

**LAW OFFICE OF
MATSON KELLEY**

24 N. Church St., Ste. 202
Wailuku, Maui, Hawaii 96793
Telephone: (808) 244-4994 • Facsimile: (800) 948-7344

March 6, 2015

Via U.S. Priority Mail With Signature Confirmation and U.S. Mail

Mr. Kirk P Giordano
2318 Eagle Ave
Alameda, CA 94501

Re: Estate of Moana P.M. Ramos
Real Property located at 1020 Hiehie Street, Makawao, Hawaii 96768
Tax map key number (2) 2-4-021-007

Dear Mr. Giordano:

On February 24, 2015 I mailed a letter to you requesting that you cooperate with the redemption of the real property located at 1020 Hiehie Street, Makawao, Hawaii 96768, tax map key number (2) 2-4-021-007 ("Subject Property") in accordance with Maui County Code, § 3.48.270 and the Hawaii Revised Statutes § 246-60. Contained in said demand was the accounting of money due to you to redeem said property, check number 4022 in the amount of \$73,659.77, a Quit Claim Deed, a Conveyance Tax Certificate, and documents pertaining to the redemption. Said letter was sent with signature confirmation requested, and the United States Post Office confirmed that on February 27, 2015 my letter and enclosures were delivered. Pursuant to the letter we requested that cooperate with the redemption and respond to my letter within seven (7) days of your receipt of said letter. As of today I have not received a response from you and my banking institution is not reporting that the deposit of check number 4022. If you have deposited said check, as well as signed and returned the conveyance documents, please disregard this letter.

Please understand that refusing to accept payment is not a valid basis to contest a demand to redeem a property from a tax auction. Accordingly, this is my final demand that you comply with Maui County Code, § 3.48.270 and the Hawaii Revised Statutes ("HRS") § 246-60 by cooperating with the redemption of the Subject Property. Specifically, I am demanding that you sign the conveyance documents (deed and tax conveyance certificate), email (mkelley@matsonkelleylaw.com) or fax (1-800-948-7344) said documents to my office, and return the original documents by March 17, 2015. If I do not receive the faxed and/or emailed copy of the conveyance documents by March 17, 2015, I will notify the bank to place a stop order on check number 4022, and I have been instructed to file a lawsuit in the Second Circuit Court seeking declaratory and injunctive relief from the Court, i.e. that the Court enter an order prohibiting you from interfering with the redemption of the Subject Property and if necessary having the court of the clerk sign the conveyance documents on your behalf. Furthermore, I will be paying the redemption funds totaling \$73,659.77 to the Second Circuit Court and will request

Exhibit D

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that all of my legal fees incurred in said lawsuit pursuant to HRS § 607-14.5 (a) be paid from said redemption funds prior to the distribution of the remaining proceeds to you from said account. Please understand that if you pursue this course of action, the fees and costs will be considerable and you will likely not recover the full \$65,100 that you paid to purchase the property at the tax auction, let alone the interest accruing thereon. Accordingly, this is our last demand that you cooperate with the redemption of the Subject Property. Thank you in advance for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matson Kelley". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

Matson Kelley
Attorney at Law