



Tulsa County Clerk - Michael Willis

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**FIRST AMENDMENT TO THE OWNER'S CERTIFICATE OF DEDICATION,
EASEMENT GRANT AND BILL OF ASSURANCE FOR ASPEN PARK**

THIS FIRST AMENDMENT TO THE OWNER'S CERTIFICATE OF DEDICATION EASEMENT GRANT AND BILL OF ASSURANCE FOR ASPEN PARK ("the Amendment") is made and entered into on this day 29th of September, 2022, by at least sixty percent (60%) of owners of lots within the Aspen Park Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma (the Addition).

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the original OWNER'S CERTIFICATE OF DEDICATION EASEMENT GRANT AND BILL OF ASSURANCE FOR ASPEN PARK (the "Owner's Certificate") was recorded in the office of the Tulsa County Clerk on February 20, 1986, as Plat No. 4628; and

WHEREAS, Oklahoma Statute Title 11 O.S. 42-106.1(D) allows owners to amend the covenants contained in the Owner's Certificate by an instrument signed by the record owners of not less than sixty percent (60%) of the lots in the addition; and

WHEREAS, pursuant to Oklahoma Statute Title 11 O.S. 42-106.1(D), at least 60% of the record owners of lots within the Aspen Park Addition did duly vote to adopt these Amendments to the Owner's Certificate as evidenced by the Ballots attached hereto as Exhibit "A"; and

WHEREAS, this Amendment is made effective as of the date of filing with the office of the Tulsa County Clerk.

NOW THEREFORE, the following Amendments to the Owner's Certificate are adopted by a vote of at least 60% of the record owners within the Aspen Park Addition for the purpose of protecting property values and to protect the health, welfare and safety of the owners and shall run with the land and be binding on the owners, their heirs, successors, and those having any right, title or interest to real property in the Addition and shall inure to the benefit of each owner, and may be enforced by the record owners or by the Aspen Park Homeowners Association.

AMENDMENTS

AMENDMENT: Section 22 of the Owner's Certificate, Mandatory Membership in the Aspen Park Homeowners Association, is hereby added as follows:

22. All successors-in-interest of a lot or parcel contained in Aspen Park from the date of filing this Amendment shall be subject to mandatory membership in the Aspen Park Homeowners Association (the Association), an Oklahoma non-profit corporation, and shall be bound by the Articles of Incorporation, the Owner's Certificate of Dedication Easement Grant and Bill of Assurance for Aspen Park, and Bylaws for the Aspen Park Homeowners Association. The acceptance of a deed to a lot subsequent to the date this Amendment is filed shall constitute acceptance

of membership to the Association. Membership shall be appurtenant to and may not be separated from ownership of a lot within Aspen Park. Any owner by acceptance of a deed to a lot after the date this Amendment is filed and each subsequent owner are deemed to covenant and agree to pay the Association an annual assessment which shall be established or changed by a concurring vote of not less than sixty percent (60%) of the record owners of lots contained in the Aspen Park Addition. The initial annual assessment for the Association is hereby established to be \$100.00 per lot. Any unpaid assessment may become a lien against the lot which it is made. All costs incurred by the Association in collection of a past due account, including attorney fees and court costs, shall be assessed against the responsible owner's account. The members of the Association hereto grant the Association the authority, but not the obligation, to enforce any restrictive covenants contained in the Owner's Certificate of Dedication Easement Grant and Bill of Assurance for Aspen Park, as amended, and the Bylaws for the Aspen Park Homeowners Association at law or in equity to the same extent as any owner.

EFFICACY OF COVENANTS

All provisions of the Owner's Certificate not expressly amended herein remain unchanged, in full force and effect, and are hereby ratified by the owners.

[SEE EXHIBIT "A"]