

**FOURTH AMENDMENT TO
DECLARATION OF HORIZONTAL PROPERTY REGIME AND MASTER DEED
SIGNATURE POINT CONDOMINIUMS**

[Withdrawing Land from Condominium Project]

This Fourth Amendment is made and entered into as of December 20, 2013,
by

[i] **PBI BANK, INC.**, a Kentucky corporation, 2500 Eastpoint Parkway, Louisville,
Kentucky 40223 ("Declarant")

[ii] **SIGNATURE POINT CONDOMINIUM COUNCIL, INC.**, a Kentucky non-profit
corporation, 2500 Eastpoint Parkway, Louisville, Kentucky 40223 ("Council"),

and

[iii] the following **Unit Owners** of 100% of the Units in the Condominium Project and the
following **Mortgagees** of all Unit Owners:

[A] Unit 8, Building A
MASAYUKI KATAYAMA and MICHIKO KATAYAMA, husband and wife
6901 Midland Industrial Boulevard
Shelbyville, Kentucky 40065
Source of Title: Deed Book 9204, Page 378
Mortgagee: None

[B] Unit 6, Building A:
Unit Owner: **THE GLENN D. AND DONNA O. HENDERSON TRUST**
14511 Signature Point Drive, Louisville, Kentucky 40299
Source of Title: Deed Book 9454, Page 783
Mortgagee: None

[C] Unit 7, Building A:
Unit Owner: **CAYENNE PROPERTIES, LLC**
Suite 280, 2650 Eastpoint Parkway, Louisville, Kentucky 40223
Source of Title: Deed Book 9580, Page 28
Mortgagee: PBI Bank, Inc.
Mortgage Book and Page Number: MB 12032, P 932

- [D] Unit 1, Building A:
Unit Owner: **CAYENNE PROPERTIES, LLC and MICHAEL K. SCHROERING**
Suite 280, 2650 Eastpoint Parkway, Louisville, Kentucky 40223
Source of Title: Deed Book 9779, Page 323
Mortgagee: PBI Bank, Inc.
Mortgage Book and Page Number: MB 12545, P 144
- [E] Unit 4, Building A:
Unit Owner: **RODDY L. RICHARDSON**, unmarried
4876 Shelbyville Road, Simpsonville, Kentucky 40067
Source of Title: Deed Book 10182, Page 245
Mortgagee: PBI Bank, Inc.
Mortgage Book and Page Number: MB 12060, P 897
- [F] Unit 5, Building A:
Unit Owner: **JANE G. SEXTON**, unmarried
14509 Signature Point Drive, Louisville, Kentucky 40299
Source of Title: Deed Book 9620, Page 526
Mortgagee: PBI Bank, Inc.
Mortgage Book and Page Number: MB 12137, P 268
- [G] Unit 5, Building B:
Unit Owner: **SEAN REDING and ADELE REDING**, husband wife
1109 Tulip Hill Way, Louisville, Kentucky 40299
Source of Title: Deed Book 9625, Page 88
Mortgagee: PBI Bank, Inc.
Mortgage Book and Page Number: MB 12151, P 676
- [H] Unit 2, Building B:
Unit Owner: **SHERRIE RYAN and IVAN RYAN**, wife and husband
1103 Tulip Hill Way, Louisville, Kentucky 40299
Source of Title: Deed Book 9650, Page 391
Mortgagee: PBI Bank, Inc.
Mortgage Book and Page Number: MB 12230, P 972
- [I] Unit 1, Building C:
Unit Owner: **JUSTIN WARD**, unmarried
4424 Windham Drive, Evansville, Indiana 47725
Source of Title: Deed Book 9728, Page 5
Mortgagee: PBI Bank, Inc.
Mortgage Book and Page Number: MB 12418, P 295

- [J] Unit 6, Building C:
Unit Owner: **RICHARD E. DAVIS and C. LOUISE DAVIS**
1100 Rose Hill Lane, Louisville, Kentucky 40299
Source of Title: Deed Book 9844, Page 760
Mortgagee: None
- [K] Unit 5, Building C:
Unit Owner: **ADS HOLDINGS, LLC**
1102 Rose Hill Lane, Louisville, Kentucky 40299
Source of Title: Deed Book 10148, Page 986
Mortgagee: None
- [L] Unit 2, Building C:
Unit Owner: **CONNIE L. BAILEY**
1108 Rose Hill Lane, Louisville, Kentucky 40299
Source of Title: Deed Book 9845, Page 245
Mortgagee: None
- [M] Unit 4, Building C:
Unit Owner: **WILLIAM BRIAN WARREN and JENNIFER BAYENS
WARREN, Trustees under the William Brian Warren Living
Trust, dated April 27, 1998**
1104 Rose Hill Lane, Louisville, Kentucky 40299
Source of Title: Deed Book 9845, Page 926
Mortgagee: None
- [N] Unit 3, Building C:
Unit Owner: **RODGER D. HELM**
1106 Rose Hill Lane, Louisville, Kentucky 40299
Source of Title: Deed Book 9873, Page 629
Mortgagee: Fifth Third Mortgage Company
Mortgage Book and Page Number: MB 12806, P 155
- [O] Unit 2, Building A:
Unit Owner: **AUERMAN PROPERTIES, LLC**
P. O. Box 201, Fisherville, Kentucky 40023
Source of Title: Deed Book 9875, Page 186
Mortgagee: PBI Bank, Inc.
Mortgage Book and Page Number: MB 12809, P 414

- [P] Unit 4, Building B:
Unit Owner: **ALLEN CRAIG TSCHUDI**
1107 Tulip Hill Way, Louisville, Kentucky 40299
Source of Title: Deed Book 9854, Page 210
Mortgagee: None
- [Q] Unit 3, Building B:
Unit Owner: **CREG A. HAGERMAN and LAURA A. HAGERMAN**
1105 Tulip Hill Way, Louisville, Kentucky 40299
Source of Title: Deed Book 9876, Page 857
- [R] Unit 6, Building B:
Unit Owner: **BRADLEY J. HARDEBECK and KRISTINA E. SCHELL**
1111 Tulip Hill Way #6, Louisville, Kentucky 40299
Source of Title: Deed Book 9909, Page 877
Mortgagee: MERS (Lender: Primelending, a Plainscapital Company)
Mortgage Book and Page Number: MB 12898, Page 20
- [S] Unit 1, Building B:
Unit Owner: **MICHELLE WARREN**
1101 Tulip Hill Way, Louisville, Kentucky 40299
Source of Title: Deed Book 9912, Page 963
Mortgagee: None
- [T] Unit 3, Building A:
Unit Owner: **MICHAEL A. WADE and CAROL K. WADE**
14505 Signature Point Drive, Louisville, Kentucky 40299
Source of Title: Deed Book 9914, Page 432
Mortgagee: MERS (Lender: Primelending, a Plainscapital Company)
Mortgage Book and Page Number: MB 12912, Page 12

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RECITALS

A. Signature Point Condominiums LLC, Signature Point Apartments LLC and Signature Point KTC LLC, as the originally named declarants, placed of record a Declaration of Horizontal Property Regime and Master Deed Establishing Signature Point Condominiums, of record in Deed Book 9189, Page 584, in the office of the Clerk of Jefferson County, Kentucky the "**Declaration**"), which established the Signature Point Condominiums Project/Regime (the "**Condominium Project**"). That original Declarant amended the Declaration by an Amendment to Master Deed and Declaration Creating and Establishing a Plan for Condominium Ownership for Signature Point Condominiums, which is of record in Deed Book 9189, Page 645, in the office of the Clerk of Jefferson County, Kentucky.

B. Declarant is the successor to the original declarants pursuant to a Deed dated March 29, 2010, of record in Deed Book 9542, Page 153, in the office of the Clerk of Jefferson County, Kentucky.

C. Declarant amended the Declaration by a Second Amendment to Master Deed and Declaration of Condominium Property of Signature Point Condominiums, which is of record in Deed Book 9604, Page 600, and by a Third Amendment to Master Deed and Declaration of Condominium Property of Signature Point Condominiums, which is of record in Deed Book 9844, Page 48, all in the office of the Clerk of Jefferson County, Kentucky.

D. Plans for the Condominium Project are of record in Condominium (Apartment Ownership) Book 123, Pages 58 and 59, and in Condominium (Apartment Ownership) Book 128, Pages 89 to 91 inclusive, in the office of the Clerk of Jefferson County, Kentucky.

E. Pursuant to the Declaration and amendments and plans recited above, the Condominium Project has twenty (20) existing Units, which are identified in Exhibit A to the Second Amendment recited in Recital paragraph B above. The Condominium Project was originally designed to have many additional units built and made part of the Condominium Project on the Land defined in the Declaration and described in Exhibit A to the Declaration.

F. The identity and address of each such Unit Owner, the applicable Unit(s) owned by the applicable Unit Owner and the source of title to each such Unit are set forth in item [iii] of the preamble to this Third Amendment.

G. With respect to each Unit owned by a Unit Owner, the identity of the mortgage holder with respect to each such Unit and Unit Owner and the mortgage book and page number where each mortgage of a Unit is recorded (and assignments if applicable) are set forth in item [iii] of the preamble to this Third Amendment.

H. Council is the council of co-owners administering the Condominium Project.

I. Declarant and the Unit Owners desire to make the existing 20 Units in the Condominium Project a stand alone condominium project on only a portion of the Land and, accordingly, to amend the Declaration to provide that a certain part of the Land submitted to the

Condominium Project by the Declaration is no longer part of the Condominium Project and is withdrawn from the Condominium Project. No Units have been constructed on the portion of the Land being withdrawn from the Condominium Project. That portion of the Land being withdrawn from the Condominium Project as set forth in this Third Amendment has been divided from the remaining portions of the Condominium Project by a minor subdivision plat referred to below and recorded with this Third Amendment, and that portion of the land being withdrawn from the Condominium Project (the "**Withdrawn Land**") is located in Jefferson County, Kentucky, and more particularly described as follows:

Withdrawn Land:

BEING Tract 1B, as shown on the Minor Subdivision Plat approved by the Louisville Metro Planning Commission on Dec. 20, 2013, Docket No. 13Minor Plat 1083, which Minor Subdivision Plat is of record in Plat and Subdivision Book 54, Page 51, in the office of the Clerk of Jefferson County, Kentucky.

NOW, THEREFORE, to effectuate the intent of Declarant and all of the Unit Owners in the Condominium Project, and with the consent of the Mortgagees, Declarant, the Unit Owners and the Mortgagees amend the Declaration as follows:

1. **Withdrawal From Condominium Project.** The Withdrawn Land is withdrawn from the Condominium Project and is no longer subject in any way to the Declaration. The Withdrawn Land is no longer part of the General Common Elements or Limited Common Elements of the Condominium Project.

2. **Remaining Land.** For clarification, the Land subject to the Declaration and included in the Condominium Project is now described as follows, and the definition of "Land" in the Declaration is amended accordingly to read as follows and only that changed Land is now part of the General Common Elements or Limited Common Elements of the Condominium Project.

BEING Tract 1A, as shown on the Minor Subdivision Plat approved by the Louisville Metro Planning Commission on December 20, 2013, Docket No. 13Minor Plat 1083, which Minor Subdivision Plat is of record in Plat and Subdivision Book 54, Page 51, in the office of the Clerk of Jefferson County, Kentucky.

3. **Master Association and Declaration Regarding Common Facilities.** At or about the time this Amendment is recorded, the Withdrawn Land and the Condominium Project and the Units are being made subject to a Declaration Regarding Common Facilities that subjects the Condominium Project and the Withdrawn Land to a scheme of rights and obligations with respect to a clubhouse, pool, park, dog run and other common facilities that are located on and will be operated on part of the Withdrawn Land. As set forth in that Declaration and related documents referred to therein, Council is to be a member of the Signature Point Community Facilities Association, Inc., which is a "master association" as set forth in KRS 381.9161, and the Unit Owners and Mortgagees consent to the Council being a member of that master association and

consent to the provisions of the Declaration Regarding Common Facilities and the articles of incorporation and bylaws pertaining to the master association.

4. **Conforming Matters.** All of the 20 existing Units now subject to and part of the Condominium Project are "Brownstones"; thus, all references in the Declaration to "Butterfly Buildings" and "Manor Homes" and all references to "Limited Common Elements" or "Limited Common Areas" that relate to "Butterfly Buildings" and "Manor Homes" are deleted. The provisions of Section 2.3 of the Declaration are modified to delete references to the construction of additional Units and to the recording of additional amendments to place of record plans for additional units, in order to reflect the purpose and effect of this Third Amendment that no additional Units will be constructed or made part of the Condominium Project.


5. **New Act and Savings Clause.** This Amendment is being recorded after the effective date of the Kentucky Condominium Act, KRS 381.9101 to 381.9207 (the "New Act"). The provisions of the New Act are incorporated in this Second Amendment but only (a) to the extent expressly provided in this Second Amendment, or (b) to the extent provisions of the New Act are required to be incorporated in this Second Amendment by virtue of this Second Amendment having been made after the effective date of the New Act. To the extent any provisions of this Second Amendment supplement provisions of the New Act or address matters not set forth in the New Act or vary matters set forth in the New Act that may by the terms of the New Act be varied, the provisions of this Second Amendment shall control. To the extent any provisions of the Declaration vary matters set forth in the New Act that by the express terms of the New Act may not be waived or varied, then the provisions of the Declaration shall be deemed amended to conform to non-waivable or non-variable provisions of the New Act.

6. **Ratification.** In all other respects, Declarant and the Unit Owners ratify and affirm all of the terms and provisions of the Declaration.

WITNESS the signature of Declarant, Council, Unit Owners and Mortgagees effective as of the above date, but actually on the dates set forth in the notarial certificates below.

** For convenience of the parties, this Third Amendment is executed
on separate counterpart pages following **

UNIT 8, BUILDING A OWNER:


Masayuki Katayama



Michiko Katayama

COMMONWEALTH OF KENTUCKY)

) SS

COUNTY OF JEFFERSON)

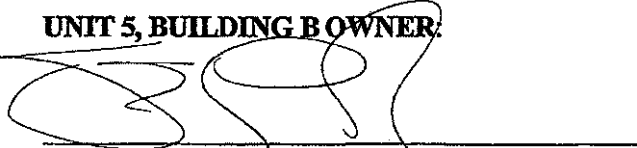
The foregoing instrument was acknowledged before me on March 14, ²⁰¹³~~2012~~,
by Masayuki Katayama and Michiko Katayama.


Notary Public
Commission expires: November 23, 2013

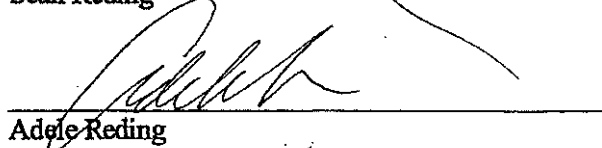
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UNIT 5, BUILDING B OWNER:



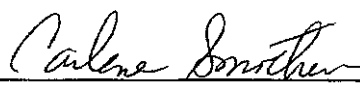
Sean Reding



Adele Reding


COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me on March 17 ²⁰¹³ ~~2012~~,
by Sean Reding and Adele Reding.



Notary Public
Commission expires: November 23, 2013

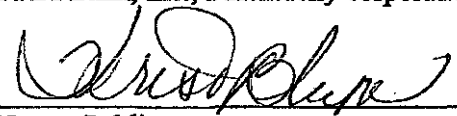
**UNIT 5, BUILDING B MORTGAGEE:
PBI BANK, INC.**

By: 

Phil Barnhouse, Chief Financial Officer

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me on July 29 ²⁰¹³ ~~2012~~,
by Phil Barnhouse, Chief Financial Officer of PBI Bank, Inc., a Kentucky corporation, on behalf
of the corporation.



Notary Public
Commission expires: 10-2-13

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UNIT 2, BUILDING B OWNER:

Sherrie Ryan
Sherrie Ryan

Ivan Ryan
Ivan Ryan

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me on July 1, 2013, by Sherrie Ryan and Ivan Ryan.

[Signature]
Notary Public
Commission expires: October 28, 2013

UNIT 2, BUILDING B MORTGAGEE:
PBI BANK, INC.

By: Phil Barnhouse
Phil Barnhouse, Chief Financial Officer

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me on July 29, 2013, by Phil Barnhouse, Chief Financial Officer of PBI Bank, Inc., a Kentucky corporation, on behalf of the corporation.

[Signature]
Notary Public
Commission expires: 10-2-13

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UNIT S, BUILDING C OWNER:

ADS HOLDINGS, LLC, a Kentucky limited liability company.

As successor in interest to Margaret K. Larmee, Beverly R. Larmee & Ray L. Larmee pursuant to Deed recorded in Deed Book 10148, Page 986 in the office of the Clerk of Jefferson County, Kentucky

By: Vince Rosenblatt

Name: VINCE ROSENBLATT

Title: MEMBER

COMMONWEALTH OF KENTUCKY)
) SS
COUNTY OF JEFFERSON)

The foregoing instrument was acknowledged before me on Dec 17th, 2013, by Vince Rosenblatt, as member of ADS HOLDINGS, LLC, a Kentucky limited liability company, on behalf of the company.

PAMELA RUDD
Notary Public-State at Large
KENTUCKY - Notary ID # 497433
My Commission Expires September 21 2017

Pamela Rudd

Notary Public

Commission expires: 09-21-2017

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UNIT 3, BUILDING C MORTGAGEE:
FIFTH THIRD MORTGAGE COMPANY,
an Ohio Corporation

By: Sharon A. Decker
Title: Senior Vice President

STATE OF Kentucky)
) SS
COUNTY OF Jefferson)

The foregoing instrument was acknowledged before me on December 20th, 2013,
by Sharon Decker, as senior vice president of Fifth Third Mortgage
Company, an Ohio corporation, on behalf of the corporation.

Pamela Rudd
Notary Public
Commission expires: 09.21.2017

PAMELA RUDD
Notary Public-State at Large
KENTUCKY - Notary ID # 497433
My Commission Expires September 21 2017

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UNIT 6, BUILDING B MORTGAGEE:
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
[Mortgage Book 12898, Page 20]

By: Jana E. Valentine
Title: Vice President

STATE OF Maryland)
COUNTY OF Washington) SS
)

The foregoing instrument was acknowledged before me on Sept. 11, 2013,
by Jana E. Valentine as Vice President of Mortgage Electronic
Registration Systems, Inc., a Delaware corporation, on behalf of the corporation.

[Signature]
Notary Public
Commission expires: 8/24/2014



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This Instrument Prepared By:



David B. Buechler
Stuart & Buechler, P.S.C.
906 Lily Creek Road, Suite 202
Louisville, Kentucky 40243

Recorded In Plat Book

No. 54 Page 51

Part No. _____

Document No.: 0N2813213355
Lodged By: BARDENWERFER
Recorded On: 12/28/2013 02:50:43
Total Fees: 103.00
Transfer Tax: .00
County Clerk: BOBBIE HOLSCLOW-JEFF CO KY
Deputy Clerk: TERHIG

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