

SUPPLEMENTAL DECLARATION
OF MERGER AND ANNEXATION
FOR
DIAMOND HEAD CONDOMINIUMS
PHASE III

2/1/85

853610

STATE OF TEXAS §
COUNTY OF BEXAR §

KNOW ALL MEN BY THESE PRESENTS:

THIS DECLARATION is made on the date set forth below by U. S. HOME CORPORATION, a Delaware corporation, hereinafter called "Declarant",

W I T N E S S E T H:

WHEREAS, Declarant is the Owner of certain property in the County of Bexar, State of Texas, which is more particularly described on the attached Exhibit "A", and

WHEREAS, by a Condominium Declaration, hereinafter called "Declaration", filed on June 26, 1984, and recorded in Volume 3143, Page 0096, of the Condominium Records of Bexar County, Texas, the Declarant therein restricted DIAMOND HEAD CONDOMINIUMS, PHASE I, consisting of sixteen (16) Units, to Condominium ownership; and

WHEREAS, by First Amendment to Condominium Declaration and Supplemental Declaration of Merger and Annexation for Diamond Head Condominiums, Phase II, recorded August 29, 1984, in Volume 3199, Page 1005, Condominium Records, Bexar County, Texas, Declarant annexed an additional thirty-two (32) Units to Diamond Head Condominiums; and

WHEREAS, the above referenced Declaration provides in Paragraph 2.10 that the Declarant may annex additional property to DIAMOND HEAD CONDOMINIUMS, PHASE I, as defined therein; and

WHEREAS, the Declarant is desirous of annexing and merging the adjoining tract described in Exhibit "A" as PHASE III on which exist sixteen (16) Units; and

WHEREAS, at a duly called meeting, more than sixty-seven percent (67%) of the registered votes of Units in Phase I and Phase II approved said annexation;

NOW THEREFORE, Declarant hereby declares that all of the Property described in Exhibit "A" as PHASE III shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration for DIAMOND HEAD CONDOMINIUMS, PHASE I, all of which are for the

10/29/84 800125 \$21.00 Y 1 230

EXHIBIT 10

VOL 3245 PAGE 0185

purpose of enhancing and protecting the value, desirability and attractiveness of the real property described above. The said easements, restrictions, covenants and conditions shall run with the above described Property and shall be binding on all parties having or acquiring any right, title or interest in the said Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner and lessee thereof.

The Property described in the Plat of DIAMOND HEAD CONDOMINIUMS, as PHASE III, which Plat is attached hereto as Exhibit "B", shall become a part of the regime, as defined in the Declaration, and the sixteen (16) Units shown on the Plat of PHASE III, shall become Units, as defined in the Declaration, and from and after the filing hereof, DIAMOND HEAD CONDOMINIUMS, PHASE III shall be a part of the regime as if it had been originally described in the Declaration and the percentage or fraction of ownership interest in the Common Areas is hereby reallocated and established among the total of sixty-four (64) Units as set out in Exhibit "C", attached hereto.

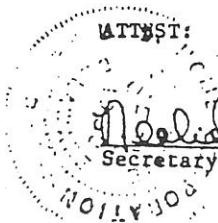
This Supplemental Declaration of Merger and Annexation may be amended by Declarant without joinder of any Unit Owner or Mortgagee in order to correct errors and discrepancies in said document or to comply with the requirements of the Veterans Administration, Federal Home Loan Mortgage Corporation, Federal National Mortgage Association or any other permanent lender approved by the Declarant; provided, however, that no vested property rights of any Unit Owner shall be materially affected.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereto set his hand and seal this 26th day of October, A.D., 1984.

U. S. HOME CORPORATION

By:

Tom Connolly



VOL 3245 PAGE 0186

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 Tom Connally,
Vice-President of U. S. HOME CORPORATION, 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 purpose and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 26th day
of October, A.D., 1984.



Jance Keas
Notary Public in and for the State of Texas
My Commission Expires: May 15, 1985

VOL 3 245 PAGE 0187

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing is a true, complete and correct copy of the Supplemental Declaration of Merger and Annexation for Diamond Head Condominiums, PHASE III, as adopted by at least sixty-seven percent (67%) of the vote of the Association at a meeting of the Association on the 25th day of July, A.D., 1984.

DIAMOND HEAD OWNERS ASSOCIATION, INC.

By:

Tom Connally
Tom Connally, President

By:

Bill Wallace
Bill Wallace, Secretary

VOL 3 2 4 5 PAGE 0 1 8 8

POZNECKI • CAMARILLO and ASSOC., INC.
ENGINEERING SURVEYING PLANNING

METES AND BOUNDS DESCRIPTION FOR A 0.238 ACRE TRACT

0.238 acres of land being out of Lot 31, Block A, N.C.B. 11609, Diamond Head Subdivision, San Antonio, Bexar County, Texas, recorded in Volume 9504, Page 48, Deed and Plat Records of Bexar County, Texas; said 0.238 acre tract being more particularly described as follows:

COMMENCING at an iron pin found on the southwest right-of-way line of Medical Drive at the most westerly corner of the aforementioned Lot 31, said pin being the common most northerly corner of said Lot 31 and Lot 18, Block A, N.C.B. 11609, Walnut Hill Three Apartment Subdivision;

THENCE S 49° 32' 20" E, 693.73 feet along the common line between said Lots 31 and 18 to a point;

THENCE N 40° 27' 40" E, 151.42 feet to the point of BEGINNING;

THENCE N 40° 27' 40" E, 103.08 feet to a point;

THENCE S 49° 32' 20" E, 93.75 feet to a point;

THENCE S 40° 27' 40" W, 65.36 feet to a point;

THENCE S 04° 32' 20" E, 53.35 feet to a point;

THENCE N 49° 32' 20" W, 131.48 feet to the point of BEGINNING and containing 0.238 acres of land.

All these describing a tract of land containing 3.643 acres of land.

Prepared for U.S. Homes
on August 15, 1984



RM/sm

Ramon M. Ruiz
RAMON M. RUIZ
Registered Public Surveyor
No. 3976

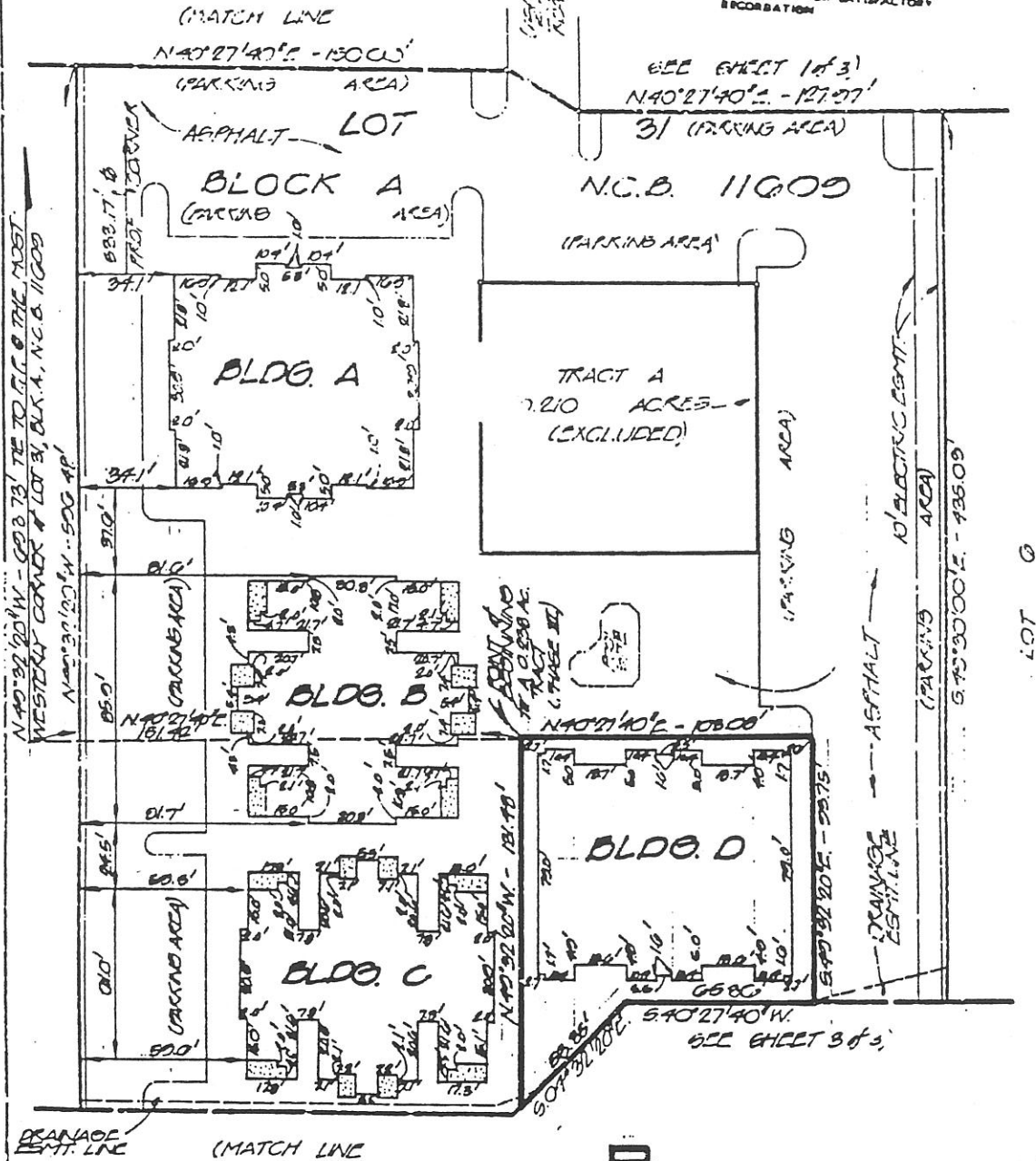
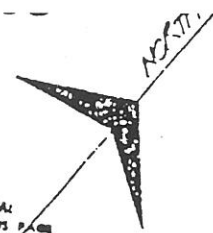
VOE 3 2 4 5 PAGE 1 8 9

EXHIBIT A

PHASE III
J.O. 84016
Page 1 of 1

NOTE: BLDG DIMENSIONS and TIE LINES (BUILDINGS B, C ONLY) WERE TAKEN FROM DATA FURNISHED BY U.S. HOMES FROM SURVEY MADE BY BAKER SURVEYING CO.

RECORDER'S MEMORANDUM:
ALL OR PARTS OF THE TEXT ON THIS PAGE WAS NOT CLEARLY LEGIBLE FOR SATISFACTORY RECORDATION



VOL 3 2 4 5 PAGE 1 9 0

POZNECKI • CAMARILLO and ASSOC., INC.
 ENGINEERING SURVEYING PLANNING
 1802 BASORCK ROAD, SUITE 200 SAN ANTONIO, TEXAS 78202 512/344-8178

**PLAT OF
DIAMOND HEAD CONDOMINIUMS
PHASE III**

0.289 ACRES OF LAND BEING OUT OF LOT 31, BLOCK "A", N.C.B. 11009, DIAMOND HEAD SUBDIVISION, SAN ANTONIO, BEXAR COUNTY, TEXAS

STATE OF TEXAS }
COUNTY OF BEXAR }

EXHIBIT B

I HEREBY CERTIFY THAT THE ABOVE PLAT IS TRUE AND CORRECT ACCORDING TO AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENT, OF BUILDINGS ON ADJOINING PROPERTY AND THAT ALL BUILDINGS ARE WHOLLY LOCATED ON THIS PROPERTY EXCEPT AS SHOWN ABOVE.



This 18th day of OCTOBER, 1987 A. D.
Ramon M. Ruiz
 Field Book Page _____ Job No. 124012

Reference: VOL 0504 P 10 98
 SURVEYED FOR U.S. HOMES

PHASE I, II, & III
DIAMONDHEAD CONDORTINIUMS

| UNIT | % INTEREST | UNIT | % INTEREST | UNIT | % INTEREST | UNIT | % INTEREST |
|------|------------|------|------------|------|------------|------|------------|
| A101 | 1.0807 | B101 | 1.0807 | C101 | 1.0807 | D101 | 1.2312 |
| A102 | 1.0807 | B102 | 1.0807 | C102 | 1.0807 | D102 | 1.2312 |
| A103 | 1.2312 | B103 | 1.2312 | C103 | 1.2312 | D103 | 1.2312 |
| A104 | 1.2312 | B104 | 1.2312 | C104 | 1.2312 | D104 | 1.2312 |
| A105 | 1.2312 | B105 | 1.2312 | C105 | 1.2312 | D105 | 1.2312 |
| A106 | 1.2312 | B106 | 1.2312 | C106 | 1.2312 | D106 | 1.2312 |
| A107 | 1.0807 | B107 | 1.0807 | C107 | 1.0807 | D107 | 1.2312 |
| A108 | 1.0807 | B108 | 1.0807 | C108 | 1.0807 | D108 | 1.2312 |
| A201 | 1.8680 | B201 | 1.8680 | C201 | 1.8680 | D201 | 1.9071 |
| A202 | 1.8680 | B202 | 1.8680 | C202 | 1.8680 | D202 | 1.9071 |
| A203 | 1.9071 | B203 | 1.9071 | C203 | 1.9071 | D203 | 1.9071 |
| A204 | 2.3695 | B204 | 2.3695 | C204 | 1.9071 | D204 | 1.9071 |
| A205 | 1.9071 | B205 | 1.9071 | C205 | 1.9071 | D205 | 1.9071 |
| A206 | 2.3695 | B206 | 2.3695 | C206 | 1.9071 | D206 | 1.9071 |
| A207 | 1.8680 | B207 | 1.8680 | C207 | 1.8680 | D207 | 1.9071 |
| A208 | 1.8680 | B208 | 1.8680 | C208 | 1.8680 | D208 | 1.9071 |

NOTE: The percentage interest above will not shift to less than .3270% after all phases are complete. There will not be more than 192 units after all phases are complete.

STATE OF TEXAS
COUNTY OF BEJAR
I hereby certify that this instrument was FILED in File Number
_____ on the _____ day of _____ 1984 at the time shown herein by me and
was duly RECORDED in the Official Public Records of Real Property of
Bejar County, Texas on _____



OCT 29 1984

Richard D. Jones
COUNTY CLERK BEJAR COUNTY, TEXAS

RECEIVED
COUNTY CLERK BEJAR CO.
M
OCT 29 AM 10 31
1984

PLEASE RETURN TO:
US HOME CORPORATION
11959 Starcrest Dr.
San Antonio, Texas 78247