

**** Electronically Filed Document ****

Denton County
Juli Luke
County Clerk

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Indirect-

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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 DENTON)

I hereby certify that this instrument was FILED in the File Number sequence on the date/time printed hereon, and was duly RECORDED in the Official Records of Denton County, Texas.

Juli Luke

County Clerk
Denton County, Texas

CERTIFICATION

I, the undersigned, pursuant to Texas Property Code §202.006 do hereby certify:

That I am the duly elected and acting Secretary of the Indian Creek/Carrollton Homeowners Association, Inc., (hereinafter the "Association") a Texas corporation;

That the attached documents are documents that apply to the operation and utilization of property within Indian Creek Ranch, a subdivision in Denton County, Texas.

That the property affected by these documents is set out on the attached Exhibit "A".

That the documents which affect the use and operation of Indian Creek Ranch are set out on the attached Exhibit "B".

That the attached documents are true and correct copies of the originals.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this the 5th day of June, 2015.

INDIAN CREEK/CARROLLTON
HOMEOWNERS ASSOCIATION, INC.

Marvin Reader
Print Name: Marvin Reader
Title: Secretary

STATE OF TEXAS §
 §
COUNTY OF DENTON §

BEFORE ME the undersigned authority, on this day personally appeared Marvin Reader, the Secretary of the Indian Creek/Carrollton Homeowners Association, Inc., known to me to be the person whose name is subscribed hereinabove and, being by me first duly sworn, declared that s/he is the person who signed the foregoing document in her/his representative capacity, and that the statements therein contained are true and correct.

Given under my hand and seal of office this the 5th day of June, 2015.



Jennifer Powe
Notary Public – State of Texas

EXHIBIT "A"

PROPERTY DESCRIPTION

Indian Creek Ranch, a subdivision located in Denton County, Texas, initially restricted by the Declaration of Covenants, Conditions, and Restrictions for Indian Creek Ranch, recorded under Denton County Clerk's File No. R4-R0065513, as same has been or may be amended from time to time ("Declaration") and any other property which has been, or may be subsequently annexed thereto and made subject to the authority of Indian Creek/Carrollton Homeowners Association, Inc.

EXHIBIT "B"

1. Adopted Guidelines and Standards for Open Air and/or Screened Structures
2. Adopted Guidelines for Standards for Drought-Resistant Landscaping and Water-Conserving Natural Turf (Xeriscape)

After recording return to:

Sipra S. Boyd
Roberts Markel Weinberg Butler Hailey PC
2800 Post Oak Blvd., 57th fl.
Houston, Texas 77056



INDIAN CREEK RANCH

Indian Creek/Carrollton Homeowners Association, Inc. Architectural Control Committee

ADOPTED GUIDELINES AND STANDARDS FOR OPEN AIR AND/OR SCREENED STRUCTURES

Revision 07/17/2013

1 Modification Approval Required

This document presents guidelines and standards for a particular activity or type of external modification, as defined within the Covenants of the HOA, which require Members to obtain Architectural Control Committee (ACC) approval prior to commencement of the activity or modification.

All modifications bound by the Covenants of the HOA, including those outlined in this document, must be applied for, and approved by the ACC. The compliance with, or the following of, this and/or other guidelines and standards does not release the Member from the application and approval process.

Application and approval is obtained by submission of "Modification Request Forms", together with all required plans, specifications and supporting documentation to the ACC. The ACC will then review the application and issue a written decision in a timely manner as required by the Covenants.

2 Incomplete Application

Failure to initially submit all required documentation, specifications, and material lists with the Modification Request Form will delay the review of the application by the ACC pending receipt of the necessary items and may ultimately result in the disapproval of the application.

3 Penalties and Remedies

Failure to follow the approval process may result in any of the remedies as set forth in "Nonconforming Improvements" Article IV Section 7 of the Covenants.

4 Permits May Be Required

Plans submitted for ACC review must comply with all applicable building codes, zoning regulations and the requirements of all agencies having jurisdiction over the project. It is the responsibility of the Member to determine if applicable and to obtain all necessary permits and inspections and to ensure all governmental compliance. Approval by the ACC does not relinquish the Members responsibility and the ACC does not provide advice concerning these matters.

5 Definitions Referenced In This Document.

- (a) Covenants: The Declaration of Covenants, Conditions and Restrictions as recorded in the Deed Records of Denton County, Texas, at Clerk's File No. 94-R0065513 and any and all subsequent revisions, amendments or other changes thereto similarly filed in the Denton County Deed Records.
- (b) HOA: Indian Creek/Carrollton Homeowners Association, Inc.
- (c) ACC: Architectural Control Committee as defined in the Covenants of the HOA.
- (d) Member: Any HOA Class A or B member as set forth in the Covenants of the HOA.
- (e) Modification Request Form: The "Indian Creek Architectural Control Modification Request Form."

6 Purpose

The guidelines and standards which follow are intended to provide a framework of design and development standards with which the Member and the ACC can make informed decisions related to residential construction and modifications within Indian Creek Ranch development. By employing the use of these guidelines and standards, modification requests will be handled in a more uniform fashion by the ACC.

Members of the HOA should use these and other adopted guidelines and standards to understand what type of modifications are allowed and use them accordingly in their plans for modification requests.

7 Exceptions and Variances

The guidelines and standards set forth within this document represent the adopted, reasonable standards for the ACC for the type of activity or modification covered. However, a Member may apply for a variance from a specific guideline or standard, but the burden of establishing the reasons why a specific requirement is not appropriate lies with the Member. Members who request property modifications that do not comply with the standard must state explicitly in the "Modification Request Form" what proposed modification(s) would not be in compliance and must include a detailed explanation as to why the Member cannot comply with the stated guidelines and why an exception or variance should be granted.

8 Scope

This Guideline covers open air and/or screened structures. All such structures must be approved by the ACC via the "Modification Request Form" prior to any work being started. The types of structures include, but are not limited to, any structure designed to cover an area which has one or more sides that are partially or fully open to the elements. Examples of such structures are: pool side cabanas, outdoor kitchens or barbeque\grilling areas, covered picnic or eating areas, partially or fully screened or open seating areas and gazebos.

9 Guidelines and Standards

- (a) Prior written approval from the ACC must be obtained before commencement of construction. The Modification Request Form must be submitted with full detail and dimensioned plans. The plans must include a Front Elevation view, Side Elevation view, Plan view showing location of structure along with location of existing house and property boundary (survey). The form must specify materials and colors for all aspects of the structure.

- (b) The structure must be constructed of wood, stone, brick, or other material approved by the ACC and deemed by the ACC to match or complement the existing house. Aluminum or metal skins of any type are not acceptable.
- (c) All structures must reside within the fenced-in back yard area where the structure will have a minimal visual impact on adjacent properties and streets.
- (d) The height of any structure shall not be greater than two (2) feet higher than the existing fence, but in no case higher than twelve (12) feet measured at roof's highest point.
- (e) If the roof of the structure is solid, then the roof must be shingled using composite shingles to match the color of the existing house (i.e. you can't have grey/black shingles on your home but have tan/brown shingles on the structure). Metal, aluminum, tin, translucent or clear material, fiberglass, plastic, resin or polymer based materials, cloth, fabric and other woven material roofs are prohibited.
- (f) If the roof is a shade structure or open-air type roof then the roof may be constructed of nominal sized 2" x 2" material of wood or aluminum. It must be painted, stained or colored to match the remaining structure. The use of flat, lattice type material less than one inch (1") thickness is prohibited.
- (g) All structures are to be of a permanent nature and be securely attached to a foundation or to concrete piers of suitable depth and size.
- (h) All structures are to be maintained in good condition.
- (i) If lighting of any type is to be included within or around the structure, the Modification Request Form must include a detailed lighting plan showing all locations, spacing, light type, wattage and sizes. Lighting must comply with all previously issued guidelines and standards regarding exterior lighting. All exterior lights must have a hood or shield and be pointed downwards so that when in use the light does not infringe on the enjoyment and use of property of neighboring homes.
- (j) Prefabricated structures with metal or aluminum skin or fabric roofs such as those available from big box stores (e.g. CostCo, Sam's Club, Home Depot and Lowes, etc.), are incompatible with the design objectives for Indian Creek Ranch and do not meet the guidelines and standards and therefore are prohibited.



INDIAN CREEK RANCH

Indian Creek/Carrollton Homeowners Association, Inc. Architectural Control Committee

ADOPTED GUIDELINES AND STANDARDS FOR

DROUGHT-RESISTANT LANDSCAPING AND WATER-CONSERVING NATURAL TURF (XERISCAPE)

Revision 05/15/2014

These Guidelines and Standards are implemented to address recent Texas Laws modifying Section 202.007 of the Texas Property Code.

1 Modification Approval Required

This document presents guidelines and standards for a particular activity or type of external modification, as defined within the Covenants of the HOA, which require Members to obtain Architectural Control Committee (ACC) approval prior to commencement of the activity or modification.

All modifications bound by the Covenants of the HOA, including those outlined in this document, must be applied for, and approved by the ACC. The compliance with, or the following of, this and/or other guidelines and standards does not release the Member from the application and approval process.

Application and approval is obtained by submission of "Modification Request Forms", together with all required plans, specifications and supporting documentation to the ACC. The ACC will then review the application and issue a written decision in a timely manner as required by the Covenants.

2 Incomplete Application

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3 Penalties and Remedies

Failure to follow the approval process may result in any of the remedies as set forth in "Nonconforming Improvements" Article IV Section 7 of the Covenants.

4 Permits May Be Required

Plans submitted for ACC review must comply with all applicable building codes, zoning regulations and the requirements of all agencies having jurisdiction over the project. It is the responsibility of the Member to determine if applicable and to obtain all necessary permits and inspections and to ensure all governmental compliance. Approval by the ACC does not relinquish the Members responsibility and the ACC does not provide advice concerning these matters.

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The guidelines and standards which follow are intended to provide a framework of design and development standards with which the Member and the ACC can make informed decisions related to residential construction and modifications within Indian Creek Ranch development. By employing the use of these guidelines and standards, modification requests will be handled in a more uniform fashion by the ACC.

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7 Exceptions and Variances

The guidelines and standards set forth within this document represent the adopted, reasonable standards for the ACC for the type of activity or modification covered. However, a Member may apply for a variance from a specific guideline or standard, but the burden of establishing the reasons why a specific requirement is not appropriate lies with the Member. Members who request property modifications that do not comply with the standard must state explicitly in the "Modification Request Form" what proposed modification(s) would not be in compliance and must include a detailed explanation as to why the Member cannot comply with the stated guidelines and why an exception or variance should be granted.

8 Scope

These Guidelines and Standards are implemented to address recent Texas Laws modifying Section 202.007 of the Texas Property Code.

Drought-resistant landscaping (Xeriscaping) means using native and adaptive plants that can grow and sustain themselves with low water requirements and tolerate heat and drought conditions. Xeriscaping does not mean zero water and zero maintenance. The ACC will allow, subject to compliance with these rules, the use of drought-resistant landscaping and water conserving natural turf.

9 Guidelines and Standards

- (a) Prior to initiating any change in the visible landscape, the homeowners must submit plans and specifications detailing the proposed installation. The request must include a to-scale design plan, as well as details on the types of plants, the ground covers (including color and materials), the bordering material(s), the hardscape materials (including color), setbacks, irrigation system, and dimensions. (dimensions of beds, approximate size of plants, size of any rocks, and other such details.)
- (b) It is recommended but not required that plans be drawn by a licensed landscape architect to increase the chance of approval of plans without changes being required. The committee may request additional information or changes to the plans before final approval.
- (c) Installation of any proposed drought-resistant landscaping and water conserving natural turf landscape may not begin until the committee has approved the request.

10 Design requirements

- (a) Color and texture of the planted areas and inert areas are an important design aspect. Color and texture should be seen to flow neatly from one area of the yard to another. Extensive areas of "desert" or "barren" appearance must be avoided in order to preserve the aesthetic compatibility with the neighborhood.
- (b) Large areas may not be composed of a single material; for example any areas of bare mulch must be interspersed with plants.
- (c) Water features, urns, and other man-made ornamentation (yard art), if to be included in the overall xeriscape plan, require separate ACC approval and must be submitted on a separate Modification Request Form.
- (d) The xeriscape landscaping may not alter drainage patterns on a Lot, and owners must ensure that no crushed granite or other such runoff runs into a neighboring Lot or the street.
- (e) Soils in xeriscape areas should either be altered to fit the plants, or plants selected to fit the soil.
- (f) Efficient irrigations systems must be planned. Irrigation for xeriscapes zones must be different than for turf zones.
- (g) Owners should select plants and zones in accordance with the amount of light, wind and moisture in the particular yard area.
- (h) Mulches, both organic (e.g. bark chips) and inorganic (e.g. crushed rock) must be applied at least 3" deep and maintained at all times at least 2" deep.

11 Turf Grass

- (a) At least 70% of the visible lawn area of the Lot must contain some form of sodded grass. The exact requirement of the turf may vary from property to property and is dependent on the specific plan submitted.
- (b) Homeowners should consider replacing any "thirsty" turf grasses in place such as St. Augustine with turf that has lower water requirements.

12 Artificial turf

- (a) Artificial Turf is prohibited in any area between the front of the house to the street.
- (b) Artificial turf in other areas of a lot may be granted or denied depending on the overall plan submitted by the Member and depending on the Lot location and visibility from public areas.

13 Plants

It is recommended to use plants adapted to the pH soil conditions created by the non-turf materials used. i.e., don't use acid loving plants along with alkaline crushed limestone covering, whereas acid loving plants would do well with a ground hardwood mulch covering and native plants would do well with limestone or crushed granite. Sickly and dying plants must be promptly removed or replaced.

14 Hardscapes, rock, gravel, cactus

Depending on the overall plan and subject to the turf grass requirements above, the ACC may prohibit or limit:

- (a) the size and number of hardscape items including boulders;
- (b) the installation of rock ground cover (including gravel, and crushed stone); and
- (c) the installation of cacti.

15 Borders

Non-turf planted areas must be bordered with an approved bordering material to define the xeriscaped area clearly from the turf grass areas. Such areas must be kept maintained at all times (plants trimmed and thinned, planted areas weeded, and borders edged) to ensure an attractive appearance. No plants may encroach onto sidewalks, curbs, or streets.

16 Safety

No plant with thorns, spines, or sharp edges may be used within 6' of the sidewalk or street.

17 Maintenance

- (a) Xeric landscapes are subject to the same requirements as other landscaping and must be maintained at all times to ensure an attractive appearance.
- (b) Xeriscape designs are not intended to be "zero maintenance"; in fact they often require more effort than turf throughout the year.
- (c) Plants must be trimmed, beds must be kept weed-free and borders must be edged. Leaves and other debris must be removed on a regular basis so as to maintain a neat and attractive appearance.
- (d) Perennials which die back during winter must be cut back to remove dead materials during winter. This includes most ornamental grasses and other flowering perennials which go dormant to the ground in winter.