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December 12, 2016

Big Island Land Co.

c/o **Lori Enriquez, RS**

and **Greg Gadd R, CCIM, by email and US postal service**

Realtors

59 Manono Street

Hilo, Hawaii 96720

[queenofbenefits@gmail.com](mailto:queenofbenefits@gmail.com)

[greg@bigislandlandcompany.com](mailto:greg@bigislandlandcompany.com)

Re: Status of Pending Litigation Affecting TMK

Dear Mr. Gadd and Ms. Enriguez:

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

Paul J. Sulla Jr., in the name of Jason Hester, has his own surety interest in the property, and now has possession of these properties.

As I believe you are aware the rights to this property are in litigation in two related civil appeals CAAP 16-0000162 and CAAP 16-0000163, in which Defendants-Appellants Leonard Horowitz et. al. are appealing the lower courts’ decisions. In the first filed case (162), foreclosure was denied in favor of Horowitz and Horowitz was originally awarded $200,000 damages. However following entry of the February 23, 2009 Amended Final Judgment, that damages award was subsequently vacated on “technical grounds”. The second case is a quiet title case to enforce a subsequent non-judicial foreclosure filed while the first case was pending on appeal.

In both cases, opposing counsels (Paul Sulla and Stephen Whittaker) filed Motions to Dismiss based on various grounds. The Appellate Court however recently dismissed both motions and opposing counsel are, therefore, preparing their Answering Briefs, now due December 15,, 2016 and January 9, 2017 respectively.

It is my position that 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 this pending litigation, and its potential adverse impact on their potential ownership rights.

In addition, my clients have informed me that they represent themselves pro se in the U.S. District Court in Civ. No. 15 00186 JMS-KJM against Mr. Sulla and Mr. Hester pursuant to matters involving these TMKs. The federal proceedings are administratively stayed at the present time awaiting final determinations in the two State cases. The federal proceedings additionally encumber these property rights.

I would be interested to know 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 sending me a copy of such disclosure form, disclosing your administrative procedures hereto.

Kindly make your associates and affiliates aware of these concerns, and I look forward to receiving your timely reply to this request.

Sincerely,

Margaret Wille,

attorney for Leonard Horowitz and Sherri Kane