

ARCHITECTURAL CONTROL COMMITTEE
REVIEW GUIDELINES
FOR
WILCHESTER WEST SECTIONS ONE AND TWO

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ARCHITECTURAL CONTROL COMMITTEE
REVIEW GUIDELINES
FOR
WILCHESTER WEST, SECTIONS ONE AND TWO

ARTICLE I
PURPOSE

The Architectural Control Committee (the "ACC") was created to enhance and protect the value, desirability and attractiveness, for the benefit of present and future Owners, of all lots within Wilchester West and Wilchester West, Section Two (2) additions within the City of Houston, Harris County, Texas, according to the maps or plats thereof respectively recorded in Volume 132, Page 40 and Volume 144, Page 74 of the Map Records of Harris County, Texas (the "Property"), (excluding those areas denoted as unrestricted reserves) by requiring conformity to certain standards of construction, visual appeal, uniformity and design. In this regard, Article V, Section 5.02 entitled " Approval of Building Plans" of the "Restated and Amended Declaration of Restrictions and Covenants Governing Property and Lots in Wilchester West and Wilchester West, Section Two (2)..." (the "Declaration"), filed in the Official Public Records of Real Property of Harris County, Texas, under County Clerk's File Number P090069 provides:

No building, structure, or other improvement, whether permanent or temporary, shall be commenced, constructed, erected, placed, modified, altered or improved on any Lot until the construction plans and specifications including a plot plan showing the location of the proposed building, structure, modification, alteration, or other improvement has been approved in writing by the ACC as to: the harmony of the exterior design and color with existing structures; the location with respect to the topography and finished ground elevation; and as to compliance with any minimum architectural guidelines adopted by the ACC.

ARTICLE II
APPROVAL PROCESS

(Article 5.02 of the Declaration – Approval of Building Plans)

All applications for ACC approval ("Applications") to make any exterior changes, additions or improvements to any Lot must be submitted in writing to the ACC prior to the commencement of construction and must include a copy of the construction plans and specifications and a plot plan, together with such information as may be deemed pertinent, including for example, building permit requirements. The ACC will not respond to verbal requests for approval. If an improvement is made without ACC approval, the Board of Trustees of Wilchester West Fund, Inc. (the "Board of Trustees") has the right to enforce its removal.

The ACC has 30 days from the date of receipt of an Application to either approve or disapprove the related construction plans and specifications. If additional information is required by the ACC, the Application will be considered incomplete and denied pending the ACC's receipt of the requested information. Plans for implementation of the proposed improvement(s) should allow for the time required to complete the approval process. In the event that the construction plans and specifications are submitted to the ACC and the ACC fails to either approve or disapprove an Application within the allotted time, then the owner shall be deemed to have fully complied with the requirements of Article V of the Declaration. The Declaration lists certain items as requiring prior written approval of the ACC. Those items are not automatically approved after 30 days of no action by the ACC, but require an affirmative written approval of the ACC.

The ACC consists of all members of the Board of Trustees. Four members voting in agreement constitute a decision. Unless noted in these guidelines, a vote is required on all applications.

In certain cases set forth under Article III of these guidelines, the ACC may pre-approve Applications that meet certain specified requirements. In these cases a form application will be drafted and approved by the ACC and upon an owner's signature and submission, the individual Application will be approved.

ARTICLE III
ALTERNATE APPROVAL PROCESS
(Items not needing prior approval)

With the intent of simplifying the approval process for what are thought to be trivial cases (which would otherwise require an Application and approval under Article V, Section 5.02 of the Declaration), the approval process is modified for certain limited items listed below in this section. Listed items exactly meeting the description, do not require an Application to be submitted and approved prior to construction, erection, placement, modification, alteration, or improvement provided the installation/construction materials/appearance/upkeep otherwise meets the Declaration and these guidelines. Listed items will be considered approved one year after completion. Completion is required within 180 days of the beginning of construction, erection, placement, modification, alteration, or improvement. Owners accept the responsibility of compliance with the Declaration and these guidelines when using alternate approval and agree to bear the responsibility and cost of bringing items to compliance if lack of compliance is later determined. Owners unwilling to accept the conditions of the alternate approval or are unsure of whether or not an alternate approval applies, must submit an Application and seek approval as required by Article 5.02 of the Declaration. The ACC may elect to require approval and reinstate Article 5.02, of the Declaration process for any listed item in a subsequent set of guidelines. The lack of requirement for application and prior approval does not preclude the Board of Trustees

from enforcing the Declaration against any item that is in violation of the Declaration at Article 3.11 of the Declaration entitled "Nuisances and Unsightly or Unkempt Conditions".

- ◆ Repairs using materials of the same appearance and color for maintaining property in its current state – repairs do not include any changes to appearance, any modifications, or any other improvements;
- ◆ Interior work to a residence provided the interior work does not violate the Declaration or any guideline – interior work is any work inside of a residence that cannot be seen from outside the residence;
- ◆ Buried, drip and/or similar irrigation or sprinkler systems;
- ◆ The addition of live plants or mulches of natural organic origin, including soil covered by such plants or mulches or the removal or trimming of live or dead plants and removal of any mulches – mulches of inorganic materials such as dirt, pebbles, and rocks and man-made organic materials such as polyethylene are not considered of natural organic origin;
- ◆ Window and/or door replacement with a new or upgraded style – this does not include windows or doors i) where none existed; ii) that would offer a view to a neighbor's lot that had not been offered before or; iii) changing windows or doors whose style was dictated by a previous approval;
- ◆ Exterior painting provided the colors are either i) the existing color, or ii) an "earth tone" color (see Section 4.7a of these guidelines);
- ◆ Antennas installed in accordance with Section 4.1a, b and c of these guidelines;
- ◆ Lawn storage buildings placed in accordance with Section 4.05 of the Declaration and Section 4.9a, b and c of these guidelines; and
- ◆ Other items indicated in the Declaration as not requiring prior written approval in the appropriate sections.

ARTICLE IV **ACC GUIDELINES**

These guidelines are adopted by the ACC to specify the minimum standards and requirements that shall be used to evaluate an Application. These guidelines may be amended from time to time as the circumstances, conditions or opinions of the ACC dictate.

Each Application is to be considered on its own merits; the ACC may grant a variance from these guidelines and procedures or from the Declaration related to buildings, structures or other improvements when circumstances such as topography, natural obstructions, hardship, or

aesthetic or environmental considerations require. Such variances may only be granted when unique circumstances dictate. No variance shall i) be effective unless granted in writing, or ii) stop the ACC from denying a variance under other circumstances.

Prior to initiating any design work and/or contracting for any work and/or purchasing any materials, or otherwise incur any expense, owners are required to obtain the latest copy of guidelines from the ACC and/or Board of Trustees. Owners who are actively in the process of design and/or preparing an Application when guidelines are changed and submit an Application within 90 days of the guideline changes, may request to be evaluated under previous guidelines where evaluation under the new guidelines may represent a hardship through no fault of the owner or his contractors. Any owner who is denied an approval and is continuously and actively seeking changes in an attempt to obtain approval may request to be evaluated by the guidelines in effect at the first application for 90 days following the first denial. Otherwise guidelines as amended are in effect on the day of adoption by the ACC.

Except for the alternate approval process where only the approval" process of Article 5.02 of the Declaration is modified in certain cases, no guideline is intended to grant a variance from any provisions of the Declaration.

Section 4.1 Antennas & Satellite Dishes (see Article 3.03 of the Declaration – Antennas & Satellite Dishes)

- a. Roof mounted VHF and/or UHF television antennas are permitted provided: i) they are placed on a portion of the roof of the residence which does not face the street; ii) they are securely anchored and fastened; and iii) they do not extend more than 5 feet above the peak of the roof of the residence to which attached.
- b. Satellite dishes shall be located in the rear/back side of the property, cannot extend so as to be visible from any street or from ground elevation from any other Lot, and cannot be on a utility easement without a consent to encroach letter.
- c. Parabolic dish antennas less than 39 inches in diameter having a matte finish, such as those used for digital satellite reception may be mounted such that they are visible from streets or other lots provided they are not visible from the street on which the house is addressed, nor visible from the side street in the case of corner lots.
- d. Antennas, satellite dishes, and parabolic dish antennas conforming to Sections 4.1a, b and c of these guidelines, do not require prior approval from the ACC. If an acceptable quality signal cannot be received from the locations set forth in Sections 4.1a, b or c of these guidelines, a mutually convenient time must be set with the ACC to discuss alternative installation methods.

- e. All other antennas, whether for transmission or reception, are permitted only with prior written approval of the ACC. Approval will be based on comparing the visual impact to permanently roof mounted VHF and/or UHF television antennas.

Section 4.2. Basketball Goals (*see Article 3.14 of the Declaration – Playground*)

The basketball goals shall be mounted on a garage or placed on the side of the driveway no nearer to the street than the front line of the residence.

Section 4.3. Burglar Bars

Acceptance shall be based on whether the burglar bars are in harmony with the residence and are painted to match exterior trim.

Section 4.4. Decks

- a. No decks shall encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Written consents shall be received prior to approval.
- b. No decks shall impede drainage on the Lot or cause water to flow on an adjacent Lot.
- c. No decks other than a second level balcony attached to the main residence shall be constructed more than eighteen inches above ground level.

Section 4.5. Driveways & Walks (*see Article 4.03 of the Declaration – Type of Construction*)

Driveways and front walks are to be constructed of concrete, brick or pavers. The color shall be an earth tone integral with the material and may not be painted or stained any color. Asphalt, dirt or loose stone driveways or front walks are not permitted. Front walks are those walks from the street curb to the residence.

Section 4.6. Exterior Lighting (*see Article 3.18 of the Declaration – Street Lighting*)

Street lighting shall be by individual gaslights or converted gaslights located near the center of the street side of the front lawn of each Lot; in addition, each corner Lot shall also have an individual gaslight or converted gaslight located near the street side of its side lawn. Such street lights shall be kept burning/lighted during all hours of darkness by the owner of each Lot. A converted gaslight is a gaslight that has been converted to an electric light and will be permitted with approval provided the enclosure maintains the original gas light appearance.

Section 4.7. Exterior Painting and Siding

- a. Earth tone colors were most often used when residences were constructed. Other colors may be acceptable with the prior written approval of the ACC. For the purposes of the guidelines, earth tone colors are defined to be those colors that harmonize with the natural color of brick and include white and subdued shades. "DayGlow", fluorescent, metallic and similar shades and colors are not permitted.
- b. Aluminum, vinyl or other siding not identical to existing approved or grand fathered siding may be permitted with written approval. The siding must approximate the appearance of painted wood such that it would be difficult for a layman to determine the siding composition from the street and the color must meet the earth tone color guidelines. Metallic siding will not be permitted. Existing brick may not be covered. Owners must submit a sample of proposed siding with the application.

Section 4.8. Garages, Carports & Porte-Cocheres (see Article 4.03 of the Declaration – Type of Construction; and Article 4.04 of the Declaration – Location of Residence and Garage, See also Section 4.11 of these guidelines)

- a. All Lots upon which a residence has been constructed shall have an operable garage capable of housing two or more vehicles unless otherwise approved in writing by the ACC. An operable garage is defined to be a garage with a working garage door(s) and minimum interior parking area 18 feet wide by 16 feet deep by 6 1/2 feet high or two 9 feet wide by 16 feet deep by 6 1/2 feet high parking areas. An operable garage may be air conditioned and/or heated with written approval of the ACC and not be considered a residence area per Section 4.11f of these guidelines. Section 4.11f of these guidelines does not preclude an addition to a garage with approval such that no more than 250 square feet of heated and/or air-conditioned enclosed area on the first floor may be used as a shop, hobby area or quarters for bonafide servants provided the garage still is an operable two car garage. The ACC may require reasonable proof in the case of bonafide servant's quarters.
- b. Garage, carports and porte-cocheres shall be constructed in accordance with Article IV, Section 4.03 of the Declaration and shall not be constructed so as to pose a problem to the effective drainage of the Owner's Lot or the neighboring Lots.

Section 4.9. Outbuildings

An "outbuilding" is defined as any structure of a permanent or temporary character which is not attached to the residence together with the operable garage ("Main Structure"). For the purposes of this Section 4.9, items covered in Sections 4.10 and 4.12 of these guidelines are not outbuildings. This definition includes, for example, lawn storage buildings, sheds, greenhouses, and gazebos. Children's playground equipment, playhouses and forts are under Section 4.12 of these guidelines. Free standing patio covers are covered in Section 4.10 of these guidelines. (see Article IV of the Declaration – Residential Use and Architectural Restrictions)

- a. No outbuilding shall be erected, altered, placed or permitted to remain on any Lot for use as a residence nor contain any residence area (see Section 4.11f of these guidelines). The purpose of the outbuilding must be consistent with a residential lot.
- b. Color(s), materials, and styling shall match/blend with the predominant exterior of the main residence.
- c. No outbuilding shall be higher than 8 feet from the ground to the highest point. The outbuilding shall not be forward of the rear building line of the residence, and shall be a minimum of 3 feet from the rear or side Lot fences. The overall distance from the rear or side Lot fences shall be determined based on visibility from the street in front and/or to the side of the Lot. The location of the outbuilding shall be far enough away from the fence(s) to allow for drainage to occur entirely on the Owner's Lot.
- d. An outbuilding placed on a concrete slab on top of a utility easement shall not be considered for approval unless the utility companies involved have granted their written consent to such encroachment.
- e. No outbuilding shall be built up against any side or rear wall of the Main Structure. (An outbuilding attached to the main residence or garage is not an outbuilding; it is part of the main residence or garage and approval will be based on requirements set forth in Sections 4.8 and 4.11 of these guidelines.)
- f. Lawn storage buildings are portable prefabricated buildings no higher than 6 feet with no more than 50 square feet of interior space. Lawn storage buildings conforming to Section 4.05 of the Declaration and Sections 4.9a, b and d of these guidelines may be placed without prior approval. All other outbuildings require prior written approval of the ACC as required by the Declaration.

Section 4.10. Patio & Deck Covers

- a. Patio and deck covers shall be constructed of materials which complement the main structure and shall require approval of the ACC.
- b. Patio covers shall be situated on the Lot to provide drainage solely into the Owner's Lot. If a proposed patio cover location is less than 5 feet away from a side lot line, the ACC shall require that it be guttered with down spouts if it is to be a solid cover.
- c. Small covered patios may be made of coated metals provided that i) they cannot be seen from the street, ii) they occupy no more than 250 square feet, iii) they extend no higher than the first floor, iv) they contain no air conditioning or heating, v) any side enclosures consist of screening and not windows or walls, and vi) the exterior of the house is maintained. A metal coating should provide a non-metallic finish and complement the coloring of main structure.
- d. Covered areas not meeting the requirements of 4.10c of these guidelines must use colors and materials matching the main residence and may be required to meet the other requirements of Section 4.11 of these guidelines.

Section 4.11. Residence & Garage Additions *(see Article IV of the Declaration – Residential Use and Architectural Restrictions)*

- a. Exterior materials and colors shall match the existing Main Structure as closely as possible (see Article 4.03 of the Declaration – Type of Construction).
- b. Additions shall not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment (see Article 3.07 of the Declaration – Easements).
- c. Additions will be evaluated on an individual basis. The size and shape of residence and garage additions that will be approved by the ACC depends on the architectural style and layout of the Main Structure, size of Lot, and how well the addition integrates with existing structures and neighboring residences. The roof line of an addition must integrate with existing roof line so as to appear to have been part of the original structure.

- d. Additions shall not exceed one-fourth of the remaining back yard unless otherwise approved in writing by the ACC. Additions may be denied for other reasons, i.e., harmony of the exterior design and color with existing structures; the location with respect to the topography and finished ground elevation; drainage; and as to compliance with the minimum architectural guidelines, even if it does only use one-fourth of the remaining yard. Remaining back yard is the area bounded by the residence, garage and lot limits but does not include areas that cannot be built on such as easements or areas between the garage and lot limits.
- e. ACC approval for additions shall be granted only with the provision that a copy of the building permit(s) are received by the ACC within 30 days of the date of the approval letter.
- f. No addition, modification or building may be constructed, erected, altered or placed such that the lot contains residence areas or areas that may be used as residence areas for other than one detached single family dwelling. No addition, modification or building may be constructed, erected, altered or placed such that the residence may be a duplex nor have separate residence areas or be easily modified for use as a duplex or contain separate residence areas. All additions must be interconnected such that: i) one can access the addition only through the main residence and not through a special entrance, and ii) the interconnection appears natural to the design rather than forced, e.g. a shared wall or be accessible from existing second story areas. The term "residence areas" (or areas that may be used as residence areas) are defined as those areas which have one or more characteristics that may include heating and/or air conditioning or have utilities, or are enclosed or have an intended or possible use as a bedroom, kitchen, gameroom, office, bathroom, or similar use (Exceptions per Section 4.10a of these guidelines only).
- g. No new window, door or balcony shall be placed such that it offers an imposing view to a neighbor's rear or side yard.

Section 4.12. Swing Sets, Playground Equipment, Playhouses and Forts. (see Articles 3.14 of the Declaration – Playground and 4.05 of the Declaration – Structures Other Than Residence and Garage)

- a. Swing sets, playhouses, forts and other playground equipment meeting the requirements of the Declaration and the ACC guidelines, do not require prior approval of the ACC. All other situations will be approved based upon impact to neighbors.
- b. If a fort has a platform, then the platform shall be no higher than 4 feet off the ground without approval. .

Section 4.13. Swimming Pools & Spas (see Article 3.15 of the Declaration – Pools)

- a. No pool or spa of any type shall encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Consents shall be received prior to approval.

Section 4.14. Wind Turbines, Ridge Vents, and Roofing

- a. Wind turbines shall be mounted in the rear portion of the roof so that they are not visible from the front or above the roof line.
- b. Ridge vents shall be a color which blends with the shingle color.
- c. Re-roofing shall be of high quality composition shingles or the same materials as the existing roof. Owners shall submit a sample with the Application.
- d. Copper may be used for roof coverings over bay windows.

Section 4.15. Window Air Conditioners (see Article 3.01 of the Declaration – Air Conditioning Units)

Because it is difficult to determine what can be seen prior to construction, additions (new construction) must be cooled with central air conditioning and not a window unit.

Section 4.16. Window Shades/Awnings/Patios

- a. Canvas awnings shall not be permitted to be installed on windows to reduce solar exposure unless they are not visible at all from the street. On a corner Lot or Lot that backs onto a street, canvas awnings shall not be permitted. When allowed, they shall be earth tone colors and shall be kept in excellent condition at all times or they shall be subject to immediate removal upon notification by the ACC of their unacceptable condition.
- b. Awnings shall be allowed for use on playhouses and patio covers, provided they also comply with specified requirements for proper location and color.
- c. Metal and wooden slat-type shades shall be allowed by the ACC if they are deemed necessary in reduction of solar exposure and installation on appropriate windows shall be determined by the ACC. At no time, however, shall they be allowed on windows on the front of a residence.

**EXECUTION
OF
ARCHITECTURAL CONTROL COMMITTEE
REVIEW GUIDELINES**

WILCHESTER WEST FUND, INC.

Date: March 18, 2001 _____ By:

Print Name: G. Forbes Alcott _____
Architectural Control Committee Chairman

Date: _____

By: _____

Print Name: _____
President

CERTIFICATE OF SECRETARY

of

WILCHESTER WEST FUND, INC.

The undersigned, being the duly elected and qualified Secretary of Wilchester West Fund, Inc. (the "Fund") a Texas non-profit corporation, do hereby certify at a duly called meeting of the Board of Trustees of the Fund held on the ___ day of _____, 2001 with at least a majority of the Board of Trustees being present thereat and remaining throughout and being duly authorized to transact business, the foregoing "Architectural Control Committee Review Guidelines for Wilchester West, Sections One and Two" was duly approved.

TO CERTIFY WHICH WITNESS MY HAND on this ___ day of _____, 2001.

WILCHESTER WEST FUND, INC.

By: _____

Print Name: _____

Secretary

STATE OF TEXAS §

§

COUNTY OF HARRIS §

Before me, a notary public, on this day personally appeared _____, Secretary of Wilchester West Fund, Inc. known to me to be the person whose name is subscribed to the foregoing instrument and, being by me first duly sworn and declared that he/she executed same in the capacity and consideration therein expressed.

Given under my hand and seal of office this the _____ day of _____, 2001.

NOTARY PUBLIC – STATE OF TEXAS