

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

DEC 23 2020

A. Alvarado

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

LA CRESTA PROPERTY OWNERS
ASSOCIATION, a California non-profit mutual
benefit corporation,

Plaintiff,

v.

JSB LA CRESTA GROUP, A Nevada Limited
Liability Company; and DOES 1 through 100,
inclusive;

Defendants.

Case No.: MCC1800519

*Assigned for All Purposes to the Honorable
Judge Raquel A. Marquez, Department S303*

**ORDER GRANTING LA CRESTA
PROPERTY OWNERS ASSOCIATION'S
MOTION FOR SUMMARY
ADJUDICATION ON JSB LA CRESTA'S
CROSS-COMPLAINT**

Hearing Info.:

Date: September 30, 2020

Time: 8:30 A.M.

Department S303

Complaint Filed: May 10, 2018

Cross-Complaint Filed: July 25, 2019

Trial Date: July 2, 2021

AND RELATED CROSS-ACTION.

Cross-Defendant, LA CRESTA PROPERTY OWNERS ASSOCIATION'S (hereinafter, the "Association," or "La Cresta,") Motion for Summary Adjudication came on for hearing on September 30, 2020, at 8:30 A.M., telephonically in Department S303, Honorable Judge Raquel A. Marquez presiding. Constance Trinh of Whitney | Petchul appeared on behalf of Plaintiff and Cross-Defendant La Cresta Property Owners Association. Steven Kirby of Kirbys Law appeared on behalf of Defendant and Cross-Complainant JSB LA CRESTA.

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

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

19 **IT IS SO ORDERED.**

20
21 DATED: 12/23/2020

22 By: 

Hon. Raquel A. Marquez

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 27 Orchard Road, Lake Forest, California 92630.

On November 25, 2020, I served the foregoing document described as **ORDER GRANTING LA CRESTA PROPERTY OWNERS ASSOCIATION'S MOTION FOR SUMMARY ADJUDICATION ON JSB LA CRESTA'S CROSS-COMPLAINT** on the interested parties in this action by placing true copies thereof enclosed in a sealed envelope, addressed as follows:

Steven C. Kirby
James Kirby
Kirbys Law
2614 Artesia Blvd
Redondo Beach, CA 90278-3312
jameskirby@kirbyandkirby.com

- ☒ **BY MAIL** I deposited such envelope(s) in the mail at Lake Forest, California, with postage thereon fully prepaid.
- ☒ **BY ELECTRONIC MAIL** I served the aforementioned documents to the email listed in the service caption above. A true and correct copy of transmittal will be produced if requested by any party or the Court.
- ☐ **BY FACSIMILE MACHINE**, I transmitted such documents from Lake Forest, California, to the offices of the addressee(s).
- ☒ (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- ☐ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on November 25, 2020, at Lake Forest, California.


Lindsay N. Graves