

**AMENDMENT TO DEED OF DEDICATION AND RESTRICTIVE COVENANTS OF THE  
PARK AT ALBANY**

KNOW ALL MEN BY THESE PRESENTS:

**WHEREAS**, SCISSORTAIL CROSSING APARTMENTS LIMITED PARTNERSHIP, an Oklahoma limited partnership, is the owner of Lot 1, Block 1, THE PARK AT ALBANY, A SUBDIVISION IN THE CITY OF BROKEN ARROW, WAGONER COUNTY, OKLAHOMA, PUD NO. 217, being a part of the SW/4 of Section 31, Township 19 North, Range 15 East, Wagoner County, Oklahoma;

And

**WHEREAS**, on December 13, 2013, the Deed of Dedication and Restrictive Covenants were filed in the Wagoner County Court House in Book 2128 at Page 38, et seq., covering the subdivision;

And

**WHEREAS**, all real property in THE PARK AT ALBANY since December 13, 2013, has been under Restrictive Covenants created in the Deed of Dedication and Restrictive Covenants;

And

**WHEREAS**, Paragraph III (c) provides for Amendments to said as follows:

The covenants contained within Section I. Easement and Utilities may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the land to which the amendment or termination is to be applicable. The covenants contained within Section II. Planned Unit Development Restrictions, may be amended or terminated at any time by a written instrument signed and acknowledged by the owner of the land to which the amendment or termination is to be applicable. The provisions of any instrument amending or terminating covenants as above set forth shall be effective from and after the date it is properly recorded.

And

**WHEREAS**, SCISSORTAIL CROSSING APARTMENTS LIMITED PARTNERSHIP, an Oklahoma limited partnership, is the owner of Lot 1, Block 1, THE PARK AT ALBANY, being the only lot in said subdivision, and is therefore the owner of 100% of the Lots in said subdivision.

**NOW THEREFORE**, Let it be known that the restrictive covenants contained in the Deed of Dedication are amended and modified to read:

**I. EASEMENTS AND UTILITIES**

**B. Underground Electric and Communication Service**


1. Overhead poles for the supply of electric and communications service may be located along the West and North boundaries in the addition. Street light poles or standards may be served by underground cable, and elsewhere throughout the Subdivision all supply lines shall be located underground, in the easement-ways reserved for general utility services and public streets, as depicted on the Plat. Service pedestals and transformers, as sources of supply at secondary voltages, may also be located in easement-ways.

In all other respects the original covenants shall remain in full force and effect.


Witness my hand this 12<sup>th</sup> day of August, 2016.

SCISSORTAIL CROSSING APARTMENTS LIMITED PARTNERSHIP,  
an Oklahoma limited partnership

By: CASE EQUITIES CORP  
An Oklahoma Corporation  
Its General Partner

By:   
Mike D. Case, President

AGENT:  
CASE & ASSOCIATES PROPERTIES, INC.  
An Oklahoma Corporation

By:   
Mike D. Case, Chairman/CEO

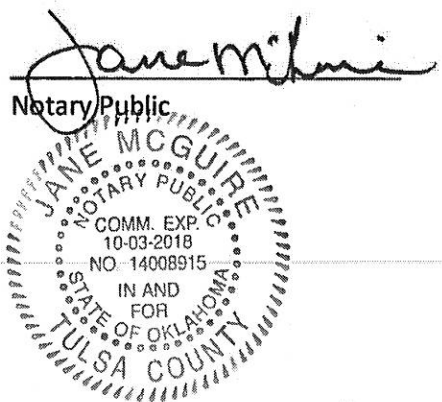
STATE OF OKLAHOMA )

COUNTY OF TULSA )  
 )  
 )SS

Before me, the undersigned, a Notary Public in and for said County and State, on this 12<sup>th</sup> day of August, 2016, personally appeared Mike D. Case, to me known to be the identical person who subscribed the name of the maker to the foregoing instrument as President of Case Equities Corp. and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes set forth therein.

WITNESS my hand and seal on the day and year last above written.

(SEAL)  
My Commission Expires: 10/3/2018  
My Commission Number: 14008915

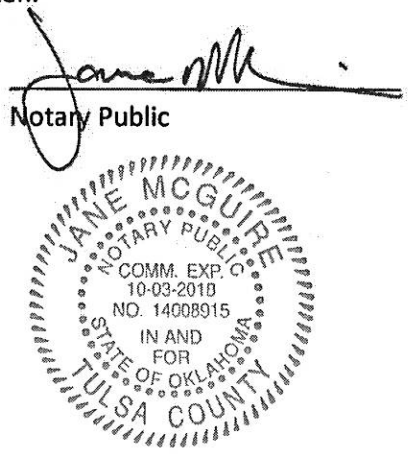


STATE OF OKLAHOMA )  
 )SS  
COUNTY OF TULSA )

Before me, the undersigned, a Notary Public in and for said County and State, on this 12<sup>th</sup> day of August, 2016, personally appeared Mike D. Case, to me known to be the identical person who subscribed the name of the maker to the foregoing instrument as Chairman/CEO of Case & Associates, Inc. and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes set forth therein.

WITNESS my hand and seal on the day and year last above written.

(SEAL)  
My Commission Expires: 10/3/2018  
My Commission Number: 14008915



**ACCEPTANCE BY THE CITY OF BROKEN ARROW**

The foregoing Amended Covenants of The Park At Albany was heard and approved in public meeting this \_\_\_\_\_ day of \_\_\_\_\_, 2016, and is hereby accepted by the City of Broken Arrow, Oklahoma.

CITY OF BROKEN ARROW

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Manager

Approved as to form:

\_\_\_\_\_  
City Attorney