

## **FOURTH AMENDMENT TO SUBDIVISION AGREEMENT**

THIS FOURTH AMENDMENT TO SUBDIVISION AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2017, by and between the City of Merced, a California Charter Municipal Corporation ("City"), and Bright Development, a California Corporation ("Subdivider").

WHEREAS, City and Subdivider have heretofore entered into a Subdivision Agreement ("Agreement") dated June 19, 2006, relating to the installation of improvements within Summer Creek, Phase 2, a subdivision of real property within the corporate limits of the City;

WHEREAS, City and Subdivider have heretofore entered into a First Amendment to Subdivision Agreement dated August 6, 2007;

WHEREAS, City and Subdivider have heretofore entered into a Second Amendment to Subdivision Agreement dated November 16, 2009;

WHEREAS, City and Subdivider have heretofore entered into a Third Amendment to Subdivision Agreement dated October 15, 2012; and,

WHEREAS, Subdivider desires to amend the Agreement and extend the time for completion of said improvements covered in the Agreement.

NOW, THEREFORE, the parties hereto agree to amend the Agreement as follows:

1. Section 1 of the Agreement, "IMPROVEMENTS," is hereby amended by extending the time of completion of construction to November 1, 2022.
2. Except as herein amended, the Agreement dated June 19, 2006, as amended by the First Amendment to Subdivision Agreement dated August 6, 2007, and as further amended by the Second Amendment dated November 16, 2009 and Third Amendment dated October 15, 2012, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Fourth Amendment to Subdivision Agreement to be duly executed as of the date first above written.


CITY OF MERCED  
A California charter municipal  
corporation

BY: \_\_\_\_\_  
City Manager

ATTEST:  
STEVE CARRIGAN, CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

APPROVED AS TO FORM:

BY:  9-20-2017  
City Attorney Date

ACCOUNT DATA:

BY: \_\_\_\_\_  
Finance Officer

SUBDIVIDER:  
BRIGHT DEVELOPMENT,  
A California Corporation

BY:   
(Signature)

John M. Dena  
(Typed Name)

Its: VICE-PRESIDENT  
(Title)

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed Name)

Its: \_\_\_\_\_  
(Title)

Taxpayer I.D. No. 94-1741340

ADDRESS: 1620 Carpenter Road  
Building B  
Modesto, CA 95351

TELEPHONE: 209-526-8292

FAX: 209-526-8886

E-MAIL dbutze@bright-homes.com

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

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.

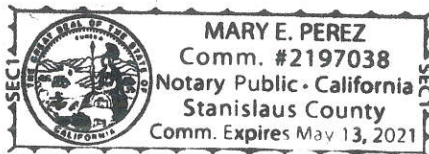
State of California  
County of Stanislaus

}

On Sep. 28, 2017 before me, Mary E. Perez, Notary Public,  
Date Name and Title of the Officer

personally appeared John M. Dunn,  
Name of Signer

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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

[Signature]  
Signature of Notary Public

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Fourth Amendment to Subdivision

Document Date: none Number of Pages: 4

Signer(s) Other Than Named Above: City Attorney 9-20-2017

Capacity(ies) Claimed by Signer(s)

Signer's Name: John M. Dunn

☒ Corporate Officer – Title(s): Vice President

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian of Conservator

☐ Other: \_\_\_\_\_

Signer is Representing: Bright Development, a California Corporation



## ACKNOWLEDGMENT

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State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

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)

The foregoing Fourth Amendment to Subdivision Agreement is hereby approved:

INTERNATIONAL FIDELITY INSURANCE COMPANY

By: \_\_\_\_\_

\_\_\_\_\_  
Print Name

Its: Authorized Agent

Date: \_\_\_\_\_

## ACKNOWLEDGMENT

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State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
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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)