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ISLAND COLONY PARTNERS and
AMERICAN PACIFIC HOTELS LLC

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

ASSOCIATION OF APARTMENT
OWNERS OF ISLAND COLONY, by and
through its Board of Directors,

Plaintiff,

vs.

ISLAND COLONY PARTNERS;
AMERICAN PACIFIC HOTELS, LLC;
JOHN DOES 1-10; JANE DOES 1-10;
DOE CORPORATIONS 1-10; DOE
PARTNERSHIPS 1-10; DOE ENTITIES
1-10; AND DOE GOVERNMENTAL
UNITS 1-10,

Defendants.

CIVIL NO. 13-1-1847-07 ECN
(Declaratory Judgment)

(Consolidated)

ORDER GRANTING IN PART AND
DENYING IN PART

(1) DEFENDANTS ISLAND COLONY
PARTNERS AND AMERICAN
PACIFIC HOTELS LLC'S MOTION
FOR SUMMARY JUDGMENT (FILED
JULY 20, 2015); AND

(2) COUNTERCLAIM PLAINTIFFS
ISLAND COLONY PARTNERS AND
AMERICAN PACIFIC HOTELS
LLC'S SUBSTANTIVE JOINDER IN
DEFENDANTS ISLAND COLONY
PARTNERS AND AMERICAN
PACIFIC HOTELS LLC'S MOTION
FOR SUMMARY JUDGMENT, FILED
JULY 20, 2015 (FILED AUGUST 4,
2015)

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

2016 OCT -7 AM 11:36

P. NAKAMOTO
CLERK

ISLAND COLONY PARTNERS,

Plaintiff,

vs.

SHUTO SALES & MGMT., LLC;
HAWAIIAN PARADISE RETREATS
LLC; AND SUZANNE SHUTO,

Defendants.

DATE: August 17, 2015
TIME: 9:00 a.m.
JUDGE: Honorable Edwin C. Nacino

JUDGE: Edwin C. Nacino
TRIAL: January 19, 2016

CIVIL NO. 13-1-1961-07 ECN
(Other Civil Action)

ORDER GRANTING IN PART AND DENYING IN PART
(1) DEFENDANTS ISLAND COLONY PARTNERS AND
AMERICAN PACIFIC HOTELS LLC'S MOTION FOR SUMMARY
JUDGMENT (FILED JULY 20, 2015); AND
(2) COUNTERCLAIM PLAINTIFFS ISLAND COLONY PARTNERS
AND AMERICAN PACIFIC HOTELS LLC'S SUBSTANTIVE
JOINDER IN DEFENDANTS ISLAND COLONY PARTNERS AND
AMERICAN PACIFIC HOTELS LLC'S MOTION FOR SUMMARY
JUDGMENT, FILED JULY 20, 2015 (FILED AUGUST 4, 2015)

Defendants Island Colony Partners and American Pacific Hotels LLC's
Motion for Summary Judgment (filed July 20, 2015), and Counterclaim Plaintiffs Island
Colony Partners and American Pacific Hotels LLC's Substantive Joinder in Defendants
Island Colony Partners and American Pacific Hotels LLC's Motion for Summary
Judgment, Filed July 20, 2015 (filed August 4, 2015), came on for hearing on August 17,
2015 before the Honorable Edwin C. Nacino. Linda E. Ichiyama and Bryson R. Chow

appeared on behalf of Plaintiff Association of Apartment Owners of Island Colony (“AOAO”). Lennes N. Omuro appeared on behalf of Defendants Island Colony Partners and American Pacific Hotels LLC. A. Bernard Bays and Matthew C. Shannon appeared on behalf of Counterclaim Plaintiffs Island Colony Partners and American Pacific Hotels LLC and also Plaintiff Island Colony Partners in Civil No. 13-1-1961-07 ECN. Matt A. Tsukazaki appeared on behalf of Shuto Sales & Mgmt., LLC, Hawaiian Paradise Retreats LLC, and Suzanne A. Shuto (collectively the “Shuto Parties”), Defendants in Civil No. 13-1-1961-07 ECN.

The Court having heard the argument of counsel, having reviewed and considered the motion, the memoranda in support of the motion, the memoranda in opposition to the motion, the reply memoranda in support of the motion, all declarations and exhibits thereto, and the record and file of the case,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

Defendants Island Colony Partners and American Pacific Hotels LLC’s Motion for Summary Judgment (filed July 20, 2015) and Counterclaim Plaintiffs Island Colony Partners and American Pacific Hotels LLC’s Substantive Joinder in Defendants Island Colony Partners and American Pacific Hotels LLC’s Motion for Summary Judgment, filed July 20, 2015 (filed August 4, 2015) (collectively “Defendants’ Motion for Summary Judgment”) are granted in part and denied in part as follows:

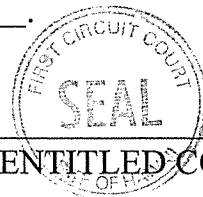
a. Defendants’ Motion for Summary Judgment is granted in part as to Counts I and II of Plaintiff Association of Apartment Owners of Island Colony’s (“AOAO”) Complaint filed July 1, 2013 as it pertains to the restriction against rentals for

a period of 30 days or less pursuant to paragraph 11.a of the Island Colony Restated Declaration of Condominium Property Regime (the “30 Day Rule”).

b. Defendants’ Motion for Summary Judgment is denied in part as to Counts I and II of Plaintiff AOA’s Complaint as it pertains to the requirement to provide copies of written leases pursuant to paragraph 11.a of the Restated Declaration (the “Lease Rule”).

DATED: Honolulu, Hawaii, OCT 07 2016

EDWIN C. NACINO

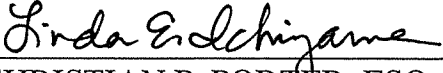


JUDGE OF THE ABOVE-ENTITLED COURT

Association of Apartment Owners of Island Colony v. Island Colony Partners, et al., Civil No. 13-1-1847-07 ECN; *Island Colony Partners v. Shuto Sales & Mgmt., LLC, et al.*, Civil No. 13-1-1961-07 ECN, (Consolidated) Circuit Court of the First Circuit, State of Hawaii

ORDER GRANTING IN PART AND DENYING IN PART (1) DEFENDANTS ISLAND COLONY PARTNERS AND AMERICAN PACIFIC HOTELS LLC’S MOTION FOR SUMMARY JUDGMENT (FILED JULY 20, 2015); AND (2) COUNTERCLAIM PLAINTIFFS ISLAND COLONY PARTNERS AND AMERICAN PACIFIC HOTELS LLC’S SUBSTANTIVE JOINDER IN DEFENDANTS ISLAND COLONY PARTNERS AND AMERICAN PACIFIC HOTELS LLC’S MOTION FOR SUMMARY JUDGMENT, FILED JULY 20, 2015 (FILED AUGUST 4, 2015)

APPROVED AS TO FORM:



CHRISTIAN P. PORTER, ESQ.
BRYSON R. CHOW, ESQ.
LINDA E. ICHIYAMA, ESQ.
KAINUI M. SMITH, ESQ.
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ASSOCIATION OF APARTMENT
OWNERS OF ISLAND COLONY



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in Civil No. 13-1-1847-07 ECN
ISLAND COLONY PARTNERS and
AMERICAN PACIFIC HOTELS, LLC
and Plaintiff in Civil No. 13-1-1961-07
ISLAND COLONY PARTNERS



MATT A. TSUKAZAKI
Attorney for Defendants
in Civil No. 13-1-1961-07
SHUTO SALES & MGMT., LLC,
HAWAIIAN PARADISE RETREATS
LLC and SUZANNE SHUTO

Association of Apartment Owners of Island Colony v. Island Colony Partners, et al.,
Civil No. 13-1-1847-07 ECN; *Island Colony Partners v. Shuto Sales & Mgmt., LLC,*
et al., Civil No. 13-1-1961-07 ECN, (Consolidated) Circuit Court of the First Circuit,
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ORDER GRANTING IN PART AND DENYING IN PART (1) DEFENDANTS
ISLAND COLONY PARTNERS AND AMERICAN PACIFIC HOTELS LLC'S
MOTION FOR SUMMARY JUDGMENT (FILED JULY 20, 2015); AND
(2) COUNTERCLAIM PLAINTIFFS ISLAND COLONY PARTNERS AND
AMERICAN PACIFIC HOTELS LLC'S SUBSTANTIVE JOINDER IN
DEFENDANTS ISLAND COLONY PARTNERS AND AMERICAN PACIFIC
HOTELS LLC'S MOTION FOR SUMMARY JUDGMENT, FILED JULY 20, 2015
(FILED AUGUST 4, 2015)