

359-349

FILED FOR RECORD
At 4:00 O'Clock P M.

JUL 15 1963

BILL OF ASSURANCE

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

For All Lots Fronting on Convair Street
SKY VIEW ACRES, a Sub-division To the
City of Bentonville

WHEREAS, The Northwest Arkansas Development Company, Inc., an Arkansas corporation duly organized and existing under the laws of the State of Arkansas, is now the record title owner of the property described as:

Sky View Acres, a sub-division to the City of Bentonville, Benton County, Arkansas, more particularly described in Plat Record "E" at page 38 of the Plat Records of Benton County, Arkansas; and

WHEREAS, The Northwest Arkansas Development Company, Inc. desires to develop a residential housing addition in said Sky View Acres and has caused said tract to be surveyed and platted into lots and streets and alleys; and

WHEREAS, it is in the interest of the owners of said property described above as well as the prospective purchasers of the lots of said Sky View Acres that said tract be known as Sky View Acres, a Sub-division to the City of Bentonville, Benton County, Arkansas and that the use of said lots fronting on Convair Street in said Addition be restricted as hereinafter provided.

NOW THEREFORE, in consideration of the premises, and for the purposes above mentioned, the said Northwest Arkansas Development Company, Inc. has caused said tract to be platted into numbered lots with the size, location and boundaries of each lot shown on said plat, which has been filed for record, and every deed of conveyance of any lot in said tract described by number as shown on said plat shall be held and deemed a sufficient description for the conveyance thereof, subject to the reservations, covenants and restrictions hereinafter stated, which shall be for the use and benefit of, and binding upon, the present owners, their heirs and assigns, and upon all future owners of lots fronting on Convair Street within the tract which shall be known as Sky View Acres, a Sub-division to the City of Bentonville, Benton County, Arkansas.

1. All streets and alleys shown on the plat of Sky View Acres are hereby dedicated to the use of the public.
2. No lot fronting on Convair Street in Sky View Acres shall be used except for residential purposes. No building shall be erected, placed or permitted to remain on any lot fronting on Convair Street other than one detached single family dwelling not to exceed two and one-half stories in height, and private garages for the occupants' vehicles and other outbuildings incidental to residential use of the lot, except that duplexes will be permitted.
3. No commercial building of any kind or type shall be erected, nor shall any commercial activity be conducted on any lot fronting on Convair Street.
4. No dwelling shall be permitted on any lot fronting on Convair Street at a cost less than \$10,000.00 based upon cost levels prevailing on the date these covenants are recorded, it being the intention and purpose of this covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially equal to or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum size dwelling. The ground floor area of the main structure, exclusive of one story open porches and garages, shall be not less than 1100 square feet for a one-story dwelling, and not less than 1000 square feet for a dwelling of more than one story.
5. No building shall be located on any lot fronting on Convair Street nearer to the front lot line, or nearer to the side street line, than the minimum building setback lines shown in the Sub-division Regulations of the zoning ordinance of the City of Bentonville. In any event, no building shall be located on a lot nearer than 30 feet to the front line, nor nearer than

20 feet to any side street line. No building shall be located nearer than 5 feet to an interior lot line, except that a 3-foot side yard shall be required for a garage or other permitted accessory building located 40 feet or more from the minimum building setback line. For the purpose of this covenant eaves, steps, and open porches shall not be considered as a part of a building, provided, however, that this shall not be considered to permit any portion of a building on a lot to encroach upon another lot.

6. No fence, hedgerow or similar obstruction which extends nearer to the front property line than the building setback line shall be erected or maintained on any corner lot.

7. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats or other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose.

8. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.

9. No noxious or offensive activities 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.

10. These covenants are to run with the land, and shall be binding on all parties, and all persons claiming under them for a period of 25 years from the date this instrument is recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots fronting on Convair Street has been recorded, agreeing to change said covenants in whole or in part.

11. Enforcement of these covenants shall be by proceedings at law or in equity against any person or persons violating, or attempting to violate any of these covenants, violators being subject either to restraint or to an action for damages.

12. Invalidation of any one 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.

IN WITNESS WHEREOF, The Northwest Arkansas Development Company, Inc. hereunto sets its name by its President and attested and its seal affixed by its Secretary this 15th day of July, 1963.

NORTHWEST ARKANSAS DEVELOPMENT COMPANY, INC.

BY: Frank A. Smith
President

ATTEST:

Imogene B. Smith
Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss
COUNTY OF BENTON)

On this day, before me personally appeared Frank A. Smith and Imogene B. Smith to be personally well known, who acknowledged that they were the President and Secretary of the Northwest Arkansas Development Company, Inc., a corporation, and that they, as such officers, being authorized so to do, had executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by themselves as such officers.

WITNESS my hand and official seal this 15th day of July, 1963.

Mary L. Stokard
My Commission Expires
April 8, 1967

Mary L. Stokard