

RECORDING REQUESTED BY AND RETURN TO:

Fiore, Walker, Racobs & Powers
6670 Alessandro Boulevard, Suite B
Riverside, CA 92506

(Space Above for Recorder's Use)

AMENDMENT TO THE CANYON LAKE PROPERTY
OWNERS ASSOCIATION TRACT DECLARATIONS

WHEREAS, the Canyon Lake Property Owners Association is located entirely within the County of Riverside and is comprised of multiple tracts, which are subject to the recorded Declarations applicable to those tracts, as follows:

- (1) Declaration of Restrictions for Tract No. 3716, recorded on March 26, 1969, as Document No. 29448, and any and all amendments thereto;
- (2) Declaration of Restrictions for Tract No. 3718, recorded on June 13, 1968, as Document No. 55472, and any and all amendments thereto;
- (3) Declaration of Restrictions for Tract No. 3719, recorded on March 12, 1968, as Document No. 22440, and any and all amendments thereto;
- (4) Declaration of Restrictions for Tract No. 3720, recorded on April 25, 1968, as Document No. 38313, and any and all amendments thereto;
- (5) Declaration of Restrictions for Tract No. 3776, recorded on October 21, 1968, as Document No. 100993, and any and all amendments thereto;

- (6) Declaration of Restrictions for Tract No. 3777, recorded on October 14, 1968, as Document No. 98669, and any and all amendments thereto;
- (7) Declaration of Restrictions for Tract No. 3778, recorded on September 18, 1968, as Document No. 90139, and any and all amendments thereto;
- (8) Declaration of Restrictions for Tract No. 3779, recorded on July 31, 1968, as Document No. 74105, and any and all amendments thereto;
- (9) Declaration of Restrictions for Tract No. 3804, recorded on October 10, 1968, as Document No. 97605, and any and all amendments thereto;
- (10) Declaration of Restrictions for Tract No. 3829, recorded on April 30, 1969, as Document No. 42584, and any and all amendments thereto;
- (11) Declaration of Restrictions for Tract No. 3831, recorded on November 27, 1968, as Document No. 115575, and any and all amendments thereto;
- (12) Declaration of Restrictions for Tract No. 3846, recorded on December 17, 1968, as Document No. 122904, and any and all amendments thereto;
- (13) Declaration of Restrictions for Tract No. 3863, recorded on May 28, 1969, as Document No. 53042, and any and all amendments thereto;
- (14) Declaration of Restrictions for Tract No. 3868, recorded on July 25, 1969, as Document No. 76138, and any and all amendments thereto;
- (15) Declaration of Restrictions for Tract No. 3869, recorded on February 27, 1970, as Document No. 18974, and any and all amendments thereto;
- (16) Declaration of Restrictions for Tract No. 3892, recorded on November 12, 1969, as Document No. 115955, and any and all amendments thereto;
- (17) Declaration of Restrictions for Tract No. 3903, recorded on September 11, 1969, as Document No. 93301, and any and all amendments thereto;
- (18) Declaration of Restrictions for Tract No. 3961, recorded on October 30, 1969, as Document No. 110933, and any and all amendments thereto;
- (19) Declaration of Restrictions for Tract No. 3970, recorded on January 14, 1970, as Document No. 3714, and any and all amendments thereto;
- (20) Declaration of Restrictions for Tract No. 3971, recorded on January 14, 1970, as Document No. 3716, and any and all amendments thereto;

- (21) Declaration of Restrictions for Tract No. 3973, recorded on January 22, 1970, as Document No. 6721, and any and all amendments thereto;
- (22) Declaration of Restrictions for Tract No. 3974, recorded on February 5, 1970, as Document No. 11702, and any and all amendments thereto;
- (23) Declaration of Restrictions for Tract No. 4001, recorded on March 18, 1970, as Document No. 25523, and any and ail amendments thereto;
- (24) Declaration of Restrictions for Tract No. 4793, recorded on July 31, 1973, as Document No. 100583, and any and all amendments thereto;
- (25) Declaration of Restrictions for Tract No. 4808, recorded on March 13, 1975, as Document No. 29122, and any and all amendments thereto;
- (26) Declaration of Establishment of Covenants, Conditions and Restrictions for Eastport Villas, Tract 5410, recorded on December 11, 1973, as Document No. 159700, and any and all amendments thereto;
- (27) Declaration of Restrictions for Continental Cove, Tract No. 12807, recorded on April 10, 1981, as Document No. 64585, and any and all amendments thereto;
- (28) Restrictions, Covenants, Conditions and Charges for Tract No. 14973, recorded on April 18, 1969, as Document No. 38118, and any and all amendments thereto;
- (29) Declaration of Covenants, Conditions and Restrictions for Tract No. 16386, recorded on March 13, 1975, as Document No. 29122, and any and all amendments thereto;
- (30) Declaration of Restrictions for Amended Parcel Map No. 17388, recorded on August 11, 1983, as Document No. 162460, and any and all amendments thereto; and
- (31) Declaration of Restrictions for Tract No. 20060, recorded on February 15, 1985, as Document No. 32490; rerecorded on May 29, 1985, as Document No. 114496; rerecorded on May 23, 1986, as Document No. 120698; rerecorded on August 16, 1988 as Document No. 231059; and any and all amendments thereto;

WHEREAS, the above Declarations may be amended by their own terms or by Order of the Riverside County Superior Court pursuant to Civil Code Section 1356; and

WHEREAS, the Amendment herein to the above Declarations was proposed by written ballot of the members pursuant to applicable law, and the proposed Amendment to the above Declarations was approved by the requisite percentage of members as specified in the Declarations or by Order of the Riverside County Superior Court dated December 19, 1995, a copy of which is attached hereto as Exhibit "1" and incorporated by reference.

NOW THEREFORE, the above Declarations are hereby amended by adding the following provisions:

Prohibition on Motorcycle Use

Use, operation, riding upon or in, or transportation on or by, any motorcycle, two- or three-wheeled motorized vehicle, off-road vehicle, four-wheeled motorcycle or similar vehicle on any lot, street, common area or Association property within the Subdivision is prohibited. Golf carts may be used and operated within the Subdivision subject to the Board of Directors' reasonable regulation thereof.

Limitation on Easement Rights (No Motorcycles)

Expressly excepted and excluded from each owner's easements (including any and all easements of access, ingress and egress), if any, for use and enjoyment of the Subdivision's streets, parks or any and all common areas or Association property (including any and all easements of access, ingress and egress), is any right to use, operate, ride upon or be transported in or on any motorcycle, two- or three-wheeled motorized vehicle, off-road vehicle, four-wheeled motorcycle or similar vehicle; provided, however, golf carts may be used and operated within any such easement areas subject to the Board of Directors' reasonable regulation thereof. The Board of Directors is authorized to designate portions of Association property at or near entrances to Canyon Lake as motorcycle parking areas where members, their guests or invitees may park motorcycles at their own risk.

IN WITNESS WHEREOF, the undersigned Association has hereunto set its hand and seal this 12 day of February, 1996.

CANYON LAKE PROPERTY OWNERS ASSOCIATION

By: Thomas A. Wysocki
THOMAS A. WYSOCKI, President

By: Jerry L. Blakemore
JERRY L. BLAKEMORE, Secretary

CERTIFICATE OF PRESIDENT

The undersigned, as the duly appointed President of the Canyon Lake Property Owners Association, a California nonprofit mutual benefit corporation, hereby certifies that the foregoing Amendment was duly and properly approved in accordance with the terms of the Tract Declarations referenced above or by the December 19, 1995, Order of the Riverside County Superior Court attached hereto as Exhibit "1."

Thomas A. Wysocki
THOMAS A. WYSOCKI, President

Dated: 2/12/96

CERTIFICATE OF SECRETARY

The undersigned, as the duly appointed Secretary of the Canyon Lake Property Owners Association, a California nonprofit mutual benefit corporation, hereby certifies that the foregoing Amendment was duly and properly approved in accordance with the terms of the Tract Declarations referenced above or by the December 19, 1995, Order of the Riverside County Superior Court attached hereto as Exhibit "1."

Jerry L. Blakemore
JERRY L. BLAKEMORE, Secretary

Dated: 2/12/96

ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

On this 12 day of February, 1996, before me, Brenda Martin, a Notary Public, State of California, duly commissioned and sworn, personally appeared THOMAS A. WY SOCK1, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



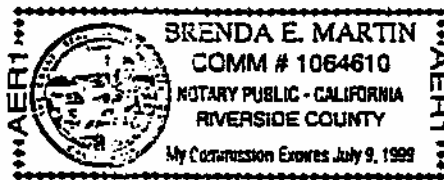
Brenda E. Martin
Notary Public

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

On this 12 day of February, 1996, before me, Brenda Martin, a Notary Public, State of California, duly commissioned and sworn, personally appeared JERRY L. BLACKMORE, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Brenda E. Martin
Notary Public

DEC 11 1995
10/10/95

DEC 07 1995

DEC 13 1995

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1 FIORE, WALKER, RACOBS & POWERS
2 A Professional Law Corporation
3 6670 Alessandro Boulevard, Suits B
4 Riverside, CA 92506
5 (909) 789-8100
6 Attorneys for Petitioner
7 CANYON LAKE PROPERTY OWNERS ASSOCIATION

FILED
RIVERSIDE COUNTY

DEC 19 1995

By *Y.A. Burns* Y.A. Burns
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE

9	IN RE:	)	CASE NO. 268509
10)	
11	PETITION FOR AMENDMENT OF	)	ASSIGNED FOR ALL PURPOSES
12	DECLARATION OF COVENANTS,	)	(EXCEPT FAST TRACK) TO:
13	CONDITIONS AND RESTRICTIONS	)	JUDGE E. MICHAEL KAISER
14	FOR CANYON LAKE PROPERTY	)	DEPT. 4
15	OWNERS ASSOCIATION)	
16		)	ORDER GRANTING PETITION TO
17	AFFIRMATIVE	)	REDUCE PERCENTAGE OF
18		)	VOTES NECESSARY TO AMEND
19		)	DECLARATION OF COVENANTS,
20		)	CONDITIONS AND RESTRICTIONS

The Petition of CANYON LAKE PROPERTY OWNERS ASSOCIATION ("ASSOCIATION") to reduce the percentage of affirmative votes necessary to amend the Declarations of Covenants, Conditions and Restrictions for Canyon Lake came on regularly for hearing on August 18, 1995, at 9:00 a.m., in Department 4 of the above-referenced Court. Peter E. Racobs and Dennis M. Burke of Fiore, Walker, Racobs & Powers and Allan E. Wilion of Allan E. Wilion, Inc., appeared on behalf of the Petitioner. Simon J. Freedman appeared on behalf of Mark Jones, a member of the ASSOCIATION, in opposition to the Petition.

EXHIBIT 1

Order Granting Petition, etc.

1 Upon reading and considering all of the evidence presented
2 therein and the arguments of counsel, the Court finds as
3 follows:

4 1. That the ASSOCIATION'S Petition met all the
5 requirements of Civil Code Section 1356.

6 2. That the objections, and each of them, raised by
7 Mark Jones to the ASSOCIATION'S Petition are unmeritorious.
8 The Court, in particular, has made the following
9 determinations:

10 (a) That the Motorcycle Prohibition Amendment is
11 reasonable;

12 (b) That application of Civil Code Section 1356 is
13 appropriate to amend multiple sets of CC&Rs within
14 a common interest development with multiple tracts
15 when a majority of the members of the community
16 association voted in favor of an amendment, but
17 where less than a majority of the members in some
18 individual tracts voted to approve the amendment;
19 and

20 (c) That the ASSOCIATION is not required to show more
21 than 50 percent (50%) approval for the Motorcycle
22 Prohibition Amendment for each tract within the
23 ASSOCIATION.

24 3. That the balloting on the proposed amendment was
25 conducted in accordance with all applicable provisions of the
26 ASSOCIATION'S governing documents.

27 4. That the ASSOCIATION made a reasonably diligent
28 effort to permit all eligible members of the ASSOCIATION to
vote on the Motorcycle Prohibition Amendment.

1 5. That there is only one (1) voting class within the
2 ASSOCIATION.

3 6. Than owners having more than 50 percent (50%) of the
4 votes in the ASSOCIATION voted in favor of the Motorcycle
5 Prohibition Amendment.

6 7. That granting the Petition is not improper for any
7 reason
8 stated in Civil Code Section 1356(e).

9 8. That Civil Code Sections 1350, et seq., should be
10 interpreted broadly in order to facilitate management and
11 operation of common interest developments.

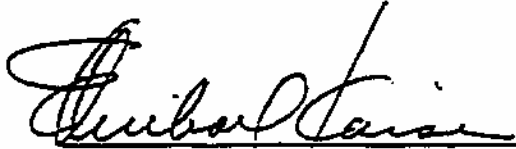
12 9. That to require each individual tract to approve such
13 amendments by more than 50 percent (50%) would make effective
14 management of the ASSOCIATION impossible.

15 IT IS ORDERED, therefore, that the Petition be granted and
16 the Motorcycle Prohibition Amendment shall be ordered approved
17 for all those tracts within the ASSOCIATION in which the
18 Motorcycle Prohibition Amendment did not receive the approval
19 stipulated by the terms of those particular tract declarations;
20 to wit: Riverside County Tract Nos. 3716, 3718, 3719, 3720,
21 3777, 3829, 3863, 3869, 4808, 5410, 12807, 16386 and 17388,
22 based upon the number of affirmative votes actually cast during
23 the balloting process pursuant to California Civil Code Section
24 1356, subject to the following conditions:

25 That the Motorcycle Prohibition Amendment, the text of which is
26 set out in Attachment "A" to this Order, shall be recorded
27 along with this Order to amend the declarations of the Riverside
28 County tract numbers attached hereto as Attachment "B" and, by
this reference, incorporated, and that, within a reasonable time
after

1 the amendment is recorded, the ASSOCIATION shall mail a copy of
2 the amendment to each member of the ASSOCIATION, together with a
3 statement that the amendment has been recorded, pursuant to
4 Civil Code Section 1356(g).

5
6 Date: Dec.19,1995



7
8 E. MICHAEL KAISER
9 JUDGE OF THE SUPERIOR COURT

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C:8085

CANYON LAKE PROPERTY OWNERS ASSOCIATION

MOTORCYCLE PROHIBITION AMENDMENT

ATTACHMENT "A"

WHEREAS, the Association has a consistent, long-standing policy prohibiting the operation of motorcycles and similar vehicles within the private community of Canyon Lake; and

WHEREAS, the motorcycle prohibition dates back to the earliest history of Canyon Lake as part of the Association's rules; and

WHEREAS, operation of motorcycles and similar vehicles within the Canyon Lake private community is likely to result in increased noise, accidents and injuries, and given the private nature of the Canyon Lake road system, operation of motorcycles and similar vehicles is also likely to expose the Association to increased liability for accidents and injuries resulting from motorcycle and similar vehicle use; and

WHEREAS, in the recent California Supreme Court decision in Nahrstedt v. Lakeside Village, the California Supreme Court has resoundingly supported the concept of enforcement of recorded CC&Rs.

NOW, THEREFORE, the members do hereby amend their Tract Declarations of Restrictions by adding new provisions as follows:

Prohibition on Motorcycle Use

Use, operation, riding upon or in, or transportation on or by, any motorcycle, two- or three-wheeled motorized vehicle, off-road vehicle, four-wheeled motorcycle or similar vehicle on any lot, street, common area or Association property within the Subdivision is prohibited. Golf carts may be used and operated within the Subdivision subject to the Board of Directors' reasonable regulation thereof.

Limitation on Easement Rights (No Motorcycles)

Expressly excepted and excluded from each owner's easements (including any and all easements of access, ingress and egress), if any, for use and enjoyment of the Subdivision's streets, parks or any and all common areas or Association property (including any and all easements of access, ingress and egress), is any right to use, operate.

ride upon or be transported in or on any motor-cycle, two-or three-wheeled motorized vehicle, off-road vehicle, four-wheeled motorcycle or similar vehicle; provided, however, golf carts may be used and operated within any such easement areas subject to the Board of Directors' reasonable regulation thereof. The Board of Directors is authorized to designate portions of Association property at or near entrances to Canyon Lake as motorcycle parking areas where members, their guests or invitees may park motorcycles at their own risk.

ATTACHMENT "B"

Riverside County tract numbers (all of which are within the Canyon Lake Property Owners Association) against which the Motorcycle Prohibition Amendment and Order granting the Canyon Lake Property Owners Association's Petition to Reduce Percentage of Affirmative Votes Necessary to Amend Declaration of Covenants, Conditions and Restrictions are to be recorded.

Tract Nos.: 3716
3718
3719
3720
3776
3777
3778
3779
3804
3829
3831
3845
3863
3868
3869
3892
3903
3961
3970
3971
3973
3974
4001
4793
4808
5410
12807
14973
16386
17388
20060

1 PROOF OF SERVICE BY MAIL (1013a, 2015.5 CCP)
2 STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

3 I am a citizen of the United States; I am over the age of
4 18 and not a party to the within action; my business address
5 is 6670 Alessandro Boulevard, Suite B, Riverside, California
6 92506.

7 On December 7, 1995, I served the within ORDER GRANTING
8 PETITION TO REDUCE PERCENTAGE OF AFFIRMATIVE VOTES NECESSARY
9 TO AMEND DECLARATION OF COVENANTS, CONDITIONS AND
10 RESTRICTIONS on all interested parties in said action by
11 placing a true and correct copy thereof, enclosed in a sealed
12 envelope with postage the thereon fully prepaid, in the
13 United States mail at Riverside, California, addressed as
14 follows:

15 Mr. Simon J. Freedman
16 Peters & Freedman
17 191 Calle Magdalena, Suite 220
18 Encinitas, CA 92024

19 I am "readily familiar" with the firm's practice of
20 collection and processing correspondence for mailing. It is
21 deposited with the U.S. Postal Service on the same day in the
22 ordinary course of business. I am aware that on motion of
23 party served, service is presumed invalid if postal
24 cancellation date or postage meter date is more than one day
25 after date of deposit for mailing in affidavit.


26 I declare under penalty of perjury that the foregoing is
27 true and correct.


28 Executed on December 7, 1995, at Riverside, California.


CINDRA O'LEARY

This must be in red to be a
"CERTIFIED COPY"

Each document to which this certificate
is attached is certified to be a full,
true and correct copy of the original
on file and of record in my office.


ARTHUR A. SIMS, CLERK
Superior Municipal Courts
County of Riverside
State of California

Dated: 2/9/96 



Certification must be in red to be a
"CERTIFIED COPY"