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Pd. 5.50

**SECOND
DECLARATION OF AMENDMENT
TO
DECLARATION OF EASEMENTS, COVENANTS AND
RESTRICTIONS APPLICABLE TO UNITS 2 AND 3, INCLUSIVE
OF PHASE I OF THE MALLARD POINT SUBDIVISION AND SUPPLEMENTARY
DECLARATIONS AND APPROVALS OF ADDITIONS
AND
DEVELOPER'S APPROVAL OF AMENDMENTS**

THIS SECOND DECLARATION OF AMENDMENT is made and entered into on this the 25th day of January, 1990, by MALLARD POINT OWNERS ASSOCIATION, INC.

WITNESSETH:

THAT WHEREAS on Wednesday, January 24, 1990, at the hour of 7:00 p.m., the Annual Meeting of the members of Mallard Point Owners Association, Inc. (hereinafter "Association") was held at the Harley Hotel, in Lexington, Kentucky, there being a quorum present at the said meeting; and,

WHEREAS, notice was sent to all members of the Association at least thirty (30) days prior to the said meeting of proposed amendments to the following:

The "Declaration of Easements, Covenants and Restrictions Applicable to Units 2 and 3, Inclusive of the Mallard Point Subdivision," dated the 18th day of July, 1985, and filed of record in the Scott County Court Clerk's Office in Deed Book 162, Pages 383-400, hereinafter referred to as "Original Declaration,"

The "Supplementary Declaration of Easements, Covenants and Restrictions Applicable to Unit 1 of Phase II of the Mallard Point Subdivision and Approval of Addition," dated the 15th day of July, 1986, and filed of record in the aforesaid Clerk's Office in Deed Book 166, Pages 428-431, hereinafter referred to as "First Supplementary Declaration;"

The "Supplementary Declaration of Easements, Covenants and Restriction Applicable to Unit 2 of Phase II of the Mallard Point Subdivision and Approval of Addition," dated the 14th day of July, 1987, and filed of record in the aforesaid Clerk's Office in Deed Book 171, Pages 357-360, hereinafter referred to as "Second Supplementary Declaration;" and,

The "Supplementary Declaration of Easements, Covenants and Restrictions Applicable to Unit 1 of Phase III of the Mallard Point Subdivision and Approval of Addition," dated the 24th day of November, 1987, and filed of record in the aforesaid Clerk's Office in Miscellaneous Book 2, Pages 492-495, hereinafter referred to as "Third Supplementary Declaration;"

pursuant to the provisions of Section 9.04 of the Original Declaration, as amended on July 3, 1988; and,

WHEREAS, at the said meeting, the members of the Association in attendance approved the amendment of the foregoing Original and Supplementary Declarations, their affirmative vote being in excess of the voting percentages required under Section 3.03 and Section 9.04 of the Original Declaration as amended on July 3, 1988;

WHEREAS, pursuant to Section 9.04 of the Original Declaration, as amended, the undersigned has been authorized and directed by the Board of Directors of the Association to execute this instrument and cause the same to be filed of record ;

NOW, THEREFORE, pursuant to the provisions of Section 9.04 of the "Original Declaration," as amended on July 3, 1988, the members of Mallard Point Owners Association, Inc., have duly adopted the following amendments to the Original Declaration and the three above mentioned Supplementary Declarations:

*Amended 6/8/91
Mallard Point Owners Assoc
1988
[Signature]*

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- 1.) Section 2.01 of the Original Declaration. Amendment: The removal of Lot 13, of Block H, in Unit 3 of Phase I from the listing of property subject to the Original Declaration. This lot is being used for the location of the fire vault for the new Northern Elementary School and can no longer be used for the residential purposes specified in the Original Declaration.
- 2.) Section 8.05 of the Original Declaration. Amendment: The addition of a new subparagraph "y" which shall provide as follows:
 - y) There shall be no use of remote control hobby and/or toy boats upon any and all Mallard Point lakes except between the hours of 10:00 a.m. and 7:00 p.m. each day.
- 3.) Section 8.05 of the Original Declaration. Amendment: The addition of a new subparagraph "z" which shall provide as follows:
 - z) There shall be no jug fishing, use of trout lines, or any other method of fishing allowed on any and all Mallard Point lakes, that make use of unattended lines.
- 4.) Subparagraph "a" of Section 8.05 of the Original Declaration. Amendment: The deletion of subparagraph "a" of Section 8.05 in its entirety, and lieu thereof the substitution of the following:
 - a) No fence shall be constructed or permitted to remain on any Lot, along or within fifty (50) feet of the normal pool (905 foot elevation) of the lake, unless the same shall be stone or brick or natural wood. Only stone, brick or natural wood fencing material may be used along the side boundaries of each Lot to within fifty (50) feet of the 905 foot elevation of the lake. There shall be no fencing along the roadway boundary of any Lot. No fence or wall, however, shall be more than six (6) feet in height.

APPROVAL OF AMENDMENTS

Pursuant to Section 9.04 of the Original Declaration, as amended, MARIC DEVELOPMENT CORPORATION, Developer of the Mallard Point Subdivision, in executing this Second Declaration hereby approves the foregoing amendments of Sections 2.01 and 8.05, as well as any other amendments herein made for which its approval may be required under any other provision of the Original and any Supplementary Declaration.


EFFECTIVE DATE OF AMENDMENTS

The foregoing amendments shall become effective on the thirty-first (31st) day following the date upon which this Second Declaration of Amendment is filed of record in the Office of the Scott County Court Clerk.

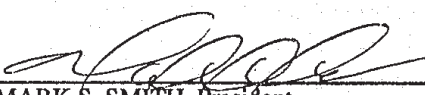
IN WITNESS WHEREOF the undersigned, being authorized and directed by the Directors of the Association, has executed this Second Declaration on this day and year first above written.

DEVELOPER:

MARIC DEVELOPMENT CORPORATION

By: 
MARK S. SMITH, President

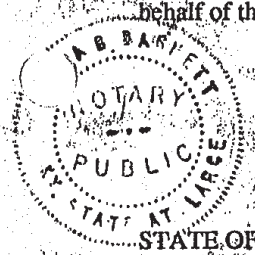
MALLARD POINT OWNERS ASSOCIATION, INC.

By: 
MARK S. SMITH, President

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STATE OF KENTUCKY
COUNTY OF SCOTT

The foregoing SECOND DECLARATION OF AMENDMENT was acknowledged before me by MARK S. SMITH, President of MARIC DEVELOPMENT CORPORATION, on behalf of the said Corporation, on this the 25th day of January, 1990.

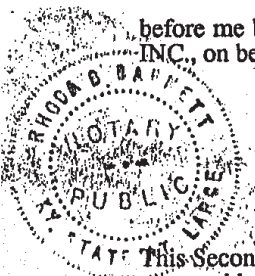


My commission expires:

November 20, 1993
Rhoda Barnett Aumell
NOTARY PUBLIC, STATE AT LARGE, KY.

STATE OF KENTUCKY
COUNTY OF SCOTT

The foregoing SECOND DECLARATION OF AMENDMENT was acknowledged before me by MARK S. SMITH, President of MALLARD POINT OWNERS ASSOCIATION, INC., on behalf of the said Corporation, on this the 25th day of January, 1990.



My commission expires:

November 20, 1993
Rhoda Barnett Aumell
NOTARY PUBLIC, STATE AT LARGE, KY.

This Second Declaration of Amendment was prepared by:

ERIC S. SMITH
Attorney at Law
117 West Second Street
Lexington, Kentucky 40507

[Signature]
ERIC S. SMITH

Please mail to:

MALLARD POINT OWNERS ASSOCIATION, INC.
138 E. MAIN STREET
GEORGETOWN, KY 40324

State of Kentucky
County of Scott, Etc.

I, Donna B. Perry, Clerk in and for the County and State aforesaid, certify that the foregoing reduction was this day lodged for record at 1:50 pm Whereupon the same with the foregoing and this certificate have been duly recorded in my office.

Witness my hand this 5 day of June, 1991
DONNA B. PERRY
BY [Signature] D.C.