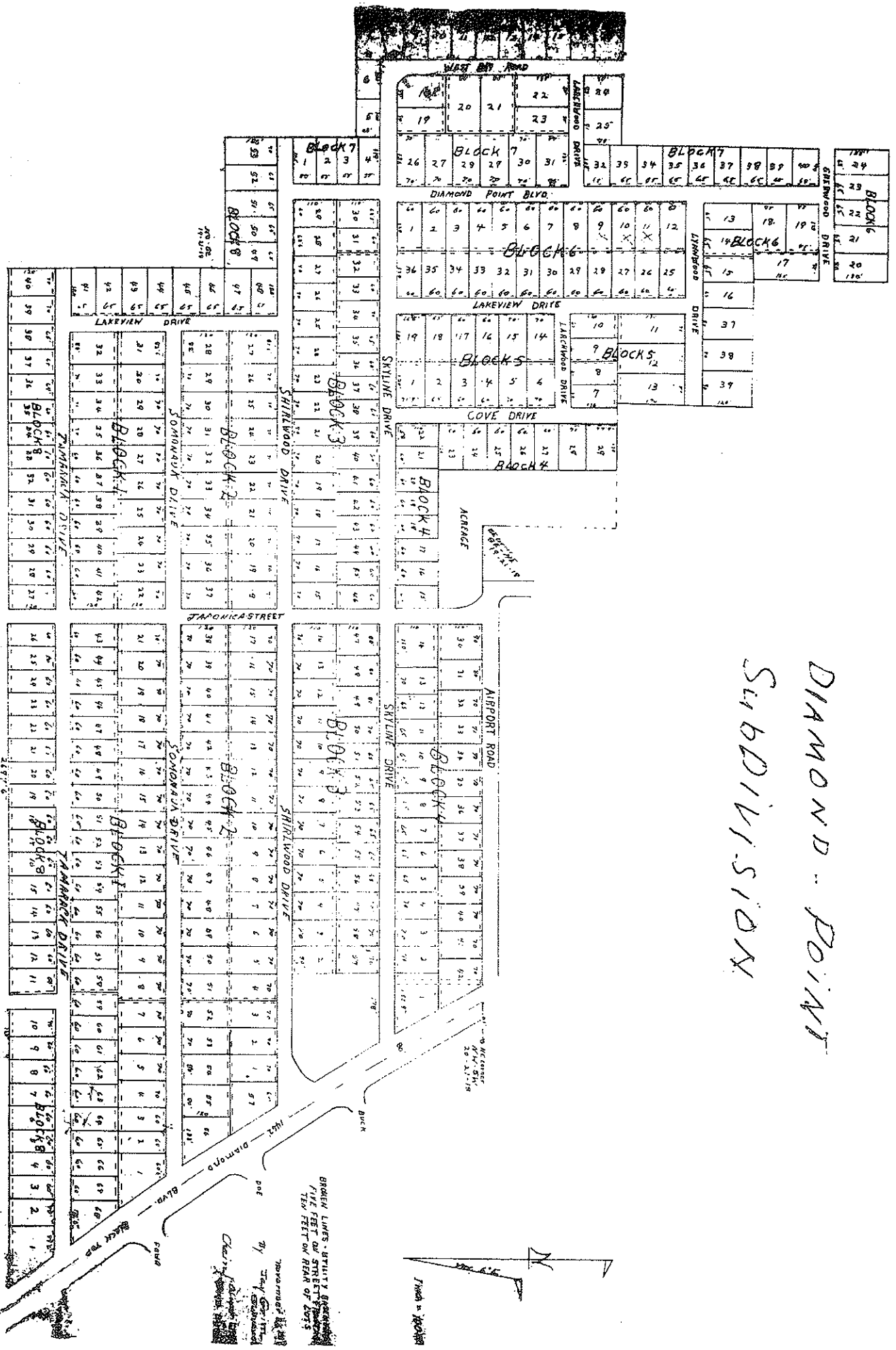


1000 SQ. FT.

DIAMOND POINT

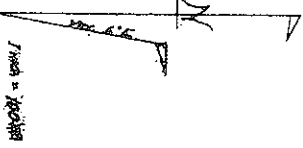
Subdivision



SM GRANT  
100-4-5-10  
10-11-10

By: [Signature]  
[Signature]  
[Signature]

BROKEN LINES - UTILITY LOCATIONS  
FIVE FEET ON REAR OF LOTS



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P L A T

At page 447 in Deed Record 27 in the office of the Circuit Clerk & Ex-Officio Recorder of Boone County, Arkansas appears a plat of:

DIAMOND POINT SUB-DIVISION

A part of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , and a part of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  in Section 19 Township 21 North, Range 18 West, also, a part of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , and a part of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  in Section 20, said Township and Range, South of White River, more particularly described as follows towit: Beginning at the SE corner of the said SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  in Section 19 and run North to the NE corner of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence West to the NW corner of the said SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence North to the NW corner of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence West to the center of the SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ; thence North to the NE corner of the S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence West to the center of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence South to the center of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence West to the NW corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of the said SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence South to the SW corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ; thence East to the center of the NW $\frac{1}{4}$  of the Said NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ; thence South 550 feet; thence N. 88 degrees and 40 minutes East 2697 feet and 6 inches to the center of Diamond boulevard black top; thence in a NW direction, with the center of the black top as now presently located, a distance of 1462 feet to the south line of Airport road at a point 101 feet West of the NE corner of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  said Section 20; thence S. 88 degrees and 40 Minutes West, with the south side of the Airport Road, to the beginning.

Broken Lines - Utility Easements Five Feet on Street Frontage  
Ten Feet on Rear of Lots  
November 26th, 1963  
By Jay Grim  
Surveyor

Chain (Oliver Wilson  
(Boyd Duncan  
State of Arkansas )  
)ss  
COUNTY OF BOONE )

I hereby certify that this instrument was filed for record in my office the 10 day of Dec. 1963 at 3:30 o'clock P. M. and duly recorded.  
Record Book No. 27 at page 447.

Witness my hand and the court seal this 10 day of Dec. 1963.

Troy Andrews  
Circuit Clerk and Recorder  
By Irene J. Andrews, D. C.

Filed for record 10 day of Dec. 1963 at 3:30 o'clock P. M.

Troy Andrews, Clerk  
Irene J. Andrews  
County Clerk

Deed Dedication Book 91 page 362.

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That DIAMOND ACRES, INC., a Corporation organized and existing under the laws of the State of Arkansas, being the owner of the following described tract or parcel of land lying in the County of Boone and State of Arkansas, to-wit:

DIAMOND POINT SUB-DIVISION, in the Incorporated Town of Diamond City, Boone County, Arkansas, a part of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ , and a part of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  in section 19 Township 21 North, Range 18 West, also, a part of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$ , and a part of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  in Section 20, said Township and Range, more particularly described as follows to wit:

Beginning at the SE corner of the said SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  in section 19 and run North to the NE corner of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; Thence West to the NW corner of the said SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; Thence North to the NW corner of the E $\frac{1}{2}$  of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; Thence West to the center of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; thence North to the NE corner of the S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; Thence West to the center of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; Thence South to the center of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; Thence West to the NW corner of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of the said SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ ; Thence South to the SW corner of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ; Thence East to the center of the NW $\frac{1}{4}$  of the said NE $\frac{1}{4}$  of the SE $\frac{1}{4}$ ; Thence South 550 feet; Thence N. 88 degrees and 40 minutes East 2697 feet and 6 inches to the center of Diamond Boulevard black top; Thence in a NW direction, with the center of the black top as now presently located, a distance of 1462 feet to the south line of Airport road at a point 101 feet West of the NE corner of the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  said Section 20; Thence S 88 degrees and 40 minutes West, with the south side of the Airport road, to the beginning. (South of White River)

does hereby plat and lay out into a sub-division, composed of lots and parts of lots, as set out in detail on the attached survey and plat, made and certified by Jay Grim, surveyor in Carroll County, Arkansas, which is made a part hereof as Exhibit "A", Said sub-division shall be known and hereafter referred to as Diamond Point Sub-Division; and it does hereby dedicate for common use by owners of land in said sub-division forever all streets of width, length and location as set out on the plat herein above referred to, subject to any subservient easements for gas, water, electrical, and telephone lines heretofore as hereafter granted by the grantor herein.

IN WITNESS WHEREOF, the said DIAMOND ACRES, INC. has caused this presents to be signed by its President and its Secretary and its Corporate Seal to be hereunto affixed this 3 day of December, 1963.

DIAMOND ACRES, INC.  
BY Henry W. Dietz  
President

BY Nannie M. Dietz  
Secretary

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ACKNOWLEDGMENT

STATE OF ARKANSAS )
)SS
COUNTY OF BOONE )

BE IT REMEMBERED, That on this day came before me, the undersigned, a Notary Public, within and for the County aforesaid, duly commissioned and acting, Hen W. Dietz and Nannie M. Dietz, to me well known as the President and Secretary of said Diamond Acres, Inc. and stated that they had executed the same Deed of Dedication for the considerations and purposes therein mentioned and set forth Witness my hand and seal such Notary Public on this 3rd day of December, 1963.

Jeanne H. Ungerer
Notary Public

My Commission expires:
October 16, 1965.

BILL OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS:

That Diamond Acres, Inc. holds the title to all the following described lands situated in Boone County, Arkansas, to-wit:

A part of the NE 1/4 of the SE 1/4, and a part of the SSE 1/4 of the NE 1/4 in Section 19 Township 21 North, Range 18 West, also, a part of the NW 1/4 of the SW 1/4, and a part of the NE 1/4 of the SW 1/4 in section 20, said Township and Range, more particularly described as follows to wit: Beginning at the SE corner of the said SE 1/4 of the NE 1/4 in section 19 and run North to the NE corner of the SE 1/4 of the SE 1/4 of the NE 1/4 Thence West to the NW corner of the said SE 1/4 of the SE 1/4 of the NE 1/4; Thence North to the NW corner of the E 1/2 of the SE 1/4 of the NE 1/4; Thence West to the center of the SE 1/4 of the NE 1/4; Thence North to the NE corner of the S 1/2 of the NW 1/4 of the SE 1/4 of the NE 1/4; Thence West to the center of the NW 1/4 of the SE 1/4 of the NE 1/4; Thence South to the center of the SW 1/4 of the SE 1/4 of the NE 1/4; Thence West to the NW corner of the SW 1/4 of the SW 1/4 of the said SE 1/4 of the NE 1/4; Thence South to the SW corner of the NW 1/4 of the NW 1/4 of the NE 1/4 of the SE 1/4; Thence East to the center of the NW 1/4 of the said NE 1/4 of the SE 1/4; Thence South 550 feet; Thence N. 88 degrees and 40 minutes East 2697 feet and 6 inches to the center of Diamond Boulevard black top; Thence in a NW direction, with the center of the black top as now presently located, a distance of 1462 feet to the south line of Airport road at a point 101 feet West of the NE corner of the NW 1/4 of the SW 1/4 said Section 20; Thence S. 88 degrees and 40 minutes West, with the south side of the Airport road, to the beginning. (South of White River)

The Grantor, Diamond Acres, Inc., has caused said lands to be surveyedd and subdivided to lots, blocks and streets. Said subdivision has been named and shall henceforth be known and designated as Diamond Point Sub-Division of Diamond City, Boone County, Arkansas. Diamond Point Sub-Division of Diamond City, Boone County, Arkansas contains Three hundred seventy-seven (377) lots, and the Grantor has executed a plat

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showing the locations of said lots and the number and dimensions of the lots in said subdivision; also, the locations, widths and names of the streets. All streets of said subdivision are hereby dedicated to the public for its use and benefits forever.

The plat of Diamond Point Sub-Division of Diamond City, Boone County, Arkansas is recorded in Record Book 27, at page 447 in the office of the Circuit Court Clerk and Ex-Officio Recorder in and for Boone County, Arkansas.

As a part of this Bill of Assurance, certain safeguards and restrictions hereinafter referred to as "Subdivision Restrictions" are hereby placed on the lots of said plat of Diamond Point Sub-Division of Diamond City, Boone County, Arkansas.

#### SUBDIVISION RESTRICTIONS

The purpose of the restrictions is to provide uniform protection for all property owners in this subdivision by establishment of minimum standards of land use, building size, setback requirements and the prohibition of certain undesirable uses and practices for the entire subdivision.

##### I. LAND USE

All lots shown on said plat are to be used for residential purposes only. No building shall be maintained or erected except that the owner shall install sewage disposal facilities which meet all the requirements of the State Health Department.

##### II. GENERAL PROVISIONS

(A) Nothing shall be allowable on premises in any zone established which would in any way be offensive or obnoxious by reason of control, design, or the emission of odors, liquids gases, dust, smoke, vibration or noise. No shall anything be placed, constructed or maintained that would in any way constitute an eye sore or nuisance to adjacent property owners, residents, or to the community. No bee hives or breeding or raising of any insects, reptile or animals and fowls other than customary house pets are permitted.

(B) No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structures have been approved by the architectural control committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building set back line unless similarly approved.

The architectural control committee is composed of Henry W. Dietz, Carl L. Ungerer, and Harold Whitenack. A Majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee nor its designated representative shall be entitled to any compensation for services performed pursuant to covenant. At any time, the then record owners of majority of the

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lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee or its designated representative fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

(c) No lots as shown on said plats shall be resubdivided into building plots, but a portion of a lot adjoining a lot may be used in connection therewith and the total considered as a single building plot. The building line and side line setback shall be determined with reference to such increase and plot.

(d) No structures of a temporary character, trailer, basement, tent, shack, garage, barn or other out-building shall be used on any lot at any time as a residence either temporarily or permanently.

(e) All residence constructed on the property herein shall be for residential purposes only and the use of said residences for the practice of any profession or commercial and business use of any kind is prohibited.

### III. SETBACK LIMITATIONS

Setback restrictions shall apply to all structures constructed and erected on said property, as follows:

Front yard - 25 feet from property line

Side Yards - 5 feet from property line.

Corner lots - 25 feet from front street,  
10 feet from side street.

Roof overhangs, steps, stoops, and architectural projections are excepted.

### IV. HEIGHT LIMITATIONS

No building in this subdivision shall be greater than two stories in height nor higher from the average grade than 25 feet, to any portion of the building except chimneys and architectural projections.

Garden Walls - garden walls, not exceeding 5 feet in height, may be constructed anywhere within property lines.

### V. AREA LIMITATIONS

No building shall be constructed unless it contains a minimum of 1000 square feet.

### VI. EASEMENTS FOR PUBLIC UTILITIES AND DRAINAGE

Perpetual easements as shown on the plats for the use of utilities shall be maintained and become a restriction on each individual lot where they occur.

### VII. GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish. Trash,

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garbage, or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

VIII. SIGHT DISTANCE AT INTERSECTION

No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and line connection them at points 25 feet from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No trees shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight-line.

IX. TERM

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 these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

X. ENFORCEMENT

Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants either to restrain violation or to recover damage, and failures or neglect to enforce any provision hereof shall not constitute a waiver of operate as a estoppel.

XI. SEVERABILITY

Invalidation of any one of these covenants by judgement or court order shall in no wise effect any of the other provisions which shall remain in full force effect.

WITNESS My hand and seal on the 3rd day of December, 63.

DIAMOND ACRES, INCORPORATED

Henry W. Dietz

Nannie M. Dietz

IN WITNESS WHEREOF, DIAMOND ACRES, Incorporated has this 3rd day of December, 1963, appeared before me and signed the foregoing instrument.

SEAL Jeanne H. Ungerer

My commission expires October 16, 1965

Notary Public

Filed for Record 10 day of December 1963 at 3:45 o'clock P. M.

Troy Andrews, Clerk

Irene J. Andrews, D. C.

Recorded in Deed Record "91" at pages 362-366.