



DECLARATION
OF
COVENANTS, CONDITIONS
AND
RESTRICTIONS
ON AND FOR
*LOTS 1 THROUGH 126, VIRIDIAN,
AN ADDITION,
TO THE CITY OF LUBBOCK, LUBBOCK COUNTY, TEXAS*

0-0-0000-0

DECLARANT IN THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS HAS RESERVED FOR ITSELF EXTENSIVE RIGHTS, INCLUDING BUT NOT LIMITED TO THOSE RIGHTS DESCRIBED IN ARTICLE X.

TABLE OF CONTENTS

PREAMBLE	5
DECLARATION	5
I. CONCEPTS AND DEFINITIONS.....	5
II. PROPERTY SUBJECT TO THIS DECLARATION	10
Section 1. Existing Property	10
Section 2. Additions to Existing Property	10
III. MEMBERSHIP AND VOTING; RIGHTS IN THE ASSOCIATION.....	10
Section 1. Membership	10
Section 2. Voting Rights.....	11
Section 3. Notice and Voting Procedures	11
Section 4. Board of Directors	11
Section 5. Powers and Duties	12
Section 6. Declarant Powers	14
Section 7. Maintenance Contracts	14
Section 8. Liability Limitations	14
Section 9. Reserve Funds.....	14
Section 10. Record Production and Copying.....	14
Section 11. Record Retention	15
Section 12. Affiliate Member	16
IV. RIGHTS OF ENJOYMENT IN THE COMMON PROPERTIES	17
Section 1. Easement.....	17
Section 2. Extent of Members' Easements	17
Section 3. Restricted Actions by Members.....	18
Section 4. Damage to the Common Properties	18
Section 5. Notice and Voting Procedure.....	18
Section 6. Rules of the Association	18
Section 7. Use of Common Properties.....	18
Section 8. User Fees and Charges.....	18
Section 9. Title to Common Properties.....	19
Section 10. Acceptance.....	19
V. COVENANTS FOR ASSESSMENTS.....	19
Section 1. Creation of the Lien and Personal Obligation of Assessments.....	19
Section 2. Basis and Amount of Annual Assessments; Right of Increase Reserved to Declarant.....	20
Section 3. Date of Commencement of Assessments; Due Dates.....	22
Section 4. Duties of the Board of Directors with Respect to Assessments.....	22
Section 5. Effect of Non-Payment of Assessment; the Personal Obligation of the Owner; the Lien; and Remedies of Association	22
Section 6. Alternative Payment Plans.....	24
Section 7. Power of Sale.....	26
Section 8. Subordination of the Lien to Mortgages.....	27

	Section 9.	Exempt Property	28
VI.	INSURANCE; REPAIR; RESTORATION.....		28
	Section 1.	Right to Purchase Insurance	28
	Section 2.	Insurance and Condemnation Proceeds	28
	Section 3.	Insufficient Proceeds.....	29
	Section 4.	Owner's Insurance	29
VII.	ARCHITECTURAL REVIEW.....		29
	Section 1.	Purpose and Architectural Control during Specified Periods	29
	Section 2.	ARC Jurisdiction	30
	Section 3.	Design Guidelines.....	31
	Section 4.	Plan Submission and Approval.....	31
	Section 5.	Liability.....	32
	Section 6.	No Waiver.....	32
	Section 7.	Construction.....	32
	Section 8.	Variances	32
VIII.	USE OF LOTS IN THE PROPERTY; PROTECTIVE COVENANTS		33
	Section 1.	Define Terms	33
	Section 2.	Residential Use of Lots.....	33
	Section 3.	Minimum Floor Space	39
	Section 4.	Garages; Parking.....	39
	Section 5.	Setback Requirements.....	40
	Section 6.	Fences	40
	Section 7.	Construction Standards for Lots	41
	Section 8.	Landscaping of Lots	44
	Section 9.	Utilities	45
	Section 10.	Trash Containers.....	45
	Section 11.	General.....	45
	Section 12.	Easements; Utilities	46
	Section 13.	Duty of Maintenance	47
IX.	EASEMENTS; UTILITY SERVICES		48
	Section 1.	Utility Easement	48
	Section 2.	Ingress, Egress and Maintenance by ARC.....	48
X.	DECLARANT RIGHTS AND RESERVATIONS		48
	Section 1.	General Reservation of Rights During Development Period and Declarant Control Period	48
	Section 2.	General Provisions During the Development Period and the Declarant Control Period.....	48
	Section 3.	Declarant Control Period Reservations: Governance.....	49
	Section 4.	Declarant Control Period Reservations: Financial.....	49
	Section 5.	Development Period Reservations.....	51
	Section 6.	Notice of Possible Changes	53
	Section 7.	Veto Over Management of Association.....	54