

## **ARTICLE XX**

### **MODIFICATION OF RESTRICTIONS**

Any of the restrictions, covenants, charges and agreements contained in this Declaration may be annulled, waived, changed or modified at any time by the record owner or owners of lots or parcels of land within said subdivision having an aggregate area of not less than 75 percent of the total area of said subdivision, exclusive of street areas. The owner or owners desiring to accomplish such annulment, waiver, change or modification shall execute and record in the office of the County Recorder of Santa Clara County an appropriate instrument setting forth the nature and extent of such annulment, waiver, change or modification, and the annulment, waiver, change or modification, as the case may be, shall be effective upon such recordation.

Notwithstanding the foregoing provisions of this paragraph, if at the time of recordation of such instrument annulling, waiving, changing or modifying any of these restrictions there exists upon any of the property in said subdivision a recorded deed of trust or mortgage in which the Federal Housing Administration, or its successor in function, had any interest as insurer, guarantor, or otherwise, or if at such time the Federal Housing Administration or its successor in function is the owner of any property in said subdivision, such purported annulment, waiver, change or modification shall not be effective for any purpose unless and until it is consented to in writing by the Federal Housing Commissioner, or his successor in office. And if at the time of the recordation of such instrument there exists upon any of the property in said subdivision a recorded mortgage or deed of trust in which the Veterans Administration or its successor in function has any interest as insurer, guarantor or otherwise, such purported annulment, waiver, change or modification shall not be effective for any purpose unless and until it is consented to in writing by either the Administrator of Veterans Affairs (or his successor in office), or by the mortgage or beneficiary, as the case may be, of every such mortgage or deed of trust in which the Veterans Administration, or its successor in function, has any such interest; and if at the time of recordation of such instrument the Veterans Administration or its successor in function is the owner of any property in said subdivision, then such purported annulment, waiver, change or modification shall not be effective for any purpose unless and until it is consented to in writing by the Administrator of Veterans Affairs or his successor in office.

"Owner" as used in the paragraph shall include, in addition to the owner of the fee title, the lessee under a recorded lease subject to this Declaration of Restrictions, the owner of a beneficial interest under a deed of trust, a mortgage, and a contract purchaser. It shall not include the trustee under a deed of trust, the holder of a lien other than a mortgage lien, or the owner of an easement.