After full consideration of the evidence, moving papers, declarations, and arguments submitted by counsel, the Court **GRANTED** La Cresta's Motion for Summary Adjudication on the Cross-Complaint with respect to JSB's First Cause of Action for Breach of Governing Documents; Third Cause of Action for Declaratory Relief; Fourth, Cause of Action for Breach of the Implied Covenant of Good Faith and Fair Dealing; and Fifth Cause of Action for Breach of County of Riverside Resolution No. 2004-042. The Court's determination with respect to the First, Third, Fourth, and Fifth Causes of Action is based upon the following:

1. The Association's Master Declaration of Covenants, Conditions and Restrictions, and Reservation of Easements ("CC&Rs") and Bylaws do not obligate the Association to construct or maintain any new roadways that were not depicted on the Parcel Maps at the original development of the La Cresta community.
2. The Association's CC&Rs and Bylaws do not require that the Association construct and maintain new roadways for the benefit of individual property owners, including those who decide to subdivide their property, as opposed to the needs and benefits of the Association as a whole.
3. The Association historically, for the past fifty (50) years, has not assumed the responsibility to construct or maintain new roadways, and has required for property owners to construct and maintain new roadways for their own use.

IT IS SO ORDERED.

DATED: 12/23/2020

By: _____
Hon. Raquel A. Marquez