

9.00

MAY 30 1974

JOSEPHINE R. HEYLAND  
Clerk and Recorder  
BENTONVILLE, ARK.

SUPPLEMENTAL DECLARATION OF COVENANTS AND RESERVATIONS

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 Nos. 238, 239, 240, 241, 242, 243, 244, and 245 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract Nos. 238, 239, 240, 241, 242, 243, 244, and 245 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 Nos. 238, 239, 240, 241, 242, 243, 244, and 245 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

release of utility + drainage  
For release hereof see Record 2006  
Page 22157

Ex. 3.00  
For release hereof see Record 2006  
Page 54402 11-09-06  
Brenda Deshields Clerk  
By J.C.

LITTLE, LAWRENCE & MCCOLLUM

ATTORNEYS AT LAW  
POST OFFICE BOX 447  
BENTONVILLE, ARKANSAS 72712

Brenda Deshields by SD Clerk

aforesaid and shall be a part of the existing properties, and said lands referred to shall be Tract Nos. 238, 239, 240, 241, 242, 243, 244, and 245 under and in said Declaration and covered by said Declaration as full 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. 238: CHESHIRE SUBDIVISION, Blocks 11 and 12, Plat Book P, Page 170, being more particularly described as follows:

A parcel of land lying in the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  (3.94 acres, more or less); in the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  (0.69 acres, more or less), all in Section 21, Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the Northeast corner of Section 21, Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas (State Plane Coordinates North 792,281.331' and East 1,330,044.286'), run thence South 93.38 feet, thence West 2259.36 feet to the point of beginning; thence Southwesterly along a curve to the left 310.27 feet, said curve having a radius of 1810.62 feet and a delta of 09°49'06"; thence Southwesterly along a curve to the left 310.03 feet, said curve having a radius of 1369.98 feet and a delta of 12°57'59"; thence South 14°50'50" West 113.39 feet; thence Southeasterly along a curve to the left 389.51 feet, said curve having a radius of 351.86 feet and a delta of 52°50'49"; thence South 38°00'02" East 60.01 feet; thence South 27°06'19" West 131.61 feet; thence North 50°11'02" West 84.92 feet; thence Northerly along a curve to the left 29.79 feet, said curve having a radius of 45.00 feet and a delta of 37°55'36"; thence North 06°33'57" East 65.17 feet; thence North 26°33'58" East 22.36 feet; thence North 05°42'58" West 59.80 feet; thence North 05°43'03" West 40.20 feet; thence North 71°34'00" West 94.87 feet; thence North 12°12'09" West 117.66 feet; thence North 21°02'15" West 278.57 feet; thence North 47°02'02" East 188.65 feet; thence North 12°32'00" East 165.70 feet; thence South 79°39'22" West 40.38 feet; thence North 01°05'48" East 40.81 feet; thence North 77°28'03" West 21.30 feet; thence North 04°44'40" East 118.10 feet; thence North 47°56'00" East 29.33 feet; thence South 89°04'59" East 383.51 feet to the point of beginning and containing in all 4.63 acres, more or less.

Tract No. 239: ARMITAGE SUBDIVISION, Blocks 1 thru 3, inclusive, Plat Book Q, Page 139, being more particularly described as follows:

A parcel of land lying in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  (1.95 acres, more or less) of Section 16; in the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (13.77 acres, more or less); in the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (21.80 acres, more or less); in the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  (0.14 acres, more or less); in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  (6.65 acres, more or less) of Section 21, Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the NW Corner of Section 21, Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County,

(Description of Armitage Subdivision  
continued on next page)

Arkansas (State Plane Coordinates of North 792,440.800 feet and East 1,327,020.460 feet); run South 200.00 feet to the point of beginning; thence run South 03°55'30" West 2,464.49 feet to a point; thence run South 03°39'29" West 822.80 feet to a point; thence run North 90°00'00" East 380.73 feet to a point; thence run North 00°00'00" East 812.45 feet to a point; thence run South 88°13'29" East 172.66 feet to a point; thence run North 03°31'22" East 216.08 feet to a point of curvature; thence run Northeastwardly along a curve to the right 306.88 feet to a point, said curve having a radius of 1,565.15 feet and a delta angle of 11°14'03"; thence run North 14°45'24" East 143.63 feet to a point; thence run South 75°14'36" East 80.00 feet to a point; thence run North 77°55'39" East 216.31 feet to a point; thence run North 71°21'53" East 96.86 feet to a point; thence run North 06°52'00" East 240.00 feet to a point; thence run South 83°08'00" East 286.88 feet to a point; thence run South 63°37'00" East 80.04 feet to a point; thence run North 26°23'00" East 205.40 feet to a point; thence run South 82°57'42" West 109.10 feet to a point; thence run North 90°00'00" West 400.00 feet to a point; thence run North 53°52'24" West 169.61 feet to a point; thence run North 29°23'28" West 281.19 feet to a point; thence run North 04°08'17" West 623.62 feet to a point; thence run North 21°39'40" West 455.14 feet to a point; thence run North 00°00'00" East 210.00 feet to a point; thence run North 23°05'22" West 413.09 feet to a point; thence run North 49°39'00" East 104.99 feet to a point; thence run North 67°26'10" West 187.49 feet to a point; thence run South 02°36'16" West 500.11 feet to a point; thence run South 03°55'29" West 200.00 feet to the point of beginning and containing a total of 44.31 acres, more or less.

Tract No. 240 : BERWICK SUBDIVISION, Blocks 1 and 2,  
Plat Book Q, Page 140, being more particularly described  
as follows:

A parcel of land lying in the Fractional W $\frac{1}{2}$  of the NW $\frac{1}{4}$  (7.6813 acres, more or less) of Section 16, 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 16, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas (State Plane Coordinates of North 791,003.92 feet and East 1,357,848.33 feet); run North 2,592.33 feet to a point; thence run East 844.90 feet to the point of beginning; thence run South 86°26'34" East 574.86 feet to a point; thence run North 03°18'06" East 833.81 feet to a point; thence run North 88°57'30" West 385.07 feet to a point; thence run South 00°34'43" East 495.03 feet to a point; thence run South 38°03'49" West 392.15 feet to the point of beginning and containing a total of 7.6813 acres, more or less.

Tract No. 241 : BOLLINGTON SUBDIVISION, Blocks 1 thru  
5, inclusive, Plat Book Q, Page 141, being more parti-  
cularly described as follows:

A parcel of land lying in the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  (5.116 acres, more or less), the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (0.805 acres, more or less), the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  (1.564 acres, more or less), the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  (0.769 acres, more or less), the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (28.636 acres, more or less) in Section 28, and the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  (5.428 acres, more or less) in Section 29, all in Township 21 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

(Description of Bollington Subdivision  
continued on next page)

Beginning at a point 272.364 feet East and 1716.476 feet South of the NW corner of said Section 28 (Arkansas State Plane Coordinates North 787,196.476 feet and East 1,326,795.636 feet), thence South 48°38'35" West 756.72 feet; thence South 80°26'04" West 547.62 feet; thence South 29°08'03" West 139.68 feet; thence South 55°44'25" West 212.46 feet; thence South 02°46'32" West 10.00 feet; thence South 87°33'40" East 865.09 feet; thence South 85°47'57" East 1314.21 feet; thence South 02°42'26" West 310.30 feet; thence East 10.01 feet; thence North 75°41'01" East 131.12 feet; thence North 15°25'22" West 50.00 feet; thence North 02°26'12" West 235.22 feet; thence North 11°32'05" East 250.05 feet; thence North 35°13'34" West 218.94 feet; thence North 01°39'50" East 754.99 feet; thence South 84°33'27" East 89.77 feet; thence North 68°39'47" East 343.55 feet; thence North 83°24'20" East 165.07 feet; thence North 03°32'22" East 189.23 feet; thence along a curve to the left 313.30 feet, said curve having a radius of 662.28 feet and a delta of 27°06'18"; thence South 66°26'04" West 80.00 feet; thence North 23°33'59" West 30.00 feet; thence South 52°35'12" West 225.05 feet; thence North 42°04'00" West 20.00 feet; thence South 51°00'00" West 194.00 feet; thence North 47°59'59" West 100.00 feet; thence South 68°57'52" West 120.91 feet; thence along a curve to the left 116.80 feet, said curve having a radius of 60.00 feet and a delta of 111°32'10"; thence South 08°14'21" East 165.71 feet; thence South 50°45'16" West 458.40 feet; thence South 81°14'37" West 426.98 feet to the point of beginning, containing 42.318 acres, more or less.

Tract No. 242 : DEVONSHIRE SUBDIVISION, Blocks 1 thru 12, inclusive, Plat Book Q, Page 142, being more particularly described as follows:

A parcel of land lying in the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  (0.38 acres, more or less); the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (2.71 acres, more or less); the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (35.03 acres, more or less); the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  (36.12 acres, more or less); the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  (8.45 acres, more or less); the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  (1.34 acres, more or less), all lying in Section 3, Township 20 North, Range 31 West; and the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  (4.47 acres, more or less), the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  (9.13 acres, more or less), lying in Section 4, Township 20 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the Northwest corner of Section 3, Township 20 North, Range 31 West (Arkansas State Plane Coordinates: North 776,379.750', East 1,331,391.472') run East 780.308 feet; thence South 1,559.665 feet to the point of beginning; thence North 42°47'17" West 437.47 feet; thence along a curve to the left 379.74 feet, said curve having a radius of 298.43 feet and a delta angle of 72°54'24"; thence South 64°18'20" West 143.59 feet; thence along a curve to the right 211.47 feet, said curve having a radius of 634.72 feet and a delta angle of 19°05'23"; thence South 83°23'43" West 250.00 feet; thence along a curve to the left 467.23 feet, said curve having a radius of 211.44 feet and a delta angle of 126°36'19"; thence South 43°12'36" East 97.15 feet; thence along a curve to the right 433.57 feet, said curve having a radius of 375.65 feet and a delta angle of 66°07'47"; thence South 22°55'10" West 140.00 feet; thence South 66°20'48" East 447.94 feet; thence South 21°46'42" West 204.84 feet; thence South 03°22'45" West 31.67 feet; thence South 87°15'41" East 1318.28 feet; thence South 87°15'42" East 1318.28 feet; thence South 76°46'19" East 248.42 feet; thence South 02°51'14" East 299.24 feet; thence North 88°44'17" East 150.84 feet; thence North 01°15'43" West 1291.46 feet; thence North 54°07'49" West 615.07 feet; thence along a curve to the left 513.25 feet, said curve having a radius of 528.53 feet and a delta angle of 55°38'21"; thence South 70°13'48" West 679.16 feet; thence along a curve to the right 488.48 feet, said curve having a radius of 417.84 feet and a delta angle of 66°58'55" to the point of beginning, containing in all 97.63 acres, more or less.

Tract No. 243 : EXMINSTER SUBDIVISION, Blocks 1 thru 12, inclusive, Plat Book Q, Page 143, being more particularly described as follows:

A parcel of land lying in the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  (8.565 acres, more or less); in the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  (33.318 acres, more or less); in the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (39.921 acres, more or less); in the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  (1.683 acres, more or less) all in Section 21, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the Southeast corner of Section 21, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas (Arkansas State Plane Coordinates North 785,538.560' and East 1,362,921.980'), said point being the point of beginning; thence North 02°33'56" East 1320.75 feet; thence North 87°29'01" West 1329.75 feet; thence North 02°15'38" East 969.56 feet; thence North 90°00'00" West 4.32 feet; thence South 45°39'26" West 393.69 feet; thence South 01°35'28" East 360.14 feet; thence South 39°24'02" West 181.18 feet; thence North 90°00'00" West 500.00 feet; thence South 71°55'57" West 478.62 feet; thence North 87°58'02" West 18.662 feet; thence South 01°37'51" West 10.000 feet; thence South 01°37'51" West 15.000 feet; thence South 62°50'37" West 340.12 feet; thence South 00°00'00" West 89.00 feet; thence South 61°06'51" East 332.46 feet; thence South 01°37'51" West 45.000 feet; thence South 63°35'09" East 398.82 feet; thence South 07°52'59" West 328.10 feet; thence South 05°32'58" East 313.60 feet; thence South 00°00'00" West 10.017 feet; thence South 86°51'41" East 2270.06 feet to the point of beginning and containing a total of 83.487 acres, more or less.

Tract No. 244 : NORTHFLEET SUBDIVISION, Blocks 1 thru 5, inclusive, Plat Book Q, Page 144, being more particularly described as follows:

A parcel of land lying in the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  (40.21 acres, more or less), the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  (31.11 acres, more or less), the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (0.56 acres, more or less), the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (6.56 acres, more or less), the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  (1.03 acres, more or less), the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  (0.44 acres, more or less), all in Section 21, Township 21 North, Range 30 West of the Fifth Principal Meridian in Benton County, Arkansas, and being more particularly described as follows:

Commencing at the Northwest corner of said Section 21, run East 2114.66 feet; thence South 75.44 feet to the point of beginning; thence South 29°58'54" East 110.24 feet; thence South 84°15'26" West 111.80 feet; thence South 58°05'27" West 163.75 feet; thence South 39°38'26" West 833.71 feet; thence South 24°52'22" West 323.23 feet; thence South 61°09'26" West 393.86 feet; thence South 34°49'28" West 390.00 feet; thence South 15°28'40" East 181.47 feet; thence South 76°28'36" East 530.00 feet; thence North 02°33'56" East 305.00 feet; thence South 87°18'53" East 149.16 feet; thence in a Northerly direction 41.66 feet along a curve to the right, said curve having a radius of 45.00 feet and a delta of 53°02'23"; thence North 87°18'53" West 153.10 feet; thence North 02°33'56" East 297.20 feet; thence South 87°51'59" East 666.95 feet; thence South 31°02'25" East 55.78 feet; thence North 58°57'37" East 35.00 feet; thence South 87°38'05" East 460.40 feet; thence South 44°12'53" East 48.25 feet; thence North 45°47'05" East 59.02 feet; thence South 87°51'58" East 81.86 feet; thence North 39°00'10" East 25.00 feet; thence South 87°51'59" East 628.76 feet; thence South 39°32'24" East 60.00 feet; thence North 80°11'51" East 136.25 feet; thence in a Northeasterly direction 40.00 feet along a curve to the right, said curve having a radius of 45.00 feet and a delta of 50°55'46"; thence South 87°52'00" East 15.88 feet; thence South 87°52'00" East 425.99 feet; thence North 47°21'08" East 14.20 feet; thence North 02°33'56" East 1319.21 feet; thence North 87°57'25" West 1869.05 feet to the point of beginning and containing in all 79.91 acres, more or less.

Tract No. 245 : TUDOR SUBDIVISION, Blocks 1 thru 3, inclusive, Plat Book Q, Page 145, being more particularly described as follows:

A parcel of land lying in the NW¼ of the SE¼ (12.39 acres, more or less); in the SW¼ of the SE¼ (21.57 acres, more or less) of Section 3, Township 20 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the Southwest corner of Section 2, Township 20 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas (State Plane Coordinates of North 770,817.393 feet and East 1,336,384.625 feet); run North 93.481 feet to a point; thence run West 1,884.625 feet to the point of beginning; thence run North 00°00'00" East 1059.13 feet to a point; thence run North 51°00'32" West 270.19 feet to a point; thence run North 00°08'26" West 408.01 feet to a point; thence run North 01°15'43" West 671.99 feet to a point; thence run South 88°44'17" West 150.84 feet to a point; thence run North 02°51'14" West 299.24 feet to a point; thence run North 76°46'19" West 248.42 feet to a point; thence run South 03°26'07" West 1327.74 feet to a point; thence run South 02°21'58" West 1320.01 feet to a point; thence run South 88°43'22" East 767.58 feet to the point of beginning and containing a total of 33.96 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 30th day of May, 1974.

ATTEST:  David Beatty  
1973 Asst. Secretary

COOPER COMMUNITIES, INC.  
BY John A. Logan Jr.  
President

ATTEST: Clayton Whitte  
Secretary

BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION  
BY Paul Lindau  
President

(Acknowledgments on Next Page)

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 A. COOPER, JR. and DAVID BEATTIE, to me personally well known, who stated that they were the \_\_\_\_\_ 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 30th day of May, 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 30th day of May, 1974.

My commission expires:  
February 11, 1977

Ronda Johnston  
Notary Public