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2005-0043332

When Recorded Mail to:  
Law Offices of Wanden P. Treanor  
1744 Lincoln Avenue  
San Rafael, CA 94901

Recorded | REC FEE 13.00  
Official Records |  
County Of |  
Marin |  
JOAN C. THAYER |  
Recorder |  
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11:23AM 13-Jun-2005 | Page 1 of 3

**FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,  
AND RESTRICTIONS FOR  
PEACOCK LAGOON, UNIT ONE, A RESIDENTIAL SUBDIVISION**

This First Amendment to the Declaration of Covenant, Conditions, and Restrictions for Peacock Lagoon, Unit One, amends the original Declaration that was recorded on October 5, 1962 in Book 1618, Page 200, et seq., in the Official Records of the County of Marin ("Original Declaration"), affecting the Property described below and commonly known as Peacock Lagoon, Unit One.

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 "Peacock Lagoon, Unit One" 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 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 (49 of 97 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:**

"**XXXXV. 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 Peacock Lagoon, Unit One 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 Peacock Lagoon, Unit One Owners representing more than two-thirds (2/3rds) of the Owners within the Peacock Lagoon, Unit One subdivision. The undersigned declares under penalty of perjury that the matters set forth in the foregoing certificate are true of his own knowledge. Executed this 10<sup>th</sup> 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

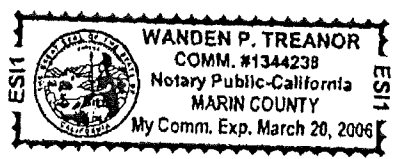
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

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: \_\_\_\_\_

