Recording Requested By:

Pleasant Vista Owners Association

When Recorded, Mail to:

Pleasant Vista Owners Association
c/o OAS Management
6572 Oakmont Drive, Suite A
Santa Rosa, CA 95409

2016108814
Official Records Of Sonoma County
William F. Rousseau
11/23/2016 10:13 AM
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Amendment to

OAKMONT VILLAGE DECLARATION NO.46

[Pleasant Vista CC&R's]

This is an Amendment (the "Amendment") to the Oakmont Village Declaration No 46 of Protective Covenants, recorded in the Office of the County Recorder of Sonoma County, California on December 30, 1996 in Book 468, Pages 21-25 ("the Original Declaration"), is made this 15th day of November, 2016, by the owners of record of the Lots within the Project and by the Pleasant Vista 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 AND REAL PROPERTY SITUATED IN THE CITY OF SANTA ROSA, COUNTY OF SONOMA, STATE OF CALIFORNIA, AS SHOWN ON THE MAPS ENTITLED "OAKMONT NO. 15D-2 AND RECORDED THE 13th DAY OF DECEMBER , 1990 IN BOOK 468 OF MAPS AT PAGES 21-25 IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA.**

[Hereinafter the "property" or Pleasant Vista]

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

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A Section 4 is hereby added to Article 3 and shall read in its entirety as follows:

Section 4. Exclusive Use of Common Area

A 10 (10)-FOOT WIDE ENVELOPE EASEMENT, EXTENDING 10 FEET BACK FROM THE FURTHEST BACK WALL FOR THE ENTIRE WIDTH OF THE HOUSE AND A 10 FOOT WIDE EASEMENT ON ONE SIDE ONLY. IF SUCH EASEMENT WILL ENCROACH ON THE NEIGHBORING EASEMENT, THEN THE TWO MUST SHARE THE SPACE EQUALLY. ANY SUCH UTILIZATION SHALL STILL REQUIRE THE PRIOR APPROVAL OF THE PVOA BOARD OF GOVERNORS AND THE OVA ARCHITECTURAL COMMITTEE. THESE PORTIONS OF THE COMMON AREA GRANTED AS AN EXCLUSIVE USE EASEMENT CREATED PURSUENT TO CALIFORNIA CIVIL CODE SECTION 4600.

(hereinafter the "Easement")

A diagram depicting the easement around some of the Lots in Pleasant Vista is attached to this Instrument and incorporated into it as Exhibit "A". The diagram is for illustrative purposes and is not to scale.

1. The holders of the 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 setbacks, 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

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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 [or any statute with it is replaced]each owner within Pleasant Vista 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 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 Pleasant Vista with at least thirty (30) days advance notice of cancellation.

f. Shall be responsible for the maintenance, upkeep, repair and replacement of the Exclusive Use Common Area allocated to their lot and all structures located thereon, including without limitation, maintenance, repair and replacement of any enclosure, fence, deck, patio, or landscaping excluding trees. Owners 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. If Owners are not compliant with the first sentence in Article III, section 4(c) to the satisfaction of the Board of Governors, even after three (3) written notices during the course of a four month period, then the Board of Governors shall have the right to repair or restore improvements, to remove any or all improvements within the Exclusive Use Common Area, and/or to restore such area to landscaping appropriate to the surrounding common area. Any and all restoration costs are to be borne by the Owner. Furthermore, the Board of Governors will have the option to proceed in

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reversing the Exclusive Use Easement involved, with all costs to be borne by the Owner.

g. 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 Pleasant Vista Homeowners Association and hereby certify and declare that pursuant to the provisions of this Amendment to the Original Declaration as recorded on December 19,1990 as instrument number 1991-0002377 in the official records of Sonoma County, California and 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.

PLEASANT VISTA OWNERS ASSOCIATION

By: Walter W Brown
WALTER W. BROWN
President

By: Bernard V Palic
BERNARD V. PALIC
Secretary

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **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 November 22, 2016 before me, BARBARA LYNCH SAMARATI,
Date *Here Insert Name and Title of the Officer*

personally appeared BERNARD V. PALK AND WALTER W. BROWN
Name(s) of Signer(s)

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.

BARBARA LYNCH SAMARATI
Commission # 2025611
Notary Public - California
Sonoma County
My Comm. Expires May 23, 2017

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 Barbara L Samarati
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____