

#1208
ply, stalls

R-480

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

SEP 29, 2000 08:01 AM

Doc No(s) 2000-137450

/s/CARL T. WATANABE
ACTING
REGISTRAR OF CONVEYANCES

LAND COURT

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

MATSUMOTO LaFOUNTAINNE & CHOW
700 Bishop Street, Suite 2000
Honolulu, Hawaii 96813
Attn: Iris R. Okawa, Esq.

TG: 389912 R

9 pages

RS

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TITLE OF DOCUMENT:

AMENDMENT TO DECLARATION OF HORIZONTAL PROPERTY
REGIME FOR THE SOLE PURPOSE OF TRANSFERRING
PARKING STALL NO. 228 FROM APARTMENT NO. 1208 TO
APARTMENT NO. 1301 AND PARKING STALL NO. 244c FROM
APARTMENT NO. 1301 TO APARTMENT NO. 1208

PARTIES TO DOCUMENT:

THE ASSOCIATION OF APARTMENT OWNERS OF "KALELE
KAI"; F. DON PARSA, as Trustee of THE F. DON PARSA
TRUST, an unrecorded trust dated 5/7/94, as
amended, and executed by F. DON PARSA as Trustor
and Trustee, and TOURI T. PARSA, as Trustee of THE
TOURI T. PARSA TRUST, an unrecorded trust dated
5/7/94, amended, and executed by TOURI T. PARSA as
Trustor and as Trustee;
BERNARD G. NOBLER and RUTH KAWAI NOBLER

Tax Map Key for Property: 3-9-008-030-0023 & 0017
Property Address: 1 Keahole Place, Apartments 1208 and
1301
Honolulu HI 96825

KALELE KAI

AMENDMENT TO DECLARATION OF CONDOMINIUM
PROPERTY REGIME FOR THE SOLE PURPOSE OF TRANSFERRING
PARKING STALL NO. 228 FROM APARTMENT 1208
TO APARTMENT NO. 1301 AND
PARKING STALL NO. 244c FROM APARTMENT 1301 TO APARTMENT 1208

THIS AGREEMENT is made this 5 day of
APRIL, 1999, by and among THE ASSOCIATION OF
APARTMENT OWNERS OF "KALELE KAI", a Hawaii nonprofit
corporation, whose principal place of business and post
office address is 1 Keahole Place, Honolulu, Hawaii 96825,
hereinafter called "AOAO", BERNARD G. NOBLER and RUTH KAWAI
NOBLER, husband and wife, whose residence and post office
address is 1 Keahole Place, Honolulu, Hawaii 96825,
hereinafter called the "Noblers", and F. DON PARSA, as
Trustee of THE F. DON PARSA TRUST, an unrecorded trust dated
5/7/94, as amended, and executed by F. DON PARSA as Trustor
and Trustee, and TOURI T. PARSA, as Trustee of THE TOURI T.
PARSA TRUST, an unrecorded trust dated 5/7/94, amended, and
executed by TOURI T. PARSA as Trustor and as Trustee,
hereinafter collectively called the "Parsas", said Trustees
having full power and authority to sell, convey, mortgage,
exchange, lease, pledge or otherwise deal with and dispose
of the property held in trust according to the sole judgment
and discretion of said Trustees; and BANK OF AMERICA,
Federal Savings Bank dba Honolulu Mortgage, whose principal
place of business and mailing address is 201 Merchant Street,
Suite 1700, Honolulu, Hawaii 96813;

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

WHEREAS, the condominium project known as KALELE
KAI (herein called the "Project") was established as a
condominium property regime under the Condominium Property
Regime Act, Chapter 514A, Hawaii Revised Statutes, as set
forth in the Declaration of Condominium Property Regime
dated May 20, 1993, recorded in the Bureau of Conveyances of
the State of Hawaii as Document No. 93-87469, (herein called
the "Declaration"), together with Condominium Map 1865; and

WHEREAS, Exhibit B of said Declaration sets forth the Unit Specifications of the Project, including the Parking Stalls appurtenant to each unit; and

WHEREAS, Parsas own Apartment #1301 at said Project, together with an exclusive easement to use Parking Stalls 229 and 244c appurtenant to said apartment, said Trustees having full power and authority to sell, convey, mortgage, exchange, lease, pledge or otherwise deal with and dispose of the property held in trust according to the sole judgment and discretion of said Trustees; and

WHEREAS, Noblers own Apartment #1208 at said Project, together with an exclusive easement to use Parking Stalls 228 and 245c appurtenant to said apartment; and

WHEREAS, Parsas and Noblers desire to exchange parking stalls 244c and 228 appurtenant to their respective apartments; and

WHEREAS, the AOA has approved the exchange contemplated herein; and

WHEREAS, said Declaration, as amended, provides that the common interest and easements appurtenant to each condominium unit shall not be separated from the condominium unit as described in the Declaration without the prior written consent of all owners of condominium units affected thereby and their mortgagees as expressed in an amendment to the Declaration duly recorded;

NOW, THEREFORE:

1. Noblers do hereby assign, transfer, set over and convey unto Parsas, Parking Stall No. 228 at Project so that PARKING STALL NO. 228 shall henceforth be appurtenant to APARTMENT NO. 1301 and not APARTMENT NO. 1208; and

Noblers do hereby covenant with Parsas that they are the lawful owners of PARKING STALL NO. 228, and have good right to grant and convey the same as aforesaid; that said parking stall is free and clear of all liens and encumbrances; and that they will warrant and defend the same

unto the Parsas against the lawful claims and demands of all persons.

2. Parsas do hereby assign, transfer, set over and convey unto Noblers, Parking Stall No. 244c at Project so that PARKING STALL NO. 244c shall henceforth be appurtenant to APARTMENT NO. 1208 and not APARTMENT NO. 1301; and

Parsas do hereby covenant with Noblers that they are the lawful owners of PARKING STALL NO. 244c, and have good right to grant and convey the same as aforesaid; that said parking stall is free and clear of all liens and encumbrances; and that they will warrant and defend the same unto the Noblers against the lawful claims and demands of all persons.

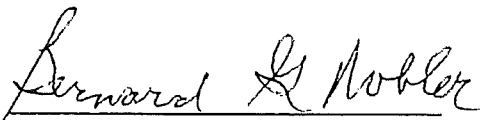
3. Pursuant to Section 8 and other relevant sections of the Declaration and the approval granted by the AOA, Noblers and Parsas do hereby cause Exhibit B of the Declaration to be amended by redesignating the Parking Stalls for Unit No. 1208 and Unit No. 1301, respectively, as follows:

<u>Unit No.</u>	<u>Parking Stall No.</u>
1208	244c, 245c
1301	228, 229

NOTE: c - compact stall

Said Declaration, as heretofore and herein further amended is hereby certified and confirmed.

IN WITNESS WHEREOF, the undersigned have executed these presents as of the day and year first above written.



BERNARD G. NOBLER



F. DON PARSA, Trustee of
THE F. DON PARSA TRUST

Ruth Kawai Nobler
RUTH KAWAI NOBLER

Touri T. Parsa
TOURI T. PARSA, Trustee of THE
TOURI T. PARSA TRUST

Owners of Unit #1208
Bank of America, N.A. Successor in
interest by merger of
BANK OF AMERICA
Federal Savings Bank

Owners of Unit #1301
AMERICAN SAVINGS BANK
Federal Savings Bank

By Mary E. Battaglia
Its Mary E. Battaglia
Senior Vice President

By Nan N. Oen
Its LEAD OPERATIONS MANAGER

Mortgagee (Unit #1208)

Mortgagee (Unit #1301)

ASSOCIATION OF APARTMENT
OWNERS OF KALELE KAI

By Richard J. Mott
Its PRESIDENT

STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU)

) SS:

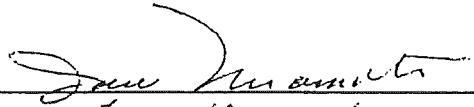
On this 5th day of April, 1999,
before me personally appeared BERNARD G. NOBLER, to me known
to be the person described in and who executed the foregoing
instrument and acknowledged that he executed the same as his
free act and deed.

Jane M. M... ..
Name: Jane M... ..
Notary Public, State of Hawaii

My Commission Expires: 6/14/99

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

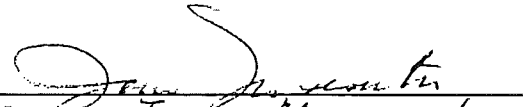
On this 2nd day of April, 1999,
before me personally appeared F. DON PARSA, Trustee of the
F. Don Parsa Trust, to me known to be the person described
in and who executed the foregoing instrument and
acknowledged that he executed the same as his free act and
deed as Trustee.


Name: Jane Muramatsu
Notary Public, State of Hawaii

My Commission Expires: 4/14/99

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)


On this 5/11 day of April, 1999,
before me personally appeared RUTH KAWAI NOBLER, to me known
to be the person described in and who executed the foregoing
instrument and acknowledged that she executed the same as
her free act and deed.


Name: Jane Muramatsu
Notary Public, State of Hawaii

My Commission Expires: 6/19/99

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

On this 2nd day of April, 1999,
before me personally appeared TOURI T. PARSA, Trustee of the
Touri T. Parsa Trust, to me known to be the person described
in and who executed the foregoing instrument and
acknowledged that she executed the same as her free act and
deed as Trustee.


Name: Janel Muramatsu
Notary Public, State of Hawaii

My Commission Expires: 6/14/99


STATE OF HAWAII New York)
) SS:
CITY AND COUNTY OF Evie HONOLULU)

On this 27th day of July, 2000
before me appeared Mary E Battaglia to me
personally known, who, being by me duly sworn, did say that

he/she is the Sr Vice President of BANK OF AMERICA,
FSB, a federal savings bank, and that the seal affixed to
the foregoing instrument is the seal of said bank and that
said instrument was signed and sealed in behalf of said bank
by authority of its Board of Directors, and the said

Mary E Battaglia acknowledged said instrument to
be the free act and deed of said bank.

LISA C. GLENA
Notary Public, State of New York
Qualified in Niagara County
My Commission Expires Dec. 31, 2000


Name: LISA C. GLENA
Notary Public, State of Hawaii
New York
My Commission Expires:

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

On this 16th day of September, 1999,

before me appeared Alan N. Ono to me personally known, who, being by me duly sworn, did say that

he/~~she~~ is the Lead Operations Manager of AMERICAN SAVINGS BANK, FSB, a federal savings bank, and that the seal affixed to the foregoing instrument is the seal of said bank and that said instrument was signed and sealed in behalf of said bank by authority of its Board of Directors, and the said

Alan N. Ono acknowledged said instrument to be the free act and deed of said bank.

Carole C. Matsunami
Name: Carole C. Matsunami
Notary Public, State of Hawaii

My Commission Expires: 6-1-2003

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

On this 7th day of April, 1999.

before me personally appeared Richard G. MATTI,
to me personally known, who, being by me duly sworn, did say

that he/she is the PRESIDENT of the
ASSOCIATION OF APARTMENT OWNERS OF KALELE KAI, and that said
instrument was signed in behalf of said association by
authority of its Board of Directors, and the said

PRESIDENT acknowledged said instrument to be
the free act and deed of said association.

Marquette A. Mayfield
Name: MARQUERITE A. MAYFIELD
Notary Public, State of Hawaii

My Commission Expires: 11-29-2001

