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FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO CIVIL DIVISION

AUG - 6 2009

By [Signature]  
Deputy

6 Attorneys for Defendant Mill Pond Partners, L.P.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SAN BERNARDINO

11 ARROWHEAD WOODS  
12 ARCHITECTURAL COMMITTEE, INC. a  
13 California corporation,

13 Plaintiff,

14 v.

15 MILL POND PARTNERS, L.P., a Limited  
16 Partnership, and all person unknown claiming  
17 any legal or equitable right, title, estate, lien or  
18 interest in the property described in the  
19 complaint, named as DOES 1 to 50, inclusive,

18 Defendants.

Case No. CIVSS 900262

Honorable W. Robert Fawke  
Department S 38

**DECLARATION OF RALPH WAGNER**

Date: August 18, 2009  
Time: 8:30 a.m.  
Dept.: S 38  
Judge: Hon. W. Robert Fawke

Complaint Filed: January 12, 2009

21 I, Ralph Wagner, declare and state as follows:

22 1. I am a lawful resident of Lake Arrowhead, California and have been, and am, a  
23 member of the Board of Directors of the Arrowhead Lake Association, a California non-profit  
24 corporation ("ALA"). I was the President of ALA in July of 1976. I have personal knowledge of  
25 the facts stated below and if called as a witness at the time of any proceeding I could, and would,  
26 competently testify thereto.

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28 ///

*[Handwritten mark]*

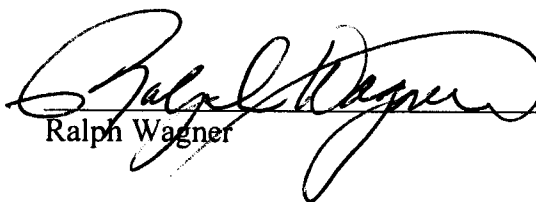
1           2.       I am familiar with that certain Corporation Quitclaim Deed dated July 3, 1976  
2 which, I am informed was recorded on July 7, 1976 at Book 8963, page 1166-1167 of Official  
3 Records of the County of San Bernardino ("1976 Quitclaim Deed"). A true and correct copy of  
4 the 1976 Quitclaim Deed is attached to this Declaration as Exhibit "1" and is incorporated herein  
5 by this reference.

6           3.       As President of ALA's Board of Directors I executed the 1976 Quitclaim Deed on  
7 behalf of ALA, and my signature was notarized.

8           4.       The grantee on the 1976 Quitclaim Deed was Mr. Alan J. Grovue, who I  
9 understand is deceased. It is my understanding that as of July 3, 1976 Mr. Grovue was the  
10 predecessor owner of the property now owned by Mill Pond Partners, L.P., which is the subject  
11 matter of this litigation ("Subject Property").

12          5.       In executing the 1976 Quitclaim Deed I had the authorization of the ALA Board of  
13 Directors. It was my intention, and the intention of the ALA Board of Directors, that the 1976  
14 Quitclaim Deed would remove from the Subject Property any covenants, conditions, restrictions,  
15 rights, easements and reservations ("CC&Rs") that conflicted with the zoning laws of the County  
16 of San Bernardino. In other words, the future use and development of the Subject Property after  
17 1976 was to be governed by the zoning laws of San Bernardino County, not by any CC&Rs that  
18 predated July 3, 1976.

19           I declare under penalty of perjury, under the laws of the State of California, that the  
20 foregoing is true and correct. Executed this 28<sup>th</sup> day of July, 2009 at Lake Arrowhead,  
21 California.

22  
23  
24   
25 Ralph Wagner

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