

**AMENDMENT TO THE DECLARATION OF MASTER DEED FOR  
SMYRNA PLACE CONDOMINIUMS**

This Amendment made and entered into by OAG PROPERTIES, LLC,  
hereinafter referred to as "Developer".

**WITNESSETH:**

**WHEREAS**, by a Condominium Declaration of Master Deed dated the 19<sup>th</sup> day of August, 2004, and appearing of record in Deed Book 8471, Page 57 in the Office of the Clerk of Jefferson County, Kentucky, and all Amendments thereto, the Developer subjected and submitted certain real property to the condominium property law, and as amended; and,

**WHEREAS**, under the said Master Deed the right was specifically reserved unto the Developer to create, add and subject other buildings to the property within the "Reserved Areas" and to add additional or new units to said condominiums; and,

**WHEREAS**, the Developer is the owner and wishes to add to the condominium area the following described property which is presently a part of the Reserved Area referred to in said Master Deed:

BEING Units 8211, 8213, 8215, and 8217, Phase 11,  
Building 11, all described and shown on plans which are recorded  
simultaneously herewith;

**WHEREAS**, the additional property is now improved with those units referred to above in Phase 11, Building 11, and thereby having a total of sixteen (16) units.

**NOW, THEREFORE**, the Developer for the purposes hereinabove set forth and pursuant to the provisions set forth in the Master Deed for "SMYRNA PLACE

**CONDOMINIUMS**" recorded as above and in accordance with and by means of powers therein reserved and conferred on it, does hereby amend the Master Deed by:

1. Further declaring that the additional property is hereby annexed from the remaining "Reserve Area" and that said additional property is to be in all respects governed by the terms and provisions of same.
2. Amending the legal description of the units which are set forth in the Master Deed by adding the following units:

<b>PHASE 11 BUILDING 11</b>	<b>UNIT NOS.</b>	<b>AREA (SQ. FT.)</b>	<b>PERCENTAGE</b>
	8211	1165.00 (as built)	6.51%
	8213	1060.00 (as built)	5.92%
	8215	1058.00 (as built)	5.91%
	8217	1130.00 (as built)	6.31%

The Buildings known as Phase 11, Building 11, and the units referred to immediately above are shown on the survey of the additional property by Gresham Smith and Partners, dated 27th day of October, 2004, and recorded simultaneously with this Amended Declaration in Apartment Ownership Book 105, Pages 30 and 31, File # 1903, in the Office aforesaid.

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

**See Exhibit "A" attached hereto and made a part hereof.**

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

- (a) The Developer, to the extent necessary, hereby exercising all of the rights conferred upon it by the Declaration of Master Deed and all powers of attorney granted to it by all units owners of the existing units, thereby divesting them of that portion of their units' share in the existing common elements which must be allocated to the new units to obtain the percentage interest in the aggregated common elements in each unit shown in the above schedule.
- (b) The Developer to the extent necessary hereby exercises all powers of attorney granted to it and powers of appointment reserved by it and hereby grants and conveys and sets over to each owner of existing units that share in the new common elements which is necessary to obtain for each existing unit its share in the aggregated common elements as shown in the aforesaid schedule.
- (c) In other means supportable in law or in equity on the basis of the Master Deed, the Deeds to each purchaser, and this amended Declaration.
- (d) The meaning of all of the terms referred to herein are as described in the Master Deed of Declaration.

Except as set forth herein, the Declaration of Master Deed for SMYRNA PLACE CONDOMINIUMS, shall remain in full force and effect.

IN TESTIMONY WHEREOF, witness the signature of Charles W. Stinson as Managing Member of OAG PROPERTIES, LLC, this 2nd day of November, 2004, to be the act and deed of said corporation.

OAG PROPERTIES, LLC

By: Charles W. Stinson, Managing Member

STATE OF KENTUCKY )
) SS
COUNTY OF JEFFERSON )

I, a Notary Public, in and for the State and County aforesaid, do hereby certify that the foregoing was produced to me in said State and County and acknowledged and delivered before me by Charles W. Stinson as Managing Member of OAG PROPERTIES, LLC, a Limited Liability Company, on behalf of same.

Witness my hand this 2nd day November, 2004.

My commission expires: 4-23-08

Ralph A. Taylor
Notary Public
Jefferson County, Kentucky

This instrument prepared by:

Charles W. Stinson
Attorney at Law
10613 Elder Lane
Prospect, Kentucky 40059
(502) 423-1668

DB08515260028

SMYRNA PLACE

SQUARE FEET PERCENTAGE

BUILDING 2		
8200	1074	6.00%
8202	1199	6.70%
8204	1124	6.28%
8206	1127	6.29%
8208	1252	6.99%
8210	911	5.09%
TOTAL	6687	37.35%

BUILDING 3		
8336	1073	5.99%
8338	1217	6.80%
8340	1112	6.21%
8342	1116	6.23%
8344	1231	6.88%
8346	1056	5.90%
TOTAL	6805	38.01%

BUILDING 11		
8211	1165	6.51%
8213	1060	5.92%
8215	1058	5.91%
8217	1130	6.31%
TOTAL	4413	24.65%

TOTAL	17905	100.00%
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Document No.: DM2004190009  
Lodged By: STINSON  
Recorded On: 11/03/2004 09:26:25  
Total Fees: 16.00  
Transfer Tax: .00  
County Clerk: BOBBIE HOLSCLOW-JEFF CO KY  
Deputy Clerk: LATMIL

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