

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

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NINTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM PROPERTY  
REGIME OF KALELE KAI

**NINTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM PROPERTY  
REGIME OF KALELE KAI**

WHEREAS, Kalele Kai is a condominium project created by a Declaration of Condominium Property Regime dated May 20, 1993, recorded in the Bureau of Conveyances of the State of Hawaii on June 1, 1993, as Document No.93-087469 (hereinafter referred to as, "Declaration");

WHEREAS, as Hawaii Revised Statutes (hereinafter, "H.R.S.") §514A-11(11), and Paragraph 19 of the aforementioned Declaration permits the Amendment of a Declaration of Property Regime upon the vote or written consent of at least seventy-five percent (75%) of all apartment owners;

WHEREAS, in accordance with H.R.S. §514A-11(11), on March 31, 1999, seventy-seven point seven thousand, two hundred and twenty-ninth percent (77.7229%) of the apartments owners of the condominium project known as Kalele Kai voted to amend the Declaration;

NOW, THEREFORE, the Declaration of Condominium Property Regime of Kalele Kai dated May 20, 1993, and recorded in the Bureau of Conveyances of the State of Hawaii on June 1, 1993, as Document No. 93-087469, is hereby amended as follows:

1. Paragraph 9(a) of the Declaration is REWRITTEN to now state as follows:

**"The condominium units shall at all times be occupied and used only for residential purposes in accordance with the provisions of this Declaration and the Bylaws. A condominium unit may not be leased or rented for a term of less than 180 days/6 months (or such longer period as may be required by ordinance of the City and County of Honolulu to avoid classification of the condominium unit as a "transient vacation unit") and may not be rented in any manner by which the occupants of the condominium unit are provided customary hotel or similar services, such as room service, maid service, laundry or linen service or bell service.**

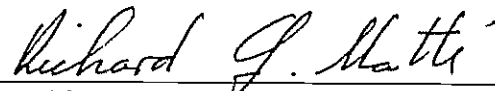
**"No time share interest shall be created or established out of any condominium unit in the project and no owner shall sign an time share instrument pertaining to any condominium unit in the project. Furthermore, no condominium unit in the project or any interest therein shall be sold, transferred, conveyed, leased, occupied, rented or used for or in connection with any time sharing purpose, under any time sharing plan, or corporate retreat. The terms "time share interest," "time share instrument," "time share plan," and "corporate retreat," as used herein shall have the same meaning as given them in Section 514E, Hawaii Revised Statutes, as amended from time to time."**

2. Paragraph 9(d) of the Declaration is REWRITTEN to now state as follows:

**“Except as provided in Paragraph 9(a) above, the owner of a condominium unit shall have the absolute right to lease such condominium unit for residential purposes subject at all times to the provisions of this Declaration and the Bylaws and House Rules of the Association; provided that no owners shall lease less than the entire condominium unit. Any lease agreement shall be in writing and shall subject the lease in all respects to the provisions of this Declaration, the Bylaws and the House Rules promulgated thereunder and provide that the failure by the lessee to comply with the terms of such documents shall be a default under the lease.”**

This Amendment shall be effective upon filing. Except as specifically set forth above, all other provisions, (as well as the previously recorded First through Eighth Amendments thereto) of the Declaration of Condominium Property Regime of Kalele Kai dated May 20, 1993, and recorded on June 1, 1993, in the Bureau of Conveyances as Document No. No.93-087469, shall be unaffected by reason of the foregoing Amendment.

IN WITNESS WHEREOF, we certify and attest the foregoing Amendment has been adopted in accordance with procedures set forth in H.R.S. §514A-11(11).



\_\_\_\_\_  
President, Association of Apartment Owners  
of Kalele Kai



\_\_\_\_\_  
Secretary, Association of Apartment Owners  
Of Kalele Kai

STATE OF HAWAII )  
 ) SS  
CITY AN COUNTY OF HONOLULU )

On this 21st day of April, 1999, before me personally appeared  
Richard G. Matti, known to me to be the person described in, and who  
executed the foregoing instrument and acknowledged that he/she executed same of his/her own  
free will in capacity as President of the Association of Apartment Owners of Kalele Kai.

*Sandra M. Ildefonso*  
Notary Public-State of Hawaii

L.S.

Sandra M. Ildefonso  
Notary Public-Printed Name

My Commission Expires May 1, 2001

STATE OF HAWAII )  
 ) SS  
CITY AN COUNTY OF HONOLULU )

On this 21st day of April, 1999, before me personally appeared  
Steven S. Hirano, known to me to be the person described in, and who  
executed the foregoing instrument and acknowledged that he/she executed same of his/her own  
free will in capacity as Secretary of the Association of Apartment Owners of Kalele Kai.

*Sandra M. Ildefonso*  
Notary Public-State of Hawaii

L.S.

Sandra M. Ildefonso  
Notary Public-Printed Name

My Commission Expires May 1, 2001