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**COMMON AREA EASEMENT AMENDMENT
TO
OAKMONT VILLAGE DECLARATION NO. 28
OF PROTECTIVE COVENANTS
[Mesa Oaks CC&Rs]**

**AFFECTS: ALL THAT CERTAIN REAL PROPERTY
SITUATED IN THE CITY OF SANTA ROSA, COUNTY OF
SONOMA, STATE OF CALIFORNIA, AS SHOWN ON THE
MAPS ENTITLED "OAKMONT NO. 12-D" AND RECORDED ON
THE 28TH DAY OF MARCH, 1979, IN BOOK 285 OF MAPS AT
PAGES 15-17 IN THE OFFICE OF THE RECORDER OF THE
COUNTY OF SONOMA, STATE OF CALIFORNIA.**

COMMON AREA EASEMENT AMENDMENT
TO
OAKMONT VILLAGE DECLARATION NO. 28
OF PROTECTIVE COVENANTS
[Mesa Oaks CC&Rs]

THIS AMENDMENT (the "Amendment") to the Oakmont Village Declaration No. 28 of Protective Covenants, recorded in the Office of the County Recorder of Sonoma County, California on May 18, 1979, in Book 3567, Page 281 et seq. (the "Original Declaration"), is made this 27th day of February, 2015, by the owners of record of the Lots within the Project and by the Mesa Oaks Homeowners Association, an unincorporated association (the "Association").

The Original Declaration and this Amendment encumber and affect the real property described as follows:

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF SANTA ROSA, COUNTY OF SONOMA, STATE OF CALIFORNIA, AS SHOWN ON THE MAPS ENTITLED "OAKMONT NO. 12-D" AND RECORDED ON THE 28TH DAY OF MARCH, 1979, IN BOOK 285 OF MAPS AT PAGES 15-17 IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA.

[Hereinafter the "Property" or "Mesa Oaks"]

Various owners of record of the Lots within Mesa Oaks ("Owners") desire to be allowed exclusive use of portions of the Common Area (as that term is defined in the Original Declaration) for extensions of their living and recreational space.

The Original Declaration does not provide for exclusive use by the owners of the Common Area. California Civil Code Section 4600(a) [adopted after the Original Declaration], permits the creation of exclusive use easements, as long as approved by the requisite vote of the membership of an association.

It is the purpose of this Amendment to provide all the owners of the Lots within Mesa Oaks, a standard 5' building envelope, exclusive use Common Area easement.

NOW THEREFORE IT IS AGREED:

1. The Original Declaration is amended as set forth in this Instrument.
2. All Lots within Mesa Oaks shall have, and are hereby granted, an exclusive use Common Area easement as follows:

A 5-FOOT WIDE ENVELOPE EASEMENT, EXTENDING 5 FEET OUT FROM THE EXISTING BOUNDARIES OF EACH LOT IN THE MESA OAKS DEVELOPMENT, AND EFFECTIVELY WRAPPING A FIVE-FOOT ENVELOPE AROUND THE BOUNDARIES OF EACH LOT AND INTO THE COMMON AREA, AS AN EXCLUSIVE USE EASEMENT CREATED PURSUANT TO CALIFORNIA CIVIL CODE SECTION 4600

(hereinafter the "Easement").

A diagram depicting the Easement surrounding some of the Lots in Mesa Oaks is attached to this Instrument and incorporated into it as Exhibit "A." The diagram is for illustrative purposes and is not to scale.

3. The holders of the foregoing Easement shall:
 - a. Comply at all times with the requirements of Architectural review and control, implemented in, and published pursuant to the Original Declaration and the other governing documents for Oakmont, as amended from time to time;
 - b. Comply at all times with building, zoning, land use, creek and other set-backs, and other governmental restrictions and requirements, as now exist or hereafter adopted from time to time;
 - c. Refrain from interference with existing driveways and sidewalks, unless otherwise approved by the Architectural Committee; and
 - d. Observe all the requirements of the Original Declaration, including without limitation, the provisions which limit structures, fences walls, hedges, shrubs or other plantings which obstruct sight lines at elevations between two (2) and six (6) feet above the roadways within the triangular area formed by the street property lines and a line connecting them twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended, except with the approval of the Architectural Committee.

- e. Per Civil Code Section 4600(c) [or any statute with which it is replaced] each owner within Mesa Oaks who makes use of the Easement, shall cover his/hers/its property and structures at all times with adequate liability and property damage insurance, and the Association shall be a named co-insured of such policy(ies). The amounts of such insurance coverage shall be reasonable in light of the value of the underlying property and the liability risks involved, and such amounts shall be adjusted, from time to time, as is reasonably recommended by liability and property damage insurance carriers for the greater Oakmont area. All such insurance shall also contain a rider which provides the Board of Governors of Mesa Oaks with at least thirty (30) days advance notice of cancellation.
- f. In all other respects, the Original Declaration, as amended, shall remain in full force and effect.

The undersigned are the President and Secretary of the Mesa Oaks Homeowners Association, and hereby certify and declare that pursuant to the provisions of this Amendment to the Original Declaration, as recorded on January 19, 2006, as instrument number 2006007341 in the Official Records of Sonoma County, California and California Civil Code § 4600, the foregoing amendment was approved by the affirmative vote, by secret ballot, of the Members representing more than three-fourths (3/4) of the Lot ownerships.

MESA OAKS HOMEOWNERS ASSOCIATION

By: *Jean Jarris*
Its: President

By: *Jane Dismuke*
Its: Secretary

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

Civil Code § 1189

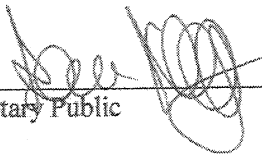
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Sonoma)

On MARCH 04, 2015, before me, SARA FLEMING, Notary Public, personally appeared JOAN JARRIS and JUNE DISMUKA, 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.



Notary Public

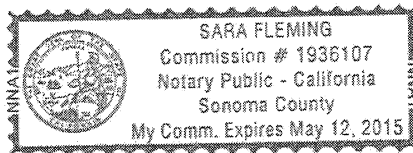


EXHIBIT "A"

OAKMONT No. 12-D
"MESA OAKS"
12, 2015 PER. 15 1000 17 1000 1000 1000 1000

5' COMMON AREA EXCLUSIVE EASEMENT
[NOT TO SCALE]

