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STATE OF HAWAII
BUREAU OF CONVEYANCES



R-891 STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED
MAY 20, 2003 08:02 AM
Doc No(s) 2003-096896



/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES

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Land Court Regular System X

AFTER RECORDATION RETURN BY MAIL (X) PICK-UP ()

Aliomanu Estates Community Association
P.O. Box 819
Anahola, HI 96703

SECOND AMENDMENT OF DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR ALIOMANU ESTATES

WHEREAS, by Declaration of Covenants, Conditions and Restrictions for Aliomanu Estates dated January 13, 1992 and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 92-040191 (the "Declaration"), RONALD C. YANKE, husband of Linda L. Yanke, as owner and developer (hereinafter referred to as Declaration and known as "Aliomanu Estates" was to be held, leased, encumbered, conveyed, sold, used, occupied and improved subject to the covenants and conditions stated in the Declaration; and

WHEREAS, the Aliomanu Estates Community Association, a Hawaii non-profit corporation comprised of all lot Owners in the Aliomanu Estates project, was incorporated on June 4, 1993; and

WHEREAS, the Declarant, effective as of March 27, 2001, relinquished his position as Declarant in the Aliomanu Estates Community Association; and

WHEREAS, the Declarant, pursuant to Article IV, Section 7 of the Declaration, and effective as of March 27, 2001, relieved himself of all obligations imposed and rights granted under said Article IV, Section 7 concerning the appointment of members of the Aliomanu Estates Design Committee; and

WHEREAS, pursuant to Article X, Section 5 of the Declaration and, effective as of March 27, 2001, the Declarant delegated, transferred, assigned, conveyed, and released to the Aliomanu Estates Community Association all of the Declarant's rights, powers, and obligations that had been vested in the Declarant pursuant to the Declaration; and

WHEREAS, pursuant to Article IX, Section 2 of the Declaration, the Association is authorized to amend the Declaration by the affirmative vote of not less than 75% of the lot Owners members at a regular or special meeting of the Association called for the purpose of considering amendments, and

WHEREAS, at a Special Meeting of the Association duly called and held in Anahola, Kauai, Hawaii on February 8, 2003, for the sole purpose, of amending the Declaration, Owners representing no less than 75% of the total membership agreed to amend the Declaration as is stated herein below; and

WHEREAS, the Declaration further provides, in Article IX, Section 3, that no amendment (s) approved pursuant to Article IX, Section 2 of the Declaration shall be effective unless and until a written certificate of such amendment (s) is recorded with the Bureau of Conveyances of the State of Hawaii, as detailed in said Article IX, Section 3.

NOW, THEREFORE, the Association, by and through its duly authorized officers, hereby certify that the Declaration is amended as follows:

AMENDMENT NO. 4. Article IV, Section 4 of the Declaration is amended to read as follows:

Section 4. Driveways. All driveways or other road or vehicular access ways which connect onto Roadway Lot 13 (Kalalea View Drive) shall be constructed with asphalt or concrete and no other surfacing material, for a distance of not less than 25 feet into the Lot from Kalalea View Drive (such 25-foot distance measured along a line which is perpendicular to

Kalalea View Drive). Beyond the 25-foot distance, driveways or other roads or vehicular access ways may be of any surface selected by the Owner of that Lot. All other flat paved areas on each Lot shall be constructed only of concrete, asphalt, aggregate, stamped concrete, quarry tile, brick or paving blocks, but no other surfacing material. A maximum of three driveways or other road or vehicular access ways per Lot shall be permitted to connect to Kalalea View Drive, and there shall be a minimum distance between them of 50 feet. The design of all such driveways, roads and vehicular access ways shall be subject to Design Committee Approval.

AMENDMENT NO. 5. Article IV, Section 2 of the Declaration is amended to read as follows:

Section 2. Plans. No building, fence, wall or other structure shall be constructed, erected or maintained on any Lot, nor shall any addition thereto or change or alteration therein be made until the complete plans, drawings and specifications therefore (including, but not limited to, floor, elevation, plot and grading plans; specifications of principal exterior materials and color schemes; location, character and method of utilization of all utilities; landscaping plans, automobile parking provisions; and outside lighting plans), have been submitted to and approved by the Design Committee. All except the landscape plan must be prepared by a registered architect licensed in the State of Hawaii. No residence shall contain less than 1,000 square feet of covered space (excluding garage, lanais and out buildings).

AMENDMENT NO. 6. Article IX, Section 2 of the Declaration is amended to read as follows:

Section 2. Amendment by Association. This Declaration may only be amended by the affirmative vote of not less than seventy-five percent (75%) of all Owners either at the regular or special meeting of the Association duly called for the purpose of considering the amendment, or, at the direction of the Board, in a ballot conducted by mail. Notice of any Association meeting or mail balloting to consider an amendment shall state with sufficient clarity and detail the substance of the proposed amendment.

AMENDMENT NO. 7. Article X, Section 8 of the Declaration is amended to read as follows:

Section 8. Notices. Any notice or other document permitted or required by this Declaration to be delivered may be delivered either personally or by mail or by e-mail. If delivery is to be made by mail, it shall be deemed to have been delivered to the Association seventy-two (72) hours after having been deposited in the United States mail, postage prepaid, addressed to the Association at the address designated by the Association from time to time. Delivery by mail shall be deemed complete to an Owner Seventy-two (72) hours after a copy of the same has been deposited in the United States mail, postage prepaid, addressed to the Owner at his address filed with the Association or the Declarant. If delivered by e-mail to either Owner or Association by the other party it shall be deemed to have been delivered upon return of receipt. Where there is more than one Owner of a Lot, the delivery personally or by mail to any one Owner of the Lot shall be effective delivery to all Owners of such Lot.

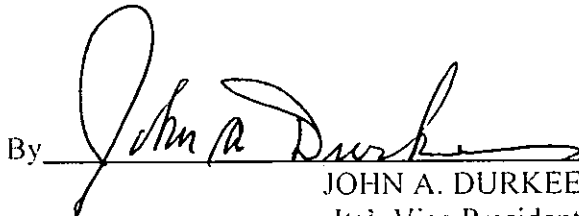
In all other respects the Declaration is hereby ratified and confirmed.

IN WITNESS WHEREOF, the Association has hereunto set their hands this 3 day of April, 2003.

ALIOMANU ESTATES COMMUNITY
ASSOCIATION

By 

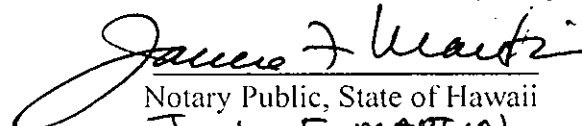
ROBERT B. BARKER
Its' President

By 

JOHN A. DURKEE
Its' Vice President

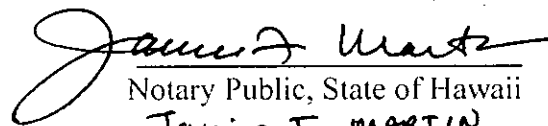
STATE OF HAWAII)
) ss.
COUNTY OF KAUAI)

On this 3 day of April, 2003, before me appeared John A. Purkee to me personally known, who being by me duly sworn, did say that he is the V.P. of ALIOMANU ESTATES COMMUNITY ASSOCIATION, a Hawaii non-profit corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said officer acknowledged he executed the same as the free act and deed of said corporation.


Notary Public, State of Hawaii
Janice F. MARTIN
My commission expires: 2/25/2005

STATE OF HAWAII)
) ss.
COUNTY OF KAUAI)

On this 3 day of April, 2002, before me appeared Robert B. Banker to me personally known, who being by me duly sworn, did say that he is the Pres. of ALIOMANU ESTATES COMMUNITY ASSOCIATION, a Hawaii non-profit corporation; that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said officer acknowledged he executed the same as the free act and deed of said corporation.


Notary Public, State of Hawaii
Janice F. MARTIN
My commission expires: 2/25/2005