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Department of Housing and  
Community Development  
Division of Financial Assistance  
P. O. Box 952054, MS 400  
Sacramento, CA 94252-2054

Attn: AMC Manager 04-FWHG-317

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**THIRD MODIFICATION  
TO  
REGULATORY AGREEMENT LOAN NUMBER 04-FWHG-317  
AND PROMISSORY NOTE SECURED BY DEED OF TRUST**

**JOE SERNA, JR. FARMWORKER HOUSING GRANT PROGRAM  
Borrower: NAPA COUNTY HOUSING AUTHORITY, a public housing  
authority organized under the Housing Authority Law  
Project Name: Mondavi Farm Worker Center  
Contract Number: 04-FWHG-317**

This Third Modification to Regulatory Agreement Loan Number 04-FWHG-317 and Promissory Note, Secured By Deed of Trust, here after referred to as the "Third Modification", is made and entered into by and between Napa Housing Authority, a public housing authority organized under the Housing Authority Law (here after referred to as "NCHA") and California Department of Housing and Community Development, a public agency of the State of California (the "Department"), dated as of May \_\_, 2022, for reference purposes only.

This Third Modification modifies the documents identified below in relation to real property known as the Mondavi Farm Labor Center, located at 5589 Silverado Trail, Napa, CA 94558/ APN: 039-040-053 (hereinafter "Property") described in Exhibit A which is attached hereto and incorporated by reference.

- (1) A document entitled "Regulatory Agreement (Rental) Joe Serna Junior Farmworker Housing Grant Program Grant Number 04-FWHG-317" by and between the Napa Valley Housing Authority, a political subdivision of the State of California ("NVHA") and the Department dated May 17, 2007 and recorded in the Official Records of the Recorder's Office of Napa County, State of California (the "Official Records") as Document Number 2007-0017205 on May 22, 2007 ("Original Regulatory Agreement");
- (2) A document entitled Deed of Trust, Assignment of Rents, Security Agreement and Fixture Filing (Construction and Permanent Financing) by and between the NVHA and the Department securing a promissory note was entered into on May

17,2007 and recorded on May 22, 2007 as document number 2007-0017206 in the Official Records (“Original Deed of Trust”). The Original Regulatory Agreement and the Original Deed of Trust are collectively referred to as the “Original Serna Grant”.

- (3) A document entitled “Modification of Deed of Trust and Modification of Promissory Note Secured By Deed of Trust and Modification of Regulatory Agreement and Notification of Modification of Deed of Trust and Promissory Note Secured by Deed of Trust” dated September 12, 2007 and recorded on November 19, 2007 (the “First Modification”) as Document Number 2007-0036565 in the Official Records; and
- (4) A document entitled “Assignment and Assumption of Regulatory Agreements, Deeds of Trust, Promissory Notes and Standard Agreements For Grant Numbers 01-FWHG-236, 04-FWHG-303, 04-FWHG-317 and 05-FWHG-329 dated April 16, 2008, and recorded on May 8, 2008 (the “Second Modification”) as Document Number 2008-0011708 in the Official Records.

### **RECITALS**

- A. As described in the Original Regulatory Agreement, NVHA was the owner of real property (hereinafter “Property”) described in Exhibit A which is attached hereto and incorporated by reference. NVHA applied to the Department for, and received, an award of a grant from the Joe Serna, Jr. Farmworker Housing Grant Program, for the purpose of rehabilitation and operations of the Calistoga Farm Labor Center in the amount of SEVEN HUNDRED SEVENTY-FIVE THOUSAND AND 00/100 Dollars (\$775,000.00). (“Original Serna Grant”).
- B. As described in the First Modification, the Department increased the amount of the Original Serna Grant to the NVHA in the principal amount of SIX HUNDRED NINETY-ONE THOUSAND AND 00/100 Dollars (\$691,000.00) therefore increasing the total grant amount to a principal amount of ONE MILLION FOUR HUNDRED SIXTY-SIX THOUSAND AND 00/100 DOLLARS (\$1,466,000.00) (“Serna Grant”).
- C. As described in the Second Modification NVHA assigned ownership of all rights and obligations of the Property to assignee, NCHA.
- D. The Department’s Original Serna Grant, First Modification, and Second Modification as described in recital A through C, and as recorded as encumbrances on the Property, are collectively referred to as the “Department Grant Documents”.
- E. Per Standard Agreement 19-NCFH-12871, in 2019, pursuant to Health and Safety Code sections 50406 and 50711.5, the Department began distributing to the NCHA annual payments through its Office of Migrant Services (OMS) up to Two Hundred Fifty Thousand and 00/100 dollars (\$250,000.00) for a term not to extend beyond Ten (10) years. (“Legislative Funds”).

- F. The NCHA shall continue to own and operate the Farmworker Centers, the development on the Property, pursuant to loan ordinances, regulations, or bylaws currently applicable.
- G. The purpose of the Legislative Funds is to assist the financing, maintenance, and operation of the Mondavi Farm Labor Center and Calistoga Farm Labor Center (collectively the "Farmworker Centers") for year-round use by migrant and non-migrant farm labor employees. In exchange, NCHA will continue to demonstrate the capability to effectively serve the needs of the migrant or other farmworkers in Napa County for twenty-five (25) years from the first year of disbursement.
- H. Subject to requirements detailed in the statutes, the NCHA will continue to receive the Legislative Funds over a period up to ten (10) years. To effectuate the purpose of the Legislative Funds, the Department and the NCHA have agreed to extend the Department Grant Documents with a term that will be conterminous with the twenty-five (25) year requirement. Use of the Legislative Funds will serve the needs of the migrant or other farmworkers in Napa County year around.
- I. Whereas the NCHA and the Department have the authority to modify the Department Grant Documents and agree to the terms set forth.

**NOW, THEREFORE**, for valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. The forgoing Recitals are true and correct and included as part of this Third Modification.
2. NCHA asserts, warrants, and agrees that to the best of NCHA's knowledge, NCHA is in substantial compliance with the terms and conditions of the Department Grant Documents.
3. This Third Modification supersedes the previous term detailed in the Department Grant Documents. All other terms and conditions of the Department Grant Documents remain in full force and effect.
4. NCHA and the Department acknowledge that upon execution of Third Modification, the department Loan Documents will mature on December 31, 2044.
5. This Third Modification may be executed in multiple counterparts, all of which together will constitute a single instrument.
6. This Third Modification will be interpreted, governed, and construed under the laws of the State of California.
7. The provisions of this Third Modification will take effect upon recordation in the Official Records.

(Remainder of page intentionally left blank)

[SIGNATURE PAGE]

*[All signatures must be Acknowledged]*

IN WITNESS HEREOF, NCHA and the Department execute and enter into this Agreement as of the date first set forth above and agree to be bound hereby:

**THE DEPARTMENT**

**Department of Housing and Community Development**, an  
Agency of the State of California

By: \_\_\_\_\_  
**LINDY SUGGS**  
**Staff Services Manager III**

Date: October \_\_\_\_, 2021

**NCHA**

**NAPA COUNTY HOUSING AUTHORITY**,  
a public housing authority organized under the Housing Authority Law

By: \_\_\_\_\_  
**RYAN GREGORY**  
**Chair of the Board of Commissioners**

Date: May \_\_\_\_, 2022

**APPROVED AS TO FORM:**  
**NCHA Legal Counsel**

By:  \_\_\_\_\_

Date: April \_\_22\_\_, 2022

Exhibit "A"

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

PARCEL ONE:

Beginning at a point which bears South 62° 05' 31" West 3320.23 feet from the Southwestern corner of "the lands of Swan 738 O. R. 675" on Map Number 1951 entitled, "Record of Survey at the Request of Robert Mondavi Vineyards, a Corporation" recorded July 1, 1970 in Book 17 of Surveys, at Page 41, Napa County Records;

thence the following twenty-one (21) courses and distances:

- 1) North 79° 45' 20" West 76.48 feet, thence
- 2) South 01° 57' 41" West 87.74 feet, thence
- 3) North 59° 30' 20" West 212.61 feet, thence
- 4) North 27° 16' 42" East 26.83 feet, thence
- 5) North 28° 37' 24" West 15.58 feet, thence
- 6) North 15° 14' 00" West 30.54 feet, thence
- 7) North 31° 48' 33" East 28.03 feet, thence
- 8) North 58° 11' 32" West 57.10 feet, thence
- 9) North 37° 39' 29" East 110.45 feet, thence
- 10) South 57° 11' 27" East 204.03 feet, thence
- 11) North 7° 29' 37" East 13.66 feet, thence
- 12) North 00° 40' 08" West 44.80 feet, thence
- 13) North 01° 25' 26" East 55.69 feet, thence
- 14) North 5° 44' 10" East 51.15 feet, thence
- 15) North 4° 49' 22" West 40.96 feet, thence
- 16) North 11° 04' 11" East 40.85 feet, thence
- 17) North 69° 23' 52" East 163.24 feet, thence
- 18) South 28° 14' 43" East 54.26 feet, thence
- 19) South 11° 04' 11" West 128.24 feet, thence
- 20) South 20° 23' 11" West 161.74 feet and thence
- 21) South 24° 38' 04" West 120.55 feet to the Point of Beginning of this description.

Containing 2.25 acres of land, more or less.

The basis of bearings for the above description is Map Number 1951 entitled, "Record of Survey at the Request of Robert Mondavi Vineyards, a Corporation" recorded July 1, 1970 in Book 17 of Surveys, at Page 41, Napa County Records.

PARCEL TWO:

Easements as granted in that certain document entitled: "EASEMENT AGREEMENT AND COVENANTS AND RESTRICTIONS AFFECTING LAND", recorded May 22, 2007, under Series Number 2007-0017204, in the Official Records of the County of Napa, California, more particularly described as follows:

**Section I Land Access Easements:**

**A Land Access Easement over, under, along and across a strip of land 20.00 feet in width lying 10.00 feet on each side of the following described center line:**

Beginning at a point on the Southwesterly line of Silverado Trail which bears South 34° 06' 00" East 134.83 feet from the most Easterly corner of "the lands of Swan 738 O. R. 675" as are shown on said Map No. 1951;

thence the following twelve (12) courses and distances:

- 1) South 53° 34' 31" West 2246.99 feet, thence
- 2) along a curve to the right having a radius of 275.00 feet through a central angle of 33° 59' 18" an arc distance of 163.13 feet, thence
- 3) South 87° 33' 49" West 80.77 feet, thence
- 4) along a curve to the left having a radius of 275.00 feet through a central angle of 31° 33' 45" an arc distance of 151.49 feet, thence
- 5) South 56° 00' 04" West 341.11 feet, thence
- 6) along a curve to the right having a radius of 235.00 feet through a central angle of 43° 28' 20" an arc distance of 178.30 feet, thence
- 7) North 80° 31' 36" West 126.65 feet, thence
- 8) along a curve to the right having a radius of 145.00 feet through a central angle of 46° 59' 18" an arc distance of 118.91 feet, thence
- 9) North 33° 32' 18" West 431.36 feet, thence
- 10) along a curve to the left having a radius of 55.00 feet through a central angle of 83° 40' 58" an arc distance of 80.33 feet, thence
- 11) South 62° 46' 44" West 45.15 feet and thence
- 12) along a curve to the right having a radius of 50.00 feet through a central angle of 49° 07' 56" an arc distance of 42.88 feet to the end of this center line.

The sidelines of this strip of land shall be lengthened or shortened as necessary so as to meet the Southwesterly line of Silverado Trail at the point of beginning of this description and to meet a line that bears North 21° 54' 40" East at the end point of this center line.

**A Land Access Easement over, under, along and across the following described area:**

Beginning at the most Northern corner of that certain 2.25 acre parcel of land described in the document recorded May 22, 2007 as Series Number 2007- 0017203 in the Official Records of the County of Napa, State of California;

thence, on bearings based on said Map No. 1951 along the Northwestern line of said 2.25 acre parcel South 69° 23' 52" West 75.00 feet;

thence leaving said Northwestern line the following five (5) courses and distances:

- 1) North 20° 36' 08" West 20.00 feet, thence
- 2) parallel and 20.00 feet Northwesterly of said Northwestern line North 69° 23' 52" East 72.47 feet, thence

- 3) North 54° 59' 01" East 27.31 feet to a point from where the center of that certain curve, designated course number 12 in the above described center line of the 20 foot wide roadway easement, (said curve having a radius of 50.00 feet) bears North 21° 54' 40" East 60.00 feet, thence
- 4) Easterly along said curve having a radius of 60.00 feet, concentric to said curve having a radius of 50.00 feet, to the left, through a central angle of 28° 27' 13" an arc distance of 29.80 feet to a point 20.00 feet Southeasterly, measured at a right angle for the course described above as bearing North 54° 59' 01" East, and thence
- 5) South 54° 59' 01" West 51.51 feet to the point of beginning of this description.

**Section 2 Leach Field Right of Access:**

**An Easement for Access to a Leach Field that lies within that certain 2.25 acre parcel of land described in the document recorded May 22, 2007, as Series Number 2007-0017203 in the Official Records of the County of Napa, State of California land over along and across a strip of land 12.00 feet in width, lying 6.00 feet on each side of the following described center line:**

Commencing at the Northwestern corner of said 2.25 acre parcel, being the Northern terminus of course designated number 16 in the description thereof;

thence North 34° 44' 30" West 17.16 feet to the TRUE POINT OF BEGINNING of this centerline;

thence, on bearings based on said Map No. 1951 the following three (3) courses and distances:

- 1) South 34° 05' 35" West 101.64, thence
- 2) along a curve to the right having a radius of 135.00 feet through a central angle of 34° 00' 11" an arc distance of 80.12 feet and thence
- 3) South 68° 05' 46" West 52.88 feet to the course designated number 10 in the description of said 2.25 acre parcel, from where the Northwestern terminus of said course bears North 57° 11' 27" West 7.61 feet.

The sidelines of this strip shall be lengthened or shortened as necessary so as to meet the line bearing North 34° 44' 31" West at the TRUE POINT OF BEGINNING of the above described center line and to meet the line bearing North 57° 11' 27" West at the ending point of the above described center line.

**An Easement for Access to a Leach Field that lies within that certain 2.25 acre parcel of land described in the document recorded May 22, 2007 as Series Number 2007- 0017203 in the Official Records of the County of Napa, State of California, over along and across the following described area:**

Commencing at the Northwestern corner of said 2.25 acre parcel, being the Northern terminus of course designated number 16 in the description thereof;

thence, on bearings based on said Map No. 1951 North 34° 44' 30" West 10.72 feet to the TRUE POINT OF BEGINNING of this easement area;

thence the following eight (8) courses and distances:



- 1) North 34° 44' 30" West 12.87 feet, thence
- 2) North 34° 05' 35" East 39.03 feet, thence
- 3) South 41° 54' 10" East 18.01 feet, thence
- 4) along a curve to the left having a radius of 45.00 feet through a central angle of 68° 41' 58" an arc distance of 53.96 feet to the Northwestern line of said 2.25 acre parcel, thence
- 5) along said Northwestern line South 69° 23' 52" West 46.25 feet to a point from where the center of a curve bears North 39° 16' 29" East 40.00 feet, thence
- 6) Northwesterly, along said curve, to the right through a central angle of 18° 21' 22" an arc distance of 12.81 feet, thence
- 7) along a reverse curve, to the left, having a radius of 10.00 feet through a central angle of 113° 32' 16" an arc distance of 19.82 feet and thence
- 8) South 34° 05' 35" West 13.22 feet to the TRUE POINT OF BEGINNING of this description.

**Section 3 Alternate Leach Field Easement:**

**An Alternate Leach Field Easement located under, along and across the following described area:**

Beginning at the Northwestern corner of that certain 2.25 acre parcel of land described in the document recorded May 22, 2007, as Series Number 2007-0017203 in the Official Records of the County of Napa, State of California, being the Northern terminus of course designated number 16 in the description thereof;

thence, on bearings based on said Map No. 1951, North 34° 44' 30" West 186.71 feet;

thence South 14° 58' 47" West 298.83 feet to the Northwestern terminus of the course given as "South 57° 11' 27" East 204.03 feet" in the description of said 2.25 acre parcel;

thence along the exterior boundaries of said 2.25 acre parcel the following seven (7) courses and distances:

- 1) South 57° 11' 27" East 204.03 feet, thence
- 2) North 7° 29' 37" East 13.66 feet, thence
- 3) North 00° 40' 08" West 44.80 feet, thence
- 4) North 01° 25' 26" East 55.69 feet, thence
- 5) North 5° 44' 10" East 51.15 feet, thence
- 6) North 4° 49' 22" West 40.96 feet and thence
- 7) North 11° 04' 11" East 40.85 feet to the point of beginning of this description.

**Section 4 Utility Easement:**

A non-exclusive easement for existing public utilities, including without limitation phone service, over, under and along the Mondavit Parcel.

**Section 5 Overhead Power Line Easement:**

**An easement for overhead power lines and appurtenances thereto over, under along and across a strip of land 10.00 feet in width lying 5.00 feet on each side of the following described center line:**

Beginning at a point on the Southeasterly line of that certain 2.25 acre parcel of land described in the document recorded May 22, 2007, as Series Number 2007-0017203 in the Official Records of the County of Napa, State of California where an overhead electric power line as it exists in the year 2007 crosses said line, said point being distant South 11° 04' 11" West 93.8 feet from the Northern terminus of the course given as "South 11° 04' 11" West 128.24 feet" in the description of said 2.25 acre parcel;

thence leaving said Southeasterly line the following twenty-two (21) courses and distances:

- 1) South 39° 34' 19" East 159.5 feet to a pole, thence
- 2) South 62° 42' 27" East 322.1 feet to a pole, thence
- 3) South 62° 56' 27" East 389.6 feet to a pole, thence
- 4) South 62° 45' 55" East 397.3 feet to a pole, thence
- 5) South 62° 24' 43" East 121.7 feet to a pole, thence
- 6) South 74° 39' 40" East 207.5 feet to a pole, thence
- 7) South 73° 26' 33" East 328.5 feet to a pole, thence
- 8) South 31° 26' 25" East 363.0 feet to a pole, thence
- 9) South 31° 07' 12" East 291.5 feet to a pole, thence
- 10) South 83° 04' 18" East 49.5 feet to a pole, thence
- 11) North 75° 36' 11" East 211.2 feet to a pole, thence
- 12) North 74° 27' 38" East 206.3 feet to a pole, thence
- 13) North 72° 11' 40" East 224.6 feet to a pole, thence
- 14) South 66° 18' 26" East 218.1 feet to a pole, thence
- 15) South 65° 54' 34" East 166.8 feet to a pole, thence
- 16) South 68° 26' 09" East 189.4 feet to a pole, thence
- 17) South 86° 35' 50" East 31.7 feet to a pole, thence
- 18) North 57° 09' 40" East 263.1 feet to a pole, thence
- 19) North 57° 20' 43" East 267.7 feet to a pole, thence
- 20) North 56° 56' 15" East 272.4 feet to a pole, and thence
- 21) North 56° 59' 56" East 760.9 feet to the Southwesterly line of the Silverado Trail, a County Road.

Excepting therefrom any portion of said strip of land that does not lie within the lands of Robert Mondavi Properties, Inc. a California Corporation as is described in the Corporation Grant Deed recorded October 22, 1997 as document number 1997-024985 in the Official Records of the County of Napa.

**Section 7 Water Line Easement:**

An easement for the operation, maintenance, repair and replacement of an underground water line, a well, pressure tanks and appurtenances thereto over, under, along and across a strip of land 10.00 feet in width lying 5.00 feet on each side of the following described CENTERLINE:

COMMENCING at a point which bears South 62° 05' 31" West 3,320.23 feet from the Southwestern corner of "The Lands of Swan 738 O. R. 675" on Map Number 1951 entitled, "Record of Survey at the Request of Robert Mondavi Vineyards, a Corporation" recorded July 1, 1970 in Book 17 of Record of Surveys, at Page 41, Napa County Records;

thence North 79°45'20" West 34.89 feet to the TRUE POINT OF BEGINNING of said CENTERLINE, thence following eight (8) courses and distances:

South 22°09'22" West 92.12 feet;  
South 05°54'53" East 163.57 feet;  
South 30°11'25" East 102.13 feet;  
South 43°18'42" East 380.91 feet;  
South 52°21'44" East 138.64 feet;  
South 66°28'28" East 140.53 feet;  
South 73°09'50" East 109.09 feet and  
South 80°09'45" East 110.63 feet to the POINT OF TERMINUS.

Side lines of said strip shall be extended or shortened as to meet the south line of that certain 2.25 acre parcel of land described in the document recorded May 22, 2007, as Series Number 2007-0017203 in the Official Records of the County of Napa, State of California.

The Basis of Bearings used for this description is the same as shown on Book 17 of Record of Surveys, at Page 41, said Napa County Records.