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FEB 27 2013

February 22, 2013

Riverway Estates Community Association, Inc.
c/o MASC Austin Properties, Inc.
Attn: Angela Connell
13726 Florence Rd.
Sugar Land, Texas 77478

Re: Riverway Estates Community Association, Inc. / Recorded Bylaw Amendment and
ACC Guidelines

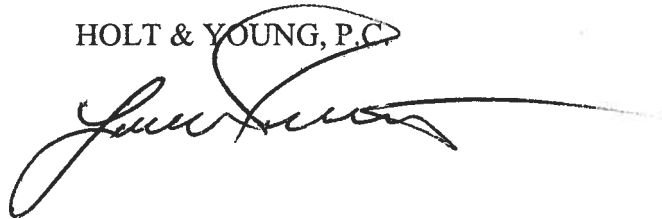
Dear Angela,

Enclosed please find the Recorded Bylaw Amendment and ACC Guidelines for the referenced Association. This is the original document bearing the County Clerk's file stamp. Please keep this with the Association records. We will maintain a copy in our files and in case the Association ever needs one.

It has been a pleasure assisting you with this matter; should you have any questions or concerns please feel free to contact me directly.

Very Truly Yours,

HOLT & YOUNG, P.C.



Luke P. Tollett

LPT

Enclosure

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RIVERWAY ESTATES COMMUNITY ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

WHEREAS, the Riverway Estates Community Association, Inc. (the "Association"), is the governing entity for Riverway Estates, an addition in Fort Bend County, Texas, according to the map or plat thereof, recorded in the Plat Records of Fort Bend County, Texas, under Clerk's File No. 2004-143061, along with any amendments, supplements, replats and annexations (the "Subdivision"); and

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Riverway Estates Subdivision, is recorded in the Real Property Records of Harris County, Texas, under Clerk's File No. 2005-018692 (the "Declaration"); and

WHEREAS, Article VI, Section 6.02.2, of the Declaration authorizes the Association to establish Architectural Guidelines in connection with the review and approval of plans for modifications and additions to property within the Subdivision; and

WHEREAS, the Association shall have and may exercise discretionary authority with regard to these restrictions in accordance with §204.004(a) of the Texas Property Code;

NOW THEREFORE, in accordance with the foregoing recitals and as evidenced by the certification hereto, the Association hereby establishes the Architectural Control Committee Guidelines contained herein.

CERTIFICATION

"I, the undersigned, being the President of Riverway Estates Community Association, Inc., hereby certify that these Guidelines were approved by at least a majority of the Association Board of Directors on the 30th day of August, 2012."

By: Joanna Figueroa, President

Print Name: Joanna Figueroa

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

BEFORE ME, the undersigned authority, on this day, personally appeared Joanna Figueroa, President of the Association, and acknowledged to me that they executed the same as the act of the Association for the purpose and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this 30th day of August, 2012.



[Signature]
Notary Public, State of Texas

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**RIVERWAY ESTATES COMMUNITY ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE
GUIDELINES**

Definitions

1. "BOARD" refers to the Board of Directors of the Riverway Estates Community Association, Inc.
2. "ACC" refers to the Architectural Control Committee

The Board of Directors of the Riverway Estates Association, Inc. has established these architectural guidelines in accordance with the authority granted to them by the provisions of the Declaration of Covenants and Restrictions of Riverway Estates, Section 6.02.2

It is the general purpose of the ACC to approve or disapprove applications made to it for proposed alterations, additions, or changes to be made to the exterior of the house and/or the lot itself.

Procedure

A "Request For Home Improvement Approval Form" must be completed in its entirety and mailed to the address indicated at the top of the form. All pertinent information such as plans, specifications, building permits, locations indicated on a copy of the survey, etc. should be included with the application.

These forms are available from our management company. The ACC cannot respond to verbal request for approval - all applications must be made in writing.

The ACC has thirty (45) days from date of receipt of an application in which to respond. If additional information is required by the ACC, the application process will be extended accordingly. Plans for implementation of the proposed improvement(s) should allow for time required to complete the approval process.

If an application is not approved, the ACC 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 ACC, the Designated Representative should be contacted at a specified number.

Guidelines

The following are guidelines adopted by the ACC to specify their standards, requirements, and thought processes used in evaluating an application. These guidelines will be amended from time to time as the circumstances, conditions, or opinions of the ACC dictate. It should be noted that each application is considered on its own merit and that the ACC may grant a variance from these guidelines if an extremely good reason is given. Granting variances

is strongly discouraged as it reduces the enforceability of these guidelines and hurts the credibility of the ACC. The ACC cannot allow variances from the CCR's except where specifically stated in the CCR's.

It should be also be noted that ACC approval is required prior to the installation or construction of the improvement or change. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal.

1.0 Outbuildings

1.1 Only structures which are enclosed by walls and a roof (other than the main residence) that are allowed are **storage sheds for lawn storage, playhouses, and forts**. All others are prohibited such as workshops, barns, and greenhouses. Room additions (which must be attached to the main structure) are covered in section 5.0.

1.2 The ACC will consider the following:

- a. In order to severely limit an outbuilding's visibility from the front street, it must have a peaked roof no higher than six (6) feet if any part of it **extends past the left or right side walls of the house**. A maximum height of eight (8) feet is allowed if the outbuilding **does not extend past the left or right sides of the house**. Visibility from a side street or back street is not to be taken into consideration. The structure must be kept a minimum of three (3) feet off rear and side property lines. Its location must also be far enough away from fence to allow for drainage to occur entirely on the owner's lot.
- b. It is preferred that the floor space be 100 square feet or less, however, the ACC will approve up to 120 square feet. Its door cannot be a garage door and cannot exceed six (6) feet in width. There shall be no driveway adjacent to the outbuilding.
- c. The colors should match or blend with the predominant exterior colors of the main residence and must be a muted color.
- d. Materials should match those of the main residence in both size and color; however, the ACC will approve small prefabricated metal storage buildings providing the color blends with the main residence.
- e. Storage building placed on a concrete slab must not be on top of a utility system.
- f. No storage can be built up against any side or rear wall of home.
- g. If a fort has a platform, then the platform can be no higher than four (4) feet off ground and centered in back yard to protect neighbor's privacy.

2.0 Basketball Goals

- 2.1 The basketball backboard, net, and post must be maintained in excellent conditions at all times.
- 2.2 If the backboard is mounted onto the roof by use of a small, triangular mounting structure, the mounting structure must be painted to match the shingle color.
- 2.3 Rims must be ten (10) feet in height.
- 2.4 Backboard must be regulation size and its color must not clash with the colors of the house. Beige, grey, clear, and white generally acceptable colors. Black is not acceptable.
- 2.5 Must be mounted on garage or placed a pole on the side of driveway.
- 2.6 Written approval of neighbors on both sides must be obtained.
- 2.7 Portable basketball goals are permitted but must be stored out of public view after each use.

3.0 Patio Covers

- 3.1 Patio covers are only allowed in back of the house. They cannot extend past the left or right side walls of the house in order to severely limit their visibility from the front street.
- 3.2 Should be constructed of materials which complement the main structure.
- 3.3 Must be integrated into existing roof line (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 painted wooden or metal columns. No pipe is allowed. At no time, however, shall a shingled roof of a patio cover be allowed with an unpainted frame (this does not apply to deck covers which cover a wooden deck). The frame will have to be painted to match the trim of the house whether treated or untreated wood is used.
- 3.4 Acceptable patio construction materials are as follows:
 - a. Painted wood to match the trim of the house.
 - b. Wood such as cedar, fir, redwood, or pressure treated pine may be used.

- c. If canvas is used as roofing material on a patio cover, it must be a muted color and Also, the canvas must be kept in quality condition or its removal will be requested by the HOA. No blues or greens allowed for residential use.
- 3.6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 3.7 Patio covers must be situated on the lot to provide drainage solely into the owner's lot. If a proposed patio cover location is less than five (5) feet away from a side lot line, the ACC will require that it be guttered with downspouts if it is to be a solid cover.

4.0 Decks, Deck Covers, & Gazebos

- 4.1 Decks, deck covers, and gazebos are not prohibited as long as they are not fully enclosed by walls and a roof.
- 4.2 They are only allowed in the back yard, however deck covers and gazebos cannot extend past the left or right side walls of the house in order to severely limit their visibility from the front street. Decks can extend past the side walls as long as they are not visible from the front street.
- 4.3 Their floors cannot be higher than eighteen (18) inches.
- 4.4 Deck covers generally must comply with the patio cover guidelines, however, their frames do not have to be painted, even if they have a shingled roof, if the deck is not painted. If they are painted, the paint should match the house.
- 4.5 Decks, deck covers, and gazebos may not encroach into any utility easement unless companies involved have granted their written consent to such encroachment.
- 4.6 They should not be situated on the lot so that they may pose a problem to the effective drainage of the lot or neighboring lot.
- 4.7 Gazebos must also be at least six (6) feet away from house. Their maximum height at the peak is eleven (11) feet and they must be at least three (3) feet off side and back fence.

5.0 Room Additions

- 5.1 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. Addition of a storage area or a greenhouse will not qualify as a bonafide room addition and will not be permitted. Plans for a room addition must show a room internally attached to main structure being of reasonable size which will then constitute a legitimate request for a room addition. Roof of addition must integrate with existing roof line so as to appear to have been part of the original home. Room additions cannot exceed one-third of the remaining back yard.

6.0 Prefabricated Sunrooms & Solariums

- 6.2 It must be attached to the back of the house and it must not extend past the left or right side walls of the house in order to severely limit its visibility from the front street. If it is not attached to the house, then it must be denied.
- 6.3 May not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 6.4 Its height cannot exceed eleven (11) feet.
- 6.5 Exterior materials and colors should match the house as much as possible.
- 6.6 All aluminum should be painted. No mill finish allowed.
- 6.7 Detailed plans must be submitted to the ACC.

7.0 Exterior Painting

- 7.1 All paint colors must be muted (not vivid) greys, browns, or beiges, including greys, browns, or beiges which have slight tints of other colors such as blue, red, yellow, or green.
- 7.2 The applicant's brick color and roof color must be taken into consideration.
- 7.3 Paint colors must be submitted and labeled to indicate which is the principal color, trim and accent color.
- 7.4 If house is painted with unacceptable colors without written approval, house must be repainted with approved color(s) of your choice.

8.0 Storm Windows and Storm/Screen Doors

- 8.1 Providing the frames and screens of these are of a color compatible with the exterior house colors, storm windows and storm or screen doors should receive ACC approval.

9.0 Swimming Pools, Spas, and Enclosures

- 9.1 No pool, spa, or pool enclosure of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Decking also requires consent agreement. Consents must be received prior to approval.
- 9.2 Ideally, any pool, spa, or pool enclosure should be located at least five (5) feet from a side and rear lot line to maintain proper drainage on lot. However, a minimum of three (3) feet will be allowed in certain instances. They are only allowed in back of the house.

- 9.3 Above ground pools will receive special consideration. Above ground pool acceptable provided it is not over four (4) feet in height. Decking around pool cannot be over eighteen (18) inches above ground so to ensure privacy of neighbors. If there is a walkway around pool, it cannot be wider than two (2) feet nor higher than the wall of the pool. Railings for walkway cannot be visible above the six (6) foot fence. It must be three (3) feet to five (5) feet from the side and rear fences.
- 9.4 Pool and spa enclosures cannot extend past the left or right side walls of the house in order to severely limit their visibility from the front street. Their height cannot exceed eleven (11) feet. Exterior materials and colors should match the house as much as possible. All aluminum should be painted. No mill finish allowed. Detailed plans must be submitted to the ACC.

10.0 Solar Energy Devices, Solar Panels, Screens, & Films

- 10.1 These guidelines apply to solar energy devices ("Devices") as defined in Section 171.107(a) of the Texas Tax Code. A solar energy device means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power.
- 10.2 Such Devices may only be installed with advance written approval of the Riverway Estates Community Association Architectural Control Committee subject to these guidelines.
- 10.3 Any such Device must be installed on land or structures owned by the property owner. No portion of the Devices may encroach on adjacent properties or common areas.
- 10.4 Such Devices may only be installed in the following locations:
- a. on the roof of the main residential dwelling; or
 - b. on the roof of any other approved structure; or
 - c. within a fenced yard or patio.
- 10.5 For Devices mounted on a roof, the Device must:
- a. have no portion of the Device higher than the roof section to which it is attached; and have no portion of the Device extend beyond the perimeter boundary of the roof section to which it is attached; and
 - b. conform to the slope of the roof; and
 - c. be aligned so the top edge of the Device is parallel to the roof ridge line for the roof section to which it is attached; and
 - d. have a frame, brackets and visible piping or wiring that is a color to match the roof shingles or a silver, bronze or black tone commonly available in the marketplace; and
 - e. be located in a position on the roof which is least visible from any street or common area, so long as such location does not reduce estimated annual energy production more than 10% over alternative roof locations (as determined by a public ally available modeling tool provided by the National Renewable Energy Laboratory [www.nrel.gov] or equivalent entity).
 - f.
- 10.6 For Devices located in a fenced yard or patio, no portion of the Device may extend above the top of the fence. If the fence is not a solid fence which blocks view of the Device, the Association may require the Device be placed in a location behind a structure or otherwise require visual screening. The Association may consider

installation of Devices on properties without a fenced yard if there is adequate screening from public view from any street or common area.

- 10.7 All Devices must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used where required by law. Permits must be obtained where required by law.
- 10.8 Installed Devices may not:
 - a. threaten public health or safety; or
 - b. violate any law; or
 - c. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner.
 - d.
- 10.9 All Devices must be maintained in good repair. Unused or inoperable Devices must be removed.
- 10.10 The ACC will approve solar panels which are unobtrusive and which blend in with the roof shingle color.
- 10.11 Parabolic solar collectors which are not mounted so as to be flush with the roof will not be approved.
- 10.12 Solar panel frames should be bronze or black in color in order to best blend in with the shingles. All unfinished aluminum must be painted the color of the shingles.
- 10.13 No solar panel should be mounted so that it extends above the roof line.
- 10.14 The ACC would prefer to have solar panels mounted on stands to the side or back roof rather than the front of the house.
- 10.15 Solar screens whose colors blend with the colors of the house are allowed on windows.
- 10.16 Colors and manufacturers must be acceptable to ACC for both screens and panels.
- 10.17 Solar film must be non-reflective type.

11.0 Satellite Dishes

- 11.1 "No..... satellite dish system...or similar device may be placed may be placed or permitted to be maintained or remain on any Lot, or the residence, building, or other improvement thereon, or upon any other portion of the Subdivision, unless and until the same has been approved by the ACC; provided, the foregoing items may be wholly concealed in the attic space of a residence" (Art IV Sec 4.08)
- 11.2 Request for satellite dish installation must be submitted to the ACC for consideration.

12.0 Fence and Fence Extensions

- 12.1 " No fence or wall may be erected, constructed or maintained on any Lot extending past the front of the main residence and all fences or walls facing any street must be placed uniformly from the street to provide for a consistent and uniform alignment." (Art IV Sec 4.04.4(a))

- 12.2 Maximum fence or wall height for all Lots is (6) feet; provided, brick columns in brick and columns in brick and wrought iron in brick and wood fences may extend to (7) feet in height.
- 12.3 No painting, staining, or varnishing of fence.
- 12.4 Wood fences must be treated pine, cedar, redwood or cypress
- 12.5 No split rail fences or decorative fencing permitted to front.
- 12.6 Consents from all affected neighbors must be submitted in order to be considered for fence extensions, height extensions, or when changing the side of the fence the pickets are on.
- 12.7 Replacement or repairs of fence must be made with similar materials and construction details as used in the original fence.
- 12.8 Gates must be consistent with the nature of the fence.
- 12.9 Chain link fences are prohibited.
- 12.10 All Lots are required to have fencing on all sides of the property.

13.0 Decorations

- 13.1 On front lawns of lots and on any portion of a lot visible from any street, decorative appurtenances placed, such as sculptures, birdbaths, small birdhouses, fountains, or other decorative embellishments, are allowed, unless noted otherwise.
- 13.2 Benches and gates will be reviewed on an individual basis for approval.
- 13.3 House numbers must be placed on the house and any type of freestanding structure in the front yard.
- 13.4 Seasonal decorations are permitted. Display is not to exceed six (6) weeks total and must be removed no later than (4) weeks after the holiday.

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 Directional lights or floodlights must be aimed so as not to shine in the windows of neighboring homes.
- 14.3 Security, mercury vapor, or fluorescent lights must be attached to the front of the house, preferably garage. Mercury vapor, fluorescent, and sodium halite lights are not permitted in the back or side yard.

14.4 Yard lights must be electric. Single lamp only. Maximum height six (6) feet. May be in front or back. Electric lights must be black, brown, or white, depending on color of the house and determination of suitable color will be the decision of the ACC.

14.5 Flags may be illuminated only in compliance with the provisions listed in 30.0. Flags.

15.0 Wind Turbines

15.1 Wind turbines will be reviewed on an individual basis for approval.

15.2 Wind turbines should be mounted in the rear portion of the roof so that they are not visible from the front or above the roof line.

15.3 The wind turbines preferably should either be a color which will blend with the shingle color instead of unfinished aluminum or be painted to match the shingle color.

16.0 Burglar Bars

16.1 Acceptable provided in harmony with the house.

16.2 Painted to match exterior trim or black.

16.3 Must be submitted for approval.

17.0 Mounted Birdhouses

17.1 Maximum height twelve (12) feet.

17.2 Mounted on two-inch diameter metal pipe painted white or black.

17.3 Should be placed in the back yard and must not be visible from the street.

18.0 Landscaping/ Tree Planting

18.1 All Lots shall have a minimum of one (1) live tree at least four inches (4") in diameter planted in front yard; corner Lots shall have a minimum of two (2) live trees at least four inches (4") in diameter, planted in the front and side yards.

18.2 Landscape timbers and bricks without mortar do not need ACC approval unless they exceed 2' in height. Construction bricks are not approvable as landscape borders.

18.3 Must complement style and architecture of home and conform to color scheme of immediate neighborhood to be approved.

18.4 Living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth; i.e. bark, mulch, etc. do not need ACC approval

18.6 Bushes and trees must be trimmed back to avoid obstructing view throughout the subdivision.

18.7 Artificial flowers or plants in street view are not permitted.

- 18.8 Planters or flower pots with dead or no plants are not permitted in street view.
- 18.9 Tree stumps are not permitted and must be removed.
- 18.10 Irrigation systems must be approved prior to installation. Must be placed within the entire lot and not encroach neighboring lot and have a backflow prevention device attached to portable water system.

19.0 Antennas

- 19.1 "No external television, radio or other electronic antenna, satellite dish system, microwave antenna or similar device may be placed may be placed or permitted to be maintained or remain on any Lot, or the residence, building, or other improvement thereon, or upon any other portion of the Subdivision, unless and until the same has been approved by the ACC; provided, the foregoing items may be wholly concealed in the attic space of a residence" (Art IV Sec 4.08)

20.0 Swing Sets and Play Structures and Equipment

- 20.1 Only one play structure is allowed on any Lot.
- 20.2 Maximum height allowed overall is (11) feet and must not be visible from the front street.
- 20.2 Swing sets and play equipment cannot be located in an easement and location will be considered for neighbors' privacy.
- 20.4 Storage of portable toys or play equipment, including, but not limited to, bicycles, wading pools, yard game equipment, sand boxes, hockey goals, etc. must be stored so that they cannot be seen from the street and adjacent property.

21.0 Driveway Extensions & Sidewalks

- 21.1 Case by case.
- 21.2 All driveways must be reinforced concrete, or acceptable surfacing approved by the ACC such as brick, texture, Bomainite and must be in compliance with building codes and ordinances.
- 21.3 Asphalt paving is prohibited.

22.0 Window Air Conditioners

- 22.1 No window or wall type air conditioner shall be permitted in any residence or building.

23.0 Window Shades/Awnings

- 23.1 Canvas awnings will not be permitted to be installed on windows to reduce solar exposure unless they are on the back side of the house on an interior lot and not visible at all from the street. On a corner lot or a lot that backs onto a street, canvas awnings

will not be permitted at all. When allowed, they must be muted colors, no blues, greens, etc., and must be kept in excellent condition at all times or will be subject to immediate removal upon notification by the HOA of their unacceptable condition.

- 23.2 Awnings will still be allowed for use on playhouses and patio covers, provided they also comply with the above mentioned requirements for proper location and color.
- 23.3 Metal and wooden slat-type shades may be allowed by the ACC, if they are deemed necessary in reduction of solar exposure and installation on appropriate windows will be determined by the ACC. At no time, however, will they be allowed on windows on the fronts of homes.

24.0 Roofs

- 24.1 Composition fiberglass or asphalt shingles are preferred, but standing seam metal, aluminum shingles, marble, clay tile, concrete slate, tar and gravel or membrane process may be used upon ACC approval.
- 24.2 Composition shingles must weigh at least 230 pounds per square and have a stated warranty of at least 25 years. Shingles must have a laminated design. Three-tab shingles are specifically prohibited except for use as a starter and cap rows.
- 24.3 Roof shingles must be in the black blend or dark brown color range. Blue, green, red and white colors are not allowed. Such other color must be approved by ACC.
- 24.4 Gabled and hipped roofs are preferable.
- 24.5 Any fiberglass or asphalt shingle roofs must have a covered valley unless an uncovered valley is approved by the ACC.
- 24.6 All roof protrusions, such as vents, roof jacks, must be painted to match the shingles.
- 24.7 The roof color must blend or accent the applicant's brick color and paint color.
- 24.8 Roofing materials other than composite asphalt shingles may be used, such as aluminum, however, these must have the appearance of composite shingles in order to remain consistent with the neighborhood.
- 24.9 Roof overlays are not allowed. Prior to roofing, all existing materials must be removed down to clean decking. Any damaged or deteriorated decking must be replaced.
- 24.10 Ridge vent are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.
- 24.11 Subject to Section 8 below and with advance written approval from the Riverway Estates Community Association Architectural Control Committee, an owner may install shingles ("Alternative Shingles") which are designed primarily to:
 - a. be wind and hail resistant; or
 - b. provide heating or cooling efficiencies greater than traditional composition shingles; or
 - c. provide solar energy capture capabilities.
- 24.12 Once installed, any such Alternative Shingles must:
 - a. resemble the shingles used or authorized to be used on other structures within the Association; and
 - b. be more durable than and of equal or superior quality to the shingles used or authorized to be used on other structures within the Association; and
 - c. match the aesthetics of properties surrounding the owner's property.

24.13 All roof colors must be muted (not vivid) greys, browns, or beiges, or black.

24.14 The roof color must blend or accent the applicant's brick color and paint color.

25.0 Rainwater Harvesting Systems

25.1 Rainwater Recovery Systems may be installed with advance written approval of the Riverway Estates Community Association Architectural Control Committee subject to these guidelines.

25.2 All such Systems must be installed on land owned by the property owner. No portion of the Systems may encroach on adjacent properties or common areas.

25.3 Other than gutters and downspouts conventionally attached to a dwelling or appurtenant structure, all components of the Systems, such as tanks, barrels, filters, pumps, motors, pressure tanks, pipes and hoses, must be substantially screened from public view from any street or common area. Screening may be accomplished by:

- a. placement behind a solid fence, a structure or vegetation; or
- b. by burying the tanks or barrels; or
- c. by placing equipment in an outbuilding otherwise approved by the Riverway Estates Community Association Architectural Control Committee.

25.4 A rain barrel may be placed in a location visible from public view from any street or common area only if the configuration of the guttering system on the structure precludes screening as described above with the following restrictions:

- a. the barrel must not exceed 55 gallons; and
the barrel must be installed in close proximity to the structure on a level base with the guttering downspout leading directly to the barrel inlet at a substantially vertical angle; and
- b. the barrel must be fully painted in a single color to blend with the adjacent home or vegetation; and
- c. any hose attached to the barrel discharge must be neatly coiled and stored behind or beside the rain barrel in the least visible position when not in use.

25.5 Overflow lines from the Systems must not be directed onto or adversely affect adjacent properties or common areas.

25.6 Inlets, ports, vents and other openings must be sealed or protected with mesh to prevent children, animals and debris from entering the barrels, tanks or other storage devices. Open top storage containers are not allowed, however, where space allows and where appropriate, Riverway Estates Community Association Architectural Control Committee approved ponds may be used for water storage.

25.7 Harvested water must be used and not allowed to become stagnant or a threat to health.

25.8 All Systems must be maintained in good repair. Unused Systems should be drained and disconnected from the gutters. Any unused Systems in public view must be removed from public view from any street or common area.

26.0 Flags

26.1 These Guidelines apply to the display of (“Permitted Flags”):

- 1.1. the flag of the United States; and
- 1.2. the flag of the State of Texas; and
- 1.3. the official flag of any branch of the United States armed forces.

26.2 These Guidelines do not apply to any flags other than the Permitted Flags listed in Section 1 above including, but not limited to:

- 1.4. flags for schools, sports teams, businesses or foreign countries; or
- 1.5. flags with marketing, seasonal, historical, commemorative, nautical, political or religious themes; or
- 1.6. historical versions of flags permitted in section 1 above.

26.3 Permitted Flags may be displayed subject to these guidelines. Advance written approval of the Riverway Estates Community Association Architectural Control Committee is required for any free-standing flagpole and any additional illumination associated with the display of Permitted Flags.

26.4 Permitted Flags must be displayed in a respectful manner in accordance with the current relevant federal, state or military code.

26.5 Permitted Flags must be displayed from a pole attached to a structure or to a free-standing pole. Permitted Flags may not be draped over or directly attached to structures. For example, a Permitted Flag may not be laid across a fence or stapled to a garage door.

26.6 Permitted Flags shall be no larger than three foot (3’) by five foot (5’) in size.

26.7 Only one Permitted Flag may be displayed on a flagpole attached to a structure. Up to two Permitted Flags may be displayed on an approved free-standing flagpole that is at least fourteen feet (14’) tall.

26.8 Flagpoles must be constructed of permanent, long-lasting materials with an appropriate finish that is harmonious with the dwelling.

26.7 A flagpole attached to a structure may be up to six feet (6’) long and must be securely attached with a bracket with an angle of 30 to 45 degrees down from vertical. The flagpole must be attached in such a manner as to not damage the structure. One attached flagpole is allowed on any portion of a structure facing a street and one attached flagpole is allowed on the rear or backyard portion of a structure. Brackets which accommodate multiple flagpoles are not allowed.

26.8 Free-standing flagpoles may be up to twenty feet (20’) tall, including any ornamental caps. Free-standing flagpoles must be permanently installed in the ground according to manufacturer’s instructions. One free-standing flagpole is allowed in the portion of the

owner’s property between the main residential dwelling and any street and one free-standing flagpole is allowed in the rear or backyard portion of a property.

26.7 Free-standing flagpoles may not be installed in any location described below:

- A. in any location other than the Owner’s property; or
- B. within a ground utility easement or encroaching into an aerial easement;
or

- C. beyond the side or rear setback lines (for example, on a lot with a 10' side setback line, a flagpole may not be installed closer than 10' from the side property line); or
- D. beyond half the distance of the front setback line (for example, on a lot with a 30' front setback line, a flagpole may not be installed closer than 15' from the front property line); or
- E. closer to a dwelling on an adjacent lot than the height of the flagpole (for example, a 20' flagpole cannot be installed closer than 20' from an adjacent house).

26.8 Lighting may be installed to illuminate Permitted Flags if they will be displayed at night and if existing ambient lighting does not provide proper illumination. Flag lighting must:

- A. be ground mounted in the vicinity of the flag; and
- B. utilize a fixture that screens the bulb and directs light in the intended direction with minimal spillover; and
- C. point towards the flag and face the main structure on the property or to the center of the property if there is no structure; and
- D. provide illumination not to exceed the equivalent of a 60 watt incandescent bulb.

26.9 Flagpoles must not generate unreasonable noise levels which would disturb the quiet enjoyment of other residents. Each flagpole owner should take steps to reduce noise levels by using vinyl or plastic snap hooks, installing snap hook covers or securing a loose halyard (rope) around the flagpole with a flagpole clasp.

26.10 Flagpoles are allowed solely for the purpose of displaying Permitted Flags. If a flagpole is no longer used on a daily basis, it must be removed.

26.11 Flags and flagpoles must be maintained in good condition. Deteriorated flags must be removed and promptly replaced. Deteriorated or structurally unsafe flagpoles must be promptly repaired, replaced or removed.

27.0 Display of Religious Items

- 27.1 A property owner or resident may display or attach one or more religious items to each or any entry to their dwelling. Such items may include anything related to any faith that is motivated by the resident's sincere religious belief or tradition.
- 27.2 Individually or in combination with each other, the items at any entry may not exceed 25 square inches total in size.
- 27.3 The items may only be displayed on or attached to the entry door or frame and may not extend beyond the outside edge of the door frame.
- 27.4 To the extent allowed by the Texas state constitution and the United States constitution, any such displayed or affixed religious items may not:
 - a. threaten public health or safety; or
 - b. violate any law; or

- c. contain language, graphics or any display that is patently offensive to a passerby.
- 27.5 Approval from the Riverway Estates Community Association or the Riverway Estates Community Association Architectural Control Committee is not required for displaying religious items in compliance with these guidelines.
- 27.6 The Association may remove any items displayed in violation of these guidelines.

28.0 Signs

- 28.1 No signs, billboards or posters advertising a business are allowed.
- 28.2 No signs with vulgar, obscene or offensive language are allowed.
- 28.3 No sign larger than six feet is allowed.
- 28.4 No sign may be illuminated.
- 28.5 "For Sale" or "For Rent" signs are permitted on Owner's lot only.
- 28.6 No sign may be placed on any Lot closer than fifteen feet from any street or any side or back Lot line.
- 28.7 No more than (2) Political signs are allowed but must be removed one day after election has taken place.

29.0 Gutters

- 29.1 Gutters must be painted the same color as the residence or trim thereon and shall be kept in good repair.

30.0 Doors

- 30.1 Front doors must be properly maintained and approval is required on replacing door painting/ staining.
- 30.2 Storm doors/ screen doors shall be constructed of aluminum or wood. The color should be kept in harmony with the existing colors of the residence. These doors must be kept in proper condition at all times, i.e. broken glass and screens must be replaced; screens must be properly secured.

**RIVERWAY ESTATES COMMUNITY ASSOCIATION, INC.
ARCHITECTURAL CONTROL COMMITTEE
GUIDELINES**

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From time to time the Riverway Estates Community Association may approve separate policies and guidelines in addition to those set out in the main body of the Covenants. This usually occurs in response to changes mandated by the Texas Legislature. Those separate policies and guidelines are recorded in the local property records, and posted on the Riverway Estates Community Association, Inc. website.

**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

Dianne Wilson

Dianne Wilson, County Clerk
Fort Bend County, Texas

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