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Pages:
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Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

11/03/09 AT 08:00AM

FEES:	24.00
TAXES:	0.00
OTHER:	0.00
PAID:	24.00



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DAR - Title Company (Hard Copy)



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CHICAGO TITLE-SUBDIVISION

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

**Hayk Martirosian
Techna Land Co., Inc.
1545 N. Verdugo Road, No. 2
Glendale, CA 91205**



SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF NON-ADVERSARIAL PROCEDURES UNDER CIVIL CODE SECTION 912(f)

This Notice of Non-Adversarial Procedures under Civil Code Section 912(f) ("Notice") dated as of October 19, 2009, is made by 430 Wilson, LLC, a California limited liability company ("Builder"), with reference to the facts set forth below:

RECITALS

- A. Builder is the developer of that certain residential project, located in the City of Glendale, California, commonly known as La Positano ("Project"), consisting of condominiums ("Condominiums") and common area(s) located on that real property, legally described in Exhibit "A" attached hereto ("Property").
- B. Builder has recorded a Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for the Project ("Declaration"). The association of homeowners ("Homeowners Association") shall manage, maintain and operate the Project in accordance with the provisions set forth in the Declaration and any amendment(s).
- C. Builder has elected to engage in the non-adversarial procedures set forth in Sections 910 through 938 of the California Civil Code and is therefore required to record notice of the existence of non-adversarial procedures applicable to certain construction defect claims against

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the Property and that these procedures impact the legal rights of buyers with respect to the Property pursuant to California Civil Code Section 912(f).

- D. Builder also desires to provide notice to the Owner(s) and to their successors and assigns and to the Homeowners Association of their rights under California Civil Code Sections 895 through 938, and of certain other obligations to provide copies of certain purchase documents to their successors and assigns and of each Owner's obligation to follow the Builder's and other reasonable maintenance recommendations ("Recommendations"), if any, for each Condominium and the Homeowners Association's obligation to follow said Recommendations as they may apply to the common area(s).
- E. Builder also desires to provide notice of its agent for notice of claims made pursuant to these non-adversarial procedures, as set forth below.

NOW, THEREFORE, Builder declares and provides notice of the following to all Owners of the Property:

1. **Non-Adversarial Procedures.** Pursuant to California Civil Code Section 912(f), notice is hereby given by Builder that the non-adversarial procedures set forth in California Civil Code Sections 910 through 938, apply to certain claims which might arise regarding the Property and that these procedures impact the legal rights of buyers with respect to the Property. According to the terms of the statute, the non-adversarial procedures set forth in Civil Code Sections 910 through 938 will not apply if the Builder does not comply with the requirements set forth therein if a claim arises and the parties will then proceed to arbitration under the sales agreement or other applicable document.
2. **Agent for Notice.** Pursuant to California Civil Code Section 912(e), notice is hereby given by the Builder that the Builder maintains as its registered agent for notice the entity set forth below. According to the terms of the statute, all claims and requests for information under California Civil Code Section 910 et seq. shall be delivered as required under California Civil Code Section 910(a) as follows: c/o Rima Agakian. This contact information is subject to change.

The name and address of Builder's agent under California Civil Code Section 912(e) is also available at the office of the California Secretary of State. To ensure that your notice is delivered to Builder at its correct address, Owner is advised to confirm the current name and address of Builder's agent with the Secretary of State before delivering notice. This information can be provided by written request to: California Secretary of State, Special Filings Unit, P.O. Box 942877, Sacramento, California 94277-0001, or by telephone at (916) 653-3984.

3. **Subsequent Purchasers of the Property.** Prior to the close of escrow, the original homeowner received certain documents, which may include, but are not limited to (a) a Maintenance Manual or other maintenance or preventative maintenance information, (b)

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manufactured products maintenance and limited warranty information, (c) any warranties from Builder, and (d) any other documents provided in conjunction with the original sale of any portion of the Property by Builder (collectively, the "Documents"). The original purchaser of any portion of the Property shall maintain a full and complete copy of the Documents and provide the Documents to any subsequent purchaser. Subsequent purchasers of any portion of the Property are hereby notified that they should obtain the Documents from the Seller of such portion of the Property.

4. **Purpose of Notice Memorandum.** This Notice is prepared for the purpose of recordation of notice of non-adversarial procedures that apply to certain construction defect claims relating to the Property and notice of the obligation of purchasers of any portion of the Property to provide copies of the Documents to subsequent purchasers.
5. **Obligation to Follow Maintenance Recommendations.** All Owners and the Homeowners Associations are obligated by Section 907 of the California Civil Code to follow the Builder's maintenance recommendations and schedules, including the maintenance recommendations and schedules for manufactured products and appliances provided with the Property, as well as all commonly accepted maintenance practices (collectively "Maintenance Recommendations"). Per Section 945.5 of the California Civil Code, failure to follow the Maintenance Recommendations, if any, may reduce or preclude the Owner's and/or the Homeowners Association's right to recover damages relating to such Owner's/Homeowners Association's Property, which could have been prevented or mitigated had the Maintenance Recommendations been followed.
6. **Amendment or Revocation.** Prior to the Close of Escrow of any Unit on the Property, Builder shall have the unilateral right to revoke or amend this Notice as it relates to such Unit by recording an instrument amending or revoking this Notice and any such amendment or revocation shall not impair the effect of this Notice as to any other portion of the Property not covered by the amendment or revocation. No lender consents shall be required as a condition to any such revocation or amendment.

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IN WITNESS WHEREOF, the Builder has executed this Notice as of the date first written above.

"Builder"
430 Wilson, LLC
a California limited liability company

X: [Signature]
By: Rima Agakian
Its: Manager

State of California)
County of Los Angeles)

On Oct, 19, 2009, before me, MATT V. MATTEVOSSIAN NOTARY PUBLIC
personally appeared RIMA AGAKIAN, who

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]

(NOTARY SEAL)



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EXHIBIT "A"

LEGAL DESCRIPTION

Lot 1 of Tract No. 67928, in the City of Glendale,^{*} as per map recorded in book 1357, Page 70 and 71, inclusive, of Maps, in the Office of the County Recorder of Los Angeles County.

*County of Los Angeles, State of California,