

**ELEVENTH AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
CHERRYWOOD, PHASE II  
OLDHAM COUNTY, KENTUCKY**

This Eleventh Amendment to Declaration of Covenants, Conditions and Restrictions for Cherrywood, Phase II ("Amendment") is effective as of August 2, 2017, as adopted by the Cherrywood Board of Trustees ("Board").

**RECITALS**

A. Dominion Homes of Kentucky, Ltd., a Kentucky limited partnership with its principal offices and place of business at 10035 Forest Green Boulevard, Louisville, Kentucky 40223 ("Developer"), previously executed and caused to be recorded that certain Declaration of Cherrywood Phase II (the "Subdivision"), dated September 29, 2003, of record in Restriction Book 8, Page 319 as amended by an Amendment dated as of October 23, 2003, of record in Restriction Book 8, Page 345, as amended by a Second Amendment dated April 6, 2004, of record in Restriction Book 8, Page 447, as amended by a Third Amendment dated July 30, 2004, of record in Restriction Book 8, Page 507, as amended by a Fourth Amendment dated April 11, 2005, of record in Restriction Book 9, Page 61, as amended by a Fifth Amendment dated as of September 27, 2005, of record in Restriction Book 9, Page 172, as amended by a Sixth Amendment dated as of October 16, 2007, of record in Restriction Book 10, Page 93, as amended by an Eighth Amendment dated as of October 7, 2010, of record in Restriction Book 10, Page 600, and as amended by a Ninth Amendment dated as of March 23, 2011, of record in Restriction Book 11, Page 13, and a Tenth Amendment dated as of April 1, 2014, of record in Restriction Book 11, Page 287, all in the Oldham County Clerk's office. The Original Declaration, as previously amended, is referred to herein as the "Declaration".

B. On or about May 24, 2017 the ("Turnover Date"), Developer relinquished its exclusive right to control the Subdivision to the Board.

C. The Board desires to amend the Declaration to clarify and amend the terms thereof relating to storage buildings, storage building standards and permitted storage building materials within the Subdivision

**AMENDMENT**

NOW, THEREFORE, for valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Board hereby declares as follows:

1. Unless otherwise clearly stated herein to the contrary, all capitalized terms used herein have the same meanings ascribed thereto in the Declaration.
2. Section 10.9 of the Declaration regulating storage buildings is hereby modified with the following language:

**“10.9 Outbuildings. Not more than one (1) Outbuilding may be erected on any Lot, provided that an application for the construction, placement and use of such outbuilding must first be submitted to and approved by the Board, and subject to compliance with the following requirements:**

1. Any shed, barn, playhouse or other structure having walls and a roof that is detached from the primary structure on a lot is considered to be an “Outbuilding.” The term “Outbuilding” also includes any structure attached to the primary structure (the home) on the lot that has outdoor accessibility, the intended or actual use of which is for storage. Vinyl or plastic storage “bins”, “lockers” or comparably describable items exceeding 48 cubic feet of storage space are considered to be “Outbuildings” whether attached to or detached from the primary structure (home) on the lot.
2. Any approval of an Outbuilding that is depicted or described in an application for DRB approval as a “playhouse” may be used only for playhouse purposes, and in no circumstances may such structure be used for storage.
3. Unless otherwise specifically stated and depicted in an application, no “playhouse” may have a door or doors which provide open access wider than 24” at the base of such opening.
4. Unless otherwise specifically stated and depicted in an application, approval of a proposed Outbuilding is based on the assumption that all materials, including walls, doors, windows and shingles, will match the type, style and color of the materials used in the construction of the existing home on the lot. All exposed wood on any building must be clear-coated, stained a natural wood color, or painted to match the color(s) of the home on the lot on which the outbuilding is located.
5. An approved Outbuilding must be maintained in good condition at all times, including but not limited to periodic painting when necessary. The yard and/or landscaped areas around an approved Outbuilding must also be maintained in good condition, free from weed and/or grass overgrowth.
6. No outdoor storage use may be made of the area around any approved Outbuilding.
7. Any approval of an Outbuilding for storage purposes is subject to the limitation that no dangerous chemicals (flammables or explosives) may be stored in such Outbuilding, excepting customary household chemicals in traditional residential quantities and containers (i.e. 5 gallons or less).

8. All approved outbuildings must be located in the rear yard of the residential lot. No outbuildings shall be placed on a side yard or front yard.
  9. The view of any approved Outbuildings from any front or side street within one hundred feet of the lot must be at least 80% obscured by landscaping. The plan for such landscaping is subject to Design Review Board approval requirements for the community.
  10. All approved Outbuildings must have a residentially sloped roof with a peak (i.e. a roof sloping in only one direction is not approved).
  11. Outbuildings may not exceed one hundred sixty-eight square feet (168 sq.ft.) of floor area unless specifically otherwise specified in the approval.”
3. Except as specifically modified herein, the Declaration is hereby ratified in its entirety.

IN WITNESS WHEREOF, the Board has caused this Eleventh Amendment to be executed on the \_\_\_\_\_ day of March, 2018, but effective as of August 2, 2017.

CHERRYWOOD BOARD OF TRUSTEES

---

Member of Cherrywood Board of Trustees

---

Member of Cherrywood Board of Trustees

---

Member of Cherrywood Board of Trustees

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY BLANK]

**ACKNOWLEDGEMENT**

COMMONWEALTH OF KENTUCKY :  
: ss  
COUNTY OF OLDHAM :

The foregoing instrument was acknowledged before me this \_\_\_\_ day of March, 2018, by \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_ in their capacities as Members of the Cherrywood Board of Trustees.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:

This Instrument Prepared By:

\_\_\_\_\_  
Michael W. McClain, Esq.  
McClain DeWees, PLLC  
6008 Brownsboro Park Blvd., Suite H  
Louisville, KY 40207  
Phone: (502) 749-2388  
Fax: (888) 779-7428  
[mmcclain@mcclaindeweess.com](mailto:mmcclain@mcclaindeweess.com)