

BILL OF ASSURANCE

FOREST HEIGHTS 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:

This plat consists of a part of the Northwest Quarter, (NW $\frac{1}{4}$), part of the North 200 feet of the Southwest Quarter, (SW $\frac{1}{4}$), part of the West 300 feet of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$), and part of the North 120 feet of the West 50 feet in the Northwest corner of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), all in Section 11, Township 18 North, Range 7 West; also part of the South 1000 feet of the East 520 feet of the Southwest Quarter of the Northeast Quarter, (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Part of the North 200 feet of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), part of the North 100 feet in the Northeast Corner of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), and part of the East one-half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), all in Section 10, Township 18 North, Range 7 West, all in IZARD COUNTY, ARKANSAS, containing 484 lots and 222.15 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, 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 the said 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 numbered lots, roads, easements and reserved areas, and the said Grantor hereby donates and dedicates said roads to the public, hereafter easement of way over the streets as shown by said plat to be used for surfaced roads, or easements for property owners' exclusive use or as the property owner's 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, or for the benefit of, public utilities, the same being, without being limited by 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 said 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 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 Forest Heights Addition to Horseshoe Bend Estates (consisting of a part of the Northwest Quarter (NW $\frac{1}{4}$), part of the North 200 feet of the Southwest Quarter (SW $\frac{1}{4}$), part of the West 300 feet of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), and part of the North 120 feet of the West 50 feet in the Northwest corner of the Southwest Quarter of the Northeast Quarter, (SW $\frac{1}{4}$ NE $\frac{1}{4}$), all in Section 11, Township 18 North, Range 7 West; and also part of the South 1000 feet of the East 520 feet of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), part of the North 200 feet of the Northeast

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HEIGHTS

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Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), part of the North 100 feet in the Northeast Corner of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), and part of the East one-half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$) all in Section 10, Township 18 North, Range 7 West, all in IZARD County, Arkansas, containing 484 lots and 222.15 acres more or less) as shown on the attached plat) and any and every deed of conveyance for any lot in said subdivision describing the same by the number or numbers shown on said plat shall always be deemed sufficient description thereof.

RESTRICTIONS AND COVENANTS

1. Each homesite in Forest Heights Addition to Horseshoe Bend Estates is restricted to the construction of one single family 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, specifications showing the location of said residence, have been approved in writing as in conformity with and in harmony with the external design and location and size desired by Horseshoe Development Corporation or its successors.
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 (6) months from the date the erection of the temporary structure was begun. Failure to remove same within such period of time will result in automatic condemnation and the property owners association or the Horseshoe Development Corporation or its successors shall have the absolute right of destruction and removal without recompense.
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 1,000 square feet of floor space, including carport, with at least 850 square feet of this space heated and on the first floor level. On split level homes, the first floor may be determined by a combination of any two of the three levels. No buildings or structures shall be permitted on the lot, unless joined and connected to and a part of the main dwelling. All homes shall have complete indoor toilet facilities of modern plumbing connected to a septic tank sewage disposal unit, or other type of acceptable sewage disposal system, all modern electric wiring completed and installed, all of which shall be equal to or better than the Code requirements published by Horseshoe Development Corporation and/or the City of Horseshoe Bend, Arkansas, whichever be the higher requirements. Foundations must be complete, and outside pier type, not enclosed, shall not be permitted. The plumbing and other mechanical items must be permanently and completely enclosed. No residence shall be located on any lot nearer to the front line than 45 feet nor nearer to the rear line than 25 feet.
6. No residence or building 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, which ever is greater, and in no event shall it be located nearer than 30 feet to the side line if the side line borders a public street or road. No fence enclosures shall be constructed between the street easements and the front portion of the construction dwelling above the height of three (3) feet.
7. No noxious or offensive trade or activity shall be carried on or 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. No advertising signs of any kind may be placed or erected on any parcel of property without specific permission of Horseshoe Development Corporation, its or their successors or assigns.

and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the considerations, uses and purposes therein contained and set forth,

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this the 10th day of February, 1972.

Martin B. Hare
Notary Public

My Commission Expires:
22 March 73

CERTIFICATE OF RECORD

STATE OF ARKANSAS }
COUNTY OF IZARD } ss

I, CHARLES CHEATHAM, Clerk of the Circuit Court and Ex-Officio Recorder for the County aforesaid, do hereby certify that the within and foregoing instrument of writing was filed for record in my office on this 17 day of February A.D., 1972 at 9:00 o'clock A.M. and the same is now duly recorded with the acknowledgments and certificates thereon in Record Book 72 Page 308

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said court this 17th day of February, 1972
Charles Cheatham Clerk