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7 Attorneys for the Plaintiff  
8 LUSHMEADOWS ASSOCIATION, INC.

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF MARIPOSA

11 LUSHMEADOWS ASSOCIATION, INC.,  
12  
13 Plaintiff,  
14 v.  
15 EUGENE TAGGS and DOES 1-200, inclusive,  
16 Defendants.

**No. 9018 Consolidated with  
No. 9070**

JUDGMENT

17  
18 CECILIA WRAY, an individual, and JEFFREY  
19 WHALLEY, an individual, MARY ALICE  
20 WHALLEY, an individual,  
21 Plaintiffs,  
22 vs.  
23 LUSHMEADOWS ASSOCIATION, INC. a  
24 California nonprofit mutual benefit  
25 corporation, and DOES 1-50, inclusive,  
26 Defendant.

27 AND RELATED CROSS-ACTION.  
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1       The above-entitled cause came on regularly for a consolidated court trial on  
2 September 8-10, 2008, Honorable Terry K. Cole, retired, presiding by special assignment.  
3 Lushmeadows Association, Inc., Plaintiff and Cross-Defendant in Action 9018, and  
4 Defendant and Cross-Complainant in Action 9070 was represented by Ann Rankin, Law  
5 Offices of Ann Rankin, and by Edward Nemetz, Law Offices of Edward Nemetz. Eugene  
6 Taggs, Defendant and Cross-Complainant in Action 9018, and Jeffrey Whalley, Mary Alice  
7 Whalley, and Norman Wray as Successor Trustee of the Robert H. Wray and Cecilia K.  
8 Wray Trust dated September 15, 1995, Plaintiffs and Cross-Defendants in Action 9070,  
9 were represented by Nanette Beaumont of Jamison and Chappel. Both parties, after  
10 concluding their presentations, requested and were granted until September 19, 2008 to  
11 file closing briefs, whereupon the matters were considered under submission. The Court,  
12 having considered the pleadings, heard the testimony, considered the documentary  
13 evidence and read and considered Closing Trial Briefs, rendered a Decision dated  
14 October 17, 2008. Within the time allowed by law, Eugene Taggs, Norman Wray as  
15 Successor Trustee and the Whalleys requested a Statement of Decision, and all parties  
16 provided proposed input for the Statement of Decision, which the Court duly considered,  
17 and the Court has signed a Statement of Decision. Good cause appearing therefor, the  
18 Court enters Judgment as follows:

19 1.       The Court issues a declaratory judgment that the Amended Declaration of  
20 Covenants, Conditions and Restrictions for Lushmeadows Mountain Estates, recorded  
21 December 10, 2003 in the Official Records of Mariposa County as Instrument Number  
22 2038701 constitutes valid and binding equitable servitudes that run in the chain of title  
23 and bind the real property described in the recitals contained in that instrument.

24 2.       All property owners within Lushmeadows Mountain Estates are required to and do,  
25 by virtue of said ownership, belong to Lushmeadows Association, Inc., and are required  
26 to pay dues, assessments and other legal obligations to the Lushmeadows Association,  
27 Inc. in accordance with the written Declaration identified in Paragraph 1 above as it may  
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1 be modified from time to time in accordance with its provisions and in accordance with  
2 applicable California law;

3 3. Lushmeadows Association, Inc. shall have judgment against Eugene Taggs for  
4 delinquent assessments and late charges in the amount of \$814.38 as of May 1, 2008 for  
5 his violation of the covenant to pay assessments that is incorporated into the recorded  
6 instrument identified in Paragraph 1 hereof;

7 4. Lushmeadows Association, Inc. shall have judgment for delinquent assessments  
8 and late charges against Norman Wray as successor trustee of the Robert H. Wray and  
9 Cecilia K. Wray Trust dated September 15, 1995 for violation of the covenant to pay  
10 assessments that is incorporated in the recorded instrument that is identified in  
11 Paragraph 1 above in the amount of \$532.50 as of May 1, 2008;

12 5. Lushmeadows Association, Inc. shall have judgment for delinquent assessments  
13 and late charges against Jeffrey Whalley and Mary Alice Whalley for their violation of the  
14 covenant to pay assessments that is incorporated in the recorded instrument that is  
15 identified in Paragraph 1 above in the amount of \$945.53 as of May 1, 2008;

16 6. The Court issues a declaratory Judgment that the Declaration of Covenants,  
17 Conditions and Restrictions for Lushmeadows Mountain Estates, recorded on July 2, 1990  
18 in the Official Records of Mariposa County as Instrument No. 904235, supplemented by  
19 Instrument Number 905262, recorded in the Official Records of Mariposa County on  
20 August 12, 1990, was, at the time of its recordation and subsequently thereto, until it  
21 was superseded by the recorded instrument identified in Paragraph 1 hereof, valid and  
22 binding equitable servitudes that benefited and burdened the parcels identified in the  
23 recitals of said instrument;

24 7. That Eugene Taggs shall take nothing by way of his cross-complaint in Action No.  
25 9018;

26 8. That Jeffrey Whalley, Mary Alice Whalley, and Norman Wray as Successor Trustee  
27 of the Robert H. Wray and Cecilia K. Wray Trust dated September 15, 1995 shall take  
28 nothing by way of their Complaint in Action No. 9070;

1 9. That costs of suit herein incurred, and reasonable attorneys fees as allowed by  
2 California Civil Code 1354c, are awarded to Lushmeadows Association, Inc. Said fees  
3 and costs are to be more particularly identified in a Memorandum of Costs to be filed  
4 herein.

5 Dated: November \_\_\_\_, 2008

By: \_\_\_\_\_

6 Honorable Terry K. Cole, Assigned  
7 Superior Court Judge

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