BERKSHIRE INCOME REALTY, INC.

Form 4 July 22, 2013

FORM 4

UNITED STATES SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

OMB APPROVAL

OMB
3235-0287

January 31,

Check this box if no longer subject to STATEME

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF

Estimated average burden hours per response... 0.5

Number:

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5 D 1 (' 1' CD (' D ())

Section 16. Form 4 or Form 5

obligations

may continue.

See Instruction

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section

SECURITIES

30(h) of the Investment Company Act of 1940

1(b).

(Print or Type Responses)

1 Name and Address of Departing Da

OLNEY DAVID J		Symbol BERKSHIRE INCOME REALTY, INC. [BIR.PR.A]					Issuer (Check all applicable)				
(Last)	(First) (I	Middle)	3. Date of Earliest Transaction (Month/Day/Year)				-	Director 10% Owner Officer (give titleX Other (specify			
	HIRE INCOME C., ONE BEAC 500		05/20/20	•				pelow) Deemed	below) I Executive O	fficer	
	(Street)	4. If Amendment, Date Original Filed(Month/Day/Year)					6. Individual or Joint/Group Filing(Check Applicable Line) _X_ Form filed by One Reporting Person				
BOSTON, M	A 02108						ì	Form filed by Merson	More than One	Reporting	
(City)	(State)	(Zip)	Table	I - Non-De	rivative S	ecurit	ties Acqu	ired, Disposed o	f, or Benefici	ally Owned	
1.Title of Security (Instr. 3)	any		eemed ion Date, if n/Day/Year)	3. 4. Securities Acquired Transaction(A) or Disposed of (D) Code (Instr. 3, 4 and 5) (Instr. 8)				5. Amount of Securities Beneficially Owned Following	6. Ownership Form: Direct (D) or Indirect	7. Nature of Indirect Beneficial Ownership (Instr. 4)	
9% Series A				Code V	Amount	(A) or (D)	Price	Reported Transaction(s) (Instr. 3 and 4)	(I) (Instr. 4)		
Cumulative Redeemable Preferred Stock	05/20/2013			P	100 (1)	A	\$ 28.25	100	D		
9% Series A Cumulative Redeemable Preferred Stock	05/29/2013			P	100 (2)	A	\$ 28.6	200	D		

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9% Series A Cumulative

Redeemable 05/30/2013 P 300 (3) A \$ 28.6 500 D

Preferred Stock

9% Series A Cumulative Redeemable

Redeemable 200 I Spouse-IRA

Preferred Stock

Class B Common 59,323 D

Stock

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

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SEC 1474

(9-02)

Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned (e.g., puts, calls, warrants, options, convertible securities)

1. Title of	2.	3. Transaction Date	3A. Deemed	4.	5.	6. Date Exer	cisable and	7. Titl	le and	8. Price of
Derivative	Conversion	(Month/Day/Year)	Execution Date, if	TransactionNumber		Expiration D	Expiration Date		ınt of	Derivative
Security	or Exercise		any	Code	of	(Month/Day	/Year)	Under	lying	Security
(Instr. 3)	Price of		(Month/Day/Year)	(Instr. 8	3) Derivativ	re		Secur	ities	(Instr. 5)
	Derivative				Securitie	Securities		(Instr.	3 and 4)	
	Security		Acquired							
	•			(A) or						
					Disposed					
					of (D)					
					(Instr. 3,					
					4, and 5)					
					, ,					
									Amount	
						Date Exercisable	Expiration Date	Title	or	
									Number	
						Excicisable			of	
				Code	V (A) (D)				Shares	

Reporting Owners

Reporting Owner Name / Address Relationships

Director 10% Owner Officer Other

OLNEY DAVID J C/O BERKSHIRE INCOME REALTY, INC. ONE BEACON ST., SUITE 1500 BOSTON, MA 02108

Deemed Executive Officer

9. Nu Deriv Secur Bene Owne Follo Repo Trans (Instr

NE BEACON ST., SUITE 1500 Executive Officer

Reporting Owners 2

Signatures

/s/ David J. 07/22/2013 Olney

**Signature of Reporting Person Date

Explanation of Responses:

- * If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- ** Intentional misstatements or omissions of facts constitute Federal Criminal Violations. See 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) On May 20, 2013, David J. Olney purchased 100 shares of Berkshire Income Realty's 9% Series A Cumulative Redeemable Preferred Stock on the open market at a price of \$28.25 per share for a total purchase price of \$2,825.00.
- On May 29, 2013, David J. Olney purchased 100 shares of Berkshire Income Realty's 9% Series A Cumulative Redeemable Preferred Stock on the open market at a price of \$28.60 per share for a total purchase price of \$2,860.00.
- (3) On May 30, 2013, David J. Olney purchased 300 shares of Berkshire Income Realty's 9% Series A Cumulative Redeemable Preferred Stock on the open market at a price of \$28.60 per share for a total purchase price of \$8,580.00.

Note: File three copies of this Form, one of which must be manually signed. If space is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.

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