

**FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS**  
**FOR**  
**THE LEGENDS AT THE DOMINION**  
**THE DOMINION PLANNED UNIT DEVELOPMENT (PHASE 10A)**

THE STATE OF TEXAS     §  
                                  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF BEXAR     §

**WHEREAS**, the signatories to this First Amendment to Declaration of Protective Covenants (the "Amendment") are owners (the "Owners") of the property located at The Legends at the Dominion, The Dominion Planned Unit Development (Phase 10A) (the "Property"), which Property is presently encumbered by a Declaration of Protective Covenants recorded in Volume 6669, Page 642, of the Real Property Records of Bexar County, Texas (the "Declaration"); and

**WHEREAS**, the Owners desire to amend the Declaration in compliance with the requirements for amendment as set forth in the Declaration; and

**WHEREAS**, the Owners represents at least seventy percent (70%) of the owners of the Lots within the Property, such percentage being the required percentage for amending the Declaration.

**NOW, THEREFORE**, the Owners, do hereby consent, approve and accept the following amendments to the Declaration:

1. Article XXXI, Setback Lines, is amended to read, in its entirety, as follows:

"All buildings or other roofed structures, permanent or temporary, habitable or not, must be constructed, placed and maintained in conformity with platted setback lines, and in no event shall any such building or other structure be constructed, placed or maintained nearer to the front Lot line than thirty feet (30'). The front of a primary Dwelling structure shall face the front of a similar structure across the street whenever feasible, and the Architectural Control Committee shall resolve any conflicts arising from this requirement and make the final determination with regard to the orientation of the front of Improvements upon any Lot. No building or other roofed structure shall be located on any Lot nearer than twenty-five feet (25') to any side Lot line adjacent to a street. No building shall be located on any Lot nearer than twenty-five feet (25') to any rear Lot line, except for Lots 1 and 2, which shall have a 35' setback from the rear Lot line. No building shall be located nearer than ten feet (10') to an interior Lot line; provided however, if the Dwelling is located on more than one Lot, this restriction shall not apply to the common Lot line. No permitted outbuilding shall be located nearer than ten feet (10') to a rear Lot line. The setback line requirements herein specified may be waived by the Architectural Control Committee in order to save trees, to promote a unique or advanced building concept or design, or to take into account special or extraordinary characteristics of the Lot or the plan of the Dwelling to be constructed thereon, but only in

the event such waiver will not, in the opinion of such Committee, result in or cause a detriment to adjoining Lots or damage the serenity and beauty of the natural or built surroundings or encroach upon any other Lot, utility easement, or result in any Building being located closer than five feet (5') to a Dwelling or another Lot. The eaves of buildings, fireplaces and steps shall not be deemed to be a part of a building or structure; but covered porches shall be deemed to be a part of a building or structure for the purpose of this covenant. However, in no case should any Improvement (including driveways, but excluding landscaping and fences) be permitted closer than five feet (5') from a property line. Any Owner of two or three adjoining Lots which front on the same street may consolidate such Lots into one single family residence building site (pursuant to Article XXXIX hereof), with the privilege of placing or constructing improvements on such resulting site, in which case setback lines shall be measured from the resulting side property lines rather than from the Lot lines as indicated on the plat or in this Declaration. No more than three adjoining Lots can be so consolidated."

2. Except as modified hereby, all other terms and conditions of the Declaration shall remain in effect and unchanged.

3. Except as otherwise defined herein, all terms used herein shall have the same meaning as they have in the Declaration.

4. This Amendment may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes; such counterparts shall, collectively, constitute one Amendment.

5. The Owners authorize Country Club Estates Joint Venture to file an instrument containing this Amendment in the Office of the County Clerk of Bexar County, Texas.

IN WITNESS WHEREOF, the Owners identified on the attached Signature Pages have executed this Amendment on the dates set forth therein.

**ACCEPTED AND APPROVED:**

THE DOMINION HOMEOWNERS  
ASSOCIATION, INC., a Texas <sup>non-profit</sup> corporation

By: Susan Wright 10-5-99  
Name: Susan Wright  
Title: President

**AFTER RECORDING. RETURN TO:**

Susan Wright, Pres.  
The Dominion Homeowners Association, Inc.  
Ten Dominion Drive  
San Antonio, Texas 78257


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SIGNATURE PAGE

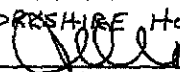
The undersigned are the owners of the following Lots of The Legends at the Dominion Subdivision and do hereby approve, accept and consent to the First Amendment to Declaration of Protective Covenants.

Date: 10/12/99


COUNTRY CLUB ESTATES JOINT VENTURE

By:   
Name: WILLIAM T. ELLIS  
Title: SR. V. P. CONCORD DOMINION CORP., MANAGING VENTURER  
Owner of Lot(s): 32 LOTS TOTAL: LOTS 3, 4, 5, 13, 15-18, 20, 22-24, 30, 34, 37-41, 43, 45-48, 52-54, 56-58, 60, 61

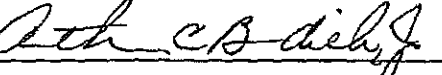
Date: 10/12/99

YORKSHIRE HOLDINGS LTD.  
By:   
Name: JAMES H. EDDY JR  
Title: PRESIDENT  
Owner of Lot(s): 8 & 9

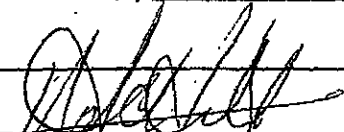
Date: 10/13/99

BURDICK HOMES, LTD.  
By:   
Name: ARTHUR C. BURDICK, JR.  
Title: PRESIDENT  
Owner of Lot(s): 35, 21, 26, 55, 50

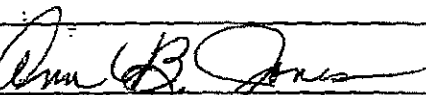
Date: 10/13/99

ARTHUR C. BURDICK, JR  
By:   
Name: \_\_\_\_\_  
Title: OWNER  
Owner of Lot(s): 1

Date: 10/23/99

By:   
Name: W MITCHELL HILL  
Title: NATIONAL DIRECTOR  
Owner of Lot(s): 28

Date: 10/25/99

By:   
Name: ANN B. JONES  
Title: CEO  
Owner of Lot(s): 36

Date: 10-26-99

By: *Kenny Garcia*  
Name: KENNY GARCIA  
Title: \_\_\_\_\_  
Owner of Lot(s): 10

Date: 10/27/99

By: *Jack E. Spirt*  
Name: JACK E. SPIRT  
Title: \_\_\_\_\_  
Owner of Lot(s): 27

Date: 10/27/99

By: *Ken Bridges*  
Name: KEN BRIDGES  
Title: \_\_\_\_\_  
Owner of Lot(s): 14

Date: 11/4/99

By: *Jim Ellis*  
Name: JIM ELLIS  
Title: \_\_\_\_\_  
Owner of Lot(s): 11

Date: 11/8/99

By: *David L. Mann*  
Name: DAVID L. MANN  
Title: \_\_\_\_\_  
Owner of Lot(s): 2 E 49

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Owner of Lot(s): \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Owner of Lot(s): \_\_\_\_\_

**AFFIDAVIT OF WILLIAM T. ELLIS**

STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

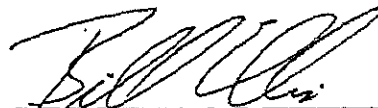
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BEFORE ME, the undersigned authority, on this day personally appeared Affiant, who, being by me duly sworn, on oath stated:

"1. My name is William T. Ellis. I am the Senior Vice President of Concord Dominion Corporation, a Texas corporation, which is the Managing Venturer of Country Club Estates Joint Venture, a Texas joint venture ("CCE"). I am over the age of twenty-one (21). I am of sound mind and capable of making this Affidavit. I am fully competent to testify to, and have personal knowledge of the facts stated herein.

2. CCE and the owners ("Owners") who have executed that certain First Amendment to Declaration of Protective Covenants for The Legends at the Dominion, The Dominion Planned Unit Development (Phase 10A) ("Amendment"), attached hereto and incorporated herein as Exhibit "A", represent at least seventy percent (70%) of the owners of the lots of certain property located at The Legends at the Dominion, The Dominion Planned Unit Development (Phase 10A).

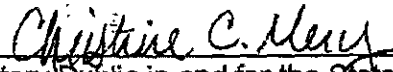
3. As set forth in Section 5 of the Amendment, CCE is authorized to file the Amendment."



William T. Ellis

SUBSCRIBED AND SWORN TO before me on this 9<sup>th</sup> day of November, 1999.



  
Notary Public in and for the State of Texas