

12

✓

BILL OF ASSURANCE

BLACKJACK BEND ESTATES

KNOW ALL MEN BY THESE PRESENTS:

That LARRY WAHLQUIST and DALAINE WAHLQUIST, husband and wife, and CHARLES WAHLQUIST and FRANCES WAHLQUIST, husband and wife, hereinafter called Grantors, are the owners of the following described land located in Fulton County, Arkansas, to wit:

The plat consists of a part of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 9, Twp. 20 North, Range 5 West of the 5th P.M. in Fulton County, Arkansas, and more particularly described as follows: Beginning at a stone monument at the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Sec. 9, Thence East following the North line of said Southwest Quarter of the Southwest Quarter to the center of Spring River, thence following the center of Spring River, thence Southeasterly direction to the South line of the Southwest Quarter of the Southwest Quarter, thence West along the South line of the Southwest Quarter of the Southwest Quarter, Section 9, a distance of 19 chains over to the Southwest corner of the Southwest Quarter of the Southwest Quarter, Section 9, thence North along the West line of said Southwest Quarter of the Southwest Quarter of Section 9, to the point of beginning, containing 27 land acres, more or less.

And it being deemed desirable that the above described property be now subdivided into building plots and roads and easements with certain areas reserved as shown on the attached plat; and that said property be held, owned and conveyed, as platted, subject to the protection herein contained in order to enhance the value and use of the said property.

NOW THEREFORE, the Grantors, for and in consideration of the benefits to accrue to them, their successors and assigns, which benefits to them they acknowledge to be of value, do cause to be made a plat hereto attached showing a survey made by Jim Scott, Registered Surveyor, and executed by him on the Fifth day of July, 1977 showing the bounds and dimensions of the property now being subdivided into lots and roads described by numbered lots, roads, easements and reserved areas, and the Grantors hereby donate and dedicate to the owners of said lots hereafter easement of way over the streets as shown by said plat to be used for roads, or easements for property owner. exclusive

use or as the property owners choose. In addition to said roads, as shown on said plat, there are certain easements for drainage, utilities, etc. which grantor does hereby donate and dedicate to, for the use of or by, public utilities, the same being, without limiting the generality of the foregoing, electric power, gas, telephone, water and sewer with the right hereby granted to the persons, firms or corporations engaged in the supplying of such utility services to use and occupy such easements and to have free ingress and egress therefrom for the installation, maintenance, repair and replacement of such utility services.

The filing of this Bill of Assurance and plat for record in the office of the Circuit Clerk and Recorder of Fulton County, Arkansas, shall be a valid and complete delivery and dedication of the roads and easements subject to the limitations herein set out.

The lands embraced in said plat shall be forever known as BLACKJACK BEND ESTATES consisting of

A part of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 9, Twp. 20 North, Range 5 West of the 5th P.M. in Fulton County, Arkansas, and more particularly described as follows: Beginning at a stone monument at the Northwest corner of the Southwest Quarter of the Southwest Quarter of said Sec. 9, thence East following the North line of said Southwest Quarter of the Southwest Quarter to the center of Spring River, thence following the center of Spring River, thence Southeasterly direction to the South line of the Southwest Quarter of the Southwest Quarter, thence West along the South line of the Southwest Quarter of the Southwest Quarter, Section 9, a distance of 19 chains over to the Southwest corner of the Southwest Quarter of the Southwest Quarter, Section 9, thence North along the West line of said Southwest Quarter of the Southwest Quarter of Section 9, to the point of beginning, containing 27 land acres, more or less.

RESTRICTIONS AND COVENANTS

1. Each lot in said addition is restricted to the construction of one single family residential dwelling unit per lot.

2. No residence or structure shall be erected, placed or altered on any lot until after the building plans, specifications and plat plans showing the location of said residence have been approved in writing by the grantors, their successors, or assigns.

14.

3. During the construction of a permanent type dwelling unit, a temporary structure may be erected on a homesite which must be either removed or replaced with a permanent structure within six months from the date the erection of the temporary structure was begun.

4. The dwelling unit must be a permanent structure and must have a material exterior composed of wood, anodized metal, masonry or cut natural or native stone, masonite, or a combination of said materials or equivalent materials, which materials shall be approved as and in the manner provided for in paragraph 2 hereof.

5. Each dwelling unit must have at least 800 square feet of floor space, excluding carport, with at least 800 square feet of heated living area. All homes shall have complete indoor toilet facilities of modern plumbing connected to a septic tank sewage disposal unit which shall be approved by the Arkansas State Board of Health. All homes shall have modern electric wiring completed and installed which shall be according to the code requirements of the supplier of electric power to the subdivision. Foundations must be complete; outside pier type, unenclosed, shall not be permitted.

6. No building shall be located on any lot nearer to the edge of the road easement than 45 feet.

7. No building shall be located nearer to the interior lot side line than a distance of 15 feet or 10% of the average width of the lot, whichever is greater.

8. No noxious or offensive activity shall be carried on upon any lot nor shall any trash or other refuse be thrown, placed or dumped upon any vacant lot or shall anything ever be done which may or shall become an annoyance or nuisance to the neighborhood or area in general.

9. Said easements heretofore donated shall be respected by the property owners and no permanent improvements

shall be placed on said easements which will in any manner interfere with the easement.

10. Easements and rights of way may be modified at any time by written consent of adjoining property owners.

11. These covenants shall run with the land and shall be binding upon all parties and all persons claiming under them for a period of thirty (30) years from the date of recording of these covenants, after which time said covenants shall be automatically extended for successive periods of years unless an instrument signed by a majority of the owners of the lots has been recorded agreeing to change such covenants in whole or in part.

12. No lots shall be re-subdivided into building lots.

13. Enforcement of these covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant.

14. Invalidation of any 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.

15. All residences constructed on the property shall be for residential purposes only. The use of any lot or portion thereof for the practice of any profession or commercial and business use of any kind is prohibited.

IN WITNESS WHEREOF the Grantors have set their hands this 18 day of July, 1977.

Larry Wahlquist  
LARRY WAHLQUIST and

Dalaine Wahlquist  
DALAINE WAHLQUIST, his wife

Charles Wahlquist  
CHARLES WAHLQUIST and

Frances Wahlquist  
FRANCES WAHLQUIST, his wife

76

ACKNOWLEDGMENT

*Arkansas*  
STATE OF ~~ARKANSAS~~ )  
*Fulton*  
COUNTY OF ~~LOWELL~~ )

On this the 17<sup>th</sup> day of July, 1977; before me,  
the undersigned officer, personally appeared Larry Wahlquist,  
Dalaine Wahlquist, Charles Wahlquist and Frances Wahlquist,  
known to me to be the persons whose names are subscribed to the  
within instrument and acknowledged that they executed the same  
for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

*Carl Wayne Shivers*  
Notary Public

My commission expires: 4-15-1980

FILED  
OFFICE OF THE  
FULTON COUNTY CLERK

DATED 7-20-77

*Gene Maguffee, Clerk*

1:15 P.M.

Book 7

Page 12