

2708

Recording Requested By:

**PGA WEST Fairways Association**

When Recorded, Return To:

EPSTEN, APC  
74830 Highway 111, Suite 100  
Indian Wells, CA 92210

**2021-0166705**

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Recorded in Official Records  
County of Riverside  
Peter Aldana  
Assessor-County Clerk-Recorder



For Recorder's Use

**2021 AMENDMENT TO THE  
2016 AMENDED AND RESTATED DECLARATION OF  
RESTRICTIONS FOR PGA WEST FAIRWAYS**

**NOTICE  
(Gov. Code §12956.1)**

**If this document contains any restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.**

**2021 AMENDMENT TO THE  
2016 AMENDED AND RESTATED DECLARATION OF  
RESTRICTIONS FOR PGA WEST FAIRWAYS**

THIS AMENDMENT is made by PGA WEST Fairways Association, a California nonprofit mutual benefit corporation ("Association"), with reference to the following:

**RECITALS**

- A. Association is a corporation whose Members are the Owners ("Owners") of the residential Lots or Condominiums within the real property in the City of La Quinta, County of Riverside, State of California known as PGA West Fairways ("Community"), described more particularly in Exhibit "A," attached hereto and incorporated herein by reference.
- B. The Community was developed as a master planned community containing residential Lots and Condominium Units. The Community is currently subject to the covenants, conditions, restrictions, rights, reservations, easements, equitable servitudes, liens and charges set forth in the 2016 Amended and Restated Declaration of Restrictions for PGA West Fairway recorded on May 8, 2017, as Document No. 2017-0182428 and all other amendments, Notices of Additional Territory, Supplementary Declarations, annexations or similar documents containing restrictions applicable to the Community that appear of record in the Official Records of the County Recorder of Riverside County. (collectively, "Declaration").
- C. Additional property was annexed into the Community by the recordation of Supplementary Declarations and the creation of special benefit areas since the recordation of the Declaration and further additional property may be annexed into the Community by the recordation of Supplementary Declarations.
- D. The Association now desires to amend the Declaration as set forth in this 2021 Amendment establishing a minimum rental period for the Community, with the exceptions, terms and conditions set forth in the 2021 Amendment.
- E. Article 15, Section 15.1.1(a) of the Declaration provides that the Declaration may be amended by the approval of a majority of the Voting Power of the Class B membership for as long as the Class B membership continues to exist, as well as the approval of a majority of the Class A Voting Power casting ballots. The undersigned President and Secretary of the Association certify that, to the best of their knowledge, the affirmative vote or written consent of at least the required percentage of Class A and Class B Members has been obtained.

- F. Under California Civil Code section 4270 and Article 15, Section 15.1.2 of the Declaration, an amendment is effective after (1) approval of the percentage of Owners required by the Governing Documents has been given, (2) that fact has been certified in a writing executed and acknowledged by the Association President if no Officer has been designated in the Declaration for such purpose, and (3) the writing has been recorded in the County in which the Community is located.

NOW, THEREFORE, the Association hereby declares that all of the Community is and shall continue to be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied, and improved subject to the declarations, limitations, covenants, conditions, restrictions, reservations, rights, and easements set forth in the Declaration as amended by this Amendment and as it may be further amended from time to time, all of which are declared and agreed to be in furtherance of a plan established for the purpose of enhancing and perfecting the value, desirability, and attractiveness of the Community. All provisions of this Amendment to Declaration shall constitute covenants running with the land and enforceable equitable servitudes upon the Community, and shall be binding on and for the benefit of all of the Community and all parties having or acquiring any right, title, or interest in all or any part of the Community, including the heirs, executors, administrators, and assigns of these parties and all subsequent owners and lessees of all or any part of any Separate Interest.

NOW THEREFORE, the Declaration is hereby amended as follows:

**1. Article 6, Section 6.16.1 of the Declaration shall be amended to read as follows:**

- 6.16.1 Renting and leasing must comply with the Governing Documents and any Applicable Laws. No lease or rental shall be for a period of less than twenty-eight (28) days. Notwithstanding the adoption of this Amendment to limit rentals to twenty-eight (28) days, Owners on the date that this Amendment is recorded, or were in escrow to purchase their Lots on this date, may lease their Lots to tenants for less than twenty-eight (28) days as long as they continue to own their Lots. Any change in title that meets the requirements of Section 62 or 480.3 of the Revenue and Taxation Code for exemption from reassessment or pursuant to subdivision (b) of, solely with respect to probate transfers, or subdivision (e), (f), or (g) of, Section 1102.2, the transfer is exempt from the requirements to prepare and deliver a Real Estate Transfer Disclosure Statement, as set forth in Civil Code Section 1102.6 as these code sections may be amended from time to time shall not be considered a transfer of title for purposes of this minimum rental period.

All costs and expenses related to the monitoring and enforcement of this rental term limitation shall be an Association expense. Any short-term rentals allowed pursuant to the exceptions above must comply with Applicable Laws, including the municipal code and including payment of any transient occupancy tax.

This Amendment shall not apply to any SBA with a sub association and any new SBAs still within the development period with the California Department of Real Estate. These exceptions at the time of the recordation of this Amendment include The Residence Club, Peninsula Park and The Signature at PGA WEST (Haciendas-Estates SBA & Villas SBA).

Except as expressly amended herein, the Declaration shall remain in full force and effect.

This Amendment is executed on March 12, 2021, by the undersigned Directors of PGA West Fairways Association.

Date: MARCH 12, 2021

  
Signature

CHARLES ECKMAN  
Print Name

FAIRWAYS ASSOCIATION  
President

Date: MARCH 12, 2021

  
Signature

DEBORAH BRILL  
Print Name

FAIRWAYS ASSOC.  
Secretary

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Riverside

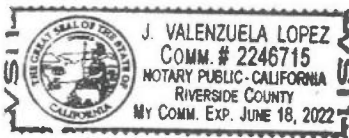
On March 12 2021 Before me, J Valenzuela Lopez Notary public  
Date Here Insert Name and Title of Officer

Personally appeared Charles Eckman and Deborah Brill

Name(s) of Signer(s)

Who 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/her/their authorized capacity(ies) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.



Signature \_\_\_\_\_  
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document of fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: \_\_\_\_\_  
Number of Pages: 14

Document Date: March 12 2021

Capacity(ies) Claimed by Signer(s) the 2016 Amended and Restated Declaration of Restrictions for PHA West Fairways

Signer's Name: Deborah Brill

Signer's Name: Charles Eckman

<input type="checkbox"/>	Corporate Officer-Title(s):	<input type="checkbox"/>	General
<input type="checkbox"/>	Partner	<input type="checkbox"/>	Attorney in Fact
<input checked="" type="checkbox"/>	Individual	<input type="checkbox"/>	Guardian or Conservator
<input type="checkbox"/>	Trustee		
<input type="checkbox"/>	Other:		

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<input type="checkbox"/>	Partner	<input type="checkbox"/>	Attorney in Fact
<input checked="" type="checkbox"/>	Individual	<input type="checkbox"/>	Guardian or Conservator
<input type="checkbox"/>	Trustee		
<input type="checkbox"/>	Other:		

Signer is Representing: Secretary

Signer is Representing: President

**EXHIBIT "A" - COMMUNITY LEGAL DESCRIPTION AS OF THE DATE OF  
RECORDATION OF THIS DECLARATION**

All that real property located in the Riverside County, California, described as follows:

**EAGLE BEND:**

Supplemental Declaration of Restrictions: 2002-404039 (Phase 1); 2003-037487 / 2002-720252 (Phase 2); 2003-092633 / 2002-720252 (Phase 3); 2003-401730 / 2002-720252 (Phase 4); 2003-401731 / 2002-720252 (Phase 5); 2003-401732 / 2002-720252 (Phase 6)

Assessor's Parcel Numbers: 775-290-002 through 775-290-011; 775-290-017; 775-300-001 through 775-300-014; 775-300-016; 775-300-020; 775-350-001 through 775-350-021; 775-350-023; 775-350-025; 775-360-001 through 775-360-029

Lots 2 to 22, inclusive, Letter Lots A through C, inclusive of Tract No. 28738 filed in Book 276, Pages 50 to 53, inclusive, of Maps, records of said County.

Parcel 1 as shown on Lot Line Adjustment No. 99-315, recorded on April 21, 2000, as Document No. 2000-149519 of the Official Records of said County.

Parcel B as shown on Lot Line Adjustment No. 2000-338 recorded on August 24, 2000, as Document No. 2000-3313712 of the Official Records of said County.

Lots 1 to 48, inclusive, Letter Lots A through G, inclusive of Tract No 28961 filed in Book 289, Pages 47 to 52, inclusive, of Maps, records of said County.

**HERITAGE COLLECTION:**

Supplemental Declaration of Restrictions: 1999-061655 (Phase 1); 1999-225002 (Phase 2); 1999-0251203 / 1999-0251204 (Phase 3); 1999-349882 / 1999-349883 (Phase 4); 2012-0237336

Assessor's Parcel Numbers: 775-280-001 through 775-280-017; 775-280-043; 775-280-044; 775-280-046 through 775-280-065

Lots 1 to 17, inclusive, and Letter Lots A and B of Tract No. 28341-2 filed for record in Book 269, Pages 45 to 48, inclusive, of Maps, records of said County.

Lots 1 to 19, inclusive, and Letter Lot A of Tract No. 29003 filed for record in Book 275, Pages 37 to 40, inclusive, of Maps, records of said County.

Letter Lot A-1 of Tract No. 25500-3 filed for record in Book 231, Pages 69 to 72, inclusive, of Maps, records of said County.

**HERMITAGE:**

Supplemental Declaration of Restrictions: 2000-020736 (Phase 1); 2000-057347 (Phase 2); 2000-402499 / 2000-402502 (Phase 3); 2001-077879 / 2001-077880 (Phase 4); 2012-0237335

Assessor's Parcel Numbers:

762-210-001 through 762-210-016; 762-210-019 through 762-210-039; 762-220-001 through 762-220-023

Lots 1 to 52, inclusive, and Letter Lots A to I, inclusive of Tract No. 28603-1 filed for record in Book 279, Pages 77 to 83 inclusive, of Maps, records of said County.

**LA CALA:**

Supplemental Declaration of Restrictions: 2003-229322 (Phase 5); 2002-065259 / 2000-483321 (Phase 6); 2002-399183 (Phase 8); 2012-0237334

Assessor's Parcel Numbers: 762-280-017 through 762-280-020; 762-280-039, 762-280-040; 762-310-001 through 762-310-003; 762-390-001 through 762-390-008; 762-390-011 through 762-390-017; 762-390-020 through 762-390-024; 762-390-026 through 762-390-036; 762-400-001 through 762-400-014; 762-400-016; 762-400-017; 762-420-024;

Lots 22, 23 and 24, Lots 54 through 57, inclusive, and Lots 76 and 77 of Amended Tract No. 28838-1 filed in Book 285, Pages 51 to 57, inclusive, of Maps, records of said County.

Lot 24 of Tract No. 28838-4 filed in Book 297, Pages 27 to 31, inclusive, of Maps, records of said County.

Lots 1 through 35, inclusive, 37 through 42, inclusive and Letter Lots A, B, C, E and G of Tract No. 28838-2 filed in Book 293, Pages 50 to 55, inclusive of Maps, Official Records of said County; and

Lot A of that certain Lot Line Adjustment #2001-351 recorded March 8, 2001 as Instrument No. 094170 in the Official Records of Riverside County, described as follows: Lot 36 of Tract No. 28838-2 as filed in book 293, at Pages 50 through 55, inclusive of Maps, Records of Riverside County, California; together with that portion of Parcel P of Lot Line Adjustment no, 2000-325, recorded March 14, 2000 as instrument no. 2000-093304 of Official Records of Riverside County.

**LEGENDS:**

Supplemental Declaration of Restrictions: 1999-403007 / 1999-403008 (Phase 1); 2000-108564 (Phase 2); 2000-108562 (Phase 3); 2001-055910 (Phase 4); 2002-081124 (Phase 7); 2012-0237330

Assessor's Parcel Numbers: 762-280-002 through 762-280-016; 762-280-021 through 762-280-038; 762-280-045; 762-280-047 through 762-280-049; 762-300-002 through