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2005-0043331

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Official Records
County Of
Marin
JOAN C. THAYER
Recorder

11:23AM 13-Jun-2005 | dw
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When Recorded Mail to:
Law Offices of Wanden P. Treanor
1744 Lincoln Avenue
San Rafael, CA 94901

FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR MARIN BAY, UNIT NUMBER 2-A, a RESIDENTIAL SUBDIVISION

This First Amendment to the Declaration of Covenant, Conditions, and Restrictions for Marin Bay, Unit Number 2-A, amends the original Declaration that was recorded on October 5, 1962, in Book 1618 at Pages 176 et seq. of the Official Records of Marin County, California ("Original Declaration") affecting the Property described below and commonly known as Marin Bay, Unit Number 2-A.

WHEREAS, this First Amendment to the Original Declaration covers all that certain real property ("Property") located in the City of San Rafael, County of Marin, State of California, which is more particularly described as follows:

"All that real property located in the County of Marin, State of California shown upon that certain map entitled "Marin Bay, Unit 2-A" filed for record in the Office of the Recorder of Marin County, California on July 17, 1962 in Map Book 11, at Page 24."

WHEREAS, it has been determined that it is prudent to provide the Association with a more reasonable method of amending the Declaration. At the present time, the Declaration is silent on the number of Owners required to amend the Declaration. This amendment clarifies that a **majority** (50% + 1) of the owners (47 of 92 lot owners) **could amend the original Declaration** and further clarifies that the statement by the President or Secretary of the Peacock Gap Homeowners Association certifying the percentage of approval will establish the validity of the vote. For purposes of this vote only, the more than two-thirds required number of owners to extend the Declaration shall be used to approve this amendment.

NOW THEREFORE, the following paragraph shall be added to the Declaration:

"XXXXI. Amendment. This Declaration may be amended only by the affirmative vote (in person or by proxy) or written consent of Owners representing a majority of the total voting power within the Marin Bay, Unit 2-A subdivision. Any amendment must be certified in a writing executed and acknowledged by the President or the Secretary of the Peacock Gap Homeowners Association and recorded in the Office of the Recorder for the County of Marin. No amendment shall adversely affect the rights of the holder of any mortgage of record prior to the recordation of such amendment."

All other covenants, conditions and restrictions in the Original Declaration shall remain in effect.

CERTIFICATION

THE FOREGOING First Amendment of the Declaration of Covenants, Conditions and Restrictions has been duly approved by the written consent of members of the Marin Bay Unit 2-A Owners representing more than two-thirds (2/3) of the Owners within the Marin Bay, Unit 2-A subdivision. The undersigned declares under penalty of perjury that the matters set forth in the foregoing certificate are true of his/her own knowledge. Executed this 10th day of June, 2005, at San Rafael, California.

A handwritten signature in black ink, appearing to read "Leo Isotalo", written over a horizontal line.

Leo Isotalo, President of the Board

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

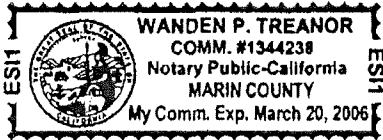
State of California }
County of MARIN } ss.

On JUNE 10, 2005 before me, WANDEN P. TREANOR
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared LEO ISOTALO
Name(s) of Signer(s)

- personally known to me
- 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.



WITNESS my hand and official seal.

Wanden P. Treanor
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another 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

Signer's Name: _____

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

Signer is Representing: _____

RIGHT THUMBPRINT OF SIGNER

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