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**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;

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 Clerk's 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 Five, a subdivision in Travis County, Texas,
according to the map or plat of record in Document No. 200600134,
Plat Records of Travis County, Texas ("Section Five")**

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

NOW, THEREFORE, Declarant hereby (i) confirms that Briarcreek, Section Five are a portion of the land described in the Declaration and (ii) declares that Briarcreek, Section Five 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 Five or any part thereof, and shall be binding upon all parties having any right, title or interest in and to Briarcreek, Section Five 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 Briarcreek, Section Five, 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 15th day of August 2006.

TRAVIS COUNTY TEXAS
DANA DEBEAUVOIR COUNTY CLERK
CLARKMM \$20.00
2006 Aug 17 01:33 PM
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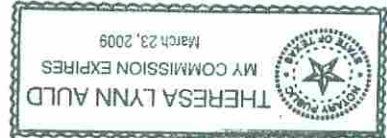
Dana Debeauvoir
OFFICIAL PUBLIC RECORDS

FILED AND RECORDED

AFTER RECORDING, RETURN TO:
D.R. Horton - DANIELLE STURM
12554 Riata Vista Circle, Second Floor
Second Floor
Austin, Texas 78727
Attn.: Danielle Sturm

[Signature]
Notary Public Signature

(SEAL)



This instrument was acknowledged before me on the 15th day of August, 2006, by Edward R. Rathgeber, Jr., Managing Venturer of Bell-Nash/Rathgeber Joint Venture, a Texas joint venture, on behalf of said joint venture.

THE STATE OF TEXAS
COUNTY OF TRAVIS

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§

DECLARANT:

By: Bell-Nash/Rathgeber Joint Venture

(a Texas joint venture)

By:

Edward R. Rathgeber, Jr.

Managing Venturer

[Signature of Edward R. Rathgeber, Jr.]