

**SECOND AMENDMENT**

**TO**

**DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS AND RESERVATION OF EASEMENTS**

**FOR**

*Lake View at Polo Fields*

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**DECLARATION OF COVENANTS, CONDITIONS AND**  
**RESTRICTIONS AND RESERVATION OF EASEMENTS**  
**FOR**

*Lake View at Polo Fields*

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS (this "Amendment") is made as of the 18<sup>th</sup> day of August, 2009 by Hills Homes of Kentucky, LLC, a Kentucky limited liability company, formerly known as Hills Bradford Commons, LLC ("Declarant").

**1. RECITALS**

1.1 Declarant recorded the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Lake View at Polo Fields in Deed Book 9140, Page 797 and First Amendment thereto in Deed Book 9199, Page 188 (collectively, the "**Declaration**"), both in the Office of the Clerk of Jefferson County, Kentucky. The Property presently subject to the Declaration is described in Exhibit A attached hereto, and Declarant has the right to subject the Expansion Property to the Declaration in the future, as set forth in the Declaration. The Plat for Phase 1 of Lake View at Polo Fields was recorded at Plat Book 52, Page 75 of the Office of the Clerk of Jefferson County, Kentucky.

1.2 In accordance with the provisions of Section (b) of Article 21 of the Declaration, Declarant desires to amend the Declaration to clarify Declarant's original intent with regard to services performed for some but not all Lots and assessments for such services.

**2. DEFINITIONS**

All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Declaration.

**3. AMENDMENTS**

3.1 The Declaration is hereby amended by adding the following sentence to the end of the last unnumbered paragraph of Section (d) of Article 10, as follows:

"Notwithstanding the provisions of the foregoing subsections (ix) and (x), in the event the Association performs the services described in subsections (ix) and (x) for some but not all Lots, the cost of performing such services shall not be included in the Base Assessment applicable to all Lots, but a Specific Assessment shall be levied

against only those Lots receiving such services, in accordance with Section (i) of Article 16 hereof.”

3.2 The Declaration is hereby amended by adding Section (i) to Article 16, as follows:

“(i) Specific Assessments. The Board may levy an assessment against any one or more Lots but not all Lots (“Specific Assessment”) to reimburse the Association for costs incurred on behalf of, or services performed for, the Lot or Lots but not all Lots, including without limitation landscaping and snow removal services provided to some but not all Lots or providing special services to one or more Owners but not all Owners. Installments of Specific Assessments shall be payable at the same time and in the manner as determined by the Board, and the provisions Sections (g) and (h) of Article 16 shall also apply to Specific Assessments.”

#### 4. RATIFICATION

Except as set forth herein, no changes or revisions are effected in the Declaration. The Declaration as amended herein is hereby reaffirmed by the incorporation by reference of each and every page thereof and remains in full force and effect.

IN WITNESS WHEREOF, the undersigned Declarant has caused this Amendment to be executed by a duly authorized officer as of the date first above written.

Hills Homes of Kentucky, LLC,  
a Kentucky limited liability company

By: Hills Homes of America, Inc., an Ohio  
corporation, its sole member

By: Stephen Guttman, Pres  
Stephen Guttman, President

STATE OF OHIO, COUNTY OF HAMILTON ) ss:

The foregoing instrument was acknowledged before me, a notary public, this 18<sup>th</sup> day of August, 2009 by Stephen Guttman, the duly authorized President of Hills Homes of America, Inc., an Ohio corporation which is the sole member of Hills Homes of Kentucky, LLC, a Kentucky limited liability company, on behalf of the corporation and the company.



WENDY S. BASSMAN  
Notary Public, State of Ohio  
My Commission Expires  
June 19, 2010

Wendy A. Bassman  
Notary Public

This Instrument Prepared By:

Sandra L. Nunn

Sandra L. Nunn, Esq.  
FROST BROWN TODD LLC  
201 East Fifth Street, Suite 2200  
Cincinnati, Ohio 45202  
(513) 651-6800

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**EXHIBIT A**

**LEGAL DESCRIPTION OF THE PROPERTY**

Being Lot Nos. 1 through 48 and Open Spaces 1000, through 1003 as shown on the Record Plat of Lake View at Polo Fields, Section 1, recorded at Plat Book 52, Page 75 in the Office of the Clerk of Jefferson County, Kentucky.

Document No.: 082009132390  
Lodged By: FROST BROWN TODD  
Recorded On: 08/31/2009 12:29:16  
Total Fees: 19.00  
Transfer tax: .00  
County Clerk: BOBBIE HOLSCLAW-JEFF CO KY  
Deputy Clerk: SHESCH

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