



R-265

STATE OF HAWAII
BUREAU OF CONVEYANCES
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FEB 02, 2007 08:01 AM

Doc No(s) 2007-020183



/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES

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Kiefer Merchant & Garneau LLC
Attention: David Merchant, Esq.
444 Hana Hwy., Ste. 204
Kahului, Maui, Hawaii 96732
Telephone: (808) 871-9701

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TITLE OF DOCUMENT:

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

PARTIES TO DOCUMENT:

DECLARANT: DOUGLAS E. MYERS and
3702 LOWER HONOAPIILANI, LLC, a Colorado limited liability
company

TAX MAP KEY(S): (2) 4-3-6: 02 & 69
pages.)

(This document consists of 9

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

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

RECITALS

A. Declarant executed the initial 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, and the Condominium Map as Map No. 813.

B. Consistent with rights reserved in the Declaration, Declarant desires to make certain changes to the planned construction of The West Maui Breakers (the "Condominium"), and to the assignment of parking stalls at the Condominium.

NOW THEREFORE, the Declaration and Condo Map shall be and hereby are 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. 26, 27, 75, 76, 79, 82, 88, 91, 97, 101, 168, 169, 176, 181, 182, 187, 200 and 201.


2. Subsection B.3.h is deleted in its entirety.

3. Exhibit B is deleted in its entirety and restated by the Attached Amended Exhibit B:

4. Condominium Map is Amended by the Recordation of Amendment to Condominium Map No. 813. By separate recorded instrument, Condo Map 813 is amended to reflect the addition of Buildings B, C, D, E and F, and the construction and assignment of parking stalls to units in the new buildings.

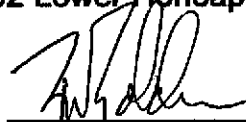
[Signature Page Follows]

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



Douglas E. Myers

3702 Lower Honoapiilani, LLC

By: 

Ronald V. Golden
Its: *mgr*

Attachments:

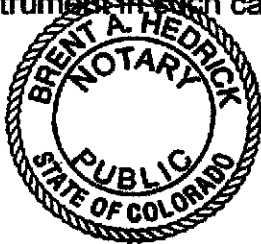
Amended Exhibit B – Apartment Description, Common Interest Allocation, and Parking Assignments

STATE OF HAWAII

)
) ss.
)

COUNTY OF MAUI

On this 22nd day of January, 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.



My Commission Expires 09/07/2010

Brent A. Hedrick

Name: BRENT A. HEDRICK

X

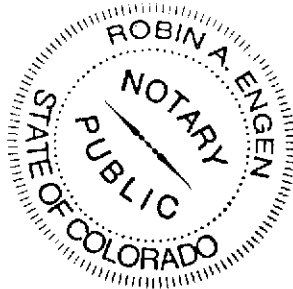
Notary Public, State of Hawaii

My commission expires: 9/7/10

STATE OF Colorado)
COUNTY OF Boulder)

ss.

On this 22nd day of January, 2007, before me personally appeared Reginald 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.



Name: Robin A. Engen

Notary Public, State of Colorado

My commission expires: 08/20/2008

AMENDED EXHIBIT B

Apartment Descriptions, Common Interest Ownership, and Parking Stall Assignment

Building	Apartment No.	Apartment Type	Square Feet	Lanai Sq. Ft.	Total Sq. Ft.	Common Interest %	Parking Stall(s)
BLDG. A	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	
BUILDING 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%	29/40
B-37	A	584	123	707	0.7253%	37/38	

Building	Apartment No.	Apartment Type	Square Feet	Lanai Sq. Ft.	Total Sq. Ft.	Common Interest %	Parking Stalls
	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
BUILDING C	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
BUILDING D	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	
BUILDING E	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	Land Sq. Ft.	Total Sq. Ft.	Common Interest %	Parking Staff(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
BUILDING F	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
TOTALS			79,410	12,346	91,756	100.0000%	