. The Will is attached as Exhibit "K" to Petition #12.

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 distributed to **HARRY L.N.R. AUWELOA.**

(DD) GWEN CALLEON

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Divorced. No Will or Trust has been submitted. On or about September 27, 2024, your Master spoke to the decedent's son, Frederick Calleon. He confirmed that his mother did not have a Will or Trust and that he and his sister are the only descendants of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

CANDACE M. CALLEON – ONE-HALF (1/2)
FREDERICK E. CALLEON – ONE-HALF (1/2)

(EE) WALLACE AUKAI

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Widower. No Will or Trust has been submitted. On or about September 27, 2024, your Master spoke to the decedent's daughter, Cheryl Padeken. She confirmed that her father did not have a Will or Trust and that she and her brother are the only descendants of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed as follows:

CHERYL A. PADEKEN – ONE-HALF (1/2)
BRANDON W.K. AUKAI – ONE-HALF (1/2)

(FF) THOMAS LINDSEY KANAKANUI MEYERS JR.

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Never Married. No Will or Trust has been submitted. On or about September 27, 2024, your Master spoke to the decedent's son, Monic Meyers. He confirmed that his father did not have a Will or Trust and that he is the only descendant of the decedent.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed to **MONIC H.K. MEYERS.**

(GG) PAULINE WAUALA MERCK

Your Master reviewed the facts contained in Petition #12 as well as the data provided in the Facilitator database. The decedent's death certificate lists marital status as Never Married. No Will or Trust has been submitted. Your Master attempted but was unable to reach a family member.

Pursuant to HRS §560:2-103, under the laws of intestacy, when there is no surviving spouse, then the intestate share goes to the decedent's descendants in equal shares.

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 distributed to **DANIEL H. MERCK.**

IV. CONCLUSION

WHEREFORE, your Master recommends and prays as follows:

- A. That the Court approve and adopt this Master's Report Re: Petition for Instructions #12;
- B. That the Court grant the Petition for Instructions #12, filed August 9, 2024;
- C. That the Court find that jurisdictional requirements have been met and that venue is proper;
- D. That the Court finds 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 finds 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 Hawai'i Probate Rule 34(a) accordingly; and

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

DATED: Honolulu, Hawai'i, on October 1, 2024.

/s/ Emily H. Kawashima
EMILY H. KAWASHIMA
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 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 persons.

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Probate Special Master