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INST # 2019016004

BATCH # 165138

JEFFERSON CO, KY FEE \$16.00

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LODGED BY: BARDENWERPER TALBOTT & ROBERTS PLLC

RECORDED: 01-22-2019 12:04:26 PM

BOBBIE HOLSCLAW

CLERK

BY: EVELYN MAYES

RECORDING CLERK

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PG: 991-995

**SECOND AMENDMENT TO SHAKES RUN SUBDIVISION SECTION 8
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

JEFFERSON COUNTY, KENTUCKY

THIS SECOND AMENDMENT TO SHAKES RUN SUBDIVISION SECTION 8 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (“Amendment”) is made, imposed and declared as of this 22 day of January, 2019, by **SHAKES RUN DEVELOPMENT SECTION 8, LLC**, a Kentucky limited liability company with an address of 16218 Shelbyville Road, Louisville, Kentucky 40245 (hereinafter referred to as (“Section 8 Declarant”).

WITNESSETH:

WHEREAS, Terra Acquisitions, LLC, a Kentucky limited liability company (“Original Declarant”) filed that certain Declaration of Covenants, Conditions and Restrictions of Shakes Run Subdivision, Section 1, recorded in Deed Book 9244, Page 720 on June 19, 2008 (“Original Declaration”), in the Office of the Clerk of Jefferson County, Kentucky, for the Shakes Run Subdivision (the “Subdivision”);

WHEREAS, the Original Declaration has been previously amended multiple times, including, but not limited to, annexing additional sections into the Subdivision;

WHEREAS, Section 8 Declarant is the current owner and developer of the Lots in “SHAKES RUN SUBDIVISION – SECTION 8” (“Section 8”), pursuant to that certain Declaration of Annexation for Shakes Run Subdivision, Section 8, recorded in Deed Book 10717, Page 50 (“Declaration of Annexation – Section 8”), as amended by that certain First Amendment to Shakes Run Subdivision Section 8 Declaration of Covenants, Conditions and Restrictions, recorded in Deed Book 10827, Page 462, all in the Office of the Clerk of Jefferson County, Kentucky (“Section 8 First Amendment”), also as shown on plat of same of record in Plat and Subdivision Book 55, Page 81 (“Section 8 Record Plat”) in the Office of the Clerk aforesaid (the “Section 8 Property”), and is thereby the declarant of Section 8;

WHEREAS, it is the desire and intention of Section 8 Declarant to change the name of the sub-association for Section 8 from Shakes Run Section 8 Community Association, Inc. to Shakes Run Garden Homes Community Association, Inc., a Kentucky non-profit corporation (“Shakes Run Garden Homes Association”) in accordance with the provisions of the Original Declaration, the Declaration of Annexation – Section 8, and the Section 8 First Amendment, as amended by this Amendment;

WHEREAS, it is the desire and intention of Section 8 Declarant for the Shakes Run Garden Homes Association to manage both Section 8 and Section 12 of the Subdivision and hereby amends same to do so; and

NOW, THEREFORE, in accordance with the foregoing preambles, which are hereby incorporated herein, the Section 8 Declarant hereby declares as follows:

1. That the official name of the Shakes Run Section 8 Community Association, Inc. be changed to Shakes Run Garden Homes Community Association, Inc., which Section 8 Declarant shall also change with the Kentucky Secretary of State.

2. The Shakes Run Garden Homes Association shall manage and serve as the sub-association for Section 12 as well as Section 8.

3. The following shall be applicable to Section 12 and the terms of this Amendment:

Classes of Membership. The Shakes Run Garden Homes Association shall have two classes of voting membership. Membership in the Shakes Run Garden Homes Association shall be as set forth in the Articles of Incorporation of the Shakes Run Garden Homes Association which shall be as follows:

(a) Class A. Class A members shall be all owners of Lots within Section 8 and Section 12, with the exception of Declarant.

(b) Class B. The Class B member in the Shakes Run Garden Homes Association shall be the Declarant. The Class B membership of Declarant shall cease and be converted to Class A membership (at which time Class A membership shall succeed to and be assigned all rights of Declarant) on the happening of any of the events specified in paragraph (c) below, whichever occurs earlier.

(c) Each member shall have one vote with respect to each Lot owned by such member, but Class A members shall not be entitled to exercise any vote until the earlier of:

(i) When, in its discretion, the Declarant member(s) so determine(s);

(ii) Within 180 days following the date when 100 percent (100%) of the lots which may be developed in Section 8 and Section 12 of the Subdivision have been sold by the Declarant; or

(iii) January 1, 2047.

Restrictions Run With Land. Unless canceled, altered or amended under the provisions of this paragraph, the covenants and restrictions in this Amendment are to run with the land and shall be binding on all parties claiming under them for a period of thirty (30) years from the date this Amendment is recorded, after which time they shall be extended automatically for successive periods of ten (10) years,

unless an instrument signed by a majority of the then owners of all Lots in Section 12 has been recorded agreeing to change these restrictions and covenants in whole or in part. So long as Class B membership exists pursuant to the above, the Declarant shall have the unilateral right, without the consent of the other Lot owners or any other party, to alter or amend this Amendment and the terms thereof. Once the Class B Membership terminates, the covenants and restrictions in this Amendment may be canceled, altered or amended at any time by a written instrument signed by the owners of the Lots with seventy-five percent (75%) of the votes in the Shakes Run Garden Homes Association and recorded in the Jefferson County Clerk's office.

4. Other than as set forth herein, Section 8 Declarant ratifies and affirms all of the covenants, conditions and restrictions contained in the Original Declaration, the Declaration of Annexation – Section 8, and the Section 8 First Amendment.

WITNESS the signature of Section 8 Declarant by its duly authorized representative as of the day, month, and year first above written.

SHAKES RUN DEVELOPMENT SECTION 8,
LLC
a Kentucky limited liability company

By: _____

Name: JOSEPH WISATEM

Title: MANAGER

STATE OF KENTUCKY)
) SS:
COUNTY OF JEFFERSON)

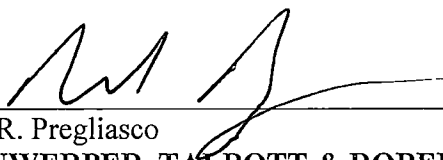
The foregoing instrument was subscribed, sworn to, and acknowledged before me by JOSEPH WISATEM as MANAGER of SHAKES RUN DEVELOPMENT SECTION 8, LLC, a Kentucky limited liability company, on behalf of the company, this 22 day of JANUARY, 2019.

My Commission expires: 5.15.21



[Signature]
Notary Public, State at Large, Kentucky

THIS INSTRUMENT PREPARED BY:



Nicholas R. Pregliasco

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