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ATT: JOSEPH A FREEDMAN ESQ
REF: DEL MAR VILLAS
7777 ALVARADO RD #615
LA MESA, CA 91941-3649
info@subdivision.net



SPACE ABOVE FOR RECORDER'S USE

01-0234812

Index as: "AMENDMENT TO CC&RS"

**FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
"DEL MAR VILLAS"**

*(Amending that Original Declaration recorded in the Office of the San Diego County Recorder
on December 1, 2003, as Document No. 2003-1424116)*

City of San Diego, County of San Diego, California

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THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR "DEL MAR VILLAS" (hereafter "*First Amended Declaration*" or "*First Amendment*") is made on the day and year hereinafter written by DEL MAR VILLAS CONDOMINIUM OWNERS ASSOCIATION, a California nonprofit mutual benefit corporation (the "*Amending Declarant*,") with reference to the facts set forth in ARTICLE 1 - "RECITALS" below.

I. RECITALS

1.1. ORIGINAL DECLARATION

On December 1, 2003 that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR "DEL MAR VILLAS" (the "*Original Declaration*"), was recorded as Document No. 2003-1424116 of Official Records of the County Recorder of San Diego County, California, covering that certain real property located in the City of San Diego, County of San Diego, State of California, more particularly described on EXHIBIT "A," attached hereto (the "*Property*")

1.2. DEFINITIONS

Each definition set forth in the Original Declaration Article entitled "DEFINITIONS" shall have the same meaning within this First Amendment, and each such definition is by this reference incorporated herein.

1.3. ASSOCIATION

The Del Mar Villas Condominium Owners Association was incorporated as a nonprofit mutual benefit corporation pursuant to Articles of Incorporation endorsed - filed on December 15, 2003 in the Office of the Secretary of State of California, and certified on December 17, 2003 by Kevin Shelley, Secretary of State, as corporation number 2299686.

1.4. STATUS OF BOARD OF DIRECTORS

As of the date of Recordation of this First Amendment a Board of directors has not been elected.

1.5. AMENDMENT TO CC&RS FOR MANIFEST ERRORS

Pursuant to Section 17.4 of the Original Declaration, the incorporator (the "*Incorporator*") of the Association is granted an irrevocable power of attorney to act for and on behalf of each and every Owner and Mortgagee in certifying, executing and Recording an amendment to the Original Declaration for the purpose(s) of correcting manifest and technical errors or for curing or correcting any ambiguity or defective or inconsistent provisions or clerical omission or mistake, which such amendment shall become effective upon its Recordation.

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1.6. INTENDED PURPOSE OF FIRST AMENDMENT.

This First Amendment is intended to amend the Original Declaration in order to cure or correct the following technical error:

Section 9.16 - RATE OF REGULAR AND SUPPLEMENTAL ASSESSMENTS of the Original Declaration is incorrect insofar it provides for two different rates of Regular and Supplemental Assessments to be levied against Units and their Owners (an *Unequal Rate* and an *Equal Rate*), whereas the Budget that was accepted and approved by the California Department of Real Estate provides for a single rate of Regular and Supplement Assessment (an *Equal Rate*). This First Amendment is intended to amend Section 9.16 in its entirety, so that it shall provide for such single rate of Regular and Supplemental Assessment against all Units in the Project.

2. DECLARATION

NOW THEREFORE, the undersigned Incorporator, on behalf of the Association, Declarant, all Owners and all Mortgagees, hereby declares the ORIGINAL DECLARATION to be amended in the manner set forth below.

3. FIRST AMENDMENT**3.1. AMENDMENT TO SECTION 9.16**

Section 9.16 - RATE OF REGULAR AND SUPPLEMENTAL ASSESSMENTS of the ORIGINAL DECLARATION is hereby amended *in its entirety* to read as follows:

9.16. RATE OF REGULAR AND SUPPLEMENTAL ASSESSMENTS

Regular Assessments and Supplemental Assessments shall be levied at a uniform rate for all Condominiums and may be collected on a monthly basis, or otherwise, as determined by the Board. (Note: a Supplemental Assessment shall not include either "Capital Improvement Assessment" or a "Restoration Assessment").

DELETED TEXT:~~9.16. RATE OF REGULAR AND SUPPLEMENTAL ASSESSMENTS~~

~~Regular and Supplemental Assessments shall be levied against Units and their Owners based upon two different assessment component rates: (a) an Unequal Rate and (b) an Equal Rate, as applied to specific types of Common Expenses, as described below:~~

~~9.16.1. UNEQUALLY RATED ("Pro Rated") COMMON EXPENSES~~

~~Unequally rated Assessment components shall be calculated based upon the approximate square footage size of each Unit, it being assumed that larger Units, because of their size, will receive greater benefit from certain types of expenses. These unequally rated or "Pro Rated Expenses" are allocated among the Units on the ratio of the approximate square footage of each such Unit to be assessed, to the total square footage of all Units. It is intended that the following specific Common Expenses and Special Assessments items shall be pro-rated:~~

- ~~(a) Insurance premiums for Association insurance policies~~
- ~~(b) Utility Charges~~
- ~~(c) Reserves for Building exteriors (e.g. waterproofing, repair, stucco and paint), Utility Systems, and Roofing Systems~~
- ~~(d) Capital Improvement Assessments~~
- ~~(e) Purchase Assessments~~

~~9.16.2. EQUALLY RATED COMMON EXPENSES, SPECIAL ASSESSMENTS~~

~~Equally rated Assessment components shall be calculated on an equal basis among all Units. All Common Expenses which are not pro-rated shall be equally divided among all Units. Single Benefit Assessments shall be levied directly to the individual Units and/or their respective Owners, depending upon whether the Assessment may become a lien against the Unit, as provided in this Declaration. The Board may from time to time reallocate the rate of a Common Expense item, as it deems reasonable and appropriate.~~

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3.2. REMAINING PROVISIONS OF ORIGINAL DECLARATION.

Except as expressly amended herein, the provisions of the Original Declaration shall remain in full force and effect.

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IN WITNESS WHEREOF, the undersigned, being the Incorporator of Del Mar Villas Condominium Owners Association, a non-profit mutual benefit corporation, pursuant to the provisions of Section 17.4 of the Original Declaration, collectively the "Amending Declarant" herein, hereby certifies and executes this First Amendment to the Original Declaration as the Amending Declarant on January 6, 2004.

AMENDING DECLARANT:

DEL MAR VILLAS CONDOMINIUM OWNERS ASSOCIATION,
a California non-profit mutual benefit corporation

By:



LAWRENCE E. GROVE, Incorporator
Duly Authorized

(Please Attach Proper Notary Certificate(s) of Acknowledgment)

**DEL MAR VILLAS
FIRST AMENDMENT TO DECLARATION**

Signature Page

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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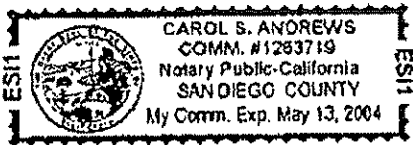
State of CALIFORNIA

County of SAN DIEGO

On JANUARY 6, 2004 before me, CAROL S. ANDREWS Notary Public

personally appeared LAWRENCE E. GROVE

personally known to me - OR - 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.



WITNESS my hand and official seal.

Carol S. Andrews
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

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EXHIBIT "A" - "PROPERTY" - LEGAL DESCRIPTION

LOTS 1, 2 AND 3 OF CARMEL VALLEY NEIGHBORHOOD 6,
UNIT 4, IN THE CITY OF SAN DIEGO, COUNTY OF SAN
DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP
THEREOF NO. 11596, FILED WITH THE COUNTY
RECORDER OF SAID COUNTY, AUGUST 20, 1986.

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EXHIBIT "A" - LEGAL DESCRIPTION

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