

RECORDING REQUESTED BY, AND

**First American Title
5418429**

WHEN RECORDED, MAIL TO:

DMB DEVELOPMENT LLC
Attn: Mary S. Alexander
7600 E. Doubletree Ranch Rd, Suite 250
Scottsdale, AZ 85258

20199003266100007

CONTRA COSTA Co Recorder Office
JOSEPH CANCIAMILLA, Clerk-Recorder

DOC 2019-0032661-00

Acct 4269-First American Title Co Pasion Title

Monday, MAR 11, 2019 10:47:15

SB2 \$75.00|MOD \$7.00|REC \$17.00

FTC \$6.00|DAF \$2.70|REF \$0.30

RED \$1.00|ERD \$1.00|

Ttl Pd \$110.00 Nbr-0003419775

AAV/RC/1-7

(Space Above For Recorder's Use)

FIRST AMENDMENT OF
MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS
AND RESERVATION OF EASEMENTS
FOR DELTA COVES

FIRST AMENDMENT
OF
MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS
AND RESERVATION OF EASEMENTS
FOR DELTA COVES

This First Amendment to the Master Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Delta Coves (the "*First Amendment*") is made by SDC Delta Coves, LLC, a Delaware limited liability company (the "*Declarant*") with reference to the following facts and with the consent of Seaward Court, Contra Costa County, Inc., a California corporation (the "*Consenting Landowner*").

RECITALS

A. On September 20, 2018 the Declarant recorded in the Official Records of Contra Costa County, California, as Document No. 2018-0150595, that certain document entitled "Master Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Delta Coves" (the "*Declaration*"). Subsequently, on February 25, 2019, the Declarant recorded in the Official Records of Contra Costa County, California, as Document No. 2019-0024900, that certain document entitled "Supplemental Declaration Delta Coves Phase I" (the "*Supplemental Declaration*") to cause that portion of the Development described in Exhibit "A" of the Supplemental Declaration to be annexed into the Declaration and to incorporate the Supplemental Declaration into the Declaration.

B. The Declaration, as previously amended, affects that certain real estate common interest development situated within Contra Costa County, California and commonly referred to as Delta Coves (the "*Development*"). The Lots comprising the Development are more particularly depicted and identified in that certain Final Subdivision Map entitled "Subdivision 6013 Delta Coves at Bethel Island" recorded on March 22, 2005 in Book 476 of Maps at Pages 37-88.

C. The Declarant is currently the sole owner of the following Lots within the Development:

Lots 1 to 417 inclusive, and 421 to 494, inclusive and Parcels A-N of Tract No. 6013, as shown on a map filed in Book 476, Pages 37 to 88, inclusive, of Maps, in the Office of the Contra Costa County Recorder.

D. The Consenting Landowner is currently the sole owner of the following Lots within the Development:

Lots 418 to 420, inclusive, of Tract No. 6013, as shown on a map of subdivision filed in Book 476, Pages 37 to 88, inclusive, of Maps, in the Office of the Contra Costa County Recorder.

E. Section 13.2.7 of the Declaration permits the Declarant to unilaterally amend the Declaration prior to the first Close of Escrow in the sale of a Lot in the Development pursuant to a Public Report issued by the California Department of Real Estate. Pursuant to that authority, the Declarant desires to amend the Declaration as set forth below:

AMENDMENT

1. Section 4.4.3 of the Declaration, entitled "Classes of Voting Membership" is amended in part to read as follows:

Section 4.4.3 Classes of Voting Membership. The Members of the Master Association are the Declarant, for so long as the Declarant is entitled to cast a Class A or B vote or the Class C Board appointment right, and each Owner (including any Neighborhood Builder) of at least one (1) Separate Interest in the Covered Property. Membership in the Master Association is subject to the Governing Documents. Except for the Class C Board appointment right which is held by the Declarant, all Memberships in the Master Association are appurtenant to the Lots and Condominiums. Ownership of a Lot or Condominium is the sole qualification for Membership in the Master Association. The Master Association classes of voting Membership are as follows:

What follows the ":" in the above-amended Section 4.4.3 is the entirety of Section 4.4.4 of the Declaration.

2. Section 4.4.4(c) of the Declaration, entitled "Class C Board Appointment Right" is added in full to read as follows:

Section 4.4.4(c) Class C Board Appointment Right. Declarant shall have a Class C Board appointment right (whether or not Declarant is an Owner) (the "*Class C Board Appointment Right*"). The Class C Board Appointment Right shall not be technically considered a part of the voting power of the Master Association. The Class C Board Appointment Right entitles Declarant to select a majority of the members of the Board of Directors until the first to occur of the following events:

(i) The Close of Escrow for the sale of the Lot or Condominium comprising the seventy-fifth percentile (75%) of the Lots of Condominiums in the overall development composed of the Community and Annexable Property; or

(ii) The fifth (5th) anniversary of the first Close of Escrow in the Phase for which a Public Report was most recently issued; or

(iii) The twenty-fifth (25th) anniversary of the first Close of Escrow for the sale of a Lot or Condominium in the Community.

3. Ratification; Full Force and Effect. Except as otherwise provided herein, the capitalized terms in this First Amendment shall have the same meanings as defined in

the Declaration. Except as expressly amended herein, the Declaration is ratified and confirmed and remains in full force and effect. It is the intent of the Declarant that, in the event of any material conflict or inconsistency between any provision of this First Amendment and any provision of the Declaration, the provisions contained in this First Amendment shall be deemed to prevail.

4. Counterpart Signatures. This First Amendment may be executed in counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument. If signed in counterpart, the recorded copy of this Amendment shall include all notarized counterpart signatures.

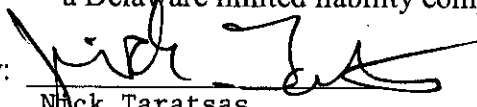
5. Effective Date. This First Amendment has been executed to be effective upon the date it is recorded in the Official Records of Contra Costa County, California.

DATED: March 4, 2019

DECLARANT:

SDC DELTA COVES, LLC
a Delaware limited liability company

By: DMB Development LLC,
a Delaware limited liability company, its Project Manager

By: 
Nick Taratsas

Its: EVP / GM

CONSENTING LANDOWNER:

SEAWARD COURT, CONTRA COSTA COUNTY, INC.
a California corporation


By: 

Steven Brown
Its: President / CEO

ACCEPTANCE BY ESCROW HOLDER:

First American Title Company acknowledges that it has received a fully executed counterpart of the foregoing FIRST AMENDMENT TO PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS AND, subject to the provisions of this Agreement, agrees to act as Escrow Holder thereunder and to be bound by and perform the terms thereof as the terms apply to Escrow Holder.

First American Title Company



By: Robin Nieto

Title: Vice President

Date: March 8, 2019

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 to the truthfulness, accuracy, or validity of that document.

State of California
County of Solano

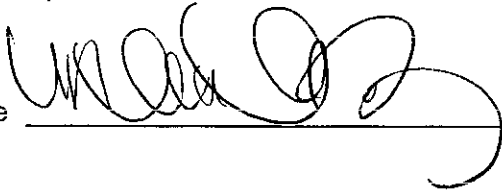
On March 4, 2019 before me, Karron M. Vasquez, Notary Public
(insert name and title of the officer)

personally appeared Steven Brown
who proved to me on the basis of satisfactory evidence to be the person(s) whose
names(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.

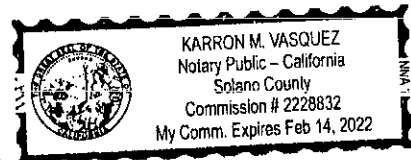
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



ACKNOWLEDGEMENT

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 to the truthfulness, accuracy, or validity of that document.

State of Arizona
County of Maricopa

On 3-5-19 before me, Mary E. Wesnoski, Notary Public
(insert name and title of the officer)

personally appeared Nick Taratsas
who proved to me on the basis of satisfactory evidence to be the person(s) whose names(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 Arizona that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Mary E. Wesnoski

