


AFTER RECORDING RETURN TO:
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Austin, Texas 78701

AMBERWOOD


DESIGN GUIDELINES

Adopted By:

Architectural Committee of the Board of Directors
of the Amberwood Homeowners Association, Inc.

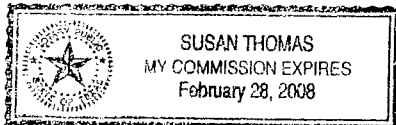
By: 
Printed Name: GARY CALVIN
Title: ~~ARCHITECTURAL COMMITTEE MEMBER~~
ACC member

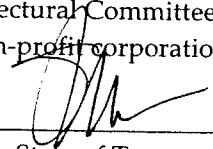
Amberwood Homeowners Association, Inc.

By: 
Printed Name: PAUL POWELL
Title: President

Hays County, Texas

This instrument was acknowledged before me on the 13 day of FEBRUARY, 2006,
by GARY CALVIN, MEMBER of the Architectural Committee of the Board of Directors
of the Amberwood Homeowners Association, Inc., a Texas non-profit corporation, on behalf of the
Architectural Committee.

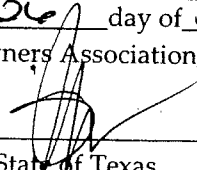




Notary Public, State of Texas

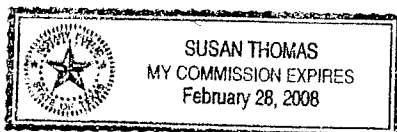
Hays County, Texas

This instrument was acknowledged before me on the 26 day of January, 2006,
by PAUL POWELL, President of the Amberwood Homeowners Association, Inc., a Texas non-profit
corporation, on behalf of said corporation.



Notary Public, State of Texas

Version 1.00



Introduction

Any notice or information required to be submitted to the Amberwood Architectural Committee (the "**Committee**") under these Design Guidelines will be submitted to the Committee, c/o its management company (the "**Management Company**"), at 1779 Wells Branch Pkwy, #110B, Box 314, Austin, Texas, 78728, Phone: 512-246-0498; Facsimile: 512-716-0024.

Background

Amberwood is a master planned community located in Hays County, Texas. The community is subject to the terms and provisions of the Amberwood Declaration of Covenants, Conditions and Restrictions, recorded in the Official Public Records of Hays County, Texas (the "**Declaration**"). The Declaration includes provisions governing the construction of improvements and standards of maintenance, use and conduct for the preservation of the Amberwood community.

Architectural Committee and Review Authority

Section 2.1(b) of the Declaration provides that no Improvement may be constructed, altered or removed upon or for any of the Property without the prior written approval of the Committee. Any action, other than normal maintenance, which in any way alters the exterior appearance of any Improvement, including, without limitation, its color, or which involves the removal of any Improvement or the alteration of the landscaping on a Lot, shall be performed only with the prior approval of the Committee.

Article 4 of the Declaration includes procedures and criteria for the construction of improvements within Amberwood. Section 4.1(b) of the Declaration provides that the Committee shall consider and act upon any and all Plans and Specifications submitted for its approval pursuant to the Declaration and perform such other duties assigned to it by the Declaration or as from time to time shall be assigned to it by the Board. Section 4.4(a) of the Declaration provides that, prior to commencement of any construction, alteration or removal of any Improvement on any Lot, the Plans and Specifications therefore shall be submitted to the Committee, and construction, alteration or removal thereof may not commence unless and until the Committee has approved such Plans and Specifications in writing. All such construction, alteration or removal shall conform to the approved Plans and Specifications.

Governmental Requirements

It is the responsibility of each Owner to obtain all necessary governmental permits and inspections. Compliance with these Design Guidelines is not a substitute for compliance with any municipal authority's ordinances and regulations. Please be advised that these Design Guidelines do not list or describe each requirement which may be applicable to a Lot within Amberwood. Each Owner is advised to review all encumbrances affecting the use and improvement of their Lot prior to submitting plans to the Committee for approval. Furthermore, approval by the Committee should not be construed by the Owner to mean that any Improvement complies with the terms and provisions of all encumbrances which may affect the Owner's Lot. Certain encumbrances may benefit parties whose interests are not addressed by the Committee.

The Committee shall bear no responsibility for ensuring plans submitted to the Committee comply with any applicable building codes, zoning regulation and other government requirements.

Interpretation

In the event of any conflict between these Design Guidelines and the Declaration, the Declaration shall control. Capitalized terms used in these Design Guidelines and not otherwise defined in this document shall have the same meaning as set forth in the Declaration.

Amendments

The Committee may amend these Design Guidelines. All amendments shall become effective upon recordation in the Official Public Records of Hays County, Texas. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or approved and in progress. It is the responsibility of each Owner to ensure that they have the most current edition of the Design Guidelines and every amendment thereto.

Architectural Review Process

Objective

The objective of the review process is to promote aesthetic harmony in the community by providing for compatibility with surrounding residences, the environment and the topography.

Submittals

Requests for approval of proposed construction, landscaping, or exterior modifications must be made by submitting an application to the Management Company on behalf of the Committee. Please contact the Management Company for a copy of the current application.

Timing

The timing of review of applications and submittals and the duration of each approval shall be in accordance with Article 4 of the Declaration.

Responsibility for Compliance

An applicant is responsible for ensuring that all of the applicant's representatives, including the applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Design Guidelines and all requirements imposed by the Committee as a condition of approval.

Inspection

Upon completion of all approved work, the Owner must notify the Committee. The Committee may inspect the work at any time to verify conformance with the approved submittals.

Architectural Guidelines and Aesthetic Standards

Please be advised that additional restrictions governing use and construction of Improvements are set forth in the Declaration. The provisions set forth below are intended as a supplement to the restrictions set forth in the Declaration. EACH OWNER IS HEREBY ADVISED THAT THE COMMITTEE HAS RESERVED THE RIGHT TO APPROVE ALL IMPROVEMENTS PROPOSED FOR CONSTRUCTION ON ANY LOT.

Aesthetic Appeal

The Committee may disapprove the construction of any Improvement on purely aesthetic grounds. Any prior decisions of the Committee regarding matters of design or aesthetics shall not be deemed to have set a precedent if the Committee feels that the repetition of such actions would have any adverse effect on the community.

Exterior Repainting

Repainting or staining to match original colors need not be submitted for prior approval. Color chips and siding samples must be submitted to the Committee for approval prior to changing colors.

Accessory Structures

All outbuildings must be approved by the Committee in advance prior to construction. While the Committee expressly retains its authority to disapprove plans and specifications submitted for any outbuilding, Owners will generally be permitted to erect one (1) outbuilding on the Owner's Lot if: (i) the surface area of the pad on which the outbuilding is placed is less than or equal to one hundred fifty (150) square feet; (ii) the height of the outbuilding, measured from the surface of the Lot to the highest portion of the outbuilding, is less than or equal to one hundred twenty (120) inches; and (iii) the exterior of the outbuilding is constructed of the same or substantially similar materials as the exterior of any residence located on the Lot.

The following provisions also apply to outbuildings:

An "outbuilding" is defined as any structure that is not attached to the main structure. This definition does not include bona-fide additions to the main residences or garages wherein an actual opening to the main structure exists, but does include storage sheds and gazebos.

The outbuilding must be placed and maintained within the building line applicable to the Lot on which it will be placed, and distance from any side Lot line will be determined based on visibility from the street in front of the residence. At no time, however, will the distance from any side Lot line be outside of the Building Lines (B.L.) or within the Public Utility Easement Lines (P.U.E.) located on the lot survey. Location must also be far enough away from any Lot line to allow for drainage to occur entirely on the Owner's Lot.

Outbuildings with a height greater than six (6) feet are not permitted immediately adjacent to any side or rear wall of a residence unless the outbuilding is entirely concealed from view from any adjacent Lot or street.

The Committee reserves the right to review any application for the construction of gazebos on a case-by-case basis, and may establish specific height and placement requirements for each Lot.

Basketball Goals

Permanent and portable basketball goals are permitted between the street right-of-way and the front of the residence on a Lot provided the basketball goal is located a minimum of twenty feet (20') from the street curb. The basketball goal backboard must be perpendicular to the street and parallel to the driveway and, if a permanent goal, mounted on a black metal pole permanently installed in the ground. Portable basketball shall not be placed, at any time, on any street or right of way located within the community. Basketball goals must be properly maintained and painted, with the net in good repair.

The basketball goal backboard, net and post must be maintained in excellent condition at all times.

Roof mounted basketball goals are not permitted.

Patio Covers

All proposed patios covers must be reviewed and approved in advance by the Committee.

Unless otherwise approved in advance by the Committee, ALL patio covers must be constructed of materials and incorporate a color scheme which complements the residence.

Prefabricated patio covers constructed of aluminum will be considered by the Committee provided that the cover is earth tone in color and the color scheme complements the residence. Unfinished aluminum covers are prohibited.

If the patio cover incorporates fiberglass roofing and wood framing, treated wood must be used. Edges of fiberglass must not be visible from surrounding properties or from any street. Fiberglass must be painted a color which complements the residence, e.g., tan, brown, beige or clear; provided, however, green and yellow are prohibited. Corrugated fiberglass panels are also prohibited.

If a patio cover is proposed to be attached to the principal residence, the cover must be integrated into the existing roof line (flush with eaves). If the patio cover includes shingles, the shingles must match the color and style of the shingles used in for the residence. The frame of any shingled roof incorporated into a patio must be painted to match the trim of the residence.

The patio cover and posts must be trimmed out to complement the residence. Posts must be painted wood, treated wood or metal columns. Treated pine must be painted or stained. No pipe is allowed.

All patio cover material, i.e., fiberglass, corrugated aluminum, metal, wood, lattice, must be completely framed in so that no raw edges of material are visible.

Canvas patio covers are prohibited.

Patio covers may not encroach into any utility easement unless the Owner has obtained the advance written consent of the utility service providers who utilize the easement.

Patio covers must be located and designed to provide drainage solely upon the Owner's Lot. If a patio cover is proposed to be located less than five feet (5') away from the side Lot line, the Committee will require that it be guttered with downspouts; provided, however, that no patio cover will be permitted if located outside of the building line applicable to the Lot on which the patio is to be constructed.

Room Additions

Detailed plans and specifications must be submitted to the Committee for its advance written approval. The Committee reserves the right to request additional information from the Owner to properly review any proposed modification.

Exterior materials and colors should match the house as closely as possible.

Room additions may not encroach into any utility easement unless the Owner has obtained the advance written consent of the utility service providers who utilize the easement.

The Committee will review the proposed modification with reference to the architectural style of the residence, the siting of the residence on the Lot, the size of the Lot, and any other factors the Committee deem relevant in their sole and exclusive discretion. The Committee may deny any application purely on aesthetic grounds.

Modifications which in the Committee's opinion are principally designed for storage are not permitted.

Any addition to the existing roof of the residence must integrate with existing roofline so as to appear to have been part of the original home.

All room additions must be open to the principal residence and incorporated into the existing HVAC. All room additions must be on the same electric meter as the principal residence. Sub-metering is prohibited.

Storm Windows and Storm/Screen Doors

Storm windows and storm doors which are compatible with the exterior house colors (in the sole and exclusive opinion of the Committee) need not be approved in advance by the Committee.

No screen doors are permitted on the front of homes. Wood framed screen doors are prohibited.

Storm doors and windows must be full-view glass.

Decks

All proposed decks must be reviewed and approved in advance by the Committee.

No portion of an approved deck may encroach into any utility easement unless the Owner has obtained the advance written consent of the utility service providers who utilize the easement.

Decks must be located and designed to provide drainage solely upon the Owner's Lot.

No deck may be higher than thirty inches (30") above existing grade.

No deck may extend beyond the building line applicable to the Lot on which it will be located.

Decks may be waterproofed, sealed or stained a natural wood color without the necessity of submitting an application or obtaining prior Committee approval. If the choice of color of the stain is not natural to wood, Committee approval must be obtained prior to applying such stain.

Man-made screens and shade devices, if any, must appear as an integral part of the building elevation and must be made of materials that complement the home. Conversion of a deck or patio into a screened porch requires Committee approval.

Swimming Pools and Spas

All proposed pools, spas, and pool or spa enclosures must be reviewed and approved in advance by the Committee.

Pools constructed above ground are prohibited. Smaller, prefabricated, installed above ground, spas or hot tubs are acceptable. Above ground spas or hot tubs, visible from public view or from other Lots, shall be skirted, decked, screened or landscaped to hide all plumbing, heaters, pumps, filters, etc.

Swimming pool appurtenances, such as rock waterfalls and slides, shall not be over six feet (6') in height. Skimmer nets, long handle brushes, pool chemicals, filters, pumps, heaters, plumbing, etc. shall not be visible from any adjacent Lot or street.

Pool and spa drains must connect to the street drainage. Pools cannot be drained onto open space or any other property.

No pool or spa may encroach into any utility easement unless the Owner has obtained the advance written consent of the utility service providers who utilize the easement.

No pool, spa, or pool or spa enclosure may be located within ten (10) feet of any side Lot line.

All pools must be enclosed with a fence or other enclosure device completely surrounding the swimming pool which, at a minimum, satisfies all applicable governmental requirements.

Woodpiles

Woodpiles are permitted only in the rear yard of residences and shall be screened by adequate planting and/or fencing so as to be concealed from view of adjacent Lots and streets.

Fence, Fence Extensions and Other "Shielding" Improvements

All proposed fences, fence extensions and other improvements erected for the purpose of shielding a portion of an Owner's Lot from view (for example, trellises placed in front of utility boxes, lattice boxes used to store garbage cans, etc.) must be reviewed and approved in advance by the Committee.

No fence may exceed six (6) feet in height unless otherwise approved by the Committee.

Unless otherwise approved by the Committee, no fence may be painted, stained or varnished.

Unless otherwise installed by Declarant in conjunction with its marketing and sale of Lots, no fences may be installed within the front yard of any Lot. In the event of a dispute concerning what constitutes the "front yard" of a Lot, the opinion of the Committee is final.

Approved fences will be installed picket side out where visible from any street.

Any replacement or repair of an existing fence must be prosecuted with the same or substantially similar design and materials.

Wrought iron fencing may not be used to enclose a backyard.

Plastic and wire fencing around flower beds, shrub beds/areas and tree rings is expressly prohibited.

Raised Flower/Bush/Tree Beds

Bricks around flower, bush or tree beds that are no higher than twelve (12) inches high, mortared or fastened together with no holes showing and consistent with the architectural character of the home site do not need prior approval. Rocks or wooden slats/timbers may also be used as long as they are no higher than twelve (12) inches high and fastened to remain in a straightened position at all times.

Animal Pens, Runs and Houses

There shall be no animal pens or dog runs of any kind. Dog houses are permitted as long as they complement the residence. Dog houses must be located a minimum of six (6) feet inside property lines and they must be located behind the rear elevation of the residence.

Flagpoles and Flags

One flagpole not to exceed two (2) inches in diameter or sixty (60) inches in length may be mounted on the front of the house. Permanent standalone flagpoles are not permitted on residential Lots.

Flags visible from the exterior of a dwelling may be hung only on flagpoles meeting the above criteria. Flags shall not exceed 3' x 2' in size. Only official flags of countries, seasonal decorative flags, flags in support of sports teams or the armed forces or other similarly non-offensive flags (as determined by the Committee in its sole and absolute discretion) may be displayed. Flags which display advertising and flags which, in the Committee's judgment, are intended to, or tend to, incite, antagonize, or make political statements (other than a statement of citizenship or country of origin of the residents of the dwelling), shall not be permitted. Flags shall be maintained in good condition and shall not be displayed if mildewed, tattered or faded beyond recognition.

Mailboxes and Lampposts

Mailboxes and lampposts other than as installed by Declarant or any alterations thereto, shall be subject to review by the Committee and may not be permitted under applicable governmental regulations. The color, size, appearance and location of the mailboxes installed by Declarant shall be preserved and may not be altered unless approved by the Committee.

Outdoor Furniture

Furniture shall not be used, stored or kept on the exterior portions of any Lot except on patios, decks or porches. Furniture exposed to the weather shall be limited to such types as are designed and intended for outdoor use.

Outdoor furniture, including park benches and porch swings, must be well-maintained and in harmony with the exterior design and color of the house. No swings may be hung from trees on any Lot. Outdoor furniture shall be black, brown, forest green and bronze as acceptable colors as well as a color nearest to the darkest color of the exterior of the home. Outdoor furniture must not be located in the front yard on any Lot, and must not be located in the visible side yard on any corner Lot.

Play Structures

All play structures must be approved by the Committee in advance prior to construction. While the Committee expressly retains its authority to disapprove plans and specifications submitted for any play structure, the following are general guidelines for the construction of play structures.

Play structures shall be earth tone colors to blend with the environment and made of metal, treated wood, cedar, redwood or treated wood painted to be in harmony with the existing home. Platforms of play structures shall not exceed a height greater than four (4) feet from the original Lot grade. The maximum allowable height for any one part of the play structure is ten (10) feet from the original Lot grade. No portion of the structure shall be a closer than ten (10) feet from any fence line or property line, and must be placed inside any existing fence.

Play structures of any type are not permitted in the front or side yards. In the case of a corner Lot, any play equipment or structures to be installed in the rear yard must be screened from public view by landscaping or fencing.

Any canvas exposed to public view shall be solid earth tone colors only. Day glow (or fluorescent) and bright colors are not permitted.

Yard Decorations

Yard decorations are regulated to assist in the maintenance of an appealing streetscape for all residents. The Committee reserves the right, in its sole and absolute discretion, to prohibit any yard decorations which it determines to be unsightly, offensive or otherwise inappropriate for the community. The following yard decoration rules apply unless a variance is obtained from the Committee:

No more than two decorative appurtenances are permitted in the front yard of any Lot.

No single decorative appurtenance may exceed thirty-six inches (36") in height.

Pinwheels, windsocks, large rocks or boulders and artificial flowers and plants are prohibited.

One (1) mounted birdhouse is permitted, if limited to twelve (12) feet in height, mounted on a 2" diameter galvanized pipe, and located in the rear yard of the Lot.

Yard signs may not include advertising of any kind, except for those advertising an owner's own house for sale or lease in accordance with the Declaration.

Yard signs may be no wider than thirty-six inches (36") and no taller than thirty-six inches (36").

Examples of generally permissible yard signs include those which show support of the armed forces, school activities or sports teams, display seasonal decorations or depict animals. Examples of generally impermissible yard signs include those displaying insults, vulgarities, or the like.

HAM Radio Antennae

No HAM radio antennae may be placed on any Lot.

Exterior Lighting

Exterior lighting shall be installed in a manner that will not cause unnecessary light spill distraction, nuisance or be unsightly.

Exterior residential lighting can convey a warm, inviting atmosphere and aid in providing nighttime security without annoying others. Selection and placement of fixtures, and selection of light source types, should be done with care. Exterior illumination of architectural features such as columns, entries, chimneys and landscape features are encouraged.

Lights should be directed to illuminate house number graphics. Ground lighting or decorative light fixtures are acceptable. Decorative fixtures shall be of high quality materials and workmanship and shall be in scale and style with the residence.

High-pressure sodium lights, except for subdivision streetlights, are prohibited.

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

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

Incandescent, low voltage incandescent, metal halide, quartz and natural gas lights are acceptable, provided that such lights are no more than thirty-six inches (36") in height and each such light is spaced, at a minimum, three (3) feet from an adjacent light.

Lighting may not be installed on the privacy fence or patio/pool fence.

"Tiki"-style torches/lights may not be used as permanent lighting, but are permissible for use at parties or similar gatherings provided that they are kept out of public view.

Burglar Bars

Burglar bars are prohibited.

Walkways and Driveways

Bk Vol Pg
06006613 OPR 2877 476

The configuration and construction materials of all walkways and driveways erected on any Owner's Lot (whether they are paved, gravel-covered, or otherwise) must be approved in advance by the Committee.

Window Shades/Awnings/Treatments

Canvas awnings are permitted only on interiors Lots and then: (i) only on windows located on the rear elevation of the residence; and (i) only if not visible from any adjacent Lot or street.

If permitted, all awnings must be earth tone in color.

Awnings must be maintained in good condition and repair by the Lot Owner.

Patio awnings are permitted if earth tone in color and not visible from any adjacent Lot or street.

Metal and wood slat window shades are prohibited.

No aluminum foil, reflective film, or similar treatment may be placed on any window or on the exterior of any residence.

All window treatments (e.g., blinds, draperies, screens and the like) must be maintained in a neat, clean and attractive manner; unduly bright colors and distracting patterns are prohibited.

Window tinting is permissible provided that it is conducted by a professional and does not render the windows unsightly. The Committee reserves the right to compel an Owner to take corrective action in the event that the Committee determines, in its sole and absolute discretion, that the window tinting on such Owner's Lot is unsightly.

Schedule of Fines

Periodic inspections by a representative of the Committee may take place in order to identify non-complying activities.

Listed below is the schedule of fines which may be assessed.

Schedule of Fines

Construction Without Committee Approval	\$300
Other	\$175 plus \$35/day

Filed for Record in:
Hays County
On: Mar 08, 2006 at 03:57P
Document Number: 06006613
Amount: 56.00
Receipt Number - 143246
By,
Rebecca Hall, Deputy
Lee Carlisle, County Clerk
Hays County