

DESIGN GUIDELINES OF TOWN & COUNTRY ESTATES

These Design Guidelines are made this 14th day of May, 2001 by the Town & Country Estates Homes Association (the "Homes Association" or "Association").

PREMISES:

WHEREAS, the Town & Country Estates Homes Association was formed by Homes Association Declaration dated June 20, 1955 and recorded July 2, 1955 in real estate records of Johnson County, Kansas as Document No. 49670 in Book 72 Misc., at Page 287, (the "Homes Associations Declaration"); and

WHEREAS, the Homes Association Declaration empowered the Homes Association to enforce all building restrictions which were or were to be imposed upon any of the land in the Homes Association district (sometimes referred to as "Town and Country"); and

WHEREAS, a certain Declaration of Restrictions dated September 30, 1956 and recorded November 16, 1956 in the real estate records of Johnson County, Kansas as Document No. 526122 in Book 84 at page 30 (the "Declaration of Restrictions"), placed certain building restrictions upon the land in the Homes Association district; and

WHEREAS, the Homes Association has promulgated and adopted bylaws of the Homes Association (the "Bylaws") which vest the powers of the Homes Association, and make all necessary rules and regulations for the guidance of officers and management of the affairs and business of the Homes Association; and

WHEREAS, the Bylaws empower the Board of Directors of the Homes Association to direct, manage and control property, affairs and business of the Homes Association, and make all necessary rules and regulations for the guidance of officers and management of the affairs and business of the Homes Association; and

WHEREAS, on December 15, 1992, the Town and Country Homes Association, by and through the Board of Directors adopted Design Guidelines of Town and Country Estate ("Design Guidelines")

WHEREAS, the Board of Directors of the Homes Association has decided and resolved to revise and restate the Design Guidelines for the purpose of providing guidance and direction to the Board of Directors, property owners, architects and builders, in reviewing and creating remodeling plans and new home plans, that preserve the character of Town and Country; and for the further purpose of governing the Board's review of applications for new construction or modifications to existing structures as proposed by homeowners.

NOW THEREFORE, the Board of Directors of Town & Country Estates Homes Association hereby set forth those guidelines and rules as follow, with the intention that all land located within the Homes Association district shall be bound thereby.

1. Size of Residences.

SCALE - The scale of any new or remodeled structure shall be in keeping with the scale of the neighborhood. Scale shall mean that the structure is comparable in size and overall impact to

Note: This electronically-converted copy of the Guidelines is being provided for convenience and information only.

the neighboring structures and the Association as a whole. Scale is a common architectural term describing the size of a building or structures (a home in this case) relative to other buildings in its context or surroundings.

If the Board believes that the proposed structure may not be compatible with surrounding homes in terms of scale, the Board may request that a comparison of the proposed structure to the neighboring structures be performed at no cost to the Board or Association.

At the discretion of the Board, this comparison shall include a scale rendering of the existing and proposed structure and neighboring structures as would be seen from various views, numerical comparisons of the projected elevations and views of the existing and proposed structure and neighboring structures and similar comparisons to assist the Board in its assessment of whether the proposed structure fits the scale of the neighborhood.

HEIGHT - Roof height (highest point of roof structure) as measured from the existing finished floor elevation or the new finished floor elevation of the first floor, shall not exceed twenty-eight feet (28').

Finished floor elevation is considered to be zero if the lowest point of grade which is adjacent to the foundation is within eighteen inches (18") of the finished floor.

If the lowest point of the grade (adjacent to the foundation) is more than eighteen inches (18") below finished floor, the height of the roof shall be measured from the lowest point of grade adjacent to the foundation to the highest point of the roof structure.

Under extreme adverse site conditions, which are documented, the existing finished floor elevation and finished grade elevation may be raised up to two feet (2') above the existing finished floor elevation and finished grade elevation, but the new roof height shall not exceed twenty-eight feet (28') as measured from the new finished floor elevation.

Roof ridge height at the maximum height of twenty-eight feet (28'), expressed as a percentage of the entire roof ridge lines, shall not be more than 50 percent (50%) of the entire roof ridge line. The ridge lines shall be measured and expressed in lineal feet, to the nearest whole foot. The remaining roof ridge heights shall not exceed twenty-five feet (25').

Chimney height shall be according to the current Prairie Village, Kansas Building Code, and consistent with these guidelines.

LOT COVERAGE - In order to maintain the character and open feeling of the neighborhood, the following limits shall apply to all new construction on lots in Town & Country Homes Association:

The square footage of the foundations for the house and associated buildings shall not exceed twelve percent (12%) of the lot square footage.

The total square footage of living area for the house and associated buildings shall not exceed fourteen percent (14%) of the lot square footage. The total square footage of living area shall include unfinished areas under roof which can be converted to living area, with a ceiling height of 8'-0", but not including area below first/main floor. When an existing house is at or near the above limits, the Board, in appropriate circumstances, may allow an addition of up to ten percent (10%) of the existing structure, in excess of the above limits.

Note: This electronically-converted copy of the Guidelines is being provided for convenience and information only.

2. Roofs, Roofing Materials. Generally only wood, slate-type shingles or tile will be allowed as roofing materials. The Board may approve certain other roofing materials, where the board determines the materials are similar in quality and appearance to roofing materials used on previous existing structures. The proportions of roofs will be consistent with the proposed architectural style. Portions of flat roof will be permitted on a limited basis as approved by the Board. The main roof of the dwelling shall have a pitch and shall be of a dimension approved by the Board. Heating, air-conditioning and plumbing vents shall not penetrate the roof on the roadside of the building unless it is determined to be absolutely necessary by the Board. In all cases, vents will be painted the same color as the roof or as a part of the approved color scheme.

3. Construction Standards. Each dwelling and any attached or on-site building will be designed or approved by a licensed design professional. Each dwelling will meet all applicable code requirements. All exterior design plans must be approved by the Board.

4. Exterior Materials and Color. Buildings will be faced on all sides with quality materials. Exposed standard concrete block, pre-fabricated metal building or simulated brick, simulated stone or simulated wood will generally not be allowed. Certain exterior colors shall not be allowed, particularly very vivid or bright pastel colors, such as turquoise, pink, orange, lavender, purple and the like. No unusual paint patterns, designs or color combinations will be allowed. For purposes of this paragraph, "unusual" shall be in the reasonable opinion of the Board.

The exposed exterior wall areas, exclusive of door, window and covered porch areas, will be of a material or materials approved by the Board. Metal window frames will be in color harmony with the exterior color and texture of the residence. No unpainted aluminum will be permitted for the window framing. Wood frames will be painted, sealed or stained.

5. Gutters. Complete guttering will be installed on all houses with downspouts carried to an outfall, well away from the foundation.

6. Mechanical, Electrical, Plumbing and Electronic Equipment. All mechanical, plumbing and electronic equipment, including transformers, air-conditioning, condensers and compressors will be properly housed or landscaped in a manner that will blend with the site and residences. All such equipment will be located behind the front building lines of the primary structure. Roof mounted equipment will be housed in a manner that will prevent visibility from the ground or from upper floors of other structures. No exterior window or wall air-conditioning or heating instruments will be permitted which are visible from the front property line. All antennas of any type must be of the concealed type installed inside the attic space or other enclosed space within the primary residence. No television, radio, citizen's band, short wave or other antenna, satellite dish (other than as provided below), shall be attached to the exterior of any residence, exterior structure or erected in any yard. Should any part or all of this guideline set forth in the preceding sentence be unenforceable because it violates a statute or the First Amendment or any other provision of the United States Constitution, the Board of Directors shall have the right to establish rules and regulations regarding the location, size, landscaping and other aesthetic aspects of such projections so as to reasonably control the impact of such projections on the surrounding residences, and all parts thereof, and any such rules and regulations shall be binding upon all of the Lots. Notwithstanding any provision to the contrary, small satellite dishes (maximum 25 inches in diameter) may be installed, with the prior written consent and in accordance with the requirements of the Board of Directors, so as not to be readily visible from the street and to render the installation as inoffensive as possible to other homeowners.

7. Patios. No fencing or screening of a patio or recreation area will be installed without written approval of the board. If allowed, it will be designed as to buffer surrounding

Note: This electronically-converted copy of the Guidelines is being provided for convenience and information only.

residences from all lighting.

8. Swimming Pools. Fencing or screening of all pool areas shall be approved by the Board. No lighting of a pool or recreation area will be installed without the approval of the Board and if allowed, will be designed for recreational character so as to buffer the surrounding residences from all lighting. No aboveground swimming pools will be allowed on any lot.

9. Lights. All outdoor lighting shall be directed so as to avoid glare and excessive light spillage on adjacent property and shall require approval by the Board.

10. Storage Tanks. No exterior storage tanks for fuel or anything else shall be allowed on any lot.

11. Solar Panels. Solar panels will not be erected without the prior consent of the Board.

12. Building and Landscaping. A landscape plan must be presented to the Board with the proposed building plan that shows proposed planning for the grounds. The Board must approve any additional significant landscaping on lots previously approved with a residence.

13. Basketball Goals. No exterior basketball goals shall be attached to any building. All basketball goals shall be free standing with a transparent back board and mounted on a dark painted pole, and located behind the front building set back line shown on the applicable plat. All such goals and devices are subject to the approval of the Board.

14. Garages. The interior of all garages must be finished (drywalled and painted as a minimum) like other rooms in the building. No garage may be left open to the public street for an extended period of time. No garage shall be permitted to be enclosed for living or used for purposes other than storage of automobiles and related normal uses. All garages must be side or rear entry garages.

15. Outbuildings. All outbuildings must be approved in writing by the Board prior to construction.

16. Tennis and Athletic Courts. No tennis court may be constructed on any lot. No other type of sport or athletic courts may be constructed on any lot without the express consent of the Board. The Board may withhold its approval of the construction of any such court or playing surface for any reason whatsoever. Any action in disapproving plans for any such court or playing surface shall be deemed a reasonable action of the Board. In no event shall outside lights be permitted to be constructed for the purpose of lighting any athletic court or other outdoor constructed playing surface. Nothing in this paragraph shall restrict the Board's authority to approve any other outside lighting as provided in Paragraph 9 of these Design Guidelines.

17. Fences. No fences or screening shall be constructed on any lot without the express approval of the Board. All fences must have the finished side of the fence facing to the outside of the lot on which it is constructed. Fences shall be made of wood, masonry, wrought iron or combination thereof. Chain link fencing may be permitted if it is on the green or black vinyl coated variety, landscaped, used along the side or rear yard only and approved by the neighbors.

18. Residential Use Only. Each lot shall only be used for residential purposes. No business or commercial building shall be erected on any lot and no business or commercial enterprise or other nonresidential use may be conducted on any part thereof. No temporary

Note: This electronically-converted copy of the Guidelines is being provided for convenience and information only.

building structures or trailers may be erected, placed or maintained on any lot.

19. Nuisance. No owner shall permit or suffer anything to be done or kept about or within his or her lot which will obstruct or interfere with the rights of other owners, occupants or persons or any them by unreasonable noises or otherwise. Nor will he or she commit or permit any nuisance or suffer any illegal act to be committed therein. Each owner shall comply with the requirements of all health authorities and other governmental authorities having jurisdiction over the property as well as the Guidelines and Declarations.

20. Animals. No animals, including horses or other domestic farm animals, fowl or poisonous reptiles of any kind, may be maintained on any lot except a reasonable number of commonly accepted household pets. No animal shall be kept raised or bred for commercial purposes. In no event shall any domestic pet be allowed to run free, away from its owner's lot so as to create a nuisance.

21. Boats and Motor Vehicles. No boats, trailers, buses, motor homes, campers or other recreational vehicles shall be parked or stored in or upon any public street or lot except in a closed garage or otherwise not visible to the neighbors. No vehicle shall be repaired (except minor repairs) or rebuilt on any lot or in any common area. The Association may remove or cause to be removed, any unauthorized vehicle or other item prohibited hereby, at the expense of the owner thereof, in any manner consistent with the law.

22. Garbage. No garbage or trash shall be kept, maintained or contained in any lot so as to be visible from another lot. No incinerators are to be kept or maintained on any lot. Trash shall be placed in such designated locations and in such containers as may be established from time to time by the Board. Nothing in this paragraph shall preclude any owner from maintaining a composting device for the purpose of recycling yard waste provided that such composition device is placed in an unobtrusive part of the owner's lot. Special regulations may be promulgated by the Board from time to time regarding the type, use and placement of such composting devices. Such regulations may be applied retroactively at the Board's discretion.

23. Mining. No portion of any lot shall be used in any manner to explore for or to remove any water, oil or other hydrocarbons or minerals of any kind or earth substance of any kind.

24. Clothes Drying Area. No portion of any lot shall be used as a drying or hanging area for laundry if it is visible from the front property line. If it is visible to adjoining residents, they should give their consent for laundry lines.

25. No Subdivision or Compound. No lot shall be divided or subdivided. If any owner owns contiguous lots, they may be combined into a single home site, but only upon obtaining prior written approval of the city and the Board, provided, however that (i) the combined lots shall be deemed only one lot for the purposes of these Guidelines and Declaration; (ii) the owner of each combined lot shall be entitled to the rights of only one Association membership in respect to all such lots so combined and (iii) once two or more lots have been so combined to form a combined lot, they shall remain as such and the owner shall not be permitted to rent, sell or otherwise transfer or convey less than all of such combined lot.

26. Rental of Lots. No owner may rent his lot or any house or other structure or improvement thereon for any purpose without the express written consent of the Board. An owner who, after gaining permission, leases his lot to any person, shall be responsible for assuring compliance by his lessee with all of the provisions of these Guidelines and the Articles,

Note: This electronically-converted copy of the Guidelines is being provided for convenience and information only.

Bylaws and Rules of the Association, as well as the Declaration, all as amended and supplemented from time to time and shall be jointly and severally responsible for any violation by his lessee thereof. The Association, acting through the Board or its authorized agents, may enter into any lot upon which a violation of these Guidelines or the Declaration exists and may correct such violation at the expense of the owner of such lots. Such expenses and such fines as may be imposed shall be a special assessment secured by a lien upon such lot in force with accordance of the provisions. The provisions of this paragraph shall apply to the case of a sublessee(s), including the requirement that once having gained Board approval for the rental of such property or improvement, so sublease shall be allowed without the express approval of the Board.

27. Review of Plans: Assessment of Fees. The Board may retain such outside architectural consultants, as it deems necessary to assist it in the review process. The Board may assess reasonable fees in connection with its review of plans and specifications.

28. No Waiver. The Board is charged with the responsibility of exercising judgment as opposed to simply enforcing rules. Thus, in certain cases the general Guidelines may be modified or waived to recognize the special circumstances of a given situation. Such exceptions or waivers in no way diminish the enforceability of the Guidelines in other unrelated situations. In all cases, however, the Board will do its best to balance the long-term interests of the overall neighborhood with the specific objectives of the individual homeowner.

29. No Liability. Plans and specifications shall be approved by the Board as to conformity with the provisions of these Guidelines and the restrictions, rules and regulations of the Association. They shall not be approved for engineering design or for compliance with the zoning and building ordinances. By approving such plans and specifications, neither the Board nor the individual members thereof; the Association, any Association members, the President or any officer thereof assume(s) any liability or responsibility thereof or for any defect in any structure constructed from such plans and specifications. Neither the Board, any member thereof, the Association, any member thereof, the President or any officer of the Association shall be liable to any owner or any other person for any damage, loss, prejudice suffered or claimed on account of i) the approval or disapproval of any plans, drawings and specifications whether or not defective or (ii) the construction or performance of any work whether or not pursuant to any plans, drawings and specifications. Approval of plans and specifications by the Board is not, and shall not be deemed to be a representation or warranty that said plans or specifications comply with the applicable government ordinances and regulations including, but not limited to, zoning ordinances and building codes.

30. Inspection Rights. Any member or authorized consultant, employee or agent of the Board of the Association may, at reasonable lime, enter, without being deemed guilty of trespass, upon any lot, after reasonable notice as has been given to the owner, in order to inspect improvements constructed and being constructed on such lot to ascertain that such improvements have been or are being constructed in compliance with these Design Guidelines and the Declaration.

31. Severance. Any provision of the Guidelines deemed invalid by a court of competent jurisdiction shall not affect the validity of the remaining provisions hereof. Said invalid provision shall be deemed of no further force and effect.

32. Amendment. These guidelines may be amended from time to lime by a vote of the Board of Directors. Any amendment of these guidelines will supersede any prior guidelines as previously set forth.

Note: This electronically-converted copy of the Guidelines is being provided for convenience and information only.

33. Other Rules. Pursuant to the authority of the Board to develop rules and regulations governing the Association, certain other rules and regulations may be promulgated from time to time which are not intended to be a part hereof. Any member is hereby placed on notice that they should contact the Board of Directors to ascertain the existence of same. Failure of the Board to record such other rules and regulations shall not affect their validity nor allow any affected person to claim a defense of lack of notice of same.

In witness whereof the undersigned directors of Town & Country Estates Homes Association has executed these Design Guidelines as of the 14th day of May 2001.

TOWN & COUNTRY ESTATES HOMES ASSOCIATION BOARD OF DIRECTOR

Note: Signatures follow on original.

Note: This electronically-converted copy of the Guidelines is being provided for convenience and information only.