

**SCANNED**



AFTER RECORDING RETURN TO:

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



LT1-81-20080160518-1

## **CIBOLO CANYONS RESORT**

### **NOTICE OF DESIGNATION OF PERIMETER FENCE EASEMENT**

[UNIT-3, PHASE 1 & 2; UNIT-4, PHASE 1 & 2; UNIT-5, PHASE 1; UNIT 6; UNIT 7-A, ENCLAVE, UNIT 7-C]

**Declarant:** FORESTAR (USA) REAL ESTATE GROUP, INC., a Delaware corporation



LT2-13607-1000-4

Cross reference to Cibolo Canyons Master Covenant, recorded as Document No. 20050216763 in the Official Public Records of Bexar County, Texas, as amended.

**NOTICE OF DESIGNATION OF PERIMETER FENCE EASEMENT**  
**[UNIT-3, PHASE 1 & 2; UNIT-4, PHASE 1 & 2; UNIT-5, PHASE 1; UNIT 6;**  
**UNIT 7-A, ENCLAVE; UNIT 7-C]**

This Notice of Designation of Perimeter Fence Easement (the "**Notice**") is made and executed by **FORESTAR (USA) REAL ESTATE GROUP INC.**, a Delaware corporation ("**Declarant**") and is as follows:

1. **Authority.** Lumbermen's Investment Corporation, a Delaware corporation ("**LIC**"), previously executed and recorded that certain Cibolo Canyons Resort Master Covenant, recorded in Volume 11653, Page 922-996 and Document No. 20050216763, in the Official Public Records of Bexar County, Texas (the "**Master Covenant**"). Declarant is the successor in interest to LIC and, as such is the "**Declarant**" pursuant to the Master Covenant.

A perimeter fence has been constructed over and across the following lots (each such lot hereinafter referred to as a "**Lot**" and all Lots collectively, the "**Perimeter Fence Lots**"):

- (a) Lots 1-6, Block 10 and Lots 1-2, Block 11 in Cibolo Canyon Unit-3, Phase 1, a subdivision located in Bexar County, Texas according to the map or plat recorded in Volume 9566, Pages 122-124, Official Records of Bexar County, Texas;
- (b) Lots 106-107, Block 10 and Lots 3-5 and 19-21, Block 11 in Cibolo Canyon Unit-3, Phase 2, a subdivision located in Bexar County, Texas according to the map or plat recorded in Volume 9572, Pages 56-57, Official Records of Bexar County, Texas;
- (c) Lots 4-7 and 19-21, Block 16 and Lots 8-11, Block 18 in Cibolo Canyon Unit-4, Phase 1, a subdivision located in Bexar County, Texas according to the map or plat recorded in Volume 9566, Pages 125-126, Official Public Records of Bexar County, Texas;
- (d) Lots 11-20, Block 17 and Lots 1-7, Block 18 in Cibolo Canyon Unit-4, Phase 2, a subdivision located in Bexar County, Texas according to the map or plat recorded in Volume 9572, Pages 58-59, Official Public Records of Bexar County, Texas; and
- (e) Lots 1-7 and 61-78, Block 25 in Cibolo Canyon Unit-5, Phase 1, a subdivision located in Bexar County, Texas according to the map or plat recorded in Volume 9566, Pages 127-129, Official Records of Bexar County, Texas;
- (f) Lots 1-5 and 23-37, Block 161 in Cibolo Canyon Unit-6, a subdivision located in Bexar County, Texas according to the map or plat recorded in Volume 9592, Pages 144-145, Official Records of Bexar County, Texas;

- (g) Lots 1-17, Block 165 in Cibolo Canyon Unit-7A Enclave, a subdivision located in Bexar County, Texas according to the map or plat recorded in Volume 9584, Pages 16-19, Official Records of Bexar County, Texas; and
- (h) Lots 14-18, Block 166 in Cibolo Canyon Unit-7C Enclave, a subdivision located in Bexar County, Texas according to the map or plat to be recorded the Official Records of Bexar County, Texas.

Pursuant to *Section 9.04* of the Master Covenant, Declarant reserved for the benefit of the Cibolo Canyons Resort Community, Inc. (the "**Association**") an easement over and across the Development for the installation, maintenance, repair or replacement of certain subdivision fencing which serves the Development. Pursuant to *Section 9.04* of the Master Covenant, Declarant has the right to record a written notice in the Official Public Records of Bexar County, Texas, which identifies the subdivision fencing to which the easement applies.

2. **Notice of Perimeter Fence Easement.** Declarant hereby designates the portion of the Perimeter Fence Lots on which has been constructed a subdivision perimeter fence (the "**Perimeter Fence**"), including the area from the Perimeter Fence to any adjacent right-of-way, whether public or private, as the easement retained by Declarant for the benefit of the Association under *Section 9.04* of the Master Covenant (the "**Perimeter Fence Easement**"). The Perimeter Fence Easement expressly includes an ingress and egress easement over and across the Perimeter Fence Lots in favor of the Association to the extent reasonably necessary to maintain the Perimeter Fence.

3. **Designation as Master Community Facilities.** The Declarant hereby designates the Perimeter Fence Easement as Master Community Facilities as permitted pursuant to *Section 9.04* of the Master Covenant.

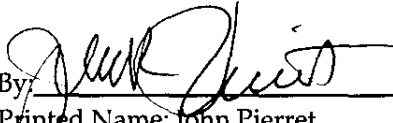
4. **Miscellaneous.** This notice constitutes a notice of designation of subdivision fencing easement under *Section 9.04* of the Master Covenant. Any capitalized terms used and not otherwise defined in this notice shall have the meanings set forth in the Master Covenant.

[SIGNATURE PAGE FOLLOWS]

EXECUTED to be effective as of the 24 day of July, 2008.

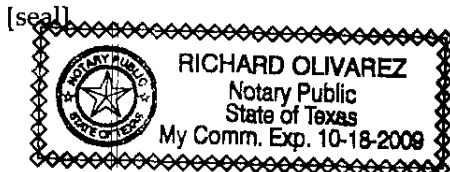
**DECLARANT:**

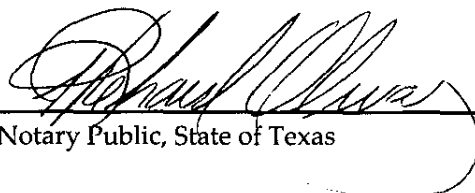
**FORESTAR (USA) REAL ESTATE GROUP INC.,** a  
Delaware corporation

By:   
Printed Name: John Pierret  
Title: Executive Vice President

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

This instrument was acknowledged before me on the 24<sup>th</sup> day of July, 2008, by John Pierret, Executive Vice President of Forestar (USA) Real Estate Group Inc., a Delaware corporation, on behalf of such corporation.



  
Notary Public, State of Texas

Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law  
STATE OF TEXAS, COUNTY OF BEXAR  
I hereby certify that this instrument was FILED in File Number Sequence on this date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

Doc# 20080160518 Fees: \$28.00  
07/25/2008 2:27PM # Pages 4  
Filed & Recorded in the Official Public  
Records of BEXAR COUNTY  
GERARD RICKHOFF COUNTY CLERK

JUL 25 2008



  
COUNTY CLERK BEXAR COUNTY, TEXAS