

WHEREAS, Developer desires to make amendments to the Declaration and Condominium Map as set forth and evidenced herein;

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 Declaration and Condominium Map in the following manner:

1. Article I, Section B.23 shall be replaced in its entirety with the following:

"23. **"First Class Standard"** means the highest of the following standards: (a) the standard required to maintain and operate the Project in a condition and at a quality level no less than that which existed at the time that the Project was initially completed (ordinary wear and tear excepted); (b) the standard required under the Resort License Agreement or any franchise, license or management agreement applicable to the Project entered into and between the Front Desk Unit Owner and/or the Association and a third party franchisor or licensor of a resort, hotel, leisure or other hospitality brand; or (c) the standard required to maintain and operate the Project in a condition and at a quality level no less than a "Four Diamond Establishment" pursuant to the *AAA Diamond Rating Process* or other comparable rating system; provided, however, that at any time there is a Resort License Agreement or franchise, license or management agreement applicable to the Project entered into and between the Front Desk Unit Owner and/or the Association and a third party franchisor or licensor of a resort, hotel, leisure or other hospitality brand, "First Class Standard" shall mean the standard required under such agreement."

2. Article I, Section B.27 shall be replaced in its entirety with the following:

"27. **"House Rules"** means the administrative rules and regulations promulgated by the Board that govern the operation and use of the Project, as the same may be amended or supplemented from time to time; provided that the Front Desk Unit Owner shall have the exclusive right to implement rules and regulations for the use of the Resort Amenities."

3. Article II, Section D.1 shall be replaced in its entirety with the following:

"1. **Residential Units.** Each Residential Unit shall have appurtenant thereto, as Limited Common Elements:

a. The lanai area adjacent to such Unit, from the decorated or finished surfaces of all walls, floors and ceilings of said lanais, as depicted on the Condominium Map, the approximate areas of which are identified in Exhibit "B";

b. The outdoor shower, if any, adjacent to such Unit, as depicted on the Condominium Map; and

c. The plunge pool, if any, adjacent to such Unit, as depicted on the Condominium Map. The plunge pool shall be managed and maintained by the Front Desk Unit Owner and the costs and expenses of every description pertaining thereto shall be assessed to the Owner of the Unit to which the plunge pool is appurtenant."

4. The first paragraph of Article VI, Section A.1 shall be replaced in its entirety with the following:

"Use Generally; Restrictions. The Residential Units shall be occupied and used only for the purposes that are consistent with, and appropriate to, a resort destination operating pursuant to the First Class Standard. Accordingly, the Units may be used for long-term residential use, transient lodging for periods of less than thirty (30) days, or other uses permitted by law, this Declaration, the Bylaws and House Rules, that are consistent with a resort destination operating

pursuant to the First Class Standard; provided that, without the prior written consent of the Front Desk Unit Owner: (a) other than as may be provided herein, no commercial business activity, or home occupation involving visitation by members of the public on a regular basis shall be conducted from any Residential Unit; and (b) notwithstanding anything contained herein or in law to the contrary, the Residential Units or any interest therein, shall not be the subject of or sold, transferred, conveyed, leased, occupied, rented or used at any time under a time share plan (as defined in Hawaii Revised Statutes, Chapter 514E, as amended) or similar arrangement or program whether covered by Chapter 514E or not, including, but not limited to, any so-called "fractional ownership," "vacation license," "travel club membership," "club membership," "membership club," "destination club," "time-interval ownership," "interval exchange" (whether the exchange is based on direct exchange or occupancy rights, cash payments, reward programs or other point or accrual systems) or "interval ownership" as offered and established through a third-party vacation membership service provider who is in the business of providing and managing such programs."

5. The first paragraph of Article IX, Section A shall be replaced in its entirety with the following:

"A. **RESORT AMENITIES.** The Front Desk Unit Owner shall at all times keep all improvements of the Resort Amenities (except as provided in this Declaration and as may be permitted by the Act), insured against loss or damage as provided in the Bylaws and in accordance with Section 514B-143 of the Act. The cost of any premium therefor shall be included in the License Fee and thereby shall be assessed to all Unit Owners as a Common Expense. In every case of loss or damage, all insurance proceeds shall be paid to the Front Desk Unit Owner and used as soon as reasonably possible by the Front Desk Unit Owner for rebuilding, repairing or otherwise reinstating the same improvement in a good and substantial manner according to the original plan and elevation thereof or such modified plans conforming to laws and ordinances then in effect, subject to any prior approvals required by the Master Declaration, and subject to the First Class Standard. In any event that such insurance proceeds shall be insufficient, the Front Desk Unit Owner shall assess the Association, which shall make up the deficiency and shall charge the same to all Unit Owners as a Common Expense. In any event that there shall be excess insurance proceeds, the same shall be credited to the License Fee payable by the Association for the next calendar year."

6. Exhibit "B" to the Declaration shall be amended and replaced in its entirety with the revised Exhibit "B" attached hereto and incorporated by reference herein.

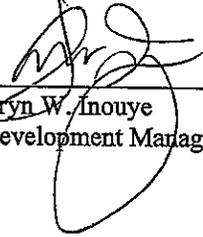
7. The Condominium Map is amended and replaced in its entirety by the amended condominium map dated June 1, 2007 filed herewith and incorporated herein by this reference. The amended condominium map shall be referred to and is, for all purposes, the Condominium Map, as such term is used in the Declaration and other Project Documents.

8. In all other respects, said 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, Developer has executed this amendment to the Declaration on the day and year first above written.

WAILEA HOTEL & BEACH RESORT, L.L.C.,
a Delaware limited liability company

By 
Kathryn W. Inouye
Its Development Manager

“Developer”

STATE OF HAWAII

CITY AND COUNTY OF HONOLULU

SS:

On this 19th day of June, 2007, before me appeared KATHRYN W. INOUE, 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.

L.S.

Evelyn S. Kubota
Name: Evelyn S. Kubota
Notary Public of and for such State
My commission expires: APR 9 2008

EXHIBIT "B"

Unit Numbers, Unit Types, Number of Bedrooms and Bathrooms, Approximate Net Living Area, Approximate Net Lanai Area, Percentage Common Interest

Unit Number	Unit Type	Bedrooms/ Bathrooms	Approximate Net Living Area	Approximate Net Lanai Area	Percentage Common Interest
A200	2B	2/3	2,153	290	0.586664%
A201	2B	2/3	2,153	290	0.586664%
A202	2B	2/3	2,153	290	0.586664%
A203	3B1	3/3.5	2,946	290	0.802747%
A300	2B	2/3	2,153	290	0.586664%
A301	2B	2/3	2,153	290	0.586664%
A302	2B	2/3	2,153	290	0.586664%
A303	3B1	3/3.5	2,946	290	0.802747%
A400	2B	2/3	2,153	290	0.586664%
A401	2B	2/3	2,153	290	0.586664%
A402	2B	2/3	2,153	290	0.586664%
A403	3B1	3/3.5	2,946	290	0.802747%
B100	2C	2/2.5	2,288	289	0.623450%
B103	1E	1/2	1,342	364	0.365678%
B200	3B1	3/3.5	2,946	290	0.802747%
B201	2B	2/3	2,153	290	0.586664%
B202	2B	2/3	2,153	290	0.586664%
B203	2B	2/3	2,153	290	0.586664%
B300	3B1	3/3.5	2,946	290	0.802747%
B301	2B	2/3	2,153	290	0.586664%
B302	2B	2/3	2,153	290	0.586664%
B303	2B	2/3	2,153	290	0.586664%
B400	3B1	3/3.5	2,946	290	0.802747%
B401	2B	2/3	2,153	290	0.586664%
B402	2B	2/3	2,153	290	0.586664%
B403	2B	2/3	2,153	290	0.586664%
C100	1C	1/1	1,070	182	0.291561%
C101	1C	1/1	1,070	182	0.291561%
C102	1C	1/1	1,070	182	0.291561%
C103	1C	1/1	1,070	182	0.291561%
C108	1C	1/1	1,070	182	0.291561%
C109	1C	1/1	1,070	182	0.291561%
C110	1C	1/1	1,070	182	0.291561%
C111	1C	1/1	1,070	182	0.291561%
C112	1C	1/1	1,070	182	0.291561%
C113	1C	1/1	1,070	182	0.291561%
C200	1A	1/1	1,064	182	0.289926%
C201	1A1	1/1	1,056	182	0.287746%
C202	1A	1/1	1,064	182	0.289926%
C203	1A1	1/1	1,056	182	0.287746%
C204	1A	1/1	1,064	182	0.289926%

Unit Number	Unit Type	Bedrooms/ Bathrooms	Approximate Net Living Area	Approximate Net Lanai Area	Percentage Common Interest
C205	1A	1/1	1,064	182	0.289926%
C206	1B	1/2	988	246	0.269217%
C207	1B	1/2	988	163	0.269217%
C208	1A	1/1	1,064	182	0.289926%
C209	1A	1/1	1,064	182	0.289926%
C210	1A1	1/1	1,056	182	0.287746%
C211	1A	1/1	1,064	182	0.289926%
C212	1A1	1/1	1,056	182	0.287746%
C213	1A	1/1	1,064	182	0.289926%
C300	1A1	1/1	1,056	182	0.287746%
C301	1A	1/1	1,064	182	0.289926%
C302	1A1	1/1	1,056	182	0.287746%
C303	1A	1/1	1,064	182	0.289926%
C304	1A	1/1	1,064	182	0.289926%
C305	1A	1/1	1,064	182	0.289926%
C306	1B	1/2	988	246	0.269217%
C307	1B	1/2	988	163	0.269217%
C308	1A	1/1	1,064	182	0.289926%
C309	1A	1/1	1,064	182	0.289926%
C310	1A	1/1	1,064	182	0.289926%
C311	1A1	1/1	1,056	182	0.287746%
C312	1A	1/1	1,064	182	0.289926%
C313	1A1	1/1	1,056	182	0.287746%
C401	3C	3/3	1,996	364	0.543884%
C403	3C	3/3	1,996	364	0.543884%
C404	1A	1/1	1,064	182	0.289926%
C405	1A	1/1	1,064	182	0.289926%
C406	1B	1/2	988	246	0.269217%
C407	1B	1/2	988	163	0.269217%
C408	1A	1/1	1,064	182	0.289926%
C409	1A	1/1	1,064	182	0.289926%
C410	3C	3/3	1,996	364	0.543884%
C412	3C	3/3	1,996	364	0.543884%
C506	1B	1/2	988	246	0.269217%
C507	1B	1/2	988	163	0.269217%
D100	4A	4/4.5	3,336	360	0.909017%
D101	2A	2/3	2,254	420	0.614186%
D200	4A	4/4.5	3,336	440	0.909017%
D201	2A	2/3	2,254	269	0.614186%
E100	2A	2/3	2,254	269	0.614186%
E101	3A	3/3.5	2,714	355	0.739530%
E102	3A	3/3.5	2,714	355	0.739530%
E103	3A	3/3.5	2,714	355	0.739530%
E200	2A	2/3	2,254	269	0.614186%
E201	3A	3/3.5	2,714	373	0.739530%
E202	3A	3/3.5	2,714	373	0.739530%

Unit Number	Unit Type	Bedrooms/ Bathrooms	Approximate Net Living Area	Approximate Net Lanai Area	Percentage Common Interest
E203	3A	3/3.5	2,714	373	0.739530%
F200	1C	1/1	1,070	182	0.291561%
F201	1C	1/1	1,070	182	0.291561%
F202	1A	1/1	1,064	182	0.289926%
F300	1A	1/1	1,064	182	0.289926%
F301	1A	1/1	1,064	182	0.289926%
F302	1A	1/1	1,064	182	0.289926%
F400	1A	1/1	1,064	182	0.289926%
F401	1A	1/1	1,064	182	0.289926%
F402	1A	1/1	1,064	182	0.289926%
G100	3A	3/3.5	2,714	355	0.739530%
G101	3A	3/3.5	2,714	355	0.739530%
G102	3A	3/3.5	2,714	355	0.739530%
G103	2A	2/3	2,254	269	0.614186%
G200	3A	3/3.5	2,714	355	0.739530%
G201	3A	3/3.5	2,714	355	0.739530%
G202	3A	3/3.5	2,714	355	0.739530%
G203	2A	2/3	2,254	269	0.614186%
H100	2A	2/3	2,254	269	0.614186%
H101	4A	4/4.5	3,336	340	0.909017%
H200	2A	2/3	2,254	269	0.614186%
H201	4A	4/4.5	3,336	440	0.909017%
J201	1C	1/1	1,070	182	0.291561%
J202	1C	1/1	1,070	182	0.291561%
J203	1A	1/1	1,064	182	0.289926%
J300	1A	1/1	1,064	182	0.289926%
J301	1A	1/1	1,064	182	0.289926%
J302	1A	1/1	1,064	182	0.289926%
J303	1A	1/1	1,064	182	0.289926%
J400	1A	1/1	1,064	182	0.289926%
J401	1A	1/1	1,064	182	0.289926%
J402	1A	1/1	1,064	182	0.289926%
J403	1A	1/1	1,064	182	0.289926%
K100	1C	1/1	1,070	182	0.291561%
K101	1C	1/1	1,070	182	0.291561%
K102	1C	1/1	1,070	182	0.291561%
K103	1C	1/1	1,070	182	0.291561%
K104	1C	1/1	1,070	182	0.291561%
K105	1C	1/1	1,070	182	0.291561%
K106	1C	1/1	1,070	182	0.291561%
K108	1C	1/1	1,070	182	0.291561%
K109	1C	1/1	1,070	182	0.291561%
K110	1C	1/1	1,070	182	0.291561%
K200*	1A	1/1	1,064	182	0.289926%
K201*	1A	1/1	1,064	182	0.289926%
K202	1A	1/1	1,064	182	0.289926%

Unit Number	Unit Type	Bedrooms/ Bathrooms	Approximate Net Living Area	Approximate Net Lanai Area	Percentage Common- Interest
K203	1A	1/1	1,064	182	0.289926%
K204	1A	1/1	1,064	182	0.289926%
K205	1A	1/1	1,064	182	0.289926%
K206	1A	1/1	1,064	182	0.289926%
K207	1A	1/1	1,064	182	0.289926%
K208	1A	1/1	1,064	182	0.289926%
K209	1A	1/1	1,064	182	0.289926%
K210	1A	1/1	1,064	182	0.289926%
K300	1A	1/1	1,064	182	0.289926%
K301*	1A	1/1	1,064	182	0.289926%
K302	1A	1/1	1,064	182	0.289926%
K303	1A	1/1	1,064	182	0.289926%
K304	1A	1/1	1,064	182	0.289926%
K305	1A	1/1	1,064	182	0.289926%
K306	1A	1/1	1,064	182	0.289926%
K307	1A	1/1	1,064	182	0.289926%
K308	1A	1/1	1,064	182	0.289926%
K309	1A	1/1	1,064	182	0.289926%
K310	1A	1/1	1,064	182	0.289926%
K401	3C	3/3	1,996	364	0.543884%
K403	3C	3/3	1,996	364	0.543884%
K407	1A	1/1	1,064	182	0.289926%
L200	3B1	3/3.5	2,946	290	0.802747%
L201	3B1	3/3.5	2,946	290	0.802747%
L300	3B1	3/3.5	2,946	290	0.802747%
L301	3B1	3/3.5	2,946	290	0.802747%
L400	3B1	3/3.5	2,946	290	0.802747%
L401	3B1	3/3.5	2,946	290	0.802747%
M200	3B1	3/3.5	2,946	290	0.802747%
M201	3B3	3/3.5	2,697	290	0.734897%
M202	3B2	3/3.5	2,735	372	0.745252%
M203	3B1	3/3.5	2,946	290	0.802747%
M300	3B1	3/3.5	2,946	290	0.802747%
M301	3B3	3/3.5	2,697	290	0.734897%
M302	3B2	3/3.5	2,735	372	0.745252%
M303	3B1	3/3.5	2,946	290	0.802747%
M400	3B1	3/3.5	2,946	290	0.802747%
M401	3B3	3/3.5	2,697	290	0.734897%
M402	3B2	3/3.5	2,735	372	0.745252%
M403	3B1	3/3.5	2,946	290	0.802747%
N200	3B1	3/3.5	2,946	290	0.802747%
N201	3B2	3/3.5	2,735	372	0.745252%
N202	3B3	3/3.5	2,697	290	0.734897%
N203*	3B1	3/3.5	2,946	290	0.802747%
N300	3B1	3/3.5	2,946	290	0.802747%
N301	3B2	3/3.5	2,735	372	0.745252%

Unit Number	Unit Type	Bedrooms/ Bathrooms	Approximate Net Living Area	Approximate Net Lanai Area	Percentage Common Interest
N302	3B3	3/3.5	2,697	290	0.734897%
N303	3B1	3/3.5	2,946	290	0.802747%
N400	3B1	3/3.5	2,946	290	0.802747%
N401	3B2	3/3.5	2,735	372	0.745252%
N402	3B3	3/3.5	2,697	290	0.734897%
N403	3B1	3/3.5	2,946	290	0.802747%
Q100*	1D	1/1	1,140	137	0.310635%
Q101*	2D	2/2.5	2,100	208	0.572223%
Q200	3B1	3/3.5	2,946	290	0.802747%
Q201	3B1	3/3.5	2,946	290	0.802747%
Q300	3B1	3/3.5	2,946	290	0.802747%
Q301	3B1	3/3.5	2,946	290	0.802747%
Q400	3B1	3/3.5	2,946	290	0.802747%
Q401	3B1	3/3.5	2,946	290	0.802747%
CU1			2,392		0.651796%
CU2			3,100		0.844710%
CU3			7,960		2.168996%
CU4			2,790		0.760239%
CU5			3,424		0.932995%
Total			366,990	47,469	100.00%

* These Units are fully accessible under the Americans with Disabilities Act, 42 U.S.C. §§ 12181 *et seq.*

1. **Location of Units**

a. **Residential Units.** One hundred ninety-three (193) Residential Units located within the Project and located in four (4) two-story buildings, two (2) three to four-story buildings and seven (7) four-story buildings. There are twelve (12) Residential Units located in Building A, fourteen (14) Residential Units located in Building B, fifty (50) Residential Units located in Building C, four (4) Residential Units located in Building D, eight (8) Residential Units located in Building E, nine (9) Residential Units located in Building F, eight (8) Residential Units located in Building G, four (4) Residential Units located in Building H, eleven (11) Residential Units located in Building J, thirty-five (35) Residential Units located in Building K, six (6) Residential Units located in Building L, twelve (12) Residential Units located in Building M, twelve (12) Residential Units located in Building N and eight (8) Residential Units located in Building Q.

b. **Commercial Units.** Five (5) Commercial Units located within the Project and identified on the Condominium Map as: "Commercial Unit 1" or "CU-1" or the "Front Desk Unit", located on level 3 of Building A.2 and depicted on the Condominium Map; "Commercial Unit 2" or "CU-2" or the "Lobby Bar", located on level 3 of Building A.2 and depicted on the Condominium Map; "Commercial Unit 3" or "CU-3" or the "Spa", located on level 3 of Building A.2 and depicted on the Condominium Map; "Commercial Unit 4" or "CU-4" or the "Specialty Restaurant", located on level 2 of Building A.2 and depicted on the Condominium Map; and "Commercial Unit 5" or "CU-5" or the "Pool Restaurant", on level 1 of Building F and depicted on the Condominium Map.

2. **Layout of Residential Units.** All Residential Units are single story units with an approximate net living area and approximate net lanai area as set forth in the Condominium Map. The Residential Units shall include the following:

- a. Unit Type "1A". All type "1A" units include one (1) bedroom, one (1) bathroom, a living room, a kitchen, a foyer and a laundry room, all as depicted on the Condominium Map. Units C204, C205 and K207 shall include a plunge pool. Units C204, C208, C209, F202, F300, F301, J300, J301, J302, J303, K200, K202, K204, K205, K208, K209, K210 and K307 shall include an outdoor shower.
- b. Unit Type "1A1". All type "1A1" units include one (1) bedroom, one (1) bathroom, a living room, a kitchen, a foyer and a laundry room, all as depicted on the Condominium Map.
- c. Unit Type "1B". All type "1B" units include one (1) bedroom, two (2) bathrooms, a living room, a kitchen, a foyer and a storage room, all as depicted on the Condominium Map. Units C206 and C207 shall include a plunge pool. Units C206, C306, C406 and C506 shall include an extended lanai.
- d. Unit Type "1C". All type "1C" units include one (1) bedroom, one (1) bathroom, a living room, a kitchen, a foyer and a laundry room, all as depicted on the Condominium Map. Except Units F200 and F201, which shall not include plunge pool, the remaining type "1C" units shall include a plunge pool.
- e. Unit Type "1D". Unit type "1D" includes one (1) bedroom, one (1) bathroom, a living room, a kitchen, a foyer and a laundry room, all as depicted on the Condominium Map.
- f. Unit Type "1E". Unit type "1E" includes one (1) bedroom, two (2) bathrooms, a living room, a kitchen, a foyer and a laundry room, all as depicted on the Condominium Map.
- g. Unit Type "2A". All type "2A" units include two (2) bedrooms, three (3) bathrooms, a living room, a kitchen, a foyer, an entertainment room and a laundry room, all as depicted on the Condominium Map. Units D101, E100, G103 and H100 include a plunge pool. Unit D101 includes an extended lanai.
- h. Unit Type "2B". All type "2B" units include two (2) bedrooms, three (3) bathrooms, a living room, a kitchen, a foyer and an entertainment room, all as depicted on the Condominium Map.
- i. Unit Type "2C". Unit type "2C" includes two (2) bedrooms, two and one-half (2.5) bathrooms, a living room, a kitchen, a foyer, a den and a laundry room, all as depicted on the Condominium Map.
- j. Unit Type "2D". Unit type "2D" includes two (2) bedrooms, two and one-half (2.5) bathrooms, a living room, a kitchen, a foyer, a study and a laundry room, all as depicted on the Condominium Map.
- k. Unit Type "3A". All type "3A" units include three (3) bedrooms, three and one-half (3.5) bathrooms, a living room, a kitchen and an entertainment room, all as depicted on the Condominium Map. Units E101, E102, E103, G100, G101 and G102 include a plunge pool.
- l. Unit Type "3B1". All type "3B1" units include three (3) bedrooms, three and one-half (3.5) bathrooms, a living room, a kitchen, an entertainment room, a laundry room and an office, all as depicted on the Condominium Map.
- m. Unit Type "3B2". All type "3B2" units include three (3) bedrooms, three and one-half (3.5) bathrooms, a living room, a kitchen, an entertainment room, a laundry room and an office, all as depicted on the Condominium Map.
- n. Unit Type "3B3". All type "3B3" units include three (3) bedrooms, three and one-half (3.5) bathrooms, a living room, a kitchen, an entertainment room, a laundry room and an office, all as depicted on the Condominium Map.

o. Unit Type "3C". All type "3C" units include three (3) bedrooms, three (3) bathrooms, a living room, a kitchen, a foyer and a laundry room, all as depicted on the Condominium Map.

p. Unit Type "4A". All type "4A" units include four (4) bedrooms, four and one-half (4.5) bathrooms, a living room, a dining room, a kitchen, a foyer, an entertainment room and a laundry room, all as depicted on the Condominium Map. Units D100 and H101 shall include a plunge pool and an outdoor shower.

3. **Layout of Commercial Units.**

a. Commercial Unit 1/CU1 (Front Desk). Commercial Unit 1 includes the arrival lobby, hotel services area, concierge services area, condominium services area and retail area, as depicted on the Condominium Map.

b. Commercial Unit 2/CU2 (Lobby Bar). Commercial Unit 2 includes the lobby bar, as depicted on the Condominium Map.

c. Commercial Unit 3/CU3 (Spa). Commercial Unit 3 includes the reception and retail area, men's and women's locker rooms, showers and lounge areas, as depicted on the Condominium Map.

d. Commercial Unit 4/CU4 (Specialty Restaurant). Commercial Unit 4 includes the covered dining area and bar, as depicted on the Condominium Map.

e. Commercial Unit 5/CU5 (Pool Restaurant). Commercial Unit 5 includes the covered dining area, bar and private dining area as depicted on the Condominium Map.

4. **Determination of Approximate Net Living Area.**

The approximate net living area of each Residential Unit in the Project was determined by measuring the area between the perimeter and party walls of each Residential Unit, and includes the area occupied by the non-load bearing and load-bearing walls located between said perimeter and party walls. The approximate net living area of each Commercial Unit was determined by measuring the area between the perimeter and party walls (if any) and/or the imaginary vertical planes (where there is no perimeter wall) of the respective Commercial Unit as depicted on the Condominium Map, and includes the area occupied by the non-load bearing and load-bearing walls located between said perimeter or party walls (if any) and/or the imaginary vertical plans (where there is no perimeter wall), as shown on the Condominium Map.

5. **Common Interest**

The common interest attributable to each unit was calculated by dividing the approximate net living area of each individual unit by the total net living area of all units within the Project. In order to permit the common interest for all units to equal exactly one hundred percent (100%), the common interest attributable to CUI was increased by .000007%.