

**SECOND AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
HIDDEN OAKS ESTATES**

THIS SECOND AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR HIDDEN OAKS ESTATES (“DECLARATION”) IS MADE BY COAL CREEK DEVELOPMENT CORPORATION (HEREIN REFERRED TO AS OWNER/DEVELOPER), ON THIS 14TH DAY OF JULY, 2014.

INTRODUCTION TO THE COMMUNITY

COAL CREEK DEVELOPMENT CORPORATION AS THE OWNER/DEVELOPER OF HIDDEN OAKS ESTATES, HAS ESTABLISHED THIS DECLARATION TO PROVIDE A GOVERNANCE STRUCTURE OF STANDARDS AND PROCEDURES FOR THE OVERALL DEVELOPMENT, MAINTENANCE AND PRESERVATION OF HIDDEN OAKS ESTATES. THE HIDDEN OAKS ESTATES HOMEOWNER’S ASSOCIATION (“HOA”) AND THIS DECLARATION REFLECT GOALS AND ASPIRATIONS AND POSSESS THE POWERS NECESSARY TO DEVELOP A QUALITY CONCIENCE AND COHESIVE COMMUNITY EXHIBITING SHARED VALUES.

COAL CREEK DEVELOPMENT CORPORATION AN OKLAHOMA CORPORATION, HEREINAFTER REFERRED TO AS THE "OWNER / DEVELOPER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN THE CITY OF JENKS, TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

The west half of the northeast quarter of the southwest quarter (W/2 NE/4 SW/4) of Section twenty-five (25), Township eighteen (18) North, Range twelve (12) East, Tulsa County, State of Oklahoma, according to the U.S. Government survey thereof, more fully described by metes and bounds as follows:

Commencing at the northeast corner of the southwest quarter of said Section 25; thence S89°53’25”W along the North line of said southwest quarter a distance of 662.14 feet to the northeast corner of the west half of the northeast quarter of said southwest quarter also being the point of beginning; thence S00°00’47”W along the east line of said west half of the northeast quarter a distance of 1322.12 feet to a point on the south line of said west half of the northeast quarter of said southwest quarter; thence S89°56’03”W along the south line of said west half of the northeast quarter of said southwest quarter a distance of 661.75 feet to a point on the west line of said west half of the northeast quarter of said southwest quarter; thence N00°00’14”W along the west line of said west half of the northeast quarter of said southwest quarter a distance of 1321.61 feet to a point on the north line of said southwest quarter; thence N89°53’25”E along the north line of said southwest quarter a distance of 662.14 feet to the Point of Beginning. Said tract containing 20.09 acres more or less;

AND HAS CAUSED THE ABOVE DESCRIBED LAND TO BE SURVEYED, STAKED, PLATTED, AND SUBDIVIDED INTO 39 LOTS, 2 BLOCKS, STREETS, AND RESERVE AREAS, IN CONFORMITY WITH THE ACCOMPANYING PLAT, AND HAS DESIGNATED THE SUBDIVISION AS “HIDDEN OAKS ESTATES”, A SUBDIVISION IN THE CITY OF JENKS, TULSA COUNTY, OKLAHOMA.

THIS DECLARATION IMPOSES UPON THE PROPERTY MUTUALLY BENEFICIAL RESTRICTIONS FOR THE BENEFIT OF THE LOT OWNERS. AN INTEGRAL PART OF THE DEVELOPMENT'S SUCCESS IS THE CREATION AND PARTICIPATION OF THE HIDDEN OAKS ESTATES HOMEOWNER'S ASSOCIATION. IT PURPOSE IS TO OWN, OPERATE AND MAINTAIN COMMON AREAS AND COMMUNITY IMPROVEMENTS AND TO ADMINISTER AND ENFORCE THE GOVERNING DOCUMENTS FOR HIDDEN OAKS ESTATES.

SECTION I. CREATION OF THE COMMUNITY

1.1 DEVELOPMENT INTENT

OWNER/DEVELOPER HEREBY DECLARES THAT ALL PROPERTY DEPICTED ON THE ACCOMPANYING PLAT AND ANY ADDITIONAL PROPERTY SUBJECTED TO THIS DECLARATION BY SUPPLEMENTAL DECLARATION SHALL BE HELD, SOLD, USED, AND CONVEYED SUBJECT TO THE FOLLOWING COVENANTS, CONDITIONS AND RESTRICTIONS WHICH SHALL RUN WITH LAND. THIS DECLARATION SHALL BE BINDING ON AND SHALL INURE TO THE BENEFIT OF ALL PARTIES HAVING ANY RIGHT, TITLE OR INTEREST IN THE DEVELOPMENT OR ANY PART THEREOF, THEIR SUCCESSORS, SUCCESSORS-IN-TITLE AND ASSIGNS.

1.2 DURATION

UNLESS TERMINATED AS PROVIDED BELOW, THIS DECLARATION, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL BUT IN ANY EVENT SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DECLARATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED. AFTER 30 YEARS FROM THE DATE OF RECORDING, THIS DECLARATION MAY BE TERMINATED ONLY BY AN INSTRUMENT IN WRITING SIGNED BY A MAJORITY OF THE THEN OWNERS AND RECORDED IN THE OFFICIAL RECORDS, WHICH SPECIFIES THE TERMINATION OF THIS DECLARATION.

1.3 GOVERNING DOCUMENTS

THIS DECLARATION TOGETHER WITH THE BY-LAWS OF HIDDEN OAKS ESTATES HOMEOWNER'S ASSOCIATION, INC. AND THE ARTICLES OF INCORPORATION OF HIDDEN OAKS ESTATES HOMEOWNER'S ASSOCIATION, INC. SHALL COMPRISE THE GOVERNING DOCUMENTS AND SHALL CONTAIN THE STANDARDS FOR THE DEVELOPMENT AND THE HOA. THE GOVERNING DOCUMENTS SHALL BE SUPPLEMENTED BY THE DESIGN GUIDELINES, USE RECTRCTIONS AND RULES AND RESOLUTIONS OF THE BOARD OF DIRECTORS.

HIDDEN OAKS ESTATES GOVERNING DOCUMENTS

RESIDENTIAL DECLARATION

- RECORDED IN TULSA, COUNTY OFFICIAL RECORDS

SUPPLEMENTAL DECLARATION

- MAY CONTAIN ADDITIONAL COVENANTS APPLICABLE TO SPECIFIC PARCELS

USE RESTRICTIONS AND RULES

- INITIAL RESTRICTIONS SET FORTH IN DECLARATION
- MAY BE SUPPLEMENTED OR AMENDED

ARTICLES OF INCORPORATION

BY-LAWS

1.4 COMMUNITY- WIDE STANDARD

WITHIN THIS DECLARATION DEVELOPMENT STANDARDS SHALL BE ESTABLISHED AND MAY CONTAIN BOTH OBJECTIVE AND SUBJECTIVE ELEMENTS, RELATING TO BUT NOT LIMITED TO ARCHITECTURAL AND DESIGN STYLE, HOME AND LAWN MAINTENANCE, CONDUCT OR OTHER ACTIVITY GENERALLY PREVAILING AT HIDDEN OAKS ESTATES. THE COMMUNITY-WIDE STANDARD MAY EVOLVE AS DEVELOPMENT PROGRESSES AND AS THE NEEDS AND DEMANDS OF HIDDEN OAKS ESTATES CHANGES. THE COMMUNITY-WIDE STANDARD SHALL HELP GUIDE THE ARCHITECTURAL COMMITTEE AND THE HOMEOWNERS' ASSOCIATION OFFICERS IN THE ENFORCEMENT OF THIS DECLARATION AND DESIGN GUIDELINES.

SECTION II. STREETS, EASEMENTS AND UTILITIES

2.1 PUBLIC STREETS AND GENERAL UTILITY EASEMENTS

ALL STREETS CONTAINED WITHIN THE BOUNDARIES OF THE SUBDIVISION SHALL BE PRIVATE WITH FULL RIGHTS OF USEAGE OF SUCH STREETS BY ALL SERVICE, EMERGENCY AND GOVERNMENT VEHICLES. ADDITIONALLY, THE OWNER/DEVELOPER DOES HEREBY DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "U/E" OR "UTILITY EASEMENT, FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERETO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER/DEVELOPER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RELAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER/DEVELOPER HEREIN IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON EACH LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF JENKS, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.

2.2 UNDERGROUND SERVICE

2.2.1 OVERHEAD LINES FOR THE SUPPLY OF ELECTRIC, TELEPHONE AND CABLE TELEVISION SERVICES ARE PROHIBITED EXCEPT FOR USE OF THE EXISTING KAMO POLES WITHIN THE DEDICATED EASEMENT DEPICTED ON THE ACCOMPANYING PLAT. THROUGHOUT THE SUBDIVISION STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY UNDERGROUND CABLE. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN THE EASEMENTWAYS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PRIVATE STREETS AS DEPICTED ON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN EASEMENTWAYS.

2.2.2 UNDERGROUND SERVICE CABLES TO ALL STRUCTURES WHICH MAY BE LOCATED WITHIN THE SUBDIVISION MAY BE RUN FROM THE NEAREST SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON THE LOT, PROVIDED THAT UPON THE INSTALLATION OF A SERVICE CABLE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT, EFFECTIVE AND EXCLUSIVE RIGHT-OF-WAY EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL OR TRANSFORMER TO THE SERVICE ENTRANCE ON THE STRUCTURE.

2.2.3 THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTWAYS SHOWN ON THE PLAT OR OTHERWISE PROVIDED FOR IN THIS DECLARATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES INSTALLED BY THE SUPPLIER OF THE UTILITY SERVICE.

2.2.4 THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND SERVICE FACILITIES LOCATED ON HIS LOT AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS.

2.2.5 THE FOREGOING DECLARATION SET FORTH IN THIS SECTION 2.2 SHALL BE ENFORCEABLE BY THE SUPPLIER OF THE ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS SERVICE AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

2.3 WATER AND SEWER SERVICE

2.3.1 THE OWNER OF EACH LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER AND SEWER MAINS LOCATED ON THE OWNER'S LOT.

2.3.2 WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GROUND ELEVATIONS FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN OR SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY, WHICH WOULD INTERFERE WITH PUBLIC WATER AND SEWER MAINS, SHALL BE PROHIBITED.

2.3.3 THE CITY OF JENKS, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER AND SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.

2.3.4 THE CITY OF JENKS, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTWAYS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THIS DECLARATION, FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF UNDERGROUND WATER OR SEWER FACILITIES.

2.3.5 THE FOREGOING DECLARATIONS SET FORTH IN THIS PARAGRAPH 2.3 SHALL BE ENFORCEABLE BY THE CITY OF JENKS, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HEREBY.

2.4 SURFACE DRAINAGE

EACH LOT DEPICTED ON THE PLAT OF HIDDEN OAKS ESTATES, SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS. NO LOT OWNER(S) SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH 2.4 SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF JENKS, OKLAHOMA.

2.5 PAVING AND LANDSCAPING WITHIN EASEMENTS

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY PLACEMENTS, REPLACEMENTS, OR MAINTENANCE OF WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION OR ELECTRIC FACILITIES WITHIN THE UTILITY EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT, PROVIDED HOWEVER, THE CITY OF JENKS, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE TO MINIMIZE DAMAGES OR REPAIRS IN THE PERFORMANCE OF SUCH ACTIVITIES.

2.6 CONSERVATION EASEMENT

FOR THE BENEFIT OF THE OWNERS OF LOTS WITHIN THE SUBDIVISION AND FOR THE BENEFIT OF THE CITY OF JENKS, OKLAHOMA, THE OWNER/DEVELOPER HEREBY ESTABLISHES AND GRANTS TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER AND ACROSS THOSE AREAS DESIGNATED ON THE ACCOMPANYING PLAT AS A "C/E" OR "CONSERVATION EASEMENT" FOR THE PURPOSE OF PERMITTING OVERLAND FLOW, CONVEYANCE, AND DISCHARGE OF STORM WATER AS SPECIFIED FOR OVERLAND

DRAINAGE EASEMENTS (“OD/E”) IN 2.8 AS WELL AS FOR USE AS OPEN SPACE. THE LOT OWNER IS NOT PERMITTED TO PLANT OR REMOVE PLANT MATERIAL OR PLACE ITEMS AS SPECIFIED IN 2.8.5 WITHOUT PRIOR APPROVAL OF THE HOMEOWNERS’ ASSOCIATION.

2.7 LIMITS OF NO ACCESS

THE UNDERSIGNED OWNER/DEVELOPER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO 106th STREET SOUTH WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAT, WHICH “LIMITS OF NO ACCESS” MAY BE AMENDED OR RELEASED BY THE JENKS PLANNING COMMISSION, OR ITS SUCCESSOR, AND WITH THE APPROVAL OF THE CITY OF JENKS, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA PERTAINING THERETO.

2.8 OD/E, D/E & U/E (OVERLAND DRAINAGE EASEMENT, DRAINAGE EASEMENT, & UTILITY EASEMENT)

2.8.1 FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF LOTS WITHIN THE SUBDIVISION AND FOR THE BENEFIT OF THE CITY OF JENKS, OKLAHOMA, THE OWNER/DEVELOPER HEREBY ESTABLISHES AND GRANTS TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER AND ACROSS THOSE AREAS DESIGNATED ON THE ACCOMPANYING PLAT AS "OD/E" OR "OVERLAND DRAINAGE EASEMENT", D/E OR “DRAINAGE EASEMENT” FOR THE PURPOSES OF PERMITTING THE OVERLAND FLOW, CONVEYANCE, DETENTION AND DISCHARGE OF STORM WATER RUNOFF FROM THE VARIOUS LOTS WITHIN THE SUBDIVISION AND FROM PROPERTIES OUTSIDE THE SUBDIVISION.

2.8.2 DETENTION AND DRAINAGE FACILITIES CONSTRUCTED IN OVERLAND DRAINAGE OR DRAINAGE EASEMENTS SHALL BE IN ACCORDANCE WITH THE ADOPTED STANDARDS OF THE CITY OF JENKS, OKLAHOMA, AND PLANS AND SPECIFICATIONS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF JENKS, OKLAHOMA.

2.8.3 THE OVERLAND DRAINAGE EASEMENT AND DRAINAGE EASEMENT AREAS SHALL BE KEPT FREE OF LITTER.

2.8.4 THE OVERLAND DRAINAGE EASEMENT AND DRAINAGE EASEMENTS AREA SHALL BE MOWED DURING THE GROWING SEASON AT INTERVALS NOT EXCEEDING 4 WEEKS.

2.8.5 NO FENCE, WALL, BUILDING OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN THE OVERLAND DRAINAGE EASEMENT AND DRAINAGE EASEMENT AREAS NOR SHALL THERE BE ANY ALTERATION OF THE GRADES OR CONTOURS IN THE EASEMENT AREAS UNLESS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF JENKS, OKLAHOMA. THE PLANTING OF TURF WITHIN THE OD/E AREA OR PLANTING OF TREES HAVING A CALIPER OF LESS THAN FOUR (4) INCHES OUTSIDE OF THE FLOWLINE AREA OF THE OD/E, AND INSTALLATION OF BENCHES, GAZEBOS, PEDESTRIAN TRAILS & OTHER AMENITIES OUTSIDE OF THE FLOW LINE AREA OF THE OD/E MAY BE PERMITTED SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF JENKS, OKLAHOMA.

2.8.6 WITHIN AREAS IDENTIFIED AS AN OVERLAND DRAINAGE EASEMENT ("OD/E"), DRAINAGE EASEMENT ("D/E") AND AS A GENERAL UTILITY EASEMENT ("U/E") THE EASEMENT AREA MAY BE UTILIZED FOR BOTH DRAINAGE AND GENERAL UTILITY EASEMENT PURPOSES, UNLESS ALSO IDENTIFIED AS A CONSERVATION EASEMENT (C/E), PROVIDED HOWEVER THE GENERAL UTILITY USES AND IMPROVEMENTS SHALL NOT OBSTRUCT OR OTHERWISE INTERFERE WITH OVERLAND FLOW, CONVEYANCE AND DISCHARGE OF STORM WATER RUNOFF. CUSTOMARY UTILITY SERVICE TRANSFORMERS, PEDESTALS AND METERS SHALL NOT BE DEEMED AN OBSTRUCTION.

2.8.7 IN ADDITION TO THE ABOVE DESCRIBED PURPOSES AND RESTRICTIONS OF THE OVERLAND DRAINAGE EASEMENT AND DRAINAGE EASEMENT AREA, THEY SHALL ADDITIONALLY SERVE AS RECREATIONAL OPEN SPACE FOR RESIDENTS OF HIDDEN OAKS ESTATES ADDITION. UPKEEP AND GENERAL MAINTENANCE OF THE OVERLAND DRAINAGE EASEMENT AND DRAINAGE EASEMENT AREAS SHALL BE IN STRICT ACCORDANCE WITH THE ABOVE LISTED OVERLAND DRAINAGE AND DRAINAGE EASEMENT MAINTENANCE STANDARDS. ALL COSTS INCURRED FOR UPKEEP AND GENERAL MAINTENANCE OF THE OVERLAND DRAINAGE AND DRAINAGE EASEMENT AREAS SHALL BE BORN BY THE HIDDEN OAKS ESTATES HOMEOWNERS' ASSOCIATION, AS SET FORTH WITHIN SECTION VI HEREOF.

SECTION III. RESERVES

3.1 RESERVE AREAS A & I & C/E & D/E

FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF LOTS WITHIN THE SUBDIVISION AND FOR THE CITY OF JENKS, OKLAHOMA, THE DEVELOPER/OWNER DOES HEREBY ESTABLISH AND GRANT PERPETUAL EASEMENTS ON, OVER AND ACROSS RESERVE AREA "A" and "I" FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE, DETENTION AND DRAINAGE OF STORMWATER RUN-OFF FROM THE STREETS AND LOTS WITHIN HIDDEN OAKS ESTATES AND FROM PROPERTIES NOT INCLUDED WITHIN HIDDEN OAKS ESTATES.

3.1.1 DETENTION AND OTHER DRAINAGE FACILITIES CONSTRUCTED WITHIN RESERVE AREA "A", "I", C/E & D/E SHALL BE MAINTAINED BY A HOMEOWNERS' ASSOCIATION COMPRISED OF ALL OWNERS OF RESIDENTIAL LOTS WITHIN HIDDEN OAKS ESTATES. MAINTENANCE SHALL BE PERFORMED TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTION INCLUDING REPAIR OF EROSION AND APPURTENANCES AND REMOVAL OF DEBRIS, OBSTRUCTIONS, AND SILTATION AND PERFORMANCE OF ROUTINE AND CUSTOMARY GROUNDS MAINTENANCE WITHIN THE OVERLAND DRAINAGE EASEMENT AREA. MAINTENANCE SHALL BE AT THE COST OF THE APPLICABLE HOMEOWNERS' ASSOCIATION.

3.2 RESERVE AREAS "B", "C", "D", "F", "G", "H", "J", "K" & U/E & OD/E

RESERVE AREAS "B", "C", "D", "F", "G", "H", "J", "K" & U/E, AND OD/E & U/E SHALL BE LIMITED TO USE FOR DECORATIVE FENCING, LANDSCAPING, UTILITIES, OPEN SPACE AND FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE, DETENTION AND DRAINAGE OF STORMWATER RUN-OFF FROM THE STREETS AND LOTS WITHIN HIDDEN OAKS ESTATES AND FROM PROPERTIES NOT INCLUDED WITHIN HIDDEN OAKS ESTATES. IS RESERVED FOR SUBSEQUENT CONVEYANCE TO A HOMEOWNERS' ASSOCIATION TO

BE COMPRISED OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN HIDDEN OAKS ESTATES AS SET FORTH WITHIN SECTION VI HEREOF.

3.3 RESERVE AREA "E" & D/E & U/E

RESERVE AREAS "E" AND "D/E" AND "U/E" SHALL BE LIMITED TO USE FOR DECORATIVE FENCING, LANDSCAPING, UTILITIES, OPEN SPACE AND FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE, DETENTION AND DRAINAGE OF STORMWATER RUN-OFF FROM THE STREETS AND LOTS WITHIN HIDDEN OAKS ESTATES AND FROM PROPERTIES NOT INCLUDED WITHIN HIDDEN OAKS ESTATES. IS RESERVED FOR SUBSEQUENT CONVEYANCE TO A HOMEOWNERS' ASSOCIATION TO BE COMPRISED OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN HIDDEN OAKS ESTATES AS SET FORTH WITHIN SECTION VI HEREOF.

3.4 RESERVE AREA "L" (PRIVATE STREETS) & D/E & U/E

RESERVE AREAS "L" AND "D/E" AND "U/E" SHALL BE LIMITED TO USE FOR DECORATIVE FENCING & ACCESS GATES WITH KEYPADS & ASSOCIATED APPURTENANCES, STREETS, LANDSCAPING, UTILITIES, OPEN SPACE AND FOR THE PURPOSE OF PERMITTING THE FLOW, CONVEYANCE, DETENTION AND DRAINAGE OF STORMWATER RUN-OFF FROM THE STREETS AND LOTS WITHIN HIDDEN OAKS ESTATES AND FROM PROPERTIES NOT INCLUDED WITHIN HIDDEN OAKS ESTATES. IS RESERVED FOR SUBSEQUENT CONVEYANCE TO A HOMEOWNERS' ASSOCIATION TO BE COMPRISED OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN HIDDEN OAKS ESTATES AS SET FORTH WITHIN SECTION VI HEREOF.

3.5 PRIVATE STREETS

ALL STREETS WITHIN THE SUBDIVISION ARE BY GRANT OF THE OWNER/DEVELOPER PRIVATE STREETS FOR THE COMMON USE AND BENEFIT OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN HIDDEN OAKS ESTATES, THEIR GUESTS AND INVITEES, FOR THE PURPOSE OF PROVIDING VEHICULAR AND PEDESTRIAN ACCESS TO AND FROM THE VARIOUS RESIDENTIAL LOTS TO AND FROM PUBLIC STREETS, AND IS RESERVED FOR SUBSEQUENT CONVEYANCE TO A HOMEOWNERS' ASSOCIATION TO BE FORMED FOR THE PURPOSES OF ADMINISTRATION AND MAINTENANCE OF THE PRIVATE STREETS AND OTHER COMMON AREAS OF THE SUBDIVISION.

THE OWNER/DEVELOPER HEREIN GRANTS TO THE CITY OF JENKS, OKLAHOMA, THE UNITED STATES POSTAL SERVICE, ANY PUBLIC UTILITY PROVIDING UTILITY SERVICE TO THE SUBDIVISION, AND TO ANY REFUSE COLLECTION SERVICE WHICH PROVIDES SERVICE WITHIN THE SUBDIVISION, THE RIGHT TO ENTER AND TRAVERSE THE PRIVATE STREETS AND TO OPERATE THEREON ALL SERVICE, EMERGENCY AND GOVERNMENT VEHICLES INCLUDING, BUT NOT LIMITED TO, POLICE AND FIRE VEHICLES AND EQUIPMENT.

THE OWNER/DEVELOPER, FOR ITSELF AND ITS SUCCESSORS, HEREIN COVENANTS WITH THE CITY OF JENKS, OKLAHOMA, WHICH COVENANTS SHALL RUN WITH THE LAND AND INURE TO THE BENEFIT OF THE CITY OF JENKS, OKLAHOMA, AND SHALL BE ENFORCEABLE BY THE CITY OF JENKS, OKLAHOMA, TO:

3.5.1 CONSTRUCT AND MAINTAIN STREET SURFACING EXTENDING THE FULL LENGTH OF THE PRIVATE STREETS DEPICTED WITHIN THE ACCOMPANYING PLAT, AND MEETING OR EXCEEDING THE FOLLOWING STANDARDS:

- A. SURFACING WIDTH SHALL BE NOT LESS THAN 26' MEASURED FROM FACE OF CURB TO FACE OF CURB;
- B. STREETS SHALL BE BOX CURBED;
- C. GUTTERS, BASE AND PAVING MATERIALS SHALL BE OF A QUALITY AND THICKNESS MEETING THE NOW EXISTING STANDARDS OF THE CITY OF JENKS, OKLAHOMA, FOR MINOR RESIDENTIAL STREETS;
- D. THE VERTICAL GRADE OF THE STREETS SHALL NOT EXCEED 12%.

3.5.2 PROHIBIT THE ERECTION OF ANY ARCH OR SIMILAR STRUCTURE OVER ANY PRIVATE STREETS DEPICTED ON THE ACCOMPANYING PLAT WHICH WOULD PROHIBIT ANY GOVERNMENTAL VEHICLE, SPECIFICALLY ANY FIRE VEHICLE, FROM FREE USAGE OF THE PRIVATE STREETS.

THE OWNER/DEVELOPER ACKNOWLEDGES FOR ITSELF AND ITS SUCCESSORS IN TITLE THAT THE CITY OF JENKS, OKLAHOMA SHALL HAVE NO DUTY TO MAINTAIN THE PRIVATE STREETS WITHIN THE SUBDIVISION, NOR HAVE ANY IMPLIED OBLIGATION TO ACCEPT ANY SUBSEQUENT TENDER OF DEDICATION OF ANY PRIVATE STREET OR STREETS WITHIN THE SUBDIVISION.

3.6 CONVEYANCE AND MAINTENANCE OF ALL RESERVES

ALL RESERVES SHOWN ON THE ACCOMPANYING PLAT ARE RESERVED FOR SUBSEQUENT CONVEYANCE TO A HOMEOWNERS' ASSOCIATION TO BE COMPRISED OF THE OWNERS OF THE REPRESENTATIVE LOTS WITHIN HIDDEN OAKS ESTATES AS SET FORTH IN SECTION VI HEREOF. ALL COSTS AND EXPENSES ASSOCIATED WITH ALL RESERVES, INCLUDING MAINTENANCE OF VARIOUS IMPROVEMENTS AND RECREATIONAL FACILITIES WILL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION. SEE SECTION VI FOR ADDITIONAL DETAILS AND REQUIREMENTS.

3.6.1 IN THE EVENT THE HOMEOWNERS' ASSOCIATION SHOULD FAIL TO PROPERLY MAINTAIN THE DETENTION EASEMENT AREAS AND FACILITIES THEREON LOCATED AS ABOVE PROVIDED, THE CITY OF JENKS OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER THE DETENTION EASEMENT AREAS AND PERFORM SUCH MAINTENANCE, AND THE COST THEROF SHALL BE PAID BY THE HOMEOWNERS' ASSOCIATION.

3.6.2 IN THE EVENT THE HOMEOWNERS' ASSOCIATION FAILS TO PAY THE COST OF SAID MAINTENANCE AFTER COPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF JENKS, OKLAHOMA MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS, AND THEEFTER THE COSTS SHALL BE A LIEN AGAINST EACH OF THE LOTS WITHIN THE DEVELOPMENT. SUCH COSTS OF MAINTENANCE SHALL BECOME A LIEN ON ALL THE RESIDENTIAL LOTS AS

HEREINAFTER DEFINED, WHICH MAY BE FORECLOSED BY THE CITY OF JENKS, OKLAHOMA OR THE JENKS PUBLIC WORKS AUTHORITY MAY ADD SUCH BILLING PRORATE UPON THE RESIDENTIAL LOT OWNERS' WATER BILL, WHICH METHOD OF COLLECTION SHALL BE DETERMINED BY THE CITY OF JENKS.

SECTION IV – PLANNED UNIT DEVELOPMENT RESTRICTIONS

WHEREAS HIDDEN OAKS ESTATES WAS SUBMITTED AS A PLANNED UNIT DEVELOPMENT AND DESIGNATED AS PUD NO. 43, AS PROVIDED WITHIN SECTIONS 900A THROUGH 950A OF THE CITY OF JENKS, OKLAHOMA ZONING CODE, AS THE SAME EXISTED ON JUNE 1, 2004, WHICH PUD NO. 43 WAS APPROVED BY THE JENKS CITY COUNCIL ON JULY 19, 2004, AND WHEREAS, THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR AN ORDERLY DEVELOPMENT AND TO INSURE ADEQUATE RESTRICTIONS FOR THE MUTUAL BENEFIT OF THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND THE CITY OF JENKS, OKLAHOMA, THEREFORE, THE OWNER/DEVELOPER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

4.1 DEVELOPMENT STANDARDS

GROSS LAND AREA OF PUD:	20.09 ACRES
EXISTING ZONING:	AG
PROPOSED ZONING	RS-1, PUD #43
MAXIMUM NUMBER OF LOTS:	40
MINIMUM LOT SIZE:	9,500 SF
AVERAGE LOT WIDTH:	80 FEET
MINIMUM BUILDING SETBACK FROM PRIVATE STREET EASEMENT:	20 FEET*
MINIMUM BUILDING SETBACK FROM 106 TH STREET RIGHT-OF-WAY:	35 FEET
MINIMUM SIDE YARDS:	5'/10' PER LOT
MINIMUM REAR YARDS:	20 FEET
MAXIMUM BUILDING HEIGHT:	35 FEET**
MINIMUM OPEN SPACE & LANDSCAPED AREAS:	15% OF 20.09 ACRES
MINIMUM SINGLE-STORY DWELLING:	2,600 SF
MINIMUM TWO-STORY DWELLINGS:	2,800 SF
OTHER ZONING BULK AND AREA REQUIREMENTS:	PER RS-1 STANDARDS

* ON CORNER LOTS LOCATED INTERNALLY WITHIN THE SUBDIVISION, A 15' SIDE BUILDING LINE SHALL BE ALLOWED ALONG THE STREET FRONTAGE OF ONE SIDE OF THE CORNER LOT, HOWEVER, ALL BUILDINGS MUST FRONT THE STREET DESIGNATED WITH THE GREATER BUILDING SETBACK. SIDE LOAD GARAGES MUST BE SET BACK A MINIMUM OF 20 FEET FROM THE EXTERIOR SIDE LOT LINE.

** ARCHITECTURAL DECORATIVE ELEMENTS SUCH AS CHIMNEYS, CHIMNEY CAPS, ROOF SPIRES AND CUPOLAS MAY EXTEND TO A MAXIMUM HEIGHT OF 45 FEET, HOWEVER, NO HABITABLE PORTION OF ANY DWELLING MAY EXCEED THE 35 FEET HEIGHT LIMITATION.

4.2 USE

ALL LOTS SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS AND SHALL BE LIMITED TO USE FOR DETACHED SINGLE-FAMILY RESIDENCES AND ACCESSORY USES.

4.3 FRONTING AND ACCESS LIMITATION

EACH DWELLING SHALL FRONT AN INTERIOR PRIVATE STREET AND ACCESS SOLELY FROM AN INTERIOR PRIVATE STREET. ON CORNER LOTS, THE DWELLING SHALL FRONT THE GREATER OF THE BUILDING SETBACK LINES IF DIFFERING BUILDING SETBACK LINES HAVE BEEN ESTABLISHED ON THE LOT.

4.4 STREET SETBACK

NO BUILDING SHALL BE ERECTED NEARER TO A PUBLIC OR PRIVATE STREET THAN THE BUILDING SETBACK LINES DEPICTED ON THE ACCOMPANYING PLAT UNLESS SUBSEQUENTLY MODIFIED BY THE JENKS PLANNING COMMISSION.

4.5 REAR YARDS

THE MINIMUM REAR YARD SHALL NOT BE LESS THAN 20 FEET; PROVIDED HOWEVER, THAT CUSTOMARY ACCESSORY STRUCTURES MAY NOT BE LOCATED IN THE REQUIRED REAR YARD.

4.6 EASEMENT SETBACKS

NO BUILDING, WHETHER PRINCIPAL OR ACCESSORY, SHALL ENCROACH UPON ANY UTILITY EASEMENT AS DEPICTED ON THE ACCOMPANYING PLAT.

4.7 ROOF ENCROACHMENTS

CORNICES, CANOPIES, EAVES AND SIMILAR ARCHITECTURAL FEATURES MAY PROJECT NOT MORE THAN TWO (2) FEET INTO A REQUIRED YARD.

4.8 DWELLING SIZE

EACH SINGLE STORY DWELLING SIZE SHALL BE COMPOSED OF A MINIMUM OF 2600 SQUARE FEET OF HEATED FLOOR SPACE. EACH TWO STORY DWELLING SHALL BE COMPOSED OF A MINIMUM OF 2800 SQUARE FEET OF HEATED FLOOR SPACE.

4.9 EXTERIOR TREATMENT OF STRUCTURES

A MINIMUM OF SIXTY-FIVE PERCENT (65%) COVERAGE OF THE EXTERIOR WALL SHALL BE OF BRICK, STONE OR STUCCO; PROVIDED HOWEVER, THAT THE AREA OF ALL WINDOWS AND DOORS LOCATED IN SAID EXTERIOR WALLS AND THAT ADJACENT TO PATIOS AND UNDER PORCHES SHALL BE EXCLUDED IN THE DETERMINATION OF THE

AREA OF THE EXTERIOR WALLS, AND FURTHER PROVIDED THAT WHERE A PART OF THE EXTERIOR WALL IS EXTENDED ABOVE THE INTERIOR ROOM CEILING LINE DUE TO THE CONSTRUCTION OF A GABLE-TYPE ROOF, THEN THAT PORTION OF THE WALL EXTENDING ABOVE THE INTERIOR ROOM CEILING HEIGHT MAY BE CONSTRUCTED OF WOOD MATERIAL AND SHALL BE EXCLUDED FROM THE DETERMINATION OF THE AREA OF THE EXTERIOR WALLS.

SECTION V - PRIVATE BUILDING AND USE RESTRICTIONS

WHEREAS, THE OWNER/DEVELOPER DESIRES TO ESTABLISH RESTRICTIONS FOR THE PURPOSE OF PROVIDING FOR THE ORDERLY DEVELOPMENT OF THE SUBDIVISION AND CONFORMITY AND COMPATIBILITY OF IMPROVEMENTS THEREIN.

THEREFORE, THE OWNER/DEVELOPER DOES HEREBY IMPOSE THE FOLLOWING RESTRICTIONS AND COVENANTS WHICH SHALL BE COVENANTS RUNNING WITH THE LAND, AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS, AND SHALL BE ENFORCEABLE AS HEREINAFTER SET FORTH.

5.1 ARCHITECTURAL COMMITTEE – PLAN REVIEW

UNTIL MANAGEMENT OF THE SUBDIVISION IS TRANSFERRED TO THE HIDDEN OAKS ESTATES HOMEOWNERS ASSOCIATION, INC. AS PROVIDED IN SECTION 7.2, NO BUILDING, FENCE, WALL OR FREE STANDING MAILBOX SHALL BE ERECTED, PLACED, ALTERED OR SIGNIFICANTLY RENOVATED ON ANY LOT IN THE SUBDIVISION UNTIL THE PLANS AND SPECIFICATIONS HAVE BEEN APPROVED IN WRITING BY COAL CREEK DEVELOPMENT CORPORATION OR ITS AUTHORIZED REPRESENTATIVES OR SUCCESSORS, WHICH ARE HEREINAFTER REFERRED TO AS THE "ARCHITECTURAL COMMITTEE". THE COMMITTEE SHALL CONSIST OF A MINIMUM OF THREE MEMBERS INITIALLY APPOINTED BY AND CHOSEN BY THE OWNER/DEVELOPER. THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED IN DUPLICATE AND INCLUDE A SITE PLAN, FLOOR PLAN, ROOF PLAN, EXTERIOR ELEVATIONS, DRAINAGE AND GRADING PLANS, EXTERIOR MATERIALS WITH % OF COVERAGE, AND COLOR SCHEME.

IN THE EVENT THE ARCHITECTURAL COMMITTEE FAILS TO APPROVE OR DISAPPROVE PLANS AND SPECIFICATIONS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN 30 DAYS AFTER SUBMISSION, OR IN THE EVENT NO SUIT TO ENJOIN THE ERECTION OF THE BUILDING OR STRUCTURE OR THE MAKING OF AN ALTERATION HAS BEEN COMMENCED PRIOR TO THE 90TH DAY FOLLOWING COMPLETION THEREOF, APPROVAL OF THE ARCHITECTURAL COMMITTEE SHALL BE DEEMED TO HAVE BEEN PROVIDED WITHOUT FURTHER NOTICE OR ACTION BY THE COMMITTEE AND THIS COVENANT FULLY COMPLIED WITH. PROVIDED, HOWEVER, THE COMMITTEE'S FAILURE TO TAKE ANY AFFIRMATIVE ACTION REGARDING SUCH PLANS SHALL NOT CONSTITUTE A WAIVER OF THIS COVENANT REGARDING ANY SUBSEQUENT IMPROVEMENTS FOR WHICH PROPOSED PLANS ARE REQUIRED TO BE SUBMITTED TO THE COMMITTEE FOR PRIOR APPROVAL.

5.1.1 THE ARCHITECTURAL COMMITTEE'S PURPOSE IS TO PROMOTE GOOD DESIGN AND COMPATIBILITY WITHIN THE SUBDIVISION AND IN ITS REVIEW OF PLANS OR DETERMINATION OF ANY WAIVER AS HEREINAFTER AUTHORIZED MAY TAKE INTO CONSIDERATION THE NATURE AND CHARACTER OF THE PROPOSED BUILDING OR STRUCTURE, THE MATERIALS OF WHICH IT IS TO BE BUILT, THE AVAILABILITY OF

ALTERNATIVE MATERIALS, THE SITE UPON WHICH IT IS PROPOSED TO BE ERECTED AND THE HARMONY THEREOF WITH THE SURROUNDING AREA. THE ARCHITECTURAL COMMITTEE AND ITS INDIVIDUAL MEMBERS SHALL NOT BE LIABLE FOR ANY APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE HERE UNDER AND ITS APPROVAL OF BUILDING PLANS SHALL NOT CONSTITUTE A WARRANTY OR RESPONSIBILITY FOR BUILDING METHODS, MATERIALS, PROCEDURES, STRUCTURAL DESIGN, GRADING OR DRAINAGE OR CODE VIOLATIONS. THE APPROVAL, DISAPPROVAL OR FAILURE TO APPROVE BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTION, UNLESS THE ARCHITECTURAL COMMITTEE IS HEREINAFTER AUTHORIZED TO GRANT THE PARTICULAR WAIVER. NOTHING HEREIN CONTAINED SHALL BE DEEMED TO PREVENT ANY LOT OWNER IN THE SUBDIVISION FROM MAINTAINING ANY LEGAL ACTION RELATING TO IMPROVEMENT WITHIN THIS SUBDIVISION, WHICH THEY WOULD OTHERWISE BE ENTILED TO PROSECUTE.

5.1.2 THE POWERS AND DUTIES OF THE ARCHITECTURAL COMMITTEE (AS ESTABLISHED BY COAL CREEK DEVELOPMENT CORPORATION) SHALL CEASE SIX (6) MONTHS UPON THE SALE AND CLOSING OF 100% OF THE LOTS OR WHEN 100 PERCENT OF THE RESIDENTIAL HOMES HAVE BEEN CONSTRUCTED AND HAVE BEEN CLOSED TO INDIVIDUALS, WHICHEVER EVENT OCCURS LAST, AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION. COAL CREEK DEVELOPMENT CORPORATION CAN, AT ITS SOLE DISCRETION, TURN THE ARCHITECTURAL CONTROLS OVER TO THE HOMEOWNERS' ASSOCIATION UPON THE SALE AND CLOSING OF 100% OF THE LOTS AND THEREAFTER THE FOREGOING POWERS AND DUTIES SHALL BE EXERCISED BY THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION.

5.2 DESIGN GUIDELINES

THE OWNER/DEVELOPER HAS ADOPTED DESIGN GUIDELINES TO PROVIDE GUIDANCE TO HOMEOWNERS REGARDING MATTERS OF PARTICULAR CONCERN BY THE ARCHITECTURAL COMMITTEE DURING THEIR REVIEW OF SUBMITTED PLANS. THE DESIGN GUIDELINES ARE NOT THE EXCLUSIVE BASIS FOR DECISIONS AND COMPLIANCE WITH THE DESIGN GUIDELINES DOES NOT GUARANTEE APPROVAL OF ANY SUBMITTED PLANS.

THE DESIGN GUIDELINES CAN BE AMENDED AT ANY TIME AND SHALL APPLY ONLY TO STRUCTURES NOT YET APPROVED. DESIGN GUIDELINES MAY CHANGE IN ORDER TO REFLECT COMMUNITY WIDE STANDARDS. THE DESIGN GUIDELINES WILL BE RECORDED IN THE OFFICIAL RECORDS OF THE TULSA COUNTY CLERK.

ALL STRUCTURES AND IMPROVEMENTS CONSTRUCTED UPON A LOT SHALL BE CONSTRUCTED IN STRICT COMPLIANCE WITH THE DESIGN GUIDELINES IN EFFECT AT THE TIME THE PLANS WERE APPROVED IN WRITING BY THE ARCHITURAL COMMITTEE.

A HOMEOWNER DESIRING TO REMODEL HOMES AND/OR TO CONSTRUCT ADDITIONS TO STRUCTURES APPROVED BY THE ARCHITECTURAL COMMITTEE IS REQUIRED TO FOLLOW THE DESIGN GUIDELINES TO THE SAME EXTENT AS IF REMODELING OR ADDITIONS WERE NEW CONSTRUCTION.

5.3 FLOOR AREA

EACH DWELLING WITHIN HIDDEN OAKS ESTATES SHALL ABIDE BY THE FOLLOWING STANDARDS:

5.3.1 SINGLE STORY- MUST COMPRISE A MINIMUM OF TWO THOUSAND-SIX HUNDRED (2,600) SQUARE FEET OF HEATED LIVING AREA.

5.3.2 TWO STORY- A DWELLING WITH TWO LEVELS IMMEDIATELY ABOVE AND BELOW EACH OTHER MEASURED VERTICALLY AND ALL SUCH LEVELS ARE ABOVE THE FINISHED EXTERIOR GRADE OF SUCH DWELLING, SHALL HAVE A MINIMUM OF TWO THOUSAND (2,000) SQUARE FEET OF HEATED LIVING AREA ON THE FIRST LEVEL AND SHALL HAVE A TOTAL OF THE VARIOUS LEVELS OF (2,800) SQUARE FEET OF HEATED LIVING AREA.

5.3.3 COMPUTATION OF LIVING AREA- THE COMPUTATION OF LIVING AREA SHALL NOT INCLUDE ANY BASEMENT OR ATTIC USED FOR STORAGE. ALL LIVING AREA MEASUREMENTS SHALL BE TAKEN HORIZONTALLY AT TOP PLATE LEVEL TO THE FACE OF THE OUTSIDE WALL. REQUIRED LIVING AREA MUST AVERAGE AT LEAST 7 FEET 6 INCHES IN HEIGHT, EXCEPT THAT IN THE COMPUTATION OF SECOND OR UPPER STORY LIVING AREA, THE HEIGHT SHALL BE 7 FEET 6 INCHES FOR AT LEAST ONE-HALF OF THE REQUIRED LIVING AREA, AND ANY AREA LESS THAN 5 FEET IN HEIGHT SHALL BE EXCLUDED.

5.4 GARAGES

AN ATTACHED GARAGE PROVIDING SPACE FOR A MINIMUM OF TWO AUTOMOBILES SHALL BE PROVIDED ON EACH LOT. GARAGES SHALL BE ENCLOSED AND CARPORTS ARE PROHIBITED. GLASS WINDOWS, IF USED MUST BE ARCHITECTURALLY CONSISTENT WITH CARRIAGE STYLE AND NOT PERMIT EXTENSIVE VIEW INTO THE GARAGE. GARAGE DOORS SHALL BE CONSTRUCTED OF OR HAVE A WOOD VENEER FINISH THAT IS ARCHITECTURALLY PLEASING AND COMPATIBLE WITH THE ARCHITECTURE OF THE HOUSE. ALL GARAGES DESIGNED FOR THREE AUTOMOBILES OR MORE, ARE REQUIRED TO USE AN EAVE RELIEF OF A LEAST TWO FEET OR OTHER APPROVED ARCHITECTURAL METHOD ON AT LEAST ONE SINGLE CAR OPENING. ON CORNER LOTS, THE FRONT PLANE OF THE HOME IS DEFINED AS BEING THE SIDE OF THE HOME SERVED BY THE PRIMARY ENTRY OF WHICH AN ADDRESS IS DERIVED. **ALL GARAGES ARE REQUIRED TO BE SETBACK A MINIMUM OF 20 FEET FROM THE STREET EASEMENT.**

5.5 FOUNDATIONS

ANY EXPOSED FOUNDATION SHALL BE OF BRICK, STONE OR STUCCO. NO STEM WALL SHALL BE EXPOSED.

5.6 MASONRY

A MINIMUM OF SIXTY-FIVE PERCENT (65%) COVERAGE OF THE EXTERIOR WALL SHALL BE OF BRICK, STONE OR STUCCO; PROVIDED HOWEVER, THAT THE AREA OF ALL WINDOWS AND DOORS LOCATED IN SAID EXTERIOR WALLS AND THAT ADJACENT TO PATIOS AND UNDER PORCHES SHALL BE EXCLUDED IN THE DETERMINATION OF THE AREA OF THE EXTERIOR WALLS, AND FURTHER PROVIDED THAT WHERE A PART OF THE EXTERIOR WALL IS EXTENDED ABOVE THE INTERIOR ROOM CEILING LINE DUE TO THE

CONSTRUCTION OF A GABLE-TYPE ROOF, THEN THAT PORTION OF THE WALL EXTENDING ABOVE THE INTERIOR ROOM CEILING HEIGHT MAY BE CONSTRUCTED OF WOOD MATERIAL AND SHALL BE EXCLUDED FROM THE DETERMINATION OF THE AREA OF THE EXTERIOR WALLS. THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THIS RESTRICTION. ALL EXTERIOR MASONRY TYPE AND COLORS ARE TO BE APPROVED BY THE ARCHITECTURAL COMMITTEE PRIOR TO USE. FAILURE TO SECURE PERMISSION BY THE ARCHITECTURAL COMMITTEE PRIOR TO USE MAY RESULT IN THE HOME/LOT OWNER BEING REQUIRED TO CHANGE PRODUCTS AT THEIR EXPENSE.

5.7 WINDOWS

NO MILL FINISHED WINDOWS WILL BE PERMITTED UNDER ANY CIRCUMSTANCES. WINDOWS ON FRONT ELEVATIONS AND STREET SIDE ELEVATIONS ON CORNER LOTS MUST BE MADE EXCLUSIVELY OF HIGH QUALITY WOOD OR WOOD CLAD, HIGH QUALITY VINYL SIMULATED DIVIDED LITE (OR AUTHENTIC DIVIDED LITE) WITH EXTERIOR GRILLS OF AT LEAST 5/8' IN WIDTH SUCH AS MADE BY PELLA, ANDERSEN, SIERRA PACIFIC, OR EQUAL. ALL EXTERIOR COLORS ARE TO BE APPROVED BY THE ARCHITECTURAL COMMITTEE PRIOR TO USE. FAILURE TO SECURE PERMISSION BY THE ARCHITECTURAL COMMITTEE PRIOR TO USE MAY RESULT IN THE HOME/LOT OWNER BEING REQUIRED TO CHANGE COLORS AT THEIR EXPENSE.

5.8 ROOF PITCH

NO BUILDING SHALL HAVE A ROOF PITCH OF LESS THAN 10/12 ON SINGLE STORY AND 8/12 FOR TWO-STORY DWELLINGS EXCEPT THAT IT MAY HAVE A FLAT ROOF EQUAL TO NO MORE THAN TWENTY PERCENT (20%) OF THE AREA COVERED BY ALL ROOF SURFACE, SUBJECT TO APPROVAL BY THE ARCHITECTURAL COMMITTEE. EXCEPTIONS TO THE REQUIRED ROOF PITCH DUE TO ARCHITECTURAL STYLE OR ROOF MATERIAL IS SUBJECT TO APPROVAL BY THE ARCHITECTURAL COMMITTEE.

5.9 ROOFING MATERIALS

ALL ROOFS ARE TO BE COVERED WITH A WOOD GRAINED COMPOSITION ROOFING MATERIAL HAVING A THIRTY YEAR OR MORE RATING SUCH AS TAMKO HERITAGE-WEATHERED WOOD OR THUNDERSTORM GREY, GRAND MANOR-COLONIAL SLATE BY CERTAIN TEED, ECOSTAR ROOFING SYSTEM (COLOR MUST BE APPROVED BY THE ARCHITECTURAL COMMITTEE) SLATE OR TILE IF APPROVED BY THE ARCHITECTURAL COMMITTEE. ANY WAIVER TO THIS RESTRICTION MUST BE DATED AND IN WRITING BY THE ARCHITECTURAL COMMITTEE.

5.10 SIDING

NO STEEL, ALUMINUM, OR PLASTIC SIDING SHALL BE PERMITTED ON ANY BUILDING.

5.11 CHIMNEYS

ALL CHIMNEYS VISIBLE FROM THE STREET SHALL BE BRICK, STONE OR STUCCO. CHIMNEY CAPS ARE REQUIRED AND SHALL BE ARCHITURALLY COMPATABLE WITH THE STYLE OF HOME AND APPROVED IN WRITING BY THE ARCHITECTURAL COMMITTEE. MAXIMUM HEIGHT IS 45' ABOVE FINISHED SLAB OF FIRST FLOOR.

5.12 ROOF FLASHING AND VALLEYS

ALL ROOF FLASHING SHALL BE EITHER ALUMINUM OR COPPER MATERIAL AND PAINTED TO MATCH THE ROOFTOP. VALLEYS CAN BE EITHER OPEN-METAL AND PAINTED TO MATCH THE ROOF OR INSTALLED AS A CLOSED TYPE. ANY ROOF VENTS SHALL ALSO BE PAINTED TO MATCH THE ROOFTOP. COPPER VALLEYS CAN BE UNPAINTED IF COPPER GUTTERING AND DOWNSPOUTS ARE USED ON THE STREET ELEVATIONS OF THE STRUCTURE.

5.13 EXTERIOR COLOR

CERTAIN COLORS SHALL NOT BE ALLOWED, PARTICULARLY VERY VIVID OR BRIGHT COLORS SUCH AS TURQUOISE, YELLOW, PINK, ORANGE, LIME GREEN, LAVENDER, PURPLE AND THE LIKE. ALL EXTERIOR COLORS ARE TO BE APPROVED BY THE ARCHITECTURAL COMMITTEE PRIOR TO USE. FAILURE TO SECURE WRITTEN PERMISSION BY THE ARCHITECTURAL COMMITTEE PRIOR TO USE MAY RESULT IN THE HOME/LOT OWNER BEING REQUIRED TO CHANGE COLORS AT THEIR EXPENSE.

5.14 TEMPORARY STRUCTURES AND OUTBUILDINGS

NO TRAILER, TENT OR ANY STRUCTURE OF A TEMPORARY NATURE SHALL BE USED FOR HUMAN HABITATION, TEMPORARILY OR PERMANENTLY. ANY OUTBUILDING WHICH IS DETACHED FROM THE PRINCIPAL DWELLING ON A LOT SHALL BE LIMITED TO BUILDINGS CUSTOMARILY ACCESSORY TO A SINGLE-FAMILY DWELLING, SHALL BE OF A SIMILAR ARCHITECTURAL DESIGN AS THE PRINCIPAL DWELLING, SHALL NOT BE PLACED NEARER THAN TEN FEET TO ANY LOT LINE AND SHALL NOT BE ERECTED UNTIL THE PLANS, SPECIFICATIONS AND DESIGN THEREOF IS APPROVED BY THE ARCHITECTURAL COMMITTEE. OUTBUILDINGS SHALL BE LIMITED TO ONE PER LOT WITH A MAXIMUM SIZE OF 500 SQUARE FEET AND SHALL CONTAIN A MINIMUM OF 65% BRICK, STONE OR STUCCO EXTERIOR SURFACING.

5.15 DRIVEWAYS

DRIVEWAYS MUST BE CONSTRUCTED OF CONCRETE, BRICK, FLAGSTONE OR OTHER BUILDING MATERIALS USED FOR DRIVEWAY SURFACING AND MUST RECEIVE PRIOR WRITTEN APPROVAL BY THE ARCHITECTURAL COMMITTEE. DRIVEWAYS ARE RECOMMENDED TO CONTAIN SOME APPROVED DESIGN ELEMENT SUCH AS STONE, BRICK ACCENT OR SCORED GRID LINES SET ON A DIAGONAL TO MATCH THE CHARACTER OF THE STRUCTURE. DRIVEWAYS ARE NOT PERMITTED NEARER THAN 5' FROM A SIDE LOT LINE UNLESS APPROVED BY THE ARCHITECTURAL COMMITTEE.

5.16 SWIMMING POOLS

ABOVE GROUND SWIMMING POOLS ARE PROHIBITED. SWIMMING POOL ANCILLARY EQUIPMENT SHALL BE SHIELDED FROM VIEW OF ADJACENT LOTS AND STREETS AND SHALL BE MAINTAINED SO THAT ANY NOISE IS NOT DEEMED A NUISANCE. POOLS AND DECKING MUST BE LOCATED A MINIMUM OF TEN FEET FROM FROM ANY SIDE OR REAR LOT LINE AND CONFORM TO CITY OF JENKS REQUIREMENTS.

5.17 FENCING

INTERIOR FENCING OR WALLS SHALL NOT EXTEND BEYOND THE BUILDING LINES OF THE LOT. NO FENCE MAY EXTEND BEYOND THAT POINT NEAREST THE STREET AT EACH END CORNER OF THE RESIDENCE. FENCES SHALL BE OF WOOD, BRICK, STUCCO, STONE OR WROUGHT IRON; OTHER METAL FENCING INCLUDING CHAIN LINK, BARBED WIRE

AND MESHED WIRE ARE SPECIFICALLY PROHIBITED. ALL FENCING SHALL BE INSTALLED WITH THE GOOD SIDE FACING THE STREET OR RESERVE AREAS. NO FENCE SHALL EXCEED 6 FEET IN HEIGHT. ALL LOT LINES ABUTTING RESERVE AREA "I", IF FENCED BY THE LOT OWNER, ARE REQUIRED TO HAVE WROUGHT IRON FENCING. THE HEIGHT OF THE FENCE SHALL BE PRIMARILY FOUR FEET. PICKETS TAPERING TO MATCH COLUMN HEIGHTS AS A DESIGN ELEMENT ARE SUBJECT TO APPROVAL. MASONRY COLUMNS TO MATCH THE ARCHITECTURAL CHARACTER OF THE HOUSE ARE PERMITTED PER APPROVAL BY THE ARCHITECTURAL COMMITTEE. FENCE SHALL NOT BE ERECTED UNTIL THE PLANS, SPECIFICATIONS AND DESIGN THEREOF HAVE BEEN SUBMITTED AND APPROVED BY ARCHITECTURAL COMMITTEE. FAILURE TO SECURE WRITTEN PERMISSION BY THE ARCHITECTURAL COMMITTEE PRIOR TO INSTALLATION MAY RESULT IN THE HOME/LOT OWNER BEING REQUIRED TO CHANGE MATERIALS OR HEIGHT AT THEIR EXPENSE. A FENCE NOT TO EXCEED 6 FEET IN HEIGHT WILL BE INSTALLED BY THE DEVELOPER ON THE SOUTH SIDE OF RESERVE AREA "A" , ALONG THE EAST AND SOUTH BOUNDARIES OF THE PLAT, AT THE ENTRANCE TO HIDDEN OAKS ESTATES AND ALONG THE NORTH RIGHT OF WAY OF 106TH STREET SOUTH FROM THE HIDDEN OAKS ESTATES ENTRANCE TO ELGIN STREET AND SHALL FOREVER BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION.

5.18 RETAINING WALLS

RETAINING WALLS SHALL BE CONSTRUCTED OF THE MATERIALS AS USED IN THE CONSTRUCTION OF THE DWELLING AND/OR BE OF SIMILAR ARCHITECTURAL DESIGN. NO RAILROAD TIES MAY BE USED IN THE CONSTRUCTION OF ANY RETAINING WALL. PLANS FOR ALL RETAINING WALLS MUST BE APPROVED BY THE ARCHITECTURAL COMMITTEE. FAILURE TO SECURE WRITTEN PERMISSION BY THE ARCHITECTURAL COMMITTEE PRIOR TO INSTALLATION MAY RESULT IN THE HOME/LOT OWNER BEING REQUIRED TO CHANGE MATERIALS OR HEIGHT AT THEIR EXPENSE.

5.19 LANDSCAPING

ALL AREAS OF LOTS VISIBLE FROM AN INTERNAL STREET ARE TO BE SOLID SODDED AND A FULLY AUTOMATED SPRINKLER SYSTEM SHALL BE INSTALLED TO SUPPORT THE SOD. A LANDSCAPE PLAN MUST BE SUBMITTED TO THE ARCHITECTURAL COMMITTEE FOR APPROVAL AND MUST BE COMPLETE WITHIN THIRTY (30) DAYS OF OCCUPANCY. LOTS CONTAINING DESIGNATED NATURAL DRAINAGE EASEMENTS ARE PERMITTED TO SEEK A WAIVER FROM THE ARCHITECTURAL COMMITTEE. IMPROVEMENTS AND MODIFICATIONS, INCLUDING TREE REMOVAL AND INSTALLATION OF PATIOS, WALLS AND OTHER HARDSCAPING ON PORTIONS OF LOTS CONTAINING A DESIGNATED NATURAL DRAINAGE EASEMENT ARE REQUIRED TO SEEK APPROVAL BY THE ARCHITECTURAL COMMITTEE BEFORE COMMENCING WITH ANY OF THE ABOVE LISTED ACTIVITIES. LOTS ABUTTING THE KAMO OVERHEAD POWER LINE MUST FOLLOW KAMO LANDSCAPING REQUIREMENTS RELATING TO TREE SIZES AND LOCATIONS.

5.20 ANTENNAS

EXTERIOR ANTENNAS OR OTHER DEVICES (INCLUDING SUPPORTING STRUCTURES) FOR THE TRANSMISSION OR RECEPTION OF RADIO, TELEVISION, SATELLITE SIGNALS, OR OTHER FORM OF ELECTROMAGNETIC RADIATION ARE PROHIBITED, EXCEPT THAT WITHIN EACH LOT ONE SATELLITE DISH, NOT EXCEEDING 2 FEET IN DIAMETER, AND NOT VISIBLE FROM ANY PUBLIC STREET SHALL BE PERMITTED, AND PROVIDED HOWEVER,

THE ARCHITECTURAL COMMITTEE MAY, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS.

5.21 LOT MAINTENANCE

NO INOPERATIVE VEHICLE OR MACHINERY SHALL BE STORED ON ANY LOT AND EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION FREE OF RUBBISH, TRASH AND OTHER DEBRIS AND SHALL BE CUT, TRIMMED OR MOWED TO PREVENT GROWTH OF WEEDS OR TALL GRASS. ALL LAWNS SHALL CONSIST OF WELL GROOMED TURF GRASSES. HOMEOWNERS MAINTENANCE PROGRAM SHALL BE TO A LEVEL IN KEEPING WITH THE "COMMUNITY-WIDE STANDARD" OF HIDDEN OAKS ESTATES.

5.22 RECREATIONAL VEHICLES

NO BOATS, SEA DOO'S, ATV'S, TRAILERS, CAMPERS AND OTHER LARGE RECREATIONAL EQUIPMENT SHALL NOT BE PARKED OR STORED IN THE SUBDIVISION FOR A PERIOD TO EXCEED TWENTY-FOUR (24) HOURS EXCEPT WITHIN AN ENCLOSED GARAGE OR APPROVED OUTBUILDING.

5.23 STORMWATER GUTTER AND INDIVIDUAL SITE DRAINAGE SYSTEMS

ALL HOMES TO BE CONSTRUCTED WITHIN HIDDEN OAKS ESTATES SHALL INCLUDE PROFESSIONAL INSTALLATION OF A GUTTER AND DOWNSPOUT SYSTEM. DOWNSPOUTS AND/OR DRAIN PIPES SHALL NOT DISCHARGE NEARER THAN 3' OF ANY SIDE LOT LINE UNLESS CONNECTED TO AN UNDERGROUND PIPE AND DISCHARGED THROUGH THE CURB OR DIRECTLY INTO A CREEK AND TERMINATED WITH A RODENT SCREEN.

5.24 TRASH RECEPTACLES

TRASH RECEPTACLES SHALL BE SCREENED FROM VIEW FROM ALL STREETS WITHIN THE SUBDIVISION. TRASH RECEPTACLES PLACED ON THE CURB ON PICK-UP DAYS MUST NOT REMAIN IN SIGHT FOR MORE THAN 24 HOURS.

5.25 MAILBOXES

MAILBOXES SHALL BE HOUSED WITHIN A BRICK, STONE OR STUCCO PEDESTAL WHICH MUST MATCH THE ARCHITECTURAL CHARACTER OF THE DWELLING LOCATED UPON THE LOT. THE MAILBOX SHALL BE POSITIONED SO THAT THE FRONT FACE IS APPROXIMATELY 6 INCHES IN FROM THE BASE OF THE CURB AND 6 FEET FROM THE "INSIDE EDGE" OF THE DRIVEWAY. "INSIDE EDGE" SHALL MEAN THE EDGE OF THE DRIVEWAY WHICH BORDERS THE LARGEST CONTINUOUS LOT AREA. THE TOP OF THE MAILBOX SHALL BE 44-1/2 INCHES FROM STREET LEVEL, THE ARCHITECTURAL COMMITTEE SHALL APPROVE MAILBOXES AND, IN THE PARTICULAR INSTANCE AND UPON WRITTEN REQUEST, APPROVE A WAIVER OF THE FOREGOING RESTRICTIONS. FAILURE TO SECURE PERMISSION BY THE ARCHITECTURAL COMMITTEE PRIOR TO INSTALLATION MAY RESULT IN THE HOME/LOT OWNER BEING REQUIRED TO CHANGE DESIGN, MATERIALS OR HEIGHT AT THEIR EXPENSE.

5.26 ANIMALS

NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND MAY BE MAINTAINED, BRED, SOLD OR KEPT EXCEPT THAT A MAXIMUM OF FOUR HOUSEHOLD PETS OF WHICH ONLY TWO MAY BE DOGS MAY BE KEPT PROVIDED THAT THEY ARE NOT USED FOR COMMERCIAL PURPOSES. ALL SUCH HOUSEHOLD PETS SHALL BE RESTRAINED IN SUCH A MANNER AS

WILL PREVENT THEM FROM ENTERING UPON NEIGHBORING LOTS. ALL OWNERS SHALL COMPLY WITH ALL APPLICABLE ORDINANCES OF THE CITY OF JENKS.

5.27 NOXIOUS ACTIVITY

NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED OUT UPON ANY LOT NOR SHALL ANYTHING BE DONE THEREON THAT MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

5.28 SIGNAGE

NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE SIGN OF NOT MORE THAN 9 SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT OR SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD. DURING THE DEVELOPMENT PHASE OF THE SUBDIVISION, SIGNS ADVERTISING THE SUBDIVISION OR THE INITIAL OFFERING OF A LOT MAY BE LOCATED NEAR THE ENTRANCE TO THE SUBDIVISION. ENTRY SIGNS APPROVED BY THE CITY OF JENKS AND FOR THE BENEFIT OF THE DEVELOPMENT MAY BE INSTALLED BY THE DEVELOPER AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

5.29 CLOTHESLINES

EXPOSED CLOTHESLINE POLES OR OTHER OUTSIDE DRYING APPARATUS ARE PROHIBITED.

5.30 MATERIALS, STORAGE AND CONSTRUCTION

NO LOT SHALL BE USED FOR THE STORAGE OF MATERIALS FOR A PERIOD OF GREATER THAN 30 DAYS PRIOR TO THE START OF CONSTRUCTION AND THE CONSTRUCTION SHALL BE COMPLETED WITHIN 9 MONTHS THEREAFTER. EACH LOT SHALL BE MAINTAINED IN A NEAT AND ORDERLY CONDITION. **ALL CONSTRUCTION ACTIVITIES SHALL BE PERFORMED IN COMPLIANCE WITH OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY STORMWATER POLLUTION PREVENTION REQUIREMENTS.**

5.31 ON-SITE CONSTRUCTION

NO RESIDENCE OR ANY STRUCTURE BUILT OFF-SITE SHALL BE MOVED OR PLACED ONTO ANY LOT.

5.32 PLAY EQUIPMENT

HIGH QUALITY BASKETBALL GOALS WITH CLEAR GLASS BACKBOARDS WITH BLACK OR DARK GREEN SQUARE POLES ARE PERMITTED BUT MUST BE PERMANENTLY INSTALLED, SET IN A CONCRETE FOOTER, AND SHALL BE INSTALLED CONSISTENT WITH GOOD TASTE AND ANY STANDARDS ADOPTED FROM TIME TO TIME BY THE ARCHITECTURAL COMMITTEE AND MUST BE APPROVED PRIOR TO INSTALLATION BY THE ARCHITECTURAL COMMITTEE. PORTABLE BASKETBALL GOALS ARE NOT PERMITTED UNLESS LOCATED WITHIN THE REAR AND ARE NOT VISIBLE FROM ANY STREET. PORTABLE BASKETBALL GOALS FOLLOW THE SAME GUIDELINES AS PERMANENT GOALS, EXCEPT FOR THEIR INSTALLATION. HOUSE OR ROOF MOUNTED GOALS ARE NOT PERMITTED.

SWING SETS AND SIMILAR OUTDOOR PLAY STRUCTURES, TRAMPOLINES AND SPORTS EQUIPMENT MUST BE LOCATED IN THE REAR YARD, OR ON AN ADJACENT LOT WHEN OWNED BY THE SAME OWNER, WHERE THEY WILL HAVE MINIMUM IMPACT ON ADJACENT LOTS AND WHERE THEY WILL BE SCREENED FROM THE GENERAL PUBLIC VIEW BY THE HOME, SOLID FENCING, MATURE LANDSCAPING, OR A COMBINATION THEREOF APPROVED BY THE ARCHITECTURAL COMMITTEE. ALL ABOVE DESCRIBED EQUIPMENT MUST NOT BE ALLOWED TO FALL INTO A STATE OF DISREPAIR, AND MUST BE MAINTAINED IN GOOD APPEARANCE AND WORKING CONDITION ACCORDING TO THE COMMUNITY-WIDE STANDARD OUTLINED IN SECTION 1.4 OF THIS DOCUMENT.

5.33 DAMAGE OR DESTRUCTION OF IMPROVEMENTS

IN THE EVENT OF COMPLETE OR PARTIAL DAMAGE OR DESTRUCTION OF ANY IMPROVEMENTS ON A LOT FOR ANY REASON WHATSOEVER, THE OWNER OF SUCH LOT SHALL PROMPTLY PROCEED TO REPAIR AND REPLACE SUCH IMPROVEMENTS, SUBJECT TO APPROVAL OF THE ARCHITECTURAL COMMITTEE, AS THOUGH SUCH REPAIR OR REPLACEMENT INVOLVED CONSTRUCTION OF AN ORIGINAL STRUCTURE, OR SHALL PROMPTLY PROCEED TO RAZE THE IMPROVEMENT AND LANDSCAPE THE LOT FORMERLY OCCUPIED BY SUCH IMPROVEMENT IN A MANNER APPROVED IN WRITING BY THE ARCHITECTURAL COMMITTEE.

5.34 HOLIDAY, RELIGIOUS DISPLAYS OR EXTERIOR ARTWORK

SEASONAL OR RELIGIOUS DISPLAYS OR LIGHTING IS ALLOWED SO LONG AS IT IS CONSISTENT WITH THE "COMMUNITY-WIDE" STANDARD OF HIDDEN OAKS ESTATES. SEASONAL LIGHTING MUST NOT BE KEPT UP YEAR ROUND. COMPLAINTS OR CLARIFICATIONS REGARDING THESE ITEMS WILL BE RESOLVED BY THE ARCHITECTURAL COMMITTEE AND THE HOMEOWNERS' ASSOCIATION BOARD. HOLIDAY LIGHTS MUST NOT BE TURNED ON PRIOR TO THANKSGIVING AND MUST BE REMOVED WITHIN THIRTY DAYS OF CHRISTMAS. OTHER TYPES OF ORNAMENTAL LANDSCAPE DESIGN ITEMS (SUCH AS FLAGPOLES, STATUARIES, FOUNTAINS, OR ORNAMENTAL LIGHTING, ETC) MUST BE PRE-APPROVED BY THE ARCHITECTURAL COMMITTEE.

SECTION VI. HOMEOWNERS' ASSOCIATION

6.1 FORMATION OF THE HIDDEN OAKS ESTATES HOMEOWNERS' ASSOCIATION

THE OWNER/DEVELOPER HAS FORMED OR SHALL CAUSE TO BE FORMED AN ASSOCIATION OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN HIDDEN OAKS ESTATES (HEREINAFTER REFERRED TO AS THE "HIDDEN OAKS ESTATES HOMEOWNERS' ASSOCIATION") TO BE ESTABLISHED IN ACCORDANCE WITH THE STATUTES OF THE STATE OF OKLAHOMA, AND TO BE FORMED FOR THE GENERAL PURPOSES OF MAINTAINING THE GENERAL COMMON AREAS OF THE SUBDIVISION AS DESCRIBED IN SECTIONS 3.1, 3.2, 3.3 & 3.4 AND FOR THE PURPOSES OF ENHANCING THE VALUE, DESIRABILITY AND ATTRACTIVENESS OF HIDDEN OAKS ESTATES.

6.2 MEMBERSHIP

EVERY PERSON OR ENTITY WHO BECOMES A RECORD OWNER OF THE FEE INTEREST OF A RESIDENTIAL LOT SHALL BE A MEMBER OF THE HIDDEN OAKS ESTATES HOMEOWNERS' ASSOCIATION AUTOMATICALLY AS A RESULT OF THEIR OWNERSHIP IN HIDDEN OAKS ESTATES-SECOND AMENDMENT

SUCH LOT, WITHOUT ANY FURTHER ACTION OR CONSENT ON THEIR PART. MEMBERSHIP, AS ABOVE SET FORTH, SHALL BE MANDATORY AND SHALL BE APPURTENANT TO AND MAY NOT BE SEPARATED FROM THE OWNERSHIP OF A LOT. VOTING WILL BE BASED UPON ONE VOTE FOR EACH LOT OWNED. OWNING A HALF LOT ENTITLES THE OWNER TO A HALF VOTE IN ADDITION TO EACH LOT THEY MAY OWN.

6.3 ASSESSMENT

EACH RECORD OWNER OF A RESIDENTIAL LOT WITHIN HIDDEN OAKS ESTATES SHALL BE SUBJECT TO ASSESSMENT BY THE HOMEOWNERS' ASSOCIATION FOR THE PURPOSES OF IMPROVEMENT AND MAINTENANCE OF THE GENERAL COMMON AREAS OF THE SUBDIVISION. THE ASSESSMENTS SHALL BECOME DUE AND PAYABLE ON JULY 1ST OF EACH YEAR IN THE AMOUNT OF CURRENT DUES ESTABLISHED BY THE HOA PER YEAR, OR PRO-RATED FOR ANY PORTION OF THE YEAR IN WHICH A LOT IS PURCHASED, UNTIL SUCH ASSESSMENTS ARE FURTHER MODIFIED FROM TIME TO TIME BY THE HOMEOWNERS' ASSOCIATION. ASSESSMENT WILL BE BASED UPON THE LOTS OR HALF LOTS OWNED BY RECORD OWNERS.

6.4 REQUIRED MOWING OF VACANT LOTS

THE HOMEOWNER'S ASSOCIATION SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO MOW ANY VACANT LOT WITHIN THE DEVELOPMENT AFTER COMPLETION OF A 10 DAY NOTICE PERIOD OF THE LOT OWNERS NOTIFICATION FROM THE CITY OF JENKS CODE ENFORCEMENT DEPARTMENT THAT SAID LOT IS IN VIOLATION OF SECTION 13-1-13; ABATMENT OF WEEDS AND TRASH OF THE CITY OF JENKS CODE. THE HOMEOWNER'S ASSOCIATION SHALL HAVE THE RIGHT TO ADD COSTS OF SAID MOWING TO LOT OWNER'S ASSOCIATION DUES TO BE COLLECTED IN ACCORDANCE WITH SUBSECTION 6.3. UNDEVELOPED LOTS MAY BE SUBJECTED TO ADDITIONAL ANNUAL HOMEOWNER'S ASSOCIATION DUES AS CONTAINED WITHIN THE HOA ARTICLES OF INCORPORATION.

6.5 LIEN FOR ASSESSMENTS

THE HOMEOWNERS' ASSOCIATION SHALL HAVE A LIEN AGAINST EACH LOT TO SECURE PAYMENT OF ANY ASSESSMENT OR OTHER AMOUNT DUE AND OWING THE HOMEOWNERS' ASSOCIATION BY THE OWNER OF THAT LOT, PLUS INTEREST FROM THE DATE SUCH AMOUNT WAS DUE AND PAYABLE AT FIFTEEN PERCENT (15%) PER ANNUM, IN ADDITION TO ALL COSTS AND EXPENSES OF COLLECTING THE UNPAID AMOUNT, INCLUDING BUT NOT LIMITED TO REASONABLE ATTORNEYS' FEES. THE LIEN MAY BE FORECLOSED IN THE MANNER FOR FORECLOSURE OF MORTGAGES IN THE STATE OF OKLAHOMA. THE LIEN PROVIDED HEREIN SHALL BE JUNIOR TO THE LIEN OF ANY FIRST MORTGAGE ON ANY LOT TAKEN IN GOOD FAITH AND FOR VALUE AND PERFECTED BY RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF TULSA COUNTY, OKLAHOMA, PRIOR TO THE TIME AND RECORDING IN SAID OFFICE OF A NOTICE OF LIEN, BUT SHALL BE PRIOR TO ANY AND ALL OTHER LIENS. THE NOTICE OF LIEN SHALL SET FORTH THE AMOUNT OF ANY ASSESSMENT OR OTHER AMOUNT DUE AND OWING TO THE HOMEOWNERS' ASSOCIATION, SPECIFYING THE DATE SUCH AMOUNT WAS DUE AND PAYABLE AND FROM WHICH INTEREST ACCRUES, SPECIFYING ALL COSTS AND EXPENSES, INCLUDING REASONABLE ATTORNEYS' FEES OF COLLECTING THE UNPAID AMOUNT TO THE DATE OF RECORDING SUCH NOTICE OF LIEN, DESCRIBING THE LOT AFFECTED BY THE LIEN AND SPECIFYING THE NAME OR NAMES LAST KNOWN TO THE HOMEOWNERS' ASSOCIATION OF THE OWNER OR OWNERS OF THE LOT. EACH OWNER

ACKNOWLEDGES AND AGREES, BY ACCEPTANCE OF SUCH OWNER'S DEED OR OTHER INTEREST IN ANY LOT SUBJECT TO THIS DECLARATION, THAT THE LIEN OF THE HOMEOWNERS' ASSOCIATION FOR ASSESSMENTS DUE HEREUNDER, AND FOR ALL OTHER SUMS WHICH MAY BECOME DUE THE HOMEOWNERS' ASSOCIATION HEREUNDER FROM AN OWNER, SHALL BE SUPERIOR TO ANY HOMESTEAD EXEMPTION AS IS NOW OR MAY HEREAFTER BE PROVIDED BY OKLAHOMA OR FEDERAL LAW. THE ACCEPTANCE OF A DEED OR OTHER INTEREST TO A LOT SUBJECT TO THIS DECLARATION SHALL CONSTITUTE AN EXPRESS WAIVER OF THE HOMESTEAD EXEMPTION AS AGAINST ALL SUMS WHICH MAY BECOME DUE THE HOMEOWNERS' ASSOCIATION FROM THE OWNER OF SUCH LOT.

SECTION VII. MANAGEMENT AND CONTROL OF HOMEOWNERS' ASSOCIATION

7.1 MANAGEMENT BY OWNER/DEVELOPER

THE POWERS AND DUTIES OF MANAGING THE DEVELOPMENT AND THE HOA SHALL BE VESTED SOLELY IN THE OWNER/DEVELOPER COMMENCING WITH THE FILING OF THE PLAT. OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR APPOINTING ALL PERSONS TO SERVE IN ANY CAPACITY AS MAY BE REQUIRED UNDER THE TERMS OF THIS DECLARATION AND AS DIRECTORS OF THE HOA, UNTIL TRANSFER OF MANAGEMENT AS PROVIDED IN SECTION 7.2.

7.2 TURN OVER OF MANAGEMENT TO HOA

OWNER DEVELOPER SHALL TURN OVER MANAGEMENT OF THE DEVELOPEMENT AND ALL OFFICES AND COMMITTEES OF THE HOA UPON THE FIRST TO OCCUR OF THE FOLLOWING EVENTS:

- A. DECEMBER 1, 2008;
- B. UPON THE SALE AND CLOSING TO INDIVIDUALS OF 100% OF THE RESIDENTIAL HOMES TO BE CONSTRUCTED IN THE DEVELOPMENT; OR,
- C. UPON WRITTEN NOTICE FROM THE OWNER/DEVELOPER TO THE LOT OWNERS OF ITS INTENTION TO VOLUNTARILY TRANSFER MANAGEMENT.

SECTION VIII. ENFORCEMENT, AMENDMENT AND SEVERABILITY

8.1 ENFORCEMENT

THE DECLARATIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER/DEVELOPER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE DECLARATION OF SECTION II. STREETS, EASEMENTS, AND UTILITIES, AND THE COVENANTS WITHIN SECTION III. RESERVES, SECTION IV PLANNED UNIT DEVELOPMENT RESTRICTIONS ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO, AND ADDITIONALLY THE COVENANTS WITHIN SECTION II, III & IV WHETHER OR NOT SPECIFICALLY THEREIN SO STATED, SHALL INURE TO THE BENEFIT OF AND SHALL BE ENFORCEABLE BY THE CITY OF JENKS, OKLAHOMA. THE COVENANTS WITHIN SECTION V. PRIVATE BUILDING AND USE RESTRICTIONS, SHALL INURE ONLY TO THE BENEFIT OF THE OWNERS OF THE RESIDENTIAL LOTS WITHIN THE SUBDIVISION AND THE HOMEOWNERS' ASSOCIATION PROVIDED FOR IN SECTION VI. IF THE UNDERSIGNED OWNER/DEVELOPER, OR ITS SUCCESSORS OR ASSIGNS OR OWNERS OF ANY LOT WITHIN HIDDEN OAKS ESTATES

SHALL VIOLATE ANY OF THE COVENANTS THE DEED OF DECLARATION OF HIDDEN OAKS ESTATES, IT SHALL BE LAWFUL FOR, THE HOA OR ANY OWNER OF A RESIDENTIAL LOT OF THE HOMEOWNERS' ASSOCIATION TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT. IN ANY JUDICIAL ACTION BROUGHT BY THE HOMEOWNERS' ASSOCIATION OR AN OWNER OF A RESIDENTIAL LOT WHICH ACTION SEEKS TO ENFORCE THE COVENANTS OR RESTRICTIONS SET FORTH HEREIN OR TO RECOVER DAMAGES FOR THE BREACH THEREOF, THE PREVAILING PARTY SHALL BE ENTITLED TO RECOVER REASONABLE ATTORNEYS FEES AND COSTS AND EXPENSES INCURRED IN SUCH ACTION.

8.2 AMENDMENT

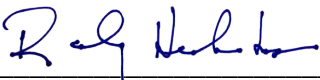
THE DECLARATION CONTAINED WITHIN SECTION II. STREETS, EASEMENTS AND UTILITIES, MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE JENKS PLANNING COMMISSION, OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF JENKS, OKLAHOMA. AT ANY TIME AFTER THE TRANSFER OF MANAGEMENT AND CONTROL OF THE HOA TO THE LOT OWNERS, THE COVENANTS WITHIN SECTION III. PLANNED UNIT DEVELOPMENT RESTRICTIONS, MAY BE AMENDED WITH THE AFFIRMATIVE APPROVAL OF 65 PERCENT OF ALL OWNERSHIP IN HIDDEN OAKS ESTATES AND APPROVAL BY THE JENKS PLANNING COMMISSION AND JENKS CITY COUNCIL. THE COVENANTS WITHIN SECTION IV, PRIVATE BUILDING AND USE RESTRICTIONS, AND SECTION V, HOMEOWNERS' ASSOCIATION, MAY BE AMENDED AT ANY TIME BY THE OWNER/DEVELOPER AS LONG AS THE OWNER/DEVELOPER OWNS FIVE (5) OR MORE LOTS; OR, AT ANY TIME AFTER THE TRANSFER OF MANAGEMENT AND CONTROL OF THE HOA TO THE LOT OWNERS, WITH THE AFFIRMATIVE APPROVAL OF 65 PERCENT OF ALL OWNERSHIP IN HIDDEN OAKS ESTATES AND APPROVAL BY THE JENKS PLANNING COMMISSION AND JENKS CITY COUNCIL. THE PROVISIONS OF ANY INSTRUMENT AMENDING OR TERMINATING COVENANTS SHALL BE EFFECTIVE FROM AND AFTER THE DATE IT IS PROPERLY RECORDED.

8.3 SEVERABILITY

INVALIDATION OF ANY RESTRICTION SET FORTH HEREIN, OR ANY PART THEREOF, BY AN ORDER, JUDGEMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF: COAL CREEK DEVELOPMENT CORPORATION AN OKLAHOMA CORPORATION, HAS EXECUTED THIS INSTRUMENT THIS 14TH DAY OF JULY, 2014.

COAL CREEK DEVELOPMENT CORPORATION

BY:  _____

Randy Heckenkemper
Vice President & Secretary