

THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS:
STATE OF HAWAII
BUREAU OF CONVEYANCES
DATE 4-8-2015 TIME _____
DOCUMENT NO. A-55760579

LAND COURT

REGULAR SYSTEM

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RETURN BY: MAIL [] PICKUP [X]

TO: Association of Apartment Owners of Diamond Head Sands
c/o Associa Hawaii
737 Bishop Street, Suite 3100
Honolulu, HI 96813
(808) 533-3999

Total Pages: 8

**AMENDMENT TO DECLARATION OF
HORIZONTAL PROPERTY REGIME OF DIAMOND HEAD SANDS AND
BY-LAWS OF ASSOCIATION OF APARTMENT OWNERS OF DIAMOND HEAD SANDS**

THIS AMENDMENT is made by the Association of Apartment Owners of Diamond Head Sands, a Hawaii condominium owners association incorporated as the Association of Apartment Owners of Diamond Head Sands, Inc., with mailing address at c/o Associa Hawaii, 737 Bishop Street, Suite 3100, Honolulu, Hawaii 96813.

WHEREAS, Rebma Hawaii Three, Inc., a Missouri corporation, on behalf of the Leahi Development Company, a Hawaii registered partnership, as owner, executed that

certain Declaration of Horizontal Property Regime Under Chapter 514, Hawaii Revised Statutes ("Declaration"), dated November 12, 1974, recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10334, at Page 417;

WHEREAS, said Declaration provided for the organization of the Association of Apartment Owners of Diamond Head Sands and established By-Laws therefore, which said By-Laws were a part of the By-Laws of Association of Apartment Owners of Diamond Head Sands ("By-Laws") annexed to the Declaration and made a part thereof;

WHEREAS, said Declaration was amended by First Amendment to Declaration of Horizontal Property Regime Under Chapter 514, Hawaii Revised Statutes, dated February 14, 1975 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 10463, at Page 107;

WHEREAS, said Declaration was amended by Amendment to Declaration of Horizontal Property Regime dated October 30, 1975 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 11010, at Page 540;

WHEREAS, said Declaration was amended by Amendment to Declaration of Horizontal Property Regime of Diamond Head Sands Condominium Project, dated June 15, 1976 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 11493, at Page 263;

WHEREAS, said Declaration was amended by Transfer of Parking Stalls and Amendment to Declaration of Horizontal Property Regime, Chapter 514, Hawaii Revised Statutes, dated July 13, 1976 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 11613, at Page 50;

WHEREAS, said Declaration was amended by Diamond Head Sands Amendment to Declaration of Horizontal Property Regime, dated September 24, 1976 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 12004, at Page 38;

WHEREAS, said Declaration and By-Laws were amended by Amendment of the Declaration of Horizontal Property Regime and By-Laws of Diamond Head Sands, dated October 3, 1980 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15085, at Page 101, and as Document No. 80-112600;

WHEREAS, said Declaration and By-Laws were amended by Amendment of the Declaration of Horizontal Property Regime and By-Laws of Diamond Head Sands, dated October 3, 1980 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 15085, at Page 105, and as Document No. 80-112601;

WHEREAS, said Declaration was amended by Amendment of the Declaration of Horizontal Property Regime of Diamond Head Sands, dated April 19, 1985 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 20255, at Page 252, and as Document No. 87-1234;

WHEREAS, said Declaration was amended by Amendment of the Declaration of Horizontal Property Regime of Diamond Head Sands, dated September 13, 1985 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 19203, at Page 752, and as Document No. 86-818;

WHEREAS, said Declaration and By-Laws were amended by Amendment of the Declaration of Horizontal Property Regime and By-Laws of Diamond Head Sands, dated September 19, 1986 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 19958, at Page 402, and as Document No. 86-132261;

WHEREAS, said Declaration was amended by Amendment of the Declaration of Horizontal Property Regime and Condominium Map of Diamond Head Sands, dated October 21, 1987 and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 21260, at Page 278, and as Document No. 87-161680;

WHEREAS, said By-Laws were amended by Amendment of the By-Laws of Diamond Head Sands, dated June 22, 1989 and recorded in the Bureau of Conveyances of the State of Hawaii at Book 23568 at Page 418, and as Document No. 89-129109;

WHEREAS, said Declaration was amended by Amendment of the Declaration of Horizontal Property Regime of Diamond Head Sands, dated October 26, 1989 and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 90-013372;

WHEREAS, Hawaii Revised Statutes ("HRS") § 514B-23(b) provides in pertinent part that:

(b) An amendment to the declaration, bylaws, condominium map or other constituent documents authorized by this section may be adopted by the vote or written consent of a majority of the unit owners; provided that any amendment adopted pursuant to this section shall not invalidate the reserved rights of a developer.

WHEREAS, the owners of apartments of at least fifty percent (50%) the common interest approved the following amendment to said Declaration and By-Laws by execution of a ballot setting forth such amendment; and

WHEREAS, the undersigned, being the duly elected officers of the Association of Apartment Owners Diamond Head Sands hereby state and certify that the following amendment to the Declaration, was approved by owners of apartments holding 53.2962% of the interest in the common interest;

NOW, THEREFORE, the Declaration and By-Laws are hereby amended as follows:

Amendment No. 1:

The Association intends to have the Property be subject to and governed in all respects by Chapter 514B, Hawaii Revised Statutes, and to have the Association enjoy all of the benefits and rights granted to condominium associations by Chapter 514B, including

(without limitation) the right to amend the Declaration and By-Laws in accordance with the reduced approval requirements set forth in Chapter 514B. To achieve these ends, the Declaration is hereby amended by adding a new Paragraph 16 to the Declaration as follows:

16. GOVERNING LAW. Notwithstanding anything to the contrary in the Project governing documents, including but not limited to this Declaration, the Bylaws, the House Rules, and the Condominium Map:

(a) This Project shall be governed by the provisions of Hawaii Revised Statutes, Chapter 514B, as amended;

(b) Any apartment deed, and the Project's Declaration, Bylaws, House Rules, and Condominium Map shall be liberally construed to facilitate the operation of the Project under the law;

(c) Amendments to the Declaration and Bylaws, including but not limited to amendments relating to the alteration of the Project, shall require approval of sixty-seven percent (67%) of the owners;

(d) Approval requirements of eighty percent (80%) for alterations to the common elements shall be reduced to sixty-seven percent (67%);

(e) Punitive damages may not be awarded except as provided in Hawaii Revised Statutes, Section 514B-10;

(f) Approval requirements for leases or uses of the common elements shall be governed by Hawaii Revised Statutes, Section 514B-38; and

(g) Costs and fees incurred by the Association in implementing Section 514B-142 and requesting a functional assessment of the condition of an elderly or disabled resident, as well as any legal fees and costs incurred under Section 514B-142(d), shall be charged to the owner of the apartment in which the resident resides.


To the extent that a separate amendment to the By-Laws is deemed necessary to achieve the Association's goals, the foregoing new Paragraph 16 of the Declaration is hereby also added to the By-Laws and renumbered as new Article XI of the By-Laws.

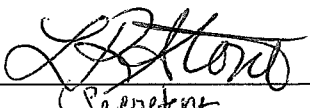
In all other respects, said Declaration and said By-Laws are hereby ratified and confirmed and shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

The parties hereto agree that this instrument may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same instrument, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 26th day of March, 2015.

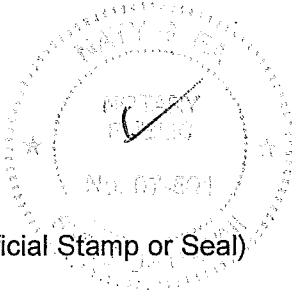
ASSOCIATION OF APARTMENT OWNERS OF
DIAMOND HEAD SANDS

By 
Its President
Print Name: Helena Cene

By 
Its Secretary
Print Name: Lesley Stone

STATE OF HAWAII)
 : ss.
CITY AND COUNTY OF HONOLULU)

On March 26, 2015, before me personally appeared Helena Cence, to me personally known, who, being by me duly sworn or affirmed, did say that ~~he~~she is the President of the Association of Apartment Owners of Diamond Head Sands, and that said instrument was signed on behalf of said Association by authority of its Board of Directors, and that he/she acknowledged said instrument to be the free act and deed of said Association.



(Official Stamp or Seal)

(Notary Public's Signature)
Print Name: Notary G. Ea
Notary Public, State of Hawaii

My Commission Expires: 10/07/15

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: AMENDMENT TO DECLARATION OF HORIZONTAL PROPERTY REGIME OF DIAMOND HEAD SANDS AND BY-LAWS OF ASSOCIATION OF APARTMENT OWNERS OF DIAMOND HEAD SANDS.

Document Date: 3/26/15
 Undated at time of notarization

No. of Pages: 8 including Exhibit(s) - Jurisdiction: First Circuit
(in which notarial act is performed)

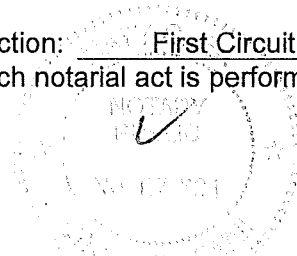
Signature of Notary

3/26/15

Date of Notarization and Certification Statement

Notary G. Ea

Printed Name of Notary



(Official Stamp or Seal)

STATE OF HAWAII)
 : ss.
CITY AND COUNTY OF HONOLULU)

On March 26, 2015, before me personally appeared Lesley Stone, to me personally known, who, being by me duly sworn or affirmed, did say that he/she is the Secretary of the Association of Apartment Owners of Diamond Head Sands, and that said instrument was signed on behalf of said Association by authority of its Board of Directors, and that he/she acknowledged said instrument to be the free act and deed of said Association.



(Official Stamp or Seal)

(Notary Public's Signature)
Print Name: Ruby G. Ea
Notary Public, State of Hawaii

My Commission Expires: 10/07/15

NOTARY CERTIFICATION STATEMENT

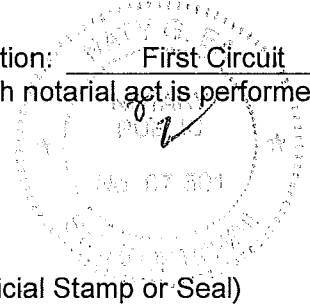
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[Signature] 3/26/15
Signature of Notary Date of Notarization and Certification Statement

Ruby G. Ea
Printed Name of Notary



(Official Stamp or Seal)