

EXHIBIT A

THIRD AMENDED AND RESTATED DECLARATION OF RESTRICTIONS AND HOMES ASSOCIATION DECLARATION (CANYON CREEK)

BUILDING STANDARDS AND REQUIREMENTS ("DESIGN STANDARDS")

1. Permitted Height of Residences.

No portion of a Residence erected on any Lot shall exceed three (3) stories in height above ground level at any point without the prior written consent of the Design Review Committee.

2. Setback of Residences.

(a) **Setback Lines.** All Residences and other Improvements shall be located on each Lot as approved by the Design Review Committee and in full compliance with setback lines shown on the Plat, as set forth herein or established by the Design Review Committee. The Design Review Committee may establish new building setback lines on any Lot with the express written consent of the Lot Owner, provided such new setback lines comply with Laws.

(b) **Specific Setbacks.** Setbacks shall be as set forth in the appropriate plat.

(c) **Projections.** Notwithstanding the setback lines shown on the Plat or those established by the Design Review Committee, cantilevered upper stories, balconies, bay, bow or oriel windows, cornices, eaves, chimneys, downspouts and decorative elements may project no more than three feet over the building setback lines for each Lot, and unenclosed, covered porches and vestibules not more than one story in height may project up to six feet beyond front building lines. No provisions herein shall be construed to permit any portion of any structure to project beyond the boundary of the Lot upon which it is erected.

(d) **Sight Lines.** No fence, wall, structure or plant materials which obstruct sight lines at elevations between two and six feet above the streets shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting them at points twenty-five feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the extension of street right-of-way lines. The same sight-line limitations shall apply to any Lot within ten feet from the intersection of the right-of-way property line with the edge of a driveway. Trees shall be permitted to remain within such areas if the foliage line is maintained at a height sufficient to prevent obstruction of sight lines.

3. **Required Size and Type of Residence.**

(a) **Canyon Creek by the Park and Canyon Creek Shores.** No Residence shall be constructed upon any Lot in Canyon Creek by the Park unless it has a total finished floor area of at least: 2,000 square feet on the main floor for a ranch style residence (excluding a so-called reverse one and one-half story residence); 2,500 square feet for a one and on-half story residence or a reverse one and one-half story residence with at least 1,500 square feet on the main floor; and 2,400 square feet for a two story residence with at least 1,200 square feet on the main floor.

(b) **Canyon Creek by the Lake.** No Residence shall be constructed upon any Lot in Canyon Creek by the Lake unless it has a total finished floor area of at least: 2,000 square feet on the main floor for a ranch style residence (excluding a so-called reverse one and one-half story); 2,200 square feet for a one and one-half story residence or a reverse one and one-half story residence with at least 1,400 square feet on the main floor; and 2,400 square feet for a two story residence with at least 1,150 square feet on the main floor.

(c) A "reverse one and one-half story residence" is a ranch style residence with a basement finished comparable in quality to the main floor with at least one bedroom and bathroom in the basement. Finished floor area shall exclude any finished attics, garages, basements (other than in a reverse one and one-half story residence) and similar habitable areas. The Developer, in its absolute discretion, may allow variances from the minimum square footage requirement.

(d) The Design Review Committee reserves the absolute and incontestable right to determine whether any Residence violates the foregoing prohibition and whether the finished floor area of any Residence meets the minimum requirements provided for in this Section and hereby also reserves the right to approve deviations from the aforementioned building sizes and to modify any of the finished floor area requirements set forth in this Section. The Design Review Committee's determination(s) in this regard shall be final.

4. **Fences, Walls, Decks, Outbuildings.**

No fence, wall or deck shall be constructed, maintained or altered upon any Lot unless the location, design, configuration, height, color and materials are prior approved in writing by the Design Review Committee. No animal pens or runs shall be permitted. No fence, wall or privacy screen shall be constructed or maintained on any Lot nearer to a front street than the rear corners of the Residence (as defined by the Design Review Committee) or nearer to a side street than fifteen feet (15') from the side property line. Any fence installed next to an existing fence on an adjacent Lot must be joined to such existing fence.

Fences shall be black wrought iron or black powder-coated steel or cedar in one of three styles shown on the attached Exhibit A-1. Perimeter fences shall be of metal only and shall not exceed 54 inches in height unless specifically approved for a greater height by the Design Review Committee. Cedar privacy fences over 54 inches in height, but not taller than 72 inches, may be permitted if located within the building setback lines and no farther than 20 feet from the Residence and if specifically approved in writing by the Design Review Committee. Any such

privacy fence shall be an approved style as shown on Exhibit A-1 or an alternate style deemed by the Design Review Committee to be compatible with the style of the Residence.

No detached outbuilding, including sheds, barns, garages, gazebos, enclosed play houses and storage facilities, shall be erected upon, moved onto or maintained upon any Lot. Storage shall be permitted under a deck provided such area is screened as otherwise authorized herein.

5. Surface Drainage.

Final grading of each Lot shall adequately handle all run-off water in a reasonable manner which is in accordance and fully compatible with the grading of adjacent Lots, the master grading plan approved by the City, any related site grading plan furnished by the Developer and any specific site grading plan for the Lot approved by the Developer. No landscaping, berms, fences or other structures shall be installed or maintained that impede the flow of surface water. Water from sump pumps shall be drained away from adjacent Residences (actual and future). No changes in the final grading of any Lot shall be made without the prior written approval of the Design Review Committee and, if necessary, the City. The Developer shall have no liability or responsibility to any Builder, Owner or other party for the failure of a Builder or Owner to final grade or maintain any Lot in accordance with the master grading plan or an approved lot grading plan or for the Developer not requiring a lot grading plan and compliance therewith. The Developer does not represent or guarantee to any Owner or other person that any grading plan for the Lots that the Developer may approve or supply shall be sufficient or adequate or that the Lots will drain properly or to any Owner's or other person's satisfaction.

6. Roofs.

Roof materials, colors and brands shall be specifically approved in writing by the Design Review Committee. Roofs shall be covered with wood shingles or shakes; clay or concrete tile; slate; or asphalt composition shingles in one of the following brands: Celotex brand, Presidential line, 30 year (or higher), color: Weathered Wood; Tamko brand, 30 year (or higher), color: Weathered Wood; GAF Timberline brand, 30year (or higher), color: Weathered Wood Blend. Any other roofing material requires specific written approval. Flat roofs and tar and gravel roofs are specifically prohibited. Bronze colored flashing shall be used in valleys. Roofs shall have a minimum pitch of 6/12 unless otherwise approved in writing by the Design Review Committee. Notwithstanding the foregoing, and subject to the sole discretion of the Developer, roofs on Residences constructed on Lots 3-11 and 22 - 35 of Canyon Creek by the Park, First Plat, and Lots 36, 62-66 and 68-77 of Canyon Creek by the Park, Second Plat shall be covered with concrete tiles, and all of the specific types, colors, styles, dimensions and other aesthetic factors must approved by the Design Review Committee in writing. If, in the sole and absolute discretion of the Developer, Developer determines that the requirement of concrete tiles negatively affects the marketability the Lots described above, the Developer may waive the concrete tile requirement as stated.

7. Exterior Wall Materials.

(a) **Canyon Creek by the Park.** Exterior walls of all Residences and all appurtenances thereto shall be of stucco, brick, natural stone, manufactured stone, wood shingles, wood lap siding, wood or composite paneling (such as "Woodsman" brand siding), plate glass, glass block, wood trim, composite wood trim (such as "Hardieboard"), any other materials specifically approved by the Design Review Committee, or a combination thereof, provided, however that panelized siding materials are restricted for use on side and rear elevations of a Residence only. Notwithstanding the foregoing, siding materials applied on the front of a Residence must be applied on any side elevations which are located between portions of the front elevation. Composite paneling shall not be used on exterior walls of front dormer window projections.

(b) **Canyon Creek by the Lake.** Exterior walls of all Residences and all appurtenances thereto shall be of stucco, brick, natural stone, manufactured stone, wood shingles, wood lap siding, wood or composite paneling (such as "Woodsman" brand siding), plate glass, glass block, wood trim, composite wood trim (such as "Hardieboard"), any other materials specifically approved by the Design Review Committee, or a combination thereof, provided, however that panelized siding materials are restricted for use on side and rear elevations of a Residence only. Composite paneling shall not be used on exterior walls of front dormer window projections.

(c) **Canyon Creek Shores.** Exterior walls of all Residences and all appurtenances thereto shall be of stucco, brick, natural stone, manufactured stone, wood shingles, wood lap siding, plate glass, glass block, wood trim, composite wood trim (such as "Hardieboard"), any other materials specifically approved by the Design Review Committee, or a combination thereof. Notwithstanding the foregoing, siding materials applied on the front of a Residence must be applied on any side elevations which are located between portions of the front elevation. Wood or composite paneling shall not be used on exterior walls.

8. Exterior Colors.

Neutral, earth-tone colors in medium to dark shades are encouraged so that structures blend with the natural setting of the Neighborhood. Bright primary colors and pastels shall not be permitted. Exterior colors and color combinations that, in the opinion of the Design Review Committee, are inharmonious shall not be permitted. All trim shall be consistently painted the same color on all sides of a Residence. Each Owner must submit a color plan showing the color of exterior walls, shutters, doors, trim, etc., to the Design Review Committee prior to initial construction on any Lot. The Design Review Committee shall have final approval of all exterior color plans.

9. Architectural Detailing (Canyon Creek by the Park and Canyon Creek Shores).

Architectural detailing shall be consistent on all sides of a Residence. Trim details which are used on the front of the house should also be employed on the sides and rear. Window trim shall be a minimum of 4" wide; fascia boards shall be a minimum of 6" wide. Variances to

minimum widths may be granted by the Design Review Committee if determined to be compatible with the architectural style of the Residence. This paragraph 10 shall apply only to Lots in Canyon Creek by the Park and Canyon Creek Shores.

10. Windows and Doors.

All windows and exterior doors shall be constructed of glass, wood, fiberglass, colored metal, vinyl, or any combination thereof or any other materials specifically approved by the Design Review Committee. Mirror finishes on window glass are specifically prohibited. Unpainted metal or bright finished window frames, screens or accessories shall not be permitted.

11. Gutters and Downspouts.

Exposed metal gutters and downspouts shall be painted to match the trim or body color of the Residence.

12. Chimneys.

Any full chimney which is revealed on an exterior facade shall be supported by a full foundation. No metal or other pipe shall be exposed on the exterior of any fireplace or fireplace flue (other than a minimum amount of exterior metal or piping from a direct vent fireplace). All fireplace flues on chimneys shall be capped with a black or color-conforming low profile metal rain cap.

13. Paint, Stain.

Exterior materials, except roofs, brick, stone, and similar components shall be covered with a workmanlike finish of two coats of high quality paint or stain, however certain natural siding materials which are intended to weather (such as cedar shingles) may be exempted from this requirement.

14. Exposed Concrete Foundations and Walls.

The exterior surface of all concrete foundations and walls which are exposed more than 12 inches above final grade shall be painted the same color as the Residence or covered with siding materials compatible with the structure.

15. Landscaping.

A detailed landscape plan must be submitted to and approved by the Design Review Committee prior to installation. For lots in Canyon Creek by the Park and Canyon Creek by the Lake, a minimum expenditure of \$2,500 for front yard landscaping (excluding sod and irrigation systems) is required. For lots in Canyon Creek Shores, a minimum expenditure of \$4,000 for front yard landscaping (excluding sod and irrigation systems) is required. Front yard landscaping shall include at least one ornamental tree, a minimum of 1.5" caliper in size or 6' in height. At least one shade tree, a minimum of 2.0" caliper in size, shall be planted in each back yard. (Existing trees may satisfy this requirement.)

All yards and the unpaved portions of street right-of-ways and easements contiguous thereto shall be fully sodded or planted with ground covers or covered with mulch, provided, however, that no duty to clear any tract of trees, shrubs or natural growth which are kept reasonably attractive shall be implied. Removal of any living tree with a trunk larger than 6" in diameter (measured 6" above ground level) must be approved in writing by the Design Review Committee. An underground irrigation system shall be installed to irrigate all turf areas.

Required irrigation, sod and landscape installation shall be completed prior to first occupancy of the Residence, or, before occupancy of the Residence shall occur, the Owner shall escrow funds for landscape improvements in an amount and manner determined by the Design Review Committee to assure such installation when weather permits.

All vegetable gardens shall be located behind the rear corners of the Residence and at least ten feet away from the boundary of the Lot. No vegetable garden(s) shall exceed 100 square feet in size on any Lot except with the prior written consent of the Design Review Committee.

The Developer, the Association and/or the City shall have the right (but not the obligation) to install one or more trees within the public right-of-way adjacent to each lot or within any Public Landscape Easement ("L/E") or Utility Easement ("U/E") adjacent thereto as dedicated on any Plat. The type and location of said trees shall be selected by the Developer or the Association or the City in its sole discretion. Maintenance of said trees shall be the sole responsibility of the Lot Owner.

16. Driveways and Sidewalks.

All driveways and sidewalks shall be concrete, patterned concrete, interlocking pavers, brick or other permanent hard-surface finishes. Large expanses of driveway surfaces are discouraged. No driveway shall be constructed in a manner as to permit access to a street across a rear lot line. Asphalt, gravel or natural driveways or sidewalks are specifically prohibited. Specific approval for circle driveways and materials, colors or finishes other than unfinished concrete shall be obtained in writing from the Design Review Committee prior to construction. Driveway approaches within public street right-of-ways shall be made of concrete and shall be no more than twenty-four (24) feet in width (excluding radii).

17. Garages.

All Residences on lots in Canyon Creek by the Park and Canyon Creek by the Lake shall have private garages for not less than two cars. All Residences on lots in Canyon Creek Shores shall have private garages for not less than three cars. Carports are specifically prohibited.

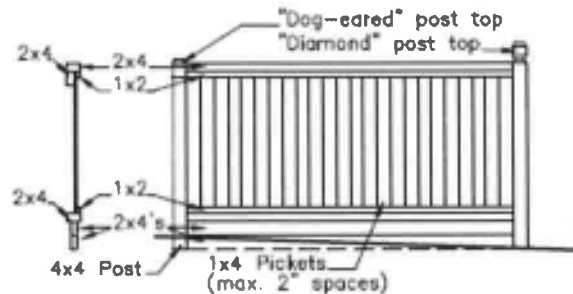
18. Recreational and Play Structures.

Play structures and swing sets shall be constructed of wood, dark colored metal, or plastic components. Wood structures may be untreated or stained in a medium-dark shade of brown or grey. Bright colored awnings and plastic components are prohibited. Above-ground trampolines are prohibited.

19. Change in Materials.

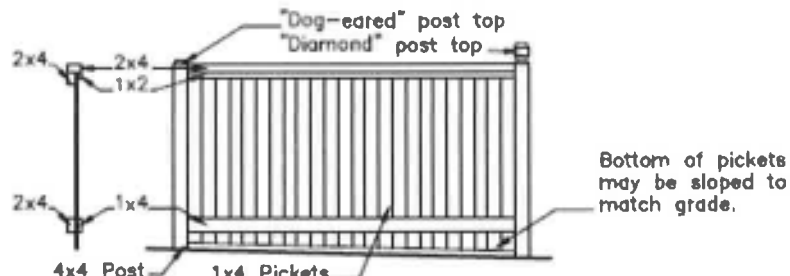
Notwithstanding any provision requiring or prohibiting specific building materials or products, any building materials or products that may be or come into general or acceptable usage for dwelling construction of comparable quality or style in the area as determined by the Design Review Committee in its absolute discretion, shall be acceptable upon written approval by the Design Review Committee in its absolute discretion. In the event the City or other government agency with jurisdiction and authority requires specific building materials not authorized above or requires that Owners have additional choices of building materials not authorized above, the Design Review Committee shall have the right, in its absolute discretion, to establish and regulate in writing the specific types, colors or other aesthetic features of such new or additional building materials.

EXHIBIT A-1
DECLARATION OF CANYON CREEK
APPROVED FENCE STYLES
 (See Exhibit A to Declaration of Canyon Creek
 for additional information.)



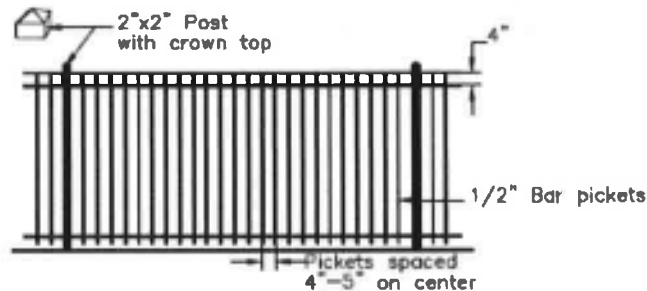
CROSS-SECTION OUTSIDE ELEVATION

Standard Picture Frame



CROSS-SECTION OUTSIDE ELEVATION

Modified Picture Frame



Black Metal
 (Wrought Iron or Powder-Coated Steel)