

ARCHITECTURAL GUIDELINES AND PROCEDURES FOR SHADOW TRACE HOMEOWNERS ASSOCIATION

INTRODUCTION

As provided in the Covenants, Conditions and Restrictions (CC&R's) for Shadow Trace Homeowners Association (Association), an Architectural Review Committee (ARC) has been established with the right and duty to utilize reasonable standards against which to examine any request made pursuant to Article XII of the CC&R's. The intent of the ARC is to provide regulation and guidance for improvements that maintain the quality of construction, conform to the visual character and architectural style, and enhance the overall aesthetics of the Shadow Trace Community.

The Board of Directors, on behalf of the Association, has developed and adopted Architectural Guidelines and Procedures and an Architectural Application, as provided in the CC&R's, to assist property owners in the architectural review process.

Prior to the commencement of work to construct or alter exterior improvements within the lots in the Shadow Trace, property owners must submit an Architectural Application to the ARC, or its designated representative, for review and approval by the ARC. The Architectural Application must be accompanied by two copies of plans and specifications and a Neighbor Awareness form (if the proposed improvements will impact adjacent neighbors). The ARC will evaluate plans and specifications and will consider the neighbors' comments and/or concerns. The authority to approve or disapprove the improvement request is solely the responsibility of the ARC.

A copy of the Architectural Application is attached. Additional forms may be obtained from the Association's property management company. (Terra West - Phone 880-4669)

Failure to submit completed plans to the ARC for review and approval prior to beginning construction, or failure to complete improvements according to the approved plans and in compliance with governing codes are violations of the CC&R's. Construction or installation of improvements may not commence until the ARC has granted written approval. The installation or construction of improvements that have not been approved is a violation of the CC&R's and subject to action by the Board of Directors.

GENERAL GUIDELINES

1. Any condition or material not specifically defined herein shall become a matter for consideration and determination of the ARC.
2. ARC has 60 days to approve or disapprove the application. If the ARC fails to respond within 60 days, the item is deemed disapproved.

3. Approval by the ARC does not constitute waiver of any requirements by applicable governmental agencies.
4. ARC approval does not constitute acceptance of any technical or engineering specifications of governmental requirements. The function of the ARC is to review each submittal for conformity to the intent and provisions of the CC&R's.
5. Approval of plans is not an authorization to proceed with improvements on any property other than the applicant's.
6. An oversight of the ARC regarding CC&R's or the Guidelines does not constitute a waiver.
7. ACCESS THROUGH COMMON PROPERTY IS PROHIBITED. Access for equipment used in construction must be over or through the applicant's property. Building equipment and materials must be contained on the applicant's property. Streets may not be blocked with equipment or building material.
8. In the event construction requires use of adjoining property, the applicant must first obtain written permission from the adjoining property owners and submit it with the application.
9. All work must be done in a manner consistent with the standards of the original construction and appearance. Any substandard quality to the established community will be reworked to an acceptable appearance at the owner's expense.
10. Height restriction per lot differs. One story home height restriction is one story for any improvement. Two story home height restriction is two stories for any improvement.
11. All work shall be performed promptly and shall be completed within one hundred eighty (180) days of the date on which the work commenced. If work is not complete within 180 days, homeowner will be subject to a \$50 fine every seven (7) days until the work is complete.

DRAINAGE

Each owner is responsible for not interfering with the established drainage on their property. Approval of plans granted by the ARC will be based upon the assumption that the owner has not changed the drainage. THE ARC WILL ASSUME NO RESPONSIBILITY THEREFOR.

DESIGN AND MATERIAL STANDARDS

Landscaping

1. Rear/side yard landscaping must be completed within six months from the close of escrow.
2. All landscaping and installation of permanent irrigation must remain aesthetically consistent with the design and plan of the community.
3. The use of decorative rock and gravel is permitted and encouraged. However, the complete landscaping plan, including color, must be submitted for approval.
4. All statues, temporary ornamentation, and embellishments must be submitted for approval prior to installation.

Fencing, Walls and Gates

1. No changes or alterations, including, without limitation, temporary alterations (e.g., removal for construction of a pool) shall be made to the perimeter walls and/or fences.
2. All fences or extensions that were not part of the original construction require prior written ARC approval.
3. Unacceptable fence materials include aluminum, sheet metal, wire, plastic webbing, reeds, bamboo, glass block, panels, or woven board.
4. Block and retaining walls must be sealed in accordance with industry standards.
5. All gates must be constructed of wrought iron.

Pools and Spas

1. Rear and side yard setbacks must meet requirements of the governing agency.
2. Water falls and other features may not be built against a property line wall.
3. Water slides and/or other related pool accessories must have ARC approval.

Room Additions

1. Location, impact on adjacent neighbor's privacy, and architectural compatibility will be an important consideration.
2. Type, quality, and detail established in construction of the original residence must be maintained.

Decks and Balconies

1. Require ARC approval prior to construction.
2. Location and architectural compatibility will be an important consideration.

Storage Sheds

1. Must receive written approval from the ARC.
2. Cannot be visible from the street or common area unless reasonable landscaping is provided to alleviate the visual impact.

Utility Buildings

1. Must receive written approval from the ARC.
2. Must match the residence in material and architectural style.
3. Minimum set back requirements must be met.

Security Bars

1. Must be painted to match the original color of the residence or the window frame.
2. Designs must be compatible with the general architectural style of the community.

Exterior Lighting

1. Low wattage lights are recommended where the fixtures will affect a neighbor.
2. Holiday lights do not need ARC approval; however, lights must be removed at the end of the holiday.

Screen Doors

1. Pre-approved colors: Silver Grey Tan
 Bronze White
 Charcoal Cream

Solar Screens

1. Pre-approved colors: Silver Grey Tan
 Bronze White
 Charcoal Cream

Window Tinting

1. Window tinting is not allowed.
2. Mirror or reflective finishes, including tin foil, are prohibited.

Play Equipment

1. All permanently mounted play equipment must be in rear or side yard behind wall.

Basketball Poles and Backboards

1. No backboards may be attached to the residence or garage.
2. Portable sporting equipment may be used; however, it must be stored from street view when not in use and overnight.
3. A unit may be installed in the rear yard, with a minimum setback of 10' from the property line.
4. May not be used after 9:00 p.m. or before 7:00 a.m.

Skylights and Solar Energy Equipment

1. Roof mounted systems must be approved by the ARC.
2. Specific concerns include the color of material used in relation to the roof color and the visibility from the street, neighboring properties, and common area.

Awnings

1. Must be approved by the ARC.

Air Conditioning Units or Equipment

1. The ARC must approve exterior air conditioning equipment other than the equipment installed as part of the original construction.

Satellite Dishes, Receivers, and Antenna

1. A “dish” antenna is permitted without ARC approval on a Unit (as defined in the CC&Rs Section 9.5), subject to the following conditions:
 - a. Dish is one meter (39.37”) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite dish service, or to receive or transmit fixed wireless signals via satellite.
 - b. Wires must be painted to match the exterior of the structure.
 - c. Antennas may be mounted on “masts” to reach the height needed to receive or transmit an acceptable quality signal. Masts higher than 12 feet above the roofline may be subject to local permitting requirements for safety purposes.
2. An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video programming services via MMDS (wireless cable) or to receive or transmit fixed wireless signals other than via satellite is permitted without ARC approval on a Unit (as defined in the CC&Rs Section 9.5), subject to the following conditions:
 - a. Wires must be painted to match the exterior of the structure.
 - b. Antennas may be mounted on “masts” to reach the height needed to receive or transmit an acceptable quality signal. Masts higher than 12 feet above the roofline may be subject to local permitting requirements for safety purposes.
3. No satellite dishes, receivers, or antennas shall be installed on any Common Elements.
4. If an Owner desires to install a dish/antenna on a Perimeter Wall, Owner must verify that Perimeter Walls are not considered a Common Element by the Association. If not designated as such, Owner is permitted to install as provided above.
5. If an Owner desires to install a dish/antenna on a Common Wall between two Units, Owner must obtain approval for installation from adjacent Owner who shares ownership and maintenance of the wall.

Exterior Paint

1. The ARC must approve any color change.

Decorative Benches

1. Decorative benches on the front porch area are approved with the following condition:
 - a. Bench design must match design scheme of building for esthetic purposes.

AMENDMENTS TO THE ARCHITECTURAL GUIDELINES

The Architectural Guidelines may be modified from time to time pursuant to the following criteria:

1. Any owner may submit to the Board of Directors recommendations for changes to the Architectural Guidelines.
2. Any amendment must be approved by the Board of Directors.
3. All amendments will become effective upon adoption by the Board of Directors, but shall not be retroactive.
4. In the event there is a conflict between the Architectural Guidelines and the CC&R's, the CC&R's shall prevail.

NONLIABILITY FOR APPROVAL OF PLANS

ARC approval of plans shall not constitute a representation, warranty, or guarantee that such plans and specifications comply with engineering design practices or zoning and building ordinances, or other governmental agency regulations or restrictions. The ARC shall not be responsible for reviewing, nor shall its approval of any plan or design, be deemed approved from the standpoint of structural safety or conformance with building or other codes. By approving such plans and specifications, neither the ARC, the members of the Association, any member of the Board of Directors, or the Declarant assumes any liability or responsibility therefor or for any defect in the structure constructed from such plans or specifications. As provided in the CC&R's, neither the ARC, any member of the Association, the Board, or Declarant shall be liable to any member, owner, occupant, or other person or entity for any damage, loss, or prejudice suffered or claimed on account of (I) the approval or disapproval of any plans, drawings, or specifications, whether or not defective, or (II) the construction or performance of any work, whether or not pursuant to the approved plans, drawings or specifications.