

f 27.06

CERTIFICATE OF ANNEXATION
TO 94- 0065122
DECLARATION OF PROTECTIVE COVENANTS
FOR
PHASE 10C AT THE DOMINION
THE DOMINION PLANNED UNIT DEVELOPMENT
(PHASE 10C)

WHEREAS, by Declaration of Covenants, Conditions, Easements and Restrictions dated October 18, 1983, and recorded in Volume 2956, Pages 61-84, of the Official Public Records of Real Property of Bexar County, Texas (the "Umbrella Declaration"), reference to which record is hereby made for all purposes, Dominion Group, Ltd. ("Original Declarant") subjected certain real property described in the Umbrella Declaration to certain covenants, conditions, easements and restrictions; and

WHEREAS, in Article I, Section 3, of the Umbrella Declaration, Original Declarant retained the right to annex and bring within the purview of the Umbrella Declaration additional property, as designated by Original Declarant out of property described in Exhibit B of the Umbrella Declaration; and

WHEREAS, Original Declarant previously assigned all of its rights, titles and interests as declarant under the Umbrella Declaration and under all related Certificates of Annexation, Declarations of Protective Covenants and other documents 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 Umbrella Declaration and under all related Certificates of Annexation, Declarations of Protective Covenants and other documents to INTCO-Dominion Partnership ("Declarant"); and Declarant is currently the owner and holder of all such rights, titles and interests; and

WHEREAS, Declarant and Emerald Texas, Inc. ("Owner") now mutually desire to annex within the purview of the Umbrella Declaration certain portions of such additional property owned in fee by Owner, which such property is more particularly described by field notes on Exhibit A attached hereto; and Owner desires to subject such property to the terms and provisions of the Umbrella Declaration; and

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WHEREAS, the parties hereto have mutually agreed that it will be in the best interests of Declarant, Owner, and present and future owners of land now or hereafter covered by the Umbrella Declaration (such land being herein collectively called "The Dominion Planned Unit Development"), and The Dominion Homeowners Association (the "Association"), to annex the aforesaid property owned in fee by Owner at this time in view of its proximity to and potential impact upon The Dominion Planned Unit Development;

NOW, THEREFORE, Declarant, joined by Owner, hereby declares that the following described property is hereby annexed and shall be held, sold and conveyed, subject to all easements, restrictions, covenants, terms and conditions which are set forth in the aforesaid Umbrella Declaration, and any amendments thereto, to-wit:

The property more particularly described by field note description on Exhibit A attached hereto and incorporated herein by reference. Such property is further shown on the reduced plat attached hereto as Exhibit B which is recorded in Volume 9528, Pages 170-171, Real Property Records of Bexar County, Texas.

The aforesaid property (the "Annexed Property") is hereby annexed and shall be held, sold and conveyed, subject to all of the easements, restrictions, covenants, terms and conditions which are set forth in the Umbrella Declaration as it may be hereinafter amended, as well as a Declaration of Protective Covenants for Phase 10C of The Dominion being recorded contemporaneously herewith; provided, however, the following terms, conditions and limitations shall be applicable to the Annexed Property:

1. Assessments:

(a) Residential Lots. The parties hereto acknowledge and agree that certain portions of the Annexed Property will be hereinafter developed and platted as single-family residential lots. With respect to each such platted residential lot, the owner thereof as a covenant running with the land shall be required to pay those assessments, fees and charges payable to the Association as set forth in the Umbrella Declaration attributable thereto, provided they are in amounts no greater than assessments, fees and charges attributable to a detached, single-family dwelling of a similar nature then similarly situated within The Dominion Planned Unit Development.

(b) Commencement of Assessments. With respect to any Lot covered hereby, notwithstanding the provisions to the contrary appearing in the Umbrella Declaration, in no event shall Owner (or its successors or assigns) be required to commence paying to the Umbrella Association any fees, assessments, or other charges established herein and/or pursuant to the Umbrella Declaration to the

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Association until such time as the Annexed Property is platted and developed as single-family residential lots, and until the following applicable triggering event has occurred with respect to each single-family residential platted lot: the aforesaid assessments, fees and charges shall commence for a Lot on the date that such Lot is conveyed by Owner to a third party, but in no event shall assessments commence for such Lot until that date such Lot is accessible by a paved street. In the event assessments commence on a date other than the first day of the month, they shall be prorated for the first partial month and shall be due and payable on the first day of the month immediately following commencement.

2. Common Properties. The private streets and other so-called "common properties" situated within the Annexed Property shall be deeded in fee to the Association free and clear of any liens or other encumbrances prior to the conveyance of a platted lot within the Annexed Property. Until such time as such common properties are so deeded and in excess of fifty percent (50%) of the owners of platted lots in the Annexed Property have begun paying assessments, the Association shall have absolutely no responsibility for the maintenance, upkeep or repair thereof. Thereafter, the Association shall be responsible for the maintenance, upkeep and repair of such common properties situated within the Annexed Property. At the time the Association's responsibility for the maintenance, upkeep and repair of the common properties begins, Owner shall certify to the Association that any streets, curbs and other improvements therein situated are in a state of good repair and maintenance and that any materials planted by Owner in such common properties are in good, liveable condition. No assessments shall be imposed on any of the common properties.

3. Binding Effect. This Annexation Certificate shall insure to the benefit and be binding upon the parties hereto and their respective successors and assigns, and shall be deemed as covenants running with the land described or referred to herein, or in the Umbrella Declaration as same may be hereinafter amended (inclusive of any land covered by future annexation certificates thereto).

4. Ratification by Association. The Association hereby joins this Annexation Certificate as evidence that it is ratifying and approving same for all purposes.

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EXECUTED this the 7th day of April, 1994.

DECLARANT:

INTCO-DOMINION PARTNERSHIP,
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

OWNER:

EMERALD TEXAS, INC., a Texas
a Texas Corporation

By: [Signature]
Philip J. Polich
Chairman

By: [Signature]
Amy Harris
Authorized Representative

**JOINED AND RATIFIED BY
ASSOCIATION:**

THE DOMINION HOMEOWNERS ASSOCIATION

By: [Signature]
Susan Wright
President

STATE OF TEXAS §
§
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 7th day of April, 1994, by Amy 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, on behalf of said partnership.



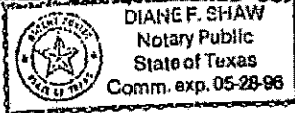
DENISE G. JIMENEZ
Notary Public, State of Texas
My Comm. Expires 12-03-96

[Signature]
Notary Public, State of Texas

VAL 6031 PG0760

STATE OF TEXAS §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 7th day of April, 1994, by Philip J. Polich, Chairman of Emerald Texas, Inc., a Texas corporation, on behalf of said corporation.



Diane F. Shaw
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 7th day of April, 1994, by Susan Wright, President of The Dominion Homeowners Association, a Texas non-profit corporation, on behalf of said corporation.



DENISE G. JIMENEZ
Notary Public, State of Texas
My Comm. Expires 12-03-96

D. G. Jimenez
Notary Public, State of Texas

After Recording, Return To:

Susan Wright, President
The Dominion Homeowners Association
10 Dominion Drive
San Antonio, TX 78257

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"Exhibit A"



9310 BROADWAY, BUILDING II
SAN ANTONIO, TEXAS 78217-5987

(210) 824-9484
FAX 824-3451

FIELD NOTES

FOR

A 37.65 acre (1,640,000 square foot) tract of land out of a 1,011.153 acre tract of land as recorded in Volume 2400, Pages 1811-1819 of the Deed Records of Bexar County, Texas, and a portion of a 20 ft. Electric, Gas, Telephone, and CA.TV. Easement out of The Dominion Phase 1, Planned Unit Development as recorded in Volume 9503, Pages 24-44 and its amendments as recorded in Volume 9505, Pages 197 and 198 of the Deed and Plat Records of Bexar County, Texas out of the J.H. Gibson Survey No. 3, Abstract No. 300, County Block 4753, the J.H. Gibson Survey No. 5, Abstract No. 301, County Block 4756, Bexar County, Texas, and being more particularly described by metes and bounds as follows:

- BEGINNING:** At a found $\frac{1}{2}$ " iron rod in the northern right-of-way line of Devon Wood, said $\frac{1}{2}$ " iron rod being the southernmost corner of Lot 1, Block 6, The Dominion, Phase 1 Planned Unit Development as recorded in Volume 9503, Page 34 of the Deed and Plat Records of Bexar County, Texas;
- THENCE:** N 39°41'44" E, a distance of 174.56 feet along the southeastern lot line of said Lot 1, Block 6, to a found $\frac{1}{2}$ " iron rod with cap marked "Northstar RPLS 4350" for the easternmost corner of said Lot 1, Block 6;
- THENCE:** N 33°51'04" W, a distance of 144.96 feet along the northeastern lot line of said Lot 1, Block 6, to a set $\frac{1}{2}$ " iron rod with a yellow cap marked "Pape-Dawson" in the southern right-of-way line of Galleria Drive for the northernmost corner of said Lot 1, Block 6, said point being the point of curvature of a curve to the right;
- THENCE:** With a curve to the right, along said southern right-of-way line of Galleria Drive, said curve having a radius of 1,889.87 feet, a central angle of 00°06'03", a chord bearing of N 50°30'53" E, a chord distance of 3.32 feet, and an arc distance of 3.32 feet to a set $\frac{1}{2}$ " iron rod with a yellow cap marked "Pape-Dawson";
- THENCE:** N 39°26'04" W, departing said southern right-of-way line of Galleria Drive, a distance of 34.00 feet to a set $\frac{1}{2}$ " iron rod with a yellow cap marked "Pape-Dawson", said point being in the northern right-of-way line of said Galleria Drive, and the easternmost corner of Lot 11, Block 5, The Dominion Phase 1, Planned Unit Development;
- THENCE:** N 33°51'04" W, departing said northern right-of-way line of Galleria Drive, a distance of 117.09 feet along the northeastern lot line of said Lot 11, Block 5 to a found $\frac{1}{2}$ " iron rod for the northernmost corner of said Lot 11, Block 5, and the easternmost corner of Lot 10, Block 5, The Dominion Phase 1, Planned Unit Development;

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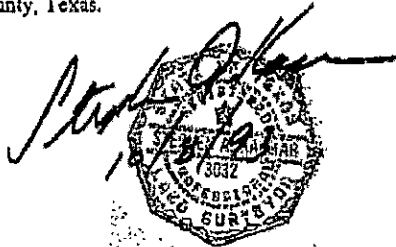
Field Notes
37.65 Acre Tract
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- THENCE: N 11°11'47" E, a distance of 494.41 feet, along the easternmost lot line of Lots 10, 9 and 8, Block 5, The Dominion Phase 1, Planned Unit Development, to a found ½" iron rod for the northernmost corner of said Lot 8, Block 5, and the easternmost corner of Lot 7, Block 5, The Dominion Phase 1, Planned Unit Development;
- THENCE: N 23°29'37" W, a distance of 459.05 feet along the eastern lot line of Lots 7, 6, and 5, Block 5, The Dominion Phase 1, Planned Unit Development to a set ½" iron rod with a yellow cap marked "Pape-Dawson" for the northernmost corner of said Lot 5, and the southernmost corner of Lot 4, Block 5, The Dominion Phase 1, Planned Unit Development;
- THENCE: N 01°55'31" E, along the eastern lot line of said Lot 4, Block 5, a distance of 110.92 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" for the northwest corner of the herein described 37.65 acre tract;
- THENCE: N 89°45'22" E, departing the eastern lot line of said Lot 4, Block 5, a distance of 973.71 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" for the northeast corner of the herein described 37.65 acre tract;
- THENCE: S 00°19'24" E, a distance of 171.49 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson";
- THENCE: S 02°39'58" W, a distance of 1,753.79 feet to a found ½" iron rod with a yellow cap marked "Pape-Dawson" for the southeast corner of the herein described 37.65 acre tract;
- THENCE: N 87°28'13" W, a distance of 1,204.94 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson" for the southwest corner of the herein described 37.65 acre tract, said point being in the eastern lot line of Lot 4, Block 7, The Dominion Phase 1, Planned Unit Development, as recorded in Volume 9505, Page 198 of the Deed and Plat Records of Bexar County, Texas;
- THENCE: N 48°18'55" E, a distance of 155.56 feet along the eastern lot line of said Lot 4, Block 7, to a set ½" iron rod with a yellow cap marked "Pape-Dawson" for the easternmost corner of said Lot 4, Block 7, and the southernmost corner of Lot 3, Block 7, The Dominion Phase 1, Planned Unit Development;

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- THENCE: N 42°22'45" E, a distance of 164.27 feet to a found ½" iron rod; said point being the westernmost corner of a San Antonio Water System Booster Station tract as recorded in Volume 9505, Page 198 of the Deed and Plat Records of Bexar County, Texas;
- THENCE: S 47°37'15" E, a distance of 90.00 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", said point being the southernmost corner of aforementioned San Antonio Water System Booster Station tract;
- THENCE: N 42°22'45" E, a distance of 80.00 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", said point being the easternmost corner of said San Antonio Water System Booster Station tract;
- THENCE: N 02°37'15" W, along the eastern lot line of said San Antonio Water System Booster Station tract, a distance of 99.03 feet to a set ½" iron rod with yellow cap marked "Pape-Dawson";
- THENCE: N 42°22'45" E, continuing along said eastern lot line of said San Antonio Water System Booster Station tract, a distance of 145.91 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", said point being in the southerly right-of-way line of Devon Wood;
- THENCE: N 39°41'44" E, a distance of 34.00 feet to a set ½" iron rod with a yellow cap marked "Pape-Dawson", said point being in the northerly right-of-way line of Devon Wood;
- THENCE: N 50°18'16" W, along said northerly right-of-way line of Devon Wood, a distance of 20.00 feet to the POINT OF BEGINNING and containing 37.65 acres of land, in Bexar County, Texas.



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Prepared by: Pape-Dawson Consulting Engineers, Inc.
Job No. 3065-02
Date: October 7, 1993
Doc Id 1007-01.JR

PLAT NO. 920352

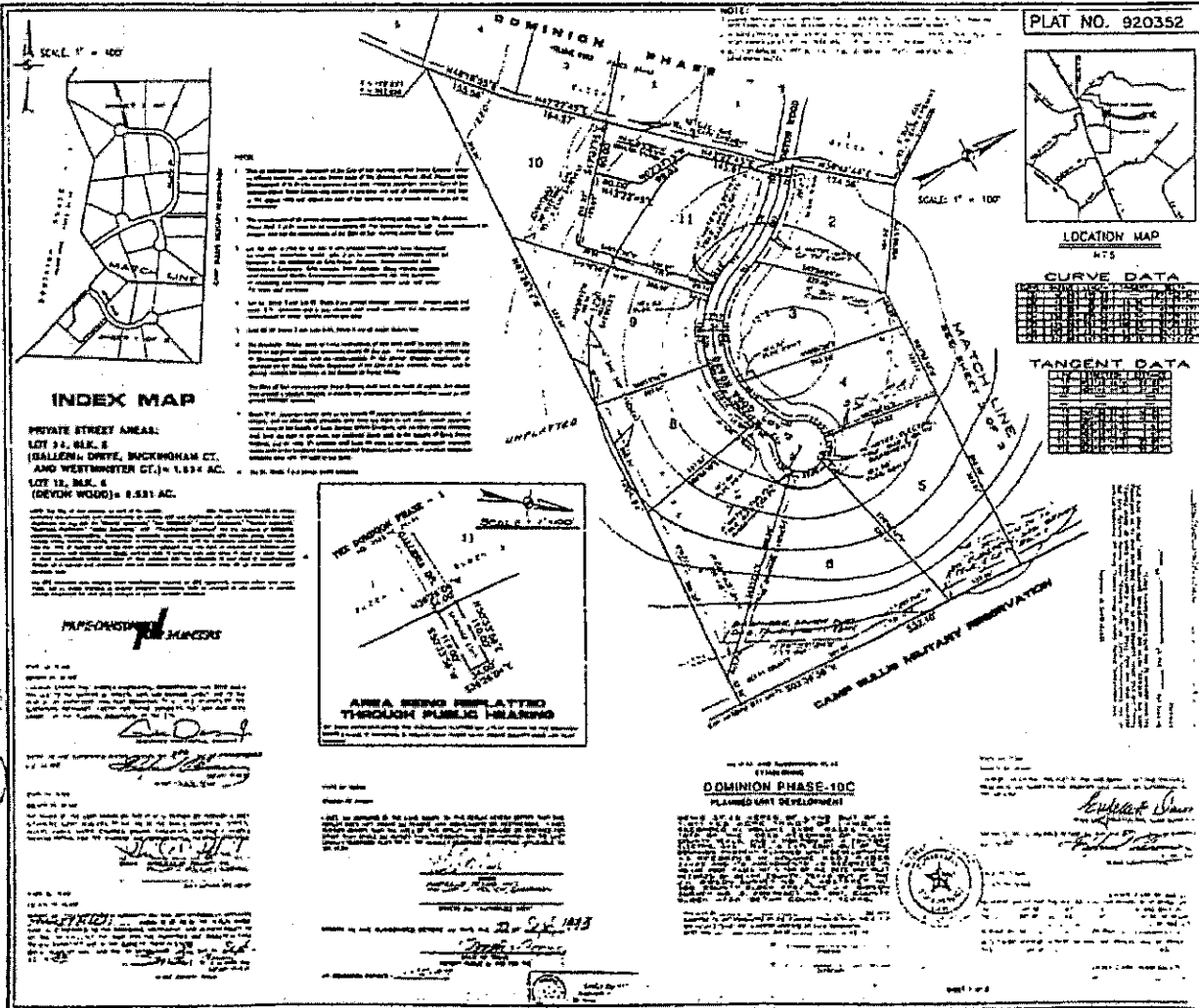


EXHIBIT B



PAPERS OWNED BY SURVEYORS

NOTED BY THE BOARD OF SURVEYORS AND ENGINEERS OF THE STATE OF MARYLAND

APPROVED FOR THE BOARD OF SURVEYORS AND ENGINEERS OF THE STATE OF MARYLAND

APPROVED FOR THE BOARD OF SURVEYORS AND ENGINEERS OF THE STATE OF MARYLAND

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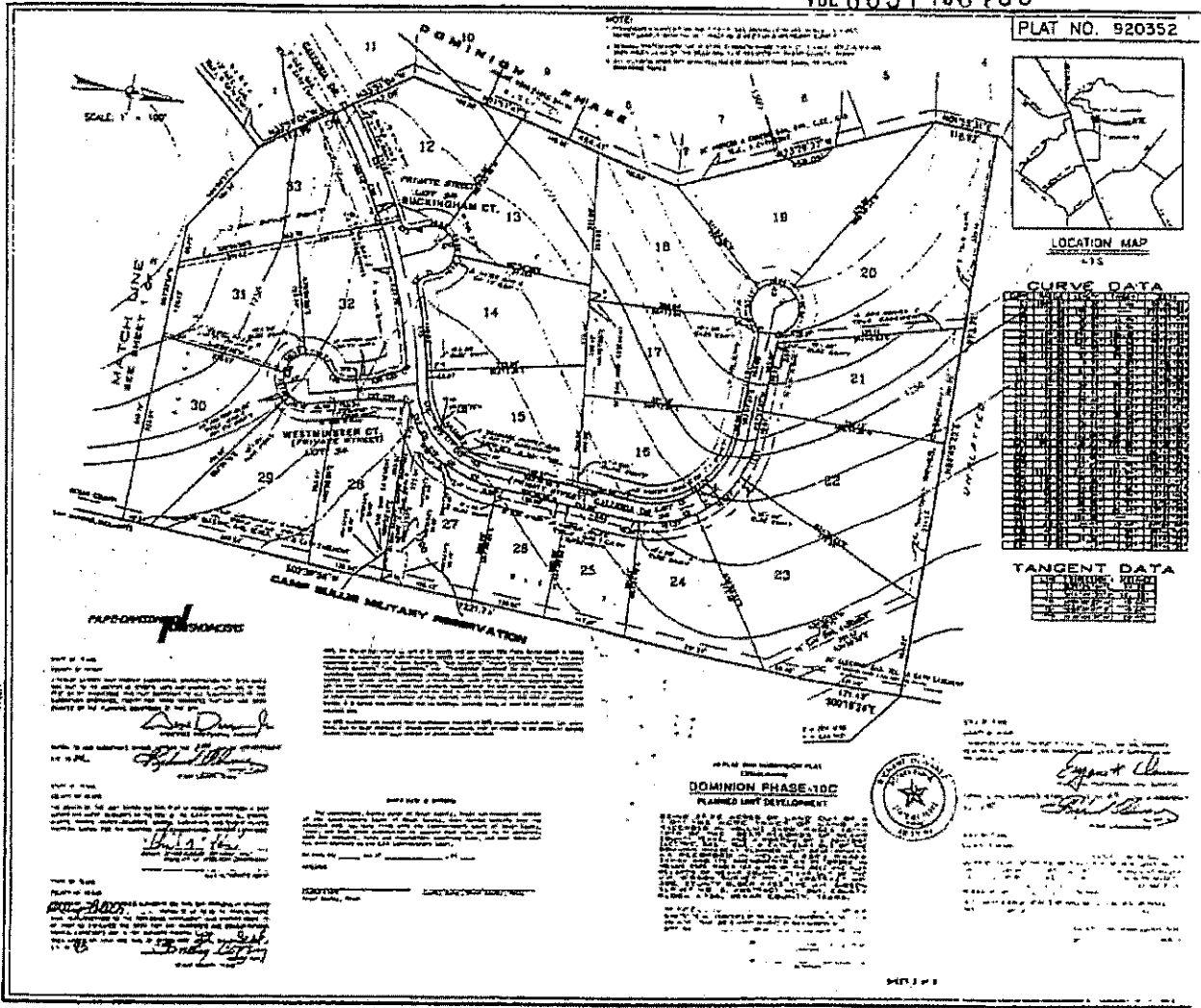
APPROVED FOR THE BOARD OF SURVEYORS AND ENGINEERS OF THE STATE OF MARYLAND

DOMINION PHASE 10C PLANNED UNIT DEVELOPMENT

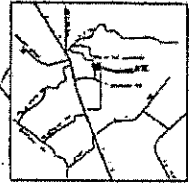


APPROVED FOR THE BOARD OF SURVEYORS AND ENGINEERS OF THE STATE OF MARYLAND

APPROVED FOR THE BOARD OF SURVEYORS AND ENGINEERS OF THE STATE OF MARYLAND



NOTE:
 1. This plan is subject to the approval of the Board of Supervisors of the County of Loudoun, Virginia.
 2. The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies.
 3. The applicant shall be responsible for providing all necessary information and data to the Board of Supervisors.



LOCATION MAP

CURVE DATA

Station	PC	PT	PI	Curve Length	Radius	Delta	Chord	Offset
1+00	1+00	1+00	1+00	0				
1+05	1+05	1+05	1+05	0				
1+10	1+10	1+10	1+10	0				
1+15	1+15	1+15	1+15	0				
1+20	1+20	1+20	1+20	0				
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TANGENT DATA

Station	PC	PT	PI	Curve Length	Radius	Delta	Chord	Offset
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1+05	1+05	1+05	1+05	0				
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EXHIBIT B (cont.)



APPROVED

PLANNED UNIT DEVELOPMENT

DOMINION PHASE 100

PLANNED UNIT DEVELOPMENT

DATE: 10/15/88

SCALE: 1" = 100'

NOTE: This plan is subject to the approval of the Board of Supervisors of the County of Loudoun, Virginia.

The applicant shall be responsible for obtaining all necessary permits and approvals from the appropriate agencies.

The applicant shall be responsible for providing all necessary information and data to the Board of Supervisors.

DOMINION PHASE 100
 PLANNED UNIT DEVELOPMENT



APPROVED

DATE: 10/15/88

SCALE: 1" = 100'

Any provision herein which restricts the sale, rental, 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 Records of Real Property of Bexar County, Texas on:

APR 15 1994



Robert D. Green
COUNTY CLERK BEXAR CO.

RECORDER'S MEMORANDUM

AT THE TIME OF RECORDED, THE INSTRUMENT WAS FOUND TO BE INADEQUATE FOR THE BEST PHOTOGRAPHIC REPRODUCTION BECAUSE OF ILLEGIBILITY, GARBAGE OR PHOTO COPY, DISCOLORED PAPER, ETC.

Filed for Record in:
BEXAR COUNTY, TX
ROBERT D. GREEN/COUNTY CLERK
On 4/15/94
Receipt #: 35009
Recording: 21.00
Doc/Inst: 5.00
Doc/Inst #: 94- 065122
Deputy -Tante Sanchez

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