

STUART H. ODA 1099
Attorney At Law
A Law Corporation
282 Ululani Street
Hilo, HI 96720

Tel. No. 935-3355

Attorney for Plaintiffs

THIRD CIRCUIT COURT
STATE OF HAWAII
FILED

93 OCT 29 PM 3:32

CHARLENE H. OKAWA
CLERK

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

ALOHA ESTATES ASSOCIATION,)
a Hawaii non-profit corporation, et al.,)
)
Plaintiffs,)
)
vs.)
)
ANTONE BORERO, et al.,)
)
Defendants.)
_____)

CIVIL NO. 99-267
(Declaratory Judgment)

NOTICE TO PROPERTY
OWNERS OF ALOHA
ESTATES SUBDIVISION

NOTICE TO PROPERTY OWNERS OF

ALOHA ESTATES SUBDIVISION

Based upon the "Order Granting Motion to Maintain Class Action"
heretofore entered, and it appearing that this action may come within Rule 23, Hawaii
Rules of Civil Procedure, it is

ORDERED that notice be given to all present owners of lots in Aloha
Estates Subdivision, Puna, County and State of Hawaii, of the following:

TO ALL PROPERTY OWNERS IN ALOHA ESTATES SUBDIVI-

I hereby certify that this is a full, true and correct
copy of the original of the foregoing.



Clerk, Third Circuit Court of Hawaii

SION, PUNA, COUNTY AND STATE OF HAWAII:

1. That there is pending in the Circuit Court of the Third Circuit, State of Hawaii, an action entitled Aloha Estates Association, et al., vs. Borero, et al., in Civil No. 99-267.

2. In this action Plaintiffs are requesting:

(a) That the Court declare and order that all lot owners in Aloha Estates Subdivision, Puna, Hawaii, pay road maintenance fees to the Aloha Estates Association.

(b) That any such court order be recordable in the Bureau of Conveyances or Land Court of the State of Hawaii, and;

(c) That Aloha Estates Association be permitted to file and record a lien with the Bureau of Conveyances, or Land Court, State of Hawaii, as the case may be, against the property owners and any and all persons who subsequently refuse to pay road assessment fees pursuant to any court judgment.

(d) That foreclosure actions be permitted against seriously delinquent property owners who fail to pay roadway assessments as they become due.

3. As a property owner, any final judgment by the Court may affect you. If the action is prosecuted to judgment, whether favorable or not to the Plaintiffs, it will finally determine the rights, if any, of all property owners in the subdivision regarding mandatory assessments for roadway maintenance and repairs.

4. Plaintiffs are represented by Stuart H. Oda, whose address is 282 Ululani Street, Hilo, Hawaii 96720. Defendants are not represented by an attorney, but

their names and addresses are:

Antone Borero
P.O. Box 292
Mtn. View, HI 96771

Chad Galante
P.O. Box 5086
Kurtistown, HI 96760

Sonny A. Kaloi
650 Lana St.
Kailua, HI 96734

Mario C. Cabalar
1686 Koele St.
Hilo, HI 96720

Allen Nobriga
74-775 Ulua-Oa St.
Kailua-Kona, HI 96740

Abraham K. Keliipio
P.O. Box 222
Mtn. View, HI 96771

5. If you wish to participate in the pending action, either as a Plaintiff or as a Defendant, you may file an answer or other response and mail the same to the Presiding Judge, Third Circuit Court, 75 Aupuni Street, Hilo, Hawaii 96720 (include the case name and number on all correspondence) as well as to Plaintiffs' attorney above, and all of the Defendants as well.

6. You may seek the services of an attorney regarding the lawsuit at any time if you decide to actively participate as a Plaintiff or Defendant. You are not, however, required to actively participate in the lawsuit in any way. However, a decision by the Court will be binding upon you whether you participate in the lawsuit or not.

7. A hearing has been scheduled for December 7, 1999 at 8:00 a.m., before the Honorable Greg K. Nakamura, at 75 Aupuni Street, Hilo, Hawaii, to provide those wishing to participate an opportunity to personally appear or to file their pleadings before that date. As stated above, you may, but are not required to, appear in person or by way of an answer or other response being filed with the Court and the

parties.

DATED: Hilo, Hawaii OCT 29 1999

JUNETTE M. S. NAKAMURA

CLERK OF THE ABOVE-ENTITLED COURT