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RECORDED AS FOLLOWS:  
STATE OF HAWAII**

**BUREAU OF CONVEYANCES**

**DATE** \_\_\_\_\_ Doc A - 66540914  
**DOCUMENT I** March 21, 2018 10:45 AM

LAND COURT SYSTEM

REGULAR SYSTEM

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EKIMOTO & MORRIS, LLLC  
JOHN A. MORRIS, ESQ./alt  
Charles R. Kendall Building  
888 Milliani Street, Second Floor  
Honolulu, Hawaii 96813-2918

Total pages: 6

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Tax Map Key: (2) 3-9-41-2

Condominium Map No.: 3849

**FIFTH AMENDMENT TO DECLARATION  
OF CONDOMINIUM PROPERTY REGIME OF KAI MAKANI**

This FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM PROPERTY REGIME OF KAI MAKANI ("Amendment") is made by the **ASSOCIATION OF APARTMENT OWNERS OF KAI MAKANI**, whose address is % Management Consultants of Hawaii, Inc., P.O. Box 10039, Lahaina, Hawaii 96761-0039,

**W I T N E S S E T H T H A T:**

WHEREAS, by Declaration of Condominium Property Regime of Kai Makani dated September 28, 2004 (the "Declaration"), recorded in the Bureau of Conveyances of the State of Hawai'i as Document No. 2004-204231, the property described in the Declaration was submitted to a Condominium Property Regime established by Chapter 514A, Hawai'i Revised Statutes (now Chapter 514B, Hawai'i Revised Statutes), as amended; and

WHEREAS, the Bylaws of the Association of Apartment Owners of Kai Makani dated September 22, 2004 (the "Bylaws") were recorded in the Bureau of Conveyances of the State of Hawai'i as Document No. 2004-204232; and

WHEREAS, simultaneously with the recording of the Declaration and Bylaws, Declarant also recorded as Condominium Map No. 3849 plans describing the improvements to the project; and

WHEREAS, the Declaration, as amended, provided for the organization and operation of the Association of the Apartment Owners of Kai Makani (the "Association") to operate and manage the Project in accordance with the Bylaws; and

WHEREAS, the Declaration was amended by instrument dated August 26, 2005, recorded in the Bureau of Conveyances of the State of Hawai'i as Document No. 2005-206335; by instrument dated November 8, 2005, recorded in said Bureau as Document No. 2005-248751; by instrument dated January 31, 2006, recorded in said Bureau as Document No. 2006-028212; and by instrument dated May 22, 2011, recorded in said Bureau as Document No. 2011-097150; and

WHEREAS, owners representing at least sixty-seven percent (67%) of the common interest of Kai Makani gave their written consent in favor of amending the Declaration as outlined below; and

NOW THEREFORE, the Declaration, as amended, is hereby amended as stated below.

### **AMENDMENT**

Section 13.1 of the Declaration is amended to read as follows:

13.1 Commercial Property Insurance. The board, on behalf of the Association, shall at all times keep all buildings and common elements of the Project, and whether or not part of the common elements, all exterior and interior walls, floors, ceilings, cabinets, appliances, wall coverings, floor covering, permanently installed fixtures and built-in fixtures, as installed or their replacements, insured against loss, destruction and damage by all perils of direct physical damage by a commercial property insurance policy or policies written on the Insurance Service Office (commonly referred to as "ISO") "Special Form" used in the State of Hawaii or its equivalent, with an amount of coverage equal to 100% of the replacement cost of the buildings and improvements of the Project and including the following endorsements: (1) replacement cost coverage, (2) agreed amount, and (3) building ordinance coverage insuring against contingent liability from the operation of federal, state or county laws, statutes, ordinances or regulations concerning the improvements or structures on or about the Land, demolition of such improvements or structures and increased cost of construction of such improvements or structures, all such coverage being with such deductibles as the board shall deem appropriate; and additionally the board will cause to be purchased a difference-in-conditions policy to include flood, backup sewers, broad form collapse coverage, and building ordinance coverage with deductible amounts and a limit of liability determined to be prudent by the board. If the Project is located in an identified flood hazard area as now or hereafter designated by the United States Department of Housing and Urban Development, the Association shall also procure flood insurance required under the provisions of the Flood Disaster Protection Act. The board shall have the authority to change or update the forms and terms of coverage from time to time as the board may deem prudent.

In all other respects, the Declaration, as amended, is hereby ratified and confirmed and shall be binding upon and inure to the benefit of the parties to them and their respective successors and permitted assigns.

The undersigned officers of the Association of Apartment Owners of Kai Makani hereby certify that the above amendment was made by the written consent of more than sixty-seven percent (67%) of the common interest of Kai Makani.

Each of the undersigned officers of the Association warrants and represents that he or she is legally authorized to sign this Amendment on behalf of the Association. The officers of the Association agree that this Amendment may be executed in counterparts, each of which shall be deemed an original, and those counterparts shall together constitute one and the same instrument, binding all the Parties, notwithstanding that all the Parties are not signatories to the original or the same counterpart.

16 IN WITNESS WHEREOF, the undersigned have executed this instrument on this day of March, 2018.

ASSOCIATION OF APARTMENT OWNERS OF  
KAI MAKANI

By: Charles Kenneth Travers, Jr.  
(Print name: Charles Kenneth Travers, Jr.)  
Its: President of the Board of Directors

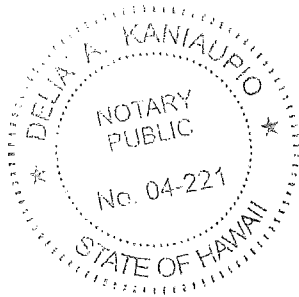
ASSOCIATION OF APARTMENT OWNERS OF  
KAI MAKANI

By: *Kenneth Elmer Doolin*  
(Print name: Kenneth Elmer Doolin)  
Its: Treasurer of the Board of Directors

STATE OF HAWAII )  
 )  
COUNTY OF MAUI ) ss.

On this 16th day of March, 2018, in the Second Circuit of the State of Hawai'i, before me personally appeared Charles Kenneth Travers, Jr., 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 Board of Directors of the Association of Apartment Owners of Kai Makani, a Hawai'i condominium association, that said person executed the foregoing instrument identified or described as "Fifth Amendment to Declaration of Condominium Property Regime of Kai Makani" 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 March 16, 2018 and contained 6 pages at the time of this acknowledgment/certification.

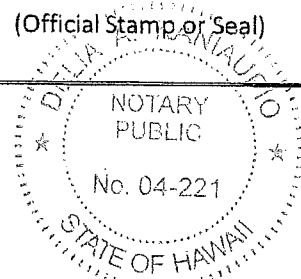


*Delia A. Kaniaupio*

Print Name: Delia A. Kaniaupio  
Notary Public, State of Hawai'i

My Commission Expires: May 2, 2020

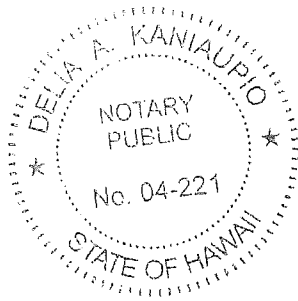
NOTARY CERTIFICATION STATEMENT	
Document Identification or Description: <u>Fifth Amendment to Declaration of Condominium Property Regime of Kai Makani</u> (Put title of document, together with Apt. No. and Name of Project)	
Document Date: <u>March 16, 2018</u>	
No. of Pages: <u>6</u>	Jurisdiction: <u>Second</u> Circuit (in which notarial act is performed)
<u><i>Delia A. Kaniaupio</i></u> Signature of Notary	<u>March 16, 2018</u> Date of Notarization and Certification Statement
<u>Delia A. Kaniaupio</u> Printed Name of Notary	(Official Stamp or Seal)



STATE OF HAWAII )  
 )  
COUNTY OF MAUI ) ss.

On this 16th day of March, 2018, in the Second Circuit of the State of Hawai'i, before me personally appeared Kenneth Elmer Doolin, 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 Board of Directors of the Association of Apartment Owners of Kai Makani, a Hawai'i condominium association, that said person executed the foregoing instrument identified or described as "Fifth Amendment to Declaration of Condominium Property Regime of Kai Makani" as such person's free act and deed on having been duly authorized to execute such instrument in such capacity.


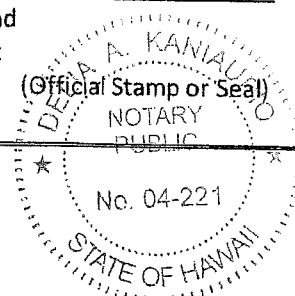
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\_\_\_\_\_

Print Name: Delia A. Kaniaupio  
Notary Public, State of Hawai'i

My Commission Expires: May 2, 2020

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<u>Delia A. Kaniaupio</u> _____ Printed Name of Notary	 (Official Stamp or Seal) NOTARY PUBLIC No. 04-221 STATE OF HAWAII