

292867

WHEN RECORDED MAIL TO:

CITY CLERK  
City of Riverside  
City Hall, 3900 Main Street  
Riverside, California 92522

Project: Tract No. 25486-1

RECEIVED FOR RECORD  
AT 12:00 O'CLOCK P.M.

AUG 23 1991

Recorded in Official Records  
of Riverside County, California

Recorder  
Fees \$ 171-

14  
3

DECLARATION OF RESTRICTIONS

THIS DECLARATION OF RESTRICTIONS is made and entered into this 12<sup>TH</sup> day of AUGUST, 1991, by BEREN, a California limited partnership ("Declarant") with reference to the following facts:

A. Declarant is the owner of the real property (the "Property") in the City of Riverside, County of Riverside, State of California, described as follows:

Lots 1 through 18 of Tract No. 25486-1 as shown by map on file in Book 233 of Maps, at pages 100 through 102 thereof, records of Riverside County, California.

The Property is in the Residential Conservation ("RC") zone.

B. Declarant desires to improve and develop the Property as part of a residential subdivision and to accomplish this purpose has submitted a tentative subdivision map to the City of Riverside ("City") designated as Tract Map 25486 as well as an application for a planned residential development permit designated as PRD-2-890.

C. CITY has conditionally approved the map for Tract No. 25486 subject to the requirement that Declarant execute and record a covenant to the approval of the Planning and Legal Departments to preclude the keeping of horses on the property included within Tract Map 25486.

D. Declarant desires to record the final map for the first phase of Tract Map 25486 and to impose upon the Property restrictions to prohibit the keeping of horses on the Property for the purpose of enhancing, maintaining and protecting the value, desirability and attractiveness of the Property.

DESCRIPTION APPROVAL 8/12/91  
by  
Walter R. Joyce  
SURVEYOR, CITY OF RIVERSIDE

X

NOW, THEREFORE, Declarant hereby declares that the Property shall be held, sold, conveyed, leased, occupied and used subject to the following restrictions which are for the purpose of complying with a condition imposed by the City for the approval of Tract Map 25486 and for protecting the value, desirability and attractiveness of the Property:

1. The keeping of horses on the Property is hereby prohibited and no horses shall be kept on the Property notwithstanding that such use of the Property may be permitted in the Residential Conservation ("RC") Zone as set forth in Title 19 of the Riverside Municipal Code.

2. Any person, whether an individual, corporation, partnership, association or otherwise, who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property shall be deemed to have consented and agreed to the provisions of this Declaration of Restrictions and to be subject to the provisions contained herein.

3. The terms of this Declaration of Restrictions may be enforced by any owners or occupants of any lot of the Property or by City. Should an action be brought to enforce the provisions of this Declaration of Restrictions, the prevailing party shall be entitled to costs of suit including reasonable attorneys' fees.

4. This Declaration of Restrictions shall run with the land and shall be binding upon Declarant, its successors and assigns and shall continue in effect until such time as it is released by the City Council of City.

IN WITNESS WHEREOF Declarant has caused this Declaration of Restrictions to be duly executed the day and year first above written.

BEREN, a limited partnership

By: BERGUM CONSTRUCTION COMPANY,  
a California corporation,  
its general partner

APPROVED AS TO CONTENT:

Jeff A. Bel  
Planning Department

By William S. ...  
Title VICE PRESIDENT

APPROVED AS TO FORM:

[Signature]  
Assistant City Attorney

BP/3296A/jm  
8/12/91

RESOLUTION OF THE BOARD OF DIRECTORS  
OF BERGUM CONSTRUCTION COMPANY

THEREFORE, upon motion duly made and seconded, IT WAS RESOLVED that Christian O. Bergum, acting alone, of Bergum Construction Company, a California Corporation, acting as General Partner of BEREN, a Limited Partnership, is hereby authorized and directed to sign any and all documents pertaining to the business of BEREN in the course of it's obtaining California Department of Real Estate project approval and subsequent sales of the custom lots to the buyers. This includes, but is not limited to the following: Grant Deeds, Deeds of trust, sales agreements, deposit receipts, escrow documentation, notes, and loan documents for the project financing in respect thereto in the name of the Partnership.

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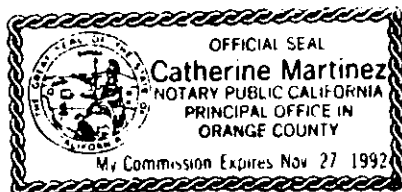
I, Lucille Bergum, Secretary of BERGUM CONSTRUCTION COMPANY, a California Corporation, hereby certify that the foregoing is a true copy of a resolution duly and legally adopted by the Board of Directors of said Corporation, at a legal meeting of the duly held on December 12, 1990, and that said resolution has not been revoked.

Dated: Aug 5 1991

Lucille Bergum  
Lucille Bergum, Secretary

State of California  
County of Orange

On August 5, 1991, before me the undersigned personally appeared Lucille Bergum, known to me to be the Secretary of BERGUM CONSTRUCTION COMPANY, and known to me to be the person who executed the above instrument on behalf of the corporation herein named.



Catherine Martinez  
Notary Public in and for  
said state