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25 LF Am CPR
25 LF Am Bylaws



L-442 STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
RECORDED
JAN 08, 2007 03:29 PM
Doc No(s) 3537655 Thru 3537656
on Cert(s) 767,478 & 789,941
Issuance of Cert(s) 840,513



/s/ CARL T. WATANABE
ASSISTANT REGISTRAR

20 1/1 Z13

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail Pickup To:

GOODSILL ANDERSON QUINN & STIFEL
A LIMITED LIABILITY LAW PARTNERSHIP LLP (RSU/JMY)
Alii Place, Suite 1800
1099 Alakea Street
Honolulu, Hawaii 96813
Phone: (808) 547-5600

Total Pages: 10

Tax Map Key Nos. (1) 2-3-010-28

**THIRD AMENDMENT OF MOANA PACIFIC
DECLARATION OF CONDOMINIUM PROPERTY REGIME
AND AMENDMENT OF BYLAWS OF THE ASSOCIATION OF
APARTMENT OWNERS OF MOANA PACIFIC**

THIS THIRD AMENDMENT of the Moana Pacific Declaration of Condominium Property Regime and Amendment of Bylaws of the Association of Apartment Owners of Moana Pacific (this "Amendment") is made this 8th day of January, 2007 by **KC RAINBOW DEVELOPMENT CO. LLC**, a Hawaii limited liability company (the "Developer"), whose mailing address is 615 Piikoi Street, Suite 1111, Honolulu, Hawaii 96814.

W I T N E S S E T H:

WHEREAS, pursuant to that certain MOANA PACIFIC DECLARATION OF CONDOMINIUM PROPERTY REGIME dated March 28, 2005, recorded in the Office of the Assistant Registrar of the Land Court of the State of Hawaii (the "Land Court") as Document No. 3247517 and now noted on Transfer Certificate of Title No. 767,478 and 789,941 (the "Declaration"), the Developer submitted the land described in the Declaration, and all improvements thereon, to a condominium property regime known as "Moana Pacific" (the

"Project") pursuant to and in accordance with the requirements of Chapter 514A of the Hawaii Revised Statutes, as amended (the "Act") (Capitalized terms not defined herein shall have the same meaning as those ascribed to such terms in the Declaration);

WHEREAS, pursuant to those certain **BYLAWS OF THE ASSOCIATION OF APARTMENT OWNERS OF MOANA PACIFIC** dated March 30, 2005, recorded in the Land Court as Document No. 3247518 and now noted on Transfer Certificate of Title No. 767,478 and 789,941 (the "Bylaws"), the Developer declared the land described in Exhibit A to the Bylaws, and all improvements thereon, subject to the Bylaws;

WHEREAS, the land submitted to the condominium property regime is described in Exhibit A to the Declaration;

WHEREAS, pursuant to that certain Order of Subdivision, filed as Land Court Order No. 162891, as amended by Land Court Order No. 164081 and as further amended by Land Court Order No. 167501 (collectively referred to herein as the "Order"), the Developer consolidated and resubdivided the land covered by the Declaration, and a new Transfer Certificate of Title No. 767,478, was issued;

WHEREAS, pursuant to Section 23.2 of the Declaration, the Developer reserved the right to do all things necessary to remove, delete and withdraw from the Project and the effect of the Declaration and the Act those portions of the Project's current Land that will be dedicated to the City and County of Honolulu and to amend the Declaration, the Bylaws and the Condominium Map and any other documents to the extent necessary to reflect such withdrawal;

WHEREAS, the Project Land and the lots to be dedicated to the City and County of Honolulu as road widening lots as provided in Section 23.1 of the Declaration now consists of Lots 917, 918, 920 and 921.

WHEREAS, Lots 920 and 921 are lots that will be dedicated to the City and County of Honolulu;

WHEREAS, the Developer desires to exercise its reserved rights in order to withdraw Lot 920 and 921 from the Act and Condominium Property Regime and Bylaws, thereby leaving only Lots 917 and 918 as the Project Land and wishes to amend the Declaration and Bylaws accordingly.

AGREEMENT:

NOW, THEREFORE, in accordance with the Act and the terms of the Declaration, the Developer hereby withdraws Lot 920 and Lot 921 from the Act and the Declaration and further amends the Declaration by deleting Exhibit A attached thereto in its entirety and substituting therefor the revised Exhibit A attached to this Amendment. The Project Land shall be as described in the Exhibit A attached hereto, subject to and together with all encumbrances noted therein. Lot 920 and Lot 921 shall no longer be a part of the Moana Pacific Condominium Project.

AND FURTHER, in accordance with the Act and the terms of the Declaration and Bylaws, the Developer hereby withdraws Lot 920 and Lot 921 from the Bylaws and further amends the Bylaws by deleting the Exhibit A attached thereto in its entirety and substituting therefor the revised Exhibit A attached to this Amendment. Lot 920 and Lot 921 shall no longer be subject to the Bylaws of the Association of Apartment Owners of the Moana Pacific Condominium Project.

This Amendment may be executed in any number of counterparts, each of which shall be deemed an original and all of which taken together shall constitute one and the same document, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts.

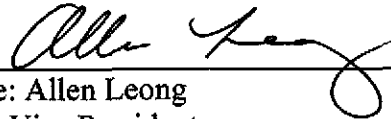
IN ALL OTHER RESPECTS, the Declaration remains unchanged and in full force and effect.

[NO FURTHER TEXT ON THIS PAGE. SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, the Developer has executed this Amendment as of the day and year first above written.

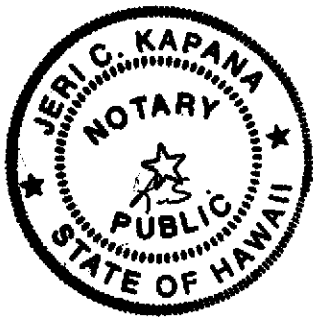
KC RAINBOW DEVELOPMENT CO. LLC,
a Hawaii limited liability company ✓

By KCR Development, Inc.,
a Delaware Corporation
Its Manager

By: 
Name: Allen Leong
Title: Vice President

STATE OF Hawaii)
CITY &)
COUNTY OF Honolulu) ss.

On this 8th day of January, 2007, before me personally appeared Allen Seong, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Jeri C. Kapana
Printed Name: Jeri C. Kapana
Notary Public, State of Hawaii
My Commission expires: 9-23-07

✓

EXHIBIT A

All of those certain parcels of land situate at Kewalo, Honolulu, City and County of Honolulu, State of Hawaii, described as follows:

AS TO LOTS 917 AND 918

LOT 917, area 96,648 square feet, more or less, shown on Map 133; ✓

LOT 918, area 102,792 square feet, more or less, shown on Map 133; ✓

filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 880 of Bishop Trust Company, Limited.

LOT 917 is covered by Tax Key(s) (1) 2-3-010-028;
LOT 918 is covered by Tax Key(s) (1) 2-3-010-028.

Being the land(s) described in Transfer Certificate of Title No. 767,478 issued to KC RAINBOW DEVELOPMENT CO. LLC, a Hawaii limited liability company.

Being the premises acquired by KC RAINBOW DEVELOPMENT CO. LLC, a Hawaii limited liability company, by the following:

1. WARRANTY DEED of EVERSINE X, a California limited partnership, dated October 19, 2004, filed as Land Court Document No. 3182393;
2. WARRANTY DEED of EVERSINE X, a California limited partnership, dated November 30, 2004, filed as Land Court Document No. 3208313.

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. INSTRUMENT : PLANNED DEVELOPMENT AGREEMENT

DATED : August 4, 2004
FILED : Land Court Document No. 3158883
PARTIES : HAWAII COMMUNITY DEVELOPMENT
AUTHORITY, a body corporate and a public
instrumentality of the State of Hawaii, K.C.
RAINBOW DEVELOPMENT CO. LLC, a Hawaii
limited liability company, and EVERSINE X, a
California limited partnership

2. Benefits set forth in the following:

**INSTRUMENT : (UNRECORDED) LETTER OF COMPLETION
PURSUANT TO THE VOLUNTARY RESPONSE PROGRAM
AGREEMENT dated June 25, 1998 between EVERSHINE X and
HAWAII DEPARTMENT OF HEALTH**

**DATED : August 18, 2004
PARTIES : EVERSHINE X and HAWAII DEPARTMENT OF
HEALTH**

Said above mentioned letter, as shown in Notice of Letter of
Completion dated September 28, 2004, recorded as Document No.
2004-208230

(Not noted on Transfer Certificate(s) of Title referred to herein)

3. **INSTRUMENT : DECLARATION OF CONDOMINIUM
PROPERTY REGIME FOR "MOANA PACIFIC" CONDOMINIUM
PROJECT**

**DATED : March 28, 2005
FILED : Land Court Document No. 3247517
MAP : 1706 and any amendments thereto**

As amended by instruments filed with the Assistant Registrar of the
Land Court

4. **INSTRUMENT : BY-LAWS OF THE ASSOCIATION OF
APARTMENT OWNERS**

**DATED : March 28, 2005
FILED : Land Court Document No. 3247518**

As amended by instruments filed with the Assistant Registrar of the
Land Court

5. **INSTRUMENT : MORTGAGE, ASSIGNMENT OF LEASES
AND RENTS AND SECURITY AGREEMENT**

**MORTGAGOR : KC RAINBOW DEVELOPMENT CO. LLC, a
Hawaii limited liability company**

MORTGAGEE : GMAC COMMERCIAL MORTGAGE

EXHIBIT A

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CORPORATION, a California corporation, as
Agent for the benefit of the Lenders under a
Construction Loan Agreement, as may be amended

DATED : March 31, 2005
FILED : Land Court Document No. 3249991
AMOUNT : \$240,000,000.00

As amended by instruments filed with the Assistant Registrar of the
Land Court

6. INSTRUMENT : ASSIGNMENT OF LEASES AND RENTS

DATED : March 31, 2005
RECORDED : Document No. 2005-066072
PARTIES : KC RAINBOW DEVELOPMENT CO. LLC, a
Hawaii limited liability company, "Assignor", and
GMAC COMMERCIAL MORTGAGE
CORPORATION, a California corporation, as
Agent for the benefit of the Lenders under a
Construction Loan Agreement, as may be amended,
"Agent"
RE : to secure the repayment of that certain Promissory
Note in the principal amount of \$240,000,000.00

As amended by instruments filed with the Assistant Registrar of the
Land Court

-AS TO LOT 917:-

(A) RESTRICTION OF VEHICULAR ACCESS RIGHTS

ALONG : Pensacola Street, Kamaile Street and Piikoi Street
SHOWN : on Map 133, as set forth by Land Court Order No.
162891, filed August 29, 2005

(B) DESIGNATION OF EASEMENT "E"

PURPOSE : utility
SHOWN : on Map 133, as set forth by Land Court Order No.
162891, filed August 29, 2005

(C) DESIGNATION OF ACCESS RIGHTS IN FAVOR OF
HAWAIIAN ELECTRIC COMPANY, INC., AS SHOWN ON

EXHIBIT A

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MAP 133, AS SET FORTH BY LCO NO. 167501, FILED
SEPTEMBER 7, 2006.

-AS TO LOT 918:-

(A) RESTRICTION OF VEHICULAR ACCESS RIGHTS

ALONG : Pensacola Street and Piikoi Street
SHOWN : on Map 133, as set forth by Land Court Order No.
162891, filed August 29, 2005

(B) DESIGNATION OF EASEMENT "F"

PURPOSE : access and utility
SHOWN : on Map 133, as set forth by Land Court Order No.
162891, filed August 29, 2005

(C) DESIGNATION OF EASEMENT "G"

PURPOSE : sanitary sewer
SHOWN : on Map 133, as set forth by Land Court Order No.
162891, filed August 29, 2005

(D) DESIGNATION OF EASEMENT "H"

PURPOSE : sanitary sewer
SHOWN : on Map 133, as set forth by Land Court Order No.
162891, filed August 29, 2005

(E) DESIGNATION OF EASEMENT "J"

PURPOSE : utility
SHOWN : on Map 133, as set forth by Land Court Order No.
162891, filed August 29, 2005

(F) DESIGNATION OF EASEMENT "K"

PURPOSE : utility
SHOWN : on Map 133, as set forth by Land Court Order No.
162891, filed August 29, 2005

(G) DESIGNATION OF EASEMENT "L"

PURPOSE : utility
SHOWN : on Map 133, as set forth by Land Court Order No.
162891, filed August 29, 2005

(H) DESIGNATION OF EASEMENT "M"

PURPOSE : utility
SHOWN : on Map 133, as set forth by Land Court Order No.
162891, filed August 29, 2005

(I) DESIGNATION OF EASEMENT "N"

PURPOSE : utility
SHOWN : on Map 133, as set forth by Land Court Order No.
162891, filed August 29, 2005

(J) DESIGNATION OF EASEMENT "V"

PURPOSE : water line
SHOWN : on Map 133, as set forth by Land Court Order No.
162891, filed August 29, 2005

**(K) GRANT IN FAVOR OF HAWAIIAN ELECTRIC COMPANY,
INC. AND HAWAIIAN TELCOM, INC., DATED APRIL 28, 2006,
FILED AS LCD NO. 3424642; GRANTING A PERPETUAL RIGHT
OF EASEMENT FOR UTILITY PURPOSES.**

**CONSENT THERETO GIVEN BY GMAC COMMERCIAL
MORTGAGE CORPORATION, AS AGENT, BY INSTRUMENT
DATED NOVEMBER , 2005, FILED AS LCD NO. 3428862.**

END OF EXHIBIT A

EXHIBIT A

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