



R-254 STATE OF HAWAII
 BUREAU OF CONVEYANCES
 RECORDED
 MAR 03, 2003 08:01 AM
 Doc No(s) 2003-038050



/s/ CARL T. WATANABE
 REGISTRAR OF CONVEYANCES

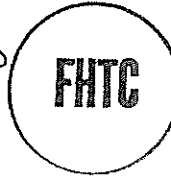
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LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail () Pickup () To:

REG
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 Launiupoko Associates
 33 Lono Ave, Suite 450
 Kahului, HI 96732



20301546 De
 133629 Accom
 ACCOMMODATION RECORDING
 NO TITLE LIABILITY

pah.72346/January 29, 2003

TMK (2) 4-7-09: 1 through 40, inclusive
 (2) 4-7-09: 42 through 53, inclusive
 (2) 4-7-10: 1 through 25, inclusive

Total No. of Pages: 3

FIRST AMENDMENT TO:
 AMENDED AND RESTATED
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
 FOR THE MAHANALUA NUI SUBDIVISION AT LAUNIUPOKO

1. Introduction

This First Amendment is dated this 25th day of February, 2003 and is executed by Launiupoko Associates, LLC, a Hawaii limited liability company, the principal place of business of which is 173 Ho'ohana Street, Suite 201, Kahului, Hawaii, 96732 ("Declarant").

This First Amendment amends those certain Amended and Restated Declaration of Covenants, Conditions and Restrictions dated July 13, 1999 and filed July 19, 1999 in the Bureau of Conveyances of the State of Hawaii as Document No. 99-114891 (the "Declaration") and is for the purpose of identifying additional lots within and subject to the Declaration pursuant to Section 7 of the Declaration.

Declarant makes this First Amendment pursuant to the powers reserved to it under Section 10.04(e) of the Declaration:

2. Amendments and Additions

The following paragraphs shall fully replace their corresponding paragraphs within the Declaration or where no corresponding paragraph exists, shall constitute an addition to the Declaration:

2.06 A “Property” means each of lots numbered 1 through 40 inclusive including sub-lots and/or condominium lots or partitions thereof, 41-A , 41-B, 41-H, 41-I, 41-J, 41-L and 41-M including sub-lots and/or condominium lots or partitions of Phase I and II (as defined below), and Lots 1 through 41 inclusive including sub-lots and/or condominium lots or partitions of Phase III (as defined below), all as shown on the Plan (defined below) and any other lots added to this Declaration by Declarant pursuant to Section 7 below.

If any Property in the future shall be divided into two or more separate parcels, condominium units or other divisions each of which shall be capable of being owned and conveyed in fee simple as a separate and discreet unit of ownership, each such parcel, unit or division shall be deemed to be a separate “Property” for all purposes under this Declaration, from and after the effective date of such division.

2.09 The “Plan” means collectively the following:

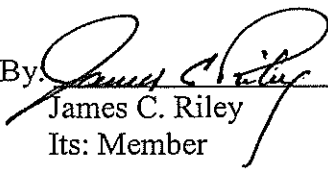
1. The subdivision entitled “Mahanalua Nui Subdivision Phase I” and “Mahanalua Nui Subdivision Phase II” dated December 2, 1998 and November 12, 1998 (LUCA Nos. 4.730 and 4.731), respectively (including any amendments), by Austin Tsutsumi & Associates, Inc., to which final subdivision approval was granted by the Department of Public Works and Waste Management of the County of Maui on May 27, 1999, as said plans shall be amended from time to time (collectively “Phase I and II”); and
2. The subdivision entitled “Mahanalua Nui Subdivision Phase III” revised November 26, 2001 (LUCA No. 4.827) (including any amendments), by Austin Tsutsumi & Associates, Inc., to which final subdivision approval was granted by the Department of Public Works and Waste Management of the County of Maui on December 19, 2002, as said plan shall be amended from time to time (“Phase III”).
3. All other subdivision plans approved by the Department of Public Works of the County of Maui and condominium maps recorded in the Bureau of Conveyances of the State of Hawaii the effect of which has been to subdivide (or establish condominium units within) lots within Mahanalua Nui.

5.05. Roadway Lots 42 through 46 in Phase III. All Properties shall be granted a non exclusive easement over Roadway Lots 42 through 46 in Phase III as a common area of the subdivision, pursuant to Section 2.04 and 5 of the Declaration.

In all other respects, the Declaration shall remain in full force and effect.

This Declaration is executed the day and year first written above.


LAUNIUPOKO ASSOCIATES, LLC
a Hawaii limited liability company

By: 
James C. Riley
Its: Member

“Declarant”

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 25th day of February, 2003, before me personally appeared JAMES C. RILEY, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.


Notary Public, State of Hawaii
Printed Name: Dianne Wannan
My Commission Expires: 7-17-03