

**AMENDED AND RESTATED FIFTH AMENDMENT TO
DECLARATION OF HORIZONTAL PROPERTY REGIME AND MASTER DEED OF
EASTGATE BUSINESS PARK**

This Amended and Restated Fifth Amendment to Declaration of Horizontal Property Regime and Master Deed of Eastgate Business Park ("Amendment") is made at the direction of and caused to be recorded by Pinnacle Holdings Group, LLC, a Kentucky limited liability company (hereinafter referred to as the "Declarant"), having an address of PO Box 43957, Louisville, Kentucky 40243.

WITNESSETH:

WHEREAS, Pinnacle Properties of Louisville, LLC, a Kentucky limited liability company (the "Original Declarant") made and declared that certain Declaration of Horizontal Property Regime and Master Deed Establishing Eastgate Business Park (collectively, the "Master Deed") dated March 19, 2008, which is recorded in Deed Book 9206, Page 963 in the Office of the County Clerk of Jefferson County, Kentucky; as amended by the First Amendment to Master Deed dated August 12, 2008, which is recorded in Deed Book 9272, Page 153, in the Office aforesaid; as amended by the Second Amendment to Master Deed dated August 6, 2012, which is recorded in Deed Book 9925, Page 348, in the Office aforesaid; as amended by the Third Amendment to Master Deed dated September 27, 2012, which is recorded in Deed Book 9952, Page 974, in the Office aforesaid; as amended by the Fourth Amendment to Master Deed dated June 10, 2013, which is recorded in Deed Book 10082, Page 223, in the Office aforesaid; as further amended by the Fifth Amendment to Master Deed dated February 9, 2015, which is recorded in Deed Book 10363, Page 791 in the Office aforesaid (the "Fifth Amendment"); and

WHEREAS, prior to the execution and recording of the Fifth Amendment, the Original Declarant had previously transferred Building 6 in the Condominium Regime, and assigned the

developer rights under the Master Deed, to Declarant pursuant to that certain Special Warranty Deed dated June 10, 2013, of record in Deed Book 10082, Page 265, in the Office aforesaid, and as such, the Declarant, not the Original Declarant, was the proper party to execute the Fifth Amendment;

WHEREAS, this Amendment is necessary and desirable for the current Declarant to redescribe Building 6 as originally created and described in the Fourth Amendment to Declaration of Horizontal Property Regime and Master Deed by subdividing said Unit into three (3) separate Units in the Eastgate Business Park pursuant to Section 2 and Section 3(c) of the Master Deed (as attempted in the Fifth Amendment);

WHEREAS, King Southern Bank holds a Mortgage on Building 6 pursuant to that certain Construction and Permanent Mortgage, Security Agreement and Fixture Financing Statement dated June 10, 2013, of record in Mortgage Book 13396, Page 766, in the Office aforesaid; and

WHEREAS, this Amendment is necessary and desirable to amend the Revised Exhibit B to represent the three (3) Units being put to record pursuant to the set of mylars recorded with the Fifth Amendment in Condominium and Apartment Ownership Book 133, Pages 23 through 24;

NOW, THEREFORE, in accordance with the foregoing preambles, which are hereby incorporated herein, Declarant hereby declares that the real property ("Property"), more fully described on Exhibit A attached to the Master Deed, shall be owned, held, used, leased, conveyed and occupied subject to the conditions and restrictions set forth in this Amendment as if these conditions and restrictions were included in and made a part of the Master Deed.

1. Section 2, first paragraph shall be amended to read as follows:

The Master Deed and Declaration cover six (6) buildings as situated on said real

estate as fully described on the site plan and set of floor plans of the building dated March 26, 2008, prepared by Mindel Scott & Associates, Inc., and recorded in Condominium and Apartment Ownership Book 123, Pages 96 through 97 pursuant to KRS 381.835 in the office of the County Clerk of Jefferson County, Kentucky; as amended by plans and specifications for the condominium project dated August 5, 2008 and recorded in Condominium Book 125, Pages 33 through 35, in the Office aforesaid; as amended by plans and specifications for the condominium project dated August 2, 2012 and recorded in Condominium Book 130, Pages 19 and 20, in the Office aforesaid; as amended by plans and specifications for the condominium project dated September 25, 2012 and recorded in Condominium Book 130, Pages 35 and 36, in the Office aforesaid as amended by plans and specifications for the condominium project dated June 4, 2013 and recorded in Condominium Book 130, Pages 95 and 96, in the Office aforesaid; as amended by plans and specifications for the condominium project dated February 9, 2015 and recorded in Condominium Book 133, Pages 23 through 24 in the Office aforesaid and by reference thereto, made a part of this Declaration and Master Deed.

2. Section 2, second paragraph shall be amended to read as follows:

EASTGATE BUSINESS PARK shall be developed incrementally so that it may eventually consist of up to 90,000 square feet of non-residential condominium space in up to six (6) buildings. All six (6) buildings have been built as shown on the set of floor plans filed with the Master Deed and pursuant to the prior amendments. No other buildings will be created and all buildings created are subjected to this condominium regime by addendums to this Declaration and Master Deed upon the filing of plans together with the common elements appurtenant thereto. Declarant specifically reserves the right, from time to time, to amend this Declaration and Master Deed to the extent of adding additional Units and common area, and, once added by addendum described below, shall have the same rights and privileges as provided herein.

3. Section 3, Section (a) shall be amended to read as follows:

(a) For purposes of identification, each unit has been assigned a number as indicated on Revised Exhibit B attached hereto and made a part hereof. No unit bears the same identification number as any other unit.

4. Pursuant to Section 2 of the Master Deed, Declarant hereby makes certain adjustments in the percentages of ownership in the common elements as set forth on Revised Exhibit B to the Master Deed as attached to this Amendment.

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