

FIRST AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS

CURRY CROSSINGS SUBDIVISION
(To Include Section 1B)

This First Amendment to Declaration of Covenants, Conditions and Restrictions for Curry Crossings Subdivision, (To Include Section 1B) (this "First Amendment") is made as of September 5, 1996, by CURRY CROSSINGS, INC., a Kentucky corporation, 625 Meidinger Tower, Louisville, Kentucky 40202 (the "Developer").

RECITALS

A. Pursuant to that Declaration of Covenants, Conditions and Restrictions for Curry Crossings Subdivision, Section 1A, dated September 15, 1995, of record in Deed Book 6640, Page 121, in the office of the Clerk of Jefferson County, Kentucky (the "Declaration"), Developer imposed certain covenants, conditions, easements and restrictions upon certain real property described in the Declaration.

B. Pursuant to Section 1.2 of the Declaration, Developer reserved the right to subject additional property to the general scheme imposed by the Declaration, as future sections of Curry Crossings were developed.

C. Developer is now developing Section 1B of Curry Crossings and desires to subject Section 1B to the terms and provisions of the Declaration and to make certain other amendments applicable to Section 1B.

AMENDMENT

Developer, as the owner of the real property described below, and in accordance with the provisions of the Declaration and the Recitals above, amends the Declaration as follows:

1. Section 1.1 of the Declaration, entitled "Subject Property" is amended to include the following described real property, which is in addition to the property currently described in the Declaration:

BEING Lots 56 through 71 inclusive, Lots 76 through 84 inclusive, and Lots 125 through 128 inclusive, as shown on the plat of Curry Crossings, Section 1B, of record in Plat and Subdivision Book 42, Page 67, in the Office of the Clerk of Jefferson County, Kentucky.

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BEING a part of the property acquired by Developer by Deed dated January 30, 1995, of record in Deed Book 6551, Page 716, by Deed dated January 30, 1995, of record in Deed Book 6551, Page 710, and by Deed dated January 30, 1995, of record in Deed Book 6551, Page 707, all in the Office of the Clerk of Jefferson County, Kentucky.

2. The following new section is added to the Declaration:

Section 3.3A **Minimum Floor Areas.** The following shall be the minimum floor areas for residences to be constructed on the following specified Lots:

(a) The total floor area of one-story residence constructed on any of Lots 56 through 71 inclusive and Lots 76 through 84 inclusive shall be a minimum of 1,900 square feet.

(b) The total floor area of a two-story or larger residence constructed on any of Lots 56 through 71 inclusive and Lots 76 through 84 inclusive shall be a minimum of 2,600 square feet.

(c) The first floor area of a one and one-half story residence constructed on any of Lots 56 through 71 inclusive and Lots 76 through 84 inclusive shall be a minimum of 1,500 square feet.

(d) The total floor area of one-story residence constructed on any of Lots 125 through 128 inclusive shall be a minimum of 2,100 square feet.

(e) The total floor area of a two-story or larger residence constructed on any of Lots 125 through 128 inclusive shall be a minimum of 2,900 square feet.

(f) The first floor area of a one and one-half story residence constructed on any of Lots 125 through 128 inclusive shall be a minimum of 1,700 square feet.

(d) Basement areas (finished and unfinished), garages, decks and open or screened-in porches shall not be included in calculating floor areas.

3. Section 3.2 of the Declaration is amended to add the following subparagraph (b) to that Section 3.2, as follows:

(b) Notwithstanding the provisions of subparagraph (a) of Section 3.2 of the Declaration, and notwithstanding any other setback lines or building lines imposed by the plat of Curry Crossings, Section 1B, or by applicable zoning regulations, no structure shall be located on any of Lots 125 through 128 inclusive nearer to the front Lot line or the street side Lot line than 45 feet, except steps may project into said areas and open porches may project into said areas not more than six (6) feet. Developer may vary this setback line, in its sole discretion, where not in conflict with applicable zoning regulations.

4. Section 3.4 of the Declaration is amended by adding the following subparagraph (c), as follows:

(c) Notwithstanding the provisions of subparagraph (a) of Section 3.4 of the Declaration, garages on Lots 56 through 71 inclusive, Lots 76 through 84 inclusive and Lots 125 through 128 inclusive may be detached, but only upon the prior written approval of Developer in accordance with Section 3.5 and other applicable provisions of the Declaration.

5. Section 3.6 of the Declaration is amended to add the following subparagraph (f), as follows:

(f) Notwithstanding the provisions of subparagraph (b) of Section 3.6 of the Declaration, the owners of Lots 56 through 71 inclusive, Lots 76 through 84 inclusive and Lots 125 through 128 inclusive may asphalt driveways on those Lots, except the provisions of subparagraph (b) of Section 3.6 of the Declaration with respect to concreting the apron shall remain applicable to Lots 56 through 71 inclusive and Lots 76 through 84 inclusive. Notwithstanding the provisions of subparagraph (e) of Section 3.6 of the Declaration, the owners of Lots 76 through 84 inclusive and Lots 125 through 128 inclusive shall not be required to construct a sidewalk on those Lots. Notwithstanding the provisions of subparagraph (c) of Section 3.6 of the Declaration, the owners of Lots 56 through 71 inclusive, Lots 76 through 84 inclusive and Lots 125 through 128 inclusive shall cause to be planted three (3) trees (at least two and one-half inches in caliper) in the front yard of those Lots, with remaining provisions of that subparagraph (c) continuing to bind and be applicable to those Lots.

6. Except as modified by this First Amendment, the Declaration shall remain in full force and effect.

