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AMENDMENT NO. 1, DECLARATION OF CONDITIONS AND RESTRICTIONS OF YUCCA IMPROVEMENT ASSOCIATION

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9/95
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AMENDMENT NO. 1
DECLARATION OF CONDITIONS AND RESTRICTIONS
OF
YUCCA IMPROVEMENT ASSOCIATION

We, the undersigned, are owners of property referred to in that certain Declaration of Conditions and Restrictions recorded on February 10, 1955 in Book 5526, page 519 of Official Records of the County of San Diego, State of California, and known as the Yucca Improvement Tract, a copy of which is attached hereto as Exhibit A, as extended on July 30, 1990 and recorded on August 8, 1990 as document 90-433479 of the Official Records of the County of San Diego, State of California, a copy of which is attached hereto as Exhibit B. Exhibits A and B by this reference are incorporated herein. By this agreement and declaration, we and each of us amend said Declaration of Conditions and Restrictions as set forth below. We hereby declare that said conditions and restrictions, as amended, are part of a general plan for the improvement of all of the property described therein and are hereby declared to be a covenant binding on all said property and running with the land for the benefit of each and all of us and our successors, grantees and assigns until December 31, 2000. We further agree and declare that the said conditions and restrictions may be extended for additional terms of ten (10) years by votes of not less than two-thirds (2/3) of the total membership votes of said Yucca Improvement Association as further set forth in this amendment.

1. Paragraph 5 of SPECIAL CONDITIONS AND RESTRICTIONS is deleted and the following is inserted in its stead:

"5. Before any building or other structure shall henceforth be erected or placed upon said Tract or any lot or parcel contained therein, plans and specifications therefor, together with an accurate diagram showing the location thereof on said lot or parcel, and together with a statement showing the ground floor area thereof (if a building) and the estimated cost thereof, shall be submitted and approved in writing by a Committee of not less than three nor more than five members appointed by a majority of the owners of the lots or parcels comprising said Tract. (An owner of one or more lots or parcels shall be counted as one owner for voting purposes). No building or structure shall be erected or maintained upon any said lot or parcel except in accordance with the plans, specifications and diagram so submitted and approved. The Committee before giving any such approval may require that said plans and specifications shall comply with such requirements as the Committee may in its absolute discretion impose as to structural features of said building or structure, the type of building material used, or other features or characteristics of said building or structure not otherwise expressly covered by any of the provisions of this instrument, and may also require that the exterior finish and color and the architectural style or character of said building or structure shall be such as in the discretion of the Committee shall be deemed to be suitable in view of the general architectural style and character

Description: San Diego,CA Document-Year.DocID 1997.69772 Page: 2 of 22
Order:345 Comment:

of building erected or to be erected upon said Tract. The Committee also shall have authority to limit the height of all buildings and structures which are not controlled as to height by any other provision hereof. No such approval shall constitute any representation or guaranty by the Committee as to the structural sufficiency of any said building, nor shall any such approval relieve the owner of said building from complying with any requirement of any public authority having jurisdiction in the premises. The decision of the Committee when so acting upon any such plans, specifications and diagram shall be final and no building or structure of any character shall be erected, placed or maintained upon any said lot or parcel unless and until approved as in this paragraph required. Such approval shall be in writing and whenever practical shall be endorsed upon said plans, specifications and diagrams. Notwithstanding anything to the contrary hereinabove in this paragraph contained, all of the foregoing provisions of this paragraph with respect to submission and approval of plans, specifications and diagrams, and the necessity and consequences thereof, shall in all respects apply to any said Committee when acting and to all plans, specifications and diagrams submitted to said Committee. A decision of a majority of the members of the Committee shall be required in respect to all matters requiring under the provisions hereof, or otherwise, the vote or approval of said Committee.

Each owner of one or more lots or parcels contained in said Tract shall by virtue thereof be entitled to one membership in an unincorporated association known as "YUCCA IMPROVEMENT ASSOCIATION". Said ownership shall entitle such owner to one vote in respect to all matters requiring a vote of the members of said Association, including the election or appointment of the above mentioned Committee consisting of not less than three nor more than five members of said Association. The same requirements in respect to membership and voting rights of members shall apply and be controlling in respect to said YUCCA IMPROVEMENT ASSOCIATION in the event that said Association should subsequently become incorporated as a non-profit corporation under the laws of the State of California."

2. The first full paragraph under GENERAL CONDITIONS AND PROVISIONS is deleted and the following is inserted in its stead:

"The owner of record of one or more lots or parcels of land contained in said Tract shall be entitled to one membership in the Association. Said Association member shall be entitled to one vote in any matter of the Association requiring a vote. The total "voting power" of the Association shall be that number of votes which is equal to the total number memberships.

No meeting of the Association's general membership shall take place unless a majority of the total voting power of the Association is present at the meeting. Except for amendments to this Declaration of Conditions and Restrictions, all matters of the Association required to be approved by the Association shall require a vote of a majority of the Association's total voting power.

Description: San Diego,CA Document-Year.DocID 1997.69772 Page: 3 of 22
Order : 345 Comment: