

AFTER RECORDING, PLEASE RETURN TO:

Judd A. Austin, Jr.  
Henry Oddo Austin & Fletcher, P.C.  
1700 Pacific Avenue  
Suite 2700  
Dallas, Texas 75201

**FOURTH SUPPLEMENTAL CERTIFICATE AND MEMORANDUM  
OF RECORDING OF ASSOCIATION DOCUMENTS FOR  
HERITAGE LAKES HOMEOWNERS ASSOCIATION, INC.**

STATE OF TEXAS           §  
  §  
COUNTIES OF DENTON   §

The undersigned, as attorney for the Heritage Lakes Homeowners Association, Inc. for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instrument affecting the owners of property described on Exhibit B attached hereto, hereby states that the dedicatory instrument attached hereto is a true and correct copy of the following:

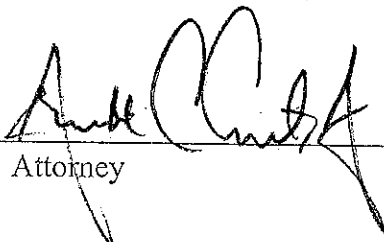
***Heritage Lakes Homeowners Association, Inc. - Design Guidelines***  
(Exhibit "A").

All persons or entities holding an interest in and to any portion of property described on Exhibit B attached hereto are subject to the foregoing Design Guidelines until amended by the Board of Directors

IN WITNESS WHEREOF, the Heritage Lakes Homeowners Association, Inc. has caused this Fourth Supplemental Certificate and Memorandum of Recording of Association Documents to

be filed with the office of the Denton County Clerk and supplements that certain Notice of Filing of Dedicatory Instruments for Heritage Lakes, filed on January 12, 2000, and recorded in Volume 4504, Page 2169, *et seq.* of the Real Property Records of Denton County, Texas, that certain Certificate and Memorandum of Recording of Association Documents for Heritage Lakes Homeowners Association, Inc. filed on September 16, 2002, and recorded in Volume 5171, Page 0895, *et seq.* of the Real Property Records of Denton County, Texas, that certain Certificate and Resolution of the Board of Directors of the Heritage Lakes Homeowners Association, Inc. with Respect to the Application of Payments filed on September 2, 2003, and recorded in Volume 5408, Page 0445, *et seq.* of the Real Property Records of Denton County, Texas, that certain First Supplemental Certificate and Memorandum of Recording of Association Documents for Heritage Lakes Homeowners Association, Inc. filed on December 4, 2003, and recorded as Instrument No. 2003-196514 in the Real Property Records of Denton County, Texas, that certain Second Supplemental Certificate and Memorandum of Recording of Association Documents for Heritage Lakes Homeowners Association, Inc. filed on March 17, 2006, and recorded as Instrument No. 2006-0031084 in the Real Property Records of Denton County, Texas, and that certain Third Supplemental Certificate and Memorandum of Recording of Association Documents for Heritage Lakes Homeowners Association, Inc. filed on filed on November 7, 2006, and recorded under Instrument Number 2006-137553 in the Real Property Records of Denton County, Texas.

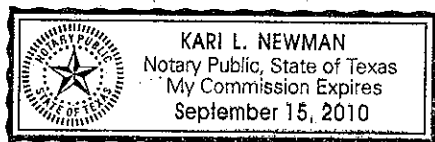
HERITAGE LAKES HOMEOWNERS  
ASSOCIATION, INC.

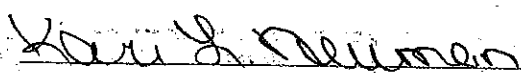
By:   
Its: Attorney

STATE OF TEXAS       §  
                                  §  
COUNTY OF DALLAS   §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Judd A. Austin, Jr., attorney for the Heritage Lakes Homeowners Association, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 3<sup>rd</sup> day of January, 2007.

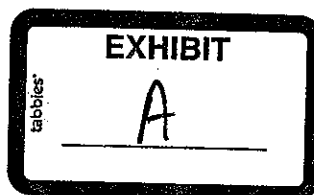


  
Notary Public, State of Texas



Design Guidelines

Adopted To Be Effective January 1, 2007



## Section I:

### Introduction

#### A: Mission Statement

#### B: Community Image & Design Philosophy

The Heritage Lake's design philosophy is intended to create a sense of community through the incorporation of common themes in the site planning and the design of streets, neighborhood patterns, open space, landscape architecture, architecture and building materials.

This design philosophy is realized through the site planning, the streetscape design, the treatment on open spaces and the expression of architecture.

Along with the design of the streetscape and community amenities; compatible and complementary architecture and appropriate materials further reinforce the sense of a unified and cohesive community.

## Section II:

### Objectives

#### A: Introduction

This document provides design standards along with rules and procedures for members of Heritage Lakes to follow when considering any changes to the exterior of their homes and property. At the request of the Board of Directors, the Architectural Control Committee (ACC) proposed these architectural standards of design in order to assist homeowners in preparing acceptable applications to gain ACC approval, increase residents' awareness and understanding of the restrictive covenants applicable to all Heritage Lakes properties ("CC&Rs") and to help maintain a reasonably uniform and architecturally sound appearance within the Heritage Lakes Community so that the investment of all homeowners will be maintained. The Board of Directors has reviewed and adopted these guidelines as authorized in Article IX, Section 9.1 of the CC&Rs.

These Design Guidelines apply to all property subject to the CC&Rs. Unless otherwise specifically stated in these Design Guidelines, all plans and materials for construction projects or design issues on a Residential Lot must be approved before construction activity begins. In addition, when a City Permit is required for any project, it is the responsibility of the owner of the

lot upon which construction will take place to provide a copy of the Permit to the Association's managing agent within 2 calendar days of receiving said Permit from the City (or any pertinent municipality or government). Construction on any project, although approved by the ACC, may not commence until a copy of the corresponding Permit has been received by the Association's managing agent. The issuance of a Permit by the City, or any other municipal authority, does not dispense with the requirement to obtain ACC approval.

Unless otherwise specifically stated in the Design Guidelines, no type of construction activity or the installation of any type of structure or improvement (including staking of trees, clearing of vegetation, any excavation, any grading or other site work, exterior alteration of existing improvements, and planting or removal of landscaping materials) shall take place without receiving the prior written approval of the Architectural Control Committee (ACC) as described below.

While an Owner may remodel, paint or redecorate the interior of his or her dwelling without approval, any exterior alteration, decoration, or construction visible from adjoining properties, the public right of way, or community open space requires approval. When these Design Guidelines specifically allow an Owner to proceed without advance approval, such allowance shall only be effective so long as the Owner strictly complies with each requirement of the applicable restriction, guideline or standard.

Because of the wide variety of construction techniques, materials and colors available, it is not possible to address every potential aspect of a project in these Design Guidelines. Therefore, all details of a project, whether provided in an Application for Review or which arise during construction or modifications, shall be subject to review and approval by the ACC, as defined herein, at its sole discretion.

#### **Objectives of Architectural Control Committee Guidelines:**

The objectives of these architectural standards or Design Guidelines are:

- To explain role of the Architectural Control Committee (ACC).
- To address the items that require ACC formal approval of the ACC before changes are made.
- To address suggestions for items not requiring ACC approval, but that may affect the aesthetics of the community.
- To address the items that are not acceptable due to specific safety and aesthetic concerns.

- To provide the ACC with uniform architectural standards and guidelines for the review of applications. These architectural standards or guidelines reflect the goals of the founding documents of the Heritage Lakes Community.

### Section III:

#### Covenants

##### A: Protective Covenants, Conditions, & Restrictions

The CC&Rs are a part of Heritage Lakes governing documents. The CC&Rs set the standards by which the quality of architectural changes are designed, implemented and maintained. Those standards are reflected in this document.

Every owner of a Heritage Lakes home should have received a copy of all the governing documents of Heritage Lakes before or during closing. If you did not receive a copy, please contact the management company for a copy of the CC&Rs. The members of the Board of Directors and the management company contact information can be obtained from the Heritage Lakes website [www.heritagelakes-hoa.org](http://www.heritagelakes-hoa.org).

Additional resources to assist homeowners can be found on our website at [www.heritagelakes-hoa.org](http://www.heritagelakes-hoa.org).

The CC&Rs have been recorded in the Land Records of Denton County & Collin County, Texas, and all lots sold within Heritage Lakes are subject to the CC&Rs.

The CC&R's are binding on all property owners, including guests, occupants and tenants of property within Heritage Lakes. The CC&Rs should be reviewed periodically and fully understood by each property owner.

In the event of an irreconcilable conflict between the CC&Rs and these design guidelines, the CC&R's shall prevail.

## Section IV:

### Architectural Control Committee

#### A: Members

The Architectural Control Committee (ACC) handles architectural control and design review for Heritage Lakes. The ACC members and the members of the Board of Directors who worked to create this document are all volunteers. They will continue to work together to review any ACC's submitted and inspect changes made to the Heritage Lakes as a result of these requests and continually review this document and make changes to architectural standards or guidelines as times and trends change. The ACC shall consist of a minimum of three (3) members and a maximum of five (5) members, appointed by the Board of Directors. To be a member of the ACC- you must be a Heritage Lakes resident and a member in good standing.

#### B: Committee Structure

The ACC is made up of homeowners from the Heritage Lakes community. Membership in the ACC is strictly voluntary. Members are not elected; they are appointed by the Board of Directors and may resign at any time. The ACC shall consist of a minimum of three (3) members and a maximum of five (5) members.

The ACC will meet, as needed, to review applications for approval. Comments on any request for approval, requests for additional plans or material samples, or decisions of members of the ACC may be submitted by electronic mail. The ACC will meet in person formally at minimum once per calendar year. The meeting time and place will be at the sole discretion of the members of the ACC. At least one (1) member of the Board will be required to be present at any meeting of the ACC. The decision to approve or deny any application will be made by the ACC based on a majority vote.

#### C: Authority

Authority is granted under Article IX of the CC&Rs.

It is important to understand that ACC approval is not limited to major alterations such as adding a room or deck to a house, but any exterior changes made to a lot or structure, including such items as changes in color, materials, etc. Approval is also required when an existing item is to be removed.

It is also important to remember that any improvement, modification or addition to a Lot or residential structure must be completed in strict compliance with that which has been approved by the ACC. Any variance from the approved plans, specifications or materials must be resubmitted to the ACC for approval. Failure to obtain approval of any variance in the approved project, whether it be relative to the scope of work, materials, colors or textures, will be deemed a violation of the CC&R's, and the Owner of the Lot will be required to cease further construction or completion of the project until approval has been obtained from the ACC.

ACC review begins with the submission of an ACC form by the property owner proposing the project. The owner of the property is required to provide a copy of all Permits obtained by the City of Frisco, County of Denton, or any other government entity, to the Association's managing agent within two (2) days of obtaining said Permit. Whenever and wherever a governmental Permit is required by law, it is the sole responsibility of the property owner to obtain or cause to be obtained such a Permit. Approval by the ACC does not in any way excuse the property owner from obtaining any Permit required by municipal authority.

Each such application for a change of modification is reviewed on an individual basis. There are no "automatic" approvals, unless provided for specifically in these architectural standards and guidelines (e.g., a homeowner who wishes to construct a deck identical to one already approved by the ACC is still required to submit an application to the ACC and obtain formal approval).

#### D: Interpretation

The provisions of these Design Guidelines and the CC&Rs shall be the minimum requirements for construction, alternation, addition, or change to any improvement on lots owned by members of Heritage Lakes. Where the conditions imposed by any provision of the Design Guidelines or the CC&Rs are more restrictive than comparable conditions imposed by a City of Frisco permit requirement or building code or regulation, the more restrictive provision shall govern.

#### E: Design Review Procedures

##### **1. Review of Improvements**

All exterior alterations, decorations, or construction on any Residential Lot must be reviewed and approved by the ACC prior to the commencement of work. As specified below, each Owner shall submit for review an application, plans and exhibits prior to the commencement of construction. The ACC has the right but not the obligation to expedite review of a project if the property owner advises the ACC or the Board that time is of the essence. Otherwise, regardless of when a property owner desires to commence a project, the ACC will administer all due diligence

necessary to evaluate the project, but in no event shall the ACC be obligated to respond sooner than the time period set forth in Article IX, Section 9.2 of the CC&Rs.

## **2. Limitation of Liability for Approval of Plans**

The review and assessment of an application is based solely on aesthetic considerations as informed by these Design Guidelines; and neither the Board of Directors, the Association, the ACC or any Member of the foregoing, shall bear any responsibility for ensuring the structural integrity or soundness of approved new construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Board of Directors, the Association, the ACC nor any Member of the foregoing shall be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction or modifications to any Residential Lot. In addition to any limitation of liability set forth in Article IX, Section 9.4 of the CC&Rs, every Person who submits Plans and every Owner agrees that he/she will not bring any action or suit against the Board of Directors, the Association, the ACC, or officers, directors, members, employees, and agents of any of them, to recover such damages and hereby releases, promises, quitclaims and covenants not to sue for all claims, demands, and causes of action arising out of or in connection with any judgment, negligence or nonfeasance and hereby waives the provisions of any law which provides that a general release does not extend to claims, demands and causes of action not known at the time the release is given.

## **3. Review Criteria**

Any exceptions to the rules provided in these architectural standards or guidelines will be reviewed on a case-by-case basis. All variances will be approved by the ACC and the Board of Directors in writing.

The ACC reviews all submissions for exterior changes on the individual merits of the application. What may be acceptable design for one exterior may not be for another. Evaluation of the design proposal may include the close review and consideration of the housing type and individual site.

Judgments of acceptable design are based on the following criteria that represent, in more specific terms, the general standards established by the CC&Rs:

*Validity of Concept.* The basic idea must be sound and appropriate to its surroundings and must be constructed using generally accepted construction methods.

*Design Guidelines.* The proposed improvement must be compatible with the architectural characteristics of the applicant's home, adjoining homes and the neighborhood setting.

Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.

*Location and Impact on Neighbors:* The proposed alteration/addition should relate favorably to the landscape, the existing structure and the neighborhood. The construction must also adhere to any and all laws and ordinances on record for the governing bodies where the property is located, including but not limited to City, County, State, etc.

*Scale:* The size of the proposed alteration should relate appropriately to all adjacent structures and its surroundings. *Color:* Color may be used to soften or intensify visual impact. Parts of the addition that are similar to the existing house such as the roof and trim must be matching in color.

*Materials:* Use of the same, comparable, or compatible materials used in the original house, landscaping, and subdivision is encouraged.

*Workmanship:* Workmanship is another standard that is applied to all exterior alterations. The quality of the work should be equal to or better than that of the surrounding area. Poor workmanship can create safety hazards and can be visually objectionable to others. (The ACC assumes no responsibility for the safety of new construction by virtue of design or workmanship).

*Timing:* The majority of alterations may be constructed or installed by residents themselves rather than professional contractors provided that construction by residents complies with all City of Frisco construction regulations. However, projects that remain uncompleted for long periods of time are visually objectionable and can be a safety hazard for neighbors and the community. All applications must include an estimated start and completion date. Projects must be started within three (3) months and completed within six (6) months after such approval, or within such longer period of time as may be specified by the ACC in such approval.

#### **4. Review Period**

The ACC will review all plans submitted for approval. The ACC may require submission of additional information and may postpone action until all required materials have been submitted. The ACC will respond to the submittals in writing, if the ACC feels additional materials are necessary or if it needs additional information or has any suggestions for change. The ACC shall, within thirty (30) days after receipt of each required submission of Plans, advise the party submitting the same, in writing, at an address specified by such party at the time of submission, of (i) the approval of plans with or without stipulations, or (ii) the disapproval of plans, specifying the segments or features of the plans which are objectionable. In the event the ACC fails to advise the submitting party by written notice within the time set forth above of either approval or

disapproval of plans, the applicant must give the ACC and the President of the Board separate written notice of such failure to respond. The ACC then shall have ten (10) days of receipt of such notice to respond to the Applicant. In the event neither the ACC nor the President of the Board responds to the Applicant, the approval of the project shall be deemed granted. However, no plans, whether expressly approved or deemed approved pursuant to the foregoing, shall be inconsistent with the CC&Rs or the Design Guidelines unless a variance has been granted in writing by the ACC and the Board.

#### **5. Implementation of Approval Plans and Penalty for Noncompliance**

All projects and construction shall be implemented per approved plans or requests. A member of the Board of Directors, a member of the ACC or a member of the management company may conduct periodic inspections of the project while it is under construction and upon completion to insure compliance with the approved application. If construction is found not to be in accordance with the approved plans, the ACC will require the Builder or Homeowner to remedy the discrepancies. If the Owner fails to remedy such non-compliance or fails to commence and continue diligently toward achieving compliance within the time period stated in the notice, then such non-compliance shall be deemed to be in violation of the CC&Rs and these Design Guidelines. In such case, Heritage Lakes has the right to initiate legal action by the authority of the CC&Rs and Texas law. If a property owner fails to submit an ACC form and/or does not receive ACC approval for any architectural change and has proceeded with construction, then Heritage Lakes has the right to initiate legal action by the authority of the CC&Rs and Texas law. The property owner will be solely responsible for any and all costs and legal fees incurred by Heritage Lakes in enforcing the CC&Rs or these Design Guidelines. Such costs shall be levied as Special Individual Assessments as allowed under Article IV, Section 4.5 of the CC&Rs.

#### **6. Appeal Procedures**

Any Owner shall have the right to appeal a decision of the ACC by resubmitting the information and documents specified above; however, such appeal shall only be considered if the appellant has modified the proposed construction or modification or has new information, which would, in the ACC's opinion, warrant reconsideration. A property owner who has proceeded with construction without approval from the ACC will not have a right of appeal under this provision of the Design Guidelines. The appeal process provided for herein shall be through the Board of Directors. To preserve the appeal right, the Board of Directors must receive the appeal in writing from the property owner within thirty (30) calendar days of the date of the letter from the ACC denying approval of the project. The property owner is entitled to request a hearing before the Board of Directors. The Board will contact the ACC for any additional information with regards to the hearing. The Board of Directors must vote in favor of the property owner in order to reverse the decision of the ACC.

## **7. Grand-Father Clause**

All architectural changes which pre-date the effective date of these architectural standards or guidelines, and which were in compliance with the CC&Rs or otherwise approved at the time of installation or modification, shall be "grand-fathered" from the terms and provisions hereof. Nonetheless, subsequent changes or modifications to these same improvements shall be subject to review and approval under the CC&Rs, and the architectural standards or guidelines contained herein. It shall be the burden of the property owner to demonstrate that any architectural change, which occurred prior to the effective date of these architectural standards, is grandfathered as set forth above.

## **F. Design Review Application**

### **1. Application For Review**

The Owner shall submit the Application for Review to the ACC. Such Application for Review shall meet the following requirements:

- a. **Owner's name, address, and telephone number**  
Type of project; and  
Project Address

- b. **Nature of Request**

The Owner shall attach a written description of the proposed project to the application for review. If the application for review is being re-submitted pursuant to an appeal of the ACC's decision, the application shall state clearly such fact.

All applications for review shall be addressed to the Association's managing agent.

- c. **Review Fees**

There will be no fee required by the ACC for the initial review and first appeal, if applicable. A review fee of \$250.00 is required for a second appeal, after plans have been twice denied, payable to Heritage Lakes HOA. This fee will be paid at the time the appeal is submitted.

- d. **Plans**

All applications for construction of or additions to landscaping, structures, stones, trees, pools, lighting, etc. shall include detailed site plans, construction plans, and scope of work plans for review. These plans shall

illustrate the design and visual quality of the project as well as how the project complies with these Design Guidelines. The plans must be to scale with all dimensions legible, the property lines visible, and the distances of the additions to all structures. If the work to be completed is not considered, in the sole discretion of the ACC, to be of a "substantial" nature, the plans do not have to be professionally produced.

**e. Architectural Review Plan**

For major improvements, such as room additions, remodels, pools, structural changes or accessory building construction; the property owner's contractor shall submit to the ACC one set of professionally prepared 24"x36" or 11"x17" construction documents at a scale of 1/8"=1'0" or 1/4"=1'0" that includes the following:

- a. Architectural elevations (front, sides, and rear), indicating typical proposed grade lines, finish floor elevations, tops of slab elevations and building height calculations.
- b. Floor plans, including square footage for each floor.
- c. Roof plans indicating pitches, ridges, valleys and location of mounted equipment.
- d. Indication of all proposed exterior materials
- e. Exterior details, including items such as chimneys, exteriors stairs and decks, railings, and deck supports.
- f. Typed schedule of all finished exterior materials and colors, including siding and downspouts, trim/gutters, roofing, garage doors, front door, and window trim.
- g. Cut sheets for exterior lighting.
- h. Any other proposed improvements (e.g., decks, awnings, hot tubs, etc)
- i. Lot, block, subdivision name, street address with Owner and Builder's names listed.
- j. Site Plan Review – For major improvements, such as room additions, remodels, structural changes or accessory building construction, the Builder or Homeowner shall also submit to the ACC on set of 24"x36" or 11"x17" construction documents that includes the following:
  - i. Site Plan for each lot, at a scale of 1"=10'0" or 1"=20'0".
  - ii. Lot lines and dimensions, building setbacks, street right-of-ways, curb lines and easements.

- iii. Building footprint, main finished floor elevations and garage slab elevations.
- iv. Walks, driveways, decks, accessory structures, fencing, retaining walls with top and bottom wall elevations.

f. **Landscape Plans and Other Site Improvement Review**

ACC approval is required prior to installation of any landscaping or any other site improvements as described herein. In most cases, the materials required for a submittal of this type will not have to be professionally prepared, but at a minimum should be drawn to scale and shall have sufficient detail to permit a comprehensive review by the ACC. The following guidelines should be utilized in preparing drawings or plans:

- a. The drawings or plan should be prepared at a scale of 1"=10'0" or 1"=20'0" and should depict the property lines of the lot and the "footprint" of the home as located on the lot. Existing improvements, in addition to the home, should be shown on the drawing and identified. Such existing improvements include driveways, easements, walkways, decks, trees, shrubs, etc.
- b. Plans for any other site improvements, including but not limited to play/sports equipment, dog runs, hot tubs, trellises, retaining walls, fencing, lighting, gazebos, etc. shall be shown on the plan with a description of the proposed improvements, including the materials, and colors to be used. In the case of structural improvements (trellises, gazebos, fencing, etc.) an elevation drawn to scale of the proposed improvement is required.

**2. Additional Information**

The ACC may require the submittal of additional plans, drawings, specifications, samples or other material if deemed necessary to determine whether a project will comply with the CC&Rs and these Design Guidelines.

**3. Variances**

The ACC may grant variances when circumstances require deviation from the CC&Rs or these Design Guidelines. Such circumstances may include limitations caused by topography, natural obstructions, or other environmental considerations. The ACC shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in material violation of the CC&Rs and is compatible with existing and anticipated uses of the adjoining properties. Notwithstanding the above, no variance shall be effective unless it is in

writing and signed by the Board of Directors and a majority of the members of the ACC. Under no circumstances shall a variance from the ACC be cause for the property owner not to comply with all City codes and municipal ordinances.

#### Section IV:

#### Design Guidelines

##### A: Changes Requiring Review/Approval

###### **1. Major Exterior Changes**

Major alterations are generally considered to be those that substantially alter the existing structure either by addition, modification or removal. Major alterations include, but are not limited to: addition or modification of garages, porches, greenhouses, rooms, fireplaces, chimneys, skylights, built-in outdoor grills, kitchens, walls, gazebos, roofs, patio covers, ALL concrete work, and any work that will in any way change the slope of the lot, direction of water flow, and the sight lines of any adjacent property owner.

The design of these major changes should be compatible in scale, materials, and color with the applicant's house and adjacent homes. The proposed structure must be aesthetically compatible with the original structure and in keeping with the existing lot size.

If changes are made in grade or other condition that affect drainage, they must be indicated on the application. Neither the ACC, the Board nor the Association shall be responsible to any person for a property owner's failure to indicate any change in grade or other condition affecting drainage on the application. In the event that changes in grade or other condition will affect the drainage onto or off of either the Applicant's property or an adjacent property, the Applicant will be required to submit a sealed engineering report that clearly outlines the changes in drainage to either the Applicant's property or adjacent Properties, including any common areas of the Association, and must contain an opinion by the engineer on whether the changes in drainage will be adverse to Applicant's property or any adjacent property. Approval will be denied if adjoining properties and/or common areas are adversely affected by drainage alterations.

Construction materials must be properly stored and must not cause any impairment of views from neighboring properties. Excess materials must be removed within five (5) days of the completion of the project. Accumulation of debris during construction is strictly prohibited.

Roofs:

The use of various roofing materials within the subdivision shall be permitted, however, no roofing material shall be used without first obtaining the ACC's written approval of same and no composition roof construction (other than with 25 year minimum, high quality, heavy weight composition or better) will be allowed on any dwelling. The ACC will only approve roofing materials, which are of a quality consistent with the external design, color and appearance of other improvements within the subdivision. The roof pitch of any structure shall be 8"x12" minimum. Any deviation of roof pitch may be allowed on architectural merit as determined in the sole discretion of the ACC.

Reflective roofing materials are prohibited. Metal roofs shall be considered reflective unless they have been painted or otherwise treated to reduce or eliminate reflections. The submittal shall include a complete specification of such proposed materials, including the manufacturer's standards and representations with regards to reflectivity. Skylights shall be of flat glass units. The use of "solar pipes" may be submitted for approval with proper documentation from the Applicant.

ACC approval is required for rooftop equipment and accessories, unless specifically accepted in this section. All rooftop mechanical equipment shall match roofing colors and be screened from neighboring dwellings, yards, sidewalks, and streets. Exposed flashing, gutters, and downspouts shall be painted to match the fascia or siding material of the structure. Copper or other architectural quality gutter or downspouts may also be considered for approval. Any solar equipment and/or skylights shall be incorporated into the structure and building mass and be architecturally compatible with the residence. Solar panels mounted on the roof may be acceptable and will be considered on an individual basis. Satellite dishes, and any antennae not covered by rules promulgated by the FCC must be approved prior to installation. The ACC reserves the right to restrict where these items are placed on a roof, but approval shall not be unreasonably withheld.

Chimneys:

All chimney vent stacks located on the exterior walls of a home must be sheathed with brick, stone or stucco to be consistent with existing materials. Architectural chimney caps made to resemble copper or other metals or materials, with wind gauges, directional gauges, etc., are not permitted.

Garages:

Each residential dwelling erected on any Lot shall provide garage space for a minimum of two (2) conventional automobiles. Detached garages, servant's quarters, and storage rooms must be

approved in writing by the ACC. No carport shall be built, placed, constructed or reconstructed on any Lot. As used herein, the term "carport" shall not be deemed to include a porte cochere or "carriage porch". No garage shall ever be changed, altered, reconstructed or otherwise converted for any purpose inconsistent with the garaging of automobiles, unless a new garage is constructed to meet the requirements of this Section. In the event that an Applicant has a home with a three-car garage, none of the garages shall be modified, deconstructed, or otherwise remodeled for the use of anything other than for the garaging of automobiles. Specifically, an Applicants third-car garage, which may or may not be separate from the standard two-car garage, must always remain a garage for the purposes of garaging automobiles and may not be converted or modified for any other use. The garage doors may not be removed, replaced or altered for the purposes of "closing off" the garage. The garages may not be closed off and modified to be used as living space of any kind. Porte cocheres must be approved in writing by the ACC.

Decks/Patios:

ACC approval is required prior to installation of a deck or patio. Decks and patios must be located in the rear yard. When a deck or patio scheme includes other changes, such as lighting, hot tub, under-deck storage (applicable to elevated decks), etc., these changes should also be included on the ACC form. Any such decks or patios shall be located so as not to obstruct or diminish the view from or create a nuisance for adjacent property owners.

All deck material visible from any adjacent lot, common area or street at ground elevation must be lumber, natural stone, concrete, or brick. Deck flooring material may be of reconstituted plastic material, such as Trek-Dek, or similar. Any posts protruding above the ground and above the deck must be of lumber, natural stone, brick, or concrete. Any metal supports used in the construction must be wood covered to complete the wood appearance (ornamental iron or other material is subject to approval). The type of material used in construction must be included in ACC form.

Patio covers and posts shall be constructed of wood or of a material generally recognized as complementary to the residence and shall be similar to or generally recognized as complementary in color to the exterior color of the residence. Open patios should be integral part of the landscape plan and should be located so activities do not create a nuisance for adjacent property owners. The patio color shall be similar to or generally accepted as a color complementary to the color of the residence. Enclosed patios shall be constructed of materials that are similar to or generally accepted as complementary to those of the residence.

### *Under-Deck Storage*

When using an under-deck area for storage, the impact on neighbors must be kept in mind. If the under-deck area is to be used for storage, appropriate screening, such as pressure treated lattice or landscaping will be required.

Offsite drainage shall not be impacted by deck construction.

### *Painting/Staining of Decks*

Protection of decks is encouraged. If an Owner chooses to stain the deck, they must use a natural wood or clear stain color. Paint is not acceptable. Acceptable stain colors include: Natural, Oak, Maple, Mahogany, Cedar, Redwood, Cherry, Pine, Chestnut and Pecan. Stain colors other than those listed must be approved by the ACC.

Approval is automatically granted to any homeowner maintaining original stain, provided that the stain color complies with these guidelines.

### *Accessory Structures*

ACC approval is required prior to construction of any accessory structure, including but not limited to sheds and permanently installed playhouses. Applications for accessory structures will be reviewed with regard to Lot size, setbacks, and primary building size. Accessory structures should serve as functional elements and enhance the aesthetic qualities and visual theme of Heritage Lakes. Accessory structures, such as permanent storage sheds and gazebos, shall be located in the rear yard or in a location not prominently visible from the street, and shall adhere to the standards herein. Storage sheds, and gazebos shall be architecturally compatible with the home. Accessory structures shall meet the following criteria:

- a. Accessory structures shall be of the same color, material, and architectural style as the main residence or of color, material, and style that is generally recognized as complementary to that of the main residence.
- b. An accessory structure's roofing materials shall match those of the main residence.
- c. Accessory structures shall be no larger than 8'x12, unless a variance is given.
- d. Accessory structures shall conform to the side and rear yard setbacks.
- e. Accessory structures shall not unreasonably obstruct any adjacent neighbor's view.
  - a. Sheds placed on a homeowner's property, shall be no higher (including the roof) than the height of the resident's property fence.
  - b. The maximum size of a shed shall not exceed 8' (length) x 12 (width).
  - c. Sheds may be either wood or metal construction:
    - i. Wood Constructed Sheds

1. The shed shall be the same color as the residence siding with the roof shingles the same style/color as the shingles on the residence.
  2. or, the shed may be stained the same color as the approved residence fence color, with the roof shingles the same style/color as the shingles on the residence
- ii. Metal Constructed Sheds
1. The shed and roof shall be the same color as the residence siding.
- d. Sheds may not be visible from the homeowner's property front or side streets (as may be applicable) nor visible on golf course or lake view lots.
- e. All shed requests are reviewed on a case-by-case basis; based on Lot location.

### Fences

All fences are to be kept in good repair by the owner. New or replacement fences will require approval of the ACC, even if constructed on the same line as the old fence. A boundary survey should be completed prior to completion of an ACC form for construction of a fence at a new location. It is the responsibility of the homeowner to verify that property lines are maintained. Failure to construct a fence within the property lines could result in the homeowner having to remove the fence. Any new fence that replaces an existing fence must have a protective sealant or stain which is approved prior to application by the ACC.

Fencing between Lots shall be of wood material, provided that such wood fence is erected with the good side facing out (i.e., not facing the dwelling), is of cedar material or better, has slates four (4") to eight (8") inches wide which are installed vertically only (not horizontally or diagonally), is no higher than eight feet (8'), and is not painted or stained (other than colors listed below) on any surface facing a street, Common Properties or adjoining Lot. On Lots 22 through 34, inclusive, in Block U of Heritage Lakes, Phase II, and Lots 17 through 35, inclusive, in Block P of Heritage Lakes, Phase V, all rear and side yard fencing must be of a wood material, provided that such wood fence is erected with the good side facing out (i.e., not facing the dwelling), is of cedar material or better, has slates four (4") to eight (8") inches wide which are installed vertically only (not horizontally or diagonally), is no higher than eight feet (8'), and is not painted or stained (other than as approved by the ACC prior to application) on any surface facing a street, Common Properties or adjoining Lot. On Lots opening onto a common area, greenbelt, open space, or lakes, the Owner is required to erect an iron fence on that portion of the Lot that is contiguous and adjacent to the open space, lake, common area and/or greenbelt. The iron fence must be four feet (4') tall in height and shall be uniform throughout any particular section of the Development. The detail for the iron fence must be approved in writing by the ACC, as defined in

Article IV, Section 9.1 hereof. Upon submission of a written request, the ACC may, from time to time, at its sole discretion, permit Owners to construct fences, which are in variance with the provisions of this sub-paragraph.

Iron fences must be painted and maintained by the homeowner. All iron fences must be painted in a black color with rust inhibiting ingredients.

#### Painting/Repainting

ACC approval is required for any exterior painting or repainting of the home or its accessory improvements. The submittal shall contain the manufacturer's paint chips with name and code number. All exterior finishes should be in subdued earth tones such as gray, green, brown, muted blues or reds, or other similar colors. Generally, garage doors should be painted a muted color and blend with other colors of the home, as prescribed herein. Note: If painting home same or similar color ACC Approval is not required. All mailboxes must be painted and maintained by the property owner. All mailboxes must be painted a flat-black color with rust inhibiting ingredients.

#### Alterations, Additions, and Expansions

ACC approval is required for any exterior alteration to, addition to, or expansion of a home. The architectural design and materials used in any and all exterior additions, alterations, or renovations shall conform to the original home's design intent with respect to style, detailing, and materials used in the initial construction, as prescribed herein.

#### Exterior Lighting

ACC approval is required prior to changing or adding exterior lighting. In reviewing lighting requests, the ACC will consider the visibility, style, location and quantity of the light fixtures. Landscape lighting fixtures shall be dark-colored so as to be less obtrusive and shall be as small is size as it reasonably practical. Low voltage (12 volts) lighting is preferable to conventional house-voltage systems because of its safety advantages. All lighting shall be compatible with the architecture of the residence. All in ground up lighting in the front yard (except porches) shall be mercury vapor and produce a "moonlit" effect. Exterior lighting shall not produce glare or direct illumination across a property line of an intensity that creates a nuisance or detracts from the use or enjoyment of adjacent property.

Lighting for walkways generally should be directed toward the ground.

### Energy Conservation

The use of energy conservation techniques is encouraged when appropriate. Solar technology, except for roof mounted solar panels which must be closely mounted to the roof, shall be screened from view from adjacent properties, and the public right-of-way, and must be approved by the ACC prior to installation. Site planning and landscape design for energy conservation is encouraged.

### Landscape

The addition of any trees to the front, side, or rear yard must be approved by the ACC. The ACC will use the list of approved trees provided by the City of Frisco in determining the trees allowed for the required trees. The addition of shrubbery in any yard that is visible from the street or any common area must be approved prior to installation. Plant material that is in the yard must be consistent with the community. The use of artificial plant material is not allowed in any yard visible from the street or any common areas.

The addition of permanent rock, brick, or like landscape retaining walls requires the approval of the ACC.

## 2. Lifestyle Accessories

### Clotheslines

Permanent clotheslines and clothesline supports are not permitted.

### Dog Runs

Dog runs require ACC approval. Dog runs shall be located within side and rear yards in such a way that they are not visible to neighbors or, community open space. The ACC will evaluate the proposed location and size of the dog run with consideration given its impact on adjacent properties and streets. Generally, the dog run area should not exceed three hundred (300) square feet in size and fence height should not exceed five (5) feet. The use of underground invisible dog run fencing is encouraged on a case-by-case basis. The dog run fencing should be immediately adjacent to the home and compatible with the home in material and color. Galvanized chain-link fencing is prohibited. Dog runs shall be well screened from neighboring properties and streets with landscaping. "Dog kennels" are not permitted.

### Gazebos and Greenhouses

ACC approval is required prior to the construction of any gazebo or greenhouse. Any gazebo or greenhouse should be an integral part of the landscape plan.

### Latticework

Attached latticework or garden trellis may be installed without approval, provided it is an integral part of the landscaping and complementary to the exterior materials of existing structures. Freestanding latticework will be considered as a Gazebo (see above).

### Permanent Grills

Permanent grills must be placed in the rear or side of the house and must be concealed within the fence line.

### Recreation and Play Equipment

No jungle gyms, swing sets, trampolines, similar playground equipment, tennis courts or such other recreational equipment shall be erected or installed on any Lot without prior written approval of the ACC in accordance with Article IX hereof, including the type of construction materials, colors and location. Upon the installation of any such recreational equipment without the prior written approval of the ACC, the Association shall, by and through the Board of Directors, have the right, but not the obligation, to demand and cause the removal of any such installation. Permanent basketball hoops or backboards that are mounted on a pole with a clear plexi-glass backboard are allowed but only with the prior written approval of the ACC. Basketball hoops or backboards are not permitted to be mounted on the garage. Temporary basketball hoops or backboards may only be used within the driveway of a Lot and are permitted only with the prior written approval of the ACC as to location, size, colors, and any condition or element deemed pertinent by the ACC. Temporary basketball hoops or backboards may not be placed or used on the street or a cul-de-sac. The use of basketball goals, whether temporary or permanent, is limited to the hours of 8:00 a.m. until 10:00 p.m. In the event a permanent or temporary basketball hoops or backboard is erected or installed without the prior written approval of the ACC, the Association shall, by through the Board of Directors, have the right, but not the obligation, to demand and cause the removal of any such installation.

All recreational and playground equipment must be properly maintained. Any equipment that becomes a community eyesore due to lack of maintenance must be maintained.

### Trampoline Guidelines

No trampoline shall be erected that can be seen from any common area, greenbelt, open space or neighboring lot that does not meet the following criteria:

- a. The jumping space and netting on structure are to be black in color. The padding for trampoline and poles for netting are to be black, dark green or dark blue in color.

- b. There must be a minimum 10 ft. separation between trampoline and rear property line.
- c. Diameter of trampoline frame must be no greater than 15 ft. in size.
- d. As a condition to the approval for the installation of a trampoline, the lot owner must agree to remove the trampoline when such lot owner no longer owns or resides in the property.

The above items are to be used as a guideline only. All homeowners must receive an approved ACC request before installing a trampoline. All trampolines must be maintained in good condition and working order.

#### Spa/Swimming Pools

The ACC will review requests for the installation of spa's, "hot tubs", Jacuzzi, pools, etc. Any spa shall be located in the side or rear yard but may not be near to any adjacent property or boundary line as determined by the ACC in its sole discretion. Spas should be designed as an integral part of the deck or patio area where they are located. Requests for the installation of swimming pools and pool equipment will be reviewed on a case-by-case basis. Consideration will be given to, but not necessarily limited to, setback from and impact on neighboring properties and the size of the pool enclosure. No above ground-level swimming pools shall be installed on any Lot. This provision is not intended to prohibit inflatable pools, no greater than twenty-four inches (24") in depth, typically used by toddlers. All swimming pool equipment shall be screened from neighboring dwellings, yards, sidewalks, common areas, and streets.

#### Front Yard Decorations

The use and installation of chairs, benches, etc. must be confined to the porch area of the home. Benches and chairs installed under trees, in landscaping, etc. within the front yard area or front-side yard areas must be approved by the ACC.

#### Modifications to Driveways

Requests for changes in the style and or color and or materials of the driveway must be approved by the ACC. The ACC will review these requests on a case by case basis.

## EXHIBIT B

Those tracts and parcels of real property located in the City of Frisco, Denton County, Texas and more particularly described as follows:

- (a) Lots 1 through 22, Block A; Lots 1 through 24, Block C; Lots 1 through 22, Block D; Lots 1 through 13, Block E; Lots 1 through 5, Block F; Lots 2 through 24, Block V; Lots 1 through 24, Block W and Lots 2 through 4, Block X of **HERITAGE LAKES, PHASE 1**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet Q, Slides 40 and 41 of the Plat Records of Denton County, Texas; and the Certificate of Correction of Error filed July 19, 1999, Volume 4383, Page 1734 of the Real Property Records of Denton County, Texas; and
- (b) Tracts 3 and 4 in Block X of **HERITAGE LAKES, PHASE 1**, an Addition to the City of Frisco, Denton County, Texas, according to the replat thereof recorded in Cabinet U, Page 552 of the Plat Records of Denton County, Texas; and the Certificate of Correction of Error filed July 19, 1999, Volume 4383, Page 1734 of the Real Property Records of Denton County, Texas; and
- (c) Lots 12A and 12B in Block X of the Replat of Lot 12 in Block X of **HERITAGE LAKES, PHASE 1**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet U, Slide 552 of the Plat Records of Denton County, Texas; and
- (d) Lot 1 and Lots 6 through 9, Block X of **HERITAGE LAKES, PHASE 1**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet Q, Page 40 of the Plat Records of Denton County, Texas; and Certificate of Correction of Error, filed July 19, 1999, recorded in Volume 4383, Page 1734 of the Real Property Records of Denton County, Texas; and
- (e) Lots 1 through 30, Block R; Lots 1 through 32, Block S; Lots 17 through 32, Block T; Lots 16 through 41, Block U of **HERITAGE LAKES, PHASE 2**, an Addition to the City of Frisco, Denton County, Texas; according to the map or plat thereof recorded in Cabinet S, Slides 118 and 119 of the Plat Records of Denton County, Texas; and
- (f) Lots 1 through 12, Block Q; Lots 42 through 52, Block U of **HERITAGE LAKES, PHASE 2**, an Addition to the City of Frisco, Denton County, Texas,

according to the map or plat thereof recorded in Cabinet S, Page 118 of the Plat Records of Denton County, Texas; and

- (g) Lots 1 through 40, Block B; Lots 6 through 13, Block F; Lots 1 through 16, Block G; Lots 1 through 8, Block H; Lots 1 through 16, Block T; Lot 1 in Block V and Lots 1 through 16, Block Y of **HERITAGE LAKES, PHASE 3**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet U, Page 9 of the Plat Records of Denton County, Texas; and
- (h) Lots 1 through 18, Block I; Lots 1 through 16, Block J; Lots 1 through 23, Block K; Lots 1 through 22, Block L; Lots 5 through 12, Block M; and Lots 45 through 75, Block P of **HERITAGE LAKES, PHASE 4 AND 5**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet U, Page 884 of the Plat Records of Denton County, Texas; and
- (i) Tract 2 and Tract 3, Block P of **HERITAGE LAKES, PHASE 4 AND 5**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet U, Page 884 of the Plat Records of Denton County, Texas; and
- (j) Lot 1R, Block Q of **HERITAGE LAKES, PHASE 2**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet S, Slide 118 of the Plat Records of Denton County, Texas; and
- (k) Lot 11, Block X; Tract 1, Block A; Tract 1, Block V; Tract 1, Block W; and Tract 1, Block X of **HERITAGE LAKES, PHASE 1**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet Q, Slides 40 and 41 of the Plat Records of Denton County, Texas; and the Certificate of Correction of Error filed July 19, 1999, Volume 4383, Page 1734 of the Real Property Records of Denton County, Texas; and
- (l) Tract 1, Block B; Tract 1R, Block F; Tract 2, Block V; and Tract 1, Block Y of **HERITAGE LAKES, PHASE 3**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet U, Page 9 of the Plat Records of Denton County, Texas; and
- (m) All right, title and interest in and to the walls and landscape borders situated therein, and the private streets, alleys, roads or other common areas located

within any of the above described Phases of Heritage Lakes owned by the **HERITAGE LAKES HOMEOWNERS ASSOCIATION, INC.**, either by conveyance, transfer or dedication.

- (n) Lots 1 through 20, Block I; Lots 1 through 16, Block J; Lots 1 through 23, Block K; Lots 1 through 22, Block L; Lots 1 through 19, Block M; Lots 1 through 16, Block N; Lots 1 through 22, Block O; Lots 1 through 75, Block P; and Tracts 1 through 3, Block P of **HERITAGE LAKES, PHASE 4 & 5**, an Addition to the City of Frisco, Denton County, Texas, according to the map or plat thereof recorded in Cabinet U, Pages 884 and 885 of the Map or Plat Records of Denton County, Texas.