

AMENDMENT TO THE DECLARATIONS OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR

KIMBERLY CROSSING,
KIMBERLY CROSSING SECTION II, and
KIMBERLY CROSSING SECTION III,
ADDITIONS TO THE CITY OF EDMOND, OKLAHOMA COUNTY, OKLAHOMA,
ACCORDING TO THE RECORDED PLATS THEREOF

KNOW ALL MEN BY THESE PRESENTS:

RECITALS

WHEREAS, the undersigned are owners of at least seventy-five (75%) percent of the following described real property, to-wit:

All of the Lots and Blocks of Kimberly Crossing Addition, to the City of Edmond, Oklahoma County, Oklahoma, according to the recorded plat thereof filed on August 9, 2005 at Book 63, page 31, records of the County Clerks office of Oklahoma County, Oklahoma; and

All of the Lots and Blocks of Kimberly Crossing Section II Addition, to the City of Edmond, Oklahoma County, Oklahoma, according to the recorded plat thereof filed on November 28, 2006 at Book 65, page 85, records of the County Clerks office of Oklahoma County, Oklahoma; and

All of the Lots and Blocks of Kimberly Crossing Section III Addition, to the City of Edmond, Oklahoma County, Oklahoma, according to the recorded plat thereof filed on November 28, 2006 at Book 65, page 84, records of the County Clerks office of Oklahoma County, Oklahoma; and

all of the above described property being hereafter described as the "Subject Property"; and

WHEREAS, the original owner and declarant submitted the Subject Property and the improvements to be constructed thereon to Oklahoma's Real Estate Development Act (Title 60 O.S. 1971, §§851-85, as amended) by filing Declarations of Covenants, Conditions and Restrictions as to all three Additions, to-wit:

Declaration of Covenants, Conditions and Restrictions for Kimberly Crossing filed on September 8, 2005, at Book 9849, page 1969, records of the County Clerks office for Oklahoma County, Oklahoma, and the Clarification thereof filed on January 24, 2007 at Book 10370, page 52, and

RS
Return to: Robert G. Shoemaker, 1322 S. Fretz Drive, Edmond, OK 73003

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Declaration of Covenants, Conditions and Restrictions for Kimberly Crossing Section II filed on January 24, 2007, at Book 10370, page 54, records of the County Clerks office for Oklahoma County, Oklahoma; and

Declaration of Covenants, Conditions and Restrictions for Kimberly Crossing Section III filed on January 24, 2007, at Book 10370, page 57, records of the County Clerks office for Oklahoma County, Oklahoma.

all of the above described Declarations being hereafter referred to as the "Original Declarations".

And, WHEREAS, pursuant to Section 10.3 of the Declaration of Covenants, Conditions and Restrictions for Kimberly Crossing, and all other Sections by adoption thereof, the Original Declarations may be amended by a document signed and recorded by the Owners of seventy-five (75%) of the Subject Property; and

WHEREAS, the undersigned are owners of at least seventy-five (75%) of the Subject Property and do hereby wish to make, change and amend the aforesaid Original Declarations as hereafter stated.

NOW, THEREFORE, the undersigned Owners do hereby amend and modify Original Declarations as follows: to-wit:

(editing note, all deletions are shown by a ~~strikeout~~, and all additions are shown as an underline).

FIRST MODIFICATION

Article III, Section 3.5, as originally stated, is hereby deleted in its entirety and replaced with the following paragraph:

3.5 Storage and Other Detached Structures. Detached storage buildings, or better known as sheds, are permitted so long as the structure is made of brick, wood, or combination of both. The roof of the storage building will have matching composition shingles to that of the dwelling. If the storage building is made of brick, the brick will match that of the dwelling. Storage buildings, sheds, as described herein are not to exceed eight (8) feet in height and One Hundred (100) square feet with a limit of one shed per household. Storage buildings made of materials other than brick and wood, for example, plastic or metal, are only permitted so long as they do not exceed the height of the yard fence and are completely hidden from the street and any adjoining property owners.

Article III, Section 3.8 is hereby restated as follows:

3.8 Fences. All fences shall be of wood, brick, rock or wrought iron construction and may not exceed ~~seventy-eight (78) inches~~ nine (9) feet in height.

IN WITNESS WHEREOF, THIS AMENDMENT is executed the date shown on the acknowledgment by each individual owner and is effective as of the date of filing in the County Clerks office of Oklahoma County, Oklahoma.

Signature Pages attached hereto.

UNOFFICIAL