

SUBORDINATION OF SUBDIVISION DECLARATION  
TO CONSERVATION RESTRICTION

This SUBORDINATION OF SUBDIVISION DECLARATION ("Subordination") is made effective as of the date set forth below by the DOMINION HOMEOWNERS ASSOCIATION ("HOA") of Bexar County, Texas.

Recitals

WHEREAS, HIGHLANDS DOMINION, L.L.C., a Texas limited liability company, and THE PANHANDLE AT BRENTHURST, L.L.C., a Texas limited liability company (the "Owners"), are owners of that certain **56.68 acre** property located in Bexar County, Texas, as more fully described on Exhibit A attached hereto and incorporated herein by reference ("Property");

WHEREAS, the Property is intended to be developed as part of the Dominion Highlands subdivision to be located within the Dominion Planned Unit Development and is subject to that certain Declaration of Covenants, Conditions, Easements and Restrictions for the Dominion Planned Unit Development dated October 18, 1983, recorded in Volume 2956, Page 61, in the Official Public Records of Bexar County, Texas, as amended (the "Subdivision Declaration");

WHEREAS, the development of the Dominion Highlands subdivision will require mitigation for Golden-cheeked Warbler habitat and for such mitigation purposes, the Owners have agreed to impose certain restrictions on the Property pursuant to Chapter 183 of the Texas Natural Resources Code, TEX. NAT. RES. CODE ANN. §§ 183.01, et. seq., that will be held by THE NATURE CONSERVANCY, a District of Columbia nonprofit corporation ("Monitor"), said restrictions being set forth in that certain Declaration of Conservation Restriction between Owners and Monitor and recorded in the Official Public Records of Bexar County ("Conservation Restriction");

WHEREAS, the Subdivision Declaration establishes certain covenants, restrictions, easements, charges and liens for the Property, and the Monitor requires that the Subdivision Declaration, and rights and obligations thereunder, be subordinated to the Conservation Restriction to ensure compliance with its provisions and fulfillment of its objectives, subject to the terms and conditions set forth hereinbelow;

WHEREAS, the HOA has agreed to subordinate the Subdivision Declaration to the Conservation Restriction, subject to the terms and conditions set forth hereinbelow, and is duly authorized to execute this Subordination; and

NOW THEREFORE, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, but subject to the terms and conditions set forth hereinbelow, the HOA hereby subordinates the Subdivision Declaration and rights related thereto, including, without limitation, any assessment liens that may arise therefrom, as well as Owners' obligations thereunder, to the Conservation Restriction. Without limitation of the foregoing, the HOA subordinates its rights in the Property to the right of Monitor (or any other holder of the Conservation Restriction) to enforce the terms and conservation purposes of the Conservation Restriction in perpetuity and agrees that any liens shall remain inferior and subordinate to the Conservation Restriction, regardless of any modifications or alterations thereof. The HOA and

Owners further acknowledge and agree that no assessments or charges shall be fixed, established or collected from Monitor as holder of the Conservation Restriction. Monitor acknowledges and agrees that the HOA and Owners are not responsible for monitoring the Conservation Restriction on the Property.

This Subordination and the Conservation Restriction shall in no way affect the right of the HOA to levy and collect assessments due and payable by owners of lots within the Property, foreclose its assessment lien(s) against such lots, or otherwise enforce its rights under the Subdivision Declaration, provided that any foreclosure or other exercise of the HOA's liens or other rights shall not result in a violation of the Conservation Restriction. Nor shall this Subordination or the Conservation Restriction in any way affect the applicability, validity, or enforceability of the Subdivision Declaration, it being acknowledged and agreed that this Subordination shall act so as to ensure that the Conservation Restriction remains valid, subsisting and enforceable against the entirety of the Property, notwithstanding the HOA's exercise of its lien and other rights under the Subdivision Declaration, provided such exercise by HOA does not result in a violation of the Conservation Restriction.

Executed on the dates below, to be effective upon recording.

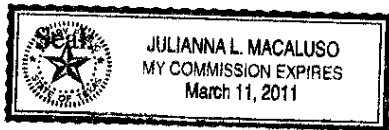
HOA:

Dominion Homeowners Association

By: Alfredo Gonzalez  
Name: Alfredo Gonzalez  
Title: General Manager

STATE OF TEXAS                   §  
   §  
COUNTY OF Bexar               §

On the 3 day of March 2011, before me personally came Alfredo Gonzalez, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to me that he/she executed the same in his/her capacity as General manager of the DOMINION HOMEOWNERS ASSOCIATION, as the act and deed of said entity, and for the consideration and purposes therein stated, to certify which witness by hand and seal of office.



Julianna L. Macaluso  
Notary Public, State of Texas

Owners:

Highlands Dominion, L.L.C.

By: [Signature]  
Name: RAJEEV PURI  
Title: MANAGER

The Panhandle at Brenthurst, L.L.C.

By: [Signature]  
Name: RAJEEV PURI  
Title: MANAGER

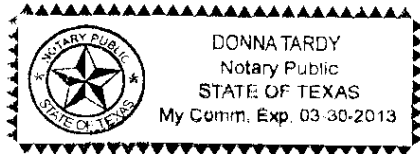
STATE OF TEXAS

COUNTY OF Brewer

§  
§  
§

On the 3rd day of <sup>March</sup> ~~February~~ 2011, before me personally came Rajeev Puri, to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to me that he/she executed the same in his/her capacity as manager of HIGHLANDS DOMINION, L.L.C., and as manager of THE PANHANDLE AT BRENTHURST, L.L.C., as the act and deed of said entities, and for the consideration and purposes therein stated, to certify which witness by hand and seal of office.

Seal:



[Signature]  
Notary Public, State of Tx.

MONITOR:

The Nature Conservancy

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

*Laura Huffman*  
Laura Huffman  
Texas State Director

STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS

On the 2<sup>nd</sup> day of March, 2011, before me personally came Laura Huffman to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to me that he/she executed the same in his/her capacity as Texas State Director of THE NATURE CONSERVANCY, as the act and deed of said entity, and for the consideration and purposes therein stated, to certify which witness by hand and seal of office.

Seal:

*Rosanna Sutherland*  
\_\_\_\_\_  
Notary Public, State of TX



Attachments:

Exhibit A – Property Description

AFTER RECORDING, RETURN TO:

The Nature Conservancy

Attn: Legal Dept.

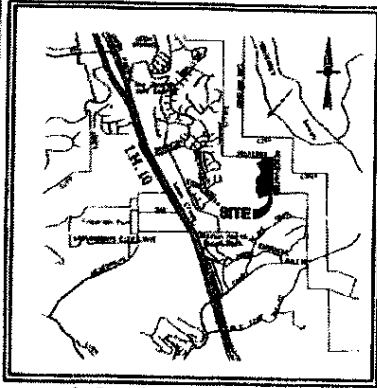
200 E. Grayson St., Suite 200

San Antonio, Texas 78215

**EXHIBIT A – PROPERTY DESCRIPTION**

**(see attached)**

# EXHIBIT A



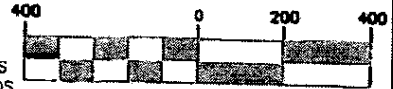
**LOCATION MAP**  
N.T.S.

## DEED/PLAT REFERENCE

D.R. DEED RECORDS OF BEXAR COUNTY, TEXAS  
 D.P.R. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS  
 O.P.R. OFFICIAL PUBLIC RECORDS (OFFICIAL PUBLIC RECORDS OF REAL PROPERTY) OF BEXAR COUNTY, TEXAS

### NOTES:

- 1) THE BEARINGS FOR THIS SURVEY ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 (CORS 1996), FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.
- 2) THE PROFESSIONAL SERVICES PROVIDED HERewith INCLUDE THE PREPARATION OF A FIELD NOTE DESCRIPTION.



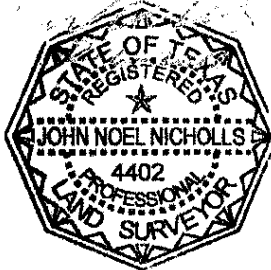
( IN FEET )  
1 inch = 400 ft.

**JOHN H. GIBSON SURVEY 5**  
**ABSTRACT 301**  
**CB 4756**

CAMP BULLIS  
 MILITARY RESERVATION

**P.O.B.**

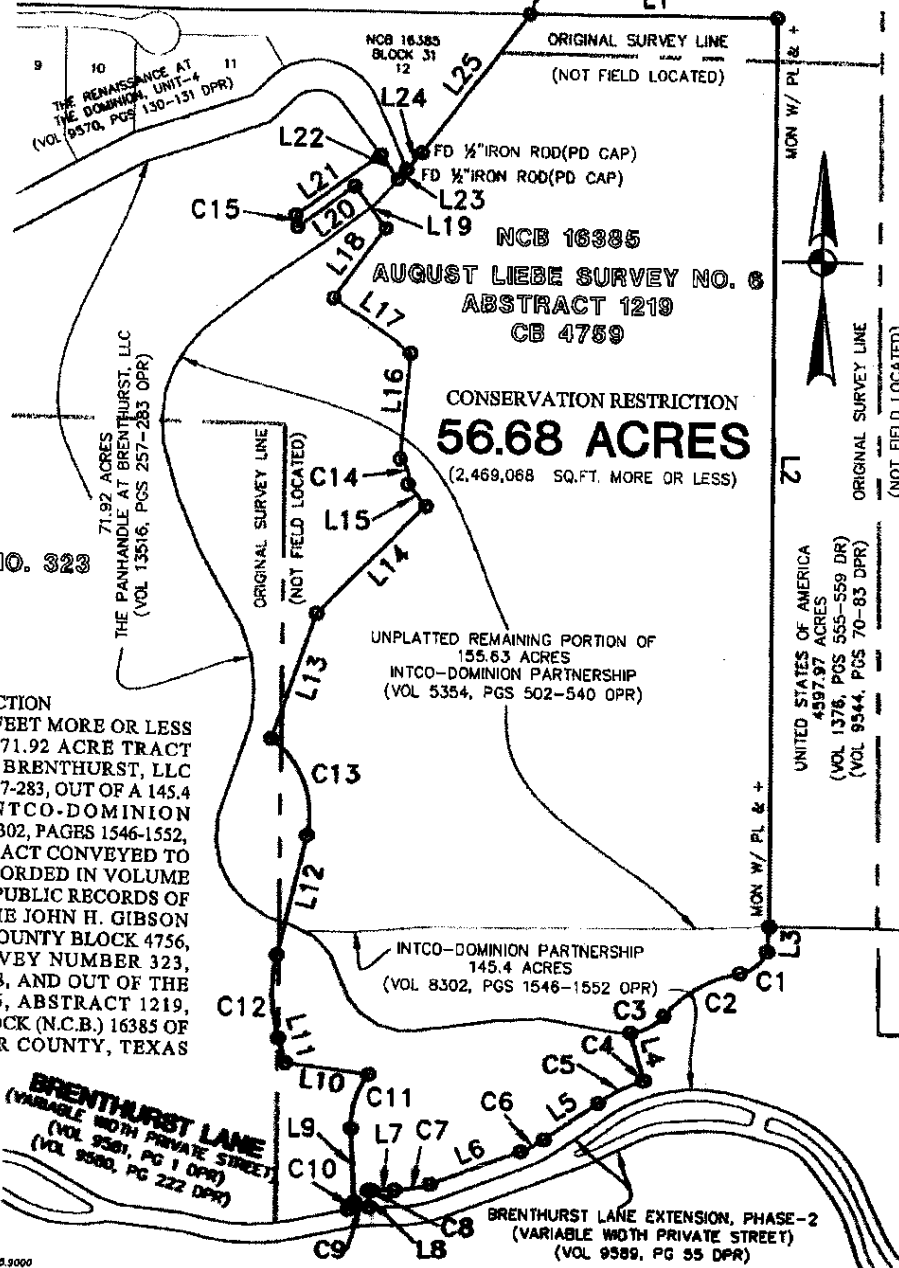
FD 1/2" IRON ROD (PD CAP)



**ANTON GUGGER SURVEY NO. 323**  
**ABSTRACT 284**  
**CB 4758**

EXHIBIT  
 OF  
 CONSERVATION RESTRICTION

A 56.68 ACRES OR 2,469,068 SQUARE FEET MORE OR LESS TRACT OF LAND, BEING OUT OF A 71.92 ACRE TRACT CONVEYED TO THE PANHANDLE AT BRENTHURST, LLC RECORDED IN VOLUME 13516, PAGES 257-283, OUT OF A 145.4 ACRE TRACT CONVEYED TO INTO-DOMINION PARTNERSHIP RECORDED IN VOLUME 8302, PAGES 1546-1552, AND BEING OUT OF A 155.63 ACRE TRACT CONVEYED TO INTO-DOMINION PARTNERSHIP RECORDED IN VOLUME 5354, PAGES 502-540 OF THE OFFICIAL PUBLIC RECORDS OF BEXAR COUNTY, TEXAS, OUT OF THE JOHN H. GIBSON SURVEY NUMBER 5, ABSTRACT 301, COUNTY BLOCK 4756, OUT OF THE ANTON GUGGER SURVEY NUMBER 323, ABSTRACT 284, COUNTY BLOCK 4758, AND OUT OF THE AUGUST LIEBE SURVEY NUMBER 6, ABSTRACT 1219, COUNTY BLOCK 4759, IN NEW CITY BLOCK (N.C.B.) 16385 OF THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS



UNITED STATES OF AMERICA  
 4597.97 ACRES  
 (VOL 1378, PGS 555-559 DR)  
 (VOL 9544, PGS 70-83 DPR)



355 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PHONE: 210.375.9000 FAX: 210.375.9010  
 TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470  
 TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100280-00  
 Copyright © 2011 Pepe-Dawson Engineers, Inc. All Rights Reserved.

REVISED FEBRUARY 1, 2011  
 JANUARY 21, 2011 PAGE 1 OF 2

JOB No.: 9101-08

Date: Feb 02, 2011, 8:41am User: RP: LName: File: N:\Survey\09-2300\WID-08\RELEASE-MAP\EXHIBIT.dwg

CURVE TABLE					
CURVE	RADIUS	CENTRAL ANGLE	CHORD BEARING	CHORD DISTANCE	CURVE LENGTH
C1	82.35	59°32'37"	S 50°40'21" W	81.78'	85.58'
C2	303.09	39°29'34"	S 59°33'13" W	204.80'	208.91'
C3	111.83	45°44'18"	S 62°40'35" W	86.92'	89.28'
C4	404.00	0°14'52"	S 71°28'04" W	1.75'	1.75'
C5	404.00	16°41'14"	S 63°00'01" W	117.25'	117.66'
C6	258.00	13°50'19"	S 61°34'33" W	62.16'	62.31'
C7	238.00	20°03'46"	S 78°31'35" W	82.91'	83.34'
C8	362.00	1°12'06"	S 87°57'25" W	7.59'	7.59'
C9	322.00	8°39'45"	S 83°03'11" W	48.64'	48.68'
C10	17.00	81°35'31"	N 37°55'33" E	22.21'	24.21'
C11	197.00	39°37'24"	N 16°56'29" E	133.54'	136.24'
C12	383.00	29°28'46"	N 01°30'44" W	194.89'	197.06'
C13	217.00	67°31'26"	N 20°32'04" W	241.19'	255.74'
C14	55.00	67°50'18"	N 18°45'52" W	61.38'	65.12'
C15	55.00	29°10'12"	N 10°46'44" W	27.70'	28.00'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 89°53'32" E	574.12'
L2	S 00°13'17" E	2130.19'
L3	S 04°23'58" W	58.80'
L4	S 16°09'14" E	116.86'
L5	S 54°39'24" W	152.67'
L6	S 68°29'43" W	222.74'
L7	S 88°33'28" W	53.11'
L8	S 02°52'13" E	40.00'
L9	N 02°52'13" W	176.17'
L10	N 82°29'47" W	195.37'
L11	N 16°15'07" W	60.25'
L12	N 13°13'39" E	288.48'
L13	N 19°11'00" E	309.71'
L14	N 44°43'01" E	356.12'
L15	N 39°19'56" W	65.32'
L16	N 05°15'59" E	249.09'
L17	N 54°47'27" W	220.00'
L18	N 35°12'33" E	203.54'
L19	N 36°17'09" W	121.56'
L20	S 53°42'51" W	163.66'
L21	N 53°42'51" E	241.73'
L22	S 36°18'59" E	69.43'
L23	N 40°35'41" E	31.15'
L24	N 40°48'10" E	53.52'
L25	N 36°21'52" E	411.83'

**PAPE-DAWSON  
ENGINEERS**

355 EAST RAMSEY | SAN ANTONIO TEXAS 78216 | PHONE: 210.375.9000  
FAX: 210.375.8016

TEXAS BOARD OF PROFESSIONAL ENGINEERS, FIRM REGISTRATION # 470  
TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, FIRM REGISTRATION # 100286-00

REVISED FEBRUARY 1, 2011  
JANUARY 21, 2011 PAGE 1 OF 2

JOB No.: 9101-08



LAND DEVELOPMENT ENVIRONMENTAL TRANSPORTATION WATER RESOURCES SURVEYING

FIELD NOTES  
FOR  
CONSERVATION RESTRICTION

A 56.68 acres or 2,469,068 square feet more or less tract of land, being out of a 71.92 acre tract conveyed to The Panhandle at Brenthurst, LLC recorded in Volume 13516, Pages 257-283, out of a 145.4 acre tract conveyed to Intco-Dominion Partnership recorded in Volume 8302, Pages 1546-1552, and being out of a 155.63 acre tract conveyed to Intco-Dominion Partnership recorded in Volume 5354, Pages 502-540 of the Official Public Records of Bexar County, Texas, out of the John H. Gibson Survey Number 5, Abstract 301, County Block 4756, out of the Anton Gugger Survey Number 323, Abstract 284, County Block 4758, and out of the August Liebe Survey Number 6, Abstract 1219, County Block 4759, in New City Block (N.C.B.) 16385 of the City of San Antonio, Bexar County, Texas. Said 56.68 acres tract being more fully described as follows, with bearings based on the North American Datum of 1983 (CORS 1996), from State Plane Coordinates established for the Texas South Central Zone, line of directional control is the north line of said 155.63 acre tract:

- BEGINNING:** At a found  $\frac{1}{2}$ " iron rod with yellow cap marked "Pape-Dawson", for the northeast corner of Lot 12, Block 31, of The Renaissance at the Dominion, Unit-4, recorded in Volume 9570, Pages 130-131 of the Deed and Plat Records of Bexar County, Texas, and a south line of a 4597.97 acre tract recorded in Volume 1376, Pages 555-559 of the Deed Records of Bexar County, Texas and Volume 9544, Pages 70-83 of the Deed and Plat Records of Bexar County, Texas;
- THENCE:** N  $89^{\circ}53'32''$  E, along and with the south line of said 4597.97 acre tract, a distance of 574.12 feet to a found Corps of Engineers Concrete Monument and Brass plate with "+" mark and being an interior corner of said 4597.97 acre tract;
- THENCE:** S  $00^{\circ}13'17''$  E, along and with a west line of said 4597.97 acre tract, a distance of 2130.19 feet to a found Corps of Engineers Concrete Monument and brass plate with "+" mark, a southwest corner of said 4597.97 acre tract, the north line of said 145.4 acre tract;
- THENCE:** Departing the south line of said 4597.97 acre tract, the north line of said 145.4 acre tract, continuing over and across said 145.4 acre tract, the following calls and distances:
- S  $04^{\circ}23'58''$  W, a distance of 58.80 feet to a point;
- Southwesterly, along a non-tangent curve to the right, said curve having a radial bearing of N  $69^{\circ}05'58''$  W, a radius of 82.35 feet, a central angle of

Page 1 of 4

SAN ANTONIO / AUSTIN / HOUSTON

555 East Ramsey San Antonio, Texas 78216  
P 210.375.9000 F 210.375.9010 www.pape-dawson.com



59°32'37", a chord bearing and distance of S 50°40'21" W , 81.78 feet, an arc length of 85.58 feet to a point;

Southwesterly, along a non-tangent curve to the left, said curve having a radial bearing of S 10°42'00" E , a radius of 303.09 feet, a central angle of 39°29'34", a chord bearing and distance of S 59°33'13" W , 204.80 feet, an arc length of 208.91 feet to a point;

Southwesterly, along a reverse curve to the right,, said curve having a radius of 111.83 feet, a central angle of 45°44'18", a chord bearing and distance of S 62°40'35" W, 86.92 feet, for an arc length of 89.28 feet to a point, a east corner of said 71.92 acre tract;

S 16°09'14" E, along and with the east line of said 71.92 acre tract, a distance of 116.86 feet to a point;

Southwesterly, along a non-tangent curve to the left, said curve having a radial bearing of S 18°24'30" E, a radius of 404.00 feet, a central angle of 00°14'52", a chord bearing and distance of S 71°28'04" W, 1.75 feet, for an arc length of 1.75 feet to a point;

Southwesterly, along a compound curve to the left, said curve having a radius of 404.00 feet, a central angle of 16°41'14", a chord bearing and distance of S 63°00'01" W, 117.25 feet, for an arc length of 117.66 feet to a point;

S 54°39'24" W, a distance of 152.67 feet to a point;

Southwesterly, along a tangent curve to the right, said curve having a radius of 258.00 feet, a central angle of 13°50'19", a chord bearing and distance of S 61°34'33" W, 62.16 feet, for an arc length of 62.31 feet to a point;

S 68°29'43" W, a distance of 222.74 feet to a point;

Southwesterly, along a tangent curve to the right, said curve having a radius of 238.00 feet, a central angle of 20°03'46", a chord bearing and distance of S 78°31'35" W, 82.91 feet, for an arc length of 83.34 feet to a point;

S 88°33'28" W, a distance of 53.11 feet to a point;

Southwesterly, along a tangent curve to the left, said curve having a radius of 362.00 feet, a central angle of 01°12'06", a chord bearing and distance of S 87°57'25" W, 7.59 feet, for an arc length of 7.59 feet to a point;

S 02°52'13" E, a distance of 40.00 feet to a point, the north line of Brenthurst Lane Extension, Phase-1, a variable width private street, recorded in Volume 9580, Page 222 of the Deed and Plat Records of Bexar County, Texas;

THENCE: Southwesterly, along and with the north line of said Brenthurst Lane, along a non-tangent curve to the left, said curve having a radial bearing of S 02°36'56" E, a radius of 322.00 feet, a central angle of 08°39'45", a chord bearing and distance of S 83°03'11" W, 48.64 feet, for an arc length of 48.68 feet to a point;

THENCE: Departing the north line of said Brenthurst Lane, over and across said 71.92 acre tract and said 155.63 acre tract, the following calls and distances:

Northeasterly, along a compound curve to the left, said curve having a radius of 17.00 feet, a central angle of 81°35'31", a chord bearing and distance of N 37°55'33" E, 22.21 feet, for an arc length of 24.21 feet to a point;

N 02°52'13" W, a distance of 176.17 feet to a point;

Northeasterly, along a tangent curve to the right, said curve having a radius of 197.00 feet, a central angle of 39°37'24", a chord bearing and distance of N 16°56'29" E, 133.54 feet, for an arc length of 136.24 feet to a point;

N 82°29'47" W, a distance of 195.37 feet to a point;

N 16°15'07" W, a distance of 60.25 feet to a point;

Northwesterly, along a tangent curve to the right, said curve having a radius of 383.00 feet, a central angle of 29°28'46", a chord bearing and distance of N 01°30'44" W, 194.89 feet, for an arc length of 197.06 feet to a point;

N 13°13'39" E, a distance of 288.48 feet to a point;

Northwesterly, along a tangent curve to the left, said curve having a radius of 217.00 feet, a central angle of 67°31'26", a chord bearing and distance of N 20°32'04" W, 241.19 feet, for an arc length of 255.74 feet to a point;

N 19°11'00" E, a distance of 309.71 feet to a point;

N 44°43'01" E, a distance of 356.12 feet to a point;

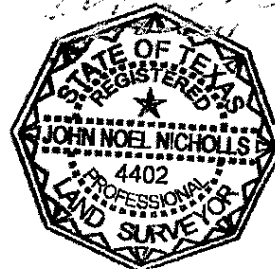
N 39°19'56" W, a distance of 65.32 feet to a point;

Northwesterly, along a non-tangent curve to the left, said curve having a radial bearing of N 74°50'42" W, a radius of 55.00 feet, a central angle of 67°50'18", a chord bearing and distance of N 18°45'52" W, 61.38 feet, for an arc length of 65.12 feet to a point;

N 05°15'59" E, a distance of 249.09 feet to a point;  
N 54°47'27" W, a distance of 220.00 feet to a point;  
N 35°12'33" E, a distance of 203.54 feet to a point;  
N 36°17'09" W, a distance of 121.56 feet to a point;  
S 53°42'51" W, a distance of 163.66 feet to a point;  
Northwesterly, along a non-tangent curve to the left, said curve having a radial bearing of N 86°11'38" W, a radius of 55.00 feet, a central angle of 29°10'12", a chord bearing and distance of N 10°46'44" W, 27.70 feet, for an arc length of 28.00 feet to a point;  
N 53°42'51" E, a distance of 241.73 feet to a point;  
S 36°18'59" E, a distance of 69.43 feet to a point;  
N 40°35'41" E, a distance of 31.15 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson";  
N 40°48'10" E, a distance of 53.52 feet to a found ½" iron rod with yellow cap marked "Pape-Dawson", the southeast corner of said Lot 12;  
N 36°21'52" E, along and with the east line of said Lot 12, a distance of 411.83 feet to the POINT OF BEGINNING, and containing 56.68 acres in the City of San Antonio, Bexar County, Texas. Said tract being described in accordance with a survey map prepared by Pape-Dawson Engineers, Inc..

"This document was prepared under 22TAC663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

PREPARED BY: Pape-Dawson Engineers, Inc.  
DATE: January 21, 2011  
REVISED: February 1, 2011  
JOB NO. 9101-08  
DOC. ID. N:\Survey08\8-9200\9101-08\WORD\FN-56.68 ACRES.doc  
TBPE Firm Registration #470  
TBPLS Firm Registration #100288-00



Doc# 20110038919  
# Pages 12  
03/04/2011 14:32:39 PM  
e-Filed & e-Recorded in the  
Official Public Records of  
BEXAR COUNTY  
GERARD RICKHOFF COUNTY CLERK  
  
Fees 56.00

STATE OF TEXAS  
COUNTY OF BEXAR  
This is to Certify that this document  
was e-FILED and e-RECORDED in the Official  
Public Records of Bexar County, Texas  
on this date and time stamped thereon.  
03/04/2011 14:32:39 PM  
COUNTY CLERK, BEXAR COUNTY TEXAS



*Gerard Rickhoff*