

* * * * *

178187

COMPARED

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

THAT, WHEREAS, The real property hereinafter described has heretofore been surveyed and platted as a residential subdivision under the name of BLUESTEM HEIGHTS, Washington County, Oklahoma, and as such has been subdivided into lots, blocks, streets, alleys and easements as shown by the plat on file in the office of the County Clerk of Washington County, Oklahoma, said land being described as follows:

The NORTHEAST QUARTER of the SOUTHEAST QUARTER of the SOUTHEAST QUARTER of SECTION 29, TOWNSHIP 27 NORTH, RANGE 13 EAST.

NOW, THEREFORE, SUBURBAN INVESTMENT COMPANY, a co-partnership, the owner of all of said lands, in order to assure the proper use of said real property, does hereby impress upon and attach to said lands the following restrictions, conditions and covenants, viz:

(1) All of the lands embraced in said subdivision, or disclosed by said plat, shall have a period of TWENTY (20) YEARS from this date, and as long thereafter as such restrictive use may be extended as herein provided, exclusively for residential purposes.

(2) Except as to the provisions hereinafter contained, relating to the above of family servants, not more than one family shall make their residence upon any one of the lots shown on said plat.

(3) No residence shall be built upon any of said lots that shall cost less than \$5000.00, including the cost of subsidiary buildings, walks and driveways. Each residence shall be constructed of masonry or standard frame construction with wood siding or materials equal in quality and appearance.

(4) No building shall be moved from outside the lands shown on said plat to any part of the lands embraced therein.

(5) No residence nor any building appurtenant thereto shall be built nearer than FORTY (40) FEET from any street or road line, and each residence shall be at least FIVE (5) FEET from any lot line, unless the person constructing the same shall be utilizing more than one lot, in which event such residence shall not be built closer than FIVE (5) FEET FEET from the outside boundary line of the combined lots.

(6) No lot shall be conveyed, leased or given to, and no building erected thereon shall be used, owned or occupied -1- by any person not of the white or Indian Races. This provision, however, shall not be taken to preclude the occupancy thereof by a person or persons not of the white or Indian races where employed as servants of the occupants on said premises.

(7) No billboards nor advertising signs shall be erected or maintained on any lot in said subdivision, nor be built, nor structures be erected for advertising purposes within the boundaries of said subdivision.

(8) No garage or other outbuilding erected upon any tract shall be used for residential purposes other than for such use by servants employed on said premises by the occupant thereof.

(9) All the restrictions above set forth shall be binding upon the purchaser of any lot, or portion of lot, comprising a portion of said subdivision, and upon his or her respective heirs,

successors and assigns, for a period of TWENTY (20) YEARS from the date hereof, and shall continue after such TWENTY (20) YEAR period unless changed by agreement in writing, executed by the owners of a majority of the area of said subdivision. Invalidation of any one of these covenants by judgment or court order shall in no wise affect the validity 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(s) herein, or any owners of any part of said subdivision shall have the right to enforce said restrictions or any one or more of them in any court of competent jurisdiction, either by suit or by injunction to prevent the violation thereof or to recover damages for violation thereof.

IN WITNESS WHEREOF, The SUBURBAN INVESTMENT COMPANY, a co-partnership composed of JOHN W. TYLER and SCOTT BEESLEY, JR., sole partners, has hereunto set its hand on this the 10th day of JUNE, 1946.

SUBURBAN INVESTMENT COMPANY, A CO-PARTNERSHIP
By JOHN W. TYLER
JOHN W. TYLER
and SCOTT BEESLEY, JR.
SCOTT BEESLEY, JR.
Sole Partners

ACKNOWLEDGMENT

STATE OF OKLAHOMA
SS:
COUNTY OF WASHINGTON

Before me, a Notary Public in and for said County and State, on this 10th day of JUNE, 1946, personally appeared JOHN W. TYLER and SCOTT BEESLEY, JR., to me known to be the identical persons who executed the within and foregoing instrument as sole co-partners doing business under the firm name and style of SUBURBAN INVESTMENT COMPANY, a Co-partnership, and acknowledged to me that they executed the same as their free and voluntary act and deed as such co-partners, for the uses and purposes therein set forth.

(SEAL)
My commission expires SEPTEMBER 16, 1948.

NETTA H. BURCH, Notary Public.

(Seal of NETTA H. BURCH, Notary Public, Washington County, Okla.)

Filed for Record JUL 17, 1946 at 4:45 o'clock P. M.

CLYDE V. REASOR, County Clerk By R. RAHM, Deputy

193188

AMENDMENT TO DECLARATION OF RESTRICTIONS

WHEREAS, the undersigned, John W. Tyler and Scott Beesley, Jr., copartners doing business as Suburban Investment Company, have heretofore platted and dedicated the following described real estate situate in Washington County, State of Oklahoma, to-wit:

The Northeast Quarter of the Southeast Quarter of the Southeast Quarter
(NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 29, Township 27 North, Range 13 East,

as Bluestem Heights Subdivision, Jefferson Township, Washington County, Oklahoma, and have caused said Plat and Dedication to be filed in the office of the County Clerk of Washington County, Oklahoma, as Blocks One (1) and Two (2) of said Bluestem Heights Subdivision, and as an incident thereto have caused to be prepared and filed in the office of said Clerk, a Declaration of Restrictions, which bears date of June 10, 1946, and is of record in said office in Book 184, at page 292;

And, WHEREAS, the said dedicators are now the owners of all of the lots and blocks in said Bluestem Heights Subdivision, and desire to amend said Declaration of Restrictions, insofar, and only insofar, as the same relate to Block 2 of said Bluestem Heights Subdivision;

NOW, THEREFORE, John W. Tyler and Scott Beesley, Jr., co-partners doing business as Suburban Investment Company, hereby amend said Declaration of Restrictions above mentioned as to Block 2, of Bluestem Heights Subdivision, in the following particulars, and none other:

Numbered paragraph "(1)" is amended to read as follows:

"All of the lands embraced in said Block 2, as disclosed by said plat, shall have a period of thirty-five (35) years from this date, and as long thereafter as such restrictive use may be extended as herein provided, exclusively for residential purposes."

Numbered paragraph "(3)" is amended to read as follows:

"No residence shall be built upon any lot or tract in said Block 2, which shall contain less than five hundred sixty (560) square feet of floor space, excluding porches, terraces, garages and outbuildings. Each residence shall be constructed of masonry or standard frame construction with wood siding or materials equal in quality and appearance."

Numbered paragraph "(5)" is amended to read as follows:

"No residence, nor any building appurtenant thereto, shall be erected on any lot or tract in said Block 2, having a street frontage of less than fifty (50) feet, or a depth of less than one hundred thirty-one (131) feet, and no residence, nor any building appurtenant thereto, shall be built nearer than thirty (30) feet to any front street or road line, or nearer than ten (10) feet to any side street or road line, and each residence shall be at least five (5) feet from any lot or tract line, unless the person constructing the same shall be utilizing more than one lot or tract, in which event, such residence shall not be built closer than five (5) feet from the outside boundary line of the combined lots or tracts so utilized."

Numbered paragraph "(9)" is amended to read as follows:

"All of the restrictions above set forth, shall, as to said Block 2, be binding upon the purchaser of any lot, or portion of lot, comprising a portion of said Block, and upon his or her respective heirs, successors and assigns, for a period of thirty-five (35) years from the date hereof, and shall continue after such thirty-five (35) year period unless changed by agreement in writing, executed by the owners of a majority of the area of said Block."

The above amendments shall apply and relate to Block 2 only of said Subdivision, and shall in no way relate to or affect Block 1 of said Subdivision, and said Declaration of Restrictions, as originally filed, shall remain in force as to all of the provisions thereof insofar as the same relates to Block 1.

Except as herein changed and modified, said Declaration of Restrictions, dated June 10, 1946, and of record in Book 184, at page 292, in the Office of said County Clerk, shall be and remain in full force and effect as to all of

the real estate above described.

WITNESS our hands this 16th day of May, A. D. 1949.

John W. Tyler
Scott Beesley, Jr.
 Co-partners doing business as
 Suburban Investment Company

STATE OF OKLAHOMA)
) SS.
 WASHINGTON COUNTY)

Before me, the undersigned, a Notary Public in and for said County and State, on this 16th day of May, A. D. 1949, personally appeared John W. Tyler and Scott Beesley, Jr., co-partners doing business as Suburban Investment Company, 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.

Ruby Humphrey
 Notary Public

My commission expires:
Feb 21, 1952
 (Seal)
 HUBBY
 WASHINGTON COUNTY
 OKLAHOMA
 BARTLETT

STATE OF OKLAHOMA }
 Washington County } SS
 This instrument was filed for record
 MAY 20 1949
 at 11:50 o'clock A.M.
 CLYDE V. BEASOR, County Clerk
 BY Rabm DEPUTY

~~DECLARATION OF RESTRICTIONS AND AMENDMENT TO DECLARATION OF RESTRICTIONS~~
 DECLARATION OF RESTRICTIONS AND ~~DECLARATION OF RESTRICTIONS~~ AMENDMENT
 TO AMENDMENT TO DECLARATION OF RESTRICTIONS

WHEREAS, John W. Tyler and Scott Beesley, Jr., doing business as Suburban Investment Company, have heretofore platted and dedicated the following described real estate, situate in Washington County, State of Oklahoma, to-wit:

The Northeast (NE $\frac{1}{4}$) Quarter of the Southeast (SE $\frac{1}{4}$) Quarter
 of the Southeast (SE $\frac{1}{4}$) Quarter of Section 29, Township 27
 North, Range 13 East,

as Bluestem Heights Subdivision, Jefferson Township, Washington County, Oklahoma, and have caused said plat and dedication to be filed ~~in the~~ in the office of the County Clerk of Washington County, Oklahoma, as Blocks One (1) and Two (2) of said Bluestem Heights Subdivision, and as an incident thereto have caused to be prepared and filed in the office of said Clerk, a declaration of restrictions, which bears date of June 10, 1946, and is of record in said office in Book 184 at page 292, and ~~an~~ amendment to declaration of restrictions dated May 16, 1949, filed for record May 20, 1949, at 11:50 o'clock A.M., recorded in Book 222 at page 386;

AND, WHEREAS, the Suburban Investment Company, a co-partnership consisting of John W. Tyler and Scott Beesley, Jr., sole partners, and Huston T. Jones, Jr. and Claude Lollar, co-partners doing business as Economy Housing Company, are now the owners of Blocks One (1) and Two (2) of said Bluestem Heights Subdivision and desire to amend said declaration of restrictions and amendment to Declaration of Restrictions insofar, and only insofar as the same relate to Block Two (2) of said Bluestem Heights Subdivision.

NOW, THEREFORE, John W. Tyler and Scott Beesley, Jr., co-partners doing business as Suburban Investment Company, and Margaret Swain Tyler, wife of John W. Tyler, and Helen Tyler Beesley, wife of ~~Scott~~ Scott Beesley, Jr., and Huston T. Jones Jr., and Claude Lollar, co-partners doing business as Economy Housing Company, and Mildred Marie Jones, wife of Huston T. Jones Jr., and Cecil Lollar, wife of Claude Lollar, hereby amend said declaration of restrictions and amendment to declaration of restrictions above mentioned as to Block Two (2) of Bluestem Heights Subdivision in the following particulars and none other:

Paragraph numbered 5 is amended to read as follows:

No residence or any building appurtenant thereto shall be erected on any lot or tract in said Block Two (2) having a frontage of less than 50 feet or a depth of less than 131 feet and no residence nor any building appurtenant thereto shall be built nearer than 29 feet to any front street or road line or nearer than 9 feet to any side street or road line and each residence foundation shall be at least 4.5 feet from any lot or tract line unless the person constructing the same shall be utilizing more than one lot or tract, in which event such a residence shall not be built closer than 4.5 feet from the outside boundary line of the combined lots or tracts so utilized.

The above amendment shall apply and relate to Block Two(2) only, of said subdivision, and shall in no way relate to or affect Block One (1) of said subdivision and said declaration of restrictions and amended declaration of restrictions as originally filed shall remain in force as to all of the provisions thereof insofar as the same relates to Block Two (2) except as herein changed and modified. Said declaration of restrictions dated June 10, 1946, of record in book 184 at page 292 and amendment to declaration of restrictions dated May 16, 1949, of record in book 222 at page 386 in the office of said County Clerk shall be and remain in full force and effect as to all of the real estate above described.

WITNESS OUR HANDS THIS 16th day of July, 1949

John W. Tyler and *Margaret Swain Tyler*
 John W. Tyler Margaret Swain Tyler, his wife

Scott Beesley Jr. and *Helen Tyler Beesley*
 Scott Beesley Jr. Helen Tyler Beesley, his wife

John W. Tyler and *Scott Beesley Jr.* doing business as
 SUBURBAN INVESTMENT COMPANY

Page #2

Huston T Jones Jr. and Mildred Jones
 Huston T Jones Jr., Mildred Jones, his wife
Claude Lollar and Cecil Lollar
 Claude Lollar, Cecil Lollar, his wife

HUSTON T JONES Jr., and CLAUDE LOLLAR, doing business as Economy Housing Company

By Huston T Jones Jr.
 Huston T Jones Jr., a co-partner
Claude Lollar
 Claude Lollar, a co-partner

STATE OF OKLAHOMA)
COUNTY OF WASHINGTON) ss

Before me, the undersigned, a Notary Public in and for said County and State, on this 3rd day of August, 1949, personally appeared John W. Tyler and Margaret Swain Tyler, 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:

Notary Seal: STATE OF OKLAHOMA, COUNTY OF WASHINGTON, JUL 21 1952

Ruby Humphrey
Notary Public

STATE OF OKLAHOMA)
COUNTY OF WASHINGTON) ss

Before me, the undersigned, a Notary Public in and for said County and State, on this 3rd day of August, 1949, personally appeared Scott Beesley, Jr. and Helen Tyler Beesley, 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:

Notary Seal: STATE OF OKLAHOMA, COUNTY OF WASHINGTON, JUL 21 1952

Ruby Humphrey
Notary Public

STATE OF OKLAHOMA)
COUNTY OF WASHINGTON) ss

Before me, the undersigned, a Notary Public in and for said County and State, on this 3rd day of August, 1949, personally appeared John W. Tyler and Scott Beesley, Jr., co-partners doing business as Suburban Investment Company, a co-partnership, to me known to be the identical persons who executed the within and foregoing instrument on behalf of said partnership and acknowledged to me that they executed the same as their free and voluntary act and deed and as the free and voluntary act and deed of said partnership for the uses and purposes therein set forth.

My commission expires:

Notary Seal: STATE OF OKLAHOMA, COUNTY OF TULSA, JUL 21 1952

Ruby Humphrey
Notary Public

STATE OF OKLAHOMA)
COUNTY OF TULSA) ss

Before me, the undersigned, a Notary Public in and for said County and State, on this 3rd day of August, 1949, personally appeared Huston T. Jones and Mildred Jones, 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: 8/24/1949

Notary Public

STATE OF OKLAHOMA)
COUNTY OF TULSA) ss

Before me, the undersigned, a Notary Public in and for said County and State, on this 13 day of August, 1949, personally appeared Claude Lollar and Cecil Lollar, 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: 8/24/1949

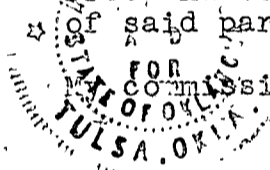
Notary Public

STATE OF OKLAHOMA)
COUNTY OF TULSA) ss

Before me, the undersigned, a Notary Public in and for said County and State, on this 13 day of August, 1949, personally appeared Huston T. Jones, Jr. and Claude Lollar, co-partners doing business as Economy Housing Company, a co-partnership, to me known to be the identical persons who executed the within and foregoing instrument on behalf of said partnership and acknowledged to me that they executed the same as their free and voluntary act and deed and as the free and voluntary act and deed of said partnership for the uses and purposes therein set forth.

My commission expires: 8/24/1949

Notary Public



STATE OF OKLAHOMA }
Washington County } ss

This instrument was filed for record

AUG 11 1949

at 3:20 o'clock P.M.

Clyde V. Reasor, County Clerk

BY Featherungell DEPUTY

A. W. MUSSELMAN

350