

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

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ENCUMBRANCE AGREEMENT

ENCUMBRANCE TO SECURE MONTHLY CHARGE PURSUANT TO THE
LAND TITLES ACT - ENCORE PRIME DEVELOPMENTS CORPORATION,
AS ENCUMBRANCER (the "Owner")

Being registered as owner of an estate in fee simple in possession, subject to such encumbrances, liens and interests as are by memorandum endorsed thereon or expressed or implied in the existing Certificate of Title of that land situate in Alberta, being the lands described in Schedule A hereto (the "Lands") and desiring to render the Lands available for the purpose of securing for the benefit of WILLOW CREEK HOMEOWNERS ASSOCIATION, of 1250, 639 – 5th Avenue SW, Calgary, Alberta, T2P 0M9 as encumbrancee (the "Encumbrancee") the charge hereinafter mentioned, DO HEREBY ENCUMBER the Lands in favour of the Encumbrancee with an Annual Charge of not less than \$1,320, commencing on July 1, 2009, the said sum to be paid to the Encumbrancee at 1250, 639 – 5th Avenue SW, Calgary, Alberta, T2P 0M9 (or such other place as the Encumbrancee may designate in writing) and thereafter on the 1st day of each month in each year during the currency hereof until and including July 1, 2009.

In consideration of the Owner's covenants herein, the Encumbrancee hereby agrees with the Owner that this Encumbrance and the Monthly Charge secured hereby are subordinate to and are hereby postponed to each *bona fide* mortgage by a lender and to each advance made thereunder, (whether a mortgage is "*bona fide*" shall be determined by any officer of the Encumbrancee) and whenever requested to do so the Encumbrancee shall, without delay, execute and deliver to such lender a Postponement of this Encumbrance to such mortgage, in the form prescribed by the *Land Titles Act* (Alberta) or any act passed or enacted in amendment thereof or substitution therefor; and that the obligation to pay the Monthly Charge shall be and is hereby suspended and the amount thereof shall abate for such period or periods as the Lands may be owned by such lender or by Canada Mortgage and Housing Corporation pursuant to a claim against it under a mortgage insurance policy issued under the *National Housing Act* (Canada) or any Act passed or enacted in amendment thereto or substitution therefor.

AND IN CONSIDERATION of the sum of \$1.00 and other good and sufficient consideration (the receipt and sufficiency of which is by the Owner hereby acknowledged) THE OWNER HEREBY AGREES THAT:

1. Further consideration for the granting of this Encumbrance and for the covenant to pay the Monthly Charge hereby secured is the sale of the Lands to the Owner;
2. The Owner shall pay the Monthly Charge at the times and places hereinbefore set forth without deduction or defalcation and any amount in default shall bear interest at the Prime Rate charged by the Royal Bank of Canada as at the date of default plus 5%, calculated and compounded half- yearly from default until paid in full and payment of such interest shall be secured by these presents;
3. The Owner is responsible at all times to adhere to the terms of the architectural standards more particularly set out hereto in the Restrictive Covenant, attached as Schedule B.
4. The Owner acknowledges the Encumbrancee's obligations set out under the Municipal Reserve Maintenance Agreement, attached as Schedule C.



5. The Encumbrancee shall be entitled to and is hereby granted the right of distress together with all powers and remedies of an Encumbrancee under the *Land Titles Act* (Alberta);
6. Any discretion, option, decision or opinion hereunder on the part of the Encumbrancee shall be sufficient if exercised or formed by or subsequently ratified by the manager, acting manager or an Officer of the Encumbrancee or any officer or agent appointed thereby for such purpose;
7. Any notice to be given to the Owner may be forwarded by ordinary mail addressed to the Owner at the civic address of the Lands and shall be deemed to have been received by the Owner on the 4th day following the date the notice is mailed to such address;
8. The Encumbrancee shall be entitled to waive any monthly payment and such waiver shall not permit the Owner to miss making any other payment;
9. The words in the hereinbefore contained covenants, provisos, conditions and agreements referring to the Owner which import the singular number shall be read and construed as applied to each and every Owner, male or female, and to his/her or her executors, administrators and assigns and that in the case of a corporation, to such corporation and its successors and assigns, and that in case of more than one Owner, the said covenants, provisos, conditions and agreements shall be construed and held to be several as well as joint;
10. The Encumbrancee intends to transfer and assign the Encumbrance to a Company to be incorporated as Willowcreek Community Association Ltd.; and
11. These presents shall enure to the benefit of the successors and assigns of the Encumbrancee and shall be binding upon the Owner and the Owner's executors, administrators, assigns and successors in title.

IN WITNESS WHEREOF the parties hereto have executed this agreement as of the day and year first above written.

**ENCORE PRIME DEVELOPMENTS
CORPORATION (Owner)**

per: 

**ENCORE PRIME DEVELOPMENTS
CORPORATION (Encumbrancee)**

per: 

Schedule A

PLAN 08\ 5746 ; BLOCK 1; LOTS 1-9

PLAN 08\ 5746 ; BLOCK 2; LOTS 1-5, 7-17, and 19-24

PLAN 08\ 5746 ; BLOCK 3; LOTS 1-4 and 6-11

PLAN 08\ 5746 ; BLOCK 4; LOTS 1-2 and 4-6

PLAN 08\ 5746 ; BLOCK 5; LOTS 1-3 and 5-7

Jim
Adh

Schedule B

ARCHITECTURAL STANDARDS

LOTS

The Willow Creek lands are to retain the sense of its original natural prairie setting. The Architectural Controls are focused on providing native and naturalized species in the open space areas as well as on residential lots so that the prairie setting of the Willow Creek lands will be re-established.

Of high importance is the visual effect of landscaping and the siting of homes in relation to maintaining views within the site as well as to the mountains and surrounding areas. Consideration should also be given to determining landscaping and home locations to allow access to direct sunlight should active or passive solar energy be part of the home design.

SETBACKS

Setbacks have been established to provide homes that are in scale with each property. In addition to the setbacks provided by the Municipality, The Design Committee has, in some areas, increased the distance from the property line to the home to enhance the natural area on each lot and throughout the project. Table 1 provides front, rear and side yard setbacks for all lots.

NATURAL AREA

Each lot has a designated natural area along the property line, around the sides and rear of the lot. This area may also extend across the front of the lot subject to architectural review. The minimum depth of the natural area is 7.5 meters, although a larger area is encouraged to help recreate the natural forest, subject to architectural review. The minimum distance of the natural area from the home will be 5 meters. Within this area there may be a range of plantings including native and naturalized grasses, shrubs and trees. A list of approved species may be found in Table 2. Storm water drainage from the roof, driveway and other hard surfaced areas shall be directed to the natural area. This shall be shown on the Landscape Plan for each lot.

MANICURED AREA

A portion of the lot surrounding the home is to include a manicured area, where grass and gardens will be allowed in addition to trees and shrubs. The boundary between the natural and manicured areas should have a generally undulating shape. The area between the road pavement and the front property line shall also be manicured and maintained by the homeowner, to provide a high quality image for Willow Creek.

CONSERVATION LANDSCAPE

This landscape zone is optional. It comprises an area from the edge of the manicured landscape to the natural area. It is an intermediate zone with a mixture of native/non-native species, ranging from xeriscape beds to native and non-invasive introduced species, "smart irrigation", mulches and water management features (such as rain gardens).

BUILDING FOOTPRINT

The home is to be located in an area designated by the developer within the Manicured Area. The setbacks for this area on each lot can be found in Table 1.

DRIVEWAY AND PARKING



The location of the driveway entrance will be set by the Design Committee. It will be restricted to one car width wide at the entrance to the property. A circular drive to the formal front entrance of the house is encouraged, to reduce the amount of pavement and a parking lot effect at the front of the home. Connected to this will be a mandatory separate drive to a side or rear garage. A second access to the road may be considered subject to lot size, location and landscaping. Outdoor guest parking shall be noted on the landscaping plan and shall be restricted to an area away from the formal entrance to the home. All roads will have ditches on both sides and culverts will be provided at the preset driveway location. Landscaping of this culvert will be required using an approved stone and shall be part of the landscaping plan.

WASTEWATER SYSTEM

All homes will require advanced wastewater treatment systems that meet Alberta Environment (NSF 40) standards and can be monitored remotely. Through the Homeowners Association, all systems will be maintained and monitored by Rocky View Utility Corporation. These computer controlled and monitored systems consist of a wastewater tank, a separate textile membrane and a pumping system to a drain field. The location of this field has more flexibility than a standard septic system as only liquids are released, and the wastewater dispersal pipe has no direct contact with the ground. The location of this field must be shown on the Landscape Plan.

STORM DRAINAGE

All stormwater shall be controlled on each property prior to release to the common areas (road ditches, open space system). This will consist of directing the flow of water from all hard surfaces (roof, driveway, patios, etc.) to specific locations within the natural area. Temporary stormwater retention onsite is preferred for most storm events, with excess flows released in a controlled manner. Rainwater barrels should be the first method of storage at all downspouts. Storage of large amounts of rain water for future irrigation is also possible with tanks located under a garage. Lower areas away from the house can provide further temporary rain water storage, both within the manicured and natural areas, which can also help replenish the natural groundwater. Solid, impervious materials are discouraged as they concentrate runoff. Flagstone, paving stones and grass pavers are encouraged as they allow water to percolate into the soil and reduce runoff.

FENCING/PROPERTY LINES

To maintain the open natural landscape within Willow Creek, no boundary fencing will be allowed on individual lots. Privacy screening / fencing may be allowed in limited areas within the manicured area adjacent to the rear of the home, subject to Architectural Review. Control of pets with an "invisible fence" is mandatory. No pet runs will be allowed in viewable areas. Property lines will be identified with a wood and rock bollard provided by The Design Committee.

ARCHITECTURAL FEATURES, SITE FIXTURES

Landscaping features with stone, wood, and the same or similar materials as on the home are encouraged, and are subject to Architectural Review. Statuary may be appropriate with the house design but will require approval. Gnomes, etc. are not allowed.

SPORT COURTS, POOLS AND HOT TUBS



Sport courts will be allowed where appropriate setbacks, with minimal visual impact and noise can be achieved. Chain link fence is only allowed for sports courts and all components shall be black. Pools, spas and hot tubs shall be located adjacent to the home and shall be screened by landscaping, wall extensions from the house and appropriate approved fencing.

PETS

Pets are allowed in the yard only if an invisible fence is used. To maintain a tranquil setting and to prevent constant barking from dogs, exterior fenced and screened dog runs will be allowed only for limited daily use (subject to the Regulations of the Home Owners Association) and with architectural approval.

BUILDING DESIGN

Willow Creek at Bearspaw will encourage individual expression in home design within the framework of an Alberta-Prairie-Mountain landscape. Three fundamental components of design should include:

1. Only natural materials are to be used for the exterior of the home.
 - stone is to be a component of every elevation
2. The formal entrance and the front door are to be the focal point of the home.
 - entrances are to be an event, an experience
3. Roof lines are to be aesthetically pleasing and interesting.
 - varying slopes, dormers and gable treatments shall be standard

Overall, homes will be designed and constructed to a higher standard with the finest materials, quality and appearance. They are to complement each other and harmonize with the natural environment. The large lots at Willow Creek will allow creative designs which can take advantage of the sun and the panoramic views. Homes should be energy efficient and meet or exceed the Built Green standards. Homes will be individually evaluated for their quality and appropriate relationships with their neighbours. These guidelines will not prescribe the colors but will encourage a consistency with the site. Each proposed home will be reviewed based on individual merit. The following outlines criteria that are considered fundamental to an attractive home in Willow Creek:

THEME

The overriding objective is to respect the prairie and natural setting of the homes. Home design is to blend with the setting with color, materials and shape. The design is to take into account view sheds. Homes that have potential to block views should be designed with limited upper floor plates and incorporate lower slope roof designs.

CUSTOM HOMES

It is expected that there will be no repeat homes in the subdivision. Allowance will be given to similar plans which have different exterior elevations.

STYLE

Variety in home styles is expected and encouraged. The home should have a sense of being in



western Canada and arise from traditional styles built in this region. Historical styles are welcome in Willow Creek, however they must have a true connection with the past. This means that Spanish and adobe style homes would be out of place as would highly formal designs such as Victorian and colonial styles. The traditional Victorian white farm house would also be inappropriate as it is intended to be an object that draws attention to itself in contrast to the open space around it. Arts and crafts style is at the core of an appropriate expression. A variation of this style is the prairie architectural style of which Frank Lloyd Wright was one of the proponents. The traditional communities which are so appealing are usually composed of a series of quiet, unassuming charming houses with graceful massing, elegant proportion and economy of detail. Modern architecture will generally not be approved nor will Roman Villas, Arizona pueblos, French chateaux or other similar styles.

BUILDING SHAPE AND RATIONALE

Homes should be located within the manicured area to fit as much as possible within the natural or set contours. The home should step down, using multi level floor plates. Lower building forms are encouraged with an emphasis on horizontal lines. Upper floors should generally be located within the roof structure and cover a smaller area than the main floor. All elevations and roof form require careful design.

PROPORTION

Proportion is the most important attribute to a successful design. It comprises the relationship of the sizes of different parts of the building one to another and to elements of the site. The building should not appear too large for its site, with appropriate setbacks. It must fit comfortably without overpowering the property or adjacent homes. All parts of the building elements must carry through to all external walls. All exterior walls must also have the same standard of design and finish. The entire building should be designed with a sense of proportion. The roof should be in proportion with the walls, the front door with the entry (no two storey arches will be allowed). Wall openings should be appropriate to the wall surface in size and location, while allowing for solar access.

MATERIALS AND COLOURS

The use of natural materials for both the home and surrounding landscape can give a strong sense of belonging between the home and its natural environment. Local rock such as rundlestone is appropriate to the site. Man made materials such as brick, concrete and stucco have a similar earthen quality. In most cases man-made stone does not possess a sufficiently realistic look and will only be approved on an individual basis. To be compatible with the natural theme of Willow Creek, colours should be consistent with the site itself, including rock, trees and water, supplemented by the brighter colours of autumn. Homes should have contrasting body and trim colours. Strong colours tempered by the tones of natural materials are preferred. Consideration must also be given to enhancing the architectural details on the home. A variety in colour is required. This will limit the use of standard prefinished products on portions of the homes and requires that custom colours be used to individualize each home. Light colours are to be limited in use and are to be for accent only, otherwise all materials should be rich deep colours and tones.

ROOF

Roof lines are very important to the home. When part of the overall design, dormers, overhangs, chimneys and skylights can increase the visual interest of the roof. It is expected that careful attention will be paid to make the roof line an attractive feature. Low slope roof lines will have to incorporate appropriate detailing and stepping to be acceptable. Steep pitches will have to incorporate habitable attic space within dormers.

BUILDING HEIGHT

The maximum height of the primary building is 10 m for most homes. Certain lots may have a reduction to 9m to reduce the impact on external views (see Table 1). The builder should consult with the MD of Rocky View to confirm the calculations for the overall height of the home during the design stage.

WALLS

Walls three stories high are not acceptable. Two storey walls must be limited and incorporate at least two exterior materials.

BASE / FOUNDATION

An expression of the home as rooted in the ground is required. An example is a masonry base or other such treatment which provides a solid foundation and anchors the home. All homes should have masonry on most elevations. Up to 50% may be required on important elevations. Foundations with substantial and natural materials such as stone are encouraged. Parging is acceptable in limited areas provided it is in conjunction with natural materials. Any projections from the home such as decks, stairs and planters must also incorporate this same treatment.

ACCESSORY BUILDINGS

The same design theme and materials must be used on any accessory building. Siting of any additional buildings must be in the manicured area. No shed, greenhouse, garage or other building packages will be allowed.

LIGHTING

To allow a rural feel to the site and allow night-time viewing of the stars, no streetlights will be provided. Lighting for Willow Creek at Bearspaw will be designed to offer minimal light pollution to surrounding areas. Only downward directed lights will be allowed throughout the yard. No spotlights or direct viewing of any light source externally will be allowed. The light at the entrance to the driveway shall be controlled by a timer or light sensor. Any lighting of the driveway will be controlled by a motion or light sensor. Discreet upward or decorative lighting on the front of the home is allowed as a Winter/Seasonal feature.

UTILITIES

Underground utilities (gas, water, telephone) are provided to the property line at the driveway entrance. A bollard/light with the Street number are provided at a set location at the entrance. Each homeowner must connect power to this light with a sensor or timer to ensure that all lights are operating at night.

UTILITY METERS

All utility meters must be located on the sides of the home and screened from the road and open

space areas. This may require coordination with the utility supplier. All utility lines must be underground to the main home and all utility/accessory buildings.

HOME SPRINKLER SYSTEMS

All homes must include a robust interior sprinkler system for fire-fighting purposes.

GARBAGE STORAGE

Garbage must be stored indoors. The Homeowners Association provides weekly pickup. To prevent wildlife from opening garbage, all waste must be stored in garbage bins with an attached lid. No plastic bags are permitted.

ENERGY CONSERVATION, LOW CONSUMPTION FIXTURES AND APPLIANCES

All homes are encouraged to meet or exceed the Built Green standards. To reduce water use, low consumption plumbing fixtures are encouraged. Use of low flow taps should also be considered as an alternative, while all toilets shall be dual flush. Appliances shall be Energy Star certified where available.

SOLAR ACCESS / GEOTHERMAL

Design to enhance solar gain is encouraged. This could include adjusting the roof slope and amount of glass and roof overhangs on south facing exposures. Geothermal heating and cooling is also encouraged using a closed loop system and a vertical well.

OTHER FEATURES

Porches: Covered porches which dominate the front or wrap around the home as a veranda are encouraged with attention given to railing, columns and fascia details. They should have sturdy masonry or timber structures, with areas underneath enclosed with wood or masonry skirts to further reinforce the foundation of the building.

Dormers / Gables: It is expected that most homes would incorporate dormers or gables. Gable ends and the treatments under the gable are highly visible and are to be finished with appropriate trim and detail. Low slope gables will need expression of beams and rafters.

Decks: Decks placed off of upper floors are to be incorporated into the style of the home, taking advantage of stepping of the building and appropriate column and support details. Care should be taken with the railing expression/design, with iron preferred over aluminium. Large multi storey attached decks are discouraged.

Turrets: Turrets and observation towers can be attractive features in the home when they are subordinate in the elevation.

Entry: Appropriate expression on the entry is required. The entry shall be the primary front feature and in proportion to the house. It should provide shelter from the weather and be incorporated with a recessed alcove, bay, roof or veranda. All steps to the entrances are to be exposed aggregate concrete, stone tile or manufactured stone to be consistent with the exterior materials. Consideration should be given to wide and/or flared steps. Wooden steps are generally

not permitted unless they are an architectural feature consistent with the design of the home. Tongue and groove pressure treated or other durable wood decking is an appropriate surface for flooring on porches.

Trim: Trim is to be on all windows (front, side and rear elevations) as well as shadow boards, where appropriate. Six (6) inches would be a normal minimum width with headers 8" to 12". Smaller trim could be acceptable based on merit. This trim material should be of wood or wood like material. No aluminium, vinyl or stucco is allowed.

Fascia: The fascia is the most important trim on the home and must be done in a way that enhances the roof. Double or triple fascia should be featured on gable ends. Where eaves trough hide fascia, relaxations will be considered. On low slope roofs the fascia development is essential. Aluminium is generally not acceptable. The minimum dimension for combined fascia (painted board or equivalent) is 10" unless there are exposed rafters.

Soffits, Eaves trough and Downspouts: Aluminium in a colour which blends with the trim is an acceptable material.

Roof Overhang: Variety in overhangs is encouraged rather than defaulting solely to 18 inches. Large overhangs as a feature are encouraged on low slope roofs.

Gables: Gable ends should employ a variety of textures and trim such as exposed trusses, brackets, vertical battens, beam ends, patterns of trim, changes in materials and projecting plains, incorporating decorative and custom shaped windows.

Windows: Window frame color is to blend with the finishes on the exterior. No white vinyl is permitted, except where it matches the approved trim. Care must be taken in the number and placement of doors and windows to provide a balanced and integrated design. Windows should preferably include traditional true divided lites with 1/3 of the glazing area incorporating lites and 2/3 without. Decorative window grilles between the glass are acceptable provided they are 1 1/4" minimum in width. Window frames should match the quality and colour range of the exterior materials, and will require a minimum 6" trim.

Main Entrance and Secondary Entry Doors: The main entrance and door should be a predominant feature of the front elevation. High quality decorative natural wood or wood like doors are encouraged. Painted doors must be in a neutral color. Glazed lites within the door should be compatible with the style of the home. Full height sidelites with a full width transom are encouraged. Secondary doors should have a similar style to the main entrance door. Patio doors shall be double "French" style where possible. Sliding doors may be used at less prominent locations.

Texture: A variety of textures on wall surfaces with different materials adds richness to the home i.e.: Adding shingles to a wall dominated by horizontal siding breaks the monotony of the wall.

Chimney Flues: Flues and vents should be enclosed in appropriate chimney expressions. Fireplaces with massive masonry expressions above the roof are highly encouraged. Chimneys

should be designed to be substantial in proportion with the appearance of strength and stability. When on an exterior wall it should extend down to the ground with an appropriately sturdy foundation. All chimneys shall be finished in stone, brick, stucco or wood (if compatible with exterior wall design and materials). Windows over or under chimneys are not appropriate. Anodized aluminium flashing and roof vents are not allowed. All aluminium vents and flashing are to be pre-finished to blend with the dominant roof color. Chimney caps with spark arrestors to compliment the design of the home are required. Where gas fireplaces are used, top vent models are preferred with appropriate full height chimneys. If direct vent units are used, the vents must be located away from the street or common (open space) areas. All vents must be screened and painted to blend with the surrounding wall material. Exposed metal chimneys will not be allowed.

Stone/brick/carpentry: Details must be consistent with the materials being used. Stone walls shall appear to be the foundation coming out of the ground and not appear to be floating. Handcrafted carpentry details and stone carving are encouraged. Exterior brick or stone treatments extending above the grade should be in scale with the surrounding wall and supported by the foundation. The foundation should be either flush to the wall or extend up to 3" out from the wall surface. Natural materials are encouraged, however artificial stone may be used when in appropriate combination with two styles of stone and incorporating full smooth tooled or convex tooled joints (see recommendations of most manufacturers). Some ledge like stones and Tuscan style stone may be appropriate. No artificial riverstone, block-like stone or flat slabstone will be allowed.

Columns/beams: All columns are to have proportioned widths and should be perceived to hold up beams. The connection details between the two are important. Stone bases are encouraged.

Garages: The garage area must be of equal quality as the home. It may incorporate bonus rooms above. It must incorporate windows and have a maximum of 1 double door with the balance, or all of the doors to be single car widths. In general, garage doors are not to be visible from the front elevation or the main access road. The door style is to be decorative and in a single colour that blends with the home, incorporating materials compatible with those of the house. Carriage wood or wood like doors are encouraged, in one piece or sectional. The minimum garage door height is 8 ft. Windows in the door are encouraged. Care must be taken to design the area above the garage door, with large blank areas not allowed. All garages shall be subordinate to the home. Where the garage is incorporated within the house, it should be designed as a separately articulated form. An alternative location is separate from the house similar to a "Coach House", incorporating the same design and materials as the home. If more than two garage spaces are required, any additional doors must be set at a different plane. Standard metal and wood doors will not be allowed.

Lighting: Light fixtures in the eaves and designs that obscure the source of light are encouraged. Fixtures should direct light to specific areas with direct viewing of the light source not visible. To provide a rural feel to the site and allow night-time viewing of the stars, no streetlights will be provided. A soft and comforting light will be afforded through a bollard located at and identifying the entrance of each lot. Each homeowner must connect power to this light with a sensor or timer to ensure that all lights are operating at night. Lighting for each home at Willow



Creek at Bearspaw will be designed to offer minimal light pollution to surrounding areas. Only downward directed lights will be allowed throughout the yard. Light sources must not be directly observed – only the effect of the lights should be noticeable. Low wattage bulbs for seasonal decorations will be acceptable.

Window Wells. Window wells must incorporate the same stone as used on the foundation. Corrugated metal window wells will not be allowed.

Roofing Materials: Asphalt shingles in darker colours may be selected from 30 year plus architectural products. Only pre-finished flashings are allowed. Slate or slate like materials are encouraged, while dark coloured metal or other roofing materials may be considered. No Mexican style clay tiles are allowed.

Masonry: This is to be incorporated on all homes in a meaningful proportion with more than 10% to be on all building faces. Natural stone with its variations in texture and colour is encouraged including Rundestone, Sandstone and Manitoba limestone. Some artificial stone may be allowed if it is sufficiently realistic (See appendix). Brick may only be used in traditional colours i.e. pressed brick in traditional reds or beige.

Stucco: Off white and light coloured stucco may only be used as an accent, or to a maximum of 20% of the home wall area. Only the very darkest 4 to 5 colors on the standard stucco charts will generally be approved, to a maximum of one third of the wall area. Darker colors are normally required. Acrylic stucco is preferred.

Siding. Prefinished sidings are generally not permitted. Siding that can have a custom color is allowed. Smart board and hardiboard are acceptable substitutes to real wood, which is preferred. Shingles as well as board and batten patterns are encouraged. No vinyl is allowed.

LANDSCAPING

A major feature of Willow Creek is the extensive landscaping within the open space areas. This is to continue on individual lots. All lots will require generous plantings of trees and shrubs, both within the natural and the manicured areas. The landscape design should emulate and enhance the natural plant growth within the region and have some capability to attract/protect/shelter wildlife.

SUMMARY OF ACCEPTABLE MATERIALS AND DESIGN

Patios / walkways

- Paving stones
- Flagstone, rundestone
- Concrete, in limited areas, preferably stamped/coloured or aggregate (no concrete blocks)

Driveways

- Concrete, generally for the garage apron. If in other locations, to be limited in area, preferably stamped/coloured or aggregate (permeable where appropriate)

- Paving stones, grass pavers (permeable)
- Limestone
- Asphalt, smooth surface not to cover the entire driveway area, stamped cobble pattern where workable

Lot Grading

- general grading will be as set out in the Grading Plan, noting areas where further adjustment by the homeowner may be made.
- site specific grading related to home construction must be shown on the Landscape Plan

Retaining Walls

- to be kept to a minimum, preferably use natural contouring and gentle slopes instead of retaining walls
- use natural materials such as rundlestone, sandstone

Manicured / Natural Area

- Grass type- see Table 2, Naturalized Plant List
- Vegetable gardens may be planted in the rear of the property, covering no more than 10% of the manicured area, although it may be larger if it is part of an edible decorative garden.

Shrubs and Trees – see Table 2, Naturalized Plant List

TABLE 1

PARCEL	BLOCK	LOT	MANICURED AREA SETBACKS				BUILDING SETBACKS				DRIVEWAY	HEIGHT
			FRONT	REAR	LEFT	RIGHT	FRONT	REAR	LEFT	RIGHT		
25	1	1	5	20 - 16	7.5	20	20	24 - 20	15	30	NE	10
26		2	5	28 - 24	7.5	7.5	20	31 - 27	15	15	NE	10
27		3	5	15	7.5	7.5	20	20	15	15	NW	10
28		4	5	10	7.5	7.5	20	15	15	15	NE	10
29		5	5	10	10	7.5	20	20	15	15	NW	10
30		6	5	10	7.5	10	20	15	15	15	NE	10
31		7	5	10	7.5	7.5	20	15	15	15	NW	10
32		8	5	10	7.5	7.5	20	15	15	15	NE	10
33		9	5	10	7.5	7.5	20	15	15	15	NW	10
34	2	1	5	15	7.5	7.5	15	20	15	15	NW	9
35		2	5	15	15	3	15	20	24	8	SW	9
36		3	5	15	3	15	15	20	8	24	SW	9
37		4	5	10 & 15	7.5	7.5	20	15 & 20	15	15	CENTRE	9
38		5	5	10	7.5	7.5	20	15	15	15	CENTRE	10
39		7	5	10	7.5	7.5	20	15	15	15	CENTRE	10
40		8	5	10	7.5	7.5	15	15	15	15	NE	10
41		9	5	10	7.5	7.5	15	15	15	15	NW	10

42	10	5	10	7.5	7.5	15	15	15	15	NW	10	
46	11	5	10	7.5	7.5	15	15	15	15	NE	10	
47	12	5	10	7.5	7.5	15	15	15	15	NE	10	
48	13	5	15 & 10	7.5	7.5	20	20 & 15	15	15	CENTRE	9	
49	14	5	15	7.5	7.5	20	20	15	15	CENTRE	9	
50	15	5	10 & 15	7.5	7.5	20	15 & 20	15	15	CENTRE	9	
51	16	5	10 & 14	7.5	7.5	15	15 & 18	15	15	SE	10	
52	17	5	10	7.5	7.5	15	15	15	15	SE	10	
1	19	5	15	7.5	10	20	20	15	15	CENTRE	9	
2	20	5	10	7.5	7.5	20	15	15	15	SE	10	
3	21	5	10	7.5	7.5	20	15	15	15	SW	10	
4	22	5	10	7.5	7.5	20	15	15	15	SW	10	
5	23	5	10	7.5	7.5	20	15	15	15	SW	10	
6	24	5	10	7.5	7.5	20	15	15	15	SW	10	
7	3	1	5	15	7.5	10	20	20	15	20	NE	10
8	2	5	15	10	7.5	20	20	20	15	20	SW	10
11	3	5	10	7.5	10	20	15	15	15	NW	10	
12	4	5	10	20	7.5	20	15	30 to 23	15	15	SW	10
9	6	5	15	10 to 20	7.5	15	20	15 to 25	15	15	NE	10
10	7	5	15	7.5	7.5	15	20	15	15	15	NE	10
13	8	25	10	20	15 to 10	30	15	25	20 to 15	15	SW	10
14	9	75	10	25	20 to 10	75	15	30	23 to 15	15	SE	10
15	10	5	25	7.5	7.5	15	30	15	15	15	NE	10
16	11	5	25	15	7.5	15	30	20	15	15	NE	10
17	4	1	10	10	7.5	20	15	15	30	15	NE	10
18	2	5	10	20	7.5	15	15	30	15	15	SE	10
19	4	5	10	7.5	7.5	20	20	15	15	15	NE	10
20	5	10	15	7.5	7.5	20	20	15	15	15	NE	10
21	6	10	10	7.5	10	20	15	15	20	15	SE	10
22	5	1	5	10	10	15	15	20	15	15	SW	10
23	2	5	10	7.5	7.5	15	15	15	15	15	NW	10
24	3	5	10	7.5	10	15	15	20	20	15	NW	10
43	5	5	10	10	7.5	15	15	20	15	15	NE	10
44	6	5	10	7.5	10	15	15	15	15	15	NE	10
45	7	5	10	10	10	15	15	15	15	15	SE	10

Table 2

NATURALIZED PLANT LIST

1. Grasses

1.1 Willow Creek general area grass mix

34%	Blue Grama Grass	Bouteloua gracilis
18%	Rocky Mountain Fescue	Festuca saximontana
14%	Canada Wild Rye	Elymus canadensis
12%	Sandberg's Blue Grass	Poa sandbergii
8%	Fowl Blue Grass	Poa pratensis
7%	Junegrass	Koeleria cristata
7%	Annual Rye Grass	Lolium multiflorum

Application: Ditches, driveways, berms

This mix can either be mowed or left unattended.

Seed rate: 31 kg/ha (= 310 grams/100 sq.m.)

Apply only with no till or other dryland seed drill.

Do not hydroseed.

1.2 Wetland Additional seed application

Seed with general area grass mix at rate of 31 kg/ha , **and**
overseed or add the following mix to the seeder at 3.6 kg/ ha (= 36 gr/100 sq m):

50% Tufted Hairgrass *Deschampsia caespitosa*

25% Slough Graas *Beckmannii syzygachne*

25% Whitetop Grass *Scholochola festucacea*

Application: areas of within 1 metre vertical of normal water level of all ponds, channels and wetlands. This mix is not intended to be mowed.

2. Coniferous Trees

Siberian Larch	<i>Larix siberica</i>
White Spruce	<i>Picea glauca</i>
Colorado Spruce	<i>Picea pungens</i>
Scots Pine	<i>Pinus sylvestris</i>
Lodgepole Pine	<i>Pinus contorta latifolia</i>

3. Deciduous Trees

Paper Birch	<i>Betula papyrifera</i>
Balsam Poplar	<i>Populus balsamifera</i>
Plains Cottonwood	<i>Populus deltoides</i>
Trembling Aspen	<i>Populus tremuloides</i>
Chokecherry	<i>Prunus virginiana melanocarpa</i> – pruned to tree form
Narrow-leafed cottonwood	<i>Populus angustifolia</i>
Laurel Willow	<i>Salix pentandra</i>

4. Coniferous Shrubs

Common Juniper	<i>Juniperus communis</i>
Creeping Juniper	<i>Juniperus horizontalis</i>
Mugo Pine	<i>Pinus mugo mugo</i>

5. Deciduous Shrubs

Saskatoon	<i>Amelanchier alnifolia</i>
River Birch	<i>Betula fontinalis</i>
Red Osier Dogwood	<i>Cornus stolonifera</i>
Wolf Willow	<i>Elaeagnus commutata</i>
Twinberry Honeysuckle	<i>Lonicera involucrata</i>
Shrubby cinquefoil	<i>Potentilla fruticosa</i>
Chokecherry	<i>Prunus virginiana melanocarpa</i>
Alpine Currant	<i>Ribes alpinum</i>
Wild Black Currant	<i>Ribes hudsonianum</i>
Wild Gooseberry	<i>Ribes oxycanthoides</i>
Prickly Rose	<i>Rosa acicularis</i>
Common Wild Rose	<i>Rosa woodsii</i>
Wild Red Raspberry	<i>Rubus idaeus</i>

Beaked Willow
Pussy Willow
Sandbar Willow
Smooth Willow
Russet Buffaloberry
Snowberry
Buckbrush
High-bush cranberry

Salix bebbiana
Salix discolor
Salix exigua
Salix glauca
Shepherdia canadensis
Symphoricarpos albus
Symphoricarpos occidentalis
Viburnum opulus

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to consist of two parts, possibly initials or a name and a surname, written in a cursive script.

Schedule C

MUNICIPAL RESERVE MAINTENANCE AGREEMENT

September __, 2008

Between

**The Municipal District of Rockyview No. 44, an
Alberta municipality (the "Municipal Authority")**

and

**Willow Creek Homeowners Association, an
Alberta association (the "Homeowners
Association")**

Recitals

A. The Homeowners Association was established to operate and maintain common facilities for the non-exclusive use by the residents of those lands within those lands legally described as MERIDIAN 5; RANGE 3; TOWNSHIP 25; SECTION 36; QUARTER SOUTH WEST.

B. The Municipal Authority has requested the Homeowners Association and the Homeowners Association has agreed to be responsible for the maintenance of those municipal reserve lands, public utility lots and other lands set out in Schedule A, attached hereto (the "Subject Lands") according to the terms and conditions set out herein.

Now Therefore, the parties agree as follows:

1. Subject to the exception set out in paragraph 2, the Homeowners Association covenants to maintain, at its sole cost and expense, the Subject Lands in a reasonably orderly condition, including reasonable landscaping maintenance and periodic cutting of grass, tending of flower beds and other landscaped areas, and all necessary maintenance and cosmetic repairs to pathways, sidewalks, ditches, culverts, fences, parking areas and other facilities within the Subject Lands so as to keep them in a safe, clean, and proper condition for their respectively intended purposes. In particular, and where commercially reasonable, the Homeowners Association will implement the procedures set out in the Storm Water Management Pond and Wetland Operations and Maintenance Plan, attached hereto as Schedule B, with respect to the maintenance of the Subject Lands.

2. The Municipal Authority, at its sole cost and expense, covenants to perform all sediment removal operations as set out in the Storm Water Management Pond and Wetland Operations and Maintenance Plan with respect to the maintenance of the Subject Lands.

3. No waiver shall be effective unless expressed in writing, and all waivers shall apply only to the specific situations in connection with which they are given. This Agreement may only be amended by written instrument executed by both parties.

4. A party shall, upon request of another party, execute and deliver or cause to be executed and delivered all such documents, deeds and other instructions of further assurance and do or cause to be done all such acts and things as may be reasonably necessary or advisable to implement and give full effect to the provisions of this Agreement.

5. This Agreement supersedes and replaces all previous communications (whether oral or in any format) between the parties in relation to the matters referred to herein, and this Agreement is the entire agreement between the parties in relation to the matters referred to herein.

6. Neither party may assign the benefit of this Agreement without the consent of the other party. Subject to the foregoing restriction, this Agreement enures to the benefit of and binds the parties and their respective successors and permitted assigns.

Executed and delivered.



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