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Mary Louise Garcia

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Tarrant County

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Submitter: PROPERTY INFO

01128-13203/STC/138/WM

**SECOND AMENDMENT TO THE COMMUNITY CHARTER
FOR
VIRIDIAN RESIDENTIAL PROPERTIES**

STATE OF TEXAS

NOTE TO CLERK: Please cross-reference to
Community Charter at Instrument No. D212104762

COUNTY OF TARRANT

This Second Amendment to the Community Charter for Viridian Residential Properties ("Amendment") is made by HC-LOBF ARLINGTON, LLC, a Texas limited liability company (the "Founder").

Background Statement

The Founder is the developer of the planned community located in the City of Arlington, Tarrant County, Texas, known as Viridian. The Founder executed and filed in the County Clerk Official Records of Tarrant County, Texas, that Community Charter for Viridian Residential Properties recorded on May 2, 2012 as Instrument No. D212104762, and that First Amendment to the Community Charter for Viridian Residential Properties recorded on January 14, 2014 as Instrument No. D214008250 (as amended and supplemented, the "Charter").

Initial Architectural Guidelines applicable to the property encumbered by the Charter are attached to the Charter as Exhibit "F" (the "Architectural Guidelines"). Pursuant to Section 5.3(a) of the Charter, the Founder reserved the right to unilaterally amend the Architectural Guidelines for so long as the Founder retains review authority under Section 5.2(a) of the Charter. The Founder's review authority has not expired, and the Founder desires to amend the Architectural Guidelines as set forth herein.

Amendment

NOW, THEREFORE, the Founder hereby amends the Architectural Guidelines to add the following new Section XI immediately following Section X thereof:

Upon recording, please return to:
Howard Porteus
HC LOBF Arlington, LLC
835 E. Lamar Boulevard, #235
Arlington, TX 76011

SECTION XI: ACCESSORY STRUCTURES AND ITEMS

Solar Panels and Devices

- Solar energy devices, including any related equipment or system components (collectively, "Solar Panels"), may be installed only in such location on a Unit as may be approved by the "Reviewer" pursuant to Article 5 of the Charter, which shall be limited to (i) the roof of a dwelling or other structure on the Unit, or (ii) in a fenced yard or patio on the Unit. No person other than the Association shall be permitted to install Solar Panels on or within any Common Area or any other area which is owned or maintained by Viridian Residential Association, Inc. ("Association").
- If located on the roof of a dwelling or other approved structure on the Unit, a Solar Panel shall:
 - be located on the rear slope of the roof unless the Owner demonstrates that an alternate proposed location increases the Solar Panel's estimated annual energy production (as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory) by more than 10% above the energy production of a Solar Panel if located in on the rear slope of the roof.
 - not extend higher than or beyond the roofline;
 - conform to the slope of the roof;
 - have a top edge that is parallel to the roofline; and
 - have a frame, support bracket or visible piping or wiring that is in a silver, bronze or black tone commonly available in the marketplace and blends with the color of the roof to the greatest extent possible.
- If located in a fenced yard or patio of a Unit, a Solar Panel shall be installed so as not to be taller than the fence surrounding such yard or patio, unless otherwise approved by the Reviewer.
- During the Development and Sale Period (as defined in the Charter), and thereafter to the extent such restriction is permitted by law, Solar Panels shall be located so as not to be visible from view of any street.
- No Solar Panel shall be installed in such a manner as to void material warranties relating to the Unit or the Solar Panel.
- If all of the above conditions are met, an application for installation of Solar Panels may not be denied unless:
 - the Reviewer makes a determination in writing that the location of the Solar Panels proposed by the Owner would substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. If the Owner applying for approval of a Solar Panel on such Owner's Unit obtains the written approval of the owners of all property adjoining the Unit for the proposed location of the Solar Panel, it shall be presumed that the proposed location would not cause unreasonable discomfort or annoyance to

