

**FIFTH AMENDMENT TO
MASTER DEED AND DECLARATION OF
CONDOMINIUM PROPERTY REGIME
FOR
THE GARDENS OF EASTERN PARKWAY, A CONDOMINIUM**

THIS FIFTH AMENDMENT TO MASTER DEED AND DECLARATION OF CONDOMINIUM PROPERTY REGIME for THE GARDENS OF EASTERN PARKWAY, A CONDOMINIUM, is made by COLSTON CORPORATION.

1. **DEFINITIONS** As used in this document, the following terms shall have the meaning shown:

1.1 "Developer" means Colston Corporation, a Kentucky corporation, the office of which is located at 41 Highwood Drive, Louisville, Kentucky, 40206.

1.2 "Master Deed" means the Master Deed and Declaration of Condominium Property Regime for The Gardens of Eastern Parkway, a Condominium Regime dated the 1st day of August, 1989, which Master Deed is recorded in Deed Book 5942, beginning at Page 103 in the County Clerk's Office of Jefferson County, Kentucky, and as amended by First Amendment thereto Dated September 10, 1990, of record in Deed Book 5992, Page 770, and as further amended by Second Amendment thereto dated October 15, 1990, recorded in Deed Book 6004, Page 538, and as further amended by Third Amendment dated the 19th day of November, 1990, recorded in Deed Book 6013, Page 867, and is further amended by Fourth Amendment dated the 21st day of January, 1992, recorded in Deed Book 6139, Page 337, all in the office of the County Clerk aforesaid.

1.3 "Fifth Amendment" means this Fifth Amendment to the Master Deed.

1.4 "Regime" means the condominium regime known as The Gardens of Eastern Parkway, a Condominium, created by the Master Deed.

1.5 "Unit" means a unit in the Regime as Unit is defined in the Master Deed.

1.6 "Unit Owner" means the person(s), firm(s), corporation(s), partnership(s), association(s), trustee, or other legal entity holding a recorded Deed or other instrument conveying title to a Unit. Unit Owner has the further meaning as defined in the Master Deed.

2. **PURPOSE OF FIFTH AMENDMENT**

2.1 Section 5 of the master Deed provides for the expansion of the Regime in Phases. It is now the desire and

intent of the Developer to expand the Regime by adding Phase 2 to the Regime, with Building "A" constructed on Phase 2.

3.2 Certain Parking Spaces as shown on Floor Plans of Phase 1, have been redesignated and in some instances replaced by carports, and additional carports have been added. It is the desire of Developer to amend Phase 1, Floor Plans accordingly.

3. PROVISIONS AFFECTING EXPANSION OF REGIME

3.1 The land comprising Phase 2 of the Regime is described as shown on plat attached hereto as Exhibit "A" and made part hereof. Said land is hereby added to the Regime as Phase 2. The land comprising Phase 2 is part of the property acquired by Developer by a deed dated the 1st day of June, 1989, of record in Deed Book 8882, Page 456. in the County Clerk's Office aforesaid.

3.2 The building known as Building "A," located on Phase 2 is described on Exhibit "A."

3.3 The layout, location, unit numbers and dimensions of the Units which are constructed in Building "A" on Phase 2 are more fully described on the Floor Plans filed simultaneously herewith, and recorded in Apartment (Condominium) Ownership Book 45, Pages 3 through 40 in the County Clerk's Office aforesaid, and bearing said Clerk's file Number 642

3.4 The total area of the land in Phase 2 is 32,686 square feet. The total area of land in Phase 2 covered by Building "A" is 14,080 square feet.

3.5 Exhibit "B," attached hereto and made part hereof, sets forth the reallocation of the percentages of general common element ownership as a result of the expansion of the Regime adding Phase 2 as effected by this Amendment.

4. AMENDMENT OF PARKING SPACE AND CARPORT DESIGNATION AND ADDITION OF CARPORTS

4.1 The floor plans of Phase 1, as recorded in Apartment (Condominium) Ownership Book 42, Pages 32 through 35 in the Clerk's Office aforesaid, show Parking Spaces numbered 55, 56, 57, 58, 59, 91, 92, 93, 94, and 95 ("Replaced Spaces") in addition to other Parking Spaces and garages shown on said Floor Plans. The designation of the Replaced Spaces as shown on the Floor Plans of Phase 1, is hereby deleted. The Replaced Spaces are hereby replaced by Parking Spaces on Phase 1 numbered 53, 54, and 110 and carports on Phase 1 numbered C-55, C-56, C-57, C-58, C-59, C-60, C-61 and C-62 as shown on Floor Plans filed with this Fifth Amendment. Carport numbered C-62 straddles the division line between Phase 1 and Phase 2, and this Fifth Amendment

approves such location.

4.2 Parking Spaces shown on the Floor Plans of Phase 1, other than the Replaced Spaces remain unchanged as do the Garages on the Floor Plans of Phase 1.

5. AUTHORITY FOR THIS FIFTH AMENDMENT

5.1 This Fifth Amendment is authorized pursuant to Section 5 ("Expansion of Regime") of the Master Deed and other relevant provisions of the Master Deed.

6. CONTINUATION OF MASTER DEED AS AMENDED HEREBY

6.1 The provisions of the Master Deed as amended hereby remain in full force and effect, and apply to Phase 2 in a manner consistent with this Fifth Amendment.

7. BINDING EFFECT

7.1 The provisions of this Fifth Amendment are binding upon each Unit Owner and their successors and assigns and also upon the successors and assigns of the Developer.

7.2 The Developer executes this Fifth amendment on its own behalf and on behalf of all Unit Owners as their attorney-in-fact and pursuant to the powers contained in and granted by the Master Deed.

Dated this 4TH day of February, 1992.

COLSTON CORPORATION

BY: Notice Colston
Notice Colston, Jr., President

COMMONWEALTH OF KENTUCKY
COUNTY OF JEFFERSON


The foregoing instrument was subscribed, sworn to, and acknowledged before me by Notice Colston, Jr., President of Colston Corporation, a Kentucky corporation, on behalf of the corporation, this 4th day of February, 1992.

My commission expires: APRIL 25, 1994.

[Signature]
NOTARY PUBLIC
STATE-AT-LARGE, KY

Prepared by: BOROWITZ & GOLDSMITH

BY:


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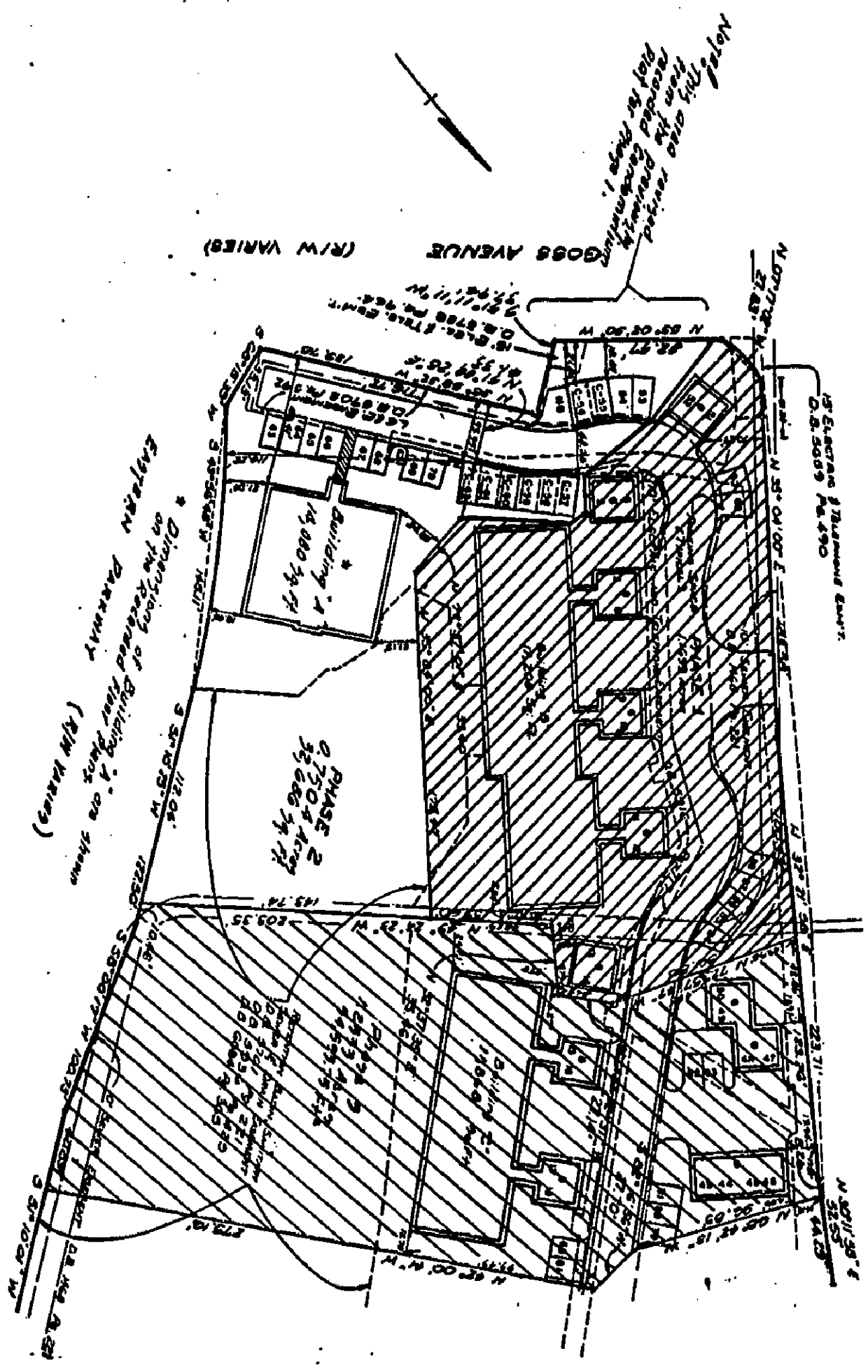


EXHIBIT A

THE GARDENS OF EASTERN PARKWAY
 BUILDING "A"-Phase 2
 BUILDINGS "B" and "C"-Phase 1

UNIT NUMBER	SQUARE FEET	PERCENTAGE
BUILDING "A"-PHASE 2		
93	1013.70	2.72
94	1015.38	2.72
95	944.37	2.53
96	948.43	2.54
97	1012.27	2.71
98	1014.62	2.72
99	1018.39	2.73
100	1015.36	2.72
101	1015.35	2.72
102	1016.74	2.72
BUILDING "B"-PHASE 1		
103	1520.04	4.07
104	1259.23	3.37
105	1254.78	3.36
106	1258.44	3.37
107	1250.13	3.35
108	1518.36	4.07
203	1519.57	4.07
204	1266.16	3.39
205	1268.07	3.40
206	1267.42	3.40
207	1264.12	3.39
208	1527.78	4.05
BUILDING "C"-PHASE 1		
109	1515.89	4.06
110	1258.72	3.37
111	1257.78	3.37
112	1515.72	4.06
209	1529.80	4.10
210	1267.72	3.40
211	1266.51	3.39
212	1525.62	4.09

TOTALS 37,326.47

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LOGGED BY

Handwritten signature

FBI OCA JACKSON J.C.C.

Handwritten number: 127320

Handwritten initials: Vm

EXHIBIT 'B'

END OF DOCUMENT