

When recorded mail to:

#23485
12/30/80

Kacor Realty, Inc.
P.O. Box 755
Temecula, California 92390
Attn: Legal Department

RECEIVED FOR RECORDS 9 o'clock a.m. at request of TITLE INSURANCE & TRUST CO. Book 1981, page 23485 FEB 9 1981 Recorded in Official Records of Riverside County, California (signed) RECORDER
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ASSIGNMENT AND ASSUMPTION AGREEMENT

THIS ASSIGNMENT AND ASSUMPTION AGREEMENT dated as of December 30, 1980, between KACOR REALTY, INC., a California corporation, successor in interest to Rancho California, a partnership (hereinafter referred to as "ASSIGNOR"), and the LOS RANCHITOS HOMEOWNERS ASSOCIATION, a California corporation (hereinafter referred to as "ASSIGNEE").

WITNESSETH:

WHEREAS, ASSIGNOR's predecessor in interest executed a Declaration of Covenants, Conditions and restrictions dated September 30, 1966, with respect to Lots 1 through 102 in Tract No. 3552, as shown on a map recorded October 5, 1966, as Document No. 98816, in Book 56, Pages 63 through 66, of Miscellaneous Maps, Records of Riverside County, California, which Declaration was recorded on October 11, 1966, as Instrument No. 100757, of Official Records of Riverside County, California (hereinafter referred to as the "Declaration"); and

WHEREAS, the Declaration was amended by a Notice of Addition of Territory dated August 24, 1967, and recorded September 20, 1967, as Instrument No. 82857, of Official Records of Riverside County, California, to include Lots 1 through 34 of Tract No. 3646, as shown on a map recorded September 30, 1967, as Document No. 82856, in Book 57, Page 86 and 87, of Miscellaneous Maps, Records of Riverside County, California; and

WHEREAS, the Declaration was amended with respect to Lot 86 of Tract 3552, only, by an Amendment dated September 5, 1967, and recorded September 22, 1967, as Instrument No. 83704, of Official Records of Riverside county, California; and

WHEREAS, the Declaration was amended by a Notice of Addition of Territory dated May 14, 1968, and recorded on August 20, 1968, as Instrument No. 80774, of Official Records of Riverside County, California, to include Lots 1 through 49 of Tract No. 3752, as shown on a map recorded July 31, 1968, as Document No. 74102 in Book 59, Pages 53 through 55 of Maps, Records of Riverside County, California; and

WHEREAS, the Declaration was amended by a Notice of Addition of Territory dated January 20, 1969, as Instrument No. 12903, of Official Records of Riverside County, California, to include Lots 1 through 4 of Tract No. 3750, as shown on a map recorded on October 2, 1968, as Document No. 95104, in Book 59, Page 100 of Maps, Records of Riverside County, California; and

WHEREAS, ASSIGNOR no longer owns any property subject to the Declaration; and

WHEREAS, ASSIGNEE represents certain of the owners of property subject to the Declaration; and

WHEREAS, ASSIGNEE desires to obtain all and any of the rights and obligations of ASSIGNOR as Declarant under the Declaration and assume the future obligations of ASSIGNOR as Declarant under the Declaration; and

WHEREAS, ASSIGNOR desires to assign to ASSIGNEE all of its rights and obligations as Declarant under the Declaration and to have ASSIGNEE assume the future obligations as Declarant thereunder; and

WHEREAS, Article VIII, Section 8.03 of the Declaration empowers ASSIGNOR to assign its rights, duties and obligations as Declarant;

NOW THEREFORE, the parties hereby agree as follows:

1. Except as hereinafter set forth, ASSIGNOR hereby assigns to ASSIGNEE all of its rights and powers as Declarant under the Declaration, as amended, and ASSIGNOR hereby also delegates to ASSIGNEE all of its duties and obligations as Declarant under the Declaration.
2. ASSIGNEE hereby accepts the foregoing Assignment and hereby also assumes and agrees to perform all duties and obligations to be performed by ASSIGNOR as Declarant under the Declaration, as amended.
3. The parties hereby expressly agree that ASSIGNOR shall have and reserves unto itself with respect to Lot 86 of Tract No. 3552, the following rights and powers:
 - a. To approve the shape and location of each and any new parcels or lots created on said Lot 86.
 - b. To approve all signs to be located on said Lot 86 and, in particular, the size, design, color and locations of such signs on said Lot 86; and
 - c. To approve all provisions made for parking on said Lot 86 with respect to any commercial use thereof.

It is hereby expressly understood and agreed between the parties hereto that in addition to ASSIGNOR's approval to the above items, the approval of the Architectural Control Committee of LOS RANCHITOS HOMEOWNERS ASSOCIATION of such items will also be necessary in accordance with the provisions of the Declaration.

IN WITNESS WHEREOF, the parties have executed this instrument as of the date first above written.

KACOR REALTY, INC.,
a California corporation

LOS RANCHITOS HOMEOWNERS ASSOCIATION,
a California corporation

By: (signed) Thomas M. Talua
Its Duly Authorized Agent

By: (signed) D. T. Rohrabacher
Its Duly Authorized Agent

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) SS.
COUNTY OF RIVERSIDE)

On February 4, 1981 before me, the undersigned, a Notary Public in and for said State, personally appeared D. T. Rorhbacher, known to me to be the DULY AUTHORIZED AGENT of LOS RANCHITOS HOMEOWNERS ASSOCIATION, the corporation that executed the within Instrument, known to me to be the person who executed the within Instrument on behalf of the corporation therein named, and acknowledged to be that such corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Dorothy M. Bennett
Signature of Notary Public

SEAL

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) SS.
COUNTY OF RIVERSIDE)

On February 4, 1981, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas M. Tahara, known to me to be the DULY AUTHORIZED AGENT of KACOR REALTY, INC., the corporation that executed the within Instrument, known to me to be the person who executed the within Instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the within Instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Lynn E. Hillis
Signature of Notary Public

SEAL