

RECORDED
Big Springs Ranchos POA

DEC 23 10 15 AM '94
94018012

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

BIG SPRINGS RANCHOS
PROPERTY OWNERS ASSOCIATION
P.O. BOX 183
GRENADA, CA 96038

Fee \$29.00 Pd.

**SECOND AMENDMENT TO DECLARATION OF
RESTRICTIONS AFFECTING REAL PROPERTY
KNOWN AS BIG SPRINGS RANCHOS SUBDIVISION
AND TO DECLARATION OF RESTRICTIONS
AFFECTING REAL PROPERTY KNOWN AS
BIG SPRINGS RANCHOS SUBDIVISION #2**

This Second Amendment to Declaration of Restrictions Affecting Real Property Known As Big Springs Ranchos Subdivision and to Declaration of Restrictions Affecting Real Property Known As Big Springs Ranchos Subdivision #2 is made on the date hereinafter set forth by the Big Springs Ranchos Subdivision Association, Inc., a California nonprofit corporation, which corporation is the surviving corporation resulting from the merger of the Big Springs Ranchos Subdivision Association, Inc. and the Big Springs Ranchos Subdivision No. 2 Association affected by that Agreement of Merger, dated October 22, 1973, filed with the California Secretary of State March 4, 1975 and recorded on March 17, 1975 in Book 729 beginning at Page 100, Official Records of Siskiyou County (hereinafter referred to as the "Association").

RECITALS

WHEREAS, the Association is successor-in-interest to CHOW ENTERPRISES, INC., a California corporation, which, as Declarant, executed a Declaration of Restrictions Affecting Real Property Known As Big Springs Ranchos Subdivision, recorded March 1, 1968 as Instrument No. 7482, at Volume 554, Page No. 568, Official Records of Siskiyou County, California, and rerecorded on March 14, 1968, as Instrument No. 7923, at Volume 555, Page No. 204, Official Records of Siskiyou County, California, and

WHEREAS, the Association is successor-in-interest to Steenland Co., Inc., a California corporation, which, as Declarant, executed a Declaration of Restrictions Affecting Real Property Known As Big Springs Ranchos Subdivision #2, recorded on October 24, 1969 as Instrument No. 4955, at Volume 584, Page No. 57, Official Records of Siskiyou County (the foregoing declarations shall be collectively referred to hereinafter as the "Declarations"); and

WHEREAS, the Declarations were amended by that certain First Amendment to Declaration of Restrictions Affecting Real Property Known As Big Springs Ranchos Subdivision And To Declaration of Restrictions Affecting Real Property Known As Big Springs Ranchos Subdivision #2 (the "First Amendment to the Declarations"), dated _____, which First Amendment to the Declarations was recorded in the Official Records of Siskiyou County simultaneously with this Second Amendment and which First Amendment permits amendment of the Declarations by the affirmative vote or written consent of at least a majority of the members voting on the amendment, provided that the number of members voting is sufficient to constitute a quorum, represented either in person or by proxy; and

WHEREAS, the Declarations establish certain limitations, easements, covenants, restrictions, conditions, liens and charges which run with the land and are binding upon all parties having or acquiring any right, title or interest in those certain parcels of real property located in the County of Siskiyou, State of California, and more particularly described as follows:

FOR DECLARATION NO. 1

All that real property in the County of Siskiyou, State of California, described as follows:

Lots One through One Hundred Seventy-eight as set forth in certain maps recorded with the County Recorder, Siskiyou County, on September

14, 1967, in Town Map Book 4, Pages 60-70 inclusive.

FOR DECLARATION NO. 2

Real property in the County of Siskiyou, State of California described as follows:

Lots 1 through 118 inclusive specified on those certain maps of
BIG SPRINGS RANCHOS SUBDIVISION #2 recorded July 29, 1969,
in Book 5 of Town Maps, pages 1 through 8 inclusive, in the
Official Records of Siskiyou County; and

The Southwest quarter of Section 14, Township 44 North, Range
5 West, M.D.M.;

and

WHEREAS, the provisions contained in the Declarations which are hereby being
amended are identical; and

WHEREAS, the members of the Association wish to make certain amendments
to the Declarations as set forth below; and

WHEREAS, a majority of the members of the Association voting on such
amendments in a vote in which the total number of votes cast was sufficient to constitute
a quorum, either in person or by proxy, desire to amend, modify and otherwise change
certain provisions of the Declarations as set forth below;

NOW, THEREFORE, a majority of the total voting power of the Association
voting on such amendments, either in person or by proxy, with respect to the
amendments set forth below, do hereby declare that the aforesaid be, and are hereby,
AMENDED as follows:

1. Article VII, Section (c) of the Declarations are hereby deleted in their entirety
and the following is substituted in their place:

(c) Every person who acquires ownership in any lot shall by such
act be deemed to have consented and agreed to pay all charges and
assessments levied by the Association and abide by the By-Laws. All
charges levied by the Association against a particular lot shall constitute
a lien upon such lot. The foregoing shall apply to each and every lot in
the subdivision. The lien may be enforced by the Association by any and
all actions and procedures as the Board shall deem necessary or
appropriate for the collection of the amount assessed, including non-
judicial foreclosure of that lien as though it were a mortgage or the lien
of a deed of trust. In addition to the face value of the amount assessed

a reasonable sum for attorneys' fees, service charges, filing fees, and other costs associated with the collection of the charges and assessments, together with interest on the unpaid balance of such obligation, at the rate of ten percent (10%) per annum from the time the obligation is due, shall be levied on the property as are set forth below. The Association may collect all assessments and charges through any and all legal means. All assessments and charges which are levied upon properties within the subdivision are due and payable on or before the thirty-first (31st) of March of each year.

2. Article VII, Section (d) of the Declarations are hereby deleted in their entirety and the following is substituted in their place:

(d) Regular Association dues in the amount of \$15.00 per lot per annum shall be levied by the Association.

3. Article VII, Section (e) of the Declarations are hereby deleted in their entirety and the following is substituted in their place:

Assessments for roads and common areas (the "Road Assessment") shall be levied by the Association for the expenses of maintaining, repairing, replacing or renewing any road or roads in the subdivision excluding private driveways. The Road Assessment shall be levied in the amount of \$25 per lot per annum effective January 1, 1994, increasing to \$30 effective January 1, 1995, increasing to \$35 effective January 1, 1996, increasing to \$40 effective January 1, 1997, and increasing to \$45 effective January 1, 1998; provided, however, that an exemption from Road Assessments shall be available for those lots as to which the sole means of ingress and egress are by county roads rather than by the private subdivision roads. In order to obtain such exemption the owner of a lot which is eligible for the exemption must apply in writing to the Board of Directors. Upon verification by the Board that said owner's lot is eligible for such exemption, the exemption shall be granted by the Board and said owner shall be provided written notice of the exemption. The owner of a lot so exempted shall not be permitted to vote on any Road Assessment adjustment. The granting of such exemption shall in no way affect an owner's obligation to pay Regular Association dues as set forth in Section (d) above.

IN WITNESS WHEREOF, we, the members of the Big Springs Ranchos Subdivision Association, Inc., constituting a majority of the total voting power of the Association, either in person or by proxy, as to the amendments set forth herein, hereby affirm, approve, and adopt the foregoing Second Amendment to Declaration of Restrictions Affecting Real Property Known As Big Springs Ranchos Subdivision and to

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Declaration of Restrictions Affecting Real Property Known As Big Springs Ranchos Subdivision #2, by means of the signatures of the President and Secretary of the Association, duly authorized by the requisite affirmative vote or written consent of Association, as set forth herein, which Second Amendment to Declaration of Restrictions Affecting Real Property Known As Big Springs Ranchos Subdivision and to Declaration of Restrictions Affecting Real Property Known As Big Springs Ranchos Subdivision #2 shall be recorded with the County Recorder of Siskiyou County, California.

DATED: 12-29-1994

BIG SPRINGS RANCHOS PROPERTY
OWNERS ASSOCIATION

Ronald V. Dugan
President

Don W. Lormick
Secretary

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CERTIFICATE OF ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
) ss.
COUNTY OF SISKIYOU)

On December 29, 1994, before me, Shannon E. Salvestro, personally
appeared Ronald V. Hogan and Don McCormick.

~~personally known to me~~ (or 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 persons(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature _____

(Seal)

