

ORIGINAL DIM 90 (5-7-88 0-21)

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Note to recorder: This instrument amends that Declaration of Protective Covenants, dated June 26, 1986 and filed at v. 3733, p. 596, 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 Planned Unit Development Phase 4)

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 v. 2956, p. 61, of the Official Public Records of Real Property of Bexar County, Texas (the "Umbrella Declaration");

WHEREAS, the Umbrella Declaration provides for property to be annexed into the Dominion PUD;

WHEREAS, by Certificate of Annexation to the Umbrella Declaration, certain land commonly known as "Phase 4 of The Dominion," or "The Dominion Gardens" was annexed into The Dominion PUD;

WHEREAS, the development of Phase 4 is governed by the Umbrella Declaration and a Declaration of Protective Covenants for The Dominion Gardens dated June 26, 1986 and filed at v. 3733, p. 596, 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 4 and if the written joinder of the Declarant is obtained;

WHEREAS, FCC Holdings, Inc. is the owner of at least seventy percent (70%) of the Lots within Phase 4, and FCC Holdings, Inc. is the Declarant; and

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WHEREAS, FCC Holdings, Inc. desires to:

1. Amend the restrictions of the Protective Covenants which concern exterior walls and roofs; and
2. Delete those provisions in the Protective Covenants that provide for the existence of an interior homeowners association for Phase 4.

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

Article VII is amended in its entirety to read as follows:

VII.

EXTERIOR WALLS

(1) A primary exterior wall of a dwelling shall be covered with antique, used "Chicago" brick in one of the four (4) color categories:

- (A) Light Buff
- (B) Medium Red
- (C) Dark Red
- (D) Full-Range

Mortar joints shall be raked. Mortar mix and color must be approved by the Architectural Control Committee.

(2) Secondary or incidental exterior walls shall be covered with painted cedar siding or painted steel trowelled cement plaster to match adjacent wall or roof materials.

(3) Masonry trim, caps, corbels, headers, keystones and other similar masonry accents shall be natural cut or cast stone.

(4) All privacy walls, view fences, boundary and retaining walls shall be of the same composition as the primary wall masonry of the dwelling.

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Article XXVI is amended in its entirety to read as follows:

XXVI.

ROOFS

All roof materials for primary and accent roofs shall be of natural materials and colors and shall be subject to the following limitations:

(1) Primary Roof. Exposed roofing materials shall be limited to:

(a) Red Cedar shingles: No. 1 grade, laid straight course.

(b) Red Cedar shakes: Medium hand split butt, laid straight course.

(c) Natural slate.

(d) Flat Concrete Tile/Lifetile, Colonial Slate Grey #309 or comparable.

(e) Preweathered Galvalum, with standing seams.

(2) Accent Roof. Exposed roofing materials shall be limited to:

(a) Red Cedar shingles and Red Cedar shakes.

(b) Natural slate, lead, copper.

(c) Preweathered Galvalum, with standing seams.

(d) No polished or shiny finished roof shall be permitted.

(3) Roof Vents. Roof vents shall not be permitted within any roof plane with a fall line perpendicular to an adjacent street.

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(4) Skylights. Skylights shall not be permitted within any roof plane with a fall line perpendicular to an adjacent street.

(5) Overhangs. All roof overhangs shall not exceed one foot.

(6) Gutters. The lower portion of all included roof plans shall be provided with gutters, down spouts and other devices to control and direct water runoff.

Article I, Section B, is amended in its entirety to read as follows:

Intentionally Omitted

Article I, Section C, is amended as follows:

(a) on lines 2 and 3, delete the words "and/or Interior Association"; and

(b) on line 4, replace the words "their respective" with the word "its".

Article II is amended in its entirety to read as follows:

Intentionally Omitted

Article XII, Section 2, is amended as follows:

(a) on lines 3 and 4 of page 13, delete the words "or the Interior Association";

(b) on line 9 of page 13, delete the words "or the Interior Association" and replace the word "their" with the word "its"; and

(c) on line 13 of page 13, delete the words "or the Interior Association".

Article XII, Section 3, is amended as follows:

(a) on line 2, replace the word "Association" with the words "Umbrella Association";

(b) on lines 6 and 7 of subparagraph (a), replace the word "Interior" with the word "Umbrella";

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(c) on line 9 of subparagraph (a), replace the word "herein" with the words "in the Umbrella Declaration";

(d) on line 5 of subparagraph (b), replace the word "Association's" with the words "Umbrella Association's", and replace the word "Interior" with the word "Umbrella";

(e) on line 6 of subparagraph (b), replace the word "Interior" with the word "Umbrella";

(f) on lines 4 and 5 of paragraph 2, replace the word "Association" with the words "Umbrella Association";

(g) on lines 8 and 9 of paragraph 2, replace the words "Section P of Article II hereof" with the words "Section 11 of the Umbrella Declaration";

(h) on line 7 of paragraph 3 on page 14, replace the word "Interior" with the word "Umbrella"; and

(i) on lines 10 and 11 of paragraph 3 on page 14, replace the words "Section P of Article II hereof" with the words "Section 11 of the Umbrella Declaration"

Article XIII is amended as follows:

(a) on line 19, replace the words "or Interior Associations" with the word "Association".

Article XV is amended as follows:

(a) on line 5 of paragraph 3, replace the word "Interior" with the word "Umbrella".

Article XVII is amended as follows:

(a) on line 3 of paragraph 2, replace the word "Association" with the words "Umbrella Association."

Article XXXIX is amended as follows:

(a) by deleting the sentence beginning on line 16 which reads, "The assessment provided for herein, insofar as it affects Owners of the Lots subject to this Declaration of Covenants, Conditions and Restrictions, may be, at the discretion of the Interior Association and with the approval of the Umbrella Association, collected along with the Annual Assessment hereinbefore imposed."

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Article XLI is amended as follows:

(a) on line 6, replace the words "or Interior Associations" with the word "Association".

Article XLIII is amended as follows:

(a) on lines 5 and 6, replace the word "Association" with the words "Umbrella Association";

(b) on lines 16 and 17 on page 30, replace the words "and Interior Associations" with the word "Association";

(c) on lines 17 and 18 on page 30, replace the word "applicable" with the word "Umbrella";

(d) on line 21 on page 30, replace the word "Association" with the words "Umbrella Association";

(e) on line 26 on page 30, replace the word "applicable" with the word "Umbrella";

(f) on line 28 on page 30, replace the word "applicable" with the word "Umbrella";

(g) on line 35 on page 30, replace the word "applicable" with the word "Umbrella";

(h) on line 39 on page 30, replace the word "applicable" with the word "Umbrella"; and

(i) on lines 41 and 42 on page 30, replace the word "Association" with the words "Umbrella Association".

Article XLVI is amended as follows:

(a) on line 4, replace the word "Association" with the words "Umbrella Association";

(b) on line 5, replace the word "Interior" with the word "Umbrella"; and

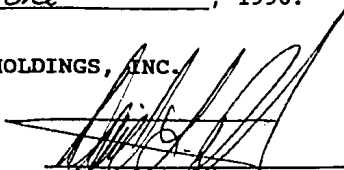
(c) on line 8, replace the word "Interior" with the word "Umbrella".

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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 20th day of June, 1990.

FCC HOLDINGS, INC.

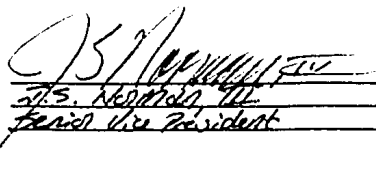
By: 
Name: David L. Roberts
Title: Vice President

JOINDER AND CONSENT

Franklin Federal Bancorp, A Federal Savings Bank, as current Declarant of The Dominion PUD, hereby consents to and joins in this First Amendment to Declaration of Protective Covenants for The Dominion Gardens.

Executed this 21st day of June, 1990.

FRANKLIN FEDERAL BANCORP,
A FEDERAL SAVINGS BANK

By: 
Name: J.S. Robinson, III
Title: First Vice President

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THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

The foregoing instrument was acknowledged before me this
20 day of June, 1990, by David L. Roberts,
Vice President of FCC Holdings, Inc., a Texas
corporation, on behalf of such corporation.

Pamela S. Morris

Notary Public in and for the
State of Texas

PAMELA S. MORRIS

Printed/Typed Name of Notary

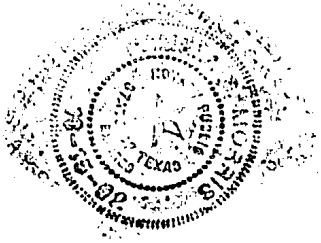
My Commission Expires:

10/15/92



THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

The foregoing instrument was acknowledged before me this
21 day of June, 1990, by J.S. Norman, III,
Senior Vice President of Franklin Federal Bancorp, A
Federal Savings Bank, on behalf of such federal savings bank.



Pamela S. Morris
Notary Public in and for the
State of Texas

PAMELA S. MORRIS
Printed/Typed Name of Notary

My Commission Expires:

10/15/92

AFTER RECORDING, PLEASE RETURN TO:

John E. Tarbox, Esq.
Vinson & Elkins
1700 First City Centre
816 Congress Avenue
Austin, Texas 78701-2496

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Any provision herein which restricts the sale, rental, or use of the described REAL PROPERTY
because of race, color, religion, sex, handicap, familial status, or national origin, is invalid
and unenforceable under FEDERAL LAW, STATE
LAW AND THE CONSTITUTION OF THE STATE OF TEXAS.
I hereby certify that this instrument was FILED in File Number on the
date and at the time stamped herein by me, and was duly RECORDED, in the
Official Public Records of Real Property of Tarrant County, Texas on

JUL -2 1990



Ransom A. Gessner
COUNTY CLERK TARRANT COUNTY, TEXAS

ROBERT D. SKEEL County Clerk Tarrant Co

JUN 29 1990 4:34 PM

FILED IN MY OFFICE

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