

CONSTRUCTION OF IMPROVEMENTS AND USE OF LOTS - PROTECTIVE COVENANTS

The Property (and each Lot situated therein) shall be occupied and used as follows:

9.01 Residential Use. All Lots (excluding, however, those platted lots on which certain Common Properties may be located) shall be used for residential purposes only. No building or structure shall be erected, altered, placed or permitted to remain on any Lot other than a single-family dwelling and a private garage for two (2) or more automobiles. No building or structure on any lot shall exceed two and one-half (2 1/2) stories in height.

9.02 Minimum Floor Space. Except as hereinafter specified, the total air-conditioned "living" Area of the main structure on each Lot shall contain a minimum square footage, exclusive of porches, garages and other out-buildings of 2,400 square feet. The minimum square footage of the ground floor, or main level "living" area requirement for any Lot on which a "story-and-a-half," house is built, shall be 1,500 square feet. The minimum square footage of the ground floor or main level "living" area requirement for any Lot on which a "two-story" house is built, shall be 1,300 square feet. However, the total floor area of "living" area in such residential structure (exclusive of garage, porches, out-buildings, patios, etc.) shall equal or exceed the required total minimum footage areas as set out above; all of which areas shall be completed and finished simultaneously with first construction of such a structure.

9.03 Garages. Each single-family residential dwelling erected on any Lot shall provide garage space for a minimum of (2) conventional automobiles. All garages shall be rear, side or front entry; provided, however, they meet the following requirements. Any garage which is nearer to the front property line than sixty (60) feet shall be attached to the main structure by at least a covered walkway, breezeway, or covered patio, and it shall be constructed with a side or rear entry. On corner lots where the garage is nearer to the front or side street property line than sixty (60) feet, it shall provide a rear or side entry only, wherein the garage door does not face either the front or side yard street. Garages that are greater than

sixty (60) feet from the property line may have a front, rear or side entry, However, in the event a front entry is used, the garage plan must have written approval of the Architectural Control Committee ("Committee"). No carport shall be visible from a street.

(a) With regard to Lot 1, Block 3, the driveway of the lot shall enter along the south property line, No driveway shall enter any lot directly from Rapp Road or Shady Grove Road. The driveway on Lot 13, Block 3, shall enter along the east property line.

9.04 Roofs. All roofs shall be constructed of slate, tile, composition shingles or other material first approved by and/or a 25 year warranty, the Committee. The color of such roofing materials must be of a gray weatherwood color or be approved by the Committee and otherwise be in compliance in all respects with applicable City of Keller ordinances. The roof pitch elevation of any structure shall be a minimum of eight (8) feet by twelve (12) feet minimum. Any pitch less than eight (8) by twelve (12) feet must have prior approval of the Committee. However, in no event shall a roof have less than six (6) by twelve (12) pitch.

9.05 Building Lines. All residences or dwellings erected or placed on any Lot shall face the road or street adjacent to the Lot as shown on the recorded plat of the Property or as prescribed in the deed from Declarant conveying the Lot. No portion of such dwelling or residence shall be nearer to the front property line of said Lot than the Building line as designated on the recorded plat of the Property.

9.06 Fences. No chain link fences or other wire type fences shall be erected or located on any Lot so as to be visible from the front, side or rear of the Lot. No fence, wall or hedge shall be erected, placed or altered on any Lot nearer to any street than the minimum building setback line indicated on the recorded plat of the Property. No fence, wall or hedge wall exceed eight (8) feet in height unless otherwise specifically required by the City of Keller. Wood fencing approved by the Committee will be allowed to extend from the outer perimeter of a home to the side property line. Approval will be subject to thorough consideration of the effect such proposed fencing might have on adjoining Lots and/or dwellings. In addition, such wood fencing must be recessed from the front building line of the dwelling a minimum distance of ten (10) feet. Any fencing located from the front of the Lot to the back of the Lot (perpendicular to the front property line) may be of wood material; provided, however, that all such wood fencing, regardless of location, shall (i) be composed of cedar, redwood or spruce, (ii) have slats measuring

between four (4) and eight (8) inches wide which are installed vertically only (not horizontally or diagonally) and (iii) not be painted or stained (except with a clear stain) on any surface which faces a street, alley or adjoining Lot unless otherwise approved by the Committee. All service and sanitation facilities must be enclosed within fences, walls or landscaping so as not to be visible from any residential street, (iv) any fence which faces a street such as side yards between the house and the property line on interior lots or corner lots with fences facing two streets (front yard and side yard), the good side of the fence shall face the street (i.e. no stringers or posts shall be visible from any residential street).

Given the great variety of potential fencing and screening configurations and materials, it is understood that the fencing restrictions contained in this Section 9.06 may not be exhaustive; therefore, no fence or wall shall be erected, placed or altered on any Lot without the prior approval of the Committee.

9.07 Signs. No sign or signs shall be displayed to the public view on any Lot, except that: (1) any builder, during the applicable initial construction and sales period, may utilize one professional sign per Lot for advertising and sales purposes, provided that such sign must be approved as to size and number (including, without limitation, any directional signs) by the Committee; (2) thereafter, a dignified "for sale" or "for rent" sign (of not more than twelve (12) square feet in size) may be utilized by the Owner of the respective Lot for the applicable sale or rent situation; (3) development-related signs owned or erected by Declarant shall be permitted; and (4) signs displaying the name of a security company shall be permitted, provided that such signs are (i) ground mounted, (ii) limited to two (2) in number (one in the front yard and one in the back yard); (iii) of a reasonable size; and (iv) subject to the prior written approval of the Committee. Signs which are temporary in nature, (i.e. "garage sale" signs) shall only be permitted for a specified period of time upon approval by the Committee of a written request by the individual Lot Owner describing the nature of the sign and the time period for which it will be displayed. In addition to the foregoing, all off-site signs shall be subject to the size, content and number approved by the Committee. No "Open House" or signs with similar messages shall be permitted during any period of time when sales people are not located within the home(s) shown to be open. Nothing contained in this Section 9.07 shall be applicable to signs placed by Declarant in, on or around the Property.

9.08 Easements; Utilities. All streets, alleys and easements shown on the recorded plat of the Property have been reserved for the purposes indicated. No Owner may erect any structure of any type whatsoever in these easement areas, nor may an

Owner use the surface of an easement area for any private uses. With respect to these easement areas, as well as any other areas described within recorded easement documents, and the Common Properties, any and all bona fide public utility service companies shall have the right of access, ingress, egress, regress and use of the surface estate for the installation and maintenance of utility facilities.

Except as to special street lighting or other aerial facilities which may be required by the City of Keller or may be required by the franchise of any utility company, no aerial utility facilities of any type (except meters, risers, service pedestals and other surface installations necessary to maintain or operate appropriate underground facilities) shall be erected or installed within the Property, whether upon Lots, easements, streets, or rights-of way of any type, either by the utility company or any other person or entity, (including but not limited to any person owning or acquiring any part of the Property) and all utility service facilities (including but not limited to water, sewer, gas, electricity and telephone) shall be buried underground, under recreational easements, Common Properties, streets or utility easement areas for the purpose of serving any structure located on any part of the Property.

9.09 Temporary Structures. No temporary structure of any kind shall be erected or placed upon any Lot. Temporary structures shall include, but not be limited to, any garage, servant's house or other improvement erected more than one hundred twenty (120) days prior to the completion of the main portion of the single-family dwelling. However, any Class B Member may maintain temporary sales or construction offices, provided such sales or construction offices are removed within sixty (60) days after completion of sales or construction, as the case may be.

9.10 Vehicles. Any truck, boat, boat trailer, animal trailer, trailer, mobile home, motor home, campmobile, camper or any motorized vehicle other than a conventional automobile, shall be stored, placed or parked within the garage of the appropriate Owner or so as to be completely hidden from view. All vehicles belonging to owners or guests of owners, must be parked overnight in the owner's driveway or garage. In no case may the vehicles of owners, or guests of owners, be parked overnight on the streets of the subdivision or within the improved yard of the owners. Trucks with tonnage in excess of three-quarters (3/4) ton shall not be permitted to park overnight on the streets, driveways or otherwise within the Property. No vehicle of any size which transports inflammatory explosive cargo may be parked or stored within the Property at any time.

9.11 Garbage; Weeds. No Lot shall be used or maintained as a dumping ground for

rubbish, trash or garbage. All garbage shall be kept in city approved containers. All garbage containers shall be placed on the street in front of their dwelling on the day of collection and shall otherwise be in compliance with applicable ordinances of the City of Keller.

If after ten (10) days prior written notice an Owner shall fail to: (i) control weeds, grass and/or other unsightly growth; or (ii) remove trash, rubble, building and construction debris; or (iii) exercise reasonable care or conduct to prevent or remedy an unclean, untidy or unsightly condition, then Declarant or the Board shall have the authority and right to go onto said Lot for the purpose of mowing and cleaning said Lot and shall have the authority and right to assess and collect from the Owner of such Lot a reasonable sum not to exceed Five Hundred Dollars (\$500.00) for mowing or cleaning said Lot on each respective occasion of such mowing or cleaning. The assessments, together with interest (at the highest permitted lawful rate per annum) thereon and any costs of collection thereof, shall be a charge on the Lot and shall be a continuing lien upon the Lot against which such assessment is made. Each such assessment, together with interest thereon and costs of collection thereof, shall also be the continuing personal obligation of the Owner of such Lot at the time when the assessment occurred. The lien securing any such assessment shall be subordinate and inferior to the lien of any mortgage and any renewals or extensions thereof existing Prior to the assessment date.

9.12 Construction Completion Time. Each residence constructed on each Lot and any other improvements thereto shall be commenced and completed with due diligence promptly after approval by the Committee of the plans and specifications prepared in connection with such construction. All exterior construction of the primary residential structure, garage, porches, and any other appurtenances or appendages of every kind and character on any Lot and all interior construction shall be completed not later than nine (9) months following the commencement of construction. For the purposes hereof, the term "commencement of construction" shall be deemed to mean the date on which the foundation forms are set. In the event that a residence is partially or totally damaged by fire or other causes, the Owner of such residence must either rebuild the residence or completely clear the Lot. In the event the Owner desires to rebuild, the construction or restoration of the damaged residence, or portion thereof, must commence within one hundred twenty (120) days after the occurrence causing the damage. No construction or restoration shall commence, however, until plans and specifications have been submitted to the Committee (and are subsequently approved) as required in Article X(b) hereof. In the event the Owner does not desire to rebuild, the Owner must clear away all

remaining debris and restore the Lot to the condition in which it existed prior to the initial construction of the damaged residence. At any time after eighteen (18) months shall have passed after and Owner acquires title to a Lot, Declarant following its conveyance of such Lot shall have the right to repurchase such Lot unless the construction of a residence thereon meeting the standards of these restrictions shall have been commenced and diligently pursued with reasonable diligence. The price for such repurchase shall be the same price for which the Declarant sold such Lot (exclusive of any interest) to Owner and the closing shall occur twenty (20) days after Declarant gives to Owner written notice of Declarant's election to repurchase. The deed from Owner to Declarant shall only be subject to the same exceptions to title as contained in the deed from Declarant to Owner. In the event Owner fails to complete construction of a house on such lot within nine (9) months after an Owner acquires title to a Lot, Declarant may impose a fine for such violation which shall not exceed One Hundred Dollars (\$100.00) per day until such house is substantially completed. the fine, together with interest at the highest lawful rate per annum and any costs of collection including attorney's fees, shall be a continuing lien upon the lot against which such fine is made.

9.13 Offensive Activities: Pets. No noxious or offensive activity shall be conducted on any Lot nor shall anything be done thereon which is or may become an annoyance or nuisance within the Property or any portion thereof. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other household pets may be kept; provided that they are not kept, bred or maintained for commercial purposes and further provided that all Owners shall comply with the applicable ordinances of the City of Keller. In addition, not more than four (4) household pets may be kept on any Lot and any litters of household pets which would cause the total number of pets on any Lot to exceed four (4) must be sold or otherwise disposed of within six months from the birth of any such litter so that the total number of pets shall not exceed (4) after such six (6) month period.

9.14 Exterior Surfaces. The total exterior surface of all residential dwellings shall be constructed of not less than eighty percent (80%) brick, brick veneer, stone or stone veneer, stucco or similar masonry product on the first story, or any combination thereof approved by the Committee. The second story may have less than 80% of the above named materials as long as the materials are in compliance with the City of Keller building codes and are first approved by the Committee in writing. All chimneys shall be 100% brick, stucco or stone or other material approved by the Committee. All exterior surfaces, especially any painted or stained

wood surfaces (including, without limitation, garage doors) must be maintained in good condition. Installation of all types of exterior items and surfaces such as address numbers or external ornamentation, lights, mail chutes, exterior paint or stain, shall be subject to the prior written approval of the Committee. The installation of solar panels on any roof or other portion of a residence which is visible from any street, alley or adjoining Lot is expressly prohibited. All windows which are visible from any residential street shall be covered with draperies or blinds within thirty (30) days after the date on which the main structure is occupied. All tin foil and newspaper window covers are expressly prohibited.

9.15 Antennas and Aerials. All television antennas and other antennas and aerials shall be located inside the attic or under the roof so as to be completely hidden from view. Satellite dishes shall not be permitted unless specifically approved in writing by the Committee. If the approval is given by the Committee, the dish shall be screened from view from all public streets, unless otherwise approved by the Committee. Screening shall include eight (8) foot fences (if the Committee determines they are necessary), shrubs and trees. A rendering shall be submitted by the Owner to the Committee showing the proposed location of the dish and the screening around it. The Committee would want to see brochures describing the color, material and height. No towers shall be permitted.

9.16 Landscaping. Each residence shall be landscaped on the front and side yards within ninety (90) days after the date on which the carpet has been installed in the residence. The landscaping of the front and side yards of each Lot shall be principally grass sod. The Committee may allow hydromulch to be used as a substitute for sod if the Owner provides written assurance to the Committee that the hydromulch treatment will be repeated until the Committee is satisfied that an even growth of grass has been established. In the event the Committee is not satisfied, and written notice is provided to the Owner, then the Owner agrees to sod part or all of the front and side yards as directed by the Committee within thirty (30) days of written notice from the Committee. In addition, each Owner, at a minimum, shall install an adequate underground sprinkling system in the front and side yards of the Lot. The Owner shall keep the yard sufficiently watered to insure adequate growth of the grass. At least four (4) three-inch (3") diameter oak trees or other trees approved by the committee in writing, shall be planted in the front yard area at the completion of construction of the residence. At least two (2) of the four (4) trees shall be planted in the parkway between the street and sidewalk. These trees must be at least two inches (2") in diameter. This requirement will be waived by the

Committee if adequate existing trees are retained.

9.17 Retaining Walls. Retaining walls shall not be constructed of wood tie walls unless they are not visible from the street and are approved by the Committee in writing. Retaining walls which are more than twenty-four inches (24") tall as measured from the top of the concrete footing, shall be constructed using a formed concrete wall composed of reinforced concrete and/or concrete or haydite block, or interlocking concrete stone or split faced concrete stone. Haydite or concrete block walls shall be reinforced and filled with concrete. A brick or stone facing must be used in front of the concrete wall. No concrete retaining walls will be built without using a brick or stone face. On retaining walls more than forty-eight inches (48") tall as measured from the bottom of the concrete footing, the design of the structure must be approved by the City of Keller. On retaining walls less than twenty-four inches (24") measured from the top of the concrete footing, a concrete formed wall is not necessary; however, brick or stone materials must be used. All retaining walls shall have weep holes placed at a maximum of ten foot (10') center of the base of the wall to allow for proper drainage. The weep holes shall be constructed using at least one and one-half inch (1-1/2") PVC pipe.

9.18 Basketball Goals. Basketball goals, backboards and nets shall only be permitted if they are approved in writing by the Committee with regard to their location and material.

9.19 Gazebos, Greenhouses, Storage Sheds, Clotheslines, Etc. No gazebo, greenhouse, storage shed, children's playhouses, tree houses, clothesline or other similar structure shall be erected, constructed or placed upon any Lot without prior written approval by the Committee.

9.20 Mail boxes. All mail boxes shall be of a design approved in writing by the Committee and shall comply with all applicable laws and ordinances and shall be constructed of the same masonry material as the front of the home in front of which it is located. Each mail box shall have a minimum of nine inch (9") by fifteen inch (15") white cast stone address insert with black numbers installed on the front of the mail box.

9.20 Pool Equipment. No pool may be erected, constructed or installed without the prior written consent of the Committee. Above-ground pools are expressly prohibited. All Pool service equipment shall be fenced and located in either (a) a side yard between the front and rear boundaries of the dwelling; or (b) in the rear

yard; and shall not be visible from any residential street or alley or any Adjoining Lot. Before a pool is installed, it shall be inspected by the City of Keller, Texas ("City") and/or Declarant as to whether it conforms to the drainage plans for the City. It shall not impede drainage.

9.22 Utility Meters and Air-Conditioning Compressors. All utility meters, equipment, air-conditioning compressors, evaporative coolers and similar items must be located in areas designated by the Committee and must be screened from view as required by the Committee. No window unit air-conditioning systems shall be permitted on any home.

9.23 Drying of Clothes. The drying of clothes in public view is prohibited. The owners and occupants of any Lots at the intersections of streets or adjacent to parks, playgrounds, open spaces or other facilities where the rear yard is visible to public view shall construct a drying yard or other suitable enclosure to screen from public view the equipment which is incident to normal residences, such as clothes drying equipment, yard equipment and storage piles.