

/s/ LESLIE T. KOBATA, REGISTRAR
KEO 13

LAND COURT SYSTEM

REGULAR SYSTEM

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

Shannon S. Sheldon, Esq.
McKeon Sheldon Mehling LLC
A Limited Liability Law Company
2145 Kaohu Street, Suite 203
Wailuku, Hawaii 96793

TMK No. (2) 3-9-35
Parcels 1, 2, 78-109 & 111-142

Total pages: 13

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

This AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE (this "Amendment") is made
by HONU ALAHELE HOMEOWNERS ASSOCIATION (the "Association").

RECITALS:

WHEREAS, Piliwale Partners LLC, an administratively terminated Hawaii limited
liability company ("Declarant"), was the fee simple owner of certain property located at Kihei,
Island and County of Maui, State of Hawaii;

WHEREAS, Declarant desired to have said property, developed, maintained and
preserved as a residential subdivision;

WHEREAS, Declarant intended to organize a Hawaii non-profit to maintain and improve the "Common Area" (as hereinafter defined) of said subdivision for the use and benefit of the owners and occupants of said lots, and others entitled thereto; to repair, maintain and replace improvements in the Common Area; to perform and provide for services necessary and required for the benefit of said subdivision, the owners and occupants of the lots thereof and others; and to supervise and enforce the compliance by the owners and occupants of said lots with all applicable provisions, covenants, conditions and restrictions;

WHEREAS, Declarant declared that all of the real property included in "Hone Alahele" shall, at all times, be owned, held, used and occupied subject to the provisions of the Declaration of Protective Covenants, Conditions and Restrictions For Honu Alahele, dated March 10, 2003, and recorded in the State of Hawaii Bureau of Conveyances ("Bureau") as Document No. 2003-048551 (hereinafter referred to as the "Declaration"), as amended, and to the covenants, conditions and restrictions contained therein;

WHEREAS, Declarant filed Articles of Incorporation for "Honu Alahele Homeowners Association" (the "Dissolved Association"), a non-profit Hawaii corporation, on July 29, 2004 with the State of Hawaii Department of Commerce and Consumer Affairs ("DCCA")

WHEREAS, by issuance of a Certificate of Administrative Dissolution, the Director of the DCCA involuntarily dissolved the Dissolved Association on June 10, 2008;

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 Declaration at Article 18, Section 18.1 provides that the Declaration may

be amended by the affirmative vote or written consent of fifty-one percent (51%) of the owners of the total lots, excluding the roadway lots; and

WHEREAS, on March 30, 2017, 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.

NOW, THEREFORE, the undersigned and Declarant do hereby amend the Declaration as follows:

1. Section 1.2 of Article 1 is deleted in its entirety and replaced with the following:

1.2 **Articles of Incorporation.** “Articles of Incorporation” or “Articles” means the Articles of Incorporation of the Association filed with the State of Hawaii Department of Commerce and Consumer Affairs on June 20, 2016.

2. Section 1.3 of Article 1 is deleted in its entirety and replaced with the following:

1.3 **Association.** “Association” means the Honu Alahele Homeowners Association, the non-profit Hawaii corporation incorporated on June 20, 2016, and its successors and assigns.

3. Section 1.6 of Article 1 is deleted in its entirety and replaced with the following:

1.6. **By-Laws.** “By-Laws” means the By-Laws of Honu Alahele Homeowners Association adopted on August 30, 2016, which may be amended from time to time.

The amended version of the Declaration supersedes the original Declaration and all prior amendments thereto. This Amendment shall be construed in accordance with and governed by the laws of the State of Hawaii. To the extent that there is any conflict between this Amendment and the applicable State of Hawaii statutes, such statutes shall control.

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.

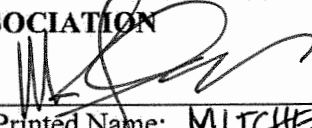
The officers of the Association agree that this Amendment may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same instrument, binding the parties thereto, notwithstanding that all the parties are not signatories to the original or the same counterpart. For all purposes, including without limitation, recordation, filing and delivery of this Amendment, duplicate, unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

The undersigned officers of the Association hereby certify that the foregoing amendment was duly adopted as aforesaid.

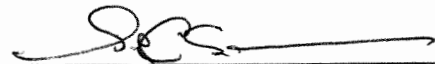
IN WITNESS WHEREOF, the undersigned have executed this Amendment this 31 day of March, 2017.

**HONU ALAHELE HOMEOWNERS
ASSOCIATION**

By


Printed Name: MITCHELL JORDAN
Its: PRESIDENT

By

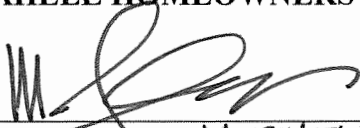

Printed Name: GREGORY SPENCER
Its: SECRETARY

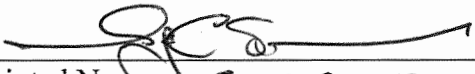
**PILIWALE PARTNERS LLC,
Administratively Terminated**

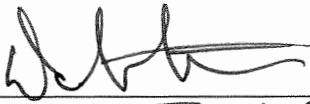
By

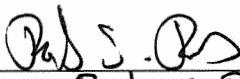

Printed Name: SPERLING J. KIM
Its: MANAGER

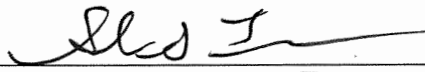
**TRUSTEES IN DISSOLUTION OF HONU
ALAHELE HOMEOWNERS ASSOCIATION**

By 
Printed Name: MITCHELL JORDAN
Its: Trustee in Dissolution

By 
Printed Name: GREGORY SPENCER
Its: Trustee in Dissolution

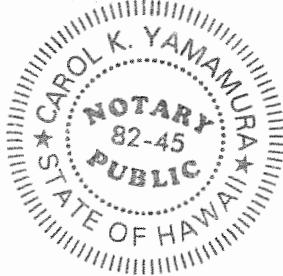
By 
Printed Name: David Stoltzfus
Its: Trustee in Dissolution

By 
Printed Name: Rudy S. Reyes
Its: Trustee in Dissolution

By 
Printed Name: Steven S. Tervooren
Its: Trustee in Dissolution

STATE OF Hawaii)
) ss.
COUNTY OF Maui)

On this 5th day of April, 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.



Carol K. Yamamura
Signature:

Carol K. Yamamura
Print Name:

Notary Public, State of Hawaii

My commission expires: 1/28/18

Doc. Date: 3/31/17 # Pages: 13

Notary Name: Carol K. Yamamura Second Circuit

Doc. Description:

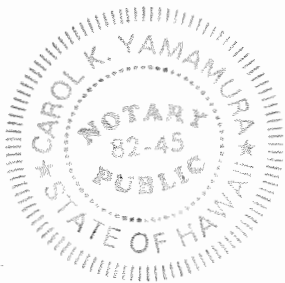
AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE

Carol K. Yamamura 4/5/17
Notary Signature Date



STATE OF HAWAII
COUNTY OF MAUI

On this 5th day of April, 2017, before me personally appeared Gregory Spencer to me personally, who, being by me duly sworn or affirmed, did say that he is the 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.



Carol R. Ignas
Signature

Carol K. Yamamura

Notary Public, State of Hawaii

My commission expires: 1/28/18

Doc. Date: March 31, 2017

Pages: 13

Notary Name: Carol K. Yamamura Second Circuit

Doc. Description:

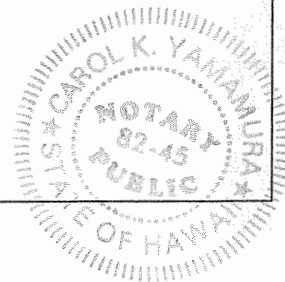
AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE

Carol K. Zimm
Notary Signature

Notary Signature

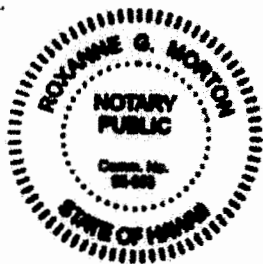
Apr. 5, 2017
Date

Date _____



STATE OF Hawaii)
COUNTY OF Maui) ss.

On this 2nd day of April, 2017, before me personally appeared Steven J. Kim to me personally, who, being by me duly sworn or affirmed, did say that he is the Manager of the PILIWALE PARTNERS LLC, Administratively Terminated, 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.



Roxanne G. Morton
Signature:

Roxanne G. Morton
Print Name:

Notary Public, State of Hawaii

My commission expires: 10-16-2019

Doc. Date: 3-31-17 # Pages: 13

Notary Name: Roxanne G. Morton 2nd Circuit

Doc. Description:

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

Roxanne G. Morton 4-2-17
Notary Signature Date

STATE OF Hawaii)
) ss.
COUNTY OF Mani)

On this 5th day of April, 2018, before me personally appeared Nicholas 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, 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.



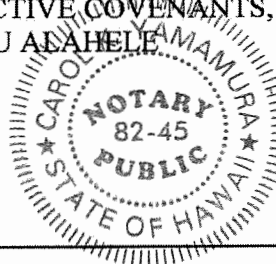
Carol K. Yamamura
Signature:

Carol K Yamamura
Print Name:
Notary Public, State of Hawaii
My commission expires: 1/26/18

Doc. Date: 3/31/17 # Pages: 10
Notary Name: Carol K. Yamamura Second Circuit

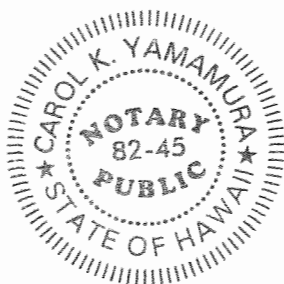
Doc. Description:
AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE

Carol K. Yamamura 4/5/17
Notary Signature Date



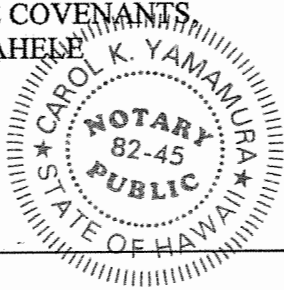
STATE OF Hawaii)
) ss.
COUNTY OF Mau)

On this 5th day of April, 2017, before me personally appeared Gregory Spawert 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, 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.



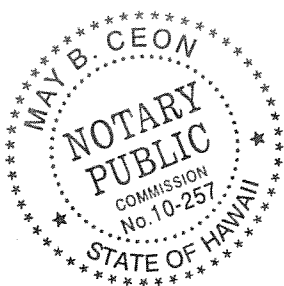
Carol K. Yamamura
Signature:
Carol K. Yamamura
Print Name:
Notary Public, State of Hawaii
My commission expires: 1/26/18

Doc. Date: <u>3/21/17</u>	# Pages: <u>17</u>
Notary Name: <u>Carol K. Yamamura</u> <u>Servant</u> Circuit	
Doc. Description: AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE	
<u>Carol K. Yamamura</u> Notary Signature	<u>4/5/17</u> Date



STATE OF Hawaii)
) ss.
COUNTY OF MAUI)

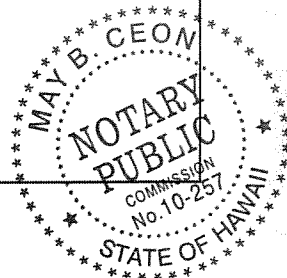
On this com day of April, 2017, before me personally appeared David Stoltzfus to me personally, who, being by me duly sworn or affirmed, did say that he is a Trustee of the TRUSTEES IN DISSOLUTION OF HONU ALAHELE HOMEOWNERS ASSOCIATION, and the foregoing instrument was executed as the free act and deed 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:

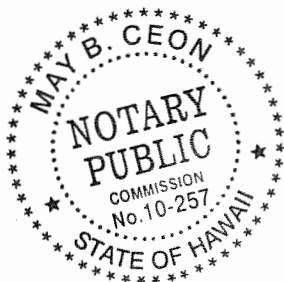
May B. Ceon
Print Name:
Notary Public, State of Hawaii
My commission expires: 8/15/2018

Doc. Date: <u>3/31/17</u>	# Pages: <u>13</u>
Notary Name: <u>May B. Ceon</u> <u>second</u> Circuit	
Doc. Description: AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE	
<u>May B. Ceon</u> Notary Signature	<u>4/6/17</u> Date



STATE OF Hawaii)
COUNTY OF Maui) ss.

On this 20th day of April, 2017, before me personally appeared Ricky S. 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, 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.

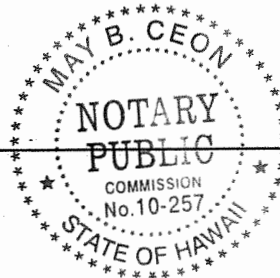


May B. Ceon
Signature:
May B. Ceon
Print Name:
Notary Public, State of Hawaii
My commission expires: 8/15/2018

Doc. Date: 3/31/17 # Pages: 13
Notary Name: May B. ceon second Circuit

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

May B. Ceon 4/10/17
Notary Signature Date



STATE OF Hawaii)
COUNTY OF Maui) ss.

On this 7th day of April, 2017, before me personally appeared Steven S. Tervooren 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, 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>3/31/2017</u>	# Pages: <u>13</u>
Notary Name: <u>May B. Ceon</u> <u>second</u> Circuit	
Doc. Description: AMENDMENT OF DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR HONU ALAHELE	
<u>May B. Ceon</u> Notary Signature	<u>4/1/2017</u> Date

