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This document contains 5 pages

**AMENDMENT TO THE DECLARATION OF THE
ASSOCIATION OF APARTMENT OWNERS OF POINCIANA MANOR**

WHEREAS, the Declaration of Condominium Property Regime for the Association of Apartment Owners of Poinciana Manor dated May 20, 1974 was recorded in the Bureau of Conveyances of the State of Hawaii in Liber 9956, Page 70.

WHEREAS, the Condominium Map No. 358 was recorded in the Bureau of Conveyances, State of Hawaii.

WHEREAS, HRS §514B-23 allows amendments to achieve any result permitted by Hawaii Revised Statutes Chapter 514B upon the vote or written consent of owners holding more than a majority of the common interest in the Project.

WHEREAS, owners holding more than a majority of the common interest in the Project have approved the amendment by written consent.

NOW, THEREFORE, the Declaration as Declaration may have been amended and/or restated, is hereby amended as follows:

AMENDMENT NO. ONE:

The Declaration is hereby amended to add a new Paragraph Q to read as follows:

Q. Governing Law. Notwithstanding anything herein or in the By-Laws to the contrary:

1. This Project shall be governed by the provisions of Hawaii Revised Statutes Chapter 514B, as amended to the fullest extent permitted by law;
2. Approval of amendments to the declaration, bylaws and condominium map (including but not limited to amendments for the alteration of the Project) shall require approval of 67% of the owners;
3. Any deed, declaration, bylaw, or condominium map shall be liberally construed to facilitate the operation of the condominium property regime;
4. Punitive damages may not be awarded except as provided in Hawaii Revised Statutes Section 514B-10; and
5. Leases or uses of the common elements shall be governed by Hawaii Revised Statutes Section 514B-38.

As a part of this Amendment No. One, Paragraph M.1. of the Declaration is hereby amended to read as follows:

1. Restoration or replacement on or appurtenant to the project or the building, or any other structure thereof, or construction or structural alteration or addition to any structure, different in any material respect from said Condominium Map of the project, shall be undertaken by the Association or any apartment owner only pursuant to an amendment of this Declaration, duly executed by or pursuant to the affirmative vote or written consent of owners of apartments to which are appurtenant at least 67% of the common interest, and in accordance with complete plans and specifications therefor first approved in writing by the Declarant, the Lessee during the continuance in effect of its lease, and the Board, and promptly upon completion or such restoration, replacement, construction, structural alteration, or addition to any structure, the Association shall duly record or file of record such amendment together with a complete set of floor plans of the project as so altered, certified as built by a registered architect or professional engineer.

As a part of this Amendment No. One, Paragraph O of the Declaration is amended to read as follows:

O. Except as otherwise provided herein or in said Condominium Property Act, this Declaration may be amended by the affirmative vote or written consent of owners of apartments to which are appurtenant at least sixty-seven percent (67%) of the common interest effective only upon the recording of an instrument setting forth such amendment duly verified and acknowledged by such owners or by any two officers of the Association.

IN ALL OTHER RESPECTS, the Declaration, as amended and/or restated, 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.

AND, the undersigned officers of the Association hereby certify that the foregoing amendments were adopted by the written consent of a majority of the Poinciana Manor apartment owners.

IN WITNESS WHEREOF, the undersigned have executed these presents as of the 25th day of January, 2009.

ASSOCIATION OF APARTMENT OWNERS OF
POINCIANA MANOR

By: Fred McKelvey
mck ~~President~~ Fred McKelvey
Type Name
Its: President

By: Ellen Spence
Ellen Spence
Type Name
Its: Treasurer

NOT FOR REAL ESTATE TRANSACTIONS

STATE OF HAWAII)

: SS.

CITY & COUNTY OF HONOLULU)

On this 25th day of January, 2009, in the First Circuit of the State of Hawaii, before me personally appeared Fred McKelvey, personally known to me or proven to me on the basis of satisfactory evidence, who being duly sworn or affirmed, did say that such person was the President of the Association of Apartment Owners of Poinciana Manor, a Hawaii Nonprofit Corporation and that said person executed the foregoing instrument identified or described as Amendment to the Declaration of the Association Of Apartment Owners Of Poinciana Manor," as such person's free act and deed on having been duly authorized to execute such instrument in such capacity.

The foregoing instrument is dated 25 January 2009 and contained 5 pages at the time of this acknowledgment/certification.

Donna Woodin
Notary Public, State of Hawaii

DONNA WOODIN
Printed Name of Notary Public
My Commission Expires: 2/20/2010

NOT FOR REAL ESTATE TRANSACTIONS

STATE OF HAWAII)

: SS.

CITY & COUNTY OF HONOLULU)

On this 25th day of January, 2009, in the First Circuit of the State of Hawaii, before me personally appeared Ellen Spence, personally known to me or proven to me on the basis of satisfactory evidence, who being duly sworn or affirmed, did say that such person was the Treasurer of the Association of Apartment Owners of Poinciana Manor, a Hawaii Nonprofit Corporation and that said person executed the foregoing instrument identified or described as Amendment to the Declaration of the Association Of Apartment Owners Of Poinciana Manor," as such person's free act and deed on having been duly authorized to execute such instrument in such capacity.

The foregoing instrument is dated 25 January 2009 and contained 5 pages at the time of this acknowledgment/certification.

Donna Woodin
Notary Public, State of Hawaii

DONNA WOODIN
Printed Name of Notary Public
My Commission Expires: 2/20/2010

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