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STATE OF HAWAII
BUREAU OF CONVEYANCES
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/s/ LESLIE T. KOBATA
REGISTRAR

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Tom, Watts & Yoshida, LLP
841 Bishop Street, Suite 2125
Honolulu, Hawaii 96813

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**CLARIFICATION AND CONFIRMATION
OF AMENDMENT OF
DECLARATION OF CONDOMINIUM PROPERTY REGIME OF
KULANA**

THIS INSTRUMENT is made effective as of July 30, 2018, by the Association of Apartment Owners of Kulana, an unincorporated Hawaii condominium owners association (the "Association"), with mailing address at c/o KW Kauai, 2970 Haleko Road, #205, Lihue, Hawaii 96766.

I. BACKGROUND.

1. By that certain Declaration of Condominium Property Regime of Kulana recorded in the Bureau of Conveyances of the State of Hawaii (the "Bureau") on December 14, 2004, as Document No. 2004-252101 (the "Original Declaration"), Kapaa 382, LLC, a Hawaii limited liability company (the "Developer") created a condominium project known as "Kulana" (the "Project").

2. The Original Declaration was amended and completely restated by instrument recorded in the Bureau on January 27, 2005, as Document No. 2005-015753 (the "Restated Declaration"). The Restated Declaration was amended by instruments recorded in the Bureau on July 20, 2005, as Document No. 2005-143463, recorded in the Bureau on August 31, 2006, as Document No. 2006-160828, and recorded in the Bureau on October 21, 2009, as Document No. 2009-161757 (the "2009 Amendment"). The Restated Declaration, as so amended, is hereinafter

called the "Declaration." The land of the Project is described in the Declaration, which description is incorporated herein by this reference.

3. Part of the purpose of the Association in adopting the 2009 Amendment was to adopt Chapter 514B of the Hawaii Revised Statutes ("Chapter 514B") as the law that governs the Project, and it was part of the Association's intent, as expressed in the 2009 Amendment, to give the Association the right to amend the Project's Declaration in accordance with the reduced approval requirements set forth in Chapter 514B. The Association now wishes to clarify and confirm this intent.

II. CLARIFICATION AND CONFIRMATION.

THE ASSOCIATION hereby clarifies and confirms that part of the Association's intent in adopting the 2009 Amendment was to give the Association the right to amend the Declaration by the approval of the owners of 67% of the Project's common interests, except as expressly provided otherwise in Chapter 514B, and except as to amendment rights reserved to the Developer or the Association in the Declaration, as amended. The Association hereby further clarifies and confirms that the correct interpretation of the legal effect of the 2009 Amendment is that the 2009 Amendment (among other things) replaced the Original Declaration's amendment approval requirement of 75% with Chapter 514B's reduced amendment approval requirement of 67%.

THIS INSTRUMENT may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument, and in making proof of this instrument, it shall not be necessary to produce or account for more than one such counterpart.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the undersigned have executed this instrument and made it effective as of the date first above written.

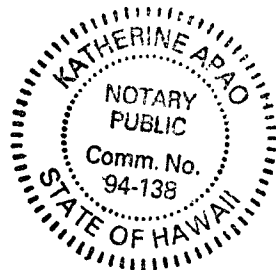
**ASSOCIATION OF APARTMENT OWNERS
OF KULANA**

By Brad W. Rockwell
Brad W. Rockwell
Its President

By Larry Sherman
Larry Sherman
Its Vice President

STATE OF HAWAII)
) SS:
COUNTY OF KAUAI)

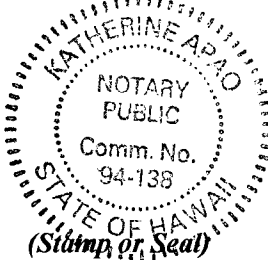
On this 30 day of July, 2018, before me personally appeared Brad W. Rockwell, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Signature: *Katherine Apao*
Print Name: KATHERINE APAO
Notary Public, State of Hawaii

My commission expires: Expiration Date: 3-3-2022

Document Identification or Description: <u>CLARIFICATION AND CONFIRMATION OF AMENDMENT OF DECLARATION OF CONDOMINIUM PROPERTY REGIME OF KULANA</u>	
Document Date: <u>Undated at time of acknowledgment</u>	No. of Pages: <u>5</u>
Name: <u>KATHERINE APAO</u>	<u>Fifth</u> Circuit
Notary Signature: <u><i>Katherine Apao</i></u>	Date: <u>July 30 2018</u>
NOTARY CERTIFICATE (Hawaii Administrative Rules §5-11-8)	



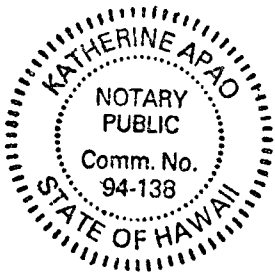
(Stamp or Seal)

STATE OF HAWAII

)
) SS:
)

COUNTY OF KAUAI

On this 30 day of July, 2018, before me personally appeared Larry Shennen, to me personally known, 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.



Katherine Apao

Signature: _____
Print Name: KATHERINE APAO
Notary Public, State of Hawaii

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Name: KATHERINE APAO Fifth Circuit

Katherine Apao July 30 2018
Notary Signature Date

NOTARY CERTIFICATE (Hawaii Administrative Rules §5-11-8)

