

OFFICE OF THE
ASSISTANT REGISTRAR, LAND COURT,
STATE OF HAWAII
Bureau of Conveyances

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LAND COURT SYSTEM

REGULAR SYSTEM

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EKIMOTO & MORRIS, LLLC
JOHN A. MORRIS, ESQ./alt
AMERICAN SAVINGS BANK TOWER
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HONOLULU, HAWAII 96813-3410

Total pages: 17

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Tax Map Key: (1) 2-6-13-14

Condominium File Plan No. 117

**CORRECTED THIRD AMENDMENT TO THE RESTATED DECLARATION OF
CONDOMINIUM PROPERTY REGIME OF THE VILLA ON EATON SQUARE**

This CORRECTED THIRD AMENDMENT TO THE RESTATED DECLARATION OF CONDOMINIUM PROPERTY REGIME OF THE VILLA ON EATON SQUARE ("Amendment") is made by the **ASSOCIATION OF APARTMENT OWNERS OF THE VILLA ON EATON SQUARE**, whose address is % Hawaiian Properties, Ltd., P.O. Box 38078, Honolulu, Hawai'i 96837-1078 ("Association"),

WITNESSETH THAT:

WHEREAS, a Declaration of Horizontal Property Regime dated August 17, 1971 for "The Villa on Eaton Square" condominium project (the "project") was executed by Magoon Estate, Limited, a Hawai'i corporation, the then fee owner of all of the property described in said Declaration; Magoon Development Corporation, a Hawai'i corporation, the then lessee of the property; and Rainalter Development Company, Inc., a Hawai'i corporation, and the Magoon Land Corporation, a Hawai'i corporation, doing business as Magoon-Rainalter, a joint venture, as developer of said condominium project, which Declaration was filed in the Office of the Assistant Registrar of the Land Court of the State of Hawai'i as Land Court Document No. 549326 (the "Declaration"), together with Condominium Map No. 117 (the "Condominium Map"), and noted on the Certificates of Title shown on the attached Exhibit "1";

WHEREAS, the Declaration was amended by First Amendment of Declaration of Horizontal Property Regime dated October 25, 1973, filed in said Office as Land Court Document No. 655530, together with an amendment to the Condominium Map; and further amended by Second Amendment of Declaration of Horizontal Property Regime dated December 31, 1973, filed in said Office as Land Court Document No. 662649, together with an amendment to the Condominium Map; and further amended by Third Amendment of Declaration of Horizontal Property Regime dated as of November 11, 1975, filed in said Office as Land Court Document No. 822599, together with an amendment to the Condominium Map (the "Third Amendment"); and further amended by instruments dated October 4, 1979 and January 2, 1980, filed in said Office as Land Court Document Nos. 969920 and 991826, respectively; and further amended by instrument dated May 15, 1985, filed in said Office as Land Court Document No. 1306919, together with an amendment to the Condominium Map; and further amended by Sixth Amendment of Declaration of Horizontal Property Regime dated September 10, 1987, filed in said Office as Land Court Document No. 1512550, together with an amendment to the Condominium Map (the "Sixth Amendment"); and

WHEREAS, the Declaration was restated in its entirety by Restated Declaration of Condominium Property Regime of the Villa on Eaton Square dated July 25, 1990, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawai'i as Land Court Document No. 1756757 (the "Restated Declaration"); and

WHEREAS, the Restated Declaration was amended by instrument dated March 14, 2000, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawai'i as Land Court Document No. 2614614 and by instrument filed September 18, 2006 in the Office of the Assistant Registrar of the Land Court of the State of Hawai'i as Land Court Document No. 3482913; and by instrument dated May 19, 2008, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Land Court Document No. 3753406; and

WHEREAS, Section 514B-23, Hawai'i Revised Statutes ("HRS"), empowers the Association to amend the Declaration, with the vote or written consent of a majority of the owners, to achieve any results permitted by HRS Chapter 514B; and

WHEREAS, at the Association's annual meeting on March 12, 2008, a majority of the Association owners present at the meeting voted to "opt-in" to the provisions of HRS Chapter 514B by amending the Declaration, and at the Association's annual meeting on March 11, 2009, a majority of all Association owners ratified that vote to "opt-in" to the provisions of HRS Chapter 514B by amending the Declaration;

NOW THEREFORE, the Restated Declaration, as amended, is hereby amended to "opt-in" to HRS Chapter 514B, as stated below. To the extent that there is any conflict between the provisions of the Restated Declaration and HRS Chapter 514B, the provisions of the Restated Declaration shall be subordinate to HRS Chapter 514B, including all approval requirements in HRS Chapter 514B.

AMENDMENT

A new Section 20. is added to the Declaration, to generally amend the Project documents to achieve any results permitted by HRS Chapter 514B, and to read as follows:

20. Governing Law. Notwithstanding anything to the contrary in the Project governing documents, including but not limited to the Declaration, the By-

Laws ("Bylaws"), the House Rules, and the Condominium Map, this Project shall be governed by the provisions of Hawai'i Revised Statutes, Chapter 514B, as amended.

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 The Villa on Eaton Square hereby certify that the above amendment was made by the affirmative vote of more than a majority of the members of the Association.

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.

29th IN WITNESS WHEREOF, the undersigned have executed this instrument on this day of April, 2009.

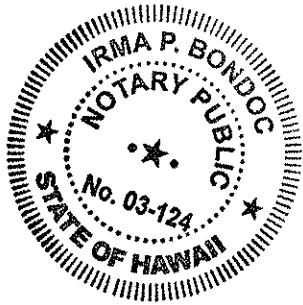
ASSOCIATION OF APARTMENT OWNERS OF
THE VILLA ON EATON SQUARE

By: Robert H. Dale
(Print name: ROBERT H. DALE)
Its: PRESIDENT

By: Loretta A. Falls
(Print name: LORETTA A. FALLS)
Its: SECRETARY

STATE OF HAWAII)
)
CITY AND COUNTY OF HONOLULU) ss.

On this 24th day of April, 2009, before me personally appeared Robert H. Date, 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.



Irma P. Bondoc

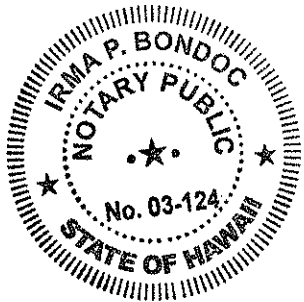
Print Name: IRMA P. BONDOC
Notary Public, State of Hawai'i

My Commission Expires: March 16, 2011

NOTARY PUBLIC CERTIFICATION
Irma P. Bondoc KT Circuit
Doc. Description: Corrected 3rd Amendment
to Dec. of CPK - Vila or Eaton Square
No. of Pages: 5 Date of Doc. 4/29/09
Irma P. Bondoc 4/29/09
Notary Signature Date

STATE OF HAWAII)
)
CITY AND COUNTY OF HONOLULU) ss.

On this 29th day of April, 2009, before me personally appeared Loretta A. Falls, 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.



Irma P. Bondoc

Print Name: IRMA P. BONDOC
Notary Public, State of Hawai'i

My Commission Expires: March 16, 2011

NOTARY PUBLIC CERTIFICATION

Irma P. Bondoc
Doc. Description: 1st Circuit
Dec. of UPR - Della on Estate of Jane
No. of Pages: 5 Date of Doc. 4/29/09
Irma P. Bondoc 4/29/09
Notary Signature Date

THE VILLA ON EATON SQUARE

Apt # TCT#

1001	827233
1002	736919
1003	716639
1004	290876
1004	311060
1004	541052
1005	719230
1006	438253
1007	440627
1007	633157
1008	610150
1008	872257
1009	385245
1010	763265
1011	535485
1012	679376
1014	782847
1015	561085
103	728249
105	725906
107	849519
1079	878453
109	730026
1103	628614
1104	396739
1105	383701
1106	511549
1107	498033
1108	384867
1109	743363
111	727153
1110	504037
1111	322940
1114	470074
1115	769056
115	730176
1202	832241
1204	738154
1204	887438
1205	541580
1205	871692

THE VILLA ON EATON SQUARE

Apt # TCT#

1205 &C	382436
1206	865788
1207	663382
1208	291887
1209	722726
1209 &C	316231
1210	290883
1211	735187
1211	932788
1212	736964
1214	586804
1214	914788
1215	290884
1215	661433
1401	830871
1402	639889
1403	682057
1403	919478
1404	612234
1405	290885
1406	295105
1407	655545
1408	480823
1410	383709
1411	736341
1412	703031
1414	577845
1415	535072
1501	541183
1502	294234
1503	567941
1504	290889
1504	846395
1505	749477
1506	290890
1507	687201
1509	396744
1509	887767
1510	819232
1511	507694
1514	396745

THE VILLA ON EATON SQUARE

<u>Apt #</u>	<u>TCT#</u>
1515	835866
1601	545771
1602	290892
1603	465199
1604	290893
1604	838412
1605	316270
1606	724602
1607	669154
1608	490621
1609	721225
1610	528631
1611	578553
1612	453873
1614	612151
1615	772223
1615	868995
1701	615438
1703	383714
1704	313857
1704	871465
1706	290896
1708	861853
1709	628940
1711	693892
1712	735523
1715	617837
1801	383718
1802	290898
1803	706828
1804	802233
1806	800814
1807	451345
1808	629676
1809	642327
1810	671274
1811	860996
1812	646090
1815	642416
1901	777992
1903	709421

THE VILLA ON EATON SQUARE

Apt # TCT#

1904	340287
1905	511874
1906	773102
1906	872183
1907	383725
1908	383726
1909	753852
1912	566141
1914	534603
1915	431226
2001	290901
2002	639559
2003	431227
2003	921607
2004	309870
2004	317919
2004	749960
2005	847408
2006	383727
2007	591671
2008	843975
2009	650559
2010	489717
2011	383729
2012	295584
2015	557627
203	522083
205	744999
209	306535
2101	813261
2102	383730
2103	486717
2104	703574
2105	652291
2107	318829
2107	479749
2109	825778
211	396737
2110	388603
2111	504577
2112	831752

THE VILLA ON EATON SQUARE

Apt # TCT#

2115	396752
215	383661
2201	410371
2202	641703
2203	383734
2204	765345
2206	833888
2207	458082
2208	621947
2209	611255
2209	926765
2210	519281
2211	864738
2212	583896
2215	535831
2301	865843
2303	503244
2304	747869
2305	832499
2306	540675
2307	646089
2308	729723
2309	584294
2310	698805
2311	706530
2312	745917
2314	635404
2401	477512
2402	741565
2403	863303
2404	734851
2405	844403
2406	635749
2407	396756
2408	681098
2410	527316
2411	400393
2412	610940
2414	671275
2415	659670
2501	836466

THE VILLA ON EATON SQUARE

<u>Apt #</u>	<u>TCT#</u>
2502	839325
2503	540779
2504	604645
2507	636591
2509	295104
2509	609079
2510	557586
2511	383742
2511	927893
2512	290906
2514	291890
2515	506097
2601	575834
2602	556785
2603	518865
2604	742872
2606	709388
2607	824670
2608	507606
2609	528458
2610	549922
2611	847388
2612	383747
2701	417890
2702	812871
2703	290910
2703	846331
2704	788054
2706	726154
2707	573615
2708	588838
2709	383748
2712	382212
2714	709450
2715	649057
2801	612159
2802	757926
2803	710376
2804	621562
2805	292099
2806	798710

THE VILLA ON EATON SQUARE

Apt # TCT#

2807	398452
2809	495888
2810	383751
2811	396763
2812	847926
2814	850319
2815	501553
2901	863302
2902	411981
2903	470764
2904	535573
2906	533256
2907	311958
2907	331952
2907	701017
2909	531563
2910	386369
2911	394159
2912	582211
2914	814105
2914 &C	294232
2915	300955
2915	851638
3002	463449
3004	513806
3006	532199
3007	862113
3009	489049
3010	431238
3011	637713
3014	499472
3014	877920
303	821925
305	734816
307	786521
309	383664
3101	454036
3101	720293
3102	717158
3103	718247
3104	505831

THE VILLA ON EATON SQUARE

<u>Apt #</u>	<u>TCT#</u>
3105	729416
3106	457771
3107	698062
3109	410570
311	773208
3110	554262
3112	724454
3114	709292
3115	397035
315	773209
3201	491680
3202	794492
3203	392072
3204	383761
3206	519224
3206	886662
3207	786304
3208	403207
3208	403208
3209	404818
3210	708231
3211	441897
3211	441898
3214	383418
3215	472772
3301	383765
3301	909930
3302	688421
3303	290918
3303	369064
3304	726014
3305	549923
3306	487593
3307	510963
3309	396844
3310	703078
3312	383767
3312	733377
3314	752221
3401	790379
3402	612436

THE VILLA ON EATON SQUARE

Apt # TCT#

3403	370700
3403	810515
3404	290921
3405	581972
3405	877921
3407	309856
3408 &C	366637
3410	848425
3411	455720
3412	631093
3414	383770
3415	841814
3503	574822
3504	457772
3505	859939
3506	625111
3507	497415
3509	582913
3509	879206
3510	626516
3511	690358
3512	808961
3514	479124
3515	718569
3601	579219
3602	290925
3602	816947
3603	810657
3604	850298
3605	383775
3606	818482
3607	640638
3607	880907
3608	408746
3609	793192
3609	874837
3610	383776
3611	309873
3612	549924
3612	598112
3614	549925

THE VILLA ON EATON SQUARE

Apt # TCT#

3615	440308
3701	383778
3702	294825
3702	649276
3702	928056
3703	316272
3704	293685
3705	383779
3707	293066
3707	697955
3708	293065
401	733608
403	733609
405	754816
405	867922
407	733610
409	733611
411	849518
415	733613
501	522084
503	522085
505	522086
507	522087
509	522088
511	522089
515	522090
601	835621
601	888078
602	861313
603	780971
604	558697
605	691510
606	383683
607	501100
608	611370
614	441896
615	854549
701	627306
702	389249
703	849988
703	914029

THE VILLA ON EATON SQUARE

Apt # TCT#

703	921636
704	383685
705	383686
705	886678
706	383687
707	861082
708	472244
708 &C	456787
709	309858
710	290871
712	292096
715	339999
801	499921
804	481108
805	605089
806	779109
808	374419
809	291880
810	638940
811	851733
812	755473
814	291881
815	532666
901	813259
903	497418
904	479949
905	619734
906	398998
907	383693
908	714652
909	783544
910	649275
910	879182
911	326043
911	326044
912	427213
914	402158
915	804089
EATON SQ	140525
H-4 & H-6	582661
H1	738701

THE VILLA ON EATON SQUARE

<u>Apt #</u>	<u>TCT#</u>
H2	728201
H3	732637
H5	778303
P1	738702
P10	782766
P2	754741
P4	786600
P5	729995
P6	729996
P7	732726
PENTHOUSE	781460
PH	292826
PH &C	533095
PH1	767642
PH2	767643
PH3	774997
PH3	867921
PH4	750767
PH4	906620
V2C	840108
V5	733451
V6	729060
VARIOUS	712254