

DEC 06, 2000 08:01 AM

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Doc No(s) 2668964

Doc No(s) 2000-170915

on Cert(s) 518,306

/s/ CARL T. WATANABE
ASSISTANT REGISTRAR

/s/ CARL T. WATANABE
ACTING
REGISTRAR OF CONVEYANCES

Return by Mail [x] Pickup []

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FILE NOS 375724 & 375725
AO-101-1011
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Total pages: 4

Tax Map Key No.: (2) 4-4-14:5 (portion)

**AMENDMENT TO
UNILATERAL AND IRREVOCABLE DECLARATION OF
PERPETUAL RIGHTS AND USES AND PERPETUAL RESTRICTIONS
(North Beach Public Open Space/Recreation Area)**

This Amendment to Unilateral and Irrevocable Declaration of Perpetual Rights and Uses and Perpetual Restrictions (North Beach Public Open Space/Recreation Area) (this "Amendment") is made by **AMFAC PROPERTY INVESTMENT CORP.**, a Hawaii corporation ("APIC"), the address of which is c/o Amfac Land Company, Limited, 700 Bishop Street, Suite 501, Honolulu, Hawaii 96813.

Recitals:

A. APIC is the "Declarant" under that certain Unilateral and Irrevocable Declaration of Perpetual Rights and Uses and Perpetual Restrictions (North Beach Public Open Space/Recreation Area) dated December 29, 1998 and effective as of December 14, 1998 (the "North Beach Public Open Space Declaration"), recorded at the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 2513421, and noted on **Land Court Certificate of Title No. 518,306**, and also recorded at the Bureau of Conveyances of the State of Hawaii as Document No. 99-005139.

B. APIC is also the owner of "Lot 3", the "Public Open Space/Recreation Area" and the "Property", as defined and described in, and covered by, the North Beach Public Open Space Declaration.

C. Exhibit "B" to the North Beach Public Open Space Declaration, being the metes and bounds survey description of the Property, provides as follows:

"At such time as the foregoing area described becomes duly designated by action of the Land Court, this declaration may be amended to reflect such property description."

D. By Land Court Order No. 138359, filed on May 8, 2000, the Property described in and covered by the North Beach Public Open Space Declaration has been approved and designated by the Land Court of the State of Hawaii (the "Land Court") as Easement 257, affecting Lot 102, as shown on Map 86 of Land Court Application 1744.

E. Pursuant to and in accordance with the provisions of Exhibit "B" to the North Beach Public Open Space Declaration, APIC desires to hereby amend the North Beach Public Open Space Declaration by deleting in its entirety the existing Exhibit "B" and the metes and bounds description of the Public Open Space/Recreation Area contained therein, and replacing it with the new Exhibit "B" attached to this Amendment which contains the Land Court approved and designated easement area comprising the Property.

Amendment:

Pursuant to and in accordance with Exhibit "B" to the North Beach Public Open Space Declaration, the North Beach Public Open Space Declaration shall be and is hereby amended as follows:

1. The second "WHEREAS" clause to the North Beach Public Open Space Declaration is replaced in its entirety with the following:

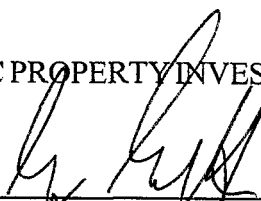
"WHEREAS, a Public Open Space/Recreation Area" is hereby created within a portion of Lot 3, which property is located approximately as shown on the map attached hereto as Exhibit "A" and is more particularly described in Exhibit "B" attached hereto, both of which Exhibits are hereby incorporated by reference. The property described in Exhibits "A" and "B" is hereinafter referred to as "the Property";

2. Exhibit "B" attached to the North Beach Public Open Space Declaration is hereby deleted in its entirety and replaced with the new Exhibit "B" attached to this Amendment and incorporated herein and therein by this reference.

The North Beach Public Open Space Declaration, as amended by this amendment, is hereby ratified and confirmed and shall continue in full force and effect and run with the land in perpetuity as stated therein.

DATED: DEC - 6 2000, 2000.

AMFAC PROPERTY INVESTMENT CORP.


By 

Name: Gary R. Grottke

Title: Vice President

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On November 14, 2000, before me personally appeared GARY R. GROTTKE, 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 capacities shown, having been duly authorized to execute such instrument in such capacities.


Type or print name: Tracy Okuhama
Notary Public, State of Hawaii

My commission expires: 10/15/2004

v.s.

EXHIBIT "B"

Easement 257 (area 10.001 acres), affecting Lot 102, as shown on Map 86 of Land Court Application 1744, set forth by Land Court Order No. 138359 filed May 8, 2000.