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AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR NAPA OAKS SUBDIVISION, UNITS 1 AND 2 TO CORRECT SCRIVENER'S ERROR

STATE OF TEXAS §
§
COUNTY OF BEXAR §

ERECORDED BY
ALAMO TITLE COMPANY

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR NAPA OAKS SUBDIVISION, UNIT 1 AND 2 TO CORRECT SCRIVENER'S ERROR is made this 15th day of February, 2011 by NAPA OAKS S.A., Ltd., a Texas limited partnership ("Developer"), intended to be effective November 25, 2009.

W I T N E S S E T H:

A. WHEREAS, Developer filed that certain Declaration of Covenants, Conditions and Restrictions for Napa Oaks Subdivision Unit 1 on November 25, 2009, as Document No. 20090228974 in the Official Public Records of Bexar County, Texas (the "Declaration") establishing certain land use restrictions for property more particularly described therein; and

B. WHEREAS, Section 10.02. Developer's Exemption. of the Declaration provides that the Developer has the right to amend the Declaration; and

C. WHEREAS, the second paragraph of Section 4.03 contained a scrivener's error, which the Developer wishes to correct,

NOW THEREFORE, Developer hereby declares that the Declaration be amended as follows:

1. ARTICLE IV. PROPERTY RIGHTS IN THE COMMON AREA AND COMMON FACILITIES. Section 4.03 Title to Common Areas of the Declaration is hereby deleted and restated in its entirety as follows:

Section 4.03. Title to Common Areas. The Association shall accept conveyance from the Developer of, and own, all Common Areas in fee simple and assume all maintenance obligations with respect to any Common Areas which may be established. Once the Association member uses a facility intended for the HOA, the HOA accepts the amenity, "as is" with all faults, and shall maintain the facility. From and after the date on which title to any Common Area vests in the Association, the Association shall purchase and carry a general comprehensive public liability insurance policy for the benefit of the Association and its members, covering occurrences on the Common Areas. The policy limits shall be determined by the Board of Directors of the Association. The Association shall use its best efforts to see that such policy shall contain, if available, cross-liability endorsements or other appropriate provisions for the benefit of members, Directors and the management company retained by the Association (if

any), insuring each against liability to each other insured as well as third parties. Developer shall not be responsible to the HOA for any defect or warranty for any common area amenity.

The Association shall not convey or mortgage any Common Area without the consent of the Owners of two-thirds or more of the Lots.

2. The Declaration, as amended herein, is ratified and affirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned being the Developer under the Declaration has hereunto set its hand this 15th day of February, 2011, intended to be effective November 25, 2009.

Developer

NAPA OAKS S.A., LTD., a Texas limited partnership

By: Trinity Oaks, Inc., a Texas Corporation

By: _____
James Japhet, its President

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BEFORE ME, the undersigned authority, on this personally appeared JAMES JAPHET, President of Trinity Oaks, Inc., a Texas Corporation, General Partner of NAPA OAKS S.A., LTD., a Texas Limited Partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the foregoing for the purposes therein expressed and in the capacity therein stated.

_____
Notary Public, State of Texas

After Recording Return to:

Napa Oaks S.A., Ltd.
3619 Paesanos Pkwy #210
San Antonio, Texas 78231

SUSAN J. BRAUN
Notary Public, State of Texas
My Commission Expires
October 20, 2013

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e-Filed & e-Recorded in the
Official Public Records of
BEXAR COUNTY
GERARD RICKHOFF COUNTY CLERK

Fees 20.00

STATE OF TEXAS
COUNTY OF BEXAR
This is to Certify that this document
was e-FILED and e-RECORDED in the Official
Public Records of Bexar County, Texas
on this date and time stamped thereon.
02/15/2011 16:48:20 PM
COUNTY CLERK, BEXAR COUNTY TEXAS

