

L-33 STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
RECORDED

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Doc No(s) 2604254

on Cert(s) 523,281 & 537,627

/s/ CARL T. WATANABE
ASSISTANT REGISTRAR



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

TGA 204715 -P

This Document Contains 8 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. 2407, to which parking stall no. 101 and 102 are appurtenant as limited common elements, as established and set forth in the Declaration and as shown on the Condominium Map; and

WHEREAS, JAMES S. ANDO, Trustee of the James S. Ando Trust an unrecorded Semi-Revocable Living Trust dated December 13, 1989, and YONE ANDO, Trustee of the Yone Ando Trust an unrecorded Semi-Revocable Living Trust dated December 13, 1989 (collectively, the “Andos”), and ARTHUR MICHIIHIRO YOSHINAMI, husband of Velvel Kyoko Ando Yoshinami, and VELVEL KYOKO ANDO YOSHINAMI, wife of Arthur Michihiro Yoshinami (collectively, the “Yoshinamis”) are the owners of Hawaiki Tower Apartment No. 1807, to which parking stalls nos. 69 and 137 are appurtenant as limited common elements, 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. 2552026 and duly noted on Transfer Certificate of Title No. 533,534 and that certain Apartment Deed dated August 4, 1999, filed in the Office as Document No. 2568196 and duly noted on Transfer Certificate of Title No. 537,627; and

WHEREAS, NPRH, NPRD, the Andos and the Yoshinamis 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. 1807 and 2407, 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 Stall¹ No(s).²</u>	<u>Storage Room</u>
1807	101, 102 ✓	
2407	69, 137C ✓	

- ¹ 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
- ² 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. 1807 and 2407, 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.

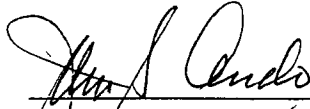
IN WITNESS WHEREOF, the undersigned have, pursuant to the rights expressly reserved to them under the provisions of Paragraph R.6 of the Declaration, executed this Amendment to Declaration of Condominium Property Regime of Hawaiki Tower as of the 30th day of December, 1999.

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

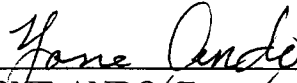
By D. Scott MacKinnon
Name: D. Scott MacKinnon
Title: Assistant Secretary

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

By D. Scott MacKinnon
Name: D. Scott MacKinnon
Title: Assistant Secretary



JAMES S. ANDO, Trustee of the James S. Ando Trust an unrecorded Semi-Revocable Living Trust dated December 13, 1989



YONE ANDO, Trustee of the Yone Ando Trust an unrecorded Semi-Revocable Living Trust dated December 13, 1989



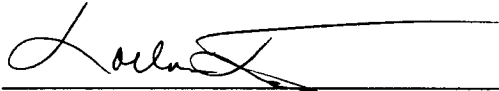
JAMES SHIGEMI ANDO, as Attorney-in-Fact for ARTHUR MICHIIHIRO YOSHINAMI



JAMES SHIGEMI ANDO, as Attorney-in-Fact for VELVET KYOKO ANDO YOSHINAMI

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

On this 2th 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.



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 2th 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.

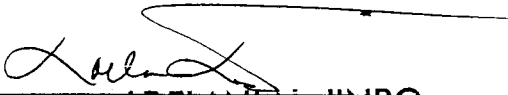


Name: Noelani N. Jinbo
Notary Public, State of Hawaii
My commission expires: 9/22/2002

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

On this 2nd day of January, 2000, before me appeared JAMES S. ANDO, to me personally known, who, being by me duly sworn or affirmed, did say that he executed the foregoing instrument as his free act and deed and in the capacity shown, having been duly authorized to execute such instrument in such capacity.

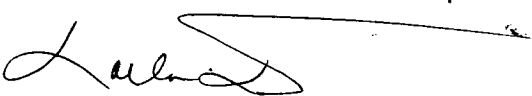
C.S.


Name: NOELANI N. JINBO
Notary Public, State of Hawaii
My commission expires: 9/24/2002

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

On this 2nd day of January, 2000, before me appeared YONE ANDO, 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.

C.S.


Name: NOELANI N. JINBO
Notary Public, State of Hawaii
My commission expires: 9/24/2002

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

On this 27th day of January, 2000, before me personally appeared JAMES SHIGEMI ANDO, as Attorney-in-Fact for ARTHUR MICHIHIRO YOSHINAMI, duly appointed under Power of Attorney dated June 28, 1993, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 2234388, and also recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-057254, which Power of Attorney is now in full force and effect; to me known to be the person described in and who executed the foregoing instrument as Attorney-in-Fact for said ARTHUR MICHIHIRO YOSHINAMI, and acknowledged that he executed the same as the free act and deed of said ARTHUR MICHIHIRO YOSHINAMI.

L.S.



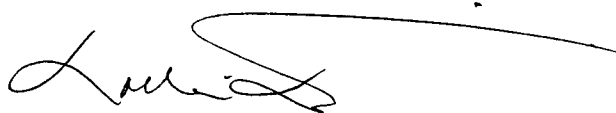
Name: Noelani N. Jinbo
NOTARY PUBLIC, State of Hawaii

My commission expires: 9/22/2002

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

On this 27th day of January, 2000, before me personally appeared JAMES SHIGEMI ANDO, as Attorney-in-Fact for VELVET KIYOKO ANDO YOSHINAMI, duly appointed under Power of Attorney dated June 28, 1993, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 2060779, and also recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 93-141685, which Power of Attorney is now in full force and effect; to me known to be the person described in and who executed the foregoing instrument as Attorney-in-Fact for said VELVET KIYOKO ANDO YOSHINAMI, and acknowledged that he executed the same as the free act and deed of said VELVET KIYOKO ANDO YOSHINAMI.

L.S.



Name: Noelani N. Jinbo
NOTARY PUBLIC, State of Hawaii

My commission expires: 9/22/2002