



RECORDING REQUESTED BY:  
PARK VILLAS NORTH CONDO ASSOC

AND WHEN RECORDED MAIL TO:

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Nov 05, 2018 02:15 PM  
OFFICIAL RECORDS  
Ernest J. Dronenburg, Jr.,  
SAN DIEGO COUNTY RECORDER  
FEES: \$113.00 (SB2 Atkins: \$75.00)

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**FIRST AMENDMENT TO THE FIRST RESTATED  
DECLARATION OF ESTABLISHMENT COVENANTS, CONDITIONS AND  
RESTRICTIONS  
FOR  
PARK VILLAS NORTH CONDOMINIUM ASSOCIATION, INC.**

**NOW, THEREFORE, THIS AMENDMENT** to the First Restated Declaration of Establishment Covenants, Conditions and Restrictions ("Declaration") for Park Villas North Condominium Association ("Association"), Inc., is made this 4th day of October, 2018, by Order of the Superior Court of the State of California for the County of San Diego.

**WHEREAS**, the Association was officially incorporated in the office of the Secretary of State of California;

**WHEREAS**, the First Restated Declaration was recorded on May 27, 2009, as Instrument No. 2009-0282825, in the office of the San Diego County Recorder;

**WHEREAS**, Article XVI, Section 2 of the Declaration provides that the Declaration may be amended at any time and from time to time by an instrument in writing signed by Members in Good Standing representing two-thirds (2/3rds) of the total voting power of the Association. Such amendment shall become effective upon the recording thereof with the Office of the County Recorder. Notwithstanding the above or any other section of this Declaration, the percentage of the voting power necessary to amend a specific clause or provision shall not be less than the percentage of affirmative votes prescribed for action to be taken under that clause;

**WHEREAS**, the term "Member in Good Standing" as referred to in Article I, Section 20, shall mean a Member who is current with all dues, fees, fines and assessments and is not in violation of the Governing Documents;

**WHEREAS**, the members of the Association deem it is in the best interest of the Association to amend the Association's Declaration and have duly approved this revision hereinafter set forth by the requisite vote or assent; and

**WHEREAS**, on October 4, 2018, The Superior Court of California granted the Associations Petition for a reduction of votes needed to amend the First Restated Declaration of Establishment Covenants, Conditions, and Restrictions for Park Villas North Condominium Association. Attached as Exhibit "A" is a true and correct copy of the Courts Order dated October 4, 2018.

**NOW, THEREFORE,** the Declaration is amended as follows:

**I.**

Article II, Section 5 of the Park Villas North Condominium Association to the First Restated Declaration of Establishment of Covenants, Conditions, and Restrictions ("Declaration") currently reads as follows:

Section 5 Additional Parking.

A Member in Good Standing may rent one of the Associations owned additional parking spaces, by contacting the property management company and being added to the waiting list. When their name comes to the top of the list they will be contacted and if they are currently a Member in Good Standing, given the option to rent the next available additional parking space. If they say yes to renting the next space, the additional parking space will be rented to them on a month to month basis. If they refuse, the space will be offered to the next Member in Good Standing on the list and they will remain at the top of the list until they choose a space. In ordered to make sure that everyone has an opportunity to rent an additional space, each Member in Good Standing is entitled to rent only one additional parking space. Additional parking spaces are for the personal use of the Member in Good Standing or their tenants and cannot be sublet to any other party. When a Member in Good Standing either sells their Unit or no longer wishes to rent the additional parking space for their own use, said space automatically returns to the Association so that the management company can offer it to the next Member in Good Standing on the list. If at any time during their rental of an additional space, a Member in Good Standing is no longer a Member in Good Standing, the Board can suspend their right to rent an additional parking space and it will be returned to the management company and offered to the next available Member in Good Standing on the list.

The following language will replace in its entirety Section 5 of the Article II Description of Land and Improvements of the First Restated Declaration:

Additional uncovered parking spaces are owned by the Association and can only be rented by a Unit Owner contacting the property management company and being added to the waiting list. Each Unit is entitled to rent only ONE additional parking space and when their name comes to the top of the list they will be contacted and if they are a Member in Good Standing given the option to rent the space. If they say yes, the next available space will be rented to them on a month to month basis. If they pass on the space it will be offered to the next Unit on the list and they will remain at the top of the list until they choose a space. Additional parking spaces are for the exclusive use of the Unit Owner who is a Member in Good Standing or their tenants and cannot be sublet to any other party. When a

Unit Owner either sells their Unit or no longer wants to rent the additional parking space said space automatically returns to the Association so that the management company can rent it to the next Unit on the list. If at any time during the rental of the additional parking space either the Unit Owner or their tenant causes the Unit Owner to no longer be a Member in Good Standing the Board will suspend their right to rent an additional parking space and it will be returned to the management company and offered to the next Unit on the list.

## II.

Article VI, Section 2 of the Park Villas North Condominium Association to the First Restated Declaration currently reads as follows:

### Section 2 Condominium Owners Insurance.

Each Unit Owner should be aware that only Common Area property is covered under the Association insurance. Therefore, each Unit Owner is required to maintain their own condominium owner's insurance to cover the full replacement value of the interior of their Unit and their personal liability. In addition, to fully protect themselves and the Association against further liability, each Unit Owner who rents out their Unit must require their tenants to maintain renters insurance to cover the tenant's personal property and liability. The Association shall be named as additional insured on all Unit Owner policies.

The following language shall be added at the end of the last sentence of Section 2 of Article VI to the Condominium Owners Insurance of the First Restated Declaration and Section 2 of Article VI will now read as follows:

Each Unit Owner should be aware that only Common Area property is covered under the Association insurance. Therefore, each Unit Owner is required to maintain their own condominium owner's insurance to cover the full replacement value of the interior of their Unit and their personal liability. In addition, to fully protect themselves and the Association against further liability, each Unit Owner who rents out their Unit must require their tenants to maintain renter's insurance to cover the tenant's personal property and liability. The Association shall be named as additional insured on all Unit Owner policies. **In addition, upon request, Unit Owner shall deliver proof of owner's insurance and (if applicable) renter's insurance to the Association within 30 days of the request.**

## III.

Article XIV, Section 2 (g) of the Park Villas North Condominium Association to the First Restated Declaration currently reads as follows:

Section 2 (g) Exterior Modifications, Improvement and Alterations

All window replacements are to be done with silver aluminum, extruded windows using the new construction style with no outside flanges, similar in quality to the "Milgard" style. Outside patio doors can be replaced using retro-fit style gliders. However, no vinyl clad windows can be used for replacement of any exterior windows or doors.

The following language will replace in its entirety Section 2(g) of the Article XIV of Covenants and Use Restrictions, Architectural Control of the First Restate Declaration;

In order to match the existing clear aluminum finish windows at Park Villas North, all replacement windows and glass sliding doors must use MILGARD™ standard aluminum 1280H RETRO-FIT windows and MILGARD™ standard aluminum 450 RETRO-FIT doors, both in clear anodized color. In addition, all replacement windows and glass sliding doors must be ordered with "Z-Bar" flange in order to ensure resistance to leaks and assure a quality installation. The interior of the windows should be finished in "peel and stick" flat vinyl trim, in a silver color. Under no circumstances can VINYL CLAD windows or doors be used. If Milgard no longer manufactures either product, the Board will establish guidelines for future replacement windows and doors in the Association's Rules and Regulations which shall be strictly adhered to by all Unit Owners.

Pursuant to the rest of Article XIV Section 2 of the Park Villas North CC&Rs all exterior modifications must follow the approval process and have written authorization of the Board of Directors.

**IV.**

Article XIV, Section 2(f) of the Park Villas North Condominium Association to the First Restated Declaration currently reads as follows:

Section 2 (f) Exterior Modifications, Improvement and Alterations

Screen Doors installed over the front door of any Unit must be of a kind and quality equal to the Superior Model #3616-C "Centurion" and be of a dark bronze color to match other screen doors in the Complex.

The following language will replace in its entirety Section 2(f) of Article XIV of Covenants and Use Restrictions, Architectural Control of the First Restated Declaration;

Screen Doors installed over the front door of any Unit must be Centurion Precision Series 3610 Extruded Aluminum Security Screen Door in the standard Bronze finish so as to match the other screen doors throughout the Complex.

Pursuant to the rest of Article XIV Section 2 of the Park Villas North CC&Rs all exterior modifications must follow the approval process and have written authorization of the Board of Directors.

In the event of any conflicts between this First Restated Declaration and the Declaration, these Amendments shall control. Except as expressly amended herein, all other provisions of Article II, VI, XIV, and the remaining Articles of the Declaration of Establishment of Covenants, Conditions and Restrictions of Park Villas North Condominium Association as a whole, shall remain in full force and effect.

### CERTIFICATE OF AMENDMENT

We are the President and the Secretary, respectively, of the Park Villas North Condominium Association, a California nonprofit mutual benefit corporation. The foregoing Amendments to the Declaration of Covenants Conditions and Restrictions, for Park Villas North Condominium Association were approved by the Honorable David M. Rubin, Judge of the Superior Court of the State of California, San Diego Judicial District, pursuant to Civil Code Section 4275, on the basis of the affirmative votes received during the balloting period.

A copy of said Order of the Court, dated October 4, 2018, is attached to this Certificate of Amendment as Exhibit "A." Pursuant to said Order, upon signing and recording of this Verification and distribution of the foregoing Amendments to the membership of Park Villas North Condominium Association, said Amendments will be in full force and effect.

PARK VILLAS NORTH CONDOMINIUM  
ASSOCIATION

DATE: 11/1/18

By: Elaune Hurst  
ELAUNE HURST, President

DATE: 11/1/18

By: Dyan Hartman  
DYAN HARTMAN, Secretary


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.

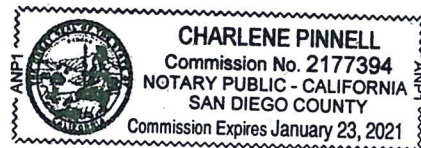
STATE OF CALIFORNIA           )  
                                                  ) ss.  
COUNTY OF SAN DIEGO       )

On November 1, 2018 before me, Charlene Pinnell, Notary Public, personally appeared, Elaine Hartnett and Dyan Hartman, 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/hers/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.

 (Seal)  
Notary Public



# **EXHIBIT “A”**

FILED  
Clerk of the Superior Court  
OCT 04 2018  
By: V. Clarion, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO, CENTRAL DIVISION

In the Matter of PARK VILLAS NORTH  
HOMEOWNERS ASSOCIATION

Petitioner,

CASE NO.: 37-2018-00038089-CU-PT-CTL

ORDER REDUCING THE PERCENTAGE OF  
VOTES NECESSARY TO APPROVE AND  
ADOPT THE FIRST AMENDMENTS TO  
THE FIRST RESTATED DECLARATION OF  
ESTABLISHMENT OF COVENANTS,  
CONDITIONS AND RESTRICTIONS

Date: Thursday, October 4, 2018

Time: 1:30 pm

Dept.: 903 – 1100 Union St., San Diego, CA

The Petition of Park Villas North Homeowners Association for an order reducing the percentage of votes necessary to approve and adopt the First Amendment to the First Restated Declaration of Establishment of Covenants Conditions and Restrictions came on regularly for hearing at 1:30 p.m. on October 4, 2018, in Department 903 of the above-entitled court, the Honorable David M. Ruben, presiding. Petitioner, Park Villas North Homeowners Association, appeared by Jonathan D. Massie of Massie & Berman, APC. The following persons,  
NONE (DE)

appeared on behalf of objectors. No other appearances were made. After full consideration of the evidence and points and authorities submitted by Petitioner,



1 IT IS HEREBY ORDERED THAT:

2 1. The Court finds that Petitioner has given proper notice to all Members of the Park Villas  
3 North Homeowners Association in compliance with Civil Code §4275(c); that balloting on the  
4 proposed First Amendment to the First Restated Declaration And Establishment of Covenants,  
5 Conditions and Restrictions was conducted in compliance with all applicable provisions of the  
6 governing documents; a reasonably diligent effort was made to secure the vote of the membership;  
7 that Owners having more than fifty percent (50%) of the votes approved the First Amendment to the  
8 First Restated Declaration of Establishment of Covenants, Conditions and Restrictions; the First  
9 Amendments to the First Restated Declaration of Establishment of Covenants, Conditions and  
10 Restrictions are reasonable, and that granting this Petition is not improper for any reason stated in  
11 Civil Code §4275.

12 2. Therefore, Petitioner's Petition to Reduce the Required Voting Percentage for  
13 approval of the First Amendment to the First Restated Declaration of Establishment of Covenants,  
14 Conditions and Restrictions is granted.

15 3. Pursuant to the granting of said Petition, the Court will dispense with the requirement  
16 in Article XVI, Section 2 of the First Restated Declaration of Establishment of Covenants,  
17 Conditions and Restrictions that amendments must be approved by an affirmative vote of two-thirds  
18 (2/3) the total voting power of the Association, and substituting the Court's order that, by virtue of  
19 substantial compliance with the vote requirement by the votes received from the members, the First  
20 Amendments to the First Restated Declaration of Establishment of Covenants, Conditions and  
21 Restrictions be approved on the basis of the affirmative votes received during the balloting period,  
22 subject only to the requirement that the amendments be executed and acknowledged by Petitioner's  
23 president and secretary and recorded in the office of the San Diego County Recorder under Civil  
24 Code Section 4275(f) and a copy of said recorded First Amendment to the First Restated Declaration  
25 of Establishment of Covenants, Conditions and Restrictions be forwarded to each member of the  
26 Association first class mail. (See Civil Code §4275(g)).

27 IT IS SO ORDERED.

28 DATED: 10/4/18

DAVID M. RUBIN

JUDGE OF THE SUPERIOR COURT