DOC# 2021-0791663

RECORDING REQUESTED BY:

FIRST AMERICAN TITLE COMPANY

Nov 16, 2021 02:47 PM
OFFICIAL RECORDS
Ernest J. Dronenburg, Jr.,
SAN DIEGO COUNTY RECORDER
FEES: $107.00 (SB2 Atkins: $75.00)

PAGES: 7

AND WHEN RECORDED MAIL TO:

RDO The Vistas, LLC
1241 Cave Street, Suite 200
La Jolla, CA 92037
Attn: Barbara Blase

SUPPLEMENTARY DECLARATION OF PACIFIC RIDGE

This SUPPLEMENTARY DECLARATION OF PACIFIC RIDGE ("**Supplementary Declaration**") is made this 9 day of Nov, 2021 by RDO THE VISTAS, LLC, a Delaware limited liability company ("**Declarant**") with reference to the facts set forth below.

RECITALS

A. Declarant caused that certain Declaration of Covenants, Conditions and Restrictions and Establishment of Easements of Pacific Ridge to be recorded on July 14, 2017 as Document No. 2017-0319919 in the Office of the County Recorder of San Diego County, California ("**Declaration**"). Unless otherwise specified herein, the capitalized terms in this Supplementary Declaration shall have the meanings set forth in the Declaration.

B. The Property subject to the Declaration is described on **Exhibit "A"** attached hereto ("**Property**"), a portion of which is owned by Declarant.

C. California Civil Code Section 4741, effective January 1, 2021, provides that owners of separate interests in a common interest development shall not be subject to a provision in a governing document "that prohibits, has the effect of prohibiting, or unreasonably restricts the rental or leasing of any of the separate interests, accessory dwelling units, or junior accessory dwelling units in that common interest development to a renter, lessee, or tenant." Civil Code Section 4741 further provides, "[t]his section does not prohibit a common interest development from adopting and enforcing a provision in a governing document that prohibits transient or short-term rental of a separate property interest for a period of 30 days or less."

D. California Civil Code Section 4741 also provides, in relevant part, "a common interest development shall amend their governing documents to conform to the requirements of this section no later than December 31, 2021."

E. Section 6.1.4 of the Declaration currently includes a provision which prohibits leases for a period of fewer than six (6) months.

F. Pursuant to the terms of the Declaration, including without limitation Sections 1.99 and 9.8 of the Declaration, Declarant may record a Supplementary Declaration without the consent of any Owner, the Association or a Mortgagee to conform the Declaration to Applicable Laws.

G. Declarant is recording this Supplementary Declaration to conform the Declaration to the requirements of California Civil Code Section 4741, as required by California Civil Code Section 4741, to provide that rentals for a period of thirty (30) days, rather than six (6) months, shall be prohibited.

NOW, THEREFORE, Declarant declares as set forth below:

1. Rental of Separate Interest. Section 6.1.4 of the Declaration is hereby deleted in its entirety and replaced with the following:

6.1.4 Rental of Separate Interest. An Owner shall be entitled to rent his or her Separate Interest subject to the restrictions contained in the Governing Documents, any contractual agreement between Declarant and each original Owner for such Owner's Separate Interest as to such parties, any other restrictions of record applicable to such Owner's Residence and all Applicable Laws. Any rental or lease agreement shall be in writing, shall provide that the lease is subject to the Governing Documents and shall provide that any failure to comply with the Governing Documents, shall be a default under the terms of the rental or lease agreement. A copy of the rental or lease agreement shall, upon request, be provided to the Association. Owners shall, at all times, be responsible for their Lessee's compliance with the Governing Documents. A Lessee shall have no obligation to the Association to pay Assessments nor shall any Lessee have any voting rights in the Association. No Owner may lease such Owner's Separate Interest for hotel, motel or transient purposes. Any lease which is either for a period of fewer than thirty (30) days or pursuant to which lessor provides any services normally associated with a hotel shall be deemed to be for transient or hotel purposes.

2. Effect of This Supplementary Declaration. This Supplementary Declaration shall not be deemed to affect the Declaration as covenants running with the land or equitable servitudes, all of which shall be uniformly applicable to all portions of the Community, including those portions added thereto pursuant to this annexation.

IN WITNESS WHEREOF, Declarant has executed this instrument as of the date first above written.

RDO THE VISTAS, LLC, a Delaware limited liability company

By: _____
Name: Michael A. Subracin
Title: Manager

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 Nov. 9, 2021, before me, Jessica Lee Stives, Notary Public, personally appeared Michael J. Sabourin, 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 Jessica Lee Stives

JESSICA LEE STIVES
Notary Public - California
San Diego County
Commission # 2221370
My Comm. Expires Nov 10, 2021

This area for official notarial seal

My Commission Expires: Nov. 10, 2021
Notary Name: Jessica Lee Stives
Notary Registration Number: 2221370
Notary Phone: 858-458-9700
County of Principal Place of Business: San Diego

SUBORDINATION AGREEMENT

The undersigned ("**Beneficiary**") holds the beneficial interest in those certain Deeds of Trust made by RDO The Vistas, LLC, a Delaware limited liability company for the benefit of Beneficiary and recorded in the Office of the County Recorder of San Diego County on September 25, 2015 as Document No. 2015-0506004, August 5, 2016 as Document No. 2016-0397450 and November 16, 2016 as Document No. 2016-0623319, which Deed of Trusts encumber all or a portion of the real property covered by the Supplementary Declaration of Pacific Ridge ("**Supplementary Declaration**"). Beneficiary hereby consents to the recordation of this Supplementary Declaration.

WESTERN ALLIANCE BANK,
an Arizona corporation

By: _____
Name: KEVIN DAMKO
Title: SENIOR DIRECTOR

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 11-10-21, before me, L. Anderson, Notary Public, personally appeared Kevin Damus, 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.

L. ANDERSON
Notary Public - California
San Diego County
Commission # 2341327
My Comm. Expires Jan 12, 2025

WITNESS my hand and official seal.

Signature L Anderson

This area for official notarial seal

My Commission Expires: 1-12-25
Notary Name: L. Anderson
Notary Registration Number: 2341327

Notary Phone: 858-523-4624
County of Principal Place of Business: SAN DIEGO

Certification

Pursuant to Government Code 27361.7, I certify (or declare) under penalty of perjury that the following is a true and correct copy of the illegible portions of this document, which are not photographically reproducible.

Select the Appropriate Box

☐ **See attachment(s) for clarification**

☒ **The illegible portions of the document read as follows:**
(Print or type the page number(s) and wording below)

of the State of Califorina that the forgoing

Executed at Corona, CA **on** 11-16-2021
(City and State) (Date)

Signature of Declarant

Christe McMullen

Printed Name of Declarant

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY

ALL REAL PROPERTY LOCATED WITHIN PACIFIC RIDGE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 16201, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 14, 2017.