

**Declaration of Trust**  
(Development Grant Projects \*)

**U.S. Department of Housing  
and Urban Development**  
Office of Public and Indian Housing

**Whereas**, (1, see instructions) Housing Authority of the County of San Mateo  
(herein called the Public Housing Agency (PHA), a public body corporate and politic, duly created and organized pursuant to and in accordance with the provisions of the laws or ordinances of the (2) State of California, and the United States of America, Secretary of Housing and Urban Development (herein called HUD) pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437, et seq.) and the Department of Housing and Urban Development Act (5 U.S.C. 624) entered into a certain contract with effective date as of (mm/dd/yyyy) (3) 11/20/1975, (herein called the Annual Contributions Contract) and a certain Development Project Grant Amendment to the Annual Contributions Contract with the effective date as of (mm/dd/yyyy) (4) 06/17/1994, providing for a grant to be made by HUD to assist the PHA in financing a lower income housing project; and

**Whereas**, as of the date of the execution of this Declaration of Trust, the Development Project Grant Amendment and the Annual Contributions Contract cover the lower income housing project located in: (5)

Unincorporated Colma, County of San Mateo, State of California

which will provide approximately (6) 30 dwelling units; and which lower income housing project will be known as:

Project No. (7) CA39-P014-0004; and

**Whereas**, the Project and acquisition of the site or sites thereof will have been financed with grant assistance provided by HUD.

**Now Therefore**, to assure HUD of the performance by the PHA of the covenants contained in the Development Project Grant Amendment and Annual Contributions Contract, the PHA does hereby acknowledge and declare that it is possessed of and holds in trust for the benefit of HUD, for the purposes hereinafter stated, the following described real property situated in: (8)

Unincorporated Colma, County of San Mateo, State of California

**To Wit:** (Insert legal description for the project.)(9)

See Exhibit A for Legal Description

and all buildings and fixtures erected or to be erected thereon or appurtenant thereto.

The PHA hereby declares and acknowledges that during the existence of the trust hereby created, HUD has been granted and is possessed of an interest in the above described Project property, **To Wit:**

The right to require the PHA to remain seized of the title to said property and to refrain from transferring, conveying, assigning, leasing, mortgaging, pledging, or otherwise encumbering or permitting or suffering any transfer, conveyance, assignment, lease, mortgage, pledge or other encumbrance of said property or any part thereof, appurtenances thereto, or any rent, revenues, income, or receipts therefrom or in connection therewith, or any of the benefits or contributions granted to it by or pursuant to the Annual Contributions Contract, or any interest in any of the same except that the PHA may (1), to the extent and in the manner provided in the Annual Contributions Contract, (a) lease dwellings and other spaces and facilities in the Project, or (b) convey or otherwise dispose of any real or personal property which is determined to be excess to the needs of the Project, or (c) convey or dedicate land for use as streets, alleys, or other public right-of-way, and grant easements for the establishment, operation, and maintenance of public utilities; or (d) enter into and perform contracts for the sale of dwelling units to members of tenant families, as authorized by the United States Housing Act of 1937, 42 U.S.C. 1437, et seq., or (2), with the approval of HUD, release the Project from the trust hereby created; Provided, That nothing herein contained shall be construed as prohibiting the conveyance of title to or the delivery of possession of the Project to HUD pursuant to the Annual Contributions Contract.

The endorsement by a duly authorized officer of HUD (1) upon any conveyance or transfer made by the PHA of any real or personal property which is determined to be excess to the needs of the Project, or (2) upon any instrument of conveyance or dedication of property, or any interest therein, for use as streets, alleys, or other public right-of-way, or for the establishment, operation and maintenance of public utilities, or (3) upon any instrument transferring or conveying a dwelling unit, or an interest therein, to a member of a tenant family, or (4) upon any instrument of release made by the PHA of the Project shall be effective to release such property from the trust hereby created.

Upon expiration of the period during which the PHA is obligated to operate the Project in accordance with the Annual Contributions Contract, the trust hereby created shall terminate and no longer be effective.

**In Witness Whereof**, the PHA by its officers thereunto duly authorized has caused these presents to be signed in its name and its corporate seal to be hereunto affixed and attested this date (mm/dd/yyyy) \_\_\_\_\_.

(Seal)

(1, see instructions)

By \_\_\_\_\_ Chairperson

Attest \_\_\_\_\_ Secretary

Date (mm/dd/yyyy) \_\_\_\_\_

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of \_\_\_\_\_



On \_\_\_\_\_ before me, \_\_\_\_\_  
Date Here Insert Name and Title of the Officer

personally appeared \_\_\_\_\_  
Name(s) of Signer(s)

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 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.

Place Notary Seal Above

Signature \_\_\_\_\_  
Signature of Notary Public

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

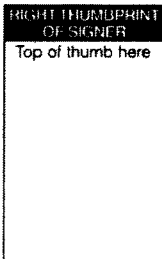
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

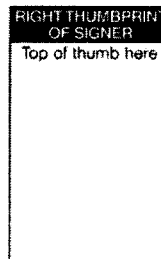
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

## **EXHIBIT A**

The land referred to is situated in the unincorporated area of the County of San Mateo, State of California, and is described as follows:

### **PARCEL ONE:**

The Easterly 55 feet, front and rear measurements of Lot 8, Block 21, as designated on the Map entitled, "Map of the Lands of the City Extension Homestead Association", which Map was filed in the Office of the Recorder of the County of San Mateo, State of California on October 15, 1870, in Book "D" of Maps, at Page 44 and a copy entered in Book 1 of Maps, at Page 13.

### **PARCEL TWO:**

Lot 9, Block 21, as designated on the Map entitled, " Map of the Lands of the City Extension Homestead Association", which Map was filed in the Office of the Recorder of the County of San Mateo, State of California on October 15, 1870, in Book "D" of Maps, at Page 44 and a copy entered in Book 1 of Maps, at Page 13.

### **PARCEL THREE:**

So much of the real property described in abandonment of right of way recorded January 21, 1932, in Book 546 of Official Records, at Page 438 (File No. 428-C) that lies Southerly of the Easterly prolongation of the Northerly line of Lot 9, Block 21, as shown on the Map entitled, "City Extension Homestead", filed in the Office of the County Recorder of San Mateo County on October 15, 1870, in Book "D" of Maps, at Page 44 and copied into Book 1 of Maps, at Page 13, and Northerly of the Easterly prolongation of the Southerly line of said lot.

### **PARCEL FOUR:**

The Westerly 45 feet, front and rear measurements of Lot 8, Block 21, as designated on the Map entitled, " Map of the Lands of the City Extension Homestead Association", which Map was filed in the Office of the Recorder of the County of San Mateo, State of California on October 15, 1870, in Book "D" of Maps, at Page 44 and a copy entered in Book 1 of Maps, at Page 13.

### **PARCEL FIVE:**

Lot 7, Block 21, as delineated upon that certain Map entitled " Map of the Lands of the City Extension Homestead Association", filed for record in the Office of the Recorder of the County of San Mateo, State of California, on October 15, 1870, in Book "D" of Maps, at Page 44, and a copy thereof entered in Book 1 of Maps, at Page 13.

APN: 008-121-190

JPN: 18-12-121-08, 09,10,16