440 PAGE 588

FILED FOR REGORD

At 2 O'Clock P M.

APR 1 0 1972

JOSEPHINE R. HEYLAND Clerk and Recorder BENTON COUNTY, ARK.

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, and is there recorded in Book 373, Page 08, et seq.; and

WHEREAS, Bella Vista Country Club, a nonprofit corporation organized under the laws of the State of Arkansas, hereinafter referred to as "Club," 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. 195 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 195 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 Club is agreeable that said lands hereinafter described as Tract No. 195 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 shall

LITTLE & LAWRENCE
ATTORNEYS AT LAW

POST OFFICE BOX 447
BENTONVILLE. ARKANSAS 72712

be Tract No. 195 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. 195: ALLENDALE SUBDIVISION, Blocks 1 to 5, inclusive, Plat Book N, Page 125, being more particularly described as follows:

A parcel of land lying in the NW\(^1\) of the NW\(^1\) (18.89 acres, more or less); in the SW\(^1\) of the NW\(^1\) (37.85 acres, more or less); in the SE\(^1\) of the NW\(^1\) (4.32 acres, more or less) of Section 5, Township 20 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the Northwest corner of Section 5, Township 20 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas (State Plane Coordinates of North 775,420.893 feet and East 1,351,831.784 feet); run West 8.988 feet to a point; thence run South 224.821 feet to the point of beginning; thence run South 86° 25' 30" East 145.487 feet to a point; thence run South 49° 00' 59" East 959.071 feet to a point; thence run North 56° 08' 34" East 95.131 feet to a point; thence run South 40° 51' 34" East 1162.045 feet to a point; thence run South 40° 51' 34" East 1162.045 feet to a point; thence run South 49° 19' 42" West 528.703 feet to a point; thence run South 57° 18' 30" West 608.644 feet to a point; thence run North 87° 20' 57" West 877.819 feet to a point; thence run North 02° 17' 22" East 2392.746 feet to the point of beginning and containing a total of 61.0608 acres, more or less.

The Club joins in this 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 Club 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 10th day of April, 1972.

COOPER COMMUNITIES, INC.

ATTEST:

Secretary

Vice-President

(Signatures of Country Club officials on next page...)

ATTEST:

BELLA VISTA COUNTRY CLUB

Gly to h little

President

ACKNOWLEDGMENT

STATE OF ARKANSAS) SS. COUNTY OF BENTON)

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 G. Billingsley and W. E. Sheneman, 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.

O IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 10th day of April 1972.

My commission expires: 12-1-72

Betty and Baked Notary Public

ACKNOWLEDGMENT

STATE OF ARKANSAS SS.

71 6 K. 1 3 8 8

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 M. Riordan and Clayton N. Little to me personally well known, who stated that they were the President and Secretary of BELLA VISTA COUNTRY CLUB, a non-profit 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 10th day of April , 1972.

My commission expires:

Betty Ann Bakes Notary Public

12-1-72

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MAY 22 1974

JOSEPHINE R. HEYLAND BENTON COUNTY, ARK.

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, 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. 231, 232, 233, 234, 235, and 236 the hereinafter described lands; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract Nos. 231, 232, 233, 234, 235, and 236 shall be covered as fully by the Declaration aforesaid as though said tracts 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. $\underline{231}$, $\underline{232}$, $\underline{233}$, $\underline{234}$, $\underline{235}$, and $\underline{236}$ 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 For release hereof see Record.

LITTLE, LAWRENCE & MCCOL

ATTORNEYS AT LAW POST OFFICE BOX 447

BENTONVILLE, ARKANSAS 72712

aforesaid and shall be a part of the existing properties, and said lands referred to shall be Tract Nos. 231, 232, 233, 234, 235, and 236 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. 231: ALLENDALE SUBDIVISION, Blocks 6 & 7,

Plat Book , Page 127, being more particularly described as follows:

A parcel of land lying in the SE% of the NW% (4.32 acres, more or less), the SW% of the NW% (18.18 acres, more or less), the NW% of the NW% (2.24 acres, more or less), all in Section 5, Township 20 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, more particularly described as follows:

Commencing at the Northwest corner of said Section 5 (Arkansas State Plane Coordinates: North 775,420.893' and East 1,351,831.784'); run South 849.776 feet; thence East 845.118 feet to the point of beginning; thence South 08°08'59" East 233.48 feet; thence South 62°33'32" West 175.29 feet; thence South 17°30'16" East 88.32 feet; thence South 22°51'32" West 221.39 feet; thence South 21°48'05" East 75.39 feet; thence South 62°05'07" East 170.89 feet; thence South 39°32'27" East 304.74 feet; thence South 07°59'22" East 57.56 feet; thence South 73°04'21" East 144.25 feet; thence Southeasterly along a curve to the right 261.80 feet, said curve having a radius of 60.00 feet and a delta of 250°00'00"; thence North 03°04'21" West 43.13 feet; thence North 73°04'21" West 72.51 feet; thence South 16°02'56" West 35.97 feet; thence South 45°55'45" West 130.84 feet; thence South 89°19'05" West 84.01 feet; thence South 39°55'14" West 39.00 feet; thence South 24°34'51" West 209.97 feet; thence South 10°25'09" East 50.82 feet; thence Southwesterly along a curve to the right 251.42 feet, said curve having a radius of 60.00 feet and a delta of 240°05'28"; thence North 40°19'41" West 199.31 feet; thence South 43°40'25" West 244.16 feet; thence South 04°05'08" East 106.68 feet; thence North 78°39'00" West 149.09 feet; thence Southwesterly along a curve to the right 212.82 feet, said curve having a radius of 60.00 feet and a delta of 203°13'26"; thence North 34°34'26" East 50.82 feet; thence North 00°25'33" West 192.97 feet; thence North 26°59'26" East 13.00 feet; thence North 77°23'56" West 166.93 feet; thence North 50°39'34" East 117.75 feet; thence North 16°35'39" West 59.65 feet; thence South 62°36'17" West 80.00 feet; thence North 09°20'53" East 157.81 feet; thence Northwesterly along a curve to the right 84.46 feet, said curve having a radius of 60.00 feet and a delta of 80°39'07"; thence West 18.80 feet; thence South 02°17'22" West 860.37 feet; thence South 87°20'57" East 877.82 feet; thence North 57°18'30" East 608.65 feet; thence North 49°19'42" thence North 40°51'34" West 1162.05 feet; East 528./1 feet; thence North 02°42'15" East 294.51 feet; thence South 56°08'34" West 95.14 feet; thence North 49°00'58" West 20.00 feet to the point of beginning and containing in all 24.74 acres, more or less.

Tract No. 232: CRESSWELL SUBDIVISION, Block 5, Plat Book , Page 28, being more particularly described as follows:

A parcel of land lying in the NE% of the NW% (6.73 acres, more or less), in the NW% of the NW% (0.02 acres, more or less), of Section 5, Township 20 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the NW corner of said Section 5 (Arkansas State Plane Coordinates North 775,420.893' and East 351,831.784'); thence South 1,388.106 feet; thence East 1,274.455 feet to the point of beginning; thence North 00°13'41" East 191.21 feet; thence North 76°35'57" East 258.70 feet; thence South 06°15'44" East 67.36 feet; thence South 21°48'05" East 37.70 feet; thence South 43°15'52" East 46.69 feet; thence South 70°55'51" East 85.70 feet; thence South 82°35'35" East 100.84 feet; thence North 72°17'59" East 49.34 feet; thence North 37°34'07" East 32.80 feet; thence North 21°07'29" East 47.17 feet; thence North 02°57'39" East 58.08 feet; thence North 04°36'38" West 62.20 feet; thence North 30°15'23" West 69.46 feet; thence North 55°00'29" West 23.83 feet; thence North 56°44'03" East 188.39 feet; thence North 50°45'16" West 91.68 feet; thence North 76°40'32" West 38.10 feet; thence North 08°53'17" West 109.53 feet; thence South 82°07'34" East 189.79 feet; thence North 43°01'40" East 308.06 feet; thence South 15°19'41" West 254.25 feet; thence South 01°13'47" West 603.39 feet; thence North 88°48'18" West 865.00 feet to the point of beginning, containing 6.75 acres, more or less

Tract No. 233: LONGVIEW SUBDIVISION, Blocks 1 - 17, inclusive, Plat Book $\frac{129}{2}$, Page $\frac{129}{2}$, being more particularly described as follows:

A parcel of land lying in the SW% of the NE% (0.24 acres, more or less), the SE% of the NE% (39.80 acres, more or less), the NW% of the SE% (0.04 acres, more or less), the NE% of the SE% (9.70 acres, more or less) of Section 21, and the SW% of the NW% (40.24 acres, more or less), the NW% of the SW% (9.95 acres, more or less) of Section 22, all in Township 21 North, Range 30 West, of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the SE corner of Section 21, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, (State Plane Coordinates of North 785,538.56 feet and East 1,362,921.98 feet); run North 2,346.611 feet; thence run West 1,235.422 feet to the point of beginning; thence run South 89°34'36" East 04.13 feet to a point; thence run North 02°47'58" East 19.68 feet to a point; thence run South 87°11'02" East 2,636.89 feet to a point; thence run North 02°17'42" East 1,662.16 feet to a point; thence run North 87°38'30" West 2,622.34 feet to a point; thence run South 47°21'25" West 14.20 feet to a point; thence run South 02°35'48" West 1,650.88 feet to the point of beginning and containing a total of 99.97 acres, more or less.

Tract No. 234 : REIGHTON SUBDIVISION, Block 9,

Plat Book , Page 30, being more particularly described as follows:

A parcel of land lying in the NE½ of the NW½ (6.72 acres, more or less), and in the NW½ of the NE½ (16.73 acres, more or less) of Section 5, Township 20 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the Southwest corner of Section 32, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, (State Plane Coordinates North 775,420.893 feet and East 1,351,831.784 feet); run East 2,243.216 feet, thence South 470.893 feet to the point of beginning, thence South 15°19'41" West 344.25 feet, thence South 01°13'47" West 603.39 feet, thence South 88°48'18" East 459.80 feet, thence South 87°20'57" East 655.52 feet, thence North 74°05'19" East 47.50 feet, thence North 51°55'49" East 133.31 feet, thence North 46°21'17" East 284.23 feet, thence North 41°48'40" East 100.00 feet, thence North 40°46'18" West 812.39 feet, thence North 04°45'49" East 340.75 feet, thence South 37°38'52" West 228.06 feet, thence South 70°54'23" West 137.57 feet, thence South 33°55'47" East 66.29 feet, thence South 39°10'41" West 141.01 feet, thence South 46°20'52" East 127.06 feet, thence South 22°00'41" East 74.67 feet, thence South 19°58'59" West 98.42 feet, thence South 55°34'12" West 167.01 feet, thence South 66°30'05" West 63.40 feet, thence North 87°00'35" West 150.18 feet, thence North 68°19'31" West 104.46 feet, thence North 29°53'56" West 50.82 feet, thence South 71°16'24" West 196.33 feet, thence North 06°12'35" West 388.28 feet to the point of beginning, containing 23.45 acres, more or less.

Tract No. 235 : RILLINGTON SUBDIVISION, Block 5,

Plat Book , Page 33, being more particularly described as follows:

A parcel of land lying in the NE% of the SE% (0.07 acres, more or less); in the SW% of the SE% (0.69 acres, more or less); in the SE% of the SE% (11.50 acres, more or less); of Section 32, Township 21 North, Range 30 West; and in the NW% of the NE% (10.25 acres, more or less); in the NE% of the NE% (6.43 acres, more or less); of Section 5, Township 20 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 32, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, (State Plane Coordinates of North 775,420.893 feet and East 1,351,831.784 feet); thence run South 464.893 feet to a point; thence run East 3,146.216 feet to the point of beginning; thence run South 40°46'18" East 812.39 feet to a point; thence run North 41°48'40" East 227.32 feet to a point; thence run North 46°13'46" East 280.70 feet to a point; thence run North 62°05'26" East 623.49 feet to a point; thence run North 09°40'57" East 260.49 feet to a point; thence run North

(Rillington description continued

26°16'43" West 191.66 feet to a point; thence run North 03°25'31" West 121.77 feet to a point; thence run North 19°16'19" East 264.89 feet to a point; thence run North 41°30'55" East 218.42 feet to a point; thence run North 32°23'32" East 150.99 feet to a point; thence run North 26°30'10" East 275.22 feet to a point; thence run North 37°54'53" East 116.97 feet to a point; thence run North 52°08'15" West 296.99 feet to a point; thence run South 25°08'47" West 279.68 feet to a point; thence run South 34°09'35" West 175.57 feet to a point; thence run South 43°21'48" West 147.50 feet to a point; thence run South 31°09'34" West 299.18 feet to a point; thence run South 36°44'35" West 279.44 feet to a point; thence run South 55°42'47" West 453.97 feet to a point; thence run South 40°24'00" West 121.51 feet to a point; thence run South 50°15'37" West 240.24 feet to a point; thence run South 86°31'52" West 84.36 feet to a point; thence run South 19°25'42" West 184.26 feet to a point; thence run North 53°20'38" West 112.81 feet to a point; thence run South 57°24'14" West 43.33 feet to a point; thence run North 25°28'40" West 210.73 feet to a point; thence run South 04°45'49" West 221.00 feet to the point of beginning and containing a total of 28.94 acres, more or less.

Tract No. 236: WEEDON SUBDIVISION, Blocks 1 - 10, inclusive, Plat Book 3, Page 132, being more particularly described as follows:

A parcel of land lying in the SE% of the NE% (0.95 acres, more or less); in the NE% of the NE% (0.38 acres, more or less) of Section 20, in the SE% of the NW% (0.19 acres, more or less); in the NE% of the SW% (0.06 acres, more or less); in the NW% of the SW% (0.45 acres, more or less); in the NW% of the NW% (39.62 acres, more or less); in the SW% of the NW% (33.66 acres, more or less); in the NE% of the NW% (9.03 acres, more or less) of Section 21, ALL in Township 21 North, Range 30 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 30 West of the Fifth Principal Meridian, Benton County, Arkansas, (State Plane Coordinates North 791,003.920' and East 1,357,848.330') which is the point of beginning; thence run North 87°19'24" West 10.00 feet to a point; thence run South 02°33'58" West 429.78 feet to a point; thence run North 72°35'19" West 65.76 feet to a point; thence along a curve to the right 41.45 feet, said curve having a radius of 45.00 feet and a delta angle of 52°46'56"; thence run South 72°35'19" East 75.79 feet to a point; thence run South 02°33'58" West 569.39 feet to a point; thence run North 69°26'38" West 41.18 feet to a point; thence run along a curve to the right 41.80 feet, said curve having a radius of 45.00 feet and a delta angle of 53°13'17"; thence run South 69°26'38" East 59.18 feet to a point; thence run South 02°33'58" West 315.22 feet to a point; thence run South 78°18'24" West 31.58 feet to a point; thence run South 48°28'07" West 120.01 feet to a point; thence run South 48°28'08" West 43.51 feet to a point; thence run South 60°54'48" East 88.77 feet to a point; thence run South 31°19'43" West 134.63 feet to a point; thence run South 52°12'47" East 163.29 feet to a point; thence run South 01°54'27" West 869.82 feet to a point; thence run South 02°21'58" West 10.00 feet to a point; thence run South 88°11'00" East 935.79 feet to a point; thence run South 13°37'36" East 155.87 feet to a point; thence run South 89°06'15" East 41.32 feet to a point; thence run North 13°37'36" West 155.19 feet to a point; thence run South 88°11'00" East 359.37 feet to a point; thence run South 39°17'38" East 75.82 feet to a point; thence run North 56°03'41" East 40.18 feet to a point; thence run North 39°17'38" West 124.22 feet to a point; thence run North 02°33'56" East 618.51 feet to a point; thence run North 76°28'36" West 530.00 feet to a point; thence run North 15°28'40" West 181.47 feet to a point; thence run North 34°49'28" East 390.000 feet to a point; thence run North 61°09'26" East 393.86 feet to a point; thence run North 24°52'22" East 323.23 feet to a point; thence run North 39°38'26" East 833.71 feet to a point; thence run North 58°05'27" East 163.75 feet to a point; thence run North 84°15'26" East 111.80 feet to a point; thence run North 29°58'54" West 110.24 feet to a point; thence run North 87°57'25" West 2116.01 feet to the point of beginning and containing 84.34 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 22nd day of May 1974.

COOPER COMMUNITIES, INC.

ATTEST:

Mueman Asst. Secretary

ATTEST:

BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION

Secretary By

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 JOHN A. COOPER, JR. and W. E. SHENEMAN, 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. WOULD TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 22nd day of May , 1974. My commission expires: Notary Public February 11, 1977 ACKNOWLEDGMENT STATE OF ARKANSAS SS. COUNTY OF BENTON 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. NIN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 22nd day of May , 19<u>74</u>.

My commission expires: February 11, 1977

A CONTRACTOR