



# Monterey County

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Order

Upon motion of Supervisor Parker, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

- a. Approved Amendment No. 1 to the County of Monterey Subdivision Improvement Agreement for York Highland Re-subdivision between the County of Monterey and Monterey County Bank and United Security Bank to extend the time for completion of the subdivision improvements to May 22, 2016; and
- b. Authorized the Chair of the Board to execute said Amendment No. 1 between the County of Monterey and Monterey County Bank and United Security Bank.

PASSED AND ADOPTED on this 13th day of May 2014, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on May 13, 2014.

Dated: May 14, 2014  
File Number: A 14-046

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

County of Monterey  
Department of Public Works  
168 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**AMENDMENT NO. 1 TO THE COUNTY OF MONTEREY  
SUBDIVISION IMPROVEMENT AGREEMENT  
FOR YORK HIGHLAND RESUBDIVISION**

This Amendment ("Amendment") is entered into by and between the County of Monterey, a political subdivision of the State of California, (hereinafter "COUNTY"), and Monterey County Bank and United Security Bank (hereinafter "SUBDIVIDERS" or "OWNERS"). Collectively, COUNTY and SUBDIVIDERS or OWNERS are referred to as the "parties".

WHEREAS, a Subdivision Improvement Agreement (hereinafter the "Agreement") was executed by the parties and recorded on May 31, 2012 at document number 2012031807 for the York Highlands Resubdivision (hereinafter "Resubdivision");

WHEREAS, OWNERS are banks subject to the regulatory authority of the FDIC, and are not proper entities to complete the subdivision improvements;

WHEREAS, it is contemplated in the Agreement that the Resubdivision would be transferred to one or more developers who would in turn complete the subdivision improvements;

WHEREAS, completion of the subdivision improvements is delayed because the York Highlands Resubdivision has not yet been transferred to a developer due to various processing and regulatory delays; and

WHEREAS, OWNERS have requested an extension of time to complete the subdivision improvements;

WHEREAS, the parties desire to amend the Agreement to extend the time for completion of the subdivision improvements for the York Highlands Resubdivision; and

WHEREAS, the parties also desire to amend the Agreement to correct various typographical errors.

Now therefore, the parties agree that the Agreement is amended as follows:

1. Paragraph B, at line 6 on Page 3 is amended to correct the typographical error “Document No. 2005095835” to “Document No. 2005095836”, and shall read as follows:

A. Existing Deeds of Trust encumber the properties within the RESUBDIVISION in favor of the County of Monterey to guarantee faithful performance of the work required to complete Monterra phased subdivision improvements including (1) that Deed of Trust given by Hanover-Monterra Investors, II filed for record on September 29, 1992 in Reel 2851 at Page 689; (2) that Deed of Trust given by Monterra Ranch Properties LLC, a California limited liability company at Document 2005095836 filed for record on September 14, 2005, and (3) that Deed of Trust given by Monterra Ranch Properties LLC, a California limited liability company at Document 2005127220 filed for record on December 1, 2005 each recorded in the Official Records in the Office of the Recorder for the County of Monterey, State of California (hereinafter “EXISTING DEEDS OF TRUST”). From the time of recordation of these EXISTING DEEDS OF TRUST, a lien attached to the properties within Monterra Phase VIII and Monterra Phase X and such lien has the priority of a judgment lien in the amount necessary to complete the Improvements not to exceed the amount specified in the PRIOR SUBDIVISION IMPROVEMENT AGREEMENTS.

2. The first sentence of Paragraph 1, at line 5 on Page 6 is amended to correct the typographical error “Document No. 2005095835” to “Document No. 2005095836”, and shall read as follows

COUNTY shall not reconvey and release any of the Remaining Phase VIII properties under the Existing Deeds of Trust including that certain Deed of Trust given by Hanover-Monterra Investors, II filed for record on September 29, 1992 in Reel 2851 at Page 689, and that certain Deed of Trust given by Monterra Ranch Properties LLC, a California limited liability company at Document 2005095836 filed for record on September 14, 2005, each recorded in the Official Records in the Office of the Recorder for the County of Monterey, State of California (“1992 and Phase VIII Deeds of Trust”).

3. The first sentence of Paragraph d, at line 2 on Page 10, is amended to read as follows:

Commence the construction and installation of the Improvements within one year from the COUNTY’S approval of said final map and complete said work within four years from the date of said approval unless otherwise approved by the COUNTY.

4. **Recordation.** Upon execution of this AMENDMENT NO. 1 to the Agreement, OWNERS shall cause recordation thereof with the County Recorder's Office.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT as of the date written below.

OWNER:

MONTEREY COUNTY BANK

DATE: 3/29/14

By: Charles T. Chritzberg, Jr.  
Charles T. Chritzberg, Jr., President

OWNER:

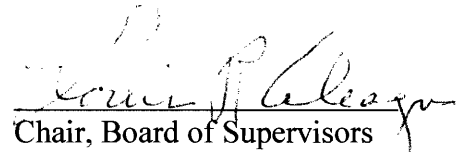
UNITED SECURITY BANK

DATE: 3/31/14

By: Dennis R. Woods  
Dennis R. Woods, President

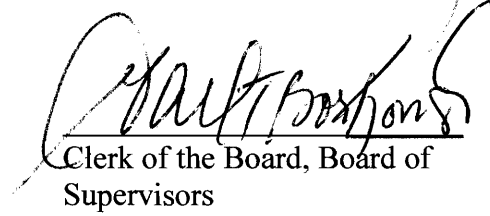
COUNTY OF MONTEREY

Date: 5/14/14

  
Chair, Board of Supervisors

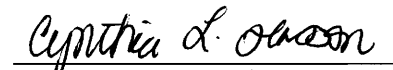
ATTEST:

Date: 5/14/14

  
Clerk of the Board, Board of Supervisors

APPROVED AS TO FORM:  
CHARLES J. MCKEE, COUNTY COUNSEL  
COUNTY OF MONTEREY

Date: 4-3-14

By:   
Cynthia L. Hesson  
Deputy County Counsel

ACKNOWLEDGMENTS

State of California )  
County of Monterey )

On 3/29, 2014 before me, Sarah Gaebelein, Notary Public,  
*(here insert name and title of the officer)*

personally appeared Charles T. Christzberg, Jr. who 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.

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 *Sarah Gaebelein*



(Seal)

State of California )  
County of FRESNO )

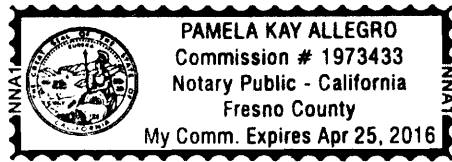
On 3/31, 2014 before me, PAMELA KAY ALLEGRO, Notary Public,  
*(here insert name and title of the officer)*

personally appeared Dennis R. Woods who 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.

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 *Pamela Kay Allegro*



(Seal)

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

State of California

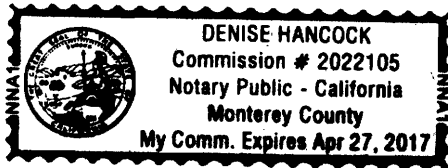
County of Monterey

On 5-14-14  
Date

before me, Denise Hancock, Notary  
Here Insert Name and Title of the Officer

personally appeared Louis B. CALCAGNO  
Name(s) of Signer(s)

who 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.



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: Denise Hancock  
Signature of Notary Public

Place Notary Seal Above

**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: AMENDMENT No. 1 to Co. of Mo Bank & United Security Bank  
Document Date: 5-31-12 Number of Pages: 5

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Individual  
 Partner —  Limited  General  
 Attorney in Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**

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Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Individual  
 Partner —  Limited  General  
 Attorney in Fact  
 Trustee  
 Guardian or Conservator  
 Other: \_\_\_\_\_  
Signer Is Representing: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**

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