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5 PGS



RECORDING REQUESTED BY  
AND AFTER RECORDED RETURN :

PAUL WYCOFF, CHAIRMAN  
MEADOWGREEN #2 HOA  
6550 STONE BRIDGE ROAD  
SANTA ROSA, CA 95409

FIFTH AMENDMENT TO  
OAKMONT VILLAGE DECLARATION NO. 15  
OF PROTECTIVE RESTRICTIONS

THIS FIFTH AMENDMENT (the "Amendment") to the Oakmont Village Declaration No. 15 of Protective Restrictions, recorded in the Office of the County Recorder of Sonoma County, California, on November 1, 1972 as instrument No. 1972001588, as amended from time to time, (the "Original Declaration"), is made this 7<sup>th</sup> day of MAY, 2012, by the owners of record of the Lots within the Project and by the Meadowgreen #2 Association, an unincorporated association.

The Original Declaration encumbers the real property described as follows :

All that certain real property situated in the City of Santa rosa, Sonoma County, California, as shown on the map entitled "Oakmont No. 6-C Condominium" and and recorded on November 1, 1972 in Book 179 of Maps at pages 31, 32, and 33, in the Office of the Recorder of Sonoma County, California.

By this document, the Original Declaration is amended pursuant to the provisions of Article XI, section 2 thereof, as follows :

a. Section 4 is hereby added to Article III and shall read in its entirety as follows :

**Section 4 - Allocation of Exclusive Use Common Area.**

(a) Where as, on November 29, 2011, the Owners of Lots in Meadowgreen #2,

identified as "Oakmont No. 6-C, Condominium", passed by a 75% affirmative vote, the ballot measure granting a designated Exclusive Use Common Area, to each Owner as shown on the Plot Map for said Lot, accompanying each Owner's ballot. The Owner shall be entitled to the sole and exclusive use of the allocated area for purposes consistent with the Declaration and the Oakmont Community.

- (b) Prior to making any changes in the the use of a Lot's Exclusive Use Common Area, the Owner shall submit drawings with dimensions along with the application, for approval by the Board of Govenors. Any construction, modifications or improvements therein must further be approved by the Oakmont Architectural Committee in accordance with Article III, Section 3, and Article IV of this Declaration.
- (c) Owners 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. Home Owner's are not permitted to trim or remove a tree within their Exclusive Use Common Area, that being the sole responsibility of the Owners Association and the Architectural Committee.
- (d) Each owner shall carry an appropriate level of liability insurance to cover their use of the Exclusive Use Common Area allocated to his/her Lot, and shall indemnify the Owners Association and the Oakmont Village Association from any harm or damages resulting from the Owners use of said area.
- (e) Owners shall lose their Exclusive Use Common Area by a majority vote of the Board of Governors for violation of the Protective Restrictions for Oakmont Condominium Subdivisions.
- (f) It shall be known, that a Plot Map of each Owners Exclusive Use Common Area is on file in the Oakmont Accounting Service Office, the Oakmont Architectural Office, and with Meadowgreen #2 Board of Governors who will be responsible for insuring that each new Owner has a copy of said Plot Map. Realtors representing the sale of a Lot may access a copy of the Lot's Exclusive Use Common Area from either afore named offices.
- b. Invalidation of any provision contained in this Amendment by judgement, 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 Declaration shall have the same meaning as in the Declaration.

The undersigned, as President and Board Members of Meadowgreen#2 Owners Association, do hereby certify and declare that pursuant to the provision of Article XI, section 2 of the Original Declaration, as amended January 19, 2006 in instrument number 2006007330 in the Official Records of Sonoma County, California and Civil Code section 1363.04, the foregoing Amendment was approved by the affirmative vote, by secret written ballot, of the Members representing three-fourths (3/4) of the Lot Ownerships, on November 29, 2011, as verified by the Elections Inspector of the Oakmont Accounting Service.

Meadowgreen #2 Owners Association

By: Paul T. Wycoff 5-7-12  
Paul T. Wycoff, President

By: Everett B. Pierson 5-8-12  
Everett B. Pierson, Member

By: Lois Saccone 5-7-12  
Lois Saccone, Member

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STATE OF CALIFORNIA )  
( ss.  
COUNTY OF SONOMA )

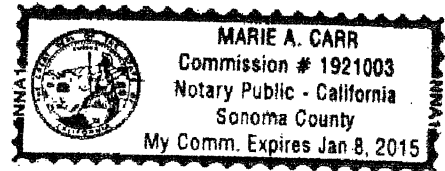
On May 7, 2012, before me Marie A. Carr,  
Notary Public, personally appeared Paul T. Wycott,  
Lois Saccone,  
who proved to me on the basis of satisfactory evidence to be the persons  
whose names are subscribed to the within instrument and acknowledged to  
me that they executed the same in their authorized capacities and that by  
their signatures on the instrument the persons, or the entity upon behalf  
of which the persons 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.

Marie A. Carr, Notary Public  
Notary Public in and for said County  
and State.


( Seal )



Meadowgreen #2  
Board of Governors  
Position Statement  
May 17, 2012

WHERE AS there is no legal precedent, and WHERE AS there is no amendment to the By-Laws or to the Protective Restrictions of the Oakmont Village Association, and WHERE AS no requirement may be placed on Oakmont Home Owners without the approval of the Board of Directors of the Oakmont Village Association, and WHERE AS there is no evidence of such approval, the surveying requirement for exclusive use common area is deemed null and void by the Meadowgreen #2 Board of Governors.

Legal notice, of Exclusive Use Common Area, to all owners is provided by recorded amendment to the Protective Restrictions of Meadowgreen #2.

  
Ed Pierson, Member

  
Lois Saccone, Member

  
Paul Wycoff, Chair