



Prepared by and return to: 1500 S. Utica Ave, Ste 400  
Tulsa, OK 74104

(SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY)

**NOTICE OF DISPUTE REGARDING FILING OF LIMITED NON-EXCLUSIVE  
AGREEMENT AND BY-LAWS OF RICHARDSON RANCH HOMEOWNERS  
ASSOCIATION, INC.**

The undersigned owners of Lots 1, 2, 6, 7, 9, 10 and 11 of Richardson Ranch Addition Phase I, an Addition to Washington County, Oklahoma, according to the recorded plat thereof, hereby provide notice that the Limited Non-Exclusive Use Agreement filed at Book 1175, Pages 1135-1138 on December 26, 2019 and By-Laws of Richardson Ranch Homeowners Association, Inc. filed at Book 1185, Pages 0279-0294 on January 14, 2021 were not authorized and violate the Restrictive Covenants for Richardson Ranch Addition Phase I dated August 10, 2012 and the Declaration of Association Covenants and Restrictions Richardson Ranch Addition Phase I dated August 10, 2012.

**W I T N E S S E T H:**

The Declaration of Restrictive Covenants for Richardson Ranch Addition Phase I dated August 10, 2012 ("Restrictive Covenants") were recorded on April 30, 2013 at Book 1118, Pages 3312-3318 in the records of the Washington County Clerk.

The Declaration of Association Covenants and Restrictions Richardson Ranch Addition Phase I dated August 10, 2012 ("Association Covenants") were recorded on April 30, 2013 at Book 1118, Pages 3319-3326 in the records of the Washington County Clerk.

The Restrictive Covenants provide any owner of land within Richardson Ranch Addition Phase I a 10 foot access easement to Lake Garland and a 10 foot easement around Lake Garland for the use and enjoyment including fishing. Lake Garland and the 10 foot strip (collectively "Lake Garland") are more particularly described as follows, in Washington County, Oklahoma to-wit:

SEE EXHIBIT "A"

The Association Covenants give each owner of Richardson Ranch Addition Phase I a right and easement of use and enjoyment to the Common Areas, which include Lake Garland, subject to the powers vested in the Richardson Ranch Addition Phase I Homeowners Association, Inc. (the "Association").

The Association Covenants provide that a sale or transfer of all or part of the Common Areas, including Lake Garland, requires the assent of 2/3rds of the parcel owners within Richardson Ranch Addition Phase I.

Jay L. Richardson solely executed the: (a) Limited Non-Exclusive Use Agreement (“Use Agreement”) filed at Book 1175, Pages 1135-1138 on December 26, 2019 in the records of the Washington County Clerk and (b) By-Laws of Richardson Ranch Homeowners Association, Inc. (“New By-Laws”) filed at Book 1185, Pages 0279-0294 on January 14, 2021 in the records of the Washington County Clerk.

The Use Agreement and New By-Laws provide Jay L. Richardson the ability to grant noncurrent owners of Richardson Ranch Addition Phase I an easement to or right to use the Common Areas, including Lake Garland.

Providing noncurrent owners of Richardson Ranch Addition Phase I an easement to or right to use the Common Areas, including Lake Garland, is a transfer of a part of the Common Areas, including Lake Garland.

2/3rds of the of the parcel owners within Richardson Ranch Addition Phase I did not consent to the Use Agreement or New By-Laws. Consequently, notice is hereby given that the Use Agreement and New By-Laws violate the Restrictive Covenants and Association Covenants.

Further, Oklahoma law required Jay L. Richardson to recuse himself from any vote to adopt the Use Agreement and New By-Laws because, among other things, the Use Agreement and New By-Laws provide a financial windfall to Jay L. Richardson, and thus, created a conflict of interest.

Therefore, notice is hereby given that the Use Agreement and New By-Laws are void and unenforceable.

**EXECUTED** this 24<sup>th</sup> day of May, 2022.

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My Commission Expires: 4-14-2025 Commission No. 09003309

OWNERS OF LOT SEVEN (7)

Kevin W. Phelan

By: Kevin W. Phelan, Trustee of the  
Kevin W. Phelan and Lori S. Phelan  
Trust

Lori S. Phelan

By: Lori S. Phelan, Trustee of the  
Kevin W. Phelan and Lori S. Phelan  
Trust

STATE OF Oklahoma )

SS:

COUNTY OF Washington )

Before me, a Notary Public in and for said County and State, on this 6th day of May, 2022, personally appeared **Kevin W. Phelan**, Trustee of the Kevin W. Phelan and Lori S. Phelan Trust, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument, and acknowledged before me that he executed the same as his free and voluntary act and deed, for the uses and purposes therein set forth.

Shawn L. Durham

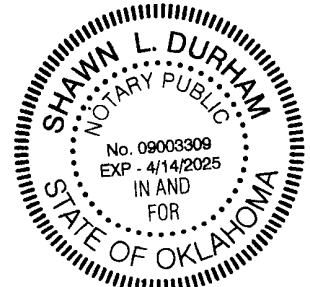
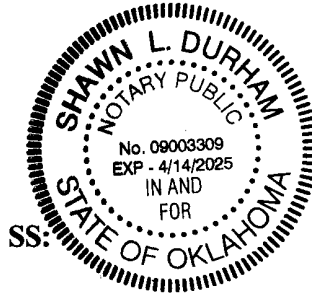
Notary Public

My Commission Expires: 4-14-2025 Commission No. 09003309

STATE OF Oklahoma )

SS:

COUNTY OF Washington )



Before me, a Notary Public in and for said County and State, on this 6th day of May, 2022, personally appeared **Lori S. Phelan**, Trustee of the Kevin W. Phelan and Lori S. Phelan Trust, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument, and acknowledged before me that she executed the same as her free and voluntary act and deed, for the uses and purposes therein set forth.

Shawn L. Durham

Notary Public

My Commission Expires: 4-14-2025 Commission No. 09003309






**OWNERS OF LOT TEN (10)**



By: **Warren E. Kelley, Manager and Member of Diamond K Enterprises, LLC**



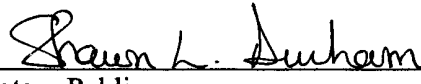
By: **Jonathan Kelley, Manager and Member of Diamond K Enterprises, LLC**

STATE OF Oklahoma )

COUNTY OF Washington )

SS:

Before me, a Notary Public in and for said County and State, on this 10th day of May, 2022, personally appeared **Warren K. Kelley, Manager and Member of Diamond K Enterprises, LLC**, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument, and acknowledged before me that he executed the same as his free and voluntary act and deed, for the uses and purposes therein set forth.

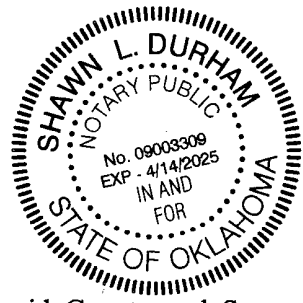
  
Notary Public

My Commission Expires: 4-14-2025 Commission No. 09003309

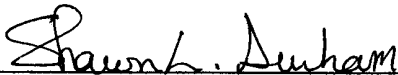
STATE OF Oklahoma )

COUNTY OF Washington )

SS:



Before me, a Notary Public in and for said County and State, on this 10th day of May, 2022, personally appeared **Jonathan Kelley, Manager and Member of Diamond K Enterprises, LLC**, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument, and acknowledged before me that he executed the same as his free and voluntary act and deed, for the uses and purposes therein set forth.

  
Notary Public

My Commission Expires: 4-14-2025 Commission No. 09003309

