

Recording Requested By:  
And  
When Recorded Mail To:

Shadow Brook Swim Club  
c/o Sharon Glenn Pratt  
Pratt & Associates  
1871 The Alameda, Suite 425  
San Jose, California 95125

**CONFORMED COPY:** This document has  
**not been compared with the original.**  
**SANTA CLARA COUNTY CLERK-RECORDER**

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**SECOND AMENDMENT TO RESTATEMENT OF BY-LAWS  
OF SHADOW BROOK SWIM CLUB**

**NOTICE REGARDING DISCRIMINATORY RESTRICTIONS**  
(California Government Code 12956.1)

**“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.”**

**SECOND AMENDMENT TO RESTATEMENT OF BY-LAWS**  
**OF SHADOW BROOK SWIM CLUB**

This Second Amendment to Restatement of By-Laws of Shadow Brook Swim Club is made on the date hereinafter set forth by Shadow Brook Swim Club, a California nonprofit corporation (hereinafter referred to as the "Association").

WHEREAS, the Association executed that certain Restatement of By-Laws on or about October 9, 1986, and executed that certain Amendment to the By-Laws of Shadow Brook Swim Club on May 4, 1988 (hereinafter collectively referred to as the "By-Laws"); and *Book Number J877 Page 168*

WHEREAS, the Bylaws govern that certain improved real property located in the City of San Jose, County of Santa Clara, California, as described in Exhibits "A" and "B," attached hereto; and

WHEREAS, the membership of the Association, constituting at least two-thirds (2/3) majority of all members, desire to amend the Bylaws, pursuant to Article XIII, Section 3 thereof;

NOW, THEREFORE, it is hereby declared that the Bylaws shall be, and hereby are, amended by replacing and substituting the Amendment to the By-Laws of Shadow Brook Swim Club executed on May 4, 1988 in its entirety with the following:

**I. There shall be two classes of members:**

- A. Proprietary members
- B. Associate members

The number of associate memberships shall be determined and approved by the Board of Directors prior to an Application Opening date.

**II. Definitions:**

A. Proprietary members: Those members as defined in Article III of the current By-laws.

B. Associate members: Defined as a homeowner, his or her spouse or domestic partner, and their children permanently living at home, approved by the Board of Directors on a first-come-first-serve basis, residing within the boundaries of zip code 95120, but in no event shall the number of Associate members exceed 125 households at any one time.

**III. Associate members have the following privileges and restrictions:**

A. Associate members have no voting rights and no participation in decisions of the corporation.

B. The CC&R's of the corporation do not bind associate members.

C. Associate members have the same pool privileges and restrictions as proprietary members.

D. Associate members shall be deemed members upon signing a contract with the corporation and paying, in full, the assessed fee.

E. Associate memberships are not transferable.

F. Associate memberships shall be terminated, without reimbursement, for failure to comply with the rules and regulations of the Swim Club.

**IV. Fees**

Associate membership fees shall be established each year by the board of directors and approved by the Proprietary members at the Spring General Meeting. Fees shall be paid in full upon contract acceptance.

Except as expressly stated herein, all of the provisions of the Bylaws are restated and affirmed and shall remain in full force and effect.

All exhibits attached hereto are incorporated herein by reference.

This Second Amendment to Restatement of By-Laws of Shadow Brook Swim Club amends those certain By-laws executed on or about October 9, 1986 and the Amendment thereto executed on May 4, 1988, with respect to land in Santa Clara County, California as more particularly described in Exhibits "A" and "B" hereto, shall be effective upon the date of execution below.

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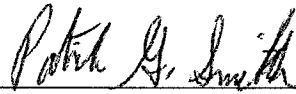
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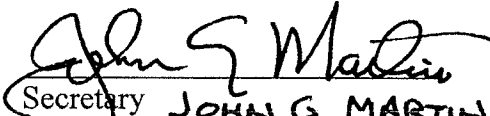
**Officers' Certification of Adoption of Second Amendment to  
Restatement of By-Laws of Shadow Brook Swim Club**

We, the undersigned, hereby certify:

That we are the duly elected and acting President and Secretary of Shadow Brook Swim Club, a California non-profit corporation; that the foregoing Second Amendment to Restatement of By-Laws of Shadow Brook Swim Club, consisting of 4 pages, amends those certain By-laws executed on or about October 9, 1986 and the Amendment thereto executed on May 4, 1988, with respect to land in Santa Clara County, California as more particularly described in Exhibits "A" and "B" thereto, and incorporated by reference herein, pursuant to and as required by Article XIII, Section 3; and that said Second Amendment was duly adopted by the Directors at a meeting duly held on the 27<sup>th</sup> day of November, 2012

IN WITNESS WHEREOF, we have hereunto subscribed our names and affixed the seal of said Association this 23 th day of January, 2013.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary JOHN G. MARTIN

1/7/13

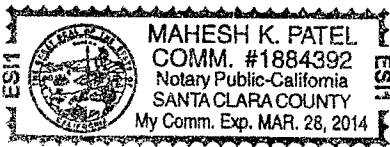
SHADOW BROOK SWIM CLUB

State of California )  
 )ss  
County of Santa Clara )

On January 23, 2013 before me, Mahesh K. Patel Notary Public (insert here name and title of the officer), personally appeared Patrick G. Smith and \_\_\_\_\_ 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) 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 foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Mahesh K. Patel  
Notary Public  
State of California

[seal]

State of California )

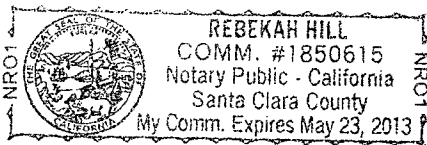
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County of Santa Clara )

On January 7, 2013 before me, Rebekah Hill, Notary Public (insert here name and title of the officer), personally appeared John George Martin and \_\_\_\_\_ 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) 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 foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Rebekah Hill  
Notary Public  
State of California

[seal]