

Renaissance Properties

P.O. Box 106 Skiatook, OK 74070-0106

off 918-396-3968 fax 396-396-1273

Questions?... kenny@renprop.biz

THE ORCHARDS ESTATES

TOWN OF SKIATOOK

OSAGE COUNTY, STATE OF OKLAHOMA

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THE ORCHARDS ESTATES IS AN AREA OF DISTINCTIVE LANDSCAPE AND NATURAL BEAUTY. IT IS THE DESIRE AND INTENT OF THE DEVELOPER TO CREATE A COMMUNITY IN WHICH SUCH BEAUTY SHALL BE SUBSTANTIALLY PRESERVED AND ENHANCED BY THE CREATION AND ENFORCEMENT OF DEVELOPMENT STANDARDS.

THE DEVELOPER, DESIRING TO ESTABLISH A COMPATIBLE SYSTEM OF DEVELOPMENT AND PRESERVE THE CHARACTER OF THE ORCHARDS ESTATES, DOES HEREBY DECLARE AND ESTABLISH THE FOLLOWING RESTRICTIONS, CONDITIONS AND PROTECTIVE COVENANTS, TO WHICH ALL PROPERTIES IN THIS ADDITION ARE SUBJECT:

LOT USE. PREMISES ARE CONVEYED AND SHALL BE USED ONLY FOR RESIDENTIAL SINGLE - FAMILY PURPOSES. NO LOT SHALL BE USED FOR ANY BUSINESS, COMMERCIAL OR MANUFACTURING PURPOSE. NO LOT MAY BE SUBDIVIDED TO ACCOMMODATE TWO OR MORE SEPARATE OWNERS OR DWELLINGS. NO STRUCTURE SHALL BE PLACED, ALTERED, ERECTED OR PERMITTED TO REMAIN ON ANY LOT WHICH EXCEEDS TWO (2) STORIES IN HEIGHT. NO DWELLING MAY BE MOVED INTO THE ORCHARDS ESTATES.

DWELLING. NO STRUCTURE OF A TEMPORARY CHARACTER MAY BE USED AS A RESIDENCE. NO MOBILE HOME SHALL BE MOVED INTO OR BE PRESENT IN THE ORCHARDS ESTATES. UNLESS WAIVED BY THE DEVELOPER IN WRITING, THE FOLLOWING STANDARDS SHALL APPLY TO ALL DWELLINGS IN THE ADDITION.

DWELLING SIZE. ALL DWELLINGS SHALL HAVE A MINIMUM LIVING SPACE OF AT LEAST SIXTEEN HUNDRED **(1,600) SQUARE FEET**. SQUARE FOOTAGE SHALL BE COMPUTED ON MEASUREMENTS OVER FRAME OF THE LIVING SPACE EXCLUSIVE OF PORCHES

MEASUREMENTS OVER THE ENTIRE OF THE FINISHED GRADE EXCEPT FOR PORCHES, PATIOS, AND GARAGES.

MASONRY. ALL DWELLINGS SHALL HAVE AT LEAST **FIFTY PERCENT (50%)** OF THE EXTERIOR WALLS THEREOF COMPRISED OF **STUCCO, BRICK OR STONE**; PROVIDED, HOWEVER, THAT THE AREA OF ALL WINDOWS AND DOORS LOCATED IN THE EXTERIOR WALLS SHALL BE EXCLUDED IN THE DETERMINATION ON THE AREA OF SAID EXTERIOR WALLS. IN ALL CASES, THE MASONRY SHALL EXTEND TO THE GROUND LINE, WHEREBY THE FOUNDATION SHALL BE CONCEALED. ANY DEVIATION OF EXTERIOR CONSTRUCTION MATERIALS SHALL BE PERMITTED ONLY UPON THE WRITTEN CONSENT OF THE DEVELOPER.

GARAGES. ALL DWELLINGS SHALL HAVE ATTACHED OR UNATTACHED GARAGES SUITABLE FOR ACCOMMODATING A **MINIMUM OF TWO (2)** STANDARD SIZE AUTOMOBILES. ALL GARAGES SHALL BE ACCESSED BY AN OVERHEAD GARAGE DOOR. NO GLASS, PLASTIC OR OTHER TRANSPARENT MATERIAL SHALL BE PERMITTED FOR USE IN OVERHEAD GARAGE DOOR. NO GARAGES SHALL BE LARGER THAN ACCOMMODATIONS FOR THREE (3) STANDARD SIZE AUTOMOBILES.

DRIVEWAYS, SIDEWALKS. ALL DRIVEWAYS INTO A LOT FROM ANY STREET SHALL BE CONSTRUCTED OF **CONCRETE** AND SHALL NOT BE LESS THAN **EIGHTEEN (18)** FEET IN WIDTH, **AND FLANKED WITH HEADWALLS** CONSTRUCTED OF BRICK, STONE OR STUCCO. HEADWALLS TO MEASURE **EIGHT FEET (8')** IN LENGTH, **ONE FOOT (1')** IN HEIGHT ABOVE FINISHED STREET LEVEL AND CENTERED OVER DITCH LINE. **FOUR FOOT (4') WIDE CONCRETE SIDEWALKS** ARE TO BE INSTALLED ALONG THE STREET FRONTAGE OF EACH LOT. SIDEWALKS SHALL BE **SIX INCHES (6")** INSIDE THE **PROPERTY LINE** OF EACH LOT FROM THE DEDICATED STREET RIGHT-OF-WAY IN ACCORDANCE WITH THE ORCHARDS ESTATES STREET CONSTRUCTION PLANS AND ARE TO BE INSTALLED BY THE LOT OWNER PRIOR TO THE COMPLETION OF THE DWELLING.

MAILBOXES, YARD LAMPS. **ALL MAILBOXES AND YARD LAMPS WILL BE OF A UNIFORM TYPE AND COLOR, (PATINA GREEN ORNAMENTAL ALUMINUM)** PREVIOUSLY CHOSEN FOR THE DEVELOPMENT AND AVAILABLE THROUGH THE DEVELOPER. **YARD LAMPS ARE TO BE TO THE CENTER OF LOT, SET BACK A DISTANCE OF 25' (55' FROM CENTER LINE OF STREET) FROM FRONT PROPERTY LINE.**

ROOF PITCH AND EXTERIOR SIDING. THE ROOF OF THE DWELLING SHALL HAVE A PITCH OF AT LEAST **7/12 OVER SEVENTY-FIVE PERCENT (75%)** OF THE TOTAL ROOF AREA, AND NONE OF THE ROOF AREA SHALL HAVE A PITCH OF **LESS THAN 4/12**. THE ROOF MUST BE **LAMINATED, HERITAGE II SHINGLES, OR EQUAL TO, GREY TO BLACK BLEND** IN COLOR. EXTERIOR **SIDING SHALL BE HORIZONTAL** WOOD OR APPROVED PRE-MANUFACTURED CLAP BOARD WITH A **MAXIMUM WIDTH OF EIGHT INCHES (8")** TO THE WEATHER. **VINYL AND ALUMINUM SIDING ARE PROHIBITED** WITHOUT THE CONSENT OF THE ARCHITECTURAL COMMITTEE.

SODDING; LANDSCAPING. THE ENTIRE YARD OF EACH LOT MUST BE **FULLY SODDED (100% OF TOTAL YARD)** AND HAVE A **PROFESSIONALLY DESIGNED LANDSCAPE PACKAGE** IN THE FRONT YARD PRIOR TO COMPLETION. **TWO (2) ORNAMENTAL**

BRADFORD PEAR TREES WITH A MINIMUM HEIGHT OF SIX FEET (6') TO EIGHT (8') (1½" to 2") SHALL BE PLANTED A DISTANCE OF FIFTEEN (15') BACK FROM FRONT PROPERTY LINE (45' FROM CENTER LINE OF STREET) AND SPACED AS EQUALLY AS POSSIBLE ACROSS FRONT OF LOT. CORNER LOTS SHALL PLANT TWO (2) TREES ON THE FRONT AND TWO (2) ON THE SIDE OF THE LOT FACING STREET. LOTS WITH LESS THAN SEVENTY-FIVE (75') OF LOT FRONTAGE SHALL BE THE EXCEPTION, WHERE ONE TREE SHALL BE PLANTED.

ARCHITECTURAL COMMITTEE, APPROVAL OF PLANS. THE ARCHITECTURAL COMMITTEE SHALL BE COMPRISED OF RENAISSANCE PROPERTIES, INC., KENNY JONES, AND DONNA CHERYL JONES OR THEIR DULY AUTHORIZED REPRESENTATIVES, OR SUCCESSORS. **NO BUILDING SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT IN THE ORCHARDS ESTATES UNTIL THE BUILDING PLANS SPECIFICATIONS AND PLOT PLAN HAVE BEEN APPROVED IN WRITING BY A MAJORITY OF THE ARCHITECTURAL COMMITTEE,** WHICH RESERVES POWER TO CONTROL THE BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS PLACED ON EACH LOT, AS WELL AS TO MAKE SUCH EXCEPTIONS TO THESE COVENANTS AS THE COMMITTEE SHALL DEEM NECESSARY AND PROPER. IN ITS REVIEW OF PLANS OR CONSIDERATION OF ANY REQUEST FOR WAIVER HEREIN AUTHORIZED, THE COMMITTEE 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 CONSTRUCTED, AND THE HARMONY THEREOF WITH THE SURROUNDING AREA.

CODE COMPLIANCE. THE APPROVAL, OR FAILURE TO APPROVE OF ANY BUILDING PLANS SHALL NOT BE DEEMED A WAIVER OF ANY RESTRICTIONS, UNLESS THE DEVELOPER IS HEREIN AUTHORIZED TO GRANT THE WAIVER.

NO RESIDENCE, ACCESSORY STRUCTURE, FENCE, WALL OR MAILBOX SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT IN THE ADDITION UNTIL THE PLANS AND SPECIFICATIONS THEREOF HAVE BEEN APPROVED IN WRITING BY THE DEVELOPER.

THE REQUIRED PLANS AND SPECIFICATIONS SHALL BE SUBMITTED TO THE DEVELOPER IN DUPLICATE AND SHALL HAVE THE FOLLOWING EXHIBITS ATTACHED THERETO.

SITE PLAN SHOWING THE LOCATION AND ORIENTATION OF ALL IMPROVEMENTS;

B. FULL WORKING DRAWINGS WITH FLOOR PLAN AND ALL ELEVATIONS,

SPECIFICATIONS IDENTIFYING ALL EXTERIOR MATERIALS TO BE USED. SUBMISSION OF THE COLOR SCHEME FOR ALL EXTERIOR MATERIALS MAY BE DEFERRED UNTIL SUCH TIME AS IS AT LEAST TEN (10) DAYS PRIOR TO APPLICATION OF SAID MATERIALS;

D. IN THE EVENT THE DEVELOPER FAILS TO APPROVE AND SUCH PLANS, SPECIFICATIONS, COLOR SCHEME, DETAILS AND SITE PLANS SUBMITTED TO IT AS HEREIN REQUIRED WITHIN 10 DAYS OF SUCH SUBMISSION, ALL COVENANTS SHALL BE DEEMED TO BE FULLY COMPLIED WITH.

4. OUTBUILDINGS. OUTBUILDINGS MAY BE ERECTED ON ANY LOT, PROVIDED THEY ARE **ARCHITECTURALLY COMPATIBLE WITH THE DWELLING AND ARE APPROVED BY THE ARCHITECTURAL REVIEW COMMITTEE** PRIOR TO CONSTRUCTION. OUTBUILDINGS SHALL INCLUDE ANY ENCLOSED OR COVERED STRUCTURE NOT DIRECTLY ATTACHED TO THE RESIDENCE AND APPURTENANT THERETO, PROVIDED THE ARCHITECTURAL COMMITTEE MAY WAIVE THIS RESTRICTION IN THE PARTICULAR INSTANCE. ALL OUTBUILDINGS SHALL COMPLY WITH THE BUILDING CODE OF THE TOWN OF SKIATOOK.

FENCES. NO FENCE OR WALL SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT **NEARER THAN FIFTEEN FEET (15') TO THE MINIMUM SET-BACK LINES** ESTABLISHED HEREIN. NO FENCE SHALL BE ERECTED ON ANY LOT **CLOSER TO ANY STREET THAN THE MAIN STRUCTURE** WITHOUT THE WRITTEN APPROVAL OF THE DEVELOPER. ALL FENCES SHALL BE A COMBINATION OF WOOD, BRICK, OR "TREATED ROUND WOOD POSTS AND RAIL WITH CHAIN-LINK". NO WOODEN PRIVACY FENCE SHALL EXCEED SIX FEET (6') IN HEIGHT, AND "TREATED ROUND WOOD POSTS AND RAIL WITH CHAIN-LINK" FENCES SHALL NOT EXCEED FOUR FEET (4') IN HEIGHT.

ANIMALS. NO ANIMALS, LIVESTOCK, OR POULTRY OF ANY KIND SHALL BE KEPT ON ANY LOT EXCEPT FOR A TOTAL OF THREE (3) HOUSEHOLD PETS AND THE SUCKLING YOUNG OF SAID ANIMALS, PROVIDED THAT NO MORE THAN TWO (2) ADULT DOGS SHALL BE MAINTAINED ON ANY LOT. ANIMALS SHALL NOT BE KEPT, BRED OR MAINTAINED FOR ANY COMMERCIAL PURPOSES AND SHALL NOT BE PERMITTED ON ANY LOT WHICH DOES NOT CONTAIN A DWELLING BEING USED AS A RESIDENCE. ALL ANIMALS MUST BE FENCED IN OR KEPT ON A LEASH. ANIMAL SHELTERS SHALL BE SCREENED FROM VIEW FROM ANY STREET UNLESS BUILT IN CONFORMITY TO THE REQUIREMENT FOR OUTBUILDINGS HEREIN.

STORAGE. NO OUTSIDE STORAGE OR KEEPING OF BUILDING MATERIALS, TRACTORS, MOWERS, EQUIPMENT, IMPLEMENTS OR SALVAGE SHALL BE PERMITTED. BUILDING MATERIALS MAY BE STORED FOR A PERIOD OF THIRTY (30) DAYS PRIOR TO THE START OF CONSTRUCTION. CONSTRUCTION SHALL BE COMPLETED WITHIN NINE (9) MONTHS AFTER THE POURING OF THE FOOTING.

VEHICLES, MOTORCYCLES. NO VEHICLE, MOTORCYCLE, MOTOR BIKE, CAMPER, TRAILER OR BOAT, WHETHER OR NOT OPERABLE, (COLLECTIVELY REFERRED TO AS "VEHICLES") SHALL BE KEPT, PARKED, STOOD OR STORED FOR MORE THAN FORTY-EIGHT (48) HOURS DURING ANY SEVENTY-TWO (72) HOUR PERIOD, EXCEPT IN A GARAGE OR SCREENED FROM VIEW IN THE REAR YARD. RESIDENTS' VEHICLES SHALL NOT BE PARKED OR STOOD IN ANY STREET.

ANTENNAE. NO TELEVISION, RADIO, OR OTHER ANTENNAE OR RECEPTION DEVICES SHALL BE CONSTRUCTED OR MAINTAINED ON ANY LOT, EXCEPT SATELLITE DISHES WHICH SHALL BE **ATTACHED TO DWELLING AND NO LARGER THAN TWENTY-FOUR INCHES (24") IN DIAMETER. WHEN POSSIBLE SHALL BE SCREENED FROM VIEW OF THE STREET.**

SIGNS. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT, EXCEPT ONE SIGN OF NOT MORE THAN FIVE (5) SQUARE FEET ADVERTISING THE SALE OR RENT OF SAID PROPERTY. OR SIGNS USED FOR THE PURPOSE OF CAMPAIGNING

FOR A RESULT IN ANY POLITICAL ELECTION OR ISSUE OR BY THE DEVELOPER OR BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD, UNLESS APPROVED IN WRITING BY THE DEVELOPER.

SET-BACK LINES. NO BUILDING, OUTBUILDINGS, STRUCTURES, OR PARTS THEREOF SHALL BE CONSTRUCTED OR MAINTAINED ON LOTS NEARER TO THE PROPERTY LINES THAN THE SET-BACK LINES PROVIDED HEREIN OR SHOWN ON THE ACCOMPANYING PLAT. UNLESS OTHERWISE PROVIDED BY EASEMENT OR SET-BACK LINES SHOWN ON THE ACCOMPANYING PLAT, THE MINIMUM BUILDING SET-BACK LINES FOR DWELLINGS OR OTHER OUTBUILDING STRUCTURES SHALL BE:

FRONT YARD: 35 FEET

SIDE YARD: 5 FEET

OTHER SIDE YARD: 10 FEET

BACK YARD: 25 FEET

ON ALL LOTS WHERE THERE IS BOTH A THIRTY-FIVE FOOT SET-BACK LINE AND FIFTEEN FOOT SET-BACK LINE ADJACENT TO A PUBLIC STREET, THE PORTION OF THE LOT CONTAINING THE THIRTY-FIVE FOOT SET-BACK SHALL BE CONSIDERED THE FRONT YARD AND THE DWELLING SHALL FACE THIS PORTION OF THE LOT. THE FRONT BUILDING SET-BACK LINE ON ALL LOTS SHALL BE 35 FEET.

SANITARY DISPOSAL. NO OUTSIDE TOILETS SHALL BE ALLOWED IN THE ORCHARDS ESTATES AND ALL SANITARY ARRANGEMENTS MUST COMPLY WITH LOCAL AND STATE HEALTH REQUIREMENTS.

13. WASTE. NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, GARBAGE OR OTHER WASTES. ALL WASTE SHALL BE KEPT IN SANITARY CONTAINERS AND ALL EQUIPMENT FOR STORAGE OR DISPOSAL OF SUCH MATERIAL AND ALL LOTS SHALL BE KEPT IN A CLEAN, NEAT AND ORDERLY MANNER. LOTS AND ALL EASEMENTS THEREON SHALL BE KEPT CLEAN, NEAT AND MOWED TO THE STREET. ALL WASTE CONTAINERS MUST BE REMOVED FROM THE CURBSIDE AND SCREENED FROM ROADWAY VIEW WITHIN EIGHTEEN (18) HOURS AFTER REFUSE COLLECTION VEHICLES EMPTY THE CONTAINERS.

NUISANCE. NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED ON UPON ANY LOT. NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE ORCHARDS ESTATES.

COMPLIANCE WITH CODE. ALL LOTS ARE SUBJECT TO THE USES, RESTRICTIONS AND REQUIREMENTS OF THE CODE OF THE TOWN OF SKIATOOK.

ENFORCEMENT. ENFORCEMENT TO RESTRAIN OR TO RECOVER DAMAGES FOR VIOLATION OF THE COVENANTS MAY BE BROUGHT BY THE DEVELOPER OR AN OWNER OF ANY LOT OR HAVING ANY INTEREST THEREIN, WHETHER ACTING JOINTLY OR SEVERALLY THE DEVELOPER AND THE ORCHARDS ESTATES ASSOCIATION SHALL

NOT BE OBLIGATED TO ENFORCE ANY COVENANT OR RESTRICTION THROUGH LEGAL PROCESSING OR OTHERWISE.

REMEDIES. IF ANY PERSON SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS, CONDITIONS OR RESTRICTIONS HEREIN, ANY PERSON OWNING ANY REAL PROPERTY IN THE ORCHARDS ESTATES SHALL HAVE STANDING TO PROSECUTE ANY PROCEEDINGS AT LAW OR IN EQUITY AGAINST THE PERSON VIOLATING THE SAME TO PREVENT THE VIOLATION OR TO RECOVER DAMAGES FOR SUCH VIOLATION IN ANY ACTION BROUGHT TO ENFORCE ANY PROVISION HEREOF. THE DEVELOPER OR THE ASSOCIATION, IF THE PREVAILING PARTY, SHALL BE ENTITLED TO AN AWARD OF ATTORNEYS FEES TO BE TAXED AS COSTS.

NO WAIVER. THE FAILURE OF THE GRANTOR, OR ANY SUCCESSOR IN TITLE, TO ENFORCE ANY GIVEN RESTRICTION OR COVENANT, OR CONDITION AT ANY TIME, SHALL NOT BE DEEMED TO BE A WAIVER OR RELINQUISHMENT OF ANY RIGHT OR REMEDY, NOR A MODIFICATION OF THESE RESTRICTIONS AND PROTECTIVE COVENANTS.

SEVERABILITY. INVALIDATION OF ANY ONE OF THESE COVENANTS, RESTRICTIONS OR CONDITIONS SHALL NOT AFFECT ANY OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

BINDING EFFECT, AMENDMENTS. THESE CONDITIONS AND RESTRICTIONS ARE TO RUN WITH THE LAND, AND SHALL BE BINDING UPON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM; PROVIDED, HOWEVER, THEY MAY BE AMENDED BY THE OWNERS OF A MAJORITY OF THE LOTS OF THE ORCHARDS ESTATES, WHICH AMENDMENT SHALL BE EFFECTIVE UPON RECORDING IN THE RECORDS OF THE OSAGE COUNTY CLERK.



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