

**ARCHITECTURAL GUIDELINES**  
**FOR**  
**COPPERFIELD MIDDLEGATE VILLAGE, SECTIONS ONE (1) THROUGH FOUR (4)**

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The undersigned, being all of the members of the Board of Directors of Middlegate Village Community Association, Inc., a Texas non-profit corporation ("the Association"), do hereby certify that at a meeting of the Board of Directors of the Association duly called and held, the following guidelines were unanimously made and adopted:

WHEREAS, the Association, acting through its Board of Directors desires to exercise the authority granted to it by the provisions of the Declaration of Covenants, Conditions and Restrictions applicable to Copperfield, Middlegate Village, Sections One (1) through Four (4) ("the Declaration") to maintain the harmonious and architectural design of the subdivision in accordance with the provisions of the Declaration; and

WHEREAS, the Declaration provides that no buildings, additions or improvements shall be erected or placed on any lot until the construction plans and specifications including, but not limited to, site layout, building location, building materials, colors and elevation, have been submitted to and approved in writing by the Architectural Review Committee of the Association ("the ARC"); and

WHEREAS, the Declaration further provides that the ARC shall have the discretion to approve or disapprove plans and specifications for buildings, additions or improvements on the basis of color, quality of building materials and harmony of external design with existing structures; and

WHEREAS, the Board of Directors of the Association desires to establish guidelines with respect to the type, quality and color of exterior additions and improvements on lots within Copperfield, Middlegate Village, Sections One (1) through Four (4) to be followed by the ARC, so that a harmonious exterior design within the subdivision is consistently maintained;

NOW, THEREFORE, the Board of Directors of the Association hereby adopts the following guidelines relating to buildings, additions and improvements on lots within Copperfield, Middlegate Village, Sections One (1) through Four (4), which guidelines shall supplement the applicable restrictive covenants set forth in the Declaration:

A.

Application Procedure

1. Submission. All applications for approval to make any exterior changes, additions or improvements must be submitted to the ARC in writing by completing the application form currently in use by the ARC, a copy of which is attached hereto as Exhibit "A", or such form as may hereafter be adopted by the ARC. Plans and specifications for any exterior change, addition or improvement should be attached to the application. The ARC reserves the right to request any additional information deemed by it to be necessary to properly evaluate the application. In the event that the ARC requests additional information and such information is not submitted to the ARC by the applicant in a timely manner (so that the application may be approved or disapproved within thirty (30) days of its receipt), the application shall be denied. However, the applicant may thereafter submit a new application with the requested information to the ARC for its review. All applications shall be mailed or delivered to the office of the managing agent of the Association.

2. Review. The ARC shall endeavor to review each application as soon as possible after the date of its receipt. Each decision of the ARC shall be in writing and include a statement of the conditions under which the application is approved, if any, or the reason(s) for disapproving the application. Any application which has not been approved or disapproved within thirty (30) days of the date of its receipt shall be deemed approved; provided, however, that any such approval shall be deemed to relate to architectural guidelines only, not to any of the use restrictions set forth in the Declaration. Unless otherwise stated in the ARC's written response, all approved exterior changes, additions or improvements shall be completed within thirty (30) days of the date construction, installation or erection is commenced.

3. Appeal. In the event that the ARC disapproves an application, the applicant may submit to the ARC a written request for reconsideration. The applicant may submit with the written request for reconsideration an explanation of additional or extenuating circumstances or any other additional information which the applicant considers relevant to the original application. The ARC shall review the request for reconsideration at the meeting of the ARC next following the date upon which the request is received and then notify the applicant in writing of its final decision. In the event that the request for reconsideration is denied by the ARC, the applicant may submit to the Board of

Directors of the Association the written request for reconsideration. The Board of Directors shall review the request for reconsideration at the meeting of the Board of Directors next following the date upon which the request is received and notify the applicant of the Board's decision. All decisions of the Board of Directors shall be final. During the period of appeal to the ARC and/or the Board of Directors, the decision of the ARC on the original application shall remain in effect; further, an appeal of a decision of the ARC shall not be considered a new application resulting in approval of the original application if a response to the request for reconsideration is not submitted by the ARC or the Board of Directors within thirty (30) days of the date of its receipt.

B.

General Guidelines

The ARC shall consider the following factors upon the review of each application for an exterior change, addition or improvement:

1. Size and dimension;
2. Color and harmony with existing structures and improvements;
3. Quality of materials;
4. Location;
5. Harmony and appeal of exterior design;
6. Quality of construction;
7. Elevation;
8. The provisions of applicable statutes, ordinances, building codes and covenants, conditions and restrictions.

Provided, however, that the approval of an application shall not be construed as a warranty or representation by the ARC that the change, addition or improvement, as proposed or as built, complies with any or all applicable statutes, ordinances or building codes, or as a warranty or representation by the ARC of the fitness, design or adequacy of the proposed construction.

C.

Fences

1. Pickets. All fences situated parallel to the front lot line or parallel to a side street adjacent to a corner lot shall be constructed with the pickets on the outside so that no posts or rails are visible from the street in front of the lot or from the side street.

2. Gates. All gates shall either be constructed of wood or wrought iron.

3. Color. The color of each fence on a lot shall be harmonious with the exterior color of the house and other improvements situated on the lot. Therefore, the ARC shall consider the proposed color of a fence in the same manner as it considers exterior paint colors (See Section H of these Guidelines).

D.

Swimming Pools

An application for the construction of a swimming pool must include a plot plan showing the proposed location of the swimming pool in relation to the property lines, building lines, existing structures and existing or proposed fences. The application shall also include a timetable for the construction of the pool. No swimming pool shall be approved unless the area in which the pool is to be located is either enclosed by a six foot (6') fence or such a fence is proposed to be constructed in conjunction with the swimming pool. During construction, the pool area shall be enclosed with a temporary fence or barrier, unless a fence already exists. Further, no building materials shall be kept or stored in the street overnight. No swimming pools may be enclosed with screens.

E.

Outbuildings

Any type of building which exists on a lot but is not attached to the residential dwelling on a lot, other than the dwelling itself or a detached garage or a gazebo, shall be considered an outbuilding, including tool and/or storage sheds and playhouses. Only one (1) outbuilding not exceeding ten feet (10') in length, ten feet (10') in width and eight feet (8') in height shall be permitted on a lot. The standard, type, quality and color of the materials used in the construction of an outbuilding shall be harmonious with the standard, type, quality and color of the materials used in the construction of the main

residence on the lot. No exterior portion of an outbuilding shall be made of metal or steel. An outbuilding shall be located in the rear portion of the lot. Further, if an outbuilding is to be constructed on a lot, the rear portion of the lot must be enclosed with a six foot (6') fence or such a fence must be proposed in conjunction with the application for approval to construct the outbuilding. A fence approved in conjunction with an application for approval to construct an outbuilding must be completed within thirty (30) days of the date that the outbuilding is constructed or erected. Gazebos shall not be used for the storage of any type of tools or equipment.

F.

Patio Covers

The standard, type, quality and color of the materials used in the construction of a patio cover must be harmonious with the standard, type, quality and color of the materials used in the construction of the main residence; provided, however, that fiberglass patio covers shall not be permitted under any circumstances.

G.

Lighting

1. Changes to Existing Lighting. Outside lighting which was installed at the time of original construction or which was installed after original construction with the approval of the ARC may be replaced with a new fixture provided that the wattage of the new fixture does not exceed the wattage of the existing fixture or 120 watts, whichever is greater. Existing gas lighting may be converted to an electric incandescent bulb provided that (a) the incandescent bulb is a clear glass type, (b) the wattage of the bulb does not exceed 100 watts, and (c) the lighting color is white.

2. New Lighting.

- a. Security Lighting. Exterior wall, soffit or pole mounted security lighting shall be permitted with the ARC's approval so long as each lighting fixture does not exceed 150 watts and the pole does not exceed ten feet (10').
- b. Landscape Lighting. Exterior landscape lighting shall be permitted with the ARC's approval so long as the lighting is located within flower beds, shrubs and/or trees.

- c. Gas Lights. Two (2) gas lights per lot shall be permitted with the ARC's approval; provided that the gas lighting color is white.
- d. Flood and Spot Lighting. Flood and spot lighting shall be permissible with the ARC's approval so long as:
  - (1) The wattage in each lamp does not exceed 150 watts and the wattage in each fixture does not exceed 300 watts;
  - (2) All fixtures are mounted under an eave or to a soffit.
- e. Annoyances. All new lighting which is approved by the ARC shall be subject to a sixty (60) day trial period to assure that the lighting is not objectionable to surrounding residents. If, at the end of the sixty (60) day period, the ARC determines that the lighting is not unreasonably offensive or an annoyance to surrounding residents, the ARC's approval shall be final; otherwise, the lighting shall be removed or modified in accordance with the decision of the ARC.

#### H.

##### Painting

A color sample or "paint chip" of the proposed exterior color of any new addition or improvement must be attached to each application submitted to the ARC. Further, the existing exterior color of a house, garage or other improvement on a lot shall not be changed without first submitting an application with a color sample or paint chip to the ARC and receiving its written approval. The ARC has established and shall maintain a chart depicting the acceptable earthtone colors and shades of earthtone colors for the exteriors of homes and other improvements on lots within the subdivision. Each color sample or paint chip shall be compared to the colors and shades of colors set forth on the color chart to assure that each approved color is harmonious with the color scheme established for the subdivision. Each exterior color must not only be an earthtone, but also an acceptable shade of an earthtone color.

I.

Roofing Materials and Additions

1. Materials. A sample of the proposed shingle to be placed on any existing roof or any new improvement must be attached to each application submitted to the ARC. The ARC has established and shall maintain a chart depicting the acceptable type, quality and color of roofing materials for homes and other improvements within the subdivision. Each shingle shall be compared to the samples set forth on the roofing materials chart to assure that each approved shingle is an acceptable type and quality and that its color is harmonious with the color scheme established for the subdivision. The color of each roofing material must not only be an earthtone, but also an acceptable shade of an earthtone color.

2. Roofing Additions. No skylights, solar panels or similar types of additions shall be permitted on the front of the roof ridge line and/or gable of a structure.

J.

Miscellaneous

1. Birdhouses. Birdhouses shall be permitted subject to the prior approval of the ARC and the following:

- a. A birdhouse shall not be visible from the street in front of the lot;
- b. No birdhouse shall be larger than two feet (2') in width, two feet (2') in length and two feet (2') in height;
- c. No more than two (2) birdhouses shall be permitted on a lot;
- d. The materials used in the construction of each birdhouse and the color of each birdhouse must be harmonious with the home and other improvements on the lot.

2. Awnings. Awnings which are visible from the street in front of the lot shall not be permitted. Awnings on the rear portion of a lot must be one (1) color. All awnings must be approved by the ARC.

3. Satellite Dish Antennae. Satellite dish antennae shall not be permitted.

4. Circular Driveways. Circular driveways on the front portion of a lot shall not be permitted.

5. Garage Conversions. Each garage, whether used for the storage of vehicles or not, must maintain the outward appearance of a garage.

6. Basketball goals. Basketball goals shall be permitted subject to the prior approval of the ARC and the following:

- a. A white nylon net shall be maintained on the rim at all times. The net shall be replaced in the event that it becomes frayed or torn.
- b. An orange steel or aluminum rim shall be affixed to the backboard at all times. The rim shall be repaired or, if necessary, replaced in the event that it becomes broken or bent.
- c. The backboard must be fiberglass or weatherproofed wood and painted white with the exception of an orange square outline above the rim. The backboard shall be repainted, repaired or replaced in the event that the surface of the backboard becomes chipped or cracked or the backboard becomes warped or unaligned.
- d. All mounting supports must be steel or aluminum and painted the same color as the exterior color of the structure upon which they are mounted. The pole on which the backboard is mounted, if applicable, must also be steel or aluminum and painted either silver or black. The pole, if applicable, and all mounting supports must be maintained in an attractive condition.
- e. With the exception of maintenance and repair, a basketball goal shall not be modified in any respect nor shall its location be changed from that approved by the ARC.

7. Paint on Concrete. No concrete on a lot which is visible from the street in front of the lot, whether a driveway, sidewalk, patio or other improvement, shall be painted or stained any color. Concrete which is not visible from the street in front of the lot may be painted or stained only with the ARC's prior written approval.

ADOPTED on the date set forth opposite each name to become effective upon recording.

BOARD OF DIRECTORS  
Middlegate Village Community  
Association, Inc.

Date: August 24, 1988

*Ronnie Auderer*  
Print Name RONNIE AUDERER

Date: August 24, 1988

*Patricia A. Britton*  
Print Name PATRICIA A. BRITTON

Date: August 24, 1988

*Daniel B. Dodson*  
Print Name DANIEL B. DODSON

Date: August 24, 1988

*Theresa Sigmund*  
Print Name Theresa Sigmund

Date: August 24, 1988

*Richard A. Causey*  
Print Name Richard A. Causey

THE STATE OF TEXAS       §  
  §  
COUNTY OF HARRIS       §

BEFORE ME, the undersigned Notary Public, on this day personally appeared Ronnie Auderer, as a Member of the Board of Directors of Middlegate Village Community Association, Inc., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me



GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 24th day  
of August, 1988.

*Margaret E. Worsham*  
NOTARY PUBLIC - STATE OF TEXAS  
Print Name Margaret E. Worsham  
Commission Expires 10/31/90

THE STATE OF TEXAS       §  
  §  
COUNTY OF HARRIS       §

BEFORE ME, the undersigned Notary Public, on this day personally  
appeared Theresa Sigmund, as a Member of the Board  
of Directors of Middlegate Village Community Association, Inc., known to me to be the  
person whose name is subscribed to the foregoing instrument, and acknowledged to me  
that she executed the same for the purposes and consideration therein expressed and in  
the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 24th day  
of August, 1988.

*Margaret E. Worsham*  
NOTARY PUBLIC - STATE OF TEXAS  
Print Name Margaret E. Worsham  
Commission Expires 10/31/90

THE STATE OF TEXAS       §  
  §  
COUNTY OF HARRIS       §

BEFORE ME, the undersigned Notary Public, on this day personally  
appeared Richard A. Causey, as a Member of the Board  
of Directors of Middlegate Village Community Association, Inc., known to me to be the  
person whose name is subscribed to the foregoing instrument, and acknowledged to me  
that he executed the same for the purposes and consideration therein expressed and in  
the capacity stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the 24th day  
of August, 1988.

*Margaret E. Worsham*  
NOTARY PUBLIC - STATE OF TEXAS  
Print Name Margaret E. Worsham  
Commission Expires 10/31/90