

Thomas Payne
Couniter

2019024927 10 PGS RESTR



NOTICE OF ANNEXATION AND THIRD AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
ON AND FOR
VERRADO ESTATES,
A SUBDIVISION IN LUBBOCK COUNTY, TEXAS

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF LUBBOCK §

WHEREAS, pursuant to the Declaration of Covenants, Conditions and Restrictions on and for Verrado Estates, a subdivision in Lubbock County, Texas ("***Verrado Estates***"), recorded May 19, 2008 under County Clerk File No. 2008018648, Official Public Records of Lubbock County, Texas, (the "***Original Declaration***"), Double RM, LLC, an Arizona limited liability company ("***Original Declarant***"), subjected certain real property described in the Declaration to certain covenants, conditions and restrictions;

WHEREAS, pursuant to Article XI, Section 4(b) of the Original Declaration, Verrado Estates, LLC, a Texas limited liability company ("***VELLC***"), as successor "Declarant" to Original Declarant, amended the Original Declaration pursuant to that certain First Amendment recorded July 12, 2010 under County Clerk File No. 2010023067, Official Public Records of Lubbock County, Texas ("***First Amendment***");

WHEREAS, pursuant to Article XI, Section 4(b) of the Original Declaration, West Lubbock Land, LLC, a Texas limited liability company ("***West Lubbock***"), as successor "Declarant" to VELLC, amended the Original Declaration pursuant to that certain Second Amendment recorded June 27, 2012 under County Clerk File No. 2012025499, Official Public Records of Lubbock County, Texas ("***Second Amendment***");

WHEREAS, the Original Declaration, as amended by the First Amendment and the Second Amendment is referred to hereinafter as the "***Declaration***";

WHEREAS, pursuant to Article XI of the Declaration, West Lubbock assigned to LOOP 88, LLC, a Texas limited liability company ("***Loop 88***"), all of West Lubbock's rights, title, and interest as "Declarant" in, to, and under the Declaration, pursuant to that certain Assignment and Assumption of Declarant Rights by and between West Lubbock and Loop 88;

WHEREAS, Loop 88 is the current "Declarant" under the Declaration;

WHEREAS, pursuant to Article I of the Declaration, the Properties (as defined in the Declaration) includes all land described within Exhibit "A" attached thereto and other land within the Verrado Estates development, as same may be increased by addition of land or withdrawal of land by amendment pursuant to the terms and provisions of the Declaration;

WHEREAS, pursuant to Article XI, Section 4(b) of the Declaration, Declarant has the right to amend the Declaration for any purposes during the Development Period (as such term is defined in the Declaration); and

WHEREAS, Verrado Estates is still in the Development Period and Declarant now desires to designate and annex into the Declaration certain additional real property and to amend the Declaration as otherwise set forth in this Notice of Annexation and Third Amendment to Declaration of Covenants, Conditions and Restrictions on and for Verrado Estates, a subdivision in Lubbock County, Texas (this "***Amendment***").

NOW, THEREFORE, in consideration of the premises and pursuant to Declarant's rights set forth in the Declaration, Declarant hereby declares as follows:

1. **Capitalized Terms.** All capitalized terms used in this Amendment and not otherwise defined shall have the meaning set forth in the Declaration.

2. **Annexation of Land.** Declarant hereby declares that the real property described on **Exhibit A** attached hereto (the "***Added Property***") is hereby annexed into and made subject to all terms and provisions of the Declaration, and such real property shall constitute part of the "Lots" and "Properties" (as such terms are defined in the Declaration). Declarant further declares that (i) the Added Property shall be held, sold, conveyed, and occupied subject to the easements, restrictions, covenants, and conditions set forth in the Declaration, all of which are for the purpose of protecting the value and desirability of, and which shall run with, the Added Property and shall be binding on all parties having any right, title, or interest in or to the Added Property or any part of the Added Property, their heirs, successors, and assigns, and shall inure to the benefit of each Owner of each portion of the Added Property; and (ii) each contract or deed that may be executed with regard to the Added Property or any portion of the Added Property shall conclusively be held to have been executed, delivered, and accepted subject to the Declaration regardless of whether the same is set out or referred to in the particular contract or deed.

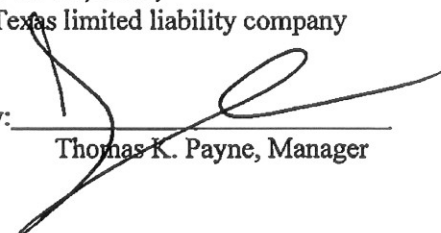
3. **Joinder and Consent.** As of the Effective Date of this Amendment, (a) Jake Myatt and Megan Myatt, husband and wife (collectively, "***Myatt***") are the owners of Lot 73 (the "***Myatt Lot***"), (b) Lloyd Hargrove and Carolyn Hargrove, husband and wife (collectively, "***Hargrove***") are the owners of Lot 74 (the "***Hargrove Lot***") and (c) Barry L. Cohen and Jane M. Cohen, husband and wife (collectively, "***Cohen***") are the owners of Lot 75 (the "***Cohen Lot***"). Myatt, Hargrove and Cohen hereby join in this Amendment for the purposes of (i) showing their assent thereto, (ii) acknowledging that they have no objections to the Declaration or the filing of this Amendment and (iii) acknowledging that notwithstanding the fact that (x) Myatt is the owner of the Myatt Lot, (y) Hargrove is the owner of the Hargrove Lot, and (z) Cohen is the owner of the Cohen Lot, the Declarant under the Declaration is Loop 88, LLC, a Texas limited liability company. Myatt, Hargrove, and Cohen shall be bound by and subject to the Declaration, as amended herein, as fully as any other Owner of any portion of the Properties.

5. **Multiple Counterparts.** This Amendment may be executed in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute a single instrument.

IN WITNESS WHEREOF, Declarant and the other parties have executed this Amendment to be effective as of 6-30, 2019 (the "**Effective Date**").

DECLARANT:

LOOP 88, LLC,
a Texas limited liability company

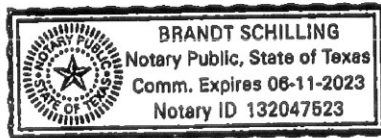
By: 
Thomas K. Payne, Manager

STATE OF TEXAS

COUNTY OF LUBBOCK

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This instrument was acknowledged before me this 30 day of June, 2019, by Thomas K. Payne, the manager of Loop 88, LLC, a Texas limited liability company, on behalf of said limited liability company.




Notary Public ★ State of Texas

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

MYATT:


JAKE MYATT

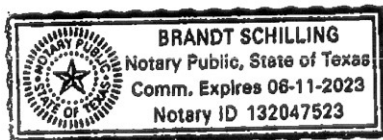

MEGAN MYATT

STATE OF TEXAS

COUNTY OF LUBBOCK

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This instrument was acknowledged before me this 30 day of June, 2019,
by Jake Myatt, an individual.



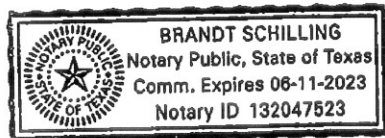

Notary Public ★ State of Texas

STATE OF TEXAS

COUNTY OF LUBBOCK

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This instrument was acknowledged before me this 30 day of June, 2019,
by Megan Myatt, an individual.




Notary Public ★ State of Texas

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

HARGROVE:


LLOYD HARGROVE

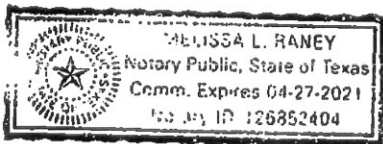

CAROLYN HARGROVE

STATE OF TEXAS

COUNTY OF LUBBOCK

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This instrument was acknowledged before me this 28 day of June, 2019,
by Lloyd Hargrove, an individual.



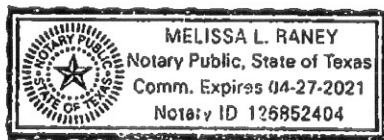
STATE OF TEXAS

COUNTY OF LUBBOCK

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Notary Public ★ State of Texas

This instrument was acknowledged before me this 28 day of June, 2019,
by Carolyn Hargrove, an individual.




Notary Public ★ State of Texas

[SIGNATURES CONTINUE ON FOLLOWING PAGES]

COHEN:

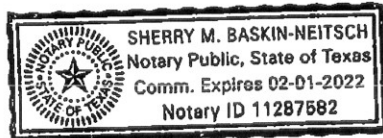

BARRY L. COHEN


JANE M. COHEN

STATE OF TEXAS

COUNTY OF LUBBOCK

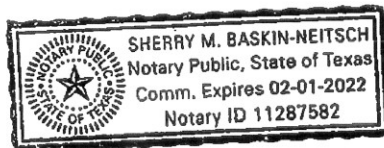
This instrument was acknowledged before me this 27th day of June, 2019,
by Barry L. Cohen, an individual.



STATE OF TEXAS

COUNTY OF LUBBOCK

This instrument was acknowledged before me this 27th day of June, 2019,
by Jane M. Cohen, an individual.




Notary Public ★ State of Texas

EXHIBIT A

THE ADDED PROPERTY

TRACT 1:

Lots 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, and 75, VERRADO ESTATES, a Subdivision out of Section 7, Block D-6, Lubbock County, Texas, according to the map, plat and/or dedication deed thereof recorded February 15, 2018 under County Clerk File No. 2018005257, Official Public Records of Lubbock County, Texas.

TRACT 2:

Metes and Bounds description of an approximate 156.8 acre tract located in Section 7, Block D-6, Lubbock County, Texas being further described as follows:

Beginning at a point in the South line of said Section 7, Block D-6, for the Southeast corner of this tract which bears N 88°09'07" W a distance of 2753.57 feet from the Southeast of said Section 7, Block D-6;

Thence N 88°09'07" W along the South line of said Section 7, Block D-6, a distance of 1931.89 feet to a point, for the Southwest corner of this tract, whence the Southwest corner of said Section 7, Block D-6 bears N 88°09'07" W a distance of 593.97 feet;

Thence N 01°50'22" E a distance of 2640.18 feet to a point for the Northwest corner of this tract;

Thence S 88°09'51" E a distance of 4249.16 feet to a point for the Northeast corner of this tract;

Thence S 01°51'17" W a distance of 434.00 feet to a point;

Thence N 88°09'51" W a distance of 32.06 feet to a point;

Thence S 01°50'53" W a distance of 346.08 feet to a point;

Thence N 88°09'07" W a distance of 75.00 feet to a point of intersection;

Thence around a curve to the left having a radius distance of 50.00 feet, a delta angle of 131°38'13", tangent lengths of 111.35 feet, a chord distance of 91.23 feet and a chord bearing of N 63°58'14" W, to a point of reverse curvature;

Thence around a curve to the right having a radius distance of 45.00 feet, a delta angle of 41°38'13", tangent lengths of 17.11 feet, a chord distance of 31.99 feet and a chord bearing of S 71°01'46" W, to a point of intersection;

Thence N 88°09'07" W a distance of 368.88 feet to a point;

Thence N 43°09'07" W a distance of 21.21 feet to a point;

Thence N 88°09'07" W a distance of 52.00 feet to a point;

Thence S 46°50'53" W a distance of 21.21 feet to a point;

Thence N 88°09'07" W a distance of 1533.12 feet to a point;

Thence N 43°10'54" W a distance of 21.21 feet to a point;

Thence N 88°09'07" W a distance of 64.00 feet to a point;

Thence S 46°49'06" W a distance of 21.20 feet to a point;

Thence S 01°47'20" W a distance of 52.00 feet to a point;

Thence S 43°10'54" E a distance of 21.22 feet to a point;

Thence S 01°47'20" W a distance of 183.32 feet to a point;

Thence S 44°11'31" W a distance of 22.15 feet to a point;

Thence around a curve to the left having a radius distance of 160.00 feet, a delta angle of 82°07'09", tangent lengths of 139.38 feet, a chord distance of 210.19 feet and a chord bearing of S 42°50'54" W, to a point of intersection;

Thence S 01°47'20" W a distance of 73.68 feet to a point;

Thence S 46°49'06" W a distance of 21.20 feet to a point;

Thence S 01°47'20" W a distance of 52.00 feet to a point;

Thence S 43°10'54" E a distance of 21.22 feet to a point;

Thence S 01°47'20" W a distance of 74.32 feet to a point;

Thence around a curve to the left having a radius distance of 160.00 feet, a delta angle of 82°07'09", tangent lengths of 139.38 feet, a chord distance of 210.19 feet and a chord bearing of S 39°16'14" E, to a point of intersection;

Thence S 40°36'50" E a distance of 22.15 feet to a point;

Thence S 01°47'20" W a distance of 184.99 feet to a point;

Thence S 46°49'06" W a distance of 21.20 feet to a point;

Thence S 01°47'20" W a distance of 56.00 feet to a point;

Thence S 43°10'54" E a distance of 21.22 feet to a point;

Thence S 01°47'20" W a distance of 434.00 feet to a point;

Thence S 46°49'06" W a distance of 21.20 feet to a point;

Thence S 02°36'30" W a distance of 52.00 feet to a point;

Thence S 42°07'54" E a distance of 20.83 feet to a point;

Thence S 03°53'20" W a distance of 115.08 feet to a point;

Thence S 01°47'20" W a distance of 69.97 feet to a point;

Thence around a curve to the right having a radius distance of 30.00 feet, a delta angle of 90°03'33", tangent lengths of 30.03 feet, a chord distance of 42.45 feet and a chord bearing of S 46°49'06" W, to a point of intersection;

Thence S 01°50'53" W a distance of 55.00 feet to the Point of Beginning.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County, TEXAS
07/01/2019 03:55 PM
FEE: \$58.75
2019024927