GFA 98503035/ H

\* REFILE TO CORRECT ORIGINAL RECORDING INFORMATION \*

COUCHC99815500

Sky Island

DOC# 99079495

### SECOND AMENDMENT TO DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS

This Second Amendment is made on the date last entered by SKY ISLAND PARTNERSHIP. LTD., a Texas Limited Partnership ("Declarant"), and is as follows:

## WITNESSETH:

WHEREAS, Declarant is the owner of certain property located in El Paso, El Paso County, Texas, and more particularly described as follows:

Sky Island, being a portion of Tract 1A4 and 1B8, A.F. Miller, Survey No. 216, City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 73, Page 20, Plat Records of El Paso County, Texas ("Property");

WHEREAS, Declarant filed a Declaration of Covenants, Conditions and Restrictions, dated April 8, 1998, in Book 3347, Page 0613 of the Deed Records of E 0609 Paso County, Texas; and,

WHEREAS, Declarant has the right to amend the Declaration under Section 3 Article XI and desires to amend the Declaration to regulate the type of rock that can be used for the construction of rock walls in The Retreat; and,

NOW THEREFORE, Declarant hereby amends the Declaration and declares that all of the Property shall be held, sold and conveyed subject to the following restriction, covenant and condition which are for the purpose of protecting the value and desirability of, and which shall run with, the Property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each owner thereof.

Page 1

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PASO COUNTY TEXAS

HECTOR ENRIQUEZ, JR., COUNTY CLERK

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Sky Island

#### ARTICLE I

This amendment applies to all lots in The Retreat and will take Section 1. precedence over any conflicting provision on page B-15 of the Sky Island Architectural Guidelines which are attached as Exhibit B to the Declaration. All side yard walls erected on the side property lines and all rear walls, whether or not crected on the rear property line, shall be constructed using quarried rock of the same type as used at the entrances to Sky Island. Further, the mortar used to construct such rock walls shall be recessed at least one (1") inch from the surface.

All other terms and conditions in the Declaration not amended Section 2. herein shall remain in full force and effect.

Signed this day of February 1999.

Sky Island Partnership, Ltd

Corycon, L.L.C General Partner

Vernon W. Schoemaker

Authorized Member 1144

STATE OF TEXAS

COUNTY OF \_1721/25)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared VFRNON W. Schoes Mother to be the person and authorized member whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of Corycon, L.L.C., a Texas Limited Liability Company, and that Corycon, L.L.C. executed the same as the General Partner of

TRUE THE CORRECT OFFY OF THE COLLEGE TECORD FILED IN

PAGO COUNTY, TEXA

HECTOR ENRIQUEZ, JR., COUNTY CLERK

Page 2

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Sky Island

Sky Island Partnership, Ltd. for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN under my hand and seal of office chirthson

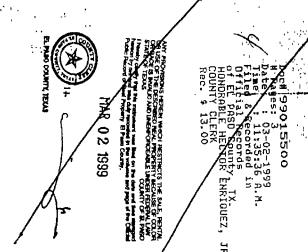
FRED MENDOZA
Notary Public, State of Texas
My Contribution 12-03-88

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- - - - COUNTY TEXAS

HECTOR ENRIQUEZ, JR., COUNTY CLERK

Page 3



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OCT 2 0, 1999

El Paso, Texas

A true and correct copy I do Hereby

certify.

HECTOR ENRIQUEZ, JR.

County Clerk, El Paso Co., Texas

By Sura Maller Deputy

Return to:

Sty Island Partnership

600 Sunland Partnership., Building 6, Suite 300

END OF

END OF

INSTRUMENT

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Doc# 99079495
# Pages# 4
Date # 10-26-1999
Time # 10:32:20 A.m.
Filed & Recorded in official Records of EL PASD County TX.
HONDRABLE HECTOR ENRIGUEZ, 3R
Rec. # 15:00 6

ANY PROVISIONS HEREIN WHICH RESTRICTS THE SALE, RENTAL ON USE OF COLOR USE OF THE DESCRIBED PLEAL PROPERTY RECAUSE OF COLOR ON USE OF THE SALE IS INVALID AND UNEWCORDERINE UNDER THEREPAL TAW STATE OF TEXAS.

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