

/s/ LESLIE T. KOBATA, REGISTRAR
ICL 14

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL ☒ PICK-UP ☐:

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McKeon Sheldon Mehling LLC
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Wailuku, Hawaii 96793

TMK No. (2) 3-9-035
Parcels 1, 2, 78-109 & 111-142

Total pages: 13

**CORRECTED THIRD AMENDMENT OF DECLARATION
OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE**

This CORRECTED THIRD AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE (this “Amendment”) is made by HONU ALAHELE HOMEOWNERS ASSOCIATION (the “Association”), PILIWALE PARTNERS LLC, and TRUSTEES IN DISSOLUTION OF HONU ALAHELE HOMEOWNERS ASSOCIATION, INVOLUNTARILY DISSOLVED.

RECITALS:

WHEREAS, by that certain Declaration of Protective Covenants, Conditions and Restrictions For Honu Alahele, dated March 10, 2003, and recorded in the State of Hawaii Bureau of Conveyances as Document No. 2003-048551 (hereinafter referred to as the

"Declaration"), the property described therein was established as a planned residential subdivision;

WHEREAS, said Declaration at Article 18, Section 18.1 provides that the Declaration may be amended by the affirmative vote or written consent of both (i) fifty-one percent (51%) of the owners of the total lots and (ii) Declarant, if said Declarant is the owner of at least one (1) Lot; and

WHEREAS, at least fifty-one percent (51%) of the total lot owners have given their affirmative vote or written consent to amend the Declaration as hereinafter set forth.

WHEREAS, the Declarant, which is the owner of at least one (1) Lot in Honu Alahele, hereby consents to amend the Declaration as hereinafter set forth, and Declarant desires that its consent relate back to the recordation date of original Third Amendment of Declaration of Protective Covenants, Conditions and Restrictions For Honu Alahele, recorded in the State of Hawaii Bureau of Conveyances on May 27, 2016 as Document No. A59910850;

WHEREAS, Declarant filed Articles of Incorporation for "Honu Alahele Homeowners Association", a non-profit Hawaii corporation, on July 29, 2004 with the State of Hawaii Department of Commerce and Consumer Affairs ("DCCA"); however, such corporation was involuntarily dissolved by the DCCA by issuance of a Certificate of Administrative Dissolution;

WHEREAS, as intended by Declarant, the Association was organized as a Hawaii non-profit corporation by filing Articles of Incorporation with the State of Hawaii Department of Commerce and Consumer Affairs on June 20, 2016 to continue the rights, obligations, powers and duties identified in the Declaration, as amended;

WHEREAS, the Trustees in Dissolution of Honu Alahele Homeowners Association hereby consent to amend the Declaration as hereinafter set forth, and said Trustees desire that

their consent relate back to the recordation date of original Third Amendment of Declaration of Protective Covenants, Conditions and Restrictions For Honu Alahele, recorded in the State of Hawaii Bureau of Conveyances on May 27, 2016 as Document No. A59910850.

AMENDMENTS

NOW, THEREFORE, Article 11, Section 11.1.f is hereby amended in its entirety as follows:

f. The construction of any building, improvement or structure upon any lot shall be completed within twelve (12) months from the visible commencement of construction. All landscaping shall be completed within ninety (90) days of occupancy of a single family residence or within fifteen (15) months from the visible commencement of construction of a single family residence.

NOW, THEREFORE, Article 12, section 12.1.d is hereby deleted in its entirety.

NOW, THEREFORE, Article 13 is hereby amended to add a new section 13.3 as follows:

13.3 **Weeds.** Weeds on a lot shall not exceed twelve (12) inches in height and such weeds shall be mowed or otherwise cut on a regular basis.

NOW, THEREFORE, Article 16 is hereby amended to add a new section 16.3 as follows:

16.3 **Fines.** In addition to any other enforcement remedies as provided in the Association's Declaration and By-Laws, all as amended, and at law or equity, the Association's Board of Directors, shall be authorized to enact a schedule of fines to be levied against any Owner, by the Board of Directors, for said Owner's violation of construction of Lot improvements, landscaping and Lot maintenance provisions of the Association's Declaration and/or By-Laws, all as amended. Any fines unpaid by an Owner shall be treated as a special assessment which the Association may record a Notice of Lien in accord with Section 9.7 herein.

In all other respects, the Declaration, as amended, is hereby ratified and confirmed and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

The undersigned officers of the Association hereby certify that the foregoing amendment

was duly adopted as aforesaid, the undersigned Declarant hereby certifies its consent to the foregoing amendment and the undersigned Trustees in Dissolution of Honu Alahele Homeowners Association hereby certify as to their consent to the foregoing amendment.

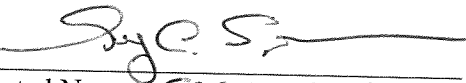
IN WITNESS WHEREOF, the undersigned have executed this Amendment this 3rd day of February, 2017.

**HONU ALAHELE HOMEOWNERS
ASSOCIATION**

By


Printed Name: MITCHELL JORDAN
Its: PRESIDENT

By


Printed Name: GREGORY SPENCER
Its: VICE PRESIDENT AND SECRETARY

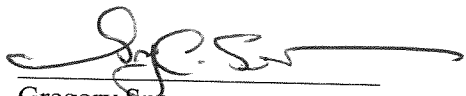
PILIWALE PARTNERS LLC

By

Printed Name: _____
Its: _____

**TRUSTEES IN DISSOLUTION OF HONU
ALAHELE HOMEOWNERS
ASSOCIATION, INVOLUNTARILY
DISSOLVED**


Mitchell Jordan


Gregory Spencer

was duly adopted as aforesaid, the undersigned Declarant hereby certifies its consent to the foregoing amendment and the undersigned Trustees in Dissolution of Honu Alahele Homeowners Association hereby certify as to their consent to the foregoing amendment.

IN WITNESS WHEREOF, the undersigned have executed this Amendment this _____ day of _____, 2017.

**HONU ALAHELE HOMEOWNERS
ASSOCIATION**

By _____
Printed Name: _____
Its: _____

By _____
Printed Name: _____
Its: _____

PILIWALE PARTNERS LLC

By *Sherling J. Kim*
Printed Name: SHERLING J. KIM
Its: _____

**TRUSTEES IN DISSOLUTION OF HONU
ALAHELE HOMEOWNERS
ASSOCIATION, INVOLUNTARILY
DISSOLVED**

Mitchell Jordan

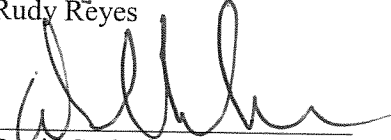
Gregory Spencer



Steve Tervooren



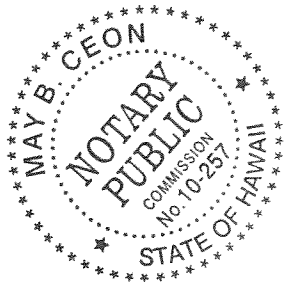
Rudy Reyes



David Stoltzfus

STATE OF HAWAII)
) ss.
COUNTY OF MAUI)

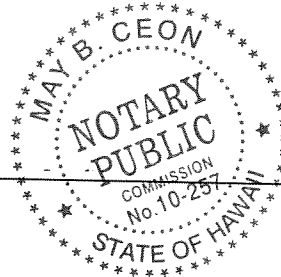
On this 3rd day of February, 2017, before me personally appeared MITCHELL JORDAN to me personally, who, being by me duly sworn or affirmed, did say that he is the PRESIDENT of the HONU ALAHELE HOMEOWNERS ASSOCIATION, and the foregoing instrument was executed as the free act and deed of said association, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity. Said association has no seal.



May B. Ceon
Signature:

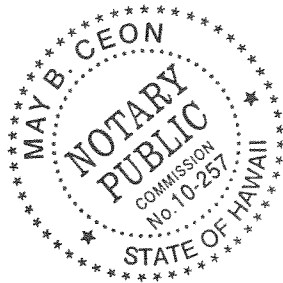
May B. Ceon
Print Name:
Notary Public, State of Hawaii
My commission expires: 8/15/2018

Doc. Date: <u>2/3/17</u>	# Pages: <u>13</u>
Notary Name: <u>May B. Ceon</u>	<u>second</u> Circuit
Doc. Description: CORRECTED THIRD AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE	
<u>May B. Ceon</u> Notary Signature	<u>2/3/17</u> Date



STATE OF HAWAII)
) ss.
COUNTY OF MAUI)

On this 3rd day of February, 2017, before me personally appeared Mr. GREGORY SPENCER to me personally, who, being by me duly sworn or affirmed, did say that he is the VICE PRESIDENT/SECRETARY of the HONU ALAHELE HOMEOWNERS ASSOCIATION, and the foregoing instrument was executed as the free act and deed of said association, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity. Said association has no seal.



May B. Ceon
Signature:

May B. Ceon
Print Name:
Notary Public, State of Hawaii
My commission expires: 8/15/2018

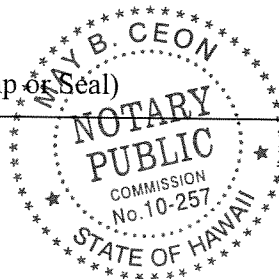
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Notary Name: May B. Ceon second Circuit

Doc. Description:
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May B. Ceon 2/3/17
Notary Signature Date

NOTARY CERTIFICATION

(Stamp or Seal)



STATE OF HAWAII)
) ss.
COUNTY OF MAUI)

On this 15th day of FEBRUARY, 2017, before me personally appeared STERLING J. KIM to me personally, who, being by me duly sworn or affirmed, did say that he is the MANAGER of PIWALE PARTNERS LLC, and the foregoing instrument was executed as the free act and deed of said LLC, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity. Said LLC has no seal.

Roxanne G. Morton

Signature:

Roxanne G. Morton

Print Name:

Notary Public, State of Hawaii

My commission expires: 10-16-2019

Doc. Date: _____ # Pages: ____

Notary Name: Roxanne G. Morton 2nd Circuit

Doc. Description:

CORRECTED THIRD AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE

Roxanne G. Morton

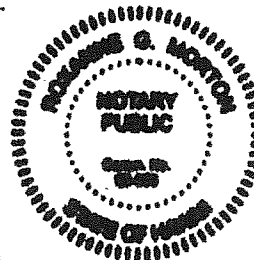
Notary Signature

2-15-2017

Date

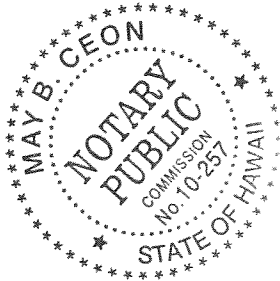
NOTARY CERTIFICATION

(Stamp or Seal)



STATE OF HAWAII)
) ss.
COUNTY OF MAUI)

On this 3rd day of February, 2017, before me personally MITCHELL JORDAN to me personally, who, being by me duly sworn or affirmed, did say that he is a Trustee of the TRUSTEES IN DISSOLUTION OF HONU ALAHELE HOMEOWNERS ASSOCIATION, INVOLUNTARILY DISSOLVED and the foregoing instrument was executed as the free act and deed of said association, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity. Said association has no seal.



Signature: _____

May B. Ceon

Print Name: _____

May B. Ceon

Notary Public, State of Hawaii

My commission expires: 8/15/2018

Doc. Date: 2/3/17

Pages: 13

Notary Name: May B. Ceon Second Circuit

Doc. Description:

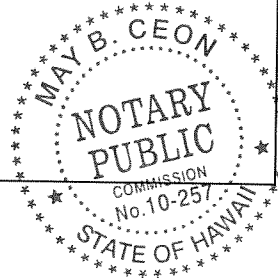
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May B. Ceon
Notary Signature

2/3/17
Date

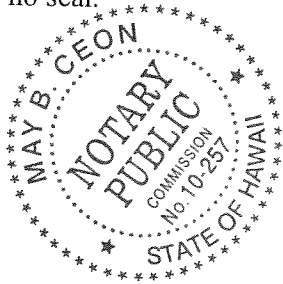
NOTARY CERTIFICATION

(Stamp or Seal)



STATE OF HAWAII)
) ss.
COUNTY OF MAUI)

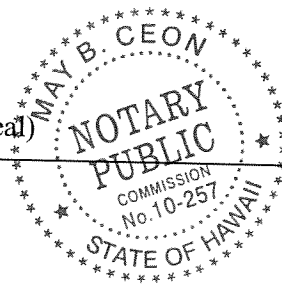
On this 3rd day of February, 2017, before me personally appeared GREGORY SPENCER to me personally, who, being by me duly sworn or affirmed, did say that he is a Trustee of the TRUSTEES IN DISSOLUTION OF HONU ALAHELE HOMEOWNERS ASSOCIATION, INVOLUNTARILY DISSOLVED, and the foregoing instrument was executed as the free act and deed of said association, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity. Said association has no seal.



May B. Ceon
Signature:

May B. Ceon
Print Name:
Notary Public, State of Hawaii
My commission expires: 8/15/2018

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<u>May B. Ceon</u> Notary Signature	<u>2/3/17</u> Date
NOTARY CERTIFICATION	(Stamp or Seal)



STATE OF HAWAII)
) ss.
COUNTY OF MAUI)

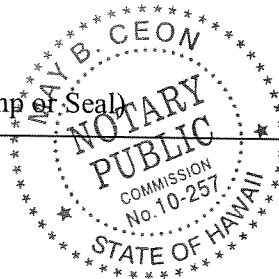
On this 20th day of February, 2017, before me personally appeared STEVE TEVOOREN to me personally, who, being by me duly sworn or affirmed, did say that he is a Trustee of the TRUSTEES IN DISSOLUTION OF HONU ALAHELE HOMEOWNERS ASSOCIATION, INVOLUNTARILY DISSOLVED, and the foregoing instrument was executed as the free act and deed of said association, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity. Said association has no seal.



May B. Ceon
Signature:

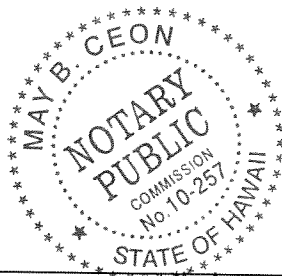
May B. Ceon
Print Name:
Notary Public, State of Hawaii
My commission expires: 8/15/2018

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<u>May B. Ceon</u> Notary Signature	<u>2/20/17</u> Date
NOTARY CERTIFICATION	(Stamp or Seal)



STATE OF HAWAII)
) ss.
COUNTY OF MAUI)

On this 8th day of February, 2017, before me personally appeared DAVID STOLTZFU to me personally, who, being by me duly sworn or affirmed, did say that he is a Trustee of the TRUSTEES IN DISSOLUTION OF HONU ALAHELE HOMEOWNERS ASSOCIATION, INVOLUNTARILY DISSOLVED, and the foregoing instrument was executed as the free act and deed of said association, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity. Said association has no seal.



May B. Ceon
Signature:

May B. Ceon
Print Name:
Notary Public, State of Hawaii
My commission expires: 8/15/2018

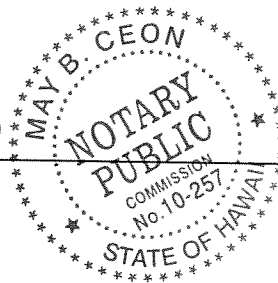
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Notary Name: May B. Ceon second Circuit

Doc. Description:
CORRECTED THIRD AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE

May B. Ceon 2/6/17
Notary Signature Date

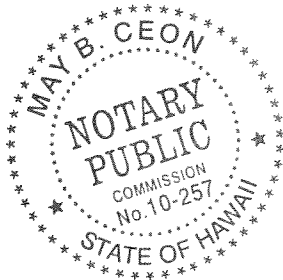
NOTARY CERTIFICATION

(Stamp or Seal)



STATE OF HAWAII)
) ss.
COUNTY OF MAUI)

On this 7th day of February, 2017, before me personally appeared RUDY REYES to me personally, who, being by me duly sworn or affirmed, did say that he is a Trustee of the TRUSTEES IN DISSOLUTION OF HONU ALAHELE HOMEOWNERS ASSOCIATION, INVOLUNTARILY DISSOLVED, and the foregoing instrument was executed as the free act and deed of said association, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity. Said association has no seal.



May B. Ceon
Signature:

May B. Ceon
Print Name:

Notary Public, State of Hawaii

My commission expires: 8/15/2018

Doc. Date: 2/3/17

Pages: 13

Notary Name: May B. Ceon Second Circuit

Doc. Description:

CORRECTED THIRD AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE

May B. Ceon 2/7/17
Notary Signature Date

NOTARY CERTIFICATION

(Stamp or Seal)

