

ELLA CROSSING HOMEOWNERS ASSOCIATION, INC.

**ARCHITECTURAL CONTROL GUIDELINES FOR
MODIFICATIONS COMMITTEE**

August 3, 2005

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ELLA CROSSING HOMEOWNERS ASSOCIATION, INC.

ARCHITECTURAL CONTROL GUIDELINES

OVERVIEW

The Declaration

A system of Architectural Control is created by the Declaration of Covenants, Conditions and Restrictions for Ella Crossing (the "Declaration"), recorded under Harris County Clerk's File No. Y642084.

Purpose and Objectives

The purpose of these architectural guidelines is to preserve the natural setting and beauty of the properties, to establish and preserve a harmonious and aesthetically pleasing design for Ella Crossing and to protect and promote the value of the properties, subject to the restrictions set forth in the Declaration.

To preserve the architectural and aesthetic appearance of Ella Crossing, no construction of improvements, or modifications, additions, or alterations to existing improvements, shall be commenced or maintained by any Owner, with respect to any other portion of the Properties, including, without limitation, the construction or installation of sidewalks, driveways, parking lots, mail boxes, decks, patios, courtyards, swimming pools, tennis courts, greenhouses, playhouses, awnings, walls, fences, exterior lights, garages, guest or servants' quarters, or other outbuildings, nor shall any exterior addition to or change or alteration therein be made (including, without limitation, painting or staining of any exterior surface), unless and until they shall have been submitted to and approved in writing by the ELLA CROSSING HOMEOWNERS ASSOCIATION, INC. ("Association") as to the compliance of such plans and specifications with the Declaration and such design guidelines (the "Guidelines") as may be published by the Association from time to time including the harmony of external design, location, and appearance in relation to surrounding structures and topography.

These Guidelines are intended to function as a summary of the Declaration and to comply with the requirements of the Declaration by establishing design guidelines for the Association, which has exclusive jurisdiction over modifications, additions, or alterations made to Residential Units. Any terms with the first letter capitalized are either defined in these Guidelines, or in the Declaration. The Modification Committee (referred to in these Guidelines as the "MC") shall review all modifications, additions, or alterations made on or to existing Properties after such property is conveyed by the builder to the homeowner. "Properties" shall mean all Lots and Common Facilities shown on each Subdivision Plat.

Application Procedure

Applications should include a cover letter, together with the Application Form shown on the next page, explaining the proposed improvement(s). Attach two (2) copies of a detailed site plan. 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, specifications, building permits, etc., and that a mailing address and phone number are also provided. All applications must be in writing. The MC cannot respond to verbal or facsimile requests.

Mail your applications to: Spectrum Association Management, L. P., 1795 N. Fry Road #323, Katy, Texas 77449, telephone number 877-269-9092. Do not send the application via fax. Call Spectrum within seven (7) days after the date of the application to verify that it was received. Do not assume it was received.

It is the responsibility of the applicant to make sure he or she has the most current guidelines before proceeding with any improvement. Check with any MC or Board member to see if the guidelines have been reissued or amended.

The MC reserves the right to charge an application fee on a case by case basis, depending on the complexity of the requested improvement to pay for the services of an independent architect/land planner to review. Any costs or expenses, which the MC incurs in processing the Application, shall be paid by the homeowner.

Approvals/Disapprovals/Processing Period

The MC will respond in writing to all applications. Upon approval or disapproval, one (1) copy of the application will be marked and returned, along with an explanatory letter.

Please note that the MC has forty-five (45) calendar days from date of receipt of a complete application within which to respond. If additional information is required by the MC, the forty-five (45) 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 MC fails to indicate its approval or disapproval within the forty-five (45) days after receipt of the required documents, approval will not be required and the related covenants set out in the Declaration shall be deemed to have been fully satisfied, provided that the proposed improvements are generally in harmony with the scheme of the development as set forth in the Declaration and these Guidelines and do not violate any of the covenants. However, failure to respond on the part of the MC does not imply permission to encroach on an easement or building line or to violate the Declaration.

If an application is not approved, the MC will state in their letter why such approval was denied and what type of application changes, if any, would alter that decision. If an applicant wishes to discuss or appeal a decision made by the MC, the chairman of the committee should be contacted for an appointment. The Board of Directors shall have the final authority over all actions taken by the MC.

No MC member can approve his/her own improvement.

Please note that MC approval is required prior to the installation or construction of any improvement or change. If an improvement is made without MC approval, the Board of Directors for ELLA CROSSING HOMEOWNERS ASSOCIATION, INC. has the legal right to enforce its removal.

Easements

The MC cannot approve any application if there is an encroachment on an easement until the homeowner provides a Consent for Encroachment, or resubmits revised plans. Any non-portable structure on an easement is considered permanent, and thus an encroachment. Homeowners must secure a Consent to Encroachment or a Release of Easement from all affected utility companies. If your plans show an encroachment, obtain your Consent for Encroachment before applying to the MC, or your application will be rejected. If you have an aerial easement on your lot, the utility company may permit you to place a permanent structure in the easement, as long as the structure is not higher than the aerial easement. To be on the safe side, you should discuss it with them first.

Approval by the MC of any encroachment of an easement shall not serve as an amendment or change of that easement and shall not create liability through the MC, any encroachment upon such easement shall be at the sole risk and expense of the owner.

Variances

Each application is considered on its own merit and the MC may grant a variance from these guidelines or the Declaration if, in the sole discretion of the MC, the circumstances warrant. Variances will be granted in writing only and, when given, will become part of these guidelines to the extent of the particular lot(s) involved. Because a variance may have been granted in one instance does not mean that improvements of a similar nature need not be applied for. Unless the guidelines are amended and reissued, applications for improvements must be submitted, regardless of any variances previously granted.

Inspection

All improvements are subject to inspection by the MC.

Compliance/Non Compliance

As stated earlier, these guidelines include all relevant stipulations from the Declaration, but also include many more supplementary details and restrictions that have been approved by the Board of Directors.

The Declaration was in existence prior to any home building in Ella Crossing . It is expected that all residents will comply with the restrictions and requirements specified in that document. This includes the requirement to file an application for approval to the MC for all improvements, conditions or restrictions specified in the Declaration.

Home improvements built prior to the approval and adoption of these guidelines must, as stated above, comply with the restrictions of the Declaration, but will not be required to be in

compliance with any of the additional restrictions or details which are not specified in the Declaration. Home improvements built subsequent to approval and adoption of these guidelines are expected to be in full compliance with all provisions of the most current release of these guidelines.

Homeowners shall comply with all applicable restrictions and shall observe the filing requirements 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 and an application was not filed with the MC.

Unapproved and/or prohibited improvements are subject to removal or modification at the homeowners expense, unless a variance is granted. Homeowners should apply to the MC for any outstanding unapproved improvements.

Enforcement

The Declaration provides, as follows:

A breach of any of the provisions of this Declaration shall give to the party entitled to enforce such provision the right to bring a proceeding at law or in equity against the party or parties breaching or attempting to breach this Declaration and to enjoin such party or parties from so doing or to cause such breach to be remedied or to recover damages resulting from such breach. A breach of this Declaration by an Owner relating to the use or maintenance of any portion of the Properties or part thereof is hereby declared to be and constitute a nuisance and every public or private remedy allowed by law or equity for the abatement of a public or private nuisance shall be available to remedy such breach. In any legal or equitable proceedings for the enforcement of this Declaration or to restrain a breach thereof, the party or parties against whom judgment is entered shall pay the attorney's fees and costs of the party or parties for whom judgment is entered in such amount as may be fixed by the court in such proceedings. All remedies provided under this Declaration, including those at law or in equity, shall be cumulative and not exclusive. No party having the right to enforce this Declaration shall be liable for failure to enforce this Declaration.

Complaints

Homeowners are encouraged to help maintain the beauty of Ella Crossing . To this end, we all have an obligation to conform to the Declaration and architectural guidelines and to ensure non-complying improvements get corrected. Should you have a complaint regarding a violation, write to the MC. All complaints will be handled in the same manner discussed under Application Procedure.

Controlling Documents

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

*******GUIDELINES*******

1.0 Buildings

- 1.1 A "**building**" is defined as the main residence situated on a lot, and includes any bonafide additions such as a garage. It does not include any structure not attached such as a storage shed, gazebo or playhouse/fort.
- 1.2 No improvements shall be constructed on the Lots other than one single family residential dwelling, not to exceed two and a half stories in height, and an attached garage for no less than two (2) full size cars and bonafide servants quarters. The garage and servants quarters shall not exceed the main dwelling in height.
- 1.3 **Location of Buildings:**
- (i) No building shall be located on any Lot nearer to the front Lot line or nearer to the side street line than the minimum building set back lines show on the Plat and the minimum setbacks required by
 - (ii) No main residence building, garage, nor any part thereof shall encroach upon any utility easement or be built closer to a street or property line than a building or setback line; and
 - (iii) Eaves, steps and open porches shall not be considered a part of the main residence building, provided, however, that this shall not be construed to permit any portion of a building to encroach on any other Lot. For the purposes of this Declaration, the front of each Lot shall coincide with and be the property line having the smallest or shortest dimension abutting a street.
- 1.4 **Garages.** Garages shall correspond in style, color and architecture to the main residence. Each Owner shall keep all doors to the private garage closed at all times except when persons or vehicles are going into, or out of, such garage. Garages shall be used only for passenger cars and other vehicles, including boats on trailers, which are of a type and size as will allow the door or doors of the garage to be shut completely with such vehicle or trailer inside. No masonite, glass or plywood paneled doors will be accepted.
- 1.5 **Roof requirements.** All Residential Units shall be roofed with composition shingles. Aluminum simulated shingle roofs and wooden shingles are not acceptable. Any roof replacement shall require MC approval.
- 1.6 **Roof Penetrations.** Roof vents, utility penetrations, or other roof protrusion shall not be visible from the front street. Generally skylights should not be visible from the front street. An exception would be skylights that are part of the architectural style of the house and are used to enhance that style. In such cases, the Committee will determine their appropriateness.

- 1.7 **Gutters and downspouts.** Gutters and downspouts, if used, should be strategically placed to minimize their visibility to the front street. Preferably, downspouts should occur only at the rear and sides of a home. Placement on the front elevation should be avoided as much as possible but may be used to avoid water runoff at front entrances. Gutters and downspouts must match, or be very similar to the color of the surface to which they are attached. Downspouts must be installed vertically and in a simple configuration. All gutters and downspouts must be installed so water runoff does not adversely affect adjacent properties. It is recommended that downspouts be buried or hidden in plant materials at the point where extensions carry water away from the building. For safety reasons, water runoff should never be directed directly onto sidewalks.

2.0 Outbuildings

- 2.1 An "**outbuilding**" is defined as any structure, which is not attached to the main structure. This definition does not include bonafide additions to the main residence or garages, but does include storage sheds, gazebos, and playhouse/forts. All outbuildings should only be constructed in the rear of the backyard.
- 2.2 The colors should match or blend with the predominant exterior colors of the main residence.
- 2.3 Materials should match those of the main residence in both size and color; however, the MC will consider small prefabricated metal storage buildings providing the color blends with the main residence.
- 2.4 Storage sheds should have a peaked roof, no higher than eight (8') feet from the ground to the highest point, and a maximum of ten by twelve (10' x 12') feet of floor space. The structure must be kept a minimum of five (5') feet off any property line and distance from side fence will be determined based on visibility from the street in front of the lot. Location must also be far enough away from the fence to allow for drainage to occur entirely on the Owner's lot.
- 2.5 Any storage building placed on a concrete slab on top of a utility easement will require a letter of Consent to Encroach, as it will not be considered portable. If a storage building is on a utility easement, but is not on a slab and can be moved, the MC will consider it as portable.
- 2.6 No storage building can be built up against any side or rear wall of a home unless its maximum height is less than six (6') feet and it is not visible above the fence. It must also comply with all the other requirements for proper construction, size and location.
- 2.7 If the storage building is under six (6') feet, it may be placed in side yard provided five (5') feet minimum set back is observed.
- 2.8 A playhouse/fort (including a raised platform and slide that is part of a swing set system) must not have a roof higher than ten (10') feet. If a fort has a platform, then the platform can be no higher than six (6') feet off the ground. Neither is to be within five (5') feet of any property line and must be placed at the rear of the

property, behind a fence or otherwise screened from public view from any Street abutting the Lot.

- 2.9 A freestanding gazebo must be at least six (6') feet away from the house. The gazebo, at the peak of the structure, must not be higher than ten (10') feet and must be five (5') feet away from any property line. If the roof is shingled, it must match the house shingles.
- 2.10 No tether pole, play net or any other recreational facility shall be erected on any Lot in a location that is visible from the front of the Lot or from the street abutting the Lot, except for basketball goals that are maintained in good condition.
- 2.11 A screened enclosure shall be no higher than twelve (12') feet and shall not create a domed or arched appearance.

3.0 Basketball Goals

- 3.1 Must be placed on the side of the driveway, as far to the rear of property as possible.
- 3.2 Basketball goals may not be erected beyond the front building line or on the front of the garage.
- 3.3 If the backboard is mounted onto the roof by use of a mounting structure, the mounting structure must be painted to match the roof shingle color.
- 3.4 The basketball goal backboard, net and post must be maintained in usable condition and kept in acceptable appearance.
- 3.5 Basketball goals not maintained will be required to be removed.
- 3.6 Only one basketball goal per lot will be permitted.
- 3.7 Portable goals must be commercially manufactured. A portable goal shall be placed within fifteen (15') of the front plane of the garage. The base of a portable goal shall be screened from view from the street.
- 3.8 Must be located so that errant or stray basketballs do not allow play in adjacent neighbor's yards.

4.0 Patio Covers

- 4.1 Should be constructed of materials, which complement the main structure.
- 4.2 Prefab covers made of aluminum may be approved providing they are of a color that substantially matches the house trim color. Unfinished aluminum will not receive MC approval. All metal must be painted. Certain structures using wood framing may be allowed to go unpainted provided treated or insect resistant wood is used.

- 4.3 If attached to house, must be integrated into existing roofline (flush with eaves) and if it is to be shingled, shingles must match roof. Entire patio cover and posts should be trimmed out to match house. Supports must be painted wood or metal columns. No pipe is allowed.
- 4.4 At no time, however, shall a shingled roof be allowed with an unpainted frame. Frame will have to be painted to match trim of house whether treated or untreated wood is used.
- 4.5 Patio construction materials are as follows:
- a. Painted aluminum (to match trim of house).
 - b. Painted wood or siding (to match trim of house).
 - c. Treated wood or 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 house.
 - d. Clear plastic, clear corrugated covers, or properly painted aluminum covers may be permitted if the cover is screened from view from the street. All patio cover material, i.e., corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.
 - e. If canvas is used as roofing material on a patio cover, the structure must be located where it is not visible from the street. Also, the canvas must be kept in quality condition or its removal will be requested by the MC. The color of the canvas cover must be an earthtone (i.e. black, brown, tan beige or gray, no primary colors such as blues, reds, greens or yellows).
- 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. If a proposed patio cover location is less than five (5') feet away from a side lot line, the MC will require that it be guttered with downspouts if it is to be a solid cover.
- 4.8 Maximum height at the peak of the roof is twelve (12') feet.
- 4.9 For Screened enclosures, see Section 2.11.

5.0 Room Additions

- 5.1 Exterior materials and colors should match the house as much as possible.
- 5.2 Detailed plans must be submitted to the MC.
- 5.3 Room additions may not encroach into any utility easement unless the utility companies involved have granted their written consent to such encroachment.
- 5.4 Plans for room additions must show room size in proportion to room dimensions of the residence. Roof of addition must integrate with existing roofline so as to appear to have been part of the original house. Room additions cannot exceed

one - third (1/3) of the remaining back yard, but may be denied for other reasons, e.g., structural integrity, architectural suitability, etc., even if it only uses one-third of the remaining yard.

- 5.5 Additions must comply with any applicable lot coverage restrictions.
- 5.6 Building permits as required by the municipalities (city, county, etc.) must be submitted with the application. In some instances, the MC will grant approval with the provision that a copy of the permit must be received by the MC within thirty (30) days of the approval letter and prior to construction beginning.
- 5.7 Balconies must also be approved prior to construction.

6.0 Exterior Painting

- 6.1 Even if a homeowner intends to paint 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 MC.
- 6.2 Color changes must be approved by the MC.
- 6.3 Exterior paints and stains for each residence shall be selected to complement or harmonize with the colors of the other materials with which they are used.
- 6.4 Front doors must be maintained. They may be stained, a natural wood color, or painted. Any changes to the stain or paint color require approval by the MC.

7.0 Storm Windows and Storm Doors

- 7.1 The frames of storm windows and storm doors must be of a color compatible with the exterior house colors and/or general use and appearance of the house. All storm doors must be a full glass door. No screen doors are allowed. Mechanical roll-down storm window boxes, if utilized, must match the window frame color of the house.

8.0 Decks

- 8.1 If wood is used, see Section 4.5c.
- 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 cannot be higher than eighteen (18") inches.
- 8.5 Decks may only be constructed in the backyard.
- 8.6 It is recommended that decks be built with support posts of sufficient size or detail so that knee braces are not required.

- 8.7 If a railing is required, a simple vertical picket or horizontal board railing built in a vertical plane is preferred. Other simple and straightforward designs are permitted.
- 8.8 If stairs are part of the deck design, the stair railing must match the deck rail. If possible, stairs should be included within the mass of either the deck or the house.

9.0 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. Decking encroachment also requires a consent agreement. Consents must be received prior to approval.
- 9.2 Ideally, any pool or spa should be located at least five (5') feet from a side and rear lot line to maintain proper drainage on the Lot. However, a minimum of three (3') feet will be allowed in certain instances. The pool must meet all building line and easement restrictions on the recorded plat. All pools may only be constructed in the backyard.
- 9.3 All private swimming pools and spas shall be completely enclosed by a solid wood or wrought iron type fence enclosure, being not less than four (4') feet, nor more than eight (8') feet in height and having pickets spaced not more than four (4") inches apart. All openings to any such enclosure shall be closed with a self-closing and self-locking gate of the same construction and material as the fence. As a safety precaution, no external surface of the enclosure shall provide a handhold or foothold.
- 9.4 Above ground pools are not permitted. However, above ground spas, jacuzzis or hot tubs are allowed provided they are screened from public view by landscaping or a privacy fence; otherwise, must be part of a deck system or skirted.
- 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 for proper water connections and drains. Contact the operator of the Municipal Utility District in which the Property is located.
- 9.7 Yard drains must also be of white schedule - 40 PVC pipe.
- 9.8 If any pool or spa construction uses access to the backyard over or through: (1) a landscape area maintained by the Association; or (2) a sidewalk; then either the homeowner or pool contractor must deposit \$1,000 with the Association. The \$1,000 will be returned only: (1) if there is no damage to the landscape area or sidewalk; or (2) any damage is repaired to the satisfaction of the Association. The Association may retain all or any portion, of the \$1,000 deposit depending on the extent of the damage as determined by the Association.
- 9.9 For screened enclosures, see Section 2.11.

- 9.10 All pools must be concealed from view of the front street and side street, if applicable, either by wood fence of dense shrubbery along wrought iron type fence.

10.0 Solar Screens/Film

- 10.1 Solar screens are allowed on windows only if they blend with the siding, trim and roof color.
- 10.2 Colors and manufacturers must be acceptable to MC for other screens and panels.
- 10.3 Solar window film must be non-reflective type.
- 10.4 Samples of window film must accompany each application.

11.0 Antennas

- 11.1 MC approval of a "dish antenna" or an antenna designed to receive local broadcast signals is not required, except where the antenna will be located on a mast higher than 12 feet above the roofline. As used herein, a "dish antenna" means an antenna that is one meter (39.37") or less in diameter, designed to: (a) receive direct broadcast satellite service, including direct-to-home satellite service; (b) receive or transmit fixed wireless signals via satellite; (c) to receive video programming services via wireless cable, or (d) to transmit fixed wireless signals other than via satellite.
- 11.2 All antennas other than those described in 11.1 above must be approved by the Architectural Committee, and must not be located upon any portion of a Residential Lot visible from the street abutting the front of the Dwelling

12.0 Fences, Fence Extensions, Walls and Hedges

With the exceptions cited below, any fence, wall or hedgerow intended for the purposes of privacy and/or security shall be no greater than six foot, six inches (6'6") in height and shall be no nearer to the front property line of the Lot which it serves than the building line which is closest to that property line, subject to the following exceptions:

- 12.1 All proposed fences must be approved by the MC.
- 12.2 Any painting, staining, or varnishing of fence must be approved by the MC, but will not be allowed if visible from the street.
- 12.3 Any wall, fence or hedge erected on a lot shall pass ownership with title to the Lot and it shall be Owner's responsibility to maintain said wall, fence, or hedge thereafter.

- 12.4 If wood fences are constructed so that reinforcing is visible on one side and not the other, then for all corner Lots, or Lots which are adjacent to a designated reserve area, the side with reinforcing visible shall face the interior of the Lot and the side without reinforcing visible shall face the perimeter of the Lot. All other wood fences shall be "good neighbor" fences (i.e. alternate every 6-8' the visible reinforcing).
- 12.5 A fence, wall or hedgerow intended to serve an aesthetic purpose may be located outside the limits defined by building lines on any street frontage of any Lot, provided that it does not exceed four (4') feet in height.
- 12.6 Fence, wall or hedge extension requests should be submitted by both neighbors sharing the side lot line and fence, wall or hedge except in the case of a corner Lot.
- 12.7 If both neighbors do not concur as to a proposed fence, wall or hedge extension, the MC will examine the effect the extension will have on both properties. If one party will suffer detrimentally from the extension (e.g., an existing sight line will be blocked), the MC will reject the application.
- 12.8 All corner fences and fences which face a restricted reserve must be installed picket side out.
- 12.9 Replacement or repairs of fences, walls or hedges must be made with similar materials and construction details as used in original fence, wall or hedge. Replacement with any other material must be approved by the MC.
- 12.10 No chain link fence type construction will be permitted on any Lot.
- 12.11 Fences must be maintained in good condition.
- 12.12 No fence shall be constructed so as to cross side building lines and join one or more houses. This provision is intended to prohibit the appearance of continuous fencing across the front of a Lot.
- 12.13 The appearance of single family dwellings must be maintained. The installation or removal of fences or any improvement or alteration that lends itself to a communal or compound appearance will not be permitted.

13.0 Decorations/Flag Poles

- 13.1 On front lawns of Lots and on any portion of a Lot visible from any street, there shall be no decorative appurtenances placed, such as sculptures, birdbaths, birdhouses, permanently affixed flag poles, fountains, or other decorative embellishments. Christmas, holiday or other festive decorations of a temporary nature are exceptions. Decorations must be removed within four (4) weeks after the calendar date of the holiday.
- 13.2 Burglar bars over windows must be submitted to the Committee for consideration. Approval must be granted prior to installation. Burglar bars and gates must be in harmony with the design of the home. If approved, any burglar

bars must follow the paint guidelines in Section 4.5C. Interior burglar bars that are visible from the street must also be applied for.

- 13.3 House numbers may be placed on the house, but not on any type of freestanding structure in the front yard.
- 13.4 Permanently affixed flagpoles are prohibited. For temporary use, bracket mounted flags, placed near the front entry of the home, may be permitted.

14.0 Exterior Lighting

- 14.1 Additional exterior lighting should not be of a wattage or lumen count, which will affect neighboring homes.
- 14.2 Exterior decorative lights, security lights or floodlights must be aimed so as not to shine onto a neighboring property. The fixture color and shielding should be compatible with the building. Conduits and wiring must be concealed.
- 14.3 Low voltage landscape lighting must receive MC approval prior to installation.
- 14.4 Security, mercury vapor, or fluorescent lights, must be attached to the back of the house or the garage, so long as the light fixture is not visible from the street. Mercury vapor, fluorescent, and sodium halide are not permitted in back or side yard if there are neighboring houses. If none, a variance may be granted, or if affected neighbors approve.
- 14.5 Gas or electric post lights may be in front or back of house. Such lights must be no taller than eight feet (8') in height and the illumination must be a low wattage. The color of the post shall be selected to complement or harmonize with the colors of the other materials on the house. This means that the color should generally stay within the earth tone color family (i.e. black, brown, tan, beige or gray, no blues, reds or yellows). Soft and muted earthtone pastel colors are acceptable. The use of white is also permitted. Extremely bold colors, primary colors, yellow, blue or green pastels for the post are prohibited.
- 14.6 Exterior lights must not affect overall aesthetic appeal. The type, color and quality of all exterior site and house lighting must be consistent with other existing lights on the property and in the neighborhood of the respective house.
- 14.7 Colored lighting of any sort and the use of fluorescent and neon lighting is prohibited (except during recognized holiday seasons when such lighting is permitted). Mercury vapor lights, when used for special landscape lighting effects may be permitted as long as they are hidden from view and directed up at a tree or down from a tree. Conduits and wiring must remain concealed from view of the passerby.
- 14.8 Architectural accent lighting is also permissible, but must be from an incandescent source.
- 14.9 Proposed walkway lighting should be inconspicuous and of a bollard or domelight design. The lamp may be incandescent (100w maximum), quartz (75w maximum), metal halide (75w maximum), or fluorescent (25w maximum).

15.0 Wind Turbines

- 15.1 No wind generators shall be erected or maintained on any Lot.

16.0 Outdoor Carpeting

- 16.1 Can only be installed on rear porch area.
- 16.2 Colors must match or complement house trim color.

17.0 Gates & Gate Covers

- 17.1 Full wooden panel to match trim of house or existing fence.
- 17.2 No chicken wire, chain link or lattice.
- 17.3 Wrought iron and simulated iron gates are permitted, but shall be painted black or the same color as the house trim.

18.0 Birdhouses

- 18.1 Maximum permitted height of fourteen (14') feet. Maximum size not to exceed 300 square inches.
- 18.2 If mounted on a pole, must be unobtrusive and painted to match trim color of house.
- 18.3 Must be placed not closer than five (5') feet to any property line, and must be situated in the rear of the house.
- 18.4 Birdhouse and mounting structure must be maintained.

19.0 Landscaping

- 19.1 General: 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 not subject to MC review and approval except in circumstances wherein such landscaping is intended to accomplish a structural objective, such as a hedge or a visual barrier, or is visually objectionable, not in harmony with the surrounding neighborhood, or is specifically referenced in the Declaration.
- 19.2 Trellises, window boxes, and arbors must have MC approval.
- 19.3 Landscape timbers and bricks without mortar do not need MC approval unless they exceed a height of two (2') feet.

- 19.4 Landscape projects should take into account the effect on drainage from resident property and adjacent properties.
- 19.5 No object or thing which obstructs sight lines at elevations between two (2') feet and six (6') feet above the surface of the streets within the triangular area formed by the intersecting street lines and a line connecting them at points twenty-five (25') feet from the intersection of the street lines or extensions thereof shall be placed, planted or permitted to remain on any corner Lots.
- 19.6 Artificial plants, trees, shrubs, flowers, etc. are not allowed as part of the landscaping.

20.0 Swing Sets

- 20.1 Maximum height of eight (8') feet.
- 20.2 Location will be considered for neighbors' privacy, but not closer than five (5') feet to any property line, and must be located to rear of house.

21.0 Driveway Extensions/Sidewalks

- 21.1 An application must be submitted for any driveway removal, addition or modification. Driveways, entry walks and sidewalks on each Lot may be constructed of concrete or any other finish approved by the MC. If masonry material is approved, it must be compatible, not only with the home, but also with any other walkways or terraces on the lot.
- 21.2 Placement of sidewalks may vary in the distance from the curb in order to save trees; however, any variance is subject to approval of the MC. All other placement, width, materials and finishes must be approved by the MC.
- 21.3 The driveway turnout shall be constructed in such manner as to provide an attractive transitional radius from the curb and gutter into the driveway entrance and shall prevent escape of drainage water from the street onto any Lots.
- 21.4 Asphalt driveways and sidewalks are specifically prohibited.
- 21.5 Any concrete spilled, poured or washed on a street must be immediately removed leaving the street clean and unstained.
- 21.6 Driveways must be maintained.
- 21.7 Painting a topcoat on driveways and sidewalks is not permitted.
- 21.8 No driveways or sidewalks shall be constructed so as to cross side building lines and join one or more houses. This provision is intended to prohibit the appearance of a continuous driveway or fence across the side property lines of a Lot.

22.0 Garage Conversions

- 22.1 Conversions of garage for any reason are not permitted.
- 22.2 Aluminum, sheetmetal or fiberglass carports are not permitted.
- 22.3 Additional garages or carports are not permitted.
- 22.4 An application must be submitted for lean-to sheds, potting sheds or any other attachments to a garage. These attachments must meet the structural guidelines set forth in other sections of these Guidelines.

23.0 Window Air Conditioners

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

24.0 Awnings/Window Shades

- 24.1 Awnings are permitted on the side and rear windows of a house and must be of the same color of the house. Awnings on playhouses or used as patio covers must be of the same color as those on the house. In all cases, colors must match or complement the primary color of the house. The color selections of awnings must be in accordance with the Section 6 of these Guidelines. Once installed, awnings are to be maintained in excellent condition at all times. Awning frames must be painted to match the trim or the dominant color of the house or be painted black.
- 24.2 Metal and wooden slat-type exterior shades are not permitted on the front of the house. All exterior shades must be approved by the MC prior to installation. The color selections of exterior shades must be in accordance with the Section 6 of these Guidelines. After installation, they must be kept in excellent condition at all times.

25.0 Signs, Advertisements, Billboards

- 25.1 No signs, billboards, posters or advertising devices of any character advertising the Property for sale, shall be erected or displayed to the public view on any Lot except for one (1) sign of not more than five (5) square feet and the top main area plus bottom hangar area combined shall not be greater than eight (8) square feet.
- 25.2 No signs advertising a Lot or Dwelling Unit for lease shall be permitted during a period two years following the date of the conveyance of the last Lot on the by the Declarant. In the event that a sign is erected in violation of this paragraph,

the Association or Declarant will have the right, without the obligation, to remove such sign, advertisement, or billboard, without any liability in trespass, tort, or otherwise, arising from such removal.

- 25.3 The Association, Declarant, or its assigns, shall have the right to remove any signs, advertisements, billboards, or structures placed on any Lot and, in doing so, shall not be subject to any liability for trespass, any other tort, or any civil or criminal liability in connection herewith or arising from such removal. The Association, Declarant, or its assigns, or any homebuilder authorized by Declarant, may maintain, as long as it owns any property within the Property, in, or upon such portion of the Property as Declarant may determine, such facilities as in its sole discretion may be necessary or convenient, including, but without limitation, offices, storage areas, model units and signs, and Declarant may use, and permit such builders (who are authorized by Declarant) to use residential structures, garages, or accessory building for sales offices and display purposes, but all rights of Declarant and of any builder acting with Declarant's permission under this sentence, shall be operative and in effect only during the construction and initial sales period within the Property.
- 25.4 Contractor signs, painter, and pool company signs are not permitted.
- 25.5 Lost pet signs are not permitted.
- 25.6 Signs which give notice of a home security system are permitted if placed at or near the front entrance and are no larger than 144 square inches. Window stickers which give notice of a home security system are also permitted.
- 25.7 The MC shall have control over all the wording, design, appearance, size, quantity, and location of all signs. Except for sale or rental signs adhering to the standards of the first sentence of this Article, all signs within the Properties shall be subject to the prior written approval of the MC.
- 25.8. Political signs may be erected upon a Lot by the Owner of such Lot advocating the election of one or more political candidates or the sponsorship of a political party, issue or proposal, provided that such signs shall not be erected more than sixty (60) days in advance of the election to which they pertain and shall be removed within ten (10) days after such election.

26.0 Garage Sales

- 26.1 Garage sales are highly discouraged because of aesthetic and security reasons.
- 26.2 Two signs may be erected to advertise a garage sale: one at the main entrance of the subdivision and one on the street on which the garage sale will be held.

27.0 Storage of Building Materials

- 27.1 Building materials placed on Lots prior to commencement of improvements must be kept in a neat, clean and orderly condition.

- 27.2 No materials may be placed on the street, or between the curb and the property line.

28.0 Temporary Structures

- 28.1 No structure of a temporary character (sales structure, trailer, travel trailer, tent, shack, garage, barn, or other outbuildings) shall be used on any Lot at any time as a residence, either temporarily or permanently.
- 28.2 No trailer, camper, recreational vehicles, or similar vehicles shall at any time be parked in view from other properties, or connected to utilities situated within a Lot.
- 28.3 No dwelling previously constructed elsewhere may be moved onto any Lot in the subdivision controlled by these covenants.
- 28.4 This covenant specifically includes mobile homes, or the use of a mobile home, in which the axle and wheels have been removed and placed upon a concrete slab, which said mobile home is hereby specifically prohibited as a residence, either temporarily or permanently, and further, specifically includes a mobile home upon which wheels have been left attached.
- 28.5 Water conditioning devices should be screened form view from street.

Corporate Secretary's Certificate

I, Michael Rokas, Corporate Secretary and Treasurer of the Ella Crossing Homeowners Association, Inc. ("Association"), hereby certify that the attached document is an original or true and correct copy of the Architectural Control Guidelines for the Modifications Committee of the Association.

By: Michael Rokas
Michael Rokas, Corporate Secretary/Treasurer

ACKNOWLEDGMENT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 3rd day of August, 2005 by Michael Rokas, Corporate Secretary and Treasurer of Ella Crossing Homeowners Association, Inc., a Texas non-profit corporation, on behalf of the non-profit corporation.



Seal Showing Name and
Commission Expiration

Merrilee J. Zedan
Notary Public in and for the
State of Texas

AFTER RECORDING, RETURN TO:

S. Bradley Todes
Ella Crossing Homeowners Association, Inc.
P.O. Box 34306
Houston, Texas 77234