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INMAN LAW GROUP, LLP
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3053 Freeport Blvd. #309
Sacramento, California 95818

FIRST AMENDMENT TO RESTATED DECLARATION OF COVENANTS,

CONDITIONS AND RESTRICTIONS

FOR

MYSTIQUE

If this document contains any restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

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**FIRST AMENDMENT TO RESTATED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
MYSTIQUE**

This First Amendment to Restated Declaration of Covenants, Conditions and Restrictions for Mystique (the "Amendment") is made by Watt Communities at Mystique LLC, a California limited liability company ("Declarant").

RECITALS

A. That certain Restated Declaration of Covenants, Conditions and Restrictions for Mystique was Recorded on September 20, 2007, in Book 20070920 at Page 0938, in the Official Records of Sacramento County, California, ("Declaration"). The Declaration covers, and is binding upon the Association, and all Owners of Units which are more particularly described in the Declaration as the Development. The Declaration imposes mutually beneficial restrictions and easements under a general plan or scheme of improvement for the benefit of all Units (as defined in the Declaration), and the future owners of Units.

B. The Department of Veterans Affairs ("DVA") has determined as a condition to obtaining their approval of the Declaration the Declaration must be amended to meet Department of Veterans Affairs Financing requirements, as set forth in chapter 37 of title 38, United States Code, or part 36 of title 38, Code of Federal Regulations ("DVA Financing") that requires no prohibition or restriction on the condominium Owner's right to lease his or her Unit in the Development.

D. Subsection 15.2(d) of the Declaration permits the Declarant to amend the Declaration as set forth below, which has the amendatory language required by DVA Financing and is necessary to obtain DVA's approval of the Declaration.

NOW, THEREFORE, upon the Recordation of this Amendment in the Official Records of Sacramento County, California, the Declaration shall be amended with respect to all property comprising the Development, as follows:

1. Amendment.

Section 4.15 of the Declaration is amended to add the following subsection:

(o) Department of Veterans Affairs Financing. To the extent that any provisions set forth in the condominium instruments that are inconsistent with the requirement(s) of guaranteed or direct loan programs of the United States Department of Veterans Affairs, as set forth in chapter 37 of title 38, United States Code, or part 36 of title 38, Code of Federal Regulations ("DVA Financing"), such provisions shall not apply to any Unit that is:

- (i) encumbered by DVA Financing or;
- (ii) owned by the Department of Veterans Affairs.

2. Miscellaneous. To the extent any provision of this Amendment conflicts with any provision of the Declaration, the provision of this Amendment shall prevail. Except as expressly provided herein to the contrary, the capitalized terms in this Amendment shall have the same meanings given such terms in the

