

THIRD AMENDMENT and THIRD AMENDED DECLARATION
FOR THE EXPANDABLE CONDOMINIUM PROJECT KNOWN AS
1616 GARDINER LANE CONDOMINIUM UNITS

This Declaration, made and entered into by FOURTH AVENUE CORPORATION, (a Kentucky Corporation), hereinafter sometimes referred to as "Fourth Avenue".

W I T N E S S E T H:

WHEREAS, by a Condominium Declaration dated April 3, 1980, and recorded in Deed Book 5160, Page 271, in the Office of the Clerk of the County Court of Jefferson County, Kentucky, Fourth Avenue subjected and submitted certain real estate to the Kentucky Condominium Property Act; and,

WHEREAS, there has heretofore been filed the First Amendment and First Amended Declaration for the Expandable Condominium project known as 1616 Gardiner Lane Condominium Units of record in Deed Book 5220, Page 855, in the office of the Clerk aforesaid, and

WHEREAS, there has heretofore been filed the Second Amendment and Second Amended Declaration for the Expandable Condominium project known as 1616 Gardiner Lane Condominium Units of record in Deed Book 5409, Page 567, in the office of the Clerk aforesaid and,

WHEREAS, under the Declaration, right is specifically reserved unto the Developer to create, add and subject other buildings to the property denominated "Reserved For Buildings 'D', 'E' and 'G'" therein and thereby to add additional or new units to said Condominium; and,

WHEREAS, Fourth Avenue is the owner of and wishes to add to said Condominium area the following described real estate, which is presently a part of the area reserved for future units referred to in the Declaration:

BEING that area designated "Reserved For Buildings 'E' and 'G'" as shown on Page 1 of Apartment Ownership Book 19, Jefferson County Clerk's Office, and

WHEREAS, the additional property is now improved with one building containing a combined total of 9 additional units.

NOW, THEREFORE, Fourth Avenue, for the purposes hereinabove set forth, pursuant to the provisions set forth in the Master Deed for 1616 Gardiner Lane Condominium Units, recorded as above, and in accordance with and by means of the powers therein reserved and conferring on it hereby amends the declaration by:

1. Further declaring that the additional property is hereby deleted from the aforesaid area designated "Reserved For Buildings 'E' and 'G'" and that said additional property is hereby subjected to the provisions of the Act as an integral part of the condominium created by the declaration and that said additional property is to be in all respects governed by the terms and provisions of said Declaration.

2. Amending the legal description of the Units which is set forth in the Declaration by adding the following new units:

<u>BUILDING NUMBER</u>	<u>UNIT NUMBER</u>
E	23
	24
	25
	26
	27
G	29
	30
	31
	32

All of Buildings "E" and "G" and the Units referred to immediately above are delineated on the survey of the additional property by The Lantz Company, Registered Land Surveyor dated March 19, 1981, and recorded contemporaneously with this Third Amended Expandable Declaration.

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

<u>BUILDINGS</u>	<u>UNIT NO.</u>	<u>SQUARE FOOT AREA</u>	<u>PERCENTAGE</u>
Building A	100	1,030	1.29
	101	1,350	1.69
	102	1,350	1.69
	103	1,500	1.88
	104	1,500	1.88
	105	1,500	1.88
	106	1,430	1.80
	107	1,350	1.69
	108	1,350	1.69
	109	1,500	1.88
	110	1,500	1.88
	111	1,500	1.88
	112	1,430	1.80
	200	1,030	1.29
	201	1,350	1.69
	202	1,350	1.69
	203	1,500	1.88
	204	1,500	1.88
	205	1,500	1.88
	206	1,500	1.88

<u>BUILDINGS</u>	<u>UNIT NO.</u>	<u>SQUARE FOOT AREA</u>	<u>PERCENTAGE</u>	
Building A (cont.)	207	1,350	1.69	
	208	1,350	1.69	
	209	1,500	1.88	
	210	1,500	1.88	
	211	1,500	1.88	
	212	1,500	1.88	46.02
Building B	B1	1,200	1.51	
	B2	1,200	1.51	
	B3	1,518	1.90	
	B4	1,518	1.90	
	B5	1,210	1.51	
	B6	1,210	1.51	
	B7	1,200	1.51	
	B8	1,200	1.51	12.86
Building C	C9	1,200	1.51	
	C10	1,200	1.51	
	C11	1,518	1.91	
	C12	1,518	1.91	
	C13	1,210	1.52	
	C14	1,210	1.52	9.28
House F	F28	2,500	3.15	3.15
Building D	15	1,280	1.61	
	16	1,280	1.61	
	17	1,280	1.61	
	18	1,280	1.61	
	19	1,280	1.61	
	20	1,280	1.61	
	21	1,280	1.61	
	22	1,280	1.61	12.88
Building E	23	1,346	1.69	
	24	1,346	1.69	
	25	1,346	1.69	
	26	1,346	1.69	
	27	1,346	1.69	8.45
Building G	29	1,346	1.69	
	30	1,346	1.69	
	31	1,346	1.69	
	32	<u>1,346</u>	<u>1.69</u>	6.76
		79,686	100%	100%

The remaining undesignated square foot area of 2,814 represents the maximum unbuilt finished living area of 1616 Gardiner Lane Condominium Units.

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

(a) Fourth Avenue, to the extent necessary, hereby exercises all rights conferred upon it by the Declaration in all powers of attorney granted to it by all unit owners of the existing units and thereby divests 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 new unit shown in the aforesaid schedule.

(b) Fourth Avenue, to the extent necessary, hereby exercises all powers of attorney granted to it and powers of appointment reserved by it and hereby grants, conveys, and sets over to each owner of each existing unit that share in the new common elements which is necessary to attain for each existing unit the share in the aggregated common elements shown in the aforesaid schedule.

(c) Any other means supportable in law or equity on the basis of the declaration, the deed issued to each purchaser and this Amended Declaration.

The meaning of the terms, "existing units", "Common elements", "new units", "reserved area", "powers of attorney", "granted and reserved unto the developer", are as defined in the Master Deed or declaration.

IN TESTIMONY WHEREOF, witness the signatures of the duly authorized officer of the party hereto this 1st day of May, 1984.

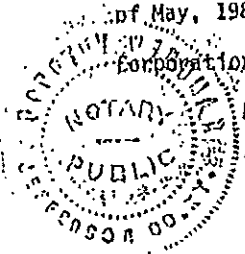
FOURTH AVENUE CORPORATION

By: Louis A. Arru
Executive Vice-President

STATE OF KENTUCKY }
COUNTY OF JEFFERSON }

The foregoing instrument was acknowledged before me this 1st day

of May, 1984, by Louis A. Arru, Executive Vice-President of Fourth Avenue Corporation, a Kentucky Corporation, on behalf of the Corporation.



My Commission Expires: _____

David Williams
NOTARY PUBLIC, STATE-AT-LARGE, KENTUCKY

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