

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE BRIDGES OF RAZOR CREEK SUBDIVISION, NOW SECTIONS 1 AND 2 JEFFERSON COUNTY, KENTUCKY

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE BRIDGES OF RAZOR CREEK SUBDIVISION ("Amendment") is made, imposed and declared as of this 31 day of October, 2005, by **TIMBER CREEK, LLC**, a Kentucky limited liability company, PO Box 43607, Louisville, Kentucky 40253 ("Developer").

WITNESSETH:

WHEREAS, Developer is the current owner/developer of lots in a certain residential subdivision known as "THE BRIDGES OF RAZOR CREEK SUBDIVISION, SECTION 1" as shown on plat of same of record in Plat and Subdivision Book 48, Page 72, in the Office of the Clerk of Jefferson County, Kentucky (the "Subdivision"); and

WHEREAS, Developer desires to add lots 23 through 71 and open space lots 86, 87, 88 and 89 inclusive in SECTION 2 to said subdivision ("Additional Property") pursuant to the provisions of Article I, Section 1.02 of the Declaration of Covenants, Conditions and Restrictions for The Bridges of Razor Creek Subdivision, Section 1, of record in Deed Book 8059, Page 372, in the Office of the Clerk aforesaid ("Declaration"); and

WHEREAS, Developer desires to exempt Lots 86 through 89, which lots are open space lots, from all inapplicable restrictions, for example, concerning use, maintenance fees, and building size;

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

1. The Additional Property, more fully described on **Exhibit A** attached hereto and incorporated herein by reference and as shown on plat of The Bridges of Razor Creek Subdivision, Section 2, filed simultaneously with the recording of this Amendment, of record in Plat and Subdivision Book 51, Pages 38 and 39 in the Office of the Clerk aforesaid, be and hereby is annexed to The Bridges of Razor Creek Subdivision, Section 1 and the scheme set forth in the Declaration shall be and hereby is extended to include the Additional Property.

2. Developer declares that the Additional Property shall be owned, held, used, leased, conveyed and occupied subject to the conditions and restrictions set forth herein as if these conditions and restrictions were included in and made a part of the Declaration, except as set forth below:

3. Lots 86 through 89 as open space lots shall not be subject to any assessment under any provision of the Declaration or any amendment thereto. Lots 86 through 89 shall not be subject to any limitation on use or building size as set forth in the Declaration or any amendment thereto. Also, lots 86 and 87 are subject to the Woodlands Protection language found at note 14 and also as delineated, both as shown on plat of the Bridges of Razor Creek Subdivision, Section 2 filed simultaneously with the recording of this Amendment, to wit:

Woodland Protection Area (WPAs) identified in this plan represent portions of the site that shall permanently preserve all existing vegetation, except as must be removed to allow for utilities or to satisfy the requirements of government agencies or utility companies. All clearing, grading and fill activity in these areas must be in keeping with these restrictions. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dangerous conditions including dead or declining trees that may pose a public health and safety threat, or, as stated, for the installation of sewer or drainage facilities.

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

TIMBER CREEK, LLC

By: Michael E. Pusateri
Title: Asst. Managing Partner

COMMONWEALTH OF KENTUCKY)
) SS:
COUNTY OF JEFFERSON)

The foregoing instrument was subscribed, sworn to, and acknowledged before me by Michael E. Pusateri as Asst. Managing Partner of TIMBER CREEK, LLC, on behalf of the company, this ____ day of October, 2005.

My Commission expires: 8-8-06.

Barbara A. Watkins
Notary Public, State at Large, Kentucky

THIS INSTRUMENT PREPARED BY:

[Signature]
BARDENWERPER, TALBOTT & ROBERTS, PLLC

8311 Shelbyville Road
Louisville, Kentucky 40222
(502) 426-6688

EXHIBIT A**LEGAL DESCRIPTION OF THE BRIDGES OF RAZOR CREEK SUBDIVISION
SECTION 2**

BEING Lots 23 through 71, inclusive and lots 86, 87, 88 and 89, open space, non-buildable lots, as shown on plat of the Bridges of Razor Creek Subdivision, Section 2 of record in Plat and Subdivision Book 51, Pages 38 and 39, in the office of the Clerk of Jefferson County.

BEING a part of the same property acquired by Timber Creek, LLC by deed of record in Deed Book 7382, Page 804 in the office of the Clerk aforementioned.

Document No.: DM2005204246
Lodged By: BARDENWERPER
Recorded On: 12/05/2005 02:35:10
Total Fees: 12.00
Transfer Tax: .00
County Clerk: BOBBIE HOLSCLAW-JEFF CO KY
Deputy Clerk: SHESCH

Recorded in Plat Book
No. 51 Page 38-39
Part No. _____

END OF DOCUMENT