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FILED FOR RECORD

512 PAGE 276

At 8:30 O'Clock A.M.

MAY 10 1977

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, 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. 258 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 258 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. 258 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. 258 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. 258 : WESTPORT SUBDIVISION, Blocks 1-6, Plat Book u, Page 26, being more particularly described as follows:

A parcel of land lying in the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (0.126 acres +), in the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (35.193 acres +) of Section 4 and in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  (17.928 acres +) of Section 3, Township 20 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, more particularly described as follows:

Beginning at the southeast corner of said Section 4 (Arkansas State Plane Coordinates of North 771,090.100 feet and East 1,331,080.900 feet) thence N87°19'49"W 1202.836 feet; thence N03°42'00"W 1119.704 feet; thence N02°53'50"E 188.000 feet; thence S87°33'35"E 724.763 feet; thence N43°18'00"W 2.345 feet; thence S86°53'50"E 250.000 feet; thence S23°55'11"W 224.875 feet; thence

PREPARED BY:  
COOPER COMMUNITIES, INC.  
LEGAL DEPT. P.O. BOX 669  
BENTONVILLE, ARK. 72712

Returns: LLA+M

S66°04'49"E 352.727 feet; thence N85°03'15"E 772.332 feet; thence Southeastwardly along the arc of a curve to the right 228.723 feet, said curve having a radius of 667.178 feet and a delta angle of 19°38'32"; thence S21°25'54"E 450.245 feet; thence Southeastwardly along the arc of a curve to the right 346.632 feet, said curve having a radius of 1021.062 feet and a delta angle of 19°27'03"; thence S01°58'51"E 150.287 feet; thence N86°30'05"W 356.461 feet; thence N31°27'51"W 338.044 feet; thence N46°41'05"W 240.520 feet; thence N50°53'31"W 195.293 feet; thence N73°42'41"W 69.207 feet; thence S04°40'01"E 343.738 feet; thence S01°00'18"W 220.036 feet; thence N86°30'05"W 165.549 feet to the point of beginning containing 53.247 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 9th day of May, 1977.

ATTEST:

David Beattie  
~~Secretary~~ Secretary

COOPER COMMUNITIES, INC.

By John A. Cooper, Jr.  
President

ATTEST:

Clinton N. Little  
Secretary

BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION

By Don Curtis  
President

STATE OF ARKANSAS )  
                          ) SS  
COUNTY OF BENTON    )

ACKNOWLEDGEMENT

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 David Beattie, to me well known, who stated that they were \_\_\_\_\_ President and \_\_\_\_\_ Assistant 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 9th day of May, 1977.

Wanda Huff  
NOTARY PUBLIC

My Commission Expires: 4/19/80

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 DON CARTER and CLAYTON N. LITTLE, to me well known, who stated that they were President and Secretary of BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, a nonprofit 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 May, 1977.

Linda Burgess  
NOTARY PUBLIC

My Commission Expires:  
February 11, 1980

