

BYLAWS OF  
VILLA VIA JOAQUIN COMMUNITY ASSOCIATION  
A Nonprofit Corporation

ARTICLE I  
Definitions

Unless otherwise provided herein, the definitions contained in Article 1 of the Restated and Amended Declaration of Protective Restrictions executed by Villa Via Joaquin Community Association filed in the office of the County Recorder for the County of Monterey, State of California, on 9/27/2004 2004 as instrument \_\_\_\_\_ shall apply to these ByLaws.

ARTICLE II  
Membership

Section 1. Definition of Membership.

Each record owner of a unit shall be a member; and when more than one record owner holds an interest in any unit, each record owner shall be a member.

Section 2. Associate Member.

A. Every adult person, other than a member, occupying as a member of the Owner's as tenant shall be an "Associate" member.

B. Associate members shall have all rights, duties, and responsibilities of members including the right to notice and of attendance at members' meetings and the right to serve on committees of the Association except that Associate members shall not have the right to vote.

Section 3. Termination of Membership and Associate Membership.

The membership of any member terminates upon the sale of the unit. Associate memberships terminate upon the Associate member ceasing to occupy a unit.

Section 4. Death of a Member.

Membership in this Association shall not terminate upon the death of a member but all of the rights of such member shall be exercised by the executor, administrator, or other personal

representative of such deceased member or successor in interest

Section 5. Registration of Members.

The Secretary of the Association shall maintain membership register of the Association reflecting the members and the associate members thereof. Such registry than be prima facie evidence of the status of membership and associate membership in the Association.

ARTICLE III  
Membership Meetings

Section 1. Voting Rights.

The voting rights of members shall be determined by said Restated and Amended Declaration of Protective Restrictions

Section 2. Annual Meeting.

An annual meeting of the membership shall be held during the month of November of each year at a date and time to be fixed by the Board for the purpose of electing directors and for such other business as properly be brought before the membership.

Section 3. Special Meetings.

Special meetings of the members for any purpose or purposes whatsoever may be held and shall be called by the Board; by the president; or at the request of 5 percent or more of the voting power of the members. The request of the members shall be made to the president, vice president or secretary, who shall forthwith cause the meeting to take place.

Section 4. Place of Membership Meetings.

The annual meeting and all special meetings of the members shall be held at such place as may be designated by the Board, from time to time, upon or in the immediate vicinity of the Subject Property or some convenient place within a distance of not more than five(5) miles from said property.

Section 5. Notice of Meetings.

It shall be the duty of the secretary of the Association to cause written notice of each annual and each special meeting, stating the place, day and hour thereof, to be personally delivered, emailed, faxed, or mailed first class, not less than ten days nor more than sixty days preceding the day of such

meeting to each member entitled to vote and to each Associate member. Any business may be transacted at the annual meeting whether stated in the notice or not, except as provided by law. Such exceptions include (a) action taken at a meeting where less than one-third of the voting power is present; (b) electing a director to fill a vacancy not filled by Board; (c) removing directors; (d) amending articles of incorporation; and (e) electing to wind up and dissolve the corporation. In the case of special meetings, the business purpose of the meeting shall be stated in the notice and no business may be conducted at the special meeting other than the business stated in the notice.

Section 6. Actions Taken Without Meeting.

Any action which may be taken at an annual or special meeting of the membership may be taken by ballot if the association distributes to every member entitled to vote a written ballot setting forth the proposal, provides an opportunity to specify approval or disapproval and provides a fixed reasonable time for the return the ballots and the counting thereof. The provisions of California Civil Code § 7513 shall apply respecting the number of votes necessary for approval of a ballot proposal and respecting the contents of solicitations on or accompanying the ballot the number of ballots, that must be received and the percentage of voting power necessary to adopt the proposal.

Section 7. Quorum.

Members representing *33 1/3* percent of the voting power of this Association, present *in person* or by proxy, shall be requisite to and shall constitute a quorum at all meetings of the members for the transaction of business, except if less than one third of the voting power is present in person or by proxy at a annual membership meeting then only the business specified in the notice of such meeting may be transacted. In the absence of a quorum meeting, a majority of those present in person or by proxy may adjourn the meeting to another time.

An adjournment for lack of a quorum shall be to a date not less than five days or not more than thirty days from the original meeting date. If after the adjournment, a new date is fixed for the adjourned meeting, notice of the time and place of adjourned meeting shall be given to members in the manner prescribed for regular meetings: provided however in the notice respecting the adjourned meeting shall be shortened to four days.

The members present at a duly called or held meeting at which a quorum is present may continue to do business until

adjournment, notwithstanding the withdrawal from the meeting of voting power to leave less than a quorum.

Section 8. Address of Members.

It shall be the duty of each member to keep the Association advised as to the member's correct address from time to time.

ARTICLE IV  
Board of Directors

Section 1. Powers.

The powers of the Association shall be exercised by or under the authority of, and all of the affairs of the Association shall be controlled by, the Board of Directors, subject however, to the rights of members provided in the Articles, in these Bylaws, and by law, subject to all of the restrictions, provisions, and limitations contained in the Declaration of Protective Restrictions.

Section 2. Number of Directors.

The number of directors shall be five members of the Association. The number shall not be changed except by the vote or written consent of the majority of the voting power of the membership, but in no case shall there be less than three directors.

Section 3. Election and Term of Office.

The directors may be elected at such annual meeting of the members, or the directors may be elected at a special meeting of members called for that purpose. Each director shall be elected to serve for two years. Voting for the governing body need not be by ballot unless a member demands election by ballot before the voting begins.

Section 4. Place of Meetings.

Any and all meetings of the Board of Directors may be held at such convenient place as may be designated from time to time by the Board of Directors at any regular or special meeting prior thereto.

Section 5. Vacancies.

All vacancies in the Board of Directors, by reason of death,

resignation, removal, cessation of loss of ownership of a unit, or otherwise, may be filled by a majority of the remaining Directors though less than a quorum or by a sole remaining director. The membership may elect a director at any time to fill a vacancy not filled by the directors. Each director so appointed or elected shall hold office thenceforth for the remainder of the unexpired term and the election of a successor.

Section 6. Organization Meeting.

Immediately after the annual meeting of the members, the directors shall meet without notice for the election of officers and the transaction of any other business.

Section 7. Regular Meetings.

Regular Meetings of the Board of Directors shall be held at such time and place as the Board may fix by resolution from time to time.

Section 8. Special Meetings.

Special meetings of the Board of Directors shall be held whenever called by written notice signed by the president, or by any two members of the Board.

Section 9. Notice of Board Meetings.

Notice of Board meetings shall be given by mail, by email or facsimile transmission to all directors and to such members of the Association who have requested notification at least four days before the meeting except in the case of an emergency. The notice shall also be posted in a prominent place in the Common Area for at least four days before the meeting, except in the case of an emergency. An emergency exists if there are circumstances that could not have reasonably been foreseen which require immediate attention and which of necessity make it impracticable to provide the required notice.

Section 10. Ratification of Meeting by All Directors.

The transactions of any meeting of the Board of Directors, however called and noticed or wherever held, shall be valid, if, either before or after the meeting, each of the directors, including those not present, signs a written waiver of notice of a consent to holding such meeting, or an approval of the minutes thereof. All such waivers, consents or approvals shall be filed with the Association records or made a part of the minutes of the meeting.

Section 11. Quorum.

At all meetings of the Board, a majority of the directors present constitutes a quorum for the transaction of business; and the act of a majority of the directors present at any meeting, at which a quorum is present, shall be the act of the Board of Directors. A majority of the directors present at any meeting of the Board, whether a quorum shall be present or not, may postpone the meeting from time to time, provided that no such postponed meeting shall be held unless and until notice has been given as provided for special meetings in Section 8 of this Article, and provided further that the time so fixed shall not extend beyond the time for the next regular meeting of the Board.

Section 12. Conduct of Meetings.

Regular and special meetings of the Board, except in the case of an executive session, shall be open to all members and Associate members of the Association who shall be permitted to speak for a reasonable time established by the Board. An executive session is a session set by the Board to consider litigation, formation of contracts with third persons, member discipline, personnel matters or to meet with a member regarding the payment of the member's assessment.

Section 13. Compensation of Directors.

Directors as such shall not receive any salary or compensation for their services as directors; provided, however, that nothing herein contained shall be construed to preclude any director from receiving reimbursement from the Association for actual expenses incurred by such director in carrying out his duties hereunder.

Section 14. Qualifications.

Each director shall be a natural living person, eighteen years of age or older. All Directors shall be members of the Association.

Section 15. Removal of Directors.

Directors may be removed pursuant to the provisions of California Corporations Code relating to Non-Profit Mutual Benefit Corporations.

ARTICLE V  
Officers

Section 1. Officers.

The officers of the Association shall be a president, a vice-president, a secretary and a treasurer. The Association may also have, at the discretion of the Board of Directors, one or more additional vice-presidents, one or more assistant secretaries, one or more assistant treasurers, and such officers as may be appointed in accordance with the provisions of Section 3 of this Article V. Officers other than the president need not be directors. One person may hold more than one office except that of president and secretary. The officers of the Association, except such officers as may be appointed in accordance with the provisions of Section 3 of Article V, shall be chosen annually by the Board of Directors, immediately after the regular meeting of the membership, and each shall hold his office until he shall resign or shall be removed or otherwise disqualified to serve, or his successors shall be elected and qualified.

#### Section 2. Removal and Resignation.

Any officer may be removed, either with or without cause, by the majority of the directors at the time in office, at any regular or special meeting of the Board.

#### Section 3. Vacancies in Office.

Any vacancy in office by reason of death, resignation, removal, disqualification or otherwise shall be filled by the Board.

#### Section 4. President

The president shall be the chief executive officer of the Association and shall, subject to control of the Board of Directors, have general supervision, direction and control of the affairs and other officers of the Association. The president shall preside at all meetings of the members and at all meetings of the Board of Directors and shall have the general powers and duties of management usually vested in the office of president, and shall have such other powers and duties as may be prescribed by the Board of Directors and by the Bylaws.

#### Section 5. Vice President.

In the absence or disability of the president, the vice presidents, if more than one, in order of their rank as fixed by the Board of Directors; or, if not ranked, the vice president designated by the Board of Directors, shall perform all the duties of the president, and when so acting, shall have all the powers of, and be subject to all the restrictions upon the president. The vice presidents shall have such other powers and perform such other

duties as from time to time may be prescribed for them, respectively, by the Board of Directors, or by the Bylaws.

Section 6. Secretary.

The secretary shall keep or cause to be kept a book of minutes at the principal office or such other place as the Board of Directors may order, of all meetings of directors, members and with the time and place of holding, whether regular or special, and if special, how authorized, and the notice thereof. The minutes shall state the names of those present at director's meetings, the number of memberships and votes present or represented at members' meetings and all the proceedings thereof.

The secretary shall also keep or cause to be kept at the principal office, a membership register showing the names of the members.

The secretary shall further keep the originals or time copies of the Governing Instruments and the Bylaws.

The secretary shall give or cause to be given notice of all meetings of the members and of the Board of Directors as required by the Bylaws or by law and shall keep the seal of the Association in safe custody and shall have such other powers and perform such other duties as may be prescribed by the Board of Directors or by the Bylaws.

Section 7. Chief Financial Officer.

The chief financial officer (herein designated as "treasurer") shall keep and maintain, or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the Association, including accounts of its assets, liabilities, receipts, disbursements, gains, and losses. The treasurer shall also maintain complete records of all assessments and charges levied and the liens securing same pursuant to the provisions of any Declaration of Restrictions, and the amounts thereof, the properties against which the same have been assessed, the dates upon which the same are due, and upon which the same are delinquent, and a record of the payments thereof, as well as a

record or notices of delinquency which have been recorded pursuant to any Declaration of Restrictions.

The treasurer shall deposit all monies and other valuables in the name and to the credit of the Association with such depositories as may be designated by the Board of Directors. The treasurer shall disburse the funds of the Association as may be

ordered by the Board of Directors, shall render to the president and the directors, whenever they request it, an account of all of his transactions as treasurer and of the financial condition of the Association, and shall have such other powers and perform such other duties as may be prescribed by the Board of Directors or by the Bylaws.

ARTICLE VI  
Member Discipline.

Section 1. Policy Imposing Monetary Penalty.

The Association may adopt a policy for imposing a monetary penalty for violation of any provision in the Governing Instruments, or the Rules of the Association. A written schedule of the fines and penalties that may be assessed for such violations, if established, shall be given to every member of the Association.

Section 2. Discipline Procedure.

When the Board meets to impose or consider discipline of a member, the member shall be notified by written notice mailed or delivered to the member at least 10 days before the meeting. Said notice shall give the date, time and place of the meeting, a description of the alleged violation and a statement that the member has a right to attend and to address the Board. The Board may meet in executive session if the member requests. If discipline is imposed the Board shall notify the member of the imposed discipline within 15 days after imposition.

ARTICLE VII  
Miscellaneous Provisions

Section 1. Checks, Drafts, Etc.

All checks, drafts or other orders for payment of money notes or other evidences of indebtedness, issued in the name of or payable to the Association, and any and all securities owned or held by the Association requiring signature for transfer shall be signed or endorsed by such person or persons and in such manner as,

from time to time, shall be determined by resolution of the Board of Directors.

Section 2. Inspection of Association Records.

The membership register, the Articles of Incorporation, the Governing Instrument, the books of account and the minutes of

proceedings of the members and directors and all other Association records shall be open to inspection by any director of the Association at any reasonable time and to inspection by any member upon the written demand at any reasonable time for a purpose reasonably related to his interest as a member. Such inspection may be made in person or by an agent or attorney and shall include the right to make extracts. Demand of inspection by any member other than at a members' meeting shall be made in writing upon the president, vice president or secretary of the Association.

### Section 3. Notices.

Whatever notice or other written information is required to be given to any director or member under any provision of the Governing Instruments, or by law, notice may be given by first class mail, facsimile transmission, email or personal delivery.

Whenever any member entitled to vote has been absent from any meeting of members, and whenever any director has been absent from any meeting of the Board of Directors, an entry in the minutes of the meeting to the effect that notice has been duly given shall be prima facie evidence that due notice of such meeting was given to such absentee as required by law and these Bylaws.

### Section 4. Headings and Titles.

All headings and titles used in these Bylaws, including those of articles, sections and subsections, are intended solely for convenience of reference, and the same shall not, nor shall any of them, affect that which is set forth in such article, section or subsection, nor any of the terms or provisions of these Bylaws nor the meaning thereof.

### Section 5. Ground Rules.

Subject to the limitations contained in any applicable Declaration of Protective Restrictions, and to the approval of the membership, the Board of Directors may from time to time make, establish, publish, promulgate, amend and repeal Ground Rules, and enforce the same by establishing and collecting fines for the violation thereof, governing the use of the Subject Property, and any part or portion thereof. Ground Rules, shall be binding equally upon each and every member and every occupant of such unit. Any fine or fines established for the violation of any Ground Rule or Ground Rules shall be established and apply equally in amount and application to all persons. A current record of all Ground Rules as amended from time to time and a record of the amount of any fines established for the violation thereof, shall be kept by the secretary of the Association and shall be available to any members

at any reasonable time.

ARTICLE VIII  
Nonliability and Indemnification

Section 1. Definition of Agent.

For the purposes of this Article, "Agent" means any present or former director, officer or employee of the Association.

Section 2. Nonliability.

Except as provided by law, no Agent shall be liable to any party, except the Association, for any injuries, or damage resulting from the Agent's acts or omissions within what the Agent reasonably believed to be with the scope of the Agent's Association duties except in the case of willful or malicious conduct. No Agent shall be liable to the Association for injuries or damage resulting from an Agent's acts except in the willful or malicious conduct or negligence.

Section 3. Indemnification.

The Association shall pay all expenses reasonably incurred by, and to satisfy any judgment or fine levied against any Agent as a result of any action or any threaten action to impose liability on the Agent for his acts or omissions which the Agent reasonably believed to be within the scope of the Agent's Association duties provided that:

A. The Board determines that the Agent acted in good faith and in a manner the Agent reasonably believed to be in the best interests of the Association;

B. In the case of a criminal proceeding, the Board determines that the Agent had no reason to believe the Agent's conduct was unlawful;

C. In the case of an action or threatened action by the Association, the Board determines that the Agent acted with the care, including reasonable inquiry, that an ordinary prudent person in a like position would act under similar circumstances;

D. The determination is approved by a majority of the directors not including the Agent. If the Board fails to make the required determination, the same may be made by a majority of a quorum of the members at a duly constituted meeting of the members.

Section 4. Payments.

Payments pursuant to this Article shall include all amounts paid and expenses incurred in settling the action or threatened action. This article shall be construed to authorized payments and indemnification to the full extent provided by law.

Section 5. Insurance.

The Association may purchase and maintain insurance on behalf its Agents to the extent and under the circumstances provided in this Article.

ARTICLE IX  
Amendment

These ByLaws may be amended by a majority vote or written consent of a majority of the voting power of the membership of the Association.

ARTICLE X  
Superceding Previous ByLaws

The adoption of these ByLaws supercedes all previously adopted Bylaws of the Association and all amendments thereto. Upon the adoption of these ByLaws, all previous ByLaws and amendments thereto are deemed revoked and of no effect.

I, Susan Naylor, the secretary of Villa Via Joaquin Community Association, certify that these ByLaws were duly adopted on 8-20-2004 by the Board of Directors and VERIFIED BY THE 2004 by the affirmative vote of a majority of the membership.

Dated: 8-20-2004

Susan Naylor  
Secretary

ASSENT TO ADOPTION  
OF  
BY LAWS OF VILLA VIA JOAQUIN ASSOCIATION

The undersigned owner(s) of Unit 1 of Villa Via Joaquin Condominiums hereby assent to the adoption of Bylaws of Villa Via Joaquin Association sent to the undersigned by letter from the Association dated \_\_\_\_\_, 2004. The undersigned acknowledge(s) that the Bylaws sent by said letter supercede, in the entirety, all previous Bylaws of the Association.

Dated: 8-24-, 2004

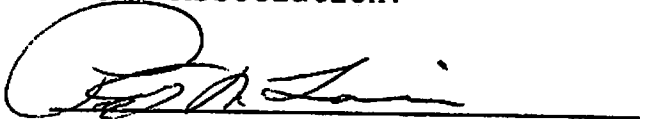
Marta A. Kehoe

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ASSENT TO ADOPTION  
OF  
BY LAWS OF VILLA VIA JOAQUIN ASSOCIATION

The undersigned owner(s) of Unit 2 of Villa Via Joaquin Condominiums hereby assent to the adoption of Bylaws of Villa Via Joaquin Association sent to the undersigned by letter from the Association dated 7-28, 2004. The undersigned acknowledge(s) that the Bylaws sent by said letter supercede, in the entirety, all previous Bylaws of the Association.

Dated: 8-24, 2004



A handwritten signature in cursive script, appearing to read "J. A. Lami", is written over a horizontal line. Below this line, there is another horizontal line that is not signed.

ASSENT TO ADOPTION  
OF  
BY LAWS OF VILLA VIA JOAQUIN ASSOCIATION

The undersigned owner(s) of Unit 3 of Villa Via Joaquin Condominiums hereby assent to the adoption of Bylaws of Villa Via Joaquin Association sent to the undersigned by letter from the Association dated 7/28/, 2004. The undersigned acknowledge(s) that the Bylaws sent by said letter supercede, in the entirety, all previous Bylaws of the Association.

Dated: 8/20, 2004

Gabriel J. Swanson

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ASSENT TO ADOPTION  
OF  
BY LAWS OF VILLA VIA JOAQUIN ASSOCIATION

The undersigned owner(s) of Unit 4 of Villa Via Joaquin Condominiums hereby assent to the adoption of Bylaws of Villa Via Joaquin Association sent to the undersigned by letter from the Association dated 7-28-2004, 2004. The undersigned acknowledge(s) that the Bylaws sent by said letter supercede, in the entirety, all previous Bylaws of the Association.

Dated: 8-6, 2004

~~Andriette M. Fleming~~  
Fleming Family Living Trust

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ASSENT TO ADOPTION  
OF  
BY LAWS OF VILLA VIA JOAQUIN ASSOCIATION

The undersigned owner(s) of Unit 5 of Villa Via Joaquin Condominiums hereby assent to the adoption of Bylaws of Villa Via Joaquin Association sent to the undersigned by letter from the Association dated 8/28, 2004. The undersigned acknowledge(s) that the Bylaws sent by said letter supercede, in the entirety, all previous Bylaws of the Association.


Dated: 8/25, 2004


Mary R. Wright  
George L. Wright

ASSENT TO ADOPTION  
OF  
BY LAWS OF VILLA VIA JOAQUIN ASSOCIATION

The undersigned owner(s) of Unit 7 of Villa Via Joaquin Condominiums hereby assent to the adoption of Bylaws of Villa Via Joaquin Association sent to the undersigned by letter from the Association dated \_\_\_\_\_, 2004. The undersigned acknowledge(s) that the Bylaws sent by said letter supercede, in the entirety, all previous Bylaws of the Association.

Dated: 08/18/, 2004

  
\_\_\_\_\_  
H. D. SMALL

  
\_\_\_\_\_  
C. R. SMALL

ASSENT TO ADOPTION  
OF  
BY LAWS OF VILLA VIA JOAQUIN ASSOCIATION

The undersigned owner(s) of Unit 8 of Villa Via Joaquin Condominiums hereby assent to the adoption of Bylaws of Villa Via Joaquin Association sent to the undersigned by letter from the Association dated ~~July~~ August 28, 2004. The undersigned acknowledge(s) that the Bylaws sent by said letter supercede, in the entirety, all previous Bylaws of the Association.

Dated: August 21, 2004

Neil M. Johnston

Stephanie D. Johnston

ASSENT TO ADOPTION  
OF  
BY LAWS OF VILLA VIA JOAQUIN ASSOCIATION

The undersigned owner(s) of Unit 10 of Villa Via Joaquin Condominiums hereby assent to the adoption of Bylaws of Villa Via Joaquin Association sent to the undersigned by letter from the Association dated July 28, 2004. The undersigned acknowledge(s) that the Bylaws sent by said letter supercede, in the entirety, all previous Bylaws of the Association.

Dated: August 4, 2004

Gemy E Perovich

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ASSENT TO ADOPTION  
OF  
BY LAWS OF VILLA VIA JOAQUIN ASSOCIATION

The undersigned owner(s) of Unit 12 of Villa Via Joaquin Condominiums hereby assent to the adoption of Bylaws of Villa Via Joaquin Association sent to the undersigned by letter from the Association dated 8/23, 2004. The undersigned acknowledge(s) that the Bylaws sent by said letter supercede, in the entirety, all previous Bylaws of the Association.

Dated: 8/23, 2004

Gerson S. Naylor

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ASSENT TO ADOPTION  
OF  
BY LAWS OF VILLA VIA JOAQUIN ASSOCIATION

The undersigned owner(s) of Unit 14 of Villa Via Joaquin Condominiums hereby assent to the adoption of Bylaws of Villa Via Joaquin Association sent to the undersigned by letter from the Association dated July 28, 2004. The undersigned acknowledge(s) that the Bylaws sent by said letter supercede, in the entirety, all previous Bylaws of the Association.

Dated: August 13, 2004

Tony H. Sampel

Valerie Sampel

ASSENT TO ADOPTION  
OF  
BY LAWS OF VILLA VIA JOAQUIN ASSOCIATION

The undersigned owner(s) of Unit 15 of Villa Via Joaquin Condominiums hereby assent to the adoption of Bylaws of Villa Via Joaquin Association sent to the undersigned by letter from the Association dated July 28, 2004. The undersigned acknowledge(s) that the Bylaws sent by said letter supercede, in the entirety, all previous Bylaws of the Association.

Dated: Aug 4, 2004

Mark J. Herdon

Priscilla Herdon

ASSENT TO ADOPTION  
OF  
BY LAWS OF VILLA VIA JOAQUIN ASSOCIATION

The undersigned owner(s) of Unit 16 of Villa Via Joaquin Condominiums hereby assent to the adoption of Bylaws of Villa Via Joaquin Association sent to the undersigned by letter from the Association dated July 28, 2004. The undersigned acknowledge(s) that the Bylaws sent by said letter supercede, in the entirety, all previous Bylaws of the Association.

Dated: August 12, 2004

David J. ...  
Luise ...

Stephen L. Vagnini  
Monterey County Recorder  
Recorded at the request of  
Filer

RLETICIA  
9/27/2004  
9:12:34

Recorded at the request of:

DEWAR AND ROCKWOOD:

Return document to:

DEWAR AND ROCKWOOD  
Post Office Box 1027  
Monterey, CA 93942

DOCUMENT: 2004102767

Titles: 1/ Pages: 36



Fees... 113.00

Taxes...

Other.. 2.00

AMT PAID \$115.00

RESTATED AND AMENDED DECLARATION  
OF  
PROTECTIVE RESTRICTIONS

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**RESTATED AND AMENDED  
DECLARATION OF PROTECTIVE RESTRICTIONS  
(VILLA VIA JOAQUIN)**

This Restated and Amended Declaration of Protective Restrictions restates in full and amends that certain Declaration of Protective Restrictions executed by Monterey Adobe Associates, Ltd. ("Declarant") on January 7, 1982, and recorded, February 19, 1982, Reel 1533, pages 663 et seq., Official Records of Monterey County, California.

**RECITALS:**

A. Said Declaration of Protective Restrictions and this Restated and Amended version of the same affect certain real property, hereafter described, improved by a common interest development consisting of 15 condominium units and an appurtenant common area.

B. Said Monterey Adobe Associates, Ltd. ("Declarant") has sold all the units in said real property and has divested itself of all interest in the units and in the common area.

C. For the purpose of eliminating any reference to Declarant in the Protective Restrictions and for the purpose of making certain other amendments to the Protective Restrictions, this Restated and Amended Declaration of Protective Restrictions, is adopted by the owners of 75% of the units and by the members representing a majority of the voting power of the Association according to the provisions of ARTICLE VII Section 2 of the former Declaration of Protective Restrictions.

D. The common interest development is a planned development within the meaning of § 1351 of the Civil Code.

NOW THEREFORE, IT IS HEREBY DECLARED:

**ARTICLE I  
PROPERTY SUBJECT TO DECLARATION**

The real property subject to this Declaration is situated in Monterey County, State of California and is more particularly described as follows:

VILLA VIA JOAQUIN CONDOMINIUMS TRACT NO. 940, according to the map thereof recorded on January 7, 1982, in Volume 14 of Cities and Towns, at Page 75, in the office of the County Recorder of said County.