

**Recording Requested By And
When Recorded, Mail To:**

VISTA MONTANA
HOMEOWNERS ASSOCIATION
A California Nonprofit Mutual
Benefit Corporation
c/o Ciceron Law
9655 Granite Ridge Dr., Ste. 200
San Diego, CA 92123

Space above for Recorder's use

**FIRST AMENDMENT TO 2002 AMENDED AND
RESTATED DECLARATION OF RESTRICTIONS
VISTA MONTANA HOMEOWNERS ASSOCIATION
a California nonprofit mutual-benefit corporation**

NOTICE

(Gov. Code §12956.1)

If this document contains any restriction based on 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.

**FIRST AMENDMENT TO 2002 AMENDED AND RESTATED
DECLARATION OF RESTRICTIONS FOR VISTA MONTANA
HOMEOWNERS ASSOCIATION**

THIS FIRST AMENDMENT to the 2002 AMENDED AND RESTATED DECLARATION OF RESTRICTIONS for Vista Montana Homeowners Association is made on the day and year hereinafter written by Vista Montana Homeowners Association, and its membership (hereinafter referred to as "Association"), with reference to the following:

RECITALS

A. The Association is vested with the responsibility for the management and control of that certain real property in the City of Oceanside, County of San Diego, State of California, described in the 2002 AMENDED AND RESTATED DECLARATION OF RESTRICTIONS for Vista Montana Homeowners Association, recorded on November 14, 2002 as Document No. 2002-1021698 (hereinafter referred to as "Property") and as follows:

Lots 1-25, inclusive, of Vista Montana Court, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 8675, filed in the Office of the Country Recorder of San Diego County, California on September 22, 1977.

B. The Association membership is made up of the individual Owners of the Property;

C. The Property is subject to the covenants and restrictions contained in the 2002 AMENDED AND RESTATED DECLARATION OF RESTRICTIONS for Vista Montana Homeowners Association, recorded on November 14, 2002 as Document No. 2002-1021698 in the Office of the San Diego County Recorder (hereinafter referred to as "Declaration");

D. The Declaration, in Section 12.2, provides that it may be amended by the affirmative vote or written consent of sixty-seven percent (67%) of the Voting Power of the Association and the approval of fifty-one percent (51%) of Eligible Lenders for material amendments to the Declaration. The undersigned President and Secretary of the Association certify that, to the best of their knowledge, the affirmative vote or written consent of at least the required percentage of the Voting Power of the Association has been obtained, and that there are no Eligible Lenders.

DECLARATION

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Section 3.6 is amended as follows (deletions are in strikethrough text and additions are in italics text):

3.6 Termite Control. ~~[Civil Code §1364]~~ *Unless otherwise stated herein, the* ~~The~~ responsibility for control of wood destroying pests or organisms shall be as provided in California Civil Code ~~Section 1364~~. Specifically, each Owner shall be responsible for the control of wood destroying pests or organisms on his or her Lot and Dwelling, *including all exterior wood repair and replacement (but excluding roof underlayment, fascia and structural supports)*, and the Association shall be responsible for the control of wood destroying pests or organisms in the Common Area to the extent applicable. If an Owner wishes to obtain a termite clearance certificate for any purpose, the Owner shall be solely responsible for any and all costs associated with obtaining the certificate, including, without limitation, the costs of eradication, repair and replacement of interior damaged wood, and other maintenance and repair of the Separate Interest which may be necessary to obtain the termite clearance certificate, including, but not limited to studs, beams, and rafters. ~~The Association, upon receipt of the termite investigation notice, Owner will assume the responsibility for repair and replacement of exterior, non-structural wood, but specifically excluding~~ *including* any interior roof supporting beams that may extend to the exterior as rafter tails.

2. Section 3.9 of the Declaration is added as follows (additions are in italics text):

3.9 *Exterior Paint Colors. All structures and improvements within the Project shall at all times be maintained by their respective Owners in a clean, first-class and properly painted condition. Paint colors should be congruent with the architectural style of the neighborhood, and should blend well with existing paint colors, which include earth tones (e.g. white, tan, taupe, beige). Owners intending on painting the exterior of the residence shall submit a request for review and written approval by the Association in accordance with Article 4.*

3. Exhibit B of the Declaration is amended as follows (additions are in italics text):

COMPONENT(S)	Owner	Association
Caulking – Routine Exterior when painting	X	
Driveways	X	
Exterior Building Surfaces – <i>paint only</i>	X	
Fences, Wood - Perimeter and Between Adjacent Lots – Repair and Replace, Interior (towards home) and Exterior Surface Finish	X	
Gates, Ornamental Iron Entry – Maintenance, Repair, Replacement and Painting	X	
Mailboxes	X	
Sidewalks – Entry	X	
Stucco – Painting/Coloring	X	
Trim, Wood – Maintenance, Repair and Replacement (Including Termite or Dry Rot Damage)	X	

4. The remainder of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment to the 2002 AMENDED AND RESTATED DECLARATION OF RESTRICTIONS for Vista Montana Homeowners Association is executed by the President and Secretary on this _____ day of _____, 2026.

Vista Montana Homeowners Association,
A California nonprofit mutual benefit corporation

By: _____
Name
President

By: _____
Name
Secretary

