

**EHB 2133**

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**THE STATE SENATE**  
**Wednesday, April 3, 2002**

**ENGROSSED**

**House Bill No. 2133**

ENGROSSED HOUSE BILL NO. 2133 - By: LINDLEY and BLACKBURN of the House and HERBERT of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 42-106.1, which relates to amendments to restrictive covenants on property in a residential addition; providing a method for creating neighborhood association by amendment; providing procedures and requirements for implementing amendment; providing for revocation procedure; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, 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

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

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

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

13 D. The recorded restrictive covenants on property contained in  
14 a residential addition may be amended by the addition of a new  
15 covenant creating a neighborhood association for the addition that  
16 would require the mandatory participation of the successors-in-  
17 interest of all record owners of parcels within the addition at the  
18 time the amendment is recorded. The amendment must be approved by  
19 the record owners of at least sixty percent (60%) of the parcels  
20 contained in the addition and shall be subject to the following:

21 1. The amendment shall provide that participation in the  
22 neighborhood association created by the amendment shall not be  
23 mandatory for persons who are record owners of parcels within the

1 residential addition at the time the amendment is filed of record,  
2 but such participation shall be mandatory for all successors-in-  
3 interest of the record owners;

4 2. The amendment must provide that the concurring vote of not  
5 less than sixty percent (60%) of the record owners of parcels  
6 contained in the addition shall be necessary for the establishment  
7 or change of dues for the neighborhood association; and

8 3. Following approval, the amendment shall be filed of record  
9 in the office of the county clerk of the county wherein the  
10 residential addition is located against all parcels within the  
11 addition. The term amendment may apply to an existing covenant or  
12 to a new subject not addressed in existing covenants.

13 A thirty-day written notice of any meeting called to approve any  
14 such amendment shall be provided to the owners of every parcel  
15 contained in the residential addition. The notice of such meeting  
16 shall be published in a newspaper in the county at least fourteen  
17 (14) days before the meeting. The notice shall also be given by  
18 publication in the neighborhood newsletter. Each parcel within the  
19 addition shall be entitled to one vote. Any amendment approved and  
20 recorded pursuant to this subsection may thereafter be revoked by  
21 approval of sixty percent (60%) of the record owners of parcels  
22 within the addition.

23 SECTION 2. This act shall become effective November 1, 2002.

1 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 4-1-02 -  
2 DO PASS.