

CERTIFICATE OF RESOLUTION CONCERNING
THE HOME CONSTRUCTION, IMPROVEMENTS AND MAINTENANCE –
APPROVAL AND GUIDELINES
FOR CAPE ESTES SUBDIVISION, UNIT I AND UNIT II

THE STATE OF TEXAS
COUNTY OF FREESTONE

§
§ KNOW ALL MEN BY THESE PRESENTS:
§

WHEREAS, the Restrictions for Cape Estes Subdivision, Unit I and Unit II state that:

“1. There shall be established an Architectural Control Committee composed of three (3) members appointed by KENSAI, INC. (and/or by its designees, from time to time) to protect the owners of lots in this Subdivision against such improper use of lots as will depreciate the value of their property; to preserve, so far as practicable, the natural beauty of said property; to guard against the erection thereon of poorly designed or proportioned structures and structures built of improper or unsuitable materials, to obtain harmonious architectural schemes; to insure the highest and best development of said property; ... ; to secure and maintain proper setbacks from streets and adequate free spaces between structures; and, in general, to provide adequately for a high type of quality of improvements on said property, and, thereby, to enhance the value of investments made by purchasers of lots therein.”

WHEREAS, the Restrictions for Cape Estes Subdivision, Unit I and Unit II state that:

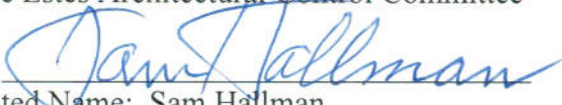
“3. No residence, outbuilding, structure, fence or construction of any kind shall be constructed, erected or placed on any lot in this subdivision until the building plans, specifications and plot plans showing the location or said improvements have been submitted to and approved in writing by the Architectural Control Committee for the Subdivision.

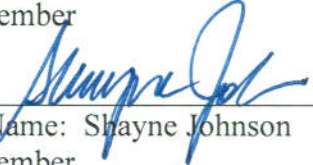
NOW, THEREFORE, be it resolved as follows:

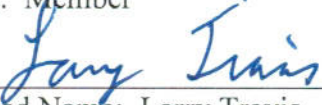
That the Home Construction, Improvements and Maintenance – Approval and Guidelines For Cape Estes Subdivision, Unit I and Unit II attached hereto as Appendix A are hereby adopted by the Cape Estes Architectural Control Committee, and will apply to Cape Estes Subdivision, Unit I and Unit II.

IN WITNESS WHEREOF, the Cape Estes Architectural Control Committee hereby certifies that the above-described Resolution duly reflects action taken by the Cape Estes Architectural Control Committee on March 12, 2021.

Cape Estes Architectural Control Committee

By: 
Printed Name: Sam Hallman
Title: Member

By: 
Printed Name: Shayne Johnson
Title: Member

By: 
Printed Name: Larry Travis
Title: Member

ACKNOWLEDGMENT

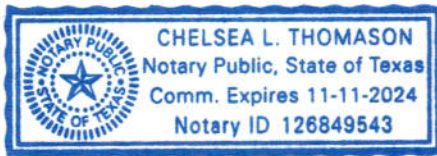
THE STATE OF TEXAS
COUNTY OF COLLIN

§
§

The foregoing Certificate Of Resolution was subscribed, acknowledged and sworn to before me this 11th day of March, 2021 by Sam Hallman as a member of the Cape Estes Architectural Control Committee.

Witness my hand and official seal.

My commission expires: 11-11-2024



Chelsea L. Thomason
Notary Public, State of Texas

ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF FREESTONE

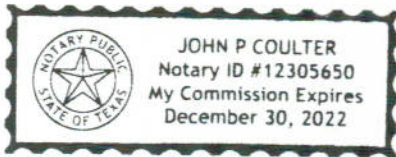
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The foregoing Certificate Of Resolution was subscribed, acknowledged and sworn to before me this 18th day of March, 2021 by Shayne Johnson as a member of the Architectural Control Committee Of Cape Estes.

Witness my hand and official seal.

My commission expires:

12/30/22




Notary Public, State of Texas

ACKNOWLEDGMENT

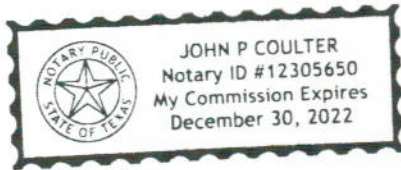
THE STATE OF TEXAS
COUNTY OF FREESTONE

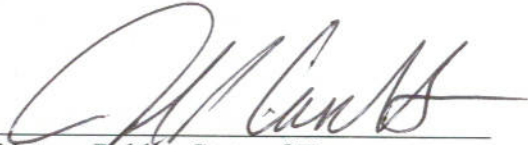
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The foregoing Certificate Of Resolution was subscribed, acknowledged and sworn to before me this 18th day of March, 2021 by Larry Travis as a member of the Architectural Control Committee Of Cape Estes.

Witness my hand and official seal.

My commission expires: 12/30/22




Notary Public, State of Texas

APPENDIX A

HOME CONSTRUCTION, IMPROVEMENTS and MAINTENANCE Approval and Guidelines Architectural Control Committee Of Cape Estes

DOCUMENT PURPOSE

There are many provisions in the Restrictions for Cape Estes Subdivision, (Unit I and Unit II) that are directly and indirectly related to requirements for the plans, approval, construction, and ongoing maintenance of Homes in the Subdivision. There are also many provisions in the Restrictions which require approval of the Architectural Control Committee.

The purpose of this document is to provide:

- A. an overview of the construction approval process
- B. a summary of the Cape Estes Restrictions provisions that apply to residences
- C. definitions of key terms
- D. guidelines for approval of residence construction and maintenance

A. OVERVIEW OF THE CONSTRUCTION APPROVAL PROCESS

The Approval Process is a collaborative process during which the Property Owner and the Architectural Control Committee share information and work together. The summary steps of the Approval Process are as follows:

1. The Property Owner(s) contacts the ACC and communicates the project (e.g. driveway, outbuilding, roof replacement, home construction, etc.) The ACC will make sure the Property Owner has a copy of the Restrictions and any applicable Guidelines and will request that the Property Owner provide, as appropriate, the following:
 - a. Written description of the project and request for review and approval – this initial description is typically done via completion of the “*ACC Construction Approval Request Form*” and any necessary attachments.
 - b. Plans and specifications for the project including a plat showing the size, shape and location of the project on the Lot relative to setbacks, utilities, septic system, etc. and providing specifics for the building materials and construction techniques to be used, as well all other documentation or information relevant to such construction.
 - c. Identification of all contractors involved with the project including addresses and phone numbers.
 - d. Define the expected timeline of the project with anticipated start and end dates.
2. After the Property Owner provides the above-described Request Form and other documents and information, the ACC will notify the Property Owner if there is a need for additional information and will make sure the Property Owner has a copy of the Restrictions and any applicable Guidelines.

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3. The ACC will review the construction approval request and as appropriate work with the Property Owner to make any required adjustments.
4. Depending on the project, and on an as needed basis, the ACC will meet with the Property Owner and Contractor(s) to clarify and confirm additional project specifics. For large scale projects, such as home construction, one or more in-person meetings attended by the Property Owner, the Contractor(s) and the ACC may be required to review the project plans and specifications and to review the project checklist (*see Appendix A - Home Construction Checklist*).
5. The ACC will provide a written approval or disapproval for the request that is signed by the ACC. Upon written approval from the ACC, the construction project may begin.

B. SUMMARY OF CAPE ESTES RESTRICTIONS THAT APPLY TO HOME CONSTRUCTION

SET BACKS

Section 5. No building shall be nearer than five (5') feet to either the side or rear property lines. No building shall be nearer than twenty-five (25') feet to the front or street side of each lot. There shall be an easement reserved forever of a width of fifteen (15') feet across the front or street side of each lot for utility construction. In further regard to this, no building shall be nearer than ten (10') feet of the above named fifteen (15') foot easement, (i.e. no building shall be nearer than twenty-five (25') feet to the front or street side of each lot).

An easement with right of ingress and egress is reserved in all the above-named building set-backs of five (5') feet and utility easement of fifteen (15') feet on each lot for utility installations, service and maintenance, including the right to keep same cleared of shrubbery, trees and fences. Said easements are for the construction and perpetual maintenance of conduits, poles, wires, guy wires, as necessary, and fixtures for electric lines, gas lines, telephone lines, water lines, sewer lines, sanitary and storm sewers, road drains and other public utilities. Wires, cables or crossarms may extend over portions of said lot not within the easement so long as it does not hinder the construction of buildings.

Section 5. (specific to Unit 1). As to Lots 1 through 38, Block 1, the Tarrant County Water Authority has reserved unto themselves a flood easement up to and including the 320' MSL elevation and no building shall be nearer than one (1') foot to this line. Piers and Boathouses shall be allowed below this 320' MSL line but must be approved by both the Tarrant County Water Authority and the Architectural Control Committee before the start of construction.

HOME CONSTRUCTION PROCESS

Section 3. No residence, outbuilding, structure, fence or construction of any kind shall be constructed, erected or placed on any lot in this subdivision until the building plans, specifications and plot plans showing the location of said improvements have been submitted to and approved in writing by the Architectural Control Committee for the Subdivision.

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Section 8. No old or existing house, prebuilt or prefabricated house or structure, or modular type home shall be moved, placed or maintained on any lot without prior written approval of the Architectural Control Committee.

Section 10. All exterior walls must be completed and painted as required and roof must be completed within ninety (90) days after the start of construction. Outside storage of building supplies on any lot in this subdivision shall be permitted only during said ninety (90) day construction period.

Section 22. No driveway shall be installed nor permitted to be installed without written permission of the Architectural Control Committee, said written permission shall be granted only after it is determined that Property Owner has a culvert pipe of adequate dimension and length for that particular situation. A speed limit of 25 mph and a load limit of 10 tons is hereby imposed on all the streets.

TYPE OF STRUCTURES AND BUILDING MATERIALS

Section 1. [The Architectural Control Committee is] to protect the Property Owners of lots in this Subdivision against such improper use of lots as will depreciate the value of their property; to preserve, so far as practicable, the natural beauty of said property; to guard against the erection thereon of poorly designed or proportioned structures and structures built of improper or unsuitable materials, to obtain harmonious architectural schemes; to insure the highest and best development of said property; to encourage and secure the erection of attractive homes and placement of attractive mobile homes thereon, with appropriate locations thereof on lots; to secure and maintain proper setbacks from streets and adequate free spaces between structures; and, in general, to provide adequately for a high type of quality of improvements on said property, and, thereby, to enhance the value of investments made by purchasers of lots therein.

Section 4. All lots shall be known and described as lots for residential purposes only. Only a one-family residence may be erected, altered, placed or be permitted to remain on any lots or any lot and adjoining fractional part of another lot.

Section 2. The home must be of an attractive design and appearance to comply with the architectural design of the area.

Section 6. All homes allowed by these Restrictions shall contain not less than 960 sq. ft. of floor space in the enclosed living area, exclusive of open or screened porches, breezeways or garages. All modular type homes shall have a minimum width of 24 ft., be installed on a concrete foundation or concrete runners, and be underpinned with materials approved by the Architectural Control Committee. All residences not on a slab foundation must be underpinned within 90 days of construction completion or placement upon the lot. Approved recreational vehicles such as motor homes and travel trailers may be used on any lot for temporary use only (i.e. weekend use, vacation or during construction of a home) so long as the same has been approved by the Architectural Control Committee in writing but in no way shall an approved recreational vehicle be set up on a permanent basis.

Section 7. No residence of "box" or "sheet metal" construction shall be erected, placed or permitted to remain on any lot nor shall any structure of a temporary character be used at any time as a residence.

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Section 9. Exterior walls of all buildings and improvements shall be constructed of masonry, wood or other commercial siding approved by the Architectural Control Committee provided that all exposed wood surfaces and cement block surfaces shall be painted with at least two coats of good quality paint. No metal roofs shall be used unless approved by the Architectural Control Committee.

Based upon the pertinent provisions contained in the Restrictions for Cape Estes Subdivision, Unit I and applicable Texas law, and considering the architectural design and quality of the existing site built custom homes on other Lots on or adjacent to Susan Grove Boulevard and on June Boulevard, the Architectural Control Committee has determined pursuant to the requirements of the Restrictions for Cape Estes Subdivision, Unit I and Unit II, that future approval will not be granted for placement of a Modular Home or a Modular Type Home (including but not limited to a Manufactured Home) on a Lot which is adjacent to Susan Grove Boulevard or June Boulevard. Additionally, future Home approvals shall have an enclosed attached or detached one car garage with a minimum space of 12 feet by 25 feet. Prefabricated metal awning type garages or carports shall not be allowed.

Exterior paint and stain colors approved for use in Cape Estes Subdivision are in the muted earth tones of beige, brown, taupe, gray (no darker than natural paint grip metal) and muted colors of yellow, blue and green. A previous approved submittal does not represent automatic future approval of the same or similar color. All exterior colors must be submitted and approved by the ACC. Black, all primary and secondary colors, fluorescent colors, and other colors that the ACC considers to be loud, clashing, or garish and are not harmonious with existing schemes are expressly prohibited.

A recreational vehicle (e.g. travel trailer, fifth wheel, motor home, cabover camper or any other type of camper) shall not be stored on a Lot, an Improved Lot or at a Residence or Home.

WATER, SEPTIC SYSTEM AND SANITARY FACILITIES

Section 2. Water service must be connected, and an approved septic system must be installed before any house or structure is occupied, even though for temporary use only.

Section 11. All lavatories, toilets and bath facilities shall be completely installed before the residence is occupied.

Section 12. All lavatories, toilets and bath facilities shall be installed indoors and shall be connected with adequate septic tanks and lateral lines constructed to comply with the specifications of the State and Local Health Authorities and no "outside" or surface toilets shall be permitted under any circumstances. The installation of septic systems on all lots shall be governed by the Tarrant County Water Authority.

C. DEFINITIONS

"Architectural Control Committee" or "ACC" means the Architectural Control Committee provided for and described in the Restrictions for Cape Estes Subdivision, (Unit I and Unit II). The ACC's responsibilities include, but are not limited to, working with Property Owners when they have compliance questions, ensuring that the Restrictions are followed by Property Owners and residents and reviewing and approval or disapproval of applications for the construction of improvements or

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modifications upon a Lot. To assist Property Owners seeking to build a Residence or place an Outbuilding or Other Improvement upon a Lot, the ACC shall also provide approval application and design guidelines for improvements or modifications - that as stated in the Restrictions require ACC approval.

"Cape Estes" or "Subdivision" means Cape Estes Subdivision, Unit I and Unit II.

"Improved Lot" means a Lot which does not have an approved Residence or Home, but which has been altered from its natural state and may have additional improvements such as, but not limited to Outbuilding(s) and/or Other Improvement(s).

"Lot" means any designated platted parcel of land located in Cape Estes, including any improvements on the designated parcel.

"HUD-code manufactured home" means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections. HUD-code manufactured home includes the plumbing, heating, air conditioning, and electrical systems of the home.

"Industrialized Housing" means a residential structure that is designed for the occupancy of a family; constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems. Industrialized housing does not include housing constructed of a sectional or panelized system that does not use a modular component; or a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location."

"Installation" means the temporary or permanent construction of the foundation system and the placement of a manufactured home or manufactured home component on the foundation. The term includes supporting, blocking, leveling, securing, anchoring, and properly connecting multiple or expandable sections or components and making minor adjustments.

"Installer" means a person, including a retailer or manufacturer, who contracts to perform or performs an installation function on manufactured housing and who holds a department issued license as an installer.

"Manufactured Home" means a HUD-code manufactured home as defined by the Texas Department of Housing and Community Affairs (TDHCA) Occupations Code, Chapter 1201 also known as the Texas Manufactured Housing Standards Act.

"Mobile Home" means a structure constructed before June 15, 1976; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections. Mobile Homes includes the plumbing,

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heating, air conditioning, and electrical systems of the home. This is the definition from the Texas Department of Housing and Community Affairs (TDHCA) Occupations Code, Chapter 1201 also known as the Texas Manufactured Housing Standards Act.

“Modular Home” means Industrialized Housing as defined by the Texas Department of Licensing and Regulation (TDLR) Occupations Code, Chapter 1202.

“Modular Type Home” means any Home that is constructed and built at a location other than the Lot(s) and is subsequently transported to the Lot(s) and erected or installed on a concrete foundation system. Modular Type Homes are sometimes constructed on a permanent chassis. Modular Type Homes include Homes such as Manufactured Homes and cabins/cottages constructed and built at a location other than the Lot(s).

“Site-Built Home” means a Home that is constructed / built at the Lot(s) using conventional stick built home building materials.

“Other Improvement” means any real property improvement to a Lot including, but not limited to, a boat dock or boat house, driveway, garage, carport, deck, porch, culvert, septic system, sprinkler system, fence, gate, retaining wall, stairs, and/or landscaping.

“Residence” or “Home” means a Lot that has a site-built residence or home, Modular Home or Modular Type Home (including but not limited to a Manufactured Home) that was built or placed upon a Lot for the purpose of single-family residency.

“Outbuilding” means a building, shed, or storage building that is separate from but an accessory to a Residence, or has been placed on an Improved Lot.

“Plans and Specifications” shall mean any and all documents designed to guide or control the construction or creation of a Residence, an Outbuilding, or Other Improvement including but not limited to, those indicating location, size, shape, configuration, materials, site plans, excavation and grading plans, foundation plans, drainage plans, landscaping and fencing plans, lighting, elevation drawings, floor plans, specifications on all building products and construction techniques, samples of exterior materials and colors, plans for utilities, plans for septic system, and all other documentation or information relevant to such construction.

D. HOME CONSTRUCTION, IMPROVEMENTS AND MAINTENANCE GUIDELINES

The guidelines in this document are provided for directional purposes and contain most but not necessarily all of the criteria that may be deemed necessary for approval of a Residence or Home construction or ongoing maintenance.

OVERVIEW OF THE HOME CONSTRUCTION PROCESS

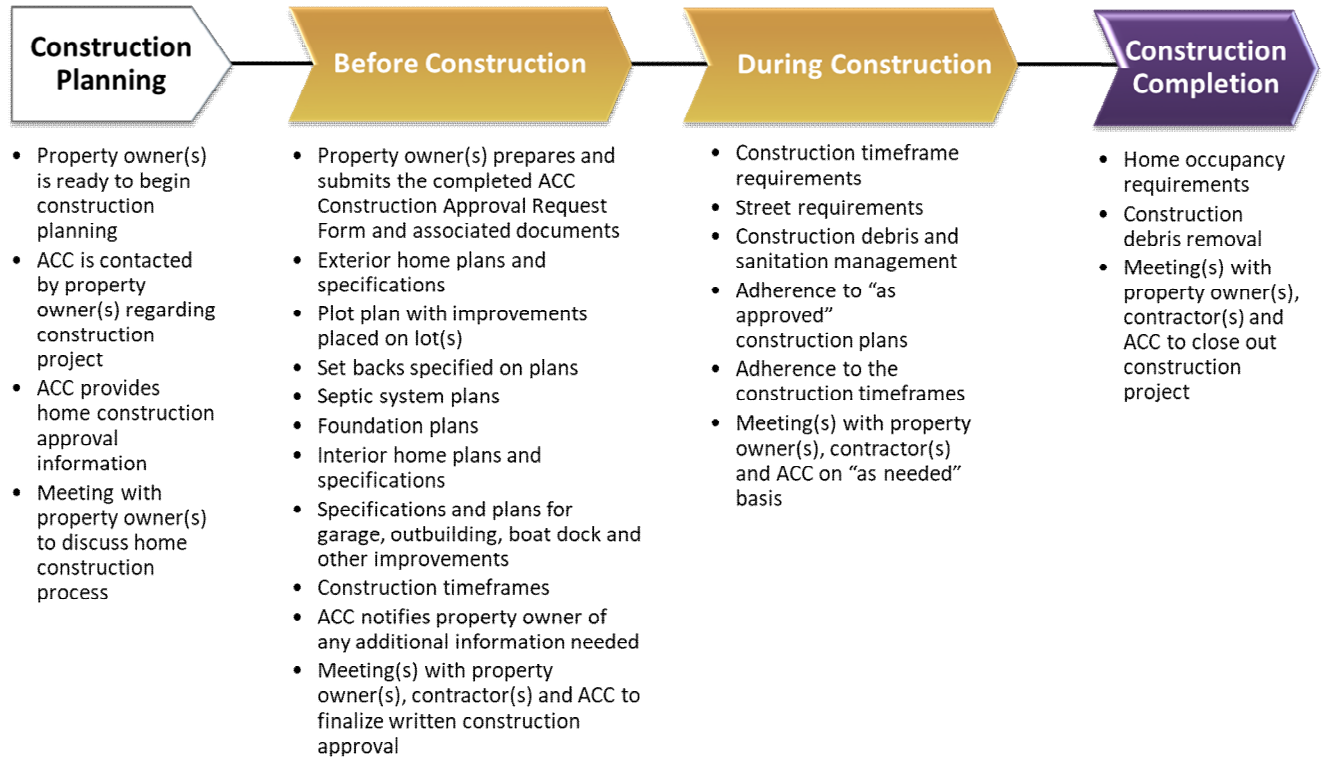
The home construction process has requirements and approvals that occur throughout the construction process, as outlined in the below *Diagram 1: Home Construction Process*. Typically, to simplify communications and to facilitate the approval process a checklist may be used. Please refer to *Appendix A - Home Construction Checklist*.

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Diagram 1: Home Construction Process



CONSTRUCTION PLANNING

Construction planning is typically the time when a Property Owner(s) begins considering construction and starts to organize their ideas at a high level relative to the scope of the construction project. Examples of items that a Property Owner(s) would typically begin considering for the scope of the construction might include the square footage and style of the home, any specific needs based on the lot shape or topography, the contractor(s) the Property Owner(s) may consider working with on the construction, the building size and setback requirements for the Home, the requirements for the utilities, water and septic systems, etc. It is also important at this time for the Property Owners to become familiar with the deed Restrictions requirements and to begin communications and initial meetings with the Architectural Control Committee regarding their planned construction.

BEFORE CONSTRUCTION

Before construction begins there are a number of deed Restriction requirements that are specific to construction/erection/placement of a Home as well as a number of written approval requirements.

Per **Section 3** of the Restrictions for Cape Estes Subdivision, (Unit I and Unit II) no Residence shall be constructed, erected or placed on any lot in this subdivision until the building plans showing the location

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of said improvements have been submitted to and approved in writing by the Architectural Control Committee for the Subdivision.

Construction plans and specifications for a Residence shall include, but not be limited to, plans specifying exterior materials to be used, exterior dimensions, exterior elevations, detailed interior floor plans, square footage for the enclosed living areas, roofing materials, the location of the structure(s), including the structure(s) location in relation to Lot lines, water lines, an appropriate septic system, any driveway, garage, Outbuilding(s) or Other Improvement(s) and with respect to topography and finish grade elevation, all as appropriate. Construction plans and specifications for a Residence shall include an attached or detached enclosed one car garage with a minimum space of 12 feet by 25 feet. Prefabricated metal awning type garages or carports shall not be allowed.

The construction plans and specifications shall provide a list of known and anticipated home builder and construction contractors. The construction plans and specifications shall specify a proposed starting date and finishing date.

Construction plans and specifications shall include the location of all structures with respect to the setbacks and easements as defined per **Section 5** of the Restrictions for Cape Estes Subdivision, (Unit I and Unit II).

Construction plans and specifications shall include the location of all septic system components (e.g., septic tanks, septic field). Final approval from the Architectural Control Committee will not be granted until an approved septic system construction plan has been granted by Tarrant Regional Water District. The septic system must meet all requirements as defined per **Section 12** of the Restrictions for Cape Estes Subdivision, (Unit I and Unit II).

Construction plans and specifications shall include foundation plans for all site-built homes and as defined per **Section 6** a concrete foundation or concrete runners for all Modular Type Homes. For concrete runner and skirting requirements for a Modular Type Home (including but not limited to a Manufactured Home), refer to *Appendix B - Modular Type Home Requirements*.

Considerations for approval of a Residence, Outbuilding(s) or Other Improvement(s) shall include, but not be limited to, the quality of workmanship and materials, the harmony of the external design and colors of exterior materials with existing structures in the Subdivision and the appropriate placement of the improvement(s) on Lots considering factors such as maintaining proper setbacks, providing adequate free spaces between structures, and allowing for anticipated water flow and drainage.

All roofing materials must be approved, including type, color, texture, and quality. All fences must be approved by the Architectural Control Committee prior to their erection and (i) must meet all specifications stated in the Restrictions for Cape Estes Subdivision and (ii) must meet any additional guidelines and requirements specified in the Outbuildings and Other Improvements Guidelines document.

If two or more Lots are consolidated for a Residence or Home, all building setback provisions shall be applied to such resulting site as if it were an original, single platted Lot.

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Prior to commencement of any site work or other construction, a culvert approved by the Architectural Control Committee as to adequate diameter and width (but in no event less than twenty (20) feet wide) shall be placed at the road entrance to each Lot, unless waived in writing by the Architectural Control Committee. Waiver of this requirement may be granted on a case by case basis, provided topography and drainage conditions warrant a waiver in the judgment of the Architectural Control Committee.

DURING CONSTRUCTION

There are also Restriction requirements that are specifically applicable during construction of a home as well as associated written approval requirements.

Starting date is defined as the date when site work is begun for the foundation and finishing date is defined as when the house is ready for occupancy, electricity and water service is connected and the on-site sewer system has been inspected and approved by Tarrant Regional Water District.

From the starting date and as defined per **Section 10** of the Restrictions for Cape Estes Subdivision, (Unit I and Unit II), all exterior walls must be completed and painted as required and roof must be completed within ninety (90) days after the start of construction. If any delays are encountered relative to this ninety (90) day timeframe an extension of such time must be requested in writing by the Property Owner(s) from the Architectural Control Committee. The Architectural Control Committee may in the exercise of its reasonable discretion grant an extension if the written request sets forth the reasons for the delay or for the requested extension.

Once commenced, construction will be diligently pursued to completion and may not be left idle in a partially finished condition for more than thirty (30) consecutive days without the written approval of the Architectural Control Committee. All construction must be completed within two hundred forty (240) days unless an extension of such time has been granted in writing by the Architectural Control Committee in response to a written request that has set forth the reasons for the delay or for the requested extension.

Any and all construction related vehicles must adhere to the 25 mph speed limit and the 10-ton load limit on all roads in Cape Estes Subdivision.

One (1) RV may remain on a Lot from the start date of the new Residence or Home construction and shall be removed on or before the finish date, provided that prior written approval for the RV has been obtained from the Architectural Control Committee. Per **Section 7** of the Restrictions for Cape Estes Subdivision, (Unit I and Unit II) no structure of a temporary character may be used on any Lot at any time, as a residence.

Each construction site shall have a roll off or site built container for building debris and a construction field toilet which are to remain on the site for the entire construction period. The container for building debris must be large enough to contain all building trash on the building site. The construction site shall be cleaned on a daily basis. In accordance with **Section 10** of the Restrictions for Cape Estes Subdivision, (Unit I and Unit II) outside storage of building supplies on a Lot in this subdivision shall be permitted only during the initial ninety (90) days after the start of construction.

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CONSTRUCTION COMPLETION

Construction completion is typically the time when the construction project is nearing conclusion and very little work remains to be completed. During this timeframe, the focus is typically on finalizing the Residence or Home for occupancy requirements, cleaning up and removing all construction debris and closing out remaining tasks with construction contractors.

ONGOING CONSIDERATIONS

Any Residence or Home, Outbuilding or Other Improvement that is planned to be or is subsequently connected to an existing septic system must receive written approval from Tarrant Regional Water District prior to connection to the existing septic system.

Buildings destroyed by fire or natural disaster must be demolished, removed, or repaired and new construction begun within ninety (90) days or such longer period as may be approved in writing by the Architectural Control Committee in the exercise of its reasonable discretion.

The Property Owner(s) shall, at their sole cost and expense, repair and maintain each Residence or Home, Outbuilding(s) and Other Improvement(s) keeping the same (i) in a condition comparable to the condition of such improvement(s) at the time of its (their) initial construction, excepting only normal wear and tear, (ii) such that all painted surfaces and all stained surfaces are repainted and restained, and shall not permit the exterior walls, windows, doors or other exterior portions of the improvement(s) to deteriorate in an unattractive manner (e.g. there should be a uniform color or texture, there should not be peeling paint and there shall not be deteriorated/rotten wood, etc.), and (iii) otherwise in compliance with the provisions of the Restrictions for Cape Estes Subdivision, (Unit I and Unit II).

The ACC may from time to time revise these Guidelines to reflect changing conditions of the Subdivision.

It is the Property Owners duty to keep an updated e-mail and physical mailing address registered with the Architectural Control Committee.

NOTICE OF VIOLATIONS AND REMEDIES

In the event the Property Owner(s) do not follow the requirements of the Restrictions and/or these Guidelines with regard to construction of a Residence or Home, the ACC will give such Property Owner(s) written notice of such conditions and will require the conditions to be corrected and cured within a specified timeframe.

In the event the Property Owner(s) of any Residence or Home, Outbuilding or Other Improvement should allow such improvement to fall into disrepair and become in need of paint, stain, repair, or restoration of any nature or to become unattractive and not in keeping with the neighborhood, the ACC will give such Property Owner(s) written notice of such conditions and will require the conditions to be corrected and cured within a specified timeframe.

If the violations are not cured by the deadline(s) stated in the ACC written notice, the ACC may turn the violations over to legal to pursue compliance and/or file a lawsuit in a court of competent jurisdiction to enforce the ACC's rights and remedies under the Restrictions and/or the laws of the State of Texas. If

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legal action is commenced, the ACC will seek recovery of reasonable attorneys fees and other reasonable costs incurred to obtain compliance in accordance with the Restrictions. The ACC may also seek civil damages for each day the violations exist. Additionally, the ACC may file a certificate of non-compliance in the real property records of Freestone County, Texas.

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Appendix A - Home Construction Checklist

CONSTRUCTION PLANNING

- _____ 1. Property Owner(s) is ready to begin planning for construction
- _____ 2. Meeting with Property Owner(s) and ACC
 - _____ a. Initial discussions regarding home construction
 - _____ b. Review of Home Construction Approval process and Guidelines
- _____ 3. Identification of any next steps, known issues and agreed to approach for resolution

BEFORE CONSTRUCTION

- _____ 1. ACC Construction Approval Request Form submitted and written approval communicated in writing from the ACC
- _____ 2. Exterior Plans and Specifications Provided
- _____ 3. Plot plan with improvements placed on lot(s)
 - _____ a. Improvements size and dimensions in relation to setbacks, lot lines, driveway, septic system, sprinkler system, deck(s), outbuilding(s) and any Other Improvements
 - _____ b. Exterior Elevations of all sides of structure comply with architectural design of the area
 - _____ c. Roofing and Gutter materials
 - _____ d. Excavation, grading and drainage plans
 - _____ e. Foundation plans
 - _____ f. Exterior materials & colors (paint, stain, siding, brick, rock, masonry, wood, concrete, windows, doors, etc.)
 - _____ g. Garage, deck, porch and sidewalk plans
 - _____ h. Driveway, culvert
 - _____ i. Landscaping and sprinkler system
 - _____ j. Outbuilding specifications (size, location, wall and roof material, painted/stained, relation to other improvements)
 - _____ k. Considerations for consolidation of two adjoining lots
- _____ 4. Set Backs
 - _____ a. No building nearer than 5' feet to side or rear of off water property lines
 - _____ b. No building nearer than 25' to the front or side street
 - _____ c. Easement of 15' across the front or street side of each lot for utility construction (further no building nearer than 10' of the 15' easement)
 - _____ d. Easement for ingress/egress in all above named set-backs of 5' and utility easement of 15' for utility installations, service & maintenance – same kept clear of planted shrubbery, planted trees & fences
 - _____ e. TRWD flood easement up to and including the 320' MSL and no building nearer than 1' above this line
- _____ 5. Septic System Plans

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- _____ a. Septic field in relation to all other improvements
- _____ b. Septic construction plan approved by TRWD
- _____ c. Septic plan in alignment with size/scale of construction (e.g. number of bathrooms)
- _____ 6. Interior Plans and Specifications Provided
 - _____ a. Detailed interior plans by room and square footage
 - _____ b. Enclosed living area square footage $\geq$ 960 square feet
 - _____ c. Home size/scale in alignment with TRWD septic plan approval
- _____ 7. Construction Timeframe
 - _____ a. Anticipated Start Date
 - _____ b. Initial 90-days construction period for wall and roof completion
 - _____ c. Initial 90-days from start of construction outside storage of building supplies
 - _____ d. Estimated End Date
- _____ 8. Boathouses
 - _____ a. Approval from TRWD
 - _____ b. Approval from ACC
- _____ 9. Overall protection of lot Property Owners
 - _____ a. High quality materials
 - _____ b. Proper setbacks
 - _____ c. Harmonious architectural scheme
 - _____ d. High quality type of improvements to enhance the value of investments
- _____ 10. Meeting(s) with Property Owner(s), Contractors and ACC
 - _____ a. Plans and Specifications review and follow up items identified
 - _____ b. Review of applicable deed Restrictions and Guidelines requirements
 - _____ c. Joint agreement and signatures of Property Owners to ACC's "As Approved" Home Construction Plans

DURING CONSTRUCTION

- _____ 1. Construction Timeframe
 - _____ a. Actual Start Date
 - _____ b. Initial 90-day construction period for walls and roof completion
 - _____ c. Estimated Completion Date
 - _____ d. Timeframe extension requests must be reviewed and approved by the ACC
- _____ 2. Street Requirements
 - _____ a. 25 mph speed limit
 - _____ b. 10-ton load limit
- _____ 3. Construction debris and sanitation management
 - _____ a. Construction toilet and service plan
 - _____ b. Construction site building debris roll off or site built container
 - _____ c. Construction site cleaned daily
 - _____ d. Construction vehicles parking
 - _____ e. No outside storage of building supplies/materials after the initial 90 days of construction

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- _____ 4. Plot plan with improvements placed on lot
 - _____ a. As per approved construction plans
 - _____ b. All changes must be reviewed and approved by the ACC
- _____ 5. Set Backs
 - _____ a. As per approved construction plans
 - _____ b. All changes must be reviewed and approved by the ACC
- _____ 6. Septic System Plans
 - _____ a. As per approved construction plans
 - _____ b. All changes must be reviewed and approved by the ACC
- _____ 7. Interior Plans and Specifications Provided
 - _____ a. As per approved construction plans
 - _____ b. All changes must be reviewed and approved by the ACC
- _____ 8. Meeting(s) with Property Owner(s), Contractors and ACC on as needed basis
 - _____ a. Prior approval required for change to approved construction plans
 - _____ b. Follow ups to address any Property Owner or community concerns
 - _____ c. Identification of any known issues and agreed to approach for resolution

CONSTRUCTION COMPLETION

- _____ 1. Home Occupancy Verification
 - _____ a. Electricity service connected
 - _____ b. Water service connected
 - _____ c. All lavatories, toilets and bath facilities installed and connected to septic system
 - _____ d. On-site septic system inspected and approved by TRWD
- _____ 2. Construction debris removal
 - _____ a. Construction toilet removal
 - _____ b. Construction site building debris roll off or site built container removal
 - _____ c. Home site cleaned and cleared of all construction materials and debris
- _____ 3. Meeting with Property Owner(s), Contractors and ACC
 - _____ a. Follow ups to address any Property Owner or community concerns
 - _____ b. Finalize any known issues and agree to approach for resolution
 - _____ c. Close out of construction project

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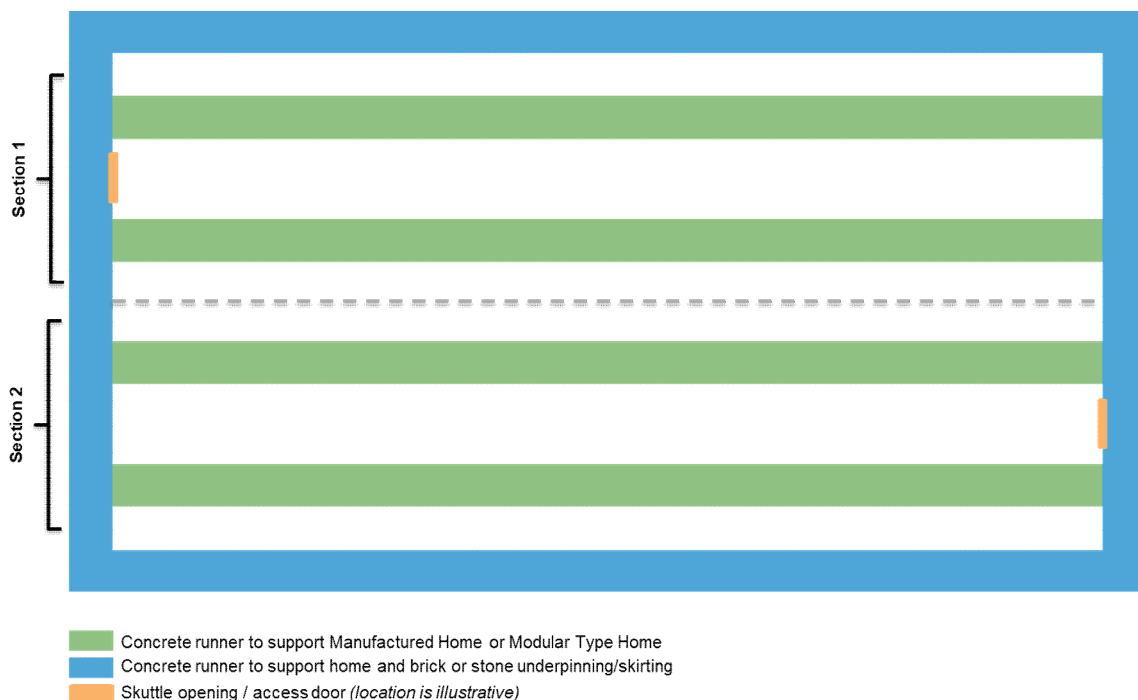
Appendix B –Modular Type Home Requirements

Construction plans and specifications shall include foundation plans as defined per **Section 6** that all Modular Type Homes (including but not limited to Manufactured Homes) shall have a concrete foundation or concrete runners and be underpinned with materials approved by the Architectural Control Committee.

An engineered concrete slab foundation is preferred and has many benefits over concrete runners. If concrete runners are used to support a Modular Type Home (including but not limited to a Manufactured Home) the runners should at a minimum include:

- See below *Diagram 2: Concrete Runner Construction Specifications*
- 2 concrete runners under each section with each runner being reinforced with 4 strands of ½ inch steel rebar
- Runners to be a minimum of 24 inches wide and 12 inches thick (8 inches below ground and 4 inches above ground)
- A Manufactured Home is then supported by concrete blocks (8 inches by 16 inches) sitting on top of the concrete runners or as directed by an installer licensed by the State of Texas in accordance with compliance with applicable Texas Law and local ordinances, codes, and regulations.
- Refer to below Diagram 2: Concrete Runner Construction Specifications

Diagram 2: Concrete Runner Construction Specifications



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Manufactured Homes shall have a masonry brick or natural stone underpinning/skirt to include:

- See below examples in *Picture 1: Stone Example* and *Picture 2: Brick Example*
- The brick or stone underpinning/skirt around the entire home must go up 8 inches (2 bricks) above the bottom of the Manufactured Home and must have a brick frieze with a seal.
- The brick or natural stone underpinning/skirting must be placed on concrete runners that are a minimum of 24 inches wide and 12 inches thick (8 inches below ground and 4 inches above ground) and the runners shall be reinforced with 4 strands of ½ inch steel rebar
- At a minimum, a scuttle opening/access door must be installed on each end to provide proper access beneath the home

Picture 1: Stone Example



Picture 2: Brick Example



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Other Modular Type Home (including but not limited to a Manufactured Home) requirements include:

- A Manufactured Home must at a minimum comply with the Administrative Rules of the Texas Department of Housing and Community Affairs Manufactured Housing Rules.
- A Manufactured Home installer must be licensed by the State of Texas and a copy of the installers license is required to be furnished to the ACC to obtain written approval. The Property Owner and the licensed installer shall both bear responsibility for compliance with applicable Texas law and local ordinances, codes, regulations and the deed Restrictions.
- A Modular Type Home must be anchored in compliance with all applicable State of Texas and Federal law. This includes being securely anchored (vertically and horizontally) as appropriate to resist uplift and overturning from wind activity for the wind zone in which the home is to be installed and must follow all applicable installation instructions for that wind zone.

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AFTER RECORDING, RETURN TO SARAH B. GERDES:



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