



**LARRY WALKER**  
Auditor/Controller – Recorder

P Counter

Recording Requested By:

Park Mediterrania Owners Association

Doc#: 2005-0478093

Titles: 1      Pages: 5



Fees	20.00
Taxes	0.00
Other	0.00
PAID	\$20.00

When Recorded, Return To:

Linda L. Adams, Esq.  
EPSTEN GRINNELL & HOWELL, APC  
10470 Foothill Blvd., Suite 116  
Rancho Cucamonga, CA 91730

For Recorder's Use

**SECOND AMENDMENT TO THE DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
PARK MEDITERRANIA OWNERS ASSOCIATION**

THIS SECOND AMENDMENT is made on this 1<sup>ST</sup> day of JULY, 2005, by the owners of Lots within Park Mediterrania Owners Association with reference to the following:

**RECITALS**

A. This document is recorded for the purpose of amending that certain "Declaration of Covenants, Conditions and Restrictions," as the same has been supplemented or amended from time to time, hereafter referred to as "Declaration", which was recorded on July 2, 1979, in Book 9719 Page 430 of Official Records of the County of San Bernardino, State of California, for the property more particularly described on Exhibit "A" attached hereto.

B. The property described on Exhibits "A" shall hereinafter be referred to as the "Property." This document amends the Declaration to remove in its entirety the First Amendment which was recorded on October 24, 1985, as Instrument 85-265820 of Official Records of the County of San Bernardino, State of California and replaced with the Second Amendment as specified below:

C. This Second Amendment has been adopted by more than the required minimum of seventy-five percent (75%) of owners of Lots within the Property under the provisions of Article 10, Section 10.04 of the Declaration, which requires Amendments to be made by the affirmative vote or written consent of seventy-five percent (75%) of the owners of Lots in the Property. The owners have authorized this Amendment to be executed and acknowledged on their behalf by the President and Secretary of Park Mediterrania Owners Association (hereinafter "Association") as the representative of the Board of Directors of the Association and as the representatives of the individual owners of Lots within the Property; shall be certified by the Secretary of the Association; and shall become effective upon the recording thereof with the Office of the County Recorder of San Bernardino County, California.

## DECLARATION

NOW THEREFORE, the Declaration is hereby amended as follows:

1. The Amendment to the Declaration of Covenants, Conditions and Restrictions for Park Mediterrania Owners Association which was recorded on October 24, 1985, as Instrument 85-265820 of Official Records of the County of San Bernardino, State of California is to be removed in its entirety and replaced with the following:

2. Article VII, Section 7.01(a) of the Declaration shall be amended to read as follows:

7.01(a) Water, gas, electricity, refuse collection, other necessary utility services, maintenance, repair and replacement of landscaping and any other facilities of the common area.

Association shall establish reserve accounts for the sole purpose of maintaining, repairing and replacement of the roofing material on all buildings, including such subsurface roofing materials as are consistent with good roofing maintenance practice; and shall paint, maintain and make minor repairs to the exterior surfaces of all buildings within the project, excluding replacement of exterior wood trim, which will be the sole responsibility of the Lot Owners.


In all other respects, the Lot Owners will be responsible for the maintenance, repair and replacement of all components within their separate interest Lots as more particularly described in California Civil Code §§ 1351 and 1354. Each Lot Owner shall be responsible for the maintenance, repair and replacement of the structural elements of the Dwelling, including, without limitation, the structural support portion of the roofs.

3. Except as expressly amended herein, the remaining portions of the Declaration shall remain in full force and effect.
4. The Certification of the Secretary of Park Mediterrania Owners Association as to the approval of the Second Amendment is attached hereto as Exhibit "B".

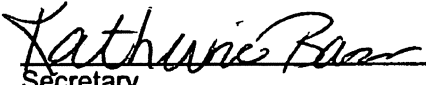
*IN WITNESS WHEREOF*, this Amendment is executed on the day and year hereinabove written by the undersigned President and Secretary of Park Mediterrania Owners Association as representatives of the owners of Lots within the Property.

### **PARK MEDITERRANIA OWNERS ASSOCIATION**

a California nonprofit mutual benefit corporation

By:   
President

Date: 7-1-05

By:   
Secretary

Date: 7-1-05

**EXHIBIT A**  
**LEGAL DESCRIPTION**

Lots 1 through 40 and Common Area Lot 41, inclusive of Tract No. 1033 in the City of Colton, County of San Bernardino, State of California, as per Plat recorded in Book 142 of Maps, Pages 1, 2, and 3, in the records of said County. Lots 1 through 32 and Common Area 33, inclusive of Tract 10334 in the City of Colton, County of San Bernardino, State of California, as per Plat recorded in Book 143 of Maps, Pages 18-20, in the records of said County. Lots 1 through 38 and Common Area Lot 39, inclusive of Track 10335 in the City of Colton, County of San Bernardino, State of California, as per Plat recorded in Book 143 of Maps, Pages 21-23, in the records of said County. And Lots 1 through 32 and Common Area Lot 33, inclusive of Tract No 10336 in the city of Colton, County of San Bernardino, State of California, as per Plat recorded in Book 143 of Maps, pages 24-26, in the records of said County.

**EXHIBIT B**

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

I, Katherine Barnes, certify, declare and state as follows:

- a. I certify that I am the Secretary of PARK MEDITERRANIA OWNERS ASSOCIATION, an unincorporated association (hereafter "Association").
- b. This document is executed for the purpose of certifying that the First Amendment dated October 24, 1985 is removed in its entirety and replaced with the foregoing Second Amendment to the "Declaration of Covenants, Conditions and Restrictions for Park Meidterrانيا Owners Association (Declaration)", pursuant to the provisions contained in Article X, Section 10.04 of the Declaration, has been approved.
- c. I certify that the voting power of the Members in this Association consists of one hundred and forty two (142) votes, one for each of the eligible Lots in the Association. According to the requirements of Article X, Section 10.04 of the Declaration, the Declaration may be amended by an instrument in writing signed by seventy-five percent (75%) of the total voting power of Members of the Association. The Amendment shall be executed and acknowledged by the President and Secretary of the Association, and shall become effective upon the recording thereof with the Office of the County Recorder of San Bernardino County, California.
- d. I further certify that, as of the date this document is executed, the following is the total of the votes cast for the Amendment to the Declaration:

**VOTING POWER OF THE MEMBERS**

<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>
111	4	27

- e. Since the totals reflect approval of the amendment by at more than seventy-five percent (75%) of the total voting power of Members of Lots in this Association, I certify that the amendment is approved.

On behalf of the Association, I declare under penalty of perjury under the laws of the State of California that the foregoing facts are true and correct. Executed on July 1, 2005, at Colton, California.

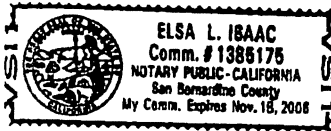
By: Katherine Barnes  
Secretary

NOTARY ACKNOWLEDGMENTS

State of California )  
County of San Bernardino )

On 7/1/05, 2005, before me, a Notary Public in and for said State, personally appeared Chester H. Bruce, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed it in the same capacity(ies) indicated at the signature point.

WITNESS my hand and official seal.



[Signature]  
Notary Public in and for said State

State of California )  
County of San Bernardino )

On 7/1, 2005, before me, a Notary Public in and for said State, personally appeared Kathrine Barnes, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that She executed it in the same capacity(ies) indicated at the signature point.

WITNESS my hand and official seal.



[Signature]  
Notary Public in and for said State