

FIRST AMENDMENT TO
CONDOMINIUM DECLARATION
FOR
CAPISTRANO CONDOMINIUMS

468813

STATE OF TEXAS §
COUNTY OF BEXAR §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Ciudad de California, Inc., a Texas corporation, executed that certain Condominium Declaration for Capistrano Condominiums, on July 13, 1982, hereinafter called "Declaration", which Declaration was filed in Volume 8, page 631 of the Condominium Records of Bexar County, Texas; and

WHEREAS, Declarant, being the sole owner of Units within the Condominium, desires to amend Paragraph 2.11 of the Declaration to provide that the property described in Exhibit "D" attached to the Declaration may be annexed in several stages.

NOW THEREFORE, in consideration of the premises, Declarant, being the sole owner of Units in Capistrano Condominiums, hereby amends paragraph 2.11 of the Declaration as follows:

2.11 RESERVATION OF RIGHT OF MERGER AND ANNEXATION.

a. For a period of five (5) years from the date of recordation of this Declaration, the Declarant reserves the right, authority and power to annex additional tracts out of the adjoining land described in the attached Exhibit "D" for the purpose of establishing, annexing and merging additional Condominium Regimes. It is contemplated that Declarant will annex approximately fifty four (54) additional Units to the Project, but nothing contained herein shall restrict Declarant to this number of Units or obligate Declarant to annex this number of Units. The respective Regimes may be created simultaneously or staggered and, notwithstanding Paragraph 2.10 hereof, shall conform in basic respects to the general restrictions, limitations and benefits contained in this Declaration. The intended improvements in the future annexation tracts must be substantially completed prior to annexation. Upon the recordation of Condominium Declaration Supplements or

VOL
8
PAGE 853

Declarations of Annexation and Merger in compliance with Paragraph 2.11, this Declaration shall further apply to and affect all of the Property described in this Declaration and the Property described in such Declaration Supplements or Declarations of Annexation and Merger, and shall also bind all Owners of any part of the subsequent Regimes with the same effect as if the Regimes were originally subject to and described in this Declaration. Thereafter, the powers and responsibilities of the Board and Association shall be coextensive with regard to all Property included within the expanded Condominium and the Board and Association shall, pursuant to the provisions of this Declaration, constitute the Board and Association for the entire Condominium, as expanded. The rights, obligations and duties of each Owner shall be the same and identical to the rights, obligations and duties of the Owners prior to recordation of such Declaration Supplements or Declarations of Annexation and Merger, except as each Owner's percentage or fraction of ownership interest may be modified as herein provided.

b. The Association shall continue to maintain one (1) Common Expense Fund for the collection and disbursement of monies as required and permitted hereby for the maintenance, repair, replacement and operation of the expanded Condominium and in all respects and meanings, the Condominium, as expanded, shall be deemed to be a single Condominium Project for the purposes of and in accordance with the provisions of this Declaration and the Act.

c. Any annexation and merger shall entail Buildings, amenities and Units of comparable design, size and quality and shall be accomplished by the filing of appropriate Declaration Supplements or Condominium Declarations of Annexation and Merger. Said documents shall be recorded in the Condominium Records of Bexar County, Texas, which will, inter alia:

- (1) Be executed by only the Declarant or its successors or assigns;
- (2) Contain a legal description of the land to be annexed to the Condominium;
- (3) Contain a sufficient description of the Units built or to be built on the annexed land;

VOL.

854

(4) Contain a reallocation of percentage or fraction of ownership interest in the Common Areas (as expanded by annexation) among all Units in the Condominium. Such reallocation will be calculated by determining the square footage of the individual Units in proportion to the new total square footage of all the Units; and

(5) Any other information required by law or necessary to effectuate the intent of this Article.

d. This Declaration, including, but not limited to this Paragraph 2.11, does not presently create any interest in or with respect to the Property shown as Exhibit "D" which may be annexed, and this Declaration shall not affect in any manner all or any part of such Property unless and until a Supplemental Declaration or Declaration of Annexation and Merger is filed thereto in accordance with this Paragraph 2.11.

IN WITNESS WHEREOF, the Declarant has caused this instrument to be signed, sealed and delivered by its proper corporate officers and its corporate seal to be affixed, this 26 day of July, 1982.

CIUDAD DE CALIFORNIA, INC.

By:

William T. Harris
William T. Harris, President

ATTEST:

Alvin A. Strubbe
Secretary

VOL 8 PAGE 555

THE STATE OF TEXAS §
COUNTY OF BEXAR §

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared William T. Harris, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 28th day of July, A.D., 1982.



Karen L. Traeger
Notary Public in and for
Bexar County, Texas
KAREN L. TRAEGER
My Commission expires:
7-30-85

FILED IN MY OFFICE
ROBERT D. GREEN
COUNTY CLERK BEXAR CO.
1982 AUG 3 PM 4:14

STATE OF TEXAS
COUNTY OF BEXAR

I hereby certify that this instrument was filed on the date and at the time stamped hereon by me and was duly RECORDED in the Volume and Page of the RECORDS of Bexar County, Texas as stamped hereon by me.

CORD

RETURN TO:
STEWART TITLE COMPANY
DORNAK



AUG 5 1982

Robert D. Green
COUNTY CLERK
BEXAR COUNTY, TEXAS

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