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GOLDIE LAW CORPORATION
ATTORNEYS AT LAW
422 NORTH ARROWHEAD AVENUE
SAN BERNARDINO, CALIFORNIA 92401
(714) 886-0188

(SPACE BELOW FOR FILING STAMP ONLY)

FILED
SAN BERNARDINO COUNTY

AUG 5 PM 4 49

Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN BERNARDINO

LAKE ARROWHEAD PROPERTY OWNERS)
ASSOCIATION, an unincorporated)
Association,)
Plaintiff,)
vs.)
SAMMY DAVIS, and Does 1 through)
10, inclusive,)
Defendants.)

CT 191469

CASE NO.

COMPLAINT TO QUIET TITLE
TO REAL PROPERTY; INJUNCTION;
and DECLARATORY RELIEF.

SHIRAZI ISSUED
\$ 6197
\$ 6187
TOTAL FEE \$49.50
7/23/79 49.50

Plaintiff alleges:

FIRST CAUSE OF ACTION

1. At all times herein mentioned, LAKE ARROWHEAD PROPERTY OWNERS ASSOCIATION, (hereinafter referred to as "Association") was, and now is, an unincorporated Association, composed of dues paying members, and having its principal place of business at Lake Arrowhead, California.

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ATTORNEYS AT LAW
433 NORTH ALHAMBRA AVENUE
SAN BERNARDINO, CALIFORNIA 92401
(714) 888-0188

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2. The real property which is the subject of this action lies in San Bernardino County, California.

3. The true names and capacities, whether individual, corporate, associate, or otherwise, of defendants named herein as Does 1 through 10, inclusive, are unknown to plaintiff, who therefore sues such defendants by such fictitious names. Plaintiff will amend this complaint to show their true names and capacities when the same have been ascertained.

4. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned, each of the defendants named herein was the agent, servant, or employee of each of the remaining defendants or claim some right, title or interest in the real property described in paragraph 6 hereof.

5. On or about March 9, 1949, Title Insurance and Trust Company granted, by Corporation Grant Deed to Charles F. Crandall and Vanessa F. Crandall, husband and wife, as joint tenants, that certain parcel of real property in the County of San Bernardino, State of California, described according to the legal description as set forth on Exhibit "A" attached hereto and made a part hereof.

6. Defendants, SAMMY DAVIS, and Does 1 through 10, inclusive, are the owners of all that real property situated in the County of San Bernardino, State of California, described as "that portion of the south one-half of Section 10, Township 2 North, Range 3 West, San Bernardino Base and Meridian, in the office of the Recorder of said County", as more fully described in Exhibit "B" attached hereto and made a part hereof.

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1 The real property described hereat as owned by Defendants,
2 SAMMY DAVIS and Does 1 through 10, inclusive, is included within and
3 is part of the property granted from Title Insurance and Trust Company
4 to Charles F. Crandall and Vanessa F. Crandall, as more fully
5 described in Exhibit "A".

6 7. The real property owned by Defendants, SAMMY DAVIS
7 and Does 1 through 10, inclusive, is subject to those
8 exceptions and reservations as recorded in Book 2376, page
9 327 of the official Records, San Bernardino County California
10 as set forth in Exhibit "A", and described in pertinent
11 part as follows:

12 "First: That said property may be used for residential
13 purposes only:

14 Second: That such use is limited to the erection,
15 maintenance and occupancy of one private one-family
16 dwelling, together with a private stable, garage, studio
17 and servants quarters and not to exceed two guest
18 houses.

19 The said premises may be subdivided into building
20 sites of not less than one-half acre each, in which
21 event the foregoing provisions of this paragraph, 'Second'
22 shall apply severally to each such building site; and provided
23 further that any such building shall cost not less than
24 \$5,000.00.

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1 Third: That such use is also limited by the condition
2 that no building may be erected anywhere upon said premises
3 that does not conform both as to design and location to
4 plans, drawings and specifications which have been approved
5 in writing by, and a copy of which are filed with,
6 the Architectural Committee.

7 Fourth: That such use is also limited by the specific
8 condition that on said premises no store, business
9 or profession of any kind shall be maintained or carried
10 on and that no residence shall be erected that is
11 designed for occupancy of more than one family, and
12 that no flat, double house, apartment house, tenement
13 house, hotel, boarding and/or lodging house, or any
14 cesspool, vault or privy, shall be erected, built or
15 used.

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17 Thirteenth: That any and all conditions and restric-
18 tions contained herein shall inure to the benefit of the
19 grantor, its successors and/or assigns, and any violations
20 or breach of either or any of such conditions and/or
21 restrictions may be prevented by injunction and such remedy may
22 be availed of by the grantor, its successors and/or assigns, and
23 in addition to such injunctive relief Arrowhead Lake Corpora-
24 tion, when any such violation or breach exists, shall have
25 and continuously retain the right to summarily abate and
26 remove, at the expense of the owner of the premises thereby
27 affected, any condition or thing which may exist contrary
28 to the full purpose and intent of the provisions hereof,

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1 and any such abatement or removal or entry by the
2 grantor, its successors, and/or assigns, nor shall the
3 grantor, its successors and/or assigns be holden for
4 any damages on account thereof. The remedies herein
5 contained shall be cumulative and one shall not be
6 exclusive of the other.

7 Fourteenth: That, upon any breach or attempted breach
8 of any of the conditions, restrictions and/or reservations
9 herein contained and/or upon any attempt to obstruct or
10 defeat and/or nullify any of said conditions, restrictions
11 and/or reservations, the premises directly affected by
12 such breach or attempted breach, obstruction, defeat
13 and/or nullification shall forthwith revert to the grantor,
14 or its successors in the ownership of the reversionary rights
15 herein and hereby granted, who shall have the right of
16 immediate re-entry and possession; provided, that a breach
17 of any of the said conditions, restrictions and/or reserva-
18 tions, and/or reversion of title as herein provided shall
19 not defeat or render invalid the lien of any mortgage or
20 deed of trust made in good faith and for value as to said
21 premises or any part hereof, but all said conditions,
22 restrictions, and reservations shall be binding upon and
23 effective against any subsequent owner of said premises."

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1 8. Plaintiff is the transferee, successor and/or assign
2 of the grantor, Title Insurance and Trust Company, under the
3 Corporation Grant Deed, (Exhibit "A") in which the conditions
4 restrictions and/or reservations as set forth hereinabove, are
5 contained. Plaintiff is entitled to enforce the conditions,
6 restrictions and/or reservations and is the owner of the
7 reversionary rights to the real property described in Exhibit "B".

8 9. Plaintiff is informed and believes and thereon alleges
9 that Defendants SAMMY DAVIS, and Does 1 through 10, inclusive,
10 had actual and/or constructive notice of the conditions,
11 restrictions and/or reservations affecting the real property
12 described herein.

13 10. In or about February, 1979, Defendant, SAMMY DAVIS
14 petitioned the Board of Supervisors for the County of San
15 Bernardino to rezone the real property described in Exhibit "B"
16 as "C-3" property and has threatened to build a planned unit
17 development on said real property with plans for thirteen separate
18 dwelling structures on the property. Plaintiff is informed and
19 believes and thereon alleges the property described in Exhibit
20 "B" is approximately one acre in area.

21 11. Said acts constitute a breach, attempted breach or
22 an attempt to obstruct, defeat and/or nullify the conditions,
23 restrictions and reservations set forth herein.

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1 12. As a result of Defendant's and each of their actions
2 as herein alleged, Plaintiff, as the owner of the reversionary
3 interest, has the right of re-entry, reversion, and forfeiture,
4 and said real property has reverted to Plaintiff in fee simple
5 absolute, without any claim, right, title, or interest therein
6 or thereto in favor of Defendants, SAMMY DAVIS and Does 1 through 10,
7 inclusive.

8 13. Plaintiff has no adequate remedy at law to prevent
9 the continued acts of Defendants in that said Defendants
10 continued breach, attempted breach, attempt to obstruct or defeat
11 and/or nullify the conditions, restrictions and/or reservations
12 results in irreparable damage in that the real property described
13 herein is located in a particularly scenic and natural setting
14 in which are located residences which conform to the conditions
15 stated herein. That setting and plan for development will be
16 irretrievably defeated if Defendants' are allowed to continue their
17 actions. The conditions, restrictions and/or reservations were
18 prepared and implemented in an attempt to preserve this setting
19 and the conditions, reservations and restrictions provide for
20 injunctive relief.

21 SECOND CAUSE OF ACTION

22 14. Plaintiff refers to paragraphs 1 through 12, inclusive,
23 and by this reference incorporates said paragraphs as though set
24 forth in full hereat.

25 15. In or about February, 1979, Defendants, SAMMY DAVIS and
26 Does 1 through 10, inclusive, began the development of a thirteen
27 unit condominium development on the real property described on
28 Exhibit "B".

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1 16. An actual controversy has arisen between the Plaintiff
2 and Defendants, SAMMY DAVIS and Does 1 through 10, inclusive,
3 relating to their legal rights and duties with respect to said
4 real property as those rights and duties are affected by the
5 heretofore alleged and incorporated conditions, restrictions
6 reservations, to wit:

7 Plaintiff contends said real property is subject to and
8 affected by these conditions, restrictions and reservations
9 alleged and incorporated herein; that it may be used only for residential
10 purposes; that said real property is limited to the erection,
11 maintenance and occupancy of one private one-family dwelling,
12 together with a private stable, garage, studio, servant quarters
13 and not to exceed two guest houses; that said real property
14 may not be subdivided into building sites of less than one-half
15 acre each; that no building may be erected anywhere upon said
16 real property that does not conform both as to design and location
17 to plans, drawings and specifications which have been approved
18 in writing by the Architectural Committee; that any residence
19 on said real property may not be occupied by more than one
20 family and that no flat, double house, apartment house, tenement
21 house, hotel, boarding and/or lodging house including condominium
22 development may be erected on said real property.

23 Defendant, SAMMY DAVIS contends that the real property
24 which is described in Exhibit "B" is not bound by the provisions
25 of the conditions, restrictions and reservations set forth herein
26 and specifically that said conditions, restrictions,
27 and reservations do not prohibit the development and erection of
28 a thirteen unit condominium development on said real property

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1 or any similar type or numbered development.

2 17. No other adequate remedy other than that herein prayed
3 for exists by which the rights of the parties hereto may be de-
4 termined, in that said conditions, restrictions and reservations
5 were prepared and implemented in an attempt to preserve the
6 particularly scenic and natural setting of the property subject
7 thereto in which are located residences which conform to the said
8 conditions, restrictions and reservations. That setting and plan
9 for development will be irretrievably defeated if Defendant's are
10 allowed to assert their claims and carry them out.

11 THIRD CAUSE OF ACTION

12 18. Plaintiff refers to paragraphs 1 through 12, inclusive,
13 and by this reference incorporates said paragraphs as though set
14 forth in full hereat.

15 19. Plaintiff has performed all conditions, restrictions
16 and reservations on its part to be performed.

17 20. In or about February, 1979, and on various dates there-
18 after, defendants and each of them, have breached the conditions,
19 restrictions and reservations by commencing and continuing the con-
20 struction of structures on the real property subject to the condi-
21 tions, restrictions and reservations and in direct violation of
22 same.

23 21. As a direct and proximate result of Defendants acts,
24 plaintiff has suffered great and irreparable injury to the scenic
25 and natural setting of the real property described herein in an

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1 amount currently unknown. Plaintiff will amend this complaint to
2 set forth the exact amount thereof when fully and finally
3 ascertained.

4 22. As a further, direct and proximate result of
5 Defendants breach and breaches of said conditions, restrictions
6 and reservations as herein alleged, plaintiff has incurred and will
7 incur consequential damages, the exact amount of which are
8 currently unknown. Plaintiff will amend this complaint to set
9 forth the exact amount thereof when fully and finally ascertained.

10 WHEREFORE, Plaintiff prays judgment as follows:

11 AS TO THE FIRST CAUSE OF ACTION:

12 1. That Defendants be restrained and enjoined from pro-
13 ceeding further with the construction of the thirteen unit
14 condominium development or any similar development in number or
15 design and be further enjoined and restrained from placing any
16 improvement on said real property contrary to the terms and
17 conditions of the conditions, restrictions and reservations;

18 2. That during the pendency of this action, a Preliminary
19 Injunction issue to restrain and enjoin Defendants from construc-
20 ting any improvements on said real property contrary to the
21 terms and conditions of said conditions, restrictions and re-
22 servations;

23 3. That Defendants be commanded to convey said real pro-
24 perty to Plaintiff and to give Plaintiff possession thereof;

25 4. That Plaintiff be declared to be the owner in fee simple
26 absolute of said real property and of the title thereof without
27 any claim, right, title, or interest therein or thereto in Defen-
28 dants;

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1 5. That the title of Plaintiff to said property be quieted
2 in Plaintiff as against Defendants and all persons claiming under
3 Defendants, and that the Defendants be perpetually enjoined from
4 asserting any claim whatsoever against said real property;

5 6. That Plaintiff be adjudged entitled to the possession
6 of said real property and that Plaintiff be given possession of
7 said property;

8 7. Adjudging that said premises have reverted to Plaintiff;

9 8. For costs of suit herein incurred; and

10 9. For such other and further relief as the Court may deem
11 just and proper.

12 AS TO THE SECOND CAUSE OF ACTION:

13 1. For a declaration pursuant to Code of Civil Procedure
14 Section 1060 that the conditions, restrictions and reservations
15 are valid restrictions on said real property and that Defendants
16 may not place any improvement on said real property contrary to
17 the terms and conditions of said conditions, restrictions and
18 reservations; and that Plaintiff is entitled to enforce said
19 conditions, restrictions and reservations;

20 2. For costs of suit herein incurred; and

21 3. For such other and further relief as the Court deems
22 just and proper.

23 AS TO THE THIRD CAUSE OF ACTION:

24 1. For general damages according to proof at the time
25 of trial.

26 2. For consequential damages, the exact amount of which
27 are currently unknown.

28 3. For costs of suit herein incurred; and

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4. For such other and further relief as the court deems
just and proper.

DATED:

GOLDIE LAW CORPORATION

By 
RON R. GOLDIE
Attorneys for Plaintiff

EXHIBIT "B"

That portion of the South 1/2 of Section 10, Township 2 North, Range 3 West, SAN BERNARDINO BASE AND MERIDIAN, in the County of San Bernardino, State of California, according to Government Survey, described as follows:

COMMENCING at a point on the Northerly line of North Shore Road, so-called, said point being North 51° 33' West, 1860.43 feet from the Southeast corner of said Section 10: thence along the Northerly line of North Shore Road, so-called, South 79° 08' West, 65.45 feet; thence South 52° 16' West, 227.87 feet; thence South 47° 22' West, 112.89 feet; thence North 0° 25' West, 351.85 feet; thence North 24° 17' East, (previous Deed record North 26° 17' East) 185.28 feet to the TRUE POINT OF BEGINNING; thence from said TRUE POINT OF BEGINNING, continuing North 24° 17' East, 129.36 feet to a point in the Southerly line of the State Highway, 100 feet wide, as conveyed by Arrowhead Lake Corporation to the State of California by Deed dated September 17, 1935, and recorded June 30, 1936 in Book 1150, page 207, Official Records, said point being North 74° 38' West, (State Highway Department record North 74° 53' West) 204.32 feet from a concrete monument at the beginning of a curve in said Southerly line, said curve being concave to the North and having a radius of 450 feet; thence along said Southerly line of State Highway, North 74° 38' West, (State Record North 74° 53' West) 61.50 feet to a concrete monument; and thence North 70° 43' 15" West, (State Record North 71° 52' 55" West) 63.37 feet to a concrete monument; and thence on a non-tangent curve concave to the South, whose radius is 110 feet, through a central angle of 14° 17' 50" and a distance of 27.45 feet; to a concrete monument; and thence North 85° 58' 15" West (State record North 86° 10' 45" West) 209.15 feet; thence leaving said Southerly line of State Highway at right angles, South 4° 01' 45" West, 145 feet; thence South 84° 20' 15" East, 312.88 feet to the TRUE POINT OF BEGINNING.