DARIA A. LOY-GOTO 6175
TAMMY Y. KANESHIRO 6287
Regulated Industries Complaints Office
Department of Commerce and Consumer Affairs
State of Hawaii
Leiopapa A Kamehameha Building
235 South Beretania Street, Suite 900
Honolulu, Hawaii 96813
Telephone: 586-2660

Attorney for Department of Commerce
and Consumer Affairs

CONTRACTORS LICENSING BOARD
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

In the Matter of the Contractor’s Licenses of

KD CONSTRUCTION, INC.

and

DANIEL G. CHING,

Respondents.

CLB 2007-260-L

SETTLEMENT AGREEMENT PRIOR TO FILEING OF PETITION
FOR DISCIPLINARY ACTION AND BOARD’S FINAL ORDER; EXHIBITS “1” THROUGH
“10”; EXHIBITS “A” THROUGH “J”.

SETTLEMENT AGREEMENT PRIOR TO FILEING OF PETITION
FOR DISCIPLINARY ACTION AND BOARD’S FINAL ORDER

Petitioner, DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS’

REGULATED INDUSTRIES COMPLAINTS OFFICE (hereinafter "RICO" or "Petitioner"),
through its undersigned attorneys, Respondent KD CONSTRUCTION, INC. (hereinafter
“Respondent KD”), and Respondent DANIEL G. CHING (hereinafter "Respondent Ching"),
enter into this Settlement Agreement on the terms and conditions set forth below.

//
//
//
A. **UNCONTESTED FACTS**

1. At all relevant times herein, Respondent KD was licensed by the Contractors Licensing Board (hereinafter the "Board") as a general contractor, with some specialty licenses, under license number CT 14956. The license was issued on or about December 6, 1988. The license will expire on or about September 30, 2010.

2. At all relevant times herein, Respondent Ching was licensed by the Board as a general contractor, with some specialty licenses, number CT 12383. The license was issued on or about May 8, 1987. The license will expire on or about September 30, 2010.

3. At all relevant times herein, Respondent Ching was the responsible managing employee for Respondent KD.

4. For purposes of this action, the mailing address for Respondent KD and Respondent Ching (hereinafter collectively referred to as “Respondents”), is c/o Arthur F. Roeca, Esq., Roeca, Louie & Hiraoka, 900 Davies Pacific Center, 841 Bishop Street, Honolulu, Hawaii 96813.

5. RICO alleges Respondents made misrepresentations on their renewal applications, failed to pay debts due and failed to report judgments, liens and/or orders to the Board. True and correct copies of the liens, judgments, and orders are attached as Exhibits “1” through “10”.

6. The foregoing allegations, if proven at an administrative hearing before the Board, would constitute violations of the following statute(s) and/or rule(s): Hawaii Revised Statutes ("HRS") §§ 436B-19 (17) (violating licensing laws), 444-17(10) (misrepresentation), 444-17(14) (failure to pay debt incurred for service or material rendered or purchased), and 436B-16 (licensee shall report judgments within 30 days).

2
7. The Board has jurisdiction over the subject matter herein and over the parties hereto.

B. REPRESENTATIONS BY RESPONDENTS

1. Respondents are fully aware that Respondents have the right to be represented by an attorney and are represented in this matter by Arthur F. Roeca, Esq., Roeca, Louie & Hiraoka, 900 Davies Pacific Center, 841 Bishop Street, Honolulu, Hawaii 96813.

2. Respondents enter into this Settlement Agreement freely, knowingly, voluntarily, and under no coercion or duress.

3. Respondents are aware of the right to have a hearing to adjudicate the issues in the case. Pursuant to HRS § 91-9(d), Respondents freely, knowingly, and voluntarily waive the right to a hearing and agree to dispose of this case in accordance with the terms and conditions of this Settlement Agreement.

4. Respondents being at all times relevant herein licensed as general contractors by the Board acknowledge that Respondents are subject to penalties including but not limited to, revocation, suspension or limitation of the licenses and administrative fines, if the foregoing allegations are proven at hearing.

5. Respondents do not admit to violating any law or rule, but acknowledge that RICO has sufficient cause to file a Petition for Disciplinary Action against Respondents’ licenses, and Respondents represent that the obligations related to the attached debts, liens, judgments and orders have been resolved. True and correct copies of the debts, liens, judgments, and orders are attached as Exhibits “1” through “10”. True and correct copies of documents
reflecting the resolution of those debts, liens, judgments, and orders are attached as Exhibits “A” through “J”.

6. Respondents enter into this Settlement Agreement as a compromise of the claims and to conserve on the expenses of proceeding with an administrative hearing on this matter.

7. Respondents agree that this Settlement Agreement is intended to resolve the issues raised in RICO’s investigation in RICO No. CLB 2007-260-L.

8. Respondents understand that they must comply with disclosure requirements on any renewal applications which may include but not be limited to the aforementioned debts, liens judgments and orders. True and correct copies of the debts, liens, judgments, and orders are attached as Exhibit “1” through Exhibit “10”.

C. TERMS OF SETTLEMENT

1. Revocation of License. Respondents voluntarily agree to the revocation of their contractor’s licenses for the period of five (5) years, however, such revocations are stayed for a period of three years from the date of the Board’s Final Order. The stay on the revocations shall be lifted and Respondents’ licenses revoked in the event that either of the following occurs during the three year period: (a) Respondents fail to report any judgments, awards, orders, liens or other such determinations as required by Hawaii law; or (b) Respondents fail to pay fines as set forth in this Settlement Agreement. In the event the stay is lifted, Respondent shall turn in all indicia of their licensure to the Executive Officer of the Board within ten (10) days after receipt of notice that the stay has been lifted. Upon completion of the revocation period, Respondents understand that they must apply to the Board for new licenses pursuant to and subject to the
requirements and conditions set forth in HRS §§ 92-17 and 436B-21. If after the three years the stay has not been lifted, the order of revocation shall be dissolved.

2. Administrative Fine. Respondents agree to pay, jointly and severally, an administrative fine in the amount of FIFTEEN THOUSAND AND NO/100 DOLLARS ($15,000.00) as follows:

1) $1,000.00 by May 1, 2010;
2) $1,000.00 by June 1, 2010;
3) $1,000.00 by July 1, 2010;
4) $1,000.00 by August 1, 2010;
5) $1,000.00 by September 1, 2010;
6) $1,000.00 by October 1, 2010;
7) $1,000.00 by November 1, 2010;
8) $1,000.00 by December 1, 2010;
9) $1,000.00 by January 1, 2011;
10) $1,000.00 by February 1, 2011;
11) $1,000.00 by March 1, 2011;
12) $1,000.00 by April 1, 2011;
13) $1,000.00 by May 1, 2011;
14) $1,000.00 by June 1, 2011; and
15) $1,000.00 by July 1, 2011.
Payments shall be made by **casher's check or money order made payable to "DCCA Compliance Resolution Fund"** and shall be mailed to the Regulated Industries Complaints Office, ATTN: Tammy Kaneshiro, Esq., 235 South Beretania Street, 9th Floor, Honolulu, Hawaii 96813.

3. **Possible further sanction.** The Board, at its discretion, may pursue additional disciplinary action as provided by law to include further fines and other sanctions as the Board may deem appropriate if Respondents violate any provision of the statutes or rules governing the conduct of specialty contractors in the State of Hawaii, or if Respondents fail to abide by the terms of this Settlement Agreement.

4. **Approval of the Board.** Respondents agree that, except for the representations, agreements and covenants contained in Paragraphs C.5, C.6, C.7 and C.8 below, this Settlement Agreement shall not be binding on any of the parties unless and until it is approved by the Board.

5. **No Objection if Board Fails to Approve.** If the Board does not approve this Settlement Agreement, does not issue an order pursuant thereto, or does not approve a lesser remedy, but instead an administrative hearing is conducted against Respondents in the Board's usual and customary fashion pursuant to the Administrative Procedure Act, Respondents agree that neither Respondents nor any attorney that Respondents may retain, will raise as an objection in any administrative proceeding or in any judicial action, to the Board's proceeding against Respondents on the basis that the Board has become disqualified to consider the case because of its review and consideration of this Settlement Agreement.
6. **Any Ambiguities Shall be Construed to Protect the Consuming Public.** It is agreed that any ambiguity in this Settlement Agreement is to be read in the manner that most completely protects the interests of the consuming public.

7. **No Reliance on Representations by RICO.** Other than the matters specifically stated in this Settlement Agreement, neither RICO nor anyone acting on its behalf has made any representation of fact, opinion or promise to Respondents to induce entry into this Settlement Agreement, and Respondents are not relying upon any statement, representation or opinion or promise made by RICO or any of its agents, employees, representatives or attorneys concerning the nature, extent or duration of exposure to legal liability arising from the subject matter of this Settlement Agreement or concerning any other matter.

8. **Complete Agreement.** This Settlement Agreement is a complete settlement of the rights, responsibilities and liabilities of the parties hereto with respect to the subject matter hereof; contains the entire agreement of the parties; and may only be modified, changed or amended by written instrument duly executed by all parties hereto.

IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date(s) set forth below.

**DATED:** Honolulu, Hawaii, March 26, 2010

[Signature]
DANIEL G. CHING
Respondent
KD CONSTRUCTION, INC.
Respondent
By: [Signature]
Its vice president

DATED: Honolulu, Hawaii, 4.5.10

DARIA A. LOY-GOTO
TAMMY Y. KANESHIRO
Attorneys for Department of Commerce and Consumer Affairs

APPROVED AS TO FORM:

ARTHUR F. ROECA
Attorney for Respondents
DATED: Honolulu, Hawaii, March 24, 2010

KD CONSTRUCTION, INC.
Respondent

By: [Signature]

its vice president

DATED: Honolulu, Hawaii, 4/5/10

DARIA A. LOY-GOTO
TAMMY Y. KANESHIRO
Attorneys for Department of Commerce and Consumer Affairs

APPROVED AS TO FORM:

ARTHUR F. ROECA
Attorney for Respondents
IN THE MATTER OF THE CONTRACTOR'S LICENSES OF KD CONSTRUCTION, INC. AND DANIEL G. CHING; SETTLEMENT AGREEMENT PRIOR TO FILING OF PETITION FOR DISCIPLINARY ACTION AND BOARD'S FINAL ORDER; CASE NO. CLB 2007-260-L; EXHIBITS "1" THROUGH "10"; EXHIBITS "A" THROUGH "I"

APPROVED AND SO ORDERED:
CONTRACTORS LICENSE BOARD
STATE OF HAWAII

F. M. SCOTTY ANDERSON
Chairperson

NEAL ARITA
Vice Chairperson

ERIC CARSON

WILLIAM A. KAMAI

HAROLD L. MARTIN

RONALD K. OSHIRO

DARYL SUEHIRO

DATE

GUY M. AKASAKI

JOHN E. K. DILL

RANDALL B. C. LAU

ALDON K. MOCHIDA

DENNY R. SADOFSKI

GERALD YAMADA

PVL 08/25/09

APR 16 2010

This decision has been redacted and reformatted for publication purposes and contains all of the original text of the actual decision.
STATE OF HAWAII

CITY AND
COUNTY OF HONOLULU

) ) SS.

On this 26th day of March, 2010, before me personally appeared Daniel A. Ching, to me known to be the person described and who executed the foregoing instrument and acknowledged the same as his/her free act and deed.

Tari R. Kaneshiro
Name: Tari R. Kaneshiro
Notary Public – State of Hawaii
My Commission expires: 10-14-2013

Doc. Date: 3/26/10 # Pages: 1
Tari R. Kaneshiro First Circuit
Doc. Description: Settlement Agreement prior to Filing of Petition for
Disciplinary Action And Board's Final Order; Exh. 1-16; Exh. A is attached
Tari R. Kaneshiro 3/26/10
Notary Signature Date

NOTARY CERTIFICATION
STATE OF HAWAII

CITY AND
COUNTY OF HONOLULU

) ) SS.

On this 26th day of March, 2010, before me personally appeared Daniel C. Ching, to me known to be the person described, and who executed the foregoing instrument on behalf of KD Construction, Inc. as Vice president, and acknowledged that he/she executed the same as his/her free act and deed.

Jari R. Kaneshiro
Name: Jari R. Kaneshiro
Notary Public, State of Hawaii
My Commission expires: 10-14-2013

Doc. Date: 3/26/10 # Pages: 11
Tari R. Kaneshiro First Circuit
Doc. Description: Settlement Agreement Prior to Filing of Petition for Disciplinary Action or Ex parte Final Order; Exh 3-10; Exh A-J attached.
Notary Signature: Jari R. Kaneshiro 3/26/10
Date: Notary Certification

This decision has been redacted and reformatted for publication purposes and contains all of the original text of the actual decision.
NON-HEARING MOTION FOR DEFAULT JUDGMENT;
DECLARATION; EXHIBITS(s) 1 THROUGH 1;
AFFIDAVIT OF COUNSEL RE: ATTORNEY’S FEES;
NOTICE OF MOTION; CERTIFICATE OF SERVICE; ORDER

IN THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU  ___________  DIVISION
STATE OF HAWAI’I

Plaintiff(s)
General Supply and Services, Inc. dba Gaspro

Defendant(s)
KD Construction Inc.; Daniel Ching

Against Defendant(s): KD Construction, Daniel Ching

Reserved for Court Use

Civil No.
IRC08-1-3317

Filing Party(ies)/Filing Party(ies)* Attorney (Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers)
Jay T. Suemori, Esq.  3340-0
641 Bishop Street, Suite 801
Hilo, HI 96813
Tel (808)532-1711/Fax (808)532-1705

NON-HEARING MOTION FOR DEFAULT JUDGMENT

Plaintiff(s) moves for an Order Granting Default Judgment against Defendant(s) on the grounds that Defendant(s) failed to appear or otherwise defend 
☐ Pre-Trial conference  ☐ Trial or to otherwise defend, and the time to otherwise move or plead has expired and has not been exceeded in this action.

This Motion is made pursuant to District Court Rules of Civil Procedure, Rule 55(b)(2), and is based upon the attached Declaration(s), Exhibits 1 through ___________ and the records and files herein.

Date: 7/21/08
Signature of Filing Party(ies)/Filing Party(ies)* Attorney
Print/Type Name: Jay T. Suemori

DECLARATION

I have read this Motion, know the contents and verify that the statements are true to my personal knowledge and belief. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWAI’I THAT THE FOLLOWING IS TRUE AND CORRECT:

1. I am ☐ Plaintiff or ☐ associated with Plaintiff(s) as Manager - Customer Financial Services
and submit this based upon personal knowledge and information from business records which are maintained in the ordinary course of business and from entries made therein or at near the time of the events so recorded.

The following are facts why the Motion should be granted (attach verified complaint and/or continuation sheet if necessary):

Attached hereto as Exhibits 1 through ___________ are true and correct copies of the documents in support of Plaintiff(s)’ claims for judgment against Defendant(s) as named.

Based upon your Declarant’s experience as Manager - Customer Financial Services

The amount of damages sustained by Plaintiff(s) is fair and reasonable.

Plaintiff(s) has incurred additional costs of $1,741.00 for: court costs and sheriff’s fees

Defendant(s) is not a defendant or incompetent person; default of Defendant(s) has been entered by the Court for failure to appear for Pre-Trial conference ☐ Trial or to otherwise defend; Defendant(s) is not in the military service of the United States as defined by the Soldier’s and Sailor’s Civil Relief Act of 1940 or any amendments thereto; the amount due is justly due and owing and no part thereof has been paid; and the disbursements sought to be taxed have been made or incurred thereon.

Date: 7/11/08
Signature of Declarant:
Print/Type Name: Irv Fietz

SEE AND USE REVERSE SIDE TO RESPOND TO THIS MOTION
NOTICE OF MOTION

TO: Kd Construction, Daniel G. Ching

NOTICE IS GIVEN that the undersigned has filed this Motion. Any response to this Motion must be in writing on the space provided below (attach separate page if more space is needed) and filed with the Court no later than 10 days from the date shown on the Certificate of Service below when the Motion is hand-delivered or 12 days when the Motion is mailed. Your written response can be delivered or mailed to the Court at 1111 Alakea Street, Civil Division, Third Floor, Honolulu, Hawai‘i 96813. IF NO RESPONSE IS RECEIVED BY THE COURT BY THE DATES SPECIFIED IN THIS NOTICE, THIS MOTION MAY BE GRANTED.

CERTIFICATE OF SERVICE

I certify that a copy of this Motion was served at the last known address(es) of the Opposing Party(ies) or Opposing Party(ies)’ attorney on upon filing by □ Hand-delivery or ☑ Mail, Postage Prepaid, at the following address(es):

(KD Construction and Daniel G. Ching share the same address)

Date: 5/15/08

Signature of Filing Party(ies)/Filing Party(ies)’ Attorney:

Print/Type Name: Jay S. Suemak

RESPONSE TO MOTION/CERTIFICATE OF SERVICE

☐ I DO NOT OBJECT to this Motion.

☐ I DISAGREE with this Motion for the following reasons:

Reserved for Court Use

I have read this Response, know the contents and verify that the statements are true to my personal knowledge and belief. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF HAWA‘I THAT THE ABOVE IS TRUE AND CORRECT.

Date: ________________________________

Signature of Respondent Party(ies)/Responding Party(ies)’ Attorney:

Print/Type Name: ________________________________

SEE NEXT PAGE
CERTIFICATE OF SERVICE
I certify that a copy of this Response was served at the last known address(es) of the Opposing Party(ies) or Opposing Party(ies)' attorney on _______________________________ by ☐ Hand-delivery or ☐ Mail, Postage Prepaid, at the following address(es):

Signature of Responding Party(ies)/Responding Party(ies)' Attorney:

Date: ____________________________
Print/Type Name: ____________________________

COURT ORDER
☐ This Motion is granted. Default Judgment in favor of Plaintiff(s) and against Defendant(s) shall enter as follows:

Principal Claimed 7,751.95
Interest
Attorney's Fees
Costs of Court 120.00
Sheriff's Fees 50.00
Sheriff's Mileage 4.00
Other Costs

Total Default Judgment Amount 7,925.95

☐ This Motion is Denied.

JUL 24 2008  [Judge's Name]
Date: ____________________________
Judge of the above-entitled Court

In accordance with the Americans with Disabilities Act if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.

Default Entered Against the Above-named Defendant(s) on

Clerk, District Court of the Above Circuit, State of Hawai‘i

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

Clerk, District Court of the Above Circuit, State of Hawai‘i
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Total Amount: $10,757.30
JUDGMENT

IN THE DISTRICT COURT OF THE FIRST CIRCUIT
Honolulu
Division
State of Hawai'i

Plaintiff(s)
KEMPER INSURANCE COMPANIES

Defendant(s)
KD CONSTRUCTION, INC.

Filing Party/Attorney Name, Attorney Number (if applicable), Address, Telephone and Fax Numbers
ROBERT S. HOLLAND #4238

JUDGMENT is entered in favor of Plaintiff KEMPER INSURANCE COMPANIES or Defendant based on the following (check one):

- Confession
- Trial
- Stipulation

Default: The Defendant having failed to plead or otherwise defend and a default having been entered upon proof, the Defendant is indebted to Plaintiff.

Other (Specify):

DISMISSED AS TO (LIST DEFENDANTS):

JUDGMENT

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TOTAL JUDGMENT AMOUNT: $13,485.27

Clerk: Judge:

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

Clerk, District Court of the above Circuit, State of Hawaii

SEP 30, 2009

In accordance with State and Federal disability laws, if you require an accommodation for a disability when working with a court program, service, or activity, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days before your proceeding, hearing, or appointment date.

For all Civil related matters, please call 538-5151 or visit the District Court Service Center at 1111 Alakea Street, Third (3rd) Floor.

(Rev. 31 May 2006)
JUDGMENT

IN THE DISTRICT COURT OF THE FIRST CIRCUIT

HONOLULU DIVISION

STATE OF HAWAI'I

Plaintiff(s)

TORY’S ROOFING & WATERPROOFING, INC.,
a Hawaii corporation

Civil No. 1RC08-1-5447

Reserved for Court Use

Filing Party/Attorney Name, Attorney Number (if applicable),
Address, Telephone and Fax Numbers

Mervyn W. Lee-991-0

Defendant(s)

KD CONSTRUCTION, INC., a Hawaii corporation

JUDGMENT

JUDGMENT is entered in favor of ☑ Plaintiff TORY’S ROOFING & WATERPROOFING, INC.,
or □ Defendant, based on the following (check one):

☐ Confession
☐ Trial
☐ Stipulation

☑ Default: The Defendant having failed to plead or otherwise defend and a default having been entered upon proof that Defendant
is indebted to Plaintiff.

☐ Other (Specify: )

☐ DISMISSED AS TO (LIST DEFENDANTS):

JUDGMENT

Principal Amount................................. $ 12,136.00

Interest........................................... $ 850.00

Attorney’s Fees.................................... $ 150.00

Filing Fees........................................... $ 25.00

Service Fees...........................................

Mileage for Service...................................

Other Costs...........................................

TOTAL JUDGMENT AMOUNT..................... $ 13,111.00

☐ Clerk  ☐ Judge

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

SEP 3 0 2009

Clerk, District Court of the above Circuit, State of Hawai’i

In accordance with State and Federal disability laws, if you require an accommodation for a disability when working with a court program,
service, or activity, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at
least ten (10) working days before your proceeding, hearing, or appointment date.

For all Civil related matters, please call 538-5151 or visit the District Court Service Center at 1111 Alakea
Street, Third (3rd) Floor.
# JUDGMENT

IN THE DISTRICT COURT OF THE FIRST CIRCUIT  
HONOLULU DIVISION  
STATE OF HAWAI'I

Plaintiff(s)  
HAWTHORNE MACHINERY CO.

Defendant(s)  
KD CONSTRUCTION, INC.

JUDGMENT is entered in favor of ☐ Plaintiff HAWTHORNE MACHINERY CO. or ☐ Defendant, based on the following (check one):

☐ Confession  ☐ Trial  ☐ Stipulation  ☑ Default: The Defendant having failed to plead or otherwise defend and a default having been entered upon proof that Defendant is indebted to Plaintiff.

☐ Other (Specify: )

☐ DISMISSED AS TO (LIST DEFENDANTS):

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☐ Clerk ☑ Judge

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

SEP 30 2009

Clerk, District Court of the above Circuit, State of Hawai‘i

In accordance with State and Federal disability laws, if you require an accommodation for a disability when working with a court program, service, or activity, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days before your proceeding, hearing, or appointment date.

For all Civil related matters, please call 538-5151 or visit the District Court Service Center at 1111 Alakea Street, Third (3rd) Floor.
JUDGMENT

IN THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
STATE OF HAWAII

Plaintiff(s)
ROBERT HALF INTERNATIONAL

Defendant(s)
KD CONSTRUCTION, INC.

Filing Party/Attorney Name, Attorney Number (if applicable), Address, Telephone and Fax Numbers
ROBERT S. HOLLAND #4238

JUDGMENT

JUDGMENT is entered in favor of (X) Plaintiff ROBERT HALF INTERNATIONAL or (□) Defendant. Based on the following (check one):

□ Confession □ Trial □ Stipulation

Default: The Defendant having failed to plead or otherwise defend and a default having been entered upon proof that Defendant is indebted to Plaintiff.

□ Other (Specify):

□ DISMISSED AS TO (LIST DEFENDANTS):

<table>
<thead>
<tr>
<th>JUDGMENT</th>
<th>2009 FEB 4 A &amp; 09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal Amount</td>
<td>$4,579.30</td>
</tr>
<tr>
<td>Interest at 10% from 06/28/08 to 01/14/09</td>
<td>$250.92</td>
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<tr>
<td>Attorney's Fees</td>
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<td>Filing Fees</td>
<td>$120.00</td>
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<tr>
<td>Service Fees</td>
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<td>Mileage for Service</td>
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<tr>
<td>Other Costs</td>
<td>$0.00</td>
</tr>
<tr>
<td>TOTAL JUDGMENT AMOUNT</td>
<td>$5,475.22</td>
</tr>
</tbody>
</table>

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

SEP 30 2009
Clerk, District Court of the above Circuit, State of Hawaii

In accordance with State and Federal disability laws, if you require an accommodation for a disability when working with a court program, service, or activity, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days before your proceeding, hearing, or appointment date.

For all Civil related matters, please call 538-5151 or visit the District Court Service Center at 1111 Alakaa Street, Third (3rd) Floor.

(Rev. 31 May 2006)
JUDGMENT

IN THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
STATE OF HAWAII

Plaintiff(s)
TORY’S ROOFING & WATERPROOFING, INC.,
a Hawaii corporation

Defendant(s)
KD CONSTRUCTION, INC.,
a Hawaii corporation

Filing Party/Attorney Name, Attorney Number (if applicable), Address, Telephone and Fax Numbers
MERVYN W. LEE 991-0

JUDGMENT

JUDGMENT is entered in favor of ☑ Plaintiff TORY’S ROOFING & WATERPROOFING, INC. or ☐ Defendant based on the following (check one):

☐ Confession ☐ Other ☑ Default: The Defendant having failed to plead or otherwise defend and a default having been entered upon proof that Defendant is indebted to Plaintiff.

☐ Trial ☐ Stipulation

☑ DISMISSED AS TO (LIST DEFENDANTS):

JUDGMENT

Principal Amount.................................................. $14,368.43
Interest............................................................. $
Attorney’s Fees.................................................. $800.00
Filing Fees........................................................ $120.00
Service Fees....................................................... $25.00
Mileage for Service............................................. $6.00
Other Costs....................................................... $

TOTAL JUDGMENT AMOUNT........................................ $15,319.43

☑ Clerk ☑ Judge

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

SEP 30 2009
Clerk, District Court of the above Circuit, State of Hawai‘i

In accordance with State and Federal disability laws, if you require an accommodation for a disability when working with a court program, service, or activity, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days before your proceeding, hearing, or appointment date.

For all Civil related matters, please call 538-5151 or visit the District Court Service Center at 1111 Alakea Street, Third (3rd) Floor.

(Rev. 31 May 2006)
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

ISLAND LIGHTING CO., INC., a Hawaii corporation,

Lienor,

vs.

LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, a foreign limited liability company; KD CONSTRUCTION, INC., a Hawaii corporation; KEKO INVESTMENTS, LLC, a Hawaii limited liability company; WACHOVIA FINANCIAL SERVICES, INC., a foreign corporation; JOHN DOES 1-5; JANE DOES 1-5; DOE CORPORATIONS 1-5; DOE PARTNERSHIPS 1-5 and DOE GOVERNMENTAL ENTITIES 1-5,

Respondents.

M.L. NO. 07-1-0022 VSM
(Mechanic's and Materialman's Lien)

ORDER OF DEFAULT;
CERTIFICATE OF SERVICE

(This application affects land identified by Tax Map Key No. (1) 9-4-099-022)

ORDER OF DEFAULT

This matter came on for a return hearing on March 29, 2007, before the Honorable Victoria S. Marks, Judge of the above-entitled Court, on Lienor's Application for Mechanic's and Materialman's Lien and Demand for Payment; Notice of Application for Mechanic's and Materialman's Lien and Demand for Payment; Exhibits "A" - "C"; Affidavit of Walter S. W. Yee; Notice of Hearing on Application for Mechanic's and Materialman's Lien and...
Demand for Payment; Order of Service. Present at the return hearing was Randall Y. C. Ching for Lienor ISLAND LIGHTING CO., INC., a Hawaii corporation, and Tred R. Eyerly for Respondent LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, a foreign limited liability company.

It appearing that process has been duly served upon Respondents, KD CONSTRUCTION, INC., a Hawaii corporation; KEKO INVESTMENTS, LLC, a Hawaii limited liability company; and WACHOVIA FINANCIAL SERVICES, INC., a foreign corporation, as required by law, that Respondents above named are in default for failure to timely answer, appear, plead or otherwise defend as required by law, and said Respondents are not minors nor incompetent persons, default is hereby entered against KD CONSTRUCTION, INC., a Hawaii corporation; KEKO INVESTMENTS, LLC, a Hawaii limited liability company; and WACHOVIA FINANCIAL SERVICES, INC., a foreign corporation, and they are foreclosed from filing an answer herein.

DATED: Honolulu, Hawaii, [Signature] APR 19 2007

JUDGE OF THE ABOVE-ENTITLED COURT

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

ISLAND LIGHTING CO., INC., a Hawaii corporation,  

Lienor,  

vs.  

LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, a foreign limited liability company; KD CONSTRUCTION, INC., a Hawaii corporation; KEKO INVESTMENTS, LLC, a Hawaii limited liability company; WACHOVIA FINANCIAL SERVICES, INC., a foreign corporation; JOHN DOES 1-5; JANE DOES 1-5; DOE CORPORATIONS 1-5; DOE PARTNERSHIPS 1-5 and DOE GOVERNMENTAL ENTITIES 1-5,  

Respondents.

M.L. NO. 07-1-0022 VSM  
(Mechanic's and Materialman's Lien)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document will be served on the following party at their respective address by means of delivery or mail, postage prepaid, after filing:

ANNA H. OSHIRO, ESQ.  
Damon Key Leong Kupchak Hastert  
Pauahi Tower  
1001 Bishop Street, Suite 1600  
Honolulu, Hawaii 96813  

Attorney for Respondent  
LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC  

DATED: Honolulu, Hawaii, APR 17 2007  

RANDBALL Y. C. CHING  
ERIN L. S. YAMASHIRO  
Attorneys for Lienor  
ISLAND LIGHTING CO., INC.
STATE OF HAWAI‘I  
CIRCUIT COURT OF THE  
FIRST CIRCUIT

SUBPOENA  
NOTICE TO APPEAR  
ἐ SUBPOENA DUCES TECUM

ISLAND LIGHTING CO., INC.,  
Orig. Out For Service  
Lienor

ATTORNEY (NAME and ADDRESS)  
Randall Y. C. Ching  #973  
Erin L. S. Yamashiro  #8187  
707 Richards Street, Suite 630  
Honolulu, Hawaii 96813-4623  
Telephone No. 522-0422

THE STATE OF HAWAI‘I TO:  
ANY OFFICER AUTHORIZED BY LAW TO  
SERVE SUBPOENAS IN THE STATE OF HAWAI‘I  
YOU ARE COMMANDED to subpoena the individual  
named below.

NAME AND ADDRESS OF WITNESS  
Ofelia C. Lopez  
Foreclosure Unit  
Title Guaranty of Hawaii, Inc.  
235 Queen Street  
Honolulu, Hawaii 96813

WITNESS, YOU ARE COMMANDED to appear at the time and place indicated to testify as a witness on behalf of the  
☐ PLAINTEST  ☐ DEFENDANT  
You are further ordered to bring with you the items listed in the comments section.

DATE  
May 25, 2007  
TIME  
9:30 a.m.

LOCATION/ROOM  
Courtroom of the Honorable Victoria S. Marks  
777 Punchbowl Street, Honolulu, Hawaii 96813

DISOBEDIENCE of this subpoena may be punished as contempt by this court.

DATE ISSUED  
MAY 18, 2007  
CLERK

RETURN OF SERVICE

SERVICE WAS MADE AT:

Comments:  
☐ I served the above named person.  
☐ I served this subpoena on another individual. (explain)

DATE

NAME OF SERVER

SIGNATURE

DISTRIBUTION:  ☐ ORG. AND COPY – SERVING OFFICER, ☐ PLAINTEST, ☐ DEF., ☐ FILE

This decision has been redacted and reformatted for publication purposes and contains all of the original text of the actual decision.
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII

ISLAND LIGHTING CO., INC., a Hawaii corporation, 

Lienor, 

vs.

LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, a foreign limited liability company; KD CONSTRUCTION, INC., a Hawaii corporation; KEKO INVESTMENTS, LLC, a Hawaii limited liability company; WACHOVIA FINANCIAL SERVICES, INC., a foreign corporation; JOHN DOES 1-5; JANE DOES 1-5; DOE CORPORATIONS 1-5; DOE PARTNERSHIPS 1-5 and DOE GOVERNMENTAL ENTITIES 1-5, 

Respondents.

M.L. NO. 07-1-0022 VSM  
(Mechanic’s and Materialman’s Lien)

STIPULATION FOR ATTACHMENT OF LIEN AND ORDER

(This application affects land identified by Tax Map Key No. (1) 9-4-099-022)

HEARING DATE:

DATE: May 25, 2007

TIME: 9:30 a.m.

JUDGE: Victoria S. Marks

STIPULATION FOR ATTACHMENT OF LIEN AND ORDER

IT IS HEREBY STIPULATED, by and between all parties which have made an appearance herein, through their respective counsel, that a mechanic’s and materialman’s lien in favor of Lienor ISLAND LIGHTING CO., INC. (“Lienor”) in the principal sum of SIXTY-EIGHT THOUSAND FORTY-FIVE AND NO/100 DOLLARS ($68,045.00), exclusive of any interest, attorney’s fees and costs that may be proven (“Lien”), shall attach to that certain Lock

[Signature]

This decision has been redacted and reformatted for publication purposes and contains all of the original text of the actual decision.
Up Self Storage, Waipahu, Hawaii, and identified as Tax Map Key No. (1) 9-4-099-022
(“Property”) as provided in the Order Directing Lien to Attach, annexed hereto; and

IT IS FURTHER AGREED that this stipulation is made without prejudice to the claims or defenses of any party hereto and shall have no res judicata or collateral estoppel effect.

The probable cause hearing scheduled for May 25, 2007 at 9:30 a.m. in the above-captioned matter shall not be held.

DATED: Honolulu, Hawaii, MAY 25 2007

RANDALL Y. C. CHING
Attorney for Lienor
ISLAND LIGHTING CO., INC.

ANNA H. OSHIRO
Attorney for Respondent
LOCK UP-EVERGREEN DEVELOPMENT
SERIES, LLC

APPROVED AND SO ORDERED: MAY 25 2007

VICTORIA S. MALL
JUDGE OF THE ABOVE-ENTITLED COURT

---

Island Lighting Co., Inc. vs. Lock Up-Evergreen Development Series, LLC, et al.
M.L. No. 07-1-0022 VSM
Stipulation for Attachment of Lien and Order

-2-
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAI\n
ISLAND LIGHTING CO., INC., a Hawaii corporation,

    Lienor,

vs.

LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, a foreign limited liability company; KD CONSTRUCTION, INC., a Hawaii corporation; KEKO INVESTMENTS, LLC, a Hawaii limited liability company; WACHOVIA FINANCIAL SERVICES, INC., a foreign corporation; JOHN DOES 1-5; JANE DOES 1-5; DOE CORPORATIONS 1-5; DOE PARTNERSHIPS 1-5 and DOE GOVERNMENTAL ENTITIES 1-5,

    Respondents.

M.L. NO. 07-1-0022 VSM
(Mechanic’s and Materialman’s Lien)
ORDER DIRECTING LIEN TO ATTACH;
EXHIBIT “A”

(This application affects land identified by Tax Map Key No. (1) 9-4-099-022)

HEARING DATE:
DATE: May 25, 2007
TIME: 9:30 a.m.
JUDGE: Victoria S. Marks

ORDER DIRECTING LIEN TO ATTACH
Lienor ISLAND LIGHTING CO., INC., having filed an Application for Mechanic’s and Materialman’s Lien on March 19, 2007, all parties appearing hereto having stipulated to the attachment of the lien on the terms set forth below, and the Court being fully advised in the premises and good cause appearing therefor;
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, pursuant to and in accordance with Hawaii Revised Statutes Chapter 507, a mechanic’s and materialman’s lien in favor of Lienor ISLAND LIGHTING CO., INC. ("Lienor"), in the principal sum of SIXTY-EIGHT THOUSAND FORTY-FIVE AND NO/100 DOLLARS ($68,045.00), exclusive of any interest, attorney’s fees and costs that may be proven ("Lien"), shall attach to that certain Lock Up Self Storage, located at Waipahu, Hawaii, identified by Tax Map Key No. (1) 9-4-099-022 and more particularly described in Exhibit “A” attached hereto (the “Property”) effective as of May 29, 2007.

This Order is made without prejudice to the claims or defenses of any party hereto, and shall have no res judicata or collateral estoppel effect.

DATED: Honolulu, Hawaii, ________________________________

JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

RANDALL Y. C. CHING
Attorney for Lienor
ISLAND LIGHTING CO., INC.

ANNA H. OSHIRO
Attorney for Respondent
LOCK UP-EVERGREEN DEVELOPMENT
SERIES, LLC

Island Lighting Co., Inc. vs. Lock Up-Evergreen Development Series, LLC
M.L. No. 07-1-0022 VSM
Order Directing Lien to Attach

-2-
EXHIBIT "A"

All of that certain parcel of land situate at Waipio, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 7851, area 77,370 square feet, more or less, as shown on Map 510, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1000 of John II Estate, Limited.

Being land(s) described in Transfer Certificate of Title No. 770,730 issued to LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, a Delaware limited liability company.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : GENTRY-PACIFIC, LTD., a Hawaii corporation

GRANTEES : LOCK UP-EVERGREEN DEVELOPMENT SERIES LLC, a Delaware limited liability company with series, for the applicable series

DATED : September 13, 2005
FILED : Land Court Document No. 3328427
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT  
STATE OF HAWAII  

ISLAND LIGHTING CO., INC., a Hawaii corporation,  

Lienor,  

vs.  

LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, a foreign limited liability company; KD CONSTRUCTION, INC., a Hawaii corporation; KEKO INVESTMENTS, LLC, a Hawaii limited liability company; WACHOVIA FINANCIAL SERVICES, INC., a foreign corporation; JOHN DOES 1-5; JANE DOES 1-5; DOE CORPORATIONS 1-5; DOE PARTNERSHIPS 1-5 and DOE GOVERNMENTAL ENTITIES 1-5,  

Respondents.  

M.L. NO. 07-1-0022 VSM  
(Mechanic's and Materialman's Lien)  
ORDER DIRECTING LIEN TO ATTACH;  
EXHIBIT “A”  

(This application affects land identified by Tax Map Key No. (1) 9-4-099-022)  

HEARING DATE:  
DATE: May 25, 2007  
TIME: 9:30 a.m.  
JUDGE: Victoria S. Marks  

ORDER DIRECTING LIEN TO ATTACH  
Lienor ISLAND LIGHTING CO., INC., having filed an Application for Mechanic's and Materialman's Lien on March 19, 2007, all parties appearing hereto having stipulated to the attachment of the lien on the terms set forth below, and the Court being fully advised in the premises and good cause appearing therefor;
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, pursuant to and in accordance with Hawaii Revised Statutes Chapter 507, a mechanic’s and materialman’s lien in favor of Lienor ISLAND LIGHTING CO., INC. (“Lienor”), in the principal sum of SIXTY-EIGHT THOUSAND FORTY-FIVE AND NO/100 DOLLARS ($68,045.00), exclusive of any interest, attorney’s fees and costs that may be proven (“Lien”), shall attach to that certain Lock Up Self Storage, located at Waipahu, Hawaii, identified by Tax Map Key No. (1) 9-4-099-022 and more particularly described in Exhibit “A” attached hereto (the “Property”) effective as of May 29, 2007.

This Order is made without prejudice to the claims or defenses of any party hereto, and shall have no res judicata or collateral estoppel effect.

DATED: Honolulu, Hawaii, ________________ MAY 2 5 2007

Victoria S. Maru
JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

RANDALL Y. C. CHING
Attorney for Lienor
ISLAND LIGHTING CO., INC.

ANNA H. OSHIRO
Attorney for Respondent
LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC

---------------------------------------------------------------

Island Lighting Co., Inc. vs. Lock Up-Evergreen Development Series, LLC
M.L. No. 07-1-0022 VSM
Order Directing Lien to Attach
EXHIBIT "A"

All of that certain parcel of land situate at Waipio, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 7851, area 77,370 square feet, more or less, as shown on Map 510, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1000 of John Ii Estate, Limited.

Being land(s) described in Transfer Certificate of Title No. 770,730 issued to LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, a Delaware limited liability company.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : GENTRY-PACIFIC, LTD., a Hawaii corporation

GRANTEE : LOCK UP-EVERGREEN DEVELOPMENT SERIES LLC, a Delaware limited liability company with series, for the applicable series

DATED : September 13, 2005

FILED : Land Court Document No. 3328427

Title Guaranty of Hawaii, Inc.
235 QUEEN ST., HONOLULU, HAWAII 96813, PH: (808) 533-8261
KOSHI BA AGENA & KUBOTA

CHARLES A. PRICE 5098-0
2600 Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813
Telephone No.: 523-3900

Attorney for Lienor
ISLAND FLOORING COMPANY, INC.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

ISLAND FLOORING COMPANY, INC.,

Lienor,

vs.

KD CONSTRUCTION, INC.,

Contractor,

and

KEKO INVESTMENTS, LLC,

General Contractor,

and

BRB DEVELOPMENT LLC,

Owner,

and

LOCK UP-EVERGREEN DEVELOPMENT SERIES LLC,

Owner.

M.L. NO. 07-1-0024 SSM W
(Mechanic's and Materialman's Lien)

STIPULATION FOR ATTACHMENT OF LIEN AND ORDER

(This application affects land identified by Tax Map Key No. (1) 9-4-099-022)

HEARING DATE:
DATE: May 25, 2007
TIME: 9:00 a.m.
JUDGE: Sabrina S. McKenna

Compliance Program
Date: 6.15.07

22nd Division

EXHIBIT "8"

This decision has been redacted and reformatted for publication purposes and contains all of the original text of the actual decision.
STIPULATION FOR ATTACHMENT OF LIEN AND ORDER

IT IS HEREBY STIPULATED that a mechanic’s and materialman’s lien in favor of Lienor ISLAND FLOORING COMPANY, INC. (“Lienor”) in the principal sum of ONE HUNDRED EIGHT THOUSAND SEVEN HUNDRED ONE AND 60/100 DOLLARS ($108,701.60), exclusive of any interest, attorney’s fees and costs that may be proven (“Lien”), shall attach to that certain Lock Up Self Storage, 94-1128 Ka Uka Boulevard, Waipahu, Hawaii, and identified as Tax Map Key No. (1) 9-4-099-022 (“Property”) as provided in the Order Directing Lien to Attach, annexed hereto; and

IT IS FURTHER AGREED that this stipulation is made without prejudice to the claims or defenses of any party hereto and shall have no res judicata or collateral estoppel effect.

Accordingly, the probable cause hearing scheduled for May 25, 2007 at 9:00 a.m. in the above-captioned matter shall not be held.


CHARLES A. PRICE
Attorney for Lienor
ISLAND FLOORING COMPANY, INC.

ANNA H. OSHIRO
Attorney for LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC

APPROVED AND SO ORDERED:

JUDGE OF THE ABOVE-ENTITLED COURT

Island Flooring Company, Inc. vs. KD Construction, Inc. et al.; M.L. No. 07-1-0024 SSM; Stipulation for Attachment of Lien and Order
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

ISLAND FLOORING COMPANY, INC., ) M.L. NO. 07-1-0024 SSM
   Lienor, ) (Mechanic’s and Materialman’s Lien)
   )
   vs. ) ORDER DIRECTING LIEN TO ATTACH;
   ) EXHIBIT “A”
   )
KD CONSTRUCTION, INC., )
   Contractor, )
   )
   and )
KEKO INVESTMENTS, LLC, )
   General Contractor, )
   )
   and ) (This application affects land identified by
BRB DEVELOPMENT LLC, ) Tax Map Key No. (1) 9-4-099-022)
   Owner, )
   )
   and )
LOCK UP-EVERGREEN DEVELOPMENT ) HEARING DATE:
SERIES LLC, ) DATE: May 25, 2007
   Owner. ) TIME: 9:00 a.m.
   )
   ) JUDGE: Sabrina S. McKenna

ORDER DIRECTING LIEN TO ATTACH

Lienor ISLAND FLOORING COMPANY, INC., having filed an Application for
Mechanic’s and Materialman’s Lien on March 20, 2007, and a stipulation to the attachment of the
lien having been entered on the terms set forth below, and the Court being fully advised in the
premises and good cause appearing therefor;
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, pursuant to and in accordance with Hawaii Revised Statutes Chapter 507, a mechanic’s and materialman’s lien in favor of Lienor ISLAND FLOORING COMPANY, INC. (“Lienor”), in the principal sum of ONE HUNDRED EIGHT THOUSAND SEVEN HUNDRED ONE AND 60/100 DOLLARS ($108,701.60), exclusive of any interest, attorney’s fees and costs that may be proven (“Lien”), shall attach to that certain Lock Up Self Storage, located at 94-1128 Ka Uka Boulevard, Waipahu, Hawaii, identified by Tax Map Key No. (1) 9-4-099-022 and more particularly described in Exhibit “A” attached hereto (the “Property”) effective as of May 25, 2007.

This Order is made without prejudice to the claims or defenses of any party hereto, and shall have no res judicata or collateral estoppel effect.

DATED: Honolulu, Hawaii, JUN 15 2007

JUDGE OF THE ABOVE-ENTITLED COURT

APPROVED AS TO FORM:

CHARLES A. PRICE
Attorney for Lienor
ISLAND FLOORING COMPANY, INC.

ANNA H. OSHIRO
Attorney for LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC

Island Flooring Company, Inc. vs. KD Construction, Inc. et al.; M.L. No. 07-1-0024 SSM; Order Directing Lien to Attach
TMK: (1) 9-4-099-022

All of that certain parcel of land situate at Waipio, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

LOT 7851, area 77,370 square feet, more or less, as shown on Map 510, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1000 of John Ii Estate, Limited.

Being land(s) described in Transfer Certificate of Title No. 770,730 issued to LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, a Delaware limited liability company.

BEING THE PREMISES ACQUIRED BY WARRANTY DEED

GRANTOR : GENTRY-PACIFIC, LTD., a Hawaii corporation

GRANTEE : LOCK UP-EVERGREEN DEVELOPMENT SERIES LLC, a Delaware limited liability company with series, for the applicable series

DATED : September 13, 2005
FILED : Land Court Document No. 3328427

EXHIBIT A
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

THYSSENKRUPP ELEVATOR CORPORATION, a Delaware corporation,

Lienor,

vs.

LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, a Delaware limited liability company; BRB DEVELOPMENT, LLC, an Illinois limited liability company; KD CONSTRUCTION, INC., a Hawaii corporation; KEKO INVESTMENTS, LLC, a Hawaii limited liability company; JOHN DOES 1-5; JANE DOES 1-5; DOE CORPORATIONS 1-5; DOE PARTNERSHIPS 1-5; and DOE GOVERNMENTAL ENTITIES 1-5,

Respondents.

ORDER (1) GRANTING LIENOR’S APPLICATION FOR MECHANIC’S AND MATERIALMAN’S LIEN, AND (2) DIRECTING LIEN TO ATTACH TO PROPERTY; EXHIBIT “A”

M.L. NO. 07-1-0028 EEH

(Mechanic’s and Materialman’s Lien)

ORDER (1) GRANTING LIENOR’S APPLICATION FOR MECHANIC’S AND MATERIALMAN’S LIEN, AND (2) DIRECTING LIEN TO ATTACH TO PROPERTY; EXHIBIT “A”

(This order affects land identified by Tax Map Key No. (1) 9-4-099:022 and affects Transfer Certificate of Title No. 770,760)

HEARING:
DATE: April 17, 2007
TIME: 9:00 a.m.
JUDGE: Eden Elizabeth Hiço

ORDER (1) GRANTING LIENOR’S APPLICATION FOR MECHANIC’S AND MATERIALMAN’S LIEN, AND (2) DIRECTING LIEN TO ATTACH TO PROPERTY

Lienor THYSSENKRUPP ELEVATOR CORPORATION (“Lienor”) filed an “Application For Mechanic’s and Materialman’s Lien; Notice of Mechanic’s and Materialman’s Lien and Demand For Payment; Exhibits “1” “3”; Affidavit of Landon deVille; Notice of Hearing on Application For Mechanic’s and Materialman’s Lien; Order of Service” on April 5, 2007.

The hearing on the Application was held on the date and time stated above. Present was Lila

EXHIBIT "q"
C.A. King, attorney for Lienor. No one else appeared despite notice having been given.

This Court heard and considered the evidence presented, and being fully advised, finds that:

1. Lienor furnished materials, supplies, and labor for the installation of two ThyssenKrupp hydraulic passenger elevators into the construction at the real property located at 94-1128 Ka Uka Boulevard, Waipahu, Hawaii, Tax Map Key No. (1) 9-4-099:022 (“Property”).

2. The Property is described in whole or in part in the attached Exhibit “A”.

3. The installation was completed by Lienor.

4. Lienor has not been paid for the installation.

5. Lienor is owed the principal amount of $199,730.00, plus interest on that amount.

Based on the foregoing findings, this Court concludes that:

1. Lienor has established probable cause for the existence of a mechanic’s and materialman’s lien on the Property, including all structures and improvements on the Property.

2. The lien should be in the principal amount of $199,730.00, plus interest on that amount.

Based on the foregoing findings and conclusions, IT IS ORDERED, ADJUDGED, AND DECREED THAT:

1. Lienor’s Application For Mechanic’s and Materialman’s Lien is granted, and

2. A lien shall attach to the Property, including all structures and improvements on the Property in the principal amount of $199,730.00, plus interest on that amount.

DATED: Honolulu, Hawaii  
MAY 04 2007

/Judith K. Furukawa/
JUDGE OF THE ABOVE-ENTITLED COURT

ThyssenKrupp Elevator Corporation, a Delaware corporation vs.  
Lock Up-Evergreen Development Series, LLC, a Delaware limited liability company, et al.  
M.L. NO. 07-1-0028 EEH  
First Circuit Court, State of Hawaii  
“Order (1) Granting Lienor’s Application for Mechanic’s and Materialman’s Lien, and (2) Directing Lien to Attach to Property”
EXHIBIT “A”

All of that certain parcel of land situate at Waipio, District of Ewa, City and County of Honolulu, State of Hawaii, described as follows:

Lot 7851, area 77,370 square feet, more or less, as shown on Map 510, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1000 of John Li Estate, Limited;

Being all of the land conveyed by:

WARRANTY DEED

Grantor:  Gentry-Pacific, Ltd., a Hawaii corporation

Grantee:  LOCK UP-EVERGREEN DEVELOPMENT SERIES LLC, a Delaware limited liability company with series for the applicable series

Dated:    September 13, 2005
Recorded: September 19, 2005 as Document No. 3328427

Being all of the land described in Transfer Certificate of Title No. 770,730.

END OF EXHIBIT “A”

94-1128 Ka Uka Boulevard
Waipahu, Hawaii  96797
Tax Map Key No.: (1) 9-4-099:022
Notice of Federal Tax Lien

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer: DANIEL G & MEI Y CHING

Residence: REDACTED INFORMATION

<table>
<thead>
<tr>
<th>Kind of Tax (a)</th>
<th>Tax Period Ending (b)</th>
<th>Identifying Number (c)</th>
<th>Date of Assessment (d)</th>
<th>Last Day for Refiling (e)</th>
<th>Unpaid Balance of Assessment (f)</th>
</tr>
</thead>
</table>

Place of Filing: BUREAU OF CONVEYANCES
REGISTRAR
HONOLULU, HI 96803

Total $242749.25

This notice was prepared and signed at SEATTLE, WA, on this, the 29th day of July, 2009.

Signature: R. A. Mitchell
Title: ACS
Number: 26-00-0008

(Note: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien.)
SATISFACTION OF JUDGMENT;

☐ RELEASE OF GARNISHEE(S)

IN THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
STATE OF HAWAII

Plaintiff(s)
General Supply & Services, Inc., dba Gexpro

Defendant(s)
KD Construction Inc.; Daniel Ching

Name of Garnishee(s) to be released:
KD Construction Inc., Daniel Ching

Date Garnishee Summons Order Granted:
(If none, date of Garnishee Summons)

SATISFACTION OF JUDGMENT

☐ RELEASE OF GARNISHEE

The undersigned acknowledges full satisfaction and payment of the JUDGMENT in the above-entitled case.

☐ Release of Garnishee(s) as stated above.

CERTIFICATE OF SERVICE

I certify that a copy of this Satisfaction was served at the last known address(es) of Judgment Debtor(s) or Judgment Debtor(s)' attorney/☐ Garnishee(s) on [FEB. 17, 2010] by ☐ Hand-delivery or ☑ Mail, Postage Prepaid, at the following address(es):

KD Construction Inc.
1015 Pa'apu Street
Honolulu, Hawaii 96819

Daniel G. Ching
1015 Pa'apu Street
Honolulu, Hawaii 96819

Signature of Filing Party(ies)/Filing Party(ies)' Attorney:

Date: FEB. 17, 2010

Print/Type Name: JAY T. SUERMORI

In accordance with the Americans with Disabilities Act if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.

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

Clerk, District Court of the above Circuit, State of Hawai'i

EXHIBIT "A"
Satisfaction of Judgment;
☐ Release of Garnishee(s)

In the District Court of the First Circuit
HONOLULU Division
STATE OF HAWAI'I

Plaintiff(s)
KEMPER INSURANCE COMPANIES

Defendant(s)
KD CONSTRUCTION, INC.

Date Garnishee Summons Order Granted: (If none, date of Garnishee Summons)

Satisfaction of Judgment
☐ Release of Garnishee

The undersigned acknowledges full satisfaction and payment of the JUDGMENT in the above-entitled case.

☐ Release of Garnishee(s) as stated above.

Certificate of Service

I certify that a copy of this Satisfaction was served at the last known address(es) of Judgment Debtor(s) or Judgment Debtor(s)' attorney/☐ Garnishee(s) on ☐ Hand-delivery or ☐ Mail, Postage Prepaid, at the following address(es):

KD CONSTRUCTION, INC.
1015 Pa'apu Street
Honolulu, Hawaii 96819

Signature of Filing Party(ies)/Filing Party(ies)' Attorney:

4/13/09

Print/Type Name: ROBERT S. HOLLAND

In accordance with the Americans with Disabilities Act if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.

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

Clerk, District Court of the above Circuit, State of Hawai'i

This decision has been redacted and reformatted for publication purposes and contains all of the original text of the actual decision.
February 10, 2010

Via Facsimile (808) 538-0750
Mr. Mervyn Lee
169 S. Kukui Street, Suite 202
Honolulu, Hawai‘i 96813

Re:  Tory’s Roofing v. KD Construction, Inc.

Dear Mr. Lee:

Thank you for returning my call of earlier today. Pursuant to our conversation you have confirmed that judgments and or debts related to the following civil matters involving your client Tory’s Roofing & Waterproofing, Inc. have been satisfied in full:

Tory’s Roofing v. KD Construction, Civil No. 1RC08-1-05447 (2008); and

Per our conversation you indicated you could confirm satisfaction of these judgments by responsive letter correspondence to my attention. You time and attention in doing so has been and will be greatly appreciated.

Feel free to call me to discuss this matter further.

Very truly yours,

ROECA, LOUIE & HIRAOKA
A Limited Liability Law Partnership, LLP

[Signature]

Brian A. Bilberry

C. Resto: 16frk

Tory’s records show no monies owed by KD Construction.

March 4, 2010

EXHIBIT "C"
SATISFACTION OF JUDGMENT;
☐ RELEASE OF GARNISHEE(S)

IN THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
STATE OF HAWAI'I

Plaintiff(s)
HAWTHORNE MACHINERY CO.

Defendant(s)
KD CONSTRUCTION, INC.

Name of Garnishee(s) to be released:

SATISFACTION OF JUDGMENT
☐ RELEASE OF GARNISHEE

The undersigned acknowledges full satisfaction and payment of the JUDGMENT in the above-entitled case.

☐ Release of Garnishee(s) as stated above.

CERTIFICATE OF SERVICE

I certify that a copy of this Satisfaction of Judgment was served at the last known address(es) of Judgment Debtor(s) or Judgment Debtor(s)' attorney/garnishee(s) on

KD CONSTRUCTION, INC.
1015 Pa'apu Street
Honolulu, Hawaii 96819

by ☐ Hand-delivery or ☐ Mail, Postage Prepaid, at the following address(es):

Date: 4/13/09
Signature of Filing Party(ies)/Filing Party(ies)' Attorney:

Print/Type Name: ROBERT S. HOLLAND

In accordance with the Americans with Disabilities Act if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.

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

Clerk, District Court of the above Circuit, State of Hawai'i

EXHIBIT "D"
SATISFACTION OF JUDGMENT;
☐ RELEASE OF GARNISHEE(S)

IN THE DISTRICT COURT OF THE FIRST CIRCUIT
HONOLULU DIVISION
STATE OF HAWAI'I

Claimant(s)

ROBERT HALF INTERNATIONAL

Defendant(s)

KD CONSTRUCTION, INC.

Reserved for Court Use

Civil No.

1RC08-1-3700

Filing Party(ies)/Filing Party(ies)' Attorney (Name, Attorney Number, Firm Name (if applicable), Address, Telephone and Facsimile Numbers)

ROBERT S. HOLLAND #4238
900 Fort Street, Suite 1600
Honolulu, Hawaii 96813
Telephone: 538-7434
Facsimile: 538-3189

Name of Garnishee(s) to be released:

Date Garnishee Summons Order Granted:
(If none, date of Garnishee Summons)

SATISFACTION OF JUDGMENT
☐ RELEASE OF GARNISHEE

The undersigned acknowledges full satisfaction and payment of the JUDGMENT in the above-entitled case.

☐ Release of Garnishee(s) as stated above.

CERTIFICATE OF SERVICE

I certify that a copy of this Satisfaction has been served at the last known address(es) of Judgment Debtor(s) or Judgment Debtor(s)' attorney/☐ Garnishee(s) on 4/16/09 by ☐ Hand-delivery or ☐ Mail, Postage Prepaid, at the following address(es):

KD CONSTRUCTION, INC.
1015 Pa'apu Street
Honolulu, Hawaii 96819

4/16/09

Signature of Filing Party(ies)/Filing Party(ies)' Attorney

ROBERT S. HOLLAND

Date:

Print/Type Name:

In accordance with the Americans with Disabilities Act if you require an accommodation for your disability, please contact the District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.

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

Clerk, District Court of the above Circuit, State of Hawai'i

This decision has been redacted and reformatted for publication purposes and contains all of the original text of the actual decision.
Satisfaction of Judgment;

☑ Release of Garnishee(s)

In the District Court of the First Circuit
Honolulu Division
State of Hawaii

Plaintiff(s)

TORY’S ROOFING & WATERPROOFING, INC.,
a Hawaii corporation

Defendant(s)

KD CONSTRUCTION, INC.,
a Hawaii corporation

Name of Garnishee(s) to be released:

FIRST HAWAIIAN BANK
2399 Kamehameha Highway, Honolulu, HI 96819

Satisfaction of Judgment

☑ Release of Garnishee(s) as stated above.

Certificate of Service

I certify that a copy of this Satisfaction was served at the last known address(es) of Judgment Debtor(s) or Judgment Debtor(s)’
attorney/Garnishee(s) on March 20, 2008 by ☐ Hand-delivery or ☐ Mail, Postage Prepaid, at the following address(es):

1) KD CONSTRUCTION, INC.
1015 Paapa Street
Honolulu, HI 96819

2) FIRST HAWAIIAN BANK
Records Management Department
Attn: Garnishee/Tax Levy
P. O. Box 1959, Honolulu, HI 96805

Signature of Filing Party(ies)/Filing Party(ies)’ Attorney:

Mervyn W. Lee, Attorney for Plaintiff

Date: March 20, 2008

In accordance with the Americans with Disabilities Act if you require an accommodation for your disability, please contact the
District Court Administration Office at PHONE NO. 538-5121, FAX 538-5233, or TTY 539-4853 at least ten (10) working
days in advance of your hearing or appointment date. For Civil related matters, please call 538-5151.

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

Clerk, District Court of the above Circuit, State of Hawai’i
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

ISLAND LIGHTING CO., INC., a Hawaii corporation,  )
   Lienor,  )

VS.  )

LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, a foreign limited liability company; KD CONSTRUCTION, INC., a Hawaii corporation; KEKO INVESTMENTS, LLC, a Hawaii limited liability company; WACHOVIA FINANCIAL SERVICES, INC., a foreign corporation; JOHN DOES 1-5; JANE DOES 1-5; DOE CORPORATIONS 1-5; DOE PARTNERSHIPS 1-5 and DOE GOVERNMENTAL ENTITIES 1-5,  )

Respondents.  )

M.L. NO. 07-1-0022 VSM  )
(Mechanic's and Materialman's Lien)  )

FINAL LIEN RELEASE  )

(This application affects land identified by Tax Map Key No. (1) 9-4-099-022)
FINAL LIEN RELEASE

ISLAND LIGHTING CO., INC. hereby acknowledges the receipt of SIXTY-EIGHT THOUSAND FORTY-FIVE AND NO/100 DOLLARS ($68,045.00) paid to it by LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, and releases and forever discharges LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC from all claims, liens or rights under Chapter 507, Hawaii Revised Statutes, of every kind, nature and character whatsoever against it arising out of or in any way whatsoever, related or derived from M.L. No. 07-1-0022. The Order Directing Lien to Attach was duly recorded on June 4, 2007 in the Office of the Assistant Registrar, Land Court, State of Hawaii, as Document No. 3610617 and duly noted on Transfer Certificate of Title No. 770,730.

DATED: Honolulu, Hawaii, ____________________________ JUL - 6 2007

RANDALL X. C. CHING
ERIN L. S. YAMASHIRO
Attorneys for Lienor
ISLAND LIGHTING CO., INC.
KOSHIBA AGENA & KUBOTA

CHARLES A. PRICE 5098-0
2600 Pauahi Tower
1003 Bishop Street
Honolulu, Hawaii 96813
Telephone No.: 523-3900

Attorney for Lienor
ISLAND FLOORING COMPANY, INC.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

ISLAND FLOORING COMPANY, INC., )

Lienor,

vs.

KD CONSTRUCTION, INC., )

Contractor,

and

KEKO INVESTMENTS, LLC,

General Contractor,

and

BRB DEVELOPMENT LLC,

Owner,

and

LOCK UP-EVERGREEN
DEVELOPMENT SERIES LLC,

Owner.

M.L. NO. 07-1-0024 SSM (Mechanic's and Materialman's Lien)
STIPULATION FOR DISMISAL WITH
PREJUDICE OF ALL CLAIMS AND
PARTIES AND RELEASE OF LIEN

(This application affects land identified by
Tax Map Key No. (1) 9-4-099-022)

Compliance Program

Exhibit "H"

This decision has been redacted and reformatted for publication purposes and contains all of the original text of the actual decision.
STIPULATION FOR DISMISSAL WITH PREJUDICE OF ALL CLAIMS
AND PARTIES AND RELEASE OF LIEN

Lienor Island Flooring Company, Inc. ("Island Flooring") and Owner Lock-Up Evergreen Development Series LLC ("Lock-Up"), hereby stipulate, by and through their respective counsel, pursuant to Rules 41(a)(1)(B) of the Hawaii Rules of Civil Procedure, that the above-entitled action be dismissed with prejudice as to all claims and parties, each party to bear its own costs and attorneys’ fees.

Island Flooring acknowledges that its mechanic’s and materialman’s lien, filed herein on June 18, 2007 and recorded as Document No. 3617391 in the Bureau of Conveyances, State of Hawaii, which was partially released by Island Flooring on August 9, 2007, is now fully satisfied and is hereby released.

All appearing parties have signed this Stipulation. There are no remaining claims, parties, or issues. No trial date is set.


CHARLES A. PRICE
Attorney for Lienor
ISLAND FLOORING COMPANY, INC

ANNA H. OSHIRO
TODD Y. HIRAI
Attorneys for Owner
LOCK UP-EVERGREEN DEVELOPMENT SERIES LLC

Island Flooring Company, Inc. vs. KD Construction, Inc. et al.; M.L. No. 07-1-0024 SSM; Stipulation for Dismissal With Prejudice of All Claims and Parties and Release of Lien

-2-
IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

THYSSENKRUPP ELEVATOR CORPORATION, a Delaware corporation, Plaintiff,

vs.

LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC, a Delaware limited liability company; BRB DEVELOPMENT, LLC, an Illinois limited liability company; KD CONSTRUCTION, INC., a Hawaii corporation; KEKO INVESTMENTS, LLC, a Hawaii limited liability company; JOHN DOES 1-5; JANE DOES 1-5; DOE CORPORATIONS 1-5; DOE PARTNERSHIPS 1-5; and DOE GOVERNMENTAL ENTITIES 1-5, Respondents.

RELEASE OF MECHANIC’S AND MATERIALMAN’S LIEN

The “Order (1) Granting Lienor’s Application for Mechanic’s and Materialman’s Lien, and (2) Directing Lien to Attach to Property” (“Order”) was filed on May 7, 2007, and was recorded on May 10, 2007 in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 3600019, and noted on Transfer Certificate of Title No. 770,730.

Lienor THYSSENKRUPP ELEVATOR CORPORATION (“Lienor”) acknowledges the receipt of One Hundred Ninety Nine Thousand Seven Hundred Thirty and No/100 Dollars (U.S. $199,730.00) paid to Lienor by LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC.

(081307/MSCD/s0)
Lienor releases and discharges the Mechanic’s and Materialman’s Lien.

This release and discharge does not affect any claims, liens, or rights that Lienor has against KD CONSTRUCTION, INC. and KEKO INVESTMENTS, LLC.

DATED: Honolulu, Hawaii, ___________ August 14, 2007 ____________________________

Summer Okada
MARVIN S.C. DANG
SUMMER OKADA
Attorneys for Lienor
Form 668 (Z) | 1672

Department of the Treasury - Internal Revenue Service

Certificate of Release of Federal Tax Lien

Area: SMALL BUSINESS/SELF EMPLOYED AREA #6
Lien Unit Phone: (800) 913-6050 569012909

I certify that the following-named taxpayer, under the requirements of section 6320 of the Internal Revenue Code has satisfied the taxes listed below and all statutory additions. Therefore, the lien provided by Code section 6321 for these taxes and additions has been released. The proper officer in the office where the notice of internal revenue tax lien was filed on August 14, 2009, is authorized to note the books to show the release of this lien for these taxes and additions.

Name of Taxpayer: DANIEL G & MEI Y CHING

Residence: REDACTED INFORMATION

COURT RECORDING INFORMATION:
Liber  Page  UCC No.  Serial No.
n/a   n/a  n/a  2009125616

<table>
<thead>
<tr>
<th>Kind of Tax (a)</th>
<th>Tax Period Ended (b)</th>
<th>Identifying Number (c)</th>
<th>Date of Assessment (d)</th>
<th>Last Day for Refiling (e)</th>
<th>Unpaid Balance of Assessment (f)</th>
</tr>
</thead>
</table>

Place of Filing
BUREAU OF CONVEYANCES
REGISTRAR
HONOLULU, HI 96803

Total 242749.25

This notice was prepared and signed at SEATTLE, WA, on this
the 69th day of December, 2009,

Signature: R. A. Mitchell
Title: Director, Campus Compliance Operations

(Note: Certificate of release authorized by law to take effect ninety days after notice to holder of Certificate of Release of Federal Tax Lien.

Part 2 - Taxpayer's Copy

EXHIBIT "J"