

RECORDING REQUESTED BY  
TIGOR TITLE INSURANCE COMPANY

2317

84-221996

RECORDED IN  
OFFICE OF THE CLERK  
OF SAN DIEGO COUNTY, CALIF.

1984 JUN 13 PM 2:35

VERA L. BROWN  
COUNTY RECORDER

84-221996

WHEN RECORDED MAIL TO:  
Pardee Construction Company  
10639 Santa Monica Boulevard  
Los Angeles, California 90025

Attention: Barbara Bail  
1109028

RF	6
MG	1

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS AND ANNEXATION  
OF  
N.C.W. NEIGHBORHOOD 3 UNIT NO. 5

PREAMBLE

THIS SUPPLEMENTARY DECLARATION, made by PARDEE CONSTRUCTION COMPANY, a California corporation, hereinafter referred to as "GRANTOR", being the owner of that certain real property subject to this Supplementary Declaration and hereinafter more particularly described.

W I T N E S S E T H :

WHEREAS, PARDEE CONSTRUCTION COMPANY, a California corporation, is the owner of certain property located in the County of San Diego, State of California, described as follows:

Lots 115 through 175, inclusive, of N.C.W. Neighborhood 3 Unit No. 5 in the City of San Diego, County of San Diego, State of California, as per Map No. 10795 recorded on December 15, 1983, in the Office of the County Recorder of San Diego County, State of California.

WHEREAS, GRANTOR has recorded that certain Declaration of Covenants, Conditions and Restrictions for N.C.W. Neighborhood 3 Unit No. 5 on June 13, 1984 in the Official Records of San Diego County, California, as File/Page 84-221995;

WHEREAS, Article X, Section 14 of the Declaration of Covenants, Conditions and Restrictions for Del Mar Highlands in San Diego County,

California, recorded November 7, 1983 in the Official Records of San Diego County, California, as File/Page 83-403114, provides that additional real property may be annexed by Grantor and made a part of the Project;

NOW, THEREFORE, the Grantor hereby declares that all of the property described above is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved subject to the following limitations, covenants, conditions and restrictions, all of which are declared and agreed to be in furtherance of a plan for the subdivision, improvement and sale of said property, and are established and agreed upon for the purpose of enhancing and protecting the value, desirability and attractiveness of said property and every part and portion thereof. All of said limitations, covenants and restrictions shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in said property or any part thereof, whether as sole owners, lessees, tenants, occupants or otherwise.

#### ARTICLE I

##### DESCRIPTION OF LAND AND IMPROVEMENTS

#### Section 1.01 Subject Property:

The real property subject to said covenants, conditions and restrictions is located in the County of San Diego, State of California, described as follows:

Lots 115 through 175, inclusive, of N.C.W. Neighborhood 3 Unit No. 5 in the City of San Diego, County of San Diego, State of California, as per Map No. 10795 recorded on December 15, 1983, in the Office of the County Recorder of San Diego County, State of California.

#### Section 1.02 Annexation:

Pursuant to Article X, Section 14 of the Declaration of Covenants, Conditions and Restrictions for Del Mar Highlands in San Diego County, California, recorded November 7, 1983 in the Official Records of San Diego County, California, as File/Page 83-403114, Subject Property shall be annexed to the properties and added to the scheme of said Declaration and subject to the jurisdiction of the Association at the close of the first sale of a Subdivision Interest by Declarant in Subject Property. Assessments will commence on the first of the month following the first closing in the Subject Property.

Section 1.03 Definitions:

1. The term "Common Area" as defined in Article 1, Section 5, of the Declaration of Covenants, Conditions and Restrictions for Del Mar Highlands shall include the following:

- (i) Parcel E of N.C.W. Neighborhood 3 Unit No. 5 as per Map No. 10795 recorded on December 15, 1983 in the Office of the County Recorder of San Diego County, California.
- (ii) Those certain parkways in the public right-of-way north and south of the intersection of High Bluff Drive and Overpark Road over which an encroachment permit will be granted to the Association for the purpose of planting, replacing and maintaining landscaping and, repairing, replacing and maintaining any irrigation system located thereon.

2. The term "Real Property" as defined in Article 1, Section 20, of the Declaration of Covenants, Conditions and Restrictions for Del Mar Highlands shall include the Subject Property as described above.

3. The term "Subdivision Interest" as defined in Article 1, Section 24, of the Declaration of Covenants, Conditions and Restrictions for Del Mar Highlands shall include each of Lots 115 through 175, inclusive, of N.C.W. Neighborhood 3 Unit No. 5 in the City of San Diego, County of San Diego, State of California, as per Map No. 10795 recorded on December 15, 1983, in the Office of the County Recorder of San Diego County, State of California.

IN WITNESS WHEREOF, GRANTOR has executed this SUPPLEMENTARY DECLARATION this 12th day of June, 19 84.

GRANTOR: PARDEE CONSTRUCTION COMPANY

By David K. Lyman  
David K. Lyman, Senior Vice President

By Patricia Donahue  
Patricia Donahue, Assistant Secretary

STATE OF CALIFORNIA )  
 ) SS.  
COUNTY OF LOS ANGELES )

On June 12, 1984, before me, the undersigned, a Notary Public in and for said State, personally appeared David K. Lyman,

personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the Sr. Vice President, and Patricia Donahue, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as the Assistant Secretary of the Corporation that executed the within instrument and acknowledged to me that such corporation executed the within instrument pursuant to its by-laws or a resolution of its board of directors.

WITNESS my hand and official seal.

Nancy McCleendon  
Signature

