

Kalua Kai Corp -  
Suite 901, Keolu Bldg  
Honolulu, HI 96813

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STATE OF HAWAII  
LAND COURT  
FILED

79 MAR 21 10:48

*Robert X. Chan*

ASSISTANT REGISTRAR  
NOTED ON CERTIFICATE BOOK PAGE

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SECOND SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS

(LOTS 63 AND 66, MAP 9, LAND COURT APPLICATION NO. 1683)

As filed in the Office of the  
Assistant Registrar of the Land  
Court of the State of Hawaii as  
Document No. \_\_\_\_\_.

WHEREAS, KALUA KOI CORPORATION, a Hawaii corporation,  
hereinafter referred to as "Declarant", and KEPUHI PARTNERSHIP,  
a Hawaii partnership, did execute a certain Declaration of  
Covenants and Restrictions dated October 1, 1976, filed in the  
Office of the Assistant Registrar of the Land Court of the  
State of Hawaii as Document No. 784612 and noted on Transfer  
Certificate of Title No. 181,964, hereinafter referred to as  
the "West Molokai Protective Covenants", covering certain  
parcels of land situated at Kaluakoi and Iloli, Island of  
Molokai, County of Maui, State of Hawaii, which together with  
future annexations is to be known as "West Molokai"; and

WHEREAS, Declarant previously filed in the Office of  
the Assistant Registrar of the Land Court of the State of Hawaii  
as Document No. 922290 a "Supplemental Declaration of  
Covenants and Restrictions (Lots 24 through 40 and 42 through  
56, Map 8 Land Court Application No. 1683)" by which Declarant  
annexed certain lands owned by it in accordance with the West  
Molokai Protective Covenants; and

WHEREAS, Declarant is the fee owner of a certain  
parcel of land situated at Kaluakoi and Iloli, Island of Molokai,  
County of Maui, State of Hawaii, which has been subdivided into  
2 lots, 63 and 66, as shown on Map 9, filed in the Office of the  
Assistant Registrar of the Land Court of the State of Hawaii

with Land Court Application No. 1683, being all of the land described in Transfer Certificate of Title Nos. 208,153 and 208,156; and

WHEREAS, Declarant desires to make and record this Declaration annexing Lots 63 and 66, as shown on Map 9 of Application No. 1683, to West Molokai as hereinafter set forth;

NOW, THEREFORE, pursuant to the provisions of Article II of the West Molokai Protective Covenants, Declarant does hereby declare that Lots 63 and 66 shall be, and hereby are, annexed to West Molokai, and that said Lots 63 and 66 are held and shall be held, sold, conveyed, encumbered, leased, occupied, and improved subject to the West Molokai Protective Covenants, but with the following special provisions and restrictions applicable to said Lots 63 and 66 which are in addition to and not in derogation of any covenants and restrictions contained in the West Molokai Protective Covenants, except to the extent herein set forth:

1. Each of Lots 63 and 66 is hereby designated a Multiple Family Residential Lot, as hereinafter defined.
2. "Multiple Family Residential Lot" shall mean any lot intended to be used for residential purposes by more than one (1) family, and which shall be governed and restricted in the same manner and to the same extent as a Multiple Family Residential Lot is governed and restricted under the West Molokai Protective Covenants, except as set forth herein. Each of said Lots 63 and 66 may be used for any purpose and in any manner which a Multiple Family Residential Lot may be used under the West Molokai Protective Covenants, except as set forth herein.
3. The height limitation of each building on said Lots 63 and 66 shall be three (3) stories.

The provisions hereof shall be deemed independent and severable, and the invalidity or partial invalidity or unenforceability of any provision shall not affect the validity or enforceability of any other provision hereof. This Second Supplemental Declaration shall continue and remain in full force and effect until such time as the West Molokai Protective Covenants is terminated under Section 8.01 of Article VIII of said Covenants.

IN WITNESS WHEREOF, Declarant has executed these presents this 20<sup>th</sup> day of March, 1979.


KALUA KOI CORPORATION

By *Ray K. Cape*  
Its Executive Vice President

By *Phillip L. Boyd*  
Its Vice President

STATE OF HAWAII )  
 ) SS:  
CITY AND COUNTY OF HONOLULU )

On this 26<sup>th</sup> day of March, 1979, before me appeared BAY K. C. YEE and PHILLIP E. BOYDSTON, to me personally known, who, being by me duly sworn, did say that they are Executive Vice President and Vice President, respectively, of KALUA KOI CORPORATION, a Hawaii corporation; that the seal affixed to the foregoing instrument is the corporate seal of such corporation and that such instrument was signed and sealed on behalf of such corporation by authority of its Board of Directors; and said officers acknowledged such instrument to be the free act and deed of such corporation.

  
\_\_\_\_\_  
Notary Public, First Judicial  
Circuit, State of Hawaii

My commission expires: 5-20-80