

Recording Requested By  
First American Title Company

WHEN RECORDED MAIL TO:

City Clerk  
City of Riverside  
City Hall, 3900 Main Street  
Riverside, California 92522

Project: 4608 Luther Street  
Riverside, California 92504  
APN - 226-222-009

DOC # 2002-366177

07/02/2002 08:00A Fee:NC

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Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



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COVENANT AND AGREEMENT  
AND DECLARATION OF RESTRICTIONS

(SINGLE FAMILY DWELLING RESTRICTION)



THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 7th day of June, 2002, by **STEPHEN LUDWIG** and **LOU ANNE LUDWIG**, Husband and Wife, as Joint Tenants, ("Declarants"), with reference to the following facts:

A. Declarants are the fee owners of the real property (the "Property") situated in the City of Riverside, County of Riverside, State of California, located at 4608 Luther Street, Riverside, California which legal description is attached hereto as Exhibit "A" and incorporated herein by reference.

B. The Property, known as 4608 Luther Street, Riverside, California, is in the Single Family Residential ("R-1-65") Zone and is developed with a single family residence and a detached converted garage which consists of living space, an office, a bathroom and a storage area.

C. Declarants have applied to the City of Riverside for a permit to legalize the converted garage into an approximately 580-square-foot accessory building consisting of living space, an office, a bathroom and a storage area.

D. As a condition for legalization of the converted garage into an accessory building, the City of Riverside is requiring Declarants to execute and record a covenant assuring that the accessory building will not be used for nor rented as a second dwelling unit and prohibiting the installation or maintenance of kitchen facilities within the detached accessory building.

E. Declarants are willing to record a covenant and agreement and declaration of restrictions ("Covenant") prohibiting the accessory building from being rented or used as a second dwelling unit, prohibiting installation or maintenance of any kitchen facilities in the accessory building, and putting

First American Title Company has recorded this instrument by request as an accommodation only and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described herein.

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future owners on notice of such prohibitions.

NOW, THEREFORE, for the purposes of complying with the conditions imposed by the City of Riverside for the legalization of the existing converted garage into an accessory building, and restricting the use of the Property to that of a single-family house and an accessory building, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

1. The single-family residence and the accessory building shall be used as one dwelling unit.
2. No kitchen facilities shall be allowed, maintained or installed in the accessory building.
3. Neither the accessory building nor the main residence shall be sold, rented or leased separately from the other.
4. Except as otherwise permitted by the provisions of Title 19 of the Riverside Municipal Code, no commercial or business activity shall be conducted on the Property.
5. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.

The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns. Should the City of Riverside bring an action to enforce the terms of the Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to reasonable attorneys' fees, expert witness fees, and reasonable costs of suit.

This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarants, their heirs, successors and assigns, and shall continue in effect until such time as released by the Planning Director of the City of Riverside, California, by a writing duly recorded.

FURTHER, Declarants and each of them hereby represent and warrant that they have the legal power, right and actual authority to subject the Property to the restrictions, terms and conditions stated herein.


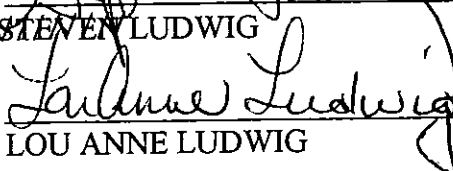
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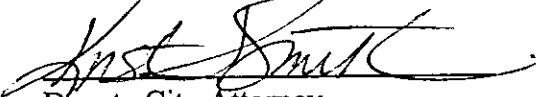
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IN WITNESS WHEREOF, Declarants have caused this Covenant and Agreement to be executed as of the day and year first written above.

  
\_\_\_\_\_  
/STEVEN LUDWIG  
  
\_\_\_\_\_  
LOU ANNE LUDWIG

STEPHEN

APPROVED AS TO FORM:

  
Deputy City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Planning Department

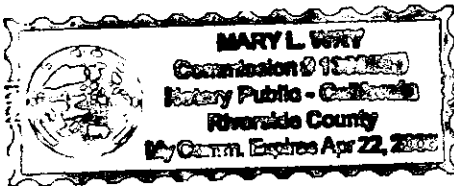


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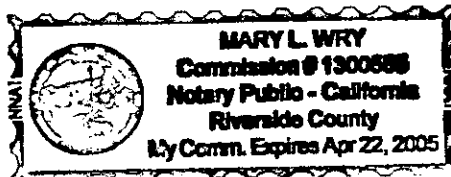
STATE OF CALIFORNIA )  
 )  
COUNTY OF RIVERSIDE )

On June 7, 2002, 2002, before me, MARY L. WRY, the undersigned, a notary public in and for said State, personally appeared STEPHEN LUDWIG personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity, and that by his/~~her/their~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



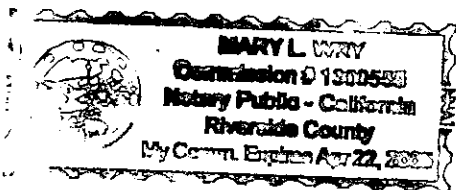
Mary L. Wry  
Notary Public



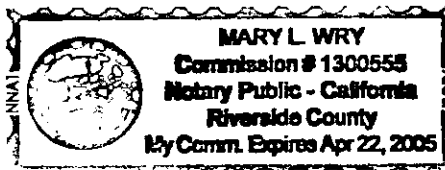
STATE OF CALIFORNIA )  
 )  
COUNTY OF RIVERSIDE )

On June 7, 2002, before me, MARY L. WRY, the undersigned, a notary public in and for said State, personally appeared LouAnne Ludwig personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity, and that by his/~~her/their~~ signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Mary L. Wry  
Notary Public



Under the provisions of Government Code 27361.7 I certify under the penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary Mary L. Wry

Commission #. 1300555

Place of Execution: Riverside

Date Commission Expires: April, 22, 2005

Date JUL 02 2002

Signature Dan O'Dunne



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# EXHIBIT A

The Land referred to in this Covenant is situated in the State of California, County of Riverside, City of Riverside and is described as follows:

Lot 19 of the Brusca Tract, as shown by Map on file in Book 23 Page 18 of Maps, Records of Riverside County, California.

DESCRIPTION APPROVAL 5, 15, 02  
*for* K. Strad by \_\_\_\_\_  
SURVEYOR, CITY OF RIVERSIDE

