

CERTIFIED FOR PARTIAL PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIFTH APPELLATE DISTRICT

SUMNER HILL HOMEOWNERS'
ASSOCIATION, INC. et al.,

Plaintiffs and Appellants,

v.

RIO MESA HOLDINGS, LLC et al.,

Defendants and Appellants.

F058617

(Madera Super. Ct. No. MCV032689)

**ORDER MODIFYING OPINION AND
DENYING REHEARING
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on May 2, 2012, and reported in the Official Reports be modified in the following particulars:

1. In the published portion, on page 1, the third paragraph beginning “McKenna, Long & Aldridge” is deleted and the following paragraph inserted in its place:

McKenna, Long & Aldridge, Charles A. Bird, Gerald M. Murphy, Antony D. Nash and Joshua M. Heinlein for Defendants and Appellants.

2. In the unpublished portion, on page 37, the last paragraph beginning “Defendants next contend” is deleted and the following paragraph inserted in its place:

Plaintiffs next contend that even if the County received only a road easement from the dedication set forth in the Amended Map, and not ownership of the roads, a subsequent agreement in 1986 *did* convey the ownership interest to the County. We disagree.

This modification does not effect a change in the judgment.

The petition for rehearing is denied.

KANE, J.

I CONCUR:

WISEMAN, Acting P.J.