

**This Instrument Creates New Restrictions, and Amends or Modifies Existing
Restrictions, Conditions and Covenants**

Declaration of Covenants, Conditions, and Restrictions (CC&Rs)

**for Home Sites in
The Forest at Colorado Crossing Subdivision**

WHEREAS, The Forest at Colorado Crossing Ltd **was** the owner and "Developer" of THE FOREST AT COLORADO CROSSING SUBDIVISION Section I ("Subdivision"), located In Bastrop County, Texas, according to the plat executed by Developer, which plat is filed In Drawer 4, Pages 18a, 18b, and 19a, in the Plat Records of Bastrop County, Texas, and

WHEREAS, It is desirable and advisable for the benefit of the public in general and persons purchasing lots or homes with the Subdivision in particular, for the **Home Owners Association (HOA)** to place restrictions and conditions upon the Subdivision designating and describing the manner of usage permitted for lots within the Subdivision including allowable structures upon Subdivision lots, which restrictions and conditions are enumerated in this Declaration of Covenants, Conditions and Restrictions ("Restrictions")

NOW THEREFORE, the **Home Owners Association** establishes the following Restrictions for the Subdivision which shall be covenants running with the land, binding upon and insuring to the use and benefit of purchasers of lots or homes, their successors and assigns and insuring to the use and benefit of purchasers of adjacent lots and other adjoining property which has been, or which may be developed and sold by Property Owners and made a part of the Subdivision.

Violation of the CC&Rs will be corrected and resolved by the Home Owners Association at the expense of the Home Owner. **Fines to enforce these Restrictions may be in value from \$50.00 and not to exceed \$200.00 for each violation. Warnings will be issued prior to enforcement. A maximum of \$500.00 may be assessed in one calendar year. A CCR Committee will be appointed by the Board of Directors to adapt the CCRs on a yearly basis as deemed needed.**

1. Land Use: Each legal lot shall have one (1) single-family residence only and will be referred to herein as "single family detached residence" lots. MULTIPLE UNIT garden homes, townhomes or condominium units are not permissible on any lot.

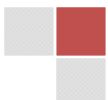
Commercial construction is not permissible. Structures related to parks and recreation will be limited to the specific lot known as Reserve A, and shall be utilized for neighborhood purposes only.

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The Forest at Colorado Crossing Homeowners Association – September 2009**



Any and all construction in the reserve areas or common areas is under control of the HOA.

2. Building types: Single Family detached residences must be site built of new or recycled materials approved by the A.R.C. with a 2,200 Square Feet (SF), heated and cooled, ground floor minimum. **Attached garage apartments may be considered in the square footage, at the discretion of the A.R.C. if heated and cooled**; Porches and garages are not considered in the square footage minimum. Height restriction is 3 stories or less. **No modular homes or pre-fabricated homes will be allowed. Construction must be completed within one-year of foundation work; completion includes fully finished inside/outside amenities as well as driveway and general lot maintenance.**
 - a. Two Story Single Family detached residences: shall be **2,600** SF minimum, with 1,400 SF minimum on the ground floor as a portion of the total required square footage calculations.
 - b. Three Story Single Family detached residences: shall be 3,000 SF minimum, with 1,000 SF minimum on the ground floor as a portion of the total required square footage calculations.
3. Guesthouse or maids quarters: need not comply with the minimum square footage in 2 above, but must conform to all other restrictions contained herein. Such structures will only be considered in the calculation for the minimum square footages if they are permanently attached to the main home structure.
4. Garages: All single family detached residences must have enclosed garages sufficient to accommodate 2 (two) full sized vehicles with side or rear entry only (access must not be visible by front of lot view). Lots with any border fronting on Old 71 shall also have garage entrances that do not open to or are visible from Old 71 unless variance approval has been obtained from the A.R.C., in writing.
5. Barns and outbuildings: **constructed of new or recycled materials, should match the Architectural design of the home, if practical, and approved by the A.R.C. Storage buildings should be constructed of new materials and be placed, as much as practical, out of view from the front of the home for aesthetic purposes. Barns, stalls, and other equestrian buildings should be of new materials and approved by the A.R.C.**
6. Swimming Pools: Above ground or movable swimming pools are prohibited within the Subdivision except for children's wading pools less than six (6) feet diameter. All in ground swimming pools shall be fully contained within fenced enclosure of sufficient security to restrict access by children.
7. Masonry: A minimum of seventy five percent (75%) masonry (defined as Brick, Stone, or Stucco) is required for the outside construction of any home or outbuilding **(Storage Sheds not included)**. Windows and door openings shall be excluded from the total area of exterior walls in computing this percentage. Cement based siding is permissible on the remaining 25%, but shall not be considered



in the 75% masonry requirement. The only exceptions to this masonry requirement are for dwellings that meet the minimum energy efficiency level as determined by A.R.C.'s design suggestions and have written A.R.C. approval, prior to construction.

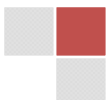
8. Temporary structures: No temporary structures are allowed, except for buildings during construction. No structure of a temporary nature, including, but not limited to, a trailer, manufactured housing unit, tent, shack, garage, barn, **container van**, or other type of outbuilding shall at any time be used as a residence or dwelling, either temporarily or permanently, without the written permission of the HOA.
9. Building location: A minimum of **25** feet from side and rear property lines and **50** feet from the front property lines, unless prior written approval is granted by the A.R.C. in the occasion of severe building hardships due to topography restraints, prior construction, etc.
10. Fences and walls: shall be constructed of wood, brick, metal, rock, **or pipe (for equestrian use only)**. Side lot lines and the rear lot line may have six (6) foot height fencing. All side and rear lot privacy fencing (if wood) must have vertical boards facing outside, (i.e. only vertical boards will be visible from an adjoining property owner). Fencing facing the street may also be six foot in height but shall not begin any closer than the front corner pins of primary residence to the property side lot lines. No chain link, barbed, metal panel, **or wire fencing not associated with equestrian fencing** of any type is permissible **unless approved by the A.R.C.** Maintenance is the responsibility of the homeowner, but the Homeowners Association may repair fencing at owner's expense if needed to prevent a safety or fire risk. All fences **and metal fence color** must be approved by the A.R.C. prior to the start of construction. **Wood fences may only be painted a natural wood color.**
11. Resubdivision: **No legal lot may be re-subdivided less than 1.75 acres in size.**
12. Business Use: **There shall be no business use of the property, except for Home Offices.**
13. Oil, mining, or drilling: No drilling, refining, quarrying, prospecting or excavating for minerals. No above ground tanks or tunnels are permissible on private home lots without the written consent of the A.R.C. **Water wells are permitted as long as they are not visible from the road or are contained within a proper building matching the architecture of the main house. The noise level and appearance of the unit must be approved by the A.R.C. Storage tanks cannot be visible from the road, from the front of lot view.**
14. Clotheslines: Clotheslines are not permitted in the Subdivision.
15. Parking: No inoperative or unlicensed vehicles may be kept on any lot at anytime. **Buses,**



motor homes, campers, boats, and trailers must be behind the front pins of the house. Vehicles of any type must be kept on the driveway or paved surface.

License trailers may be kept off pavement IF not in view from the front of the house. On street parking is prohibited, except for short term and special events.

16. Antennae: Any antennae must be no higher than the highest roofline on the main dwelling without prior written approval of the HOA. **Satellite dishes should not be visible from the road, if practical. Alternate placement of satellite dishes should be approved by the HOA.**
17. Butane/Propane: Any butane or propane storage tanks must be buried completely out of sight.
18. Home Owners' Association: **was established on May 18th, 2007.** The HOA shall have no authority to waive any requirements of this document not expressly permissible to be waived herein. Annual dues for the HOA shall be set by the HOA and shall be no less than **three hundred and fifty dollars (\$350)** per lot, payable annually, on January 31st of each year, or such other date as shall be established by the HOA in writing.
19. Common Area/ Recreational Facilities: The HOA may designate common areas, conservation easements and reserve areas. The HOA shall operate and maintain all such areas.
20. Livestock / Poultry: No swine, livestock, or goats may be raised, bred or kept on any lot. Household pets (not to exceed three **(3)** dogs and/or three (3) cats - exclusive of unweaned offspring) and horses not kept, bred or maintained for commercial purposes are allowed. Horses are limited to one (1) horse for each two (2) acres of land; **however, this may be waived by the HOA if adequate space and care is given. Dogs must be contained to the owner's property as much as practical and not allowed to roam freely throughout the neighborhood. Animal owners should respect the neighborhood and clean up after their pets so as not to cause a nuisance.**
21. Garbage and Refuse: Trash, garbage and other waste must be kept in sanitary containers behind lot improvements, so that such containers and other equipment are not visible from the street. During construction, the homeowner is responsible for ensuring the builder maintains a clean work site and ensuring trash is not allowed to blow away from the site. No burning of trash or building materials **other than brush and firewood is permitted** within the Subdivision. No lot may be used for dumping or storage of rubbish or for outside unenclosed storage of any nature. The HOA may contract with a private party for waste disposal in the event that service is not provided by the county or other governmental or private authority.
22. Lot Maintenance: Lots purchased but not yet built upon shall be maintained in the same manner as furnished home lots. The Home Owner's Association shall be responsible for maintaining lots, which in their opinion, are not being maintained, at the expense of the lot owner. Lots not built upon, should



be **mowed and maintained as needed throughout the year**, at the owners expense. Furnished home lots should be mowed regularly, landscaping maintained, and portions of the lot visible from the street should have no refuse, dirt/rock piles, or other aesthetically displeasing features. Acceptable maintenance of lots is at the discretion of the H.O.A.

23. Signs: No sign greater than six (6) square feet may be used by builders or owners during construction or sale of a residence or lot. **Non-builder related signs are limited to display not more than sixty (60) consecutive days per year. Signs of slanderous nature will not be allowed.**
24. Nuisances: No noxious or offensive activity may be carried out on upon any lot, nor may anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood in areas of dispute, the HOA shall act as binding mediator.
25. Driveways: Driveways shall be constructed of asphalt, concrete, brick, or 'pavex' or porous paver type blocks or full natural stone. Rock aggregate, caliche or crushed stone driveways are not permissible. Each lot owner is responsible for installing and maintaining a culvert between the county road and their driveway.
26. Water Service and Other Utilities: The Subdivision is served by Aqua Water Supply. The property owner is responsible for installation and maintenance of all necessary utility lines underground from the street to the structures upon the property served by such lines. Electrical meters must be placed on the home after construction for the exception of Reserve Lot A.
27. Mailboxes: All mailboxes must comply With U S Postal Service requirements and must be constructed of the same masonry materials as in the home design and be approved by the A.R.C. in writing.
28. Roofing: All roofing shall be either painted metal (but not white), and/or three-tab 30-year high profile composition shingles. Wood shingles are acceptable but must meet minimum fire rating per Code. Slate or concrete tile roofing is also acceptable. **The roof must have a standard residential pitch that aligns with the neighborhood on the primary residence. Variances must have prior written approval by the A.R.C.**
29. Architectural Review Committee: The HOA and A.R.C. shall be free from liability for actions within the scope of their respective functions.
30. Construction Plan Approval: **One (1) set of final plans** and specifications, including site plans and tree survey ("Plans"), must be submitted to the A.R.C. If plans are approved, **a letter of approval will be signed by the A.R.C. and sent to the owner / builder as evidence of such approval.** No construction shall commence until the homeowner or builder receives an approval letter by the A.R.C. One set of plans will be retained by the A.R.C per the By-Laws. Amendments to the plans



need to be approved and will follow the same process. **Construction must be completed within 12 months with the time period starting the day the foundation forms are constructed.**

31. Trucks and Construction Equipment: **Commercial construction vehicles** of any kind, including, but not limited to tractor-trailer rigs, dump trucks, construction machinery, construction equipment, shall not be parked on any lot or street except during such time the vehicles or equipment is actually being used in the construction or improvements on lots within the Subdivision. All construction waste shall be removed from the construction **upon completion** of the construction project.
32. Unused or Inoperable Vehicles: No car or other vehicle shall be stored on any lot in the Subdivision, nor shall any car or vehicle that is not in running condition be allowed to remain on any lot for more than one (1) week. All cars or other vehicles on the premises of the Subdivision shall exhibit a valid license plate and current inspection sticker. An exception is granted for vehicles during restoration that are kept within a closed garage at all times.
33. Exterior Lighting: **Mercury vapor lamps “street light type lights” are not allowed without written permission from the A.R.C.**
34. Land Use: The HOA shall determine the appropriate uses and maintenance of any and all conservation easements, common areas, or reserve areas in the Subdivision.
35. Tree protection: All living trees greater than six (6) inches in diameter **(with the exception of Cedar, mesquite, and invasive species i.e. Chinaberry with A.R.C. approval)** are protected and shall not be cut down without prior written approval of the A.R.C. Modifications to the tree ordinance is a permissible function of the HOA.
36. Impervious Cover: No more than 60% of the surface area of any residential or commercial lot may be covered by impervious materials (including decks, walkways, paving, roof overhangs, or other improvements).
37. Front Porch: All homes must have a covered front porch. Variances must have prior written approval of the A.R.C.
38. Flags: **A homeowner may fly flags according to House Bill 2779.**

