

## ARCHITECTURAL PLANNING CRITERIA

**WHEREAS**, the Declaration of Covenants and Restrictions for Fish Creek Ranch Preserve, as recorded in the Public Records of Albany County, Wyoming and this document is a part of, provides that William L. Huntley (the "Developer"), shall form a committee known as the Architectural Review Board (the "ARB"); and

**WHEREAS**, the above-referenced Declaration of Covenants and Restrictions for Fish Creek Ranch Preserve provides that the Board of Directors of Fish Creek Ranch Preserve (the "Association") on recommendation of said committee shall adopt and modify or amend from time to time Architectural Planning Criteria for Fish Creek Ranch Preserve which criteria are to be set forth in writing and made known to owners and all prospective owners in Fish Creek Ranch Preserve;

**NOW, THEREFORE**, the Developer has appointed a committee to be known as the ARB, and in accordance with the duties and obligations imposed upon said committee by the Declaration of Covenants and Restrictions for Fish Creek Ranch Preserve the Board of Directors of the Association, upon recommendation of the ARB, does hereby adopt the following Architectural Planning Criteria:

**1. BUILDING TYPE.** No building shall be erected, altered, placed or permitted to remain on any Homestead other than one detached single-family dwelling containing not less than two thousand (2,000) square feet of livable enclosed floor area (exclusive of open or screen porches, terraces, garages and carports), not to exceed forty (40) feet in height. All plans for any and all construction shall have the approval of the ARB before the commencement of construction. Unless approved by the ARB as to location and architectural design, no garage, tool or storage room may be constructed separate and apart from the residential dwelling, nor can any such structure(s) be constructed prior to construction of the main residential dwelling. Any guest house shall be no more than 50% of the size of the main dwelling. All Homesteads shall be required to have a two car garage containing not less than four hundred (400) square feet.

**2. LAYOUT.** No foundation for a building shall be poured, nor shall construction commence in any manner or respect, until the layout for the building is approved by the ARB. It is the purpose of this approval to assure no trees are unnecessarily disturbed and that the home is placed on the Homestead in its most advantageous position.

**3. EXTERIOR PLAN.** The ARB shall have final approval of all exterior plans and each Owner must submit to the ARB a plan showing the material and color of the roof, exterior walls, shutters, trims, etc. The ARB shall consider the extent to which the plan is consistent with the homes on the Property and the extent to which the plan conforms with the natural scheme of and for Fish Creek Ranch Preserve.

**4. ROOFS.** Flat roofs shall not be permitted unless approved by the ARB. Such areas where flat roofs may be permitted are porches and patios. There shall be no flat roofs on the entire main body of a building. Minimum pitch of roof will be 4/12. Mansard roofs shall

not be permitted. The composition of all pitched roofs shall be brown or green metal, tile, cedar shake shingle, slate or concrete construction, or other composition approved by the ARB. Asphalt shingle shall not be allowed.

**5. DWELLING QUALITY.** The ARB shall have final approval of all exterior building materials. Eight inch (or larger) concrete block shall not be permitted on the exterior of any building or detached structure unless prior approval is obtained from the ARB. The ARB shall discourage the use of imitation materials, except rock, for facades and encourage the use of front materials such as brick, stone, wood, and artificial stone, or a combination of the foregoing.

**6. SIGNS.** No sign of any kind shall be displayed to the public view on any Homestead, except for Owner's name and address.

**7. FENCES AND WALLS.** The composition, location and height of any fence or wall to be constructed on any Homestead shall be subject to the approval of the ARB.

**8. GARBAGE AND TRASH CONTAINERS.** No Homestead shall be used or maintained as a dumping ground for rubbish, trash or other waste. All garbage or trash shall be put in a heavy duty plastic trash bag and then placed in an enclosed trash bin approved by the ARB at the time of initial dwelling plan approval. Containers shall be designed so that they shall not be visible from adjoining Homesteads or public areas and are not accessible by wildlife. Each container shall be placed to enable the Association to carry out its refuse removal duties.

**9. TEMPORARY STRUCTURES.** No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out building shall be used on any Homestead at any time as a residence either temporarily or permanently.

**10. REMOVAL OF TREES.** No trees of two (2) inches in diameter at one (1) foot above natural grade shall be cut or removed without approval of the ARB, which approval may be given when such removal is necessary for the construction of a dwelling or other improvement (roadway, utilities, etc.). Trees determined to be diseased by the employee of the Association shall be required to be removed within thirty (30) days of the determination of the disease to prevent the spread of disease.

**11. UTILITY CONNECTIONS.** Building connections for all utilities, including, but not limited to, water, electricity, telephone and television shall be run underground from the proper connecting points to the building structure in such a manner to be acceptable to the ARB.

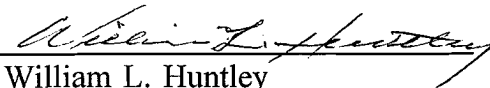
**12. BARBECUE GRILLS.** Barbecue's shall be of a permanent type and constructed to blend with the dwelling. These shall require ARB approval.

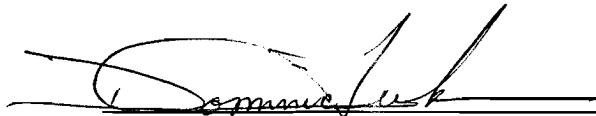
**13. MODIFICATION TO EXISTING STRUCTURES.** Any and all modifications to existing structures, whether to floor plan or exterior color, shall require the approval of the ARB.

14. **ARB REPORTS.** The ARB's approval or disapproval as required in the foregoing Architectural Planning Criteria shall be delivered in writing to the Board of Directors of the Association and to the Homestead Owner submitting same. In the event the ARB fails to approve or disapprove plans and specifications within thirty (30) days of submissions thereto, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related criteria shall be deemed to have been fully complied with.

**IN WITNESS WHEREOF**, the Developer has caused these presents to be executed as required by law on this, the day and year first above written.

**WITNESS:**

By:   
William L. Huntley  
Developer



FIRST AMENDMENT TO THE  
ARCHITECTURAL PLANNING CRITERIA

This First Amendment is made to the Architectural Planning Criteria for Fish Creek Ranch Preserve, as filed in the real estate records for Albany County, Wyoming, at Book 487, Page 247, on March 4, 1996.

The Architectural Planning Criteria for Fish Creek Ranch Preserve shall be amended to read as follows:

**WHEREAS**, the Declaration of Covenants and Restrictions, as amended, for Fish Creek Ranch Preserve, as recorded in the Public Records of Albany County, Wyoming and this document is a part of, provides that William L. Huntley and Linda Huntley (the "Developer"), shall form a committee known as the Architectural Review Board (the "ARB"); and

**WHEREAS**, the above-referenced Declaration of Covenants and Restrictions, as amended, for Fish Creek Ranch Preserve provides that the Board of Directors of Fish Creek Ranch Preserve (the "Association") on recommendation of said committee shall adopt and modify or amend from time to time Architectural Planning Criteria for Fish Creek Ranch Preserve which criteria are to be set forth in writing and made known to owners and all prospective owners in Fish Creek Ranch Preserve;

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2. **LAYOUT.** No foundation for a building shall be poured, nor shall construction commence in any manner or respect, until the layout for the building is approved by the ARB. It is

the purpose of this approval to assure no trees are unnecessarily disturbed and that the home is placed on the Homestead in its most advantageous position.

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9. **TEMPORARY STRUCTURES.** No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out building shall be used on any Homestead at any time as a residence either temporarily or permanently.

**10. REMOVAL OF TREES.** No tree or shrub, the trunk of which exceeds two (2) inches in diameter, shall be cut down, destroyed or removed from a Homestead unless required in the immediate area of the residential dwelling during construction or unless the Association determines the trees are diseased. Homestead owners must remove diseased trees within thirty (30) days of the determination to prevent the spread of disease. Notwithstanding this paragraph, Owners may remove trees that are not in the immediate area of the residential dwelling during construction or are not diseased if they have the approval of the ARB.

**11. UTILITY CONNECTIONS.** Building connections for all utilities, including, but not limited to, water, electricity, telephone and television shall be run underground from the proper connecting points to the building structure in such a manner to be acceptable to the ARB.

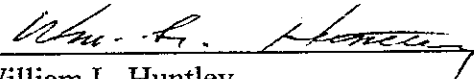
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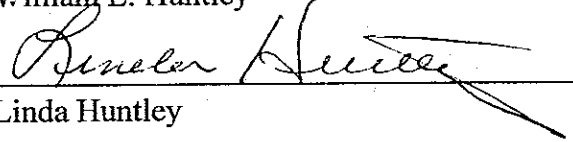
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[EXECUTION PAGE FOLLOWS]

This First Amendment to the Architectural Planning criteria for Fish Creek Ranch Preserve is made this 7<sup>th</sup> day of November, 1997. The Developer, William L. Huntley and Linda Huntley are the sole owners of record of the property, subject to the Declaration, at the date of the amendment.

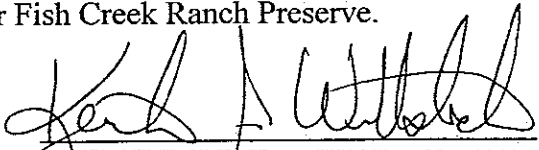
  
\_\_\_\_\_  
William L. Huntley

  
\_\_\_\_\_  
Linda Huntley

STATE OF Wyoming )  
 )ss.  
COUNTY OF Albany )

The foregoing was acknowledged before me this 7<sup>th</sup> day of November, 1997, by William L. Huntley and Linda Huntley, who did state they were is the sole owners of record of property affected by the Architectural Planning Criteria for Fish Creek Ranch Preserve.

Witness my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

