

**1600 Hamilton Place
Community Association
Restated Bylaws**

**NOTICE REGARDING
DISCRIMINATORY RESTRICTIONS**

(California Government Code § 12956.1)

In accordance with California Government Code § 12956.1 the Association includes with this governing document the following information:

“If this document contains any restriction based on race, color, religion, sex, sexual orientation, familial status, marital status, disability, 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.”



**RESTATED
BYLAWS
OF
1600 HAMILTON PLACE
COMMUNITY ASSOCIATION, INC.**

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INDEX**

ARTICLE & SECTION	TITLE	PAGE
ARTICLE I		1
• Section 1	Name and Location	1
• Section 2	Association is Nonprofit	1
• Section 3	Specific Purpose	1
ARTICLE II - DEFINITIONS		2-3
• Section 1	Association	2
• Section 2	Board of Directors	2
• Section 3	Director	2
• Section 4	Common Area	2
• Section 5	Condominium	2
• Section 6	Condominium plan	2
• Section 7	Declaration	2
• Section 8	Member	2
• Section 9	Properties	3
ARTICLE III - MEMBERSHIP AND VOTING RIGHTS		3
• Section 1		3
ARTICLE IV - MEETINGS OF MEMBERS		4-5
• Section 1	Annual Meetings	4
• Section 2	Special meetings	4

• Section 3	Notice of Meetings	4
• Section 4	Quorum	4
• Section 5	Proxies	4
• Section 6	Parliamentary Procedure	5
• Section 7	Majority of Owners	5
• Section 8	Action Without Meeting	5
ARTICLE V - BOARD OF DIRECTORS; SELECTION, TERM OF OFFICE		5-6
• Section 1	Number	5
• Section 2	Term of Office	5-6
• Section 3	Removal	6
• Section 4	Compensation	6
• Section 5	Action by Unanimous Written Consent Without Meeting	6
ARTICLE VI - NOMINATION AND ELECTION OF DIRECTORS		7-10
• Section 1	Nomination	7
• Section 2	Election to the Board of Directors	7
• Section 3	Election Procedure	7-10
ARTICLE VII - MEETINGS OF DIRECTORS		10-11
• Section 1	Regular Meetings	10
• Section 2	Emergency Meetings	10
• Section 3	Quorum	10-11
• Section 4	Conduct of Meetings	11
ARTICLE VIII - POWERS AND DUTIES OF THE BOARD OF DIRECTORS		11-13
• Section 1	Powers	11-12
• Section 2	Duties	12-13
ARTICLE IX - OFFICERS AND THEIR DUTIES		13-15
• Section 1	Enumeration of Offices	13
• Section 2	Election of Officers	13
• Section 3	Term	14
• Section 4	Special Appointments	14
• Section 5	Resignation and Removal	14
• Section 6	Vacancies	14
• Section 7	Multiple Offices	14
• Section 8	Duties	14-15

ARTICLE X – COMMITTEES	16
ARTICLE XI – BOOKS AND RECORDS	16
ARTICLE XII - AMENDMENTS	16
ARTICLE XIII – MISCELLANEOUS	16-17
• Section 13.01 Conflict in Provisions	16
• Section 13.02 Fiscal Year	16
• Section 13.03 Proof of Membership	17
• Section 13.04 Consent to Waiver of Notice	17
• Section 13.05 Reserves	17
CERTIFICATION	18

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ARTICLE I

RECITALS

Section 1. Name And Location. The name of the corporation from this day forward is 1600 Hamilton Place Community Association, Inc. hereinafter referred to as the "Association." The principal office of the corporation shall be located in Santa Clara County, California.

Section 2. Association Is Nonprofit. The Association has been formed pursuant to California Nonprofit Mutual Benefit Corporation Law (in conformance with applicable sections of the California Corporation Code) as a nonprofit mutual benefit corporation.

Section 3. Specific Purpose. The specific and primary purpose of this Association shall be to own, repair, maintain, and manage the Common Area and Common Facilities within that certain real estate common interest development located in the City of San Jose, County of Santa Clara, State of California, and commonly referred to as 1600 Hamilton Place Community Association, Inc., enforce the Rules and Regulations adopted from time to time by the Board of Directors, and the terms and conditions of the Declaration and otherwise to enhance and promote the use and enjoyment of the Common Areas and Common Facilities by the Owners in common.

ARTICLE II

DEFINITIONS

Section 1. Association. "Association" shall mean and refer to 1600 Hamilton Place Community Association, Inc., its successors and assigns.

Section 2. Board of Directors. "Board of Directors" or "Board" shall mean and refer to the duly elected Board of Directors of the Association.

Section 3. Director. "Director" shall mean a duly elected member of the Board of Directors of the Association.

Section 4. Common Area. "Common Area" shall mean the entire development except all units as defined in the Declaration as shown on the condominium plan.

Section 5. Condominium. "Condominium" shall mean an estate in real property as defined in California Civil Code Section 783 consisting of an undivided interest as a tenant-in-common in the common area of the development, together with a fee interest in a unit shown and described on the condominium plan.

Section 6. Condominium Plan. "Condominium Plan" shall mean the condominium plan recorded pursuant to applicable provisions of the California Civil Code Section respecting the development and any amendments to the plan.

Section 7. Declaration. "Declaration" shall mean and refer to the most recent Declaration of Covenants, Conditions, and Restrictions applicable to the development recorded in the Office of the County Recorder of Santa Clara County, State of California.

Section 8. Member. "Member" shall mean those persons or entities who hold a membership in the Association as provided in Article III hereof.

Section 9. Properties. "Properties" shall mean and refer to that certain real property described in the Recitals to the Declaration of Covenants, Conditions and Restrictions and such additions thereto as may thereafter be brought within the jurisdiction of the Association. The Properties currently consist of 298 Units (defined below) with improvements designated on the recorded Subdivision Map entitled "Tract No. 6812," filed in Book 468 of Maps at Pages 24 through 26, Santa Clara County records on July 30, 1980. The Properties also include the Additional Property described in Exhibit "A" to the Declaration of Covenants, Conditions and Restrictions, and all improvements thereon. The Properties are presently comprised of 298 housing units, which consist of dwelling units, Patio Gardens, Balconies and Decks, Carport structures, Garages, clubhouses, recreational facilities, private streets, and all other Common Area and Common Facilities described herein.

ARTICLE III

MEMBERSHIP AND VOTING RIGHTS

Section I. Every owner of a condominium which is subject to assessment shall be a member of the Association. Membership shall be appurtenant to and may not be separated from ownership of any condominium which is subject to assessment.

Owners shall be entitled to one (1) vote for each condominium owned. When more than one person holds an interest in any condominium, all such persons shall be Members. The vote for such Condominium shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any condominium.

ARTICLE IV

MEETINGS OF MEMBERS

Section 1. Annual Meetings. Annual Meetings of the Members shall be held on the second Tuesday of March of each year, at the hour of 6:30 p.m. If the day for the annual meeting of the Members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.

Section 2. Special Meetings. Special meetings of the Members may be called at any time by the President or by the Board of Directors, or upon written request of a majority of the Members who are entitled to vote.

Section 3. Notice of Meetings. Written notice of each meeting of the Members shall be given by, or at the direction of, the Secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least fifteen (15) days but not more than thirty (30) days before such meeting to each Member entitled to vote thereat, addressed to the Member's address last appearing on the books of the Association, or supplied by such Member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting.

Section 4. Quorum. The presence in person of unit owners holding at least fifty-one per cent (51%) of the votes of membership shall constitute a quorum for the transaction of business at all membership meetings. If any meeting cannot be held because a quorum is not present, the Owners present may, as otherwise provided by law adjourn the meeting to a time not less than forty-eight (48) hours nor more than thirty (30) days from the time the original meeting was called, at which meeting the quorum requirement shall be at least twenty-five per cent (25%) of the voting membership.

Section 5. Proxies. Proxies shall not be permitted.

Section 6. Parliamentary Procedure. All questions of parliamentary procedure shall be decided in accordance with the current edition of Roberts Rules of Order.

Section 7. Majority of Owners. Except as otherwise provided here or in the Declaration, the majority of the total voting power present in person shall prevail at all meetings.

Section 8. Action Without Meeting. Any action that may be taken at a regular or special meeting of the Members may be taken without a meeting if there is distributed a written secret ballot to every member entitled to vote on the matter. Such ballot shall set forth the proposed action, and provide an appropriate method to specify approval or disapproval of any proposal, and shall further provide that the ballot must be returned within thirty (30) calendar days after the date of mailing, which date of mailing shall be specified on the written ballot. Approval by written ballot pursuant to this section shall be valid only when the number of votes cast by ballot, within the specified thirty (30) calendar days, equals or exceeds the quorum required to be present at a meeting at which the total number of votes cast was the same as the number of votes cast by ballot. The ballot shall further specify the number of responses needed to meet the quorum requirement, and shall state the percentage of approval necessary to pass the measure submitted. The ballot must further specify the time by which the ballot must be received in order to be counted.

ARTICLE V

BOARD OF DIRECTORS; SELECTION, TERM OF OFFICE

Section 1. Number. The affairs of this Association shall be managed by a Board of five (5) Directors, who shall be Members in good standing of the Association.

Section 2. Term of Office. The term of office of two (2) of the five (5) Director positions shall expire and be up for re-election on even-numbered years, and the term of office of the remaining three (3) Director positions shall expire and be up for re-

election on odd-numbered years. At the expiration of the term of office of each respective Director, his or her successor shall be elected to a term of two (2) years. The Directors shall hold office until their successors have been elected.

Section 3. Removal. Any Director may be removed from the Board, with or without cause, by a majority vote of the Members of the Association. In the event of death, resignation or removal of a Director, the successor shall be selected by the remaining Members of the Board and shall serve for the unexpired term of his or her predecessor.

Section 4. Compensation. No Director shall receive compensation for any service rendered to the Association. However, any Director may be reimbursed for actual expenses incurred in the performance of duties. A Director shall fully disclose to the Board any material financial interest which he or she has in any proposed contract or transaction involving the Association, and comply with California law regarding abstaining from voting on such issues.

Section 5. Action By Unanimous Written Consent Without Meeting. Any action required or permitted to be taken by the Board of Directors under any provision of law may be taken without a meeting, if all members of the Board shall individually or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the Board. Such action by written consent shall have the same force and effect as the unanimous vote of such Directors. Any certificate or other document filed under any provision of law which relates to action so taken shall state that the action was taken by unanimous written consent of the Board of Directors without a meeting and that the Articles of this corporation authorize the Directors to so act, and such statement shall be prima facie evidence of such authority.

ARTICLE VI

NOMINATION AND ELECTION OF DIRECTORS

Section 1. Nomination. Nomination for election to the Board of Directors shall be made by a nominating Committee consisting of three (3) Members. Nominations may also be made from the floor at the annual meeting, and any member shall be allowed to nominate him or herself. The Nominating Committee shall consist of a Chairperson, who shall be a member of the Board of Directors, and two or more Members in good standing of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual election. The nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled.

Section 2. Election to the Board of Directors. Election to the Board shall be by secret written ballot in accordance with the procedures set forth in this Article. Every owner shall be entitled to vote at any election for Directors and shall have a number of votes equal to the number of Directors to be elected, which votes shall be cast for separate candidates and shall not be cumulated. The candidates receiving the highest number of votes up to the number of Directors to be elected are elected.

Section 3. Election Procedure.

(a) If any candidate or member advocating a point of view is provided access to Association media, newsletters, or Internet Web sites during a campaign, for purposes that are reasonably related to that election, equal access shall be provided to all candidates and Members advocating a point of view, including those not endorsed by the Board, for purposes that are reasonably related to the election. The Association shall not edit or redact any content from these communications, but may include a statement specifying that the candidate or member, and not the Association, is responsible for that content.

(b) The Board shall adopt procedures that provide for a reasonable opportunity for nominees to communicate their qualifications and reasons for candidacy to the members and to solicit votes, and for a reasonable opportunity for Members to choose among nominees.

(c) All candidates and Members advocating a point of view, including those not endorsed by the Board, shall have access to the common area meeting space, during a campaign, at no cost, for purposes reasonably related to the election.

(d) The Board shall specify the qualifications for voting, the voting power of each membership, the authenticity, validity, and the voting period for elections, including the times at which polls will open and close, all in accordance with these Bylaws.

(e) The Board shall appoint three (3) people to act as election inspectors. Each election inspector must be a Member in good standing of the Association who is not a candidate or a member of the Board, and is not related to any candidate or member of the Board. Alternatively, the election inspectors may be a managing agent of the Association, or a non-member who has been approved by the Board.

(f) The election inspector shall do all of the following:

(i) Determine the number of memberships entitled to vote and the voting power of each.

(ii) Determine the authenticity, validity, and effect of proxies, if any.

(iii) Receive ballots.

(iv) Hear and determine all challenges and questions in any way arising out of or in connection with the right to vote.

(v) Count and tabulate all votes.

(vi) Determine when the polls shall close.

(vii) Determine the result of the election.

(viii) Perform any acts as may be proper to conduct the election with fairness to all members in accordance with this Article and all applicable rules of

the Association regarding the conduct of the election that are not in conflict with this Article or the applicable provisions of the California Civil Code.

(g) Each election inspector shall perform his or her duties impartially, in good faith, to the best of his or her ability, and as expeditiously as is practical. Any report made by the election inspector is prima facie evidence of the facts stated in the report.

(h) Ballots and two preaddressed envelopes with instructions on how to return ballots shall be mailed by first-class mail or hand-delivered to every member not less than 30 days prior to the deadline for voting. In order to preserve confidentiality, a voter may not be identified by name, address, or lot, parcel, or unit number on the ballot. The following requirements shall apply:

(i) The ballot itself shall not be signed by the voter, but inserted into an envelope that is sealed. This envelope shall be inserted into a second envelope that is sealed. In the upper left hand corner of the second envelope, the voter shall print and sign his or her name, address, and lot, or parcel, or unit number that entitles him or her to vote.

(ii) The second envelope shall be addressed to the election inspector, who will be tallying the votes. The envelope may be mailed or delivered by hand to a location specified by the election inspector. The member may request a receipt for delivery.

(i) All votes shall be counted and tabulated by the election inspectors in public at a properly noticed open meeting of the Board of Directors or Members. Any candidate or other member of the Association may witness the counting and tabulation of the votes. No person, including a Member or an employee of the management company, shall open or otherwise review any ballot prior to the time and place at which the ballots are counted and tabulated.

(j) The results of the election shall be promptly reported to the board of directors of the Association and shall be recorded in the minutes of the next meeting of the board of directors and shall be available for review by members of the Association. Within 15 days of the election, the board shall publicize the results of the election in a

communication directed to all members.

(k) The sealed ballots at all times shall be in the custody of one of the election inspectors or at a location designated by the inspector or inspectors until after the tabulation of the vote, at which time custody shall be transferred to the Association.

(l) After tabulation, election ballots shall be stored by the Association in a secure place for no less than one year after the date of the election. In the event of a recount or other challenge to the election process, the Association shall, upon written request, make the ballots available for inspection and review by Association members or their authorized representatives. Any recount shall be conducted in a manner that shall preserve the confidentiality of the vote.

ARTICLE VII

MEETINGS OF DIRECTORS

Section 1. Regular Meetings. Regular meetings of the Board of Directors shall be held monthly on the second Tuesday of the month at 6:30 p.m., or at such place and hour as may be fixed from time to time by resolution of the Board. Notice shall be provided to all Members according to California law, under the Open Meeting Act. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.

Section 2. Emergency Meetings. Emergency Meetings of the Board of Directors shall be held without notice to the membership only when called by the President of the Association, or by any two Directors, under circumstances that could not have been reasonably foreseen that require immediate attention and possible action by the Board and that of necessity make it impracticable to provide prior notice to the Members as required under the Open Meeting Act.

Section 3. Quorum. A majority of the number of Directors shall constitute a quorum for the transaction of business. Every act or decision done or made

by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

Section 4. Conduct of Meetings. Regular and special meetings of the Board shall be open to all Members of the Association, provided however, that Association Members who are not on the Board may not participate in any deliberation or discussion unless expressly authorized by the vote of a majority of a quorum of the Board. The Board may, with the approval of a majority of a quorum of the Board Members, adjourn a meeting and reconvene in executive session to discuss and vote on personnel matters, litigation in which the Association is or may become involved or other matters as provided by California law. The nature of any and all business to be considered in executive session shall be announced in open session, and recorded in the minutes.

ARTICLE VIII

POWERS AND DUTIES OF THE BOARD OF DIRECTORS

Section 1. Powers. The Board of Directors shall have the power to:

- (a) Adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the Members and their guests thereon, and to establish penalties for the infraction thereof;
- (b) Suspend the voting rights and right to use of the recreational facilities by a Member during any period in which such Member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearings, for a period not to exceed sixty (60) days for infraction of published rules and regulations;
- (c) Exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation, or the Declaration;

(d) Declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors;

(e) Employ a manager, an independent contractor, or such other employees as they deem necessary, and to prescribe their duties;

(f) Contract for materials and/or services for the Common Area or the Association with the term of any service contract limited to a duration of one (1) year, except with the unanimous approval of members of the Board of Directors, in which case contracts shall not exceed a term of three (3) years; and

(g) Contract for fire, casualty, liability and other insurance on behalf of the Association and the Owners.

Section 2. Duties. It shall be the duty of the Board of Directors to:

(a) Cause to be kept minutes of all its meetings and records of the Association finances;

(b) Supervise all officers, agents and employees of this Association and to see that their duties are properly performed;

(c) As more fully provided in the Declaration to:

1. Fix the amount of the annual assessment against each Condominium at least forty-five (45) and not more than sixty (60) days in advance of each annual assessment period;
2. Send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period; and

3. Foreclose the lien against any property for which assessments are not paid in accordance with California law or to levy an action at law against the Owner personally obligated to pay the same.

(d) Issue, or cause an appropriate officer to issue, upon demand by any Owner, a certificate setting forth whether or not an assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

(e) Procure and maintain adequate liability and hazard insurance on property owned by the Association in accordance with applicable California law;

(f) Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate and in accordance with applicable California law; and

(g) Cause the Common Areas to be maintained.

ARTICLE IX

OFFICERS AND THEIR DUTIES

Section 1. Enumeration of Offices. The officers of this Association shall be a President, Vice-President, Secretary and a Treasurer, who shall at all times be Members of the Board of Directors, and such other officers as the Board may from time to time by resolution create.

Section 2. Election of Officers. The election of officers shall take place at the first open meeting of the Board of Directors following each annual meeting of the Members.

Section 3. Term. The officers of this Association shall be elected annually by the Board and each shall hold office for one (1) year unless he or she shall sooner resign, become deceased, be removed, or otherwise be disqualified to serve.

Section 4. Special Appointments. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the Board may, from time to time, determine.

Section 5. Resignation and Removal. Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time giving written notice to the Board, the President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Vacancies. A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he or she replaces.

Section 7. Multiple Offices. The offices of Secretary and Treasurer may be held by the same person. No person shall simultaneously hold more than one (1) of any of the other offices except in the case of special offices created pursuant to this Article.

Section 8. Duties. The duties of the officers are as follows:

PRESIDENT

(a) President. The President shall preside at all meetings of the Board of Directors; shall see that orders and resolutions of the Board are carried out; shall sign all leases, mortgages, deeds and other written instruments and shall co-sign all promissory

notes. The President may co-sign checks, as can any other officers. Two (2) Officer signatures shall be required on all checks and promissory notes.

VICE-PRESIDENT

(b) Vice-President. The Vice-President shall act in the place and stead of the President and perform the above-described duties in the event of his or her absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him or her by the Board.

SECRETARY

(c) Secretary. The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings, of the Board and of the Members; keep appropriate current records showing the Members of the Association together with their addresses; and shall perform such other duties as required by the Board.

TREASURER

(d) Treasurer. The Treasurer shall receive and cause to be deposited in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall co-sign promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made by a certified public accountant at the completion of each fiscal year; and shall cause to be prepared an annual budget and a statement of income and expenditures and cause to be delivered a copy of each to the Members annually.

Section 3. Proof of Membership. No person can exercise the rights of membership in the Association until satisfactory proof of membership has been furnished to the Secretary. Such proof may consist of either a copy of a duly executed and acknowledged grant deed or title insurance policy showing said person to be the owner of an interest in a condominium entitling him to membership. The deed or policy is conclusive in the absence of a conflicting claim based on a later deed or policy.

Section 4. Consent to Waiver of Notice. Notice of a meeting need not be given to any Board member who has signed a waiver of notice or a written consent to the holding of a meeting. All such waivers, consents, or approvals shall be filed with the records of the Board and made a part of its minutes.

Section 5. Reserves. Any amounts collected by or paid the Association in excess of operational needs shall be set aside as reserves for future financial needs in the manner described in the Declaration and shall be deposited into insured interest bearing accounts.

CERTIFICATION

I, the undersigned, do hereby certify:

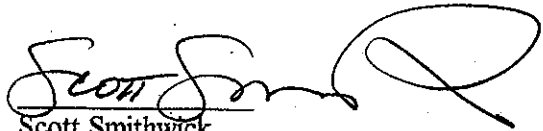
That I am the duly elected and acting Secretary of 1600 Hamilton Place Community Association, Inc., a California nonprofit mutual benefit corporation, and that the foregoing Restated Bylaws of 1600 Hamilton Place Community Association, Inc., consisting of seventeen (17) pages, constitute the Bylaws of said Association, as duly adopted by the Directors at a meeting duly held on the 14th day of October 2008.

IN WITNESS WHEREOF, I have hereunto subscribed by name and affixed the seal of said Association this 29 th day of OCTOBER 2008.

State of California, County of Santa Clara

On Oct. 29, 08 before me, Nathan Ganeshan, Notary Public,

Personally appeared SCOTT SMITHWICK who proved to me on the basis of satisfactory evidence to be the person 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.



Scott Smithwick
Secretary
1600 Hamilton Place Community
Association, Inc.

Nathan Ganeshan 10/29/2008

