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Pythian Court Owners Association
c/o PAS Management
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Official Records Of Sonoma County
Deva Marie Proto

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OWNER-OCCUPANCY ONLY RENTAL RESTRICTIONS
AMENDMENT TO OAKMONT VILLAGE DECLARATION NO. 27
OF PROTECTIVE RESTRICTIONS

THIS AMENDMENT (the "Amendment") to the Oakmont Village Declaration No. 27 of Protective Restrictions, recorded in the Office of the County Recorder of Sonoma County, California, on December 1, 1978, as instrument No. 1978054166, as amended from time to time (the "Original Declaration"), is made this 14th day of January, 2019, by Pythian Court Owners Association (the "Association"), an unincorporated association, and its members.

The Original Declaration encumbers the real property described as follows:

All that real property situated in the City of Santa Rosa, Sonoma County, California, as shown on the map entitled "OAKMONT NO. 11-J, and recorded on the 21st day of November, 1978, in Book 280 of Maps at pages 8 and 9 in the Office of the Recorder of Sonoma County, California.

Unless explicitly overridden, all the definitions from Article II of the Original Declaration shall apply herein.

By this document, the Original Declaration is amended pursuant to the provisions of Article XI, Section 2 thereof as amended November 14, 2017 in instrument number 2017087552 in the Sonoma County records, as follows:

- A. Article III: Property Requirements is hereby amended to add the following additional subsection 4.

Section 4. Owner Occupancy Only/ Rental Restrictions:

- (a) **Purposes of the Amendment.** There is a growing need for the owners of the Lots subject to this Declaration to adopt restrictions which place limits on rental of the lots within the Association. Among the principal reasons for this Amendment are the following:
1. The Protective Restrictions for the property require that members of the association elect a Board of Governors. It is desirable that Governors be owner-occupants. Because absentee owners are often not close enough geographically to serve on the

Board, nor are engaged in day-to-day activities, and because the retirement community aspect of Oakmont further reduces the pool of available Board members due to aging and health issues, there is a growing need to increase the pool of available owner-occupants from which to select a Board of Governors.

2. There are already federally mandated owner-occupancy financing loan guidelines, which, if not adhered to, will eventually render it difficult or impossible to secure financing and refinancing of homes. These guidelines are issued by such Federal Agencies as the Department of Housing and Urban Development (HUD), the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Corporation (FHLMC). And:
3. There is a need to maintain the Association and to enhance the value of the lots within the Association. The feeling of permanence and pride of ownership is more reflective of communities with larger percentages of owner-occupants.

(b) **Owner Occupancy Requirement.** Except as otherwise provided at (c) and (d) below, all lots in the Association shall be owner-occupied with the exception that up to twenty percent (20%) of the lots subject to this Declaration may be rented with the consent of the Board of Governors. All remaining lots must be owner-occupied/not rented.

(c) **Prospective Operation.** In order to recognize the vested rights of existing property owners, this Amendment shall not apply to existing owners, who shall remain free to continue to occupy or rent their lots despite the twenty percent (20%) rental limitation, the same as if this Amendment were not in place. This Amendment shall apply prospectively only to each lot for which the title changes on or after the effective date the Amendment is recorded except as provided in Civil Code paragraph 4740.

(d) **Hardship Exemptions.** Recognizing that a strict twenty percent (20%) rental occupancy rate may cause a hardship, the Board of Governors may allow an owner to rent a Lot in spite of this limitation upon a formal written application by the owner when such rental is appropriate due to:

1. serious health issues involving the owner or some other person with whom the owner has a significant relationship or responsibility; or
2. significant financial hardship of the owner or some other person with whom the owner has a significant relationship or responsibility; or
3. some other significant hardship in life meriting exceptional treatment.

(e) **Rules and Procedures.** The Board of Governors shall adopt a set of guidelines and procedures to implement this Amendment. This document will contain the following:

1. a mandate for the annual review and inventory of the number of lots in the Association that are owner-occupied and that are rentals;
2. procedures to be followed when a lot in the Association is sold or the title transferred; and
3. procedures for the application for an exemption to the rental restriction.

This document will be distributed annually to the owners of properties in the Association.

- (f) **Savings Clause.** If any term, provision, covenant or condition of this Amendment is held by a Court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated. Furthermore, should a decision, statute or other law impose limitations adopted in this Amendment, it is the intent of those adopting this Amendment that it shall thereupon be further amended and changed to adopt such lawful changes and limitations so that this Amendment shall be construed and interpreted as consistent with such decision, statute or law to the fullest extent possible.
- (g) **Remainder of Declaration Unaffected.** All other provisions of the Declaration shall remain in full force and effect.

THE UNDERSIGNED IS THE PRESIDENT OF THE PYTHIAN COURT OWNERS ASSOCIATION, WHO HEREBY CERTIFIES AND DECLARES THAT PURSUANT TO THE PROVISION OF ARTICLE XI, SECTION 2 OF THE ORIGINAL DECLARATION AS AMENDED AND CIVIL CODE SECTION 5100 ET SEQ., THE FOREGOING AMENDMENT WAS APPROVED BY THE AFFIRMATIVE VOTE, BY SECRET WRITTEN BALLOT, OF THE MEMBERS REPRESENTING A MAJORITY OF THE LOT OWNERS.

PYTHIAN COURT OWNERS ASSOCIATION,

BY: David Beach
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 SONOMA)

On JANUARY 14th, 2019, before me, GIOVANNA M B HAMMANN, Notary Public, personally appeared DAVID BEACH, 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 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

Giovanna M B Hammann

