

471 PAGE 357

FILED FOR RECORD

At 12:15 O'Clock P. M.

FEB 14 1974

JOSEPHINE R. HEYLAND

Clerk and Recorder

SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS BENTON COUNTY, ARK.

WHEREAS, Cooper Communities, Inc., successor to John A. Cooper Company (formerly Cherokee Village Development Company, Inc.) by reason of merger, hereinafter called "Developer," executed on the 18th day of May, 1965, a Declaration with Protective Covenants attached thereto as Exhibit 1 and forming a part of said Declaration, which Declaration was filed for record at 10:00 a.m. on the 18th day of May, 1965, in the office of the Circuit Clerk and Ex-Officio Recorder in and for Benton County, Arkansas, and is there recorded in Book 373, Page 08, et seq.; and

WHEREAS, Bella Vista Village Property Owners Association, formerly Bella Vista Country Club, a nonprofit corporation organized under the laws of the State of Arkansas, hereinafter referred to as "Association," joined in the said Declaration for the purpose of indicating its agreement to perform the obligations placed upon it by the Declaration; and

WHEREAS, the Developer desires to make an addition to the existing property by adding thereto as Tract No. 228 and Tract No. 229 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 228 and Tract No. 229 shall be covered as fully by the Declaration aforesaid as though said tract had been included with the other property described in said Declaration; and

WHEREAS, the Association is agreeable that said lands hereinafter described as Tract No. 228 and Tract No. 229 shall be covered and included under the terms, provisions, assessments and liens as provided in the Declaration above referred to.

NOW, THEREFORE, it is provided by the Developer in compliance with ARTICLE II, Section 2, of the Declaration aforesaid that the following lands are hereby subject to said Declaration to the extent that same shall constitute additional lands under the Declaration aforesaid and shall be a part of the existing properties, and said lands referred to

LITTLE & LAWRENCE

ATTORNEYS AT LAW

POST OFFICE BOX 447

BENTONVILLE, ARKANSAS 72712

shall be Tract No. 228 and Tract No. 229 under and in said Declaration and covered by said Declaration as fully as though the same had been included in said Declaration at the time same was executed, and the lands referred to lying and being situate in the County of Benton, State of Arkansas, to-wit:

TRACT NO. 228 : ASHDOWN SUBDIVISION, Blocks 1 thru 7, inclusive, Plat Book Q, Page 37, being more particularly described as follows:

A parcel of land lying in the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  (1.70 acres, more or less), in the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  (8.68 acres, more or less), in the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (9.71 acres, more or less), in the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (39.86 acres, more or less), of Section 20, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, and in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  (4.46 acres, more or less), of Section 21, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, and in the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (8.84 acres, more or less), of Section 28, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, and in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  (11.35 acres, more or less), of Section 29, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the SW corner of Section 21, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, (the point of beginning), thence South 87° 57' 51" East 799.458 feet, thence South 02° 02' 09" West 10.001 feet, thence South 04° 16' 46" East 194.468 feet, thence South 25° 16' 55" West 339.520 feet, thence South 81° 56' 53" West 207.041 feet, thence North 69° 44' 43" West 378.399 feet, thence North 78° 13' 54" West 539.337 feet, thence South 87° 16' 25" West 567.642 feet, thence North 71° 05' 14" West 353.254 feet, thence North 86° 57' 55" West 10.000 feet, thence North 03° 02' 05" East 315.042 feet, thence North 86° 43' 13" West 312.072 feet, thence North 03° 16' 47" East 10.000 feet, thence North 41° 07' 06" West 342.000 feet, thence North 62° 47' 22" East 491.811 feet, thence North 06° 45' 33" West 135.945 feet, thence North 19° 46' 15" West 230.593 feet, thence North 06° 20' 25" West 226.385 feet, thence North 10° 18' 17" West 335.410 feet, thence North 51° 20' 25" East 128.062 feet, thence South 79° 57' 47" East 114.756 feet, thence North 39° 44' 46" East 123.556 feet, thence North 48° 26' 54" East 158.944 feet, thence along the arc of a curve to the left 255.000 feet, said curve having a radius of 366.122 feet, thence North 10° 43' 44" East 80.000 feet, thence along the arc of a curve to the right 314.072 feet, said curve having a radius of 446.122 feet, thence North 58° 54' 28" East 116.965 feet, thence along the arc of a curve to the right 389.443 feet, said curve having a radius of 281.622 feet, thence South 41° 51' 38" East 181.337 feet, thence along the arc of a curve to the left 206.573 feet, said curve having a radius of 326.037 feet, thence South 11° 50' 15" West 80.000 feet, thence South 78° 09' 45" East 425.233 feet, thence along the arc of a curve to the left 315.767 feet, said curve having a radius of 378.811 feet, thence North 54° 04' 37" East 63.050 feet, thence along the arc of a curve to the right 247.353 feet, said curve having a radius of 289.527 feet, thence South 76° 58' 23" East 129.276 feet, thence along the arc of a curve to the right 226.983 feet, said curve having a radius of 796.944 feet, thence South 60° 39' 16" East 171.245 feet, thence along the arc of a curve to the left

(Description continued on next page)

174.275 feet, said curve having a radius of 328.584 feet, thence South 02° 01' 58" West 41.930 feet, thence North 87° 58' 02" West 1214.559 feet, thence South 02° 33' 56" West 1320.474 feet, to the point of beginning and containing 84.60 acres, more or less.

TRACT NO. 229 : ASHDOWN SUBDIVISION, Blocks 8 & 9,

Plat Book Q, Page 38, being more particularly


described as follows:

A parcel of land lying in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  (5.06 acres, more or less), in the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (16.06 acres, more or less), in the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  (17.89 acres, more or less), in the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  (18.51 acres, more or less), in the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  (1.48 acres, more or less), in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  (4.05 acres, more or less), of Section 20, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the SW corner of Section 21, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, run North 1957.680 feet to a point, thence West 371.896 feet to the point of beginning, thence South 01° 04' 11" East 385.916 feet, thence along the arc of a curve to the right 206.573 feet, said curve having a radius of 326.037 feet, thence North 41° 51' 38" West 181.337 feet, thence along the arc of a curve to the left 389.443 feet, said curve having a radius of 281.622 feet, thence South 58° 54' 28" West 116.965 feet, thence along the arc of a curve to the left 314.072 feet, said curve having a radius of 446.122 feet, thence South 10° 43' 44" West 80.000 feet, thence along the arc of a curve to the right 255.000 feet, said curve having a radius of 366.122 feet, thence South 48° 26' 54" West 158.944 feet, thence South 39° 44' 46" West 123.556 feet, thence North 79° 57' 47" West 114.756 feet, thence South 51° 20' 25" West 128.062 feet, thence South 10° 18' 17" East 335.410 feet, thence South 06° 20' 25" East 226.385 feet, thence South 19° 46' 15" East 230.593 feet, thence South 06° 45' 33" East 135.945 feet, thence South 62° 47' 22" West 491.811 feet, thence North 41° 07' 06" West 420.634 feet, thence North 36° 37' 33" West 704.006 feet, thence South 73° 18' 03" West 189.769 feet, thence North 29° 01' 49" West 352.862 feet, thence North 70° 53' 28" West 30.000 feet, thence North 03° 51' 34" East 465.618 feet, thence South 89° 30' 45" East 568.911 feet, thence North 85° 30' 00" East 80.000 feet, thence North 89° 58' 19" East 366.363 feet, thence North 60° 15' 18" East 241.868 feet, thence North 34° 30' 31" East 194.165 feet, thence North 71° 33' 54" East 126.491 feet, thence South 88° 11' 46" East 635.315 feet, thence North 67° 17' 08" East 233.077 feet, thence North 18° 26' 06" East 126.491 feet, thence North 12° 05' 41" West 143.178 feet, thence North 71° 53' 46" East 273.542 feet, thence North 43° 11' 29" East 201.626 feet, thence North 12° 20' 57" East 346.006 feet, thence North 39° 13' 07" East 406.528 feet, thence South 87° 26' 02" East 10.000 feet, thence South 02° 33' 58" West 869.757 feet, thence South 02° 22' 37" West 122.725 feet, thence South 40° 59' 47" West 739.317 feet to the point of beginning and containing 63.05 acres, more or less.

The Association joins in this Supplemental Declaration, as it joined in the Original Declaration, for the purpose of indicating its agreement to perform the obligations placed upon it by the Original Declaration as well as this Declaration.

IN WITNESS WHEREOF, this instrument is executed by the Developer and the Association through their respective corporate officers who are duly authorized to so execute same in multiple counterparts, any one of which shall be deemed an original this 14th day of February, 1974.

ATTEST:   
David Beattie  
Assistant Secretary

COOPER COMMUNITIES, INC.

By John Basore  
Vice-President

ATTEST:

BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION

Clayton N. Little  
Secretary

By John Riordan  
President

ACKNOWLEDGMENT

STATE OF ARKANSAS )  
COUNTY OF BENTON ) ss.

On this day before me, the undersigned Notary Public, duly commissioned, qualified and acting within and for the said County and State, appeared in person the within named JOE N. BASORE and DAVID BEATTIE, to me personally well known, who stated that they were the Vice-President and Assistant Secretary of COOPER COMMUNITIES, INC., a Delaware corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 14th day of February, 1974.

My commission expires:  
February 11, 1977

Ronda Johnston  
Notary Public

ACKNOWLEDGMENT

STATE OF ARKANSAS )  
COUNTY OF BENTON ) ss.

On this day before me, the undersigned Notary Public, duly commissioned, qualified and acting within and for the said County and State, appeared in person the within named JOHN RIORDAN and CLAYTON N. LITTLE, to me personally well known, who stated that they were the President and Secretary of the BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, a nonprofit corporation organized under the laws of the State of Arkansas, and were duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said corporation, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 14th day of February, 1974.

My commission expires:  
February 11, 1977

Ronda Johnston  
Notary Public