

3 2002

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR
NORTH POINTE SUBDIVISION**

Group: 2001, 4388, 4462, 4473, 4516, 4599, 4639, 4640, 4641, 4642, 4763, 4798,
4982, 5029, 5061, 5207, 5248, 5299, 5300, 5416

Arlinghaus I LLC is the successor as a result of a merger with Arlinghaus Builders Inc, and is the developer of North Pointe Subdivision in Hebron, Boone County, Kentucky. The Declaration of covenants, conditions and restrictions and reservation of easements of covenants, conditions and restrictions and reservation of easements were adopted in January, 2003 by the developer. Article 11.2.1 permits the developer to amend the Declaration.

RECORDED MKC BK 9361 PG 245, ✓

Therefore, developer Arlinghaus I LLC hereby amends the Declaration as follows:

7.2.6 Grading. Final grading of all disturbed areas of the yard of the residence must be completed, and those areas must be seeded in grass within 6 months of final construction of the home, weather permitting. Also, a reasonable amount of landscaping shall be installed at the front of the home within 6 months of final construction of the home, weather permitting. Landscaping shall include trees, shrubs, flowers, ornamental grasses, and other types of plants intended to improve the value and aesthetics of the home and the community. The amount of landscaping shall include at least one tree of minimum 2 inch caliper, and at least one more tree, shrub, evergreen, ornamental grass, or other reasonably acceptable plant per 5 feet of frontage of the home.

7.2.8 Fences. Fences, walls, including the use of hedges or other plants as a barrier, can be built, placed or remain upon a lot or open-space easement only after obtaining prior approval of the Board. Fences shall not be placed on any lot nearer to the street than the rear line of the residence located on the lot. On a corner lot, the fence shall not be closer to the side street than the shortest distance between the residence and the side street, or 32.5 feet from the curb on the side street, whichever is less. Unless otherwise approved by the Board, fences shall be constructed of a three or four board, two or three rail split rail, rustic rail, dark colored chain link or wire mesh, hedge or other growing plants used as a fence, or other material approved by the Developer if it still owns the lot, or approved by the Board. Fences shall not exceed 4 feet in height except within 15 feet of the rear of the house where a fence up to 7 feet in height is permitted. Retaining walls are excluded from the above requirements, if reasonably required for use as a retaining wall. Fences shall not be constructed in a landscape or sign easement. These restrictions do not apply to fences enclosing the recreation area owned by the Association, or to decorative fences which may be installed by the Developer.

8.6 Trash. Burning of trash and accumulation or storage of garbage, litter, building materials or trash is not permitted on any lot for an unreasonable time. Trash and garbage shall be placed in sanitary garbage cans or containers and shall not be permitted to remain in view of the street except within 24 hours before and after the approximate time of trash collection. Garbage cans can remain outside on the side of the home as long as it is reasonably screened by an approved fence, an approved wing wall, plants or bushes, or other type of screening which is enough to hide the cans from view from the street in front of the home (and side street if a corner lot). This paragraph shall not apply to lots or property owned by the Developer or Builders.

8.7 Prohibited Structures. No temporary structure, bam, tent, trailer, storage shed, outbuilding, free standing greenhouse, above ground pool, or other structure shall be built or remain upon a lot. However, a storage building may be built in the area to the immediate rear of the house within 12 feet of the house as long as it is attached to the house and constructed of a material acceptable to the Developer if the Developer still owns the lot, or to the Board. Other accessory structures may be permitted only after approved by the Board in accordance with this Declaration. This paragraph shall not apply to lots owned by the Developer or Builders. Decks and gazebos are not considered outbuildings.

8.9 Vehicles, Boats, Trailers. Trucks exceeding 3/4 ton, recreational vehicles, motor homes, campers, boats, trailers, and travel trailers shall not be parked or stored on any lot in excess of 3 days during any calendar month. Also, trucks up to one ton capacity can be parked or stored on lots, as long as the style of the truck is that of a pickup truck and not a flatbed truck, dump truck, or panel truck. However, they can be kept in any enclosed area or garage, or parked within 15 feet of the rear of the home if that is out of sight from the street. Buses, delivery vans, mobile homes, and heavy equipment are not permitted to be stored or parked on the lot. No inoperable vehicle shall be stored outside on any lot for a period in excess of 1 week. This paragraph shall not apply to any lots owned by a Developer or builder and held for sale.

All other terms of the Declaration remain as originally written and adopted.

IN WITNESS WHEREOF, Arlinghaus I LLC, a Kentucky limited liability company, signs below to indicate its approval of this amendment.

Arlinghaus I LLC

By: Phil Schroder VP
Officer

STATE OF KENTUCKY
COUNTY OF KENTON

The above Declaration was signed, sworn to and acknowledged before me this 20 day of FEBRUARY, 2018, by Robert Schroder, Vice President of Arlinghaus I LLC, for and on behalf of the company.

Melanie Boone
Notary Public Kentucky State at Large 558290
My Commission Expires: 7/1/20

This instrument prepared by:

Phil Schroder
Robert Schroder Attorney
142 Barnwood, Edgewood, Ky 41017

RETURN TO:

Boone County
MC1322 PG 409

DOCUMENT NO: 746629
RECORDED ON: MARCH 09, 2018 02:48:53PM
TOTAL FEES: \$13.00
GROUP : 2001
COUNTY CLERK: KENNY BROWN
COUNTY: BOONE COUNTY CLERK
DEPUTY CLERK: REBECCA ENZICK
BOOK MC1322 PAGES 407 - 409