

**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

Space above this line for recorder's use

**RE-RECORDED
SECOND 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.

**THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE
REFERENCE TO THE CURRENT CC&RS IN THE DOCUMENT RECORDED
ON APRIL 24, 2024 AS DOCUMENT NUMBER 2024-0038443 IN THE
OFFICIAL RECORDS OF CONTRA COSTA COUNTY.**



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

DOC - 2024-0038443

Wednesday, Apr 24, 2024 15:41:00

SB2 Fee: \$75.00



Total Paid: \$101.00

Receipt #: 202400036912

9 - Ingeo

210 / CPPC / 1-4

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RE-RECORDED
SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
WALNUT CREEK MUTUAL NO. FORTY

This Second Amendment to Declaration of Covenants, Conditions and Restrictions of Walnut Creek Mutual No. Forty (this "Second 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 and amended by the First Amendment recorded October 19, 2023 as Document No. 2023-0102823, all in the Official Records of Contra Costa County, California. The "Declaration of Covenants, Conditions and Restrictions of Walnut Creek Mutual No. Forty" was re-recorded on January 24, 2025 as Document No. 2025-0007075 and the First Amendment thereto is being re-recorded concurrently herewith (collectively the "Declaration"). Capitalized terms not otherwise defined in this Second 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, 1975, 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 Second 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 Second Amendment.

1. **Section 10.2.3 is amended in its entirety to read as follows:**

10.2.3 Coverage Levels. The amount of insurance coverage shall be the best and highest amount that is both reasonably available and reasonably affordable as determined by the Board in its sole discretion, which may be less than the full insurable replacement value of the property described in Section 10.2.1. There may also be lower dollar limits for specified items as is customarily provided in property insurance policies.

2. **Section 10.3 of the Declaration ("FNMA, FHLMC and FHA Requirements") is hereby deleted in its entirety.**

3. **Section 10.5 of the Declaration is hereby amended by deleting the phrase "and as required in Section 10.3" from the second sentence of Section 10.5.**


4. Except as expressly modified in this Second Amendment, all other provisions of the Declaration, as previously amended, shall remain in full force and effect.

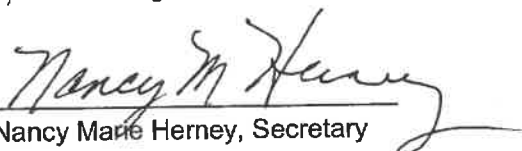
IN WITNESS WHEREOF, the undersigned duly authorized officers of WALNUT CREEK MUTUAL NO. FORTY hereby certify that this Second Amendment has been approved by the requisite vote of the Members of the Mutual in accordance with the Declaration.

Dated: 4/17/24, 2024

Dated: 4/17/24, 2024

WALNUT CREEK MUTUAL NO. FORTY

By: 
Susan McGregor White, President

By: 
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 4-17-2024 before me, Karen Kruth, Notary Public
(insert name and title of the officer)

personally appeared Susan McGregor White & Nancy Marie Hernandez
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)



CERTIFICATION FOR RE-RECORDING

WE CERTIFY this 9 day of December, 2025 that this Second Amendment to the Declaration of Covenants, Conditions and Restrictions of Walnut Creek Mutual No. Forty is being re-recorded to correct the reference to the current CC&Rs in the Second Amendment recorded on April 24, 2024 as Document Number 2024-0038443 in the Official Records of Contra Costa County.

WALNUT CREEK MUTUAL NO. FORTY



Gregory Jay Gould, President



Nancy Marie Herney, Secretary

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

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 12/9/25

Date

before me, Claudia Marlatta, Notary

Here Insert Name and Title of the Officer

personally appeared Nancy Marie Herney

Name(s) of Signer(s)

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.



Place Notary Seal and/or Stamp Above

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

Claudia Marlatta

Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

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State of California

County of Contra Costa }On 12/9/25

Date

before me, Claudia Marlatti, Notary Public

Here Insert Name and Title of the Officer

personally appeared Gregory Jay Gould

Name(s) of Signer(s)

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.



Place Notary Seal and/or Stamp Above

Signature

Claudia Marlatti

Signature of Notary Public

OPTIONAL

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Document Date: _____ Number of Pages: _____

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Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____☐ Partner – ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer is Representing: _____