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FIRST RESTATED DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
EVERGREEN COMMONS

**FIRST RESTATED DECLARATION  
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**TABLE OF CONTENTS**

<u>Article/Section</u>	<u>Title</u>	<u>Page</u>
<b>RECITALS</b>	.....	1
<b>ARTICLE I</b>	<b>Definitions</b> .....	2
Section 1.	"Architectural Committee" or "Committee" .....	2
Section 2.	"Articles" .....	2
Section 3.	"Assessment" .....	2
Section 4.	"Association" .....	2
Section 5.	"Association Rules" .....	2
Section 6.	"Board of Directors" or "Board" .....	2
Section 7.	"Bylaws" .....	2
Section 8.	"Common Area" .....	2
Section 9.	"Common Expense" .....	3
Section 10.	"Common Facilities" .....	3
Section 11.	"County" .....	3
Section 12.	"Declarant" .....	3
Section 13.	"Declaration" .....	3
Section 14.	"Governing Documents" .....	3
Section 15.	"Improvement" .....	3
Section 16.	"Lot" .....	3
Section 17.	"Majority of a Quorum" .....	4
Section 18.	"Member" .....	4
Section 19.	"Mortgage" .....	4
Section 20.	"Owner" .....	4
Section 21.	"Owner of Record" .....	4
Section 22.	"Party Wall" .....	4
Section 23.	"Properties" .....	4
Section 24.	"Record" .....	4
Section 25.	"Regular Assessment" .....	4
Section 26.	"Residence" .....	4
Section 27.	"Single Family Residential Use" .....	4
Section 28.	"Special Assessment" .....	5
Section 29.	"Special Individual Assessment" .....	5
Section 30.	"Subdivision Map" .....	5
<b>ARTICLE II</b>	<b>Property Rights and Obligations of Owners</b> .....	5
Section 1.	Owners' Nonexclusive Easements of Enjoyment .....	5
Section 2.	Persons Subject to Governing Documents .....	6
Section 3.	Delegation of Use .....	6
Section 4.	Obligations of Owners .....	7

<u>Article/Section</u>	<u>Title</u>	<u>Page</u>
<b>ARTICLE III</b>	<b>Homeowners Association</b> . . . . .	9
Section 1.	Association Membership . . . . .	9
Section 2.	One Class of Membership . . . . .	9
Section 3.	Voting Rights of Members . . . . .	9
Section 4.	Assessments . . . . .	10
Section 5.	Transfer of Memberships . . . . .	10
Section 6.	Powers and Authority of the Association . . . . .	10
Section 7.	Association Rules . . . . .	11
Section 8.	Breach of Rules or Restrictions . . . . .	12
Section 9.	Limitation on Liability of the Association's Directors and Officers . . . . .	12
<b>ARTICLE IV</b>	<b>Assessments</b> . . . . .	13
Section 1.	Assessments Generally . . . . .	13
Section 2.	Regular Assessments . . . . .	13
Section 3.	Special Assessments . . . . .	14
Section 4.	Special Individual Assessments . . . . .	15
Section 5.	Assessments to Address Emergency Situations . . . . .	16
Section 6.	Purpose and Reasonableness of Assessments . . . . .	17
Section 7.	Exemption of Certain of the Properties From Assessments . . . . .	17
Section 8.	Notice and Procedure for Member Approval Pursuant to Sections 2 and 3 . . . . .	17
Section 9.	Maintenance of Assessment Funds . . . . .	17
Section 10.	Collection of Assessments; Enforcement of Liens . . . . .	18
Section 11.	Transfer of Lot by Sale or Foreclosure . . . . .	19
Section 12.	Priorities . . . . .	20
Section 13.	Unallocated Taxes . . . . .	20
Section 14.	Waiver of Exemptions . . . . .	20
<b>ARTICLE V</b>	<b>Architectural Control</b> . . . . .	20
Section 1.	Approval of Improvements by Board or Architectural Committee . . . . .	20
Section 2.	Composition of the Architectural Committee . . . . .	21
Section 3.	Duties . . . . .	21
Section 4.	Meetings . . . . .	21
Section 5.	Architectural Rules . . . . .	22
Section 6.	Basis for Approval of Improvements . . . . .	22
Section 7.	Time Limits for Approval or Rejection . . . . .	23
Section 8.	Proceeding With Work . . . . .	23
Section 9.	Failure to Complete Work . . . . .	23
Section 10.	Inspection of Work by the Board . . . . .	23
Section 11.	Enforcement of Architectural Compliance Matters . . . . .	24
Section 12.	Variances . . . . .	25
Section 13.	Estoppel Certificate . . . . .	25
Section 14.	Limitation on Liability . . . . .	25
Section 15.	Compliance With Governmental Regulations . . . . .	25

<u>Article/Section</u>	<u>Title</u>	<u>Page</u>
<b>ARTICLE VI</b>	<b>Exterior Maintenance Responsibilities</b> . . . . .	26
Section 1.	Common Area . . . . .	26
Section 2.	Owner Maintenance Responsibility . . . . .	26
Section 3.	Association Recovery of Costs of Certain Repairs and Maintenance . . .	26
Section 4.	Cooperative Maintenance Obligations . . . . .	26
<b>ARTICLE VII</b>	<b>Use of Properties and Restrictions</b> . . . . .	26
Section 1.	Single Family Residential Use . . . . .	27
Section 2.	Lots . . . . .	27
Section 3.	Interior Improvements . . . . .	27
Section 4.	Common Areas . . . . .	27
Section 5.	Prohibition of Noxious Activities . . . . .	27
Section 6.	Temporary Structures . . . . .	27
Section 7.	Household Pets . . . . .	27
Section 8.	Signs . . . . .	28
Section 9.	Business Activities . . . . .	28
Section 10.	Garbage . . . . .	28
Section 11.	Antennas and Similar Devices . . . . .	29
Section 12.	Burning . . . . .	29
Section 13.	Basketball Standards . . . . .	29
Section 14.	Machinery and Equipment . . . . .	29
Section 15.	Diseases and Pests . . . . .	29
Section 16.	Parking and Vehicle Restrictions . . . . .	29
Section 17.	Restriction on Further Subdivision and Severability . . . . .	30
Section 18.	Variances . . . . .	30
Section 19.	Enforcement of Property Use Restrictions . . . . .	30
<b>ARTICLE VIII</b>	<b>Easements</b> . . . . .	30
Section 1.	Encroachment Easements . . . . .	30
Section 2.	Blanket Utility Easement . . . . .	31
Section 3.	Maintenance Easements . . . . .	31
Section 4.	Boundary Changes . . . . .	31
Section 5.	Other Easements . . . . .	31
Section 6.	Priority of Easements . . . . .	31
<b>ARTICLE IX</b>	<b>Party Walls</b> . . . . .	31
Section 1.	General Rules of Law to Apply . . . . .	31
Section 2.	Sharing of Repair and Maintenance . . . . .	31
Section 3.	Destruction by Fire or Other Casualty . . . . .	31
Section 4.	Weatherproofing . . . . .	32
Section 5.	Right to Contribution Runs With Land . . . . .	32
Section 6.	Arbitration . . . . .	32
Section 7.	Party Wall Easements . . . . .	32
<b>ARTICLE X</b>	<b>Insurance</b> . . . . .	32
Section 1.	Types of Insurance Coverage . . . . .	32

<u>Article/Section</u>	<u>Title</u>	<u>Page</u>
Section 2.	Coverage Not Available . . . . .	33
Section 3.	Copies of Policies . . . . .	33
Section 4.	Trustee . . . . .	33
Section 5.	Adjustment of Losses . . . . .	33
Section 6.	Insurance on Lots and Residences . . . . .	34
<b>ARTICLE XI</b>	<b>Damage or Destruction . . . . .</b>	<b>34</b>
Section 1.	Common Facilities; Bids and Determination of Available Insurance Proceeds . . . . .	34
Section 2.	Common Facilities; Sufficient Insurance Proceeds . . . . .	34
Section 3.	Common Facilities; Insurance Proceeds Insufficient in an Amount Exceeding \$5,000 . . . . .	34
Section 4.	Damage or Destruction of Residences . . . . .	34
<b>ARTICLE XII</b>	<b>Condemnation . . . . .</b>	<b>35</b>
<b>ARTICLE XIII</b>	<b>Breach and Default . . . . .</b>	<b>35</b>
Section 1.	Remedy at Law Inadequate . . . . .	35
Section 2.	Nuisance . . . . .	35
Section 3.	Costs and Attorneys' Fees . . . . .	36
Section 4.	Cumulative Remedies . . . . .	36
Section 5.	Failure Not a Waiver . . . . .	36
Section 6.	Rights and Remedies of the Association . . . . .	36
<b>ARTICLE XIV</b>	<b>Notices . . . . .</b>	<b>38</b>
Section 1.	Mailing Addresses . . . . .	38
Section 2.	Personal Service Upon Co-Owners and Others . . . . .	38
Section 3.	Deposit in United States Mails . . . . .	38
<b>ARTICLE XV</b>	<b>No Public Rights in the Properties . . . . .</b>	<b>38</b>
<b>ARTICLE XVI</b>	<b>Amendment of Declaration . . . . .</b>	<b>39</b>
Section 1.	Amendment in General . . . . .	39
Section 2.	Effective Date of Amendment . . . . .	39
Section 3.	Reliance on Amendments . . . . .	39
<b>ARTICLE XVII</b>	<b>General Provisions . . . . .</b>	<b>39</b>
Section 1.	Term . . . . .	39
Section 2.	Construction . . . . .	39

**FIRST RESTATED DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR  
EVERGREEN COMMONS**

The Declaration of Covenants, Conditions and Restrictions for Evergreen Commons, executed by Cal-Penn Builders, Inc., a California corporation ("Declarant"), and Recorded on November 27, 1970, as Instrument No. 89621, in Book 70-11-27, page 414, of the Official Records of Sacramento County, California ("Original Declaration"), which affects all of the Properties described and commonly known as Evergreen Commons, is hereby amended and restated in its entirety to read as follows:

**RECITALS**

A. Declarant was the original owner of that certain real property ("Properties") located in the County of Sacramento, State of California, which is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

B. Declarant conveyed the Properties, subject to certain easements, protective covenants, conditions, restrictions, reservations, liens and charges as set forth in the Original Declaration referred to above, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of Properties and all of which shall run with the Properties and be binding on all parties having or acquiring any right, title or interest in the Properties, or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

C. It was the further intention of the Declarant to sell and convey residential Lots to the Owners, subject to the protective covenants, conditions, restrictions, limitations, reservations, grants of easements, rights, rights-of-way, liens, charges and equitable servitudes between Declarant and such Owners which are set forth in this Declaration and which are intended to be in furtherance of a general plan for the subdivision, development, sale and use of the Properties as a "planned development" as that term is defined in section 1351(k) of the California Civil Code. Finally, it was the intention of Declarant that the "Common Areas" and "Common Facilities" be owned and maintained by the Association, but reserved exclusively for the use and enjoyment of the Members, their tenants, lessees, guests and invitees, all subject to the terms and conditions of the Governing Documents.

D. On June 30, 1993, the Owners of 75 percent of Lots within the Properties voted by written ballot to amend and restate the Original Declaration, all in accordance with the procedures for amendment set forth in the Original Declaration. It was the intention of the Owners to replace the Original Declaration, in its entirety, with the Recordation of this Declaration. The Owners' action to amend and restate the Original Declaration as set forth herein and the fact that the requisite percentage of affirmative votes required in the Original Declaration was achieved, is attested by the execution of this First Restated Declaration by duly authorized officers of the Association, as required by section 1355(a) of the California Civil Code. As so amended and restated, the easements, covenants, restrictions and conditions set forth herein shall run with the Properties and shall be binding upon all parties having or acquiring any right, title or interest in the Properties or any portion thereof, and shall inure to the benefit of each Owner thereof.