

RESTRICTIVE COVENANTS

FOR

ARBOR SPRINGS AT PLANTATION POINTE SUBDIVISION
FLORENCE AND UNION, KENTUCKY

Groups: 4236 & 2047

Plat: Cabinet 4, Slide 111

Arlinghaus Builders Inc., a Kentucky Corporation, intending to establish a general plan for the use, occupancy and the enjoyment of Arbor Springs at Plantation Pointe Subdivision in Florence and Union, Boone County, Kentucky, hereby declares that for the mutual benefit of its present and future owners, all lots therein, including those platted in Section One and any future sections of this subdivision, shall be subject to the following restrictions:

1. The lots shall be used for residential purposes, however Arlinghaus reserves the right to construct a model home for promotional and display purposes and to construct and maintain sales and promotional signs on any lots within the subdivision. This right may be exercised by Arlinghaus or its assigns.

2. All plans for building, excavation and grading shall be approved by Arlinghaus before starting, until Arlinghaus has sold all of the lots in the subdivision.

3. Easements for installation and maintenance of utilities and drainage facilities are and will be reserved as shown on the recorded plats. Within these easements, no structures, planting or other materials shall be placed which may damage or interfere with the installation of utilities or drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continually by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

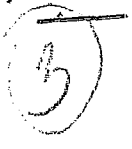
4. No structure of a temporary character, trailer, barn or other outbuildings shall be built, used or maintained on any lot. However, a storage building may be built in the area to the immediate rear of the house, within 15 feet of the house, but only to a maximum size of 100 square feet. No other outbuildings are permitted. Decks and gazebos are not considered outbuildings and are permitted.

5. Fences shall not be built on any part of a lot between the rear of the home constructed thereon and the street in the front of the building. Fences built on the lot shall not be in excess of four (4) feet in height and shall be of rustic rail, wood, *ORNAMENTAL METAL* vinyl coated dark green or brown or black chain link, or other similar material. However, a privacy fence up to 7 feet in height

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MC873 PG 557

RETURN TO: Robert Schroeder
1105 O'Bannon Ln Owenton Ky 40359



may be built in the immediate rear of the house and extend out a maximum of 15 feet. On a corner lot, the section or sections of fence running with the side street shall not extend closer to the side street than the following: (a) the same distance from the side street as the closest point of the residence on that lot or (b) 32.5 feet from the curb, whichever (a) or (b) is closer to the street.

6. No trucks larger than 1 ton, boats, trailers or campers may be parked on any part of a lot, except in a completely closed garage or in the immediate rear of the house, within 20 feet of the house. Storage of mobile homes, motorhomes, buses, delivery vans or heavy equipment is not permitted on the lot. No inoperable vehicles shall be kept outside on any lot for a period longer than one week.

7. The provisions contained in paragraphs 4 through 6 above do not apply to the Developer and the Builder of the original home on each lot. Construction trailers and temporary storage of materials and equipment used by the Builders of the new homes within the subdivision are permitted.

8. All antennas or receivers must be attached to the principal building on a lot. Free standing antennas and receivers, and exterior satellite receivers with a diameter larger than 24 inches are prohibited. The maximum allowable heights above the roof line shall be ten (10) feet above the roof line.

9. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot; however household pets are permitted as long as they are not kept, bred or maintained for any commercial purposes.

10. The lots in this subdivision are also subject to the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements and Declaration of Homeowners Association for Plantation Pointe Subdivision as recorded in Misc Book 521, page 57, and as may be prior or hereafter amended, recorded in the Boone County Clerk's records at Burlington, Kentucky.

11. These restrictions can be amended if 2/3 of the lot owners vote to so amend. As long as Arlinghaus still owns any lot in the subdivision, it reserves the right to reasonably amend any of these restrictions without the other owners approval, to conform to requirements of any government agency or to complete the development and sell the lots or homes. Such amendments are authorized and do not require approval of the other prior or subsequent owners and they automatically consent to such amendments. Any amendment adopted by the Developer shall be recorded and shall take effect on the date recorded.

12. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until December 31, 2017 (except for Par 10 which does not terminate in year 2017).

13. Enforcement shall be by proceedings of law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages. Any owner of property in the Subdivision has the right to bring action to enforce any of the provisions or to seek an opinion as to their interpretation or validity.

14. Invalidation of any of these covenants by judgement or court order shall in no way affect any of the other provisions, which shall remain in full force and effect. If any City, County, State or Federal law is more restrictive than these covenants, then those other laws shall take precedence.

15. All dwellings shall be constructed in accordance with applicable building codes and the plats to be recorded for the subdivision.

IN WITNESS WHEREOF, Arlinghaus Builders Inc, a Kentucky Corporation, by and through its Vice-President and pursuant to a resolution of its Board of Directors, has hereunto set its hand this 17 day of September, 2001.

Arlinghaus Builders Inc.

By: Robert Schroder
Vice-President

Commonwealth of Kentucky
County of Kenton

The foregoing instrument was acknowledged before me by Robert Schroder, Vice-President of Arlinghaus Builders Inc, for and on behalf of the Corporation, on this 17 day of September, 2001.

Lisa Unbeck
Notary Public / Ky (State at Large)
My Commission Expires: 7-1-04

This instrument prepared by:

Robert Schroder
Robert Schroder Attorney
1105 O'Banion Ln, Owenton, Ky 40359

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