

L-223 STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
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/s/ CARL T. WATANABE
ASSISTANT REGISTRAR



LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL PICKUP

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

This Document Contains 4 Pages

Akama Love

**AMENDMENT
TO
DECLARATION OF CONDOMINIUM PROPERTY REGIME
OF HAWAIKI 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 "Land Court") as Document No. 2428170 (as amended, the "Declaration") and noted on Certificate of Title No. 523281; and

WHEREAS, a set of plot and floor plans and elevations for the Project, certified by a registered architect as depicting the layout, location, apartment numbers and dimensions of the apartments in the Project as approved by the officer of the City and County of Honolulu having jurisdiction over the issuance of permits for the construction of buildings, was filed in the Land Court as Condominium Map No. 1227 (as amended, the "Condominium Map"); and

WHEREAS, Paragraph Q.2 of the Declaration provides in pertinent part that prior to (i) the time that all apartments in the Project have been sold and recorded, and (ii) the filing by the Developer of

the "as built" verified statement (with plans, if applicable) required by Section 514A-12 of the Hawaii Revised Statutes (but in no event later than December 31, 2001), NAURU PHOSPHATE ROYALTIES DEVELOPMENT (HONOLULU), INC., a Delaware corporation ("NPRD"), as the developer of the Project, shall have the right, without the consent, approval or joinder of any apartment owner, to make alterations in the Project (and to amend the Declaration and the Condominium Map accordingly) which make minor changes in the common elements which do not affect the physical location, design or size of any apartment which has been sold and recorded; PROVIDED, HOWEVER, that any such changes shall be reflected in an amendment to the Declaration; and

WHEREAS, as of the date of this Amendment, all apartments in the Project have not been sold and recorded, and as noted on Transfer Certificate of Title No. 523281 NAURU PHOSPHATE ROYALTIES (HONOLULU), INC., a Delaware corporation ("NPRH"), and NPRD, are the current owners of Hawaiki Tower Apartment No. 301, to which parking stalls nos. 58, 121, 262, 331, 332, 390, 436, 708, 709, 733, 780 and 782, and storage rooms P510 and P511 are appurtenant as limited common elements, as established and set forth in the Declaration and as shown on the Condominium Map; and

WHEREAS, parking stalls nos. 708 and 709 are located adjacent to pool equipment room on Level 5 of the parking structure and designated as space P505 on the Condominium Map (the "Pool Equipment Room"), which Pool Equipment Room is a common element of the Project; and

WHEREAS, the Association of Apartment Owners of Hawaiki Tower (the "Association") desires to make certain alterations to the Pool Equipment Room which may involve expansion of the Pool Equipment Room into a portion of the space presently constituting parking stalls nos. 708 and/or 709 and may render the use of parking stalls nos. 708 and/or 709 as parking stalls infeasible or undesirable; and

WHEREAS, NPRH and NPRD desire to accommodate the Association's needs with respect to modification of the Pool Equipment Room and in connection therewith are willing to surrender their rights to use parking stalls nos. 708 and 709 and to change the designation of parking stalls nos. 708 and 709 from limited common elements appurtenant to Hawaiki Tower Apartment No. 301 to common elements; and

WHEREAS, changing the designation of parking stalls nos. 708 and 709 from limited common elements appurtenant to Hawaiki Tower Apartment No. 301 to common elements will not affect the physical location, design or size of any apartment which has been sold and recorded;

NOW, THEREFORE, in consideration of the premises set forth hereinabove and pursuant to the provisions of Paragraph Q.2 of the Declaration, the parties hereto hereby amend the Declaration as follows:

1. Paragraph C.1.(e) of the Declaration is revised to read as follows:

"(e) Level 5. Level 5 of the Platform will include one (1) parking ramp, one hundred fourteen (114) standard-size covered parking stalls, four (4) compact-size covered parking stalls, six (6) standard-size tandem covered parking stalls, eight (8) compact-size tandem covered parking stalls, two (2) handicap covered parking stalls, two (2) stairways, two (2) fan rooms, six (6) storage rooms, and two (2) pool equipment rooms, as shown on the Condominium Map.

2. The designation of the parking stalls and storage rooms that are appurtenant to Hawaiki Tower Apartment No. 301, as set forth in the Declaration, is changed so that that apartment 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>
301	58, 121, 262, 331TC, 332TC*, 390, 436C*, 733, 780 & 782*	P511 P510

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

3. Exhibit C to the Declaration is revised by deleting the reference to the parking stalls and storage rooms appurtenant to Hawaiki Tower Apartment No. 301, and by substituting in place thereof a reference to the parking stalls and storage rooms appurtenant to Hawaiki Tower Apartment No. 301, as set forth in Paragraph 2 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 2 hereinabove shall be assigned and appurtenant, as limited common elements, to Hawaiki Tower Apartment No. 301 in accordance with Paragraph 2 hereinabove.

4. Sheet A2.06, filed in the Land Court concurrently with this Amendment, is substituted for Sheet A2.06 of the Condominium Map.

IN WITNESS WHEREOF, the undersigned have, pursuant to the rights expressly reserved to them under the provisions of Paragraph Q.2 of the Declaration, executed this Amendment to Declaration of Condominium Property Regime of Hawaiki Tower as of the 1st day of May, 2001.

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


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

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(HONOLULU), INC.
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STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

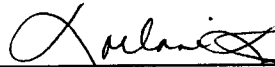
On this 1st day of May, 2001, before me appeared D. SCOTT MacKINNON, to me personally known, who, being by me duly sworn, did say that he is the Assistant Secretary of NAURU PHOSPHATE ROYALTIES (HONOLULU), INC., a Delaware corporation, and that said instrument was signed in behalf of said corporation 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)

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