

DECLARATION OF ANNEXATION

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This Declaration made on the date hereinafter set forth by Black, Corley & Owens Construction, Inc., Joan V. Brooks, an unmarried person, and Lyle B. Marshall and Jean Marshall, his wife (hereinafter referred to as "Declarants"), WITNESSETH:

WHEREAS, Black, Corley & Owens Construction, Inc., entered into a Declaration of Covenants, Conditions and Restrictions designating certain lands as Miller Cove Addition to the City of Benton, Saline County, Arkansas, which Declaration is dated July 14, 1992, filed for record July 15, 1992, and recorded in Book 361 at Page 265 of the Records of Saline County, Arkansas, and a Correction of Declaration of Covenants, Conditions and Restrictions, filed for record July 16, 1992, and recorded in Book 361 at Page 324 of the Deed Records of Saline County, Arkansas, constituting a planned unit development and which Declaration provided that additional properties may be added to such development, and

WHEREAS, Black, Corley & Owens Construction, Inc., entered into a Declaration of Covenants, Conditions and Restrictions designating certain lands as Miller Cove, Phase II, an Addition to the City of Benton, Saline County, Arkansas, which Declaration is dated May 10, 1994, filed for record June 30, 1994 and recorded in Book 389 at Page 532 of the Records of Saline County, Arkansas, which Declaration provided that additional properties may be added to such development, and

WHEREAS, Black, Corley & Owens Construction, Inc., entered into a Declaration of Annexation, designating certain lands as Miller Cove Phase III, an Addition to the City of Benton, Saline County, Arkansas, Which Declaration is dated December 15, 1995, filed for record December 15, 1995 and recorded in Book 1995 at Page 37956 of the Records of Saline County,

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Arkansas, which Declaration provided that additional properties may be added to such development, and

WHEREAS, Declarants, being the owners of additional lands, desire to annex lands as described in Exhibit "A" hereto attached to be known as Miller Cove, Phase IV, an Addition to the City of Benton, Saline County, Arkansas; and

WHEREAS, said Declaration provided that the restrictions may be amended by Declarants and Declarants desire to amend Article VI, Sections C-1, C-4, and C-6, as far as the same affect Phase IV.

NOW THEREFORE, Declarants, in consideration of the uses and purposes herein stated and in consideration of the mutual benefits to the Parties, do hereby annex the lands described in Exhibit "A" to Miller Cove, Phase I, II and III, an Addition to the City of Benton, Arkansas, said lands to be known as Miller Cove, Phase IV, an Addition to the City of Benton, Saline County, Arkansas as reflected on plat hereto attached, dated September 3, 1997, and made a part hereof, marked Exhibit "A," consisting of Lots 35-60.

Declarants hereto amend Article VI, Section C-1, as it pertains to Phase IV, to read as follows:

C-1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No business of any nature or kind shall at any time be conducted in any building located on any of said Lots. No building shall be erected, altered, placed or permitted to remain on any Lot other than one detached, single-family dwelling not to exceed two stories in height, excluding basement area, and each dwelling must include a double, enclosed garage, which must be an integral part of the dwelling or connected by an approved breezeway, except as provided in Paragraph C-9. No chain link fences shall be permitted on any Lot in said Addition. All privacy fence posts shall be inside the fence. There shall be no pipe or vent of any kind allowed to be installed through roof on front of dwelling. Foundations are required to be veneered with brick or rock. Signs advertising fence companies are prohibited. No structures of any kind shall be permitted on Lots 50-A, 51-A, 52-A, 53-A and 54-A. The ownership of Lots 50 and 50-A must remain common. The ownership of Lots 51 and 51-A must remain common. The ownership of

Lots 52 and 52-A must remain common. The ownership of Lots 53 and 53-A must remain common. The ownership of Lots 54 and 54-A must remain common.

Declarants hereto amend Article VI, Section C-4, as it pertains to Phase IV, to read as follows:

C-4. BUILDING LOCATION. No building shall be located on any Lot, nearer to any street line, than the minimum building set back lines as shown on the recorded plat. No building shall be located nearer than ten (10) feet to an interior Lot line. No dwelling shall be located on any interior Lot, nearer than 25 feet to the rear Lot line. For the purposes of this covenant, open porches shall be considered as part of the building. No Lot shall be subdivided and no more than one dwelling shall be permitted on any one Lot.

Declarants hereto amend Article VI, Section C-6, as it pertains to Phase IV, to read as follows:

C-6. EASEMENTS. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat, over the front and the rear five feet of each Lot, and over five feet adjacent to any interior Lot line. An easement for ingress and egress to Lots 50-A, 51-A, 52-A, 53-A and 54-A is reserved by Declarant as shown on the recorded plat.

IN WITNESS WHEREOF, the undersigned, being the Declarants herein, have hereunto set their hands and seals this 4th day of September, 1997.

BLACK, CORLEY & OWENS
CONSTRUCTION, INC.

By: Jamy A. Black (L.S.)
President

ATTEST:

Secretary

[Signature]

Joan V. Brooks (L.S.)
Joan V. Brooks

Lyle B. Marshall (L.S.)
Lyle B. Marshall

Jean Marshall (L.S.)
Jean Marshall

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STATE OF ARKANSAS)
)ss.
COUNTY OF SALINE)

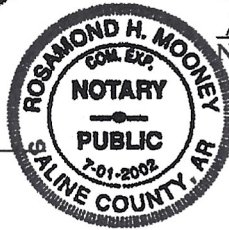
ACKNOWLEDGMENT

On this day, before me personally appeared Larry A. Black and Leslie A. Owens, to me personally well known, who acknowledged that they were the President and Secretary of Black, Corley & Owens Construction, Inc., a corporation, respectively, and that, 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 September, 1997.

My Commission Expires:

July 1, 2002



Rosamond H. Mooney
Notary Public

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STATE OF ARKANSAS)
) ss
COUNTY OF SALINE)

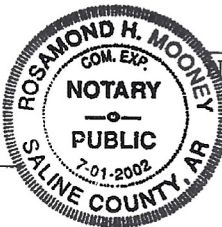
ACKNOWLEDGMENT

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, Joan V. Brooks, an unmarried person, to me well known as the person whose name is subscribed to the foregoing instrument, and stated that she had executed the same for the purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this 4th day of September, 1997.

My Commission Expires:

July 1, 2002



Rosamond H. Mooney
Notary Public

1997 33277

My Commission Expires: July 1, 2002



Notary Public

Rosamond H. Moonen

WITNESS my hand and seal as such Notary Public on this 7th day of September, 1997.

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, Lyle B. Marshall and Jean Marshall, his wife, to me well known as the person whose name is subscribed to the foregoing instrument, and stated that they had executed the same for the purposes therein mentioned and set forth.

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss)
COUNTY OF SALINE)

EXHIBIT "A"

All that part of the Northeast Quarter of the Southwest Quarter, and part of the Southeast Quarter of the Northwest Quarter, and part of the Southwest Quarter of the Northeast Quarter of Section 3, Township 2 South, Range 15 West, more fully described as follows: Beginning at the Center corner of Section 3 and run thence South 01 deg. 06 min. 17 sec. West, along the East line of the Southwest Quarter thereof for 350 feet; thence North 80 deg. West, for 608.84 feet; thence North 0 deg. East, for 66.21 feet; thence North 50 deg. 21 min. 02 sec. East for 206.27 feet; thence North 36 deg. 33 min. 28 sec. West, for 20 feet; thence South 50 deg. 21 min. 02 sec. West, for 189.72 feet; thence North 36 deg. 54 min. 52 sec. West, for 211.50 feet; thence North 13 deg. 54 min. 33 sec. West, for 181.02 feet; thence North 04 deg. 21 min. 14 sec. West, for 149.50 feet; thence North 02 deg. 59 min. 56 sec. West, for 326.34 feet to the South line of Salt Creek; thence North 51 deg. 28 min. 38 sec. East, 94.33 feet; thence North 60 deg. 15 min. 57 sec. East, for 271.04 feet; thence North 87 deg. 29 min. 54 sec. East, for 146.32 feet; thence South 47 deg. 53 min. 19 sec. East, for 37.03 feet; thence North 73 deg. 06 min. 11 sec. East, for 178.26 feet to a point that is North 28 deg. 56 min. West of the Southwest Corner of Lot 8 of the Miller Cove Addition to Benton, Arkansas; thence South 28 deg. 56 min. East, for 353.36 feet to the Southwest corner of said Lot 8; thence South 90 deg. East, for 102.41 feet to the Southeast Corner of said Lot 8; being on the West line of Miller Cove Street; thence Southwesterly along arc of curve as shown on recorded plat of Phase 3 of said Miller Cove Addition for a chord measurement of South 16 deg. 26 min. West, for 34.04 feet; thence South 32 deg. 54 min. 51 sec. West, along West line of Street for 129.8 feet; thence along an arc as shown on recorded plat on a chord bearing and distance of South 17 deg. 30 min. West, for 104.37 feet; thence South 02 deg. 08 min. West, for 362.95 feet to the point of beginning, containing 19.27 acres, more or less.

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IN Doc BOOK 1997 PAGE 33273

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AT 11:45 O'CLOCK A.M.
JIM CRONE, CIRCUIT CLERK
BY CLARA B. BROWN DC

Fred E. Briner, P.A., Attorney at Law, P.O. Box 428, 422 North Main Street, Benton, AR 72015

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