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HILLER HIGHLANDS

692092

DECLARATION OF RECIPROCAL COVENANTS AND EASEMENTS

WHEREAS, HILLER HIGHLANDS, a partnership (hereinafter called "Declarant") is the owner of all of that certain real property located in the City of Oakland, County of Alameda, State of California, more particularly described as:

Lots 1, 2, 3, 4 and 5, tract 2765, filed September 10, 1965, Map Book 50, Page 78, Alameda County Records, excepting therefrom, that portion of said lot 4 described in the deed to East Bay Municipal Utility District, recorded November 9, 1965, reel 1639 OR, Image 90, Series AX/154992, said portion being bounded on the north by the southern line of Hiller Drive, on the south by the northern line of the parcel of land described in the deed to East Bay Municipal Utility District, recorded June 15, 1961, reel 346 OR, Image 423, Series AS/72607, and on the east by the direct extension northerly of the eastern line of the last mentioned parcel of land.

and;

WHEREAS, Declarant contemplates that the said real property will be divided into a recreational area and wholly separate and distinct condominium and planned development projects, to be known as HILLER HIGHLANDS Phase One, HILLER HIGHLANDS Phase Two, et cetera, each such project to be made subject to a separately recorded Declaration of Covenants, Conditions and Restrictions substantially in the form of the Declaration of Covenants, Conditions and Restrictions recorded concurrently herewith in the office of the Recorder of the County of Alameda, State of California, on May 26, 1966, at Reel 1776, Image 217, Series No. AY/66136, and each such project to be managed and controlled by a separate Property Owners Association charged with the duties and empowered with the rights set forth in the applicable Declaration of Covenants, Conditions and Restrictions; and

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WHEREAS, each project will consist of a number of condominiums, and/or residence lot ownerships, each consisting of an undivided interest in a particular condominium unit or residence lot, plus an interest in common in a common area which shall be owned by all of the owners of the condominiums and/or residence lot ownerships contained within the project as tenants in common in the proportions and with the rights and duties in regard thereto set forth in the applicable Declaration of Covenants, Conditions and Restrictions; and

WHEREAS, it is Declarant's intention to impose upon all of the said property above described mutually beneficial restrictions under a general plan of improvement for the benefit of all of the said property and the owners thereof;

NOW, THEREFORE, Declarant hereby declares that the common area, as shown on the final subdivision map duly filed and recorded with respect to each such project within the said property, is held and shall be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied, and improved, subject to the right of each owner of any condominium or residence lot contained within any of the said projects to use, pass over and enjoy the said common area contained within any other project in the said property to the same extent and in the same manner as if he were the owner of a condominium or residence lot contained within the project in which the particular said common area involved is located. The said common area of any such project within the said property shall become subject to this Declaration when a final subdivision map covering the project has been filed and recorded pursuant to the California

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Subdivision Map Act, and when there has been recorded a Declaration of Covenants, Conditions and Restrictions affecting the property described in the said subdivision map, which Declaration shall be substantially in the form of the Declaration of Covenants, Conditions and Restrictions of HILLER HIGHLANDS Phase One recorded concurrently herewith as described hereinabove. The foregoing right is declared and agreed to be in furtherance of a plan for the improvement of said property, the division thereof into projects and subdivision of the said projects as described above, and is established and agreed upon for the purpose of enhancing and perfecting the value, desirability, and attractiveness of the real property, said projects, and every part thereof. Said right shall run with the real property and shall be binding on all parties having or acquiring any right, title or interest therein or any part thereof, and shall be for the benefit of each owner of any portion of the said real property or any interest therein, and shall inure to the benefit of and be binding upon each successor in interest of the owners thereof.

IN WITNESS WHEREOF, the undersigned Declarant has caused this Declaration to be executed this 26th day of May, 1966.

HILLER HIGHLANDS, a Partnership

By UNITED STATES PLYWOOD CORPORATION,  
a partner

by William P. Gilmore  
William P. Gilmore  
Its Attorney-in-Fact

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ACKNOWLEDGMENT

STATE OF CALIFORNIA }  
City and County of San Francisco } ss.

On this 26th day of May, 1966,  
before me, D. Virginia Arner, a Notary Public in and for the  
City and County of San Francisco, State of California, duly  
commissioned and sworn, personally appeared WILLIAM P. GILMORE,  
known to me to be the Attorney-in-Fact of United States Plywood  
Corporation, a partner of Hiller Highlands, a partnership, and  
also known to me to be the person who signed the foregoing  
Declaration, and he acknowledged to me that the said partner-  
ship executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my official seal, in the City and County of  
San Francisco, the day and year in this certificate  
first above written.

*D. Virginia Arner*

D. VIRGINIA ARNER  
NOTARY PUBLIC - CALIFORNIA  
CITY AND COUNTY OF  
SAN FRANCISCO

My Commission Expires Oct. 11, 1966



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RECORDED at REQUEST OF  
Western Title Guaranty Company  
At 9:30 A.M.

JUN 8 - 1966

OFFICIAL RECORDS OF  
MCAMEDA COUNTY, CALIFORNIA  
JACK G. BLUE  
COUNTY RECORDER

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