



AMENDMENTS TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF MAGNOLIA GARDENS AT BATTLE CREEK

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KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, this Amendment affects certain covenants and restrictions applicable to the lots with the subdivision known as **MAGNOLIA GARDENS at BATTLE CREEK**, a subdivision in the city of Broken Arrow, Tulsa County, State of Oklahoma, recorded on July 20, 2000 in Book 6392 at Page 1413 in the office of the Tulsa County Clerk (the "Declaration");

WHEREAS, the undersigned is the owner of a majority of the lots in Magnolia Gardens at Battle Creek, an Addition in Tulsa County, State of Oklahoma as evidenced by the certificate of a duly bonded abstract company attached hereto.

THEREFORE, undersigned owner, pursuant to Article 12.2 of the Declaration, does hereby Amend the following specific sections and provisions of the Declaration follows:

Article IV, paragraph 11 shall be amended to read as follows:

4.11 Garages. Each dwelling unit shall have an enclosed garage for at least two automobiles and garage doors which face on a street shall be kept closed at all times except for purposes of entry, exit or maintenance. Doors may be of wood or steel construction.

Article IV, paragraph 14 shall be amended to read as follows:

4.14 Model Homes and Real Estate Offices. All else herein notwithstanding, any Lot owned by Declarant, or a Builder in the development upon permission of the Architectural Review Committee, may use said home for a model home, Builder's office, or a real estate sales office until residences have been constructed on all subdivision lots.

Article IV, paragraph 17 shall be amended to read as follows:

4.17 Interior Fences or Walls. The Architectural Control Committee shall approve all plans for fencing taking into specific consideration each lot and homesite. It may waive in a particular instance the requirements set forth hereafter in this paragraph; said paragraph intended as an outline of general requirements for fencing.

Article VI, paragraph 1 (A & C) shall be amended to read as follows:

6.1 Architectural Control Committee - Plan Review:

(A) (substitute for W. Robert Goble, Jr., Monty Allison, and Forrest Carpenter the following individuals: Jeff Scott, J. Donald Walker and Linda Warwick)

(C) The powers and duties of the Committee or its designated representative (s) shall cease on the first day of January 2007 or when 90% of the Lots have been sold and closed. Thereafter, the powers and duties of the Committee shall be exercised by the Property Owner's Association thereafter provided for.

Article VI, paragraph 2 (C) shall be amended to read as follows:

6.2 Floor Area of Dwellings

(C) Computation of Living Area: Required living area heights: Substitute for ten feet (10') a minimum plate height of eight feet (8') for first floor area construction.

Article VI, paragraph 3 (C) shall be amended to read as follows:

6.3 Building Material Requirements

(C) Heating and air conditioning masonry screens shall not be required but will be permitted.

If constructed they will match the masonry of the applicable residence.

Article VI, paragraph 9 (A & B) shall be amended to read as follows:

6.9 Landscaping Requirements.

(A) Each lot shall be completely sodded on all areas not otherwise landscaped or paved for driveways, walks or patios.

(B) Each lot owner shall have a minimum of two trees installed in the front yard area along with landscaping material of shrubs, bushes and groundcover. Each lot shall have a landscaping plan submitted to the Architectural Review Committee for approval prior to installation.

All other provisions of the Declaration of Covenants, Conditions and Restrictions of Magnolia Gardens at Battle Creek not specifically amended or modified herein shall in all respects remain unchanged and shall remain in full force and effect.

