

FIFTH AMENDMENT TO MASTER DEED
AND
DECLARATION OF
CONDOMINIUM PROPERTY REGIME
OF
SURREY PLACE CONDOMINIUMS

THE LOUIS PARTNERSHIP, INC., a corporation organized and existing under the laws of the Commonwealth of Kentucky, (hereinafter referred to as "the Developer"), does this 20th day of May, 1988, file this Fifth Amendment to the Master Deed and Declaration of Condominium Regime of Surrey Place Condominiums, said Master Deed being dated July 7, 1982, and recorded in Deed Book 5298, Page 21, and as shown on the plans of same recorded in Apartment Ownership Book 29, Pages 10-11, inclusive; amended by the First Amendment to said Master Deed dated October 16, 1985, recorded in Deed Book 5534, Page 276, and as shown on the plans of same recorded in Apartment Ownership Book 34, Page 25; by the Second Amendment to said Master Deed dated September 30, 1986, of record in Deed Book 5624, Page 253; as further amended by the Third Amendment to said Master Deed dated March 23, 1987, of record in Deed Book 5664, Page 164, and as shown on the plans of same recorded in Apartment Ownership Book 37, Page 24-25, inclusive; and as further amended by the Fourth Amendment to said Master Deed dated May 12, 1987, of record in Deed Book 5676, Page 833, and as shown on the plans of same recorded in Apartment Ownership Book 37, Pages 47-48, inclusive; all in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

This Amendment is filed pursuant to the reservations of the Developer as contained within Article II of the aforesaid Master Deed and Declaration of Condominium Property Regime. Excepting those Amendments as set forth herein, the aforesaid Master Deed and Declaration of Condominium Property Regime of Surrey Place Condominiums, as previously amended, is ratified, restated, and reaffirmed as if set forth herein verbatim.

1. Paragraph 1.8 of Article I of said Master Deed and Declaration of Condominium Property Regime of Surrey Place Condominiums is hereby amended to reflect the recording of a revised site plan and revised floor plans (designated as Revision

No. 4 to Surrey Place Horizontal Property Regime) for the inclusion within the regime of Units #7 and #8 as described herein, said revised plans being dated May 13th, 1988, and of record in Apartment Ownership Book 40, Pages 29 - 30, inclusive, in the Office of the Clerk of the County Court of Jefferson County, Kentucky.

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2. Paragraph 2.1 of Article II of said Master Deed and Declaration of Condominium Property Regime of Surrey Place Condominiums is amended to read as follows:

2.1 The Regime shall consist of five townhouse units in Building A, one townhouse unit in Building B, referred to as Unit #6, one townhouse unit in Building C, referred to as Unit #9, one townhouse unit in Building D, referred to as Unit #10, and two townhouse units in Building E, referred to on the aforesaid site plan as Units #7 and #8, and followed by no more than two additional units in one or more other buildings which will be created, added and subjected to the Regime by addendum or amendment by the filing of its plans together with common elements or limited common elements appurtenant thereto. Developer further reserves the right from time to time to amend the Master Deed to the extent of adding such additional units and common elements and once added the additional units shall have the same rights and privileges as appear herein.

The total floor area within the Regime, including basements, shall not exceed 40,400 square feet. The aggregate floor, area including basements, of Units 1 through 5, inclusive, is 16,879 square feet; the aggregate floor area, including basement, of Unit #6 is 3,180.67 square feet; the aggregate floor area, including basement, of Unit #9 is 3,913.34 square feet; the aggregate floor area, including basement, of Unit #10 is 3,017.03 square feet; the aggregate floor area, including basement, of Unit #7 is 4,606.37 square feet and the aggregate floor area, including basement, of Unit #8 is 3,423.74 square feet, so that the maximum contemplated unbuilt floor area of the Regime as of the date of this Amendment is 5,379.85 square feet.

3. Paragraph 3.1 of Article III of said Master Deed and Declaration of Condominium Regime of Surrey Place Condominiums is amended to read as follows:

3.1 Units. Twelve separately designated townhouse or apartment dwellings each capable of individual utilization and ownership in fee simply by having their own respective exits to a thoroughfare or to a given common space leading to a thoroughfare which is designated on the floor plan or site plan. Units 1 through 6, inclusive, Units 7 and 8, and Units #9 and #10 shall include the space within and bounded by the unfinished surfaces of the interior load bearing perimeter walls; the floor of the basement; the ceiling of the second floor; and shall include all walls and partitions (whether or not a load bearing) within said space, together with the floors and ceilings separating the basement from the first floor and the first floor from the second floor.

Units 1 through 5 shall also include the bay window protrusions on the South side of each unit. Unit #6 shall include the bay window protrusion on the West side of said unit, as well as the protrusion on the East side of said unit as reflected by the aforesaid site plan and floor plan as applicable to said units. Unit #9 shall include the bay window protrusions on the North and South sides of said unit as well as the protrusion on the East side of said unit as reflected by the aforesaid revised site plan and floor plans applicable to said unit. Unit #10 shall include the bay window protrusions on the North and South sides of said unit as well as the protrusions on the East side of said unit as reflected by the aforesaid revised site plan and floor plans applicable to said Unit #7. The protrusion on the North side of said unit, as well as the bay window protrusions on the East and West sides of said unit as reflected by the aforesaid revised site plan and floor plans applicable to said unit. Unit #8 shall include the bay window protrusion on the East and West sides of said unit, as well as the protrusion on the South side of said unit as reflected by the aforesaid revised site plan and

floor plans applicable to said unit.

Units 1 through 10, inclusive, shall also include the stairway and garage area within the boundaries of each unit; and all built-in household kitchen appliances, hot water heaters, heating and air conditioning equipment and elevators (if appropriate) located therein.

4. Paragraph 3.3 of Article III of said Master Deed and Declaration of Condominium Property Regime of Surrey Place Condominiums is amended to include, by way of addition and not substitution, paragraph 3.3(i), which shall read as follows:

3.3(i) That area immediately adjacent to Unit #7 and Unit #8 as reflected by the boundary of limited common elements of Unit #7 and Unit #8 as shown on Revision No. 4 to Surrey Place Horizontal Property Regime, being the amended site plan referred to in paragraph 1 of this Amendment, including the brick walls, fence or other partitions or separation of said Units #7 and #8 from the other units or common elements of the Regime. The maintenance of these Limited Common Elements or repairs of damage to same shall be the responsibility of the owners of Unit #7 or Unit #8, respectively, and shall include any and all structures or additions hereinafter constructed on said Limited Common Element adjacent to Unit #7 or Unit #8 by the unit owner with the approval of the Counsel of Co-Owners as hereinafter required, as well as the attic areas above said Units #7 and #8 and the skylights (if appropriate) above Units #7 or Unit #8.

3.3(j) That additional area immediately adjacent to Unit #5 as reflected by the boundary of Limited Common Elements for Unit #5, as shown on Revision No. 4 to Surrey Place Horizontal Property Regime, being the amended site plan referred to in Paragraph 1 of this Amendment; said Limited Common Element being in addition to those Limited Common Elements appurtenant to the ownership of Unit #5 as set forth within the original Master Deed and Declaration of Condominium Property Regime of Surrey Place Condominiums dated July 7, 1982 recorded in Deed Book 5298, Page 21, and as shown on the plans of same recorded in

Apartment Ownership Book 29, Pages 10-11, inclusive.

5. Paragraph 4.1 of Article IV of said Master Deed and Declaration of Condominium Property Regime is amended to read as follows:

4.1 Ownership of Units 1 through 10, inclusive, is hereby declared to have appurtenant unto each, an undivided interest in that portion of the common elements shown on the site plan and amendments or revisions thereof in the percentages set forth opposite each said unit:

| | |
|---------|--------------|
| Unit 1 | 9.60% |
| Unit 2 | 9.60% |
| Unit 3 | 9.60% |
| Unit 4 | 9.60% |
| Unit 5 | 9.60% |
| Unit 6 | 9.20% |
| Unit 7 | 13.20% |
| Unit 8 | 9.80% |
| Unit 9 | 11.20% |
| Unit 10 | <u>8.60%</u> |

PERCENTAGE TOTAL 100%

IN WITNESS WHEREOF, the Developer has executed this Fifth Amendment to the Master Deed and Declaration of Condominium Property Regime of Surrey Place Condominiums by its duly authorized officer the day and year first above written.

"DEVELOPER"

THE LOUIS PARTNERSHIP, INC.

BY: 
HUNTER G. LOUIS
Vice-President

STATE OF KENTUCKY

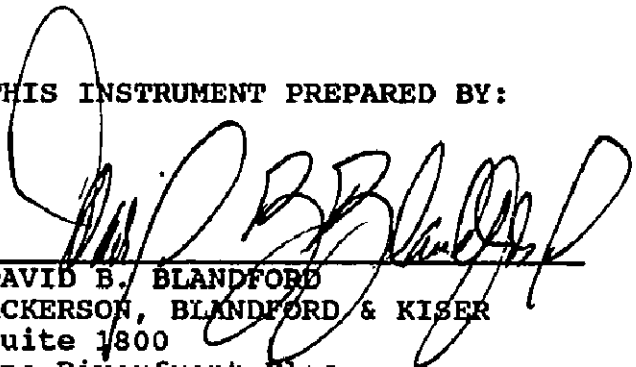
COUNTY OF JEFFERSON

The foregoing Fifth Amendment to Master Deed and Declaration of Condominium Property Regime of Surrey Place Condominiums was acknowledged before me by HUNTER G. LOUIS as Vice-President of THE LOUIS PARTNERSHIP, INC., a Kentucky corporation, Developer herein, as the free act and deed of the corporation, this 20th day of May, 1988.

My Commission Expires: October 9, 1991


NOTARY PUBLIC, STATE AT LARGE, KY

THIS INSTRUMENT PREPARED BY:


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