

1985

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Rh
Bachan Skilken-Mavimovich
P.O. Box 309
Watsonville, Ca
95077

INCORPORATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS AND AMENDMENT TO
DECLARATION OF RESTRICTIONS

WHEREAS, Section 51.3 of the Civil Code of the State of California sets out provisions to establish and preserve accessible housing for senior citizens; and

WHEREAS, BAY VILLAGE HOMEOWNERS ASSOCIATION consists of, at the present time, six (6) separate subdivisions with six (6) separately recorded Declaration of Restrictions for the subdivisions; and

WHEREAS, all six (6) separate subdivisions are now known as the BAY VILLAGE HOMEOWNERS ASSOCIATION and all six (6) separate subdivisions wish to be combined into one (1) homeowners association, namely the "BAY VILLAGE HOMEOWNERS ASSOCIATION" and be governed by one (1) common Declaration of Restrictions; and

WHEREAS, said BAY VILLAGE HOMEOWNERS ASSOCIATION wishes to further amend the Declaration of Restrictions to be in conformity with Section 51.3 of the Civil Code of the State of California;

NOW, THEREFORE, the undersigned, being more than seventy-five percent (75%) of each class of membership of each subdivision 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 and further do hereby amend the said Declaration of Restrictions

as follows:

I

The second paragraph under the Declaration of Restrictions which refers to Lot 271 through 413, inclusive of Tract No. 653, Bay Village Subdivision No. 4, the map of which is recorded in Volume 58 of Maps, Page 39, Records of Santa Cruz County on July 19, 1973, is hereby deleted and replaced with the following paragraph:

"Lots 1 through 600, inclusive, including Tract No. 499, Tract No. 525, Tract No. 529, Tract No. 653, Tract No. 718, and Tract No. 719, all being previously referred to as Bay Village Subdivision No. 1 through 6, the maps of which were recorded in Map Book 49, Page 15; Map Book 50, Page 55; Map Book 54, Page 33; Volume 58 of Maps, Page 39; Volume 62 of Maps, Page 55; and Volume 64 of Maps, Page 47, respectively, Records of Santa Cruz County; hereafter being known as and referred to as BAY VILLAGE HOMEOWNERS ASSOCIATION."

II

The Declaration of Restrictions, Paragraph 3, entitled "SENIOR CITIZEN PROTECTION" shall be amended by deleting the first paragraph and replacing said paragraph with the following paragraph:

3. SENIOR CITIZEN PROTECTION. No lot shall be used except for residential purposes as befits a senior community, and such temporary use as shall be permitted by Declarant while the properties are being developed and sold by Declarant. No building shall be erected, altered, placed or permitted to remain on

any lot other than one detached single family dwelling not to exceed one story in height and a private garage. At least one (1) person residing in a residence must have attained the age of fifty-five (55) years or older and be known as the "qualifying resident" or "senior citizen". All other persons would be a "qualified permanent resident" and would be defined as a person who meets all of the following requirements:

A. Was residing with the qualifying resident or senior citizen prior to the death, hospitalization or other prolonged absence of, or the dissolution of marriage with, a qualifying resident or senior citizen.

B. Was forty-five (45) years of age or older, or was a spouse, co-habitant, or person providing primary physical or economic support to the qualifying resident or senior citizen.

C. Has an ownership interest in, or is in expectation of an ownership interest in, a dwelling unit within the housing development that limits occupancy, residency or use on the basis of age.

If a child is born to a resident of any unit after the resident has moved into said unit, said resident shall be given six (6) months to sell or vacate the unit. The number of residents in each unit shall be no more than two (2), plus a maximum of two (2) for each bedroom.

Upon the death or dissolution of marriage, or upon hospitalization, or other prolonged absence of the qualifying resident, any other person who was a qualified permanent resident pursuant

to the provisions of this section, shall be entitled to continue in residence.

Temporary residency by a person of less than forty-five (45) years of age as a guest of a Senior Citizen or qualified permanent resident shall be permitted for sixty (60) days in any calendar year.

III

The undersigned do further amend the Declaration of Restrictions by the addition of the following paragraph:

"It is intended that this Declaration of Restrictions be in compliance with 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 be in conflict with said Civil Code Section 51.3, the provisions of Civil Code Section 51.3 shall be controlling."

Was added

IV

Except as herein specifically amended, said Declaration of Restrictions recorded in the Recorder's Office of Santa Cruz County on August 27, 1973, in Book 2342 at Page 248 through 252, adopted herein as the Declaration of Restrictions for the BAY VILLAGE HOMECOWNERS ASSOCIATION and which is attached hereto marked Exhibit "A" and incorporated herein by reference and made a part hereof, remains in full force and effect.

IN WITNESS WHEREOF, the undersigned, being more than seventy-five percent (75%) of each class membership of the lot

owners of each of the subdivisions and units of the former Bay Village Subdivision Numbers 1 through 6, and now known as the BAY VILLAGE HOMEOWNERS ASSOCIATION, have hereunder set their hand this ____ day of _____, 1985.

Michael J. Kalamas	459 Cloudview Dr. Watsonville, Ca.
Carolee Chris	458 Cloudview Dr. Watsonville Ca.
G. H. Martin	462 Cloudview Dr. Watsonville
Yukio Nagata	470 Cloudview Dr. Wats.
K. Wase	482 Cloudview Trce.
Helen to Felipe	474 Cloudview Dr.
Mark Kellan	499 Cloudview Dr.
Rejain F. Tull	415 Cloudview Dr.
Rosaline D. Lynch	463 Cloudview Dr.
Mary A. Palles	435 Cloudview Dr.
Vidma Wagner	431 Cloudview Dr.
Elmer New	474 Vivienne Dr.
Steven E. Jones	472 Sunset Way
Helen W. Pratt	490 Vivienne Dr.
Matthew S. Sycal	499 Vivienne Dr.
Lucille Phnett	491 Vivienne Dr.
Richard Beaman	471 Vivienne Dr.
Jane Cartwright	430 Sunset Way
Joe A. Galles	434 Sunset Way
Flourence J. Seaborn	446 Sunset Way
Mary C. Scherer	451 Sunset Way
Michael J. Kalamas	, Witness

Richard L. Helms	442 SUNCREST WAY
Barton R. Green	491 Cloudview Dr.
J. Geraldine Wade	498 Cloudview Dr.
Marla S. Miller	499 Suncrest Way
G. L. Tucker	491 Suncrest Way
J. D. Rogers	479 Suncrest Way
George Harmon	467 SUNCREST WAY
Mr. & Mrs. Mike Tabile	459 Suncrest Way
Evelyn A. Neward	439 Cloudview Dr.
Harold W. Deffen	451 Cloudview Dr.
Trinidad Valdivia	498 Suncrest Way
Herman D. Shreff	487 JOYCE AVE
Herman D. Shreff	490 SUNCREST WAY
Charles W. Taylor	462 Virgil Ave
John E. H. Ha	458 Virgil
Wm B. M. Abney	466 SUNCREST & 478 SUNCREST
Wm B. M. Abney	478 SUNCREST
Wayne B. & Anna / Danica	482 Suncrest Way
Robert C. Whitehouse	463 Suncrest Way
H. W. Jones	462 SUNCREST WAY
John M. Smith	450 SUNCREST WAY
Simon Garcia	479 Cloudview DR
Minnie Sciacca	483 Cloudview Dr
John A. Rindell	487 Cloudview Dr.
Chas. Martin Jr.	483 Suncrest Way
Michael Calmes	, Witness

Ken Luskey 494 Joyce	4194 Joyce DR.
Theresa A. Powell	495 Joyce Dr.
Anna Kwoato	487 Suncrest Way
William T. John	479 Vivienne Dr.
Donald E. Goodsell	454 Cloudview Drive
Miss S. Kagi	443 Chestnut
Mary Antipar	459 - Vivienne Dr.
Lucile Johnson	495 Vivienne Dr.
Walter E. Freeman	450 Vivienne Dr.
Ed. Jensch	470 Keweenaw Dr.
Beatrice Wells	482 Vivienne Dr.
Wesley Griffin	487 Vivienne Dr.
John A. W. W. W.	467 VIVIENNE DR.
June D. D.	486 Suncrest Way
Geneva Hunt	470 Suncrest Way
Therese (D. D.)	498 Joyce Drive
Gene (D. D.)	475 Vivienne Dr.
Jeannette D. D.	463 Vivienne
Stroma	475 Cloudview Dr.
Wm. D. D.	18728 Vivienne Dr.
John D. D.	455 Cloudview Drive
John D. D.	478 Cloudview Dr.
E. D.	494 Suncrest Way
Mary Ann Cook - Prayer	486 Vivienne Drive
Mrs. Martha D. D.	451 Vivienne Drive
Michael J. Galamus	Witness

Ed Blott

John S D. Fair

Blanche Barrett

~~Mrs. Elizabeth~~

Peggy M. Hodge

Edward Zychowski

Sabatore A. Mangese

Bessie Thomas

Patricia C. Hendry

Utako Wada

Jane M. Main

Edward Cantanuet

453 Suncrest ~~453 Suncrest~~

486 Joyce Dr.

466 Vivienne Drive

~~491 Joyce Dr.~~

491 Joyce Dr.

498 VIVIENNE DR

486 Cloudview Dr

494 Cloudview Dr

458 Suncrest Way

471 Suncrest Way

455 Vivienne Dr

466 Cloudview Ave,

Michael J. Kalamas, Witness

