

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR**

MOSS CREEK

Plat and Subdivision Book 52, Page 14
Jefferson County, Kentucky

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR MOSS CREEK ("DECLARATION") is made, imposed and declared on this 6th day of ~~November, 2006~~ February 2007, by McBride & Son Homes Land Development, Inc. a Missouri corporation, 333 Townepark Circle Suite 100, Louisville, KY 40299 ("Developer").

WITNESSETH:

WHEREAS, Developer is the owner of certain real property in Jefferson County, Kentucky, more particularly described on Exhibit A, which is part of a certain residential development known as "Moss Creek;" and

WHEREAS, it is the desire and intention of Developer to develop the real property herein or hereafter made subject to this Declaration in accordance with the provisions of this Declaration and to subject and impose upon such real property certain rights, privileges, covenants, conditions and restrictions, and to reserve and/or dedicate certain easements, and to impose certain assessments, charges and liens, under a general and common plan and scheme of subdivision development and improvement for the benefit of such real property and for the benefit of Developer, its successors and assigns, and purchasers of portions of such real property in Moss Creek, and it is further intended that said rights, privileges, covenants, conditions, restrictions, easements, assessments, charges and liens, as applicable, and the other provisions of this Declaration, bind and benefit not only said persons and entities, but also their respective heirs, personal representatives, successors and assigns, as applicable, and that all such real property should be owned, held, used, leased, sold, conveyed and occupied subject to the covenants, conditions, restrictions, easements, assessments, charges and liens set forth in, and the other provisions of, this Declaration; and

WHEREAS, pursuant to such general and common plan and scheme of subdivision development and improvement for the Subdivision, Developer desires to ensure the best use and improvement of each section of the real property subject hereto in an attempt to guard against erection of poorly designed or built structures, to provide further maintenance of various improvements and areas, and generally to enhance and protect the value, desirability and attractiveness of the real property made subject hereto and all portions thereof conveyed to others to their mutual benefit by subjecting such real property to the rights, privileges, covenants, conditions, restrictions, easements, assessments, charges and liens set forth in, and the other provisions of, this Declaration;

NOW, THEREFORE, in accordance with the foregoing preambles, which are hereby incorporated herein subject to the following terms hereof, Developer hereby declares that the real property ("Property"), more fully described on Exhibit A and made a part hereof, shall be owned, held, used, leased, sold, conveyed, and occupied subject to the rights, privileges, covenants, conditions, restrictions, easements, assessments, charges and liens set forth in, and other provisions of, this Declaration, all of which are declared and agreed to be in furtherance of a

common plan and scheme for the Subdivision, and the development, sale and improvement of the Property made subject hereto, and which are for the purpose of protecting the value, desirability and attractiveness of such Property and portions thereof hereafter conveyed to others. The rights, privileges, covenants, conditions, restrictions, easements, assessments, charges and liens set forth in, and other provisions of, this Declaration shall run with the Property made subject hereto and be binding upon and inure to the benefit of all parties having any right, title or interest therein, their respective heirs, personal representatives, successors and assigns.

ARTICLE I PROPERTY SUBJECT TO THIS DECLARATION; ADDITIONS

Section 1.01 Existing Property. The Property which is subject to this Declaration is located in Jefferson County, Kentucky and is more particularly described on Exhibit A attached hereto and incorporated herein by reference.

Section 1.02 Additions to Existing Property. Additional residential property may become subject to this Declaration, or may be annexed to the Property subject to this Declaration, developed in accordance with plans approved by the Louisville Metro Planning Commission. All additions shall be made by the Developer or its assignee filing with the Office of the Clerk of Jefferson County, Kentucky, a Supplemental or Amended Declaration of Covenants, Conditions and Restrictions ("Supplemental Declaration") with respect to the additional property which shall extend the scheme of the covenants and restrictions of this Declaration to such property. The Supplemental Declarations may contain additions and modifications of the covenants and restrictions contained in this Declaration as may be necessary to reflect the different character, if any, of the added properties and as are not inconsistent with the scheme of this Declaration.

Section 1.03 Signature Entrance Walls. In addition to the signature entrance sign off Greenwood Road, the developer shall place small "signature" entrances at other public street connections with this development in order to present to automobiles using these cut-through connections that the development they are passing through is a private residential community. Signature entrance walls shall inure to the benefit of the owners of the lot referenced hereinabove and covered by this Declaration as well as the owners of any new lots within the Subdivision which may become subjected to this Declaration or a similar set of covenants, conditions and restrictions, pursuant to the procedure set forth hereinabove.

Section 1.04 Signs. Except for for-sale/development advertisement and signature entrance signs permitted by the Land Development Code, no outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

ARTICLE II -- IMPROVEMENTS TO PROPERTY

Section 2.01 Building Materials. The exterior building materials on all four sides of all structures shall be brick, but may also feature accent treatments, gable details, cornices and so forth of other possible building materials, such as vinyl.

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

McBride & Son Homes Land Development, Inc.
A Missouri corporation

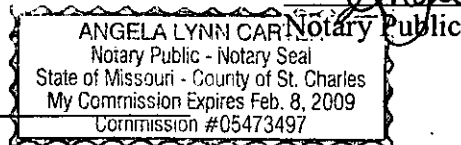
By: _____

Jeffrey M. Berger, Secretary

STATE OF MISSOURI)
) SS:
COUNTY OF ST. LOUIS)

The foregoing instrument was subscribed, sworn to, and acknowledged before me by Jeffrey M. Berger as Secretary of McBride & Son Homes Land Development, Inc., a Missouri corporation, on behalf of the corporation, this 26th day of January, 2007.

My Commission Expires: _____



LENDER CONSENT

The undersigned, Bank of America, N.A., holder of a Mortgage on the property described in the foregoing Declaration, which Mortgage is recorded in Book 8420 Page 610 of the Office of the Clerk for Jefferson County, Kentucky, does hereby consent to and subordinate its Mortgage to the foregoing Declaration and does hereby consent to and subordinate its Mortgage to that certain Record Plat of Moss Creek – Section 1 Subdivision recorded in Book ____ Page ____ of the Office of the Clerk for Jefferson County, Kentucky which Plat pertains to and is contemplated within the foregoing Declaration.

Bank of America, N.A.

By: _____

Name: DONN P. HACKMANN

Title: SENIOR Vice President



STATE OF MISSOURI)
) ss.
 COUNTY OF ST. LOUIS)

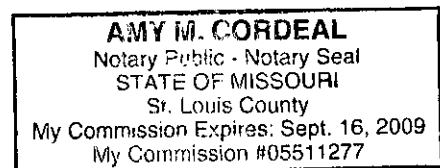
On this 29th day of January, 2007, before me personally appeared Don P. Hackmann to me known, who being by me duly sworn did say that he/she is the Senior Vice President of Bank of America, N.A., a National Banking Association and that the foregoing instrument was executed by Don P. Hackmann by authority of its Board of Directors; and said Don P. Hackmann acknowledged said instrument to be the free act and deed of said association.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Amy M. Cordeal

Notary Public

My Commission Expires: September 16, 2009



THIS INSTRUMENT PREPARED BY:

[Signature]

William B. Bardenwerper
BARDENWERPER, TALBOTT & ROBERTS, PLLC
 8311 Shelbyville Road
 Louisville, Kentucky 40222
 (502) 426-6688

EXHIBIT A**LEGAL DESCRIPTION**

BEING, Tracts 1 and 2 as shown on Record Plat of Moss Creek of record in Plat Book 52 Page 14 in the office of the Clerk of Jefferson County, Kentucky.

Being a portion of the property acquired by Developer in Deed of record in Deed Book 8910, Page 188 in the office of the Clerk aforesaid.

Recorded in Plat Book
No. 52 Page 14
Part No. _____

Document No.: DN2007019222
Lodged By: MOSS CREEK
Recorded On: 02/06/2007 02:06:02
Total Fees: 19.00
Transfer Tax: .00
County Clerk: BOBBIE HOLSCLOW-JEFF CO KY
Deputy Clerk: RYAHAN

END OF DOCUMENT