

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

Mountains Recreation and
Conservation Authority
570 West Avenue 26, Suite 100
Los Angeles, CA 90065

Attention: Laurie Collins

MAY 29 2002

COPY of Document Recorded

02 1224375

Has not been compared with original.
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LOS ANGELES COUNTY REGISTRAR • RECORDER/COUNTY CLERK

**MODIFICATION AND AMENDMENT OF
DECLARATION AS TO ESTABLISHMENT OF CONDITIONS, RESTRICTIONS,
COVENANTS, RESERVATIONS, LIENS AND CHARGES AFFECTING THAT
CERTAIN REAL PROPERTY KNOWN AS MALIBU ENCINAL
AND CONSENT**

PAYMENT of RECORDING FEE and DOCUMENTARY TRANSFER TAX EXEMPT
PURSUANT TO GOVERNMENT CODE SECTION 6103 and REVENUE & TAXATION
CODE SECTION 11922

This Modification and Amendment of Declaration as to Establishment of Conditions, Restrictions, Covenants, Reservations, Liens and Charges Affecting that Certain Real Property Known as Malibu Encinal and Consent to Modification and Amendment is entered into this 24 day of May, 2002 by and between Lechuza Villas West, L.P., a California limited partnership, and the Mountains Recreation and Conservation Authority, a joint exercise of powers entity established pursuant to Government Code Section 6500 *et seq.*

WHEREAS, Marblehead Land Company, a corporation, as owner and original grantee of Tract 10630, Book 181 of Maps, Pages 6-11 inclusive, in the office of the Recorder of Los Angeles County, caused to be established a general plan for the improvement, maintenance and development of Tract 10630 evidenced by that certain Declaration as to Establishment of Conditions, Restrictions, Covenants, Reservations, Liens and Charges Affecting that Certain Real Property Known as Malibu Encinal (hereinafter Declaration) dated September 6, 1932 and recorded September 23, 1932 in Book 11798, Page 231 of Official Records of Los Angeles County;

WHEREAS, Section 2 of Declaration provides: "Any restriction herein contained may from time to time be changed or modified also in the following manner :....(b) "As to any of said property then owned by grantee from Marblehead Land Company, or any successor in interest of said grantee, by recordation of an instrument setting forth such modifications or amendments jointly executed by said Marblehead Land Company (or its successors in interest as owner of the reversionary rights herein), and the owners of record of two-thirds of the area within three hundred (300) feet in any direction of the portion of said tract affected by said amendment or modification";

Modification and Amendment

WHEREAS, Lechuza Villas West, L.P., a California limited partnership, is the successor in interest to Marblehead Land Company as to all rights retained and reserved by Marblehead Land Company including the reversionary rights above referenced;

WHEREAS, the Mountains Recreation and Conservation Authority, a joint exercise of powers entity established pursuant to Government Code Section 6500 *et seq.* is the successor in interest to the grantees of Marblehead Land Company as to the ownership of fee title to Lot 140, the West half of Lot 155 and Lot 156 of said Tract 10630 and Lots 142 through 154, inclusive, the East half of Lot 155, Lot 76, and Lot U, Lot I and Lot A excepting those portions of lot "A" located Easterly of the Southerly extension of the easterly property line of Lot "I" of said Tract 10630 described herein and Westerly of the Northerly extension of the most Westerly property line of lot 155 of said Tract 10630 and in addition an easement for ingress and egress and other purposes over the remaining portions of Lot A as described in that certain Grant of Easements recorded May 3, 2002 as instrument number 02-1025266 in Official Records of Los Angeles County;

NOW THEREFOR, Lechuza Villa West, L.P. consents to the amendment and modification and Mountains Recreation and Conservation Authority amends and modifies the Declaration as follows:

1. Lot 140, the West half of Lot 155, and Lot 156 of said Tract 10630, in addition to being held for resource protection, may be used by all owners of lots located within Tract 10630 and members of the public for pedestrian travel, bathing and recreational purposes, and purposes incident thereto. Section 7 of the declaration is thus amended.
2. Mountains Recreation and Conservation Authority or its successor(s) shall be responsible for the construction, maintenance and repair of the improvements located on Lot I including pedestrian gate(s) located thereon and the opening and closing of the pedestrian gates.
3. All rules signs, warning signs, signs designating the boundary lines of the property owned by the Mountains Recreation and Conservation Authority or its successors, and signs designating the name of the Mountains Recreation and Conservation Authority or its successor as owner of the property described above, erected or placed on the property described above are exempt from the provisions of Section 10 of the Declaration.
4. Nothing in Section 17 of the Declaration shall be interpreted or applied to the property described in Section 1 above in a manner that would prevent the construction or operation of public restroom facilities.

Modification and Amendment

5. Any and all references to racial restrictions in the Declaration are stricken.

Lechuza Villas West, L.P.,
a California Limited Partnership

Dated: 5-28-2002

Norman R. Haynie
by: Norman R. Haynie
General Partner

Mountains Recreation and Conservation
Authority, a joint exercise of powers
authority

Dated: May 24, 2002

Rorie A. Skel
by: RORIE A. SKEL
title: Acting Chief Deputy Executive Officer

ALL-PURPOSE ACKNOWLEDGEMENT

State of California

County of Los Angeles } SS.

On 5/24/02 before me, Shannon S. Murray,
(DATE) (NOTARY)
personally appeared Rorie Skei
SIGNER(S)

personally known to me - OR - 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.

Shannon Murray
NOTARY'S SIGNATURE

OPTIONAL INFORMATION

The information below is not required by law. However, it could prevent fraudulent attachment of this acknowledgement to an unauthorized document.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- INDIVIDUAL
- CORPORATE OFFICER
Acting Chief Deputy Executive Officer
TITLE(S)
- PARTNER(S)
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER: _____

DESCRIPTION OF ATTACHED DOCUMENT

Modification & Amendment of Declaration as to
TITLE OR TYPE OF DOCUMENT
establishment of conditions, restrictions, covenants, reservations, liens & charges affecting that
certain Real Property known as Malibu Encinal
2 pgs

NUMBER OF PAGES

DATE OF DOCUMENT

OTHER

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)
Mountains Recreation & Conservation
Authority

RIGHT THUMBPRINT
OF
SIGNER



STATE OF CALIFORNIA

COUNTY OF Los Angeles

On 9-28-02

before me, M.B. JENNINGS

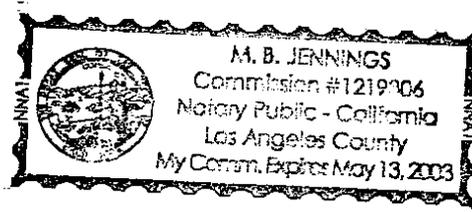
a Notary Public in and for said State, personally appeared

NORMAN R. HAYNIE

personally known to me (or 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.

Signature [Handwritten Signature]



(This area for official notarial seal)

ESCROW NO. 103593-JB
TITLE ORDER NO.