

ORIGINAL

FIFTH AMENDMENT TO
AGREEMENT TO MAKE SUBDIVISION IMPROVEMENTS
FOR CLASS 1 SUBDIVISION
BETWEEN COUNTY AND OWNER

THIS FIFTH AMENDMENT, to that certain Agreement to Make Subdivision Improvements for Class 1 Subdivision Between County and Owner (hereinafter referred to as the "Agreement"), made and entered by and between the **COUNTY OF EL DORADO**, a political subdivision of the State of California, (hereinafter referred to as "County"), and **LENNAR HOMES OF CALIFORNIA, INC.**, a California corporation, duly qualified to conduct business in the State of California, whose principal place of business is 1420 Rocky Ridge, Suite 320, Roseville, California 95661 (hereinafter referred to as "Owner"); concerning **WEST VALLEY VILLAGE, UNIT 5A, TM 99-1359-5A** (hereinafter referred to as "Subdivision"); the Final Map of which was filed with the El Dorado County Board of Supervisors on the 28th day of August, 2007.

RECITALS

WHEREAS, County, and Owner entered into that certain Subdivision Improvements Agreement on August 28, 2007, and entered into The First Amendment to the Agreement on January 29, 2013, entered into the Second Amendment to the Agreement on May 13, 2014, entered into the Third Amendment to the Agreement on February 24, 2015, and entered into the Fourth Amendment on January 12, 2016 in connection with the Subdivision, copy of which Agreement is incorporated herein and made by reference a part hereof;

WHEREAS, the Agreement, as amended, requires Owner to complete the subdivision improvements thereunder on or before February 7, 2017, and Owner has not completed all of the improvements but has requested an extension of time to complete the subdivision improvements on or before February 7, 2018, subject to the terms and conditions contained herein;

WHEREAS, the County's notice recipients have changed;

NOW, THEREFORE, the parties hereto, in consideration of the recitals, terms and conditions herein, do hereby agree to amend the terms of the Agreement in this Fifth Amendment to read as follows:

Section 3 is amended to read as follows:

3. Complete the Subdivision improvements contemplated under this Agreement on or before February 7, 2018.

Section 29 is hereby amended to read as follows:

29. All notices to be given by the parties hereto shall be in writing and served by depositing the same in the United States Post Office, postage prepaid and return receipt requested.

Notices to County shall be in duplicate and addressed as follows:

County of El Dorado
Department of Transportation
2850 Fairlane Court
Placerville, CA 95667

Attn.: Andrew S. Gaber, P.E.
Deputy Director
Development/ROW/Environmental

County of El Dorado
Department of Transportation
2850 Fairlane Court
Placerville, CA 95667

Attn.: Adam Bane, P.E.
Senior Civil Engineer

or to such other location as County directs.


Notices to Owner shall be addressed as follows:

Lennar Homes of California, Inc.
1420 Rocky Ridge, Suite 320
Roseville, California, 95661
Attn.: Larry Gualco
Vice President

or to such other location as Owner directs.

Except as herein amended, all other parts and sections of that certain Agreement dated August 28, 2007, as thereafter amended, shall remain unchanged and in full force and effect.

Requesting Contract Administrator Concurrence:

By: 
Andrew S. Gaber, P.E.
Deputy Director
Development/ROW/Environmental
Department of Transportation

Dated: 6/21/2017


Requesting Department Concurrence:

By: 
Bard R. Lower
Interim Director
Department of Transportation

Dated: 6/21/2017

IN WITNESS WHEREOF, the parties hereto have executed this Fifth Amendment to that certain Subdivision Improvement Agreement on the dates indicated below, the latest of which shall be deemed to be the effective date of this Agreement.

--COUNTY OF EL DORADO--

By: 

Dated: 6/20/2017

Board of Supervisors
"County"


Attest:
James S. Mitrising
Clerk of the Board of Supervisors

By: 
Deputy Clerk

Dated: 6/20/2017

--LENNAR HOMES OF CALIFORNIA, INC.--
--a California Corporation--

By: Lennar Homes of California, Inc.
a California Corporation

By: 
Larry Gualco
Vice President
"Owner"

Dated: 6/9/17

Notary Acknowledgment Attached

ACKNOWLEDGMENT

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 Placer } ss.

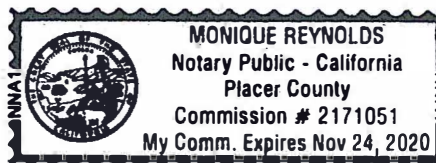
On June 12, 2017 before me, Monique Reynolds

Notary Public, personally appeared Larry Gu also

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 signatures(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 of Monique Reynolds

(seal)

OPTIONAL INFORMATION

Date of Document West Valley Unit 5A SIA Amendment

Thumbprint of Signer

Type or Title of Document

Number of Pages in Document

Document in a Foreign Language

Type of Satisfactory Evidence:
Personally Known with Paper Identification
Paper Identification
Credible Witness(es)

Capacity of Signer:
Trustee
Power of Attorney
CEO / CFO / COO
President / Vice-President / Secretary / Treasurer
Other:



Check here if no thumbprint or fingerprint is available.

Other Information:

LENNAR HOMES OF CALIFORNIA, INC.

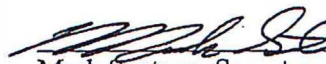
CERTIFIED RESOLUTION

MAY 25, 2017

The undersigned, Mark Sustana, as the duly elected, qualified and acting Secretary of Lennar Homes of California, Inc., a California corporation (the "Corporation"), hereby certifies that:

1. LARRY GUALCO is a duly elected, qualified and acting Vice President of the Corporation, serving continuously in such capacity since his election on March 1, 2002; and
2. All actions, transactions and deeds by LARRY GUALCO in his capacity as Vice President, in the name of or on behalf of the Corporation, including but not limited to the authority to execute agreements on behalf of the Corporation be, and they hereby are, ratified, confirmed and approved in all respects.

IN WITNESS WHEREOF, the undersigned has executed this Certified Resolution on behalf of the Corporation effective as of the date first written above.


Mark Sustana, Secretary



STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to and subscribed before me this 25th day of May 2017, by Mark Sustana, as Secretary of Lennar Homes of California, Inc., a California, on behalf of the Corporation. He is personally known to me and did not take an oath.




NOTARY PUBLIC
State of Florida