

Siskiyou County Recorder
Mike Mallory, Recorder

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**RECORDING REQUESTED BY, AND
WHEN RECORDED, RETURN TO:**

**LAKE SHASTINA PROPERTY
OWNERS ASSOCIATION
% THE LAW OFFICES OF DEON R. STEIN
885 University Avenue
Sacramento, CA 95825**

(Space Above For Recorder's Use)

**RESTATEMENT
(PURSUANT TO CALIFORNIA CIVIL CODE SECTION 4235)
OF
AMENDMENTS
TO
DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
LAKE SHASTINA
(UNITS 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 AND 8-2)**

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(PURSUANT TO CALIFORNIA CIVIL CODE SECTION 4235)
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LAKE SHASTINA
(Units 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 and 8-2)**

This "*Restatement (Pursuant to California Civil Code Section 4235) of Amendments to Declarations of Covenants, Conditions and Restrictions for Lake Shastina (Units 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 and 8-2)*" (the "Restatement Declaration") is made by the Lake Shastina Property Owners Association, a California nonprofit corporation (the "Association").

RECITALS

1. An instrument entitled "*Amendments to Declarations of Covenants, Conditions and Restrictions for Lake Shastina (Units 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 and 8-2)*" was Recorded on August 22, 2000 as Instrument No. 2000082209911 in the Official Records of Siskiyou County, California (the "Declaration").

2. The Declaration encumbers the real property in Siskiyou County, California that is more particularly described in Attachment No. 1 (the "Development").

3. Prior to January 1, 2014, the Davis-Stirling Common Interest Development Act (the "Davis-Stirling Act"), was codified in the California Civil Code as Sections 1350 through 1378, inclusive, (the "Old Code Sections"). Effective January 1, 2014, the Davis-Stirling Act is comprehensively reorganized and recodified in the California Civil Code as Sections 4000 through 6150, inclusive, (the "new Davis-Stirling Act").

4. Because the Declaration was recorded prior to January 1, 2014, the Declaration references the Old Code Sections.

5. California Civil Code Section 4235 states the following:

(a) Notwithstanding any other provision of law or provision of the governing documents, if the governing documents include a reference to a provision of the Davis-Stirling Common Interest Development Act that

was repealed and continued in a new provision by the act that added this section, the board may amend the governing documents, solely to correct the cross-reference, by adopting a board resolution that shows the correction. Member approval is not required in order to adopt a resolution pursuant to this section.

(b) A declaration that is corrected under this section may be restated in corrected form and recorded, provided that a copy of the board resolution authorizing the corrections is recorded along with the restated declaration.

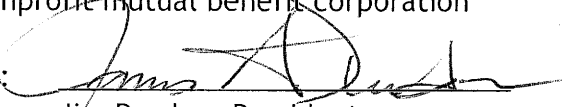
6. Pursuant to California Civil Code Section 4235, and by Resolution of the Board of Directors, attached as Attachment No. 2, the Declaration is amended and restated in its entirety to read as set forth in Attachment No. 3.

7. Upon recordation of this Restatement Declaration, all of the property comprising the Development shall be subject to the covenants, conditions, restrictions, protective limitations, rights, rights-of-way, reservations, easements, equitable servitudes, liens and charges contained herein.

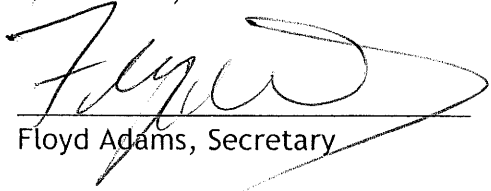
Date: Nov 13, 2014.

**LAKE SHASTINA PROPERTY
OWNERS ASSOCIATION**, a California
nonprofit mutual benefit corporation

By:


Jim Durden, President

By:


Floyd Adams, Secretary

ACKNOWLEDGMENT

State of California,
County of Siskiyou

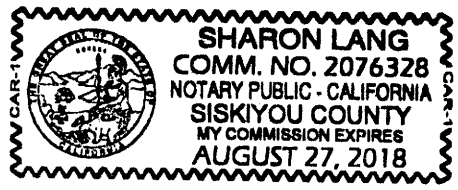
On November 13, 2014 before me, Sharon Lang, Notary Public
(insert name and title of the officer)

personally appeared Jim Durden
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 behalf of 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.

Signature Sharon Lang (Seal)



ACKNOWLEDGMENT

State of California
County of Siskiyou

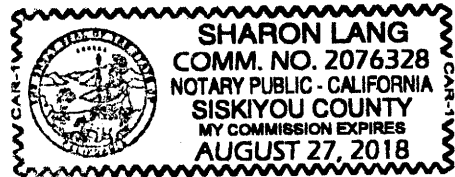
On November 14, 2014 before me, Sharon Lang, Notary Public,
(insert name and title of the officer)

personally appeared Floyd Adams
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 behalf of 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.

Signature Sharon Lang (Seal)



ATTACHMENT NO. 1
LEGAL DESCRIPTION OF THE DEVELOPMENT

That certain real property in the County of Siskiyou, State of California, which is more particularly described as follows:

Lots 1 through 222, inclusive, and Parcels A, B, C, D, E, F, G and H of Lake Shastina Unit No. 1, and Lots 1 through 178, inclusive, and Parcels I, J, K, L, M, N, O, P and Q of Lake Shastina Unit No. 2 in the County of Siskiyou, State of California, as per Maps Recorded in Town Map Book 4 at Pages 125 to 130, inclusive, in the office of the County Recorder of Siskiyou County.

Lots 1 through 161, inclusive, and Parcels A, B, C, D, E and F of Lake Shastina Unit No. 3 in the County of Siskiyou, State of California, as per Maps Recorded in Town Map Book 4 at Pages 169 through 172, inclusive, in the office of the County Recorder of Siskiyou County.

Lots 1 through 662, inclusive, and Parcels A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S and T of Lake Shastina Unit No. 4 in the County of Siskiyou, State of California, as per Maps Recorded in Town Map Book 5, in the office of the County Recorder of Siskiyou County.

Lots 1 through 237, inclusive, of Lake Shastina Unit No. 5 in the County of Siskiyou, State of California, as per Maps Recorded in Town Map Book 5 at Pages 31 through 34, inclusive, in the office of the County Recorder of Siskiyou County.

Lots 1 through 187, inclusive, and Parcels A, B and C of Lake Shastina Tract No. 1000-5-2 in the County of Siskiyou, State of California, as per Maps Recorded in Town Map Book 5 at Pages 40 through 42, inclusive, in the office of the County Recorder of Siskiyou County.

Lots 1 through 306, inclusive, of Lake Shastina Unit Tract No. 1000-5-3 in the County of Siskiyou, State of California, as per Maps Recorded in Town Map Book 5 at Pages 64 to 68,

inclusive, in the office of the County Recorder of Siskiyou County.

Lots 1 through 189, inclusive, and Parcels A and B of Lake Shastina Tract No. 1000-5-4 in the County of Siskiyou, State of California, as per Maps Recorded in Town Map Book 5 at Pages 89 through 93, inclusive, in the office of the County Recorder of Siskiyou County.

Lots 1 through 194, inclusive, of Lake Shastina Tract No. 1000-7-1 in the County of Siskiyou, State of California, as per Maps Recorded March 10, 1971 in Town Map Book 5 at Pages 53 through 58, inclusive, in the office of the County Recorder of Siskiyou County.

Lots 1 through 227, inclusive, and Parcels A and B of Lake Shastina Tract No. 1000-7-2 in the County of Siskiyou, State of California, as per Maps Recorded December 15, 1971 in Town Map Book 5 at Pages 95 through 101, inclusive, in the office of the County Recorder of Siskiyou County.

Lots 1 through 249, inclusive, and Parcels A, B, C, D, E and F of Lake Shastina Tract No. 1000-7-3 in the County of Siskiyou, State of California, as per Maps Recorded July 15, 1971 in Town Map Book 5 at Pages 69 through 77, inclusive, in the office of the County Recorder of Siskiyou County.

Lots 1 through 291, inclusive, and Parcels A, B, C, D, E, F, G, H, I and J of Lake Shastina Tract No. 1000-8-1 in the County of Siskiyou, State of California, as per Maps Recorded March 17, 1972 in Town Map Book 5 at Pages 102 through 106, inclusive, in the office of the County Recorder of Siskiyou County.

Lots 1 through 285, inclusive, and Parcels A, B, C, D, E, F, G, H and I of Lake Shastina Tract No. 1000-8-2 in the County of Siskiyou, State of California, as per Maps Recorded September 13, 1972 in Town Map Book 5 at Pages 121 through 124, inclusive, in the office of the County Recorder of Siskiyou County.

ATTACHMENT NO. 2

RESOLUTION OF THE BOARD OF DIRECTORS



LAKE SHASTINA PROPERTY OWNERS ASSOCIATION

RESOLUTION 9-14

LAKE SHASTINA PROPERTY OWNERS ASSOCIATION RESOLUTION OF THE BOARD OF DIRECTORS TO RESTATE AMENDMENTS TO DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR LAKE SHASTINA (Units 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 and 8-2) (PURSUANT TO CALIFORNIA CIVIL CODE SECTION 4235)

The following actions were taken at a meeting of the Board of Directors (the "Board") of Lake Shastina Property Owners Association (the "Association") held on November 12, 2014, at which at least a quorum of the Directors were present. The Board finds and resolves as follows:

WHEREAS, the Association is a California nonprofit corporation that was formed to manage the residential planned development in Siskiyou County, California, commonly known as Lake Shastina (the "Development"); and

WHEREAS, the Development is encumbered by the "*Amendments to Declarations of Covenants, Conditions and Restrictions for Lake Shastina* (Units 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 and 8-2)" (the "Declaration"), which was recorded on August 22, 2000 as Instrument No. 2000082209911 in the Official Records of Siskiyou County, California; and

WHEREAS, the Declaration is part of the "Governing Documents" of the Association; and

WHEREAS, prior to January 1, 2014, the Davis-Stirling Common Interest Development Act (the "Davis-Stirling Act"), was codified in the California Civil Code as Sections 1350 through 1378, inclusive, (the "Old Code Sections"); and

WHEREAS, effective January 1, 2014, the Davis-Stirling Act, is comprehensively reorganized and recodified in the California Civil Code as Sections 4000 through 6150, inclusive, (the "new Davis-Stirling Act"); and

WHEREAS, the Declaration was recorded prior to January 1, 2014 and therefore contains the Old Code Sections; and

WHEREAS, California Civil Code Section 4235, authorizes the Board, without membership approval, to correct the cross-references in the Development's governing documents to reflect the numerical scheme of the new Davis-Stirling Act, by adopting a board resolution that shows the correction; and

WHEREAS, pursuant to California Civil Code Section 4235, a declaration that is corrected under Civil Code Section 4235 may be restated in corrected form and recorded, provided that a copy of the board resolution authorizing the correction is recorded along with the restated declaration; and

WHEREAS, the Board seeks to exercise its authority to correct the California Civil Code numerical cross-references in the Declaration.

NOW, THEREFORE, IT IS RESOLVED, that the Declaration is hereby amended to correct the California Civil Code numerical cross-references to reflect the numbering scheme of the new Davis-Stirling Act; and

IT IS FURTHER RESOLVED, that the President and the Secretary of the Association are hereby authorized and instructed to execute the document entitled "*Restatement (Pursuant to California Civil Code Section 4235) of Amendments to Declarations of Covenants, Conditions and Restrictions for Lake Shastina (Units 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 and 8-2)*" in the form attached hereto as Exhibit "1" and to record such document in the Official Records of Siskiyou County, California; and

IT IS FURTHER RESOLVED, that the majority of the Board of Directors has approved this Resolution, and that the minutes of the meeting held on November 12, 2014 shall reflect the Board's vote.

CERTIFICATE OF SECRETARY

The undersigned declares that he is the duly appointed Secretary of the Association and that the foregoing Resolution of the Board was duly approved at the regular meeting of the Board of Directors held on November 12, 2014 by the following vote, and that such Resolution remains in full force and effect.

AYES: Directors Adams, Durden, England, MacIntosh and Miller
NOES: None
ABSENT: None

Dated: 11/14, 2014



Floyd Adams, Secretary

EXHIBIT "1"
TO
RESOLUTION OF THE BOARD OF DIRECTORS

**FORM OF "RESTATEMENT (PURSUANT TO CALIFORNIA CIVIL CODE SECTION 4235)
OF AMENDMENTS TO DECLARATIONS OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR LAKE SHASTINA
(UNITS 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 AND 8-2)"**

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WHEN RECORDED, RETURN TO:

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OWNERS ASSOCIATION
% THE LAW OFFICES OF DEON R. STEIN
885 University Avenue
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RECITALS

1. An instrument entitled "Amendments to Declarations of Covenants, Conditions and Restrictions for Lake Shastina (Units 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 and 8-2)" was Recorded on August 22, 2000 as Instrument No. 2000082209911 in the Official Records of Siskiyou County, California (the "Declaration").
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4. Because the Declaration was recorded prior to January 1, 2014, the Declaration references the Old Code Sections.
5. California Civil Code Section 4235 states the following:
 - (a) Notwithstanding any other provision of law or provision of the governing documents, if the governing documents include a reference to a provision of the Davis-Stirling Common Interest Development Act that

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(b) A declaration that is corrected under this section may be restated in corrected form and recorded, provided that a copy of the board resolution authorizing the corrections is recorded along with the restated declaration.

6. Pursuant to California Civil Code Section 4235, and by Resolution of the Board of Directors, attached as Attachment No. 2, the Declaration is amended and restated in its entirety to read as set forth in Attachment No. 3.

7. Upon recordation of this Restatement Declaration, all of the property comprising the Development shall be subject to the covenants, conditions, restrictions, protective limitations, rights, rights-of-way, reservations, easements, equitable servitudes, liens and charges contained herein.

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Date: _____, 2014.

LAKE SHASTINA PROPERTY
OWNERS ASSOCIATION, a California
nonprofit mutual benefit corporation

By: _____
Jim Durden, President

By: _____
Floyd Adams, Secretary

inclusive, in the office of the County Recorder of Siskiyou County.

Lots 1 through 189, inclusive, and Parcels A and B of Lake Shastina Tract No. 1000-5-4 in the County of Siskiyou, State of California, as per Maps Recorded in Town Map Book 5 at Pages 89 through 93, inclusive, in the office of the County Recorder of Siskiyou County.

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ATTACHMENT NO. 2

RESOLUTION OF THE BOARD OF DIRECTORS

ATTACHMENT NO. 3

AMENDMENTS
TO
DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
LAKE SHASTINA
(Units 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 and 8-2)

ATTACHMENT NO. 3

**AMENDMENTS
TO
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FOR
LAKE SHASTINA
(Units 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 and 8-2)**

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FOR
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**AMENDMENTS
TO
DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
LAKE SHASTINA
(Units 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 and 8-2)**

This instrument entitled "Amendments to Declarations of Covenants, Conditions and Restrictions for Lake Shastina (Units 1 & 2, 3, 4, 5, 5-2, 5-3, 5-4, 7-1, 7-2, 7-3, 8-1 and 8-2)" (the "Amendment") is executed by LAKE SHASTINA PROPERTY OWNERS ASSOCIATION, a California nonprofit public benefit corporation (the "Association").

RECITALS

A. The Association is the property owners association established to manage and maintain the twelve subdivisions comprising the Lake Shastina residential common interest development located in the County of Siskiyou, State of California, and more particularly described in attached Exhibit "A" (collectively, the "Development").

B. Each of the twelve subdivisions comprising the Development is subject to a separate Recorded declaration of covenants, conditions and restrictions, and amendments thereto, each of which is identified in attached Exhibit "B" (individually, an "Original Declaration"; collectively, the "Original Declarations").

C. Paragraph 2 of each Original Declaration provides that such Original Declaration may be amended by the affirmative vote of Owners of a majority of the Lots in the subdivision which is subject to such Original Declaration.

D. In approving this Amendment, it is the express and deliberate intention of the Owners of Lots in all of the subdivisions comprising the Development to amend all provisions of each Original Declaration with the exception of Paragraph 8(b) and Paragraph 8(g) of each Original Declaration. Following Recordation of this Amendment, Paragraph 8(b) and Paragraph 8(g) of each Original Declaration shall remain in full force and effect. By amending all provisions of each Original Declaration with the exception of Paragraph 8(b) and Paragraph 8(g) of each Original Declaration, it is the express and deliberate intention of the Owners of Lots in all of the subdivisions comprising the Development to preserve the Association's ability to prohibit the sale, lease, rent or use of any Lot on the basis that the structure intended for occupancy on such Lot is constructed in an offsite facility or factory, and subsequently moved or transported in sections or modules to the Lot, in accordance with California Civil Code Section 714.5.

E. Following Recordation of this Amendment, Paragraphs 1 through 19, inclusive, of each Original Declaration (with the exception of Paragraph 8(b) and Paragraph 8(g) thereof) shall be amended to read as set forth below. Existing unamended Paragraph 8(b) and Paragraph 8(g) of each Original Declaration, which remain in full force and effect with respect to each of the subdivisions comprising the Development, are set forth in this Amendment merely for the convenience of the reader.

F. On June 30, 2000, the Owners of a majority of the Lots in each of the subdivisions comprising the Development voted by written ballot to amend the Original Declarations, all in accordance with the procedures for amendment set forth in each of the Original Declarations. The Owners' actions to amend the Original Declarations as set forth herein and the fact that the requisite percentage of affirmative

votes required in each Original Declaration was achieved, is attested by the execution of this Amendment by duly authorized officers of the Association, as required by California Civil Code Section 4270. As so amended, the easements, covenants, restrictions and conditions set forth herein shall run with the Development and shall be binding upon all parties having or acquiring any right, title or interest in the Development or any portion thereof, and shall inure to the benefit of each Owner thereof.

NOW, THEREFORE, each Original Declaration is amended to read as follows:

1. Amendments. Paragraphs 1 through 19, inclusive, of each Original Declaration (with the exception of Paragraph 8(b) and Paragraph 8(g) thereof) are amended in their entirety to read as follows:

ARTICLE I
Definitions

Section 1.1. "Articles" means the Articles of Incorporation of the Association, which are filed in the Office of the California Secretary of State, as such Articles may be amended from time to time.

Section 1.2. "Assessment" means any Regular, Special or Special Individual Assessment made or assessed by the Association against an Owner and his or her Lot in accordance with the provisions of Article IV of this Declaration.

Section 1.3. "Association" means Lake Shastina Property Owners Association, a California nonprofit corporation (formed pursuant to the Nonprofit Public Benefit Corporation Law of the State of California), its successors and assigns. The Association is an "association" as defined in California Civil Code Section 4080.

Section 1.4. "Association Rules" means the rules, regulations and policies adopted by the Board of Directors pursuant to Section 3.7 of this Declaration, as the same may be in effect from time to time.

Section 1.5. "Board of Directors" or "Board" means the Board of Directors of the Association.

Section 1.6. "Bylaws" means the Bylaws of the Association, as such Bylaws may be amended from time to time.

Section 1.7. "Common Area" means all real property owned by the Association for the common use and enjoyment of the Owners. Unless the context clearly indicates a contrary intent, any reference herein to the "Common Areas" shall also include any Common Facilities located thereon.

Section 1.8. "Common Expense" means any use of Association funds authorized by Article IV of this Declaration and Article IX of the Bylaws and includes, without limitation: (a) All expenses or charges incurred by or on behalf of the Association for the management, maintenance, administration, insurance, operation, repairs, additions, alterations or reconstruction of the Common Area or Common Facilities; (b) all expenses or charges reasonably incurred to procure insurance for the protection of the Association and its Board of Directors; (c) any amounts reasonably necessary for reserves for maintenance, repair and replacement of the Common Areas and Common Facilities, and for nonpayment of any Assessments; and (d) the use of such funds to defray the costs and expenses incurred by the Association in the performance of its functions or in the proper discharge of the responsibilities of the Board as provided in the Governing Documents.

