

**FIRST AMENDMENT AND DECLARATION OF ANNEXATION TO DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
SUMMIT GARDEN SUBDIVISION  
NOW PHASES I AND II  
JEFFERSON COUNTY, KENTUCKY**

**SUMMIT GARDENS SUBDIVISION, PHASE 2**  
Plat and Subdivision Book 55, Page 22  
JEFFERSON COUNTY, KENTUCKY

**THIS DECLARATION OF ANNEXATION FOR SUMMIT GARDENS SUBDIVISION** ("Declaration of Annexation") is made, imposed and declared as of this 5<sup>th</sup> day of November, 2015, by **KITTY DEVELOPER, LLC**, a Kentucky limited liability company, with an address of 16218 Shelbyville Road, Louisville, Kentucky 40245 (hereinafter referred to as "Declarant").

**WITNESSETH:**

**WHEREAS**, Declarant is the developer of that certain residential subdivision known as "SUMMIT GARDENS SUBDIVISION PHASE I" as shown on plat of same of record in Plat and Subdivision Book 54, Page 80, in the Office of the Clerk of Jefferson County, Kentucky, pursuant to that certain Declaration of Covenants, Conditions and Restrictions for Summit Gardens Subdivision of record in Deed Book 10302, Page 968 in the Office aforesaid ("Declaration");

**WHEREAS**, Declarant desires to annex certain additional real property known as Phase II and more particularly described below ("Phase II" or the "Annexed Property") into the Subdivision and subdivision regime and to subject Phase II to the Declaration as amended herein pursuant to the provisions of Article I, Section 1.02 of the Declaration; and

**WHEREAS**, the Declarant desires to exempt Lot 1003, which lot is an open space lot, from certain restrictions concerning use, maintenance fees, and building size;

**NOW, THEREFORE**, in accordance with the foregoing preambles, which are hereby incorporated herein, the Declarants hereby declare as follows:

1. The Annexed Property consists of the lots numbered 44 through 87 and open space lot 1003 inclusive, as shown on Record Plat of **SUMMIT GARDENS PHASE II**, filed simultaneously with the recording of this Declaration of Annexation, of record in Plat and Subdivision Book 55, Page 22 in the Office of the Clerk aforesaid.

2. Phase II is hereby annexed to **SUMMIT GARDENS SUBDIVISION** and the scheme set forth in the Declaration shall be and hereby is extended to include the Annexed Property as more particularly described as:

BEING Lots 44 through 87 and Open Space Lot 1003, inclusive, as shown on Record Plat of Summit Gardens Phase II Subdivision, prepared by Heritage Engineering, LLC dated August 25, 2015, and approved by the Louisville Metro Planning Commission on Nov 5, 2015 Docket # 14 Dev Plan 1031 the original of which is shown on the Plat of record in Plat and Subdivision Book 55, Page 22 in the Office of the Clerk of Jefferson County, Kentucky.

Being the same property acquired by Kitty Developer, LLC by Deed dated November 14, 2013 recorded in Deed Book 10167, Page 344, in the Office of the Clerk of Jefferson County, Kentucky.

3. Declarant 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.

4. The Open Space lot shall not be subject to any assessment under any provision of the Declaration or any amendment thereto.

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

**KITTY DEVELOPER, LLC**  
a Kentucky limited liability company

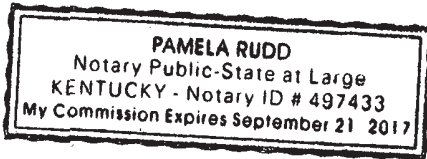
By: Elite Homes, Inc.,  
its Managing Member

By: [Signature]  
Name: Joseph Pusateri  
Title: Managing Partner

COMMONWEALTH OF KENTUCKY )  
 ) SS:  
COUNTY OF JEFFERSON )

The foregoing instrument was subscribed, sworn to, and acknowledged before me this 4<sup>th</sup> day of November, 2015, by Joseph Pusateri, as President of Elite Homes, Inc., as Managing Member of Kitty Developer, LLC, a Kentucky limited liability company, on behalf of the company.

My Commission expires: 09.21.2017



Pamela Ruod  
Notary Public  
State at Large, Kentucky

**THIS INSTRUMENT PREPARED BY:**

**BARDENWERPER, TALBOTT & ROBERTS, PLLC**  
1000 N. Hurstbourne Pkwy, 2<sup>nd</sup> Floor  
Louisville, Kentucky 40223  
(502) 426-6688

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AMC Rev. 11/4/2015 9:12 AM

**Recorded in Plat Book**  
No. SS Page 22  
Part No. \_\_\_\_\_

Document No.: DN2015149947  
Lodged By: BAKDENWERPER TALBOTT  
Recorded On: 11/05/2015 11:34:54  
Total Fees: 13.00  
Transfer Tax: .00  
County Clerk: BOBBIE HOLSCLOW-JEFF CO KY  
Deputy Clerk: CARHAR

**END OF DOCUMENT**