

ARCHITECTURAL CONTROL AND DESIGN GUIDELINES ASHFORD FOREST, SECTIONS I AND II CIVIC CLUB, INC.

The following Architectural Control and Design Guidelines (the “Guidelines”) apply to and encumber any and all lots within Ashford Forest, Sections I and II and are promulgated by the Board of Directors (the “Board”) of Ashford Forest, Sections I and II, Civic Club, Inc. (the “Civic Club”) pursuant to the specific authority granted thereto by the Texas Property Code, Section 204.010. Section 204.010 of the Texas Property Code empowers the Civic Club acting through its Directors, to regulate the use, maintenance, repair, replacement, modification, and appearance of the subdivision, and additionally allows the Civic Club to implement written architectural control guidelines.

Pursuant to the Restrictions for Ashford Forest, Section One (“Section One Restrictions”) recorded under clerk’s file number B971270 in the Real Property Records of Harris County, Texas, the Amendment to the Restrictions for Ashford Forest, Section One (“Section One Amendment”) recorded under clerk’s file number B998908 in the Real Property Records of Harris County, Texas, and the Restrictions for Ashford Forest, Section Two (Section Two Restrictions”) recorded under clerk’s file number C075526 in the Real Property Records of Harris County, Texas (the Section One Restrictions, the Section One Amendment, and the Section Two Restrictions shall hereinafter be collectively referred to as the “Restrictions”), and all current and future amendments thereto, the Civic Club hereby promulgates the following regulations:

1.01 Purposes. The purposes of the Guidelines are: (1) to establish and preserve a harmonious design for the community, (2) to protect the value of property in the community, and (3) To provide a fair and uniform interpretation of the deed restrictions by the Architectural Control Committee (the “ACC”); all of which are based on the specific rules established by the appropriate governing documents and Texas Property Code.

1.02 Application of Design Guidelines. Prior written approval by the ACC is required for any building or other improvement erected, placed or altered on any lot as well as any modification to the external appearance of a lot or any structure on a lot, as well as construction of new residences. The approval requirements are all encompassing and include by way of illustration and not limitation any changes to drainage, any repainting of a structure, and placement of any object on a lot and the erection of any fence or gate. All property owners are responsible for obtaining the necessary review and approvals to comply with the terms of the Restrictions.

1.03. Approval of Application for Improvements. Prior to commencement of any demolition, construction, modification, or addition to existing improvements (hereinafter referred to as a “Modification”) or new construction, a written application (hereinafter referred to as “Application”) must be submitted to the ACC for review. Any Modification constructed without the prior written approval of the ACC will be considered a violation of the Restrictions and the owner may be subject to a lawsuit to

enjoin construction and/or seeking statutory damages as provided in Chapter 202 of the Texas Property Code. In making its determination and in order to maintain harmony of exterior design with existing and proposed structures in the subdivision, the ACC generally will impose a higher, more formal standard for Modifications in a front yard and in any portion of a yard visible from the street.

1.04 Application for Review. Applications for review must be made utilizing the form prescribed for this purpose attached hereto as Exhibit “A” and submitted to the ACC. The Application must contain the information described in the submittal requirements outlined in Appendix A. The ACC must act on the application within thirty (30) days of the filing of the application. Approval of a Modification made by the ACC shall be made in a written document, which must be preserved by the applying owner.

APPLICATIONS, PLANS, OR SPECIFICATIONS WITH ANY MISSING DATA AS LISTED OR REQUIRED UNDER THE RESTRICTITONS, THESE GUIDELINES AND APPENDICES HERETO WILL BE CONSIDERED INCOMPLETE WITHOUT NOTICE TO THE OWNER AND INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR APPROVAL. ANY FAILURE OF THE ACC TO ACT ON INCOMPLETE APPLICATIONS, PLANS, OR SPECIFICATIONS SHALL NOT CONSTITUTE APPROVAL. ANY FAILURE OF THE ACC TO ACT ON ANY APPLICATIONS, PLANS, OR SPECIFICATIONS INCONSISTENT WITH OR IN VIOLATION OF THE RESTRICTIONS, THESES GUIDELINES AND APPENDICES HERETO SHALL NOT CONSTITUTE APPROVAL. The approval of said plans and specifications may be withheld, not only because of their noncompliance, with any of the specific restrictions, contained in this and other clauses hereof, but also by reason of the reasonable dissatisfaction of the ACC or its agent with the completeness of construction plans, grading plan, location of the structure on the building site, the engineering, color scheme, finish, design, proportion, architecture, shape, height, style or appropriateness of the proposed structure or altered structure, the materials used therein, the kind, pitch or type of roof proposed to be placed thereon, or because of its reasonable dissatisfaction with any or all other matters or things which, in the reasonable judgment of the ACC or its agent, would render the proposed structure inharmonious or out-of-keeping with the general plan of improvement of the Subdivision or with the structures erected on other building sites in the Subdivision

2.01 Additions and/or Remodels. Additions and remodels shall comply with all building setback and building line requirements as set forth in the Restrictions and on the recorded plat of the subdivision. Materials and color selections, as well as all other aspects of the project, shall be governed by the guidelines, guideline appendices and in the deed restrictions.

2.02 Attic Ventilations and Rooftop Appendages. Attic ventilators and other rooftop appendages shall be located on the rear slope of the roof and shall not be visible from the street nor be above roof ridge. This Guideline provision does not apply to chimneys.

2.03. Awnings. Awnings shall be solid earth tone colors and shall not be brightly colored or multi-colored. Additionally, scalloped-edge or decorative edged awnings are not allowed as they are not in keeping with the harmony of existing structures in the

subdivision. The placement of awnings shall be limited to the rear or side façade of a house and must be maintained and replaced as needed so as to avoid a “worn” appearance.

2.04 Basketball Goals. No basketball goal, net and/or backboard may be kept, placed or mounted upon any lot or kept, placed, attached or mounted to any fence or dwelling without prior approval by the ACC. Basketball goals must be maintained in good repair. A nylon chain or net shall be maintained on rim at all times. The net shall be repaired or replaced in the event it becomes frayed, torn or unsightly. A steel or aluminum rim shall be affixed to the backboard of the basketball goal at all times. The rim shall be repaired or, if necessary, replaced in the event that it becomes broken, bent or unsightly. In no event shall a basketball goal be placed permanently at any curb. Temporary or portable basketball goals must be stored behind building setback line unless in direct use.

2.05 Birdhouses. Permanent and/or temporary pole-mounted birdhouses shall not exceed twenty (20) feet in height. One permanent, pole-mounted birdhouse per lot is allowed. All poles or posts for the support of birdhouses must be constructed of wood, metal or fiberglass. All birdhouses and posts shall be painted an earth tone color, coordinating with the colors of the house and in harmony with the subdivision. The recommended location for placement of the pole is within the landscape beds. Permanent, in-ground poles are generally defined as those that are installed in an appropriate footing, for example in concrete, and are not meant to be removed unless the pole is being replaced. Temporary, in-ground poles are generally defined as those poles that are installed in the ground by a sleeve system that is designed to allow for the easy removal and reinsertion of the pole.

2.06 Decks and Patios. Decks and patios are permitted in rear or side yards only and shall be screened from ground level view by appropriate fencing or adequate plantings.

2.07 Dog Houses/Dog Runs. Dog houses/dog runs shall be located in rear yards only. Dog houses and dog runs must be fully screened behind privacy fences or otherwise screened so as not to be seen at ground level from the street or another residence. Dog houses/dog runs fencing shall not exceed five (5) feet in height. Dog houses/dog runs shall be maintained at all times in a clean and neat manner so as not to be a nuisance to adjoining property owners.

2.08 Driveways/Parking Pads. Additions to existing driveways will be approved by the ACC only if they are determined by the ACC to be in harmony with existing construction, landscaping and surrounding houses. Driveways/Parking pads shall match the concrete color and texture of the existing driveway. No driveway shall be constructed closer than one (1) foot from any one side or rear property line. Circular driveways are not permitted.

2.09 Erosion and Siltation. No activity which may cause erosion or siltation problems may be undertaken without prior approval by the ACC of plans for the prevention and

control of such erosion or siltation. Any excavation or grading of a lot which may affect the flow of the water must be approved by the ACC

2.10 Fencing and Gate Guidelines. Gates across driveways shall be constructed using wrought iron and shall be painted. Wrought iron gateposts shall be constructed of iron or steel columns and must be imbedded in concrete. Wrought iron gates and gate posts shall be properly primed, painted black, **and shall not have a solid, wall-like appearance** in keeping with the harmony of the existing homes in the subdivision. Wooden driveway gates are not allowed.

Fences shall be of wood construction (no masonry or stone). Fence height shall not be greater than necessary for intended use. Fence heights are limited to a maximum of seven (7) feet (as measured from the finished grade). Chain link and wire mesh fences are prohibited. Fence posts shall be constructed of steel pipe columns, cedar, redwood or pressure treated pine. Posts must be imbedded in concrete. A minimum of three 2"x 4" stringers are to be used between posts. Posts are to be spaced no farther than eight feet apart. Pickets must be either cedar, redwood or pressure treated pine. Spruce pickets are not acceptable and are not allowed. Pickets are to be placed on the exterior face where the fence parallels or is adjacent to a street or common area and cannot be alternated from side to side. Fence placement is subject to various restrictions relative to location. Fences shall not be placed beyond the front building line. Fencing will not be permitted in the front yard. Front yard is defined as that area between the curb and the front building setback. Fences located in side yard of a corner lot that face the street must not extend closer to the street than the façade of the house facing the side street.

Any wood finishes must be clear color or muted earth tones in the brown or gray color range. Fences shall not obstruct lot drainage easements. A fence may not be attached to a tree. Fences shall not encroach beyond the property line to encompass a tree.

2.11 Flags/Flagpoles. One permanent flagpole per lot is allowed. No flagpole shall be permanently erected on any property, unless prior written approval has been granted by the ACC. Permanent, in ground poles, are generally defined as those that are installed in an appropriate footing, such as concrete and are not meant to be removed unless the flagpole is being replaced. The preferred location for placement of the flagpole will be within the landscape beds. Permanent flagpoles may not be placed more than ten (10') feet from the foundation of the house. No more than two (2) flags shall be displayed at any one time. Flags conveying offensive messages are not allowed. Flags should be maintained or replaced periodically so as to avoid a "worn" appearance. All American flags and flag poles shall be installed, maintained and displayed in accordance with proper Flag etiquette. Additionally, the American flag must not be faded, frayed, or otherwise damaged or defaced.

2.12 Fountains/Statuary/Artificial Vegetation. Fountains and statuary must comply with building setbacks. Statuary may be permitted in a front yard if they meet the harmony standards for a formal front yard as determined by the ACC. **Statuary, when allowed, may be appropriate with the house design but must be understated in nature, and**

will require approval. Gnomes, windmills, plastic flamingos, plastic pots and other such lawn ornaments are not allowed. Use of pots and potted plants in front yards should be minimal and plastic containers are prohibited. Fountains are not permitted in front yards, or side yards visible from the street. No artificial vegetation shall be permitted on any portion of property visible from the street.

2.13 Gutters/Downspouts. Gutters and downspouts shall match the color of the existing trim of the house. Downspout must direct water to your property, not your neighbor's property. No piped drains are allowed to have an outlet that directs water to adjoining lots or common areas. The ideal outlet for piped drainage is toward the street.

2.14 Hot Tubs/Spas. All spas and hot tubs must be located in rear yards and screened from public view. Homeowners should consult the City of Houston for fencing requirements around hot tubs and spas.

2.15 House Numbers. House numbers placed on residences shall be metal (i.e., brass, wrought iron) cast stone or wood. Fluorescent or brightly colored numbers are not in harmony with the subdivision and are not allowed.

2.16 Lighting. Outdoor lighting shall be functional and enhance the overall appearance of the residence. Outdoor lighting shall not be obtrusive or glaring unduly towards streets, neighboring properties, walkways and housing units. All outdoor lighting shall be subject to review and approval by the ACC. Tree uplights shall be concealed underground or camouflaged by shrub masses. Colored lights are not permitted except as part of a temporary holiday decoration. Holiday decorations may be displayed from thirty (30) days prior and shall be removed no later than thirty (30) days subsequent to each Holiday.

2.17 Mailboxes. Free standing mailboxes are specifically disallowed.

2.18 Maintenance of Structures and Landscaping. In order to protect property values in the subdivision and maintain a harmonious appearance, each owner shall maintain their lot, home, structures on the lot, and landscaping in good condition and repair, including but not limited to:

1. Repairing and painting all structures and landscaping maintenance and replacement as needed so as to retain a high level of maintenance consistent with the Civic Club's standard of maintenance for Common Areas.
2. Seeding, mowing, edging, weed control and watering of all lawns, front, side and rear to keep a neat and attractive appearance.
3. Pruning and trimming of all trees, hedges and shrubbery to present a neat appearance, and to avoid obstructing the view of motorists and pedestrians or street traffic.
4. Removing and replacing trees or shrubbery and landscaping that dies. Tree stumps must be removed entirely.
4. Keeping home exterior free of overgrowth, mildew or algae.
5. Keeping garage doors in good repair.

6. All garbage and other solid waste containers shall be stored out of public view. Containers and other collection materials (lawn bags, boxes, yard clippings, etc.) shall be placed at the curb for collection no earlier than the evening prior to the day of collection and shall be removed from the curb the day of the collection.

2.19 New Residences. No buildings, hardscape, additions, modifications or improvements shall be erected, placed or performed on any Homesite until the construction plans and specifications including, but not limited to, the site plan, design development plan, grading and elevation plan, and exterior plan including exterior elevation views and material specifications have been submitted in duplicate to and approved in writing by the ACC. All new residences must receive written ACC approval prior to the commencement of any construction. Please refer to submittal requirements in submitting application for new home construction as well as guidelines on site work/lot clearing. New residences must comply with all setback and building line requirements set forth in the Restrictions and plat.

Maintaining the character of and harmony with, the neighborhood, in addition to proportion are the most important attributes of a successful design. It comprises the relationship of the sizes of different parts of the building one to another and to elements of the site. The building should not appear too large for its site, with appropriate setbacks. It must fit comfortably without overpowering the property or adjacent homes.

The total Floor Area of the dwelling shall not exceed fifty percent (50%) of the total square footage of the Lot on which the Dwelling will be constructed. "Floor Area" means the sum of the gross livable floor area for each story of a Dwelling as measured from the exterior limits of the faces of the Dwelling. Additionally, the foundation of the Dwelling, including any porte-cochere and/or the area of the detached garage, shall not cover more than sixty-five percent (65%) of the Buildable Area of the Lot. "Buildable Area" of a Lot means the area of the Lot within the front and side street building lines and easements as indicated on the subdivision plat, or side Lot line setbacks as provided in the Restrictions. Dormers and attic areas shall count as gross Floor Area if there is a least seven and one-half (7.5) feet of headroom in said dormer or attic area. Dormers are not permitted in attic spaces. Attached, roofed porches shall be included in the gross Floor Area. In rooms where there is a ceiling in excess of 16 feet in height to the highest point of the ceiling, the floor area of these rooms shall be counted twice. The gross Floor Area does not include basement floor areas, but gross Floor Area does include one-half of the entire gross Floor Area for all walk out type basements. For the purpose of these Guidelines, living space above or contiguous with a detached garage shall be counted in the calculation of the maximum square footage, but not in the eighteen hundred (1,800) square feet minimum, twelve hundred (1,200) square feet minimum, and/or eight hundred (800) square feet minimum. Garage width may not exceed thirty-four feet (34'), and total garage area may not be less than four hundred forty (440) square feet and may not exceed seven hundred fifty (750) square feet.

No Dwelling may exceed thirty-two feet (32') in height as measured from the highest grade level of the Lot at the foundation to the highest point of any roof, exclusive of any chimney or vent pipe. The pitch of any roofed structure, including but not limited to the Dwelling, porte-cochere, and garage, must not be less than 4:12. Flat roofs and/or roll-roofing is prohibited. **Turret and tower structures or similar architectural features are prohibited.** The front door should be in proportion with the entry. No two story type entries or arches

will be allowed. No detached garage shall exceed twenty-eight feet (28') in height as measured from the average grade level of the Lot at the Dwelling foundation to the highest point of any roof, exclusive of any chimney. Garages on corner lots shall face the street with the largest frontage and adhere to platted building setback lines. All garages shall be located such that the front-most exterior wall of the detached garage is congruent with or behind the rear-most exterior wall of the Dwelling. All garages shall maintain the exterior appearance of a garage as determined in the sole discretion of the Board and/or ACC. Circular and/or semi-circular driveways are expressly prohibited. Driveways may not be relocated; newly constructed driveways must be located in the same location as that of the original driveway. Fifty-one (51%) of front facade of the Dwelling must be brick. Additional cladding material allowed (in conjunction with brick) is hardiplank, cement fiberboard, wood shingles, stone and stucco. Use of Exterior Insulation and Finish Systems ("EIFS") and/or artificial or synthetic stucco is prohibited. Use of plywood is limited to soffits and porch ceilings. The predominant cladding material used on the front façade (which should be brick), must continue until the midpoint of the side facade. The ACC shall have the right to set reasonable time constraints for both the commencement and completion of construction, which constraints shall be no less than ninety (90) days from the date the ACC approves the plans to commence construction and nine (9) months after construction commences to complete construction. Construction shall be deemed commenced and/or completed in the sole discretion of the Board and/or the ACC on a case-by-case basis. If construction fails to start before the designated commencement date or is not completed before the designated completion date the plans shall be deemed not approved. Plan approval shall be effective for twelve (12) months after issued by the ACC. If no construction has been commenced within the twelve (12) month period after ACC approval, the plan approval shall expire, and plans must be re-submitted prior to commencement of construction.

There will be a non refundable application fee of \$500 for all new construction and a \$250 non refundable application fee for major additions. A refundable, \$2000 construction deposit shall be required of the property owner, builder, or contractor before any construction activity takes place. Please see Rules, Procedures and Deposit Policy for Construction Sites document.

2.20 Painting/Staining/Color Changes. Any color/stain change on any exterior surface (wood, brick, trim, fencing, shutters, doors, siding, etc) must be submitted to the ACC for approval. Muted, earth tones are preferred. Primary or brighter colors, *when/if allowed*, will be limited to certain trim elements such as front doors and shutters. **Mortar colors should be lighter, earth tone colors such as light beige, cream. Dark mortar colors such as dark brown, dark gray, etc are not allowed.**

2.21 Play Equipment. Play equipment is allowed only in rear yards and shall not extend beyond the sides of a house. No portion of the play equipment (including banners) shall extend higher than eight (8) feet above grade. Play equipment shall not interfere with any drainage easements. Play equipment shall not violate the privacy of neighbors as determined by the ACC. Placement of play equipment, nets, etc that extends higher than 7 feet above grade must be approved by ACC prior placement on the lot.

2.22 Pools/Equipment. All swimming pools and associated decks shall be located in rear yards only. They may not be located in or on any easements or building line. Pool equipment must be located on each lot where it will not cause a nuisance to neighboring homeowners and must be fully screened from public view. No above-ground level swimming pools are permitted. Drainage plans must be submitted with all pool projects.

2.23 Satellite Dishes/Antenna. No exterior antennas, aerials, satellite dishes, or other apparatus for the reception of television, radio, satellite or other signals of any kind shall be placed, allowed, or maintained upon any lot which is visible from any street, common area or other Lot unless it is impossible to receive signals from said location. In that event the receiving device may be placed in a visible location as approved by the ACC, preferably in the rear yard or on the rear roof of the house or garage. The ACC may require as much screening as possible while not substantially interfering with reception. No satellite dishes shall be permitted which are larger than one (1) meter in diameter. No broadcast antenna mast may exceed the height of the center ridge of the roofline. This is not an attempt to violate the Telecommunications Act of 1996 ("the 1996 Act"), as may be amended from time to time. Rather, this paragraph shall be interpreted to be as restrictive as possible while not violating the 1996 Act.

2.24 Exterior Shutters. Shutters, if any, shall be no more than half the width of the adjacent window. Shutters shall be painted to match or complement and be in harmony with the existing home. Primary or bright colors are discouraged.

2.25 Solid Waste Containers and Collection Materials. All garbage and other solid waste containers shall be stored out of public view. Containers and other collection materials (lawn bags, boxes, yard clippings, etc.) shall be placed at the curb for collection no earlier than the evening prior to the day of collection and shall be removed from the curb the day of the collection. Removal of special collection materials such as moving boxes, furniture, old bicycles, etc. shall comply with the special garbage collection schedule and procedures as provided by the City of Houston or the private garbage removal service if contracted for by the Civic Club and will normally not be placed at the curb on regular collection days.

2.26 Sports Courts. Sports courts are prohibited.

2.27 Screen and Storm Doors. Screen and storm doors shall have a 9-inch maximum wide frame which shall be finished to match or complement the window mullions or the house trim. Storm doors shall have transparent glass. There shall be no cross members or ornamentation. Silver finished aluminum doors are prohibited.

2.28 Storage Sheds. Storage sheds can only be located in rear yard areas. They may not exceed seven (7) feet in height and must not impede any easements on the property. Storage sheds shall be constructed of the same or similar materials as were used in constructing the residence, being limited to wood or masonry construction. Roofing must match that of the residence. Storage sheds must have a 3-foot minimum clearance from

any fence or property line. Any storage shed that impedes an easement may be removed by the Civic Club at homeowner's expense and without prior approval of homeowner following notice and opportunity to be heard and to correct the violation.

2.29 Sunscreens. Adhesive backed sunscreens/window films must be approved by the ACC prior to installation and must be professionally installed so as to assure that it presents a neat external appearance. Sunscreen must be integral to the window or screen.

2.30 Tree Removal. No tree having a diameter of six (6) inches or more (measured from a point two (2) feet above ground level) shall be removed without prior approval of the ACC. If a tree is removed without prior approval of the ACC, the homeowner will be required to replace the tree with one of like size or quality at the homeowner's expense. All tree stumps must be entirely removed or ground to below ground level. Trees damaged by storms or hurricanes do not require approval for removal.

2.31 Vehicles/Unsightly Articles. Without limiting the generality of the foregoing, open storage of trailers, graders, trucks (other than pickups), boats, tractors, campers, wagons, buses, motor homes, commercial vehicles, motorcycles, motor scooters, and garden maintenance equipment is not permitted and said vehicles shall be kept at all times, except when in actual use, in enclosed garage or other structures or screened from public view and no repair or maintenance work shall be done on any of the foregoing, or on any automobile (other than minor repairs), except in enclosed garages or other structures. No vehicle of any kind or character which is inoperative or which is not properly registered and inspected pursuant to the laws of the State of Texas or the laws, ordinances, rules and regulations of the City of Houston to operate as a motor vehicle upon the public streets and highways of the State of Texas or City of Houston, shall remain on any lot (unless stored in an enclosed garage or structure, screened from public view) for a period of greater than seventy-two (72) hours during any calendar year. It is the purpose of this prohibition to prevent the parking or storage, temporarily or otherwise, of junked, disabled, unsightly unsafe, unregistered, and uninspected vehicles upon any lot or parts of lots in Ashford Forest. Storage containers ("pods") should be place in driveway, not in the street, and must be removed within 14 days.

2.32 Window coverings/ornamentation/burglar bars. Interior window coverings visible from the street shall be neat and attractive. Aluminum foil, bed sheets, newspaper and any other material that is not a traditional window covering (curtains, window blinds, etc) is not permitted. The use of burglar bars and/or wrought iron ornamentation on windows visible from the street is prohibited.

2.33 Window unit or wall mounted air conditioners. Use of window units or wall-mounted air conditioners is discouraged. When used, the unit must be fully screened behind privacy fences, landscaping or otherwise screened so as not to be seen at ground level from any street or residence.

2.34 Woodpiles. All woodpiles shall be kept in the rear yard on a lot only and shall be fully screened by adequate landscaping or fencing so as to conceal them from view by neighboring residences and streets.

2.35 Roofs. All roofing material shall be equal to or superior to 240 pounds (e.g. Elk Prestique II). Metal roofs, tile roofs, and wooden shingles are prohibited. Composition shingles must be installed with galvanized or anodized roofing nails as staples are prohibited.

Miscellaneous

3.01 Enforcement. The provisions for enforcement of the Restrictions as contained in Chapter 209 of the Texas Property Code, shall apply to the enforcement of these Guidelines in addition to any other available remedies. Owners who fail to comply will bear the expense of forced compliance taken by the Civic Club.

3.02 Waiver, Amendment and Third Party Benefit. The ACC maintains the right from time to time, at its sole discretion to modify, waive or amend these Guidelines. Neither the ACC nor its agents, representatives or employees shall be liable for failure to follow these Guidelines as herein defined. These Guidelines confer no third party benefit or rights upon any person.

3.03 Non-Liability of the ACC. Neither the ACC nor its agents representatives or employees shall be liable for damages or otherwise to anyone submitting plans to it for approval by reason of mistake in judgment, negligence or non-feasance, arising out of any action of the ACC with respect to any submission, or for failure to follow these Guidelines. The role of the ACC is to review constructions plans and specifications, and approve or disapprove as to use, appearance of materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. The ACC assumes no responsibility with regard to any design or any construction, including but not limited to and without limitation, the civil, structural, mechanical, plumbing or electrical design, methods of construction or technical suitability of materials.

3.04 Accuracy of Information. Any person submitting plans to the ACC shall be responsible for verification and accuracy of all components of such submission, including, without limitation, all site dimensions, grades, elevations, utility locations and other pertinent features of the site or plans. Any person submitting plans to the ACC shall be responsible for compliance with the Restrictions, plat, Guidelines, appendices hereto, and any other governing document of the Civic Club.

3.05 Regulatory Compliance. Plans submitted for ACC review shall comply with all applicable building codes, zoning regulations and the requirements of all agencies having jurisdiction over any building project. It is the responsibility of the property owner to obtain all necessary permits and ensure all governmental compliance and compliance with the Restrictions. Regulatory approvals do not preclude the authority and

responsibility of the ACC for design review and approval by the ACC and does not preclude the property owner from obtaining any necessary governmental approvals.

3.06 Conflicts with the Restrictions. These Guidelines supplement, but do not modify, replace nor limit any provisions of the Restrictions for Ashford Forest Sections I and II. In the event of a conflict between these Guidelines and the terms of the Restrictions, the Restrictions shall control.

3.07 Grandfather Clause. Buildings, structures, alterations and other improvements erected/made prior to the date these guidelines were adopted and approved by the ACC and or Board, which were (i) previously approved by the ACC and or Board and/or (ii) in compliance with the Restrictions may be deemed in compliance with these Guidelines in the sole discretion of the ACC. From and after the date these Guidelines are adopted and approved by the ACC and/or the Board, all Modifications, new buildings, structures, alterations or other improvements on the lot, must be approved by the ACC.

3.08 Amendment of Architectural Control and Design Guidelines. These Guidelines may be amended by a majority vote of the Board of Directors.

3.09 Hardship Notwithstanding the deadlines, requirements, regulations, and guidelines set forth above, the Board of Directors, in its sole discretion, may forgo enforcement of any of the deadlines, requirements, regulations, and guidelines in the event of special circumstances or a hardship, but only upon written approval by the Board. If such hardships are granted, no violation of the covenants, conditions, or restrictions contained in the Restrictions and/or these Guidelines shall be deemed to have occurred with respect to the matter for which the hardship was granted. The granting of such a hardship shall not operate to waive any of the terms and provisions of the Restrictions and/or these Guidelines for any purpose except as to the particular provision hereof covered by the hardship, nor shall it affect in any way the owner's obligation to comply with all applicable governmental laws and regulations.

No granting of a hardship shall be relied on by any member or owner, or any other person or entity (whether privy or party to the subject hardship or not), as a precedent in requesting or assuming hardship as to any other matter of potential or actual enforcement of any provision of the Restrictions and/or these Guidelines. Action of the ACC or Board of Directors in granting or denying a hardship is a decision based expressly on one unique set of circumstances and need not be duplicated for any other request by any party or the same party for any reason whatsoever.

3.10 Violations. If one or more of the requirements set forth, in the Restrictions and/or these Guidelines and appendices hereto are being violated, the owner will be notified via regular mail or certified mail, return receipt requested, addressed to the owner's address in the records of the Civic Club.

Such notice shall describe the violation, inform the owner of the date by which the owner must bring the property into compliance and remedy any damage resulting from the violation, and inform the owner of his/her right to request a hearing.

If an owner notifies the ACC or Board in writing of the desire for a hearing, a hearing date will be set within thirty (30) days from the date of receipt of the owners request for a hearing. The owner will be notified of the date, time and place of the hearing not later than the 10th day before the hearing. If a postponement of the hearing is requested by either the Board or the owner, it must be granted for a period of not more than ten (10) days and additional postponements may be granted by agreement of the parties.

THE CIVIC CLUB RETAINS THE RIGHT LEVY FINES AND/OR TO TAKE REMEDIAL ACTION AFTER PROPER NOTICE TO OWNER IF A VIOLATION HAS NOT BEEN CORRECTED OR REMOVED AND ANY COSTS INCURRED BY THE CIVIC CLUB IN THE COURSE OF SAID REMEDIATION SHALL BE CHARGED TO THE OWNER OF THE LOT IN VIOLATION.

UPDATED 3/2011

ASHFORD FOREST SEC 1 & 2

NEW CONSTRUCTION REVIEW PROCESS

The New Construction Review Process was developed to provide adequate checkpoints throughout the design and development phases, so that time is not wasted on plans and designs which are not deemed to be in harmony with existing structures, to the overall principles, nor in compliance with restrictive covenants of Ashford Forest, or which may be inappropriate or of improper configuration for the specific homesite setting. Therefore, it is extremely important that the steps of the review process be followed in their entirety, and in correct sequence. This process is designed to prevent misunderstandings and undue delays, provided each Owner adheres to the intended spirit of the restrictive covenants & ACC Guidelines, namely, a site-sensitive and harmonious approach to the development of his or her homesite within the neighborhood of Ashford Forest.

PHASES

1. The Pre-Design Meeting, during which each homesite Owner along with their architect/builder may review their ideas and the natural characteristics of the homesite at a meeting attended by a minimum of 3 representative of the Architectural Review Committee before any plans are prepared. Review of ACC Guidelines, Deed Restrictions, Submittal Requirements. Mandatory meeting unless waived, in writing, by homesite owner.
2. The Preliminary Submittal, at which time the Architectural Review Committee will review conceptual plans to ensure conformance with the Design Guide, before the Owner finalizes the design. This review does not constitute final approval.
3. The Final Submittal, at which time the Architectural Review Committee will review final construction documents to confirm that they are consistent with the previously approved preliminary plans and the Design Guide. Final approval is subject to receipt of all submittal requirements, required deposits, application fee and pre construction conference/sign off on construction site policies.
4. The Pre-Construction Conference, during which each builder/general contractor and homesite owner will review the construction regulations with the ACC Chairperson or designated member of ACC to ensure understanding of, and future compliance with, these regulations. Builder deposits received and construction site rules signed off on. Mandatory meeting.
5. Inspections of the improvements by a representative of the Architectural Review Committee, to determine whether actual construction is/has been completed in strict compliance with the approved plans and Design Guide.