

Exhibit A

ADAMS | STIRLING  
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Los Angeles, California 90064  
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**FIRST AMENDMENT  
TO  
SECOND RESTATED DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS  
FOR  
TU CASA HOMEOWNERS ASSOCIATION  
a California nonprofit mutual-benefit corporation  
CITY OF CARLSBAD, COUNTY OF SAN DIEGO  
STATE OF CALIFORNIA**

**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.**

**FIRST AMENDMENT  
TO  
SECOND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS  
OF  
TU CASA HOMEOWNERS ASSOCIATION**

- A. The Association is vested with the responsibility for the management and control of that certain real property in the County of San Diego, State of California described as follows:

Lot 1 of Carlsbad Tract 72-14 in the City of Carlsbad, County of San Diego, State of California, according to Map thereof No. 7930, filed in the Office of the County Recorder of San Diego County of April 26, 1974.

Hereinafter referred to as the "Property."

- B. The membership of the Association consists of the individual Owners of the Property.
- C. The Property is subject to the Second Restated Declaration of Covenants, Conditions and Restrictions of Tu Casa Homeowners Association, recorded in the official records of the San Diego County Recorder's Office on September 12, 2013 as Document No. 2013-0563803 ("Declaration").
- D. The Association, through its Board of Directors, desires to amend the Declaration as set forth below.
- E. The Association has the power and authority to execute and record this First Amendment pursuant to the requirement set forth in Civil Code Section 4741(f), which requires all common interest developments to comply with the prohibition on rental restrictions specified in Civil Code Section 4741 on and after January 1, 2021 and to amend their governing documents to conform to the requirements of Civil Code Section 4741 no later than December 31, 2021.

**AMENDMENTS**

1. **Article 8, Section 8.2(E) of the Declaration is deleted in its entirety and replaced to read as follows:**

(E) No Subleasing; Minimum Lease Term. There shall be no subleasing of Units or assignment of leases unless approved in writing by the Board. All leases must be for a term of no less than thirty (30) days.

**2. Article 9, Section 9.1(A) is deleted in its entirety and replaced to read as follows:**

(A) For the purpose of this Section, the term "timeshare program" shall include and not be limited to any arrangement, plan, scheme, or similar device, whether by membership, agreement, tenancy in common, sale, lease, deed, rental agreement, license, right-to-use agreement, or by any other means, whereby a timeshare interval is created and whereby the use, occupancy or possession of an accommodation, Unit, Improvement, single-family dwelling, within such use, occupancy or possession circulates among purchasers of the timeshare interval according to a fixed or floating time schedule on a periodic basis occurring annually for periods of less than thirty (30) days in duration.

**3. Except as expressly amended herein, the remaining portions of the Declaration shall remain in full force and effect.**


**CERTIFICATION**

WE CERTIFY this 15 day of August, 2021 that (1) the original Second Restated Declaration of Covenants, Conditions and Restrictions of Tu Casa Homeowners Association has a provision that conflicts with the provisions of Civil Code §4741, (2) the changes in this First Amendment to the Second Restated Declaration of Covenants, Conditions and Restrictions of Tu Casa Homeowners Association are necessary to conform to the legal requirements of Civil Code §4741 and eliminate all conflicts with said statute, (3) Civil Code §4741(f) mandates that the Association's governing documents be amended to conform to the requirements of said section no later than December 31, 2021, and (4) that Civil Code §4741(g) provides that willful violation of the section can result in a civil penalty against the Association in the amount of one thousand dollars (\$1,000).

WE FURTHER CERTIFY, based on the foregoing, that since conformance with the law is mandatory regardless of whether the membership approves or disapproves the First Amendment, membership approval of this First Amendment is legally unnecessary and dispensed with, and this First Amendment has been duly approved and adopted by a vote of the Board of Directors of TU CASA HOMEOWNERS ASSOCIATION as required to comply with Civil Code §4741.

TU CASA HOMEOWNERS ASSOCIATION

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Secretary

**TU CASA HOMEOWNERS ASSOCIATION**

**Board Resolution to Adopt First Amendment to CC&Rs**

**RECITALS**

WHEREAS, the business and operation of Tu Casa Homeowners Association ("Association") are governed by a volunteer, elected five (5) person Board of Directors ("Board");

WHEREAS, the Board has the primary responsibility for managing and directing the business and affairs of the Association;

WHEREAS, on January 1, 2021 Assembly Bill 3182 ("AB 3182") became effective and amended Civil Code §4740 and added Civil Code §4741 which renders unenforceable any governing document provision which "prohibits, has the effect of prohibiting, or unreasonably restricts the rental or leasing of any of the separate interests, accessory dwelling units, or junior accessory dwelling units" and mandates that all associations amend their governing documents "to conform" to the bill's requirements no later than December 31, 2021.

WHEREAS, the Association's Second Restated Declaration of Covenants, Conditions and Restrictions of Tu Casa Homeowners Association ("CC&Rs") contains provisions in Article 8, Section 8.2(E) and in Article 9, Section 9.1(A) that are not in conformance with Civil Code §4741 and conflicts with said statute. Since conformance with the law is mandatory regardless of whether the membership approves or disapproves of the First Amendment, membership approval has been dispensed with and the First Amendment has been duly approved and adopted by a vote of the Directors of the Board.

WHEREAS, on \_\_\_\_\_, 2021 the Board approved the First Amendment to the CC&Rs in the form attached herewith as Exhibit A.

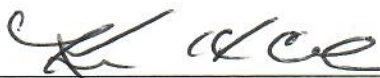
**NOW, THEREFORE, IT IS HEREBY RESOLVED** that:

1. The Board hereby authorizes its Secretary and President to certify the First Amendment to the CC&Rs.
2. A copy of the First Amendment to the CC&Rs to be certified is attached as Exhibit A to this resolution.

**IT IS SO RESOLVED.**

CERTIFIED BY THE BOARD OF DIRECTORS – TU CASA HOMEOWNERS ASSOCIATION

8/15/2021  
Name

  
Signature President

Name

Gerrie Boone

Signature VP - Position Vacant

Gerrie Boone

Name

Linda A Shafer

Signature Treasures

Linda A Sh

Name

LYNDA SAUAGE

Signature Secretary

Lynda A. Savage

Name

Signature Member at large

**CERTIFICATE OF SECRETARY**

The undersigned, the duly acting or appointed Secretary of the Tu Casa Homeowners Association, certified that the foregoing Resolution was duly moved, seconded and adopted by the requisite majority of the Board of Directors at a duly noticed meeting of the Board held on \_\_\_\_\_, 2021.

Linda A Sh  
, Secretary

CERTIFIED BY THE BOARD OF DIRECTORS - TU CASA HOMEOWNERS ASSOCIATION  
Name \_\_\_\_\_  
Signature \_\_\_\_\_  
President

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

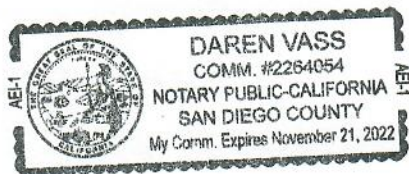
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )
County of San Diego )
On 15 August 2021 before me, Daren Vass Notary Public
Date Here Insert Name and Title of the Officer
personally appeared KIP COULES, GERMIE BOONE, LYNDY A SCHAFFER AND
Name(s) of Signer(s)
LYNDY SAUVAGE

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]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Board Resolution to Adopt Instrument Document Date: 8/15/2021
Number of Pages: Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:
[ ] Corporate Officer - Title(s):
[ ] Partner - [ ] Limited [ ] General
[ ] Individual [ ] Attorney in Fact
[ ] Trustee [ ] Guardian or Conservator
[ ] Other:
Signer Is Representing: