

# *Making Changes*

*A step-by step Guide*

*To Amending*

*Covenants, Conditions & Restrictions*

*(CC&R's)*

*Prepared by  
Cameron Park Community Services District*

This Step-by-Step Guide to Amending CC&R's is presented in response to the numerous requests from property owners inquiring about the procedure to make changes to existing deed restrictions, also known as Covenants, Conditions and Restrictions, or, CC&R's.

The "who-what-why-where-when-and-how" of amending CC&R's are addressed in this brochure to assist property owners who wish to amend their deed restrictions.

## *WHO*

CC&R's may only be amended by the legal property owners of a single property. The signatures of all owners must be included on the petition unless the CC&R's state otherwise. The percentage of owners needed to pass an amendment differs among the various CC&R documents but it is usually between 51% and 75%. The CC&R's for Cameron Park North Units 1, 2 and 3 contain no clause allowing amendments and it would therefore be legally necessary to obtain approval by 100% of the property owners. Refer to the specific CC&R document for exact percentages required to authorize an amendment.

## *WHAT*

CC&R's are legal documents initiated by the developer of a subdivision or the developer of a unit within a subdivision. CC&R's are recorded "against" a parcel number at the County Recorders office. That means all conditions and restrictions stated in the CC&R's pertaining to that parcel stay with that parcel. When ownership changes, the CC&R's stay "with the land".

## *WHERE*

CC&R's are recorded on approximately all parcels within the jurisdiction of the Cameron Park Community Services District.

## *WHEN*

In November of 1985, voters of Cameron Park passed Ballot Measure B giving the Cameron Park Community Services District authority to enforce the CC&R's and charging the CSD to maintain a uniform standard of development within each tract. Attached to this measure was a special tax of up to \$12 per year, per parcel, to be used for any expenses incurred by the CSD in carrying out said purposes.

## WHY

It remains a right of the property owners and the developer of the subdivision to perform their own CC&R enforcement. This right includes bringing legal action against another property owner for a violation of a specific clause. However, many residents who are apprehensive about creating a disagreement between themselves and their neighbors turn to the CSD for enforcement of the CC&R's.

Occasionally, the issue of concern is not addressed in the CC&R's. When the CC&R's do not address situations a resident believes should be included in the CC&R's, or when the CC&R's restrict actions or situations they believe should be allowed, property owners may wish to amend the CC&R document.

## HOW

Step 1: Obtain a copy of the CC&R document that applies to your property. (By law, you should have received a copy of the CC&R document when purchasing your home or lot.)

Find and read the section, which specifies the percentage of property owners required to amend the CC&R's. You may obtain information from the assessor's office as to legal ownership of the property.

Step 2: Draft proposed language for the amendment. (For example: if the current CC&R's do not address landscaping requirements, the section on landscaping might have language added to require installation and a certain level of maintenance.)

Step 3: Determine which properties will be included in and affected by the amendment. This step determines the number of signatures needed to meet the percentage requirement in Step 1. Some communities are comprised of many "subdivisions" and each subdivision has a different set of CC&R's.

Step 4: Prepare a petition including the amendment language at the top of the signature page. A miniature example of the petition's signature page is included on the back of this brochure.

Step 5: The CSD will assist with determining whether the proposed change is enforceable and properly phrased. If the change is enforceable, proceed to Step 6.

Step 6: Collect signatures of property owners who agree with the amendment as indicated on the petition. Petition circulators are required to attest before a notary public to the authenticity of the signatures they collect.

Step 7: Deliver completed petition (with at least a minimum percentage of signatures) approving the amendment to the El Dorado County Records office for recording. A

recording fee is required. Currently, the standard fee for recording is \$7 for the first page and \$3 for each additional page of the same document. Phone the County Recorders office to obtain the required cover page format and to verify fees (530) 621-5490). They are located at 360 Fair Lane, Placerville, Ca. 95667.

Step 8: Obtain a “conformed” copy of the amendment with signatures from the recorders office. Deliver the conformed copy of the amendment to the CSD.

Step 9: Deliver a copy of the recorded amendment to every property owner and/or resident affected by the amendment. It takes approximately one month to receive the recorded copy from the County office.

### *Other Information*

The architectural control committee (ACC) is often referred to in the CC&R’s. This committee reviews proposed property improvements from new homes and additions to existing residences, to pool installations, fencing, roofing, and exterior paint colors, in addition to many other improvements. Basically, anything that will change the external appearance of any structure must be reviewed and approved by the ACC.

The Cameron Park Community Services District has three staff members on the committee. The architectural control committee meets every Thursday at 7:30 a.m. To have an item placed on the agenda, submit a property improvement application to the CSD staff by 10:00 a.m. Friday and your application will be reviewed the following Thursday morning.

*A Sample Petition To Amend CC&R's*

This is an example of a petition form that may be used to obtain signatures to amend the existing CC&R's.

1. ----- X-----X-----X-----  
(Date) (Printed Name) (Signature)

-----  
Unit Lot# Street Address City, State

2. ----- X-----X-----X-----  
(Date) (Printed Name) (Signature)

-----  
Unit Lot# Street Address City, State

3. ----- X-----X-----X-----  
(Date) (Printed Name) (Signature)

-----  
Unit Lot# Street Address City, State

4. ----- X-----X-----X-----

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Unit Lot# Street Address City, State

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***END OF SAMPLE PETITION***

*Circulators Signature:* \_\_\_\_\_

*I hereby attest that I personally circulated the above petition and say the property owners sign the petition.*

\_\_\_\_\_  
*Circulators Signature*

\_\_\_\_\_  
*Notary*