

**FIFTH SUPPLEMENTAL DECLARATION
OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

**WOODMONT SUBDIVISION
PHASE 4-B
JEFFERSON COUNTY, KENTUCKY**

THIS FIFTH SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS for Woodmont Subdivision, Phase 4-B ("Fifth Supplemental Declaration") is made on this 21st day of February, 2002, by Woodmont, LLC, a Kentucky limited liability company, with an address of 1510 Citizens Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202 ("Developer").

WHEREAS, Developer caused a certain Declaration of Covenants, Conditions and Restrictions of Woodmont Subdivision, Phase 1-A, to be duly recorded in Deed Book 7140, Page 779, in the Office of the Clerk of Jefferson County, Kentucky, on November 20, 1998 ("Prior Declaration"), for the purpose of creating a residential subdivision (the "Subdivision") in multiple phases (individually, a "Phase"); whereas said Prior Declaration having been amended by Supplemental Declaration of Covenants, Conditions and Restrictions of Woodmont Subdivision, Phase 1-B ("Supplemental Declaration") and duly recorded in Deed Book 7154, Page 139, in the Office of the Clerk of Jefferson County, Kentucky, on December 16, 1998; whereas said Prior Declaration have been further amended by Second Supplemental Declaration of Covenants, Conditions and Restrictions of Woodmont Subdivision, Phase 2 ("Second Supplemental Declaration") and duly recorded in Deed Book 7342, Page 590, in the Office of the Clerk of Jefferson County, Kentucky, on October 22, 1999; whereas said Prior Declaration have been further amended by Third Supplemental Declaration of Covenants, Conditions and Restrictions of Woodmont Subdivision, Phase III ("Third Supplemental Declaration") and duly recorded in Deed Book 7549, Page 832, in the Office of the Clerk of Jefferson County, Kentucky, on November 22, 2001; and whereas said Prior Declaration have been further amended by Fourth Supplemental Declaration of Covenants, Conditions and Restrictions of Woodmont Subdivision, Phase 4-A ("Fourth Supplemental Declaration") and duly recorded in Deed Book NA, Page NA, in the Office of the Clerk of Jefferson County, Kentucky, on NA, 200 .

WHEREAS, Developer is the owner of certain real property located in Jefferson County, Kentucky, to be added to the Subdivision as an additional Phase.

NOW, THEREFORE, Developer hereby declares that a portion of the Subdivision consisting of "Phase 4-B", as hereinafter defined, shall be held, sold, and conveyed subject to easements, restrictions, covenants, and conditions in the Prior Declaration, Supplemental Declaration, Second Supplemental Declaration, Third Supplemental Declaration, and Fourth Supplemental Declaration, which are for the purpose of protecting the value and desirability of the Subdivision. The easements, restrictions,

covenants, and conditions shall (i) run with the land contained in the Subdivision; (ii) be binding on all parties having any right, title, or interest in the Subdivision, their heirs, successors, and assigns; and (iii) inure to the benefit of each owner.

1. Amendment to Section 1/Amendment. Section 1 and Amendment of the Prior Declaration, Supplemental Declaration, Second Supplemental Declaration, Third Supplemental Declaration, and Fourth Supplemental Declaration, entitled "The Property", "Amendment", and "Amendment to Section 1/Amendment", respectively, are hereby amended to include the following described property ("Phase 4-B") in addition to the property currently subject to and described in the Prior Declaration, Supplemental Declaration, Second Supplemental Declaration, Third Supplemental Declaration, and Fourth Supplemental Declaration:

BEING Lots 134 and 206 through 255 as shown on the plat of Woodmont, Phase 4-B, of record in Plat and Subdivision Book 48, Page 1, in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

BEING part of the same property acquired by Woodmont, LLC, by Deed from Larry R. Anderson and Dessie M. Anderson, husband and wife dated July 30, 1999, of record in Deed Book 7291, Page 517, and Deed dated December 29, 2000, of record in Deed Book 7567, Page 483, and by Deed from John R. Smith and Elaine M. Smith, husband and wife, dated September 10, 2001, of record in Deed Book 7722, Page 447, all Deeds of record in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

The term "Lot", as used in the Prior Declaration, Supplemental Declaration, Second Supplemental Declaration, Third Supplemental Declaration, and Fourth Supplemental Declaration, shall include any lot or similar property as delineated on the Plat of Phase 4-B.

The term "Lot Owner", as used in the Prior Declaration, Supplemental Declaration, Second Supplemental Declaration, Third Supplemental Declaration, and Fourth Supplemental Declaration, shall include the owner or owners of any Lot of Phase 4-B.

2. Article III, Section 3. Article III, Section 3, Subsections B and C of the Prior Declaration shall be amended as follows:

- B. The ground floor of a one and one-half story house shall be a minimum of thirteen hundred (1,300) square feet with a total minimum area of two thousand three hundred (2,300) square feet, exclusive of garage.
- C. The ground floor of a two-story house shall be a minimum of one thousand one hundred fifty (1,150) square feet with a total minimum area of two thousand three hundred (2,300) square feet, exclusive of garage.

3. Definitions. All capitalized terms not defined herein shall have the same meanings as those set forth in the Prior Declaration, Supplemental Declaration, Second Supplemental Declaration, Third Supplemental Declaration, and Fourth Supplemental Declaration.

4. No Other Modifications. Other than as set forth herein, the Prior Declaration, Supplemental Declaration, Second Supplemental Declaration, Third Supplemental Declaration, and Fourth Supplemental Declaration, shall remain in full force and effect.

WITNESS the signature of the Developer on this 21st day of February, 2002.

WOODMONT, LLC
A Kentucky Limited Liability Company

By: Thomas F. Buetow
Name: Thomas F. Buetow
("Developer")

COMMONWEALTH OF KENTUCKY
COUNTY OF JEFFERSON

The foregoing instrument was acknowledged before me this 21st day of February, 2002, by Thomas F. Buetow, for and on behalf of Woodmont, LLC, a Kentucky limited liability company.

Cathy E. Shannon
NOTARY PUBLIC
KENTUCKY, STATE AT LARGE

My Commission Expires: 3-14-03

THIS INSTRUMENT PREPARED BY:

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Recorded in Plat Book
No. 48 Page 7
Part No. _____

Document No.: D828023462
Lodged By: WOODMONT
Recorded On: 02/21/2002 03:09:46
Total Fees: 12.00
Transfer Tax: .60
County Clerk: Bobbie Holtsclaw-JLFF CO KY
Deputy Clerk: TERRIG