

**FIFTH AMENDMENT TO THE MASTER DEED AND**

**DECLARATION FOR**

**"MOSS CREEK CONDOMINIUMS"**

**PHASE 9 Units 2001-2003**

This Amendment made and entered into by McBride & Son Homes Louisville, LLC, hereinafter referred to as "Declarant"

**WITNESSETH:**

WHEREAS, by a Condominium Declaration of Maser Deed for Moss Creek Condominiums dated June 7, 2007, and appearing of record in Deed Book 9054, Page 210, Apartment Ownership Book 120, Pages 30-34, Clerk's File No. 2443 in the Office of the Clerk of Jefferson County, Kentucky, and all subsequent amendments thereto, the Declarant subjected and submitted certain real property to the horizontal property law, as amended; and

WHEREAS, the Declarant is the owner, and pursuant to Article XII of the Master Deed, wishes to add Units 2001-2003 (Phase 9) to the condominium regime;

WHEREAS, the condominium regime will now be improved with those units referred to herein above and thereby having at present a total of 27 units.

NOW, THEREFORE, the Declarant for the purposes herein above set forth and in accordance with the powers conferred and reserved to Declarant in Article XII of the Master Deed for "Moss Creek Condominiums," recorded, does hereby amend the Master Deed by:

1 Declaring that the above named units are hereby created and added to the condominium regime and that said units are to be in all respects governed by the terms, provisions, conditions and restrictions of the Master Deed and Declaration.

2. Amending the legal description of the units which are set forth in the Master Deed by

adding the following units:

<u>PHASE</u>	<u>UNIT</u>	<u>AREA (SQ.FT.)</u>
9	2001	1684
9	2002	1560
9	2003	1290

Said new units location, approximate area, number of rooms, structural changes and common elements to which the new unit has access to are described and shown on a set of plans which are recorded simultaneously herewith. Said plans are incorporated herein by reference. Article I, Section (M) of the Master Deed is hereby amended to include said plans referred to herein and recorded in Condominium and Apartment Ownership Book 123, Pages 70-71 and Clerk's File No. 2572 in the Office of the Jefferson County Court Clerk.

3. Amending the schedule of percentage of ownership interest in the common elements appurtenant to each unit to read as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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

(a) The Declarant, the extent necessary, hereby exercising all of its rights conferred upon it by the Master Deed and Declaration and all powers of attorney granted to it by all unit owners of the existing units, thereby divesting them of that portion of their unit's 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 as shown in the schedule attached as Exhibit "A".

(b) The Declarant 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 schedule attached Exhibit "A".

(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 and Declaration.

Except as set forth herein, the Declaration of Master Deed for "Moss Creek Condominiums," shall remain in full force and effect.

Declarant hereby verifies true all of the information contained in the amendment.

IN TESTIMONY WHEREOF, witness the signature of Troy Finsel, as General Manager of McBride & Son Homes Louisville, LLC, a Missouri Limited Liability Company, this 17<sup>th</sup> day of March, 2008.

McBride & Son Homes Louisville, LLC  
a Missouri Limited Liability Company

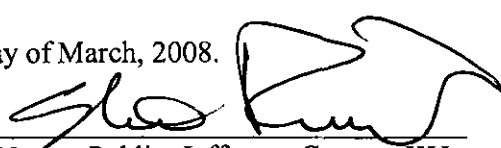
BY: 

Troy Finsel, General Manager

STATE OF KENTUCKY           )  
  ) SCT.  
COUNTY OF JEFFERSON       )

I, a Notary Public, in and for the State and County aforesaid, do hereby certify that the foregoing instrument was produced to me in the State and County aforesaid and acknowledged and delivered before me by Troy Finsel as General Manager of McBride & Son Homes Louisville, LLC, a Missouri Limited Liability Company, on behalf of same.

WITNESS my hand this 17<sup>th</sup> day of March, 2008.

  
\_\_\_\_\_  
Notary Public, Jefferson County, KY

My Commission expires: 12/27/2010

  
This Instrument Prepared By:

\_\_\_\_\_  
Russell D. Ford, Attorney  
Mattingly-Ford, P.S.C.  
1650 UPS Drive, Suite 102  
Louisville, KY 40223  
(502) 212-7000

## Exhibit A

<u>UNIT</u>	<u>PHASE</u>	<u>SQ. FEET</u>	<u>PERC. (%)</u> <u>INTEREST</u>
1	1	2058	4.777%
2	1	1744	4.048%
3	1	2093	4.858%
4	1	1604	3.723%
5	2	2058	4.777%
6	2	1789	4.152%
701	2	1684	3.909%
702	2	1560	3.621%
703	2	1290	2.994%
801	3	1684	3.909%
802	3	1560	3.621%
803	3	1290	2.994%
901	4	1684	3.909%
902	4	1560	3.621%
903	4	1290	2.994%
1001	3	1684	3.909%
1002	3	1560	3.621%
1003	3	1290	2.994%
1101	4	1684	3.909%
1102	4	1560	3.621%
1103	4	1290	2.994%
2001	9	1684	3.909%
2002	9	1560	3.621%
2003	9	1290	2.994%
2101	9	1684	3.909%
2102	9	1560	3.621%
2103	9	1290	2.994%
		43084	100%

Document No.: DN2008040577  
 Lodged By: MATTINGLY FORD TITLE  
 Recorded On: 03/20/2008 11:06:58  
 Total Fees: 19.00  
 Transfer Tax: .00  
 County Clerk: BOBBIE HOLSCLOW-JEFF CO KY  
 Deputy Clerk: EVENAY

END OF DOCUMENT

Recorded in Condo Book  
 No. 123 Page 70-71  
 Part No. 2582