

Book 130 Pg 411

BILL OF ASSURANCE  
OF  
ECHO HILLS SUBDIVISION, UNIT NO. 1  
CLIBURNE COUNTY, ARKANSAS

WHEREAS the Lakeshore Enterprises, Inc., an Arkansas Corporation, is the owner of the following described land lying in Section 31 and 32, Township 11 North, Range 9 West, and in Sections 5 and 6 Township 10 North, Range 9 West, all in Cleburne County, Arkansas, to-wit:

Beginning at the Northeast Corner of the Northwest Quarter of Section 5, Twp. 10 North, Rge. 9 West; thence S 2° 46' 45" W, along the North and South Centerline of said Section 5, 923.82 feet to a point on the Fee Acquisition Line (as established by U.S. Corps of Engrs.) of Greers Ferry Lake; thence S 62° 39' 11" W, 90.32 feet; thence S 73° 08' 31" W, 1006.59 feet; thence S 87° 15' 48" W, 320.88 feet; thence N 53° 46' 22" W, 391.82 feet; thence N 1° 01' 49" E 329.25 feet; thence S 87° 19' 54" W, 159.81 feet; thence S 35° 54' 17" W, 841.64 feet; thence S 87° 15' 03" W 160.52 feet; thence N 16° 15' 56" W, 493.63 feet; thence N 33° 32' 56" W, 574.40 feet; thence N 48° 11' 34" W, 458.07 feet; thence N 1° 12' 12" E, 327.11 feet; thence N 46° 28' 11" W, 223.03 feet; thence S 67° 23' 57" W, 514.10 feet to a point on the Fee Acquisition Line and the West Line of the Southeast Quarter of the Southeast Quarter of Section 31, Twp. 11 North, Rge. 9 West; thence N 0° 53' 49" E along the West Line of said Quarter-Quarter Section, 980.23 feet; thence S 72° 32' E, 14.88 feet; thence Easterly, on a curve to the left, having a radius of 189.71 feet, an arc distance of 95.83 feet; thence N 78° 31' 30" E, 295.51 feet; thence Northeasterly, on a curve to the left, having a radius of 82.88 feet, an arc distance of 94.32 feet; thence N 13° 19' E, 72.75 feet; thence Northeasterly, on a curve to the right, having a radius of 169.69 feet, an arc distance of 162.30 feet; thence N 68° 07' E, 98.05 feet; thence S 47° 10' 30" E, 914.07 feet; thence N 89° 49' 30" E, 60.00 feet; thence S 13° 22' 37" E, 254.12 feet; thence Southwesterly, on a curve to the left, having a radius of 179.98 feet, an arc distance of 105.50 feet; thence S 47° 10' 30" E, 160.00 feet; thence S 42° 36' 52" E, 278.30 feet; thence S 70° 49' 30" W, 133.72 feet; thence S 27° 53' E, 840.00 feet; thence N 67° 32' 31" E, 57.12 feet; thence N 35° 53' E, 520.00 feet; thence N 53° 51' 22" E, 672.10 feet; thence N 89° 05' E, 225.00 feet; thence N 0° 55' W, 21.31 feet; thence N 89° 05' E, 200.00 feet; thence S 77° 05' 53" E, 220.08 feet; thence N 73° 08' 30" E, 450.00 feet; thence S 63° 23' E, 476.03 feet; thence S 1° 42' 18" W, along the North and South Centerline of Section 32, Twp. 11 North, Rge. 9 West, 165.00 feet to the Southeast Corner of the Southwest Quarter of said Section 32; thence S 86° 57' 08" W, along the South Line of said Section 32, 14.28 feet to the point of beginning, containing 114 acres, more or less, and subject to a perpetual flowage easement to the United States of America on that part lying on and below the 491 Contour Line.

Therefore, Lakeshore Enterprises, Inc. has caused said lands to be surveyed, sub-divided and laid out into lots and sites, roads and drives as shown on the plat of said subdivision. Said subdivision as shown on said plat has been named and shall hereafter forever be known and designated as "Echo Hills Subdivision", Unit No. 1, Cleburne County, Arkansas, and the plat and bill of assurance are formally placed on record for the purpose of perpetuating the same as such. Hereafter conveyance by lot number, or a part thereof, and name, shall be deemed a good and sufficient description thereof.

ROADS AND DRIVES

The roads and drives in Echo Hills Subdivision, Unit No. 1, are named as shown on the plat and shall be of the length and width shown on the plat, and said roads and drives and the use thereof are hereby dedicated to the public to be used only as roads and drives for its use and benefit forever.

RIGHTS AND RESERVATIONS

The Lakeshore Enterprises, Inc., hereby reserves the right to grant easements for the installation and maintenance of utilities and said rights and easements when so granted and filed shall be of like effect as if the said easements were shown on said plat and were specifically set forth in this bill of assurance, and the right is reserved to change the erection of such easements as such change or changes may become necessary in the installation of the utilities services.

DECLARATION OF RESTRICTIONS

Said subdivision shall be composed of lots numbering from 1 to 118 inclusive, in Unit No. 1, and respective lots shall be of the approximate dimensions shown on said plat or map. Whereas the roads and drives have irregular boundaries and dimensions and the same on said plat or map are not always exact, the said dimensions thus designated and set out in such plat or map are therefore subject to variations and slight inaccuracies; and all purchasers or lot or sites by number shall be and are hereby deemed to take title to said lots and sites according to the monuments and stakes located on said lots and to take the same subject to variation in the dimensions thereof.

PERSONS BOUND BY THESE RESTRICTIONS

All persons or corporations who now own or shall hereafter acquire any interest in any of the lots in Echo Hills Subdivision, Unit No. 1, shall be taken and held to agree and covenant with the owners of the lots shown on said plat and with its or their successors, heirs and assigns, to conform to and observe the following restrictions, covenants, and stipulations as to the use thereof and the construction of residences and improvements

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thereon. These restrictions shall remain in force unchanged until December 31, 1972, and indefinitely thereafter, however, after said date a majority of the then property owners may amend these restrictions in whole or part by signing and recording an amendment to this Bill of Assurance in the office of the Clerk and ex-officio Recorder of Cleburne County, Arkansas.

#### FRONTAGE OF RESIDENCES ON DRIVE

All residences located in the subdivision shall present an architectural front appearance on at least one drive, bordering the lot or lots upon which the residence is located.

#### FREE SPACE REQUIRED

The main body of any residence, including attached garages, attached green houses, ellis and porches, enclosed or unenclosed, erected or maintained on any of the lots in Echo Hills Subdivision, Unit No. 1, shall not occupy more than 80% of the width of the lots or plot on which it is erected, measured in each case on the front building line. In all cases there shall be not less than 10 feet between the side line of the plot or lot and the foundation walls and not less than 25 feet between the front property line and the front foundation wall.

#### LIMITATION IN NUMBER AND SIZE OF RESIDENCES AND USE

There shall not be erected on any one lot more than one residence building with the necessary out buildings and all lots are restricted to individual residence purposes only. No residence building shall be erected on any lot or lots in Echo Hills Subdivision Unit No. 1, having less than 1200 square feet of finished floor area exclusive of porches, garages and servant quarters. No commercial use of any lot or any structure located thereon shall be permitted.

#### EXTERIOR CONSTRUCTION MATERIALS

The finished exterior of every building constructed or placed on any numbered lot in Echo Hills Subdivision, Unit No. 1, shall be of material other than tar paper, roll brick siding or other similar materials.

#### DILLIGENCE IN CONSTRUCTION

Every building whose construction or placement on any numbered lot in Echo Hill Subdivision, Unit No. 1, is begun shall be completed within nine (9) months after the beginning of such construction or placement. No improvement which has been partially or totally destroyed by fire or otherwise, shall be allowed to remain in such state for more than four (4) months from the time of such destruction or damage.

#### ENCLOSED FOUNDATIONS

All structures constructed or placed on any numbered lot in Echo Hills Subdivision, Unit No. 1, for use as a dwelling house shall be constructed upon a closed foundation and shall not be erected on exposed piers.

#### PROHIBITION OF USED STRUCTURES

All structures constructed or placed on any numbered lot in Echo Hills Subdivision, Unit No. 1, shall be constructed with a substantial quantity of new materials, and no structure shall be relocated on any such lot, without the written consent of all the adjacent lot owners.

#### MAINTENANCE OF LOTS AND IMPROVEMENTS

The purchase of each lot in Echo Hills Subdivision, Unit No. 1, shall maintain said lot and any improvements situated thereon in such a manner so as to prevent said lot or improvement from becoming unsightly.

#### BILL BOARDS

No bill boards, posters or signs may be placed or remain upon any of the lots except small "For Sale" signs offering the lots in the subdivision for sale.

#### OTHER RESTRICTIONS

No trailer, mobile home, basement, shack, garage, garage apartment, hutment, barn, or structure of a temporary character, on any of said lots shall at any time be used or occupied as a residence temporarily or permanently.

No lots may be subdivided in area for any purpose. No outside toilets shall be allowed and sanitation facilities shall conform with Arkansas State Health Department standards.

No residence or structure having more than one floor above ground level shall be erected on any of the lots in Echo Hills Subdivision, Unit No. 1, without the consent and approval in writing of the adjacent lot owners and owners of the 3 lots nearest to the lot upon which such structure is proposed on the opposite side of the drive or road.

No lot may be used for permanent or semi-permanent storage of materials, tools, equipment or other items not intended for use in the construction of a residence, including the necessary out-buildings.

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Except for household pets no animals, livestock or poultry shall be kept on any lot or lots within the boundary of the platted area.

RIGHT TO ENFORCE

The restrictions herein set forth shall run with the land, and bind the present owner, its successors and assigns, future owners and their heirs and assigns and all parties claiming by, through or under them shall be taken to hold, agree and covenant with the owners of said lots, their successors, heirs and assigns and with each of them to conform to and observe said restrictions as to the use of said lots and the construction of improvements thereon; but no restrictions, herein set forth shall be personally binding on any corporation, person or persons excepting in respect to breaches committed during its, his or their ownership of said lots.

The owner or owners of any of the lots in said subdivision shall have the right to enforce any or all of the above restrictions in law or equity by action for an injunction or damages or both.

The above restrictive covenants shall be severable and invalidation of any of these covenants shall in no wise affect any of the other provisions herein which shall remain in full force and effect.

In order that the most lasting assurances of all things herein contained may be had, said owner has caused this Bill of Assurance to be placed on record in the office of the Clerk and ex-officio Recorder of Cleburne County, Arkansas, on this 4th day of June, 1970.

LAKESHORE ENTERPRISES, INC.

(SEAL)

This instrument prepared by  
Olmstead & McSpadden  
Attorneys at law  
Heber Springs, Ark.

/s/ William H. Dodd President  
/s/ Evelyn D. Besom Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS     )  
                              ) ss.  
COUNTY OF CLEBURNE    )

On this day, before me personally appeared William H. Dodds and Evelyn D. Besom to me personally well known, who acknowledged that they were the President and Secretary of Lakeshore Enterprises, 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 4th day of June, 1970.

(SEAL)

My Commission Expires:  
Nov. 4, 1972

/s/ Carl B. McSpadden  
Notary Public

This instrument was filed for record on the 4th day of June at 10:00 o'clock A.M. and was duly recorded on this the 4th day of June, 1970.

Otha Faust CLERK  
BY Rita Swaffer D.C.