

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. Gov. Code Sec. 12956.1(b)(1)

Any person who believes that this document contains an unlawful restrictive covenant as described above may submit to the County Recorder a completed Restrictive Covenant Modification form. A complete copy of the original document must be attached to the Restrictive Covenant Modification form, with the unlawful language redacted. After submission to the Recorder, the form and attached document will be reviewed by County Counsel, and if the attached document properly redacts an unlawful covenant, the form and attached document will be recorded. If you submit a request to record a modification document, you must provide a return address in order for the County Recorder to notify you of the action taken by the County Counsel regarding the form. Gov. Code Sec. 12956.2(a)(1), (b)(1), (c)

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

THIS SPACE FOR RECORDER'S USE ONLY

RESTRICTIVE COVENANT MODIFICATION

The following reference document contains a 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 Section 12955 of the Government Code, or ancestry, that violates state and federal fair housing laws and is void. Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of redacting and eliminating that restrictive covenant as shown on page(s) ___ of the document recorded on _____(date) in book _____ and page _____ or instrument number _____ of the official records of the County of _____, State of California.

Attached hereto is a true, correct and complete copy of the document referenced above, with the unlawful restrictive covenant redacted.

This modification document shall be indexed in the same manner as the original document being modified, pursuant to subdivision (d) of Section 12956 of the Government Code.

The effective date of the terms and conditions of the modification document shall be the same as the effective date of the original document.

Signature of Submitting Party: _____ Date: _____

Print Name: _____

_____ County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, hereby states that it has determined that the original document referenced above contains an unlawful restriction and this modification may be recorded.

Or

_____ County Counsel, or their designee, pursuant to paragraph (1) of subdivision (b) of Section 12956.2 of the Government Code, finds that the original document does not contain an unlawful restriction, or the modification document contains modifications not authorized, and this modification may not be recorded.

County Counsel

By:

Date:

return to file 145780

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MODIFICATION OF RESTRICTIONS

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WHEREAS, there was filed for record a Declaration of Restrictions dated February 9, 1970, executed by Valley Title Company, a corporation, and recorded February 10, 1970 in Book 8824 of Official Records, page 691, Santa Clara County Records, and Modification of Restrictions dated February 25, 1970, executed by Valley Title Company, a corporation, and recorded February 26, 1970 in Book 8838 of Official Records, page 745, Santa Clara County Records, affecting all of "Tract No. 4759", which Map was filed for record in the office of the Recorder of Santa Clara County, State of California, on October 29, 1969 in Book 261 of Maps, at pages 1 and 2, and

WHEREAS, the undersigned, are the Owners of all of the lots in said Tract No. 4759, and

WHEREAS, the undersigned, as the Owners of all of the lots in said Tract No. 4759, desire to amend and modify said Declaration by changing Article I, Section 4 thereto,

NOW, THEREFORE, the undersigned, as Owners of all of the lots in said Tract No. 4759, do hereby amend and modify said Declaration as to Article I, Section 4; and henceforth said Article I, Section 4 shall be as follows:

ARTICLE I, Section 4: "Common Area" shall mean all real property owned by the Association for the common use and enjoyment of the Owners. The common area to be owned by the Association at the time of the conveyance of the first lot is Lot 113 of the tract hereinabove described.

IN ADDITION to the within Modification of Restrictions, the undersigned hereby attach hereto the Exhibit A referred to in Article III, Section 1 (d) of the above referred to Declaration of Restrictions.

ALL OTHER terms and conditions of the Declaration of Restrictions

Covenants or Restrictions based on race, color, religion, sex, handicap, familial status, or national origin, if any contained herein, are hereby omitted from this document, and only to the extent that said covenant (a) is under chapter 42 section 3607 of the United States Code; (b) relates to handicap but does not discriminate against handicapped persons.

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" ALL OF LOTS 1 THRU 211 OF TRACT NO. 4810
ANNEXATION TO TRACT NO. 4759 (STONEGATE GARDEN
HOMES)"

Recorded October 8, 1970 in Volume 9081 Official Records page 180, file 3885105

DECLARATION OF ANNEXATION TO TRACT
NO. 4759 (STONEGATE GARDEN HOMES)

1. Annexation. Pursuant to the provisions of article II, section 2 of the Declaration of Covenants, Conditions, and Restrictions dated February 9, 1970 and recorded February 10, 1970, in Volume 8824, Official Records page 691, Santa Clara County, California, as amended by that Modification of Restrictions dated February 25, 1970, recorded February 26, 1970, in Book 8838, Official Records, page 745, Santa Clara County Records, California, and further as amended by that Modification of Restrictions dated April 20, 1970, recorded April 21, 1970, in Book 8895 of Official Records, page 641, Santa Clara County Records, California, VALLEY TITLE COMPANY, a California corporation, therein and herein called "Declarant," as owner of certain real property situated in the City of San Jose, County of Santa Clara, State of California, and described as follows:

All of Lots 1 thru 211, inclusive, as shown on that certain map entitled, "Tract No. 4810", which Map was filed for record in the office of the Recorder of Santa Clara County, State of California, on September 22, 1970, in Book 273 of Maps, pages 28, 29 and 30, does hereby annex said real property to the properties described in the aforementioned Declaration of Covenants, Conditions, and Restrictions, as modified, and makes the same subject to all of the terms and provisions of said Declaration of Covenants, Conditions, and Restrictions, as modified, which by this reference is incorporated herein and made a part hereof.

2. Additional Common Area. Said Declaration of Covenants, Conditions, and Restrictions, as amended, is hereby further amended and modified by the terms and provisions of this Declaration of Annexation by adding to article I thereof a new section to be known as section 4 (a), to read as follows:

Section 4 (a). "Common Area" shall also mean all real property owned by the Association for the common use and enjoyment of the owners and in addition to the common area described in section 4 above shall also be all that certain real property described in Exhibit "A", which by this reference is incorporated herein and made a part hereof.

3. Parking Rights. Said Declaration of Covenants, Conditions, and Restrictions, as amended, is hereby further amended and modified by the terms and provisions of this Declaration of Annexation by adding to article III thereof an additional section to be known as section 1 (e), to read as follows:

Section 1 (e). The respective parking spaces for Tract 4810 shall be as designated in Exhibit "B" attached hereto and made a part hereof by this reference. The designations shall contain first a number which shall correspond to the specific numbered lot to which the particular parking spaces are appurtenant. The letters following such lot number shall designate the particular use thereof, i.e., "A" for covered automobile parking space, and "S" for uncovered automobile parking space.

DATED: October 7, 1970

VALLEY TITLE COMPANY,
a corporation
By Pete Borello /s/
Assistant Vice President

EXHIBIT "A"

Lot 211, as shown on that certain Map entitled, "Tract No. 4810", which Map was filed for record in the office of the Recorder of Santa Clara County, State of California, on September 22, 1970 in Book 273 of Maps, at pages 28, 29 and 30.

**Covenants or Restrictions based on race, color, religion
sex, handicap, familial status, or national origin, if any
contained herein, are hereby omitted from this document,
unless and only to the extent that said covenant (a) is
exempt under chapter 42 Section 3607 of the United States
Code or (b) relates to handicap but does not discriminate
against handicapped persons.**

*I hereby certify that the foregoing instrument
is a true and correct copy of the recorded original.*

VALLEY TITLE COMPANY
OF SANTA CLARA COUNTY

By Don Edwards