

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

**WALNUT CREEK MUTUAL NO. FORTY-EIGHT**  
c/o Mutual Board Office  
Golden Rain Foundation of Walnut Creek  
1001 Golden Rain Road.  
Walnut Creek, CA 94595

04/08/2016, 20160064087

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

This Second Amendment to the Amended Declaration of Covenants, Conditions and Restrictions of Walnut Creek Mutual No. Forty-Eight (the "Second Amendment") is made on the date hereinafter set forth by WALNUT CREEK MUTUAL NO. FORTY-EIGHT, 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. Forty-Eight" was recorded on July 17, 2003 as Document No. 2003-0343269-00 in the Official Records of Contra Costa County, California (as amended by the First Amendment described in Recital B below, the "Declaration").

B. WHEREAS, an instrument entitled "First Amendment to the Amended Declaration of Covenants, Conditions and Restrictions of Walnut Creek Mutual No. Forty-Eight" was recorded on December 9, 2011 as Document No. 2011-0268855-00 in the Official Records of Contra Costa County, California.

C. 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 upon the map entitled within "Subdivision 5218 (Mutual No. 48)", filed December 26, 1978, in Book 220 of Maps, Pages 9, 10, 11 and 12, 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, the Mutual desires to further amend the Declaration as set forth in this Second Amendment.

F. WHEREAS, pursuant to Article 11.1 of the Declaration, the 2003 Declaration may be amended with the approval of Members representing at least two-thirds (2/3) of all of the Members of the Mutual.

G. WHEREAS, all approvals required to amend the Declaration as set forth in this Second Amendment have been obtained.

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

1. Section 2.3.1 of the Declaration (entitled "Exclusive Use Common Area – Description of Exclusive Use Common Area") shall be deleted in its entirety and the following inserted in its place:

2.3 Exclusive Use Common Area

2.3.1 Description of Exclusive Use Common Area. Certain portions of the Common Area, referred to as "Exclusive Use common Areas," are subject, as the servient tenements, to exclusive easements in favor of the Units to which they are attached or appurtenant to, or assigned by the Board, as applicable, as the dominate tenements, and such exclusive easements shall be appurtenant to those designated Units. Exclusive Use common Area shall include the following:

- (a) assigned areas on rooftops of all structures within the Mutual (residential buildings, garages and carports) for installation of photovoltaic solar panels only;
- (b) assigned carports and assigned storage spaces located in such carports;
- (c) decks, patios and balconies;
- (d) assigned parking spaces; and
- (e) garages.

3. 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 2003 Declaration, unless the context clearly requires otherwise.

4. In all other respects the provisions of the 2003 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. FORTY-EIGHT hereby certify that this Second Amendment has been approved, in accordance with Section 11.1 of the 2003 Declaration, by Members representing at least two-thirds (2/3) of all of the Members of the Mutual.

WALNUT CREEK MUTUAL NO.  
FORTY- EIGHT

Dated: 3/30, 2016

By: John Theron Reppart  
John Theron Reppart, President

Dated: 3/30, 2016

By: Norman Robert King  
Norman Robert King, Secretary

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 March 30, 2016 before me, Sharon Lea Keane a Notary Public, personally appeared John Theron Reppert, President 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.

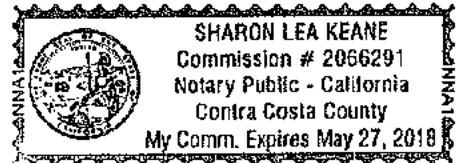
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Sharon Lea Keane

Name: Sharon Lea Keane  
(typed or printed)

(Seal)



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 March 30, 2016 before me, Sharon Lea Keane a Notary Public, personally appeared Norman Robert King, Secretary, 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: Sharon Lea Keane

Name: Sharon Lea Keane  
(typed or printed)

(Seal)

