

**FOURTH AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS**

NOTTING HILLS SUBDIVISION, SECTION 3
Jefferson County, Kentucky

This Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Notting Hills (this "Fourth Amendment") is made as of 9-25-15, 2015, by **NOTTING HILL DEVELOPMENT, LLC**, a Kentucky limited liability company, 301 Middletown Park Place, Suite A, Louisville, Kentucky 40243 ("Master Developer") and by **WELCH DEVELOPERS LLC**, a Kentucky limited liability company, 301 Middletown Park Place, Suite A, Louisville, Kentucky 40243 ("Section 3 Developer").

RECITALS

A. Master Developer placed of record a Declaration of Covenants, Conditions and Restrictions for Notting Hill (aka Notting Hills), which is of record in Deed Book 8686, Page 325, in the office of the Clerk of Jefferson County, Kentucky (the "Declaration").

B. Master Developer amended the Declaration by a First Amendment dated November 30, 2005, of record in Deed Book 8748, Page 647, and by a Second Amendment dated November, 2006, of record in Deed Book 8951, Page 816, each in the office of the Clerk of Jefferson County, Kentucky, and each of which subjected to the Declaration certain real property described therein. By a Third Amendment dated November 29, 2011, of record in Deed Book 9823, Page 94, in the office of the Clerk of Jefferson County, Kentucky, Master Developer again amended the Declaration to withdraw certain property described in that Third Amendment.

C. Pursuant to the Declaration, Master Developer reserved the right to amend and or supplement the Declaration to subject additional land to the scheme of the Declaration and to make certain changes and other provisions with respect to the additional land subjected to the Declaration. Section 3 Developer is the owner of the additional property described below, and both Master Developer and Section 3 Developer desire to subject that additional property to the Declaration, with certain modifications as set forth herein.

AMENDMENTS

In accordance with the rights reserved in the Declaration, Master Developer and Section 3 Developer hereby amend and supplement the Declaration as follows.

1. **Annexation of Additional Property.** The following real property is hereby made subject to the Declaration, which real property is located in Jefferson County, Kentucky, and more particularly described as follows:

BEING Lots 131 through 171 inclusive, and Open Space Lots 172 through 174 inclusive, all as shown on the plat of Notting Hills, Section 3, which plat is of

record in Plat and Subdivision Book 55, Page 16, in the office of the Clerk of Jefferson County, Kentucky.

BEING the property conveyed to Welch Developers LLC, by Deed dated January 27, 2015, of record in Deed Book 10358, Page 39, as corrected by Deed of Correction of record in Deed Book 10402, Page 943, in the office of the Clerk of Jefferson County, Kentucky.

Except as expressly set forth below in this Fourth Amendment, the Lots described above are made subject in all respects to the covenants, conditions and restrictions of the Declaration, including without limitation making Lot owners members of the Homeowners Association (as defined in the Declaration) and subjecting the Lot owners to all of the rights and obligations set forth in the Declaration. Without limiting the generality of the foregoing, the Lot owners are expressly advised of their rights and obligations under Section 4.1A of the Declaration with respect to Tree Canopy Protection Area shown on the plat of any section of Notting Hills.

2. **Amendments.** Pursuant to the right reserved in Section 1.2 of the Declaration to make certain changes with respect to the covenants, conditions and restrictions set forth in the Declaration with respect to any additional property subjected to the Declaration, Master Developer and Section 3 Developer hereby makes the following amendments to the Declaration with respect only to the Section 3 Lots described above and made subject to the Declaration by this Fourth Amendment:

(A) **Minimum Square Footages.** Section 3.3 of the Declaration regarding minimum floor areas is amended to read as follows with respect to Lots 131 through 171 inclusive, as shown on the plat of Notting Hills, Section 3, recorded as set forth above:

"Section 3.3. **Minimum Floor Areas.** The following shall be the minimum floor areas for homes to be constructed in Notting Hills, Section 3, after this Fourth Amendment is recorded:

(a) The total floor area of a one-story dwelling shall be a minimum of 1,800 square feet on Lots 131 through 171 inclusive.

(b) The total floor area for a two-story dwelling shall be a minimum of 2,400 square feet on Lots 131 through 171 inclusive, with a minimum of 1,200 square feet on the first floor.

(c) The total floor area of a one and one-half story dwelling shall be a minimum of 2,200 square feet on Lots 131 through 171 inclusive, with a minimum of 1,250 square feet on the first floor.

(d) Basement areas (finished and unfinished), garages, decks and open porches shall not be included in calculating floor areas."

(B) **Basements.** The following provision is added to the Declaration with respect only to Lots 131 through 171 inclusive, as shown on the plat of Notting Hills, Section 3, recorded as set

COMMONWEALTH OF KENTUCKY)
)SS
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me on 9-25-15, 2015, by Scott A. Welch, member of Welch Developers LLC, a Kentucky limited liability company, on behalf of the company.

Danny L. Gray
Notary Public
Commission expires: April 3, 2016

This Instrument Prepared By:

D Buechler
David B. Buechler
Stuart & Buechler, P.S.C.
906 Lily Creek Road, Suite 202
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Document No.: DNE015134402
Lodged By: S & B
Recorded On: 10/07/2015 10:11:10
Total Fees: 16.00
Transfer Tax: .00
County Clerk: BOBBIE HOLSCLOW-JEFF CO KY
Deputy Clerk: EVERAY

Recorded in Plat Book
No. 55 Page 16
Part No. _____

END OF DOCUMENT