

1 Carrie M. Timko, Bar No. 238269  
2 EPSTEN GRINNELL & HOWELL, APC  
3 10200 Willow Creek Rd., Suite 100  
4 San Diego, California 92131  
5 (858) 527-0111/FAX (858) 527-1531  
6 ctimko@epsten.com

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**09/11/2018** at 07:57:00 AM  
Clerk of the Superior Court  
By E-Filing, Deputy Clerk

5 Attorneys for Petitioners  
6 Vista La Jolla Townhomes Association

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN DIEGO, CENTRAL DIVISION

11 In the matter of:

12 VISTA LA JOLLA TOWNHOMES  
13 ASSOCIATION, a California Nonprofit  
14 Mutual Benefit Corporation,

14 Petitioner.

CASE NO. 37-2018-00036591-CU-PT-CTL

**NOTICE OF HEARING ON PETITION TO  
AMEND DECLARATION OF  
RESTRICTIONS [CIV. CODE § 4275]**

Date: October 11, 2018  
Time: 1:30 p.m.  
Dept. : 903  
Judge: Hon. David M. Rubin

Hearing Date: October 11, 2018

18 **TO ALL MEMBERS OF VISTA LA JOLLA TOWNHOMES ASSOCIATION:**

19 NOTICE IS HEREBY GIVEN that VISTA LA JOLLA TOWNHOMES  
20 ASSOCIATION ("Association") has filed a Petition for an order to reduce the percentage of  
21 affirmative votes necessary for approval of the amendment to Article XIV, Section 2 of the  
22 Declaration of Restrictions of Vista La Jolla Townhomes ("Proposed Amendment"), as voted  
23 on by the membership on November 8, 2017, and for an order approving the Proposed  
24 Amendment.

25 A hearing on the Petition has been set in Department 903 of the above-referenced  
26 court, located at 1100 Union Street, San Diego, California 92101, on October 11, 2018, at 1:30  
27 p.m. before the Honorable David M. Rubin, Judge Presiding.

1 The Association's efforts to solicit the votes of its 117 members produced the  
2 following results: of the 93 ballots received by November 8, 2017; there were 66 "yes" votes  
3 and 27 "no" votes. Despite its best efforts, the Association fell short of the seventy-five  
4 percent (75%) approval required by the Declaration, which would have been 88 votes in favor  
5 of the amendment.

6 Under California Civil Code section 4275, the Petition seeks to have the Proposed  
7 Amendment enacted by an order of the court finding the above vote totals sufficient to amend.  
8 The Petition is based on this Notice, the pleadings, records and files in this action, and on such  
9 evidence as may be presented at the hearing.

10 Any member or other interested person may inspect and make copies of the Petition,  
11 the Proposed Amendment, and all other papers filed in this case, or request an electronic copy  
12 by email, by making a written request to the Association's management office c/o Sean  
13 DeFreitas at A. McKibbin & Co., located at 7529 Draper Avenue, Suite D, La Jolla, CA  
14 92037, or by email at sean@amckibbin.com. The Petition and other filings in this matter can  
15 also be viewed on the Association's website at <http://vistalajollatownhomes.com/>, or during  
16 regular business hours at the Office of the Clerk of the San Diego Superior Court, Central  
17 Division, located at 1100 Union Street, San Diego, California 92101, or for a fee on the San  
18 Diego Superior Court's website at <https://roa.sdcourt.ca.gov/roa/>.

19 Pursuant to California Code of Civil Procedure section 1005(b), any papers opposing  
20 the Petition "shall be filed with the court and a copy served on each party at least nine court  
21 days before the hearing," or on or before September 27, 2018. The Association may be served  
22 through its counsel, Carrie M. Timko, Esq., at the address listed in the caption.

23 Dated: Sept. 10, 2018

EPSTEN GRINNELL & HOWELL, APC

24 By: 

25 Carrie M. Timko  
26 Attorneys for Petitioner  
27 VISTA LA JOLLA TOWNHOMES  
28 ASSOCIATION

<b>SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF SAN DIEGO, CENTRAL DIVISION</b>		FOR COURT USE ONLY
<b>TITLE OF CASE (ABBREVIATED):</b> In the matter of VISTA LA JOLLA TOWNHOMES ASSOCIATION		
<b>ATTORNEY(S) NAME AND ADDRESS:</b> Carrie M. Timko, Esq., 238268 Epsten Grinnell & Howell, APC 10200 Willow Creek Rd., Suite 100 San Diego, California 92131		<b>TELEPHONE</b> (858) 527-0111  <b>FACSIMILE</b> (858) 527-1531
<b>ATTORNEYS FOR: VISTA LA JOLLA TOWNHOMES ASSOCIATION</b>	<b>HEARING: DATE-TIME-DEPT</b> October 11, 2018; 1:30 p.m.; 903	<b>CASE NUMBER</b> 37-2018-00036591

**DECLARATION OF SERVICE**

I, Shelly J. Gray, declare: that I am, and was at the time of service of the papers herein referred to, over the age of 18 years, and not a party to the action; and I am employed in the County of San Diego, California, within which county the subject service occurred. My business address is 10200 Willow Creek Rd., Suite 100, San Diego, CA 92131. On September 11, 2018, I served the following document(s):

**NOTICE OF HEARING ON PETITION TO AMEND DECLARATION (CIV. CODE SEC. 4275)**

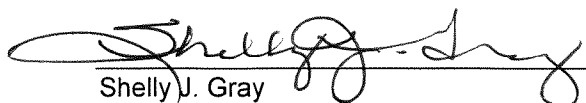
of which the original document(s), or a true and correct copy, is attached, by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

PLEASE SEE ATTACHED LIST	
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- (BY MAIL)** I caused a true copy of each document, placed in a sealed envelope with postage fully paid, to be placed in the United States mail at San Diego, California. I am "readily familiar" with this firm's business practice for collection and processing of mail, that in the ordinary course of business said document(s) would be deposited with the U.S. Postal Service on that same day. I understand that the service shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained on this affidavit.
- (BY FACSIMILE)** By use of facsimile machine number (858) 527-1531, I served a copy of the within document(s) on the above interested parties at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.
- (BY PERSONAL SERVICE)** I caused such document(s) to be placed in an envelope and delivered by hand to the business/home of the above addressee:
- (BY OVERNIGHT DELIVERY)** I caused a true copy of each document, placed in a sealed envelope with delivery fees provided for, to be deposited in a box regularly maintained by Federal Express. I am readily familiar with this firm's practice for collection and processing of documents for overnight delivery and know that in the ordinary course of Epsten Grinnell & Howell, APC business practice the document(s) described above will be deposited in a box or other facility regularly maintained by Federal Express or delivered to a courier or driver authorized by Federal Express to receive documents on the same date it is placed at Epsten Grinnell & Howell, APC for collection.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 11, 2018, at San Diego, California.

  
 \_\_\_\_\_  
 Shelly J. Gray

DECLARATION OF SERVICE

121\*10001  
Alejandro & Ann Martinez  
C/O Eresa Real Estate  
11004 Cloverhurst Way  
San Diego, CA 92130

121\*10002  
Richard A. Higgins  
4458 Via Brillante  
San Diego, CA 92122

121\*10003  
Grant & Noelle A. Deane  
13003 Slack St.  
Poway, CA 92064

121\*10004  
Shasha Xu & Xiangyang Luo  
11340 Treyburn Way  
San Diego, CA 92131

121\*10005  
Alejandro Chouza  
3880 83RD Ave SE  
Mercer Island, WA 98040

121\*10006  
Blanca Elvia Cantu DE Gonzalez  
4461 Via Pasear  
San Diego, CA 92122

121\*10007  
Susan Gayle Ball  
8833 Via Andar  
San Diego, CA 92122

121\*10008  
Conrad B. Baes Jr.  
8827 Via Andar  
San Diego, CA 92122

121\*10009  
Motohisa Hayashi  
3420 Kaylene Drive  
San Jose, CA 95127

121\*10010  
Anna Riazanova  
8806 Via Andar  
San Diego, CA 92122

121\*10011  
Thomas & Kathy Macfarlane  
10252 Pinecastle St.  
San Diego, CA 92131

121\*10012  
Tamara D. Dehaan  
1205 Pacific Highway, #1101  
San Diego, CA 92101-3326

121\*10013  
Emily Nan  
4124 Mill Valley Ct.  
LA Mesa, CA 91941

121\*10014  
Raymond J. & Maria Chacon  
8822 Via Andar  
San Diego, CA 92122

121\*10015  
Esmat Afshinjah  
8826 Via Andar  
San Diego, CA 92122

121\*10016  
Ryan W. & Heather K. Haight  
5505 Caminito Mundano  
San Diego, CA 92130

121\*10017  
Francisco Watanabe  
8834 Via Andar  
San Diego, CA 92122

121\*10018  
Jeff B. Cox  
8838 Via Andar  
San Diego, CA 92122

121\*10019  
Sunny & Michelle Wang  
8842 Via Andar  
San Diego, CA 92122

121\*10020  
George Jr. & Marlene Freda  
8846 Via Andar  
San Diego, CA 92122

121\*10021  
Michael & Edna Pines  
9473 LA Jolla Farms Rd.  
LA Jolla, CA 92037

121\*10022  
Seung-Yil & IL Ryun Song  
2542 Calle Del Oro  
LA Jolla, CA 92037

121\*10023  
Jieying Li  
4463 Via Realzar  
San Diego, CA 92122

121\*10024  
Marjan Lebastchi  
4459 Via Realzar  
San Diego, CA 92122

121\*10025  
Barbara G. Jones  
4455 Via Realzar  
San Diego, CA 92122

121\*10026  
Oscar & Maribel Pena  
4185 Mackin Woods Lane  
San Jose, CA 95135

121\*10027  
Ting Lau  
14819 Derringer Rd.  
Poway, CA 92064

121\*10028  
Armond Aria  
4462 Via Realzar  
San Diego, CA 92122

121\*10029  
Machiko Emi Hayazaki  
4466 Via Realzar  
San Diego, CA 92122

121\*10030  
Zhaoyang Zeng  
4470 Via Realzar  
San Diego, CA 92122

121\*10031  
Horacio & Eugenia Gonzalez  
11004 Cloverhurst Way  
San Diego, CA 92130

121\*10032  
Jose Avila Julia Hilsinger  
8893 Via Andar  
San Diego, CA 92122

121\*10033  
Robert & Rosemary Baffi  
8887 Via Andar  
San Diego, CA 92122

121\*10034  
Charles Colclasure  
8881 Via Andar  
San Diego, CA 92122

121\*10035  
Heidi Meyer  
8875 Via Andar  
San Diego, CA 92122

121\*10036  
Richard Heckman  
8869 Via Andar  
San Diego, CA 92122

121\*10037  
Carolyn Stevenson  
8863 Via Andar  
San Diego, CA 92122

121\*10038  
Lina Fakhry  
8857 Via Andar  
San Diego, CA 92122

121\*10039  
Radwan Hussein  
8851 Via Andar  
San Diego, CA 92122

121\*10040  
Leon Hop  
8845 Via Andar  
San Diego, CA 92122

121\*10041  
George Wilson  
1 Hudson Lane  
Aptos, CA 95003

121\*10042  
Joseph M. Finete  
4481 Via Amable  
San Diego, CA 92122

121\*10043  
Anthony C. Sank  
Zea Borok  
4485 Via Amable  
San Diego, CA 92122

121\*10044  
Ralph & Mary Kiger  
4476 Via Amable  
San Diego, CA 92122

121\*10045  
Stanley James Cash  
4482 Via Amable  
San Diego, CA 92122

121\*10046  
Douglas & Diane Morgan  
731 El Rancho Road  
Santa Barbara, CA 93108

121\*10047  
Lizhen Yang  
4490 Via Amable  
San Diego, CA 92122

121\*10048  
Khadijeh Zarrinam  
P.O. Box 1043  
LA Jolla, CA 92038

121\*10049  
Natalya Broyde  
4475 Via Precipicio  
San Diego, CA 92122

121\*10050  
Justin Jonathan Shaw  
4074 Mt. Abraham Ave.  
San Diego, CA 92111

121\*10051  
Vladislav & Eve Malakhof  
4483 Via Precipicio  
San Diego, CA 92122

121\*10052  
Brian Barrozo  
4487 Via Precipicio  
San Diego, CA 92122

121\*10053  
Thanh Thuy N. Nguyen  
8236 Caminito Lacayo  
LA Jolla, CA 92037-2210

121\*10054  
Rose T. D'Amelio  
8941 Via Andar  
San Diego, CA 92122

121\*10055  
Christene Meyers  
8935 Via Andar  
San Diego, CA 92122

121\*10056  
Shoumin Zhang & Yan Xing  
8929 Via Andar  
San Diego, CA 92122

121\*10057  
Chih-Sheng & Grace Han Chiang  
10339 Oakdale Ave.  
Chatsworth, CA 91311

121\*10058  
Eric M. Poeschia  
8000 E. 6TH. Ave.  
Denver, CO 80230

121\*10059  
Jacob, zina, gregory Rabinovich  
8948 Montrose Way  
San Diego, CA 92122

121\*10060  
Yik Tong & Anna Wah Fong Shih  
12934 Hideaway Lane  
San Diego, CA 92131

121\*10061  
Arlene R. Lanzbom  
4443 Via Amable  
San Diego, CA 92122

121\*10062  
Robert & Fumiko Fleis  
4447 Via Amable  
San Diego, CA 92122

121\*10063  
Milton J. Sedlacek  
3102 Highland View Dr.  
Burbank, CA 91504

121\*10064  
Ralph Evans  
516 Woodlawn Rd.  
Baltimore, MD 21210

121\*10065  
Margareta E. Norton  
4444 Via Amable  
San Diego, CA 92122

121\*10066  
George Wilson  
1 Hudson Lane  
Aptos, CA 95003

121\*10067  
Bonna Kay Freeman  
4452 Via Amable  
San Diego, CA 92122

121\*10068  
Fiona Forrest  
4456 Via Amable  
San Diego, CA 92122

121\*10069  
Robert Dawson  
P.O. Box 434267  
San Diego, CA 92143

121\*10070  
H. Robert & Tami J. Penner  
5330 LA Jolla Blvd.  
LA Jolla, CA 92037

121\*10071  
Yaping Xu & Liang Zhao  
4449 Via Precipicio  
San Diego, CA 92122

121\*10072  
Carol A. Stultz  
4453 Via Precipicio  
San Diego, CA 92122

121\*10073  
Michael Zardouzian  
P.O. Box 12434  
LA Jolla, CA 92039

121\*10074  
Wang Qin  
C/O Junchen Guo  
6915G Quail Pl.  
Carlsbad, CA 92009

121\*10075  
William C. Berghoff  
8995 Via Andar  
San Diego, CA 92122

121\*10076  
Roger L. Epperson  
C/O Repco Property Management  
PO Box 434  
Valley Center, CA 92082

121\*10077  
Pamela Findling  
8983 Via Andar  
San Diego, CA 92122

121\*10078  
Jo Anne B. Rumsey  
8977 Via Andar  
San Diego, CA 92122

121\*10079  
Nouna & Sarah Bakhiet  
487 Olinda Rd.  
Pukalani, HI 96768

121\*10080  
Navid Toosizadeh  
Reihaneh Mahdavisahri  
8965 Via Andar  
San Diego, CA 92122

121\*10081  
Martin & Julia Kaplan  
551 Sea Lane  
LA Jolla, CA 92037

121\*10082  
Joseph Steffan  
8953 Via Andar  
San Diego, CA 92122

121\*10083  
Ying Wen  
4408 Via Amable  
San Diego, CA 92122

121\*10084  
Richard J. Donnell  
C/O Meridian Property Mgmt  
10650 Scripps Ranch Blvd #106  
San Diego, CA 92131

121\*10085  
Isaac, anita, ariel Szmuilowicz  
4504 Calle Mar DE Armonia  
San Diego, CA 92130

121\*10086  
Shiow-Hwa Lin  
4420 Via Amable  
San Diego, CA 92122

121\*10087  
The Camilo Trust  
4424 Via Amable  
San Diego, CA 92122

121\*10088  
Witold Kwiatkowski  
4428 Via Amable  
San Diego, CA 92122

121\*10089  
Lizhen Yang  
4432 Via Amable  
San Diego, CA 92122

121\*10090  
Parviz Kashkouli  
5140 Great Meadow Drive  
San Diego, CA 92130

121\*10091  
Gloria J. Najor-Oberdick  
4413 Via Precipicio  
San Diego, CA 92122

121\*10092  
Shahla Ojagh  
918 Peninsula Avenue  
San Mateo, CA 94401

121\*10093  
Janet M. Silverstein  
4421 Via Precipicio  
San Diego, CA 92122

121\*10094  
Richard & Leda Lechtenberg  
C/O Park Place Re-Marilyn  
5920 Friars Rd. #212  
San Diego, CA 92108

121\*10095  
Gloria Anne Scheving  
C/O Matthew Doyle  
10505 Dancy Court  
San Diego, CA 92126

121\*10096  
Jason S. & Arthur J. Craig  
4433 Via Precipicio  
San Diego, CA 92122

121\*10097  
Sang Seok Suh  
6085 Ursa Lane  
Colorado Springs, CO 80919

121\*10098  
Richard Rotunno  
4453 Via Pasear  
San Diego, CA 92122

121\*10099  
Robert & Fumiko Pleis  
4457 Via Pasear  
San Diego, CA 92122

121\*10100  
Blanca Elvia Cantu Villarreal  
4461 Via Pasear  
San Diego, CA 92122

121\*10101  
Michael D. Cathcart  
4465 Via Pasear  
San Diego, CA 92122

121\*10102  
Nora Barasch  
4469 Via Pasear  
San Diego, CA 92122

121\*10103  
Abraham Edid  
Rebecca Edid Ruzansky Trust  
5221 Caminito Exquisito  
San Diego, CA 92130

121\*10104  
Yanjun Hu  
4477 Via Pasear  
San Diego, CA 92122

121\*10105  
Austin Yang  
38 Asilomar  
Laguna Niguel, CA 92677

121\*10106  
Lory Maurice Box  
4454 Via Pasear  
San Diego, CA 92122

121\*10107  
Ramin Torabi  
Bahareh Dadresanfar  
4458 Via Pasear  
San Diego, CA 92122

121\*10108  
Elias Serur Avila  
4462 Via Pasear  
San Diego, CA 92122

121\*10109  
Robert J. & Irina B. Mellors  
4466 Via Pasear  
San Diego, CA 92122

121\*10110  
Edward & Ann Young  
C/O Marilyn Dworkin  
5818 Curry Court  
Prescott, AZ 86305

121\*10111  
Kurt Swanson  
4474 Via Pasear  
San Diego, CA 92122

121\*10112  
Manuel Amieva  
790 College Ave.  
Palo Alto, CA 94306

121\*10113  
Kevin K. & Cindy L. Pei  
4411 Via Amable  
San Diego, CA 92122

121\*10114  
Hong Shi & Jiangen Zhu  
4415 Via Amable  
San Diego, CA 92122

121\*10115  
Harry Ivor Kraft  
4419 Via Amable  
San Diego, CA 92122

121\*10116  
Yamil Narchi  
4423 Via Amable  
San Diego, CA 92122

121\*10117  
Jacquelyn, danielle, mike Wong  
5550 Linda Rosa Ave.  
LA Jolla, CA 92037