

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

LAW OFFICES OF GARY P. DAMBACHER  
A Professional Corporation  
24 West Yaney Avenue  
Sonora, California 95370

RECORDED AT THE REQUEST OF  
EDWARD L. SMITH, JR

MAY 09, 1996      3:23:49 PM  
DAVID W. WYTHE, RECORDER  
# OF PAGES: 7  
FEE REC'D : \$25.00

SEND TAX STATEMENT TO:  
ODD FELLOWS SIERRA HOMEOWNERS' ASSOCIATION  
P. O. Box 116  
Long Barn, CA 95335

Documentary Transfer Tax Due: None

*Edward L. Smith, Pres. B.O.D.*

**DECLARATION RELATING TO THE ROADS AND STREETS  
LOCATED IN AND APPURTENANT TO THE I.O.O.F.  
ODD FELLOWS SIERRA CAMP SUBDIVISION #1,  
AND SUBDIVISION #2**

THIS DECLARATION, is made on the date hereinafter set forth by  
ODD FELLOWS SIERRA RECREATION ASSOCIATION, INC., a California  
corporation.

**Recitals**

A. Declarant is the President of Odd Fellows Sierra  
Recreation Association, Inc., a non-profit mutual benefit  
corporation, incorporated on October 10, 1986.

B. Declarant is the owner of the streets and roadways ("the  
roadways") located within that certain real property ("the  
subdivisions") located in the County of Tuolumne, State of  
California, commonly referred to as Odd Fellows Sierra Camp  
Subdivision No. 1, Old Fellows Sierra Camp Subdivision No. 2, and  
portions of Sections 30 and 31, T.B.N. R17 E. M.D.B. & N which is  
more particularly described in Exhibit A attached hereto and  
incorporated herein by reference.

C. WHEREAS, all of the streets and roadways located within  
the above described subdivision are owned by Declarant and are  
private streets and roadways. All that portion of the Long Barn-  
Sugarpine Road crossing the Odd Fellows Sierra Camp Subdivision No.  
1 was removed from the County Maintained Road System and abandoned  
for public use on February 11, 1992 under County of Tuolumne

Resolution No. 33-92 and recorded on February 18, 1992 at Vol. 1105, Page 769 of the Official Records of Tuolumne County. A copy of said Resolution is attached hereto and marked Exhibit B and incorporated herein by reference.

D. All of the owners of lots in the subdivisions have no ownership rights in and to the streets and roadways located therein, but do have the use of said streets and roadways for general ingress and egress purposes.

E. The purpose of this Declaration is to set forth and declare the rights, responsibilities, easements, covenants and restrictions relating to the streets and roadways within the subdivisions which shall be set forth herein and shall run with the lots located within the subdivisions and shall be binding upon all parties having or acquiring any right, title or interest in those lots or any portion thereof, and shall inure to the benefit of each owner thereof.

#### Article I

##### Street and Roadway Easements

The following easements are granted to the lots located within the subdivisions for the benefit of the owners of those lots which include rights of ingress and egress to the extent reasonably necessary to exercise such easement:

1. Streets and Roadways: A non-exclusive right to each owner on and over all streets and roadways within the subdivisions for street, roadway and vehicular traffic purposes and for general ingress and egress to the extent reasonably necessary to exercise such easements.

#### Article II

##### Declarant's Rights and Duties

1. Declarant, as owner of all streets and roadways within the subdivisions shall be responsible for maintenance, snow removal and drainage of all streets and roadways located within the subdivisions.

#### Article III

##### No Incidental Rights

1. No owner of any lot or lots within the subdivisions shall acquire any other rights or benefits in or to the streets and roadways located within the subdivisions other than as herein set forth.

Article IV

General Provisions

1. No public rights in the properties. Nothing contained in this Declaration shall be deemed to be a gift or dedication of all or any portion of the streets or roadways to the general public or for any public use or purpose whatsoever.

2. Term. The covenants, conditions, restrictions, limitations, reservations, grants of easement and rights shall run with, and shall benefit and burden the lots within the subdivisions as herein provided, and shall inure to and be binding upon the owners, the Declarant, its Board of Directors, and its officers and agents and their respective successors in interest until such time as Declarant amends or revokes any of the terms or conditions contained herein.

3. Construction. All of the covenants, conditions and restrictions of this Declaration shall be liberally construed together to promote and effectuate the rights and responsibilities with respect to all streets and roadways located within the subdivisions as set forth in this Declaration. Failure to enforce any provision hereof shall not constitute a waiver of the right to enforce that provision at anytime hereafter.

4. Singular Shall Include the Plural. The singular shall include the plural and the plural the singular unless the context requires the contrary, and the masculine, feminine or neuter shall each include the masculine, feminine and neuter, as the context requires.

5. Attorney's Fees. If it is necessary to enforce any of the terms, conditions or covenants contained in this Declaration, the prevailing party in any such litigation shall be entitled to reasonable attorney's fees, costs and expenses.

IN WITNESS WHEREOF, the undersigned has executed this Declaration this 1<sup>st</sup> day of MAY, 1996.

Odd Fellows Sierra Recreation Association, Inc.

*Edward L. Smith, Jr. President*  
Edward L. Smith, Jr. President

E X H I B I T "A"

- (1) I.O.O.F. ODD FELLOWS SIERRA CAMP SUBDIVISION NO. 1, according to the Official Map thereof, recorded in the Office of the County Recorder, Tuolumne County, California on March 8, 1949 in Book 10 of Maps, at Pages 44, 45, 46, 47 and 48.
- (2) ODD FELLOWS SIERRA CAMP SUBDIVISION NO. 2, according to the Official Map thereof, recorded in the Office of the County Recorder, Tuolumne County, California on April 27, 1959 in Book 14 of Maps, at Page 99.
- (3) THOSE PORTIONS of Sections 30 and 31, T. 3 N., R. 17 E., M.D.B. & M., conveyed to ODD FELLOWS SIERRA RECREATION ASSOCIATION, INC., a California Corporation Corporation by Deeds recorded April 15, 1949 in Volume 37 of Official Records, at Page 420; March 3, 1950 in Volume 48 of Official Records, at Pages 85 and 86; December 2, 1977 in Volume 515 of Official Records, at Page 424 and July 23, 1993 in Volume 1212 of Official Records, at Page 91, less portions heretofore conveyed.
- (4) PARCEL NO. 4 (LOWER MEADOW)

A NON-EXCLUSIVE EASEMENT, 60 feet in width for road purposes, on Jordon Way, as it currently exists across (Lower Meadow) more particularly described as follows:

BEGINNING AT A POINT which bears North 63° 33' East 2754 feet from the Section Corner common to Sections 30 and 31, Township 3 North, Range 17 East, and Sections 25 and 36, Township 3 North, Range 16 East, M.D.M.; thence South 29° 18' East 82.5 feet; thence South 52° 45' East 340 feet; thence South 83° 58' East 200.7 feet; thence South 79° 39' East 228.4 feet; thence North 79° 53' East 99 feet; thence South 78° 42' East 64.1 feet; thence South 15° 33' West 89.5 feet; thence South 43° 22' West 146.5 feet; thence South 38° 00' West 99.6 feet; thence South 42° 12' West 79.7 feet; thence South 31° 16' West 145.5 feet; thence South 26° 57' West 191.4 feet; thence South 21° 08' West 98.7 feet; thence South 0° 28' East 383.5 feet; thence South 12° 57' West 172.3 feet; thence South 4° 56' West 199.4 feet; thence South 10° 31' West 16.3 feet; thence North

79° 29' West 100 feet; thence South 10° 31' West 350.2 feet; thence South 2° 36' West 492.5 feet; thence North 74° 01' West 495.2 feet; thence North 36° 48' West 280.9 feet; thence North 0° 48' East 322.9 feet; thence North 0° 46' East 196.9 feet; thence North 1° 13' West 646.5 feet; thence North 2° 38' West 124.4 feet; thence North 6° 15' West 255.7 feet; thence North 6° 56' West 104.4 feet; thence North 11° 41' East 609.5 feet; thence North 24° 55' East 478.3 feet; thence South 21° 20' East 234.2 feet; thence South 14° 09' East 253.3 feet, to POINT OF BEGINNING, containing 51.02 acres.

(5) PARCEL NO. 2 (UPPER MEADOW)

A NON-EXCLUSIVE EASEMENT, 60 feet in width for road purposes on Jordon Way as it currently exists across (Upper Meadow) more particularly described as follows:

BEGINNING AT A POINT which bears North 52° 17' East 2892 feet from the Section Corner common to Sections 25 and 36, Township 3 North, Range 16 East and Sections 30 and 31, Township 3 North, Range 17 East, M.D.M.; thence South 24° 55' West 542.4 feet; thence South 11° 41' West 614.7 feet; thence North 37° 52' West 152.2 feet; thence North 1° 14' West 241.6 feet; thence North 7° 15' West 114.4 feet; thence North 36° 41' West 337.5 feet; thence North 51° 22' West 207.6 feet; thence North 17° 56' West 173.4 feet; thence North 60° 45' West 115.6 feet; thence North 71° 16' West 91.9 feet; thence North 24° 03' East 70.4 feet; thence North 0° 26' West 122.5 feet; thence North 36° 34' East 129.6 feet; thence North 60° 42' East 29.5 feet; thence South 29° 18' East 100 feet; thence North 60° 42' East 273 feet; thence North 57° 15' East 168 feet; thence North 12° 15' East 70.7 feet; thence North 32° 45' West 50 feet; thence North 57° 15' East 2.4 feet; thence North 48° 35' East 129.7 feet; thence North 35° 03' East 99.4 feet; thence North 65° 24' East 115.9 feet; thence South 53° 25' East 75.5 feet; thence South 57° 01' East 45 feet; thence South 32° 59' West 100 feet; thence South 57° 01' East 118.2 feet; thence South 16° 44' East 259.4 feet; thence South 19° 43' West 156.5 feet; thence South 1° 22' West 186.1 feet; thence South 88° 38' East 100 feet, TO POINT OF BEGINNING, containing 20.54 acres.

- (6) A NON-EXCLUSIVE EASEMENT, 40 feet in width for road purposes on Wheeler Road, as it currently exists across the lands of the declarant as more particularly described in the Patent, recorded December 2, 1977 in Book 515 of Official Records, at Page 424, Tuolumne County Records.

- (7) A NON-EXCLUSIVE EASEMENT, 40 feet in width for road purposes on Wheeler Road, as it currently exists as contained in the Easement Deed from William H. Smith, et.ux. to declarant, recorded March 31, 1995 in Volume 1325 of Official Records, at Page 290, Tuolumne County Records.
  
- (8) A NON-EXCLUSIVE EASEMENT, 40 feet in width for road purposes on Wheeler Road, as it currently exists as contained in the Easement Deed from Joseph Freitas, et.ux. to declarant, recorded March 31, 1995 in Volume 1325 of Official Records, at Page 294, Tuolumne County Records.

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

1391/0725 END

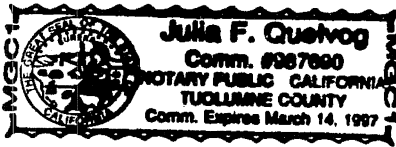
State of CALIFORNIA

County of TUOLUMNE

On May 9, 1996 before me, Julia F. Quelvog, a Notary Public  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Edward L. Smith, Jr.  
Name(s) of Signer(s)

personally known to me - OR - ~~XX~~ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/hers/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Julia F. Quelvog  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: Declaration relating to Road and Streets

Document Date: May 9, 1996 Number of Pages: 6

Signer(s) Other Than Named Above: None

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Edward L. Smith, Jr.

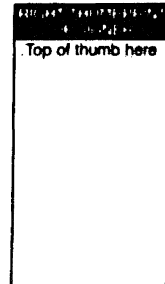
- Individual
- Corporate Officer  
Title(s): President
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing:  
\_\_\_\_\_  
\_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer  
Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_



Signer Is Representing:  
\_\_\_\_\_  
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