

DECLARATION OF RESTRICTIONS

WHEREAS, SONOMA COUNTY LAND CO., a California corporation is owner of the following described property, to wit:

All that certain real property situated in the County of Sonoma, State of California, described as follows:

Lomita Heights Subdivision No. 1 recorded in Book 88 of Maps, pages 1 thru 6 Sonoma County Records.

WHEREAS, it is the intention of said Sonoma County Land Co., a corporation to provide a general plan for the improvement of all of the said property for the benefit of said corporation and for its future grantees; now

THEREFORE, said SONOMA COUNTY LAND CO., a corporation in consideration of the object above stated, does hereby declare that all of the property, lots and parcels hereinabove described shall be conveyed, held, used, improved and occupied subject to the following covenants and conditions, which may be enforced by the parties hereto, their heirs, assigns and grantees, or any or all of them:

I.

No building shall be erected on any buildings plot nearer than 25 feet to the front lot line nor on corner lots nearer than 25 feet to the street lot line, or as indicated on the final map. No building shall be erected nearer than 5 feet to any interior side lot line, provided, however, that the interior side line restrictions shall not apply to an unattached garage located on the rear one-half of a lot and that the interior side restrictions shall not apply to an attached garage but said attached garage shall not be nearer than 3 feet from any interior lot line.

II.

No lot shall be re-subdivided.

III.

All lots in the tracts shall be known and described as residential lots, and no structure shall be erected, altered, placed or permitted to remain on any residential building plot other than one detached single-family dwelling not to exceed two stories in height and a private garage and other outbuildings incidental to residential use of the plot. Nothing shall be built or done on any lot which may be or become an annoyance or nuisance to the neighborhood. Boats, boat trailers, camping trailers, house trailers or similar vehicles shall not be parked or stored in the front yard areas or on the public streets of the subdivision.

IV.

No trailer, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently nor shall any residence of a temporary character be permitted.

V.

No structure shall be moved onto any lot unless it meets with the approval of the subdivider or committee hereinafter referred to, or if there be no committee, it shall conform to and be in harmony with existing structures in the tract.

VI.

No building shall be erected on any lot nor may any exterior television antenna, any exterior radio antenna or any exterior electronic devices of any kind whatsoever be erected until the design and location thereof have been approved in writing by the subdivider, a committee appointed by the subdivider, or upon relinquishment of control by him, by a committee elected by the owners of a majority of lots in said subdivision. However, in the event that such committee is not in existence or fails to approve or disapprove such design or location within 30 days, then such approval will not be required provided the design and location on the lot conforms to and is in harmony with existing structures in the tract. No dwelling shall be permitted on any lot in the tract, unless the ground floor area of the main structure, exclusive of one story open porches and garages, shall be not less than 1350 square feet for lots 1 thru 6, 72, 73, 98, 104 thru 106; 1500 square feet for lots 7 thru 40, 74 thru 97, 99 thru 103; 1800 square feet for lots 41 thru 50, 70, 71; 2000 square feet for lots 51 thru 69.

VII.

SEWAGE DISPOSAL: Connection shall be made to City of Santa Rosa sanitary sewers.

VIII.

SIGNS: No Signs of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

IX.

LIVESTOCK AND POULTRY: No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes. Lots 59, 60, 61, 64, 65, 66, 67, are exempt from above except no animals may be kept, bred, or maintained for any commercial purposes.

X.

SIGHT DISTANCE AT INTERSECTIONS: No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within 10 feet from the intersection of a street property line within the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

XI.

EASEMENTS: Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

XII.

NUISANCES: No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

XIII.

EXCAVATING: No excavating will be permitted without the prior written approval of the subdivider or the subdivision engineers, Mowbray & Passarino, Santa Rosa, California or if either of the above are no longer available, any qualified licensed engineer.

XIV.

Homes must be completed within 6 months of start of construction.

XV.

EXCEPTIONS: The following lots will constitute exceptions from the foregoing restrictions as to the type use allowed on the lot: Lot 60 may be used for recreational purposes. Lot 98 may be resubdivided into two parcels of not less than 15,000 square feet each. Lots 59 and 60 may be resubdivided into parcels of not less than 20,000 square feet each. All exceptions to the single-family nature of the subdivision will be upon the approval of the Planning Commission of the City of Santa Rosa, and with the proper setbacks and building permits as required by the City of Santa Rosa. Lots 62 and 63 are combined to permit construction of one dwelling unit and are to be used and considered as one lot.

These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until June 1, 1990, at which time said covenants and restrictions shall be automatically extended for successive periods of 10 years unless by vote of a majority of the then owners of the lots it is agreed to change said covenants and restrictions in whole or in part.

If the purchasers in this tract, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants or restrictions herein before June 1, 1990, at which time the same shall be automatically extended for successive periods of ten years unless by a majority vote of the then individual owners of the property subject hereto it is agreed to change the restrictions in whole or in part, it shall be lawful for any person or persons owning any other lots in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent him or them from doing so or to recover damages or other due for such violation. Due to the difficulty of assessing exact damages it is now agreed that the minimum liquidated damages for the violation of any of the covenants or restrictions herein recited shall be One Thousand Dollars (\$1,000.00).

Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Any existing blanket mortgage or mortgages or other encumbrances of all or a portion of lots in the tract are hereby made subject to the restrictions so that a foreclosure of any mortgage or encumbrance will not void the restrictions.

IN WITNESS WHEREOF, this Declaration has been executed by the undersigned as of the 20th day of SEPTEMBER, 1961.

SONOMA COUNTY LAND CO.

By:

Hugh B. Coddington
Hugh B. Coddington, President

NORTHWESTERN TITLE
SECURITY COMPANY, Trustee

By:

James E. Buchanan
James E. Buchanan, President

SANTA ROSA SAVINGS AND LOAN
ASSOCIATION

By:

SANTA ROSA SECURITIES CORP.

By:

Lawrence V. Wattell
LAWRENCE V. WATTELL

SONOMA MORTGAGE CORP.

By:

Charles D. Smith
Charles D. Smith, President

RECORDED AT REQUEST OF
Northwestern Title Security Co.
AT 34 MIN. PAST 3:00 PM
SONOMA COUNTY, CALIFORNIA

Hugh B. Coddington RECORDER

SEP 22 1961 ES-

OFFICIAL RECORDS

FEES \$ 6.00 BOOK 1847 PAGE 39

G 64594

STATE OF CALIFORNIA,

County of SONOMA } ss.

BOOK 1847 PAGE 43

On this 20th day of SEPTEMBER in the year one thousand nine hundred and SIXTY ONE,
before me, ROY L. PRONZINSKI, a Notary Public in and for the _____ County of
SONOMA, State of California, duly commissioned and sworn, personally appeared

HUGH B. COODING
known to me to be the PRESIDENT
of the corporation described in and that executed the within instrument, and also known to me to be
the person who executed the within instrument on behalf of the corporation therein named, and
acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the
County of SONOMA the day and year in this certificate
first above written.

Notary Public in and for the _____ County of SONOMA State of California.

Cowdery's Form No. 28—(Acknowledgment—Corporation).
(C. C. Secs. 1190-1190.1) 41078

My Commission Expires 1-12-63

STATE OF CALIFORNIA,

County of SONOMA } ss.

On this 21st day of SEPTEMBER in the year one thousand nine hundred and SIXTY ONE,
before me, E. JENNETTE BOALES, a Notary Public in and for the SAID County of
SONOMA, State of California, duly commissioned and sworn, personally appeared

ELIZABETH D. ROBERTS
known to me to be the SECRETARY
of the corporation described in and that executed the within instrument, and also known to me to be
the person who executed the within instrument on behalf of the corporation therein named, and
acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the
SAID County of SONOMA the day and year in this certificate
first above written.

Notary Public in and for the _____ County of SONOMA State of California.

Cowdery's Form No. 28—(Acknowledgment—Corporation).
(C. C. Secs. 1190-1190.1) 28679

My Commission Expires E. JENNETTE BOALES
My Commission Expires July 22 1964

STATE OF CALIFORNIA,

County of SONOMA } ss.

On this 21st day of SEPTEMBER in the year one thousand nine hundred and SIXTY ONE,
before me, GLADYS LUCAS, a Notary Public in and for the _____ County of
SONOMA, State of California, duly commissioned and sworn, personally appeared

W. David Angus
known to me to be the Secretary/Executive Vice President
of the corporation described in and that executed the within instrument, and also known to me to be
the person who executed the within instrument on behalf of the corporation therein named, and
acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the
County of SONOMA the day and year in this certificate
first above written.

Notary Public in and for the _____ County of SONOMA State of California.

Cowdery's Form No. 28—(Acknowledgment—Corporation).
(C. C. Secs. 1190-1190.1) 28679

My Commission Expires February 10-1962

STATE OF CALIFORNIA,

COUNTY OF Sonoma

BOOK 1847 PAGE 44
SS.

ON THIS 22nd day of September, 1961, before me,
Jean Nerison

a Notary Public in and for said County and State, personally appeared

Coco Di Pietro

known to me to be the

President, and Willard E. Buchanan

known to me to be the

Vice President, Secretary of the Northwestern Title Security Company

the Corporation that executed the within Instrument, known to me to be the persons who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same, and acknowledged to me that such Corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS, my hand and official seal.

Jean Nerison
Notary Public in and for said County and State.

ACKNOWLEDGMENT—Corp.—Pres. & Secy.—Form 997
Misc.—145 (G.S.) Rev. 5-51 5-11-59

STATE OF CALIFORNIA,

County of Sonoma

On this 22nd day of September

in the year one thousand nine hundred and Sixty-one

before me,

Willard E. Smith, a Notary Public in and for the

County of Sonoma

State of California,

residing therein, duly commissioned and sworn, personally appeared

Lawrence V. Wattell

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Sonoma the day and year in this certificate first above written.

Willard E. Smith
Notary Public in and for the

County of Sonoma
State of California.

My Commission Expires June 27, 1964

Cowdery's Form No. 34—(Acknowledgment General) (C. C. Sec. 1189)

STATE OF CALIFORNIA,

County of Sonoma

On this 21st day of September

in the year one thousand nine hundred and Sixty-one

before me, Gladys Spencer

a Notary Public in and for the County of Sonoma

State of California, duly commissioned and sworn, personally appeared

J. David Angell

known to me to be the Secretary of the corporation described in and that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Sonoma the day and year in this certificate first above written.

Gladys Spencer
Notary Public in and for the

County of Sonoma

State of California.

Cowdery's Form No. 28—(Acknowledgment—Corporation).
(C. C. Secs. 1190-1190.1)

My Commission Expires February 10, 1962

END OF DOCUMENT

AMENDMENT TO
DECLARATION OF RESTRICTIONS

WHEREAS, SONOMA COUNTY LAND CO., a California Corporation is owner of the following described property:

All that certain real property situated in the County of Sonoma, State of California, described as follows:

Lomita Heights Subdivision No. 1, recorded in Book 88 of Maps, pages 1 thru 6, Sonoma County Records.

WHEREAS, it is the intention of said Sonoma County Land Co., a corporation, to amend the Declaration of Restrictions recorded September 22, 1961 in Book 1847 of Official Records, page 39, Sonoma County Records, as follows:

Paragraph VI of said Restrictions are amended to delete the word "ground" so that the sentence in Paragraph VI of said Restrictions will read as follows:

"No dwelling shall be permitted on any lot in the tract, unless the floor area of the main structure, exclusive of one story open porches and garages, shall be not less than 1350 square feet for Lots 1 thru 6, 72, 73, 98, 104 thru 106; 1500 square feet for Lots 7 thru 40, 74 thru 97, 99 thru 103; 1800 square feet for Lots 41 thru 50, 70, 71; 2000 square feet for Lots 51 thru 69."

DATED: March 15, 1962

SONOMA COUNTY LAND CO.

By

President

RECORDED AT REQUEST OF Northwestern Title Security Co.
AT 33 MIN. PAST 1 P M.
Official Records of Sonoma County, Calif.

Fee \$ 2.00 Paid. Date MAR 21 1962
COUNTY RECORDER ES

G 85703

STATE OF CALIFORNIA) ss.
COUNTY OF SONOMA)

On this 15th day of March, 1962, before me, Cono Di Pietro, a Notary Public in and for said County and State, personally appeared ERNEST R. THOMAS, known to me to be the President of the Sonoma County Land Co., a corporation, the corporation that executed the within Instrument, known to me to be the person who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same, and acknowledged to me that such corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS, my hand and official seal.

Cono Di Pietro
Notary Public in and for said
County and State

END OF DOCUMENT

AMENDMENT TO
DECLARATION OF RESTRICTIONS

WHEREAS, SONOMA COUNTY LAND CO., a California Corporation is owner of the following described property:

All that certain real property situated in the County of Sonoma, State of California, described as follows:

Lomita Heights Subdivision No. 1, recorded in Book 88 of Maps, pages 1 thru 6, Sonoma County Records.

WHEREAS, it is the intention of said Sonoma County Land Company, a corporation, to amend the Declaration of Restrictions recorded September 22, 1961 in Book 1847 of Official Records, page 39, Sonoma County Records, as follows:

Paragraph XV of said Restrictions are amended to change Lot 60 to Lot 65 so that the sentence in Paragraph XV of said Restrictions will read as follows:

EXCEPTIONS: The following lots will constitute exceptions from the foregoing restrictions as to the type use allowed on the lot; Lot 65 may be used for recreational purposes, (rest of paragraph to remain the same as recorded.)

DATED: May 22, 1962

SONOMA COUNTY LAND COMPANY

BY: Ernest R. Thomas
President

STATE OF CALIFORNIA)
COUNTY OF SONOMA) ss.

On this 22nd day of May, 1962, before me, Cono Di Pietro, a Notary Public in and for said County and State, personally appeared ERNEST R. THOMAS, known to me to be the President of the Sonoma County Land Company, a corporation, the corporation that executed the within Instrument, known to me to be the person who executed the within Instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the same, and acknowledged to me that such corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS: my hand and official seal.

Cono Di Pietro
Notary Public in and for said
County and State

RECORDED AT REQUEST OF Northwestern Title Security Co.
AT 39 MIN. PAST 12 M.
Official Records of Sonoma County, Calif.

Hub. Angley COUNTY RECORDER ES-
Fee \$ 2.00 Paid. Date MAY 24 1962

BOOK 1891 PAGE 728
G 93669

END OF DOCUMENT