

Recording Requested By:

DOC # 2002-267103

05/21/2002 08:04A Fee:19.00

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Recorded in Official Records  
County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder

STEWART TITLE-Riverside

When Recorded Mail to:



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DECLARATION OF ANNEXATION FOR  
MONTAGE AT MISSION HILLS  
(Phase II)

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This Declaration of Annexation is made by Ford - Da Vall Group, LLC, a California Limited Liability Company ("Declarant") as the developer of that certain residential real estate project known as Montage at Mission Hills ("Project").

Whereas, Declarant is the owner of that certain real property located in Cathedral City, County of Riverside, State of California, described as Lots 33 through 43, inclusive, 64 through 72, inclusive, and Lettered Lots C, D, and R of Tract No. 29771, as per Map recorded in Book 311, Pages 46 through 53, inclusive, of Maps, in the Office of the said County Recorder ("Annexable Territory" and "Annexed Territory"); and

Whereas, that certain Declaration establishing covenants, conditions, restrictions and easements for the Project ("Declaration") was recorded on March 18, 2002 as Instrument No. 2002-136401, of Official Records of said County for the following real property ("Original Property"): 20 through 32, inclusive, 73 through 75, inclusive, 102 through 105, inclusive, and Lettered Lots I, K, N, O, P, and Q of Tract No. 29771, as per Map recorded in Book 311, Pages 46 through 53, inclusive, of Maps, records of said County, State of California.

Whereas, Article XII of the Declaration provides that Declarant may, without the approval of the Owners, add any portions of the Annexable Territory (as defined in the Declaration) to the Original Property and bring the Annexable territory within the plan and scheme of the Declaration provided that said annexation is in conformance with the general plan submitted to the Department of Real Estate.

Whereas, Declarant desires and intends that the Annexable Territory shall be annexed pursuant to the Declaration and that all Owners, Mortgagees, Occupants, and other persons hereinafter acquiring any interest in the Annexed Territory, or any part thereof, shall at all times enjoy the benefits of and shall hold their interest subject to the rights, easements, covenants, conditions, restrictions and obligations set forth in the Declaration.



**NOW, THEREFORE,** Declarant, as the recorded owner of the Annexable Territory, for the purposes set forth above, hereby declares that all of the Annexable Territory is annexed pursuant to the Declaration and shall be held, sold and conveyed subject to the covenants, conditions, restrictions and easements set forth therein, all of which are for the purpose of protecting the value and desirability of, and which shall run with, the Annexed territory and be binding on all parties having any rights, title or interest therein, or in any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner of any portion thereof.

## ARTICLE I

### FURTHER DECLARATIONS

Declarant certifies and declares that this Declaration of Annexation is in accordance with the terms of the Declaration and the general plan of the Department of Real Estate.

## ARTICLE II

### USE RESTRICTIONS

The Annexed Territory shall be subject to the covenants, conditions, restrictions and easements set forth in the Declaration.





**APPROVAL OF RECORDING AND SUBORDINATION BY LENDER**

**BUSINESS BANK OF CALIFORNIA**, as Beneficiary under the following Deed(s) of Trust, which cover(s) the real property described in the Declaration of Annexation to which this instrument is attached, hereby approves and consents to the recording of this Declaration of Annexation (Phase II), and agrees that the liens of each of the Deed(s) of Trust shall be subordinated to and subject to each and every provision of the Declaration of Annexation and to all easements provided for thereunder, however and whenever granted:

Deeds of Trust recorded on **November 21, 2001** as Instrument No. **2001-576598** and **January 14, 2002** as Instrument No. **200222141**, both of Official Records of the Riverside County Recorder.

**BUSINESS BANK OF CALIFORNIA**

X [Signature]  
By: Steve Janda  
its: Senior Vice President

X \_\_\_\_\_  
By: \_\_\_\_\_  
its: \_\_\_\_\_

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.

On April 1, 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared:

STEVE JANDA

[X] Personally known to me, - OR - [ ] Proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) 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.

(SEAL)



[Signature]  
Notary Public

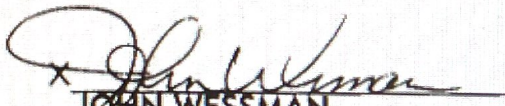




**APPROVAL OF RECORDING AND SUBORDINATION BY LENDER**

**JOHN WESSMAN, a married man as his sole and separate property, as Beneficiary under the following Deed(s) of Trust, which cover(s) the real property described in the Declaration of Annexation to which this instrument is attached, hereby approves and consents to the recording of this Declaration of Annexation (Phase II), and agrees that the liens of each of the Deed(s) of Trust shall be subordinated to and subject to each and every provision of the Declaration of Annexation and to all easements provided for thereunder, however and whenever granted:**

Deed of Trust recorded on **November 21, 2001** as Instrument No. **2001-576600** of the Official Records of the Riverside County Recorder.

  
JOHN WESSMAN

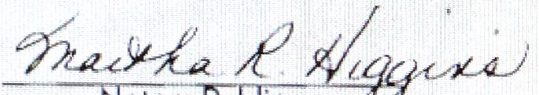
STATE OF CALIFORNIA            )  
COUNTY OF                    ) ss.

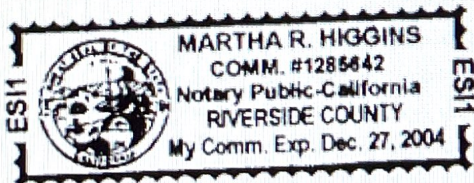
On April 8 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared:

JOHN WESSMAN  
[  ] 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.

(SEAL)

  
Notary Public





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County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



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19

**DECLARATION OF ANNEXATION FOR  
MONTAGE AT MISSION HILLS  
(Phase II)**

T  
AG

This Declaration of Annexation is made by **Ford - Da Vall Group, LLC**, a California Limited Liability Company ("Declarant") as the developer of that certain residential real estate project known as **Montage at Mission Hills** ("Project").

Whereas, Declarant is the owner of that certain real property located in **Cathedral City**, County of **Riverside**, State of California, described as Lots **33** through **43**, inclusive, **64** through **72**, inclusive, and Lettered Lots **C**, **D**, and **R** of Tract No. **29771**, as per Map recorded in Book **311**, Pages **46** through **53**, inclusive, of Maps, in the Office of the said County Recorder ("Annexable Territory" and "Annexed Territory"); and

Whereas, that certain Declaration establishing covenants, conditions, restrictions and easements for the Project ("Declaration") was recorded on March 18, 2002 as Instrument No. 2002-136401, of Official Records of said County for the following real property ("Original Property"): **20** through **32**, inclusive, **73** through **75**, inclusive, **102** through **105**, inclusive, and Lettered Lots **I**, **K**, **N**, **O**, **P**, and **Q** of Tract No. **29771**, as per Map recorded in Book **311**, Pages **46** through **53**, inclusive, of Maps, records of said County, State of California.

Whereas, Article XII of the Declaration provides that Declarant may, without the approval of the Owners, add any portions of the Annexable Territory (as defined in the Declaration) to the Original Property and bring the Annexable territory within the plan and scheme of the Declaration provided that said annexation is in conformance with the general plan submitted to the Department of Real Estate.

Whereas, Declarant desires and intends that the Annexable Territory shall be annexed pursuant to the Declaration and that all Owners, Mortgagees, Occupants, and other persons hereinafter acquiring any interest in the Annexed Territory, or any part thereof, shall at all times enjoy the benefits of and shall hold their interest subject to the rights, easements, covenants, conditions, restrictions and obligations set forth in the Declaration.