

36- 0167029
RECORDED BY:
TIGOR TITLE AGENCY
GF NO. AD-11-11

AMENDED AND RESTATED SUPPLEMENTAL RESIDENTIAL DECLARATION
FOR
WESTOVER HILLS - PHASE IV

THIS AMENDED AND RESTATED SUPPLEMENTAL RESIDENTIAL DECLARATION FOR WESTOVER HILLS - PHASE IV (herein called this "Restated Supplemental Declaration") is made to be effective as of the 17th day of October, 1996, by The Wiseman Family Partnership ("Partnership 1"), The Wiseman Family Partnership No. Two ("Partnership 2") (Partnership 1 and Partnership 2 being hereinafter collectively called the "Wiseman Partnerships"), HILL COUNTRY ESTATES JOINT VENTURE, a Texas joint venture ("Declarant") and by MARY ANN SIMPSON, CHARLES W. WISEMAN and JOHN FIELD SCOVELL in their individual capacities as members of the Committee.

WITNESSETH:

WHEREAS, either Declarant or the Wiseman Partnerships are the owner of each of those certain tracts or parcels of land located in Bexar County, Texas, which tracts or parcels of land are more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes (hereinafter called the "Real Property");

WHEREAS, predecessors-in-interest to the Wiseman Partnerships, as the original declarant, have previously placed of record that certain Declaration of Protective Covenants and Performance Standards for Westover Hills Phase IV, dated September 6, 1990, recorded in Volume 4903, Page 1716 of the Real Property Records of Bexar County, Texas (the "Original Declaration"), all capitalized terms used herein and not otherwise defined shall have the meaning ascribed to them in the Original Declaration;

WHEREAS, predecessors-in-interest to the Wiseman Partnerships, as the original declarant, and Declarant have supplemented the Original Declaration with that certain Supplemental Residential Declaration for Westover Hills Phase IV, dated effective as of September 22, 1994, recorded in the Real Property Records of Bexar County, Texas (the "Original Supplemental Declaration");

WHEREAS, predecessors-in-interest to the Wiseman Partnerships and Declarant have further supplemented the Original Declaration with that certain First Amendment and Supplement to Declaration of Protective Covenants and Performance Standards for Westover Hills - Phase IV, that certain Second Supplement to Declaration of Protective Covenants and Performance Standards for Westover Hills - Phase IV, that certain Third Supplement to Declaration of Protective Covenants and Performance Standards for Westover Hills - Phase IV, and that certain Fourth Supplement to Declaration of Protective Covenants and Performance Standards for Westover Hills - Phase IV, all dated effective as of September 22, 1994, recorded in the Real Property Records of Bexar County, Texas (the Original Declaration, the Residential Supplement

After Recording Return to:
Brown, McCarroll and Oaks Hartline
300 Crescent Ct. Ste. 1400
Dallas, TX 75201-6929

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and the foregoing amendments and supplements thereto are sometimes collectively referred to herein as, the "Restrictions");

WHEREAS, Section 11.9 of the Original Declaration permits the Declarant to add additional restrictions to the Real Property which address the use of the Real Property for Residential purposes;

WHEREAS, Article X of the Original Declaration provides that the Original Declaration may be modified or amended by recording an amendment executed by the Committee and the Declarant and Declarant desires to amend and restate the Original Supplemental Declaration with this Restated Supplemental Declaration;

WHEREAS, approval of this Restated Supplemental Declaration by the Committee is evidenced by the execution hereof by a majority of its members; and

WHEREAS, Declarant intends that portions of the Real Property be developed as single-family residential subdivisions; and

WHEREAS, Declarant (with the approval of the Wiseman Partnerships and the Committee) desires to amend and restate the Original Supplemental Declaration in its entirety with this Restated Supplemental Declaration.

NOW, THEREFORE, Declarant (with the approval of the Wiseman Partnerships and the Committee) hereby declares as follows:

1. Those covenants and guidelines attached hereto as Exhibit "B" (the "Residential Guidelines"), shall be added to the Original Declaration and Design Guidelines, but shall be applicable to Residential lots only. Notwithstanding the foregoing (except as expressly provided herein to the contrary), the terms and provisions of the Original Declaration and Design Guidelines shall continue to be applicable to Residential lots, as supplemented by the Residential Guidelines.

2. The following provisions contained in the Original Declaration shall not be applicable to Residential lots:

(i) Section 4.1 (regarding a 40% coverage test); and

(ii) Section 5.1.2 (regarding landscaped areas).

3. Section 4.2.1 of the Original Declaration shall be amended to provide for a twenty foot (20') minimum set back for any side or rear property line for Residential lots.

4. The following provisions contained in the Design Guidelines shall not be applicable to Residential lots:

- (i) Architectural Design Guideline A. 1-1 (regarding a 40% coverage test);
- (ii) Architectural Design Guideline H. 8-5 (requiring 90% masonry or glass construction); and
- (iii) Landscape Guideline B. 12-1 (regarding landscaped areas).

5. Architectural Design Guideline B. 2-1 contained in the Design Guidelines shall be amended to provide for a twenty foot (20') minimum set back for any side or rear property line for Residential lots.

6. Architectural Design Guideline B. 2-5 contained in the Design Guidelines shall be amended, with respect to Residential lots only, to provide for a fifteen foot (15') minimum set back for any side property line on corner lots. The minimum side set back shall remain twenty feet (20') for any Non-Residential corner lot.

7. Exhibit B to the Design Guidelines shall be replaced in its entirety by Exhibit "C" attached hereto.

8. The following provision is applicable to all Residential lots:

Easement for Adjacent Golf Course. An easement is hereby granted by Declarant to the Owner of the Golf Course Tract ("Grantee") its guests, invitees, agents and employees, to permit the doing of every act necessary and usual to the playing of golf on the golf course owned by Grantee (the "Golf Course") adjacent to the Property and to permit the doing of every act necessary and usual to maintaining the Golf Course. Golf will be played on the Golf Course and there is a likelihood that golf balls struck by players will enter upon portions of the Property adjacent or contiguous to the Golf Course. Grantee is granted an easement in the entire airspace above, and upon such portions of the Property. The easement reserved is appurtenant to the Golf Course. The easement shall permit the flight of golf balls through the air over the Property and the entry of golf balls upon and/or across the Property. The easement shall also permit the creation of the usual and common noise level associated with the playing of the game of golf and driving and use of machinery and equipment used in connection with maintaining the Golf Course. Noise may occur throughout the day from early morning until late evening. The easement shall not permit the entry upon the property or contiguous or adjacent portions of the Property by any individual, for any purpose including, but not limited to, the retrieval of golf balls. Nothing herein contained shall be construed so as to limit the construction of Improvements on the Golf Course, or any use or enjoyment of the Golf Course.

Neither Declarant, the Association, nor Grantee, nor any invitee of Grantee shall be liable or responsible for claims, liabilities, losses, damages, or costs arising out of the personal injury or property damage to any person or property caused by the permitted flight and entry of golf balls, except that the foregoing shall not be deemed to release the liability of any

individual for his/her own conduct in placing the golf ball in flight, if undertaken with a wanton or reckless disregard for the probability of serious injury or property damage.

9. All of the restrictions, covenants, easements, conditions, development standards, charges, liens and all of the terms and provisions contained in the Original Declaration and the Design Guidelines, as modified and amended herein, shall be applicable to all portions of the Real Property, including those developed for Residential purposes. The Original Declaration and the Design Guidelines, except as expressly modified and amended herein, remains in full force and effect and are hereby ratified and confirmed.

IN WITNESS WHEREOF, Declarant, the Wiseman Partnerships and the requisite members of the Committee have caused this instrument to be executed effective as of the day and year first above written.

SEE ATTACHED SIGNATURE PAGES

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DECLARANT:

HILL COUNTRY ESTATES JOINT VENTURE,
a Texas joint venture

By: Woodbine/Legacy Trails, Ltd.,
a Texas limited partnership,
its managing joint venturer

By: Woodbine Investment Corporation,
a Texas corporation,
its sole general partner

By: *R. Gregory Mowatt*
Name: R. GREGORY MOWATT
Title: SENIOR VICE PRESIDENT

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COMMITTEE:

John Field Scovell
JOHN FIELD SCOVELL *CA#*

Mary Ann Simpson
MARY ANN SIMPSON

Charles R. Wiseman
CHARLES R. WISEMAN

THE WISEMAN FAMILY PARTNERSHIP
a Texas general partnership

By: *Charles R. Wiseman*
Charles R. Wiseman, General Partner

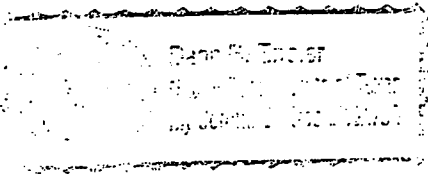
THE WISEMAN FAMILY PARTNERSHIP
NO. TWO, a Texas general partnership

By: *Charles R. Wiseman*
Charles R. Wiseman, General Partner

Y01 6 9 1 9 Pg 2 0 6 8

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

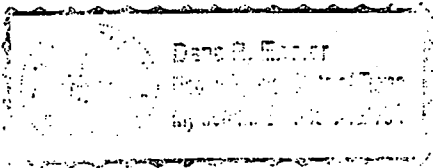
This instrument was acknowledged before me on the 17th day of October, 1996, by MARY ANN SIMPSON in her individual capacity.



Dana B. Eppler
Notary Public, State of Texas
Notary's Printed Name:

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

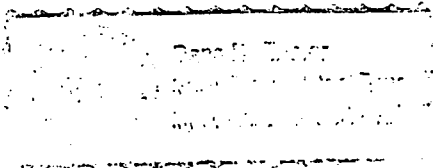
This instrument was acknowledged before me on the 17th day of October, 1996, by CHARLES R. WISEMAN in his individual capacity.



Dana B. Eppler
Notary Public, State of Texas
Notary's Printed Name:

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 17th day of October, 1996, by JOHN FIELD SCOVELL in his individual capacity.

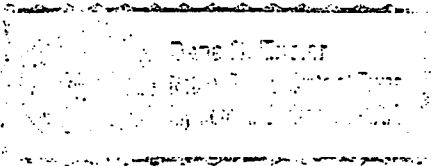


Dana B. Eppler
Notary Public, State of Texas
Notary's Printed Name:

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STATE OF TEXAS §
 §
COUNTY OF DALLAS §

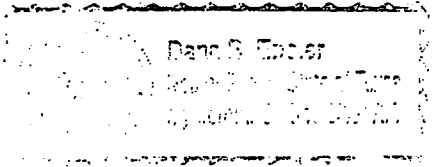
This instrument was acknowledged before me on the 17th day of October, 1996, by B. Gregory Nowatt, Sr. Vice President of Woodbine Investment Corporation, a Texas corporation and the sole general partner of Woodbine/Legacy Trails, Ltd., a Texas limited partnership and the managing venturer of Hill Country Resort Estates Joint Venture, a Texas joint venture, on behalf of said corporation, partnership and joint venture.



Dana B. Eppler
Notary Public, State of Texas
Notary's Printed Name:

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

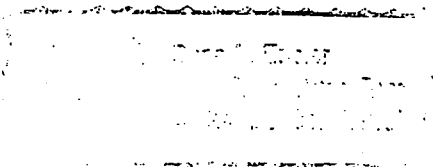
This instrument was acknowledged before me on the 17th day of October, 1996, by CHARLES R. WISEMAN, general partner of THE WISEMAN FAMILY PARTNERSHIP, a Texas general partnership.



Dana B. Eppler
Notary Public, State of Texas
Notary's Printed Name:

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

This instrument was acknowledged before me on the 17th day of October, 1996, by CHARLES R. WISEMAN, general partner of THE WISEMAN FAMILY PARTNERSHIP NO. TWO, a Texas general partnership.



Dana B. Eppler
Notary Public, State of Texas
Notary's Printed Name:

YOL 6919 PG2070

EXHIBIT "A"

Property

51.25 acre tract of land being out of the B.B.B. and C.R.R. Company Survey No. 403, Abstract No. 100, County Block 4419, the J.V. Dignowity Survey No. 404, Abstract 1039, County Block 4397, and the B.B.B. and C.R.R. Company Survey No. 402, Abstract 101, County Block 4398, and also being out of a 774.16 acre tract of land as recorded in Volume 2955, Pages 1174 through 1186 of the Real Property Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

- BEGINNING:** At a point for the northeast corner of the herein described tract of land, said point also being in the west right-of-way line of Hunt Lane, Westover Hills Subdivision Unit-14, as approved by the City of San Antonio Planning Commission on January 5, 1990, for the P.C. of a curve to the right which bears S 36°25'46" E, a distance of 174.86 feet to the P.C. of a curve to the right with a central angle of 00°57'32", a radius of 3,088.53 feet, a chord bearing of S 54°31'46" E, a chord distance of 51.69 feet, and an arc length of 51.69 feet from the Point of Intersection of the west right-of-way line of Hunt Lane with the south right-of-way line of Westover Hills Boulevard as recorded in Westover Hills Subdivision Unit-1A, Volume 9511, Pages 40 through 45 of the Deed and Plat Records of Bexar County, Texas;
- THENCE:** Along the west right-of-way line of Hunt Lane with said curve to the right whose elements are a central angle of 26°55'07", a radius of 3,088.53 feet, a chord bearing of S 22°00'40" E, a chord distance of 1,437.75 feet, and an arc distance of 1,451.06 feet to a point for the P.R.C. of a curve to the left;
- THENCE:** Continuing along the west right-of-way line of Hunt Lane with said curve to the left whose elements are a central angle of 07°14'25", a radius of 2,980.36 feet, a chord bearing of S 12°10'19" E, a chord distance of 376.36 feet, and an arc length of 376.61 feet to a point for the P.T. of this curve;
- THENCE:** N 86°27'59" W, departing the west right-of-way line of Hunt Lane a distance of 804.83 feet to an angle point;
- THENCE:** S 77°07'18" W, a distance of 732.09 feet to an angle point;
- THENCE:** N 23°48'23" W, a distance of 430.42 feet to an angle point;
- THENCE:** N 02°31'09" W, a distance of 676.09 feet to an angle point;
- THENCE:** N 24°02'27" W, a distance of 223.67 feet to an angle point;
- THENCE:** N 65°38'20" E, a distance of 387.90 feet to an angle point;

Field Notes for
51.25 Acre Tract
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THENCE: N 65°36'24" E, a distance of 922.30 feet to the POINT OF BEGINNING and containing 51.25 acres (2,232,525 square feet) of land, more or less, in Bexar County, Texas.

PREPARED BY: PAPE-DAWSON CONSULTING ENGINEERS, INC.
JOB NO.: 2780-21-05
DATE: August 31, 1990
DOC ID: 831/6

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A 45.82 acre tract being out of the J.V. Dignowity Survey No. 404, Abstract No. 1039, County Block 4397, the B.B.B. and C.R.R. Company Survey No. 402, Abstract No. 101, County Block 4398, and also being out of a 774.16 acre tract as recorded in Volume 2955, Pages 1174 through 1186 of the Real Property Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

- BEGINNING:** At a point in the north right-of-way line of Military Drive West, Westover Hills Subdivision Unit-14, as approved by the City of San Antonio Planning Commission on January 5, 1990, for the P.C. of a curve to the left which bears S 48°21'35" W, a distance of 34.70 feet from the point of intersection of the aforementioned north right-of-way line of Military Drive West with the west right-of-way line of Hunt Lane, Westover Hills Subdivision Unit-14, as approved by the City of San Antonio Planning Commission on January 5, 1990;
- THENCE:** Along the north right-of-way line of Military Drive West with said curve to the left whose elements are a central angle of 12°53'23", a radius of 2,321.73 feet, a chord bearing of S 41°54'53" W, a chord distance of 521.21 feet, and an arc length of 522.31 feet to the P.T. of this curve;
- THENCE:** S 35°28'12" W, continuing along the north right-of-way line of Military Drive West, a distance of 995.80 feet to an angle point;
- THENCE:** N 25°52'34" W, departing the north right-of-way line of Military Drive West, a distance of 786.93 feet to an angle point;
- THENCE:** N 40°29'12" W, a distance of 713.37 feet to an angle point;
- THENCE:** N 15°22'21" W, a distance of 478.86 feet to an angle point;
- THENCE:** N 73°20'50" E, a distance of 627.39 feet to an angle point;
- THENCE:** S 25°43'41" E, a distance of 121.80 feet to an angle point;
- THENCE:** S 85°47'49" E, a distance of 222.00 feet to an angle point;
- THENCE:** N 52°33'38" E, a distance of 609.49 feet to a point being in the aforementioned west right-of-way line of Hunt Lane for the P.C. of a curve to the left;
- THENCE:** Along the west right-of-way line of Hunt Lane with said curve to the left whose elements are a central angle of 12°08'11", a radius of 2,980.36 feet, a chord bearing of S 27°27'43" E, a chord distance of 630.13 feet, and an arc length of 631.31 feet to the P.T. of this curve;

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Field Notes for
45.82 Acre Tract
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- THENCE: S 33°31'48" E, continuing along the west right-of-way line of Hunt Lane, a distance of 391.88 feet to a point for the P.C. of a curve to the right;
- THENCE: Along said curve to the right whose elements are a central angle of 81°53'23", a radius of 40.00 feet, a chord bearing of S 07°24'53" W, a chord distance of 52.43 feet, and an arc length of 57.17 feet to the POINT OF BEGINNING and containing 45.82 acres (1,995,828 square feet) of land, more or less, in Bexar County, Texas.

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PREPARED BY: PAPE-DAWSON CONSULTING ENGINEERS, INC.
JOB NO.: 2780-21-05
DATE: August 31, 1990
DOC ID: 831/6

A 21.82 acre tract of land being out of the B.B.B. and C.R.R. Company Survey No. 256, Abstract No. 102, County Block 4394, the B.B.B. and C.R.R. Company Survey No. 402, Abstract 101, County Block 4398, and also being out of a 774.16 acre tract of land as recorded in Volume 2955, Pages 1174 through 1186 of the Real Property Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING: At a point in the north right-of-way line of Military Drive West, Westover Hills Subdivision Unit-14, as approved by the City of San Antonio Planning Commission on January 5, 1990, for the southwest corner of the herein described tract of land which bears N 46°52'26" E, a distance of 38.74 feet to a point for the P.C. of a curve to the right with a central angle of 16°21'14", a radius of 1,532.18 feet, a chord bearing of N 55°03'03" E, a chord distance of 435.85 feet, and an arc length of 437.33 feet from the point of intersection of the aforementioned north right-of-way line of Military Drive West with the east right-of-way line of Rogers Road, Westover Hills Subdivision Unit-15, as approved by the City of San Antonio Planning Commission on January 5, 1990;

THENCE: N 46°11'01" W, departing the north right-of-way line of Military Drive West, a distance of 750.54 feet to an angle point;

THENCE: N 61°29'18" E, a distance of 818.56 feet to an angle point;

THENCE: S 73°27'08" E, a distance of 419.14 feet to an angle point;

THENCE: N 79°54'07" E, a distance of 530.79 feet to an angle point;

THENCE: S 63°37'28" E, a distance of 329.85 feet to a point being in the north right-of-way line of Military Drive West for the P.C. of a curve to the right;

THENCE: Along the north right-of-way line of Military Drive West with said curve to the right whose elements are a central angle of 21°25'47", a radius of 2,047.00 feet, a chord bearing of S 56°45'18" W, a chord distance of 761.17 feet, and an arc length of 765.62 feet to a point for the P.T. of this curve;

THENCE: S 67°28'12" W, continuing along the north right-of-way line of Military Drive West, a distance of 712.28 feet to a point for the P.C. of a curve to the left;

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THENCE: Continuing along the north right-of-way line of Military Drive West with said curve to the left whose elements are a central angle of $04^{\circ}14'32''$, a radius of 1,532.18 feet, a chord bearing of $S 65^{\circ}20'56'' W$, a chord distance of 113.42 feet, and an arc length of 113.44 feet to the POINT OF BEGINNING and containing 21.82 acres (950,679 square feet) of land, more or less, in Bexar County, Texas.

PREPARED BY: PAPE-DAWSON CONSULTING ENGINEERS, INC.
JOB NO.: 2780-21-05
DATE: August 31, 1990
DOC ID: 831/1

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Being a 5.696 acre tract of land out of B.B.B. & C.R.R. Co. Survey No. 402, Abstract 101, County Block 4398, Bexar County, Texas, the said 5.696 acre tract of land being a portion of a 774.16 acre tract of land described on Exhibit "A", as recorded in Volume 9555, Pages 1174 through 1186 of the Official Real Property Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING: At a point in the northwest corner of the said 774.16 acre tract of land, and proceeding along the following course:

S 27°20'38" E, a distance of 2,007.56 feet to the northeast corner and POINT OF BEGINNING of the herein described tract of land;

THENCE: S 52°22'02" E, a distance of 430.42 feet to an angle point;

THENCE: S 38°42'27" E, a distance of 368.18 feet to an angle point;

THENCE: S 38°34'24" W, a distance of 452.58 feet to an angle point;

THENCE: N 24°15'35" W, a distance of 939.40 feet to an angle point;

THENCE: N 63°55'19" E, a distance of 108.07 feet to the POINT OF BEGINNING, and continuing 5.696 acres (248,102 square feet) of land, more or less, in Bexar County, Texas.

Being a 4.868 acre tract of land out of B.B.B. & C.R.R. Co. Survey No. 402, Abstract 101, County Block 4398, Bexar County, Texas, the said 4.868 acre tract of land being a portion of a 774.16 acre tract of land described on Exhibit "A", as recorded in Volume 9555, Pages 1174 through 1186 of the Official Real Property Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING: At a point in the northwest corner of the said 774.16 acre tract of land, and proceeding along the following course:

S 24°15'35" E, a distance of 261.54 feet to the northwest corner and POINT OF BEGINNING of the herein described tract of land;

THENCE: S 13°32'56" E, a distance of 491.14 feet to an angle point;

THENCE: S 01°45'24" E, a distance of 310.06 feet to an angle point;

THENCE: S 75°33'51" W, a distance of 130.42 feet to angle point;

THENCE: N 24°15'35" W, a distance of 855.35 feet to an angle point;

THENCE: N 83°31'30" E, a distance of 355.44 feet to the POINT OF BEGINNING, and containing 4.868 acres (212,057 square feet of land, more or less, in Bexar County, Texas.

A 0.608 acre tract of land out of B.B.B. & C.R.R. Co. Survey No. 402, Abstract 101, County Block 4398, Bexar County Texas, the said 0.608 acre tract of land being a portion of a 774.16 acre tract of land described on Exhibit "A", as recorded in Volume 9555, Pages 1174 through 1186 of the Official Real Property Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING: At a point in the northwest corner of the said 774.16 acre tract, and proceeding along the following course:

N 65°38'20" E, a distance of 902.21 feet to the northwest corner and POINT OF BEGINNING of the herein described tract of land;

THENCE: N 65°38'20" E, a distance of 958.73 feet to an angle point;

THENCE: S 278°33'07" W, a distance of 86.62 feet to an angle point;

THENCE: S 68°48'03" W, a distance of 408.30 feet to an angle point;

THENCE: S 69°18'05" W, a distance of 483.86 feet to the POINT OF BEGINNING, and containing 0.608 acre (26,476 square feet) of land, more or less, in Bexar County, Texas.

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Being a 0.167 acre tract of land out of B.B.B. & C.R.R. Co. Survey No. 402, Abstract 101, County Block 4398, Bexar County, Texas, the said 0.167 acre tract of land being a portion of a 774.16 acre tract of land described on Exhibit "A", as recorded in Volume 9555, Pages 1174 through 1186 of the Official Real Property Records of Bexar County, Texas, and being more particularly described by metes and bounds as follows:

- BEGINNING:** At a point in the northwest corner of the said 774.16 acre tract of land, said point also being the northwest corner of the herein described tract of land;
- THENCE:** N 65°38'20" E, a distance of 285.30 feet to an angle point;
- THENCE:** S 45°49'02" W, a distance of 84.93 feet to an angle point;
- THENCE:** S 65°04'55" W, a distance of 205.46 feet to an angle point;
- THENCE:** N 24°15'35" W, a distance of 30.80 feet to the POINT OF BEGINNING, and containing 0.167 acre (7,271.668 square feet) of land, more or less, in Bexar County, Texas.

ML 6919 PG 2080

EXHIBIT "B"

Residential Guidelines

HILL COUNTRY ESTATES LANDSCAPE COVENANTS

A. Screening and Fences:

1. **Open Storage:** No outside open storage will be permitted unless properly screened as approved in writing by the Committee.

2. **Screening of Equipment and Objects:** Maintenance facilities, all exterior utility meters, transformers heating and air conditioning equipment, and other exterior mechanical equipment based on any Lot shall either be housed in closed buildings or otherwise completely screened from public view (including view from any street, the golf course, or an adjacent Lot) in a manner and at locations approved in writing by the Committee and architecturally compatible with the residences to which such exterior mechanical equipment relates. For purposes of screening ground mounted equipment, fences or shrubbery which within two (2) years or less from the time of planting will grow to at least the height of the equipment to be screened shall be acceptable.

3. **Golf Course Frontage Fences:** Any fences constructed along golf course boundary lines shall have stone columns with wrought iron panels whose center line shall be located one foot (1') off the property line. No gates allowing access to the golf course are permitted. Specifications for the design of and materials for such fences constructed along golf course boundary lines shall be as indicated on the attached Exhibit "C", or as may be further modified or required under varying circumstances by Declarant, its successors or assigns. Any such fences shall comply with such specifications, shall be situated immediately adjacent to such boundary lines and shall be maintained in good condition by the owners of the respective Lots on which such fences are situated.

4. **All Other Fences:** Subject to the remaining terms of this subpart 4, all other fences shall be constructed of brick, stone, decorative metal, redwood, cedar, spruce, or a combination thereof, unless approved in writing by the Committee. Chain link or wire fences shall not be permitted unless screened from street and golf course view and approved in writing by the Committee. Unless approved in writing by the Committee, no rear fences which face the golf course shall be constructed, except for the golf course frontage fence described above. Unless otherwise approved by the Committee, any wooden yard fences must be constructed of cedar wood, redwood, or spruce wood, provided that all fences visible from the street, the golf course or any public area within the subdivision (other than the golf course frontage fence described above) shall be constructed of cedar wood or redwood. All wooden yard fences must be maintained in good condition at all times. Wooden side yard fences shall be constructed of 4" x 4" posts or metal posts spaced a maximum of 8'-0" on center. The face must consist of 1" x 4" boards butt-jointed. Top of fence shall either be horizontal (i.e. "stepped" on slopes)

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or be sloped to match the slope of the ground by topography. The finished fence side shall face the exterior of the Lot in cases where the Committee, in its sole discretion, determines that the side yard fence is visible from the street. Unless otherwise approved in writing by the Committee, side yard fences that are constructed within ten feet (10') of the golf course boundary line must be constructed per the attached Exhibit "C". No fences shall exceed six feet (6') in height unless otherwise provided herein or previously approved in writing by the Committee. No fence or gate used to close the area between a perimeter wall and a residence may be taller than the perimeter wall, and shall be held back a minimum of three feet (3') from the front face of the residence. Wood fences shall not be painted but may be stained only upon written approval of the Committee.

5. **Protective Screening:** Protective screening may be permitted on the rear of Lots adjoining the golf course, but only with prior written approval of the Committee.

6. **Driveways and Parking Areas:** Driveways and parking areas shall be paved with reinforced concrete, brick, concrete paving stone or natural stone, in accordance with specifications subject to and approved by the Committee in writing. All driveways shall be a minimum width of twelve (12) feet unless otherwise approved by the Committee in writing. All parking on a Lot adjacent to the golf course shall be screened from view. Trailers (including boat trailers), campers, motor homes, pickup coaches, tents and boats must be stored completely within garages.

7. **Garbage Containers:** No Lot or residence shall be used or maintained as a dumping ground for rubbish, trash or garbage. All garbage shall be kept in sanitary containers. Garbage containers shall be stored in the garage unless screened from public view on at least three (3) sides by the use on any combination of walls, fences, or shrubs. Plastic bags shall be used for the purposes of curbside garbage pick up; use of other containers is prohibited. Garbage shall not be put at curbside for collection until the designated morning of pick-up.

B. Landscaping:

1. **Plans:** All landscaping plans for the front yard of any Lot or front and side yards of corner Lots shall be subject to approval in writing by the Committee. The Builder or Lot Owner shall submit a landscape plan containing the following: street address; date; scale; north arrow; dimensions of the Lot; easements and setbacks; house plan; driveway; sidewalk; any other constructed site feature; identification and location of proposed plant material; and description of plant materials including name, quantities, container or caliper size. Once approved, no changes in the landscape scheme for a Lot will be made without prior written approval by the Committee. Front and applicable side yard landscapes shall be installed at the time of construction of the residence. Rear yards of residences on Golf Course Lots must be included in the landscape plan and installed at the same time as construction of the residence. Notwithstanding Section 5.1.6 of the Original Declaration, landscape plans need not be prepared by a professional landscape architect.

2. **Landscape Treatment:** Landscape treatment of each site shall be in the form of grass lawn, ground covers, shrubs, flowering trees, and shade trees. Design of the front yard landscape shall provide for visual and physical continuity between lots. Mass plantings of free flowing or naturally arranged plant materials are to be used. Plant materials will be of sufficient quantity to present a fully landscaped appearance upon initial installation.

3. **Existing Trees:** Existing trees on a Lot shall be preserved. Builders shall use reasonable efforts to preserve all trees with a caliper of four inches (4") or greater. Tree protection shall be accomplished by the following:

- (A) A fence or other barrier must be erected and maintained around trees to be preserved until construction is complete to protect the tree or group of trees root protection zone.
- (B) During construction, no excess soil, additional fill, equipment, liquids, or construction debris shall be placed inside the fence nor shall any soil be removed from within the barrier.
- (C) The proposed finished grade and elevation of land within the root protection zone of any tree to be preserved shall not be raised or lowered more than three inches (3"). Welling and retaining methods are allowed outside the root protection zone.
- (D) The root protection zone for each preserved tree must remain unpaved.

The root protection zone is defined as an area with a radius of one foot (1') for each inch of trunk diameter measured at four and one-half feet (4'-6"), above existing grade. The zone need not be exactly centered around the tree or be circular in shape, but it should be positioned so that no disturbance occurs closer to the tree than one-half the radius of the zone or within five feet (5') of the tree whichever is less. For any tree, the zone need not exceed two thousand (2,000) square feet in size.

4. **Trees:** A minimum of one (1) tree with a minimum of four inch (4") caliper trunk (measured six inches (6") off of the ground), and being either a Texas Red Oak, Live Oak, or Cedar Elm, shall be planted in the front yard or back yard of each Lot where no existing trees are preserved. At least one (1) of such trees will be planted in the front yard if no existing trees are preserved on that lot in the front yard. If an existing tree is preserved in the front yard of a Lot, no additional shade trees are required. At least one (1) Texas Red Oak, Live Oak, or Cedar Elm will be planted in the back yard if no existing trees are preserved on that lot in the back yard. If an existing tree is preserved in the back yard of a Lot, no additional shade trees are required. Willows, Sycamores, Cottonwoods, Mulberries, Mimosas, Silverleaf Maples, Firs, Spruces, or Poplars shall not be permitted to be planted on a Lot.

5. **Shrubs:** Shrubs used for screening, foundation planting, and accent areas shall match native (existing) species or be compatible with existing environmental and ecological

conditions, and shall complement native species. Photinia, Euonymus, Elaeagnus, Pampassgrass, Chinese Holly, Juniper, Araborvitae, Dwarf Nandina, Oleander, or Primrose Jasmine shall not be planted in any front yard, side yard, or Lot which is visible from the golf course. Refer to the attached plant list for recommended plant species.

6. **Grass (Sod) and Ground Cover:** All sites shall have properly maintained grass or ground cover covering that portion of the site visible from the street, the golf course or any Common Area.

7. **Irrigation Systems:** All Lots which have a Golf course adjacency shall include an automatic underground irrigation system along the golf course adjacency designed to insure the viability of existing and newly planted vegetation.

8. **Installation:** All irrigation and landscaping required under this Section shall be installed by the builder at the time of and in conjunction with the construction of a residence on a Lot, and shall thereafter be maintained by the Owner of the Lot.

9. **Landscape Maintenance:** All landscaped areas shall be maintained in a quality manner at all times. Trees, shrubs, vines and plants on any Lot, along subdivision perimeter screening walls or at the entrance which die shall be promptly removed and replaced within thirty (30) days, or as soon as practicable allowing for the seasons of the year, but in no event later than one hundred eighty (180) days. Any such required removal and replacement along the area perimeter screening walls or at an entrance shall be performed by and at the expense of the Property Owner's Association, its successors and assigns.

10. **Retaining Walls:** Retaining walls may be employed only to achieve even grades for pools, driveways, tree preservation, or house foundations. Such retaining walls must be constructed of masonry (brick, stone, or stucco) which is consistent with the overall appearance of the residence. Tops of retaining walls shall be level. Walls will be of mortared-type construction. No dry stack walls will be permitted. Stone walls which have mortar raked back to give a dry stack appearance will be permitted.

11. **Grading:** Where erosion is expected to occur due to excessively sloping terrain, and where a retaining wall is not used, solid sod pegged into the soil shall be used to ensure stability of the slope.

12. **Vacant Lots:** Any Lot or portion thereof which is held for future expansion or left vacant for any other reason must be kept mowed, must be edged along the curb of the street and must be kept free of trash and debris.

C. Swimming Pools, Hot Tubs, Spas, Jacuzzi and Whirlpools:

No above-ground outdoor swimming pools shall be permitted. Fences with gates will be required to be installed so as to completely enclose all outdoor swimming pools, hot tubs, spas, jacuzzi and whirlpools, as required by the City of San Antonio. All pool service equipment shall be located in the side yard unless other placement is approved in writing by the Committee. All pool service equipment, wherever located, shall be appropriately screened by fences, walls or shrubbery. Fences or walls must be made of materials compatible with those of the residence, and be of a height equal to the height of the tallest pool equipment to be screened. Shrubby must be at least equal to the height of the tallest pool equipment to be screened at the time of planting.

D. Mailboxes:

A clustered mailbox system will be provided by Declarant as required for residential subdivisions by the U.S. Postal Service, but the design, materials and location(s) must be approved in writing by the Committee.

E. Exterior Illumination:

1. **Street Lights:** Street lights shall be installed on all private streets. All such street lights shall be of a color, type, and size as approved by the Committee.

2. **Light on Lots:** All exterior lighting shall be designed, erected, altered and maintained in accordance with plans and specifications submitted to and approved in writing by the Committee. Lighting shall be compatible and harmonious throughout the entire development and shall be in keeping with the specific function served. All exterior yard illumination shall be tree or ground or mounted mercury vapor bullet shaped, shielded fixtures, or ground or tree mounted low voltage MR - Halogen type lights. No colored lighting, other than swimming pool, hot tub, jacuzzi and whirlpool lighting and Christmas lighting, will be permitted unless approved in writing by the Committee. All exterior lighting shall be oriented in such a manner so as not to cause unreasonable light intrusion into adjacent Lots.

F. Exterior Structures and Recreational Equipment:

No gazebo, pool pavilion, trellis, porch, greenhouse, storage shed, playground equipment, basketball goal or other similar structure and no recreational equipment shall be erected, constructed or placed upon any Lot or dwelling without the prior written approval of the Committee.

G. Exterior Sculpture and Like Accessories:

No exterior sculpture, fountains, flags (except as noted below) and like accessories shall be erected, constructed or placed on any Lot or dwelling without the prior written approval of the

Committee. Notwithstanding the foregoing, United States or Texas state flags may be displayed on flagpoles that are mounted on the primary residential structure on a Lot so long as they do not extend above the primary roof line.

HILL COUNTRY ESTATES ARCHITECTURAL COVENANTS

A. Building Orientation:

Unless otherwise approved in writing by the Committee, buildings on Lots adjoining any portion of a golf course fairway between the tees and the green shall be oriented with the direction of play so as minimize damage from golf balls, including minimizing the number of windows on walls facing the tees. Building orientation shall respect all street and golf course frontage as well as the pedestrian circulation routes. All elevations of all buildings shall have a finished architectural facade. Every residence on a corner Lot, or Lot which has street frontage on two sides, shall face on the street designated by the Committee, and shall present a consistent appearance on the other street on which it is located.

B. Building and Paving Setback Lines:

1. No structures of any kind, except for steps, walks, driveways, landscaping, swimming pools, signs or mailboxes, shall be placed with the Building Setback Lines (hereinafter defined) without the prior written approval of the Committee. Unless otherwise approved in writing by the Committee or further restricted by Building Setback Lines on the subdivision plat, the setbacks shall be as follows:

- (A) Front Building Setbacks on all Lots shall be twenty (20) feet from the street right-of-way. To avoid inappropriate orientation of houses on cul-de-sac Lots, the front facade of all houses built on cul-de-sac Lots must be located at, and not behind, the twenty (20) foot Front Building Setback line unless specifically approved by the Committee.
- (B) Side Building Setbacks on all Lots shall be five (5) feet, except when a street is at the side of a residence, in which case the Side Building Setbacks shall be fifteen (15) feet.
- (C) For all Lots that do not back up to a perimeter street frontage wall, the Rear Building Setbacks shall be fifteen (15) feet and shall be measured from the rear property line. For all Lots that back up to a perimeter street frontage wall, the Rear Building Setbacks shall be twenty (20) feet and shall be measured from the inside of such wall (not from the column in such wall). For buildings with detached garages, the Rear Building Setbacks for detached garages only shall be five (5) feet and shall be measured from the rear property line.

2. No paving shall be placed within the Paving Setback Lines described below:
 - (A) Front Paving Setbacks (except for sidewalks and driveway approaches) on all Lots shall be ten (10) feet.
 - (B) Rear Paving Setbacks for Lots shall be either: (i) for Lots adjoining the golf course, ten (10) feet from the rear property line; or (ii) for Lots adjoining the perimeter street frontage screening wall along Military Drive West or Hunt Lane shall be five (5) feet from such screening wall.

C. Building Standard and Construction Requirements:

1. **Objective.** The objective in building standards is to obtain consistency and quality in architectural design to protect and enhance values in Legacy Trails. In order to maintain consistency, yet permit interest and variety and the use of new materials as they may develop, all architectural designs, including those for alterations, additions or remodeling, are subject to review and approval of the Committee; provided, however, the committee shall have the right, in its sole discretion, to delegate in writing any of its architectural design approval rights to any architectural control committee hereafter established by the Property Owners Association.

2. **Construction.**

(A) **Elevations:** No building facade (elevation) may be repeated on a Lot within five (5) Lots on either side of the street. Unless otherwise approved in writing by the Committee, the total facade wall area of each building constructed on a Lot adjacent to streets, golf course, or backing up to Military Drive West or Hunt Lane, including, but not limited to, chimney flues, shall be not less than 100% masonry (brick, stone, or stucco); provided, windows, doors and gables shall be excluded from the calculation of the total exterior wall area; and further provided that Hardiplank is an approved cladding material for chimney flues and further provided that Hardiplank is also approved as facade material on second story areas that are not located substantially above a structural component of the first floor such that a masonry facade on the second story would be inadequately supported. Additionally, unless otherwise approved in writing by the Committee, the total exterior wall area of each building constructed on a Lot, including, but not limited to, chimney flues, shall be not less than 75% (or a higher percentage if required by the City of San Antonio) masonry (brick, stone, or stucco); provided, windows, doors and gables shall be excluded from the calculation of the total exterior wall area. The entire exterior vertical surfaces of all chimneys visible from Military Drive West or Hunt Lane, backing up to the golf course, or facing a street shall be constructed of masonry unless otherwise approved in writing by the Committee.

Masonry colors shall be earth tone, ranging from limestone cream to dark tan. White, grey, pink, and red masonry colors will not be permitted.

(B) **Roofs:** Unless otherwise approved in writing by the Committee the pitch of all roof slopes visible on the front elevation of a house constructed on a Lot shall be a minimum of 7'/12'. The pitch of all other roof slopes shall be a minimum of 5'/12'. All roofs shall be constructed or covered with minimum 26 gauge galvanized metal roof or 25-year composition shingle (meaning having a manufacturer's warranty of at least 25 years) with a weight of at least 240 pounds per 100 square feet and of a color as approved by the Committee. All roof stacks and flashing must be painted to match the roof color.

(C) **Drains, Gutters, and Downspouts:** Installation of roof drains, gutters and/or downspouts, or other drainage conveyances is encouraged on all structures. No water shall be directed onto adjoining Lots or onto the golf course.

(D) **Roof Equipment:** No cooling towers, fans, heating and air conditioners, communication towers or any other structures or equipment shall be located on the roof, with the exception of vents and skylights which may be located on the roof if architecturally compatible with the residence and approved in writing by the Committee.

(E) **Doors:** Front entry doors shall be wood slab or paneled in typical situations. Factory finished metal front doors comparable to wood must be approved in writing by the Committee, except that embossed metal "Acclaim" doors that are painted and textured to resemble painted or stained wood may be used without specific Committee approval in Unit 1A and Unit 3. Sliding doors of wood or aluminum, with glass panels may be used in special areas at patios and in other areas such as porches, but must be screened from view.

(F) **Windows:** Windows shall be wood (or factory or job-finished painted metal or Vinyl clad windows comparable in design to wood), double or single hung, casement or projecting windows. Glass shall be clear or slightly grey tinted. Bronze and reflective glass will not be permitted.

(G) **Address Plates:** Each residence shall have an address plate or numerals whose total area is not larger than one (1) square foot.

(H) **Garages:** Each residence shall include a garage for a minimum of two (2) conventional automobiles, except in cases where the total Lot frontage is less than sixty five (65') feet where a minimum one (1) space garage may be provided. Said garage must conform in design and materials with the main structure of the residence. The garage may be attached to or detached from the residence. The side of any detached garage facing the street and all other sides of such garage visible from the street shall be constructed of 100% brick, unless otherwise approved by the Committee. All garage doors shall be closed at all times when not in use. Garage entrances may face the front property line or the side property line of the Lot. Garages constructed on Lots adjoining the golf course shall not be permitted to face the golf course unless screened in a manner approved in writing by the Committee. Carports will not be permitted.

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(I) **Paint:** All painted improvements and other painted structures on each Lot shall be repainted by the Owner thereof at his sole cost and expense as often as is reasonably necessary to insure the attractiveness and anesthetic quality of such Lot and improvement. All such repainting shall be to the same color, scheme and arrangement as the original paint unless otherwise approved in writing by the Committee.

(J) **Community Antenna Television Systems (CATV):** Each residential unit shall be wired at the time of initial construction to accept community antenna television, and in a manner compatible with the system used by the major provider of such community antenna television services within the City of San Antonio.

(K) **Finished Floor Elevation:** The minimum finished floor elevation for all buildings shall not be less than the minimum elevation as may be specified on the subdivision plat, unless otherwise approved in writing by the City of San Antonio and the Committee.

(L) **Building Height and Size:** No residence constructed on any Lot shall exceed two (2) stories in height, and no residence constructed on any Lot shall contain less than 1,800 square feet of floor area, exclusive of garage area, porches or breezeways unless approved in writing by the Committee.

(M) **House Heights on Golf Course Lots:** The following is a table of Golf Course Lots showing the number of habitable floors a residence on that Lot may have.

UNIT - 1, Block 1

Lot #	# of Levels
15	1
17	1
18	2
19	2
20	2
22	1
23	1

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UNIT - 1, Block 2

Lot #	# of Levels
1	1
7	1
8	1
15	1

UNIT - 2A, Block 2

Lot #	# of Levels
13	2
14	2
15	2
16	2
17	2
25	2
26	2
33	2
34	2
41	2
42	2

(N) **Roadside Lots:** Any residence which is built on a Lot adjacent to Military Drive West or Hunt Lane in UNIT - 1, UNIT - 2A, or UNIT - 3A will not exceed one level unless approved by the Committee.

(O) **Interior Lots:** Two level residences may be built on Lots in UNIT - 1, UNIT - 2A, or UNIT - 3A which are not listed above.

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EXHIBIT "C"

Replacement for Exhibit B to the
Design Guidelines

GOLF COURSE AND SIDE YARD FENCES

All rear fences adjacent to the Golf Course and side yard fences perpendicular to the Golf Course for a distance of ten feet (10') from the rear property line shall be constructed according to the details shown in sketches contained within this Exhibit, which call for natural limestone columns with iron fence panels. The columns shall be equally spaced across the back (i.e. golf course frontage) property line with an average spacing not greater than twenty feet (20') and shall be centered one foot (1') inside the property line (i.e., not on the Golf Course property); provided, however, that for Residential lots there shall be no minimum spacing for columns on the golf course fence. Column spacing shall be so arranged to result with a column located wherever a side lot line meets the Golf Course corridor. Fence panel supports shall be placed in concrete piers of twelve inch (12") minimum diameter with a minimum depth of two feet (2'). Stone column piers and/or foundation pads are to extend to a minimum depth of five feet (5') or into bedrock, whichever is lesser, and are to contain a minimum of four (4) #6 rebars in a square cage. All final structure is to be designed by a professional engineer before submission to the Committee for review.

The rear most TEN FEET (10') of side yard fences shall comply with the details above and shall be located within the easement shown.

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 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:

Filed for Record in:
BEXAR COUNTY, TX
GERRY RICKHOFF, COUNTY CLERK

On Oct 31 1996

At 4:30pm

Receipt #: 265652
Recording: 49.00
Doc/Mgmt: 6.00

Doc/Num : 96- 0167029

Deputy -Catherine Revilla

NOV 04 1996



Gerry Rickhoff

COUNTY CLERK BEXAR COUNTY, TEXAS

RECORDER'S MEMORANDUM

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

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