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4 Attorneys for Petitioner
5 HUNTINGTON CONTINENTAL TOWN
HOUSE ASSOCIATION, INC.
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ORANGE**

10 In re: HUNTINGTON CONTINENTAL
11 TOWN HOUSE ASSOCIATION, INC.,

12 Petitioner.

Case No.: 30-2022-01299074-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:

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Telephone: 949.654.1510

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

25 **IT IS HEREBY ORDERED** that the foregoing Petition be set for hearing on
26 _____, 2023, at _____, in Department _____ of the above-captioned Court,
27 located at 700 Civil Center Drive West, Santa Ana, CA 92701.

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

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

Opposition to the Petition, if any, shall be filed and served on the Association, care of its attorney, by electronic mail (daniel@ndhoalaw.com) or first-class mail to Daniel C. Heaton, Esq., Nordberg | DeNichilo, LLP, 999 Corporate Drive, Suite 100, Ladera Ranch, CA 92694, before 4:00 p.m. on _____, 2023.

Any Reply must be filed and served on the opposing party by return email or first-class mail, as appropriate, as well as posted to the website, before 4:00 p.m. on _____, 2023, with courtesy copies submitted to the Court the same day as filing.

SO ORDERED.

DATED:

Judge of the Superior Court

EXHIBIT A



_____, 2022

Re: *Notice of Judicial Hearing to Approve Restatement of the Association's CC&Rs*
In re HUNTINGTON CONTINENTAL TOWN HOUSE ASSOCIATION, 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 Huntington Continental Town House Association, 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 (334 out of 445 members). Despite the Association's significant efforts to increase voter participation, only 294 members participated in the process, with 263 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 at: _____.

Very truly yours,

Nordberg | DeNichilo, LLP

Daniel C. Heaton, Esq.

Enclosure: Court Order