

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in said County, the day and year in this Certificate first above written.

Ruth Gallagher

(((NOT'L SEAL)))

Notary Public in and for said County and State.

Recorded at request of Mortgagee, Jun. 15, 1940, at 1 min. past 9 A. M. - 7 -

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Ralph Cunningham, County Recorder.

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DECLARATION OF CONDITIONS AND RESTRICTIONS:

THIS DECLARATION, made this 31st day of May, 1940, by NORA MURPHY, of Berkeley, California, hereinafter referred to as the "Declarant."

WITNESSETH:

WHEREAS, said declarant is the owner of all the following described real property situate in the County of Contra Costa, State of California, and more particularly described as follows:

Lots 1, 2, 6, 7, 8 and 9 in block A, and Lots 2, 3, 6, 7, 8 and 11 in Block B, and Lots 1 to 14 inclusive in Block C, and Lots 1, 2, 3, 4, 8, 9 and 10 in Block D, and Lots 6 to 14 inclusive in Block F, as said Lots and Blocks are laid down and delineated on that certain Map entitled "ORINDA OAKS", filed December 16th, 1924, in Book 19 of Maps, at page 466 thereof in the office of the County Recorder of Contra Costa County.

WHEREAS, declarant is about to sell said property subdivided into lots, as shown on said Map, and desires to subject said property to the conditions and restrictions hereinafter set forth, for the benefit of said lots and each portion thereof, and the present and future owners thereof; and

WHEREAS, said conditions and restrictions are a part of a common or general plan or scheme or restrictions with regard to the parcel of land hereinabove described and with regard to all lots and each portion thereof, into which said first above described parcel is subdivided, according to said recorded Map above referred to, and said conditions and restrictions are designed for the mutual benefit of each parcel as against the other parcels in said property owned by declarant; and

WHEREAS, said conditions and restrictions shall be included in any and all conveyances and contracts relating to the sale or transfer of said property owned by declarant, or any part thereof, and each Deed or conveyance of said property, or any part or portion thereof, either directly or by reference, shall incorporate said conditions and restrictions and shall declare that said conditions and restrictions shall, as to each owner of any other lot, or portion thereof, in said parcel of land, said owner's heirs, executors, administrators or assigns, operate as covenants running with the lands, for the benefit of the owners of the remaining lots, or portions thereof, in said parcel owned by the declarant;

NOW, THEREFORE, said NORA MURPHY declares that the property hereinabove first described, shown as a part of the land designated and delineated on said Map entitled "ORINDA OAKS", is held, and shall be conveyed, subject to the following conditions and restrictions:

"CLAUSE ONE"

Definition of Terms:

(a) SAID PROPERTY: The term "Said Property", wherever used in this Declaration, means and refers to the property hereinabove first described;

(b) SAID MAP: The term "Said Map" wherever used in this Declaration, means and refers to that certain Map entitled "ORINDA OAKS" filed of record in the office of the County Recorder of the County of Contra Costa, State of California, on the 16th day of December, 1924, in Volume 19 of Maps, at page 466;

(c) LOT: The word "Lot" wherever used in this Declaration means and refers to the numbered subdivision of land delineated and specified on the Map hereinabove referred to. The numbers following the words "lot" or "lots", refer to the particular lot or lots so consecutively designated and numbered on said Map. When the term "building site" is used in this declaration, it shall mean and refer to a lot, unless otherwise indicated, or as described in Clause Eight of this Declaration.

(d) DWELLING HOUSE AND CUTHOUSE: The words "dwelling house" and "outhouse" wherever used in this Declaration shall be deemed and construed, respectively, to include both the main portion of such structure and all projections therefrom, such a bay, bow, or oriel windows, exterior chimneys, covered porches or porticoes, and the like, including in the case of dwelling houses, garages, incorporated in and forming a part thereof, but shall not include eaves of such structures nor any open pergola nor any uncovered porch, stoop or steps, the ballustrades or sides of which do not extent laterally more than three feet above the level of the first floor of said building.

(e) SETBACK: The word "setback" wherever used in this Declaration means and refers to the distance between the dwelling house or other structure referred to and a given line, street, lot or plot.

The setback herein provided for any dwelling house or other structure from any line shall be deemed and construed to be the minimum distance between such

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*Notary Public for Contra Costa Co. Cal. Vol. 19 of Maps, page 466*