

Brenda DeShields-Circuit Clerk
Benton County, AR
Book/Pg: 2008/18580
Term/Cashier: CASH/SCOFFELT
05/19/2008 2:56:41PM
Tran: 37162
Total Fees: \$60.00
Book 2008 Page 18580
Recorded in the Above
DEED Book & Page
05/19/2008

**SECOND AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
WHITE OAK TRAILS SUBDIVISION**

This Second Amendment to Declarations of Covenants, Conditions and Restrictions for White Oak Trails Subdivision (hereafter "Second Amended Declaration") is made on the date hereinafter set forth.

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, on October 26, 2004, a Declaration of Covenants, Conditions and Restrictions for White Oak Trails Subdivision was filed for record in the Real Estate Records of Benton County, Arkansas at Record No. 2004 49773 regarding Property of the White Oak Trails Subdivision, such Property being reflected in Record No. 2004 1122 of the Plat Records of Benton County, Arkansas ("Original Declaration") and being more particularly described in Exhibit "A" which is attached hereto and made a part hereof ; and,

WHEREAS, by the terms of Article XI, Section 3 of the Original Declaration, amendments to the Declaration may be made by the Declarant, 67 Development Corporation, without joinder of any Owner, Builder or mortgagor, during the Development Period; and,

WHEREAS, on September 14, 2005, an Amendment to Declarations of Covenants, Conditions and Restrictions for White Oak Trails Subdivision was filed for record in the Real Estate Records of Benton County, Arkansas at Record No. 2005 48933 ("Amended Declaration");

WHEREAS, the Development Period has not run and the Declarant desires to further amend the Original Declaration and Amended Declaration has hereinafter set forth and further desires to file an instrument to signify the amendments;

NOW, THEREFORE, the undersigned Declarant, does hereby declare that the Original Declaration is hereby amended to provide for the following:

1. That Article V, Section 3 of the Original Declaration is hereby amended to add the following at the end thereof:

"Notwithstanding the foregoing, for each Lot sold by Declarant to a builder for the construction of a home thereon for sale, and for so long as each such Lot and any Dwelling constructed thereon remains vacant, the builder shall only be required to pay

annual assessments attributable to the Lot in the amount of \$20.00 and shall not be subject to special assessments by reason of ownership of said Lot; provided, however, that once the builder sells the Lot or the dwelling constructed on the Lot becomes occupied, the Lot will thereafter be continuously subject to the annual and special assessments as provided herein."

2. That Article IX, Section 9 is hereby amended by deleting the word "playhouse" therefrom.

3. That Article IX, Section 13 is hereby deleted in its entirety and replaced with the following:

"No communications mast, antenna, tower or other similar structure may be installed on any Lot, except that satellite dishes may be installed on the back 3/4 of the roof line of a dwelling. The Owner shall make all effort to conceal the satellite dishes with the roof line of such dwelling and such satellite dishes may not exceed the height of the lowest roof ridge line of such dwelling. Notwithstanding the foregoing, no more than two (2) satellite dishes, no greater than twenty-four inches (24") in diameter shall be permitted on any single Lot dwelling. Wiring incident to the installation and operation of the satellite dish shall be done in such a manner as is reasonably possible to prevent being visible from the street."

4. That Article IX, Section 17 of the Original Declaration is hereby amended to add the following at the end thereof:

"The Owner of a Lot may store materials and equipment incident to the construction of improvements thereon until such time as the construction of the improvements is substantially complete (i.e., only minor work to fully complete in accordance with the final approved plans and specifications for the improvements remains). Once substantial completion of the improvements has occurred, all materials and equipment must be removed from the Lot. Notwithstanding the foregoing, during the construction of improvements on a Lot, the Owner of the Lot must not permit the accumulation of garbage, rubbish or trash on the Lot and must keep the Lot in a sanitary condition. In addition construction materials, equipment and trailers shall not be permitted to remain on any Lot not actively under construction."

Except as expressly set forth herein, nothing contained in this Second Amended Declaration shall be construed to amend the Original Declaration or the Amended Declaration.

IN WITNESS WHEREOF, the undersigned being the Declarant herein, has hereunto set its hand and seal this 19 day of May, 2008.

67 DEVELOPMENT CORPORATION

BY: 

Ray Jones, President

ACKNOWLEDGMENT

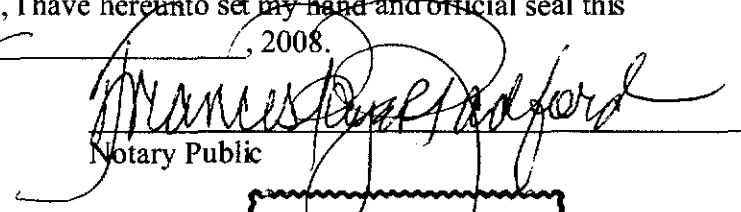
STATE OF ARKANSAS)

)ss.

COUNTY OF BENTON)

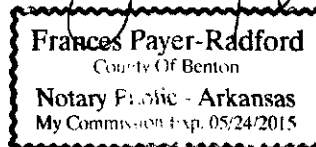
On this the 19 day of May, 2008, before me, Ray Jones, the undersigned officer, personally appeared, who acknowledged himself to be the President of 67 Development Corporation, a corporation, and that he, as such president, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as president.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this
19 day of May, 2008.


Notary Public

My Commission Expires:

05-24-2015



Book 2008 Page 18583
Recorded in the Above
DEED Book & Page
05/19/2008

Benton County, AR
I certify this instrument was filed on
05/19/2008 2:56:56PM
and recorded in DEED Book
2008 at pages 0018580 - 0018583
Brenda DeShields-Circuit Clerk

EXHIBIT "A"
TO
SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
WHITE OAK TRAILS SUBDIVISION

A part of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, and a part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 35, all in Township 20 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, more particularly described as commencing at a found 1" pipe for the SW corner of Section 26; thence S02°33'52" W a distance of 617.78 feet to a found cotton spindle; thence S86°31'51" E a distance of 1319.58 feet; thence N02°30'24" W a distance of 39.79 feet to the point of beginning; thence N86°13'40" W a distance of 880.72 feet; thence 39.82 feet around a curve to the left having a radius of 25.00 feet, a chord distance of 35.74 feet, and a chord bearing of N48°08'22" E; thence N02°30'24" E a distance of 260.16 feet; thence N87°29'36" W a distance of 125.00 feet; thence N02°30'24" E a distance of 675.00 feet; thence S87°29'36" E a distance of 341.58 feet; thence N12°37'15" E a distance of 193.66 feet; thence N25°53'35" E a distance of 117.79 feet; thence S87°27'38" E a distance of 91.73 feet; thence N70°44'02" E a distance of 253.28 feet; thence S87°13'02" E a distance of 230.72 feet; thence S02°30'24" W a distance of 1371.01 feet to the point of beginning, containing 25.89 acres, more or less, (1,127,724 Sq. Ft.), being located in Benton County, Arkansas and subject to any and all easements and rights-of-way of record.