

## **Bobbie Holsclaw**

### Jefferson County Clerk's Office

As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Jefferson County Clerk's Office.

INST # 2017184980 BATCH # 90913

JEFFERSON CO, KY FEE \$13.00

PRESENTED ON: 07-21-2017 7 03:01:24 PM LODGED BY: BARDENWERPER TALBOTT & ROBERTS PLLC

RECORDED: 08-21-2017 03:01:24 PM

BOBBIE HOLSCLAW CLERK

BY: EVELYN MAYES RECORDING CLERK

BK: D 10961 PG: 109-112

# FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR NOTTING HILL SUBDIVISION, SECTIONS 1A, 1B, 2 & 3 JEFFERSON COUNTY, KENTUCKY

#### WITNESSETH:

WHEREAS, Notting Hill Development, LLC, a Kentucky limited liability company is the developer of that certain residential subdivision known as "NOTTING HILL SUBDIVISION SECTION 1A" as shown on plat of same of record in Plat and Subdivision Book 51, Pages 7 & 8, in the Office of the Clerk of Jefferson County, Kentucky, pursuant to that certain Declaration of Covenants, Conditions and Restrictions for Notting Hill Subdivision, Section 1A, of record in Deed Book 8686, Page 325; as amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Notting Hill Subdivision, Section 1B, of record in Deed Book 8748, Page 647; as amended by that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions for Notting Hill Subdivision, Section 2, of record in Deed Book 8951, Page 816; as amended by that certain Third Amendment to Declaration of Covenants, Conditions and Restrictions for Notting Hill Subdivision, of record in Deed Book 9823, Page 94; as amended by that certain Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Notting Hill Subdivision, of record in Deed Book 10477, Page 387; all in the Office of the Clerk aforesaid (the original declaration as previously and herein amended, the "Declaration") (the property described therein being collectively referred to herein as the "Subdivision");

WHEREAS, pursuant to Article VI, Section 6.1, Developer hereby amends certain terms of the Declaration to apply to all Sections of the Subdivision to effectuate the intent and scheme of the Declaration and the overall plan for the Subdivision.

**NOW, THEREFORE**, in accordance with the foregoing preambles, which are hereby incorporated herein, Developer hereby declares as follows:

#### DEED Book 10961 Page 111

- 1) Developer declares that the following Section of the Declaration is amended as set forth herein as if these conditions and restrictions were included in and made a part of the Declaration:
  - A. Article VI, Section 6.4 Enforcement. shall be amended as follows:

Enforcement. Enforcement of these restrictions may also be by fine, levied by the Board of Directors of the Homeowners Association. Each Lot owner, by accepting a deed for a lot within the subdivision, agrees to accept the judgment of the Board of Directors with regard to any fine levied for violation of these restrictions and further agrees to the same lien rights for nonpayment as set forth in Article V Section 4.10 of the Declaration. Fines shall not be more than \$50 per violation per day, each day being considered a new violation, but such fines up to that amount are entirely within the discretion of the Board of Directors. All costs and attorneys' fees for enforcement of these restrictions shall be the obligation of the Lot owner. Unpaid fines shall bear interest at the same rate as unpaid assessments and shall be collectible in the same method as unpaid assessments, along with reasonable attorney fees.

WITNESS the signature of Developer by its duly authorized representative as of the day, month, and year first above written.

#### MASTER DEVELOPER

NOTTING HILL DEVELOPMENT, LLC a Kentucky limited liability company

	Ву	Acarmolile
		Scott A. Welch, Manager
COMMONWEALTH OF KENTUCKY		)
COUNTY OF JEFFERSON		)SS )

Subscribed, sworn to and acknowledged before me this 17 day of AUST, 2017, by Scott A. Welch as Manager of Notting Hill Development, LLC, a Kentucky limited liability company, as his free and voluntary act and deed and as the free and voluntary act of the company.

My Commission expires: <u>§ 5</u>

TARY PUBLIC

STATE AT LARGE, KENTUCKY

#### **SECTION 3 DEVELOPER**

WELCH DEVELOPERS, LLC a Kentucky limited liability company

By: Court Scott A. Welch, Member

COMMONWEALTH OF KENTUCKY

)SS

COUNTY OF JEFFERSON

Subscribed, sworn to and acknowledged before me this 17 day of AUGUST, 2017, by Scott A. Welch as Member of Welch Developers, LLC, a Kentucky limited liability company, as his free and voluntary act and deed and as the free and voluntary act of the company.

My Commission expires:

NOTARY PUBLIC

PUBLIC STATE AT LARGE, KENTUCKY

THIS INSTRUMENT PREPARED BY:

BARDENWERPER, TALBOYT & ROBERTS, PLLC

Nicholas R. Pregliasco

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