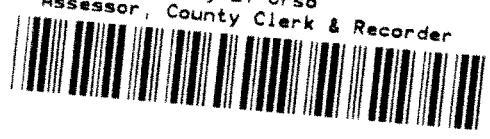


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Page 1 of 10

Recorded in Official Records  
County of Riverside

Gary L. Orso  
Assessor, County Clerk & Recorder



PLEASE COMPLETE THIS INFORMATION  
RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

CITY MANAGER  
CITY OF BEAUMONT  
550 E. 6th ST.  
BEAUMONT, CA  
92223

M	S	U	PAGE	SIZE	DA	PCOR	NOOCR	SMF	MISC
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SPACE ABOVE FOR RECORDER'S USE ONLY

AMENDED NOTICE OF SPECIAL TAX LIEN

Title of Document



THIS AREA FOR  
RECORDER'S  
USE ONLY

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(\$3.00 Additional Recording Fee Applies)

RECORDING REQUESTED BY, AND  
WHEN RECORDED, RETURN TO:

City Manager  
City of Beaumont  
550 East Sixth Street  
Beaumont, California 92223

### AMENDED NOTICE OF SPECIAL TAX LIEN

Pursuant to the requirements of Section 3114.5 and 3117.5 of the Streets and Highways Code of the State of California and Section 53328.3 of the Government Code of the State of California, the undersigned City Manager of the City of Beaumont, State of California, hereby gives notice that a lien to secure payment of a special tax which has been imposed by the City Council of the City of Beaumont, State of California acting as the legislative body of Community Facilities District No. 93-1 (the "District") with respect to Improvement Area No. 10 of said District. The special tax secured by this lien is authorized to be levied for the purpose of paying principal and interest on bonds, the proceeds of which are being used to finance all or a portion of the acquisition and construction of public infrastructure facilities, including sewage facilities, water facilities, school facilities, transportation facilities, flood control and drainage facilities, other landscaping and erosion control facilities and financing costs and incidentals, together with necessary appurtenances thereto and site and right-of-way acquisition, and all other expenses incidental thereto.

#### TAXES LEVIED BY THIS DISTRICT MAY BE USED TO PAY FOR CLEANUP OF HAZARDOUS SUBSTANCES.

The special tax is authorized to be levied on property within Improvement Area No. 10 of the District which has now been officially formed, and the lien of the special tax is a continuing lien which shall secure each annual levy of the special tax and which shall continue in force and effect until the special tax obligation is prepaid, permanently satisfied and canceled in accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

The rate, method of apportionment and manner of collection of the authorized special tax is attached hereto as Exhibit A. This Special Tax is in addition to the special tax levied pursuant to prior proceedings of the Community Facilities District for Services for which a separate Notice of Special Tax Lien was separately recorded in the Official Records of Riverside County, California.

Conditions, if any, under which the obligation to pay the special tax may be prepaid and permanently satisfied and the lien of special tax canceled shall be determined in accordance with a prepayment formula determined by the City Council prior to the issuance of bonds but in any event no later than the time of prepayment.

Notice is further given that upon the recording of this notice in the office of the County Recorder for the County of Riverside, the obligation to pay the special tax shall become a lien upon all non-exempt real property within Improvement Area No. 10 of City of Beaumont Community Facilities District No. 93-1 in accordance with Section 3115.5 of the Streets and Highways Code.

The names of the owners of the real property included within the Improvement Area and the assessor's tax parcel numbers of the real property included within the Improvement Area and not exempt



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from the special tax are as follows as they appear on the latest secured assessment roll as of the date of recording of this notice or as otherwise known to the City Manager of the City of Beaumont:

ASSESSOR'S  
PARCEL NUMBERS

APN 406-080-003

TITLEHOLDER

Cougar Ranch, LLC

This Notice of Special Tax Lien supercedes the Notice of Special Tax Lien previously recorded as instrument number 303290 on August 4, 1993 in the office of the County Recorder for the County of Riverside, State of California.

Reference is made to the amended boundary map of City of Beaumont Community Facilities District No. 93-1 recorded on January 11, 2000 at Book 46, page 63 of the Book of Maps of Assessment and Community Facilities Districts, in the office of the County Recorder for the County of Riverside, State of California, which map is now the final boundary map of the District and the Improvement Areas therein.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact:

City Manager  
City of Beaumont  
550 East Sixth Street  
Beaumont, CA 92223  
(909) 769-8520

DATED: ~~March~~ February 5, 2001

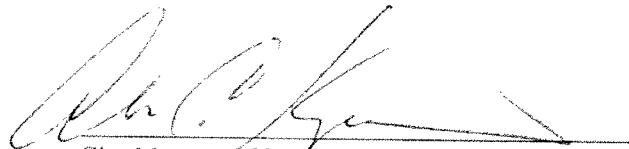
  
\_\_\_\_\_  
City Manager, City of Beaumont

Exhibit A  
**REVISED RATE AND METHOD OF APPORTIONMENT FOR  
IMPROVEMENT AREA NO. 10 OF  
COMMUNITY FACILITIES DISTRICT NO. 93-1  
OF THE CITY OF BEAUMONT**

A Special Tax as hereinafter defined shall be levied on and collected in Improvement Area No. 10 of Community Facilities District No. 93-1 of the City of Beaumont ("CFD No. 93-1") each Fiscal Year, in an amount determined by the City Council of the City of Beaumont through the application of the appropriate Special Tax for "Developed Property," "Undeveloped Property," "Taxable Property Owner Association Property," "Taxable Religious Property," and "Taxable Public Property," as described below. All of the real property in Improvement Area No. 10 of CFD No. 93-1, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

**A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

**"Acre or Acreage"** means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final map, parcel map, condominium plan, or other recorded County parcel map. The square footage of an Assessor's Parcel is equal to the Acreage multiplied by 43,560.

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Code of the State of California.

**"Administrative Expenses"** means any ordinary and necessary expenses of the City to carry out the administration of Improvement Area No. 10 of CFD No. 93-1.

**"Apartment"** means a single dwelling unit within Developed Property of building or buildings comprised of attached residential units, all of which are made available for rental by the general public, exclusive of condominiums.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

**"Assessor's Parcel Map"** means an official map of the Assessor of the County designating parcels by Assessor's Parcel number.

**"Bonds"** means any bonds or other debt (as defined in Section 53317(d) of the Act), whether in one or more series, issued by Improvement Area No. 10 under the Act.

**"CFD Administrator"** means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

**"CFD No. 93-1"** means City of Beaumont Community Facilities District No. 93-1.

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P.O. BOX 240103  
DENVER, CO 80224-0103



“City” means the City of Beaumont.

“Condominium” means a unit meeting the statutory definition of a condominium contained in California Civil Code, Section 1351.

“Council” means the City Council of the City of Beaumont, acting as the legislative body of Improvement Area No. 10 of CFD No. 93-1.

“County” means the County of Riverside.

“Developed Property” means, for each Fiscal Year, all Taxable Property, exclusive of Taxable Property Owner Association Property, Taxable Public Property, or Taxable Religious Property for which a building permit for new construction was issued prior to March 1 of the prior Fiscal Year.

“Final Subdivision” means a subdivision of property by recordation of a final map, parcel map, or lot line adjustment, pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.), or recordation of a condominium plan pursuant to California Civil Code 1352, that creates individual lots (a “Lot” or “Lots”) for which building permits may be issued without further subdivision.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Improvement Area No. 10” means Improvement Area No. 10 as depicted on the boundary map of CFD No. 93-1.

“Indenture” means the indenture, fiscal agent agreement, resolution or other instrument pursuant to which Bonds are issued, as modified, amended and/or supplemented from time to time, and any instrument replacing or supplementing the same.

“Land Use Class” means any of the classes listed in Table 1 below.

“Maximum Special Tax” means the maximum Special Tax, determined in accordance with Section C below, that can be levied in any Fiscal Year on any Assessor’s Parcel of Taxable Property.

“Non-Residential Property” means all Assessor’s Parcels of Developed Property for which a building permit(s) was issued for a non-residential use.

“One Time Special Tax” means the Special Tax that is required to be paid as a condition precedent to the recordation of final maps, as determined in accordance with Section C.2.b below.

“Outstanding Bonds” means all Bonds which are deemed to be outstanding under the Indenture.

“Property Owner Association Property” means any property that is owned by or dedicated to a property owner association, including any master or sub-association.

“Public Property” means any property that is used for rights-of-way or any other purpose and is owned by or dedicated to the federal government, the State, the County or any other public

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agency.

**“Religious Property”** means any property that is used primarily as a place of worship and is exempt from ad valorem property taxes because it is owned by a religious organization. Religious Property, without limitation, does not include any Assessor’s Parcels used for religious schools, day care centers, or congregate care facilities.

**“Residential Property”** means all Assessor’s Parcels of Developed Property for which a building permit has been issued for purposes of constructing one or more residential dwelling units.

**“Residential Floor Area”** means all of the square footage of living area within the perimeter of a residential structure, not including any carport, walkway, garage, overhang, patio, enclosed patio, or similar area. The determination of Residential Floor Area shall be made by reference to the building permit(s) issued for such Assessor’s Parcel.

**“Special Tax”** means the special tax to be levied in each Fiscal Year on each Assessor’s Parcel of Developed Property, Undeveloped Property, Taxable Property Owner Association Property, Taxable Public Property, and Taxable Religious Property to fund the Special Tax Requirement.

**“Special Tax Requirement”** means that amount required, after taking into consideration available funds pursuant to the Indenture, in any Fiscal Year for Improvement Area No. 10 to: (i) pay debt service on all Outstanding Bonds; (ii) pay periodic costs on the Bonds, including but not limited to, credit enhancement and rebate payments on the Bonds; (iii) pay reasonable Administrative Expenses; (iv) pay any amounts required to establish or replenish any reserve funds for all Outstanding Bonds; (v) pay for anticipated delinquent Special Taxes based on the delinquency rate in Improvement Area No. 10 for the previous Fiscal Year, and (vi) pay directly for construction of Improvement Area No. 10 facilities eligible under the Act to the extent that the inclusion of such amount does not increase the Special Tax levy on Undeveloped Property.

**“State”** means the State of California.

**“Taxable Property”** means all of the Assessor’s Parcels within the boundaries of Improvement Area No. 10 which are not exempt from the Special Tax pursuant to law or Section E below.

**“Taxable Property Owner Association Property”** means all Assessor’s Parcels of Property Owner Association Property that are not exempt pursuant to Section E below.

**“Taxable Public Property”** means all Assessor’s Parcels of Public Property that are not exempt pursuant to Section E below.

**“Taxable Religious Property”** means all Assessor’s Parcels of Religious Property that are not exempt pursuant to Section E below.

**“Trustee”** means the trustee or fiscal agent under the Indenture.

**“Undeveloped Property”** means, for each Fiscal Year, all Taxable Property not classified as Developed Property, Taxable Property Owner Association Property, Taxable Public Property, or Taxable Religious Property.

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**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, all Taxable Property within Improvement Area No. 10 shall be classified as Developed Property, Taxable Public Property, Taxable Property Owner Association Property, Taxable Religious Property, or Undeveloped Property, and shall be subject to Special Taxes in accordance with the rate and method of apportionment determined pursuant to Sections C and D below..

**C. MAXIMUM SPECIAL TAX RATE**

**1. Developed Property**

**a. Maximum Special Tax**

The Maximum Special Tax for each Assessor's Parcel classified as Developed Property shall be the Special Tax for the applicable Land Use Class as shown in Table 1 below. The Maximum Special Tax for Residential Property consisting of single family detached homes shall be the same for each Lot. The Maximum Special Tax for Residential Property consisting of Condominiums or Apartments shall be the same for each dwelling unit. The Maximum Special Tax for Non-Residential Property shall be based on the amount of Acreage of the Assessor's Parcel.

**TABLE 1**  
**Maximum Special Taxes for Developed Property in  
Improvement Area No. 10 of  
Community Facilities District No. 93-1 (Fiscal Year 2000-2001)**

<b>Land Use Class</b>	<b>Description</b>	<b>Assigned Special Tax</b>
1	Residential Property Single Family Detached	\$ 703 per Lot
2	Residential Property Condominium	\$ 703 per unit
3	Residential Property Apartment	\$ 703 per unit
4	Non-Residential	\$5,000 per Acre

**b. Increases in the Maximum Special Tax**

On each July 1, commencing July 1, 2001, the Maximum Special Tax for each Land Use Class of Developed Property shall be increased by two percent (2.00%) of the amount in effect for the previous Fiscal Year.

**2. Undeveloped Property**

**a. Maximum Special Tax**

The Maximum Special Tax for Undeveloped Property shall be \$5,000 per Acre for Fiscal Year 2000-2001, such amount to increase two percent (2.00%) annually commencing with Fiscal Year 2001-2002, plus any applicable One Time Special Tax

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determined pursuant to section C.2.b below.

b. One Time Special Tax

If at any time prior to approval of a Final Subdivision the CFD Administrator determines that there has been a reduction in the expected Residential Property dwelling units, as determined by reference to the Substantial Conformance Map, then a One Time Special Tax corresponding to such reduction shall be calculated and levied against the Assessor's Parcels on which the reduction occurred. The One Time Special Tax will be calculated using the prepayment formula approved by the City, with the following modifications:

- i. The number by which the expected Residential Property dwelling units has been reduced multiplied by the applicable Special Tax set forth in Table 1 above, escalated pursuant to Section C.1.b shall be substituted for the Maximum Annual Special Tax in Step 1 of the prepayment formula.

3. **Taxable Property, Owner Association Property, Taxable Public Property, and Taxable Religious Property**

a. Maximum Special Tax

The Maximum Special Tax for Taxable Property Owner Association Property, Taxable Public Property, and Taxable Religious Property shall be \$5,000 per Acre for Fiscal Year 2000-2001, such amount to increase two percent (2.00%) annually commencing with Fiscal Year 2001-2002.

D. **METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Commencing with Fiscal Year 2000-2001 and for each following Fiscal Year, the Council shall determine the Special Tax Requirement to be collected from Taxable Property in Improvement Area No. 10 of CFD No. 93-1 in the Fiscal Year. The Council shall levy the Special Tax as follows until the amount of levy equals the Special Tax Requirement, subject to limitations specified in Section 53321 of the Act.

First: The Special Tax shall be levied in equal percentages on each Assessor's Parcel of Developed Property up to 100% of the applicable Maximum Special Tax for each such Assessor's Parcel;

Second: If additional monies are needed to satisfy the Special Tax Requirement after the first step has been completed, the Special Tax shall be levied in equal percentages on each Assessor's Parcel of Undeveloped Property, up to 100% of the Maximum Special Tax for Undeveloped Property;

Third: If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, then the levy of the Special Tax on each Assessor's Parcel of Developed Property shall be increased in equal percentages from the amounts calculated pursuant





to Step 1 above, up to 100% of the applicable Maximum Special Tax for each such Assessor's Parcel;

Fourth: If additional monies are needed to satisfy the Special Tax Requirement after the first three steps have been completed, then the Special Tax shall be levied in equal percentages on each Assessor's Parcel of Taxable Property Owner Association Property, up to the Maximum Special Tax for Taxable Property Owner Association Property;

Fifth: If additional monies are needed to satisfy the Special Tax Requirement after the first four steps have been completed, then the Special Tax shall be levied in equal percentages on each Assessor's Parcel of Taxable Religious Property, up to the Maximum Special Tax for Taxable Religious Property; and

Sixth: If additional monies are needed to satisfy the Special Tax Requirement after the first five steps have been completed, then the Special Tax shall be levied in equal percentages on each Assessor's Parcel of Taxable Public Property up to the Maximum Special Tax for Taxable Public Property.

Notwithstanding the above, under no circumstances will the Special Tax levied against any Assessor's Parcel of Residential Property for which an occupancy permit for private residential use has been issued be increased by more than ten percent per fiscal year as a consequence of delinquency or default by the owner of any other Assessor's Parcel within Improvement Area No. 10.

#### **E. EXEMPTIONS**

The Council shall not levy a Special Tax on the following:

- 1) Properties owned by entities of the State of California, federal or other public agencies, except as otherwise provided in Sections 53317.3 and 53317.5 of the Act;
- 2) Properties designated for the following uses:

Up to a total of 4.0 acres of Public Property, Property Owner Association Property, and Religious Property; and

All Public Property, Property Owner Association Property, and Religious Property will be allocated on a first in time basis. If the total number of acres of land conveyed or dedicated exceeds the amount stated above, then the acres exceeding such total shall be taxed at the applicable rates set forth in Section C above and to the extent set forth in Section D above.

#### **F. REVIEW/APPEAL COMMITTEE**

Any landowner or resident who feels that the amount of the Special Tax levied on their Assessor's Parcel is in error may file a notice with CFD No. 93-1 appealing the amount of the Special Tax levied on such Assessor's Parcel. A representative of CFD No. 93-1 will then review the appeal and, if necessary, meet with the applicant. If the findings of the representative of CFD No. 93-1 verify that the amount of the Special Tax should be modified or changed, then, as appropriate, the



Special Tax levy shall be corrected.

**G. MANNER OF COLLECTION**

The Special Tax shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 93-1 may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

**H. PREPAYMENT OF SPECIAL TAX**

The Special Tax applicable to an Assessor's Parcel may be prepaid in full according to a prepayment formula determined by the City at the time of prepayment. The prepayment amount shall also include the administrative expense of Improvement Area No. 10, the fiscal agent and any consultant retained in connection with the calculation of the prepayment amount.

**I. TERM OF SPECIAL TAX**

The Special Tax shall be levied for a term of 50 years, commencing with Fiscal Year 1993-94.



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