

Recording Requested By:  
San Elijo Hills Homeowners Association

THE ORIGINAL OF THIS DOCUMENT  
WAS RECORDED ON JAN 08, 2007  
DOCUMENT NUMBER 2007-0012488  
GREGORY J. SMITH, COUNTY RECORDER  
SAN DIEGO COUNTY RECORDER'S OFFICE  
TIME: 2:32 PM

When Recorded, Return To:  
Mary Howell, Esq.  
EPSTEN GRINNELL & HOWELL, APC  
9980 Carroll Canyon Road, Second Floor  
San Diego, CA 92131

For Recorder's Use

**THIRD AMENDMENT TO DECLARATION AND ESTABLISHMENT OF  
PROTECTIVE COVENANTS AND RESTRICTIONS  
SAN ELIJO HILLS**

THIS AMENDMENT is made on this 30 day of November, 2006, by San Elijo Hills Homeowners Association Inc., a California nonprofit mutual benefit corporation ("**Association**"), with reference to the following:

**RECITALS**

A. The Association is the successor to Lomas Santa Fe Inc., ("**Declarant**") who, together with Santa Fe Company, Lomas Santa Fe Country Club and Kaiser Aetna were the Owners of portions of that certain real property situated in the Solana Beach Area of the County of San Diego, State of California, described in Record of Survey Map No. 6692, recorded June 14, 1966, as File No. 98776, Official Records, San Diego County.

B. The Association is vested with the responsibility for the management and control of that certain real property situated in the Solana Beach Area of the County of San Diego, State of California, more particularly described as follows:

LOTS 1 through 192, inclusive of "San Elijo Hills", in the County of San Diego, State of California, according to Map thereof No. 7670, filed in the office of the County Recorder of San Diego County, June 20, 1973.

hereinafter referred to as "**Property**;"

C. The Association membership is made up of the individual Owners of the Property.

D. Declarant intended to make a Covenant running with the land pursuant to Section 1468 of the Civil Code of the State of California subjecting the Property to the San Elijo Hills Homeowners Association, Declaration and Establishment of Protective Covenants and Restrictions recorded in the Official Records of San Diego County, California on November 23, 1973 as Document No. 73-326049, and as subsequently amended on November 17, 1995 as Document No. 1995-0525181, and again amended on November 17, 1995 as Document No. 1995-0525182, hereinafter collectively referred to as "**Declaration.**" The defined terms used herein shall be the same as the defined terms in the Declaration.

E. This amendment has been adopted under California Civil Code Section 1355 which provides that an amendment is effective after (1) approval of the percentage of Owners required by the governing documents has been given, (2) that fact has been certified in a writing executed and acknowledged by the officer designated in the Declaration for such purpose, or by the president of the association if no one is designated, and (3) the writing has been recorded in the County in which the Property is located. Since the Declaration is silent as to the designate officer for certifying that the amendment requirements have been satisfied, the President and Secretary of the Association have executed this document along with the certification attached hereto as Exhibit A.

F. The Declaration provides in Article VII that it may be amended by the written consent of at least two-thirds (2/3) of the then Owners of Record of said Property. As more fully set forth in Exhibit A, the undersigned President and Secretary certify that these amendments were properly adopted.

G. The Association and its Members hereby desire to amend Article III, Section G 10 of the Declaration, as more fully set forth herein.

H. The Association and its Members now wish to amend the Declaration as set forth herein.

### DECLARATION

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Article III, Section G 10 is hereby deleted in its entirety and replaced with the following:

10. Storage of Cars, Trailers, Campers, Boats, Etc.

(a) No resident shall park, store or keep within the Property, including on any Building Site, any large commercial-type vehicle (including, but not limited to, any dump truck, cement mixer truck, oil or gas truck or delivery truck), any recreational vehicle (including, but not limited to, any camper unit or motor home), any bus, trailer coach, camper

trailer, utility trailer, fifth-wheel trailer, all terrain vehicle, boat, boat trailer, personal water craft, aircraft, mobile home, motorcycle, inoperable vehicle or any similar vehicle or any vehicular equipment, mobile or otherwise, or any other non-automotive vehicles and non-automotive storage or other items visible from anywhere in the Property determined to be a nuisance by the Board. No painting, repairing or mechanical work, other than customary maintenance work and minor emergency repairs, shall be done on any Building Site except in enclosed areas approved by the Board in writing, which areas shall be sufficiently screened from the street and adjacent lots to eliminate any possibility of a nuisance being created by such activities.

(b) Subsection (a) above excludes camper trucks and similar vehicles up to and including three-quarter (3/4) ton when used for every-day-type transportation and subject to approval by the Board.

2. This completes the text of this amendment. It is intended that the terms of this amendment shall control to the extent any other provisions of the Declaration may conflict with it. If there is any error or omission in this amendment that is discovered after that date it is recorded, the Association, through the Board, reserves the right to record a document to correct any such error. Except as expressly modified by this amendment, all remaining provisions of the Declaration not shown above, shall remain in full force and effect. This amendment shall take effect immediately upon recording.

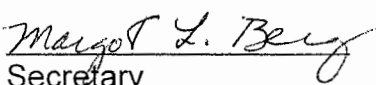
*IN WITNESS WHEREOF*, this Amendment is executed on the day and year hereinabove written by the undersigned Directors.

**SAN ELIJO HILLS HOMEOWNERS ASSOCIATION**  
a California nonprofit mutual benefit corporation

By:

  
President

By:

  
Secretary

(Attach Proper Notary Certificate(s) of Acknowledgment)

Exhibit A

**CERTIFICATION OF PRESIDENT AND SECRETARY AS TO APPROVAL OF AMENDMENT**

We, the undersigned President and Secretary, declare and state as follows:

1. We certify that we are the President and Secretary, respectively, of San Elijo Hills Homeowners Association, a California nonprofit mutual benefit corporation (hereafter "Association").

2. We have executed this certification to certify that the amendment requirements of the Declaration have been met according to the provisions contained in California Civil Code Section 1355.

3. We certify that (a) there are no longer any Declarant votes, (b) that there are currently one hundred ninety two (192) Residential Lots that are subject to the Declaration, (c) that there is a total voting power of one hundred ninety two (192) votes, one (1) for each Residential Lot in the Association, and (d) that there are no Residential Lots whose voting rights have been suspended.

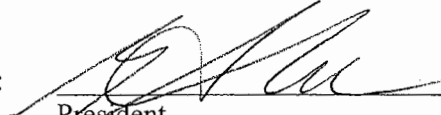
4. We certify that, based on the facts recited above and according to Article VII of the Declaration, amendments must be approved by the written consent of Members representing at least two-thirds (2/3) of the total voting power of the Association. Thus, at least one hundred twenty three (123) affirmative votes or written consents are needed to amend the Declaration.

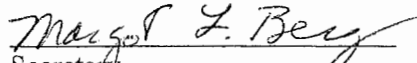
5. We certify that, when the written consents were counted as of March 30, 2006, the following is the tally of the votes submitted by the Members, all of whom are currently members of the Association:

Total Votes of the Members	
<u>Yes</u>	<u>No</u>
130	40

6. Since these totals reflect approval by at least one hundred twenty three (123) affirmative votes of the Members, we certify that this Third Amendment to the Declaration was approved.

On behalf of the Association, we declare under penalty of perjury under the laws of the State of California that the foregoing facts are true and correct. Executed on 11/30, 2006 at Solana Beach, California.

By:   
President

By:   
Secretary

NOTARY ACKNOWLEDGMENTS

State of California )  
County of San Diego )

On Nov 30, 2006, before me, Kathy Hannon <sup>Notary Public</sup> (Name and title "Notary Public"), personally appeared Margot L. Bera Beth Mascher (Name[s] of signer[s]), 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.

Kathy Hannon  
Signature of Notary



SEAL: