AFFIDAVIT

AUG 16-7425 3859 + 2.50

STATE OF TEXAS

COUNTY OF TRAVIS

} 1-01-3237

BEFORE ME on this date personally appeared Donald H. Cummins, who, being by me duly sworn, did depose and say:

I am the secretary of Bradfield Cummins, Incorporated, a Texas corporation. As secretary of such corporation, I attested the signature of W. L. Bradfield, president of Bradfield Cummins, Incorporated, on that instrument, dated August 6, 1963, recorded in Vol. 3005, Pages 1883-1888 of the Travis County Deed Records, which established restrictions upon all of the property included in Highland Hills, Section 9, Phase 1, an addition to the City of Austin in Travis County, Texas, the plat of which appears in Vol. 31, Page 22, Travis County Plat Records. I am familiar with the contents of such instrument, and I am personally acquainted with the facts recited in this affidavit.

Section 12 of the above described restrictions sets forth means for establishing a "Property Owners' Committee." Section 13 of such restrictions recites means by which proposed sales of properties in said Addition shall be submitted to such committee. The Property Owners' Committee referred to in such restrictions is now defunct. It has not met, nor to my knowledge has it existed, for more than three years prior to the date of this affidavit. It maintains no address, and I know of no means by which communications may be addressed to such entity. Bradfield Cummins, Incorporated, has disposed of all of the properties which it once owned in such Addition, and it does not, nor does it purport to, maintain a member of its board as a member of such committee.

There are more than twenty separate lots in said Addition. Since the date of the filing of said restrictions in August, 1965, there have been numerous resales of lots in said Addition. On only two or three occasions, that I recall, did any property owner present, or attempt to present to the Property Owners' Committee, his contract as required by said restrictions. On no occasion did the committee do anything but acquiesce in the proposed sale.

EXECUTED this 82 day of August, 1974.

Donald H. Cummins

SUBSCRIBED AND SWORN TO before me this _____ day of August,

NOTARY SEAL

Notary Public in and for Travis County, Texas

4993 1237

DEED RECORDS
Travis County, Texas

STATE OF TEXAS

COUNTY OF TRAVIS

1-01-3238

BEFORE ME, the undersigned authority, on this day personally appeared DONALD H. CUMMINS, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of August, 1974.

NOTARY SEAC

Notary Public in and for Travis County, Texas

FILED Aus 18 3 33 FH 774

COUNTY OF TRAVIS

I hereby a lifty that this Instrument, was FILED, on the
date and at the line date of hereon by me; and was duly
Recommendation in the Alicine of Page of the named RECORDS
of Travel County, Texas, as Stampad hereon by me, on

AUG 16 1974

Dies Shrapstive

COUNTY CLERK
THAVIS COUNTY, TEXAS

4999_ 1238