



*Leonard G. Horowitz*

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November 7, 2017

KELLY MORAN.  
c/o **HILO BROKERS, LTD. (88877D1)**  
400 HUALANI ST. STE. 296  
Hilo, Hawaii 96720

**Re: NOTICE TO CEASE AND DESIST ADVERTISING PROPERTIES FOR  
SALE PENDING LITIGATIONS AFFECTING (3) 1-3-001:049 and 043—  
located at 13-3775 Pahoa-Kalapana Rd, Pahoa, HI 96778—MLS #: 608840**

Dear Mr. Moran:

It is my understanding that you are marketing, or have contracted to agent the sale, of the Horowitz/Kane properties located at 13-3775 Pahoa-Kalapana Road, Pahoa, HI 96778—TMKs (3) 1-3-001:049 and 043, MLS #: 608840.

It is also my understanding that your listing contract sources from Hilo lawyer, Paul J. Sulla Jr., in the name of his person, and/or Sulla's incorporation, Halai Heights, LLC, and/or Jason Hester—the colored title holder of record pursuant to the 043 property; and that Mr. Sulla is now in possession of these properties.

This NOTICE TO CEASE AND DESIST is provided pursuant to the contested rights to titles to these properties in two related State cases (Civ. No. 05-1-0196 and Civ. No. 14-1-0304, both under civil appeals CAAP 16-0000162 and CAAP 16-0000163, respectively). In these cases Defendants-Appellants Leonard Horowitz et. al. are appealing the lower courts' decisions. In the first filed "162" case foreclosure was DENIED in my favor. Horowitz was originally awarded \$200,000 in damages. However following entry of the February 23, 2009 Amended Final Judgment, that damages award was vacated on "technical grounds" the primary point under appeal. In addition, I am seeking a deficiency judgement for fees and costs in assumpsit. The second case is a quiet title case filed by Mr. Sulla to enforce his subsequent non-judicial foreclosure conducted while the first foreclosure case was lost by his predecessor-in-interest, with deficiencies pending on appeal.

Defendant-Appellants are likely to win these cases on appeal, and in doing so will be seeking return of the subject properties. For this reason it is in your interest to be sure any interested party is fully informed of these pending litigations, and their potential adverse impact on ownership rights.

In addition, Mr. Sulla's interest in these properties, and State court decisions, are being contested in the U.S. District Court in Civ. No. 15 00186 JMS-KJM. That federal proceeding has been administratively stayed awaiting final determinations in the two State cases. That federal proceeding additionally encumbers these property rights.

A lis pendens regarding these matters was filed by me with the Hawaii Bureau of Conveyances on June 6, 2016 (Doc. A-60010681), contested by Mr. Sulla on July 26, 2016 in Civ. No. 16-1-1442-07 VLC, and Mr. Sulla's action was dismissed by the First Circuit Court on July 18, 2017, for being improperly filed. A second lis pendens filed by the exclusive legitimate Warranty Deed holder, THE ROYAL BLOODLINE OF DAVID, was filed with the Hawaii Bureau of Conveyances on November 6, 2017, as Doc. A – 85190826.

Furthermore, your current listing and advertisements misrepresent certain features of the subject property falsely presumed to be included in the sale.

Accordingly, I would like to hear from you what you know, or have been told, by Mr. Sulla, et. al., concerning these matters; if you have a disclosure form for these properties, and whether you are making any inquiring party aware of these circumstances. I would also appreciate you e-mailing me a copy of such disclosure record; and also a statement regarding your disclosure policies and administrative procedures hereto.

Kindly make your associates and affiliates aware of these concerns.

I look forward to receiving your timely reply to this request.

Sincerely yours,

  
Leonard G. Horowitz,  
310-877-3002

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**\$975,000**

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13 3775 Pahoa Kalapana Road  
Pahoa, HI 96778  
4 Beds 4 Baths Single Family House



SELLER'S REPRESENTATIVE



**Kelly Moran, CCIM, ...**  
Hilo Brokers, Ltd

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**13 3775 Pahoa Kalapana Road**

#### About This Home

Unique, Luxury Home with Natural Steam Vents This architect designed 4 bedroom / 4.5 bathroom private residence has 2 volcanic steam vents! A building and benches have been installed - making this your own private sauna! People from around the globe travel to the slopes of Kilauea Volcano to enjoy basking in natural steam vents. Here you have the opportunity to have your own on your private property!...

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#### 13 3775 Pahoa Kalapana Road Features

Price	\$975,000	Bedrooms	4
CC/Maintenance	N/A	Bathrooms	4
Monthly Taxes	\$0		
Listed	72 days ago	Rooms	N/A
Size	3,984 sq. ft.		
		Property Type	Single Family House



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Mailed from 90501 062S0000001311

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PRIORITY MAIL 3-DAY™

LEONARD G HOROWITZ

Expected Delivery Date: 11/13/17

1458 1/2 W 220TH ST

TORRANCE CA 90501-4021

0006

RESTRICTED DELIVERY  
SIGNATURE REQUIRED

C025

SHIP KELLY MORAN

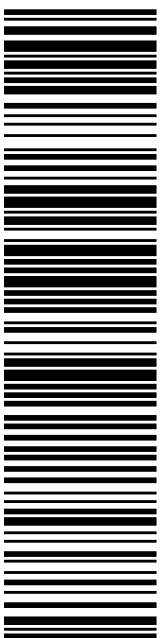
TO: C/O HILO BROKERS, LTD. (88877D1)

400 HUALANI ST

STE 296

HILO HI 96720-6415

USPS SIGNATURE TRACKING #



9489 3036 9930 0000 1121 37

Electronic Rate Approved #038555749

Cut on dotted line.

