



LT1-77-20050037997-1

SCANNED

Note to recorder: This instrument amends the Declaration of Protective Covenants dated December 2, 2004 and filed at Volume 11106, Page 1604, of the Official Public Records of Real Property of Bexar County, Texas.

**FIRST AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS
FOR**

**THE DOMINION GARDENS
(THE DOMINION GARDENS, PHASE 2)**

WHEREAS, the development of certain property in Bexar County, Texas commonly known as the Dominion Planned Unit Development ("PUD") is governed by a Declaration of Covenants, Conditions, Easements and restrictions for the Dominion PUD, executed October 18, 1983 and filed in Volume 2956, Page 61, of the Official Public Records of Real Property of Bexar County, Texas (the "Umbrella Declaration");

WHEREAS, the development of Phase 2 is governed by the Umbrella Declaration and a Declaration of Protective Covenants for the Dominion Gardens dated December 2, 2004 and filed at Volume 11106, Page 1604, of the Official Public Records of Bexar County, Texas (the "Protective Covenants");

WHEREAS, the Protective Covenants may be amended by seventy percent (70%) of the owners of the Lots within Phase 2;

WHEREAS, Continental Homes of Texas, L.P., is the owner of at least seventy percent (70%) of the Lots within Phase 2;

WHEREAS, Continental Homes of Texas, L.P. desires to amend the restrictions of the Protective Covenants.

NOW, THEREFORE, BE IT RESOLVED, that the Declaration of Protective Covenants for the Dominion Gardens Phase 2 is hereby amended as follows:

Article VIII, Section Three, Page Six is amended in its entirety, as follows:

Masonry trim, caps, corbels, headers, keystones and other similar masonry accents shall be approved by the Architectural Control Committee.



LT2-11239-1495-4

Article IX, Paragraph Three, Page Seven is amended in its entirety, as follows:

"Courtyard Walls" shall be defined as those walls required on all Lots fronting Westcourt Lane with driveways accessing Westcourt Lane. Courtyard Walls shall be:

- (a) Three feet (3') of solid masonry
- (b) Three feet (3') of solid masonry with an additional one foot (1') of wrought iron
- (c) Four foot (4') of solid masonry

Such walls shall be recessed no less than five feet (5') from the curb and shall extend from one side property line to the other except where the driveway is placed. All Courtyard Walls shall connect to the Courtyard Walls of adjacent properties. All Courtyard Wall masonry shall be consistent with the masonry on the Dwelling associated with the Lot on which the Courtyard Wall is placed.

Article XIII, Section 3, is amended in its entirety, as follows:

Reservation. Each Owner by acceptance of a Deed to such Owner's Lot hereby grants to the Umbrella Association the exclusive right to the following:

- (a) The fenced, enclosed yards of each Dwelling Unit situated on a Lot shall be under the sole maintenance and care of the individual Owner of such Lot; provided, however, that should an Owner neglect the upkeep and care of the Owner's fenced area, the Umbrella Association shall retain the right to enter such area, correct such deficiency and bill the Owner the cost of such maintenance. All fees and expenses incurred under this Article XIII shall be deemed an assessment enforceable as a lien under Section 11 of the Umbrella Declaration.
- (b) Each Owner agrees to paint the wood surfaces of the exterior of his/her Residence as often as needed, but in no event less often than once every five (5) years. Each Owner shall be, in addition, responsible to repair or replace any broken or cracked windows, doors, or other damaged exterior surfaces of his Residence. Should the Owner not properly maintain his/her Residence, as set out herein, the Umbrella Association shall be granted the right to contract for such services and bill the Owner the cost of such maintenance. Those cost of such corrective work shall be deemed an assessment enforceable as a lien under Section 11 of the Umbrella Declaration.

Article XXVI, Section 5, is amended as follows:

Interior walls of all garages must be fully finished [i.e., taped, bedded, textured, trimmed and painted as a minimum].

Article XXVIII, is amended as follows:

(a) the first sentence is amended to read:

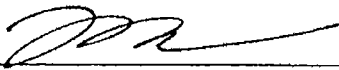
"Prior to the issuance of a Certificate of Occupancy by the Architectural Control Committee or its representative, each Dwelling must contain, as a minimum, a perimeter (all doors and windows) burglar alarm system."

BE IT FURTHER RESOLVED that this amendment be filed of record in the Official Public Records of Real Property of Bexar County, Texas.

Executed this 14th day of February, 2005

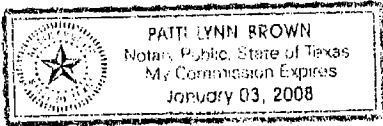
CONTINENTAL HOMES OF TEXAS, L.P.
a Texas limited partnership


By Its Sole General Partner: CHTEX OF TEXAS,
INC., a Delaware corporation

By: 
Timothy D. Pruski, Assistant Secretary

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 14th day of February, 2005, by Timothy D. Pruski, Assistant Secretary of CHTEX OF TEXAS, INC., a Delaware corporation, as General Partner of CONTINENTAL HOMES OF TEXAS, L.P., a Texas limited partnership, on behalf of said corporation and limited partnership.




Notary Public, State of Texas

[NOTARY'S SEAL]

THE DOMINION HOMEOWNERS ASSOCIATION, INC.
a Texas nonprofit corporation,

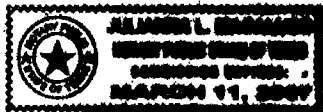
By: [Signature]
Jerry Courson, Chairman

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 10 day of February, 2005,
by Jerry Courson, Chairman of THE DOMINION HOMEOWNERS ASSOCIATION, INC., on
behalf of said corporation.

[Signature]
Notary Public, State of Texas

[NOTARY'S SEAL]



AFTER RECORDING, RETURN TO:
Continental Homes of Texas, L.P.
211 N. Loop 1604 E., Suite 130
San Antonio, Texas 78232
Attn: Lynn Harmon

And a copy to:

The Dominion Homeowners Association
10 Dominion Drive
San Antonio, Texas 78257
Attn: Eugene Patillo

Any provision herein which restricts the sale, or use of the described real
property because of race is invalid and unenforceable under Federal law
STATE OF TEXAS, COUNTY OF BEXAR
I hereby certify that this instrument was FILED in File Number Sequence on
the date and at the time stamped hereon by me and was duly RECORDED
in the Official Public Record of Real Property of Bexar County, Texas on:

Doc# 20050037997 Fees: \$20.00
02/23/2005 10:47AM # Pages 4
Filed & Recorded in the Official Public
Records of BEXAR COUNTY
GERRY RICKHOFF COUNTY CLERK

FEB 23 2005



[Signature]
COUNTY CLERK BEXAR COUNTY, TEXAS