

R841549

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ARCHITECTURAL GUIDELINES

FOR

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\$49.00

WEST MEMORIAL CIVIC ASSOCIATION, INC.  
SECTION ONE (1), ONE A (1A),  
TWO (2) AND THREE (3)

The Board of Directors (the "Board of Directors") of West Memorial Civic Association, Inc. (the "Association"), a Texas non-profit corporation and the West Memorial Architectural Review Committee (the "ARC") do hereby certify that at a joint meeting duly called and held the following resolutions and guidelines were unanimously made and adopted:

WHEREAS, the Association, acting through its Board of Directors, wishes to exercise the authority granted to it by the provisions of the Declaration of Covenants and Restrictions, Restrictive Covenants and/or Conditions and Restrictions (the "Declaration" whether one or more) applicable to West Memorial Subdivision, Section One (1), One A (1A), Two (2) and Three (3), (collectively "West Memorial") to maintain the harmonious and architectural design of the subdivisions in accordance with the provisions of the Declaration; and

WHEREAS, the Declaration created an Architectural Review Committee for the specific purpose of approving building, additions or improvements on any lot (residential or non-residential); and

WHEREAS, by virtue of certain provisions of the Declaration, the Association now holds all authority granted to the Architectural Review Committee; and

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

WHEREAS, the Board of Directors and the ARC desire to establish procedures for the orderly review of construction plans and specifications, and the Board of Directors and the ARC desire to establish guidelines with respect to the type, sign, quality and color of exterior additions and improvements on lots in West Memorial, so that a harmonious exterior design within the subdivisions are consistently maintained;

NOW, THEREFORE, the Board of Directors and the ARC hereby adopt the following procedures and guidelines relating to buildings, additions and improvements on lots in the subdivision.

These procedures and guidelines shall supplement the applicable restrictive covenants set forth in the Declaration:

#### OVERVIEW

The Board of Directors and the ARC have established these architectural guidelines in accordance with the authority granted to them by the provisions of the Declaration. The guidelines are established to assure uniform and fair interpretation of the Declaration and of these guidelines. The guidelines are intended to provide all lot owners in West Memorial with information relating to the type, color and quality and grade of materials which may be used in the construction of various kinds of improvements and the size and locations of such improvements, and information relating to the procedure utilized by the Association with respect to applications for proposed improvements.

The procedures and guidelines may be amended by the Board of Directors from time to time as it deems necessary and appropriate.

#### ARCHITECTURAL REVIEW PROCEDURES AND GUIDELINES

##### APPLICATION PROCEDURES

1. Applications: All applications of approval to make any exterior changes, additions or improvements must be submitted to the ARC in writing by completing the application form currently in use by the ARC or such form as may hereafter be adopted by the ARC. Plans and specifications for any exterior change, addition or improvement should be attached to the application. All applications, additional information, or requests for appeal shall be mailed or delivered to the office of the managing agent of the Association, not to members of the ARC or Board of Directors.

The ARC reserves the right to request any additional information it deems necessary to properly evaluate any application. In the event that the ARC requests additional information, the application shall be considered incomplete until such information is submitted to the ARC and the requirement for approval of the application, as described in the Declaration, shall not begin until such information is received (10 working days for West Memorial South, 30 days for all others). In the event that the ARC requests additional information and the information is not received as required, the application shall be denied, however, the applicant may thereafter submit a new application with the requested information to the ARC for its review.

2. ARC Decisions: ARC committee members shall consider each application for compliance with the restrictive covenants of the Declaration and with these guidelines. The decision of a majority of members to approve or disapprove an application shall be

considered the decision of the ARC. All decisions of the ARC shall be confirmed by the signatures of a majority of the ARC members.

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

In accordance with the Declaration, any application that is not approved or disapproved within thirty (30) days (or ten (10) working days for West Memorial South) of the date of its receipt shall be deemed to have been automatically approved provided, however, that (i) any such approval shall extend only to architectural guidelines and not to any of the use restrictions set forth in the Declaration and (ii) in no event shall non-action be deemed to constitute approval of an application for any change, addition, or improvement or any other item that would violate the restrictive covenants in the Declaration. Unless otherwise stated in the ARC's written response, all approved exterior changes, additions or improvements shall be completed within thirty (30) days of the date construction, installation or erection is commenced.

3. DRC Appeals: In the event that the ARC disapproves an application, the applicant may submit, within thirty (30) days, to the Deed Restriction Committee (the "DRC") any additional information the applicant considers relevant to the original application.

The DRC shall consider each appeal of an ARC decision for compliance with the restrictive covenants of the Declaration and with these guidelines. The decision of a majority of members in attendance at a duly held DRC meeting shall be considered the decision of the DRC. If the decision of the DRC is to reverse a decision of the ARC, the reversal must be reviewed and approved by a designated representative of the Board before the decision is published and considered final. The Board may elect to review any decision before it is considered final.

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

4. Board of Director Appeals: In the event that the appeal is denied by the DRC, the applicant may submit a written appeal to the Board of Directors within ten (10) days of disapproval by the DRC. The Board of Directors shall review such appeal at one of its next two meetings following the date upon which the request for appeal

is received and notify the applicant of the Board's decision. All decisions of the Board of Directors shall be final.

5. Status of Applications During Appeal: During any appeal period, the decision of the ARC on the original application shall remain in effect. Further, an appeal of a decision shall not be considered a new application resulting in approval of the original application if a response to request for reconsideration.

#### GENERAL GUIDELINES

The ARC shall consider the following factors upon the review of each application for an exterior change, addition or improvement;

1. Size and dimension;
2. Color and harmony with existing structures and improvements;
3. Quality of materials;
4. Location: The ARC is not liable or responsible to any party for the enforcement of easements, other than those easements and set backs reserved to or for the Association. Accordingly, it is the responsibility of each Homeowner to determine that the location of any improvements or construction does not encroach. No consent by the ARC or the Association shall ever be deemed a permission to encroach, except as to those easements or servitudes to or for the Association, provided, however, the ARC may revoke its permission if it determines that drainage is materially affected. The Homeowner shall bear sole responsibility to remove any such encroachment or interference with drainage at his/her sole cost and expense, notwithstanding any grant of permission by the ARC or the Association to construct or place an improvement upon any lot. Each consent or permission granted by either the ARC or the Association shall be deemed to incorporate these conditions.
5. Harmony and appeal of exterior design;
6. Quality of construction;
7. Elevation;
8. The provisions of applicable statutes, ordinances, building codes and covenants, conditions and restrictions;

9. The Owner of each lot shall maintain the same and all improvements thereon, including but not limited to all structures, grounds, fixtures and personalty visible therein or thereon in a neat and attractive condition at all times.
10. Hours for construction shall be 7:00 a.m. to 9:00 p.m., Monday thru Friday.

#### FENCES

1. Wood Fence Construction: Wooden fences facing the front street or along any side street, rear street property line or greenbelt shall be constructed with all pickets on the outside so that no posts or rails are visible from the street.

All other wooden fences must be constructed in the manner described above or must be constructed in panels (each of which is 6 to 8 feet in length) erected in a "good neighbor" fashion so that posts and rails are exposed only on alternative panels when viewed from either side of the fence.

2. Gates: All gates shall be constructed with the same materials as the fence. The hinges and latches used on the gate should be of the same style and quality of those used throughout the subdivision.

3. Color:

a. Wood Fences: No portion of a wood fence on a lot which is visible from any street may be painted or stained. Portions of a fence which are not visible from any street may be stained in acceptable earthtone colors of brown, beige or gray. The ARC shall maintain a chart depicting examples of earthtone colors and shades of earthtone colors for stains on wood fences. Each stain color sample submitted by a Homeowner shall be compared to the colors and shades of colors set forth on the fence stain color chart to assure that each approved stain is harmonious with the color scheme established for the subdivision.

b. Wrought Iron Fences: Wrought iron fences must be black and no more than six feet (6') in height. Spacing bars must be no greater than three inches (3") on center. The location of all wrought iron fences must be approved by the ARC.

4. Chain Link and Wire Fences: There shall be no chain link or wire fences.

5. Setback Lines: Fences may not be constructed on a lot forward of the front line of the main structure. On corner lots the

side setback line may extend five feet (5') in front of the building line.

6. Maintenance of Fences: Pickets, rails or bars that are broken, warped, bent, sagging, or which have otherwise deteriorated must be promptly repaired or replaced. All fences which are stained (on interior surfaces) shall be properly maintained to prevent cracking, chipping, fading or mildewing.

7. Height of Fences: All perimeter fences shall be six feet (6') in height. Fences between the house and garage may be between four and six feet (4'-6'); however, no fence shall exceed six feet (6') in height. Eight foot (8') fencing may be allowed where it borders common areas.

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

#### SWIMMING POOLS AND SPAS

An application for the construction of a swimming pool, spa or jacuzzi must include a plot plan showing the proposed location of the swimming pool, spa or jacuzzi in relation to the property lines, building lines, existing structures and existing or proposed fences. If any trees are to be removed or relocated, this must also be noted. The application shall also include a timetable for the construction of the pool, spa or jacuzzi. No swimming pool, spa or jacuzzi shall be approved unless the area in which the pool is to be located is either enclosed by a six foot (6') fence constructed of wood or of wrought iron with a maximum of three inches (3") between each bar or such a fence is proposed to be constructed in conjunction with the swimming pool there is a drainage system below the ground providing drainage and proper self-latching gates. Spas and jacuzzi must also have an adequate drainage system according to the requirements of any governmental agency having jurisdiction or, in the event there is no governmental agency having jurisdiction, as deemed appropriate of the ARC. Under no circumstances shall water from a swimming pool, spa or jacuzzi be permitted to drain onto the surface of the lot on which the swimming pool, spa or jacuzzi is situated or onto any adjacent lot. During construction, the pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists. If a portion of an existing fence is removed during construction, a temporary fence or barrier must be erected to full enclose the area in which construction is taking place. Further, no building materials shall be kept or stored in the street overnight. Excavated material shall either be used on site or immediately removed from the premises by the pool contractor. The construction of all swimming pools must be in compliance with the National Electrical Code and include the installation of a ground fault circuit interrupter. No swimming pools may be enclosed with screens. No swimming pool, spa or

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

### OUTBUILDINGS

1. General Rules: Any type of building which exists on a lot but is not attached to the residential dwelling on a lot, other than the dwelling itself, a detached garage, a gazebo or a children's play structure shall be considered an outbuilding, including tool and/or storage sheds. Only one (1) outbuilding not exceeding ten feet (10') in width and eight feet (8') in height shall be permitted on a lot and such outbuilding must have a permanent ground attachment. The standard, type, quality and color of the materials used in the construction of an outbuilding shall be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence on the lot. The roof of an outbuilding may be made of metal or steel. The roof of an outbuilding shall conform to the provisions relating to roofing materials set forth in the Declaration and these Guidelines and shall be compatible with the color and type of materials used in the construction of the main structure. An outbuilding must be located in the backyard of the lot inside the solid fence. The outbuilding shall be no closer than three feet (3') from any property line and on a corner lot, the outbuilding shall be nearer to the interior property line than to the exterior property line. The ARC cannot approve the location of the structure on a utility easement.

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

- a. Conical shaped (peaked) roofed gazebos. These gazebos cannot exceed twelve feet (12') in height (height measured from the ground) and the horizontal supports cannot exceed eight feet (8'), from the deck level. Decks shall not exceed two feet (2') in height (heights from the ground).
- b. Flat lattice (arbor type) roofed gazebos. These cannot exceed ten feet (10') in height (height measured from the ground) and the horizontal supports cannot exceed eight feet (8') in height from the deck level.

For both structures, the footprint area is limited to one hundred (100) square feet (typically 10' by 10'). All gazebos must have a permanent roof with materials set forth in the Declaration and these Guidelines. The materials used in construction of the gazebo shall be harmonious with the standard, type, quality and color used in the construction of the main residence of the lot. Louvered or trellis style gazebo roofs may be allowed as long as the quality of materials is minimum of six feet (6') from all rear and side

property lines. No gazebo shall impede drainage on the lot or cause water to flow onto an adjacent lot.

3. Children's Play Structures: For the purposes hereof, a children's play structure shall mean any type of children's swingsets, play sets, climbing structure, slides, or raised play sets and play forts. A maximum of two (2) children's play structures are allowed on a residential lot. The maximum dimensions of each play structure are ten feet (10') in width by fifteen feet (15') in length by ten feet (10') in height at its highest. The play structure may not have vertical beams with a single horizontal support member between them. No plywood or paneling shall be allowed. Tarpaulins may be permitted with ARC approval. No wind-socks or streamers attached to the structure shall be permitted. Play structures must be located within the solid fence in the backyard. No play structure may be located closer than six feet (6') to any property line. Additionally, any play structure must be located at least ten feet (10') from the property line if the adjoining lot is a residential lot. No play structure shall be approved for construction on utility easements, or may impede the drainage on the lot or cause water to flow to an adjacent lot.

#### MISCELLANEOUS

1. Birdhouses: Birdhouses shall be permitted subject to the prior approval of the ARC and the following:

- a. A birdhouse shall not be visible from the street in front of lot;
- b. No birdhouse shall be larger than two feet (2') in width, two feet (2') in length and two feet (2') in height;
- c. No more than two (2) birdhouses shall be permitted on a lot;
- d. No birdhouse shall be situated higher than ten feet (10') above the ground;
- e. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the home and other improvements on the lot.

2. Awnings: Awnings which are visible from the street in front of the lot shall be permitted, provided such comport to the general aesthetic scheme and colors of West Memorial.

3. Garage Conversions: No conversions of any kind will be allowed. Detached multi-story garages shall not be acceptable.



4. Basketball Goals:

- a. Basketball goals must be mounted either on the garage wall or roof with the backboard parallel to the automobile entrance; or on a rigid steel or aluminum pole (no wooden poles).
- b. The backboard material must be fiberglass or safety glass. The color must be clear (safety glass), gray or white with the exception of the white, black, orange or red manufacturer's outline markings. The rim should be of heavy gauge steel and white, black or orange in color. The net must be maintained in good condition as determined by the ARC.
- c. The backboard supports must be firmly attached to the structure, using either lag bolts into underlying support members (garage studs or trusses) or threaded bolts and nuts through the structure's roof or wall. Nails, by themselves, are not permitted. Mounting supports may be of wood, steel or aluminum. Supports must be painted of a color complying with the house painting guidelines.
- d. All pole-mounted goals must be behind the front building line that extends from the front of the house or garage parallel to the street. A pole mounted goal must not be within fifteen feet (15') of an adjacent lot owner's amenities (air conditioning unit, shrubbery, gas meter, driveway, etc.) unless properly protected (i.e., by fence or shrubbery). No pole mounted goals will be allowed along the neighbor's adjoining side of a driveway if a neighbor's first story house window(s) are exposed. The pole must have a manufacturer's weather resistant finish or be painted black or white.
- e. An application for approval of a basketball goal should include a detailed sketch of the goal's proximity and relationship to the adjoining neighbor's property and, in pole mounted cases, include a description of the amenities of the adjacent lot.
- f. Applications must include the following:  
A photograph or detailed sketch showing the proposed location of the goal on the garage or proposed location of pole mounted goals.
- g. Pole mounted goals installed near a lot boundary line must include with the application a letter stating that the owner will remove the goal if requested by the Board.

- h. The basketball goal, rim and net must be maintained at all times or the basketball goal must be removed.
- i. The Board may revoke its approval and require removal of any basketball goal which it reasonably determines to be a nuisance to the neighbors.

5. Signs:

- a. Home Security Signs. No signs shall be permitted on any lot except for a limited number of small, inconspicuous, discretely placed signs for the purpose of warning of the presence of a home security system. Each sign shall be from a professional security company and should not exceed one (1) square foot in area. One (1) sign shall be allowed in the front yard and one (1) shall be allowed within the rear, fenced in portion of the lot. Each sign must be mounted on a stake; however, the top of the sign shall not exceed two feet (2') from the ground level when installed and must be no further than three feet (3') away from the house or garage. Signs must be of an acceptable color which is harmonious with the surrounding structure and landscaping. Acceptable colors for security signs include earthtones, white, black, or dark shades of red, blue or green. The text and overall appearance of the signs must be acceptable and must primarily provide a security warning without prominent advertising of any business. Signs must be maintained in good condition and the Association may require removal of signs which have deteriorated. In addition to (or instead of) signs, home security warning decals may be displayed on first floor windows or doors, provided that each decal is not larger than three inches (3") wide by four inches (4") tall. Not more than one decal may be displayed per window or door; provided the decals do not otherwise violate these Guidelines.

b. Other Types:

- i) Open House. One (1) temporary open house sign is allowed in front of residence on the day of open house only. Size shall be no more than six square feet (6') overall.
- ii) School Organization. One (1) temporary school sign is allowed in the flower beds of residence not further than three feet (3') from outside wall of house, unless otherwise noted and approved by ARC. Maximum size allowed is forty-two inches (42") in height and eighteen inches (18") in width and not to exceed 1/4 inches (1/4") in thickness.

- iii) Yard of the Month. One (1) yard of the month sign supplied by the Association is allowed in the flower beds of residence not further than three feet (3') from outside wall of house.

6. Solar Screens, Window Tint: The color of any solar screens or window tint must be harmonious with that of the house. The frames of the screens must match the color of the window frames of the house, or must match the color of the solar screen material. If any window is covered, all of the windows on the same side of the building must also be covered. The width of the screen frames must match individual window size (i.e., double-width screens are not allowed). Frames should have appropriate cross-member support to prevent sagging. Window tint shall be harmonious, shall not be reflective and must be maintained to prevent peeling, cracking or irregular discoloration.

#### PATIO COVERS

The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence. If siding is used on patio covers, it must be of the same type, quality and color as the siding on the main residence. Roofing materials on patio covers shall conform to the provisions relating to roofing materials set forth in the Declaration and these Guidelines. Louvered or trellis style patio cover roofs may be allowed as long as the quality of materials is approved. Pressure treated wood may be stained or painted provided the color shall conform to the provisions relating to painting set forth in these Guidelines. Any patio cover which is not attached to the house shall be subject to the Guidelines set forth herein for gazebos.

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

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

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

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

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

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

#### PATIO ENCLOSURES

A "patio enclosure" is any patio cover which has exterior walls and/or screens (other than "sun rooms" as defined in the Guidelines). All structural components of patio enclosures, including roofing materials, shall be subject to the Guidelines set forth herein for "patio covers". This section describes additional requirements for walls, screens and frames used to enclose a covered patio or deck.

The standard, type, quality and color of the materials used in the construction of a patio enclosure must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence. Exterior walls of a patio enclosure shall be constructed of brick or siding which is of the same type, quality, and color as those of the main dwelling on the lot. Aluminum siding is not allowed. No visible part of the enclosure can be made of metal other than screens, frames and storm doors. Patio enclosure screens must be the same color as existing window screens on the main dwelling and must have adequate cross-member support to avoid sagging. The exterior color of doors, sills, beams, frames or other visible supports must match the exterior colors of the main dwelling or the color of existing window frames.

#### SUN ROOMS

A sun room is any room with glass-enclosed walls or a glass ceiling. The ARC may reject any application to construct a sun room on a lot on the basis of its overall design and conformity with existing structures regardless of whether or not the proposed sun room complies with the technical specifications set forth below.

- a. Application must be accompanied by a detailed scale drawing or blueprint showing the three dimensional relationship of the sun room to the existing structure. Applications must also include a plot plan showing the location of the sun room in relation to all lot boundary lines, the residence, the easements and the building setback lines. Applications must also include a detailed material list and include the name, address, and business phone number of the contractor or installer. Applications may be rejected for failure to provide any of these required items.
- b. A sun room may be added to the rear of the residence only. Applications for sun rooms on cul-de-sac lots and corner lots where the rear of the house faces a street or other community property will be considered on a case-by-case basis.
- c. Supporting structural members must be of a color and shade similar to and harmonious with the exterior color of the residence. Glass must be tinted in a shade compatible with the exterior of the residence. No metallic or direct reflecting style shading/tinting of the glass will be permitted. Applicants may be required to submit actual samples of the glass with the proposed shading/tinting material applied for approval.
- d. The floor of the sun room must be of reinforced concrete slab construction with three inch (3") minimum thickness. No other flooring material will be permitted.
- e. Only safety glass will be permitted for the panes. No fiberglass, plexiglass, plastic, acrylic, mesh, or other materials will be allowed. Safety glass must be a minimum three-sixteenth inches (3/16") thick if tempered glass or a minimum one quarter inch (1/4") thick if laminated glass. Maximum width of glass between support trusses will be thirty-six inches (36") measured center to center.
- f. Support trusses (glazing bars) must be constructed of aluminum or aluminum alloys with electrostatically applied coloring/paint to withstand 100 m.p.h. wind and 25 lbs. per square foot. No natural aluminum oxidation coloring will be allowed. No wood, composite, steel, fiberglass, or plastic trusses will be allowed. Trusses must be of structural box or I-beam construction. Round, oval or "T" shaped trusses will not be allowed.
- g. The roof of a sun room must have a minimum pitch of one inch (1") per twelve inches (12") of projection. The sun room may not project more than twenty feet (20') measured

from the rear facing plane of the residence. The sun room may not project beyond either side-facing plane of the residence. A sun room may not encroach on any existing setbacks or easements.

- h. Sun rooms are only permitted as ground structures. The maximum height of the roof, measured from the concrete floor, may not exceed either twelve feet (12') or the height of the eaves of the wall that the sun room projects from, whichever is lower.
- i. If ceiling lighting is installed, it must be downward directed, focused, low-wattage track lighting. Any electrical plug outlet installed within the trusses/glazing supports must be of the UL approved Ground Fault Interrupt (GFI) type.
- j. Sun rooms may not have turbine-type or forced fan roof ventilators installed. Only natural draft/convection flow panels that open may be installed. Panels that open may not exceed thirty six inches (36") by thirty six inches (36") in size and must be at least thirty six inches (36") in any direction away from adjoining opening panels.
- k. Sun rooms may not have exposed air conditioning or heating ductwork installed on the exterior thereof. Vents must be attached to the main residence. No ductwork shall be visible.
- l. Window coverings are not required. However, only interior coverings will be permitted; there shall be no exterior covering of the sun room glass allowed. The side of the window covering facing the exterior must be of a neutral, earthtone color, which must also blend with the exterior color of the home. If there is covering on any one window, then all windows must be covered with the same treatment. Color and material samples of coverings may be required to be submitted for approval, at the discretion of the ARC.

#### EXTERIOR LIGHTING

1. Changes to Existing Lighting: Outside lighting which was installed at the time of original construction or which was installed after original construction with the approval of the ARC may be replaced with a new fixture provided that the wattage of the new fixture does not exceed the wattage of the existing fixture or 300 watts, whichever is greater. Existing gas lighting may be converted to an electric incandescent bulb provided that (a) the incandescent bulb is a clear glass type, (b) the wattage of the bulb does not exceed 100 watts, and (c) the lighting color is white.

2. New Lighting:

- a. Security Lighting. Security lighting shall be permitted with the Arc's approval so long as the total wattage for all security lights does not exceed 300 watts. All security lighting shall be mounted behind the back plane of the house. No pole mounted security lights (including sodium vapor and mercury vapor) shall be permitted. No security light fixture shall be allowed above the eaves of the house or garage. Exceptions to mounting security lighting behind the back plane of the house and/or allowing security lighting above the eaves of the house or garage may be granted by the ARC if the design and location of the house and/or garage on a lot warrant an exception. No more than one (1) mercury vapor light of not more than 150 watts shall be permitted on any lot unless a cul-de-sac or corner lot. Sodium vapor lights are permissible provided that each sodium vapor light does not exceed 70 watts.
- b. Landscape Lighting. Exterior landscape lighting shall be permitted with the ARC's approval so long as the lighting is located within flower beds, shrubs and/or trees. Pole mounted landscape and/or decorative lighting shall also be permitted with ARC approval so long as (i) the pole does not extend more than seven feet (7') above the ground, (ii) the light fixture is not situated more than six feet (6') above the ground, and (iii) the light is neither sodium vapor nor mercury vapor.
- c. Gas Lights. Two (2) gas lights per lot shall be permitted with the ARC's approval, provided that the gas lighting color is white.
- d. Annoyances. All new lighting which is approved by the ARC shall be subject to a ninety (90) day trial period to assure that the lighting is not objectionable to surrounding residents. The ninety (90) day period shall commence on the date of the ARC's written approval of the lighting. If, at the end of the ninety (90) day period, the ARC determines that the lighting is not unreasonably offensive or an annoyance to surrounding residents, the ARC's approval shall be final; otherwise, the lighting shall be removed or modified in accordance with the decision of the ARC.

**EXTERIOR SIDING**

When exterior siding is replaced or added to any existing structure or new improvement on the lot, it must be of the same type, quality, size and color as the existing siding on the main

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

- a. minimum of a 20-year warranty from a reputable manufacturer (warranty information should be submitted with the application);
- b. thickness, visible width, and spacing of siding must be consistent with that of the original exterior siding; each application submitted to the ARC shall specify the thickness, width and spacing of the existing and proposed siding, and shall include a sample of the proposed siding material;
- c. color of all siding (including siding that is not painted) must comply with the Guidelines for Painting as set forth herein; each application must include at least two (2) color samples of the proposed siding color;
- d. must be installed and maintained to avoid sagging, waving, warping or irregular coloration; the Board may require the homeowner (at homeowner's sole responsibility and expense) to repair or replace siding that fails to adhere to these Guidelines.

#### PAINTING

At least two (2) color samples or "paint chips" of the proposed exterior color of any new addition or improvement must be attached to each application submitted to the ARC. Further, the existing exterior color of the main body of a house, garage or other improvement on a lot, as well as any trim or accent color, shall not be changed without first submitting an application with at least two (2) color samples or paint chips to the ARC and receiving its written approval. The ARC has established and shall maintain a chart depicting the acceptable earthtone colors and shades of earthton colors for the exteriors of homes and other improvements on lots within the subdivision. Each color sample or paint chip shall be compared to the colors and shades of colors set forth on the color chart to assure that each approval color is harmonious with the scheme established for the subdivision. Each exterior color must not only be an earthtone, but also an acceptable shade of an earthtone color. As used in these Guidelines, "earthtone" shall mean acceptable shades of beige, brown, gray and white as shown on the ARC's color chart. The following additional guidelines shall also apply:



1. Principal Color of Dwellings. The principal color of the dwelling and garage situated on a lot, including the garage door, must be a muted earthtone.
2. Trim. Soffit, fascia board, window and door trim must also be an earthtone color; however, the shades of trim color may be deeper than the principal color of the dwelling or garage.
3. Accents. Shutters, window homes, the side panels of doors and windows and the exterior surfaces of doors may be painted any acceptable earthtone color, including trim colors and certain acceptable shades of dark green, black, blue-gray, rust or dark blue. Window hoods may also be painted in a coppertone metallic based paint.

#### ROOFING MATERIALS AND ADDITIONS

1. Materials: A sample of the proposed shingle to be placed on any existing roof or any new improvement must be attached to each application submitted to the ARC. The ARC has established and shall maintain a chart depicting the acceptable type, quality and color of roofing material for homes and other improvements within the subdivision. Each shingle shall be compared to the samples set forth on the roofing materials chart to assure that each approved shingle is an acceptable type and quality and that its color is harmonious with the color scheme established for the subdivision. The color of each roofing material must not only be an earthtone, but also an acceptable shade of an earthtone color. Fiberglass or composition asphalt shingles shall be limited to the following types and grades unless otherwise approved in writing by the ARC:

- a. Minimum 300 lb. per square, 30 year warranty:
  - (i) Elk "Prestique" approximately 320 lb. per square.
  - (ii) GAF "Timberline" approximately 300 lb. per square, 30 year warranty.
  - (iii) Genstar "Architect 80", approximately 300 lb. per square in the Barnwood or Driftwood colors, 30 year warranty.
  - (iv) Owens Corning Oakridge in acceptable colors, 30 year warranty.
  - (v) Such other type of fiberglass or composition shingle of equal or superior quality as may be approved in writing by the ARC.

- b. Minimum 220 lb. per square, 20 year warranty.
- (i) Elk "Prestique II", approximately 240 lb. per square, in the Weatherwood, Hickory or Barkwood colors, 25 year warranty.
  - (ii) Elk Fiberglass "Sunseal", approximately 25 lb. per square, in the Chestnut, Bark Blend, Weathered Blend or Sable Blend colors, 25 year warranty.
  - (iii) Gemstar "Fiberscreen Brigade", approximately 220 lb. per square, in the Weather Blend or Barnwood colors, 20 year warranty.
  - (iv) Georgia Pacific "Vallant Fiberglass", approximately 234 lb. per square, in the Weatherwood color, 30 year warranty.
  - (v) Owens Corning Oakridge II in acceptable colors, 25 year warranty.
  - (vi) Such other type of fiberglass or composition shingle of equal or superior quality as may be approved in writing by the ARC.
- c. Felt for all composition roofs must have a weight of at least 30 lbs.

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

#### SATELLITE DISH ANTENNAE

Satellite dish antennae may be approved by the ACC only if the following minimum requirements are met:

- a. Each satellite dish antenna may be situated in the back portion of the lot so that it is not visible from any point in the street in front of the lot. The rear portion of the lot must be enclosed with a six foot (6') solid fence or such a fence must be proposed in conjunction with the application for approval to erect the satellite dish antenna.
- b. No portion of a satellite dish antenna may extend more than eight feet (8') above the ground at any time.
- c. No portion of a satellite dish antenna may be situated upon an easement.
- d. The color of a satellite dish antenna shall be black or

with ARC approval, harmonious with the color of the house and improvements on the lot. As a condition of approval, the ACC may require additional screening through landscaping. No cable or wiring shall be visible from the street in front of the lot or any side street.

507-63-2044

ADOPTED on the date set forth opposite each name.

*102*

BOARD OF DIRECTORS  
West Memorial Civic  
Association, Inc.

BY:

Date: March 19, 1996

*[Signature]*  
President: R. GLASSCOCK  
Name:

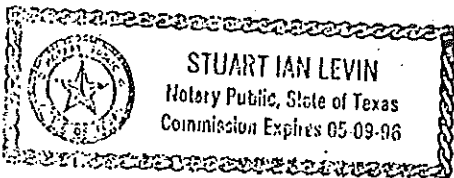
Attest  
Date: March 19, 1996

*[Signature]*  
Secretary:  
Name: CHONY ESSER ARNOLD

STATE OF TEXAS

COUNTY OF HARRIS

This instrument was acknowledged before me on March 19,  
1996, by RANDALL GLASSCOCK as President of the West Memorial  
Civic Association, a Texas non-profit corporation, on behalf of  
said corporation.



*[Signature]*  
Name: STUART IAN LEVIN  
Notary Public in and for  
The State of Texas  
My Commission Expires: 5/9/96

AFTER RECORDING, PLEASE RETURN TO:

STUART IAN LEVIN, Esq.  
20501 KATY FREEWAY, SUITE 217  
KATY, TX 77450