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THE RESERVE AT CYPRESS CREEK

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Builder Guidelines

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Builder Guidelines

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1.0 INTRODUCTION

The Reserve at Cypress Creek is being developed as a master planned community. Some of the possible features included are a community pool, pool house, a large lake, greenbelt trails, landscape reserves, a hierarchy of internal street rights of way, standard single family detached residences on varied lot sizes.

The master plan illustrates land uses for the intended development. Little, if any, deviation from the general plan is expected. The developer reserves the right to make alterations to the general plan as development progresses.

This document is presented as a minimum set of development guidelines and standards for The Reserve at Cypress Creek community. The intended use is to provide a framework to illustrate and define design objectives for a unified, harmonious setting for the diverse enterprises and styles inherent in a residential land development.

These guidelines are supplemental to the Declaration of Covenants, Conditions and Restrictions for The Reserve at Cypress Creek (the "Declaration") and are to be used in architectural review of builder, developer or owner plans. Non-compliance with these guidelines is grounds for disapproval of plans. These guidelines are also for use as standards for future compliances to maintain the integrity of the community, as well as the preservation and enhancement of property values.

Location, size, style, color and types of signs, buildings, walls, sidewalks, vegetation, ornaments, grading, parking and other design elements are described in the following pages. Illustrative examples and descriptions are meant to ensure an orderly and well-maintained sense of place and community.

An Architectural Review Committee (ARC) shall be formed by the two builders (Beazer and Newmark). Each shall appoint a representative from their company to this committee. Any construction/improvement requires prior ARC approval.

These guidelines are created to enhance the investment in property and to provide an attractive environment for people living, working and involved in recreational pursuits in The Reserve at Cypress Creek community.

2.0 [INTENTIONALLY DELETED]

3.0 SITE LAYOUT

3.1 General

The builder/owner is to develop and maintain individual lots in a manner prescribed by the Declaration, and by these builder guidelines and standards. Compliance with building setback lines, lot layouts, driveways, sidewalks, garages, etc. is required of the builder/owner. Connections to utilities are the responsibility of the builder/owner.

The builder/owner shall comply with any and all ordinances that may be in effect from the ETJ of the City of Houston, Harris County and / or any other governmental agency (i.e., MUD, EPA) having applicable jurisdiction.

3.2 Building Setbacks

Building setbacks from front property lines are twenty-five feet (25') unless otherwise shown on the recorded final plat or in these guidelines. The minimum side yard setbacks on interior lots is five feet (5') for single family detached lots.

Corner lot building setback lines are ten feet (10') from the side street property line. Detached garages shall be set back no closer than seven feet (7') or the width of the utility easement, whichever is greater, from the rear property line and no closer than three feet (3') from the side property line provided such garage is constructed at least sixty-five feet (65') from the front property line. All other setbacks will be shown on recorded plat.

Prior to the placement of any forms, builder should review the recorded final plat for the specific lot to verify all setback requirements.

3.3 Typical Interior Lots/ Site Layout

Minimum building setback lines are reflected on the recorded subdivision plat.

Standard single family interior lots (55' to 70') typically have a 25' front building setback, and a 5' building setback on each side. A garage setback of four feet (4') from the front building wall is preferred but not required. Where the garage projects beyond the living area, a porch extending a minimum of twenty-four inches (24") beyond the garage is preferred, but not required.

Detached rear garages have a 3' side setback provided such garage is constructed at least sixty-five feet (65') from the front property line, and seven foot (7') rear setback. Perimeter lots may have a greater setback. If the rear utility easement is greater than seven feet (7') the minimum rear setback line is equal to the utility easement. Encroachment with residential structures and garages is prohibited in utility easements.

Enclosed parking for a minimum of two cars, vans or pickup trucks is required for every lot.

3.4 Homeowner Lots/Site Layout

Lots adjacent to the Lake are to be developed to derive full potential of open space and views of the lake. Therefore, the residences and grounds should be equally pleasing when viewed from the water.

In order to establish the character of the neighborhood and preserve the integrity of the open space amenities, certain restrictions must apply.

Lots having widths of 65' or greater generally have a twenty-five foot (25') building setback to the living area and forty-feet to the detached garage. Side yard setbacks are five feet (5') and must be increased to ten feet (10') for corner lots.

For all lake front lots, detached garages are not permitted. However, when the side of a lot is exposed to the lake or a park, and the rear of the lot is not, a detached garage may be allowed provided that the

garage is on the side of the lot opposite the amenity.

For (65+) homes with attached garages, they can swing in, with the side of the garage sitting on the front building line. (See Section 3.8 on Driveways and 3.9 on Garages.)

3.5 Typical Corner Lot

Lots siding on standard interior street corners have a ten foot (10') building line on the side facing the corner, a twenty-five foot (25') front building line (unless otherwise shown on the plat) and a five foot (5') building line on the interior lot side. The minimum rear setback line for detached garages is seven feet (7'). If the rear utility easement is greater than 7', the minimum rear setback line is equal to the utility easement. Corner lots shall have a ten foot (10') building line on the side facing the corner.

Side loaded garages on corners are subject to all building setback lines shown on the plat.

3.6 Walkways

Walkways should be a complementary component of the site architecture and should not compete visually with the house and/or landscape.

- A walkway at least four feet (4') in width and no more than four feet (4') in width shall be provided from the front door of the residence to the street curb or the driveway. In addition, a broad landing, not to exceed the width of the porch, may be allowed at the front door and an 8' foot landing at street.
- On all lots, a short walk extending from the front entrance to the driveway may be permitted.
- On lots 60' to 70' in width, when a walkway extends from the front entrance to the street, a curvilinear walkway with two foot (2') offsets is required. For lots 75' wide or greater, curvilinear walkways are required between the front entrance and the sidewalk. The walkway should compliment the architecture.

- In those instances where a walkway closely parallels the front elevation of a house, a planting area (a minimum two feet (2') in width) must be maintained between the house and walkway. In such cases, the planting area shall be planted with an appropriate ground cover and/or perennials and dwarf grasses.
- Steps at elevation change are required on walkway slopes exceeding four percent (4%).
- Fountains and statuary within the walk and front yard and meandering walkways require ARC approval.

3.7 Driveway Cuts

Builder is required to build the driveway into the street right-of-way. Concrete driveways are to be a minimum of 4" thick over a sand base and constructed to Harris County code requirements. Expansion joints between the curb and driveway are required as illustrated. Where barrier curbs exist, saw cut into existing street 18". Dowel into existing concrete paving.

The use of stamped and colored concrete, interlocking pavers, brick pavers and brick borders are encouraged on lots 75' or wider. Color, pattern and design will require the approval of the ARC prior to construction.

Construction of all driveways is to meet or exceed Harris County standards.

See following section for width of all driveways at curb cut location.

3.8 Driveways

Driveway must cross the building setback area in a straight line and perpendicular to the street right-of-way. To the extent possible, driveways are to be de-emphasized, highlighting instead the landscape and pedestrian environment.

Turnaround or circular drives are not allowed. No turnaround or circular driveways will be permitted on

corner lots. Turnaround or circular drives are not allowed on adjacent lots.

Driveways and garages must be placed near the property line farthest from the entry street when a lot sides onto a neighborhood entry street or collector/loop street.

Driveways serving residences with attached rear-loaded garages and/or detached garages shall be no less than ten feet (10') in width at the curb cut and no greater than twenty-two feet (22') at the garages. The driveway may be increased in width to thirty feet (30') at the garage for three-car garages.

Driveways serving attached two car garages facing the street shall be fourteen feet (14') to sixteen feet (16') in width at the curb cut and no greater than twenty-two feet (22') at the garage. Three-car, side-by-side, front loaded attached garages are not permitted.

Driveways should not be constructed over inlets or manholes. In instances where this may be unavoidable, compliance with County regulations that may require inlet adjustment and/or upgrade may be necessary.

3.9 Garage Placement, Interior Lot

The placement and design of garages and driveways has the greatest effect on the overall street scene. To the extent possible, garages are to be de-emphasized, highlighting instead the landscaping and the pedestrian environment.

Detached garages in rear yards are preferred except for lake front lots. A street scene with the emphasis on residences instead of garage doors and driveways is the design intent.

An attached side loaded garage in the front is allowed. Attached side or front loaded garages are acceptable, but care should be taken to keep the design from being too massive in appearance and appropriate setbacks must be obeyed. Side loaded attached garages are acceptable if mixed with other types and are not all loaded from the same side.

Windows with blacked out glass, shutters or blinds, or architectural embellishment other than a solid wall, soften the effect of the garage and are required.

Side loaded detached garages protruding from the front elevation of the residence are permitted.

Front loaded attached recessed garages diminish the effect of the garage on the street scene. A minimum four feet (4') setback from the major facade of the house provides relief and is encouraged, but not required.

Carports are not permitted unless approved by the ARC. Porte-cochere is permitted with ARC approval.

3.10 Garage Placement, Corner Lot

Detached garages located on the side street of corner lots are permitted. Garages are further subject to all building setback lines shown on the plat.

Detached garages on the interior lot side of corner lots are acceptable.

Detached garages on the corner side with driveways extending from the front street are not permitted. This requires a large amount of concrete, presents a vast amount of paved area within public view and may create conflicts with traffic turning from side streets.

3.11 Pools, Spas and Decks

Portable or permanent above ground swimming pools are prohibited. Smaller prefabricated, installed above the ground, spas or hot tubs are acceptable. Above ground spas or hot tubs, visible from public view or from other lots must be skirted, decked, screened or landscaped to hide all plumbing, heaters, pumps, filters, etc.

Swimming pool appurtenances such as rock waterfalls and sliding boards must not be over six feet (6') in height. Skimmer nets, long handle brushes, pool chemicals, filters, pumps, heaters, plumbing, etc. must not be visible from public view.

Pool walls shall not encroach on utility easements. If pool plumbing is required in utility easements, contact utility coordinating committee before digging. Wood or concrete pool decks may be placed on utility easements, but are subject to removal by utility companies.

3.12 Fences, General

General: Fences are only to be constructed of wood, iron or masonry, and material is dependent on location within the community. All bents are to be a maximum of eight feet (8') wide. If there is only one "finished" side, it must be the public side. The fence is to be installed using quality materials and standard construction techniques. Diagonal and horizontal fencing is strictly prohibited. No chain link is permitted. Corner lot fences and fences between lots must be installed with the finished side out. To insure compatibility of fence design throughout the community, all wood fences visible from the public Street that depart from the provided illustration, must be approved by the ARC.

Setbacks: A minimum fence setback of five feet (5') from the front elevation of the house is required, but in no instance shall mechanical equipment such as air conditioner units and heat pumps be allowed to be seen from the street or public view. For side yards of corner lots facing the street, a minimum setback of five feet (5') from the property line to the fence is required so that a planting strip may be installed between the sidewalk and the fence. This helps relieve the visual monotony of lengthy expanses of fences. All trees and shrubbery adjacent to the sidewalk must be maintained. Trees close to the sidewalks must be limbed up to a height of seven feet (7') in order to allow for unobstructed pedestrian movement.

Corner Lot Fencing: On all fences facing the side street of corner lots, the fence must be a 6' (six foot) rail wood fence (Type B) with the good side towards the street. A gate is not allowed on this side. A gate is not permitted on the front facing fence adjacent to the side street. On a side entry detached garage on corner lots, a 4' (four foot) fence is required along the breezeway with the good side facing the Street. A

four foot height wood gate is permitted along the breezeway fence. A brick breezeway fence is also permitted (brick to match the house) between the house and the garage. A four foot height wrought iron gate must be installed on a brick fence. Wood gates on brick fences are not allowed. On corner lots in sections where lots are 60' or greater, an upgraded wood fence is always required where specified on the lot.

All Other Breezeway Fencing: On all lots with detached garages, a breezeway fence is required between the detached garage and the home. This fence must be a minimum of 4' (four feet) in height and a maximum of 6' (six feet) and may be constructed of wood, wrought iron or brick. If constructed of wood, the good side of the fence must face to the outside and the gate must be of the same material. If constructed of brick, the brick color must be the same as the home and the gate must be made of wrought iron.

Landscaping: In order to reduce the impact of long expanses of fences along side street conditions, the following minimum landscaping must be followed.

Corner Lot Landscape Requirements for every Thirty Linear feet of fence

55'-70' - 1 ornamental tree or shade tree

75'+-1 ornamental tree and 5 shade shrubs

Note: Trees (30 gal. minimum) and shrubs are to be selected from plant list. Additional plantings by homeowner are encouraged. An equal spacing or "soldier row" planting of the plants is not recommended. Instead, plants shall be grouped in a natural or staggered planting arrangement.

FENCE TYPES	
A	6' Standard Wood Fence (Good Neighbor)
B	6' Upgraded Wood Fence with Cap Rail
C	6' Double Sided Wood Fence
D	4' Steel or Wrought Iron Fence
E	5' Capped Rail Wood Fence w/matching gate or 5' Brick w/wrought iron gate
F	4' - 6' wood (good side out) w/matching gate or 4' - 6' brick w/wrought iron gate

3.13 Fences on Lakefront Lots

Fence Requirements for Lakefront Lots:

Lakefront lots shall have a 4-foot high wrought iron fence, constructed in strict accordance with the builder guideline specifications, along any and all property lines that are adjacent to the lake. The wrought iron fence shall then continue on each side lot property line to extend from the corner of all property lines adjacent to the lake towards the front property line for a minimum of 24 feet (24') then continue to the front property line with the standard 6-foot high good neighbor wood fence. An exception to the 24-foot wrought iron side lot fence requirement, on a property line not adjacent to the lake, would be if this distance would expose the side of the home causing a lack of privacy. In such case, the wrought iron fence along the side lot line would extend from the rear property line to the rear corner of the home.

If a privacy screen is desired, a six foot (6') wood fence, or approved masonry wall, will be permitted to extend parallel to the rear lot line at a distance of no less than fourteen feet (14') from the rear lot line of the lot.

When a steel or wrought iron fence meets a wood fence, the metal fence may not be attached to the wood fence. The metal fence is to be terminated with a 3" post adjacent to the wood post. When transitioning from a wood fence to a wrought iron fence on the side property line, on a slope, the wrought iron fence will step down in 4' sections.

3.14 Fences on Slopes

The preferred approach to transition grade changes with fencing is to stair-step the fence down the slope and level with the horizon.

Each fence panel must not be "stepped" or staggered greater than six inches (6") above or below the adjacent fence panel. For steeper slopes, smaller fence panels will be required.

Fences may not parallel down the slope.

3.15 Wood Fence

All wood fences are to be constructed with #2 cedar 1x6 pickets, #2 treated southern yellow pine posts and rails.

Wood fences on rear lot lines and side lot lines perpendicular to the fronting street shall be installed according to the chart of fence types on page 5. Alternating eight foot panels of solid pickets and exposed rail are intended to provide a uniform attractive fence to each abutting property.

The "finished" side of the fence must always be the side facing the street.

One single sided three foot (3') wide hinged gate shall be installed in the most appropriate side yard.

Fences are to be kept in good repair.

3.16 Steel or Wrought Iron Fence

Steel or wrought iron fences are to be installed with panels either bolted or welded to posts. Steel or wrought iron should be primed and painted semi-gloss black.

Set steel or wrought iron posts in concrete footing.

Steel or wrought iron fencing can be attached to masonry wall or brick columns. It is not to be attached to any wood fencing. In this situation, the steel fence is to be terminated with a 3" square post adjacent to the wood post.

No materials (i.e., screening, wire mesh) shall be attached to steel or wrought iron fences.

4.0 ARCHITECTURE

4.1 General

The following guidelines are not intended to limit creativity of the builders in their design or construction.

The intent of this section is to establish basic design criteria for the construction of residences and other structures within The Reserve at Cypress Creek. Emphasis is on quality materials, design and construction in order to promote well crafted residences within the various communities. The house footprint and the roof form should work together to provide variety and interest when viewed from the street and across the water. These guidelines allow for diversity in design and should produce a climate of individuality, while insuring the architectural integrity of the community as a whole.

The Reserve at Cypress Creek's residential cells are designed to promote "street scenes" that are aesthetically pleasing in character and reflect the feeling of a neighborhood. Developing a "street scene" requires builders to coordinate their architectural designs, as well as landscaping styles, in a manner that displays street and neighborhood individuality while maintaining a certain level of continuity throughout the development. The purpose of this section is to identify those elements that will influence the overall neighborhood appearance and street character.

The builder/owner shall be responsible for individual site development and maintenance including the area within the private street right-of-way (between the back of the street curb and property lines). The builder/owners of corner lots shall be responsible for the right-of-way for both streets.

Each builder/owner shall also be responsible for street cleaning and trash pickup on the lots owned by each builder and areas where homes are being constructed.

4.2 Massing and Plan Criteria

Where possible corner lots in single family, detached developments are to be single story or single story elements of 2-story residences are to be placed nearest the corner. Where a "U"-shaped plan has a short and long side, the short side should be toward the corner.

Where a single story occurs next to a double story

residence, the common single story elements should be adjacent to each other.

Varied arrangements on the site result in more interesting street scenes. More pleasing arrangements are achieved with a variety of articulated plans which break the rectangular box into interesting three-dimensional shapes with courtyard-like spaces in and around each house. Where "swing-in" attached front loaded garages occur, the street scene is made more attractive with the combination of right and left hand units.

Imaginative plan geometry, as well as complimentary roof forms are desired and increase the sense of individuality while creating an interesting streetscape.

4.3 Exterior Elevations

The same criteria for breaking of the "shoebox" shape of a plan applies to the elevations.

All single-story houses should include some variation of the ridge line.

Unless site conditions dictate otherwise, when a one story residence occurs next to a two-story residence, the single story elements should be adjacent to each other.

Priority should be given to those sides of the house which are visible from streets and walkways. The most articulated elevations should be those which are in public view. However, it should be assumed that the houses will be seen from all angles and that there will be a continuity of materials and details on all elevations.

When two single story houses are placed side by side, a maximum of one can have a front to back gable. The adjacent house shall have a hipped roof. Two side-by-side hip roofs are allowed.

Recessing a garage a minimum of four feet (4') from the front of the residence is encouraged. Two doors in lieu of the larger single door are preferred. Location of floor plans and front elevations should be carefully reviewed to avoid excessive repetition in the

4.4 Elevation Repetition

street scene. The intent is to avoid the negative "look-alike" effect of frequent repetitions, but still allow sufficient latitude in satisfying market demand.

Same Elevation, Same Street (either side)

Must not occur more frequently than every fifth lot. Thus, at least four other homes must occur between the next repeated floor plan with a same front elevation. Brick & paint color must also be different.

Different Elevation, Same Side (either side)

Must not occur more frequently than every third consecutive lot. Thus, at least one other home must occur between the next repeated floor plan with a different front elevation. Brick & paint color must also be different.

The ARC reserves the right to reject an elevation that closely resembles that of a nearby house or in any way detracts from the overall street scene. Additionally, identical uses in brick color, trim color and siding color is generally prohibited on homes which are adjacent to one another. Custom homes may not be repeated within any given section.

4.5 Exterior Materials

Materials should be used with restraint in regard to both color and diversity of material types. The intent is to create a continuity of materials throughout the neighborhood. The number of primary materials on the exterior will be limited to three (3), not including roof shingles and wood trim and must be approved by the ARC. The following materials are acceptable:

BRICK - Earth tone colors. Bricks shall meet standard specifications established by The Brick Institute of America.

STONE - Natural or synthetic stone in earth tones.

MORTAR JOINTS - All mortar joints shall be tooled; "Slump" joints will not be allowed. Mortar color shall be selected to compliment stone or brick color.

WOOD SIDING (non-man-made) - Stained in earth tone colors if cedar; painted in neutral colors if pine or smooth cedar. Horizontal application only.

HARDBOARD SIDING - Not permitted.

FIBER CEMENT BOARD LAP SIDING - Use Hardiplank or equal.

ALUMINUM / VINYL SIDING - Not permitted.

STUCCO - the use of real stucco is permitted on lots 70' wide or greater, unless otherwise approved by the ARC. The use of stucco will be reviewed on a case-by-case basis.

ALUMINUM OR WOOD WINDOWS - Bronze, mill, or white finish if aluminum.

PLYWOOD SIDING- Prohibited.

Samples of all finished materials and colors must be submitted by the builders to the ARC for approval. Soft subdued earth tone paint colors should be used. Bold, primary or unusual colors are prohibited. Each builder is required to submit a color palette to the ARC for approval.

No material change should ever occur on an outside corner. Material changes are most successful when made as part of a larger offset; for example, a masonry pier or recessed window.

Gable ends of a uniform material tend to be more architectural than those which change at the eave line. High contrast trim or material variations should be avoided in favor of those which are chosen to blend all elements into a single idea.

The standards for exterior treatments vary with each lot width. Within The Reserve at Cypress Creek, single family residences must be comprised of the following percentages of masonry and/or stucco products exclusive of windows, doors, and other building openings. Changes in materials should have

a logical relationship to the changes in the form of the house.

Brick Requirements:

100% of first floor, front side fully bricked, including stone or stucco on two story homes.

Front porch elevations are allowed to have hardiplank inside the porch area as approved by plan.

ROOF MATERIALS

The roofing in sections shall be of a limited number of colors in the dark range for continuity and individuality throughout the development. The roofing material desired will be a minimum 25-year warranty, such as Elk Prestique II, GS Firehalt or equal. The colors are limited to the following two choices: Weathered-wood and Black. An equal substitute must be approved by the ARC.

4.6 Entrances, Windows, Roofs, Addresses, Security

Care should be given to the size, type and organization of all windows. They should never appear like surface "holes" cut into the side of the box. They should be architectural features and, wherever possible, grouped into recessed areas or bordered by projections which provide a shadow pattern. Scattered windows tend to create awkward, face-like shapes and should be avoided.

Use of energy efficient windows is encouraged but not required for energy conservation purposes. Sunscreens will not be permitted. Window coverings facing a street or the lake must complement the color of the house.

Deeply recessed entrances provide both protection from the elements and a sense of individuality. When used with wall extensions, the whole entry can result in a courtyard effect which is very appropriate to the region. Individual entrance structures should be distinctive architectural features. They are best when there is a combination of overhanging roofs and some

change in the plan configuration.

Large front-facing gables should be avoided unless they are broken into small scale elements. Otherwise, open gables are better facing toward interior side yards.

Front-facing gables are acceptable but discouraged when placed over the garage door which places emphasis on the garage. Efforts should be made to reduce the emphasis on the garage. The unshielded exposure of garage doors is helped greatly by way of a low plate line over the door.

Changes in roof geometry are best when accompanied by offsets in plan.

Avoid flat roofs, a minimum slope on all roofs should be 5 in 12 pitch. Porches and overhangs may have a minimum slope of 3 in 12 pitch. A combination of roof pitches may be used if they are integrated to the design of the house.

Address signage shall be treated as an architectural feature to the front elevation of the house. All houses shall be identified with pre-cast concrete or stone plaques.

All homes will have a pre-wired burglar alarm system installed that will monitor doors and windows.

4.7 Chimneys

It is recommended that every residence incorporate a minimum of one fireplace. In order to use the chimney as a repetitive design element throughout the community, the chimney structure should be expressed on the exterior of each residence in one of the following manners:

Chimneys can be used to establish an ornamental or thematic direction. They may be built out of masonry, hardplank or stucco. The minimum plan dimensions for an exposed mass is 24" x 24" and a larger form is preferred. The use of prefabricated fireplace units

allows a wide design latitude for wood-clad or masonry chimneys. If placed on an exterior wall, a complementary material – masonry, for instance – will be used for visual mass.

In the event of gas fireplaces, direct vents in place of chimneys are allowed, provided the vents are located along the rear slope or rear half of the roof and painted to match the shingles.

The height of the chimney should be in proportion to the roof line and adhere to fire codes. Broad, massive chimneys will be encouraged and small, spindly shaped chimneys will not be approved. Chimneys which barely peak above or squat on the roof are not visually bold enough and, therefore, are unacceptable.

Exposed metal flues are not allowed. They may be used only when clad with material complementary to the house, such as masonry.

Fireplaces shall be made of the same material as the house where economically feasible. Exterior chimneys on 70'+ lots shall have all sides constructed with brick/stucco/masonry materials.

All chimneys on custom homes must be constructed of masonry and/or stucco or stone.

4.8 Rooftop Elements

The roofs, as an expressive design element, should be kept as visually unobstructed as possible.

All stack vents and attic ventilators shall be located on the rear slopes of roofs and mounted perpendicular to the ground plane, where possible.

The location and design of all skylights and solar collectors shall be approved by the ARC. No solar collectors shall be allowed on any roof slope visible from a public street, lake front, park or pedestrian trail.

Rooftop or window HVAC equipment is not permitted under any circumstances.

4.9 Garages

The garage doors should not dominate the façade. When this occurs, the house generally adds little to the overall character of the street and the house entrance is visually overwhelmed.

Garage doors (often at least 16 feet wide) are like blank walls. They are devoid of architectural elements which give a building scale life and character such as windows, terraces, landscaping, etc.

The traditional solution is to detach the garage from the house proper, allowing the house to stand on its own and reflect the relationships of the interior spaces to the street. For shelter, the garage must be connected to the house with a covered walk, breezeway, etc.

If attached construction must be used, a setback of four feet (4') minimum from major front elevation of house to face of garage is recommended but not required or a four feet (4') Porte-cochere is recommended but not required to be designed on the front elevation of the garage. The face of a porch qualifies as the major front elevation, if the porch is substantial enough to be the major focus of the façade. If an attached front loaded garage occurs, a porch extending a minimum of two feet (2') beyond the front building wall is encouraged. Garage doors with windows are permitted.

Garages, at a minimum must be able to accommodate the storage of two (2) full size automobiles at the same time, and, at a maximum accommodate the storage of three (3) full size automobiles at the same time. Attached front loaded three car garages are permitted if one bay is offset 2 ft. behind the two bay. Detached three car garages located in the rear yard will be allowed, except for lake front lots. An extension in the length of a garage which permits additional storage space is allowed.

Carports are prohibited without express approval of the ARC.

Roofs over garages should be as low as possible

sloping toward the street. The highest roofs should not occur over the garage due to the added visual emphasis.

All garage doors should be of metal design and of a color which complements the adjacent wall. Treatment of detail on garage doors should be consistent with the overall character of the house. This may be accomplished with one or two well placed windows along the top of the garage door and by breaking up the mass with paneled construction. Windows must be used to break up massive garage facades facing the street.

When attached two-car garages are built, two single doors divided by a column are encouraged. This breaks up the expanse of the door into appropriately scaled architectural elements

No wood or particle board doors are permitted. All garage doors are to be paneled metal or fiberglass. Glass fenestration is permitted. No reflective film or foil is permitted on windows.

Intermittently located side entry or "swing in" garages, as a means to interrupt the monotony of "garage door corridors" along the front building lines of a street, are encouraged.

5.0 LANDSCAPE

5.1 General

The residential lot builder is responsible for the landscaping of all areas on his/her property and the portion of the street right-of-way between the property line and the street curb. Plantings other than groundcovers and low growing ornamentals between the street curb and the paved sidewalk are discouraged in order to preserve adequate sight lines for motorists. Installation of all landscaping must occur prior to occupancy of the house. Installation of landscaping, including materials and workmanship, must comply with current industry standards.

The following landscaping standards are applicable to all typical lots. Planting materials for larger and/or oversized lots should be increased proportionally in

plant size and quantity per the following requirements.

5.2 Streetscape

The landscape treatment for The Reserve at Cypress Creek should be consistent throughout the neighborhood to maintain an overall view of continuity throughout the community. The following paragraphs describe various design features which are recommended to establish a visual uniformity and landscape hierarchy throughout the development.

Through a comprehensive program of right-of-way landscaping, a sense of continuity can be fostered within the community. Landscape details can reinforce the desired community image in each of the neighborhoods. Key intersections will be accented, view corridors should be enhanced, and selected areas should be screened to decrease their visual impact. The streetscape should identify milestones within The Reserve at Cypress Creek through the placement and orientation of landscaping and signage and/or monuments.

The use of well-conceived landscaping along collector streets and thoroughfares has significant psychological benefits. Landscaping can reduce the negative impact of traffic noise and can improve the visual quality of the community. The perceived image of the community can be greatly enhanced through berming, screening and other improvements along the rights-of-way. In addition, landscaping can enhance the safety of roadways and pedestrian areas by guiding the circulation of cars and improving the safety of the people on foot or bicycle.

Entry points are intended to set the initial character of the development through the placement and selection of monuments, signage, textured pavements and landscaping. Alternating layers of plant heights and color should be utilized for visual interest and similar image to establish community.

5.3 Lighting

The builder/owner is to install and maintain lighting

on individual lots in a manner to not cause distraction, nuisance or to be unsightly. Light sources should not conflict with the sight lines of pedestrians or motorists in a manner which endangers their safety and welfare. Light sources must not "spill over" into neighboring yards. Light sources must be visible.

Exterior residential lighting can convey a warm, inviting atmosphere. Care is to be taken in placing fixtures, selection of fixtures and types of light source. Exterior illumination of architectural features such as columns, entries, chimneys and landscape features is encouraged.

Lights should be directed to illuminate house number graphics where possible. A sconce light is preferred. Ground lighting or decorative fixtures must be of high quality materials and workmanship and be in scale and style with the residence.

Free standing decorative fixtures, lampposts, are acceptable but must be approved by the ARC. No lampposts will be allowed near the sidewalk.

Sodium vapor lights, except for subdivision street lights, are prohibited.

Mercury vapor security lights, when the fixture is visible from public view or from other lots, are prohibited. Mercury vapor lights, when used for special landscape lighting affect, (hung in trees as up and down lights) is permissible with ARC approval.

Colored lenses on low voltage lights, colored light bulbs, fluorescent and neon lighting are not permissible.

Plastic lighting is not permitted.

Incandescent, low voltage incandescent, metal halide, quartz and natural gas lights are acceptable.

All wiring for exterior lighting should be underground. Pathway lighting and landscape lighting is encouraged. Such lighting must be inconspicuous.

5.4 Residential Landscaping

A single row of foundation planting in the front yard is not acceptable. Shrub planting shall consist of a minimum of 2 layers of shrubs planted at the foundation of the building. For residences on lots 70' or wider, a minimum of 4 layers of shrubs planted at the foundation of the building is required. The number of plant species in the front yards should be kept to a minimum. A maximum of seven (7) different species of recommended shrub plantings may be utilized within a front yard. Lots of 70' width or larger are permitted a maximum of nine (9) different species of recommended shrub plantings.

Planting bed edging is not required, but is encouraged for maintenance purposes and to define the shape of planting beds. Loose brick, plastic, concrete scallop and corrugated aluminum, wire wickets, vertical timbers, railroad ties, etc., are prohibited. Acceptable edging is Ryerson steel, brick set in mortar, and landscape timbers (2 inches by 4 inches, 2 inches by 6 inches, 4 inches by 4 inches, and 4 inches by 6 inches) set vertically in grade. Horizontal landscape timbers may only be used in the event of retaining walls in place of grading.

Planting beds may be curvilinear or geometric with the shrubs massed in tiers, smaller shrubs, perennials, and ground cover in the front and larger shrubs in the rear of the bed. Groupings of shrubs of the same species provide a substantial look. Curvilinear beds should have smooth, flowing curves and/or true radii.

Mulch all planting beds with three inch (3") shredded pine bark. Specimen boulders 12" in diameter or greater are permitted in Earth tone colors only. Bright colors are not permitted. Flat stone may be used for borders on flower beds.

5.5 Minimum Landscape Requirements Each Yard

Trees are to be a minimum 2-1/2" to 4" caliper measured 12" from the base of the tree.

FRONT YARD TREE REQUIREMENTS

Two Pine or Hardwoods when no trees are present on the front lot. Existing trees on the front lot count towards the tree requirements.

FRONT YARD SHRUB REQUIREMENTS

Ld Width	Shrubs Required	Type
55 to 70	4	15 gallon
	15	5 gallon
	28	1 gallon

5.7 Tree Protection

The following procedures are recommended to insure the survival and good health of trees existing on site. The builder shall use the following guidelines to preserve trees on site:

Protection of trees on Construction Site:

- A. Tree protection fencing should be placed around drip line of trees to prevent storing of machinery or equipment which can cause soil compaction and mechanical damage.
- B. Excessive pedestrian traffic should not occur within drip line of trees.
- C. Soil should not be excavated, spread, spoiled or otherwise disposed of within drip line of trees.
- D. Trash fires shall not be permitted.
- E. In close areas, where fencing to drip line is not possible, protect trunk by strapping (not nailing) a continuous shield of wood, 2" x 4" x 5', around the trunk and lay plywood on ground in drip line of tree to prevent compaction of soil by trucks or machinery, etc.

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5.8 Tree Preservation

Where tree clusters are preserved, builder shall also preserve understory if possible. This helps maintain conditions around existing root systems.

Placement of utilities within the drip line is detrimental to chances of survival on a developed lot. If routing utilities outside the drip line is not possible, keep trench area to a minimum and adhere to tree protection methods described in previous section.

In the case of specimen trees, consider boring under the tree root system.

Prune trees using horticulturally accepted methods to compensate for any loss of root system.

5.9 Plant Material: General

The following is a list of plant material considered to be appropriate for The Reserve at Cypress Creek. Other plant material may be used, but priority should be given to plants from this palette. The use of golden euonymus, because of growth characteristics and susceptibility to disease, is discouraged. Arborvitae, Italian cypress, junipers (other than ground cover varieties) yucca, cactus and bamboo are not in character with the plant palette and are discouraged and may be cause for rejection of plans.

5.10 Plant Material: Shade Trees and Flowering Trees

SHADE TREES

Carya illinoensis	Pecan
Liquidambar styraciflua	Sweet Gum
Pinus taeda	Pistocia Texana
Texas Pistache	
Quercus acutissima	Sawtooth Oak
Quercus borealis	Red Oak
Quercus macrocarpa	Burr Oak
Quercus nigra	Water Oak
Quercus virginiana	Live Oak
Ulmus crassifolia	Cedar Elm
Ulmus parvifolia sempervirens	'Drake' Evergreen Chinese

ORNAMENTAL TREES

Betula nigra	River Birch
Chionanthis Virginia	Chinese Fringe Tree
Crataegus	Majestic Indian Hawthorn
Ilex Opaca (and other tree form holly species)	
Ilex vomitoria	American Holly
Keolreuteria paniculata	Yaupon
Lagerstroemia indica	Golden Raintree
Ligustrum Japonicum (tree form)	Crape Myrtle
Magnolia - all species	Waxleaf Privet
Murraya Paniculata	Magnolia
Oxydendrum arboreum	Orange Jasmine (tree form)
Pyrus calleryana 'Evergreen'	Sourwood
Pyrus calleryana 'Aristocrat'	Evergreen Pear
Cercis canadensis (all varieties)	'Aristocrat' Callery Pear
Stewartia pseudocamellia	Red Bud
Styrax japonica	Japanese Stewartia
Styrax obassia	Japanese Snowbell
	Fragrant Snowbell

5.11 Plant Materials: Shrubs

Abelia grandiflora or dwarf variety	Abelia
Azalea species	Azalea
Aucuba japonica	Japanese Aucuba
Buxus species	Boxwood
Callistemon citrinus	Bottlebrush
Camellia sasanqua	Camellia
Chaenomeles speciosa	Flowing Quince
Chamaerops humilis	Mediterranean Fan Palm (specimen only)
Cleyera japonica	Japanese Cleyera
Cyas revoluta	Sago Palm (Specimen Planting)
Elaeagnus macrophylla	Elaeagnus
Eriobotrya japonica	Coppertone Loquat
Fatsia japonica	Aralia
Fiegoa sellowiana	Pineapple Guava
Gardenia jasminoides 'Radicans'	Dwarf Gardenia
Gardenia jasminoides 'Fortuniana'	Dwarf Gardenia
Ilex cornuta	Dwarf Chinese Holly
Ilex species	Holly
Ilex vomitoria	Dwarf Yaupon Holly
Hibiscus roso sinensis	Chinese Hibiscus
Juniper species	Juniper
Juniperus conferta varieties (Particularly 'Emerald Sea')	Shore Juniper
Lagerstromia indica/fauriet	Dwarf Crape Myrtle
Leucocophyllum frutescens	Texas Sage
Ligustrum japonicum	Lugustrum Wax
Mahonia aquifolium	Oregon Grape
Mahonia bealei	Leatherleaf Mahonia

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Myrica cerifera
 Nandina domestica
 'Harbor Dwarf, Woods Dwarf,
 Purpurea, Fire Power'
 Nandina domestica
 Nerium oleander
 Pittosporum tobira variegata
 Philodendron pertusum
 Photinia fraseri
 Podocarpus macrophylla
 Pyracantha coccinea
 Rhamphitolepis indica
 'Clara, Snow White'
 Skimmia japonica
 Spiraea bumalda
 or similar dwarf variety
 Viburnum japonica

Southern waxmyrtle
 Dwarf Nandina
 Heavenly Bamboo
 Oleander
 Dwarf Pittosporum
 Philodendron
 Photinia Redtip
 Japanese Yew
 Dwarf Pyracantha
 Hawthorne Indian
 Skimmia (shade only)
 Spiraea
 Japanese Viburnum

Sedum acre
 Thelypteris hexagonoptera

Golden Carpet
 Beech Fern

*Indicates vines

5.13 Plant Materials: Perennial Borders

Use of perennials as a color border for the final layer of each planting bed is strongly encouraged. Following is a recommended list of perennials which may be used. A continuous border of one plant species is preferred. Alternating plants is not recommended. Annuals may be used as a continuous border if desired.

Campanula carpatica	Bellflower
Coreopsis grandiflora	Tickseed
Coreopsis lanceolata	Tickseed
Coreopsis verticillata	Tickseed
Dahlia Rosita	Dwarf Dahlia
Dahlia Sneezey	Dwarf Dahlia
Dianthus caryophyllus	Carnation
Gaillardia	Blanket Flower
Gallium odoratum	Sweet Woodruff (shade only)
Geranium x johnson's blue	Johnson's Blue Geranium
Helenium autumnale	Helenium
Hemerocallis stella de oro	Day Lily
Hemerocallis 'Happy Returns'	Day Lily
Hemerocallis 'Pardon Me'	Day Lily
Jasione perennis	Shepherd's Scabious
Lavandula angustifolia	English Lavender
'Hidcote Strain'	
Lavandula angustifolia 'Mustard Dwarf Strain'	English Lavender
Lavandula x intermedia Grosso	English Lavender
Oenothera tetragona	Evening Primrose
Platycodon grandiflorus var mariesii	Dwarf Balloon Flower
Physostegia virginiana	Dragonhead
Salvia argentea	Salvia
Salvia elegans	Pineapple Sage
Salvia farinacea	Mealy Cup Sage
Salvia jurisicii	Salvia
Salvia x superba 'Blue Queen'	Salvia

5.12 Plant Materials: Ground Covers, Vines and Ornamental Grasses

Adiantum capillus - veneris
 Adiantum pedatum
 Ajuga reptans
 Ardesia japonica
 Aspidistra eliator
 Bryopteris erythrospora
 Carex morrowii
 Cyrtomium falcatum
 Festuca ovina
 Festuca cinerea
 Ficus pumila
 *Gelsemium sempervirens
 Hedera canariensis
 Hedera helix
 Iberis sempervirens
 Imperata cylindrica
 Juniperus horizontalis 'Wiltoni'
 Juniperus procumbens 'Nana'
 Lantana ovatifolia
 Liriope spicata
 Liriope muscari
 Lonicera caprifolium
 Lonicera etrusca 'superba'
 Lonicera periclymenum
 Ophiopogon japonicus
 Ophiopogon japonicus
 'Compactus'
 Ophiopogon planiscarpus
 'Kokurga'
 *Trachelospermum jasminoides
 *Wisteria sinensis
 Sasa pygmaea

Southern Maidenhair Fern
 Maidenhair Fern
 Carpet Bugle (shade only)
 Ardesia (shade only)
 Aspidistra
 Shield Fern/Wood Fern
 Japanese Sedge
 Holly Fern
 Fescue
 Blue Fescue
 Creeping Fig
 Carolina or Yellow
 Jasmine
 Algerian Ivy
 English Ivy (shade only)
 Evergreen Candytuft
 Japanese Blood Grass
 Blue Bug Juniper
 Dwarf Japanese
 Garden Juniper
 Dwarf Lantana
 Creeping Lilyturf
 Liriope
 Honeysuckle
 Honeysuckle
 Honeysuckle
 Mondo Grass
 Lilyturf
 Lilyturf
 Confederate Jasmine
 Chinese Wisteria
 Dwarf Bamboo

5.14 Plant Materials: Lawns

GRASS - St. Augustine - Solid Sod

All grass exposed to public view is to be St. Augustine

or hybrid Grass. Lawns may be "overseeded" with rye grass (maintained to 2-1/2" height). Wood fenced rear and side yards may be sprigged with St. Augustine or grassed with Buffalo or Bermuda. No gravel or rock of any size or color is permitted for ground cover, mulch or substitute for grass lawn when visible from public view.

5.15 Landscape Maintenance

All landscaping is required to be maintained in a healthy and attractive appearance. Proper maintenance includes:

- a. Mowing;
- b. Pruning and shaping;
- c. Weed control in lawns and planting beds;
- d. Adequate irrigation;
- e. Appropriate fertilization;
- f. Insect and disease control;
- g. Seasonal mulching of planting beds;
- h. Replacement of diseased or dead plant materials; and,

Each yard shall be maintained in a neat, clean and orderly condition by the builder/owner prior to and after the sale of such residence.

5.16 Grading Foundations & Sediment Control

GRADING

Berms are to be graded in gentle, undulating, naturalistic forms, not straight or steep slopes. Berms should undulate in width as well as height where area permits. Provisions are to be made for drainage around or through berms as required. Generally, a height of forty-eight inches (48") from top of adjacent curb is the maximum desired.

Swales (small ditches) are to be graded shallow, but wide to slow runoff. Avoid steep cuts for a natural look.

Steep slopes of 2.5:1 or more should be broken with retaining walls or steps. Terracing of lawns is

encouraged only when the grades are too steep. It will be the responsibility of each builder to provide adequate drainage for each home. Caution should be used in establishing the foundation elevation so that adequate drainage from the back yard around to the front is not impaired by driveways or slabs that are constructed too high.

FOUNDATIONS

Minimum slab elevations are determined by, and should be coordinated with, the appropriate County agency. All foundation plans must be signed and sealed by a Texas Registered Professional Engineer.

A form survey should be undertaken to ensure that building setback lines have not been violated prior to foundation construction.

SEDIMENT CONTROL

In order to maintain clean streets and prevent siltation of storm sewers and drainage channels, all projects in The Reserve at Cypress Creek are required to practice sediment control during construction. As soon as earthwork commences, sediment control methods shall be installed in such a way as to filter all storm water runoff from the tract into the public street. The sediment control system shall remain in place and in good repair until construction is complete, landscaping is installed, and lawns are established.

Builders shall conform to all regulatory agencies' rules, regulating standards, and criteria governing sediment control to include, but not be limited to, ERA-NPDES, Harris County pollution control plans. Builders shall be responsible for filing and securing all necessary permits.

5.17 Irrigation

(Optional)
Installation of an irrigation system by builder is encouraged but is not mandatory, except on lots with widths of seventy-five feet (75') or greater and patio home lots.

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Sprinkler heads should be located to effectively water areas intended with minimum overthrow onto pavement, walks, etc, and to effect 100% overlap insuring effective and even coverage.

logo or trademark. Colors and graphics are to be submitted to the Architectural Review Committee.

6.0 GRAPHICS

6.1 General

Specific requirements and guidelines for graphics are intended to limit the amount of signs, to present an image of quality and to squelch the propensity of competing builders to "outdo" each other in attracting home buyers with signage.

Through an organized system of signage, adequate direction to builder products will be achieved and the developer will be able to present The Reserve at Cypress Creek as a quality master planned community.

6.2 Builder Signage

Custom Builder

One sign per single family lot allowed until occupancy

Information to be conveyed:

Name of Builder

Phone Number - Central Sales Office

An 18" x 36" panel may use builder's name and/or logo or trademark. Colors and graphics are to be submitted to the Architectural Review Committee.

Production Builder -- (excluding models)

One sign per single family lot allowed until occupancy

Information to be conveyed:

Name of Builder

Phone Number - Builders Sales Office

An 18" x 36" panel may use builders name and/or

THE RESERVE AT CYPRESS CREEK
COMMUNITY ASSOCIATION, INC.

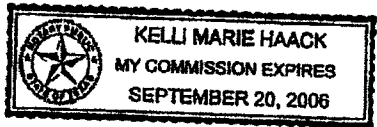
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By: M.S. Burr
Name: Scott Burrer
Title: Secretary
Date: 5-5-03

STATE OF TEXAS
COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared Scott Burrer the Secretary of The Reserve at Cypress Creek Community Association, Inc., known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 5 day of May, 2003



Kelli Marie Haack
Notary Public - State of Texas

After recording return to:
Marc D. Markel
Roberts Markel Guerry, P.C.
2500 City West Blvd., Suite 1350
Houston, Texas 77042

578-15-2469

PROPERTY DESCRIPTION

Certain property in Harris County, Texas known as The Reserve at Cypress Creek, a subdivision of 59.95 acres containing 132 lots, in 2 blocks and 5 reserve(s), out of the M. Eicholtz Survey, A-254, according to the map or plat thereof, filed on the 3rd day of July, 2002 under Clerk's File No. V 916686 and Film Code No. 516249 of the Plat Records of Harris County, Texas and any other subdivisions which are subsequently annexed thereto and made subject to the authority of the Association.

D

**FILE FOR RECORD
8:00 AM**

JUN 26 2003

Renee L. Kayman
County Clerk, Harris County, Texas

52201-15-2003

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time shown herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

JUN 26 2003



Renee L. Kayman
COUNTY CLERK
HARRIS COUNTY, TEXAS

AMEND

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FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
THE RESERVE AT CYPRESS CREEK

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE RESERVE AT CYPRESS CREEK, ("First Amendment") is made on the date hereinafter set forth by Beazer Homes Texas, L.P., a Delaware limited partnership and Pacific United, L.P., a Texas limited partnership, hereinafter referred to collectively as Declarant;

WITNESSETH:

WHEREAS, the Declarant filed that certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE RESERVE AT CYPRESS CREEK which is recorded under Clerk's File No. W025247 in the Official Public Records of Real Property of Harris County, Texas (the "Declaration"); and

WHEREAS, reference is hereby made to the Declaration for all purposes, and any and all capitalized terms used herein shall have the meanings set forth in the Declaration, unless otherwise specified in this First Amendment; and

WHEREAS, pursuant to Article XIII of the Declaration, the Declarant, so long as there is a Class "B" membership, reserved the exclusive and unilateral right to amend the Declaration, without the joinder or consent of any Owners, entity, Lender or other person for the purpose of clarifying or resolving any ambiguities or conflicts therein, or correcting any inadvertent misstatements, errors or omissions therein; and

WHEREAS, there is an error as to the type of fencing required on portions of any Lot which abuts green belts and other landscaping reserves; and

WHEREAS, there is an error as to the Lots that are defined as Lake-front Lots.

NOW THEREFORE, pursuant to the powers retained by Declarant as a Class "B" Member under the Declaration, Declarant hereby amends the Declaration as follows:

That portion of Article VII, Architectural Restrictions, Section I, Lake Front Lots, which reads as follows:

The following Lots are hereby designated as Lake-front Lots:

- Lots One (1) and Two (2); Block One (2); Section One (1)
- Lots Twenty-five (25) through Forty-three (43); Block One (2); Section One (1)
- Lot Fifty-seven (57); Block (2), Section One (1)

536-60-2516

There are special fencing requirements for the portions of all Lake-Front Lots that abut the Lake (Restricted Reserve "B"). Such fencing shall be mandatory and shall be as set out in the Builder Guidelines and subject to prior ARC approval.

shall be amended to read as follows:

- Lots One (1), Two (2), Twenty-four (24) through Thirty-five (35), Forty-two (42), Forty-three (43), and Fifty-seven (57) in Block Two (2), Section One (1)

There are special fencing requirements for the portions of all Lake-front Lots that abut the lake (Restricted Reserve "B"). Such fencing shall be mandatory and shall be as set out in this Declaration or the Builder Guidelines and subject to prior ARC approval.

That portion of Article VI, Use Restrictions, Section F, Notices and Easements, 4., Monuments and Fences, which reads as follows:

All fencing installed on the portion of any Lot which abuts green belts, lakes, ponds, and other landscaping reserves shall be wrought iron in appearance and shall be in a location and of a material and design as required in this Section and as approved by the ARC. However, access to such green belts, lakes ponds and/or other landscaping reserves, if any, shall be through approved access points located on the Common Areas only. Gate access from individual Lots is strictly prohibited except on rear Lot lines adjacent to green belts, which rear gates are subject to prior ARC approval.

Special Fencing Requirements: Side fencing between any and all Lots where only the rear of the Lot abuts and/or is contiguous to green belts, lakes, ponds or other landscaping reserves shall be required with wood fencing not to begin any nearer than sixteen feet (16') from the rear property line of approved wrought iron fence which shall be located and run from the rear property line as established by the plat along the side property line, which shall not exceed six feet (6') in height and shall be identical in construction and design to the fence which separates the Lot from the green belts, lake, pond or other landscaping reserves.

shall be amended to read as follows:

All fencing installed on the portion of any Lake-front Lot, which abuts lakes and ponds shall be wrought iron in appearance and shall be in a location and of a material and design as required in this Section and as approved by the ARC. All fencing installed on the portion of any Lot which abuts green belts and/or other landscape reserves shall be wood in appearance and shall be in a location and of a material and design as required in this Section and as approved by the ARC. Access to any such green belts, lakes, ponds and/or other landscaping reserves, if any, shall be through approved access points located in the Common Areas only. Gate access from individual Lots is strictly prohibited except on rear Lot lines adjacent to green belts, which rear gates are subject to prior ARC approval.

Special Fencing Requirements: Side fencing between any and all Lots where only the rear of the Lot abuts and/or is contiguous to lakes and ponds shall be required with wood fencing not to begin any nearer than sixteen feet (16') from the rear property line of approved wrought iron fence which shall be located and run from the rear property line as established by the plat along the side property line, which shall not exceed six feet (6') in height and shall be identical in construction and design to the fence which separates the Lot from the lake and/or pond.

In case of conflict between this First Amendment and the Declaration, this First Amendment shall control. All other definitions and restriction shall remain as stated in the Declaration.

Invalidation of any one or more the covenants, restrictions conditions or provisions contained in this First Amendment shall in no wise affect any of the other covenants, restrictions, conditions or provisions which shall remain in full force and effect.

The Declaration, except as expressly amended hereby, shall remain in full force and effect, and is hereby ratified and confirmed.

IN WITNESS WHEREOF, this First Amendment to the Declaration of Covenants, Conditions and Restrictions for The Reserve at Cypress Creek is executed as of the 3rd day of December, 2004.

DECLARANT:

PACIFIC UNITED, L.P., a Texas limited partnership

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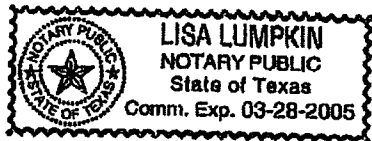
By: Pacific United Development Corporation, its general partner

By: *[Signature]*
Print Name: By: Mike Moody, Division President
Print Title: Houston Division
for TOUSA Homes Inc.

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Mike Moody the Div. Pres. of Pacific United Development Corporation, the general partner of PACIFIC UNITED, L.P. known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 3RD day of December, 2004.



[Signature]
Notary Public - State of Texas

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped herein by me, and was duly RECORDED, in the Official Public Records of Real Property of Harris County, Texas on

DEC - 6 2004



[Signature]
COUNTY CLERK
HARRIS COUNTY, TEXAS

FILED
04 DEC -6 PM 3:58
[Signature]
COUNTY CLERK
HARRIS COUNTY, TEXAS

596-68-21521

JOINDER & CONSENT:

**THE RESERVE AT CYPRESS CREEK
COMMUNITY ASSOCIATION, INC., a
Texas non-profit corporation**

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By: Scott Hill
Name: Scott Hill
Title: PRESIDENT

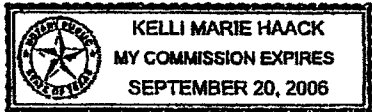
STATE OF TEXAS

COUNTY OF HARRIS

§
§
§

BEFORE ME, the undersigned authority, on this day personally appeared Scott Hill the President of The Reserve at Cypress Creek Community Association, Inc. known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 3 day of December 2004.



Kelli Marie Haack
Notary Public - State of Texas

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After Recording Return To:

Marc D. Markel
Roberts Markel Guerry, P.C.
2500 City West Blvd., Suite 1350
Houston, Texas 77042

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596-68-2628

DECLARANT:

BEAZER HOMES TEXAS, L.P., a Texas limited partnership

(5)
20R

By: Beazer Homes Texas Holdings, Inc., its general partner

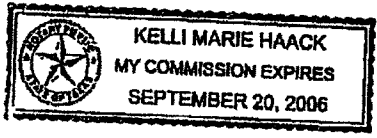
By: Dennis E. Petras
Print Name: DENNIS E. PETRAS
Title: Sr. Land Dev. Oper. Mgr.

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Dennis E. Petras, the Sr. Land Dev. Oper. Mgr. of BEAZER HOMES TEXAS HOLDINGS, INC., the general partner of BEAZER HOMES TEXAS, L.P. known by me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 3 day of December 2004.

Kelli Marie Haack
Notary Public - State of Texas



1596-6-20-04