FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RESERVE AT L'ESPRIT, SECTIONS 1, 2 & 3A OLDHAM COUNTY, KENTUCKY

THIS FIFTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR RESERVE AT L'ESPRIT ("Amendment") is made, imposed and declared as of this 30th day of November, 2022, by **CLAYTON PROPERTIES GROUP, INC.**, a Tennessee corporation, with an address of 16218 Shelbyville Road, Louisville, Kentucky 40245 ("Developer").

W I T N E S S E T H:

WHEREAS, Landcraft, Inc., a Kentucky corporation, recorded that certain Declaration of Covenants, Conditions and Restrictions for Turtle Creek Subdivision of record in Restrictions Book 8, Page 74, in the Office of the Clerk of Oldham County, Kentucky (the "Original Declaration"), with respect to the lots in Turtle Creek Subdivision, of record in Plat Book 6, Page 35, in the Office of the Clerk of Oldham County, Kentucky (the "Subdivision");

WHEREAS, Turtle Creek Development Limited Partnership, a Kentucky limited partnership ("Turtle Creek"), became the developer of Turtle Creek Subdivision as set forth in the First Amendment to Declaration of Covenants, Conditions and Restrictions, of record in Restrictions Book 9, Page 261, in the Office of the Clerk of Oldham County, Kentucky (the "First Amendment"), which changed the name of the Subdivision to the Reserve at L'Esprit, as shown on that certain record plat of record in Plat Book 6, Page 59, in the Office of the Clerk of Oldham County, Kentucky and (the "Reserve at L'Esprit Subdivision");

WHEREAS, Turtle Creek again amended the Original Declaration by a Second Amendment to Declaration of Covenants, Conditions and Restrictions, of record in Restrictions Book 10, Page 82, in the Office of the Clerk of Oldham County, Kentucky (the "Second Amendment"), which added the lots shown on that certain record plat of Section 2 of the Subdivision of record in Plat Book 6, Page 120, in the Office of the Clerk of Oldham County, Kentucky;

WHEREAS, Turtle Creek again amended the Original Declaration by a Third Amendment to Declaration of Covenants, Conditions and Restrictions, of record in Restrictions Book 11, Page 35, in the Office of the Clerk of Oldham County, Kentucky (the "Third Amendment"), which amended Section 24(f) to create the Special Park Assessment (the Original Declaration, as amended by the First Amendment, as amended by the Second Amendment, as amended by the Third Amendment, is collectively referred to herein as the "Declaration");

WHEREAS, Reserve at L'Esprit Development, LLC, a Kentucky limited liability company ("RAL"), acquired all of the lots subject to the Declaration as well as undeveloped land that may be developed as future section(s) of Reserve at L'Esprit Subdivision, pursuant to a Deed of record in Deed Book 1107, Page 57, in the Office of the Clerk of Oldham County, Kentucky;

WHEREAS, Developer acquired from RAL all remaining land intended to be part of Reserve at L'Esprit Subdivision pursuant to a Special Warranty Deed dated August 18, 2020, of record in Deed Book 1258, Page 485, in the Office of the Clerk of Oldham County, Kentucky, with all rights and obligations of the "Developer" of the Reserve at L'Esprit Subdivision being assigned from both Turtle Creek and RAL to Developer pursuant to that certain Assignment and Assumption of Developer Rights dated August 18, 2020, of record in Deed Book 1265, Page 374 (the "Assignment of Developer Rights");

WHEREAS, Developer amended the Original Declaration by a Fourth Amendment to Declaration of Covenants, Conditions and Restrictions, of record in Restrictions Book 15, Page 129, in the Office of the Clerk of Oldham County, Kentucky (the "Fourth Amendment"), which added the lots shown on that certain record plat of Section 3A of the Subdivision of record in Plat Book 8, Page 6, in the Office of the Clerk of Oldham County, Kentucky;

WHEREAS, Developer again desires, pursuant to the provisions of Section 28 of the Declaration, to amend the Original Declaration by this Fifth Amendment to Declaration of Covenants, Conditions and Restrictions for Reserve at L'Esprit, Sections 1, 2, and 3A, to amend Section 6(k) and (l) to amend "Turtle Creek Parkway" to reflect the current street name "Reserve Parkway", and also to clarify which lots along this Parkway are excepted from the restrictions therein; and

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

1. Section 6(k) is deleted in its entirety and replaced with the following:

   (k) No dwellings may front onto Reserve Parkway except those on Lots 1, 49, 50, 90 through 105, and 112.

2. Section 6(l) is deleted in its entirety and replaced with the following:

   (l) No driveways shall access onto Reserve Parkway except those on Lots 1, 49, 50, 90 through 105, and 112.

[Remainder of this page intentionally left blank]

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

CURTIS W. MUCCI
COMMISSION NO.
NOTARY
PUBLIC
KYNP33680
COMMONWEALTH OF KENTUCKY

CLAYTON PROPERTIES GROUP, INC., a Tennessee corporation

By: _____

Name: Michael Metzkes

Title: Secretary

COMMONWEALTH OF KENTUCKY)
) SS:
COUNTY OF JEFFERSON)

The foregoing instrument was subscribed, sworn to, and acknowledged before me by Michael Metzkes as Secretary of CLAYTON PROPERTIES GROUP, INC., a Tennessee corporation, on behalf of the corporation, this 30th day of November, 2022.

My Commission expires: 7/22/2025
Notary ID: KYNP33680

_____
Notary Public, State at Large, Kentucky

THIS INSTRUMENT PREPARED BY:

_____
BARDENWERPER, TALBOTT & ROBERTS, PLLC
1000 N. Hurstbourne Pkwy., 2nd Floor
Louisville, KY 40223
(502) 426-6688

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COUNTY: OLDHAM COUNTY
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