

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

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. 3007, to which parking stalls nos. 263 and 264 are appurtenant as limited common elements, as established and set forth in the Declaration and as shown on the Condominium Map; and

WHEREAS, BANK OF AMERICA, N.A., a national banking association, as Successor Trustee of the Nell W. Tarantolo Trust established by that certain unrecorded inter vivos trust agreement dated August 28, 1972, made by Dorothy Nell Woodruff Huber, now known as Nell W. Tarantolo, as Donor (“Bank of America”), is the owner of Hawaiki Tower Apartment No. 3408, to which parking stalls nos. 344 and 345 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 October 8, 1999, filed in the Office as Document No. 2580457 and duly noted on Transfer Certificate of Title No. 540,823; and

WHEREAS, NPRH, NPRD and Bank of America 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. 3007 and 3408, 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>
3007	344, 345	
3408	263, 264	

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

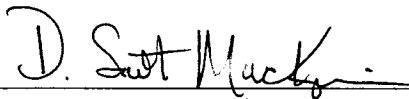
\* No storage cabinet appurtenant to the parking stall

<sup>2</sup> C -- Compact; T -- Tandem; TC -- Tandem Compact; H -- Handicap

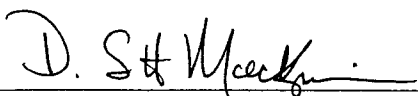
2. Exhibit C to the Declaration is revised by deleting the reference to the parking stalls and storage rooms appurtenant to Apartments Nos. 3007 and 3408, and by substituting in place thereof a reference to the parking stalls and storage rooms appurtenant to the respective apartments as set forth in 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

BANK OF AMERICA, N.A., a national banking association, as Successor Trustee of the Nell W. Tarantolo Trust established by that certain unrecorded inter vivos trust agreement dated August 28, 1972, made by Dorothy Nell Woodruff Huber, now known as Nell W. Tarantolo, as Donor

By   
Name: Robert Gardner  
Title: JP

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

On this 1<sup>st</sup> day of March, 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

C-1.

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

On this 1<sup>st</sup> day of March, 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

C-1.

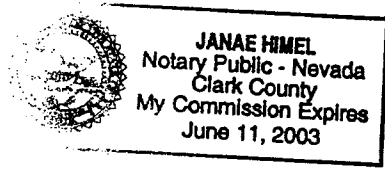
State of Nevada            )  
  )   S. S.  
County of Clark            )

On 2/10/00 before me,  
Janae Himel \_\_\_\_\_, Notary Public,  
personally appeared Robert D. Gardner, personally known to me to be the  
person whose name is subscribed to the within instrument and acknowledged  
to me that the document was executed in his authorized capacity and that by  
signature upon the instrument the person or the entity upon behalf of which  
the he acted, executed the instrument.

Witness my hand and official seal.

Janae Himel \_\_\_\_\_

S E A L





**TITLE GUARANTY OF HAWAII**

INCORPORATED

235 QUEEN STREET HONOLULU, HAWAII 96813

PHONE: (808) 533-6261 FAX: (808) 521-0221

2611316 R NAURU PHOSPHATE ROYALTIES HON IN  
R BANK OF AMERICA NA TR S  
R NAURU PHOSPHATE ROYALTIES DEVMT

TITLE GUARANTY OF HAWAII, INCORPORATED  
HEREBY CERTIFIES THAT THIS IS A TRUE COPY  
OF THE ORIGINAL DOCUMENT RECORDED AS  
LAND COURT DOCUMENT NO. **2611316**  
AND NOTED ON TRANSFER CERTIFICATE  
OF TITLE NO. **523281**  
ON **MARCH 08, 2000** AT **8:01 A.M.**

DATE OF RECORDING : MARCH 08, 2000

DESCRIPTION : PS 344 APT 3007 CM 1227 &C

DOCUMENT TYPE : AM CPR

TCT NO. : 523281

FILE A286201

BY:

*Just A. Wilson*

