

DOUBLE SYSTEM

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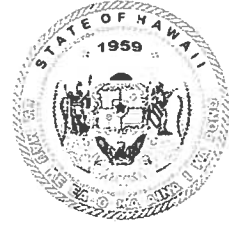


**STATE OF HAWAII
OFFICE OF THE ASSISTANT REGISTRAR
RECORDED**

November 8, 2024 1:08 PM
Doc No(s) T - 12730305
on Cert(s) As Listed Herein
Issuance of Cert(s)

Pkg 12453378 KM

/s/ BESS PALMA (ACTING)
ASSISTANT REGISTRAR



**STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED**

November 8, 2024 1:08 PM
Doc No(s) A - 9078000558

Pkg 12453378 OFC

/s/ BESS PALMA (ACTING)
REGISTRAR

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY: MAIL () PICK-UP (X)

Porter Kiakona Kopper, LLP (NSY)
841 Bishop Street, Suite 1500
Honolulu, Hawaii 96813 #539-1100

Total Pages: 9

TMK: (2) 2-1-007-095
TCT List attached as Exhibit "A"

**AMENDMENT TO THE THIRD RESTATED AND AMENDED BYLAWS OF
THE ASSOCIATION OF APARTMENT OWNERS OF MAKENA SURF**

(Land Court Condominium Map No. 497 and
Bureau of Conveyances File Plan No. 879)

WHEREAS, by the Makena Surf Declaration of Horizontal Property Regime, dated July 25, 1983, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii ("Land Court") on August 24, 1983, as Document Nos. 1187664 and 1187665, and noted on Certificate of Title No. 242,895 (current Transfer of Certificate of Title Nos. attached hereto as Exhibit "A"), and recorded in the Bureau of Conveyances of the State of Hawaii ("Bureau") on August 24, 1983, as Document Nos. 83-94866 and 83-94867 ("Declaration"), and by the Makena Surf By-Laws, dated July 25, 1983, and filed in the Land Court on August 24, 1983, as Document Nos. 1187666 and 1187667, and noted on Certificate of Title No. 242,895 (current Transfer of Certificate of Title Nos. attached hereto as Exhibit "A"), and recorded in the Bureau on August 24, 1983, as Document Nos. 83-94868 and 83-94869 ("By-Laws"), the Declarant therein did submit the property described in said Declaration and By-Laws to the provisions of the Horizontal Property Regime (now known as the Condominium Property Act, Chapter 514B, Hawaii Revised Statutes ("HRS")), as amended, thereby creating the Makena Surf condominium Project ("Project"), as shown on Land Court Condominium Map No. 497 and Bureau of

Conveyances Condominium File No. 879;

WHEREAS the Declaration was restated by the Makena Surf Restated Declaration of Horizontal Property Regime, dated January 31, 1995, filed in the Land Court on February 17, 1995, as Document No. 2219653, and recorded in the Bureau on February 17, 1995, as Document No. 95-023230 (“Restated Declaration”), by the Makena Surf Second Restated Declaration of Condominium Property Regime, dated November 9, 2000, filed in the Land Court on December 12, 2000, as Document No. 2670292, and recorded in the Bureau on December 12, 2000, as Document No. 2000-174586 (“Second Restated Declaration”), and by the Makena Surf Third Restated Declaration of Condominium Property Regime, dated March 31, 2008, filed in the Land Court on April 25, 2008, as Document No. 3739322, and recorded in the Bureau on April 25, 2008, as Document No. 2008-065483 (“Third Restated Declaration”), which was amended by instrument dated August 24, 2017, filed in Land Court on October 27, 2017, as Document No. T-10161013, and recorded in the Bureau on October 27, 2017, as Document No. A-65090077;

WHEREAS, the By-Laws were restated by way of the Second Restated Declaration, which attached the “Restated Makena Surf By-Laws” thereto and made it a part thereof, which was intended to be a complete restatement of the By-Laws (“First Restated By-Laws”);

WHEREAS, the First Restated By-Laws were restated by way of the Third Restated Declaration, which attached the “Second Restated Makena Surf By-Laws” thereto and made it a part thereof, which was intended to be a complete restatement of the First Restated By-Laws (“Second Restated By-Laws”);

WHEREAS, the Second Restated By-Laws were further restated by the Third Restated and Amended Bylaws of the Association of Apartment Owners of Makena Surf, dated February 2, 2022, filed in Land Court on February 23, 2022, as Document No. T-11741280, and recorded in the Bureau on February 23, 2022, as Document No. A-80890730 (“Third Restated Bylaws”);

WHEREAS, pursuant to Section 36 of the Third Restated Bylaws and HRS § 514B-108(e), the Third Restated Bylaws may be amended by the vote or written consent of at least sixty-seven percent (67%) of all unit owners; and

WHEREAS, pursuant to Section 36 of the Third Restated Bylaws and HRS § 514B-108(e), more than sixty-seven percent (67%) of all unit owners of the Project gave their written consent to amend the Third Restated Bylaws as hereinafter set forth.

NOW, THEREFORE, the Association of Apartment Owners of Makena Surf hereby amends the Third Restated and Amended Bylaws of the Association of Apartment Owners of Makena Surf (“Third Restated Bylaws”) as follows:

1. Section 6 (Board of Directors), subsection (c) of the Third Restated Bylaws is amended in its entirety to read as follows:

(c) At any annual meeting of the Association, or any special meeting of the Association for which the notice shall state the election of a director or

directors as business to be conducted at such special meeting, any Voting Owner may elect a director by submitting the nomination for such director to the Board prior to such meeting. All nominations not made by the Board must be in writing, must identify the name of the nominee and contain a summary of the nominee's interest to serve on the Board and/or qualifications and must be received by the Secretary or Managing Agent at least thirty (30) calendar days prior to the date of the meeting of the election of directors.

The nominees receiving the highest number of votes, up to the total number of directors to be elected at such meeting, shall thereby be elected directors. If the number of candidates for election is equal to the number of positions available for the Board of Directors, the Voting Owners may vote by acclamation.

Vacancies in the Board of Directors caused by any reason other than the removal of a member thereof by a vote of the Voting Owners, shall be filled by a vote of a majority of the remaining directors at a special meeting of the Board of Directors held for that purpose after the occurrence of any such vacancy even though the directors present at such meeting may constitute less than a quorum and each person so elected shall be a member of the Board of Directors until the next annual or duly noticed special association meeting.

All meetings of the Board of Directors shall be conducted in accordance with the most recent edition of Roberts Rules of Order Newly Revised.

No tenant, resident manager or employee of the Association shall serve on the Board. Nor shall any officer or employee of a Managing Agent for the Association, or any person affiliated with such a Managing Agent, be a member of the Board of Directors. Any Owner who is a Board member and an employee of the Association's managing agent shall not participate in any discussion regarding a management contract at a Board meeting and shall be excluded from any executive session of the Board where the management contract or the property manager will be discussed.

In all other respects, the Third Restated Bylaws, as amended, are hereby ratified and confirmed and shall be binding upon and inure to the benefit of the owners and their respective successors and permitted assigns.

The undersigned officers of the Association hereby certify that the foregoing amendment to the Third Restated Bylaws was approved by the written consent of the owners of more than sixty-seven percent (67%) of the common interest in the Project.

This instrument may be executed in counterparts, each of which shall be deemed an original and all of which together shall be considered one and the same instrument.

IN WITNESS WHEREOF, the undersigned have executed this instrument on September 25, 2024.

[Remainder of page intentionally left blank; signature page(s) to follow.]

ASSOCIATION OF APARTMENT OWNERS OF
MAKENA SURF

By Sharon K. Heritage
Print Name: Sharon K. Heritage
Title: Secretary

By SCC
Print Name: SCOTT C. CAMPBELL
Title: PRESIDENT

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On SEPTEMBER 5, 2024, before me personally appeared CHARON K HERIAGE, personally known to me or proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person is the SECRETARY of the Association of Apartment Owners of Makena Surf, and that said instrument was signed on behalf of said Association by authority of its Board of Directors and that said officer acknowledged said instrument to be the free act and deed of said Association.



(Official Stamp or Seal)

A handwritten signature in black ink, appearing to be "Melanie Alexander", written over a horizontal line.

Notary Public, State of Hawaii

Melanie Alexander

(Printed Name of Notary Public)

My commission expires: 8/20/25

NOTARY CERTIFICATE (Hawaii Administrative Rules §5-11-8)

Document Identification or Description: AMENDMENT TO THE THIRD RESTATED AND AMENDED BYLAWS OF THE ASSOCIATION OF APARTMENT OWNERS OF MAKENA SURF

Date of Document: Undated at Time of Notarization No. of Pages: 9

Name of Notary: Melanie Alexander Jurisdiction: Second Circuit
(in which notarial act is performed)

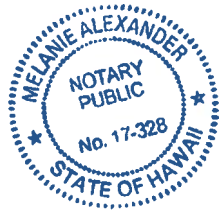
Date of Certificate: SEPTEMBER 5, 2024

Notary Signature

(Official Stamp or Seal)

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On September 25, 2024, before me personally appeared Scott C. Campbell, personally known to me or proved to me on the basis of satisfactory evidence, who, being by me duly sworn or affirmed, did say that such person is the President of the Association of Apartment Owners of Makena Surf, and that said instrument was signed on behalf of said Association by authority of its Board of Directors and that said officer acknowledged said instrument to be the free act and deed of said Association.



(Official Stamp or Seal)

A handwritten signature in black ink, appearing to be "MA", written over a horizontal line.

Notary Public, State of Hawaii

Melanie Alexander
(Printed Name of Notary Public)

My commission expires: 8/20/25

NOTARY CERTIFICATE (Hawaii Administrative Rules §5-11-8)

Document Identification or Description: AMENDMENT TO THE THIRD RESTATED AND AMENDED BYLAWS OF THE ASSOCIATION OF APARTMENT OWNERS OF MAKENA SURF

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(in which notarial act is performed)

Date of Certificate: September 25, 2024

A handwritten signature in black ink, appearing to be "MA", written over a horizontal line.

Notary Signature



(Official Stamp or Seal)

Exhibit "A"

Makena Surf

Land Court Condominium Map No. 497

Regular System Condominium Map No. 879

List of Current Transfer Certificate of Title Numbers

Unit No.	TCT No.
A101	1196055
A102	528464
A103	1054319
A201	447219
A202	446006
A203	1007130
A204	446009
B101	711996
B102	1022875
B103	705141
B104	1053720
B105	1053718
B106	1172919
B107	936480
B108	1037576
B201	460308
B202	Deregistered
B203	1131929
B204	1220483
B205	610420
B206	1212799
B207	1078192
B208	1236136
B301	1258878
B302	1271775
B303	1095039
B304	475152
B305	1243397
B306	547131
C101	1247024
C102	1247541
C103	1056621
C105	993251
C106	1019821
C107	1230034
C201	1227581

Unit No.	TCT No.
C202	1123678
C203	560085
C204	428700 & 569747
C205	1247409
C206	1222534
C207	721900
E101	471982
E102	1043551
E103	1238317
E104	1239748
E105	293739
E106	1055147
E201	575986
E202	1193433
E203	1270898
E204	1136725
E205	1231113
E206	1052957
E301	981238
E302	1156017
E303	1200022
E304	1119789
F101	297477
F102	1053052
F103	1154058
F104	880023
F105	1255782
F106	1103083
F107	522544
F108	1053521
F109	323608
F110	1266672
F111	326527
F112	969090
F201	1176346

Exhibit "A"

Makena Surf

Land Court Condominium Map No. 497

Regular System Condominium Map No. 879

List of Current Transfer Certificate of Title Numbers

Unit No.	TCT No.
F202	842044
F203	1276326
F204	323690
F205	1154709
F206	1218121
F207	1029166
F208	775222
F209	1171774
F210	1093330
F211	1258876
F212	1274553
F301	877619
F302	1102602
F303	1275169
F304	1265923
F305	1238489
F306	1155612

Unit No.	TCT No.
F307	1058899
F308	684970
G101	1256350
G102	1221705
G103	1228610
G104	851025
G105	1276888
G106	1090298
G201	1209075
G202	499664
G203	1265924
G204	962944
G205	1210156
G206	1052517
G301	1255949
G303	1268663
G304	552621