

LAND COURT SYSTEM

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

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Tax Map Key Nos. (1) 2-3-016:049

Total Pages: 7

**FIRST AMENDMENT TO AMENDED AND RESTATED
DECLARATION OF CONDOMINIUM PROPERTY REGIME OF
SKY ALA MOANA EAST AND CONDOMINIUM MAP**

THIS FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM PROPERTY REGIME OF SKY ALA MOANA EAST AND CONDOMINIUM MAP is made this 23rd day of August, 2023, 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 East dated January 7, 2021 and recorded at the Bureau of Conveyances of the State of Hawaii (the "**Bureau**") as Document No. A-77460189, as amended and restated in its entirety by that certain Amended and Restated Declaration of Condominium Property Regime of Sky Ala Moana East and Condominium Map, dated November 29, 2021 and recorded at the Bureau as Document No. A-80240889, as the same may be amended from time to time (the "**Declaration**"), and that certain Condominium Map No. 6201, as may be amended, Developer submitted that certain property located at Kalia, Waikiki, City and County of Honolulu, State of Hawaii, and more particularly described in Exhibit "A" to the Declaration, plus all improvements thereon, to a condominium property regime known as "Sky Ala Moana East" (the "**Project**"); and

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 Flats, Hotel, or Resort Unit in the Project; and

WHEREAS, Developer owns one hundred percent (100%) of the Common Interest in the Project and no Flats, Hotel, or Resort Unit in the Project have closed; and

WHEREAS, pursuant to Article XV, Section B.4 of the Declaration, Developer is authorized to amend the Declaration in order to correct typographical or technical errors; and

WHEREAS, pursuant to Article XV, Section A.3 of the Declaration, any Owner (including Developer) may redesignate and exchange a Limited Common Element parking stall that is assigned to such Owner's Unit to another Unit owned by the same Owner, which transfer shall be executed and filed as an amendment to the Declaration, which amendment need only be executed by the Owner of the Unit whose Limited Common Element(s) is being transferred; and

WHEREAS, Developer currently owns all Units in the Project; and

WHEREAS, Developer wishes to amend the Declaration and Condominium Map as set forth below;

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 Condominium Map in the following manner:

1. The footnote to the table in Exhibit "B" to the Declaration shall hereby be amended and replaced in its entirety with the following to correct the designation of ADA Accessible Units:

"NOTE: DUE TO STRUCTURAL VARIATIONS, NOT ALL UNITS OF THE SAME UNIT TYPE ARE IDENTICAL, AND ACCORDINGLY, THE APPROXIMATE NET LIVING AREA MAY VARY AMONG UNITS OF THE SAME UNIT TYPE.

* ADA Accessible Unit.

** ADA Accessible Unit with Roll-In Shower."

2. Section D of Exhibit "B" to the Declaration shall be is hereby amended and replaced in its entirety with the following to note the creation of parking stall number 3154 and the assignment of parking stall number 3154 as a Limited Common Element to the Parking Unit as follows:

- **"D. Parking Stalls.** The Condominium Map depicts the location, type and number of parking stalls in the Project. The parking stalls for the Commercial Units are located on level 2 of the Parking Structure (being parking stall numbers 2001 to 2005, inclusive, 2009 to 2012, inclusive, 2016 to 2019, inclusive, 2024 to 2028, inclusive, 2033 to 2035, inclusive, 2051 to 2061, inclusive, 2077 to 2078, inclusive, and 2082-2093, inclusive) which parking stalls shall be Commercial Class Limited Common Elements (subject to the Reciprocal Easement Agreement). The parking stalls for the Hotel Units and Resort Units are located on levels 2 to 3 of the Parking Structure (being parking stall numbers 2036 to 2050, 2062 to 2076, 2094 to 2132, inclusive, 3033 to 3047, inclusive, 3061 to 3075, inclusive, 3093 to 3097, inclusive, 3110, and 3117 to 3131, inclusive) and are Limited Common Elements to the Parking Unit. The parking stalls for the Flats Units are located on levels 2 to 3 of the Parking Structure (being parking stall numbers 2148 to 2152, inclusive, 3007 to 3032, inclusive, 3048 to 3060, inclusive, 3076 to 3092, inclusive, 3111, 3132 to 3139, inclusive, and 3141 to 3154, inclusive) and shall be assigned to Commercial Unit 5 unless otherwise specifically assigned above. Developer has the reserved right to redesignate and reassign parking stalls."

3. The Condominium Map shall be amended as follows:

a. Sheet CPR-1.01 is amended and replaced in its entirety with Sheet CPR-1.01, attached hereto and made a part hereof, which reflects updated parking stall numbers.

b. Sheet CPR-1.02 is amended and replaced in its entirety with Sheet CPR-1.02, attached hereto and made a part hereof, which reflects the following:

i. Updated parking stall numbers; and

ii. The addition of parking stall number 3154.

c. Sheet CPR-1.03 is amended and replaced in its entirety with Sheet CPR-1.03, attached hereto and made a part hereof, which reflects updated parking stall numbers.

d. Sheet CPR-1.04 is amended and replaced in its entirety with Sheet CPR-1.04, attached hereto and made a part hereof, which reflects updated parking stall numbers.

e. Sheet CPR-1.05 is amended and replaced in its entirety with Sheet CPR-1.05, attached hereto and made a part hereof, which reflects updated parking stall numbers.

f. Sheet CPR-1.06 is amended and replaced in its entirety with Sheet CPR-1.06, attached hereto and made a part hereof, which reflects updated parking stall numbers.

4. In conformance with Section 514B-34 of the Hawaii Revised Statutes, the Verified Statement of Registered Architect, which pertains to the Condominium Map, as amended hereby, is attached hereto and made a part hereof.

5. In all other respects, the 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 CAPRIDGE, LLC,
a Hawaii liability company

By JL Ala Moana LLC, a Hawaii limited liability company
Its Managing Member

By  _____
Timothy Lee
Its Manager

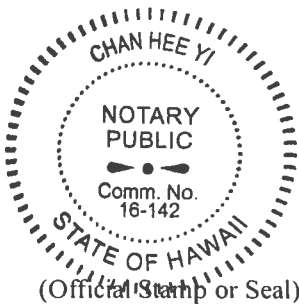
"Developer"

STATE OF HAWAII

SS:

CITY AND COUNTY OF HONOLULU

On this 3rd day of August, 2023, 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: 04-10-2024

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: FIRST AMENDMENT TO FIRST AMENDED AND RESTATED DECLARATION OF CONDOMINIUM PROPERTY REGIME OF SKY ALA MOANA EAST AND CONDOMINIUM MAP

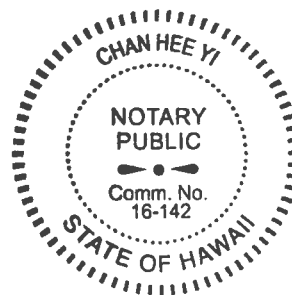
Document Date: — of Undated at time of notarization.

No. of Pages: 5 Jurisdiction: First Circuit
(in which notarial act is performed)

Chan Hee Yi Date of Notarization and Certification Statement
08-03-2023

Signature of Notary
Chan Hee Yi
Printed Name of Notary

My commission expires: 04-10-2024



(Official Stamp or Seal)

VERIFIED STATEMENT OF REGISTERED ARCHITECT

STATE OF HAWAII
CITY AND COUNTY OF HONOLULU

SS:

MICHAEL N. GOSHI, AIA, being first duly sworn on oath, deposes and says:

That (1) he is an architect duly registered in the State of Hawaii; (2) he has prepared the amendments to Condominium Map No. 6201 ("**Condominium Map**") for the condominium project known as "Sky Ala Moana East" situate at Kalia, Waikiki, City and County of Honolulu, State of Hawaii, located on that certain parcel of land more particularly described in the Declaration of Condominium Property Regime of Sky Ala Moana East recorded in the State of Hawaii Bureau of Conveyances, as amended, to which reference is hereby made; and (3) the Condominium Map is consistent with the plans of the condominium's building or buildings filed or to be filed with the government official having jurisdiction over the issuance of permits for the construction of buildings in the county in which the condominium project is located.

Further Affiant Sayeth Naught.


DATED: 14 Aug, 2023.



Name: MICHAEL N. GOSHI

Hawaii Registration No. AR-5402

Subscribed and sworn to before me
this 14th day of August, 2023


Name: Terri Alvaro
Notary Public, State of Hawaii
My commission expires: NOV 20 2024



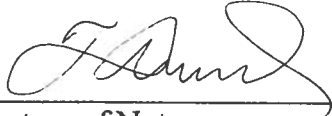
Notary Certificate on next page

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

Document Identification or Description: Verified Statement of Registered Architect

Document Date: 8/14/23

No. of Pages: 2 Jurisdiction: 1st Circuit
(in which notarial act is performed)



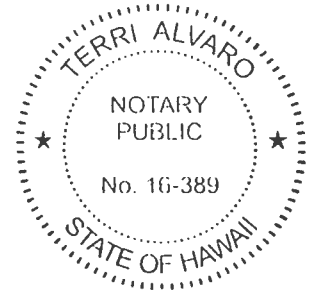
8/14/23

Signature of Notary

Date of Certificate

Terri Alvaro

Printed Name of Notary



(Official Stamp or Seal)