

RECORDING REQUESTED BY AND
RETURN TO:

Glengreen Owners Association
6572 Oakmont Drive Suite A
Santa Rosa, CA 95409

AMENDMENT TO
OAKMONT VILLAGE DECLARATION NO. 2 OF PROTECTIVE RESTRICTIONS

This Amendment to the Oakmont Village Declaration No. 2 of Protective Restrictions, recorded in the Office of the County Recorder of Sonoma County, California, on June 18, 1964 as instrument number 1964095678 (the "Original Declaration), is made this ____ day of _____, 2019, by the Glengreen Owners Association, and its members,

The Original Declaration encumbers the real property described as follows:

All of that certain real property situated in the City of Santa Rosa, County of Sonoma, State of California, as shown on map entitled, "OAKMONT NO 1R37" recorded November 29, 1963 in Book 96 of Maps, pages 11 thru 16 in the Office of the Recorder of the County of Sonoma.

AMENDMENT #1

Article XI, Section 2. (a) Method of Modifications of the Declaration is hereby amended to read in its entirety as follows:

(a) **METHODS OF MODIFICATION**

(1) Amendment, change, or modification of all or any of the restrictions, conditions, covenants, liens or charges set forth in this Declaration may be made and effected from time to time by the vote by secret written ballot of fifty-one percent (51%) the Voting Power of the Association; provided however, that no provision of this Declaration which calls for a vote of more than a 51% may be amended by a vote of less than the percentage required to take the action set forth in that section. Any amendment to this Declaration will be effective upon recording in the Official Records of Sonoma County of an instrument executed by the President of the Association which sets forth the terms of the amendment and a statement which certifies that the required percentage of Members have approved the amendment.

(2) Provisions for Oakmont Village Association Only. Any amendment, change, termination, or modification of provisions relative to the Oakmont Village Association shall be effective and binding upon the lot ownerships or apartment ownerships of the property subject to this declaration upon (i) the requisite vote of the membership of the Oakmont Village Association as specified in Subsection (b) hereof and (ii) the recording of an instrument duly certified by the President and Secretary of the Oakmont Village Association, setting forth the amendment and attesting to the fact that such approval has been given. The effective date of this sub-section (a)(2) shall be the date upon which certification of both the following have been completed: (a) this provision and its approval in accordance with sub-section (a)(1) hereof, or with state law, and (b) the approval specified in sub-section (b) hereof.

b. Invalidation of any provision contained in this Amendment by judgment, court order, or otherwise, shall in no way affect any other provision contained herein, or in the Declaration, which shall remain in full force and effect.

c. All terms used in this Amendment which are defined in the Original Declaration shall have the same meaning as in the Original Declaration.

AMENDMENT #2

Article III, PROPERTY REQUIREMENTS of the Declaration is hereby amended to add Section 4 which shall read entirety as follows:

Section 4. Exclusive Use of Common Area

(a) The Association, upon a vote of 51% of the Voting Power of the Association, may grant to an Owner, the use of an Exclusive Use Easement over common area that is adjacent to that owner's lot, subject to applicable law, Covenants, Conditions and Restrictions and Rules of the Glengreen Owners Association and procedures specified by the Oakmont Village Association. Said Easement shall be a right to use the common area only as proposed and approved by the Board and does not include any right to encumber or take title to said area, which shall remain the property of the Glengreen Owners Association.

(b) Prior to making any changes in the use of the Common Area, or designating an area as Exclusive Use, the Owner of the Lot shall submit to the Board of Governors drawings of the Lot with dimensions, to include the current boundaries of the lot, and if necessary, owner shall provide a current survey to confirm said boundaries, along with an application for approval by the Board of Governors.

(c) The Architectural Committee (if any) and Board of Governors shall review the plans and proposed use of the space and shall either approve or decline the application within thirty (30) days of acceptance of a complete submission. Upon approval of the Board of Governors, the application shall be sent to the Members for a vote by secret written ballot approving the application and amending the Declaration to denote the Exclusive Use Common Area granted.

(d) Owners granted the exclusive use of common area shall be responsible for the maintenance, upkeep, repair, and replacement of the Exclusive Use Common Area allocated to their Lot and all structures and improvements located thereon, including without limitation, maintenance, repair and replacement of any enclosure, fence, deck, patio, or landscaping, excluding trees. No tree shall be removed from an Exclusive Use Common Area without the express written permission of the Board of Governors.

(e) Should the Association determine any non-compliance with the granted use of the Exclusive Use Common Area, after notice and hearing with the Owner, the Board of Governors may rescind the Exclusive Use granted the Lot owner and cause the common area to be restored to its previous condition, with all costs to be borne by the Lot Owner.

(f) Any Lot Owner granted an Exclusive Use of Common Area shall carry an appropriate level of liability insurance as a rider on their homeowner's or personal liability policy, which shall also cover their use of the Exclusive use Common Area for the duration of its assignment to the Lot Owner. Further the Lot Owner shall agree to indemnify the Glengreen Owners Association and the Oakmont Village Association from any harm or damage resulting from the owner's use of said Exclusive Use Common Area.

(g) Any Exclusive Use Easement granted by the Glengreen Owners Association shall apply to and bind the heirs, successors, executors, administrators, assignees, contractors, and grantees of all parties.

The undersigned is the President of the Glengreen Owners Association, and hereby certifies and declares that pursuant to the provision of Article XI Section 2(a) of the Original Declaration and Civil Code section 5100, the foregoing amendment was approved by the affirmative vote, by secret written ballot, of the Members representing at least Seventy Five percent (75%) of the total voting power of the Association.

Glengreen Owners Association,

By: _____
_____ Its President

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)
 (ss.
COUNTY OF _____)

On _____, 201__, before me, _____, Notary Public, personally appeared _____, 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
