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**INST # 2019164514**

**BATCH # 188547**

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No. 59 Page 13-14  
Part No. 59

**SIXTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS AND ANNEXATION OF SECTION 4B  
FOR NOTTING HILLS SUBDIVISION  
JEFFERSON COUNTY, KENTUCKY**

**THIS SIXTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND ANNEXATION OF SECTION 4B FOR NOTTING HILLS SUBDIVISION** ("Amendment") is made this 25 day of JUNE, 2019, 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, with a mailing address of 301 Middletown Park Place, Suite A, Louisville, Kentucky 40243 ("Section 4B Developer") (collectively "Developer").

**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 Hills 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 Hills Subdivision, Section 1B, of record in Deed Book 8748, Page 647 (the "First Amendment"); as amended by that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions for Notting Hills 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 Hills 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 Hills Subdivision, of record in Deed Book 10477, Page 387; as amended by that certain Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for Notting Hills Subdivision, of record in Deed Book 10961, Page 109; 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 that 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. The First Amendment annexed both (i) Lot 47 referred to therein as the "Patio Home Property", and (ii) annexed Lot 127 referred to therein as "Condominium Property", into the Subdivision. Pursuant to that certain Revised Development Plan & Revised Preliminary Subdivision Plan approved by the Louisville Metro Planning Commission on October 18, 2018 in Docket No 18DEVPLAN1132, Section 4B of the Subdivision was converted from 22 proposed condominium units to 24 single family lots ("Section 4B"). Master Developer and Section 4B Developer desire to amend the Declaration to make the covenants, conditions, and restrictions in the Declaration applicable to Section 4B similar to the balance of the Subdivision, with certain modifications as set forth herein.

**NOW, THEREFORE**, in accordance with the foregoing preambles, which are hereby incorporated herein, Master Developer and Section 4B Developer hereby amend and supplement the Declaration as follows:

1) **Annexation of Section 4B.** The following real property, being Section 4B, is hereby made subject to the Declaration:

**BEING** Lots 175, 176, 178 through 199 inclusive, and Open Space Lot 177 inclusive, all as shown on the Plat of Notting Hills, Section 4B, which plat is of record in Plat and Subdivision Book 59, Pages 13 & 14, in the Office of the Clerk of Jefferson County, Kentucky.

**BEING** the property conveyed to Welch Developers, LLC by Warranty Deed dated September 1, 2016, of record in Deed Book 10713, Page 989, in the Office of the Clerk of Jefferson County, Kentucky.

Except as expressly set forth below in this Sixth 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.

2) **Amendments.** Pursuant to the rights reserved in Sections 1.2 and 6.1 of the Declaration to effectuate the overall plan for the Subdivision and to make certain changes with respect to the covenants, conditions and restrictions set forth in the Declaration, Master Developer and Section 4B Developer hereby make the following amendments to the Declaration with respect only to the Section 4B lots described above, made subject to the Declaration by this Sixth Amendment:

(A) In Section 4B of the Subdivision, Master Developer and Section 4B Developer hereby delete Section 2 of the First Amendment to Declaration of Covenants, Conditions and Restrictions relating for Section 4B, as no longer applicable.

(B) **Section 3.3 Minimum Floor Areas.** Section 3.3 of the Declaration is hereby amended as follows:

**3.3 Minimum Floor Areas.** The following shall be the minimum floor areas for homes to be constructed in Notting Hills, Section 4B, after this Sixth Amendment is recorded:

(a) The total floor area of a one-story dwelling shall be a minimum of 1,800 square feet on Lots 175, 176 and 178 through 199 inclusive.

(b) The total floor area of a two-story dwelling shall be a minimum of 2,400 square feet on Lots 175, 176 and 178 through 199 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 175, 176 and 178 through 199 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.

(C) **Section 3.1 Building Materials; Builder.** The first sentence of Section 3.1(a) is hereby amended as follows: The exterior building materials of all structures shall be at least 80% brick or stone veneer, except for dormers and gables, and except accents of maintenance free materials such as wood, or concrete siding or aluminum or vinyl trim, or a combination of same.

(D) The following is added as Section 3.8 of the Declaration:

**Section 3.8 Temporary Construction Easement.** By the purchase of a Lot and acceptance of a Deed, the Lot owner grants a temporary access easement over their Lot to the Declarant, its successors and assigns, for normal anticipated or necessary activities for development and construction work, including but not limited to, such activities as adjacent home construction, warranty work on the Lot and adjoining lot, lot and subdivision development, bond release work and work directed by government agencies and utility providers related to the subdivision. The party that caused the disturbance shall restore the disturbed areas of any such Lot to substantially the same or similar condition as existed prior to the commencement of any such work.




COMMONWEALTH OF KENTUCKY )  
 )SS  
COUNTY OF JEFFERSON )

Subscribed, sworn to and acknowledged before me this 25 day of JUNE, 2019, 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: October 27, 2020

  
NOTARY PUBLIC  
STATE AT LARGE, KENTUCKY

**THIS INSTRUMENT PREPARED BY:**

  
Nicholas R. Pregliasco  
**BARDENWERPER, TALBOTT & ROBERTS, PLLC**  
Building Industry Association of Greater Louisville Bldg., 2nd Floor  
1000 N. Hurstbourne Parkway, Suite 200  
Louisville, Kentucky 40223  
(502) 426-6688

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