

**FIRST AMENDMENT TO DECLARATION OF HORIZONTAL PROPERTY REGIME
AND MASTER DEED ESTABLISHING
WESTPORT GARDENS CONDOMINIUMS**

THE FIRST AMENDMENT TO DECLARATION OF HORIZONTAL PROPERTY REGIME AND MASTER DEED ESTABLISHING WESTPORT GARDENS (the "Amendment") has been prepared at the direction of and caused to be recorded by **WESTPORT GARDENS, LLC** (hereinafter referred to as the "Declarant"), a Kentucky limited liability company, having an office at 416 W Muhammad Ali Boulevard, Louisville, Kentucky 40202 as a supplement to the Master Deed establishing Westport Gardens Condominiums dated November 14, 2002.

WITNESSETH:

WHEREAS, Declarant has made and declared a Declaration of Horizontal Property Regime and Master Deed Establishing Westport Gardens Condominiums dated November 14, 2002, which is recorded in Deed Book 8003, Page 412, in the Office of the Clerk of Jefferson County, Kentucky, and re-recorded in Deed Book 8009, Page 301, in the Office of the Clerk aforesaid,

WHEREAS, this Amendment is necessary and desirable to grant certain privileges to the owners of property adjoining the Condominium Project in order to allow those property owners, their tenants, occupants, employees, guests, agents, and their successors or assigns to use the pool facilities of the Condominium Project,

NOW, THEREFORE, Declarant grants the owner of property directly to the north of the Condominium Project ("Benefited Owner") and legally described on Exhibit A attached hereto, its tenants, occupants, employees, guests, and agents, and their successors and assigns the right to use the pool facilities of the Condominium Project as they currently exist or may be improved in the future. The Benefited Owner shall be liable for one-third of the expenses of maintaining the pool facilities, and shall be liable for one-half of any liabilities incurred by reason of any loss, injury, costs, or other claim made by an individual concerning use of the pool facilities. This is an easement which shall run with the land and shall be binding upon the respective successors and assigns of Declarant and Benefited Owner.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be executed actually on the date indicated in the notarial certificate affixed hereto but effective 2/27/, 2003.

WESTPORT GARDENS, LLC
A Kentucky limited liability company

[Signature]
Signature
By Jeff Underhill
Title Manager

STATE OF KENTUCKY)
)
COUNTY OF JEFFERSON)

I, a Notary public in and for the State and County aforesaid, do hereby certify that on this 27th day of February, 2003, Jeffrey Underhill, Manager of Westport Gardens, LLC. appeared before me and before me acknowledged that he executed and delivered the foregoing instrument as his free and voluntary act and deed and as the free and voluntary act and deed of Westport Gardens, LLC, a Kentucky limited liability company

My Commission expires August 24, 2005

[Signature]
Notary Public, State at Large, Kentucky

The Westport Gardens Council of Co-Owners joins in this amendment, by action of its Board of Directors, for the purpose of consenting to the amendment made herein

WESTPORT GARDENS COUNCIL OF CO-OWNERS, INC.

[Signature]
Signature
By G.T. UNDERHILL
Title DIRECTOR

STATE OF KENTUCKY)
)
COUNTY OF JEFFERSON)

I, a Notary public in and for the State and County aforesaid, do hereby certify that on this 27th day of FEBRUARY, 2003, G. TOWNSEND UNDERHILL, DIRECTOR of Westport Gardens Council of Co-Owners, Inc appeared before me and before me acknowledged that he executed and delivered the foregoing instrument as his free and voluntary act and deed and as the free and voluntary act and deed of Westport Gardens Council of Co-Owners

My Commission expires 2/5/07

[Signature]
Notary Public, State at Large, Kentucky

Irwin Union Bank, F.S.B. joins in this amendment as Mortgagee on the property for the purpose of consenting to the amendment made herein.

IRWIN UNION BANK, F.S.B.

[Signature]
Signature
By PHIL STEENBERGEN
Title VICE PRESIDENT

STATE OF KENTUCKY)
)
COUNTY OF JEFFERSON)

I, a Notary public in and for the State and County aforesaid, do hereby certify that on this 27th day of February, 2003, Phil Steenberg, Vice President of Irwin Union Bank, F S B' appeared before me and before me acknowledged that he executed and delivered the foregoing instrument as his free and voluntary act and deed and as the free and voluntary act and deed of Irwin Union Bank, F S B

My Commission expires March 9, 2004

[Signature]
Notary Public, State at Large, Kentucky

THIS INSTRUMENT PREPARED BY:

[Signature]
Clifford H. Ashburner
BARDENWERPER LAW FIRM, PLLC
8311 Shelbyville Road
Louisville, Kentucky 40222
(502) 426-6688

EXHIBIT A

Parcel 1

Tract 3 as shown on Minor Subdivision Plat, dated July 18, 2002, prepared by Westerman & Associates, Inc , and approved on July 25, 2002 by the Louisville and Jefferson County Planning Commission under Docket No 145-02 which is of record in Plat and Subdivision Book 48, Page 30, in the Office of the Clerk of Jefferson County, Kentucky

Being a part of the same property acquired by Westport Gardens, LLC, a Kentucky limited liability company, by Deed dated July 30, 2002, of record in Deed book 7929, Page 631, in the Office of the Clerk of Jefferson County, Kentucky

Document No.: DN2003041820
Lodged By: STITES & HARRISON.587014
Recorded On: 02/28/2003 11:20:30
Total Fees: 14.00
Transfer Tax: .00
County Clerks: Bobbie Holsclaw-JEFF CO KY
Deputy Clerks: TERHIG

END OF DOCUMENT