

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2447

By: Vaughn

AS INTRODUCED

An Act relating to cities and towns; amending Section 1, Chapter 154, O.S.L. 1995 (11 O.S. Supp. 1997, Section 42-106.1), which relates to restrictive covenants; providing for effect of recording; stating applicability of covenants based on recordation of instruments; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 1, Chapter 154, O.S.L. 1995 (11 O.S. Supp. 1997, Section 42-106.1), is amended to read as follows:

Section 42-106.1 A. Any restrictive covenant on property contained in a residential addition may be amended if:

1. The restrictive covenant has been in existence for at least ten (10) years and the amendment is approved by the owners of at least seventy percent (70%) of the parcels contained in the addition or the amount specified in the restrictive covenant, whichever is less; or

2. The restrictive covenant has been in existence for at least fifteen (15) years and the amendment is approved by the owners of at least sixty percent (60%) of the parcels contained in the addition

or the amount specified in the restrictive covenant, whichever is less.

B. For purposes of this section, where a residential addition has been developed and platted in one or more sections, parcels, or phases and identical or similar restrictive covenants have been recorded for each of the sections, parcels, or phases within the same residential addition, all of the restrictive covenants affecting property within the entire residential addition shall be considered recorded or in existence as of the date of the first recorded restrictive covenants for the residential addition and any amendments to the restrictive covenants shall be subject to the requirements of paragraphs 1 and 2 of subsection A of this section.

C. Where a preliminary plat has been filed for a residential addition, the requirements of paragraphs 1 and 2 of subsection A of this section shall include all the parcels contained in the preliminary plat.

~~C.~~ D. In the absence of a provision providing for the amendment of the restrictive covenants of a residential addition the requirements of paragraphs 1 and 2 of subsection A of this section shall apply. A thirty-day notice of any meeting called to amend the restrictive covenants shall be provided to the owners of every parcel contained in the addition. Each parcel shall be entitled to one vote.

SECTION 2. This act shall become effective November 1, 1998.

46-2-9001

MAH