



LPM copy

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, a Texas joint venture partnership (hereinafter referred to as "Declarant"), imposed a certain Master Declaration of Covenants, Conditions, and Restrictions - Briarcreek recorded as Document No. 2001108049, and as from time to time Amended and Restated, all in the Official Public Records of Travis County, Texas (the "Declaration") upon Briarcreek, a subdivision of record in Travis County;

Handwritten mark resembling a stylized '2' or 'J'.

WHEREAS, Declarant filed an Amended and Restated Declaration of Covenants, Conditions and Restrictions for Briarcreek ("Amended Declaration") on June 4, 2002, executed by Bell-Nash/Rathgeber Joint Venture, a Texas joint venture ("Declarant") recorded in Document No. 2002102865, Official Real Property Records of Travis County, Texas.

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

Briarcreek, Section Four, a subdivision in Travis County, Texas, according to the map or plat of record in Document No. 200400239, Plat Records of Travis County, Texas ("Section Four");

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

NOW, THEREFORE, Declarant hereby (i) confirms that Briarcreek, Section Four is a portion of the land described in the Declaration and (ii) declares that Briarcreek, Section Four 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 Briarcreek, Section Four on any part thereof, and shall be binding upon all parties having any right, title or interest in or to Briarcreek, Section Four 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 (ii) that any deed, contract or other document purporting to convey any right, title or interest in or to Briarcreek, Section Four, 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 forth or referred to in said deed, contract or other document.

IN WITNESS WHEREOF, Declarant has executed this instrument to be effective on the 20th day of October, 2004.

DECLARANT:

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

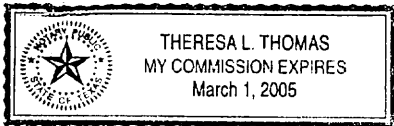
By: [Signature] Edward R. Rathgeber, Jr. Managing Venturer

THE STATE OF TEXAS


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COUNTY OF TRAVIS

This instrument was acknowledged before me on the 28th day of October, 2004, by Edward R. Rathgeber, Jr., Managing Venture of Bell-Nash/Rathgeber Joint Venture, a Texas joint venture, on behalf of said joint venture.



(SEAL)


Notary Public Signature

AFTER RECORDING, RETURN TO:

D.R. Horton
12554 Riata Vista Circle, Second Floor
Second Floor
Austin, Texas 78727
Attn.: Theresa Thomas

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2004 Oct 28 01:35 PM

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BENAVIDESV \$16.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS