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MAKILA NUI
(also known as Mahanalua Nui Phase V)

FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Declarant: Makila Land Co., LLC
33 Lono Avenue, Suite 450
Kahului, Hawaii 96732

MAKILA NUI

FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS

This First Amendment is dated this 4th day of November, 2009, and is executed by MAKILA LAND CO., LLC, a Hawaii limited liability company, of 33 Lono Avenue, Suite 450, Kahului, Hawaii 96732 ("Declarant").

RECITALS: Reference is made to the Makila Nui Declaration of Covenants, Conditions and Restrictions, dated February 8, 2007, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 2007-039994 (the "Declaration").

Declarant is signing this First Amendment pursuant to its reservation of the right to amend as set forth in Section 11.04 of the Declaration. Declarant also consents to the amended map attached hereto as Exhibit "1", acting in Declarant's capacity as the Architectural Design Committee as provided in Section 4.03.

AMENDMENT: The Declaration is hereby amended as follows:

1. Exhibit "C" Individual Building Area-Lot 4. Exhibit "C" to the Declaration is hereby amended by removing the plan of Lot 4 from Exhibit "C", found on page 85 of 98, and replacing it with the revised plan attached to this amendment as Exhibit "1". The purpose of this amendment is to eliminate an unduly burdensome restriction on the Lot 4 owner's reasonable use, grading and development of a portion of the Farmstead Area. Without limiting the generality of the foregoing, the effect of this amendment shall be to remove and eliminate any legal right of the Makila Nui Homeowners Association, Inc. or the owner of any Property in Makila Nui to enforce, under Section 11.01 of the Declaration, or otherwise, the handwritten restriction shown on the map of Lot 4 which was attached to said Exhibit "C" to the Declaration as it existed prior to this amendment.

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

Executed the day and year first above written.

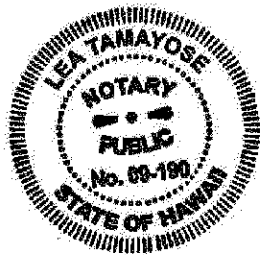
MAKILA LAND CO., LLC

By *Peter K. Martin*
Peter K. Martin
 Its Managing Member
 "Declarant"

28876V-22/jmt/10/9/09

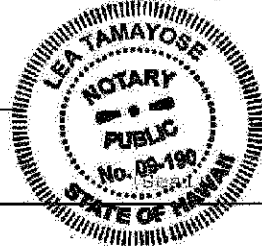
STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 0 day of November, 2009, before me personally appeared Peter K. Martin, 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.



Lea Tamayose
Print Name: Lea Tamayose
Notary Public, State of Hawaii.
My commission expires: 17 MAY 13

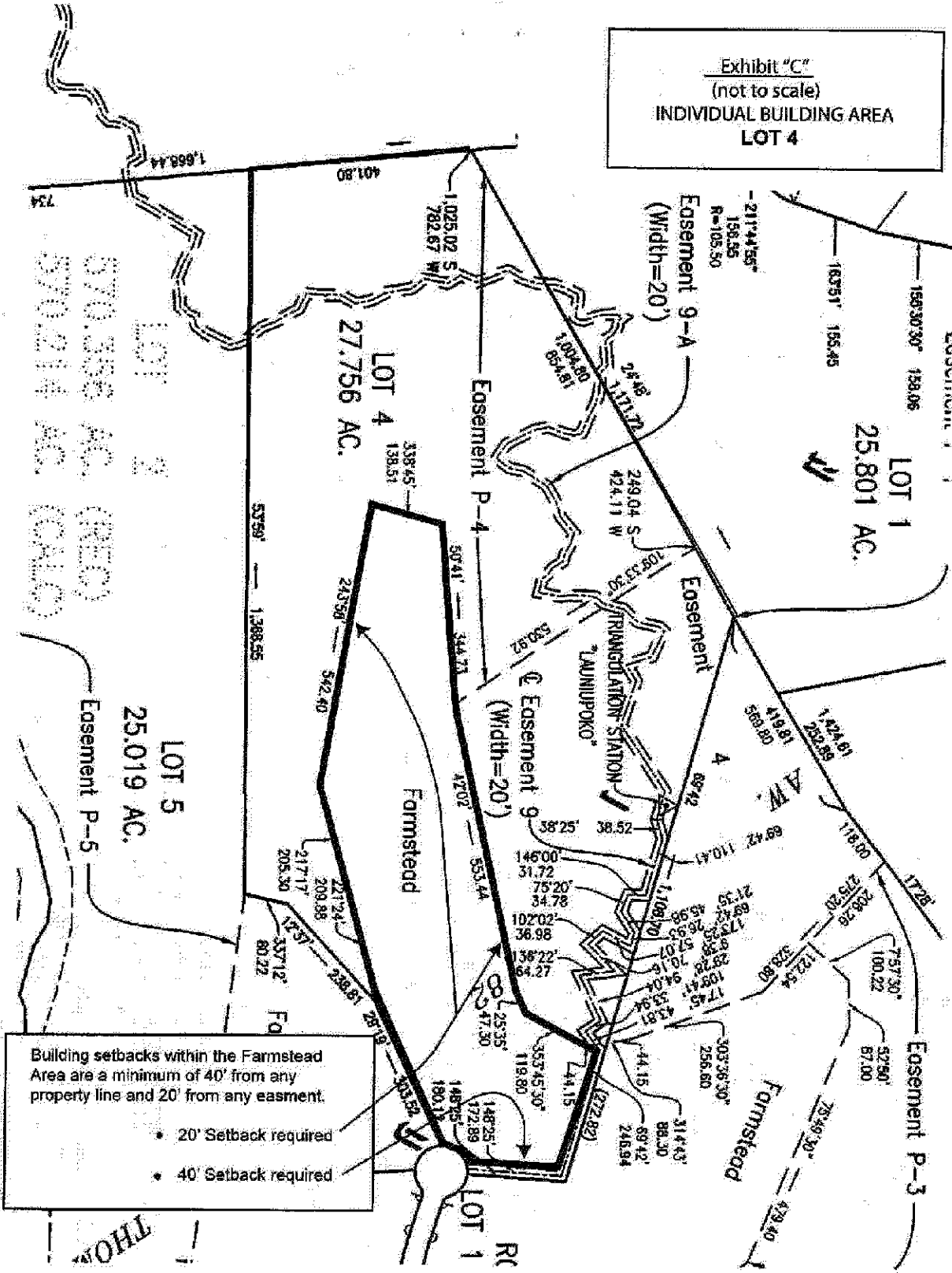
Date of Doc: _____	# Pages: <u>5</u>
Name: <u>Lea Tamayose</u>	Second Circuit
Doc. Description: <u>Makila Nui - First Amendment to Declaration of Covenants, Conditions and Restrictions</u>	
<u>Lea Tamayose</u> Notary Signature	
NOTARY CERTIFICATION	



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EXHIBIT "1"

Exhibit "C"
 (not to scale)
 INDIVIDUAL BUILDING AREA
 LOT 4



Building setbacks within the Farmstead Area are a minimum of 40' from any property line and 20' from any easment.

- 20' Setback required
- 40' Setback required