

**RESOLUTION OF
THE BOARD OF DIRECTORS OF
ANDOVER FOREST HOMEOWNERS ASSOCIATION, INC.**

November 16, 2022

Pursuant to KRS Chapter 273, the Board of Directors of ANDOVER FOREST HOMEOWNERS ASSOCIATION, INC., a Kentucky non-profit, non-stock corporation (hereinafter referred to as the “Association”), at a meeting of the Directors held November 16, 2022, adopted the following Preamble and Resolutions:

**RESOLUTION REGARDING
CAPITALIZATION CHARGE FOR NEW PURCHASERS**

WHEREAS, the Association was created pursuant to that certain Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision, of record in the Fayette County Clerk’s Office at Deed Book 1519, Page 302 (the “Declaration”), and those certain Amendments to the Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision submitting additional real property (such submitted property comprising the “Andover Forest Neighborhood”) recorded in the Fayette County Clerk’s Office as follows:

- a. Deed Book 1549, Page 133
- b. Deed Book 1577, Page 38
- c. Deed Book 1599, Page 413
- d. Deed Book 1663, Page 08
- e. Deed Book 1666, Page 747
- f. Deed Book 1682, Page 505
- g. Deed Book 1664, Page 730
- h. Deed Book 1687, Page 564
- i. Deed Book 1758, Page 294
- j. Deed Book 1873, Page 161
- k. Deed Book 1950, Page 17
- l. Deed Book 1754, Page 282
- m. Deed Book 1896, Page 736
- n. Deed Book 2057, Page 612
- o. Deed Book 2004, Page 620
- p. Deed Book 2110, Page 614

WHEREAS, pursuant to Article VII, Section A of the Association’s Articles of Incorporation (the “Articles”) And Article III(C), Section 17 of the Association’s

Bylaws (the “Bylaws”), the affairs of the Association shall be conducted, managed, and controlled by its Board of Directors;

WHEREAS, Article IV of the Articles of Incorporation and Article III(C), Section 16 of the Bylaws provide a non-exclusive list of powers of the Board of Directors, including the power to fix and collect assessments and other charges against the lots for the purpose of funding Association operations;

WHEREAS, the Board of Directors finds that the costs of operating the Association has and will continue to increase and that it is in the best interest of the Association to, in addition to potential increases to annual assessments and other revenues, identify new revenue streams to fund operations; and

WHEREAS, it is in the best interests of the Association to establish a capitalization fee to be paid by purchasers of property within the Andover Forest neighborhood at the time of purchase in the amount of One Thousand and 00/100 Dollars (\$1,000.00) (the “Capital Charge”).

THEREFORE, BE IT RESOLVED, that the Board of Directors adopts a Capital Charge to be paid by purchasers of property within the Andover Forest neighborhood in the amount of One Thousand and 00/100 Dollars (\$1,000.00), which if unpaid shall be deemed a lien on the subject property;

FURTHER RESOLVED, that the Capital Charge shall be paid by the purchaser to the Association at the closing of the purchase of the property and shall be effective for all contracts for the sale of property executed on or after January 1, 2023 that also close on or after January 1, 2023;

FURTHER RESOLVED, the Capital Charge shall not be imposed and will not be applied to a transfer of title to a lot that meets the requirements of KRS § 142.050(7) or (8), or any successor statute, for being exempt from real estate transfer tax;

FURTHER RESOLVED, the Board of Directors shall have the right and authority to modify, alter or otherwise administer the Capital Charge, including increasing or decreasing the amount of same, pursuant to the authority granted in the Declaration, the Articles, the Bylaws, and any rules, regulations, policies, and procedures;

FURTHER RESOLVED, that the President and other proper officers of the Association are authorized and directed to record the Notice of Capitalization Charge in substantially the same form as that attached hereto as **Exhibit A** or with such changes as deemed reasonably necessary to effectuate the intent of this resolution, by the President of the Association, and to take any and all other actions to implement and administer the Capital Charge;

The undersigned certifies that the foregoing resolution was adopted by the Board of Directors of the Andover Forest Homeowners Association, Inc. at a properly noticed meeting on November 16, 2022.



AARON ROSE, SECRETARY

Date: 11-22-22

EXHIBIT A

Form of Notice of Capital Charge

**NOTICE OF CAPITAL CHARGE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR BRIGHTON PLACE SUBDIVISION**

This **NOTICE OF CAPITAL CHARGE**, by and through the Andover Forest Homeowners Association, Inc., (the "*Association*") is made effective as of November 16, 2022.

WHEREAS, the Association was created pursuant to that certain Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision, of record in the Fayette County Clerk's Office at Deed Book 1519, Page 302 and those certain Amendments to the Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision submitting additional real property (such submitted property comprising the "*Andover Forest Neighborhood*") recorded in the Fayette County Clerk's Office as follows:

Document	Recording Information	Subject Property
Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision (the "Master Declaration")	Deed Book 1519, Page 302	Brighton Place Subdivision Units 1-A, 1-B and 1-C Plat Cabinet H, Slides 589, 590, and 591
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision	Deed Book 1549, Page 133	Brighton Place Subdivision Units 1-D, Section 1 and 1-E, Plat Cabinet I, Slides 72 and 73
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision Incorporating Unit 1-D, Section 2	Deed Book 1577, Page 38	Brighton Place Subdivision Unit 1-D, Section 2 Plat Cabinet I, Slide 83
Amendment to Declaration of Covenants, Conditions and	Deed Book 1599, Page 413	

Restrictions for Brighton Place Subdivision		Brighton Place Subdivision Unit 2 Plat Cabinet I, Slide 399
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision	Deed Book 1663, Page 08	Brighton Place Subdivision Unit 3, Section 1 Plat Cabinet I, Slide 743
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision	Deed Book 1666, Page 747	Brighton Place Subdivision Unit 3, Section 2, Block D, Lot 44 Plat Cabinet I, Slide 784
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision	Deed Book 1682, Page 505	Brighton Place Subdivision Unit 3, Section 3 Plat Cabinet J, Slide 83
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision	Deed Book 1664, Page 730	Brighton Place Subdivision Unit 4 Plat Cabinet I, Slide 730
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision (Unit 5A)	Deed Book 1687, Page 564	Brighton Place Subdivision Unit 5A Plat Cabinet J, Slide 121
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision (Village of Andover Forest) (Unit 6-A, Exclusive of Lot 113, Block J; Unit 6-B and Unit 5-B)	Deed Book 1758, Page 294	Brighton Place Subdivision (the Village of Andover Forest), Units 6-A (exclusive of Lot 113, Block J); 6-B; and 5-B Plat Cabinet J, Slides 499 and 500
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision (Village of Andover Forest) (Unit 5-C)	Deed Book 1873, Page 161	Brighton Place Subdivision Unit 5-C Plat Cabinet K, Slide 91

Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision (Village of Andover Forest) (Unit 5-D)	Deed Book 1950, Page 17	Brighton Place Subdivision Unit 5-D Plat Cabinet K, Slide 430
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision (Village of Andover Forest) (Unit 6)	Deed Book 1754, Page 282	Brighton Place Subdivision Unit 6 Plat Cabinet J, Slide 374
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision (Village of Andover Forest) (Unit 6-A)	Deed Book 2057, Page 612	Brighton Place Subdivision Unit 6-A, Lot 113, Block "J" Amended Plat Cabinet K, Slide 860
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision (Village of Andover Forest) (Lot Nos. 115, 116 and 117, of Unit 6-B)	Deed Book 1896, Page 736	Brighton Place Subdivision Unit 6-B Plat Cabinet K, Slide 215
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision (Village of Andover Forest) (Unit 7)	Deed Book 2004, Page 620	Brighton Place Subdivision Unit 7 Plat Cabinet K, Slide 649
Amendment to Declaration of Covenants, Conditions and Restrictions for Brighton Place Subdivision (Village of Andover Forest) (Unit 8)	Deed Book 2110, Page 614	Brighton Place Subdivision Unit 8 Plat Cabinet K, Slide 118

(collectively referred to as the "***Declaration***"); and

WHEREAS, pursuant to Article VII, Section A of the Association's Articles of Incorporation (the "***Articles***") And Article III(C), Section 17 of the Association's Bylaws (the "***Bylaws***"), the affairs of the Association shall be conducted, managed, and controlled by its Board of Directors;

WHEREAS, Article IV of the Articles of Incorporation and Article III(C), Section 16 of the Bylaws provide a non-exclusive list of powers of the Board of Directors, including the power to fix and collect assessments and other charges against the lots for the purpose of funding Association operations; and

WHEREAS, on November 16, 2022, at a properly noticed meeting of the Board of Directors of the Association at which a quorum was present, the Association adopted a capital charge in the amount of \$1,000.00 to be paid by each purchaser of a Lot at the time of purchase (the "**Capital Charge**").

NOW, THEREFORE, the Association desires, on the behalf of and for the benefit of itself and all members, to provide notice of the Capital Charge to all new buyers.

1. Effective as to all contracts for the purchase of a Lot that is both (i) executed and (ii) closed on or after January 1, 2023, each purchaser of a Lot shall be required to pay a Capital Charge in the amount of One Thousand and 00/100 Dollars (\$1,000.00) to the Association at the closing for the purchase of the Lot. The Capital Charge, together with interest, costs and reasonable attorneys' fees, shall be a charge on the land and shall be a continuing lien upon the Lot and shall also be the personal obligation of the purchaser(s) of the Lot, and may be enforced by the Association pursuant to Article IV, Section 6 of the Master Declaration.
2. The Association and/or its members reserve the right to modify, alter or otherwise administer the Capital Charge, including increasing or decreasing the amount of same, pursuant to the authority granted in the Declaration, the Association's Articles of Incorporation, the Association's Bylaws, and any rules, regulations, policies, and procedures.
3. The Capital Charge shall not be imposed and will not be applied to a transfer of title to a Lot or Townhome that meets the requirements of KRS § 142.050(7) or (8), or any successor statute, for being exempt from real estate transfer tax.
4. Capitalized but undefined terms shall have the meaning given in the Declaration. The Declarations of Covenants remain in full force and effect.

IN WITNESS WHEREOF, the undersigned has duly executed this **NOTICE OF CAPITAL CHARGE PURSUANT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR BRIGHTON PLACE SUBDIVISION**, effective as of the date indicated above on behalf of the Association's Board of Directors.

[signatures appear on the following page]

ASSOCIATION

Andover Forest Homeowners Association, Inc., a Kentucky nonprofit corporation

By: Susan J. Hoffmann

Its: President

STATE OF KENTUCKY
COUNTY OF FAYETTE

The foregoing instrument was acknowledged before me on this the 22 day of NOVEMBER, 2022, by SUSAN HOFFMANN, as PRESIDENT of Andover Forest Homeowners Association, Inc., a Kentucky nonprofit corporation, on behalf of the Association.

Madison Ward

NOTARY PUBLIC

Name (print): _____

My commission expires: _____

Notary Number: _____

THIS INSTRUMENT PREPARED BY:

Christopher P. Farris

Christopher P. Farris, Esq.
Billings Law Firm, PLLC
145 Constitution Street
Lexington, KY 40507
(859) 225-5240

Madisson Faye Ward
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY
ID. # KYNP24731
MY COMMISSION EXPIRES 03/08/2025

I, Donald W Blevins Jr, County Court Clerk
of Fayette County, Kentucky, hereby
certify that the foregoing instrument
has been duly recorded in my office.



By: BOBBIE MARSTELLA ,dc

202212020112

December 2, 2022 14:13:03 PM

Fees	\$50.00	Tax	\$.00
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Total Paid	\$50.00
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