

DESIGN GUIDELINES
FOR
AVIGNON WINDHAVEN PHASE 1

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS, that
COUNTY OF COLLIN §

These Design Guidelines for Avignon Windhaven Phase 1, being that property described by metes and bound by Exhibit "A" attached hereto (the "**Property**"), is made by Windhaven Development, Ltd., a Texas limited partnership ("**Declarant**") to be effective as of the date this instrument is filed for record in the Real Property Records of Collin County, Texas.

The intent of this publication is to serve as an illustrative guide for construction requirements that are not detailed as found in the Declarations of Covenants, Conditions, Restrictions and Easements for Avignon Windhaven Property, hereinafter referred to as the Declaration. The provisions herein are specific to Phase 1 and to the extent any of such provisions are in conflict with those contained in the Declaration, including without limitation, Exhibit "C" thereto, the provisions in these Design Guidelines will control. The Property is subject to the restrictions and provisions of that certain Special Warranty Deed with Vendor's Lien recorded as Document No. 2005-0047598, Real Property Records of Collin County, Texas.

All exterior improvements are subject to approval by the Architectural Control Committee of Avignon Windhaven Homeowner's Association, hereinafter referred to as the Committee.

1. BUILDING LINES, SET BACKS, & LOT COVERAGE:

- A. Front Yard Setback:
 The minimum front yard setback is 10 feet.

- B. Rear Yard Setback:
 Rear yard setback is 15 feet.

- C. Side Yard Setback:
 Side yard Setback is 5 feet. Adjacent to a side street the side yard setback is 10 feet.

- D. Garage Door Setback:
 Garage door setback is 20 feet from the property line.

- E. Minimum Square Footage:

Each residence must contain a minimum of 2,000 square feet of contiguous, air-conditioned living space. There is no maximum square footage limitation.

2. ARCHITECTURE:

All residences must conform to the French Country or European style and character. Other architectural styles will be considered with the exception of contemporary architecture. All street front exteriors are subject to aesthetic determination by the Committee. The Committee encourages continuity in architectural style and the use of complimentary materials throughout the community. The Committee also encourages architectural diversity through variances of hip and gable roofs, roof pitch, building offsets, garage entrances, garage sizes, etc. While each home should compliment adjacent structures, every home should have a unique identity through the use of detailing such as: cast stone, wrought iron, window treatments, dormers, turrets, flat work, tree placement, brick details, natural stone, combining brick and natural stone, gas lights, landscape illumination, etc. The Committee encourages the use of wood timbers, plywood architectural structures, finials, decorative cornices, copper vents, fypon decorative features, paint grip sheet metal, copper guttering and European architectural details that individualize each residence.

3. EXTERIOR MATERIALS & DETAILING:

- A. Exterior materials shall be 100% masonry (brick, cast stone, plaster (stucco) and stone) on all first floor walls visible from any street or common areas and 85% masonry on each remaining side and rear elevations. The remaining 15% will be finished with Hardi Stuccato Board with 2" x 6" cedar trim. All exposed portions of the fire breast, flu and chimney shall be clad in brick, stone or brick and stone, matching the materials used on the residence. All window headers, sides and sills, which are exposed to the street, shall be constructed of cast stone, natural stone, decorative shaped brick or a combination thereof. No EIFS is allowed on any exterior elevation or chimney.
- B. The Committee has approved the brick shown on Exhibit "B" the "Brick List"). Brick that is not on the approved Brick List shall be submitted to the Committee for consideration of approval. Approved mortar colors are white, gray or buff. Any variation is subject to approval of the Committee. The duplication of exterior material and design for houses on adjacent Lots or Lots across the street are discouraged and are subject to the Committee's review and approval or disapproval. Mortar dye will not be permitted.
- C. The entire structure shall be guttered with downspouts. All gutter and downspouts on the front of the house and any side that faces a street or common area shall be molded from copper or paint grip metal and shall be

smooth round material. All downspouts except those emptying directly into driveways, shall be tied into underground drains and routed to the street right of way.

- D. All windows visible from front or side streets or adjacent to Common Areas, shall be painted, aluminum clad or vinyl clad finished wood casements or wood divided light windows as manufactured by Anderson, Pella or approved equivalent. Vinyl is approved on side and rear elevations. Masonry mould shall not be required on windows not visible from front or side streets.
- E. Each structure shall have a minimum plate height of 10 feet on the first floor and a minimum plate height of 9 feet on garages. The maximum building height is 35 feet.
- F. Window Restrictions:
 - 1. Second story windows shall be located so as to restrict views into adjacent windows, and or courtyards. The Committee will review and approve the location of all second floor windows and make every effort to maintain the privacy of the surrounding property owners.
 - 2. Second story rear and side yard windows are restricted except on those Lots that back to a greenbelt or open area as depicted on Exhibit "C" attached hereto.
 - 3. Second story clear windows are permitted on the restricted side provided that second story walkways, balconies, catwalks, etc. have limited or no impact to adjacent properties.
 - 4. The window restrictions are intended to minimize and eliminate view encroachments. There may however be certain conditions due to grade and Lot configuration whereby the Committee reserves the right to use discretion with consideration to setback, landscape screening or other means to minimize view encroachments in addition to mutual consent of adjacent owners.
 - 5. Translucent windows to include glass block or other obscure window types will be considered on restricted elevations.
- G. Front doors shall be a minimum of 3.6' x 8'.
- H. The Committee will approve uniform address plates and locations for address plates. The Committee has approved the Brandon Industries, Inc. - Model # 8935AV as the design, to be installed by the builder.

- I. The Committee will approve uniform mailboxes and mailbox locations. The Committee has approved the Brandon Industries, Inc. - Model # TXF54XX85-3XBK as the design, to be installed by Brandon Industries, Inc., 1601 W. Wilmeth, McKinney, TX 75069. The Committee has approved exterior paint colors soffits, fascia, and stucco board as indicated on the following paint color list:

Smoke Brown / PM-020

Land Lover / PM-034

Wicker Basket / 05-492-319

Gristmill / 05-493-319

Sisal / 05-581-319

White Rum / PM-033

These are all Jones Blair numbers and are all deep base colors.

Exterior paint colors that are not on the approved exterior paint color list shall be submitted to the Committee for consideration of approval. Colors for windows, doors, and shutters are considered accent colors and will be at the builders' discretion subject to Committee approval.

- K. Stone:

Granbury stone; or
Millsap stone - chopped and random or;
Luters Rough Back Stone, Chopped and Random, or;
Limestone - Chopped and Random and Manufactured,
or as approved by the Committee.

- L. Cast Stone: Light brown, white or cream color with or without pitting.

- M. Electrical meters visible from the street on any elevations next to a street:

The supply conduit for electrical meters visible from streets shall enter the foundation beneath the final yard grade so that the electrical meter is recessed in the wall and the meter box front and the meter are the only items visible.

4. ROOF:

- A. All roofs shall have a minimum slope 12:12 roof pitch on any front or side visible from a street and a minimum 8:12 roof pitch from rear and sides not visible from any street. Architectural designs that warrant flatter roof

sections will be given consideration by the Committee. Vent stacks and other roof penetrations shall be placed on roof planes on the rear of the roof behind the ridge lines, unless specifically approved by the Committee. Solar Collectors, if used, must be integrated into the building design and constructed of materials that minimize their visual impact. Cornice, cave and architectural details may project up to two feet six inches.

- B. Roof material shall be standing seam copper, approved standing seam metal, natural slate shingles, approved imitation slate shingles and approved composition 40 year laminated shingles or other approved roof materials. All laminated composition roof shingles shall be of the colors: Weathered Wood, Oxford Grey or Thunderstorm. The Committee shall approve all colors and mix of colors of roof surfaces.
 - C. Roof form shall be limited to hip, Dutch hip, Dutch gable or gable. Roof forms should be randomly distributed throughout each street scene.
5. SOFFITS/FASCIA: All Soffits and Fascia will conform to the Soffit/Fascia Detail attached hereto as Exhibit "D".

6. WALLS/FENCING/SCREENING:

- A. The fee owner of each Lot, in connection with the construction of a Residence on such Lot, shall construct or cause to be constructed, and shall thereafter maintain in good repair and condition, a screening fence along the rear and the sides of the Lot. The screening fence shall, unless otherwise approved in writing by the Committee:
 - 1. be immediately inside the applicable property line of such Lot;
 - 2. extend from the rear Lot line to a point which will enclose all utility fixtures (exclusive of electric utility company transformers) when connected to the fence that connects with the side of the house that is constructed on the Lot, but shall not extend closer to the front Lot line than fifteen (15) feet and no closer than five (5) feet from the front of the house.
 - 3. comply with City and FHA requirements;
 - 4. be constructed at the fee owner's sole cost and expense;
 - 5. be constructed in accordance with the fence criteria promulgated and published by the Board including the following:
 - (a) All fences must conform to the fence detail attached hereto as Exhibits "E" and "G".

- (b) Fences on all Lots adjacent to a side street or a Common Area will have masonry columns (see detail on Exhibit "I" attached hereto) at 20' intervals or as determined by the Committee, and will be a minimum of sixty feet (60') in length subject to variance by the Committee if reasonably required.
 - (c) be parallel with the applicable property line of such Lot; and
 - (d) be constructed so that the side of the fence containing the horizontal structural supports is not visible from the public right-of-way.
 - (e) Fences on common Lot lines will be constructed by the builder in the following manner. The builder of the first home to be built on the adjacent Lots will set the posts and masonry columns and face their side of the fence, including the 1" x 4" trim per Exhibit "E". The builder of the second home to be built on the adjacent Lots will face their side of the fence and add a 2" x 12" cap with 1" x 4" trim per Exhibit "E".
 - (f) The fence guidelines and criteria will be flexible so as to allow the Committee flexibility.
- B. Equipment, air conditioning compressors, service yards, storage piles, woodpiles, garbage receptacles, and similar items must be located as to not be seen from any street, common area or neighboring Lots.
- C. Retaining walls built or abutting front yards, side or rear yards facing a greenbelt area shall be constructed of mortar jointed brick matching the residence; or mortar jointed Millsap stone. For retainer walls in other locations, concrete and rock are also permitted. The Committee shall approve all retaining wall materials, locations and detailing.
1. Generally the developer-installed walls are located along side yards and common rear yards within an elevation change greater than three (3) feet between adjacent properties.
 2. The builder or property owner on the high side of the Lot shall be responsible for installing retaining walls between properties along side yards. In the event that a retaining wall is required on the low side adjacent to an unbuilt Lot then the Developer reserves the right to install the retaining wall and increase the amount of the purchase price of the high side Lot by that amount. This condition may apply to Lots under

contract.

3. Builders and property owners of adjacent Lots are encouraged to coordinate the placement and grades or retaining walls so as to eliminate Lot to Lot drainage.

7. GARAGES/DRIVEWAYS/WALKWAYS:

A. Each residential dwelling erected on any Lot shall provide garage space and parking for a minimum of 2 conventional automobiles. Each Lot shall also provide for a minimum of 2 off-street parking spaces. Wood-faced or wood-like (subject to approval) garage doors are required on all garage doors. Carports will not be allowed.

B. The Committee shall approve all colors, patterns and materials for drives and walkways and steps. All driveways fronting on a street shall be constructed of the following materials: brick pavers or interlocking pavers as manufactured by Pavestone. A decision to modify or change this guideline can be made by the Committee. All sidewalks and steps from the public sidewalk or front driveway to the front entry must be constructed of brick pavers or interlocking pavers as manufactured by Pavestone. A decision to modify or change this guideline can be made by the Committee. See Section 4.5 of the Declaration [garages] and Section 4.13 of the Declaration [sidewalks].

8. LANDSCAPING REQUIREMENTS; PLAN SUBMITTAL AND LANDSCAPE INSTALLATION:

A. Each fee owner of a Lot shall landscape the Lot according to the following minimum provisions:

1. All yards shall be sod with 419 bermuda. These areas must be irrigated.

2. Landscape requirements include a minimum of two five inch caliper live oak or red oak trees to be located in the front yard. Corner Lots adjacent to a street shall have one additional five inch caliper live oak or red oak tree. For landscape maintenance see Section 7.4 of the Declaration.

3. More detailed landscaping standards may be promulgated by the Board or the Committee and delivered to the builders or Lot Owners which standards shall be complied with in the installation and maintenance of landscaping. All landscaping required under (a) and (b) of this Section shall be installed by a builder at the time of and in conjunction with the construction of a Residence on a Lot. No material changes will be made in the landscaping without the written consent of the Committee.

B. Preliminary and Concept Plans

1. The builder or owner shall submit two (2) sets of the Preliminary Plan which includes a site plan and front exterior elevation for approval to the Committee before working drawings are to be developed. The elevation must show plate height, roof pitch, and all other information necessary so as to give a complete description of the architecture of the residence. Any existing trees that are subject to removal shall be identified on the preliminary plan. The Committee shall have fourteen (14) days from the date of the Committee's receipt of a complete set of Preliminary Plans to review and approve the Preliminary Plan. If the Committee fails to respond to the first request within this fourteen (14) day period, the owner/builder may make a second request for approval. Failure to notify owner/builder of disapproval of plans within ten (10) days of the Committee's receipt of the second request shall deem the Preliminary Plan is approved.

2. A reasonable fee will be charged to the owner/builder for the review and approval to be paid to the party or entity making the review.

C. Landscape Plans

The owner/builder shall submit two (2) sets of Landscape Plans to the Committee no later than 90 days after receipt of plan approval. **NO Flatwork is to be done prior to plan approval.** The plan must show existing trees and landscaping and specify all materials by common name, plant spacing and size at time of planting. Landscape plans shall be prepared by a landscape architect or designer and shall detail all proposed trees, fence (type and locations), walls planting, structures, sidewalks, patios, driveways, pools, drainage improvements, sprinkler, lighting locations, etc. The Committee shall have fourteen (14) days from the date of the Committee's receipt of a complete set of Final Plans to approve the same. If the Committee fails to respond to the first request within this fourteen (14) day period, the owner/builder may make a second request for approval. Failure to notify the owner/builder of disapproval of plans within ten (10) days of the Committee's receipt of the second request shall deem the submitted working drawings are approved. Plan approval does not, under any circumstances, alter the necessity for conformance with the intent of these Design Guidelines.

D. Landscape Installation

The landscape installation shall be completed no later than 30 days after occupancy in accordance with the approved Landscape Plan.

9. SIGN CRITERIA:

Signage will be subject to Section 4.7(r) of the Declaration. See the depiction of signage attached as Exhibit "F" hereto as an approved guideline.

10. AMENDMENTS AND/OR CHANGES:

Declarant reserves in the Architectural Control Committee and the Board the right to amend the Design Guidelines for clarification, amendments or corrections as necessary. This authority to amend will govern as to any conflicts with provisions contained in the Declaration.

EXECUTED as of the date indicated in the acknowledgment below to be effective upon recordation in the Real Property Records of Collin County, Texas.

Address of Declarant:

800 Central Parkway East
Suite 100
Plano, TX 75074

WINDHAVEN DEVELOPMENT, LTD.,
a Texas limited partnership

By: Windhaven Development One, LLC,
a Texas limited liability company,
General Partner

By: _____
Toby Haggard
Manager

Exhibits:

- Exhibit "A"-----Legal Description
- Exhibit "B"-----Brick List
- Exhibit "C"-----Second Floor Window Restrictions
- Exhibit "D"-----Soffit/Fascia Detail
- Exhibit "E"-----Board on Board Fence Detail
- Exhibit "F"-----Approved Signage
- Exhibit "G"-----Fence Columns

THE STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me this ____ day of _____, 2006 by Toby Haggard, Manager of Windhaven Development One, LLC., a Texas limited liability company, on behalf of such company in its capacity as general partner of Windhaven Development, Ltd., a Texas limited partnership.

Notary Public in and for the State of Texas

AFTER RECORDING RETURN TO:
Charles W. Spencer
8111 LBJ Freeway, Suite 920
Dallas, TX 75251

EXHIBIT "A"
DESIGN GUIDELINES
FOR
AVIGNON WINDHAVEN PHASE I

LEGAL DESCRIPTION

24.952 Acres

Avignon on Windhaven Phase 1

M.C. Vela Survey, Abstract No. 935

C. Luttrell Survey, Abstract No. 522

S.T. Noblett Survey, Abstract No. 667

City of Plano, Collin County, Texas

WHEREAS WINDHAVEN DEVELOPMENT, LTD., is the owner of a tract of land situated in the M. C. Vela Survey, Abstract No. 935, the C. Luttrell Survey, Abstract No. 522, and the S.T. Noblett Survey, Abstract No. 667, in the City of Plano, Collin County, Texas, being a part of a 33.001 acre tract of land described in deed to Windhaven Development, Ltd., recorded in Volume 5895, Page 3137 of the Land Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a 2-inch aluminum cap in concrete found for corner at the intersection of the south westerly right-of-way line of Spring Creek Parkway (a 160-foot wide public right-of-way line) and the north right-of-way line of Windhaven Parkway (a 55-foot wide right-of-way), dedicated to the City of Plano, according to the plat thereof recorded in Cabinet N, Slide 582, of the Plat Records of Collin County, Texas;

THENCE with the north line of Windhaven Parkway, the following courses and distances to wit:

- South 05°51'36" East, a distance of 32.94 feet to a 1-inch iron rod found for corner;
- South 42°55'52" West, a distance of 32.79 feet to a 1-inch iron rod found for the beginning of a curve to the right;
- Southwesterly, with said curve to the right, through a central angle of 46°51'24", having a radius of 745.00 feet, a chord bearing and distance of South 66°21'34" West, 592.43 feet, an arc distance of 609.26 feet to a 1-inch iron rod found for corner;
- South 89°47'16" West, a distance of 1315.07 feet to a point for corner;
- South 00°12'44" East, a distance of 55.00 feet to a point for corner;
- South 89°47'16" West, a distance of 1116.45 feet to a aluminum disk in concrete set for corner, the same being the **POINT OF BEGINNING**, from which the southwest corner of the M.C. Vela Survey, Abstract No. 935 bears South 89°47', 1925.79 feet;

THENCE continuing with the north right-of-way line of Windhaven Parkway, the following courses and distances to wit:

- South 89°47'16" West, a distance of 541.89 feet to a 5/8-inch iron rod with cap stamped "KHA" found for the beginning of a curve to the left;
- Southwesterly, with said curve to the left, through a central angle of 29°18'58", having a radius of 844.77 feet, a chord bearing and distance of

South 75°07'47" West, 427.54 feet, an arc distance of 432.24 feet to a 5/8-inch iron rod with cap stamped "KHA" found for corner;

THENCE leaving the north right-of-way line of Windhaven Parkway, North 29°31'42" West, a distance of 355.87 feet to a 3-inch brass disc found in concrete for the most southerly corner of a tract of land described in deed to the City of Plano, recorded in Volume 3062, Page 38 of the Land Records of Collin County, Texas;

THENCE with the easterly and north lines of the City of Plano tract, the following courses and distances to wit:

- North 46°31'43" East, a distance of 193.45 feet to a 3-inch brass disc found in concrete for corner;
- North 43°28'17" West, a distance of 148.80 feet to a 3-inch brass disc found in concrete for corner;
- North 89°33'03" West, a distance of 148.81 feet to a 3-inch brass disc found in concrete for corner;

THENCE leaving the north line of the City of Plano tract, North 00°04'36" West, a distance of 676.19 feet to a aluminum disk set in concrete for corner in the south line of a 70-foot wide TU Electric easement, recorded in Collin County Clerk's File No. 92-0005646 of the Land Records of Collin County, Texas;

THENCE with the south line of the 70-foot wide TU Electric easement, North 81°36'56" East, a distance of 913.23 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

THENCE leaving the south line of the 70-foot wide TU Electric easement, the following courses and distances to wit:

- South 08°23'04" East, a distance of 125.00 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;
- South 81°36'56" West, a distance of 11.81 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;
- South 00°04'36" East, a distance of 602.02 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;
- North 89°55'24" East, a distance of 113.98 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner, the same being the beginning of a non-tangent curve to the left;
- Southeasterly, with said curve to the left, through a central angle of 55°41'17", having a radius of 50.00 feet, a chord bearing and distance of South 39°28'40" East, 46.71 feet, an arc distance of 48.60 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;
- South 00°12'46" East, a distance of 252.82 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner, the same being the beginning of a curve to the left;
- Southwesterly, with said curve to the left, through a central angle of 5°29'11", having a radius of 275.00 feet, a chord bearing and distance of South 75°07'52" West, 26.32 feet, an arc distance of 26.33 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner, the same being the beginning of a reverse curve to the right;
- Southwesterly, with said curve to the right, through a central angle of 14°09'53", having a radius of 225.00 feet, a chord bearing and distance of

South 79°28'13" West, 55.48 feet, an arc distance of 55.62 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;
--South 03°26'50" East, a distance of 38.50 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;
--South 20°57'14" West, a distance of 12.24 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;
--South 23°18'01" West, a distance of 38.06 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner, the same being the beginning of a curve to the left;
--Southwesterly, with said curve to the left, through a central angle of 16°55'46", having a radius of 227.50 feet, a chord bearing and distance of South 14°50'08" West, 66.98 feet, an arc distance of 67.22 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;
--South 00°12'44" East, a distance of 13.04 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;
--North 89°47'16" East, a distance of 300.76 feet to a 5/8-inch iron rod with cap stamped "KHA" found for corner;
--South 00°12'44" East, a distance of 55.00 feet to the **POINT OF BEGINNING** and containing 24.952 acres (1,086,921 square feet) of land.

Bearing system based on City of Plano Geodetic Survey Marker F9.

EXHIBIT "B"

THE APPROVED BRICK LIST

JENKINS:

Myrtlewood, St. Charles -- Queen Size
Hampton, Brookstone -- Engineer Size
Brookhanen -- Queen Size

SNYDER:

Lexington, French Quarter -- Big John Size
Olde Tuscan -- Big John Size

LOUISVILLE:

Old Birmingham -- Queen Size

CADO:

Cajun French -- Big John Size

LAWRENCEVILLE:

Sante Fe

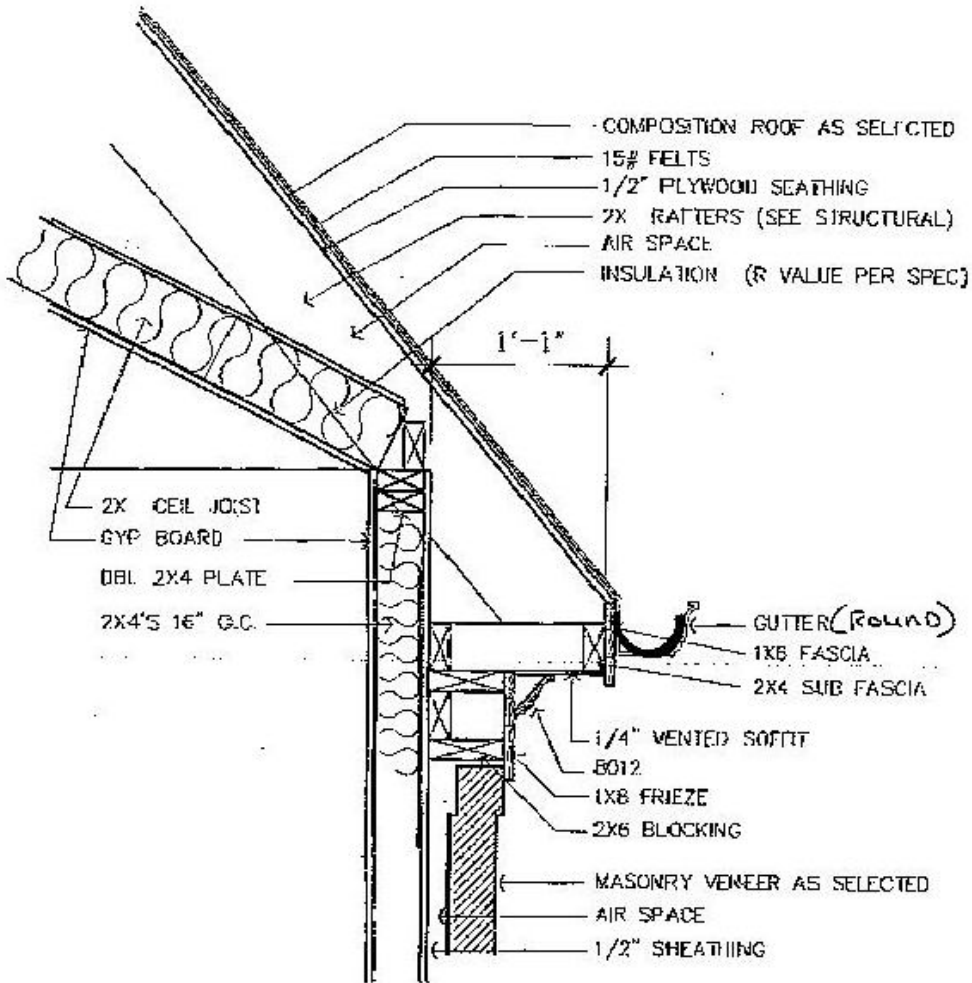
EXHIBIT "C"

SECOND FLOOR WINDOW RESTRICTIONS

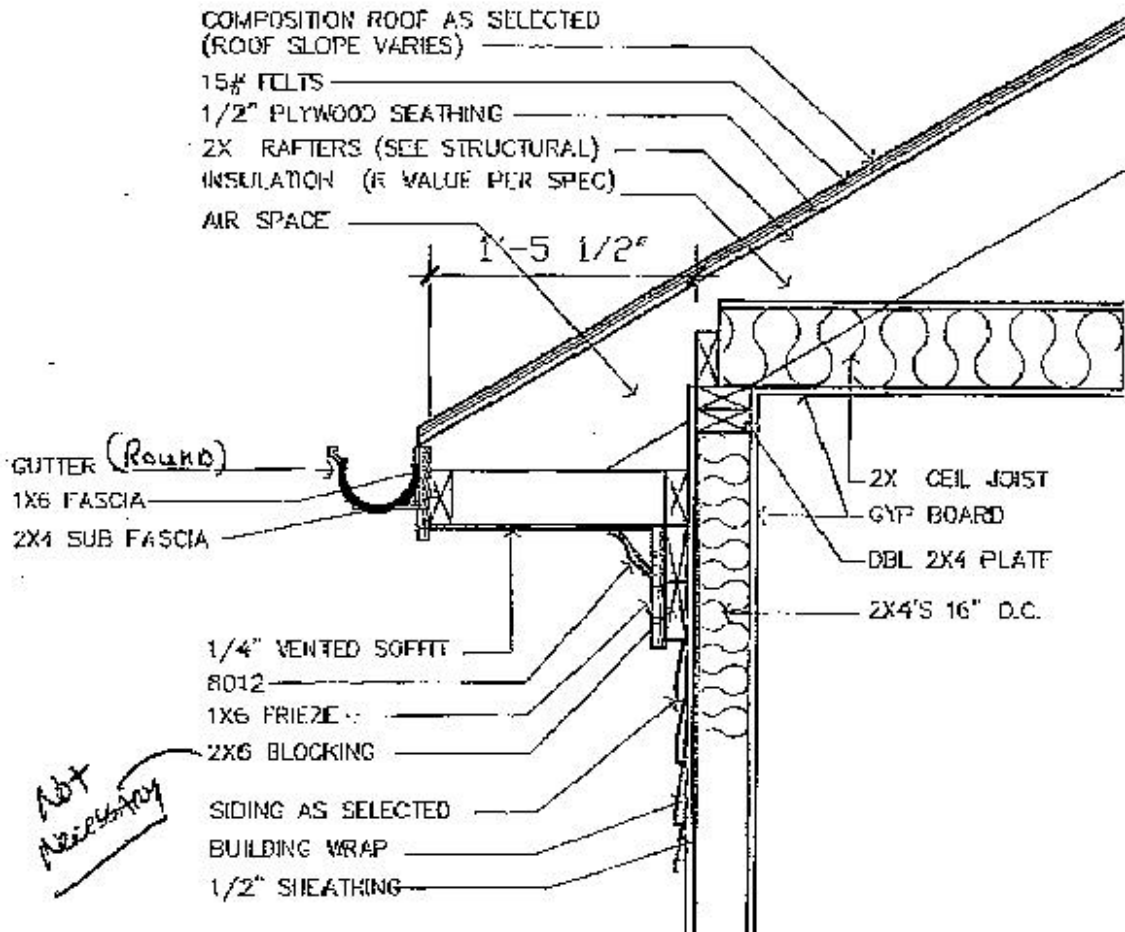


EXHIBIT "D"

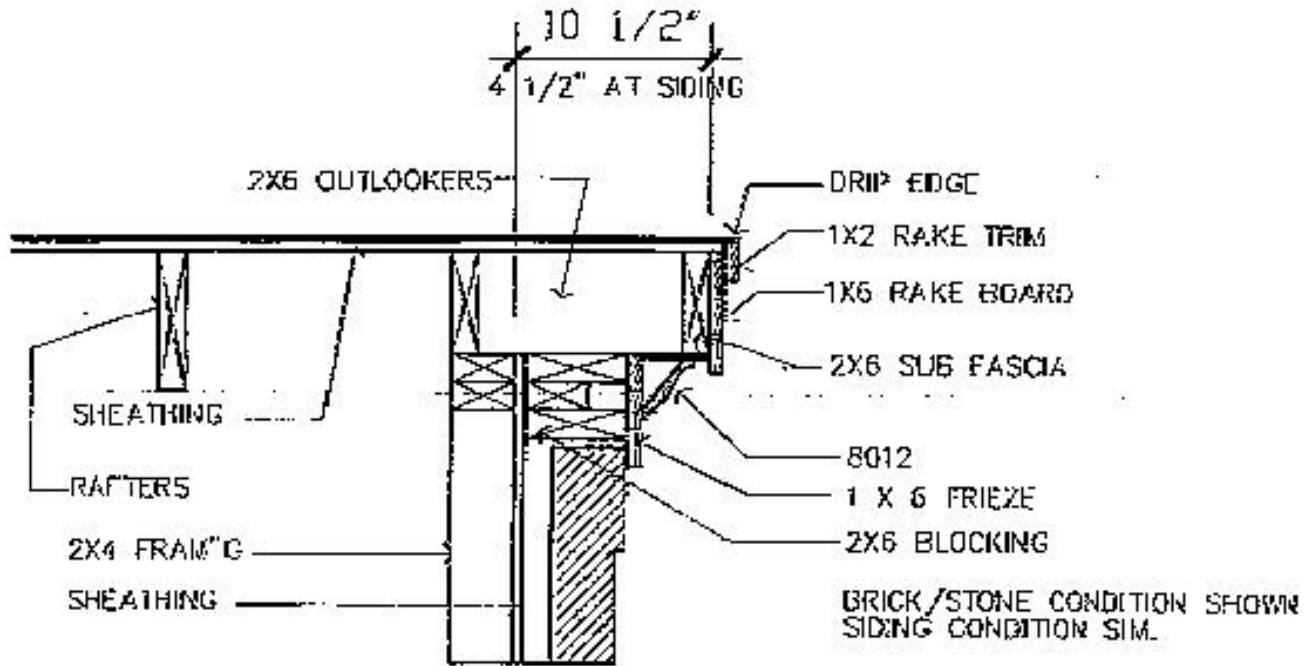
SOFFIT/FASCIA DETAIL



① TYPICAL FASCIA AT BRICK
 SCALE - 1" = 1' 0"
 FRONT WALL COND SHOWN



② TYPICAL FASCIA AT SIDING
SCALE - 1" = 1' 0"

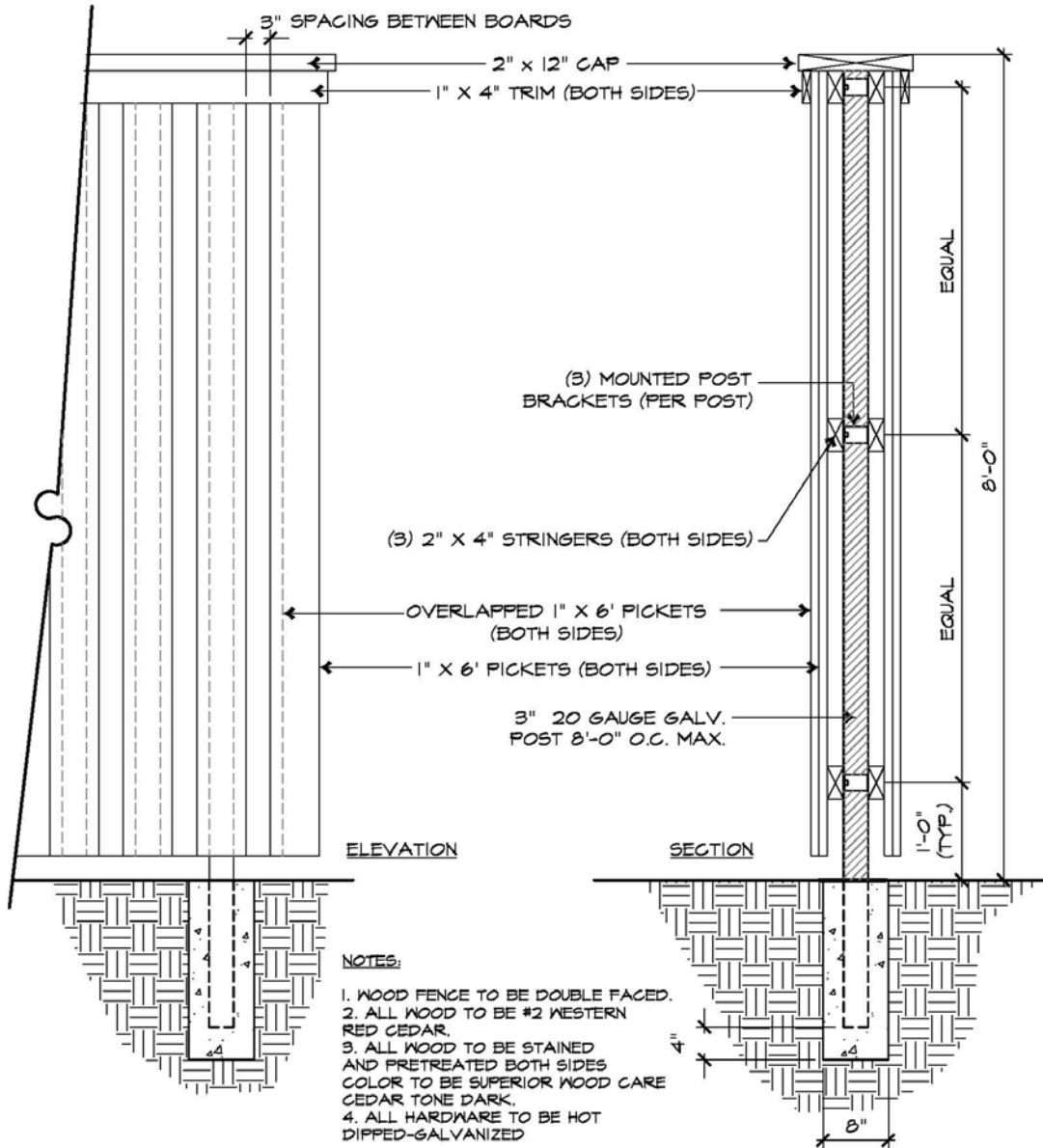


3 TYPICAL RAKE

SCALE - 1" = 1' 0"

EXHIBIT "E"

BOARD ON BOARD FENCE DETAIL



8'-0" TALL BOARD ON BOARD WOOD FENCE

SCALE: 3/4" = 1'-0"

EXHIBIT "F"

APPROVED SIGNAGE



EXHIBIT "G"

FENCE COLUMNS

