

RECORDING REQUESTED BY:

City of Merced, A California charter
municipal corporation

WHEN RECORDED MAIL TO:

City of Merced
City Clerk
678 West 18th Street
Merced, California 95340

**Exempt Recording Per Gov't Code
Section 6103**

(Above for Recorder's Use Only)

**NOTICE OF AFFORDABILITY RESTRICTIONS ON
TRANSFER OF PROPERTY**

**In Respect of the
CITY OF MERCED
AMERICAN RESCUE PLAN ACT
CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS**

(TwelveThirteen Apartments Project)

NOTICE: Restrictions have been recorded restricting the price and terms at which the real property described below in this Notice ("Property") may be sold or rented. These affordability restrictions may limit the sales price or rents of the Property to an amount that is less than the fair market value of such amounts for the Property and limit the persons and households who are permitted to purchase or rent the Property to persons or households with certain income levels.

Recorded Document Containing Affordability Restrictions ("Affordability Restrictions") recorded (check one):

as document No. _____ official records of
Merced County on _____; or

Regulatory Agreement and Declaration of Restrictive Covenants (the "Regulatory Agreement") relating to a grant from Coronavirus Local Fiscal Recovery Funds established under the American Rescue Plan Act, recorded concurrent with this Notice, official records of Merced County.

Name of Agency: City of Merced

Name of Property Owner: TwelveThirteen Homekey LP

Property Legal Description: See Attached Legal Description

Property Street Address: 1213 "V" Street, Merced, California 95341

Property Assessor's Parcel Numbers: 031-271-017-000

Affordability Restrictions Summary (check as applicable):

The Affordability Restrictions Restrict the amount of rent that may be charged for rental housing units on the Property, as follows, subject to the provisions of the Regulatory Agreement:

Rent charged to tenants of the 30% AMI Units shall not exceed one-twelfth (1/12) of thirty percent (30%) of thirty percent (30%) of Area Median Income, Adjusted for Family Size Appropriate for the Unit.

The Affordability Restrictions restrict the sales price that may be charged for sale of one or more housing units on the-Property, as follows: _____

The Affordability Restrictions restrict the income level of tenants or purchasers of the Property, as follows:

The Project consists of ninety-six (96) rental dwelling units. Of the 96 units, 95 studio units shall be restricted for households with incomes at or below thirty percent (30%) of the Area Median Income ("AMI") for Merced County, with adjustments for family size, as determined from time to time by the U.S. Department of Housing and Urban Development ("HUD") pursuant to the United States Housing Act of 1937 and 1 studio unit shall be a Manager Unit.

The Affordability commence on the date the Notice of Satisfaction of Obligations if filed and terminates after fifty-five (55) years from the date a final certificate of occupancy is issued for the property.

This Notice is recorded pursuant to and in compliance with California Government Code Section 27287.

[Signatures on Next Page]


CITY OF MERCED, A California charter
municipal corporation

BY: _____
City Manager

ATTEST:
STEPHANIE DIETZ, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY:  9/29/2022
City Attorney Date

ACCOUNT DATA:

BY: _____
Verified by Finance Officer

“DEVELOPER”

TWELVETHIRTEEN HOMEKEY LP,
A California limited partnership

BY: HOM XXVIII LLC,
a California limited liability company,
Its Managing General Partner

By: Housing on Merit,
a California nonprofit public benefit
corporation,
its Manager

Date: _____

By: _____
Jennifer Litwak
Executive Director

BY: RHC TWELVETHIRTEEN LLC,
a California limited liability company,
Its Co-General Partner

By: RH Community Builders LP,
a California limited partnership,
Its Manager

By: WRBH LLC,
a California limited liability company,
its General Partner

Date: _____

By: _____
Wayne Rutledge
Manager

BY: UP TWELVETHIRTEEN , LLC,
a California limited liability company
Its Co-General Partner

By: UP Holdings California, LLC,
an Illinois limited liability company registered
to do business in the State of California,
its Sole Member

Date: _____

By: _____
Cullen J. Davis
Manager

c/o

Bocarsly Emden Cowan Esmain & Arndt LLP
633 West Fifth Street, 64th Floor
Los Angeles, CA 90071
Attention: Nichole M. Berklas

Phone: (213) 239-8059

Fax: (213) 239-0410

E-Mail: nberklas@bocarsly.com

ACKNOWLEDGEMENT

State of California

County of Merced

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 _____
Notary Public

(seal)

ACKNOWLEDGEMENT

State of California

County of Merced

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 _____
Notary Public

(seal)

Exhibit A – LEGAL DESCRIPTION

The land referred to is situated in the County of Merced, City of Merced, State of California, and is described as follows:

PARCEL 1:

Parcel 2 as per Parcel Map filed February 29, 1988 in Vol. 60 of Parcel Maps, Pages 44 and 45, Merced County Records.

PARCEL 2:

An Easement for pool equipment and incidental purposes thereto, as conveyed in that certain instrument entitled "Easement Agreement" Recorded March 8, 2000 in Vol. 3979, Page 513, Document Number 7392 Official Records and more particularly described as follows:

Commencing at the corner common to Parcel 1 and Parcel 2 on the Westerly line of "V" Street as shown on the Parcel Map for Ray Douglas, Recorded on February 29, 1988 in Volume 60, Parcel Maps, Page 44, Merced County Records; thence along common line between the parcels N. 65° 20' 00" W. 86.70 feet, said point being the True Point of Beginning for this description; thence N. 24° 40' 00" E. 3.80 feet thence N. 65° 20' 00" W. 15.90 feet; thence S. 24° 40' 00" W. 3.80 feet to the common line between the parcels; thence along said common line S. 65° 20' 00" E. 15.90 feet to the point of beginning.

APN: 031-271-017