

STATE OF HAWAII
BUREAU OF CONVEYANCES
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/s/ LESLIE T KOBATA
REGISTRAR

LAND COURT SYSTEM

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AFTER RECORDATION, RETURN TO: BY: MAIL PICKUP

EKIMOTO & MORRIS, LLLC
REBEKAH E. RAY, ESQ./alt
888 Mililani Street, 2nd Floor
Honolulu, HI 96813-2918

Total pages: 7

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Tax Map Key: (2) 3-8-013-018

Condominium Map Number: 396
(Bureau)

**AMENDMENT TO THE BY-LAWS OF ASSOCIATION OF APARTMENT OWNERS OF
THE KEALIA CONDOMINIUM**

This AMENDMENT TO THE BY-LAWS OF ASSOCIATION OF APARTMENT OWNERS OF THE KEALIA CONDOMINIUM ("Amendment") is made by the **ASSOCIATION OF APARTMENT OWNERS OF THE KEALIA CONDOMINIUM**, whose address is % Aloha Property Management, Inc., 115 East Lipoa Street, Suite 100 Kihei, Maui, HI 96753 ("Association"),

WITNESSETH THAT:

WHEREAS, by Declaration of Horizontal Property Regime of The Kealia Condominium dated January 15, 1975 (the "Declaration"), recorded in the Bureau of Conveyances of the State of Hawai'i in Liber 10383 at Page 171, the property described in the Declaration was submitted to a Horizontal Property Regime (now a Condominium Property Regime) established by Chapter 514, Hawai'i Revised Statutes (now Chapter 514B, Hawai'i Revised Statutes), as amended; and

WHEREAS, the Declarant also recorded the By-Laws of Association of Apartment Owners of The Kealia Condominium dated January 15, 1975 (the "By-Laws"), recorded in the Bureau of Conveyances of the State of Hawai'i in Liber 10383, Page 190; and

WHEREAS, simultaneously with the recording of the Declaration and By-Laws, Declarant also recorded as Condominium Map No. 396 plans describing the improvements to the project; and

WHEREAS, the Declaration was amended by instrument dated November 17, 1975, recorded in said Bureau in Liber 11067 at Page 584; by instrument dated February 5, 1976, recorded in Liber 11226 at Page 542; by instrument recorded in Liber 13518 at Page 104; by instrument recorded in Liber 14855 at Page 56; by instrument dated January 18, 2005, recorded as Document No. 2005-022418; by instrument dated August 26, 2010, recorded as Document No. 2010-140266; by instrument dated January 27, 2011, recorded as Document No. 2011-032255; and by instrument dated August 21, 2015, recorded as Document No. A-57380690; and

WHEREAS, the Declaration, as amended, provided for the organization and operation of the Association of Apartment Owners of The Kealia Condominium to operate and manage the Project in accordance with the By-Laws; and

WHEREAS, the By-Laws were amended by instrument dated January 23, 1979, recorded in Liber 13518, at Page 104; by instrument dated July 2, 1980, recorded in Liber 14855, at Page 56; and by instrument dated May 18, 2009, recorded as Document No. 2009-082261; and

WHEREAS, pursuant to Section 514B-108 (e), Hawai'i Revised Statutes, owners of at least sixty-seven percent (67%) of the common interest of The Kealia Condominium have given their written consent in favor of amending the By-Laws as outlined below;

NOW THEREFORE, the By-Laws are amended as follows:

AMENDMENT

A new Section 14 shall be added to Article II of the By-Laws of Association of Apartment Owners of The Kealia Condominium ("By-Laws") to read as follows:

SECTION 14. Electronic Meetings and Electronic, Machine, or Mail Voting.

(a) Electronic Meeting. The Board may elect to have Association meetings conducted by any means of communication through which all participants may simultaneously hear each other during the meeting ("Electronic Meeting"). An Apartment Owner participating in an Electronic Meeting is deemed to be present in person at the meeting.

(b) Notice. The Board shall inform the Apartment Owners of its decision to hold an Electronic Meeting in the notice of meeting sent pursuant to Article II, Section 11 above.

(c) Voting. The Board may conduct voting of the Association members by electronic, machine, or mail voting. If the Board conducts voting of the Association members by electronic, machine, or mail voting, the requirements for electronic voting devices in Hawaii Revised Statutes Section 514B-121(b) shall not apply.

(d) Nominations. If the Board decides to conduct the election of directors by electronic, machine, or mail voting, the Board may designate that nominations for the Board of Directors occur by electronic, machine or mail in advance of the Association meeting.

(e) Procedures. The Board of Directors may establish reasonable rules and procedures for conducting electronic meetings, and electronic, machine, or mail voting provided that the rules and procedures are consistent with the Hawaii Condominium Property Act and the Hawaii Nonprofit Corporation Act.

As a part of this Amendment, Article II, Section 1 of the By-Laws is also amended to read as follows:

SECTION 1. Voting. Each Apartment Owner shall be entitled to that fraction of the total vote of all of the Apartment Owners which equals the percentage of the common interest appurtenant to such Apartment as set forth in the Declaration. Votes may be cast in person or by proxy by the respective Apartment Owners or pursuant to Article II, Section 14(c) of these By-Laws. An executor, administrator, guardian or trustee may vote in person or by proxy at any meeting of the Association or pursuant to Article II, Section 14(c) of these By-Laws, the percentage of vote for any Apartment owned or controlled by him in such capacity, provided that he shall first present evidence satisfactory to the Secretary that he owns or controls such Apartment in such capacity. The vote for any Apartment owned of record by two or more persons may be exercised by any one of them present at any meeting or pursuant to Article II, Section 14(c) of these By-Laws, in the absence of protest by the other or others, and in case of protest each Co-Tenant shall be entitled to only a share of such vote in proportion to his share of ownership in such Apartment.

As a part of this Amendment, Article II, Section 7 of the By-Laws is also amended to read as follows:

SECTION 7. Place of Meeting. All meetings of the Association of Apartment Owners shall be held at the address of the condominium project, or elsewhere within the State as determined by the Board of Directors. Electronic Meetings pursuant to Article II, Section 14 of these By-Laws shall be deemed to take place in Hawaii.

As a part of this Amendment, Article II, Section 8 of the By-Laws is also amended to read as follows:

SECTION 8. Annual Meetings. The annual meetings of the Association shall be held at least once each fiscal year as determined by the Owners at any Owners' Meeting or by the Board of Directors if the date for the next Owners' Meeting is not set at any Owners' Meeting, etc. Annual meetings may be held as provided in Article II, Section 14 of these By-Laws.

As a part of this Amendment, Article II, Section 9 of the By-Laws is also amended to read as follows:

SECTION 9. Regular Meetings. In addition to the annual meetings, the Board of Directors by resolution or a majority of all of the Apartment Owners by petition may establish regular meetings at semiannual, quarterannual, or other regular intervals. Regular meetings may be held as provided in Article II, Section 14 of these By-Laws.

As a part of this Amendment, Article II, Section 10 of the By-Laws is also amended to read as follows:

SECTION 10. Special Meeting. Special meetings of the Association may be held at any time upon the call of the President or of any three (3) Directors, or upon the written request of not less than twenty-five percent (25%) of all of the Apartment Owners presented to the Secretary. Special meetings may be held as provided in Article II, Section 14 of these By-Laws.


In all other respects, the By-Laws, as amended, are hereby ratified and confirmed and shall be binding upon and inure to the benefit of the parties to them and their respective successors and permitted assigns. The undersigned officers of the Association of Apartment Owners of The Kealia Condominium hereby certify that the above amendment was made by the written consent of more than sixty-seven percent (67%) of the common interests at The Kealia Condominium.


Each of the undersigned officers of the Association warrants and represents that he or she is legally authorized to sign this Amendment on behalf of the Association. The officers of the Association agree that this Amendment may be executed in counterparts, each of which shall be deemed an original, and those counterparts shall together constitute one and the same instrument, binding all the Parties, notwithstanding that all the Parties are not signatories to the original or the same counterpart.

[The remainder of this page is intentionally left blank – signature page follows.]

8th IN WITNESS WHEREOF, the undersigned have executed this instrument on this
day of February, 2022.

ASSOCIATION OF APARTMENT OWNERS OF
THE KEALIA CONDOMINIUM

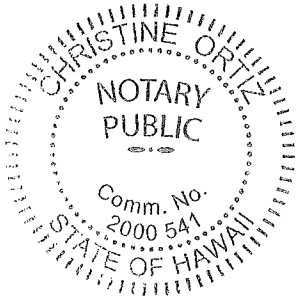
By: 
(Print name: Brian Ashton Smith)
Its: President

By: 
(Print name: Balazs Gyulai)
Its: Treasurer

STATE OF HAWAII)
) ss.
COUNTY OF MAUI)

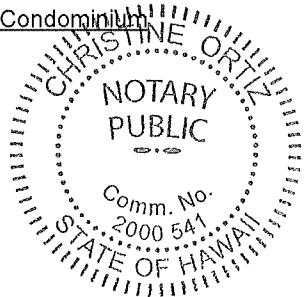
On this 8th day of February, 2022, in the Second Circuit of the State of Hawai'i, before me personally appeared **Brian Ashton Smith**, personally known to me or proven to me on the basis of satisfactory evidence, who being duly sworn or affirmed, did say that such person was the **President** of the Association of Apartment Owners of The Kealia Condominium, a Hawai'i Nonprofit Corporation, that said person executed the foregoing instrument identified or described as "Amendment to the By-Laws of Association of Apartment Owners of The Kealia Condominium," as such person's free act and deed on having been duly authorized to execute such instrument in such capacity.

The foregoing instrument is dated February 8, 2022 and contained 7 pages at the time of this acknowledgment/certification.



Print Name: Christine Ortiz
Notary Public, State of Hawai'i
My Commission Expires: October 22, 2024

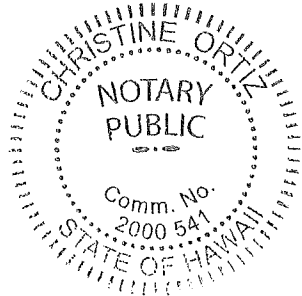
NOTARY CERTIFICATION STATEMENT	
Document Identification or Description: <u>Amendment To The By-Laws Of Association Of Apartment Owners Of The Kealia Condominium</u>	
Document Date: <u>2/8/22</u>	
No. of Pages: <u>7</u>	Jurisdiction: <u>2nd</u> Circuit (in which notarial act is performed)
	<u>2/8/22</u>
Signature of Notary <u>Christine Ortiz</u>	Date of Notarization and Certification Statement (Official Stamp or Seal)
Printed Name of Notary	



STATE OF HAWAI'I)
)
) ss.
COUNTY OF MAUI)

On this 8th day of February, 2022, in the Second Circuit of the State of Hawai'i, before me personally appeared Balazs Gyulai, personally known to me or proven to me on the basis of satisfactory evidence, who being duly sworn or affirmed, did say that such person was the **Treasurer** of the Association of Apartment Owners of The Kealia Condominium, a Hawai'i Nonprofit Corporation, that said person executed the foregoing instrument identified or described as "Amendment to the By-Laws of Association of Apartment Owners of The Kealia Condominium," as such person's free act and deed on having been duly authorized to execute such instrument in such capacity.

The foregoing instrument is dated 2/8/22, 2022 and contained 7 pages at the time of this acknowledgment/certification.



[Signature]

Print Name: Christine Ortiz
Notary Public, State of Hawai'i

My Commission Expires: October 22, 2024

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<u>[Signature]</u> Signature of Notary	<u>2/8/22</u> Date of Notarization and Certification Statement
<u>Christine Ortiz</u> Printed Name of Notary	(Official Stamp or Seal)

