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STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
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Doc No(s) 2857129
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/s/ CARL T. WATANABE
ASSISTANT REGISTRAR

LAND COURT SYSTEM

REGULAR SYSTEM

AFTER RECORDATION, RETURN TO:

RETURN BY: MAIL PICKUP

JOHN A. MORRIS, ESQ. vmc
ASHFORD & WRISTON
ALII PLACE, SUITE 1400
1099 ALAKEA STREET
P. O. BOX 131
HONOLULU, HAWAII 98810

Total Page(s): 17

**AMENDMENT OF THE DECLARATION OF
HORIZONTAL PROPERTY REGIME AND BY-LAWS FOR
THE ASSOCIATION OF APARTMENT OWNERS OF PACIFIC GRAND**

WHEREAS, by Declaration of Horizontal Property Regime dated 26 July 1977 (the "Declaration"), filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 830288, and noted on the Transfer Certificate of Title Nos. shown on the attached Exhibit "A", the property described in the Declaration, and Land Court Map No. 311, was submitted to the provisions of the Horizontal Property Act, Chapter 514, Hawaii Revised Statutes, as amended (now known as the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes); and

WHEREAS, the Declaration, as amended, provided for the organization and operation of the ASSOCIATION OF APARTMENT OWNERS OF PACIFIC GRAND (the "Association") in accordance with the By-Laws which were attached to the Declaration and incorporated therein by reference; and

WHEREAS, pursuant to §514A-11(11) and §514A-82(b)(2) of the Hawaii Revised Statutes, more than seventy-five percent (75%) of all apartment owners of the project have given their written consent to amend the Declaration and By-Laws of Association of Apartment Owners of Pacific Grand; and

NOW THEREFORE, the Declaration and By-Laws are hereby amended as follows:

A. Declaration Amendment:

The first sentence of Section H. of the Declaration of Horizontal Property Regime of Pacific Grand is amended to read:

H. COMMON EXPENSES. Except as hereinafter provided, all charges, costs and expenses whatsoever incurred by the Association for or in connection with the administration of the project, including without limitation the operation thereof, any maintenance, repair, replacement and restoration of the common elements and any additions and alterations thereto, any labor, services, materials, supplies and equipment therefor, any liability whatsoever for loss or damage arising out of or in connection with the common elements or any accident, fire or nuisance thereon, and any premiums for hazard and liability insurance herein required with respect to the project shall constitute common expenses of the project for which all apartment owners shall be severally liable in proportion to their respective common interests. Rent and real property taxes and special assessments referred to in Section 514A-6, Hawaii Revised Statutes, as amended, and charges, including those for utilities, which are separately metered, shall not be common expenses of the horizontal property regime hereby created and no payments thereof shall be payments of such common expenses; provided, however, all such expenses for maintenance, repair, replacement, additions and improvements to limited common elements shall be charged to the apartment owner to which the limited common element is appurtenant; provided further that all such expenses, including cleaning expenses, for the restrooms located on the first floor (Rooms 106 and 107) and

the second floor (Rooms 306 and 307), as described in Section A.3(c) and (d) of the Declaration, shall be divided between the Association and the owners of the commercial apartments on those two floors, with the Association paying 14 percent of those expenses and the owners of the commercial apartments on those two floors paying 86 percent of those expenses.

B. By-Laws Amendment:

The By-Laws of the Association of Apartment Owners of Pacific Grand are amended by adding Article VI, Section 6, to read as follows:

Section 6. The Association May Incorporate. Subject to the requirements of this section, the Board of Directors may incorporate the Association as a non-profit corporation under the laws of the State of Hawaii. The incorporated Association shall exercise and enforce all the rights, powers, obligations, and duties of both the Association and a non-profit corporation in Hawaii. Except as required by law: (1) The formation of the corporation shall not alter the provisions of the Declaration and these By-Laws; and (2) the Association's Articles of Incorporation shall be subordinate to and controlled by both of those documents. The incorporated Association shall take no action in violation of Chapter 514A, Hawaii Revised Statutes. The Board shall adopt these By-Laws as the first By-Laws of the incorporated Association.

In all other respects, the Declaration and By-Laws of the Association, as amended, are hereby ratified and confirmed and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns. The undersigned officers of the Association of Apartment Owners of the Pacific Grand, hereby certify that the foregoing amendments were adopted with the written consent of more than seventy-five percent (75%) of the members of the Association of Apartment Owners of the Pacific Grand.

IN WITNESS WHEREOF, the undersigned have executed this instrument on this

October 9th day of October, 2002.

DATED: Honolulu, Hawaii, OCT 09 2002

ASSOCIATION OF APARTMENT
OWNERS OF PACIFIC GRAND

By Clyde Kobayashi
Print Name: Clyde Kobayashi
Title: Treasurer
(Please Print)

By J.W. Dean, Jr.
Print Name: J.W. DEAN, JR.
Title: President
(Please Print)

Association

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

)
) ss.

On this 9th day of October, 2002, before me appeared Clyde Kobatake, to me personally known, who, being by me duly sworn did say that he is the Treasurer of the ASSOCIATION OF APARTMENT OWNERS OF PACIFIC GRAND, a condominium association, and that said instrument was executed on behalf of said Association by authority of its Board of Directors and said Treasurer acknowledged that he executed said instrument as the free act and deed of the ASSOCIATION OF APARTMENT OWNERS OF PACIFIC GRAND.

Cheryl Correa

Please Print: CHERYL CORREA
Notary Public, State of Hawaii

My commission expires: 07/21/2006 *20*

STATE OF HAWAII
CITY AND COUNTY OF HONOLULU } ss.

On this 9th day of October, 2002, before me appeared
Jon W Dean Jr, to me personally known, who, being by me duly
sworn did say that he is the President of the ASSOCIATION OF
APARTMENT OWNERS OF PACIFIC GRAND, a condominium association, and that
said instrument was executed on behalf of said Association by authority of its Board of
Directors and said President acknowledged that he executed said
instrument as the free act and deed of the ASSOCIATION OF APARTMENT OWNERS
OF PACIFIC GRAND.

LS

Heidi Salvado
Please Print: HEIDI SALVADO
Notary Public, State of Hawaii

My commission expires:

NOTARY PUBLIC, FIRST JUDICIAL CIRCUIT
STATE OF HAWAII
MY COMMISSION EXPIRES: MAY 20, 2005.

Apt#	TCT#
402	430734
403	461227
404	583016
405	533935
406	351419
407	243859
408	214710
412	451977
416	524024
417	332334
418	340626
501 & C	589327
502	194300
502	363249
502	380851
505	584724
516	209226
517	512535
518	468109
520	306062
601	396320
602	579692
603 & 606	414763
604	326496
618	470185
619	436417
620	298554
701	194307
702	502211
703	194309
704	321862
705	238024
706	194311
707	452033

Apt#	TCT#
708	290853
709	402433
710	406329
711	326040
711	326041
712	323418
713	485500
714	513577
715	224463
716	326385
717	398705
718	307767
719	624477
720	495287
801	423564
802	209110
802	209111
803	308853
804	346133
805	427707
806	524346
807	446724
808	432704
809	392698
810	413057
811	291916
812	255531
812	306283
813	625955
814	378513
815	423115
816	539004

<u>Apt#</u>	<u>TCT NO.</u>
817	302249
818	407689
819	523385
820	490306
901	221158
902	306848
903	530164
904	393561
905	447487
906	194342
908	343266
909	194345
910	416658
911	207962
912	588140
913	470135
914	358944
915	328977
916	389078
916	494700
917	286067
918	246584
919	332571
920	563307
H	209156
VARIOUS	506199
1001	534817
1003	489836
1004	198353
1005	339923
1006	500138
1007	323321
1008	540644

<u>Apt#</u>	<u>TCT NO.</u>
1009	407756
1010	533113
1011	308929
1012	418954
1013 &C	341569
1014	492866
1015	375219
1016	260735
1017	607976
1018	297175
1019	194361
1020	194360
1101	413452
1102	343979
1103	244170
1104	302931
1104	583625
1105	318731
1106	510006
1107	405909
1108	225888
1109	399597
1110	376654
1111	396661
1112	372524
1113	620095
1114 &C	202528
1116	194917
1117	324275
1118	614929
1119	358012
1120	264038
1201	329852
1202	393780
1203	548262

<u>Apt#</u>	<u>TCT NO.</u>
1204	473502
1206	258183
1207	446194
1208	387253
1209	398333
1211	355321
1212	471132
1213	529586
1215	428717
1216	413399
1217	466315
1218	566054
1219	405556
1219	405557
1220	295765
1401	369820
1402	457907
1403	368070
1404	439097
1405	617666
1406	420992
1407	387184
1408	342926
1408	551417
1409	326506
1411	398706
1412	341722
1413	341723
1414	580751
1415	299490
1416	414672
1417	596207
1418	484672

<u>Apt#</u>	<u>TCT NO.</u>
1419	613341
1420	476826
1501	270489
1502	368593
1503	505176
1504	313593
1504	328044
1504	350111
1505	280631
1506	613040
1507	552910
1508	566540
1509	620460
1510	519903
1511	523748
1512	571161
1513	406442
1514	214980
1515	491361
1516	613908
1517	534819
1518	607600
1519	313151
1519	435143
1520	214328
1601	339225
1602	479228
1603	280268
1604	315763
1605	494206
1606	618801
1607	308737
1608	351482

<u>Apt#</u>	<u>TCT NO.</u>
1609	264393
1610	393341
1611	590890
1612 &C	370987
1613	565171
1614	621713
1615	258690
1616	194412
1617	412749
1618	534602
1619 &C	479303
1620	472682
1701	470496
1702	616813
1703	422248
1704	238282
1705	359350
1706	492180
1707	437576
1708	220068
1709	194422
1710	350147
1712	376216
1713	248174
1714	248173
1715	262776
1716	324841
1716	350112
1717	300120
1718	307653
1718	376958

<u>Apt#</u>	<u>TCT NO.</u>
1719	609113
1720	583066
1801	269890
1802	599306
1803	537837
1804	469154
1806	311276
1807	383060
1807	383061
1808	300627
1809	426417
1810	511619
1811	607799
1812	356733
1813	194435
1814	569414
1815	194437
1816	575053
1817	310836
1818	194440
1819	392415
1820 &C	557620
1901	491947
1902	477126
1903	322336
1904	269206
1905	569156
1906	261825
1907	510413
1908	565357
1909	451181
1910	547505
1911	319516
1912	257828
1913	248243

<u>Apt#</u>	<u>TCT NO.</u>
1914	340370
1915	522214
1916	280307
1916	312971
1917	565087
1918	536549
1919	420116
1920	574854
2001	392720
2002	347155
2002	347156
2003	404007
2004	451753
2005	295579
2006	544555
2007	316856
2007	335805
2008	299819
2009	376065
2010	554641
2011	545031
2012	305121
2013	574595
2014	238410
2015	232279
2015	396376
2016	617299
2017	512396
2018	353998
2020	586165
2101	486150
2102	307910

<u>Apt#</u>	<u>TCT NO.</u>
2102	620834
2103	611017
2104	412987
2105	290485
2106	552973
2107	453108
2108	613042
2109	557735
2110	605091
2111	392485
2112	337446
2113	548013
2114	457956
2115	502003
2116	534818
2117	503383
2118	548012
2119	575255
2120	433610
2202	595449
2203	198725
2204	197693
2205	352879
2206	380397
2207	383990
2207	386966
2208	509154
2209	194484
2210	269381
2211	546954
2212	442577
2213	197034
2213	605493
2214	553945

<u>Apt#</u>	<u>TCT NO.</u>
2215	329796
2216	375460
2217	622369
2218	359053
2219	569952
2220	264394