

**Pursuant to Subdivision (b) of Section 12956.1 of the Government Code, the following notice is printed in 14-point boldface type.**

**NOTICE**

**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. 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.**

**The following notice is pursuant to California Government Code  
Section 12956.1(b)(1))**

## **Notice**

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, 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.

# **Restrictive Covenant Modification**

Under current state law, including AB1466 effective January 1, 2022, homeowners can request to modify property documents that contain unlawful discriminatory covenants. Government Code Section 12956.2 allows a person who holds an ownership interest of record in property that the person believes is the subject of an unlawfully restrictive covenant to record a Restrictive Covenant Modification document to have the illegal language stricken. Unlawful restrictions include those restrictions based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, national origin, source of income as defined in Government Code Section 12955 subdivision (p), ancestry, or genetic information.

## **To Record a Restrictive Covenant Modification, you must:**

- Complete a Restrictive Covenant Modification Form; this must be signed in front of a notary public.
- Attach a copy of the original document containing the unlawful restrictive language with the unlawful language stricken.
- Submit the completed document to the County Recorder.

## **This document requires the following:**

1. Name(s) of current owner(s)
2. Identification of document page number and language in violation
3. Recording reference of document with unlawful restrictive covenant
4. Copy of referenced document attached complete with unlawful restrictive language stricken out
5. Signature(s) of owner(s)
6. Signature(s) acknowledged
7. Approval by County Counsel provided to County Recorder

Upon receipt, the Recorder's office will submit the document to County Counsel who will determine whether the original document contains any unlawful restrictions, as defined in Government Code Section 12956.2 subdivision (b). Only those determined to be in violation of the law will be recorded and those that are not, will be returned to the submitter unrecorded.

Please note that the County Recorder is not liable for modification not authorized by law. This is the sole responsibility of the holder of ownership interest who caused the modified recordation per Government Code Section 12956.2 subdivision (f).

Pursuant to the requirements of AB1466, and no later than July 1, 2022, the Assessor-County Clerk-Recorder will post an implementation plan outlining our strategy to identify records with discriminatory restrictions.

Recording Requested By

When recorded mail document to

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Above Space for Recorder's Use Only

## RESTRICTIVE COVENANT MODIFICATION

I (We) \_\_\_\_\_ have an ownership interest of record in the property located at \_\_\_\_\_ that is covered by the document described below.

The following referenced document contains a restrictive covenant based on race, color, religion, sex, familial status, marital status, disability, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry that violates state and federal fair housing laws and that restriction is void. Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of eliminating that restrictive

covenant as shown on page(s) \_\_\_\_\_ of the document recorded on \_\_\_\_\_ (date)

In book \_\_\_\_\_ and page \_\_\_\_\_, or Document No. \_\_\_\_\_ of the Official records of the County of \_\_\_\_\_, State of California.

The document referenced above was originally indexed in the following manner \_\_\_\_\_

\_\_\_\_\_ and this document shall be indexed in like manner pursuant to Section 12956.2 (e).

The effective date of the terms and conditions of this modification document shall be the same as the effective date of the original document referenced above.

Dated \_\_\_\_\_



\_\_\_\_\_  
Printed Name(s)

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 \_\_\_\_\_ }

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public, personally appeared \_\_\_\_\_ 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 signatures(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 \_\_\_\_\_

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Return to:

John P. McMahon  
5123 New Ranch Road  
El Cajon, Ca 92020

FILE/PAGE NO. **75-108855**  
BOOK 1975  
RECORDED REQUEST OF  
*J. P. McMahon*  
MAY 7 11 32 AM '75  
OFFICIAL RECORDS  
SAN DIEGO COUNTY, CALIF.  
HARLEY F. BLOOM  
RECORDER  
**\$5.00**

This Declaration of Restrictions cancels and supercedes  
Declaration of Restrictions recorded April 28, 1975; File/Page 75-098939

DECLARATION OF RESTRICTIONS

This Declaration of Restrictions made this 21st day of March 1974,  
by John P. McMahon and Helen M. McMahon hereinafter referred to as  
"Owner", as owner of that certain real property situated in the County  
of San Diego, State of California, described as:

That portion of Lot 5 - the southwest quarter of the northwest  
quarter - and that portion of lot 6 - the northwest quarter of the  
southwest quarter of Section 6 Township 17 South Range 1 East, San  
Bernardino Meridian, in the County of San Diego, State of California,  
according to official plat thereof, described as follows:

Beginning at the Northeast Corner of said Lot 5; thence south  
0 37' 30" East 940.77 Feet along the Easterly line of said Lot 6;  
thence South 88 48' 32" West 102.5 Feet; thence South 0 37' 30"  
East 185.00 Feet; thence North 88 48' 32" East 102.5 Feet to the  
East line of Lot 5 being the true point of beginning; Thence retracing  
South 88 48' 32" West 102.5 Feet and North 0 37' 30" West 60.82 Feet;  
Thence South 89 55' 00" West 498.08 Feet; Thence South 0 05' 00" East 350.00  
Feet; Thence North 85 55' 00" East 600.00 Feet to the East Line of said Lot  
6; Thence along said East Line and the East Line of said Lot 5, North  
0 37' 30" West 291.22 Feet to the true point of beginning.

WHEREAS, the owner is about to sell, dispose of or convey, said  
real property, and desires to subject said property to certain protective  
conditions and restrictions.

NOW, THEREFORE, this Declaration of Restrictions WITNESSETH:

That the said owner does hereby certify and declare that he has  
established and does establish the general plan for the protection of  
all said real property and has fixed and does hereby fix the following  
protective conditions and restrictions upon and subject to which all  
of said real property shall be held, leased, sold and/or conveyed by  
said "Owner" each and all of which conditions and restrictions is and  
are for the benefit of all said real property and shall inure to and  
pass with all of said property and each and every lot, parcel or plot  
thereof, and shall apply to and bind the respective successors in  
interest of the present owner thereof, as follows to-wit:

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DECLARATION OF RESTRICTIONS

1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot, other than one single family dwelling with the customary outbuildings and not to exceed two (2) stories in height.

In the event any structure is erected for the housing of horses the size and style of said structure shall conform to the original building.

2. No noxious or offensive activity shall be carried on upon the lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

3. No trailers, boats or similar vehicles shall be parked or stored on any of the streets in said tract or near the front line of any of the lots in said tract, but may be parked or stored toward the rear of the lots, but in no way shall they be visible from the street upon which said lot fronts.

4. No structure of temporary character, trailer, basement, tent shack, garage, barn or other outbuildings shall be used on any lot at any time as a residence, either temporarily or permanently nor shall any building be erected elsewhere and be moved on any lot, and no old lumber be used in the construction of any building or fence on any lot. No drilling or digging for any minerals or other subterranean substance is allowed.

~~5. No structure of temporary character, trailer, basement, tent shack, garage, barn or other outbuildings shall be used on any lot at any time as a residence, either temporarily or permanently nor shall any building be erected elsewhere and be moved on any lot, and no old lumber be used in the construction of any building or fence on any lot. No drilling or digging for any minerals or other subterranean substance is allowed.~~

6. No fence or other structure shall be erected within the front property set back line unless of a decorative type and not more than 60 inches in height, unless approved in writing by "Owner". No fence shall consist of barbed wire.

7. All fences or structures of any nature, built or constructed of wood shall be maintained in an attractive condition.

8. Poultry and animals may be kept in accordance with the restrictions contained in the San Diego County Zoning Regulations pertaining to A-1 zoned property.

9. All roofs to be constructed of either shale shingle, mission tile or crushed rock with a minimum one 50 lb. sack of 2" diameter heavy rock per every 100 sq. feet, unless approved by "Owner".

In no event shall the roof of any dwelling be constructed of any material the color of surface of which has a tendency to strongly reflect light.

10. That no second hand material, except stone and/or brick and/or ornamental beams, or similar material shall be used in the construction of any building or any structure within the tract.

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11. These covenants are to run with the land and shall be binding on all parties and all persons claiming under then for a period of 35 years from the date these covenants are recorded, after which the covenants shall automatically extend for successive periods of ten years unless an instrument signed by a majority of the owners of the lots or parcels has been recorded, agreeing to change said covenants in whole or in part, or to terminate said covenants.

12. That no dwelling or other building shall be built on any lot in said tract closer than fifteen feet to the property line on either side of it, nor within sixty feet of the center line of the street on which said lot faces.

13. No dwelling or residence shall be erected on said property having a total floor area, exclusive of porches, patios and garages exterior fairways or landings of less than 1600 square feet.

14. Invalidity of any one of the covenants by judgement or court order shall in no way affect any of the other provisions which remaining provisions shall continue in full force and effect.

15. Within six months of the completion of a dwelling, the owner or owners thereof shall expend an amount on landscaping, ornamental plants trees, shrubs, and/or flowers and lawn, and shall install or plant the same on the lot on which such dwelling is located.

Dated: May 6, 1975

*John P. McMahon*  
John P. McMahon

*Helen M. McMahon*  
Helen M. McMahon

Individual Acknowledgment

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

} ss.

On May 6, 1975

before me, the undersigned, a Notary Public in and for said

County and State, personally appeared

JOHN P. MCMAHON & HELEN M. MCMAHON

known to me to be the person S whose name S all subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

*Dorothy T. Strunk*

Notary Public in and for said County and State

