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TOTAL NUMBER OF PAGES: 10

TITLE OF DOCUMENT:

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

PARTIES TO DOCUMENT:

DECLARANT: **327 Kona, LLC, a Delaware limited liability company, whose mailing
address is 4054 McKinney Avenue, Dallas, TX 75204**

TAX MAP KEY (3)

483947698-4579/058154-0001/9-2-09

**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.

DECLARANT:

327 KONA, LLC, a Delaware limited liability company



By: **THOMAS M. SMITH**

Its: **Manager**

OWNERS:



HIRAM RIVERA

"LOT 8"




DEREK R. PARK



MARGARET S. PARK

"LOT 18"



BOBBY S. NAKAMURA




BARBARA NAKAMURA

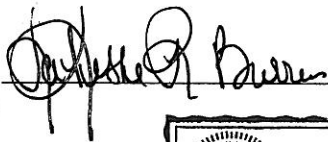
"LOT 25"

STATE OF TEXAS §

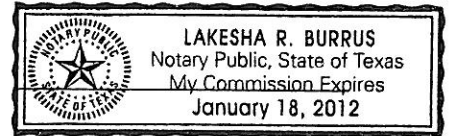
COUNTY OF DALLAS §

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:

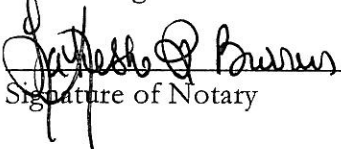


NOTARY CERTIFICATION STATEMENT

Document Identification or Description: Drivers License

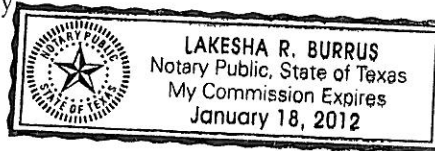
Document Date: May 19, 2009

No. of Pages: 1


Signature of Notary

May 19, 2009
Date of Notarization and

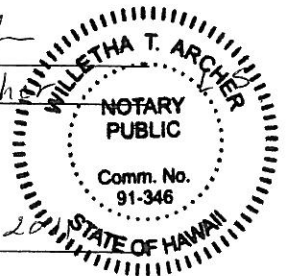
(Notary Stamp or Seal) Printed Name of Notary



STATE OF HAWAII)
) ss.
 COUNTY OF HAWAII)

On this 5th day of June, 2009, before me personally appeared **HIRAM RIVERA**, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument, and acknowledged to me that he executed the same as his free act and deed.

Willetta T. Archer
 Name: Willetta T. Archer
 Notary Public
 State of Hawaii



My commission expires: 5-19-2011

NOTARY CERTIFICATION STATEMENT	
Document Identification or Description: <u>First Amendment to the Kona View Estates Phase I Declaration of Covenants, Conditions and Restrictions</u>	
Document Date: <u>Not dated</u>	
No. of Pages: <u>9</u>	
Jurisdiction (in which notarial act is performed): Third Circuit	
<u>Willetta T. Archer</u>	<u>6-5-09</u>
Signature of Notary	Date of Notarization and Certification Statement
<u>Willetta T. Archer</u>	
Printed Name of Notary	

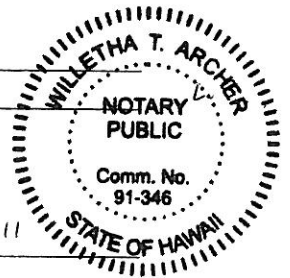


STATE OF HAWAII)
) ss.
 COUNTY OF HAWAII)

On this 3rd day of August, 2009, before me personally appeared **DEREK R. PARK**, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument, and acknowledged to me that he executed the same as his free act and deed.

Willetta T. Archer
 Name: Willetta T. Archer
 Notary Public
 State of Hawaii

My commission expires: 5-19-2011



NOTARY CERTIFICATION STATEMENT

Document Identification or Description: First Amendment to the Kona View Estates Phase I Declaration of Covenants, Conditions and Restrictions

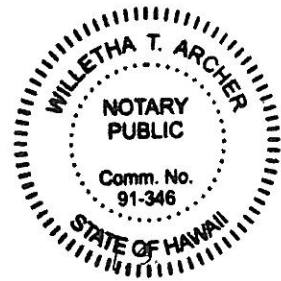
Document Date: Not dated

No. of Pages: 9

Jurisdiction (in which notarial act is performed): **Third Circuit**

Willetta T. Archer 8-3-09
 Signature of Notary Date of Notarization and Certification Statement

Willetta T. Archer
 Printed Name of Notary



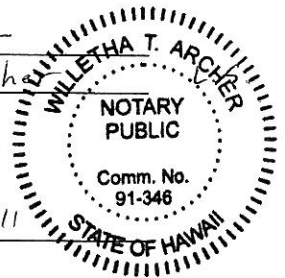
(Notary Stamp or Seal)

STATE OF HAWAII)
) ss.
COUNTY OF HAWAII)

On this 4th day of June, 2009, before me personally appeared **MARGARET S. PARK**, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument, and acknowledged to me that she executed the same as her free act and deed.

Willetta T. Archer
Name: Willetta T. Archer
Notary Public
State of Hawaii

My commission expires: 5-19-2011



NOTARY CERTIFICATION STATEMENT

Document Identification or Description: First Amendment to the Kona View Estates Phase I Declaration of Covenants, Conditions and Restrictions

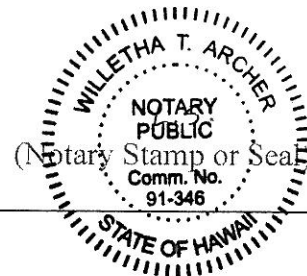
Document Date: Not dated

No. of Pages: 9

Jurisdiction (in which notarial act is performed): **Third Circuit**

Willetta T. Archer 6-4-09
Signature of Notary Date of Notarization and Certification Statement

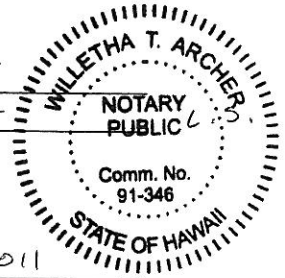
Willetta T. Archer
Printed Name of Notary



STATE OF HAWAII)
) ss.
 COUNTY OF HAWAII)

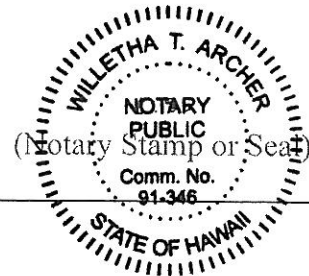
On this 22nd day of May, 2009, before me personally appeared **BOBBY S. NAKAMURA**, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument, and acknowledged to me that he executed the same as his free act and deed.

Willetha T. Archer
 Name: Willetha T. Archer
 Notary Public
 State of Hawaii



My commission expires: 5-19-2011

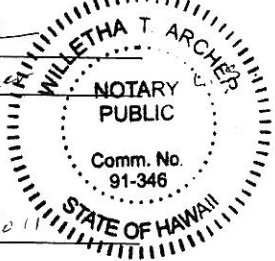
NOTARY CERTIFICATION STATEMENT	
Document Identification or Description: <u>First Amendment to the Kona View Estates Phase I Declaration of Covenants, Conditions and Restrictions</u>	
Document Date: <u>Not Dated</u>	
No. of Pages: <u>9</u>	
Jurisdiction (in which notarial act is performed): Third Circuit	
<u>Willetha T. Archer</u>	<u>5-22-09</u>
Signature of Notary	Date of Notarization and Certification Statement
<u>Willetha T. Archer</u>	
Printed Name of Notary	



STATE OF HAWAII)
) ss.
 COUNTY OF HAWAII)

On this 2nd day of May, 2009, before me personally appeared **BARBARA NAKAMURA**, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument, and acknowledged to me that she executed the same as her free act and deed.

Willetta T. Archer
 Name: Willetta T. Archer
 Notary Public
 State of Hawaii
 My commission expires: 5-19-2011



<u>NOTARY CERTIFICATION STATEMENT</u>	
Document Identification or Description:	<u>First Amendment to the Kono View Estates Phase I Declaration of Covenants, Conditions and Restrictions</u>
Document Date:	<u>Not Dated</u>
No. of Pages:	<u>1</u>
Jurisdiction (in which notarial act is performed): Third Circuit	
<u>Willetta T. Archer</u>	<u>5-22-09</u>
Signature of Notary	Date of Notarization and Certification Statement
<u>Willetta T. Archer</u>	
Printed Name of Notary	

