

L-69 STATE OF HAWAII  
OFFICE OF ASSISTANT REGISTRAR  
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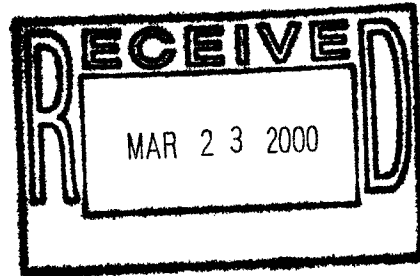
JAN 28, 2000 08:01 AM

Doc No(s) 2603628

on Cert(s) 523,281 & 533,485

/s/ CARL T. WATANABE  
ASSISTANT REGISTRAR

547227



LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL  PICKUP

McCorriston Miho Miller Mukai  
Attention: Sharon H. Nishi, Esq.  
P.O. Box 2800  
Honolulu, Hawaii 96803-3800

T6A 284592-P

This Document Contains 6 Pages

AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM PROPERTY REGIME  
OF HAWAII TOWER

WHEREAS, the Declaration of Condominium Property Regime for the Hawaiki Tower condominium project (the "Project"), dated December 19, 1997, was filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii (the "Office") as Document No. 2428170, and has been amended by instruments dated March 10, 1998, --- 1999, and June 3, 1999, filed in the Office as Document Nos. 2442735, 2542893 and 2551754 and noted on Transfer Certificate of Title No. 523281 (collectively, the "Declaration"); and

WHEREAS, the plans and elevations for the Project were filed in the Office as Condominium Map No. 1227 (the "Condominium Map").

WHEREAS, Paragraph R.6 of the Declaration provides in pertinent part that the owners of the respective apartments can change the designation of the parking stalls which are

limited common elements appurtenant to their respective apartments by filing in the Office an amendment to the Declaration executed by such apartment owners; and

WHEREAS, as noted on Transfer Certificate of Title No. 523281, NAURU PHOSPHATE ROYALTIES (HONOLULU), INC. , a Delaware corporation (“NPRH”), and NAURU PHOSPHATE ROYALTIES DEVELOPMENT (HONOLULU), INC., a Delaware corporation (“NPRD”), are the current owners of Hawaiki Tower Apartment No. 1305, to which parking stalls nos. 375 and 376 are appurtenant as limited common elements, as established and set forth in the Declaration and as shown on the Condominium Map; and

WHEREAS, NPRH and NPRD are the owners of Hawaiki Tower Apartment No. 3010, to which parking stalls nos. 339 and 340 are appurtenant as limited common elements, as established and set forth in the Declaration and as shown on the Condominium Map; and

WHEREAS, DOROTHY YUKIYE NISHI, as Successor Trustee of the Yasuhiko Nishi Revocable Living Trust established by that certain unrecorded Trust Agreement dated October 5, 1993, made by Yasuhiko Nishi, as Settlor/Trustee (“Nishi”), is the owner of Hawaiki Tower Apartment No. 1004, to which parking stall no. 15 is appurtenant as a limited common element, as established and set forth in the Declaration and as shown on the Condominium Map, pursuant to that certain Apartment Deed dated June 15, 1999, filed in the Office as Document No. 2551869 and duly noted on Transfer Certificate of Title No. 533,485; and

WHEREAS, NPRH, NPRD and Nishi desire to change the designation of parking stalls appurtenant to their respective Apartments as provided hereinbelow.

NOW, THEREFORE, in consideration of the premises set forth hereinabove and pursuant to the provisions of Paragraph R.6 of the Declaration, the parties hereto hereby amend the Declaration as follows:

1. The designation of the parking stalls and storage rooms that are appurtenant to Hawaiki Tower Apartments Nos. 1004, 1305 and 3010, as set forth in the Declaration, are changed so that those apartments shall have, as limited common elements appurtenant thereto, the following parking stalls and/or storage rooms, as shown on the Condominium Map:

<u>Apartment No.</u>	<u>Parking Stall<sup>1</sup> No(s).<sup>2</sup></u>	<u>Storage Room</u>
1004	375T*, 376TC ✓	
1305	339T*, 340TC ✓	
3010	15 ✓	


<sup>1</sup> Unless marked with an “\*”, each parking stall has appurtenant to it a storage cabinet located above the parking stall

- \* No storage cabinet appurtenant to the parking stall
- <sup>2</sup> C -- Compact; T -- Tandem; TC -- Tandem Compact; H -- Handicap

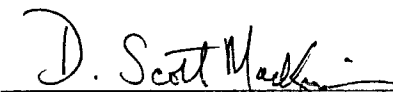
2. Exhibit C to the Declaration is revised by deleting the reference to the parking stalls and storage rooms appurtenant to Apartments Nos. 1004, 1305 and 3010, and by substituting in place thereof a reference to the parking stalls and storage rooms appurtenant to the respective apartments as set forth in Paragraph 1 hereinabove. As and from the date of this Amendment to Declaration of Condominium Property Regime of Hawaiki Tower, the parking stalls and storage rooms referred to in Paragraph 1 hereinabove shall be assigned and appurtenant, as limited common elements, to the apartments in accordance with Paragraph 1 hereinabove.

IN WITNESS WHEREOF, the undersigned have, pursuant to the rights expressly reserved to them under the provisions of Paragraph R.6 of the Declaration, executed this Amendment to Declaration of Condominium Property Regime of Hawaiki Tower as of the 30th day of December, 1999.

NAURU PHOSPHATE ROYALTIES (HONOLULU), INC.  
a Delaware corporation

By   
Name: D. Scott MacKinnon  
Title: Assistant Secretary

NAURU PHOSPHATE ROYALTIES DEVELOPMENT  
(HONOLULU), INC.  
a Delaware corporation

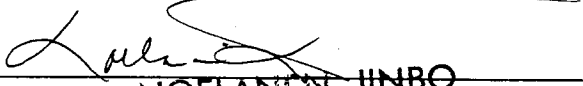
By   
Name: D. Scott MacKinnon  
Title: Assistant Secretary

*Dorothy Yukiye Nishi, Trustee*

DOROTHY YUKIYE NISHI, as Successor Trustee of  
the Yasuhiko Nishi Revocable Living Trust  
established by that certain unrecorded Trust  
Agreement dated October 5, 1993, made by Yasuhiko  
Nishi, as Settlor/Trustee

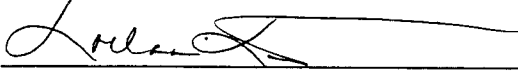
STATE OF HAWAII )  
 ) SS.  
CITY AND COUNTY OF HONOLULU )

On this 25<sup>th</sup> day of January, 2000, before me appeared D. SCOTT MacKINNON, to me personally known, who, being by me duly sworn, did say that he is the Assistant Secretary of NAURU PHOSPHATE ROYALTIES (HONOLULU), INC., a Delaware corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors and said officer acknowledged said instrument to be the free act and deed of said corporation.

*U.S.*  
  
Name: NOELANI N. JINBO  
Notary Public, State of Hawaii  
My commission expires: 9/22/2002


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

On this 25<sup>th</sup> day of January, 2000, before me appeared D. SCOTT MacKINNON, to me personally known, who, being by me duly sworn, did say that he is the Assistant Secretary of NAURU PHOSPHATE ROYALTIES DEVELOPMENT (HONOLULU), INC., a Delaware corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors and said officer acknowledged said instrument to be the free act and deed of said corporation.

*U.S.*  
  
Name: NOELANI N. JINBO  
Notary Public, State of Hawaii  
My commission expires: 9/22/2002

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

On this 25<sup>th</sup> day of January, 2000, before me appeared DOROTHY YUKIYE NISHI, to me personally known, who, being by me duly sworn or affirmed, did say that she executed the foregoing instrument as her free act and deed and in the capacity shown, having been duly authorized to execute such instrument in such capacity.

  
\_\_\_\_\_  
Name: NOELANI N. JINBO  
Notary Public, State of Hawaii  
My commission expires: 9/21/2002

U.S.