

14

99009938

FILED FOR RECORD
At 11:40 O'Clock A M

PROTECTIVE COVENANTS AND RESTRICTIONS FOR
STONEHENGE SUBDIVISION, PHASE IV
BENTONVILLE, ARKANSAS

JAN 29 1999

SUE HODGES
Clerk and Recorder
BENTON COUNTY, ARK.

Lehman Properties Limited Partnership is the sole Owner and Developer of Stonehenge Subdivision, Phase IV, more particularly described as follows: PHASE IV, STONEHENGE SUBDIVISION BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD P-1 AT PAGE 900

The Owners hereby establish and create the following Protective Covenants.

1. SINGLE-FAMILY RESIDENTIAL LAND USE AND BUILDING TYPE. All lots within Stonehenge Subdivision Phase IV shall be limited to single family dwellings and shall be governed by the provisions of the Bentonville City Code governing single-family residences as governed by the R1 zone in effect on the date these covenants were executed.

2. BUILDING LIMITATIONS. The subdivision and building codes of the City of Bentonville, Arkansas, as they presently exist or are hereinafter amended, shall be and are hereby made applicable to all lots in Stonehenge Subdivision, Phase IV. All dwellings and other improvements shall comply with said ordinances as they exist on the date of such construction. Any conflict between such ordinances and the provisions of these Protective Covenants shall be resolved in favor of the more restrictive provisions. Building, architectural, and design specifications shall be in accordance with those regulations set forth in the Bentonville Zoning Ordinance designated in R1 (Residential 1). No dwelling structure shall be constructed upon any lot within Stonehenge Subdivision of a size less than two thousand (2,000) square feet of heated living space without approval of the Architectural Control Committee (as hereinafter set forth and referred to as "ACC"). Further, each dwelling shall have a private garage for not less than two (2) cars with dimensions of not less than twenty-two (22) feet by twenty-two (22) feet, and shall have a concrete driveway. In addition, compliance with the above referenced ordinance shall be judged and determined by and require a prior approval of the ACC (as hereinafter set forth), which shall view all plans and specifications for all structures prior to construction and be given the power to amend or alter any such designs or specifications prior to approval for construction in Stonehenge Subdivision, Phase IV. The specifications and requirements of the above mentioned R1 zoning designation are designed as a minimum requirement for architectural and design specifications and may be supplemented from time to time, where not inconsistent, by the ACC, and such requirements shall be binding for prior approval of construction as required by these covenants. All builders and owners must contact the ACC prior to commencement of construction to be apprised of current requirements. Revisions to approved architectural plans are discouraged, however, any revision to a prior approved plan must be for upgrade purposes only. All revisions must be submitted to the Architectural Control Committee as set forth hereinafter.

1803

3. BUILDING MATERIALS. The exterior walls of each building constructed or placed on a lot shall be at least fifty percent (50%) brick, brick veneer, stone or stone veneer or masonry, and the exterior portion of any fireplace chimney shall be one hundred percent (100%) brick, stone or masonry. All fire boxes shall be masonry. No concrete block shall be visible from any street, alley or adjoining lot.

4. ROOFS. All roofing material shall be approved in writing by the Architectural Control Committee prior to the installation of such materials, and shall be otherwise in compliance in all respects with applicable City of Bentonville Ordinances. The roof pitch of any structure shall be five feet by twelve feet (5' x 12') minimum.

5. PRE-DESIGNATED BUILDERS. IT IS SPECIFICALLY UNDERSTOOD AND AGREED BETWEEN THE DEVELOPERS AND THE PROPERTY OWNERS THAT ONLY PRE-DESIGNATED BUILDING CONTRACTORS SHALL BE AUTHORIZED TO CONSTRUCT RESIDENCES WITHIN STONEHENGE SUBDIVISION. NEITHER AN OWNER NOR ANYONE NOT A PRE-DESIGNATED BUILDER MAY CONSTRUCT HOUSES WITHIN THE SUBDIVISION. AN OWNER CANNOT SELECT A BUILDER OTHER THAN A PRE-DESIGNATED APPROVED BUILDER, WHOSE DESIGNATION OR RE-DESIGNATION IS IN GOOD STANDING WITH THE ARCHITECTURAL CONTROL COMMITTEE.

6. ARCHITECTURAL CONTROL COMMITTEE (ACC). To insure that all dwellings and accessory buildings constructed or erected in Stonehenge Subdivision, Phase IV, shall have good quality materials and workmanship and are architecturally compatible with other dwellings and accessory buildings constructed or to be constructed in Stonehenge Subdivision, Phase IV, there is established and ARCHITECTURAL CONTROL COMMITTEE. The initial ACC shall consist of the two (2) original owners, and each shall serve in said capacity until October 30, 2002. The subsequent terms will be for a period of two (2) years and will terminate on October 30 at the end of the second year of service for each committee member.

Any lot owner may nominate another lot owner to serve on the ACC at least thirty (30) days prior to the date for an election of such member. Votes shall be cast (one lot, one vote) on or before October 1st of the year in which the term expires. Election shall result for the candidate receiving the majority of the votes cast. In the event of the resignation, death or inability of a member of the ACC to complete his/her term, the remaining members shall appoint three lot owners as a nominating committee and that committee shall within fifteen (15) days, select a replacement to serve for the remainder of the term.

Two members shall be required for any meeting of the ACC. A member other than an official of Lehman Properties Limited Partnership may be replaced or removed by a vote of two-thirds majority of the votes cast by lot owners.

No buildings shall be erected, or any lot until the construction plans and specifications and a plot plan showing the location of the structure and utilities for the

house to be constructed have been approved by the ACC. The cutting of streets is strictly prohibited.

The name of the Building Contractor, plans and specifications, including a plot plan reflecting the location of all improvements, shall be submitted to the ACC, which shall, within thirty (30) days after such submission, act on the request and either approve or disapprove the planned construction in writing. If plans properly submitted are not either approved or disapproved within thirty (30) days, the written approval of the ACC shall no longer be required and the planned construction shall be deemed to be in compliance herewith.

7. CONSTRUCTION COMPLETION TIME. If a residence is not completed on any lot on or before ten (10) months from the date of the issuance of the building permit with respect to such lot, owner will pay to the developers as liquidated damages the sum of One Hundred Dollars (\$100.00) per day for each lot or part of lot commencing the first day thereafter.

8. GAZEBOS, GREENHOUSES AND STORAGE SHEDS. Gazebos, pool pavilions, trellis, greenhouses, children's playhouses, tree houses, storage sheds or other similar structures may not be erected without prior written approval of the Architectural Control Committee. The Architectural Control Committee shall have the right to deny the building or placing of any of the foregoing improvements on a lot.

9. HOME OCCUPATIONS. Home occupations as defined by the Bentonville City Codes shall be prohibited.

10. YARD SPACE RESTRICTIONS AND BUILDING LOCATION. No building shall be located on any lot nearer than thirty (30) feet to the front of the lot line, nor nearer than twenty-five (25) feet to the side street line, nor nearer than ten (10) feet to any interior side lot line, nor nearer than twenty-five (25) feet to the rear lot line. No lot shall be subdivided into smaller lots or parcels than shown on the recorded Plat for the purpose of creating additional building sites or lots, except that a lot may be divided to combine portions of it with the adjacent lots on both sides to enlarge the building sites on said respective adjacent lots.

11. FENCES. Fencing of front yards is prohibited. Rear yard fences must be of a decorative wood design. Chain link fences and other forms of wire fencing are specifically prohibited. Fencing and screening of approved tennis courts shall be subject to the approval of the Architectural Control Committee.

12. OFF-STREET PARKING. All vehicles, except recreational vehicles, of the respective lot owners shall be parked in the garage or driveway of the respective lot, and parking on the streets as shown in the Plat of the subdivision shall be prohibited for a period of time exceeding twenty-four (24) hours. Any automobile, truck, motorcycle, boat, boat trailer, mobile home, motor home, camp mobile, camper, motorized vehicle, or trailer shall be stored, placed or parked in such a manner that the vehicle is not

visible from any street, alley or adjoining lot. Provided further, however, recreational vehicles and equipment may be parked in the back yards for a period exceeding three (3) days, so long as same is screened by proper fencing or other shrubs so as to reasonably screen the sight of said equipment from neighbors.

13. SIGNS. No signs, either permanent or temporary, of any kind, including political yard signs, shall be placed or erected on any property, except that a single sign not more than five (5) square feet in size may be permitted upon property to advertise the same for sale or for construction site purposes. The Developers hereby reserve the right to have signs to designate the name of the addition, and restrictions on size shall not apply to said signs.

14. OUTBUILDINGS. One (1) outbuilding per lot may be constructed on the back yard provided its design and size is architecturally compatible with material and design with the existing structure. Design and size of outbuildings is subject to the approval of the ACC.

15. SATELLITE DISHES. Satellite television receiver dishes must be screened from view and may be located only in the rear yard building area.

16. OIL AND MINING OPERATIONS. No oil drilling, or mining operations of any kind shall be permitted.

17. LIVESTOCK AND POULTRY. No animals, livestock, or poultry of any kind shall be raised or kept except that dogs, cats, or other household pets may be kept, provided that they are not kept or maintained for any commercial purposes.

18. NUISANCES. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereupon which may be or may become an annoyance or nuisance to the neighborhood. All dead trees or dead limbs shall be removed immediately. Grass, weeds, and tree sprouts shall be kept neatly cut and shall not be allowed to exceed six (6) inches from the ground surface. Fences or outside structures or outdoor decorations shall be maintained so as not to become unsightly or an annoyance or a nuisance to the neighborhood. Upon owner's failure to comply with this subsection, the developer or other property owners may remove dead trees or remove dead limbs, cut grass or weeds or perform maintenance upon fences, outside structures, or outdoor decorations, or remove building materials and debris, or maintain street lights, and shall be entitled to a reasonable charge of not less than Two Hundred Fifty Dollars (\$250.00) to the owner of the lot for said service. No building material of any kind or character shall be placed or stored upon any lot in the subdivision until the owner is ready to commence construction of the improvements requiring such materials. Construction sites shall always be neat and orderly. Building materials shall not be placed or stored in the street or between the curb and property lines. Job construction site shall be kept neat and clean during the period of construction. Upon completion of the improvements requiring such materials, all remaining building materials shall be removed from the subdivision.

19. INOPERATIVE VEHICLES. No automobile, truck, bus, tractor, or other vehicle shall be left inoperative on any platted lot for a period of more than three (3) days.

20. SIGHT DISTANCE AT INTERSECTIONS. No obstructions to sight lines at intersections in the subdivision shall be permitted.

21. UTILITIES. All utilities in this subdivision shall be placed underground.

22. AMENDMENTS OF COVENANTS. These covenants may be amended at any time with the written approval of the owners of two-thirds (2/3rds) of the lots within the subdivision. Further, no amendments shall be allowed which would be in violation of the zoning designation.

23. DURATION OF COVENANTS. These covenants and restrictions shall run with the land for a minimum period of thirty (30) years, to be automatically extended for successive periods of five (5) years without further action unless terminated by a majority of the lot owners in the subdivision.

24. SEVERABILITY. Invalidation of any restriction set forth herein, or any part thereof, shall not invalidate or affect any of the other restrictions, but they shall remain in full force and effect.

EXECUTED this 29th day of January, 1999.

LEHMAN PROPERTIES LIMITED PARTNERSHIP
BY: LEHMAN, L.L.C., GENERAL PARTNER

Carmen Lehman
Carmen Lehman, Managing Member

North Star
211 S. Main
Bentonville, Ar
72712

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss:
COUNTY OF BENTON)

On this 29th day of January, 1999, before me, a Notary Public, duly commissioned, qualified, and acting within and for said county and state, appeared in person the within named Carmen Lehman, Managing Member of Lehman Properties Limited Partnership, Lehman L.L.C., its General Partner, authorized in her respective capacity to execute the foregoing instrument for and in the name and behalf of said Partnership, and further stated and acknowledged that she had so signed, executed, and delivered said foregoing instrument for the consideration, used, and purposes herein mentions and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as Notary Public the day and year first hereinabove written.

My Commission Expires:
March 1, 2000

Kimberly Powell
Notary Public

99009930

Exhibit A

Part of the SW 1/4 of the SW 1/4 of Section 36, Township 17 North, Range 33 West, described as beginning at a point South 0° 09'06" West 2323.80 feet from the West Quarter corner of said Section 36; thence East 300 feet; thence South 0°09'06" West 300 feet; thence West 300 feet; thence North 0°09'06" East 300 feet to the point of beginning; subject to the right-of-way of Arkansas Highway 244 along the South side thereof.