

**FIRST AMENDED ARCHITECTURAL CONTROL GUIDELINES AND
REGULATIONS OF
McCall Sound Property Owners Association, Inc.**

WHEREAS, the property affected by these Architectural Control Guidelines and Regulations is subject to certain dedications, covenants and restrictions (the "Declaration") set out in instruments recorded in the Official Public Records of Real Property at Montgomery County, Texas, as follows:

- Clerk's File No: 2014080973.

WHEREAS, pursuant to the authority vested in McCall Sound Property Owners Association, Inc. (the "Association") in the Declaration and as required by the TEXAS PROPERTY CODE, the Board of Directors of the Association (the "Board") has determined that, in order to provide clear and definitive guidance for maintaining the aesthetics and architectural harmony of the community, it is appropriate to adopt guidelines toward that end. Therefore, the Board hereby promulgates the following Architectural Control Guidelines and Regulations.

WHEREAS, the Board desires to amend and restate the Architectural Control Guidelines and Regulations (filed for record under Clerk's File No. 2014096801 of the Official Public Records of Montgomery County, Texas) within the Subdivision.

The Architectural Control Guidelines and Regulations are in all respects amended and replaced by this Amendment. In the event any terms or conditions in this Amendment conflict with the terms and conditions of the prior Architectural Control Guidelines and Regulations, the terms and conditions of this Amendment shall prevail.

NOW, THEREFORE, BE IT RESOLVED that the following conditions and requirements are hereby established for Association Architectural Control Guidelines and Regulations:

GUIDELINES AND REGULATIONS

The following are guidelines adopted by the Board and approved by the Architectural Control Committee (the "ACC") to specify their standards, requirements and thought process used in evaluating various exterior improvements. These guidelines may be amended from time-to-time as circumstances, conditions or opinions of the Board and ACC dictate. The ACC has the right to deny approval for a similar improvement based on the proximity of a property to a main boulevard or the visual relativity of the site to the overall development. As an example, a home located on the perimeter of the development may be permitted to have a certain styled storage building, whereas on a main entry boulevard and depending on the configuration of the lot, this same item may not be approved. The intent being to maintain overall integrity within areas of higher visual impact.

It should be noted that the ACC approval is required prior to the installation or construction of the improvement or change, and prior to new home construction. If an improvement is made without ACC approval, the Board of Directors has the legal right to enforce its removal. The following guidelines shall be applicable to all properties under the jurisdiction of the Association. These guidelines shall also encumber any future property which may be brought within the jurisdiction of the Association.

A. APPLICATION PROCEDURE:

Applications must explain the proposed improvement(s), and a copy of a detailed site plan must be attached. It is recommended that a copy of the survey received at closing be used so that relative distances and dimensions can be reviewed. Make sure to include all pertinent information and specifications along with a mailing address and telephone number. All applications must be in writing. The ACC will not respond to verbal requests. Mail and/or physically deliver your Modification Application or New Construction Application to the address listed in the current Management Certificate or on the HOA website.

It is the responsibility of the applicant to make sure to obtain the most current guidelines before proceeding with an application for any improvement.

B. APPROVALS / DISAPPROVALS / PRECESSING PERIOD:

The ACC will respond in writing to all applications. No verbal approval by a member of the ACC shall be binding.

The ACC has thirty (30) days from the date of receipt of a complete application within which to respond. If additional information is required by the ACC, the thirty (30) day processing period will commence upon receipt of the additional information. Plans for the implementation of the proposed improvement(s) should allow for the time required to complete the approval process. However, every effort will be made to respond promptly.

In the event the ACC fails to indicate its approval or disapproval in writing within thirty (30) days after receipt of the required documents, the application will be deemed to be approved.

If an application is not approved for any reason other than the failure to approve within thirty (30) days, the ACC will state in its letter why such approval was denied. If an applicant wishes to discuss or appeal a decision made by the ACC, the ACC should be contacted for an appointment.

Applications will only be accepted by homeowner or property owner of record.

All approved projects must be initiated and completed with a timeline consistent with the Declaration. Homeowner may request an extension from the ACC based on extenuating circumstances such as inclement weather, contractor conflicts, etc.

C. EASEMENTS:

The ACC cannot approve any application if there is an encroachment into an easement until the homeowner provides a Consent for Encroachment, or resubmits revised plans. Any non-portable structure in an easement is considered permanent, and thus an encroachment. Owners must secure a Consent to Encroachment or a Release of Easement from all affected utility companies. If proposed plans show an encroachment, a Consent for Encroachment must be obtained before applying to the ACC, or the application will be rejected. If there is an aerial easement on the lot, the utility company may permit placement of a permanent structure in the easement. It is the responsibility of the applicant to obtain a Consent for Encroachments.

Approval by the ACC of any encroachment into an easement shall not serve as an amendment or change of that easement and shall not create liability on the part of the ACC. Any encroachment into such easement shall be at the sole risk and expense of the owner.

D. VARIANCES:

Each application is considered on its own merit and the ACC may grant a variance from these guidelines or the Declaration with respect to building set back lines and all construction related restrictions, if, in the sole discretion of the ACC, the circumstances warrant. Variances will be granted in writing only, and when given, will become part of these guidelines only to the extent of the particular lot(s) involved. Because a variance may have been granted in a particular instance does not mean that a variance for improvements of a similar nature will be approved, or that the request for a variance does not need to be submitted for approval to the ACC.

E. INSPECTION:

All construction, improvements, modifications, additions, or alterations are subject to inspection by the ACC.

F. COMPLIANCE/NONCOMPLIANCE:

These guidelines include some requirements from the Declaration, but also include many more supplementary details and restrictions that have been approved by the Board of Directors.

It is expected that all residents of McCall Sound, will comply with the restrictions and requirements specified in that document. This includes the requirements to file an application for approval to the ACC for all proposed construction or modification of improvements as specified in the Declaration.

Owners shall comply with all applicable restrictions and shall observe the application procedure for any improvements. A homeowner is not in compliance if: (1) an improvement was made that is/was prohibited at the time of the improvement; or (2) an improvement was made without an application being submitted to and approved by the ACC; or (3) an improvement was made in which the "as built" specifications do not conform with an application submitted to and approved by the ACC.

Unapproved and/or prohibited improvements are subject to removal or modification at the owners' expense, unless a variance is granted or an approval is obtained owners should apply to the ACC for approval of any outstanding unapproved improvements.

G. ENFORCEMENT:

Upon any violation or attempt to violate any of the covenants, it shall be lawful for the Association or any other Lot owner to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant, to prevent the person or persons from doing so and/or to recover damages or other dues for such violations. Failure by the Association or any owner to enforce any covenant or restriction shall in no event be deemed as a waiver of the right to do so thereafter.

H. COMPLAINTS:

Owners are encouraged to help maintain the beauty of McCall Sound. To this end, all have an obligation to conform to the Declaration and these ACC guidelines, and to ensure non-complying improvements come into compliance. Should you have a complaint regarding a violation, write to the ACC. All complaints will be handled in the same manner discussed under application Procedure.

I. CONTROLLING DOCUMENTS:

In the event of a conflict between these guidelines and the Declaration, the Declaration shall control.

J. GUIDELINES:

Section 1. Buildings.

- 1.1. A "Dwelling Unit" is defined as a residential building designed for, and limited and restricted to occupancy by a Single Family (as defined in the Declaration) situated on a Lot, and does not include an accessory building or a garage. It does not include any structure not attached such as a storage shed, gazebo or playhouse/fort. All buildings and other structures including, but not limited to, swimming pools, awnings, and any other additions, must comply with the building set back lines as set forth on the recorded plat.
- 1.2. An "Improvement" is defined in the Declaration as a building, fence, patio, pool, garage, paving, fencing, or any other structure or Improvement. No Improvement shall be constructed on a Lot except detached, single family residential Dwelling Units and other ACC approved Improvements.
- 1.3. **Location of Building and Improvements.** Pursuant to the Declaration, no Improvements shall be located nearer to the front, side or rear property line than as shown on the plat. As to this section 1.3 (and Article VII. 7.16 of the Declaration), Improvements shall not include concrete drives, walks, landscaping, air conditioning units, fences, eaves, ducts and unroofed terraces. No Improvement shall be located nearer to the front property line than sixty feet (60') unless otherwise shown on the recorded plat for such Lot. No Improvement shall be nearer than twenty feet (20') to the rear property line of such Lot unless otherwise

shown on the recorded plat. No Improvements shall be located nearer to a common side lot line than ten feet (10') unless otherwise shown on the recorded plat.

1.4 **Height.** No Improvement shall exceed a reasonable height required for two (2) stories of living space (above finished grade), not to exceed thirty-six feet (36') in height. No garage shall exceed the height of the Dwelling Unit.

1.5 **Garages.** Except as otherwise approved in writing by the ACC, or as otherwise specifically set forth in the Declaration, each Dwelling Unit shall be served by an enclosed garage large enough to provide parking for a minimum of two (2) cars, but no more than four (4) cars. Any such structures shall match the same design as the main residential structure and use the same or equivalent brick, siding and roofing materials so as to maintain a harmonious appearance. The conversion of garages to living area is expressly prohibited, unless the proposed conversion would result in a useable garage with a minimum of space for two (2) cars. Detailed plans of any proposed conversion of garage space must be submitted to and approved by the ACC prior to construction.

Garage square footage is limited to 35% of the living space square footage of the residence. Garages must be located on the side or back of home. Front loading garages will not be allowed unless approved by the ACC. All garages must comply with setback lines. Forward facing garages must be placed a minimum of 25 feet behind the main (main is defined as 50% of the front elevation of the residence) part of the front elevation of the residence.

1.6 **Masonry requirements.** Exterior materials must consist of at least 80% masonry or stone after subtracting window and door area. No more than 20% of the area visible from the street may be covered by Hardiplank/siding or plank type material. All remaining areas visible from the street (front and sides) must be covered in stone, stucco, and/or brick.

1.7 **Roof requirements.**

- a. All buildings shall be roofed with composition shingles unless otherwise approved in writing by the Architectural Control Committee. Wood shingles are specifically prohibited for safety reasons.
- b. Composition shingles must weigh at least 230 pounds per square and have a stated warranty of at least 25 years. Shingles must have a laminated design. Three-tab shingles are specifically prohibited except for use as a starter and cap rows.
- c. Roof shingles must be dark brown or dark gray tones. Light brown, light gray, blue, green, red and white colors are not allowed.
- d. Roof overlays are not allowed. Prior to roofing, all existing materials must be removed down to clean decking. Any damaged or deteriorated decking must be replaced.
- e. Ridge vent are encouraged, to improve ventilation, reduce attic temperature and reduce cooling costs, but are not required.
- f. All roof protrusions, such as vents, roof jacks, must be painted to match the shingles.
- g. Subject to Section h below and with advance written approval from the Architectural Control Committee, an owner may install shingles ("Alternative Shingles") which are designed primarily to:
 - i. be wind and hail resistant; or
 - ii. provide heating or cooling efficiencies greater than traditional composition shingles; or
 - iii. provide solar energy capture capabilities.
- h. Once installed, any such Alternative Shingles must:
 - a. resemble the shingles used or authorized to be used on other structures within the Subdivision; and

- b. be more durable than and of equal or superior quality to the shingles used or authorized to be used on other structures within the Subdivision; and
- c. match the aesthetics of properties surrounding the owner's property.

- 1.8 **Spacing – Repeat of House Plans.** If an elevation or plan is approved for construction on any lot, a substantially similar or the same plan or elevation cannot be approved for construction on the lots adjacent to the first plan. The following scenarios represent the guidelines for determining when a plan and elevation can be repeated within the Subdivision:
- a. When building the same plan, different elevation, on the same side of the street, two (2) lots must be skipped before the plan can be repeated.
 - b. When building the same plan, different elevation, on both sides of the street, one (1) lot must be skipped before the plan can be repeated.
 - c. When building the same plan, same elevation, on the same side of the street, three (3) lots must be skipped before the plan can be repeated.
 - d. When building the same plan, same elevation, on both sides of the street, two (2) lots must be skipped before the plan can be repeated.
 - e. Houses cannot have the same brick and same stone next door to each other.
- 1.9 **Trees.** Tree removal is subject to ACC approval for any existing resident when making changes to the property that requires removal of trees having a diameter of six (6) inches or greater. Dead or damaged trees which might create a hazard to property or persons within the Subdivision shall be promptly removed or repaired, and if not removed by the Owner upon request, then the Association may remove or cause to be removed such trees at the Owner's expense and shall not be liable for damages caused by such removal.

Section 2. Outbuildings.

- 2.1 An "Outbuilding" is defined as any structure which is not attached to the main Dwelling Unit or garage. This definition does not include bonafide additions to the main Dwelling Unit or garages, but does include storage sheds, gazebos and playhouse/forts.
- 2.2 Gazebos, play sets, forts, tree houses and swing sets shall be constructed of wood and other harmonious materials with colors subject to ACC approval.
- 2.3 Storage sheds shall be non-permanent structures with a footprint not to exceed a total of 200 square feet. Colors of the sheds shall be earth tones with appropriate accept paint and are subject to ACC approval. Materials to be used include wood, hardi-type material, and composite singles that shall match the main residential structure. Storage sheds shall blend in harmony with surrounding homes and structures.
- 2.4 Any and all outbuildings shall be maintained properly and shall require ACC approval before being constructed.

Section 3. Basketball Goals, Tennis Courts, Trampolines.

- 3.1 No installation of a basketball goal or backboard or net may be attached to the residential Dwelling Unit or Garage.
- 3.2 Any basketball goal or backboard must be placed on the side of the driveway and shall be no closer to the street than fifty feet (50').
- 3.3 The basketball goal backboard, net and post must be maintained in usable condition and kept in acceptable appearance.
- 3.4 Basketball goals not maintained in an acceptable appearance will be required to be removed.
- 3.5 Only one basketball goal per Lot will be permitted.

- 3.6 Portable basketball goals shall be stored out of sight when not in use.
- 3.7 A small slab may be permitted, contingent on ACC approval.
- 3.8 Permanent basketball courts, tennis courts, or any other type of sport court requires ACC approval as to size, type, placement and aesthetics viewable from the street.
- 3.9 Trampolines shall not interfere with neighboring residents enjoyment and shall be constructed of harmonious colors and materials.

Section 4. Patio Covers.

- 4.1 Patio covers shall be constructed of materials which complement the main structure. In the event a patio cover is constructed, the roof of the patio cover shall be subject to the building setback lines in section 1.3 hereof.
- 4.2 Prefabricated covers made of aluminum may be approved providing they are of a color that substantially matches the Dwelling Unit trim color. Unfinished aluminum will not receive ACC approval. All metal must be painted. Certain structures using wood framing may be allowed to go unpainted, provided insect resistant wood is used (such as cedar, redwood, etc.).
- 4.3 If attached to the Dwelling Unit, patio covers must be integrated into existing roof line or exterior wall; and if it is to be shingled, shingles must match roof. Entire patio cover and posts should be trimmed to match the Dwelling Unit. Supports must be brick, painted wood or metal columns. Pipe is not allowed.
- 4.4 At no time shall a shingled roof be allowed with an unpainted frame. The frame must be painted to match the trim of the Dwelling Unit, regardless of whether treated or untreated wood is used.
- 4.5 Patio construction materials are as follows:
 - a. Painted wood (to match trim of Dwelling Unit);
 - b. Naturally rot and insect resistant woods (such as cedar and redwood) may be used. Staining or painting is not required. All other woods must be painted or stained to match trim of Dwelling Unit.

General Note: All patio cover materials, i.e., wood, lattice, brick, etc., must be completely framed so that no raw edges of material are visible.

- c. Patio shingles must match existing Dwelling Unit shingles.
- d. With respect to miscellaneous shade structures that employ a canvas type material, the canvas must be kept in quality condition or its removal will be requested by the ACC. The color of the canvas cover must be an earth tone (i.e., black, brown, tan, beige, muted red or gray). No bright color such as blues, reds, greens or yellows are allowed.
- 4.6 Patio covers may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 4.7 Patio covers must be situated on the Lot to provide drainage solely onto the owner's Lot.

Section 5. Room Additions.

- 5.1 Exterior materials and colors of any room addition should match the Dwelling Unit.

- 5.2 Detailed plans of any proposed room addition must be submitted to the ACC.
- 5.3 Room additions may not encroach into any utility easements.
- 5.4 ACC approval will depend on architectural style and layout of Dwelling Unit, size of Lot, and how well room addition integrates with existing Dwelling Unit. Plans for room additions must show room size in proportion to room dimensions of the Dwelling Unit. Roof of addition must integrate with existing roofline so as to appear to have been part of the original Dwelling Unit.
- 5.5 Building permits as required by all of the requisite governmental jurisdictions (city, county, etc.) must be submitted with the application. In some instances, the ACC will grant approval with the provision that a copy of the permit must be received by the ACC within thirty (30) days of the approval letter and prior to construction beginning.

Section 6. Exterior Painting.

- 6.1 Every Dwelling Unit should maintain an Earthtone color scheme harmonious with the community. If a homeowner intends to repaint in accordance with an original color scheme, or to rebuild in accordance with original plans and specifications, an application must be submitted and no work begun until approved by the ACC.
- 6.2 Color changes must be approved by the ACC. Color of brick used on the Dwelling Unit and color of neighboring Dwelling Units are considerations.
- 6.3 Exterior paints and stains for each Dwelling Unit shall be selected to compliment or harmonize with the colors of the other materials with which they are used.
- 6.4 Wood siding and trim should generally stay within the Earthtone color family (i.e., black, brown, tan, beige, muted red or gray no primary colors such as blues, reds or yellows are allowed). Soft and muted Earthtone colors are acceptable. The use of white is also permitted. A color sample must be submitted to the ACC for approval before painting or staining may begin. The ACC retains the right to define the color shades as acceptable or not.
- 6.5 Extremely bold colors, primary colors, yellow, blue, green, or pastels are prohibited.
- 6.6 Front doors must be maintained. They may be stained a natural wood color, or painted the same color as the Dwelling Unit trim. Other paint colors may be approved on a case by case basis.

Section 7. Storm Windows and Storm Doors.

- 7.1 The frames of storm windows and storm doors must be of a color compatible with the exterior Dwelling Unit colors and/or general use and appearance of the Dwelling Unit. No screen doors are allowed on the front of the Dwelling Unit.
- 7.2 A brochure picture showing the style of the door will be required for submittal with an ACC Form.
- 7.3 Storm doors without screen panels will be considered on the front of the Dwelling Unit.
- 7.4 Storm doors with screen panels will be considered on the back door.
- 7.5 Solar screens will be allowed on windows, provided the screen material and color are complimentary to the color of the Dwelling Unit.
- 7.6 Solar film (window tinting) must be a non-reflective type. Materials and color samples must be submitted for approval.

Section 8. Decks.

- 8.1 If wood is used, it must be stained or sealed, to compliment the Dwelling Unit. Wood such as cedar, fir or redwood may remain unpainted. Treated pine must be painted or stained.
- 8.2 Decks may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 8.3 Decks should not be situated on a Lot if they pose a problem to the effective drainage of the Lot or a neighboring Lot.
- 8.4 Decks or flooring cannot be higher than eighteen inches (18") above existing grade.

Section 9. Swimming Pools and Spas.

- 9.1 No pool or spa of any type may encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment. Pool or spa decking encroachment also requires a consent agreement. Consents must be received prior to approval.
- 9.2 No pool or spa shall be located nearer than twenty feet (20') to a side and rear Lot line to maintain proper drainage on the Lot. The pool or spa must meet all building line and easement restrictions on the recorded plat.
- 9.3 All private swimming pools and spas shall be completely enclosed by a fence pursuant to local regulations.
- 9.4 Above ground pools are not allowed.
- 9.5 Pools are to be drained to the street and into the storm drain system. They are not to be connected to, or drain into, the community's sewage drain system. Minimum White Schedule 40 PVC pipe is to be used for pool drain.
- 9.6 All new pools are required to be inspected by the appropriate authority for proper water connections and drains. It shall be the sole responsibility of the owner to obtain said inspection.
- 9.7 Yard drains must also be of White Schedule 40 PV pipe.
- 9.8 Swimming pool construction shall not adversely impact existing established drainage of the primary impacted Lot, and also any adjacent Lots. It is the responsibility of the applicant to ensure that drainage is maintained or improved during and after final installation of the swimming pool and associated decking and equipment.
- 9.9 All pool equipment, including but not limited to pumps, filters, heaters, cleaning tools, and related items, shall be screened from public view with appropriate landscaping or other approved materials.

Section 10. Antennas/Satellite Dish.

- 10.1 No satellite dish of more than one (1) meter (39.37 inches) in diameter is allowed in the Subdivision.
- 10.2 A satellite dish of one (1) meter (39.37 inches) or less in diameter is permitted, provided it complies with the following specifications:
 - a. An antenna or satellite dish must be located on the Lot where it is not visible from any street, common area or other Lot to the extent feasible. If it is impossible to receive signals from an area that is not visible, the receiving device may be located where it is visible in a location approved by the ACC. The ACC may require as much screening of the receiving device as is possible without interfering with the reception of the signal. An antenna or satellite dish, including its base and

anchoring structure, shall not extend above the enter ridge of the roof line of the Dwelling Unit located on the Lot. An antenna or satellite dish must be securely mounted to a base, so as to be able to withstand the effect of high winds or other extraordinary weather conditions; however, no guy wires or similar mounting apparatus will be allowed.

- b. No advertising slogans, logos, banner, signs or any other printing or illustration whatsoever shall be permitted upon or be attached to an antenna or satellite dish. All antennas and satellite dishes must be white, black, brown or gray in color, or painted to match the Dwelling Unit.

10.3 No more than one (1) antenna or satellite dish shall be allowed per receiver device.

Section 11. Fences.

- 11.1 The construction or installation of walls, fences and/or hedges shall be subject to the approval of the Architectural Control Committee in accordance with the provisions of the Declaration.
- 11.2 All walls or fences on the front, side or rear of each property (including Lots 1, 2, and 3, Block 2 of McCall Sound, Section 1, which border Reserve A) shall be a maximum of four and one-half (4.5) feet in height, except as described in item 11.3.
- 11.3 Fencing on the rear property line that backs up to Coe Loop Road (Lots 3, 4, and 5, Block 2 and Lot 1, Block 1 of McCall Sound, Section 1) are required to use a Six (6) foot privacy fencing on back of property running length of the road. Fencing on the side property line that is adjacent to Reserve A (Restricted Drill Site), McCall Sound Section 2 (Lot 3, Block 1 and Lot 1, Block 3 of McCall Sound, Section 2) are required to use a Six (6) foot privacy fencing on side of property adjacent to Reserve A.
- 11.4 No wall, fence or hedge may be situated on any lot closer to the street or front boundary line than the front of the residence located on the Lot.
- 11.5 The Owner shall be responsible for maintaining and repairing all walls, fences and hedges located on the Owner's Lot.
- 11.6 Any fence that is establishing the perimeter of the property must be a four board ranch style fence that is stained a natural wood color or a wrought iron fence that is painted black or white in color (except privacy fencing in item 11.3). Barb wire is not allowed on any perimeter fence.
- 11.7 Fences must be maintained and repaired as deemed necessary by the ACC.

Section 12. Decorations.

- 12.1 Any lawn furniture must be kept in an attractive manner.
- 12.2 Bird baths or water fountains that exceed three (3) feet in height require approval of ACC before placement. ACC will review the size, type, placement and aesthetics viewable from the street.
- 12.3 Ornamental electrical or post-style gas lights will be permitted, one (1) per yard. It must be kept in "like new" condition and not to exceed eight feet (8') in height.
- 12.4 All other lawn ornaments must be kept in an attractive manner. Lawn ornaments that exceed three feet (3') in height are subject to ACC approval for size, type, placement and aesthetics viewable from the street.
- 12.5 Seasonal decorations are allowed and must be removed within two (2) weeks after the holiday.

Section 13. Exterior Lighting.

- 13.1 All additional exterior lighting must be approved by the ACC prior to installation. It should not be of a wattage or lumen count which will adversely affect neighboring Dwelling Units.
- 13.2 Exterior floodlights must be approved by the ACC prior to installation, and, if approved, must be aimed so as not to shine onto a neighboring property.
- 13.3 Low voltage landscape lighting must receive ACC approval prior to installation. 13.4 Exterior lights must be clear, and must not negatively affect overall aesthetic appeal.

Section 14. Wind Turbines.

- 14.1 Wind turbine vents must be mounted in the rear portion of the roof so that they are not visible from the front.
- 14.2 The wind turbine vents must be a color which will blend with the shingle color, or be painted to match the shingle color.

Section 15. Gates & Gate Covers.

- 15.1 All wooden gates shall have a full wooden panel to match the existing fence.
- 15.2 No chicken wire, electric wire, chain links or lattice shall be allowed on any gates or fence.

Section 16. Burglar Bars and Gates.

- 16.1 Burglar bars and/or gates must be installed inside window frames and door frames.
- 16.2 Burglar bars and/or gates shall be painted to match exterior trim, other colors require ACC approval.
- 16.3 Design and/or black bar spacing must be approved prior to installation.

Section 17. Birdhouses.

- 17.1 Maximum permitted height of birdhouses, including mounting structure, shall be fourteen feet (14').
- 17.2 If mounted on a pole, the pole and birdhouse must be unobtrusive and painted to match trim color of the Dwelling Unit or white.
- 17.3 A birdhouse must not be placed closer than five feet (5') to any property line, and must be situated in the rear of the Dwelling Unit,
- 17.4 Any birdhouse and mounting structure must be maintained in good condition.

Section 18. Landscaping.

- 18.1 Landscaping (defined as living plants, trees, shrubs, flowers, etc., and utilization of non-living material necessary for growth, e.g., bark, mulch, etc.,) is generally subject to ACC review and approval. The ACC is specifically empowered to determine what is visually objectionable and not in harmony with the surrounding neighborhood with regard to landscaping.
- 18.2 Trellises, window boxes, arbors, flower pots, and permanent brick borders that are in public view must have ACC approval.
- 18.3 The installation of landscaping must not interfere with the existing flow of drainage from adjacent areas or cause any drainage to flow on to an adjacent Lot.

- 18.4 A reasonable number of potted plants and potted flowers are permitted only in flower beds adjacent to the home, and also as accents to the driveway. Pots shall utilize earth tone colors in order to ensure harmony with surroundings. The ACC shall have discretion to approve or disapprove placement of potted plants and flowers that do not conform to community standards and aesthetics.

Section 19. Driveway Extensions/Sidewalks.

- 19.1 An application must be submitted for any driveway removal, addition or modification.
- 19.2 The width of the driveway between the front building line and the street shall not exceed sixteen feet (16).
- 19.3 Driveway appearance and structure must be maintained in a manner acceptable to the ACC.
- 19.4 Painting a topcoat on driveways and sidewalks is allowed with ACC approval as to color, type, and harmony with structure and surroundings.
- 19.5 Each Lot shall have a paved walkway from the driveway to the front entrance of the Dwelling Unit, which shall be a minimum of three feet (3') in width. Suitable paving materials for such walkways, such as concrete or stone, are subject to prior approval by the ACC.
- 19.6 Culvert walls may be made of stone or concrete and are subject to ACC approval.

Section 20. Awnings/Window Shades.

- 20.1 Awnings are permitted on the side and rear windows of a Dwelling Unit and must be of the same color of the Dwelling Unit. Awnings used as patio covers must be of the same color as those on the Dwelling Unit. In all cases, colors must match or compliment the predominant color of the Dwelling Unit. The color selections of awnings must be in accordance with section 6 of these guidelines. Once installed, awnings are to be maintained in excellent condition at all times. Canvas awnings are allowed and must be maintained in "like new" condition.
- 20.2 Metal and wooden slat-type exterior shades are not permitted on the front of the Dwelling Unit. All exterior shades must be approved by the ACC prior to installation. The color selections of exterior shades must be in accordance with section 6 of these guidelines. After installation, they must be kept in excellent condition at all times.

Section 21. Signs, Advertisements, Billboards.

- 21.1 No signs, billboards, posters, or advertising devices of any kind shall be permitted on any Lot without the prior written consent of the Committee other than one sign of not more 600 square inches advertising the particular Lot on which the sign is situated for sale or rent. In addition, the Association shall have the right to erect identifying signs at each entrance to the Subdivision.
- 21.2 Election signs will be permitted fourteen (14) days before and two (2) days after elections are held.
- 21.3 Signs which give notice of a home security system are permitted if placed at or near the front entrance and are not larger than 144 square inches (i.e., 12" x 12"). Window sticker which give notices of a home security system are also permitted.

Section 22. Garage Sales.

- 22.1 Garage sales will be coordinated by a Garage Sale Committee, consisting of three (3) member residents, and must adhere to the established guidelines.
- 22.2 Garage sales will be permitted only twice a year, for a maximum of three days, on the second weekend of the month, held on a Friday, Saturday and/or Sunday, between the hours of 7:00 a.m. and 5:00 p.m.

- 22.3 The date of the garage sale events will be determined by the Garage Sale Committee.
- 22.4 Subject to the Association's approval of funds spent, garage sale advertising will be limited to one (1) common sign or banner for the entire Subdivision community and/or local newspaper. No other garage sale signs placed on the Subdivision entrance by individuals will be allowed.
- 22.5 Individuals may advertise with one (1) sign not greater than six square feet (i.e., 2' x 3') located in their yard during the established hours and days determined by the Garage Sale Committee.

Section 23. Mail Boxes.

- 23.1 All mail boxes installed or replaced must conform to the ACC Mail Box Standard, in accordance with U.S. Postal regulations. The ACC Mail Box Standard is as follows:
- a. All mail boxes shall comply with U.S. Postal Service regulations, including but not limited to, numbering, location and height.
 - b. Mailboxes, house numbers and similar matter used in the Subdivision must be harmonious with the overall character and aesthetics of the community. All mailboxes must be brick or stone to match the home and have a permanently lighted address block. A house number must be placed on each house or mailbox within two (2) weeks after the later of the date of closing or the date that the Owner moves into the house.

Section 24. Window Air Conditioners.

- 24.1 No window or wall type air conditioners shall be permitted in any residence, but the Committee, at its discretion, may permit window or wall type air conditioners to be installed if such unit or units will not be visible from any street.

Section 25. Solar Energy Devices.

- 25.1 No solar collector shall be installed without the prior written approval of the Committee. Any such installation shall be in harmony with the design of the residence that is it used in conjunction with. Solar collectors shall be in compliance with the filed document, GUIDELINES FOR SOLAR ENERGY DEVICES, which is incorporated herein by reference

Section 26. Rainwater Recovery Systems.

- 26.1 Use of certain rain barrels and rainwater harvesting systems shall be in compliance with the filed document, GUIDELINES FOR RAINWATER RECOVERY SYSTEMS, which is incorporated herein by reference.

Section 27. Display of Certain Religious Items.

- 27.1 Display of certain religious items shall be in compliance with the filed document, GUIDELINES FOR DISPLAY OF CERTAIN RELIGIOUS ITEMS, which is incorporated herein by reference..

Section 28. Display of Flags.

- 28.1 Display of flags shall be in compliance with the filed document, GUIDELINES FOR DISPLAY OF FLAGS, which is incorporated herein by reference.

These guidelines are effective upon recordation in the Public Records of Montgomery County, Texas, and supersede any guidelines which may have previously been in effect. Except as affected by the TEXAS PROPERTY CODE and/or by these guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

This is to certify that the foregoing First Amended Architectural Control Guidelines and Regulations was adopted by the Board of Directors, effective as of August 20, 2015, until such date as it may be modified, rescinded or revoked. The Board of Directors hereby approves and authorizes the above Policy.

Signed this 25th day of Oct., 2015.

McCall Sound Home Owners Association, Inc.

By: WVIB
William Van Buren, President

STATE OF TEXAS)
COUNTY OF HARRIS)

This instrument was acknowledged before me on ~~August~~ October 28, 2015, by William Van Buren, President of McCall Sound Home Owners Association, Inc., a Texas nonprofit corporation, on behalf of said corporation.

Joyce Orteg
Notary Public, State of Texas

CONSENT:
WVIB
William Van Buren

M. Hughes
Mike Hughes

William Hodgson
William Hodgson



AFTER RECORDING RETURN TO:
Law Office of Beard & Lane, P.C.
12841 Jones Road, Suite 100
Houston, Texas 77070

E-FILED FOR RECORD
01/20/2016 10:42AM



COUNTY CLERK
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS
COUNTY OF MONTGOMERY
I hereby certify this instrument was e-FILED in
file number sequence on the date and at the time
stamped herein by me and was duly e-RECORDED in
the Official Public Records of Montgomery County, Texas.

01/20/2016



County Clerk
Montgomery County, Texas