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| <i>Shannon Nicole Braly</i> | <small>dotloop verified 09/17/21 5:50 AM CDT YYPX-JQM9-41CU-L1MN</small> |

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BUCK CREEK VILLAGE
MIXED-USE RESTRICTIONS

THE STATE OF TEXAS

COUNTY OF BANDERA

Indian Waters, Inc. (hereinafter referred to, together with it's successors, assigns and/or designees, as "Developer") is the owner of Buck Creek Village, a planned mixed use development being comprised of 15.221 acres of land, out of the B. Ruiz Survey No. 58, Abstract No. 331, situated in Bandera County, Texas and being more particularly described on Exhibit "A" attached hereto and made a part hereof for all purposes. Developer hereby acknowledges, declares and adopts the following restrictions and covenants, which are hereby impressed on all of the property , and which will run with the land.

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MIXED-USE

All development located on the herein described property will be mixed-use. Commercial, institutional, office and multifamily developments will all be located in the same area. Many of these different uses are encouraged to be located within the same building.

PEDESTRIAN ORIENTATION

Buck Creek Village will be primarily oriented for pedestrians. Similar to the older main streets found in cities across the country, continuous and ample sidewalks will be required in order to encourage strolling along both sides of Buck Creek Drive and White Tail Lane. Buildings will be primarily placed on the sidewalk edge and shade devices will be incorporated into the streetscape, encouraging users to shop, stroll, sit, and look in shop windows along the street. On-site parking will be located behind the buildings to minimize conflicts with pedestrian activity. Parallel parking will be encouraged along Buck Creek Drive and White Tail Lane.

ARCHITECTURAL CONTROLS

Buck Creek Village will someday be an authentic small town mainstreet in the hill country. The use of native natural materials, styles of architecture, and landscaping, that are sympathetic to this region will be encouraged. A variety of architectural styles will be allowed including Italianate, Art Deco, Texas Regional, contemporary, etc. Appropriateness of styles as they relate to the entire development will be determined by an Architectural Control Committee. The literal imitation of older historic styles is discouraged. Contemporary interpretations of traditional buildings, which are similar in scale and overall character to those that are historical, are strongly encouraged. To help ensure that each project built in Buck Creek Village is compatible, an Architectural Control Committee has been established. This review process is required for every property owner who is planning any modifications to their property. For example, this review process will be necessary for the planning of a new building, any additions, any landscaping work or even a new sign that may be planned for a given development. Submission requirements for this review process are described below. Design approval is required for all projects.

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The Architectural Control Committee will use this document along with the Design Guidelines for Buck Creek Village as prepared by Sprinkle Robey Architects to help direct its decisions, not dictate them. Because each project has its own circumstances and characteristics, every project will be reviewed on a case by case basis. The Committee's overall concern and goal is to maintain the integrity and character of the neighborhood. With this in mind, property owners are encouraged to come up with designs that are unique, yet compatible with its surrounding context.

There will be two separate submissions required for all new buildings. The first submission will be for schematic approval and to judge the general design intent. The second required submission will be for final design approval. Projects of smaller scope (i.e., additions, landscaping, signs, etc.) will require one submission only. Adequate documentation is needed for the Committee to thoroughly review any proposed project.

Approval of the plans by the Architectural Control Committee does not take the place of the building permit. Permits must be obtained by all applicable governing bodies.

The Architectural Control Committee will have up to fifteen (15) working days after submission to review the Schematic Design Submittal and up to fifteen (15) working days to review the Final Design Submittal. **All new construction is required to begin within one year from date of closing on the property. New construction shall be completed within three years from the date of purchase of the property.** If the applicant does not concur with the Committee's decisions and/or recommendations, an appeal to the Committee may be made within thirty (30) days after receipt of notification.

Applicants are required to submit the following documentation for Schematic Design Review:

1. Photographs of existing conditions or existing site.
2. Site Plan/Floor Plan
3. Building Elevations of all sides of new building/structure.
(Elevations are to be provided in color.)
4. Preliminary clearing & drainage plan.
5. Preliminary layout of all parking and vehicular use areas.
6. A description of the proposed exterior materials and colors.
7. Statement explaining the conformance to guidelines.
8. Explanation of any variance from guidelines.

Applicants are required to submit the following documentation for Final Design Review:

1. One (1) complete set of construction documents.
2. Final site plan indicating final drainage plan, landscape and tree-preservation details.
3. Building elevations indicating exterior materials, colors, textures, finishes, and all equipment with its proposed screening.
4. A plan and elevation of all proposed fencing.
5. Material sample and color board.
6. All proposed signage drawings with samples of materials and colors.
7. Final landscaping and irrigation plan.

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8**ARCHITECTURAL CONTROL COMMITTEE**

There may be established an Architectural Control Committee (herein after referred to as the "Committee" composed of three (3) members. The Committee shall be appointed by the Developer until such time as two-thirds of the property has been sold in the development. Once two-thirds of the property has been sold, the property owners will have the right to elect the Committee. Each Committee member will serve a one year term. Election shall be held by January 15th of each calendar year. Each property owner will have one vote per parcel owned regardless of size.

GOALS OF THE ARCHITECTURAL CONTROL COMMITTEE

- To protect the integrity of the neighborhood.
- To protect the sense of identity of the neighborhood.
- To protect property values and investments.
- Promote economic prosperity and welfare of the neighborhood.
- To minimize negative impact on adjacent properties from inappropriate development.
- To encourage pedestrian activities.
- To encourage a sense of human scale.
- To provide a review process for the appropriate development of community, cultural, and architectural resources.
- Ensure orderly growth and development of the neighborhood.
- Maintain an overall harmonious appearance of all new structures through complementary scale and proportion.

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PARKING

Parallel parking is required along Buck Creek Drive and White Tail Lane. Parallel parking may be counted as part of the required off-street parking for each development.

Off-street parking is required to be located to the rear or sideyard of the development. If off-street parking is provided in the sideyard of a development, it may not exceed a width of sixty feet.

No off-street parking can be placed closer than twenty-five feet to the sidewalk along Buck Creek Drive and White Tail Lane.

Only one curb cut leading to off-street parking or to the service area from the street is permitted per lot. (Exceptions may be granted by the Committee to larger developments and corner lots on a case by case basis.)

All off-street parking is required to be screened with landscaping.

Off-street parking lots must be interconnected with paved drives between adjacent lots.

Landscaping is required within the parking area.

Parking requirements are as follows:

General Business/Retail: (1) space per 300 sq. ft. of retail/sales area.

Professional Offices: (1) space per 300 sq. ft. of gross floor area.

Restaurant/Food Service: (1) space per 100 sq. ft. of dining and bar floor area.

Hotel/Bed & Breakfast: (1) space per room & (1) space per two employees.

Multi-Family Residential: (1) space per dwelling unit.

Parking Requirements for other uses will be determined by the Architectural Control Committee on a case by case basis.

IN THE EVENT THE CITY OF BANDERA IMPOSES MORE STRINGENT PARKING REQUIREMENTS, THE CITY REQUIREMENTS WILL CONTROL.

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SIDEWALKS AND CURBS

Minimum sidewalk width along Buck Creek Drive and White Tail Lane shall be eleven feet for the mixed-use commercial development.

Acceptable materials are either concrete, brick pavers, stone, or a combination of the three, or as approved by the Architectural Control Committee.

COLOR

The use of color is encouraged; however, all paint and exterior material colors must be approved by the Architectural Control Committee.

All color schemes will be considered on a case by case basis by the Architectural Control Committee.

The natural color of materials is encouraged to be used. Examples of this include the buff color of limestone or unpainted bricks. Matte finishes are preferred to glossy ones.

ENTRANCES

All individual ground floor tenants in the development are required to have at least one primary entry facing Buck Creek Drive. Those developments located primarily on White Tail Lane are required to have at least one primary entry facing White Tail Lane.

LANDSCAPING & TREE PRESERVATION

The addition of landscaping is required to enhance the pedestrian experience of Buck Creek Village. Any open space should be defined with landscaping.

Street trees are required to be installed no more than eighty feet apart on street frontage.

Street trees are required to be planted on both sides of a property's curb cut.

A minimum of one tree is to be planted per lot matching the rhythm of existing street trees.

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The minimum height of newly planted trees will be fifteen feet, with a pruned clearance of eight feet on the street side. The minimum caliper required is four inches.

Planting around trees on uncompacted soil is required in order to provide a pervious root zone. Porous pavers may be allowed around trees in some locations as approved by the Architectural Control Committee.

Existing trees along the street and within the property should be preserved, where possible. Site plan submissions must show any trees that are proposed to be removed and all trees that will be preserved.

The development of landscaped patios and courtyards is encouraged. If a patio or courtyard is open along the street edge, the sidewalk edge is required to be defined with either landscaping or a garden wall or a combination of the two.

LIGHTING

Architectural pole lights are required to be installed at specific locations along Buck Creek Drive and White Tail Lane. The installation of these lights may be required at the discretion of the Architectural Control Committee. The following architectural pole light is to be used along Buck Creek Drive and White Tail Lane:

VISCO 14 ft. Steel Pole (all architectural poles are to be painted black) & Decorative Iron Base VI-EVR-1-OT, with 199/19C/24C Light Fixture. The Architectural Control Committee will specify the exact lamp type and wattage.

MECHANICAL EQUIPMENT

All mechanical equipment should be located in an area that minimizes its visual impact. All equipment is to be screened from view. Low profile rooftop mechanical units are required. Parapet walls are additionally required when roof top units are utilized.

No window air conditioning units are permitted on the front facade or any street facade.

Owners are required to minimize the visual impact of all wall and pole mounted utility boxes and connections. Utility boxes and connections shall be required to be located at the rear and/or sides of the building.

Unless required by pertinent building codes, standpipes shall not be located on the building front facade. The visual impact of fire sprinklers shall also be minimized.

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MATERIALS

All paving material should be asphalt or concrete or as approved by the Architectural Control Committee.

Mirrored or tinted glass is not permitted to be used for windows. Only clear or e-glass will be permitted.

Acceptable materials for building exteriors include limestone, sandstone, brick, stucco, and wood siding. Synthetic materials or materials that imitate another material in appearance are strictly prohibited.

The front facade of all buildings facing Buck Creek Drive and White Tail Lane should possess adequate character and use details that are of a high quality.

Only stone, wood picket, or welded wire fences are permitted for side yards.

ROOF

Flat and pitched roofs are permitted. Decorative parapets should be used as design elements.

Rainwater drainage systems must be installed to prevent rainwater draining onto the sidewalk/pedestrian area. Exposed gutters on overhangs shall be half-round type.

If a metal roof is utilized, only a field-formed or pre-formed standing seam type is permitted.

PORCHES AND BALCONIES

All porches and balconies are to be approved by the Architectural Control Committee and must be compatible with surrounding buildings.

False balconies are not permitted.

Decorative metal and wood designs are encouraged.

Porches and balconies are permitted to protrude up to four feet into the front and side setbacks. Long, continuous balconies should be avoided. Decorative planter boxes outside windows are encouraged.

SECURITY DEVICES

Alarm devices shall be hidden from view. The use of metal bars on windows is not allowed. The Architectural Control Committee will consider the use of security devices (roll-down grilles, security gates, etc.) on a case by case basis.

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SERVICE AREAS

Trash storage and service areas should be located so that their impact is minimized. Dumpsters shall be screened from view.

All service areas shall be located away from pedestrian traffic and screened from view.

STOREFRONTS

All commercial businesses must have large storefront facades at the street level along Buck Creek Drive and White Tail Lane.

All new storefronts should maintain the visual continuity of the existing streetscape.

Mirrored or tinted glass is prohibited. Clear glass is required to be used to maintain the visual interest that storefront displays create.

STREET FURNITURE

Street furniture is permitted, but should not overwhelm the streetscape.

Furniture should be simple in character and limited in number.

Any furniture should be used to enhance the pedestrian environment and may not block the free flow of pedestrian traffic along the sidewalks of Buck Creek Drive and White Tail Lane.

Outdoor vending machines located on the sidewalk or visible from the street are prohibited. ATM machines may be used if they are inset into exterior wall of building.

SIGNAGE

All signs should be designed with the overall building and neighborhood context in mind.

Painted wood and metal signs are encouraged. Neon signs will be permitted.

Backlit plastic signs will not be permitted.

A sign should appear to be in scale with the facade of the building. Any sign that disfigures or conceals any window, door, or significant architectural feature is prohibited.

Signs which advertise off-premises business, products, or activities are prohibited. Temporary signs for community events are exempt from this rule however.

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Each building having a main entry facing Buck Creek Drive or White Tail Lane will be allowed one primary sign and one secondary sign. The primary sign located on the main building facade shall not exceed fifty square feet. Secondary signs located under canopy or painted on glass shall not exceed five square feet.

Acceptable sign locations are as follows:

1. Flush-mounted Wall Signs
2. Projecting Signs
3. Window Signs
4. Awning Sign
5. Directory Sign
6. Wall Bracketed Signs

SETBACK LINES, ENTRY AND BUILDING LOCATION

In order to promote density and streetscape vitality, building facades should run parallel to the front and street property lines.

Along Buck Creek Drive and White Tail Lane a setback of eleven feet from the property line is required. A minimum of fifty percent of a building facade must be located along the line of the eleven foot setback.

Ground floor multifamily housing developments are permitted to be additionally setback from the property line as long as fifty percent of the facade is oriented parallel to the front property line. However, the total building setback is not permitted to exceed twenty-six feet. Balconies may encroach into the eleven foot setback.

All buildings should maintain somewhat uniform setbacks. Any new buildings or structures should be visually compatible with adjacent buildings. If courtyards are to be utilized, the courtyard cannot extend across an entire facade.

Service entrances and loading areas must be located on the side or rear of the building.

The primary building entry is to be oriented towards pedestrian traffic on the street and sidewalks. This includes all exterior stairs or building lobbies.

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MASS AND SCALE

Floor to Floor Heights: plate heights must be uniform/similar.

Two-story buildings are strongly encouraged for every development. No more than three floors will be permitted.

Larger buildings with large continuous facades should be divided into modules to avoid large scale-less buildings that do not relate to the existing context or pedestrian orientation. Modules must be expressed three-dimensionally. The rhythm and spacing of the modules must be divided to complement surrounding buildings and streetscape.

Building modules may be as narrow as twenty-five feet, but no wider than one-hundred feet (100'0"). Building depths may not exceed seventy-five feet (75'0") measured from the front facade. (Exceptions may be granted to larger developments on a case by case basis.)

New construction should appear to be similar in mass and scale to existing adjacent buildings in relation to windows, doors, porches and balconies.

RHYTHM

The rhythm of building/structure spacing on the street should be kept consistent with the surrounding environment.

Two-story buildings should have more glass on the ground floor and less openings on the second floor.

AWNINGS AND CANOPIES

Awnings and canopies are required in order to provide shade for storefronts and sidewalks. These shade devices should vary somewhat from building to building in height as well as design. While awning designs should not mimic its neighbors, all awnings along Buck Creek Drive and White Tail Lane should flow together continuously and contextually to provide shade for pedestrian traffic. Wood, stone, and metal colonnades are also encouraged. Column spacing of colonnades shall be between eight and twelve feet apart. Awnings and canopies should be located on buildings to accentuate architectural features such as building entries.

The overall depth of the awning shall not be permitted to extend more than nine feet (9'0") within the building setback. The underside of all Canopies/Awnings/Colonnades shall be installed at a minimum height of nine feet (9'0") above the sidewalk. Signs below canopy may extend as low as eight feet (8'0") above the finished sidewalk level.

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1. **Horizontal Fixed Canopies**
 - a.) Typical supporting mechanisms for this awning type include wall-mounted brackets, chains, decorative rods, and posts.
 - b.) Painted metal and wood is allowed for the fascia and soffits. Pressed metal panels are encouraged for soffits.
2. **Fabric Awnings**
 - a.) Internal illumination of fabric awnings is not permitted. Awnings may have signage and/or graphics painted on them.
 - b.) Hanging signs installed under awnings are acceptable.
 - c.) Awning colors shall be compatible with overall building color scheme.
3. **Colonnades**
 - a.) If column supported colonnades are utilized which extend over the sidewalk, a minimum 7'-0" clear sidewalk must be maintained.
 - b.) The architecture of the colonnade must be compatible with the building of which it is part.

AMENDMENTS AND VARIANCES

These restrictions may be amended or changed, in whole or part, at any time, by a vote of two-thirds of the total property owners. Any change or amendment shall be set forth in a document bearing the signatures of the requisite number of property owners, and such document shall be recorded in the Real Property Records of Bandera County, Texas. The Architectural Control Committee may grant variances on a case by case basis.

ENFORCEMENT

All owners and purchasers of any real property hereunder, as well as all heirs, devisees, assignees, legal representatives and other persons or entities who acquire any of the rights to real property hereunder has the right to prosecute any proceeding at law or equity against any person or entity violating, attempting to violate and/or suffering to be violated any restriction or provision herein to prevent such violation, recover damages for such violation, and recover court costs and reasonable attorney's fees incurred in such proceedings. Notwithstanding any other provisions hereof, Developer shall neither be liable nor be subject to any proceeding at law or in equity on account of any violation or attempted violation of any restriction or provision herein. Neither Developer, nor the Committee, nor the members of the Committee, shall have any liability or responsibility at law or in equity because of the enforcement of, or because of the failure to enforce these restrictions.

SEVERABILITY

Invalidation of any one or more of these restrictions by judgment of any court shall in no way affect any of the other restrictions and provisions herein contained, which shall remain in full force and effect.

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GLOSSARY

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Alteration: Any construction that changes the exterior of the building or structure. Alteration shall not include ordinary repair and maintenance.

Architectural Control Committee: A committee formed to review and approve all developments within Buck Creek Village. The primary focus of this committee is to help ensure the development is keeping with the goals set forth in these restrictions.

Awning: A rooflike covering, typically constructed of canvas, used over a window, door, or walkway, to protect from the natural elements.

Balcony: A platform projected from the second or third floor of a building, enclosed by a railing.

Canopy: A rooflike structure typically constructed of metal, wood or other materials, which is projected from a building to protect a window, door, or walkway from the natural elements.

Colonnade: A covered passage way with supporting columns.

Column: A vertical structural member such as a post or a pillar that supports, or appears to support, a load.

Contemporary: Architecture of recent times.

Context: The surrounding environment of a building, landscape, structure, or site.

Developer: The legal owner of land who holds entitlement for the use, improvement or construction onto that land. The developer may be an individual property owner, a partnership of individuals, or a company or corporation.

Elevation: The facade of a structure; a geometric drawing of the external upright parts of a building.

Facade: The exterior face of a building.

Infill Development: New construction activity occurring on vacant parcels located within an area which is predominately developed.

Infrastructure: Facilities and services needed to sustain any type of development: residential, commercial, or industrial activities. Includes water and sewer lines, streets, electrical power, fire and police stations.

Master Plan: The comprehensive plan for the physical development of the neighborhood.

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Neighborhood: An area of a community with characteristics that distinguish it from other community areas. It may be defined by physical barriers such as roadways or natural features such as rivers. It may also be distinguished by unique architectural or social characteristics.

Off-Street Parking: Parking spaces that are provided on the property (typically in a parking lot) rather than along the street.

Parapet: In an exterior wall, the part entirely above the roof.

Plan: A diagram showing the arrangement of a structure, piece of ground, etc.

Rhythm: Repetition of elements with variants of size or pattern which generate a sense of augmentation.

Setback: The amount of space required between the lot line and the building line or the amount of land required surrounding improvements.

Streetscape: A design term referring to all the elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, awnings and marquees, signs and lighting.

Xeriscape: The practice of conserving water and energy through creative landscaping using good landscape design, limiting lawn areas, irrigating efficiently, improving soils, using mulches, choosing low water use plants and employing other good maintenance practices.

EXECUTED THIS 15th DAY OF OCTOBER, 1999

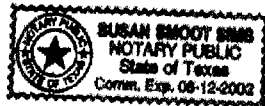
INDIAN WATERS, INC.

BY: John R. Peterson
JOHN R. PETERSON,
PRESIDENT

STATE OF TEXAS

COUNTY OF BANDERA

This instrument was acknowledged before me on the 15th day of October, 1999 by John R. Peterson, President, on behalf of Indian Waters, Inc.



Susan Smoot Sims
Notary Public, State of Texas

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METES AND BOUNDS DESCRIPTION OF A 15.221 ACRE TRACT

Being 15.221 acres consisting of a 9.48 acre tract and a portion of a 2.63 acre tract situated in the B. Ruiz Survey No. 58, Abstract No. 311, Bandera County, Texas as described in a deed recorded in Volume 459, Page 27, Deed Records of Bandera County, Texas, and a portion of Lots 1 and 2, Block 22, Indian Waters Subdivision, Bandera County, Texas, and being more particularly described as follows:

BEGINNING at a ½" steel rod found on the northwest line of Old San Antonio Highway (Old S.H. 16) (100' R.O.W.) for the south corner of said 9.48 acre tract and the herein described tract;

THENCE with the southwest line of said 9.48 acre tract, North 53° 24' 52" West 1051.65 feet to a 7/8" pipe found at the west corner of said 9.48 acre tract, said point being on a curve to the right whose radius point bears North 50° 55' 16" East with a central angle of 17° 34' 01", a radius of 1250.00 feet, and a tangent length of 193.14 feet;

THENCE along the arc of said curve, a distance of 383.25 feet to a ½" steel rod set on the southeast line of Bandera Boulevard (60' R.O.W.), for the west corner of the herein described tract, said point being located on a curve to the northeast whose radius point bears South 54° 36' 04" East with a central angle of 06° 39' 13", a radius of 882.40 feet and a tangent length of 51.29 feet;

THENCE with said southeast line of Bandera Boulevard, the following calls:

Along the arc of said curve to the northeast, a distance of 102.47 feet to a ½" steel rod set for the P.T. of said curve;

North 41° 56' 56" East 98.64 feet to a ½" steel rod set on a curve to the left whose radius point bears North 41° 33' 09" West with a central angle of 51° 08' 53", a radius of 166.47 feet and a tangent length of 79.67 feet;

and along the arc of said curve, a distance of 148.61 feet to a ½" steel rod set for an angle point of the herein described tract;

THENCE North 50° 42' 06" East 16.01 feet to a ½" steel rod found at the west corner of Lot 2, Block 22 and the south corner of Lot 3, Block 22, Indian Waters Subdivision;

THENCE with the northwest line of said Lot 2 and the southeast line of said Lot 3 and Lot 4, Block 22, North 50° 42' 09" East 9.00 feet to a ½" steel rod set for the north corner of the herein described tract;

THENCE South 68° 58' 05" East 694.26 feet to a ½" steel rod found on the southeast line of said 2.63 acre tract for the most northerly east corner of the herein tract;

THENCE with said southeast line of said 2.63 acre tract, South 36° 00' 24" West 236.68 feet to a ½" steel rod found on the northeast line of said 9.48 acre tract at the south corner of said 2.63 acre tract, for an interior corner of the herein described tract;

THENCE with said northeast line of 9.48 acre tract, South 52° 37' 30" East 547.43 feet to a ½" steel rod found on said northwest line of Old San Antonio Highway (Old S.H. 16) at the east corner of said 9.48 acre tract, for the most southerly east corner of the herein described tract;

THENCE along said northwest line of Old San Antonio Highway (Old S.H. 16), the following calls:

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South 25° 51' 33" West 59.09 feet to a ½" steel rod found for an angle point;
 South 21° 16' 13" West 80.50 feet to a ½" steel rod found for an angle point;
 South 16° 30' 24" West 99.21 feet to a ½" steel rod found for an angle point;
 South 12° 58' 31" West 71.53 feet to a ½" steel rod set for an angle point;
 South 05° 28' 40" West 58.07 feet to a ½" steel rod found for an angle point;
 South 05° 30' 29" West 67.61 feet to a ½" steel rod set for an angle point;
 and South 00° 43' 26" West 66.90 feet to the POINT OF BEGINNING and containing
 15.221 acres or 663,015 square feet, more or less.

OR**00517****00380**

Filed for Record in:
 Bandera County

On: Oct 15, 1999 at 04:34P

As a
 Recording

Document Number: **0115922**

Amount **39.00**

Receipt Number - 10511

By,
 Teri Kinney

Any provision herein which restricts the sale,
 rental or use of the described real property
 because of color or race is invalid and
 unenforceable under Federal Law.

STATE OF TEXAS
 COUNTY OF BANDERA

I hereby certify that this instrument was
 filed on the date and time stamped herein by me
 and was duly recorded in the volume and page
 of the same records of
 Bandera County
 as stamped herein by me.

Oct 15, 1999

COMMERCIAL_M&B.doc

Return to:
 Susan Smart Lima, P.C.

Page 2 of 2

Debbie Bates,
 Bandera County Clerk

DOC 00161490 VOL 759 PG 16

*Jeffrey Allen Flowers*dotloop verified
08/17/21 6:14 AM CDT
CDPY-RZVQ-MQV3-DNEU**DECLARATION OF
RESIDENTIAL RESTRICTIONS
BUCK CREEK VILLAGE**

THE STATE OF TEXAS

COUNTY OF BANDERA

Indian Waters, Inc. (hereinafter referred to, together with its successors, assigns and/or designees, as "Developer") is the owner of over 2/3rds of the lots in Buck Creek Village Subdivision, a planned residential development, being comprised of 6.662 acres of land, out of the B. Ruiz Survey No. 58, Abstract No. 331, being situated in the City of Bandera, Bandera County, Texas, being known as Lots 1-19, inclusive, as shown by plat recorded in Volume 6, Page 285, Plat Records of Bandera County, Texas, and being more particularly described in Exhibit "A" attached hereto and made a part hereof. Developer hereby acknowledges, declares and adopts the following restrictions and covenants, which are hereby impressed on all of the property, and which will run with the land, and which will amend, supersede and replace those recorded in Volume 517, Page 381, Official Public Records of Bandera County, Texas.

RESIDENTIAL USE.

All tracts are restricted to use for single family residential purposes only.

PLANNING AND DESIGN REQUIREMENTS.

The minimum residence size on the ground level required for Buck Creek Village is 1400 square feet in air-conditioned space. If a residence is two stories, the second story must be a minimum of 400 square feet with the first floor still being a minimum of 1400 square feet. Multiple lots are not permitted to be replatted into one larger lot. No mobile or manufactured homes will be permitted. Duplexes are not permitted. No more than one residence per lot is allowed.

Property owners in Buck Creek Village are strongly encouraged to form a property owners association to maintain the integrity of the guidelines and hence, the best property values in the future.

RESIDENTIAL LANDSCAPING.

A minimum of 2 street trees are required to be planted on the front of the lot (facing the street). Planted street trees are required to be 4" caliper minimum (measured 3 feet above ground).

Street trees may not be an ornamental type. Only shade trees of the following species are those that are recommended for street trees: live oak, bur oak, cedar elm, red oak, pecan, sycamore, maple, box elder, Spanish oak, or as approved by the Architectural Control Committee.

DOC 00161490 VOL 759 PG 17

Outdoor storage of building materials, old appliances, or automobiles is not permitted.

Above-ground pools are not permitted.

Four foot (4') Sidewalks are required from the front door of the residence connecting to Street.

Four foot (4') Sidewalks are required along the front property line, six feet (6') from the street curb, and connecting to sidewalks on adjacent lots.

DRIVEWAYS.

Driveways are not permitted to circle or cross in front of the house. Driveways are not permitted to be larger than sixteen feet (16') wide; however, the driveway may be widened at a two car garage/carport entry area to a maximum of twenty feet (20'). Driveways are encouraged to be comprised of two concrete strips with a grassy area in between, and must be of adequate size to accommodate all vehicles which normally park at the residence.

GARAGES.

Every house is required to provide at least a one car garage or carport, only permitted to be detached or attached at the rear of the house. Garages are not permitted to be located on the front facade of any house. The garage is to be of the same materials as the main house.

PARKING BOATS AND TRAVEL TRAILERS.

Boats, travel trailers, motor homes and semi-tractor trailer trucks may not be parked in subdivision (including driveways) for more than three (3) days out of any calendar year.

FRONT PORCHES.

Porches should be large enough to act as an outdoor room, and should be oriented towards the street. The minimum depth of a porch shall be six feet (6'), with a preferred eight foot (8') depth.

MECHANICAL EQUIPMENT.

Air conditioning units are required to be screened with landscaping, and are to be located at the side or rear of the house.

EXTERIOR MATERIALS.

Exterior materials will be reviewed by the Architectural Control Committee on a case by case basis.

1. If asphalt roofing shingles are to be used, only three-dimensional laminated asphalt shingles are permitted.
2. Aluminum and vinyl siding is not permitted.
3. If a metal roof is utilized, only a field-formed or pre-formed standing seam type is permitted.
4. Acceptable materials for building exteriors include limestone, sandstone, brick, stucco, fiber cement siding ("HardiPlank"), and wood siding. Other synthetic materials or

DOC 00161490 VOL 759 PG 18

materials that imitate another material in appearance are strictly prohibited.

FENCING.

Only stone and wood picket fencing, or other designs as may be approved by the Architectural Control Committee are permitted. Fences are to be no higher than six feet (6'). Fences at the front of the house are not permitted to be taller than three feet (3').

SETBACK LINES.

Residences must be setback a minimum of twenty five feet (25') from the street.

No building or structure, other than fences, shall be located nearer to the side or rear property line than ten feet (10').

LIVESTOCK.

No livestock, swine or poultry may be kept on the property.

ARCHITECTURAL CONTROL COMMITTEE.

There may be established an Architectural Control Committee (hereinafter referred to as the "Committee") composed of three (3) members. The Committee shall be appointed by the Developer until such time as two-thirds of the property has been sold in the development. Once two-thirds of the property has been sold, the property owners will have the right to elect the Committee. Each Committee member will serve a one year term. Election shall be held by January 15th of each calendar year. Each property owner will have one vote per lot owned.

ASSESSMENTS AND LIENS.

The Architectural Control Committee shall charge property owner(s) a fee or charge which shall be an assessment in the amount of \$50.00 per lot, per calendar year. Assessments shall constitute a lien upon subdivision property attaching on the first day of each year the assessment is due and continuing until the assessment is paid. The lien shall be subordinate to the lien of any first mortgage holder. Sale or transfer of any lot shall not affect the assessment lien, if any; however, the sale or transfer of any lot, pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish the lien of such assessments, if any, as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such lot from liability for any assessments thereafter becoming due. Lots owned by the Developer are exempt from the assessments.

PROPERTY OWNERS' ASSOCIATION.

The rights and powers, in whole or in part, of the Architectural Control Committee granted in this Declaration may be transferred to a Property Owners ' Association formed in accordance with Texas law, provided the Developer and the Architectural Control Committee agree to the transfer.

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GOALS OF THE ARCHITECTURAL CONTROL COMMITTEE.

- To protect the integrity of the neighborhood.
- To protect the sense of identity of the neighborhood.
- To protect property values and investments.
- Promote economic prosperity and welfare of the neighborhood.
- To minimize negative impact on adjacent properties from inappropriate development.
- To encourage pedestrian activities.
- To encourage a sense of human scale.
- To provide a review process for the appropriate development of community, cultural, and architectural resources.
- Ensure orderly growth and development of the neighborhood.
- Maintain an overall harmonious appearance of all new structures through complementary scale and proportion.
- To enforce the restrictions, terms and conditions contained in this Declaration

APPROVAL OF PLANS.

There will be two separate submissions required for all single-family residences. The first submission will be for schematic approval and to judge the general design intent. The second required submission will be for final design approval. Projects of smaller scope (i.e., additions, landscaping, signs, etc.) will require one submission only. Adequate documentation is needed for the Committee to thoroughly review any proposed project. The Architectural Control Committee will use this document along with the Design Guidelines for Buck Creek Village as prepared by Sprinkle Robey Architects to help direct its decisions, not dictate them. Because each project has its own circumstances and characteristics, every project will be reviewed on a case by case basis. The Committee's overall concern and goal is to maintain the integrity and character of the neighborhood. With this in mind, property owners are encouraged to come up with designs that are unique, yet compatible with its surrounding context.

Approval of the plans by the Architectural Control Committee does not take the place of the building permit. Permits must be obtained by all applicable governing bodies.

The Architectural Control Committee will have up to fifteen (15) working days after submission

DOC 00161490 VOL 759 PG 20

to review the Schematic Design Submittal and up to fifteen (15) working days to review the Final Design Submittal. **All new construction is required to begin within one (1) year from date of closing on the property. New construction shall be completed within two (2) years from the date of purchase of the property.** If the applicant does not concur with the Committee's decisions and/or recommendations, an appeal to the Committee may be made within thirty (30) days after receipt of notification.

Applicants are required to submit the following documentation for Schematic Design Review:

1. Photographs of existing conditions or existing site.
2. Site Plan/Floor Plan.
3. Building Elevation of all sides of new building/structure.
(Elevations are to be provided in color.)
4. Preliminary clearing and drainage plan.
5. A description of the proposed exterior materials and colors.
6. Statement explaining the conformance to guidelines.
7. Explanation of any variance from guidelines.

Applicants are required to submit the following documentation for Final Design Review:

1. One (1) complete set of construction documents.
2. Final site plan indicating final drainage plan, landscape and tree-preservation details.
3. Building elevations indicating exterior materials, colors, textures, finishes, and all equipment with its proposed screening.
4. A plan and elevation of all proposed fencing.
5. Material sample and color board.
6. Final landscaping and irrigation plan.

AMENDMENTS AND VARIANCES.

These restrictions may be amended or changed, in whole or part, at any time, by a vote of two-thirds of the total property owners. Lot owners will have one vote per lot owned. Any change or amendment shall be set forth in a document bearing the signatures of the requisite number of property owners, and such document shall be recorded in the Official Public Records of Bandera County, Texas. The Architectural Control Committee may grant variances on a case by case basis.

ENFORCEMENT.

All owners and purchasers of any real property hereunder, as well as all heirs, devisees, assignees, legal representatives and other persons or entities who acquire any of the rights to real property hereunder has the right to prosecute any proceeding at law or equity against any person or entity violating, attempting to violate and/or suffering to be violated any restriction or provision herein to prevent such violation, recover damages for such violation, and recover court costs and reasonable attorney's fees incurred in such proceedings. Notwithstanding any other provisions hereof, Developer shall neither be liable nor be subject to any proceeding at law or in

DOC 00161490 VOL 759 PG 21

equity on account of any violation or attempted violation of any restriction or provision herein. Neither Developer, nor the Committee, nor the members of the Committee, shall have any liability or responsibility at law or in equity because of the enforcement of, or because of the failure to enforce these restrictions.

SEVERABILITY.

Invalidation of any one or more of these restrictions by judgment of any court shall in no way affect any of the other restrictions and provisions herein contained, which shall remain in full force and effect.

Executed this 20th day of October, 2006.

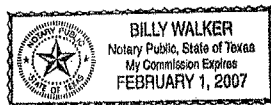
INDIAN WATERS, INC.

By: John R. Peterson, president
John R. Peterson
Its: President

STATE OF TEXAS)

COUNTY OF BANDERA)

This instrument was acknowledged before me on the 20th day of October, 2006, by John R. Peterson, President of Indian Waters, Inc., in his capacity therein.



Billy Walker
Notary Public, State of Texas
BILLY WALKER
Typed/Printed Notary Name
My commission expires: 2-1-07

Database: **ilxWestern_Bandera**

Year: **2006**

Instrument #: **161490**

Volume: **759**

Page: **22.00**

DOC 00161490 VOL 759 PG 22

After recording, return to:
Mr. John R. Peterson
P. O. Box 2233
Bandera, TX 78003

sharon@back creek restrictions\6973

DOC 00161490 VOL 759 PG 23

METES AND BOUNDS DESCRIPTION OF A 6.622 ACRE TRACT

Being 6.622 acres consisting of a portion of a 2.63 acre tract situated in the B. Ruiz Survey No. 58, Abstract No. 311, Bandera County, Texas as described in a deed recorded in Volume 459, Page 27, Deed Records of Bandera County, Texas, and a portion of Lots 1 and 2, and 5-8, Block 22, Indian Waters Subdivision, Bandera County, Texas, and being more particularly described as follows:

COMMENCING at a ¼" steel rod found on the east line of Bandera Boulevard (R.O.W. varies) at the west corner of said Lot 2, Block 22 and the south corner of Lot 3, Block 22, Indian Waters Subdivision;

THENCE with the northwest line of said Lot 2 and the southeast line of said Lot 3, Block 22, North 50° 42' 06" East 9.00 feet to a ½" steel rod set for the POINT OF BEGINNING of the herein described tract;

THENCE with the northwest line of said Lot 2 and the southeast line of said Lot 3 and Lot 4, Block 22, North 50° 42' 06" East 309.83 feet to a ½" steel rod found at the north corner of said Lot 2 and the east corner of said Lot 4, for an angle point of the herein described tract;

THENCE across said Lots 5, 6 and 7, Block 22, the following calls:

North 63° 25' 22" East 105.78 feet to a ½" steel rod found for an angle point;

North 63° 24' 12" East 45.87 feet to a ½" steel rod found on the northeast line of said Lot 5, the southwest line of said Lot 6, for an angle point;

North 63° 29' 00" East 120.59 feet to a ½" steel rod found on the northeast line of said Lot 6, the southwest line of said Lot 7, for an angle point;

and North 59° 55' 20" East 129.71 feet to a ½" steel rod found on the northeast line of said Lot 7, the southwest line of said Lot 8, for the north corner of the herein described tract;

THENCE South 40° 40' 29" East 293.76 feet to a ½" steel rod found at the north corner of said 2.63 acre tract, for angle point of the herein described tract;

THENCE with the northeast line of said 2.63 acre tract, South 37° 41' 53" East 133.55 feet to a ½" steel rod found at the east corner of said 2.63 acre tract, for the east corner of the herein described tract;

THENCE with the southeast line of said 2.63 acre tract, South 36° 00' 24" West 375.35 feet to a ½" steel rod found on the northeast line of a 9.48 acre tract as recorded in Volume 459, Page 27, Deed Records of Bandera County, Texas, for the south corner of said 2.63 acre tract and the herein described tract;

THENCE North 68° 58' 05" West 694.26 feet to the POINT OF BEGINNING and containing square feet, more or less.

Exhibit "A"

DOC 00161490 VOL 759 PG 24

Filed for Record in:
Bandera County

On: Oct 20, 2006 at 01:20P

As a
Recording

Document Number: 00161490

Amount 44.00

Receipt Number - 62729

By:
Tandie Mansfield

Any provision herein which restricts
the sale, rental or use of the
described real property because
of color or race is invalid and
unenforceable under Federal Law.

STATE OF TEXAS
COUNTY OF BANDERA

I hereby certify that this
instrument was filed on the date and
time stamped hereon as we and was
duly recorded in the volume and
and page of the official records of:
Bandera County
as stamped hereon by me.

Oct 20, 2006

Candy Wheeler, County Clerk
Bandera County

*Jeffrey Allen Flowers*dotloop verified
08/17/21 6:15 AM CDT
RKGY-5W1P-TIWW-1FLU*Shannon Nicole Braly*dotloop verified
08/17/21 6:16 AM CDT
OQFO-VHF9-DY84-AVUF

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RESIDENTIAL RESTRICTIONS
BUCK CREEK VILLAGE

THE STATE OF TEXAS

COUNTY OF BANDERA

Indian Waters, Inc. (hereinafter referred to, together with it's successors, assigns and/or designees, as "Developer") is the owner of Buck Creek Village Subdivision, a planned residential development, being comprised of 6.662 acres of land, out of the B. Ruiz Survey No. 58, Abstract No. 331, being situated in the City of Bandera, Bandera County, Texas, being know as Lots 1-19, inclusive, as shown by plat recorded in Volume 6, Page 285, Plat Records of Bandera County, Texas and being more particularly described in Exhibit "A" attached hereto and made a part hereof. Developer hereby acknowledges, declares and adopts the following restrictions and covenants, which are hereby impressed on all of the property , and which will run with the land.

0115923

RESIDENTIAL USE

All tracts are restricted to use for single family residential purposes only.

PLANNING AND DESIGN REQUIREMENTS

The minimum residence size on the ground level required for Buck Creek Village is 1400 square feet in conditioned space. If a residence is two stories, the second story must be a minimum of 700 square feet with the first floor still being a minimum of 1400 square feet. Multiple lots are not permitted to be replatted into one larger lot. No mobile or manufactured homes will be permitted. Duplexes are not permitted. No more than one residence per lot is allowed.

Property owners in Buck Creek Village are strongly encouraged to form a property owners association to maintain the integrity of the guidelines and hence, the best property values in the future.

RESIDENTIAL LANDSCAPING

A minimum of 2 street trees are required to be planted in the planting strip between the sidewalk and the curb. Planted street trees are required to be 4" caliper minimum (measured 3 feet above ground).

Street trees may not be an ornamental type. Only shade trees of the following species are those that are recommended for street trees: live oak, bur oak, cedar elm, red oak, pecan, sycamore, maple, box elder, Spanish oak, or as approved by Architectural Control Committee.

Outdoor storage of building materials, old appliances, or automobiles is not permitted.

Above-ground pools are not permitted.

Four Foot (4') Sidewalks are required from the front door of the residence connecting to Street. Four foot (4') Sidewalks are required along the front property line, six feet (6') from the street curb, and connecting to sidewalks on adjacent lots.

DRIVEWAYS

Driveways are not permitted to circle or cross in front of the house. Driveways are not permitted to be larger than ten feet wide, however, the driveway may be widened at a two car garage/carport entry area to a maximum of twenty feet. Driveways are encouraged to be comprised of two concrete strips with a grassy area in between and must be of adequate size to accomodate all vehicles which normally park at the residence.

GARAGES

Every house is required to provide at least a one car garage or carport, only permitted to be detached or attached at the rear of the house. Garages are not permitted to be located on the front facade of any house. The garage is to be of the same materials as the main house.

0115923**FRONT PORCHES**

Porches should be large enough to act as an outdoor room and should be oriented towards the street. The minimum depth of a porch shall be six feet, with a preferred eight foot depth. The minimum width of the porch should equal 35% of the length of the front facade of the house.

MECHANICAL EQUIPMENT

Air conditioning units are required to be screened with landscaping and are to be located at the side or rear of the house.

EXTERIOR MATERIALS

Exterior materials will be reviewed by the Architectural Control Committee on a case by case basis.

1. If asphalt roofing shingles are to be used, only three-dimensional laminated asphalt shingles are permitted.
2. Aluminum and vinyl siding is not permitted.
3. If a metal roof is utilized, only a field-formed or pre-formed standing seam type is permitted.
4. Acceptable materials for building exteriors include limestone, sandstone, brick, stucco, and wood siding. Synthetic materials or materials that imitate another material in appearance are strictly prohibited.

FENCING

Only stone and wood picket fencing, or other designs as may be approved by the Architectural Control Committee are permitted. Fences are to be no higher than six feet. Fences at the front of the house are not permitted to be taller than three feet.

SETBACK LINES

Residences must be setback a minimum of twenty five feet (25') from the street and cannot be setback further than thirty five feet (35') from the street.

No building or structure, other than fences, shall be located nearer to the side or rear property line than ten feet (10').

LIVESTOCK

No livestock, swine or poultry may be kept on the property.

0115923**ARCHITECTURAL CONTROL COMMITTEE**

There may be established an Architectural Control Committee (herein after referred to as the "Committee" composed of three (3) members. The Committee shall be appointed by the Developer until such time as two-thirds of the property has been sold in the development. Once two-thirds of the property has been sold, the property owners will have the right to elect the Committee. Each Committee member will serve a one year term. Election shall be held by January 15th of each calendar year. Each property owner will have one vote per lot owned.

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4****GOALS OF THE ARCHITECTURAL CONTROL COMMITTEE**

- To protect the integrity of the neighborhood.
- To protect the sense of identity of the neighborhood.
- To protect property values and investments.
- Promote economic prosperity and welfare of the neighborhood.
- To minimize negative impact on adjacent properties from inappropriate development.
- To encourage pedestrian activities.
- To encourage a sense of human scale.
- To provide a review process for the appropriate development of community, cultural, and architectural resources.
- Ensure orderly growth and development of the neighborhood.
- Maintain an overall harmonious appearance of all new structures through complementary scale and proportion.

01 15923

APPROVAL OF PLANS

There will be two separate submissions required for all single-family residences. The first submission will be for schematic approval and to judge the general design intent. The second required submission will be for final design approval. Projects of smaller scope (i.e., additions, landscaping, signs, etc.) will require one submission only. Adequate documentation is needed for the Committee to thoroughly review any proposed project. The Architectural Control Committee will use this document along with the Design Guidelines for Buck Creek Village as prepared by Sprinkle Robey Architects to help direct its decisions, not dictate them. Because each project has its own circumstances and characteristics, every project will be reviewed on a case by case basis. The Committee's overall concern and goal is to maintain the integrity and character of the neighborhood. With this in mind, property owners are encouraged to come up with designs that are unique, yet compatible with its surrounding context.

Approval of the plans by the Architectural Control Committee does not take the place of the building permit. Permits must be obtained by all applicable governing bodies.

The Architectural Control Committee will have up to fifteen (15) working days after submission to review the Schematic Design Submittal and up to fifteen (15) working days to review the Final Design Submittal. **All new construction is required to begin within one year from date of closing on the property. New construction shall be completed within two years from the date of purchase of the property.** If the applicant does not concur with the Committee's decisions and/or recommendations, an appeal to the Committee may be made within thirty (30) days after receipt of notification.

Applicants are required to submit the following documentation for Schematic Design Review:

1. Photographs of existing conditions or existing site.
2. Site Plan/Floor Plan
3. Building Elevations of all sides of new building/structure, (Elevations are to be provided in color.)
4. Preliminary clearing & drainage plan.
5. A description of the proposed exterior materials and colors.
6. Statement explaining the conformance to guidelines,
7. Explanation of any variance from guidelines.

Applicants are required to submit the following documentation for Final Design Review:

1. One (1) complete set of construction documents.
2. Final site plan indicating final drainage plan, landscape and tree-preservation details.
3. Building elevations indicating exterior materials, colors, textures, finishes, and all equipment with its proposed screening.
4. A plan and elevation of all proposed fencing.
5. Material sample and color board.
6. Final landscaping and irrigation plan.

0115923

AMENDMENTS AND VARIANCES

These restrictions may be amended or changed, in whole or part, at any time, by a vote of two-thirds of the total property owners. Lot owners will have one vote per lot owned. Any change or amendment shall be set forth in a document bearing the signatures of the requisite number of property owners, and such document shall be recorded in the Real Property Records of Bandera County, Texas. The Architectural Control Committee may grant variances on a case by case basis.

ENFORCEMENT

All owners and purchasers of any real property hereunder, as well as all heirs, devisees, assignees, legal representatives and other persons or entities who acquire any of the rights to real property hereunder has the right to prosecute any proceeding at law or equity against any person or entity violating, attempting to violate and/or suffering to be violated any restriction or provision herein to prevent such violation, recover damages for such violation, and recover court costs and reasonable attorney's fees incurred in such proceedings. Notwithstanding any other provisions hereof, Developer shall neither be liable nor be subject to any proceeding at law or in equity on account of any violation or attempted violation of any restriction or provision herein. Neither Developer, nor the Committee, nor the members of the Committee, shall have any liability or responsibility at law or in equity because of the enforcement of, or because of the failure to enforce these restrictions.

SEVERABILITY

Invalidation of any one or more of these restrictions by judgment of any court shall in no way affect any of the other restrictions and provisions herein contained, which shall remain in full force and effect.

EXECUTED THIS 15th DAY OF OCTOBER, 1999

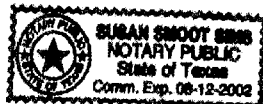
INDIAN WATERS, INC.

BY: John R. Peterson
JOHN R. PETERSON,
PRESIDENT

STATE OF TEXAS

COUNTY OF BANDERA

This instrument was acknowledged before me on the 15th day of October, 1999 by John R. Peterson, President, on behalf of Indian Waters, Inc.



Susan Smoot
Notary Public, State of Texas

0115923

METES AND BOUNDS DESCRIPTION OF A 6.622 ACRE TRACT

Being 6.622 acres consisting of a portion of a 2.63 acre tract situated in the B. Ruiz Survey No. 58, Abstract No. 311, Bandera County, Texas as described in a deed recorded in Volume 459, Page 27, Deed Records of Bandera County, Texas, and a portion of Lots 1 and 2, and 5-8, Block 22, Indian Waters Subdivision, Bandera County, Texas, and being more particularly described as follows:

COMMENCING at a 1/4" steel rod found on the east line of Bandera Boulevard (R.O.W. varies) at the west corner of said Lot 2, Block 22 and the south corner of Lot 3, Block 22, Indian Waters Subdivision;

THENCE with the northwest line of said Lot 2 and the southeast line of said Lot 3, Block 22, North 50° 42' 06" East 9.00 feet to a 1/2" steel rod set for the POINT OF BEGINNING of the herein described tract;

THENCE with the northwest line of said Lot 2 and the southeast line of said Lot 3 and Lot 4, Block 22, North 50° 42' 06" East 309.83 feet to a 1/2" steel rod found at the north corner of said Lot 2 and the east corner of said Lot 4, for an angle point of the herein described tract;

THENCE across said Lots 5, 6 and 7, Block 22, the following calls:

North 63° 25' 22" East 105.78 feet to a 1/4" steel rod found for an angle point:

North 63° 24' 12" East 45.87 feet to a 1/4" steel rod found on the northeast line of said Lot 5, the southwest line of said Lot 6, for an angle point;

North 63° 29' 00" East 120.59 feet to a 1/2" steel rod found on the northeast line of said Lot 6, the southwest line of said Lot 7, for an angle point;

and North 59° 55' 20" East 129.71 feet to a 1/2" steel rod found on the northeast line of said Lot 7, the southwest line of said Lot 8, for the north corner of the herein described tract;

THENCE South 40° 40' 29" East 293.76 feet to a 1/2" steel rod found at the north corner of said 2.63 acre tract, for an angle point of the herein described tract;

THENCE with the northeast line of said 2.63 acre tract, South 37° 41' 53" East 133.55 feet to a 1/2" steel rod found at the east corner of said 2.63 acre tract, for the east corner of the herein described tract;

THENCE with the southeast line of said 2.63 acre tract, South 36° 00' 24" West 375.35 feet to a 1/2" steel rod found on the northeast line of a 9.48 acre tract as recorded in Volume 459, Page 27, Deed Records of Bandera County, Texas, for the south corner of said 2.63 acre tract and the herein described tract;

THENCE North 68° 58' 05" West 694.26 feet to the POINT OF BEGINNING and containing square feet, more or less.

Bandera County Clerk

RESIDENTIAL_M&B.doc

Return to:
Susan Smart Service, P.C.

Oct 15, 1999

I hereby certify that this instrument was filed on the date and time stated herein by me or on my behalf, and that the same is a true and correct copy of the original as recorded in the public records of Bandera County, Texas.

Notary Public

Filed for Record in
Bandera County
On: Oct 15, 1999 at 4:34P
Recorder
Instrument Number: 0115923
Amount: 21.00
Deed of Trust - 10511
Lori Kinney

**DECLARATION OF
RESIDENTIAL RESTRICTIONS
BUCK CREEK VILLAGE**

THE STATE OF TEXAS

COUNTY OF BANDERA

Indian Waters, Inc. (hereinafter referred to, together with its successors, assigns and/or designees, as "Developer") is the owner of over 2/3rds of the lots in Buck Creek Village Subdivision, a planned residential development, being comprised of 6.662 acres of land, out of the B. Ruiz Survey No. 58, Abstract No. 331, being situated in the City of Bandera, Bandera County, Texas, being known as Lots 1-19, inclusive, as shown by plat recorded in Volume 6, Page 285, Plat Records of Bandera County, Texas, and being more particularly described in Exhibit "A" attached hereto and made a part hereof. Developer hereby acknowledges, declares and adopts the following restrictions and covenants, which are hereby impressed on all of the property, and which will run with the land, and which will amend, supersede and replace those recorded in Volume 517, Page 381, Official Public Records of Bandera County, Texas.

RESIDENTIAL USE.

All tracts are restricted to use for single family residential purposes only.

PLANNING AND DESIGN REQUIREMENTS.

The minimum residence size on the ground level required for Buck Creek Village is 1400 square feet in air-conditioned space. If a residence is two stories, the second story must be a minimum of 400 square feet with the first floor still being a minimum of 1400 square feet. Multiple lots are not permitted to be replatted into one larger lot. No mobile or manufactured homes will be permitted. Duplexes are not permitted. No more than one residence per lot is allowed.

Property owners in Buck Creek Village are strongly encouraged to form a property owners association to maintain the integrity of the guidelines and hence, the best property values in the future.

RESIDENTIAL LANDSCAPING.

A minimum of 2 street trees are required to be planted on the front of the lot (facing the street). Planted street trees are required to be 4" caliper minimum (measured 3 feet above ground).

Street trees may not be an ornamental type. Only shade trees of the following species are those that are recommended for street trees: live oak, bur oak, cedar elm, red oak, pecan, sycamore, maple, box elder, Spanish oak, or as approved by the Architectural Control Committee.

Outdoor storage of building materials, old appliances, or automobiles is not permitted.

Above-ground pools are not permitted.

Four foot (4') Sidewalks are required from the front door of the residence connecting to Street.

Four foot (4') Sidewalks are required along the front property line, six feet (6') from the street curb, and connecting to sidewalks on adjacent lots.

DRIVEWAYS.

Driveways are not permitted to circle or cross in front of the house. Driveways are not permitted to be larger than sixteen feet (16') wide; however, the driveway may be widened at a two car garage/carport entry area to a maximum of twenty feet (20'). Driveways are encouraged to be comprised of two concrete strips with a grassy area in between, and must be of adequate size to accommodate all vehicles which normally park at the residence.

GARAGES.

Every house is required to provide at least a one car garage or carport, only permitted to be detached or attached at the rear of the house. Garages are not permitted to be located on the front facade of any house. The garage is to be of the same materials as the main house.

PARKING BOATS AND TRAVEL TRAILERS.

Boats, travel trailers, motor homes and semi-tractor trailer trucks may not be parked in subdivision (including driveways) for more than three (3) days out of any calendar year.

FRONT PORCHES.

Porches should be large enough to act as an outdoor room, and should be oriented towards the street. The minimum depth of a porch shall be six feet (6'), with a preferred eight foot (8') depth.

MECHANICAL EQUIPMENT.

Air conditioning units are required to be screened with landscaping, and are to be located at the side or rear of the house.

EXTERIOR MATERIALS.

Exterior materials will be reviewed by the Architectural Control Committee on a case by case basis.

1. If asphalt roofing shingles are to be used, only three-dimensional laminated asphalt shingles are permitted.
2. Aluminum and vinyl siding is not permitted.
3. If a metal roof is utilized, only a field-formed or pre-formed standing seam type is permitted.
4. Acceptable materials for building exteriors include limestone, sandstone, brick, stucco, fiber cement siding ("HardiPlank"), and wood siding. Other synthetic materials or

materials that imitate another material in appearance are strictly prohibited.

FENCING.

Only stone and wood picket fencing, or other designs as may be approved by the Architectural Control Committee are permitted. Fences are to be no higher than six feet (6'). Fences at the front of the house are not permitted to be taller than three feet (3').

SETBACK LINES.

Residences must be setback a minimum of twenty five feet (25') from the street.

No building or structure, other than fences, shall be located nearer to the side or rear property line than ten feet (10').

LIVESTOCK.

No livestock, swine or poultry may be kept on the property.

ARCHITECTURAL CONTROL COMMITTEE.

There may be established an Architectural Control Committee (hereinafter referred to as the "Committee") composed of three (3) members. The Committee shall be appointed by the Developer until such time as two-thirds of the property has been sold in the development. Once two-thirds of the property has been sold, the property owners will have the right to elect the Committee. Each Committee member will serve a one year term. Election shall be held by January 15th of each calendar year. Each property owner will have one vote per lot owned.

ASSESSMENTS AND LIENS.

The Architectural Control Committee shall charge property owner(s) a fee or charge which shall be an assessment in the amount of \$50.00 per lot, per calendar year. Assessments shall constitute a lien upon subdivision property attaching on the first day of each year the assessment is due and continuing until the assessment is paid. The lien shall be subordinate to the lien of any first mortgage holder. Sale or transfer of any lot shall not affect the assessment lien, if any; however, the sale or transfer of any lot, pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish the lien of such assessments, if any, as to payments which become due prior to such sale or transfer. No sale or transfer shall relieve such lot from liability for any assessments thereafter becoming due. Lots owned by the Developer are exempt from the assessments.

PROPERTY OWNERS' ASSOCIATION.

The rights and powers, in whole or in part, of the Architectural Control Committee granted in this Declaration may be transferred to a Property Owners' Association formed in accordance with Texas law, provided the Developer and the Architectural Control Committee agree to the transfer.

GOALS OF THE ARCHITECTURAL CONTROL COMMITTEE.

- To protect the integrity of the neighborhood.
- To protect the sense of identity of the neighborhood.
- To protect property values and investments.
- Promote economic prosperity and welfare of the neighborhood.
- To minimize negative impact on adjacent properties from inappropriate development.
- To encourage pedestrian activities.
- To encourage a sense of human scale.
- To provide a review process for the appropriate development of community, cultural, and architectural resources.
- Ensure orderly growth and development of the neighborhood.
- Maintain an overall harmonious appearance of all new structures through complementary scale and proportion.
- To enforce the restrictions, terms and conditions contained in this Declaration

APPROVAL OF PLANS.

There will be two separate submissions required for all single-family residences. The first submission will be for schematic approval and to judge the general design intent. The second required submission will be for final design approval. Projects of smaller scope (i.e., additions, landscaping, signs, etc.) will require one submission only. Adequate documentation is needed for the Committee to thoroughly review any proposed project. The Architectural Control Committee will use this document along with the Design Guidelines for Buck Creek Village as prepared by Sprinkle Robey Architects to help direct its decisions, not dictate them. Because each project has its own circumstances and characteristics, every project will be reviewed on a case by case basis. The Committee's overall concern and goal is to maintain the integrity and character of the neighborhood. With this in mind, property owners are encouraged to come up with designs that are unique, yet compatible with its surrounding context.

Approval of the plans by the Architectural Control Committee does not take the place of the building permit. Permits must be obtained by all applicable governing bodies.

The Architectural Control Committee will have up to fifteen (15) working days after submission

to review the Schematic Design Submittal and up to fifteen (15) working days to review the Final Design Submittal. **All new construction is required to begin within one (1) year from date of closing on the property. New construction shall be completed within two (2) years from the date of purchase of the property.** If the applicant does not concur with the Committee's decisions and/or recommendations, an appeal to the Committee may be made within thirty (30) days after receipt of notification.

Applicants are required to submit the following documentation for Schematic Design Review:

1. Photographs of existing conditions or existing site.
2. Site Plan/Floor Plan.
3. Building Elevation of all sides of new building/structure.
(Elevations are to be provided in color.)
4. Preliminary clearing and drainage plan.
5. A description of the proposed exterior materials and colors.
6. Statement explaining the conformance to guidelines.
7. Explanation of any variance from guidelines.

Applicants are required to submit the following documentation for Final Design Review:

1. One (1) complete set of construction documents.
2. Final site plan indicating final drainage plan, landscape and tree-preservation details.
3. Building elevations indicating exterior materials, colors, textures, finishes, and all equipment with its proposed screening.
4. A plan and elevation of all proposed fencing.
5. Material sample and color board.
6. Final landscaping and irrigation plan.

AMENDMENTS AND VARIANCES.

These restrictions may be amended or changed, in whole or part, at any time, by a vote of two-thirds of the total property owners. Lot owners will have one vote per lot owned. Any change or amendment shall be set forth in a document bearing the signatures of the requisite number of property owners, and such document shall be recorded in the Official Public Records of Bandera County, Texas. The Architectural Control Committee may grant variances on a case by case basis.

ENFORCEMENT.

All owners and purchasers of any real property hereunder, as well as all heirs, devisees, assignees, legal representatives and other persons or entities who acquire any of the rights to real property hereunder has the right to prosecute any proceeding at law or equity against any person or entity violating, attempting to violate and/or suffering to be violated any restriction or provision herein to prevent such violation, recover damages for such violation, and recover court costs and reasonable attorney's fees incurred in such proceedings. Notwithstanding any other provisions hereof, Developer shall neither be liable nor be subject to any proceeding at law or in

equity on account of any violation or attempted violation of any restriction or provision herein. Neither Developer, nor the Committee, nor the members of the Committee, shall have any liability or responsibility at law or in equity because of the enforcement of, or because of the failure to enforce these restrictions.

SEVERABILITY.

Invalidation of any one or more of these restrictions by judgment of any court shall in no way affect any of the other restrictions and provisions herein contained, which shall remain in full force and effect.

Executed this 20th day of October, 2006.

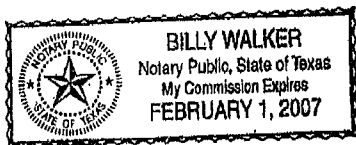
INDIAN WATERS, INC.

John R. Peterson, president
By: John R. Peterson
Its: President

STATE OF TEXAS)

COUNTY OF BANDERA)

This instrument was acknowledged before me on the 20th day of October, 2006, by John R. Peterson, President of Indian Waters, Inc., in his capacity therein.



Billy Walker
Notary Public, State of Texas
BILLY WALKER
Typed/Printed Notary Name
My commission expires: 2-1-07

After recording, return to:
Mr. John R. Peterson
P. O. Box 2233
Bandera, TX 78003

sharron\buck creek.restrictions\6973

METES AND BOUNDS DESCRIPTION OF A 6.622 ACRE TRACT

Being 6.622 acres consisting of a portion of a 2.63 acre tract situated in the B. Ruiz Survey No. 58, Abstract No. 311, Bandera County, Texas as described in a deed recorded in Volume 459, Page 27, Deed Records of Bandera County, Texas, and a portion of Lots 1 and 2, and 5-8, Block 22, Indian Waters Subdivision, Bandera County, Texas, and being more particularly described as follows:

COMMENCING at a ½ " steel rod found on the east line of Bandera Boulevard (R.O.W. varies) at the west corner of said Lot 2, Block 22 and the south corner of Lot 3, Block 22, Indian Waters Subdivision;

THENCE with the northwest line of said Lot 2 and the southeast line of said Lot 3, Block 22, North 50° 42' 06" East 9.00 feet to a ½" steel rod set for the POINT OF BEGINNING of the herein described tract;

THENCE with the northwest line of said Lot 2 and the southeast line of said Lot 3 and Lot 4, Block 22, North 50° 42' 06" East 309.83 feet to a ½" steel rod found at the north corner of said Lot 2 and the east corner of said Lot 4, for an angle point of the herein described tract;

THENCE across said Lots 5, 6 and 7, Block 22, the following calls:

North 63° 25' 22" East 105.78 feet to a ½" steel rod found for an angle point:

North 63° 24' 12" East 45.87 feet to a ½" steel rod found on the northeast line of said Lot 5, the southwest line of said Lot 6, for an angle point;

North 63° 29' 00" East 120.59 feet to a ½" steel rod found on the northeast line of said Lot 6, the southwest line of said Lot 7, for an angle point;

and North 59° 55' 20" East 129.71 feet to a ½" steel rod found on the northeast line of said Lot 7, the southwest line of said Lot 8, for the north corner of the herein described tract;

THENCE South 40° 40' 29" East 293.76 feet to a ½" steel rod found at the north corner of said 2.63 acre tract, for angle point of the herein described tract;

THENCE with the northeast line of said 2.63 acre tract, South 37° 41' 53" East 133.55 feet to a ½" steel rod found at the east corner of said 2.63 acre tract, for the east corner of the herein described tract;

THENCE with the southeast line of said 2.63 acre tract, South 36° 00' 24" West 375.35 feet to a ½" steel rod found on the northeast line of a 9.48 acre tract as recorded in Volume 459, Page 27, Deed Records of Bandera County, Texas, for the south corner of said 2.63 acre tract and the herein described tract;

THENCE North 68° 58' 05" West 694.26 feet to the POINT OF BEGINNING and containing square feet, more or less.

Exhibit "A"

DOC 00161490 VOL 759 PG 24

Filed for Record in:
Bandera County

On: Oct 20, 2006 at 01:20P

As a
Recording

Document Number: 00161490

Amount 44.00

Receipt Number - 62729
By,
Tandie Mansfield

Any provision herein which restricts
the sale, rental or use of the
described real property because
of color or race is invalid and
unenforceable under Federal Law.

STATE OF TEXAS
COUNTY OF BANDERA

I hereby certify that this
instrument was filed on the date and
time stamped hereon by me and was
duly recorded in the volume and
and page of the official records of:
Bandera County
as stamped hereon by me.

Oct 20, 2006

Candy Wheeler, County Clerk
Bandera County

