

**EXHIBIT "A"**  
**ADDITIONAL USE RESTRICTIONS FOR**  
**WALDEN ON LAKE CONROE**  
**THE ESTATES OF WALDEN**

**SECTION A-1. Definitions.**

(a) **"Interior Lot"** shall mean a Lot which does not abut Lake Conroe. Block 1, Lot 1, Block 1; Lots 51 through 60, Block 1; and Lots 1 through 25, Block 2 as shown on the Subdivision Plat are Interior Lots.

(b) **"Lake"** shall mean and refer to Lake Conroe.

(c) **"Waterfront Lot"** shall mean a Lot which abuts Lake Conroe. Lots 2 through 50, Block 1 as shown on the Subdivision Plat are Waterfront Lots.

**SECTION A-2. Road and Street Easements.**

(a) The roads and streets in the Subdivision are not dedicated to the public, but shall be operated as private streets by The Estates Association with each Owner having an easement for the use and benefit of such Owner of a Lot fronting thereon or adjacent thereto, which easements shall include rights of ingress, egress, and passage over and along said streets in favor of the Association, the Owners and their respective legal representatives, successors and assigns, guests, invitees, licensees, designees and the successors-in-title to each Lot Owner and in favor of the invitee and designees of each successors-in-title to each Lot Owner, but not favor of the public.

(b) Subject to the terms and conditions of this section, the private roads and streets in the properties as shown on the Plat are hereby dedicated as utility easement strictly for the purpose of constructing, operating, maintaining or repairing a system(s) of electrical lighting, electrical power, telegraph and telephone lines, gas lines, sewers, water lines, storm drainage (surface or

underground), cable television, or any other utilities that the Association sees fit to install (or permit to be installed) in, across and/or under the Property. The dedication of the private roads and streets as utility easements shall not affect The Estates Association's operation of the roads and streets in this Property as private roads and streets.

(c) Notwithstanding The Estates Association's operation of the roads and streets in the Property as private streets, the Association hereby grants to law enforcement agencies and officers of Montgomery County and the State of Texas, other governmental law enforcement bodies, fire department officials and fire protection personnel, vehicles and equipment, ambulances, school buses, Montgomery County officials and personnel and other governmental officials and personnel, and to the authorized agents of the Association for performance of the Association's duties and obligations and exercise of the Association's rights in respect to the Properties, rights of ingress and egress and passage over and along said private roads and streets of the Properties in connection with the performance of their official functions.

SECTION A.-3. The Estates of Walden Architectural Control Committee. In addition to the approval of plans by the Walden on Lake Conroe ACC as required by Article 4 of the Master Declaration, each Lot owner in The Estates of Walden must also get written approval from The Estates of Walden ACC. All of the provisions in Article 4 of the Master Declaration shall be applicable to any approval sought from The Estates of Walden ACC for the Subdivision.

SECTION A-4. 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-5. 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-6. Building Location Details.

(a) Building Location. No building shall be located nearer than ten (10) 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.

(b) Arbors or Outbuildings. An arbor or other outbuilding or structure which has been approved in writing by the ACC may be constructed beyond said rear building line. Said outbuilding or structure shall contain no more than four hundred (400) square feet and be no less than sixty-five (65) percent open in its total wall surfaces unless otherwise approved in writing by the ACC. All materials used in constructing any outbuilding or other such structure shall be in harmony with the main residence.

(c) Special Lot Front Restrictions. For purposes of these restrictions, the front of each Lot shall coincide with and be the property line having the smallest or shortest dimension abutting a street except Lot 1, Block 1 shall front in a northwesterly direction, Lot 8, Block 1 shall front in either a southerly or a southeasterly direction. Lot 54, Block 1 shall front in a northeasterly direction, and Lot 1, Block 2 shall front in a westerly direction unless otherwise approved in writing by the ACC. Unless otherwise approved in writing by the ACC, each main residential dwelling will face the front of the Lot.

SECTION A-7. Building Size. The total living area of a one (1) or one and one-half (1 ½) story residential structure on any Interior Lots, exclusive of open porches, garages, and servants' quarters, shall not be less than 2,800 square feet. The total living area of a two (2) or two and one-half (2 ½) story residential structure on any Interior Lots, exclusive of open porches, garages, and servants' quarters, shall not be less than 3,200 square feet. The total living area of a one (1) or one and one-half (1 ½) story residential structure on any Waterfront Lots, exclusive of open porches, garages and servants quarters, shall not be less than 3,200 square feet. The total living area of a two (2) or two and one-half (2 ½) story residential structure on any Waterfront Lots, exclusive of open porches, garages, and servants' quarters, shall not be less than 3,800 square feet.

SECTION A-8. Slab Requirements. All building foundations shall consist of a concrete slab, unless the ACC approves a different type of foundation when circumstances, such as topography of the Lot, make it impractical to use a concrete slab for all or any portion of the foundation of the building improvements constructed on the Lot. The finished slab elevation for all structures shall be above the 100 year flood plain as established by Commissioner's Court of Montgomery County, Texas, the Montgomery County Engineers' Office, and other applicable

governmental authorities. All residential foundations/slabs for all Lots in the subdivision must be a minimum of eight (8) inches above finished grade of the Lot at the foundation perimeter. The ACC does not determine whether the structural integrity of the slab is adequate. A structural engineer should be consulted on these matters. Sufficient soil investigation should be obtained for proper slab design.

SECTION A-9. Special Restrictions for Block 1, Lot 54. To protect the view of the homes facing the rear or side of Lot 54, Block 1, the design of a residence and the location of the residence constructed on Lot 54, Block 1 must be approved by the ACC and unless otherwise approved by the ACC, no fencing may be placed along the building line adjacent to Waterfront Drive. The landscaped yard area in the rear or side of the residence (that yard adjacent to the street on the northwest side of the lot) shall be maintained and kept free of all debris and storage in the same manner as the landscaped front yard area. Any storage shall be kept within an enclosed area as approved by the ACC.

SECTION A-10. 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-two (22) 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-two (22) 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-two (22) 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-two (22) 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.

(e) Except as otherwise provided herein, all attached garages shall open to the side or to the rear of the Lot upon which it is built, except that no garage may open to the rear of a Waterfront Lot unless otherwise approved in writing by the ACC. All garages may open to the front of the Lot if the front of the garage is set back at least sixty-five (65) feet from the front lot line unless otherwise by the ACC. However, no garage may extend over the rear building line. All garages opening to the front of the Lot must be set back ten (10) feet behind the main residential dwelling. All detached garages where permitted in this section must be attached to the main residence with a covered walk. Garages placed on corner lots may face the side street and shall be located no closer to the side lot line than the minimum side lot building line as shown on the Subdivision Plat.

SECTION A-11. Carports. Carports are acceptable. However, in no case shall they substitute for the two car garage requirement. No carport shall be erected or permitted to remain on any Lot without the expressed prior written approval of the ACC. Approval will be denied unless the carport is an integral part of the residential structure and the carport is constructed with the same design, color, and materials as the residential dwelling.

SECTION A-12. 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 metal, 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. All fences constructed along the easterly side of Lots 1 & 2, Block 2 and Lot 11, Block 1 shall be of ornamental metal and must be no less than five (5) feet nor greater than six (6) feet in height unless otherwise approved in writing by the ACC and said easterly Lot line fencing shall be identical on all Lots.

(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. All fencing constructed along the easterly side of Lot 2, Block 1 shall be of ornamental metal and must be no less than five (5) feet or greater than six (6) feet in height. Said easterly Lot line fencing of Lot 2, Block 1 shall be identical to that constructed on Lots 1 & 2, Block 2 and Lot 1, Block 1. The Association or the Owner of Lot 2, Block 1 may construct said ornamental fence the full length of most easterly lot line of such Lot. Unless otherwise approved by the ACC, all hedges planted and/or mounted adjacent to fences shall not exceed five (5) feet in height.

(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-13. Driveways. Driveways may be built of brick, stone, concrete, asphalt or other materials approved by the ACC. All concrete driveways shall be constructed with Portland Cement concrete, four and one-half (4 ½) sack cement per cubic yard and be reinforced with a minimum of #6, 6" x 6" welded wire mesh, or one and one-half (1 ½) Type "D" modified asphalt with a six (6) inch compacted limestone or approved equal base material. Driveway widths shall be a minimum of ten (10) feet and a maximum of thirty-five (35) feet from the street adjacent to the Lot to the property line. Beyond the property line, the minimum width of the driveway shall be nine (9) feet. If more than one driveway is constructed on a common property, such driveways shall be separated by a minimum distance of at least twenty (20) feet. Driveways shall be constructed so as to prevent normal street flooding from entering upon the adjoining property accessed by the driveway. The ACC shall have the right to approve the location of the driveway on the Lot.

SECTION A-14. Walkways/Sidewalks. No walkways or sidewalks shall be constructed across the front neither of any Lot nor across the side of any corner Lot. Walkways may be constructed from the street adjacent to the front of the Lot to the front entrance of the residence constructed on the Lot.

SECTION A-15. Swimming Pools. No swimming pool may be constructed on any Lot without the prior written consent of the ACC. Two sets of plans and specifications for the proposed pool shall be submitted to the ACC including a plot plan showing the location and

dimensions of the pool and related improvements together with the plumbing and excavation disposal plan. No pool shall be constructed on Waterfront Lots nearer than twenty (20) feet of the bulkhead constructed by the Association except as may be approved by the ACC. Swimming pool drains shall be piped into the Lake, storm sewer or the street in front of the Lot. In no case shall the street curb be broken or cut to facilitate a pool drain without the prior written approval of the ACC. Excavation required for swimming pools shall be hauled from the site to a place outside of Walden on Lake Conroe.

SECTION A-16. Piers, Boat Lifts or Ramps. No pier, boat lift, ramp or any other structure 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-17. 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.

SECTION A-18. Docks and Boats Slips. No dock, boat slip, or other structure shall be constructed which projects beyond the bulkhead installed by the Association unless approved in writing by the ACC. Architectural approval shall be granted or withheld based upon (i) architectural design and character of improvements, (ii) engineering design and specifications of

plan structures, and (iii) whether or not the proposed improvements conform to the ACC's predetermined plan for such improvements built adjacent to any Waterfront Lot. However a dock may be constructed adjacent to the bulkhead by the Association with the Exception of Lots 31, 32, & 33, Block 1. Said dock may be no higher in elevation than the bulkhead constructed by the Association. A dock is defined as a wooden structure constructed parallel to the aforementioned bulkhead and extending no more than ten (10) feet into the Lake. All boat slips must be constructed within the Lot. To protect the view of adjoining Lots, only low profile boat covers may be placed over aforementioned boat slips. All boat covers will be dark brown in color as approved by the ACC and shall be no higher than five (5) feet above the existing bulkhead constructed by the Association.