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**FIRST SUPPLEMENTAL DECLARATION  
OF  
COVENANTS, CONDITIONS AND RESTRICTIONS**

**CREEK PARTNERS, LLC  
LOCUST CREEK SUBDIVISION, PHASE 2-A  
JEFFERSON COUNTY, KENTUCKY**

**THIS FIRST SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS** for Locust Creek Subdivision, Phase 2-A ("First Supplemental Declaration") is made on this 11 day of January, 2002, by Creek Partners, LLC, a Kentucky limited liability company, with an address of 1510 Citizens Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202 ("Developer").

**WHEREAS**, Developer caused that certain Declaration of Covenants, Conditions, and Restrictions of Locust Creek Subdivision, Phase I, to be duly recorded in Deed Book 7718, Page 22, in the Office of the Clerk of Jefferson County, Kentucky, on August 31, 2001 ("Prior Declaration") for the purpose of creating a residential subdivision (the "Subdivision") in multiple phases (individually, a "Phase"), and

**WHEREAS**, Developer is the owner of certain real property located in Jefferson County, Kentucky, to be added to the Subdivision as an additional Phase.

**NOW, THEREFORE**, Developer hereby declares that a portion of the Subdivision consisting of "Phase 2-A", as hereinafter defined, shall be held, sold, and conveyed subject to the easements, restrictions, covenants, and conditions in the Prior Declaration, which are for the purpose of protecting the value and desirability of the Subdivision. The easements, restrictions, covenants, and conditions shall: (i) run with the land contained in the subdivision; (ii) be binding on all parties having any right, title, or interest in the Subdivision, their heirs, successors, and assigns, and (iii) inure to the benefit of each owner.

1. Amendment to Section 1. Section 1 of the Prior Declaration, entitled "The Property", is hereby amended to include the following described property (Phase 2-A) in addition to the property currently subject to and described in the Prior Declaration:

BEING Lots 77 through 94 as shown on the plat of Locust Creek Subdivision, Phase 2-A, of record in Plat and Subdivision Book 47, Page 97, in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

BEING Phase 2-A as shown on the Minor Subdivision Plat produced by Sabak, Wilson & Lingo, Inc., and approved by the Louisville and Jefferson County Planning Commission on

\_\_\_\_\_ 200\_\_\_\_, under Docket No. **DB 07800PG0385**  
\_\_\_\_\_, the original of which is of record in Deed Book  
\_\_\_\_\_, Page \_\_\_\_\_, in the Office of the County Court of  
Jefferson County, Kentucky.

BEING a part of the same property acquired by Creek Partners, LLC, by Deed from Sweeney Farm Family Limited Partnership dated December 13, 2000, of record in Deed Book 7554, Page 354, of record in the Office of the County Court of Jefferson County, Kentucky; and

BEING a part of the same property acquired by Sweeney Farm Family Limited Partnership by Deed dated December 5, 1998, of record in Deed Book 7193, Page 777, and Deed dated December 13, 1998, of record in Deed Book 7193, Page 784, both deeds of record in the Office of the County Court of Jefferson County, Kentucky.

The term "Lot", as used in the Prior Declaration, shall include any lot or similar property as delineated on the Plat of Phase 2-A.

The term "Lot Owner", as used in the Prior Declaration, shall include the owner or owners of a Lot in Phase 2-A.

2. Article III, Section 3 Article III, Section 3, of the Prior Declaration shall be amended as follows:

- A. The ground floor of a ranch (one-story) house shall have the minimum floor area of 2,600 square feet, exclusive of garage, with a minimum house width of 70 feet
- B. The ground floor of a one and one-half story house shall have a minimum floor area of 2,200 square feet, exclusive of garage, with a total minimum area of 3,400 square feet and a minimum house width of 70 feet.
- C. The ground floor of a two-story house shall have a minimum area of 1,700 square feet for the first floor, exclusive of garage, with a total minimum area of 3,400 square feet and a minimum house width of 70 feet.
- D. Up to five feet (5') of the required minimum house width defined hereinabove may be achieved with a wing wall.
- E. The total floor area of all other types of houses for Phase 2-A shall be a minimum floor area of 3,400 square feet, exclusive of garage.

F Finished basement areas, garages, and open porches are not included in computing floor areas

3. Definitions. All capitalized terms not defined herein shall have the same meanings as those set forth in the Prior Declaration.

4. No Other Modifications Other than as set forth herein, the Prior Declaration shall remain in full force and effect.

WITNESS the signature of Developer on this 11 day of JANUARY, 2002.

CREEK PARTNERS, LLC  
A Kentucky Limited Liability Company  
BY: CMB DEVELOPMENT COMPANY, LLC  
A Kentucky Limited Liability Company  
The Sole Member of Creek Partners, LLC

BY: [Signature]  
Name: Thomas F. Buetow  
Title: Member, CMB Development Company, LLC

SWEENEY FARM FAMILY LIMITED PARTNERSHIP  
A Kentucky Limited Partnership

BY: [Signature]  
Name: Maurice M. Sweeney  
Title: Managing General Partner

STATE OF KENTUCKY  
COUNTY OF JEFFERSON

The foregoing instrument was acknowledged before me by Thomas F. Buetow, Member of CMB Development Company, LLC, a Kentucky limited liability company, the sole member of Creek Partners, LLC, a Kentucky limited liability company, on behalf of said limited liability company, on this 11 day of JANUARY, 2002.


[Signature]  
NOTARY PUBLIC  
KENTUCKY STATE AT LARGE

My Commission Expires: 6/12/02

STATE OF KENTUCKY  
COUNTY OF JEFFERSON


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The foregoing instrument was acknowledged before me by Maurice M. Sweeney, Managing General Partner, Sweeney Farm Family Limited Partnership, a Kentucky limited partnership, on behalf of said limited partnership, on this 11 day of JANUARY, 2002.

  
NOTARY PUBLIC  
KENTUCKY STATE AT LARGE

My Commission Expires 6/14/02

THIS INSTRUMENT PREPARED BY:

  
William H. Cull  
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Frankfort, Kentucky 40601  
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Recorded In Plat Book

No 47 Page 97  
Part No. \_\_\_\_\_

CREEK PARTNERS, LLC  
CCR'S - Phase 2-A  
112801

UMENT

Document No.: DN2002008938  
Lodged By: CREEK PARTNERS LLC  
Recorded On: 01/11/2002 02:15:03  
Total Fees: 14.00  
Transfer Tax: .00  
County Clerk: Bobbie Holsclaw-JEFF CO KY  
Deputy Clerk: YOLLOE2