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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

DEC 13 2005

ALAN SLATER, Clerk of the Court

K. Chung-Marquez
BY K. CHUNG-MARQUEZ

5 Attorneys for Petitioner THE HIGHLANDS
6 COMMUNITY ASSOCIATION

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF ORANGE - CENTRAL JUSTICE CENTER

11	In Re:)	CASE NO. 05CC01509
12	Petition for Amendment of Declaration of)	
13	Covenants, Conditions and Restrictions for THE)	
14	HIGHLANDS COMMUNITY ASSOCIATION,)	ORDER GRANTING PETITION TO DEEM
15	a California nonprofit mutual benefit)	PROPOSED AMENDMENT OF
16	corporation)	DECLARATION OF COVENANTS,
17)	CONDITIONS AND RESTRICTIONS
18)	APPROVED
19)	DATE: December 13, 2005
20)	TIME: 1:30 p.m.
21)	DEPT.: C-20

19 The Petition For Court Order Deeming Proposed Amendment of Declaration of Covenants,
20 Conditions and Restrictions Approved filed by THE HIGHLANDS COMMUNITY ASSOCIATION,
21 a California nonprofit mutual benefit corporation ("Petitioner" or "Association"), came on regularly
22 for hearing on December 13, 2005, at 1:30 p.m., in Department C-20 of the above-entitled court, the
23 Honorable Michael Brenner, Judge, presiding.

24 The court having considered Petitioner's moving papers and other pleadings on file with the
25 court, as well as the oral argument presented at the hearing, and satisfactory proof being made to the
26 court that Petitioner is entitled to the relief requested in the Petition;

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U.S. T.C. Dept. C-20

1 THE COURT FINDS AS FOLLOWS:

2 a. In accordance with Civil Code Section 1356, the Petition contains as exhibits thereto,
3 copies of the Governing Documents (i.e., the Articles of Incorporation, Bylaws, and Declaration), the
4 complete text of the proposed amendments to the Governing Documents, evidence of any notice and
5 solicitation materials used in the effort to obtain member votes, and all other documents relevant to
6 the court's determination of the Petition;

7 b. Petitioner has given not less than fifteen (15) days written notice of the court hearing
8 to all of Association's members;

9 c. Balloting on the proposed amendments to the Governing Documents was conducted
10 in accordance with all applicable provisions of the Association's Articles of Incorporation, Bylaws,
11 and Declaration;

12 d. A reasonably diligent effort was made to permit all eligible members to vote on the
13 amendments;

14 e. The record owners of more than two-thirds (2/3rds) of the 192 residences within the
15 Association voted in favor of the amendments;

16 f. The amendments are reasonable; and

17 g. Granting the relief requested in the Petition is not improper for any reason stated in
18 subdivision (e) of Civil Code section 1356.

19 GOOD CAUSE THEREFORE EXISTING, the court hereby issues an order pursuant to Civil
20 Code section 1356 confirming the amendments to the Governing Documents and deems the
21 amendment (the "Amendment") particularly set forth in **Exhibit "A"** attached hereto and incorporated
22 herein by reference to that certain Declaration of Covenants, Conditions, and Restrictions for Turtle
23 Rock Highlands Garden Homes, executed by Donald L. Bren Company, recorded on May 31, 1978,
24 as Instrument No. 44337, in Book 12696, pages 874, et seq., of the Official Records of Orange
25 County, California, as amended by the Declaration of Amendment to Declaration of Covenants,
26 Conditions and Restrictions for The Highlands Community Association, recorded December 29, 1981,
27 as Instrument No. 34324, in Book 14339, pages 77, et seq., and all supplements and amendments
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1 thereto (collectively, the "Declaration"), as being validly approved on the basis of affirmative votes
2 actually received during the balloting period.

3 THE COURT FURTHER ORDERS that the Amendment is effective pursuant to Civil Code
4 Section 1356(f) upon recordation of this court order and the Amendment in every county in which
5 a portion of the common interest development is located.

6 Upon recordation of the Amendment with this court order, the Declaration, as amended and
7 supplemented, shall have the same force and effect as if the Amendment was adopted in compliance
8 with every requirement imposed by the Governing Documents.

9 THE COURT FURTHER ORDERS pursuant to Civil Code section 1356(g), that within a
10 reasonable time after the Amendment and this order are recorded, Petitioner shall mail a copy of the
11 Amendment to each of Association's members, together with a statement that the Amendment has
12 been recorded.

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14 DATED: DEC 13 2005

MICHAEL BRENNER

Judge of the Superior Court

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