

STATE OF HAWAII  
BUREAU OF CONVEYANCES  
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November 2, 2022 2:15 PM  
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Doc 1 of 1  
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/s/ LESLIE T KOBATA  
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CARLSMITH BALL LLP  
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1001 Bishop Street  
Honolulu, Hawaii 96813

***DEREGISTERED***

Attention: Rodd H. Yano  
Telephone: (808) 523-2500

TITLE OF DOCUMENT:

**FIRST AMENDMENT OF THE HILO HILLSIDE ESTATES  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

PARTIES TO DOCUMENT:

**DECLARANT:** MOANIALA HOLDINGS LLC, a Hawaii limited liability company  
280 Ponahawai Street, Suite 100  
Hilo, Hawaii 96720

**TAX MAP KEY(S):** Hawaii 2-4-082:001 to 056 (inclusive), 058 to 059 (inclusive), 063 to 127  
(inclusive), 135 to 154 (inclusive)

(This document consists of 5 pages.)

**FIRST AMENDMENT OF THE HILO HILLSIDE ESTATES  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS FIRST AMENDMENT OF THE HILO HILLSIDE ESTATES DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "**Amendment**") is made this 31st day of October, 2022, by MOANIALA HOLDINGS LLC, a Hawaii limited liability company, whose mailing address is 280 Ponahawai Street, #100, Hilo, Hawaii 96720 (hereinafter referred to as "**Declarant**").

R E C I T A L S:

WHEREAS, Declarant recorded that certain Hilo Hillside Estates Declaration of Covenants, Conditions and Restrictions, dated January 19, 2012, in the Office of the Assistant Registrar, Land Court of the State of Hawaii ("**Land Court**") as Document No. T-8053268, as the same has been and may be further amended and supplemented from time to time (collectively the "**Declaration**"), and all capitalized terms used herein shall have the same meanings as set forth in the Declaration;

WHEREAS, the parcels of land were deregistered and recorded in the Bureau of Conveyances of the State of Hawaii, as Document No. A-76600716;

WHEREAS, in Section 18.1 of the Declaration, Declarant reserved the unilateral right, until termination of the Class "B" Control Period, to amend the Declaration for any purpose;

WHEREAS, the Class "B" Control Period has not yet been terminated; and

WHEREAS, Declarant now desires to amend the Declaration to clarify the term "guest house" as used throughout the Declaration;

NOW, THEREFORE, in consideration of the premises, and pursuant to its rights under Section 18.1 of the Declaration, the Declarant hereby amends the Declaration as follows:

1. Section 2.30 of the Declaration is hereby deleted and replaced in its entirety with the following:

"**Section 2.30 "Ohana Dwelling"** or "**Second Dwelling Unit**" shall mean a second attached or detached dwelling unit on the Property with facilities for sleeping and cooking, and shall not include or mean a Guest House."

2. Article II of the Declaration is hereby amended by inserting the following section:

"**Section 2.45 "Guest House"** shall mean an accessory building used as sleeping quarters for guests of the occupants of the main dwelling and having no cooking facilities."

3. Section 4.1 of the Declaration is hereby amended by adding the following sentence:

“Only one Dwelling with up to five (5) bedrooms is permitted on each Lot.”

4. Section 5.12 of the Declaration is hereby amended by replacing “guest house” with “Guest House”.

5. Section 4.1(a) of the Declaration is hereby amended by replacing “guest house” with “Guest House”.

6. Defined Terms. Any word, term or phrase which begins with initial capitalization and which is not defined in this instrument or defined in an identified document shall be given the definition of such word, term or phrase in the Declaration, as amended hereby.

7. No Other Effect. Except as amended herein, all other terms, conditions, covenants and provisions of the Declaration shall be and remain unchanged and shall continue to be valid, binding, and fully enforceable.

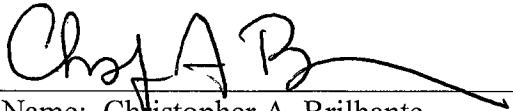
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IN WITNESS WHEREOF, the undersigned has executed these presents this \_\_\_\_ day of

~~h/~~ ~~OCT 29 2022~~, 2022.

~~N~~ OCT 31 2022

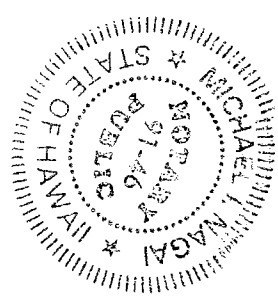
**MOANIALA HOLDINGS LLC**, a Hawaii  
limited liability company

By:   
Name: Christopher A. Brillhante  
Its: Manager

"Declarant"

STATE OF HAWAII )  
 ) SS.  
 COUNTY OF HAWAII )

On **OCT 31 2022**, 2022, before me personally appeared CHRISTOPHER A. BRILHANTE, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Name: \_\_\_\_\_  
 MICHAEL I. NAGAI  
 Notary Public, State of Hawaii  
 EXPIRATION: January 21, 2023

My commission expires:

<u>NOTARY CERTIFICATION STATEMENT</u>	
Document Identification or Description:	First Amendment of the Hilo Hillside Estates
Declaration of Covenants, Conditions and Restriction	
Document Date:	OCT 31 2022
No. of Pages:	5
Jurisdiction (in which notarial act is performed): Third Circuit	
Signature of Notary	OCT 31 2022
MICHAEL I. NAGAI EXPIRATION: January 21, 2023	Date of Notarization and Certification Statement
Printed Name of Notary	(Notary Stamp or Seal)

