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SAN DIEGO COUNTY RECORDER'S OFFICE  
GREGORY J. SMITH, COUNTY RECORDER  
FEES: 56.00  
PAGES: 17



2006-0735806

Recording Requested By:

and  
Recording requested by  
When Recorded Mail To: LandAmerica Developer Services  
Mail to: Subdivision Department

CCI  
ATT: JOSEPH FREEDMAN, ESQ.  
REF: KEARNY MESA TOWNHOMES  
7777 ALVARADO RD STE 615.  
LA MESA CA 91941-3649  
www.subdivision.net

F8  
17P  
10011

4797

3687307-53

SPACE ABOVE FOR RECORDER'S USE

INDEX AS "CONDOMINIUM PLAN"

**CERTIFICATE OF CONSENT TO RECORDATION  
OF  
CONDOMINIUM PLAN PURSUANT TO CIVIL CODE  
SECTION 1351(e)**

**KEARNY MESA TOWNHOMES CONDOMINIUM PLAN**

THE UNDERSIGNED, KEARNY MESA TOWNHOMES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, being the record owner of the property ("Property") hereinbelow described, does hereby consent to the recordation of the hereinafter described Condominium Plan (the "Plan") pursuant to California Civil Code Section 1351(e).

Said Property is situated in the City of San Diego, County of San Diego, State of California, and is legally described as:

**LEGAL DESCRIPTION:**

**LOT 1 OF KEARNY MESA TOWNHOMES IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 15420 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 1, 2006 AS DOCUMENT NO. 2006-0627570.**

KEARNY MESA TOWNHOMES  
CERTIFICATE OF CONSENT

Said property shall be a Common Interest Development ("Project") pursuant to California Civil Code Section 1351(c)(2) and as more fully defined in Civil Code Section 1351(f).

Attached hereto, and by reference made a part hereof, is a diagrammatic plan ("Condominium Plan" or "Plan") of the Project and the separate interests therein, consisting of (i) a description of the Project that refers to or shows monumentation on the ground, and (ii) a three-dimensional description of the Project in sufficient detail to identify the Common Area and each separate interest.

The Project comprises **forty-two (42) Units** and the appurtenances as shown thereon.

The symbols used in the Plan are defined as follows:

- Unit-#** Means and refers to a Living Unit or Unit, the terms being synonymous.
- C-#** Means and refers to Carport Exclusive Use Common Area.
- P-#** Means and refers to Patio Exclusive Use Common Area.
- B-#** Means and refers to Balcony Exclusive Use Common Area.


The Project and this Plan are subject to the terms, provisions and conditions stated in that certain **DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR "KEARNY MESA TOWNHOMES"** recorded concurrently herewith (the "**Declaration**"). Each definition set forth in the Declaration Article entitled "**DEFINITIONS**," except as may be otherwise or further defined and/or contextualized herein, shall have the same meaning within this Plan and each such definition is by this reference incorporated herein and made a part hereof.

The "**NOTES AND DEFINITIONS**" for the Condominium Plan are attached hereto as **EXHIBIT A** and by reference made a part hereof.

IN WITNESS WHEREOF, this Certificate of Consent has been executed this day  
of 10/2/06.

**DECLARANT:**

**KEARNY MESA TOWNHOMES, LLC, A  
CALIFORNIA LIMITED LIABILITY COMPANY**

By:   
\_\_\_\_\_  
**CHRIS LAFORNARA  
MANAGER**

**(Please Attach Proper Notary Certificate(s) of Acknowledgment)**

**KEARNY MESA TOWNHOMES  
CERTIFICATE OF CONSENT**

**ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Diego

On October 2nd, 2006 before me, Heather Ashby, a Notary Public,  
personally appeared  
Chris LaFornara

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 authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Heather Ashby

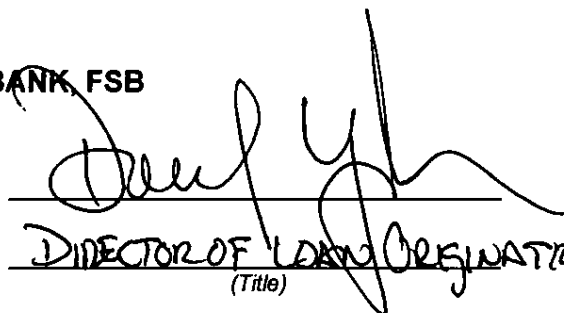
**ACKNOWLEDGMENT BY BENEFICIARY**

LA JOLLA BANK, FSB, being the beneficiary under that certain Deed of Trust recorded SEPTEMBER 12, 2006 as File No. 2006-0648438 of Official Records in the Office of the County Recorder of San Diego County, California, does hereby acknowledge by signature below, pursuant to California Civil Code Section 1351(e), the recordation of the foregoing "Certificate of Consent to Recordation of Condominium Plan Pursuant to Civil Code Section 1351(e).

DATED: 10-5-06

LA JOLLA BANK, FSB

By:

  
\_\_\_\_\_  
DIRECTOR OF LOAN ORIGINATION  
(Title)

***(Please Attached Proper Notary Certificate(s) of Acknowledgment)***

**KEARNY MESA TOWNHOMES  
Acknowledgement By Beneficiary**

**ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Diego

On 10-5-06 before me, Jennifer J. Novak, a Notary Public,  
personally appeared

David Yodanis

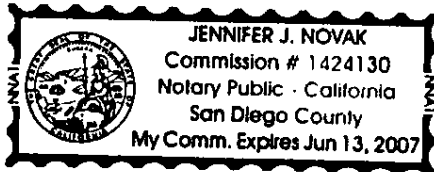


personally known to me

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~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(~~s~~) on the instrument, the person(s), or the entity upon which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Jennifer J. Novak


**ACKNOWLEDGMENT BY BENEFICIARY**

**SAN DIEGO HOUSING COMMISSION, A PUBLIC AGENCY**, being the beneficiary under that certain Deed of Trust recorded **SEPTEMBER 19, 2006** as **File No. 2006-0666814** of Official Records in the Office of the County Recorder of San Diego County, California, does hereby acknowledge by signature below, pursuant to California Civil Code Section 1351(e), the recordation of the foregoing "Certificate of Consent to Recordation of Condominium Plan Pursuant to Civil Code Section 1351(e).

DATED: October 12, 2006

**SAN DIEGO HOUSING COMMISSION,  
A PUBLIC AGENCY**

By:

  
Cissy Fisher, Director of Housing Finance & Dev.

(Title)

***(Please Attached Proper Notary Certificate(s) of Acknowledgment)***

**KEARNY MESA TOWNHOMES  
Acknowledgement By Beneficiary**

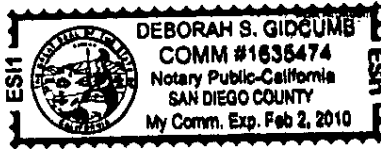
**ALL-PURPOSE ACKNOWLEDGMENT**

State of California

County of San Diego

On 10-13-06 before me, Deborah S. Gidcumb, a Notary Public,  
personally appeared Cissy Fisher

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 authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

*Deborah S. Gidcumb*



**NOTES AND DEFINITIONS**

1. There are *forty-two (42)* "UNIT"/"CONDOMINIUM UNIT" SEPARATE INTERESTS and *three (3)* MODULE SEPARATE INTERESTS described in the attached Composite Condominium Plan.
2. "**SEPARATE INTEREST**" shall mean and refer to a separate interest in space as defined in Civil Code Section 1351(l). There are two (2) types of Separate Interests within the Property: (a) a **Module Separate Interest**, which is *non-residential* in nature, and (b) a **Unit Separate Interest**, which is *residential* in nature.
3. "**GROUND ELEVATION**" shall mean and refer to the finish grade of the Property above Mean Sea Level (MSL) as identified on the Plan.
4. "**UNIT**," "**CONDOMINIUM UNIT**" and/or "**UNIT SEPARATE INTEREST**" shall mean and refer to a residential Separate Interest in the Property which is not owned in common with the other owners of other Separate Interests in the Property. Units are shown and designated on the Composite Plan as ***Unit-1 through Unit-42, inclusive***. Each Unit shall have the dimensions shown and described on the Plan. A Unit shall become a Separate Interest upon Close of Escrow of the first Unit in the Property.
5. "**MODULE**" shall mean and refer to ***two (2)*** different types of non-residential Separate Interests:
  - (a) The "**ASSOCIATION MODULE**" (referred to as the "***Association Property***" on the Plan) is shown and designated on the Composite Plan by the title "***Association Property***." The Association Module consists of a three-dimensional division of land comprised of all earth, air, water and improvements located within its boundaries, with the exception of that portion of the **Community Module** which intersects the **Association Module**. The lateral boundaries of the **Association Module** are vertical planes at the limits of its horizontal dimensions as shown on the Composite Plan; the upper limit of which extends from **Ground Elevation** to the heavens (excepting therefrom the **Community Module**); and the lower limit for which extends from the **Ground Elevation** down to the center of the earth.
  - (b) The "**COMMUNITY MODULE**" (referred to as the "***Common Area***" on the Plan) is shown and designated on the Composite Plan by the title "***Common Area***." shall mean and refer to a three-dimensional airspace division of the Property, which (i) consists exclusively of airspace, (ii) does not include any earth, water or tangible, physical improvements, and (iii) is not physically attached to the earth. The lower limit of the Community

Module extends from a horizontal plane beginning from a point **fifty feet (50.0')** above the highest vertical improvement upwards to the heavens; the lateral boundaries of the Community Module are vertical planes at the limits of the horizontal dimensions of the Property. An easement is hereby granted to each owner of a Unit through any other Unit within the Property for access to and through the Community Module, excepting therefrom any portion of a Unit that consists of a Dwelling or Private Unit Area, as defined in the Declaration.

- 6. **"COMMON AREA"** shall mean and refer to all of the Property *except for* the Unit Separate Interests. The Common Area shall be for the common use and enjoyment of all Owners in the Project and their Invitees, subject to any exclusive use easements, as more fully described in the Declaration. Common Area shall consist of three (3) types:
  - (a) **"ASSOCIATION COMMON AREA"** shall mean and refer to **Association Module**.
  - (b) **"COMMUNITY MODULE"** shall mean and refer to the **Community Module** at such time that the first Fractional Interest is conveyed as an appurtenance to a Unit Separate Interest.
  - (c) **"EXCLUSIVE USE COMMON AREA"** shall consist of (i) those portions of the **Association Module or Association Property**, if any, that are used or intended to be used exclusive by one or more, but fewer than all of the owners of Separate Interests in the Property, and shall be appurtenant to each such respective Separate Interest; and (ii) internal and external: telephone and electrical wiring, plumbing, lighting and other utilities, if any of the foregoing are designed to exclusively serve a single Unit, but located outside the boundaries of such Unit (*for example*, any utility lines running under the street of the Association Common Area that serve or are intended to serve just one Dwelling).
- 7. Dimensions labeled herein shall have precedence over distances scaled from plans.
- 8. All lateral boundaries are vertical places at the limits of the horizontal dimensions shown on these plans. All vertical and horizontal lines intersect at right angles, unless otherwise noted or apparent, on this condominium plan.
- 9. In interpreting the deeds and plans, the then existing physical boundaries of a Unit and/or Common Area, whether in its original state or reconstructed in substantial accordance with the original plans thereof, shall be conclusively presumed to be its boundaries rather than the description expressed in the Deed, Lease, Declaration or this Plan. Regardless of settling or lateral movement of the Building(s) and regardless of minor variance between the boundaries shown on this plan and those of the building as actually physically constructed.

# KEARNY MESA TOWNHOMES

4807

## SHEET INDEX

COVER SHEET	SHEET 1
NOTES	SHEET 2
PLOT PLAN	SHEET 3
UNIT PLANS	SHEETS 4-6
VERTICAL CONTROL PLAN	SHEET 7

## LEGAL DESCRIPTION

LOT 1, KEARNY MESA TOWNHOMES, IN THE CITY OF SAN DIEGO COUNTY OF SAN DIEGO, ACCORDING TO MAP THEREOF MAP NO. 15420, RECORDED SEPTEMBER 1, 2006.

## LEGEND

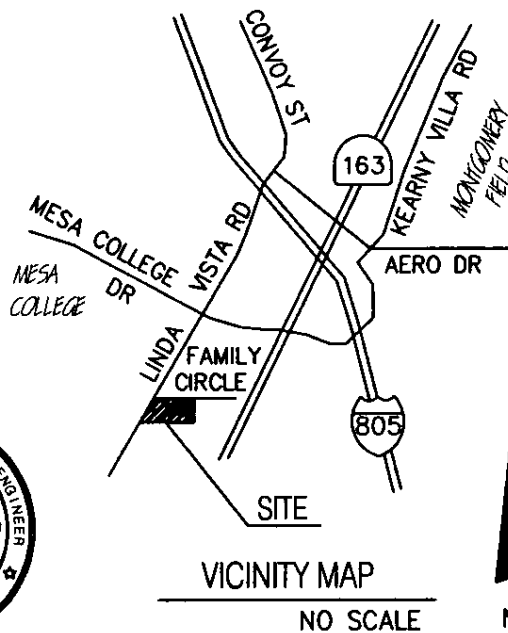
	INDICATES PROJECT BOUNDARY
	INDICATES UNIT BOUNDARY
	INDICATES BOUNDARY OF COMMON AREAS
	INDICATES PROPERTY CORNER MONUMENTS AS DESCRIBED HEREON.
UNIT 23	INDICATES "UNIT" & NUMBER
C-	INDICATES CARPORT & NUMBER
P-	INDICATES PATIO & NUMBER
B-	INDICATES BALCONY & NUMBER
FW-	INDICATES 0.67' THICK 2 HR. FIRE WALL
PW-	INDICATES 0.56' THICK PARTY WALL
OW-	INDICATES 0.34' THICK OUTSIDE WALL
L.V.B.	INDICATES "LOWER VERTICAL BOUNDARY"
U.V.B.	INDICATES "UPPER VERTICAL BOUNDARY"

## BASIS OF ELEVATIONS

STANDARD BENCH MONUMENT AT THE SOUTHWEST CORNER OF THE INTERSECTION MESA COLLEGE DRIVE AND LINDA VISTA ROAD. ELEVATION: 371.13 MSL

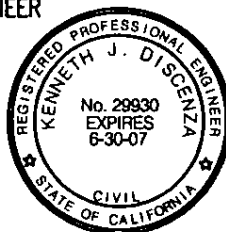
## BASIS OF BEARINGS

THE BASIS OF BEARINGS USED FOR THIS PLAN IS THE CALIFORNIA COORDINATE SYSTEM BEARING FOR THE NORTH LINE OF LOT 1, KEARNY MESA TOWNHOMES, MAP NO. 15420. I.E.; N 89°11'39" W



## ENGINEER'S STATEMENT

I HEREBY STATE THAT I AM A REGISTERED CIVIL ENGINEER OF THE STATE OF CALIFORNIA AND THAT THIS PLAN, CONSISTING OF 7 SHEETS, CORRECTLY SHOWS THE BOUNDARIES OF THE LAND AND THE RELATIONSHIP THERETO OF THE UNITS REFERRED TO HEREIN; THAT ALL UNITS ARE AS SHOWN AND CONFORM WITH SAID CONDOMINIUM PLAN.



KENNETH J. DISCENZA, R.C.E. 29930

DATE: 9-25-06

PREPARED BY:



**SITE DESIGN ASSOCIATES, INC.**

1016 BROADWAY SUITE "A" EL CAJON, CALIFORNIA 92021  
(619) 442-8467 FAX (619) 442-8417

9/05/06

J-1564

## KEARNY MESA TOWNHOMES

4808

NOTES AND DEFINITIONS

1. "UNITS" ARE NUMBERED 1 THROUGH 42.
2. "UNITS" ARE SHOWN AND DESCRIBED IN DIAGRAMETRIC FLOOR PLANS ON SHEETS 4 THROUGH 6 HEREIN.
3. FOR UNIT VERTICAL BOUNDARIES REFER TO SHEETS 4 THROUGH 6 HEREIN.
4. ALL COMMON / H.O.A. AREAS ARE TO BE KNOWN AS "ASSOCIATION PROPERTY".

9/05/06

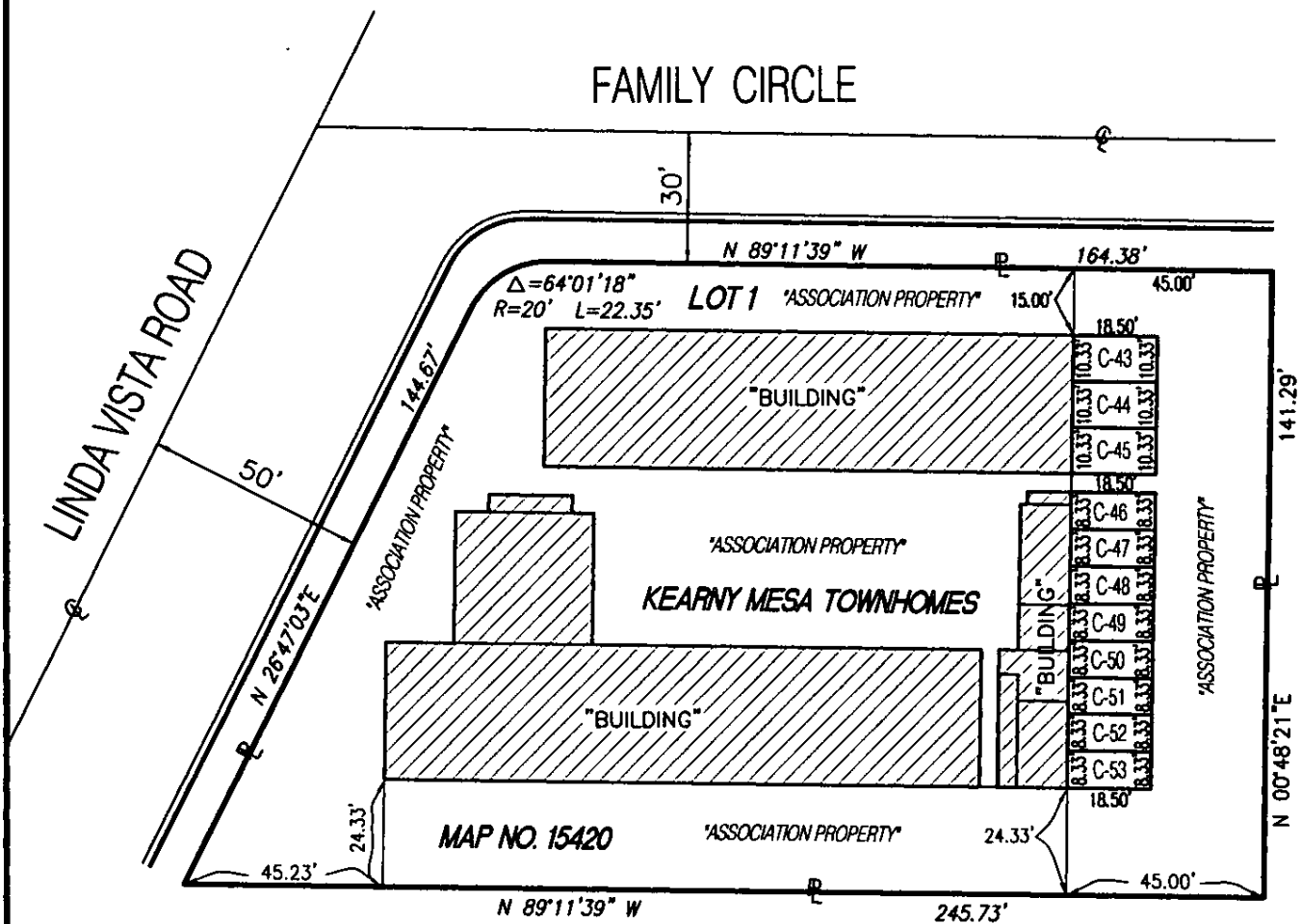
J-1564

PREPARED BY:

**SITE DESIGN ASSOCIATES, INC.**1018 BROADWAY SUITE "A" EL CAJON, CALIFORNIA 92021  
(619) 442-8467 FAX (619) 442-8417

# KEARNY MESA TOWNHOMES

## 4809



### PLOT PLAN



9/05/06

J-1564

PREPARED BY:

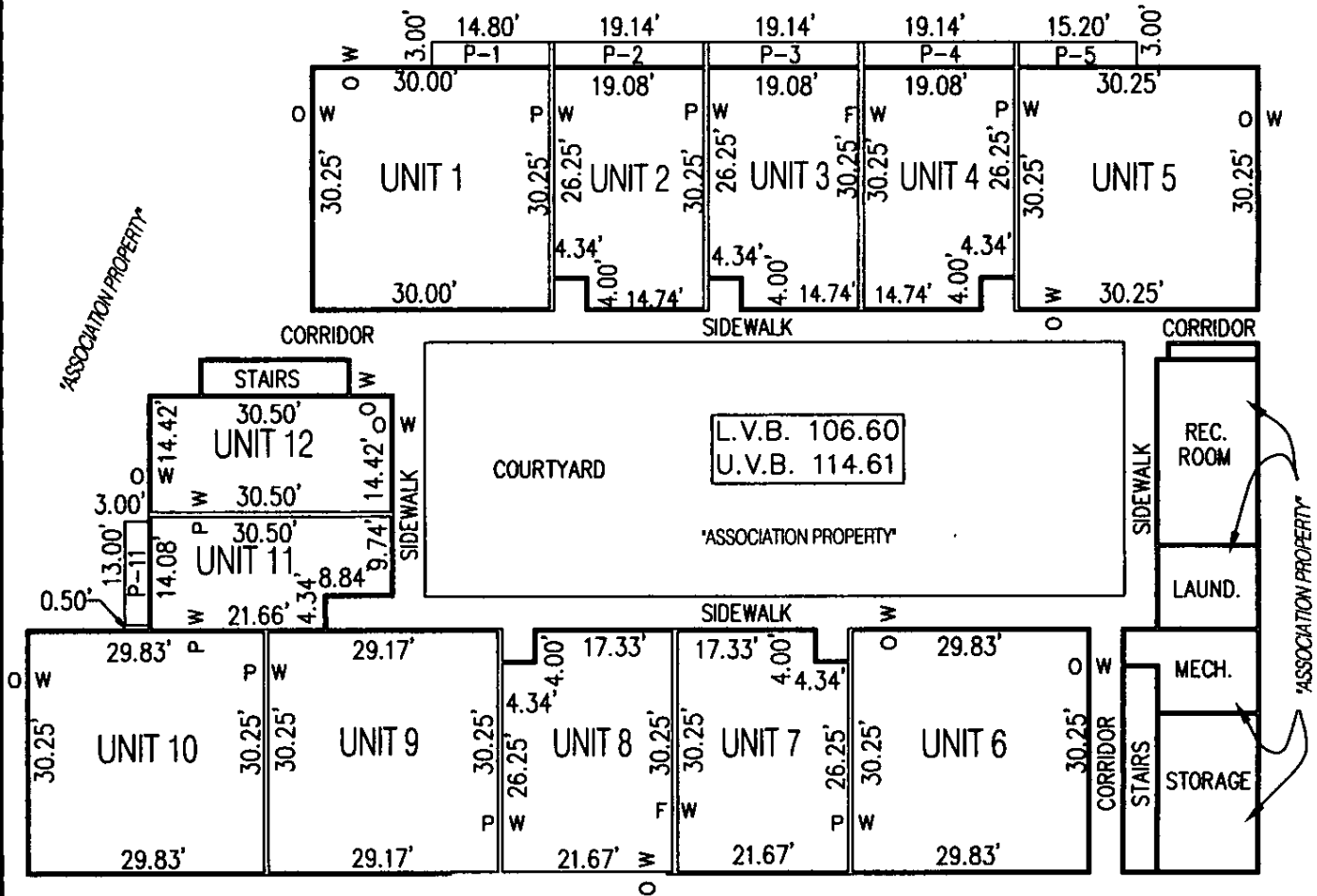


**SITE DESIGN ASSOCIATES, INC.**  
 1016 BROADWAY SUITE "A" EL CAJON, CALIFORNIA 92021  
 (619) 442-8467 FAX (619) 442-8417

# KEARNY MESA TOWNHOMES

## 4810

'ASSOCIATION PROPERTY'



'ASSOCIATION PROPERTY'

### FIRST FLOOR

9/05/06

J-1564

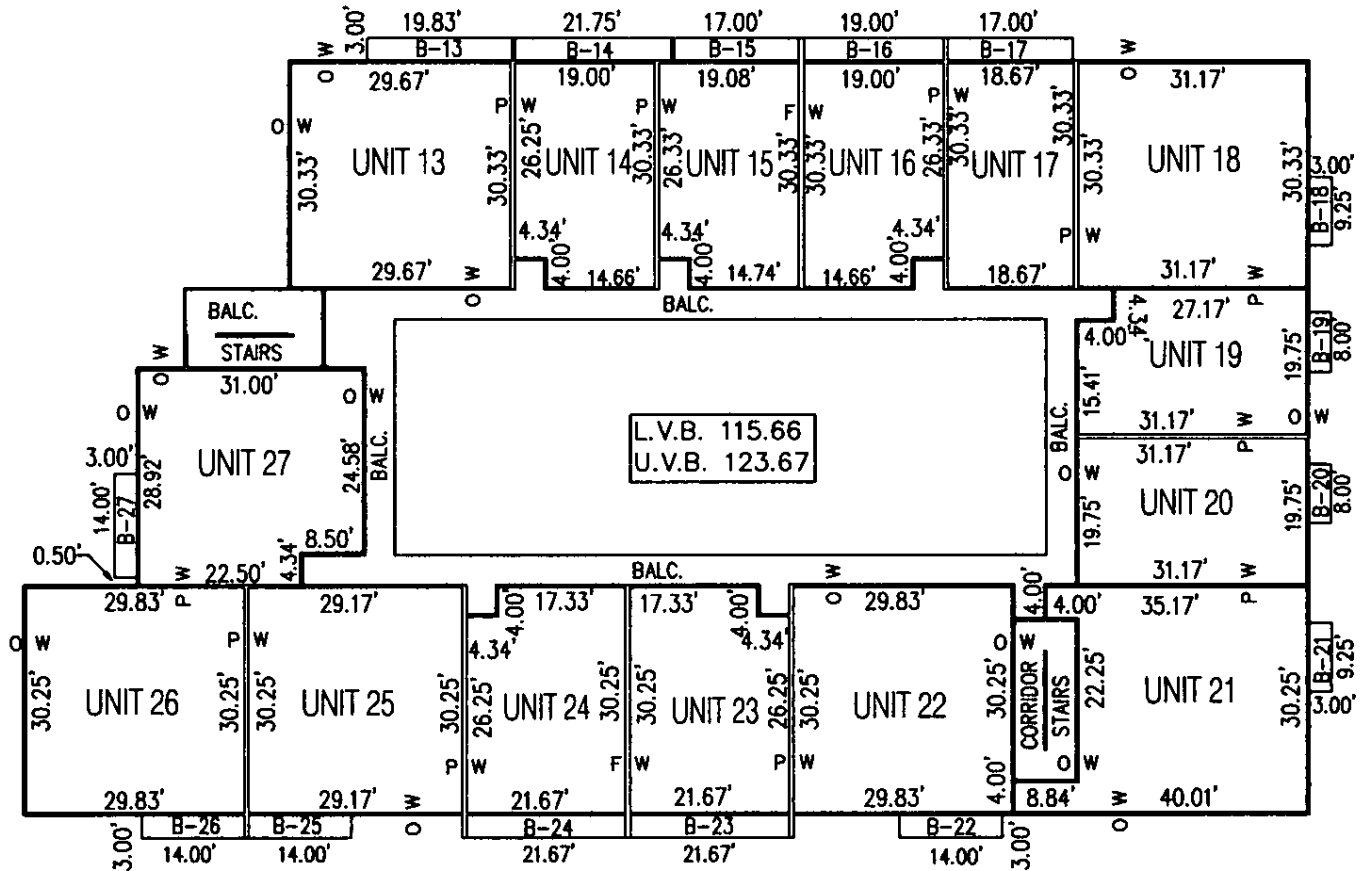
PREPARED BY:



**SITE DESIGN ASSOCIATES, INC.**  
 1016 BROADWAY SUITE "A" EL CAJON, CALIFORNIA 92021  
 (619) 442-8487 FAX (619) 442-8417

# KEARNY MESA TOWNHOMES

## 4811



## SECOND FLOOR

9/05/06

J-1564

PREPARED BY:

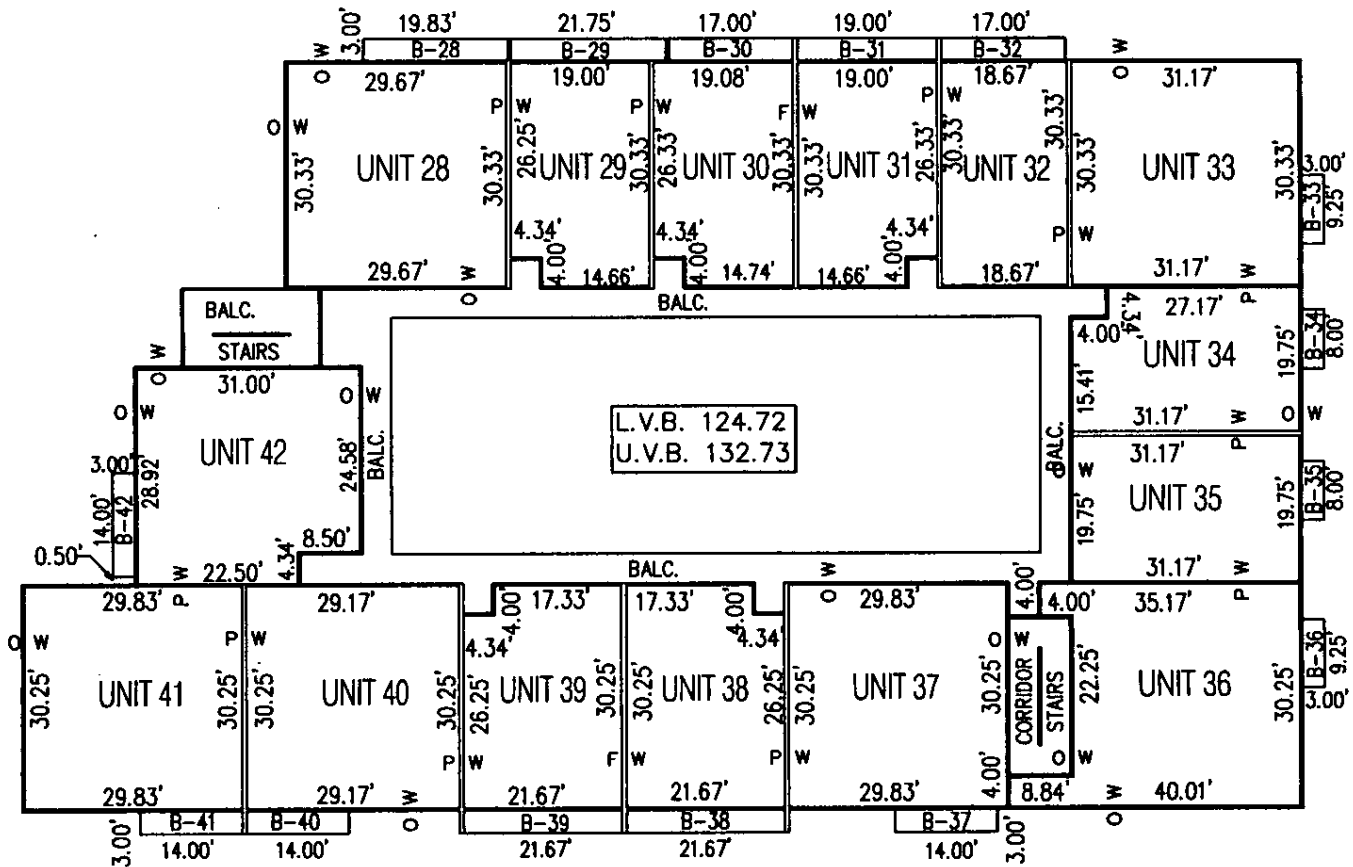


**SITE DESIGN ASSOCIATES, INC.**

1018 BROADWAY SUITE "A" EL CAJON, CALIFORNIA 92021  
(619) 442-8467 FAX (619) 442-8417

# KEARNY MESA TOWNHOMES

## 4812



### THIRD FLOOR

9/05/06

J-1564

PREPARED BY:



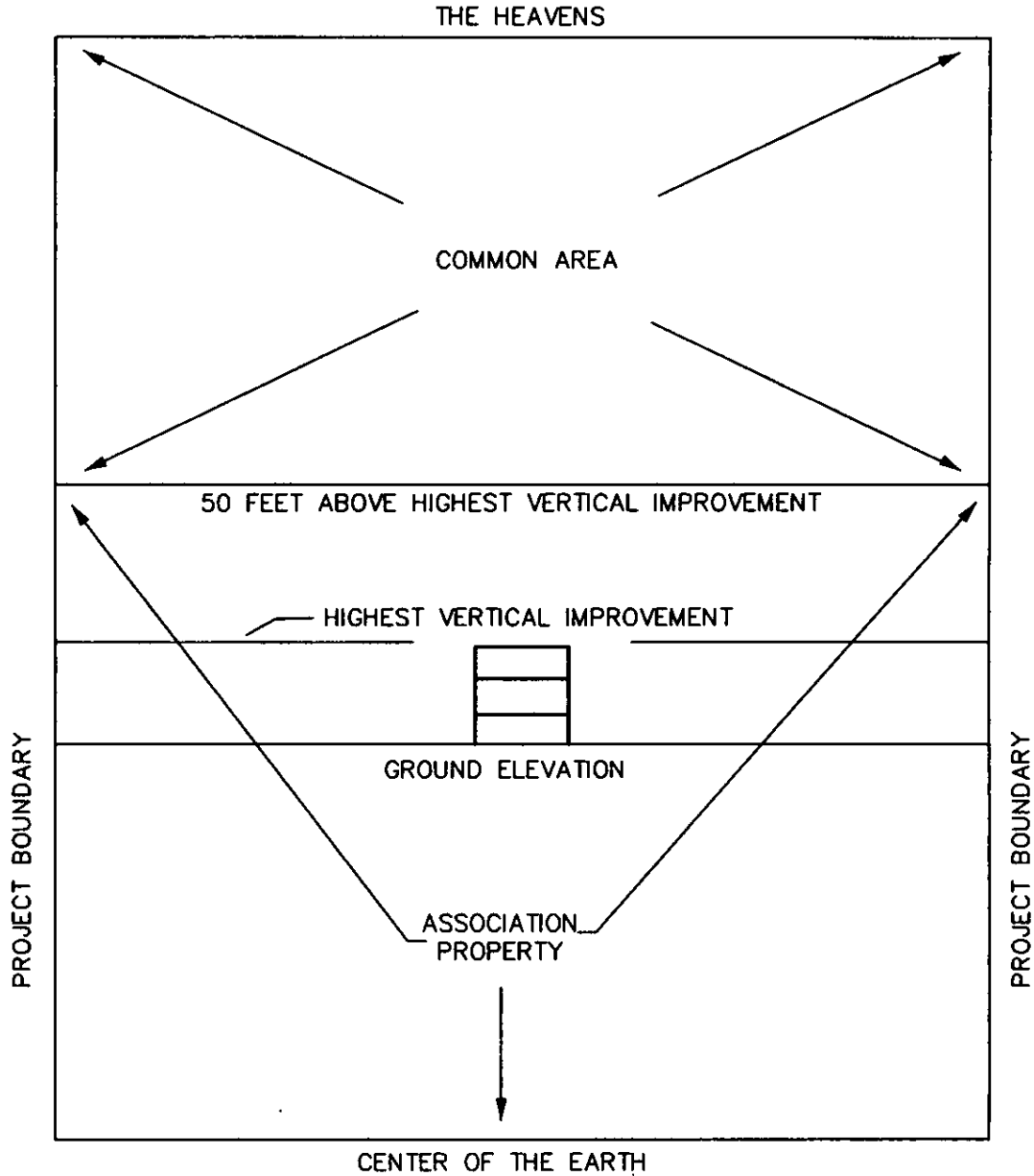
**SITE DESIGN ASSOCIATES, INC.**

1016 BROADWAY SUITE 'A' EL CAJON, CALIFORNIA 92021  
(619) 442-6487 FAX (619) 442-6417



# KEARNY MESA TOWNHOMES

4813



## VERTICAL CONTROL PLAN

9/05/06

J-1564

PREPARED BY:



**SITE DESIGN ASSOCIATES, INC.**  
 1018 BROADWAY SUITE "A" EL CAJON, CALIFORNIA 92021  
 (619) 442-8467 FAX (619) 442-8417