

5<sup>th</sup> Supplemental Declaration noted

FILED FOR RECORD

At 9:55 O'Clock A.M.

514 PAGE 124

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. 265 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 265 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. 265 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. 265 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. 265: BRIDGEWATER SUBDIVISION; Blocks 1-3, Plat Book W, Page 84, being more particularly described as follows:

A parcel of land lying in the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  (2.8009 acres +), NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (4.4621 acres +), SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  (0.8565 acres +), and in the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (36.1702 acres +) of Section 11, T-20-N, R-31-W and in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  (23.8017 acres +) of Section 12, T-20-N, R-31-W all of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Beginning at the Southeast corner of said Section 11 (Arkansas State Plane Coordinates N-765,328.990 feet and E-1,341,424.140 feet) thence N87°13'56"W 1156.141 feet; thence N46°48'52"W 195.192 feet; thence north-westwardly along the arc of a curve to the right 313.676 feet, said curve having a radius of 289.138 feet and a delta angle of 62°09'30"; thence N15°20'

PREPARED BY:  
COOPER COMMUNITIES, INC.  
LEGAL DEPT. P.O. BOX 688  
BENTON COUNTY, ARK.

Return LLM:W

38"E 351.924 feet; thence northwestwardly along the arc of a curve to the left 589.076 feet, said curve having a radius of 588.421 feet and a delta angle of 57°21'34"; thence N42°00'57"W 227.011 feet; thence northwestwardly along the arc of a curve to the right 181.006 feet, said curve having a radius of 462.004 feet and a delta angle of 22°26'51"; thence N78°08'49"E 327.071 feet; thence S66°32'28"E 866.631 feet; thence S49°59'11"E 1057.592 feet; thence S84°12'26"E 693.542 feet; thence N60°31'52"E 484.806 feet; thence S02°40'56"W 965.000 feet; thence N87°13'56"W 1334.340 feet to the point of beginning and containing 68.0914 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 Beattie  
Assistant Secretary

COOPER COMMUNITIES, INC.

By G. M. Billingsley  
Vice President

ATTEST:

Clayton H. [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 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 20 day of June, 1977.

Janet Redd  
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 Burgess  
NOTARY PUBLIC

My Commission Expires:  
February 11, 1980