

403

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. 404 the hereinafter described lands; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 404 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. 404 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. 404: BIRSAY SUBDIVISION, Blocks 1-8, Plat Book 10, Page 51, being more particularly described as follows:

A parcel of land lying in the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  (0.044 acres+), in the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (17.251 acres+) and in the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  (9.704 acres+) of Section 35; in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  (23.693 acres+), in the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (28.441 acres+) and in the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (0.310 acres+) of Section 34, Township 21 North, Range 32 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Beginning at a point 1197.65 feet North and 566.33 feet West of the Southeast corner of said Section 34 (Arkansas State Plane Coordinates of North 777,497.885 feet and East 1,304,595.061 feet), thence, N 37°37'59" W 52.25 feet, thence, Northwestwardly along the arc of a curve to the right 215.73 feet, said curve having a radius of 356.60 feet and a delta angle of 34°39'38", thence, N 02°58'21" W 144.05 feet, thence, Northwestwardly along the arc of a curve to the left 221.76 feet, said curve having a radius of 541.73 feet and a delta angle of 23°27'15", thence, N 26°25'36" W 293.23 feet, thence, S 63°34'24" W 186.91 feet, thence, N 90°00'00" W 207.72 feet, thence, N

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

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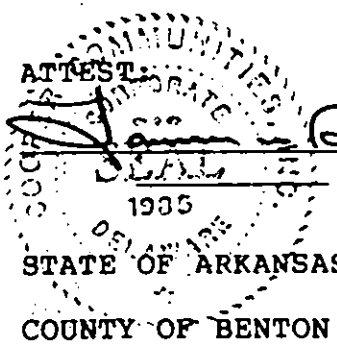
MAY 9 1986


JOSEPHINE R. HEYLAND  
Clerk and Recorder  
BENTON COUNTY, ARK

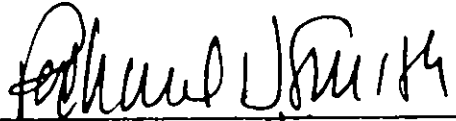
02°16'23" E 966.22 feet, thence, N 34°21'28" E 292.05 feet, thence, N 43°48'29" E 377.22 feet, thence, N 71°56'27" E 290.87 feet, thence, N 09°25'35" E 100.00 feet, thence, S 80°34'25" E 202.75 feet, thence, Southeastwardly along the arc of a curve to the right 521.62 feet, said curve having a radius of 2170.58 feet and a delta angle of 13°46'09", thence, S 66°48'16" E 1244.27 feet, thence, S 23°11'44" W 100.00 feet, thence, Southeastwardly along the arc of a curve to the left 157.59 feet, said curve having a radius of 6413.00 feet and a delta angle of 01°24'29", thence, S 20°39'32" W 61.70 feet, thence, S 64°09'19" W 619.71 feet, thence, N 87°29'36" W 202.07 feet, thence, S 21°55'24" W 350.61 feet, thence, S 41°06'11" W 728.30 feet, thence, S 75°18'27" W 107.47 feet, thence, N 45°17'35" W 299.34 feet, thence, S 27°52'02" W 693.54 feet to the point of beginning, containing 79.443 acres, more or less.

IN WITNESS WHEREOF, this instrument is executed by the Developer through its corporate officers who are duly authorized to so execute same in multiple counterparts, any one of which shall be deemed an original this 8<sup>th</sup> day of May, 1986.

COOPER COMMUNITIES, INC.



ATTEST:  
  
 Secretary

By   
 Vice President

STATE OF ARKANSAS    )  
                                   ) SS    ACKNOWLEDGMENT  
 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 Larry V. Farrell and Richard H. Smith to me well known, who stated that they were Vice 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 8<sup>th</sup> day of May, 1986.

  
 NOTARY PUBLIC

My Commission Expires:  
April 19, 1993

