

GUIDELINES

The Preserve at Sally Creek

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**GUIDELINES
for The Preserve at Sally Creek
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**GUIDELINES
for The Preserve at Sally Creek**

These Guidelines for The Preserve at Sally Creek, ("the Guidelines") are made on September 25, 2012 by the Sally Creek Investment Partners, LP, a Texas Limited Partnership, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of that certain property known as THE PRESERVE AT SALLY CREEK, a subdivision according to the plat of said Subdivision recorded in Volume 13, Page 15 of the Map Records of Polk County, Texas (sometimes herein referred to as the "Property" or "Subdivision" or "Plat") on the 24th day of, July 2012, ("Plat") after having been approved as provided by law, and

WHEREAS, the Declarant has placed certain restrictions, easements, covenants, conditions, stipulations and reservations (herein sometimes referred to as the "Restrictions") upon and against such Property in order to establish a uniform plan for the development, improvement and sale of the Property, and to insure the preservation of such uniform plan for the benefit of both the present and future owners of lots in said Subdivision. Such Restrictions are recorded in Volume 1851, page 621 et. seq., Official Records, Polk County, Texas.

NOW, THEREFORE, Declarant hereby adopts, establishes and imposes upon THE PRESERVE AT SALLY CREEK, and declares the following Guidelines applicable thereto, all of which are for the purposes of enhancing and protecting the value, desirability and attractiveness of said Property, which Guidelines shall run with said Property and shall insure to the benefit of each owner.

**ARTICLE I
USE RESTRICTIONS**

Section 1.01 - Designation of Lot Types:

- (a) Lots: Lots One (1) through Seventeen (17) as recorded in the plat of The Preserve at Sally Creek, recorded in Volume 13, Page 15 of the Map Records of Polk County, Texas
- (b) Large Acreage Tracts: Tracts of ten acres or more not included in the plat of The Preserve at Sally Creek, but made subject to the Declaration of Covenants, Conditions, and Restrictions of The Preserve at Sally Creek.

Section 1.02 - Single-Family Residential Construction: Homesites shall be used exclusively for single-family residential purposes. The term "Single-Family" as used herein shall refer not only to the architectural design of the Dwelling but also the permitted number of inhabitants, which shall be limited to a single family, as defined below. Single-Family shall mean the use of, and improvement to, a Lot with no more than one building designed for and containing facilities for living, sleeping, cooking, and eating therein. No multi-family Dwellings may be constructed on any Lot. No building, outbuilding, or portion thereof shall be constructed for income property such that tenants would occupy less than the entire Lot and/or Homesite.

NOTE WELL: Buildings of every type and character, whether attached to or detached from the main residential structure or garage constructed on the Lots, must be approved by the ACC prior to the commencement of the construction of such buildings, as defined in Article III herein.

Allowed structures: No building shall be erected, altered, or permitted to remain on any Lot or Large Acreage Tract other than one single-family dwelling used for residential purposes only, a private garage or other approved covered parking facility, and other bona fide guest quarters:

- a) The main dwelling is not to exceed two (2) stories in height (35' maximum height from finished floor).
- b) The guest quarters structure may not exceed the main dwelling in height or number of stories and be constructed of the same building materials and construction as the main dwelling. If a guest house is constructed, it must be built at the same time, or after, the main house has been constructed.
- c) Each residence shall have a garage or covered parking area for not less than one (1) car, which garage is available for parking automobiles at all times without any modification being made to the interior of said garage. Garages must be constructed of the same building materials and construction as the main dwelling and accommodate cars only. All detached garages or carports must be attached to the main residence with a covered walk. Open sided garages or parking areas may not be used for storage of personal items, equipment or watercraft. No metal pre-fabricated carport shall be erected or permitted to remain on any Lot without the express prior written approval of the ACC. Said approval will be denied unless the carport is shown to be an integral part of the residence and the carport is constructed with the same design, color and materials as the residence.

All garages must not be nearer to the front Lot line or rear Lot line than the building setback line as set out for the residence and attached garage in Section 1.05. All garages shall open to the side or to the rear of the Lot upon which such garage is built, except that a garage may open to the front of the Lot if the front of the garage is set back at least fifteen (15) feet from the front of the heated/air conditioned portion of the main dwelling. The fifteen (15) foot measurement is so that no portion of the garage is less than fifteen (15) feet from the portion of the main dwelling which is furthest from the front property line, unless otherwise approved by the ACC. Front loaded garages not set back fifteen (15) from the main dwelling are permitted below the air conditioned space of the main dwelling only.

Exception for Large Acreage Tracts: In addition to the above guidelines, a barn and/or horse riding areas may be constructed on a Large Acreage Tract and may be constructed prior to the main dwelling as approved by the ACC. Barns must be constructed of similar building materials in harmony with the main dwelling. A barn cannot exceed two (2) stories in height (35' maximum height from finished floor or final grade, whichever is higher). Barns may accommodate live-stock described in the Covenants, Conditions and Restrictions for the Preserve at Sally Creek Property Owner's Association, Inc and barns may have living quarters. Barns must not be nearer to the front Lot line or rear Lot line than the building setback line as set out for the residence in Section 1.05.

Horse Riding rinks or arenas are subject to guidelines for other improvements. The rink or arena must not be nearer to the front Lot line or rear Lot line than the building setback line as set out for the residence in Section 1.05.

No Mobiles: As used herein, the term "residential purposes" shall be construed to prohibit mobile homes or trailers being placed on said Lots or Large Acreage Tracts, or the use of said Lots for duplex houses, condominiums, townhouses, garage apartments, or apartment houses. No Lot shall be used for business, educational; church or professional purposes of any kind whatsoever, nor for any commercial or manufacturing purposes whether for profit or not.

Except as otherwise provided in Section 1.19, no portable or permanent buildings of any type or character shall be moved or placed upon any Lot.

Section 1.03 - Composite Building Site: The combining of one or more adjoining Lots to create one Homesite may be permitted subject to prior written approval of the ACC and partial release(s) by the Declarant, to the extent necessary, of easements created herein. If such consolidation is approved, the side setback shall be maintained as described in Section 1.05 as indicated on the Plat. Any such composite building site must have a frontage at the building setback line of not less than the minimum frontage of all Lots in the same block unless otherwise approved by the ACC. Upon written approval of the ACC such resulting composite building site shall thereupon be regarded as one (1) "Lot" for site planning, however the combining of multiple Lots shall not forgive the obligation to pay the annual assessment on all Lots so combined.

Section 1.04 - Minimum Square Footage within Improvements: The minimum living area of the main residential structure located on any Lot, exclusive of porches, garages and/or parking facilities, shall be as provided in the Covenants, Conditions and Restrictions for the Preserve at Sally Creek Property Owner's Association, Inc.

Section 1.05 - Location of the Improvements upon the Lot: All residential structures, garages, carport, or any other improvement shall be located on any Lot within the front, rear, side or street-side building lines shown on the Plat. The setbacks as shown within the Guidelines and the Plat are minimum setback lines and the ACC may approve a residential structure to be located a greater distance from a property line than the setback lines provided within the Plat or this Guideline.

The main residential structure on any Lot shall face the front of the Lot, except as described below or unless a deviation is approved in writing by the ACC. No structure, opaque fence or wall may be constructed within the rear setback of Lots abutting the Lake or Creek, except, however, other improvements including boardwalks, piers and boat docks as approved by the ACC may be constructed within the rear building setback of Lots as provided in Section 1.31. A swimming pool may be constructed within the rear building setback of Lots as set out in Section 1.24. Storage either temporary or permanent is prohibited within the setbacks. Accumulation of trash, garbage or debris within the setbacks is prohibited.

The Lot Owner may not alter, change or modify existing natural vegetation within the setbacks that changes the character of the original environment. The Lot Owner may not alter, change or modify existing configurations of setbacks natural slope or fill, excavate or terrace setback or remove trees or vegetation without the prior written approval by the ACC.

The Declarant, ACC and Association are not liable to any Owner for any impairment of view as a result of the construction of any improvements upon another Lot, built or to be constructed pursuant to plans approved by the ACC.

Section 1.06: Tree Preservation: For the purpose of tree preservation, the term "tree" shall mean those that are more than six (6) inches in diameter measured at a height of five (5) feet from the existing ground except as noted.

No trees shall be cut or removed, except to provide room for construction of improvements or to remove dead or unhealthy trees. Every effort must be made to locate all improvements, drives, trenches, and other structures to be placed upon the Lot in such a way as to minimize the number of trees which must be cut or removed.

A site plan reflecting the location of all existing trees and their species, and the proposed location of all improvements including houses, garages, driveways, walkways, patios, decks, fill, and any other improvement, structure, or facility to be placed upon the Lot shall be submitted and shall require the approval of the ACC prior to the commencement of construction.

A tree preservation plan reflecting the steps to be taken to protect and preserve existing trees during construction and as a result of proposed improvements shall be submitted and shall require approval by the ACC prior to the commencement of construction.

The ACC shall have the right to require the installation of a tree or trees of the species and size not exceeding six (6) inches in diameter measured at a height of five (5) feet from existing ground, to compensate for losses and/or damages due to construction or improvements to be placed on the Lot.

Section 1.07: Residential Foundation Requirements. All building foundations shall consist of elevated foundations and must be constructed to minimize disturbing the soils and trees outside the building foot print, unless the ACC approves a different type of foundation as dictated by a qualified licensed professional engineer registered in the State of Texas when circumstances such as the topography of the Lot make it impractical to use an elevated foundation for all or any portion of the foundation of the building improvements constructed on the Lot. See Article V, Exhibit No. 1 for suggested use of natural grade for elevated structures. The natural integrity of the soils and trees outside the building footprint must be maintained. Minimum finished floor elevation for all structures shall be twelve inches (12") above the higher of (i) the 100 year flood plain elevation, or (ii) such other level as may be established by the Commissioner's Court of Polk, County, Texas, and other applicable governmental authorities. In no case will a finished floor be lower than the normal pool level of the Lake elevation or as approved or required by the ACC.

No non-native fill material shall be brought on to The Preserve at Sally Creek Subdivision except for the riding surface for the construction and maintenance of a horse riding rink or arena. Finished grade of the lot shall be defined as the final grade or elevation of the lot and other improvements including but not necessarily limited to walks, drives, etc. It is the purpose of this minimum elevation difference requirements to protect the residence from receiving surface waters in the event of a major rain storm. The ACC may approve a request for the finished floor elevation of a residence to be less than twelve inches (12") above the finished grade of a Lot, however, regardless of the elevation difference approved by the ACC, it is the responsibility of the Builder and/or Owner to provide satisfactory drainage around a residence and garage. Drainage requirements for each lot will vary and Builder and/or Owner should hire a licensed engineer to design a drainage plan for the specific lot upon which a house is to be constructed prior to beginning house construction.

The minimum height for finished floor elevations (i.e. the difference between the finished floor elevation and the finished grade of the Lot at the foundation perimeter as set out in this Section 1.07) is not a representation that such finished floor elevation would prevent surface water flow or rising water in the event of a major rain storm from entering into a residence or garage. Builders and/or Owners should consider the collective drainage area of all surrounding land around the Lot, including without limitation, common areas, streets and their drainage collection area, existing drainage and other Lots, in reaching their determination of the proper finished floor elevation and Lot drainage plan to avoid surface water flow or rising water from entering into the residence or garage in the event of a major rain storm. Additionally, the Builder and/or Owner should take into account how other improvements are to be constructed upon their Lot will affect drainage and water flow.

All references in this Guideline to required minimum finished floor elevations and/or any finished floor elevations approved by the ACC do not constitute a guaranty by the Declarant, the ACC or the Association that the residence will be free of flood or related damage.

All foundations are required to be engineered and designed by a qualified, licensed, registered engineer in the State of Texas based upon appropriate soils information taken from the specific Lot in question as recommended by such engineer. However, at the minimum, soils borings and soils reports by a qualified soils engineer are required for all Lots prior to such engineer's design of the foundation.

The residential foundation plans to be used in the construction of the residence must be submitted to the ACC along with the plans and specifications for the residence as provided in Section 3.01. All foundation plans must be signed, sealed and dated by the engineer designing said foundation plans. The ACC and/or Declarant shall rely solely upon Owner/Builder's engineer as to the adequacy of said foundation design when issuing architectural approval of the residence to be constructed. No independent evaluation of the foundation plan is being made by the ACC. The ACC's sole function as to foundation plans are to determine if the plans have been prepared by a licensed registered

engineer, as evidenced by the placement of an official seal on the plans.

The granting of approvals of foundation plans and the residence and garage elevation or barn shall in no way serve as warranty as to the quality of the plans and specifications and/or that residence shall be free from flood damage from rising or wind driven water or the flow of surface water from other locations within The Preserve at Sally Creek and in no event shall the Declarant, the Committee or the Association have any liability as a result of the ACC's approval or disapproval of the resulting improvement.

Section 1.08: Excavation. The digging of dirt or the removal of any dirt from any Lot is expressly prohibited except as may be necessary in conjunction with the construction of improvements on such Lot.

Section 1.09: Removal of Trash, Care of Lots during Construction of Residence. All Owners, during their respective construction of a residence, are required to remove and haul from the Lot all tree stumps, trees, limbs, branches, underbrush and all other trash or rubbish cleared from the Lot for construction of the residence, construction of other improvements. It is encouraged to have the native debris mechanically mulched and placed in a natural setting not to adversely affect drainage within the build lines in lieu of hauling off the site. No materials or trash hauled from the Lot may be placed elsewhere in the Subdivision.

Owners, during their respective construction of a residence, are required to continuously keep the Lot in a reasonably clean and organized condition. Papers, rubbish, trash, scrap and unusable building materials are to be kept picked up and hauled from the Lot. Other usable building materials are to be kept stacked and organized in a reasonable manner upon the Lot.

No trash, materials or excess dirt is allowed in the street or street right-of-way. All Owners shall keep the street and street right-of-way free from trash, materials and excess dirt. Any such trash, materials or excess dirt or fill inadvertently spilling or getting into the street or street right-of-way shall be removed, without delay, not less frequently than daily.

No Owner or Contractor may enter onto a Lot adjacent to the Lot upon which he or she is building for purposes of ingress and egress to his or her Lot during or after construction, unless such adjacent Lot is also owned by such Owner. All such adjacent Lots shall be kept free of any trees, underbrush, trash, rubbish and/or any other building or waste materials during or after construction of building improvements by the Owner of an adjacent Lot.

Section 1.10 – Drainage: Each Owner of a Lot will not in any way interfere with the established drainage pattern over the Lot from adjoining Lots or other Lots in the Subdivision; and the Owner will make adequate provisions for the drainage of the Lot in the event it becomes necessary to change the established drainage over the Lot (which provisions for drainage shall be included in the Owner's plans and specifications submitted to the ACC and shall be subject to the ACC's approval). Established drainage is defined as the drainage that existed at the time that the overall grading of the Subdivision was completed by Declarant.

All Owners (including Builders), unless otherwise approved by the ACC, must finish the grade of their respective Lots so as to establish good drainage from the rear of the Lot to the front street or from the building site to the front and rear of the Lot as dictated by the Lake, existing drainage ditches, swales, creeks and lakes constructed by Declarant or the Utility provider for drainage purposes. No pockets or low areas may be left within the building foot print, drive or septic and or water well systems. With the approval of the ACC, an Owner may establish an alternate drainage plan for low areas by installing underground pipe and area inlets or by installing an open trough with area inlets, however, the drainage plan for such alternate drainage must be submitted to and approved by the ACC prior to the construction thereof. The ACC's sole function in reviewing drainage plans is to see if the drainage pattern has been or will be altered by the proposed construction and to make a determination if the Owner/Builder has evaluated the effects of their construction to other

properties and of the effect of potential flowing and rising water that may affect the submitted improvements.

Drainage requirements to insure water does not enter a house, barn or garage during a major rainstorm will vary and Builder and/or Owner should hire a licensed engineer to design a drainage plan for the specific lot upon which a house is to be constructed prior to beginning house construction. It is the responsibility of the Builder and/or Owner to provide satisfactory drainage around a residence and garage.

In no case shall the street, culverts or right - a- way be broken or altered to facilitate drainage or drain pipes without obtaining the ACC's approval for design and construction by the Owner for the work.

All Owners and/or Builders shall comply with the National Pollutant Discharge Elimination Systems Permit ("NPDES Permit") applicable to their respective Lot(s) as required by EPA under the Water Quality Act of 1987 amending the Clean Water Act, as said laws, rules and regulations may be amended from time to time.

Section 1.11: Exterior Building Material Requirements: All dwellings, barns and garages shall be constructed and/or maintained of materials meeting the highest building standards, and meet at a minimum all local and state guidelines. The ACC must approve in writing in advance all exterior building material type and color, including paint colors, to ensure conformity with the natural setting of The Preserve at Sally Creek. EFIS, red brick, vinyl siding, corrugated metal siding, corrugated metal roof and Texas limestone are prohibited.

Section 1.12: Roofing: No external roofing material other than No. 1 Cedar wood shingles or not less than three hundred (300) pound composition shingles of a wood tone color or a pre finished metal panel roof, as approved by the ACC, shall be used on any residence or other improvement on any Lot without the prior written approval of the ACC. Red colored clay tile roof and corrugated metal is prohibited.

Section 1.13: Driveway and Walkways: Driveways shall be stabilized and constructed entirely of crushed natural stone material, permeable material or an exposed aggregate. The portion of the driveway that lies on the Lot shall be constructed a minimum width of nine feet (9') and maximum width of twenty-two feet (22') at the face of the garage. If a culvert is required, it shall be installed not to adversely impact existing drainage and shall be installed at the drive approach by the owner. The specifications shall be subject to the prior approval of the Committee. A concrete driveway is prohibited. However, a concrete parking pad for vehicle parking at the face of the garage or barn is permitted.

Owner shall maintain the drive culverts at all times and repair to the original state in the event of damage or breakage on the street front.

Owner shall at all times keep the driveway (entrance, approach, and path) along the street front or street side and walkways from the drive to the dwelling in a good state of repair, attractive appearance and free of low spots.

Manholes, boxes and equipment constructed by the Utility District located within driveways must be rebuilt and/or modified, at the Owner's expense, in accordance with detail, design and specifications of the Utility District. Every Owner shall obtain permission from the Utility provider to adjust or rebuild manholes, boxes and equipment prior to any construction of the Owner's residence and, if approved by the Utility provider, the adjustment will conform to the Utility provider's construction and inspection requirements.

No walkways or sidewalks shall be constructed across the front of any Lots, and no sidewalks shall be constructed along the street side of any corner Lots.

Section 1.14: Construction and Inspection of Drive approach, Culverts, Septic Systems, Water Wells, and Propane Tanks. Each lot shall receive a septic system and water well provided by the Owner prior to occupancy. Installation and construction of the said water well and septic systems shall be installed as required and regulated by Polk County and the State of Texas. At no time shall the drilling, usage or operation of any water well, septic system or propane be in non-compliance with Polk County and the State of Texas. The Owner is responsible for obtaining all necessary permits, tests and maintaining the systems as required by the State of Texas.

Additional water wells may be drilled for homes for solar/geothermal heating and cooling purposes as approved by Polk County and the State of Texas. No outside toilets will be permitted, and no installation of any type of device for disposal of sewage shall be allowed that would result in raw or untreated or unsanitary sewage being carried in the streets or into any body of water.

In the event propane is desired, the tank must be installed completely out of view from adjacent Lots, street and the Lake and or the Creek. Propane tanks must be properly maintained at all times. The propane tank must be screened from view if placed above ground or may be buried underground.

Excavation and construction of wells, septic systems and propane tanks shall be conducted in the strictest manner as provided by the State of Texas and with the least minimal impact to The Preserve at Sally Creek Subdivision, environment and natural setting of the said Lot. Excavated material may not be spread or compacted outside the water well, propane and septic system area.

In order to control the quality of construction of the work, a construction (building) inspection is required to be made prior to and after installing the drive approach, culverts, septic systems, water wells, and propane tanks. Fees, in an amount to be determined by the ACC, must be paid to the ACC prior to architectural approval of such residential improvements to defray the expense for before and after inspections. In the event construction requirements are incomplete or rejected at the time of inspection and it becomes necessary to have additional building inspections, a fee, in an amount to be determined by the ACC, must be paid to the ACC prior to each building inspection.

Section 1.15: Walls, Fences and Hedges: Except as otherwise provided in this Section 1.15, no wall, fence, planter or hedge shall be more than six feet (6') high.

No wall, fence, planter or hedge in excess of three feet (3') high shall be erected, planted or maintained (i) nearer to the front property line than the front building setback line or (ii) on corner Lots nearer to the side Lot line than the building setback line parallel to said side street.

The same exterior building material used on the dwelling or an ornamental iron or other metal fence of a design and color approved by the ACC, may be constructed between the front building setback line. However, a 6' dog eared picket wood privacy fence may not be constructed.

To maintain the character of the Subdivision, except as otherwise provided in this Guideline for special enclosures approved by the ACC, no opaque wall, fence or hedge may be erected, planted or maintained within the rear building setback line on Lots or Tracts abutting the Creek or Lake.

An ornamental iron or other metal fence of a design and color approved by the ACC, that would not unreasonably obstruct the view of the Creek or Lake by adjacent Property Owners may be constructed between the front building setback line and the rear property corners. Chain link, barb wire or razor metal fence is not permitted. No fence may be constructed to connect the rear property line at the Lake or Creek.

Exception for Large Acreage Tracts: Chain link or barb wire fence may be constructed to secure livestock. A fencing plan must be submitted to the ACC for approval. The same exterior building material used on the dwelling or an ornamental iron or other metal fence of a design and color approved by the ACC is encouraged between the front building setback and property line.

Section 1.16: Visual Obstruction at the Intersection of Streets. No planting or object that obstructs sight lines at elevations between two feet (2') and six feet (6') lines and a line connecting them at points twenty-five feet (25') from the intersection of the street property lines or extension thereof shall be placed, planted or permitted to remain on any corner Lots unless otherwise approved by the Committee.

Section 1.17: Air Conditioning and Generator Requirements. All window or wall type air conditioning unit shall be permitted in a location on the house screened from public view. No air conditioner compressor or generator may be located in front of a house or on the side of a house facing a street.

Section 1.18: Disposal Unit Requirements. Each kitchen in each residential dwelling or servant's quarters situated on any Lot shall be equipped with a garbage disposal unit, which garbage disposal unit shall at all times be kept in a serviceable condition.

Section 1.19: Use of Temporary Structures. No structure of a temporary character, whether trailer, basement, tent, shack, garage or other out building shall be maintained, used or permitted to remain on any Lot at any time as a residence, or for any other purpose, either temporarily or permanently; provided, however, that Declarant reserves the exclusive right to erect, place and maintain such facilities in or upon any portion of the Subdivision as in its' sole discretion may be necessary or convenient while selling Lots, selling or constructing residences and constructing other improvements within the Subdivision. Such facilities may include, but not necessarily be limited to, sales and construction offices, storage areas, model units, signs and portable toilet facilities.

Section 1.20: Storage of Motorized Boats or Equipment. Motorized boats, boat trailers and equipment must be completely concealed from public view inside an enclosed garage or approved enclosure.

Section 1.21: Maximum Height of Antenna. No external antennas, aerials, satellite dishes (of one [1] meter or less in diameter), or other apparatus for the reception of television, radio, satellite or other signals of any kind shall be placed, allowed, or maintained upon any portion of the property, including any homesite, which is visible from any street, common area, Lake, Creek or other Lot unless it is impossible to receive signals from any other location. In that event, the receiving device may be placed in a visible location only as approved by the ACC. The ACC may require as much screening as possible while not substantially interfering with reception. In order to ensure the aesthetic standards of the property, no satellite receiving dish may be erected or installed that extends more than six (6) feet above the natural grade.

Section 1.22: Wind Generators. No wind generators shall be erected or maintained on any Lot without the prior written approval of the ACC. Such installation shall be in harmony with the design of the residence. The wind generator shall be installed in a location not visible from the public street in front of the residence.

Section 1.23: Solar Collectors. No solar collector shall be installed without the prior written approval of the ACC. Such installation shall be in harmony with the design of the residence and as provided by the State of Texas.

Section 1.24: Swimming Pools. Above ground swimming pools are prohibited. No swimming pool may be constructed on any Lot without the prior written approval of the ACC. Each application made to the ACC shall be accompanied by two (2) sets of plans and specifications for the proposed swimming pool construction to be done on such Lot, including a plot plan showing the location and dimensions of the swimming pool and all related improvements, together with the plumbing and excavation disposal plan. The ACC's approval or disapproval of such swimming pool shall be made in the same manner as described in Article III hereof for other building improvements. Swimming pool drains shall be not be piped into the lake or front of the Lot's culvert. In no case shall the street be

broken or cut to facilitate a pool drain without the prior written approval of the ACC. Excavation required for swimming pools shall be hauled from the site to a place outside of The Preserve at Sally Creek Subdivision.

All construction of swimming pools must be contained on the said lot. No ingress and egress over and across adjacent Lots not owned by the said Lot Owner is permitted for purposes of constructing the swimming pool. In the event a swimming pool is to be constructed on a Lake or Creek Lot, Owner must hire a registered professional Civil Engineer to provide design plans and specifications for improvements required to support the swimming pool. The ACC shall rely solely upon Owner/Builder's engineer as to the adequacy of the swimming pool design when issuing architectural approval of the swimming pool.

A swimming pool approved by the ACC may be located within the rear building setback of a Lot. Swimming pools constructed within the rear building setback on Lots abutting the Lake or Creek may not have a screen or cover of any type without the prior written approval of the ACC.

Section 1.25: Drying of Clothes in Public View. The drying of clothes in public view including street, adjacent Lots, parks, Creek, Lake or other facilities is prohibited.

Section 1.26: Garage Doors. Garage doors visible from any street shall be kept in the closed position when the garage is not being used by the Owner or occupant.

Section 1.27: Residences and Improvements Damaged by Fire or Other Casualty. Any buildings or other improvements within the Subdivision that are destroyed partially or totally by fire, storm or any other casualty, shall be repaired or demolished within a reasonable period of time, and the Lot and improvements thereon, as applicable, restored to an orderly and attractive condition.

Section 1.28: Landscaping. Before any landscaping shall be done on the yard of any newly constructed dwelling, the landscape layout and plans shall first have been approved in writing by the ACC. Such landscape layout and plans shall include all landscaping to be planted and proposed water system in the front, side and rear yards of the Lot at the time the dwelling is being completed and before occupancy. Landscape or other improvements outside the building lines is prohibited.

A tree removal plan must be included identifying all trees to be removed for construction of the residence within the building lines, as described in Section 1.06.. Healthy six inch (6") caliper trees measured five feet (5') from the base of the trunk of the tree removed outside the building lines will be replaced with a native tree of comparable character measuring no less than a three inch (3") caliper tree measured five feet (5') from the base of the trunk of the tree on an approved location by the ACC. On site mulching of tree material debris or natural accumulation of Loblolly pine straw is encouraged and may be placed on the Lot as not to adversely affect drainage.

The ACC shall, in its sole discretion and authority, determine whether the landscape layout and plans, including, but not necessarily limited to, drainage; native grasses, sod grasses, shrubs and trees. All grasses, shrubs and trees planted must be native to East Texas or within an eighty (80) miles radius of Goodrich, Texas of Polk County.

The Declarant nor the Preserve at Sally Creek Property Owners Association offers no expressed or implied warranties or responsibilities as to life expectancy, vitality or health of any trees or shrubs located on the said property.

Section 1.29: Mailboxes. Mailboxes may not be constructed, installed or placed in the front of any residence without the prior written approval of the ACC. Mailboxes shall be in harmony utilizing the same design, material and color of the approved The Preserve at Sally Creek Property Owner residences. Only mailboxes installed or approved by the United States Postal Service and approved by the ACC shall be installed.

Section 1.30: Landing, Storage and Parking of Aircraft. No helicopters, hovercraft or other aircraft shall land or be stored or parked within the Subdivision, except in areas of the Subdivision or other areas designated by the Declarant until the "Transfer Date" (as hereinafter defined). From and after the Transfer Date, the Association may designate a portion of the Subdivision or other area, if any, for the landing, storage or parking of helicopters, hovercraft and other aircraft.

Section 1.31: Construction of Bulkheads, Piers, Boat docks and Boardwalks. Prior to Owner/Builder beginning construction, the ACC must approve in writing the plans, specifications, and material color and type for the construction of any pier, boardwalk, bulkhead, boat dock or other shoreline structure, including any plans for dredging and disposal of dredging materials. The ACC shall, in its sole discretion and authority, determine the location of such shoreline improvements to be constructed on the Lot or that projects beyond the Lot line into the water of the Lake or Creek (whether within or outside of the Lot line) to ensure the improvement conforms with the ACC's predetermined plan for such improvements.

If approved, a pier, boat dock, boardwalk or other shoreline structure must be constructed using pressure treated CCA yellow pine wood or recycled plastic fiber board with a minimum of thirty (30) year replacement warranty, secured with galvanized or stainless fasteners and may not be no more than eighteen inches (18') above the rear property line topography.

Due to construction and/or dredging techniques, erosion and sedimentation in the Lake, the present lake bottom adjacent to Lake front Lots may not meet the design standards for pier, boat dock or boardwalk lake bottom elevations, in which case, with the prior approval of the ACC, the Owner, at his or her sole expense, may dredge the Lake so as the Lake bottom will conform to the above-described standards and dispose of the dredged materials. The Declarant shall have no responsibility for any additional dredging. The ACC, prior to Owner beginning construction, must approve in writing the plans and specifications for any modifications extra depth dredging, and disposal of dredging materials prior to commencement of construction thereof.

In the event of any default by the Owner or other occupant of any Lot in observing the above requirements, which default is continuing after ten (10) days written notice thereof to the Owner or occupant, as applicable, the Declarant or the Association or their designated agents may, without liability to the Owner, Contractor or any occupants of the Lot in trespass or otherwise, enter upon (and/or authorize one or more others to enter upon) said Lot to repair the pier or boardwalk as required to maintain its structural and aesthetic integrity or do any other thing necessary to secure compliance with this Declaration, and may charge the Owner, Builder or occupant of such Lot for the cost of such work and associated materials. Payment thereof shall be collected and shall be payable on the first day of the next calendar month.

Section 1.32: Special Restrictions of Lake and Creek front Properties and Waterway Usage- Access to The Lake and Sally Creek is restricted to Preserve at Sally Creek waterfront Property Owners and their guests, or their invitees with dwelling access. It is expressly prohibited for a waterfront Property Owner to allow the general public to access The Lake or Creek via their respective Lot or Tract.

The Lake and Sally Creek are no wake zones, and may be used for swimming, non-commercial fishing, or the use of permitted watercraft, as defined herein. Fishing activity is limited to pole fishing only; the use of nets, jugs, trot lines or any other commercial type fishing apparatus is expressly prohibited.

Permitted watercraft:

- a) Kayaks, rafts, canoes, paddle boats, Jon boat, row or oar boats. Only non-gasoline, electric battery powered trolling boat motors are permitted.
- b) No craft in excess of eighteen (18) feet in length and/or ten (10) feet in width shall be allowed temporarily or permanently on the Waterways, except crafts used by Declarant, the Association or their agents or assigns.

- c) No houseboats will be allowed upon the Waterways either temporarily or permanently.

The Association shall have the right to promulgate rules and regulations, from time to time, regarding the use of Waterways and all facilities or personal property applicable to the Waterways, all of which rules and regulations shall be binding upon each Owner, each Owner's guest, invitees with dwelling access, and tenants, and any other person or entity upon or using any portion of the Waterway

Neither Declarant, Association nor any of their officers, directors, shareholders, agents or employees, shall be liable to any Owner or any occupant of a Living Unit, or any person upon or using any Waterway, for any personal injury, including death, property damage or any other claim caused by or resulting from the Waterway, or the use of any Waterway by any person, or the use of any facilities, including piers, boats, boardwalks or other personal property or fixtures which are located or constructed in or upon or used in connection with such Waterway.

No person under the age of 13 shall be allowed in the Waterways or in boats or other water-borne crafts on the Waterways in the Property unless under the direct supervision of an adult guardian or natural adult parent.

Floating piers are expressly prohibited.

No construction, filling or dredging shall be allowed within the boundaries of any lake, canal, or Waterway without the prior written approval of the Association. Dredging of the water edge must be approved prior by the ACC. The continued maintenance and dredging of the edge at the rear Lot line is the Lot Owner's responsibility.

Each Owner of a Waterway Lot shall have the primary responsibility to maintain the pier, boat dock or boardwalk or shore line of such Waterway Lot in accordance with standards established by the ACC or the Association. The Association shall have the right, but not the obligation, at any time, and from time to time, in its sole discretion, to maintain, repair, restore, rebuild, replace, secure, preserve or improve any bulkhead, shore line or other boundary of a Waterway, and assess a Waterway Assessment to provide funds for the payment thereof.

Section 1.33: Storage of Materials, Water Crafts and Equipment. No lawn tools wheelbarrows, lawn mowers or other lawn maintenance supplies, water crafts or equipment and no other tools or devices used in maintenance, repair or construction of a residence and related facilities shall be stored or maintained on the Property except if located within an enclosed structure after the initial residence has been constructed and occupied. Except, however, when additions, remodeling or construction of improvements are being made, materials required for such construction can be stored on the Lot so long as such materials are neatly stacked for the duration of such construction. However, such storage shall be allowed only when continuous daily progress is being made to complete such additions, remodeling or construction.

Section 1.34: Street Lighting. At the time a residence is built on any Lot, the Owner, at his or her sole cost and expense, shall install an exterior light and address of color and design in harmony with the residence and as approved by the ACC, to be located on the Lot at a location approved by the Committee. The exterior light and address shall be connected to the residence's electrical system or solar powered and shall have a photo cell or timer so the light is on during the hours of darkness and the lighting is sufficient to identify the street number of the residence. The ACC shall have the right, in its sole discretion, to exempt any residence from this requirement. Owner shall be required to keep this light fixture in good operating condition and appearance, at Owner's expense, including replacing light bulbs, painting and repair of light, the fixture and replacement thereof if necessary. Street lighting will not be installed by Declarant.

Section 1.35: Greenhouses Greenhouses are prohibited unless approved in writing by the ACC. If so approved, the structure must be in harmony in design and color of the main residence.

Section 1.36 - Flagpoles. One flagpole may be maintained temporarily or permanently upon a home, so long as it is the type of flagpole customarily sold to be attached to a home. Flagpoles shall not exceed five (5) feet in length and must be maintained in good condition at all times. Free standing flag poles installed on the Lot are not permitted. One flagpole may be maintained temporarily or permanently on a dock or boardwalk as approved by the ACC.

Section 1.37 - Yard Art and Other Items. Yard art and other items including furnishings placed on a portion of a lot visible from any common area, lake, street, creek, or other lot shall be considered an improvement and requires prior approval as set out in Article III herein.

Section 1.38 - Bridal Path and Trails- Use of the Bridal Path and Trails are as described in the Covenants, Conditions and Restrictions of The Preserve at Sally Creek Property Owner's Association, Inc. The Bridal Path and Trail is located on the north side of Tall Timber, continues down the Utility Easement located on the north side of Cross Creek Trail and Sally Creek Cove to the Sally Creek. The Association shall have the right to promulgate rules and regulations, from time to time, regarding the use of Bridal Path and Trails all of which rules and regulations shall be binding upon each Owner, each Owner's guest, invitees with dwelling access, and tenants, and any other person or entity upon or using any portion of the Bridal Path or Trails.

Section 1.39 - Builder Guidelines- It is recommended the Owner engage a Builder or the Owner may act as the builder. The Builder/Owner is responsible for protecting, maintaining and constructing as described in the Guidelines and all components of construction must adhere to the local codes of Polk County, the State of Texas and Federal Regulations and Ordinances. A Builder/Owner fee is required prior to any construction commencing. Upon completion of construction, the deposit less any costs of repairs not limited to the roadway, ditches, Bridal Path and Trails, utilities, lot maintenance or tree preservation for willful neglect or damages by the Builder/Owner in not protecting, maintaining or correcting as described in the Guidelines will be deducted and remaining balance returned to the Builder/Owner within 60 days. See Article IV Fee Schedule.

ARTICLE II UTILITIES

Section 2.01: Utility Easements. A ten foot (10') utility easement has been dedicated along the front of all Lots, except as otherwise indicated on the Plat. Other ground and aerial easements have been dedicated in accordance with the Plat and by separate recorded easement documents.

No building shall be located over, under, upon or across any portion of any utility easement; however, the Owner of each Lot shall have the right to construct, keep and maintain drives and similar improvements across the utility easement along the front of the Lot and shall be entitled to cross such easements at all times for purposes of gaining access to and from such Lots.

Section 2.02: Underground Telecommunication and Broadband Service Connection- Eastex Communications shall, in accordance with policies established by Eastex from time to time, construct the underground service cable and appurtenances from the point of the service at the residence to the point of attachment at such company's pedestal under and across an easement provided for such construction. The Owner of each Lot or Tract shall pay to the cost of constructing such underground Eastex service cable and appurtenance in an amount to be determined by Eastex.

Section 2.03 - Underground Electrical Service Connection. Sam Houston Electric Cooperative (SHECO) shall, in accordance with policies established by SHECO from time to time, construct the underground service cable and appurtenances from the point of the electric company's metering at the residence to the point of attachment at such company's transformers or energized secondary junction boxes under and across an easement provided for such construction. The Owner of each Lot or Tract shall pay to the cost of constructing such underground SHECO service cable and appurtenance in an amount to be determined by SHECO.

ARTICLE III
ARCHITECTURAL CONTROL COMMITTEE

Section 3.01 - Basic Control- No building or other improvements of any character shall be erected or placed, or the erection or placing thereof commenced, or changes made in the design or exterior appearance thereof (including, without limitation, painting, staining or siding), or any addition or exterior alteration made thereto after original construction, or demolition or destruction by voluntary action made thereto after original construction, on any Lot or Tract in the Subdivision until the obtaining of the necessary approval (as hereinafter provided) from the Architectural Control Committee ("ACC" or "Committee") of the construction plans and specifications for the construction or alteration of such improvements or demolition or destruction of existing improvements by voluntary action. Approval shall be granted or withheld by the ACC based on matters of compliance with any architectural guidelines and bulletins, if any, and any other dedicatory instrument, quality and color of materials, drainage, harmony of exterior design and color with existing and proposed structures and location with respect to topography and finished grade elevation (See Article V, Exhibit No 1 for use of natural grade). The granting of approval shall in no way serve as a guaranty or warranty as to the quality of the plans or specifications nor the habitability, feasibility or quality of the resulting improvement. See Article V, Exhibit No. 2 for suggested building structures in harmony with natural wooded settings.

The sole authority for determining whether construction plans and specifications for proposed improvements are in compliance with the provisions of this Guideline as to quality and color of materials, drainage, harmony of exterior design and color with existing and proposed structures and location with respect to topography, finished grade elevations and other relevant factors, rests with the ACC. Disapproval of plans and specifications, including location of the proposed improvements, may be based by the ACC upon any grounds, including but not limited to purely aesthetic conditions that shall seem sufficient in the sole discretion of the ACC.

Each application made to the ACC shall be accompanied by two (2) full sets of preliminary design plans and specifications for all proposed construction (initial or alterations) to be done on such Lot, which must include an accurately drawn and dimensioned plot plan including all buildings, setbacks, easements, septic and well locations, drives, walks, fences, storm water drainage, grading at a minimum. Conceptual drawings of the proposed elevation are encouraged when the preliminary design plan is submitted. The final plans shall be accompanied by two (2) full set of construction plans and must include a foundation plan and details, dimensioned architectural plans including floor plan, exterior and interior elevations, wall sections, material selections and finishes at a minimum; the plans must show design, construction and material. All foundation plans must be stamped and signed by a licensed, registered professional engineer. All other plans must be stamped and signed by an architect or a licensed, registered, professional engineer. The address of the ACC shall be the address of the principal office of the Association.

At the option of the Declarant and/or the ACC, the Declarant and/or the ACC may designate an architect to sit on the ACC who, together with the ACC, will have full authority to recommend the granting or denial of approval (as contemplated under Article III hereunder) with respect to all structures erected, constructed or altered in the Subdivision. The architect, together with the ACC, shall have the authority to require design changes in the Owner's structure in order to provide a harmonious development of the residences in the Subdivision and to insure that all residences constructed in the Subdivisions conform to the Declarant's and the ACC's predetermined plan for such improvements. A fee in an amount to be determined by the ACC shall be paid by the Owner to the ACC prior to architectural approval (see Fee Schedule Article IV); a signed Architectural Approval Request letter must accompany each submission. Neither the Declarant nor the ACC shall in any way be responsible for the fee.

Section 3.02: Inspection. A ten (10) year or more warranty from a reputable, warranty company must be obtained before a Certificate of Completion, which may be required under any building guidelines or approval procedures promulgated for the Property, may be submitted. The selection of such home warranty company in regards to reputation and financial solvency shall be left

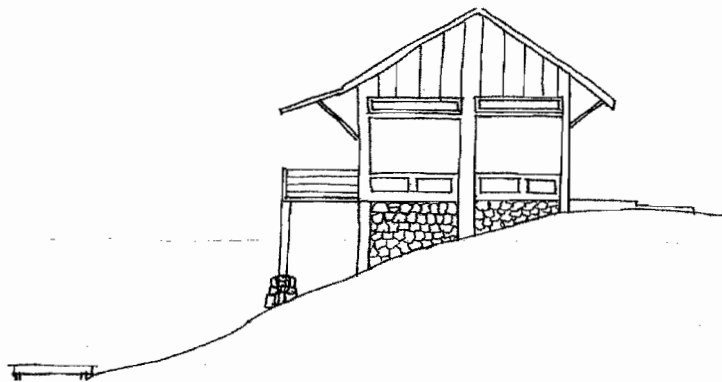
to the absolute discretion of Builder or Owner. Furthermore, the ACC strongly suggests that Owners and Builders have frequent inspections made, or require their Contractors to have inspections made, in order to control the quality of the improvement being constructed. However, neither the Association, the ACC nor the Declarant is responsible for procuring such inspections and will not be liable for any damage that may occur as a result of such inspections not being done or being done improperly.

ARTICLE IV
FEE SCHEDULE

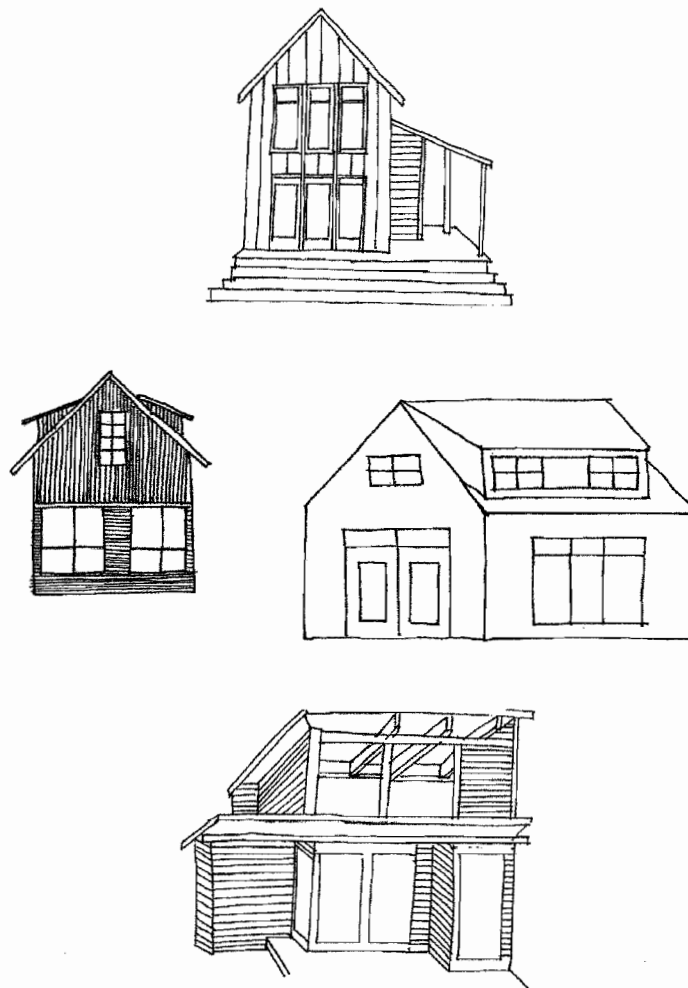
- 1) **Architectural Review Fees**
 - a) **Preliminary review \$250**
 - b) **Final review \$250**
- 2) **Builder Fee**
 - a) **\$500 refundable deposit**

**ARTICLE V
EXHIBITS**

Use of Natural Grade for Elevated Structures- Exhibit No. 1:



Building Structures in Harmony with Natural Wooded Settings- Exhibit No. 2:



IN WITNESS WHEREOF, the undersigned Declarant has executed these Guidelines this 25 day of September, 2012.

DECLARANT:

SALLY CREEK INVESTMENT PARTNERS, LP,
a Texas Limited Partnership.

By: its General Partner, Sally Creek Management Services, LLC, a Texas limited liability company.

By: Stacie J Cokinos

Print Name: Stacie J Cokinos

Print Title: Vice President & Managing Partner

STATE OF TEXAS

COUNTY OF Harris

BEFORE ME, the undersigned authority, on this day personally appeared, Stacie Cokinos, the Vice President of Sally Creek Management Services, LLC, the general partner of Sally Creek Investment Partners, LP, known to me to be the person whose name is subscribed to this instrument and acknowledged to me that she executed the same for the purposes, and in the capacity, herein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 25 day of Sept, 2012.

Susan A. Murchison
Notary Public - State of Texas



State of Texas)
County of Polk)
I, SCHELANA WALKER hereby certify that this instrument was FILED in the file number sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records in Volume and Page of the named RECORDS OF Polk County, Texas as stamped hereon by me.

FILED FOR RECORD

2012 OCT 29 AM 10:23

OCT 29 2012

KP

Schelana Walker
SCHELANA WALKER
POLK COUNTY CLERK



Schelana Walker
COUNTY CLERK
POLK COUNTY, TEXAS