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**NOTICE OF APPLICABILITY OF
MASTER DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS FOR
BARTON CREEK ABC WEST, PHASE 1**

This Notice of Applicability of Master Declaration of Covenants, Conditions, and Restrictions For Barton Creek ABC West, Phase 1 is made and executed by FM PROPERTIES OPERATING CO., a Delaware general partnership ("Declarant") and is as follows:

RECITALS:

1. **Applicability of Master Declaration to Property.** This Notice of Applicability is filed with respect to Barton Creek ABC West, Phase 1, a subdivision located in Travis County, Texas according to the map or plat recorded or to be recorded in the Real Property Records of Travis County, Texas (the "Property"). Pursuant to that certain Master Declaration of Covenants, Conditions and Restrictions dated November 28, 1990, recorded in Volume 11324, Page 707, Real Property Records of Travis County, Texas, as amended by that certain First Amendment to Master Declaration of Covenants, Conditions and Restrictions, recorded in Volume 11706, Page 726, Real Property Records of Travis County, Texas, that one certain Second Amendment to Master Declaration of Covenants, Conditions and Restrictions, recorded in Volume 12110, Page 1340, Real Property Records of Travis County, Texas, and that certain Amendment to Master Declaration of Covenants, Conditions and Restrictions, recorded in Volume 12881, Page 1132, Real Property Records of Travis County, Texas (as amended, the "Master Declaration"), Declarant served notice that portions of the property described on Exhibit "A" to the Master Declaration, upon the filing of appropriate notices of applicability from time to time, may be made a part of the Development and thereby fully subjected to the terms, covenants, conditions, restrictions, reservations, easements, servitudes, liens and charges of the Master Declaration.

2. **Property Incorporated Into Development.** The provisions of the Master Declaration shall apply to the Property. The Property is hereby included within and made a part of the Development, and is hereby subjected to the terms, covenants, conditions, restrictions, reservations, easements, servitudes, liens and charges of the Master Declaration.

3. **Homeowners Association.** A non-profit corporation, in the form of a homeowner's association established for the Property, shall be responsible for maintenance of all private roadways located within the Property.

4. **Miscellaneous.** This notice constitutes a notice of applicability under Section 10.05 of the Master Declaration. Any capitalized terms used and not otherwise defined in this notice shall have the meanings set forth in the Master Declaration.

EXECUTED to be effective as of the 15th day of MAY, 1998.

26897.1/050198

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

13174 0636

FM PROPERTIES OPERATING CO.,
a Delaware general partnership

By its General Partner:
FM Properties Inc., a Delaware corporation

By: [Signature]
William H. Armstrong, III, President and Chief
Operating Officer

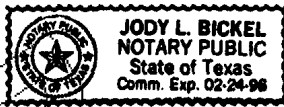
THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This document was acknowledged before me on May 1st, 1998, by
William H. Armstrong, III, President and Chief Operating Officer of FM Properties Inc., a Delaware
corporation, General Partner of FM Properties Operating Co., a Delaware general partnership, on behalf of
said partnership.

[Signature]
Notary Public Signature

(seal)

AFTER RECORDING, RETURN TO:
Robert D. Burton
Armbrust Brown & Davis, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701



FILED

98 MAY -1 PM 4:13

DANA DEBEAUVOIR
COUNTY CLERK
TRAVIS COUNTY, TEXAS

STATE OF TEXAS COUNTY OF TRAVIS
I hereby certify that this instrument was FILED on
the date and at the time stamped herein by me and
was duly RECORDED, at the Volume and Page of the
same RECORDE of Travis County, Texas, on

MAY 1 1998



[Signature]
COUNTY CLERK
TRAVIS COUNTY, TEXAS

26897.1/050198

2

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

13174 0637

RECEIVED: 4/11/2009 TRAVIS: 4/11/09 DEPT: REGULAR RECORD 411.00
CARRIED OVER FILE DATE: 5/1/98 TRAVIS DATE: 5/1/98
FILED BY: CLEWY 10431