

CERTIFIED FOR PUBLICATION
COURT OF APPEAL, FOURTH APPELLATE DISTRICT
DIVISION ONE
STATE OF CALIFORNIA

PROPERTY OWNERS OF WHISPERING
PALMS, INC.,

Plaintiff and Appellant,

v.

NEWPORT PACIFIC, INC., et al.,

Defendants and Respondents.

D045150

(Super. Ct. No. GIN021442)

ORDER DENYING PETITION FOR
REHEARING AND MODIFICATION
ORDER

[NO CHANGE IN JUDGMENT]

THE COURT:

On page 2, delete the paragraph beginning at line 17 and replace it with the following:

Each of the subdivisions has its own CC&Rs. Since the late 1970s, the owners of the homes in Greens No. 1 have elected the members of the architectural committee that is responsible for the enforcement of the CC&Rs for their subdivision. By contrast, pursuant to the CC&Rs applicable to Greens Nos. 2 and 3, the Developer (or its predecessor-in-interest) appointed the original members of the architectural committees responsible for enforcing the CC&Rs for those subdivisions (the Architectural Committees). The Greens Nos. 2 and 3 CC&Rs authorize the members of

the Architectural Committees to designate the successors for any members who die or resign and provide that the Developer's consent is required to amend the CC&Rs.

The petition for rehearing is denied.

[NO CHANGE IN JUDGMENT]

NARES, Acting P. J.

Copies to: All parties