

**AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR MONTICELLO PLACE, SECTION TWO [2]**

**WHEREAS**, Monticello Place is a residential subdivision (the "Subdivision") located adjacent to Biltown Road and Watterson Trail in southeastern Jefferson County, Kentucky,

**WHEREAS**, Section Two [2] of the Subdivision consists of lots 30 through 46, lots 48 through 61, and lot 148 through 150 (collectively, the "Lots") which are more particularly described in the plat of Monticello Place which is of record in the office of the Clerk Of Jefferson County, Kentucky, in Plat and Subdivision Book 37, Pages 47,

**WHEREAS**, by Declaration of Covenants, Conditions and Restrictions, Monticello Place, Section Two [2] (the "Restrictions") dated June 20, 1989, of record in the office of the aforesaid Clerk in Deed Book 5878, Page 58, the developer of Monticello Place, Phillip Leigh, subjected the Lots in Section Two [2] to certain restrictions set forth therein,

**WHEREAS**, Article V, Section 3, of the Restrictions, in pertinent part, provides that "[t]hese restrictions may be cancelled, altered or amended at any time by the affirmative action of the owners of 75 per cent of the lots subject to these restrictions including the Developers [sic] lots",

**WHEREAS**, the Monticello Place Community Association, Inc (the "Association"), a Kentucky non-profit corporation, was formed to govern the Subdivision,

**WHEREAS**, the board of directors of the Association, by the adoption of appropriate resolution, has recommended that the owners of the Lots in Section Two [2] approve an amendment to the Restrictions, more fully described hereinafter, and the board has submitted same to said owners,

**WHEREAS**, through approval/proxy by at least 75 percent of the owners of the Lots including the Developer's lots located in Section Two [2] vesting authority in Steve VanBogaert to execute the Amendment to the Restrictions set forth hereinbelow,

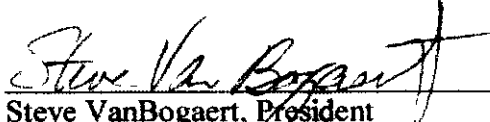
**WHEREAS**, as evidenced by the foregoing, all the requisite conditions precedent to approval of the amendment to the Restrictions have been fully satisfied,

**NOW, THEREFORE**, the Association hereby amends Article V, Section 1, of the Restrictions so that said section, as amended, shall state as follows:

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Section 1 Enforcement Enforcement of these restrictions shall be by Proceeding at law or in equity, brought by an owner, or by the Developer or Association, as the case may be, against any party violating or attempting to violate any covenant or restriction, either to restrain the violation, to direct restoration and/or to recover damages. Failure of any owner, or the Developer and/or Association, as the case may be, to demand or insist upon observance of any of these restrictions, or to proceed for restraint of violations, shall not be deemed a waiver of the violation, or the right to seek enforcement of these restrictions. Should the Developer and/or the Association, as the case may be, initiate and successfully prosecute an action to enforce compliance with a restriction or covenant, the Developer and/or Association, as the case may be, shall be entitled to recover from the party found to have violated a/any restriction(s) or covenant(s) (in addition to any other available remedies at law or equity) all costs incurred by the Developer and/or Association, as the case may be, arising from or related to the initiation and prosecution of the action including, without limitation, attorney fees and expenses


**IN WITNESS WHEREOF**, the Association and the owners of Lots in Section Two [2] execute this Amendment as of the date set forth below

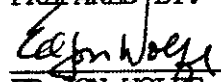
  
Steve VanBogaert, President  
Monticello Place Community  
Association, Inc

STATE OF KENTUCKY  
COUNTY OF JEFFERSON

The foregoing was subscribed, sworn to, and acknowledged before me by Steve VanBogaert in his capacity as President of Monticello Place Community Association, Inc. on this the 6<sup>th</sup> day of June, 2000

My commission expires 9/10/2000

  
Notary Public, State-at-Large, Kentucky

PREPARED BY:  
  
ED JON WOLFE  
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Lodged By: TRIPLETT  
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County Clerk: Bobbie Holsclaw-JEFF CO KY  
Deputy Clerk: TERHIG

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