



**SECOND AMENDMENT TO
LAKE TENKILLER HARBOR OWNERS ASSOCIATION
SUBDIVISION RESTRICTIONS
FOR BLOCKS D
REVISION #2**

The Lake Tenkiller Harbor Owners Association Subdivision Restrictions Revision #2 for Block D is dated October 4, 2022 and filed on October 6, 2022.

Introduction and statement of adoption is modified from the original filed December 21, 1981 as shown in book 337, at pages 461-467 and from the First Revision filed October 6, 2010 as shown in book 995, at pages 942-948.

ARTICLE #2 ORIGINALLY READ

2. Subject to the provisions of numbered paragraphs 8 and 9 hereof, all lots hereunder are restricted to use for single family residential purposes only, and no building shall be erected or maintained thereon other than a private residence (minimum floor area of 600 square feet on all lots), a tool storage building (minimum floor area of 30 square feet and maximum floor area of 144 square feet), a private garage and a private boathouse for the sole use of the purchaser of such lot; provided, however, that Lots 1, 27 through 46, 61 through 63 and 85 through 109 hereunder may also be used for commercial buildings and purposes. There shall be permitted, on any lot hereunder, a private residential structure (minimum floor area of 100 square feet) if used in conjunction with either a mobile home, travel trailer or motor home. The minimum floor area requirements for residential structures stated hereinabove are exclusive of porches, stoops, open or closed carports, patios and garages.

ARTICLE #2 AMENDED TO READ

2. Subject to the provisions of numbered paragraphs 8 and 9 hereof, all lots hereunder are restricted to use for single family residential purposes only, for the sole use of the purchaser of such lot, which excludes all short-term rentals for less than 30 days per July 16, 2022 member's vote, and no building shall be erected or maintained thereon other than a private residence (minimum floor area of 600 square feet on all lots), a tool storage building (minimum floor area of 30 square feet and maximum floor area of 144 square feet), a private garage and a private boathouse for the sole use of the purchaser of such lot; provided, however, that Lots 1, 27 through 46, 61 through 63 and 85 through 109 hereunder may also be used for commercial buildings and purposes such as short term rentals. There shall be permitted, on any lot hereunder, a private residential structure (minimum floor area of 100 square feet) if used in conjunction with either a mobile home, travel trailer or motor home. The minimum floor area requirements for residential structures stated hereinabove are exclusive of porches, stoops, open or closed carports, patios and garages.

Article #12 – ORIGINALLY READ:

12. Subject to the remaining provisions of this paragraph, as to each lot hereunder, an assessment is hereby made of (i) \$92.65 per year with respect to the total of lots, the owner of which owns one or two lots in Lake Tenkiller Harbor Subdivision, (ii) \$111.85 per year with respect to the total of lots, the owner of which owns three lots in Lake Tenkiller Harbor Subdivision, and (iii) \$150.05 per year with respect to the total of lots, the owner of which owns four or more lots in Lake Tenkiller Harbor Subdivision; the word "owner", as used in this sentence, shall include also a purchaser of a lot in Lake Tenkiller Harbor Subdivision. Such assessments may be used for the construction, reconstruction, improvement and maintenance of roads and streets, swimming pools, parks and other improvements in Lake Tenkiller Harbor Subdivision, and for the purchase and rental of land and other property and facilities for use by Lake Tenkiller Harbor Owners Association, for security guards, and central garbage disposal containers at Lake Tenkiller Harbor Owners Association, it being understood that said swimming pools, parks and recreational areas are for the sole use and benefit of the members of said Association, their families and authorized guests. Said assessment shall accrue from the earlier of the date of the agreement for deed from the undersigned as seller to a purchaser or of the conveyance by the undersigned as grantor. Such assessment shall be and is hereby secured by a lien on each lot hereunder, respectively, and shall be payable to Lake Tenkiller Harbor Owners Association (an Oklahoma non-profit corporation), its

successors and assigns, the owner of said assessment funds, on April 30 of each such year. Said assessment lien shall be junior and subordinate to any lien which may be placed on any lot or any portion of any lot as security for any interim construction loan and/or any permanent loan for financing improvements on said lot, and/or any purchase money loan for any lot on which a dwelling or building complying with these restrictions has therefore been constructed. Commencing on the second Saturday in September, 1986, the undersigned shall not be eligible for membership in said Lake Tenkiller Harbor Owners Association. Assessments against lots owned by the undersigned shall accrue and liens securing same may attach, only during such times as a contract to purchase said lots is then in force; no assessment shall be made against the undersigned then in force to sell or reserve for sale such lot, any then accrued but unpaid assessments under this paragraph against such lot shall thereupon be automatically cancelled. At any time and from time to time, Lake Tenkiller Harbor Owners Association may elect, by majority vote of the entire Board of Directors of said Association plus a majority of votes case at a meeting of the members of said Association duly convened, to increase such assessments, provided that prior written notice is mailed to each member of said Association (at the most recent address shown for such member on the records of said Association) stating either the exact amount or the maximum amount of such increase to be voted on at such meeting.

Article #12 – AMENDED TO READ:

12. Subject to the remaining provisions of this paragraph, as to each lot hereunder, an assessment is hereby made of (i) \$101.92 per year with respect to the total of lots, the owner of which owns one or two lots in Lake Tenkiller Harbor Subdivision, (ii) \$123.04 per year with respect to the total of lots, the owner of which owns three lots in Lake Tenkiller Harbor Subdivision, and (iii) \$165.06 per year with respect to the total of lots, the owner of which owns four or more lots in Lake Tenkiller Harbor Subdivision; the word "owner", as used in this sentence, shall include also a purchaser of a lot in Lake Tenkiller Harbor Subdivision. Such assessments may be used for the swimming pool, park and other improvements in Lake Tenkiller Harbor Subdivision, and for the purchase and rental of land and other property and facilities for use by Lake Tenkiller Harbor Owners Association, for harbor patrol, and central garbage disposal containers at Lake Tenkiller Harbor Owners Association, it being understood that said swimming pools, parks and recreational areas are for the sole use and benefit of the members of said Association, their families and authorized guests. Voted on and approved by Lake Tenkiller Harbor Owners Association members in 2011, a special road assessment is hereby made of \$10.00 per year with the respect to the total of lots, the owner of which owns one lot in Lake Tenkiller Harbor Subdivision, (ii) \$20 per year with the respect to the total of lots, the owner of which owns two lots in Lake Tenkiller Harbor Subdivision, (iii) \$30 per year with the respect to the total of lots, the owner of which owns three lots in Lake Tenkiller Harbor Subdivision, (iv) \$40 per year with the respect to the total of lots, the owner of which owns four or more lots in Lake Tenkiller Harbor Subdivision. Such assessments may be used for the construction, reconstruction, improvement and maintenance of roads and streets. Said both assessment and special road assessment shall accrue from the earlier of the date of the agreement for deed from the undersigned as seller to a purchaser or of the conveyance by the undersigned as grantor. Such assessment shall be and is hereby secured by a lien on each lot hereunder, respectively, and shall be payable to Lake Tenkiller Harbor Owners Association (an Oklahoma non-profit corporation), its successors and assigns, the owner of said assessment funds, on April 30 of each such year. Said assessment lien shall be junior and subordinate to any lien which may be placed on any lot or any portion of any lot as security for any interim construction loan and/or any permanent loan for financing improvements on said lot, and/or any purchase money loan for any lot on which a dwelling or building complying with these restrictions has therefore been constructed. Commencing on the second Saturday in September, 1986, the undersigned shall not be eligible for membership in said Lake Tenkiller Harbor Owners Association. Assessments against lots owned by the undersigned shall accrue and liens securing same may attach, only during such times as a contract to purchase said lots is then in force; no assessment shall be made against the undersigned then in force to sell or reserve for sale such lot, any then accrued but unpaid assessments under this paragraph against such lot shall thereupon be automatically cancelled. At any time and from time to time, Lake Tenkiller Harbor Owners Association may elect, by majority vote of the entire Board of Directors of said Association plus a majority of votes case at a meeting of the members of said Association duly convened, to increase such assessments, provided that prior written notice is mailed to each member of said Association (at the most recent address shown for such member on the records of said Association) stating either the exact amount or the maximum amount of such increase to be voted on at such meeting.



Article #13 – ORIGINALLY READ:

13. No lot or any part of a lot shall be used for a street, access road or public thoroughfare without the prior written consent of the Board of Directors of Lake Tenkiller Harbor Owners Association.

Article #13 – AMENDED TO READ:

13. No lot or any part of a lot shall be used for a street, access road or public thoroughfare without the prior written consent of the Board of Directors of Lake Tenkiller Harbor Owners Association. On September 4, 2012, the Board of County Commissioners approved SB 742 which legalized for Lake Tenkiller Harbor Owners Association the use of golf carts and/or utility vehicles on roadways within the county of a roadway that has a posted speed limit of twenty-five (25) miles per hour or less; the roadway is located in an unincorporated area and appropriate signage, cautioning motorists of the possibility of golf carts or utility vehicle traffic, is erected by the Board of County Commissioners. Drivers must be sixteen (16) years of age or older and possess a valid driver's license. The vehicle must have liability insurance. 4 Wheelers (ATVs) are not allowed, only golf carts and utility terrain vehicles (UTVs).

The "Undersigned" hereinabove referred to is the developer, Lake Tenkiller Associates.



Expires 11/4/2022

Randolph Powell
Randolph Powell, President

Lake Tenkiller Harbor Subdivision
Block D
Cherokee County, State of Oklahoma

I, The Undersigned, do hereby certify, that I am the elected and acting secretary of Lake Tenkiller Harbor Owners Association, an Incorporated Association and the Association Restrictions for Block D were duly adopted by 2/3rds votes of the members of the Association at the annual meeting on July 16, 2022 and the dues increase tie-breaker percentage on September 3, 2022.

AS A WITNESS, I have subscribed my name this 4 day of October, 2022.

Susan A. Hunt

Susan A. Hunt

I-2022-008552 Book 1364 Pg 804
10/06/2022 3:39pm Pg 0802-0804
Fee: \$22.00 Doc: \$0.00
Cheryl Trammel - Cherokee County Clerk
State of OK

