

When recorded, return to:

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### FIRST AMENDMENT TO DEED OF RESTRICTIONS

**THIS FIRST AMENDMENT TO DEED OF RESTRICTIONS** (this "Amendment") is made as of this \_\_\_ day of \_\_\_\_\_, 2019.

#### RECITALS

A. That certain Deed of Restrictions was recorded in the office of the County Clerk of Jefferson County, Kentucky (the "Official Records") on August 4, 1971 in Book No. 4444, Page 311 (as amended, supplemented and modified from time to time, the "Declaration").

B. The Declaration provides that the Declaration may be amended at any time in whole or in part in the discretion of the Louisville & Jefferson County Planning Commission, its successors and assigns, as Grantee thereunder.

C. The undersigned represents the Grantee under the Declaration, and the undersigned desires to amend the Declaration subject to the terms and conditions of this Amendment and in accordance with the terms of the Declaration.

NOW, THEREFORE, the undersigned agrees to amend the Declaration in accordance with the following:

1. Recitals and Definitions Incorporated. The recitals set forth above are by this reference incorporated herein. All terms which are capitalized in this Amendment, thereby indicating their use as defined terms, shall have the meaning given to such terms in the Declaration unless otherwise defined herein.

2. Conflict; Affirmation. If there is any conflict between the provisions of this Amendment and the provisions of the Declaration, the provisions of this Amendment shall prevail and control. Except as specifically amended by this Amendment, the Declaration shall continue in full force and affect.

3. Amendment. The Declaration is hereby amended such that the Declaration is terminated with respect to the property described on Exhibit A attached hereto (the “Exempt Property”). The Exempt Property is hereby excluded from the Declaration, and the Declaration shall be of no further force and effect as it relates to the Exempt Property.

4. Authority. Each of the undersigned represents and warrants to the other and its successors and assigns that it has full power and authority to enter into this Amendment, amend the Declaration in accordance with the terms of this Amendment and perform its obligations hereunder.

5. Entire Agreement. This Amendment contains the entire agreement of the parties hereto with respect to the matter which is the subject of this Amendment. No oral understanding or agreement not specifically referencing and amending this Amendment shall have any effect on the terms hereof.

6. Successors and Assigns. This Amendment is binding upon the parties hereto and upon their respective heirs, successors, and assigns.

*[Signature Page Follows]*



**Exhibit A**

**Legal Description of Exempt Property**

The Land referred to herein below is situated in the County of Jefferson, State of Kentucky, and is described as follows:

BEING TRACTS 1 AND 2 ON THE PLAT ATTACHED TO DEED OF RECORD IN DEED BOOK 4967, PAGE 346, IN THE OFFICE OF THE CLERK OF JEFFERSON COUNTY, KENTUCKY, AND FURTHER, BEING ALL OF TRACT 3, PLAINVIEW, REVISED TRACT 21, SECTION 2-A-1, AS SHOWN ON THE PLAT RECORDED IN PLAT AND SUBDIVISION BOOK 32, PAGE 17, IN THE OFFICE OF THE CLERK OF THE COUNTY COURT OF JEFFERSON COUNTY, KENTUCKY, AND THE WESTERLY PORTION OF TRACT 4, PLAINVIEW, REVISED TRACT 21, SECTION 2-A-1, AS SHOWN ON THE AFORESAID PLAT, SAID WESTERLY PORTION OF TRACT 4 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY CORNER COMMON TO SAID TRACT 3 AND TRACT 4, THENCE WITH THE SOUTHERLY LINE OF LAKE SHORE COURT WITH THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 50 FEET AND A CHORD OF NORTH 67° 00' 23" EAST 21.81 FEET TO THE END OF SAID CURVE; THENCE LEAVING THE SOUTHERLY LINE OF LAKE SHORE COURT SOUTH 35° 36' 15" EAST 184.02 FEET TO A POINT; THENCE SOUTH 89° 02' 10" EAST 111.00 FEET TO A POINT; THENCE SOUTH 00° 57' 50" WEST 68.00 FEET TO A POINT; THENCE NORTH 89° 02' 10" WEST 155.91 FEET TO A POINT; THENCE NORTH 89° 09' 05" WEST 43.00 FEET TO A POINT; THENCE NORTH 10° 24' 47" WEST 211.17 FEET TO THE POINT OF BEGINNING, THE AFORESAID WESTERLY PORTION OF TRACT 4, PLAINVIEW, REVISED TRACT 21, SECTION 2-A-1 CONTAINING 0.525 ACRES AND THE AFORESAID TRACT 3, PLAINVIEW, REVISED TRACT 21, SECTION 2-A-1 CONTAINING 0.975 ACRES (ALL OF THE ABOVE DESCRIBED PROPERTY CONTAINING A TOTAL OF 1.50 ACRES, MORE OR LESS).

BEING THE SAME PROPERTY CONVEYED TO LAKESHORE PROPERTY HOLDINGS, LLC, A KENTUCKY LIMITED LIABILITY COMPANY, IN FEE SIMPLE, BY GENERAL WARRANTY DEED DATED AUGUST 29, 2016 AND RECORDED SEPTEMBER 2, 2016 OF RECORD IN DEED BOOK 10702, PAGE 796, IN THE OFFICE OF THE CLERK OF JEFFERSON COUNTY, KENTUCKY.

Parcel No. 22-1907-0037-0003