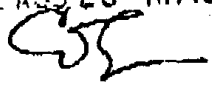


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C. OKAWA, CLERK
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Attorneys for Plaintiff
PELE DEFENSE FUND

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAII

PELE DEFENSE FUND,
Plaintiff,

vs.

THE ESTATE OF JAMES CAMPBELL,
DECEASED; W.H. MCVAY AND P.R.
CASSIDAY, in their fiduciary capacity as
Trustees under the Will and the Estate of
James Campbell,
Defendants.

CIVIL NO. 89-089 (Hilo)
(Declaratory Judgment/Injunction)

FINAL JUDGMENT;
EXHIBITS "A" AND "B"

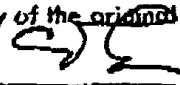
Trial Date: August 2, 1994
Judge: Hon. Riki May Amano

FINAL JUDGMENT

Pursuant to the Findings of Fact and Conclusions of Law entered herein on

AUG 26 2002, this court hereby enters JUDGMENT finally resolving all claims as to all

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



Clerk, Third Circuit Court, State of Hawaii

parties in favor of Plaintiff Pele Defense Fund (hereinafter PDF) and against the Estate of James Campbell as follows:

1. The Estate of James Campbell, its Trustees and each of their respective agents, employees, officers, heirs, personal representatives, successors, assigns, and beneficiaries, including successors in interest to 27,785.89 acres of land situate in the Puna District of the County of Hawai'i, State of Hawai'i (hereafter, the "land"), as described in the attached Exhibit "A", are permanently enjoined from excluding the following persons from entering the undeveloped portions of the land and using the developed portion for reasonable access to the undeveloped portions, (the developed areas are defined on Exhibit B attached hereto), to perform customarily and traditionally exercised subsistence and cultural practices:

- (a) Hawaiian subsistence or cultural practitioners who are descendants of the inhabitants of the Hawaiian Islands prior to 1778;
- (b) Person or persons accompanying Hawaiian subsistence or cultural practitioners described in (a), or
- (c) Persons related by blood, marriage or adoption to Hawaiian subsistence or cultural practitioners described in (a).

2. For purposes of liability, all persons listed above are not invitees of the owner of the land.

3. Notwithstanding that this judgment includes a "permanent" injunction, the Estate of James Campbell and successor owners of the land, are not barred from and may seek to develop the undeveloped portions of the land consistent with applicable law; and PDF may oppose further development by lawful means.

4. The owner of the land shall give PDF notice of any and all proposed future development prior to application for any state or county permits, or the initiation of any development-related activity that does not require such permits. On January 1 of each calendar year, PDF shall inform the owner of the land of the name(s) and address of its designated officer(s) for purposes of this notice.

5. PDF shall submit a monitoring plan consistent with this Judgment to the owner of the land within six (6) months after entry of this Judgment. If the parties are unable to agree on the terms of the monitoring plan, either one or both parties may request Court instructions.

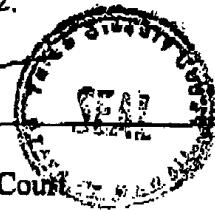
6. The Court shall retain jurisdiction to enforce this Judgment and the permanent injunction. If enforcement is necessary, any party in violation of the terms herein may be subject to contempt of court and sanctions, including but not limited to the payment of costs and reasonable attorneys' fees.

7. This judgment constitutes the final resolution of the all claims against all parties. There are no other outstanding claims or defenses which have been left unresolved.

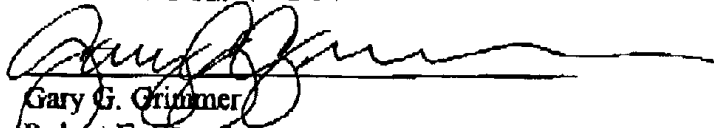
DATED: Hilo, Hawaii, _____, 2002.



Riki May Amaho
Judge of the above-entitled Court



APPROVED AS TO FORM:



Gary G. Grimmer
Robert E. Strand

Attorneys for Defendant Trustees of the
Campbell Estate
1470125.7