

**AMENDMENT TO DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR MONTICELLO PLACE, SECTION THREE [3] A-1**

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

**WHEREAS**, Section Three [3] A-1 of the Subdivision consists of lots 200 through 210, lots 221 through 225, and lots 240 through 243 (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 39, Page 5;

**WHEREAS**, by Declaration of Covenants, Conditions and Restrictions, Monticello Place, Section Three [3] A-1 (the "Restrictions") dated October 15, 1991, of record in the office of the aforesaid Clerk in Deed Book 6113, Page 543, the developer of Monticello Place, Phillip Leigh, subjected the Lots in Section Three [3] A-1 to certain restrictions set forth therein;

**WHEREAS**, Article V, Section 3, of the Restrictions, in pertinent part, provides that "[t]hese restrictions may be canceled, altered or amended at any time by the affirmative action of the owners of 85 percent 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 Three [3] A-1 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 85 percent of the owners of the Lots including the Developer's lots located in Section Three [3] A-1 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:

Section 1. Enforcement. Enforcement of these restrictions shall by 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 Three [3] A-1 execute this Amendment as of the date set forth below.

  
\_\_\_\_\_  
Steve VanBogaert, President  
Monticello Place Community  
Association, Inc.

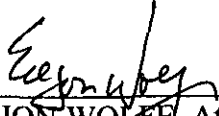
STATE OF KENTUCKY  
COUNTY OF JEFFERSON

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 10<sup>th</sup> day of February, 2005.

My commission expires: April 11, 2005

  
\_\_\_\_\_  
Notary Public, State-at-Large, Kentucky

PREPARED BY:

  
ED JON WOLFE, Attorney  
2327 Lime Kiln Lane  
Louisville, KY 40222  
502-426-7900

Document No.: DN2005023090  
Lodged By: triplett  
Recorded On: 02/14/2005 10:12:02  
Total Fees: 12.00  
Transfer Tax: .00  
County Clerk: BOBBIE HOLSCLOW-JEFF CO KY  
Deputy Clerk: YOLLO62

END OF DOCUMENT