

5.070

SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS

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, which 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. 360 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 360 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. 360 shall be covered and included under the terms, provisions, assessments and liens as provided in the Declaration above referred to.

NOW THEREFORE, the Developer, in compliance with ARTICLE II, Section 2, of the Declaration aforesaid, hereby declares and provides that the following lands are hereby subject to said Declaration to the extent that same shall constitute additional lands thereunder and shall be a part of the existing properties, and that said lands shall be Tract No. 360 under and in said Declaration and covered by same as fully as though said lands had been included in said Declaration at the time same was executed, the lands referred to lying and being situate in the County of Benton, State of Arkansas, to-wit:

TRACT NO. 360 : AUSKERRY SUBDIVISION, Blocks 1-6, Plat Book 5, Page 157, being more particularly described as follows:

A parcel of land lying in the W1/2 of the fractional NE1/4 (10.490 Acres+), in the E1/2 of the fractional NW1/4 (13.843 Acres+), in the NW1/4 of the SW1/4 (16.642 Acres+), in the NE1/4 of the SW1/4 (27.580 Acres+), in the NW1/4 of the SE1/4 (3.015 Acres+), in the SE1/4 of the SW1/4 (0.088 Acres+) and in the SW1/4 of the SW1/4 (0.201 Acres+) of Section 16, Township 21 North, Range 32 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

FILED FOR RECORD  
At 2 o'clock P.M.  
MAR 20 1984  
JOSEPHINE R. HOWLAND  
Clerk and Recorder  
BENTON COUNTY AR.

Beginning at a point 573.96 feet East and 1,624.90 feet North of the Southwest corner of said Section 16 (Arkansas State Plane Coordinates of North 793,710.097 feet and East 1,297,701.043 feet); thence, N 07° 07' 30" E 443.42 feet; thence, N 41° 47' 04" E 315.16 feet; thence, N 73° 29' 44" E 563.21 feet; thence, N 61° 49' 17" E 317.65 feet; thence, N 33° 51' 04" E 493.69 feet; thence, N 40° 25' 34" E 370.04 feet; thence, S 89° 23' 48" E 607.84 feet; thence, S 02° 34' 14" W 105.49 feet; thence, N 86° 05' 40" E 60.10 feet; thence, N 82° 12' 47" E 236.18 feet; thence, N 80° 32' 16" E 109.49 feet; thence, N 83° 58' 46" E 257.42 feet; thence, N 86° 33' 16" E 246.57 feet; thence, S 89° 23' 48" E 78.94 feet; thence, S 00° 36' 12" W 50.00 feet; thence, N 89° 23' 48" W 228.96 feet; thence, Southwestwardly along the arc of a curve to the left 33.44 feet, said curve having a radius of 1,359.30 feet and a delta angle of 01° 24' 34"; thence, S 06° 22' 30" W 546.72 feet; thence, S 50° 03' 24" W 629.26 feet; thence, S 55° 58' 50" W 1930.39 feet; thence, N 61° 59' 05" W 883.53 feet to the point of beginning, containing 71.859 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 15th day of March, 1984.

COOPER COMMUNITIES, INC.

ATTEST:

[Signature] Secretary By [Signature] Vice President

BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION

ATTEST:

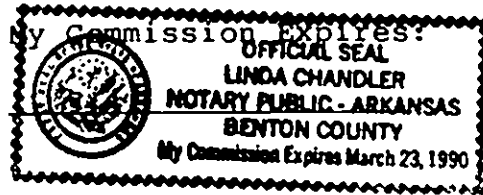
[Signature] Secretary By [Signature] President

STATE OF ARKANSAS )  
 ) SS ACKNOWLEDGMENT  
COUNTY OF BENTON )

On this day before me, the undersigned, a Notary Public duly qualified, commissioned and acting within and for the said state and county, appeared in person the within named Richard H. Smith and Larry W. Garrett, to me well known, who stated that they were Vice President and the Secretary of Cooper Communities, Inc., a corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in 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.

Witness my hand and Notarial Seal on this 13th day of March, 1984.

Linda Chandler  
NOTARY PUBLIC



STATE OF ARKANSAS )  
 ) SS ACKNOWLEDGEMENT  
COULY OF BENTON )

On this day before me, the undersigned, a Notary Public duly qualified, commissioned and acting within and for the said state and county, appeared in person the within named RODNEY D ROSS and JAMES A SOUTH, to me well known, who stated that they were President and Secretary of Bella Vista Village Property Owners Association a non-profit corporation, and were duly authorized in their respective capacities to execute the foregoing instrument for and in 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.

Witness my hand and Notarial Seal on this 15<sup>th</sup> day of May, 1984.

Nadean F. Trudo  
NOTARY PUBLIC

