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FILED FOR RECORD

At 10:05 O'Clock A M.

NOV 8 1973

JOSEPHINE R. HEYLAND
Clerk and Recorder
BENTON COUNTY, ARK.

PROTECTIVE COVENANTS

FOR

OZARK ACRES #2 SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS:

That Cecil Treadway and Norma Jean Treadway hold title to all of the following described lands situated in Benton County, Arkansas:

Located in part of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18 and in part of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and in part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and in all of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 19, Township 19 North, Range 30 West in Benton County, Arkansas. Beginning at the NE Corner of the NW $\frac{1}{4}$ of said Section 19; thence S 89°40' E 1060.10 feet; thence S 00°37' W 109.07 feet; thence S 89°43' E, 230.74 feet; thence S 00°20' W 370.60 feet; thence N 89°40' W 1133.75 feet; thence S 00°20' W 864.42 feet; thence N 89°40' W 1512.87 feet; thence N 89°52' W 903.30 feet; thence North 1320.00 feet; thence N 89°58' E 911.00 feet; thence N 00°20' E 1320.90 feet; thence S 89°40' E 1326.62 feet; thence S 00°20' W 1320.90 feet to the point of beginning, containing 125.24 acres more or less.

That the said Cecil Treadway and Norma Jean Treadway have caused the above land to be surveyed and subdivided into lots and streets and said subdivision has been named and shall henceforth be known and designated as Ozark Acres #2, a Subdivision of Benton County, Arkansas. Ozark Acres #2 is a subdivision containing lots numbered one through 20, consecutively, and the above parties have executed a plat showing the location of said lots and their numbers and dimensions, also the location and widths of the streets; all streets of said subdivision are hereby dedicated to the public for its use and benefit forever. The plat of Ozark Acres #2 is recorded in Plat Record Book _____ at page _____ of the Plat Records of Benton County, Arkansas, in the Office of the Circuit Clerk and Recorder in and for Benton County, Arkansas.

The said Cecil Treadway and Norma Jean Treadway, for and in consideration of the benefits to accrue therefrom, which benefits are hereby acknowledged to have value, have caused certain safeguards and restrictions to be placed on lots of said plat. The purpose of this restriction is to provide uniform protection for all property owners in said subdivision named Ozark Acres #2 by establishment of minimum standards of land use, building and lot sizes, set back requirements, and the prohibition of certain undesirable uses and practices for the entire subdivision.

COVENANTS

A. LAND USE AND BUILDING TYPE.

No lot shall be used except for residential and/or non-commercial farming and livestock husbandry with related structures and improvements, provided that in no event shall

Cecil Treadway
Et. al. Rogers

production type chicken, egg or swine husbandry be considered or construed to be "non-commercial farming and livestock husbandry."

B. DWELLING SIZE.

The ground floor area of the residential dwelling shall not be less than 1,200 square feet of living space.

C. BUILDING LOCATION:

No building shall be located on any lot nearer than 12 feet to any lot property line. For the purpose of this covenant eaves, steps and open porches shall be considered as a part of the building.

D. LOT AREA AND WIDTH.

During the first three year period beginning on the 5th day of November, 1973 no lot, as originally platted as shown in Plat Record Book 0 at page 177, shall be subdivided into lots of less than two and one-half acres.

E. EASEMENTS.

Easements reserved as shown on recorded plat, if any, provided that if none are shown, such easements are left to the discretion of Cecil Treadway and Norma Jean Treadway for the best interest of all concerned.

F. NUISANCES.

No obnoxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No lot or tract may or shall be used or maintained as a dump ground for rubbish nor shall any household type pets be bred and/or raised for commercial purposes. Trash, garbage or other waste incidental to the use of the property as herein provided shall be kept in a sanitary manner.

G. TEMPORARY STRUCTURES:

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

H. WATER AND SEWAGE.

The sources of water supply for this subdivision shall meet the requirements of and be in conformity with the regulations promulgated by the Arkansas State Department of Public Health. All sewage disposal shall be by septic tank or as specified in any Improvement District Contract, or as provided by a municipality in the event of attachment to the sewage system of any municipality.

I. TRAILERS OR MOBILE HOMES.

No trailers or mobile homes shall be permitted or allowed

in this subdivision except as such temporary storage use as a non-occupied trailer or mobile home as is reasonable and necessary.

GENERAL PROVISIONS

A. TERM OF THE COVENANTS.

These covenants shall run with the land and shall be binding on all parties claiming under them for a period of 25 years from the date when these covenants are recorded, after which period of 25 years these covenants shall be automatically extended for successive periods of ten years each, unless an instrument signed by the majority of the then owners of the lots in Ozark Acres #2 has been recorded agreeing to change of these covenants in whole or in part.

B. ENFORCEMENT.

Enforcement of these covenants shall be by proceedings at law or in equity against any and all persons violating or attempting to violate any covenant, either to restrain violation or to recover damages for violation.

C. SEVERABILITY.

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

IN WITNESS WHEREOF, the owners have caused this instrument to be signed on this 5th day of November, 1973.

Cecil Treadway
Cecil Treadway

Norma Jean Treadway
Norma Jean Treadway



ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss
COUNTY OF BENTON)

BE IT REMEMBERED That on this day came before the undersigned, a notary public within and for the County aforesaid, duly commissioned and acting, Cecil Treadway and Norma Jean Treadway, to me well known as the owner in the foregoing Protective Covenants for Ozark Acres #2 Subdivision, and stated that they had executed the same for the consideration, uses and purposes therein mentioned and set forth.

Witness my hand and seal as such Notary Public this 5th day of November, 1973.

C. J. Cuyler
Notary Public

My commission expires: 2-26-77