

PETERSBURG ESTATES
AMENDED DECLARATION OF RESTRICTIONS
Indian Trail Area
Section 2, Project No. Ky. R-69

WITNESS: WHEREAS, the Declaration of Restrictions for Indian Trail Area, Section 2, Project No. Ky. R-169 (now known and subsequently referred to herein as "Petersburg Estates") filed of record with the office of the County Court Clerk of Jefferson County, Kentucky in Deed Book 4804, page 572, provides that the restrictions and covenants therein may be changed in whole or in part by a vote of the owners of the majority of the land area subject to said restrictions and covenants; and

WHEREAS, the undersigned and owners of a majority of the land area in Petersburg Estates and are desirous of changing the original Declaration of Restrictions in order to enhance and preserve the value and character of property in Petersburg Estates; and

WHEREAS, each of the undersigned owners is mutually desirous of securing the advantages of a property owners association vested with the authority and responsibility of promoting the quality and value of the property in Petersburg Estates, and in preserving the health, safety and general welfare of the residents thereof;

NOW, THEREFORE, the undersigned do thereby change the original Declaration of Restrictions as follows:

SECTION I

1. No building or dwelling shall be erected on any lot until the building specifications and plot plans showing the location of such building have been approved in writing by the Petersburg Estates Homeowners Association, Inc., or by a designated committee thereof.

2. No lot shall be used except for residential purposes. No building shall be erected, altered or placed on any lot other than one single family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars. No lot shall be re-subdivided into smaller parcels for the purpose of erecting any dwelling thereon.

3. The following building requirements are imposed for all residences, and structures incidents thereto, erected subsequent to the filing of this Amended Declaration of Restrictions with the County Court Clerk of Jefferson County, Kentucky excepting only: 1) structures erected as of the date of filing; and 2) structures to be erected upon lots for which the Jefferson County Department of Community Development has as of the date of filing accepted an offer of purchase, and in conjunction therewith, has approved the building plans for said structures:

(a) The ground floor area of the main residential structure measured on the exterior, from wall to wall, shall not be less than 1,100 square feet for a single story home, nor shall it be less than 900 square feet for a bi-level, one and one-half story or two story home. The total floor area of a tri-level shall not be less than 1400 square feet. All residential structures shall be built of 50% brick, brick veneer, stone or stone veneer. The facing of each garage shall be constructed of the same material as the residence which it serves. All new structures shall meet HUD and FHA requirements for single family residences with the exception that no structure shall be built on a slab foundation.

(b) The front wall of each residence, exclusive of any projection open porch or bay, must set back at least twenty-five (25) feet from the front property line of the lot. On corner lots bounded by two streets, the improvements must set back at least twenty-five (25) feet from the side street line. No building shall be located nearer than five (5) feet to an interior lot line, except no side yard shall be required for a garage located twenty-five (25) feet or more from the minimum building set-back line. No dwelling shall be located on any interior lot nearer than twenty-five (25) feet to the rear lot line. For purposes of this restriction, eaves, steps, open porches and open carports shall not be considered a part of the building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

4. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

5. No noxious or offensive trade or activity shall be carried on upon the property described herein, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the neighborhood.

6. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence or for residential purposes, either temporarily or permanently. No structure shall be moved onto any lot at any time unless it shall conform to the restrictions herein set out and no house shall be moved from any other location to any lot in the subdivision.

7. No animals, livestock or poultry shall be raised, bred or kept on any lot except that dogs, cats or other household pets may be kept provided that they are not kept, breed or maintained for any commercial purpose. Barns or any other unsightly structures are not permitted. Dog houses shall not be kept in front or side yards. Dog runs will not be permitted. All dogs, when outside their owners' backyards, shall be restrained on a leash.

8. Access or driveway approaches to one entrance of every dwelling unit from a street shall be required. There shall be a minimum of one off-street automobile parking space for each dwelling unit. Said access shall be paved, hard surface material, including the apron from the street, to conform to County codes.

9. All front yards shall be sodded. Corner lots shall be sodded facing both streets, and all other lot area shall be seeded and fertilized. There shall be a minimum of two trees, of a variety that will provide protective shading, on every lot. Said trees shall be a minimum of two and one-half inches in diameter at the base.

10. The overhauling of automobiles and other vehicles, storage of junk or small trailers or other unsightly objects in plain view is prohibited. No vehicle shall be regularly or habitually parked on any street and every lot shall contain adequate facilities for off-street parking for all vehicles kept on the premises.

11. No fences or hedges used as fences shall extend beyond the front building line of any interior lot or beyond the front and side building lines of any corner lot. No solid fences which prevent the free passage of air shall be erected and no fence shall be higher than six (6) feet.

SECTION II

Part B is hereby changed by being deleted in its entirety and by the following being inserted in its place:

Except for the lots presently utilized by Forest Baptist Church (lots 95-100) and Newburg Apostolic Church (lots 128-130), no lot(s) shall hereafter be used except for residential purposes. However, residences may be used by their owners as in-home offices or businesses, provided:

(a) No signs, displays or other demarcations are erected or used on the exterior of the residence to advertise or identify the office or business; and

(b) the operation and/or existence of the office or business does not unreasonably interfere with the quiet and beneficial enjoyment or adversely affect the residential character of the surrounding properties.

There is specifically reserved to the Petersburg Homeowners Association, a successor thereof, or to a neighborhood committee or organization consisting of lot owners in Petersburg Estates, the right to construct and erect upon the common areas structures and facilities for the communal use and enjoyment of the Petersburg Subdivision residents.

SECTION III.

Part C is hereby changed by being deleted in its entirety and by the following paragraphs being inserted in its place:

1. The Petersburg Homeowners Association, Inc. ("Association"), upon satisfaction of the conditions set forth in Part C 2, below, shall forth right be vested with, and granted the authority to exercise, the following powers with respect to the property located in Petersburg Estates:

(a) The power and authority to enforce all restrictions and covenants of record affecting property in Petersburg Estates including the restrictions and covenants set out in the Declaration of Restrictions filed of record in Deed Book 4804, page 72; the restrictions and covenants set forth in this Amended Declaration of Restrictions; and, those covenants and restrictions as may subsequently be enacted by the Association in accordance with its Articles of Incorporation and Bylaws.

(b) The maintenance of common areas and paved areas located in Petersburg Estates which are not maintained by Jefferson County, the City of Louisville or other governmental entity.

(c) The installation, implementation or maintenance of any utilities or services which substantially affect property in Petersburg Estates, which are not provided by the City of Louisville, Jefferson County or other governmental entity.

(d) Power to levy assessments in accordance with its Articles of Incorporation and Bylaws for the operation of Petersburg Homeowners Association, Inc. and to carry out its duties and responsibilities in accordance with this Amended Declaration of Restrictions. Each lot and/or dwelling owner may be subject to an improvement and maintenance assessment to be paid by the lot and/or dwelling owner to the Association at times and in amounts to be determined in accordance with the Association's Articles of Incorporation and Bylaws. Every assessment so made shall be applied equally to each lot and shall constitute a lien against the real property and improvements thereon, if any, but said lien shall be subordinate in priority to the lien of any first mortgage or ad valorem taxes on any property which is subject to such assessment. The lien against such assessment shall be enforceable against the real property as other liens against real estate by foreclosure or may be collected as other claims for money due. The assessment shall not exceed \$175 per year per lot.

(e) Power, subject to the Association's Articles of Incorporation and Bylaws, to perform necessary property maintenance upon any property subject to this Amended Declaration of Restrictions in order to prevent the occurrence of blight and the depreciation of property values of other property in Petersburg Estates. Property maintenance shall include but not be limited to the mowing of grass, removal of dead trees and shrubbery, removal of trash, painting and tuck pointing the exterior of residences, maintenance and repair of gutters, downspouts and roofs. The Association may, as prescribed by its Bylaws, give notice in writing to a lot or dwelling owner to correct any deficiency in the maintenance of such owner's property and in the event that such owner shall default in correcting any deficiency the Association may make such corrections. In undertaking to make the necessary corrections the Association shall have the status of a contractor under KRS 376.010 et seq. The cost for any corrections so made shall become a lien upon the owner's property upon the filing of a mechanic's lien statement.

(f) Such additional powers granted to Petersburg Homeowners Association, Inc. by its Articles of incorporation or later adopted by amendment to its Articles.

2. The power and authority of the Petersburg Homeowners Association, Inc. to exercise those powers enumerated in section C 1, above, shall be contingent

upon, and subject to, the Petersburg Homeowners Association, Inc. performing the following by January 1, 1991:

(a) Amendment to its Articles of Incorporation and Bylaws to admit as voting members of the Association all owners holding by deed or under contract for sale real property in Petersburg Estates, and to permit all persons residing upon said property pursuant to a lease agreement to join as non-voting members. Each property shall be entitled to one vote cast by its owners.

(b) Amendment to its Articles of Incorporation whereby the Association undertakes and assumes the responsibility of exercising the powers and authority granted to it in this Amended Declaration of Restrictions and in other restrictive covenants which may hereafter be enacted with respect to Petersburg Estates, and of exercising all such power and authority which may hereafter, through the operation of conditions, covenants, restrictions, reservations, or charges pertaining to the same, be placed upon or submitted to the jurisdiction of Petersburg Homeowners Association, Inc. and which are determined to be within the jurisdiction of the Association by resolution of the Board of Directors of the Association.

(c) Ratification or approval by a majority of the Association's members, i.e. a majority of the owners of Petersburg Estates with each lot entitled to cast one vote, of the amendments and resolutions adopted by the Association in order to undertake compliance with subparagraphs (a) and (b) above.

SECTION IV.

The following paragraphs of Part D are deleted: 1 and 3. The following paragraphs are hereby inserted into Part D:

1. Term. The restrictions and covenants set forth in the original Declaration of Restrictions which survive, and the restrictions and covenants contained in, this Amended Declaration of Restrictions, are hereby declared to be covenants running with the land until January 1, 1999, at which time said restrictions and covenants shall be automatically extended for successive periods of ten (10) years each, unless deleted, amended, or supplemented by an instrument signed by a majority of the then owners of the dwellings and/or lots in Petersburg Estates.

2. Severability. Invalidation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect. The changes undertaken herein to the original Declaration of Restrictions shall be deemed dependent upon the validity of the changes. In the event that any change hereunder is determined to be invalid, the most closely corresponding

provision, in whole or in part, of the original Declaration of Restrictions, if any, shall be revived.

3. These amendments to the Declaration of Restrictions, having been approved by the owners of the majority of the land area situated in Petersburg Estates Subdivision shall run with the land, and shall be binding upon all owners of property located in Petersburg Estates, to wit:

A tract of land subdivided into a subdivision,
and known as Indian Trail Area, Section 2,
Project No. Ky. R-69, plat of which is recorded
in Plat and Subdivision Book 31, page 84, of
record in the office of the Clerk of The County
Court of Jefferson County, Kentucky; said tract
having been further subdivided into lots owned
by the below listed individuals and entities: