

EXHIBIT “A”

ADDITIONAL USE RESTRICTIONS FOR

WALDEN ON LAKE CONROE

SECTION THREE

SECTION A-1. Definitions.

(a) **“Patio Home Lot or Lots”** shall mean and refer to the Lots restricted hereby to use for Patio Homes only. Lots 7 to 13 inclusive in Block 14; Lots 14 to 58 inclusive in Block 15; and Lots 1 to 30 inclusive in Block 16 are Patio Home Lots. For these purposes a “Patio Home” is a single-family residential dwelling that shares no common wall with the dwelling on either side and which at least part of the structure is built on the property line of one side of the Lot and subject to specific setback lines on the other three sides.

(b) **“Residential Lots”** shall mean and refer to those Lots restricted hereby to use for single family residential dwelling only. All Lots are Residential save and except those defined as Patio Home Lots.

(d) **“Interior Lot”** shall mean a Lot which does not abut Lake Conroe.

(e) **“Waterfront Lot”** shall mean a Lot which abuts Lake Conroe.

SECTION A-2. Building Material. No residences (including garages) shall have less than a 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-3. Building Type.

(a) **Residential Lots.** 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 or carport for not less than two (2) nor more than four (4) cars with detached garages or carport 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 as defined in Section A-4.

(b) Patio Home Lots. No structure shall be erected, altered, placed or permitted to remain on any Patio Home Lot other than one (1) single family patio home not to exceed a height of thirty-five (35) feet, a detached or an attached garage or carport for not less than two (2) nor more than three (3) cars.

SECTION A-4. Building Location Details.

(a) Building Location Details on Residential Lots. No building shall be located nearer than five (5) feet to any interior side Residential Lot line, except that a garage or other permitted accessory building located sixty-five (65) feet or more from the front Residential Lot Line may be located within three (3) feet of an interior Residential Lot line. No main residential building nor any part thereof shall be located on any interior Residential Lot nearer than fifteen (15) feet to the rear Residential Lot line. For the purpose of this covenant, eaves, steps and open porches shall not be considered as a part of the building; provided, however, that this shall not be construed to permit any portion of a building on any Residential Lot to encroach upon another Lot. For the purpose of these restrictions, the front of each Residential Lot shall coincide with and be the property line having the smallest or shortest dimension abutting a street. Unless otherwise approved in writing by the Board of Trustees, each main residential building must face

the front of the Residential Lot, and each detached garage will face and be located at least sixty-five (65) feet from the front of the Residential Lot on which it is situated and will be provided with driveway access from the front of the Residential Lot only.

(b) Building Location Details on Patio Home Lots. No building or structure of any kind shall be located nearer than fifteen (15) feet to the rear Patio Home Lot line, except for a garage or carport which may be located not less than three (3) feet from the rear property line, but never within a utility easement. The location of the main residential structure in relation to the Patio Home Lot lines on any Patio Home must comply with the following requirements (for these purposes the “left” shall be to the left-hand side when facing the rear property line from the front lot line, and the “right” shall be to the right-hand side when facing the rear lot line from the front lot line).

1. Except for Lot 7 in Block 14; Lots 19, 21, 32, 43, 49, 53, and 57 in Block 15; and Lots 4, 5, and 24 in Block 16 (which Patio Home Lots cannot comply by reason of building lines or easements as shown on the recorded plat) at least ten percent (10%) of the length of the main residential structure must be built on the left property line. The said wall or any wall less than five (5) feet from the property line, shall have no opening for windows, doorways or any other opening that would provide a view of the adjacent lot having a common property line, it being the intention hereof to preserve the privacy of the adjacent Owner.
2. The right side of the main residential structure shall not be located nearer than twenty (20) feet to the right lot line; except that a portion of the main residential structure (not to exceed twenty (20) percent of the total length of the building) may be located nearer than twenty (20) feet, but no nearer than fifteen (15) feet to the right lot line.

Garages and/or carports may be constructed on the right property line. This shall apply to all overhangs, upper stories, trellises, etc.

SECTION A-5. Building Size. The total living area of the main residential structure on any Waterfront Residential 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 on any non-Waterfront Lot, exclusive of open porches, garages and/or carports, and servants' quarters, shall not be less than 1,800 square feet. The total living area of the main residential structure on a Residential Lot of one and one-half (1-1/2), or two (2) story dwelling shall not be less than 2,000 square feet. The total living area of the main residential structure on any Patio Home Lot, exclusive of open porches, garages, and/or carports shall not be less than 1,550 square feet.

SECTION A-6. Garage Size. For new or remodel 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.

(a) Residential Lots. No Residential Lot shall be resubdivided without the express written approval of the Board of Trustees, nor shall any building be erected or placed on any Residential 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 Residential Lot or Lots within the Properties if such resubdivision results in each resubdivided Residential Lot containing not less than the minimum Residential Lot area aforesaid; it being the intention of this restriction that no Residential Lot within the Properties contain less than the aforesaid minimum area.

(b) Patio Home Lots. No Patio Home Lot shall be resubdivided without the express written approval of the Board of Trustees, nor shall any building be erected or placed on any Patio Home Lot having an area of less than 5, 000 square feet; provided, however, that nothing contained herein shall be construed to prohibit the resubdivision of any Patio Home Lot or Lots within the Properties if such resubdivision results in each resubdivided Patio Home Lot containing not less than the minimum Patio Home Lot area aforesaid; it being the intention of this restriction that no Patio Home Lot within the Properties contain less than the aforesaid minimum area.

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 lot line of a Residential Lot or Patio Home Lot than the front building line. Side fences on corner lots shall extend no closer to the street than the side building line. All walls and fences on any Residential or Patio Home Lots must be a maximum of six (6) feet in height unless approved in writing by the ACC. 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 iron; except the ACC may approve other materials that have the finished appearance of ornamental iron. 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.

(c) 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.