

RECORDING REQUESTED BY:

County of San Luis Obispo

AND WHEN RECORDED MAIL TO:

Director of Planning and Building
County of San Luis Obispo
County Government Center
San Luis Obispo, California 93408

APN 091-027-005
091-027-006

NOTICE OF CANCELLATION OF COVENANT AND AGREEMENT
RESTRICTING USE OF PROPERTY, AND AGREEMENT

THIS NOTICE OF CANCELLATION OF COVENANT AND AGREEMENT
RESTRICTING USE OF PROPERTY, AND AGREEMENT is made and executed on
this _____ day of September 2016, by and between Michael Ralph Oien and Julianna
Christine Schmidt, Trustees of the Oien-Schmidt Family Trust, hereinafter referred to as
"Owners," and the COUNTY OF SAN LUIS OBIPSO, a political subdivision of the State
of California, hereinafter referred to as "County."

WITNESSETH:

WHEREAS, Owners are the record owner of that certain parcel of land
(hereinafter referred to as "Owners' Property") located at 1558 Lincoln Avenue, Arroyo
Grande, California, more particularly described in Exhibit A attached hereto and
incorporated by reference herein as though set forth in full.

WHEREAS, in connection with an application for issuance of a building permit
(B92-0900) for a second residential unit on Owners' Property and as required by San
Luis Obispo County Code section 22.30.470, Owners executed and recorded that
certain document entitled "Covenant and Agreement Restricting Residential Use Of

Property" as Document No. 1993-010525 on February 26, 1993 ("Covenant"), a copy of which is on file in the office of the County Recorder and is incorporated by reference herein as though set forth in full;

WHEREAS, the prospective buyer of Owner's Property is a veteran of the United States military and has secured a loan through the United States Department of Veterans Affairs;

WHEREAS, under its current policies, the Department of Veterans Affairs is precluded from insuring loans for single-family housing on properties that include any form of legal restriction on conveyance on title;

WHEREAS, the Department of Veterans Affairs has interpreted the Covenant to be a legal restriction on conveyance under the terms of its policies, and, as a result, has refused to insure any mortgages on Owners' Property;

WHEREAS, Owners have supplied the County with evidence that the Property is unsalable as a result of the Covenant and the aforementioned Department of Veterans Affairs policy;

WHEREAS, Owners have requested and the County Board of Supervisors ("Board") have agreed that the Covenant shall be cancelled to enable Owners' Property to be sold; and

WHEREAS, Owners agree to notify prospective purchasers of the owner-occupancy requirements of San Luis Obispo County Code section 22.30.470, which shall continue to apply to Owners' Property notwithstanding this cancellation.

NOW, THEREFORE, good cause and extraordinary circumstances having been shown, County agrees to cancel the above-mentioned "Covenant and Agreement Restricting Residential Use of Property" recorded as Document No. 1993-010525 on

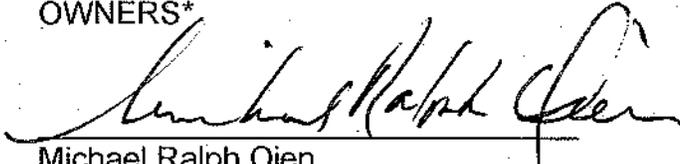
February 26, 1993, in the office of the County Recorder. Owners agree to notify prospective purchasers of the requirements of San Luis Obispo County Code section 22.30.470, including the owner-occupancy requirements of subsection B.2 therein.

Owners understand and agree that the County does not hereby waive or relinquish its rights or responsibilities to enforce the provisions of Section 22.30.470, or any other provision of County Code, as they may apply to Owners' Property.

The parties hereto intend and consent to the recordation of this Notice of Cancellation of Covenant And Agreement Restricting Use Of Property, and Agreement in the office of the County Recorder of the County of San Luis Obispo.

IN WITNESS WHEREOF, the parties hereto have executed this notice of cancellation the day and year first above written.

OWNERS*



Michael Ralph Oien,
Trustee of the Oien-Schmidt Family Trust



Julianna Christine Schmidt,
Trustee of the Oien-Schmidt Family Trust

[*Signatures must be notarized.]

COUNTY OF SAN LUIS OBISPO

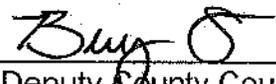
By: _____
Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: 8.30.16

EXHIBIT A

Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Parcel 3 of Map No. COAL-86-274, in the County of San Luis Obispo, State of California, according to the Map thereof filed for record June 19, 1987 in Book 41 at Page 69 of Parcel Maps, in the Office of the County Recorder of said County.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN LUIS OBISPO)

On _____, 20____, before me, _____,
a Notary Public, in and for the State of California, personally appeared _____,
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 of Notary Public _____

[SEAL]

ACKNOWLEDGMENT

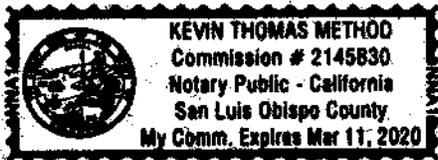
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN LUIS OBISPO)

On August 30th, 2016, before me, Kevin Thomas Method, a Notary Public, in and for the State of California, personally appeared Michael Ralph Oien and Joliana Cristine Schmidt, 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 [Handwritten Signature]
Signature of Notary Public

[SEAL]