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5 Attorneys for Petitioner  
6 CHAPMAN TOWNHOMES, INC.

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF ORANGE**

10 In re: CHAPMAN TOWNHOMES, INC.,  
11  
12 Petitioner.

Case No.: 30-2022-01269315-CU-PT-CJC

**[Proposed] ORDER SPECIFYING  
METHOD OF NOTICE FOR AND  
SETTING HEARING ON PETITION TO  
REDUCE PERCENTAGE OF  
AFFIRMATIVE VOTES TO AMEND  
CC&RS (CIV. CODE § 4275)**

**Date:**  
**Time:**  
**Dept:**

Richardson | Ober | DeNichilo  
234 E. Colorado Blvd., Suite 800  
Pasadena, California 91101  
Telephone: 877.446.2529

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19 The Petition of CHAPMAN TOWNHOMES, INC (“Association”) for an Order to Reduce  
20 the Percentage of Affirmative Votes Necessary to Amend its existing Declaration of Restrictions  
21 (“CC&Rs”) was filed pursuant to Civil Code section 4275. The Court having conducted a  
22 preliminary review of said Petition upon filing, and for good cause appearing therein due to statutory  
23 requirements, sets the matter for hearing and issues the present Order pertaining to manner of notice,  
24 as required by Section 4275(b).

25 **IT IS HEREBY ORDERED** that the foregoing Petition be set for hearing on  
26 \_\_\_\_\_, 2022, at \_\_\_\_\_, in Department \_\_\_\_\_ of the above-captioned Court,  
27 located at 700 Civil Center Drive West, Santa Ana, CA 92701.

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1 The Association shall give Notice of the hearing by serving on each of the Members by first  
2 class mail a copy of this signed Order and a letter in the form attached hereto as *Exhibit A*  
3 (collectively “Notice”), no less than 15 days before the date of the above hearing.

4 Copies of the Notice, the Petition, and all related documents and exhibits (collectively  
5 “Pleadings”) served by or on the Association in connection with this action shall be posted by the  
6 Association on a website to be maintained by Association’s counsel, the address of which shall be  
7 provided in the above mailed Notice. The Notice shall also be posted in the area designated for  
8 general notice, if any, pursuant to Civil Code section 4045. Association’s counsel will provide  
9 hardcopies of the Pleadings to any interested party upon written request.

10 Opposition to the Petition, if any, shall be filed and served on the Association, care of its  
11 attorney, by electronic mail (racheal@rodllp.com) or first-class mail to Racheal E. Solomon, Esq.,  
12 Richardson | Ober | DeNichilo, 234 E. Colorado Blvd, Ste. 800, Pasadena, CA 91101, before 4:00  
13 p.m. on \_\_\_\_\_, 2022.

14 Any Reply must be filed and served on the opposing party by return email or first-class mail,  
15 as appropriate, as well as posted to the website, before 4:00 p.m. on \_\_\_\_\_, 2022, with  
16 courtesy copies submitted to the Court the same day as filing.

17 **SO ORDERED.**

18 DATED: \_\_\_\_\_ Judge of the Superior Court

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# **EXHIBIT A**

\_\_\_\_\_, 2022

*Re: Notice of Judicial Hearing to Approve Restatement of the Association's CC&Rs  
In re CHAPMAN TOWNHOMES, INC.  
Orange County Sup. Ct. (Case No. \_\_\_\_\_)  
Hearing Date/Time: \_\_\_\_\_, 2022, at \_\_\_\_\_  
Location of Hearing: Orange County Superior Court, Dept. \_\_\_\_\_  
700 Civil Center Drive West, Santa Ana, CA 92701*

Dear Members of the Chapman Townhomes, Inc.:

We are the attorneys for your Association. The Association's membership voted on whether to approve and adopt a First Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements ("Restated CC&Rs"). Passage required approval of at least 75% of the member voting rights (50 out of 66 members). Despite the Association's significant efforts to increase voter participation, only 46 members participated in the process, with 38 votes cast in favor, falling short of that necessary.

California law permits the Association to file a petition requesting the Court to authorize the Restated CC&Rs. At the request of your Board of Directors, we filed this Petition, which the Court will consider at a hearing on the date and time set forth above. You may support, oppose or refrain from participating in this proceeding. You may file papers in opposition but you must adhere to the timelines and procedures described in the attached Order.

The Order also indicates that copies of the Petition and all related documents and exhibits in connection with this hearing will be posted by the Association on a website maintained by this office. These documents may be accessed as follows:

Link:

Password:

Very truly yours,

**RICHARDSON | OBER | DeNICHILO**

Daniel C. Heaton, Esq.

Enclosure: Order