

**FIFTH AMENDMENT**  
**TO**  
**DECLARATION OF MASTER DEED**  
**FOR**  
**THE SUMMIT AT POLO FIELDS CONDOMINIUM**

THIS FIFTH AMENDMENT TO DECLARATION OF MASTER DEED (this "Amendment") is made as of the 12 day of July, 2005 by HILLS COMMUNITIES, INC., an Ohio corporation ("Declarant").

**1. RECITALS**

1.1 Declarant recorded the Declaration of Master Deed (the "Original Declaration") for The Summit at Polo Fields Condominium (the "Condominium") in Deed Book 7839, Page 284 of the Jefferson County, Kentucky Clerk's records. The Floor Plans for Phase 1 of the Condominium were recorded at A.O.B. Book 86, Pages 28 through 30 of the Jefferson County, Kentucky Clerk's records.

1.2 Declarant has recorded the amendments to the Original Declaration listed below, together with the additional Floor Plans listed below, in the Jefferson County, Kentucky Clerk's records. The Original Declaration, together with the following amendments, are hereafter sometimes referred to as the "Declaration."

<u>Phase</u>	<u>Amendment</u>	<u>Recording Information</u>	<u>Additional Floor Plans</u>
2	First Amendment	Deed Book 7873, Page 963	A.O.B. Book 87, Pages 30-32
3	Second Amendment	Deed Book 7978, Page 934	A.O.B. Book 91, Pages 1-5
4	Third Amendment	Deed Book 8025, Page 277	A.O.B. Book 91, Pages 20-21
5	Fourth Amendment	Deed Book 8060, Page 394	A.O.B. Book 93, Pages 25-26

1.3 In Section 2.5 of the Original Declaration, Declarant reserved the right to add Units to the Condominium, so that the Condominium ultimately could include a maximum of 128 Units. Subsequent to recording the Original Declaration, Declarant added Units to the Condominium so that, as of the date the Fourth Amendment was recorded, the Condominium included a total of 38 Units.

1.4 Declarant has no further plans to add more Units to the Condominium, and the Property Valuation Administrator of Jefferson County, Kentucky has requested that Declarant execute and record this Amendment to confirm that no more Units will be added to the Condominium.

2. DEFINITIONS

All capitalized terms used but not defined herein shall have the meanings ascribed to them in the Original Declaration.

3. AMENDMENT

Declarant waives, as of the date that the Fourth Amendment was recorded, any additional rights Declarant may have to add additional Units to the Condominium pursuant to Section 2.5 of the Original Declaration. Development of the Condominium was completed as of such date, Declarant has turned over control of the Board of Directors of the Madison Park Council of Co-Owners, Inc. to the Unit Owners, and Declarant no longer owns any Units in the Condominium.

4. RATIFICATION

Except as set forth herein, no changes or revisions are effected in the Declaration. The Declaration as amended herein is hereby reaffirmed by the incorporation by reference of each and every page thereof and remains in full force and effect.

IN WITNESS WHEREOF, the undersigned Declarant has caused this Amendment to be executed by a duly authorized officer as of the date first above written.

HILLS COMMUNITIES, INC.

By: *Ian Guttman*  
Ian Guttman, Vice President

STATE OF OHIO, COUNTY OF HAMILTON ) ss:

The foregoing instrument was acknowledged before me this 12 day of July, 2005 by Ian Guttman, the Vice President of HILLS COMMUNITIES, INC., an Ohio corporation, on behalf of the corporation.



WENDY S. BASSMAN  
Notary Public, State of Ohio  
My Commission Expires  
June 19, 2010

*Wendy S. Bassman*  
Notary Public  
My Commission Expires: June 19, 2010

This instrument was acknowledged by me as the undersigned on this day of July, 2005 at Cincinnati, Ohio.  
*Sandra L. Nunn*

Sandra L. Nunn, Esq.  
FROST BROWN TODD LLC  
201 East Fifth Street, Suite 2200  
Cincinnati, OH 45202

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Total Fees: 12.00  
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County Clerk: BOBBIE HOLSCLOW-JEFF CO KY  
Deputy Clerk: CARHAR