

SUBD AREA = 466,141 Sq. ft. = 10.70 Ac.

LEGAL DESCRIPTION

Part of SW 1/4 SW 1/4 Section 17, T-21-N, R-18-W, 5th Principal Meridian, more particularly described as: Beginning at the NE corner SW 1/4 SW 1/4 Section 17, T-21-N, R-18-W; thence S 02°04' W 573.58 feet along the east line of said SW 1/4 SW 1/4 to a point; thence S 73°51' W 795.77 feet to a point on the easterly right of way line of Diamond Boulevard (Arkansas Highway Number 7); thence NORTHERLY along said right of way line, on a curve right having a radius of 914.93 feet, an arc distance of 93.84 feet to the point of tangency of said curve; thence continuing along said right of way line, N 13° 01' E a distance of 743.35 feet to a point on the north line of said SW 1/4 SW 1/4; thence S 87°54' E 601.60 feet along said north line to the point of beginning, containing 466,141 square feet or 10.70 acres according to the survey thereof.

PLAT NUMBER TWO

WHITEY'S ACRES

A SUBDIVISION OF PART
SW 1/4 SW 1/4 SECTION 17 T-21-N R-18-W
BOONE COUNTY ARK

AUG. 17, 1970

1" = 50'

CHARLES NEAL, SURVEYOR

CERTIFICATE OF SURVEY:

I, Charles F. Neal, Registered Land Surveyor Number 127, State of Arkansas, hereby certify that I have surveyed the property shown and described hereon, and this plat correctly represents the survey thereof and that same is true and correct.

1200 SQ. FT.
ord. 106-90
11/14/90.

SSAL:

CHARLES F. NEAL
REGISTERED
LAND SURVEYOR
STATE OF
ARKANSAS
NO. 127
Charles F. Neal
SURVEYOR

Whitney's Acres

Section 17, T-21-N, R-1b-W, particularly described as: NW 1/4 SW 1/4 Section 17, T-21-N, R-1b-W, 601.60 feet along the east line to a point on the east line to a point thereon; thence S 08°33' E 151.51 feet to a point; thence S 08°33' E 156.04 feet along said east line, containing 190,134 square feet to the survey thereof.

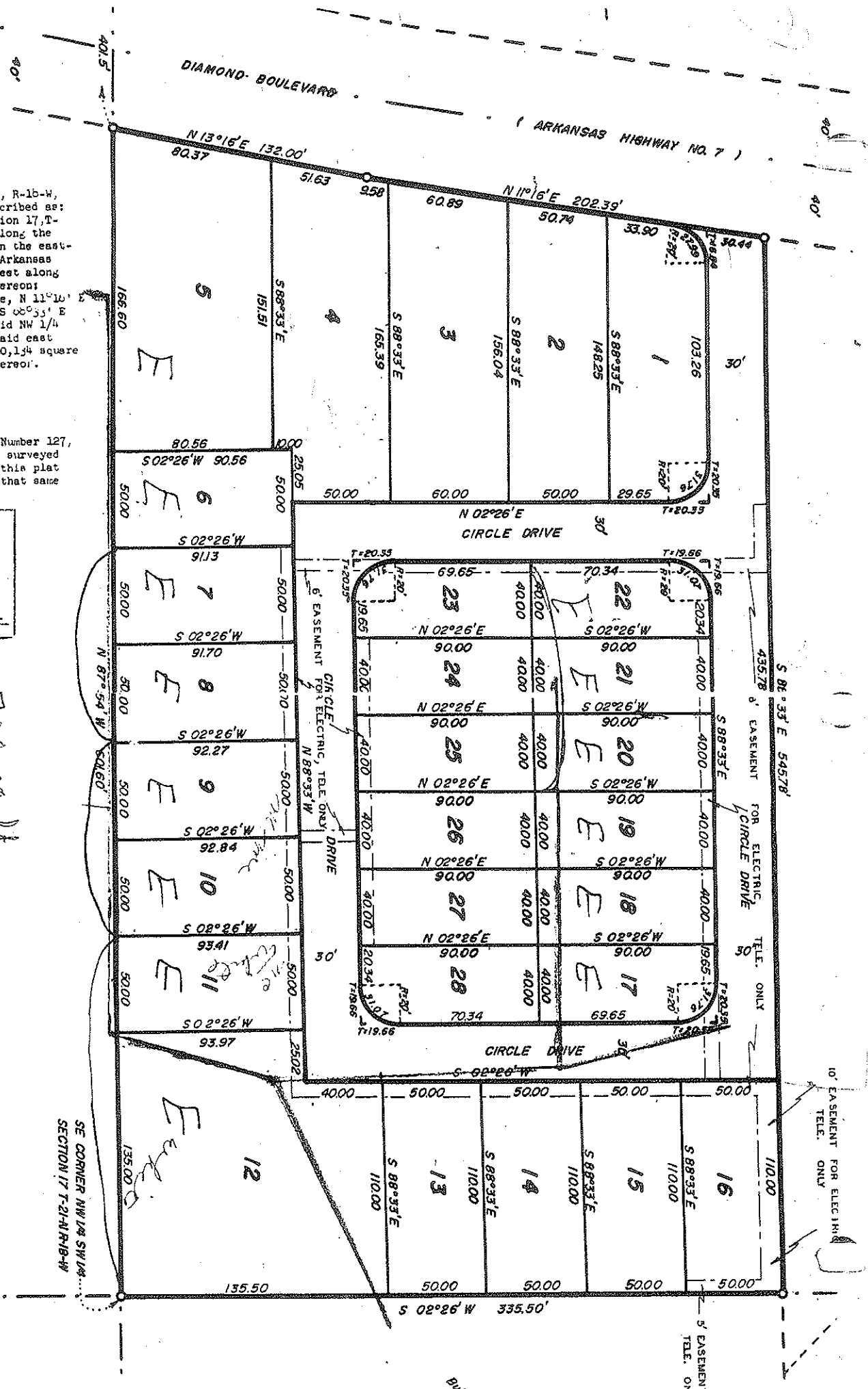
Registered Land Surveyor Number 127, certify that I have surveyed and described hereon, and this plat is a true and correct copy of the survey thereof, and that same

CHARLES F. NEAL
REGISTERED
LAND SURVEYOR
NO. 127
Charles F. Neal
Surveyor

700 sq ft
Ded. 106.50
11-17-90

Whitney's Acres

SE CORNER NW 1/4 SW 1/4 SECTION 17 T-21-N R-1b-W



DIAMOND BOULEVARD

(ARKANSAS HIGHWAY NO. 7)

N 13°16' E 132.00'

N 11°16' E 202.39'

S 88°33' E 151.51'

S 02°26' W 90.56'

S 02°26' W 91.13'

S 02°26' W 91.70'

S 02°26' W 92.27'

S 02°26' W 92.84'

S 02°26' W 93.41'

S 02°26' W 93.97'

S 88°33' E 156.04'

S 02°26' W 90.56'

S 02°26' W 91.13'

S 02°26' W 91.70'

S 02°26' W 92.27'

S 02°26' W 92.84'

S 02°26' W 93.41'

S 02°26' W 93.97'

S 88°33' E 156.04'

S 02°26' W 90.56'

S 02°26' W 91.13'

S 02°26' W 91.70'

S 02°26' W 92.27'

S 02°26' W 92.84'

S 02°26' W 93.41'

S 02°26' W 93.97'

S 88°33' E 148.25'

S 02°26' W 90.56'

S 02°26' W 91.13'

S 02°26' W 91.70'

S 02°26' W 92.27'

S 02°26' W 92.84'

S 02°26' W 93.41'

S 02°26' W 93.97'

S 88°33' E 103.26'

S 02°26' W 90.56'

S 02°26' W 91.13'

S 02°26' W 91.70'

S 02°26' W 92.27'

S 02°26' W 92.84'

S 02°26' W 93.41'

S 02°26' W 93.97'

S 88°33' E 30.44'

S 02°26' W 90.56'

S 02°26' W 91.13'

S 02°26' W 91.70'

S 02°26' W 92.27'

S 02°26' W 92.84'

S 02°26' W 93.41'

S 02°26' W 93.97'

EASEMENT FOR ELECTRIC, TELEPHONE ONLY

EASEMENT FOR ELECTRIC, TELEPHONE ONLY

EASEMENT FOR ELECTRIC, TELEPHONE ONLY

EASEMENT FOR ELECTRIC, TELEPHONE ONLY

P L A T

At page 3 of Plat Book 2, in the office of Recorder of Boone County, Arkansas, appears Plat of:

SOME TRAILER
SPACE
BUSINESS

WHITEY'S ACRES

A SUBDIVISION OF PART
NW ¼ SW ¼ SEC 17 T-21-N R-18-W
BOONE COUNTY ARK
OCT 31 1968 1"=40'

The following notes appear on the said Plat:

LEGAL DESCRIPTION - WHITEY'S ACRES

Part of NW ¼ SW ¼ Section 17, T-21-N, R-18-W, 5th Principal Meridian, more particularly described as: Beginning at the SE corner NW ¼ SW ¼ Section 17, T-21-N, R-18-W; thence N 87°54' W 601.60 feet along the south line of said NW ¼ SW ¼ to a point on the easterly right of way line of Diamond Boulevard (Arkansas Highway Number 7); thence N 13°16' E 132.00 feet along said easterly right of way line to a point thereon; thence continuing along said right of way line, N 11°16' E a distance of 202.39 feet to a point; thence S 88°33' E 545.78 feet to a point on the east line of said NW ¼ SW ¼; thence S 02°26' W 335.50 feet along said east line to the point of beginning, containing 190,134 square feet or 4.36 acres according to the survey thereof.

CERTIFICATE OF SURVEY:

I, Charles F. Neal, Registered Land Surveyor Number 127, State of Arkansas, hereby certify that I have surveyed the property shown and described hereon, and this plat correctly represents the survey thereof, and that same is true and correct.

CHARLES F. NEAL
REGISTERED
LAND SURVEYOR
STATE OF
A R K A N S A S
NO. 127
CHARLES F. NEAL
signature

SEAL:

CERTIFICATE
STATE OF ARKANSAS)
COUNTY OF BOONE)

We, the undersigned, being the duly elected, qualified and acting, Mayor and Recorder, respectfully of the incorporated town of

#2

Diamond City, Boone Co., Ark., hereby certify that the council has examined the attached plat dated Oct. 30, 1968, and Deed of Dedication to "Whitey's Acres" Sub-division and found that same is contained within the limits of the said town of Diamond City, Ark., and further found that the plat is acceptable to the Town Council of said town and require that said plat be duly filed for record.

INCORPORATED TOWN OF DIAMOND CITY, ARKANSAS

Luther G. Hughey

MAYOR

Lois L. Baker (Mrs.)

RECORDER

(SEAL)

ACKNOWLEDGMENT

STATE OF ARKANSAS)

COUNTY OF BOONE) ss.

On this day personally appeared before me, Harold W. Whitenack and Virginia L. Whitenack, husband and wife, personally well known to me to be the Grantors in a certain Deed of Dedication. attached hereto, and stated upon oath that they are the owners of the land herein described therein and acknowledged to me that they had executed said plat and Deed of Dedication for the consideration and purposes therein set forth.

Harold Whitenack

Virginia L. Whitenack

Subscribed and sworn to before me this 19th day of December, 1968.
My Commission Expires:

June 1, 1971

Jane S. Chandler

NOTARY PUBLIC

Deed of Dedication Book 105 pp 250-251

Filed for Record 20 day of Dec. 1968 at 3:30 o'clock P.M.

Troy Andrews, Clerk

P L A T

At page 3 of Plat Book 2, in the office of Recorder of Boone County, Arkansas, appears Plat of:

WHITEY'S ACRES

A subdivision of part

NW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 17 T-21-N R-18 W

BOONE COUNTY ARK.

OCT 31 1968

The following notes appear on the said Plat:

LEGAL DESCRIPTION - WHITEY'S ACRES

Part of NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T-21-N, R-18 W, 5th Principal Meridian, more particularly described as: Beginning at the SE corner NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17 T-21-N, R-18-W: thence N 87° 54' W 601.60 feet along the south line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ to a point on the easterly right of way line of Diamond Boulevard (Arkansas Highway Number 7): thence N 13° 16' E 132.00 feet along said easterly right of way line to a point thereon: thence continuing along said right of way line, N 11° 16' E a distance of 202.39 feet to a point: thence S 88° 33' E 545.78 feet to a point on the east line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$: thence S 02° 26' W 335.50 feet along said east line to the point of beginning, containing 190,134 square feet or 4.36 acres according to the survey thereof.

CERTIFICATE OF SURVEY:

I, Charles F. Neal, Registered Land Surveyor Number 127, State of Arkansas, hereby certify that I have surveyed the property shown and described hereon, and this plat correctly represents the survey thereof, and that same is true and correct.

CHARLES F. NEAL
Registered
Land Surveyor
State of
Arkansas
No. 127
Charles F. Neal
signature

Deed of Dedication Book 105 at page 250.

#2

CERTIFICATE

STATE OF ARKANSAS)
COUNTY OF BOONE)ss.

We, the undersigned, being the duly elected, qualified and acting, Mayor and Recorder, respectfully of the incorporated town of Diamond City, Boone Co., Ark., hereby certify that the council has examined the attached plat dated Oct. 30, 1968, and Deed of Dedication to "Whitey's Acres" Sub-division and found that same is contained within the limits of the said town of Diamond City, Ark., and further found that the plat is acceptable to the Town Council of said town and require that said plat be duly filed for record.

INCORPORATED TOWN OF DIAMOND CITY, ARKANSAS

Luther G. Hughey
MAYOR

(SEAL)

Lois L. Baker (Mrs.)
Recorder

ACKNOWLEDGMENT

STATE OF ARKANSAS)
COUNTY OF BOONE)ss.

On this day personally appeared before me, Harold W. Whitenack and Virginia L. Whitenack, husband and wife, personally well known to me to be the Grantors in a certain Deed of Dedication, attached hereto, and stated upon oath that they are the owners of the land herein described therein and acknowledged to me that they had executed said plat and Deed of Dedication for the consideration and purposes therein set forth.

Harold Whitenack

Virginia L. Whitenack

Subscribed and sworn to before me this 19th day of December, 1968.

My Commission Expires:
June 1, 1971

Jane S. Chandler
Notary Public

Filed for Record 20 day of December, 1968 at 3:30 o'clock P.M.

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That we, Harold W. Whitenack and Virginia L. Whitenack, husband and wife, being owners of the following described tract or parcel of land lying in the County of Boone and the State of Arkansas to-wit:

Part of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 17, Township 21 North, Range 18 West, 5th Principal Meridian, more particularly described as: Beginning at the SE corner of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ OF Section 17 Township 21 North, Range 18 West; thence North 87 degrees 54 minutes West 601.60 feet along the South line of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ to a point on the easterly right-of-way line of Diamond Boulevard (Arkansas Highway Number 7); thence North 13 degrees 16 minutes East 132.00 feet along said easterly right-of-way line to a point thereon; thence continuing along said right-of-way line, North 11 degrees 16 minutes East a distance of 202.39 feet to a point; thence South 88 degrees 33 minutes East 545.78 feet to a point on the east line of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; thence South 02 degrees 26 minutes West 335.50 feet along said East line to the point of beginning, containing 190,134 square feet or 4.36 acres according to the survey thereof.

do hereby plat and lay out into a subdivision composed of lots and parts of lots as set out in detail on the attached survey and plat made and certified to by Charles F. Neal professional land surveyor, Clinton, Arkansas, resister No. 127 which is made a part hereof and attached hereto marked exhibit "A".

Said subdivision shall be known and hereafter referred to as Whitey's Acres and we, Harold W. Whitenack and Virginia L. Whitenack, husband and wife, do hereby dedicate to the public for public use forever all the streets shown on said plat which streets we have caused to be surveyed and platted.

And in consideration of the premises and in consideration of a more effective use of the lands described on the said plat and for the mutual protection and benefit of the owners and future owners of said lots we hereby subject and encumber the said lands with the following restrictions which shall and do touch and concern the basic use of the land and shall run with the land:

1. All of said lots except Lots Number 17-28 are subject to 5 feet utility easement on front and back sides as well as along all sides adjoining streets.

2. No building other than a building for business purposes shall be erected or permitted to remain on lots 1-5 as shown on said plat.

Said lots shall be subject to the restriction that they shall be used for business and not for residential purposes, and shall be of brick or stone construction on front side.

BOONE COUNTY ABSTRACT & TITLE COMPANY, INC.

BONDED ABSTRACTORS - TITLE INSURANCE

SHEET NO.

HARRISON, ARKANSAS

#2

3. Lots No. 17-28 shall be used for mobile homes or trailers only and no house, cabin, barn, business building or other building shall be erected or permitted to remain on said Lots 17-28

4. Lots 6-16 as shown on said plat shall be used as sites for erection of residences or mobile homes only, and not for commercial buildings.

5. Lots No. 17-28 as shown on said plat shall have sewer, telephone, electric and water connections underground; no telephone, electric, sewer, or water lines shall be erected or permitted to remain above ground on said lots. Utilities in said Lots 17-28 shall run along the back of said lots only and all trailers parked on said lots shall be parked a distance of 15 feet from the front street and at least 5 feet from the side lot lines.

All property owners within the said subdivision shall have the right to enforce these restrictions by suit in equity to compel compliance whether actual damages can be shown or not.

And all grantees taking under said plat herein referred shall be expressly bound to comply with the restrictions herein contained as if these restrictions were fully set out as easements in their deeds, and said grantees shall, by acceptance of their said deeds, be subject to the remedies herein granted.

The restrictions herein contained and set out shall be in full force and effect for a period of 50 years and for so much longer as a majority of the property owners shall direct at the termination of said 50-year period.

In Witness Whereof we have hereunto set our hands and seals this 20 day of December, 1968.

Harold Whitenack
Virginia L. Whitenack

STATE OF ARKANSAS) ACKNOWLEDGMENT

COUNTY OF BOONE)SS.

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, Harold W. Whitenack and Virginia Whitenack, husband and wife, to me well known as the grantors in the foregoing Deed of Dedication, and state that they had executed the same for the consideration and purposes therein mentioned and set forth. And also on the same day voluntarily appeared before me, the said Virginia L. Whitenack, wife of the said Harold W. Whitenack, to me well known and in the absence of her said husband, declared that she had, of her own free will, signed and sealed the relinquishment of Dower to the streets in the said plat, for the considerations and purposes therein contained and set forth without compulsion or un-

BOONE COUNTY ABSTRACT & TITLE COMPANY, INC.

BONDED ABSTRACTORS - TITLE INSURANCE

SHEET NO.

HARRISON ARKANSAS

#3

due influence of her said husband.

Witness My Hand and Seal as such Notary Public on this 20th day of
December, 1968, A.D.

(SEAL)

Virginia L. Whitenack
Jane S. Chandler
Notary Public

My Commission Expires 6-1-71

Filed 20 of December, 1968, at 3:30 P.M. and Recorded in Deed Record
Book 105 at page 250.

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

That we, Harold W. Whitenack and Virginia L. Whitenack, husband and wife, being owners of the following described tract or parcel of land lying in the County of Boone and the State of Arkansas to-wit:

Part of the NW 1/4 of the SW 1/4 of Section 17, Township 21 North, Range 18 West, 5th Principal Meridian, more particularly described as: Beginning at the SE corner of NW 1/4 of the SW 1/4 of Section 17, Township 21 North, Range 18 West; thence North 87 degrees 54 minutes West 601.60 feet along the South line of said NW 1/4 of the SW 1/4 to a point on the easterly right-of-way line of Diamond Boulevard (Arkansas Highway Number 7); thence North 13 degrees 16 minutes East 132.00 feet along said easterly right-of-way line to a point thereon; thence continuing along said right-of-way line, North 11 degrees 16 minutes East a distance of 202.39 feet to a point; thence South 88 degrees 33 minutes East 545.78 feet to a point on the east line of said NW 1/4 of the SW 1/4; thence South 02 degrees 26 minutes West 335.50 feet along said East line to the point of beginning, containing 190,134 square feet or 4.36 acres according to the survey thereof.

do hereby plat and lay out into a subdivision composed of lots and parts of lots as set out in detail on the attached survey and plat made and certified to by Charles F. Neal professional land surveyor, Clinton, Arkansas, resister No. 127 which is made a part hereof and attached hereto marked exhibit "A".

Said subdivision shall be known and hereafter referred to as Whitey's Acres and we, Harold W. Whitenack and Virginia L. Whitenack, husband and wife, do hereby dedicate to the public for public use forever all the streets shown on said plat which streets we have caused to be surveyed and platted.

And in consideration of the premises and in consideration of a more effective use of the lands described on the said plat and for the mutual protection and benefit of the owners and future owners of said lots we hereby subject and encumber the said lands with the following restrictions which shall and do touch and concern the basic use of the land and shall run with the land:

1. All of said lots except Lots Number 17-28 are subject to 5 feet utility easement on front and back sides as well as along all sides adjoining streets.

2. No building other than a building for business purposes shall be erected or permitted to remain on lots 1-5 as shown on said plat.

Said lots shall be subject to the restriction that they shall be used for business and not for residential purposes, and shall be of brick or stone construction on front side.

3. Lots No. 17-28 shall be used for mobile homes or trailers only and no house, cabin, barn, business building or other building shall be erected or permitted to remain on said Lots 17-28.

4. Lots 6-16 as shown on said plat shall be used as sites for erection of residences or mobile homes only, and not for commercial buildings.

5. Lots No. 17-28 as shown on said plat shall have sewer, telephone, electric and water connections underground; no telephone, electric, sewer, or water lines shall be erected or permitted to remain above ground on said lots. Utilities in said Lots 17-28 shall run along the back of said lots only and all trailers parked on said lots shall be parked a distance of 15 feet from the front street and at least 5 feet from the side lot lines.

All property owners within the said subdivision shall have the right to enforce these restrictions by suit in equity to compel compliance whether actual damages can be shown or not,

And all grantees taking under said plat herein referred shall be expressly bound to comply with the restrictions herein contained as if these restrictions were fully set out as easements in their deeds, and said grantees shall, by acceptance of their said deeds, be subject to the remedies herein granted.

The restrictions herein contained and set out shall be in full force and effect for a period of 50 years and for so much longer as a majority of the property owners shall direct at the termination of said 50-year period.

In Witness Whereof we have hereunto set out hands and seals this 20 day of December, 1968.

Harold J. Whitnack
Virginia L. Whitnack

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF BOONE)

BE IT REMEMBERED, That on this day came before me, the under-
signed, a Notary Public within and for the County aforesaid, duly
commissioned and acting, Harold W. Whitenack and Virginia L. Whitenack,
husband and wife, to me well known as the grantors in the foregoing
Deed of Dedication, and state that they had executed the same for the
consideration and purposes therein mentioned and set forth. And also
on the same day voluntarily appeared before me, the said Virginia L.
Whitenack, wife of the said Harold W. Whitenack, to me well known
and in the absence of her said husband, declared that she had, of her
own free will, signed and sealed the relinquishment of Dower to the
streets in the said plat, for the considerations and purposes therein
contained and set forth without compulsion or undue influence of her
said husband.

Witness My Hand and Seal as such Notary Public on this 20th day of
December, 1968, A.D.

My Commission Expires 6-1-71 Virginia L. Whitenack
Jane S. Chandler
NOTARY PUBLIC

This Deed of Dedication
was prepared by MOORE & LOGAN,
Attorneys at Law, Harrison, Arkansas

Electric Utility Requirements for Inclusion In the
Plat and Deed of Dedication.

Whitey's Acres, a Subdivision of Diamond City as recorded in Plat Book 2, page Three.

Whereas, Harold Whitenack and Virginia Whitenack are the owners of the following described land lying in the County of Boone, State of Arkansas, to-wit:

Part of NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T-21-N R-18-W, 5th Principal Meridain, more particularly described as: Beginning at the SE corner NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17, T-21-N, R-18-W: thence N 87 degrees and 54 minutes W 601.60 feet along the south line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ to a point on the easterly right of way line of Diamond Boulevard (Arkansas Highway Number 7): thence N 13 degrees and 16 minutes E 132.00 feet along said easterly right of way line to a point thereon; thence continuing along said right of way line, N 11 degrees and 16 minutes a distance of 202.39 feet to a point: thence S 88 degrees and thirty-three minutes E 545.78 feet to a point on the east line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$: thence S 02 degrees and 26 minutes W 335.50 feet along said east line to the point of beginning, containing 190,134 square feet or 4.36 Acres according to the survey thereof.

Now, therefore, the Grantors, for and in consideration of the benefits to accrue to it, which benefits it acknowledges to be of value, has caused to be made a plat hereto attached, showing survey made October 31, 1968, signed by Charles F. Neal, Registered Engineer and said Grantors, and bearing a certificate of approval executed by the Diamond City Council and showing the bounds dimensions of the property now being subdivided into lots and streets and said grantors hereby donates and dedicates to the public hereafter an easement of way on, over and under the streets as shown on said plat to be used as public streets. In addition to the said streets, there are shown on said plat certain easements for drainage and utilities, which Grantors hereby donates and dedicates to and for the use of public utilities, the same being without limiting the generality of the foregoing, electric power, telephone, television cable, water and sewer, with the right hereby granted to the persons, firms or corporations engaged in the supplying of such utility services, and to the extend set forth herein only, to the owners of abutting lots, to use and occupy such easements and to have free ingress and egress therefrom for the installation, maintenance, repair and replacement of such utility services. Said utility easements shall also be subject to use by the owners of abutting lots for the sole purpose of installing and maintaining such underground electric and television cable and telephone service conductors as may be necessary to connect the service lines of said owners to the service pedestals installed by the utilities.

The filing of this Plat and Deed of Dedication for record in the office of the Circuit

Clerk and Ex-Officio Recorder of Boone County, Arkansas, will be a valid and complete delivery and dedication of the streets and easements subject to the limitations herein set out.

The lands embraced in said plat shall be forever known as Whitey's Acres, Diamond City, Boone County, Arkansas, and any and every deed of conveyance for any lot in said Subdivision describing the same by the numbers shown on said plat shall always be deemed a sufficient description thereof.

Easements. Easements of way for streets as shown on the plat herewith are hereby donated and dedicated to the public, and the persons, firms or corporations engaged in supplying public utility services, the same being without limiting the generality of the foregoing, electric power, telephone, television cable, water and sewer, shall have the right to use and occupy said easements of way and streets for the installation, maintenance, repair and replacement of utility services. Easements for the installation, maintenance, repair and replacement of utility services, are herein reserved, said easements being more fully described, herein, reference being hereby made to the plat filed herewith for a more specific description of width and location thereof. The electric, television cable, and telephone facilities are underground, and it is necessary for the electric, television cable, and telephone utilities to have separate easements for their service pedestals and transformer vaults. Therefore, certain easements ten feet wide, as shown on the plat, are hereby dedicated solely for such electric, television cable, and telephone utility purposes. Any alterations or lowering of the surface grade of the ground in any easement and the area immediately adjoining such easement are prohibited which would result in there being less than 36 inches of clearance vertically between the surface grade and the underground electric cables and conductors supplying electric power and service, and as the electric distribution transformer stations and service pedestals are located on surface grade, fills within the area of the said easements and upon the lands adjacent thereto which will damage or which will interfere with the installation, maintenance, operation and replacement of the electric, television cable, and telephone cables, facilities and equipment, and the supplying of service from such equipment are also prohibited. No trees, incinerators, structures, buildings, pavement, or similar improvements, shall be grown, built, or maintained within the area of such easements for the erection of any fences of any materials whatsoever or for any other purposes shall be made which would interfere with the installation, maintenance, repair and replacement of any utility service. In the event any such trees, incinerators, structures, buildings, fences, pavement or similar improvements shall be grown, built or maintained within the area of such easement, no utility will be liable for the destruction of same in the installation, maintenance, repair or replacement of any utility service located within the area of such easement.

UTILITIES. All owners of lots shall install and maintain in conformity with applicable code requirements and other regulations underground service laterals and/or electric service entrance conductors of adequate capacity and underground telephone & television cable service conduits and cables between the point of delivery of such utility service as located by the utility company and the point of use of such owner. Only single phase electrical utilization equipment shall be installed or maintained on any residential lot. Exposed overhead wires and cables for utility services are prohibited in this Subdivision.

To insure compliance with the provisions or paragraph above as it relates to the

of fences along utility easements, no fence, wall or other structure shall be erected
erection/along property lines without approval of the design, construction and materials
by the Grantors or Property Owners Association, and the utility situated within such ease-
ment.

In the event of any violation or arrempt to violate any of the covenants or restrict-
ions herein before the expiration date hereof (whether the original expiration date or the
expiration date of any extension thereof), it shall be lawful for any person or persons
owning any lots in this Subdivision, or any utility company owning utility facilities in
any utility or street easement, to prosecute any proceedings at law or in equity against
a person or persons violating or attempting to violate such covenants or restrictions, ei-
ther to prevent him or them from so doing or to recover damages for such violations.

No amendment to this Deed of Dedication which closes, alters, relocates, or in any
manner affects any easement shall be effective unless such amendment has been executed
by such utility having facilities situated in this Subdivision.

SEPARABILITY. Invalidation of any restriction set forth herein, or any part thereof,
by an order, judgment or decree of any court, or otherwise, shall not invalidate or affect
any of the other restrictions or any part thereof as set forth herein, but they shall re-
main in full force and effect.

In Witness Whereof we have hereunto set out hands and seals this 2nd day of February,
1970.

Harold Whitenack

Virginia Whitenack

ACKNOWLEDGMENT

STATE OF ARKANSAS

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, Harold Whitenack and
Virginia Whitenack, husband and wife, to me well known as the grantors in the foregoing
Deed of Dedication, and state that they had executed the same for the consideration and
purposes therein mentioned and set forth. And also on the same day voluntarily appeared
before me, the said Virginia Whitenack, wife of the said Harold Whitenack, to me well kno-
wn and in the absence of her husband, declared that she had, of her own free will, signed
and sealed the relinquishment of Dower to the streets in the said plat, for the considera-
tions and purposes therein contained and set forth without compulsion or undue influence of
her said husband.

Witness My Hand and Seal as such Notary Public on this 2nd day of February, 1970 A.D.

Jane S. Chandler
Notary Public

(SEAL)

My Commission Expires June 1, 1971

Filed for record February 3, 1970, at 11:00 A.M.

Troy Andrews, Clerk
Irene J. Andrews, D. C.
