

55

BILL OF ASSURANCE

CHURCH AND PROFESSIONAL PARK ADDITION TO HORSESHOE BEND ESTATES

KNOW ALL MEN BY THESE PRESENTS:

That, Horseshoe Development Corporation, hereinafter called Grantor, is the owner of the following described land lying in IZARD COUNTY, Arkansas, to-wit:

Located in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Seventeen (S.17), Township Eighteen North (T.18-N), Range Seven West (R.7-W), IZARD COUNTY, Arkansas, containing 17 lots and 15.65 acres more or less.

And it being deemed desirable that the above described property be now subdivided into building plots and roads as shown on the attached plat and that said property be held, owned and conveyed subject to the protective covenants herein contained in order to enhance the value of the said property.

NOW THEREFORE, Horseshoe Development Corporation, an Arkansas Corporation, for and in consideration of the benefits to accrue to it, its successors and assigns, which benefits it acknowledges to be of value, does cause to be made a plat hereto attached showing surveys made by James W. Cook, surveyor and executed by him on this date showing the bounds and dimensions of the property now being subdivided into lots and roads described by lots and roads and the said Grantor hereby donates and dedicates for the benefit of the property owners hereafter easements of way over the streets as shown, exclusive use as the property owners choose. In addition to said roads, as shown on said plat there are certain easements for drainage, utilities, the same being without being limited by the generality of the foregoing electric power, gas, telephone, water and sewer, 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 Ex-Officio Recorder of IZARD 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 the CHURCH AND PROFESSIONAL PARK ADDITION to Horseshoe Bend Estates, (being a subdivision in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 17, Township 18 North, Range 7 West, IZARD COUNTY, Arkansas), and any and every deed of conveyance for any lot or block in said subdivision describing the same by the number or numbers shown on the said plat shall always be deemed sufficient description thereof.

RESTRICTIONS AND COVENANTS

- 1. No building or structure of any kind including but not limited to walls, fences and signs shall be erected, altered, placed, assembled or permitted to remain on the premises unless and until detailed plans showing the type, use, location, size

55 Church  
+ Prof. Park

and architectural design of such structures or alterations have been approved in writing by the City of Horseshoe Bend. No building or structure, driveway, walks, loading area or parking area; shall be placed, provided or designated until a complete architectural design showing in detail such items have been approved in writing by the City of Horseshoe Bend. No building or structure of any kind including but not limited to walls, fences and signs shall be erected, altered, placed, assembled or permitted to remain on any portion of area included in this addition unless and until a building permit for same has been granted by the City of Horseshoe Bend.

Lot 8 through 15 shall primarily be limited to the construction of business buildings, and most all other lots shall primarily be limited to the construction and operation of Churches. No residential dwellings shall be permitted in the platted portion of this addition. All types of business to be operated on the premises on resale, transfer and continued usage of same must also be approved by the City of Horseshoe Bend.

2. The architectural mode of improvements in this addition, on the lots designated for business purposes shall conform to the following guidelines:

- a. Exposed roofs and or exterior cornices shall be rustic, cedar shake;
- b. Masonry shall be either rustic brick or native stone;
- c. Wood siding shall be rustic, stained finish;
- d. No structure, edifice or building shall be placed upon any of said properties, nor shall same be permitted to remain upon said properties, unless they are in conformity and in harmony with existing structures.

3. No building shall be placed within fifteen (15) feet of the rear or inside lot or plot line, except lot 15, 16 and 17 when the rear set back line shall be twenty-five (25) feet.

4. No building shall be located on the premises nearer to the front lot line than sixty (60) feet. Sixty feet (60) shall be considered the set back line for all bordering streets whether it be side or front lot line. Variations of greater set back or variations in set back lines shall be subject to the approval of the City of Horseshoe Bend.

5. On the lots to be used for church purposes, all vehicle parking including worshipers and visitors shall be provided off street parking on the premises or adjacent premises. On the lots to be used for business purposes, all vehicles parking including visitors parking shall be provided for on the premises. All parking areas are to be paved or surfaced to provide dust free all weather surfaces. No parking area shall be developed within a distance of

twenty (20) feet of a street or publicly traveled right-of-way. No parking area shall be placed in loading and unloading area. All loading and unloading areas and dock facilities shall be placed on the building as far from the street line as is economically feasible and shall be appropriately screened from view of the street.

6. No building or structure shall be erected upon the premises which would occupy an area in excess of forty percent (40%) of the total area. Each structure must be accompanied by not less than an adequate land area to provide for one automobile parking space for each 200 square feet of building. Complete plot plans detailing shrubbery, parking area and building shall be completed and submitted by the owner for approval by the City of Horseshoe Bend and a building permit has been issued.

7. No material, supplies or produce shall be stored or be permitted to remain on the premises outside a permanent structure without the prior written consent of the City of Horseshoe Bend. Approval of any outside storage shall be granted only where the storage is screened from view by a masonry wall or other appropriate screen not less than five (5) feet in height nor more than eight (8) feet in height and at least two (2) feet above any stored material. No wall shall be constructed from the front building line to the fronting street at a height greater than three (3) feet.

8. No fence or wall shall be permitted along and between the front portion of the building and the street at a height greater than three (3) feet.

9. Signs, billboards and related items:

a. The architectural mode of signs in this addition shall conform to the following guidelines:

1. Material for signs shall be wood with rustic, stained finish.
2. Lettering for signs shall be routed in wood and highlighted with contrasting color.

b. No billboard, sign or other advertising device of any kind or character shall be erected, pasted, posted, displayed, or otherwise permitted on any portion of the area included in this addition unless and until a building permit for same has been granted by the City of Horseshoe Bend.

10. No building shall be painted on the exterior in such a way as to become obnoxious to neighboring land owners and all exterior materials placed on the building shall be approved by the City of Horseshoe Bend.

11. No noxious trade or activity shall be carried on or upon any lot. Excessive noises, odors and vibrations shall be maintained at a minimum. Any change in the religious activities or business activities on the so designated lots, on the premises than that planned and disclosed shall be approved in writing by the City of Horseshoe Bend, if the activity shall be in a drastically different

category it may be stopped to prevent offensive conditions resulting to the other owners in this platted area. In the event an owner shall maintain a nuisance, said nuisance may be removed by the City of Horseshoe Bend, and assess the cost thereof to the owner, and failure to pay said cost within a thirty (30) day period shall cause a lien to be placed upon the land.

12. No uncultured area shall be permitted in the addition. All weeds, bushes and grasses shall be mowed and kept in first class condition. Within twelve (12) months of the date construction of the building is begun the lot shall be landscaped as shown on plot plan required by above paragraph six (6). All unused land area that is planned for future building expansion or for other purposes shall be maintained and kept free of weeds and other unsightly land growth, rubbish and debris. The failure to so maintain the property within two weeks after occupancy shall permit the City of Horseshoe Bend to maintain said property in a suitable condition at the cost and expense of the owner. The failure of the owner to pay said cost and expense shall result in said cost and expense becoming a lien upon the land.

13. Construction of a Church Building on the designated Church Lots or a business on the designated business lots must be commenced within twelve (12) months of conveyance of a said lot, or said premises shall revert to the Grantor, Horseshoe Development Corporation. During the construction of the building in this addition the exterior portion of the building must be completed in every detail and landscaped within a period of 180 working days from the date construction is begun. All temporary structures must be removed from the premises within Twelve (12) months of beginning construction. No temporary structure or mobile shack or other building not approved by the City of Horseshoe Bend shall be permitted to remain on the premises for longer than ninety (90) days.

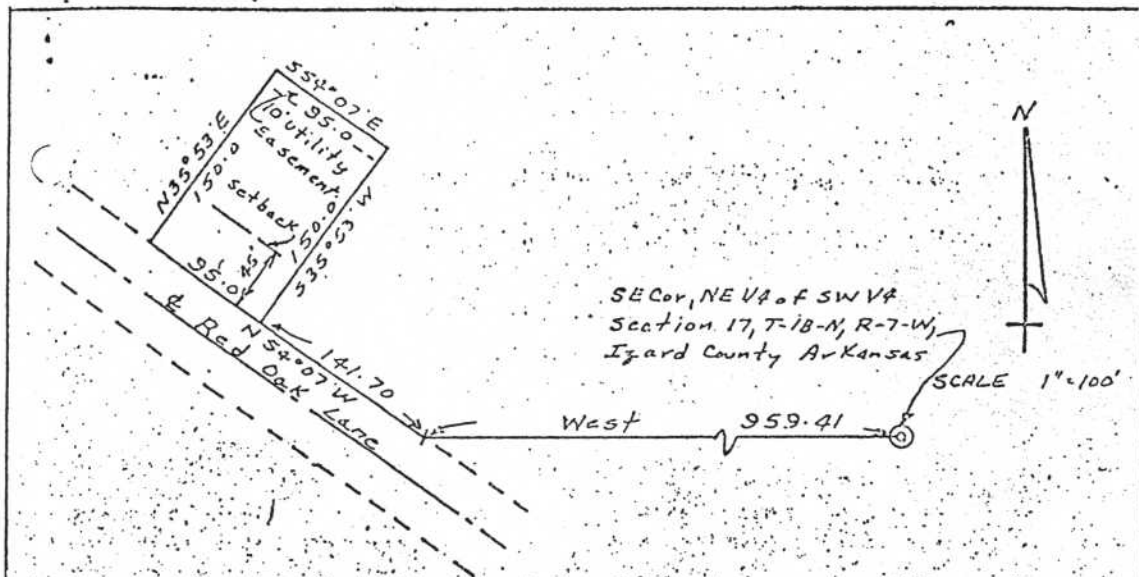
14. On Church and Professional Lots no fence or wall shall be permitted along and between the front portion of the building and the street at a height greater than three (3) feet. No wall shall be permitted on a side lot line adjoining a street from the front lot line to back of lot at a height greater than eight (8) feet.

15. The Church and Business Lots shall be maintained in a garden-like atmosphere. Where possible, utility lines shall be placed underground eliminating unsightly cross wires running from pole to pole and various buildings.

16. No residence shall be located nearer to the interior lot side line than a distance of 15 feet or ten percent (10%) of the average width of the lot, whichever is greater, in no event shall it be located nearer than 30 feet to the side line if the side line borders a public road or street. No fence enclosure shall be constructed between the street easement and the front portion of the constructed dwelling above the height of three (3) feet.

17. These covenants are to 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 these covenants being recorded, after which time said covenants shall be automatically extended for successive periods of years unless an instrument signed





SE Cor, NE 1/4 of SW 1/4  
 Section 17, T-18-N, R-7-W,  
 IZARD COUNTY ARKANSAS

SCALE 1" = 100'

" PLAT OF SURVEY "

PART OF THE NE 1/4 OF SW 1/4 OF SECTION 17, T-18-N, R-7-W, IZARD COUNTY, ARKANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS: STARTING AT THE SE CORNER OF SAID NE 1/4 OF SW 1/4 OF SECTION 17; THENCE WEST 959.41 FEET TO A POINT ON THE NORTH R/W LINE OF RED OAK LANE; THENCE N 54° 07' W ALONG SAID NORTH R/W LINE, 141.70 FEET TO THE TRUE POINT OF BEGINNING. FROM THE TRUE POINT OF BEGINNING, THENCE N 54° 07' W, ALONG THE NORTH R/W LINE OF RED OAK LANE, 95.0 FEET TO A POINT; THENCE N 35° 53' E 150.0 FEET TO A POINT; THENCE S 54° 07' E 95.0 FEET TO A POINT; THENCE S 35° 53' W 150.0 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.33 ACRES MORE OR LESS.

James W. Cock, R.L.S.  
 Arkansas Certificate #43

Carholic Lot

474

84/474

**WARRANTY DEED**

(CORPORATION)



KNOW ALL MEN BY THESE PRESENTS:

That Horseshoe Development Corporation, a Corporation organized and existing under and by virtue of the Laws of the State of Arkansas and undergoing Reorganization under Chapter X of the Bankruptcy Act in Proceedings for the Reorganization of Corporation BK-74-554 in the United States District Court for the Western District of Oklahoma, for and in consideration of the sum of Ten Dollars and other good and valuable consideration in hand paid by Grantee the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto THE MID-SOUTH DISTRICT OF THE LUTHERAN CHURCH - MISSOURI SYNOD, and unto its successors and assigns forever the following described land situated in the County of Izard, State of Arkansas, to-wit:

"Part of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 17, T-18-N, R-7-W, Izard County, Arkansas, more particularly as follows: Starting at the NW Corner of above said NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 17; thence East 360.0 feet to a point; thence South 460.0 feet to the true point of beginning, said point being on the East R/W line of Third Street; from the true point of beginning, thence East 400.0 feet to a point; thence South 300.0 feet to a point on the North R/W line of street; thence West, along said North R/W line, 400.0 feet to a point on the East R/W line of Third Street; thence North, along said East R/W line, 300.0 feet to the true point of beginning. Containing 2.75 acres more or less; and subject to road and utility easements, as per the plat filed on July 15, 1974, in Book D at Page 16A in the Recorder's Office for Izard County."

TO HAVE AND TO HOLD the same unto the said MID-SOUTH DISTRICT OF THE LUTHERAN CHURCH-MISSOURI SYNOD (called Grantee) and unto its successors and assigns forever, with all appurtenances thereunto belonging. And Horseshoe Development Corporation does hereby covenant with the said Grantee that it will forever warrant and defend the title to said lands against all claims whatever.

IN WITNESS WHEREOF, Dan Hogan, the duly qualified and acting Trustee for Horseshoe Development Corporation, pursuant to the Order of the Honorable Luther Bohanon, United States District Judge for the Western District of Oklahoma entered the 14th day of June, 1974, and recorded in Volume 81, Page 474, of the Deed of Records of Izard County, Arkansas, has signed this instrument this 15<sup>th</sup> day of October, 1974, and caused the corporate seal to be affixed.

HORSESHOE DEVELOPMENT CORPORATION

*Dan Hogan, Trustee*  
DAN HOGAN - Trustee

**ACKNOWLEDGMENT**

STATE OF ARKANSAS )  
COUNTY OF IZARD ) SS.

On this 15<sup>th</sup> day of October, 1974, before me appeared Dan Hogan, to me personally known, who being by me duly sworn did say that he is the Trustee in the Reorganization of Horseshoe Development Corporation, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, and that he is fully authorized in his capacity as Trustee to execute the foregoing instrument for and in the name and behalf of said corporation, and said Dan Hogan, acknowledged said instrument to be the official act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 15<sup>th</sup> day of October, 1974.

My Commission Expires: November 1, 1976 *Donna Guess*  
NOTARY PUBLIC

This Instrument was Prepared By:  
Paul C. Brown,  
Attorney at Law,  
P. O. Box 188,  
Horseshoe Bend, Arkansas 72536

Filed and Recorded January 22, 1975, at 2:15 P.M.  
*Paul Weaver* Clerk

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