

400

PROTECTIVE COVENANTS  
FOR  
PINE MEADOW ADDITION

We, John W. Charlton and Mary Lou Charlton, Owners, have caused certain lands to be platted into an addition known as the Pine Meadow Addition to the City of Rogers, Benton County, Arkansas. The plat appears of record in plat book 14 at page 162 in the office of Recorder of Benton County.

1. PREMISES. We wish to provide for the highest residential use of the lands and to restrict the use of the lands as such. We, therefore, adopt the following covenants and agree that these covenants shall apply to all of the land now platted as the Pine Meadow Addition to the City of Rogers, Arkansas, as covenants running with the land.

2. LAND USE AND ZONING. Each lot shall:

- A. Contain a minimum of 7000 square feet.
- B. Have a minimum building set back line from each street any part of it faces of 25 feet.
- C. Have a minimum set back line from the rear of the lot of 20 feet.
- D. Have a minimum set back line from the sides of the lot of 7.5 feet.
- E. Have a minimum 65 feet width at the building set back lines.
- F. Be used exclusively for detached single family homes.
- G. Otherwise conform to the zoning requirements for R1-A areas as defined by the City of Rogers Zoning Code as it now exists.
- H. Remain one lot and shall not be subdivided into more than one lot.

3. DWELLING SIZE AND QUALITY.

- A. Each dwelling shall have a minimum of 1200 square feet, excluding the garage area, of heated living area.
- B. Each dwelling shall have a garage with one 16 foot-wide door or two 8 feet-wide garage doors.
- C. No garage area shall ever be converted into a living area.
- D. Each dwelling shall be of new construction.

4. FENCES.

- A. All fences shall be constructed of wood or chain link material or both. No weld wire, barbed wire, web wire, poultry netting, or other farm-type fencing shall be allowed.
- B. No fence shall extend beyond the front part of the dwelling (that part of the dwelling which faces a street). For the purposes of dwellings situated on corner lots, no fence shall extend beyond the front part of any side of the dwelling which faces the street.

5. ARCHITECTURAL CONTROL COMMITTEE.

- A. The owners of all unimproved lots shall constitute the Architectural Control Committee, each owner having one vote for each lot owned. The Committee will determine its own procedures and rules.
- B. The size, design, location and site development of dwellings, permitted accessory buildings, and fences in this addition shall be subject to the prior approval of the Committee.
- C. Approval of plans for dwellings, permitted accessory buildings, and fences shall not be unreasonably withheld because of the exterior design of the improvements provided the improvements are in accordance with the highest standards of architectural design.
- D. The actions of the Committee shall be governed by these protective covenants and any applicable zoning laws of the City of Rogers, Arkansas.

6. GENERAL RESTRICTIONS.

- A. No commercial activity of any kind shall be carried on upon any lot.
- B. No trailer, mobile home, shack, or barn shall be erected on any lot. Outbuildings, used for storage purposes, are permitted and may be stick built or portable, but must be approved by the Architectural Control Committee.
- C. No inoperable motor vehicle shall be allowed on any street, driveway, or lot.
- D. No motor vehicle shall be allowed to stand on any street in excess of 24 hours at any one time.
- E. No vehicle shall be parked except on a paved street or driveway.
- F. Boats and recreational vehicles may be allowed to stand on the rear portion of any lot provided their presence is obscured by a wooden privacy fence at least 6 feet in height.
- G. No trash or other refuse shall be dumped or thrown on any lot. All trash or other refuse shall be disposed of promptly in a manner consistent with the requirements of the City of Rogers, Arkansas.
- H. No animals of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not kept or bred for commercial purposes.
- I. Grass, weeds, and other vegetation shall be kept mowed and cleared at regular intervals so as to keep each lot neat and attractive. Grass and weeds must be kept to a height of 12 inches or less.

FILED FOR RECORD  
At 1:30 O'clock P.M.

JUL 28 1988

SUE HODGES  
Clerk and Recorder  
BENTON COUNTY, ARK.

W.R. Consultants  
Hwy 71 S.  
Bentonville, Ar. 72712

10621

7. AMENITIES AND COMMON AREA.

- A. The developer and owner of all unsold lots shall deposit \$200.00 into an escrow account at the time each lot is sold. This money will be used exclusively for constructing amenities for the addition.
- B. The amenities shall consist of a clubhouse of approximately 1100 square feet, a 16 feet by 32 feet outdoor swimming pool, and a playground area. Tennis courts may be constructed, also, if so desired by the Ownership Committee identified below.
- C. The building lot for the amenities will be donated by John W. Charlton and Mary Lou Charlton.
- D. The cost of the amenities to John W. Charlton and Mary Lou Charlton shall not exceed \$44,000.00, excluding the cost of the building lot.
- E. When fifty-one (51) percent of the lots have been sold, a meeting of all property owners will be called. At this meeting, an Ownership Committee consisting of five (5) members will be elected from those in attendance at the meeting. Each property owner will have one vote for each lot owned. The Ownership Committee will govern the operation of the common areas and amenities of the addition. The Ownership Committee shall be responsible for formulating its rules and procedures.
- F. From and after the first meeting of the Ownership Committee, each property owner, exclusive of John W. Charlton and Mary Lou Charlton, will be assessed a \$10.00 monthly fee for each lot owned which will be used for the maintenance of the common areas and amenities. A failure to pay the monthly fees promptly when due shall result in a lien upon the property owned by the delinquent owner, and any such lien arising may be enforced in equity as in the case of any lien foreclosure authorized by Arkansas law.
- G. John W. Charlton and Mary Lou Charlton shall be allowed to use a portion of the clubhouse, at no charge to them, as an office for the purpose of subdivision sales until such time as all lots in the addition have been sold.
- H. John W. Charlton and Mary Lou Charlton may not be assessed any further charges from ownership committee.

8. ENFORCEMENT AND AMENDMENT.

- A. All persons or corporations who subsequently acquire a lot shall be deemed to have agreed and covenanted with the owners of all other lots in this addition that they, their heirs, successors, and assigns shall conform to and abide by these protective covenants for a period of 25 years from the date of their recording.
- B. These covenants may be amended at any time by the owners of ninety (90) percent of the lots in the addition.
- C. Any owner of a lot in this addition may sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of or to enforce the observance of any of the covenants or restrictions contained in these protective covenants together with any other right to which they might otherwise be entitled to under Arkansas law.

In witness whereof, we set our hands this 27<sup>th</sup> day of July, 1988.

John W. Charlton  
John W. Charlton

Mary Lou Charlton  
Mary Lou Charlton

ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF BENTON

On this the 27<sup>th</sup> day of July, 1988, before me, a Notary Public within and for the state and county aforesaid, duly commissioned and acting, personally appeared John W. Charlton and Mary Lou Charlton, to me well known who stated upon oath that they had executed the above and foregoing instrument for the considerations set forth therein.

Mary Ann Cutbert  
Notary Public



My commission expires: 3-25-93

REVISED PROTECTIVE COVENANTS  
FOR  
PINE MEADOW ADDITION

BOOK 695 PAGE 584

We, John W. Charlton and Mary Lou Charlton, Owners, have caused certain lands to be platted into an addition known as the Pine Meadow Addition to the City of Rogers, Benton County, Arkansas. The plat appears of record in plat book 14 at page 162 in the office of Recorder of Benton County, further be it known that on October 5, 1988, we, John W. Charlton and Mary Lou Charlton own more than 90 percent of said Pine Meadow Addition, and that we desire to replace the protective covenants for Pine Meadow Addition, dated July 27, 1988, with the following covenants, to wit;

1. PREMISES. We wish to provide for the highest residential use of the lands and to restrict the use of the lands as such. We, therefore, adopt the following covenants and agree that these covenants shall apply to all of the land now platted as the Pine Meadow Addition to the City of Rogers, Arkansas, as covenants running with the land.

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- B. Each dwelling shall have a garage with one 16 foot-wide door or two 8 feet-wide garage doors.
- C. No garage area shall ever be converted into a living room.
- D. Each dwelling shall be of new construction.

4. FENCES.

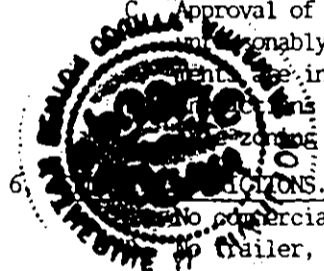
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- C. Approval of plans for dwellings, permitted accessory buildings, and fences shall not be unreasonably withheld because of the exterior design of the improvements provided the improvements are in accordance with the highest standards of architectural design.
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6. CONDITIONS.

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- I. Grass, weeds, and other vegetation shall be kept mowed and cleared at regular intervals so as to keep each lot neat and attractive. Grass and weeds must be kept to a maximum height of 12 inches or less.



FILED FOR RECORD  
OCT 14 AM 11 13  
SUE HODGES  
CLERK AND RECORDER  
BENTON COUNTY, ARK

Katherine Charlton  
312 SW 20th St. Bentonville, AR 72702

144605

7. ENFORCEMENT AND AMENDMENT.

- A. All persons or corporations who subsequently acquire a lot shall be deemed to have agreed and covenanted with the owners of all other lots in this addition that they, their heirs, successors, and assigns shall conform to and abide by these protective covenants for a period of 25 years from the date of their recording.
- B. These covenants may be amended at any time by the owners of ninety (90) percent of the lots in the addition.
- C. Any owner of a lot in this addition may sue for and obtain an injunction, prohibitive or mandatory, to prevent the breach of or to enforce the observance of any of the covenants or restrictions contained in these protective covenants together with any other right to which they might otherwise be entitled to under Arkansas law.

In witness whereof, we set our hands this 5<sup>th</sup> day of October, 1988.

John W. Charlton  
John W. Charlton

Mary Lou Charlton  
Mary Lou Charlton

ACKNOWLEDGMENT

STATE OF ARKANSAS  
COUNTY OF BENTON

On this the 5<sup>th</sup> day of October, 1988, before me, a Notary Public within and for the state and county aforesaid, duly commissioned and acting, personally appeared John W. Charlton and Mary Lou Charlton, to me well known who stated upon oath that they had executed the above and forgoing instrument for the considerations set forth therein.

Katherine M. Charlton  
Notary Public

My commission expires: 7-31-96



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