

Quint & Thimmig LLP



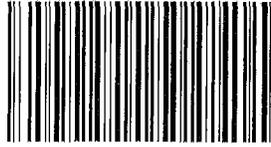
Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Filer

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10/27/2005
15:36:01

RECORDING REQUESTED BY AND
AFTER RECORDATION RETURN TO:

Clerk to the Board
Fort Ord Reuse Authority
100 - 12th Street, Building 2880
Marina, CA 93933

DOCUMENT: **2005114953**



Titles: 1/ Pages: 4
Fees... 17.00
Taxes...
Other...
AMT PAID \$17.00

**FIRST AMENDMENT TO
NOTICE OF SPECIAL TAX LIEN**

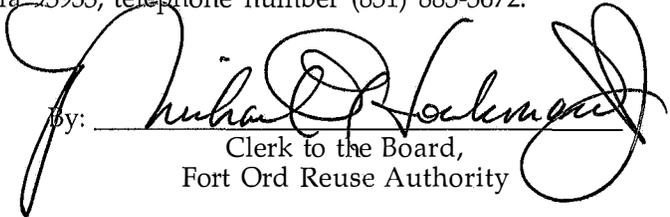
**FORT ORD REUSE AUTHORITY
BASEWIDE COMMUNITY FACILITIES DISTRICT**

Pursuant to the requirements of Section 3114.5 of the California Streets and Highways Code and the Mello-Roos Community Facilities Act of 1982, as amended, constituting Section 53311 et seq. of the California Government Code (the "Act"), a Notice of Special Tax Lien (the "Notice") with respect to the Fort Ord Reuse Authority Basewide Community Facilities District (the "District") was recorded in the Office of the County Recorder of the County of Monterey on May 22, 2002 as instrument number 2002048932.

Pursuant to proceedings conducted by the Board of Directors of the Fort Ord Reuse Authority (the "Board"), acting as the legislative body of the District, under Article 3 of the Act, the Rate and Method of Apportionment of Special Taxes for the District, as set forth in Exhibit B to the Notice, was altered to add to Section IV of the Rate and Method of Apportionment of Special Taxes under the heading "Exceptions," the additional exceptions set forth in Exhibit A hereto, which Exhibit is, by this reference, incorporated herein. The alteration was determined to be lawfully authorized by a resolution adopted by the Board, acting as the legislative body for the District, on October 14, 2005. This First Amendment to Notice of Special Tax Lien is being recorded in compliance with the requirements of Section 53338(c) of the Act and Section 3117.5(b) of the California Streets and Highways Code.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to the special tax lien as described in the Notice, interested persons should contact the Executive Officer of the Fort Ord Reuse Authority, 100 12th Street, Marina, California 93933, telephone number (831) 883-3672.

Dated: October 26, 2005

by: 
Clerk to the Board,
Fort Ord Reuse Authority

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EXHIBIT A

FORT ORD REUSE AUTHORITY
BASEWIDE COMMUNITY FACILITIES DISTRICT

DESCRIPTION OF ALTERATION OF THE
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

The Rate and Method of Apportionment of Special Taxes for the Fort Ord Reuse Authority Basewide Community Facilities District has been altered by adding the following to Section IV of the Rate and Method of Apportionment of Special Taxes under the heading "Exceptions":

Affordable Housing/Below Market Housing:

A three tier reduced Maximum Special Tax shall apply as follows below for New Residential Property that includes Below Market Housing. For the purposes of this subsection, the following definitions of Affordable Housing and Below Market Housing apply to all three tiers. "Affordable Housing" refers to dwelling units on New Residential Property that have sales prices or rents restricted to rates that are affordable to households to very low, low, and moderate income levels, which includes incomes up to 120 percent of the Monterey County median household income for a period consistent with California Health and Safety Code Redevelopment Law ("State Law") as determined by the CFD Administrator. "Below Market Housing" refers to dwelling units on New Residential Property that have sales prices or rents restricted to rates that are affordable to households with incomes up to 180 percent of the Monterey County median household income. It is the policy of the Fort Ord Reuse Authority ("FORA") Board to have the Below Market Housing restrictions continue for a minimum of 20 years from first occupancy of that project. During this period, sales, resales, and rentals must continue to meet the Below Market Housing restrictions. These restrictions will be enforced by FORA through the term of the FORA Community Facilities District and thereafter will be enforced by adopted covenants securing the reduced fee.

Tier 1: 100% of the dwelling units are Below Market Housing containing at least 20% of the dwelling units as Affordable Housing with deed restrictions on where individuals can work. If New Residential (see attached) property (a) includes 100 percent Below Market Housing, and (b) at least 20 percent of the dwelling units are restricted to households that earn up to 120 percent of the Monterey County median household income which includes households earning at the very low, low, and moderate income levels as defined in State Law, and (c) 100 percent of the dwelling units have deed restrictions that limit sale or renting to only those individuals that work within the boundaries of the former Fort Ord and are offered exclusively as part of an ongoing employer-based housing program to provide Below Market Housing for employees of that employer, then the Maximum Special Tax shall be levied at 1/20th or five percent of the New Residential Maximum Special Tax rate on all dwelling units. As long as the specified ongoing employer-based housing program continues in effect, the units may be offered on an interim basis to other certified employees of employers located on the former Fort Ord. Units cannot be rented or resold in the private market at market rates during the life of the housing program. When employees or employees of qualified employers leave their jobs on the former Fort Ord, those units revert to employees of the original on-base employer that created the program.

Tier 2: 100% of the dwelling units are Below Market Housing containing at least 75% of the dwelling units as Affordable Housing, with NO deed restrictions on where individuals can work. If New Residential property (a) includes 100 percent Below Market Housing, and (b) at least 75 percent of the dwelling units are restricted to households that earn up to 120 percent of the Monterey County median household income which includes households earning at the very low, low, and moderate income levels as defined in State Law, but (c) there is no requirement that household members work within the boundaries of the former Fort Ord, then the Maximum Special Tax shall be levied at the Existing Residential (see attached) Maximum Special Tax rate on all dwelling units.

Tier 3: Inclusion of market rate housing. If New Residential property includes market rate housing then the Maximum Special Tax shall be levied at the Existing Residential Maximum Special Tax rate only for those Affordable Housing dwelling units that are in excess of the Affordable Housing dwelling units required to meet the requirements of (a) California Law and (b) any adopted affordable housing policy of the local agency within which the Property is located. All other Below Market Housing, Affordable Housing and market-rate dwelling units shall pay the Maximum Special Tax rate for New Residential property.

Special Tax Credit for Dedicated Public Facilities Eligible for funding by the CFD:

If an owner of Taxable Property dedicates a public facility eligible for funding by the CFD to a public agency, and if the public agency accepts the dedicated facility prior to the levy of the Special Tax on that Taxable Property, then the Special Tax levied on that Taxable Property shall be reduced by the value of the dedicated public facility. The value of the dedicated public facility for the purposes of calculating the reduction in the Special Tax shall be determined by the CFD Administrator, and shall be the estimated cost of the FORA portion of the public facility cost represented in the most recent FORA Capital Improvement Program. Nothing in this section precludes a land use jurisdiction from issuing an overlay CFD to pay off the Special Taxes due on Taxable Property. The Special Tax levied on such Taxable Property shall be reduced by the value of any dedicated public facility prior to the payment by the overlay CFD.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

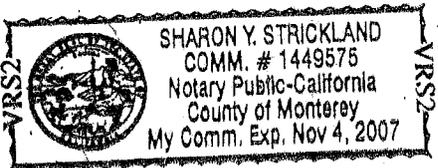
State of California

County of Monterey

On 10-26-05 before me, Sharon Y. Strickland

personally appeared Michael A. Houtemard, Jr.

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.

Sharon Y. Strickland
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: First Amendment to Notice of Special Lien ^{tax}

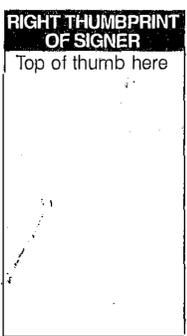
Document Date: October 26, 2005 Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

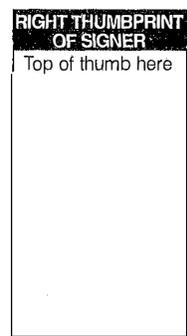
- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing:

END OF DOCUMENT