
**Fourth Amendment to
PROPERTY EXCHANGE AGREEMENT**

WHEREAS, STEPHEN E. ROBERTS, Trustee of the Stephen E. Roberts Trust – 1990 u/d/t dated September 28, 1990 ("Roberts"), and the EAST BAY MUNICIPAL UTILITY DISTRICT, a public corporation, organized and existing under the laws of the State of California ("EBMUD") entered into a Property Exchange Agreement ("Agreement") on November 4, 2009, and

WHEREAS, the parties hereto have voluntarily entered into several amendments to the Property Exchange Agreement in order to extend the timeframe for completion of said terms and conditions in Agreement, and

WHEREAS, pursuant to the Third Amendment, the parties hereto have until September 30, 2011 to have fully completed the exchange of said parcels and the easement and recordation thereof, including the lot line adjustment procedure, and

WHEREAS, the parties have worked diligently to complete the terms and conditions contained in the Agreement although it appears certain that additional time shall be required, and

WHEREAS, it is in the best interest of both parties herein to continue working to complete the terms and conditions within the Agreement,

Now therefore, in consideration of the mutual promises and covenants contained in the Agreement, and other good and valuable consideration the receipt of which is hereby acknowledged, the parties agree as follows:

1. The parties do hereby agree to extend the term of the Agreement until March 31, 2012 with the understanding that all other terms and condition in the Agreement remain the same.

IN WITNESS WHEREOF, the parties hereto have caused this Fourth Amendment to Agreement to be executed in duplicate by their respective officials thereunto duly authorized.

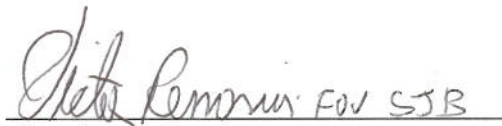
STEPHEN E. ROBERTS

EBMUD

By:


Stephen E. Roberts

By:


Stephen J. Boeri
Manager of Real Estate Services

Date:

10-12-11

Date:

10-11-11