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Declar
7-05

of easement
For release hereof see Record 05
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Brenda DeShields / SD Clerk

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FILED FOR RECORD
At 9:50 O'Clock A M.

JUN 23 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. 264 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 264 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. 264 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. 264 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. 264: BENNINGTON SUBDIVISION, Blocks 1-7, Plat Book 4, Page 83, being more particularly described as follows:

A parcel of land lying in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ (0.809 acres +), in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ (21.399 acres +) in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ (37.267 acres +) and in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ (0.373 acres +) all in Section 11, Township 20 North, Range 31 West of the Fifth Principal Meridian, Benton County, Arkansas, more particularly described as follows:

Beginning at a point 1154.792 feet West and 55.826 feet North of the Southeast corner of said Section 11 (Arkansas State Plane Coordinates of North 765,328.990 feet and East 1,341,424.140 feet) thence N87°13'56"W 1512.541 feet; thence N03°16'56"E 1877.972 feet; thence

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PREPARED BY:
COOPER COMMUNITIES, INC.
LEGAL DEPT. P.O. BOX 689
BENTONVILLE, ARK. 72713

Return LLM/M

S87°57'48"E 200.000 feet; thence N03°16'56"E 641.007 feet; thence southwestwardly along the arc of a curve to the left 159.217 feet, said curve having a radius of 294.309 feet and a delta angle of 30°59'46"; thence southwestwardly along the arc of a curve to the right 47.775 feet, said curve having a radius of 491.984 feet, and a delta angle of 05°33'50"; thence N03°25'03"E 84.912 feet; thence N09°09'16"E 0.568 feet; thence northeastwardly along the arc of a curve to the left 12.451 feet, said curve having a radius of 411.984 feet and a delta angle of 01°43'54"; thence southeastwardly along the arc of a curve to the right 451.130 feet, said curve having a radius of 374.309 feet and a delta angle of 69°03'17"; thence S41°50'43"E 417.533 feet; thence southeastwardly along the arc of a curve to the right 432.440 feet, said curve having a radius of 525.385 feet and a delta angle of 47°09'35"; thence southeastwardly along the arc of a curve to the left 381.647 feet, said curve having a radius of 462.004 feet and a delta angle of 47°19'49"; thence S42°00'57"E 227.011 feet; thence southeastwardly along the arc of a curve to the right 589.076 feet, said curve having a radius of 588.421 feet and a delta angle of 57°21'34"; thence S15°20'38"W 351.924 feet; thence southeastwardly along the arc of a curve to the left 313.676 feet, said curve having a radius of 289.138 feet and a delta angle of 62°09'30"; thence S46°48'52"E 195.192 feet to the point of beginning containing 59.848 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 20th day of June, 1977.

ATTEST:
David Butts
Assistant Secretary

COOPER COMMUNITIES, INC.
By J. Billuey
Vice President

ATTEST:
Clayton G. Blitt
Secretary

BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION
By Ray Carter
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 G. M. Billingsley and David Beattie, to me well known, who stated that they were Vice 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 20th day of June, 1977.

Janet Beld
 NOTARY PUBLIC

My Commission Expires:

2-3-81

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 non-profit 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 June, 1977.

Linda Burger
 NOTARY PUBLIC

My Commission Expires:

February 11, 1980