

**EIGHTH AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
CHERRYWOOD  
OLDHAM COUNTY, KENTUCKY**

**THIS EIGHTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CHERRYWOOD** ("Amendment") is entered into and effective as of October 7, 2010, by **DOMINION HOMES OF KENTUCKY, LTD.**, a Kentucky limited partnership, with principal offices and place of business at 10035 Forest Green Boulevard, Louisville, Kentucky 40223 ("Developer").

**RECITALS:**

A. Developer has previously entered into that certain Declaration of Covenants, Conditions and Restrictions (the "Declaration") pertaining to *Cherrywood, Phase II* dated as of 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, by a Second Amendment dated as of April 6, 2004, of record in Restriction Book 8, Page 447, by a Third Amendment dated as of July 30, 2004, of record in Restriction Book 8, Page 507, a Fourth Amendment dated as of April 11, 2005, of record in Restriction Book 9, Page 61, a Fifth Amendment dated as of September 27, 2005, of record in Restriction Book 9, Page 172, a Sixth Amendment dated as of October 16, 2007, of record in Restriction Book 10, Page 93, and a Seventh Amendment dated as of December 29, 2009, of record in Restriction Book 10, Page 426, all in the Oldham County Clerk's office.

B. Developer is obligated as the "Developer" under the Declaration.

C. Section 12.3 of the Declaration provides until the Turnover Date, the Developer may unilaterally amend this Declaration at any time without the consent of any owners of lots in the real estate described in the Declaration.

D. The parties now desire to further amend the Declaration, to change the provisions in the Declaration regarding fencing, as described herein.

**NOW, THEREFORE**, for and in consideration of the above recitals, Developer hereby declares as follows:

1. **FENCING.** Section 10.19 of the Declaration is hereby amended and restated in its entirety, as follows:

**10.19 Fencing.** No fence or wall shall be constructed or placed on any of the Lots except for (i) enclosure of an in-ground pool to meet safety requirements, (ii) white vinyl picket-style fencing, to be no higher than 48", and (iii) picket-style or board-on-board ("shadow box") type wooden fencing constructed of pressure-treated and/or cedar material which may be (but is not required to be) treated with clear-coat sealants or stained with semi-

**Return To:**

**Cheryl Voll, Paralegal** GDM 4105416.1  
**Greenebaum Doll & McDonald PLLC** 4, 2010  
**300 W. Vine Street, Suite 1100**  
**Lexington, KY 40507**

transparent, natural wood colored stain, to be no higher than 48 inches. A drawing illustrating an acceptable picket-style or board-on-board fence is attached hereto as Exhibit A. No fencing shall be installed or erected until plans therefor have been approved in writing by the Developer or the Design Review Committee and shall be permitted only in the back yard of a Lot (i.e., such fence shall be constructed no closer to the street than the rear building line of the home located on the Lot, and in the case of a corner Lot, cannot encroach upon or extend beyond the building line). Any enclosure of an in-ground pool under item (i) above shall be located immediately surrounding the pool and any pool patio area, and shall not be located within ten (10) feet of any Lot line. Ornamental fences integrated with a landscape design are permitted with approval of the Developer or the Design Review Committee.

2. **RATIFICATION.** Except as modified by this Amendment, the Declaration shall remain in full force and effect.

IN TESTIMONY WHEREOF, witness the signature of the Developer as of the date noted above.

DOMINION HOMES OF KENTUCKY, LTD.

By: Dominion Homes of Kentucky GP, LLC

By: [Signature]

Title: GM

("Developer")

COMMONWEALTH OF KENTUCKY )  
 ) SS.  
COUNTY OF OLDHAM )

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of October, 2010, by Jarrod Vowels, as General Manager of Dominion Homes of Kentucky GP, LLC, a Kentucky limited liability company, as General Partner of Dominion Homes of Kentucky, Ltd., on behalf of the limited partnership.

My commission expires: 10/25/2012

[Signature: Derrick L. Duncan]  
NOTARY PUBLIC

**Derrick L. Duncan**  
Notary Public, State at Large, KY  
My commission expires Oct. 25, 2012

This instrument was prepared by:

Nandy C. Patrick  
 Nandy C. Patrick, Esq.

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