



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

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

**GREEN VALLEY HIGHLANDS UNITS NO. 1 & 2
Amendment to Section I in Eighth Amendment 2005-0934127**

**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 Ninth Amendment to the **Protective Covenant of Green Valley Highlands Units No. 1 and 2** ("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 Units No. 1 and 2;

B. The Protective Covenant for the Green Valley Highlands Units No. 1 and 2 was originally recorded on November 20, 1968 as Doc. No. 203793, and subsequently was amended on May 8, 1970 as Doc. No. 79928; March 1, 1976 as Doc. No. 76-060542; November 17, 1978 as Doc. No. 78-499063; March 11, 1986 as Doc. No. 86-094386; August 4, 1987 as Doc. No. 87-439452; March 10, 1989 as Doc. No. 89-124723; February 26, 1993 as Doc. No. 1993-0123670; February 15, 1996 as Doc. No. 1996-0076947, and October 27, 2005 as Doc. No. 2005-0934127.

C. The Protective Covenant for the Green Valley Highlands Units No. 1 and 2 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 I in the Eighth Amendment to the Protective Covenant for Green Valley Highlands Units No. 1 and 2, recorded on October 27, 2005 as Doc. No. 2005-0934127, to extend the duration of the Protective Covenant.

E. The Association further desires that, upon recordation of this Ninth 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 J, Paragraphs 1 and 2, of the Protective Covenant for Green Valley Highlands Units No. 1 and 2, the Protective Covenant may be amended by the affirmative vote of the owners of fifty-one percent (51%) of the votes of owners of the eighty-one (81) lots included in Green Valley Highlands Units No. 1 and 2. The undersigned President and Secretary of the Association certify that, to the best of their knowledge, the affirmative vote of the owners of at least 42 lots has been obtained.

NOW THEREFORE, the Protective Covenant for Green Valley Highlands Units No. 1 and 2 is hereby amended as follows:

1. Paragraph I 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

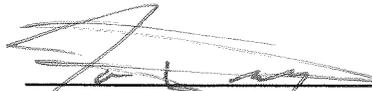
January 1, 2035, or within the six (6) months prior to the expiration of any successive ten (10)-year period thereafter, by a majority vote of the property owners. This Section shall not be amended outside the six (6)-month period without approval of 75% of the members.

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: [Handwritten Signature]

My Commission Expires: March 14, 2026

Notary Commission No.: 2396950

Notary Phone: (959) 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 eighty-one (81) lots included in Green Valley Highlands Units No. 1 and 2, the adoption of any such changes to require a favorable vote by at least fifty-one percent (51%) of the votes of the owners.

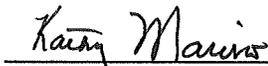
4. We certify that this amendment was approved by the Owners of at least forty-two (42) lots.

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 UNITS NO. 1

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

Lots 1 through 63, inclusive, of Green Valley Highlands Units No. 1, in the City of Poway, County of San Diego, State of California, according to Map thereof No. 6228, filed in the Office of the County Recorder of San Diego County, November 20, 1968.

GREEN VALLEY HIGHLANDS UNIT NO. 2

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

Lots 64 through 81, inclusive, of Green Valley Highlands Unit No. 2, in the City of Poway, County of San Diego, State of California, according to Map thereof No. 6596, filed in the Office of the County Recorder of San Diego County, February 25, 1970.

Also, that portion of Stone Canyon Road adjoining said properties as vacated by Resolution No. 280 and recorded August 16, 1982, as File No. 252362.