

THE STATE OF TEXAS I
COUNTY OF BURLESON I

THAT, WHEREAS, by instrument dated February 18, 1977, entitled "RESTRICTIONS-- BIRCH CREEK FOREST, SECTION VII," recorded in Volume 237, Page 598, of the Deed Records of Burleson County, Texas, executed by the owner and developer of BIRCH CREEK FOREST, SECTION VII, a subdivision in Burleson County, Texas, reservations, restrictions and covenants were imposed and made applicable to all of said subdivision except five (5) parcels of land containing 0.9588 acres each, as shown on the plat of said subdivision; and

WHEREAS, the owner and developer of all of the land in said subdivision now wants to withdraw and cancel the reservations, restrictions and covenants previously imposed and made applicable to BIRCH CREEK FOREST, SECTION VII, and impose a new set of reservations, restrictions and covenants for BIRCH CREEK FOREST, SECTION VII, except for the five (5) parcels referred to above;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, reservations, restrictions and covenants heretofore applicable to BIRCH CREEK FOREST, SECTION VII, referred to above, are hereby cancelled and are no longer in effect;

THAT, WHEREAS, BIRCH CREEK FOREST, LTD., a Texas Limited Partnership (hereinafter called "Developer"), has heretofore platted SECTION VII of that certain subdivision known as BIRCH CREEK FOREST, according to plat thereof, recorded in Volume 1, Page 38, of the Map Records of Burleson County, Texas; and,

WHEREAS, by Resolution by the Commissioners' Court of Burleson County, Texas, said plat was accepted, subject to the terms of said Resolution, which is recorded in Volume 236, Page 853, of the Deed Records of Burleson County, Texas;

NOW, THEREFORE, in order to establish a uniform plan and scheme for the improvement and development of BIRCH CREEK FOREST, SECTION VII, the Developer hereby adopts the following reservations, restrictions and covenants which shall be and are hereby made applicable to all numbered lots in said subdivision; however, said reservations,

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restrictions and covenants are not applicable to five (5) parcels of land containing 0.9588 acres each, said parcels being adjacent to and fronting on Park Road No. 57, said parcels being shown on the plat referred to above and being unnumbered tracts shown on said plat.

All of the provisions of the reservations, restrictions and covenants applicable to BIRCH CREEK FOREST, SECTION I, as recorded in Volume 190, Page 469, of the Deed Records of Burleson County, Texas, are hereby adopted and incorporated herein for all purposes as though set out herein in entirety for BIRCH CREEK FOREST, SECTION VII (except for the five tracts excluded).

This Declaration is to make the restrictions that are applicable to BIRCH CREEK FOREST, SECTION I, be also applicable to BIRCH CREEK FOREST, SECTION VII (except for the five tracts excluded).

EXECUTED at Somerville, Texas, on this the 14th day of May, 1977.

BIRCH CREEK FOREST, LTD.
A Texas Limited Partnership

BY: John C. Webb
JOHN C. WEBB, General Partner

THE STATE OF TEXAS I
COUNTY OF BURLESON I

BEFORE ME, the undersigned authority, on this day personally appeared JOHN C. WEBB, General Partner of Birch Creek Forest, Ltd., a Texas Limited Partnership, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity stated, and as the act and deed of said Limited Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 14th day of May, 1977.

Rudolph M. Lewis
Notary Public in and for Burleson County, Texas.



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THE STATE OF TEXAS
COUNTY OF BURLESON

I, JOHN J. TOUPAL, COUNTY CLERK OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE 24th DAY OF May 19 77 AT 9:00 O'CLOCK A.M. AND DULY RECORDED ON 24 DAY OF May 19 77 AT 11:30 O'CLOCK P.M. IN THE Deed RECORD OF SAID COUNTY, IN VOL. 239, PAGE 427-428

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF SAID COUNTY, AT MY OFFICE IN CALDWELL, TEXAS, THE DAY AND DATE ABOVE WRITTEN.

BY: Regelle Kermegay DEPUTY

JOHN J. TOUPAL
COUNTY CLERK, BURLESON COUNTY, TEXAS