

5.4

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. 305 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 305 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. 305 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. 305 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. 305 : BOSWELL SUBDIVISION, Blocks 1 thru 5, Plat Book 2, Page 55, being more particularly described as follows:

A parcel of land lying in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ (1.090 acres +) in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ (23.422 acres +), in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ (10.957 acres +) of Section 14, and in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ (0.213 acres +), in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ (14.666 acres +) in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ (1.023 acres +) of Section 23, 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 North 499.469 feet and West 2455.935 feet from the NE corner of Section 23 (Arkansas State Plane Coordinates of N=793,173.540 feet and E=1,310,460.313 feet); thence S40°29'28"W 248.53 feet; thence S22°11'52"W 187.93 feet; thence

For release hereof see Record 2006
Page 47843 09-28-06
Brenda DeShields Clerk
BY J.G.

Assessment
For release hereof see Record 05
Page 13871 3-23-05
Brenda DeShields Clerk

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

JAN 20 1981

FILED FOR RECORD
At 11:45 o'clock A.M.

Kittling

S13°16'35"W 182.89 feet; thence S57°03'03"E 128.70 feet; thence S35°58'05"E 74.74 feet; thence S13°47'50"E 65.00 feet; thence Southwestwardly along the arc of a curve to the left 225.00 feet, said curve having a radius of 505.09 feet and a delta angle of 25°31'24"; thence Southwestwardly along the arc of a curve to the right 361.82 feet, said curve having a radius of 479.83 feet and a delta angle of 43°12'18"; thence 86°06'56"W 262.16 feet; thence Northwestwardly along the arc of a curve to the right 267.42 feet, said curve having a radius of 789.87 feet and a delta angle of 19°23'52"; thence N51°39'23"W 1193.12 feet; thence N39°01'02"W 400.00 feet; thence N61°08'45"E 376.31 feet; thence N80°30'31"E 674.90 feet; thence S83°12'38"E 153.40 feet; thence S83°06'21"E 1058.68 feet; thence S24°19'52"E 369.84 feet to the point of beginning and containing 51.371 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 19th day of January, 1981.

ATTEST: COOPER COMMUNITIES, INC.
James W. Damm By *[Signature]*
Secretary President

ATTEST: BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION
Secretary 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 *the* 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 19th day of January, 1981.

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 Jean Morrison and Clayton N. Little, to me well known, who stated that they were the President and the 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 17th day of January, 1981.

Kathy Moser
Notary Public

My Commission Expires:

1-11-83