

Attachment B

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

County of Monterey
Department of Housing and
Community Development
1441 Schilling Place, 2nd Floor
Salinas, CA 93901
Att: Armando Fernandez

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**AMENDMENT NO. 5 TO THE COUNTY OF MONTEREY SUBDIVISION
IMPROVEMENT AGREEMENT FOR YORK HIGHLAND RESUBDIVISION**

This Amendment No. 5 to the County of Monterey Subdivision Improvement Agreement For York Highlands Resubdivision ("Amendment No. 5") is entered into by and between the County of Monterey, a political subdivision of the State of California (hereinafter, "COUNTY"), and Monterey County Bank, United Security Bank, MCBL-1, Inc., a California corporation, York Monterey Properties, Inc., a California corporation, and Signature York Highlands LLC, a California limited liability company (hereinafter collectively, "SUBDIVIDERS" or "OWNERS"). COUNTY and SUBDIVIDERS or OWNERS are referred to singularly as a "Party" and collectively as "Parties."

WHEREAS, a Subdivision Improvement Agreement was executed by the COUNTY, Monterey County Bank and United Security Bank recorded on May 31, 2012 as Official Records Document Number 2012031807 for the York Highlands Resubdivision (hereinafter "Resubdivision"; an Amendment No. 1 to said Subdivision Improvement Agreement was executed by the COUNTY, Monterey County Bank and United Security Bank and recorded on May 29, 2014 as Official Records Document Number 2014024695; an Amendment No. 2 to said Subdivision Improvement Agreement was executed by the COUNTY, Monterey County Bank and United Security Bank and recorded on March 31, 2016 as Official Records Document Number 2016016626; an Amendment No. 3 to said Subdivision Improvement Agreement was executed by the COUNTY, Monterey County Bank and United Security Bank and recorded on September 20, 2018 as Official Records Document Number 2018041573; and an Amendment No. 4 to said Subdivision Improvement Agreement was executed by the COUNTY, Monterey County Bank, United Security Bank, MCBL-1, Inc. and York Monterey Properties, Inc., and recorded on May 12, 2021 as Official Records Document Number 2021034249. (The Subdivision Improvement Agreement, as amended pursuant to Amendment Nos. 1, 2, 3 and 4 is hereinafter referred to as "Agreement")).

WHEREAS, Monterey County Bank and United Security Bank are banks subject to the regulatory authority of the FDIC, and are not proper entities to complete the subdivision improvements.

WHEREAS, Monterey County Bank, transferred certain real property which is the subject of this Agreement to MCBL-1, Inc., a California corporation, and by Amendment No. 4, MCBL-1, Inc., a California corporation, was added as an OWNER and party to the Agreement.

WHEREAS, United Security Bank, transferred certain real property which is the subject of this Agreement to York Monterey Properties, Inc., a California corporation, and by Amendment No. 4, York Monterey Properties, Inc., a California corporation, was added as an OWNER and party to the Agreement.

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 contemplated under the Agreement.

WHEREAS, Signature York Highlands LLC, a California limited liability company, purchased certain real property in the Resubdivision from OWNERS and installed the first \$5,000,000 of subdivision improvements, and the COUNTY released its security in ten (10) lots in the Resubdivision as contemplated under the Agreement, and the parties have agreed that Signature York Highlands LLC, a California limited liability company, shall be added as an OWNER and Party to this Agreement.

WHEREAS, completion of the subdivision improvements contemplated under the Agreement has been delayed because the Resubdivision has not yet been transferred to a developer due to litigation and various processing and regulatory delays, which have now been resolved; however, several roads must now be reengineered, resulting in further delays.

WHEREAS, OWNERS have requested an extension of time under the Agreement to complete the subdivision improvements contemplated under the Agreement.

WHEREAS, the Parties desire to amend the Agreement to extend the time for completion of the subdivision improvements for the York Highlands Resubdivision.

NOW THEREFORE, the Parties agree that the Agreement is amended as follows:

1. Signature York Highlands LLC, a California limited liability company, is hereby added as an OWNER and Party to this Agreement.
2. The first sentence of Paragraph 4(d) of the Subdivision Improvement Agreement is amended to read as follows:

Commence the construction and installation of improvements no later than December 31, 2023 and complete Improvements no later than December 31, 2026 unless otherwise approved by the COUNTY.

3. Recordation. Upon execution of this Amendment No. 5 to the Agreement, OWNERS shall cause recordation thereof with the Monterey County Recorder's Office.
4. Counterparts. This Amendment No. 5 may be executed in any number of counterparts, each of which so executed will be deemed to be an original, and such counterparts together constitute one and the same Agreement.

IN WITNESS WHEREOF, the Parties have executed this Amendment No. 5 to the Agreement as of the date written below.

OWNER:
MONTEREY COUNTY BANK

DATE: _____ By: _____
Charles T. Chrietzberg, Jr., President

OWNER:
MCBL-1, INC.

DATE: _____ By: _____
Charles T. Chrietzberg, Jr., President

OWNER:
UNITED SECURITY BANK

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

OWNER:
YORK MONTEREY PROPERTIES, INC.

DATE: _____ By: _____
Porsche Saunders, Secretary

OWNER:
SIGNATURE YORK HIGHLANDS LLC

DATE: _____ By: _____
Nickolas Jekogian, Managing Member

COUNTY OF MONTEREY:

DATE: _____ By: _____
Mary L. Adams
Chair, Board of Supervisors

ATTEST:

DATE: _____

By: _____
Clerk of the Board, Board of Supervisors

APPROVED AS TO FORM:
LESLIE J. GIRARD, COUNTY COUNSEL
COUNTY OF MONTEREY

DATE: _____

By: _____
Kelly L. Donlon
Assistant County Counsel

Notary Acknowledgments Follow

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 the truthfulness, accuracy, or validity of that document.

State of California

County _____)

On _____ before me, _____, a Notary Public,
personally appeared _____,

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 _____

(SEAL)

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 the truthfulness, accuracy, or validity of that document.

On _____ before me, _____, a Notary Public,
personally appeared _____,

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.

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WITNESS my hand and official seal.

Signature _____

(SEAL)

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personally appeared _____,

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Signature _____

(SEAL)

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