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**Brazos County, TX
Karen McQueen
County Clerk**

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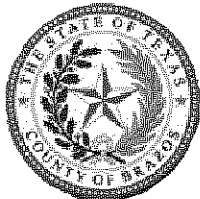
Parties:

**Direct- DUCK HAVEN HOMEOWNERS ASSOCIATION INC
Indirect- PUBLIC**

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***** THIS PAGE IS PART OF THE INSTRUMENT *****

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.



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 page of the Official Public records of BRAZOS COUNTY, TEXAS

Honorable Karen McQueen, County Clerk, Brazos County

GUIDELINES AND RESTRICTIONS

DUCK HAVEN HOMEOWNERS ASSOCIATION, INC.

I, the undersigned, pursuant to the Texas Property Code §202.006 do hereby certify:

That I am the Secretary of Duck Haven Homeowners Association, Inc., (hereinafter the "Association"), a Texas non-profit corporation;

That the attached documents apply to the operation and utilization of the Duck Haven Estates subdivision located in Brazos County, Texas;

That the property affected by the documents is set out on the attached Exhibit "A";

That the documents which affect the use and operation of the Duck Haven Estates subdivision are set out on the attached Exhibit "B;" and

That the attached documents are true and correct copies of the originals.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this the 16th day of October, 2012.

Cindy Miller
Cindy Miller, Secretary

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

BEFORE ME the undersigned authority, on this day personally appeared Cindy Miller, the Secretary of Duck Haven Homeowners Association, Inc., known by me to be the person whose name is subscribed to this document and, being by me first duly sworn, declared that she is the person who signed this document in her representative capacity, and that the statements herein contained are true and correct.

Given under my hand and seal of office, this 16th day of October, 2012.

Angela Miracle
NOTARY PUBLIC - STATE OF TEXAS

After Recording, Return To:
Stephanie Quade
Roberts Markel Weinberg, P.C.
2800 Post Oak Blvd., 57th Floor
Houston, TX 77056



EXHIBIT "A"

PROPERTY DESCRIPTION

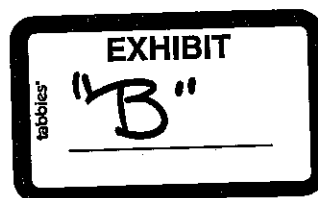
DUCK HAVEN ESTATES, a subdivision of multiple sections located in Brazos County, Texas, originally encumbered by the Declaration of Covenants, Conditions, Reservations and Restrictions of Duck Haven Estates, recorded under Brazos County Clerk's File No. 00846415, as same has been or may be amended from time to time, and any other property which has been or may be annexed into the Duck Haven Estates subdivision and made subject to the authority of the Duck Haven Homeowners Association, Inc.

EXHIBIT "B"

1. 09/03/03 Construction Plan Submission Process
2. 10/08/03 Dwelling Unit Wiring Guidelines
3. 06/15/04 Culvert Design Guidelines
4. 01/11/05 Fencing Guidelines
5. 10/10/12 ACC Guidelines

Duck Haven Homeowners Association, Inc. Construction Plan Submission Process

- §§ Plans and specifications for the construction of Improvements and Structures on a Lot must comply with requirements of Article 2 of the Declaration of Covenants, Conditions and Restrictions of Duck Haven Estates. Submissions should be made in the following manner:
- Obtain from TXCAMCO, or the Association's management company if other than TXCAMCO, the "ACC Plan Submission Application Form" and fill it out completely. TXCAMCO can be contacted at 3608 East 29th Street, Suite 100A, Bryan, Texas 77802; 979/846-1273. A copy of this form can be printed off the TXCAMCO website located at www.txcamco.com.
 - Mail the application and submission by certified mail return receipt requested or hand deliver the application and submission to the designated office and acquire a delivery receipt. TXCAMCO will publish the designated addresses for both mail and hand delivery submissions on its website.
- §§ You may be required to appear before the ACC's monthly meeting to present and discuss your application and submission. A link within the TXCAMCO website will allow you to register for a specific time to appear and provide additional dates that the ACC will be having its hearings. You may request a hearing before the ACC, without being required to appear, by registering in the aforementioned fashion. All required submissions must be received by the ACC no later than 15 days prior to the scheduled hearing dates to be eligible to be reviewed.



NOT REQUIRED BUT THE FOLLOWING IS RECOMMENDED
DUCK HAVEN HOMEOWNER ASSOCIATION
DWELLING UNIT WIRING GUIDELINES

- ⌘ All Dwelling Units are required to have a structured wiring system with the following minimum requirements:
 - Structured wiring distribution panel located in a centralized closet area (must be climate controlled)
 - Category 5E wiring home run from distribution panel to each computer location (terminated with Category 5E rated plat)
 - 1 Category 5E cable and 2 RG-6 quad-shielded cables home run from distribution panel to each primary television area
 - 2 Category 5E cables and 1 RG-6 quad-shielded cable home run from distribution panel to service demarcation location
 - 1 service conduit home run from distribution panel to service demarcation location
 - 4 RG-6 quad-shielded cables run from distribution panel to satellite dish location (if applicable)

- ⌘ All wiring must be run in accordance with standard structured wiring specifications (contact your local professional electronics installation dealer for more detail).

- ⌘ Type of broadband access and television service used will be left up to the discretion of the Owner. Choices of services may be limited by location of Dwelling Unit.

Duck Haven Homeowners Association, Inc. Culvert Design Guidelines

All Driveways or Lot Access Routes that cross the Brazos County ROW ditches, require that each individual Lot Owner apply for a Culvert Permit prior to installation. The purpose is to properly size each culvert per Brazos County standards as not to impede ROW drainage flows. Contact the Brazos County Road & Bridge Department to begin the permitting process:

Brazos County Road & Bridge Department:

Address: 2617 Highway 21 West
Bryan, TX 77803

Phone Number: (979) 822-2127
Fax Number: (979) 775-0453

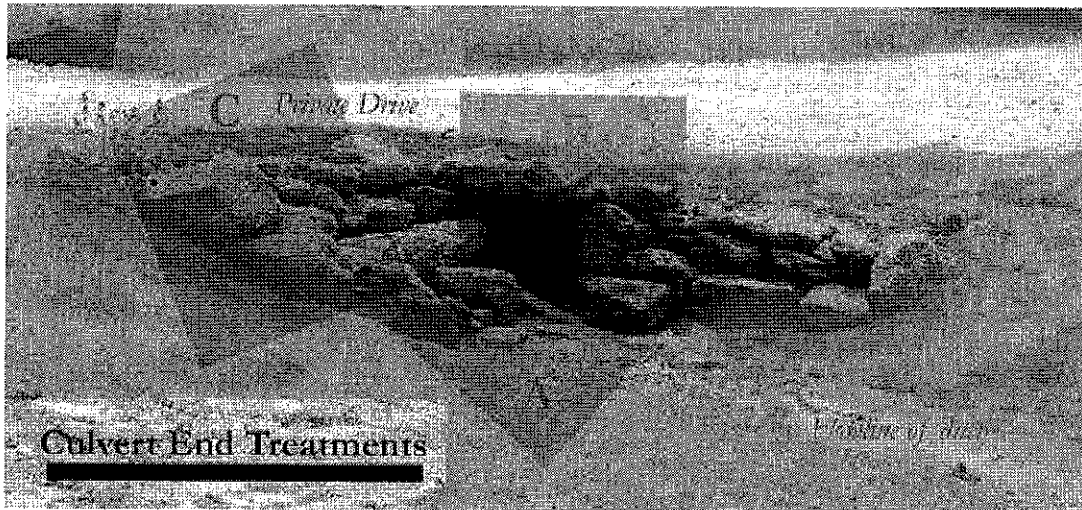
The following modification is hereby approved and granted to the Declaration of Covenants, Conditions, Reservations and Restrictions of Duck Haven Estates Article 4, Restrictions, Paragraph 4.01 Building, Construction, and Use Restrictions, Subparagraph 4.01.03 Driveways. Current requirements require concrete end treatments. To help with uniformity in appearance of culverts and end treatments the ACC Committee is requiring the following design and/or modification for all end treatments. Please see attached "End Treatment Design" for specifications and/or direction. Please note Duck Haven Homeowner Association will provide the stone used in the End Treatment Design to the Lot Owner at cost. The stone used in the End Treatment Design will be available to Lot Owner and/or Builder at a location at Duck Haven Estates. Transportation and installation will be the full responsibility of each individual Lot Owner. Please check the www.txcamco.com website for location, day(s) and time(s) of stone availability.

Installation Requirements:

1. Culvert sizes must be in accordance with Brazos County Road & Bridge Department's requirements, and, further, approved by the ACC. The ACC requires a full copy of the approved permit for installation issued by Brazos County Road & Bridge Department.
2. It is the responsibility of the Lot Owner to install the culvert at the correct elevation and in accordance to Brazos County Road & Bridge Department's requirements. If the culvert moves or is damaged during construction, it is the Lot Owner's responsibility to replace or correct the culvert before pouring the concrete driveway.
3. It is the Lot Owner's responsibility to install and maintain the end treatments as described on the attached End Treatment Design.
4. The cost of culvert installation and maintenance is the responsibility of the property owner.

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End Treatment Design



Notes/ References

- ?? Only native iron ore stones will be permitted on culvert crossings end treatments.
- ?? All governing authorities requirements must be adhered to.
- ?? Design intent is to provide as natural a look as possible while minimizing the visibility of the culvert pipe and to allow the stonework to return into the existing grades and prevent erosion.
- ?? Note "A": All stonework must be set on a stabilized footing. Flat stones are to be placed a minimum of 3 feet from the discharge end of the culvert pipe and flush with the flowline to prevent scouring. Adequate size stones should be placed near each side of culvert pipe to prevent erosion and provide firm support for continuing stonework.
- ?? Note "B": Stonework should be battered for strength and backfilled with stabilized materials such as stabilized sand. Stone overlap should be at least 1/3 the previous stone. Top course stones or capping stones must adequately stabilize existing grade and be mortared in place. It is recommended all stonework be rear-mortared in-place. Care should be given to prevent visible mortar.
- ?? Note "C": End stones and caps should be substantial enough to withstand "short-cutting" and encourage drainage angling down the slope rather than directly down the slope to minimize soil erosion or undermining.
- ?? Exposed culvert pipe should be cleaned and painted with matching metal reddish brown primer.

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Duck Haven Homeowners Association, Inc. Fencing Guidelines

A. Fencing Location

- Perimeter fencing should follow the property line. Exact location and placement of all fencing must be noted on plans and specifications for ACC approval.

B. Fence Colors

- Must use oil base stain or specified sealants only, no paint. Most, but not all fences require stain. Stains must conform to Exhibit A.
 - o All fencing materials must be stained within 60 days of installation.

C. Fencing Type

Wire and Steel Fencing:

- 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 must be approved by the ACC.
 - o Chain link fencing cannot be visible from roads, neighbors or lake.
 - o Chain Link fencing may be used if areas not within view of any Access Road or a Lake or (neighboring property line unless neighbor consents in writing) as long as the fencing are coated in green, brown, or black vinyl.

Decorative Iron Fencing:

- Requires ACC approval for type and location, generally it may be used and is preferable to most solid fencing; no higher than 6 feet and its use should attempt to harmonize with the habitat surrounding it.

Solid Fencing:

- Rear and side of lot only where permitted by Architectural Control Committee, at a maximum height of 6 feet and cannot extend closer to the a road than the nearest structure. Solid fencing along sides of lots, on or off the lot line, should be attempted only after you have consulted with you neighbor for the development of a good neighbor fence. These types of fences are designed to be aesthetically pleasing from multiple directions. All fasteners should be screws not nails where feasible and should be galvanized. Solid fencing styles may include:
 - o Cedar - See Exhibit A for Staining options
 - o Masonry or combination material fence
 - o Treated lumber, must be sealed per specs on Exhibit A
 - o Redwood and other approved resistant woods – See Exhibit A for Staining options

Duck Haven Homeowners Association, Inc. Fencing Guidelines

Rail Board Fences:

- Rail board fences utilizing the same woods as described in "Solid Fencing" above are permitted. Non-approved wood material will require ACC approval. Fencing may be no higher than 54 inches, without ACC approval. Rail board fence sections must span 10 feet, with 4x4 uprights protruding from the ground no higher than 54 inches following a straight line (rather than the terrain). Fascia boards, for the purpose of covering joints in front of the posts and over the rails are required. Fascia boards should be flush with the top of the fence and at the bottom of the post where the ground is met.

- 3-Board Rail Fence - Example — See Exhibit A

Trim boards, for the purpose of covering joints and seams on these fencing types is encouraged and allowed.

- Hog wire may be installed on the inside of rail fence, between the bottom two rails. Hog wire must be stained with fence stain color.

D. Installation Upkeep/Maintenance of Fences

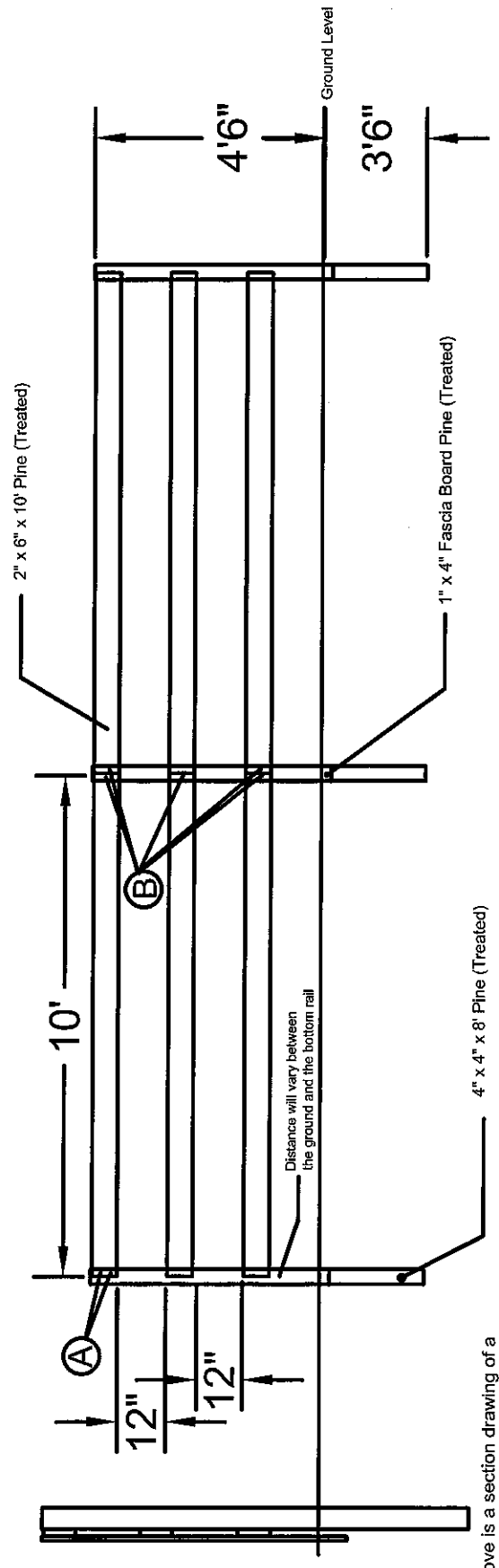
- Stained fences must be restained or replaced no later than every seven years, with every four years recommended. The HOA may require more periodic staining or maintenance at their discretion, including mandating the type, manufacture and color of stain products, so as to enhance and maintain the theme and characteristics of the habitat, property and subdivision. The HOA maintains a list of suppliers of its products, which are or will be posted to its website. All fences constructed of any material need periodic maintenance.
- Clearing for fence construction and maintenance:
 - A path no wider than 5 feet can be cleared for fence construction or maintenance, unless approved by the ACC.
 - Lot owners are encouraged to coordinate side or common fencing to minimize environmental impact and expense and improve aesthetics and maintenance.

NOTE: Seal and stain with TWP 501C Cedar Tone sealant available at your local paint supplier - apply as a spray. (1 gallon = 100s.f. of coverage). Lumber must be dry before application.

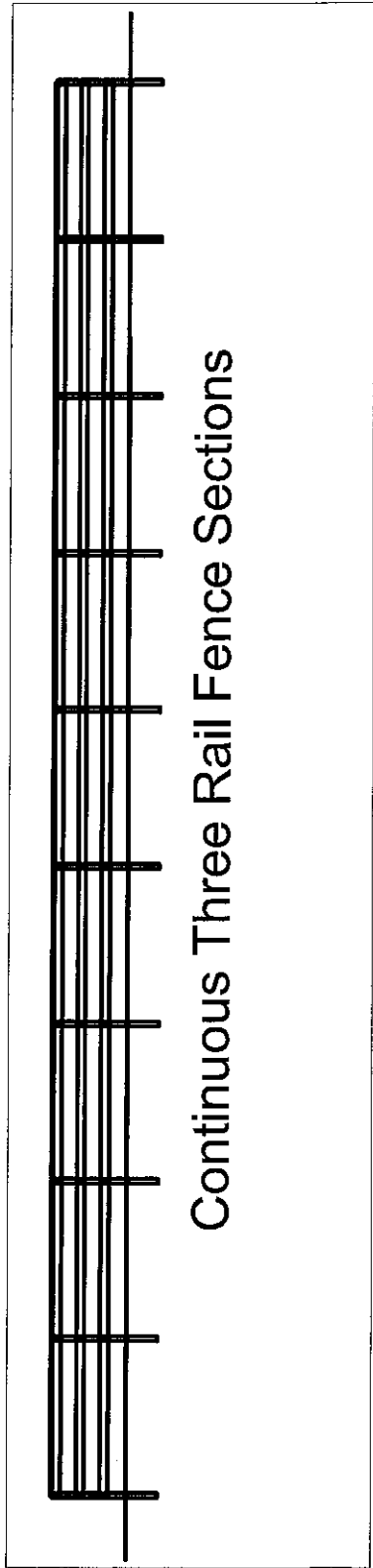
EXHIBIT "A" Fence Detail No. 1 for Duck Haven Estates Three Board Rail Fence

A Fasten each side of the rail with two 3" exterior wood screws.

B Fasten the fascia board with two 3" exterior wood screws placed at each intersection of the rails (six screws total on straight rail sections five on cross rail).



Above is a section drawing of a cross rail section of fence



Continuous Three Rail Fence Sections

This type of fence will be required on all street frontage

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Duck Haven Homeowners Association, Inc. ACC Guidelines

Please refer to the Declaration of Covenants, Conditions, Reservations and Restrictions of Duck Haven Estates Articles 2, 4, and 5 for more detail than this summary provides.

Structures on Lot

- ❑ Only one Single-family dwelling unit is allowed. Plus, appurtenances such as, garages, outbuildings, barns and the like may be placed or constructed on each lot.
- ❑ A site plan showing the "footprint" of the Structures and Improvements, location of all existing trees and proposed improvements, including but not limited to, Structures, patios, driveways, parking areas, outbuildings, fences and walls.
- ❑ Site clearing of natural habitat and 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.

Single-family Square Foot Requirements:

- ❑ 1,800 SF heated living area in Blocks 1 and 2, Phase 1, Block 2 and 3, Phase 2, Block 4, Phase 3, Block 5, Phase 4 and Block 6, Phase 5. [exclusive of porches (open or covered) decks, garages and carports.

Structure Height

- ❑ No structure constructed on any Lot shall exceed a height above ground of 33 feet.

Building Setbacks of Improvement or Structure

- ❑ Unless approved by the ACC, the following building setback lines shall govern each lot:
 - On Lots with even lot numbers in Duck Haven Phase I, no Improvement or Structure maybe located nearer than 50 feet to the front property line of a Lot or a property line abutting an Access Road.
 - On Lots with odd lot numbers in Duck Haven Phase I, no Improvement or Structure maybe located nearer than 75 feet to the front property line of a Lot or a property line abutting an Access Road.
- ❑ On Lots not reflected in Duck Haven Phase I, the set back lines for such Lots will be designated by plat and/or Supplemental Declaration. However, in no event will the set back lines described herein be less than those set by governmental requirements.

Change of Elevations

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

Duck Haven Homeowners Association, Inc. ACC Guidelines

Building Materials

- ❑ Structures and Improvements on a Lot shall be recognized standard construction quality.
- ❑ All finished exterior coverings of the front and sides of each Dwell Unit (exclusive of doors, windows, and similar openings shall be constructed:
 - At least 75% masonry or other materials specifically approved in writing by the ACC.
 - If Structure is constructed more than 100 feet from Access Road, the exterior coverings of the front and sides of the Dwelling Unit shall be constructed of at least 50% masonry.
- ❑ Masonry is defined as brick, rock and all other materials commonly referred to in the College Station, Texas as masonry.
- ❑ Non-sheet materials may qualify as a masonry product, at the discretion of the ACC. Non-sheet materials may include wood shingles, solid hard wood siding, synthetic siding, and hardy board sheet materials, wood structures built of red wood, whole logs and other quality rot resistant natural wood materials.

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 Owner shall maintain at least one landscape buffer area with dimensions of at least twenty feet (20') by forty feet (40'). The landscape buffer area shall remain in a natural, undisturbed state that includes, without limitation, all trees and under story plants.
- ❑ The following Lots have an additional landscape buffers: Lots 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 1, Phase I. Owner shall maintain a landscape buffer area with dimensions of a one hundred feet (100') at the rear property line. The landscape buffer area shall remain in a natural, undisturbed state that includes, without limitation, all trees and under story plants.
- ❑ In Addition, Lot 1, Block 1, Phase I shall have a fifty feet (50') landscape buffer as described above on the east side of said Lot.

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.
- ❑ 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.

Driveways/Culverts

- ❑ Before any construction on the Lot, Builder is required to install a temporary culvert for use by all trades.
- ❑ Temporary culvert must be surfaced with white rock or other like material. See: **Culvert Design Guidelines** for full description.
- ❑ Driveways must be constructed of asphalt or masonry grade concrete.
- ❑ All Driveways require a culvert over borrow ditch. (Size to be determined by ACC Committee) See: **Culvert Design Guidelines**.

Duck Haven Homeowners Association, Inc. ACC Guidelines

Mailboxes

- ❑ Mailboxes 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 mailboxes must have the prior written approval of the ACC.
- ❑ If DH 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 the front of such Owner's Lot.

Fencing

- ❑ All Fencing constructed on a Lot shall be of a size, design, color, location, height and materials 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.
- ❑ Prior to designing, ordering or acquiring any fencing materials or designs for a Lot, all Owners shall obtain the current version of the Fencing Guidelines from the ACC.
- ❑ No wire fence (hog wire, chicken wire or chain link) may be built on any Lot unless approved by the ACC and complies with the Fencing Guidelines.

Septic Systems

- ❑ No Dwelling 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.
- ❑ At any time prior to construction of a Dwelling Unit on a Lot, the Association may require the Owners to connect to and be serviced by a sanitary sewer system designated by the Association, which may be a sanitary sewer system operated by the City of College Station, the Association, DH or any other provider.

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 be constructed by the City of College Station or Bryan or Brazos County, prior to date of the CC&Rs; 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.

Duck Haven Homeowners Association, Inc. ACC Guidelines

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**.

Antennas and Communication Devices

- ❑ No exterior antennas, aerials, satellite dishes, basket or other broadband reception device, 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.
- ❑ Notwithstanding the foregoing, an exterior antenna may be constructed on a Lot in an area that is located behind the Dwelling Unit no closer than 250 feet to any public right of way and no closer than 45 feet to any property line of the Lot
- ❑ All satellite dishes shall be located on the rear of the Dwelling Unit and not visible from the Access Road.
- ❑ DH 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 of a portion of the Property.
- ❑ No satellite dishes shall be permitted which are larger than one meter in diameter.
- ❑ No transmitting antenna's mast may exceed the height of the center ridge of the roofline of a building.
- ❑ In lieu of broadband service, the Association may require an Owner to subscribe to a third party service to provide internet access, including without limitation ISDN or DSL service, to such Owner's Dwelling Unit.
- ❑ DH 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.
- ❑ In the event of a conflict between this section and the **Telecommunications Guidelines**, the **Telecommunications Guidelines shall prevail**.

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, if not buried as a result of ACC variance, shall be screened as not to be visible from any other Lot, Access Road or Trail.

Storage of Building Materials

- ❑ No building materials of any kind or character shall be placed or stored upon any Lot more than 30 days before construction of a Structure or Improvements are commenced.
- ❑ Such materials shall be placed with 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.

Duck Haven Homeowners Association, Inc. ACC Guidelines

Construction Debris

- Builder is required to keep the road in front of the property clear of mud and debris.
- Construction debris burning is not allowed.**
- 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.
- No change of elevation on any Lake Lot greater than 6 inches shall be made without the written approval of the ACC.

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, drainage ways, 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 drainage ways.
- Stabilization with seeding or much is required to minimize erosion following construction.

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 reasonable necessary for completion thereof.