



FOURTH 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 to Declaration of Covenants, Conditions and Restrictions on and for Verrado Estates, a subdivision in Lubbock County, Texas, 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 to Declaration of Covenants, Conditions and Restrictions on and for Verrado Estates, a subdivision in Lubbock County, Texas, recorded June 27, 2012 under County Clerk File No. 2012025499, Official Public Records of Lubbock County, Texas ("***Second Amendment***");

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, pursuant to Article XI, Section 4(b) of the Original Declaration, Loop 88, as successor "Declarant" to West Lubbock, amended the Original Declaration pursuant to that certain Notice of Annexation and Third Amendment to Declaration of Covenants, Conditions and Restrictions on and for Verrado Estates, a subdivision in Lubbock County, Texas, recorded July 1, 2019 under County Clerk File No. 2019024927, Official Public Records of Lubbock County, Texas ("***Third Amendment***");

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

WHEREAS, Loop 88 is the current "Declarant" under 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 amend the Declaration as otherwise set forth in this Fourth 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. **Voting Rights.** Article III, Section 2 of the Declaration is hereby deleted in its entirety and replaced with the following:

"Section 2. Voting Rights. There shall be two (2) classes of voting Members during the Development Period:

Class A: The Owner(s) of each Lot shall be entitled to one (1) vote per Lot. Where more than one (1) Owner owns and holds a record fee interest in a Lot such Owner(s) may divide and cast portions of the one (1) vote as they decide, but in no event shall any one (1) Lot yield more than one (1) vote.

Class B: The Class B Member shall have five (5) votes for each Lot it owns. If the Property owned by the Class B Member contains unplatted tracts of land, each one tenth (1/10th) of an acre is allotted five (5) votes. When the unplatted tracts are platted, the number of votes in the Property owned by the Class B Member will be automatically adjusted by the number of platted Lots – with five (5) votes per Lot, regardless of its size. If additional land is made subject to this Declaration, the total number of votes will be increased automatically by the number of additional Lots or by the product obtained from calculating the votes in the unplatted tracts comprising the additional land.

Any Owner, Resident or Member shall not be in "good standing" if such person or entity is: (a) in violation of any portion of these Covenants, the Design Guidelines, or any rule or regulation promulgated by the Board, (b) delinquent in the full, complete and timely payment of any Annual Assessment, Initial Common Properties Assessment, special assessment, or any other fee, charge or fine which is levied, payable or collectable pursuant to the provisions of these Covenants, the Bylaws or any rule or regulation promulgated by the Board.

The Board may make such rules and regulations, consistent with the terms of this Declaration and the bylaws, as it deems advisable, for any meeting of Members; proof of membership in the Association; the status of good standing; evidence of right to vote; the appointment and duties of examiners and inspectors of votes, the procedures for actual voting in person or by proxy; registration of Members for voting purposes; and such other matters concerning the conduct of meetings and voting as the Board shall deem fit."

3. **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.

[SIGNATURES ON FOLLOWING PAGES]
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IN WITNESS WHEREOF, Declarant and the other parties have executed this Amendment to be effective as of July 17th, 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 17 day of July, 2019, by Thomas K. Payne, the manager of Loop 88, LLC, a Texas limited liability company, on behalf of said limited liability company.

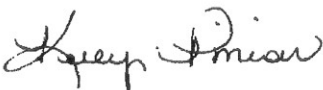



Notary Public ★ State of Texas

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS





Kelly Pinion, County Clerk
Lubbock County, TEXAS
07/18/2019 01:33 PM
FEE: \$38.00
2019027217

FOURTH AMENDMENT
23459258v.1

Signature Page 1