

S²³

FILED FOR RECORD
At 3:40 O'Clock P.M.

456 PAGE 474

MAR 9 1973

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 said 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. 221 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 221 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. 221 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

LITTLE & LAWRENCE
ATTORNEYS AT LAW
POST OFFICE BOX 447
BENTONVILLE, ARKANSAS 72712

Return

Release of easement of
For release hereof see Record
Page 598 & 24 12-28-04
Brent D. Shively SD Clerk

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 be Tract No. 221 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. 221 : AYR SUBDIVISION, Blocks 1 to 7, inclusive, Plat Book P, Page 45, being more particularly described as follows:

A parcel of land lying in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ (0.03 acres, more or less) of Section 13, Township 21 North, Range 32 West, and in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ (22.18 acres, more or less); in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ (32.16 acres, more or less); in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ (0.11 acres, more or less) of Section 24, Township 21 North, Range 32 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the Northwest corner of Section 24, Township 21 North, Range 32 West of the Fifth Principal Meridian, Benton County, Arkansas (State Plane Coordinates of North 793,173.540 feet and East 1,310,460.313 feet); run South 48.354 feet to a point; thence run East 1319.122 feet to the point of beginning; thence run North 74° 00' 00" East 11.868 feet to a point of curvature; thence run southeastwardly along a curve to the right 314.881 feet to a point of tangency, said curve having a degree of curvature of 20° 00' 27" and a chord of South 74° 30' 00" East 299.256 feet; thence run South 43° 00' 00" East 45.342 feet to a point of curvature; thence run southeastwardly along a curve to the left 257.463 feet to a point of tangency, said curve having a degree of curvature of 4° 39' 39" and a chord of South 49° 00' 00" East 256.992 feet; thence run South 55° 00' 00" East 48.917 feet to a point of curvature; thence run southeastwardly along a curve to the left 327.592 feet to a point on a curve, said curve having a degree of curvature of 12° 11' 29" and a chord of South 74° 58' 09" East 321.000 feet; thence run southwestwardly along a curve to the right 273.629 feet to a point of tangency, said curve having a degree of curvature of 6° 43' 05" and a chord of South 06° 55' 28" West 272.456 feet; thence run South 16° 06' 56" West 137.123 feet to a point of curvature; thence run southeastwardly along a curve to the left 578.661 feet to a point of tangency, said curve having a degree of curvature of 6° 26' 44" and a chord of South 02° 32' 00" East 568.497 feet; thence run South 21° 10' 56" East 964.952 feet to a point of curvature; thence run southeastwardly along a curve to the left 110.000 feet to a point, said curve having a degree of curvature of 6° 22' 55" and a chord of South 24° 41' 32" East 109.931 feet; thence run South 67° 30' 53" West 142.856 feet to a point; thence run South 27° 46' 21" West 191.003 feet to a point; thence run South 75° 57' 50" West 235.017 feet to a point; thence run North 24° 34' 02" West 38.484 feet to a point; thence run South 72° 11' 32" West 173.303 feet to a point; thence run North 21° 06' 17" West 122.197 feet; thence run South 76° 13' 26" West 373.751 feet to a point; thence run South 69° 59' 51" West 122.359 feet to a point; thence run North 88° 06' 18" West 160.000 feet to a point; thence run North 01° 53' 42" East 2671.210 feet to the point of beginning and containing a total of 54.4821 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 9th day of March, 1973.

ATTEST: COOPER COMMUNITIES, INC.

Joe Basore
Assistant Secretary

By G. Billingsley
Vice-President

ATTEST: BELLA VISTA COUNTRY CLUB

Clyton Little
Secretary

By J. Lindeman
President

ACKNOWLEDGMENT

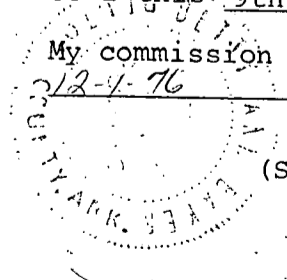
STATE OF ARKANSAS)
)SS.
COUNTY OF BENTON)

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 Joe N. Basore, 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.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 9th day of March, 1973.

My commission expires: 12-4-76

Betty Ann Baker
Notary Public



(Second Acknowledgment on next page.....)

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 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 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

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal this 9th day of March, 1973.

My commission expires:
12-1-76

Betty Ann Baker
Notary Public

