

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) CLB 2007-260-L
)
KD CONSTRUCTION, INC.)
)
and)
)
DANIEL G. CHING,)
)
Respondents.)

241092407

SETTLEMENT AGREEMENT PRIOR TO FILING 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.

//

//

//

RECEIVED
PROF & VOCATIONAL
LICENSING BOARD

2010 APR -9 A 10:25

DEPT OF COMMERCE
& CONSUMER AFFAIRS
STATE OF HAWAII

DEPT OF COMMERCE
AND CONSUMER AFFAIRS
2010 APR -6 A 9:55

DEPT OF COMMERCE
AND CONSUMER AFFAIRS
2010 APR 16 P 3:08
HEARINGS OFFICE

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).

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 **cashier'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.

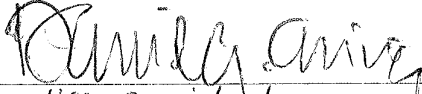
IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date(s) set forth below.

DATED: Honolulu, Hawaii, March 26, 2010.
(City) (State) (Date)


DANIEL G. CHING
Respondent

DATED: Honolulu, Hawaii, March 26, 2010.
(City) (State) (Date)

KD CONSTRUCTION, INC.
Respondent

By: 
Its vice president

DATED: Honolulu, Hawaii, 4/5/10.



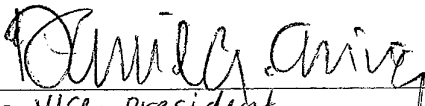
DARIA A. LOY-GOTO
TAMMY Y. KANESHIRO
Attorneys for Department of Commerce and
Consumer Affairs

APPROVED AS TO FORM:


ARTHUR F. ROECA
Attorney for Respondents

DATED: Honolulu, Hawaii, March 24, 2010.
(City) (State) (Date)

KD CONSTRUCTION, INC.
Respondent

By: 
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:

 for (0-7260)
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 "J"

APPROVED AND SO ORDERED:
CONTRACTORS LICENSE BOARD
STATE OF HAWAII



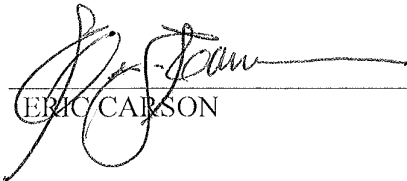
F. M. SCOTTY ANDERSON
Chairperson

APR 16 2010

DATE

NEAL ARITA
Vice Chairperson

GUY M. AKASAKI



ERIC CARSON

JOHN E. K. DILL

WILLIAM A. KAMAI



RANDALL B. C. LAU

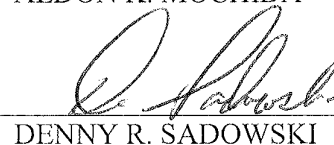
HAROLD L. MARTIN



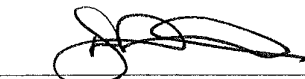
ALDON K. MOCHIDA



RONALD K. OSHIRO



DENNY R. SADOWSKI



DARYL SUEHIRO

GERALD YAMADA

STATE OF HAWAII)
CITY AND) SS.
COUNTY OF HONOLULU)

On this 26th day of March, 2010, before me personally
appeared Daniel G. 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

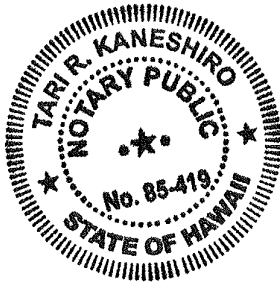
My Commission expires: 10-14-2013

Doc. Date: 3/26/10 # Pages: 11
Tari R. Kaneshiro First Circuit
Doc. Description: Settlement Agreement
prior to Filing of Petition for
Disciplinary Action And Board's Final
Order; Exh. 1-10; Exh. A-J attached
Tari R. Kaneshiro 3/26/10
Notary Signature Date
NOTARY CERTIFICATION



STATE OF HAWAII)
CITY AND) SS.
COUNTY OF HONOLULU)

On this 26th day of March, 2010, before me personally
appeared Daniel G. 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.

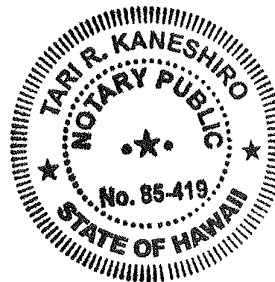


Tari R. Kaneshiro
Name: Tari R. Kaneshiro
Notary Public, State of Hawaii

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 And Board's Final
Order; Exh 1-10; Exh A-J attached
Tari R. Kaneshiro 3/26/10
Notary Signature Date

NOTARY CERTIFICATION



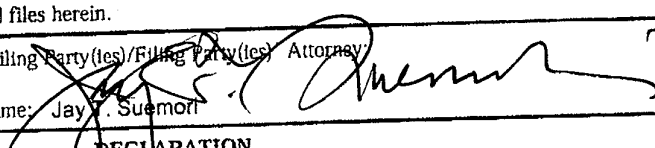
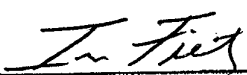


NON-HEARING MOTION FOR DEFAULT JUDGMENT;
DECLARATION; EXHIBITS(S) 1 THROUGH 1 ____;
AFFIDAVIT OF COUNSEL RE: ATTORNEY'S FEES;
NOTICE OF MOTION; CERTIFICATE OF SERVICE; ORDER

FILED
DISTRICT COURT OF
THE FIRST CIRCUIT

2008 JUL 24 A 9:40

TWO-SIDED FORM
Page 1 of 3
Form #1DC18

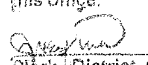
IN THE DISTRICT COURT OF THE FIRST CIRCUIT HONOLULU DIVISION STATE OF HAWAII	
Plaintiff(s) General Supply and Services, Inc. dba Gexpro	Reserved for Court Use
Defendant(s) KD Construction Inc.; Daniel Ching	Civil No. IRC08-1-3317
Against Defendant(s): KD Construction, Daniel Ching	Filing Party(ies)/Filing 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 Honolulu, 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 for <input checked="" type="checkbox"/> Pre-Trial conference <input type="checkbox"/> Trial or to otherwise defend, and the time to otherwise move or plead has expired and has not been extended 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: <u>7/21/08</u>	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 HAWAII THAT THE FOLLOWING IS TRUE AND CORRECT: 1. I am <input checked="" type="checkbox"/> Plaintiff or <input type="checkbox"/> associated with Plaintiff(s) as <u>Manager - Customer Financial Services</u> 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 at or 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): 2. Attached hereto as Exhibits 1 through <u>1</u> are true and correct copies of the documents in support of Plaintiff(s)' claims for judgment against Defendant(s) as named. 3. Based upon your Declarant's experience as <u>Manager - Customer Financial Services</u> 4. the amount of damages sustained by Plaintiff(s) is fair and reasonable. 5. Plaintiff(s) has incurred additional costs of \$ <u>174</u> for: <u>court costs and sheriff's fees</u> 6. Defendant(s) is not an infant or incompetent person; default of Defendant(s) has been entered by the Court for failure to appear for <input checked="" type="checkbox"/> Pre-trial conference <input type="checkbox"/> 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: <u>7/11/08</u>	Signature of Declarant:  Print/Type Name: Irv Fietz

DF4MTNHR.3X (Amended 4/18/97)

SEE AND USE REVERSE SIDE TO RESPOND TO THIS MOTION

I do hereby 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 First Circuit
State of Hawaii

11-1

TO: 5774173

EXHIBIT "1"

JUL-11-2008 21:39 FROM:

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)/Opposing Party(ies)' Attorney

Print/Type Name: Jay T. Suemori

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 HAWAI'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):

Date:

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

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.

Date:

JUL 24 2008

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

06/13/2007

7145774119

GE SUPPLY OF



GE Supply

Customer : 15LFR01 K D CONSTRUCTION INC
 City & State : HONOLULU HI

Rep Group : D4 PACIFIC
 Rep : 94 IRV FIETZ

Phone : 714 577-4121
 Fax : 714 577-4119

PURCHASE ORDER NO.	DOC-NBR	DATE	AMOUNT
* HICKAM LOX ✓	126-312568	10/25/2006	\$2,247.41
* 1968-06 WAIPIO LOCK U	126-313315	11/13/2006	\$117.55
* 1977-86 WAIPIO LOCK U	126-313459	11/16/2006	\$848.36
* F1977-06ROGER	126-313500	11/17/2006	\$694.68
* 6003-06X3	126-314023	12/01/2006	\$51.15
* 6003-06X3	126-314009	12/01/2006	\$1,099.91
* 6014-06 ROGER OR CHER	126-314231	12/07/2006	\$234.51
* 6014-06 ROGER OR CHER	126-314225	12/07/2006	\$3,010.28
* 6084-06 05-0023	126-315023	12/28/2006	\$29.65
* 6084-06 05-0023	126-315019	12/28/2006	\$1,276.54
* 1035-07 KANEHOE CENTR	126-315502	01/11/2007	\$12.09
* 1033-07X1...KANEHOE S	126-315501	01/11/2007	\$54.99
* 1037-07 WAIPIO	126-315507	01/11/2007	\$66.47
* 1037-07 WAIPIO	126-315504	01/11/2007	\$255.77
* 3011-07 DAVE ✓	126-315563	01/12/2007	\$744.42
* 3011-07 NA ✓	126-315577	01/12/2007	\$13.52


Total Amount : \$10,757.30

✓ = Sent To Branch Location
 6-13 \$3005.35

EXHIBIT "1"



JUDGMENT

IN THE DISTRICT COURT OF THE FIRST CIRCUIT HONOLULU DIVISION STATE OF HAWAII	
Plaintiff(s) KEMPER INSURANCE COMPANIES	Reserved for Court Use Civil No. 1RC08-1-10346
Defendant(s) KD CONSTRUCTION, INC.	Filing Party/Attorney Name, Attorney Number (if applicable), Address, Telephone and Fax Numbers ROBERT S. HOLLAND #4238 

FILED
 DISTRICT COURT OF
 THE FIRST CIRCUIT
 2009 JAN 26 AM 11:55

JUDGMENT
 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 that Defendant is indebted to Plaintiff.
☐ Other (Specify: _____)
☐ DISMISSED AS TO (LIST DEFENDANTS):

JUDGMENT	
Principal Amount.....	\$ 8,116.20
Interest..... at 10 % from 04/02/03 to 01/20/09	\$ 4,714.07
Attorney's Fees.....	\$ 500.00
Filing Fees.....	\$ 120.00
Service Fees.....	\$ 25.00
Mileage for Service.....	\$ 10.00
Other Costs.....	\$ 0.00
TOTAL JUDGMENT AMOUNT.....	\$ 13,485.27
<input type="checkbox"/> Clerk <input checked="" type="checkbox"/> Judge <i>[Signature]</i>	

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

[Signature] 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.

EXHIBIT "2"



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

FILED
DISTRICT COURT OF
THE FIRST CIRCUIT
[Signature]
2009 AUG -5 P 2:07

Reserved for Court Use

Civil No. **1RC08-1-5447**

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 ☐ 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.....	\$
Attorney's Fees.....	\$ 850.00
Filing Fees.....	\$ 120.00
Service Fees.....	\$ 25.00
Mileage for Service.....	\$
Other Costs.....	\$
TOTAL JUDGMENT AMOUNT.....	\$ 13,131.00

☐ Clerk ☒ Judge *[Signature]*

OK/so

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

[Signature] **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.

EXHIBIT "3"



JUDGMENT

IN THE DISTRICT COURT OF THE FIRST CIRCUIT HONOLULU DIVISION STATE OF HAWAII	
Plaintiff(s) HAWTHORNE MACHINERY CO.	FILED DISTRICT COURT OF THE FIRST CIRCUIT 2009 FEB -4 P 12:48 Reserved for Court Use Civil No. 1RC08-1-10369
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 ☒ 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):**

JUDGMENT	
Principal Amount.....	\$ 9,559.81 ✓
Interest.....	\$ 1,183.84
Attorney's Fees.....	\$ 500.00
Filing Fees.....	\$ 120.00 ✓
Service Fees.....	\$ 25.00 ✓
Mileage for Service.....	\$ 10.00 ✓
Other Costs.....	\$ 0.00
TOTAL JUDGMENT AMOUNT.....	\$ 11,398.65
<input type="checkbox"/> Clerk <input checked="" type="checkbox"/> Judge <i>cmjw</i>	

RECEIVED
DISTRICT COURT OF
THE FIRST CIRCUIT
2009 FEB -3 P 3:21

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

[Signature] **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.

EXHIBIT "4"



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 

FILED
DISTRICT COURT OF
THE FIRST CIRCUIT

2009 FEB -4 A 8:09

Reserved for Court Use

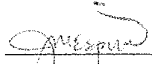
Civil No. 1RC08-1-3700

JUDGMENT

JUDGMENT is entered in favor of ☒ 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):

JUDGMENT	
Principal Amount.....	\$ 4,579.30
Interest at 10 % from 06/28/08 to 01/14/09.....	\$ 250.92
Attorney's Fees.....	\$ 500.00
Filing Fees.....	\$ 120.00
Service Fees.....	\$ 25.00
Mileage for Service.....	\$ 0.00
Other Costs.....	\$ 0.00
TOTAL JUDGMENT AMOUNT.....	\$ 5,475.22
<input type="checkbox"/> Clerk <input checked="" type="checkbox"/> Judge <i>anyu</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**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.

EXHIBIT "5"



JUDGMENT

FILED
DISTRICT COURT OF
THE FIRST CIRCUIT

2000 JAN 16 P 3:02

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

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

Reserved for Court Use

Civil No. **1RC07-1-7744**

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 ☐ 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.....	\$ 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

CMY/so

[Signature]

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.

EXHIBIT "6"



RANDALL Y. C. CHING #973
ERIN L. S. YAMASHIRO #8187
Suite 630 Ocean View Center
707 Richards Street
Honolulu, Hawaii 96813-4623
Telephone: (808) 522-0422

Attorneys for Lienor
ISLAND LIGHTING CO., INC.

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2007 APR 24 AM 11:51

R. HIGA
CLERK

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

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

Clerk, Circuit Court, First Circuit

EXHIBIT "7"

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, APR 19 2007


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
Order of Default

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

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

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


RANDALL Y. C. CHING
ERIN L. S. YAMASHIRO
Attorneys for Lienor
ISLAND LIGHTING CO., INC.



contact the ADA Coordinator at the First Circuit Court
PHONE NO. 539-4333, FAX 539-4322, or TTY 539-4322
days prior to your hearing or appointment date.

Administration Office at
539-4322 at least ten (10) working

STATE OF HAWAII
CIRCUIT COURT OF THE
FIRST CIRCUIT

SUBPOENA
NOTICE TO APPEAR
☒ SUBPOENA DUCES TECUM

CASE NUMBER
M.L. No. 07-1-0022 VSM
(Mechanic's & Materialman's
Lien)

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

LOCK UP-EVERGREEN DEVELOPMENT SERIES, LLC,
et al., Respondents

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

COMMENTS:

Title Guaranty of Hawaii
File No. 405786
Order No. 200709813
TMK No. (1) 9-4-099-022

THE STATE OF HAWAII TO:
ANY OFFICER AUTHORIZED BY LAW TO
SERVE SUBPOENAS IN THE STATE OF HAWAII
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

ATTACH CONTINUATION PAGE IF NEEDED

WITNESS, YOU ARE COMMANDED to appear at the time and place indicated to testify as a witness on behalf of the
☒ PLAINTIFF ☐ 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.

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

DATE ISSUED
MAY 18 2007

CLERK

Clerk, Circuit Court, First Circuit

RETURN OF SERVICE

SERVICE WAS MADE AT:	DATE	TIME	PLACE

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

DATE	NAME OF SERVER	SIGNATURE

H. CHING
CLERK

2007 MAY 18 PM 1:50
ISSUED
FIRST CIRCUIT COURT
STATE OF HAWAII

DISTRIBUTION: ☐ ORIG. AND COPY - SERVING OFFICER, ☐ PLAINTIFF, ☐ DEF., ☐ FILE
1C-P-069

SUBPOENA NOTICE TO APPEAR

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2007 MAY 29 AM 9:08

N. Anaya
N. ANAYA

CLERK

RANDALL Y. C. CHING #973
ERIN L. S. YAMASHIRO #8187
Suite 630 Ocean View Center
707 Richards Street
Honolulu, Hawaii 96813-4623
Telephone: (808) 522-0422

Attorneys for Lienor
ISLAND LIGHTING CO., INC.

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

Compliance Program

Date: _____

Division

I certify that this is a full, true and
correct copy on file in this office.
[Signature]
Clerk, Circuit Court, First Circuit

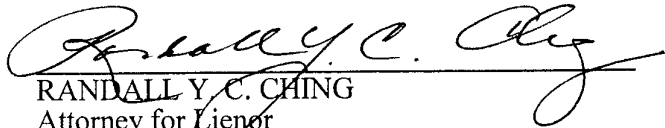
Up Self Storage, Waipahu, Hawaii, and identified as Tax Map Key No. (1) 9-4-099-022

("Property") as provided in the Order Directing Lien to Attach, annexed hereto; and

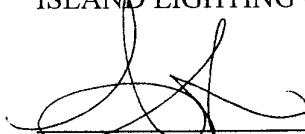
IT IS FURTHER AGREED that this stipulation is made without prejudice to the claims or defenses of any party hereto and shall have no res judicata or collateral estoppel effect.

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


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

RANDALL Y. C. CHING #973
ERIN L. S. YAMASHIRO #8187
Suite 630 Ocean View Center
707 Richards Street
Honolulu, Hawaii 96813-4623
Telephone: (808) 522-0422

Attorneys for Lienor
ISLAND LIGHTING CO., INC.

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

ISLAND LIGHTING CO., INC., a Hawaii corporation,	)	M.L. NO. 07-1-0022 VSM (Mechanic's and Materialman's Lien)
)	
Lienor,	)	ORDER DIRECTING LIEN TO ATTACH; EXHIBIT "A"
)	
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,	)	(This application affects land identified by Tax Map Key No. (1) 9-4-099-022)
	)	<u>HEARING DATE:</u>
	)	DATE: <u>May 25, 2007</u>
	)	TIME: <u>9:30 a.m.</u>
Respondents.	)	JUDGE: <u>Victoria S. Marks</u>
_____)	

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

TMK: (1) 9-4-099-022

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

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2007 MAY 29 AM 9:09

N. ANAYA

CLERK

RANDALL Y. C. CHING #973
ERIN L. S. YAMASHIRO #8187
Suite 630 Ocean View Center
707 Richards Street
Honolulu, Hawaii 96813-4623
Telephone: (808) 522-0422

Attorneys for Lienor
ISLAND LIGHTING CO., INC.

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;

Compliance Program

Date: 5/25/2007

Division

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

1st Circuit Court, First Circuit

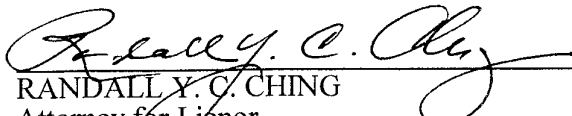
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, pursuant to and in accordance with Hawaii Revised Statutes Chapter 507, a mechanic's and materialman's lien in favor of Lienor ISLAND LIGHTING CO., INC. ("Lienor"), in the principal sum of SIXTY-EIGHT THOUSAND FORTY-FIVE AND NO/100 DOLLARS (\$68,045.00), 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.

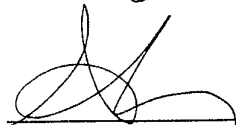
This Order is made without prejudice to the claims or defenses of any party hereto, and shall have no res judicata or collateral estoppel effect.

DATED: Honolulu, Hawaii, MAY 25 2007.


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

TMK: (1) 9-4-099-022

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



ORIGINAL

KOSHIBA 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.

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2007 JUN 18 PM 12:56

F. OTAKE
CLERK

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

Nabota
22nd Division

I, the undersigned, do hereby certify that this is a full, true and
correct copy of the original on file in this office.
[Signature]
Circuit Court, First Circuit

EXHIBIT "8"

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.

DATED: Honolulu, Hawaii, June 13, 2007.



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
	)	(Mechanic's and Materialman's Lien)
Lienor,)	
	)	ORDER DIRECTING LIEN TO ATTACH;
vs.	)	EXHIBIT "A"
)	
KD CONSTRUCTION, INC.,)	
)	
Contractor,)	
)	
and)	
)	
KEKO INVESTMENTS, LLC,)	
)	
General Contractor,)	
)	
and	)	(This application affects land identified by
	)	Tax Map Key No. (1) 9-4-099-022)
BRB DEVELOPMENT LLC,)	
	)	<u>HEARING DATE:</u>
Owner,	)	DATE: May 25, 2007
	)	TIME: 9:00 a.m.
and	)	JUDGE: Sabrina S. McKenna
)	
LOCK UP-EVERGREEN DEVELOPMENT)	
SERIES LLC,)	
)	
Owner.)	
_____)	

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



MARVIN S.C. DANG #2221
JASON M. OLIVER #7621
LILA C.A. KING #7972
JAE B. PARK #8172
Law Offices of Marvin S.C. Dang, LLLC
P.O. Box 4109
Honolulu, Hawaii 96812-4109
Telephone No.: (808) 521-8521

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2007 MAY -7 PM 1:09

F. OTAKE
CLERK

Attorneys for Lienor

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

THYSSENKRUPP ELEVATOR CORPORATION, a Delaware corporation,) M.L. NO. 07-1-0028 EEH AHH
(Mechanic's and Materialman's Lien)
)
Lienor,) ORDER (1) GRANTING LIENOR'S
) APPLICATION FOR MECHANIC'S AND
vs.) MATERIALMAN'S LIEN, AND (2)
) DIRECTING LIEN TO ATTACH TO
LOCK UP-EVERGREEN DEVELOPMENT) PROPERTY; EXHIBIT "A"
(SERIES, LLC, a Delaware limited liability)
company; BRB DEVELOPMENT, LLC, an)
Illinois limited liability company; KD) (This order affects land identified by Tax Map
CONSTRUCTION, INC., a Hawaii corporation;) Key No. (1) 9-4-099:022 and affects Transfer
KEKO INVESTMENTS, LLC, a Hawaii limited) Certificate of Title No. 770,760)
liability company; JOHN DOES 1-5; JANE)
DOES 1-5; DOE CORPORATIONS 1-5; DOE) HEARING:
PARTNERSHIPS 1-5; and DOE)
GOVERNMENTAL ENTITIES 1-5,)
)
Respondents.) DATE: April 17, 2007
) TIME: 9:00 a.m.
) JUDGE: Eden Elizabeth Hifo
)

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

compliance Program

05-04-2007

EXHIBIT "9"

(042407/LAK/ij)

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.

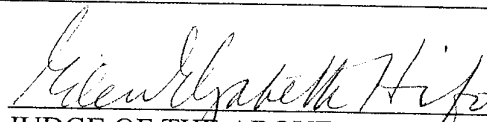
Based on the foregoing findings and conclusions, IT IS ORDERED, ADJUDGED, AND DECREED THAT:

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


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 Ii 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



I hereby certify that this is
a true copy from the records
of the Bureau of Conveyances.

Nick Ann Thompson
Registrar of Conveyances
Assistant Registrar, Land Court
State of Hawaii

20
10



R-738

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
AUG 14, 2009 08:02 AM

Doc No(s) 2009-125818



/s/ NICKI ANN THOMPSON
REGISTRAR

20 3/32 Z12

Reserved for Recording Information

Reserved for Recording Information

After recording, return By Mail ☒

Internal Revenue Service
P O Box 145595
Stop# 8420G Team 203
Cincinnati OH 45250-9734

Document contains pages 2



EXHIBIT "10"

Form 668 (Y)(c) (Rev. February 2004)	3682	Department of the Treasury - Internal Revenue Service Notice of Federal Tax Lien
------------------------------------------------	------	--------------------------------------------------------------------------------------------

Area: SMALL BUSINESS/SELF EMPLOYED AREA #6 Lien Unit Phone: (800) 829-3903	Serial Number 569012909	For Optional Use by Recording Office
----------------------------------------------------------------------------------	----------------------------	--------------------------------------

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**

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1040	12/31/2007	XXX-XX-1702	11/17/2008	12/17/2018	242749.25

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 <i>R. A. Mitchell</i> for MICHAEL W. COX	Title ACS (800) 829-3903 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
 Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Form 668(Y)(c) (Rev. 2-2004)



SATISFACTION OF JUDGMENT;

Form #1DC48

☐ RELEASE OF GARNISHEE(S)FILED
DISTRICT COURT OF
THE FIRST CIRCUIT

2010 FEB 17 P 3:23

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

Reserved for Court Use

Civil No. **1RC08-1-3317**

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
841 Bishop Street, Suite 801
Honolulu, HI 96813
Tel (808)532-1711/Fax (808)532-1705Name of Garnishee(s) to be released:
KD Construction Inc., Daniel ChingDate Garnishee Summons Order Granted:
(If none, date of Garnishee Summons)SATISFACTION OF JUDGMENT
☐ RELEASE OF GARNISHEEThe 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 96819Daniel G.Ching
1015 Pa'apu Street
Honolulu, Hawaii 96819

Date:

FEB. 17, 2010

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

Print/Type Name: JAY T. SUEMORI

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.

SATISRLS.X (Amended 4/18/97)v

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;

Form #1DC48

☐ RELEASE OF GARNISHEE(S)

IN THE DISTRICT COURT OF THE FIRST CIRCUIT HONOLULU DIVISION STATE OF HAWAII		FILED DISTRICT COURT OF THE FIRST CIRCUIT 2009 APR 15 P 3:19 LEGAL DOCUMENTS CLERK E. FUA
Plaintiff(s) KEMPER INSURANCE COMPANIES ✓	Reserved for Court Use	
Defendant(s) KD CONSTRUCTION, INC. <	Civil No. 1RC08-1-10346 ✓	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 was served on the last known address(es) of Judgment Debtor(s) or Judgment Debtor(s)' attorney/☐ Garnishee(s) on 4/13/09 by ☐ Hand-delivery or ☒ Mail, Postage Prepaid, at the following address(es):

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

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

SATISRLS.X (Amended 4/18/97)v

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

1D-P-784



260-20
AFR
BAB**ROECA, LOUIE & HIRAOKA**
A LIMITED LIABILITY LAW PARTNERSHIP, LLP900 Davies Pacific Center
841 Bishop Street
Honolulu, Hawaii 96813-3917
<http://www.rlhlaw.com>Roeca, Louie & Hiraoka, LLP is a Member of the
International Society of Primaries Law FirmsTelephone:
(808) 538-7500Writer's Extension No.
537Writer's e-mail address
aroeca@rlhlaw.comFacsimile:
(808) 521-9648RL&H File No.
260.202Arthur F. Roeca
David M. Louie
Kelsie K. Hiraoka
April Luria
James R. Ferguson
James ShinJodie D. Roeca
Brian A. Bilberry
Jennifer B. Lyons
Norman K. Odani
Rhonda L. ChingCounsel:
Shannon L. Wack

February 10, 2010

Via Facsimile (808) 538-0750Mr. Mervyn Lee
169 S. Kukui Street, Suite 202
Honolulu, Hawai'i 96813Re: 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
Tory's Roofing v. KD Construction, Civil No. 1RC07-1-007744 (2007). *paid*

Per our conversation you indicated you could confirm satisfaction of these judgments by responsive letter correspondence to my attention. Your 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
Brian A. Bilberry

C:\Router\1\afjkk

*Tory's records show no monies owed
by KD Construction.**Mervyn Lee
Attorney for Tory's**March 4, 2010*

EXHIBIT "C"



SATISFACTION OF JUDGMENT;

Form #1DC48

☐ RELEASE OF GARNISHEE(S)

IN THE DISTRICT COURT OF THE FIRST CIRCUIT HONOLULU DIVISION STATE OF HAWAII		FILED DISTRICT COURT OF THE FIRST CIRCUIT 2009 APR 15 P 3:19 LEGAL DOCUMENTS CLERK
Plaintiff(s) HAWTHORNE MACHINERY CO.	Reserved for Court Use	
Defendant(s) KD CONSTRUCTION, INC.	Civil No. 1RC08-1-10369	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 of Judgment was served at the last known address(es) of Judgment Debtor(s) or Judgment Debtor(s)' attorney/☐ Garnishee(s) on 4/13/09 by ☐ Hand-delivery or ☒ Mail, Postage Prepaid, at the following address(es):

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

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

SATISRLS.X (Amended 4/18/97)v

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

EXHIBIT D
 Clerk, District Court of the above Circuit, State of Hawaii'i

1D-P-784



SATISFACTION OF JUDGMENT;

Form #1DC48

☐ RELEASE OF GARNISHEE(S)

IN THE DISTRICT COURT OF THE FIRST CIRCUIT HONOLULU DIVISION STATE OF HAWAI'I		FILED DISTRICT COURT OF THE FIRST CIRCUIT 2009 APR 20 P 3:03 LEGAL DOCUMENTS CLERK <u>E. BARRENO</u>
Plaintiff(s) ROBERT HALF INTERNATIONAL	Reserved for Court Use	
Defendant(s) KD CONSTRUCTION, INC.	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 was 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

Date: 4/16/09 Signature of Filing Party(ies)/Filing Party(ies)' Attorney: [Signature]
 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.

SATISRLS.X (Amended 4/18/97)v

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

1D-P-784



SATISFACTION OF JUDGMENT;

☒ RELEASE OF GARNISHEE(S)

Form #IDC-18

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

2008 MAR 24 P 1:53

Plaintiff(s)

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

LEGAL DOCUMENTS

CLERK S. KAI-FISHER

Reserved for Court Use

Civil No.

LRC07-1-7744

Defendant(s)

KD CONSTRUCTION, INC.,
a Hawaii corporationFiling Party(ies)/Filing Party(ies)' Attorney (Name, Attorney
Number, Firm Name (if applicable), Address, Telephone and
Facsimile Numbers)MERVYN W. LEE 991-0
Suite 202, Civic Center
169 S. Kukui Street
Honolulu, Hawaii 96813
Tel. No. (808) 521-8921
Fax. No. (808) 538-0750

Name of Garnishee(s) to be released:

FIRST HAWAIIAN BANK
2399 Kamehameha Highway, Honolulu, HI 96819Date Garnishee Summons Order Granted:
(If none, date of Garnishee Summons)

March 6, 2008

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 March 20, 2008 by ☐ Hand-delivery or ☒ Mail, Postage Prepaid, at the following address(es):1) KD CONSTRUCTION, INC.
1015 Paapu Street
Honolulu, HI 968192) 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:

Date: March 20, 2008Print/Type Name: Mervyn W. Lee, Attorney for Plaintiff

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.

SATISRL5.X (Amended 4/18/97) v

1D-P-784

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

EXHIBIT "Y"

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



RANDALL Y. C. CHING #973
ERIN L. S. YAMASHIRO #8187
Suite 630 Ocean View Center
707 Richards Street
Honolulu, Hawaii 96813-4623
Telephone: (808) 522-0422

Attorneys for Lienor
ISLAND LIGHTING CO., INC.

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2007 JUL 10 PM 2:27


E. ALAGAO
CLERK

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)

FINAL LIEN RELEASE

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

EXHIBIT "C"

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 Y. 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.

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2008 APR 16 PM 1:18

[Signature]
F. OTAKE
CLERK

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 *[Signature]*
(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

Date: *[Signature]*

[Signature]
22nd Division

EXHIBIT "H"

**STIPULATION FOR DISMISAL 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.

DATED: Honolulu, Hawaii, April 11, 2008.



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

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Attorneys for Lienor

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2007 AUG 16 PM 12:54

I. WONG
CLERK

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.

M.L. NO. 07-1-0028 EEH ^{over}
(Mechanic's and Materialman's Lien)

RELEASE OF MECHANIC'S AND
MATERIALMAN'S LIEN

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/so)

~~Compliance Program~~

Date: _____

5th Division

RECEIVED
FIFTEENTH DIVISION
AUG 14 2007

EXHIBIT "1"

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

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