

**ARCHITECTURAL GUIDELINES FOR
KINGWOOD MILLS BRANCH VILLAGE, SECTION
ONE, SECTION TWO, SECTION THREE, SECTION
FOUR, SECTION FIVE, AND SECTION SIX
PROTECTIVE COVENANTS**

THE STATE OF TEXAS COUNTY OF HARRIS

KNOW ALL MEN BY THESE PRESENTS: WHEREAS, the Architectural Guidelines for Mills Branch Village Sections 1, 2, 3, 4, 5 and 6 Protective Covenants for the Mills Branch subdivision ("Guidelines"), which were executed by the Board of Directors of Mills Branch Village Community Association, Inc., and the Architectural Control/Deed Restriction Committee of the Mills Branch Village Community Association, Inc., a Texas Non-Profit Corporation, are attached hereto.

EXECUTED this 17th day of June, 1993.

Mills Branch Village Community Association, Inc.

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared whose position is President of Mills Branch Village Community Association, Inc., a Texas Non-Profit corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the

17th day Of June, 1993.

CAROL SANTI HOSLEY
Notary Public, State of Texas
Commission Expires 12-12-95

After recording, return to:
Ingle & Ingle
3900 Essex, Suite 1070
Houston, Texas 77027

ARCHITECTURAL GUIDELINES FOR
KINGWOOD MILLS BRANCH VILLAGE

KINGWOOD MILLS BRANCH VILLAGE
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The undersigned, being all of the members of the Board of Directors of Mills Branch Village Community Association, Inc., a Texas non-profit corporation ('the Association') and its Architectural Control Committee/Deed Restriction Committee ('the ACC/DRC), do hereby certify that at a meeting of the Board

of Directors of the Association and its ACC/DRC, duly called and held, the following guidelines were unanimously made and adopted:

WHEREAS, the Association, acting through its Board of Directors, and the ACC/DRC desire to exercise the authority granted to it by the provisions of the Protective Covenants, Conditions and Restrictions applicable to Kingwood, Mills Branch Village, ('the Declaration') to maintain the harmonious and architectural design of the subdivision in accordance with the provisions of the Declaration; and

WHEREAS, the Board of Directors of the Mills Branch Village Community Association expressly creates the ACC/DRC for the specific purposes set forth below, and

WHEREAS, the Declaration provides that no buildings, additions or improvements of any kind shall be erected or placed on any lot until the construction plans and specifications including, but not limited to, site layout, building location, building materials, colors and elevation, have been submitted to and approved in writing by the ACC/DRC; and

WHEREAS, the Board of Directors of the Mills Branch Village Community Association further provides that the ACC/DRC shall have the discretion to approve or disapprove plans and specifications for buildings, additions or improvements on the basis of color, quality of building materials, lot size and harmony of external design with existing structures; and

WHEREAS, the Board of Directors of the Association and the ACC/DRC desire to establish guidelines with respect to the type, quality and color of exterior additions and improvements on lots within Kingwood, Mills Branch Village, to be followed by the ACC/DRC, so that a harmonious exterior design within the subdivision is consistently maintained;

NOW, THEREFORE, the Board of Directors of the Association and the ACC/DRC hereby adopt the following guidelines relating to buildings, additions and improvements on lots within Kingwood, Mills Branch Village, which guidelines have been created to give the property

owner an idea of how the deed restrictions within Mills Branch Village will be enforced. These guidelines have been prepared for some of the deed restrictions, but not all of the deed restrictions that are in the Protective Covenants of Kingwood, Mills Branch Village. The Protective Covenants that are on file in the Real Property Records of Harris County, Texas are the governing documents; therefore, they should always be referred to and followed by each property owner.

DEFINITIONS

Terms used in this document have the following meanings:

Association Mills Branch Village Community Association, Inc.

ACC/DRC The Architectural Control Committee of the Association.
The Deed Restriction Committee of the Association.

Board The Board of Directors of the Association.

Declarant The creator of the Declaration and developer of the subdivision, Friendswood Development Company.

Deed Restrictions Article VI of the Declaration, 'Restrictions of Use.'

Guidelines Rules, standards and procedures established by the ACC/DRC pertaining to buildings, additions, or other improvements in Mills Branch Village.

Managing Agent The management company designated by the Board to perform certain management duties for the association.

Mills Branch Village All sections of Kingwood Mills Branch subdivision to which the Declarations applies. This currently includes Mills Branch Village Sections One through Four.

Protective Covenants The 'Protective Covenants, Conditions and Restrictions' applicable to Mills Branch Village.

OVERVIEW

The purpose of architectural control is to keep the community attractive for the enjoyment of residents and for the protection of property and property values. The Declaration authorizes the ACC/DRC to establish rules, standards and procedures for the orderly development of the subdivision and requires homeowners to obtain written approval from the ACC/DRC for any buildings, additions or other improvements to their property. This is to ensure that the improvements comply with the provisions of the Declaration and are in harmony with existing and proposed structures.

These guidelines have been established to assure uniform and fair application of the Declaration and are intended to provide all lot owners in Mills Branch Village with information about: the type, color, quality of materials which may be used in the construction of various kinds of improvements; the size and locations of such improvements; and information about the procedures used by the ACC/DRC in reviewing applications for proposed improvements.

The ACC/DRC reserves the authority to review and approve applications for buildings, additions, or improvements which are not explicitly described by these Guidelines, and to consider additional guidelines in the review process whether published or not. These guidelines may be amended by the ACC/DRC as it deems necessary and appropriate.

1. Application Procedure

1.1. -Submission

All applications for approval to make any exterior changes, additions or improvements must be submitted to the ACC/DRC through the

managing agent in writing by completing the application form currently in use by the ACC/DRC, or such form as may hereafter be adopted by the ACC/DRC. Plans and specifications for any exterior change, addition or improvement should be attached to the application. The application should be supported by the following information:

1.1.1. Drawing(s) of the proposed structure showing the top, front, side and rear exterior views; overall dimensions (length, width, height) of the structure; and the layout and dimensions of supporting structures (e.g., beams, rafters, trusses, etc.);

1.1.2. A copy of an official survey of the Lot showing location of the easements, existing buildings and structures, and the proposed location of the improvement;

1.1.3. A description of all materials used, including product name, model number, size, color, etc. Color samples (e.g., 'paint chips') for all colors involved or to be included; and

1.1.4. As noted on the home improvement request, the ACC/DRC has up to 30 days to respond to a given request. Urgent deadlines will not be accommodated.

The ACC/DRC reserves the right to request additional information deemed to be necessary to properly evaluate the application. In the event that the ACC/DRC requests additional information and such information is not submitted to the ACC/DRC by the applicant in a timely manner (so that the application may be approved or disapproved within thirty (30) days of its receipt), the application shall be denied. However, the applicant may thereafter submit a new application with the requested information to the ACC/DRC for its review. All applications shall be mailed or delivered to the office of the managing agent of the Association.

1.2. ACC/DRC Decisions

ACC/DRC committee members shall consider each application for

compliance with the restrictive covenants of the Declaration and with these guidelines. The decision of a majority of members to approve or disapprove an application shall be considered the decision of the ACC/DRC.

ACC/DRC decisions shall be conveyed in writing to the applicant through the managing agent of the Association and shall include a statement of the conditions under which the application is approved, if any, or the primary reason(s) for disapproving the application.

In accordance with the Declaration, any application that is not approved or disapproved within thirty (30) days of the date of its receipt by the managing agent shall be deemed to have been automatically approved provided, however, that (i) any such approval shall extend only to architectural guidelines and not to any of the use restrictions set forth in the Declaration and (ii) in no event shall non-action be deemed to constitute approval of an application for any change, addition, or improvement or any other item that would violate the restrictive covenants in the Declaration. Unless otherwise stated in the ACC/DRCs written response, all approved exterior changes, additions or improvements shall be completed within thirty (30) days of the date construction, installation or erection is commenced.

1.3. Any items that have not been specifically addressed in the Mills Branch covenants and these guidelines require approval by the ACC/DRC.

1.4. ACC/DRC Appeals

In the event that the ACC/DRC disapproves an application, the applicant can submit another application with any additional information or changes that the applicant considers relevant.

2. General Guidelines

The ACC/DRC shall consider the following factors upon the review of each application for an exterior change, addition or improvement:

2.1. The quality of construction and materials, colors, exterior design (elevations), size (dimensions), and location must be harmonious with existing and other proposed structures.

2.2. The location must not violate the building set back lines, utility or drainage easements as shown on the official recorded plat, nor obstruct driver's vision at street intersections. The ACC/D RC cannot grant permission to place an improvement upon or across any easement.

2.3. Improvements other than the main residence and garage may not exceed eight (8) feet in height (except as otherwise provided by the Declaration or Guidelines).

2.4. Improvements which exceed two (2) feet in height may not be located closer to the front lot boundary line than the front of the main residence or garage (except as otherwise provided by the Declaration or Guidelines).

2.5. Improvements which may become an annoyance or nuisance to the neighborhood are not permitted.

2.6. No living quarters are allowed beyond the main residence on any lot.

The ACC/DRC shall also consider the provisions of the Declaration and of applicable statutes, ordinances, and building codes. However, approval of an application shall not be construed as a warranty or representation by the ACC/DRC that the change, addition or improvement, as proposed or as built, complies with any or all applicable statutes, ordinances or building codes, or as a warranty or representation by the ACC/DRC of the fitness, design or adequacy of the proposed construction.

3. Fences and Gates

For all of the following items of Part 3 in this document, homeowners in Section I of Mills Branch Village must obtain the written consent of the

adjoining lot owners in addition to ACC/DRC approvals. These adjoining lot owner approvals must be obtained prior to submitting to the ACC/DRC for approval.

3.1. Wrought Iron Fences and Gates

Wrought iron fences and gates must be painted black. Rust and/or corrosion must be removed immediately. Wrought iron fences and gates must be replaced with wrought iron.

3.2. Cedar Wood Fences and Gates

No portion of a wood fence on a lot may be painted. Staining of fences is not allowed unless prior approval is obtained from ACC/DRC. The ACC/DRC will provide color charts and stain samples listing acceptable manufacturers along with catalog numbers. A fence may also be stained in clear coat. A stained cedar wood sample must be submitted with application for review to assure that the cedar wood stain is harmonious with the color scheme established for the subdivision. Fences must be replaced with cedar wood fencing only.

3.3. Chain Link and Wire Fences

There shall be no chain link or wire fences.

3.4. Setback Lines

Fences may not be constructed on a lot forward of the front line of the main structure.

3.5. Maintenance of Fences

Pickets, rails, or bars that are broken, warped, bent, sagging, mildewed, infested with termites or which have otherwise deteriorated must be repaired or replaced immediately. All fences which are stained shall be properly maintained to prevent cracking, chipping, fading or mildewing.

3.6. Height of Fences

All perimeter fences shall be six feet (6') in height. Fences between the house and garage may be between four to six feet (4-6'); however, no

fence shall exceed six feet (6') in height.

3.7. Attachments

No structure may be attached to a fence unless otherwise provided by these Guidelines.

4. Swimming Pools and Spas

4.1. An application for the construction of a swimming pool, spa or jacuzzi must include a plot plan showing the proposed location of the swimming pool spa or jacuzzi in relation to the property lines, building lines, existing structures and existing or proposed fences.

If any trees are to be removed or relocated, this must also be noted.

4.2. The application shall also include a timetable for the construction of the pool, spa or jacuzzi.

4.3. There shall be no above ground pools.

4.4. No swimming pools may be enclosed.

4.5. MINIMUM SIDELINE SETBACK IS FIVE (5) FEET - NO CONSTRUCTION IS TO ENCROACH INTO THIS SETBACK.

4.6. The pool shall not encroach on any easement.

4.7. The construction of all swimming pools must be in compliance with the National Electrical Code and include the installation of a ground fault circuit interrupter.

4.8. The pool shall comply with the current Standard Swimming Pool Codes unless otherwise specified herein.

4.9. Pool equipment such as filters, pumps, etc., must be screened from view of the street and/or greenbelt.

4.10. Spas and jacuzzis must also have an adequate drainage system according to the requirements of any governmental agency having jurisdiction or, in the event there is no governmental agency having Jurisdiction, as deemed appropriate of the ACC/DRC. Under no circumstances shall water from a swimming pool, spa or jacuzzi be permitted to drain onto the surface of an adjacent lot or greenbelt.

4.11. Backwash shall not be tied into sanitary sewer (usually to street through french drain finished- off smooth with face-of curb).

4.12. No swimming pool, spa or jacuzzi shall be approved unless the area in which the pool spa or jacuzzi is to be located is either enclosed by a six foot (6') fence constructed of cedar wood or of wrought iron with a maximum of three inches (3') between each bar. A construction fence sufficient to prohibit entry by children shall be provided at all times.

4.13. All excavated material must be totally removed from Kingwood immediately.

4.14. CONSTRUCTION ACCESS IS LIMITED TO THE APPLICANTS PROPERTY. Any damage done to Association property or neighbors' property shall be restored to the original condition as judged by the Association and/or neighbor.

4.15. No building materials or contractor's equipment shall be left on the street overnight.

4.16. No contractor's advertisement signs are to be located on property. All fencing must be installed after the completion of each day.

4.17. The pool contractor and homeowner are responsible for establishing proper drainage of the lot and deck areas during and after pool construction. No swimming pool, spa or jacuzzi shall be

constructed in a manner to impede drainage on a lot or cause water to flow on an adjacent lot.

4.18. Any above ground lights shall not be directed toward neighbor's property, public street or greenbelts.

4.19. By approving a request for construction of a swimming pool, the ACC/DRC is not endorsing the specific named contractor. The ACC/DRC does not attempt to screen, nor qualify the various firms contracting with individuals.

The ACC/DRC does encourage applicants to investigate the contractor's background and financial responsibility before executing a contract.

5. Outbuildings

5.1. General Rules

Any type of building which exists on a lot but is not attached to the residential dwelling on a lot, other than the dwelling itself or a detached garage, shall be considered an outbuilding, including tool and/or storage sheds.

5.1.1. Only one (1) outbuilding not exceeding ten feet (10') in length, ten feet (10') in width and eight feet (8') in height shall be permitted on a lot.

5.1.2. The standard, type, quality and color of the materials used in the construction of an outbuilding shall be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence on the lot. The roof of an outbuilding shall conform to the provisions relating to roofing materials set forth in the Declaration and these guidelines and shall be compatible with the color and type of materials used in the construction of the main structure.

5.1.3. Flooring shall be of treated wood or concrete.

5.1.4. Metal outbuildings shall not extend above top of fence line. All metal outbuildings shall be securely anchored.

5.1.5. An outbuilding shall be located in the backyard of the lot inside the fence. The outbuilding shall not encroach upon easements on set back lines on the property.

5.2. Gazebos

For the purposes hereof, a gazebo shall be defined as a free standing, open framed structure with lattice-type walls, whose purpose should not be for any type of storage. These typically are circular or octagonal shaped structures. There are two approved types of gazebos.

5.2.1. Conical-shaped (Peak) roofed gazebos

These gazebos cannot exceed twelve feet (12') in height (height measured from the ground) and the horizontal supports cannot exceed eight feet (8') from the deck level. Decks shall not exceed two feet (2') in height (height measure from the ground).

5.2.2. Flat lattice (Arbor-type) roofed gazebos

These cannot exceed ten feet (10') in height (height measure from the ground) and the horizontal supports cannot exceed eight feet (8') in height from the deck level.

5.2.3. For both structures, the footprint area is limited to one hundred (100) square feet (typically 10' by 10').

5.2.4. All gazebos must have a permanent roof with materials as set forth in the Declaration and these Guidelines. The materials used in construction of the gazebo shall be harmonious with the standard, type, quality and color used in the construction of the main residence of the lot.

5.2.5. Louvered or trellis style gazebo roofs may be stained or painted.

5.2.6. Electricity may be permitted upon approval and according to the National Electrical Code. All pipes and cables must be underground.

5.2.7. Gazebos must be located so as to not encroach upon easement or set back lines six feet from all rear and side property lines. No gazebo shall impede drainage on the lot or cause water to flow onto an adjacent lot.

53. Children's Play Structures

For the purposes hereof, a children's play structure shall mean any type of children's swing sets, play sets, climbing structure, slides, or raised play sets.

5.3.1. A maximum of two children's play structures are allowed on a residential lot.

5.3.2. The maximum dimensions for each play structure are ten feet (10') in width by fifteen feet (15') in length by eight feet (8') in height.

5.3.3. The play structure may have no more than two vertical beams with a single horizontal support member between them extending above the eight foot height (8') restriction of the play structure. The sole permitted purpose of these extending beams is to support a tarpaulin for a shade area. The beams and their accompanying horizontal cross member may not exceed ten feet (10') in height, measured from the ground.

5.3.4. Tarpaulin colors will only be approved if harmonious with the color of the residential dwelling. Wind-socks or streamers attached to the structure will not be permitted.

5.3.5. Play structures must be located within the fence in the backyard. No play structure with support members and a tarpaulin above the eight foot height (8') may be located ten feet (10') from the property line if the adjoining lot is a residential lot. No play structure shall be approved for construction on easements, or may impede the drainage on the lot or

cause water to flow to an adjacent lot.

6. Patio Covers

6.1. The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence; provided, however, that corrugated roofs for patio covers shall not be permitted under any circumstances.

6.2. If siding is used on patio covers, it must be of the same type, quality, and color as the siding on the main residence. Roofing materials on patio covers shall conform to the provisions relating to roofing materials set forth in the Declaration and these guidelines.

6.3. Louvered or trellis style patio cover roofs may be allowed as long as the quality of materials is approved.

6.4. Pressure treated wood may be stained or clear coat provided the color shall conform to the provisions relating to painting set forth in these Guidelines.

6.5. Any patio cover which is not attached to the house shall be subject to the Guidelines set forth herein for gazebos.

6.6. The location of a patio cover must not encroach on any utility or drainage easement, nor shall it violate the building set back lines applicable to the residential dwelling on any lot. Patio covers must not interfere with drainage or cause water to flow onto any adjoining lot.

6.7. All patio covers must be adequately supported and constructed of sturdy materials so that the patio cover has no visible sagging or warping. This also applies to any lattice attached to the sides of the structure.

6.8. Patio covers which are attached to the house shall be securely

attached at a height not less than seven feet (7') nor more than twelve feet (12') from the ground. Patio covers which are attached to a detached garage or breezeway must be securely attached at a height below the eaves of each structure at a height of not less than seven feet (7') nor more than nine feet (9') from the ground.

6.9. The top of the patio cover at its lowest point shall not be higher than eight feet (8') from the ground. The patio cover roof shall provide an attractive slope away from the house at an angle which does not exceed that of the roof on the house.

6-10. The roof of all patio covers (other than arbor or trellis type) must be covered with shingles meeting the roofing guidelines set forth herein, and must have a minimum of 3:12 slope. In cases where it is not possible to have a minimum 3:12 slope (e.g., patio covers attached to a single-story dwelling), the ARC may approve a flat type roof with a modified membrane type roofing material provided the color and appearance of such roofing closely matches the roofing of the house.

6.11. If any portion of the patio has a peaked or cone-shaped roof, that portion of the patio cover must also comply with the guidelines for conical shaped (peaked roofed) gazebos, including guidelines for size, location and height.

7. Patio Enclosures

A 'patio enclosure' is any patio cover which has exterior walls and/or screens (other than 'sun rooms' as defined in these Guidelines).

7.1. All structural components of patio enclosures, including roofing material, shall be subject to the Guidelines set forth herein for 'patio covers'. This section describes additional requirements for walls, screens and frames used to enclose a covered patio or deck.

7.2 The standard, type, quality and color of the materials used in the construction of a patio enclosure must be harmonious with the standard, type, quality and color of the materials used in the construction of the

main residence.

7.3. Exterior walls of a patio enclosure shall be constructed of brick or siding which is of the same type, quality, and color as those of the main dwelling on the lot.

7.4. No visible part of the enclosure may be made of metal other than screens, frames, and storm doors.

7.5. Patio enclosure screens must be the same color as existing window screen on the main dwelling and must have adequate cross-member support to avoid sagging.

7.6. The exterior color of doors, sills, beams, frames, or other visible supports must match the exterior colors of the main dwelling or the color of existing window frames.

8. Decks

All decks must be approved with respect to location and the standard, type, color and quality of the materials used in construction. No deck shall impede drainage on the lot or cause water to flow on to an adjacent lot.

9. Sunrooms

A sunroom is any room with glass-enclosed walls or a glass ceiling.

9.1. The ACC/DRC may reject any application to construct a sunroom on a lot on the basis of its overall design and conformity with existing structures regardless of whether or not the proposed sunroom complies with the technical specifications set forth below.

9-2. Applications must be accompanied by a detailed scale drawing or blueprint showing the three dimensional relationship of the sunroom to the existing structure. Applications must also include a plot plan showing the location of the sunroom in relation to all lot boundary lines, the residence, the casements and the building setback lines. Applications

must also include a detailed material list and include the name, address, and business phone number of the contractor or installer. Applications may be rejected for failure to provide any of these required items.

9.3. Supporting structural members must be of a color and shade similar to and harmonious with the exterior color of the residence. Glass must be tinted in a shade compatible with the exterior of the residence. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Applicants may be required to submit actual samples of the glass with the proposed shading/tinting material applied for approval.

9.4. The floor of the sunroom must be of reinforced concrete slab construction with 3' minimum thickness. No other flooring material will be permitted.

9.5. Only safety glass will be permitted for the panes. No fiberglass, plexiglass, plastic, acrylic, mesh, or other materials will be allowed. Safety glass must be a minimum 3/16" thick if tempered glass or a minimum 1/4" thick if laminated glass. Maximum width of glass between support trusses will be 36" measured center-to center.

9.6. Support trusses (glazing bars) must be constructed of aluminum or aluminum alloys with electrostatically applied coloring/paint. No natural aluminum oxidation coloring will be allowed. No wood, composite, steel, fiberglass, or plastic trusses will be allowed. Trusses must be of structural box or I-beam construction. Round, oval, or "T" shaped trusses will not be allowed.

9.7. The roof of a sunroom must have a minimum pitch of 1" per 12" of projection. The sunroom may not project more than 20' measured from the rear facing plane of the residence. The sunroom may not project beyond either side-facing plane of the residence. A sunroom may not encroach on any existing setbacks or easements.

9.8. Sunrooms are only permitted as ground structures. The maximum height of the roof, measured from the concrete floor, may not exceed

either 12' or the height of the eaves of the wall that the sunroom projects from, whichever is lower.

9.9. If ceiling lighting is installed, it must be focused downward. Any electrical plug outlet installed within the trusses/glazing supports must be of the UL approved Ground Fault Interrupt (GFI) type.

9.10. Sunrooms may not have turbine-type or forced fan roof ventilators installed. Only natural draft/convection flow panels that open may be installed. Panels that open may not exceed 36"x 36" in size and must be at least 36" in any direction away from adjoining opening panels.

9.11. Sunrooms may not have exposed air conditioning or heating ductwork installed on the exterior thereof. Vents must be attached to the main residence. No ductwork shall be visible.

9.12. Window coverings are not required. However, only interior coverings will be permitted; there shall be no exterior covering of the sunroom glass allowed.

10. Exterior Lighting

10.1. Security Lights

Security lighting shall be permitted with the ACC/DRC's approval.

10.1.1. Lights that are dimmed shall be judged by their full wattage.

10.1.2. Incandescent, reflector, down-directed or flood lights are preferred over high-intensity discharge lighting.

10.1.3. All security lighting shall be mounted behind the back plane of the house or garage.

No pole mounted security lights or lights mounted upon fences, trees or structures other than the house or garage, shall be permitted.

10.1.4. No security light fixture shall be allowed above the eaves of the house or garage or more than ten feet (10') from the ground.

10.2. Landscape Lighting

Exterior landscape lighting shall be permitted at ground level so long as the lighting is located at ground level only and restricted within flower beds, shrubs and/or trees and all of the wiring is buried.

10.3. Gas Lights

One gas light per lot shall be permitted provided that the gas lighting color is white with the ACC/DRC approval.

10.4. Annoyances -

The Board reserves the right to require the removal or modification of any lighting which it reasonably determines to be annoying to neighbors.

11. Painting

11.1. Harmonious Colors

The proposed colors must be harmonious with each other and with the colors of exterior brick and roofing material.

11.2. Principal Colors of Dwelling

The principal color of the dwelling and garage situated on a lot, including the garage door, must be a muted earthtone and must not be the same color any as adjacent or facing dwelling on a neighboring lot. ACC/DRC may approve similar paint colors on neighboring structures in cases where the brick or accent colors are substantially different from those of the neighboring structure.

11.3. Trim

Soffit, fascia board, window and door trim and rain gutters must also be

an earthtone color; however, the shades of trim color may be deeper than the principal color of the dwelling or garage.

11.4. Gutters

When rain gutters are painted, their color must match the color of the fascia board trim. When the 'maintenance-free' gutters are installed or replaced, their color must match (as closely as possible) the fascia board trim or previously approved existing gutters.

11.5. Accents

Shutters, the side panels of doors and windows and the exterior surfaces of doors may be painted any acceptable earthtone color.

12. Roofing Materials and Additions

12.1. Materials

12.1.1. A sample of the proposed shingle to be placed on any existing roof or any new improvement must be attached to each application submitted to the ACC/DRC. The proposed shingle is of an acceptable type and quality and that its color is harmonious with the color scheme established for the subdivision.

12.1.2. For new construction, the roofing material must be harmonious with the existing dwelling. The color of each roofing material must be an acceptable shade of an earthtone color.

12.1.3. Maximum 300 lb. per square, 30 year warranty.

12.1.4. Minimum 220 lb. per square, 20 year warranty.

12.1.5. Felt for all composition roofs must have a weight of at least 30 lbs.

12.2. Roofing Additions

12.2.1. No skylights, solar panels, roof ventilators or similar types of additions shall be permitted on the front of the roof ridge line and/or gable of a structure.

12.2.2. All roof ventilators shall be located to the rear of the ridge line and/or gable of any structure and shall not extend above the highest point of such structure.

12.23. The ACC/DRC shall have the right to approve exceptions to the foregoing in cases where energy conservation and heating/cooling efficiency require ventilators that, because of a particular roof design, cannot be hidden from public view.

12.2.4. The color of roofing additions must match existing roof vents (if any) or must be harmonious with the color of roofing materials.

13. Exterior Siding

When exterior siding is replaced or added to any existing structure or new improvement on the Lot, it must be of the same type, quality, size, and color as the existing siding on the main residence (unless all exterior siding is being replaced at one time).

13.1. If all exterior siding is being replaced at one time, the type of siding may be changed to any of the following acceptable materials: wood, wood product (e.g., Masonite), vinyl vinyl-coated aluminum, or vinyl-coated steel provided it is approved by the ACC/DRC. Aluminum, steel, or other metal siding shall not be acceptable. The following additional guidelines apply to, replacement or additional exterior siding.

13.2. Minimum of a 20-year warranty from a reputable manufacturer (warranty information should be submitted with the application);

13.3. Thickness, visible width, and spacing of siding must be consistent with that of the original exterior siding; each application submitted to the

ACC/DRC shall specify the thickness, width and spacing of the existing and proposed siding, and shall include a sample of the proposed siding material;

13.4. Color of all siding (including siding that is not painted) must comply with the Guidelines for Painting as set forth herein; each application must include at least two (2) color samples of the proposed siding color;

13.5. Exterior Siding must be installed and maintained to avoid sagging, waving, warping or irregular coloration; the ACC/DRC may require the homeowner (at homeowner's sole responsibility and expense) to repair or replace siding that fail to adhere to these guidelines.

14. Basketball Goals

14.1. Materials and Approved Mounting Methods

14.1.1. Basketball goals shall be mounted either (1) on the garage wall or roof with the backboard parallel to the garage opening, (2) on the garage-to-house breezeway cover, or (3) on a rigid steel or aluminum pole-

14.1.2. Wooden poles shall not be permitted.

14.1.3. Basketball poles must have a manufacturer's weather resistant finish and be either black or white. The backboard supports may be of wood, steel, or aluminum, but they must be painted to a color comparable to the existing trim or roof color depending upon mounting location.

14.1.4. The backboard material must be fiberglass, safety glass, or standard manufacturers' clear plastic resin (such as acrylic or nylon). The color must be clear, white, or a color comparable to the existing trim or roof color - depending upon mounting location.

14.1.5. The rim must be of heavy gage steel and either non-florescent orange or black in color. The net must be white nylon or cotton.

14.2. Permitted Mounting Locations

14.2.1. All goals must be a minimum of ten (10) feet behind the front building line of the dwelling on the lot that extends from the front of the house or garage parallel to the street. If the front/side building line is defined by the garage, then the goal must be at least twenty (20) feet from the curb line, or ten (10) feet forward of the building line.

14.2.2. A pole mounted goal must not be within ten (10) feet of the adjoining neighbor's amenities (air conditioning unit, shrubbery, gas meter, etc.) unless properly protected (i.e., by fence or shrubbery) or unless written consent of the neighbor is obtained. No pole mounted goals will be allowed along the neighbor's adjoining side of a driveway if the neighbors lower story house window(s) are exposed.

14.3. ACC/DRC Approvals

An application for approval to erect a basketball goal must include either a plot plan or a scale drawing depicting the location of the goal on the applicant's property and to the adjoining neighbor's property. In the case of a pole mounted goal, the plan or drawing shall include the neighbor's amenities and a neighbor's written approval, if applicable.

14.4. Maintenance

The homeowner-must maintain the basketball goal in its originally approved condition (including rim and net). A good neighbor policy concerning noise and disturbing the peace must be followed.

15. Miscellaneous

15.1. Birdhouses

Birdhouses shall be permitted subject to the prior approval of the ACC/DRC and the following-

15.1.1. No birdhouse can be suspended from a dwelling or attached to a pole and suspended from a dwelling.

15.1.2. No birdhouse shall be larger than two feet (2') in width, two feet (2') In length and two feet (2') in height.

15.1.3. No birdhouse shall be situated higher than fifteen feet (15') above the ground.

15.1.4. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the home and other improvements on the lot.

15.2. Flagpoles

15.2.1. Flagpoles must remain within ten (10') feet of the main residence.

1-5.2.2. Flagpoles must be constructed of either a steel or aluminum material with a maximum of twenty (20') feet in height.

15.2.3. All flagpoles must be painted and maintained in a structurally sound condition. The paint must be harmonious with the existing color of the main residence.

15.3. Window and Door Awnings

Awnings which are visible from any street shall not be permitted.

Awnings on the rear portion of a lot must be approved by the ACC/DRC. The color and materials used are subject to approval by the ACC/DRC.

15.4. Satellite Dish Antennae are not allowed in all Sections, except Section 1 of Mills Branch Village

15.5 Garage Conversions into living quarters are not allowed.

15.6 Home Security Signs

No signs shall be permitted on any lot.

15.7. Solar Screens, Window Tint, Temporary Window Coverings

15.7.1. The color of any solar screens or window tint must be harmonious with that of the house. The frames of the screens must match the window frames.

15.7.2. If any window is covered, all of the windows on the same side of the building must also be covered.

15.7.3. The width of the screen frames must match individual window size (i.e., double-width screens are not allowed). Frames should have appropriate cross-member support to prevent sagging.

15.7.4. Window tint shall be harmonious, shall not be reflective and must be maintained to prevent peeling, cracking, or irregular discoloration.

15.7.5. Temporary paper and linen window coverings may not remain in windows longer than 90 days. After this time, these window coverings shall be considered a Deed Restriction violation.

15.8. Trees

15.8.1. Trees may not be removed without prior ACC/DRC approval, except to remove dead or diseased trees or to provide room for an improvement that has been approved by the ACC/DRC.

15.8.2. When tree removal is required for the construction of an improvement, it must be disclosed in the application for that particular improvement. When trees are removed for any reason, the homeowner must also remove the remaining stump and fill any resulting hole.

15.9. Portable Skateboard Ramps

Portable skateboard ramps are not permitted on public roads. When ramps are not in use they must be stored out of public view.

15.10. Topiaries

15.10.1. For the purposes of these Guidelines, a 'topiary' shall be deemed as a plant or shrub that has been trimmed or formed into a shape. The definition is broadened to include any ornamental structure composed of or covered with living plant material.

15.10.2. Like other exterior structural improvements, topiaries require ACC/DRC approval.

15.10.3. Approved topiaries must be maintained so that only living plant material of natural color is exposed. No mesh, substrate, or other nonliving supporting structures may be visible at any time.

15.10.4. Lights within the structure are prohibited.

15.10.5. Topiaries must be planted in or placed on the ground; they may not be suspended from trees or other structures and may not be mounted on a pole or other visible structure.

15.10.6. Topiaries may not be located on any easements.

15.10.7. Topiaries located within a fenced backyard must not be visible from any street and may not exceed an overall height of six (6') feet.

15.10.8. Topiaries located elsewhere (i.e., other than within a fenced backyard):

15.10.8.1. Are limited by ACC/DRC's discretion.

15.10.8.2. Must be set back at least ten (10') feet from any side street property lines, and at least five (5') feet from any interior property line;

15.10.8.3. Must not exceed four (4') feet in height, four (4') feet in length, and two (2') feet in width;

15.10.9. The ACC/DRC reserves the right to require removal or relocation of any topiary (approved or not) which it reasonably determines to be non-harmonious with the community.

ADOPTED on the date set forth opposite each name to become effective upon recording.

BOARD OF DIRECTORS

J. Michaliszyn
D. A. Wiltse
J.K. Krueger
D.H. Gennusa
K. E. McKinney

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RESTRICTION COMMITTEE
Mills Branch Village Community
Association, Inc.

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I Montgomery
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