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INST # 2017228153

BATCH # 99277

JEFFERSON CO, KY FEE \$16.00

PRESENTED ON: 10-13-2017 7 03:02:26 PM

LODGED BY: JOHN THOMAS

RECORDED: 10-13-2017 03:02:26 PM

BOBBIE HOLSCLAW
CLERK

BY: CARRIE HARRISON
RECORDING CLERK

BK: D 11004

PG: 163-167

**FIFTH SUPPLEMENTAL DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
ROCK SPRINGS FARM – SECTION 5B
PLAT AND SUBDIVISION BOOK 56, PAGE 99
JEFFERSON COUNTY, KENTUCKY**

**ROCK SPRINGS FARMS, LLC
ROCK SPRINGS FARM SUBDIVISION
JEFFERSON COUNTY, KENTUCKY**

THIS FIFTH SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the “Fifth Supplemental Declaration”) for Rock Springs Farm Subdivision is made on this 13 day of October, 2017, by Rock Springs Farms, LLC (hereinafter referred to as “Developer”), a Kentucky limited liability company having an address of 12488 Lagrange Road, Louisville, Kentucky 40245.

WHEREAS, Developer is the owner of certain real property in Jefferson County, Kentucky to be developed as a residential subdivision;

WHEREAS, pursuant to a Declaration of Covenants, Conditions and Restrictions recorded in Deed Book 9383, Page 66 in the office of the County Clerk of Jefferson County, Kentucky (such Declaration of Covenants, Conditions and Restrictions is hereinafter referred to as the “Original Declaration”), the Developer declared certain property to be subject to certain easements, restrictions, covenants and conditions for the purpose of protecting the value and desirability of said real property;

WHEREAS, Developer amended the Original Declaration pursuant to that First Amendment to Declaration of Covenants, Conditions and Restrictions dated December 30, 2009, recorded in Deed Book 9507, Page 697, in the office aforesaid (the “First Amendment”) and the Supplemental Declaration of Covenants, Conditions and Restrictions dated November 8, 2012, recorded in Deed Book 9984, Page 342 (the “Supplemental Declaration”); the Second Supplemental Declaration of Covenants, Conditions and Restrictions dated December 26, 2013, recorded in Deed Book 10187, Page 280 (the “Second Supplemental Declaration”); the Third Supplemental Declaration of Covenants, Conditions and Restrictions dated July 7, 2015, recorded in Deed Book 10438, Page 367 (the “Third Supplemental Declaration”) and Fourth Supplemental Declaration of Covenants, Conditions and Restrictions dated September 14, 2016, recorded in Deed Book 10710, Page 908 (the “Fourth Supplemental Declaration”); and

WHEREAS, Developer desires to subject additional real property in Jefferson County, Kentucky to the easements, restrictions, covenants and conditions set forth in the Original Declaration, as amended by the First Amendment, the Supplemental Declaration, the Second Supplemental Declaration, the Third Supplemental Declaration and the Fourth Supplemental Declaration (collectively, the "Declaration").

NOW, THEREFORE, Developer hereby declares that all of the property described in this Fifth Supplemental Declaration of Covenants, Conditions and Restrictions shall be held, sold, and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration for the purpose of protecting the value and desirability of the real property. The easements, restrictions, covenants and conditions shall run with the real property and shall be binding on all parties having any right, title or interest in it, their heirs, successors and assigns, and shall inure to the benefit of each owner.

**ARTICLE I
PROPERTY SUBJECT TO THIS FIFTH SUPPLEMENTAL DECLARATION**

The real property which is subject to this Fifth Supplemental Declaration is located in Jefferson County, Kentucky, and is more particularly described as follows:

BEING lots 257 through 287 , as shown on the plat of Rock Springs Farm, Section 5B, of record in Plat and Subdivision Book 56, Page 99, in the Office of the County Clerk of Jefferson County, Kentucky.

BEING part of the same property acquired by Rock Springs Farms, LLC, a Kentucky limited liability company, by Deed dated February 21, 2006, of record in Deed Book 8789, Page 188 in the Office of the County Clerk of Jefferson County, Kentucky.

**ARTICLE II
STORMWATER QUALITY**

The Louisville and Jefferson County Metropolitan Sewer District required Developer to enter into a Stormwater Quality Maintenance Agreement (as amended, modified and/or supplemented, the "GMP Agreement") with respect to the foregoing Section 5B and Rock Springs Farm Subdivision. The GMP Agreement requires green infrastructure best management practices with respect to the property subject to the Declaration including, without limitation, maintenance and operation activities as set forth in the GMP Agreement. The Developer shall, at such time as Developer elects in its sole discretion, assign all of its rights and responsibilities under the GMP Agreement to Rock Springs Farms Homeowners' Association, Inc. (the "HOA") and, following such assignment, the HOA shall assume and perform all such responsibilities.

**ARTICLE III
INCORPORATION OF DECLARATION**

All of the terms, covenants, conditions, easements and restrictions set forth in the Declaration of Covenants, Conditions and Restrictions recorded in Deed Book 9383, Page 66 in the office of the County Clerk of Jefferson County, Kentucky, as modified by the First Amendment to Declaration of Covenants, Conditions and Restrictions dated December 30, 2009, recorded in Deed Book 9507, Page 697, as further amended and supplemented by the Supplemental Declaration of Covenants, Conditions and Restrictions dated November 8, 2012, recorded in Deed Book 9984, Page 342, as further amended and supplemented by the Second Supplemental Declaration of Covenants, Conditions and Restrictions dated December 26, 2013, recorded in Deed Book 10187, Page 280, as further amended and supplemented by the Third Supplemental Declaration of Covenants, Conditions and Restrictions dated July 7, 2015, recorded in Deed Book 10438, Page 367, and further amended and supplemented by Fourth Supplemental Declaration of Covenants, Conditions and Restrictions dated September 14, 2016, recorded in Deed Book 10710, Page 908, all in the office aforesaid and all conditions of approval for the entire Rock Springs Subdivision as set forth in Louisville Metro Planning Commission Case Docket Numbers 10-47-05 and 15476 are incorporated herein as fully as if restated and set forth herein in their entirety. Such easements, restrictions, covenants and conditions shall run with the real property described herein and shall be binding on all parties having any right, title or interest in it, their heirs, successors and assigns, and shall inure to the benefit of each owner.

<signature page follows>

IN TESTIMONY WHEREOF, witness the signature of Developer on this 4th day of October, 2017.

ROCK SPRINGS FARMS, LLC, a Kentucky limited liability company

By: [Signature]

Title: [Signature]

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF JEFFERSON OLDHAM)

The foregoing instrument was sworn to, subscribed and acknowledged before me this 4th day of October, 2017 by Roberts Thewell the Member of Rock Springs Farms, LLC, a Kentucky limited liability company, on behalf of said entity.

GINA M. BYERS
NOTARY PUBLIC
Kentucky, State At Large
I.D. # 577221
My Commission Expires 4/10/2021

[Signature]
NOTARY PUBLIC
State at Large, Kentucky

My commission expires: 4/10/2021

THIS INSTRUMENT PREPARED BY:

[Signature]
Daniel M. Walter, Esq.
Ackerson & Yann, PLLC
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Recorded in Plat Book
No. 56 Page 99-100
Part No. _____

NO TITLE EXAM REQUESTED OR PERFORMED.