

SCANNED



FIRST AMENDMENT OF

**DECLARATION OF AMENDED
COVENANTS, CONDITIONS,
RESTRICTIONS, RESERVATIONS, AND
EASEMENTS OF
THE OWNERS OF LOTS IN THE
SCENIC OAKS SUBDIVISION**



Amendment: January 12, 2009

FIRST AMENDMENT OF DECLARATION OF AMENDED COVENANTS, CONDITIONS,
RESTRICTIONS, RESERVATIONS, AND EASEMENTS OF
THE OWNERS OF LOTS IN THE
SCENIC OAKS SUBDIVISION
TO THE PUBLIC

THE STATE OF TEXAS X

X KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BEXAR X

THAT WHEREAS, the Scenic Oaks Subdivision, Bexar County, Texas, consists of land described and shown by plats recorded in Volume 8500, Pages 186-187, as to Unit I, Bexar County Plat Records; in Volume 8600, Pages 163-164, as to Unit II, Bexar County Plat Records; in Volume 9200, page 152, as to Unit III, Bexar County Plat Records; in Volume 9400, Page 153, as to Unit IV, Bexar County Plat Records; in Volume 9504, Page 110 as to Unit V, Bexar County Plat Records; and in Volume 9513, Page 151, as to Unit VI, Bexar County Plat Records, and

WHEREAS, such Subdivision was previously subject to Declarations of protective covenants, conditions, restrictions, reservations, and easements

(1) recorded in Volume 1456, Pages 509-517, and Volume 2323, Pages 464-477, Official Public Records of Real Property of Bexar County, as to Unit I;

(2) recorded in Volume 1563, Pages 5-13, and Volume 2323, Pages 478-489, Official Public Records of Real Property of Bexar County, as to Unit II;

(3) recorded in Volume 2419, Pages 851-869, Official Public Records of Real Property of Bexar County, as to Unit III;

(4) recorded in Volume 2675, Pages 21-45, Official Public Records of Real Property of Bexar County, as to Unit IV;

(5) recorded in Volume 3046, Pages 1919-1948, Official Public Records of Real Property of Bexar County, as to Unit V;

(6) recorded in Volume 3719, Pages 132-160, Official Public Records of Real Property of Bexar County, as to Unit VI;

(7) recorded in Volume 13450, Page 88, 27 Pages, Official Public Records of Real Property of Bexar County, a complete amended and restatement as to all units; and

WHEREAS, the duly elected Restrictions Committee, in the exercise of its best judgment and discretion, declared that it was of the opinion that this First Amendment of Declaration of Amended Covenants, Conditions, Restrictions, Reservations, and Easements (First Amendment) would be in furtherance of the uniform plan for the development of Scenic Oaks Subdivision, as a prestigious residential subdivision; and

WHEREAS, such First Amendment was duly and properly adopted by vote of the Owners of the Scenic Oaks Subdivision, such vote having been taken in accordance with the legal requirements then in force; and

WHEREAS, the Owners of the Scenic Oaks Subdivision desire to subject the aforementioned real property to such First Amendment herein for the benefit of such property and the present and future owners thereof:

NOW, THEREFORE, it is hereby DECLARED that all of the property described above shall be held, sold, and conveyed subject to the following First Amendment which is for the purpose of protecting the value and desirability of, and which shall run with, such real property; such First Amendment shall be binding on all parties having any right, title or interest in or to the above described property or any part thereof, and their heirs, successors and assigns, and such First Amendment shall inure to the benefit of each owner thereof, and in general will ensure the best use and most appropriate development of such Subdivision; and such DECLARATION shall amend only those portions of the Declaration at (7) above which are contained or described herein.

Article II Section 1, page 7 of the completely amended and restated Declaration at (7) above shall be amended by adding at the end of such Section the following: "...That Committee may require the Owner to deposit cash to secure compliance with this Section, in an amount established by the Association, and forfeitable after a hearing in the event of non-compliance."

Article II Section 8, page 9 of the completely amended and restated Declaration at (7) above shall be amended by deleting from the first line of subsection (c) the words "non-operational vehicles."

Article II Section 30(A)(iv), page 18 of the completely amended and restated Declaration at (7) above shall be amended by adding a semi-colon in the second line between the words "Declaration" and "after."

Article II Section 30(A), page 19 of the completely amended and restated Declaration at (7) above shall be amended by adding a new subparagraph (vi) reading: "The right of the Association to impose a lien on the property of an Owner who fails to pay, within sixty (60) days from the date of imposition, monetary charges (as distinguished from assessments), including penalties and fees, properly imposed by this Article II Section 30(A), or any other part of this Declaration, and to also add to such charges, penalties and fees the other costs and fees found in Article II Section 30(E) and (M)."

CERTIFICATE

I, Sharon Pluchinsky, Secretary of the Scenic Oaks Property Owners' Association, do hereby certify that this First Amendment of Declaration of Amended Covenants, Conditions, Restrictions, Reservations, and Easements of the Owners of Lots in the Scenic Oaks Subdivision was put to a vote of the Association membership, following due notice, and the vote was as follows:

Number of Members in Good Standing in Attendance in Person and by Proxy	Yes Votes	No Votes	Not Voting	Percentage of Members in Good Standing Voting Yes (2/3 voting yes required)
<u>92</u>	<u>92</u>	<u>0</u>	<u>0</u>	<u>100 %</u>

A copy of all such votes are maintained at the office of the Scenic Oaks Property Owners' Association located at 26385 IH-10 West, San Antonio, Texas 78255, mailing address 27000 Hazy Hollow Drive, San Antonio, Texas 78255, and may be reviewed upon reasonable request within three (3) years.

Sharon Pluchinsky
Secretary (Sharon Pluchinsky)

ATTEST:

I, JoAnn Schenker, as President of the Scenic Oaks Property Owners' Association, do hereby certify that Sharon Pluchinsky was the Secretary of such Association at the time this Certification was executed.

JoAnn Schenker
President, (JoAnn Schenker)

Any provision herein which restricts the sale, 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 this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

JAN 15 2009



Gerard Rickhoff
COUNTY CLERK BEXAR COUNTY, TEXAS

Doc# 20090007275 Fees: \$36.00
01/15/2009 2:18PM # Pages 6
Filed & Recorded in the Official Public Records of BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK