

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

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N. ANAYA
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Attorney for Petitioner

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

IN THE MATTER OF THE TRUST)	S.P. NO. <u>90-0003</u>
CREATED BY THE WILL)	
)	PETITION TO ASCERTAIN
OF)	BENEFICIARIES; EXHIBIT A
)	
GEORGE GALBRAITH,)	
)	
Deceased.)	

PETITION TO ASCERTAIN BENEFICIARIES

I. Petitioner, Hawaiian Trust Company, Limited, a Hawaii corporation, is the trustee of the trust (the "Trust") created by the will and codicils of George Galbraith, deceased, which were admitted to probate by the Circuit Court of the First Judicial Circuit, Territory of Hawaii, in a proceeding designated as P. No. 3732 (the "Will"). (A printed copy of the text of the Will is annexed hereto as Exhibit A.)

II. The principal place of administration of the Trust is in the City and County of Honolulu, State of Hawaii,

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

N. Anaya
Clerk, Circuit Court, First Circuit

inasmuch as Petitioner's usual place of business is there and the records pertaining to the Trust are kept there.

III. Petitioner has registered the Trust in the Circuit Court of the First Circuit, State of Hawaii, as Tr. No. 88-0013, and, accordingly, venue for this proceeding is in this judicial circuit.

IV. In the Will, George Galbraith directed Petitioner to devote Trust income toward the payment of specified annuities for 48 designated persons (the "Individual Original Annuitants") and to a designated institution.

V. In most instances, the Will provided that, after the death of an Individual Original Annuitant, the annuity for that person would be paid to the heirs of that Individual Original Annuitant, but in four instances the Will provided that, upon the death of the Individual Original Annuitant, the annuity for that person would not pass to anyone.

VI. Each of the four annuities which the Will provided would be payable only for the lives of certain specified Individual Original Annuitants terminated upon the respective deaths of the four Individual Original Annuitants in question; another annuity terminated when one of the Individual Original Annuitants died without heirs; and the annuity for a designated institution never came into existence, because there was no such institution.

VII. A total of \$7,500 in annuities is still payable each year among more than 260 annuitants.

VIII. According to the Will, the Trust is to continue "for as long a period as is legally possible, the termination or ending . . . to take place when the law requires it," and "[o]n the final ending and distribution of the [T]rust, the trust fund [is] to be divided equally amongst those persons entitled at that time to the aforementioned annuities."

IX. The Supreme Court of the United States, in Fitchie v. Brown, 211 U.S. 321 (1908), held that the Trust will terminate 21 years after the death of the last of the Individual Original Annuitants to die.

X. The Supreme Court of Hawaii, in Hawaiian Trust Co. v. Galbraith, 22 Haw. 78 (1914), held that, in ascertaining who, upon the death of an Individual Original Annuitant, succeeds to the annuity being paid to that Individual Original Annuitant under the Will, the heirs of that Individual Original Annuitant are to be determined in accordance with the law of Hawaii.

XI. The Supreme Court of Hawaii, in Hawaiian Trust Co. v. McMullan, 23 Haw. 685 (1917), held (i) that an annuity being paid to an Individual Original Annuitant under the Will passes upon the death of that person to his or her heirs, for the remainder of the period during which the Trust continues, (ii) that, if an heir of an Individual Original Annuitant dies

prior to the termination of the Trust and still owns an interest in the annuity at the time, that interest will pass either to that person's heirs (if he or she dies without a will) or to the legatees under that person's will (if he or she leaves a will), and (iii) that such person's heirs or legatees are to be determined by the law of the jurisdiction in which such person is domiciled at death.

XII. The Supreme Court of Hawaii, in Hawaiian Trust Co. v. Galbraith, 25 Haw. 174 (1919), held that the interest in an annuity under the Will which passes to an heir of an Individual Original Annuitant passes to that heir in fee simple, so that the heir has the right to dispose of the interest by will or assignment.

XIII. In the Will, George Galbraith provided that "the five children of Robert William Cathcart, . . . Heleualani, Helen Mary, William Andrew Poaha, Edwin, and Arthur," were each to receive annual payments of \$50 a year for life, with their respective heirs to succeed to their interests in such annuities on the deaths of each of those five Individual Original Annuitants.

XIV. Arthur Cathcart died on or about April 26, 1986, and he was domiciled in Hawaii at that time.

XV. In accordance with the Will and the decisions of the Supreme Court of Hawaii in Hawaiian Trust Co. v. Galbraith, 22 Haw. 78 (1914), Hawaiian Trust Co. v. McMullan, 23

Haw. 685 (1917), and Hawaiian Trust Co. v. Galbraith, 25 Haw. 174 (1919), the \$50 annuity in which Arthur Cathcart owned a life interest as an Individual Original Annuitant under the Will passed upon his death to his heirs, in fee simple, determined in accordance with the law of Hawaii as it stood at the time of Arthur Cathcart's death.

XVI. At the time of Arthur Cathcart's death, section 560:2-102(1) of the Hawaii Revised Statutes (1985) provided that, if a man died intestate, if none of his issue and parents survived him and if he had a wife who survived him, the decedent's entire intestate estate passed to his surviving spouse; at the time of Arthur Cathcart's death, section 560:2-102(2) of the Hawaii Revised Statutes (1985) provided that, if a man died intestate, if one or more of his issue and parents survived him and if he had a wife who survived him, half of the decedent's intestate estate passed to his surviving spouse; and at the time of Arthur Cathcart's death, section 560:2-103 of the Hawaii Revised Statutes (1985) provided that any part of a decedent's intestate estate which did not pass to the decedent's spouse under section 560:2-102 passed (i) to the issue of the decedent, if he left any who survived him, (ii) to the decedent's parent or parents, if either of them survived the decedent and the decedent left no issue who survived him, or (iii) to the issue of the decedent's parents or either of them (those of the same degree of

kinship to the decedent to take equally, but, if of unequal degree, those of more remote degree to take by representation), if the decedent left no issue or parent who survived him.

XVII. At the time of Arthur Cathcart's death, section 560:2-107 of the Hawaii Revised Statutes (1985) provided that, in general, a decedent's relatives of the half blood were to inherit from the decedent the same shares they would have inherited if they had been relatives of the whole blood.

XVIII. At the time of Arthur Cathcart's death, section 560:2-109 of the Hawaii Revised Statutes (1985) provided that, if, for purposes of intestate succession, a relationship of parent and child had to be established to determine succession by, through or from a person, (i) an adopted person generally was regarded as the child of an adopting parent and not of the maternal parents, and (ii) in all other cases, a person was regarded as the child of those persons specified in section 584-1 of the Hawaii Revised Statutes (1985).

XIX. At the time of Arthur Cathcart's death, section 584-1 of the Hawaii Revised Statutes (1985) provided that, as used in chapter 584 of the Hawaii Revised Statutes (1985), "'parent and child relationship' includes the legal relationship existing between a child and the child's natural mother, between a child and father whose relationship as parent and child is established under this chapter, or between a child

and the child's adoptive parents, incident to which the law confers or imposes rights, privileges, duties, and obligations."

XX. Arthur Cathcart, who was also known as Arthur K. Cathcart, left a will dated October 25, 1983, which was admitted to probate by the Circuit Court of the Second Circuit, State of Hawaii, in a proceeding designated as P. No. 86-0072-3, and in that will Arthur Cathcart stated that he was divorced and unmarried when he made his will and that, by his former wife, he had had a son who had "since been adopted."

XXI. Despite the efforts it has made, Petitioner has been unable to determine whether Arthur Cathcart in fact was ever married, whether (assuming that he was married) he in fact was ever divorced, whether (assuming that he was not divorced) his wife survived him, or what the name and address of his wife are (assuming that she is still living).

XXII. Despite the efforts it has made, Petitioner has been unable to determine whether Arthur Cathcart in fact ever had a child, whether (assuming that he did have a child) the child in fact was ever adopted by some other person, whether (assuming that the child was not adopted by some other person) the child survived Arthur Cathcart, what the name and address of the child are (assuming that the child is still living), whether (assuming that the child was not adopted by some other person, but predeceased Arthur Cathcart) the child left any

issue who survived Arthur Cathcart, or what the name(s) and address(es) of such issue are (assuming that any such issue survived Arthur Cathcart and are still living).

XXIII. (A) Petitioner has been informed that Arthur Cathcart's father Robert William Cathcart fathered one (and only one) child by Keolamauloa Pakalaka, viz., Abel Kamai Cathcart, Sr., and that Abel Kamai Cathcart, Sr. was never adopted by anyone.

(B) To the best of Petitioner's knowledge and belief, Robert William Cathcart and Keolamauloa Pakalaka were never married.

(C) To the best of Petitioner's knowledge and belief, Abel Kamai Cathcart, Sr. died on or about December 11, 1956.

(1)(a) Petitioner has been informed that Abel Kamai Cathcart, Sr. fathered five (and only five) children by Emily Lani, viz., Raymond Cathcart (also known as William Lani Cathcart), Joseph Cathcart (also known as Joseph U. Cathcart), Louise Hattie Cathcart Talolo, Emily Keolamauloa Meyer and Josephine Kamaka Cathcart Wilson, and that none of those children has ever been adopted by anyone.

(b) Despite the efforts it has made, Petitioner has been unable to determine whether Abel Kamai Cathcart, Sr. and Emily Lani were ever married.

(c) To the best of Petitioner's knowledge and belief, Raymond Cathcart died on or about July 6, 1980, Louisa Hattie Cathcart Talolo died on or about January 25, 1978, and Joseph Cathcart, Emily Keolamauloa Meyer and Josephine Kamaka Cathcart Wilson are still living.

(1) (1) To the best of Petitioner's knowledge and belief, Raymond Cathcart and Maizie Nelson were married on or about July 19, 1933.

(2) Petitioner has been informed that Raymond Cathcart had two (and only two) children by Maizie Nelson Cathcart, viz., William Randolph Lani and Emily Aloha Lani, and that neither of those children has ever been adopted by anyone.

(3) To the best of Petitioner's knowledge and belief, Raymond Cathcart and Maizie Nelson Cathcart were divorced in or about 1944.

(4) To the best of Petitioner's knowledge and belief, Raymond Cathcart and Marian Schiro Miller were married on or about March 1, 1954.

(5) Petitioner has been informed that Raymond Cathcart had one (and only one) child by Marian Cathcart, viz., Randall Stephen Lani, and that Randall Stephen Lani has never been adopted by anyone.

(6) To the best of Petitioner's knowledge and belief, William Randolph Lani, Emily Aloha Lani and Randall Stephen Lani are still living.

(ii) (1) Petitioner has been informed that Louisa Hattie Cathcart Talolo had ten (and only ten) children during her lifetime, viz., Lorelei Haunani Anahu Kiaaaina, Gerald Israel Cathcart Anahu, Abraham Kahulilani Hobbs, Glorias Faith Mililani Kaylor, Jack K. James Hobbs, Jr., Radiant Kehaulani-o-Haleakala Chase, Hale Harriet Estrella, Joan Puanani Talolo Martinez, John Kaehuokekai Lewis and Gaylord Piilani Lewis, and that none of those children has ever been adopted by anyone.

(2) To the best of Petitioner's knowledge and belief, Jack K. James Hobbs, Jr. died on or about May 3, 1979 and Lorelei Haunani Anahu Kiaaaina, Gerald Israel Cathcart Anahu, Abraham Kahulilani Hobbs, Glorias Faith Mililani Kaylor, Radiant Kehaulani-o-Haleakala Chase, Hale Harriet Estrella, Joan Puanani Talolo Martinez, John Kaehuokekai Lewis and Gaylord Piilani Lewis are still living.

(3) (a) To the best of Petitioner's knowledge and belief, Jack K. James Hobbs, Jr. and Wanda Li Kaapuni Halama were married on or about July 6, 1959.

(b) Petitioner has been informed that Jack K. James Hobbs, Jr. had three (and only three) children by Wanda Li Kaapuni Halama Hobbs, viz., Roger

Kimo Hobbs, Jack K. James Hobbs, III and Weena Leilani Hobbs, and that none of those children has ever been adopted by anyone.

(c) To the best of Petitioner's knowledge and belief, Roger Kimo Hobbs, Jack K. James Hobbs, III and Weena Leilani Hobbs are still living.

(2)(a) To the best of Petitioner's knowledge and belief, Abel Kamai Cathcart, Sr. and Elizabeth Kupahulani Ana were married on or about August 10, 1912.

(b) Petitioner has been informed that Abel Kamai Cathcart, Sr. had eleven (and only eleven) children by Elizabeth Ana Cathcart, viz., Florence Kalani Cathcart, Abel Kamai Cathcart, Jr., Victor Ana Cathcart, Helene Madeline Cathcart Akaka, Sarah Sheba Cathcart Gibson, Donald Israel Cathcart, Lei Lehua Ruby Cathcart Conrad, Glorious Leimomi Cathcart Dowson, Jacob Mercy Cathcart, Rose Joy Cathcart Davidson and Matthew Elah Cathcart, and that none of those children has ever been adopted by anyone.

(c) To the best of Petitioner's knowledge and belief, Abel Kamai Cathcart, Jr. died on or about March 11, 1957, Victor Ana Cathcart died on or about November 4, 1918, Helene Madeline Cathcart Akaka died on or about November 8, 1943, Sarah Sheba Cathcart Gibson died in September of 1989, and Florence Kamai Cathcart, Donald Israel Cathcart, Lei Lehua Ruby Cathcart Conrad, Glorious Leimomi Cathcart

Dowson, Jacob Mercy Cathcart, Rose Joy Cathcart Davidson and Matthew Elah Cathcart are still living.

(d) Petitioner has been informed that none of Abel Kamai Cathcart, Jr., Victor Ana Cathcart and Helene Madeline Cathcart Akaka had any issue.

(e)(i) To the best of Petitioner's knowledge and belief, Sarah Sheba Cathcart and Wilbur Cochran Gibson were married on or about October 7, 1944, were subsequently divorced, and were remarried on or about December 22, 1961.

(ii) Petitioner has been informed that Sarah Sheba Cathcart Gibson had four (and only four) children during her lifetime, viz., Mililani Joy Cathcart Edmunds, Scott Cochran Gibson, Pamela Sarah Wolfe and Deborah Lois Gibson, and that none of those children (with the possible exception of Mililani Joy Cathcart Edmunds) has ever been adopted by anyone.

(iii) To the best of Petitioner's knowledge and belief, Mililani Joy Cathcart Edmunds, Scott Cochran Gibson, Pamela Sarah Wolfe and Deborah Lois Gibson are still living.

(iv) To the best of Petitioner's knowledge and belief, Wilbur Cochran Gibson died on or about June 19, 1963, and Sarah Sheba Cathcart Gibson was unmarried at the time of her death.

(v) To the best of Petitioner's knowledge and belief, there is no duly appointed personal representative of Sarah Sheba Cathcart Gibson.

(vi) Petitioner has been informed that Mililani Joy Cathcart Edmunds was adopted by Abel Kamai Cathcart, Sr. in or about 1941.

XXIV. (A) Petitioner has been informed that Arthur Cathcart's father Robert William Cathcart fathered three (and only three) children by Kina Kahooilimoku, viz., Heleualani Eva Cathcart Yonge, Louisa Kapehe Cathcart Harris and Helen Mary K. Cathcart McPherson, and that none of them has ever been adopted by anyone.

(B) To the best of Petitioner's knowledge and belief, Robert William Cathcart and Kina Kahooilimoku were never married.

(C) To the best of Petitioner's knowledge and belief, Heleualani Eva Cathcart Yonge died on or about August 25, 1959, Louisa Kapehe Cathcart Harris died on or about April 6, 1955, and Helen Mary K. Cathcart McPherson died on or about August 19, 1962.

(1) Petitioner has been informed that Heleualani Eva Cathcart Yonge had three (and only three) children during her lifetime, viz., Marguerite Yonge Shipp, Helen Mililani Yonge Lind and James Peterson Yonge, that none of those

children has ever been adopted by anyone, and that all of them are still living.

(2) (a) Petitioner has been informed that Louisa Kapehe Cathcart Harris had five (and only five) children during her lifetime, viz., Emma Kahelelani Harris Puaa, Rebecca Eliza Harris, Arthur Clarence Harris, Harry Noble Harris, Jr. and Rebecca K. Harris Leong, and that none of those children has ever been adopted by anyone.

(b) To the best of Petitioner's knowledge and belief, Emma Kahelelani Harris Puaa died on or about November 13, 1987, Rebecca Eliza Harris died on or about July 1, 1915, Rebecca K. Harris Leong died on or about October 28, 1967, and Arthur Clarence Harris and Harry Noble Harris, Jr. are still living.

(c) (i) To the best of Petitioner's knowledge and belief, Emma Kahelelani Harris and Alexander K. Puaa, Sr. were married on or about March 13, 1934, and were still married at the time of the death of Emma Kahelelani Harris Puaa.

(ii) Petitioner has been informed that Emma Kahelelani Harris Puaa had four (and only four) children during her lifetime, viz., Richard K. Puaa, Alexander Kapahi Puaa, Jr., Harry Noble Harris Puaa and Arthur Clarence Puaa, and that none of those children has ever been adopted by anyone.

(iii) To the best of Petitioner's knowledge and belief, Alexander K. Puaa, Sr., Richard K. Puaa, Alexander Kapahi Puaa, Jr., Harry Noble Harris Puaa and Arthur Clarence Puaa are still living.

(iv) To the best of Petitioner's knowledge and belief, there is no duly appointed personal representative of Emma Kahelelani Harris Puaa.

(d) To the best of Petitioner's knowledge and belief, Rebecca Eliza Harris never had any issue.

(e) (1) Petitioner has been informed that Rebecca K. Harris Leong had four (and only four) children during her lifetime, viz., Amy Lou Leong Tibayan, Timmy Leong, Ann Lei Leong and Victor Andrew Leong, and that none of those children as ever been adopted by anyone.

(ii) To the best of Petitioner's knowledge and belief, Amy Lou Leong Tibayan, Timmy Leong, Ann Lei Leong and Victor Andrew Leong are still living.

(3) (a) Petitioner has been informed that Helen Mary K. Cathcart McPherson had four (and only four) children during her lifetime, viz., John Adrian McPherson, George Henry McPherson, Alvin Randall McPherson and Robert Malcolm McPherson, and that none of those children has ever been adopted by anyone.

(b) To the best of Petitioner's knowledge and belief, John Adrian McPherson died on or about December 25, 1987, George Henry McPherson died on or about May 16, 1987, Alvin Randall McPherson died on or about December 15, 1985, and Robert Malcolm McPherson is still living.

(c) (i) To the best of Petitioner's knowledge and belief, John Adrian McPherson and Kalikookalani H. McPherson were married at the time of his death.

(ii) To the best of Petitioner's knowledge and belief, John Adrian McPherson never had any issue.

(iii) To the best of Petitioner's knowledge and belief, Kalikookalani H. McPherson is still living.

(iv) To the best of Petitioner's knowledge and belief, there is no duly appointed personal representative of John Adrian McPherson.

(d) (i) To the best of Petitioner's knowledge and belief, George Henry McPherson was unmarried at the time of his death.

(ii) Petitioner has been informed that George Henry McPherson had two (and only two) children during his lifetime, viz., Howard Gordon McPherson and Michael MacKenzie McPherson, and that neither of those children has ever been adopted by anyone.

(iii) To the best of Petitioner's knowledge and belief, Howard Gordon McPherson and Michael MacKenzie McPherson are still living.

(iv) To the best of Petitioner's knowledge and belief, there is no duly appointed personal representative of George Henry McPherson.

(e)(i) To the best of Petitioner's knowledge and belief, Alvin Randall McPherson and Margaret Elizabeth Yeomans were married on or about January 15, 1941, and the marriage was terminated by Alvin Randall McPherson's death.

(ii) Petitioner has been informed that Alvin Randall McPherson had one (and only one) child by Margaret Elizabeth McPherson, viz., Judith Aileen McPherson Kennard, and that Judith Aileen McPherson Kennard has never been adopted by anyone.

(iii) To the best of Petitioner's knowledge and belief, Judith Aileen McPherson Kennard is still living.

XXV. (A) Petitioner has been informed that Robert William Cathcart and Ellen Poaha were married.

(B) Petitioner has been informed that Robert William Cathcart had four (and only four) children by Ellen Poaha Cathcart, viz., William Andrew Poaha Cathcart, Edwin Cathcart, Arthur Cathcart and Harold Cathcart, that none of

those children has ever been adopted by anyone and that Ellen Poaha Cathcart never had any children other than those four.

(C) To the best of Petitioner's knowledge and belief, William Andrew Poaha Cathcart died on or about September 2, 1965, Edwin Cathcart died on or about October 6, 1919, and Harold Cathcart is still living.

(1)(a)(i) Petitioner has been informed that William Andrew Poaha Cathcart fathered one (and only one) child by Annie De Mello, viz., Donald Herbert Gomes.

(ii) To the best of Petitioner's knowledge and belief, William Andrew Poaha Cathcart and Annie De Mello were never married.

(b)(i) To the best of Petitioner's knowledge and belief, William Andrew Poaha Cathcart and Charlotte Martha Kaanohiokala Victor (also known as Martha Kaanohiokala Victor, Martha Kaanohiokala Kaapa, Charlotte Kaapa, Charlotte Kaapa Hall and Charlotte Martha K. Perry) were married on or about January 15, 1921.

(ii) Petitioner has been informed that three children were born to Charlotte Martha Victor Cathcart during her marriage to William Andrew Poaha Cathcart, viz., Edwin Andrew Poaha Cathcart, Charlotte Leimakani Cathcart and Yvonne Cathcart Notley, and that none of those children has ever been adopted by anyone.

(c) To the best of Petitioner's knowledge and belief, Edwin Andrew Poaha Cathcart, Charlotte Leimakani Cathcart and Yvonne Cathcart Notley are still living, but, despite the efforts Petitioner has made, Petitioner has been unable to determine whether Donald Herbert Gomes survived Arthur Cathcart or whether Donald Herbert Gomes is still living.

(2) Petitioner has been informed that Edwin Cathcart never had any issue.

XXVI. Petitioner is in doubt as to (i) the persons who were the heirs of Arthur Cathcart, determined under the law of Hawaii, (ii) the persons who, as such heirs, succeeded as beneficiaries to Arthur Cathcart's \$50 annuity under the Will upon Arthur Cathcart's death, and (iii) the sizes of the respective shares of that annuity received by those persons upon the death of Arthur Cathcart.

XXVII. Petitioner requires decisions by this Court with respect to the questions set out in paragraph XXVI hereof, in order to enable Petitioner to pay to the correct people the amounts which they become entitled to receive from time to time as the successors in interest to the \$50 annuity in which Arthur Cathcart had a life estate at the time of his death.

XXVIII. To the best of Petitioner's knowledge and belief, the names and addresses of the people who are or may be interested persons with respect to this proceeding, within the

meaning of sections 560:1-201(24), 560:1-403(3) and 560:7-206
of the Hawaii Revised Statutes (1985), are:

William Randolph Lani
1103 Acacia Road, #304
Pearl City, Hawaii 96782

Emily Aloha Lani
c/o William Randolph Lani
1103 Acacia Road, #304
Pearl City, Hawaii 96782

Randall Stephen Lani
7812 Virtue Vista Drive
Riverside, California 92509

Joseph Cathcart
78-6633 Mamalahoa Highway
Holualoa, Hawaii 96725

Lorelei Haunani Anahu Kiaaina
Apartment 501
3030 Ala Ilima Street
Honolulu, Hawaii 96818

Gerald Israel Cathcart Anahu
c/o Haunani Kiaaina
Apartment 501
3030 Ala Ilima Street
Honolulu, Hawaii 96818

Abraham Kahulilani Hobbs
737-B Lukepane Avenue
Honolulu, Hawaii 96816

Glorias Faith Mililani Kaylor
Apartment 401
1121 Ala Napunani Street
Honolulu, Hawaii 96818

Roger Kimo Hobbs
89-366 Palikea Street
Waianae, Hawaii 96792

Jack K. James Hobbs, III
89-366 Palikea Street
Waianae, Hawaii 96792

Weena Leilani Hobbs
89-366 Palikea Street
Waianae, Hawaii 96792

Radiant Kehaulani-o-Haleakala Chase
98-1090-B Komo Mai Drive
Aiea, Hawaii 96701

Joan Puanani Talolo Martinez
Apartment 501
1121 Ala Napunani Street
Honolulu, Hawaii 96818

John Kaehuokekai Lewis
94-975 Kahuamoku Place, #2
Waipahu, Hawaii 96797

Gaylord Piilani Lewis
89-564 Farrington Highway
Waianae, Hawaii 96792

Emily Keolamauloa Meyer
c/o Yola Meyer Forbes
Box 187
Hoolehua, Hawaii 96729

Josephine Kamaka Cathcart Wilson
c/o Yola Meyer Forbes
Box 187
Hoolehua, Hawaii 96729

Florence Kalani Cathcart
c/o Elizabeth Hyatt
8755 Shoreham Drive, #203
West Hollywood, California 90069

Mililani Joy Cathcart Edmunds
2643 Calle Martos
Duarte, California 91010

Scott Cochran Gibson
604 Ulumalu Street
Kailua, Hawaii 96734

Pamela Sarah Wolfe
3328 Martha Street
Honolulu, Hawaii 96815

Deborah Lois Cuseo
3819-A Sierra Drive
Honolulu, Hawaii 96816

Donald Israel Cathcart
7576 Oakwood Avenue
Hesperia, California 92345

Lei Lehua Ruby Cathcart Conrad
c/o EMCO
841 Mapunapuna Street
Honolulu, Hawaii 96819

Glorious Leimomi Cathcart Dowson
855 Makahiki Way, #402
Honolulu, Hawaii 96826

Jacob Mercy Cathcart
98-316 Paleo Way
Aiea, Hawaii 96701

Rose Joy Cathcart Davidson
44-425 Kaneohe Bay Drive
Kaneohe, Hawaii 96744

Matthew Elah Cathcart
94-979 Ka'aholo Street
Waipahu, Hawaii 96797-4623

Marguerite Yonge Shipp
Box 394
Portola, California 96122

Helen Mililani Yonge Lind
934 Kealaolu Avenue
Honolulu, Hawaii 96816

James Peterson Yonge
Box 1211
Portola, California 96122

Richard K. Puaa
c/o Alexis P. Puaa
94-1097 Lumiaina Street
Waipahu, Hawaii 96797

Alexander Kapahi Puaa, Jr.
c/o Alexis P. Puaa
94-1097 Lumiaina Street
Waipahu, Hawaii 96797

Harry Noble Harris Puaa
c/o Alexis P. Puaa
94-1097 Lumiaina Street
Waipahu, Hawaii 96797

Arthur Clarence Puaa
c/o Alexis P. Puaa
94-1097 Lumiaina Street
Waipahu, Hawaii 96797

Alexander K. Puaa, Sr.
c/o Alexis P. Puaa
94-1097 Lumiaina Street
Waipahu, Hawaii 96797

Arthur Clarence Harris
94-129 Leokane Street
Waipahu, Hawaii 96797

Harry Noble Harris, Jr.
45-140 Kahanahou Circle
Kaneohe, Hawaii 96744

Amy Lou Leong Tibayan
c/o Arthur Harris
94-129 Leokane Street
Waipahu, Hawaii 96797

Timmy Leong
c/o Arthur Harris
94-129 Leokane Street
Waipahu, Hawaii 96797

Ann Lei Leong
c/o Arthur Harris
94-129 Leokane Street
Waipahu, Hawaii 96797

Victor Andrew Leong
c/o Arthur Harris
94-129 Leokane Street
Waipahu, Hawaii 96797

Kalikookalani H. McPherson
1758 Paula Drive
Honolulu, Hawaii 96816

Howard Gordon McPherson
1416 Oxford Street
Berkeley, California 94709

Michael MacKenzie McPherson
4511 S.W. Lakeview Boulevard
Lake Oswego, Oregon 97035

Judith Aileen McPherson Kennard
c/o Margaret E. McPherson
1840 Stevenson Ct.
Napa, California 94558

Robert Malcolm McPherson
703 Crown Ridge Drive
Colorado Springs, Colorado 80904

Edwin Andrew Poaha Cathcart
910 Fifth Avenue
Honolulu, Hawaii 96816

Charlotte Leimakani Cathcart
3425 Loulu Street
Honolulu, Hawaii 96822

Yvonne Cathcart Notley
47-420 Hui Iwa Street
Kaneohe, Hawaii 96744

Harold Cathcart
1515 Kupau Street
Kailua, Hawaii 96734

XXIX. Although Petitioner has exercised reasonable diligence in attempting to ascertain the addresses of Hale Harriet Estrella and Donald Herbert Gomes, who are or may be interested persons with respect to this proceeding, within the meaning of sections 560:1-201(24), 560:1-403(3) and 560:7-206 of the Hawaii Revised Statutes (1985), Petitioner has been unable to ascertain the addresses of those persons.

XXX. Although Petitioner has exercised reasonable diligence in attempting to ascertain the identities of certain persons who may exist and may be interested persons with respect to this proceeding, within the meaning of sections 560:1-201(24), 560:1-403(3) and 560:7-206 of the Hawaii Revised Statutes (1985), Petitioner has been unable to ascertain

the names of those persons, and the descriptions of those persons are:

Personal representatives, heirs and legatees
of Sarah Sheba Cathcart Gibson, deceased;

Personal representatives, heirs and legatees
of Emma Kahelelani Harris Puaa, deceased;

Personal representatives, heirs and legatees
of John Adrian McPherson, deceased; and

Personal representatives, heirs and legatees
of George Henry McPherson, deceased.

WHEREFORE, Petitioner prays:

1. That the Court set a date, time and place for a hearing on this Petition.

2. That the Court determine (i) the persons who were the heirs of Arthur Cathcart, under the law of Hawaii, (ii) the persons who, as such heirs, succeeded as beneficiaries to Arthur Cathcart's \$50 annuity under the Will upon Arthur Cathcart's death, and (iii) the sizes of the respective shares of that annuity received by those persons upon the death of Arthur Cathcart.

3. That the Court grant Petitioner such other relief as may be proper under the circumstances.

PETITIONER UNDERSTANDS THAT THIS DOCUMENT IS DEEMED TO INCLUDE AN OATH, AFFIRMATION, OR STATEMENT TO THE EFFECT THAT ITS REPRESENTATIONS ARE TRUE, AS FAR AS PETITIONER KNOWS

OR IS INFORMED, AND THAT PENALTIES FOR PERJURY MAY FOLLOW
DELIBERATE FALSIFICATION.

DATED: Honolulu, Hawaii, December 29, 1989.

HAWAIIAN TRUST COMPANY, LIMITED

By NANCY S. GRANBORG
Its Assistant Vice President

Petitioner

I, George Galbraith, of Honolulu, T. H., being of sound mind and memory, do declare this to be my last Will and Testament, revoking all others.

1st. I nominate and appoint as Executors of this my last Will and Testament, Cecil Brown and W. O. Smith, both of Honolulu, Territory of Hawaii.

2nd. I give, bequeath, and devise, unto the following person, and persons, the sums herein set forth, the same to be free and clear of all taxes.

3rd. To Anne Jane Galbraith, my second cousin, of Euston Street, Mount Pottinger, Belfast, Ireland, the sum of Five Hundred dollars (\$500.)

4th. To Minnie Galbraith, my second cousin, of Ballymacarrett, Belfast, Ireland, the sum of Two Hundred and fifty dollars (\$250.)

5th. To George Fitchie, my nephew's son, of Belfast, Ireland, the sum of Five hundred dollars (\$500.)

6th. To Polly Smith, of Ballydrain, County Down, Ireland, the sum of Two hundred and fifty dollars (\$250.)

7th. To the children of my deceased brother, Sam Galbraith of Ringneal, County Down, Ireland, the sum of Six thousand dollars (\$6000.) to be divided share and share alike.

8th. To the children of my sister, Eliza Fitchie, of Ballydrain, County Down, Ireland, the sum of Five thousand dollars, (\$5,000.) to be divided share and share alike.

9th. To the children of my deceased sister, Sarah Patton, the sum of Two thousand dollars, (\$2,000.) share and share alike.

10th. To Susanna Galbraith, my second cousin's wife, of Belfast, Ireland, the sum of Two thousand dollars, (\$2000.)

11th. To the children of my deceased first cousin, John Galbraith, of Ballywilliam, near Comber County Down, Ireland, the sum of Two thousand dollars (\$2000.), share and share alike.

12th. To my niece, Martha Dickinson, of Ringneal, County Down, Ireland, the sum of one thousand dollars, (\$1000.)

13th. To my niece, Hannah Fitchie, of Ballydrain, County Down, Ireland, the sum of One thousand dollars, (\$1000.)

14th. To Maude Fitchie, my nephew's daughter, of Ballydrain, County Down, Ireland, the sum of One hundred dollars, (\$100.)

15th. To the two nieces of Kitty Johnston, of Comber, County Down, Ireland, the sum of Five hundred dollars (\$500.) each, said nieces are both named Mary.

16th. To Josie Fink of Alameda, California, the sum of One thousand dollars, (\$1000.)

17th. To Emma Douglass, of Alameda, California, the sum of One thousand dollars, (\$1000.)

18th. To my nephew, Hugh Galbraith, of Wahiawa, Oahu, Territory of Hawaii, the sum of One thousand dollars, (\$1000.)

19th. To Manuia, of Kaalaea, Oahu, Territory of Hawaii, the sum of One thousand dollars, (\$1000.)

20th. To John Kailuli, alias Galbraith, of Honolulu, Territory of Hawaii, the sum of One thousand dollars, (\$1000.)

21st. To Lui Warren, of Ewa District, Oahu, Territory of Hawaii, the sum of Two hundred and fifty dollars, (\$250.)

22nd. To Cecil Brown, of Honolulu, Territory of Hawaii, the sum of One thousand dollars, (\$1000.)

23rd. To H. M. Von Holt, of Honolulu, Territory of Hawaii, the sum of One thousand dollars, (\$1000.)

24th. To Mrs. Mackintosh (sister of Cecil Brown) of Honolulu, Territory of Hawaii, the sum of Five hundred dollars, (\$500.)

25th. To Helena Fonseca, of Honolulu, Territory of Hawaii, the sum of Five hundred dollars, (\$500.)

26th. To Robert William Cathcart, of Honolulu, Territory of Hawaii, the sum of Two thousand dollars, (\$2000.) or to his heirs, if deceased.

27th. To the five children of H. M. Von Holt, of Honolulu, Territory of Hawaii, the sum of Five hundred dollars each.

28th. To the five children of Robert William Cathcart, of Honolulu, Territory of Hawaii, the sum of Five hundred dollars (\$500.) each, said children are named as follows,—Heleualani, Helen Mary, William Andrew Poaha, Edwin, and Arthur, and I desire that the aforesaid Robert William Cathcart act as trustee for his aforesaid five children.

The balance, residue or remainder of my estate is to be placed in trust for as long a period as is legally possible, the termination or ending of said trust to take place when the law requires it under the statute.

I hereby nominate and appoint The Hawaiian Trust Company, Limited, of Honolulu, Territory of Hawaii, as trustee of the aforesaid balance, residue or remainder of my estate and they are to devote sufficient of the annual income derived from the same toward paying the following annuities, which are to be free and clear of all taxes, unto the following persons mentioned, namely,

GEORGE GALBRAITH

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Sam Galbraith's children, aforementioned	\$ 1500. yearly
Eliza Fitchie	1500. "
Barry Fitchie's children, of Ballydrain, County Down, Ireland	300. "
Anne Jane Galbraith	150. "
Minnie Galbraith	150. "
Sarah Patton's children	300. "
John Galbraith's children	500. "
Kittie Johnston's two nieces	(each) 100. "
Maude Fitchie	150. "
Martha Dickinson	100. "
Manuia	250. "
J. Kailuli, alias Galbraith	250. "
Robert William Cathcart's children aforementioned	250. "
Hugh Galbraith	360. "
Hugh Galbraith's seven children	2520. "
Josie Fink	150. "
Emma Douglass	150. "
Matilda Bailey, Ballydrain, Co. Down, Ireland	50. "

All of the foregoing for life, and then to their heirs, save and excepted the last three persons, namely, Josie Fink, Emma Douglass and Matilda Bailey, who are to receive only their life annuities and at their death all their interests to cease.

On the final ending and distribution of the trust, the trust fund to be divided equally amongst those persons entitled at that time to the aforementioned annuities.

In witness whereof I have hereinto set my hand this 21 day of January, nineteen hundred and four, at Honolulu, Territory of Hawaii, U. S. A.

GEORGE GALBRAITH

Signed, published and declared by the said George Galbraith, as and for his last will and testament in the presence of us, who at his request, in his presence, and in the presence of each other, have hereunto set our names at witnesses thereto.

Honolulu, Territory of Hawaii, 21st day of January, 1904.

GEO. L. BIGELOW
Honolulu, T. H.
F. F. FERNANDES
Honolulu, T. H.

Codicils to my last Will and Testament of January 21 nineteen hundred and four, which are hereby annexed and made a part thereof.

1st. Whereas, my nephew, Hugh Galbraith, of Wahiawa, Oahu, T. H., has been provided for by me in my last Will and Testament under paragraph number eighteen, I therefore revoke his participation in and to any of the bequests and benefits devised unto the children of the late Sam Galbraith. Furthermore the annuity devised to the aforesaid Hugh Galbraith and his heirs, I hereby revoke and substitute for it the following—To my nephew, Hugh Galbraith, of Wahiawa, Oahu, T. H., Three hundred dollars (\$300.) yearly, for life only.

2nd. The annuity devised unto the seven children of the aforesaid Hugh Galbraith, I hereby revoke and substitute for it the following—To Hugh Galbraith's seven children, Twenty-one hundred dollars (\$2100.) yearly, for life, and then to their heirs.

3rd. I bequeath and devise unto the Kona Orphanage, of Kona, Hawaii, T. H., the sum of One hundred dollars, (\$100.) yearly, under the same conditions as the other annuitants mentioned, save and excepted, Hugh Galbraith, Josie Fink, Emma Douglass, and Matilda Bailey.

In witness whereof I have hereunto set my hand this 21 day of January, nineteen hundred and four, at Honolulu, Territory of Hawaii, U. S. A.

GEORGE GALBRAITH

Signed, published and declared by the said George Galbraith, as and for codicils to his last Will and Testament in the presence of us, who at his request, in his presence, and in the presence of each other, have hereinto set our names as witnesses thereto.

Honolulu, Territory of Hawaii, 21st day of January, 1904.

GEO. L. BIGELOW
Honolulu, T. H.
F. F. FERNANDES
Honolulu, T. H.