

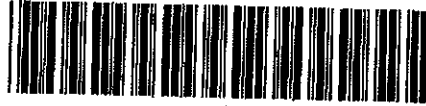


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PATRICK O'CONNELL
RECORDING FEE: 36.00

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DONAHUE GALLAGHER WOODS LLP
1999 Harrison Street, 25th Floor
Oakland, CA 94612

Attention: David A. Stein, Esq.

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RESOLUTION MODIFYING DECLARATION
OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
Affecting the Real Property Known as
CHABOT PARK HIGHLANDS
Which Is Situated In The County of Alameda, State Of California,
In Order To Provide For the De-Annexation Of Certain Real Property Therefrom

RESOLUTION MODIFYING DECLARATION
OF
COVENANTS, CONDITIONS, AND RESTRICTIONS

Affecting the Real Property Known as

CHABOT PARK HIGHLANDS

Which Is Situated In The County of Alameda, State Of California,

In Order To Provide For the De-Annexation Of Certain Real Property Therefrom

WHEREAS, there has been recorded on the 1st day of February, 1993, in the Official Records of the County of Alameda (the "Records") a second amended Declaration of Covenants, Conditions and Restrictions (the "Declaration") filed at the request of CHABOT PARK HIGHLANDS ASSOCIATION, a California nonprofit corporation (the "Association"), which serves to amend the Covenants, Conditions & Restrictions originally recorded in the Records on June 20, 1947, as the same have been amended by an instrument recorded in the Records on June 15, 1976. The Declaration is (I) is the Association's governing document, has been accepted by a majority of the homeowners eligible to vote, and became effective on February 10, 1993; and (II) is a set of certain restrictions, conditions, covenants, reservations, liens and charges binding upon and running with certain real property in Alameda County (the "Subject Property").

WHEREAS, pursuant to the provisions of Section 8.1 of the Declaration, the Association has power to amend or revoke the Declaration in any respect by the affirmative vote by written ballot or written consent of the holders of not less than sixty (60) percent plus one (1) of the voting power of the members of the Association who in good standing and authorized to vote;

WHEREAS, it is the desire of the Association and, as established by the affirmative vote of, at least sixty (60) percent plus one (1) of its members that the portions of the Subject Property that are described in Exhibits A and B, attached hereto and incorporated herein by this reference, shall be excluded and de-annexed from the Subject Property;

NOW THEREFORE, the Board of Directors of the Association does hereby adopt the following resolution;

RESOLVED that the Declaration is hereby modified and amended by excluding from the Subject Property the parcels of land described in Exhibits A and B hereto and such parcels of land so excluded or de-annexed are removed from the burden of restrictions, conditions, covenants, reservations, liens and charges set forth in the Declaration;

IT IS FURTHER RESOLVED that the foregoing action of the Board of Directors of the Association is taken pursuant to the powers granted to the Association in Section 8.1 of the Declaration, that the Association is solely owned and maintained by all of the owners of the real


property within the boundaries of the Subject Property, and is controlled by a specified majority of the vote of such owners acting as the members of the Association, and that the following persons are the duly elected and acting Directors of the Association:

- G. FERNANDES
- B. BARNES
- J. VERBONCOEUR
- T. CAMERON
- S. RICHARDSON
- D. LEVY-WENDT
- N. VANHUFFEL

IT IS FURTHER RESOLVED that this Resolution is to become effective upon recording upon the recording of this Resolution in the Records.

I do hereby certify that the foregoing is a true and correct copy of the Resolution of the Board of Directors of CHABOT PARK HIGHLANDS ASSOCIATION, a non-profit California corporation, adopted by resolution at a special meeting thereof on the 27th day of April 2010.

IN WITNESS WHEREOF I have placed my signature this 17 day of May 2010.


 John Verboncoeur, Secretary of Chabot Park Highlands Association, a California not for profit corporation

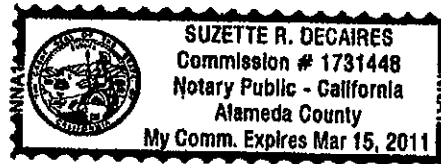
STATE OF CALIFORNIA } ss.
 COUNTY OF Alameda }

On May 17, 2010, before me, Suzette R. Decaires, a notary public, John Verboncoeur personally appeared who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he /she /they executed the same in his /her /their authorized capacity , and that by his /her /their signature on the instrument the person or the entity upon behalf of which the person 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 Suzette R. Decaires



(This area for official notarial seal)

EXHIBIT A TO RESOLUTION MODIFYING DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS

(Attached)

EXHIBIT A

Description:

The land referred to herein is situated in the State of California, County of ALAMEDA, City of OAKLAND, described as follows:

PARCEL 1:

A portion of the land shown on the "Record of Survey, Chabot Park Estates Co., Property, Oakland, Alameda County, California," filed June 3, 1947 in Licensed Survey Book 2, pages 31 to 36, inclusive, in the office of the County Recorder of Alameda County, bounded as follows:

Beginning at a point on the general northeastern boundary line of that certain parcel of land designated as parcel 1 in the deed from Lois Burpee and Maude Hayes to Edward Lagorio and wife, dated December 6, 1955 and recorded December 29, 1955 in Book 7892 of Official Records of Alameda County, Page 339 (AK-142129) distant thereon north 53° 47' 30" west, 37.86 feet from the northeastern terminus of that certain course designated as "north 35° 16' 20" east, 46.15 feet," in said deed; thence south 52° 12' 24" west, 124.32 feet; thence south 64° 14' 09" west, 87.93 feet; thence south 84° 55' 09" west, 83.84 feet; thence south 6° 16' 51" east, 36.26 feet; thence south 46° 38' 06" east, 150.93 feet; thence south 40° 52' 06" east, 458.16 feet to the center line of trail "E," as described in deed by CHABOT PARK ESTATES CO. to Harry L. Turner and Virginia L. Turner dated June 18, 1947, and recorded June 20, 1947, in Book 5172 of said Official Records, Page 34, (AB-52903); thence along the last named line, as follows: south 26° 19' 25" west, 47.21 feet, south 54° 45' 07" west, 174 feet; thence south 35° 08' 56" west, 124.21 feet; thence south 58° 46' 46" west, 118.97 feet; thence south 37° 23' 51" west, 132.18 feet; thence south 44° 22' 56" west, 109.45 feet; thence south 51° 26' west, 132.32 feet; thence south 51° 41' west, 71.90 feet to the south western line of said land shown on said "Record of Survey;" thence along the last mentioned line, the four following courses and distances: north 25° 45' 16" west, 133.52 feet, north 25° 03' 20" west, 407.15 feet, north 26° 19' 04" west, 757.51 feet and north 26° 16' 10" west, 108.19 feet to the center line of trail "G," as described in said Deed of Trust; thence along the last named line, the six following courses and distances, north 48° 34' 26" east, 201.61 feet, south 89° 36' 38" east, 170.87 feet; north 57° 24' 57" east, 109.43 feet, north 76° 43' 16" east, 104.72 feet, north 77° 13' 58" east, 172.29 feet and north 47° 41' 25" east, 26.86 feet to a point on the said general northeastern boundary line of the Lagorio parcel of land; thence along the said last mentioned line, south 52° 47' 30" east, 491.04 feet to the point of beginning.

Excepting therefrom, that portion thereof described as follows:

Beginning at a point at a general northeastern boundary line of the certain parcel of land designated as parcel one in the deed from Lois Burpee and Maude Hayes to Edward Lagorio and wife, dated December 6, 1955, and recorded December 29, 1955 in Book 7892 of Official Records of Alameda County, Page 339 (AK-142129) distant thereon north 53° 47' 30" west, 37.86 feet from the northeastern terminus of that certain course designated as "north 36° 16' 20" east, 46.15 feet," in said deed; thence south 52° 12' 24" west, 124.32 feet; thence south 69° 14' 9" west, 87.93 feet; thence south 84° 55' 09" west, 83.84 feet; thence south 6° 16' 51" east, 36.26 feet; thence south 46° 38' 06"

east, 150.93 feet; thence south 40° 52' 06" east, 200.00 feet; thence south 49° 07' 54" west, 101.08 feet; thence north 40° 52' 06" west, 253.59 feet; thence north 52° 33' 01" west, 240.29 feet; thence north 6° 16' 51" west, 146.26 feet; thence south 74° 28' 45" east, 161.56 feet; thence south 86° 17' 04" east, 75.06 feet; thence north 77° 22' 21" east, 79.95 feet; thence north 65° 46' 25" east, 127.89 feet to the point of beginning.

PARCEL 2:

Easement appurtenant to parcel one above described for the purposes respectively mentioned, and over and along the strips of land respectively described in parcels 2-7, inclusive, in the deed by CHABOT PARK ESTATES CO. to Harry L. Turner and Virginia L. Turner, dated June 18, 1947, and recorded June 20, 1947, in Book 5172 of Official Records of Alameda County, Page 34 (AB-52903.)

PARCEL THREE:

An easement for trail, sewer, and public utility purposes, appurtenant to parcel one, above described, over and along a strip of land, 50 feet wide, the center line of which strip is described as follows:

Beginning at the center of the turning area at the end of Kerrigan Drive, as described in section "H" in parcel 2 in the deed by CHABOT PARK ESTATES CO. to Harry L. Turner and Virginia L. Turner, dated June 18, 1947 in Book 5172 of Official Records of Alameda County, Page 34; running thence north 64° 55' west, 172.00 feet; thence tangent with the last named course, westerly on the arch of a curve to the left, with a radius of 200.00 feet, a distance of 224.68 feet; thence tangent with the last mentioned arch, south 50° 43' west, 142.00 feet; thence south 22° 59' west, 173.00 feet; thence southwesterly along the arch of a curve to the right, with a radius of 350.00 feet, tangent to the said last mentioned course, a distance of 124.87 feet, to a point on the southwestern boundary line of that certain parcel of land designated as parcel one, in Deed of Trust executed by Aylmer E. Pelton and wife, to Corporation of America, a corporation, trustee and Bank of America National Trust and Savings Association, beneficiary, dated September 22, 1951 and recorded September 24, 1951 in Book 6542 of Official Records of Alameda County, Page 305 (AF-80490).

The southwestern boundary line of the said strip of land 50 feet wide, being the said southwestern line of the parcel of land designated as parcel one, in said Deed of Trust executed by Aylmer E. Pelton and wife, under Recorder's Series No. AF-80490, Alameda County Records.

Assessor's Parcel No.: 048-6247-002-10.

EXHIBIT B TO RESOLUTION MODIFYING DECLARATION OF COVENANTS,
CONDITIONS, AND RESTRICTIONS

(Attached)

EXHIBIT B

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

PARCEL ONE:

A portion of the land shown on Map of Chabot Park Estates Co., filed June 3, 1947 in Book 2 of Records of Surveys, pages 31 to 36, inclusive, Alameda County Records, described as follows:

Beginning at the center of the turning area at the Southern end of Lochard Street as said street is described in the deed to Harry L. Turner and Virginia L. Turner, recorded June 20, 1947 as Series No. AB-52903, Official Records, and running thence along the center line of Trail C, South 78° 06' 24" East 407.60 feet and tangent with the last course Southeasterly on a curve to the right with a radius of 225 feet, a distance of 113.32 feet and South 49° 15' East 140 feet to the Southeastern line of the land; thence along the last named line South 59° 23' 10" West 544.847 feet and South 59° 24' 12" West 2598.889 feet to the Southwestern line of the land and thence along the last named line North 25° 45' 16" West 487.17 feet to the center line of Trail E, thence along the center line of said Trail E, North 51° 41' East 71.90 feet, North 51° 26' East 32.32 feet North 44° 22' 56" East 109.45 feet, North 37° 23' 51" East 132.18 feet, North 58° 46' 6" East 118.97 feet, North 35° 08' 56" East 124.21 feet, North 54° 45' 07" East 174 feet, North 26° 19' 25" East 141.13 feet, North 66° 49' 12" East 181.83 feet, North 83° 44' 30" East 102.70 feet, and North 49° 28' 40" East 25.805 feet, South 69° 13' 33" East 163.587 feet, North 59° 19' 07" East 115.99 feet, North 66° 34' 46" East 85.61 feet, North 81° 14' 10" East 159.31 feet, North 75° 10' 20" East 124.47 feet, North 58° 17' 14" East 80.85 feet, North 72° 25' 08" East 80.40 feet, North 63° 22' 18" East 66.22 feet, South 74° 43' 33" East 66.22 feet, South 74° 43' 33" East 67.77 feet,

South 88° 19' 38" East 68.23 feet, South 70° 17' 14" East 116.35 feet, South 80° 34' 05" East 119.74 feet, North 78° 08' 35" East 118.22 feet, and North 51° 34' 29" East 168.28 feet to a line drawn South 15° 02' 17" East from the point of beginning.

PARCEL TWO:

Easements for the purposes mentioned, and over and along the strips of land described in Parcels 2 to 7; inclusive, in the deed to Harry L. Turner and Virginia L. Turner recorded June 20, 1947 as Series No. AB-52903, Official Records, including the right to use and improve said trails for road purposes.

APN: 048-6254-001

