

EXHIBIT "A"
ADDITIONAL USE RESTRICTIONS FOR
WALDEN ON LAKE CONROE

SECTION TWO

SECTION A-1. Definitions.

(a) **"Interior Lot"** shall mean a Lot which does not abut Lake Conroe.

(b) **"Waterfront Lot"** shall mean a Lot which abuts Lake Conroe.

SECTION A-2. Building Type. No structure shall be erected, altered, placed or permitted to remain on any Residential Lot other than one (1) single-family dwelling not to exceed two (2) stories in height, a detached or an attached garage for not less than two (2) nor more than four (4) cars, with detached garages not to exceed one (1) story in height, and bona fide servants quarters which structures shall not exceed the main dwelling in height or number of stories and which structure may be occupied only by a member of the family occupying the main residence on the building site or by domestic servants employed on the premises. Two (2) story dwellings shall not exceed a height of thirty-five (35) feet. No carport may face on any street on which any Residential Lot fronts.

SECTION A-3. Building Material. No residences (including garages) shall have less than one hundred (100) percent masonry construction (which can include HardiPlank and other similar cement-based products, but not wood) with at least fifty (50) percent of the masonry to be fired brick, natural stone or stucco.

SECTION A-4. Building Location Details. No building shall be located nearer than five (5) feet to any interior lot line, except that a garage or other permitted accessory building located sixty-five (65) feet or more from the front lot line may be located within three (3) feet of any interior lot line. No main residence building, either in whole or in part, shall be located on any

interior Lot nearer than fifteen (15) feet to the rear lot line. Unless otherwise approved in writing by the Board of Trustees, each main residence building will face the front of the Lot and each detached garage will face and be located at least sixty-five (65) feet from the front of the Lot on which it is situated and will be provided with the driveway access from the front of the Lot only.

SECTION A-5. Building Size. The total living area of the main residential structure on any Waterfront Lot, exclusive of open porches, garages, and servants' quarters shall not be less than 2,000 square feet. The total living area of the main residential structure of any Interior Lot, exclusive of open porches, garages and servants quarters, shall not be less than 1,800 square feet. The total living area of the main residential structure of a one and one-half (1-1/2) or a two (2) story dwelling shall not be less than 2,000 square feet.

SECTION A-6. Garage Size. For new or remodeled construction, garages may be attached or detached but shall be for no less than two (2) or more than four (4) cars.

(a) Two (2) car garages must be a minimum of twenty-three (23) feet in width as measured from the inside of sill plate or brick ledge, whichever provides the larger dimension and a minimum depth or length of twenty-five (25) feet as measured from the bottom of garage door to garage side of sill plate of inside wall or exterior wall sill plate or brick ledge.

(b) Three (3) car garages must be a minimum of thirty-four (34) feet in width as measured from the inside of sill plate or brick ledge, whichever provides the larger dimension and a minimum depth or length of twenty-five (25) feet as measured from the bottom of garage door to garage side of sill plate of inside wall or exterior wall sill plate or brick ledge.

(c) Four (4) car garages must be a minimum of forty-six (46) feet in width as measured from the inside of sill plate or brick ledge, whichever provides the larger dimension and a

minimum depth or length of twenty-five (25) feet as measured from the bottom of garage door to garage side of sill plate of inside wall or exterior wall sill plate or brick ledge.

(d) Garage doors must be a standard double, eighteen (18) foot roll up, hinged, aluminum, steel or wood door or standard single eight (8) foot roll up, hinged, aluminum, steel or wood door, or a combination of the two.

SECTION A-7. Minimum Lot Area. No Lot shall be resubdivided without the express written approval of the Board of Trustees, nor shall any building be erected or placed on any Lot having an area of less than 7,000 square feet; provided, however, that nothing contained herein shall be construed to prohibit the resubdivision of any Lot within the Properties if such resubdivision results in each resubdivided Lot containing not less than the minimum Lot area stated above. It being the intention of this restriction that no building plot within the Properties contain less than the minimum area stated above.

SECTION A-8. Walls and Fences.

(a) Interior Lots. All fences on Interior Lots must be approved by the ACC in writing. No walls or fences shall be erected or maintained nearer to the front of any Interior Lot than the front building line. All walls and fences on any Interior Lots must be a maximum of six (6) feet in height unless approved in writing by the ACC. Side fences on corner lots shall extend no closer to the street than the side building line. Fences must be of ornamental iron, wood or masonry construction, unless otherwise approved in writing by the ACC. No chain link or wire fences are permitted. A landscaping plan must be submitted for street side fencing.

(b) Waterfront Lots. All fences on Waterfront Lots must be approved by the ACC in writing. No walls or fences shall be erected or maintained nearer to the front lot line of a Waterfront Lot than the front building line. On corner lots, the side fence shall extend no closer

to the street than the side building line. The side fences from the front lot line to the rear plane of the house must be a maximum of six (6) feet in height unless approved in writing by the ACC. The side fence which extends behind the rear plane of the house must be a maximum of four (4) feet in height and of an open design as not to block views of adjoining properties. All fences behind the rear plane of the house must be black and constructed of ornamental metal; except the ACC may approve other materials that have the finished appearance of ornamental metal. Additionally, fencing that would follow the water-side property line (“cross-fencing”) is prohibited, except the ACC may approve a fence in the following circumstances:

1. a fence used to enclose a small patio which is an integral part of the house structure; or
2. a fence that is primarily designed to enclose a swimming pool, or water feature that is at least two (2) feet deep and could present a safety hazard.

If the ACC approves fencing on Waterfront Lots based on either one of these two circumstances, the fence must be a maximum of four (4) feet tall in height; of an open design as not to block views of adjoining properties; and be black and constructed of ornamental metal; except the ACC may approve other materials that have the finished appearance of ornamental metal.

(b) Any wall or fence erected as a protective screening on a Lot by the Association shall pass ownership with title to the property and it shall be the Owner's responsibility to maintain said protective screening after it is erected. In the event of default on the part of the Owner or occupant of any Lot in maintaining said protective screening and such failure continuing after ten (10) days written notice thereof, the Association may, at its option, without liability to the Owner or Occupant in trespass or otherwise, enter upon said Lot and cause said protective screening to be repaired or maintained or to do any other thing necessary to secure compliance with this

restriction, so as to place said protective screening in a satisfactory condition and may charge the Owner or Occupant of such Lot for the cost of such work. The Owner or Occupant, as the case may be, agrees by the purchase or occupancy of the property to pay such statement immediately upon receipt. If the charge remains unpaid after thirty (30) days, the Association may add the charges to the assessment account of the delinquent Owner and may collect it as it would a delinquent assessment. The charges shall be secured by the Association's lien.

SECTION A-9. Piers, Boat Lifts or Ramps. No pier, boat lift, ramp or any other structure which projects into the water shall be constructed on any lot without the approval of the ACC. The Committee will only consider plans and proposals presented to it in writing and will immediately reject any plans for a "home-made" type deck such as one floating on barrels. Should the ACC grant permission for a floating deck or ramp, the Owner thereof agrees to maintain and keep it in a sightly manner, free of litter, fishing poles, buckets, and etc. The above structures are also subject to the approval of the San Jacinto River Authority.

SECTION A-10. Bulkheading. No bulkheading shall be permitted on any Waterfront Lot except by written consent of the ACC and the San Jacinto River Authority. No "home-made" type bulkheading will be allowed. Should permission for the construction of bulkheading be given, the Owner agrees to maintain the bulkheading and to keep it in a sightly manner. Request and permission shall be given in writing.