



**AMENDED
COVENANTS AND RESTRICTIONS
BELLE TRACE II**

**PLATTED SUBDIVISION TO THE CITY OF BROKEN ARROW,
TULSA COUNTY, STATE OF OKLAHOMA
PLAT NO. 5972**

KNOW ALL MEN BY THESE PRESENTS: BATTLE CREEK LAND DEVELOPMENT, INC. ("DEVELOPER/OWNER"), BEING THE OWNER AND DEVELOPER OF THE FOLLOWING DESCRIBED REAL ESTATE LOCATED IN A PART OF SECTION TWENTY-SEVEN (27) OF TOWNSHIP NINETEEN (19) NORTH AND RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN (I.B & M) ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, TULSA COUNTY, STATE OF OKLAHOMA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BELLE TRACE II, AN ADDITION TO THE CITY OF BROKEN ARROW, TULSA COUNTY, STATE OF OKLAHOMA (THE "ADDITION");

HEREBY AMENDS ARTICLE 4.1 FORMATION OF ASSOCIATION AS FOLLOWS:

4.1 FORMATION OF ASSOCIATION: THE DEVELOPER/OWNER, WITHOUT JOINDER OF ANY OWNER, RETAINS THE OPTION TO FORM A PROPERTY OWNERS' ASSOCIATION AT ANY TIME. NO PROPERTY OWNERS' ASSOCIATION WITHIN BELLE TRACE II SHALL BE FORMED, PRIOR TO NINETY PERCENT (90%) OCCUPANCY, WITHOUT THE WRITTEN APPROVAL OF DEVELOPER/OWNER. ONCE BELLE TRACE II IS NINETY PERCENT (90%) OCCUPIED THE DEVELOPER/OWNER SHALL EXECUTE OR SHALL CAUSE THE EXECUTION OF ONE OF THE FOLLOWING OPTIONS:

A. THE DEVELOPER/OWNER SHALL OR SHALL ALLOW THE PROPERTY OWNERS' WITHIN BELLE TRACE II TO ESTABLISH A PROPERTY OWNERS' ASSOCIATION, KNOWN AS THE "BELLE TRACE II PROPERTY OWNERS' ASSOCIATION, INC." AN OKLAHOMA NOT-FOR-PROFIT CORPORATION, PURSUANT TO 60 O.S.1991, § 851, ET SEQ., TO MAINTAIN THE ENTRYWAYS AND THE RESERVE AREAS IN THE SUBDIVISION AND FOR SUCH OTHER PURPOSES AS SHALL BE DEEMED ADVISABLE. ALL LAWFUL ACTS, IF ANY, OF "BELLE TRACE II PROPERTY OWNERS' ASSOCIATION, INC." (THE "ASSOCIATION"), MADE UNDER AND PURSUANT TO ITS CERTIFICATE OF INCORPORATION AND BY-LAWS SHALL BE BINDING UPON THE LOTS CONTAINED IN THE ADDITION AND THE OWNERS THEREOF. MEMBERSHIP IN THE ASSOCIATION SHALL CONSIST OF ALL OWNERS OF LOTS IN THE ADDITION AND ALL OWNERS OF SUCH ADDITIONAL PROPERTY DESIGNATED BY THE DEVELOPER.

B. THE DEVELOPER/OWNER SHALL OR SHALL ALLOW ALL OF THE PROPERTY OWNERS' WITHIN BELLE TRACE II TO INCORPORATE INTO THE PREVIOUSLY CREATED "BELLE TRACE PROPERTY OWNERS' ASSOCIATION, INC."

HEREBY AMENDS ARTICLE 3.12 I.A INTERIOR FENCES OR WALLS AS FOLLOWS:

HEREBY AMENDING FENCING REQUIREMENTS OF REAR LOT LINES ONLY OF THE FOLLOWING LOTS ADJOINING BELLE TRACE I AND GREENBRIER:

- BLOCK 1; LOTS 1-7, LOT 9, LOTS 11-12, AND LOT 14
- BLOCK 5; LOT 1 & 2
- BLOCK 6; LOTS 1-3

HEREBY AMENDING FENCING REQUIREMENTS OF SIDE LOT LINES ONLY OF THE FOLLOWING LOTS ADJOINING BELLE TRACE I AND GREENBRIER:

- BLOCK 1; LOT 1
- BLOCK 5; LOT 15
- BLOCK 6; LOT 33

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SAID REAR OR SIDE YARD FENCING AS STATED ABOVE SHALL BE LIMITED TO GREEN VINYL CHAIN LINK CONSTRUCTION, AND THE FENCING MATERIALS SHALL BE LIMITED TO GREEN VINYL GALVANIZED CHAIN LINK, RESIDENTIAL GRADE FENCING MATERIAL, WITH WOODEN POST, TOP AND BOTTOM RAILS. ALL OTHER FENCING OF THE LOTS LISTED ABOVE, EXCLUDING THE SPECIFIED LOT LINES OF SAID LOTS AS STATED ABOVE, SHALL EITHER BE "VINYL CHAIN LINK, POST, AND RAIL" AS STATED ABOVE OR SHALL BE IN ACCORDANCE TO FENCING REQUIREMENTS AS SET FORTH SECTION 3 12 I A AS FOLLOWS:

(A) NO FENCE SHALL BE ERECTED, PLACE OR ALTERED ON ANY LOT CLOSER TO ANY STREET THAN THE FRONT OF THE MAIN STRUCTURE WITHOUT THE PRIOR WRITTEN APPROVAL OF THE DEVELOPER, AND NO FENCE ON ANY LOT SHALL EXCEED SIX (6) IN HEIGHT WITHOUT THE PRIOR WRITEN APPROVAL OF THE DEVELOPER IN THE EVENT A FENCE IS ERECTED UPON A LOT, SUCH FENCE SHALL EITHER BE (1) A PRIVACY FENCE THAT IS SIX (6) FEET IN HEIGHT AND MADE OF WOOD OR OTHER MATERIAL APPROVED BY THE DEVELOPER, OR (2) A WOODEN POST AND RAIL FENCE WITH BLACK VINYL CHAIN LINK THEREON. ALL FENCES WITHIN BELLE TRACE II SHALL BE NEATLY MAINTAINED BY THE OWNER OF EACH LOT THEREOF

HEREBY AMENDS ARTICLE 3.1 ARCHITECTURAL CONTROL COMMITTEE-PLAN REVIEW AS FOLLOWS:

(C) THE POWERS AND DUTIES OF THE COMMITTEE OR ITS DESIGNATED REPRESENTATIVE SHALL CEASE ON THE FIRST DAY OF JANUARY, 2010, OR WHEN ONE-HUNDRED PERCENT (100%) OF THE LOTS HAVE BEEN CLOSED, WHICHEVER OCCURS FIRST. THEREAFTER, THE POWERS AND DUTIES OF THE COMMITTEE SHALL BE EXERCISED BY THE PROPERTY OWNERS' ASSOCIATION HEREAFTER PROVIDED FOR. THE DEVELOPER/OWNER RESERVES THE RIGHT IN ITS SOLE DISCRETION AND WITHOUT JOINDER OF ANY OWNER AT ANY TIME, SO LONG AS IT IS AN OWNER OF ANY LOT, TO EXTEND AUTOMATICALLY THE DATE AT WHICH THE COMMITTEE CEASES.

HEREBY AMENDS ARTICLE 3.10 VEHICLE STORAGE AND PARKING AS FOLLOWS:

(A) NO INOPERATIVE VEHICLE SHALL BE STORED ON ANY LOT EXCEPT WITHIN AN ENCLOSED GARAGE. NO BOATS, BOAT TRAILERS, HOUSE TRAILERS, CAMPERS, MOTOR HOMES, PANEL TRUCKS, CAMPER TRAILERS, RECREATIONAL VEHICLES OR SIMILAR VEHICLE SHALL BE LOCATED, PARKED OR STORED WITHIN A SIDE, FRONT OR REAR YARD, AND IF NOT LOCATED WITHIN AN ENCLOSED GARAGE, SHALL BE SCREENED SUFFICIENTLY TO PREVENT ANY VIEW THEREOF FROM ANY GOLF HOLE, STREET OR NEIGHBORING LOT WITHIN BELLE TRACE II.

(B) OVERNIGHT PARKING OF MOTOR VEHICLES OF ANY TYPE OR CHARACTER IN PUBLIC STREETS, COMMON AREAS OR VACANT LOTS IS PROHIBITED. MOTOR VEHICLES SHALL BE PARKED OVERNIGHT IN GARAGES OR ON PAVED DRIVEWAYS ONLY. TRUCKS OR COMMERCIAL VEHICLES WITH GROSS VEHICLE WEIGHT OF 12,000 POUNDS OR OVER ARE PROHIBITED IN THE DISTRICT EXCEPT DURING SUCH TIME AS SUCH TRUCK IS ACTUALLY BEING USED FOR THE SPECIFIC PURPOSE FOR WHICH IT IS DESIGNED

HEREBY AMENDS ARTICLE 3.9 TEMPORARY STRUCTURES AND OUTBUILDINGS AS FOLLOWS:

(A) NO TRAILER, TENI, GARAGE, BARN, OUTBUILDING, NOR ANY STRUCTURE EXCEPT THAT ATTACHED TO THE HOUSE IS ALLOWED

(B) NO ABOVE GROUND POOLS OF ANY TYPE

(C) EXCEPT WHERE SPECIFICALLY AUTHORIZED BY THE DEVELOPER OR THE ARCHITECTURAL COMMITTEE IN WRITING, ALL RECREATIONAL OR PLAY

STRUCTURES (OTHER THAN BASKETBALL GOALS) SHALL BE LOCATED BEHIND THE BACK BUILDING LINE OF THE RESIDENCE.

THIS AMENDMENT IS EXECUTED ON THE 7TH DAY OF APRIL, 2008 PURSUANT TO ARTICLE 6.8.C OF SAID COVENANTS, TO BE FILED ON RECORD IN THE OFFICE OF THE COUNTY CLERK OF TULSA COUNTY, OKLAHOMA

Buford Williams
BUFORD WILLIAMS, PRESIDENT
BATTLE CREEK LAND DEVELOPMENT, INC
AN OKLAHOMA CORPORATION

STATE OF OKLAHOMA)
COUNTY OF Tulsa) SS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS 7TH DAY OF APRIL 2008, PERSONALLY APPEARED BUFORD WILLIAMS, BATTLE CREEK LAND DEVELOPMENT, INC., TO ME KNOWN TO BE THE IDENTICAL PERSON WHO SUBSCRIBED THE NAME OF THE MAKER THEREOF TO THE FOREGOING INSTRUMENT AS ITS PRESIDENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH CORPORATION FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THE DAY AND YEAR LAST ABOVE WRITTEN

4/15/09
MY COMMISSION EXPIRES

Keri Pitts
NOTARY PUBLIC

