

Plainview . § 4 MARKUP #1 ->

DECLARATION OF RESTRICTIONS

PLAINVIEW SUBDIVISION, SECTION 4

PLAT AND SUBDIVISION BOOK 32, PAGE 67

JEFFERSON COUNTY, KENTUCKY

Plainview Farms Development Corporation, a Kentucky corporation, (" Plainview"), 10001 Linn Station Road, Louisville Kentucky 40223, is now the owner of the following lots in Plainview Subdivision, Section 4:

ISSUE #1

~~BEING lots 460 through 551, inclusive, as shown on the plat of Plainview, Section 4, of record in Plat and Subdivision Book 32, Page 67, in the office of the Clerk of the County Court of Jefferson County, Kentucky.~~

For the mutual benefit of present and future owners of the lots in Plainview Subdivision, including this section and the residential lots in sections of Plainview Subdivision previously recorded and to be recorded, Plainview imposes restrictions upon the above described lots as follows:

(1) Primary Use Restrictions.

No lot shall be used except for private single family residential purposes. No structure shall be erected, placed or altered or permitted to remain on any lot except one single family dwelling designed for the occupancy of one family (including any domestic servants living on the premises), not to exceed two and one-half stories in height and a private garage (attached or detached) for not more than three automobiles for the sole use of occupants of the lot.

(2) Approval of Construction Plans.

No building, fence, wall, structure or other improvement (including a detached garage) shall be erected, placed or altered on any lot until the construction plans, specifications and a plan showing the grade elevation and location of the structure, fence, wall or improvement, the type of exterior material and the driveway (which shall be of asphalt or concrete) shall have been approved in writing by Plainview or by any person or association to whom it may assign the right. No fence or wall of any nature may be extended toward the front or street side property line beyond the front or side wall of the residence. Plainview may vary the established building lines, in its sole discretion, where not in conflict with applicable zoning regulations.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE BOARD & COUNSEL REVIEW

Sec. N/A (p. 1): Clause denies or restricts owner inspection of association financial statements, budgets, or official records in violation of KRS § 381.797 & KRS § 273.233.

Statutory / Legal Reference: KRS § 381.797 & KRS § 273.233

Statutory Comparison: Under KRS § 381.797 (Kentucky Planned Communities Act) and KRS § 381.9197 (Kentucky Condominium Act), the association shall keep financial records sufficiently detailed to enable compliance with statutory resale disclosure requirements, and all financial and other official records shall be made reasonably available for examination by any lot/unit owner and the owner's authorized agents.

CURRENT WORDING IN DOCUMENT:

of record in Plat and Subdivision Book 32, Page 67, in the office of the Clerk of the County Court of Jefferson County, Kentucky. For the mutual benefit of present and future owners of the lots in Plainview Subdivision, including this section and the residential lots in sections of Plainview Subdivision previously recorded and to be recorded, Plainview imposes restrictions upon the above described lots as follows:

(1) Primary Use Restrictions.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to KRS § 381.797 & KRS § 273.233, all financial statements, budgets, meeting minutes, and official records of the Association shall be made reasonably available for examination and copying by any Owner and the Owner's authorized agent upon reasonable written request.