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9 Vista La Jolla Townhomes Association  
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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF SAN DIEGO, CENTRAL DIVISION  
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14 In the matter of:

15 VISTA LA JOLLA TOWNHOMES  
16 ASSOCIATION, a California Nonprofit  
17 Mutual Benefit Corporation,

18 Petitioner.

CASE NO. 37-2018-00036591-CU-PT-CTL

**ORDER GRANTING PETITION TO  
AMEND DECLARATION OF  
RESTRICTIONS (CIV. CODE § 4275)**

Date: October 11, 2018  
Time: 1:30 p.m.  
Dept. : 903  
Judge: Hon. David M. Rubin

Hearing Date: October 11, 2018

18 The verified petition of VISTA LA JOLLA TOWNHOMES ASSOCIATION  
19 (“Association”) for an order to reduce the percentage of affirmative votes necessary to amend  
20 its Declaration of Restrictions (“Proposed Amendment”), came on regularly for hearing on  
21 October 11, 2018, at 1:30 p.m., in Department 903 in the above-referenced Court, located at  
22 1100 Union Street, San Diego, CA 92101, the Honorable David M. Rubin, Judge Presiding.

23 Carrie M. Timko of the law firm of Epsten Grinnell & Howell, APC, appeared on  
24 behalf of Petitioner. [ ] appeared in opposition to the  
25 Petition].

26 The Court, having considered the verified Petition and the attached exhibits, the  
27 memorandum of points and authorities, and other documents in support [and in opposition to]  
28 the Petition, having heard the arguments before it and being fully advised in the matter, finds

1 as follows:

- 2 1. Petitioner gave not less than fifteen days' written notice of the hearing to all
- 3 members of the Association entitled to notice of the hearing on the Petition;
- 4 2. There are no mortgagees of mortgages and/or beneficiaries of deeds of trust entitled
- 5 to notice of the hearing on the Petition under the terms of the Declaration, and the
- 6 Declaration does not require any notice to the city and/or county where the
- 7 Association is located;
- 8 3. Balloting on the Proposed Amendment was conducted in accordance with all
- 9 applicable provisions of the Association's governing documents, the Davis-Stirling
- 10 Common Interest Development Act, and any other applicable law;
- 11 4. A reasonably diligent effort was made to permit all eligible members to vote on the
- 12 Proposed Amendment;
- 13 5. Members having more than fifty percent (50%) of the votes voted in favor of the
- 14 Proposed Amendment;
- 15 6. The Proposed Amendment is reasonable;
- 16 7. Granting the petition is not improper for any reason specified in section 4275(c) of
- 17 the Civil Code;

18 On proof being made to the satisfaction of the Court, and for good cause shown,

19 IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED THAT:

- 20 1. The Declaration's requirement at Article XIV, Section 2 relating to the percentage
- 21 of votes needed for approval of the Proposed Amendment is reduced for the
- 22 purposes of this Petition and the Proposed Amendment is validly approved on the
- 23 basis of the affirmative votes that were actually received during the balloting
- 24 period.
- 25 2. Petitioner is hereby authorized to finalize the Proposed Amendment in a recordable
- 26 form, along with a copy of this executed order, and record the Proposed
- 27 Amendment in the San Diego County Recorder's Office as part of the official
- 28 records of San Diego County.

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3. Pursuant to Civil Code section 4275(g), Petitioner is directed to deliver by individual delivery pursuant to Civil Code section 4040, a copy of the recorded Proposed Amendment to each member of the Association within a reasonable time after said document is recorded, together with a statement that the amendment has been recorded.

**IT IS SO ORDERED:**

Dated: \_\_\_\_\_, 2018

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JUDGE OF THE SUPERIOR COURT