

**THIRD AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
WOODS OF FOX CREEK
JEFFERSON COUNTY, KENTUCKY**

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WOODS OF FOX CREEK is made, entered into and effective as of March 5, 1999, by DOMINION HOMES OF KENTUCKY, LTD., a Kentucky limited partnership, having an address at 10035 Forest Green Boulevard, Louisville, Jefferson County, Kentucky 40223 ("Developer")

RECITALS:

A. Developer has previously entered into that certain Declaration of Covenants, Conditions and Restrictions (the "Declaration") pertaining to *Woods of Fox Creek*, dated as of March 5, 1999, of record in Deed Book 7199, Page 326, in the Jefferson County Clerk's office, as amended by an Amendment dated as of March 5, 1999, of record in Deed Book 7239, Page 804, and by a Second Amendment dated as of March 5, 1999, of record in Deed Book 7465, Page 581, in the office aforesaid

B. 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

C. Developer now desires to amend the Declaration, to clarify the square footage requirements for the homes to be constructed on such real estate, as described herein

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

1. MINIMUM FINISHED FLOOR AREAS Section 10.2 of the Declaration is hereby amended and restated in its entirety as follows:

10.2 Minimum Finished Floor Areas. The following shall be the minimum finished floor areas for homes to be constructed on any Lot

(a) One Story. The floor areas of a one-story residence shall be a minimum of 1,500 finished and habitable square feet, exclusive of the garage and basement

(b) One and One-Half and Two-Story. The floor area of a one and one-half and two-story residence shall be a minimum of

