

CORPORATE SERVICES,
INC.

AMENDMENT TO
RESTRICTIVE COVENANTS

THE PUBLIC

FIRST AMENDMENT TO
DECLARATIONS AND PROTECTIVE COVENANTS AND RESTRICTIONS

Reference is hereby made to the document entitled "Declaration and Protective Covenants and Restrictions" recorded on 9-26-77, in Book 5 at Pages 23 - 24 of the Plat Records of Val Verde County, Texas, all with respect to the real property described as DIABLO HEIGHTS, and also described as Tracts 5, 7 and 8 and more particularly set forth in the attached Exhibit "A", located in Val Verde County, State of Texas.

The undersigned, being the owners of in excess of fifty-one (51) percent of the said property do hereby modify the covenants contained in said Declarations and Protective Covenants and Restrictions as follows:

Article II, Section 2, is changed to read as follows:

Section 2 The Association may assess from time to time as it may deem fit for the purposes of maintaining the common areas, roads, and for such other purposes as may be necessary for the enjoyment of all tract owners within the Plat. Said assessment charge may be levied by the Association by written notice to be filed in the Deed Records of Val Verde County, Texas, and at the time of said assessment and notification being filed in said Deed Records, said notification shall operate as the retention of a vendor's lien in favor of the Association to secure the payment of any such assessment made. Said vendor's lien is expressly made subject to and subordinate to the creation of purchase money security interests for purchasing said property or mechanic's and materialman's liens given for the purpose of improving said property. In the event of a foreclosure of a purchase money security interest or mechanic's and materialman's liens as described above, said foreclosure will extinguish all pastdue charges for the Association, but will not prevent the accrual of said charges subsequent to the foreclosure.

Provided, however, any assessment by the Association for purposes of maintaining the common areas, roads, and for such other purposes as may be necessary for the enjoyment of all tract owners within the Plat shall not apply to the Texas Veterans' Land Board and any lien for failure to pay an assessment shall be subordinated to the right, title and interest of the Texas Veterans' Land Board, but may apply to the holder of a purchase contract with said Board.

EXECUTED this Fifteenth day of March, 1983

CORPORATE SERVICES, INC.

BY: Thomas S. Smith
Thomas S. Smith, Vice President

STATE OF Texas)
County of Val Verde)

On this day personally appeared before me THOMAS S. SMITH, to me known to be the Vice-President of Corporate Services, Inc., the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary

act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year in this certificate above written.

Lester A. Lamb
NOTARY PUBLIC in and for the State of Texas
Residing at Del Rio, Texas
LESTER A. LAMB

TRACT NO. 5

EXHIBIT A

FIELD NOTES OF A 64.7 ACRE TRACT OF LAND IN SECTIONS 2 and 3, BLOCK 12, I & GN RY COMPANY SURVEY, VAL VERDE COUNTY, TEXAS:

BEGINNING at a copperweld rod set at the southeast intersection of two roads for a corner of this tract, said point being a point of curvature from which point an iron rod and rock mound in the south line of Section 2 and at the northeast corner of Section 3, Block 12, I & GN Ry Company Survey, Val Verde County, Texas bears S05°40'E, 229.1 feet and S88°51'E, 6956 feet;

THENCE southwesterly with a curve to the left, tangent bearing of S84°20'W, Delta Angle = 40°02', Radius = 331.75 feet; a distance of 231.8 feet to a 1/2" iron rod set at a point of tangency;

THENCE S44°18'W with the right-of-way of road, crossing the common line of Sections 2 and 3, 833 feet to a 1/2" iron rod at a point of curvature;

THENCE with curve to the left, Delta Angle = 24°58', Radius = 597.54 feet a distance of 260.38 feet to a 1/2" iron rod at a point of tangency;

THENCE S19°20'W, 399 feet to a 1/2" iron rod at a point of curvature;

THENCE with curve to the right, Delta Angle = 33°04', Radius = 416.87 feet a distance of 240.58 feet to a 1/2" iron rod at a point of tangency;

THENCE S52°24'W, 567.0 feet to a 1/2" iron rod set at a point of curvature;

THENCE with curve to the right, Delta Angle = 35°38', Radius = 391.15 feet a distance of 243.26 feet to a 1/2" iron rod set at a point of tangency;

THENCE S88°02'W, 330 feet to a 1/2" iron rod set at a point of curvature of a Cul-de-sac from which point the radius point of Cul-de-sac bears N88°09'W, 75 feet;

THENCE southwesterly with curve of Cul-de-sac, 107.58 feet to a copperweld rod for a corner of this tract, from which point the Radius point of Cul-de-sac bears N05°58'W, 75 feet;

THENCE S05°58'E, at 134.3 feet pass a copperweld rod, continuing in all 184.3 feet to a point on the 1144.3 foot elevation contour and the boundary of Amistad Reservoir for the southwest corner of this tract;

THENCE easterly following the meanders of said 1144.3 foot elevation contour to a point in the westerly line of a road for the southeast corner of this tract;

THENCE N40°44-1/2'E, with right-of-way road, 215 feet to a 1/2" iron rod at a point of curvature, from which point the southwest corner of this tract bears; N87°15'W, 2167.6 feet;

THENCE with curve to the left, Delta Angle = $34^{\circ}36\frac{1}{2}'$, Radius = 421.47 feet, a distance of 254.58 feet to a $\frac{1}{2}$ " iron rod at a point of tangency;

THENCE $N06^{\circ}08'E$, 754.9 feet to a $\frac{1}{2}$ " iron rod at a point of curvature;

THENCE with curve to the left, Delta Angle = $11^{\circ}48'$, Radius = 1391.52 feet, a distance of 286.58 feet to a $\frac{1}{2}$ " iron rod at point of tangency;

THENCE $N05^{\circ}40'W$, crossing the common line of Sections 2 and 3, 1019 feet to the place of beginning and containing 64.7 acres of land. .

TRACT #7

Exhibit "A"

FIELD NOTES OF A 54.24 ACRE TRACT OF LAND IN SECTION 2 AND 3, BLOCK 12, I & GN RY COMPANY SURVEY, VAL VERDE COUNTY, TEXAS:

BEGINNING at a copperweld rod, set in the west line of a 120-foot wide road and the north line of a 80-foot wide road, for a corner of this tract, from which point the northeast corner of Section 3, Block 12, I & GN Ry Company Survey, Val Verde County, Texas, bears $S05^{\circ}40'E$, 309.1 feet and $S88^{\circ}51'E$, 6956 feet;

THENCE $N05^{\circ}40'W$, with the west line of a road, 200 feet to a $\frac{1}{2}$ " iron rod at a point of curvature;

THENCE northerly with curve to the right, Delta Angle = $22^{\circ}03\frac{1}{2}'$ Radius=829.6 feet, a distance of 219.39 feet to a copperweld rod set for the northeast corner of this tract;

THENCE $S67^{\circ}15'W$, 1175.2 feet to a copperweld rod set for a corner of this tract;

THENCE $N75^{\circ}00'W$, 805.7 feet to a copperweld rod set on the 1144.3 feet elevation contour, in the eastern side of Amistad Reservoir, for the northwest corner of this tract;

THENCE southerly with the 1144.3' elevation contour crossing the common line of Section 2 and 3, to a copperweld rod set on said contour, for a corner of this tract;

THENCE $S11^{\circ}35'W$, 513.0 feet to a copperweld rod set in the north side of an 80-foot wide road for the southwest corner of this tract;

THENCE $N88^{\circ}02'E$ with the north line of road, 404.8 feet to a $\frac{1}{2}$ " iron rod set at a point of curvature;

THENCE northwesterly with curve to the left, Delta Angle = $35^{\circ}38'$, Radius = 311.15 feet, a distance of 193.51 feet to a $\frac{1}{2}$ " iron rod at the point of tangency;

THENCE $N52^{\circ}42'E$, with the road, 567 feet to a $\frac{1}{2}$ " iron rod at point of curvature;

THENCE northwesterly with curve to the left, Delta Angle = $33^{\circ}04'$, Radius = 336.87 feet, a distance of 194.42 feet to a $\frac{1}{2}$ " iron rod set at the point of tangency;

THENCE $N19^{\circ}20'E$, with the road, 399 feet to a $\frac{1}{2}$ " iron rod at a point of curvature;

THENCE northwesterly with the curve to the right, Delta Angle = $24^{\circ} 58'$, Radius = 677.54 feet, a distance of 295.24 feet to a $1/2"$ iron rod set at a point of tangency;

THENCE $N44^{\circ} 18'E$, crossing the common line of Section 2 and 3, 833 feet to a $1/2"$ iron rod at a point of curvature;

THENCE northwesterly with curve to right, Delta Angle = $40^{\circ} 02'$, Radius = 411.75 feet, a distance of 287.7 feet to a point of tangency and the place of beginning, containing 54.24 acres of land.

TRACT #8

FIELD NOTES OF A 58.09 ACRE TRACT OF LAND IN THE WEST PART OF SECTION 2, BLOCK 12, I & GN RY COMPANY SURVEY, VAL VERDE COUNTY, TEXAS:

BEGINNING at a copperweld rod set in the west line of a 120-foot wide road for the northeast corner of this tract, from which point the northeast corner of Section 2, Block 12, I & GN Ry Company Survey, Val Verde County, Texas, bears $N1^{\circ} 09'E$, 823.3 feet and $S88^{\circ} 51'E$, 8374.7 feet;

THENCE $S16^{\circ} 23-1/2'W$, with the west side of road, 1074 feet to a $1/2"$ iron rod set at a point of curvature;

THENCE southerly with curve to the left, Delta Angle = $22^{\circ} 03-1/2'$, Radius = 829.6 feet, a distance of 100 feet to a copperweld rod set for the southeast corner of this tract;

THENCE $S67^{\circ} 15'W$, 1175.2 feet to a copperweld rod for a corner of this tract;

THENCE $N75^{\circ} 00'W$, 805.7 feet to a copperweld rod set on the 1144.3 feet elevation contour, being the east side of Amistad Reservoir, for the southwest corner of this tract, from which point the northwest corner of this tract bears $N24^{\circ} 09'E$, 1908.4 feet;

THENCE northerly with the 1144.3' elevation contour and the east line of Amistad Reservoir to a point in said contour for the northwest corner of this tract;

THENCE $S75^{\circ} 21'E$, at 225.1' pass a copperweld rod, continuing in all 1454.0 feet to the place of beginning, containing 58.09 acres of land.

FILED FOR RECORD THE 9th DAY OF AUGUST, A.D. 1983 AT 3:37 O'CLOCK P. M.

AND DULY RECORDED THE 10th DAY OF AUGUST, A.D. 1983 AT 9:20 O'CLOCK A. M.

Mildred Hildreth
MILDRED HILDRETH, COUNTY CLERK,
VAL VERDE COUNTY, TEXAS.

INSTRUMENT NO. 97366