

Legal Description

APN: 259-52-055 TRA: 17-193 CITY: San Jose COUNTY: Santa Clara

Exhibit "A"

A CONDOMINIUM COMPRISED OF

PARCEL ONE:

CONDOMINIUM UNIT NO. 407, AS SAID UNIT IS DEPICTED UPON THAT CERTAIN CONDOMINIUM PLAN WHICH SHALL HEREAFTER BE REFERRED TO AS (THE "PLAN"), AND WHICH PLAN IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, AND RESERVATION OF EASEMENTS FOR PARK TOWNSEND, WHICH DECLARATION RECORDED JUNE 4, 2004, AS DOCUMENT NO. 17828369, OFFICIAL RECORDS, AND AS AMENDED BY THAT CERTAIN FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTION AND RESERVATION OF EASEMENTS FOR PARK TOWNSEND TOGETHER WITH THOSE CERTAIN SHEETS AMENDING THE CONDOMINIUM PLAN ATTACHED THERETO AS EXHIBIT A (THE "PLAN"), WHICH FIRST AMENDMENT RECORDED JULY 27, 2004 AS DOCUMENT NO. 17920576, OFFICIAL RECORDS, AND WHICH DECLARATION AND FIRST AMENDMENT SHALL HEREINAFTER BE REFERRED TO AS (THE "DECLARATION") AND WHICH CONDOMINIUM PLAN AND THE SHEETS AMENDING THE SAME SHALL HEREAFTER BY REFERRED TO AS (THE "PLAN"); SAID UNIT BEING SITUATED ON LOT 1 AS SAID LOT IS SHOWN UPON THAT CERTAIN MAP OF TRACT 9378 (THE "MAP") WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON SEPTEMBER 16, 2003 IN BOOK 764 OF MAPS, AT PAGES 10 - 12, AS ADJUSTED.

PARCEL TWO:

AN UNDIVIDED 1/98TH FEE SIMPLE INTEREST AS TENANTS IN COMMON IN LOT 1 OF TRACT 9378, WHICH IS THE COMMON AREA AS DEFINED IN THE DECLARATION, EXCEPTING THEREFROM THE LAND CONVEYED BY LOT LINE ADJUSTMENT GRANT DEED RECORDED DECEMBER 24, 2003 AS DOCUMENT NO. 17546687 OFFICIAL RECORDS. SAID COMMON AREA ENCOMPASSES ALL OF THE AREA AROUND ADJUSTED LOT 2 OF TRACT 9378, BELOW THE ELEVATION 78.00 FEET AND ABOVE THE ELEVATION 90.00 FEET.

EXCEPTING THEREFROM AND RESERVING UNTO THE GRANTORS, TOGETHER WITH THE RIGHT TO GRANT AND TRANSFER SAME, ALL OIL, OIL RIGHTS, MINERALS, MINERAL RIGHTS, NATURAL GAS RIGHTS AND OTHER HYDROCARBONS BY WHATEVER NAME KNOWN, GEOTHERMAL STEAM AND ALL PRODUCTS DERIVED FROM ANY OF THE FOREGOING, THAT MAY BE WITHIN OR UNDER THE PROPERTY CONVEYED HEREBY. TOGETHER WITH THE

~~MAY BE WITHIN OR UNDER THE PROPERTY CONVEYED HEREBY, TOGETHER WITH THE~~
PERPETUAL RIGHT OF DRILLING, MINING EXPLORING AND OPERATIONS THEREFOR, AND
STORING IN, AND REMOVING THE SAME FROM SAID PROPERTY OR ANY OTHER LAND,
INCLUDING THE RIGHT TO WHIPSTOCK OR DIRECTIONALLY DRILL AND MINE FROM LANDS
OTHER THAN THE PROPERTY CONVEYED HEREBY, OIL OR GAS WELLS TUNNELS, SHAFTS,
INTO, THROUGH AND ACROSS THE SUBSURFACE OF THE PROPERTY AND TO BOTTOM SUCH
WHIPSTOCKED OR DIRECTIONALLY DRILLED WELLS, TUNNELS AND SHAFTS UNDER AND
BENEATH OR BEYOND THE EXTERIOR LIMITS THEREOF, WITHOUT, HOWEVER, THE RIGHT
TO DRILL, MINE, STORE, EXPLORE AND OPERATE THROUGH THE SURFACE OR THE UPPER
FIVE HUNDRED FEET (500') OF THE SUBSURFACE OF SUCH PROPERTY.

EXCEPTING THEREFROM THE FOLLOWING:

1. ALL OF THE CONDOMINIUM UNITS DEPICTED ON THE PLAN AND DEFINED IN THE DECLARATION, OTHER THAN THE CONDOMINIUM UNIT DESCRIBED IN PARCEL ONE ABOVE.
2. THE EXCLUSIVE USE COMMON AREAS AS DEFINED IN THE DECLARATION AND AS DEPICTED ON THE PLAN, INCLUDING BUT NOT LIMITED TO, PATIO, BALCONY, STORAGE SPACE, PARKING SPACE, AND STAIRWAYS, WHICH ARE SET ASIDE AND ALLOCATED FOR THE EXCLUSIVE USE OF THE CONDOMINIUM UNITS OTHER THAN THE CONDOMINIUM UNIT DESCRIBED IN PARCEL ONE ABOVE.
3. NON-EXCLUSIVE EASEMENTS FOR ACCESS, INGRESS, EGRESS, SUPPORT, USE, ENJOYMENT AND OTHER RIGHTS OVER, UNDER, UPON AND THROUGH THE COMMON AREA APPURTENANT TO ALL CONDOMINIUM UNITS AS SAID EASEMENTS AND RIGHTS ARE DEFINED IN THE DECLARATION.
4. EASEMENTS FOR VEHICULAR AND PEDESTRIAN ACCESS OVER, ACROSS AND THROUGH A PORTION OF THE COMMON AREA, FOR THE BENEFIT OF THE OWNER OF LOT 2 OF TRACT 9378, PURSUANT TO THE TERMS AND CONDITIONS OF THAT CERTAIN RECIPROCAL EASEMENT AND MAINTENANCE AGREEMENT RECORDED JULY 16, 2004 AS DOCUMENT NO. 17900291, OFFICIAL RECORDS, AND AS AMENDED BY THAT CERTAIN FIRST AMENDMENT TO RECIPROCAL EASEMENT AND MAINTENANCE AGREEMENT, WHICH FIRST AMENDMENT RECORDED JULY 27, 2004 AS DOCUMENT NO. 17920577, OFFICIAL RECORDS, SANTA CLARA COUNTY, AND AS DEPICTED ON THE PLAN AND DEFINED IN THE DECLARATION.

PARCEL THREE:

THE EXCLUSIVE RIGHT TO THE USE, POSSESSION AND ENJOYMENT OF THE EXCLUSIVE USE COMMON AREA, WHICH MAY INCLUDE PATIOS, BALCONIES OR STAIRWAY AREAS, LOCATED WITHIN THE COMMON AREA, WHICH SHALL BE APPURTENANT TO PARCEL ONE ABOVE, AS DEFINED IN THE DECLARATION AND AS DEPICTED ON THE PLAN, AND WHICH ARE SET ASIDE AND ALLOCATED FOR THE EXCLUSIVE USE OF THE OWNER OF THE UNIT TO WHICH THEY ARE ATTACHED OR ASSIGNED.

PARCEL FOUR:

THE EXCLUSIVE RIGHT TO THE USE, POSSESSION AND ENJOYMENT OF THE EXCLUSIVE USE COMMON AREA PARKING SPACE DESIGNATED RP-137 AND RP-196 LOCATED WITHIN THE COMMON AREA IN LOT 1 AS SHOWN ON THE MAP, WHICH ARE APPURTENANT TO PARCEL ONE ABOVE, AS DEFINED IN THE DECLARATION AND AS DEPICTED ON THE PLAN, WHICH ARE SET ASIDE AND ALLOCATED FOR THE EXCLUSIVE USE OF THE OWNER OF THE UNIT TO WHICH THEY ARE ASSIGNED.

PARCEL FIVE:

THE EXCLUSIVE RIGHT TO THE USE, POSSESSION AND ENJOYMENT OF THE EXCLUSIVE USE COMMON AREA STORAGE SPACE DESIGNATED ST-84 LOCATED WITHIN THE COMMON AREA IN LOT 1 AS SHOWN ON THE MAP, WHICH ARE APPURTENANT TO PARCEL ONE ABOVE, AS DEFINED IN THE DECLARATION AND AS DEPICTED ON THE PLAN, WHICH ARE SET ASIDE AND ALLOCATED FOR THE EXCLUSIVE USE OF THE OWNER OF THE UNIT TO WHICH THEY ARE ASSIGNED.

PARCEL SIX:

A NON-EXCLUSIVE EASEMENT, APPURTENANT TO PARCEL ONE ABOVE, FOR ACCESS, INGRESS, EGRESS, SUPPORT, USE, ENJOYMENT AND OTHER RIGHTS OVER, UNDER, UPON AND THROUGH THE COMMON AREA AS SAID EASEMENTS AND RIGHTS ARE DEFINED IN THE DECLARATION AND SHOWN ON THE PLAN.

PARCEL SEVEN:

NON-EXCLUSIVE EASEMENTS, APPURTENANT TO PARCEL ONE ABOVE, FOR RECIPROCAL PRIVATE VEHICLE AND PEDESTRIAN INGRESS AND EGRESS, OVER A PORTION OF LOT 2 OF TRACT 9378, AS SAID EASEMENTS ARE SHOWN ON THE MAP OR DEPICTED ON THE PLAN AND FURTHER DEFINED IN THE RECIPROCAL EASEMENT AND MAINTENANCE AGREEMENT RECORDED JULY 16, 2004 AS DOCUMENT NO. 17900291, OFFICIAL RECORDS, AND AS AMENDED BY THAT CERTAIN FIRST AMENDMENT TO RECIPROCAL EASEMENT AND MAINTENANCE AGREEMENT, WHICH FIRST AMENDMENT RECORDED JULY 27, 2004 AS DOCUMENT NO. 17920577, OFFICIAL RECORDS, SANTA CLARA COUNTY AND AS DEPICTED ON THE PLAN AND DEFINED IN THE DECLARATION.