

FIFTH AMENDMENT TO
MASTER DEED AND DECLARATION OF
CONDOMINIUM PROPERTY REGIME
FOR
PROMENADE COURT TOWNHOMES, A CONDOMINIUM

This Fifth Amendment to Master Deed and Declaration of Condominium Property Regime for Promenade Court Townhomes, a Condominium, is made by Berkley Partners 1989-1, a Kentucky General Partnership.

1. Definitions. As used in this document, the following terms shall have the meanings shown:

1.1 "Developer" means Berkley Partners, 1989-1, a Kentucky general partnership, the office of which is located at 9911 Shelbyville Road, Suite 100, Louisville, Kentucky 40223.

1.2 "Master Deed" means the Master Deed and Declaration of Condominium Property Regime for Promenade Court Townhomes, a Condominium, dated the 30th day of July 1990, which Master Deed is recorded in Deed Book 5982, beginning at Page 169 in the County Clerk's Office of Jefferson County, Kentucky, and as amended by First Amendment thereto dated the 12th day of October, 1990, of record in Deed Book 6003, Page 126, in the Office of the County Clerk aforesaid, and as further amended by Second Amendment thereto dated the 18th day of January, 1991, of record in Deed Book 6029, Page 691, in the Office of the County Clerk aforesaid, and as further amended by Third Amendment thereto dated the 19th day of July, 1991, of record in Deed Book 6085, Page 252, in the Office of the County Clerk aforesaid, and as further amended by Fourth Amendment thereto dated the 3rd day of September 1991 recorded in Deed Book 6098, Page 126, in the Office of the County Clerk

aforesaid.

1.3 "Regime" means the condominium regime created by the Master Deed.

1.4 "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 in the Regime. Unit Owner has the further meaning as defined in the Master Deed.

1.5 Other capitalized terms used herein shall be defined as set forth in the Master Deed.

2. Purpose of this Fifth Amendment.

2.1 Section 5 of the Master Deed provides for the expansion of the Regime in Phases. Phases 1, 2 and 3 have been submitted to the Regime and Phases 1, 2 and 3 now constitute the entire Regime. It is now the desire and intent of the Developer to expand Building 4 on Phase 3 of the Regime by adding six (6) Units to Building 4, on Phase 3, making a total of ten (10) Units in Building 4 on Phase 3. It is also the desire and intent of the Developer to amend the boundaries of Phase 1 and Phase 3 of the Regime in order to accomodate the expansion of Building 4 on Phase 3.

3. Provisions Effecting Expansion of Building 4 and Amendment of Boundaries of Phase 1 and Phase 3.

The Developer does now amend the Master Deed as follows:

3.1 Building 4 on Phase 3 of the Regime originally consisted of four Units (Units numbered 112, 114, 116 and 118) as shown on floor plans recorded in Apartment (Condominium) Ownership

Book 45, Pages 7 through 10 in the County Clerk's Office aforesaid, and bearing said Clerk's file number 637. Building 4 on Phase 3 of the Regime is now expanded to include six (6) additional Units (Units numbered 100, 102, 104, 106, 108 and 110). Building 4 on Phase 3 of the Regime therefore, now contains a total of ten (10) Units.

3.2 The entire Building 4 on Phase 3 of the Regime is described on Exhibit "A", attached hereto and made part hereof.

3.3 The layout, location, unit numbers and dimensions of the six additional Units constituting the expansion of Building 4 on Phase 3 of the Regime are more fully described on the floor plans thereof filed simultaneously herewith and recorded in Apartment (Condominium) Ownership Book 45, Pages 28 through 32 in the County Clerk's Office aforesaid, and bearing said Clerk's File Number 645.

3.4 The descriptions of Phase 1 and Phase 3 of the Regime are hereby amended to be as shown on Exhibit "C" attached hereto and made part hereof. Phases 1, 2 and 3 now constitute the entire Regime.

3.5 The total area of the land in Phase 3, as amended, is 39,797 square feet. The total area of land in Phase 3 covered by Building 4, as fully expanded, is 16,663.23 square feet.

The total area of the land in Phase 1, as amended, is 62,187.2 square feet. The total area of land in Phase 1 covered by buildings is as previously stated in the Master Deed.

3.6 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 by the addition of six Units in Building 4 in Phase 3 of the Regime as effected by this Amendment.

4. Authority for this Fifth Amendment.

This Fifth Amendment is authorized pursuant to Section 5 ("Expansion of Regime") and Section 30 ("Amendment") of the Master Deed and other relevant provisions of the Master Deed.

5. Continuation of Master Deed as Amended Hereby.

The provisions of the Master Deed as amended hereby remain in full force and effect.

6. Binding Effect.

6.1 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.

6.2 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 8 day of January, 1992.

BERKLEY PARTNERS 1989-1, a
Kentucky General Partnership

By: J. T. Sims
J. T. Sims, Managing General
Partner

COMMONWEALTH OF KENTUCKY
COUNTY OF JEFFERSON

The foregoing instrument was subscribed, sworn to, and acknowledged before me by J.T. Sims, Managing General Partner of BERKLEY PARTNERS 1989-1, a Kentucky General Partnership, on behalf of the corporation, this 8th day of January, 1992.

My commission expires: Aug. 19, 1995.

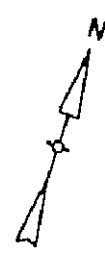
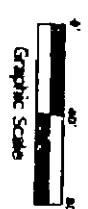
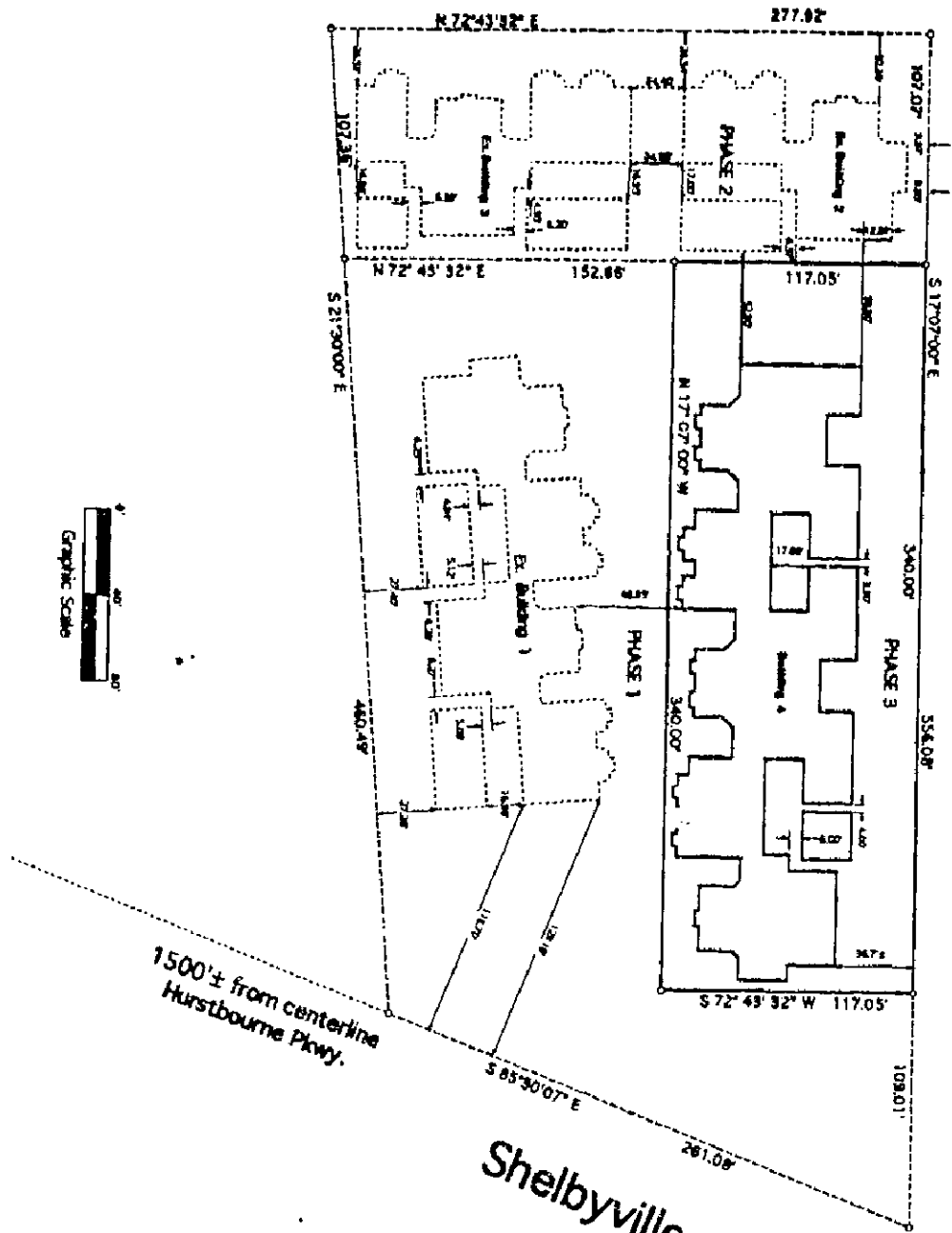
Kamma J. Ebner
NOTARY PUBLIC, STATE-AT-LARGE,
KY

THIS INSTRUMENT PREPARED BY:

BOROWITZ & GOLDSMITH

By *Morris B. Borowitz*
MORRIS B. BOROWITZ
1825 MEIDINGER TOWER
LOUISVILLE, KENTUCKY 40202
(502) 584-7371

0143E



1500'± from centerline
Hurstbourne Pkwy.

Shelbyville Road

PROMENADE COURT TOWNHOMES,
A CONDOMINIUM
PHASE 3

EXHIBIT "A"

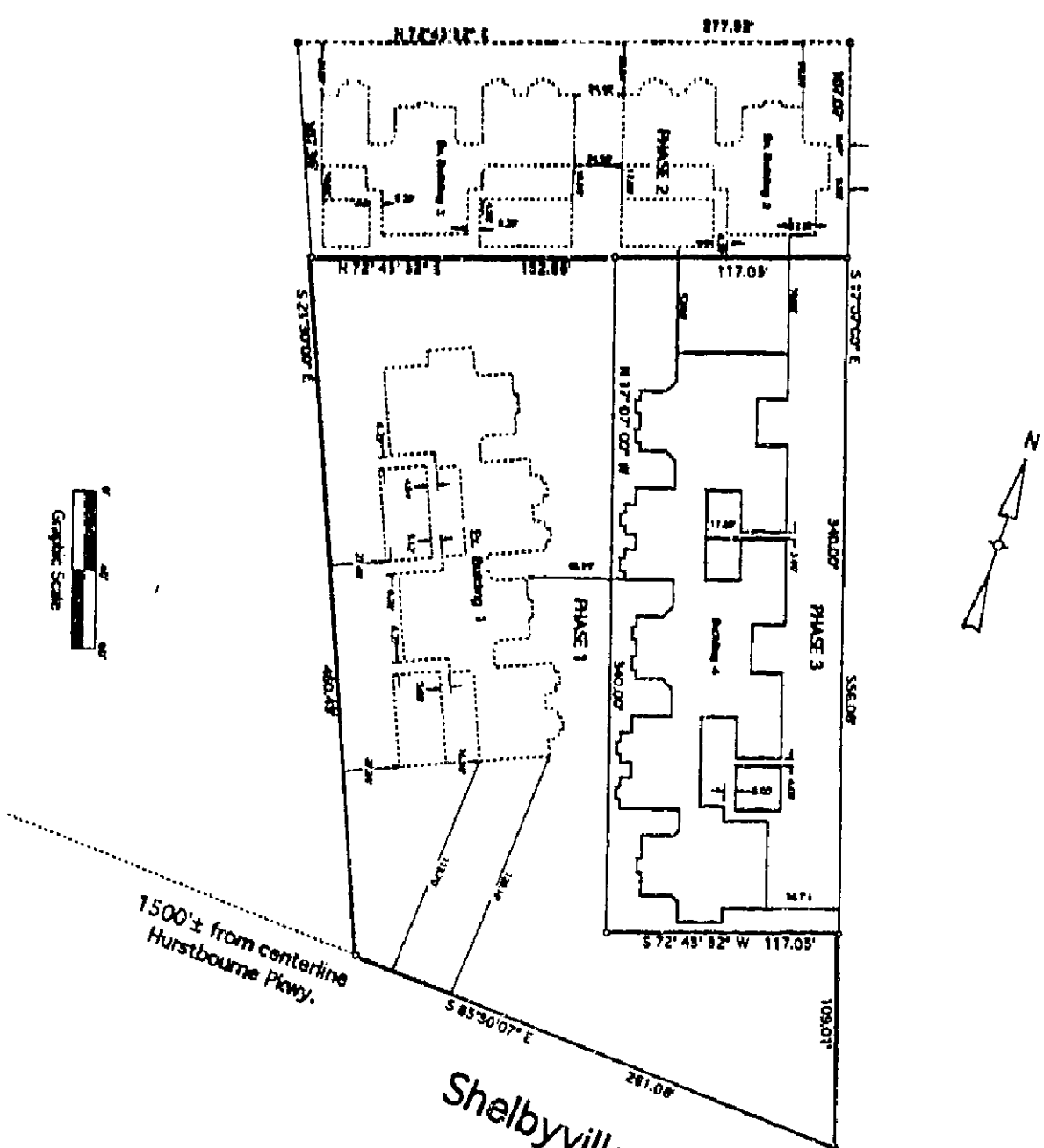
THE 150'± FROM CENTERLINE OF HURSTBOURNE PKWY. IS SHOWN FOR INFORMATION ONLY AND DOES NOT REPRESENT A PROPERTY LINE.

Princeton Court Townhomes, A Condominium
 Building 1, Phase 1; Buildings 1 and 2, Phase 2 and
 Building 4, Phase 3

<u>Building 1, Phase 1</u> <u>Unit No.</u>	<u>Unit Total</u> <u>(Square Feet)</u>	<u>Percentage of</u> <u>Common Interest</u>
136	2724.1	3.754%
138	2723.6	3.753%
140	2237.1	3.083%
142	2238.9	3.085%
144	2724.3	3.744%
146	2713.3	3.739%
148	2237.1	3.083%
150	2236.9	3.082%
Building 2, Phase 2		
<u>Unit No.</u>		
119	2841.6	3.916%
121	2718.9	3.747%
123	2474.8	3.410%
125	2412.6	3.325%
Building 3, Phase 2		
<u>Unit No.</u>		
127	2423.4	3.339%
129	2425.1	3.342%
131	2712.6	3.738%
133	2726.5	3.737%
135	2407.2	3.317%
Building 4, Phase 3		
<u>Unit No.</u>		
118	3705.2	5.106%
116	3670.2	5.038%
114	2367.1	3.262%
112	2426.2	3.343%
100	2655.6	3.659%
102	2658.9	3.664%
104	2369.8	3.266%
106	2349.5	3.238%
108	3486.0	4.804%
110	3903.5	5.379%

Total → 72,570.0 sq ft 100.00%

EXHIBIT "B"



1500± from centerline
Hurstbourne Pkwy.

Shelbyville Road

PROMENADE COURT TOWNHOMES,
A CONDOMINIUM
PHASE 1 & PHASE 3 AS AMENDED

CONDOMINIUM
OR
APT. OWNERSHIP
BOOK 45 PAGE 88-89
FILE NO. 645

EXHIBIT "C"

PAID \$1800
REBECCA JACKSON J.C.C.
Williamson

92 JAN - 8 PM 3-06

LODGED BY
AND RECEIVED

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