

**AMENDMENTS TO DEED OF DEDICATION OF
THE ESTATES AT PEMBROOKE PARK BLOCKS 1 THRU 8
AND
THE ESTATES AT PEMBROOKE PARK BLOCKS 9 THRU 15**

This amendment to the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 1 THRU 8, a Subdivision to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, the same being dated October 31, 2002, recorded November 7, 2002, as Document No. 02141334 of the records of the Tulsa County Clerk, Plat No. 5651, as otherwise amended, and the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 9 THRU 15, a Subdivision to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, the same being dated March 10, 2005, recorded April 8, 2005, as Document No. 2005040162 of the records of the Tulsa County Clerk, Plat No. 5864, as corrected by Surveyor's Affidavit dated May 6, 2005, recorded May 6, 2005, as Document No. 2005052539 of the records of the Tulsa County Clerk, and as amended by Amendment dated March 10, 2008, recorded March 12, 2008, as Document No. 2008025895 of the records of the Tulsa County Clerk, as otherwise amended, is executed the date and year last below written.

WHEREAS it is the desire of the Undersigned to amend the above described Deed of Dedications as the same affects the both Additions.

NOW, THEREFORE, the Undersigned, being in receipt of good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby amend the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 1 THRU 8, a Subdivision to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, the same being dated October 31, 2002, recorded November 7, 2002, as Document No. 02141334 of the records of the Tulsa County Clerk, Plat No. 5651, as otherwise amended, and the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 9 THRU 15, a Subdivision to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded Plat thereof, the same being dated March 10, 2005, recorded April 8, 2005, as Document No. 2005040162 of the records of the Tulsa County Clerk, Plat No. 5864, as corrected by Surveyor's Affidavit dated May 6, 2005, recorded May 6, 2005, as Document No. 2005052539 of the records of the Tulsa County Clerk, and as amended by Amendment dated March 10, 2008, recorded March 12, 2008, as Document No. 2008025895 of the records of the Tulsa County Clerk, as otherwise amended, as follows, to wit:

I. **Sections IV(A), Number of Structures**, of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 1 THRU 8, and **Section V(A), Number of Structures**, of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 9 THRU 15, shall now read as follows, to wit:

A. Number of Principle Residences:

No more than one principle residence shall be erected on any single family lot as now platted.

II. **Sections IV(B), Building Height**, of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 1 THRU 8, and **Section V(B), Building Height**, of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 9 THRU 15, shall now read as follows, to wit:

B. Building Height:

No principle residence which exceeds two (2) stories in height shall be placed, erected, altered or permitted to remain on any single family lot as now platted.

III. **Sections IV(D), Building Size**, of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 1 THRU 8, and **Section V(D), Building Size**, of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 9 THRU 15, shall now read as follows, to wit:

D. Building Size:

No principle residence shall be erected on any single family residential lot, the ground floor of the main structure of which, exclusive of open porches and garages, is less than One Thousand Eight Hundred (1,800) square feet in area for a one-story dwelling. Total footage in a One and One-half (1 ½) story dwelling or a Two (2) story dwelling must total no less than Two Thousand Two Hundred (2,200) square feet. The Architectural Design Committee reserves the right to change square footage requirements.

IV. **Section IV(K), Restricted Structures**, of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 1 THRU 8, and **Section V(K), Restricted Structures**, of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 9 THRU 15, shall now read as follows, to wit:

No modular or mobile home, trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence, temporarily or permanently, and occupants shall not be permitted to reside in any such structure. No structure previously used or erected shall be moved onto any lot. 'Basketball goals' and 'storage buildings', as defined hereinafter, shall only be allowed if in compliance with the following terms and conditions, to wit:

Basketball Goals:

- **Placement:**
 - Goals should be portable. They may not be attached to the house or other exterior building.
 - Goals must be at least 10 feet from the street pavement edge and at least five feet inside the property line. Basketball goals shall not be placed, at any time, on any street or right of way located within the neighborhood.
 - Goals must be located so that stray basketballs do not become a nuisance in adjacent yards or cause a safety hazard to vehicle traffic.
- **Materials and Color:**
 - The backboard shall be predominantly white, beige, clear, or light gray in color. Fluorescent colors are not permitted.
 - Basketball goals shall be installed on commercially made, regulation sized (or smaller) backboards. Backboards shall be constructed of heavy gauge fiberglass, Plexiglas, graphite-blend or aluminum.
 - The post and supports shall be painted black, gray, an earth tone, or be galvanized or aluminum in color. Bases may be black, gray, green or other earth tone in color.
- **Anchoring:**
 - Bases must present a neat, kept appearance.
 - Bases must be properly filled INTERNALLY with sand, water or other substance per the manufacturer's instructions.
 - Bases weighted down EXTERNALLY with trash or refuse (stones, bricks, cinder blocks, dirt bags, etc.) DO NOT meet the above criteria and are NOT allowed.
- **Number:**
 - One (1) basketball goal is allowed per house.
- **Repair and Maintenance.**
 - Basketball goals and supports must be properly maintained and painted in excellent condition at all times with the net in good repair.

- Goals must be maintained in such a fashion that they do not detract from the neighborhood, such as, but not limited to: replacement or repair of torn nets, bent rims, bent or broken supports, worn or discolored backboards, rusted/discolored poles, or leaning poles.
- **Other Restrictions.**
 - Any basketball goals that are not usable must be removed.
 - The use of the goals is not allowed from 10:00 pm to 8:00 am.

Storage Buildings:

All plans for the construction of Storage Buildings must be pre-approved by the **Architectural Design Committee (ADC)**. Application must be submitted in the form provided by and to the Architectural Design Committee setting forth the details of the request which must conform to the following guidelines, to wit:

- **Materials and Color:**
 - Exterior walls excluding windows and doors shall be 100 percent brick, stone, stucco, or wood.
 - Roofs: Buildings of any kind must have a roof covering of weathered, wood colored, asphalt shingles such as Heritage II or equivalent, or other roof covering approved in writing by the ADC.
 - Color scheme must compliment the residence.
 - **Exception:** Plastic Prefab buildings will be considered if they meet color scheme, size, and placement guidelines. **Note:** These still require ADC approval.
- **Size:**
 - Maximum square footage is 100 sq feet. Exceptions may be made by the ADC if lot dimensions are suitable.
 - Maximum height is 8 feet.
 - The roof line needs to resemble current lines in neighborhood. No Barn Gables, Rounded, or Flat roofs.
- **Placement:**
 - No part of the building shall be located within a utility easement.
 - It must be located at least 5 feet from any property line.
 - The building must not be placed in the front yard.
 - If the building is set adjacent/abutting to the residence, a building permit may be required.
 - The building must be enclosed behind a fence, the placement, composition and height of which must be submitted at the time the original plan is presented and must be pre-approved by the **Architectural Design Committee**.
 - Excluding residence, only one building permitted per property.

V. **Home Owners' Association.**

All references in regards to the Home Owners' Association and sometimes referred to as "The Estates at Pembroke Park Owners' Association Two, Inc." and contained in the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 9 THRU 15 are hereby amended to read as "The Estates at Pembroke Park Owners' Association, Inc.".

VI. **Section IV(A)(3) and Section IV(A)(4), Zoning and Development Restrictions-Use of Land**, of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 9 THRU 15 shall now read as follows, to wit:

3. **Reserve "A":**

- a. The pond and any current or future facility constructed in Reserve "A" is reserved for the use and benefit of the Owners of Lots in The Estates at Pembroke Park, Blocks 9 thru 15, as well as the Owners of the Lots in The Estates at Pembroke Park, Blocks 1 thru 8. Ownership and Maintenance of this facility will be by The Estates at Pembroke Park Owners' Association, Inc.
- b. Fishing will be permitted in this pond, but will be restricted to a catch and release provision.

4. Reserve "B":

- a. The pond and any current or future facility constructed in Reserve "B" is reserved for the use and benefit of the Owners of Lots in The Estates at Pembroke Park, Blocks 9 thru 15, as well as the Owners of the Lots in The Estates at Pembroke Park, Blocks 1 thru 8, and for the use of the said City of Broken Arrow as a storm water detention facility. Ownership and Maintenance of this facility will be by The Estates at Pembroke Park Owners' Association, Inc.
- b. Fishing will be permitted in this pond, but will be restricted to a catch and release provision.

VII. **Section IV-PROTECTIVE COVENANTS AND RESTRICTIONS** of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 1 THRU 8, and **Section V- PROTECTIVE COVENANTS AND RESTRICTIONS** of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 9 THRU 15 are hereby amended to add the following restriction, to wit:

- **On-Street Parking:**

- Vehicles parked on the streets in the addition shall be restricted as follows:
 - No vehicle shall park within 5 feet of any mailbox at any time.
 - Any vehicle parked in the street must be parked parallel to the curb and in compliance with City of Broken Arrow parallel parking ordinances for distance from the curb.
 - Vehicles owned by residents or guests of residents shall park only at the curb in front of that resident's house.
 - Any vehicles parked in violation to these guidelines may be deemed a nuisance to the neighborhood in violation of item "O" and this guideline and are subject to towing at the vehicle owner's expense; or fines assessed to the home owner by the HOA Board or their designee; or both.

NOTE: These restrictions are intended to address regular repeat nuisance parking, not the occasional parking which occurs due to special or seasonal events, or short term house guests. However, the homeowner shall still be considerate of their neighbors rights and property, even in the short-term. Long-term exceptions may be requested and approved by the HOA Board or their designee.

VIII. **Section V-HOMEOWNER'S ASSOCIATION** of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 1 THRU 8, and **Section VI- HOMEOWNER'S ASSOCIATION** of the Deed of Dedication of THE ESTATES AT PEMBROOKE PARK BLOCKS 9 THRU 15 are hereby amended to add the following provision, to wit:

The Estates at Pembroke Park Owners' Association, Inc., shall have the power and authority to establish penalties and fines and levy such fines for violations of the protective covenants and restrictions contained herein and shall be so levied and enforced and collected in accordance with this Section and the Bylaws of The Estates at Pembroke Park Owners' Association, Inc. The schedule for fines and/or penalties shall not exceed the following:

	<u>Non-Auto</u>	<u>Auto</u>
First occurrence of a violation:	Written warning	Written warning
Second occurrence of the same violation:	\$50	\$50
Third occurrence of the same violation:	\$75	\$75
Subsequent occurrences of the same violation:	\$100 per violation	Towing

This Amendment shall be effective from the date hereof, and shall be enforceable to the same extent and in the same manner as originally set forth in the original Plats and Deed of Dedications of THE ESTATES AT PEMBROOKE PARK BLOCKS 1 THRU 8 and THE ESTATES AT PEMBROOKE PARK BLOCKS 9 THRU 15.

This Amendment shall be binding upon the parties affected and the Undersigned, their heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned have caused these presents to be signed the day and year below written.