



**AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS OF EMERALD FALLS**

STATE OF OKLAHOMA    )  
  ) ss.  
COUNTY OF TULSA      )

The undersigned, being the Directors of Emerald Falls Homeowners Association, Inc., an Oklahoma not-for-profit corporation, and the owners of two-thirds (2/3) or more of the lots within Emerald Falls, a Subdivision in the N/2 of Section 5, Township 18 North, Range 16 East of the I.B.&M., Wagoner County, State of Oklahoma, according to the recorded plat thereof ("Emerald Falls Addition"), as verified by Special Certificate No 19-OR-002, issued by Wagoner County Abstract, an Oklahoma corporation, and attached hereto as Exhibit "A", do hereby consent and agree to amend, and by these presents do hereby amend certain provisions contained in the Declaration of Covenants, Conditions and Restrictions dated February 1, 2006, and recorded March 8, 2006, in Book 1564 at Page 591 ("Declarations"), as follows:

Article II, Section 2.2 (Membership in Association), subsection (b)(i) is hereby amended to read: when one hundred percent (100%) of the Lots permitted by applicable zoning laws and regulations for the property described on Exhibits "A" of the Declaration have certificates of occupancy issued for a residential dwelling constructed thereon and have been conveyed to Persons other than the Developer or builders.

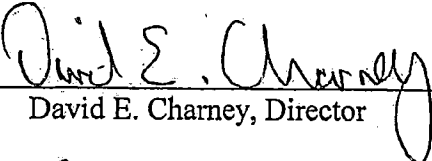
Article II, Section 2.2 (Membership in Association), subsection (b)(ii) is hereby amended to read: December 31, 2030.

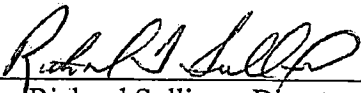
The provisions herein constitute the entire amendment of the Declarations, as previously amended of record, and the Owners hereby expressly ratify and confirm all remaining provisions of the Declarations as stated therein.

Dated effective this 1<sup>st</sup> day of May, 2019.

Approved and confirmed by:

Emerald Falls Homeowners' Association, Inc.  
An Oklahoma not-for-profit corporation

By:   
David E. Charney, Director

By:   
Richard Sullivan, Director

By:   
Sally Moseby, Director



OWNERS' SIGNATURE PAGE

Owner/Lot(s)/Block in Emerald Falls Addition

Capital Homes Residential Group, L.L.C.  
An Oklahoma limited liability company

By: Charney Properties, Inc.  
An Oklahoma corporation  
Its Manager

By: David E. Charney  
David E. Charney, President

Owner of 16 of 200 lots: As Shown in Attached Abstractor Certificate No. 19-OR-002

Emerald Falls Investment Company, L.L.C.  
An Oklahoma limited liability company

By: Charney Properties, Inc.  
An Oklahoma corporation  
Its Manager

By: David E. Charney  
David E. Charney, President

Owner of 29 of 200 lots: As Shown in Attached Abstractor Certificate No. 19-OR-002

First Par, L.L.C.  
An Oklahoma limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_  
Title: Manager

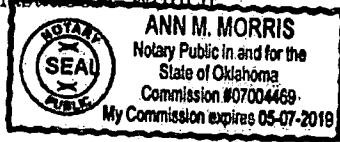
Owner of 113 of 200 lots: As Shown in Attached Abstractor Certificate No. 19-OR-002



STATE OF OKLAHOMA )  
 )  
 ) ss.  
COUNTY OF TULSA )

1st Before me, the undersigned, a Notary Public, in and for said County and State, on this day of May, 2019, personally appeared David E. Charney, President of Charney Properties, Inc., as Manager of Capital Homes Residential Group, L.L.C., to me proved to be the identical person recited in that Special Certificate No. 19-OR-002 issued by Wagoner County Abstract Company, and who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his and said company's free and voluntary act and deed for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day and year last above written.



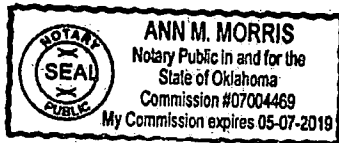
Ann M Morris  
Notary Public

My Commission Expires: 05-07-2019

STATE OF OKLAHOMA )  
 )  
 ) ss.  
COUNTY OF TULSA )

1st Before me, the undersigned, a Notary Public, in and for said County and State, on this day of May, 2019, personally appeared David E. Charney, President of Charney Properties, Inc., as Manager of Emerald Falls Investment Company, L.L.C., to me proved to be the identical person recited in that Special Certificate No. 19-OR-002 issued by Wagoner County Abstract Company, and who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his and said company's free and voluntary act and deed for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day and year last above written.



Ann M Morris  
Notary Public

My Commission Expires: 05-07-2019



OWNERS' SIGNATURE PAGE

Owner/Lot(s)/Block in Emerald Falls Addition

Capital Homes Residential Group, L.L.C.  
An Oklahoma limited liability company

By: Charney Properties, Inc.  
An Oklahoma corporation  
Its Manager

By: \_\_\_\_\_  
David E. Charney, President

Owner of 16 of 200 lots: As Shown in Attached Abstractor Certificate No. 19-OR-002

Emerald Falls Investment Company, L.L.C.  
An Oklahoma limited liability company

By: Charney Properties, Inc.  
An Oklahoma corporation  
Its Manager

By: \_\_\_\_\_  
David E. Charney, President

Owner of 29 of 200 lots: As Shown in Attached Abstractor Certificate No. 19-OR-002

First Par, L.L.C.  
An Oklahoma limited liability company

By: \_\_\_\_\_

Name: B CABLILE ROBERTS  
Title: Manager

Owner of 113 of 200 lots: As Shown in Attached Abstractor Certificate No. 19-OR-002

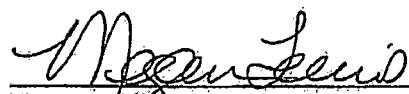
Lori Hendricks, County Clerk  
Wagoner County - State of Oklahoma



STATE OF OKLAHOMA    )  
                              )     ss.  
COUNTY OF TULSA    )

Before me, the undersigned, a Notary Public, in and for said County and State, on this 1st day of May, 2019, personally appeared R Carlisle Roberts, Manager of First Par, L.L.C., to me proved to be the identical person recited in that Special Certificate No. 19-OR-002 issued by Wagoner County Abstract Company, and who executed the within and foregoing instrument, and acknowledged to me that he executed the same as his and said company's free and voluntary act and deed for the uses and purposes herein set forth.

IN WITNESS WHEREOF, I hereunto set my official signature and affixed my notarial seal the day and year last above written.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 12-22

MEGAN LEWIS Notary Public, State of Oklahoma Commission # 18012276 My Commission Expires 12-11-2022
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**SECOND AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS & BYLAWS  
FOR  
EMERALD FALLS**

STATE OF OKLAHOMA     )  
  ) ss.  
COUNTY OF WAGONER     )

The undersigned, Emerald Falls Investment Company, L.L.C., an Oklahoma limited liability company, hereinafter referred to as the "Declarant", pursuant to Article XII, Section 9(a) of the Amended and Restated Declaration of Covenants, Condition and Restrictions for Emerald Falls, a Subdivision in Wagoner County, State of Oklahoma, according to the recorded Plat thereof ("Subdivision"), recorded March 8, 2006, in Book 1564 at Page 591, and as amended by First Amendment to Declarations of Covenants, Conditions and Restrictions recorded June 26, 2019, in Book 2508 at Page 847 ("Declarations"), do hereby amend the following provisions of the Declarations:

1. Article VIII, Section 1. "Vehicles, Boats, RVs", is hereby amended to also include the following provisions:
  - A. *Under no circumstances shall a Resident park vehicles in the street in front of his Lot for a period of time exceeding seventy-two (72) hours without prior written approval from the Board. Except as provided above, it is intended that street parking only be utilized by visiting guests for a period of time no longer than a 3-day holiday weekend.*

*It is intended that vehicles be parked in an enclosed garage or in the driveway, so as to allow for the free flow of traffic on the public street.*

The provisions herein constitute the entire amendment of the Declaration of Covenants, Conditions, and Restrictions & Bylaws for Emerald Falls and the Declarant hereby expressly ratify and confirm all remaining provisions of the Declaration of Covenants, Conditions, and Restrictions & Bylaws as stated therein.



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IN WITNESS WHEREOF, Emerald Falls Investment Company, L.L.C., an Oklahoma limited liability company, hereby approves and executes the foregoing Second Amendment to Declaration of Covenants, Conditions, and Restrictions & Bylaws this 24 day of September, 2022

Emerald Falls Investment Company, L.L.C., an Oklahoma limited liability company

By: Charney Properties, Inc.  
Its Manager

By: David E. Charney  
David E. Charney, President

STATE OF OKLAHOMA )  
 ) ss.  
COUNTY OF WAGONER )

Before me, the undersigned, Notary Public, in and for said County and State, on this 24 day of September, 2022, personally appeared David E. Charney, President of Charney Properties, Inc., to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Manager and acknowledged to me that he executed the same as his free and voluntary act and deed and as the free and voluntary act and deed of such limited liability company, for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year above written.

Sally S. Moseby  
Notary Public

My Commission Expires: \_\_\_\_\_  
Commission No. \_\_\_\_\_

