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FILED FOR RECORD
At 4:40 O'Clock P M

11-9-2001 AMENDMENT TO THE

NOV 13 2001

**PROTECTIVE COVENANTS AND RESTRICTIONS FOR
FOX RUN SUBDIVISION - CENTERTON, AR**

SUE HODGES
Clerk and Recorder
Benton County, ARK.

The undersigned, Summit Ridge Development Inc., is the majority owner and developer of Fox Run Subdivision in the city of Centerton, Benton County, AR, more particularly described as follows:

Lots 1 through 35, Fox Run Subdivision, Centerton, AR.

Summit Ridge Development Inc. , the majority owner hereby establishes and creates the following amendment to the protective covenants and restrictions, which shall apply to all lots as shown on the recorded plat of Fox Run Subdivision found in Benton County Plat Record _____ at page _____. This amendment is in accordance per covenant number twenty-two "Amendment of covenants" filed on may 31, 2001 and the following shall apply:

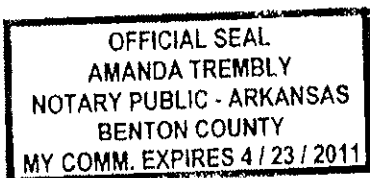
4. BUILDING LIMITATIONS. Change the dwelling size heated square feet from one thousand seven hundred (1700) square feet to one thousand six hundred (1600) square feet.

6. ROOFS. Change the minimum roof pitch from 7 foot rise over a 12 foot length (7/12 pitch) to a minimum of 8 foot rise over a 12 foot length (8/12 pitch).

ON THIS DAY OF November 13, 2001
BEFORE ME, A NOTARY PUBLIC,
PERSONALLY APPEARED
Robert & Anna Engler

Amanda Trembly

Executed this 13 day of Nov 2001



Summit Ridge Development Inc.

By: *Robert Kyle Engler II*
Robert Kyle Engler II, Owner/President

By: *Anna Marie Engler*
Anna Marie Engler, Owner/VP

*Robert Kyle Engler
699 main Street*

12/10/01

MAY 31 2001

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SUE HODGES
Clerk and Recorder
Benton County, ARK.

**PROTECTIVE COVENANTS AND RESTRICTIONS FOR
FOX RUN SUBDIVISION - CENTERTON, AR**

The undersigned, Summit Ridge Development Inc., is the sole owner and developer of Fox Run Subdivision in the city of Centerton, Benton County, AR, more particularly described as follows:

Lots 1 through 35, Fox Run Subdivision, Centerton, AR.

The owner hereby establishes and creates the following protective covenants and restrictions, which shall apply to all lots as shown on the recorded plat of Fox Run Subdivision found in Benton County Plat Record _____ at page _____.

1. ARCHITECTURAL CONTROL COMMITTEE. In order to ensure that all dwellings and accessory buildings constructed or erected in Fox Run Subdivision are architecturally compatible with other dwelling and accessory buildings constructed or to be constructed within the subdivision, and further to insure that all dwellings are constructed with the quality building materials and workmanship and to protect the investment of the Owner and other lot owners within the subdivision, there is an Architectural Control Committee (hereinafter referred to ACC). The initial ACC shall consist of at least two individuals to be appointed by Owner. The ACC will be released of all duties once all approved dwellings are constructed on each lot of said Fox Run Subdivision and is considered completed by the Owner.

2. FUNCTION OF THE ACC. The ACC may, but shall not be required to establish reasonable written rules and regulations concerning the exercise of its authority, procedures which shall be followed, and specific policies concerning architectural design specifications, building materials, and the like. All lot owners, by purchase of a lot in Fox Run Subdivision are subject to these recorded Covenants, acknowledge the authority of the ACC to act in accordance with the provision of these Covenants. No building or structure shall be erected on any lot until the construction plans, written specifications, a plot plan showing the location of the building or structure, and such other documents, details or construction material samples as the ACC may require from time to time have been approved by the ACC in writing. It shall be the duty of the property owner to obtain a written confirmation, the ACC shall have thirty (30) days in which to either approve or disapprove the planned construction in writing. If plans properly submitted are neither approved or disapproved within the 30 day period and if no written request for additional information has been made by the ACC within said period of time, the proposed construction shall be deemed approved as submitted.

No member of the ACC shall incur personal expense or liability in connection with his or her function as a member of the ACC. While it is anticipated that the members of the ACC will fulfill the function of Architectural Control Committee for Fox Run Subdivision, there shall be no affirmative duty upon the individual members to so act, and no property owner shall make claim or bring a legal action seeking damages against a member of the ACC on account of any action taken by the ACC or for failure to enforce these covenants.

3. SINGLE FAMILY RESIDENTIAL LAND USE AND ZONING RESTRICTIONS. All lots within shall be used solely for single family dwellings and shall be subject to the zoning and building codes of the City of Centerton, Arkansas for the single family-residential use.

4. **BUILDING LIMITATIONS.** The subdivision and the building codes of the city of Centerton, Arkansas, presently existing or as hereinafter amended, shall apply as minimum requirements for construction of improvements within Fox Run subdivision, in addition to any other specification set forth herein or as subsequently provided in written rules and regulations which may be adopted by Fox Run ACC established herein. Any conflict between such codes and ordinances of the city of Centerton and the provisions of these Protective Covenants or rules and regulations established by the Architectural Control Committee shall be resolved in favor of the more restrictive provisions. No dwelling shall be constructed on any lot with Fox Run subdivision of a dwelling size less than one thousand seven hundred (1,700) square feet of heated living space. A 2 car garage is required for each lot, garages may be detached once approved by the ACC. Garages may never be converted to living space.

5. **BUILDING MATERIALS.** All building materials used in the construction of a dwelling within Fox Run Subdivision must be approved in advance by the ACC as hereinafter set forth. It is understood that the ACC will not allow any dwelling which is less than 75% brick or masonry. Foundations must be finished with materials matching adjacent wall surfaces.

6. **ROOFS.** All roofing material shall be clearly specified in the written specification submitted to the ACC and must be approved prior to installation. Roofs will be required to have architectural style shingles with a minimum of a 25 year warranty and be earthtone in color. The minimum roof pitch for structures within the subdivision shall be a 7 foot rise over a 12 foot length (7/12 pitch). Minimum overhang shall be 12".

7. **CONSTRUCTION COMPLETION TIME.** All construction approved by the ACC shall be completed within ten (10) Months from the date of the issuance of a building permit for such construction.

8. **ACCESSORY BUILDINGS.** Accessory buildings such as gazebos, greenhouses, pool pavilions, storage sheds, children's playhouses, tree houses or other similar structures may not be erected without prior written approval of the ACC. The ACC shall have the right to deny the building or placing such structures. Approved storage buildings shall not be in excess of 160 square feet, have a permanent foundation and must match the architectural integrity of the residence. Storage buildings must be screened by fencing, trees or shrubs, so as to reasonably screen such building from view from the street or adjoining lot.

9. **HOME OCCUPATIONS.** Restriction of home occupations as defined by the Centerton City Codes and Ordinances for R1 zoning shall be adhered to within the subdivision.

10. **FENCES.** Fencing in front and side yards shall be prohibited. Rear yard fences must be of decorative wood, vinyl or masonry design and approved in writing by the ACC. Chain link fences and other forms of wire fencing are specifically prohibited.

11. **SIDEWALKS AND DRIVEWAYS.** Sidewalks and driveways shall be furnished and installed by the builder before possession of the dwelling. Sidewalks shall be 4'-0" wide, built per Centerton codes and shall be located per Fox Run Subdivision plat. Driveways must be at least 16'-0" wide and constructed of concrete, no asphalt paving for driveways are allowed.

12. **OFF-STREET PARKING.** All vehicles, except recreational vehicles of the respective lot owner shall be parked in the garage or driveway of the respective lot. Overnight parking on the public streets as shown in the plat of the subdivision shall be prohibited. Recreational vehicles may be parked in the back yard of a residence for a period exceeding three (3) days only if it is screened by the ACC

approved fencing or by trees or shrubs, so as to reasonably screen such vehicle or equipment from view from the street or adjoining lot.

13. SIGNS. No signs, either permanent or temporary, of any kind or nature, shall be placed or erected on any lot, except that a single sign of not more than five (5) square feet in size and having a maximum height of not more than three (3) feet may be permitted on property to advertise the same for sale or for construction site purposes. The owner reserves the right to erect and maintain signs to designate the name of the subdivision, to which the size restriction herein stated shall not apply. Signs erected by the developer advertising the name and entrance of the subdivision will be maintained by the Developer until 100% of the lots are sold.

14. SATELLITE DISHES. Satellite, television and similar radio receiving equipment may be located only in the rear yard building area and must be screened from view by ACC approved screening or shrubs.

15. MAIL BOXES. In order to establish and maintain a consistent and compatible design and location pattern within the subdivision, the design and location of all mailboxes to be placed on all lots must be approved in advance by the ACC.

16. YARDS. Upon completion of a dwelling, it shall be the responsibility of the lot owner to install a sodded yard covering a minimum of the front and side yard of either Bermuda, Zoysia or Fescue grass before occupancy of the dwelling.

17. OIL AND MINING OPERATIONS. No oil exploration or drilling and no mining operations of any kind shall be permitted on any lot within the subdivision.

18. LIVESTOCK AND POULTRY. No animals, livestock or poultry of any kind shall be raised or kept except that dogs, cats, and other household pets shall be permitted provided they are not kept or maintained for any commercial purposes.

19. NUISANCES. No obnoxious or offensive activities shall be carried on upon any lot nor shall anything be done thereon which may be or may become a nuisance or an annoyance to the neighborhood. All dead trees or dead limbs shall be removed as soon as practical. Grass, weeds, or tree sprouts shall be kept cut or mowed and shall not be allowed to exceed six (6) inches in height from the ground surface. Fences or outside structure or decorations shall be maintained so as not to become unsightly or any annoyance or nuisance to the neighborhood. No building materials or equipment of any kind or character shall be placed or stored on any lot in the subdivision until the owner is ready to commence construction of the improvements requiring such materials. A reasonable attempt shall be made to keep construction sites neat and orderly; building materials shall not be placed or stored in the street, between the curb and the property line than necessary and reasonable. Upon completion of construction of improvements, all remaining building materials shall be stored inside an approved structure or shall be removed from the subdivision. No automobile, truck, bus, tractor, or other vehicle shall be left in an inoperative or disassembled state other than inside a garage or approved outbuilding for a period of more than three (3) days. No exterior clothes lines are allowed. Antennas such as television or radio antennas are not permitted.

20. SITE DISTANCE AT INTERSECTIONS. No obstructions, including landscaping, shall be permitted at or near intersections or corners of streets within the subdivision which block or obstruct a reasonable site distance for vehicular and pedestrian traffic within the subdivision.

21. UNDERGROUND UTILITIES. All utility service lines within the subdivision shall be placed underground.

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22. AMENDMENT OF COVENANTS. These Covenants may be amended at any time with the written approval of the owners of a majority of the lots within the subdivision. No amendment shall be allowed which would be in violation of the single-family dwelling zoning designation under the code or ordinances of the city of Centerton, Arkansas in effect at the time of the amendment.

23. DURATION OF COVENANTS. These covenants and restrictions shall run with the land for a minimum period of ten (10) years, and shall be automatically extended for the successive five (5) years without further action unless terminated by a majority of the lot owners in the subdivision.

24. TIME SHALL BE OF THE ESSENCE. It is acknowledged by the Owner that time shall be of the essence in the application, interpretation and enforcement of the covenants.

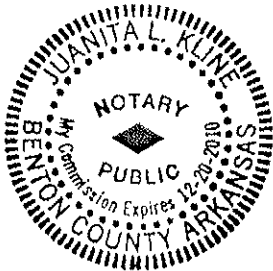
25. SEVERABILITY. Invalidation of any restriction set forth herein, or any part thereof, shall not invalidate or effect any of the other restrictions, and those restrictions or parts thereof which are not invalidated shall remain in full force and effect.

26. PROPERTY OWNERS ASSOCIATION. It is also hereby established that on May 25th, 2001, the Developer created a property owners association (POA). The POA will operate as a non-profit organization and shall have as its members, owners of lots in the above described property. The owners of each lot shall be members of the POA, yet each lot shall have only one vote regarding business of the POA regardless of the number of owners of such a lot. The first named owner of each lot shall be deemed the person entitled to vote on POA matters. Upon completion of Fox Run Subdivision, the Developer shall pass all responsibilities and obligations under these Covenants to the POA, including the Architectural Control Committee. The Developer will determine completion.

27. PROPERTY OWNERS DUES. It is also hereby established that once ownership transfers from Summit Ridge Development Inc. to each lot owner in Fox Run Subdivision, an annual assessment of ten dollars (\$10) will apply for maintenance of any common area of said subdivision and any bank fees incurred for maintaining such dues. The assessment amount may be amended from time to time by a majority of the owners of the lots within the subdivision. Dues will be due Feb 1st of each year and made payable to Fox Run Property Owners Association.

28. EXISTING CONDITIONS. It is also hereby noted that the ACC has approved existing conditions of the property on lot 23 and will be allowed to remain as is. Any new construction will have to meet the requirements of the covenants sets forth.

Executed this 30 day of May 2001



Juanita Kline

Summit Ridge Development Inc.

By: *Robert Kyle Engler II*
Robert Kyle Engler II, Owner/President

By: *Anna Marie Engler*
Anna Marie Engler, Owner/VP