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SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS

WHEREAS, John A. Cooper Company, formerly Cherokee Village Development Company, an Arkansas corporation, 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, 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 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 numbered 75 the hereinafter described land; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract numbered 75 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 numbered 75 shall be covered and included under the terms, provisions, assessments and liens as provided in the Declaration above referred to;

NOW, THEREFORE, the Developer for the purposes aforesaid and in compliance with ARTICLE II, Section 2, of the Declaration aforesaid declares that the following lands are hereby subject to said Declaration to the extent that same shall

**FILED FOR RECORD**  
At 9:45 O'clock A M.

JUL 10 1968

**JOSEPHINE R. HEYLAND**  
Clerk and Recorder  
BENTON COUNTY, ARK.

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

constitute additional lands under the Declaration aforesaid and shall be a part of the existing property, and said lands referred to shall be Tract numbered 75 under and in said Declaration and covered by said Declaration as fully as though the same had been included in the 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. 75: Blocks 1 thru 10, inclusive,  
NORTH RIDING SUBDIVISION, Plat Book     ,  
Page 118, being more particularly described  
as follows:

A parcel of land lying in the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (0.53 acres, more or less), the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  (0.03 acres, more or less), the NW $\frac{1}{4}$  of the SW $\frac{1}{4}$  (12.28 acres, more or less), and the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  (10.00 acres, more or less) of Section 17; Township 21 North, Range 30 West and in the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  (0.45 acres, more or less), the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (29.77 acres, more or less) The NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  (0.31 acres, more or less), the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  (40.00 acres, more or less) and the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  (2.19 acres, more or less) of Section 18, Township 21 North, Range 30 West, and in the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  (17.91 acres, more or less) and the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  (4.76 acres, more or less) of Section 19, Township 21 North, Range 30 West, and in the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  (18.28 acres, more or less) of Section 20, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, being more particularly described as follows:

Commencing at the SW corner of Section 17, Township 21 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas; run South 181.840 feet to a point; thence run East 633.040 feet to the point of beginning; thence run South 24° 6' 8" East 208.147 feet to a point; thence run South 12° 1' 36" West 470.323 feet to a point; thence run South 27° 20' 17" West 298.319 feet to a point; thence run South 0° 50' 43" East 200.00 feet to a point; thence run North 82° 1' 19" West 432.133 feet to a point; thence run North 35° 32' 16" West 301.081 feet to a point; thence run North 26° 26' 51" West 435.587 feet to a point; thence run North 56° 48' 14" West 418.259 feet to a point; thence run South 84° 12' 26" West 208.062 feet to a point; thence run South 62° 40' 21" West 235.55 feet to a point; thence run South 71° 33' 54" West 284.605 feet to a point; thence run South 51° 33' 46" West 80.430 feet to a point; thence run South 66° 0' 3" West 105.905 feet to a point on a curve; thence run Northwestwardly along a curve to the left 127.966 feet to a point of reverse curvature, said curve having a degree of curvature of 13° 23' 44" and chord of North 51° 11' 38" West 127.490 feet; thence run Northwestwardly along a curve to the right 201.013 feet to a point; said curve having a degree of curvature of 15° 49' 39" and a chord of North 43° 51' 26" West 198.440 feet; thence run North 62° 17' 55" East 103.448 feet to a point; thence run North 12° 13' 5" East 779.660 feet to a

(Description continued. . .)

point; thence run North 29° 16' 32" East 385.856 feet to a point; thence run North 2° 47' 1" East 714.998 feet to a point; thence run South 86° 57' 48" East 155.000 feet to a point; thence run North 18° 52' 47" West 377.303 feet to a point; thence run North 68° 32' 0" West 95.000 feet to a point; thence run North 21° 28' 0" East 316.300 feet to a point; thence run North 68° 32' 0" West 50.000 feet to a point; thence run North 21° 28' 0" East 197.636 feet to a point of curvature; thence run Northeastwardly along a curve to the right 331.742 feet to a point of tangency, said curve having a degree of curvature of 16° 21' 37" and a chord of North 48° 36' 13" East 319.477 feet; thence run North 75° 44' 27" East 764.446 feet to a point of curvature; thence run eastwardly along a curve to the right 567.166 feet to a point of tangency, said curve having a degree of curvature of 5° 4' 57" and a chord of South 89° 50' 46" East 561.203 feet; thence run South 75° 26' 0" East 712.135 feet to a point of curvature; thence run eastwardly along a curve to the left 384.954 feet to a point, said curve having a degree of curvature of 3° 6' 56" and a chord of South 81° 25' 48" East 384.251 feet; thence run South 2° 34' 24" West 165.000 feet to a point; thence run South 88° 59' 2" West 152.818 feet to a point; thence run South 67° 31' 14" West 156.924 feet to a point; thence run North 86° 11' 9" West 75.166 feet to a point; thence run South 30° 45' 46" West 396.387 feet to a point; thence run North 54° 11' 57" West 582.272 feet to a point; thence run North 47° 4' 57" West 389.166 feet to a point; thence run North 77° 0' 19" West 133.417 feet to a point; thence run South 84° 3' 11" West 241.299 feet to a point; thence run South 19° 26' 24" West 180.278 feet to a point; thence run South 21° 48' 5" East 565.442 feet to a point; thence run South 44° 44' 4" East 457.503 feet to a point; thence run South 15° 12' 35" West 331.616 feet to a point; thence run South 24° 40' 37" East 407.185 feet to a point; thence run South 3° 18' 7" West 260.432 feet to a point; thence run South 72° 17' 3" East 377.922 feet to a point; thence run South 0° 58' 46" East 585.085 feet to the point of beginning and containing a total of 136.4927 acres.

The Club joins in this Declaration as it joined in the original Declaration for the purposes 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 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

8th day of July, 1968.

JOHN A. COOPER COMPANY

ATTEST:

Ellen Orr  
Assistant Secretary

By G. Billingsley  
Vice-President

BELLA VISTA COUNTRY CLUB

ATTEST:

Clayton N. Little  
Secretary

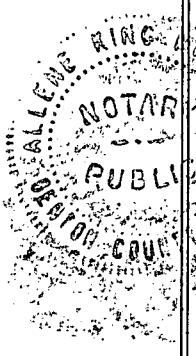
John A. Cooper, Jr.  
President

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. M. BILLINGSLEY and ELLEN ORR, to me personally well known, who stated that they were the Vice-President and Assistance Secretary of JOHN A. COOPER COMPANY, an Arkansas 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 that 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 8<sup>th</sup> day of July, 1968.



My commission expires:  
November 2, 1968

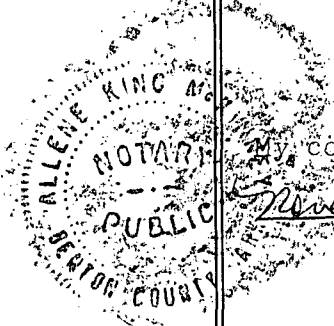
Allene King McPherson  
Notary Public

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 A. COOPER, JR. and CLAYTON N. LITTLE, to me personally well known, who stated that they were the President and Secretary of BELLA VISTA COUNTRY CLUB, an Arkansas 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 8<sup>th</sup> day of July, 1968.



Allene King McHenry  
Notary Public

My commission expires:  
November 2, 1968.

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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.

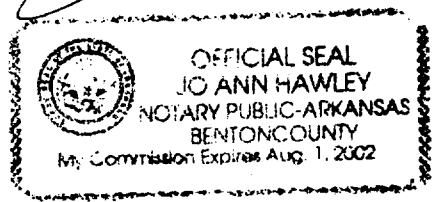
ACKNOWLEDGMENT

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