

**THIRTY-FIRST AMENDMENT AND SUPPLEMENT  
TO DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS AND RESERVATION OF EASEMENTS  
AND DECLARATION FOR HOMEOWNERS ASSOCIATION  
FOR  
PLANTATION POINTE**

THIS THIRTY-FIRST AMENDMENT AND SUPPLEMENT to Declaration of Covenants, Conditions and Restrictions and Reservation of Easements and Declaration for Homeowners Association for Plantation Pointe (the "Amendment"), is made effective as of September 29, 2005, by A & K Enterprise, Inc., a Kentucky corporation ("Declarant"), and ERPS, Inc., a Kentucky corporation ("ERPS").

**WITNESSETH:**

WHEREAS, Declarant recorded in Miscellaneous Book 521, page 57 of the Boone County, Kentucky recorder's office at Burlington, Kentucky, the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements and Declaration for Homeowners Association (the "Declaration") of Plantation Pointe (the "Project"); and

WHEREAS, ERPS is the fee simple title holder of those two certain parcels of real estate described in Exhibit A attached hereto and made a part hereof (the "Real Estate"); and

WHEREAS, Declarant and ERPS both desire to subject the Real Estate to the Association as said term is defined in the Declaration as provided in Article II, Section 3 of the Declaration.

NOW, THEREFORE, for the purposes and pursuant to the procedures set forth in the Declaration, Declarant hereby amends the Declaration as follows:

1. Pursuant to Article II, Section 3 of the Declaration, Declarant and ERPS hereby annex to the Project as Additional Property, the Real Estate as described in Exhibit A attached hereto and made a part hereof so as to fully and completely subject said Additional Property to the terms and provisions of the Declaration.

Except as expressly modified by this Amendment or as may be necessary to effect the terms of this Amendment, the Declaration remains unchanged and is in full force and effect.

IN WITNESS WHEREOF, the Declarant, A & K Enterprise, Inc., a Kentucky corporation, has caused its name to be hereunto subscribed by its President, Thomas W. Erpenbeck, effective as of the first date written above and ERPS, Inc., a Kentucky corporation, owner in fee simple of the Real Estate, has caused its name to be hereunto subscribed by its Vice President, Raymond Erpenbeck, effective as of the date first written above.

BOONE COUNTY  
MC1034 PG 688

Str. 5 & Troy  
50 E Rivercenter Blvd Ste 400  
Covington, KY 41011

RETURN TO:

A & K ENTERPRISE, INC.,  
a Kentucky corporation

By: Raymond H. Erpenbeck  
Raymond H. ~~Erpenbeck~~ Erpenbeck  
Its: Vice President

ERPS, INC., a Kentucky corporation

By: Raymond H. Erpenbeck  
Printed Name: Raymond H. Erpenbeck  
Its: Vice President

STATE OF KENTUCKY )  
COUNTY OF KENTON )

The foregoing instrument was acknowledged before me this 23 day of September, 2005, by Raymond H. Erpenbeck, President of A & K Enterprise, Inc., a Kentucky corporation, as its and his free and voluntary act and deed.

Robert Whittington  
Notary Public  
My Commission Expires: 3/10/07

STATE OF KENTUCKY )  
COUNTY OF KENTON )

The foregoing instrument was acknowledged before me this 23 day of September, 2005, by Raymond H. Erpenbeck, Vice President of ERPS, Inc., a Kentucky corporation, as its and his free and voluntary act and deed.

Robert Whittington  
Notary Public  
My Commission Expires: 3/10/07

This instrument was prepared by:

Pete A. Smith, Esq.  
Strauss & Troy  
50 East RiverCenter Blvd.  
Suite 1400  
Covington, Kentucky 41011  
(513) 621-8900

BOONE COUNTY  
MC1034 PG 689

### **Exhibit "A"**

Being located in the City of Florence, Boone County, Kentucky and lying on the east side of Wetherington Boulevard and south of a parcel previously conveyed to Grand Communities LTD and being more particularly described as follows:

Beginning at the southwest corner of a parcel conveyed to Grand Communities, LTD (D.B. 885, pg. 729) on the east right of way line of Wetherington Boulevard (Cab 3, Slide 587A); thence with the south line of said parcel for fourteen calls N 68°27'37" E, 61.78 feet to a set iron pin and cap; thence with a curve to the right 9.88 feet, (R=101.00 feet, Chord N 71°15'48" E, 9.88 feet) to a set iron pin and cap; thence N 74°03'59" E, 76.71 feet to a set iron pin and cap; thence with a curve to the left 18.80 feet, (R=99.00 feet, Chord N 68°37'30" E, 18.78 feet) to a set iron pin and cap; thence N 63°11'01" E, 69.18 feet to a set iron pin and cap; thence S 26°48'59" E, 41.12 feet to a set iron pin and cap; thence with a curve right 30.05 feet (R=261.50 feet, Chord S 23°31'26" E, 30.04 feet) to a set iron pin and cap; thence S 20°13'54" E, 153.21 feet to a set iron pin and cap; thence with a curve left 18.72 feet (R=88.50 feet, Chord S 26°17'25" E, 18.68 feet) to a set iron pin and cap; thence S 72°23'39" E, 240.40 feet to a set iron pin and cap; thence N 78°30'25" E, 154.56 feet to a set iron pin and cap; thence with a curve right 20.46 feet (R=188.50 feet, Chord N 08°23'00" W, 20.45 feet) to a set iron pin and cap; thence N 05°16'26" W, 116.00 feet to a set iron pin and cap; thence N 84°43'34" E, 164.89 feet to a set iron pin and cap on the original east line of ERPS, Inc.; thence with said line of two calls S 15°07'17" E, 229.86 feet to a set iron pin and cap; thence S 15°13'52" E, 306.50 feet to a set iron pin and cap on the northeast corner of the HOA Parcel, Antebellum at Plantation Pointe, Section 6 (Cab 5, pg. 171); thence with the north line of said parcel for two calls S 78°25'11" W, 144.50 feet to a set iron pin and cap; thence S 53°35'11" W, 112.77 feet to a set iron pin and cap; thence leaving said line and with a new division of the grantor's property for seven calls N 17°27'51" W, 156.82 feet to a set iron pin and cap; thence with a curve right 158.47 feet (R=185.00 feet, Chord N 70°47'48" W, 153.67 feet) to a set iron pin and cap; thence N 46°15'24" W, 41.96 feet to a set iron pin and cap; thence S 43°56'22" W, 1.44 feet to a set iron pin and cap; thence with a curve left 59.64 feet (R=211.00 feet, Chord S 35°38'48" W, 59.44 feet) to a set iron pin and cap; thence S 27°32'59" W, 56.97 feet to a set iron pin and cap; thence N 73°55'46" W, 469.74 feet to a set iron pin and cap on the east right of way line of Wetherington Boulevard; thence with said right of way N 05°34'12" E, 142.93 feet to a set iron pin and cap; thence with a curve left 177.61 feet (R=535.00 feet, Chord N 03°56'27" W, 176.80 feet) to a set iron pin and cap; thence N 06°49'06" W, 25.24 feet to a set iron pin and cap; thence with a curve left 43.61 feet (R=538.50 feet, Chord N 18°26'25" W, 43.60 feet) to the point of beginning and containing 8.368 acres.

Subject to all easements and rights of way of record.

thirty first amendment to declaration - plantation pointe.DOC.1

BOONE COUNTY  
**MC1034 Pg 690**

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BOOK MC1034 PAGES 688 - 690