



Special Exhibit
The "Kool Aid"
Correspondence



The Family Conversation

The Kool Aid Correspondence

In 2006, we believed Mike had saved Frances from foreclosure out of the goodness of his heart with his generous bailout of the entire mortgage. Douglas, Sandra and Margaret advertised this. They also painted Robert as a freeloader, when in fact he had had serious back surgery issues, and supported his parents entirely.

Until 2006, Douglas had always reassured Robin "selling Olo is a 'no-no'" his actual words. We had believed him, and also believed all they had purchased were possessory plots to build personal residences. Then, the 2006 decision was published.

In 2006-2007, the family had just discovered the covert attempts by Douglas, Carrie and Kelly to sell the land they "purchased" from Frances at Olo (_____), and, fairly upset, many, many emails were exchanged as we all endeavored to discover the truth. We did, but it took at least 6 months, then years.

Roy Hall likes only one of these emails- the one in which Robin appears to want to buy Frances' land, which, he believes, explains her litigious greed.

After the decision, Robert John, acting for Frances, was seriously upset; Alailima had advised to wait to sue until they tried to sell the land. They did. Then, Alailima was spotted on the land by Leslie, and appeared to Leslie to be selling it! He wasn't (_____).

Douglas, having been excoriated, reported to Robin that it was Robert who was selling the land behind his mother's back and keeping the money for himself. Robert was unaware that Mike had been making such accusation for a long time (_____). Douglas also reported Mark was fearful he would have to pay rent to Frances. We also believed Frances was living well and happily since Mike was supposedly selling lands and giving her 1/6 (not the case at all). We wanted to buy time for Mark to settle with Frances.

Mark was completely candid with Jim, for the first time, then with Robin. He gave Robin's email to the purchaser and she corresponded with them (the Perelinis and Lutu Sanchez families) then and in the years thereafter.

Only then (2008) did we ask for the title search and begin to connect the dots.

Kvk_Kool Aid Correspondence

Fall, 2006:

See Exhibit _____. This is the "Kool Aid Correspondence." Writing this, Robin is quite upset that we had been lied to by Mike's family members, including Mark,¹ and was thinking out loud about ways to get the sales efforts terminated. This email is actually one of many exchanged within the family. I have since apologized to Alailima.

Hall had insisted on submitting it to impeach Robin over Fiti's weak and feeble objection made unwillingly and only after Robin declared she was waiting for him to object ("the letter speaks for itself," when actually it did not, and should have been subjected to re-direct). Fiti knew all of the below, had been given it in writing by Robin just before and also during the trial.

The circumstances at the time were:

The decision of the court in Frances' case (whether she could sell the land) had just come out (2/26/06), and, within a week of receiving it, my office sent it to each family's designee (in the Mike's case Douglas), with a brief note of the conclusion: not land, just interests, may be sold, with right of first refusal.

Robert was furious with everyone, and reasonably so. His mother had lost 5 acres, and nothing in her case had made the claim to retrieve it. Instead, Charlie had advised, wait until they try to sell. We did not know at the time they were doing just that. And, we had not yet learned that:

1. Mike did not "save Frances' house from foreclosure" (the myth of beneficence spread by Margaret and Mike in the early 2000's);
2. Instead, Mike insisted she give him an entire acre of land in exchange for one mortgage payment of \$3000 which duress makes the transfer fraudulent;
3. He did that again when the bank returned for another.
4. Mark and Douglas next "purchased" 3 more acres in much the same manner;
5. By 2006, or plausibly much, much earlier, Douglas had formed an intent to sell the land with the sisters.
6. Robert and Melissa had questioned and soundly rejected Mike's conduct as Frances' trustee;
7. Mike was not forwarding proceeds from sales;
8. She was having hard times; Robert and Melissa intermittently supporting her with medical issues of their own;
9. Mike and Margaret had not made Hans Langkilde available to her as trustee "du jour".

What we DID believe was:

1. Frances was wealthy from the proceeds Mike supposedly gave her;
2. Frances intended to sell everything eventually;
3. Frances really believed she had sold the land itself to them (not interests or a homestead), since obviously she believed she owned it, even though she didn't.

¹ See Mark's emails in explanation attached, and where he too would sell the Frances' land he "purchased."

What we learned in early October, 2006 was:

1. Long after trial, but shortly before the decision was filed², Charles Alailima was spotted by Leslie on the malae/grave land walking the area while allegedly planning a sale or several, which Leslie reported with great and urgent alarm to everyone but Robert/Frances. This was possibly true but in any case harmless and in many ways appropriate since Alailima was representing Frances' interests, but we were alarmed since, although imminent, there was no decision yet.

What we did NOT know was:

1. Charles Alailima was planning a Motion to Reargue the decision since it was not fully favorable to Frances (actually Vargas never told us that either), again completely appropriate;
2. Someone had earlier conveyed to Charlie that the Kneubuhls were intending a high end residential development (we still don't know who told him that, but believe it to be Mike, while hawking Frances' land);
3. Robert and Charlie had had a falling out.
4. Douglas Jr. had told Mark to move an entire house Mark erroneously built on "his" (Doug's) land, which he now planned to sell.³
5. Mark and Douglas had disagreed about their plans to sell, but had kept these plans secret from all of us anyway (we did not know Mark was aware of their scheme, he was quiet because he assumed he would get more land- Douglas turned down his \$30,000 offer);
6. Douglas and the daughters had already put in motion, *prior to the decision*, a plan to sell 3 acres of land (not interests) and had advertised this for sale in the local paper, claiming the court had approved it for sale.

What we were NEXT told by Douglas:

1. Doug had only "just" changed his mind because of college tuition issues;
2. Doug said: It was actually Robert who had sent Charlie out to investigate Olo land since it was actually Robert who was planning on selling the land, out from under MARK, without Frances' knowledge or consent, and, further, Robert planned to keep all the money for himself (which idea actually originated with Mike who had grown to hate Robert unbeknownst to us, saying that Robert would make his mother "destitute" so they (the Mike's) needed a trust to protect Frances from her own son- as if we didn't have one already. . . . See Exhibit _____).

² The trial closed in February 2006, the Decision was published around September 26th, 2006. Charlie probably had advanced knowledge of this timing, since that is customary.

³ Doug then called Robin to ask if she would give him some of her land to compensate for what Mark had taken from him, so Mark would not have to move his house. Doug was told no. In this call he explained Robert was actually selling the land out from under Mark. Perhaps Mark believed this to be true. He would not communicate with Robert.

To: robin.roush@snet.net

Sent: Tuesday, December 26, 2006 3:38 PM

Subject: Re: Merry Christmas and Just One More Question from Robin

Hi Robin-

I'm in Texas and just checked my mail for the first time in a week... alas, Olo follows me everywhere. When I get home I promise to communicate in more detail and more often but for now I'll make this short. Yes, I am for keeping Olo together but if pieces are sold they be sold to family or others with complete family approval. Wally and the 180K deal? Who knows? Wally isn't exactl the sharpest tool in the shed.. that may explain somethings. All-in-all (and you've probably asumed this) I'm stuck in the middle: A rather loyal alligence to my brother vs. his wish to sell. I've been taking the ostrich approach to all this lately but sooner or later I'll have to get my head out of the sand. In the mean time let's enjoy the holiday season, goodwill to all and to all a good night.

Tele alofas,
Mark and Via and Fam.

----- Original Message -----

From: "robin.roush@snet.net" <robin.roush@snet.net>

To: lemanakneubuhl@yahoo.com

Sent: Tuesday, December 26, 2006 7:04:21 AM

Subject: Merry Christmas and Just One More Question from Robin

Mark,

I'm sorry, Mark, but my Olo-brain doesn't turn off, even at Christmas, and some big questions are creeping into my busy mind. . . . So my question is, why on earth would Wally pay \$180,000 for one acre with a worthless falling down crappy bug infested house, when all Carrie-Kelly-Doug want is \$100,000/acre? Not that conditions of sale are good at this time, of course, since they are not, but I'm just curious, since it makes no money sense whatsoever to me.

On a more normal note, I hope your Christmas was seriously wonderful. Ours certainly was, (and still is- the party continues, of course!) as well as the trip to Nevada City to see some other Kneubuhls for Thanksgiving. David is home from school, so I will Cook Around the Clock, and next week start to hit the gym on a daily basis! And enjoy all these kids for as long as I can- I think Dave goes off to Cancun for a week. Glorious!

Love to all,
Robin

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<http://mail.yahoo.com>

TV dinner still cooling?

[Check out "Tonight's Picks"](#) on Yahoo! TV.

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Robin Roush

From: lemana kneubuhl
Sent: Sunday, January 28, 2007 3:18 PM
To: robin.roush@snet.net
Subject: Talofa

Hi Robin,

It's Sunday. There is a brisket in the pot giving off the wonderful aroma of beef fat and dill seed, the mutton flats are sizzling on hot umu rocks and the coconut cream is boiling slowly, tenderizing its taro leaf wrap. Hog heaven for the cholesterol-inclined. It's raining outside; a good time to write a letter.

Since going on vacation, several things have happened which I thought I'd share with you. While in Texas I bought a surveying tool (a fancy compass), which in conjunction with a map can determine boundaries with reasonable accuracy.

Doug has been relaying his concern about my second house being on his land where I have told him (and sincerely believed) that only a corner of the house was on his boundary. I built the house in a bit of a rush, not too concerned about our boundary because of my belief that if Doug ever sold, he would sell to me. Well, you know where that went!

When I came home I discovered that he was right (which, with tail between my legs, I promptly admitted), thus creating a real dilemma for me. It's been an uncomfortable month in terms of my relation with my brother, but have since worked everything out. He has since told me that he will entertain buyers that, 1) I approve of, and 2) will also buy my house. My only other option would be to move the house, which is my least desirable option, not to mention costly.

You know where I stand in this Olo affair: A silent cheerleader for those in opposition of selling out. I would prefer to see our family land intact for the rest of my days. But what is happening now, I knew would come sooner or later. The indications were there, the grumbings and murmurs of those who want out. Whether it be next month, next year, or ten years from now, I believe Olo will change. I can only hope that any such change can be supervised and perhaps even molded or directed toward something positive for our entire family.

I have been slow (sometimes even refusing) to react to my brother and sisters request to show there land. And, where some of the family is upset with them, they have shown their displeasure with me. What a helluva situation. What they don't seem to want to understand is that I have the most to loose from all this. Since I learned of their intentions I have had regular nightmares of being surrounded by people who don't share my 'Mr. Rodgers' vision of the world. I have since made it clear to the family that if in fact I become surrounded by jerks, I too would sell and solicit another piece of land from you, Aunt Marge or Uncle Ben, to distance myself from those who emit harmful and contagious karma.

With that said, there has been a second development since my return, which is more positive and along the lines of my wish to "mold or direct something positive for our entire family (or at least for me). A couple of weeks ago, I got a call from a good friend of 30 years, enquiring about the land at Olo. His family and ours go way back. His kids used to spend weekend with us and Via and we have watched them grow and have remained close as Auntie Via and Uncle Mark. I couldn't think of a better neighbor, so you can understand how my attitude changed quickly, or at least where he was

concerned. It IS a little hypocritical and absolutely selfish to oppose land sales except for him, but it's the only thing I can do to ensure a peaceful "Act 3" of my life.

Wally might be my other permanent neighbor. He's a non-entity. A bit of a quiet loner. That's acceptable to me given other disastrous possibilities.

All-in-all, I'm saying that if I am going to throw any support behind anyone in this fiasco, it would be Wally (with a little reluctance), on one side, and my friend Pere on the other. Such an arrangement would safeguard the happy-go-lucky continuum that has existed to this point in my life.

Lastly, I'm not asking for your support (although that would be nice), but rather I'm modifying my previous answer to your question: Where do you stand on all this (Dec/06).

Please keep this letter between you and me. Our family, being so spread out has a communication problem. Some (whether or not by choice), have been known to misconstrue information. As the saying goes: A lie can travel all the way around the world while the truth is just putting on its shoes.

I wish nothing but the best for you and your family.

Tele alofas,
Mark

----- Original Message -----

From: "robin.roush@snet.net" <robin.roush@snet.net>
To: lemana kneubuhl <markkneubuhl@yahoo.com>
Sent: Tuesday, December 26, 2006 6:39:32 PM
Subject: Re: Merry Christmas and Just One More Question from Robin

Hiya Mark,

Isn't it annoying how Olo follows ALL of us, and no matter where we go, it haunts us, even when we live there? Or don't? As far as I'm concerned, we all thought your sibs wanted to have vacation homes there, and never thought they were thinking of flipping it for a profit, so we never said a word, but, the more urgent questions Doug mentioned have given me big pause. I have said to all that you make beautiful houses, (and you really do!!!) and we all benefit from the artistic and aesthetic and environmentally sensitive architecture you have built at Olo. You are not at all stuck in the middle, since I think there isn't one. You are stuck in the forefront! Because of the beauty you have created there. I just don't get this inflated money thing, and it REALLY bothers me, And your brother doesn't need the money! Actually none of us does.... And that is so good to recognize!

I trust you'll lemme know whazzup when the time comes. If you want to get on the copy list for the e-mails to the lawyer, lemme know that too. My Christmas was so PHAT I am going to the gym every day for 2 hours a day until I stop looking Samoan!

Love,
Robin

On Tuesday, August 5, 2014 9:37 PM, robert opelle <robertopelle@yahoo.com> wrote:

Hello Mr. Sunia,

Attached is a forwarded email Mr. Alai'lima had with Oscar Mayer back in 2006. It was Mr. Alai'lima that drafted the 1986 lease-take over of the Moran lease by the Alai's, which then subletted to Pacific Products/Oscar Mayer. Mr. Mayer constructed the two building without Frances' permission. It was Mr. Alai'limas view that Frances would not be required to purchase any of the improvements on the lease expiration. If Frances' declined to purchase the buildings, the Alai's or Oscar Mayer would be responsible for removing all the improvements at their own cost.

We agree with Robin's point we do not want to alienate the Alai beneficiaries, but certainly, we would like to verify exactly if Frances is responsible for any improvements.

Thanks,
Robert and Melissa

--- On Wed, 9/27/06, Charles Alailima <cvalaw@msn.com> wrote:

> From: Charles Alailima <cvalaw@msn.com>
> Subject: RE: Olo land in Taputimu
> To: "Oscar CT Mayer" <oscarmayer@ppisamoa.com>
> Cc: "robert opelle" <robertopelle@yahoo.com>
> Date: Wednesday, September 27, 2006, 1:26 PM
>
>
>
>

<https://mail.google.com/mail/u/0/?ui=2&ik=c3e1e8ade1&view=pt&cat=OloFamily&search=cat&th=147ab45d9dc7ebed&siml=147ab45d9dc7ebed>

> _filtered #yiv0922108993 {margin:1.0in 1.25in 1.0in
> 1.25in;}
> #yiv0922108993 P.yiv0922108993MsoNormal {
> FONT-SIZE:12pt;MARGIN:0in 0in 0pt;FONT-FAMILY:"Times New
> Roman";}
> #yiv0922108993 LI.yiv0922108993MsoNormal {
> FONT-SIZE:12pt;MARGIN:0in 0in 0pt;FONT-FAMILY:"Times New
> Roman";}
> #yiv0922108993 DIV.yiv0922108993MsoNormal {
> FONT-SIZE:12pt;MARGIN:0in 0in 0pt;FONT-FAMILY:"Times New
> Roman";}
> #yiv0922108993 A:link {
> COLOR:blue;TEXT-DECORATION:underline;}
> #yiv0922108993 SPAN.yiv0922108993MsoHyperlink {
> COLOR:blue;TEXT-DECORATION:underline;}
> #yiv0922108993 A:visited {
> COLOR:purple;TEXT-DECORATION:underline;}
> #yiv0922108993 SPAN.yiv0922108993MsoHyperlinkFollowed {
> COLOR:purple;TEXT-DECORATION:underline;}
> #yiv0922108993 SPAN.yiv0922108993EmailStyle17 {
> COLOR:windowtext;FONT-FAMILY:Arial;}
> #yiv0922108993 DIV.yiv0922108993Section1 {
> }
>
>
>
> Oscar,
> The basis for
> the land value is without
> the buildings. I just recently sold one acre of land in
> Malaeimi for \$140,000
> and that was land that had problems with flooding which the
> buyer knew about and
> still wanted to buy. The Kneubuhls are working to
> develop the
> Taputimu land as an upper level residential area.
> The fact that
> it has slopes means there is no flooding issues
> for the residences. If
> the land reverts to Frances after the lease ends there can
> be negotiations for
> the purchase of the buildings. However, if there is no
> agreeable price, PPI will
> need to remove them within a reasonable time.
> The corporation
> cannot purchase the land, only someone of 50% or more
> American Samoa
> blood.
> Charlie
>

>
>
> From: Oscar CT Mayer
> [mailto:oscarmayer@ppisamoa.com]
> Sent: Tuesday, September 26, 2006
> 5:11 PM
> To: cvalaw@msn.com
> Subject:
>
>
>
>
> Dear
> Charlie.
>
>
> Thanks
> for your e-mail; I
> will talk to Lilian and Badi Ala'i and have a
> conversation.
>
>
> Are you
> considering that the
> Moran lease is only land, and not to flat to mention. Also,
> in case we are not
> successful on the purchase, what will happen to all the
> buildings? And what will
> happen to our existing lease?
> Is the
> corporation (Pacific
> Products) aloud to purchase land?
> Anyway, I
> will get back to
> you in the next few days.
>
>
> Best
> regards;
>
>
> Oscar
>
>
> I am sending this
> e-mail again as it
> keeps coming
> back.

Robin testimony re: defending "Mark's" trades

This exhibit is cherry picked from about 20 emails amongst us and not with the defendants. This is nothing more than me thinking out loud about a temporary strategy while we get to the bottom of this. When I say "their trades" I am talking about our parents' trades, since it was well known that the attorneys had discussed the validity of those prior deals. Douglas had told us, after being excoriated by Robin, (for selling 3 acres secretly the moment the decision came out) that Robert was selling Frances' land without her knowledge and consent, and that Robert's sale would begin with Mark's land (out from under him), since Mark's is the most valuable (had 2 structures and potential access to taputimu road) Leslie had spotted Charles Alailima there at Olo on the malae area (not the Coke house); Charlie's presence made it all the more alarming Douglas' duplicity had been abruptly revealed – he had always said selling Olo was a "No No" and he used exactly those words I did not rule out, therefore, that Douglas and Robert were working together since they had a common goal: sale at Olo, and Douglas had just betrayed me totally. We really didn't know Robert at the time, and we did not know how Alailima had advised him. We could not know what was being sold, since we hadn't seen the surveys or quitclaims yet (not until 2008), but this caused us to ask for them immediately from RJVargas firm

became credible if one remembered that she had said (11/14/2001) she had sold as much of her land as she wanted to, and therefore was selling the Coke house at fair market value:

1. Frances had said, "I have sold as much land as I want to"

Charles Alailima, Esq.
1304 Kings Place N.W.
Bainbridge Island, WA 98110

October 19, 2015

Dear Mr. Alailima,

I am writing, (from a place that feels like the war zone), with an apology to you that is long overdue. The evidence just closed in our case against Mike Kneubuhl and with all the documents assembled, one particular and very factually confusing episode from 2006 has finally come together.

As a preliminary aside, I would also mention that we did learn this past April or so that you were the source of the alert that Mike Kneubuhl was seeking court ordered registration of the Fuamete land in his individual name (leaving Frances Opelle off). We are forever in gratitude to you for that.

Anyway, to return to Olo. It turns out that for many years, one cousin was routinely forwarding to Roy Hall everything I wrote, even as far back as 15 years! It didn't take long to figure this out, (and I am not worried) but, throughout this litigation, Mr. Hall cherry picked much of it, and loves one email in particular which contains two choice and childish adjectives I chose, one for you and the other for my cousin Robert. (I wont include them here). Mr. Hall loves to put this on the record, in my deposition, and recently sought/insisted to have me read it again into the record at the High Court (I declined; Fiti managed masterfully; but the judge let it in, as it "speaks for itself").

The 2006 email complained about the "sales effort" at Olo which began immediately after the Opelle decision was issued, probably before the ink was dry. The absent background is that my cousin Leslie reported that you and Robert were "spotted at Olo selling the land." Because we take everything with a grain of salt, if not a tablespoon, we checked it out, only to find that you and David Vargas were headed back to reargue- nothing improper there- and that Frances would conform her offer to the court's findings and re-offer the Coke House to Jennings- nothing improper there, either. This took some time, but in the meantime:

Shortly after the 2006 order we *also* learned that 3 of Mike's kids had covertly advertised the sale of "family estate" land at Olo stating that the court "had approved sale" and mentioning a "family lawyer" (meaning Hall, of course) and were collecting offers. What was truly surprising was to "learn" ALSO from Douglas, Jr. that it was Robert Opelle who was selling, and he was "selling the Olo land out from under Mark!" Naturally, Mark promptly ascertained otherwise, and we eventually straightened this out, too. But this did take some months, maybe two, and while I remained upset with Douglas, Robert and I are fine with it. I am sorry it has taken this long to send my apology to you. Ironically, the ONLY family who followed the rules were Frances and Robert. Hopefully, Mr. Hall will one day tire of trying to embarrass me, and I can retire what I fondly call the "The Kool Aid Correspondence," from which we all learned a good lesson, i.e. (in short form here) to think before we write!

I couldn't bring this up until evidence closed (it has), and I did want to send it as soon as possible, and I know you have a sense of humor, which I hope is in high gear. We are most relieved this litigation is reaching its end. Hopefully that will be the end of it for the duration of the trust. And I hope we can be on good terms for the entire future.

Wishing you all the best,

Robin Kneubuhl