

L-45 STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
RECORDED

SEP 18, 2001 08:01 AM

Doc No(s) 2737629

on Cert(s) 523,281 & 540,480 ✓

/s/ CARL T. WATANABE
ASSISTANT REGISTRAR *mw*

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

TG: A308805P

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This Document Contains 5 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. 301, to which parking stalls nos. 58, 138, 139, 262, 331, 332, 390, 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, as noted on Transfer Certificate of Title No. 540480, T. MOHAN SAMTANI and ALIES MOHAN SAMTANI, Trustees of the unrecorded "MOHAN SAMTANI REVOCABLE LIVING TRUST" dated March 28, 1995, (the "Mohan Samtanis"), are the current owners of Hawaiki Tower Apartment No. 503, to which parking stall no. 679 is appurtenant as a limited common element, as established and set forth in the Declaration and as shown on the Condominium Map; and

WHEREAS, NPRH and NPRD and the Mohan Samtanis desire to change the designation of parking stalls appurtenant to Apartments 301 and 503 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. 301 and 503, 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>
301	58, 138TC, 139TC*, 331TC, 332TC*, 390, 733, 780 & 782*	P511 P510
503	262, 679	

¹ Unless marked with an "*", each parking stall has appurtenant to it a storage cabinet located above the parking stall

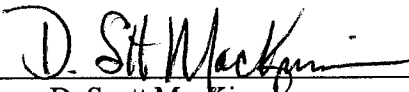
² C -- Compact; T -- Tandem; TC -- Tandem Compact; H -- Handicap

* No storage cabinet appurtenant to the parking stall

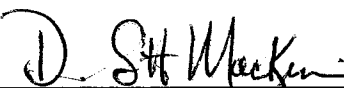
2. Exhibit C to the Declaration is revised by deleting the reference to the parking stalls and storage rooms appurtenant to Apartments Nos. 301 and 503, and by substituting in place thereof a reference to the parking stalls and storage rooms appurtenant to the respective apartments as set forth in Paragraph 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 31 day of July, 2001.


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


MOHAN SAMTANI REVOCABLE LIVING TRUST

By  T. Mohan Samtani
Name: T. Mohan Samtani
Title: Trustee

By 
Name: Alies Mohan Samtani
Title: Trustee

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


On this 31 day of July, 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: JOY CLEMENTE
Notary Public, State of Hawaii
My commission expires: 8-7-2001

vs

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

On this 31 day of July, 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 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.

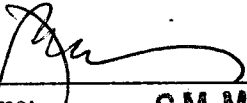

Name: JOY CLEMENTE
Notary Public, State of Hawaii
My commission expires: 8-7-2001

vs

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

On this 12th day of September, 2001, before me appeared T. MOHAN SAMTANI, 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.


L.S.


Name: S.M. Menina
Notary Public, State of Hawaii
My commission expires: 4-29-2005

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

On this 12th day of September, 2001, before me appeared ALIES MOHAN SAMTANI, 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.

L.S.


Name: S.M. Menina
Notary Public, State of Hawaii
My commission expires: 4-29-2005