

FIRST AMENDMENT and FIRST AMENDED DECLARATION  
FOR THE EXPANDABLE CONDOMINIUM PROJECT KNOWN AS  
1616 GARDINER LANE CONDOMINIUM UNITS

This Declaration, made and entered into by FOURTH AVENUE CORPORATION,  
(a Kentucky Corporation), hereinafter sometimes referred to as "Fourth  
Avenue".

W I T N E S S E T H:

WHEREAS, by a Condominium Declaration dated April 3, 1980, and  
recorded in Deed Book 5160, Page 271, in the Office of the Clerk of the  
County Court of Jefferson County, Kentucky, Fourth Avenue subjected and  
submitted certain real estate to the Kentucky Condominium Property Act; and,

WHEREAS, under the Declaration, right is specifically reserved unto  
the Developer to create, add and subject other buildings to the property  
denominated "Reserved For Buildings 'D', 'E' and 'G'" therein and thereby to  
add additional or new units to said Condominium; and,

WHEREAS, Fourth Avenue is the owner of and wishes to add to said  
Condominium area the following described real estate, which is presently a  
part of the area reserved for future units referred to in the Declaration:

BEING that area designated "Reserved For Building  
'D'" as shown on Page 1 of Apartment Ownership  
Book 19, Jefferson County Clerk's Office, and

WHEREAS, the additional property is now improved with one building  
containing a combined total of 8 additional units.

NOW, THEREFORE, Fourth Avenue, for the purposes hereinabove set forth,  
pursuant to the provisions set forth in the Master Deed for 1616 Gardiner Lane  
Condominium Units, recorded as above, and in accordance with and by means of  
the powers therein reserved and conferring on it hereby amends the declaration by:

1. Further declaring that the additional property is hereby deleted  
from the aforesaid area designated "Reserved For Building 'D'" and that said  
additional property is hereby subjected to the provisions of the Act as an  
integral part of the condominium created by the declaration and that said additional  
property is to be in all respects governed by the terms and provisions of  
said Declaration.

2. Amending the legal description of the Units which is set forth in the Declaration by adding the following new units:

<u>BUILDING NUMBER</u>	<u>UNIT NUMBER</u>
D	15
	16
	17
	18
	19
	20
	21
	22

All of Building "D" and the Units referred to immediately above are delineated on the survey of the additional property by The Lantz Company, Registered Land Surveyor dated March 19, 1981, and recorded contemporaneously with this First Amended Expandable Declaration.

3. Amending the schedule of the percentage of ownership interest in the common elements appurtenant to each unit, set forth in the Master Deed and to reallocate said percentage interest and to read as follows:

<u>BUILDINGS</u>	<u>UNIT NO.</u>	<u>SQUARE FOOT AREA</u>	<u>PERCENTAGE</u>
Building A	100	1,030	1.52
	101	1,350	2.00
	102	1,350	2.00
	103	1,500	2.22
	104	1,500	2.22
	105	1,500	2.22
	106	1,430	2.11
	107	1,350	2.00
	108	1,350	2.00
	109	1,500	2.22
	110	1,500	2.22
	111	1,500	2.22
	112	1,430	2.11
	200	1,030	1.52
	201	1,350	2.00
	202	1,350	2.00
	203	1,500	2.22
	204	1,500	2.22
	205	1,500	2.22
	206	1,500	2.22
	207	1,350	2.00
	208	1,350	2.00
209	1,500	2.22	
210	1,500	2.22	
211	1,500	2.22	
212	1,500	2.22	

<u>BUILDINGS</u>	<u>UNIT NO.</u>	<u>SQUARE FOOT AREA</u>	<u>PERCENTAGE</u>	
Building B	B1	1,200	1.78	
	B2	1,200	1.78	
	B3	1,518	2.25	
	B4	1,518	2.25	
	B5	1,210	1.79	
	B6	1,210	1.79	
	B7	1,200	1.78	
	B8	1,200	1.78	
Building C	C9	1,200	1.78	
	C10	1,200	1.78	
	C11	1,518	2.25	
	C12	1,518	2.25	
	C13	1,210	1.79	
C14	1,210	1.79		
House F	F28	2,500	3.70	
Building D	15	1,280	1.89	
	16	1,280	1.89	
	17	1,280	1.89	
	18	1,280	1.89	
	19	1,280	1.89	
	20	1,280	1.89	
	21	1,280	1.89	
	22	1,280	1.89	
			67,572	100%

The remaining undesignated square foot area of 14,928 represents the maximum unbuilft finished living area of 1616 Gardiner Lane Condominium Units.

The above schedule percentages in the common elements are calculated on the basis set forth in the Master Deed and this reallocation is accomplished as follows:

(a) Fourth Avenue, to the extent necessary, hereby exercises all rights conferred upon it by the Declaration in all powers of attorney granted to it by all unit owners of the existing units and thereby divests them of that portion of their unit's share in the existing common elements which must allocated to the new units to obtain the percentage interest in the aggregated common elements in each new unit shown in the aforesaid schedule.

(b) Fourth Avenue, to the extent necessary, hereby exercises all powers of attorney granted to it and powers of appointment reserved by it and hereby grants, conveys, and sets over to each owner of each existing unit that share in the new common elements which is necessary to attain for each existing unit the share in the aggregated common elements shown in the aforesaid schedule.

(c) Any other means supportable in law or equity on the basis of the declaration, the deeds issued to each purchaser and this Amended Declaration.

The meaning of the terms, "existing units", "Common elements", "new units", "reserved area", "powers of attorney", "granted and reserved unto the developer", are as defined in the Master Deed or declaration.

Except as set forth herein, the Declaration or Master Deed for 1616 Gardiner Lane Condominium Units shall remain in full force and effect.

IN TESTIMONY WHEREOF, witness the signatures of the duly authorized officer of the party hereto this 25th day of March, 1981.

FOURTH AVENUE CORPORATION

BY: James F. Steinfeld  
Executive Vice-President

STATE OF KENTUCKY )  
COUNTY OF JEFFERSON )

The foregoing instrument was acknowledged before me this 25th day of March, 1981, by Louis A. Arru, Executive Vice-President of Fourth Avenue Corporation, a Kentucky Corporation, on behalf of the Corporation.

My Commission Expires: July 24, 1983.

PREPARED BY:

James F. Steinfeld  
NOTARY PUBLIC, STATE AT LARGE, KENTUCKY

James F. Steinfeld  
JAMES F. STEINFELD  
Attorney at Law  
1210 Citizens Plaza  
Louisville, Kentucky 40202  
Phone: 584-5265

1981 MAR 26 AM 8:51  
LOGGED BY William  
AND RECORDED  
PAID \$ 2.50 INC. TAX  
F. Williams

COMMISSION  
NOT. PUBLIC  
BOOK 23 PAGE 31-33  
FILE NO. 257

BOOK 5220 PAGE 858