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Cleveland County, OK RH DL

**SUPPLEMENTARY DECLARATION FOR
SUMMIT LAKES ADDITION SECTION 9
AND NOTICE OF LIFT STATION FEE**

21/E

This Supplementary Declaration is made and entered into this 21st day of April 2007, by Summit Lakes, L.L.C., an Oklahoma limited liability company, hereinafter referred to as "Declarant".

W I T N E S S E T H

1. Recitations. On or about October 21, 1997, Declarant executed a Declaration of Covenants, Conditions and Restrictions for Summit Lakes Addition Section 1 and Grant of Easements (the "Declaration"). The Declaration was filed October 22, 1997, in Book 2888 at Page 755 and refiled on October 28, 1997, in Book 2890 at Page 475, such recordings being in the Office of the County Clerk of Cleveland County, Oklahoma.

The Declaration provides in Article VIII that Declarant may annex additional land by the filing of a Supplementary Declaration in order to extend the development scheme to the additional land.

Previous Supplementary Declarations have been executed and filed as provided on Exhibit A hereto.

Declarant's General Plan (as defined in the Declaration) shows that the property described on Exhibit B hereto (the "Additional Property") is part this general development.

Declarant has platted the Additional Property as Summit Lakes Addition Section 9 in accordance with the ordinances of the City of Norman by filing a final plat thereof in the office of the County Clerk of Cleveland County, Oklahoma on April 25th, 2007 (the "Plat"). Declarant intends to create within Summit Lakes Addition Section 9 an extension of the residential community existing on the Property (as defined in the Declaration) and any other property which is included therein as provided in the Declaration.

Declarant further intends to extend the scheme of the covenants, voting rights and restrictions contained in the Declaration to the Additional Property and to provide that all persons owning lots within Summit Lakes Addition Section 9 shall be members of the Summit Lakes Property Owners' Association, the Association established in accordance with the original Declaration (the "Association"), and that the Lots within Summit Lakes Addition Section 9 shall have the benefit of and be subject to the terms and conditions of the Declaration.

2. Supplementary Declaration. Declarant hereby extends the scheme of the development contained in the Declaration, including, without limitation, the voting rights, to the Additional Property and the Additional Property shall be acquired, held and transferred subject to the provisions of the Declaration.

3. Lake; Lake Fence. Each of the detention/retention ponds shown as part of Block GG on the plat of Summit Lakes Addition Section 9 shall be a Lake, as defined and regulated by

* Summit Lakes 1203 Broadwater Blvd. Norman, Ok 73072

the Declaration. The wrought iron fence constructed by Declarant on the property line between Block GG, as reflected on the Plat, and the Lake Lots (see 4a below) shall be a Lake Fence (as defined in the Declaration).

4. Complementary Additions and Modifications. The following additions and modifications are made to the Declaration as authorized therein:

- a. Lake Lots. Lake Lots added in Summit Lakes Addition Section 9 are Lots 8 through 14 inclusive and Lots 34 through 44 inclusive, all in Block 1.
- b. Greenbelt. Block GG, as reflected on the Plat, with the exception of the Lakes designated thereon, is hereby established as a greenbelt on which no permanent structures may be constructed nor shall any motorized vehicles ever be permitted. The greenbelt will be deeded to the Association and may, at the discretion of the Association, be mowed or kept in its natural vegetative, wooded state; provided, however, the sidewalks constructed by Declarant in Block GG shall be maintained by the Association.
- c. Lift Station. Block HH as reflected on the Plat has been dedicated to the City of Norman for use as a sewer lift station for the benefit of the owners of Lots in Summit Lakes Addition Section 9 with the exception of Lots 1, 2 and 3 of Block 1, (the "Affected Section 9 Owners") and, the to be platted, Summit Lakes Addition Section 10. No Owner (as defined in the Declaration) shall have any right of access to Block HH.
- d. Lift Station Fee. In accordance with a Maintenance and Operation Agreement between the Norman Utilities Authority (the "Authority") and Declarant dated August 26, 2003, as amended (the "Agreement"), Affected Section 9 Owners shall pay to the City of Norman \$4.82 per month (adjusted as hereinafter set forth) as a lift station fee (the "Fee") in order to defray the cost of the maintenance and repair of the lift station. The Fee is in addition to the charges on the normal City of Norman water bill and was established effective May, 2006, the month the lift station construction commenced. The Fee shall be assessed on each Lot owned by Affected Section 9 Owners at such time as the dwelling constructed on that Lot receives an occupancy permit from the City of Norman. The Fee will be adjusted by the City of Norman in January of each year commencing in 2008 based upon any increase in the Consumer Price Index since the date the Fee was last determined. For the purposes hereof and of the City of Norman's computations, Consumer Price Index shall mean the Consumer Price Index, Dallas-Ft. Worth, Texas, All Urban Consumers, All Items (Base Index Year 1982-84=100), as published by the United States Department of Labor, Bureau of Labor Statistics. If the Consumer Price Index shall become unavailable, the City of Norman will substitute a comparable index based upon changes in the cost of living or purchasing power of the consumer dollar published by another

government agency or, if not, a comparable index published by a major financial institution, university or a recognized financial publication.

Notice is further given that the Fee is subject to adjustment if the Authority determines to change the service area for the lift station. Further, if the lift station is taken out of service and wastewater flows by gravity to a wastewater treatment facility site, the Fee shall be discontinued by the Authority.


5. Effective Date. From and after the date of filing this Supplementary Declaration in the Office of the County Clerk of Cleveland County, Oklahoma, the Additional Property shall be entitled to all of the benefits of, and shall be subject to all of the restrictions imposed in the Declaration.

IN WITNESS WHEREOF, the Declarant has executed this Supplementary Declaration the day and year first above written.

"DECLARANT"

SUMMIT LAKES, L.L.C.

By: CIES PROPERTIES, INC., Manager

By: 
DON CIES, President

ACKNOWLEDGEMENT

STATE OF OKLAHOMA)
) SS:
COUNTY OF CLEVELAND)

This instrument was acknowledged before me this 9th day of April, 2007, by Don Cies, President of Cies Properties, Inc., an Oklahoma corporation, as Manager of SUMMIT LAKES, L.L.C., an Oklahoma limited liability company.

NOTARY PUBLIC
OFFICIAL SEAL
Marilyn Bourlier
Commission # 02002284
Expires February 22, 2010


Notary Public

My Commission Expires:
[SEAL]

EXHIBIT A

Previous Supplementary Declarations

| Summit Lakes Addition | Date of Supplementary Declaration | Book and Page of Filing in County <u>Clerk's Office</u> |
|--------------------------|--------------------------------------|---|
| Section 2 | November 24, 1998 | 3007/1175 |
| Section 4 | November 30, 1999 | 3126/1322 |
| Section 3 | May 5, 2002 | 3421/239 |
| Section 5 | May 30, 2003 | 3631/1479 |
| Section 6 | January 12, 2005 | 3960/382 |
| Section 7 | February 10, 2006 | 4147/754 |

EXHIBIT B

Additional Property

A tract of land located in the Northeast Quarter (NE/4) of Section Thirty-four (34), Township Nine (9) North, Range Two (2) West, of the Indian Meridian, Norman, Cleveland County, Oklahoma, described as follows:

BEGINNING at the Northeast Corner of said NE/4; Thence S 00 degrees 06'00" E on the East Line of said NE/4 for a distance of 746.86 feet;
Thence S 89 degrees 54'00" W for a distance of 337.20 feet;
Thence N 23 degrees 18'11" E for a distance of 190.64 feet;
Thence N 22 degrees 38'40" W for a distance of 228.85 feet;
Thence N 77 degrees 23'53" W for a distance of 134.56 feet;
Thence S 27 degrees 56'47" W for a distance of 164.35 feet;
Thence S 23 degrees 18'11" W for a distance of 388.76 feet;
Thence S 03 degrees 11'59" W for a distance of 300.72 feet;
Thence S 21 degrees 15'06" W for a distance of 547.28 feet;
Thence S 00 degrees 06'47" E for a distance of 135.41 feet to a point on the North Line of Summit Lakes Addition Section 7 to Norman, Cleveland County, Oklahoma;
Thence S 89 degrees 53'13" W on said North Line for a distance of 65.84 feet;
Thence Northwesterly on a curve to the right, having a radius of 40.00 feet, a chord bearing of N 68 degrees 39'49" W, for a curve distance of 29.95 feet;
Thence Northwesterly on said North Line on a curve to the left, having a radius of 80.00 feet, a chord bearing of N 50 degrees 49'16" W, for a curve distance of 10.07 feet;
Thence Northwesterly on said North Line on a curve to the right, having a radius of 40.00 feet, a chord bearing of N 27 degrees 16'13" W, for a curve distance of 37.92 feet;
Thence N 00 degrees 06'47" W on said North Line for a distance of 21.87 feet;
Thence Northwesterly on said North Line on a curve to the left, having a radius of 230.00 feet, a chord bearing of N 14 degrees 07'31" W, for a curve distance of 112.50 feet;
Thence N 10 degrees 34'42" E on said North Line for a distance of 31.27 feet;
Thence N 37 degrees 46'41" W on said North Line for a distance of 50.08 feet;
Thence S 88 degrees 50'50" W on said North Line for a distance of 32.40 feet;
Thence Northwesterly on said North Line on a curve to the left, having a radius of 230.00 feet, a chord bearing of N 59 degrees 45'19" W for a curve distance of 72.20 feet;
Thence N 68 degrees 44'54" W on said North Line for a distance of 9.67 feet to a point on the North Line of Summit Lakes Addition Section 6 to Norman, Cleveland County, Oklahoma; Thence N 68 degrees 44' 54" W on said North Line for a distance of 105.00 feet; Thence N 23 degrees 44'54" W on said North Line for a distance of 35.36 feet;
Thence N 68 degrees 44'54" W on said North Line for a distance of 50.00 feet;
Thence S 66 degrees 15' 06" W on said North Line for a distance of 35.36 feet;
Thence N 68 degrees 44'54" W on said North Line for a distance of 105.00 feet;
Thence N 21 degrees 15'06" E on said North Line for a distance of 261.97 feet;
Thence N 85 degrees 19'34" W on said North Line for a distance of 132.59 feet;
Thence Northwesterly on said North Line on a curve to the left, having a radius of 50.00 feet, a chord bearing of N 36 degrees 40'20" W, for a curve distance of 72.16 feet;
Thence N 23 degrees 31'07" E on said North Line for a distance of 42.72 feet;
Thence N 51 degrees 05'23" W on said North Line for a distance of 157.38 feet;
Thence S 37 degrees 55'41" W on said North Line for a distance of 186.74 feet to a point on the North Line of Summit Lakes Addition Section 5 to Norman, Cleveland County, Oklahoma; Thence N 66 degrees 07'56" W on said North Line for a distance of 150.36 feet to a point on the East Line of Summit Lakes Addition Section 3 to Norman, Cleveland County, Oklahoma; Thence N 20 degrees 38'49" E on said East line for a distance of 296.34 feet; Thence N 00 degrees 06'46" W on said East line for a distance of 741.82 feet to a point on the North Line of said NE/4; Thence N 89 degrees 59'42" E on the said North Line for a distance of 1819.15 feet to the point of beginning, containing 44.00 acres, more or less.