

SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS

FILED FOR RECORD
A 10 0'clock M

MAY 04 1990
SUE HODGES
Clerk and Recorder

WHEREAS, Cooper Communities, Inc., (formerly named 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 named Cherokee Village Development Company, Inc.), 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, 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. 468 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 468 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

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. 468 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. 468 : MONIKIE SUBDIVISION, BLOCKS 1 THROUGH 5, BELLA VISTA VILLAGE, Plat Book 18, Page 300, being described as follows:

A PARCEL OF LAND LYING IN THE NE1/4 OF THE NE1/4 (4.081 ACRES ±), IN THE SE1/4 OF THE NE1/4 (22.210 ACRES ±), IN THE SW1/4 OF THE NE1/4 (11.476 ACRES ±), AND IN THE NW1/4 OF THE NE1/4 (3.273 ACRES ±) OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 32 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1265.73 FEET WEST AND 881.73 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 27 (ARKANSAS STATE PLANE COORDINATES OF NORTH 788,099.22 FEET AND EAST 1,304,990.77 FEET), THENCE, S 29°32'42" E 202.44 FEET; THENCE, S 75°44'30" E 661.56 FEET; THENCE, S 86°28'19" E 212.52 FEET; THENCE, S 47°52'10" E 219.75 FEET; THENCE, SOUTHWESTWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT 99.94 FEET, SAID CURVE HAVING A RADIUS OF 1050.51 FEET AND A DELTA ANGLE OF 05°27'02", THENCE, S 26°09'07" W 635.60 FEET; THENCE, S 56°42'24" W 360.57 FEET; THENCE, S 75°49'08" W 406.87 FEET; THENCE, S 47°52'01" W 138.88 FEET; THENCE, NORTHWESTWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT 147.63 FEET, SAID CURVE HAVING A RADIUS OF 514.58 FEET AND A DELTA ANGLE OF 16°26'14", THENCE, S 82°41'59" W 60.00 FEET; THENCE, N 07°18'01" W 309.43 FEET; THENCE, NORTHWESTWARDLY ALONG THE ARC OF A CURVE TO THE RIGHT 445.08 FEET, SAID CURVE HAVING A RADIUS OF 935.91 FEET AND A DELTA ANGLE OF 27°14'52", THENCE, N 71°43'15" W 359.71 FEET; THENCE, NORTHEASTWARDLY ALONG THE ARC OF A CURVE TO THE LEFT 30.08 FEET, SAID CURVE HAVING A RADIUS OF 585.03 FEET AND A DELTA ANGLE OF 02°56'46", THENCE, N 19°10'54" E 238.64 FEET;

7- Cooper Comm
Gene

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THENCE, NORTHEASTWARDLY ALONG THE ARC OF A CURVE TO THE LEFT 153.43 FEET, SAID CURVE HAVING A RADIUS OF 350.27 FEET AND A DELTA ANGLE OF 25°05'51", THENCE, S 75°39'31" E 193.83 FEET, THENCE, N 00°48'32" W 309.83 FEET, THENCE, N 08°22'43" E 176.29 FEET, THENCE, S 89°15'48" E 135.52 FEET, THENCE, S 67°18'33" E 186.49 FEET, THENCE, N 61°37'33" E 371.92 FEET TO THE POINT OF BEGINNING, CONTAINING 41.040 ACRES, MORE OR LESS.

IN WITNESS WHEREOF, this instrument is executed by the Developer through its respective corporate officers who are duly authorized to so execute same in multiple counterparts, any one of which shall be deemed an original this 4th day of May, 1990.

ATTEST:

COOPER COMMUNITIES, INC.

Gene Groseclos
Asst. Secretary

BY Roger N. McMennamy
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 Roger N. McMennamy and Gene Groseclos, 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 4th day of May, 1990.

Peggy L. Ayers
Notary Public



OFFICIAL SEAL
PEGGY L. AYERS
NOTARY PUBLIC - ARKANSAS
BENTON COUNTY
My Commission Expires Oct. 1, 1994

93_08028

FILED FOR RECORD
At 2:00 O'clock P.M.

FEB 08 1993

AMENDMENT TO THE
PROTECTIVE COVENANTS OF THE
BELLA VISTA VILLAGE DECLARATION
OF COVENANTS AND RESTRICTIONS

SUE HODGES

Clerk and Recorder
BENTON COUNTY, ARK.

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, COOPER COMMUNITIES, INC. (formerly named 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 named Cherokee Village Development Company, Inc.), hereinafter referred to as "Developer", joined by the Bella Vista Village Property Owners Association (formerly known as the Bella Vista Country Club), as "Association", heretofore executed the Bella Vista Village Declaration of Covenants and Restrictions dated May 18, 1965, as recorded in Book 373, Page 08, et seq., of the records of Benton County, Arkansas; and

WHEREAS, said Declaration of Covenants and Restrictions remains in effect and is applicable to the lands therein described and all lands subsequently subjected thereto or which may be hereafter subjected thereto, all in accordance with the provisions of ARTICLE II thereof; and

WHEREAS, the Association has requested the Developer to amend the Protective Covenants of said Declaration in order to specifically authorize the charging of fees by the Architectural Control Committee and the Board of Directors of the Developer has now adopted a resolution for that purpose.

NOW THEREFORE, the President and Secretary of Cooper Communities, Inc. hereby certify that the following is a full, true and correct copy of a resolution duly adopted by the Board of Directors of Cooper Communities, Inc. on February 8, 1993:

RESOLUTION

WHEREAS, the Board of Directors of the Bella Vista Village Property Owners Association has requested that the Board of Directors of Cooper Communities, Inc. take appropriate action to amend the Bella Vista Village Protective Covenants in certain respects as hereinafter set forth; and

WHEREAS, the Board of Directors of Cooper Communities, Inc. has reviewed the proposed

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amendment and has no objection to its adoption as an addition to the Bella Vista Village Protective Covenants;

NOW THEREFORE, BE IT RESOLVED, that the Protective Covenants set forth in the Bella Vista Village Declaration of Covenants and Restrictions dated May 18, 1965, and recorded in Book 373, Page 08, et seq., of the records of Benton County, Arkansas, are hereby amended pursuant to Paragraph 3 thereof to include as additions thereto the following paragraphs:

27. To enable the A.C.C. to perform its responsibilities under the Declaration, any Supplemental Declaration, and these Protective Covenants, the A.C.C. may establish and charge fees and may require such fees to be paid prior to performance of any such responsibilities.

BE IT FURTHER RESOLVED, that any of the officers of the corporation that may be necessary or appropriate be and they are hereby authorized and directed to execute any and all instruments which may now or hereafter be required and to do and perform or cause to be done and performed all such further acts of every character as such officers may deem necessary, advisable or appropriate to effectuate such amendments and in any respects to carry out the intent and purposes of this resolution;

BE IT FURTHER RESOLVED, that all acts, past, present and future, on the part of the officers of the corporation in effecting the purposes of this resolution are hereby ratified, confirmed and approved.

IN WITNESS WHEREOF, the President and Secretary of Cooper Communities, Inc. have subscribed hereto and caused the seal of the corporation to be affixed this 8th day of February, 1993.

ATTEST:

Secretary

COOPER COMMUNITIES, INC.

President

APPROVED:

ATTEST:

Secretary

BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION

President

STATE OF ARKANSAS)
COUNTY OF Benton) ss.

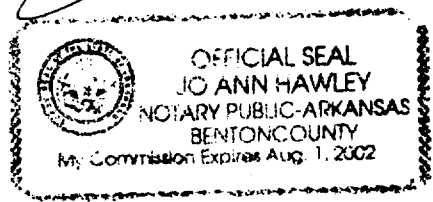
ACKNOWLEDGMENT

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 Roger McMennamy and Richard H. Smith to me well known, who stated that they were 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 8th day of FEBRUARY, 1993.

My Commission Expires:
August 1, 2002

[Signature]
Notary Public



STATE OF ARKANSAS)
COUNTY OF Benton) ss.

ACKNOWLEDGMENT

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 HOWARD L. HELLERSTEDT and VIOLET E. HUMPHREY to me well known, who stated that they were President and Secretary of BELLA VISTA VILLAGE PROPERTY OWNERS ASSOCIATION, 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 8th day of February, 1993.

My Commission Expires:
2/25/2002

[Signature]
Notary Public