

WHAT LEGAL DOCUMENTS GOVERN BAY VILLAGE

The documents that govern Bay Village govern the following:

- a. The use of homes, including exterior changes to homes and yards,
- b. Who is entitled to reside in Bay Village,
- c. Annual assessments, and
- d. The composition as well as the election of the Board of Directors, and duties and authority of the Board and Board Committees.

The governing documents consist of the following:

1. California Civil Code Section 51.3;
2. Declaration of Restrictions (also commonly referred to as CC&R's), comprised of:
 - a. Declaration of Restrictions,
 - b. Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions, and
 - c. Extension of Covenants, Conditions and Restrictions of Bay Village Homeowners Association;
3. Bylaws of Bay Village Homeowners Association; and
4. Operating Rules.

These governing documents are described in more detail below.

1. California Civil Code Section:
 - a. Bay Village is a legal senior community, and Civil Code Section 51.3 specifies the restrictions on who may reside in Bay Village. Civil Code Section 51.3 can be accessed on-line via the following link:

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=51.3.

2. Declaration of Restrictions (also commonly referred to as CC&R's):
 - a. What are CC&R's? Please go back to the "Documents" page and click on the "download PDF document" under "What are CC&R's?" for a general description of the CC&R's.

- b. The Declaration of Restrictions (CC&R's) consists of the following:
 - (1) "Declaration of Restrictions". This document was originally recorded on or about August 22, 1973 in Book No. 2342 beginning on Page 248 and re-recorded on or about March 19, 1986 in Book No. 3979 beginning on Page 502.

To view this document, please go back to the "Documents" page and click on the "download PDF document" under "Bay Village Association Declaration of Restrictions".

Please note that, each time one of the 6 separate sub-divisions comprising Bay Village were completed by the developer, this same Declaration of Restrictions was recorded. The Declaration of Restrictions for which the recording information is referenced, was adopted as the official Declaration of Restrictions for all 6 sub-divisions by the

“Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions”, which is discussed in the next paragraph.

(2) Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions. This document amended the Declaration of Restrictions, changing the age restrictions for residents of Bay Village. This document states in pertinent part: “It is intended that this Declaration of Restrictions be in compliance and California Civil Code Section 51.3 and that it conform to all of the provisions in said Civil Code Section 51.3. Therefore, should any of the Restrictions [specified in this Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions] be in conflict with said Civil Code Section 51.3, the provisions of Civil Code Section 51.3 shall be controlling.” (See Article III on page 4 of the Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions.)

This document also states in pertinent part: “[T]he undersigned, being more than seventy-five percent (75%) of each class of membership of each sub-division of the lot owners of the BAY VILLAGE HOMEOWNERS ASSOCIATION, do hereby agree that the BAY VILLAGE HOMEOWNERS ASSOCIATION shall adopt and be bound by that Declaration of Restrictions recorded on August 27, 1973 at Book 2342, Pages 248 through 252. . .”

The approval of 75% of the homeowners to the Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions was evidenced by 10 separate recordings of the Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions as follows: 1) Book No. 3979, Pages 478-495, 2) Book No. 3979, Pages 496-507. 3) Book No. 3979, pages 508-519, 4) Book No. 3979, Pages 520-533, 5) Book No. 3979, Pages 534-557, 6) Book No. 3979, Pages 558-570, 7) Book No. 3979, Pages 571-585, 7) Book No. 3979, Pages 586-597, 8) Book No. 3979, Pages 598-613, 9) Book No. 3979, Pages 614-624.

The Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions in each of the above 10 recordings, is exactly the same, except for the homeowner signatures. For this reason, that document recorded in Book No. 3979, Pages 534-557 is offered as the Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions.

To view this document, please go back to the “Documents” page and click on the “download PDF document” under “Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions”

(3) Extension of Covenants, Conditions and Restrictions of Bay Village Homeowners Association. This document extended the Declaration of Restrictions. The Declaration of Restrictions states in pertinent part: “Each and all of the foregoing restrictions and conditions shall terminate on December 31, 2002, unless the owners of a majority of said lots have executed and recorded at any time within six (6) months prior

to December 31, 2002, a writing in which they agree that said Covenants, Conditions and Restrictions be continued for a further period of time. . .” The Extension of Covenants, Conditions and Restrictions of Bay Village Homeowners Association, was recorded on August 17, 2001, and extended the Declaration of Restrictions as amended by the Incorporation of Covenants, Conditions and Restrictions and Amendment to Declaration of Restrictions to December 31, 2101. On page 5 of this document, the then President and the then Secretary signed certifying that a majority of the homeowners had signed this document, and that pursuant to their authority under Section VII, Section 1, “Powers” B of the Association’s Bylaws dated November 14, 1998, the President and Secretary were signing this Document on behalf of that majority.

To view this document, please go back to the “Documents” page and click on the “download PDF document” under “Extension of Covenants, Conditions and Restrictions of Bay Village Homeowners Association.”

3. Bylaws of Bay Village Homeowners Association. The current version of this document is dated November 14, 1998. In general this document, governs the administration of the Association such as the number of Board Directors and Officers, their duties and meetings, and homeowner meetings.

To view this document, please go back to the “Documents” page and click on the “download PDF document” under “Bay Village Homeowner’s Association Bylaws”.

4. Operating Rules. Operating Rules are detailed proceedings for enforcing the Declaration of Restrictions, as amended that are adopted by the Architectural Committee. For more information on Operating Rules, go back to “Operating Rules” on the “Documents” page.