

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. 296 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 296 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. 296 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. 296 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. 296 : BRANCHWOOD, Blocks 1 through 7, Plat Book V, Page 185, being more particularly described as follows:

A PARCEL OF LAND LYING IN THE SW 1/4 OF THE SW 1/4 (0.095 ACRES +) OF SECTION 13, IN THE SE 1/4 OF THE SW 1/4 (0.108 ACRES +), IN THE SW 1/4 OF THE SE 1/4 (26.119 ACRES +), IN THE SE 1/4 OF THE SE 1/4 (19.730 ACRES +) OF SECTION 14, IN THE NE 1/4 OF THE NE 1/4 (31.626 ACRES +), IN THE NW 1/4 OF THE NE 1/4 (24.600 ACRES +), IN THE NE 1/4 OF THE NW 1/4 (0.889 ACRES +) OF SECTION 23, AND IN THE NW 1/4 OF THE NW 1/4 (2.384 ACRES +) OF SECTION 24, ALL IN TOWNSHIP 21 NORTH, RANGE 32 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SOUTH 133.540 FEET AND EAST 119.687 FEET FROM THE NORTHEAST CORNER OF SECTION 23 (ARKANSAS STATE PLANE COORDINATES OF NORTH 793.173.540 FEET AND EAST 1,310,460.313 FEET), THENCE, S 16° 53' 55" W 165.130 FEET; THENCE, S 40° 42' 09" E 22.674 FEET;

PREPARED BY
COOPER COMMUNITY ASSOCIATION
1601 S. GUYTON ST. BENTONVILLE, ARK.

FILED FOR RECORD

AS DEPOSED BY A R

JUN 9 1980

JOSEPHINE R. HEYLAND
Clerk and Recorder

For release hereof see Record 99
66-4-9 05649/87X29
Page 108
Return to Mr. M

THENCE, S 00° 41' 22" E 126.913 FEET; THENCE, S 33° 41' 40" E 80.000 FEET; THENCE, S 56° 18' 20" W 660.000 FEET; THENCE, SOUTHWESTWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT 434.751 FEET, SAID CURVE HAVING A RADIUS OF 761.432 FEET AND A DELTA ANGLE OF 32° 42' 50"; THENCE, S 89° 01' 10" W 254.606 FEET; THENCE, SOUTHWESTWARDLY ALONG THE ARC OF A CURVE TO THE LEFT 355.348 FEET, SAID CURVE HAVING A RADIUS OF 1,395.846 FEET AND A DELTA ANGLE OF 14° 35' 10"; THENCE, N 15° 34' 00" W 64.343 FEET; THENCE, NORTHWESTWARDLY ALONG THE ARC OF A CURVE TO THE LEFT 212.931 FEET, SAID CURVE HAVING A RADIUS OF 287.689 FEET AND A DELTA ANGLE OF 42° 24' 25"; THENCE N 71° 12' 14" W 850.653 FEET; THENCE, N 80° 06' 20" W 510.000 FEET; THENCE, N 24° 36' 10" E 171.099 FEET; THENCE, N 39° 19' 13" W 60.000 FEET; THENCE NORTH-EASTWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT 225.000 FEET, SAID CURVE HAVING A RADIUS OF 505.089 FEET AND A DELTA ANGLE OF 25° 31' 24"; THENCE, N 13° 47' 50" W 65.000 FEET; THENCE, N 35° 58' 05" W 74.735 FEET; THENCE, N 57° 03' 03" W 128.701 FEET; THENCE, N 13° 16' 35" E 182.888 FEET; THENCE, N 22° 11' 52" E 187.928 FEET; THENCE, N 40° 29' 28" E 248.531 FEET; THENCE, N 24° 19' 52" W 369.841 FEET; THENCE, N 41° 40' 09" E 133.869 FEET; THENCE, N 73° 32' 46" E 201.241 FEET; THENCE, S 83° 50' 27" E 419.421 FEET; THENCE, N 87° 48' 46" E 288.210 FEET; THENCE, N 43° 39' 27" E 181.069 FEET; THENCE, S 78° 12' 04" E 229.856 FEET; THENCE, S 58° 37' 19" E 474.377 FEET; THENCE, N 85° 53' 01" E 264.683 FEET; THENCE, S 43° 04' 24" E 231.355 FEET; THENCE, S 26° 49' 19" E 299.189 FEET; THENCE, S 73° 22' 09" E 160.723 FEET; THENCE, S 39° 10' 25" E 208.969 FEET; THENCE, S 28° 07' 16" E 345.824 FEET TO THE POINT OF BEGINNING AND CONTAINING 105.552 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 5th day of JUNE, 1980.

ATTEST:

COOPER COMMUNITIES, INC.

Jamie Damm
Secretary

By [Signature]
President

ATTEST:

BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION

[Signature]
Secretary

By [Signature]
President

STATE OF ARKANSAS)
) SS ACKNOWLEDGEMENT
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 John A. Cooper, Jr. and Larry W. Garrett, to me well known, who stated that they were _____ President and _____ 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 5th day of June, 1980.

Kathy Moser
Notary Public

My Commission Expires:
1-11-83

STATE OF ARKANSAS)
) SS ACKNOWLEDGEMENT
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 J. L. Morrison and Clayton N. Little, to me well known, who stated that they were _____ President and _____ Secretary of BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, 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 9th day of June, 1980.

Linda Burgess
Notary Public

My Commission Expires:
February 11, 1984

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SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS

WHEREAS, Cherokee Village Development Company, Inc., an Arkansas corporation, owner and 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, Cooper Communities, Inc., (formerly Cooper Acquisition Corporation and successor in interest to the predecessor Cooper Communities, Inc., and John A. Cooper Company by reason of mergers, the said John A. Cooper Company formerly being the Cherokee Village Development Company, Inc.), a Delaware corporation, hereinafter referred to as "Developer", desires to make an addition to the existing properties by adding thereto as Tract No. 403 the hereinafter described lands; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 403 shall be covered as fully by the Declaration aforesaid as though said tract had been included with the other properties described in said Declaration; and

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. 403 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. 403: BRANCHWOOD SUBDIVISION, BLOCKS 8-12, as shown in Plat Book 10, Page 52, and being more particularly described as follows:

A parcel of land lying in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ (7.135 acres +), in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ (10.205 acres +) of Section 13; in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ (0.230 acres +) and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ (0.695 acres +) of Section 14, Township 21 North, Range 32 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Beginning at a point 441.72 feet North and 557.51 feet East of the Southwest corner of said Section 13 (Arkansas State Plane Coordinates of North 793,173.540 feet and East 1,310,460.313 feet), thence, Northwestwardly along the arc of a curve to the left 1114.21 feet, said curve having a radius of 875.00 feet and a delta angle of 72° 57' 35", thence, N 73° 21' 13" W 43.00 feet, thence, N 16° 09' 44" E 300.00 feet, thence, N 35° 44' 37" E 448.58 feet, thence, N 56° 16' 44" E 378.55 feet, thence, S 36° 28' 55" E 315.00 feet, thence, S 00° 00' 00" E 1239.00 feet, thence, S 57° 33' 29" W 50.00 feet, thence, S 23° 06' 06" W 203.85 feet,

FILED FOR RECORD
At 2 O'clock P.M.

MAY 9 1986

JOSEPHINE R. HEYLAND
Clerk and Recorder
BENTON COUNTY, ARK

