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SAWGRASS PARK AT BAILEY RANCH AMENDMENT TO DEED OF DEDICATION: RESTRICTIONS

STATE OF OKLAHOMA)

COUNTY OF TULSA)

Bailey Ranch Investment Group, L.L.C., an Oklahoma limited liability company (the "Developer"), being the sole owner of the following described real estate situated in the City of Owasso (the "City"), Tulsa County, Oklahoma:

A TRACT OF LAND LOCATED IN THE WEST HALF OF SECTION 17, T-21-N, R-14-E, CITY OF OWASSO, TULSA COUNTY, BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

COMMENCING at the Southwest Corner of said Section 17, THENCE N D1*10'19" W along the west line of said section a distance of 2822.90" to the POINT OF BEGINNING:

THENCE N 1°10'19" W, along the West line of said Section a distance of 1145.08' to the N.W. Corner, 51/2, NW 1/4; THENCE N 88'43'18" E, and along north line 5/2 NW/4 A DISTANCE OF 1478.05'; THENCE \$ 01" 16'42" E, a distance of 190.00'; THENCE \$ 88"43'18" W, a distance of 21.95'; THENCE S 01 * 16'42" E a distance of 97.81'; THENCE S 12 * 49'33" W a distance of 104.21'; THENCE S 77°10'27" E a distance of 165.00'; THENCE'S 12'49'33" W a distance of 35.83"; THENCE'S 77'10'27" E a distance of 115.00; THENCE'S 12"49"33" W a distance of 28.52"; THENCE SOUTH a distance of 69.49'; \$ 71*22'04" E a distance of 166.88'; THENCE \$ 20*05'07"W a distance of 0.00'; THENCE along a curve to the right having a radius of 325.00, an arc length of 6,86, a chord bearing of 5 20'41'25" W a distance of 6.86'; THENCE \$ 82"42'00" E a distance of 129.69'; THENCE \$ 04"53'03" W a distance of 41.88' THENCE S 21°50'55" E a distance of 152.69"; THENCE S 18°18'10" E a distance of 97.23; THENCE S 01'16'42" E a distance of 250.00; THENCE \$ 88'43'18" W a distance of 10.24; THENCE S 01 16'42" E a distance of 133.02; THENCE S 72 30'06" W, a distance of 326.63; THENCE N 7"50'21" W, a distance of 41.87; THENCE N 76"48'32" W, a distance of 157.28"; THENCE N 31°11'28" E, a distance of 0.00'; THENCE along a curve to the left, an arc distance of 41.28', a radius of 50,00°, and a chord of N 5'18'23" E, a distance of 41.15'; THENCE N 02'34'39" W, a distance of 17.98; THENCE S 85°25'21" W, a distance of 203.06'; THENCE N 41°07'38" W, a distance of 27.90'; THENCE 5 40"18'08" W. a distance of 302.15'; THENCE 5 78"00'02" W, a distance of 125.14'; THENCE N 46° 12'55" W, a distance of 161.40'; THENCE N 49' 22'05" W, a distance of : 219.77'; THENCE N 73*25'02" W, a distance of 398.26'; THENCE N 01*10'19" W, a distance of 9.19'; THENCE S 88" 49'41" W, a distance of 180.00'; THENCE S 01"16'42" E, a distance of 15.00'; THENCE 5 88'49'41" W, a distance of 190.03' to the POINT OF BEGINNING containing 53.24 acres more or

has caused the same to be engineered, surveyed, staked and platted into lots, blocks, streets and reserve areas in conformity to the plat and survey thereof filed herewith as Plat No. ***
which plat is made a part hereof (the "Plat"), and has caused the same to be named Sawgrass Park at Bailey Ranch, an Addition to the City of Owasso, Tulsa County, State of Oklahoma, according to the recorded Plat thereof (the "Addition").

WHEREAS, the Developer, as sole owner of the Addition, has caused that certain Deed of Dedication; Certain Restrictions containing paragraphs 1-10 (hereinafter "Deed of Dedication) for Sawgrass Park at Bailey Ranch to be filed simultaneously with the Plat: and

WHEREAS, the Developer, as sole owner of the Addition, desires to amend certain provisions in the Deed of Dedication for Sawgrass Park at Bailey Ranch before any lots are sold to the public.

NOW, THEREFORE, the Developer, as sole owner of the Addition, hereby amends Paragraphs 7 and 8 of the Deed of Dedication for Sawgrass Park at Bailey Ranch in their entirety to read as follows:

Developer's Reserved Rights.

- A. Inclusion in Property Owners Association. As a part of the development of the previous phases of the Bailey Ranch P.U.D., there has been created Bailey Ranch Homeowner's Association, Inc., an Oklahoma not-for-profit corporation (the "Association"). The owners of lots in the Addition shall be members of the Association and shall enjoy the rights and responsibilities of membership thereof, including (without limitation) access to all Reserve Areas owned by the Association, both in the Addition and in other phases within the Bailey Ranch P.U.D., all as governed by the formative documents of the Association.
- B. Binding Effect: All lawful acts of the Association made under and pursuant to its Certificate of Incorporation and By-Laws shall be binding upon the lots contained in the Addition and the owners thereof, subject to the Developers rights contained in this Deed of Dedication and the Declaration of Covenants, Conditions and Restrictions for Sawgrass Park at Bailey Ranch to be filed by the Developer and which are incorporated herein by reference. Membership in the Association shall consist of all owners of lots in the Addition and all owners of such additional property designated by the Developer.
- C. <u>Assessments</u>: Annual Assessments may be made by the Association on a per lot basis, all as more fully set forth in the Association governing documents and in the Declaration of Covenants, Conditions and Restrictions for Sawgrass Park at Bailey Ranch,
- D. Other Rights: Developer shall have the right and power to execute all documents and do all other acts and things affecting the Addition which Developer determines are necessary or desirable in connection with the rights of Developer under this Deed of Dedication, including the execution and filing of various covenants, conditions and restrictions for the Addition.
- 8. <u>Reserve Areas</u>. Areas designated on the Plat as Reserve Areas are hereby retained by the Developer for later conveyance to (a) the Association pursuant to a separate agreement containing conditions mutually acceptable to the Developer and the Association, or (b) to third parties in the event the transaction anticipated in such agreement between the Developer and the Association cannot be consummated. The Reserve Areas shall be used for the

purposes of providing green areas, proper visual screening of the Addition from surrounding areas, the construction and maintenance of any screening fence or wall deemed advisable by the Developer, and for such other purposes as may be described in the Declaration of Covenants, Conditions and Restrictions for Sawgrass Park at Bailey Ranch or as may be deemed advisable by the Developer and the Association. Certain Reserve Areas and Fence Easements (as described in paragraph 9 of the original Deed of Dedication) have also been designated as Utility Easements and may be used as such so long as such utility usage does not materially interfere with the Developer's intended use of such Reserve Area and/or Fence Easement.

The provisions herein constitute the entire amendment of the Deed of Dedication for Sawgrass Park at Bailey Ranch and the Developer hereby expressly reaffirms all remaining provisions of the Deed of Dedication for Sawgrass Park at Bailey Ranch as stated therein.

IN WITNESS WHEREOF, Bailey Ranch Investment Group, L.L.C., an Oklahoma limited liability company, hereby approves and executes the foregoing Amendment to Deed of Dedication; Restrictions this 28th day of December, 2001.

BAILEY RANCH INVESTMENT GROUP, L.L.C., an Oklahoma limited liability company

Pete Kourtis, Manager

STATE OF OKLAHOMA)

COUNTY OF TULSA

Before me, the undersigned, a Notary Public in and for said County and State, on this day of December, 2001, personally appeared Pete Kourtis, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Manager and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of such limited liability company for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.



