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**DECLARATION OF FIRST AMENDMENT  
OF THE RESTATED DECLARATION OF RESTRICTIONS RELATED  
TO ROAD MAINTENANCE FOR  
MARTIS PEAK HOMEOWNERS ASSOCIATION**

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This First Amendment of the Restated Declaration of Restrictions Related to Road Maintenance for Martis Peak Homeowners Association is made by the Martis Peak Homeowners Association, an unincorporated Association ("Association"), in reference to the following facts:

**Recitals**

A. Association is formed and exists under the laws of the State of California to maintain roads within contiguous subdivisions in the Martis Peak region of Truckee, California, as more specifically provided under that certain Declaration of Restrictions Related to Road Maintenance for Martis Peak Homeowners Association as originally recorded on May 1, 1990, as Recorder's Instrument No. 27297 in the Official Records of the Placer County Recorder, and recorded on June 7, 1990, as Recorder's Instrument No. 90 17983 at Book 3887, pages 128-169, in the Official Records of the Nevada County Recorder. The Declaration of Restrictions Related to Road Maintenance for Martis Peak Homeowners Association (hereinafter referred to as the "DRRRM") was periodically amended thereafter and was eventually restated in its entirety, including all amendments thereto, and recorded August 4, 2003, as Instrument No. 2003-0129104 in the Official Records of Placer County Recorder, California, and recorded August 4, 2003, as Instrument No. 2003-0040676-00 in the Official Records of Nevada County Recorder, California.

B. Except as otherwise expressly stated therein, Section 10 of Article VII of the restated DRRRM permits amendment of the Declaration by an affirmative vote of a majority of the members of the Association.

C. The Association has put to a vote of the members a proposed amendment to Article I of the restated DRRRM, and Article II of the restated DRRRM, and creating a new Article VIII, and the proper number of members voted in favor of adopting the proposed amendment.

D. The Association now intends to record the First Amendment to the restated DRRRM as approved by the members of the Association.

NOW, THEREFORE, Declarants declare as follows:

1. Article I, Section 10

A new Section 10 to Article I (Definitions) of the restated DRRRM is added, providing as follows:

10. "Reserves" or "Reserve Accounts" shall be defined as monies that

the Association's Board of Directors has identified from its annual budget to be used to defray the future repair or replacement of, or additions to, those major components which the Association is obligated to maintain.

2. Article II (Purposes of Association)

Article II (Purposes of Association) of the restated DRRRM is stricken in its entirety and replaced by the following:

The purposes of the Association shall be to maintain those certain roads described herein, to make improvements to some or all segments of the road as the Board may from time to time deem advisable, to erect and maintain a gate(s) on any entrance road(s) to the Subdivisions, and to maintain facilities for collection and removal of garbage, and to take any and all steps reasonably related to the maintenance and improvement of such roads or gates, including the allocation of the Association's recoverable expenses among all Owners within the Subdivisions, billing all such Owners, collecting such amounts billed, contracting for necessary road maintenance work, gate maintenance work or improvement construction, entering into agreements for improvement and maintenance of garbage collection facilities, distributing newsletters and procuring liability insurance (including directors and officers coverage) for the Association, and conducting those related activities, such as membership meetings and meetings of Board of Directors, as are necessary to maintain the existence of the Association and inform its members of the Association's activities, needs, and accomplishments.

It shall further be the purpose of the Association to assess, collect, and manage monies, whether received by membership dues, fees, or special assessments, not expended for association purposes during the year in which such monies are collected, by transferring those monies into separate and segregated Reserve Accounts and holding such amounts for the purpose of providing for the future management, maintenance, improvement, and care of Association capital facilities and improvements and Association property and common areas, including, without limitation, roads, drainage facilities, gates, common garbage collection facilities.

The Association shall not be empowered to conduct any activities other than those specifically authorized in this Declaration or those that are incidental and necessary to those activities specifically authorized in this Declaration. The Association shall be specifically prohibited from imposing building size, color, architectural style, or other building, landscape or related requirements on its members.

The organization is organized for non-profit purposes and that the individual

members will not derive profit. This organization does not contemplate financial gain or profit to its members and is organized for non-profit purposes.

3. Article VIII

A new Article VIII is added as follows:

Article VIII

**CAPITAL ASSETS AND ESTABLISHMENT AND  
USE OF RESERVE ACCOUNTS**

On not less than an annual basis, the Board of Directors shall report to the Association's members on the status of any capital assets and any reserve accounts established for their maintenance.

Specifically, the Board shall identify all capital assets which are subject to eventual replacement and/or substantial repair, and, for each such asset, its estimated "remaining useful life," which shall mean the time reasonably calculated to remain before the asset or major component will require replacement or substantial repair. The report shall also identify for each asset the amount of reserves necessary to be accumulated for the asset at that given time, which shall be computed as the current cost of replacement or repair multiplied by the number of years the component has been in service divided by the useful life of the component. For each such asset or component, the Board shall further report the amount of monies actually held at that time in a Reserve Account by the Association for future replacement or substantial repair. The report shall also set forth the amount of any interest earned on monies held in any Reserve Account during the period of the report.

For each such asset for which a reserve has been or is established, all reserve monies shall be maintained in an account separate and apart from the Association's General Operating Account and from any other reserve account and shall be denominated in the name of the account by the capital asset being reserved.

4. Articles IX and X

The existing Articles numbered VIII and IX are renumbered as Articles IX and X.

5. Incorporation by Reference. The provisions of the Restated DRRRM, except as expressly amended herein, are incorporated herein by this reference, and are expressly declared to be applicable to the Real Property, as described in the restated DRRRM, and all real property as may be subsequently annexed to the restated DRRRM.

6. Effective Date. This Declaration of First Amendment is effective as of August 5, 2009, the date of its certification by the Association Secretary as having been regularly and duly adopted.

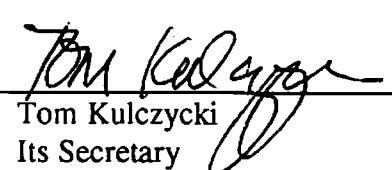
IN WITNESS WHEREOF, the undersigned Association has executed this Declaration of Amendment on August 5, 2009.

MARTIS PEAK HOMEOWNERS ASSOCIATION

By

  
\_\_\_\_\_  
Paul Curtis  
Its President

By

  
\_\_\_\_\_  
Tom Kulczycki  
Its Secretary

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of Placer

On August 5, 2009 before me, Ashley Greenwood - notary public

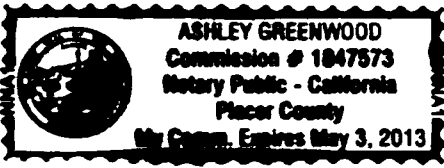
personally appeared Paul Sanford Curtis

who 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 person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Ashley Greenwood  
Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

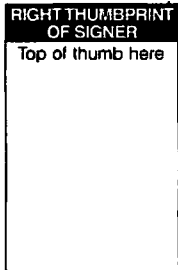
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

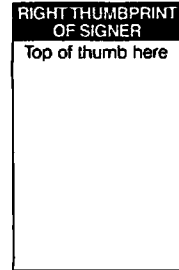
- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing: \_\_\_\_\_

STATE OF  
COUNTY OF Nevada

} SS:

On August 11, 2009, before me, Kathleen A. Bender,  
personally appeared Tom Kulczycki \_\_\_\_\_  
~~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 person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Kathleen A. Bender  
Notary Public / Kathleen A. Bender



(This area for official notarial seal)

Title of Document Declaration of First Amendment

Date of Document August 5, 2009

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