

THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS:
STATE OF HAWAII

BUREAU OF CONVEYANCES
Doc 2009-132896
DATE AUG 28, 2009 03:29 PM
DOCUMENT NO. _____

LAND COURT

REGULAR SYSTEM

After recordation, return by mail (X) pickup ()

Total Pages: 5

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Tax Map Key: (1) 3-9-008-030

**TENTH AMENDMENT OF THE
DECLARATION OF CONDOMINIUM PROPERTY REGIME OF KALELE KAI**

WHEREAS, by Declaration of Condominium Property Regime (hereinafter referred to as, "Declaration") recorded at the Bureau of Conveyances of the State of Hawaii (hereinafter referred to as the "Bureau") as Document No. 93-087469 (Condominium Map No. 1865), Kapalele Associates, a Hawaii limited partnership, as developer and lessee under that certain Lease No. 28587 dated October 9, 1990 issued by the Trustees of the Estate of Bernice Pauahi Bishop and recorded at said Bureau as Document No. 90-158696, did submit the property

described in said Declaration to the provisions of the Condominium Property Act, Chapter 514A (now known as 514B), Hawaii Revised Statutes, as amended;

WHEREAS on April 7, 2009, the Revised Amendment of the Declaration of Condominium Property Regime of Kalele Kai and By-Laws of the Association of Owners of Kalele Kai Adopting Hawaii Revised Statutes Chapter 514B was recorded with the Bureau of Conveyances of the State of Hawaii as Document No. 2009-051942, which amended Paragraph 19 of the Declaration to provide the Declaration could be amended upon obtaining of the affirmative vote or written consent of sixty-seven percent (67%) of the owners of the common interest;

WHEREAS on July 16, 2009, more than sixty-seven percent (67%) of the owners of the common interest granted their written consent to approval of this Tenth Amendment to the Declaration;

WHEREAS, in accordance with Paragraph 20(f)(6) of the Declaration, the holders, insurers or guarantors of all first mortgages affected by this Amendment were provided written notice of this proposed amendment delivered by certified mail, return receipt requested, and failed to submit a written response to same within thirty (30) days following receipt thereof;

NOW, THEREFORE, Paragraph 5(b) on Page 8 of the Declaration of Condominium Property Regime of Kalele Kai, is revised to now read as follows (new language appears in **bold underline**):

“Such condominium units shall enjoy the exclusive use of the boat moorings appurtenant thereto, subject to that certain Declaration of Protective Provisions (Hawaii Kai Marina) and any rules and regulations promulgated thereunder, this Declaration, the Bylaws and any house rules adopted by the Board. **The relocation and/or removal of boat moorings may be undertaken only in accordance with such rules and regulations as may be adopted by the Board.** Notwithstanding any provision of this

Declaration, owners shall have the right to transfer and change the designation of boat moorings which are appurtenant to their respective condominium units by recordation in the Bureau of an amendment to this Declaration and appropriate conveyance document, both signed by the seller and the buyer of the boat mooring, and their respective mortgagees, if any.”

FURTHER, Section 17(c) on Page 30 of the Declaration of Condominium Property

Regime of Kalele Kai is revised to now read as follows (new language appears in **bold underline**):

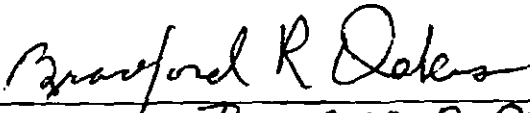
“Additionally, subsequent to the issuance of a certificate of occupancy for all buildings in the Project, **except as may otherwise be set forth in this Declaration (and any amendments thereto)**, any additions or alterations to the exterior of condominium units and to their lanais, structures, boat moorings and landscaping in common elements shall be undertaken only upon the review and approval by the Board and the Building Department of the City and County of Honolulu after the written consent of the Association is obtained by the affirmative vote of not less than sixty-seven percent (67%) of the owners and accompanied by the written consent of the holders of all liens affected thereby. **However, the relocation and/or removal of boat moorings shall require only approval of the Board in accordance with such rules and regulations as it may adopt.**”

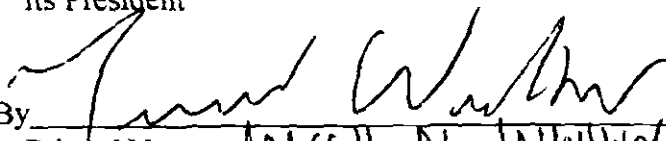
In all other respects, the Declaration, as amended, is hereby ratified and confirmed, shall be binding upon and inure to the benefit of the parties to it and their respective successors and permitted assigns, and shall remain unchanged by reason of this amendment except as specifically set forth herein. The undersigned officers of the Association hereby certify that the Amendment described herein was adopted with the written consent and/or vote of more than sixty-seven percent (67%) of the owners entitled to vote, and the holders, insurers or guarantors of all first mortgages affected by this Amendment were provided written notice of this proposed amendment

delivered by Certified Mail, Return Receipt Requested, and failed to submit a written response to same within thirty (30) days following receipt thereof

Signed this 27th day of August, 2009.

ASSOCIATION OF OWNERS OF KALELE KAI,
a Hawaii non-profit corporation

By 
Printed Name BRADFORD R. DAKES
Its President

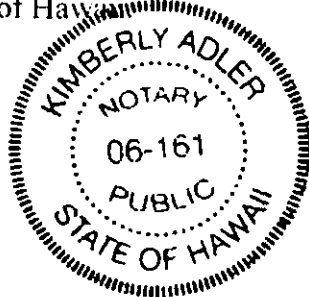
By 
Printed Name MERRILL N. WHITTIER
Its Secretary

NOTARY ACKNOWLEDGMENT AND CERTIFICATION

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this ^{ONLY} 27th day of August, 2009, before me personally appeared Bradford R. Oakes, to me known to be the person described in and who executed the foregoing instrument, and did say that [s]he is the President of the ASSOCIATION OF OWNERS OF KALELE KAI, a Hawaii non-profit corporation; and acknowledged that [s]he executed the same as his/her free act and deed of and by authority of the Board of Directors of the ASSOCIATION OF OWNERS OF KALELE KAI.

This TENTH AMENDMENT OF THE DECLARATION OF CONDOMINIUM PROPERTY REGIME OF KALELE KAI consisting of 5 pages, dated August 27, 2009, was subscribed and sworn to before me on August 27, 2009, in the First Judicial Circuit of the State of Hawaii.

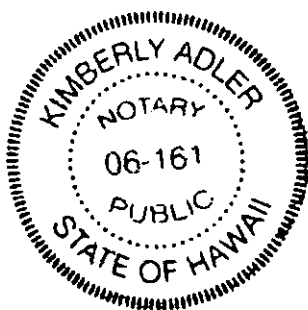


Kimberly Adler
Notary Public, State of Hawaii
Kimberly Adler
Printed Name of Notary
My commission expires: March 19, 2010

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this 27th day of August, 2009, before me personally appeared Merrill W. Werblun, to me known to be the person described in and who executed the foregoing instrument, and did say that [s]he is the Secretary of the ASSOCIATION OF OWNERS OF KALELE KAI, a Hawaii non-profit corporation; and acknowledged that [s]he executed the same as his/her free act and deed of and by authority of the Board of Directors of the ASSOCIATION OF OWNERS OF KALELE KAI.

This TENTH AMENDMENT OF THE DECLARATION OF CONDOMINIUM PROPERTY REGIME OF KALELE KAI consisting of 5 pages, dated August 27, 2009, was subscribed and sworn to before me on August 27, 2009, in the First Judicial Circuit of the State of Hawaii.



Kimberly Adler
Notary Public, State of Hawaii
Kimberly Adler
Printed Name of Notary
My commission expires: March 19, 2010