

**SECOND AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

**SILVER OAKS, SECTION 3**  
Plat And Subdivision Book 46, Page 42  
Jefferson County, Kentucky

**THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SILVER OAKS, SECTION 3 ("Amendment")** is made, imposed and declared as of this 17<sup>th</sup> day of SEPT., 2002, by **BILLTOWN DEVELOPMENT, LLC**, a Kentucky limited liability company, with an address of P.O. Box 43597, Louisville, Kentucky 40253 ("Developer").

**WITNESSETH:**

**WHEREAS**, Developer is the current owner, or attorney-in-fact for the owners, of all platted lots in a certain residential subdivision known as "Silver Oaks" as shown on plat of Section 1 of record in Plat and Subdivision Book 46, Page 62, and as shown on plat of Section 2 of record in Plat and Subdivision Book 47, Page 47, all in the Office of the County Clerk of Jefferson County, Kentucky (the "Record Plats"); and

**WHEREAS**, Developer desires to annex certain additional real property ("Annexed Property") to said subdivision pursuant to the provisions of Article I, Section 2 of the Declaration of Covenants, Conditions and Restrictions for Silver Oaks, Section 1, of record in Deed Book 7463, Page 375, as amended by Amendment to same of record in Deed Book 7659, Page 133, all in the Office of the Clerk aforesaid (the "Declaration"); and

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

1. The Annexed Property, more fully described on Exhibit A attached hereto and incorporated herein by reference and as shown on plat of Silver Oaks, Section 3 filed simultaneously with the recording of this Amendment of record in Plat and Subdivision Book


48 Page 42, in the Office of the Clerk aforesaid, be and hereby is annexed to Silver Oaks and the scheme set forth in the Declaration shall be and hereby is extended to include such Annexed Property.

2. Within the "Tree Preservation Area" (TPA) designated on the plat filed simultaneously herewith in Plat and Subdivision Book 48 Page 42, efforts shall be made to retain trees over a four-inch caliper. If necessary for drainage purposes, such trees shall be replaced in accordance with a landscape and replanting plan to be approved by the Louisville and Jefferson County Planning Commission. This provision may be amended or released only with the prior approval of the Louisville and Jefferson County Planning Commission.

3. Developer further declares that the Annexed 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.

IN WITNESS WHEREOF, this Second Amendment has been executed by the duly authorized representative of Developer as of the date set forth above.

**BILLTOWN DEVELOPMENT, LLC**  
A Kentucky limited liability company

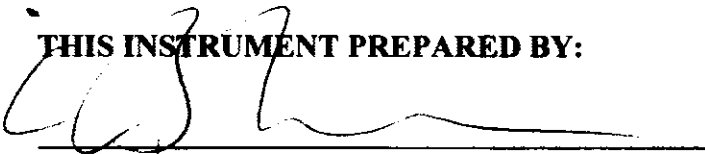
  
By John J. Miranda, Member

STATE OF KENTUCKY     )  
  )  
COUNTY OF JEFFERSON    )

I, a Notary public in and for the State and County aforesaid, do hereby certify that on this 6 day of SEPT, 2002, John J. Miranda, Member of Billtown Development, LLC, appeared before me and before me acknowledged that he executed and delivered the foregoing instrument as his free and voluntary act and deed and as the free and voluntary act and deed of the company.

My Commission expires: 24-MAY 2006   
Notary Public, State at Large, Kentucky

**THIS INSTRUMENT PREPARED BY:**



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William B. Bardenwerper  
**BARDENWERPER & LOBB, PLLC**  
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AHB/WBB-Pinnacle-Biltown/SilverOaks-ccrAMN2.doc  
Rev. September 5, 2002 10:36 AM

**LEGAL DESCRIPTION OF ANNEXED PROPERTY**

**BEING** Lots 94 through 143, inclusive, and Lot 144-A and Open Space Lots 144, 145 and 145-A, all as shown on plat of Silver Oaks Subdivision, Section 3 of record in Plat and Subdivision Book 48, Page 42 in the Office of the Clerk of Jefferson County, Kentucky.

**BEING** a part of the same property acquired by Developer, by Deed of record in Deed Book 7134, Page 681, and by Deed of record in Deed Book 7201, Page 696, both in the Office of the Clerk aforesaid.

Recorded In Plat Book  
No. 48 Page 42  
~~Book No.~~

Document No.: DW2002171885  
Lodged By: BILLTOWN DEVELOPMENT  
Recorded On: 09/17/2002 02:45:22  
Total Fees: 14.00  
Transfer Tax: .00  
County Clerk: Bobbie Holsclaw-JEFF CO KY  
Deputy Clerk: SNETUC

**EXHIBIT A**