

**EXHIBIT “A”**

**ADDITIONAL USE RESTRICTIONS FOR**

**WALDEN ON LAKE CONROE**

**SECTION THREE A**

**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. All lots in Walden on Lake Conroe Section Three A are Patio Home Lots.

**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.** 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 as set out in Section A-4 hereof.

**SECTION A-4. Building Location Details.**

(a) The location of the building in relation to Lot lines 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. For the purposes of these restrictions, the front lot line of all Patio Home Lots shall be the lot line which has the shortest dimension adjoining the street except that the front lot line of Lots 20 through 29, inclusive in Block 1 shall be the lot line

abutting Redbird Lane and the and the front lot line of Lots 8 and 19 in Block 1 shall be the north property line.

(b) At least ten percent (10%) of the length of the side of the residential structure must be built on the left property line on the following lots:

- (1) Lots 1 to 7 inclusive in Block 1; and
- (2) Lots 8 and 9 inclusive in Block 2

(c) Eaves over hanging the property line shall be no more than eighteen (18) inches wide and shall be guttered. The eaves of all roofs which drain water onto adjacent property must be guttered except on corner lots. A six (6) foot high fence may be built continuously along the left property line from the front building line to the back property line except on that part of the line occupied by the residential structure. This fence shall have no gate or other openings in it. The main residential structure except for garage or carport shall be no closer than fifteen (15) feet to the right property line except that sixteen (16) feet of the length of the main residential structure and the carport or garage may be placed no closer than three (3) feet from the right property line. The exterior wall of any house or garage that is parallel to and within five (5) feet of any side property line shall have no window, door or other opening in it unless the side property line is on the street side of a corner lot.

(d) On those lots which have utility easements on the left property line, the side of the easement nearest the right property line shall be considered the left property line for building location purposes. The main residential structure may be built no closer than twelve (12) feet of the right property line except that sixteen (16) feet of the length of the main residential structure and the carport or garage may be placed no closer than three (3) feet from the right property line.

Except on corner lots, a six (6) foot fence may be built without gates or openings along the left property line from the front building line to the back property line.

(e) A three (3) foot building easement is provided along the right property line of each Lot to be used only by the adjoining property owner for the construction or repair of the exterior side wall of his house. The adjoining property owner must replace any existing fence on the property line with his house wall but shall not disturb any part of the fence not replaced by this house wall. This easement when used must be left clean and neat and any grass removed or damaged must be replaced. The adjoining property owner must notify the property owner of his intent to do any construction or maintenance at least fifteen (15) days before work is started in order that the property owner may at his option remove his fence and protect his landscaping.

(f) For the purpose of locating homes on corner lots, side street set back lines shall be treated as property lines for building location purposes.

(g) At least ten percent (10%) of the length of the side of the residential structure must be built on the right property line on the following Lots:

(1) Lots 8 through 29 inclusive in Block 1; and

(2) Lots 1 through 7, inclusive and 10, 11, and 12 in Block 2

(h) Eaves over hanging the property line shall be no more than eighteen (18) inches wide and shall be guttered. The eaves of all roofs which drain water onto adjacent property must be guttered, except on corner lots. A six (6) foot high fence may be built continuously along the right property line from the front building line to the back property line except on that part of the line occupied by the residential structure. This fence shall have no gate or other openings in it. The main residential structure except for garage or carport shall be no closer than fifteen (15) feet to the left property line except that sixteen (16) feet of the length of the main residential

structure and the carport or garage may be placed no closer than three (3) feet from the left property line. The exterior wall of any house or garage that is parallel to and within five (5) feet of any side property line shall have no window, door or other opening in it unless the side property line is on the street side of a corner lot.

(i) On those lots which have utility easements on the right property line, the side of the easement nearest to the left property line shall be considered the right property line for building location purposes. The main residential structure may be built no closer than twelve (12) feet of the left property line except that sixteen (16) feet of the length of the main residential structure and the carport or garage may be placed no closer than three (3) feet from the left property line. Except on corner lots, a six (6) foot fence may be built without gates or openings along the right property line from the front building line to the back property line.

(j) A three (3) foot building easement is provided along the left property line of each lot to be used only by the adjoining property owner for the construction or repair of the exterior side wall of his house. The adjoining property owner must replace any existing fence on the property line with his house wall but shall not disturb any part of the fence not replaced by his house wall. This easement when used must be left clean and neat and any grass removed or damaged must be replaced. The adjoining property owner must notify the property owner of his intent to do any construction or maintenance at least fifteen (15) days before work is started in order that the property owner may at his option remove his fence and protect his landscaping.

(k) For the purpose of homes on corner lots, side street set back lines shall be treated as property lines for building location purposes.

(l) No house may be located closer than fifteen (15) feet to the rear property line on Interior Lots. However, a garage may be located no closer than five (5) feet of the rear property line.

SECTION A-5. Building Size. The total living area of the main residential structure of any Patio Home Lot, exclusive of open porches, garages, and/or carports shall not be less than 1,400 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 three (3) 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) 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 Patio Home Lot shall be resubdivided without the express written approval of the Board of Trustees, nor shall any lot resulting from the resubdivision be smaller than the smallest of the lots from which it is resubdivided.

SECTION A-8. Walls and Fences.

(a) All fences on lots must be approved by the ACC in writing. No walls or fences shall be erected or maintained nearer to the front of any Patio Home Lot than the front building line. All walls and fences on any Interior Patio Home 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) Lots 20 through 29 inclusive, in Block 1 shall have a fence across the full length of the rear property line, which is the property line abutting Melville Drive and Lots 1 and 19 in Block 1 shall have a fence from the front property line to the rear property line on that side of the lot which abuts Melville Drive. The fence shall be a six (6) foot high solid fence of vertical 1 x 6 boards of a design to be furnished by the ACC. In the event the fence is not installed by the Owner, upon the first to occur of (i) completion of the dwelling; or (ii) six (6) months after commencement of construction of the dwelling, the Association at its option, install the fence and all cost thereof shall be due payable to the Association by the Owner of the lot, upon demand. This fence shall be considered a protective screening. 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.

(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.