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November 1999

Dear fellow Winding Woods homeowners:

Our subdivision indentures provide for a functional Architectural Control Committee (ACC). The primary responsibility of the ACC is to work with the homeowners in the review of any plans for exterior modifications to the homeowner's property. This includes decks, fences, pools, room additions and other items clearly defined in the ACC Guidelines.

We believe this is a critical procedure with the sole intent of providing harmony not only with the "look" of the subdivision but also to provide the maximum enjoyment for all of the residents. It may seem to be an inconvenience, however, consider the alternative of no control and the necessity should be apparent.

We make a large investment in the purchase of our homes and how quickly and how much our values appreciate depend significantly on the appearance of the entire subdivision, not only the common ground but each individual home as well.

The ACC and guidelines will provide a benefit to all of us. The review process may even bring ideas to light that we overlooked or did not consider and which will ultimately make our projects even more satisfying.

Please retain this copy of the ACC Guidelines and pass it on to the future owner of your home.

Best Regards,

Winding Woods Trustees

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I. Architectural Control Committee (ACC)

A. Purpose

The purpose of the Architectural Control Committee (ACC) is to maintain the architectural character of Winding Woods by establishing guidelines for modifications to existing structures and any new construction. The ACC's responsibility is to help the residents of Winding Woods preserve the value of their property and to protect the appearance of the community for the enjoyment of all. The application of the guidelines contained herein will assure the harmony and the continuity of any alterations to the original exterior design; while providing every resident the greatest possible freedom to use and to decorate his/her property.

B. Authority

The intent of the guidelines herein is to implement and supplement Section 5, paragraph 3 (page 8), Indenture of Restrictions, Winding Woods, St. Louis County, Missouri.

The Architectural Control Committee (ACC) is appointed by the Trustees of Winding Woods as set forth in Section 5, paragraph 3, of the Trust Indenture, entitled Architectural Control.

C. Membership

The Architectural Committee consists of a minimum of three current members listed in [Appendix D](#). The members of the committee are appointed by the Trustees. If a member can no longer serve, the Trustees will appoint a replacement within 30 days of notification.

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II. Architectural Control Procedures

A. Applicability

Submission of applications for proposed changes, improvements and/or alterations to existing property is applicable to all lot owners and residents of Winding Woods. Applications are to be submitted for the construction, alteration and/or improvements to existing homes, including but not limited to the following:

- Fences
- Pools
- Decks
- Porches
- Patios
- Gazebos
- Any other modifications or alteration of the exterior

Note: Certain structures may require landscaping/screening to obscure it.

For the purposes herein, the term "structure" shall include satellite dishes, television and radio antennae or towers, and any other receiving device.

If you are in doubt as to whether or not to submit a proposal, contact a member of the ACC prior to commencing work.

B. Submission of Applications

Applications must be submitted prior to the commencement of any work and must provide sufficient information to accurately describe the work planned. (See [Section II - D](#), page 5) (If applications are submitted after the work begins, or if the owner commences work without making applications, the ACC may require that the work be stopped pending these review procedures. If the proposal is disapproved, the ACC will require the lot owner or resident to restore the property to its original condition. In the event any enforcement action is necessary, the owner-applicant shall be responsible for any expenses incurred in such enforcement, including attorney's fees, regardless of whether a lawsuit was commenced. As this would be uncomfortable for all parties, the intent is to encourage everyone to have their projects approved prior to beginning work.)

The application may be submitted to any member of the ACC. If there are any questions regarding the application or the procedures of the guidelines, contact a member of the ACC. A copy of the application form is attached as [Appendix F](#).

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C. Permits

The applicant is required to secure all necessary building and construction permits and other local governmental approvals as may be required.

D. Completion of Application Form (See [Appendix F](#))

The application asks for a general description of the work planned. For example:

Addition of a 12 ft. x 12 ft. cedar deck to rear of house behind family room. Three-foot railing to border deck with built-in benches. One small four-step staircase to ground level. Deck to be stained to match house exterior.

The application must include the following:

- Descriptions, location, and dimensions shown on a plot plan
- Blue prints/architectural plans
- Lists of materials, name of contractor, anticipated date of completion
- Certificate of insurance (liability and workers compensation)

Items which help the ACC to expedite approval include:

- Color samples
- Photographs of similar completed projects

Any proposal which involves grading or changes to the existing drainage of the lot must include a grading and drainage plan approved by the City of Wildwood.

All applicants are required to notify their neighbors of their work plans. Any neighbor with a view of the proposed improvement or alteration should be included. The applicant must include a summary of neighbor's comments in the application. If, for any reason, the applicant prefers to not contact neighbors directly, the ACC will act on the applicant's behalf.

The applicant must sign and date the certification section of the application form. ([Appendix F](#))

Note: It is the resident's responsibility to make certain their application is complete and is submitted according to ACC submission guidelines.

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E. Response

The ACC will review the complete application and render a decision within 7 days. Consent of a majority of the members of the ACC is necessary to act on an application.

The ACC response will be in writing and may be one of three types:

1. Project approved without modification

The applicant may proceed.

2. Conditional Approval

The applicant may proceed in accordance with the conditions set forth by the ACC.

For example: A sunroom is to be added to a house which is red brick and brown cedar. The exterior of the sunroom is to be painted fluorescent orange. The ACC rejects the exterior color and requests that the resident select another choice of color and submit that new choice to the ACC.

3. Rejection

The application is rejected in its entirety. The ACC will state the reason for the rejection. The applicant may re-apply if he satisfies the reasons stated for rejection.

Important: Homeowner must sign and date one copy of the "Approved" or "Conditional Approval" and return it to any ACC member. The approval is in effect only after the ACC receives the signed approval. ACC approval is valid until the date specified by the ACC on the "Approved" or "Conditional Approval" letter (generally 2 weeks after the planned completion date).

In addition, the ACC reserves the right, under conditional approval, to:

1. Require a reasonable deposit (refer to Article of Indenture, page 5, section 3, paragraph 8) when, in the ACC's judgment, heavy construction equipment or movement of heavy materials may impose a threat to Subdivision improvements, such as streets, sidewalks, curbs, Common Property, etc, or to secure complete site clean-up.

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WINDING WOODS ARCHITECTURAL CONTROL GUIDELINES

2. Receive the following documents prior to the start of construction as a condition of recommending construction.
 - Copy of all plans submitted to local government;
 - Copy of building permit and grading permit (if applicable) issued by local government; and
 - Written contract with contractor, which must require certificate of liability insurance naming the homeowner and the Winding Woods Trustees as additional insureds, certificate of worker's compensation insurance, lien waivers, removal of all debris upon completion, and a reasonable completion date.

Note:

Note that ACC approval constitutes a binding agreement with the Applicant, and all terms of the approved application must be satisfied. Any material change in the plans or deviation in actual construction must have the prior written approval of the ACC. The Response letter will state the period of time for which the approval will remain valid.

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F. Appeal

If the applicant elects to request a reconsideration of a rejection or a conditional approval, a written request with a copy of the original application, all attachments and the ACC response is to be filed with the ACC within 7 days of receipt of the ACC notice of rejection. The applicant shall be entitled to a meeting with the ACC if he/she requests. A final response by the ACC will be provided within 7 days of the receipt of the appeal.

If the applicant is not satisfied with the final ACC response, he/she may file an appeal with the Winding Woods Trustees within 7 days. The appeal must be written and must include a copy of the original application, all attachments, the ACC's initial response and the ACC's final response. The applicant shall be entitled to a hearing if he/she requests. The ruling of the Trustees shall be made within 7 days of receipt of the appeal. The ruling of the Winding Woods Trustees is final.

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III. Guidelines

Alterations are considered to be those which alter the existing structure or site either by subtraction and/or addition.

Alterations should be compatible in scale, materials and color with the applicant's house and the subdivision, with greater weight given to surrounding homes.

The location of alterations should not impair the views or amount of sunlight and natural ventilation on adjacent properties.

Pitched roofs should match the slope of the roof on the applicant's house. Roofing shingles must match existing shingles.

New windows and doors should match or compliment the existing ones and should be located in a manner which will relate well visually with the existing openings in the house.

If changes in grade or other conditions which will affect drainage are anticipated, they must be indicated. Approval will be denied if adjoining properties are adversely affected by changes in drainage.

Construction materials should be stored so as to minimize unsightly views from neighboring properties. Excess materials and debris should be immediately removed after completion of construction.

A. Swimming Pools

Only pools that meet the following criteria will be allowed:

1. The site must be appropriate for such an installation.
2. Pools, including the pump and the filter installations, must be located to the rear of dwellings.
3. Pools must be fenced to prevent uncontrolled access by children from the street or from adjacent properties. Gates must be self-latching or otherwise made inaccessible from the outside to small children. Fences should be used in conjunction with appropriate landscaping.
4. The lighting used to illuminate the pool shall be directed away from adjoining property.
5. All installations must meet City of Wildwood and St. Louis County code requirements.

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B. Exterior Solar Collectors

Exterior solar collectors, of any type, are prohibited.

C. Landscaping

The use of landscaping to accent entryways, define space, create "soft" privacy screens and to reduce the visual impact of fences, HVAC components and other separate structures is strongly encouraged. However, consideration must be given to the views from neighboring houses and property, shade patterns of large trees and physical damage from encroaching plantings.

Landscaping work and planning, in general, do not require the approval of the ACC. Exceptions to this general rule are:

- Any proposed landscaping which will alter the natural drainage pattern of the property or would be located in the drainage or utility easement shall be submitted to the ACC for approval.
- Use of synthetic grass or other synthetic ground cover.

Homeowners are encouraged to use professional landscaping as a vehicle to improve the appearance of their homes and thereby increase the value of their property.

D. Maintenance of Property

All rubbish and debris must be removed from the lot and the lawns must be cut, trimmed and maintained reasonably free of weeds and of large or numerous bare areas. Trees, shrubs, and other plantings must be maintained in such a manner so as to prevent a detrimental and/or unattractive appearance. Homeowners must remove fallen trees, dead trees and shrubs from front, back, and/or side yards promptly. All lots must be maintained in such a manner as to cause drainage of water to flow into adjacent streets or drainage outlets and not upon adjoining property.

E. Vegetable Gardens

ACC approval is not necessary for vegetable gardens which are 10' x 10' or smaller. Gardens should be as unobtrusive as possible. Fencing to enclose the garden must be approved by the ACC (chicken wire and/or chain link fencing is prohibited). Gardens should be properly maintained during the growing season. After the growing season, dead plants, stakes, etc., must be removed.

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F. Ornamental Statuary

It is strongly suggested that ornamental sculpture or statuary be kept to a minimum.

Seasonal decorations do not require approval unless deemed to be a nuisance. Seasonal decorations must be removed within 30 days of the holiday.

G. Fences

Page 5, Section 7 of the Indentures of Winding Woods provides: "No fences or screening of any kind shall be erected or maintained on any lot between the building set back lines and the street which such lot fronts. Fences may be maintained on other portions of the lots only with written consent of the ACC as to location, material and height, and the decision of such committee to approve or reject a fence shall be conclusive. Nothing herein contained shall prevent placement of fences by the Trustees on the Common Ground."

The following guidelines apply to the construction of fences.

1. Free standing fenced enclosures, including but not limited to dog runs, are prohibited.
2. Fencing should match or blend with any existing adjacent fencing.
3. Fencing should terminate into the dwelling at a point near or at the back of the house to maximize the open look desired in the community.
4. The ACC discourages property line fences, unless owners have a current stake survey, which is recommended regardless of the fence location.
5. When planning the placement of a fence, the ACC strongly recommends that the homeowner have a stake survey made.
6. Homeowners are urged to consider alternatives to privacy fencing. For example, use of plantings alone may achieve the desired amount of privacy without a severe impact on natural open space.
7. Plantings are strongly encouraged to soften the visual impact of fencing.
8. Maximum fence height shall be no more than 48" (4 feet) above parallel grade. Exceptions will be considered, however, they will be granted only under extraordinary circumstances.
9. All fences must be at parallel grade to the ground.

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10. Treated wood fences, with spacing between vertical slats, are preferred. Fences must be properly installed and maintained. Wooden split rail, chicken wire, and chain link fences are strictly prohibited.
11. Structural framing or an unfinished side shall not be exposed to any public street, sidewalk, greenbelt, park, recreation area or neighboring lot.
12. Unacceptable fencing materials include, but are not limited to:
 - Aluminum or sheet metal
 - Chicken wire or wire mesh
 - Galvanized or plastic chain link
 - Plastic webbing, reeded or straw-like material,
 - Corrugated or flat plastic or fiberglass sheets or panels.
 - Rope or other fibrous stand elements.
 - Glass block.
 - Strand wise, barbed wire, electric.
 - Industrial or agricultural grade/quality fencing
13. All original and new fencing must be maintained in its natural finish or finished to match existing house and/or fence stains.

H. Storage Sheds and Outbuildings

Storage sheds and outbuildings are prohibited.

I. Recreational and Play Equipment

Recreational and play equipment should be located so as to be as inconspicuous as possible. Equipment utilizing natural materials is preferred.

J. Arbors, Trellises, Gazebos

Materials must be natural, painted or stained to blend with the surrounding area.

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K. Shutters

Shutters which are added to a house should be compatible with the style of the house and should match the windows to which they relate. Colors should be compatible with the colors of the house and the neighborhood.

L. Permanent Barbeques

Prefabricated units shall be installed as close to the dwelling as permitted by fire and building codes. Custom built units shall be of brick or stone and should be of such size as to not dominate the area in which it is located. Location within 10 feet of property line is prohibited. Landscaping to obscure visual impact is suggested.

M. Air Conditioners

Air conditioning units extending from windows will not be approved if visible from the street or neighboring homes. Compressors for central air conditioning units and electrical transformers should be screened by appropriate landscaping.

N. Exterior Painting

Repainting or staining to match the original colors need not be submitted for approval to the ACC. Change of exterior color which relates to the colors of other houses in the subdivision need not be submitted for approval to the ACC. Change of color apply not only to the house siding, but also to doors, shutters, trim, roofing, and other appurtenant structures.

Homeowners are strongly urged to repaint their homes as needed to maintain the overall attractiveness and property values of the subdivision.

O. Permanent Flagpoles

The installation of small flagpoles, not exceeding 5' in length and attached to the house does not require approval by the ACC. Flagpoles not meeting these restrictions must be approved by the ACC.

P. Awnings

Awnings are viewed to not enhance the aesthetic qualities of this community and are, therefore, not permitted.

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Q. Window Tinting

No reflective materials may be used to create a mirror from the outside.

R. Gutters and Downspouts

Written approval is not required for gutters and downspouts which match color of the house or its trim.

S. Storm and Screen Windows and Doors

Approval is not required for storm windows or doors provided the style matches the style of the house and the color of the entry doors or existing window frames.

T. Chimneys, Metal Flues, Attic Ventilators

Chimneys must be of masonry construction and of compatible design and color with the existing house. Metal flues, attic ventilators, or other apparatus requiring penetration of the roof should be as small in size as functionally feasible, painted either flat black, white, or left as unpainted aluminum or painted to match the roof. These should be located on the least visible side of the roof and should be no higher than necessary.

U. Mailboxes/Post

Mailbox posts must be constructed of wrought iron or enclosed in wood or masonry similar to that of the house. They must be painted in the predominant color of the house, dark gray or black, unless stained natural wood and not allowed to weather.

Residents are encouraged to keep their mailboxes and posts painted/stained and in good repair.

V. Repair

Repair of exterior (open & notorious) property damage from man-made or natural causes should be corrected by the homeowner as soon as possible and follow the same guidelines as established for architectural control as established within this document.

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W. Time Guidelines

Time guidelines for repairs are as follows:

1. Submittal of repair plans within 10 days of the occurrence of the damage and pending settlement of the insurance claim.
2. Construction should start within 30 days of the occurrence of damage including ACC or Trustee approvals.
3. Repairs should be completed within a reasonable time period as determined by the ACC based on the repair plans submitted by the resident and taking into consideration special circumstances.

Upon the request of the homeowner, the ACC may extend these time limits at their discretion. The Trustees may, in certain instances, require refundable fees to insure prompt completion of the damage repairs or normal modifications to a residence.

X. Enforcement

Enforcement of any of the herein stated ACC guidelines can be by proceedings at law or in equity against any person or persons violating or attempting to violate any such covenant and may be brought to restrain any such violation and/or to recover damages. (*Indenture of Restrictions, Page 10, Section 6, Paragraph 4.*)

Complaints regarding a particular homeowner's compliance with ACC Guidelines should be made, preferably in writing to one of the Trustees. The Trustees will review the complaint and, if action is deemed necessary, a letter from the Trustees will be sent to the homeowner. The homeowner will have 7 days to respond in writing with a plan for the correction of the problem.

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IV. Appendices

A. Restrictions

1. Land Use and Building Type

No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached or attached single family dwelling and a private attached or detached garage.

2. Building Locations

No building shall be located on any lot nearer to the front lot lines or nearer to the side street line, than the minimum building setback lines shown on the recorded plat.

3. Easements

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five feet of each lot. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may obstruct or retard the flow of water through drainage channel in the easements. The easement areas of each lot and all improvement in it shall be maintained continuously by the owner of the lot except for those improvements for which a public authority or utility company is responsible.

4. Nuisances

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood, nor shall any trucks or commercial vehicles except up to half ton gross weight, licensed for non-commercial use be regularly parked in streets or driveways of Winding Woods. No fence, patio, pool, hot tub, satellite dish, tool shed, dog house or other outbuilding, clothes line, clothes pole, or clothes drying structure may be erected, and no derelict automobiles and no derelict or non-derelict boats, trailers, recreational vehicles, debris or materials may be placed or stored on or parked in front, beside or behind any house or on any lot, either temporarily or permanently, without specific approval of the Architectural Control Committee.

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B. Architectural Control

No building shall be erected, placed or altered on any lot until the construction plans and specifications, and a plan showing the location of the structure, have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence, hedge, or mass planting shall be erected or placed on lots bordering on parks, unless approved by the Trustees. No chain link fences will be permitted. In the event the Trustees fail to approve or to disapprove within 30 days after plans and specification have been submitted to them, or in the event if no suit to enjoin the construction has been commenced prior to the completion thereof, approval shall not be required and related covenants shall be deemed to have been fully complied with.

(Indenture of Restrictions, Section V: Restrictions, page 8, Paragraph 3.1)

C. Appointment of Architectural Control Committee

The initial Architectural Control Committee shall be Fed M. Kemp, Ira S. Walker, and Joseph D. Kemp, who by their signatures to this instrument have consents to act in such capacity. The initial members of the committee and their successors shall serve at the pleasure of the Trustees. In the event of any vacancy on the Committee caused by resignation or otherwise, such vacancy shall be filled by a vote of the majority of the Trustees of the Subdivision.

(Indenture of Restrictions, Section V: Restrictions, page 8, Paragraph 3.2)

D. ACC Committee Members

The Architectural Control Committee of Winding Woods consists of the following members:

Committee Members	Chris Hammond	18155 Bent Ridge Dr
	Timothy Burgess	1633 Ridge Bend Dr
	Kristen Weld	1636 Ridge Bend Dr

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E. ACC Application Submission Guidelines

Applications are to be submitted for, but not limited to, the following projects:

- Fences
- Pools
- Decks
- Porches
- Exterior addition or change

Application Submission Procedure:

Two complete sets of the following items should be delivered to any committee member:

1. Your name, address, and telephone number. (See form [Appendix F](#), page 18 this document)
2. Project description:
 - Clearly stated general description of work planned
 - Name, address, and telephone number of architect and/or construction company
 - Photocopy of certificate of insurance (liability and workers compensation)
 - Anticipated start date and anticipated completion date
 - List of materials to be used (example: deck built with Cedar)
 - Selected paint or stain color
3. Plot plan which clearly shows location and dimensions of work planned.
4. Architectural plans, blueprints and/or sketches of work planned.
5. Any project that involves grading or changes to the existing drainage must include a city/county approved grading and drainage plan.

Approval Process:

Resident will be informed, in writing, of committee's decision within 7 days of application submission. One set of documents will be retained by the committee for its records. The other set will be returned to the resident with the decision letter (2 copies). The resident must sign one copy and return it to a committee member.

Please note: Applicant is required to secure all necessary city and county approvals and permits.

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F. ACC Application for Exterior Modification

This form is to be completed and submitted, with all requested documents, in two complete sets by the homeowner to the ACC prior to the start of any work on the property. Work can begin only after homeowner receives letter of written approval by the ACC and signs and returns one copy of the approval form to the ACC.

Date of Application_____ **Expected Start Date**_____ **Expected Completion Date**_____

Name_____ **Telephone Number**_____

Address_____

Description Clearly describe the work planned. Include a list of materials to be used (Example: deck built with Cedar) and selected paint or stain color. *(Attached additional pages if necessary):*

Name of Contractor_____ **Telephone**_____

Address of Contractor_____

Resident must include the following (2 copies of each document):

- Plot plan which clearly shows location and dimensions of work planned.
- Architectural plans, blueprints and/or sketches of work planned.
- Any project that involves grading or changes to the existing drainage must include a city/county approved grading and drainage plan.
- Photocopy of certificate of insurance (liability and workman's compensation)

I certify that the information on this form is correct and accurately represents the work I plan to have performed on my property.

Homeowner's Signature(s)_____ **Date**_____

Deliver 2 sets of this application form and requested documents to an ACC member.

Date received by ACC_____

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