



Jun 12, 2025 11:27 AM
OFFICIAL RECORDS
JORDAN Z. MARKS,
SAN DIEGO COUNTY RECORDER
FEES: \$104.00 (SB2 Atkins: \$75.00)

Recording Requested By:
Green Valley Highlands Association

When Recorded, Return To:
Green Valley Highlands Association
c/o Donald E. Lavery
13254 Arroya Vista Rd.
Poway, CA 92064

PAGES: 6

For Recorder's Use

**FIFTH AMENDMENT TO PROTECTIVE COVENANT
GREEN VALLEY HIGHLANDS ASSOCIATION**

**GREEN VALLEY HIGHLANDS UNIT NO. 3
Amendment to Section J in Fourth Amendment 2005-0934121**

**NOTICE
(Gov. Code §12956.1)**

If this document contains any restriction based on age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code by submitting a "Restrictive Covenant Modification" form, together with a copy of the attached document with the unlawful provision redacted to the county recorder's office. The "Restrictive Covenant Modification" form can be obtained from the county recorder's office and may be available on its internet website. The form may also be available from the party that provided you with this document. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status.

This Fifth Amendment to the **Protective Covenant of Green Valley Highlands Unit No. 3** ("Amendment") is made by Green Valley Highlands Association, a California nonprofit corporation ("Association"), with reference to the following:

RECITALS

A. The Association is the entity authorized to amend the Protective Covenant for the Green Valley Highlands Unit No. 3;

B. The Protective Covenant for the Green Valley Highlands Unit No. 3 was originally recorded on October 23, 1975 as Doc. No. 75-294239; it was amended and restated in a document recorded on April 22, 1976 as Doc. No. 76-120724; was amended by a First Amendment recorded on January 31, 1990 as Doc. No. 90-055671; was amended by a Second Amendment recorded on February 26, 1993 as Doc. No. 1993-0123671; was amended by a Third Amendment recorded on March 18, 1997 as Doc. No. 1997-0121226; and was amended by a Fourth Amendment recorded on October 27, 2005 as Doc. No. 2005-0934121.

C. The Protective Covenant for the Green Valley Highlands Unit No. 3 and all subsequent amendments have been recorded against the property legally described in Exhibit A attached hereto.

D. The Association now desires to amend Paragraph J in the Fourth Amendment to the Protective Covenant for Green Valley Highlands Unit No. 3 to extend the duration of the Protective Covenant.

E. The Association further desires that, upon recordation of this Fifth Amendment to the Protective Covenant, the owners of record of all parcels of land shall be subject to the Protective Covenant as amended by this Amendment.

F. Pursuant to Section G.1 of the Protective Covenant for Green Valley Highlands Unit No. 3, the Protective Covenant may be amended by the affirmative vote of the owners of two-thirds (2/3) of the votes of owners of the thirty-six (36) lots included in Green Valley Highlands Unit No. 3, as defined in Section K, Paragraphs 1 and 2, of the Protective Covenant, The undersigned President and Secretary of the Association certify that, to the best of their knowledge, the affirmative vote of the owners of a least 24 lots has been obtained, and that a quorum was achieved.

NOW THEREFORE, the Protective Covenant for Green Valley Highlands Unit No. 3 is hereby amended as follows:

1. Paragraph J shall be amended to read as follows:

This declaration shall continue in force and effect, except as amended or modified pursuant to paragraph G.1., until January 1, 2035, and shall as then in force be continued automatically and without further notice from that time period for a period of ten (10) years, and thereafter for successive periods of ten (10) years each

without limitation, unless terminated within the six (6) months prior to January 1, 2035, or within the six (6) months prior to the expiration of any successive ten (10)-year period thereafter, by a majority vote of the property owners. This Section shall not be amended outside the six (6)-month period without approval of 75% of the members.

2. Except as expressly amended herein, the Protective Covenant shall remain in full force and effect.

3. This Amendment may be signed in counterparts, each of which shall be treated as an original.

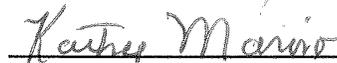
This Amendment is executed on June 9, 2025 by the undersigned directors of Green Valley Highlands Association.

Date: June 9, 2025



Tom Ducey, President

Date: June 9, 2025



Kathy Marino, Secretary

[NOTARY ACKNOWLEDGMENT ON NEXT PAGE]

All Purpose Acknowledgment

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.

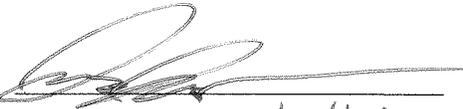
STATE OF CALIFORNIA)
)
COUNTY OF San Diego) ss.

On June 9 2025 before me, Jorick Jay Soriano, a notary public, personally appeared Tom Ducey & Kathy Marino, 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:



My Commission Expires:

March 14, 2026

Notary Commission No.:

2396950

Notary Phone:

(858) 668-1751

This area for official notarial seal.

Principal Place of Business: County of:

San Diego



Certification of President and Secretary as to Approval of Amendment

We the undersigned declare and state as follows:

1. We certify that we are the President and Secretary, respectively, of Green Valley Highlands Association, a California nonprofit corporation (hereafter "Association").

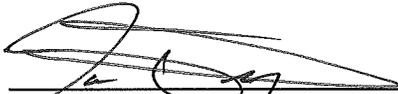
2. This certification is executed to certify that the amendment requirements of the Protective Covenant have been met.

3. As provided in Paragraph G.1 of the Protective Covenant, amendments must be approved by the Owners of owners of the thirty-six (36) lots included in Green Valley Highlands Unit No. 3, the adoption of any such changes to require a favorable vote by at least two-thirds (2/3) of the votes of the owners.

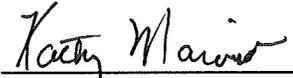
4. We certify that this amendment was approved by the Owners of at least twenty-four (24) lots.

On behalf of the Association, we declare under penalty of perjury under the laws of the State of California that the foregoing facts are true and correct. This Certification was executed on June 9, 2025, in City of Poway, State of California.

Green Valley Highlands Association

By: 

Tom Ducey, President

By: 

Kathy Marino, Secretary

EXHIBIT A

LEGAL DESCRIPTION

GREEN VALLEY HIGHLANDS UNIT NO. 3

That certain real property located in the County of San Diego, California, more particularly described as:

Lots 82 through 117, inclusive, of Green Valley Highlands Unit No. 3 according to Map thereof No. 8196 filed in the Office of the County Recorder of San Diego County, California, on October 22, 1975;

Together with that portion of Parcel 55 of Record of Survey No. 3842, on file in the Office of the County Recorder of said San Diego County, described as follows:

Beginning at the Southeasterly corner of said Lot 96; thence South $0^{\circ}55'13''$ West 71.47 feet along the Southerly prolongation of the Easterly line of said Lot 96; thence South $86^{\circ}26'13''$ West 237.12 feet to a point on the Easterly line of Lot 82 of said Green Valley Highlands Unit No. 3; thence North $0^{\circ}55'38''$ East 90.00 feet along said Easterly line of said Lot 82 and its Northerly prolongation to the Southwesterly corner of said Lot 96; thence South $89^{\circ}04'47''$ East 236.38 feet to the point of beginning;

Together with those portions of Parcels 55 and 56 of Record of Survey No. 3842 on file in the Office of the County Recorder of said San Diego County, described as follows:

Beginning at the Southwesterly corner of said Lot 97 thence South $0^{\circ}55'13''$ West 71.47 feet along the Southerly prolongation of the Westerly line of said Lot 97; thence North $86^{\circ}26'13''$ East 274.59 feet to a point on the Westerly line of Lot 109 of said Green Valley Highlands Unit No. 3; thence North $0^{\circ}55'38''$ East 50.00 feet along said Westerly line of Lot 109 to the Southeasterly corner of said Lot 97; thence North $89^{\circ}04'47''$ West 273.76 feet to the point of beginning.