

**AMENDED AND RESTATED BILL OF ASSURANCES AND  
PROTECTIVE COVENANTS AND RESTRICTIONS  
FOR "CROSS KEYS", A SUBDIVISION OF THE CITY OF  
FAYETTEVILLE, ARKANSAS**

**KNOW ALL BY THESE PRESENTS**, the lot/home owners of all phases hereinafter referred to a "Declarants" as owners of all the lots in **CROSS KEYS, Phase 1**, a subdivision to the City of Fayetteville, Arkansas, hereinafter referred to as "**CROSS KEYS**," by execution hereof, enter and declare the following assurances, covenants, and restrictions with respect to the subdivision.

**1. OWNERSHIP:**

Declarants are the lot/home owners of all phases of all lots/homes in CROSS KEYS, Phase 1, a subdivision to the City of Fayetteville, Arkansas such real property being described as follows, to-wit:

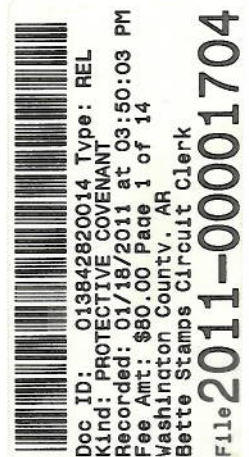
The Southeast Quarter (SE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Twelve (12), Township Sixteen (16) North, Ranger Thirty-one (31) West, containing 40 acres, more or less.

**2. SINGLE-FAMILY LAND USE:**

Lots within Cross Keys Subdivision Phase 1 are developed as a Planned Zoning District to provide single family lots with approximately 2.8 lots per acre, with a Lot minimum width of Eight (80) feet, and shall be in compliance with or exceed the regulations for RSF-4 zoning as defined and interpreted by the City of Fayetteville, Arkansas, and Courts of competent jurisdiction, and in compliance with the assurances, covenants, restrictions, and conditions set out and contained herein, on the date these covenants and restrictions were executed.

**3. BUILDING LIMITATIONS AND REQUIREMENTS:**

The subdivision and building codes of the City of Fayetteville, Arkansas, as such presently exist or are hereafter amended, shall be and are hereby made applicable to all lots in Cross Keys Subdivision. All dwellings, other structures and/or improvements shall comply with said ordinances as such exist on the date of such construction. Any conflicts between such ordinances and the provisions of the conditions, covenants and restrictions shall be resolved in favor of the more restrictive provisions. Building, architectural, and design specifications shall be in accordance with the codes and regulations of the City of Fayetteville, Arkansas, and specifically those pertaining to development of Land zoned RSF-4 (Residential Single Family w/4 units/acre).



Individual homes (Single Family, RSF4):

- All dwelling structures constructed upon any lot of Cross Keys shall contain a minimum of Two Thousand Two Hundred (2200) square feet of heated living space.
- Each dwelling shall have a private garage for not less than two (2) vehicles. All garage interiors must be dry-walled and finished. All garage doors must be of section type, with automatic garage door openers with appropriate child safety features.
- Each dwelling is required to have a concrete driveway.
- All homes and/or other structures constructed within Cross Keys must have an architectural asphalt, tile, or wood single roof.
- No roof pitch on any home shall be less than a 10/12 pitched.
- All homes must have one hundred percent (100%) brick, stone or stucco on all exterior walls up to the top plate of the 1<sup>st</sup> floor. Total percentage of brick, stone, or stucco on all exterior walls of each house must equal Ninety percent (90%) of the wall surface. No plastic, vinyl or metal siding.
- Variance. Any lot owner may petition the Architectural Committee for a variance from the building limitation and requirements. Each application for a variance will be considered individually based on the overall design of the proposed house in relationship to its compatibility with the other homes in Cross Keys Subdivision. Any application for variance shall include all documentation that supports the quality of the proposed construction that will be equal to or greater than the requirements set forth in these building limitations and requirements.

Compliance with the above referenced ordinances, conditions, and restrictions, and any future revisions and/or additions to said ordinances, conditions, and restrictions, shall be judged, determined by and required prior approval by the Architectural Committee. The Architectural Committee shall view and approve all exterior plans and specifications for all structures prior to construction and be given the power to amend and/or alter any design plans or specifications prior to construction and be given the power to amend and/or alter any design plans or specifications prior to approval for construction with Cross Keys. Any alterations or recommendations made by the Architectural Committee must be revised on said plans and be resubmitted to the Architectural committee for approval prior to construction. Revisions to prior approved architectural are discouraged; however, any revisions made to said exterior plans must be resubmitted again to the Architectural Committee for approval.

In order to be apprised of current requirements, all owners and builders should contact the Architectural Committee prior to commencement of construction. The specifications and requirements for RSF-4 zoning designation shall be deemed minimal requirements for the architectural and design specifications for Cross Keys. The City of Fayetteville specifications may be supplemented from time to time where not inconsistent with the original plans and architectural intent of Cross Keys.



#### 4. BUILDING LOCATION AND YARD RESTRICTIONS:

##### Building location:

- Within twenty-five (25) feet of any lot line which is adjacent to a street
- Within eight (8) feet of the side lot lines
- Within twenty (20) feet (RSF4) of an adjacent home.
- If two adjacent lots are purchased for purposes of constructing only one home, the interior side yard line limitations are removed.
- No lots within the subdivision may be subdivided, except as follows:
  - If owners on both sides of a vacant joining lot elect to purchase said lot, they may subdivide only one time. This lot split of the joining lot then increases the size of both adjacent lots and for building purposes the interior side lot line limitation would be associated with and measured from the new property line created by the division. If both portions of the split lot were ever recombined for purposes of serving as a building lot, then the original restriction as to set back would apply.

##### Yard requirements:

- The front, sides, and backyard shall be full grass sodded within sixty (60) days following the date on which the dwelling is eligible for certificate of occupancy.
- All front yards shall be maintained and groomed, which shall include but not be limited to:
  - Mowed
  - Watered
  - Weeded
  - Edged
  - Trimmed

#### 5. BUILDERS AND CONTRACTORS:

**Prior to commencement of any site work or construction**, a lot owner shall submit for review and approval, a building packet to the Architectural Committee, which contains the following:

- Name, Physical address, E-mail address and Telephone number of the lot owner
- Name, Physical address, E-mail address and Telephone number of the building contractor
- A complete set of plans, which shall include:
  - A complete set of construction plans
  - Exterior color and material samples
  - A plat plan that shows the location of all improvements and set back lines.

The Architectural Committee shall provide to the lot owner, written approval or disapproval within thirty (30) days after receipt of the building packet.

If the Architectural Committee fails to act on the complete building packet within the thirty (30) day period, the lot owner may approach the Board of Directors of Cross Keys Property Owners Association by written request and ask that immediate action be taken to approve or disapprove the building packet. The Board of Directors must act within fifteen (15) days of receipt of the lot owners request.

In the absence of a response from both the Architectural Committee and the Board of Directors, the building packet shall be considered approved as submitted.

- **No building materials shall be placed or stored on the lot prior to approval of the Building Packet and the scheduled date on which construction is to commence.**
- Construction sites shall be kept neat and orderly.
- Construction sites are to be cleaned daily of trash and scrap material.
- Trash shall be contained on the construction site and disposed of properly.
- One minimum (50) cu. Ft. trash container shall be located on the building site.
- If said requirements are not adhered to, Cross Keys Property Owners Association may hire a cleanup crew to perform the task.
- Should Cross Keys Property Owners Association incur expense associated with the cleanup of a construction site, said expense shall be deemed a lien upon the lot until paid.
- Portable toilets, 1 for every 3 lots, must be on all job sites during construction.
- Upon completion of the building project all remaining materials, trash, dumpsters, toilets, etc. shall be removed from the lot and subdivision within ten (10) days.
- No storage of trash, Brick, concrete, will be allowed on any lot within the subdivision.

#### 6. HOME OCCUPATION:

Use of any home for any business or occupation, not permitted or defined by the codes regulations and ordinances of the City of Fayetteville, Arkansas, it strictly prohibited.

#### 7. FENCES:

- Fencing of the front yard is prohibited.
- Fencing of rear and side yards must be of brick or **cedar** wood shadowbox construction.
- **Lots numbered seven (7) thru thirty-two (32) shall have rear privacy fences constructed of cedar wood.**
- Except for fencing constructed at the exterior perimeter of the subdivision, no fencing may exceed six (6) feet in height.
- All fences shall be recessed at least ten (10) feet from the front of the dwelling.
- No wire or chain link fencing is allowed.



- Fencing shall not infringe on neighboring lots or the common grounds of Cross Keys.
- **All fencing plans and materials** must be submitted to and approved by the Architectural Committee.
- Unless a dwelling structure is built on a lot, fencing of the lot is prohibited.
- Lots 1-6 & 32-48 will have a subdivision fence that encroaches on the rear property line.

#### 8. SIDEWALKS, DRIVEWAYS AND STREETS:

- A lot owner may not cut or cause to be cut a street within Cross Keys for any reason.
- Concrete drive ways and street access points are to be constructed and completed by the owner prior to or at completion of the dwelling project.
- All driveways are to be of concrete base and may have a decorative type finish, example: brick lines, brick expansions, aggregate finish pattern concrete, etc.
- Concrete sidewalks shall be constructed at the expenses of the lot owner and shall be completed at the time the driveway is constructed.
- Sidewalks shall be four (4) feet wide and constructed as designed and shown on the final plat.
- Sidewalks shall be made of concrete with a light broom finish.
- Expansion joints are to be cut on approximate eight (8) foot centers.
- The length of sidewalks will vary with each lot, the sidewalk shall be the full street side width of the lot.
- All handicapped ramps are the responsibility of the lot owner and must be constructed according to City specifications. Yellow truncated domes must be installed by a Contractor approved by the Developer.

#### 9. UTILITIES:

All utilities situated within Cross Keys subdivision shall be underground and overhead service is not permitted.

#### 10. SATELLITE DISHES:

- Satellite dishes shall be of the “mini” type, typically less than 48” in diameter
- Satellite dishes shall be located on the back side of the home or on the side of the house within 10 feet from the back of the home.

#### 11. CABLE TV:

Cable television access shall be supplied to each lot within the development.

#### 12. OUTBUILDINGS AND PORTABLE BUILDINGS:

- No portable structures are allowed.
- Outbuildings may be allowed and constructed for use as storage of outside, lawn and flower garden equipment and supplies provided the structure is attractive and as inconspicuous as possible.
- All plans for such structures must be presented to and approved by the Architectural Committee prior to construction.
- Outbuildings that are for the specific purpose as a toy or play building for children shall be given special consideration and lenience from the Architectural Committee.

General rules for outbuildings:

- Metal or plastic (ABS) outbuildings are not acceptable.
- The size of an outbuilding shall not exceed 100 sq. ft. with no one side being longer than 12 ft.
- The roofing material shall match the color and material of the home (shingles, tile, wood shake, etc)
- The color of the building should be muted and inconspicuous.

### 13. EASEMENTS:

Easements for installation and maintenance of utilities, drainage facilities, and any other such easements are reserved as shown on the recorded plat. Lot owners are discouraged from constructing structures or improvements, or landscaping located within an easement since it is subject to being damaged, destroyed, or removed by the easement owner without compensation or replacement being provided to the low owner.

### 14. OIL AND MINING OPERATIONS:

No operations associated with the testing for, location, or recovery of, and refining or processing of oil, gas or minerals found upon or underneath Cross Keys shall be permitted or located within Cross Keys.

### 15. LIVESTOCK, POULTRY AND PETS:

- No livestock, poultry, exotic, wild, non-domesticated, or other such animals (except as noted within) shall be kept, raised, or sheltered on any residential building lot or common area within Cross Keys.
- Dogs, cats, and other household pets may be kept, provided they are not raised for commercial purposes.
- The outside living area for approved pets must be maintained and kept clean at all times and screened from public view.
- All living areas for such pets must be in the rear or side yard.
- The walking of permitted animals on a leash is allowed, provided the owner/walker picks up any droppings from said animal.



- Continuously “barking dogs” are considered a nuisance and are a violation of City Ordinances and such ordinances will be adhered to.

#### 16. PARKING OF VEHICLES:

- Resident’s automobiles and motorcycles shall be parked in the garage or driveway of their respective lot.
- Recreational vehicles are allowed within the subdivision as long as they are parked in the garage or on the owner’s lot behind a fence.
- The parking or storage of a vehicle on a subdivision street for two (2) days within any seven-day period shall be deemed a “routinely parked” vehicle.
- Non-licensed or expired licensed vehicles, of any type, shall not be parked on the streets of the subdivision or on any lot within the subdivision.

The above restrictions apply to, but shall not be limited to:

- Recreational equipment
- Motor homes
- Boats
- Jet skis
- Travel trailers
- Campers
- Transport trailers
- Utility trailers
- Etc.
- Any large trucks, tandem wheel tractors or large commercial vehicles are strictly prohibited within the subdivision except for moving, delivery purposes, or the development of a lot and new home construction.

#### 17. INOPERATIVE VEHICLES:

No inoperative, non-licensed or expired licensed vehicle shall be left on any subdivision street or lot in the subdivision.

#### 18. TEMPORARY STRUCTURES:

No temporary structure shall be used for human habitation. The builders and contractors are allowed such structures during the construction phase for storage and construction use only. All such structures must be removed prior to or at completion of the building project.

#### 19. SIGNS AND POSTERS:

No signs or posters are allowed except as noted below:

- A professionally made sign noting the property is for sale.
- A professionally made construction sign noting the builder of the improvements, which shall be removed once, the improvements are completed or occupied.

- Political, garage sale, and commercial signs or posters are permitted but only for the duration of their intended purpose.
- Any lot owner may apply for a waiver of a sign or for permission to place a sign on a lot by submission of the sign design, intended duration, a purpose to Cross Keys Application for waiver shall be submitted prior to placement of a non-permitted sign.
- All signs are to be placed on owner's lot only, and shall not be placed at any entrance to Cross Keys subdivision or on any sidewalk in Cross Keys without prior permission from the Grounds Committee.

#### 20. SIGHT DISTANCE AT INTERSECTIONS:

Walls, fencing, shrubs, hedges, trees or other improvements constructed or made near or at the intersections of streets within the Cross Keys shall be located and constructed in compliance with the codes, regulations, and ordinances of the City of Fayetteville.

#### 21. MAILBOXES AND HOUSE ADDRESS BLOCKS:

Prior to occupancy of any dwelling structure located on a lot, the lot owner shall install a mailbox, Barcelona style and black in color. Owner may contact the Cross Keys Board of Directors for location of purchase. In addition, owner shall install masonry address block, minimum 9 x 15, showing the house numbers, which has been approved as to design and site location by the Architectural Committee.

#### 22. STREETLIGHTS:

All streetlights shall be installed by Cross Keys and dedicated to the City of Fayetteville, Arkansas for public use and maintenance by the City.

#### 23. CLOTHESLINES:

Permanent or temporary outdoor clotheslines or poles are prohibited.

#### 24. RECREATIONAL AND/OR BASKETBALL NETS/GOALS:

All outdoor recreational equipment including but not limited to basketball nets/goals must be installed or located in the back or side yards. This includes swimming or wading pools, hot tubs, trampolines, basketball goals and any other type of recreational equipment.

#### 25. TREE REQUIREMENTS:

Minimum requirement

- Each lot owner shall be responsible for the health of all planted trees on the lot and shall be bound for the maintenance and care for each tree planted on the lot.
- Trees shall be planted before the home is certified for occupancy.



- Each lot within Cross Keys Subdivision is required to plant and maintain sufficient trees on the lot (front, side, and back yards) that have a minimum total combined diameter of 4 inches.
- Only Native American trees appropriate for this climate zone are acceptable. A list of types of trees permitted is available from the Grounds Committee.

#### Replacement

- If at any time a tree is damaged significantly or dies resulting in a total combined diameter on the lot of less than 4 inches, said tree must be replaced as soon as appropriate for planting.
- Failure to replant or maintain a tree after written notice by the Grounds Committee could result in an assessment and a lien upon the lot for the cost of planting and maintaining a new tree on the lot.
- The lot owner agrees a lien which results from a failure to pay any assessment may be foreclosed in the same manner provided by Arkansas Law for the foreclosure of a real estate mortgage.

## 26. NUISANCES

No noxious, destructive or offensive activity as defined by City Ordinance and State or Federal laws or regulations shall be carried on or upon any lot or street, nor shall anything be done thereupon which may be or may become an annoyance or nuisance to the Cross Keys community and its homeowners.

## 27. ENTRYWAY AND MEDIAN MAINTENANCE AND UPKEEP:

Entryways, detention ponds and surrounding areas, public areas and parks, and common areas and improvements are an integral part of Cross Keys and it is in the best interest of Cross Keys that said such entryways, medians, retention ponds and surrounding areas, public areas and parks, and common areas and improvements be maintained at all times.

The cost of the routine upkeep, maintenance and repair and replacement of entryways, medians, detention ponds and surrounding areas, and common areas and improvements shall be shared by each lot owner through annual or special assessments. Any upkeep, maintenance and repair of public area and parks shall be at the discretion of the Board of Directors of Cross Keys Property Owners Association.

## 28. SWIMMING POOLS:

Swimming pools must be in-ground and placed in the back yard and properly fenced. Above ground or temporary swimming pools in excess of 100 gallons are prohibited in Cross Keys Subdivision.

## 29. STREETS:

All streets within the Cross Keys development shall be dedicated to the City of Fayetteville, Arkansas for public use and maintenance by the City.

#### 30. HOLDING POND:

The Property Owners Association shall be responsible for the designated holding pond within the subdivision development.

#### 31. GOVERNING STRUCTURE:

By accepting the deed of ownership of property within Cross Keys, each owner accepts membership within the Cross Keys Property Owners Association, an Arkansas non-profit corporation formed to promote the collective and individual property and civic interests of all owners of Cross Keys property and to own, operate and maintain any area which is now or which in the future may be designated common property and at its discretion publicly owned property such as the park area so long as the development and maintenance of park and publicly owned areas are in compliance with City codes and regulations.

By accepting ownership of property within Cross Keys, each owner acknowledges, said property is now or will be subject to periodic assessments to be established and used for the construction development, improvement, repair and replacement of the entryways, detention ponds and surrounding areas, and common areas and improvements by the Board of Directors of the Cross Keys Property Owners Association and agrees if said assessments are not timely and fully paid said assessments and all costs, including legal fees, associated with the cost of collection of same shall be deemed a lien on the property so assessed.

The owner(s) of each lot in Cross Keys shall be entitled to one (1) vote on any proposition or action placed before the membership of the Cross Keys Property Owners Association for a vote. If more than one person or entity owns a single lot, the owners must collectively agree upon their single vote before casting same. If one or more entities own more than one lot, the owner(s) are entitle to one (1) vote per lot owned.

#### 32. ARCHITECTURAL COMMITTEE:

The Architectural Committee is established to insure, within its limited ability, that all dwellings and/or other exterior structures within Cross Keys are compatible with the other dwellings and structures constructed or to be constructed within Cross Keys.

The Architectural Committee shall be appointed and shall serve at the discretion of the Board of Directors of the Cross Keys Property Owners Association. The Architectural Committee shall have no less than one (1) member and shall have no more that three (3) members who shall own or be representative of the owners of property within Cross Keys.



### 33. GROUNDS COMMITTEE:

The Grounds Committee is established to insure the streets, sidewalks, common areas and improvements located thereupon, unimproved lots and the front and side yards of improved lots, are maintained, groomed and kept in good order. The Grounds Committee shall note any problems with mailboxes, entryways, retention ponds and areas surrounding same, public areas and parks, common areas and improvements within the Cross Keys development. Any problems or violations noted by the committee shall be written up and reported for repair or correction to the proper parties. If the needed repair or violation is directed to a lot/home owner, said owner has fifteen (15) days in which to correct the problem. If the owner fails to take measures to correct the problem, the Grounds Committee may report the violation or problem to the Board of Directors of Cross Keys Property Owners Association for further action and follow-up.

The Grounds Committee shall be appointed and serve at the discretion of the Board of Directors of the Cross Keys Property Owners Association. The grounds Committee shall consist of no less than one (1) member and shall have no more than three (3) members, who will be owners or representatives of owners of property within Cross Keys.

### 34. VIOLATIONS:

Any and all violations against a lot/homeowner(s) may result in a levy of a fine against the owner and the property by the Board of Directors of Cross Keys Property Owners Association. All violations should be considered of the utmost importance and be addressed and responded to in a timely manner.

Correction of the item in violation should begin, as soon as possible. If the property owner believes the violation is wrong or incorrect, the property owner should contact the issuing party of the violation as soon as possible.

Enforcement shall be by proceeding at law or in equity against any person or persons violating any of these covenants. Violators shall be subject either to restraint or to an action for damages as may be provided by law.

### 35. ASSESSMENTS:

- The annual assessment shall be determined in accordance with the By-Laws of Cross Keys Property Owners' Association, Inc. Article VII Section 2 Assessments will be due March 1st of each year.
- For any lot purchased in mid-year, the lot owner at closing shall be assessed and pay the annual assessment prorated for the remainder of that year.
- Assessments shall be collected by and paid to the Cross Keys Property Owners Association.

- Assessments shall be used for the repair, maintenance, upkeep, and replacement of the entryways, detention ponds and surrounding areas, common areas and improvements, public areas and parks, and to pay the costs associated with the operations of the Cross Keys Property Owners Association, including costs and fees paid to lawyers and accountants.
- By a two thirds (2/3) vote of the Board of Directors of Cross Keys Property Association or a majority vote of the owners of lots in Cross Keys Property Owners Association the assessment may be periodically increased or decreased.
- By acceptance of ownership of a lot within Cross Keys, a lot owner is agreeing to pay current and future assessments and is agreeing assessments shall be deemed a lien against the lot. The lot owner agrees a lien which results from a failure to pay an assessment may be foreclosed in the same manner provided by Arkansas Law for the foreclosure of a real estate mortgage. Each lot owner agrees to pay Cross Keys Property Owners Association costs and legal fees associated with the collection of delinquent assessments of foreclosure of liens.

### 36. DURATION OF COVENANTS AND RESTRICTIONS:

These restrictions and covenants are hereby declared to be covenants running with the lots and shall be fully binding upon all persons acquiring property in said subdivision whether by decent, devise, purchase or otherwise, and any person by the acceptance of title to any lot in this subdivision shall hereby agree and covenant to abide by and fully perform the foregoing restrictions and covenants.

These covenants are to run with the land and shall be binding for a period of twenty-five (25) years. Said covenants and restrictions may be extended for successive five (5) year terms if approved by a majority of the lot owners.

### 37. BINDING EFFECTS AND AMENDMENTS OF COVENANTS:

All natural persons or other legal entities, who shall acquire any lot within the Cross Keys subdivision shall be deemed to agree, accept, conform to and observe the restrictions, covenants and stipulations contained herein, and the By-Laws of Cross Keys Property Owners Association and accepts membership in the Cross Keys Property Owners Association.

Any amendment of these covenants and restrictions requires an approval by a vote of seventy five percent (75%) of the members present in person or by proxy, at a regular or special meeting of the members.

No changes in the covenants and restrictions shall be valid unless the amended covenants and restrictions are properly recorded in the recorder's office of Washington County, Arkansas. No amendment shall be allowed which would be in violation of RSF4 zoning in effect at the time of the amendment.



38. TRASH / RECYCLING


Trash and recycling receptacles and their accompanying trash shall be allowed at curbside the day prior and on the designated pick-up day only. All receptacles must be removed expeditiously as possible from the street following pick-up. Storage of trash and recycling receptacles and their accompanying trash shall not be visible from the street other than for pick-up.

39. SEVERABILITY:

Invalidation of any restriction or portion of a 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 remain in full force and effect.

Executed on this 13 day of January, 2011

Attest:

  
Secretary, Cross Keys Subdivision

  
President, Cross Keys Subdivision

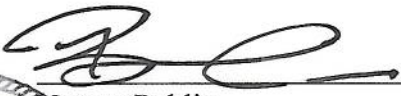
# ACKNOWLEDGEMENT

Sate of Arkansas )  
 ) ss.  
County of Washington )

On this the 13 day of January 2011, before me, a Notary Public, the undersigned officer, personally appeared Mike Price, President and Ben Fuller, Secretary, of Cross Keys Property Owners Association Board of Directors, known to me to be the persons whose name is subscribed to the within instrument and acknowledged that he/she has executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.



  
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Notary Public