

**SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 94-01 (HESPERIA)**

WAIVER AND CONSENT RESPECTING CONDUCT OF MAILED-BALLOT, LANDOWNER ELECTION

The undersigned is authorized representative of Lynn L. Fottorly (the "Owner"), the sole owner of land (the "Subject Property") shown on the exhibit map attached to the petition submitted to the Board of Directors (the "Board") of the San Bernardino County Fire Protection District ("SBCFPD") and also identified as Assessor's Parcel Number(s) 0405-261-15, 16 & 30 requesting the annexation of the Subject Property to the San Bernardino County Fire Protection District Community Facilities District No. 94-01 (Hesperia) ("CFD No. 94-01").

The undersigned is a person legally entitled and authorized to cast the ballots for the Owner in the mailed-ballot election to be conducted on _____, 20____, to determine whether the Subject Property shall be annexed to CFD No. 94-01 and thereby made subject to special tax of CFD No. 94-01 pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code) (the "Act"),

The undersigned, on behalf of the owner, hereby waives (and, with respect to Item 4, agrees to) each of the following:

1. Any and all minimum time periods relative to the landowner election to be held pursuant to Government Code section 53339.7 of the Act;
2. The preparation and distribution of an impartial analysis of the ballot measure, as well as arguments in favor and against, under the authority of Government Code section 53327(b) of the Act;
3. The requirements regarding the time to mail ballots to the qualified electors under Elections Code section 4101, and agrees to accept either mailed service or personal service of the ballot;
4. The requirements regarding identification envelopes for the return of mailed ballots contained in Government Code section 53327.5 of the Act; and
5. Any and all defect in notice or procedure in the proceedings for the annexation of the Subject Property to CFD No. 94-01, including, but not limited to, the conduct of the election, whether known or unknown (other than the right to have ballots accurately counted).

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COMMUNITY FACILITIES DISTRICT NO. 94-01 (HESPERIA)**

WAIVER AND CONSENT RESPECTING CONDUCT OF MAILED-BALLOT, LANDOWNER ELECTION

The undersigned expressly acknowledges, represents and states that the election is being expedited by the San Bernardino County Fire Protection District, pursuant to this Waiver and Consent, at the particular instance and request of Owner.

I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct and that this declaration is executed on March 4, 2022.

NV HESPERIA INVESTORS, LLC
Company

By: Lynn L. Fottorly
Signature

LYNN L. FOTTORLY
member/manager
Print Name and Title

In event this Waiver and Consent is executed in reliance upon an "Appointment of Representative to Execute Waiver and Consent and to Cast Ballot", a photocopy of the dated and signed appointment form must be attached hereto prior to submission of this Waiver and Consent and the related Special Election Ballot to the Secretary.

Standard California Notary Acknowledgment Form Attached

SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 94-01(HESPERIA)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

~~STATE OF CALIFORNIA~~ ^{Nevada}

COUNTY OF Clark

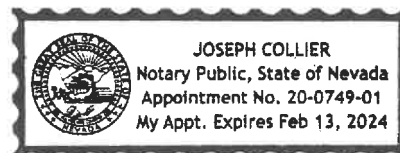
On 3-4-2022 before me, Joseph Collier
(insert name and title of the officer),

personally appeared Lynn L. Fetterly, 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~~ ^{Nevada} that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____



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COMMUNITY FACILITIES DISTRICT NO. 94-01 (HESPERIA)**

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The undersigned is a person legally entitled and authorized to cast the ballots for the Owner in the mailed-ballot election to be conducted on _____, 20____, to determine whether the Subject Property shall be annexed to CFD No. 94-01 and thereby made subject to special tax of CFD No. 94-01 pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code) (the "Act"),

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I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct and that this declaration is executed on 15TH DAY OF FEB, 2022

DAYCO FUNDING CORPORATION
Company

By: 
Signature

HANK H DAYANI, VICE PRESIDENT
Print Name and Title

In event this Waiver and Consent is executed in reliance upon an "Appointment of Representative to Execute Waiver and Consent and to Cast Ballot", a photocopy of the dated and signed appointment form must be attached hereto prior to submission of this Waiver and Consent and the related Special Election Ballot to the Secretary.

Standard California Notary Acknowledgment Form Attached

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles)

On February 15, 2022 before me, John R. Shaikin, Notary Public
(insert name and title of the officer)

personally appeared Hank H. Dayani,
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.

Signature  (Seal)

