

**Midtown Terrace
Conditions, Covenants, and Restrictions (CC&Rs)**

The following CC&Rs were included within the text of the October 4, 1956 grant deed conveying a lot in Midtown Terrace from the Panorama Development Company to the original purchasers of that lot. The deed is recorded at page 459 of book 6930 of the official records of San Francisco. Presumably, similar or identical CCRs were included in other original deeds from the developer to the original purchasers of lots in Midtown Terrace.

The deed itself directly includes a prohibition on any modification (other than antennas) that would increase the height of the building and a prohibition against any fences on steeply sloping portions of the rear of the lot. The deed also incorporates by reference CCRs in three documents recorded in the OFFICIAL RECORDS of San Francisco:

1)Book 5324 page 362

2)Book 5364 page 292

3)Book 5372 page 1

The CCRs in items 1 and 2 are simply racial restrictions that have no validity and are not reproduced here. Item 3 is a more extensive set of CCRs that, among other things, establish the home owners association and require all lot owners to be members of the association. The CCRs refer to the home owners association as the "Westview Terrace Homeowners Association". This was apparently the intended name for the development which was subsequently changed to Midtown Terrace.

The text below on this page is the relevant excerpt from the original deed described above. The following page reproduces the CC&Rs at Book 5372, page 1 of the Official Records.

This conveyance is made and accepted subject to the covenants, conditions, restrictions, reservations and provisions contained in the Declaration by California Pacific Title Insurance Company, recorded December 14, 1949 (5324 OR 362); and Declaration by California Pacific Title Insurance Company, recorded February 2, 1950 (5364 OR 292); and Declaration by Title Insurance and Guaranty Company and California Pacific Title Insurance Company, recorded February 10, 1950 (5372 OR 1) .

All of which covenants, conditions restrictions, reservations and provisions are incorporated herein by reference to said Declarations with the same effect as if set forth in full herein.

No structure of any kind or character, excluding radio and television antennae, shall be erected on the roof of the building existing on the herein described lot either by alteration or rebuilding, that would increase the height of said building now erected on said plot of land.

No fence of any kind or character whatsoever shall be placed on the rear uphill or downhill slopes of any lot or yard where such slope exceeds a grade of two feet horizontal to one foot vertical and the total vertical rise exceeds six (b) feet.

DECLARATION IMPOSING COVENANTS, RESTRICTIONS,
EASEMENT AND AGREEMENTS¹

AFFECTING A TRACT TO BE KNOWN AS
“WESTVIEW TERRACE”
IN THE CITY AND COUNTY OF SAN FRANCISCO,
STATE OF CALIFORNIA, A LEGAL DESCRIPTION
OF WHICH IS ATTACHED HERETO AND
INCORPORATED HEREIN AS EXHIBIT “A”

TITLE INSURANCE AND GUARANTY COMPANY, a corporation, and CALIFORNIA PACIFIC TITLE INSURANCE COMPANY, a corporation, owners of the tracts of land constituting the above subdivision as indicated in Exhibit “A” attached hereto, said TITLE INSURANCE AND GUARANTY COMPANY being the owner of PARCEL ONE and said CALIFORNIA PACIFIC TITLE INSURANCE COMPANY being the owner of PARCEL TWO and PARCEL THREE respectively hereby declare:

That said land is held, and shall be held, conveyed, hypothecated, used, improved and occupied subject to the following covenants, restrictions, covenants and arrangements which are imposed pursuant to a general plan, and shall create mutual equitable servitudes on each of the lots, plots or parcels in said subdivision and a privity of contract with reference thereto between the various owners thereof, their heirs, personal representatives, successors and assigns;

FIRST: It is intended that the said subdivision shall be residential in character; and the use, construction, maintenance, remodeling and repair of all improvements thereon shall be in conformity with restrictions, covenants, and conditions set forth in the By-laws of WESTVIEW TERRACE HOMEOWNERS ASSOCIATION, a non-profit corporation to be organized under and pursuant to the laws of the State of California.

SECOND: All purchasers of property shown on said map by the acceptance of deeds therefore, whether from TITLE INSURANCE AND GUARANTY COMPANY, a corporation, CALIFORNIA PACIFIC TITLE INSURANCE COMPANY, a corporation, or subsequent owners of such property, or the signers of contracts or agreements to purchase the same shall thereby and by said act assent and agree to all the provisions and covenants of this declaration and the By-laws to be adopted by said Association, or as thereafter amended, and shall thereby consent to the formation and existence of said WESTVIEW TERRACE HOMEOWNERS ASSOCIATION, and they shall also agree thereby to be and remain members in good standing of such Association so long as they hold title to or interest in any lot or portions thereof shown on said map; and

THIRD: These covenants, conditions, restrictions and agreements shall run with the land and shall continue in full force and effect until February 1, 1975, at which time the same shall be automatically extended for successive periods of ten (10) years, unless by a duly executed and recorded statement or declaration the then owners of more than 75 percent of the lots in said subdivision, as shown on the recorded map thereof, elect to terminate or amend said restrictions in whole or part.

¹ Feb 10, 1950, Book 5372, Official Records of San Francisco, Page 1