

Bobbie Holsclaw

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INST # 2016231468

BATCH # 43255

JEFFERSON CO, KY FEE \$19.00

PRESENTED ON: 09-23-2016 6 09:11:59 AM

LODGED BY: BARDENWERPER, TALBOTT & ROBERTS

RECORDED: 09-23-2016 09:11:59 AM

BOBBIE HOLSCLAW

CLERK

BY: TERESA HIGGS

RECORDING CLERK

BK: D 10717

PG: 50-55

DECLARATION OF ANNEXATION

**SHAKES RUN SUBDIVISION, SECTION 8
JEFFERSON COUNTY, KENTUCKY**

THIS DECLARATION OF ANNEXATION FOR SHAKES RUN SUBDIVISION (“Declaration of Annexation”) is made, imposed and declared as of this 9th day of September, 2016, by **SHAKES RUN DEVELOPMENT SECTION 8, LLC**, a Kentucky limited liability company with an address of 16218 Shelbyville Road, Louisville, Kentucky 40245 (hereinafter referred to as “Declarant”):

WITNESSETH:

WHEREAS, Terra Acquisitions, LLC, a Kentucky limited liability company (“Sections 1 & 5A Declarant”) is the current owner and developer of lots in a certain residual subdivision known as “SHAKES RUN SUBDIVISION – SECTION 1” (the “Subdivision”) pursuant to that certain Declaration of Covenants, Conditions and Restrictions of Shakes Run Subdivision, Section 1, recorded in Deed Book 9244, Page 720 on June 19, 2008 (“Prior Declaration”) in the Office of the Clerk of Jefferson County, Kentucky, also as shown on plat of same of record in Plat and Subdivision Book 52, Page 100 and Plat Book 53, Page 1 (“Section 1 Record Plat”); and is the current owner and developer of lots in a certain residual subdivision known as “SHAKES RUN SUBDIVISION – SECTION 5A (the “Subdivision”) pursuant to that certain Declaration of Annexation for Shakes Run Subdivision, Section 5A, recorded in Deed Book 10168, Page 92 on November 15, 2013 in the Office of the Clerk of Jefferson County, Kentucky (“Declaration of Annexation – Section 5A”), also as shown on plat of same of record in Plat and Subdivision Book 54, Page 46 (“Section 5A Record Plat”) in the Office of the Clerk aforesaid; and

WHEREAS, Terra Ventures V, LLC, a Kentucky limited liability company (“Section 4 Declarant”) is the current owner and developer of lots in a certain residual subdivision known as “SHAKES RUN SUBDIVISION – SECTION 4” pursuant to that certain Declaration of Annexation for Shakes Run Subdivision, Section 4, recorded in Deed Book 9517, Page 988 on February 2, 2010 in the Office of the Clerk of Jefferson County, Kentucky (“Declaration of Annexation – Section 4”), also as shown on plat of same of record in Plat and Subdivision Book 53, Page 54 (“Section 4 Record Plat”) in the Office of the Clerk aforesaid; and

WHEREAS, Vickiecon Limited Liability Company, a Kentucky limited liability company (“Section 2C & 3 Declarant”) is the current owner and developer of lots in a certain residual subdivision known as “SHAKES RUN SUBDIVISION – SECTION 2C” pursuant to that certain Declaration of Annexation for Shakes Run Subdivision, Section 2C, recorded in Deed Book 9791, Page 985 on October 31, 2011 in the Office of the Clerk of Jefferson County,

Kentucky (“Declaration of Annexation – Section 2C”), also as shown on plat of same of record in Plat and Subdivision Book 54, Page 4 (“Section 2C Record Plat”) in the Office of the Clerk aforesaid; and is the current owner and developer of lots in a certain residual subdivision known as “SHAKES RUN SUBDIVISION – SECTION 3” pursuant to that certain Declaration of Annexation for Shakes Run Subdivision, Section 3, recorded in Deed Book 9569, Page 742 on June 3, 2010 in the Office of the Clerk of Jefferson County, Kentucky (“Declaration of Annexation – Section 3”), also as shown on plat of same of record in Plat and Subdivision Book 53, Page 68 (“Section 3 Record Plat”) in the Office of the Clerk aforesaid; and

WHEREAS, Canfield-Filiatreau Joint Venture I, LLC, a Kentucky limited liability company (“Section 2A Declarant”) is the current owner and developer of lots in a certain residual subdivision known as “SHAKES RUN SUBDIVISION – SECTION 2A” pursuant to that certain Declaration of Annexation for Shakes Run Subdivision, Section 2A, recorded in Deed Book 9628, Page 845 on October 7, 2010 in the Office of the Clerk of Jefferson County, Kentucky (“Declaration of Annexation – Section 2A”), also as shown on plat of same of record in Plat and Subdivision Book 53, Page 78 (“Section 2A Record Plat”) in the Office of the Clerk aforesaid; and

WHEREAS, Canfield-Filiatreau Joint Venture II, LLC, a Kentucky limited liability company (“Section 2B Declarant”) is the current owner and developer of lots in a certain residual subdivision known as “SHAKES RUN SUBDIVISION – SECTION 2B” pursuant to that certain Declaration of Annexation for Shakes Run Subdivision, Section 2B, recorded in Deed Book 9628, Page 849 on October 7, 2010 in the Office of the Clerk of Jefferson County, Kentucky (“Declaration of Annexation – Section 2B”), also as shown on plat of same of record in Plat and Subdivision Book 53, Page 79 (“Section 2B Record Plat”) and re-recorded by First Supplemental Declaration of Covenants, Conditions and Restrictions in Deed Book 9705, Page 272 on April 6, 2011, in the Office of the Clerk aforesaid, also as shown on plat of same of record in Plat Book 53, Page 91 (“Section 2B Record Plat as amended”) in the Office of the Clerk aforesaid; and

WHEREAS, Elite Partnership, LLC, a Kentucky limited liability company (“Section 5B Declarant”) is the current owner and developer of lots in a certain residual subdivision known as “SHAKES RUN SUBDIVISION – SECTION 5B” pursuant to that certain Declaration of Annexation for Shakes Run Subdivision, Section 5B, recorded in Deed Book 10178, Page 809 on December 11, 2013 in the Office of the Clerk of Jefferson County, Kentucky (“Declaration of

Annexation – Section 5B”), also as shown on plat of same of record in Plat and Subdivision Book 54, Page 47 (“Section 5B Record Plat”) in the Office of the Clerk aforesaid; and

WHEREAS, Shakes Run Development Section 7, LLC, a Kentucky limited liability company (“Section 7 Declarant”) is the current owner and developer of lots in a certain residual subdivision known as “SHAKES RUN SUBDIVISION – SECTION 7” pursuant to that certain Declaration of Annexation for Shakes Run Subdivision, Section 7, recorded in Deed Book 10553, Page 143 on February 8, 2016 in the Office of the Clerk of Jefferson County, Kentucky (“Declaration of Annexation – Section 7”), also as shown on plat of same of record in Plat and Subdivision Book 55, Page 47 (“Section 7 Record Plat”) in the Office of the Clerk aforesaid; and

WHEREAS, Shakes Run Development 9, LLC, a Kentucky limited liability company (“Section 9 Declarant”) is the current owner and developer of lots in a certain residual subdivision known as “SHAKES RUN SUBDIVISION – SECTION 9” pursuant to that certain Declaration of Annexation for Shakes Run Subdivision, Section 9, recorded in Deed Book 10668, Page 21 on July 22, 2016 in the Office of the Clerk of Jefferson County, Kentucky (“Declaration of Annexation – Section 9”), also as shown on plat of same of record in Plat and Subdivision Book 55, Page 71 (“Section 9 Record Plat”) in the Office of the Clerk aforesaid (collectively, Prior Declaration, Declaration of Annexation – Section 5A, Declaration of Annexation – Section 4, Declaration of Annexation – Section 2C, Declaration of Annexation – Section 3, Declaration of Annexation – Section 2A, Declaration of Annexation – Section 2B, Declaration of Annexation – Section 5B, and Declaration of Annexation – Section 7, Declaration of Annexation – Section 9 and the First Amendment (as hereinafter defined) are referred to herein as the “Declaration”); and

WHEREAS, Declarant desires to annex certain additional real property known as Section 8 and more particularly described below (“Section 8” or the “Annexed Property”) into the subdivision regime governing the property shown on the Sections 1, 2A, 2B, 2C, 3, 4, 5A, 5B, 7, & 9 Record Plats, and to subject Section 8 to the Declaration, as amended herein pursuant to the provisions of Article I, Section 1.2 (b) of the prior Declaration; and

WHEREAS, pursuant to a First Amendment to Declaration of Covenants, Conditions and Restrictions for Shakes Run Subdivision, Sections 1, 2A, 2B, 2C, 3, 4, 5A, 5B & 7 dated July 22, 2016, recorded in Deed Book 10668, Page 9, in the Office of the Clerk of Jefferson County, Kentucky (the “First Amendment”), the Declaration was amended to clarify which Declarants are

required to sign subsequent annexations authorizing a declarant of a current section of the Subdivision to, acting alone, annex additional real estate into the Subdivision.

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

1. The Annexed Property consists of the lots numbered 269-289, as shown on Record Plat of **SHAKES RUN SUBDIVISION - SECTION 8**, filed simultaneously with the recording of this Declaration of Annexation, of record in Plat and Subdivision Book 55, Page 81 in the Office of the Clerk aforesaid.

2. Section 8 is hereby annexed to SHAKES RUN 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 269-289 as shown on Record Plat of Shakes Run Subdivision – Section 8, prepared by Sabak, Wilson & Lingo, Inc. dated September 9, 2016 and approved by the Louisville Metro Planning Commission on Sep 22 21, 2016 in Docket # 16 RECORD PLAT 1009 the original of which is shown on the Plat of record in Plat and Subdivision Book 55, Page 81 in the Office of the Clerk of Jefferson County, Kentucky.

Being the same property acquired by Declarant by Deed dated May 13, 2016 in Deed Book 10618, Page 835, in the aforesaid 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.

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

SHAKES RUN DEVELOPMENT SECTION 8, LLC

a Kentucky limited liability company

By: [Signature]

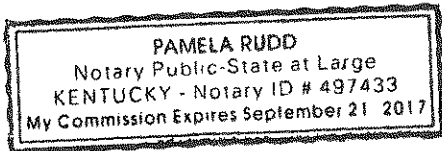
Name: Joseph Pusateri

Title: manager

STATE OF KENTUCKY)
) SS:
COUNTY OF JEFFERSON)

The foregoing instrument was subscribed, sworn to, and acknowledged before me by Joseph Pusateri as manager of SHAKES RUN DEVELOPMENT SECTION 8, LLC, a Kentucky limited liability company, on behalf of the company, this 9th day of September, 2016.

My Commission expires: 09-21-2017



Pamela Rudd
Notary Public, State at Large, Kentucky

THIS INSTRUMENT PREPARED BY:

[Signature]
BARDENWERPER, TALBOTT & ROBERTS, PLLC
1000 N. Hurstbourne Pkwy., 2nd Floor
Louisville, Kentucky 40223
(502) 426-6688