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CAPITOL ABSTRACT AND TITLE COMPANY
1608 N.W. EXPRESSWAY
OKLAHOMA CITY, OKLAHOMA 73118

DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS OF
AUBURN MEADOWS
A RESIDENTIAL SUBDIVISION TO THE
CITY OF OKLAHOMA CITY, OKLAHOMA

THIS DECLARATION, is made as of the 9th day of September, 2002, by Danforth Development L.L.C., a limited liability company, the Developer of Auburn Meadows Subdivision, hereinafter referred to as "Declarant."

WITNESSETH

WHEREAS, Declarant is the owner of certain real estate located in the City of Oklahoma City, Oklahoma County, State of Oklahoma, consisting of portions of the Southwest Quarter (SW/4) of Section 29, Township 14 North, Range 3 West of the Indian Meridian, Oklahoma County, Oklahoma, as more specifically described on Exhibit "B" hereto, which property has been, or will be in the future, platted into blocks, lots, streets and easements, under the name of Auburn Meadows (with later additions to be annexed thereto) as more particularly described in the Plat filed and/or Plats to be filed for said subdivision, including as part thereof permanent open areas, community pool, buildings and structures erected or to be erected thereon, common areas and other common facilities for the benefit of this particular community;

WHEREAS, Declarant expressly declares its intention to develop Auburn Meadows and all additions thereto as a single family and duplex residential development within the provisions of 60 Okla. Stat. §§ 851 through 855, inclusive, in order to insure the management, maintenance, preservation, improvement and control of commonly owned areas or any portion of or interest in them and to enforce all mutual, common or reciprocal interests in or restrictions upon all portions of such separately owned lots, parcels or areas, and to establish an entity and agency for such purpose and, in addition, to collect and disburse the assessments and charges hereinafter created.

WHEREAS, there was incorporated on the 5th day of September, 2002, under the laws of the State of Oklahoma, as a non-profit corporation, an entity known as Auburn Meadows Owners Association, Inc. for the purpose of exercising the aforementioned functions.

NOW, THEREFORE, Declarant states and hereby declares that the real property described on the Plat appended hereto is and shall be held, sold, conveyed and occupied subject to the conditions, covenants, restrictions, dedications, easements, charges and liens (the "Covenants") hereinafter set forth, together with any additional property as may by subsequent amendment or declaration be added to and subjected to these Covenants, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the real property. These Covenants shall run with the real property and shall be binding upon, and inure to the benefit of, Declarant and its successors in title, and any and all parties having or acquiring any right, title or interest in the property. All of the areas in Auburn Meadows, and all additions annexed thereto which are zoned and platted by the Declarant for single family and duplex residential use, which are not separately owned lots, shall be owned in common by the owners of the separately owned lots, parcels or areas. In the original Plat appended hereto, the Common Area shall consist of Block A, as well as the community fence and rights away appurtenant to Auburn Meadow Drive and the masonry fence appurtenant to the entrance on NW 178th Street.

ARTICLE 1
DEFINITIONS

The following words, when used in this Declaration or any Supplemental or Amended Declaration (unless otherwise apparent from the context and/or as otherwise defined), shall have the following meanings:

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Filing Fee \$65.00
Documentary Tax \$0.00
State of Oklahoma

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1.1 "Assessments" shall mean that portion of the cost of maintaining, improving, repairing, insuring, operating and managing the Property which is to be paid by each separate Owner as determined by the Association, these Covenants and the By-Laws.

1.2 "Association" shall mean and refer to Auburn Meadows Owners Association, Inc., a non-profit corporation to be incorporated under the laws of the State of Oklahoma, its successors and assigns.

1.3 "Board" shall mean the Board of Managers of the Association.

1.4 "Builder" shall mean a person or entity who has purchased, or contracted with Declarant to purchase, a Lot or Lots for the purpose of construction of a residence for sale to a third party.

1.5 "By-Laws" shall mean and refer to the By-Laws of the Association, as such By-Laws may be amended from time to time. The original By-Laws are appended hereto as Exhibit "C".

1.6 "Common Areas" mean and include all of the area on the Plat(s), filed and to be filed, not included in the numerically identified lots to be separately owned, whether improved or unimproved, which are owned, leased or controlled by the Association for the common use and enjoyment of Members of the Association, including the community pool facility. Provided, the Common Areas consisting of Blocks B and C, the private streets and the entry and exit gates within The Villas At Auburn Meadows, as depicted on the Plat of Auburn Meadows Sec. 2, shall be common only to the Owners of the Lots within The Villas At Auburn Meadows.

1.7 "Common Expenses" means and includes:

1.7.1 Expenses of administration, maintenance, repair or replacement of the Common Areas and improvements thereon. Provided, The Villas At Auburn Meadows Expenses, as defined herein, shall be common to, and assessable against, only the Owners of Lots within The Villas At Auburn Meadows.

1.7.2 Expenses agreed upon as common by all the separate Owners or declared common by provisions of the By-Laws.

1.8 "Common profit" means the balance of all income, rents, profits and revenues from the Common Areas and Association dues and Assessments remaining after the deduction of the common expenses.

1.9 "Duplex" or "duplex residence" shall mean a single residential structure divided and separated by a common wall into two separate single family residences.

1.10 "Lot" shall mean any one of the separately identified parcels of real property, numerically described and designated as a Lot on the Plat appended as Exhibit "A".

1.11 "Member" shall mean and refer to an owner of a Lot, a Builder and Declarant. All owners other than Class B Members and the Declarant, are Class A Members. Owners of Lots within The Villas At Auburn Meadows shall be Class A Members of the Association, notwithstanding such Owners shall also be Members of a separate association for The Villas At Auburn Meadows.

1.12 "Owner(s)" shall mean the record owner, whether one or more persons or entities, of legal title to any Lot which is or may become a part of the Property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation. Each Owner shall be a Member of the Association.

1.13 "Plat" shall mean each and every Plat filed by the Declarant and recorded in the records of the County Clerk of Oklahoma County, Oklahoma, which covers all or any portion of the Property. The original Plat is appended hereto as Exhibit "A".

1.14 "Property" means and includes the real property described in the Plat, and all such additions and annexations thereto and all other real property which may be zoned and platted by Declarant for single family and duplex residential purposes within, or appurtenant to, the said Southwest Quarter (SW/4) of Section 29, which is annexed to the above-described property and/or brought within the jurisdiction of and subject to assessment by the Association by declaration of the Declarant, or Declarant's successor or assign.

1.15 "Residence" shall mean an improvement constructed for occupancy by a single family located on one Lot. Each Residence shall be constructed in conformity with the architectural and design standards set forth herein or in the By-Laws appended hereto.

1.16 "Residential Use" shall mean the occupation or use of a Residence in conformity with this Declaration and the requirements imposed by applicable zoning laws or other state, county or municipal rules and regulations.

1.17 "Single Family" shall mean one or more persons each related to the other by blood, marriage, legal adoption or legal guardianship, or a group of not more than three persons not all so related, who maintain a common household in a Residence. Single Family shall also include domestic servants who maintain a common household in a Residence.

1.18 "The Villas At Auburn Meadows" shall mean that portion of the Property platted or to be platted as Auburn Meadows Sec. 2, consisting of a gated and controlled access portion of the Property.

1.19 "The Villas At Auburn Meadows Expenses" shall mean the separate and additional common expenses and assessments associated with the maintenance peculiar and unique to The Villas At Auburn Meadows, inclusive of all costs for the administration, insurance, maintenance, repair or replacement of Common Areas B and C and the improvements located thereon, the private streets located solely within The Villas At Auburn Meadows (being Arbor Lane and NW 179th Street), the entry and exit gate, as well as maintenance associated with the lawns and shrubbery on the Lots located within The Villas At Auburn Meadows. The Villas At Auburn Meadows Expenses shall be common to, assessed against, and paid by, the Members of The Villas At Auburn Meadows Owners Association.

Provided, it is Declarant's intent that Common Area D, as described on the Plat of Auburn Meadows Sec. 2, as well as the community fence appurtenant to Auburn Meadow Drive, the masonry wall appurtenant to NW 178th Street, and the right of ways appurtenant to Auburn Meadows Drive shall be common to all Members of the Association. As such, the expenses associated with maintenance of such Common Areas, including lawn maintenance and landscaping, shall be a Common Expense of the Association, notwithstanding said Common Areas and rights of way are platted as part of Auburn Meadows Sec. 2.

ARTICLE 2 **FUTURE INTENT**

2.1 **Future Additions.** Although this Declaration describes only the real property depicted on the original Plat of Auburn Meadows, appended as Exhibit "A", it is the intention of the Declarant to cause additional declarations to be filed with respect to other property located within or appurtenant to the Southwest Quarter (SW/4) of said Section 29, which additional declarations will be complementary hereto or shall incorporate these Covenants. The future declarations will provide that the Owners of the Lots in such additions shall be Class A Members of the Association. Builders shall be Class B Members of the Association. The Declarant, its successors or assigns, will continue as the sole Class C Member of the Association. Such future declarations shall also describe and convey any additional Common Areas to be

