

Design Guidelines

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AGREE

200503521617

35 PGS

NOTE TO CLERK: Please cross-reference to
Community Charter at
Instrument No. 200503521613

Prepared by/upon recording, please return to:

Samuel L. Wyse, III
Kimball Hill Homes Dallas, LP
3010 LBJ Freeway, Suite 1100
Dallas, Texas 75234

STATE OF TEXAS

COUNTY OF DALLAS

RESIDENTIAL DESIGN GUIDELINES
FOR
BEAR CREEK RANCH

THESE RESIDENTIAL DESIGN GUIDELINES are adopted this 31st day of August, 2005, by KIMBALL HILL HOMES DALLAS, LP, a Texas limited partnership ("Founder").

WITNESSETH:

On August 31, 2005, the Founder executed the Community Charter for Bear Creek Ranch, which was recorded in the County Clerk Official Records of Dallas County, Texas on September 26, 2005 as Instrument No. 200503521613 (the "Charter"). The Charter is a "dedicatory instrument," as defined in the Texas Residential Property Owners Protection Act, Texas Property Code §209.001, *et seq.*, covering the establishment, maintenance, and operation of a residential subdivision or planned development located in Dallas County, Texas, known as Bear Creek Ranch. The real property made subject to the terms of the Charter, as it may be supplemented and amended, is referred to as the "Community".

Article V of the Charter establishes architectural controls and review procedures applicable to the property submitted to the Charter. Section 5.3 of the Charter authorizes the Founder to adopt and record design standards and architectural and aesthetic guidelines ("Design Guidelines") to provide guidance to property owners and builders regarding matters of particular concern to the reviewer in considering applications for architectural approval. Pursuant to the authority set forth in Article IV of the Charter, the Founder has adopted the Design Guidelines attached as Exhibit

EXHIBIT "A"

[see attached]

BEAR CREEK

RESIDENTIAL DESIGN GUIDELINES



**to submit design review
applications, contact:**

**Bear Creek Ranch Community
Association, Inc.
Founder's Review Committee
3010 LBJ Freeway, Suite 1100
Dallas, Texas 75234
(972) 481-2224
(972) 243-3189 (fax)**

BEAR CREEK RESIDENTIAL DESIGN GUIDELINES

Introduction

These Residential Design Guidelines seek to establish criteria for implementing coordinated design and overall visual identity while maintaining opportunities for individual needs and creativity for each project. Included are parameters for the site design of individual residential lots within the Bear Creek community as well as procedures and requirements for design submittal and review. These parameters address: spatial boundaries, structures, fencing/screening, pedestrian circulation, provision of open space and landscaping.

The primary purpose of these Residential Design Guidelines is to ensure that property owners within the Bear Creek community will adhere to a standard of design excellence necessary to maintain a cohesive community. These guidelines seek to establish a design framework through the Community Identity Program that the property owner will use as a guide for site improvements, with flexibility balanced with preserving the design integrity of the Bear Creek community.

DESCRIPTION OF PROPERTY

These Residential Design Guidelines are for use for Bear Creek Ranch, a subdivision wholly located in Lancaster Municipal Utility District No. 1 in Dallas County, Texas, more fully described in Exhibit "A".

RELATED CONTROLS

All improvements must comply with applicable codes and regulations of governing bodies with jurisdiction over the development. These guidelines are to be used in conjunction with applicable governmental standards and ordinances and the Community Charter for the development. Should conditions imposed by any provision of these Design Guidelines conflict with those conditions imposed by a County or other applicable regulatory agency code or regulation, the more restrictive provision shall govern.

Any approvals, fees, assessments, or taxes of the Lancaster Municipal District No. 1 are totally separate and apart from those of these Residential Design Guidelines or those of the Association.

Administration and Interpretation

During the development period, the Founder retains final authority for the interpretation and enforcement of the design guidelines and review and approval process; however, the Founder may from time to time delegate these responsibilities to an appointed review committee (the Founder's Review Committee). While some features of the design guidelines are mandatory, others may be waived when it can be demonstrated that the overall spirit and intent will be preserved. Since individual conditions and circumstances may vary, such discretionary actions shall not constitute or imply a binding precedent.

Upon termination of the development period, the Founder may further delegate these responsibilities to an appropriate committee of the Association.

In the event that there is a discrepancy between requirements set forth in any portion of these design guidelines and requirements set forth by an applicable ordinance, the more restrictive requirement shall prevail.

DESIGN REVIEW

Founder's Review Committee or its designee has authority to review plans and specifications for all improvements described herein, shall be the conclusive interpreter of these Design Guidelines, shall monitor the effectiveness of these Design Guidelines, and may promulgate additional design and architectural standards and review procedures consistent with these Design Guidelines from time to time as it deems necessary and appropriate.

INTERPRETATION

The provisions of these Design Guidelines shall be held to be the minimum requirements for the promotion of the health, safety, welfare, order and prosperity of the present and future inhabitants of the Bear Creek community.

REVIEW PROCEDURES

Exterior construction on properties within the Bear Creek community that are visible from adjacent property, public right of way, or public open space, must be reviewed and approved by the Founder's Review Committee or its designee prior to the commencement of work. Each Owner shall submit for review an application, plans, and exhibits no later than thirty days prior to the commencement of construction.

LIMITATION OF LIABILITY FOR APPROVAL OF PLANS

Review and assessment of plans and specifications are based solely on aesthetic considerations as informed by these Design Guidelines. Neither Founder nor its designee shall bear any responsibility for ensuring the structural integrity or soundness of approved new construction or modifications, nor for ensuring compliance with building codes or other governmental requirements. Neither Founder nor its designee shall be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction or modifications to any property within the Bear Creek community.

PRE-DESIGN SITE MEETING

A pre-design site meeting with a representative of the Founder's Review Committee is available to Builders and to Homeowners for the purpose of reviewing the criteria of these Design Guidelines. An appointment for a pre-design meeting may be made by calling the Founder's offices.

REVIEW PERIOD

The Founder's Review Committee or its designee will meet regularly to review plans submitted for approval, but may require the submittal of additional material and may postpone action until such required materials have been submitted. Founder's Review Committee or its designee will

reply to submittals in writing if additional materials are necessary and will take action within thirty days of receipt of required materials. A written copy of the decision will be sent by mail within five days of the decision.

APPEAL

An Owner shall have the right to appeal a decision as described above by resubmitting the required information; however, such appeal shall be considered only if the appellant has modified the proposed construction or has new information which would, in the opinion of Founder's Review Committee, warrant a reconsideration. Upon re-submittal, Founder's Review Committee shall have ten days to approve or disapprove the re-submittal. The filing of an appeal does not extend any maximum time period for the completion of any construction.

IMPLEMENTATION OF APPROVED PLANS / PENALTY FOR NONCOMPLIANCE

All projects and construction shall be implemented per approved plans or requests. If construction is found to not be in accordance with the approved Plans, Founder's Review Committee will require the Owner (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 Community Charter for the development. In such case, Founder's Review Committee or its designee, whichever is appropriate, shall notify the Owner that it may take action to remove the noncompliance and/or seek injunctive relief, recovery of costs incurred, and imposition of a fine, which fine shall not exceed 10% of its cost of achieving compliance.

The Founder's Review Committee, at its sole discretion, may require the Builder to provide a Certificate of Accuracy from a registered licensed Surveyor (hired by the Builder) attesting to the accuracy of the building foundation as approved by Founder's Review Committee. The certificate shall be in the form of an improvement survey showing dimensions of foundation to property lines, top of curb, and elevations (related to USGS datum or equivalent benchmark) of top of foundation. Points at which elevations are taken shall be clearly identified and correlate with location of top of foundation as shown on the final approved plans.

PERIOD OF PLAN VALIDATION

For initial construction of a structure, final approval of plans is valid for twelve months unless otherwise agreed to in writing by Founder's Review Committee and the Builder or Homeowner. Construction shall begin within this period and be completed within twelve months from commencement of Construction. Construction is deemed commenced when the foundation for the structure has been formed.

Design Review Application

The following documents are required for a design review submittal:

APPLICATION

The Owner shall submit a Design Review Application to Founder's Review Committee or its designee. Such Application shall meet the following requirements:

- (A) Owner Information, including:
 - (1) Owner's name, address, and telephone number;
 - (2) Type of project; and
 - (3) Address of construction
- (B) Nature of Request. The Owner shall attach to the Application a written description of the proposed project. If the Application is being re-submitted pursuant to an appeal of a decision, the application shall clearly state such fact.
- (C) All Applications shall be addressed to the appropriate committee at the address set forth on the cover of these Design Guidelines.

REVIEW FEES

There will be no fee required by for the initial review and first appeal, if applicable. A review fee of \$500.00 is required for a second appeal after plans have twice been denied. This fee will be paid at the time the appeal is submitted.

In the case that, in the judgment of Founder's Review Committee, review by professional architects, landscape architects, engineers or the like is necessary, then the Owner shall be responsible for the payment of all associated professional fees. Final approval shall be contingent upon payment by the Owner of such fees.

PLANS

All applications for construction shall include 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.

- (A) Architectural Plan Review. For new building construction or major improvements, such as room additions, remodels, structural changes or accessory building construction, the Builder or Homeowner shall submit to Founder's Review Committee one set of professionally prepared 24"x36" or 11"x17" construction documents at a scale of 1/8"=1'0" that includes the following:
 - (1) Architectural elevations (front, side and rear), indicating typical proposed grade lines, finish floor elevations, top of slab elevations and building height calculations.
 - (2) Floor plans, including square footage for each floor.
 - (3) Roof plans indicating pitches, ridges, valleys and location of mounted equipment
 - (4) Locations of all proposed exterior materials
 - (5) Exterior details, including items such as chimneys, exterior stairs and decks, railings, and deck supports
 - (6) Typed schedule of all finished exterior materials and colors, including siding and downspouts, trim/ gutters, roofing, garage doors, front door, and window trim.
 - (7) Cut sheets for exterior lighting
 - (8) Any other proposed improvements
 - (9) Lot, block, subdivision name, street address with Owner's and Builder's names listed.

Samples of materials and/ or a 4'x4' lay-up of masonry or stone material at the construction site may be required at the discretion of Founder's Review Committee.

(B) Site Plan Review. For new building construction, the Builder or Homeowner shall also submit to Founder's Review Committee one set of 8½" x 11" or larger construction documents to include the following:

- (1) Site Plan for each lot, at a scale of 1"=10'-0" or 1"=20'-0".
- (2) Lot lines and dimensions, building setbacks, street right-of-way, curb lines and easements.
- (3) Existing and proposed contour lines at 1' intervals extending 10' past all property lines, existing top of curb or proposed street elevations, finish grade at building corners, drainage swales.
- (4) Building footprint, main finished floor elevations and garage slab elevations.
- (5) Walks, driveways, drainage structures, fire hydrants, decks, accessory structures, fencing, retaining walls with top and bottom of wall elevations.
- (6) All proposed plant locations, types, quantities and sizes, and location of turf and other ground cover materials shall be shown on the plan and labeled. The plan shall also indicate grading and layout of all additional landscape improvements such as berms, walks, and structures.

(C) Environmental Protection Plan. An Environmental Protection Plan is required for all lots and shall address the following three topics:

- (1) Soil erosion control, i.e., measures designed to minimize erosion both during and after construction;
- (2) Protection of existing vegetation. Identification of vegetated areas to be preserved and methods of protecting existing vegetation during the construction phase shall be described;
- (3) Revegetation of disturbed areas. The revegetation plan shall include plans for the revegetation of land disturbed by development and construction activity.

Each Builder shall make an initial submission of an architectural plan for each plan and elevation, which will include a typical Site Plan. A separate submission for each home to be built is not required unless the home includes an elevation, materials, or appertenances not previously approved by the Founder's Review Committee.

ADDITIONAL INFORMATION

Founder's Review Committee may require the submittal of additional plans, drawings, specifications, samples or other material if deemed necessary to determine whether a project will comply with these Design Guidelines.

DESIGN REVIEW CRITERIA

While the Design Guidelines are intended to provide parameters for design and visual quality, they are not all-inclusive. In its review process, Founder's Review Committee will consider, among other things, the quality of workmanship, harmony of design with existing lots and structures, topography, and finished grade elevations. Such assessment will be based solely on aesthetic considerations, as informed by these Design Guidelines.

VARIANCES

Founder's Review Committee may grant variances when circumstances require deviation from these Design Guidelines. Such circumstances may include limitations caused by topography, natural obstructions, or other environmental considerations.

Site Planning

As the location and orientation of structures on residential lots contribute directly to the visual appeal of the streetscape and to the quality of views from community open space, this section provides guidelines for the arrangement and presentation of structures on residential lots.

For the purposes of these Residential Design Guidelines, lots with a typical width at the front building line of fifty feet (50'), sixty feet (60'), or eighty feet (80') shall be referred to as the fifty foot (50') lots, the sixty foot (60') lots, or the eighty foot (80') lots, respectively.

RESERVED LOTS

Certain lots are reserved for the purpose of providing a view corridor to the community's model homes and the amenity center. These reserved lots shall not be built upon until late in the final phase of development, unless otherwise approved by the Founder's Review Committee. The reserved lots are listed in Exhibit B.

BUILDING LAYOUT

Structures should be designed to fit the constraints of the topography. Using structures to accommodate slopes is encouraged in lieu of extreme cut/fill slopes and construction of retaining walls.

BUILDING ENVELOPE

Each lot has a building envelope defined by the building setbacks and the maximum building height. Although the envelope forms a box, the goal should never be to fill the box with a building. Rather, the use of varied setbacks and articulated building facades should be used to minimize monotonous repetition. Homes should be centrally located on the lot with building height and profile in scale with the surrounding structures and topography. The maximum height of residential structures is thirty-five (35) feet. In the interest of providing visual relief along the street, varied front setbacks are encouraged.

ARCHITECTURAL VARIETY

In order to maintain architectural variety along the residential street, the following requirements apply:

Plan/elevation repetition policy: Homes of the same plan and front elevation shall maintain a minimum of two (2) units between one another, whether on the same side of the street or on the opposite side of the street. Homes of the same plan but with a different front elevation shall maintain a minimum of one (1) unit between one another, whether on the same side of the street or on the opposite side of the street.

Brick repetition policy: For fifty foot (50') lots, homes using the same brick shall maintain a minimum of one (1) unit between one another, whether on the same side of the street or on the opposite side of the street. For sixty foot (60') and eighty foot (80') lots, homes using the same brick shall maintain a minimum of two (2) units between one another, whether on the same side of the street or on the opposite side of the street.

UTILITIES AND UTILITY EASEMENTS:

Pipes, wires, poles, utility meters and other utility facilities shall be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure. Locations of utilities and utility equipment require approval by Founder's Review Committee prior to installation. For purposes of these Design Guidelines, utilities shall include water, sewer, electrical, telephone, cable television, and miscellaneous conduits.

Prior to commencing construction, owners are responsible for locating and avoiding existing water, sewer, electrical, cable television and other utility lines or building over utility easements. It is the responsibility of the owner to repair or replace existing utilities damaged during work on his or her lot.

GREENBELT EDGES / COMMUNITY OPEN SPACE

The visual impact of buildings, landscaping, accessory structures and other built elements along Greenbelt edges must be carefully considered during the design process. Attractive, well-articulated facades are encouraged. Lots adjacent to Greenbelts will be reviewed with special attention to the rear building facade.

Unbroken blank facades, unfinished foundations and similar conditions are prohibited.

Architecture

All plans for construction of buildings and other architectural features shall be prepared by a qualified designer and submitted to Founder's Review Committee for review prior to construction. Each submittal will be reviewed with respect to its ability to perpetuate a harmonious relationship with neighboring homes.

STYLE

Due to the importance of residential architecture to the visual context of the community, all architecture should reflect high quality and craftsmanship, both in design and construction. While no mandatory architectural style is required, the use of unusual shapes, colors, and other characteristics that cause disharmony should be avoided.

MASSING

Each structure in the community should complement its site through thoughtful attention to the massing and arrangement of each structure's architectural components on the site and surroundings.

The design of residential structures should include all facades, rather than emphasizing only the front elevation. Large unbroken planes are not considered in keeping with the desired scale of the development. Accessory buildings and enclosures should complement the style and scale of the main structure to develop well-balanced massing.

SQUARE FOOTAGE

The required square footage minimums of air-conditioned living area, not including the garage is as follows:

- * fifty foot (50') lots: 1,300 sq. ft.
- * sixty foot (60') lots: 1,500 sq. ft.
- * eighty foot (80') lots: 1,800 sq. ft.
- * a maximum of twenty percent (20%) of the 50' lots may have an 1,150 minimum square footage requirement.

EXTERIOR SURFACE MATERIALS AND COLORS

Homes should be designed with careful attention to the combination and interface between materials. Materials chosen should be appropriate for the theme and scale of the building, compatible with its location within the neighborhood, and expressive of the community's desired character and image. Founder's Review Committee will review all exterior materials as to type, color, texture and durability, as well as the extent of use of any single material or combination of materials.

Materials such as natural stone and brick masonry (clay-fired brick or concrete brick is permissible), Owens-Corning cultured stone veneer or equivalent, acrylic-based stucco, vinyl or fibrous cement siding and trim, and select use of natural wood will be encouraged as exterior building materials in keeping with the image of the community and the desire for visual harmony. Incorporating more than one such material on exterior walls is allowed provided their use does not detract from the building's overall design and form. All materials should appear as structural elements and not merely superficial.

Brick masonry should include special details such as coining, soldier and other decorative coursing, patterned lay-ups, articulated window headers and sills, and special chimney statements. Brick percentage requirements are as follows:

Fifty foot (50') lots: Brick percentage requirement is fifty percent (50%) of the first floor, measured to the eave line or top plate of the first floor. The front elevation brick requirement is one-hundred percent (100%), measured to the uppermost eave or plate line, exclusive of porches and area above first floor roofs. Brick shall be extended above first floor roof lines where possible. Side elevations must be brick to the rear yard fence or ten feet (10') back from the front corner of the home, whichever is greater.

Sixty foot (60') and eighty foot (80') lots: Brick percentage requirement is seventy percent (70%) of the first floor, measured to the eve line or top plate of the first floor. The front elevation brick requirement is one-hundred percent (100%), measured to the uppermost eve or plate line, exclusive of porches and area above first floor roofs. Brick shall be extended above first floor roof lines where possible.

First two lots adjacent to the main collector road: The homes on the first two lots adjacent to the main collector road, Bradberry Drive, shall be one story homes or one hundred percent (100%) brick on the side facing the collector road and the rear elevation (first and second floors). These lots are identified in Exhibit B.

Street corner lots: The homes on street corner lots must be one hundred percent (100%) brick on the side elevation facing the street (first floor only). These lots are identified in Exhibit B.

Concrete foundation walls shall not be exposed in excess of 6" and shall be faced or finished to blend with the general architectural design of the building.

Stone masonry joints shall be raked clean where appropriate, and held to a maximum of 1" in width. A 4'x4' sample lay-up of all stone masonry may be required on-site, to be reviewed prior to installation of the stone. Owens-Corning cultured stone veneer or its equivalent may be used. The use of Masonite, plywood, aluminum or metal siding is not allowed.

Siding is discouraged but will be considered for chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or exterior walls that do not bear on the foundation. Only vinyl or fibrous cement siding and external trim materials shall be allowed. Siding material shall continue to within 6" of finished grade on any elevation. Knotty species of wood and other "rustic" textures are likewise discouraged unless good reason can be shown that it will significantly enhance the design of the home. Owners shall obtain written approval from Founder's Review Committee prior to installing or replacing siding that differs from the original siding material. The following are prohibited except with the express written consent of Founder's Review Committee:

- Metal structures such as sheds
- Multi-colored masonry
- Exposed cinder block
- Metal as a building skin
- Mirrored glass
- Clay tile roofs

The use of color shall generally be restricted to earth tones or natural colors found in the immediate surroundings, and shall apply equally to additions and/or alterations to existing structures as well as to new detached structures. Garish colors and color combinations, and/or unusual designs are discouraged. No bright, unfinished or mirrored surfaces will be allowed.

SIDEWALKS, WALKWAYS AND DRIVEWAYS

Each residence shall have a community sidewalk four feet (4') in width from property line to property line. Street corner lots will have a community sidewalk four feet (4') in width wrapping the street side of the home from the front property line to the rear property line. Sidewalks shall have a medium broom finish.

Lots which are a part of the trail system will require six foot (6') wide sidewalks. These lots are identified in Exhibit B.

Driveways shall be either concrete paved with a medium broom finish, stamped and colored concrete, or exposed aggregate concrete. Driveways shall be perpendicular to the street and shall not exceed 12% slope.

Extension or expansion of driveways requires approval by Founder's Review Committee prior to installation. Founder's Review Committee may not approve such extensions or expansions intended for side yard parking or vehicle storage.

ROOFS

All roof materials and colors are subject to Founder's Review Committee approval. Roof color should complement colors on the home and should be weatherwood or equivalent. Twenty (20) year fiberglass composition shingles should be used. Reflective roofing materials are prohibited. Metal roofs shall be considered reflective unless they have been painted or otherwise treated to reduce or eliminate reflections. Skylights shall be of flat glazed glass units. Roof pitch should be a 5:12 minimum slope for fifty foot (50') lots and a 6:12 minimum slope for sixty foot (60') and eighty foot (80') lots.

Founder's Review Committee approval is required prior to installation of rooftop equipment and accessories. All rooftop mechanical equipment shall match roofing colors and be screened from neighboring properties and community open space. Exposed flashing, gutters and downspouts shall be painted to match the fascia and siding material of the structure. Solar equipment and skylights shall be incorporated into the structure and building mass and be architecturally compatible with the residence.

GARAGES

On all alley serviced lots, garages should be rear-loading. Otherwise, garages may be side- or front-loading and should not dominate the street view of the home. In all neighborhoods, garage doors should be selected to evoke a sense of quality with attention paid to jamb details and shadow lines, but must be metal to be durable. Automatic door openers are recommended for all garage doors.

Fifty foot (50') lots: Alley serviced lots must have a one (1) car garage minimum. Non-alley serviced lots must have a two (2) car garage minimum.

Sixty foot (60') and eighty foot (80') lots: All lots must have a two (2) car garage minimum.

Detached garages shall be compatible with and complementary to the main residence in architectural style, material, color and location, and are allowed only with the express approval of the Founder's Review Committee.

SECURITY DOORS AND WINDOWS

Requests for security treatments for doors and windows must be approved by the Founder's Review Committee prior to installation; however, the use of "burglar bars", steel or wrought iron bars, or similar fixtures on the exterior of any windows or doors is strictly prohibited. Approval is not required for the addition of screen doors or other type doors to a home or an accessory building if the material matches or is similar to existing doors on the home and if the color is complementary to that of existing doors on the home

WINDOWS

Windows shall be of clear glass or a tinted glass of bronze, gray, green or smoke color. The use of reflective glass, reflective tinting, or lining with reflective material is prohibited. Divided lite windows shall be utilized on the front elevation of each home. Founder's Review Committee approval is required for exterior shutters. Shutters shall be of a material similar to and of a color and design generally accepted as complementary to the exterior of the home.

AWNINGS AND OVERHANGS

The use of awnings and overhangs requires Founder's Review Committee approval prior to installation. The materials and colors shall be the same or generally recognized as being complementary to the exterior of the building and will be attached directly to the structure. Neither metal nor plastic awnings will be allowed on any elevation fronting or siding to a street.

CHIMNEYS

External chimneys (foundation projection with a brick ledge) on the front elevation must be constructed of brick or stone to the chimney cap on three sides (side adjacent to the home may be siding). All chimneys, regardless of location, must be constructed with an enclosure (no external flue piping). Interior chimney enclosures may be constructed of siding material.

DECKS & PATIOS

Founder's Review Committee approval is required prior to the installation of a deck or patio. Decks and patios shall be constructed of wood, concrete, brick, high density concrete blocks (pavestone or similar), or of a material similar to that of the residence and, if painted, shall be painted a color similar to or generally accepted as complementary to the residence. Decks or patios shall be located so as not to obstruct or diminish the view from or create a nuisance for adjacent property owners. Construction shall not occur over easements and shall comply with the applicable Design Review procedures as stated herein.

PAINTING/ REPAINTING

Founder's Review Committee approval is required prior to 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. Exterior finishes should consist of subdued earth tones such as gray, green, brown, muted blues or reds, or other similar colors. White, primary colors, and other bright colors may be permitted as accent colors only. Downspouts shall be painted to match the body color of the home. Generally, garage doors should be painted a muted color and blend with other colors of the home, as prescribed herein.

ALTERATIONS, ADDITIONS, AND EXPANSIONS

Founder's Review Committee approval is required prior to 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.

ACCESSORY STRUCTURES

Founder's Review Committee approval is required prior to construction of any accessory structure, including but not limited to sheds, gazebos, greenhouses and permanently installed playhouses. Applications for accessory structures will be reviewed with regard to lot size, setbacks, and primary building size. Accessory structures shall be located in the rear yard or in a location not prominently visible from the street, and shall adhere to the standards described herein. Accessory structures shall be architecturally compatible with the home and shall meet the following criteria:

- 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.
- An accessory structure's roofing materials shall match those of the main residence.
- Accessory structures shall be no larger than 8'x8'.
- Utilities servicing accessory structures shall be installed underground.
- Accessory structures shall conform to the side and rear yard setbacks, as established by the City.
- Accessory structures shall not unreasonably obstruct any adjacent neighbor's views of public open space.
- Accessory structures shall extend no more than two feet (2') above the yard screening fence.

Carports (non-fully enclosed automobile shelters) and temporary sheds are prohibited.

EXTERIOR LIGHTING

Founder's Review Committee approval is required prior to changing or adding exterior lighting. In reviewing lighting requests, Founder's Review Committee 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 in size as is reasonably practical. All lighting shall be compatible with the architecture of the residence.

All landscape lighting in the front yard or the side street yard shall be incandescent. 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.

AIR-CONDITIONING AND OTHER MECHANICAL EQUIPMENT

All mechanical equipment, including air-conditioning equipment, shall be located in a side or rear yard only and shall be screened from view. No window, roof or wall-type air conditioner that is visible from any street or any other Lot shall be used, placed or maintained on or in any home, garage or other improvement.

LIFESTYLE ACCESSORIES

Unless otherwise specified otherwise, the following items require Founder's Review Committee approval prior to installation. This list is intended to serve as a guide and should not be construed to be all-inclusive.

Clotheslines - Clotheslines of any type are prohibited.

Dog Runs - Dog runs should be located within side or rear yards in such a way that they are not visible to neighboring properties or to community open space. Generally, dog run areas should not exceed three hundred (300) square feet in size and fence height should not exceed five (5) feet. The dog run fencing should be compatible with the home in material and color. Dog runs shall be well screened from neighboring properties and streets with landscaping. "Dog kennels" are not allowed.

Playground Equipment/Sports Equipment/Grills - Jungle gyms, swing sets or similar playground equipment shall be positioned on the Lot so as not to be visible from any street, but no closer to the side within rear lot lines than ten feet (10'). Any playground or other play areas, barbecue grills or equipment furnished as part of the common property of the subdivision shall be used at the risk of the user. Other playground equipment, sports equipment, or grills that are more portable in nature may be temporarily used in the front of the home in view of the street. When not in actual use, all such equipment shall be stored out of view from the street. No playground or other sports equipment or grills shall be permanently erected on the front or side street side of the Lot, visible from any street.

Flagpoles - No free standing flagpole shall be permanently erected on any Lot. A temporary flagpole approved by the Founder's Review Committee may be erected on a Lot with a model home until such time that the Lot on which the model home is situated is sold. The Founder's Review Committee may also design and erect permanent free standing flagpoles as part of entryway or common property ornamentation. Temporary poles may be kept in the front of the lot for a period not to exceed ten (10) days prior to and five (5) days following an appropriate national holiday.

Satellite Dishes and Antennas - Television antennas, radio towers or masts, and satellite dishes larger than one (1) meter in diameter are prohibited. The satellite dish, antenna, or mast shall be placed in the rear or side of the home in such a manner that it is screened from view from adjacent streets and neighboring properties and shall not be constructed on any utility easement or other easement or right-of-way located on any lot. The installation of a satellite dish, antenna, or mast shall also comply with the following minimum conditions:

- Must be securely mounted to a base, so as to be able to withstand the effects of high winds or other extraordinary weather conditions; however, no guy wires or similar mounting apparatus will be allowed.
- No advertising slogans, logos, banners, signs or any other printint or illustration whatsoever shall be permitted.
- Shall not ever be used to send or receive any ham radio signal.

- Shall not be permitted to cause any distortion or interference whatsoever with respect to any other electronic device in the subdivision.
- Shall be one solid color only; either white or black or shades of either brown, gray or tan.
- Must be installed in a manner that complies with all applicable laws and regulations and manufacturer's instructions.

Spas / hot tubs - Spas shall be located in the side or rear yard in such a manner that it is screened from view from adjacent streets and neighboring properties. Spas should be designed as an integral part of the deck or patio area where they are located.

Swimming Pools – In reviewing requests for swimming pool installation, consideration will be given to, but not necessarily limited to, setback from and impact on neighboring properties and the size of the pool enclosure.

Temporary Structures - Temporary structures, other than playhouses and those used during the initial construction of a residence, are not allowed.

Signs - Founder's Review Committee shall have the right and privilege to develop and implement uniform signage specifications and requirements applicable throughout the community, including entryway signage, community signage, Builder signage and model home signage. Existing homes for sale or for lease shall have no more than one temporary sign per lot that advertises property, which stands no more than four (4) feet high, which has dimensions of no more than 18"x24", which is conservative in color and style and which does not display inflammatory, derogatory or foul language. Temporary signs may be displayed only while the lot / home is for sale or lease and shall be removed when the property is no longer for sale or lease. Homeowners shall be allowed to temporarily display a sign which promotes a political candidate, party or issue for a two (2) week period starting not earlier than two (2) weeks prior to the date of the election or referendum and which must be removed no later than the day after the date of the election or referendum, providing it follows the standards listed above as to size, shape, color and content. The Founder's Review Committee or its designees shall have the right to enter any Lot and remove any sign, billboard, poster or advertising device which is not permitted and in doing so will not be subject to any liability for trespassing or other tort in connection therewith or arising from such removal.

Trade signs, which include but are not limited to landscaping, painting, remodeling, etc., may only be displayed while work is in progress. Founder's Review Committee may dictate a specific uniform size, style and color for such trade signs.

Addresses - Each home shall provide a cast stone address sign incorporated into the masonry of the front of the residence and clearly visible from the street. Painting of address numbers on the street curb is prohibited. One security sign may be permitted in the front yard located either adjacent to the driveway or in close proximity to the front entrance of the main dwelling. Founder's Review Committee may impose size, shape and color restrictions on security signs.

Fire Wood Storage - Approval is not required for storage of firewood provided it is located in the enclosed rear yard only, is not visible from any street, and is neatly stacked.

MAILBOX REQUIREMENTS

Brick double mailbox located on the common property line, constructed out of the brick from the first home built are required. An alternative is the cluster box with brick or stone base as permitted by the Postmaster.

Landscaping

In order to provide an attractive environment for all residents of the community, it is important that all residential landscapes work in harmony with both the built and the surrounding natural environment. Careful integration of site grading, architecture, and landscaping will accomplish this, while also maximizing each site's potential.

- View corridors into public open space should be maintained when siting residences and designing residential landscapes.
- Homeowners are required to extend landscaping to the street curb or sidewalk where it is adjacent to the street.
- Each homeowner is required to maintain the landscaping on his or her lot, as described herein.

INITIAL LANDSCAPING

The homeowner shall install landscaping no later than thirty days after a certificate of occupancy is issued. Sod shall be installed to cover 100% of the lot (exclusive of the area enclosed by the rear yard fence) before home completion and occupancy. Qualified landscaping professionals shall perform initial installation of all landscaping.

SOIL ENHANCEMENT

Topsoil shall be natural, fertile, friable, soil possessing characteristics of representative productive soil in this vicinity. It shall not be excessively acid or alkaline or contain toxic substances, which may be harmful to plant growth. Topsoil shall be free from weeds and other noxious materials. Topsoil shall not be stripped, collected or deposited while wet.

LOT GRADING

Homeowners shall not grade their property in a manner that interferes with the established drainage pattern over any property. Homeowners should work with the natural contours and seek solutions that minimize the impact of grading with respect to major alterations of existing grades. Grading shall not extend onto adjacent properties without approval of the Owners of those adjacent properties.

Berms, slopes and swales may be used to define spaces, screen undesirable views, and reduce noise and high winds but should not exceed three feet of horizontal distance to one foot of vertical height (3:1 slope). Extensive cut/fill slopes are discouraged. Fill slopes shall not exceed 3:1. Cut slopes may be 3:1 if the soil's natural angle of repose allows.

Terracing which utilizes retaining walls may be used where the space cannot accommodate the maximum slope, provided that retaining walls conform to the guidelines expressed herein

DRAINAGE

Existing and proposed drainage and grading shall be indicated on the site plan. Homeowners may make drainage modifications to their Lots provided that they do not alter the established drainage pattern.

Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the home, and shall prevent water from flowing under or ponding near or against the home foundation. Water shall flow fully over walkways, sidewalks or driveways into established drainage patterns. Obstruction of surface flows resulting in a backup of water onto any lot is strictly prohibited. If deemed necessary, Founder's Review Committee may require a report from a drainage engineer as part of landscaping or improvement plan approval.

As defined below, accepted erosion control measures shall be used during construction to reduce adverse silting impacts downstream.

EROSION CONTROL

To prevent erosion and siltation, all erodable areas of disturbed soil shall be protected until the soil is stabilized. Failure to exercise proper soil and sediment control techniques, particularly in areas which drain directly into ponds, detention facilities, public open space, streets or storm sewer inlets may result in the installation of erosion control devices by Founder's Review Committee and the costs thereof assessed against the offending party. The builder (or homeowner) shall landscape slopes within seven days after grading is completed.

Accepted erosion control techniques include the use of sedimentation basins, filtration materials such as straw bales or permeable geotextiles, and slope stabilization fabrics or tackifiers.

PLANT MATERIALS

Landscaping shall consist of a combination of sodded turf areas and shrub and groundcover bed areas. Front yard and side yards exclusive of the area enclosed by the rear yard fence shall be 100% sod where there are no beds. Shrub and groundcover bed area shall contribute no less than 15% nor more than 50% of the total front yard area. Large expanses of mulch or bed areas without substantial shrub or groundcover plantings are unacceptable. Stone or gravel mulch with harsh, unnatural or high contrast colors is prohibited.

Tree Requirements – One tree of 1"-1 ½" caliper size is required in the front yard of each residential property.

OTHER LANDSCAPING REQUIREMENTS: 50' LOTS

- 100% of the lot should be sod (exclusive of the area enclosed by the rear yard fence and any planting beds.
- Eight (8) three to five (3-5) gallon shrubs are required in the front yard.
- Five (5) one (1) gallon shrubs are required in the front yard.

- All planting beds are to be mulched.

OTHER LANDSCAPING REQUIREMENTS: 60' AND 80' LOTS

- 100% of the lot should be sod (exclusive of the area enclosed by the rear yard fence and any planting beds).
- Twelve (12) three to five (3-5) gallon shrubs are required in the front yard.
- Five (5) one (1) gallon shrubs are required in the front yard.
- All planting beds are to be mulched.

LANDSCAPE MAINTENANCE

To perpetuate the community's visual integrity by ensuring healthy well-maintained plant materials, each residential lot should receive routine maintenance. The following practices are suggested to help minimize maintenance problems:

- Plants should be selected with regard to growth rate, regional climate and to their ultimate size and shape.
- Plants and irrigation heads shall be located away from pedestrian/bicycle traffic.
- Irrigation systems should be maintained. Such maintenance should include draining and servicing sprinkler systems and conducting operational checks on a weekly basis to ensure proper performance of the system.
- Soil mixes should include sufficient organic material (30% per tilled depth).
- At least 2" of shredded hardwood mulch, or comparable, should be used in planting beds to hold soil moisture and to help prevent weeds and soil compaction.
- Fertilization, weed and pest controls, etc. should be provided only as required for optimum plant growth.
- Woody plants should be pruned only when needed, and never by more than one-third.
- Trees should be spaced to allow for efficient mowing.
- Plants with similar sun, water, and space requirements should be located together.

IRRIGATION

Automatic irrigation systems are not required for residential properties. However, the following items apply when designing an irrigation system.

- The irrigation system shall provide 100% coverage of the landscaped areas in all front and side yards.
- The environment of the area - wind, rain, temperature, sun exposure and topography - should be considered when designing a system.
- Drip or bubbler irrigation systems are recommended for trees.
- Regular maintenance of the irrigation system shall be performed so as to minimize waste of water.

WEED BLOCK

The use of solid plastic sheeting or polyethylene over ground plane areas is strictly prohibited. If landscape fabric is used, such fabric shall be of an A.B.S. or Nylon A.B.S. composite type to allow the free flow of water, air, and gasses to and from the soil.

WALLS

The installation of walls requires Founder's Review Committee approval. Walls should appear as extensions of the home's architecture and be complementary to the main structure. Walls may be used to enclose and define courtyards, extend and relate the building forms to the landscape, and provide security and privacy. In no case should they block community views to public open space. Freestanding walls shall not exceed six feet in height. Low decorative walls that are part of the landscape design will be considered. Front yard landscape walls shall not exceed three feet in height.

If a retaining wall is necessary, it shall be constructed from Milsap stone or interlocking masonry units. If greater than four (4) feet in height, it shall be engineer-certified. Walls shall be located so as not to alter established drainage patterns. The Owner/ Builder of the "high side" property shall be responsible for installation of side property line retaining walls.

The foregoing standards are intended as an aesthetic guide only. Neither Founder's Review Committee nor its designee ensures the soundness, structural integrity, or effectiveness of retaining walls constructed in conformity with this section. Neither Founder's Review Committee nor its designee shall be responsible for ensuring the structural integrity or soundness of any approved retaining wall.

FENCES

Some lots may require special fencing and are designated below. Other lots may have a wooden fence not to exceed six (6) feet in height. No fence may be painted but may be sealed in a natural color or allowed to weather naturally. The smooth side of each wooden fence shall face any street or public right-of-way.

Community Identity Fencing is intended to contribute to a community-wide design style or theme and shall consist of masonry columns with solid wood with border-trimmed panels and steel pipe posts. Community identity fencing shall be located in areas of high visibility such as along the main collector road, Bradberry Drive. Lots which require community identity fencing are listed in Exhibit B.

Fencing at the end of cul-de-sacs abutting Bradberry Drive will require wrought iron appearance, box steel fencing. It shall be constructed of masonry columns and four foot (4') wrought iron appearing fencing. The cul-de-sacs requiring such fencing are identified in Exhibit B.

Conventional Privacy Fencing is allowed for interior lots only and may be constructed of wood, masonry or a combination of these materials. If wood is used, sealed spruce or cedar is recommended. Either wood or steel pipe support posts will be allowed, provided that the smooth side of each wooden fence shall face any street or public right-of-way. No fence may be painted but may be sealed in a natural color or allowed to weather naturally.

All fences require Founder's Review Committee approval prior to installation. The following guidelines apply to fences within the community:

- Fencing shall not exceed six feet (6') in height nor extend into the front setback of a lot. Columns shall not exceed nine feet (9').
- Double walls or double fences along common property lines are prohibited.
- Fences shall not extend beyond the front face of the exterior wall that contains the residence's primary front entrance.
- All fences, whether constructed by the homeowner or the builder, shall be well maintained. In the event a fence or wall is damaged or destroyed, the homeowner shall repair or recondition the same at homeowner's expense within three weeks of the damage.
- Wrought iron fences at the end of cul-de-sacs must be maintained and may not be replaced or supplemented by any solid type fencing.

Construction Guidelines

CONSTRUCTION SITE PLAN

Approval of construction site plan by Founder's Review Committee or its designee is required prior to the commencement of any residential construction. Procurement of applicable permits from other governmental agencies is the responsibility of the Owner and shall be obtained prior to commencement of construction. Once begun, construction shall be completed expeditiously and in accordance with approved plans.

Prior to the commencement of construction activity, the Owner shall provide to Founder's Review Committee a detailed plan for the construction site including: size and location of the construction material storage area, limits of excavation, erosion control measures, drive areas, parking areas, chemical toilet location, location(s) of temporary structure(s), dumpster location, location of debris storage, plan for utility trenching, and location of construction signs. This plan shall also identify the proposed methods of tree protection.

COMPLIANCE WITH PLANS

Contractors are responsible for complying with the approved construction site plan and with these Design Guidelines. If trash, debris, or spillage is not cleaned up, or damage to protected or improved areas is not repaired, Founder's Review Committee reserves the right to complete the cleanup or repairs needed and specifically assess all related costs to the contractor and/ or Owner. Contractors and Owners are encouraged to notify Founder's Review Committee of any potential issues related to compliance with approved plans.

FACILITIES

Hours of Operation - Hours of operation for construction shall be from 7:00 a.m. to 6:00 p.m. during Central Standard Time and from 7:00 a.m. to 8:00 p.m. during Central Daylight Savings Time. Construction operation hours shall be from 8:00 a.m. to 6:00 p.m. on Saturdays. Exterior construction shall not occur on Sundays or holidays.

Construction Trailers, Sheds, Temporary Structures - All construction trailers, sheds, or temporary structures require approval by Founder's Review Committee prior to installation. All

such shelters shall be removed upon completion of construction, with a maximum duration per approval of twelve months. Reapprovals may be granted by Founder's Review Committee prior to the end of any approval period. Temporary living quarters for workmen are strictly prohibited.

Sanitary Facilities - The contractor shall be responsible for providing adequate sanitary facilities for construction workers. Portable toilets or similar temporary toilet facilities shall be located on-site only and in areas approved by Founder's Review Committee.

MAINTENANCE

Protection of Natural Materials - Owners are advised of the fact that building sites may contain trees and other plant materials to be protected during construction. Damage to natural materials or scarring of property, including but not limited to damage to offsite areas is prohibited. Should such damage occur, it shall be repaired and/or restored promptly at the expense of the offending party. Founder's Review Committee reserves the right to complete the cleanup or repairs needed and specifically assess all related costs to the contractor and/ or Owner.

Materials to be protected shall be marked by flagging and protected by fencing or other approved barriers. Founder's Review Committee shall have the right to flag plants to be fenced off for protection. Any trees or branches approved to be removed during construction shall be promptly removed from the construction site.

Prior to commencing work on a building site, the Owner shall have a water-permeable siltation fence installed along the streetside of the lot, and all locations where drainage is designed to flow from the lot under construction onto another lot or open space. The fence shall be a minimum of twenty inches tall, anchored with wooden or metal stakes no farther than eight feet apart, and shall be made of a tight woven nylon or synthetic mesh material. This fence shall be maintained at all times until the ground plane of the building site has been fully vegetated.

Upon completion of construction, each contractor shall clean the construction site and repair or replace all damaged property, including but not limited to restoring grades, planting shrubs and trees as approved or required by Founder's Review Committee and repairing streets, driveways, pathways, culverts, ditches, signs, lighting, and fencing.

Excavation Materials - Excess excavation materials shall be hauled away from the project site except where written arrangements have been made with Founder's Review Committee to haul clean excavated fill dirt to another site within the community. Stockpiled materials shall not be placed within the street right-of-way, and shall remain behind the silt fence at all times.

Dust - The contractor shall be responsible for controlling dust from the construction site. Earthwork shall be sprayed with water as necessary to keep dust at a minimum.

Trash - Regular cleanup of the construction home site is mandatory. All trash and debris shall be stored in a fenced trash disposal area or dumpster and shall be removed from the trash

disposal area on a weekly basis or when full, whichever occurs first. Any soil and/or debris flowing into the street(s) or open spaces from the construction home site shall be removed daily. Founder's Review Committee reserves the right to initiate cleanup of untidy building sites and assess contractors, subcontractors, or Owners for clean-up cost.

Construction Drainage - The Owner shall provide temporary erosion control measures during the construction period as described above.

Vehicles & Access - Construction-related vehicles and including personnel vehicles shall enter the construction site via the construction entrance as designated by Founder's Review Committee. Such vehicles shall be parked so as not to impede traffic or damage surrounding natural landscape. Vehicles shall not be left on community roads overnight. Founder's Review Committee may designate, at the time of plan review or during construction, specific areas for the parking of construction workers' vehicles and/or equipment. Washing of vehicles and/or construction equipment on streets within the community is prohibited, and such washing shall be carried out either fully off-site or within such area designated by the Founder's Review Committee.

Utility Disruption - If telephone, cable TV, electrical, water, or other utility lines are cut, it is the offending party's obligation to report the incident to Founder's Review Committee and the affected utility provider. It is the offending party's obligation to negotiate the repair of such damage with the affected utility provider.

EXHIBIT A
Legal Description

NOTE: Also refer to the Phase 1 plat recording information listed immediately following the legal description.

Tract I

SITUATED in Dallas County, Texas, and being a tract of land in the SAMUEL T. BLEDSOE SURVEY, Abstract Nos. 119, the WILLIAM C. WALKER SURVEY, Abstract No. 1528, and the MONEY WEATHERFORD SURVEY, Abstract No. 1554, and being a part of those certain parcels conveyed to Harvey Properties Company by deeds recorded in Volume 73123, Page 1256 (Tracts A and B) and Volume 73133, Page 2505 (Tract B), in the Dallas County Deed Records, and all being more fully described as follows:

COMMENCING at a 5/8" iron rod found in place in the southeasterly line of State Highway 342 (120 foot wide right-of-way at this point) for the most westerly corner of said Tract A described in deed to Harvey Properties Company recorded in Volume 73123, Page 1256, said point being by description, 9.88 feet North along the west line of said Bledsoe Survey, Abstract No. 119 and the east line of the Heirs of Pollard Kirkland Survey, Abstract No. 746, from the northwest corner of the Samuel T. Bledsoe Survey, Abstract No. 120, the west corner of said Weatherford Survey, and the southerly southwest corner of said Bledsoe Survey, Abstract No. 119;

THENCE North 39 degrees, 08 minutes, 40 seconds East with said southeasterly line of Highway 342 and the northwesterly line of said Harvey Properties Company Tract A (Volume 73123, Page 1256), 230.80 feet to the PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE continuing North 39 degrees, 08 minutes, 40 seconds East with said southeasterly line of Highway 342 and northwesterly line of said Harvey Properties Company Tract A (Volume 73123, Page 1256), at 1860.06 feet passing a southerly line of Red Oak Road (Old Highway 342) [95 foot wide right-of-way at this point], at 2062.51 feet passing a northerly line of said Red Oak Road, at 2786.57 feet passing again said northerly, now westerly, line of Red Oak Road, and at 2912.16 feet passing said southerly, now easterly, line of Red Oak Road, continuing in all 3044.71 feet to the beginning of a curve whose center bears North 50 degrees, 51 minutes, 22 seconds West, 2954.81 feet;

THENCE with said curve and continuing with said southeasterly line of Highway 342 and northwesterly line of Harvey Tract A, a distance of 716.0 feet to a 5/8" iron rod found in place for the end of said curve and the beginning of a curve whose center bears North 55 degrees, 04 minutes, 11 seconds West, 2922.93 feet;

THENCE with said curve and continuing with said southeasterly line of Highway 342 and northwesterly line of Harvey Tract A, a distance of 197.69 feet to a 1/2" iron rod found in place for the north corner of said Harvey Tract A (Volume 73123, Page 1256) and the most westerly corner of that certain tract conveyed to David D. and Barbara Anne Gillis by deed recorded in Volume 76219, Page 1039, of said Deed Records;

THENCE with the northeasterly line of said Harvey Tract A (Volume 73123, Page 1256) and the southwesterly line of said Gillis tract, South 30 degrees, 49 minutes East, passing the south corner of said Gillis tract and a southwest corner of that certain tract conveyed to said David D. and Barbara Anne Gillis by deed recorded in Volume 76219, Page 1035, of said Deed Records, and continuing with said northeasterly line of Harvey Tract A and the southwesterly line of the second said Gillis tract, in all 1360.03 feet to a "Gerry Curtis RPLS 1640" capped 5/8" iron rod set for the southwest corner of the second said Gillis tract in a northerly line of McBride Road (42 foot wide right-of-way to the west of this point) and continuing in said McBride Road (undefined right-of-way) with said northeasterly line of Harvey Tract A (tracts to northeast front on northeasterly line of road and do not adjoin Harvey tract), South 29 degrees, 15 minutes, 05 seconds East, 391.54 feet to a "Gerry Curtis RPLS 1640" capped 5/8" iron rod set for the southeast corner of said Harvey Tract A;

THENCE South 68 degrees, 25 minutes, 30 seconds West with the southeasterly line of said Harvey Tract A (Volume 73123, Page 1256), 15.0 feet to a 5/8" iron rod found in place in the westerly line of said McBride Road for the most northerly corner of said Harvey Tract B as described in said deed in Volume 73133, Page 2505;

THENCE South 30 degrees, 56 minutes, 45 seconds East with the northeasterly line of said Harvey Tract B (Volume 73133, Page 2505) in said McBride Road, 720.17 feet to the most easterly corner of said Harvey Tract B in the easterly line of said McBride Road and in the southeasterly line of said Walker Survey and a northwesterly line of said Weatherford Survey, from which point a 1/2" iron rod bears North 60 degrees, 35 minutes East, 2.44 feet and another 1/2" iron rod bears South 19 degrees, 41 minutes West, 23.84 feet;

THENCE South 59 degrees, 14 minutes, 45 seconds West with said common line between said Walker and Weatherford Surveys and a southeasterly line of said Harvey Tract B and a northwesterly line of that certain tract described in Substitute Trustee's Deed recorded in Volume 95093, Page 408, of said Deed Records, in said McBride Road, 381.94 feet to a "Gerry Curtis RPLS 1640" capped 5/8" iron rod set for an "L" corner in said Harvey Tract B and a northwesterly corner of said Substitute Trustee's tract;

THENCE South 0 degrees, 04 minutes, 15 seconds East with the east line of said Harvey Tract B (Volume 73133, Page 2505) and the west line of said Substitute Trustee's tract, partially in a remnant of said McBride Road, 948.24 feet;

THENCE crossing said Harvey Tract B as described in said Volume 73133, Page 2505, the following courses and distances:

North 89 degrees, 34 minutes, 30 seconds West, 1417.84 feet;

North 0 degrees, 25 minutes, 45 seconds East, 290.0 feet;

North 89 degrees, 34 minutes, 15 seconds West, 590.0 feet;

North 0 degrees, 25 minutes, 45 seconds East, 11.07 feet to the beginning of a curve whose center bears North 89 degrees, 34 minutes, 15 seconds West, 415.0 feet;

northwesterly with said curve, a distance of 371.46 feet to the end of said curve;

North 50 degrees, 51 minutes, 20 seconds West, 223.55 feet;

South 39 degrees, 08 minutes, 40 seconds West and parallel with said southeasterly line of State Highway 342, 15.0 feet;

North 50 degrees, 51 minutes, 20 seconds West, 120.0 feet;

South 39 degrees, 08 minutes, 40 seconds West and parallel with said southeasterly line of State Highway 342, 907.45 feet; and,

North 89 degrees, 34 minutes, 15 seconds West, 320.40 feet to the PLACE OF BEGINNING, and containing 127.7069 acres (5,562,912 square feet), of which 147,936 square feet are contained within said Red Oak and McBride Roads, leaving an area clear of said roads of 124.3107 acres (5,414,976 square feet).

Tract III

SITUATED in Dallas County, Texas, and being a tract of land in the SAMUEL T. BLEDSOE SURVEYS, Abstract Nos. 119 and 120, and the MONEY WEATHERFORD SURVEY, Abstract No. 1554, and being parts of those certain Tracts A and B and all of Tract C conveyed to Harvey Properties Company by deed recorded in Volume 73123, Page 1256 and all of Tract A conveyed to said Harvey Properties Company by deed recorded in Volume 73133, Page 2505, all in the Dallas County Deed Records, and all being more fully described as follows:

BEGINNING at a 5/8" iron rod found in place in the southeasterly line of State Highway 342 (120 foot wide right-of-way at this point) for the most westerly corner of said Tract A described in deed to Harvey Properties Company in Volume 73123, Page 1256, said point being by description, 9.98 feet North along the west line of said Bledsoe Survey, Abstract No. 119 and the east line of the Heirs of Pollard Kirkland Survey, Abstract No. 746, from the northwest corner of said Bledsoe Survey, Abstract No. 120, the west corner of said Weatherford Survey, and the southerly southwest corner of said Bledsoe Survey, Abstract No. 119;

THENCE North 39 degrees, 08 minutes, 40 seconds East with said southeasterly line of State Highway 342 and a northwesterly line of said Harvey Tract A described in Volume 73123, Page 1256, of said Deed Records, 77.01 feet;

THENCE crossing parts of said Harvey Tracts A and B (Volume 73123, Page 1256), South 89 degrees, 34 minutes, 15 seconds East, 803.69 and South 0 degrees, 25 minutes, 45 seconds West, 667.11 feet to a point in the north line of that certain Texas Power and Light Company right-of-way conveyed in Volume 192, Page 0329, of said Deed Records;

THENCE South 89 degrees, 52 minutes, 50 seconds East with the north line of said Texas Power and Light Company right-of-way, continuing with the north line of that certain Texas Power and Light Company right-of-way conveyed by instrument recorded in Volume 5864, Page 60, of said Deed Records, in all 2626.92 feet to a point in the east line of said Harvey Tract B (Volume 73133, Page 2505) and the west line of that certain tract conveyed to Clyde L. Hargrove by deed recorded in Volume 63074, Page 4329, of said Deed Records, in a remnant of McBride Road (width undefined);

THENCE South 0 degrees, 04 minutes, 15 seconds East in said remnant of McBride Road, to and continuing with the east line of said Harvey Tract A (Volume 73133, Page 2505) and with the west lines of those certain tracts conveyed to Karen Sue Fallen (Tracts One and Two) by deed in Volume 99207, Page 4953, of said Deed Records, and to V. H. Harman, Jr., by deed recorded in Volume 89195, Page 0839, of said Deed Records, in all 1098.23 feet to a "Gerry Curtis RPLS 1640" capped 5/8" iron rod set for the southeast corner of said Harvey Tract A and the southwest corner of said Harman tract in the north line of that certain tract conveyed to Troy Reed and wife Katy by deed recorded in Volume 3, Page 585, of said Deed Records, at an "L" corner in McBride Road, and from which point an iron bar found in place bears South 89 degrees, 50 minutes, 30 seconds East, 13.0 feet;

THENCE North 87 degrees, 58 minutes, 30 seconds West in said McBride Road and continuing in Reindeer Road (undefined widths) with the south line of said Harvey Tract A (Volume 73133, Page 2505) and the north line of said Reed tract, continuing with north lines of those certain tracts conveyed to E. P. Wade by deeds recorded in Volume 2720, Page 5, and Volume 2039, Page 192, of said Deed Records, continuing with the south line of said Harvey Tract C (Volume 73123, Page 1256), in all 3495.41 feet to an "Gerry Curtis RPLS 1640" capped 5/8" iron rod set for the southwest corner of said Harvey Tract C at an "L" corner in said Reindeer Road;

THENCE North 0 degrees, 25 minutes, 45 seconds East (base bearing from Harvey Properties Company deeds) with the west lines of said Harvey Tracts B and C (Volume 73123, Page 1256), partially in said Reindeer Road, passing the south line of that certain Texas Power and Light Company right-of-way conveyed by instrument recorded in Volume 7, Page 18, of said Deed Records, continuing across said right-of-way and said Texas Power and Light Company right-of-way conveyed by instrument recorded in Volume 192, page 0329, of said Deed Records, in all 2515.63 feet to the PLACE OF BEGINNING, and containing 145.2442 acres (7,198,123 square feet), SAVE AND EXCEPT said Texas Power and Light Company rights-of-way containing 869,971 square feet, leaving an area clear of said rights-of-way of 145.2744 acres (6,328,152 square feet).

Tract II

SITUATED in Dallas County, Texas, and being a tract of land in the SAMUEL T. BLEDSOE SURVEYS, Abstract Nos. 119 and 120, and the MONEY WEATHERFORD SURVEY, Abstract No. 1554, and being parts of those certain parcels conveyed to Harvey Properties Company by deeds recorded in Volume 73123, Page 1256 (Tracts A and B) and Volume 73133, Page 2505 (Tract B), in the Dallas County Deed Records, and all being more fully described as follows:

COMMENCING at a 5/8" iron rod found in place in the southeasterly line of State Highway 342 (120 foot wide right-of-way at this point) for the most westerly corner of said Tract A described in deed to Harvey Properties Company recorded in Volume 73123, Page 1256, said point being by description, 9.88 feet North along the west line of said Bledsoe Survey, Abstract No. 119 and the east line of the Heirs of Pollard Kirkland Survey, Abstract No. 746, from the northwest corner of the Samuel T. Bledsoe Survey, Abstract No. 120, the west corner of said Weatherford Survey, and the southerly southwest corner of said Bledsoe Survey, Abstract No. 119;

THENCE North 39 degrees, 08 minutes, 40 seconds East with said southeasterly line of Highway 342 and the northwesterly line of said Harvey Properties Company Tract A (Volume 73123, Page 1256), 77.01 feet to the PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED:

THENCE North 39 degrees, 08 minutes, 40 seconds East with said southeasterly line of Highway 342 and the northwesterly line of said Harvey Properties Company Tract A (Volume 73123, Page 1256), 153.79 feet;

THENCE crossing said Harvey tracts, the following courses and distances:

South 89 degrees, 34 minutes, 15 seconds East, 320.40 feet;

North 39 degrees, 08 minutes, 40 seconds East and parallel with said southeasterly line of State Highway 342, 907.45 feet;

South 50 degrees, 51 minutes, 20 seconds East, 120.0 feet;

North 39 degrees, 08 minutes, 40 seconds East and parallel with said southeasterly line of State Highway 342, 15.0 feet;

South 50 degrees, 51 minutes, 20 seconds East; 223.55 feet to the beginning of a curve whose center bears South 39 degrees, 08 minutes, 40 seconds West, 415.0 feet;

southerly with said curve, a distance of 371.46 feet to the end of said curve;

South 0 degrees, 25 minutes, 45 seconds West, 11.07 feet;

South 89 degrees, 34 minutes, 15 seconds East, 590.0 feet;

South 0 degrees, 25 minutes, 45 seconds West, 290.0 feet; and,

South 89 degrees, 34 minutes, 30 seconds East, 1417.84 feet to a point in the east line of said Harvey Tract B (Volume 73133, Page 2505) and the west line of that certain tract described in Substitute Trustee's Deed recorded in Volume 95093, Page 408, of said Deed Records, in a remnant of McBride Road;

THENCE South 0 degrees, 04 minutes, 15 seconds East in said road remnant and with said east line of Harvey Tract B (Volume 73133, Page 2505) and west line of Substitute Trustee's tract, passing the southwest corner of said Substitute Trustee's tract and the northwest corner of that certain tract conveyed to Clyde L. Hargrove by deed recorded in Volume 83074, page 4329, of said Deed Records, continuing with said Harvey east line and the west line of said Hargrove tract, in all 653.05 feet to the north line of that certain Texas Power and Light Company right-of-way conveyed by instrument recorded in Volume 5864, Page 60, of said Deed Records;

THENCE North 89 degrees, 52 minutes, 50 seconds West with said north line of Texas Power and Light Company right-of-way and the south line of said Harvey Tract B (Volume 73133, Page 2505), continuing with the north line of that certain right-of-way parcel conveyed to Texas Power and Light Company by instrument recorded in Volume 192, Page 0329, of said Deed Records, and the south line of said Harvey Properties Company Tract B (Volume 73123, Page 1256), in all 2626.92 feet;

THENCE crossing said Harvey Tract B (Volume 73123, Page 1256), North 0 degrees, 25 minutes, 45 seconds East, 667.13, and North 89 degrees, 34 minutes, 15 seconds West, 803.69 feet to the PLACE OF BEGINNING, and containing 57.4046 acres (2,500,545 square feet).

PHASE 1 PLAT RECORDING INFORMATION

Filed in the Office of the County Clerk of Dallas County, Texas on July 18, 2005 in Volume 2005-138, Page 00234.

EXHIBIT B
Lots With Special Requirements

Reserved lots

The following lots are the Phase 1 reserved lots:

Block E: 1, 2, 3, 4, 22, 23, 24, 25, 26, 27, 28
Block F: 1, 2, 3, 4, 5, 6
Block N: 1, 2, 3, 4, 5, 6, 7, 8, 9
Block P: 6, 7, 8, 9, 10, 11
Block R: 10, 11, 17

Lots adjacent to Bradberry Drive

The following are the Phase 1 lots adjacent to the main collector road, Bradberry Drive:

Block E: 1, 2, 3, 4, 27, 28
Block F: 1, 2, 3, 4, 5, 6, 44, 45
Block M: 1, 2
Block N: 1, 2, 8, 9
Block R: 8, 9, 10, 11
Block S: 14, 15, 16, 17
Block W: 11, 12

Street corner lots

The following are the Phase 1 street corner lots:

Block A: 7, 12
Block B: 1
Block D: 1, 8
Block E: 2, 3, 13, 14, 28
Block F: 1, 4, 5, 19, 20, 35, 39, 40, 45
Block J: 26
Block K: 1, 16, 17, 29
Block M: 1
Block N: 1, 5, 9
Block O: 10
Block P: 1, 5
Block R: 1, 9, 10, 17
Block S: 1, 15, 16, 30
Block T: 1, 9, 10
Block U: 14, 24
Block V: 5, 10
Block W: 11, 18
Block AA: 1

Exhibit B
Lots With Special Requirements
continued

Trail system lots

There are no Phase 1 lots that are a part of the trail system.

Community identity fencing lots

The following Phase 1 lots require the fencing along the side of the lot adjacent to Bradberry Drive to be community identity fencing:

Block E:	2, 3, 28
Block F:	1, 4, 5, 45
Block M:	1
Block N:	1, 9
Block R:	9, 10
Block S:	15, 16
Block W:	11

Fencing at the end of cul-de-sacs

The following cul-de-sacs in Phase 1 require wrought iron appearing fencing

Candace Drive
Newport Drive
Eagle River Trail

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

Cynthia Figueroa Calhoun

Cynthia Figueroa Calhoun, County Clerk
Dallas County TEXAS

September 26, 2005 12:13:38

FEE: \$147.00

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