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FSFCA, INC.
ARCHITECTURAL CONTROL GUIDELINES FOR
MODIFICATIONS COMMITTEE
September 22, 2003
FOUR SEASONS FARM, PHASE 1, SECTION 1

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FSFCA, INC.
ARCHITECTURAL CONTROL GUIDELINES

OVERVIEW

The Declaration

A system of Architectural Control is created by the Declaration of Covenants, Conditions and Restrictions for Four Seasons Farm (the "Declaration"), of record in Volume 2240, Page 632, Official Public Records of Hays County, Texas. As used herein, the term "Four Seasons Farm" refers to FOUR SEASONS FARM, PHASE 1, SECTION 1, a subdivision in Hays County, Texas, according to the map or plat recorded in Volume 10, Page 298, of the Plat Records of Hays County, Texas, or any other property hereafter designated to be subject to the Declaration.

Purpose and Objectives

The purpose of these architectural guidelines is to preserve the natural setting and beauty of the properties, to establish and preserve a harmonious and aesthetically pleasing design for the Four Seasons Farm and to protect and promote the value of the properties, subject to the restrictions set forth in the Declaration.

To preserve the architectural and aesthetic appearance of "Four Seasons Farm", no construction of improvements, or modifications, additions, or alterations to existing improvements, shall be commenced or maintained by any Owner, with respect to any other portion of the Properties, including, without limitation, the construction or installation of sidewalks, driveways, parking lots, mail boxes, decks, patios, courtyards, swimming pools, tennis courts, greenhouses, playhouses, awnings, walls, fences, exterior lights, garages, guest or servants' quarters, or other outbuildings, nor shall any exterior addition to or change or alteration therein be made (including, without limitation, painting or staining of any exterior surface), unless and until they shall have been submitted to and approved in writing by the Four Seasons Farm Community Association as to the compliance of such plans and specifications with the Declaration and such design guidelines (the "Design Guidelines") as may be published by the Four Seasons Farm Community Association from time to time including the harmony of external design, location, and appearance in relation to surrounding structures and topography.

These Guidelines are intended to function as a summary of the Declaration and to comply with the requirements of the Declaration by establishing design guidelines for the FSFCA, which has exclusive jurisdiction over modifications, additions, or alterations made to Residential Units. Any terms with the first letter capitalized are either defined in these Guidelines, or in the Declaration. The Modification Committee (referred to in these Guidelines as the "MC") shall review all modifications, additions, or alterations made on or to existing Properties after such property is conveyed by the builder to the homeowner. "Properties" shall mean all Lots and Common Facilities shown on each Subdivision Plat.

Application Procedure

Applications should include a cover letter, together with the Application Form shown on the next page, explaining the proposed improvement(s). Attach two (2) copies of a detailed site plan. It is recommended that a copy of the survey received at closing be used so that relative distances and dimensions can be reviewed. Make sure to include all pertinent information, specifications, building permits, etc., and that a mailing address and phone number are also provided. All applications must be in writing. The MC cannot respond to verbal or facsimile requests.

Mail your applications to: Mr. Robert W. McDonald, III, 2110-A, Boca Raton Dr., Austin, Texas 78747. Do not send the application via telecopy (fax). Otherwise, if the application is mailed, call Mr. McDonald at (512) 280-5353 within seven (7) days after the date of the application to verify that it was received. Do not assume it was received.

It is the responsibility of the applicant to make sure he or she has the most current guidelines before proceeding with any improvement. Check with any MC or Board member to see if the guidelines have been reissued or amended.

The MC reserves the right to charge an application fee on a case by case basis, depending on the complexity of the requested improvement to pay for the services of an independent architect/land planner to review. Any costs or expenses, which the MC incurs in processing the Application, shall be paid by the homeowner.

Approvals/Disapprovals/Processing Period

The MC will respond in writing to all applications. Upon approval or disapproval, one (1) copy of the application will be marked and returned, along with an explanatory letter.

Please note that the MC has forty-five (45) calendar days from date of receipt of a complete application within which to respond. If additional information is required by the MC, the forty-five (45) day processing period will commence upon receipt of the additional information. Plans for the implementation of the proposed improvement(s) should allow for the time required to complete the approval process. However, every effort will be made to respond promptly.

In the event the MC fails to indicate its approval or disapproval within the forty-five (45) days after receipt of the required documents, approval will not be required and the related covenants set out in the Declaration shall be deemed to have been fully satisfied, provided that the proposed improvements are generally in harmony with the scheme of the development as set forth in the Declaration and these Guidelines and do not violate any of the covenants. However, failure to respond on the part of the MC does not imply permission to encroach on an easement or building line or to violate the Declaration.

If an application is not approved, the MC will state in their letter why such approval was denied and what type of application changes, if any, would alter that decision. If an applicant wishes to discuss or appeal a decision made by the MC, the chairman of the committee should be contacted for an appointment. The Board of Directors shall have the final authority over all actions taken by the MC.

No MC member can approve his/her own improvement.

Please note that MC approval is required prior to the installation or construction of any improvement or change. If an improvement is made without MC approval, the Board of Directors for FSFCA, Inc., has the legal right to enforce its removal.

Easements

The MC cannot approve any application if there is an encroachment on an easement until the homeowner provides a Consent for Encroachment, or resubmits revised plans. Any non-portable structure on an easement is considered permanent, and thus an encroachment. Homeowners must secure a Consent to Encroachment or a Release of Easement from all affected utility companies. If your plans show an encroachment, obtain your Consent for Encroachment before applying to the MC, or your application will be rejected. If you have an aerial easement on your lot, the utility company may permit you to place a permanent structure in the easement, as long as the structure is not higher than the aerial easement. To be on the safe side, you should discuss it with them first.

Approval by the MC of any encroachment of an easement shall not serve as an amendment or change of that easement and shall not create liability through the MC, any encroachment upon such easement shall be at the sole risk and expense of the owner.

Variances

Each application is considered on its own merit and the MC may grant a variance from these guidelines or the Declaration if, in the sole discretion of the MC, the circumstances warrant. Variances will be granted in writing only and, when given, will become part of these guidelines to the extent of the particular lot(s) involved. Because a variance may have been granted in one instance does not mean that improvements of a similar nature need not be applied for. Unless the guidelines are amended and reissued, applications for improvements must be submitted, regardless of any variances previously granted.

Inspection

All improvements are subject to inspection by the MC.

Compliance/Non Compliance

As stated earlier, these guidelines include all relevant stipulations from the Declaration, but also include many more supplementary details and restrictions that have been approved by the Board of Directors.

The Declaration was in existence prior to any home building in Four Seasons Farm. It is expected that all residents will comply with the restrictions and requirements specified in that document. This includes the requirement to file an application for approval to the MC for all improvements, conditions or restrictions specified in the Declaration.

Home improvements built prior to the approval and adoption of these guidelines must, as stated above, comply with the restrictions of the Declaration, but will not be required to be in compliance with any of the additional restrictions or details which are not specified in the Declaration. Home improvements built subsequent to approval and adoption of these guidelines are expected to be in full compliance with all provisions of the most current release of these guidelines.

Homeowners shall comply with all applicable restrictions and shall observe the filing requirements for any improvements. A homeowner is not in compliance if: 1) an improvement was made that is/was prohibited at the time of the improvement; or, 2) an improvement was made and an application was not filed with the MC.

Unapproved and/or prohibited improvements are subject to removal or modification at the homeowners expense, unless a variance is granted. Homeowners should apply to the MC for any outstanding unapproved improvements.

Enforcement

The Declaration provides, as follows:

A breach of any of the provisions of this Declaration shall give to the party entitled to enforce such provision the right to bring a proceeding at law or in equity against the party or parties breaching or attempting to breach this Declaration and to enjoin such party or parties from so doing or to cause such breach to be remedied or to recover damages resulting from such breach. A breach of this Declaration by an Owner relating to the use or maintenance of any portion of the Properties or part thereof is hereby declared to be and constitute a nuisance and every public or private remedy allowed by law or equity for the abatement of a public or private nuisance shall be available to remedy such breach. In any legal or equitable proceedings for the enforcement of this Declaration or to restrain a breach thereof, the party or parties against whom judgment is entered shall pay the attorney's fees and costs of the party or parties for whom judgment is entered in such amount as may be fixed by the court in such proceedings. All remedies provided under this Declaration, including those at law or in equity, shall be cumulative and not exclusive. No party having the right to enforce this Declaration shall be liable for failure to enforce this Declaration.

Complaints

Homeowners are encouraged to help maintain the beauty of Four Seasons Farm. To this end, we all have an obligation to conform to the Declaration and architectural guidelines and to ensure non-complying improvements get corrected. Should you have a complaint regarding a violation, write to the MC. All complaints will be handled in the same manner discussed under Application Procedure.

Controlling Documents

In the event of a conflict between these Guidelines and the Declaration, the Declaration shall control.

*****GUIDELINES*****

1.0 Buildings

- 1.1 A "**building**" is defined as the main residence situated on a lot, and includes any bonafide additions such as a garage. It does not include any structure not attached such as a storage shed, gazebo or playhouse/fort.
- 1.2 A "**detached garage**" shall refer to a garage which is a free standing building and which does not share a common wall with the residence, although it may be connected to the residence by a covered walkway and may be architecturally treated so as to appear to be a part of the residence building rather than a separate structure.
- 1.3 No improvements shall be constructed on the Lots other than one single family residential dwelling, not to exceed two and a half stories in height, a detached garage, or an attached garage for no less than two (2) full size cars and bonafide servants quarters. The garage and servants quarters shall not exceed the main dwelling in height.
- 1.4 **Lot Coverage.** Maximum building site coverage (exclusive of patios, decks, terraces, swimming pools, driveways and sidewalks) is not to exceed fifty (50%) percent of Lot square footage.
- 1.5 **Location of Buildings:**
- (i) No building shall be located on any Lot nearer to the front Lot line or nearer to the side street line than the minimum building set back lines show on the Plat and the minimum setbacks required by
 - (ii) No main residence building, detached garage, nor any part thereof shall encroach upon any utility easement or be built closer to a street or property line than a building or setback line; and
 - (iii) Eaves, steps and open porches shall not be considered a part of the main residence building, provided, however, that this shall not be construed to permit any portion of a building to encroach on any other Lot. For the purposes of this Declaration, the front of each Lot shall coincide with and be the property line having the smallest or shortest dimension abutting a street.
- 1.6 **Garages.** Each Lot shall be served by an enclosed garage large enough to provide parking for a minimum of two (2) cars. Garages may be attached, or detached, from the residence. In all other areas, no driveway shall be closer than one foot (1') from any side property Lot line. Hook-in or front loaded garages are especially appropriate on sites where it is desirable to maintain view corridors for adjacent properties. Where a detached garage is placed at the front of a home, the garage door shall face the side lot line, which is the farthest away from the garage door, and the side of the detached garage will be treated like a front elevation. Each detached, or attached, garage will either face upon the front Lot

line, the rear Lot line, or face upon a line drawn perpendicular to the front Lot line. Detached garages facing the side street on corner Lots may face the street parallel to the side property line. Notwithstanding the foregoing, upon approval of the Declarant, any detached garage located more than sixty-five (65') feet from the front Lot line shall not be required to face upon said front line or line drawn perpendicular to the front Lot line. Driveway access will be provided from the front of all Lots, except that such access may be provided to corner Lots from a side street, but not from a major street. For corner Lots with a major street as one of the streets, the garage must be on the far side of the house from a major street. Garages shall correspond in style, color and architecture to the main residence. Each Owner shall keep all doors to the private garage closed at all times except when persons or vehicles are going into, or out of, such garage. Garages shall be used only for passenger cars and other vehicles, including boats on trailers, which are of a type and size as will allow the door or doors of the garage to be shut completely with such vehicle or trailer inside. All driveways on Lots which have one side on a major street, shall be located on the side of the Lot farthest from the major street, except for those Lots with a boundary on the radius of a cul-de-sac. Garage doors will only be accepted with applied custom wood siding or metal panels. No masonite, glass or plywood paneled doors will be accepted. Porte-cochere will be accepted.

- 1.7 **Masonry and roof requirements.** The exterior finish of each Residential Unit shall be at least forty (40%) percent brick, stone or other masonry around the outside perimeters of the ground floor. However, in computing such percentage, the detached garage shall be excluded. The variety and number of primary exterior materials should be held to a minimum. The maximum number of exterior materials allowed is three. Stone veneer must complement the style of the architecture employed and conform to the color scheme of the immediate neighborhood. All Residential Units shall be roofed with either slate, tile, tarnished metal with standing seams or fiberglass or composition shingles. Composition shingles will be a minimum 240#, 25 year warranty type. The acceptable colors are black or weathered cedar shingles. Aluminum simulated shingle roofs and wooden shingles are not acceptable.
- 1.8 **Roof Penetrations.** Roof vents, utility penetrations, or other roof protrusion shall not be visible from the front street. Generally skylights should not be visible from the front street. An exception would be skylights that are part of the architectural style of the house and are used to enhance that style. In such cases, the Committee will determine their appropriateness.
- 1.9 **Gutters and downspouts.** Gutters and downspouts, if used, should be strategically placed to minimize their visibility to the front street. Preferably, downspouts should occur only at the rear and sides of a home. Placement on the front elevation should be avoided as much as possible but may be used to avoid water runoff at front entrances. Gutters and downspouts must match, or be very similar to the color of the surface to which they are attached. Downspouts must be installed vertically and in a simple configuration. All gutters and downspouts must be installed so water runoff does not adversely affect adjacent properties. It is recommended that downspouts be buried or hidden in plant materials at the point where extensions carry water away from the building. For safety reasons, water runoff should never be directed directly onto sidewalks.

2.0 Outbuildings

- 2.1 An "outbuilding" is defined as any structure, which is not attached to the main structure. This definition does not include bonafide additions to the main residence or garages, but does include storage sheds, gazebos, and playhouse/forts. All outbuildings should only be constructed in the rear of the backyard.
- 2.2 The colors should match or blend with the predominant exterior colors of the main residence.
- 2.3 Materials should match those of the main residence in both size and color; however, the MC will consider small prefabricated metal storage buildings providing the color blends with the main residence.
- 2.4 Storage sheds should have a peaked roof, no higher than eight (8') feet from the ground to the highest point, and a maximum of ten by twelve (10' x 12') feet of floor space. The structure must be kept a minimum of five (5') feet off any property line and distance from side fence will be determined based on visibility from the street in front of the lot. Location must also be far enough away from the fence to allow for drainage to occur entirely on the Owner's lot.
- 2.5 Any storage building placed on a concrete slab on top of a utility easement will require a letter of Consent to Encroach, as it will not be considered portable. If a storage building is on a utility easement, but is not on a slab and can be moved, the MC will consider it as portable.
- 2.6 No storage building can be built up against any side or rear wall of a home unless its maximum height is less than six (6') feet and it is not visible above the fence. It must also comply with all the other requirements for proper construction, size and location.
- 2.7 If the storage building is under six (6') feet, it may be placed in side yard provided five (5') feet minimum set back is observed.
- 2.8 A playhouse/fort must not have a roof higher than ten (10') feet. If a fort has a platform, then the platform can be no higher than six (6') feet off the ground. Neither is to be within five (5') feet of any property line and must be placed at the rear of the property, behind a fence or otherwise screened from public view from any Street abutting the Lot.
- 2.9 A freestanding gazebo must be at least six (6') feet away from the house. The gazebo, at the peak of the structure, must not be higher than ten (10') feet and must be five (5') feet away from any property line. If the roof is shingled, it must match the house shingles.
- 2.10 No tether pole, play net or any other recreational facility shall be erected on any Lot in a location that is visible from the front of the Lot or from the street abutting the Lot, except for basketball goals that are maintained in good condition.
- 2.11 A screened enclosure shall be no higher than twelve (12') feet and shall not create a domed or arched appearance.

3.0 Basketball Goals

- 3.1 Must be placed on the side of the driveway, as far to the rear of property as possible.
- 3.2 Basketball goals may not be erected beyond the front building line or on the front of the garage.
- 3.3 If the backboard is mounted onto the roof by use of a mounting structure, the mounting structure must be painted to match the roof shingle color.
- 3.4 The basketball goal backboard, net and post must be maintained in usable condition and kept in acceptable appearance.
- 3.5 Basketball goals not maintained will be required to be removed.
- 3.6 Only one basketball goal per lot will be permitted.
- 3.7 Portable goals must be commercially manufactured. A portable goal shall be placed within fifteen (15') of the front plane of the garage. The base of a portable goal shall be screened from view from the street.
- 3.8 Must be located so that errant or stray basketballs do not allow play in adjacent neighbor's yards.

4.0 Patio Covers

- 4.1 Should be constructed of materials, which complement the main structure.
- 4.2 Prefab covers made of aluminum may be approved providing they are of a color that substantially matches the house trim color. Unfinished aluminum will not receive MC approval. All metal must be painted. Certain structures using wood framing may be allowed to go unpainted provided treated or insect resistant wood is used.
- 4.3 If attached to house, must be integrated into existing roofline (flush with eaves) and if it is to be shingled, shingles must match roof. Entire patio cover and posts should be trimmed out to match house. Supports must be brick, painted wood, or metal columns. No pipe is allowed.
- 4.4 At no time, however, shall a shingled roof be allowed with an unpainted frame. Frame will have to be painted to match trim of house whether treated or untreated wood is used.
- 4.5 Patio construction materials are as follows:
 - a. Painted aluminum (to match trim of house).
 - b. Painted wood (to match trim of house).
 - c. Treated wood or naturally rot and insect resistant woods (such as cedar and redwood) may be used. Staining or painting is not

required. All other woods must be painted or stained to match trim of house.

- d. Clear plastic, clear corrugated covers, or properly painted aluminum covers may be permitted if the cover is screened from view from the street. All patio cover material, i.e., corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.
- e. If canvas is used as roofing material on a patio cover, the structure must be located where it is not visible from the street. Also, the canvas must be kept in quality condition or its removal will be requested by the MC. The color of the canvas cover must be an earthtone (i.e. black, brown, tan beige or gray, no primary colors such as blues, reds, greens or yellows).

- 4.6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 4.7 Patio covers must be situated on the lot to provide drainage solely onto the owner's Lot. If a proposed patio cover location is less than five (5') feet away from a side lot line, the MC will require that it be guttered with downspouts if it is to be a solid cover.
- 4.8 Maximum height at the peak of the roof is twelve (12') feet.
- 4.9 For Screened enclosures, see Section 2.11.

5.0 Room Additions

- 5.1 Exterior materials and colors should match the house as much as possible.
- 5.2 Detailed plans must be submitted to the MC.
- 5.3 Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 5.4 On individual basis. Size and shape will depend on architectural style and layout of home, size of lot, and how well room addition integrates with existing home. Plans for room additions must show room size in proportion to room dimensions of the residence. Roof of addition must integrate with existing roofline so as to appear to have been part of the original house. Room additions cannot exceed one - third (1/3) of the remaining back yard, but may be denied for other reasons, e.g., structural integrity, architectural suitability, etc., even if it only uses one-third of the remaining yard.
- 5.5 Additions must comply with lot coverage restrictions as set forth in the Declaration; i.e. total lot coverage cannot exceed 50% with the addition added to the existing home.
- 5.6 Building permits as required by the municipalities (city, county, etc.) must be submitted with the application. In some instances, the MC will grant approval with the provision that a copy of the permit must be received by the MC within thirty (30) days of the approval letter and prior to construction beginning.
- 5.7 Balconies must also be approved prior to construction.

6.0 Exterior Painting

- 6.1 Even if a homeowner intends to paint in accordance with an original color scheme, or to rebuild in accordance with original plans and specifications, an application must be submitted and no work begun until approved by the MC.
- 6.2 Color changes must be approved by the MC. Color of brick used in house and color of neighboring houses are considerations.
- 6.3 Exterior paints and stains for each residence shall be selected to complement or harmonize with the colors of the other materials with which they are used.
- 6.4 Wood siding and trim should generally stay within the earth tone color family (i.e. black, brown, tan, beige or gray, no primary colors such as blues, reds, or yellows). Soft and muted earthtone pastel colors are acceptable. The use of white is also permitted.
- 6.5 Extremely bold colors, primary colors, red, yellow; blue or green pastels are prohibited. The variety and number of exterior colors on each house should be held to a maximum of three, not inclusive of brick or front door color.
- 6.6 Front doors must be maintained. They may be stained, a natural wood color, or painted the same color as the house trim. Other paint colors may be approved on a case by case basis.

7.0 Storm Windows and Storm Doors

- 7.1 The frames of storm windows and storm doors must be of a color compatible with the exterior house colors and/or general use and appearance of the house. All storm doors must be a full glass door. No screen doors are allowed. Mechanical roll-down storm window boxes, if utilized, must match the window frame color of the house.

8.0 Decks

- 8.1 If wood is used, see Section 4.5c.
- 8.2 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 8.3 Decks should not be situated on a Lot if they pose a problem to the effective drainage of the Lot or a neighboring Lot.
- 8.4 Decks cannot be higher than eighteen (18") inches.
- 8.5 Decks may only be constructed in the backyard.
- 8.6 It is recommended that decks be built with support posts of sufficient size or detail so that knee braces are not required.

- 8.7 If a railing is required, a simple vertical picket or horizontal board railing built in a vertical plane is preferred. Other simple and straightforward designs are permitted.
- 8.8 If stairs are part of the deck design, the stair railing must match the deck rail. If possible, stairs should be included within the mass of either the deck or the house.

9.0 Swimming Pools and Spas

- 9.1 No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Decking encroachment also requires a consent agreement. Consents must be received prior to approval.
- 9.2 Ideally, any pool or spa should be located at least five (5') feet from a side and rear lot line to maintain proper drainage on the Lot. However, a minimum of three (3') feet will be allowed in certain instances. The pool must meet all building line and easement restrictions on the recorded plat. All pools may only be constructed in the backyard.
- 9.3 All private swimming pools and spas shall be completely enclosed by a solid wood or wrought iron type fence enclosure, being not less than four (4') feet, nor more than eight (8') feet in height and having pickets spaced not more than four (4") inches apart. All openings to any such enclosure shall be closed with a self-closing and self-locking gate of the same construction and material as the fence. As a safety precaution, no external surface of the enclosure shall provide a handhold or foothold.
- 9.4 Above ground pools are not permitted. However, above ground spas, jacuzzis or hot tubs are allowed provided they are screened from public view by landscaping or a privacy fence; otherwise, must be part of a deck system or skirted.
- 9.5 Pools are to be drained to the street and into the storm drain system. They are not to be connected to, or drain into, the community's sewage drain system. Minimum white schedule - 40 PVC pipe is to be used for pool drain.
- 9.6 All new pools are required to be inspected for proper water connections and drains. Contact ECO Resources, the operator of Hays Municipal Utility District No. 118's water and sewage systems at telephone number 281-240-1700.
- 9.7 Yard drains must also be of white schedule - 40 PVC pipe.
- 9.8 If any pool or spa construction uses access to the backyard over or through: (1) a landscape area maintained by the Association; or (2) a sidewalk; then either the homeowner or pool contractor must deposit \$1,000 with the Association. The \$1,000 will be returned only: (1) if there is no damage to the landscape area or sidewalk; or (2) any damage is repaired to the satisfaction of the Association. The Association may retain all or any portion, of the \$1,000 deposit depending on the extent of the damage as determined by the Association.
- 9.9 For screened enclosures, see Section 2.11.

- 9.10 Where lots back up to an area that prohibits opaque fencing (i.e. waterfront lots) and a pool/deck is desired, an additional opaque privacy screen may be used. If a privacy screen is used, it must set back sixteen feet (16') from the rear property line and should not be taller than six feet in height. The length of privacy fences may vary, but must never exceed thirty feet (30'). The privacy fence must be of masonry or wood construction with the finished side facing the public view.
- 9.11 All pools must be concealed from view of the front street and side street, if applicable, either by wood fence or dense shrubbery along wrought iron type fence.

10.0 Solar Screens/Film

- 10.1 Solar screens are allowed on windows only if they blend with the brick and roof color.
- 10.2 Colors and manufacturers must be acceptable to MC for other screens and panels.
- 10.3 Solar window film must be non-reflective type.
- 10.4 Samples of window film must accompany each application.

11.0 Antennas

- 11.1 MC approval of a "dish antenna" or an antenna designed to receive local broadcast signals is not required, except where the antenna will be located on a mast higher than 12 feet above the roofline. As used herein, a "dish antenna" means an antenna that is one meter (39.37") or less in diameter, designed to: (a) receive direct broadcast satellite service, including direct-to-home satellite service; (b) receive or transmit fixed wireless signals via satellite; (c) to receive video programming services via wireless cable, or (d) to transmit fixed wireless signals other than via satellite.
- 11.2 All antennas other than those described in 10.14(a) above must be approved by the Architectural Committee, and must not be located upon any portion of a Residential Lot visible from the street abutting the front of the Dwelling

12.0 Fences, Fence Extensions, Walls and Hedges

With the exceptions cited below, any fence, wall or hedgerow intended for the purposes of privacy and/or security shall be no greater than six foot, six inches (6'6") in height and shall be no nearer to the front property line of the Lot which it serves than the building line which is closest to that property line, subject to the following exceptions:

- 12.1 All proposed fences must be approved by the MC. See also Section 1.7.
- 12.2 Any painting, staining, or varnishing of fence must be approved by the MC.

- 12.3 Any wall, fence or hedge erected on a lot shall pass ownership with title to the Lot and it shall be Owner's responsibility to maintain said wall, fence, or hedge thereafter.
- 12.4 Wing walls must be a minimum of three (3') feet back from the corner nearest the side Lot line, whether the material used in the wing wall is brick, wood or steel picket.
- 12.5 If wood fences are constructed so that reinforcing is visible on one side and not the other, then for all corner Lots, or Lots which are adjacent to a designated reserve area, the side with reinforcing visible shall face the interior of the Lot and the side without reinforcing visible shall face the perimeter of the Lot. All other wood fences shall be "good neighbor" fences (i.e. alternate every 6-8' the visible reinforcing).
- 12.6 A fence, wall or hedgerow intended to serve an aesthetic purpose may be located outside the limits defined by building lines on any street frontage of any Lot, provided that it does not exceed four (4') feet in height.
- 12.7 Fence, wall or hedge extension requests should be submitted by both neighbors sharing the side lot line and fence, wall or hedge except in the case of a corner Lot.
- 12.8 If both neighbors do not concur as to a proposed fence, wall or hedge extension, the MC will examine the effect the extension will have on both properties. If one party will suffer detrimentally from the extension (e.g., an existing sight line will be blocked), the MC will reject the application.
- 12.9 All corner fences and fences which face a restricted reserve must be installed picket side out.
- 12.10 Replacement or repairs of fences, walls or hedges must be made with similar materials and construction details as used in original fence, wall or hedge. Replacement with any other material must be approved by the MC.
- 12.11 No chain link fence type construction will be permitted on any Lot.
- 12.12 Fences must be maintained in good condition.
- 12.13 No fence shall be constructed so as to cross side building lines and join one or more houses. This provision is intended to prohibit the appearance of continuous fencing across the front of a Lot.
- 12.14 On a lot that has frontage on a water body, metal/wrought iron fencing must be used along all rear yards and partially on side property lines (last sixteen feet (16') from rear property line). Metal/wrought iron fences in rear and partial side yards of water front lots must be at least four feet (4') in height and must be made of the same material for the same neighborhood section.
- 12.15 Metal/wrought iron fencing is designed to allow views through a lot from adjoining properties. These fences should be as unobtrusive as possible, blending into the neighborhood landscape and thus providing a uniform open and consistent appearance along the green belts or water bodies.

- 12.16 The maximum height for metal/wrought iron fencing in other applications is six feet.
- 12.17 At the point where the metal/wrought iron or solid fencing on side yards of waterfront lots is to meet the fencing, the metal/wrought iron fence shall maintain its height and simply come up to the taller fence at that point. This metal/wrought iron fence, as mentioned previously, is required at the rear sixteen feet (16') of the side property line and all the rear property lines of waterfront lots.
- 12.18 Where pedestrian gates are proposed, they must be constructed of a durable material, which is compatible to its respective fence type. Where a metal fence is proposed, care should be taken to insure that the gate does not provide views into any unsightly areas. Such areas must be screened from public view.
- 12.19 The appearance of single family dwellings must be maintained. The removal of fences or any improvement or alteration that lends itself to a communal or compound appearance will not be permitted.

13.0 Decorations/Flag Poles

- 13.1 On front lawns of Lots and on any portion of a Lot visible from any street, there shall be no decorative appurtenances placed, such as sculptures, birdbaths, birdhouses, permanently affixed flag poles, fountains, or other decorative embellishments. Christmas, holiday or other festive decorations of a temporary nature are exceptions. Decorations must be removed within four (4) weeks after the calendar date of the holiday.
- 13.2 Burglar bars over windows must be submitted to the Committee for consideration. Approval must be granted prior to installation. Burglar bars and gates must be in harmony with the design of the home. If approved, any burglar bars must follow the paint guidelines in Section 4.5C. Interior burglar bars that are visible from the street must also be applied for.
- 13.3 House numbers may be placed on the house, but not on any type of freestanding structure in the front yard.
- 13.4 Permanently affixed flagpoles are prohibited. For temporary use, bracket mounted flags, placed near the front entry of the home, may be permitted.

14.0 Exterior Lighting

- 14.1 Additional exterior lighting should not be of a wattage or lumen count, which will affect neighboring homes.
- 14.2 Exterior decorative lights, security lights or floodlights must be aimed so as not to shine onto a neighboring property. The fixture color and shielding should be compatible with the building. Conduits and wiring must be concealed.

- 14.3 Low voltage landscape lighting must receive MC approval prior to installation.
- 14.4 Security, mercury vapor, or fluorescent lights, must be attached to the back of the house or the garage, so long as the light fixture is not visible from the street. Mercury vapor, fluorescent, and sodium halide are not permitted in back or side yard if there are neighboring houses. If none, a variance may be granted, or if affected neighbors approve.
- 14.5 Gas or electric post lights may be in front or back of house. Such lights must be no taller than eight feet (8') in height and the illumination must be a low wattage. The color of the post shall be selected to complement or harmonize with the colors of the other materials on the house. This means that the color should generally stay within the earth tone color family (i.e. black, brown, tan, beige or gray, no blues, reds or yellows). Soft and muted earthtone pastel colors are acceptable. The use of white is also permitted. Extremely bold colors, primary colors, yellow, blue or green pastels for the post are prohibited.
- 14.6 Exterior lights must not affect overall aesthetic appeal. The type, color and quality of all exterior site and house lighting must be consistent with other existing lights on the property and in the neighborhood of the respective house.
- 14.7 Colored lighting of any sort and the use of fluorescent and neon lighting is prohibited (except during recognized holiday seasons when such lighting is permitted). Mercury vapor lights, when used for special landscape lighting effects may be permitted as long as they are hidden from view and directed up at a tree or down from a tree. Conduits and wiring must remain concealed from view of the passerby.
- 14.8 Architectural accent lighting is also permissible, but must be from an incandescent source.
- 14.9 Proposed walkway lighting should be inconspicuous and of a bollard or domelight design. The lamp may be incandescent (100w maximum), quartz (75w maximum), metal halide (75w maximum), or fluorescent (25w maximum).

15.0 Wind Turbines

- 15.1 No wind generators shall be erected or maintained on any Lot.

16.0 Outdoor Carpeting

- 16.1 Can only be installed on rear porch area.
- 16.2 Colors must match or complement house trim color.

17.0 Gates & Gate Covers

- 17.1 Full wooden panel to match trim of house or existing fence.

- 17.2 No chicken wire, chain link or lattice.
- 17.3 Wrought iron and simulated iron gates are permitted, but shall be painted black or the same color as the house trim.

18.0 Birdhouses

- 18.1 Maximum permitted height of fourteen (14') feet. Maximum size not to exceed 300 square inches.
- 18.2 If mounted on a pole, must be unobtrusive and painted to match trim color of house.
- 18.3 Must be placed not closer than five (5') feet to any property line, and must be situated in the rear of the house.
- 18.4 Birdhouse and mounting structure must be maintained.

19.0 Landscaping

- 19.1 General: Landscaping (defined as living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth, e.g., bark, mulch, etc.) is generally not subject to MC review and approval except in circumstances wherein such landscaping is intended to accomplish a structural objective, such as a hedge or a visual barrier, or is visually objectionable, not in harmony with the surrounding neighborhood, or is specifically referenced in the Declaration.
- 19.2 Trellises, window boxes, arbors, and permanent brick borders, must have MC approval.
- 19.3 Landscape timbers and bricks without mortar do not need MC approval unless they exceed a height of two (2') feet.
- 19.4 Landscape projects should take into account the effect on drainage from resident property and adjacent properties.
- 19.5 No object or thing which obstructs sight lines at elevations between two (2') feet and six (6') feet above the surface of the streets within the triangular area formed by the intersecting street lines and a line connecting them at points twenty-five (25') feet from the intersection of the street lines or extensions thereof shall be placed, planted or permitted to remain on any corner Lots.
- 19.6 Artificial plants, trees, shrubs, flowers, etc. are not allowed as part of the landscaping.
- 19.7 Street trees shall be installed in the area between the curb and the sidewalk. Two (2) street trees shall be installed on each lot. For corner lots an additional four (4) trees shall be installed on the side of the lot. The species of the street tree shall be different depending on the front street width of the lots. Within a street, the street trees shall all be the same. The species of street tree is shown in Schedule "A" to these Guidelines.

20.0 Swing Sets

- 20.1 Maximum height of eight (8') feet.
- 20.2 Location will be considered for neighbors' privacy, but not closer than five (5') feet to any property line, and must be located to rear of house.

21.0 Driveway Extensions/Sidewalks

- 21.1 An application must be submitted for any driveway removal, addition or modification. Driveways, entry walks and sidewalks on each Lot may be constructed of concrete or any other finish approved by the MC. If masonry material is approved, it must be compatible, not only with the home, but also with any other walkways or terraces on the lot.
- 21.2 Placement of sidewalks may vary in the distance from the curb in order to save trees; however, any variance is subject to approval of the MC. All other placement, width, materials and finishes must be approved by the MC.
- 21.3 The driveway turnout shall be constructed in such manner as to provide an attractive transitional radius from the curb and gutter into the driveway entrance and shall prevent escape of drainage water from the street onto any Lots.
- 21.4 Asphalt driveways and sidewalks are specifically prohibited.
- 21.5 Any concrete spilled, poured or washed on a street must be immediately removed leaving the street clean and unstained.
- 21.6 Driveways must be maintained.
- 21.7 Painting a topcoat on driveways and sidewalks is not permitted.
- 21.8 All detached garage driveways shall have a minimum one foot (1') side lot setback between the driveway and the adjacent side property line.
- 21.9 Width of driveway between the front building line and the street shall not exceed twelve (12') feet. Exceptions will be made for corner lots with side-out garages. The minimum driveway width allowed is ten feet (10') except where applicable city/county codes require otherwise. If the garage is a front hook-in, or a front porte cohere the driveway may be seventeen feet (17') wide. Exceptions will be considered for side-out garages.
- 21.10 No driveways or sidewalks shall be constructed so as to cross side building lines and join one or more houses. This provision is intended to prohibit the appearance of a continuous driveway or fence across the side property lines of a Lot.

22.0 Garage Conversions

- 22.1 Conversions of garage for any reason are not permitted.
- 22.2 Aluminum, sheetmetal or fiberglass carports are not permitted.
- 22.3 Additional garages or carports are not permitted.
- 22.4 An application must be submitted for lean-to sheds, potting sheds or any other attachments to a garage. These attachments must meet the structural guidelines set forth in other sections of these Guidelines.

23.0 Window Air Conditioners

- 23.1 No window or wall-type air conditioners shall be permitted to be used, erected, placed, or maintained on, or in, any building on any part of the Property.

24.0 Awnings/Window Shades

- 24.1 Awnings are permitted on the side and rear windows of a house and must be of the same color of the house. Awnings on playhouses or used as patio covers must be of the same color as those on the house. In all cases, colors must match or complement the primary color of the house. The color selections of awnings must be in accordance with the Section 6 of these Guidelines. Once installed, awnings are to be maintained in excellent condition at all times. Awning frames must be painted to match the trim or the dominant color of the house or be painted black.
- 24.2 Metal and wooden slat-type exterior shades are not permitted on the front of the house. All exterior shades must be approved by the MC prior to installation. The color selections of exterior shades must be in accordance with the Section 6 of these Guidelines. After installation, they must be kept in excellent condition at all times.

25.0 Signs, Advertisements, Billboards

- 25.1 No signs, billboards, posters or advertising devices of any character advertising the Property for sale, shall be erected or displayed to the public view on any Lot except for one (1) sign of not more than five (5) square feet and the top main area plus bottom hangar area combined shall not be greater than eight (8) square feet.
- 25.2 No signs advertising a Lot or Dwelling Unit for lease shall be permitted during a period two years following the date of the conveyance of the last Lot on the by the Declarant. In the event that a sign is erected in violation of this paragraph, the Association or Declarant will have the right, without the obligation, to remove such sign, advertisement, or billboard, without any liability in trespass, tort, or otherwise, arising from such removal.

- 25.3 The Association, Declarant, or its assigns, shall have the right to remove any signs, advertisements, billboards, or structures placed on any Lot and, in doing so, shall not be subject to any liability for trespass, any other tort, or any civil or criminal liability in connection herewith or arising from such removal. The Association, Declarant, or its assigns, or any homebuilder authorized by Declarant, may maintain, as long as it owns any property within the Property, in, or upon such portion of the Property as Declarant may determine, such facilities as in its sole discretion may be necessary or convenient, including, but without limitation, offices, storage areas, model units and signs, and Declarant may use, and permit such builders (who are authorized by Declarant) to use residential structures, garages, or accessory building for sales offices and display purposes, but all rights of Declarant and of any builder acting with Declarant's permission under this sentence, shall be operative and in effect only during the construction and initial sales period within the Property.
- 25.4 Contractor signs, painter, and pool company signs are not permitted.
- 25.5 Lost pet signs are not permitted.
- 25.6 Signs which give notice of a home security system are permitted if placed at or near the front entrance and are no larger than 144 square inches. Window stickers which give notice of a home security system are also permitted.
- 25.7 The MC shall have control over all the wording, design, appearance, size, quantity, and location of all signs. Except for sale or rental signs adhering to the standards of the first sentence of this Article, all signs within the Properties shall be subject to the prior written approval of the MC.
- 25.8. Political signs may be erected upon a Lot by the Owner of such Lot advocating the election of one or more political candidates or the sponsorship of a political party, issue or proposal, provided that such signs shall not be erected more than sixty (60) days in advance of the election to which they pertain and shall be removed within ten (10) days after such election.

26.0 Garage Sales

- 26.1 Garage sales are highly discouraged because of aesthetic and security reasons.
- 26.2 Two signs may be erected, one at the entrance and one on the street which advertise garage sales.

27.0 Storage of Building Materials

- 27.1 Building materials placed on Lots prior to commencement of improvements must be kept in a neat, clean and orderly condition.

Corporate Secretary's Certificate

I, William O. Cromwell, III, Corporate Secretary and Treasurer of the FSFCA, Inc.. ("Association"), hereby certify that the foregoing document is an original or true and correct copy of the Architectural Control Guidelines in Four Season Farms.

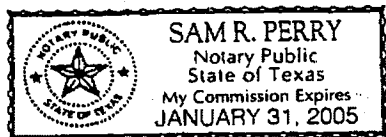
By: WOC

Name: William O. Cromwell, III, Corporate Secretary/Treasurer

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 24th day of September, 2003 by William O. Cromwell, III, Corporate Secretary and Treasurer of FSFCA, Inc., a Texas non-profit corporation, on behalf of the non-profit corporation.



[Signature]
Notary Public in and for the State of Texas

Seal Showing Name and Commission Expiration

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS
On: Sep 26, 2003 at 04:10P
Document Number: 03031268
Amount 53.00
Lee Carlisle
County Clerk
By
Rebecca Hail, Deputy
Hays County

AFTER RECORDING, RETURN TO:

Sam R. Perry
901 Congress
Austin, Texas 78701

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I. INTRODUCTION

These Residential Architectural Control Guidelines ("Guidelines") outline design goals, design criteria and the design review process for Four Season Farm. CDN Farm, Ltd., is the developer of Four Seasons Farm. In order to enhance the long-term value of the physical environment of Four Seasons Farm, we have implemented Architectural Control Guidelines. These guidelines are an aid in our goal that each home contribute in a positive way to the character of the neighborhood and the overall quality of its surroundings. These guidelines are written in an effort to motivate builders and designers to produce designs that create a strong sense of community and to create an orderly and predictable basis for design review and approval of development proposals. These Guidelines are to be applied and interpreted in conjunction with the Modification Guidelines. A builder should not build something that does not conform to the Modification Guidelines. However, only the New Construction Committee review is required for new construction in Four Seasons Farm. The term "Four Season Farms" in these Design Guidelines means: (1) Four Seasons Farm Phase I, Section 1, A subdivision in Hays County, Texas, according to the plat of record in Volume 10, Page 298, Plat Records of Hays County, Texas, and (2) Four Seasons Farm Section II, a subdivision in Hays County, Texas, at such time as the plat of said subdivision is filed in the Plat Records of Hays County, Texas.

II. ARCHITECTURAL REVIEW PROCESS

A. New Construction Committee

All new construction must be reviewed and approved by the New Construction Committee (the "Committee") prior to commencement of any on site building or construction activity. The Committee shall consist of three (3) members appointed by CDN Farm, Ltd. This approval can be secured in a timely fashion if applicable criteria specified in Section II through Section V of these Guidelines are met to the satisfaction of the Committee. The Committee reserves the right to alter the review process in order to ensure an adequate review of all submissions.

B. Submission Procedures

To submit for the approval of the New Construction Committee, the documentation described below shall be sent to:

Robert W. McDonald, III
2110 Boca Raton Drive, Suite 206
Austin, Texas 78747
Telephone: 512-280-5353
Facsimile: 512-280-3877

1. Plan Design:

The Committee requires two sets of the following:

- Floor Plans at a scale of 1/8" = 1'-0"
- Front Elevations at 1/4"=1'-0" scale, other elevations may be at 1/8"=1'-0"; all elevations must be shown and must include:
 - * labeling of locations of all exterior wall materials;
 - * labeling of roof materials; and
 - * labeling of window types.

2. Site/Plot Plan:

The Committee requires a Site/Plot Plan submittal prior to construction for each home. Submittal must consist of two sets of the Site/Plot Plan including:

- location of recorded easements;
- locations and dimensions for walkways, driveway, patios, and all other exterior flatwork including setbacks, easements, and building lines;
- lot number, block number, section number, and builder name must be clearly printed on the first page of the submittal.

Only complete Design Plan or Site/Plot plan submittals will be reviewed by the Committee. All drawings must be to scale.

Approval of a certain home plan does not constitute a blanket approval to build a certain home plan on different homesites in the entire community. Existing plans will be reviewed on an individual basis to determine their appropriateness for each homesite and may require architectural design changes.

Faxed material will be accepted. Any variances must be requested in writing.

The plan for each homesite and the design for each Site/Plot Plan must be approved in writing before construction of the residence can begin. Deviation from approved Design Plans or Site/Plot Plans during construction without the Committee's approval constitutes a violation. At the request of the Committee, corrections of such deviations may be required. Notice of approval shall be in the form of a letter from the Committee to the party submitting the plans. Copies of approved plans and approval letters will be kept on file. No construction may begin prior to receipt of written approval from the Committee. The Committee will review submissions and make every effort to give notice of approval or disapproval within ten (10) working days following receipt and review of submissions. The Committee will meet regularly to process submittals.

C. Disclaimers

1. These Architectural Control Guidelines for new construction at Four Seasons Farm, are intended to describe a general level of conformance for development. The guidelines and the procedures set forth herein may be modified or waived from time to time by the Committee and do not supersede compliance with applicable federal, state, county or local laws and regulations.
2. Approval by the Committee does not constitute approval, or satisfaction, of any governmental agency requirements. Compliance with these guidelines does not provide exemption from required state, county or local approval procedures. All structures must conform to any state or local building codes, zoning ordinances, or other governmental regulations. If any provisions of these Guidelines are more restrictive than other applicable codes, the provisions of these Guidelines apply.
3. Neither the Developer, the Committee, nor their individual members, partners, employees, agents, or the successors or assigns of any of them shall be liable in damages to anyone submitting to them for approval any plans and specifications or request for variances from the Guidelines, or to any owner or occupant of any lot or parcel of land affected by the Guidelines, or to any third party, and the submission of plans or requests constitutes an express waiver and release of these parties to the fullest extent permitted by law.

III. SITE PLANNING

A. Minimum Building Setbacks

Site plans must conform to restrictions set forth in the Master Declaration of Covenants, Conditions and Restrictions for Four Seasons Farm (hereinafter referred to as the "Declaration") and the recorded subdivision plat which show building setback lines and easements. In some

cases, different setbacks may be required by Deed Restrictions, these Architectural Guidelines, and/or the Committee for aesthetic reasons. CDN Farm, Ltd., reserves the right to modify setback requirements. Where such situations arise, the Committee will specify the different requirements before construction begins on a particular homesite.

B. Sidewalks, Walkways and Steps.

1. Sidewalks.

- a. Sidewalks are required before each residence is completed and occupied. Sidewalks shall meet current applicable jurisdictional requirements in size, location, handicapped requirements, construction methods and specifications. Color of sidewalks is to be natural gray concrete of a standard finish with a "picture frame" configuration throughout.
- b. Sidewalks shall continue uninterrupted through both front walk paving areas and driveways. The intent is not to create small or unworkable sections of concrete, but to reinforce sidewalk continuity.
- c. Sidewalks shall maintain a common location and straight path except where required to avoid fire hydrants, trees, or other obstacles. When deviating from a straight line for such purposes, the sidewalk shall have a gentle curvilinear pattern. Where manholes or other such uses occur within a sidewalk area, they shall be installed to maintain a flush surface with the concrete paving.

2. Walkways.

- a. All houses must have a front walk from the street curb or driveway to the front door or both. The configuration which is most sensitive to landscaping is preferred where applicable.
- b. Front walks must be at least three feet wide, but no wider than five feet. Also, it is suggested that walks be higher than the adjacent top of curb and at least 3 1/2 inches lower than the front entrance landing in order to help avoid possible ponding problems in that area.
- c. Informal meandering walks are allowed, but best lend themselves to asymmetrical house compositions. A direct frontal layout of sidewalk to curb is more appropriate in symmetrical compositions.
- d. Concrete or other materials compatible with dominant exterior materials of the house are permitted as a walkway material. Walkway materials, however, shall be of a masonry or concrete construction. Asphalt is prohibited.
- e. If steps are required on a walkway, single risers are to be avoided.

C. Garage and Driveway Locations

1. Garages.

- a. In most areas and situations, garages should be downplayed in importance as a component of the front elevation. This allows attention to be focused on the home versus the garage.

- b. Garages must be located, as much as possible, on the same side of homes for all homes on the same side of a street. Exceptions may be granted by the Committee, but the use of side by side driveway situations is generally discouraged.
- c. Exceptions will be granted only if a builder submits (in writing) to the Committee at the time of the initial submittal an acceptable reason for deviating from the desired garage location.
- d. Each Lot shall be served by an enclosed garage large enough to provide parking for a minimum of two (2) cars, but no more than three (3) cars. Garages may be attached, or detached, from the residence.
- e. Garages shall correspond in style, color and architecture to the main residence.
- f. Garages shall be used only for passenger cars and other vehicles, including boats on trailers, which are of a type and size as will allow the door or doors of the garage to be shut completely with such vehicle or trailer inside.

2. Driveways.

- a. All driveway designs are subject to review by the Committee. The Committee may grant variances to site specific situations as it deems appropriate.
- b. Builders are required to build driveways out to the street curb with a curb cut. It is the builder's responsibility to take care in realigning the grade pattern in the flow line of the gutter per respective city or county regulations.
- c. Driveways must be paved with concrete or other masonry materials, which relate to the architecture of the house. This masonry material must be compatible, not only with the home, but also with any other walkways or terraces on the lot. Materials such as textured concrete, stamped concrete, colored concrete, interlocking pavers, brick border pavers, etc., are acceptable, but must be submitted to the Committee for color and design approval prior to construction.
- d. Driveway curbs shall be cut into the street curb. The joint will be constructed in conformance to respective city or county standards.
- e. Where a side-by-side driveway situation is approved, adequate fencing or landscape separation between adjacent drives must be provided. Fencing shall stop five feet (5') behind the front building line of the house with the greatest setback.

D. **Fences and Gates.**

In general, fences, walls, and gates should never compete with, or dominate, a house or its landscaping. Consistency of style of fence is critical within a given street, cul-de-sac, or visual area.

1. Fences.

- a. On corner lots, the fence must begin on the rear building line for the side of the home, which is closest to the building line.
- c. The finished or architectural side of a fence should always face the exterior or public side (street side).
- d. All fences must occur within or along common property lines except at corner lots.
- e. A privacy wood fence is required along the rear of Lots 16-40, Block H, Section One and Lots 1-35, Block H, Four Seasons Farm, Section Two.

2. Solid Fencing - Interior Lots

- a. Solid fences are best used adjacent to or attached to the house as an architectural extension on typical interior lots. Generally, the maximum height for such a fence is six feet six inches (6' 6"). The Committee may grant taller applications on a case by case basis.
- b. All solid fencing must be of 1" X 6" picket size.
- c. As a general rule a "good neighbor" fence policy is required along adjacent home lots. Exceptions will be considered. Alternating sections are to occur at regular fence post intervals only, so that an entire panel is dedicated to one lot and the following panel is dedicated to the adjacent lot and so forth. In this manner, both lots receive approximately the same exposure to finished sides of a picket fence structure.
- d. The breezeway fencing between a detached side-out garage and the home may be four feet in height to allow for visibility.
- e. Where residential lots are located adjacent to areas open to public use, the finished side of the fence should always face the non-residential use.

3. Solid Fencing - Corner Lots & Subdivision Entrances

- a. On a corner lot of a subdivision entrance where wood fencing is utilized, solid fencing is required and must be constructed in a more finished and upgraded manner.
- b. Subdivision entrances may require additional detail upgrades. These will be determined by the Committee and communicated to the builder for each specific site.
- c. For side-out garages, a four foot (4') breezeway fence shall be installed.

E. Decks, Pools, Ancillary Buildings, Etc.

All decks, pools, ancillary buildings, and other such structures are to be constructed only in the rear of the yard as specified in the following:

1. Decks

- a. Decks for either pools or hot tubs are not permitted within a utility easement. These decks may be built beyond the side setback requirements provided that a minimum of three feet is left between the deck and the

property line(s) for landscaping, fencing and reserved drainage easements. Any deck system should be sensitive to the privacy of neighboring homes.

- b. All decks shall be left to weather naturally or be stained to match house siding or trim color. Trim board should be used in all cases to conceal exposed joist ends.
- c. It is recommended that decks be built with support posts of sufficient size or detail so that knee braces are not required.
- d. If a railing is required, a simple vertical picket or horizontal board railing built in a vertical plane is preferred. Other simple and straightforward designs are also permitted.
- e. If stairs are part of the deck design, the stair railing must match the deck rail. If possible, stairs should be included within the mass of either the deck or the house.
- f. Ground level decks cannot be higher than eighteen inches (18") without the approval of the NCC.

2. Swimming Pools/Hot Tub/Spas

- a. Swimming pools and spas must be constructed within the setback lines of each lot. No pool or spa of any type may encroach into any utility easement unless the utility companies have granted their written consent.
- b. Above ground swimming pools are strictly prohibited. However, above ground spas, jacuzzis or hot tubs are allowed provided they are screened from public view through the use of landscape or privacy fence; otherwise they must be part of a deck system or be skirted. The intent of these applications is to hide mechanical equipment associated with these spas or hot tubs.
- c. Where lots back up to an area that prohibits opaque fencing (i.e. and a pool/deck is desired, an additional opaque privacy screen fence may be used. If a privacy screen fence is used, it must be set back sixteen feet (16') from the rear property line and should not be taller than six feet in height. The length of privacy fences may vary, but must never exceed thirty feet (30'). The privacy fence must be of masonry or wood construction with the finished side facing the public side view.
- d. All pools must be concealed from view of the front street, and side street if applicable, either by wood fence or dense shrubbery along wrought iron type fence.
- e. Ideally, any pool or spa should be located at least five (5') feet from a side and rear lot line to maintain proper drainage on the Lot. However, a minimum of three (3') feet will be allowed in certain instances. The pool must meet all building line and easement restrictions on the recorded plat. All pools may only be constructed in the backyard or sideyard.
- f. All private swimming pools and spas shall be completely enclosed by a solid wood or wrought iron type fence enclosure, being not less than four (4') feet, nor more than eight (8') feet in height and having pickets spaced not more than three (3") inches apart. All openings to any such enclosure shall be closed with a self-closing and self-locking gate of the same

construction and material as the fence. As a safety precaution, no external surface of the enclosure shall provide a handhold or foothold, and there should be no more than a 4" space from the bottom to the ground.

- g. Pools are to be drained to the street and into the storm drain system. They are not to be connected to, or drain into, the community's sewage drain system. Minimum white schedule - 40 PVC pipe is to be used for pool drain.
- h. All new pools are required to be inspected for proper water connections and drains.
- i. Yard drains must also be of white schedule - 40 PVC pipe.

3. Ancillary Buildings and Other Structures

- a. Gazebos, play structures, storage structures, shade and other structures must be submitted to the Committee for approval prior to construction. Gazebos, arbors and shade structures must be architecturally compatible with the main house and be in compliance with applicable restrictions. Storage structures must be architecturally consistent with the style and materials of the house or actually be part of the house structure. Detached storage structures may require screening from public view. All ancillary buildings and other structures must be less than ten feet (10') in height.
- b. Storage sheds should have a peaked roof, no higher than ten (10') feet from the ground to the highest point, and a maximum of ten by twelve (10' x 12') feet of floor space. The structure must be kept a minimum of five (5') feet off any property line and distance from side fence will be determined based on visibility from the street in front of the lot. Location must also be far enough away from the fence to allow for drainage to occur entirely on the Owner's lot.
- c. Any storage building placed on a concrete slab on top of a utility easement will require a letter of Consent to Encroach as it will not be considered portable. If a storage building is on a utility easement, but is not on a slab and can be moved, the ACC will consider it as portable.
- d. No storage building can be built up against any side or rear wall of a home unless its maximum height is less than six (6') feet and it is not visible above the fence. It must also comply with all the other requirements for proper construction, size and location.
- e. If the storage building is under six (6') feet, it may be placed in side yard provided five (5') feet minimum set back is observed.
- f. A playhouse/fort must not have a roof higher than ten (10') feet. If a fort has a platform, then the platform can be no higher than six (6') feet off the ground. Neither is to be within five (5') feet of any property line and must be placed at the rear of the property, behind a fence or otherwise screened from public view from any Street abutting the Lot.
- g. A freestanding gazebo must be at least six (6') feet away from the house. The gazebo, at the peak of the structure, must not be higher than ten (10')

feet and must be five (5') feet away from any property line. If the roof is shingled, it must match the house shingles.

IV. Architectural Design and Materials

A. Exterior Elevations and Materials.

1. Exterior Elevations.

- a. The design of exterior elevations, especially those on corner lots, should not turn a "blind" elevation to any side street frontage.
- b. Windows must occur on all streets facing elevations of single family homes.

2. Repetition of Elevations.

Builders proposing the construction of repetitive house designs shall carefully consider the plan mix in order to avoid monotony, yet maintain continuity of scale and character. The intent of these Guidelines is to avoid the negative "look-alike" effect of frequent repetition, but still allow sufficient latitude for the builder in satisfying market demand. Builders must conform to the following:

- a. If a plan is to be repeated with the same front elevation design (whether on the same side of the street or across the street), it must not occur more frequently than every fourth consecutive lot. Thus, where this situation exists, at least three other homes must occur between the next repeated front elevation. Brick and trim color in this situation must be different.
- b. If a plan is to be repeated with a different front elevation design (whether on the same side of the street or across the street), it must not occur more frequently than every third lot. Thus, at least two other homes must occur between the next repeated floor plan with a different front elevation design. Brick color must also be different.

3. Exterior Materials

The variety and number of primary exterior materials should be held to a minimum. The maximum number of exterior materials allowed is three. Generally, only two materials should be used on one house. The exterior finish of each house shall be at least forty percent (40%) brick, stone, or other masonry around the outside perimeter of the ground floor. In computing the percentage the detached garage is excluded.

a. Brick

Brick shall be hard fired and have an overall appearance of relative evenness in color and texture.

b. Wood/Hardboard Siding:

- (i) Siding material shall be either wood or hardboard and must be of a vertical, lap type. Siding may be used as the predominant building material only with the specific approval of the Committee.
- (ii) Diagonal siding, board and batten, and particleboard siding are prohibited.

- (iii) Synthetic material such as metal siding, vinyl siding, and other materials which have the appearance of wood are permitted, but must be reviewed to ensure a quality appearance for approval by the Committee. Siding shall be smooth/semi-smooth or "resawn". Rough sawn siding shall not be used unless approved by the Committee.
- (iv) Siding shall be painted or stained with medium-range colors that do not drastically contrast adjacent brick or other materials (primary colors are prohibited). Naturally weathered wood is not permitted.
- (v) All trim shall be smooth/semi-smooth, high quality finish grade stock wood or hardboard. Trim shall be stained or painted as approved by the Committee.

b. Awnings

Awnings over entrances or windows are generally discouraged and must be submitted for review by the Committee. If awnings are to be utilized and are approved, they must have a straightforward design and be consistent with the architectural style.

Awnings may occur only over wall penetrations (doors and windows). The fabric must be opaque and its color must be compatible with the existing building colors. Awning frames must be painted to match the trim or the dominant color of the building, or be painted black. Metal and wooden slat-type exterior shades are not permitted on the front of the house.

B. Entrances and Windows

All openings in a structure such as windows and doors should relate to each other on all elevations both vertically and horizontally. This should occur in some clearly defined order and scattered or random placements should be avoided. Both entrances and windows should be in proportion as they relate to the building mass as a whole. All sides of a home should receive equal design consideration. Reflective glass is prohibited.

1. Entrance

Entrances should be a focal point of the elevation, which they serve. Although two-story entryways are allowed, the creation of a focal point at the entry through the use of human scaled entry elements is suggested. Recessed or protruded one-story elements add to the architectural detail of the home. Regardless of the scale selected, entrances should always relate to the overall architectural character and quality of the home.

2. Windows

- a. Windows, like entrances, should be compatible with the overall building mass and architectural character and quality of the elevation.
- b. Consideration should be given to style in order to achieve an appropriate treatment (e.g. divided light for a traditional style, a clear single glass surface for contemporary).
- c. If shutters are incorporated as part of the design, they must be appropriately scaled to relate to the window opening and appear authentic.

- d. They must also always occur in pairs. The shutter color must harmonize with the other colors on the house. Where shutters are used on a home located on a corner lot, it is suggested that shutters occur on the side street elevation as well as the front.
- e. Wrought iron will be considered only if the Committee determines that it is compatible with the architectural character of the home. Burglar bars over windows are generally prohibited and must be submitted to the Committee for consideration. Approval must be granted prior to installation.
- f. Privacy within the house should be maintained and advantage taken of garden and open space views through careful consideration of window placement.
- g. If storm windows are to be utilized, they must resemble existing window frames of the home and neighborhood. They should have the same general configuration as the existing window frames if this is a replacement application. Additionally, storm windows must have a similar color value to the existing window frames of the neighborhood. Mechanical roll-down storm window boxes, if utilized, must match the window frame color of the house. All storm doors must be a full glass door. No screen doors are allowed.

C. Roof Treatment and Overhangs

1. Materials

The following are minimum qualities for roof materials:

- a. Shingles material may be wood simulated fiberglass or composition asphalt shingles. The shingle material must harmonize with other shingle materials used in the neighborhood. Texture on shingles is acceptable, but shingles with an ornate pattern or cut pattern are not acceptable. The colors are limited to weathered-wood, Barkwood, Antique Slate and Sablewood. An equal substitute must be approved by the NCC.
- b. Metal roofing on the front porch is permitted. The color of any such metal roof shall be architecturally compatible with the other exterior colors of the home.

2. Form

- a. The form and massing of the roof should have a logical relationship to the style and massing of the house. Roof pitches should be within applicable codes, but generally should be 5 in 12 or steeper. It is recommended that roof pitches be no steeper than 12 in 12 for the main body of the roof.
- b. The Committee will consider other configurations in roof forms if appropriate to the style of architecture for a particular home.
- c. It is recommended that the roof height not exceed 3/4 of the total elevation area for single story homes and 1/2 for two story homes.
- d. Fascia depths should be in scale with the mass of the elevation, but the face of the fascia board must be at least six inches (nominal) in size.

3. Overhangs

Overhangs should be compatible with the architecture of the home and function as shading devices. Care should be taken not to exaggerate their lengths or provide too small an overhang. It is recommended that their use be more pronounced on eave conditions while rake conditions should receive a much more moderate overhang.

4. Roof Penetrations

Roof vents, utility penetrations, or other roof protrusions shall not be visible from the front street. Generally, skylights should not be visible from the front street. An exception would be skylights that are part of the architectural style of the house and are used to enhance that style. In such cases, the Committee will determine their appropriateness.

5. Gutters & Downspouts

- a. Gutters and downspouts, if used, should be strategically placed to minimize their visibility to the front street. Preferably, downspouts should occur only at the rear and sides of a home. Placement on the front elevation should be avoided as much as possible but may be used to avoid water runoff at front entrances. Gutters and downspouts must match, or be very similar to the color of the surface to which they are attached.
- b. Downspouts must be installed vertically and in a simple configuration. All gutters and downspouts must be installed so water runoff does not adversely affect adjacent properties.
- c. It is recommended that downspouts be buried or hidden in plant materials at the point where extensions carry water away from the building. For safety reasons, water runoff should never be directed directly onto sidewalks.

6. Exposed Roof Metal

- a. All exposed stack vents, skylight curbs, attic ventilators, and other metal roof accessories shall match or closely resemble the roofing color. Roof and valley flashing may remain unpainted, but it is strongly recommended that this flashing be of a pre-finished color that matches the roof color.
- b. Lacing valleys with shingles is also permitted where adequate sub-surface water protection and support is provided
- c. All stack vents and attic ventilators shall be located on the rear roof slopes perpendicular to the ground plane. They shall not be visible from public areas and should be placed in a location, which is least visible from adjoining property.
- d. Roof-mounted ventilators shall be no higher than ten inches (10") above the roof surface. Under no circumstances should any of the above mentioned items extend above the ridgeline or parapet on an approved flat roof. The number and size of stack vents shall be minimized.

7. Antennas

- a. Subject to the Telecommunications Act of 1996 and applicable rules of the Federal Communications Commission, no Owner may erect or maintain a television or radio receiving or transmitting antenna, satellite dish or similar implement or apparatus upon any portion of a house visible from the street abutting the front of the house unless this restriction would: (1) prevent or unreasonably delay antenna installation, maintenance, or use; (2) unreasonably increase the cost of antenna installation, maintenance or use; or (3) preclude reception of acceptable quality signals.
- b. Where possible, the homeowner is encouraged to place antenna inside the attic space of the house.

D. Chimneys

1. The chimney must be constructed of materials that match the architectural style and color of the home. Masonry, stucco, or wood sided chimneys are permitted in these locations.
2. Heights of chimneys should meet all fire code requirements and be proportional to the roofline of the respective home. Metal chimneys, if used, shall not exceed a maximum exposed height of six inches of chimney pipe, or a maximum height of eighteen inches of total exposed metal including both chimney pipe and cap.
3. All chimney construction must meet or exceed all applicable codes.

E. Garage Doors

1. Garage doors should be relatively unadorned while remaining compatible with the architecture of the home and elevations. Panelized doors, however, are encouraged to help downscale the effect of a garage door. The idea is to not detract from the other more significant features of the home.
2. Similarly, the paint or stain used on the garage doors should not draw attention, but rather blend with the overall massing of the home. If possible, the color of the garage door should be less conspicuous in tone from that of the wood trim and siding of the home. No wooden garage doors are permitted.

F. Address Identification

Address identification is limited to the address number for a particular home. No street name or resident name is permitted on the exterior of the home. The address number must be visible from the street. The scale of the address number may vary according to the scale of the house, but may be no larger than six inches in height and must be placed in a horizontal line. No particular letter type style is required, but numbers must be Arabic and must be easily readable from the street. It is preferable that the number for address identification be placed either on the front door, above the front door, or next to the front door. Incorporating the number identification into an accent masonry unit is encouraged. Whatever method for identification is utilized, it must be near the front entry of the house. Internally lit address numbers are not permitted; therefore address numbers should be illuminated by ambient light directed at the front entry. Direct illumination of address numbers by a decorative light is encouraged.

G. Lighting

The type, color, and quality of all exterior site and house lighting must be consistent with other existing lights on the property and in the neighborhood of the respective house. Incandescent-type lighting is the norm.

1. Floodlighting

Floodlighting fixtures must be attached to the house or other architectural structure and must not illuminate adjacent public or private properties. Lights must be directed downward and shielded so that they do not create a "hot" glare spot visible to neighbors. The fixture color and any Shielding should be compatible with the building. Conduits and wiring must be concealed. High-wattage, commercial/industrial-type fixtures, or sodium-vapor light sources are prohibited.

2. Exterior Lighting Fixtures

- a. All exterior lighting fixtures visible from the street or other public areas must be of an understated design that complements the architectural style of the residence. Fixtures shall be white incandescent, unless otherwise approved by the Committee. High intensity area lighting, such as mercury vapor or high-pressure sodium is not allowed. Low level directional lighting along walkways or at sidewalk and walkway edges is encouraged.
- b. Colored lighting of any sort and the use of fluorescent and neon lighting is prohibited (except during recognized holiday seasons when such lighting be permitted). Mercury vapor lights, when used for special landscaping lighting effects may be permitted as long as they are hidden from view and directed up at a tree or down from a tree. Conduits and wiring must remain concealed from view of the passerby.
- c. Architectural accent lighting is also permissible, but must be from an incandescent source.
- d. Gas or electric post lights may be in front or back of house. Such lights must be no taller than eight feet (8') in height and the illumination must be a low wattage. The color of the post shall be selected to complement or harmonize with the colors of the other materials on the house. This means that the color should generally stay within the earth tone color family (i.e. black, brown, tan, beige or gray, no blues, reds or yellows). Soft and muted earthtone pastel colors are acceptable. The use of white is also permitted. Extremely bold colors, primary colors, yellow, blue or green pastels for the post are prohibited.

3. Walkway Lighting

Proposed walkway lighting should be inconspicuous and of a bollard or domelight design. The lamp may be incandescent (100w maximum), quartz (75w maximum), metal halide (75w maximum), or fluorescent (25w maximum).

H. Exterior Colors

1. Exterior paints and stains for each residence shall be selected to complement or harmonize with the colors of the other materials with which they are used. The general intent is to encourage greater variety among homes along the street.
2. Wood siding and trim should generally stay within the earth tone color family. The use of white is also permitted. Extremely bold or primary colors, however, are prohibited.
3. Yellow, blue, or green pastels are discouraged. However, soft and muted earthtone pastel colors like gray, beige, brown, salmon, etc., are acceptable.
4. The variety and number of exterior colors on each house should be held to a maximum of three not inclusive of brick color or front door color. Brick colors should generally be of an earth tone family or range. No one brick color family should dominate a particular street scene.

5. Repetition of brick uses must occur no more frequently than every third house.
6. Very dark colored brick is discouraged. Brick for houses on consecutive and facing lots must vary in order to avoid monotony. Variety in brick use is highly encouraged.
7. Likewise, trim color and/or field color must also vary. The Committee will determine whether consecutive or relatively consecutive homes' brick colors or trim colors are similar enough to be denied because of the proximity of the homes.
8. Front doors may be stained a natural wood color, or painted the same color as the house trim. Other paint colors may be approved on a case by case basis.

I. Security Devices

Security devices such as sirens and speaker boxes should be the minimum size needed to be effective and should be located unobtrusively. As previously mentioned under the section for "Entrances and Windows", security and/or burglar bars on the exterior of homes are not permitted unless specifically approved by the Committee prior to installation. It is preferable, however, that the builder consider the use of security window coating film instead of bars and grillwork. If security devices are being considered for a home, the builder must utilize a device, which is not visible to public view and preferably mostly contained within the home.

J. Window Air Conditioners

No window or wall-type air conditioner shall be permitted, placed, or maintained on, or in any building on any part of the Property.

K. Wind Turbines

No wind generators shall be erected or maintained on any lot.

L. Outdoor Carpeting

Outdoor carpeting may only be installed on the rear porch area and the colors must match or complement house trim color.

M. Solar Panels/Screens/Film

1. Solar Panels are prohibited.
2. Solar screens are allowed on windows only if they blend with the brick and roof color and not allowed on the front of the house.
3. Colors and manufacturers must be acceptable to ACC for other screens and panels.
4. Solar window film must be non-reflective type and not allowed on the front of the house.
5. Samples of window film must accompany each application.

V. MODEL HOMES

A. Model Home Layout

1. Modifications

Realizing that model homes will function as sales offices, modifications to the finished product that would actually be sold is expected. However, builders are expected to emulate as closely as possible the end product that a consumer can expect to receive. Before sale by the builder, all modifications (e.g., front yard fencing, french doors in lieu of overhead garage doors, floodlights, etc.) must be removed and the unit restored to its standard appearance.

2. Yard Lights

Each model should have, unless otherwise specified by the Committee, yard lights installed which will illuminate the model homes during the period from dusk to 10:00 p.m. The builder may employ other types of illumination upon approval of the Committee. However, fluorescent lights are not permitted anywhere on the exterior of model homes or for use in illuminating landscape.

3. Fencing

Fencing on sales models will always be of an iron/metal material of a standard configuration where it is adjacent to front yards. Fences will always permit view of the house and into the lot from the street. Model home fences should never exceed four feet in height in the front yard. Wood fencing is allowed in the rear yards of model homes. All fence designs must be submitted to the Committee for review and approval.

4. Entry Sidewalks and Steps

All entry sidewalk steps into model homes - must be highlighted with a yellow paint strip on the vertical part of the step unless there is a material change between the steps and the sidewalk leading to an entry.

B. Maintenance: Model Home Exteriors and Landscaping

1. Model Homes Exterior

- a. Exterior of model homes should be kept in a new and fresh condition. Doors, siding, and trim are to be kept clean and painted when necessary.
- b. If, in the opinion of the Committee, areas of a model home require refurbishing, the Committee will give the respective home builder ten (10) days notice in writing in which to correct the deficiencies. No material and equipment except for normal residential and/or commercial requirements and those requirements incident to construction of initial improvements may be kept on any portion of the lot.
- c. The accumulation of garbage, trash, or rubbish of any kind will not be permitted nor will the burning of these materials.

2. Landscaping

- a. All model homes are to be landscaped including seed and/or sod and foundation plant material. Trees will be planted in accordance with previously promulgated rules of the Committee and these guidelines.
- b. Lawns must be neatly cut and trimmed. Flowerbeds must be weeded regularly and re-mulched at least annually. During the growing season (April to November), lawns will be cut at least biweekly and shrubs are to be pruned regularly.

C. **Model Home/Builder Signage**

1. One yard sign per lot is allowed for the purpose of advertising a particular builder's name or to advertise the property for sale. No additional sign, advertisement, billboard, or advertising structure of any kind shall be displayed to public view on any lot. The only exception to this is a sign no larger than 5 square feet in area, which indicates whether a model home is open/closed and the hours of operation only. This sign must be close to the front door.
2. The one allowable yard sign will be a maximum of 32 square feet in area. This sign will be allowed for a period of time commensurate with the homes model or sales program only. Additionally, builders will be allowed only one builder names sign per model park. Model homes are allowed one model name sign, each which includes only the model's name. These model identification signs may not exceed three square feet in surface area.
3. No bandit signs, or banners, of any kind are permitted on model homes or model home lots. Additionally, no directional builder signs, bandit signs, billboards, etc. are allowed within the community. Only the signs specified above will be permitted.
4. The Committee has the right to remove any sign, advertisement, billboard, or advertising structure, which is in violation of these restrictions. All model home signage packages must be submitted to the Committee for review and approval.

Corporate Secretary's Certificate

I, WILLIAM O. CROMWELL III, Corporate Secretary and Treasurer of the FSFCA, Inc. ("Association"), hereby certify that the foregoing document is an original or true and correct copy of the Architectural Control Guidelines for New Construction in Four Season Farms.

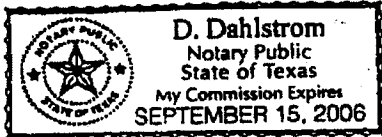
By: WJ

Name: William O. Cromwell III
Corporate Secretary/Treasurer

ACKNOWLEDGMENT

THE STATE OF TEXAS
COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 18th day of August, 2003 by William O. Cromwell III, Corporate Secretary and Treasurer of FSFCA, Inc., a Texas non-profit corporation, on behalf of the non-profit corporation.



Seal Showing Name and Commission Expiration

[Signature]
Notary Public in and for the State of Texas

AFTER RECORDING, RETURN TO:

Sam R. Perry
901 Congress
Austin, Texas 78701

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