

11-GF# 71725 KSN
RETURN TO: HERITAGE TITLE
401 CONGRESS, SUITE 1500
AUSTIN, TEXAS 78701



OTHER 2007143882
5 PGS

AFTER RECORDING RETURN TO:

ROBERT D. BURTON, ESQ.
ARMBRUST & BROWN, L.L.P.
100 CONGRESS AVE., SUITE 1300
AUSTIN, TEXAS 78701

MCC ANNEXATION NOTICE

MUELLER SECTION IV

ANNEXATION INTO MUELLER MASTER COMMUNITY, MUELLER MIXED-USE COMMUNITY, AND COMMUNITY FEE COVENANT

Travis County, Texas

Master Declarant: CATELLUS AUSTIN, LLC, a Delaware limited liability company

Pertaining to: Lots 1-34, Block 32; Lots 1-25, Block 33; Lots 9-15, Block 34; Lots 1-28, Block 37; Lots 1-26, Block 38; Lots 1-26, Block 39; Lots 1-30, Block 40; Lots 1-27, Block 45; Lots 1-26, Block 46; Lots 1-22, Block 47; Lots 1-25, Block 51; Lots 1-22, Block 52; Lots 1-27, Block 54; Lots 1-27, Block 55; and Lots 3-15, Block 56, AMENDED PLAT OF MUELLER SECTION IV SUBDIVISION, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded under Document No. 200700092 of the Official Public Records of Travis, County, Texas.

Establishing: Neighborhood 7

Parcels: N2b, N2c, N2e, N2g, N2h

Cross Reference to Mueller Master Community Covenant, recorded as Document No. 2004238007, Official Public Records of Travis County, Texas, as amended, Mueller Mixed-Use Community Covenant, recorded as Document No. 2004238009, Official Public Records of Travis County, Texas, as amended, and Declaration of Restrictive Covenants – Mueller Community Fee, recorded as Document No. 2006050355, Official Public Records of Travis County, Texas, as amended

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**MCC ANNEXATION NOTICE
MUELLER MASTER COMMUNITY COVENANT, MUELLER MIXED-USE
COMMUNITY COVENANT, AND COMMUNITY FEE COVENANT**

This MCC Annexation Notice (the "Notice") is made and executed by **Catellus Austin, LLC**, a Delaware limited liability company ("Master Declarant"), and is as follows:

1. Applicability of Master Covenant, Mixed-Use Covenant, and Community Fee Covenant. This Notice is filed with respect to Lots 1-34, Block 32; Lots 1-25, Block 33; Lots 9-15, Block 34; Lots 1-28, Block 37; Lots 1-26, Block 38; Lots 1-26, Block 39; Lots 1-30, Block 40; Lots 1-27, Block 45; Lots 1-26, Block 46; Lots 1-22, Block 47; Lots 1-25, Block 51; Lots 1-22, Block 52; Lots 1-27, Block 54; Lots 1-27, Block 55; and Lots 3-15, Block 56, Amended Plat of Mueller Section IV Subdivision, a subdivision in Travis County, Texas, according to the map or plat thereof, recorded under Document No. 200700092 of the Official Public Records of Travis, County, Texas (the "Property"). Catellus Austin Land LP, a Delaware limited partnership, is the owner of the Property and consents to the recordation of this Notice by its execution of this Notice in the space provided below.

Pursuant to *Section 16.1* of that certain Mueller Master Community Covenant, recorded as Document No. 2004238007 in the Official Public Records of Travis County, Texas, as amended (the "Master Covenant"), *Section 7.01* of that certain Mueller Mixed-Use Community Covenant, recorded as Document No. 2004238009 in the Official Public Records of Travis County, Texas, as amended (the "Mixed-Use Covenant"), and that certain Declaration of Restrictive Covenants – Mueller Community Fee, recorded as Document No. 2006050355, Official Public Records of Travis County, Texas, as amended (the "Community Fee Covenant"), Master Declarant served notice that portions of the property described on Exhibit "A" to the Master Covenant, upon the filing of appropriate notices of annexation, may be made part of the Community (as defined in the Master Covenant) and the Mixed-Use Community (as defined in the Mixed-Use Covenant), and subjected to the terms, covenants, conditions, restrictions, reservations, easements, servitudes, liens and charges of the Master Covenant, the Mixed-Use Covenant, and the Community Fee Covenant.

2. Property Incorporated Into Master Covenant, Mixed-Use Covenant, and Community Fee Covenant. The provisions of the Master Covenant, the Mixed-Use Covenant, and the Community Fee Covenant apply to the Property and the Property is hereby made a portion of the Community and the Mixed-Use Community. The Property is, accordingly, now subject to the terms, covenants, conditions, restrictions, reservations, easements, servitudes, liens and charges of the Master Covenant, the Mixed-Use Covenant, and the Community Fee Covenant.

3. Designation of Neighborhood. Pursuant to *Section 3.2* of the Master Covenant, Master Declarant hereby designates the Property as "Neighborhood 7", subject to all terms and provisions of the Master Covenant and the Mixed-Use Covenant which relate to Neighborhoods so designated within the Community and the Mixed-Use Community.

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4. **Assignment of Assessment Units to Property.** Pursuant to *Section 12.2(c)* of the Master Covenant, Master Declarant hereby assigns one (1) Assessment Unit to each Unit within the Property.

In the event that all or any portion of the dwelling units on the Property are converted to the condominium form of ownership, each Unit resulting therefrom will be allocated one (1) Assessment Unit. In the event of a modification to the Assessment Units allocated to the Property (or any portion thereof in the event of an approved re-subdivision), Master Declarant will file of record an amended Notice setting forth the revised Assessment Units attributable to the Property (or any portion thereof in the event of an approved re-subdivision).

5. **Allocation of Votes.** Pursuant to *Section 4.2(b)* of the Master Covenant, Master Declarant hereby assigns one (1) vote for each Unit within the Property.

In the event that all or any portion of the dwelling units on the Property are converted to the condominium form of ownership, each Unit resulting therefrom will be allocated one (1) vote. In the event of a modification to the votes allocated to the Property (or any portion thereof in the event of an approved re-subdivision), Master Declarant will file of record an amended Notice setting forth the revised votes attributable to the Property (or any portion thereof in the event of an approved re-subdivision).

6. **Miscellaneous.** This notice constitutes an MCC Annexation Notice under *Section 16.1* of the Master Covenant. Any capitalized terms used and not otherwise defined in this notice shall have the meanings set forth in the Master Covenant and Mixed-Use Covenant, as applicable.

EXECUTED to be effective as of the 31st day July, of 2007.

MASTER DECLARANT:

CATELLUS AUSTIN, LLC., a Delaware limited liability company

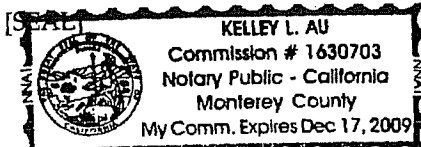
By: 

Name: Gregory J. Weaver

Title: Managing Director

THE STATE OF California
COUNTY OF Santa Cruz

This instrument was acknowledged before me on the 28th day of July, 2007, by Gregory J. Weaver, Managing Director of Catellus Austin, LLC, a Delaware limited liability company, on behalf of said limited liability company.



Kelley L. AU
Notary Public Signature

ACKNOWLEDGED AND AGREED PURSUANT
TO SECTION 16.1 OF THE MASTER COVENANT:

CATELLUS AUSTIN LAND LP, a
Delaware limited partnership

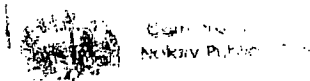
By: Catellus Austin LLC, a Delaware limited
liability company, its general partner

By: [Signature]
Name: Gregory J. Weaver
Title: Managing Director

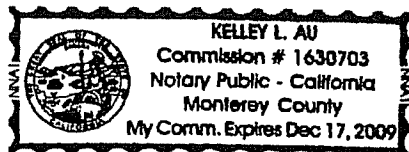
THE STATE OF California
COUNTY OF Santa Cruz

This instrument was acknowledged before me on the 28th day of July, 2007, by Gregory J. Weaver, Managing Director of Catellus Austin, LLC, a Delaware limited liability company, general partner of Catellus Austin Land LP, a Delaware limited partnership, on behalf of said limited liability company and limited partnership.

[SEAL]



Kelley L. AU
Notary Public Signature



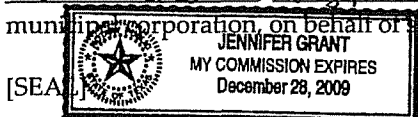
CONSENT PROVIDED PURSUANT TO
SECTION 16.1 OF THE MASTER COVENANT:

THE CITY OF AUSTIN, a Texas home rule
city and municipal corporation

By: Lauraine Bizer
Name: Lauraine Bizer, Manager
Title: Real Estate Services
Public Works Department

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on the 1st day of August, 2007, by
Lauraine Bizer, Manager, Real Estate Services of the City of Austin, Texas, a Texas home rule city and
municipal corporation, on behalf of said city.



Notary Public Signature

APPROVED AS TO FORM:

By: Tom Nuckols
Tom Nuckols, Assistant City Attorney

APPROVED AS TO CONTENT:

By: Sue Edwards
Sue Edwards, Director Economic Growth and
Redevelopment Services Office

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2007 Aug 02 03:37 PM 2007143882

ESPINOZAC \$32.00

DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

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