

AMENDED DECLARATION #2
OF
COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS
FOR THE
WEST VIEW SUBDIVISION, UNIT 3
OF MEDINA COUNTY, TEXAS

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

THAT WHEREAS, MARK & SANDRA, LTD., A TEXAS LIMITED PARTNERSHIP, hereinafter called the Declarant, is the Developer and/or the owner of all that certain real property located in Medina County, Texas described as follows:

WEST VIEW SUBDIVISION, UNIT 3, a subdivision in Medina County, Texas as shown on map or plat of said subdivision of record in Volume 9, Pages 41 – 46, and a vacate and resubdivision plat of certain lots recorded in Volume 9, Page 141 of the Plat Records of Medina County, Texas; and

WHEREAS, the Declarant will or has conveyed lot or lots to purchasers of the described subdivision, subject to certain protective covenants, conditions, easements, restrictions, reservations, as herein before recorded in Volume 527, Page 959 – 967, and amended Declaration #1 recorded in Volume 540, Pages 461-462 in the Official Public Records of Medina County, Texas.

WHEREAS, the Declarant retains the right to amend and/or change the Covenants, Conditions, Restrictions and Reservations of WEST VIEW SUBDIVISION, UNIT 3.

NOW THEREFORE, in accordance with said right, Declarant hereby amends the Covenants, Conditions, Restrictions, and Reservations of WEST VIEW SUBDIVISION, UNIT 3 as follows: It is hereby declared that all lots of WEST VIEW SUBDIVISION, UNIT 3, shall be held, sold and conveyed subject to the Covenants, Conditions, Restrictions, and Reservations of WEST VIEW SUBDIVISION, UNIT 3, and the amendments thereto which are for the purposes of protecting the value and desirability of, and which shall run with, the real property and 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 which covenants, easements, restrictions and reservations shall inure to the benefit of each owner thereof, which covenants, conditions, easements, restrictions and reservations remain in effect and are ratified and republished and amended as follows:

AMENDED RESTRICTIONS – WEST VIEW SUBDIVISION UNIT 3.

Restrictions #1 thru #4: Same as recorded in Volume 527, Pages 959 – 967, in the Official Public Records of Medina County, Texas.

Restriction #5: **ON-SITE CONSTRUCTED HOMES, SIZE AND CONSTRUCTION TIME.** Conventional on-site constructed homes and approved modular homes can be built on all lots in West View Subdivision. West View Subdivision Unit 3, Block 1, Lots 94-128 and Lots 38-60C; and Block 2, Lots 43-60; and Block 5, Lots 1-5 and 18-32 (West View Estates) shall be further restricted and no manufactured homes shall be allowed on these lots. All site-built homes and approved modular homes must be constructed of new materials on committee approved foundations, and exterior construction such as masonry, brick, rock, stucco, hardi-siding, and any other committee approved exterior construction, with quality workmanship and architecturally in harmony with the overall residential scheme of WEST VIEW SUBDIVISION UNIT 3. Each one-story home shall contain a minimum of 1200 square feet of air-conditioned and heated living areas, exclusive of garages, carports, basements, breezeways and open porches. Each two-story home shall contain a minimum of 1400 square feet of air-conditioned and heated living areas, with not less than 1000 square feet in first floor, exclusive of garages, carports, basements, breezeways and open porches. No second hand home or any part thereof may be placed on any lot or tract and no tents, campers, travel trailers or recreational vehicles may

be used as living quarters at any time or during construction of the dwelling. No garage or other outbuildings may be erected except simultaneously with or subsequent to erection of a residence. All homes and improvements, outbuildings, etc. shall be maintained and situated so that their appearance will not be detrimental to the subdivision as a whole. All improvements shall be kept weatherproofed by painting or such other method as may be necessary and appropriate, and none of the improvements shall be allowed to deteriorate to the detriment of the neighborhood as a whole. All dwellings must be completed within nine (9) months after materials are delivered to the site. All plans and specifications are subject to the prior written approval of the Architectural Control Committee.

Restriction #6:

MULTI-SECTIONED MANUFACTURED HOMES, AND MODULAR HOMES. Conventional on-site constructed homes and approved modular homes can be built on all lots in West View Subdivision. Multi-section manufactured homes are permitted in Unit 3, only in Block 1, Lots 18-37, and Block 2, Lots 1A-18. New homes and used homes less than three (3) years of age are acceptable, but all homes, regardless of age or condition, must be approved in writing by the Architectural Control Committee before placement. Homes more than three (3) years old would require a variance as described in Paragraph 43 herein. Also a plot plan showing where the manufactured home improvements will be situated on the lot must be approved in writing by the committee prior to placement or construction. Photographs of all sides and roof and a copy of the Manufactured Home Document of Title must be submitted to the Architectural Control Committee before approval can be considered for used homes and approval shall be granted to used manufactured homes whose condition is of sufficiently high quality as to be almost equivalent to new construction. The committee shall be the sole determinate of the quality of the used homes. All manufactured homes, modular homes, improvements, outbuildings, etc. shall be maintained and situated so that their appearance will not be detrimental to the subdivision as a whole. All improvements shall be kept weatherproofed by painting or such other method as may be necessary and appropriate, and none of the improvements shall be allowed to deteriorate to the detriment of the neighborhood as a whole.

Restrictions #7 thru #30:

Same as recorded in Volume 527, Pages 959-967, in the Official Public Records of Medina County, Texas.

Restriction #31:

RESTRICTION ON FURTHER SUBDIVISION. There shall be no dividing, subdividing or resubdividing, or vacate and replatting of any of the lots in the subdivision into smaller lots or tracts or for the purpose of building a County Road to adjoining property outside of West View Subdivision. All lots in this subdivision shall remain the size platted on the subdivision plat, except that any person owning two or more adjoining lots may consolidate such lots into a single building site. Notwithstanding the above, declarant reserves the right to divide, subdivide or resubdivide, or vacate and replat any lot or lots in the subdivision.

Restrictions #32 thru #43:

Same as recorded in Volume 527, Pages 959-967, in the Official Public Records of Medina County, Texas.

EXECUTED by said Declarant, this 28th day of September, 2005.

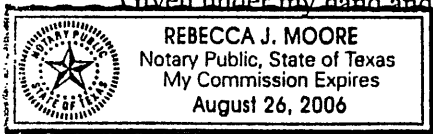
MARK & SANDRA, LTD. (Declarant and Developer)
By: Van's Realty, Inc., the General Partner

By: *Mark Van Overborg*
Mark Van Overborg, Vice-President

STATE OF TEXAS §
COUNTY OF BEXAR §

Before me, the undersigned authority, on this day personally appeared Mark K. Van Overborg, the Vice President of Van's Realty, Inc., the General Partner of MARK & SANDRA, LTD., known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated as the act and deed of said corporation.

Given under my hand and seal of this office this 28th day of September, 2005.



Rebecca Moore
Notary Public in and for Bexar County Texas.

After recording return to:
MARK & SANDRA, LTD.
4242 Medical Drive, Suite 5200
San Antonio, Texas 78229

ANY PROVISION HERE WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW
THE STATE OF TEXAS
COUNTY OF MEDINA

hereby certify that the 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 Medina County, Texas

on
SEP 29 2005



Elva Miranda
COUNTY CLERK
MEDINA COUNTY, TEXAS

FILED IN MY OFFICE
ELVA MIRANDA

SEP 29 '05 PM -4 20

COUNTY CLERK, MEDINA CO.