

INTRODUCTION

The ARC has been established to ensure the continuity in design, which will preserve and improve the Community, and aid in ensuring preservation of property values. Except as to the initial construction by the Declarant, no fence, wall, landscaping, or other improvement of any kind or description shall be commenced, erected, placed, remodeled or altered upon the Project until the location, complete plans and specifications showing the nature, kind, shape, height and materials, including the color scheme, have been submitted to the ARC and compatibility to surrounding structures, and topography has been approved by the Board of Directors of the Association, or by the Architectural Committee. Repainting the same color as the original paint and rebuilding consistent with the original plans does not require ARC approval.

The ARC or Board of Directors meets on a regular basis to review requests. Architectural Review Request forms must be completed and submitted to the Committee with improvement plans. All required documentation must be attached (i.e., plans, color samples).

Copies of the forms are enclosed; additional forms can be obtained from the Association's property management company, the Board of Directors, or the ARC.

PURPOSE

The Architectural Review Committee was established to carry out the following:

1. Review the external design, appearance, and location of the lots and improvements thereon in such a manner so as to preserve and enhance values and maintain a harmonious relationship among structures and the common areas.
2. Monitor and subject to appeal to Board of Directors, enforce compliance with the provisions of the Declaration of Covenants and Restrictions. In furtherance thereof, the Architectural Review Committee shall:
 - Review and approve, modify or disapprove written applications of Owners and of the Association for the exterior alterations to lots, improvements thereon or common areas.
 - Monitor lots and improvements thereon for compliance with design standards and approved plans for alterations. In this regard, the ARC shall establish guidelines for the age of the manufactured home, which may be placed on a lot. Decide cases of alleged infraction of the Declaration of Covenants and Restrictions.

GENERAL GUIDELINES

1. Any condition or material not specifically defined herein shall become a matter for the consideration and determination of the ARC Committee.
2. Approval by the ARC does not constitute waiver of any requirements by applicable governmental agencies. (City of El Paso)
3. ARC approval does not constitute acceptance of any technical or engineering specifications or governmental requirements. The function of the ARC is to review each submittal for conformity to the intent and provisions of the CC&Rs.
4. Approval of plans is not authorization to proceed with improvements on any property other than the applicant's.
5. An oversight by the ARC regarding the CC&Rs or the Standards and Guidelines does not constitute a waiver.
6. **ACCESS THROUGH COMMON PROPERTY IS PROHIBITED.** Access for equipment used in construction must be over or through the applicant's property, not neighboring property. Building equipment and materials must be contained on the applicant's property.
7. In the event construction requires crossing the adjoining property, the applicant must obtain written permission from the adjoining property owner and submit it with the plan submittal.
8. All work must be performed in a manner consistent with the standards of the original residence construction and appearance. Any work performed that is of substandard quality to the established Community will be reworked to an acceptable appearance at the owner's expense.
9. Submittal of color samples of any paint or stain is required when they deviate from the original colors of the residence.

ARCHITECTURAL DESIGN AND MATERIALS STANDARDS

Improvements must be designed in general conformance with the original architectural style of the residence and the Community at large. The ARC will evaluate plans based on the overall benefit or detriment that would result to the immediate vicinity and the Community generally.

This section further defines appropriate materials for use in modifications and other improvements that are considered typical, and may be "pre-approved" by the ARC. Plans for items that meet the following criteria EXACTLY need not be submitted to the ARC. However, any deviation from these items requires written ARC approval.

I. LANDSCAPING

- a) APPROVAL: The CC&Rs provides for the approval of landscape plans.
- b) LANDSCAPE INSTALLATION: Owners may elect to have an unlandscaped backyard, however, the yard must not be visible from the street or neighboring properties. Gates, walls or shrubbery must be used to screen the unlandscaped area from the street view.
- c) The CC&Rs provide for maintenance and failure to maintain landscaping once it is installed. Failure to maintain installed landscape improvements is a violation of the CC&Rs and is subject to penalty.
- d) Landscaping is considered an integral part of the overall lot. As a design element, consideration must be given to the relationship to adjacent houses and surrounding area.
- e) All landscaping and installation of permanent irrigation systems by an owner remain aesthetically consistent with the design and plan of the Community.
- f) Professionally installed decorative concrete curbing, plastic or wood edging and bender board installed with less than 6" of the material exposed above grade are permitted without prior approval.
- g) The use of decorative rock and gravel is permitted and encouraged. However, Weed control must be addressed on the plans.

II. FENCING AND GATES

- a) No front yard enclosures are permitted.
- b) Rock walls used as separators between lots are permitted as long as the rock wall does not exceed 24 inches tall.

III. **OTHER MODIFICATIONS**

- a) SECURITY BARS are not allowed.
- b) SCREEN DOORS installations colored to match the residence door or window frames do not require approval of the ARC.
- c) SOLAR WINDOW SCREENS do not require approval of the ARC if one of the following approved screen colors is used. Silver Grey; Bronze; Dark Bronze; Charcoal; Gold.
- d) WINDOW TINTING does not require the approval of the ARC if the color is light, medium or dark Smoke Grey. The ARC must approve all other colors. Mirror or reflective finishes are prohibited. Window tinting may void your warranty.
- e) BASKETBALL POLES AND BACKBOARDS: Portable basketball goals must be placed in the backyard. Portable basketball goals may not be used in the front of the unit.
- f) SKYLIGHTS AND SOLAR ENERGY EQUIPMENT: The installation of any roof-mounted system to accommodate solar energy equipment or any other equipment must be approved by the ARC. Specific concerns of the Committee will be the color of the materials used in relation to the roof color, and visibility from streets, neighboring properties, and common area. The ARC may require Neighbor Awareness Statements from other owners in the general vicinity.
- g) AWNINGS: Awnings are prohibited.
- h) SATELLITE DISH/RECEIVERS, ANTENNA AND FLAG POLES: Poles, masts, and flagpoles are prohibited. Satellite dishes, receivers, antennas are allowed provided the size of the device does not exceed three feet in height.
- i) EXTERIOR PAINT AND FINISH COLORS: Any change in color from the original exterior colors of any residence or other improvement.
- j) DRAINAGE Each owner is responsible for providing proper drainage on their Lot if the grade established by the Developer during the original construction is altered during the construction of improvements. Approval of plans granted by the ARC will be based upon the assumption that the owner has provided for proper drainage. THE ARC WILL ASSUME NO RESPONSIBILITY THEREFORE.
- k) Garage conversions are prohibited.
- l) ADDITIONS: Additions to any unit must be approved by the Architectural Review Committee.
- m) JUNKED CARS: Junked Cars must be removed off the property within 30 days of last use.
- n) SHEDS: Storage Sheds are permitted and do not required approval from the ARC.
- o) PARKING : Vehicles are only to be parked in designated parking areas. Designated parking areas are streets and drive ways.

- p) PATIO: Patio Conversions must be approved by the ARC.
- q) CONCRETE SLABS AND SIDEWALKS: Concrete sidewalks and slabs require approval from the ARC. Concrete can only make up 40% of a unit's front yard.
- r) SIDING: The only material approved for use as siding in any unit is Stucco. Any other material is not approved.
- s) ROOFING: Roofing using any material other than the original material used in the construction of the unit requires approval from the ARC.

Exterior Maintenance

If an owner of any lot fails to maintain the premises in a neat and orderly manner, the Developer or the Architectural Review Committee shall have the right, through its agents and employees, to enter the Lot in order to repair, maintain, and restore the Lot, including landscaping, and the exterior of any building and other improvements located on the Lot, all at the expense of the owner.

Entry doors, storm doors, windows and screens must be kept in tact. Dents, breaks or any damage will require replacement of the door. Broken window glass and damaged screens must be replaced.

All trash, debris, brooms, ladders, recreational vehicles, garden tools, implements, building materials or similar items shall be kept out of sight.

PROCEDURE FOR OWNERS WHO INSTALLED OR CONSTRUCTED IMPROVEMENTS WITHOUT ARC APPROVAL

THE DECLARATION OF COVENANTS AND RESTRICTIONS REQUIRE THAT ANY IMPROVEMENT MUST BE APPROVED PRIOR TO INSTALLATION. ANY IMPROVEMENT THAT HAS BEEN INSTALLED WITHOUT APPROVAL IS IN DIRECT VIOLATION OF THE COVENANTS AND RESTRICTIONS. THE ASSOCIATION MAY USE ANY REMEDIES PROVIDED IN THE COVENANTS OR AT LAW TO ENFORCE THOSE PROVISIONS.

The ARC will make every effort to approve improvements installed prior to the publication of the Architectural Standards and Guidelines that meet the criteria of the Architectural Standards and Guidelines.

Cooperation with the following process is necessary to ensure compliance with the provisions of the CC&Rs and to circumvent the possibility of applicable penalties for the existing violations.

Hueco Mountain Architectural Standards and Guidelines

In the event the improvement was installed or constructed without a building permit, the owner must obtain a permit and submit it to the Committee with a submittal package as if no construction had taken place (i.e., a complete set of plans.)

AMENDMENTS TO ARCHITECTURAL STANDARDS AND GUIDELINES

The Architectural Standards and Guidelines may be modified from time to time pursuant to the following criteria:

- a) The Board of Directors must approve amendments.
- b) A property owner or other Member of the Association may submit recommended changes to the ARC for consideration.
- c) The ARC shall review recommendations and, if approved by two-thirds of the ARC members, the recommendations shall be forwarded to the Board of Directors for consideration.
- d) Upon approval and adoption by the Board of Directors, the change shall be incorporated into the Architectural Standards and Guidelines. Notice of such adopted amendment will be made in the association newsletter and copies of the amendment will be available to the membership upon request.
- e) All amendments shall become effective upon adoption by the Board of Directors, but shall not be retroactive.
- f) In the event of any conflict between an amended provision of the Architectural Standards and Guidelines and the Covenants and Restrictions and the provisions of the Covenants and Restrictions shall prevail.

NON-LIABILITY FOR APPROVAL OF PLANS

The Hueco Mountain Architectural Review Committee approval of plans shall not constitute a representation, warranty, or guarantee that such plans and specifications comply with engineering design practices or zoning and building ordinances, or other governmental agency regulations or restrictions. The Architectural Review Committee shall not be responsible for reviewing, nor shall its approval of any plan or design, be deemed approved from the standpoint of structural safety or conformance with building or other codes. By approving, such plans and specifications, neither the Architectural Review Committee, the members thereof, the Associations, any member thereof, the Board of Directors, any member thereof, or the Declarant assumes any liability or responsibility therefore or for any defect in the structure constructed from such plans or specifications. As provided in the CC&Rs, neither the ARC, any member thereof, the Association, the Board nor Declaring shall be liable to any member, owner, occupant, or other person or entity for any damage, loss, or prejudice suffered or claimed on account of (I) the approval or disapproval or any plans, drawings, or specifications, whether or not defective, or (ii) the construction or performance of any work, whether or not pursuant to the approved plans, drawings, or specifications.