

LAND COURT SYSTEM

REGULAR SYSTEM

Return by Mail Pickup To:

Kukui'ula Development Company (Hawaii), LLC
2700 Ke Alaula Street, Suite B
Koloa, Hawaii 96756

Total Pages: _____

Tax Map Key Nos.: (4) 2-6-022:019 & -021 (por.) (Lots 1 through 4)

SUPPLEMENT
to
SECOND AMENDED AND RESTATED COVENANT FOR THE CLUB AT KUKUI'ULA
(Makani Kai 1)

THIS SUPPLEMENT TO SECOND AMENDED AND RESTATED COVENANT FOR THE CLUB AT KUKUI'ULA (Makani Kai 1) (this "**Supplement**") is made this ___ day of _____, 20___, by KUKUI'ULA DEVELOPMENT COMPANY (HAWAII), LLC, a Hawaii limited liability company (the "**Declarant**"), whose mailing address is 2700 Ke Alaula Street, Suite B, Koloa, Hawaii 96756;

WITNESSETH

WHEREAS, Declarant is the "Declarant" under that certain Covenant for The Club at Kukui'ula, dated May 8, 2006, recorded in the Bureau of Conveyances of the State of Hawaii (sometimes herein referred to as the "**Bureau**") on May 11, 2006, as Document No. 2006-088740, as amended and restated by that certain Second Amended and Restated Covenant for The Club at Kukui'ula, dated August 5, 2015, and recorded in the Bureau as Document No. A-56951010 (as amended, the "**Covenant**");

WHEREAS, Chapter 3 of the Covenant provides that Declarant may submit to the terms of the Covenant all or any portion of the property described in Exhibit "B" to the Covenant by recording a Supplement describing the additional property to be submitted;

WHEREAS, the real property described in Exhibit "A" attached hereto and made a part hereof is a portion of the property described in Exhibit "B" to the Covenant;

WHEREAS, Declarant is the current owner of the Subject Lots (defined below);

WHEREAS, Declarant desires to submit the Subject Lots to the Covenant and to the jurisdiction of The Club at Kukui‘ula, a Hawaii nonprofit corporation, described in the Covenant (“**The Club**”);

WHEREAS, unless otherwise defined in this Supplement, all capitalized terms (other than those at the beginning of sentences) shall have the definitions given to them in the Covenant; and

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Covenant, Declarant hereby subjects the Subject Lots to the provisions of the Covenant and to the provisions of this Supplement, which shall apply to the Subject Lots in addition to the provisions of the Covenant. The Subject Lots shall be sold, transferred, used, conveyed, occupied, and mortgaged or otherwise encumbered pursuant to the provisions of this Supplement and the Covenant (inclusive of all amendments thereto), both of which shall run with the title to the Subject Lots and shall be binding upon all persons having any right, title, or any interest in all or any portion of the Subject Lots, their respective heirs, devisees, personal representatives, successors, successors in trust, and assigns, as applicable. The provisions of this Supplement shall be binding upon The Club in accordance with the terms of the Covenant.

Each of the lots described in Exhibit “A” attached hereto is herein referred to as a “**Subject Lot.**” Specific Subject Lots shall be designated numerically as set forth in Exhibit “A” attached hereto. Notwithstanding any other provision in the Covenant to the contrary, each of the Subject Lots shall be considered a Unit under the terms of the Covenant. Each of said Subject Lots is referred to herein as a “**Subject Unit,**” and all of said Subject Lots are collectively referred to herein as the “**Subject Units.**” Owners of the Subject Units shall be entitled to the benefits, and shall be subject to the obligations and duties, of Plantation Membership in The Club as provided in the Covenant, except that neither Declarant nor any “Builder,” as defined in the Community Charter for Kukui‘ula, shall be considered such an Owner.

Notwithstanding anything to the contrary in this Supplement or the Governing Documents, Declarant reserves the right, acting alone and without the consent or joinder of any other party, to amend or amend and restate this Supplement (by recording such instrument in the Bureau) to (i) reflect any consolidation and/or resubdivision of any Subject Units, and the cancellation, partial cancellation, and/or designation of any easements affecting any of the Subject Units, in each case as approved by the County of Kauai; (ii) subject additional property to this Supplement, and/or (iii) withdraw property from this Supplement; provided, however, no such amendment and/or amendment and restatement shall change the size of a Subject Unit that has been conveyed to an Owner prior to the date such amendment or amendment and restatement is recorded in the Bureau.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, Declarant has executed this Supplement the date and year first written above.

KUKUI'ULA DEVELOPMENT COMPANY (HAWAII), LLC,
a Hawaii limited liability company

By: _____
Name:
Title:

STATE OF HAWAII)
) S.S.
COUNTY OF KAUAI)

On this ____ day of _____, 20__, before me personally appeared _____, 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 capacities shown, having been duly authorized to execute such instrument in such capacities.

Notary Public, State of Hawaii
Printed Name: _____
My commission expires: _____

(Official Stamp or Seal)

<u>NOTARY CERTIFICATION STATEMENT</u>	
Document Identification or Description: Supplement to Second Amended and Restated Covenant for The Club at Kukui'ula (Makani Kai 1)	
Doc. Date: _____ or <input type="checkbox"/> Undated at time of notarization.	
No. of Pages: _____	Jurisdiction: Fifth Circuit (in which notarial act is performed)
_____ Signature of Notary	_____ Date of Notarization and Certification Statement
_____ Printed Name of Notary	(Official Stamp or Seal)

EXHIBIT "A"

Subject Lots

Lots 1 through 4 of the Kukui'ula Parcel G Subdivision (collectively, "**Subject Lots**"), as described in, and depicted on the subdivision map that is attached to that certain Surveyor's Affidavit, dated _____, 20__, recorded in the Bureau of Conveyances of the State of Hawaii as Document No. A-_____.

The appurtenances and encumbrances to the Subject Lots are intentionally omitted.