

Sedona
County

2020053174 5 PGS RESTR



**FIRST SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS SEDONA ADDITION**

THIS FIRST SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS SEDONA ADDITION (this "First Supplement") is made and entered into by ESCONDIDO LUBBOCK, LLC, a Texas limited liability company (the "Declarant" or "Developer").

RECITALS:

A. Declarant executed and recorded that certain Declaration of Covenants, Conditions and Restrictions Sedona Addition, recorded as Document No. 2020040624 of the Official Public Records of Lubbock County, Texas (as amended and supplemented, the "Declaration"), which affects that certain real property described therein (the "Original Property").

B. Pursuant to the terms of the Declaration, Declarant desires to supplement and amend the terms of the Declaration by adding additional property owned by Declarant to be covered by the terms and conditions of the Declaration and amend certain other terms of the Declaration.

SUPPLEMENT:

NOW, THEREFORE, Declarant pursuant to its authority contained in the Declaration, hereby supplements and amends the Declaration as follows:

1. Defined Terms. All terms used herein and not defined herein shall have the same definition herein as in the Declaration.
2. Additional Property. Declarant is the owner of all of that certain real property located in Lubbock County, Texas, described as follows (the "Additional Property" or "The Oaks"):

All of Lots 1-11 and Tract "A", The Oaks at Sedona, an Addition to the City of Lubbock, Lubbock County, Texas, being more fully described on a plat filed on or about the 20th day of November, 2020 as Instrument No. 2020050780 in the Official Public Records of Lubbock County, Texas, to which reference is hereby made for all purposes.

It is hereby declared that all of the Additional Property shall be held, sold and conveyed, subject to the easements, restrictions, covenants and conditions contained in the Declaration, as amended hereby, which are for the purpose of protecting the value and desirability of, and which shall run with the above described real property, and shall be binding on all parties having any right, title or interest in or to the above described properties or any part thereof, their heirs, successors, and assigns, and which easements, restrictions,

covenants, and conditions shall inure to the benefit of each owner thereof. All references to the term "lots" shall include Lots 1 through 11 at The Oaks. The term "Common Area" shall include Tract A at The Oaks.

3. The Oaks Use Restrictions. Notwithstanding anything to the contrary contained in the Declaration, Lots 1-11 shall be used for single family residential purposes only, and a "single-family residence" shall be construed as a single family dwelling used and occupied by one family and its constituent members. Houses constructed on The Oak lots shall contain at least 3,300 square feet of floor space, exclusive of garage, open or screened porch, storage rooms, basement and other space not equipped with heating and cooling.

4. Additional Construction Standards for the Oaks. In addition to the construction standards contained in Article II of the Declaration, all lots in The Oaks must have a water well on site for all irrigation needs. All lots in The Oaks must have a twenty (20) foot rear drive. Any penetration in the rear brick fence in The Oaks lots will have to be replaced with an automatic driveway gate. The minimum front building setback line for each residence shall be at least thirty (30) feet for The Oaks lots from the street, 7.5 feet on either side of the lot and 20 feet from the rear drive and for all other building setback requirements, such shall comply with minimum requirements as promulgated by the City of Lubbock, Texas.

5. Membership in Association. Pursuant to the Declaration, as supplemented by this First Supplement, every owner of each lot included in the Additional Property is a member of the Association. Membership is appurtenant to and may not be separated from ownership of a lot or tract. Each member shall be entitled to one (1) vote in the Association for each lot or tract owner. When more than one person or entity holds an interest in any lot or tract, all such persons and entities shall be considered as one member. The vote for such lot or tract shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any lot. The Additional Property shall be subject to payment of assessments pursuant to the terms of the Declaration.

6. Additional Assessments. In addition to the Regular Assessments levied by the Board on each lot, owner of lots in The Oaks shall pay an additional Assessment to be levied by the Declarant or the Board, as applicable, to fund the operation and maintenance of the road, any subdivision gate, landscaping and other improvements for the sole benefit of and included on The Oaks property.

7. The Oaks Common Area. Notwithstanding anything to the contrary contained in the Declaration, the owners of lots in The Oaks are the only owners who shall have an easement in and to any portion of the Common Area located on The Oaks Property.

8. Enforcement. Declarant may enforce performance of all covenants and conditions contained in the Declaration on the Additional Property, and to demand and receive any and all documents covenanted to be given in the Declaration in the same manner and with the same effect as if the Additional Property had originally been included in the Declaration.

9. Choice of Law. This Assignment will be governed by, construed, and interpreted in accordance with the substantive laws of the State of Texas.

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SIGNATURE PAGE FOLLOWS

EXECUTED AND EFFECTIVE this ____ day of _____, 2020.

SEDONA LUBBOCK, LLC, a Texas limited liability company

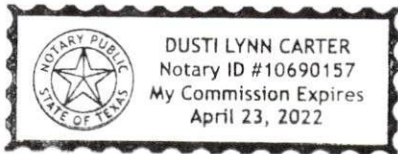
By: [Signature]
Name: Paul F Strong III
Title: partner

STATE OF TEXAS §
 §
COUNTY OF LUBBOCK §

On this 19 day of August, 2020, before me, a Notary Public in and for said state, personally appeared Trey Strong, in his capacity as partner of Sedona Lubbock, LLC, a Texas limited liability, on behalf of said limited liability company.

[NOTARY STAMP]

Dusti Carter
Notary Public, State of Texas



After Recording, Return to:

Sedona Lubbock, LLC
3410 98th Street, Suite #5

Lubbock, Texas 79423