

GROUP NUMBER: IND.
PIDN: 045-20-00-004.00

FIRST AMENDED DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR HARVEST HILL SUBDIVISION

This First Amended Declaration of Covenants, Conditions and Restrictions for Harvest Hill Subdivision, is made and entered into this 17 day of August, 1994, by Great Development Properties, Inc., a Kentucky Corporation, its successors and assigns (hereinafter referred to as "Developer"):

W I T N E S S E T H:

WHEREAS, the Developer previously established Covenants, Conditions and Restrictions for Harvest Hill Subdivision, which are recorded in ^{Deed} ~~Miscellaneous~~ Book 390, Page 258 of the Kenton County Clerk's records at Independence, Kentucky; and

WHEREAS, the Developer desires to amend said Declaration of Covenants, Conditions and Restrictions

NOW, THEREFORE, the Covenants, Conditions and Restrictions for Harvest Hill Subdivision are hereby amended as follows:

- (1) Article V, Section 2, is hereby amended to add the following:

The Homeowner's Association shall be responsible for the maintenance, repair and replacement of:

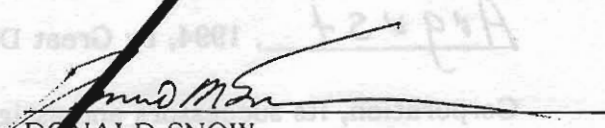
- 1) The sanitary sewer lines shown on the plats of Harvest Hill Subdivision, Sections 1, 2 and 3 and all appurtenances thereto;
- 2) The sanitary sewer lines from Harvest Hill Subdivision, Sections 1, 2 and 3 to the tap in at the Bullock Pen Outfall and all appurtenances thereto; and

RECORDED BILL J AYLR
KENTON COUNTY CLERK - INDP
BOOK/PAGE: 115/ 118 2
DT/TH RECORDED: 08/18/1994 14:53:14:6
INST #: 94 08 18 59192
TYPE: AMENDMENT
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- 3) The storm water drainage structures within Harvest Hill Subdivision other than those emanating from the streets of said subdivision.

IN WITNESS WHEREOF, Developer has caused this Declaration to be executed this 17th day of August 1994.

GREAT DEVELOPMENT PROPERTIES, INC., a Kentucky Corporation

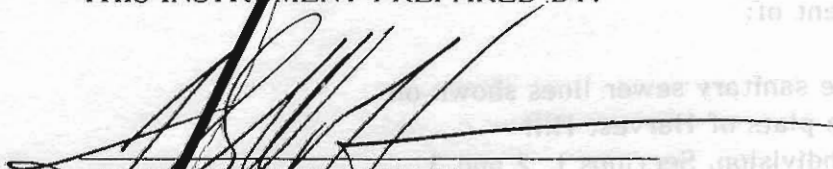

DONALD SNOW
President

COMMONWEALTH OF KENTUCKY
COUNTY OF Boone

The foregoing instrument was acknowledged before me, a Notary Public, by GREAT DEVELOPMENT PROPERTIES, INC., a Kentucky Corporation, by and through Donald Snow, its President, this 17th day of August, 1994.


NOTARY PUBLIC
MY COMM. EXP. 4-8-95

RETURN TO:
THIS INSTRUMENT PREPARED BY:


JAMES C. WOLTERMANN
Attorney-at-Law
ADAMS, BROOKING, STEPNER,
WOLTERMANN & DUSING
8700 Burlington Pike
Suite 400
Florence, Kentucky 41042
(606) 371-6220

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2900
39400

**GROUP NO.: IND
PIDN: SEE EXHIBIT "A"**

ASSIGNMENT OF EASEMENT

WHEREAS, GREAT DEVELOPMENT PROPERTIES, INC., a Kentucky Corporation, (hereinafter referred to as "Great Development") was the developer of Section One, Two, Three, Fourteen and Fifteen of Harvest Hills Subdivision; and

WHEREAS, Great Development reserved a sanitary sewer easement over certain lots in Sections One, Two, Three, Fourteen and Fifteen of Harvest Hills Subdivision as shown on the plat of said sections; and

WHEREAS, FINKE HOMES, INC., a Kentucky Corporation, (hereinafter referred to as "Finke") was the developer of Sections Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve and Thirteen of Harvest Hill Subdivision; and

WHEREAS, Finke reserved a sanitary sewer easement over certain lots in Sections Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve and Thirteen of Harvest Hills Subdivision as shown on the plat of said sections; and

WHEREAS, HARVEST HILL HOMEOWNERS' ASSOCIATION, INC., a Kentucky Corporation, (hereinafter referred to as "Homeowners' Association") may have responsibility for the maintenance, repair and replacement of some or all of the sanitary sewer lines shown on the plats of Harvest Hills Subdivision as set out in the First Amended Declaration of Covenants, Conditions and Restrictions for Harvest Hills Subdivision recorded in Miscellaneous Book 115, Page 118 and the Fourth Amended Declaration of Covenants, Conditions and Restrictions for Harvest Hill Subdivision recorded in Official Record I-200, Page 350 of the Kenton County Clerk's records at Independence, Kentucky; and

WHEREAS, Great Development, Finke and Homeowners' Association have agreed to assign all of their right, title and interest in and to the sanitary sewer easements reserved in Harvest Hills Subdivision and all other rights with respect to the sanitary sewer system in Harvest Hills Subdivision; and

WHEREAS, SANITATION DISTRICT NO. 1 OF CAMPBELL, KENTON AND BOONE COUNTIES, a Sanitation District Pursuant to KRS Chapter 220, (hereinafter referred to as "SD1") has agreed to accept such easements.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Great Development sells, transfers and assigns to SD1 all of its right, title and interest in and to the sanitary sewer easements set out in Section One, Harvest Hills Subdivision, as shown on Plat Slide A-86; Section Two, Harvest Hills Subdivision as shown on Plat Slide A-87; Section Three, Harvest Hills Subdivision as shown on Plat Slide A-88; Section Fourteen, Harvest Hills Subdivision as shown on Plat Slide A-569 and A-570; and Section Fifteen Harvest Hills Subdivision as shown on Plat Slide A-662, A-663 and A-664.

2. Finke sells, transfers and assigns to SD1 all of its right, title and interest in and to the sanitary sewer easements set out in Section 4, Harvest Hills Subdivision as shown on Plat Slide A-166; Section Five, Harvest Hills Subdivision as shown on Plat Slide A-167; Section Six, Harvest Hills Subdivision as shown on Plat Slide A-242; Section Seven, Harvest Hills Subdivision as shown on Plat Slide A-243 and A-244; Section Eight, Harvest Hills Subdivision as shown on Plat Slide A-267; Section Nine, Harvest Hills Subdivision as shown on Plat Slide A-268; Section Ten, Harvest Hills Subdivision as shown on Plat Slide A-371; Section Eleven,

Harvest Hills Subdivision as shown on Plat Slide A-367; Section Twelve, Harvest Hills Subdivision as shown on Plat Slide A-413 and Section Thirteen, Harvest Hills Subdivision as shown on Plat Slide A-571 and A-572.

3. Homeowners' Association grants, transfers and assigns to SD1 all of its right, title and interest in and to the sanitary sewer easements located in Harvest Hills Subdivision by virtue of the First Amended Declaration of Covenants, Conditions, and Restrictions for Harvest Hills Subdivision as set out in Miscellaneous Book 115, Page 118 and the Fourth Amended Declaration of Covenants, Conditions and Restrictions for Harvest Hill Subdivision recorded in Official Record I-200, Page 350 of the Kenton County Clerk's records a Independence, Kentucky.

4. SD1 hereby accepts all sanitary sewer work for sections 1 through 15 of the Harvest Hill Subdivision now located within the easements assigned herein except for "Building Sewers" as defined in the SD1 Sanitary Sewer Regulations and states that all such work has been completed to SD 1's satisfaction in accordance with all applicable laws, codes and regulations. SD1 shall maintain, repair and replace the sanitary sewer improvements located within the easements, except for Building Sewers, assigned herein and agrees Homeowner's Association shall have no obligation to maintain, repair or replace such sanitary sewer improvements. SD 1 further agrees to pay all utility bills for the sanitary sewer lift station located on Lot 43a of Section 5 of the Harvest Hill Subdivision and Lot 138a of Section 9 of the Harvest Hill Subdivision from and after the date of this Agreement and agrees to maintain, repair and replace such lift station at its sole cost and expense. SD 1 agrees that Homeowner's Association shall have no obligation to maintain, repair or replace the sanitary sewer lift station.

FINKE HOMES, INC., a Kentucky Corporation,

BY: George Finke Pres.
GEORGE FINKE, President

STATE OF Ky)
COUNTY OF Butt) :ss

Acknowledged, subscribed and sworn to before me by **FINKE HOMES, INC.**, a
Kentucky Corporation, by and through **GEORGE FINKE**, President, on this the 14 day of
MAY, 2005.

[Signature]
Notary Public
My Commission Expires: 8-12-06

HARVEST HILL HOMEOWNERS' ASSOCIATION, INC., a Kentucky Corporation,

BY: Robert L. Smith, Jr.

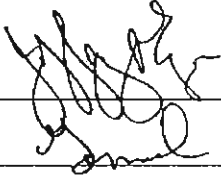
ITS: PRESIDENT

STATE OF Kentucky)
) :ss
COUNTY OF Kenton)

Acknowledged, subscribed and sworn to before me by HARVEST HILL HOMEOWNERS' ASSOCIATION, INC., a Kentucky Corporation by and through Robert L. Smith, Jr., its President on this the 4th day of May, 2005.

Gay Thornton
Notary Public
My Commission Expires: 3/8/09

**SANITATION DISTRICT NO. 1, a
sanitation district organized pursuant to
Kentucky Revised Statutes, Chapter 220,**

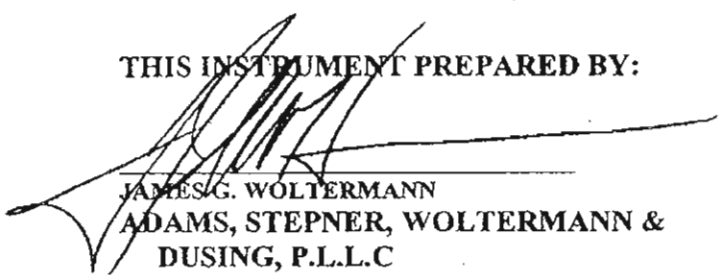
BY: 
ITS: General Manager

STATE OF Kentucky)
) :ss
COUNTY OF Kenton)

Acknowledged, subscribed and sworn to before me by SANITATION DISTRICT NO. 1, a sanitation district organized pursuant to Kentucky Revised Statutes, Chapter 220, by and through Jeffery A. Eger, its General Manager on this the 4 day of May 2005.

Kathleen A. Jenack
Notary Public
My Commission Expires: 9-15-07

THIS INSTRUMENT PREPARED BY:



JAMES G. WOLTERMANN
ADAMS, STEPNER, WOLTERMANN &
DUSING, P.L.L.C

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Covington, Kentucky 41012
(859) 394-6200

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