

**SIXTH AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
ON AND FOR
LOTS 390-475,
VIRIDIAN,
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 an for Viridian, a subdivision in Lubbock County, Texas ("Viridian"), recorded June 6, 2019 under County Clerk File No. 2019021033, Official Public Records of Lubbock County, Texas, (the "**Original Declaration**"), 1585 Development, LLC, an Texas limited liability company ("**Original Declarant**"), subjected certain real property described in the Declaration to certain covenants, condition and restrictions;

WHEREAS, pursuant to Article XI, Section 3 (a) of the Original Declaration, 1585 Development, LLC is the current "Declarant" under the Declaration and has the right to amend the Declaration for any purposes during the Development Period pursuant to that certain First Amendment to Declaration of Covenants, Conditions and Restrictions on and for Viridian, a subdivision in Lubbock County, Texas recorded April 28, 2021 under County Clerk File No. 2021020760, Official Public Records of Lubbock County, Texas ("**First Amendment**");

WHEREAS, pursuant to Article XI, Section 3 (a) of the Original Declaration, 1585 Development, LLC is the current "Declarant" under the Declaration and has the right to amend the Declaration for any purposes during the Development Period pursuant to that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions on and for Viridian, a subdivision in Lubbock County, Texas recorded May 21, 2021 under County Clerk File No. 2021025050, Official Public Records of Lubbock County, Texas ("**Second Amendment**");

WHEREAS, pursuant to Article XI, Section 3 (a) of the Original Declaration, 1585 Development, LLC is the current "Declarant" under the Declaration and has the right to amend the Declaration for any purposes during the Development Period pursuant to that certain Third Amendment to Declaration of Covenants, Conditions and Restrictions on and for Viridian, a subdivision in Lubbock County, Texas recorded August 11, 2021 under County Clerk File No. 2021040945, Official Public Records of Lubbock County, Texas ("**Third Amendment**");

WHEREAS, pursuant to Article XI, Section 3 (a) of the Original Declaration, 1585 Development, LLC is the current "Declarant" under the Declaration and has the right to amend the Declaration for any purposes during the Development Period pursuant to that certain Fourth Amendment to Declaration of Covenants, Conditions and Restrictions on and for Viridian, a subdivision in Lubbock County, Texas recorded February 8, 2023 under County Clerk File No. 2023004858, Official Public Records of Lubbock County, Texas (*"Fourth Amendment"*);

WHEREAS, pursuant to Article XI, Section 3 (a) of the Original Declaration, 1585 Development, LLC is the current "Declarant" under the Declaration and has the right to amend the Declaration for any purposes during the Development Period pursuant to that certain Fifth Amendment to Declaration of Covenants, Conditions and Restrictions on and for Viridian, a subdivision in Lubbock County, Texas recorded May 3 2023 under County Clerk File No. 2023016201, Official Public Records of Lubbock County, Texas (*"Fifth Amendment"*);

Declarant desires to add additional property (the "Additional Property") as described on "Exhibit A" to this Sixth Amendment (being Lots 390-475), inclusive, VIRIDIAN, an Addition to Lubbock County, Texas.; and, Declarant desires that the Additional Property described on Exhibit "A", to this Sixth Amendment shall be added to the scheme of the Declaration, subject to the modifications and amendments as contained within this Sixth Amendment pertaining to said Additional Property.

In accordance with Article VIII, Section 7 of the Declaration, mail cluster boxes will be installed per United States Postal Service ("USPS") requirements.

Article VIII, Section 6 (a) of the Declaration, Fences is herein amended as follows:

Except as otherwise provided in this Declaration, a perimeter fence shall be constructed on each Lot. The perimeter fence shall be constructed (i) across the rear property line of each Lot at a height of seven feet (6') and (ii) along the side of each Lot, by the Builder, at the height of six feet (6'), from the rear fence corner to a point which intersects either the rear building line of the Dwelling Unit on the Lot or the front building line of the Dwelling Unit. All perimeter fences, with the exception of the rear lot line fence, shall be constructed of cedar, redwood, or other similar materials as approved by the ARC, and shall be of such design, materials and construction as conform to the design of the Dwelling Unit. All perimeter fences shall be approved by the ARC. Under no circumstances will the ARC approve perimeter fences to be constructed of chain link, barbed wire, pipe, woven design or other material not expressly permitted and approved by the ARC. No fence, wall or hedge (which serves as a barrier) shall be erected, placed or altered on any Lot without the approval of the ARC. Perimeter fences constructed on common boundary lines between Lots will be maintained and repaired jointly by the Owners of the adjoining Lots, unless the Owners, agree otherwise.

Article VIII, Section 10 of the Declaration, Trash Containers is herein amended as follows:

All dumpsters and other trash containers shall be located in the alley at the rear of each Lot. All trash and debris shall be disposed of in proper containers, and at no time shall an Owner allow

trash or debris to remain on a Lot or in an alley. All dumpsters shall be provided and serviced by the City of Lubbock.

Article VIII, Section 3 of the Declaration, Minimum Floor Space is herein amended as follows:

Except as otherwise provided in this Declaration, Lots 390-475, inclusive, contain not less than 1,000 square feet of air-conditioned floor space, exclusive of garage, open or screened porch, storage rooms, basement and other space not equipped with heating and cooling.

Article VIII, Section 4 of the Declaration, Garages; Parking is herein amended as follows:

Lots 390-475, inclusive, shall provide space for minimum of two (2) conventional automobiles (but not recreational vehicles), unless otherwise specifically approved by the ARC (or Declarant during the Development Period).

Article VIII, Section 8 of the Declaration, Landscaping of Lots is herein amended as follows:

Except as otherwise provided in this Declaration, landscaping requirements in the front yard will be landscaped utilizing some combination of sod and rock, turf and rock, or sod, turf and rock (solely rock landscaping will not be allowed) for Lots 390-475, inclusive. All other languages and requirements remain the same as outlined in the Original Declaration recorded June 6, 2019.

The Declaration of Covenant, Conditions and Restrictions on and for Viridian, a subdivision in Lubbock County, Texas previously imposed and herein described are not amended, changed, modified or altered in any way other than as specifically and expressly set out herein.

IN WITNESS WHEREOF, Declarant and the other parties have executed this Amendment to be effective as of 14th day of March, 2025, (the "**Effective Date**").

DECLARANT:

1585 DEVELOPMENT, LLC,
a Texas limited liability company

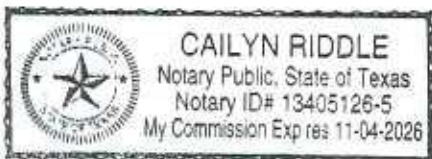


Thomas K. Payne, Manager

STATE OF TEXAS }

COUNTY OF LUBBOCK }

Before me, the undersigned authority on this 14th day of March, 2025, personally appeared THOMAS K. PAYNE, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the instrument as the act of 1585 DEVELOPMENT, LLC, a Texas limited liability company, and that he executed the instrument on behalf of the limited liability company for the purposes and consideration expressed, and in the capacity hereinabove stated.



Cailyn Riddle
Notary Public – State of Texas

LENDERS:
PEOPLES BANK

By:

Print Name:

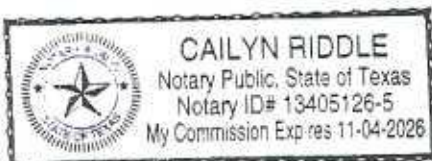
Title:

Jordan McKay
EV

STATE OF TEXAS }

COUNTY OF LUBBOCK }

Before me, the undersigned authority on this 14th day of March, 2025, personally appeared Jordan McKay, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the instrument as the act of Peoples Bank, a state banking association, and that he/she executed the instrument on behalf of the banking association for the purposes and consideration expressed, and in the capacity hereinabove stated.



Cailyn Riddle
Notary Public – State of Texas

EXHIBIT "A"
THE "ADDITIONAL PROPERTY"

Lots 390-475, inclusive, VIRIDIAN, an Addition to Lubbock County, Texas, according to the Map, Plat and/or Dedication Deed therefore recorded in County Clerk File No. 2024024316, of the Official Public Records of Lubbock County, Texas.

FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



Kelly Pinion

Kelly Pinion, County Clerk
Lubbock County, TEXAS
03/14/2025 03:01 PM
FEE: \$45.00
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