

**BOONE'S TRACE PROPERTY OWNERS' ASSOCIATION, INC.**

**RESOLUTION OF THE BOARD OF DIRECTORS  
ADOPTED AT A REGULAR MEETING**


At its regular meeting of the Board of Directors ("Board") of Boone's Trace Property Owners' Association, Inc., a Kentucky non-profit corporation, held on March 12, 2018, the Board approved and adopted the following resolution:

WHEREAS, the Board desires to change/modify the recited "custom and practice" of permitting "Sub Developers" to "stand in the shoes of the original Developer [Boone's Trace, LLC] with respect to all rights, privileges, and exemptions that the Covenants [Conditions, and Restrictions for Boone's Trace Development], as amended [and restated], provide to the Developer [Boone's Trace, LLC]", as recited in that "Resolution Regarding Developer Status at Boone's Trace", dated November 8, 2013, as provided therein.

NOW THEREFORE BE IT RESOLVED that with "a vote of at least 75% of the full [current] Board membership", the Board hereby declares that the recited "custom and practice" of permitting "Sub Developers" to "stand in the shoes of the original Developer with respect to all rights, privileges, and exemptions that the Covenants [Conditions and Restrictions for Boone's Trace Development], as amended[ and restated]", is hereby modified/changed to no longer "permit Sub Developers to stand in the shoes of the original Developer with respect to all rights, privileges, and exemptions that the Covenants [Conditions and Restrictions for Boone's Trace Development], as amended [and restated] provide[d] to the Developer [Boone's Trace, LLC]", including voting rights and the exemption for Common and Special Assessments.

Adopted by a vote of the Board, 6 Votes for Adoption and 0 Votes Against Adoption, during the regular meeting of the Board on March 12, 2018.

The remainder of the business transacted at such March 12, 2018, meeting was reported in an additional set of secretary minutes therefor.

  
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Katie Maher, Secretary

**BOONE'S TRACE PROPERTY OWNERS' ASSOCIATION, INC.**

**Resolution of the Board of Directors  
Adopted at a Regular Meeting**

At its duly noticed meeting of the Board of Directors of Boone's Trace Property Owners' Association, Inc., a Kentucky non-profit corporation, held on April 9, 2018, the Board of Directors approved and adopted the following Pool Fence Enclosure Policy Resolution:

**WHEREAS**, under the collective authorities provided to the Board of Directors of the Boone's Trace Property Owners' Association, Inc. ("Association"), contained within the governing documents of the Association which include: *the Fifth Amendment and Restatement of Covenants, Conditions, and Restrictions for The Boone's Trace Development ("Covenants, Conditions and Restrictions")*, *the Articles of Incorporation of Boone's Trace Property Owners' Association, Inc.*, and *the Bylaws of the Boone's Trace Property Owners' Association, Inc.*, along with those duties and powers provided for Board of Directors under KRS Chapter 273, Nonprofit Corporations (more commonly referred to as the Kentucky Nonprofit Corporation Act), *the Board of Directors has the authority and the duty to enforce the Covenants, Conditions, and Restrictions of the Boone's Trace Development*;

**WHEREAS**, in Article II, Section 1, of the Covenants, Conditions and Restrictions, the Developer reserved the right to assign the right to "pre-approve all plans for construction on any Lot" to the Association ("Construction Plan Pre-Approval");

**WHEREAS**, Article III of the Covenants, Conditions and Restrictions included "Standards Common to All Properties" and "Specific Standards for Various Sections" ("Specific Building Standards");

**WHEREAS**, Article III, Section 2, of the Covenants, Conditions and Restrictions provides that the Specific Building Standards established for each Section of the Boone's Trace Development, as amended from time to time, are a part of the Restrictions, included therein by reference and binding upon the Owners of Lots in the Boone's Trace Development;

**WHEREAS**, Article X, Section 3, of the Covenants, Conditions and Restrictions provides that each Lot Owner is and shall be conclusively deemed to have consented and agreed to every covenant, condition and restriction contained in the Covenants, Conditions and Restrictions and in the Specific Building Standards;

**WHEREAS**, Article X, Section 10, of the Covenants, Conditions and Restrictions provides that the Construction Pre-Approval right retained by Developer may be assigned to the Association;

**WHEREAS**, by Assignment dated July 28, 2014 ("Developer Assignment"), the Developer assigned and relinquished to the Association all approval rights retained by the Developer in the Covenants, Conditions and Restrictions, including the Construction Pre-Approval right;

**WHEREAS**, Article III, Section 1(I), of the Covenants, Conditions and Restrictions provided that on Lots where fences are allowed, the fences shall be four-rail black, and the layout must be approved prior to installation;

**WHEREAS**, Article III, Section 2, of the Covenants, Conditions and Restrictions provides that Specific Building Standards are to be established for each Section of the Boone's Trace Development, including mandatory guidelines for "the type of fencing, if any, allowed";

**WHEREAS**, the Specific Building Standards established by the Developer for the Boone's Trace Development provided "all fence enclosures [for in-ground pools] must be approved" and, further, "no chain link fencing" is permitted;

**WHEREAS**, the Board of Directors has the authority and right to draft, publish, and adopt policies related to the administration of the Association including the Construction Plan Pre-Approval for in-ground pools ("Pools").

**WHEREAS**, the Board of Directors desires to establish a written Construction Plan Pre-Approval policy ("Pool Fence Enclosure Policy") that can be easily applied and administered when the Association is requested to approve a Pool Fence Enclosure; and

**WHEREAS**, the Board of Directors hereby states the Pool Fence Enclosure Policy, as provided herein.

**NOW, THEREFORE, BE IT RESOLVED** that the following Pool Fence Enclosure Policy be adopted:

1. This Pool Fence Enclosure Policy shall become effective immediately and apply to all platted Lots of record in the Boone's Trace Development (now or hereafter established);
2. A Pool Fence Enclosure must have all of the following characteristics:
  - a. The Pool Fence Enclosure must be at least four (4) feet high measured on the outside (facing away from the pool) and firmly secured at ground level.
  - b. There must be a forty-five (45) inch minimum separation on the lateral members/rails.

- c. The vertical members/pickets must be more than two (2) inches but less than four (4) inches apart.
  - d. The spacing between the bottom horizontal member/rail and the ground must be less than four (4) inches.
  - e. The gate(s) must be self-closing and self-latching.
  - f. The gate(s) need to open out and away from the pool area.
  - g. The gate(s) opening mechanism must be at least forty-eight (48) inches above ground and located on the inside (pool side) of the gate(s).
  - h. The fence and gates must be construction of black aluminum material and no chain link fences are allowed.
  - i. The fence enclosure shall be placed no more than one (1) foot from the apron of the pool on Lots in the Boone's Trace Development where fences are **prohibited**, and no more than five (5) feet from the apron of the pool on Lots in the Boone's Trace Development where fences **are** allowed.
  - j. The pool must be equipped with an approved safety pool cover.
  - k. The fence must be placed sufficiently away from the water's edge to prevent a young child or medically frail elderly person who may have managed to penetrate the fence or its gate(s) from immediately falling into the water.
3. The Board of Directors reserves the right to modify the Pool Fence Enclosure Policy at any time with the effective date to be upon thirty (30) days' advance notice to the Association membership.

The remainder of the business transacted at such April 9, 2018, meeting was reported in an additional set of Secretary minutes therefor.

Signed: Melinda K. Jgri Date: April 9, 2018  
 President

Recorded in the Minutes of the Association this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Attested: [Signature] Date: 4/9/18  
 Secretary