

OFFICE OF THE
ASSISTANT REGISTRAR, LAND COURT
STATE OF HAWAII
(BUREAU OF CONVEYANCES)

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LAND COURT SYSTEM	REGULAR SYSTEM
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Total pages: 8

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Tax Map Key: (1) 2-3-34-4

Condominium Map No. 9
(Land Court)

**AMENDMENT TO RESTATED DECLARATION OF CONDOMINIUM PROPERTY REGIME
OF ALA WAI MANOR**

This AMENDMENT TO RESTATED DECLARATION OF CONDOMINIUM PROPERTY REGIME OF ALA WAI MANOR ("Amendment") is made by the **ASSOCIATION OF APARTMENT OWNERS OF ALA WAI MANOR, INC.**, whose address is c/o Hawaiiana Management Company, Ltd., 711 Kapiolani Boulevard, Suite 700, Honolulu, Hawaii 96813,

W I T N E S S E T H T H A T :

WHEREAS, by Declaration of Submission of Sublease to Horizontal Property Regime dated February 3, 1965 (the "Declaration"), filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 353478 and noted on the Certificates of Title shown on the attached Exhibit "1", the property described in the Declaration was submitted to a Horizontal Property Regime (now known as a condominium property regime) established by Chapter 170A of the Revised Laws of Hawaii (now Chapter 514B of the Hawaii Revised Statutes); and

WHEREAS, simultaneously with the recording of the Declaration and the Bylaws of the Association of Apartment Owners of Ala Wai Manor Condominium (the "Bylaws"), the Declarant also filed plans describing the improvements to the project as Condominium Map No. 9; and

WHEREAS, the Declaration provided for the organization and operation of the Association of Apartment Owners of Ala Wai Manor Condominium (the "Association") to operate and manage the Project in accordance with the Bylaws; and

WHEREAS, the Association was incorporated under Chapter 415B of the Hawai'i Revised Statutes as the ASSOCIATION OF APARTMENT OWNERS OF ALA WAI MANOR, INC. on October 8, 1999; and

WHEREAS, the Declaration was restated by "Restated Declaration of Condominium Property Regime of Ala Wai Manor" dated August 23, 1990 (the "Restated Declaration"), filed as Land Court Document No. 1769467; and

WHEREAS, the Bylaws were restated by "Restated Bylaws of the Association of Apartment Owners of Ala Wai Manor" dated August 23, 1990 (the "Restated Bylaws"), filed as Land Court Document No. 1769468; and

WHEREAS, the Restated Declaration was amended by instrument dated July 30, 1991, filed as Land Court Document No. 1842793 and corrected by instrument dated September 4, 1991, filed as Land Court Document No. 1849378; and also amended by instrument dated September 9, 1997, filed as Land Court Document No. 2402518; and

WHEREAS, Section 514B-23, Hawai'i Revised Statutes ("HRS"), empowers the Association to amend the Declaration, with the vote or written consent of a majority of the owners, to achieve any results permitted by HRS Chapter 514B; and

WHEREAS, a majority of the Association's owners gave their written consent in favor of "opting-in" to the provisions of HRS Chapter 514B by amending the Restated Declaration as outlined below;

NOW THEREFORE, the Restated Declaration is hereby amended to "opt-in" to HRS Chapter 514B, as stated below. To the extent that there is any conflict between the provisions of the Restated Declaration and HRS Chapter 514B, the provisions of the Restated Declaration shall be subordinate to HRS Chapter 514B, including all approval requirements in HRS Chapter 514B.

AMENDMENT

A new Section 22 is added to the Restated Declaration, to generally amend the Project documents to achieve any results permitted by HRS Chapter 514B, and to read as follows:

22. Governing Law. Notwithstanding anything to the contrary in the Project governing documents, including but not limited to the Declaration, Bylaws, House Rules, and Condominium Map:

a. This Project shall be governed by the provisions of Hawai'i Revised Statutes, Chapter 514B, as amended;

b. Any apartment deed, and the Project's Declaration, Bylaws, House Rules, and Condominium Map shall be liberally construed to facilitate the operation of the Project under the law;

c. Amendments to the Declaration and Bylaws shall require approval of 67% of the owners;

d. Approval requirements of 100% for alterations to the common elements shall be reduced to 67%;

e. Punitive damages may not be awarded except as provided in Hawai'i Revised Statutes, Section 514B-10; and

f. Approval requirements for leases or uses of the common elements shall be governed by Hawai'i Revised Statutes, Section 514B-38.

In all other respects, the Restated Declaration is hereby ratified and confirmed and shall be binding upon and inure to the benefit of the parties to them and their respective successors and permitted assigns. The undersigned officers of the Association hereby certify that the above amendment was made by the written consent of more than a majority of the members of the Association.

Each of the undersigned officers of the Association warrants and represents that he or she is legally authorized to sign this Amendment on behalf of the Association. The officers of the Association agree that this Amendment may be executed in counterparts, each of which shall be deemed an original, and those counterparts shall together constitute one and the same instrument, binding all the Parties, notwithstanding that all the Parties are not signatories to the original or the same counterpart.

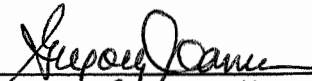
IN WITNESS WHEREOF, the undersigned have executed this instrument on this _____ day of SEP 6, 2012.

ASSOCIATION OF APARTMENT OWNERS OF
ALA WAI MANOR, INC.

By: Holly Tront
(Print name: Holly TRONT)
Its: PRESIDENT

(Signatures continued on next page)

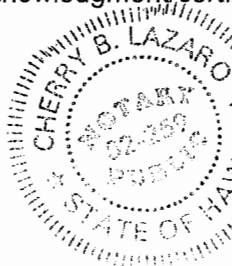
ASSOCIATION OF APARTMENT OWNERS OF
ALA WAI MANOR, INC.

By: 
(Print name: Gregory Hama)
Its: Secretary

STATE OF HAWAII)
)
CITY & COUNTY OF HONOLULU) ss.

On this _____ day of SEP 6 2012, 2012, in the First Circuit of the State of Hawai'i, before me personally appeared HOLLY TRONT, personally known to me or proven to me on the basis of satisfactory evidence, who being duly sworn or affirmed, did say that such person was the PRESIDENT of the Association of Apartment Owners of Ala Wai Manor, Inc., a Hawai'i Nonprofit Corporation, that said person executed the foregoing instrument identified or described as "Amendment to Restated Declaration of Condominium Property Regime of Ala Wai Manor" as such person's free act and deed on having been duly authorized to execute such instrument in such capacity.

The foregoing instrument is dated SEP 6 2012 and contained 8 pages at the time of this acknowledgment/certification.



Cherry B. Lazaro
Print Name: Cherry B. Lazaro
Notary Public, State of Hawai'i

My Commission Expires: June 9, 2014

STATE OF HAWAII

CITY & COUNTY OF HONOLULU

)
) ss.
)

On this _____ day of SEP 6 2012, 2012, in the First Circuit of the State of Hawai'i, before me personally appeared GREGORY HAMA, personally known to me or proven to me on the basis of satisfactory evidence, who being duly sworn or affirmed, did say that such person was the SECRETARY of the Association of Apartment Owners of Ala Wai Manor, Inc., a Hawai'i Nonprofit Corporation, that said person executed the foregoing instrument identified or described as "Amendment to Restated Declaration of Condominium Property Regime of Ala Wai Manor" as such person's free act and deed on having been duly authorized to execute such instrument in such capacity.

The foregoing instrument is dated SEP 6 2012 and contained 8 pages at the time of this acknowledgment/certification.



Cherry B. Lazaro

Print Name: Cherry B. Lazaro
Notary Public, State of Hawai'i

My Commission Expires: June 9, 2014

Exhibit "1"

**Ala Wai Manor
Land Court Condominium Map No. 9**

List of Current Transfer Certificate of Title Numbers

<u>Unit No.</u>	<u>TCT No.</u>	<u>Unit No.</u>	<u>TCT No.</u>
1	776,912	504	497,857
2	776,912	505	838,497
3	776,912	506	730,965
4	776,912	507	493,005
5	776,912	508	821,793
6	776,912	601	429,547
7	776,912	602	433,585
8	776,912	603	816,204
9	776,912	604	823,783
10	776,912	605	817,610
201	574,406	606	1,039,858
202	387,985	607	874,979
203	823,030	608	958,477
204	1,003,403	701	496,515
205	291,437	702	985,477
206	291,401	703	1,021,652
207	560,963	704	969,868
208	339,828	705	419,771
301	562,065	706	698,914
302	762,112	707	765,993
303	1,044,252	708	1,047,308
304	382,695	801	1,032,760
305	1,046,591	802	928,663
306	729,203	803	1,047,079
307	348,773	804	985,782
308	379,011	805	901,626
401	1,035,094	806	513,114
402	1,045,506	807	1,048,112
403	528,111	808	315,277
404	503,305	901	316,830
405	928,084	902	583,945
406	479,138	903	291,447
407	532,337	904	703,509
408	701,371	905	431,336
501	782,957	906	464,930
502	993,231	907	291,451
503	597,857	908	1,043,778

Exhibit "1"

**Ala Wai Manor
Land Court Condominium Map No. 9**

List of Current Transfer Certificate of Title Numbers

<u>Unit No.</u>	<u>TCT No.</u>
1001	1,049,060
1002	991,088
1003	1,031,195
1004	884,272
1005	716,030
1006	505,046
1007	975,398
1008	817,998
1101	551,175
1102	868,214
1103	801,198
1104	1,043,719
1106	438,180
1107	291,465
1108	821,794
P1A	807,382
P2B	560,217