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/s/ LESLIE T. KOBATA
REGISTRAR

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Imanaka Asato, LLLC
745 Fort Street, 17th Floor
Honolulu, Hawaii 96813
(808) 521-9500 (OTI)

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RS-5

Tax Map Key No. (1) 2-3-016: 003, :004 and :008

Total Pages: 8

**SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM
PROPERTY REGIME OF SKY ALA MOANA WEST**

THIS SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM PROPERTY REGIME OF SKY ALA MOANA WEST (this "Amendment") is made this 9th day of February, 2021 by JL AVALON CAPBRIDGE, LLC, a Hawaii limited liability company ("Developer"), with its principal place of business and post office address at 1440 Kapiolani Boulevard, Suite 1509, Honolulu, Hawaii 96814.

WITNESSETH:

WHEREAS, by way of that certain Declaration of Condominium Property Regime of Sky Ala Moana West dated March 15, 2019 and filed with the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. T-10669266 ("Declaration"), and that certain Condominium Map No. 2438, as amended, Developer and Developer's predecessors-in-interest, as the fee simple owners of the real property identified as Unit 1 of the Sky Ala Moana condominium project (the "Master Condominium"), and an undivided interest in the common elements of the Master Condominium (collectively, "Spatial Unit 1") submitted the Spatial Unit 1, as more particularly described in Exhibit "A" attached to said Declaration, plus all improvements thereon, to a condominium property regime known as "Sky Ala Moana West" ("Project"); and

WHEREAS, Developer consolidated and resubdivided the land subject to the Master Condominium into Lot A ("Lot A") (which corresponds with Spatial Unit 1) and Lot B ("Lot B") (which corresponds with Unit 2 of the Master Condominium and an undivided interest in the common elements of the Master Condominium (collectively, "Spatial Unit 2")), as approved by the City and County of Honolulu on January 8, 2021 as 2020/SUB-153 and a map of which is recorded at the Bureau of Conveyances of the State of Hawaii (the "Bureau") as Document No. **Doc A - 77130312** (the "Subdivision"); and

WHEREAS, by First Amendment to Declaration of Condominium Property Regime of Sky Ala Moana West dated February 9, 2021, and recorded at the Bureau as Document **Doc A - 77130313**, Developer, *inter alia*, annexed Spatial Unit 2 to the Project to facilitate the termination of the Master Condominium; and

WHEREAS, because the Subdivision permitted the Project to sit on a separate parcel of land from the proposed Sky Ala Moana East condominium project, and to simplify administration of the Project, subject to the shared use of the Podium under the Reciprocal Easement Agreement, Developer, in its capacity as Developer of the Master Condominium and pursuant to its rights reserved therein, elected to withdraw Lot A and Lot B from the operation of the Master Condominium and to terminate the Master Condominium by Termination of Master Declaration of Condominium Property Regime Establishing Spatial Units for Sky Ala Moana dated February 9, 2021, recorded at the Bureau as Document No. **Doc A – 77130314A thru A – 77130314B**

WHEREAS, pursuant to Article XV, Section A of the Declaration, the Declaration may be amended by the affirmative vote or written consent of Owners of Units to which are appurtenant at least sixty-seven percent (67%) of the Common Interest; and

WHEREAS, pursuant to Article XV, Section B.1 of the Declaration, Developer is authorized to amend the Declaration at any time prior to the closing of the sale of the first Residential Unit in the Project; and

WHEREAS, Developer owns one hundred percent (100%) of the Common Interest in the Project and no sales of Residential Units in the Project have closed; and

WHEREAS, Developer wishes to amend the Declaration to (a) note the termination of the Master Condominium, (b) substitute the legal descriptions of Lot A and Lot B in place of the legal descriptions of Spatial Unit 1 and Spatial Unit 2 in the Declaration, (c) withdraw Lot B from the Project, and (d) substitute a corporation to assume the role of the Master Association;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Developer does hereby amend the Declaration in the following manner:

I. **Substitution of Land and Termination of Master Condominium.**

a. Section I.B shall be amended to include a new definition for "**Land**" as Section 49A as follows:

"49A. '**Land**' means the real property described in **Exhibit 'A'** attached hereto."

b. References to "**Spatial Unit**" shall be replaced with "**Land**" in the following Sections of the Declaration: Section I.B.47, 68, 70 and 84, II.C.1, 2, 3, 7, 8, and 11, IV.H, K and M, XXXII; and in such other places in the Declaration as appropriate in the context.

c. Section I.B.57, defining "**Master Condominium**" shall be deleted in its entirety and replaced with the following:

"57. '**Master Association**' means the Sky Ala Moana Management, Inc., a Hawaii corporation."

d. Section I.B.66 shall be amended and replaced with the following definition of "**Podium**":

"66. '**Podium**' means the seven (7) story parking structure depicted on the Condominium Map, which includes, without limitation, the parking stalls and the Recreational Amenities that serve the Project. The Podium includes certain improvements located on the Sky East Property that, subject to certain limitations, Owners will have access to through and pursuant to the Reciprocal Easement Agreement."

e. Section I.B.71 shall be amended and replaced with the following definition of **"Reciprocal Easement Agreement"**:

"71. **'Reciprocal Easement Agreement'** means that certain Declaration of Reciprocal Easements and Irrevocable Facilities License entered into between Developer, as owner of the Property, and Developer, as owner of the Sky East Property dated March 15, 2019, and filed at the Office as Document No. T-10668210, as amended by First Amendment to Declaration of Reciprocal Easements and Irrevocable Facilities License, dated February 9, 2021, and recorded in the Bureau as Document No. ~~Doc A - 77130315~~, and as the same may be further amended from time to time. The Reciprocal Easement Agreement provides certain reciprocal access and use rights to Owners and the owners of the Sky East Property to the Podium and the Recreational Facilities."

f. Section I.B shall be amended to include a new definition for **"Sky East Property"** as Section 84Aas follows:

"84A. **'Sky East Property'** means the real property located adjacent and to the east of the Property and that shares the Podium with the Project as more particularly described as Lot B, as approved by the City and County of Honolulu on January 8, 2021 as 2020/SUB-153, a map of which is recorded at the Bureau as Document No. A-~~77130315~~

g. Section IV.D of the Declaration shall be amended and replaced with the following:

"D. **EASEMENT IN PODIUM LOCATED ON THE SKY EAST PROPERTY.** Each Unit shall have appurtenant thereto nonexclusive easements in the portion of the Podium located on the Sky East Property, as more particularly described in the Reciprocal Easement Agreement, designed for such purposes as ingress to, egress from, utility services for, support of, and, as necessary, for the maintenance and repair of such Unit and the Limited Common Elements appurtenant thereto."

h. **Exhibit "A"** to the Declaration shall be replaced in its entirety by **Exhibit "A"** (describing Lot A) and **Exhibit "A-1"** (describing Lot B) attached hereto.


i. The recordation of this Amendment shall effectuate the withdrawal of Lot B, more particularly described in **Exhibit "A-1"** attached hereto, from the Project and the description of the Land.

2. In all other respects, said Declaration shall remain unchanged and in full force and effect. Capitalized terms used herein, unless otherwise noted, shall have the meanings set forth in the Declaration, as amended.

(The remainder of this page has been intentionally left blank.)

IN WITNESS WHEREOF, the undersigned has executed these presents on the date first above written.

JL AVALON CAPBRIDGE, LLC,
a Hawaii limited liability company

By: 
Name: Timothy Lee
Its: Authorized Signer

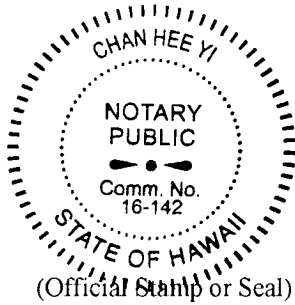
"Developer"

STATE OF HAWAII

SS:

CITY AND COUNTY OF HONOLULU

On this 26th day of November, 2020, before me appeared Timothy Lee, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities.



(Official Stamp or Seal)

Chan Hee Yi

Print Name: Chan Hee Yi
Notary Public, in and for said State

My commission expires: 4-10-2024

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: SECOND AMENDMENT TO DECLARATION OF CONDOMINIUM PROPERTY REGIME OF SKY ALA MOANA WEST

Document Date: — or Undated at time of notarization.

No. of Pages: 7 Jurisdiction: First Circuit
(in which notarial act is performed)

Chan Hee Yi

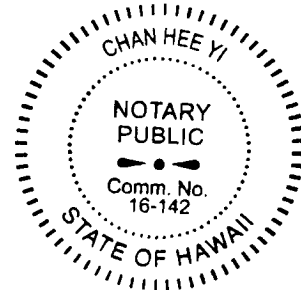
11-26-2020

Signature of Notary

Date of Notarization and Certification Statement

Chan Hee Yi

Printed Name of Notary



(Official Stamp or Seal)

EXHIBIT "A"

DESCRIPTION OF THE LAND

(LOT A)

ALL that certain piece or parcel of land being portions of Grant 1290 to Wm. Miller and Grant 2790 to L. Kamehameha, the same being Lots 24 through 30, inclusive, and portion Lot 31, as shown on Map 1 of Land Court Consolidation 45, Deregistered in the State of Hawaii, Bureau of Conveyances as Document No. A72270700, dated October 15, 2019, and as shown on City and County of Honolulu, Department of Planning and Permitting, File No. 2020/SUB-153, approved on January 8, 2021.

Situate at Kalia, Waikiki, Honolulu, Oahu, Hawaii.

Beginning at the west corner of this parcel of land, the same being the south corner of Lot 23 as shown on Map 1, Land Court Consolidation 45 and on the northeast side of Kapiolani Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 6,665.60 feet South and 1788.81 feet East and thence running by azimuths measured clockwise from true South:

1. 205° 20' 200.00 feet along Lot 23, Land Court Consolidation 45;
2. 295° 20' 176.00 feet along Makaloa Street;
3. 25° 20' 200.00 feet along Lot B, portions of Grant 1290 to Wm. Miller and Grant 2790 to L. Kamehameha, DPP File No. 2020/SUB-153;
4. 115° 20' 176.00 feet along Kapiolani Boulevard to the point of beginning and containing an area of 35,200 square feet.

SUBJECT, TO Easement A-2 for public access purposes, as shown on City and County of Honolulu, Department of Planning and Permitting File No. 2020/SUB-153, approved on January 8, 2021.

Beginning at the west corner of this easement, the same being 295° 20' 149.17 feet from the west corner of Lot A, as shown on City and County of Honolulu, Department of Planning and Permitting File No. 2020/SUB-153, approved on January 8, 2021 and on the northeast side of Kapiolani Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 6,729.42 feet South and 1,923.63 feet East and thence running by azimuths measured clockwise from true South:

1. 205° 20' 200.00 feet along the remainder Lot A, portions of Grant 1290 to Wm. Miller and Grant 2790 to L. Kamehameha, DPP File No. 2020/SUB-153;
2. 295° 20' 10.00 feet along Makaloa Street;
3. 25° 20' 200.00 feet along the remainder Lot A, portions of Grant 1290 to Wm. Miller and Grant 2790 to L. Kamehameha, DPP File No. 2020/SUB-153;
4. 115° 20' 10.00 feet along Kapiolani Boulevard to the point of beginning and containing an area of 2,000 square feet.

SUBJECT, ALSO, TO Easement A-3 for public access purposes, as shown on City and County of Honolulu, Department of Planning and Permitting File No. 2020/SUB-153, approved on January 8, 2021.

Beginning at the west corner of this easement, the same being 295° 20' 166.00 feet from the west corner of Lot A, as shown on City and County of Honolulu, Department of Planning and Permitting File No. 2020/SUB-153, approved on January 8, 2021 and on the northeast side of Kapiolani Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 6,736.62 feet South and 1,938.85 feet East and thence running by azimuths measured clockwise from true South:

1. 205° 20' 200.00 feet along the remainder of Lot A, portions Grant 1290 to Wm. Miller and Grant 2790 to L. Kamehameha, DPP File No. 2020/SUB-153;
2. 295° 20' 10.00 feet along Makaloa Street;
3. 25° 20' 200.00 feet along Lot B, portions of Grant 1290 to Wm. Miller and Grant 2790 to L. Kamehameha, DPP File No. 2020/SUB-153;
4. 115° 20' 10.00 feet along Kapiolani Boulevard to the point of beginning and containing an area of 2,000 square feet.

EXHIBIT "A-1"

DESCRIPTION OF THE LAND

(LOT B)

ALL that certain piece or parcel of land being portions of Grant 1290 to Wm. Miller and Grant 2790 to L. Kamehameha, the same being a portion of Lot 31 and Lots 32 through 37, inclusive, as shown on Map 1 of Land Court Consolidation 45, Deregistered in the State of Hawaii, Bureau of Conveyances as Document No. A72270700, dated October 15, 2019, and as shown on City and County of Honolulu, Department of Planning and Permitting, File No. 2020/SUB-153, approved on January 8, 2021.

Situate at Kalia, Waikiki, Honolulu, Oahu, Hawaii.

Beginning at the west corner of this parcel of land, the same being the south corner of Lot A, City and County of Honolulu, Department of Planning and Permitting File No. 2020/SUB-153, approved on January 8, 2021 and on the northeast side of Kapiolani Boulevard, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 6,740.90 feet South and 1,947.88 feet East and thence running by azimuths measured clockwise from true South:

1. 205° 20' 200.00 feet along Lot A, portions of Grant 1290 to Wm. Miller and Grant 2790 to L. Kamehameha, DPP File No. 2020/SUB-153;
2. 295° 20' 174.00 feet along Makaloa Street;
3. 25° 20' 200.00 feet along Lot 38, Land Court Consolidation 45;
4. 115° 20' 174.00 feet along Kapiolani Boulevard to the point of beginning and containing an area of 34,800 square feet.

SUBJECT, TO Easement A-1 for pedestrian, utility, and maintenance purposes, as shown on City and County of Honolulu, Department of Planning and Permitting File No. 2020/SUB-41, approved on October 2, 2020.

SUBJECT, ALSO, TO Easement E-1 for electrical purposes as shown on City and County of Honolulu, Department of Planning and Permitting File No. 2020/SUB-153, approved on January 8, 2021.