

VILLAGE RULES

**HACKBERRY CREEK HOME OWNERS ASSOCIATION
7105 SUMMITVIEW DRIVE
IRVING, TX 75063
(972) 401-4946**

INTRODUCTION

The Hackberry Creek Home Owners Association was incorporated in 1982 for the purpose of promoting the health, safety and welfare of the owners of the property which has become Hackberry Creek Village (the "Village"). Under our Articles of Incorporation and Amended and Restated Declaration of Covenants, Conditions and Restrictions (CC&R), the Association has many of the responsibilities and powers of a small city. Although our community is located in Las Colinas and the City of Irving, our streets, alleys, walls, parks and gatehouses are privately owned and maintained by the Association. We have the responsibility for maintaining our common properties, enforcing our architectural restrictions and collecting the funds necessary to allow us to meet these responsibilities. In addition, the Hackberry Creek Home Owners Association has the responsibility and authority to publish and enforce reasonable rules for the benefit of all Owners and Residents. This booklet contains these rules and a list of the enforcement provisions allowed by our CC&R document. Except as defined herein, certain capitalized words in these Village Rules are defined terms in the CC&R document. Although simplified for this booklet, the rules are based on provisions in the CC&R document and were developed by a committee of homeowners and approved by the Board of Directors. They are for the benefit of all of our Owners and are designed to both protect the value of our homes and to enhance the quality of life of our community.

Please review the information in this booklet. If you have any questions, contact our Village Manager or any of the members of our Board of Directors. A community such as ours works best when residents work together in a spirit of mutual cooperation and consideration. We ask that you regard these rules in that spirit and abide by them during your time in our community.

Board of Directors
Hackberry Creek Home Owners Association

REGISTRATION WITH THE ASSOCIATION

Each new Owner, Member and Resident shall provide the Association with the following information:

- (a) the full name, address and phone number of each Owner, Member and Resident;
- (b) the description and license plate number of each automobile, motorcycle or golf cart, owned or used by a Resident and brought within the Properties;
- (c) the name, address and telephone numbers of other local individuals who can be contacted (in the event the Resident cannot be located) in case of an emergency;
- d) a Personal Identification Number for use in authorizing gate entry of non-residents.

In the event of a change in the above information, the Owner, Member or Resident shall be responsible for supplying updated information to the Association within thirty days of the change.

VILLAGE SECURITY

Access

The Hackberry Creek Home Owners Association maintains gatehouses at all of the entrances of the Village (collectively, the "Gatehouses") for the purpose of restricting access to the Village. Vehicles displaying a valid Hackberry Creek decal will be admitted to the Village after making a full stop at the gate. Owners and Residents will be issued decals that must be renewed annually. All vehicles without decals that attempt to enter the Village will be stopped at the gatehouse. Owners, Residents or Non-Residents entering the Village in a vehicle without a valid Hackberry Creek decal will be required to show a government issued photo ID before being allowed access to the Village. Decals may not be transferred from one vehicle to another.

Each Owner or Resident may authorize entry of non-residents into the Village by placing the non-resident's name on either the Permanent or Temporary Guest lists. Before a name will be placed on either list, the Owner or Resident will be asked for their Pin Number (Security Code). Residents can also modify their guest lists through the GateKey Online Visitor Management System. GateKey guest names must be either the name of an individual or the name of a company and cannot be generic names such as "Any Delivery", Any Lawn Care Service, Anyone With Last Name of _____, Anyone Coming to Party, etc. Contact the Village office for GateKey login information.

Prospective home buyers will be admitted to the Village only during Buyer Access Hours (Monday through Thursday – 7:00 AM to 7:00 PM or Sunset (whichever is earlier), Friday & Saturday – 7:00 AM to 5:00 PM, Sunday – 12:00 Noon to 5:00 PM) after the presentation of a government issued photo I.D. Prospective home buyers will be admitted between the hours of 6:00 AM to 9:00 PM daily if accompanied by a licensed Real Estate Agent.

Gatehouse Hours

Gatehouse One (Royal Gate) - Open daily - 24 hours

Adopted 03/18/2020

Gatehouse Two (Regent Gate), Gatehouse Three (Kinwest Gate) and Gatehouse Four (Parkridge Gate) - Open Sunday through Thursday - 6:00 AM to 11:00 PM; Friday and Saturday - 6:00 AM to 1:00 AM. Gatehouse hours are subject to change.

Gatehouse Restrictions

Because of the need to safeguard Village access records, Owners or Residents are not admitted into the Gatehouses. Additionally, Gatehouses and Gatehouse personnel are not allowed to receive or transfer packages, mail, keys, etc. for Owners or Residents. The Association shall have no responsibility for any items left at the Gatehouses.

Treatment of Gatehouse Personnel

Gatehouse personnel have an important responsibility for helping maintain the privacy and security of our Village. All Owners and Residents are required to cooperate with Gatehouse personnel and to treat Gatehouse personnel with politeness and respect at all times.

VILLAGE RULES REGARDING CONDUCT ON PRIVATE PROPERTY

Home Businesses/Commercial Activities

No one shall conduct or allow any type of business or hobby on any Lot or Parcel which would: (a) attract excessive vehicular or pedestrian traffic to the Lot or Parcel; (b) involve lights, sounds, smells, visual effects, pollution and the like which would adversely affect the peace and tranquility of any of the Residents within the Village. No direct sales activities (excluding, however, activities of bona-fide homebuilders and community activities specifically approved by the Board), garage sales, yard sales, patio sales, flea markets, bazaars, sample sales, auctions, promotional dinner parties or similar activities shall be conducted on any portion of the Properties.

Garages & Vehicle Parking

Each Owner, Member and Resident shall use their respective best efforts to park and store their vehicles within their garage and shall use their respective best efforts to refrain from parking any vehicle on the streets - such best efforts being defined as fully utilizing all garages and driveways to park and store the number of vehicles for which they were designed (garages) or capable of holding (driveways). The parking of Owners, Member or Resident vehicles on the street is only allowed where Owners, Members or Residents have exhausted all parking options available through the full use of garages and driveways. Vehicles parked in driveways may NOT block the sidewalk. Under no circumstances or conditions shall any automobile or other vehicle be parked on a non-paved portion of any Lot. The Board may adopt reasonable rules authorizing and regulating on street parking for resident and visitor vehicles. (See Parking section for specific rules regarding parking vehicles on the streets.)

Golf carts must be parked within an enclosed garage.

No Owner, Resident or Member shall perform, permit or allow repair or maintenance work to any automobile or other vehicle outside the garage and visible to the abutting street(s), golf course or any neighbor's property.

No garage door may be left open for any extended period of time.

Under no circumstances or conditions shall any automobile or other vehicle be parked on a non-paved portion of any Lot.

Vehicle Restrictions

The following types/categories of vehicles must be, if brought within the Village by or with the permission of any Owner, Member or Resident, be stored, placed or parked within the enclosed garage on the appropriate Lot or parked off-property: Any commercial vehicle, vehicle displaying a conspicuous commercial sign, truck (excluding pickup trucks with a Gross Vehicle Weight of 14,000 lbs. or under), bus, boat, jet ski, boat trailer, trailer, mobile home, golf cart, motorcycle, recreational

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vehicle, camp mobile, camper and any vehicle other than a conventional automobile. Any vehicle too large to park in the garage is prohibited from parking in the Village. Exceptions to this restriction are RV's during loading and unloading for a period of no more than three hours, and moving vans/contractor/vendor work vehicles during the permitted working hours.

Guest/Visitor/Contractor Parking – All guests, visitors and contractors must park their vehicles in the resident's driveway or on the street immediately adjacent to the resident's lot.

Golf Carts

Each Owner, Member and Resident shall provide the Association with the description and license plate number of a golf cart, owned or used by a Resident and brought within the Properties.

Member shall register the golf cart annually at which time the golf cart may be approved for use within the Village. If approved by the Association, a decal shall be issued evidencing that the golf cart complies with the specifications set by the Association. The golf cart must be equipped and meet the specifications below in order to be considered for approval by the Association, unless otherwise approved by the Association. Approval of the golf cart is not a representation or warranty by the Association as to the gold cart's fitness for use or safety.

- a. Electrically powered: maximum speed 18 mph.
- b. Maximum Cart weight is 999 lbs. with batteries.
- c. Custom body styles are permitted.
- d. Cart size is limited to 125 inches long and 52 inches wide.
- e. Carts may not be installed with a "lift kit" to the point where the foot well exceeds 13 inches off the ground. (Measured with tires inflated to the MFG recommended pressure)
- f. Maximum passenger load of (4) for transportation, with manufacturer installed seats
- g. Four (4) wheels; 4-ply "street tread" tires. (No "off road" tires).
- h. Mechanical drum-type brakes with hill brake.
- i. Automotive-type steering.
- j. Forward and reverse gear.
- k. Plastic or fiberglass top. (no canvas tops)
- l. Headlights and taillights are required.
- m. Rear view mirror
- n. Antennas may not exceed 4 inches in length

A decal is valid only for the golf cart for which it is issued. The decal granted in accordance with the Golf Cart Usage Agreement may not be assigned or transferred by Member to another vehicle. The decal must be returned to the Association if the registration is suspended or revoked, becomes invalid, or if the golf cart is sold. A qualified third-party mechanic must inspect the golf cart annually for safety and conformance to specifications, before a decal is issued for the following year. The Hackberry Creek Country Club will facilitate an inspection, at the Member's expense, through their service contractor. The signed Inspection Certificate must be presented to the Association at the time of registration.

In addition to the rules and regulations specifically set out below, Member shall comply with and abide by all of the Association's Rules and Regulations.

- a. Golf carts must be parked within an enclosed garage.
- b. Minimum age for driver is 16 years with appropriate driver's license; such driver's license to be presented to the Association upon request.
- c. Radio volume must be kept at a courteous level and not be disturbing to other Residents when Cart is operated on Village streets or alleys.

Inoperable Vehicles

Inoperable vehicles shall be stored, placed and parked within the enclosed garage of the Property Owner's Lot.

An inoperable vehicle is a vehicle that falls within one or more of the following categories:

1. A vehicle that does not have lawfully affixed to it a current state issued motor vehicle registration decal.
2. A vehicle that is wrecked, dismantled, partially dismantled or discarded.
3. A vehicle that has one or more flat tires and that has been parked on a Lot outside of a garage without movement for more than 48 hours.
4. A vehicle that is parked or stored on a Lot outside of a garage without being driven for a continuous period of more than fifteen days unless that vehicle is screened from public view by means of a fence.

Signs

No sign or signs shall be displayed to the public view on any Lot or Parcel, except:

- a) any bona-fide homebuilder, during the applicable initial construction and sales period, may utilize one professional sign [of not more than twenty-five square feet in size], at a location approved by the Village Architectural Control Committee, for model home advertising and sales purposes;
- b) thereafter, a dignified "For Sale" or "For Lease" sign (of not more than five square feet in size including toppers and hangers) may be utilized by the Owner of the respective residential Lot (or the Owner's Agent) for the applicable sale or lease situation as long as the sign is: 1. Placed parallel to the primary street on which the house is located (or on the side street if the front of the house faces the side street; 2. Centered on the front elevation of the house; 3. No closer to the sidewalk than half the distance (or as close to half the distance as practical) between the sidewalk and the house. For houses located adjacent to the golf course, a second "For Sale" sign may be placed in the rear yard facing the golf course. "For Sale" signs on vacant lots shall be placed in the front portion of the lot, parallel to, and at least twenty-five feet from the curb. Open House signs shall not be placed on the parkways or any other Common Property in the Village.
- c) job site signs (see Conduct of Contractors Section for job site sign specifications).

“For Sale” or “For Lease” signs may not be placed on property owned by Hackberry Creek Country Club.

Temporary signs advertising remodeling contractors, roofers, pool contractors, landscapers, upcoming events, etc. may not be placed on any lot. No signs of any kind shall be placed on the parkway (land between the sidewalk and curb), medians or the Common Properties.

Temporary signs (not over five square feet in size) related to a scheduled national or local election may be placed on a lot no more than ninety (90) days prior to the scheduled election date and must be removed no later than ten (10) days after the election. No political signs shall be placed on walls, fences, trees, parkways, medians or the Common Properties at any time. No more than two signs related to an individual candidate or ballot item may be placed on any Lot or Parcel.

A permanent sign (Not over one square foot in size) identifying the security service that monitors the intrusion/fire alarm at the property may be placed on the property. Security signs shall be placed close to the house, preferably in the landscaped beds adjacent to the house.

School Spirit signs (Band Member, Cheerleader, Athlete, etc.) may be placed on a lot during the school year. School Spirit signs shall be limited to a size that is traditional for such signs and must be placed within ten feet of the front of the home.

Birth Announcement signs may be placed on a lot for up to one week to announce the arrival of a new Resident to the Village.

Decorations

Residents may display religious, cultural, and holiday decorations in and on their homes and yards subject to the Association’s right to regulate the time, place, and manner of displays that are visible from the street. Decorations, including lighting displays, are permitted inside windows, on the exteriors of homes, and on front yards, provided (1) they are to scale or proportionate to the size and setback of the home, (2) they do not create a noise, appearance, or light disturbance for neighbors, (3) they are appropriate for the holiday, and (4) they are installed no earlier than 30 days before the holiday and are removed within 14 days after the holiday, except that Christmas decorations may be maintained from Thanksgiving Day until January 15 of each year.

Trash Cans

Trash cans must be stored out of view from the common area or golf course.

Noxious Activities

No noxious or offensive activity or pollution emitting sight/sound/smell, as determined by the Association, shall be conducted or permitted on any portion of the Properties.

Pets

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Any noise or odor emitted by, and any discharge or waste from, any animal which can be seen, heard or smelled outside the perimeter of the subject Owner's Lot or Parcel shall be deemed noxious and offensive and is therefore prohibited.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any residential Lot or Parcel, except that dogs, cats or other household pets may be kept (in accordance with applicable municipal law), provided that they are not kept, bred or maintained for commercial purposes and they are not noxious, offensive, vicious or dangerous.

Any outside animal pen or cage which can be seen, heard or smelled by anyone other than the subject Lot or Parcel Owner must be approved by the Board in its sole and absolute discretion.

Each and every dog, cat or other household pet, if not kept and confined within a portion of the Owner's/Resident's/Member's Lot or Parcel, must be leashed and accompanied by its corresponding Owner/Resident/Member, particularly when traveling beyond the perimeter of the Owner's/Resident's/ Member's Lot or Parcel, and such Owner/Resident/Member shall promptly clean and remove the discharge and waste of their pet from any Lot, Parcel or the Common Properties.

Trash, Debris, Mud

Owners, Residents and Invitees shall have the duty and responsibility to keep Lots (and adjacent Lots, Parcels and Common Properties if their rubbish shall be blown, carried or left in these locations) free of rubbish on a daily basis and to clean any mud accumulation from adjacent streets or alleys whenever such mud is deposited as a result of activities on the Lot or Parcel.

Lot and Parcel Owners and Invitees are not allowed to store any excavation of soil on streets or adjacent sites, or on any portion of the Common Properties.

Soil runoff due to rain or irrigation must be removed promptly from streets and sidewalks by the Lot and Parcel Owner.

No residential Lot or Parcel, or any portion of the Common Properties or any public right-of-way area, shall be used or maintained as a dumping ground for rubbish, trash or garbage.

No Owner, Member or Resident shall dump grass clippings, landscape debris, garbage or trash of any kind on another Lot or Parcel, or on any portion the Common Properties.

All private drains from crawl spaces, swimming pools and hot tubs that discharge into a street or alley shall be kept clean and free of obstructions.

All trash shall be enclosed in plastic bags or other containers which meet the requirements of the City of Irving.

VILLAGE RULES REGARDING CONDUCT IN THE COMMON PROPERTIES

Restricted Actions/Responsibility

This is our Village and we all need to act responsibly while in the Village. Therefore, no Member shall act or permit others to act in a manner which could endanger persons, harm property, be considered abuse (verbal or physical), harassment or disrespect toward Village/Management Company personnel or violate any governmental law or Village rule. Every Member shall be liable to the Association for any personal injury or property damage caused by their family, guests, Residents or Invitees.

No person or entity shall use without the prior written consent of the Association, any portion of the Common Properties to:

- a) solicit, promote or conduct business, religious or political matters;
- b) distribute handbills, newsletters, flyers, circulars or other printed materials;
- c) display or install signs, flags or banners.

Parks

Parks closed during dark hours

Private Streets

The Gatehouses, streets, sidewalks, walls and alley network within Hackberry Creek Village are "private" and constitute a portion of the Common Properties. All vehicles entering the Village are subject to an identification and entry program designed for the benefit of our Owners and their guests. Everyone is asked to cooperate with gatehouse personnel in the administration of the entry control system.

Speed Limits/Stop Signs

All vehicles entering the Village are expected to obey Village traffic rules. The Village speed limit is 30 miles per hour on streets and 10 miles per hour in alleys. Village speed limits are enforced by Village Security personnel using radar. All vehicles must come to a complete stop at all STOP signs before proceeding.

Parking

Parking is permitted on streets except within 15 feet of fire hydrants, 20 feet of marked cross walks, 30 feet of intersections or in marked No Parking zones. Where vehicles are allowed to be parked on the street, they shall be parked parallel with the edge of the street within eighteen inches of the curb and headed in the direction of traffic movement. No parking is permitted in an alley within the Village. Golf carts must be parked within an enclosed garage and may not be parked on Lots or Village streets.

Each Owner, Member and Resident shall use their respective best efforts to park and store their

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vehicles within their garage and shall use their respective best efforts to refrain from parking any vehicle on the streets - such best efforts being defined as fully utilizing all garages and driveways to park and store the number of vehicles for which they were designed (garages) or capable of holding (driveways). Vehicles parked in driveways may NOT block the sidewalk. The parking of Owners, Member or Resident vehicles on the street is only allowed where Owners, Members or Residents have exhausted all parking options available through the full use of garages and driveways. The Board may adopt reasonable rules authorizing and regulating on street parking for resident and visitor vehicles.

Family Parking Decals – Resident may obtain special decals (F-decals) for their non-resident parents and children that allow them access through the resident lanes at the gates and also to park on the street while visiting. No other family members qualify. Children of residents who attend a non-local college may also obtain F-decals for their vehicles if the vehicle is normally kept at the non-local college during the full school year.

Excess Vehicle Authorizations - Where the resident has more Village Based Vehicles than can be parked in their combined garage and driveway(s) space, the resident may only park the excess vehicles in the street after the Homeowners Association has been notified and a street parking authorization has been approved and entered into the Association's vehicle database. In order to take advantage of this exception, the resident must notify the Homeowners Association in writing that their vehicles exceed total garage and driveway(s) spaces. When so notified, the Parking Enforcement Coordinator will verify the available spaces and record in the Association's vehicle database the number of excess vehicles for that address that can be parked in the street. The street parking authorization for excess vehicles applies to any of the resident's vehicles rather than to any specific vehicle. The street parking authorization for excess vehicles must be renewed annually when decals are renewed.

Hardship Authorizations - In cases where the resident has ample driveway spaces to park their vehicles, but the driveway configuration makes parking vehicles extremely difficult, the resident may apply for a hardship street parking authorization. In order to be considered for a hardship exception, the resident must notify the Homeowners Association in writing that parking their vehicles in the driveway would be extremely difficult and cause an undue hardship. When so notified, the Parking Enforcement Coordinator will verify the available parking spaces and the driveway configuration. The Parking Enforcement Coordinator will present the request to the Board at the next monthly Board meeting. The Board must approve all hardship authorizations.

Social Parking - Village Based Vehicles may be parked on Village streets if the resident is visiting another resident and the vehicle is parked near the address being visited (i.e. Parties, babysitters, neighbor visits, etc.)

Short Term Parking - Village Based Vehicles may be parked in the street adjacent to the resident's home for short periods (<1 hour) for the convenience of the resident. In the unlikely event that the vehicle receives a parking courtesy notice during that period, the resident should contact the Homeowners Association office and explain that the vehicle was parked in the street

for less than one hour. In these cases, the courtesy notices will be voided. Short term parking of Village Based Vehicles on the street is only allowed during daylight hours.

Ice and Snow Events - All Village Based Vehicle street parking restrictions are waived during ice or snow events as posted on the Homeowners Association website.

Electricity Outage – All Village Based Vehicle street parking restrictions are waived during an electrical outage at the address for the period of the outage plus two hours.

Handicapped Individuals - In the application of street parking restrictions, reasonable accommodations will be afforded resident drivers who are physically handicapped.

Contractor Work - In cases where a contractor is performing work on a home that requires the resident to temporarily park one or more vehicles in the street, street parking restrictions are waived for all of that resident's vehicles during the work period. Where the work period is likely to be more than one day, the resident should notify the Homeowners Association office so that a temporary street parking authorization for that address can be added to the vehicle database.

Vehicles may not be stored on the streets. Vehicle storage is defined as parking a vehicle in the same location on any street for more than forty-eight (48) consecutive hours without movement. No vehicle which has installed on it a cloth car cover or similar device shall be parked on any street. No unlicensed vehicles (go carts, mopeds, etc.) may be driven on Village sidewalks, streets or alleys at any time, except that Golf Carts that have been registered with the Association may be driven on the Village streets. No play apparatus (basketball goals, hockey nets, etc.) may be permanently installed or left overnight on Village streets, alleys or parkways.

Signs

No sign or signs shall be displayed to the public view on any part of the Common Properties without the approval of the Association.

Pets

No animals, birds, reptiles of any kind shall be raised, bred or kept in the Common Properties. Each and every dog, cat or other household pet, if not kept and confined within a portion of the Owner's/Resident's/Member's Lot or Parcel, must be leashed and accompanied by its corresponding Owner/Resident/Member, particularly when traveling beyond the perimeter of the Owner's/Resident's/Member's Lot or Parcel, and such Owner/Resident/ Member shall promptly clean and remove the discharge and waste of their pet from any lot, parcel or the Common Properties.

Trash

All trash shall be enclosed in containers which meet the requirements of the City of Irving. No trash may be placed at the curb or on the parkway for pickup earlier than 6:00 PM on the day before the scheduled pickup. Brush/Bulky Waste (furniture, appliances and tree limbs, etc.) are picked up by the City of Irving each Tuesday. These items may be placed at the curb up to three days prior to the scheduled pickup day. Any trash placed for pickup other than at the prescribed times (or on a day

when the City of Irving is not scheduled to make a pickup) may be picked up by the Association and/or the Owner assessed a fine or trash pickup fee.

VILLAGE RULES REGARDING ALTERATIONS AND MAINTENANCE OF STRUCTURES AND LANDSCAPING

Structures

All buildings and structures shall be constructed and maintained in accordance with the standards and specifications approved by the Architectural Control Committee. Any changes to existing standards and specifications must get Architectural Control Committee approval.

No building or structure intended for or adapted to business or commercial purposes shall be erected, placed, permitted or maintained in the Village except those related to development, construction and sales purposes of a bona-fide homebuilder, the Master Association or the Association.

No temporary structure of any kind (excluding children's play equipment) shall be erected or placed upon any Lot or Parcel.

Structure Maintenance Responsibilities

Each Owner shall keep and maintain the quality and appearance of all exterior surfaces, particularly those areas covered by an approved paint or stain, in good repair, condition and appearance.

Each Owner, Member and Resident shall have the duty and responsibility, at their sole cost and expense, of keeping parking areas, driveways, mailboxes, private lamp posts, landscaping, landscape structures, sprinkler systems, retaining walls and swimming pools in good repair and appearance, if such improvements are located on their Lot or Parcel, or on the adjacent common property, and were constructed by the homebuilder or homeowner of the Dwelling Unit.

Fences; Hedges

No fence, wall or hedge (which serves as a barrier) shall be erected, placed or altered on any Lot or Parcel nearer to any street than the minimum building setback line as established by the Design Guidelines or the Architectural Control Committee.

No fence, wall or hedge shall be erected, placed or altered on any Lot or Parcel without the approval of the ACC.

Mechanical Equipment

All exterior mechanical or service equipment must be enclosed within fences, walls or landscaping so as not to be visible from the immediate residential street and/or golf course.

Antennas

All antennas that are more than one meter in diameter or designed to transmit signals and programming must be pre-approved by the Architectural Control Committee and, if approved, be installed so that they are not visible from any street or golf course. Any antennas which are one meter or less in diameter should be installed so that they are not visible from any street or golf course, but in the event that such placement does not permit reception of an acceptable quality

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signal, then such antenna may be otherwise located provided that it is reasonably painted in a fashion so that it blends into the background against which it is mounted.

Landscape Maintenance Responsibilities

Each Owner and Resident of any Lot or Parcel will, at their expense, keep and maintain the Lot or Parcel, and all improvements in a safe, clean, healthy and attractive condition at all times. Such maintenance shall include, but not be limited to, the following:

- a) the proper seeding, fertilizing, consistent watering, mowing and edging of: (i) all lawns which can be seen from any street, golf course or any neighbor's house; and (ii) all median and parkway areas adjacent to each Lot;
- b) the appropriate pruning and cutting of all trees and shrubbery including sucker removal from parkway trees;
- c) prompt removal of all litter, trash, refuse and waste;
- d) watering of all landscape including trees planted in the parkway area adjacent to each lot;
- e) keeping exterior lighting and mechanical facilities in working order;
- f) keeping lawn and garden areas alive, attractive and free of weeds and insects;
- g) keeping driveways and medians in good repair and condition;
- h) promptly repairing any exterior damage;
- i) complying with all governmental requirements;
- j) keeping trees located adjacent to all sidewalks and streets (except those on the parkway which shall be maintained by the Association) trimmed to a clearance of 7 feet above the sidewalk or curb (except within 35 feet of any street corner);
- k) keeping trees, shrubs, etc. adjacent to all sidewalks and streets (except those on the parkway which shall be maintained by the Association) trimmed so that there is no vision obstruction above 2 ½ feet or under 8 feet above the sidewalk or curb (within 35 feet of any street corner);

Maintenance shall be in a manner and with such frequency as is consistent with aesthetics, safety and good property management.

Remedies for Correcting Maintenance Deficiencies

If more than five days after prior written notice (but in no event shall the Association be required to issue more than two such written notices per year, cumulative from year to year) an Owner shall fail to: (a) control weeds, grass and/or other unsightly growth; (b) remove trash; or (c) exercise reasonable care or conduct to prevent or remedy an unclean, untidy or unsightly condition, then the Master Association or the Association or the respective agents and subcontractors of either shall have the authority and right to go onto said Lot or Parcel (without any liability whatsoever for damages for wrongful entry, trespass or otherwise to any person or entity) for the purpose of taking such action as may be necessary to remedy or abate the violation or problem, including (without limitation) mowing, cleaning, chemical and/or manual treatment and removal of weeds, fertilizing, watering, and otherwise maintaining said Lot or Parcel and shall have the authority and right to assess and collect from the Owner of said Lot or Parcel a reasonable charge for such maintenance on said Lot or Parcel on each respective occasion of such mowing, cleaning, edging, trimming shrubs, planting sod, watering grass, treating fire ant mounds, or whatever other site-maintenance activity is deemed reasonable and appropriate. The Association shall have the right to operate each sprinkler, or require the Lot Owner to do so, in conjunction with an appropriate maintenance plan

although the respective Lot Owner shall bear all costs and expenses related to sprinkler activation and water consumption arising from its operation.

VILLAGE RULES REGARDING THE CONDUCT OF CONTRACTORS

Application of Rules

These rules shall apply to all contractors engaged in the construction of infrastructure projects (streets, alleys, utilities, etc.), new home construction or home remodeling within Hackberry Creek Village.

Approval by Architectural Control Committee

Approval - The Member of the Hackberry Creek Home Owners Association upon whose property the proposed construction is to take place must obtain written approval from the Master Architectural Control Committee (ACC) before commencing any work that affects the exterior appearance of a property or the construction of a new structure on the property. Because of the requirements of our CC&R document, the Architectural Control Committee must follow specified procedures and require the submittal of specified documents before a proposed building project can be approved. ACC meetings are scheduled for every other Wednesday and documents relating to a request for approval should be submitted two weeks before the meeting when the project is scheduled for review.

Inspections - The ACC shall have the right to inspect the performance of the work to ensure compliance with the approval criteria. The ACC shall have the right to retract their approval of the work if the actual construction deviates from what had been approved.

Acceptance - The ACC shall make a final inspection of the work to ensure compliance with the approval criteria. Before final acceptance will be granted, the following requirements must be met:

- a) All temporary facilities, waste materials and surplus earth must be removed from the site;
- b) All damage to common property must be repaired to the satisfaction of the Association;
- c) All valid complaints from other Members regarding the conduct of the work must be resolved.

Village Access

Gate Location - All construction vehicles (both workmen and materials) shall enter the Village through the gate closest to the construction project.

Hours of Operation - Contractors (both exterior and interior) will only be allowed to operate within the Village as follows:

Monday – Thursday	7 AM to 7 PM or Sunset (whichever is earlier)
Friday - Saturday	7 AM to 5 PM
Sundays and Holidays	12 Noon to 5 PM

Village security personnel may make a tour of the Village at the ending time of construction operation hours to ensure that all contractor personnel have exited the Village. An exception to the standard hours may be requested for good cause by contacting the Village Manager

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between 8:00 AM and 4:00 PM on Monday through Friday.

Job Site Conditions

Job Sign Size and Location - Each contractor shall install one job site sign to be located within the property lines of the Lot or Property on which new construction is to be performed. The sign shall contain a maximum of six square feet of surface area and shall be placed parallel to the street named in the address of the property. The sign shall be constructed from either wood or metal.

Contents of Sign - The Job Site Sign shall contain the following:

- a) The street address of the property in letters which are a minimum of three inches high and fully visible from the street
- b) A listing of the Contractor's name, address & telephone number
- c) A copy of the Architectural Control Committee Approval letter affixed to the sign in a weather proofed container
- d) A copy of the City of Irving Building Permit (if issued for the work) affixed to the sign in a weather proofed container.

A portable toilet may be placed on the property during construction with the prior approval of the Village Manager. Under no circumstances may the portable toilet be placed on the common property of the Hackberry Creek Home Owners Association. The toilet must be kept clean at all times. If the portable toilet needs to remain on the property longer than three (3) months, an extension must be approved by the Village Manager. If construction is halted the portable toilet must be removed.

Portable storage containers (e.g., PODS) may be placed on Lots for no more than two (2) business days. Portable storage containers may not be placed on the common property of the Hackberry Creek Home Owners Association at any time.

Trash and Debris Control

Trash Container - If the performance of the work will generate trash or debris that is not removed from the job site on a daily basis or contained within the structure being built or modified, then the contractor shall provide a commercial trash container (or other container as specifically approved by the Association) in which to place all trash. No trash shall extend above the top of the container. The container shall be placed within the property where the work is being performed. Under no circumstances shall the container be placed on the common property of the Hackberry Creek Home Owners Association. The container must be approved through the Village Manager prior to being placed on the property. If the container needs to remain on the property longer than three (3) months, an extension must be approved by the Village Manager. If construction is halted the container must be removed.

Wind Blown Trash Pick-up - Contractor shall pick up all trash blown from the job site on a daily basis. The trash shall be picked up from adjacent property, common property of the Association and the property of the Hackberry Creek Country Club. Contractor shall exercise rigorous

attention to the methods used to eliminate trash from being wind-blown from the job site.

Removal of Surplus Construction Materials, Soil and Concrete - Contractor shall remove surplus construction materials, soil, rock, and scrap concrete from the Village on a timely basis. If surplus soil is being stockpiled on vacant property with the permission of the property owner, then the soil shall be spread over the property to present a smooth appearance and not block drainage. Rock, brick, concrete (including truck wash-out) shall be removed from the Village.

Material Storage and Security

The Hackberry Creek Home Owners Association does not provide security for contractor's property and shall not be responsible for loss or damage to same on the job site. Contractor shall not deposit and/or store construction or other materials on the Common Property of the Association at any time.

Common Property

Street Cleanliness - Contractor shall keep the streets and alleys clean of dirt, mud or debris on a daily basis.

Storm Sewer Protection & Tie-ins - Contractor shall protect storm sewers from damage by any construction equipment moving over the piping. All tie-ins to the storm sewer system must be approved by the Hackberry Creek Home Owners Association in advance as to location and method. Contractor shall clean out any trash or soil that accumulates in the storm sewer pipes and inlets due to construction.

Driveway Entrances to Streets/Alleys - The location of all driveway entrances tying into streets/alleys must be approved by the Association before installation. All entrances shall be 6" thick, 3000 psi concrete to the property line and shall be doweled to the street pavement with a minimum of #4 bars on 1'-0" centers. Driveway entrances shall not obstruct storm drainage structures.

Curb Cuts - The location of all curb cuts must be approved by the Association in advance. All pipes discharging through the curb shall be installed with a minimum of 2" of concrete above the top of the pipe. The curb cut shall be made a minimum of 1'-0" on either side of the pipe penetrating the curb. Rebar shall be doweled into the existing curb both ways and shall be continuous over the top of the pipe. The curb shall be poured back with 3000 psi concrete and shall conform to match the adjacent curb.

Sidewalks - Concrete sidewalks shall be installed in front of all property lines adjacent to streets (both front and side streets). Sidewalks shall be a minimum of 4'-0" in width and 4" thick. Sidewalks shall conform to the City of Irving handicap accessibility guidelines.

Private Drains - On all property where private drains are provided, drainage from crawl spaces and discharge from swimming pools and hot tubs shall be tied directly to the private drain line.

Hackberry Creek Country Club Property

All work performed on any Lots or Properties adjacent to Hackberry Creek Country Club (HCCC) and affecting the golf course, shall be coordinated directly with HCCC management.

Environmental Protection

Hazards - No work or materials shall be used that present an environmental hazard to the residents, guests or pets in the Village.

Erosion Protection - During the entire performance of the work or until sufficient vegetation is established to prevent erosion, adequate erosion protection devices shall be installed and maintained to prevent silt from leaving the Lot or Properties and entering streets, alleys, storm sewers or adjacent Lots or Properties.

ENFORCEMENT NOTICE PROCEDURE

The responsibility for enforcing the provisions in the CC&R document and the rules provided for by this document rests with the Board of Directors of the Association. Enforcement action may result from the normal activities of the Management Company, a resident complaint or an Architectural Control Committee request. In each case, the first action of the Board shall be to direct the Management Company to send a letter or email to the Owner/Resident informing them of the observed violation and asking them to correct it. If the violation is not corrected in the specified time, the Association shall direct the Management Company to send a Certified Letter to the Owner/Resident. The letter will cite the specific provision in the CC&R's or rules which is being violated, what needs to be done to cure the violation, how long the Owner/Resident has to cure the violation and the amount of the fine or other penalty which could be imposed if the violation continues. All notices will meet the requirements of Title 11, Texas Property Code, Chapter 209 (TEXAS RESIDENTIAL PROPERTY OWNERS PROTECTION ACT). If the Owner is entitled to an opportunity to cure the violation, the Owner has the right to submit a written request for a hearing to discuss and verify facts and resolve the matter in issue before the Board of Directors of the Association. The Association shall hold a hearing not later than the 30th day after the date the Board receives the Owner's request for a hearing and shall notify the Owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. The Board or the Owner may request a postponement, and, if requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties. The Owner or the Association may make an audio recording of the meeting.

NOTE: The information contained in this booklet is provided for the convenience of our Owners. Please refer to the actual Declaration of Covenants, Conditions and Restrictions and Bylaws documents for a complete treatment of the subject. Any questions or requests for clarification or exceptions to the rules should be referred to the Board of Directors.