

918-339-2230

**Restrictive Covenants and Conditions
Pertaining to the Arrowhead Estates Subdivision
In Pittsburg County, Oklahoma**

*Edited to contain current language only - October, 2009

ARTICLE I - Streets, Roadways and Trails (amended 07/1982)

1. The Trustees shall have the power to construct, reconstruct, improve, contract for, maintain or repair streets or roadways of any kind or qualities upon the several strips of land herein conveyed or to be conveyed to them as the property is subdivided and which are designated on said plats as streets, drives, lanes, trails, roads or walkways.
2. The Trustees shall have the right and power to provide for the plowing or removal of snow from said streets, roadways or trails.
3. The Trustees shall have the right and power to plant, care for, spray, trim, protect and replant shrubbery and to sow, trim and care for grass in or under the drives, streets, lanes and roads in or upon Arrowhead Estates development area.
4. The Trustees shall have the power and right to provide lights in or on all drives, lanes, circles, streets and roads, and on or at all gateways or entrances, or in such other places in or about the area.
5. The Trustees shall have the right and power to grant easements in, over or under the streets, drives, lanes, trails or roads for any of the purposes set out in Article II. Walkways and trails may be set up and established by the Trustees and maintained by the Trustees for the use of the lot owners.

ARTICLE II - Utilities (amended 07/1982)

1. The Trustees shall have the right and power to construct, to lease, to purchase, or in any other manner to construct for or provide for sewers or sewerage disposal facilities, drainage, water, gas, electricity, street lighting, telephone service, or fire protection facilities to serve all or any part of said above described tracts, either in their present state or as subdivided.
2. In providing for such services or facilities, the Trustees may make use of or may convey, transfer or assign whole or partial rights in and to the easements created by this indenture, or easements created and set out on the plats of the subdivision of the within described tract. It is the intention of the Grantors, and they do so declare, that the Trustee named in this instrument shall be the Trustee for the entire tract and for any portion thereof that may be subdivided and platted into separate lots.

ARTICLE III - Covenants (amended 05/1998 and 10/2009)

1. These covenants shall run with the land and shall be binding upon all parties hereto and all persons claiming under them until December 31, 2007, at which time said covenants shall be automatically extended for a period of ten (10) years unless, by a vote of the majority of the owners of lots, it is agreed to change such covenants in whole or in part, it being understood that an owner shall be entitled to cast as many votes as he may own lots in said addition.
2. All structures and septic systems shall be placed within the building lines shown on the Arrowhead Estates subdivision plat map and shall not intrude upon any utility easement. Where building lines or utility easements are not shown on the plat map, structures shall be set back at least five (5) feet from the side and back property lines.
3. All building sites shall be limited to one (1) single-family dwelling except for Lots 1 through 40, Block 1, Arrowhead Estates, Section No. 1 whereupon said building sites shall be limited to commercial usage and/or one (1) single-family dwelling unit. A home, boat house, garage or storage building may occupy the lot as long as it is of neat construction and enhances the value of the Subdivision. Once begun, construction should be completed within six (6) months.
4. Before any living accommodations, commercial structure or water meter are erected or placed on any lot purchased in this subdivision, the owner shall first obtain the results of a percolation test to be made by a professional engineer registered in the State of Oklahoma, all at the expense of the

owner. Trustees shall not give clearance to the Pittsburgh County Public Works Authority to initiate water service until a copy of the percolation test is provided to the Trustees and the Trustees verify that the \$500 water assessment fee has been paid for that lot. Clearance from the Trustees can only be given if one of the following results apply: a. the property percolation test results indicate that an individual septic tank with adequate lateral lines is feasible or b. the property percolation test results indicate that an aerobic system with adequate space for sprinklers must be used in place of the standard septic tank and lateral lines. Regulations of the Department of Environmental Quality shall apply with regard to size, design and construction of the sewage disposal system. The proper sewage disposal system must be in place prior to owner moving into the dwelling. Failure by any owner to properly maintain any sewage disposal system in accordance with the Regulations of the Department of Environmental Quality shall be conclusively deemed a public nuisance, authorizing the Trustees to take such action as shall be necessary to compel the owner to restore the system to Regulation, at the expense of the owner, including an action for injunction.

5. No debris, trash or unsightly accumulation of materials shall be allowed to remain on the premises and there shall be no outside storage facilities for any of the aforementioned.
6. In addition to the foregoing restrictions and stipulations, no dwelling shall be constructed on any lot purchased in this subdivision with less than seven hundred twenty (720) square feet of floor space. Floor space shall exclude porches and porticoes and shall include only that actual living space under an enclosed roof. No basement shall be occupied until the dwelling is completed. All buildings must be finished on the outside. Before a mobile home is placed upon the lot it must be approved by the Trustees. In no case shall a mobile home be less than 720 square feet in size and shall be no older than five (5) years of age when placed thereupon and shall be in good condition. Mobile homes which are moved from one lot to another lot within the subdivision must meet the same standards. All mobile homes approved and placed upon a lot should be skirted within six (6) months from the date the mobile home is moved onto said lot.
7. Camp trailers, fifth wheel trailers, motorhomes, houseboats and similar recreational vehicles of less than 720 square feet may occupy the lot or tract on a temporary basis such as weekends and vacations, provided the owner removes the recreational vehicle when it is not being occupied on a day to day basis. No such recreational vehicle or tent may be placed upon a lot or tract permanently.
8. Building applications shall be required prior to all new construction, additions to existing structures, placement of manufactured houses or mobile homes or temporary placement of recreational vehicles less than 720 square feet in size. Applications may be obtained in the Arrowhead Estates Office or on the Web Site. Applications shall include a valid survey, the results of a percolation test if a septic system is to be installed, the dimensions of the structure(s), the type of materials to be used and a drawing showing the placement of all structures, underground utility lines and any septic system planned for the property. If any structure is to be a mobile home or manufactured house, proof of the age of the structure shall be required. No work or placement of structures shall begin until Trustees approve the application. Building applications shall not be required for repairs or improvements to existing structures.
9. No animals shall be kept, maintained or raised on any lot within the subdivision except house pets, which shall be kept on a leash when not in an enclosure. No poultry, livestock or farm animals shall be kept within the confines of the subdivision.
10. No lot in this subdivision may be used to create a road or driveway that will allow cars, trucks or similar vehicles to enter or exit the subdivision. The only road or driveway into and out of Arrowhead Estates shall be Arrowhead Drive. The only exception to this restriction is for authorized utility trucks traveling along established utility right-of-ways for the purpose of maintaining or repairing utilities.
11. A sign notifying owners and prospective buyers that restrictive covenants and conditions are in force and effect shall be placed at the entrance to Arrowhead Estates. Trustees shall also notify owners each year by mail, to be included with the annual lot assessment notice, that such covenants and conditions are in force and effect. Trustees shall make copies of the edited Covenants and the Policy and Procedure Manual available in the Arrowhead Estates Office and on the Web Site. Owners may request that copies be mailed to them.
12. All provisions of this Article shall become effective and in full force on January 1, 2010.

held in the manner provided by the Trustees these Covenants as amended, by a simple majority vote of the owners in attendance at said meeting or those voting by absentee ballot, provided that a quorum of one hundred twenty five (125) lots is represented at said meeting by either those in attendance or those voting by absentee ballot, the Trustees shall notify all owners of the said tracts of the additional assessments. The limit of Fifty Dollars (\$50.00) per lot per year for general purposes shall not apply to any assessment made under the provisions of this paragraph.

2. All assessments, either general or special, made by the Trustees for the purposes hereinabove enumerated shall be made in the manner and subject to the following procedure:
 - A. Notice of all assessments may be given by mail addressed to the last known address of the holder of legal title and deposited in the United States mail, postage prepaid, or may be given by posting a brief notice of the assessment upon the lot itself.
 - B. Every assessment shall become due and payable within (30) days after notice is given. From and after the day when said payment is due, it shall bear interest at the rate of nine percent (9%) per annum, until paid, and such payment and interest shall constitute a lien upon said lot and said lien shall continue in full force and effect until said amount is fully paid. At any time after the passage of the resolution levying an assessment and its entry in Grantor's corporate minutes, the Trustees may in addition, execute and acknowledge and instrument reciting the levy of the assessment with respect to any one or more lots and cause same to be recorded in the office of the Recorder of Deeds of Pittsburg County, Oklahoma, and the Trustees may, upon payment, cancel or release any one or more lots from the liability of assessment (as shown by recorded instrument) by executing, acknowledging and recording (at the expense of the owner of the property affected) a release of such assessment with respect to any lot or lots affected.
3. All rights, duties, powers, privileges and acts of every nature and descriptions which Trustees might execute or exercise under the terms of this indenture may be executed or exercised by a majority of said Trustees unless otherwise provided in this indenture.

ARTICLE VI - Organization (amended 07/2008)

1. There shall be three (3) Trustees elected by the membership at the annual meeting held June 8, 1985. One Trustee shall serve for a one-year term; one Trustee shall serve for a two-year term and one Trustee shall serve for a three-year term. Thereafter, one Trustee shall be elected each year to serve a three-year term. All Trustees shall represent Arrowhead Estates as a whole and are to be elected at large.

In the event a Trustee is unable to serve for any reason, then the remaining Trustees shall appoint a successor to serve until the next annual membership meeting at which time the general membership shall elect a successor to complete an unexpired term.

A. Qualifications to run for and serve as Trustee:

- 1) Must be a permanent, full-time resident of Arrowhead Estates;
- 2) Must be the lawful owner of their lot(s) in Arrowhead Estates;
- 3) Must be in compliance with all assessments for all lots owned in Arrowhead Estates;
- 4) Must not be related by blood or marriage to any other Trustee or election official within the Estates;
- 5) Must not have a felony conviction;
- 6) Must have no conviction of crimes of moral turpitude.

B. Nominations of candidates for Trustee are to be held at the April meeting of the property owners. The election will take place at the annual meeting in June.

2. There shall be an annual meeting of the lot owners at a convenient place in Pittsburg County, Oklahoma, for the purpose of electing Trustees, or for the transaction of such other business as may properly come before said meeting, on the second (2nd) Saturday in June of each year, beginning in the year 1985 and each year thereafter. In addition, there shall be a regular meeting held the second (2nd) Saturday in April and the second (2nd) Saturday in October for the purpose of transacting such business as may properly come before said meetings. Notice of the meetings shall

be given by insertion of a notice of the date, time and place in a newspaper circulated in Pittsburg County, Oklahoma, at least seven (7) days before the date of the meeting, or at the election of the Trustees, notice of said meeting may be had by mailing to each lot owner a letter setting forth the date, time and place of said meeting, by including the date, time and place of each meeting in the annual lot assessment notice letter and by posting the date, time and place of each meeting on the official web site. A quorum of the owners of one hundred twenty five (125) lots must be in attendance or represented by absentee ballot before any business can be transacted. An agenda for each meeting must be prepared by the Trustees and posted at the Arrowhead Estates Office, the Arrowhead Estates Fire Station and on the official web site at least three (3) days prior to each meeting.

3. Any lot owner who has failed to pay any assessment or work order due and payable shall not be entitled to vote at any annual, regular, or special meeting.
4. In any election of Trustees, or votes for any other office, or voting on agenda items, the owner of each lot shall be entitled to one (1) vote for each full lot owned, (and a fractional vote equal to the fraction of any additional lot owned). Vote(s) may be cast in person or by absentee ballot, but not both. If there is more than one candidate for a Trustee's position, the candidate receiving the most votes will be declared the winner.
 - A. An Election Committee consisting of five (5) members shall be formed to conduct elections for the position of Trustee of Arrowhead Estates and balloting on any amendment change to the covenants. Committee selection shall take place during the April meeting with members nominated and elected by simple majority of those property owners present.
 - 1) Qualifications for the Election Committee
 - a. Full time Arrowhead Estates resident.
 - b. Current on all assessments
 - c. Not related by blood or marriage to any current Trustee or a candidate for Trustee, or anyone holding any elected position within the Estates.
 - 2) Responsibilities of the Election Committee
 - a. Shall have access to a complete list of current property owners in Arrowhead Estates to assist in determining voting eligibility.
 - b. Shall create proper ballots to be used both for absentee voting and voting in person.
 - c. Will be responsible for the safety and security of all ballots at all times.
 - d. Will never reveal any results of individual lot owners voting at any time to anyone except in compliance with a lawful court order.
 - e. Will conduct the election, count the votes and post the results as soon as physically possible following the election.
 - g. Any other rules necessary for proper functioning of this Committee should be set by the Committee itself, but must not be inconsistent with these Covenants as amended.
 - 3) All candidates for Trustee shall have the right to have one (1) observer present in the room during the entire counting of the votes.
 - B. An election to recall a Trustee will require a petition of no less than one hundred (100) eligible voters. Once the petition has been presented to the current Election Committee, all signatures must be checked for validity. The Election Committee will present the petition, with just cause, to the Trustees with a request for a special election. Just cause would include, but not be limited to the following:
 - a. No longer fulfilling the requirements to serve
 - b. Missing more than two (2) consecutive official meetings for reasons other than health;
 - c. Misappropriation of funds.

Reason for recall must be on file in the Arrowhead Estates Office. Once the Trustees have determined the validity of the recall, they shall schedule a special election at either a regular or special meeting within forty-five (45) days to put the matter before the property owners for a vote. The Election Committee will conduct the special election according to election rules of these Amendments. The election will require a simple majority of those voting, by absentee

ballot or voting in person, to recall a Trustee. Should the recall be successful, the successor will be appointed by the remaining Trustees to serve until the next annual meeting at which time the property owners shall elect a successor to complete the unexpired term.

5. At each annual meeting, the Trustees shall render an accounting of all monies received, disbursed and held by them during and at the end of the preceding 12 month period running from July 1 through June 30 of each year.
6. The Trustees may call a special meeting of all owners to transact such business as the Trustees deem proper. In the event thirty (30) lot owners request in writing, that a special meeting be called for a stated purpose, then the Trustees must call a special meeting of the membership to be held within forty-five (45) days of submission of the written request for a special meeting. Notice of special meetings shall be given by insertion of a notice of the date, time and place in a newspaper circulated in Pittsburg County, Oklahoma, at least seven (7) days before the date of the meeting, by posting the date, time and place on the official web site and by mailing a post card to each owner stating the date, time and place of such meeting. A quorum of the owners of one hundred twenty five (125) lots must be in attendance or represented by absentee ballot before any business can be transacted. An agenda for each meeting must be prepared by the Trustees and posted at the Arrowhead Estates Office, the Arrowhead Estates Fire Station and on the official web site at least three (3) days prior to each meeting.

ARTICLE VII - Reservation of Expenditures (amended 07/1982)

The party of the First Part, Grantors, reserves the right to receive and retain any money consideration which may be refunded or allowed on account of any sums previously expended or subsequently provided by them for joint main sewers, gas pipes, water pipes, poles, wires, streets, street lights, roads, recording fees, subdivision fees and consultation fees, or any other fees, charges or expenses incurred with respect to the creation of the subdivision or subdivisions of the above-described tract.

ARTICLE VIII - Amendments

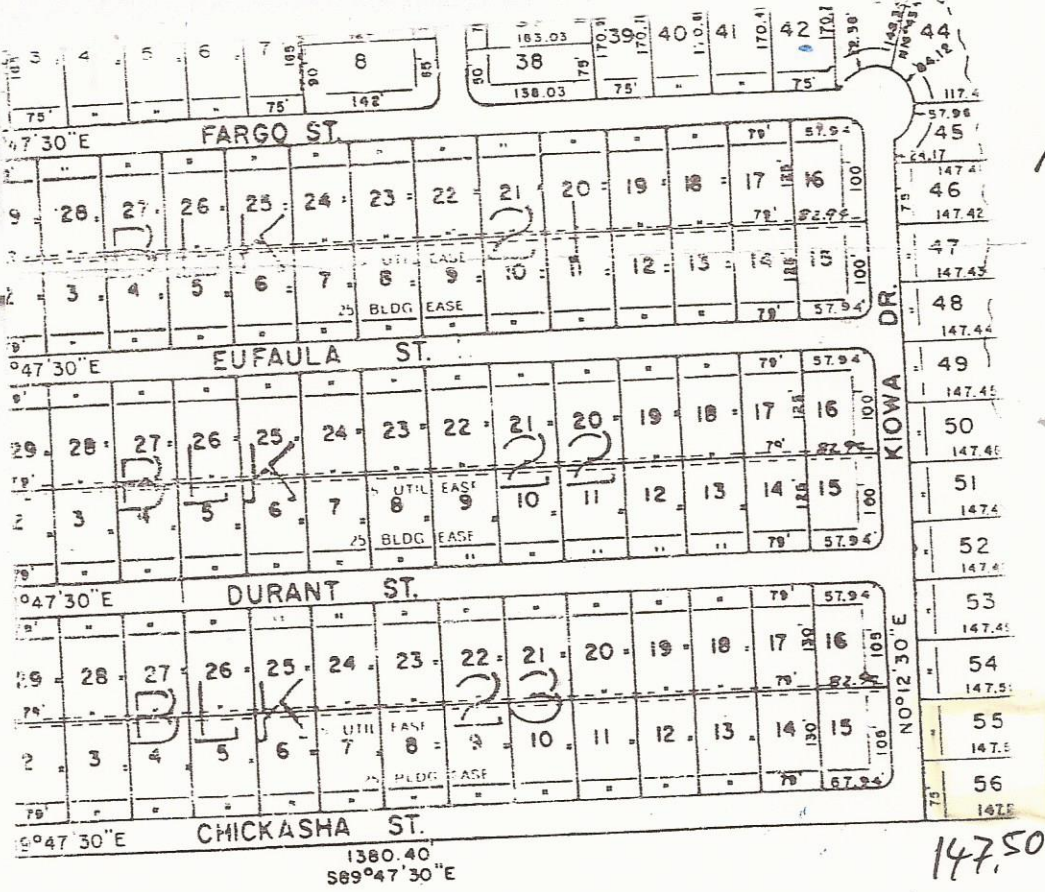
1. For and during the period of eight (8) years, commencing with the date hereof, the provisions of this indenture may be modified or amended by the joint and concurrent action of the Grantors and the Trustee hereunder. (expired 1990)
2. From and after eight (8) years from the date hereof, this indenture may be modified or amended by a vote of the owners of not less than fifty percent of the lots into which this tract may be subdivided from an additional eight years period. (expired 1998)
3. From and after May 1, 2007, this indenture may be modified or amended by a simple majority of those owners voting by either absentee ballot and/or ballot at a properly called homeowner's meeting, provided that owners of at least one hundred twenty-five (125) lots are in attendance or represented by absentee ballot at said meeting. (amended 06/2009)

ARTICLE IX (amended 07/1982)

It is a further condition of this agreement that, for a period of ten (10) years from the date hereof, the Grantors herein, its successors, grantees or assigns, shall, in the event any lot owner of any lots to be established by subdivision of all or any part of the above-described tracts is desirous of selling his lot or lots, have the first refusal of such and provided a bona fide contract of sale between such lot owner and prospective purchaser is tendered to said Grantors, its successors, grantees or assigns, for consideration. No transfer of any lot or parcel of land within this tract shall be valid or binding unless or until this conditions is complied with.

Grantors herein reserve the right unto themselves to establish commercial facilities on the lakefront or in any other part of the described tract.

***NOTE:** The above document was edited in October, 2009 to contain only the language that is currently in force and effect for easier reference. The full and official document containing all legal language beginning in 1973 is on file at the Pittsburg County Clerk's Office in McAlester, Oklahoma.



Arrowhead # I
Estates

ANNUAL UTILITY COSTS

PROPERTY ADDRESS:

2 Kiowa Dr, Canadine, OK 74425

MONTH	ELECTRIC	GAS	WATER
January	150. - 175.	N/A	35.00
February	100.		
March	100.		
April	100.		
May	100.		
June	150. - 175.		
July	150. - 175.		
August	175. - 200.		
September	150. - 175.		
October	100.		
November	100.		
December	150. - 175.		
Totals			

Average cost Per Month:

**TOTAL AVERAGE
MONTHLY COST OF
ALL UTILITIES:**

\$0.00