

15/2 PJS \$17.00

2356595

RETURN TO: THE DOMINION HOMEOWNERS ASSOCIATION
10 Dominion Drive
San Antonio, TX 78257
ATTN: Susan Wright

FIRST AMENDMENT
TO
DECLARATION OF PROTECTIVE COVENANTS
FOR
THE DOMINION PLANNED UNIT DEVELOPMENT
(PHASE 2A)

THE STATE OF TEXAS)
COUNTY OF BEXAR)

WHEREAS, by Declaration of Protective Covenants for The Dominion Planned Unit Development (Phase 2A) dated May 21, 1985 (the "Declaration"), and recorded in Volume 3407, Page 1596, of the Official Public Records of Real Property of Bexar County, Texas, reference to which record is here made for all purposes, DOMINION GROUP, LTD. ("Original Declarant") subjected certain real property covered by a plat recorded in Volume 9509, Page 45, of the Deed and Plat Records of Bexar County, Texas ("Phase 2A"), such Phase 2A being composed of nine (9) residential lots and a portion of a private thoroughfare known as Davenport Lane more particularly referred to in said Declaration to certain covenants, conditions, easements and restrictions; and

WHEREAS, Original Declarant has previously assigned all of its rights, titles and interests as declarant under the Declaration of Protective Covenants for Phase 2A and Declaration of Protective Covenants for Phase 1 to Franklin Federal Bancorp, a Federal Savings Bank ("Second Declarant"); and

WHEREAS, Second Declarant previously assigned all of its rights, titles and interests as declarant under the Declaration of Protective Covenants for Phase 2A and Declaration of Protective Covenants for Phase 1 to Intco-Dominion Partnership ("Declarant")

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and Declarant is currently the owner and holder of all such rights, titles and interests; and

WHEREAS, Declarant, desires to annex and bring within the purview of the Declaration an additional lot that fronts on Davenport Lane but that is presently situated within Phase 1 of The Dominion Planned Unit Development, as well as an additional segment of Davenport Lane that is presently situated within said Phase 1; all such additional property having been originally designed under Original Declarant's plan for The Dominion Planned Unit Development to have been covered by the Declaration and to have been within the jurisdiction of the Davenport Lane Homeowners Association (i.e., the "interior" association referred to in the Declaration) along with Phase 2A property but having been inadvertently excluded from Phase 2A and inadvertently included in Phase 1;

NOW, THEREFORE, Declarant, pursuant to its rights created under the Declaration, hereby declares that the following described property is hereby annexed and shall be, effective immediately, held, sold and conveyed, subject to all easements, restrictions, covenants, terms and condition which are set forth in the aforesaid Declaration, and any amendments thereto, to-wit:

Lot 95 ("Lot 95"), Block 9, Phase 1, The Dominion Planned Unit Development, and that portion of Davenport Lane situated south of the security gate crossing said Davenport Lane (such gate being situated approximately seventy-eight feet (78') to the south of the southerly curb line of Vineyard Drive) and extending to that portion of Davenport Lane previously platted on the Phase 2A plat, said Lot 95 and private thoroughfare being a part of the property covered by the Plat for The Dominion Phase 1 Planned Unit Development ("Phase 1") recorded in Volume 9503, Page 33, of the Deed and Plat Records of Bexar County, Texas, and being depicted thereupon.

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The Declaration is hereby AMENDED so that Lot 95 shall be hereafter deemed a "Lot", as defined in the Declaration, and the aforesaid described portion of Davenport Lane shall be hereafter deemed "Common Properties," as defined in the Declaration.

From and after the effective date hereof, the Declaration of Protective Covenants for The Dominion Planned Unit Development (Phase 1) of record in Volume 2956, Page 85, of the Real Property Records of Bexar County, Texas, shall have no further force and effect on Lot 95 and the aforesaid described segment of Davenport Lane, it being agreed and understood that such lot and segment of Davenport Lane shall be hereafter subject to and within the purview of the provisions of the Declaration (i.e., that instrument recorded in Volume 3407, Page 1596, of the Real Property Records of Bexar County, Texas), with the same force and effect as if they had been expressly set forth therein on the date such instrument was recorded.

All of the parties hereto acknowledge and agree that a security wall and gate (composed of a combination of masonry and wrought iron) has been heretofore constructed by Original Declarant which serves the lots in Phase 2A, as well as Lot 95, and includes within its scope and coverage those portions of Lot 95 that are situated to the south of certain platted twenty-five foot (25') landscape and electric easements (the "landscape easements") located on Lot 95, such landscape easements being depicted on the aforesaid recorded plat for Phase 1. As a matter of clarification, it is expressly agreed by the parties hereto that The Umbrella Association referred to in the Declaration (i.e., The Dominion

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Homeowners Association) hereby agrees that it shall hereafter have the responsibility and obligation to maintain the landscape easements as well as that portion of Davenport Lane (together with all improvements thereon situated) located to the north of the presently existing security gate crossing Davenport Lane and serving the owners of all of the Lots in Phase 2A as well as the owner of Lot 95. The Dominion Homeowners Association hereby further agrees that it has no ownership interest in that portion of Davenport Lane herein included within the Common Properties of Phase 2A. As a matter of further clarification, Davenport Lane Homeowners Association hereby agrees that it shall hereafter have the responsibility and obligation to maintain all portions of the Common Properties (as that term is used in the Declaration) owned by such entity (i.e., those areas owned or to be owned by Davenport Lane Homeowners Association).

NOW, THEREFORE, Declarant, The Dominion Homeowners Association, Davenport Lane Homeowners Association, and Intco-Dominion Partnership, the present owner of Lot 95, pursuant to their rights under the Declaration, do hereby AMEND, EXECUTE and RATIFY this First Amendment to Declaration of Protective Covenants for The Dominion Planned Unit Development (Phase 2A) for all purposes.

AS HEREBY AMENDED, the remaining provisions of the Declaration are hereby RATIFIED and AFFIRMED.

Dated as of the 2nd day of December, 1992.

INTCO-DOMINION PARTNERSHIP,
a Texas general partnership

By: INTCO PROPERTIES II L.P.,
a Texas limited partnership,
its managing general partner

By: INTCO INVESTMENTS OF TEXAS,
INC., a Texas corporation,
its general partner

By: Amy E. Harris
Authorized Representative

(Declarant)

JOIN AND CONCUR:

THE DOMINION HOMEOWNERS ASSOCIATION

By: Susan Wright
Susan Wright, President

DAVENPORT LANE HOMEOWNERS ASSOCIATION

By: Susan Wright
Susan Wright, President

Signatures continued next page

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INTCO-DOMINION PARTNERSHIP,
a Texas general partnership

By: INTCO PROPERTIES II L.P.,
a Texas limited partnership,
its managing general partner

By: INTCO INVESTMENTS OF TEXAS,
INC., a Texas corporation,
its general partner

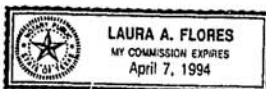
By: *Amy E. Harris*
Amy E. Harris,
Authorized Representative

(Owner of Lot 95)

STATE OF TEXAS)

COUNTY OF BEXAR)

This instrument was acknowledged before me on the 2nd day of December, 1992 by Amy E. Harris, Authorized Representative of Intco Investments of Texas, Inc., a Texas corporation, general partner of Intco Properties II L.P., a Texas limited partnership, managing general partner of Intco-Dominion Partnership, a Texas general partnership, as Declarant.



Laura A. Flores
Notary Public Signature

LAURA A. FLORES
Notary Public Printed Name
My Commission Expires: 4/7/94

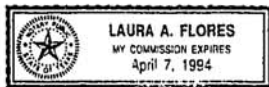
Acknowledgements continued next page

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STATE OF TEXAS)

COUNTY OF BEXAR)

This instrument was acknowledged before me on the 2nd day of December, 1992 by Susan Wright, President of The Dominion Homeowners Association.



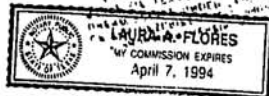
Laura A. Flores
Notary Public Signature

LAURA A. FLORES
Notary Public Printed Name
My Commission Expires: 4/7/94

STATE OF TEXAS)

COUNTY OF BEXAR)

This instrument was acknowledged before me on the 2nd day of December, 1992 by Susan Wright, President of Davenport Lane Homeowners Association.



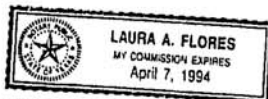
Laura A. Flores
Notary Public Signature

LAURA A. FLORES
Notary Public Printed Name
My Commission Expires: 4/7/94

STATE OF TEXAS)

COUNTY OF BEXAR)

This instrument was acknowledged before me on the 2nd day of December, 1992 by Amy E. Harris, Authorized Representative of Intco Investments of Texas, Inc., a Texas corporation, general partner of Intco Properties II L.P., a Texas limited partnership, managing general partner of Intco-Dominion Partnership, a Texas general partnership, as Owner of Lot 95.



Laura A. Flores
Notary Public Signature

LAURA A. FLORES
Notary Public Printed Name
My Commission Expires: 4/7/94

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COUNTY CLERK BEXAR COUNTY, TEXAS

DEC 4 1992

ANY PROVISION HEREIN WHICH ABSTRACTS THE SALE, RENTAL, OR USE
UP THE DESCRIBED REAL PROPERTY BECAUSE OF AGE 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
RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS ON:
REASON BY ME AND WAS DULY RECORDED IN THE OFFICIAL PUBLIC

FILED IN MY OFFICE
ROBERT D. GREEN
COUNTY CLERK BEXAR CO
1992 DEC -3 AM 10:45

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