

BOUNDARY LINE AGREEMENT

89-2485
472-305

This Agreement is made and entered into by and between CRAIG S. WOOD and NANCY M. WOOD, husband and wife, and DONALD R. WILLIAMS and HELEN WILLIAMS, husband and wife, hereinafter referred to as "WOOD/WILLIAMS"; and GARY AUSLEY and DONNA AUSLEY, his wife, hereinafter referred to as "AUSLEY."

WHEREAS, WOOD/WILLIAMS owns the following described real property located in Clark County, more particularly described as follows, to-wit:

A part of the Southwest Quarter Northeast Quarter (SW 1/4 NE 1/4) of Section 20, Township 7 South, Range 19 West, described as: Commencing at the SE Corner of said SW 1/4 NE 1/4 and running West 121 feet more or less, to the West pavement line of Seventh Street, which point is 9 feet West of the Seventh Street pavement center line and 7.5 feet North of the pavement center line on Walnut Street; thence North along edge of pavement 255 feet more or less to a point marked by a 1" pipe; thence South 84 degrees 27' West a distance of 21 feet to a point on the West line of Seventh Street and the Point of Beginning; thence continuing south 84 degrees 27' West 488 feet more or less to a point in fence on the West side of Maddox Branch; thence Northwesterly along said fence 440 feet more or less to a fence corner; thence Northeasterly along fence and across said branch 71 feet more or less to corner of fence on a 15" Sycamore tree; thence Northerly along fence 361 feet more or less to fence corner; thence south 88 degrees 51' East along fence 260 feet more or less to fence corner; thence South 0 degrees 33' East along fence 192 feet more or less to fence corner; thence south 84 degrees 03' East along fence 181 feet more or less to fence corner; thence South 88 degrees 30' East 114 feet more or less to fence corner; thence south 85 degrees 20' East along fence 200 feet more or less to a point on the West line of Seventh Street, and 30 feet West of the pavement center line; thence South along said West Street line 450 feet more or less to the point of beginning.

LESS AND EXCEPT: Part of the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Twenty (20), Township Seven (7) South, Range Nineteen (19) West, described as: Commencing at the Southeast corner of said SW 1/4 NE 1/4 and running West 121 feet, more or less, to the West pavement line on Seventh Street, which point is 9 feet West of the Seventh Street pavement center line and 7.5 feet North of the pavement center line on Walnut Street; run thence North along edge of pavement 255 feet, more or less, to a point marked by a 1" pipe; thence South 84 degrees 27' West a distance of 21 feet to a point on the West line of Seventh Street for the POINT OF BEGINNING; run thence North 125 feet; run thence West 142 feet; run thence North 30 feet; run thence West 58 feet; run thence South 30 feet; run thence West 65 feet; run thence North 12 feet; run thence West 39.5 feet; run thence South 12 feet; run thence West 245.5 feet, more or less, to a point marked by an iron pipe set in the

levee of maddox Branch; continue thence West 75 feet, more or less, to a fence, run thence Southwesterly along said fence a distance of 260 feet, more or less, to a point which is 488 feet South 84 degrees 27' West of the point of beginning of this description; run thence North 84 degrees 27' East 488 feet, more or less, to the POINT OF BEGINNING; hereinafter referred to as "TRACT A;" and

WHEREAS, AUSLEY is the owner of the following described adjoining real property located in Clark County, Arkansas, more particularly described as follows, to-wit:

Part of the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Twenty (20), Township Seven (7) South, Range Nineteen (19) West, described as: Commencing at the Southeast corner of said SW 1/4 NE 1/4 and running West 121 feet, more or less, to the West pavement line on Seventh Street, which point is 9 feet West of the Seventh Street pavement center line and 7.5 feet North of the pavement center line on Walnut Street; run thence North along edge of pavement 255 feet, more or less, to a point marked by a 1" pipe; thence South 84 degrees 27' West a distance of 21 feet to a point on the West line of Seventh Street for the POINT OF BEGINNING; run thence North 125 feet; run thence West 142 feet; run thence North 30 feet; run thence West 58 feet; run thence South 30 feet; run thence West 65 feet; run thence North 12 feet; run thence West 39.5 feet; run thence South 12 feet; run thence West 245.5 feet, more or less, to a point marked by an iron pipe set in the levee of Maddox Branch; continue thence West 75 feet, more or less, to a fence, run thence Southwesterly along said fence a distance of 260 feet, more or less, to a point which is 488 feet South 84 degrees 27' West of the point of beginning of this description; run thence North 84 degrees 27' East 488 feet, more or less, to the POINT OF BEGINNING; hereinafter referred to as "TRACT B;" and

WHEREAS, the common boundary line between TRACT A and TRACT B is irregular and uncertain with regard to improvements physically located upon the above described real property; and

WHEREAS, the parties do desire to enter into this Agreement for the purpose of straightening the common boundary line between TRACT A and TRACT B, and to clearly define said common property line in accordance with a survey by Gary Whitfield dated May 14, 1986, filed in Survey Book G, at Page 624, of the Records of Clark County, Arkansas, with the intention to bind the parties to this Agreement and their successors in title with respect to TRACTS A and B.

NOW, THEREFORE, for and in consideration of the mutual benefit to the parties hereto, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do mutually agree as follows:

I.

The legal description and boundaries of the real property owned by WOOD/WILLIAMS should be and are hereby fixed by lines described and defined as follows, to-wit:

A part of the Southwest Quarter Northeast Quarter (SW 1/4 NE 1/4) of Section 20, Township 7 South and Range 19 West described as Commencing at the SE corner of said SW 1/4 NE 1/4 and running West 121 feet to the West Pavement line of 7th Street, said point being 9 feet West of center of 7th and 7.5 feet North of center of Walnut Street; thence North 255 feet; thence South 84 degrees 27' West 21 feet to the West line of 7th Street; thence North along said West R/W of 7th 128.54 feet to the point of beginning; thence South 89 degrees 40' West 634 feet; thence Northwesterly along fence 180 feet; thence Northeasterly along fence and across branch 71 feet more or less to corner of fence on a 15" Sycamore tree; thence Northerly along fence 361 feet more or less; thence South 88 degrees 51' East along fence 260 feet more or less to fence corner; thence South 0 degrees 33' East along fence 192 feet more or less to fence corner; thence South 84 degrees 03' East along fence 181 feet more or less to fence corner; thence South 88 degrees 30' East 114 feet more or less to fence corner; thence South 85 degrees 20' East along fence 200 feet more or less to a point on the West R/W of 7th Street; thence South along said R/W of 7th Street 321.46 feet more or less to the point of beginning; hereinafter referred to as "TRACT C."

II.

The legal description and boundaries of the real property owned by AUSLEY should be and are hereby fixed by lines described and defined as follows, to-wit:

A part of the Southwest Quarter Northeast Quarter (SW 1/4 NE 1/4) in Section 20, Township 7 South and Range 19 West described as commencing at the SE Corner of said SW 1/4 NE 1/4 and running West 121 feet to the West pavement line of 7th Street, said point being 9 feet West of center of 7th and 7.5 feet North of center of Walnut Street; thence North 255 feet; thence South 84 degrees 27' West 21 feet to the West line of 7th Street and said point being the Point of Beginning; thence North 128.54 feet; thence South 89 degrees 40' West 364.5 feet; thence North 4.9 feet; thence West 269.5 feet; thence Southeast along old fence 265 feet; thence North 84 degrees 27' East 488 feet to the point of beginning; hereinafter referred to as "TRACT D."

III.

WOOD/WILLIAMS shall not claim any land lying South of the AUSLEY North line as above described and referred to in TRACT D, and do hereby quitclaim any interest in same to AUSLEY.

IV.

AUSLEY shall not claim any land lying North of the WOOD/WILLIAMS South line as above described and referred to in TRACT C, and do hereby quitclaim any interest in same to WOOD/WILLIAMS.

V.

WOOD/WILLIAMS and AUSLEY do stipulate and agree that a chain link fence six feet in height has been erected upon the common boundary line between TRACT C and TRACT D, and that such fence is in the proper location.

VI.

WOOD/WILLIAMS shall have a permanent easement over and across TRACT D, to run with the land, for ingress and egress to repair, maintain, replace and otherwise work on heating and air conditioning equipment located on TRACT C. WOOD/WILLIAMS shall be responsible for restoring said chain link fence to good condition in the event that it is necessary to remove portions of such chain link fence to gain access to said heating and air conditioning equipment. AUSLEY shall be given reasonable advance notice before WOOD/WILLIAMS enters upon TRACT C pursuant to said easement.

VII.

All of the parties hereto do hereby release and relinquish any right or possibility of a dower or curtesy interest, and waive any homestead interest, with respect to the quitclaimed property described within paragraphs III and IV hereof.

VIII.

This Agreement shall be binding upon, and inure to the benefit of the parties hereto, and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, this Agreement has been executed by WOOD/WILLIAMS and by AUSLEY on this 6th day of October, 1989.

Craig S. Wood
CRAIG S. WOOD

Nancy M. Wood
NANCY M. WOOD

Gary Ausley
GARY AUSLEY

Donald R. Williams
DONALD R. WILLIAMS

Helen Williams
HELEN WILLIAMS

Donna Ausley
DONNA AUSLEY

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF SALINE)

On this 6th day of OCTOBER, 1989 before me, the undersigned, a Notary Public within and for the County and State aforesaid, duly commissioned and acting, appeared in person CRAIG S. WOOD and NANCY M. WOOD, to me personally well known as the persons whose names appear upon the within and foregoing Boundary Line Agreement, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office as such Notary Public on the date and year last above mentioned.

Howard A. Lenz
NOTARY PUBLIC

My Commission Expires:

6-1-92
(SEAL)

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF SALINE)

On this 6th day of OCTOBER, 1989, before me, the undersigned, a Notary Public within and for the County and State

365

aforesaid, duly commissioned and acting, appeared in person DONALD R. WILLIAMS and HELEN WILLIAMS, to me personally well known as the persons whose names appear upon the within and foregoing Boundary Line Agreement, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office as such Notary Public on the date and year last above mentioned.

Howard A. Long
NOTARY PUBLIC

My Commission Expires:

6-1-92
(SEAL)

ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF CLARK) ss.

On this 6th day of October, 1989, before me, the undersigned, a Notary Public within and for the County and State aforesaid, duly commissioned and acting, appeared in person GARY AUSLEY and DONNA AUSLEY, to me personally well known as the persons whose names appear upon the within and foregoing Boundary Line Agreement, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth, and I do hereby so certify.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office as such Notary Public on the date and year last above mentioned.

Howard A. Long
NOTARY PUBLIC

My Commission Expires:

4-30-91
(SEAL)

Filed for Record 17 day of Oct, 1989 at 11:50 o'clock a.m.
by Billy G. Williams Circuit Clerk
Erma Davis Deputy Clerk

THIS INSTRUMENT PREPARED BY:

WRIGHT, CHANEY & BERRY, P.A.
Attorneys at Law
P. O. Drawer 947
Arkadelphia, AR 71923

CERTIFICATE OF RECORD

STATE OF ARKANSAS)
COUNTY OF CLARK)
I, Billy G. Williams, Clerk of the Circuit Court, do hereby certify that the annexed and the group to which it is attached was filed for record in my office on the 17 day of October, 1989 at 11:50 o'clock A.M., and the same is now duly recorded, with the acknowledgment thereon, in General Book, Vol. 412, Page 305.
IN TESTIMONY WHEREOF, I hereunto set my hand and official seal of office.
Given this 17 day of October, 1989.
BILLY G. WILLIAMS
by Erma Davis