

DOUBLE SYSTEM



STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
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1 1/2 CGG
B-32638456

/s/ NICKI ANN THOMPSON
ASSISTANT REGISTRAR

LAND COURT SYSTEM



STATE OF HAWAII
BUREAU OF CONVEYANCES
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/s/ NICKI ANN THOMPSON
REGISTRAR

REGULAR SYSTEM

Return by Mail (X) Pickup () to:

Hawaii Housing Finance and Development Corporation
677 Queen Street, Suite 300
Honolulu, Hawaii 96813
ATTN: Chris Woodard

This document contains 9 pages.

SECOND AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS FOR WAIAHOLE VALLEY AGRICULTURAL PARK AND RESIDENTIAL LOTS SUBDIVISION AND HOMESTEAD ROAD LANDS

This document amends the Declaration of Restrictive Covenants for Waiahole Valley Agricultural Park and Residential Lots Subdivision and Homestead Road Lands ("Declaration") dated September 15, 1995 and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 95-124908 and filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 2262857 and duly noted on Certificate of Title No. 380,204, Certificate of Title No. 195,898 and Certificate of Title No. 380,295, as supplemented and amended by that certain First Supplemental Declaration of Restrictive Covenants for Waiahole Valley Agricultural Park and Residential Lots Subdivision and Homestead Road Lands ("First Supplemental Declaration") dated January 22, 1996 and recorded in the Bureau of Conveyances of the State of Hawaii as Document No. 96-012417 and filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 2287002 and noted on Certificate of Title No. 380,204, Certificate of Title No. 195,898 and Certificate of Title No. 380,295.

1. **DATE OF THIS AMENDMENT**

April 1, 2015

2. **DECLARANT**

Hawaii Housing Finance and Development Corporation (successor to the Housing and Community Development Corporation of Hawaii ("HCDCH") pursuant to Act 196, 2005 Session Laws of Hawaii ("SLH") and Act 180, 2006 SLH; HCDCH was successor to the Housing Finance and Development Corporation ("HFDC") pursuant to Act 350, 1997

SLH; HFDC was successor to the Hawaii Housing Authority pursuant to Act 337, 1987 (SLH), a public body and a body corporate and politic of the State of Hawaii whose place of business and post office address is 677 Queen Street, Suite 300, Honolulu, Hawaii 96813.

3. **RECITALS**

- A. Declarant is the declarant in the Declaration.
- B. Section 10.E.-General Provisions pertaining to the amendment of the Declaration provides as follows:

“The covenants and restrictions of this Declaration shall run with each Lessee's right, title and interest in such Lessee's Lot, including any lease for the same for the full term or extended term of such lease.

This Declaration may be amended by an instrument signed by not less than seventy-five percent (75%) of the Lessees and the Declarant's written consent. Any amendment must be recorded.

Notwithstanding the foregoing, Declarant may by written amendment at any time unilaterally amend or supplement this Declaration for the purpose of designating lots within the Homestead Land as an “Agricultural Lot” or a “Residential Lot”, consolidating and resubdividing lots or Lots, deannexing Lots, curing or correcting any ambiguity or defective or inconsistent provision or omission or mistake or manifest error contained in this Declaration, or to supplement the provisions of this Declaration with respect to special use areas or Common Areas described in a Supplemental Declaration.”

- C. Declarant desires to amend the Declaration and the First Supplemental Declaration as more particularly set forth below in accordance with the provisions of Section 10.E of the Declaration to redesignate certain lots within the Homestead Land from Agricultural Lots to Residential Lots.
- E. Unless otherwise provided herein, all capital words used in this amendment shall have the same meanings ascribed to them in the Declaration.

4. **AMENDMENT**

The Declaration and the First Supplemental Declaration are amended by deleting the existing Exhibits “2” and by replacing them with the new Exhibit “2” which is attached hereto and incorporated by reference. /

5. **EFFECT OF THIS AMENDMENT**

Except as amended by this Second Amendment, all of the rest of the provisions of the Declaration and the First Supplemental Declaration shall remain in full force and effect.

[Signature page follows]

APPROVED AS TO FORM:

Cole A. Anderson
Deputy Attorney General
State of Hawaii

HAWAII HOUSING FINANCE AND
DEVELOPMENT CORPORATION,
a public body and a body corporate and
politic of the State of Hawaii.

By: *Craig K. Hirai*
Craig K. Hirai
Its: Executive Director
"Declarant"

STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU) SS

On this _____ day of MAR 11 2015, 2015 before me appeared CRAIG K. HIRAI, personally known to me, who, being by me duly sworn, did say that he is the EXECUTIVE DIRECTOR of the HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, a public body and a body corporate and politic of the State of Hawaii, that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that this NINE-page SECOND AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS FOR WAI AHOLE VALLEY AGRICULTURAL PARK AND RESIDENTIAL LOTS SUBDIVISION AND HOMESTEAD ROAD LANDS DATED APR 01 2015, was signed and sealed on behalf of the corporation by authority of its Board of Directors, and the said officer acknowledged the instrument to be the free act and deed of the corporation.

Lisa C. Wond
Name: Lisa C. Wond
Notary Public, State of Hawaii
First Judicial Court
My commission expires: 07-12-2015

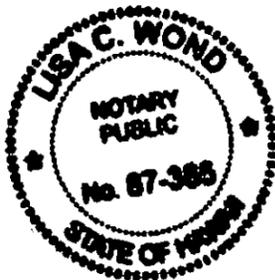


Exhibit 2

**WAIHOLE VALLEY AGRICULTURAL PARK
AND RESIDENTIAL LOTS SUBDIVISION**

SUMMARY OF LOTS

Lot No.	Gross Area	File Plan		Land Court			Type of Lot
		Lot No.	Area	Lot No.	Area	LC. App.	
1	45.275 Ac	1	7.773 Ac				Agricultural
				9	22.736 Ac	72	
				13	14.766 Ac	70	
2	1.000 Ac			8	29,841 sf	72	Residential
				9	13,720 sf	70	
3	1.000 Ac			10	1.000 Ac	70	Residential
4	4.806 Ac			11	4.806 Ac	70	Agricultural
5	1.000 Ac			12	1.000 Ac	70	Residential
6	4.032 Ac	2	1.924 Ac				Agricultural
				20	2.108 Ac	69	
7	1.000 Ac	3	12,611 sf				Residential
				10	30,951 sf	69	
8	1.000 Ac			11	1.000 Ac	69	Residential
9	1.000 Ac			12	1.000 Ac	69	Residential
10	2.953 Ac			13	2.953 Ac	69	Agricultural
11	4.564 Ac	102	4.564 Ac				Agricultural
12	18,424 sf	103	18,424 sf				Residential
13	32,585 sf	101	32,548 sf				Residential
				15	37 sf	69	
14	15,034 sf	99	15,034 sf				Residential
15	7,864 sf	97	7,162 sf				Residential
				16	702 sf	69	
16	9,963 sf	96	636 sf				Residential
		98	357 sf				
		100	321 sf				
		14	8,649 sf	69			
17	1.438 Ac	95	159 sf				Residential
				17	1.434 Ac	69	
18	22,283 sf			18	22,283 sf	69	Residential
19	23,434 sf			19	23,434 sf	69	Residential
20	33,689 sf	4	3,288 sf				Residential
		140	68 sf				
				22	30,333 sf	69	

Revised 2/1/15

Lot No.	Gross Area	File Plan		Land Court			Type of Lot
		Lot No.	Area	Lot No.	Area	L.C. App.	
21	12,514 sf	141	9,211 sf				Residential
				23	277 sf	69	
				24	3,026 sf	69	
22	18,775 sf	5	3,592 sf				Residential
				142	344 sf		
				26	14,839 sf	69	
23	7,501 sf	6	6,876 sf				Residential
				25	625 sf	69	
24	7,500 sf	7	7,500 sf				Residential
25	1.003 Ac	8	43,646 sf				Residential
				21	41 sf	69	
26	7,573 sf	9	7,573 sf				Residential
27	7,500 sf	10	7,500 sf				Residential
28	7,500 sf	11	7,500 sf				Residential
29	7,500 sf	12	7,500 sf				Residential
30	7,500 sf	13	7,500 sf				Residential
31	31,094 sf	14	31,094 sf				Residential
32	3.407 Ac	15	2.85 Ac				Agricultural
				14	0.557 Ac	70	
33	12.796 Ac	16	11,274 sf				Agricultural
				10	19,681 sf	72	
				15	12.085 Ac	70	
34	22,629 sf	17	22,629 sf				Residential
35	9,471 sf	18	9,471 sf				Residential
36	9,037 sf	19	9,037 sf				Residential
37	12,697 sf	20	12,697 sf				Residential
38	7,800 sf	21	7,800 sf				Residential
39	8,575 sf	22	8,575 sf				Residential
40	15.650 Ac	23	6.603 Ac				Agricultural
				11	9.047 Ac	72	
41	47.504 Ac	24	32,413 sf				Agricultural
				29	3,990 sf		
				30	9,600 sf		
				12	46.448 Ac	72	
42	1.000 Ac	25	9,554 sf				Residential
				13	34,006 sf	72	
43	5.916 Ac	26	39 sf				Agricultural
				27	2,622 sf		
				15	5.855 Ac	72	

Lot No.	Gross Area	File Plan		Land Court			Type of Lot
		Lot No.	Area	Lot No.	Area	L.C. App.	
44	43,559 sf	145	6,726 sf				Residential
				18	36,833 sf	72	
45	1.010 Ac	146	13,382 sf				Residential
				19	30,635 sf	72	
46	1.162 Ac	28	1,445 sf				Residential
				20	49,160 sf	72	
47	43,561 sf	31	17,914 sf				Residential
				22	25,647 sf	72	
48	3.780 Ac	32	3.780 Ac				Existing
49	4.193 Ac	33	4.193 Ac				Existing
50	5.544 Ac	34	5.544 Ac				Reservoir
51	0.840 Ac	35	0.840 Ac				Road
52	80.296 Ac	36	80.296 Ac				Open Space
53	5.558 Ac	37	5.558 Ac				Agricultural
54	6.476 Ac	38	6.476 Ac				Agricultural
55	2.000 Ac	39	2.000 Ac				Agricultural
56	14.977 Ac	40	14.977 Ac				Agricultural
57	12.962 Ac	41	12.962 Ac				Agricultural
58	2.383 Ac	42	2.380 Ac				Agricultural
				17	137 sf	72	
59	2,384 sf	43	2,384 sf				Pump Station
60	9.870 Ac	44	9.870 Ac				Agricultural
61	6.211 Ac	45	6.211 Ac				Agricultural
62	20,633 sf	46	20,633 sf				Residential
63	12,619 sf	47	12,619 sf				Residential
64	16,651 sf	48	16,651 sf				Residential
65	26,879 sf	49	26,879 sf				Residential
66	8,010 sf	50	8,010 sf				Residential
67	7,937 sf	51	7,937 sf				Residential
68	11,514 sf	52	11,514 sf				Residential
69	10,513 sf	53	10,513 sf				Residential
70	22,157 sf	54	22,157 sf				Residential
71	9,263 sf	55	9,263 sf				Residential
72	11,788 sf	56	11,788 sf				Residential
73	12,158 sf	57	12,158 sf				Residential
74	1.562 Ac	58	1.562 Ac				Agricultural
75	5.731 Ac	59	5.731 Ac				Agricultural
76	14.214 Ac	61	14.214 Ac				Agricultural
77	3.561 Ac	62	3.561 Ac				Reservoir

Lot No.	Gross Area	File Plan		Land Court			Type of Lot
		Lot No.	Area	Lot No.	Area	L.C. App.	
78	28.311 Ac	63	28.311 Ac				Agricultural
79	51.546 Ac	64	51.546 Ac				Open Space
80	3.800 Ac	65	3.800 Ac				Agricultural
81	8.928 Ac	66	8.928 Ac				Agricultural
82	5.867 Ac	67	5.867 Ac				Agricultural
83	5.850 Ac	69	5.850 Ac				Open Space
84	3.977 Ac	70	3.977 Ac				Agricultural
85	3.779 Ac	71	3.779 Ac				Agricultural
86	10.465 Ac	73	10.465 Ac				Agricultural
87	19,603 sf	74	19,603 sf				Residential
88	9,314 sf	75	9,314 sf				Residential
89	9,610 sf	76	9,610 sf				Residential
90	24,013 sf	77	24,013 sf				Residential
91	12,447 sf	78	12,447 sf				Residential
92	29,838 sf	79	29,838 sf				Residential
93	8,450 sf	80	8,450 sf				Residential
94	9,100 sf	81	9,100 sf				Residential
95	9,100 sf	82	9,100 sf				Residential
96	8,450 sf	83	8,450 sf				Residential
97	11,050 sf	84	11,050 sf				Residential
98	5.123 Ac	85	4.892 Ac				Agricultural
				29	10,071 sf	69	
99	11,700 sf	86	11,700 sf				Residential
100	7,775 sf	87	7,775 sf				Residential
101	7,724 sf	88	7,724 sf				Residential
102	8,137 sf	89	6,652 sf				Residential
				27	1,485 sf	69	
103	10,033 sf	90	6 sf				Residential
				28	10,027 sf	69	
104	43,077 sf	144	7,367 sf				Residential
		91	14,749 sf				
				31	20,961 sf	69	
105	13,274 sf	92	12,914 sf				Residential
				32	360 sf	69	
106	10,974 sf	93	10,974 sf				Residential
107	12,959 sf	94	12,959 sf				Residential
108	2.860 Ac	106	2.860 Ac				Stream
109	18,686 sf	104	18,686 sf				Commercial

Lot No.	Gross Area	File Plan		Land Court			Type of Lot
		Lot No.	Area	Lot No.	Area	L.C. App.	
110	12,280 sf	105	12,280 sf				Commercial
111	12.483 Ac	107	12.483 Ac				Agricultural
112	1.000 Ac	108	1.000 Ac				Residential
113	1.000 Ac	109	1.000 Ac				Residential
114	1.000 Ac	110	1.000 Ac				Residential
115	3.153 Ac	111	3.153 Ac				Agricultural
116	1.000 Ac	112	1.000 Ac				Residential
117	2.390 Ac	113	2.390 Ac				Agricultural
118	1.000 Ac	114	1.000 Ac				Residential
119	1.000 Ac	115	1.000 Ac				Residential
120	2.773 Ac	116	2.773 Ac				Agricultural
121	2.749 Ac	117	2.749 Ac				Agricultural
122	1.000 Ac	118	1.000 Ac				Residential
123	1.000 Ac	119	1.000 Ac				Residential
124	3.367 Ac	120	3.367 Ac				Agricultural
125	3.097 Ac	121	3.027 Ac				Agricultural
				30	3,070 sf	69	
126	2.636 Ac	122	2.636 Ac				Agricultural
127	16.110 Ac	72	16.110 Ac				Agricultural
128	3.500 Ac	123	3.500 Ac				Agricultural
129	2.001 Ac	124	2.001 Ac				Residential
130	2.002 Ac	125	2.002 Ac				Residential
131	2.004 Ac	126	2.004 Ac				Residential
132	1.000 Ac	127	1.000 Ac				Residential
133	3.927 Ac	128	3.927 Ac				Agricultural
134	2.543 Ac	129	2.543 Ac				Agricultural
135	6.421 Ac	130	6.421 Ac				Agricultural
136	1.000 Ac	131	1.000 Ac				Residential
137	27.723 Ac	133	27.723 Ac				Open Space
138	2.961 Ac	132	2.961 Ac				Agricultural
139	1.831 Ac	134	1.831 Ac				Road

Lot No.	Gross Area	File Plan		Land Court			Type of Lot	
		Lot No.	Area	Lot No.	Area	L.C. App.		
140	8.749 Ac	135	1.112 Ac				Road	
		136	77 sf					
		137	4.138 Ac					
		139	2.329 Ac					
		143	5,312 sf					
					33	717 sf		69
					34	190 sf		69
					35	17,548 sf		69
					37	7,433 sf		69
					36	4 sf		69
					14	77 sf		72
					16	14,658 sf		72
					21	5,850 sf		72
141	5.002 Ac	138	5.002 Ac				Road	
142	13,449 sf	60	13,449 sf				Stream Channel	
143	6,970 sf	68	6,970 sf				Stream Channel	