

AFTER RECORDING RETURN TO:

**ROBERT D. BURTON, ESQ.
WINSTEAD, PC
401 CONGRESS AVE., SUITE 2100
AUSTIN, TEXAS 78701**

THIRD AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS
FOR
THE DOMINION GARDENS
(THE DOMINION GARDENS, PHASE 2)

Cross Reference to Declaration of Covenants, Conditions, Easements and Restrictions for the Dominion PUD recorded in Volume 2956, Page 61, Official Public Records, Bexar County, Texas, as amended and supplemented thereto, and the Declaration of Protective Covenants for The Dominion Gardens, Phase 2, recorded under as Document No. 20040274578 and Volume 11106, Page 1614 in the Official Public Records of Bexar County, Texas, as amended.

**THIRD AMENDMENT TO
DECLARATION OF PROTECTIVE COVENANTS
THE DOMINION GARDENS, PHASE 2**

This Third Amendment to Declaration of Protective Covenants for The Dominion Gardens, Phase 2 (the "**Amendment**") is made by the undersigned Owners, being the Owners of seventy percent (70%) of the owners of Lots within the Subdivision (Phase 2), as defined in the Protective Covenants, and is as follows:

RECITALS:

A. The Dominion Group Ltd., a Texas limited partnership, previously executed and recorded that certain Declaration of Covenants, Conditions, Easements and Restrictions for the Dominion PUD recorded in Volume 2956, Page 61, Official Public Records, Bexar County, Texas, as amended and supplemented thereto (the "**Umbrella Declaration**").

B. Continental Homes of Texas, L.P., a Texas limited partnership, previously executed and recorded that certain Declaration of Protective Covenants for The Dominion Gardens, Phase 2, recorded under as Document No. 20040274578 and Volume 11106, Page 1614 in the Official Public Records of Bexar County, Texas, as amended (the "**Protective Covenants**").

C. Pursuant to Article XLIX of the Protective Covenants, the Protective Covenants may be amended by seventy percent (70%) of the owners of Lots within the Subdivision (Phase 2), as defined in the Protective Covenants, by filing such amendment in the office of the County Clerk of Bexar County, Texas.

D. The undersigned Owners are the Owners of at least seventy percent (70%) of the Lots within the Subdivision (Phase 2) and desire to amend the Protective Covenants as set forth herein.

NOW THEREFORE, the undersigned Owners hereby amend and modify the Protective Covenants as follows:

1. **Common Properties.** Article I, Section B, is deleted in its entirety and replaced with the following:

B. Common Properties shall mean any land situated in the Subdivision, if any, owned and maintained by the Association for the common use and enjoyment of its respective members. **No portion of the land shall be considered as Common Properties unless accepted by separate written instrument executed and acknowledged by the Association after compliance with the terms and provisions of Article III.**

2. **Subdivision or Combination of Lots.** Article XXXV, is deleted in its entirety and replaced with the following:

ARTICLE XXXV. SUBDIVISION OR COMBINATION OF LOTS

Unless otherwise approved by the Architectural Control Committee, in its sole discretion, no further subdivision of platted Lots in Phase 2 shall be permitted. An Owner may, however, combine or integrate two adjoining Lots into one Dwelling and landscaped area at the time either of said Lots is first improved, it being understood that neither Lot can remain vacant and unimproved.

3. **Exhibit "A"**. The Common Area Lots listed on Exhibit "A" of the Protective Covenants is deleted in its entirety. **The Association shall have no obligation to accept any land located in the Subdivision unless accepted by separate written instrument executed and acknowledged by the Association after compliance with the terms and provisions of Article III.**

4. **Miscellaneous**. Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Protective Covenants. Unless expressly amended by this Amendment, all other terms and provisions of the Protective Covenants remain in full force and effect as written, and are hereby ratified and confirmed.

EXECUTED to be effective as of the date this instrument has been recorded in the Official Public Records of Bexar County, Texas.

[SIGNATURE PAGE FOLLOWS]

OWNER OF LOTS 9, 10, 11, 12, 16, 17, 18, 19, 32, 34, 39, 40, 41, 42, 44, 45, 47, 57, 58, 59, 64, 65, 68, 70, 71, 75, 76, 77, 79, 80, 82, 84, 86, 87, 88, 89, 91, 94, 95, 96, 97, 98, 99, 100, 101, 103, 104, 108, 109, 110, 111, 112, 113, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 133, 134, 135, 136, 137, 138, 139, AND 144:

H.O.K. REAL ESTATE INVESTMENTS COMPANY, LTD., a Texas limited partnership

By: H.O.K. Investments, Inc., a Texas Corporation, Its General Partner

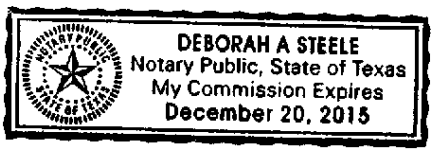
By: [Signature]
Printed Name: Roberto Kenigstein
Title: MPWA-PTL

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 5th day of November, 2012, by Roberto Kenigstein, Manager of H.O.K. Investments, Inc., a Texas corporation, General Partner of H.O.K. Real Estate Investments Company, Ltd., a Texas limited partnership, on behalf of said limited partnership and corporation.

(SEAL)

[Signature]
Notary Public Signature



OWNER OF LOTS 20, 69, 78, AND 81:

NADB, LLC, a Texas limited liability company

By: [Signature]
Printed Name: ROBERT KENISSTON
Title: MANAGER

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 5th day of November, 2012, by Robert Keniston, Manager of NADB, LLC, a Texas limited liability company, on behalf of said limited liability company.

(SEAL)

[Signature]
Notary Public Signature



OWNER OF LOTS 28, 36, 37 AND 38:

IMAGE HOMES CUSTOM BUILDERS, LTD., a Texas limited partnership

By: SixD's, LLC, a Texas limited liability company, Its General Partner

By: [Signature]
Printed Name: ROBERT KENIGSTEIN
Title: PROXY MANAGER

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 5th day of November, 2012, by Robert Kenigstein, Proxy Manager of SixD's, LLC, a Texas a Texas limited liability company, General Partner of Image Homes Custom Builders, Ltd., a Texas limited partnership, on behalf of said limited partnership and a Texas limited liability company.

(SEAL)

[Signature]
Notary Public Signature



OWNER OF LOTS 27 AND 33:

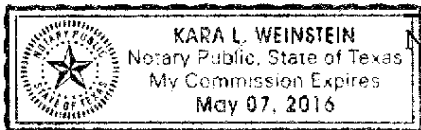
SCOTT FELDER HOMES, LLC, a Texas limited liability company

By: [Signature]
Printed Name: Steve Krasoff
Title: President

THE STATE OF TEXAS §
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COUNTY OF BEXAR §

This instrument was acknowledged before me on the 5th day of November, 2012, by Steve Krasoff, President of Scott Felder Homes, LLC, a Texas limited liability company.

(SEAL)



[Signature]
Notary Public Signature

OWNER OF LOTS 14, 15, 105, 106, 107

Brohn Homes

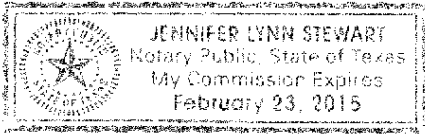
By: [Signature]
Printed Name: Adam Boenkig
Title: Managing Member

THE STATE OF TEXAS §
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COUNTY OF BEXAR §

This instrument was acknowledged before me on the 2nd day of August, 2012,
by Adam Boenkig

(SEAL)

[Signature]
Notary Public Signature



OWNER OF LOT 31:

PHILBERT FAMILY TRUST

By: Richard N. Philbert Trustee
Printed Name: Richard N. Philbert, Trustee
Title: Trustee

By: Jean N. Philbert, Trustee
Printed Name: Jean N. Philbert
Title: Trustee

THE STATE OF TEXAS §
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COUNTY OF BEXAR §

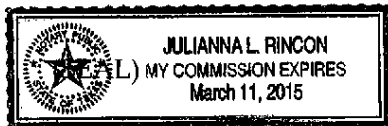
This instrument was acknowledged before me on the 14 day of June, 2012,
by Richard N. Philbert Trustee of the Philbert Family Trust, on behalf
of the said trust



Julianna L. Rincon
Notary Public Signature

THE STATE OF TEXAS §
§
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 14 day of June, 2012,
by Jean N. Philbert Trustee of the Philbert Family Trust, on behalf
of the said trust



Julianna L. Rincon
Notary Public Signature

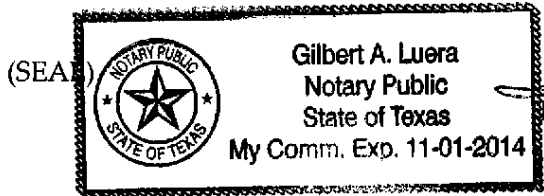
OWNER OF LOT 74 _____:

By: Jaclyn M. Haase-Melin
Printed Name: Jaclyn M. Haase-Melin
Title: _____

By: Randall M. Melin
Printed Name: RANDALL M. MELIN
Title: _____

THE STATE OF TEXAS §
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COUNTY OF BEXAR §

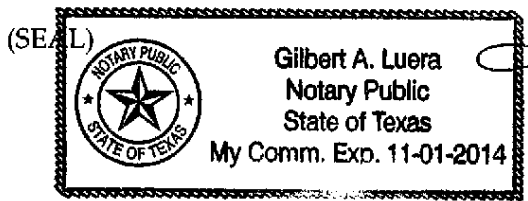
This instrument was acknowledged before me on the 22 day of June, 2012,
by Jaclyn M. Haase-Melin



[Signature]
Notary Public Signature

THE STATE OF TEXAS §
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COUNTY OF BEXAR §

This instrument was acknowledged before me on the 22 day of June, 2012,
by Randall M. Melin



[Signature]
Notary Public Signature

OWNER OF LOT 153 :

Westcourt Lane

By: Donna Whitener

Printed Name: Donna Whitener

Title: Owner

By: Glen Whitener

Printed Name: GLEN WHITENER

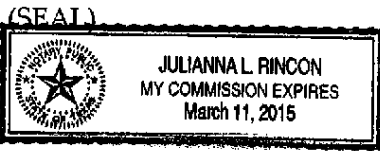
Title: OWNER

THE STATE OF TEXAS §

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COUNTY OF BEXAR §

This instrument was acknowledged before me on the 30 day of May, 2012,
by Donna Whitener



Julianna L. Rincon
Notary Public Signature

THE STATE OF TEXAS §

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COUNTY OF BEXAR §

This instrument was acknowledged before me on the 30 day of May, 2012,
by Glen Whitener



Julianna L. Rincon
Notary Public Signature

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Pages 13
11/08/2012 12:13PM
e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD C. RICKHOFF
COUNTY CLERK
Fees \$60.00

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.
11/08/2012 12:13PM
COUNTY CLERK, BEXAR COUNTY TEXAS



Gerard C. Rickhoff