

## DECLARATION OF ANNEXATION

## INDIAN SPRINGS, SECTION 1 JEFFERSON COUNTY, KENTUCKY

("Declaration") is made, imposed and declared as of this **Z3** day of **TANUARY**, 2002, by BLACKETER LAND CO., LLC, ("Blacketer"), a Kentucky limited liability company (f/k/a BLACKETER ACQUISITION, LLC, a Kentucky limited liability company, as successor by merger with BLACKETER LAND CO., INC, a Kentucky corporation), and by LEGENDS APARTMENT HOMES, LLC ("Legends"), a Kentucky limited liability company, both with an address of 225 Hurstbourne Parkway, Suite 103, Louisville, Kentucky 40222 (both hereinafter referred to as "Declarants").

#### WITNESSETH:

WHEREAS. Blacketer is the developer of a certain residential community known as "Indian Springs Golf Community" as shown on plat of same of record in Plat and Subdivision Book 39, Pages 93, 94, 95 and 96, in the Office of the Clerk of Jefferson County, Kentucky ("Record Plat"); and

WHEREAS, Blacketer desires to annex certain additional real property ("Annexed Property") to said subdivision pursuant to the provisions of Section 1a of the Declaration of Covenants, Conditions and Restrictions for Indian Springs, Section 1, of record in Deed Book 6313, Page 250, in the Office of the Clerk aforesaid ("Declaration") and Legends desires to be annexed; and

WHEREAS, the Annexed Property is an apartment project developed by Legends which apartment project includes its own entranceways, entrance landscaping, entrance signage, interior street lighting, provisions for garbage collection and snow removal and so forth, all of which are paid for exclusively by Legends, the owner of said apartment complex, and none of which has been a cost or will be an ongoing cost or expense of the Indian Springs Community Association set forth in the Declaration; and

WHEREAS, notwithstanding the foregoing, Declarants believe that, because there is some justification to have Legends, the owner of the referenced apartment project, which is the Annexed Property, make an annual contribution to the Indian Springs Community Association for such benefits as the apartment project may derive from the signature entrance, landscaping

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and holiday decorations included within Indian Springs Subdivision entranceway common areas maintained by the Indian Springs Community Association;

NOW, THEREFORE, in accordance with the foregoing preambles, which are hereby incorporated herein, Declarants hereby declare as follows:

- 1. The Annexed Property, more fully described on **Exhibit A** attached hereto and incorporated herein by reference, be and hereby is annexed to Indian Springs and the scheme set forth in the Declaration shall be and hereby is extended to include such Annexed Property.
- 2. The Annexed Property, developed as it is as an apartment complex, shall not be subject to the restrictions set forth in the Declaration in Sections (2), (4), (5)(b), (9), (10), and (18), respectively.
- 3. The owner of the Annexed Property shall be a member of the Indian Springs Community Association for purposes of Section 29 of the Declaration; however, said owner shall pay an annual maintenance fee only in the amount of \$2,500.00, payable to the Indian Springs Community Association, Inc. as more particularly set forth in Section 29 of the Declaration and otherwise on the same basis as other lot owners in the Indian Springs Subdivision. This provision may not be amended to permit an increase in the assessment amount for the Annexed Property except to the extent that an assessment may be increased by a percent equal to the percentage increase, if any, applied to all of the lots in Indian Springs and except also that any decrease in assessment to other lots in the Indian Springs Subdivision shall result in an equal percentage decrease to the Annexed Property.
- 4. Declarant further declares that the Annexed Property shall be owned, held, used, leased, conveyed and occupied subject to the conditions and restrictions set forth herein as if these conditions and restrictions were included in and made a part of the Declaration.

IN WITNESS WHEREOF, the undersigned has duly executed this Declaration of Annexation to be executed as of the date set forth above.

BLACKETER LAND CO., LLC A Kentucky limited liability company

Jerry T. Blacketer, President

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LEGENDS APARTMENT HOMES., LLC

A Kentucky limited liability company

Blacketer Company, a Kentucky BY:

corporation, Its Manager

Blacketer, President

COMMONWEALTH OF KENTUCKY

) SS:

COUNTY OF JEFFERSON

I, the undersigned notary public in and for the Commonwealth and county aforesaid, do hereby certify that on this 23 day of forward, 2002, Jerry T. Blacketer, President of BLACKETER LAND CO., LLC, personally appeared before me and, after having been duly sworn, declared, acknowledged, and verified the foregoing to be the free and voluntary act and deed of the company.

My commission expires: 2/22/2003.

Notary Public, State at Large, Kentucky

COMMONWEALTH OF KENTUCKY

) SS:

COUNTY OF JEFFERSON

I, the undersigned notary public in and for the Commonwealth and county aforesaid, do hereby certify that on this 23 day of Assume 1, 2002, Jerry T. Blacketer, President of The Blacketer Company, a Kentucky corporation, as Manager of LEGENDS APARTMENT HOMES, personally appeared before me and, after having been duly sworn, declared, acknowledged, and verified the foregoing to be the free and voluntary act and deed of the company.

My commission expires: 2/22/2003.

Notary Public, State at Large, Kentucky

T PREPARED BY:

William B. Bardenwerper

BARDENWERPER & LOBB, PLLC

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AHB/WBB-Blacketer-IndianSprings/IndianSprings-CCRamendment.doc Rev. 01/15/2002 11:30 AM

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#### **EXHIBIT A**

BEING Tract 1 as shown on Minor Subdivision Plat approved by the Louisville and Jefferson County Planning Commission on August 10, 2001 and bearing Docket No. 167-01 attached to Deed of record in Deed Book 7718, Page 435, in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

BEING a portion of the property conveyed to Legends Property Holdings, LLC, a Kentucky limited liability company, now Legends Apartment Homes, LLC, a Kentucky limited liability company, as successor by merger with Legends Property Holdings, LLC, by deed dated October 18, 1999, of record in Deed Book 7340, Page 545, and by deed dated August 29, 2001, of record in Deed Book 7718, Page 435, both in the Office of the Clerk aforesaid.

Document Ho.: M2002021131
Lodged By: BORDEMERPER
Recorded Sn: 01/30/2002 12:51:24
Total Fees: 14.00
Transfer Tax: .00
County Clerk: Bobbie Holsclaw-JEFF CB KY
Beputy Clerk: SHETUC

