

400

SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS

WHEREAS, Cherokee Village Development Company, Inc., an Arkansas corporation, owner and 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, Cooper Communities, Inc., (formerly 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 the Cherokee Village Development Company, Inc.), a Delaware corporation, hereinafter referred to as "Developer", desires to make an addition to the existing properties by adding thereto as Tract No. 402 the hereinafter described lands; and

WHEREAS, it is the desire of the Developer that the properties hereinafter described as Tract No. 402 shall be covered as fully by the Declaration aforesaid as though said tract had been included with the other properties 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. 402 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. 402: CANNICH SUBDIVISION, BLOCKS 1-9, Plat Book 10, Page 53, being more particularly described as follows:

A parcel of land lying in the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ (2.978 acres +), in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ (14.108 acres +), in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ (38.268 acres+), in the E $\frac{1}{4}$ of the SE $\frac{1}{4}$ (0.122 acres +), in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ (0.682 acres +) and in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ (2.811 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 950.77 feet West and 504.99 feet North of the Southeast corner of said section 27 (Arkansas State Plane Coordinates of North 782,787.386 feet and East 1,304,802.990 feet), thence, N 62° 54' 07" W 489.41 feet, thence, N 78° 51' 18" W 172.02 feet, thence, N 48° 18' 05" W 472.36 feet, thence, S 74° 11' 02" W 335.87 feet, thence, N 88° 59' 10" W 333.28 feet, thence, N 01° 07' 50" E 442.94 feet, thence, N 87° 54' 11" W 22.88 feet, thence, N 01° 50' 32" E 1232.88 feet, thence, S 88° 52' 10" E 107.56 feet, thence, N 70° 34' 31" E 255.63 feet, thence, S 83° 27' 32" E 377.70 feet, thence, Northeastwardly along the arc

FILED FOR RECORD
At 2 O'clock P.M.
MAY 9 1986
JOSEPHINE R. HEYLAND
Clerk and Recorder
BENTON COUNTY, ARK

of a curve to the right 474.14 feet, said curve having a radius of 483.49 feet and a delta angle of 56° 11' 18", thence, N 79° 58' 23" E 252.40 feet, thence, N 82° 41' 59" E 60.00 feet, thence, Southeastwardly along the arc of a curve to the left 362.23 feet, said curve having a radius of 514.58 feet and a delta angle of 40° 19' 54", thence, S 42° 22' 05" W 60.00 feet, thence, Northwestwardly along the arc of a curve to the right 190.77 feet, said curve having a radius of 574.58 feet and a delta angle of 19° 01' 23", thence, S 61° 45' 21" W 209.62 feet, thence, S 37° 42' 00" E 138.18 feet, thence, S 03° 20' 54" W 463.59 feet, thence, S 60° 13' 20" W 173.66 feet, thence, S 37° 10' 20" E 283.10 feet, thence, S 02° 51' 13" E 295.93 feet, thence, S 46° 38' 59" W 256.18 feet, thence, S 61° 58' 51" E 119.72 feet, thence, S 32° 00' 37" E 520.59 feet, thence, S 18° 26' 43" E 323.69 feet, thence, S 12° 03' 17" W 65.62 feet to the point of beginning, containing 58.969 acres, more or less.

IN WITNESS WHEREOF, this instrument is executed by the Developer through its 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 May, 1986.

ATTEST
COOPER COMMUNITIES, INC.
[Signature] Secretary By [Signature] Vice 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 Richard H. Smith and Larry W. Harrell, to me well known, who stated that they were Vice President and Vice 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 May, 1986.

[Signature]
NOTARY PUBLIC

My Commission Expires:
April 19, 1993

