



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

WALNUT CREEK MUTUAL NO. FORTY
% Adams Stirling PLC
Attn: Melissa Bauman Ward, Esq.
One Sansome Street, Suite 3500
San Francisco, California 94104

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**FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
WALNUT CREEK MUTUAL NO. FORTY**

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.

**FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
WALNUT CREEK MUTUAL NO. FORTY**

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

RECITALS

A. WHEREAS, an instrument entitled "Declaration of Covenants, Conditions and Restrictions of Walnut Creek Mutual No. Forty was recorded on March 10, 2021, as Document No. 2021-0073092 in the Official Records of Contra Costa County, California (the "Declaration"). Capitalized terms not otherwise defined in this First Amendment shall have the meanings set forth in the Declaration, unless the context clearly requires otherwise.

B. WHEREAS, the Declaration 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 on the Map of "Subdivision 4639, (Mutual 40), City of Walnut Creek, Contra Costa County, California," filed August 26, 1974, in Book 172 of Maps, Pages 43, 44, 45, and 46, in the Office of the County Recorder of Contra Costa County.

Excepting therefrom: All those areas designated as Rossmoor Parkway, Terra California Drive, and Commonwealth Drive, as shown on said Map of Subdivision 4639.

All of Subdivision 4706, as shown on the Map of "Subdivision 4706, (Mutual 41), City of Walnut Creek, Contra Costa County, California," filed June 25, 1974, in Book 179 of Maps, Pages 6, 7, and 8, in the Office of the County Recorder of Contra Costa County.

C. 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.

D. WHEREAS, pursuant to Section 12.1 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.

E. WHEREAS, this First Amendment has been approved by the requisite vote of Members pursuant to Section 12.1 of the Declaration.

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

1. The last paragraph of the property description set forth in Recital Paragraph B is corrected as follows:

[Former Project/Mutual 41]

All of Subdivision 4706, as shown on the Map of "Subdivision 4706, (Mutual 41), City of Walnut Creek, Contra Costa County, California," filed June 25, 1975, in Book 179 of Maps, Pages 6, 7, and 8, in the Office of the County Recorder of Contra Costa County.

2. Section 8.5 of the Declaration is hereby deleted in its entirety.

3. Section 8.7.2 of the Declaration is hereby amended to read in its entirety to read as follows:

"8.7.2 Allocation of Annual Assessment. The Annual Assessment shall be allocated, assessed, and charged equally to and among all Condominiums located in the Development. Unless the Board shall designate otherwise, the Annual Assessment shall be levied on an annual basis and shall be paid in twelve (12) equal monthly installments during the fiscal year, and each installment shall be due and payable on the first day of each month."

4. The amendments to the Declaration made by this First Amendment shall all take effect on January 1, 2024.

5. Except as expressly modified in this First Amendment, all other provisions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned duly authorized officers of WALNUT CREEK MUTUAL NO. FORTY hereby certify that this First Amendment has been approved by the requisite vote of the Members of the Mutual in accordance with the Declaration.


WALNUT CREEK MUTUAL NO. FORTY

Dated: September 20, 2023



Susan McGregor White, President

Dated: September 20, 2023



Nancy Marie Herney, 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 9-20-23 before me, Karen Kruth, Notary Public
(insert name and title of the officer)

personally appeared Susan McGregor White,
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)



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 9-20-23 before me, Karen Kruth, Notary Public
(insert name and title of the officer)

personally appeared Nancy Marie Herney
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)

