

SEVENTEENTH AMENDMENT TO THE MASTER DEED AND

DECLARATION FOR

"MOSS CREEK CONDOMINIUMS"

PHASE 29, Units 84 and 85

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 wishes to annex additional property into the condominium project pursuant to Article XII of the Master Deed.

WHEREAS, the Declarant is the owner, and pursuant to Article XII of the Master Deed, wishes to add Units 84-85 (Phase 29) 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 64 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. Annexing the property described on Exhibit "A", attached hereto and made a part hereof, into the condominium regime and subjects it to the Master Deed for Moss Creek

Condominiums and all amendments thereto.

2. 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.

3. 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>
29	84	1436
29	85	1351

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 126, Pages 92-93 and Clerk's File No. 2715 in the Office of the Jefferson County Court Clerk.

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

SEE EXHIBIT "B" 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 "B".

(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 "B".

(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.


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

6. 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 27 day of April, 2009.

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

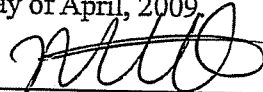
BY:


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 _____ day of April, 2009.



Notary Public, Jefferson County, KY

My Commission expires: 10-15-12

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"

Being Tract 7, as shown on the plat of Moss Creek, Section 2 of record in Plat and Subdivision Book 52, Page 88 in the Office of the Clerk of Jefferson County, Kentucky.

Being the same property conveyed to
Declarant by Deed dated April
27, 2009 and recorded in Deed
Book 9384, Page 118 in the aforesaid
office.

52230
4-279

Exhibit B

DB 09384 PG 0125

UNIT	PHASE	SQ. FEET	PERC. (%) INTEREST
1	1	2058	2.027%
2	1	1744	1.718%
3	1	2093	2.062%
4	1	1604	1.580%
5	2	2058	2.027%
6	2	1789	1.762%
46	20	1175	1.157%
47	21	1357	1.337%
48	21	1566	1.543%
51	21	1643	1.618%
84	29	1436	1.414%
85	29	1351	1.331%
92	31	1774	1.747%
93	31	2090	2.059%
94	31	1589	1.565%
95	31	1575	1.551%
96	32	1774	1.747%
97	32	2090	2.059%
98	32	1589	1.565%
99	32	1790	1.763%
100	32	1789	1.762%
101	32	2112	2.080%
701	2	1684	1.659%
702	2	1560	1.537%
703	2	1290	1.271%
801	3	1684	1.659%
802	3	1560	1.537%
803	3	1290	1.271%
901	4	1684	1.659%
902	4	1560	1.537%
903	4	1290	1.271%
1001	3	1684	1.659%
1002	3	1560	1.537%
1003	3	1290	1.271%
1101	4	1684	1.659%
1102	4	1290	1.271%
1103	4	1560	1.537%
1201	5	1684	1.659%
1202	5	1560	1.537%
1203	5	1290	1.271%
1301	5	1684	1.659%
1302	5	1560	1.537%
1303	5	1290	1.271%
1401	6	1290	1.271%
1402	6	1560	1.537%
1403	6	1684	1.659%
1501	6	1684	1.659%
1502	6	1560	1.537%
1503	6	1290	1.271%
1701	7	1684	1.659%
1702	7	1560	1.537%
1703	7	1290	1.271%
1801	8	1290	1.271%
1802	8	1560	1.537%
1802	8	1684	1.659%
1901	8	1560	1.537%
1902	8	1290	1.271%

1903	8	1684	1.659%
2001	9	1560	1.537%
2002	9	1684	1.659%
2003	9	1290	1.271%
2101	9	1684	1.659%
2102	9	1560	1.537%
2103	9	1290	1.271%

101522	100%
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08 09384PG0126

E:/Condominiums/Moss Creek/Amendment 16.xls

Document No.: DN2009058232
 Lodged By: MATTINGLY FORD
 Recorded On: 04/27/2009 12:22:17
 Total Fees: 25.00
 Transfer Tax: .00
 County Clerk: BOBBIE HOLSCLOW-JEFF CO KY
 Deputy Clerk: EVERAY

END OF DOCUMENT

Recorded In Condo Book
 No. 126 Page 92-93
 Part No. 2715

126x93

FLARLEY LAND SURVEY 3512 BURKLAND BLVD. SHEPHERDSTOWN, KY 40365 PH. 502.857.7795 / FAX 502.857.0211 EMAIL: HILLS@FLARLEYLAND.COM	OWNER & DEVELOPER MCBRIDE & SON HOMES LOUISVILLE, LLC 3200 STONY FARMS DRIVE LOUISVILLE, KENTUCKY 40299	MOSS CREEK CONDOMINIUMS PHASE 29 UNITS 84 & 85 LOUISVILLE, JEFFERSON COUNTY, KENTUCKY	
	Date: 12/10/08	Vertical Scale: N/A	Horizontal Scale: 1"=5'
	Sheet 2	of 2	

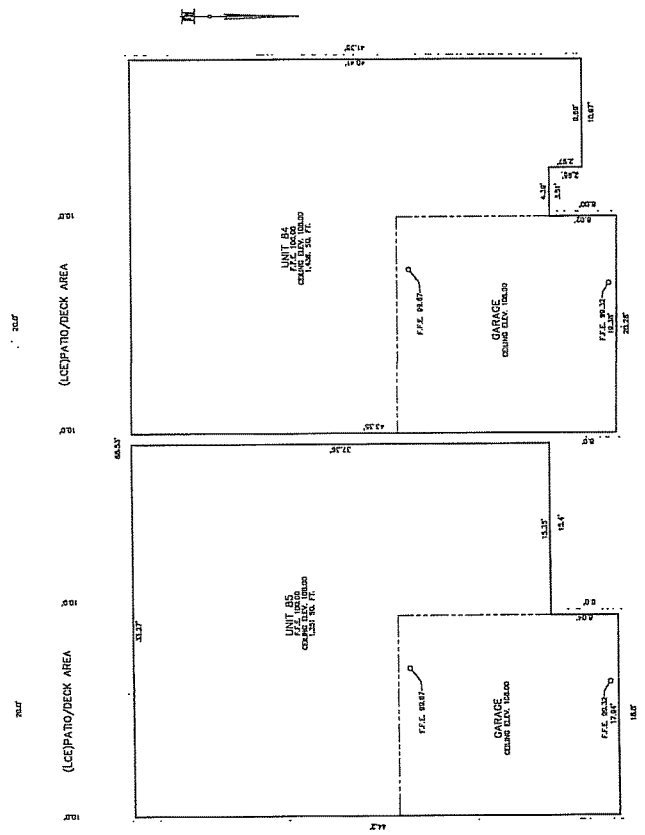
1409304-PC 120
James H. Burrows
Surveyor
No. 120
Recorded in Condo Book
No. 120 Page 93
Part No. 211

TABLE OF LINES

UNIT BOUNDARY
ORIGINAL COMMON ELEMENT (CCE)
ORIGINAL COMMON ELEMENT (CCE)
FLOOR ELEVATION CHANGE
CEILING ELEVATION CHANGE

GRAPHIC SCALE 1"=5'
0 12.5 25 50

FIRST FLOOR



126x93

126x93

126x93