

5.02

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. 317 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 317 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. 317 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. 317 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. 317 : ARGYLL SUBDIVISION, BLOCKS 1 thru 6, INCLUSIVE, Plat Book 2, Page 2, being more particularly described as follows:

A parcel of land lying in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ (27.20 acres +) in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ (9.51 acres +) in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ (10.64 acres +) and in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ (4.15 acres +) of Section 23, T-21-N, R-32-W of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the SE corner of Section 23, T-21-N, R-32-W of the Fifth Principal Meridian, Benton County, Arkansas, (State Plane Coordinates N=787,978.936 feet and E=1,310,273.544 feet) run North 694.064 feet to a point; thence run West 2551.544 feet to the point of beginning; thence run S 46° 43' 11" W 231.940 feet to a point on a curve; thence run Northwestwardly along a curve to the left 574.731 feet to a point of tangency, said curve having a degree of curvature of 03° 54' 12" and a chord of N 43° 02' 59" W 571.067 feet; thence

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

FILED FOR RECORD
At 9:35 o'clock 4 M.
JAN 25 1982

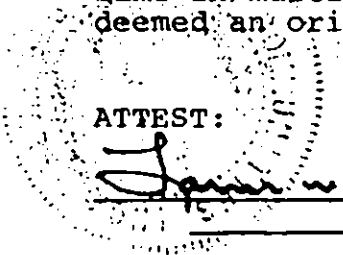
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BENTON COUNTY, ARK.
JAN 25 1982

Return: LYM

run N 54° 15' 59" W 312.780 feet to a point of curvature; thence run Northwestwardly along a curve to the right 548.930 feet to a point of tangency, said curve having a degree of curvature of 07° 14' 52" and a chord of N 34° 22' 26" W 537.968 feet; thence run N 14° 28' 52" W 120.836 feet to a point of curvature; thence run Northwardly along a curve to the right 351.593 feet to a point of tangency, said curve having a degree of curvature of 13° 07' 00" and a chord of N 08° 34' 39" E 342.178 feet; thence run N 31° 38' 10" E 101.194 feet to a point of curvature; thence run Northeastwardly along a curve to the right 362.055 feet to a point of tangency, said curve having a degree of curvature of 07° 49' 30" and a chord of N 45° 48' 05" E 358.378 feet; thence run N 59° 58' 00" E 418.182 feet to a point of curvature; thence run Northeastwardly along a curve to the left 145.000 feet to a point, said curve having a degree of curvature of 07° 59' 56" and a chord of N 54° 10' 03" E 144.753 feet; thence run S 50° 27' 35" E 778.152 feet to a point; thence run S 28° 59' 20" E 169.198 feet to a point; thence run S 20° 00' 57" E 298.000 feet to a point; thence run S 27° 26' 02" E 501.384 feet to a point; thence run S 29° 58' 54" W 240.133 feet to a point; thence run N 72° 35' 04" W 444.370 feet to a point; thence run S 26° 09' 16" W 374.327 feet to a point; thence run S 00° 00' 00" E 191.000 feet to the point of beginning and containing a total of 51.50 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 January, 1982.

ATTEST:

John A. Cooper, Jr.
 Secretary

COOPER COMMUNITIES, INC.
 By [Signature]
 President

ATTEST:
[Signature]
 Secretary

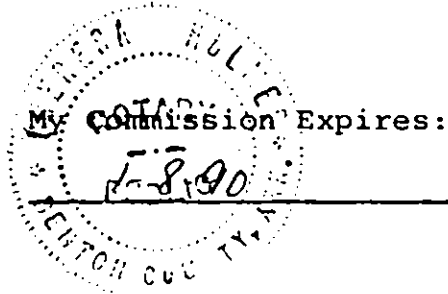
BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION
 By [Signature]
 President

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. Barrett, to me well known, who stated that they were [Signature] President and [Signature] 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 22nd day of January, 1982.

Sheresa Holmes
Notary Public



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 Rick Adams and Clayton G. 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 22nd day of January, 1982.

Sheresa Holmes
Notary Public

