

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SAN CLEMENTE ESTATES (A Residential Subdivision)

STATE OF TEXAS)
COUNTY OF EL PASO)

THIS AMENDMENT (this "Amendment") is made effective the 13th of Nov, 2008, by SKY MOUNTAIN ESTATES - EL PASO I, LTD., a Texas limited partnership and SKY MOUNTAIN ESTATES - EL PASO II, LTD., a Texas limited partnership (collectively the "Declarant"), for the purpose of amending and supplementing that certain Declaration of Covenants, Conditions and Restrictions dated May 3, 2003, filed for record in Volume 4574, Page 854, Real Property Records of El Paso County, Texas; as amended by that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions dated December 15, 2003, recorded in Volume 4786, Page 1323, Real Property Records, El Paso County, Texas; and further amended by Amended and Restated Declaration of Covenants, Conditions and Restrictions dated March 14, 2005, recorded under Document No. 20050022005, Real Property Records, El Paso County, Texas (collectively the "Declaration"), which Declaration establishes covenants, conditions and restrictions for San Clemente Estates, a subdivision in the City of El Paso, El Paso County, Texas, according to the map thereof on file in Volume 78, Page 52, Plat Records of El Paso County, Texas (the "Subdivision"). All capitalized words used in this Amendment shall have the meanings ascribed to them in the Declaration unless otherwise stated herein.

WHEREAS, the Declaration, as amended, provides that at any time prior to the Conversion Date (as defined in the Declaration); the Declarant, without the consent of the Lot Owners who are Class A Members of the Association (as defined in the Declaration) may amend the Declaration to add to the Property (as defined in the Declaration) that certain parcel of real property described in Exhibit "B" attached hereto; and

WHEREAS, the Declarant desires to amend and supplement the Declaration as hereinafter provided;

NOW, THEREFORE, the undersigned Declarant hereby amends and supplements the Declaration as follows:

- 1. Article I., Section 7. is amended to read as follows:

“Section 7. “Declarant” shall mean and refer collectively to SKY MOUNTAIN ESTATES – EL PASO I, LTD., its successors and assigns and SKY MOUNTAIN ESTATES – EL PASO II, LTD., its successors and assigns, for the purpose of sale and/or development.”

2. Article I., Section 15. is amended to read as follows:

“Section 15. “Property” shall mean the real property described on the Plat of San Clemente containing 49.895 acres, recorded under Document No. 20030053322, Plat Records, El Paso County, Texas, as described in Exhibit “A” attached hereto and the real property described on the Plat of San Clemente Unit 2 containing 41.0454 acres, recorded under Document No. 20070028965, Plat Records, El Paso County, Texas, as described in Exhibit “B” attached hereto.

3. All the other provisions of the Declaration remain in full force and effect and unchanged by this Amendment

IN WITNESS THEREOF, the undersigned being the Declarant herein has hereunto set its hand this 15 day of NOV, 2008.

SKY MOUNTAIN ESTATES – EL PASO
I, LTD., a Texas limited partnership

By: SKYSTONE, LLC
General Partner

By: _____
RICHARD THOMAS, Manager

SKY MOUNTAIN ESTATES – EL PASO
II, LTD., a Texas limited partnership

By: SKYSTONE, LLC
General Partner

By: _____
RICHARD THOMAS, Manager


STATE OF TEXAS
COUNTY OF EL PASO

§
§
§

BEFORE ME, the undersigned, a Notary Public in and for said County and on this day personally appeared RICHARD THOMAS known to me to be the person and Manager of SKYSTONE, LLC the General Partner of SKY MOUNTAIN ESTATES – EL PASO I, LTD., and SKY MOUNTAIN ESTATES – EL PASO II, LTD., both Texas limited partnerships, whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of executed the same as the General Partner of SKY MOUNTAIN ESTATES – EL PASO I, LTD. and SKY MOUNTAIN ESTATES – EL PASO II, LTD. for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office, this the 18 day of November, 2008.





Notary Public, State of Texas

Sky Mountain / Amendment to Declaration 11/2008

SAN CLEMENTE
BEING A PORTION OF H G FOSTER SURVEY
261 AND E D STRONG SURVEY 217,
CITY OF EL PASO, EL PASO COUNTY, TEXAS
CONTAINING 49 895 ACRES

CONSISTING OF,

LOTS 1,2,3,4,5,6 7 8 9 10,11 12,13 14,15 16,17,18,19,20,21,22,23 & 24; BLOCK ONE

LOTS 1,2 3 4 5 6 7 8 9 10,11 12 13 14,15 16 & 17 BLOCK TWO

LOTS 1 2 3 4 5 6 7 8,9 10 11,12 & 13, BLOCK THREE;

THE STREETS THEREIN A 18 866 ACRE TRACT OF COMMON OPEN SPACE
AREA AND A 3 813 ACRE TRACT OF COMMON OPEN SPACE AREA ALSO
CONTAINED THEREIN AND FURTHER DESCRIBED BY METES AND BOUNDS
AS FOLLOWS

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EXHIBIT A

pg 1

DESCRIPTION OF A 18.866 ACRE TRACT
(COMMON OPEN SPACE)

A tract of land situate within the corporate limits of City of El Paso, El Paso County, Texas as a portion of H O Foster Survey 201, and being more particularly described as follows to wit:

COMMENCING at the east right-of-way line of Stanton Street for the northwest corner of proposed San Clemente, whence a city monument found at the intersection of Stanton Street and Festival Drive bears N09°00'05"W, 461.06 feet; Thence, leaving said right-of-way line of Stanton Street S.90°00'00"E, 10.13 feet to the POINT OF BEGINNING,

- Thence, S.90°00'00"E., 2226.62 feet for the northeast corner of the tract herein described;
- Thence, S.00°00'00"W., 1090.16 feet for the southeast corner of the tract herein described;
- Thence, N.89°57'23"W., 375.48 feet for an angle point of the tract herein described;
- Thence, N.00°00'00"E., 280.00 feet for an angle point of the tract herein described;
- Thence, N.89°57'23"W., 177.24 feet for an angle point of the tract herein described;
- Thence, N.44°57'23"W., 16.97 feet for an angle point of the tract herein described;
- Thence, N.00°02'37"E., 119.30 feet for an angle point of the tract herein described;
- Thence, S.73°40'40"W., 131.14 feet for an angle point of the tract herein described;
- Thence, S.82°02'04"W., 190.99 feet to a point of curvature;
- Thence, along a curve to the right having a radius of 19.00 feet, a central angle of 86°08'27", an arc length of 29.23 feet, and whose long chord bears N.53°53'42"W, 26.43 feet to a point of tangency;
- Thence, N.09°49'29"W., 82.99 feet for an angle point of the tract herein described;
- Thence, S.79°09'50"E., 10.00 feet for an angle point of the tract herein described;
- Thence, N.10°50'10"E., 10.00 feet for an angle point of the tract herein described;
- Thence, S.79°09'50"E., 9.70 feet for an angle point of the tract herein described;
- Thence, N.10°50'10"E., 30.00 feet for an angle point of the tract herein described;
- Thence, N.79°09'50"W., 20.85 feet for an angle point of the tract herein described;
- Thence, N.10°50'10"E., 10.00 feet for an angle point of the tract herein described;
- Thence, N.79°09'50"W., 16.75 feet to the beginning of a non-tangent curve to the left;
- Thence, along a curve to the left having a radius of 116.00 feet, a central angle of 28°24'50", an arc length of 57.53 feet, and whose long chord bears N.40°28'57"W, 56.84 feet to the end of said non-tangent curve to the left;
- Thence, N.50°30'25"W., 30.26 feet to the beginning of a non-tangent curve to the left;
- Thence, along a curve to the left having a radius of 122.00 feet, a central angle of 31°28'59", an arc length of 67.04 feet, and whose long chord bears N.64°45'18"W, 66.20 feet to a point of tangency;
- Thence, S.79°30'13"W., 65.00 feet for an angle point of the tract herein described;
- Thence, N.10°29'47"W., 13.00 feet for an angle point of the tract herein described;
- Thence, N.79°30'13"E., 267.24 feet for an angle point of the tract herein described;
- Thence, N.90°00'00"E., 282.44 feet for an angle point of the tract herein described;
- Thence, N.44°14'01"E., 111.50 feet for an angle point of the tract herein described;
- Thence, N.00°35'20"E., 72.73 feet for an angle point of the tract herein described;
- Thence, S.89°24'40"E., 116.44 feet for an angle point of the tract herein described;
- Thence, S.00°00'00"E., 135.00 feet for an angle point of the tract herein described;
- Thence, S.89°24'40"E., 160.01 feet for an angle point of the tract herein described;

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EXHIBIT A

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- Thence, N.00°00'00"W., 180.00 feet for an angle point of the tract herein described;
 - Thence, N.69°24'40"W., 138.60 feet for an angle point of the tract herein described;
 - Thence, N.00°00'00"E., 150.09 feet for an angle point of the tract herein described;
 - Thence, N.75°34'27"W., 162.11 feet for an angle point of the tract herein described;
 - Thence, N.90°00'00"W., 470.00 feet for an angle point of the tract herein described;
 - Thence, S.78°45'38"W., 236.26 feet for an angle point of the tract herein described;
 - Thence, S.83°17'27"W., 201.38 feet for an angle point of the tract herein described;
 - Thence, S.77°36'07"W., 200.88 feet for an angle point of the tract herein described;
 - Thence, N.71°48'33"W., 202.14 feet for an angle point of the tract herein described;
 - Thence, N.00°00'00"W., 17.06 feet for an angle point of the tract herein described;
 - Thence, N.58°24'19"W., 112.71 feet for an angle point of the tract herein described;
 - Thence, N.78°13'54"W., 98.08 feet for an angle point of the tract herein described;
 - Thence, N.90°00'00"W., 100.82 feet for an angle point of the tract herein described;
 - Thence, S.00°13'29"E., 144.87 feet to the beginning of a non-tangent curve to the left;
 - Thence, along a curve to the left having a radius of 240.00 feet, a central angle of 04°25'53", an arc length of 18.56 feet, and whose long chord bears S.73°49'05"W., 18.56 feet to a point of reverse curvature;
 - Thence, along a curve to the right having a radius of 15.00 feet, a central angle of 20°58'58", an arc length of 7.85 feet, and whose long chord bears S.86°35'38"W., 7.78 feet to the beginning of a non-tangent curve to the left;
 - Thence, along a curve to the left having a radius of 504.61 feet, a central angle of 04°48'50", an arc length of 42.10 feet, and whose long chord bears N.31°59'01"W., 42.09 feet to a point of reverse curvature;
 - Thence, along a curve to the right having a radius of 455.00 feet, a central angle of 25°22'38", an arc length of 201.52 feet, and whose long chord bears N.21°41'06"W., 199.88 feet to the POINT OF BEGINNING;
- Said tract containing 18.866 acres more or less

RECORDED IN PUBLIC RECORDS

Isaac Comacho, TXRPLS NO. 5337

PREPARED BY:
BROCK & BUSTILLOS
417 Executive Center Blvd.
El Paso, Texas 79902
(915) 542-4900
Job No. E8392-01

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EXHIBIT *A* **93**

**POOR QUALITY ORIGINAL
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DESCRIPTION OF A 3.813 ACRE TRACT
(COMMON OPEN SPACE)

A tract of land situated within the corporate limits of City of El Paso, El Paso County, Texas as a portion of M G Foster Survey 261, and a portion of E.D. Strong Survey 217 and being more particularly described as follows to wit:

BEGINNING at a point for the northwest corner of the tract herein described, whence a city monument found at the intersection of Stanton Street and Festival Drive bears N34°25'34"W, 1386.84 feet;

Thence, S.90°00'00"E., 234.42 feet for an angle point of the tract herein described;

Thence, N.00°00'00"E., 83.82 feet for an angle point of the tract herein described;

Thence, N.79°30'13"E., 3.00 feet for an angle point of the tract herein described;

Thence, S.10°29'47"E., 15.00 feet for an angle point of the tract herein described;

Thence, N.79°30'13"E., 10.00 feet for an angle point of the tract herein described;

Thence, N.10°29'47"W., 15.00 feet for an angle point of the tract herein described;

Thence, S.79°30'13"E., 235.02 feet to a point of curvature;

Thence, along a curve to the right having a radius of 84.00 feet, a central angle of 85°45'24", an arc length of 99.40 feet, and whose long chord bears S.67°37'05"E., 91.20 feet to the end of said curve to the right.

Thence, N.79°09'50"W., 18.18 feet for an angle point of the tract herein described;

Thence, S.10°50'10"W., 30.00 feet for an angle point of the tract herein described;

Thence, S.79°09'50"E., 37.85 feet for an angle point of the tract herein described;

Thence, S.09°48'23"E., 105.81 feet to a point of curvature;

Thence, along a curve to the right having a radius of 19.00 feet, a central angle of 87°26'40", an arc length of 29.00 feet, and whose long chord bears S.33°53'51"W, 26.26 feet to a point of reverse curvature;

Thence, along a curve to the left having a radius of 766.00 feet, a central angle of 04°15'09", an arc length of 56.85 feet, and whose long chord bears S.75°29'37"W, 56.84 feet to the end of said curve to the left.

Thence, N.17°00'24"W., 15.02 feet for an angle point of the tract herein described;

Thence, S.72°59'36"W., 10.00 feet for an angle point of the tract herein described;

Thence, S.17°00'24"E., 15.02 feet to the beginning of a non-tangent curve to the left;

Thence, along a curve to the left having a radius of 766.00 feet, a central angle of 13°49'21", an arc length of 164.60 feet, and whose long chord bears S.65°42'29"W, 164.35 feet to the end of said non-tangent curve to the left;

Thence, N.31°34'37"W., 15.02 feet for an angle point of the tract herein described;

Thence, S.58°25'23"W., 10.00 feet for an angle point of the tract herein described;

Thence, S.31°34'37"E., 15.02 feet to the beginning of a non-tangent curve to the left;

Thence, along a curve to the left having a radius of 766.00 feet, a central angle of 20°10'52", an arc length of 269.81 feet, and whose long chord bears S.47°57'29"W, 268.41 feet to the end of said non-tangent curve to the left;

Thence, N.52°30'22"W., 15.02 feet for an angle point of the tract herein described;

Thence, S.37°29'38"W., 10.00 feet for an angle point of the tract herein described;

Thence, S.52°30'22"E., 15.02 feet to the beginning of a non-tangent curve to the left;

Thence, along a curve to the left having a radius of 766.00 feet, a central angle of 00°47'47", an arc length of 10.65 feet, and whose long chord bears S.36°43'17"W, 10.65 feet to the end of said non-tangent curve.

Thence, S.36°19'25"W., 21.98 feet for an angle point of the tract herein described;

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Thence, S 63°08'17"W 127.51 feet to an angle point of the tract herein described;

Thence, N 00°00'00"E, 434.72 feet to the POINT OF BEGINNING;

Said tract containing 3.813 acres more or less

Case Carrecho, TXRPL6 NO. 5337

PREPARED BY
BROCK & BUSTILLOS
417 Executive Center
E Paso, Texas 79002
(915) 542-4900
Job No. E6382-01

TO THE PUBLIC RECORDS

FILED
JUL 15 1993
COUNTY CLERK
EL PASO COUNTY, TEXAS

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EXHIBIT A

Notary Public in and for the State of Texas My Comm. Expires 08/15/94

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EXHIBIT "B"

SAN CLEMENTE UNIT 2, A PORTION OF TRACT 4A, E.D. STRONG SURVEY NO. 217 AND A REPLAT OF LOT 1, 2, 3 & 4 BLOCK 3, SAN CLEMENTE ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS. CONTAINING 41.0454 ACRES ±

CONSISTING OF:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; BLOCK THREE (3)

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14; BLOCK FOUR (4)

LOTS 1, 2, 3, 4; BLOCK FIVE (5)

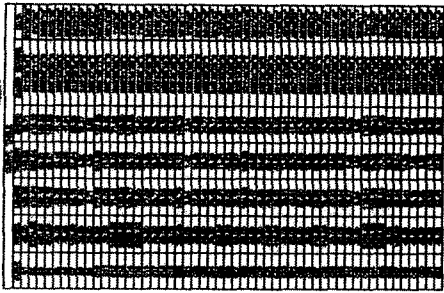
STREETS THEREIN; A 6.5755 ACRE (286,431 SQUARE FOOT) TRACT OF COMMON OPEN SPACE AREA (LOT 17, BLOCK 3) AND A 9.092 ACRE (431,648 SQUARE FOOT) TRACT OF COMMON OPEN SPACE AREA (LOT 5, BLOCK 5)

**POOR QUALITY ORIGINAL
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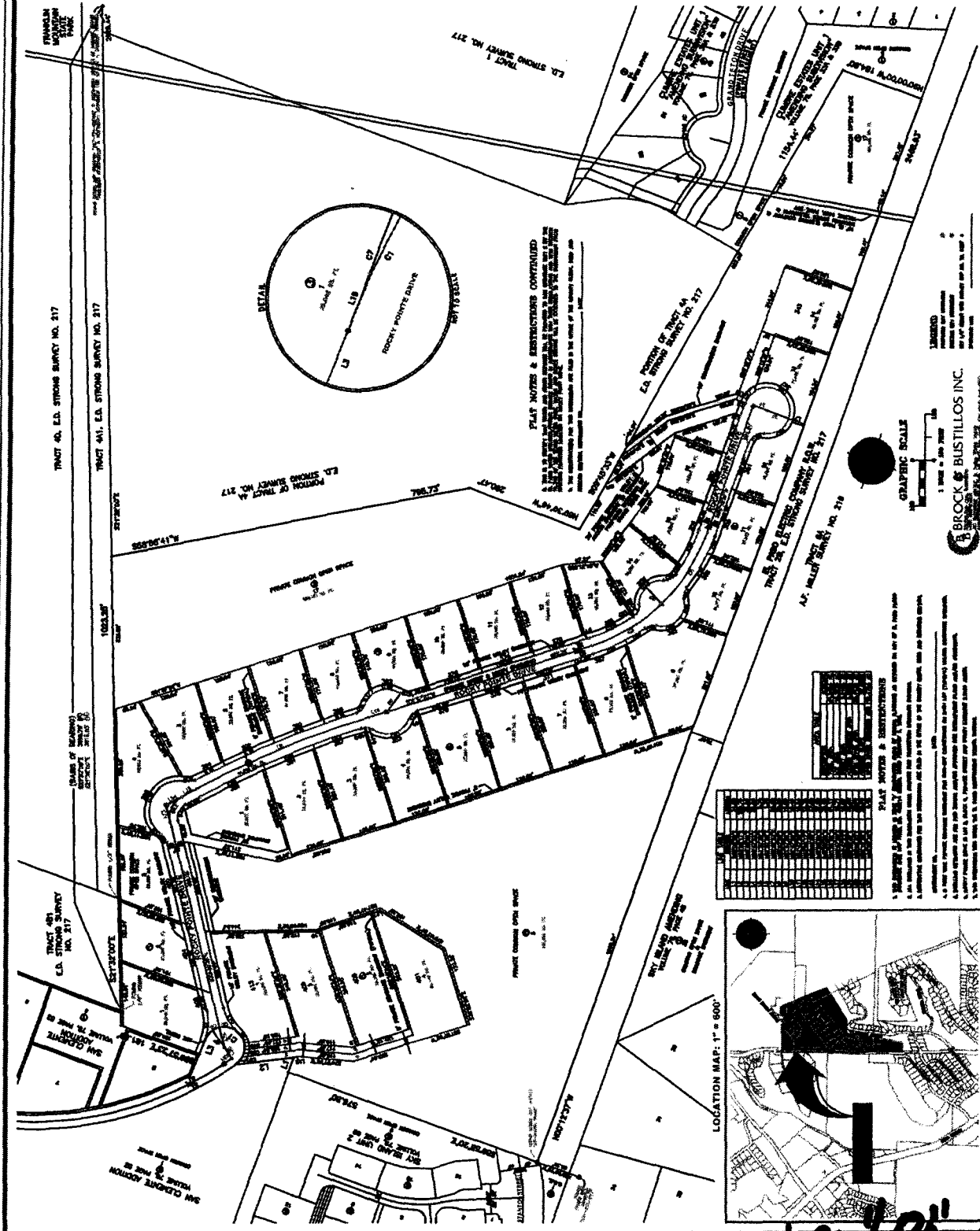
SAN CLEMENTE UNIT 2

A PORTION OF TRACT 41, E.D. STRONG SURVEY NO. 217 AND A PORTION OF TRACT 41, E.D. STRONG SURVEY NO. 217 AND A PORTION OF TRACT 41, E.D. STRONG SURVEY NO. 217, BLOCK 3, SAN CLEMENTE ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, CONTAINING 41.0464 ACRES.

PREPARED BY: [Name]
DATE: [Date]
SCALE: [Scale]
ACCOMPLISHMENT: [Text]
CITY PLAT COMMISSIONER: [Name]
REGISTERED: [Text]
FILED: [Text]
EXEMPT: [Text]



POOR QUALITY ORIGINAL
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BROCK & BUSTILLOS INC.
 1000 W. 10TH ST. SUITE 200
 EL PASO, TEXAS 79902
 (915) 785-1234

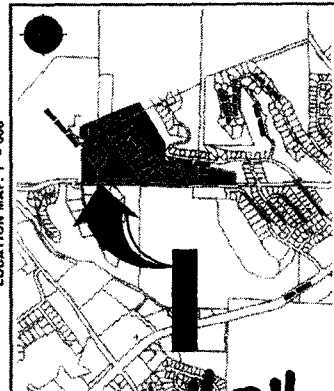


EXHIBIT B-1-A-2

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#Pages 10 #NFPages 1

Filed & Recorded in
11/20/2008 2:11:12 PM

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Official Records of
EL PASO COUNTY

DELIA BRIONES
COUNTY CLERK

Fees \$52.00

I hereby certify that this instrument was filed on the date and time stamped hereon by me and was duly recorded by document number in the Official Public Records of Real Property in El Paso County.



Delia Briones

EL PASO COUNTY, TEXAS

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11/20/2008 2:11:12 PM