

RESTRICTIVE AND PROTECTIVE COVENANTS
FOR WELLINGTON PLACE, PHASE IX

WHEREAS, the undersigned, as owners and developers, have recorded a plat of Wellington Place, Phase IX, a subdivision, in Plat Cabinet 2, slot 247, in the Clerk's office of the Nelson County Court, and desire to place upon said real estate described in said subdivision, Phase IX, certain reasonable restrictions and covenants so as to protect the future value of residences built in said subdivision.

NOW THEREFORE, the undersigned owners and developers do hereby subject the lots hereinafter designated of said subdivision, Phase IX, to the covenants and restrictions hereinafter set out:

IN AREA OF APPLICATION:

The restrictions herein contained shall apply in their entirety to the lots of Wellington Place, IX, (a subdivision), as shown on plat of record in Plat Cabinet 2, slot 247, in the Nelson County Court Clerk's office.

LAND USE:

No lot shall be used except for single family purposes and only one residence shall be constructed on each lot.

DWELLING SIZE AND BUILDING TYPE:

- (A) All single story dwellings with an attached garage must have a minimum of 1750 square feet, exclusive of the garage and basement.
- (B) All single story dwellings with a drive-in basement, must have a minimum of 1900 square feet, exclusive of the basement.
- (C) All tri-level dwellings must have a minimum of 1900 square feet, exclusive of garage.
- (D) All mid-entry dwellings must have a minimum of 1200 square feet on the bottom floor, exclusive of garage.

If the mid-entry dwelling contains a self-contained garage, then the bottom floor must contain no less than 1500 square feet including the garage.

(E) All story and one-half dwellings with a drive-in basement must have a minimum of 1550 square feet on the first floor and a minimum of 500 square feet on the second floor, exclusive of the basement.

(F) All story and one-half dwellings with attached garage must have a minimum of 1200 square feet on the first floor and a minimum of 500 square feet on the second floor, exclusive of garage and basement.

(G) All two story dwellings with attached garage must have a minimum of 1200 square feet on the first floor, and a minimum of 800 square feet on the second floor, exclusive of garage and basement.

(H) All two story dwellings with a drive-in basement must have a minimum of 1350 square feet on the first floor, and 800 square feet on the second floor, exclusive of basement.

(I) All two story dwellings with self-contained garages must have a minimum of 1500 square feet on the first floor, including the garage, but excluding a basement area, and 1000 square feet on the second floor.

(J) The roof on all structures must have a pitch of at least 6-12, unless otherwise approved by the Architectural Control Committee.

GARAGE:

All dwellings must have a garage, and all garages must be contained within the dwelling or attached to the dwelling. All garages which face any street must contain one 16-foot wide door or two 8-foot wide doors. If the dwelling has a drive-in basement on the side of the house or in the back of the house, not facing the street, the garage may contain one 9-foot wide door.

OUTBUILDINGS:

There shall be no outbuildings allowed in the subdivision.

CONSTRUCTION MATERIALS:

The exterior of all structures shall be faced with no less than seventy-five (75%) per cent exposed brick or stone, and no more than twenty-five (25%) per cent siding, exclusive of windows and doors. However, the Architectural Control Committee retains the right to grant dispensation from the above percentages in individual cases where the construction of a dwelling with more than twenty-five (25%) per cent siding would be in particular harmony with the building site and with surrounding homes. The decision of the Architectural Control Committee regarding any exceptions shall be final and not subject to challenge.

UNDERGROUND HOUSES:

Underground houses shall not be allowed in the subdivision.

BUILDING LOCATION:

No building shall be erected on any lot without prior approval of the Architectural Control Committee as to location on the individual lot.

No dwelling shall be located on any lot closer to the front lot line or closer to the side street line, than the minimum building setback lines as shown on the recorded plat in Plat Cabinet 2, slot, 247. Similarly, no dwelling shall be located on any lot more than 60 feet from the front property line.

TEMPORARY STRUCTURES:

No structure of a temporary character, trailer, tent, shack, garage or basement shall be used as a residence, either temporarily or permanently, and no house trailer or mobile home, or modular structure, either stationary or otherwise, shall be placed on any of said lots.

COMMERCIAL ACTIVITY AND NUISANCE:

No commercial activity shall be permitted on any lot. No noxious or offensive trade or activity shall be conducted or carried on upon any lot; nor shall anything be done thereon, which may be or may become an annoyance or a nuisance to the neighborhood; trash, garbage, junk vehicles or other waste shall not be kept on the premises, except in the case of trash and garbage, these materials may be stored in sanitary containers prior to removal; all such equipment for storage or disposal of such material shall be kept in a clean, sanitary condition, and subject to all laws and regulations applicable to the same.

LIVESTOCK AND POULTRY:

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except dogs, cats or other household pets, which may be kept thereon, provided however, the same are not kept, bred or maintained for commercial purposes, and in the case of dogs or cats, no more than two of each may be maintained on any lot. All household pets shall be housed in the subdivision dwellings at night, therefore no dog pen, dog houses, or other outdoor animal shelters or containment areas shall be allowed in the subdivision.

SIGNS:

No signs of any kind may be displayed to the public view upon any lot except one professional sign advertising the property for sale or rent, or signs used by a builder or the subdivider to advertise the property during the construction or sales period.

FENCING:

No fence shall be erected, placed or altered on any lot closer to the street than the rear of the dwelling on the lot. All fencing materials must be approved by the Architectural Control Committee prior to placement on any lot.

RETAINING WALLS:

All retaining walls shall be faced with brick or stone.

MAILBOXES:

All mailbox posts shall be constructed of brick and placed even with the asphalt paving of the subdivision street.

LAWN MAINTENANCE:

All lots, including vacant lots, shall be properly mowed and maintained at all times.

SWIMMING POOLS:

No above ground swimming pools shall be permitted on any lot. All pools must be flush with the ground.

ARCHITECTURAL CONTROL COMMITTEE:

No building or structure shall be erected, placed or altered on any lot until the construction plans, specifications, and a plan showing the location of the structure has been approved by the Architectural Control Committee as to materials, harmony or external design and materials with existing homes in said subdivision, and as to location with respect to existing homes in the subdivision, topography and finished grade elevation.

The Architectural Control Committee is composed of; DANIEL R. RAISOR, CHARLES T. RAISOR, and C. R. ROYALTY, all of Bardstown, Nelson County, Kentucky. In the event of death or resignation of any member of the Committee, the remaining members or member shall have full authority to designate a successor. Neither the members of the Committee nor their designated representative shall be entitled to any compensation for services performed pursuant to this covenant. As long as the developers, Daniel R. Raisor, Charles T. Raisor, and C. R. Royalty, or any one of them, own a portion of the property which is subject to these restrictions, the membership of the Architectural Control Committee shall remain as set forth above. When the said developers no longer own any portion of the subject property, the record owners of a majority of the lots shall have the power through a duly recorded written

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instrument to change the membership of the Committee. In the event one member of the Committee resigns, the remaining member shall have full authority to designate successors.

A majority of the Committee may designate a representative to receive applications which shall then be reviewed by the entire Committee at a called meeting.

The Committee's approval shall be signified by the Committee's signature on blueprints for a proposed dwelling. Without this approval by the Committee, construction may not begin on a lot.

DRIVEWAYS:

Before construction will begin on any individual lot, a road culvert must be installed. All driveways must be constructed of concrete or blacktop.

HOUSING COMPLETION DATE:

All construction plans shall be submitted to the Architectural Control Committee one week prior to planned, initial construction date. Notification of approval or disapproval shall be as specified above, and one copy of the submitted plans shall be retained by the Architectural Control Committee. Construction of houses, including the driveway, must be completed within one (1) year of the approval date on the returned blueprints, by the Architectural Control Committee.

CLOTHESLINES AND GARDENS:

No exterior clotheslines and no vegetable gardens shall be permitted on any lot.

EASEMENTS:

All lots located in the subdivision are subject to easements for utilities, as shown on the recorded plat, and each owner grants to the respective utility companies the right of ingress or egress over said easement at any and all reasonable times for the purpose of constructing, maintenance, and repair of all such easements.

PARKED VEHICLES:

Vehicles may not be parked on the subdivision streets with the exception of emergency vehicles which may be temporarily parked in said streets. All recreational vehicles including boats, toppers and campers must be kept in garages.

ACCESS LIMITATION:

No path, passage, roadway or ways of ingress or egress shall be constructed or permitted, connecting any real estate to or from any real estate included in the subdivision, except entrances created by the developers as streets.

SIDING:

All approved siding, or combination of approved sidings, must extend to ground level of all dwellings with no foundation being exposed.

TERM:

The foregoing covenants and restrictions are to run with the land and be binding upon all parties and persons claiming under them for a period of twenty (20) years from date of recording this instrument, after which time said covenants shall automatically be extended for successive periods of ten (10) years, unless an instrument signed by the majority of the then owners of the lots having been recorded agreeing to change said covenants and restrictions in whole or in part.

ENFORCEMENT:

Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages.

SEVERABILITY:

Invalidation of any one of these covenants by judgment or court order in no way affects any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the owners and developers have hereunto subscribed their names, this 2nd day of January, 1996

Daniel R. Raisor
Daniel R. Raisor
Charles T. Raisor
Charles T. Raisor
C. R. Royalty
C. R. Royalty

STATE OF KENTUCKY
COUNTY OF NELSON

The foregoing instrument was acknowledged before me this 2nd day of January, 1996 by Daniel R. Raisor, Charles T. Raisor, and C. R. Royalty.

Janet C. Bradley
NOTARY PUBLIC, State at Large, KY.
My commission expires: 9/5/98

* * *

I hereby certify the foregoing instrument was drafted by:
LARRY LANGAN, Attorney at Law, Bardstown, Kentucky.

L. Langan
LARRY LANGAN
114 E. Stephen Foster Avenue
Bardstown, KY. 40004

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ATTN: PHYLLIS S. MATTHEWLY
NELSON COUNTY CLERK
BY Phyllis S. Matthewly