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#### BUREAU OF CONVEYANCES

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LAND COURT	REGULAR SYSTEM
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ROBERT D. TRIANTOS CARLSMITH BALL LLP 75-1000 Henry Street, Suite 209 P.O. Box 1720 Kailua-Kona, Hawaii 96745-1720	TOTAL NUMBER OF PAGES:10
TITLE OF DOCUMENT:	
DECLARATION OF COVENANTS,	KONA VIEW ESTATES PHASE I CONDITIONS AND RESTRICTIONS
PARTIES TO DOCUMENT:	
	re limited liability company, whose mailing 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 D originally written and executed.	eclaration shall remain in full force and effect as
DECLAR	ANT:	327 KONA, LLC, a Delaware limited liability company
		By: THOMAS M. SMITH Its: Manager
OWNERS	:	HIRAM RIVERA
		Med R Var
		DEREK R. PARK

"LOT 18"

BOBBY S. NAKAMURA

BARBARA NAKAMURA

"LOT 25"

### STATE OF TEXAS

8

## COUNTY OF DALLAS

On this 19<sup>th</sup>, 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:

LAKESHA R. BURRUS Notary Public, State of Texas My Commission Expires January 18, 2012

NOTARY CERTIFICATION STATEMENT

Document Identification or Description:

Document Date: May 19, 2009

No. of Pages: 1

Signature of Notary

May 19,200

Drivers License

Date of Votarization and

(Notary Stamp or Seal) Printed Name of Notary

LAKESHA R. BURRUS
Notary Public, State of Texas
My Commission Expires
January 18, 2012

STATE OF HAWAII	)
COUNTY OF HAWAII	) ss. )
On this day of personally appeared <b>HIRAM RIVERA</b> ,	f
satisfactory evidence) to be the person des	cribed in and who executed the foregoing instrument,
and acknowledged to me that he executed the	ne same as his free act and deed.
	Name: Willetha T. Archer Horsey
	Name: Willetha T. Archer
	Notary Public Public
	State of Hawaii  Comm. No
	My commission expires: 5-19-201077EOF HAMPHILL

NOTAF	RY CERTIFICATION STATEMENT	
Document Identification or Descri Estates Phan I Declara	iption: <u>first Amendment to</u> . tion of Covenants, Conditions,	the Kona View and Restrictions
Document Date: Not date		
No. of Pages:		
Jurisdiction (in which notarial act	is performed): Third Circuit	
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Millethat. Anh	6-5-09	WAS TAN
Willettet. Anh. Signature of Notary		THA T. ADOM
	6-5-09	NOTARY PUBLIC (Notary Stamp or Seal)

STATE OF HAWAII	)
COUNTY OF HAWAII	) ss. )
On this 3rd day o	f 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	cribed in and who executed the foregoing instrument,
and acknowledged to me that he executed the	he same as his free act and deed.
	WARLE T And
	Name: Willetha T. Archer Sille NOTARY L. B.
	Name: Willetha T. Archer NOTARY L. B.
	Notary Public PUBLIC
	State of Hawaii  Comm. No
	My commission expires: 5-19-2011

NOTARY	CERTIFICATION STATEMEN	<u>T</u>
Document Identification or Description Estates Phan I Declaration	on: First Amendment to.	the lone view
Estates Phan I Declaration	I Covenants, buditions are	4 Poricins
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Signature of Notary	Date of Notarization and	TO THE THE WALLING
1 111 11 - 1	Certification Statement	Will the state of
Willetta T. Archa		(Notary Stamp or Seal)
Printed Name of Notary		

STATE OF HAWAII	)
COUNTY OF HAWAII	) ss. )
opposited marketing to me	, 2009, before me personally known (or proved to me on the basis of satisfactory a and who executed the foregoing instrument, and same as her free act and deed.
	Name: Willette T. Archard.  Notary Public State of Hawaii  Willette T. Archard.  NOTARY PUBLIC Comm. No.
	My commission expires: 5-19-2011 1100 HAMPHILLI

NOTARY C	ERTIFICATION STATEME	NT
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		******
Willetlat Dru	6-4-09	THA T. 40
Signature of Notary	Date of Notarization and	TIME CHAIL
Willette T. Archer	Certification Statement	NOTARY PUBLIC (Notary Stamp or Seat)
Printed Name of Notary		91-346
		ATE OF HAMPILLY

STATE OF HAWAII	)
COUNTY OF HAWAII	) ss. )
	of
personally appeared BOBBY S. NAKAM	IURA, to me known (or proved to me on the basis of
satisfactory evidence) to be the person des	scribed in and who executed the foregoing instrument,
and acknowledged to me that he executed t	the same as his free act and deed.
	Name: Willethat. Archer Wolferthat. Archer Notary Public State of Hawaii  Notary Public State of Hawaii  Notary Public State of Hawaii
	My commission expires: 5-19-2011 "MINITIALITY"

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Willetha T. Drch	5-22-09	WILLIAM T. A.
Signature of Notary	Date of Notarization and	TILLET TO CHAIL
Willethat Archer	Certification Statement	NOTARY PUBLIC (Notary Stamp or Seat)
Printed Name of Notary		Comm. No.
		STATE OF HAWAILI

STATE OF HAWAII	)
COUNTY OF HAWAII	) ss. )
On this day of	MM, 2009, before me personally
appeared BARBARA NAKAMURA, to m	e 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 s	same as her free act and deed.
	-,1111//
	Name: Willetha T. Archer & NOTARY
	Name: Willetha T. Archer NOTARY
	Notary Public : PUBLIC
	State of Hawaii

My commission expires:

<u>NOTARY</u>	CERTIFICATION STATEMEN	NT
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Millitla T. Brd— Signature of Notary	Date of Notarization and Certification Statement	NOTARY PUBLIC
Willethat. Archer		Comm No.