

AFTER RECORDATION, RETURN TO: REQUESTED BY
SEASCAPE VILLAGE OWNERS ASSOC.
542 N. El Camino Real
San Clemente, CA 92672

RECORDING

89-317654

RECORDED IN OFFICIAL RECORDS
OF ORANGE COUNTY, CALIFORNIA

-9 45 AM JUN 16 '89



AMENDMENTS OF THE DECLARATION *L. A. Branch* RECORDER
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SEASCAPE VILLAGE OWNERS ASSOCIATION

WHEREAS, the Declaration of Covenants, Conditions and Restrictions (hereinafter simply referred to as "DECLARATION") was originally recorded on June 16, 1976, in Book 11175, Page 724 et seq., Document No. 22419 in the Official Records in the Office of the County Recorder of Orange County, California affecting that certain real property in the City of San Clemente, County of Orange, State of California and more particularly described as follows:

Lots 1 and 2, 33 through 57 inclusive and 75 through 87 inclusive of Tract No. 8667, as per map recorded in Book 360, Pages 19 through 21, inclusive, and Lot 7 of Tract No. 8666, as per map recorded in Book 360, Pages 22 through 24, inclusive.

WHEREAS, Article XXII of the DECLARATION provides that:

"Amendments" Subject to other provisions of the Declaration, including without limitation the rights of First Beneficiaries and/or beneficiaries pursuant to the Articles hereon entitled "Insurance" and "Rights of Lenders, this Declaration of Covenants, Conditions and Restrictions may be amended only by the affirmative written assent or vote of not less than sixty-six and two-thirds percent (66-2/3%) of each class of membership in existence, and, further, this amendment provision shall not be amended to allow amendments by the written assent or vote of less than sixty-six and two thirds percent (66-2/3%) of each class of membership in existence, provided, however, any amendment or modification of the articles hereof entitled "Covenant for Maintenance Assessments", "Architectural Control" and "Responsibilities of Owner" shall additionally require the prior written approval of not less than seventy-five percent (75%) of the Class A Members and further provided, that the percentage of the voting power necessary to amend a specific provision of this Declaration shall not be less than the percentage of affirmative votes required for action to be taken under that provision. Any such amendments shall be recorded after prior written approval by the California Department of Real Estate or other administrative agency then having regular jurisdiction is obtained."

WHEREAS, the undersigned deem it to be in the best interest of the SEASCAPE VILLAGE OWNERS ASSOCIATION, a Non-Profit Corporation, and its members to effectuate the within Amendments.

NOW THEREFORE, BE IT RESOLVED, that the directors and officers of the SEASCAPE VILLAGE OWNERS ASSOCIATION, a California Non-Profit Corporation, shall hereby (a) attempt to solicit from the membership of the within corporation the requisite sixty-six and two-thirds percentage (66-2/3%) consent in writing and/or (b)

call a special meeting of the members to vote for said Amendments to said Declaration providing that Articles 1, 3.14(d) and 8.6(a), 8.6(b) and 8.6(d) shall be modified to read as follows:

Article 1: Add Sub-Article 1.19 as follows: "Restricted Common Area" shall mean portions of the Common Area designated for the exclusive use of the Owners and/or occupants of a residential lot. More specifically, it shall include the common area portion of driveways leading to residential garages and of walks leading to residence front entry doors."

Article 3.14 (d): Change reference from "Paragraph 4.3" to "Paragraph 1.19", since there is no definition of "Restricted Common Area" in 4.3.

Article 8.6(a): "Maintaining the Common Area and all improvements thereon (including furnishings and equipment related thereto) in good, clean, attractive, and sanitary order and repair. Also, maintaining walks and driveways designated as Restricted Common Areas in Article 1.19 of these Covenants, Conditions and Restrictions, including any replacement or repair which may be deemed necessary by the Board of Directors, but excluding cleanup caused by actions of others (such as oil spills from cars)."

Article 8.6(b): "Maintaining the areas of the Residential lots not occupied by the dwelling thereon except for private patio areas, wooden patio fences, and other fenced areas in good, clean, attractive, and sanitary order and repair. Also, maintaining front entries, whether or not fenced, including any replacement or repair which may be deemed necessary by the Board of Directors."

Article 8.6(d): "Maintaining the roofs of the dwellings and garages situated on the Residential Lots, and the cleaning and repainting of rain gutters and down spouts installed as original standard fixtures thereto, including any replacement or repair which may be deemed necessary by the Board of Directors."

EXCEPT AS SPECIFICALLY provided herein, the DECLARATION shall otherwise remain and be in full forces and affect.

Resolved at a Meeting of the
Board of Directors of
SEASCAPE VILLAGE OWNERS ASSOCIATION
August 19, 1987

CERTIFICATE OF SECRETARY

I, Scott Moore, hereby certify:

That I am the duly elected and acting Secretary of SEASCAPE VILLAGE OWNERS ASSOCIATION, a California Non-Profit Corporation; and

That the attached First Amendment to the Declaration of Covenants, Conditions and Restrictions constitutes an amendment to Article I, Article 3.14(d), Article 8.6(a), 8.6(b) and 8.6(d) as duly adopted by a majority of the members of this Corporation either by their written consent or at a duly called and noticed meeting of the members held on October 6, 1987, in Orange County, California.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of August 1988.

Scott Moore

Scott Moore
Secretary, SEASCAPE VILLAGE OWNERS ASSOCIATION

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

On this 17th day of August 1988, before me, a Notary Public in and for said County and State, personally appeared Scott Moore, personally known to me to be the person who executed the within instrument as Secretary or on behalf of the Corporation therein named and acknowledged to me that the Corporation executed it.

WITNESS my hand and official seal.

Johanna F. Fenske

Johanna F. Fenske
NOTARY PUBLIC

(S E A L)

