

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.



CONTRA COSTA Co Recorder Office
DEBORAH COOPER, Clerk-Recorder

DOC - 2022-0008712

Thursday, Jan 13, 2022 14:36

SB2 Fee: \$75.00



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

WALNUT CREEK MUTUAL NO. THIRTY
c/o Hughes Gill Cochrane Tinetti, P.C.
Attn: Melissa Bauman Ward, Esq.
2820 Shadelands Drive, Suite 160
Walnut Creek, CA 94598

Total Paid: \$104.00

Receipt#: 20220006717

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**SECOND AMENDMENT TO AMENDED DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
WALNUT CREEK MUTUAL NO. THIRTY**

This Second Amendment to Amended Declaration of Covenants, Conditions and Restrictions of Walnut Creek Mutual No. Thirty (the "Second Amendment") is made on the date hereinafter set forth by WALNUT CREEK MUTUAL NO. THIRTY, a California nonprofit mutual benefit corporation (the "Mutual").

RECITALS

A. WHEREAS, an instrument entitled "Amended Declaration of Covenants, Conditions and Restrictions of Walnut Creek Mutual No. Thirty" was recorded on May 23, 2003 as Document No. 2003-0243523, in the Official Records of Contra Costa County, California (the "Declaration"). Unless otherwise expressly provided herein to the contrary, capitalized terms not defined in this Second Amendment shall have the meanings ascribed to them in the Declaration, unless the context clearly requires otherwise.

B. WHEREAS, an instrument entitled "First Amendment to the Amended Declaration of Covenants, Conditions and Restrictions of Walnut Creek Mutual No. Thirty" was recorded on June 18, 2012, as Document No. 2012-0143882, in the Official Records of Contra Costa County, California (the "First Amendment").

C. WHEREAS, the Declaration, as amended, establishes certain limitations, easements, covenants, restrictions, conditions, 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 described as follows:

Lot 1, as shown upon the "Map of Subdivision 4297, City of Walnut Creek, Contra Costa County, California," filed July 6, 1972, in Book of Maps, Pages 7, 8 and 9, Contra Costa County Records.

D. WHEREAS, all of the real property described herein, including all improvements thereon, constitute a "condominium project" within the meaning of California Civil Code section 4125.

E. WHEREAS, new Civil Code section 4741, effective January 1, 2021, among other things prohibits the Mutual from enforcing a rental restriction limiting rentals to less than 25 percent of the separate interests. Civil Code section 4741(f) requires the Mutual to amend its governing documents to conform to the requirements of Section 4741 no later than December 31, 2021. The Mutual desires to amend the Declaration as set forth below in order to comply with the mandates of Civil Code section 4741.

F. WHEREAS, pursuant to Section 11.1 of the Declaration, the Declaration may be amended with the approval of a majority of the total voting power.

G. WHEREAS, all prerequisites necessary to allow amendment of the Declaration pursuant to Section 11.1 have been met.

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

1. Section 4.3.2 (entitled "Restriction on Number of Units Leased") of the Declaration shall be deleted in its entirety and the following inserted in its place:

4.3.2 Restriction on Number of Units Leased. Not more than nineteen (19) of the Units shall, at any particular time, be leased or rented or occupied by anyone other than an Owner, members of his or her household, or temporary guests, except as provided in this Section 4.3. The restriction on the number of Units that may be leased or rented as set forth in this Section 4.3.2 shall not apply to any Member who is an Owner of a Unit on May 23, 2003, and who can continue to rent until there is a transfer of title to such Unit.

2. Section 4.3.11 (entitled "No Continuous Rental") of the Declaration shall be deleted in its entirety.

3. New Section 11.4 (entitled "Amendment by the Board of Directors") shall be added to the Declaration as follows:


11.4 Amendment by the Board of Directors. The Board of Directors may, by a majority vote of all Directors then in office, adopt amendments to this Declaration, when an amendment is needed to conform a particular provision or provisions of this Declaration to changes in applicable California statutory law that are nondiscretionary in nature. Before entertaining a motion to approve any such amendment(s), the Board shall receive a written opinion from an attorney licensed to practice law in the State of California confirming that a change or changes in California statutory law necessitates a corresponding amendment to this Declaration to conform to the statutory requirements, which the Mutual is bound by law to follow.

4. In all other respects the provisions of the Declaration are deemed to remain in full force and effect except as herein modified.

IN WITNESS WHEREOF, the undersigned duly authorized officers of WALNUT CREEK MUTUAL NO. THIRTY hereby certify that this Second Amendment has been approved, in accordance with Article of the Declaration, by a majority of the total voting power of the Mutual.

WALNUT CREEK MUTUAL
NO. THIRTY

Dated: November 5, 2021

By: 
Evan Marc Spinrod, President

Dated: November 5, 2021

By: 
Cheryl Lee Hines, Secretary

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 11/5/21, before me, Karen Kruth,
Notary Public, personally appeared, Evan Marc Spinrod,
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  (Seal)



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 11/5/21, before me, Karen Kruth,
Notary Public, personally appeared, Cheryl Lee Hines,
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  (Seal)

