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FILED
 SAN BERNARDINO COUNTY
 1982 FEB 23 AM 10 10

Attorneys for Defendant and
 Cross Complainant SAMMY DAVIS

00525 *Josephine Olvera* CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

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

SAMMY DAVIS,)
)
 Cross-Complainant,)
)
 vs.)
)
 LAKE ARROWHEAD PROPERTY OWNERS)
 ASSOCIATION, an unincorporated)
 association, and DOES 11 through)
 30, inclusive,)
)
 Cross-Defendants.)

CASE NO. 191469
 STATEMENT OF DECISION
 AND JUDGMENT QUIETING
 TITLE TO REAL PROPERTY
 AND FOR DECLARATORY
 RELIEF

The above-captioned proceeding regularly came on for
 trial on February 22, 1982, Plaintiff, LAKE ARROWHEAD PROPERTY
 OWNERS ASSOCIATION, an unincorporated association, being represented
 by FURNESS, FLORY & MIDDLEBROOK, by JOHN W. FURNESS, and Defendant,
 SAMMY DAVIS, being represented by GRESHAM, VARNER, SAVAGE,
 NOLAN & TILDEN, by JOHN C. NOLAN. Plaintiff, having presented

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1 its evidence intended to be in support of the allegations in its
2 Complaint, and having rested, and Defendant, SAMMY DAVIS, having
3 moved for judgment in his favor pursuant to Code of Civil
4 Procedure Section 631.8, and the Court having considered the
5 same, and both said parties having, prior to submission of the
6 matter for decision, made a request for a Statement of Decision
7 in accordance with Code of Civil Procedure Section 632, the
8 Court does hereby make the following:

9 STATEMENT OF DECISION

10 1. This action is based upon the provisions of that
11 certain Corporation Grant Deed dated March 9, 1949 executed by
12 Title Insurance and Trust Company ("T.I."), a corporation, as
13 Grantor, in favor of Charles E. Crandall and Vanessa F. Crandell,
14 Grantees, which deed is recorded in Book 2376, Pages 327 to 333
15 inclusive of the official records of the County Recorder of the
16 County of San Bernardino, California.

17 2. Said deed sets forth certain Covenants, Conditions
18 and Restrictions ("CC & Rs") which are therein said to apply
19 to subsequent purchasers of all or any part of the property
20 therein demised.

21 3. Paragraphs Thirteenth and Fourteenth of said deed are
22 the only portions thereof which set forth any rights of enforce-
23 ment of any alleged violations of said CC & Rs.

24 4. Paragraph Thirteenth specifies that only the
25 Grantor (T.I., in this case) its successors or assigns is entitled
26 to seek any enforcement of judicial remedies against any property
27 owner allegedly in violation of said CC & Rs.

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1 5. Paragraph Fourteenth specifies that only the Grantor
2 (T.I., in this case) its successors or assigns is entitled to
3 seek or claim any right of reversion of said property allegedly
4 used or attempted to be used in violation of said CC & Rs.

5 6. Thus, at a minimum, in order to prevail under its
6 Complaint, Plaintiff must establish that it is a successor in
7 interest or assignee of T.I.

8 7. Plaintiff alleged, in paragraph 8 of its Complaint,
9 that it was such a successor or assignee, which allegation,
10 among others, was denied by defendant, SAMMY DAVIS.

11 8. At trial, Plaintiff did not present admissible or
12 adequate evidence that it was either a successor in interest or
13 an assignee of T.I.

14 9. Defendant, SAMMY DAVIS, thereupon moved, pursuant to
15 Code of Civil Procedure, Section 631.8 for judgment in his favor.

16 10. Said defendant based said motion upon his contention
17 that Plaintiff had not established that it had any standing or
18 right to bring this suit.

19 11. The Court agrees with said defendant and believes
20 that this is a proper case to enter judgment in defendant's
21 favor.

22 12. Defendant, SAMMY DAVIS, has advised the Court that if
23 the Court grants his motion for judgment pursuant to Code of
24 Civil Procedure Section 631.8, defendant agrees that his Cross-
25 Complaint may be dismissed by the Court, without prejudice.

26 GOOD CAUSE APPEARING THEREFORE, it is hereby ORDERED,
27 ADJUDGED AND DECREED that judgment be entered for Defendant,
28 SAMMY DAVIS, and against Plaintiff, LAKE ARROWHEAD PROPERTY

817

1 OWNERS ASSOCIATION, as follows:

2 1. It is hereby declared that:

3 (a) Neither Plaintiff, LAKE ARROWHEAD PROPERTY
4 OWNERS ASSOCIATION nor its committee known as the ARROWHEAD
5 WOODS ARCHITECTURAL COMMITTEE is a valid successor or assignee
6 to TITLE INSURANCE AND TRUST COMPANY, the Grantor of that certain
7 Corporation Grant Deed executed in favor of Charles E. Crandall and
8 Vanessa F. Crandell as Grantees, dated March 9, 1949 and recorded
9 in Book 2376, pages 327 to 333 of the official records of the
10 County Recorder of the County of San Bernardino, State of
11 California.

12 (b) Neither Plaintiff, LAKE ARROWHEAD PROPERTY OWNERS
13 ASSOCIATION nor its committee known as the ARROWHEAD WOODS
14 ARCHITECTURAL COMMITTEE has any right whatsoever to seek enforce-
15 ment of any provisions of said Corporation Grant Deed, including
16 any covenants, conditions or restrictions found therein.

17 (c) Neither Plaintiff LAKE ARROWHEAD PROPERTY OWNERS
18 ASSOCIATION nor its committee known as the ARROWHEAD WOODS
19 ARCHITECTURAL COMMITTEE has any authority whatsoever concerning
20 the development of that certain property owned by defendant,
21 SAMMY DAVIS, which property is described as:

22 That portion of the South 1/2 of Section 10, Township
23 2 North, Range 3 West, SAN BERNARDINO BASE AND MERIDIAN,
24 in the office of the Recorder of said county, more
25 fully described as follows:

26 That portion of the South 1/2 of Section 10, Township 2
27 North, Range 3 West, SAN BERNARDINO BASE AND MERIDIAN
28 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

1 1860.43 feet from the Southeast corner of said Section
2 10: thence along the Northerly line of North Shore Road,
3 so-called, South 79° 08' West, 65.45 feet; thence South
4 52° 16' West, 227.87 feet; thence South 47° 22' West,
5 112.89 feet; thence North 0° 25' West, 351.85 feet; thence
6 North 24° 17' East, (previous Deed record North 26° 17' East)
7 185.28 feet to the TRUE POINT OF BEGINNING; thence from
8 said TRUE POINT OF BEGINNING, continuing North 24° 17' East,
9 129.36 feet to a point in the Southerly line of the State
10 Highway, 100 feet wide, as conveyed by Arrowhead Lake
11 Corporation to the State of California by Deed dated
12 September 17, 1935, and recorded June 30, 1936 in Book 1150,
13 page 207, Official Records, said point being North 74° 38'
14 West, (State Highway Department record North 74° 53' West,)
15 204.32 feet from a concrete monument at the beginning of a
16 curve in said Southerly line, said curve being concave
17 to the North and having a radius of 450 feet; thence along
18 said Southerly line of State Highway, North 74° 38' West,
19 (State Record North 74° 53' West) 61.50 feet to a concrete
20 monument; and thence North 70° 43' 15" West, (State Record
21 North 71° 52' 55" West) 63.37 feet to a concrete monument;
22 and thence on a non-tangent curve concave to the South,
23 whose radius is 110 feet, through a central angle of 14° 17'
24 50" and a distance of 27.45 feet; to a concrete monument,
25 and thence North 85° 58' 15" West (State record North 86°
26 10' 45" West) 209.15 feet; thence leaving said Southerly
27 line of State Highway at right angles, South 40° 01' 45"
28 West, 145 feet; thence South 84° 20' 15" East, 312.88 feet
to the TRUE POINT OF BEGINNING.

2. That title to the above described real property held
by defendant, SAMMY DAVIS is hereby quieted against Plaintiff,
LAKE ARROWHEAD PROPERTY OWNERS ASSOCIATION or its committee,
ARROWHEAD WOODS ARCHITECTURAL COMMITTEE.

3. That Plaintiff, LAKE ARROWHEAD PROPERTY OWNERS
ASSOCIATION take nothing against defendant, SAMMY DAVIS, by
reason of its Complaint on file herein.

4. That Defendant, SAMMY DAVIS recover his costs of
suit incurred herein in the sum of \$ _____ from Plaintiff,
LAKE ARROWHEAD PROPERTY OWNERS ASSOCIATION.

5. The Cross-Complaint of defendant, SAMMY DAVIS, is
hereby dismissed, without prejudice.

Dated: February 22, 1986

819

Charles B. Burdick
JUDGE OF THE SUPERIOR COURT