

RECEIVED

1999 MAR 15 A 11:49

BOOK 748 PAGE 234

Group 2047 and 3932

RAYMOND EPPENBERG
CONSULTING ENGINEERS
4205 DIXIE HIGHWAY
ELSMERE, KY 41018

BOONE COUNTY CLERK

11.00
**FIFTH AMENDMENT
TO DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS AND RESERVATION OF EASEMENTS
AND DECLARATION FOR HOMEOWNERS ASSOCIATION
FOR
PLANTATION POINTE**

Return to:
THIS FIFTH AMENDMENT, 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 March 11, 1999 by A & K Enterprise, Inc., a Kentucky corporation ("Declarant"), and Magnolia Trace Development, LLC, a Kentucky limited liability company ("Magnolia").

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, Magnolia is the fee simple title holder of that certain parcel of real estate described in Exhibit A attached hereto and made a part hereof commonly referred to as Section Two of Magnolia Trace Subdivision (the "Real Estate"); and

WHEREAS, as set forth in Article II, Section 3 of the Declaration, Additional Property as defined therein may be annexed to the Declaration; and

WHEREAS, Declarant and Magnolia both desire to subject the Real Estate to the covenants, conditions, restrictions, easements, charges and liens as set forth in the Declaration as Additional Property and as provided in Article II, Section 3 thereof.

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

1. Pursuant to Article II, Section 3 of the Declaration, Declarant and Magnolia hereby annex to the Project as Additional Property the Real Estate as described in Exhibit A attached hereto 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.

4

58881

IN WITNESS WHEREOF, the Declarant, A & K Enterprise, Inc., a Kentucky corporation has caused its name to hereunto subscribed by its president effective as of the first date written above and Magnolia Trace Development, LLC, a Kentucky limited liability company, owner in fee simple of the Real Estate has caused its name to be hereunto subscribed by its managing member effective as of the date first written above.

A & K ENTERPRISE, INC.

By: W. Thomas Erpenbeck
W. Thomas Erpenbeck
Its: President

MAGNOLIA TRACE DEVELOPMENT, LLC

By: Paul J. Kahmann
Paul J. Kahmann
Its: Managing Member

STATE OF KENTUCKY)
COUNTY OF Kenton)

The foregoing instrument was acknowledged before me this 11 day of March, 1999 by W. Thomas Erpenbeck, President of A & K Enterprise, Inc., a Kentucky corporation.

Susan Begnoche
Notary Public
My Commission Expires: 3-16-2000

STATE OF KENTUCKY)
COUNTY OF Kenton)

The foregoing instrument was acknowledged before me this 11 day of March, 1999 by Paul J. Kahmann, Magnolia Trace Development, LLC, a Kentucky limited liability company.

Susan Begnoche
Notary Public
My Commission Expires: 3-16-2000

This instrument was prepared by:



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

PAS:var:51231.1

Raymond Erpenbeck Consulting Engineers

ENGINEERS • SURVEYORS • PLANNERS

4205 DIXIE HWY • ELSMERE, KY 41018 • (800) 727-4200 FAX (800) 343-5852

EXHIBIT "A"
 LEGAL DESCRIPTION
 SECTION TWO
 MAGNOLIA TRACE
 AT
 PLANTATION POINTE

A certain tract of land in the City of Florence, Boone County, Kentucky, more particularly described as follows:

Unless stated otherwise, any monument referred to herein as a "pin and cap" is a set 5/8" diameter rebar, eighteen (18") in length with a yellow plastic cap stamped "Erpenbeck L.S. 249". All bearings stated herein are referred to the bearing from the subdivision plat for Section one, Magnolia Tract at Plantation Pointe Subdivision, Plat Slide 465A.

Beginning at a found pin and cap on the south right-of-way line of Trace Drive and being the northeast corner of Lot 31 of Section one, Magnolia Trace at Plantation Pointe Subdivision, Plat Slide 465A; thence with the east and north line of said Section one of Magnolia Trace at Plantation Pointe Subdivision S 12° 52' 00" E, 159.41 feet to a found pin and cap; thence S 72° 30' 27" E, 418.17 feet to a found pin and cap and being the common corner between Lot 21 & 22 of the said Section one of Magnolia Trace at Plantation Pointe Subdivision; thence leaving said Section one of Magnolia Trace at Plantation Pointe and along a new division for Section 2 of Magnolia Trace at Plantation Pointe Subdivision; thence with said Section 2

N 53° 06' 54" E, 141.32 feet to a found pin and cap

N 15° 21' 30" E, 132.20 feet to a found pin and cap

N 23° 36' 02" W, 110.16 feet to a found pin and cap

N 72° 30' 27" W, 504.05 feet to a found pin and cap

S 77° 08' 00" W, 96.98 feet to a found pin and cap

S 12° 52' 00" E, 113.11 feet to a found pin and cap

and being a point on the north right-of-way line of said Trace Drive; thence with said north right-of-way line of Trace Drive and along a curve to the east having a radius of 275.00 feet, 19.82 feet; thence leaving said curve along a radial line to said curve S 09° 01' 39" W, 50.00 feet to the Point of Beginning and containing 4.255 acres more or less, and being a part of the same property conveyed to Magnolia Trace Development, LLC by ERPS, Inc. by deed recorded in Deed Book 689, page 157 in the records of Boone County, Kentucky.

State of Kentucky, County of Boone

MARILYN K. ROUSE, Clerk of the Boone County

Court, do certify that the foregoing

MAR was, on the 15 day of May

99, at 11:49 A.M., lodged in my office for record, and that it has been duly recorded in my said office, together with this and the certificate thereon endorsed.

Given under my hand this 15 day of May

99
 MARILYN K. ROUSE
 By Deane L. Spiller D.C.