

DECLARATION OF COVENANTS, CONDITIONS, AND  
RESTRICTIONS  
FOR CERTAIN LANDS IN  
BENTON COUNTY, ARKANSAS

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, VICTOR W. BRADFORD and SUSAN K. BRADFORD, CO-TRUSTEES OF THE BRADFORD FAMILY TRUST u/a 4/8/97, as record owner (hereafter "Owner") of all that certain property located in Benton County, Arkansas, described as follows (hereafter the "Property"):

PART OF TRACT 9: A part of the NE $\frac{1}{4}$  of Section 36, Township 19 North, Range 28 West, Benton County, Arkansas, being more particularly described as follows, to wit: Beginning at the NE corner of said forty acre tract and running thence S 01°46'54" W 98.14 feet, thence W 76.67 feet, thence N 03°55'36" E 55.93 feet, thence N 04°12'19" E 43.53 feet, thence S 89°07'05" E 72.71 feet to the Point Of Beginning. Containing 0.17 acres, more or less.

PART OF TRACT 8: A part of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 36, Township 19 North, Range 28 West, Benton County, Arkansas, being more particularly described as follows, to wit: beginning at a point which is S 01°46'54" W 98.14 feet from the NE corner of said forty acre tract running thence S 01°46'54" W 288.26 feet, thence W 87.51 feet, thence N 03°55'36" E 76.67 feet to the Point Of Beginning. Containing 0.54 acres more or less.

PART OF TRACT 7: A part of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 36, Township 19 North, Range 28 West, Benton County, Arkansas, being more particularly described as follows, to wit: beginning at a point which is S 01°46'54" W 386.40 feet from the NE corner of said forty acre tract and running thence S 01°46'54" W 553.31 feet, thence N 77°48'24" W 108.83 feet, thence N 03°05'34" E 45.14 feet, thence N 04°25'34" E 202.44 feet, thence N 03°38'19" E 283.74 feet, thence E 87.51 feet to the Point Of Beginning. Containing 1.21 acres, more or less.

PART OF TRACT 6: A part of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 36, Township 19 North, range 28 West, Benton County, Arkansas, being more particularly described as follows, to wit: Beginning at the SE corner of said forty acre tract and running thence N 89°47'05" W 120.88 feet, thence N 04°56'31" E 145.21 feet, thence N 03°05'25" E 253.80 feet, thence S 77°48'24" E 108.83 feet, thence S 01°46'54" W 375.75 feet to the Point Of Beginning. Containing 1.00 acres, more or less.

WHEREAS, as a part of a settlement of certain disputes between Owner and Robert Lassiter and Christy Lassiter in that certain case styled VICTOR W. BRADFORD and SUSAN K. BRADFORD, CO-TRUSTEES OF THE BRADFORD FAMILY TRUST u/a 4/8/97 vs. ROBERT LASSITER and CHRISTY LASSITER AND ALL OTHER PERSONS CLAIMING AN INTEREST IN SAID LANDS, ET AL, Benton County Circuit Court Case No. CV 2004-852-2, Owner desires to subject the Property these restrictions as hereinafter set forth, each and all of which are hereby declared to be for the benefit of entire Property and each and every owner of any and all parts thereof; and,

NOW THEREFORE, the Developer hereby adopts and imposes upon the property the covenants and restrictions stated herein and declares that the stated covenants shall apply to all of the Property as covenants running with the land:

1. SCOPE OF APPLICATION.

These covenants shall apply in their entirety to the lands described above.

2. GENERAL RESTRICTIONS.

a. No improvements of any type, other than fencing, shall be placed or constructed upon the Property without the specific written consent of the owners of the lands adjoining the Property on the East boundary thereof, same being Robert and Christy Lassiter, their successors and assigns.

b. There shall be no hunting, trapping, unnatural harm to animals, nor target or trap shooting within the Property.

3. REMEDIES FOR DEFAULT IN OBSERVANCE OF COVENANTS.

If the owner or occupant of any the Property fails to observe any covenant and if the default continues after ten (10) days written notice to the owner, then the Owner or the owners of the lands bounding the Property on the East, same being Robert and Christy Lassiter, their successors and assigns, may bring any action provided by law, either at law or equity, for the enforcement of these Covenants.

4. TERM AND AMENDMENT OF THE COVENANT.

These covenants shall run with the land. All persons or corporations who now own or shall hereafter acquire any of the lots in this Property shall be deemed to have agreed and covenanted with the owners of all other lands in this Property and with its or their heirs, successors and assigns and with the owners of the lands adjoining the Property on the East boundary thereof, same being Robert and Christy Lassiter, their successors and assigns, to conform to and observe the restrictions, covenants and stipulations contained herein for a period of 25 years from the date these covenants are recorded, and these covenants shall thereafter automatically extend in effect for successive periods of 10 years unless prior to the end of the original term or any successive term of the application hereof a majority of the then owners of lands in the property and the owners of the lands adjoining the Property on the East boundary thereof, same being Robert and Christy Lassiter, their successors and assigns, agree to the removal of these covenants in whole or in part. These covenants may be amended at any time by instrument signed by the owners of the Property and the owners of the lands adjoining the Property on the East boundary thereof, same being Robert and Christy Lassiter, their successors and assigns.. No modification or amendment hereto shall be valid unless participated in by the owners of the lands adjoining the Property on the East boundary thereof, same being Robert and Christy Lassiter, their successors and assigns. No changes in these covenants in the manner herein set forth shall be valid unless the same shall be placed of record in the office of the Recorder of Pope County, Arkansas, duly executed and acknowledged by the requisite number of owners.

5. RIGHT TO ENFORCE.

The covenants, agreements, and restrictions herein set forth shall run with the title to the Property and bind the present owners, their heirs, successors and assigns, future owners and their heirs, successors and assigns; and all parties claiming by, through or under them shall be taken to hold, agree, and covenant with the owners of other lots in the property, their heirs, successors and assigns, and with Owners and the owners of the lands adjoining the Property on the East boundary thereof, same being Robert and Christy Lassiter, their successors and assigns, as to the covenants and agreements herein set forth and contained. None shall be personally binding on any person, persons, or corporations except with respect to breaches committed during its, his, or their holding of title to lots in the property. Any owner or owners of the

Property, the Owners, or the owners of the lands adjoining the Property on the East boundary thereof, same being Robert and Christy Lassiter, their successors and assigns, shall have the right to sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of or to enforce the observance of any of the covenants, agreements or restrictions contained herein together with any other rights to which they might otherwise be entitled under the laws of the State of Arkansas. The invalidation of any one of these covenants, restrictions or agreements herein contained by the order of a court of competent jurisdiction shall in no way affect any of the other provisions hereof which will remain in full force and effect.

6. SEVERABILITY.

Should any term or provision of these covenants and restrictions be deemed by any Court of competent jurisdiction to be invalid or unenforceable such provision shall be deemed to be severed and removed from these covenants and restrictions and such determination shall not affect the validity or enforceability of the remaining provisions of these covenants and restrictions.

IN WITNESS WHEREOF, the Owner has hereunto set its hand and seal this 4<sup>th</sup> day of December, 2006.

VICTOR W. BRADFORD and SUSAN K  
BRADFORD, CO-TRUSTEES OF  
THE BRADFORD FAMILY TRUST u/a 4/8/97  
Owner

Book/Pgs: 2006/60785  
Term/Cashier: CIRCLK04 / kjackson  
Tran: 4996.143405.399759  
Recorded: 12-22-2006 09:13:29  
DFE Deed  
REC Recording Fee  
Total Fees: \$ 14.00  
Benton County, AR

14.00 BY:  
0.00

Victor W. Bradford, Trustee  
Victor W. Bradford, Trustee

I certify this instrument was filed on  
12-22-2006 09:12:44 AM  
and recorded in Deed Book  
2006 at pages 60785 - 60787  
Brenda DeShields-Circuit Clerk

BY: Susan K. Bradford, Trustee  
Susan K. Bradford, Trustee

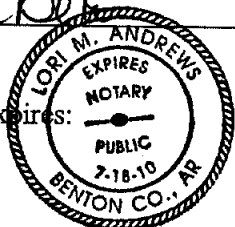
ACKNOWLEDGMENT

STATE OF ARKANSAS     )  
  )ss  
COUNTY OF POPE     )

On this day before the undersigned, a Notary Public, duly qualified and acting in and for the County and State aforesaid, personally appeared Victor W. Bradford and Susan K. Bradford, to me well known or satisfactorily proven to be the Co-Trustees of THE BRADFORD FAMILY TRUST u/a 4/8/97, the party in the foregoing instrument and stated that they had executed the above and foregoing instrument for the consideration, uses, and purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 4<sup>th</sup> day of December, 2006.

My Commission Expires:



Lori M Andrews  
NOTARY PUBLIC