

DRIVEWAY MAINTENANCE AND REPAIR AGREEMENT

THIS DECLARATION, made on the date hereinafter set forth by BRUSH CREEK VIEW, LLC, an Oklahoma Limited Liability Company, hereinafter referred to as "Declarant".

WHEREAS, Declarant is the owner of certain real property in Payne County, State of Oklahoma, and Declarant has caused the such real property to be surveyed and subdivided into separate tracts, such tracts being described as Lots 8 through 13, inclusive, of Brush Creek View subdivision where the number defines a Lot and any letter following the lot designation defines a component of the numbered Lot and a 60-foot-wide Private Access Roadway and General Utility Easement Tract, all according to the plat thereof recorded in Book 2489 at Pages 346 through 351 in the records of the Payne County Clerk.

NOW, THEREFORE, Declarant hereby declares that all of the property described above shall be held, sold and conveyed subject to the following terms and conditions, which are for the purpose of protecting the value and desirability of the described property, and which shall run with the real property and be binding on all parties having any right, title or interest in the described property or any part thereof, their heirs, successors and assigns, and which shall inure to the benefit of each owner thereof.

Section 1. Declarant grants and conveys, in perpetuity from the effective date of the conveyance, an easement for driveway and utility purposes over and across the property owned by Declarant and described above as the Private Access Roadway and General Utility Easement Tract, more particularly described in Exhibit "B" attached hereto. An easement for a common driveway and utilities is thereby created over the Driveway and Utility Tract for the benefit of all of the above-described Tracts. The easement created by this agreement is superior and paramount to the rights of the parties to this agreement in the respective servient estates so created. The owner of each Tract shall have a right and easement of enjoyment in and to the Driveway and Utility Tract that shall be appurtenant to and shall pass with the title to every Lot.

Section 2. Owners of each of the Lots shall share equally the costs and expenses of maintaining the above-described Driveway and Utility Tract in good repair for the use and benefit of each property owner and to provide a source of common access to such Tracts. The existing driveway is a level, graded gravel-based surface.

Section 3. The repairs and maintenance to be undertaken and performed under this agreement shall include the following and only the following: maintenance and repairs, such as filling of chuckholes, resurfacing and grading of such easement. Any additional repairs or maintenance deemed necessary or advisable, but not included within the maintenance and repair specified above, shall not be undertaken under this agreement except with the express written consent of each of the Lot Owners and an assumption by each of the Lot Owners in writing of their proportionate share of financial liability for the cost of such additional repairs or maintenance.

Section 4. All Lot Owners will participate in an annual driveway assessment to be conducted every spring, beginning in 2020. The assessment will determine if driveway maintenance and repairs are needed to return it to its original state (i.e., chuckholes need to be filled, resurfacing or grading needs to be done, etc...); and if so, the repairs are to be completed in a timely manner. Additional assessments throughout the year may be warranted, and should be handled on a case by case basis.

Before me, the undersigned Notary Public in and for said County and State on this _____ day of _____, 2019 personally appeared Jim Ward, as Manager of Brush Creek View, LLC, an Oklahoma Limited Liability Company, who 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 said limited liability company.

Given under my hand and seal the day and year last above written.

NOTARY PUBLIC

My Commission Expires: _____

My Commission Number: _____

DRAFT

Exhibit A

LEGAL DESCRIPTION FOR TRACT (LOTS) 8, 9, 10, 11, 12, and 13

A TRACT OF LAND IN THE EAST HALF (E/2) OF THE NORTHEAST QUARTER (NE/4) OF SECTION EIGHT (8), TOWNSHIP NINETEEN (19) NORTH, RANGE THREE (3) EAST OF THE INDIAN MERIDIAN, PAYNE COUNTY OKLAHOMA more particularly described as:

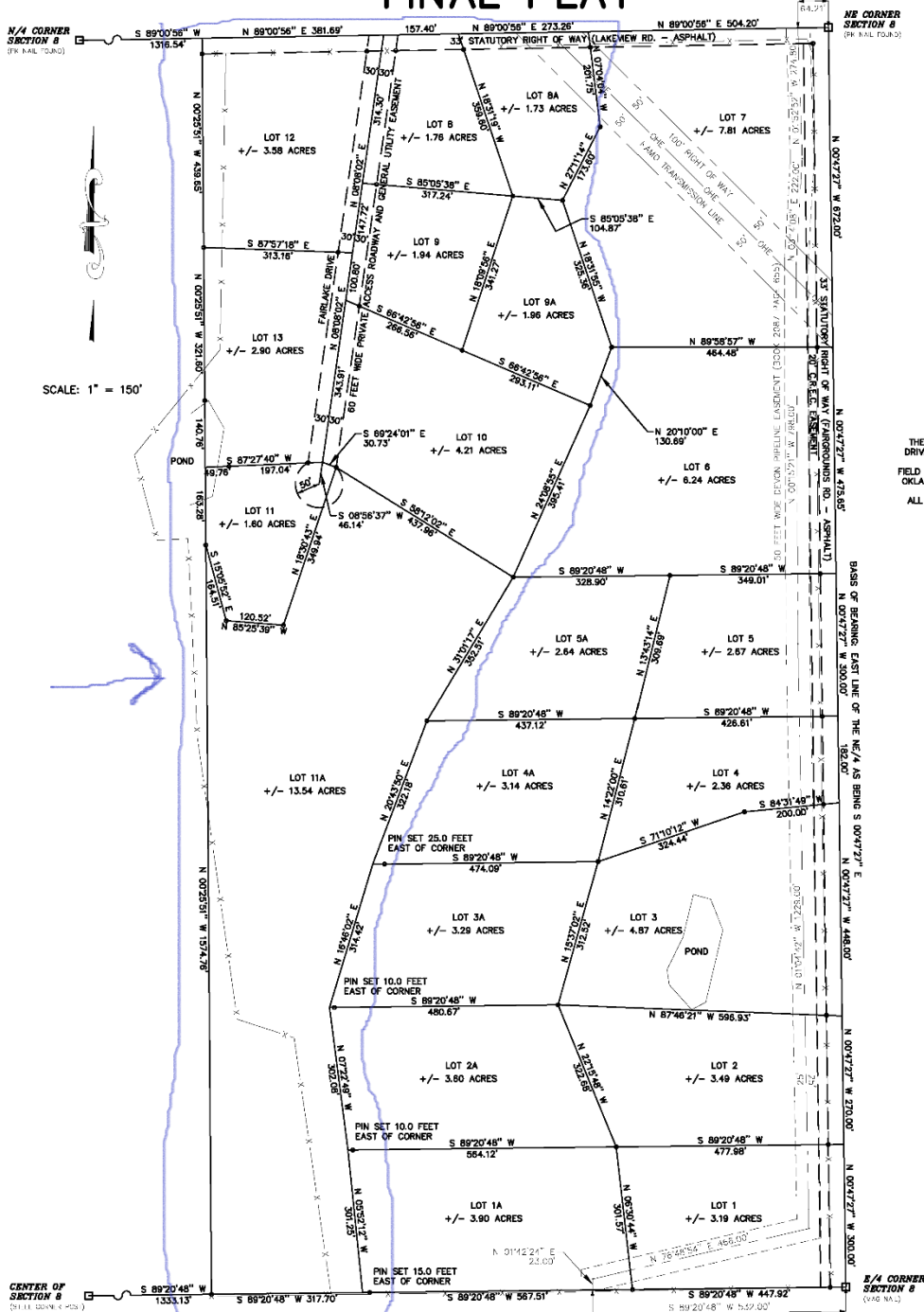
Lots EIGHT (8) through Thirteen (13), inclusive, Brush Creek View a subdivision of part of the East Half (E/2) of the Northeast Quarter (NE/4) of Section Eight (8), Township Nineteen (19) North, Range Three (3) East of the Indian Meridian, Payne County, Oklahoma, according to the recorded plat thereof, where the number defines a Lot and any letter following the lot designation defines a component of the numbered Lot.

BRUSH CREEK VIEW

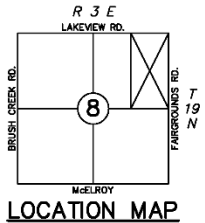
THE E/2 OF THE NE/4 OF SECTION 8, T-19-N, R-3-E I.M.

PAYNE COUNTY, OKLAHOMA

FINAL PLAT



SCALE: 1" = 150'



LEGEND

- - #3 REBAR SET (RPLS 1576)
- △ - #4 REBAR FOUND
- x - WIRE FENCE

NOTES:
 THE LAST SITE VISIT WAS NOVEMBER 7, 2018. DRIVEWAYS ARE NOT IN PLACE FOR ACCESS TO THE LOTS AS OF THE LAST SITE VISIT. FIELD WORK WAS PERFORMED BY BRENT GROUNDS, OKLAHOMA LS 1576 UNDER THE SUPERVISION OF JIMMY HILL, OKLAHOMA LS 128. ALL EASEMENTS AND/OR RIGHTS OF WAY MAY NOT BE SHOWN.

THIS PLAN AND SURVEY MEET THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

JIMMY HILL
 L.S. 129
 2700 SOUTH WESTERN
 STILLWATER, OK 74074
 405-743-4455

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF THE NE/4 OF SECTION 8 T-19-N, R-3-E I.M. PAYNE COUNTY, OKLAHOMA N 00°47'27" W - PER A PREVIOUS SURVEY BY LS 1576

Exhibit B

LEGAL DESCRIPTION FOR ROAD AND UTILITY EASEMENT FAIRLAKE DRIVE

A tract of land known as Fairlake Drive, located in Brush Creek View, a recorded subdivision in the East Half (E1/2) of the Northeast Quarter (NE1/4) of Section Eight (8), Township Nineteen (19) North, Range Three (3) East, Indian Meridian, Payne County, Oklahoma, being more particularly described as follows:

A tract or strip of land lying along and Thirty Feet either side of a line described as follows:
Commencing at the Northwest Corner of said East Half of the Northeast Quarter of Section Eight, thence North 89d 00' 56" East along the section boundary a distance of 381.69 feet to the POINT OF BEGINNING; thence South 08d 08' 02" West a distance of 952.87 feet to the Point of Termination, and;
A circle having a radius of 50.00 feet, and a center at the above described Point of Termination.

DRAFT