

Certified to be a true and correct copy of the original
Recorded on 11/23/07 at 8:01 in the
Office of the Assistant Registrar of the Land Court as
Document No. _____ / Transfer Certificate of
Title No. _____ and/or in the Bureau of
Conveyances as Document No. 2007-204181
By: [Signature]
FIRST HAWAII TITLE CORPORATION

LAND COURT SYSTEM

REGULAR SYSTEM

After Recordation, Return by Mail (xx) Pickup () To:

Att: Steven E. Rodick, Treasurer
AOAO OF KIHAI SHORES, INC
a Hawaii nonprofit corporation
c/o Destination Maui, Inc.
841 Alua Street, Suite 102
Wailuku, Hawaii 96793

DOCUMENT CONTAINS Six (6) PAGES

**AMENDMENT TO
SECOND RESTATED DECLARATION OF CONDOMINIUM
PROPERTY REGIME
OF KIHAI SHORES**

(Amending Document Recorded February 12, 2002 as Document No. 2002-025029)

and

**REVOCATION OF INSTRUMENT RECORDED AS
DOCUMENT NO. 91-144494**

KIHAI, MAUI COUNTY, HAWAII

Condominium Map No. 1920

THIS AMENDMENT TO SECOND RESTATED DECLARATION OF CONDOMINIUM PROPERTY REGIME OF KIHEI SHORES is made on the day and year hereinafter written by the **ASSOCIATION OF APARTMENT OWNERS OF KIHEI SHORES, INC.**, a Hawaii nonprofit corporation (the "*Association*" and "*Declarant*" herein), with reference to the facts set forth in **Article 1** below.

The terms "*Record*," "*Recordation*" or "*Recorded*" shall mean and refer to, with respect to any document, the recordation or filing of such document in the Bureau of Conveyances of the State of Hawaii; the use of such term shall automatically imply that the parties shall provide properly authorized signatures and notarization thereof.

ARTICLE 1 RECITALS

A. WHEREAS, Declarant is charged with the duties and empowered with the rights set forth under that certain **SECOND RESTATED DECLARATION OF CONDOMINIUM PROPERTY REGIME OF KIHEI SHORES** Recorded on **February 12, 2002** as **Document No. 2002-025029** (the "*Second Restated Declaration*"), covering that certain condominium project known as "*KIHEI SHORES*," hereinafter referred to as the "*Project*," said Second Restated Declaration being a restatement of that certain Declaration of Condominium Property Regime of Maui Court dated July 30, 1993 and Recorded as Document No. 93-145239 (the "*Declaration*"). Said Original Declaration was:

1. First amended by instrument dated January 24, 1994 and Recorded as Document No. 94-024300;
2. Second amended and first restated by that certain Amended and Restated Declaration of Condominium Property Regime of Maui Court dated August 31, 1994 and Recorded on September 16, 1994 as Document No. 94-153400;
3. Third amended by instrument dated January 10, 1996 and Recorded as Document No. 96-006815;
4. Fourth amended by instrument dated June 12, 1996 and Recorded as Document No. 96-147675;
5. Fifth amended by instrument dated November 13, 2001, Recorded as Document No. 2001-206742 (the "*Fifth Amendment Instrument*"), by which instrument the name of the Project was changed from "*Maui Court*" to "*Kihei Shores*" pursuant to a vote of the members of the Association at a Special Owners' Meeting duly held on August 8, 2001.

B. WHEREAS, pursuant to a vote of the members of the Association at the Special Owners' Meeting duly held on August 8, 2001, the Declaration was authorized and intended to have been additionally amended by the Fifth Amendment Instrument to allow the Apartments ("*Units*") within the Project to be rented for transient or hotel purposes, which amendment, however, was incorrectly omitted from such Fifth Amendment Instrument.

C. WHEREAS, the Board of Directors of the Association desires to correct the omission of such duly authorized amendment to the Declaration, by amending the Second Restated Declaration to properly reflect the original duly authorized amendment described in **RECITAL B** above.

D. WHEREAS, the Declaration, restated as the Second Restated Declaration, may be amended pursuant to Sections 19 of both the Declaration and the Second Restated Declaration; and

E. WHEREAS, the Association, through a vote of owners of **85.325%** of the interests in the common elements of the Project, at the Special Owners Meeting duly held on August 8, 2001, adopted an amendment to Section 9(a) of the Declaration to allow Owners to rent their Units on a

transient or hotel rental basis, instead of only on a long term basis, the effect of such amendment, being a correction of the Fifth Amendment Instrument, shall be to concurrently (i) accordingly amend the successor Section 9(a) of the Second Restated Declaration, and (ii) revoke that certain "Certification of Long-Term Residential Use" dated May 20, 1991 and Recorded as Document No. 91-144494.

NOW THEREFORE, Declarant herein acting on behalf of the Owners by authority of the Board of Directors of the Association hereby does the following:

ARTICLE 2 AMENDMENT

Declares and certifies that the Second Restated Declaration is hereby amended as follows:

2.1. AMENDMENT OF SECTION 9(a)

Section 9(a) is hereby amended *in its entirety* to read as follows:

(a) No Apartment shall be used in connection with the carrying on of any business, trade or profession whatsoever. However, the Apartment may be rented for transient or hotel purposes, which are defined as: (i) rental for any period less than thirty (30) days or (ii) any rental in which the occupants of an Apartment are provided customary hotel services such as room service for food and beverages, maid service, laundry and linen or bellboy service. The respective Apartment owners shall otherwise have the absolute right to rent or lease such Apartments subject to all provisions of the Act, this Declaration and the Bylaws.

2.2. REMAINING PROVISIONS OF SECOND RESTATED DECLARATION.

Except as expressly amended herein, the provisions of the Second Restated Declaration shall remain in full force and effect.


ARTICLE 3 REVOCAION OF INSTRUMENT RECORDED AS DOCUMENT NO. 91-144494

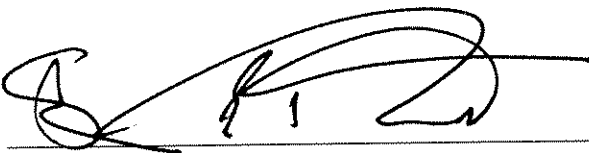
Revokes that certain instrument entitled "Certification of Long-Term Residential Use" dated May 20, 1991 and Recorded as Document No. 91-144494.

IN WITNESS WHEREOF, the undersigned officers of the **Association of Apartment Owners of Kihei Shores, Inc, a Hawaii nonprofit corporation** in accordance with Article IV, Section 3 of the "Second Restated Bylaws of the Association of Apartment Owners of Kihei Shores", being Declarant herein, have executed this instrument as of the 8th day of August 2007.

DECLARANT:

ASSOCIATION OF APARTMENT OWNERS OF KIHEI SHORES, INC.,
a Hawaii nonprofit corporation

By: 
SANDRA SKILLICORN
President

By: 
STEVEN E. RODICK
Treasurer

(Please Attach Proper Notary Certificate(s) of Acknowledgment)

ALL-PURPOSE ACKNOWLEDGMENT

State of CALIFORNIA)

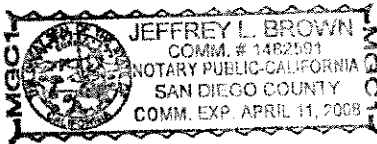
County of SAN DIEGO)

On September 12, 2007 before me, Jeffrey L. Brown,

personally appeared STEVEN E. RODICK

personally known to me

OR proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/ their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Jeffrey L. Brown

ALL-PURPOSE ACKNOWLEDGMENT

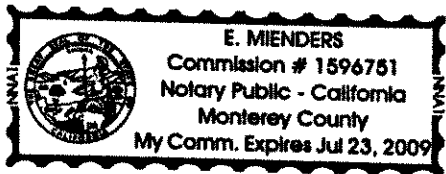
State of CALIFORNIA)

County of MONTEREY)

On Aug. 23, 2007 before me, E. Mienders _____,
personally appeared SANDRA K. SKILLICORN

personally known to me

OR proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/ their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

E. Mienders
