NOTICE OF APPLICABILITY
BARTON CREEK ABC WEST, PHASE II

NOTICE 2004070708
20 PGS

AFTER RECORDING RETURN TO:

Robert D. Burton, Esq.
Armbrust & Brown, L.L.P.
100 Congress Ave., Suite 1300
Austin, Texas 78701

Watershed Protection and
Development Review Dept.
505 Barton Springs Rd., 4th Fl.
Austin, TX 78704
ATTN: Cesar Zavala

BARTON CREEK ABC WEST PHASE II

NOTICE OF APPLICABILITY

Cross reference to Master Declaration of Covenants, Conditions and Restrictions, recorded in Volume 11324, Page 707 of the Official Public Records of Travis County, Texas, as amended, and that certain Partial Assignment of Declarant's Rights and Amendment to Master Declaration of Covenants, Conditions and Restrictions, recorded as Document No. 2002044488 in the Official Records of Travis County, Texas.

121983-5 03/10/2004

DD C8-92-0053.01.1A

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NOTICE OF APPLICABILITY OF MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
[Barton Creek ABC West, Phase II]

This Notice of Applicability of Master Declaration of Covenants, Conditions, and Restrictions [Barton Creek ABC West, Phase II] is made and executed by **STRATUS PROPERTIES OPERATING CO., L.P.**, a Delaware limited 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 II, a subdivision located in Travis County, Texas according to the map or plat recorded as Document No. 200400122 in the Official Public 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, of the Official Public Records of Travis County, Texas, as amended (the "Master Declaration"), and that certain Partial Assignment of Declarant's Rights and Amendment to Master Declaration of Covenants, Conditions and Restrictions dated February 25, 2002, recorded as Document No. 2002044488 in the Official Records of Travis County, 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 and the terms, covenants, conditions, restrictions, reservations, easements, servitudes, liens and charges set forth in that certain Development Area Declaration of Covenants, Conditions and Restrictions for Barton Creek ABC West Phase II, which is being recorded contemporaneously herewith in the Official Public Records of Travis County, Texas (the "Development Area Declaration")

3. **Maintenance of Private Roadways.** The Declarant hereby designates Lot 49 of the Property, which includes "Wimberly Lane", "Swirling Wind Cove" and "Travertine Cove" (the "Private Roadways") as Common Area (as such term is defined in the Development Area Declaration) of The Wimberly II Community, Inc., a Texas non-profit corporation (the "Association") for the benefit of the Owners within the Property (the "Benefited Property"). The Benefited Property shall be assessed pursuant to the Development Area Declaration for the estimated cost and expense necessary to maintain, repair, and manage the Private Roadways, including all drainage improvements associated therewith, in accordance with that certain Private Street Declaration [Barton Creek ABC West Phase II], recorded in the Official Public Records of Travis County, Texas.

4. **Integrated Pest Management Plan.** A pest management plan (the "Plan") has been developed for the Property which consists of guidelines for the control of pests. Each Owner of a Lot within the Property shall be required to comply with the guidelines set forth in the Plan, as amended from time to time. A current copy of the Plan is attached as Exhibit "A".

5. **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.

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EXECUTED to be effective as of the 10 day of March, 2004.

DECLARANT:

STRATUS PROPERTIES OPERATING CO., L.P., a Delaware limited partnership

By: STRS, L.L.C., a Delaware limited liability company, General Partner

By: STRATUS PROPERTIES INC., a Delaware corporation, its Sole Member

By: _____
John E. Baker, Sr. Vice President

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this 10 day of March, 2004 by John E. Baker, Sr. Vice President of Stratus Properties Inc., a Delaware corporation, Sole Member of STRS, L.L.C., a Delaware limited liability company, General Partner of Stratus Properties Operating Co., L.P., a Delaware limited partnership, on behalf of said corporation, company and partnership.

(SEAL)

KATY BREWER COPLEY NOTARY PUBLIC STATE OF TEXAS EXPIRES 11-06-2006

_____
Notary Public State of Texas

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EXHIBIT "A"

BARTON CREEK ABC WEST, PHASE II
INTEGRATED PEST MANAGEMENT PLAN

Integrated Pest Management, IPM, is an approach to pest control that employs a progression of physical, mechanical, biological and chemical tactics to keep pest numbers low enough to prevent intolerable damage or annoyance. Management practices at Barton Creek reflect the concepts of Integrated Pest Management. The IPM for ABC West, Phase II was developed with consideration for Nonpoint Source Pollution Abatement (NSPA) and Natural Resource Management.

Information from various governmental entities, public organizations and professional groups was utilized in developing these programs. The Lower Colorado River Authority (LCRA) and the Environmental Protection Agency (EPA) were the primary sources for developing the NSPA program along with research conducted on site which will be instrumental throughout our project. IPM plans considered recommendations from the City of Austin (COA), EPA, and the Texas Agricultural Extension Service.

PROJECT DESCRIPTION

Barton Creek ABC West, Phase II is a residential subdivision consisting of 47 single-family lots, one landscape lot, one open space lot and one private street lot. The 120.245 acres (gross) comprising ABC West, Phase II are located in southwest Travis County approximately 3,500 feet northwest from the intersection of Barton Creek Boulevard and Wimberly Lane. The landscape is to include an estimated 3.978 acres of turf (lawn) areas and 0.995 acres of ornamental landscape areas. It is estimated that 3.43 acres (149,250 square feet) of the developable lots will consist of built structures. There are no septic drain fields or wastewater irrigation fields proposed for this project. Environmental features and pesticide/fertilizer-free buffer zones are shown on Attachment A.

GENERAL

In general, non-toxic and less persistent control products should be employed in controlling pests before more persistent products are considered. More persistent control products should only be used after all other tactics have been employed. It is advisable to employ a pest control professional, familiar with IPM approaches, before resorting to highly toxic and persistent chemicals. Regularly scheduled pesticide application is not Integrated Pest Management.

CONTROL METHODS

PHYSICAL:

Physical methods include trapping, hand destruction or removal and harassment. Physical removal of pests is usually limited to the occasional crabgrass plant. To avoid unnecessary weed seed contamination and fire ants, all loam used for topsoil should come from three feet or more below the surface.

CULTURAL:

The microenvironment for plants can be modified to ensure the best possible growing conditions. This in turn will result in healthy plants are resistant to attack or invasion, which requires fewer chemicals to fight off pests and weeds. The composition of the planting community can be altered or maintained by the types of cultural practices employed. Cultural practices should be modified and adjusted to reduce pest populations. A healthy plant is our best defense against wear, pests and weeds. To achieve quality plants the following cultural practices are utilized at Barton Creek.

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Irrigation:
Irrigation is one of the most critical, but difficult, cultural practice to control. Sprinklers should be programmed and controlled for their local and specific soil type, ground slope, and grass type, in which they are located. Scheduling sprinkler head controls result in an irrigation program that conserves irrigation water. In the event that more irrigation is needed, a computer controller should water in multiples of six to eight minutes spread throughout the total cycle. This minimizes percolation and runoff. Watering should occur during the early morning hours to prevent evapotranspiration and excessive water usage. Proper watering will reduce problems such as anaerobic soils, turf moisture stress, heat stress and weed seed germination, while reducing turf susceptibility to insect pests as well. System accuracy should be manually verified and monitored.

Mowing:
In areas predominately occupied by weed species repeated mowing kills most weed seedlings, prevents seed production, and reduces rhizome growth and regrowth of shoots.

Fertilization:
An analysis of the soil should be conducted and a fertilization program should be designed based on the nutrient need of the landscape. Fertilizer shall not be applied when rainfall is forecast, due to the possibility for the nutrients to escape the site in stormwater runoff. All fertilizer applications shall be watered in lightly several times prior to rainfall, so that the nutrients are incorporated into the soil. The use of slow release granular fertilizers should be used to promote healthy plant growth. The nutrient requirements vary with the amount of water applied, amounts of nutrients in the water, soil nutrient holding capacity, season, growth rate, turfgrass species and plant species

pH correction:
The soils on site are basically alkaline in reaction. Any chemical application meant to adjust the pH shall be based on a soil analysis and needs of the plants. Sulfur and/or potassium magnesia sulfate may be used (during cool weather) to lower the pH if it is found to be too high for specific plants. These chemicals shall be watered-in with light irrigation to incorporate into the soil soon after

BIOLOGICAL CONTROLS:

Biological controls are quickly gaining more commercial acceptance as viable alternatives to chemicals. The EPA publication "Integrated Pest Management for turf grass and Ornamentals" lists the latest proven techniques for biological and cultural controls.

Endophytes
Insecticide use has been reduced more than 50% through the use of endophyte-enhanced turfs. Perennial rye grass and tall fescue varieties used for overseeding and shade areas contain high levels of endophytic fungi, which naturally repel surface feeding insects such as cutworms and pillbugs. A fundamental protocol is to utilize biologic and organic controls in all cases where effective methods are available, rather than use of chemical methods.

Composted Organic Matter
Recent research suggests that composted organic matter and some organic fertilizers may reduce plant disease incidence. This is being studied for further implementation.

Pest Prediction Models
More precise models for the prediction of disease development are being developed today because of advancements in computer technology and weather gathering equipment. Most turfgrass diseases occur under specific environmental conditions, provided there is a susceptible host and a virulent pathogen present. The key environmental parameters are: air temperature, soil temperature, soil moisture, air movement, leaf wetness and relative humidity. Although not all of these environmental

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factors are involved in the development of every disease, at least two of them are involved in all disease development. Mathematical models to predict disease occurrence can be developed by measuring these factors, recording them over a period of time, and correlating them with disease outbreaks. These models can then be used to make more accurate fungicide applications based on environmental conditions, rather than applying them on a calendar or preventative basis.

Beneficial Insects & Biological Insecticides
Beneficial insects and biological insecticides such as: Ladybugs, Green Lacewings, Trichogramma Wasps, Praying Mantis, Nematodes, *Bacillus thuringiensis*, diatomaceous earth, and pyrethrums are utilized on ornamentals, natives and turfgrass for various pests throughout the year.

CHEMICAL CONTROLS:

In an effort to eliminate the potential water quality impacts of the landscape operations chemical applications should continuously be reviewed for overall environmental safety. Products have been approved for use, disallowed or had application restrictions imposed on considerations associated with the following parameters:

- No class A carcinogens are used. Class B carcinogens are allowable on a specific curative use basis only
- Literature concerning level of toxicity to birds, fish and other wildlife is checked.
- Leaching and runoff potential for each product are taken into account. Use of chemicals with high water solubility are minimized.
- Rate, percent active ingredient area to be treated is considered.
- EPA health Advisory levels are reviewed.
- Persistence in environment is examined for minimum persistence.
- Curative, rather than preventative, insecticide programs are utilized to minimize chemical control applications; other programs at discretion of Environmental Committee.
- Integrated Pest Management (IPM) will establish control requirements.
- Fertilizer requirements will be cross-verified with soil and tissue testing and visual analysis.
- Best management practices will be employed for application of any pesticide or fertilizer.
- Application rates and total quantities of nutrients applied are as critical to protection of water quality as types of fertilizers to be utilized.

The EPA is currently reviewing many of the products used in the turf and ornamental industry, but this research and evaluation is not expected to be completed for several years. As new information is made available it may be necessary to amend or alter the current list of recommendations. In all cases when chemical controls are used in the landscape, care shall be taken to avoid application within two days of expected rainfall, and buffer zones (a minimum of 50' wide) shall be used in areas adjacent to highly maintained turfgrass. Pesticide recommendations are divided into three tables (see table list).

Tips for using pesticides:

(Excerpted from EPA, Prevention, Pesticides and Toxic Substances).

Sometimes, even with good lawn care practices, weather conditions or other factors can cause pest problems to develop. Pesticides can help control many lawn pest. But pesticides have risks as well as benefits, and it is

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important to use them properly.

The chemicals we call pesticides include insecticides, herbicides, and fungicides. These products are designed to kill or control pest insects, weeds, and fungal diseases. Pesticides can be very effective. But do not be tempted to rely solely on pesticides as a quick-fix solution to any lawn problem. Serious, ongoing pest problems are often a sign that your lawn is not getting everything it needs. In other words, the pests may be a symptom of an underlying problem. You need to correct the underlying problem to reduce the chance that the pest will reappear.

All pesticides are toxic to some degree. This means they can pose some risk to you, to your children and pets, and to any wildlife that venture onto your lawn, especially if these chemicals are overused or carelessly applied. Pesticides can also kill earthworms and other beneficial organisms, disrupting the ecological balance of your lawn.

Before using any pesticide, be sure to review these basic rules

1. Take safety precautions. Never assume a pesticide is harmless.

   Read the entire label and follow its instructions. Use only the amount directed, at the time and under the conditions specified, and for the purpose listed.

   Be sure to wear protective clothing-like gloves, long sleeves, and long pants-indicated on the label. Wash this clothing separately before using it again.

   Keep children and pets away from pesticides, and make sure no one goes on a treated lawn for at least the time prescribed by the pesticide.

   Store and dispose of pesticides properly, according to the label directions and any state and local regulations.

2. Use pesticides to minimize pests, not eradicate them. The latter is often impossible and unnecessary.

3. Be sure you have accurately identified the pest so you can choose the best pesticide for the job and use it most effectively. Obtain professional advice "if you are in any doubt".

4. "Spot treat" whenever possible. In most cases, it is not necessary to treat the whole lawn with pesticides if the problem is confined to certain areas. Spraying more than necessary is wasteful and can be environmentally damaging.

TURF TYPES:

The following turf types are recommended for use in the Barton Creek area. These grasses are well suited to this environment and provide a superior and very dense vegetative buffer.

419 Hybrid Bermuda Grass
419 Hybrid Bermuda Grass is utilized. This is a very aggressive dense turf with the ability to handle heavy traffic and recover quickly. This turf serves as an excellent vegetative buffer between development and critical water quality zones due to its ability to filter large amounts of suspended particles in storm water runoff by trapping soil and contaminants in the thatch layer.

Prairie Buffalo and 609 Buffalo Grass
New hybridized Buffalo grass varieties have recently been developed which are extremely drought resistant and require very little maintenance. This grass provides good vegetative covering for all climates, thus acting as a good erosion barrier, and is of course a native grass, forming a much more dense vegetative buffer than non-hybrids.

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Weeping Love Grass/Muhli Grasses/Bluestems/Gramas (Native Ornamental Grasses)
Native grasses are used where no maintenance, fertilizers, pesticides or herbicides are utilized. It is dense and tall, is an excellent buffer vegetation.

Tall-Fescue
Endophyte enhanced turf, tall fescues are being used in high shade, low maintenance requirement areas

PEST TYPES

INSECTS

Insects listed below may be found as indoor household pests or as yard pests. Biological control will be the preferred preventative method for most insects. Bioinsecticide, Steward BT and Vector will be the main control chemicals on a preventative basis during the warm season. These are complete biological products with no detrimental side effects. In cases where biological control cannot limit infestations to tolerance levels, chemical controls may be used. Orthene and Sevin may be used when tolerance level is exceeded.

Chemical applications should be made only if infestation is excessive. Control should be with only pyrethroid-type insecticides. Beneficial insects, such as Ladybugs, Praying Mantis, LaceWings, and beneficial nematodes should be released to keep harmful pests to a minimum. No inorganic chemical control is permissible, and should be utilized only as a final resort by trained professionals..

Fire ants represent the only preventative chemical control necessary. Logic or Award may be applied twice annually to keep ants within the tolerance level. When the level is exceeded spot treatments of Orthene are used on an individual mound basis.

Fire Ants *Solenopsis invicta*

The red imported fire ant is a tropical insect that was accidentally introduced into the United States in the 1930's and has spread unchecked across the Southeast and into Texas. Fire ants disperse naturally through mating flights that usually occur in the spring and fall, but may occur anytime warm humid conditions exist, even during the winter. Fire ant queens are also dispersed by the movement of infested nursery stock and turf sod, and even by cars or other vehicles. Fire ant colonies are known to raft to higher ground during floods. Fire ants are a serious pest because of their fiery sting, which they can inflict repeatedly. Their characteristic cone-shaped mounds usually indicate the presence of fire ants. The only way to effectively control or suppress fire ants is to use a method that will stop egg production by the queen(s). Killing workers will have no lasting effect on contact with the queen, is not a long-term solution. The ineffective use of pesticides, especially in environmentally sensitive areas, should be avoided.

Physical control tactics will include the use of hot water to drench individual fire ant mounds. Mounds will be drenched mid-morning with at least a gallon of hot water on the sun-side of the mound in an attempt to kill queen(s). Drenched mounds will be rebuilt by surviving workers but the colony will soon disperse if the queen is killed. If mounds persist, it will prompt the use of the next control tactic. There are no mechanical control tactics available to control fire ants. Biological control tactics include the use of nematodes (Neopleotana Carpocapsae), which are slender, microscopic, unsegmented worms these can be found under the product name ANTidote. This nematode has been cultured to hunt, seek, and destroy soil-boring fire ants by invading ant colonies. Non-toxic and less persistent control tactics will include the broadcast of fire ant baits such as LOGIC, followed by the use of products containing pyrethrums and diatomaceous earth as a mound drenched in a manner as described under physical control tactics.

Fire ant baits are designed to be attractive to foraging fire ants and eventually become passed to the queen(s). The effect of the bait will be to neutralize the queen by stopping egg production. Because fire ants will not forage when ground temperature is below 70 or above 95 degrees, and because the baits will not remain

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attractive if wet, care will be taken to apply the baits when the soil and vegetation is warm and dry. As fire ant baits require several weeks or months to affect colonies, the next control tactic will only be prompted by the persistence of mounds over a long period. More persistent chemical control tactics will include the use of liquid drenches or dusts containing organophosphates for individual mound treatments.

Termites *Reticulitermes flavipes:*

Subterranean termites are social insects that live in colonies of winged reproductive, sterile workers and soldiers. Overcrowded conditions prompt the reproductive to swarm, usually during the first warm humid days of spring. Winged termites are often confused with ants but their equal-sized pair of wings can identify them. It is important that a positive identification be made of suspected termite infestations. Subterranean termites are different from other termites in that they must have regular contact with moisture. This is generally accomplished by building earthen tubes to the soil. Water leaks in structures provide a good environment from which termites can build tubes. In most structures, these tubes are visible on exterior walls, but they may be present on interior walls as well if termites have gained access through cracks in slabs. The important first step in a termite control program is the elimination of conditions that favor termite survival. These steps include the removal of wood debris around structures, eliminating areas of earth to wood contact and constructing barriers to termite entry. It is also important to regularly monitor structures for signs of moisture, damaged wood or earthen termite tunnels and to only act if these signs are present. The most vulnerable stages of the termite colony are the eggs and immature larvae.

Physical control tactics will include the plugging of cracks and crevices in structures that may provide access. Any exterior feature that leaks water such as guttering and water pipes will be repaired. There are no mechanical control tactics currently available to control termites. However, sand barriers have been tested as a deterrent to tunneling and may soon be recommended as a control alternative. There are no biological control tactics currently available to control termites. Chemical control tactics will involve the use of toxic, long-lasting products and should be applied by a professional only.

Fleas *Ctenocphalides felis:*

Fleas are associated with warm-blooded animals and pass through four life stages: egg, larva, pupa and adult. Optimal flea development is at 65 to 80 degrees F, with a relative humidity of 70%. Hot dry summers reduce flea populations while cool rainy weather increases populations. When adult fleas emerge from pupae, they immediately seek a blood meal from warm-blooded animals. After mating, females lay eggs on hosts or on their sleeping areas. Eggs hatch into larvae within 12 days and usually feed on organic debris for 8-24 days. Pupae usually emerge into adults in 5-7 days. If conditions for development are unfavorable, larvae can live for up to 200 days and pupae for up to one year. An effective control strategy is to arrest flea development before the pupae stage to prevent explosive population growth when optimal conditions occur.

Physical control tactics will include combing and bathing of pets, and vacuuming or washing of rugs, carpets, furniture and pet sleeping areas. The number of fleas captured in combs is to be used as an indicator of the overall flea population and should be monitored. When fleas reach annoying levels, and fleas captured in comb increases, the next control tactic is prompted. Mechanical control tactics will include the screening of pets from areas where fleas congregate or where vacuuming or washing would be difficult. If flea monitoring indicates mechanical controls have not decreased the flea population, the next control tactic is prompted. Note: Some non-toxic control products work mechanically, but are included in the non-toxic category. Biological control tactics include the use of nematodes (Neopleotana Carocapsae), which are slender, microscopic, unsegmented worms (see fire ants). Non-toxic and less persistent control tactics will include dusting pets and where they frequent with products containing pyrethrum, silica aerogel or diatomaceous earth. Yards or areas where pets frequent outside will be sprayed with products containing insecticidal soap, pyrethrum or rotenone. An insect growth regulator will be added to the spray before application.

More persistent chemical control tactics will include using pet collars containing organophosphates, and the

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use of pyrethroids to control fleas outside. The use of more persistent chemicals should be considered seriously, with no action being one option.

Product list: Dichorvos HARTZ
Class: I

Mosquitoes *Order Diptera, Family Culicidae:*

Adult mosquitoes are small, slender, long-legged flies with a long piercing mouthpart called the proboscis. Mosquitoes develop through four distinct stages: egg, larva, pupa and adult. Adult females feed on animal blood for the protein needed to produce eggs. Eggs are laid singly or in clumps on still or slow-moving water. Some mosquitoes lay eggs in temporary water basins such as tree holes or at the edges of flood prone areas. Mosquito eggs may lie dormant for months before hatching, but under most circumstances hatch within 2 to 6 days. The aquatic larva and pupa states each take from 4 to 10 days to develop and represent the most vulnerable stages. Adults can live up to 2 months after emergence. Most mosquitoes die within yards of where they emerged. The most effective method of controlling mosquitoes is to limit the number of water basins where eggs can hatch. Examples of temporary basins include cans and jars, clogged roof gutters, used tires, plant saucers, plastic sheeting, and wheelbarrows. Larger, more permanent water basins can be drained or filled in. However, not all water basins can or should be altered for environmental reasons. In additions, the excessive use of fertilizers should be discouraged as it encourages algae blooms which limit native fish populations allowing mosquito populations to rise.

Physical control tactics will include the use of screen on windows and doors. Electric "bug zappers" will not be used as they are not effective at reducing mosquito populations because they only target adults, and affect non-target insect populations as well. Mechanical control tactics will include the use of suffocating surface film where practical. These will include those basins not subject to runoff. The films to be used will be highly refined and biodegradable, with no effect on human or non-target species. Biological control tactics will include the use of mosquito-eating fish in areas not subject to runoff. Examples of non-runoff areas include backyard pools and galvanized stock tanks. Least toxic and less persistent chemical control tactics will include the use of the Bacillus thuringiensis israelensis or pyrethrum larvicides. This product will be applied to water basins where mosquito larvae develop.

Mealybugs and Whiteflies *Order Homopter, Family Pseudococcidae, and whitefly, Order Homopter, Family Aleyrodidae:*

Mealybugs and whiteflies are common sap-sucking pests on indoor and outdoor plants. Both are sessile on plants during at least a part of their life cycle and both produce a wax covering which are easy to spot. Whiteflies develop into conspicuous winged adults, while mealybugs produce sessile females and inconspicuous winged males. Eggs are laid in clusters on the plant and the development to adult averages from four to five weeks. While mealybugs are sensitive to cold and only survive year round on indoor plants, whiteflies are more tolerant and are present on outdoor plants well. Mealybugs may produce 3-4 generations a year, while whitefly populations are capable of extremely large populations. Tolerance to mealybug and whitefly varies greatly between plants, while the most affected will have stunted, chlorotic leaves and loss of vigor. The honeydew produced by both pests may grow a black fungus called sooty mold that is unsightly but harmless.

To minimize infestations of whiteflies and mealybugs, it is important to limit over-wintering sites by removing weeds and using slow-release fertilizers. The sessile stages of both pests are the most vulnerable, but whitefly adults are also attracted to yellow sticky traps. Physical control tactics will include the use of yellow sticky traps. This will monitor the population of whiteflies and prompt the next control tactic when populations increase. Rubbing alcohol will be used to dissolve the wax covering of sessile stages. Mechanical control tactics will include the properly screening of plant areas to prevent pest entry. Weeds will be managed around exterior plants to limit over wintering sites or alternate host sites. Biological control

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tactics for control of whiteflies will include the release of green lacewings, *Chrysoperla camea*, on exterior plants, and the whitefly parasite, *Encarsia formosa*, on interior plants. Mealybug control tactics include the release of mealybug destroyers, *Cryptolemus montrouzieri*. Increase in the number of mealybugs or whiteflies following the establishment of natural enemies will prompt the next control tactic. Non-toxic and less persistent control tactics will include the use of horticultural oils, liminoid oils, or insecticidal soap for both pests. Only the increase in the number of pests will prompt the next control tactic. More persistent chemical control tactics will include the use of organophosphates and pyrethroids that are less selective against natural enemies.

Aphids Order Homoptera, *Family Aphididae*:

Aphids are worldwide in distribution with many different species associated with many different plants. They can cause damage to many common ornamental and vegetable plants, either indoors or out, weakening them to the point where they are susceptible to other pests, or to plant diseases that the aphids may carry. Aphids are small, sap-sucking pests that in nature are easily kept in check by insect predators and parasites (natural enemies). Frequently ants "tend" and protect aphids from natural enemies because of their honeydew, a sugary solution secreted by aphids. An ant control plan may be needed so that the natural enemies can work. Aphids produce many generations under warm conditions, only entering the egg stage during the winter. They usually complete their life cycle within 30 days. Indoors, if conditions remain favorable, they may never enter the egg stage with unfertilized females giving birth to live young, which in turn can give birth upon maturity. Under favorable conditions, aphid populations can increase very rapidly. Other than the egg, there is no vulnerable life stage, so it is important that plants cannot be under stress or over fertilized. Plant locations should be selected carefully and slow-release fertilizers used. Generally, a healthy plant can tolerate a small aphid population. An effective control strategy is to monitor aphids frequently, either by inspecting plants or using sticky traps, so that increasing populations can be identified before they become damaging.

Physical control tactics will include the pruning and washing of infested plant sections. Sticky adhesive barriers may also be used to restrict ant movement into plants if they are thought to be a problem. Mechanical control tactics will include the proper screening of greenhouses or sunrooms where indoor plants are kept to prevent invasion by aphids from outside. Weeds will be managed around exterior plants to reduce aphid overwintering sites. Biological control tactics will include the release of green lacewings, *Chrysoperia camea* on exterior plants and parasitic wasps (numerous genera including *Aphiedius*) on interior plants. The use of non-toxic control tactics will be limited to spot applications and used only before releasing biological control tactics, as they affect these biological agents and other natural enemies. Supplemental feedings of sugar/protein diets may be used to increase egg laying of natural enemies. The number of aphids will be monitored and a rapid increase in the population will prompt the next control tactic. Non-toxic and less persistent control tactics will include the use of dormant oils in the winter, and spot application of light horticultural oils, liminoid oils, insecticidal soaps or pyrethrin/rotenone sprays during the growing season. Only an increase in the aphid population will prompt the next control tactic, with non-action one of the options. More persistent chemical control tactics will include the use of organophosphates and pyrethroids that are less selective against natural enemies.

Sod Webworm *Crambinae*

The adult stage of the sod webworm is the lawn moth. Night feeders,. sod webworms chew off grass blades close to the ground, and then pull the blades into their silken tunnels. Symptoms of infestation are small, saucer- shaped, brown patches on the turf surface. Larvae feed on most turfgrass species. Sod webworms overwinter as larvae. In the spring the worm begins to feed, followed by a pupa stage, then after approximately 2 weeks the moth stage. Soon after, female moths lay approximately 500 eggs. These eggs hatch in about 6 days. Four to five weeks are then required for the larvae to complete their growth. Normal adult to adult life cycle is 6 to 8 weeks. In the south there may be 4 or more generations per year. Early detection and control is critical to prevent damage. Many biological controls and inorganic chemicals are

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effective controls. Damage and control periods are between April and late October.

Army Worm *Noctuidae*

There are two main species of army worm, the common army worm (*Pseudaletia unipumcta*) and the fall army worm (*Spodoptera frugiperda*). Both are very aggressive nocturnal feeders. Life cycle starts with eggs being laid on leaf blades. Larvae feed on leaf blades for 2 to 3 weeks, then burrow 2 to 3 inches into the soil and pupate. Adults emerge in 10 to 14 days. There may be 5 to 8 generations per year in the south. Army worms feed on most turfgrass species especially Bermuda grass. NO CONTROL LISTED.

Cutworm *Noctuidae*

Like the other worms cutworms feed nocturnally on most turfgrass species. Leaf blades are again the food source of the cutworm. The worms curl up into a ball approximately 1 inch below ground level during the day. Adult moths do no damage but do hint of future infestations. Three to five generations are possible in the South. Biological or chemical control must be initiated as early as possible in the life cycle to prevent excessive damage. Control period ranges from March to October.

Grub Worms *Phyllophage spp.*

The main encountered grub is *Atenius spretulus*. This grub is a major pest mainly in St. Augustine grass, but will invade most turfgrass species. Grubs are root feeders and cause damage to plants related to root loss, such as wilt, loss of nutrient storage and lack of stabilization. Grubs are especially damaging to home lawns. Adult grubs are beetles. They emerge in the spring to summer. Larvae hatch from eggs and feed on roots to four inches deep. Life cycles range from a few months to three years. Control periods for grubs are March through May and late July through August. Biological controls are being developed. Chemical inorganic control is currently quite effective if timed correctly.

INSECTICIDES:

TRADE NAME	COMMON NAME	TYPE	FORMULATION	PEST CONTROLLED	COMMENTS/ RESTRICTIONS
Steward	Bacillus Thuringensis	Bio	WP	Sod webworm, Army worm, Cutworm, Grub worm	Biological Worm Control
Mosquito Dunks	Bacillus Thuringensis Israelensis	Bio	WP	Mosquitoes	Biological Mosquito Control
Safer	Potassium Salts of Fatty Acids	Bio	EC	Aphids	Biological Pest Control
Logic/Award	Fenoxycarb	Injest	G	Fire Ants	Growth Regulator
Sevin	Carbaryl	Contact	G, P, EC	Fire Ants, Fleas, Mosquitoes, Aphids, Mealy Bugs, Cut worm, Army worm, Grub worm	Broad Spectrum
Organic Plus	Pyrethum/Diatomaceous	Contact	WP, G	Fire Ants, Mealybugs, Fleas Army worm, Grub worm, Sod webworm, Army worm	Synthetic Biological
Orthene	Acephate	Con/Sys	P,G	Aphids, Fire Ants, Sod webworm, Army worm, Cut worm, Mealy bugs Whiteflies	Broad Spectrum

EC – Emulsifiable Concentrate F – Flowable P – Powder G – Granular
WP – Water Dispersible Granule

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KITCHEN PEST CONTROL

The insects that probably evoke the most disgust for average family are the lowly cockroaches. There is not much good to say about them except they are pests that really can be reduced if all aspects of IPM (integrated pest management) are employed. Frequently, the steps taken to reduce roaches will also reduce the number of ants and other insects that invade your home from time to time.

There are five species of cockroaches with German, American and brown banded being the most common. Roaches are tropical insects that have adapted to living with man by seeking areas where they can get warmth and moisture, like your kitchen and bathroom. Female roaches glue egg cases, called ootheca, to the surfaces of any dark place. The average development time from egg to adult is 103 days.

Steps in an IPM control program:

1. Good sanitation is the first step in an IPM program. Roaches are looking for food and water when they enter your home, so it makes sense to clean up things before they get to it. Cleaning the bottoms of chairs and vacuuming carpets will also reduce the roach's food supply.

2. To keep roaches out of your home in the first place, the sealing of cracks and crevices and the screening of windows and vents will help. This will also work to keep out ants and the crickets that come in during the fall.

3. Use non-toxic roach traps (D-Con, Raid Roach Traps are two you can look for). This will give you an idea of just how many roaches are infesting your home. This will also reduce the number that can reproduce.

4. If you find you have a roach problem then chemical controls can be applied. Normally these include the insecticidal dusts and sprays, insecticidal baits and insect growth regulators.

    a. Insecticidal dusts are applied to the cracks and crevices where roaches hide and live. They include boric acid powder (Roach Rid), diatomaceous earth (Perma Guard), silica aerogel and pyrethrum powder (Drione), and in many other combinations and forms, such as aerosois. Diatomaceous earth and silican are absorptive and abrasives, boric acid is a stomach poison and pyrethrum is a botanic nerve poison. All are generally safe to use (avoid inhaling dust) but do not provide immediate control.

    b. Insect sprays (Raid, Ortho Home Pest Killer, etc.) contains methylcarbamates, organophosphates or pyrethroids (synthetic pyrethrum) which kill faster than dusts, but can be toxic to us as well. At least on aerosol (Bengal) contains a pyrethroid which dries to dust after application. Roaches and other pests have developed resistance to many insecticides (they don't work as well) because of overuse. Foggers should be avoided for roach control because they waste much of their active ingredient while unnecessarily exposing your family.

    c. Insecticide baits (Max, Combat) contain slow-acting poisons that are placed in bait stations designed to attract roaches. They work faster than dusts and are a good alternative to the sprays.

    d. Once your roach population has been reduced using one of the direct control products, then insect growth regulators (containing fenoxycarb or hydroprene) can be applied (as spray) to prevent the survivors from producing the next generation.

5. Follow steps 1 through 3 before applying control products again. Roaches and other insects that invade your home will be controlled if all aspects of an IPM program are followed on a regular basis.

BIOLOGICAL CONTROL UPDATE – Parasites (*Comperia spp.*) and insect-eating nematodes

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(*Steinemaema carposcapsae*) have been successfully home-tested for control of brown banded and German cockroaches and are now commercially available.

WEED SPECIES

Please note that all weed species should first be initially eradicated by hand pulling techniques. All plant parts, including rhizomes, must be removed. This is best achieved when soils are moist. It may be necessary to hand pull populations several times to obtain control. Surrounding seed sources should be eliminated where possible to prevent continual re-invasion. A thick layer of mulch in planting beds will also help to prevent new weeds from occurring.

Crabgrass *(Digitaria)*

There are two crabgrass species of concern in the southern United States. Smooth Crabgrass (*Digitaria ischamum*) and Hairy Crabgrass (*Digitaria sanguinalis*). Both are annual grasses that emerge in early spring and die out at the first killing frost. Crabgrass is extremely aggressive and a prolific seed producer. Crabgrass favors compacted, thin, low mowed areas and grows much more quickly than most turfgrass species. Populations increase dramatically from year to year without treatment. Crabgrass will also flourish under drought, heat and traffic stress conditions. Crabgrass can be controlled effectively by use of an early spring pre-emerge. Escape plants can also be controlled by using specific or selective post-emerge chemicals following germination throughout the spring and summer.

Goosegrass *(Eleusineindica)*

Goosegrass is very similar to crabgrass in that it enjoys the same conditions to prosper. High heat, drought, traffic, low fertility and compacted soil are factors contributing to proliferation of the weed. Goosegrass, like crabgrass, demonstrates prostrate growth habits, excessive seed production and growth speed in excess of turfgrasses. Goosegrass also known as Crowsfoot and Silver Crabgrass is a summer annual in the south. Goosegrass is more difficult to control than crabgrass. When on a regular pre-emerge program most Goosegrass will be controlled but if post-emerge applications are needed generally it will be more difficult to control than crabgrass.

Nutsedge *(Cyperus esculentus) (Cyperus rotundus)*

Two types of nutsedge, purple and yellow , present a problem to turfgrass. . Purple tends to be the most difficult to control and the most prolific spreader. Yellow is slightly less of a problem, but is still very difficult to eradicate. Both are perennial summer weeds possessing underground nuts connected by rhizomes. This nut/rhizome combination gives the plant a unique ability to survive herbicides and impossible to control by pre-emerge alone. This weed, like others, does very well in adverse turfgrass conditions due to lack of turfgrass competition. In some cases soil removal is required to eradicate the weed.

Dandelions *(Taraxacum officianale)*

Dandelions are perennial winter weeds with deep rap roots and excessive vertical growth habits. They are generally not a major problem in frequently mowed areas, but where dormant turf is present and no mowing occurs, problems become apparent. Pre-emerge control of Dandelions is erratic to poor at best. Post-emerge control is highly effective if done at early germination stages. In central Texas this weed becomes a problem in late winter to early spring soon dying out as summer heat approaches.

Curly dock *(Rumex cuispus)*

This is also a winter perennial weed. Low prostrate growth with a long taproot is prominent with dock. The plant has very large spatulate shaped leaves that spread up to one foot in diameter. Pre-emerge control is erratic. Post-emerge control is effective at early stages of growth.

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Shepards purse *(Capsella bursu-pastoris)*

This is a winter annual weed with a vertical growth habit, long tap root and excessive seed production. This plant is also difficult to control with pre-emerge application. Post-emerge treatment is effective but also erratic due to minimal leaf surface for chemical contact. High maintenance areas rarely exhibit infestation.

Chickweed *(Stellaria media)*

Chickweed is an annual winter weed with a low branching growth habit. This weed is generally easy to control with both pre-emerge and or post-emerge treatment. Chickweed is not a problem in areas of high maintenance.

Henbit *(Lamium amplexicaule)*

Henbit is an annual winter weed with vertical growth habit. This weed is also easily controlled by pre-emerge or post-emerge chemical application. Henbit is another weed that does not tolerate high maintenance conditions.

Whiteclover *(Trifolium repens)*

Whiteclover is a perennial winter weed primarily. This plant tolerates heat better than most winter weeds, yet still dies back as summer temperatures become regular. Control is difficult with pre-emerges unless eradication with post-emerges is done. The plant is generally easily controlled with post-emerge chemical applications. Clover rarely inhabits closely mown turf or high-density turf.

Ryegrass *(Lolium perenne) (Lolium multiflorum)*

Ryegrass is generally not a problem weed unless out of place, such as un-overseeded areas. This grass is considered a turfgrass but also a weed when it has escaped from its area of use. This is a winter perennial (*Lolium perenne*) or an annual (*Lolium multiflorum*) exhibiting vigorous tillering growth habit and an extensive root zone. The perennial form is difficult to control both pre and post-emerge. The annual form is easy to control. Both die back as summer temperatures approach, with perennial returning each fall and winter.

CHEMICAL WEED TREATMENT METHODS:

These methods should be used only if all other tactics listed above have been employed.

WEED	METHOD	CHEMICAL
Crabgrass	Pre-emerge	Team, Barricade
	Post-emerge/Spot spray	MSMA
Goosegrass	Pre-emerge	Team, Barricade
	Post-emerge/Spot spray	MSMA
Dallisgrass	Pre-emerge	Team/Barricade
	Post-emerge/Spot spray	MSMA
Nutsedge	Pre-emerge	Team/Barricade
	Post-emerge/Spot spray	Manage
Dandelion	Pre-emerge	Team/Barricade
	Post-emerge/Spot Spray	MSMA
Curly dock	Post-emerge/Spot spray	Confront
Shepards purse	Pre-emerge	Barricade
	Post-emerge/Spot spray	Confront
Chickweed	Pre-emerge	Barricade
	Post-emerge/Spot spray	MSMA
Henbit	Pre-emerge/Spot spray	Barricade
Perennial Ryegrass	Pre-emerge	Barricade/Team
Annual Ryegrass	Pre-emerge	Barricade/Team

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HERBICIDES:

TRADE NAME	COMMON NAME	TYPE	FORMULATION	COMMENTS/RESTRICTIONS
Team	Benefin Triflaralin	Pre-Emerge	G	Selective/Weed Control
MSMA	MSMA	Post-Emerge	EC, WSL	Selective/Grass Control
Confront	Triclopyr/Clopyralid	Post-Emerge	EC	Selective/Broadleaf Control
Roundup	Glyphosate	Post-Emerge	EC, WSL	Selective/Non Selective
Barricade	Prodiamine	Pre–Emerge	G, WP	Selective
Manage	Halosulfuron-Methyl	Post Emerge	WP	Sedge Control

EC – Emulsifiable Concentrate F – Flowable P – Powder G – Granular
WP – Water Dispersible Granule

DISEASES

Most of the following diseases can be controlled through cultural practices, which include the selection of disease resistant plants and the use of slow release fertilizers to foster the growth of strong roots and stems. As moisture plays a major role in most disease development, good drainage is important in preventing the diseases from occurring. Pruning nearby foliage will improve air circulation and decrease shade, which in turn will speed up the evaporation process.

Dollarspot *(Sclerotina homeocarpa)*

Dollarspot is a fungus found throughout the United States, and . annually requires more fungicide expense than any other disease. Dollarspot affects most turfgrass species, and is generally characterized by round, bleached-out spots ranging from the size of a quarter to a silver dollar. These spots can eventually coalesce and destroy turf in large undefined areas. Occurrence of the disease is typically between temperatures of 60 and 90 degrees F. As is the case with most Fungi, high humidity further increases chances of infection. Dollarspot may be controlled easily by maintaining a preventative program, or immediate control application following early disease detection .

Brown Patch *(Rhizoctonia solani)*

Brown patch is the most widespread of all turfgrass diseases, affecting all major turfgrasses species. Brown patch is a soil inhibitor, thus making control more difficult. Occurrence is in circular patches from a few inches up to several feet in diameter. Brown patch infected leaves become soft, brown and finally die. A smoke ring at the margin of the infection is a distinguishing characteristic. Early chemical application will prevent excessive damage, but if the disease is allowed to persist extensive damage will result. The disease becomes active as soil temperatures near 60 degrees F., the temperature at which sclerotic will begin to germinate. Most problems occur when daily temperatures rise into the 80's with night temperatures in the 70's and high humidity. This disease in considered weak due to its slow growth and relatively narrow infection range. Control sometimes may be difficult due to its soil borne nature.

Powdery Mildew *Erysiphe graminis*

Powdery mildew infects warm and cool season grasses. It is also a major problem to several ornamental shrubs. This disease takes advantage of less than optimal conditions. Incidence is generally non-existent unless environmental stresses are initiated such as shading or over saturation. Lack of sunlight appears to be a major factor. Symptoms appear as a grayish white cast over the leaf surface with initial symptoms being small white cotton balls spread over the leaf surface. As the disease progresses, leaves turn yellow, wither and eventually die. The disease occurs in the spring and summer. Cultural practices such as increased sun exposure are effective. Chemical control of this disease is erratic.

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DISEASE TOLERANCE LEVELS:

Turf grasses have low tolerance levels to disease owing to the difficulty of environmental stresses from April through October. Tolerance levels for each disease of concern on Turfgrasses are listed below. Summer season is mid-April to mid-October; winter season is mid-October to mid-April.

Disease	Season	Method	Tolerance Level/Turf Area
Dollarspot	Summer Winter	Preventative Curative	0 1/100 sq. ft.
Brown Patch	Summer Winter	Preventative Curative	0 1/100 sq. ft.
Powdery Mildew	Summer Winter	Curative No problem	1/100 sq. ft. 0

FUNGICIDES:

TRADE NAME	COMMON NAME	TYPE	FORMULATION	DISEASE TREATED	COMMENTS/ RESTRICTIONS
Banner	Propiconizole	Systemic	EC	Dollar Spot, Brown Patch, Powdery Mildew	Broad Spectrum Residual

EC – Emulsifiable Concentrate F – Flowable P – Powder G – Granular
WP – Water Dispersible Granule

ENVIRONMENTAL PROGRAMS

SOIL TESTING

Soil testing is currently accomplished through the Texas A & M University Lab and is recommended.

WATER QUALITY MONITORING

Stratus Properties actively participates in extensive water quality monitoring programs. Stratus Properties reports to the U.S. Fish and Wildlife service on a quarterly basis regarding water quality monitoring activities. In addition Stratus continuously monitors the water quality in Barton Creek proper, to assure that operations and activities within the project area are having no detrimental effect on water quality

HILL COUNTRY ALMANAC

In a master-planned community, protecting the environment requires comprehensive involvement from both the homeowner and landowner. At Barton Creek, residents are encouraged to engage in sound practices, which minimize potential negative environmental and ecological impact. This includes assistance in choosing environmentally sensitive products and a recycling program. Barton Creek publishes the Hill Country Almanac, by James Turner, a multiple and national award winning guideline to living in the Texas Hill Country which offers natural solutions on a variety of landscaping subjects and practices.

RECORD KEEPING/ENVIRONMENTAL MONITORING

A major component of a strong IPM program is tracking environmental conditions and referencing for future control predictions. Historically pest problems occur at very similar times from year to year. Pest infestations can be predicted with relative accuracy when certain environmental conditions arise. Conditions monitored

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and or recorded include soil temperature, air temperature, rainfall, humidity, day length, wind speed, sustained daily highs and lows, areas of consistent early infestation areas where control is effective or ineffective, irrigation and any other information further enabling pest prediction. Record keeping and monitoring gives us a basis for pest control be it mechanical, cultural, biological or chemical

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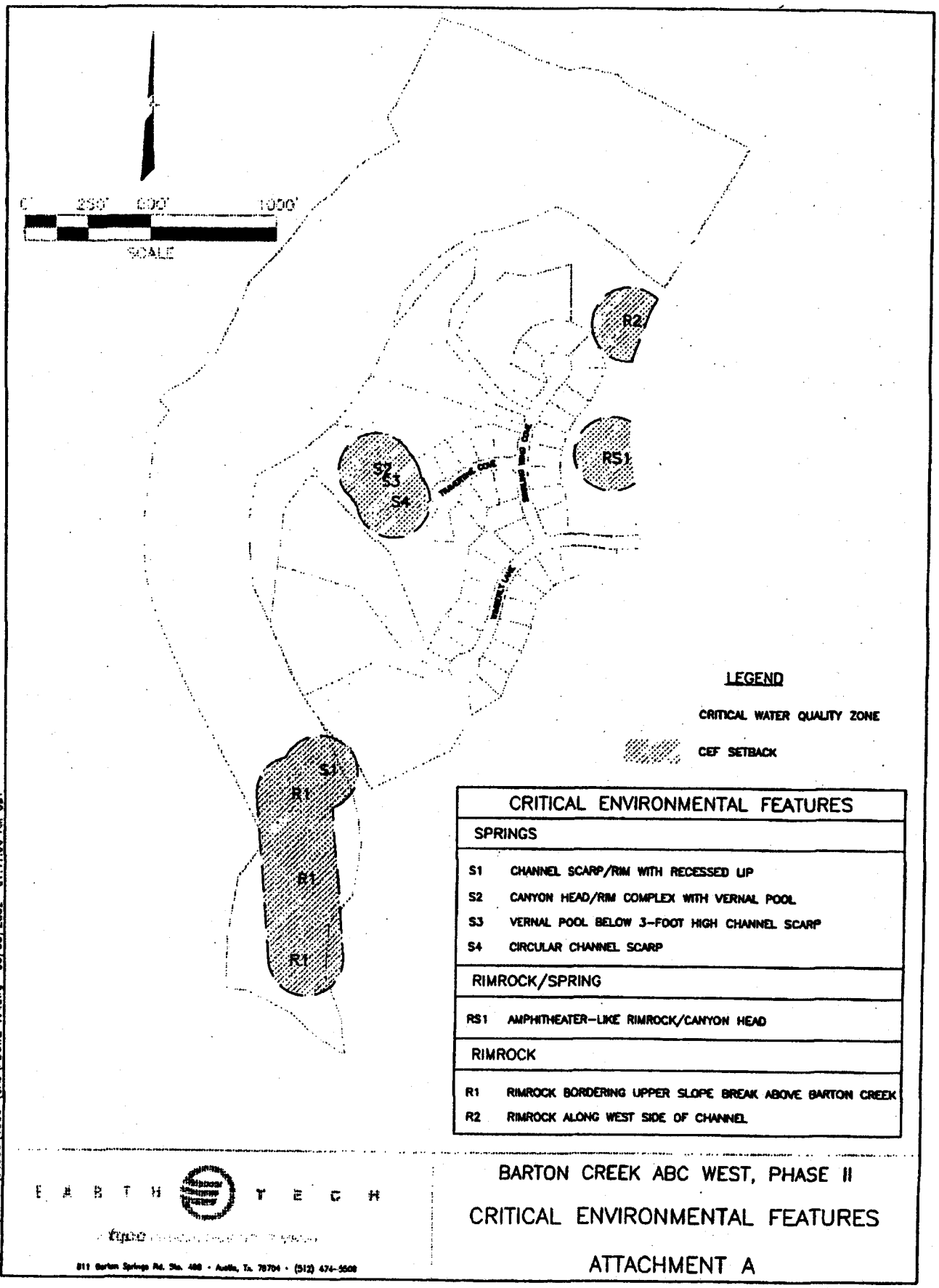

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OFFICIAL PUBLIC RECORDS

Dana DeBeauvoir

2004 Apr 15 03:55 PM 2004070708

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DANA DEBEAUVOIR COUNTY CLERK

TRAVIS COUNTY TEXAS

14.00
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DOC. NO.
92055209

FILM CODE
00004838127

ASSIGNMENT OF DECLARANT'S RIGHTS

11.00 INDX
3:18 PM 1988 1 1 06/12/92

THIS ASSIGNMENT is made and entered into this 11th day of June, 1992, by and between FREEPORT-McMoRan INC., a Delaware corporation (hereinafter referred to as "Assignor"), and FM PROPERTIES OPERATING CO., a Delaware general partnership (hereinafter referred to as "Assignee").

3.00 RECM
3:18 PM 1988 1 1 06/12/92
920552.09-DOC≠
124.16-CHK≠

WITNESSETH

WHEREAS, BARTON CREEK PROPERTIES INC., a Delaware corporation ("BCPI"), as Declarant, executed that certain Master Declaration of Covenants, Conditions, and Restrictions dated November 28, 1990, recorded in Volume 11324, Page 707, of the Real Property Records of Travis County, Texas (the "Restrictions"); and

WHEREAS, BCPI was merged with and into FMI Credit Corporation, a Delaware corporation ("FMICC"), and FMICC was thereafter merged with and into Assignor; and

WHEREAS, Assignor desires to transfer and assign to Assignee all of Declarant's rights, title, and interest into and under the Restrictions.

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor and Assignee agree as follows:

1. Transfer and Assignment by Assignor. Assignor shall and does hereby grant, sell, set over, transfer and assign to Assignee, its successors and assigns, all of Assignor's right, title, interest, powers, privileges and benefits in and under the Restrictions, including without limitation, any options and rights of first refusal granted to or reserved by Declarant under the Restrictions.

2. Acceptance of Assignment. Assignee hereby accepts this Assignment.

3. Impact on Restrictions. Pursuant hereto, Assignee is hereby designated to be the Declarant under the Restrictions for all purposes from and after the date hereof. Assignee shall hereinafter have all rights to act as the Declarant under the Restrictions and to exercise all rights, powers and privileges as the Declarant under the Restrictions.

4. Survival of Provisions. This Assignment shall bind and inure to the benefit of the parties hereto and their respective successors and assigns.

L0599/WP56/01GB03

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

11706 0726

Unofficial Document

5. Captions. The captions of sections in this Assignment are for convenient reference only and are not to be construed in any way as part of this Assignment.

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Unofficial Document

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

IN WITNESS WHEREOF, the parties hereto have caused this Assignment to be executed by their duly authorized officers on the date first written above.

ASSIGNOR:

FREEPORT–McMoRan INC., a Delaware corporation

By: ECJ
Name: E.E. Howard, III
Title: Vice President

ASSIGNEE:

FM PROPERTIES OPERATING CO., a Delaware general partnership

By: FREEPORT–McMoRan INC., its Managing General Partner

By: ECJ
Name: E.E. Howard, III
Title: Vice President

Return Address:
Nick von Kreisler
Baker & Botts
98 San Jacinto
Suite 1600
Austin, TX 78701

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

11706 0728

Unofficial Document

STATE OF LOUISIANA

PARISH OF ORLEANS

On this 11th day of June 1992, before me appeared E.E. Howard, III, to me personally known, who, being by me duly sworn did say that he is the Vice President of FREEPORT-McMoRan INC., a Delaware corporation, and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors and said E.E. Howard, III acknowledged said instrument to be the free act and deed of said corporation.

Notary Public, State of Louisiana
BRAINERD S. MONTGOMERY
Embossed hereon is my Orleans Parish, State of La. Notary Public Seal
My Commission is for Life.
(Typed or Printed Name of Notary)

NOTARY SEAL

STATE OF LOUISIANA

PARISH OF ORLEANS

On this 11th day of June 1992, before me appeared E.E. Howard, III, to me personally known, who, being by me duly sworn did say that he is the Vice President of FREEPORT-McMoRan INC., a Delaware corporation, Managing General Partner of FM PROPERTIES OPERATING CO., a Delaware general partnership, and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors and was signed in behalf of said general partnership, and said E.E. Howard, III acknowledged said instrument to be the free act and deed of said corporation and said partnership.

Notary Public, State of Louisiana
BRAINERD S. MONTGOMERY
Embossed hereon is my Orleans Parish, State of La. Notary Public Seal
My Commission is for Life.
(Typed or Printed Name of Notary)

NOTARY SEAL

UNOFFICIAL DOCUMENT

REAL PROPERTY RECORDS
TRAVIS COUNTY TEXAS

FILED

JUN 12 2 55 PM '92

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 hereon by me; and was duly RECORDED, in the Volume and Page of the named RECORDS of Travis County, Texas, on

JUN 12 1992

COUNTY CLERK
TRAVIS COUNTY, TEXAS

UNOFFICIAL DOCUMENT

REAL PROPERTY RECORDS
TRAVIS COUNTY, TEXAS

11706 0730