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Kiefer Merchant & Garneau LLC  
Attention: David Merchant, Esq.  
444 Hana Hwy., Ste. 204  
Kahului, Maui, Hawaii 96732  
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TITLE OF DOCUMENT:

**SECOND AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM PROPERTY REGIME  
OF THE WEST MAUI BREAKERS  
(CONDOMINIUM MAP NO. 813)**

PARTIES TO DOCUMENT:

DOUGLAS E. MYERS

3702 LOWER HONOAPIILANI, LLC, a Colorado limited liability  
company

TAX MAP KEY(S): (2) 4-3-006:002 & 069

(This document consists of 12 pages.)

**SECOND AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM PROPERTY REGIME  
OF THE WEST MAUI BREAKERS**

**THIS SECOND AMENDMENT TO THE DECLARATION OF CONDOMINIUM PROPERTY REGIME OF THE WEST MAUI BREAKERS** ("Amendment") is made on March 22, 2007, by **Douglas E. Myers** ("Developer") and **3702 Lower Honoapiilani, LLC**, a Colorado limited liability company ("LLC") (Developer and LLC are hereinafter collectively referred to as "Declarant").

**RECITALS**

A. Declarant executed the Declaration of Condominium Property Regime of The West Maui Breakers ("Declaration") on February 25, 2005 and recorded the Declaration on April 8, 2005 in the State of Hawaii Bureau of Conveyances as Document Number 2005-069181 (Condominium Map No. 813), which established the West Maui Breakers condominium project (the "Project").

B. At the time the Declaration was recorded, the land on which the Project is located consisted of two separate lots; subsequently said lots were consolidated into a single lot known as Lot 1-A-1 of the Hale Kahekili Condominium subdivision, which is more particularly described in Exhibit A attached hereto.

C. Declarants and LLC are the owners of all of the apartments in the condominium project established by the Declaration.

D. Declarant's title insurance company requires Declarant to amend Exhibit A to the Declaration to reflect the consolidation of the lots on which the Project is located, and Declarant has agreed to do so pursuant to Declarant's reserved right to amend the Declaration to make amendments required by any title insurance company as set forth in Section N.5 of the Declaration.

E. Consistent with rights reserved to the Declarant in Section N.5 and O of the Declaration, Declarant desires to amend the Declaration to list all guest parking stalls for the Project.

F. Declarant and LLC, as the owners of all of the apartments in the Project, have also agreed to and approved such amendments pursuant to Section O of the Declaration.

NOW THEREFORE, pursuant to Sections N.5 and O of the Declaration, the Declaration is hereby amended as follows:

1. Subsection B.3.d is deleted in its entirety and restated as follows:

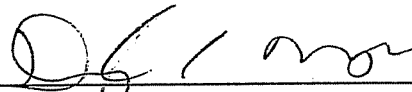
d. All roads, covered and uncovered parking areas, driveways, ramps, loading areas or zones, and walkways which are rationally of common use by Owners of more than one Apartment, including the following parking stalls shown on the Condominium Map which shall be guest parking stalls: Stall Nos. 27, 28, 75, 76, 79, 80, 81, 82, 88, 89, 90, 91, 97, 101, 168, 169, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 200 and 201.

2. Exhibit A to the Declaration is deleted in its entirety and replaced with the new Exhibit A attached hereto.

3. Exhibit B to the Declaration is deleted in its entirety and replaced with the new Exhibit B attached hereto:

[Signature Page Follows]

IN WITNESS WHEREOF, the Declarant has executed this Amendment to  
as of the date first set forth above.

A handwritten signature in black ink, appearing to read "D. E. Myers", is written above a horizontal line.

Douglas E. Myers

3702 Lower Honoapiilani, LLC

By: \_\_\_\_\_



R. V. Golden

Its: MANAGER

Attachments: **Exhibit A** - Description of Lot 1-A-1, Hale Kaheliki Condominium  
**Amended Exhibit B** - Apartment Description, Common Interest Allocation, and Parking  
Assignments

STATE OF ~~HAWAII~~ <sup>Colorado</sup> )  
COUNTY OF ~~MAUI~~ <sup>Boulder</sup> ) ss.  
 )

On this 22 day of March, 2007, before me personally appeared DOUGLAS E. MYERS to me personally known/proved to me on the basis of satisfactory evidence, 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.

Tara Garcia  
Name:

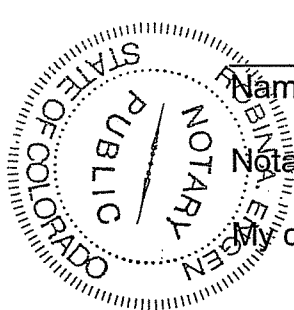
Notary Public, State of Hawaii

My commission expires: 7/17/2010

TARA GARCIA  
NOTARY PUBLIC  
STATE OF COLORADO  
My Commission Expires 07/17/2010

STATE OF Colorado )  
 )  
COUNTY OF Boulder ) ss.

On this 19<sup>th</sup> day of March, 2007, before me personally appeared R.V. Golden to me personally known, who, being by me duly sworn, did say that such person is the Manager of 3702 LOWER HONOAPIILANI, LLC, a Colorado limited liability company, and that said instrument was duly authorized and executed on behalf of said company, and said managing member further acknowledged said instrument to be the free act and deed of said company.



Robin A. Engen

Name:

Notary Public, State of ~~Hawaii~~ Colorado

My commission expires: 08/20/2008 My Commission Expires

EXHIBIT "A"  
LOT 1-A-1  
HALE KAHEHIKILI CONDOMINIUM  
LUCA FILE NO. 4.899

Being all of R. P. 4591, L. C. Aw. 3930, Apana 2 to Nauwele, R. P. 7491, L. C. Aw. 3932, Apana 3 to Nalepo, Grant S-14686, Grant S-14687 and portions of R. P. 2153, L. C. Aw. 3927, Apana 2 to Nakoholua and R. P. 415, L. C. Aw. 75 to C. Cockett, situate at Honokowai and Mahinahina, Lahaina, Maui, Hawaii and more particularly described as follows:

Beginning at a found 1/2 inch pipe at the northwest corner of this lot on the easterly side of Lower Honoapiilani Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MANINI" being 9,851.48 feet North and 12,358.70 feet West and running by azimuths measured clockwise from true South:

1. 280° 46' 649.20 feet along R. P. 4203, L. C. Aw. 4239, Apana 1 to Kaukau to a found "+" mark on rock wall;
2. 9° 14' 112.10 feet along Honokowai Government Tract to a found 1/2 inch pipe;
3. 101° 42' 322.19 feet along Honokowai Government Tract to a found 1/2 inch pipe;
4. 2° 02' 82.42 feet along same to a found 1/2 inch pipe;
5. 281° 42' 210.53 feet along same to a found 1/2 inch pipe;
6. 0° 42' 65.68 feet along same to a found 1/2 inch pipe;
7. 102° 34' 541.44 feet along the remainder of R. P. 2153, L. C. Aw. 3927, Apana 2 to Nakoholua to a set "PK" nail;
8. 102° 22' 47.85 feet along lot 2-A Honokowai Government remnant to a found 3/4 inch pipe;
9. 196° 38' 137.26 feet along lot 2, T.M.K.: (2) 4-3-6-167 to a found 1/2 inch pipe;
10. 281° 17' 5.28 feet along Lower Honoapiilani Road to a found 1/2 inch pipe;



11. 193° 40' 101.67 feet along same to the point of beginning and containing an area of 133, 053 square feet more or less.

Subject, However to an easement for utility purposes in favor of Maui Electric Company and Hawaiian Telephone Company. Dated Nov. 16, 1981 and recorded at the Bureau of Conveyance of the State of Hawaii in Liber 16049, Page 650.

Further, Subject to an easement for fire Hydrant Purposes in favor of the Department of Water Supply of the County of Maui and more particularly described as follows:

Being a Portion of lot 1-A-1 of the Hale Kahekili Condominium, LUCA File No. 4.899, being also a portion of Grant S-14,686 situate at Honokowai and Mahinahina, Lahaina, Island and County of Maui State of Hawaii,

Beginning at a point at the northwest corner of this easement, the true azimuth from the northeast corner of T.M.K.: (2) 4-3-06:167 being 16°38' and a distance of 8.86 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "MANINI" being 9,745.23 feet North and 2,390.44 feet West and running by azimuths measured clockwise from true South:—

1. 286°38' 7.00 feet along remainder of lot 1-A-1 of the Hale Kahekili Condominium, LUCA File No. 4.899, along remainder of Grant S-14686 to a point;
2. 16°38' 7.00 feet along same to a point;
3. 106°38' 7.00 feet along same to a point;
4. 196°38' 7.00 feet along T.M.K.: (2) 4-3-06:167 to the point of beginning and containing an area of 49 square feet more or less.

## EXHIBIT B

### Apartment Descriptions, Common Interest Ownership, and Parking Stall Assignment

Building	Apartment No.	Apartment Type	Square Feet	Lanal Sq. Ft.	Total Sq. Ft.	Common Interest %	Parking Stall(s)
<b>BLDG. A</b>	125	X-2	616	103	719	0.7651%	32
	126	X-3	607	103	710	0.7539%	31
	127	X-3	607	103	710	0.7539%	30
	128	X-3	607	103	710	0.7539%	29
	129	X-3	607	103	710	0.7539%	14
	130	X-2	616	103	719	0.7651%	13
	225	X-2	616	103	719	0.7651%	12
	226	X-3	607	103	710	0.7539%	26
	227	X-3	607	103	710	0.7539%	11
	228	X-3	607	103	710	0.7539%	25
	229	X-3	607	103	710	0.7539%	10
	230	X-2	616	103	719	0.7651%	24
	325	X-2	616	103	719	0.7651%	23
	326	X-3	607	103	710	0.7539%	9
	327	X-3	607	103	710	0.7539%	20
	328	X-3	607	103	710	0.7539%	6
	329	X-3	607	103	710	0.7539%	17
	330	X-2	616	103	719	0.7651%	3
	425	Y-6	829	103	932	1.0296%	21/22
	426	Y-7	814	103	917	1.0110%	7/8
427	Y-7	814	103	917	1.0110%	18/19	
428	Y-7	814	103	917	1.0110%	4/5	
429	Y-7	814	103	917	1.0110%	15/16	
430	Y-6	829	103	932	1.0296%	1/2	
<b>BUILDING B</b>	B-20	A	584	123	707	0.7253%	71
	B-21	B-HC	582	74	656	0.7229%	74
	B-22	B	578	74	652	0.7179%	70
	B-23	A	584	123	707	0.7253%	69
	B-24	A	584	123	707	0.7253%	36
	B-25	B	578	74	652	0.7179%	33
	B-26	B	578	74	652	0.7179%	34
	B-27	A	584	123	707	0.7253%	35
	B-30	A	584	123	707	0.7253%	47/48
	B-31	B	578	74	652	0.7179%	51/52
	B-32	B	578	74	652	0.7179%	49/50
	B-33	A	584	123	707	0.7253%	45/46
	B-34	A	584	123	707	0.7253%	43/44
	B-35	B	578	74	652	0.7179%	41/42
	B-36	B	578	74	652	0.7179%	39/40
B-37	A	584	123	707	0.7253%	37/38	

Building	Apartment No	Apartment Type	Square Feet	Land Sq. Ft.	Total Sq. Ft.	Common Interest %	Parking Stall(s)
	B-40	G	903	123	1026	1.1215%	67/68
	B-41	D	436	74	510	0.5415%	72
	B-42	H	825	74	899	1.0247%	63/64
	B-43	J	809	123	932	1.0048%	55/56
	B-44	J	809	123	932	1.0048%	53/54
	B-45	H	825	74	899	1.0247%	61/62
	B-46	D	436	74	510	0.5415%	73
	B-47	G	903	123	1026	1.1215%	65/66
<b>BUILDING C</b>	C-21	C	1399	135	1534	1.7377%	57/58
	C-22	C	1399	135	1534	1.7377%	59/60
	C-23	C	1399	135	1534	1.7377%	104/105
	C-24	C	1399	135	1534	1.7377%	106/107
	C-30	E	655	0	655	0.8136%	77
	C-31	E	655	0	655	0.8136%	78
<b>BUILDING D</b>	D-20	A	584	123	707	0.7253%	85
	D-21	B	578	74	652	0.7179%	96
	D-22	B	578	74	652	0.7179%	86
	D-23	A	584	123	707	0.7253%	87
	D-24	A	584	123	707	0.7253%	92
	D-25	B	578	74	652	0.7179%	93
	D-26	B-HC	582	74	656	0.7229%	94
	D-27	A	584	123	707	0.7253%	95
	D-30	A	584	123	707	0.7253%	108/109
	D-31	B	578	74	652	0.7179%	110/111
	D-32	B	578	74	652	0.7179%	120/121
	D-33	A	584	123	707	0.7253%	114/115
	D-34	A	584	123	707	0.7253%	116/117
	D-35	B	578	74	652	0.7179%	118/119
	D-36	B	578	74	652	0.7179%	122/123
	D-37	A	584	123	707	0.7253%	112/113
	D-40	G	903	123	1026	1.1215%	132/133
	D-41	D	436	74	510	0.5415%	83
	D-42	H	825	74	899	1.0247%	124/125
	D-43	J	809	123	932	1.0048%	126/127
	D-44	J	809	123	932	1.0048%	128/129
D-45	H	825	74	899	1.0247%	130/131	
D-46	D	436	74	510	0.5415%	84	
D-47	G	903	123	1026	1.1215%	134/135	
<b>BUILDING E</b>	E-20	A	584	123	707	0.7253%	172
	E-21	B-HC	582	74	656	0.7229%	173
	E-22	B	578	74	652	0.7179%	102
	E-23	A	584	123	707	0.7253%	174
	E-24	A	584	123	707	0.7253%	103
	E-25	B	578	74	652	0.7179%	170
	E-26	B	578	74	652	0.7179%	171
	E-27	A	584	123	707	0.7253%	175

Building	Apartment No	Apartment Type	Square Feet	Lanal Sq. Ft.	Total Sq. Ft.	Common Interest %	Parking Stall(s)
	E-30	A	584	123	707	0.7253%	152/153
	E-31	B	578	74	652	0.7179%	156/157
	E-32	B	578	74	652	0.7179%	164/165
	E-33	A	584	123	707	0.7253%	158/159
	E-34	A	584	123	707	0.7253%	166/167
	E-35	B	578	74	652	0.7179%	160/161
	E-36	B	578	74	652	0.7179%	162/163
	E-37	A	584	123	707	0.7253%	154/155
	E-40	G	903	123	1026	1.1215%	136/137
	E-41	D	436	74	510	0.5415%	150/151
	E-42	H	825	74	899	1.0247%	142/143
	E-43	J	809	123	932	1.0048%	144/145
	E-44	J	809	123	932	1.0048%	146/147
	E-45	H	825	74	899	1.0247%	140/141
	E-46	D	436	74	510	0.5415%	148/149
	E-47	G	903	123	1026	1.1215%	138/139
<b>BUILDING F</b>	F-20	N	1111	246	1357	1.3799%	210/211
	F-21	L	1344	148	1492	1.6693%	202/203
	F-22	K	1055	246	1301	1.3103%	204/205
	F-23	K	1055	246	1301	1.3103%	206/207
	F-24	L	1344	148	1492	1.6693%	208/209
	F-25	N	1111	246	1357	1.3799%	212/213
	F-40	J	809	123	932	1.0048%	188/189
	F-41	F	654	73	727	0.8123%	198/199
	F-42	M	1015	123	1138	1.2607%	190/191
	F-43	M	1015	123	1138	1.2607%	192/193
	F-44	F	654	73	727	0.8123%	196/197
F-45	J	809	123	932	1.0048%	194/195	
<b>TOTALS</b>			79,410	12,346	91,756	100.000000%	