

**AMENDMENT TO PROTECTIVE COVENANTS
FOR MISTY RIVER RESORT, INC.**

Whereas, a development known as Misty River Resort located in the Howards Bottom Community of Cumberland County, Kentucky, was incorporated pursuant to the laws of the Commonwealth of Kentucky on January 25, 2005; and

Whereas, said development was surveyed and a plat created by J.A. Staton, Kentucky Registered Land Surveyor No. 2603, dated October 12, 2004, said plat being recorded in Plat Book 3, Page 9 therein, office of the Cumberland County Clerk; and

Whereas, a Declaration of Protective Covenants was created, executed and recorded on or about the 26th day of January, 2005 by the developers, Richard D. Tipton and John P. Quintrell, which are found of record in Deed Book 131, Page 711 therein, office of the Cumberland County Clerk; and

Whereas, subsequently lots have been sold to various purchasers, some of which have been resold one or more times since the original transfer, and the owners of those lots comprise the Property Owners' Association for Misty River Resort which was incorporated pursuant to the law of the Commonwealth of Kentucky on August 23, 2007; and

Whereas, the property owners, individually and as part of the property owners' association, have made a decision, duly acted upon and authorized at a regularly scheduled meeting of the Board of Directors of Misty River Resort Property Owners' Association, held pursuant to notice, on November 29, 2017; that the original protective covenants should be amended in order to adapt to the changing times and needs of the current and potential owners; to better govern and regulate the use and occupancy thereof, with these amended

covenants to change and modify and supplement the previous protective covenants, which are hereby declared to be **COVENANTS RUNNING WITH THE LAND**;

NOW, THEREFORE, for and in consideration of the premises and of the benefits to be derived by **MISTY RIVER RESORT, INC.** and each and every current, subsequent, future and potential owner of any of the lots in said development, said **MISTY RIVER RESORT, INC.**, through its Board of Directors, does hereby amend, alter and modify the original Protective Covenants, as follows, with this amendment to become effective immediately and run with the land from this day forward.

Item 3 of the original Protective Covenants, entitled *Mobile Home Or Manufactured Home* shall be amended to read as follows:

3. **MOBILE HOME OR MANUFACTURED HOME**: *No mobile home or manufactured home will be used or located on any lot as a residence, either temporarily or permanently, except that Park Models, Tiny Homes, Recreational Vehicles (RV's) and Motor Homes MAY be allowed, in the discretion of the Board, and a determination will be made as to each home or unit by the Board of Directors.*

Item 15 of the original Protective Covenants, entitled *Association Fee* shall be amended to read as follows:

15. **ASSOCIATION FEES**: *The association fees shall be adjusted as needed and determined and directed in the sole discretion of the Board of Directors in maintaining the development.*

All other provisions of the original Protective Covenants shall remain in full force and effect.

IN WITNESS WHEREOF, the President, Vice President and Secretary of the Board of Directors of Misty River Resort, Inc., have hereunto set their hands as of the day and year first hereinabove written.

This is to certify that this instrument was prepared by:

CAPPS LAW OFFICE, PSC
119 East Smith Street, P.O. Box 779
Burlingame, Kentucky 42717-0779

By: Catherine Brown Capps
Catherine Brown Capps

Richard D. Tipton
RICHARD D. TIPTON, President

John P. Quintrell
JOHN P. QUINTRELL, Vice President

ATTEST:

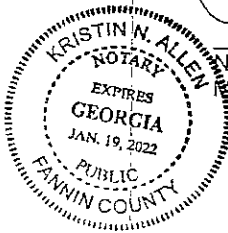
Donna Tipton
Donna Tipton, Secretary

STATE OF KENTUCKY
COUNTY OF CUMBERLAND, SCT.
This instrument was filed for record on the 13 day of August, 2018 at 2:45 o'clock P. M., and duly recorded in Book No. 172, Page No. 641 of the records in this office.
Given under my hand this the 13 day of August, 2018.
KIM KING, CLERK
Elizabeth Andrews D.C.

STATE OF GEORGIA
COUNTY OF FANNIN

SUBSCRIBED, SWORN AND ACKNOWLEDGED before me, a Notary Public, by Richard D. Tipton, President and John P. Quintrell, Vice President of Misty River Resort, Inc., attested by Donna Tipton, Secretary, to be the free and voluntary act and deed of said corporation, and that they have full authority to act and so bind the corporation.

This the 8th day of August, 2018.



Kristin Allen
NOTARY PUBLIC
My Commission Expires: