



**Niguel Shores Community Association**

33654 Niguel Shores Drive  
Monarch Beach, California 92629-4221

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**October 11, 2011**

**Dear Niguel Shores Homeowner,**

**You are receiving this notice as a response to recent questions raised regarding the ballot for proposed amendments to the CC&R's. If the following does not address any questions you have, please contact the NSCA Management Office for further clarification.**

**CC&R Amendment #1**

The purpose of this amendment is to ensure that the Association's governing documents follow the current Civil Code regarding adopting or amending rules within a homeowners association. As per Civil Code §1357.130 assigns the responsibility of adopting rules or rule changes to the Board of Directors. Although the Civil Code supersedes the governing documents, it is always prudent for the Association to update the governing documents so as to avoid an unnecessary confusion.

**CC&R Amendment #2**

This amendment will add in a provision to allow architectural rules that are tract specific to be adopted by the Board of Directors. The Association's current architectural rules are divided into two sections. Section 1 directly follows the regulations outlined within the CC&Rs and applies to the entire community uniformly. Section 2 is subdivided into rules that will apply to each tract within Niguel Shores. These rules are designed to address the building and lot style unique to each individual area. Enclosed you will find a copy of *Article X* as currently published post the last amendment recorded against this article on January 29, 1990. If passed, the proposed amendment will be added to this language.

**CC&R Amendment #3**

The purpose of this amendment is the same as for Amendment #1. It is to help align the CC&R with the existing Civil Code.

**Sincerely,**

**Karen Decker**  
*Community Association Manager*  
*Acting General Manager*

**NIGUEL SHORES COMMUNITY ASSOCIATION**

**DECLARATION OF ESTABLISHMENT OF PROTECTIVE  
COVENANTS, CONDITIONS AND RESTRICTIONS**

RECORDED 12/3/69 in Bk 9153, Pgs 259-300  
Certified 7/7/86

**AMENDED 1/29/90**

**ARTICLE X**

**DUTIES AND POWERS OF THE ASSOCIATION**

In addition to the duties and powers enumerated in its Articles of Incorporation and By-Laws, or elsewhere provided for herein, and without limiting the generality thereof, the Association shall:

(a) Own, lease, maintain and otherwise manage, or cause to be managed, in a neat and orderly condition, all of the Common Areas and all facilities, improvements, drainage facilities, and landscaping thereon and thereunder, and all other property acquired by the Association.

(b) Maintain, or cause to be maintained, such slope control areas as may be established from time to time by this Declaration or by any Supplementary Declaration recorded in accordance with Article II hereof.

(c) Grant easements where necessary for utilities and sewer facilities over the Common Areas to serve the Common Areas and Niguel Shores.

(d) Pay any real and personal property taxes and other charges assessed against the Common Area.

(e) Have the power, in addition to the other remedies available, acting through its Board of Directors, to adopt a schedule of reasonable fines which, in the reasonable discretion of the Board, may be assessed against an Owner for the failure of such owner, or family member, guest, resident, licensee, lessee, tenant or invitee of such Owner, to comply with any of the provisions of this Declaration or of the rules and regulations adopted by the Board of Directors and Architectural Control Committee pursuant to this Declaration. Such fines may only be assessed by the Board of Directors after written notice and a hearing before the Board, at which the Owner concerned shall have an opportunity to be heard in person, or by counsel at the Owner's expense, in the manner to be established by the Board of Directors.

(f) Have the power acting through its Board of Directors to adopt and enforce rules and regulations relating to vehicular access to the Common Areas; however, such power shall not be construed to create a greater obligation upon the Association to provide security to persons or property within Niguel Shores, or any portion thereof, than is otherwise required by law.

**NIGUEL SHORES  
PROPOSED CC&R AMENDMENT VERBIAGE**

Proposed additions to text are noted in **bold and underline**. Proposed deletions are noted in ~~strikeout~~.

**CC&R AMENDMENT #1**

Article VII, Section 6 of the CC&R's currently provides:

~~"Section 6. Rules and Regulations. The Architectural Committee may from time to time, in its sole discretion, adopt, amend and repeal rules and regulations interpreting and implementing the provisions hereof."~~

Article VII, Section 6 is proposed to be deleted in its entirety.

**CC&R AMENDMENT #2**

Article X is proposed to be amended by adding a new Section (g), to read in full as follows:

"In addition to the duties and powers enumerated in its Articles of Incorporation and Bylaws, or elsewhere provided for herein, and without limiting the generality thereof, the Association shall:

**(g) Have the power acting through its Board of Directors to adopt, amend, and enforce architectural and landscape regulations and guidelines interpreting and implementing the provisions of Article VII, Section 1 of this Declaration. Such regulations and guidelines shall set forth standards for, among other things, the type, location, size and style of construction and modification of improvements in Niguel Shores, and procedures for the submission and review of applications for such construction and modification. Because the Tracts in Niguel Shores were developed as distinct neighborhoods with different housing styles, the standards may vary from tract to tract."**

**CC&R AMENDMENT #3**

Article IV, Section 3(e) currently provides:

~~"Section 3. Extend of Members' Easements. The rights and easements of enjoyment created hereby shall be subject to the following:~~

~~(e) the right to the Association to establish uniform rules and regulations pertaining to the use of the Common Areas and the facilities thereon; and"~~

Article IV, Section 3(e) is proposed to be amended as follows:

~~"(e) the right of the Association, **acting through its Board of Directors,** to establish ~~uniform~~ rules and regulations pertaining to the use of the Common Areas and the facilities thereon **which may vary from tract to tract;** and"~~