

94-010787

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Ventura
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CITY OF SAN BUENAVENTURA
P.O. BOX 99
VENTURA, CA 93002-0099

SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
Tract No. 4543

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Declaration"), by WITTENBERG/LIVINGSTON, INC., a California Corporation ("Declarant"), is made with reference to the following facts:

RECITALS

A. On December 17, 1992, Declarant recorded at the office of the Ventura County Recorder, as Instrument No. 92-229665, a Declaration of Covenants, Conditions and Restrictions ("Declaration") affecting certain real property described in said Declaration.

B. On October 7, 1993, Declarant recorded at the office of the Ventura County Recorder, as Instrument No. 93-189939, an amendment to the Declaration of Covenants, Conditions and Restrictions ("Declaration") affecting certain real property described in said Declaration.

C. Paragraph C of Article XI of the Declaration provides that the Declaration may not be amended without the written consent of the City of San Buenaventura ("City").

D. On June 7, 1993, the City Council passed and adopted Ordinance No. 93-13, approving an amendment to the Development Agreement DA-6 between the City and Wittenberg-Livingston, Inc. Said amendment was for the purpose of allowing an increase in the maximum size of the residential dwelling units and eliminating the limitation regarding single-story homes adjacent to North Bank Drive.

E. Declarant wishes to amend the Declaration in the particulars hereinafter set forth, and the City has expressed its willingness to consent to the proposed amendments.

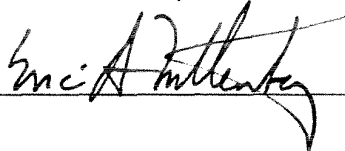
NOW, THEREFORE, Declarant hereby amends the Declaration hereinabove referred to, as follows:

1. Paragraph "K" of Article X of the Declaration is hereby deleted.
2. The letter designation of paragraph "L" of Article X of the Declaration is hereby changed and assigned the letter "K".

EXCEPT as amended by this Second Amendment to Declaration, the Declaration referred to above (Instrument No. 92-229665), and Amendment (Instrument No. 93-189939) and each Covenant, Condition and Restriction, and provision contained therein, shall continue unchanged and in full force and effect according to its terms.

IN WITNESS WHEREOF, the undersigned, being the Declarant in the Declaration referred to above, has executed this Amendment to Declaration this 12th day of January, 1994.

WITTENBERG/LIVINGSTON, INC.
A California Corporation

By 

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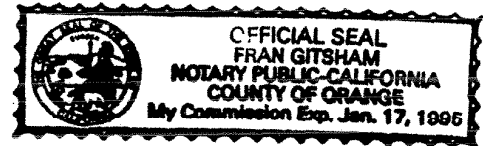
ACKNOWLEDGEMENT

State of California
County of Ventura

On January 12, 1994 before me, Fran Gitsham, Notary Public, personally appeared Eric A. Wittenberg, personally known to me (or 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 signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature *Fran Gitsham*



CONSENT TO AMENDMENTS

The City of San Buenaventura, through its duly authorized representative, hereby consents to the amendments to the Declaration which are described above.

CITY OF SAN BUENAVENTURA

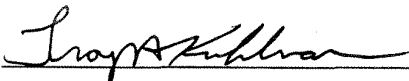
By: 
JOHN BAKER, City Manager

ACKNOWLEDGMENT

State of California
County of Ventura

On JANUARY 14, 1994 before me TROY A. KUHLMAN, NOTARY PUBLIC, personally appeared JOHN BAKER, personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(s) whose names(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.

WITNESS my hand and official seal.

Signature  (Seal)

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