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STATE OF HAWAII BUREAU OF CONVEYANCES RECORDED SEP 04, 2009 01:00 PM

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/s/ NICKI ANN THOMPSON REGISTRAR

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FIRST	AMENDMENT TO T	THE KONA VIEW ESTATES PHASE I NTS, CONDITIONS AND RESTRICTIONS
TITLE OF DOCUME		
P.O. Box 1720	I BALL LLP y Street, Suite 209	TOTAL NUMBER OF PAGES:10
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LA	ND COURT	

FIRST AMENDMENT TO THE KONA VIEW ESTATES PHASE I DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Declaration") is made this 3rd day of August, 2009, by 327 KONA, LLC, a Delaware limited liability company, whose principal place of business and mailing address is 4054 McKinney Avenue, Dallas Texas 75204 (hereinafter referred to as "Declarant") and the lot owners set forth below ("Lot Owners") being all of the owners of the lots within the Kona View Estates Phase I.

Whereas, Declarant filed the Kona View Estates Declaration of Covenants, Conditions & Restrictions on September 8, 2006 ("Declaration") in the Bureau of Conveyances of the State of Hawaii as Document Number 2006-165193; and

Whereas Declarant, and Lot Owners now wish to amend the Declaration to provide for the roads within Kona View Estates Phase I to be owned by the Kona View Estates Community Association, Inc.; and

WHEREAS, the Declaration provides that it can be amended under Section 16.1 of the Declaration unilaterally by the Declarant, and under Section 16.2 by the members representing seventy-five percent (75%) of the total Class A votes in the Association.

NOW, THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge, the parties, representing the Declarant and more than 75% of the Class A members, agree as follows:

1. Section 15.7 of the Declaration is hereby amended to read as follows:

Section 15.7 Roadways.

Roadways and related Improvements within Kona View Estates Phase I (the "Phase I Roadways") have not been dedicated by the Declarant to Hawaii County. Declarant has or will convey road lots: B, C, D, and E as described in Exhibit "A" to the Kona View Estates Community Association, Inc. Future roadways in subsequent development phases may or may not be dedicated to Hawaii County. In order for Hawaii County to accept dedication of the Roadways, the Roadways must be in a condition that meets the standards of Hawaii County for such dedications. This Section shall not be interpreted to require the Declarant or Association to dedicate the Roadways to Hawaii County, nor shall it be interpreted to require either the Association or Declarant to construct and maintain the Roadways in a condition that meets the standards of Hawaii County for such dedications.

2. Except as amended hereby, the Declaration shall remain in full force and effect as originally written and executed.

DECL	AD	A 1	VT	٠
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327 KONA, LLC, a Delaware limited liability company

By: THOMAS M. SMITH

Its: Manager

OWNERS:

IRAM RIVERA

"LOT 8"

DEREK R. PARK

MARGARET S. PARK

"LOT 18"

BOBBY S. NAKAMURA

BARBARA NAKAMURA

"LOT 25"

STATE OF TEXAS

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COUNTY OF DALLAS §

On this 19th, day of May, 2009, before me personally appeared **THOMAS M**. **SMITH**, to me known (or proved to me on the basis of satisfactory evidence) that he is the Manager of 327 KONA, LLC, a Delaware limited liability company, and that said instrument was signed in behalf of said company by authority of its Managers/Members and said Managers/Members acknowledged said instrument to be the free act and deed of said company.

Name:

Notary Public State of Texas

My commission expires:

LAKESHA R. BURRUS Notary Public, State of Texas My Commission Expires January 18, 2012

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

Document Date: May 19, 2009

No. of Pages: 1

ignature of Notary

Drivers License

Date of Notarization and

(Notary Stamp or Seal) Printed Name of Notary

LAKESHA R. BURRUS
Notary Public, State of Texas
My Commission Expires
January 18, 2012

STATE OF HAWAII)		
COUNTY OF HAWAII) ss.)		
On this 5th	_ day of _ June	, 2009, before me	
personally appeared HIRAM RI	VERA, to me known (or	proved to me on the basis of	
satisfactory evidence) to be the per	son described in and who e	executed the foregoing instrument,	
and acknowledged to me that he ex	ecuted the same as his free a	act and deed.	
		Willette T. Arch will I do	111
	Name:	Willetha T. Archard.	KS.
	Notary Public	PUBLIC	
	State of Hawaii	Comm. No.	•
	My commission ex	pires: 5-19-2010 11 11 11 11 11 11 11 11 11 11 11 11	M. i.

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STATE OF HAWAII)	
COUNTY OF HAWAII) ss.)	
On this3rd	day ofAugust	, 2009, before me
personally appeared DEREK R	R. PARK, to me known (or prove	ed to me on the basis of
satisfactory evidence) to be the p	erson described in and who execute	d the foregoing instrument,
and acknowledged to me that he	executed the same as his free act and	deed.
	Milletta	I. And with P.

Name: Notary Public State of Hawaii

My commission expires:

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	Certification Statement	The Million
Willetta T. Archer		(Notary Stamp or Seal)
Printed Name of Notary		

STATE OF HAWAII)
COUNTY OF HAWAII) ss.
On this day of appeared MARGARET S. PARK, to me	, 2009, before me personally known (or proved to me on the basis of satisfactory
••	and who executed the foregoing instrument, and
acknowledged to me that she executed the	
acknowledged to fire that she executed the	same as her nee act and deed.
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	State of Hawaii
	My commission expires: 5-19-2011
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Willeflat Bru	6-4-09 IIIIETHA T. 450/11
•	Date of Notarization and Certification Statement
Willette T. Archer	(Notary Stamp or Sea)
Printed Name of Notary	Comm. No. 91-346

STATE O	F HAWAII)				
COUNTY	OF HAWA	Π)	SS.			
	On this	tand	day of	Мау		, 2009, t	pefore me
personally	appeared B	OBBY S. N	AKAMUR	A, to me kno	own (or prov	ed to me on the	e basis of
satisfactor	y evidence) i	to be the per	rson describ	ed in and wh	o executed t	he foregoing in	strument,
and ackno	wledged to n	ne that he ex	ecuted the sa	ame as his fr	ee act and de	ed.	
	J						
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			Na	me:	Willetha	T. Archer	NOTARY 3
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Willethat. Archer	Certification Statement	(Notary Stamp or Seat)
Printed Name of Notary		Comm. No.
		THE OF HAME

STATE OF HAWAII)		
COUNTY OF HAWAII) ss.)		
On this 22nd day of	of May	, 2009, before me	e personally
appeared BARBARA NAKAMURA,	to me known (or prove	d to me on the basis of	satisfactory
evidence) to be the person described	d in and who execute	ed the foregoing instr	ument, and
acknowledged to me that she executed t	the same as her free act	and deed.	
		Willette T. Arch	CHINAT APOLICE
	Name:	Willetha T. Arel	NOTARY
	Notary Public		PUBLIC
	State of Hawaii		Comm. No. 91-346
	My commission e	xpires: <u>5 - 19 - 3</u>	OF HANNALLIN

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