

**RECORDING REQUESTED BY:**

Recorded in Official Records, County of Orange  
Tom Daly, Clerk-Recorder

FIDELITY NATIONAL TITLE COMPANY  
SUBDIVISION DEPARTMENT



20.00

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**WHEN RECORDED, MAIL TO:**

JACKSON, DeMARCO &  
PECKENPAUGH (BWC)  
2030 Main Street, Suite 1200  
Irvine, CA 92614

*(Space Above for Recorder's Use)*

16281-KA

**SUPPLEMENTAL MASTER DECLARATION  
OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
AND RESERVATION OF EASEMENTS  
FOR  
AMERIGE HEIGHTS**

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THIS SUPPLEMENTAL MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR AMERIGE HEIGHTS (the "*Supplemental Master Declaration*") is made by LSF II FULLERTON, LLC, a Delaware limited liability company ("*Declarant*") and OLSON-FULLERTON 103, LLC, a California limited liability company ("*Guest Builder*").

P R E A M B L E:

A. On June 13, 2002, Declarant executed a Master Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Amerige Heights (together with any amendments thereto, collectively, the "*Master Declaration*"). The Master Declaration was Recorded on June 21, 2002, as Instrument No. 20020522398, in the Official Records of Orange County, California. The Master Declaration is binding upon all Owners of Lots in the master planned community known as Amerige Heights ("*Amerige Heights*"). Declarant has created the Amerige Heights Community Association, a California nonprofit public benefit corporation (the "*Master Association*") to enforce the Master Declaration.

B. Guest Builder owns the real property (the "*Added Property*") in the City of Fullerton, Orange County, California, described on *Exhibit A*. The Added Property is part of the Annexable Property as defined in the Master Declaration. Guest Builder desires to subdivide the Added Property into condominium projects (the "*Projects*") and to make the Projects subject to additional covenants, conditions and restrictions and reservation of easements (the "*Subordinate Declarations*"). For the protection and preservation of the value, desirability and attractiveness of the Projects, Guest Builder will create corporations (the "*Subassociations*") to enforce the Subordinate Declarations.

C. Declarant is the Declarant defined in Section 1.1.17 of the Master Declaration and Guest Builder is a Guest Builder as defined in Section 1.1.31 of the Master Declaration. Pursuant to Section 16.1 of the Master Declaration, Declarant and Guest Builder now desire to clarify the dispute resolution procedures applicable to the Added Property as to the claims involving the Guest Builder and the Subassociations.

THEREFORE, DECLARANT AND GUEST BUILDER DECLARE AS FOLLOWS:

1. Dispute Resolution with the Guest Builder and Subassociation. Any and all claims, controversies, breaches or disputes between or among (a) the Guest Builder, or

any director, officer, partner, attorney, member, employee or agent of Guest Builder, or any contractor, subcontractor, design professional, engineer or supplier who provided labor, services or materials to the Projects (collectively, the "*Guest Builder Parties*"), (b) the Subassociations and/or (c) any Owner, relating to or arising out of the Projects, the Subordinate Declarations or any other agreements between the Guest Builder Parties, the Subassociations or an Owner, shall be resolved according to the dispute resolution procedures found in the Subordinate Declarations.

**2. Dispute Resolution with the Declarant and the Master Association.**

Any disputes between or among the Master Association, any Owners, and the Declarant, or any director, officer, partner, shareholder, member, employee, representatives, contractor, subcontractor, design professional or agent of the Declarant arising under the Master Declaration or relating to Amerige Heights, including disputes regarding latent or patent construction defects, but excluding (a) actions taken by the Subassociation or Master Association against Guest Builder or Declarant to collect delinquent Assessments, (b) any action involving Master Common Area completion bonds, where the amount in controversy is greater than Five Thousand Dollars (\$5,000), and (c) disputes referenced in Section 1 above, shall be subject to Section 12.4 of the Master Declaration.

**3. Run with the Land.**

All provisions of this Supplemental Master Declaration are imposed as equitable servitudes on the Added Property. All covenants, conditions, restrictions and easements in this Supplemental Master Declaration shall (a) run with and burden the Added Property, and (b) be binding on and for the benefit of all of the Added Property, and all persons acquiring any interest in the Added Property.

**4. Miscellaneous.**

Except as otherwise expressly provided herein, the terms in this Supplemental Master Declaration shall have the same meaning as are given such terms by the Master Declaration.

*[Signatures on following pages]*

[Additional signature page to Notice of Addition  
and Supplemental Master Declaration  
for Amerige Heights]

LSF II FULLERTON, LLC,  
a Delaware limited liability company

By: Suncal Sunny Hills, LLC,  
a Delaware limited liability company,  
Co-Manager

By: 

Name: Tom Kuntz

Title: mch

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Declarant**

OLSON-FULLERTON 103, LLC,  
a California limited liability company

By: OLSON-FULLERTON 277, LLC,  
a California limited liability company  
Its: Managing Member

By: OLSON URBAN HOUSING, LLC,  
a Delaware limited liability company  
Its: Managing Member

By: THE OLSON COMPANY,  
a California corporation  
Its: Managing Member

By: 

Stephen E. Olson  
Chairman of the Board

By: 


R. Mark Buckland  
President

**Guest Builder**

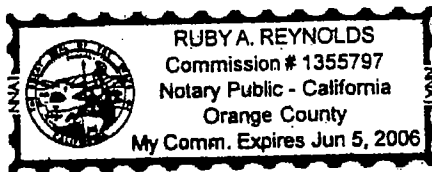
STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF Orange )

On November 15, 2002 before me, Ruby A. Reynolds,  
personally appeared Stephen E. Olson and R. Mark Buckland,  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons  
whose names are subscribed to the within instrument and acknowledged to me that they executed  
the same in their authorized capacities, and that by their signatures on the instrument the persons,  
or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

  
Notary Public in and for said State


(SEAL)



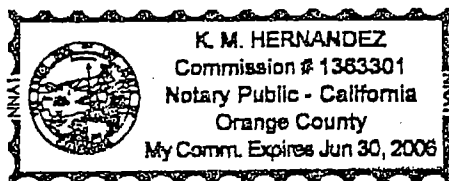
STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF Orange )

On Dec. 10, 2002 before me, K. M. Hernandez,  
personally appeared Todd Kuttin and \_\_\_\_\_,  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons  
whose names are subscribed to the within instrument and acknowledged to me that they executed  
the same in their authorized capacities, and that by their signatures on the instrument the persons,  
or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

  
Notary Public in and for said State

(SEAL)



STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, \_\_\_\_\_, before me, \_\_\_\_\_,  
personally appeared \_\_\_\_\_ and \_\_\_\_\_,  
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person  
whose name is subscribed to the within instrument and acknowledged to me that he/she executed  
the same in his/her authorized capacity, and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public in and for said State

(SEAL)

EXHIBIT A

LEGAL DESCRIPTION OF THE ADDED PROPERTY

Lots 1 to 7, inclusive, and Lots A to J, inclusive, of Tract No. 16281, as shown on a Subdivision Map filed on JULY 5, 2002, in Book 834, at Pages 26 to 32, inclusive, of Miscellaneous Maps in the Office of the Orange County Recorder.