

ARTICLE III

USE RESTRICTIONS

Section 3.01 Land Use and Building Types. All lots shall be known and described as Lots for single family residential dwellings only (hereinafter sometimes referred to as "Residential Lots") and no structure shall be erected, altered, placed or allowed to remain on any Residential Lot other than one (1) single family dwelling, a detached or an attached garage for not less than two (2) nor more than four (4) cars, with detached garages not to exceed two (2) story height, and bona fide guest's quarters. Unattached structures barns or workshops provided structures are only on a lot or lots contiguous with the lot upon which the primary residence is situated. Such detached or attached garage guest/servants' quarters or barn or workshop shall not exceed the main dwelling height or number of stories of the same and which structure may be occupied only by a member of the family occupying the main residence on the building site or by domestic servants employed on the premises. The dwellings shall not exceed a height of thirty-five (35) feet. As such the term "Residential Purposes" shall be construed to prohibit the use of said Lots for duplex houses, garage apartments, or apartment houses; and no Lot shall be used for business or professional purposes of any kind, nor for any commercial or manufacturing purpose. No building of any kind or character shall ever be moved onto any Lot within said Subdivision without written permission of the Architectural Control Committee.

Section 3.02 Dwelling Size. The total living area of the main residential structure of any Waterfront Lot, exclusive of open porches, garages, and servants' quarters, shall not be less than 2,500 square feet. The total living area of the main residential structure of all other lots shall not be less than 2,200 square feet exclusive of open porches, garages and servant's quarters. The total living area of the main residential structure of a one and one-half (1½) or a two (2) story dwelling shall not be less than 2,200 square feet.

Section 3.03 Single Family Residential Construction. Except as provided in section 3.01 hereof no building shall be erected, altered, placed or permitted to remain on any Lot or Composite Building Site other than one dwelling unit ("Dwelling") per each Lot to be used solely for residential purposes except that one guest house may be built provided said guest house must contain a minimum of 500 square feet and be built after or while the main dwelling is being built and be approved in writing by the Architectural Control Committee prior to construction.

Detached garages, work shops, and barns may be constructed on the property prior to the main dwelling being built, so long as they are of good construction, kept in good repair, and are not used for residential purposes provided, however, and in any event, the construction of the main dwelling must begin within one (1) year of beginning construction of any non residential buildings. All dwellings, detached garages, work shop, and barns must be constructed of similar exterior construction materials to provide a consistent look and must be approved in writing by the Architectural Control Committee prior to being erected, altered or placed on the property.

The term "dwelling" does not include single or double wide manufactured or mobile homes, or any old or used houses to be moved on the Lot and said manufactured or mobile and used homes are not permitted within the Subdivision. All main dwellings must have at least 2,200 square feet of living area, excluding porches, and be built with new construction materials. Residences, garages and carports shall be of fifty percent (50%) masonry construction or equivalent on it's exterior wall area, except that detached garages and carports may have wood siding of a type approved by the Architectural Control Committee (Hardy plank is considered masonry) and shall be located to the rear of the main residence. Any building, structure or improvement commenced on any tract shall be completed as to exterior finish and appearance within twelve (12) months from the setting of forms for the foundation of said building or structure. The roof of any Dwelling shall be constructed of either composition shingles, copper, tile, slate, standing seam metal or other material which are applied in accordance with the manufacturers specifications and which are installed which no greater than ten to twelve pitch, shall be used on any building in any part of the properties with the written approved by the Architectural Control Committee prior to construction. The use of sheet metal or similar material on the roof or exterior sides of any Dwelling other than as flashing is prohibited unless otherwise provided herein. As used herein, the term "residential purposes" shall be construed to prohibit mobile homes or trailers being placed on said Lots, or the use of said Lots for duplex houses, condominiums, townhouses, garage apartments, or apartment houses; and no Lot shall be used for business, educational, religious or professional purposes of any kind whatsoever, nor for any commercial or manufacturing

purposes. Provided, however, an Owner may maintain a home office in a dwelling with no advertising signs nor regular visits by customers or clients.

No window or wall type air conditioners shall be permitted to be used, erected, placed or maintained on or in any building in any part of the Properties.

Section 3.04 Composite Building Site. Any Owner of one or more adjoining Lots (or portions thereof) may, with prior written approval of the Architectural Control Committee, consolidate such Lots or portions into one building site, with the privilege of placing or constructing improvements on such resulting site, in which case the side set-back lines shall be measured from the resulting side property lines rather than from the center adjacent Lot lines as indicated to the Plat. Any such composite building site must have a frontage at the building setback line of not less than the minimum frontage of all Lots in the same block and shall be considered one Lot for purposes of the Maintenance Charge set forth in Article VI hereof. Provided, however, if any Owner combines more than one Lot into a Composite Building Site, and said Owner subsequently elects to sell any one of the Lots so combined for a Composite Building Site, such Owner shall thereupon be required to pay all prior year Maintenance charges for the Lot so sold which were not collected as a result of combining said Lot into Composite Building Site. No Lot shall be re-subdivided without the express written approval of the Architectural Control Committee, nor shall any building be erected or placed on any subdivided Lot having an area of less than 32,808 square feet provided, however, that nothing contained herein shall be construed to prohibit the re-subdivision of any Lot or Lots within the Properties if such re-subdivision results in each re-subdivided Lot containing not less than the minimum Lot area aforesaid; it being the intention of this restriction that no building plot within the Properties contain less than the aforesaid minimum area of 32,808 sq ft.

Section 3.05 Location of the Improvements upon the Lot. No building of any kind shall be located on any Lot nearer to any side or rear property line, or nearer to any road or nearer to the natural creek or waterway than as may be indicated on the Plat; provided, however, as to any Lot, the Architectural Control Committee may waive or alter any such setback line if the Architectural Control Committee, in the exercise of the Architectural Control Committee's sole discretion, deems such waiver or alteration is necessary to permit effective utilization of a Lot. Any such waiver or alteration must be in writing and recorded in the Deed of Records of Harris County, Texas. No building shall be located on any Lot nearer than fifteen (15) feet to any interior Lot line. For the purpose of this covenant, eaves, steps, and open porches shall not be considered as a part of the building, provided however, that this shall not be construed to permit any portion of a building on any Lot to encroach upon another Lot or its air space. For the purpose of these restrictions, the front of each Lot shall coincide with and be the property lines having the smallest or shortest dimension abutting a street. Unless otherwise approved in writing by the Architectural Control Committee, each main residence building will face the front of the Lot, and each detached garage will face and be located per plat from the front of the Lot on which it is situated. All dwellings placed on Property must be equipped with a sewage disposal system complying with all applicable laws, rules, standards and specifications, and all such dwellings must be served with water and electricity. The main residential structure on any Lot shall face the front of the Lot towards the street or road and all other structures or buildings shall be located behind the main residential structure, unless the Architectural Control Committee approves a deviation in writing.

The minimum dimensions of any Lot and the building set back lines shall be as follows (provided, any conflict with the building set back lines set forth on the Plat shall be controlled by the Plat):

- i) The minimum Lot size shall be 32808 feet.
- ii) The building set back line along all street frontage of each Lot shall be as shown on plat.
- iii) The building set back line along the side and rear of each Lot shall be 15 feet and all other such set back lines that abut the perimeter of SADDLECREEK FARMS, Section(s) I, II and III subdivision shall be 15 feet.
- iv) There shall be an utility easement lying along all rear lot lines as shown on plat.

Section 3.06 Residential Foundation Requirements. All building foundations shall consist of either: (i) concrete slabs, or (ii) piers and beams, with the entire building being skirted with brick or materials which match the outside of the building as may be approved by the Architectural Control Committee. Provided, however, the Architectural Control Committee may approve a different type of foundation when circumstances such as topography of the Lot make it impractical to use one of the above referenced foundations for all or any portion of the foundation of the building improvements constructed on the Lot. A certified structural engineer must engineer the main dwelling foundation and the plans must have this engineer's seal of approval prior to the submission of the plans to the Architectural Control Committee. Minimum finished slab elevation for all structures shall be established by the Commissioner's Court or County Engineer of Harris County, Texas, or other applicable governmental authorities.

Section 3.07 Driveways. All driveways in the Subdivision shall be constructed of concrete, brick, stone, or other materials approved by the Architectural Control Committee, and shall be completed within six (6) months of completion of the main dwelling. Driveway widths shall be a minimum of ten (10) feet. For these purposes completion date of the main dwelling shall be the date the Owner begins to occupy said dwelling.

Section 3.08 Annoyance or Nuisances. No noxious or offensive activity shall be carried upon any Lot nor shall anything be done thereon which may become an annoyance to the neighborhood. The display or shooting of firearms and fireworks is expressly forbidden.

Section 3.09 Prohibition of Offensive Activities. Without expanding the permitted use of the Lots, no activity, whether for profit or not, shall be conducted on any Lot which is not related to single family residential purposes. No noxious or offensive activity of any sort shall be permitted nor shall anything be done on any Lot which may be or become an annoyance or a nuisance to the Subdivision. This restriction is waived in regard to the customary sales activities required to sell homes in the Subdivision and for home offices described in Section 3.10 hereof. No exterior speaker, horn, whistle, bell or other sound device, except security and fire devices used exclusively for security and fire purposes, shall be located, used or placed on a Lot.. The Association shall have the sole and absolute discretion to determine what constitutes a nuisance or annoyance.

Section 3.10 Use of Temporary Structures. No structure of a temporary character, whether trailer, basement, tent, shack, garage, barn or other outbuilding shall be maintained or used on any Lot at any time either temporarily or permanently, provided, however, that Declarant reserves the exclusive right to erect, place and maintain such facilities in or upon any portion of the Subdivision as in its sole discretion may be necessary or convenient while selling Lots, or constructing residences and other improvements upon the Properties. Such facilities may include, but not necessarily be limited to sales and construction offices, storage area, model units, signs and portable toilet facilities. The Declarants and Builder Owners may use a residence as a temporary sales office. No garage, guest house or other permitted accessory structure shall be erected, placed or maintained on any Lot until construction of main residential dwelling has commenced. Any construction which has commenced must be completed within one (1) year and, the construction of the main dwelling must begin within one (1) year of beginning construction of any non residential buildings. No boat trailers, boats, travel trailers, inoperative automobiles, campers, vehicles of any kind, or portable buildings are to be permanently or semi-permanently stored in the public street right-of-way or on driveways. Permanent and semi-permanent storage of such items and vehicles if not otherwise prohibited, must be screened from public view either within the garage or behind a fence which enclosed the rear of the Lot, all of which must be subject to section 3.23 hereof.

Section 3.11 Water Supply. All residential dwellings in this Subdivision shall be equipped with and served by a fresh water system installed, operated and continuously maintained in accordance with applicable utility company and governmental requirements, and no water wells shall be made, bored or drilled, nor any type or kind of private system installed or used except upon approval of the Architectural Control Committee and any required governmental authorities. Wells may be drilled by the Declarant or Association for use in watering common areas and filling of interior lakes or ponds. Owners are expressly prohibited from drilling private wells.

Section 3.12 Sanitary Sewers. No outside, open or pit type toilets will be permitted in this Subdivision. Prior to occupancy, all dwellings constructed in this Subdivision must have a sewage disposal system

the period of construction of any dwelling in the Subdivision, the Owner or Owner's contractor must provide a portable toilet.

Section 3.13 Walls and Fences. Walls and fences, if any, must be approved prior to construction by the Architectural Control Committee. No wall or fence shall be erected on any utility easement adjoining any street. Unless the Architectural Control Committee gives prior written approval. All fences shall be of white vinyl identical to the subdivision fences along roadways and to the front of the house. Plans for privacy fences submitted for approval shall have the following characteristics, to-wit:

- (A) No part of a privacy fence shall be closer to the front street than the front of the house.
- (B) No part of fences shall be hog wire, barbed wire, etc.
- (C) Any other required by the Architectural Control Committee.

Section 3.14 Storage and Disposal of Garbage, and Refuse. No Lot shall be used or maintained as a dumping grounds for rubbish or trash and no garbage, or other waste materials shall be kept except in sanitary containers constructed of metal, plastic or masonry materials with sanitary covers and lids. Equipment for the storage of such waste materials shall be kept in clean and sanitary condition. No Lot shall be used for the open storage of any materials whatsoever, which storage is visible from the street, except that new building materials used in the construction of improvements erected upon any Lot may be placed upon such Lot as the construction is commenced and may be maintained thereon for a reasonable time so long as the construction progresses without undue delay, until the completion of the improvements, after which these materials shall either be removed from the Lot or stored in a suitable enclosure on the Lot.

Section 3.15 Hazardous Substances. No Lot Shall be used or maintained as a dumping ground for rubbish or trash and no garbage or other waste shall be kept except in sanitary containers. All equipment for the storage and disposal of such materials shall be kept in a clean and sanitary condition. Notwithstanding the foregoing, no Hazardous Substance shall be brought onto, installed, used, stored, treated, buried, disposed of or transported over the Lots or the Subdivision, and all activities on the Lots shall, at all times, comply with Applicable Law. The term "Hazardous Substance" shall mean any substance which, as of the date hereof, or from time to time hereafter, shall be listed as "hazardous" or "toxic" under the regulations implementing The Comprehensive Environmental Response Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§9601 *et seq.*, The Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§6901 *et seq.*, or listed as such in any applicable state or local law or which has been or shall be determined at any time by any agency or court to be a hazardous or toxic substance regulated under applicable law. The term "Applicable Law" shall include, but shall not be limited to, CERCLA, RCRA, The Federal Water Pollution Control Act, 33 U.S.C. §§1251 *et seq.*, and any other local, state and/or federal laws or regulations that govern the existence, cleanup and/or remedy of contamination on property, the protection of the environment from spill deposited or otherwise in place contamination, the control of hazardous waste or the use, generation, transport, treatment, removal or recovery of hazardous substances, including building materials.

Section 3.16 Junked Motor Vehicles, Etc., Prohibited. No Lot shall be used as a depository for abandoned or junked motor vehicles, etc. An abandoned or junked motor vehicle is one without a current, valid state vehicle inspection sticker and license plate or is not road worthy. No junk of any kind or character, or dilapidated structure or building of any kind or character, shall be kept on any Lot. No accessories, parts or objects used with cars, boats, buses, trucks, trailers, house trailers or the like, shall be kept on any Lot other than in a garage or other structure approved by the Architectural Control Committee.

Section 3.17 Signs. No signs, advertisement, billboard or advertising structure of any kind may be erected or maintained on any Lot without the consent in writing of the Declarant, except one (1) professionally made sign not more than seven hundred sixty-eight (768) square inches, advertising a Builder or Owner's Residence for sale or rent, may be placed on such improved Lot. Declarant or any member of the Committee or the Association shall have the right to remove any such sign, advertisement or billboard or structure which is placed on any Lot not complying with the above restrictions, and in doing so, shall not be liable, and are hereby expressly released from, any liability for trespass or other tort in connection therewith, or arising from such removal. The right is reserved by

Declarant to construct and maintain such signs, billboards or advertising devices as is customary in connection with the general sale of property.

Section 3.18 Livestock and Animals. No livestock or poultry of any kind shall be raised, bred or kept on any Lot except that dogs, cats or other common household pets may be kept on all Lots in the Subdivision, provided that they are not kept, bred or maintained for commercial purposes and do not become a nuisance or threat to other Owners. Provided, however, animals being raised for FFA or 4-H school sponsored programs will be permitted on Lots in the Subdivision. All animals' cages, pens, stalls, or containment areas shall be behind the main dwelling structure.

Further provided, animals commonly known as "horses" shall be allowed according to the following provisions; to wit:

1. Horses shall include all animals classified under the scientific name of Equus Caballus and/or Equus Asinus. For the purpose of these restrictive covenants they shall simply be referred to as "horses".
2. An owner up to 1.1 contiguous acres of residential lots in this subdivision shall be allowed one horse on said property; on (1.1 to 2.1 acres)- two horses are allowed, (2.1 to 3.1 acres)- three horses are allowed, and (3.1 to 4.1 acres)- four horses are allowed, and so on in such progression.
3. Owners of residential lots on the subdivision who exceed the "horse/acre ratio" as the result of the birth of a foal shall one (1) year from the date of birth of the foal to be compliant with the subpart.
4. Owners must register all resident "horses" with the Architectural Control Committee whether imported to or born upon the residential lots.

No Animals shall be allowed to run loose in the Subdivision.

Section 3.19 Mineral Development. Except within the areas designated as Drill Site locations on the Plat, and easements related thereto, no commercial oil drilling, oil development operations, oil refining, quarrying or mining operation of any kind shall be permitted upon or in any Lot, nor shall any wells, tanks, tunnels, mineral excavation, or shafts be permitted upon or in any Lot, and, no derrick or other structures designed for the use of boring for oil or natural gas shall be erected, maintained or permitted upon any Lot. Provided, however, that this provision shall not prevent the leasing by Declarant of the Subdivision or any portion thereof, for oil, gas and mineral purposes and the development of same, it being contemplated that the portion or portions of the Subdivision may be developed from adjacent lands by directional drilling operations or from the Drill Sites designated on the Plat of various Sections of the Subdivision. Declarant reserves the right to designate alternative or additional drill sites.

Section 3.20 Drainage. Any natural or established drainage patterns of streets, Lots or roadway ditches will not be impaired by any person or persons and Declarant may enter upon any Lot to maintain such natural drainage areas. Driveway culverts must be installed prior to beginning construction of any building or dwelling on the Lot and must be of sufficient size to afford proper drainage of ditches without backing water up into ditch or diverting flow. The size and type of driveway culverts must also be approved by the Harris County Engineer's office. All culverts shall have headers and shall be constructed of brick, stone or concrete with the prior written consent of the Architectural Control Committee. The Architectural Control Committee shall approve specifications for culverts and headers.

Section 3.21 Lot Maintenance. All Lots, at Owner's sole cost and expense, shall be kept at all times in a neat, attractive, healthful and sanitary condition, from the date any Lot is underbrushed or cleared, the Owner or occupant of said Lot shall keep all weeds and grass thereon (outside of natural vegetation areas or preserves) cut and in no event may any Lot be used for storage of materials or equipment except for normal residential requirements or incident to construction of improvements thereon as herein permitted, the owner shall not permit the accumulation of garbage, trash or rubbish of any kind thereon, and shall not burn any garbage, trash or rubbish. Provided, however, the burning of underbrush and trees during Lot clearing shall be permitted under conditions of applicable law. All yard equipment or storage piles shall be kept screened by a service yard or other similar facility as herein otherwise

provided, so as to conceal them from view of neighboring Lots, streets or other property. Such maintenance includes, but is not limited to the following:

- a. Prompt removal of all litter, trash, refuse and wastes.
- b. Lawn mowing (outside of the natural vegetation areas or preserves).
- c. Tree and shrub pruning (outside of the natural vegetation areas or preserves).
- d. Keeping exterior lighting and mechanical facilities in working order.
- e. Keeping lawn and garden areas alive, free of weeds, and attractive.
- f. Keeping parking areas, walkways and driveways in good repair.
- g. Complying with all government health and policy requirements.
- h. Repainting of improvements.
- i. Repair of exterior damage to improvements.

The drying of clothes in full public view is prohibited and the Owners or occupants of any Lots at the intersection of streets or adjacent to parks, playgrounds, or other facilities where the rear yard or portion of the Lot is visible to public view shall construct and maintain a drying yard or other suitable enclosure to screen the following from public view; the drying of clothes, yard equipment, wood piles or storage piles which are incidental to the normal residential requirements of a typical family.

In the event of the failure of Owner to comply with the above requirements after fifteen (15) days written notice thereof, Declarant or their designated agents or assigns may, at their option, without liability to the Owner, Builder or any occupants of the Lot in trespass or otherwise, enter upon (and/or authorize one or more others to enter upon) said Lot, to cut, or cause to be cut, such weeds and grass and remove, or cause to be removed, such garbage, trash and rubbish or do any other thing necessary to secure compliance with these Restrictions, so as to place said Lot in a neat attractive, healthful and sanitary condition, and may charge the Owner, Builder or occupant of such Lot for the cost of such work and associated materials, plus a reasonable fee per month for each instance. Payment thereof shall be collected as an additional Maintenance Charge and shall be payable on the first day of the next calendar month. The Owner or occupant as the case may be, agrees by the purchase or occupancy of the property to pay such statement immediately upon receipt thereof.

Should any property owner herein violate these covenants and restrictions, the Declarant, the Property Owner's Association or its delegate, the Architectural Control Committee, will fifteen (15) days after written notice to the Property Owner, have the power to file suit to enforce compliance. The association and authority will be empowered to charge as a special assessment against the subject lot, all costs of time and expenditures, including legal fees, member time, meeting fees, cost of removal of improvements in violation pay all related expenses. This special assessment will attach to the property upon which the violation rests and will become a lien as provided in these covenants for assessments and liens (may pursue any other remedies, etc.)

Any ongoing violation may be prosecuted on an ongoing basis with the goal of the Property Owners Association being to have the violation corrected by whatever means is necessary. Property Owner's Association removal of violations is authorized at the violating property owner's expense.

Section 3.22 Exterior Maintenance of Building. In the event the owner of any building in the Subdivision should allow such building to fall into disrepair and become in need of paint, repair or restoration of any nature and become unattractive and not in keeping with the neighborhood, the Association and/or the Declarant will give such owner written notice of such condition. Fifteen (15) days after notice of such condition to owner, and failure of owner to begin and continue at a diligent, reasonable rate of progress to correct such condition, the Association and/or the Declarant in addition to any and all remedies, either at law or in equity, available for the enforcement of these Restrictions, may at its sole discretion enter upon said premises, without liability to Owner, to do or cause to be done any work necessary to correct said situation. The owner thereof shall be billed for cost of necessary repairs, plus ten (10%) percent.

All monies so owed the Association will be an additional Maintenance Charge and be payable on the first day of the next calendar month.

Section 3.23 Miscellaneous Use Restrictions. Without limiting the foregoing, the following restrictions shall apply to all Lots:

- i) Interior lake or lakes, if any, shown upon the plat are not to be used by property owners at large and their guests, but only by owners whose lots form or abut the shoreline.
- ii) Boats, may be placed in the interior lakes for fishing and other recreational purposes by adjacent landowners. These boats may not have attached thereto any engine or motor.
- iii) Lots adjoining the private lake are subject to rules as follows;
 - (a) No dwelling may be constructed closer to the lakeshore than fifty (50) feet.
 - (b) No bulkheading of the shoreline of the lake will be allowed. All shorelines will be grassed and sloped into the lake by the owner. It will be the responsibility of each owner to maintain the shoreline with good sod and keep the shoreline mowed.
- iv) No boat, jet-ski, aircraft, travel trailer, motor home, camper body or similar vehicle or equipment may be parked for storage in the front of any Dwelling or parked on any street in the Subdivision. Any such vehicle or equipment may be parked for storage to the side or rear of any Dwelling. All boats so parked or stored on any Lot must at all times also be stored on a trailer. No such vehicle or equipment shall be used as a residence either temporarily or permanently. This restriction shall not apply to any vehicle, machinery or equipment temporarily parked and in use for the construction, maintenance or repair of a Dwelling in the Subdivision.
- v) No vehicle shall be permitted to park overnight on any street within the Subdivision except for those vehicles used by a builder during the construction of improvements on Lots or Common Areas in the Subdivision.
- iii) No vehicle of any size which transports inflammatory or explosive cargo may be kept in the Subdivision at any time.
- iv) No vehicles or similar equipment shall be parked or stored in an area visible from any Street except passenger automobiles, passenger vans, motorcycles and pick-up trucks that are in operating condition and have current license plates and inspection stickers and are in daily use as motor vehicles on the streets and highways of the State of Texas.

Section 3.24 Electric Utility Service. Each Lot owner, at his expense, shall be required to install underground electric service lines from the transformer or source of feed to the meter location. Further, each Lot owner may expect to pay a charge for connection to such electric utility service, and the owner is obligated to contact Reliant to determine such charge and make arrangements for the installation of said underground service lines and connection to the electrical distribution system. Owner shall also be responsible for all charges for all utility service furnished to Owner's Lot.

Section 3.25 Mail Box. A mail box constructed on each lot shall be made of brick, stone or stucco and approved by the Architectural Control Committee.

Section 3.26 Satellite Dish. A satellite dish may not exceed eighteen (18) inches in diameter and must be mounted as to not be visible from the street. All dishes shall be of one solid color of black or earth tones of brown, gray, or tan. No advertising or the printing of names of any type shall be permitted. No more than one satellite dish shall be permitted on each lot. A satellite dish must be approved by the Architectural Control Committee in writing before installation.

ARTICLE IV