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Jefferson County Clerk's Office

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BOBBIE HOLSCLOW
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**DECLARATION OF ANNEXATION AND
SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
SANCTUARY FALLS SUBDIVISION**

SANCTUARY FALLS SUBDIVISION, SECTION 3

Plat and Subdivision Book _____, Pages _____
Jefferson County, Kentucky

THIS DECLARATION OF ANNEXATION AND SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SANCTUARY FALLS SUBDIVISION, SECTION 3 ("Second Amendment") is made, imposed and declared as of this 18 day of September, 2023, by CLAYTON PROPERTIES GROUP, INC., a Tennessee corporation, with an address of 16218 Shelbyville Road, Louisville, Kentucky 40245 ("Declarant").

WITNESSETH:

WHEREAS, Declarant is the current owner/developer of lots in a certain residential subdivision known as "SANCTUARY FALLS SUBDIVISION, SECTION 1 & 2A" as shown on plat of same of record in Plat and Subdivision Book 62, Pages 15 and 16 ("Section 1 Jefferson County Record Plat"), in the Office of the Clerk of Jefferson County, Kentucky; and as shown on plat of record in Oldham County Plat Book 8, Pages 10 and 11 ("Section 1 Oldham County Record Plat"), in the Office of the Clerk of Oldham County, Kentucky; and as shown on plat of same of record in Oldham County Plat Book 8, Page 20 ("Section 2A Oldham County Record Plat"), in the Office of the Clerk of Oldham County, Kentucky (the "Subdivision"), pursuant to that certain Declaration of Covenants, Conditions and Restrictions for Sanctuary Falls Subdivision, Section 1, of record in the Office of the Clerk of Jefferson County, Kentucky in Deed Book 12251, Page 232 and of record in the Office of the Clerk of Oldham County, Kentucky in Restriction Book 15, Page 139 (the "Original Declaration"); as amended by Declaration of Annexation and First Amendment to the Declaration of Covenants, Conditions and Restrictions for Sanctuary Falls Subdivision, Section 2A of record in the Office of the Clerk of Oldham County Kentucky in Restriction Book 15, Page 303 (the "First Amendment") (collectively the "Declaration"); and

WHEREAS, Declarant desires to annex certain additional real property located in Jefferson County known as Section 3 and more particularly described below ("Section 3" or the "Annexed Property") into the Subdivision regime governing the property shown on the Section 1 Jefferson County Record Plat, the Section 1 Oldham County Record Plat, and Section 2A Oldham County

Record Plat, and to subject Section 3 to the Declaration, as amended herein pursuant to the provisions of Article I, Section 1.02 of the Original Declaration; and

WHEREAS, Declarant desires to amend Article III, Section 3.09(a) to clarify the lot owner is responsible for maintaining any settlement of the graded or sodded yard; and

WHEREAS, Declarant desires to amend Article II, Section 2.05(c) as to fences to clarify that despite the authority given to Sanctuary Falls Homeowners Association, Inc., a Kentucky non-profit corporation (the "Association") to approve fences, privacy fences are prohibited, and any approved non-privacy fence shall have a maximum height of 48 inches; and

WHEREAS, Declarant has the unilateral right pursuant to Article V, Section 5.03 of the Declaration to alter or amend the Declaration and the terms thereof.

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

1. The Annexed Property consists of the lots numbered 89 through 116 and the open space lots 1003 and 1004, as shown on Record Plat of **SANCTUARY FALLS SUBDIVISION - SECTION 3**, filed simultaneously with the recording of this Second Amendment, of record in Plat and Subdivision Book _____, Pages _____ through _____ in the Office of the Clerk aforesaid.

2. Section 3 is hereby annexed to **SANCTUARY FALLS SUBDIVISION**, and the scheme set forth in the Declaration shall be and is hereby extended to include the Annexed Property as more particularly described as:

BEING Lots 89 through 116 and the open space lots 1003 & 1004 as shown on Record Plat of Sanctuary Falls Subdivision – Section 3, prepared by Land Design & Development, Inc. dated ~~Sept 12, 2022~~ *September 12, 2022*, 2022 and approved by Louisville Metro Planning Commission on *September 18, 2023*, 2023 bearing Docket #22-RP-0028, recorded in Plat and Subdivision Book *63*, Page *83-84* in the Office of the Clerk of Jefferson County, Kentucky.
Plat Book

Being a portion of the same property conveyed to Clayton Properties Group, Inc. by that certain Special Warranty Deed dated July 8, 2020 recorded in Deed Book 11730, Page 910, in the Office of the Clerk of Jefferson County, Kentucky and recorded in Deed Book D1254, PG286, in the Office of the Clerk of Oldham County, Kentucky.

3. The following sentence shall be added in its entirety to the end of Article III, Section 3.09(a) of the Declaration title "Grading and Sodding" as if originally set forth therein:

(i) "The lot owner shall be responsible for maintaining any settlement of the graded and sodded yard, if applicable, with the cost of any required work to be paid by the lot owner."

4. The following language shall be added to the end of Article II, Section 2.05(c) as if originally set forth therein:

(c) No privacy fences or walls of any nature are allowed. Any fence approved by the Association in writing must not constitute a "privacy" fence (ie., prohibiting the view through the fence). Further, any non-privacy fence approved in writing by the Association must be no taller than 48" in height.

5. Other than as modified herein, all provisions of the Declaration shall be unaltered and of full force and effect.

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