# Page 1 of 9

#### Electronically Recorded

**Tarrant County** 

Official Public Records

9/2/2014 12:11 PM

Submitter: SIMPLIFILE

D214191065

AFTER RECORDENCE PLEASE RETURN TO: PGS

Mary Louise Garcia

Henry Oddo Austin & Fletcher, P.C.

Judd A. Austin, Jr.

1700 Pacific Avenue

**Suite 2700** 

Dallas, Texas 75201

SECOND SUPPLEMENTAL CERTIFICATE AND MEMORANDUM OF RECORDING OF DEDICATORY INSTRUMENTS FOR VIRIDIAN RESIDENTIAL ASSOCIATION, INC.

STATE OF TEXAS

§ § §

COUNTY OF TARRANT

The undersigned, as attorney for the Viridian Residential Association, Inc., for the purpose of complying with Section 202.006 of the Texas Property Code and to provide public notice of the following dedicatory instrument affecting the owners of property described on Exhibit B attached hereto, hereby states that the dedicatory instrument attached hereto is a true and correct copy of the following:

Resolution of the Viridan Residential Association, Inc. Board of Directors Regarding Investment Policy for the Viridan Residential **Association, Inc.** ("Exhibit A").

All persons or entities holding an interest in and to any portion of property described on Exhibit B attached hereto are subject to the foregoing dedicatory instruments.

IN WITNESS WHEREOF, the Viridian Residential Association, Inc. has caused this Second Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments to be filed with the office of the Tarrant County Clerk, and serves to supplement that certain Certificate and Memorandum of Recording of Dedicatory Instruments for Viridian Residential Association, Inc., filed on December 28, 2012, and recorded as Instrument No. D212318007 in the Official Public Records of Tarrant County, Texas, and that certain First Supplemental Certificate and Memorandum of Recording of Dedicatory Instruments for Viridian Residential Association, Inc., filed on April 25, 2014, and recorded as Instrument No. D214083556 in the Official Public Records of Tarrant County, Texas. The dedicatory instrument attached hereto shall serve to replace any dedicatory instrument previously filed concerning the same or similar subject matter.

VIRIDIAN RESIDENTIAL ASSOCIATION, INC.

Its: Attorney

STATE OF TEXAS

§ s

COUNTY OF DALLAS

BEFORE ME, the undersigned Notary Public, on this day personally appeared Judd A. Austin, Jr., attorney for the Viridian Residential Association, Inc., known to me to be the person whose name is subscribed on the foregoing instrument and acknowledged to me that he executed the same for the purposes therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND AFFIRMED SEAL OF OFFICE on this 2<sup>nd</sup> day of September, 2014.

ELISE MYERS

Notary Public, State of Texas

My Commission Expires

May 24, 2018

Notary Public, State of Tox

# RESOLUTION OF THE VIRIDIAN RESIDENTIAL ASSOCIATION INC. BOARD OF DIRECTORS

#### REGARDING

# INVESTMENT POLICY FOR THE VIRIDIAN RESIDENTIAL ASSOCIATION INC.

WHEREAS, Article 5.4 of the By-Laws of Viridian Residential Association Inc. a <u>Texas</u> non-profit corporation (hereafter the "Association"), grants to the Board of Directors "shall have the powers necessary for the administration of the Viridian Residential Association Inc. affairs and for performing all responsibilities and preserving all rights of the Viridian Residential Association Inc.."

WHEREAS, the Association accumulates both reserve and operating savings funds, which should be invested safely, and

WHEREAS, the Board of Directors, finds it advisable to establish guidelines for the investment of reserve and operating funds of the Association

NOW, THEREFORE, IT IS RESOLVED THAT the Board of Directors hereby adopts the following Investment Policy for the Viridian Residential Association Inc.:

The foregoing resolution outlining an Investment Policy for the Viridian Residential Association Inc. was adopted on the 26<sup>th</sup> day of August, 2014, by a majority vote of the Board of Directors and was meant to become effective as of that date.

# I. PURPOSE

The purpose of this Investment Policy Statement is to clearly define the investment objectives and procedures for funds belonging to the Viridian Residential Association, Inc. (the "Association").

#### II. DEFINITIONS

There are two groupings of funds that will be addressed in this Investment Policy Statement. They are General Operating Funds and Reserve Funds.

- **a.** General Operating Funds: Those funds used to cover the day-to-day operations and maintenance of the Association.
- b. Reserve Funds: Those funds set aside for capital repairs and replacements.

#### b. Asset Allocation

- i. Asset allocation is the primary determinant of the Association's portfolio performance. The asset allocation of the portfolio will vary over time based on the aggregate future expected expenditures (amount and timing). The overall risk level of the assets, in terms of potential for price fluctuation, should be limited. The primary means for achieving a low risk profile are:
  - 1. A balanced asset allocation among cash, fixed income, and equities;
  - 2. Diversification inside each asset class;
  - 3. Careful control of the risk level within each asset class, through avoidance of over-concentration and by not taking extreme positions against the market averages;
  - 4. A degree of emphasis on stable growth, rather than capital gains;
- ii. An outside Reserve Study, periodically updated, is required to determine the best possible estimates of future expenditures of Reserve Funds, including amount, timing, and priority.
- iii. In establishing asset allocation, recognition of the role of various classes of investments will be considered. These include:
  - 1. Cash equivalent investments may provide current income, but their primary purpose is the preservation of principle.
  - 2. The primary purpose of fixed income investments is to provide a dependable and predictable source of income.
  - 3. Equity investments provide both current income and growth of income, but their primary purpose is to provide appreciation of the portfolio.
  - 4. Careful control of the risk level within each asset class, through avoidance of over-concentration and by not taking extreme positions against the market averages;
  - 5. A degree of emphasis on stable growth, rather than capital gains;

# c. Advisors

To achieve the investment objectives the Board of Directors shall engage the services of reputable licensed third party professionals, including, but not limited to, consultants, registered investment advisors, custodians and securities brokers/dealers. All investment firm's providing investment advice, initiating transactions or executing transactions on behalf of the Association shall sign a letter to the Board attesting that they have received a copy of the Investment Policy Statement, that they have read and understand the Investment Policy

Statement, and that they shall conduct their business on behalf of the Association in accordance with the Investment Policy Statement.

#### d. Permissible Investments

The Reserve Funds shall be invested in investment securities subject to the following guidelines:

- i. All investments will be purchased in the name of the Association.
- ii. Securities issued or guaranteed by the U.S. Government or its agencies or instrumentalities shall be permissible investments.
- iii. Cash instruments, including money market accounts, savings accounts or certificates of deposit shall be within the maximum allowed FDIC insurance coverage. CD programs, which spread liability up to FDIC limits within a single bank holding company, are permissible
- iv. Municipal bonds rated A- or better by Moody's or Fitch shall be permissible investments.
- v. Individual Corporate bonds rated of investment grade by S&P (A-) or Moody's (A3) or better shall be eligible for purchase.
- vi. Individual Corporate or Municipal bonds which are downgraded below investment grade shall be sold within a reasonable time period following the downgrade.
- vii. Bond funds (either mutual funds or Exchange Trade Funds) must have 80% of the holdings rated investment grade quality (A-/A3).
- viii. Equity mutual funds and equity Exchange Traded Funds of appropriate risk, diversification, and quality are permissible.
  - ix. The investment portfolio shall be diversified to limit the exposure to anyone market segment, issuer or security. No one investment shall be more than 15% of the total Reserve Funds, with the following exceptions, for which there are no limits:
    - 1. US Treasury
    - 2. US Agencies
    - **3.** FDIC or SIPC insured cash instruments or certificates of deposit

#### e. Prohibited Investments

Assets of the Funds may not be invested in the following:

- i. Fixed Income Investments: The following are not permissible:
  - 1. Bonds, notes or other indebtedness for which there is no pubic market (private placements).
  - 2. Commercial paper not rated AI/PI.
  - 3. Direct placement of mortgages on real property.
  - 4. Letters of credit guaranteed by the Reserve Funds.
- ii. Transactions are not permitted in options, short sales, or futures contracts of any kind.
- iii. All individual common equity investments are prohibited.
- iv. No securities may be purchased on margin or leverage.
- v. Speculative investment vehicles are not permitted, i.e. derivatives, commodities, hedge funds or venture capital investment.

### f. Monitoring

- i. The Board of Directors shall meet and confer quarterly, and at other times as needed, to review the investment portfolio of the Association in a manner consistent with this Investment Policy Statement. Actions of the Board of Directors Committee may include, but are not limited to:
  - 1. Reviewing the assets and net cash flow of the portfolio;
  - 2. Reviewing the current asset allocation, compliance with this policy statement; and authorizing any redirection of cash flow, transfers and assets, or sales/purchases necessary to ensure such compliance within 90 days;
  - 3. Receiving and considering statistics on the investment performance;
  - 4. Reviewing significant revisions to the expected long-term trade-off between risk and reward on key asset classes; and
  - 5. Reviewing shortcoming of the policy that emerge in its practical operation.
- ii. The Investment Advisor is expected to meet at least quarterly, or as deemed necessary, with the Board of Directors to review portfolio holdings and investment results within the context of this Investment Policy Statement. The Investment Advisor is expected to meet more

often with the Board of Directors if requested to do so or if market conditions warrant.

# V. REVISIONS AND MODIFICATIONS

a. The Board of Directors shall review this Investment Policy Statement periodically and may amend the policy as conditions warrant. The Board of Directors has sole authority to approve and amend, alter or otherwise make changes to the Investment Policy Statement. Any modifications to this policy shall be in writing and approved by the Board.

Signed:	Il Friter
	Board Member, Title:
Signed:	Lellale
	Board Member, Title: \ Treourer
Signed:	Adra Meury
	Board Mambar Title: 1 Ca Cook

# **EXHIBIT B**

Those tracts and parcels of real property located in the City of Arlington, Tarrant County, Texas and more particularly described as follows:

- (a) All lots and tracts of land situated in VIRIDIAN PHASE 1A, an Addition to the City of Arlington, Tarrant County, Texas, according to the Plat thereof recorded as Instrument No. D211082802 in the Plat Records of Tarrant County, Texas, as modified by Amended Plat recorded as Instrument No. D212094419;
- (b) All lots and tracts of land situated in VIRIDIAN VILLAGE 1B, an Addition to the City of Arlington, Tarrant County, Texas, according to the Plat thereof recorded as Instrument No. D212293489 in the Plat Records of Tarrant County, Texas;
- (c) All lots and tracts of land situated in VIRIDIAN VILLAGE 1C-1, an Addition to the City of Arlington, Tarrant County, Texas, according to the Plat thereof recorded as Instrument No. D212313248 in the Plat Records of Tarrant County, Texas;
- All lots and tracts of land situated in VIRIDIAN VILLAGE 1C-2, an Addition to the City of Arlington, Tarrant County, Texas, according to the Plat thereof recorded as Instrument No. D213248742 in the Plat Records of Tarrant County, Texas;
- (e) All lots and tracts of land situated in VIRIDIAN VILLAGE 1A-1, an Addition to the City of Arlington, Tarrant County, Texas, according to the Plat thereof recorded as Instrument No. D213256211 in the Plat Records of Tarrant County, Texas;
- (f) All lots and tracts of land situated in VIRIDIAN VILLAGE 1E1A, an Addition to the City of Arlington, Tarrant County, Texas, according to the Plat thereof recorded as Instrument No. D214136088 in the Plat Records of Tarrant County, Texas;
- (f) When annexed and made subject to the Community Charter for Viridian Residential Properties, all those tracts or parcels of real property

described on Exhibit "B" to the Community Charter for Viridian Residential Properties, recorded as Instrument No. D212104762 in the Official Public Records of Tarrant County, Texas.