

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

This Ninth Amendment to Declaration of Covenants, Conditions and Restrictions and Reservation of Easements and Declaration for Homeowners Association (the "Amendment") is made effective as of December 16<sup>th</sup>, 1999 by A & K Enterprise, Inc., a Kentucky corporation ("Declarant").

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, as set forth in the Declaration, Declarant subjected the real estate described in Exhibit A thereto to the Declaration (the "Phase I Property"); and

WHEREAS, Declarant has obtained title to and intends to develop an additional parcel of real estate to be known as Lancashire Subdivision at Plantation Pointe, Section V as more particularly described in Exhibit A attached hereto and made a part hereof ("Additional Property"); and

WHEREAS, Declarant desires to subject this Additional Property to the covenants, conditions, restrictions, easements, charges and liens as set forth in the Declaration; and

WHEREAS, Article II, Section 3 of the Declaration provides for the annexation of said Additional Property to the Declaration by the Declarant; and

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

1. Pursuant to Article II, Section 3 of the Declaration, Declarant hereby annexes to the Project the Additional Property as described in Exhibit A hereto so as to fully and completely subject the Additional Property to the terms and provisions of the Declaration.
2. Except as expressed, modified or amended by this Amendment or as may be necessary to affect 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, owner in fee simple of the Additional Property has caused its name to be hereunto subscribed by its president effective as of the date first written above.

A & K ENTERPRISE, INC., a Kentucky corporation

By: W. Thomas Erpenbeck  
W. Thomas Erpenbeck, President

STATE OF KENTUCKY     )  
                                  )SS:  
COUNTY OF KENTON     )

On this 16<sup>th</sup> day of December, 1999 before me, a Notary Public in and for said County and State, personally appeared, W. Thomas Erpenbeck, as President, on behalf of A & K Enterprise, Inc., a Kentucky corporation, who executed the foregoing instrument and acknowledged that the same is his free and voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Pete A. Smith  
Notary Public  
My Comm. Expires: 2/10/2003

This instrument prepared by:

Pete A. Smith  
Pete A. Smith, Esq.  
STRAUSS & TROY  
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Suite 1400  
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ENGINEERS • SURVEYORS • PLANNERS

4205 DIXIE HWY • ELSMERE, KY 41018 • (606) 727-4200 FAX (606) 342-5852

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Being located in the City of Union, Boone County, Kentucky and being all of Lots 136, 137, 142, 143, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167 and 168 of Section Five of Lancashire at Plantation Pointe as recorded on Plat Slide 550A at the Boone County Clerk's office, Burlington, Kentucky.

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COUNTY: BOONE COUNTY  
DEPUTY CLERK: RENAI