

**TENTH AMENDMENT TO THE MASTER DEED AND  
DECLARATION FOR**

**"MOSS CREEK CONDOMINIUMS"**

**PHASE 32 Units 99-101**

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

**WITNESSETH:**

WHEREAS, by a Condominium Declaration of Master 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 99-101 (Phase 32) 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 41 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>
32	99	1790
32	100	1789
32	101	2112

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 125, Pages 48-49 and Clerk's File No. 2654 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.

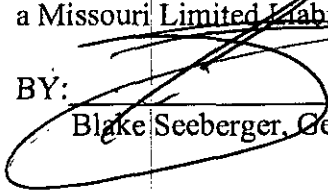
Declarant hereby verifies true all of the information contained in the amendment.

IN TESTIMONY WHEREOF, witness the signature of Blake Seeberger, as General Manager of McBride & Son Homes Louisville, LLC, a Missouri Limited Liability Company, this

26 day of August 2008.

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

BY:

  
Blake Seeberger, 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 Blake Seeberger as General Manager of McBride & Son Homes Louisville, LLC, a Missouri Limited Liability Company, on behalf of same.

WITNESS my hand this 26 day of August, 2008.

Melissa Brown

Notary Public, Jefferson County, KY

My Commission expires: 7-17-12

This Instrument Prepared By:

*[Handwritten Signature]*

\_\_\_\_\_  
 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	3.107%
2	1	1744	2.633%
3	1	2093	3.160%
4	1	1604	2.421%
5	2	2058	3.107%
6	2	1789	2.701%
92	31	1774	2.678%
93	31	2090	3.155%
99	32	1790	2.702%
100	32	1789	2.701%
101	32	2112	3.188%
701	2	1684	2.542%
702	2	1560	2.355%
703	2	1290	1.947%
801	3	1684	2.542%
802	3	1560	2.355%
803	3	1290	1.947%
901	4	1684	2.542%
902	4	1560	2.355%
903	4	1290	1.947%
1001	3	1684	2.542%
1002	3	1560	2.355%
1003	3	1290	1.947%
1101	4	1684	2.542%
1102	4	1290	1.947%
1103	4	1560	2.355%
1201	5	1684	2.542%
1202	5	1560	2.355%
1203	5	1290	1.947%
1801	8	1290	1.947%
1802	8	1560	2.355%
1802	8	1684	2.542%
1901	8	1560	2.355%
1902	8	1290	1.947%
1903	8	1684	2.542%
2001	9	1560	2.355%
2002	9	1684	2.542%
2003	9	1290	1.947%
2101	9	1684	2.542%
2102	9	1560	2.355%
2103	9	1290	1.947%

66241

100%

Document No.: DN2008127306  
 Lodged By: MATTINGLY FORD  
 Recorded On: 09/04/2008 02:30:35  
 Total Fees: 19.00  
 Transfer Tax: .00  
 County Clerk: BOBBIE HOLSCAW-JEFF CO KY  
 Deputy Clerk: EVERAY

END OF DOCUMENT

Recorded In Condo Book

No. 125 Page 48-49

Part No. 2656