

OFFICE OF THE
ASSISTANT REGISTRAR, LAND COURT
STATE OF HAWAII
Bureau of Conveyances

The original of this document was
recorded as follows:

DOCUMENT NO. 2576495
DATE SEP 22 1999 TIME 8:02
TCT _____

LAND COURT SYSTEM

REGULAR SYSTEM

Return by: Mail [] Pickup [] To:

NEELEY & ANDERSON
Attorneys at Law, A Law Partnership
Joyce Y. Neeley (3134-0)
733 Bishop Street, Suite 2301
Honolulu, Hawaii 96813 (808) 536-8177

AMENDMENT OF BY-LAWS OF THE
ASSOCIATION OF APARTMENT OWNERS OF KUILIMA ESTATES
aka ASSOCIATION OF APARTMENT OWNERS OF KUILIMA ESTATES WEST
(Condominium Map No. 143)

WHEREAS, by Declaration of Horizontal Property Regime and the By-Laws attached thereto filed on August 4, 1972 in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 592402 and noted on Transfer Certificate of Title No. 17,854 (currently Transfer Certificate of Title No. 323,596). THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF JAMES CAMPBELL, DECEASED, and DEL E. WEBB CORPORATION, an Arizona corporation, and PIC REALTY CORPORATION, a Delaware corporation, doing business as INSCON DEVELOPMENT COMPANY, a joint venture, did submit the property described in said Declaration to the provisions of the Horizontal Property Act, Chapter 514, Hawaii Revised Statutes, as amended (now known as the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes); and

WHEREAS, said Declaration has been amended by instruments filed as aforesaid as Document No. 810155 on March 24, 1977; as Document No. 1436100 on January 29, 1987; as

Document 2278787 on December 18, 1995; as Document No. 2412758 on November 3, 1997 and restated by instrument recorded on March 21, 1994 as Document No. 2129799, each of which instrument is noted on Transfer Certificate of Title No. 323,596; and

WHEREAS, said Declaration provides for the organization of the Association of Apartment Owners of the Project and established By-Laws therefor, which By-Laws were attached to said Declaration and incorporated therein by reference and were restated by instrument recorded on March 21, 1994 as Document No. 2129800 and noted on Transfer Certificate of Title No. 323,596; and

WHEREAS, Section 514A-82(b)(2), Hawaii Revised Statutes, and Article VII, Section 1 of the By-Laws provide that the By-Laws may be amended by the vote or written consent of owners holding sixty-five percent (65%) of the common interest; and

WHEREAS, by written consent owners holding more than sixty-five percent (65%) of the common interest have consented to amend the By-Laws as hereinafter set forth.

NOW, THEREFORE, the By-Laws of the Association of Apartment Owners of Kuilima Estates West are hereby further amended, as follows:

1. A new Section 12 is added to Article VI of the By-Laws to read as follows:

Section 12. Collection of Rent from Tenants and Rental Agents.
If an owner shall at any time rent or lease his apartment and shall default for a period of thirty (30) days or more in the payment of his share of common expenses, or in the payment of late fees, interest, fines, expenses, costs, or attorneys' fees assessed against such Owner, the Board of Directors may, at its option, so long as such default shall continue, demand and receive from any tenant or lessee ("lessee") of the owner occupying the apartment or from any rental agent of such owner who is in receipt of proceeds from the rental or lease of such owner's apartment, the rent due or becoming due from such lessee or rental agent to the owner up to an amount sufficient to pay all sums due from the owner, including interest, late fees, expenses, costs and attorneys' fees, if any, and any such payment of such rent to the Board by the lessee or rental agent shall be sufficient discharge of such lessee, as between such lessee and the owner, to the extent of the amount so paid; but any such demand or acceptance of rent from any lessee or rental agent shall not be deemed to be a consent to or approval of any lease by the owner or a release or discharge of any of the obligations of the owner hereunder or an acknowledgement of surrender of any rights or duties hereunder. In the event that the Board makes demand upon the lessee or rental agent as aforesaid, the lessee or rental agent shall not have the right to question the authority of the Board to make such demand, but shall be obligated to make said payments to the Board as demanded by the Board with the effect as aforesaid; provided, however, that the

Board may not exercise this right if a receiver has been appointed to take charge of the premises pending a mortgage foreclosure or if a mortgagee is in possession pending a mortgage foreclosure.

In all other respects, the By-Laws, as amended, are hereby confirmed and shall be binding upon and inure to the benefit of Owners and their respective successors and permitted assigns.

The undersigned officers of the Association hereby certify that the foregoing amendment to the By-Laws was adopted by the written consent of owners holding more than sixty-five percent (65%) of the common interest.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 15th day of September, 1999.

ASSOCIATION OF APARTMENT OWNERS
OF KUILIMA ESTATES aka ASSOCIATION OF
APARTMENT OWNERS OF KUILIMA ESTATES
WEST

By: Margaret M. Cameron

Type Name: Margaret M. Cameron

Type Title: President

By: Helene S. Wood

Type Name: Helene S. Wood

Type Title: Secretary

STATE OF HAWAII

)

) SS.

CITY AND COUNTY OF HONOLULU)

On this 15th day of September, 1999, before me personally appeared Margaret A. Canicko, to me personally know, who being by me duly sworn, did say that she is the President of the ASSOCIATION OF APARTMENT OWNERS OF KUILIMA ESTATES WEST and that said instrument signed on behalf of said Association by authority of its Board of Directors, and that said officer acknowledged said instrument to be the free act and deed of said Association.

Martha Scheller

(Signature)

MARTHA SCHELLER

(Printed or Typed Name)

Notary Public, State of Hawaii

My commission expires: 5-2-2000

STATE OF HAWAII

)

) SS.

CITY AND COUNTY OF HONOLULU)

On this 15th day of September, 1999, before me personally appeared Helene S. Wood, to me personally know, who being by me duly sworn, did say that she is the Secretary of the ASSOCIATION OF APARTMENT OWNERS OF KUILIMA ESTATES WEST and that said instrument signed on behalf of said Association by authority of its Board of Directors, and that said officer acknowledged said instrument to be the free act and deed of said Association.

Martha Scheller

(Signature)

MARTHA SCHELLER

(Printed or Typed Name)

Notary Public, State of Hawaii

My commission expires: 5-2-2000

c:\doc\kuilima\amendment.col