

INDIAN LAKES HOMEOWNER ASSOCIATION ACC GUIDELINES

Please refer to the Declaration of Covenants, Conditions, Reservations and Restrictions (CC&Rs) of the Villages of Indian Lakes, Articles 2, 3, 4 and 5 for more detail than this summary provides.

ACC Jurisdiction

No Structure, fence or Improvement of any kind or nature shall be erected, placed or altered on any Lot and no damming of Waterways or construction within seventy-five feet (75') (or such greater distance as determined by the ACC from time to time for particular Waterways) of a stream, channel or Waterway shall occur until all plans and specifications for such construction have been submitted to and approved in writing by the ACC pursuant to Section 2.09 of the Declaration of Covenants, Reservations and by a majority of its Voting Members, as to:

- quality of workmanship and materials, adequacy of site dimensions, adequacy of structural design and proper facing of main elevation with respect to nearby streets in accordance with this Declaration and/or bulletins;
- minimum finished floor elevation and proposed footprint of the Structure, if applicable;
- conformity and harmony of the external design, color, type and appearance of exterior surfaces and landscaping, if applicable;
- drainage impacts and solutions;
- the observance of and compliance with applicable setback lines and Easements and the enhancement of aesthetic views and visual corridors to and from the Common Areas and Trails; and
- the other standards set forth within this Declaration (and any amendments hereto), guidelines and bulletins issued by the ACC, or matters in which the ACC has been vested with the authority to render a final interpretation and decision.

The ACC is authorized and empowered to consider and review any and all aspects of construction, location and landscaping, which may, in the reasonable opinion of the ACC, adversely affect the living enjoyment of one or more Owner(s) or the general value of the Property. The ACC may consider technological advances and changes in design and materials and such comparable or alternative techniques, methods or materials that may or may not be permitted, in accordance with sole discretion of the ACC.

The following is a general outline of the steps likely to be involved in the review of plans and specifications: Please see Section 2.09.01, 2.09.02 of CC&Rs for full description.

- Submit preliminary plans and specifications to the ACC in accordance with Section 2.09.01;
- Submit final plans and specifications to the ACC in accordance with Section 2.09.02; and
- Submit copy of building permit to the ACC.
- The ACC may require as a condition precedent to any approval of the final plans and specifications, that the applicant obtain and produce an appropriate building permit from the City of College Station, Texas and any other permits required by a governmental unit having jurisdiction over the proposed project.

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- The ACC is also authorized to coordinate with the City of College Station in connection with the applicant's observance and compliance of the construction standards set forth in this Declaration.
- However, the mere fact that the City of College Station issues a building permit with respect to a proposed structure does not automatically mean that the ACC is obliged to unconditionally approve the plans and specifications. Similarly, the ACC's approval of any plans and specifications does not mean that all applicable building requirements of the City of College Station have been satisfied.
- Each and every Owner and applicant shall use their respective best efforts to commence construction of all improvements approved by the ACC and the City of College Station, Texas (and any and all other applicable governmental agencies) within sixty (60) days after obtaining all necessary governmental approvals therefor and thereafter diligently pursue the project through to completion.

Architectural Standards

The ACC shall have the right, power and authority to establish and prescribe architectural standards pertaining to such items and topics as (but not necessarily limited to):

- of all existing trees and proposed improvements, including but not limited to, Structures, patios, driveways, parking areas, outbuildings, fences and walls.
- Exterior elevations of all proposed Structures and Improvements.
- A description and samples of exterior materials, colors, textures and shapes of all Structures and Improvements.
- Landscape plans, which shall include walkways, fences, walls, details, elevation changes, irrigation and watering systems, vegetation and ground cover, and the protection and preservation of trees and other existing and introduced vegetation.
- Utility connections, including routing of electrical, gas, water, sanitary sewer, telephone and cables.
- Exterior illumination and location.
- Dimensional floor plan of all enclosed spaces and any garages or parking facilities.
- Mailbox location and design.
- Drainage impacts and solutions.
- Such other matters as may be required by the then applicable zoning and building codes of the City of College Station.

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Preliminary and Final Plan Submission and Approval Process

- All submissions of Plans and Specifications to the ACC should meet the requirements of Section 2.09 of the Declaration of Covenants, Conditions, Reservations and Restrictions of the Villages of Indian Lakes and be made in accordance with the rules promulgated by the ACC for the submission and approval process.
- All submissions shall boldly state by cover letter and on the plans whether they are a submission of preliminary or final plans.
- A Lot Owner is not required to make a preliminary plan submission, but is encouraged to do so to avoid increased architectural and engineering fees.
- All submissions must be delivered to the ACC by certified mail, return receipt requested, hand delivery or such other manner authorized by rule of the ACC.
- An application fee of \$75.00 payable to TXCAMCO for processing all required documents to complete the Preliminary and/or Final Plan Submission to the ACC. *Note: Maximum application fee charged per Lot is \$75.00.*

Preliminary Plan Submission and Approval

The ACC is authorized to consider and comment on preliminary plans on an informal basis to assist Owners, developers, homebuilders and prospective purchasers of the Lots in complying with Declaration of Covenants, Conditions, Reservations and Restrictions of the Villages of Indian Lakes and any Architectural Guidelines and to assist in the completion of any feasibility studies undertaken by such persons or entities.

- The ACC shall have the right, however, to prescribe reasonable limitations concerning the time, effort and expense likely to be involved in handling such matters on an informal basis.
- The ACC may require an Owner to attend a regularly scheduled or special meeting of the ACC to review and discuss the preliminary plan submission.
- Preliminary plans shall consist of the following and any other information required by the ACC from time to time, which may be submitted separately or simultaneously:
 - Plan/sketch/rendering of proposed development, including without limitation, the approximate location of all Dwellings, Fences and other Structures; and
 - Elevation sketch of all Dwellings and other Structures and all lake front elevations. The sketch should include specific information regarding the constructions materials to be used on the exterior of the Structures.
- The ACC will review the preliminary plan submission(s) and provide a written notice to the Owner to proceed with the final plan approval process or a written notice of the ACC recommendations that must be met before preliminary plan approval will be granted.

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- If the ACC fails to approve or disapprove a preliminary plan submission within fourteen (14) days after the actual date on which the submission is received, approval of the matters submitted shall be presumed. Review of the preliminary plans is provided as a courtesy to the Owners and is not binding on the ACC or the Owner.

Final Plan Submission and Approval.

- Final detailed construction plans and specifications, elevations, a survey and any other information required by the ACC from time to time ("Final Plan Submission") shall be submitted in duplicate to the ACC for approval or disapproval.
- The ACC may request the submission of samples of proposed construction materials and other information necessary to evaluate the Final Plan Submission.
- The ACC may require an Owner to attend a regularly scheduled or special meeting of the ACC to review and discuss the Final Plan Submission.
- At such time as the Final Plan Submission meets the approval of the ACC, one complete set of the Final Plan Submission will be retained by the ACC and the other complete set will be marked "Approved" and returned to the Lot Owner or his designated representative.
- Any modification or change to any part of the approved Final Plan Submission must again be submitted to the ACC for its inspection and approval.
- If the Final Plan Submission is found not to be in compliance with this Declaration, one set of the Final Plan Submission shall be returned marked "Disapproved," accompanied by a reasonable statement and explanation of items found not to comply with this Declaration.
- If the ACC fails to approve or disapprove the Final Plan Submission within thirty (30) days after the actual date on which the complete submission and all information requested by the ACC is received, then the ACC approval shall be presumed.
- The decision of the ACC shall be final and binding so long as it is made in good faith. A Lot Owner may request the ACC to reconsider a decision; however, a Lot Owner may only request reconsideration of ACC decisions more than two (2) times in any twelve (12) month period.

Delivery Address

Preliminary and Final Plan Submissions to the ACC shall be made in care of:

- TXCAMCO
3608 E. 29th Street, Suite 100
Bryan, Texas 77802

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Actions of the ACC

The ACC may, by resolution unanimously adopted in writing, designate one or two of its Voting Members or an agent acting on its behalf to take any action or perform any duties for and on behalf of the ACC.

In the absence of such designation, the vote of a majority of all of the Voting Members of the ACC taken without a meeting shall constitute an act of the ACC.

No Waiver of Future Approvals

- The approval or consent of the ACC of any Plans and Specifications for any work done or proposed, or in connection with any other matter requiring the approval or consent of the ACC, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any other plans and specifications, or other matter whatever, subsequently or additionally submitted for approval or consent by the same or a different person.

Work in Progress

- The ACC may, at its option, inspect all work in progress to insure compliance with approved Plans and Specifications.

Non-liability of ACC Members

- Neither the ACC nor any member thereof shall be liable to the Association or to any Owner or to any other person for any loss, damage or injury arising out of their being in any way connected with the performance of the ACC's duties under the Declaration of Covenants, Conditions, Reservations and Restrictions of the Villages of Indian Lakes unless due to the willful misconduct or bad faith of the ACC or its members, as the case may be.
- Neither the ACC nor any member thereof shall be liable to any Owner due to the construction of any Improvements within the Property, or the creation thereby of an obstruction of the view from such Owner's Lot or Lots.

Certificate of Compliance

- Upon completion of any Improvement approved by the ACC and upon written request by the Owner of the Lot, the ACC shall issue a Certificate of Compliance in a form suitable for recordation.
- The Certificate shall identify the Lot, the Plans and Specifications pursuant to which the improvements were made, the use or uses to be conducted with respect to the improvements, and shall further specify that the improvements comply with the approved Plans and Specifications and that said Plans and Specifications are on file with the ACC.
- The certificate shall not be construed to certify the acceptability or sufficiency of, or endorsement by, the ACC of the actual construction of the improvements or of the structural integrity, workmanship or materials thereof.

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- The Owner is hereby notified that the certificate in no way warrants, except as set forth above, the sufficiency or acceptability of or endorsement by, the ACC of the construction, structural integrity, workmanship or materials of the improvements.
- Preparation and recordation of such a certificate shall be at the expense of the Owner of the improved Lot.

VariANCES

- Notwithstanding any other provision in the Declaration of Covenants, Conditions, Reservations and Restrictions of the Villages of Indian Lakes Declaration, in order to prevent undue hardship upon the Owner or Owners of any individual Lot or Lots upon the Property, variance from any restrictions set out in the Declaration of Covenants, Conditions, Reservations and Restrictions of the Villages of Indian Lakes may be granted by a unanimous decision of the ACC, so long as all other elements, materials and locations of the proposed improvements are otherwise in compliance with the terms of the Declaration of Covenants, Conditions, Reservations and Restrictions of the Villages of Indian Lakes and Architectural Guidelines promulgated by the ACC.

Violation of Article 2

If any Structure or Improvement shall be erected, placed or maintained on any Lot other than in accordance with Plans and Specifications approved by the ACC pursuant to Section 2.09 in the Declaration of Covenants, Conditions, Reservations and Restrictions of the Villages of Indian Lakes such Improvement shall constitute a violation of this Declaration. Upon written notice (the "Notice") from the ACC, any such Improvement shall promptly be removed or corrected so as to extinguish the violation. The ACC may approve a violation existing under the provisions of this Article 2 by issuing a written approval of the Improvement in question.

- Remedy. If an Owner of a Lot upon which a violation exists does not:
 - Commence such curative action within fifteen (15) days from the date of the Notice to the applicable Owner and thereafter continue to diligently pursue such curative action until completed; and
 - Notify the ACC of the commencement of the curative action being taken within fifteen (15) days of such Notice to the Owner specifying the violation of this Declaration; then
 - The Association or the ACC may enter upon such Lot and take such steps as were specified in the Notice to extinguish the violation of this in the Declaration of Covenants, Conditions, Reservations and Restrictions of the Villages of Indian Lakes, or
 - Association, the ACC or any other Owner may pursue any remedies available hereunder or at law or in equity.

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- The cost of any curative action taken by the Association or the ACC shall be:
 - a binding, personal obligation of the Owner of the Lot upon which the violation exists;
 - payable on demand; and
 - secured by the lien granted in the Declaration of Covenants, Conditions, Reservations and Restrictions of the Villages of Indian Lakes, Article 7 on the terms and conditions set forth therein.

Agreements with City of College Station/Brazos County.

The Association may enter into one or more agreements with Brazos County or the City of College Station with respect to the dedication of any drainage basin, park or other Common Area within the Property for municipal maintenance, if applicable.

➤ Telecommunication Services

- The Association, with the prior approval of the Board, may provide, either directly or by contracting with other parties, various telecommunication services to the Lots and Common Areas within the Subdivision. The Board shall have the sole discretion to determine whether or not such telecommunication services are provided, the types of services to be provided (including, without limitation, wireless broadband service), the manner in which such services will be provided, the amounts to be charged, and the method of paying for such services. The Association may include in the Assessment for each Lot the annual subscription fees for any telecommunication service arranged by the Association under this Section 3.10.
- The telecommunication equipment, wiring and other facilities that are necessary to provide the telecommunication services for the Common Areas shall either be owned by the Association or the Association shall contract with other parties to provide such facilities on behalf of the Association. The cost and expense of constructing, installing, operating, maintaining, repairing and replacing such facilities shall be paid by the Association, and may be included as part of the annual assessments and special assessments to the Members.
- The Association, in its sole and absolute discretion, may require each Dwelling Unit constructed on a Lot to include, at the Owner's expense, a Residential Service Unit ("RSU") to provide access to the residence for the telecommunication services described above. The ACC has issued or will issue Telecommunication Guidelines for the Dwelling Units in the Subdivision and may amend such Telecommunication Guidelines from time to time. All Dwelling Units are required meet the minimum requirements set forth in the Telecommunication Guidelines.
- The Association and the parties with whom it contracts to provide services relating to the RSU shall have an easement and right of entry over and across each Lot and into each residence for the purpose of installing, maintaining, repairing and replacing and making improvements to the RSU.

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BUILDING, CONSTRUCTION, AND USE RESTRICTIONS

Design and Construction Approval

- The design and construction of all Dwelling Units, Structures, Improvements and fences on the Property must have the prior written approval of the ACC. The process and requirements for ACC approval are set forth in Article 2 of the CC&Rs.

Square Footage, Height Requirements

- Except as otherwise approved by the ACC, no Dwelling Unit shall be constructed on any Lot that has a heated living area of less than:
 - 2,500 square feet – Block 3 Lots 1, 2R, 3R, 6R, 7, 8 and 9. Block 4 Lots 10, 11, 12, 13 and 14. Block 5 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12. Block 6 Lots 2, 3, 4, 5, 6 and 7. Block 7 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11. Block 8 Lots 1, 2, 3, 4, 5 and 6. Block 9 Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17A, 17B, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27. Block 15 Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36. Block 18 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13. Block 19 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. Block 22 Lots 1, 2*, 6*, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17*, 26*, 27, 28, 29*, 34*, and 35. Block 24 Lots 1, 3, 4, 5, 6, 7, 8 and 9.
 - 2,700 square feet – Block 13, Lots 1, 2, 3, 4, 5, 6, 7 and 8. Block 14 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10.
 - 2,800 square feet - Block 15 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.
 - 3,000 square feet – Block 1 Lots 1A, 1B, 2A, 2B, 3A, 3B, 4, 5, 6, 7, 17, 18, 19, 20 and 21. Block 2 Lots 1B, 1C, 2, 3, 4, 5, 6, 7, 8 and 9. Block 4 Lots 1, 2, 3, 4, 5, 6, 7 and 9. Block 8 Lots 16, 17, 18, 19, 20 and 21. Block 9 Lots 5, 6, 7, 28, 29, 30, 31R, 32R, 33R, 34R, 35R, 36R and 37R. Block 21 Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40. Block 22 Lots 2*, 3, 4, 5, 6*, 17*, 18, 19, 20, 21, 22, 23, 24, 25, 26*, 29*, 30, 31, 32, 33, and 34*.
 - 3,500 square feet – Block 5 Lot 13. Block 8 Lots 7R, 9R, 10, 11AR, 11BR, 11CR, 12, 13, 14, and 15, exclusive of porches (open or covered), decks, garages and carports.
- *square footage depends on orientation of home.

- Except as otherwise approved by the ACC, no Structure constructed on any Lot shall exceed a height above ground level of forty (40) feet.
- A Supplemental Declaration applicable to a portion of the Property may specify greater or lesser minimum square footage or height requirements for the Lots subject thereto.

Driveways

- All driveways on a Lot accessing an Access Road must have an asphalt or concrete driveway apron.
- All driveways require a culvert over the borrow ditch.
- The culvert may be constructed entirely of concrete or unexposed metal pipe with concrete end treatments.

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- The size of the culvert pipe to be constructed on the driveway of a particular lot shall be as determined and approved by the ACC. The ACC may promulgate and amend from time to time "Culvert Design Guidelines".
- For all Lots, the lesser of the first one hundred feet (100') of the driveway, as measured from the Access Road, or the total length of the driveway shall be constructed of masonry grade concrete or asphalt; all other portions of the driveways, if unpaved, shall be surfaced in crushed stone or gravel, or similar material.

Building Materials

- Except as otherwise approved by the ACC, all Dwelling Units, Structures and Improvements on a Lot shall be of recognized standard construction quality, and all finished exterior coverings of each Dwelling Unit, Structure and Improvement (exclusive of doors, windows, and similar openings) shall be constructed of at least eighty percent (80%) masonry, non-sheet materials or other materials specifically approved in writing by the ACC.
- Masonry includes brick, rock and all other materials commonly referred to in the College Station, Texas area as masonry.
- Non-sheet materials includes wood shingles, solid hard wood siding, synthetic siding, hardy board sheet materials, wood structures built of red wood, whole logs and other quality rot resistant natural wood materials are encouraged and may qualify, at the discretion of the ACC, for a variance from the 80% requirement set forth above.

Structures on Lot

- Only one single-family Dwelling Unit and appurtenances thereto such as garages, outbuildings, barns and the like, may be placed or constructed on each Lot. No garage on a Lot will be oriented so that any overhead garage door(s) faces an Access Road.

Building Setbacks

- Unless otherwise approved by the ACC, the following building set back lines shall govern each Lot:
 - On Lots consisting of less than four (4) acres, no Improvement or Structure except fences may be located on any Lot:
 - nearer than fifty (50) feet to the front property line of a Lot or a property line abutting an Access Road;
 - nearer than fifteen (15) feet to either side property line not abutting an Access Road; or
 - nearer than twenty-five (25) feet to the rear property line not abutting an Access Road.

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- On Lots consisting of more than four (4) acres, no Improvement or Structure except fences may be located on any Lot:
 - nearer than seventy-five (75) feet from the front and rear property lines of a Lot; or
 - nearer than fifty (50) feet to either side property line of a Lot.
- On Lake Lots, no Improvement or Structure may be located on a Lake Lot nearer than one hundred (100) feet nearer than the property line abutting the Lake.

However, in no event will the set back lines described herein be less than those set by governmental requirements. On all Lots, no fence may be constructed nearer than ten feet (10') from a public utility easement adjacent to an Access Road.

Landscape Buffer

- On each Lot between the front property line adjacent to the Access Road and the front building line of the Dwelling Unit, the Lot Owner shall maintain at least one landscape buffer area with dimensions of at least thirty feet (30') by fifty feet (50'). The landscape buffer area shall remain in a natural, undisturbed state that includes, without limitation, all trees and under story plants. Lot Owner is required to snow fence off the Landscape Buffer prior to construction to help minimize damage to the Landscape Buffer. The Landscape Buffer shall not be decreased less than disclosed on site plan without ACC Approval. The Lot Owner is encouraged to protect and fence off any and all trees and natural areas to remain on the property if construction damage or soil compaction conditions exist.

Septic Systems

- No Dwelling Unit shall be built without a State of Texas, Brazos County, or other required governmentally approved septic tank or other sewage disposal system that is so approved.

Antennas and Communication Devices

- No exterior antennas, aerials, satellite dishes, or other apparatus for the transmission of television, radio, satellite or other signals of any kind shall be placed, allowed, or maintained upon a Lot, which is visible from any Access Road, Trail, Common Area or Dwelling Unit on another Lot.
- The ACC may require as much screening as possible while not substantially interfering with reception.
- SMD and/or the Association shall have the right, without obligation, to erect or install an aerial, satellite dish, master antenna, cable system, or other apparatus for the transmission of television, radio, satellite or other signals for the benefit of all or a portion of the Property.
- No satellite dishes shall be permitted which are larger than 1 meter in diameter.
- No transmitting antenna's mast may exceed the height of the center ridge of the roofline of a building.
- No MMDS antenna mast may exceed the height of the center ridge of the roofline of a building.

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- SMD by promulgating this section is not attempting to violate the Telecommunications Act of 1996 ("the Act"), as may be amended from time to time. This Section shall be interpreted to be as restrictive as possible while not violating the Act.
- The ACC may alter the provisions of this section with provisions set forth in the Telecommunications Guidelines. In the event of a conflict between this section and the Telecommunications Guidelines, the Telecommunications Guidelines shall prevail.

Storage of Building Materials

- No building material of any kind or character shall be placed or stored upon any Lot more than thirty (30) days before construction of a Structure or Improvements are commenced, and then such material shall be placed within the building set back lines as established above.
- At the completion of such Structure or Improvements, such excess or scrap material must be immediately removed from the Lot.

Construction Debris

- No stumps, trees, underbrush or any refuse of any kind or scrap material from Improvements being erected on any Lot shall be placed on any other Lot, the Access Roads, the Common Areas, Trails or Easements.
- Nor may they be burned on site without written approval of the Committee and the City.

Change of Elevations

- Exposed openings resulting from any excavation made of any Lot shall be backfilled and the disturbed ground shall be leveled.
- No change of elevation on any Lake Lot greater than six (6) inches shall be made without the approval of the ACC.

Mailboxes

- Mailbox stanchions must predominantly utilize materials also used predominantly in the construction of the exterior of Improvements on a Lot or used in the Subdivision entry feature.
- The design and construction of mailbox stanchion must have the prior written approval of the ACC.
- If SMD or the Association supplies a designated postal box within the Subdivision for a Lot, then an Owner may be required to utilize the supplied box in lieu of a free standing mailbox on the Access Road in front of such Owner's Lot.

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Utility Lines

- No utility lines, including, but not limited to, wires or other devices for the communication or transmission of telephone or electric current or power, cable television or any other type of line or wire shall be erected, placed or maintained anywhere in or upon any portion of a Lot unless the same shall be contained in conduit or cables installed and maintained underground or concealed in, under or on Improvements as approved in writing by the ACC, except what has already been constructed by the City of College Station or Bryan or Brazos County, prior to date hereof; provided, however, that no provision hereof shall be deemed to forbid the erection of temporary power or telephone structures incident to the construction of Improvements which have been previously approved in writing by the ACC.
- The installation method, including but not limited to location, type of installation equipment trenching method and other aspects of installation for both temporary and permanent utilities, shall be subject to review and approval by the ACC.

Tanks

- Except as otherwise approved by the ACC, all tanks for the storage of gas, propane or oil shall be installed below ground level.
- The ACC shall have the right to approve the location of any other type of tank used on a Lot. All tanks shall be screened so as not to be visible from any other Lot, Access Road or Trail.

Wiring Requirements

- The ACC has issued or will issue Wiring Guidelines for the Dwelling Units in the Subdivision and may amend such Wiring Guidelines from time to time.
- All Dwelling Units are required to have a structured wiring system meeting the minimum requirements set forth in the Wiring Guidelines.

Completion of Construction

- After commencement of construction of any Structure or Improvement, the work thereon shall be diligently prosecuted to the end that the Structure or Improvement shall not remain in a partly finished condition any longer than reasonably necessary for completion thereof.

Fencing

- All fencing within view of any Access Road, Common Area, Dwelling Unit on another Lot, Trail or a Lake shall be of a size, design, color, location, height and material as determined and approved by the ACC.
- The ACC has issued Fencing Guidelines and may amend such Fencing Guidelines from time to time. Such Fencing Guidelines will include, without limitation, requirements regarding fence types, locations and quality of materials.

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- Prior to designing, ordering or acquiring any fencing materials or designs for a Lot, all Owners should obtain the current version of the Fencing Guidelines from the ACC.
- No wire fence (hog wire, chicken wire or chain link) may be built if visible from an Access Road, Trail, Common Area, and Dwelling Unit on another Lot or a Lake.
- Chain link fencing may be used in areas not within view of any Access Road or a Lake as long as the fencing is coated in green, brown, or black vinyl.
- No fencing shall be constructed which obstructs the Trails or Trail Easements.

Stormwater Management

- Owners and their contractors shall be responsible for the management of stormwater during construction or ground disturbing activities to prevent erosion and sedimentation from leaving the immediate construction site or entering into any existing or contemplated Waterway, drainageways, and roadside ditches.
- During construction of a Dwelling Unit, Structure, Improvement, foundations, driveways, barns, approved landscape areas, or any other construction requiring soil grading activities, Owners and their contractors and agents must use appropriate stormwater management measures, such as silt fencing or hay bales between the construction area and drainageways.
- Final stabilization with seeding or mulch is required to minimize erosion following construction.

GENERAL RESTRICTIONS

Residential Use

- Unless otherwise approved by SMD or by the Association after the end of the Development Period, each Lot in the Subdivision shall be used only for non-commercial, single family residential and recreational purposes.
- Only single-family residential dwellings and appurtenances ordinary to residential living shall be permitted.
- To this end, without limitation, the following structures may not be built on any Lot (excluding any portion of the Property owned by SMD) in the Subdivision; hospitals, clinics, rest homes, duplex houses, apartment houses, mobile homes, manufactured housing, hotels, or any retail wholesale, or other business or commercial establishments of any kind.

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RESTRICTIONS FOR WATERWAYS AND LAKES

****The Lake(s) in the Subdivision have been created under the approval of federal, state and local governmental entities. Any changes to these Restrictions regarding the Lake(s) or to the operation or conditions of the Lakes should not be made without first taking the necessary actions as required by any and all governmental authorities having jurisdiction over the Lake(s).****

Construction on Lake

- Unless the prior written approval of SMD or, after the Development Period, the Association is obtained, which approval may be withheld by SMD or the Association, as applicable, in their sole and absolute discretion:
 - No wharf, pier, bulkhead, or other structure or obstruction shall be built or maintained into or upon any Waterway or Lake. No structure or obstruction shall be permitted if it offers any threat whatsoever to safe navigation upon such Waterway or Lake or to the safe and convenient use of such Waterway or Lake as a recreation facility.
 - No boat canal shall be constructed or installed upon any Lot nor shall any facility or device be constructed or installed upon any Lot which shall in any way alter the course or boundaries of any Waterway or Lake, or which shall involve or result in the removal of water from any Waterway or Lake.
 - No boats, hoists, launching facilities or any similar type of structures or equipment shall be installed, constructed or maintained upon any Lot, nor shall any boat trailer be stored on any Lot in such manner as to violate the regulations of the Association.

Boats

- No boat powered by gasoline, diesel, propane or hydrocarbon-fueled engine of any kind shall be operated upon any Waterway or Lake without the prior written approval of the Association. Boat operation on any Waterway shall conform to all rules and regulations promulgated by:
 - Association; and
 - applicable governmental authorities concerning the use of the boats.
- The Association may further, by rule, regulate and limit the size, type and number of water craft used on a Lake or Waterway.

Fishing Regulation

- A limit of the type and quantity of fish taken from a Lake or Waterway may be established by rules of the Association from time to time.

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- Owners and their family, guests and tenants shall comply with all applicable government regulations relating to fishing on the Lakes and Waterways.

No Removal of Water

- No water may be pumped or otherwise removed from a Lake or Waterway for the private use of any Owner.

Erosion Control

- The Owner of each Lake Lot shall be responsible for all temporary erosion control measures required during construction on his Lot to ensure that there is no erosion into the Lake and such Owner shall be responsible for any repair or maintenance required due to erosion caused by construction on his Lot.

Shoreline Clearing Restrictions

- The Owner of a Lake Lot may not clear, disturb or remove natural shoreline vegetation existing along the shore of such Lake Lot without the prior approval of the ACC.
- The ACC will allow the Owner to clear no more than forty percent (40%) of the natural shoreline vegetation existing as of the date hereof provided the Owner complies with the provisions of Article 2 in seeking the ACC's approval.
- For each ten percent (10%) of shoreline vegetation cleared by Owner, the ACC may require the Owner to plant, within one hundred feet (100') of the property line abutting the Lake, at least one disease resistant hybrid live oak tree with a minimum diameter of two inches (2") and a minimum height of six feet (6').

No Dumping

- No sewer, drain or other waste water, other than natural watershed drainage, shall be permitted by any Owner to empty, directly or indirectly, into a Lake or Waterway.
- No Owner or occupant of a Lake Lot shall dump or place refuse or any other material into a Lake.

No Release of Wildlife

- No Owner or occupant of a Lake Lot shall release or introduce any wildlife, waterfowl, reptiles or fish into a Lake.

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RESTRICTIONS RELATING TO CONSERVATION DEVELOPMENT

The Villages of Indian Lakes is intended to be a conservation development. This means Owners shall take proactive actions necessary to minimize destruction and disturbance of natural habitats including but not limited to: plant, animal, resident and migratory bird and aquatic species.

Trees

- Any live tree located on or within ten feet (10') of the ACC approved driveway and slab location of any Improvement on a Lot may be removed.
- All other trees on a Lot are subject to the following restrictions:
 - Lot Size of Two Acres or Less: Any live tree with a trunk diameter/caliper measured from three feet (3') off the ground, equal to or greater than four inches (4") in diameter/caliper may not be removed without ACC approval.
 - Lot Size of Two Acres or More: Any live tree with a trunk diameter/caliper measured from three feet (3') off the ground, equal to or greater than six inches (6") in diameter/caliper may not be removed without ACC approval.

Streams, Channels, Creeks, Borrow Ditches and Waterways

- All Waterways, Drainage Easements and Drainage Maintenance Easements, are regulated by the Association through the ACC and may not be impacted by any activity of an Owner on his Lot without written approval of the ACC to be granted or denied in its sole and absolute discretion.
- No Owner shall impede, restrict, dam or alter any Waterway.
- Some but not all of the restricted areas are reflected on the Plat(s) as Drainage Easements and other restricted areas may be reflected and described on a Stream Map and Identification Table to be prepared and modified from time to time by the ACC in its sole and absolute discretion.
- Notwithstanding the foregoing, if a channel or Waterway exists with a visible high water mark that is not reflected to be subject to a drainage easement on the Plat or on the Stream Map and Identification Table, then, the channel/Waterway shall be subject to the Drainage Maintenance Easement described in the CC&R's Section 8.06 below and the Riparian Management Easement described in the CC&R's Section 8.08.

Trails

There are exclusive pedestrian/nature, equestrian and hybrid use trails on the Property, which may be used for multiple purposes.

- The Trails are designated on the Plat as Private Trails and the Association may designate from time to time what portions of the Trails may be used for pedestrian/nature, equestrian or hybrid use.

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- No vehicles powered by battery, gasoline, diesel, propane or hydrocarbon-fueled engines shall be used on the Trails; provided however, SMD and the Association may use motorized vehicles on such riding trails for the construction, maintenance, inspection and repair of the Trails.
- No bicycles shall be used on any Trail unless the Association specifically designates that bicycles may be used on such Trail.
- Pedestrian/Nature Trails: No animals, other than domestic pets on leash, may access pedestrian/nature trails. No vehicles powered by battery, gasoline, diesel, propane or hydrocarbon-fueled engines shall be used on pedestrian/nature trails; provided however, SMD and the Association may use motorized vehicles on such trails for the construction, maintenance and repair of such trails.
- Equestrian Trails: Horses not pedestrians have the right-of-way on equestrian trails. No vehicles powered by battery, gasoline, diesel, propane or hydrocarbon-fueled engines shall be used on equestrian trails; provided however, the Association may use motorized vehicles on such trails for the construction, maintenance, inspection and repair of such trails.
- Hybrid Mixed Use Trails: May be utilized as equestrian or pedestrian trails; pedestrians, not horses, shall have the right-of-way on hybrid mixed use trails. No vehicles powered by battery, gasoline, diesel, propane or hydrocarbon-fueled engines shall be used on hybrid mixed use trails; provided however, the Association may use motorized vehicles on such trails for the construction, maintenance, inspection and repair of such trails.

Conservation Areas, Corridors & Parks

- The Subdivision contains miles of conservation corridors and multiple private parks, which may include the Trails and portions of the Common Areas.
- The Association will maintain CAC&P plans and post seasonal rules and restrictions for permitted uses in the CAC&P.
- Each park, corridor or area has been set aside, enhanced and/or is managed for specific habitat, aquatic or wildlife management for species indigenous to that area or region of the Property.
- No Owner, tenant, guest or invitee of an Owner may disturb or harm any plants, trees or animals in the CAC&P areas.

WATER SERVICE; NO PRIVATE WELLS

- The Subdivision is serviced by Wellborn Water Supply Corporation.
- Each Lot Owner desiring said water service shall be required to contract directly with Wellborn Water Supply Corporation.
- The cost of water, tap fees, membership fees, expansion reserve fees, installation fees, monthly use fees and meters shall be subject to the fee schedule of Wellborn Water Supply Corporation and paid by the Lot Owner.

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- No well, pump, shaft, casing or other facilities for the removal of subsurface waters shall be placed or maintained on any Lot, and no boring, drilling, removal of, or exploitation for, subsurface water or the injection of water or waste water shall be conducted on any Lot.