

**RECORDING REQUESTED BY  
AND  
WHEN RECORDED MAIL TO:**

HARBOUR VISTA HOMEOWNERS'  
ASSOCIATION  
c/o Berding Weil LLP  
2175 North California Blvd. #500  
Walnut Creek, CA 94506  
Attn: Paul W. Windust, Esq.

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(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

**FIRST AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS AND RESERVATION OF  
EASEMENT OF HARBOUR VISTA HOMEOWNERS' ASSOCIATION**

**NOTICE**

**If this document contains any restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the California *Government Code*. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.**

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**FIRST AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS AND RESERVATION OF  
EASEMENTS OF HARBOUR VISTA HOMEOWNERS' ASSOCIATION**

This First Amendment Declaration of Covenants, Conditions and Restrictions and Reservation of Easements of Harbour Vista Homeowners Association ("First Amendment") is made on the date set forth at the end of this document by Harbour Vista Homeowners Association, a California nonprofit mutual benefit corporation (referred to in this document as the "Association").

- A. WHEREAS, this First Amendment is made with respect to that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENT OF HARBOUR VISTA HOMEOWNERS ASSOCIATION, recorded on August 22, 1980, as Document No. Book 1371 Page 1046, in the Official Records of the County of Orange, State of California (the "Declaration").
- B. WHEREAS, the Declaration establishes certain limitations, easements, covenants, restrictions, conditions, liens, and charges which run with, and are binding upon all parties having or acquiring any right, title, or interest in, that certain real property located in the County of Orange, State of California, and more particularly described in Exhibit A attached hereto.
- C. WHEREAS, all of the covenants, conditions, and restrictions set forth herein shall constitute enforceable equitable servitudes as provided in California *Civil Code* section 5975, shall constitute covenants that shall run with the said real property, and shall be binding upon and inure to the benefit of each Owner of any portion of the said real property or the owner or holder of any interest or estate therein and their heirs, successors, and assigns.
- D. WHEREAS, the Members, by the requisite vote, desire to amend the Declaration pursuant to Article XIII, Section 13.02 ("Amendment"), thereof.

NOW, THEREFORE, the Association hereby declares that notwithstanding anything to the contrary in the Declaration, the Declaration is hereby amended as follows (words with a ~~strike through~~ are deleted and in ***bold italics*** are added).

1. The existing Article XIII, Section 13.01 ("Duration") is deleted in its entirety is hereby amended to read as follows:

Section 13.01. Duration. ***This Declaration, and any covenants, conditions, restrictions, limitations, reservations, grants of easement, rights, rights-of-way, liens, charges, and equitable servitudes contained in this Declaration shall run with and shall benefit and burden all of the real property subject to this***

***Declaration, including without limitation, the Condominiums and Common Areas, shall inured to the benefit of and be binding upon the Owners, the Association, its Board of Directors and officers, and their respective successors in interest, for a term of thirty (30) years from the date of recordation of this Amendment, and thereafter, the term shall be automatically extended for successive periods of ten (10) years each, unless within six (6) months prior to the expiration of the initial thirty-year term or a date within six (6) months prior to the expiration of any ten (10) year extension period a written instrument, approved by the Owners entitled to vote and holding at least a seventy-five percent (75%) of the total voting power of the Association, terminating the effectiveness of this Declaration shall be recorded in the Office of the County Recorder of Orange County, State of California. The provisions of Article are subject to the provisions of Article X and XI of this Declaration.***

IN WITNESS WHEREOF, we, the Members of the Association, pursuant to the requisite approval, and by means of the signatures of the President and the Secretary, do hereby affirm, approve, and adopt this First Amendment in accordance with Article XIII, Section 13.02 ("Amendment"), of the Declaration, by means of the signatures of the President and the Secretary, and which First Amendment shall be recorded with the Recorder of the County of Orange, State of California.

DATED: \_\_\_\_\_

HARBOUR VISTA HOMEOWNERS  
ASSOCIATION, a California nonprofit mutual  
benefit corporation

\_\_\_\_\_  
President

\_\_\_\_\_  
Secretary

## **EXHIBIT A**

### **Legal Description of the Property Comprising the Development Subject to the Declaration**

Lots A, B, C, and Lot No. 1 of Tract No. 10658, as shown on a Map recorded on December 27, 1979, in Book 466, Pages 37 to 38, inclusive, of Miscellaneous Maps, in the Office of the Orange County Recorder.



**CERTIFICATE OF ACKNOWLEDGMENT**

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 \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, 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/her/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.

Signature \_\_\_\_\_ (Seal)

4819-4765-7204