

BOOK 179

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172672

COMPARED

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS.

That, WHEREAS, the real property hereinafter described has heretofore been surveyed and platted as an addition of suburban tracts, under the name of Burlingame Hills Subdivision, Washington County, Oklahoma, and has been subdivided into tracts and roads or streets as shown by the plat on file in the office of the County Clerk of Washington County, Oklahoma, said lands being described as follows:

All of the SOUTHWEST QUARTER of the SOUTHWEST QUARTER of SECTION 20, TOWNSHIP 26 NORTH, RANGE 13 EAST, excepting the North ten feet thereof, and excepting also the East eight and one-half feet of the West twenty-five feet thereof.

NOW, THEREFORE, said C. E. BURLINGAME, owner of said above described real property, in order to assure the proper use of said property above described and owned by him, does hereby impress upon and attach to said land above described the following restrictions and conditions, to-wit:

- 1. All tracts shall, for a period of twenty years from the date hereof, be used exclusively for residential purposes.
- 2. Only one-family residences may be erected.
- 3. No residence shall be built upon any tract that shall cost less than \$5,000.00, including the cost of subsidiary buildings, walks, and driveways. Each residence shall be constructed of masonry, stucco, or standard frame construction with wood siding, or materials equal in quality and appearance.
- 4. No building shall be moved from another location to any tract in the subdivision hereinbefore described.
- 5. No residence or any building appurtenant thereto shall be built nearer than thirty feet from any street or road line and each residence shall be at least fifteen feet from any tract line.
- 6. None of the tracts shown on said plat shall be conveyed, leased, or given to, and no building erected thereon shall be used, owned or occupied by any person not of White or Indian race. This prohibition, however, is not intended to include the occupancy by persons not of the White or Indian races while employed on the premises.

7. No bill-boards or advertising signs shall be erected or maintained on any tract herein, nor shall buildings or structures be erected for advertising purposes on any tract herein.

Provided as a courtesy by Southern Abstract Company

BOOK 179

8. No garage or other outbuilding erected upon any tract shall be used for residence purposes other than for use of servants employed on the premises.

9. All of the restrictions above set out shall be -2- binding upon the purchaser of any tract or portion of any tract hereinbefore described, and upon his or her respective heirs, successors and assigns, for a period of twenty years, and shall continue after such twenty year period unless changed by agreement in writing between the owners of a majority of the area of the tracts in said subdivision. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.

The restrictions and covenants herein contained shall be annexed to and run with the land and the grantor herein or any owner of any part of the land described shall have the right to enforce said restrictions in any court of competent jurisdiction, either by suit or injunction, to prevent the violation of such restrictions or to recover damages for violation of such restrictions.

MARIE FOSTER BURLINGAME, wife of the said C. E. BURLINGAME, hereby joins in the execution of this instrument, this 7th day of JULY, 1945.

C. E. BURLINGAME  
MARIE FOSTER BURLINGAME

STATE OF OKLAHOMA,  
SS.  
WASHINGTON COUNTY,

Before me, the undersigned, a Notary Public in and for said County and State, on this 7th day of JULY, 1945, personally appeared, C. E. BURLINGAME and MARIE FOSTER BURLINGAME, his wife, to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

My commission expires: 6/16/1946.

MARY J. HEDRICK, Notary Public.

(Seal of MARY J. HEDRICK, Notary Public in and for State of Oklahoma, Bartlesville, Okla.)

Filed for Record JUL 7 1945 at 9:45 o'clock A. M.

CLYDE V. REASOR, County Clerk.

By R. RAHM, Deputy.

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AMENDMENT TO RESTRICTIVE COVENANT

WHEREAS, on the 7th day of July, 1945, the following described real property was surveyed and platted under the name of Burlingame Hills Subdivision, Washington County, Oklahoma, and the dedication and plat of the said subdivision was filed in the office of the County Clerk of Washington County and recorded in Book 179 at page 311, and the property was subjected to restrictive covenants which were to run with the land and enforceable by any owner, said lands being described as follows, to-wit:

All of the SW/4 of the SW/4 of Section 20, Township 26 North, Range 13 East, excepting the North 10 feet thereof, and excepting also the East 8-1/2 feet of the West 25 feet thereof;

AND, WHEREAS, Restriction No. 5 provides that no residence or any building appurtenant thereto shall be built within 15 feet from any tract line; and

WHEREAS, the East 88 feet of Tract 9 in Burlingame Hills Subdivision to the City of Bartlesville, Oklahoma, is so situated that the tract set back lines works a hardship on available use of the property for residential purposes, it is mutually desirable that the owners of a majority of the area of all tracts comprising Burlingame Hills Subdivision amend the restrictive covenant to conform with the rules and regulations of the Bartlesville Metropolitan Area Planning Committee as pertains to the East 88 feet of Tract 9 only, by reducing the side line set back to 8.8 feet, leaving the 30 foot front line set back and leaving the back yard restriction untouched.

NOW, THEREFORE, in consideration of the mutual covenants and agreements and benefits to be derived by all owners of property in Burlingame Hills Subdivision, we, the undersigned, do hereby consent and agree that the following amendment to the restrictive covenants referred to above shall be in force and effect upon attaining the signatures of the owners of a majority of the entire area of all tracts comprising such subdivision, to-wit:

Restriction No. 5 as pertains to the East 88 feet of Tract 9 Burlingame Hills Subdivision shall be and hereby is amended in that the side yard building set back shall be 8.8 feet, and all other restrictive covenants applicable to said property shall remain in full force and effect.

33405  
BOOK 657 PAGE 362

LOT AND TRACT DESCRIPTION

OWNER

*Part 88' W of SE corner of Tract 9 for a pt. of leg. Tract 9. 235.68' to the N. line of Tract 9 thence S 03 deg. 45 min. W along n. line of Tract 9 143.20 ft thence S 22 deg. 58' to the S line of Tract 9 thence E along the S line of Tract 9 140.0' to the pt. of beginning*

*Ralph Amers*

*Patricia J. Meyer*

*Urbie J. Cornelius*

*John J. Cornelius*

*W. 90' of E 360' Tract 10 less 530.38  
A Burlingame Hills sub. div.*

*As of Feb 17, 1976 the above lots are owned by these persons  
Merrin H. Dellinger - Co. Secs.  
By Mitchell Lescak - Deputy Secs.  
A. MARCH 76*

As of Feb 17, the below lots are owned by these persons.

LOT AND TRACT DESCRIPTION

OWNER

~~Part of Lots 8, 9 & 10 - Beg. 310 Cor. Lot 15  
90' E 87.1' NW 1/4 130.8 W 65.8 S 51.5 6' E Beg.  
Burlington Hills~~

~~Mr. Paul Rogers  
Cliff Maguire~~

Tract 4 less 5 20' or E 205' or less 75' to State  
3.16 A Burlington Hills

C. E. Bueck

Tracts 11 & 12

Lot 103' Tract 10 less 5 30'  
143 A Burlington Hills

Miss E. C. Held Jr.  
E. C. Held Jr.

E. 90 ft. of S. 300 ft. Tract 4  
less S. 25 ft.  
Burlington Hills

Herbert E. Marsh  
Howard C. Marsh

W 115' or S 200' or E 205' Tract 4  
less S 25' Burlington Hills

Rayne E. Cannon  
Mrs. Rayne E. Cannon

S 280' Tract 3 less S 25' to State  
Burlington Hills

William H. Dreyfus

N 130 ft Tract 3 .LBA  
Burlington Hills

Fred W. Furl  
Esther L. Furl

Stem. 310 P&I - Part Tract 7 - Beg. 109.6' E  
or N. W. Cor. 9' S 0 Beg. 6 Min. E 140' S P 9  
Beg 59 Min. E 130' N 0 Beg. 6 Min. W 140' N  
89 Beg 59 Min. (TRACT 7-D) Stem. 310 P 2  
- W 140' to Beg + Dm. Value of 10' along  
adj on N. .45 A Burlington Hills

Paul D. Anderson  
Mary J. Anderson

Part Section 4 - 26 - 13 Beg. 700' S of  
N 1/4 Sec 4 - 26 - 13 Beg. 700' S of  
E 1/4 Sec 4 - 26 - 13 Beg. 700' S of  
Burlington Hills Part Tract 7-A

Leatitia H. Owen  
James R. Owen

Tract 8 - Part 7.

Part Tract 8 - Beg 150' S 4132.0' E  
or N W Cor. D. E 115' S 164' SW by 117.7  
N 189' E Beg. 474' Part Tr. 7 - Beg 170' S S DE  
Cor D. W 153' S 148.7' SE by along curve 106'  
NE by 111.5 E less Tract 7 N 110' E Beg. 57A

Wm. K. Greig  
Bernice B. Greig

Merrill H. Dillingham - Co. Treas.  
By Mitchell L. Loomis Deputy Secy.  
McIntosh & Marsh 76

BOOK 657 PAGE 363

Lot and Tract Description

Owner

~~Part of Tract 1 Beg. 70' S 1/2 N.W. Cor. E 110' S 77° 18 min  
E 181.58' N 150' W 177' to Beg.~~

~~Ed Koper~~

Part of Tract 7 - Lot 8

Item 329 Pl 1 - Part of Tract 1 Beg. 476' S on NE  
Cor. of N 84' by 59 min W 150' S 47' by 2. min  
W 80.5" SE by 159.8' S 30' by 22 min E

Stacy E. Stacy  
Mrs. D. Stacy  
309"

Tract 1-F Lot 12

Item 329 Pl 2 - 149.58 to corner lot along  
curve R-25' - 65.33' to N along F.,  
line 3026' to Beg. Burlingame Hills

Tract 8 - Part Tract 5 Beg. 263' S  
N.W. Cor. go S 40 63' S 2 L, along curve  
to left - R-50' 89.13' NE by 719' N  
137' S by 142.2' to Beg. - 29 A

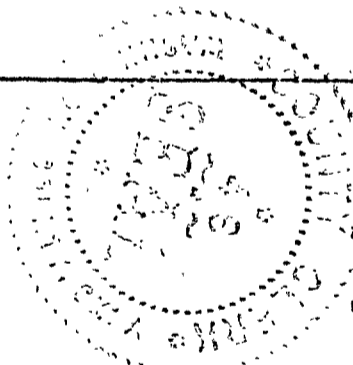
Mrs Virginia MacDonald

Item 55 Pl 1 Part of Tracts 10 7 Beg. 280' S of NE Cor  
Tract 7 Beg. 137.9' NW 24 75 NE by  
111.5' to Beg. also Beg. 280' S of NW Cor  
Item 58 Pl 2 - Tract 10 S 77 Beg.  
18 min E 181.58' S 150' S by 8' 5'  
NW by along SW line 159' N 137.9'  
to Beg. 84 A Burlingame Hills

Mrs. Jolyne Donnelly

STATE OF OKLAHOMA } SS  
Washington County }

This instrument was filed for record



MAR 11 1976

at 11:15 o'clock  
W. E. KENDRICK, County Clerk  
By M. Seast Deputy

As of Feb 17, 1976 the above are all owners of the  
described property

Marvin H. Dellingham Co Treas.

By Mitchell Leiskie - Deputy Treas.

THE LAND AREA AS REPRESENTED ON THIS PETITION  
IS MORE THAN 51% OF TOTAL LAND IN  
BURLINGAME HILLS SUB.

Bryan W. [Signature]  
4 MARCH 76

BOOK 657 PAGE 364

**AMENDMENT TO RESTRICTIVE COVENANTS  
OF BURLINGAME HILLS SUBDIVISION**

WHEREAS, on July 2, 1945, the following real property was surveyed and platted under the name of Burlingame Hills Subdivision, Washington County, Oklahoma, and the Dedication and Plat of said subdivision was filed in the office of the County Clerk of Washington County, Oklahoma in Plat Envelope 168, to-wit:

All SW/4 SW/4 of Section 20, Township 26 North, Range 13 East, except the North 10 feet thereof, and except also the East 8.5 feet of the West 25 feet thereof; and

WHEREAS, the property platted as Burlingame Hills Subdivision became subject to certain restrictive covenants concerning use of the tracts of property within said addition by virtue of the Dedication of Restrictions dated July 7, 1945, as recorded in Book 179 at Page 311 in the office of the County Clerk of Washington County, Oklahoma (the "Restrictions"); and

WHEREAS, the Restrictions provide that the same may be changed or amended by agreement in writing between the owners of majority of the area of the tracts in Burlingame Hills Subdivision; and

WHEREAS, the owner of the portion of Burlingame Hills Subdivision as more particularly described on the attached Exhibit A is seeking to vacate said portion of the Burlingame Hills Subdivision and replat said vacated portion for further real estate development (the "Vacated Property"); and

WHEREAS, the undersigned owner(s) of the majority of the area of tracts comprising Burlingame Hills Subdivision desire(s) to amend the Restrictions to exclude from the effect of the Restrictions the Vacated Property.

NOW, THEREFORE, in consideration of the mutual covenants and agreements and benefits to be derived by the owners of the property in Burlingame Hills Subdivision, the undersigned, do(es) hereby consent and agree, as follows:

1. From and after the date of this Amendment to Restrictive Covenants of Burlingame Hills Subdivision, the Vacated Property shall no longer be subject to or burdened by the Restrictions.

2. Except as amended hereby the Restrictions of the Burlingame Hills Subdivision remain in full force and effect.

008373

BK 1059 PG 1921

3. This Amendment may be executed in counterparts by owners of property within Burlingame Hills Subdivision.

Dated this 29th day of January, 2007.

Lot and Tract Description	Owner
S 75' of N 150' of W 247.6' of Tract 8, less W 8' to Co.	Oklahoma Wesleyan University <i>[Signature]</i> President
W 140' of Tract 9, less S 85' thereof	Oklahoma Wesleyan University <i>[Signature]</i> President
S 85' of W 140' of Tract 9	Oklahoma Wesleyan University <i>[Signature]</i> President
W 103' of Tract 10, less S 30'	Oklahoma Wesleyan University <i>[Signature]</i> President
Tracts 11 and 12	Bary O'Beall, Trustee
Pt. Tract 1, Beg. 170' S of NE/co; W 150'; S 150'; E 150'; N 150' to beg.	Alan Hammerli
W 90' of E 360' of Tract 10, less S 30'	Wendell D. Thompson Amelia C. Thompson
Pt. Tract 7, Beg. 170' S of NE/co; W 153'; S 148.7'; SEly 51.2'; SEly 54.8'; NEly 111.5'; N 110' to beg.	Mary G. Proctor Michael Proctor
Pt. Tract 1, beg. 320' S of NE/co W 150'; S 150'; E 150'; N 150' to beg.	J. Ned Hughes
Pt. Tract 6, Beg. 180' E of SW/co N 288.83'; Ely along curve to right 90.16'; S 282.47'; W 90' to beg.	Ma E. Parnell
S 286' of Tract 3, less 25' to state	William H. Daugherty, Jr., Trustee William H. Daugherty, Jr., Trust
Tract 4 less S 200' of E 205'; Tract 5, less Beg. Nly/co; Swly 256.4'; SEly 208.28'; N 200.2'; NWly 55' to beg.	Debra L. Skelly Roger W. Skelly, Manager*
	*R&D Development, LLC

1/29-2007  
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 1/29-2007  
 2/6-2007  
 2-21-07  
 2-27-07  
 3-6-07  
 3-7-07  
 3-13-07  
 6/27/07

BR 1059PG1922

EXHIBIT A

Tract 4, less the South 200' of the East 205' and Tract 5, less beginning at the most northerly corner of said Tract 5; thence southwesterly along the northwesterly line of said Tract 5 256.4'; thence southeasterly 208.28' to the east line of said Tract 5; thence North 200.2' along the east line to Hill Drive right-of-way; thence northwesterly along said right-of-way 55' to the point of beginning, Burlingame Hills Subdivision, Bartlesville, Washington County, Oklahoma

BK 1059 PG 1923



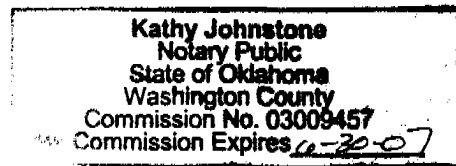
STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF WASHINGTON )

Before me, the undersigned, a notary public, in and for said County and State, on this 29<sup>th</sup> day of January, 2007, personally appeared Everett Piper, President, Oklahoma Wesleyan University me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that E.P executed the same as EP free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

Kathy Johnstone  
Notary Public  
Commission No. 03009457

(seal)  
My commission expires:  
6-30-2007



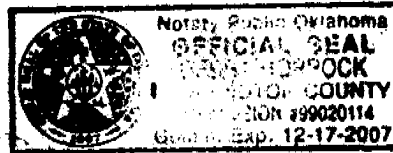
STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF WASHINGTON )

Before me, the undersigned, a notary public, in and for said County and State, on this 29<sup>th</sup> day of Jan, 2007, personally appeared Barry O. Buell, trustee and \_\_\_\_\_ to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that \_\_\_\_\_ executed the same as BB free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

Debra Hopcock  
Notary Public  
Commission No. 99020114

(seal)  
My commission expires:  
12-17-2007

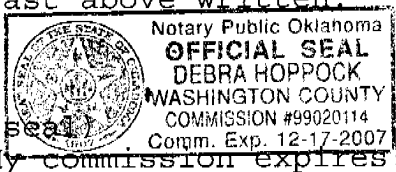


BK 1059PG1924

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF WASHINGTON )

Before me, the undersigned, a notary public, in and for said County and State, on this 6<sup>th</sup> day of Feb, 2007, personally appeared Alan Hammerli and                      to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that AH executed the same as AH free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.



My commission expires:

12-17-2007

Debra Hopcock  
Notary Public  
Commission No. 99020114

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF WASHINGTON )

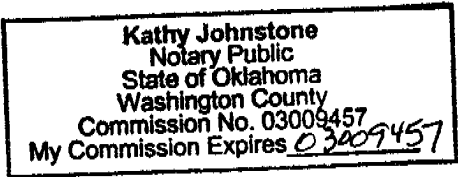
Before me, the undersigned, a notary public, in and for said County and State, on this 21<sup>st</sup> day of February, 2007, personally appeared Wendell + Camelia Thompson and                      to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that Wendell Thompson executed the same as WT + AT free and voluntary act and deed for Camelia Thompson the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

(seal)  
My commission expires:

6-30-07

Kathy Johnstone  
Notary Public  
Commission No. 03009457



BK 1059 PG 1925

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF WASHINGTON )

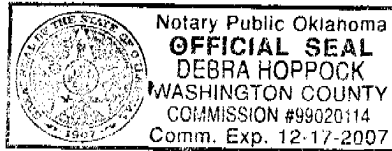
Before me, the undersigned, a notary public, in and for said County and State, on this 27 day of Feb, 2007, personally appeared Margo J. Proctor and Michael B. Proctor to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that MJP MBP executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

Debra Hopcock  
Notary Public  
Commission No. 99020114

(seal)  
My commission expires:

12-17-2007



BK1059PG192b

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF WASHINGTON )

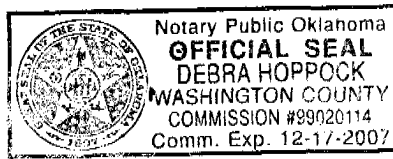
Before me, the undersigned, a notary public, in and for said County and State, on this 6<sup>th</sup> day of March, 2007, personally appeared T. Mark Humphries and \_\_\_\_\_ to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that TMH executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

Debra Hopcock  
Notary Public  
Commission No. 99020114

(seal)  
My commission expires:

12-17-2007



BK 1059 PG 1927

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF WASHINGTON )

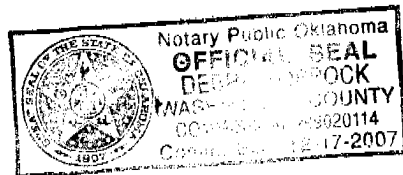
Before me, the undersigned, a notary public, in and for said County and State, on this 7<sup>th</sup> day of March, 2007, personally appeared Sona E. Pennell and \_\_\_\_\_ to me known to be the identical persons who executed the within and foregoing instrument and acknowledged to me that SEP executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

Dorinda Hoppock  
Notary Public  
Commission No. 99020114

(seal)  
My commission expires:

12-17-07



BK 1059P61928

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF WASHINGTON )

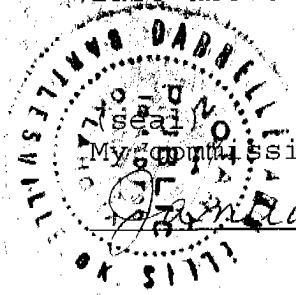
Before me, the undersigned, a notary public, in and for said County and State, on this 13th day of March, 2007, personally appeared William H. Dougherty, Jr., Trustee to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

Danielle Ann Ellis  
Notary Public  
Commission No. 02000183

My commission expires:

January 10, 2010



BK 1059PG1929

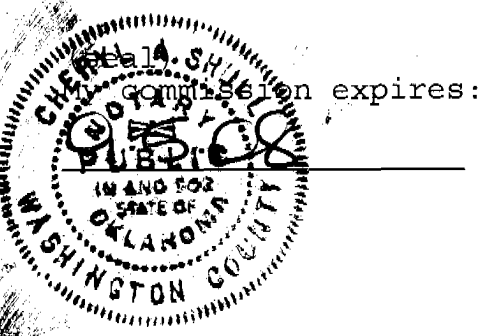
STATE OF OKLAHOMA  
COUNTY OF WASHINGTON

)  
) ss.  
)

Before me, the undersigned, a notary public, in and for said County and State, on this 27th day of June, 2007, personally appeared Roger W. Skelly, as Manager, joined by his wife, Donna L. Skelly, individually, to me known to be the identical persons who subscribed the name of the maker hereof to the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for R&D Development, LLC, for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

Cheryl A. Shill  
Notary Public  
Commission No. 00012764



BK 1059PG1930

CERTIFICATE OF PROFESSIONAL ENGINEER

John B. Bean, Professional Engineer, Oklahoma Registration No. 19302, hereby certifies that the signatory parties to the attached Amendment to Restrictive Covenants of Burlingame Hills Subdivision are owners of the majority of the area tracts comprising Burlingame Hills Subdivision, Bartlesville, Washington County, Oklahoma.

  
John B. Bean



Doc # 2007008373  
Bk 1059  
Pg 1921-1931  
DATE 08/17/07 11:14:55  
Filing Fee \$33.00  
Documentary Tax \$0.00  
State of Oklahoma  
County of WASHINGTON  
WASHINGTON County Clerk  
M. PARRISH

*UP*

BK 1059 Pg 1931