

DIAMOND ACRES INC.

BILL OF ASSURANCE

RESTRICTIONS ON KING'S ROW SUB-DIVISION OF DIA-
MOND ACRES, INC. BOONE COUNTY, ARKANSAS. RECORDED IN BOOK NO. ...2..... PAGE2.....
IN THE OFFICE OF CIRCUIT CLERK, HARRISON, ARKANSAS.

All lots shown on said plat are to be used for residential purposes only. No building shall be maintained or erected except that the owner shall install sewage disposal facilities which meet the requirements of the State Health Department.

Nothing shall be allowable on premises in any zone established which would in any way be offensive or obnoxious by reason of control, design, or the emission of odors, liquids, gases, dust, smoke, vibration or noise. Nor shall anything be placed, constructed or maintained that would any way constitute an eye sore or nuisance to adjacent property owners, residents, or to the community. No bee hives or breeding or raising of any insects, reptiles, or animals or fowls other than customary house pets are permitted.

No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the architectural control committee. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum setback line unless similarly approved.

No lots shown on said plats shall be resub-divided into plots, but a portion of a lot adjoining a lot may be used in connection there with and the total considered as a single building plot. The building line and side line setback shall be determined with reference to such increased plot.

No structure of a temporary character, trailer, basement, shack, garage, barn, or other out-building shall be used on any lot at any time as a residence either temporarily or permanently.

Setback restrictions shall apply to all structures constructed and erected on said property as follows:

Front yard—House 25 feet from property line.

Side yard—House 5 feet from property line.

Corner lots—House 25 feet from the front street.

House 10 feet from the side street.

Roof overhangs, steps, stoops and architectural projections are excepted.

No building in this Sub-Division shall be greater than two stories in height or higher from the average grade than 25 feet to any portion of the building except chimneys and architectural projections.

Garden walls, not to exceed 5 feet in height, may be constructed anywhere within the property line.

No building shall be constructed unless it contains a minimum of 1200 Sq. Ft. of living area.

Perpetual easements as shown on the plats for the use of utilities shall be maintained and become a restriction on each individual lot where they occur. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the use of storage or disposal of such material shall be kept in a clean and sanitary condition.

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots have been recorded, agreeing to change said covenants in whole or in part.

Enforcement shall be by proceedings at law. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

P L A T

At page 20 of Plat-Annex-Deed-Bk-27 and Plat Book 1, in office of Recorder of Boone County, Arkansas, appears Plat of:

PLAT OF SUBDIVISION
KING'S ROW SUBDIVISION
LOCATED IN
NW $\frac{1}{4}$ SECTION 17 T-21-N R-18-W
BOONE COUNTY ARK
AUGUST 19, 1967

CHARLES F. NEAL
PROFESSIONAL LAND SURVEYOR
CLINTON ARK

The following notes appear on the said Plat:

LEGAL DESCRIPTION - KING'S ROW SUBDIVISION

Part of S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 17, T-21-N R-18-W, 5th Principal Meridian, more particularly described as: Starting at an axle at the SE corner SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T-21-N, R-18-W: thence N 01°50'19" E 60.00 feet along the east line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ to the point of beginning of the tract herein described: thence N 89°15'09" W 253.00 feet to a point: thence N 01°50'19" E 200.00 feet to a point: thence N 89°15'09" W 355.85 feet to a point on the fee taking line of Bull Shoals Reservoir: thence N 15°37'30" E 1091.65 feet along said fee line to a point on the north line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$: thence continuing along said fee line N 88°42'38" E a distance of 349.12 feet to the center of NW $\frac{1}{4}$, said section 17: thence S 01°50'19" W 164.30 feet along the west line of SE $\frac{1}{4}$ NW $\frac{1}{4}$ to a point in the centerline of a roadway: thence NORTHEASTERLY along said roadway on a curve left having a radius of 315.69 feet, an arc distance of 42.36 feet to the point of tangency of said curve: thence continuing along said centerline of roadway N 73°02' E 48.95 feet to the point of curvature of a curve right: thence continuing along said centerline of road, on said curve right, having a radius of 354.26 feet, an arc distance of 109.13 feet to the point of tangency thereof: thence continuing along said centerline S 89°19' E 252.05 feet to the point of curvature of a curve right: thence continuing along said centerline on said curve right, having a radius of 334.02 feet, an arc distance of 118.73 feet to the point of tangency thereof: thence continuing along said centerline of road S 68°57' E 130.41 feet to a point: thence S 01°42'47" W 503.09 feet to a point on the aforesaid fee taking line of Bull Shoals Reservoir: thence N 61°29'08" W 22.41 feet along said fee line to the center of SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 17: thence continuing along said fee line S 01°42'52" W 112.00 feet to a point: thence N 87°05'23" W 667.51 feet to a point on the west line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$: thence S 01°50'19" W 500.00 feet along said west line to the point of beginning, containing 998.426 square feet or 22.92 acres.

BOONE COUNTY ABSTRACT & TITLE COMPANY, INC.

BONDED ABSTRACTORS - TITLE INSURANCE

SHEET NO.

HARRISON, ARKANSAS

#2

CERTIFICATE OF SURVEY:

I hereby certify that I have surveyed the property shown and described hereon as KING'S ROW SUBDIVISION and this plat correctly represents the survey thereof, and that same is true and correct.

Charles F. Neal

CHARLES F. NEAL

Registered Land Surveyor No. 127 (Arkansas)

Surveyor's notes and comments:

1. Bearing, as shown hereon, are relative to U.S. Army, Corps of Engineers, reservoir grid.
2. All radius turn-outs in King's Row Subdivision are 20 feet.
3. A 5 foot utility easement is reserved along the front or street line, and a 10 utility easement is reserved along the rear of all lots in King's Row Subdivision, as shown herein.

Deed of Dedication Book 101 pp 398-401.

Filed for Record 1 day of Sept. 1967 at 9:30 o'clock A.M.

Troy Andrews

TROY ANDREWS, CLERK

Irene J. Andrews

DEPUTY CLERK

BILL OF ASSURANCE AND DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That Diamond Acres, Inc. holds the title title to all the following described lands situated in Boone County, Arkansas to-wit:

Part of $S\frac{1}{2}$ NW $\frac{1}{4}$ Section 17, T-21-N, R-18-W, 5th Principal Meridian, more particularly described as: Starting at an axel at the SE corner SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, T-21-N, R-18-W: thence N 01 degrees 50' 19" E 60.00 feet along the east line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ to the point of beginning of the tract herein described: thence N 89 degrees 15' 09" W to 53.00 feet to a point: thence N 01 degrees 50' 19" E 200.00 feet to a point: thence N 89 degrees 15' 09" W 355.85 feet to a point on the fee taking line of Bull Shoals Reservoir: thence N 15 degrees 37' 30" E 1091.65 feet along said fee line to a point on the north line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$: thence continuing along said fee line N 88 degrees 42' 38" E a distance of 349.12 feet to the center of NW $\frac{1}{4}$, said section 17: thence S 01 degrees 50' 19" W 164.30 feet along the west line of SE $\frac{1}{4}$ NW $\frac{1}{4}$ to a point in the center line of a roadway: thence NORTHEASTERLY along said roadway on a curve left having a radius of 315.69 feet, an arc distance of 42.36 feet to the point of tangency of said curve: thence continuing along said center line of roadway N 73 degrees 02' E 48.95 feet to the point of curvature of a curve right: thence continuing along said center line of road, on said curve right, having a radius of 354.26 feet, an arc distance of 109.13 feet to the point of tangency thereof: thence continuing along said center line S 89 degrees 19' E 252.05 feet to the point of curvature of a curve right: thence continuing along said center line, on said curve right having a radius of 334.02 feet, an arc distance of 118.73 feet to the point tangency thereof; thence continuing along said center line of road S 68 degrees 57' E 130.41 feet to a point: thence S 01 degrees 42' 47" W 503.09 feet to a point on the aforesaid fee taking line of Bull Shoals Reservoir: thence N 61 degrees 29' 08" W 22.41 feet along said fee line to the center of SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 17: thence continuing along said fee line S 01 degrees 42' 52" W 112.00 feet to a point: thence N 87 degrees 05' 23" W 667.51 feet to a point on the west line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$: thence S 01 degrees 50' 19" W 500.00 feet along said west line to the point of beginning, containing 998,426 square feet or 22.92 acres.

The Grantor, Diamond Acres, Inc., has caused said lands to be surveyed and subdivided to lots, blocks, and streets. Said subdivision has been named and shall henceforth be known and designated as King's Row Sub-Division of Diamond Acres, Inc., Boone County, Arkansas. King's Row Sub-Division of Diamond Acres, Inc., Boone County, Arkansas, contains eighty-four (84) lots, and the Grantor has executed a plat showing the location of said lots and the number and demen-
sions of the lots in said sub-division; also, the locations, widths and names of the streets. All streets of said sub-division are hereby dedicated to the public for its use and benefits forever.

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The Grantor, Diamond Acres, Inc., has caused said lands be surveyed and subdivided to lots, blocks, and streets. Said subdivision has been named and shall henceforth be known and designated as King's Row Sub-Division of Diamond Acres, Inc., Boone County, Arkansas.

King's Row Sub-Division of Diamond Acres, Inc., Boone County, Arkansas, contains eighty-four (84) lots, and the Grantor has executed a plat showing the location of said lots and the number and dimensions of the lots in said sub-division; also, the locations, widths and names of the streets. All streets of said sub-division are hereby dedicated to the public for its use and benefits forever.

The plat of King's Row Sub-Division of Diamond Acres, Inc., Boone County, Arkansas, is recorded in Record Book No. 1 at Page No. 20 in the office of Circuit Court Clerk and Ex-Office Recorder in and for Boone County Arkansas.

As a part of this Bill of Assurance and Deed of Dedication, certain safeguards and restrictions hereinafter referred to as "Sub-Division Restrictions;" are hereby placed on the lots of said plat of King's Row Sub-Division of Diamond Acres, Inc., Boone County, Arkansas.

SUBDIVISION RESTRICTIONS

The purpose of the restrictions is to provide uniform protection for all property owners in this subdivision by establishment of minimum standards of land use, building size, setback requirements and the prohibition of certain undesirable uses and practices for the entire subdivision.

I. LAND USE

All lots shown on said plat are to be used for residential purposes only. No building shall be maintained or erected except that the owner shall install sewage disposal facilities which meet all the requirements of the State Health Department.

II. GENERAL PROVISIONS

(a) Nothing shall be allowable on premises in any zone established which would in any way be offensive or obnoxious by reason of control, design, or the emission of odors, liquids, gases, dust, smoke, vibration or noise. Nor shall anything be place, constructed or maintained that would in any way constitute an eye sore or nuisance to adjacent property owners, residents, or to the community. No bee hives or breeding or raising of any insects, reptiles, or animals or fowls other than the customary house pets are permitted.

(b) No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the architectural control committee as to the quality of workmanship and materials, harmony of external design with existing structures and as to the location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line unless similarly approved.

The Architectural control committee is composed of Henry W. Dietz, Otto Dein, and Fred J. Barr. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed persuant to covenant. At any time, the then record owners of majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers or duties. The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee or its designated representative fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in

event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

(c) No lots as shown on said plats shall be resubdivided into building plots, but a portion on a lot adjoining a lot may be used in connction therewith the total considered as a single building plot. The builing line and side line setback shall be determined with reference to such increased plot.

(d) No structures of a temporary character, trailer, basement, tene, shack, garage, barn, or other out-builing shall be used on any lot at any time as a residence either temporarily or permanently.

(e) All residence constructed on the property herein shall be for residential purposes only and the use of said residences for the practice of any profession or commerical and business use of any kind is prohibited.

III. SETBACK LIMITATIONS

Setback restrictions shall applu to all structures constructed and erected on said property as follows:

Front yard ----- House 25 feet from property line.

Side yard ----- House 5 feet from property line.

Corner lots----- House 25 feet from the front street.
House 10 feet from side street.

Roof overhangs, steps, stoops and architectural projections are excepted.

IV. HEIGHT LIMITATIONS

No building in this subdivision shall be greater than two stories in height or higher from the average grade than 25 feet, to any portion of the building except chimneys and architectural projections.

Garden Walls - garden walls, not exceeding 5 feet in height, may be constructed anywhere within property lines.

V. AREA LIMITATIONS

No building shall be constructed unless it contains a minimum of 1,200 sq. ft. of living area.

VI. EASEMENTS FOR PUBLIC UTILITIES AND DRAINAGE

Perpetual easements as shown on the plats for the use of utilities shall be maintained and become a restrictions on each individual lot where they occur.

VII. GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the use of storage or disposal of such material shall be kept in a clean and sanitary condition.

VIII. SIGHT DISTANCE AT INTERSECTION

No fence, wall, hedge or shrubs planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight-line.

IX. TERM

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

X. ENFORCEMENT

Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants wither to restrain violation or to recover damage, and failures or neglect to enforce any provision hereof shall not constitute a waiver or operate as a estoppel.

XI. SEVERABILITY

Invalidation of any one of these covenants by judgement or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

WITNESS my hand and seal on this 30th day of August, 1967.

(CORP. SEAL)

DIAMOND ACRES, INCORPORATED

Henry W. Dietz
President

Henry W. Dietz IV
Vice President

ACKNOWLEDGMENT

STATE OF ARKANSAS }
 }ss
COUNTY OF BOONE }

On this 30th day of August, A.D. 1967, before me, the undersigned, a notary public in and for the county and state aforesaid, personally appeared Henry W. Dietz and Henry W. Dietz IV to me known to be the identical persons who signed the name of the maker thereof to the within and foregoing instrument as its PRESIDENT and VICE PRESIDENT and acknowledged to me that the seal affixed hereto is the corporate seal of the corporation and that they executed the same as their free and voluntary act and deed, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth. Given under my hand and seal the day and year last above written.

(SEAL)

Jane S. Chandler

My commission expires: 6-1-71

Filed for Record 30th day of August 1967 at 3:30 o'clock P. M.

Troy Andrews, Clerk

Irene J. Andrews, D. C.
