

1600 HAMILTON PLACE COMMUNITY ASSOCIATION
NEWSLETTER
MAY 2022

Next Board Meeting

The next Board of Directors meeting will take place in the clubhouse at 7PM on Tuesday, May 10, 2022. More information will be included on the agendas posted by the mailbox kiosks 4 days prior to the meeting. (PLEASE NOTE THAT YOU MUST BE AN OWNER OF RECORD FOR YOUR 1600 HAMILTON PLACE PROPERTY TO ATTEND THE BOARD MEETINGS).

Civil Code 4741

In order to be compliant with the new Civil Code 4741 regarding limitation to rental restriction, the Board recently adopted the amendment to the CC&Rs included with this newsletter, which basically reduces the minimum rental period to 30 days. Feel free to discuss any further questions regarding the amendment with the Board during the May 10, 2022 meeting.

Detached Garages Safety

Unfortunately, there were a couple of detached garages recently broken into. It is recommended that you disable the manual release cable since it appears they are accessing the garages through the exterior lock that controls the cable.

Construction Hours

Please keep in mind that any remodeling or construction within the community must take place between the hours of 7AM-7PM Monday through Friday, 8AM-5PM on Saturday, with no construction activity permitted on Sundays.

Recycling Reminder

Please break down boxes prior to placing them inside the recycling dumpsters and bins.

BOARD VACANCY

Robert Newman was appointed to the vacancy on the Board of Directors during the April 12, 2022 meeting.

1600 Hamilton Place Website

The most recently approved Board of Directors meeting minutes, as well as the most recent Landscape Committee meeting minutes are both available for review on the association's website at www.1600hamiltonplace.org.

Irrigation System Information

The landscaping irrigation system is designed to water during the late evenings and early morning hours. Occasionally, there will be a broken sprinkler head or irrigation line in the complex and a leak will occur. Normally, the irrigation timer clock will automatically turn the water off after 15-30 minutes and the problem can be reported to the CMS Customer Service Department during regular business hours. If, however, the water continues to run after 30 minutes, please contact CMS at 408-559-1977 for access to the emergency on-call manager.

Also, it is the association's desire to help owners minimize maintenance needs on their units by eliminating problems with any sprinklers that are spraying onto building surfaces. If you witness such a problem, please report it to management so that the landscaping company can be contacted to make the necessary corrections.

HAMILTON PLACE STREET SWEEPING SCHEDULE

The San Jose Department of Transportation is arranging an enhanced sweeping of Hamilton Place on the 3rd Thursday of each month. Please avoid parking on Hamilton Place during business hours on the 3rd Thursday of each month so that the sweepers will have access to the street surfaces to clear leaves and debris.

MEDALLION LANDSCAPE MANAGEMENT SPRAY NOTICE – 2022

You can find the landscaping spray notice posted on the bulletin board next to the clubhouse entrance doors. Please direct any questions regarding the information on the notice to Medallion Landscaping at 408-782-7500.

Email Communication Reminder

Please include your specific unit address in the SUBJECT BOX of all emails sent to Bill Hubbard at Community Management Services.

Community Management Services, Inc

1935 Dry Creek Road, Suite 203

Campbell, CA 95008

Customer Service: 408-559-1977

Association Manager: Bill Hubbard

Email: bhubbard@communitymanagement.com

(1600 Hamilton or your unit address must be included in the SUBJECT BOX of all emails)

1600 Hamilton Place Security Office: 408-371-1715

1600 Hamilton Website: www.1600HamiltonPlace.org

RECORDING REQUESTED BY:

Reference No:

1600 Hamilton Place Community Association, Inc.

AND WHEN RECORDED MAIL TO:

White & MacDonald, LLP
1530 The Alameda, Suite 215
San Jose, CA 95126

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**FIRST AMENDMENT TO
FIRST RESTATED DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS OF 1600 HAMILTON PLACE COMMUNITY ASSOCIATION, INC.**

This First Amendment to the First Restated Declaration of Covenants, Conditions and Restrictions of 1600 Hamilton Place Community Association, Inc. is made as of the date hereafter shown by the Board of Directors in accordance with California Civil Code Section 4741(f), as hereinafter described.

RECITALS

WHEREAS, the First Restated Declaration of Covenants, Conditions and Restrictions of 1600 Hamilton Place Community Association, Inc. was recorded on or about May 1, 2009, as Document number 20235765 in the Official Records of the County of Santa Clara, State of California (the "Declaration").

WHEREAS, the Declaration covers that real property located in the City of San Jose, County of Santa Clara, State of California, more particularly described in Recital 2 of the Declaration with reference to that certain Subdivision Map entitled Tract 6812 recorded in Book 468 of Maps at Pages 24-26 in the Office of the Recorder of Santa Clara County, California.

WHEREAS, California Civil Code Section 4741 became operative on January 1, 2021, and as amended operative on January 1, 2022, and requires common interest developments to amend their governing documents to conform to the requirements of Section 4741 no later than July 1, 2022.

WHEREAS, the 1600 HAMILTON PLACE COMMUNITY ASSOCIATION, INC. desires to further amend the First Restated Declaration of Covenants, Conditions and Restrictions of 1600 Hamilton Place Community Association, Inc. by this First Amendment in accordance with the requirement of Section 4741, as more particularly set forth herein.

NOW, THEREFORE, the First Restated Declaration of Covenants, Conditions and Restrictions of 1600 Hamilton Place Community Association, Inc. is hereby amended as follows:

1. **Article II, Section 2.02, Delegation of Use/Rights and Obligations of Landlords and Tenants, is amended and superseded in its entirety as follows:**

Section 2.02. Delegation of Use/Rights and Obligations of Landlords and Tenants.

(a) **Leasing of Units.** Any Owner who leases a Residence must comply with each of the following restrictions, and each lease will be subject to these restrictions, whether they are expressly included within the lease or not.

- (1) Each lease must be in writing, if required by the Board.
- (2) No lease shall be for an initial term of less than thirty (30) days unless specifically approved in writing by the Board.
- (3) Leases shall provide that they are subject in all respects to provisions of the CC&R's, the Bylaws, and all Association Rules.
- (4) The Owner shall supply to each of its tenants a copy of the CC&R's and the Rules, at the Owner's expense. Any failure of the tenant to comply with these CC&R's, the Bylaws or the Rules shall be a default under the lease, regardless of whether the lease so provides. The Owner shall at all times be responsible for compliance of Owner's tenant with all of the provisions of the CC&R's, the Bylaws and Articles and the Rules during the tenant's occupancy and use of the Residence.
- (5) In the event that any tenant fails to honor the provisions of the CC&R's, the Bylaws or the Rules, the Owner immediately shall take all action to cure the default including, if necessary, eviction of the tenant. The Association may maintain an eviction action against the tenant in the event that the Owner has not taken action to prevent and/or correct the actions of the Owner's tenant giving rise to the Common Area or Common Facility damage or nuisance after receiving written notice from the Association, or an authorized committee of the Board, detailing the nature of the violation and having a reasonable opportunity to either take appropriate corrective action on a voluntary basis or appear before the Board or committee to present arguments as to why such action is not necessary. The remedy provided by this subparagraph is not exclusive and is in addition to any other remedy or remedies of the Association.

(b) Use of Comm on Facilities by Lessors. Any non-resident Owner who leases the Owner's Residence is no longer eligible to use the Common Facilities that the Owner would otherwise be entitled to use by virtue of the ownership of the Unit.

CERTIFICATE OF PRESIDENT AND SECRETARY

The undersigned President and Secretary of 1600 HAMILTON PLACE COMMUNITY ASSOCIATION, INC., a California non-profit mutual benefit corporation, do hereby certify that the above First Amendment to the First Restated Declaration of Covenants, Conditions and Restrictions of 1600 Hamilton Place Community Association, Inc. consisting of three (3) pages, inclusive of the signature pages, was duly adopted by the Board of Directors in accordance with California Civil Code Section 4741(f) and that it now constitutes an Amendment to the First Restated Declaration of Covenants, Conditions and Restrictions of 1600 Hamilton Place Community Association, Inc..

DATED: _____

PRESIDENT:

BY _____

President

Print Name

DATED: _____

SECRETARY:

BY _____

Secretary

Print Name