

APPENDIX I

ARCHITECTURAL REVIEW PROCESS AND METHODOLOGY

Introduction

The Architectural Guidelines were developed to provide a framework to describe and define the overall design objectives for the planned community environment of Estancia Primera. These objectives extend to the master developer, the merchant builders, builders of other community facilities, architects, designers and ultimately the residents of Estancia Primera. Although the objectives of style, community character and quality are designed to be self explanatory, there is a need for architectural review of all plans in order to ensure the proper interpretation of the Guidelines and to minimize variance from the Guidelines.

The provisions for architectural control are established in the Architectural Guidelines and the Declaration of Covenants. The overall community architectural control and guidelines regulation is within the province of the Homeowners Association of Estancia Primera.

Concept

An overall master Homeowners Association will be established to cover all of Estancia Primera. The primary objective of this master association will be to manage and maintain the community recreation areas, and landscaping in the medians and along the edges of major parkways. Another major function of the master association will be to administer architectural control in accordance with the design review standards established by the developer, and subject to the Declaration of Covenants, Conditions and Restrictions. A secondary but nevertheless important function of the master association will be to act as the forum for community input to the overall management of the community's affairs, a function which will increase in importance as the community develops and control of the master association is gradually shifted from the developer to the residents of the community.

Architectural Control

The master association provides for architectural control of all properties in the community through the establishment of an Architectural Review Board, consisting of no fewer than three (3) members approved by the Board of Directors of the Homeowners Association, for three (3) year terms, which administers the architectural review process for the entire community of Estancia Primera. All decisions of the Architectural Review Board may be appealed to the Board of Directors, which will make the final and binding determination in the event of such an appeal.

The primary function of the Architectural Review Board shall be to coordinate the architectural review process from a community-wide focus and to ensure that individual neighborhood architectural rules and standards are in conformance with the overall community of Estancia Primera.

Background Material Provided to Owner, Architect, Designer or Builder

1. Conditions of Ordinance 1981-3
2. Declaration of Covenants and Restrictions for Estancia Primera Community Services Association and the local neighborhood tract
3. Bylaws of Estancia Primera Community Services Association and the local neighborhood tract
4. Architectural Guidelines for Estancia Primera Community Services Association and the local neighborhood tract
5. Application/Checklist

The owner or his representative understands that construction **CANNOT** start without the full approval of all plans and elevations by the Architectural Review Board.

All landscaping, fencing and walls and their materials must be approved by the Architectural Review Board prior to installation. Property lines can not be totally fenced or walled. The Architectural Review Board will review each request on a site by site basis to insure maintaining an open rural visual appearance. Certain things shall not be considered landscaping: such as weeding, flowers, shrubs, bushes or one small tree under 6 feet in height.

No improvements shall be erected or placed on any portion of the property and no alterations or additions to any such improvements shall be made, until complete plans and specifications have been submitted and approved in writing by the Architectural Review Board. If the property is located within a Neighborhood, Cluster or tract having its own duly constituted Architectural Review Board, the plans and specification shall be first submitted to that Architectural Review Board for written recommendations as to approval or disapproval, prior to submittal to the Architectural Review Board. The recommendations by the Local Association's Architectural Review Board will be given preferential consideration by the Architectural Review Board. The Architectural Review Board will make the final decision and will promptly inform in writing the Local association and the applicant.

Submittals Required to Architectural Review Board

Required material shall contain at a minimum the information requested by the Estancia Primera Architectural Review Board Application/Checklist attached as Appendix II. The applicant shall submit at least two (2) complete sets of plans for each submittal along with appropriate fees. The tract association may require submittals and application fees additional to that required by the ARB.

Existing Buildings

Required material shall contain at a minimum the information requested by the Estancia Primera Architectural Review Board Application/Checklist - Minor Exterior Projects attached as Appendix III. The applicant shall submit at least two (2) complete sets of plans for each submittal along with appropriate fees. The tract association may require submittals and application fees additional to that required by the ARB.

Any changes, remodeling, reconstruction, alterations or additions to any building or other structure, including fencing and walls, on any lot or building site shall also be subject to the prior approval in writing by the Architectural Review Board

The location of buildings or improvements shall be staked on the site prior to such approval.

Approval of such plans and specifications shall be evidenced by the written endorsement of the Architectural Review Board made on said plans and specifications, and a copy thereof shall be delivered by the Architectural Review Board to the owner of the lot or building site, or to his agent or representative prior to the commencement of construction. One set of said plans and specifications shall be retained by the Board.

Prohibited Structures

No modular homes, prefabricated structures or mobile homes may be placed on or kept at any building site without the prior written approval of the Architectural Review Board. No temporary house, dwelling, garage, outbuilding, trailer or other structure shall be placed or erected upon any property, except during construction for the storage of tools or equipment.

Control of interior Design

The Architectural Review Board of EPCSA does not review nor control the interior design of a residential structure. For purposes of clarification, the prohibition against guest houses under Art. 6.19 of the Declaration of Covenants and Restrictions of EPCSA does not apply to guest quarters which are integrated into the main residential structure.

Disapproval of Plans

The Architectural Review Board shall have the right to disapprove any plans and specifications submitted to it for any one or more of the following reasons:

1. If the plans and specifications are not in sufficient detail or are incomplete.
2. If, in the opinion of said Architectural Review Board, the architectural design of the proposed building or structure as shown by said plans and specifications, plat plans, including exterior color scheme, or the location of any structure, is not in harmony with the general surroundings, or with the building or structures, or proposed building or structures, within the tract at which said proposed building structure is intended to be erected.

Timing of Approval and Construction

The Architectural Review Board shall approve or disapprove such plans and specifications within thirty (30) days after receipt thereof.

Construction shall commence not later than one (1) year after approval of plans and specifications.

The exterior construction, including the final color coat, shall be fully completed within one (1) year after commencement of construction.

No residence placed or erected on any lot or building site shall be occupied in any manner while in the course of construction, or at any time prior to the time when the exterior is fully functional for residential purposes. Nor shall any residence be occupied until made to comply with the approved plans, and all other conditions and restrictions herein set forth.

Upon completion of improvements for which plans and specifications have been approved, the Owner shall notify the Architectural Review Board in writing that the work is complete, the Architectural Review Board will, within thirty (30) days of receipt of the Completion Notice, inspect the completed work and take one of the following actions:

1. Send the Owner a Notice of Approval of Work if the work is in conformity and compliance with the approved plans and specifications.
2. Send the Owner a Notice of Disapproval of Work if the work is not in conformity and compliance with the approved plans and specifications, stating the particular grounds for such disapproval and the Owner shall be obligated to take such action as may be necessary to effect such compliance and conformity, without delay.
3. At the completion of any necessary corrections the Architectural Review Board will then reinspect the work within thirty (30) days to approve or disapprove the corrections.

The Architectural Review Board's Right to Payment of Expenses

An owner shall pay reasonable expenses to the Architectural Review Board for the examination, and approval or disapproval of plans and specifications submitted for structures or improvements to be erected or changes or alterations in existing structures or improvements. The Committee may, at its option, waive its right to such expenses in any particular instance.

Non Liability of the Architectural Review Board

The Architectural Review Board shall not be responsible for any defects in said plans or specifications or in any building or structure erected according to such plans and specifications. The Architectural Review Board shall not be liable in damages to anyone so submitting plans for approval, or to any owner or owners of land covered by this instrument by reason of mistake in judgement, negligence or non-feasance of itself, its agents or employees, arising out of or in connection with the approval or disapproval, or failure to approve any such plans. Any person or entity submitting of such plans, waives all claims for damages resulting from any such acts or omissions.