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BUREAU OF CONVEYANCES

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Doc A - 57920937A thru A - 57920937C

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Cades Schutte LLP
Attention: Richard Kiefer, Esq.
444 Hana Hwy., Ste. 204
Kahului, Maui, Hawaii 96732

TITLE OF DOCUMENT:

**SIXTH AMENDMENT TO THE DECLARATION
OF CONDOMINIUM PROPERTY REGIME OF THE BREAKERS
(Confirmation of Number of Apartments and Reassignment
of Parking Stalls 91, 97, 190 and 200)**

PARTIES TO DOCUMENT:

ASSOCIATION OF APARTMENT OWNERS OF THE
BREAKERS, a Hawaii nonprofit corporation

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

CONDOMINIUM MAP NO. 813

(This document consists of 10 pages.)

**SIXTH AMENDMENT TO THE DECLARATION
OF CONDOMINIUM PROPERTY REGIME OF THE BREAKERS
(Confirmation of Number of Apartments & Reassignment
of Parking Stalls 91, 97, 190 and 200)**

THIS SIXTH AMENDMENT TO THE DECLARATION OF CONDOMINIUM PROPERTY REGIME OF THE BREAKERS (this "Amendment") is made on November 2, 2015, by ASSOCIATION OF APARTMENT OWNERS OF THE BREAKERS, a Hawaii nonprofit corporation ("AOAO").

RECITALS

A. The condominium project known as "The Breakers" (the "Project") was established by that certain Declaration of Condominium Property Regime of The West Maui Breakers dated February 25, 2005 and recorded in the State of Hawaii Bureau of Conveyances ("Bureau") as Document Number 2005-069181 and depicted on Condominium Map No. 813, as amended, filed in the Bureau (collectively the "Condominium Map"). The Declaration of Condominium Property Regime has since been amended by the First Amendment dated January 22, 2007, recorded in the Bureau as Document Number 2007-020183, Second Amendment dated March 22, 2007, recorded in the Bureau as Document No. 2007-078772, Third Amendment dated June 1, 2007, recorded in the Bureau as Document No. 2007-111924, Fourth Amendment dated September 24, 2009, recorded in the Bureau as Document No. 2009-148543 and Fifth Amendment dated August 18, 2010, recorded in the Bureau as Document No. 2010-124022. Said Declaration of Condominium Property Regime and the amendments thereto are hereinafter collectively referred to as the "Declaration".

B. The AOAO was established by virtue of those certain Bylaws of the Association of Apartment Owners of The West Maui Breakers ("Bylaws") dated effective February 25, 2005 and recorded in the Bureau as Document Number 2005-069182. The Bylaws of the Association of Apartment Owners was amended by First Amendment dated September 24, 2009, recorded in the Bureau as Document No. 2009-148544 and Second Amendment dated February 16, 2012, recorded in the Bureau as Document No. A-44420532. Said Bylaws of the Association of Apartment Owners and the amendments thereto are hereinafter collectively referred to as the "Bylaws".

C. Pursuant to the aforementioned Fourth Amendment to the Declaration, the Declaration was amended to provide for the development of the Project in Phases, and at this time only Buildings A, D, E and F have been constructed and only the eighty four (84) Apartments in those Buildings exist. Buildings B and C have not yet been constructed and the thirty (30) planned Apartments therein do not exist.

D. As set forth in Section O of the Declaration, the Declaration may be amended by affirmative vote of Owners of Apartments to which seventy-five percent (75%) of the Common Interest is appurtenant, evidenced by an instrument in writing, signed and acknowledged by any two (2) officers of the Association, which amendment shall become effective upon recordation in the Bureau.

E. On September 14, 2015, the Owners of Apartments to which more than seventy-five percent of the Common Interest is appurtenant voted to: 1) convert Parking Stalls 91 and 97 from limited common elements appurtenant to Apartment No. F-43 to common element guest parking stalls; 2) convert Parking Stalls 190 and 200 from common element guest parking stalls to limited common elements appurtenant to Apartment No. F-43; and 3) confirm that at present the Project consists only of the Apartments in Buildings A, D, E & F.

F. Pursuant to Section O of the Declaration, the AOA desires to file this Amendment to document those amendments.

NOW THEREFORE, pursuant to Section O of the Declaration, the Declaration is hereby amended as follows:

1. Conversion of Parking Stall Nos. 91 and 97 to Guest Stalls. Parking Stall Nos. 91 and 97 as shown on the Condominium Map are hereby designated as Common Element guest parking stalls and are deemed added to the list of guest parking stalls in Section B.3.d of the Declaration.

2. Reassignment of Parking Stall Nos. 190 and 200. Parking Stall Nos. 190 and 200 are hereby designated as Limited Common Elements appurtenant to Apartment No. F-43.

3. Confirmation of the Number of Apartments Presently in the Project. To confirm the present number of Apartments in the project, the following amendments to the Declaration are made:

a. The definition of "Apartment" in Section A.2.d of the Declaration is revised to read as follows:

"Apartment" shall mean any one of the eighty four (84) condominium apartments contained in the Project, any two or more of which may sometimes be referred to collectively as "Apartments". Upon construction of Buildings B and/or C as described in Section N.8 of the Declaration, "Apartments" shall also mean the condominium Apartments contained in those Building."

b. Section B.1 of the Declaration is revised to read as follows:

Description of the Building. The Project currently contains four (4) existing four-story buildings identified as Building A, D, E and F on the Condominium Map, all without basements. The buildings are constructed principally of concrete, masonry and wood, as shown on the Condominium Map. As set forth in Section N.8 of the Declaration, the Declarant has reserved the right to construct two (2) additional Buildings identified on the Condominium Map as Buildings B and C."

c. The first clause of Section B.2 of the Declaration is deleted and replaced with the following:

"2. Description of the Apartments. Eighty four (84) fee simple estates are hereby designated in the spaces within the perimeter walls, floors and ceilings of

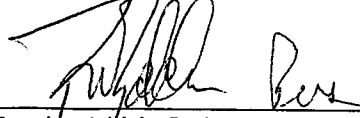
each of the eight four (84) Apartments contained in Buildings A, D, E and F of the Project as designated on the Condominium Map and listed on Exhibit B, Part 2, Schedule B-2 of this Declaration (which is attached to the Fourth Amendment hereof). Upon construction of Buildings B and/or C as provided in Section N.8 of the Declaration, the number of Apartments shall be increased to include the Apartments contained in those Buildings, all as provided in Section N.8. The Apartments are further described as follows:"

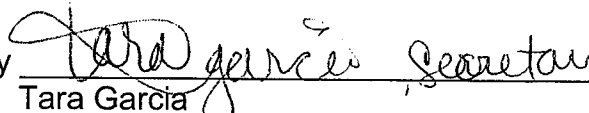
4. Except as provided above, the Declaration, as heretofore amended, remains in full force and effect. This Amendment may be executed in counterparts, and all such executed counterparts shall constitute the same agreement. Duplicated unexecuted pages of the counterparts may be discarded and the remaining pages assembled as one document.

[Signature Page Follows]

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

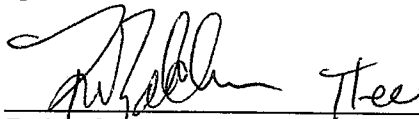
ASSOCIATION OF APARTMENT OWNERS
OF THE BREAKERS

By 
Reginald V. Golden
Its President

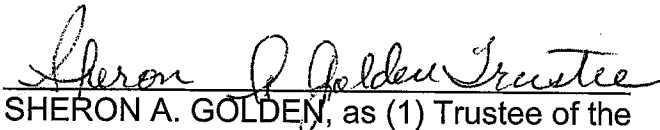
By  Secretary
Tara Garcia
Its Secretary

CONSENT AND JOINDER OF THE OWNER OF APARTMENT NO. F-43
RE: SIXTH AMENDMENT TO THE DECLARATION
OF CONDOMINIUM PROPERTY REGIME OF THE BREAKERS
(Reassignment of Parking Stalls 91, 97, 190 and 200)

R. V. GOLDEN and SHERON A. GOLDEN, Trustees of the: (1) Stewart V. Golden Living Trust, dated November 11, 1994, as amended and restated (the "Stewart Golden Trust"), having all powers under said Trust Agreement, including, but not limited to, the power to buy, sell, lease, mortgage, exchange, encumber and otherwise deal with and dispose of the trust property; and (2) Sheron A. Golden Living Trust, dated November 11, 1994, as amended and restated (the "Sheron Golden Trust"), having all powers under said respective Trust Agreement, including, but not limited to, the power to buy, sell, lease, mortgage, exchange, encumber and otherwise deal with and dispose of the trust property, is the owner of Apartment No. F-43 of the condominium project known as "The Breakers" ("Apartment F-43") by virtue of the Apartment Deed dated May 15, 2012, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-45340806. As the owner of Apartment F-43, said Trustee hereby consents and joins in to the foregoing Sixth Amendment to the Declaration of Condominium Property Regime of The Breakers.



R. V. GOLDEN, as (1) Trustee of the Stewart Golden Trust and (2) Trustee of the Sheron Golden Trust



SHERON A. GOLDEN, as (1) Trustee of the Stewart Golden Trust and (2) Trustee of the Sheron Golden Trust

STATE OF COLORADO)
COUNTY OF Boulder)

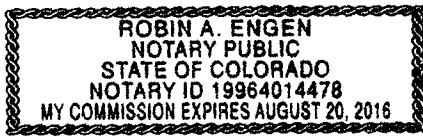
ss.

On this 16th day of September, 2015, before me personally appeared REGINALD V. GOLDEN, 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.

Robin A. Engen
Name: Robin A. Engen

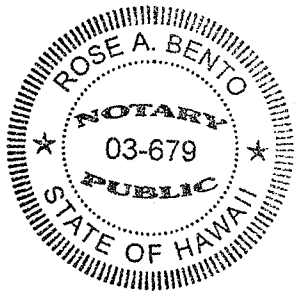
Notary Public, State of Colorado

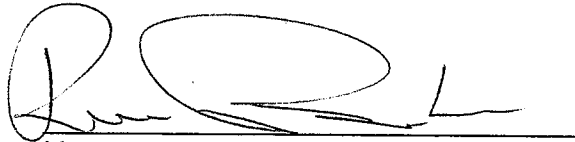
My commission expires: 8/20/16



STATE OF HAWAII)
) ss.
COUNTY OF MAUI)

On this 2 day of Nov., 2015, before me personally appeared TARA GARCIA, 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.





Name: Rose A. Bento
Notary Public, State of Hawaii

My commission expires: 11/23/15

(Official Stamp or Seal)

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:
Sixth Amendment to the Declaration
of Condominium Property Regime of The
Breakers

Doc. Date: 11/2/15 or Undated at time of
notarization.

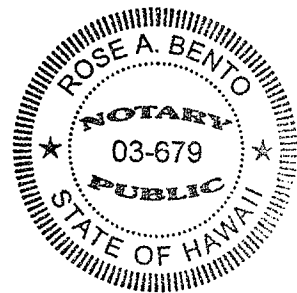
No. of Pages: 10 Jurisdiction: Second Circuit
(in which notarial act is performed)

Signature of Notary

Date of Notarization and
Certification Statement

Rose A. Bento

Printed Name of Notary



(Official Stamp or Seal)

STATE OF COLORADO)
COUNTY OF Boulder)

ss.

On this 10th day of September, 2015, before me personally appeared R. V. GOLDEN, 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 capacities shown, having been duly authorized to execute such instrument in such capacities.

Robin A. Engen
Name: Robin A. Engen

Notary Public, State of Colorado

My commission expires: 8/20/16

