

"Covenants and restrictions if any, based on race, religion, sex, handicap, familial status or other impermissible basis, shall be deleted unless and only to the extent that such covenants, conditions or restrictions are exempt under Chapter 42, Section 3607 of the Hawaii Constitution or (b) relates to handicap but does not discriminate against handicapped persons."

L-127 STATE OF HAWAII  
OFFICE OF ASSISTANT REGISTRAR  
RECORDED

DEC 22, 1998 08:01 AM

Doc No(s) 2508216

on Cert(s) 512,705

/s/ CARL T. WATANABE  
ASSISTANT REGISTRAR

LAND COURT SYSTEM

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**WAILEA FAIRWAY VILLAS  
FIRST AMENDMENT OF  
DECLARATION OF CONDOMINIUM PROPERTY REGIME  
UNDER THE CONDOMINIUM PROPERTY ACT**

**THIS FIRST AMENDMENT OF DECLARATION OF CONDOMINIUM PROPERTY REGIME** (the "Amendment") is made as of the 1st day of December, 1998, by and among:

A. **WAILEA FAIRWAYS-MAUI, LLC**, a Hawaii limited liability company, whose address is 500 Ala Moana Boulevard, Fourth Floor, Honolulu, Hawaii 96813, hereinafter referred to as "Owner"; and

B. **SCD WAILEA FAIRWAYS, LLC**, a Hawaii limited liability company, whose address is 745 Fort Street, Suite 2110, Honolulu, Hawaii 96813, hereinafter referred to as "Developer".

**WITNESSETH THAT:**

**WHEREAS**, that certain Declaration of Condominium Property Regime dated July 16, 1998, was filed on August 7, 1998, with the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 2476897, and noted on Transfer Certificate of Title No. 512,705, hereinafter referred to as the "Declaration" creating the "WAILEA FAIRWAY VILLAS" condominium project, hereinafter referred to as the "Project";

**WHEREAS**, the Project was covered by Condominium Map No. 1253 filed with the Assistant Registrar of the Land Court of the State of Hawaii;

WHEREAS, the Owner is the owner of the fee simple title to each and every apartment in the Project;

WHEREAS, the Owner has granted to the Developer rights and authorities to develop the property covered by the Declaration into a multi-family condominium dwelling project with one hundred eighteen (118) units and with appurtenant improvements;

WHEREAS, the Owner and the Developer desire to amend Section 5.07(c) of the Declaration to correct a non-substantive error contained therein;

WHEREAS, the Owner and the Developer also desire to identify the parking stalls which are compact stalls and desire to correct the parking stalls which are appurtenant to Apartment No. S-101; and

WHEREAS, the Owner and the Developer also desire to amend the Condominium Map to add pages for the plan view and the elevations for the Recreation Building, and to amend Sheets 1 and 2 of the Condominium Map to correct the "Chapter S14-A" to "Chapter 514-A".

NOW, THEREFORE, in consideration of the premises and pursuant to the provisions of the Declaration and the laws of the State of Hawaii, the Developer hereby amends the Declaration as follows:

1. The Declaration is hereby amended by deleting Section 5.07(c) of the Declaration in its entirety and by substituting in its place and stead, the following:

c. The one (1) handicapped uncovered parking stall, as shown on the Condominium Map as **Parking Stall No. 129**, which is designated for handicap parking for guests and which is appropriately marked for handicapped parking.

2. The Declaration is hereby amended to identify the parking stalls which are compact sized parking stalls by adding a "C" after the number of each compact sized parking stall and to correct the Parking Stalls appurtenant to Apartment No. S-101 shown on line 81 of **EXHIBIT B**, from the incorrectly stated "140, 14", to the correct "**140C, 141**", by deleting **EXHIBIT B** attached to the Declaration in its entirety and by substituting in its place and stead the **EXHIBIT B**, attached hereto and incorporated herein by this reference.

3. The Declaration and Condominium Map No. 1253 are hereby amended to correct the reference to the condominium statute therein contained by deleting Page 1 and Page 2 of Site Plan 1 of the Condominium Map in full and by replacing and substituting the Page 1 and Page 2 of Site Plan 1 filed herewith.

4. The Declaration and Condominium Map No. 1253 are hereby amended to add the plan and elevation views of the Recreation Building by adding new pages CPR 10 and CPR 11 filed herewith.

5. Except as herein amended, the remaining terms and provisions of the Declaration shall continue in full force and effect.

IN WITNESS WHEREOF, the Owner and the Developer has executed these presents the day and year first above written.

WAILEA FAIRWAYS-MAUI, LLC,  
A Hawaii limited liability company

By: **Hearthstone Advisors, Inc.,**  
a California corporation  
Manager

By: *Peter Zakar*  
Peter Zakar  
Senior Vice President  
"Owner"

STATE OF CALIFORNIA            }  
  } ss:  
COUNTY OF LOS ANGELES        }

On this 15<sup>th</sup> day of December, 1998, before me, **Kelly A. Hawkins, Notary Public**, personally appeared **Peter Zakar**, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.


WITNESS my hand and official seal.

*Kelly A. Hawkins*  
Signature of Notary Public



(Official Seal)

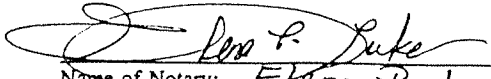
SCD WAILEA FAIRWAYS, LLC

By   
Stanford S. Carr  
Its Manager

"Developer"

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

On this 3rd December day of ~~November~~ 1998, before me appeared STANFORD S. CARR, to me personally known, who, being by me duly sworn did say that he is the Manager of SCD WAILEA FAIRWAYS, LLC, a Hawaii limited liability company which is Manager-Managed; that said instrument was signed in the name and on behalf of said limited liability company by authority of its Members; and said Manager acknowledged that said Manager executed said instrument as the free act and deed of said limited liability company.

  
Name of Notary: Erena P. Luke  
Notary Public, State of Hawaii  
My Commission expires: 3-12-99

L.S.

EXHIBIT B

APARTMENT DATA

	Bldg	Apt No.	Apt Type	Net Living Area (sq.ft.)	Lanai Area (sq.ft.)	Total Area	No. of Bdrms	No. of Baths	Parking Stall Number	Percentage Ownership
1	A	A-101	A	949	74	1,023	2	2	2	0.00734091
2	A	A-102	AR-1	949	74	1,023	2	2	3	0.00734091
3	A	A-103	B	1,568	172	1,740	3	3	4, 5	0.01248601
4	A	A-201	A	949	74	1,023	2	2	7	0.00734091
5	A	A-202	AR-1	949	74	1,023	2	2	8	0.00734091
6	B	B-101	A	949	74	1,023	2	2	28	0.00734091
7	B	B-102	AR-1	949	74	1,023	2	2	23	0.00734091
8	B	B-103	B	1,568	172	1,740	3	3	26C, 27	0.01248601
9	B	B-201	A	949	74	1,023	2	2	29	0.00734091
10	B	B-202	AR-1	949	74	1,023	2	2	30	0.00734091
11	C	C-101	A	949	74	1,023	2	2	19	0.00734091
12	C	C-102	AR-1	949	74	1,023	2	2	18	0.00734091
13	C	C-103	B	1,568	172	1,740	3	3	16C, 17	0.01248601
14	C	C-201	A	949	74	1,023	2	2	20	0.00734091
15	C	C-202	AR-1	949	74	1,023	2	2	21	0.00734091
16	D	D-101	A	949	74	1,023	2	2	31	0.00734091
17	D	D-102	AR-1	949	74	1,023	2	2	32	0.00734091
18	D	D-103	B	1,568	172	1,740	3	3	33, 34C	0.01248601
19	D	D-201	A	949	74	1,023	2	2	37	0.00734091
20	D	D-202	AR-1	949	74	1,023	2	2	38	0.00734091

	Bldg	Apt No.	Apt Type	Net Living Area (sq.ft.)	Lanai Area (sq.ft.)	Total Area	No. of Bdrms	No. of Baths	Parking Stall Number	Percentage Ownership
21	E	E-101	A	949	74	1,023	2	2	44	0.00734091
22	E	E-102	AR-1	949	74	1,023	2	2	43	0.00734091
23	E	E-103	B	1,568	172	1,740	3	3	39, 40	0.01248601
24	E	E-201	A	949	74	1,023	2	2	41	0.00734091
25	E	E-202	AR-1	949	74	1,023	2	2	42	0.00734091
26	F	F-101	BR	1,568	172	1,740	3	3	55C, 56	0.01248601
27	F	F-102	A-1	949	74	1,023	2	2	57	0.00734091
28	F	F-103	AR	949	74	1,023	2	2	53	0.00734091
29	F	F-201	A-1	949	74	1,023	2	2	52	0.00734091
30	F	F-202	AR	949	74	1,023	2	2	51	0.00734091
31	G	G-101	A	949	74	1,023	2	2	62	0.00734091
32	G	G-102	AR-1	949	74	1,023	2	2	89	0.00734091
33	G	G-103	B	1,568	172	1,740	3	3	63, 64C	0.01248601
34	G	G-201	A	949	74	1,023	2	2	60	0.00734091
35	G	G-202	AR-1	949	74	1,023	2	2	61	0.00734091
36	H	H-101	BR	1,568	172	1,740	3	3	65C, 66	0.01248601
37	H	H-102	A-1	949	74	1,023	2	2	67	0.00734091
38	H	H-103	AR	949	74	1,023	2	2	68	0.00734091
39	H	H-201	A-1	949	74	1,023	2	2	69	0.00734091
40	H	H-202	AR	949	74	1,023	2	2	70	0.00734091
41	J	J-101	A	949	74	1,023	2	2	76	0.00734091
42	J	J-102	AR-1	949	74	1,023	2	2	71	0.00734091
43	J	J-103	B	1,568	172	1,740	3	3	72, 73C	0.01248601
44	J	J-201	A	949	74	1,023	2	2	78	0.00734091
45	J	J-202	AR-1	949	74	1,023	2	2	77	0.00734091

	Bldg	Apt No.	Apt Type	Net Living Area (sq.ft.)	Lanai Area (sq.ft.)	Total Area	No. of Bdrms	No. of Baths	Parking Stall Number	Percentage Ownership
46	K	K-101	A	949	74	1,023	2	2	81	0.00734091
47	K	K-102	AR-1	949	74	1,023	2	2	104	0.00734091
48	K	K-103	B	1,568	172	1,740	3	3	82, 83C	0.01248601
49	K	K-201	A	949	74	1,023	2	2	79	0.00734091
50	K	K-202	AR-1	949	74	1,023	2	2	80	0.00734091
51	L	L-101	BR	1,568	172	1,740	3	3	85C, 86	0.01248601
52	L	L-102	A-1	949	74	1,023	2	2	106	0.00734091
53	L	L-103	AR	949	74	1,023	2	2	105	0.00734091
54	L	L-201	A-1	949	74	1,023	2	2	87	0.00734091
55	L	L-202	AR	949	74	1,023	2	2	88	0.00734091
56	M	M-101	A	949	74	1,023	2	2	192	0.00734091
57	M	M-102	AR-1	949	74	1,023	2	2	188	0.00734091
58	M	M-103	B	1,568	172	1,740	3	3	190C, 191	0.01248601
59	M	M-201	A	949	74	1,023	2	2	194	0.00734091
60	M	M-202	AR-1	949	74	1,023	2	2	193	0.00734091
61	N	N-101	A	949	74	1,023	2	2	154	0.00734091
62	N	N-102	AR-1	949	74	1,023	2	2	155	0.00734091
63	N	N-103	B	1,568	172	1,740	3	3	117, 118C	0.01248601
64	N	N-201	A	949	74	1,023	2	2	115	0.00734091
65	N	N-202	AR-1	949	74	1,023	2	2	116	0.00734091
66	P	P-101	BR	1,568	172	1,740	3	3	120C, 121	0.01248601
67	P	P-102	A-1	949	74	1,023	2	2	122	0.00734091
68	P	P-103	AR	949	74	1,023	2	2	123	0.00734091
69	P	P-201	A-1	949	74	1,023	2	2	125	0.00734091
70	P	P-202	AR	949	74	1,023	2	2	124	0.00734091

	Bldg	Apt No.	Apt Type	Net Living Area (sq.ft.)	Lanai Area (sq.ft.)	Total Area	No. of Bdrms	No. of Baths	Parking Stall Number	Percentage Ownership
71	Q	Q-101	A	949	74	1,023	2	2	131	0.00734091
72	Q	Q-102	AR-1	949	74	1,023	2	2	128	0.00734091
73	Q	Q-103	B	1,568	172	1,740	3	3	126, 127	0.01248601
74	Q	Q-201	A	949	74	1,023	2	2	133	0.00734091
75	Q	Q-202	AR-1	949	74	1,023	2	2	132	0.00734091
76	R	R-101	A	949	74	1,023	2	2	134	0.00734091
77	R	R-102	AR-1	949	74	1,023	2	2	175	0.00734091
78	R	R-103	B	1,568	172	1,740	3	3	137, 138C	0.01248601
79	R	R-201	A	949	74	1,023	2	2	136	0.00734091
80	R	R-202	AR-1	949	74	1,023	2	2	135	0.00734091
81	S	S-101	BR	1,568	172	1,740	3	3	140C, 141	0.01248601
82	S	S-102	A-1	949	74	1,023	2	2	178	0.00734091
83	S	S-103	AR	949	74	1,023	2	2	179	0.00734091
84	S	S-201	A-1	949	74	1,023	2	2	143	0.00734091
85	S	S-202	AR	949	74	1,023	2	2	142	0.00734091
86	T	T-101	BR	1,568	172	1,740	3	3	147, 148C	0.01248601
87	T	T-102	A-1	949	74	1,023	2	2	182	0.00734091
88	T	T-103	AR	949	74	1,023	2	2	146	0.00734091
89	T	T-201	A-1	949	74	1,023	2	2	144	0.00734091
90	T	T-202	AR	949	74	1,023	2	2	145	0.00734091
91	U	U-101	A	949	74	1,023	2	2	184	0.00734091
92	U	U-102	AR-1	949	74	1,023	2	2	183	0.00734091
93	U	U-103	B	1,568	172	1,740	3	3	150C, 151	0.01248601
94	U	U-201	A	949	74	1,023	2	2	153	0.00734091
95	U	U-202	AR-1	949	74	1,023	2	2	152	0.00734091



	Bldg	Apt No.	Apt Type	Net Living Area (sq.ft.)	Lanai Area (sq.ft.)	Total Area	No. of Bdrms	No. of Baths	Parking Stall Number	Percentage Ownership
96	V	V-101	BR	1,568	172	1,740	3	3	198, 199	0.01248601
97	V	V-102	AR-1	949	74	1,023	2	2	204	0.00734091
98	V	V-103	AR	949	74	1,023	2	2	197	0.00734091
99	V	V-201	A-1	949	74	1,023	2	2	196	0.00734091
100	V	V-202	AR	949	74	1,023	2	2	195	0.00734091
101	W	W-101	A	949	74	1,023	2	2	205	0.00734091
102	W	W-102	AR-1	949	74	1,023	2	2	206	0.00734091
103	W	W-103	B	1,568	172	1,740	3	3	202, 203	0.01248601
104	W	W-201	A	949	74	1,023	2	2	201	0.00734091
105	W	W-202	AR-1	949	74	1,023	2	2	200	0.00734091
106	X	X-101	A	949	74	1,023	2	2	215	0.00734091
107	X	X-102	AR-1	949	74	1,023	2	2	212	0.00734091
108	X	X-103	B	1,568	172	1,740	3	3	210, 211	0.01248601
109	X	X-201	A	949	74	1,023	2	2	213	0.00734091
110	X	X-202	AR-1	949	74	1,023	2	2	214	0.00734091
111	Y	Y-101	A	949	74	1,023	2	2	222	0.00734091
112	Y	Y-102	AR-1	949	74	1,023	2	2	221	0.00734091
113	Y	Y-103	B	1,568	172	1,740	3	3	226, 227C	0.01248601
114	Y	Y-201	A	949	74	1,023	2	2	223	0.00734091
115	Y	Y-202	AR-1	949	74	1,023	2	2	225	0.00734091
116	Z	Z-101	BR	1,568	172	1,740	3	3	230, 241	0.01248602
117	Z	Z-102	B-1	1,568	172	1,740	3	3	229, 240	0.01248601
118	Z	Z-103	B	1,568	172	1,740	3	3	228, 239	0.01248602

(Note: 1. There are 144 assigned Parking Stalls, of which 127 are regular sized stalls and 17 are compact sized stalls. In the chart above, the assigned Parking Stalls with a "C" as part of their number are compact sized stalls. All other assigned Parking Stalls are regular sized stalls.

2. There are 97 unassigned Parking Stalls, of which 60 are regular sized stalls, 30 are compact sized stalls and 7 (Stall Nos. 1, 45, 74, 75, 130 and 224) are handicapped sized stalls. One of these handicapped sized stalls (Stall No. 129) has been designated and marked for handicapped parking only.)