

AMENDMENT TO DECLARATION OF PROTECTIVE PROVISIONS

THE TRUSTEES UNDER THE WILL AND OF THE ESTATE OF BERNICE PAUAAHI BISHOP, DECEASED, whose place of business and post office address is 519 Halekaiwila Street, Honolulu, Hawaii, hereinafter called the "Trustees", and JOSEPH RODRIGUES PAO, whose residence and post office address is 2123 Chamberlain Street, Honolulu, Hawaii, and MICHAEL THOMAS SCARFONE, whose residence and post office address is 2056 Clement Street, Honolulu, Hawaii, hereinafter called the "Tenants", do hereby amend the Declaration of Protective Provisions heretofore executed by the Trustees and the Tenants by instrument dated March 12, 1962, filed in the Bureau of Conveyances of the State of Hawaii in Liber 4232, Pages 367-378, as follows:

1. Paragraph 4 of said Declaration of Protective Provisions is amended to read as follows:

"4. Assessments. The lessees of any lake-side lots specially benefited by any improvements to said lake requested in writing by them, or who themselves or by any persons under them cause any damage to said lake or appurtenances thereto necessitating repairs, shall be liable for the cost of such improvements or repairs according to the special benefits to such lots or the fault of such lessees or persons under them."

2. Paragraph 5(a) of said Declaration of Protective Provisions is amended to read as follows:

"(a) to alter or modify said lake or any part thereof as they may deem advisable by addition, subtraction, extension, cutting, filling, dredging, draglining, development of other subdivisions of land in or adjacent to said lake, construction of any roads or other improvements in or appurtenant to said lake, and any other change whatsoever in the size, shape or character thereof; provided, however, that no land lying between any lakeside lots and Enchanted Lake or any part of said lake adjoining such lot shall

REVISED 1-1-60

be subdivided or used for other than lake or recreational purposes during the continuance of any lease of such lot."

3. Paragraph 16 of said Declaration of Protective Provisions is amended to read as follows:

"16. Remedies for Breach. The Trustees and their assigns, lessees and sublessees of said lake or any lakeside lot shall be entitled to enjoin by appropriate legal action the continuing or repeated breach of any restrictions, covenants, conditions and provisions contained in or established by this declaration or other declaration supplemental hereto. Failure of the Trustees or any other person so entitled to enforce any of said restrictions, covenants, conditions and provisions shall not constitute or be deemed a waiver thereof or of the right to enforce the same."

IN WITNESS WHEREOF, the Trustees and Tenants have executed these presents this 21st day of September, 1962.

APPROVED AS TO FORM
CONTENTS & AUTHORIZATION
Edward M. McMillan

Edwin P. Murray
Ed Stappeler
Richard Sperry
Trustees under the Will and of
the Estate of Bernice Pauahi
Bishop, Deceased.

Trustees.

APPROVED AS TO FORM
RENEWAL, CENROY & HAMILTON
BY *JDB*

Joseph Rodriguez Pao
Joseph Rodriguez Pao
Michael Thomas Scartone
Michael Thomas Scartone

Tenants.

BOOK 4385 PAGE 191

CITY AND COUNTY OF HONOLULU }
STATE OF HAWAII } SS.

On this 11th day of October, 1962, before
me personally appeared EDWIN P. MURRAY,

HERBERT K. KEPPELER and RICHARD LYMAN, JR.
three of the Trustees under the Will and of the Estate of
Bernice Pauahi Bishop, deceased, to me known to be the persons
described in and who executed the foregoing instrument, and
severally acknowledged that they executed the same as their
free act and deed as said Trustees.

Benedict J. McManis
Notary Public, First Judicial
Circuit, State of Hawaii
My commission expires APR 15 1966

CITY AND COUNTY OF HONOLULU }
STATE OF HAWAII } SS.

On this 7th day of September, 1962, before
me personally appeared JOSEPH RODRIGUEZ PAO and MICHAEL THOMAS
SCARFONE, to me known to be the persons described in and who
executed the foregoing instrument, and acknowledged that they
executed the same as their free act and deed.

Brian J. ...
Notary Public, First Judicial
Circuit, State of Hawaii.
My commission expires 7 ...

Entered of Record OCT 17 1962 at 11:30 o'clock A.M.
and compared. Oliver R. Aiu Registrar of Conveyances
By [Redacted] Clerk