

2 US/P

31208

DOC # 2004-1005464



Recording requested by
First American Title

OCT 22, 2004 4:59 PM

RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 16.00
PAGES: 4

178
40

Richard W. Sweat, Esq.
POST KIRBY NOONAN & SWEAT LLP
600 West Broadway, Suite 1100
San Diego, CA 92101-3355



2004-1005464

APN: 531-212-16-00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

1610589-8

MODIFICATION OF EASEMENT AGREEMENT

This Modification of Easement Agreement is entered into on 10.20.04, 2004, between LEE A. DALE and NICKI DALE, husband and wife, and CHRISTOPHER GEDROSE and LINDA M. BROWN, husband and wife ("Grantors"), and CHRISTOPHER GEDROSE and LINDA M. BROWN, husband and wife as joint tenants ("Grantees"), modifying that certain Easement Agreement dated July 26, 2004 and recorded August 4, 2004, as Document No. 2004-0739190. As provided in the Easement Agreement, Grantors own the property commonly known as 3344 Trumbull Street, San Diego, California ("Servient Tenement"), and more particularly described as follows:

LOTS 46 AND 47 IN BLOCK 6 OF ROSEVILLE HEIGHTS, IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 423, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 1, 1887.

Grantees are the owners of certain real property situated in the City of San Diego, State of California ("Dominant Tenement"), commonly known as 3344 Trumbull Street, San Diego, California, and more particularly described as follows:

LOTS 41 AND 42 IN BLOCK 6 OF ROSEVILLE HEIGHTS, IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 423, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 1, 1887.

The Easement Agreement is hereby modified to delete Paragraph 3, entitled "Description of Easement," set forth in that Agreement and to substitute in its place the following:

3. Description of Easement. The easement granted in this Agreement is an easement for light, air, view, and sunlight across the Servient Tenement for the benefit of the Dominant Tenement. Grantors agree that they will not permit any structure, vegetation, building or objects

PKNS\367794.1

to exist or to be constructed on the Servient Tenement that is higher than two hundred one (201) feet from sea level. No activity on the Servient Tenement may occur, including lighting or temporary structures or objects, which interferes with the view easement and height limitation set forth in this Agreement. The benchmark for determining the height from sea level is the City of San Diego brass plug in the top of the curb at the southeast corner of Trumbull Street and Bangor Street, elevation -- 217,687, U.S.C. & G.S. Datum of 1929.

All other terms and conditions of the Easement Agreement continue in full force and effect.

Executed on this 20 day of October, 2004.

GRANTORS:

Lee A Dale
LEE A. DALE

Nicki Dale
NICKI DALE

Christopher Gedrose
CHRISTOPHER GEDROSE

Linda M. Brown
LINDA M. BROWN

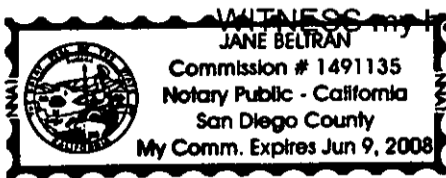
GRANTEES:

Christopher Gedrose
CHRISTOPHER GEDROSE

Linda M. Brown
LINDA M. BROWN

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN DIEGO)

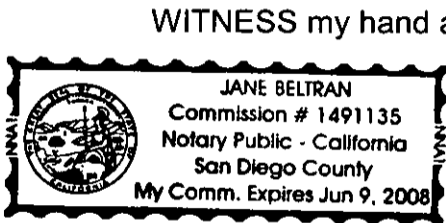
On October 20, 2004, before me, Jane Beltran, a Notary Public in and for said County and State, personally appeared LEE A. DALE, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



Jane Beltran
Notary Public

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN DIEGO)

On October 20, 2004, before me, Jane Beltran, a Notary Public in and for said County and State, personally appeared NICKI DALE, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



Jane Beltran
Notary Public

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN DIEGO)

On October 20, 2004, before me, Jane Beltran, a Notary Public in and for said County and State, personally appeared CHRISTOPHER GEDROSE, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Jane Beltran
Notary Public

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN DIEGO)

On October 20, 2004, before me, Jane Beltran, a Notary Public in and for said County and State, personally appeared LINDA M. BROWN, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Jane Beltran
Notary Public