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Contra
Costa
County



Elizabeth Gutierrez
Assistant County Clerk-Recorder

NOTICE

If this document contains any restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code by submitting a "Restrictive Covenant Modification" form, together with a copy of the attached document with the unlawful provision redacted to the county recorder's office. The "Restrictive Covenant Modification" form can be obtained from the county recorder's office and may be available on its internet website. The form may also be available from the party that provided you with this document. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

**RECORDED AT THE REQUEST OF AND
WHEN RECORDED RETURN TO:**

THIRD WALNUT CREEK MUTUAL
Mutuals' Board Office
Attn: Lucy Limon
1001 Golden Rain Road
Walnut Creek, CA 94595-0987



CONTRA COSTA Co Recorder Office
KRISTIN B. CONNELLY, Clerk-Recorder

DOC - 2023-0090603

Tuesday, Sep 19, 2023 12:26:04

SB2 Fee: \$75.00



Total Paid: \$104.00

Receipt#: 202300081665

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225 / SQPC / 115

**FIRST AMENDMENT TO MASTER DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
THIRD WALNUT CREEK MUTUAL**

This First Amendment to the Master Declaration of Covenants, Conditions and Restrictions of Third Walnut Creek Mutual (the "First Amendment") is made on the date hereinafter set forth by THIRD WALNUT CREEK MUTUAL, a California nonprofit mutual benefit corporation (the "Mutual").

RECITALS

A. WHEREAS, an instrument entitled "Master Declaration of Covenants, Conditions and Restrictions of Third Walnut Creek Mutual" was recorded on October 14, 2020 as Document No. 2020-0237602 in the Official Records of Contra Costa County, California (the "Declaration").

B. WHEREAS, the Declaration establishes certain limitations, easements, covenants, conditions, restrictions, liens and charges which run with and are binding upon all parties having or acquiring any right, title or interest in those certain parcels of real property located in the City of Walnut Creek, Contra Costa County, State of California, and as described in the Declaration.

C. WHEREAS, all of the real property described in the Declaration, including all improvements thereon, constitute a "condominium project" within the meaning of California Civil Code section 1351(f).

D. WHEREAS, the Mutual desires to amend the Declaration as set forth below.

E. WHEREAS, pursuant to Article 12 of the Declaration, the Declaration may be amended by the affirmative vote of Members representing at least a majority of the Total Voting Power of the Mutual.

F. WHEREAS, all approvals required to amend the Declaration have been obtained.

NOW, THEREFORE, the Mutual amends the Declaration as set forth in this First Amendment.

1. **Article 1.21 (“District”) of the Declaration shall be deleted in its entirety, and shall be replaced with the following:**

1.21 District. “District” shall mean an administrative division of the Development consisting of one or more Projects as set forth in Bylaw 6.2. Each District shall elect its own representative Director as set forth in the Bylaws.

2. **Article 1.37 (“Member in Good Standing”) of the Declaration shall be deleted in its entirety, and shall be replaced with the following:**

1.37 Member in Good Standing. “Member in Good Standing” shall mean a Member of the Mutual who satisfies the criteria outlined in Bylaw 3.18.

3. **Article 2.3 (“Voting”) of the Declaration shall be deleted in its entirety, and shall be replaced with the following:**

2.3 Voting. Every Member shall be entitled to vote, and only one vote shall be cast for each Condominium, as more particularly set forth in the Bylaws.

IN WITNESS WHEREOF, the undersigned duly authorized officer, on behalf of the Declarant THIRD WALNUT CREEK MUTUAL, has executed this Amendment on this 8th day of September, 2023.

THIRD WALNUT CREEK MUTUAL

By: Thomas Lauck
Thomas Lauck, President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of ~~California~~ California
County of Contra Costa

On 9-8-23 before me, Karen Krath, Notary Public
(insert name and title of the officer)

personally appeared Thomas Cauck
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Karen Krath (Seal)



**CERTIFICATION OF THE FIRST AMENDMENT TO THE
MASTER DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR THE THIRD WALNUT CREEK MUTUAL**

WHEREAS, an instrument entitled "Master Declaration of Covenants, Conditions and Restrictions of Third Walnut Creek Mutual" was recorded on October 14, 2020 as Document No. 2020-0237602 in the Official Records of Contra Costa County, California (the "Declaration").

WHEREAS, the original Declaration allowed for the amendment of the Master Declaration of Covenants, Conditions and Restrictions upon a vote in favor of amendment by the requisite percentage of the Members entitled to vote.

NOW THEREFORE, I declare that a vote was taken of all Members entitled to vote and that in excess of the requisite percentage of the Members voted in favor of adopting the First Amendment of the Master Declaration of Covenants, Conditions and Restrictions for the Third Walnut Creek Mutual.

The First Amendment of the Master Declaration of Covenants, Conditions and Restrictions for the Third Walnut Creek Mutual shall replace the articles noted in the Amendment and be in full force and effect from the date of this Certification.

Dated this 8th day of September, 2023.



Thomas Lauck, President
Third Walnut Creek Mutual

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On 9-8-23 before me, Karen Kruth, Notary Public
(insert name and title of the officer)

personally appeared Thomas Lauck
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Karen Kruth (Seal)

