

NOTICE OF ANNEXATION/ADDITION TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS BRIARCREEK

THE STATE OF TEXAS § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

THAT WHEREAS, by instrument dated June 28, 2001, Bell-Nash/Rathgeber Joint Venture (hereinafter referred to as "Declarant"), imposed a certain Declaration of Covenants, Conditions, and Restrictions recorded as Document No. 2001108049 from time to time Amended and Restated, Real Property Records of Travis, County, Texas (the "Declaration") upon Briarcreek, a subdivision of record in Travis County;

WHEREAS, a portion of the tract of land encumbered by the Declaration and is now being attached by plat filed with Travis County as follows:

Briarcreek, Section One, a subdivision in Travis County, Texas, according to the map or plat of record in Document No. 200100193, Plat Records of Travis County, Texas ("Section One")

WHEREAS, Declarant desires to add Section One to the Declaration such that all land within Section One shall be fully bound and governed by, and subject to, the Declaration as if Section One had been originally bound by plat to the Declaration.

NOW, THEREFORE, Declarant hereby (i) confirms that Section One are a portion of the land described in the Declaration and (ii) declares that Section One shall be held, sold, conveyed and occupied subject to the easements, restrictions, covenants, conditions, assessments, liens, charges and other terms (collectively, the "Restrictions") stated in the Declaration and such Restrictions shall run with the land of Section One or any part thereof, and shall be binding upon all parties having any right, title or interest in and to Section One or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each owner thereof and to the Association (as defined in the Declaration) and (iii) that any deed, contract or other document purporting to convey any right, title or interest in or to Section One, or any portion thereof shall be conclusively held to have been executed, delivered and accepted subject to the Restrictions regardless of whether the same are set out or referred to in said deed, contract or other document.

IN WITNESS WHEREOF, Declarant has executed this instrument to be effective on the 8th day of May, 2002.

DECLARANT:

Bell-Nash/Rathgeber Joint Venture (a Texas joint venture)

By: Edward R. Rathgeber, Jr., Managing Venturer

Handwritten signature of Edward R. Rathgeber, Jr.

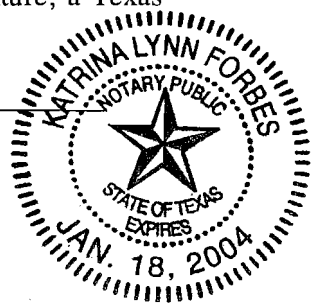
THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on May 8, 2002, by Edward R. Rathgeber, Jr., Managing Venturer of Bell-Nash/Rathgeber Joint Venture, a Texas joint venture, on behalf of said joint venture.

Notary Public Signature

Handwritten signature of Notary Public

(SEAL)



AFTER RECORDING, RETURN TO: Milburn Homes 12554 Riata Vista Circle, Second Floor Second Floor Austin, Texas 78727