


This Instrument Prepared by:

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20070508000215560 1/11 \$41.00  
Shelby Cnty Judge of Probate, AL  
05/08/2007 11:09:22AM FILED/CERT

STATE OF ALABAMA                     )  
  :  
COUNTY OF SHELBY                    )

**FIRST AMENDMENT TO DECLARATION OF EDENTON, A CONDOMINIUM**

This First Amendment to Declaration of Edenton, A Condominium (the "Amendment") is made this 8<sup>th</sup> day of May, 2007 by **CAHABA BEACH INVESTMENTS, LLC** (the "Declarant"), for itself, and for its successors, grantees and assigns, pursuant to the provisions of the Alabama Uniform Condominium Act of 1991, Section 35-8A-101, *et seq.*, *Code of Alabama* (1975), as amended (the "Act"), for the purpose of, among other things, exercising development rights to add units, re-allocating the percentage of undivided ownership interests in the Common Elements among the Units and substituting references to the Plat and Plans.

**RECITALS**

1. The Declarant entered into that certain Declaration of Edenton, A Condominium (the "Declaration") on April 20, 2007, for the purpose of establishing the condominium known as Edenton, A Condominium (the "Condominium"). The Declarant recorded the Declaration in the Office of the Judge of Probate of Shelby County, Alabama, on April 20, 2007, as Instrument Number **20070420000184480** for the purpose of submitting the lands described therein and the Condominium created thereby to the provisions of the Act. All capitalized terms not otherwise defined herein shall have those meanings attributed to same in the Declaration.

2. Prior to recording the Declaration, the Declarant recorded the Condominium Plat of Edenton, A Condominium (the "Plat") in the Office of the Judge of Probate of Shelby County, Alabama, on April 20, 2007, as Instrument Number **20070420000184330**. In conjunction with the Plans, recorded as Exhibit "C" to the Declaration, the Plat and Plans set forth the location, layout, identifying numbers and dimensions of the Units, the Limited Common Elements and the Common Elements of the Condominium. *Map Book 38 Page 77*

3. The Declarant desires to exercise certain Development Rights reserved specially to the Declarant under Section 15.04 of the Declaration to add **Building 8** to the Condominium containing **two (2)** additional Units; which action shall necessitate the modification of the Plans as recorded and attached to the Declaration as Exhibit "C."

4. Pursuant to Section 35-8A-210 of the Act, a declarant of a condominium may exercise development rights reserved under Section 35-8A-205(a)(8) of the Act by preparing, executing and recording an amendment to the declaration.

5. Section 3.02(b) of the Declaration provides that the Declarant "shall have the unilateral right, privilege and option from time to time at any time (subject to the provisions of this Declaration) to amend this Declaration without the consent of any Unit Owner or any other Person in order to exercise any Development Rights and Special Declarant Rights so long as said amendment complies with the requirements of the Act."

6. Pursuant to Section 35-8A-210 of the Act and Section 15.04 of the Declaration, the Declarant may amend the Declaration to expand the Condominium and create additional Units, Common Elements and Limited Common Elements by preparing, executing and recording an amendment to the Declaration.

7. In conjunction with adding Units to the Condominium, the Declarant must further amend the Declaration to re-allocate the percentage of undivided ownership interests in the Common Elements among the Unit Owners as shown on Exhibit "D" of the Declaration to comply with the provisions of Section 35-8A-213(b) of the Act.

8. Pursuant to Section 35-8A-210 of the Act and Section 3.03(c) of the Declaration, the Declarant may amend the Declaration to re-allocate the undivided ownership interests in the Common Elements to comply with Section 35-8A-213(b) of the Act by preparing, executing and recording an amendment to the Declaration.

**NOW THEREFORE**, in consideration of these recitals, the Act and the Declaration, the Declarant does hereby amend the Declaration and the Plans with this First Amendment as follows:

I. Addition of Units, Common Elements and Limited Common Elements. The Declaration is hereby amended to add **two (2)** Units (the "New Units"), together with their associated interests in Common Elements and Limited Common Elements to the Condominium. The aggregate number of Units currently comprising the Condominium is **eight (8)**. The Declarant continues to reserve the right to create up to one hundred ninety-three (193) Units and to complete the Condominium in one or more phases.

II. First Amendment to Plans. Exhibit "C" of the Declaration is hereby amended to add the Plans for the New Units to the existing Exhibit "C" of the Declaration. Exhibit "C" as attached to the Declaration shall remain in full force and effect and together with the supplemental Plans attached to this Amendment as Exhibit "C" shall constitute the Plans for the Condominium.

III. First Amended and Restated Exhibit "D" of the Declaration. Exhibit "D" of the Declaration is hereby declared null and void and is deleted from the Declaration in its entirety, and a First Amended and Restated Exhibit "D" of the Declaration is hereby substituted in lieu thereof, which First Amended and Restated Exhibit "D" is attached hereto and incorporated herein for all purposes. Said First Amended and Restated

Exhibit "D" constitutes the percentage ownership of Common Elements, as revised in accordance with this Amendment.

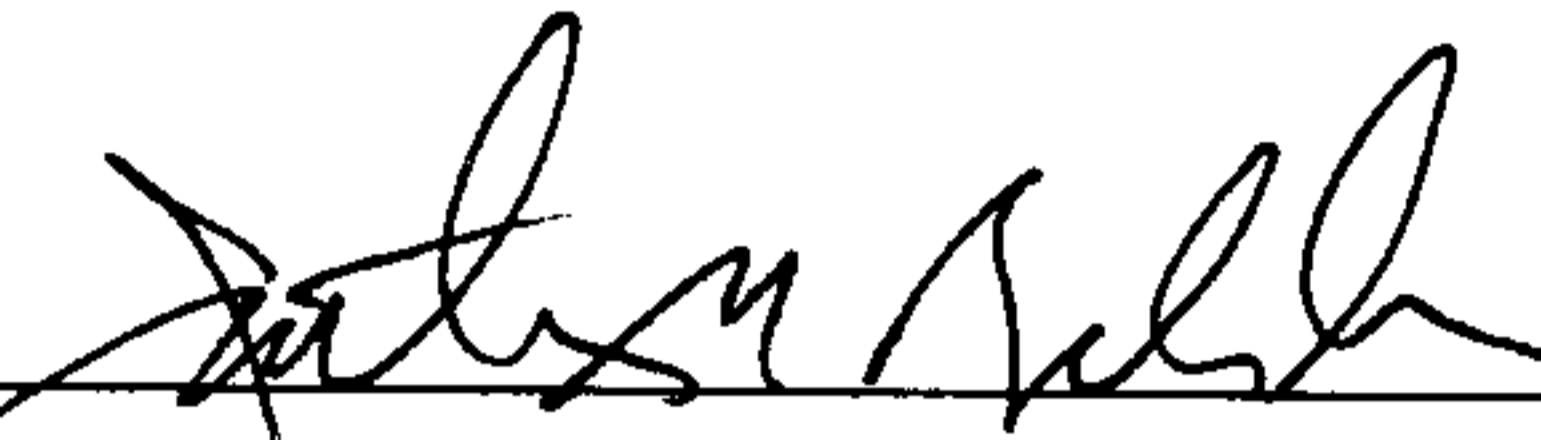
IV. Remainder of Declaration to Remain in Full Force and Effect. Except as hereinabove specifically modified by this Amendment, all of the terms, provisions and conditions of the Declaration shall remain in full force and effect.

[Remainder of Page Intentionally Blank – Signature Page to Follow.]

IN WITNESS WHEREOF, the Declarant has caused this First Amendment to Declaration of Edenton, A Condominium to be executed this 8<sup>th</sup> day of May, 2007.

**DECLARANT:**

**CAHABA BEACH INVESTMENTS, LLC**

By:   
Its: Member


**STATE OF ALABAMA     )**

**COUNTY OF SHELBY     )**

I, the undersigned, a notary public in and for said county in said state, hereby certify that Jonathan M Belcher, whose name as Manager of CAHABA BEACH INVESTMENTS, LLC, an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such Manager of CAHABA BEACH INVESTMENTS, LLC, and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal this 8<sup>th</sup> day of May, 2007.

[NOTARIAL SEAL]

  
Notary Public  
My Commission Expires: Apr 13, 2010  
NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
BONDED THRU NOTARY PUBLIC UNDERWRITERS

**CONSENT BY MORTGAGEE**

Compass Bank, a banking corporation organized under the laws of the State of Alabama (the "Mortgagee"), does hereby consent to this First Amendment to Declaration of Edenton, A Condominium. Nothing contained herein shall be deemed or construed to make the Mortgagee the Declarant under the Declaration, the Amendment or the Condominium.

Acknowledged and agreed this 7 day  
of MAY, 2007.

COMPASS BANK

By: [Signature]

Its: VICE President

STATE OF ALABAMA )

COUNTY OF Jefferson )

I, [Signature], a Notary Public, in and for said County in said State, hereby certify that Ben Hendry, whose name as Vice President of COMPASS BANK, an Alabama state banking corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that being informed of the contents of such instrument, she/he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal this the 7<sup>th</sup> day of may, 2007.

[Signature]  
Notary Public

My Commission Expires: 11-6-2010

[NOTARIAL SEAL]



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**EXHIBIT "C" TO AMENDMENT**  
**SUPPLEMENTAL PLANS TO DECLARATION**

[ATTACHED]

Being situated in the Southeast 1/4 of the Southeast 1/4 of Section 25, Township 18 South, Range 2 West, Shelby County, Alabama

SCALE: 1" = 100'

### GRAPHIC SCALE

LOADING

STATE OF ALABAMA  
SHELLEY COUNTY

A parcel of land being the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 25, Township 18 South, Range 2 West, Sibley County, Alabama, being more particularly located as follows:

[illegible]

FSS AND EXCEPT any part of subject property lying within a public road right-of-way, said parcel contains 39.75 Acres, more or less.

REGISTERED ENGINEER'S CERTIFICATION

1. The undersigned, Robert W. Ezaley, Jr., a registered engineer in the State of Alabama, Registration No. 21584, hereby certifies that the Plans show the layout, location, unit numbers and the other improvements forming a part of the Condominium. I further certify that the Plans show the dimensions of the improvements and the units "as-built" and that the improvements shown on the Plans are substantially complete. I further certify that the Plans contain all of the information required by § 35-9A-209, Code of Alabama (1975).

I further certify that said Condominium is currently located in Flood Zone X (outside dry special flood hazard area) as shown on the Flood Insurance Rate Map prepared by the United States Department of Commerce, National Oceanic and Atmospheric Administration, and the Declaration of Flood Hazard for the County of Shelby County, Mississippi, with all legal descriptions of the Condominium incorporated as is stated in full herein and is prepared for recording in the Condominium Book in the Office of the Judge of Probate of Shelby County, Arkansas.

Printed name: Robert W. Farley, IV  
Registered Engineer  
Registration Number 21564 Alabama

Date 4-22-07

State of Alabama,  
County of Shelby

The underground history books, in use for several County and State history classes at Eastern Kentucky State College, are being used by the following individuals as evidence. Why it is being used is not clear. The books were obtained by the author, who is a member of the National Historical Society, and the books were obtained by the author, who is a member of the National Historical Society, and the books were obtained by the author, who is a member of the National Historical Society.

James under the hand and seal this 20th day of March 1882

Isabella Xyane Lohite  
City \_\_\_\_\_ Commission- \_\_\_\_\_ Expires \_\_\_\_\_

... ..

the undersigned, a Negro, male, 17, and (a) said County and State hereby certify that Jonathan Walker, whose name is signed in space (a) as authorized representative of Citizens Black Investment, U.C. Order, has a power to make, execute and deliver the foregoing instrument on behalf of said Citizens Black Investment, U.C. Order, in and to the said City, County and State, and that the said Jonathan Walker is duly authorized by the board of directors of said corporation. We executed under seal this 17th day of February, 1968.

I am under my hand and seal this 20th day of April, 2001.  
 I declare under penalty of perjury that the foregoing is true and correct.  
 My Commission Expires \_\_\_\_\_  
Leah Dymally  
 San Diego

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APPROVAL Mike M. Adams DATE 4/18/07  
SAC, COUNTY PLANNING COMMISSION

**Notas:**

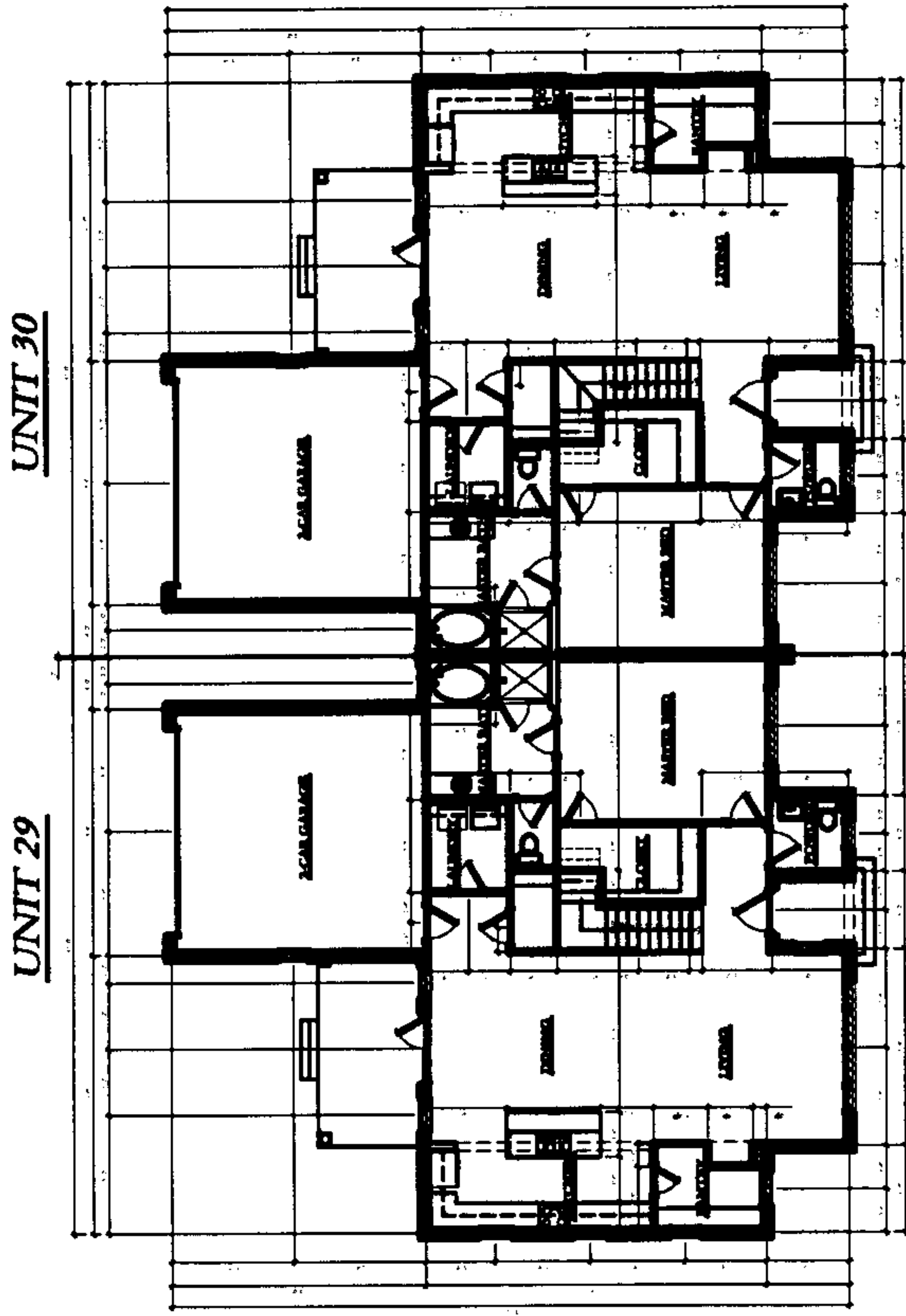
All portions of the lots outside of the buildings are subject to development.

All portions of the lots are subject to development except

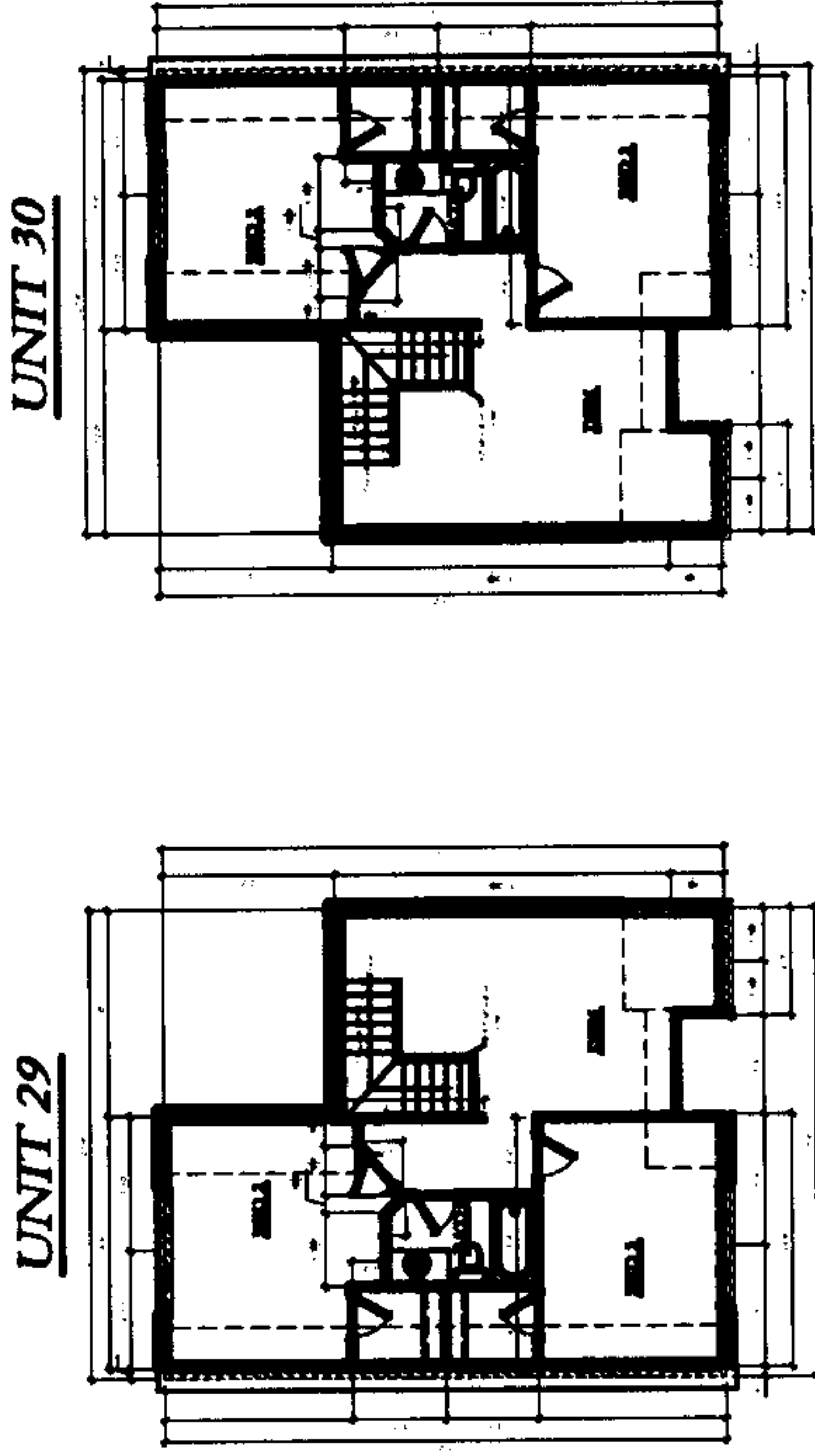
This plot is not a survey

The Engineer's Certification only applies to the street frontages and to work outside of the buildings. All other work, including work on the street, cannot be done until the street has been widened. The Engineer's Certification for widening the street is not yet completed.

Shelby County is not responsible for the roads or drainage systems of the city. The city is responsible for the roads and drainage systems of the city. The city is responsible for the roads and drainage systems of the city.



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1 First Floor

Scale N.T.S.

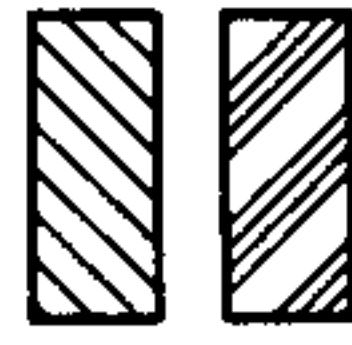
2 Second Floor

Scale N.T.S.

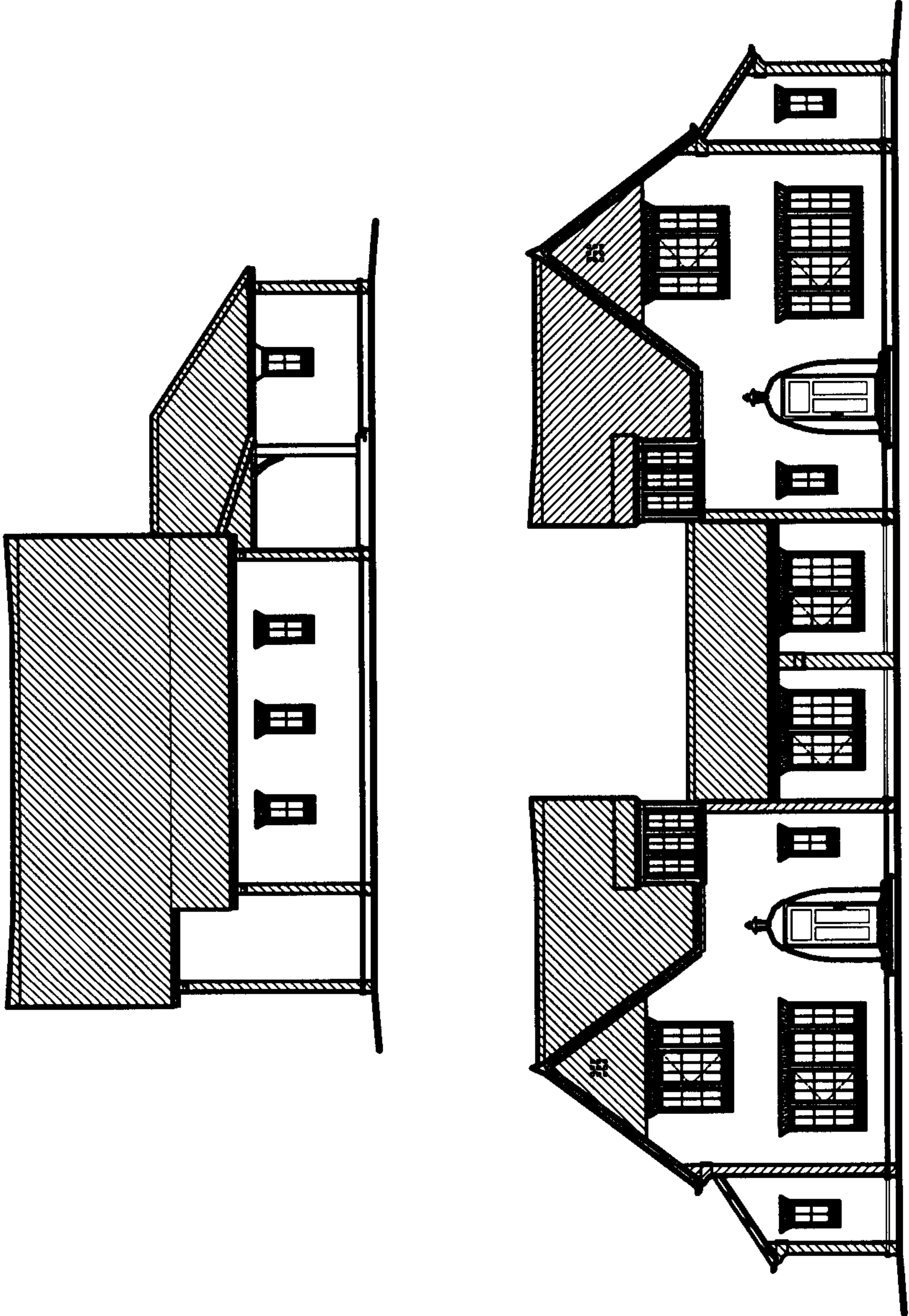
# Edenton Residential Condos Building 8

Units 29, 30  
Shelby County, Alabama  
05023

## LEGEND



**DUNGAN  
NEQUETTE  
ARCHITECTS**  
2829 Second Avenue South  
Suite 240  
Birmingham, Alabama 35233  
t 205.322.6455  
f 205.322.6167  
dungan-nequette.com



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1 Front and Side Elevations

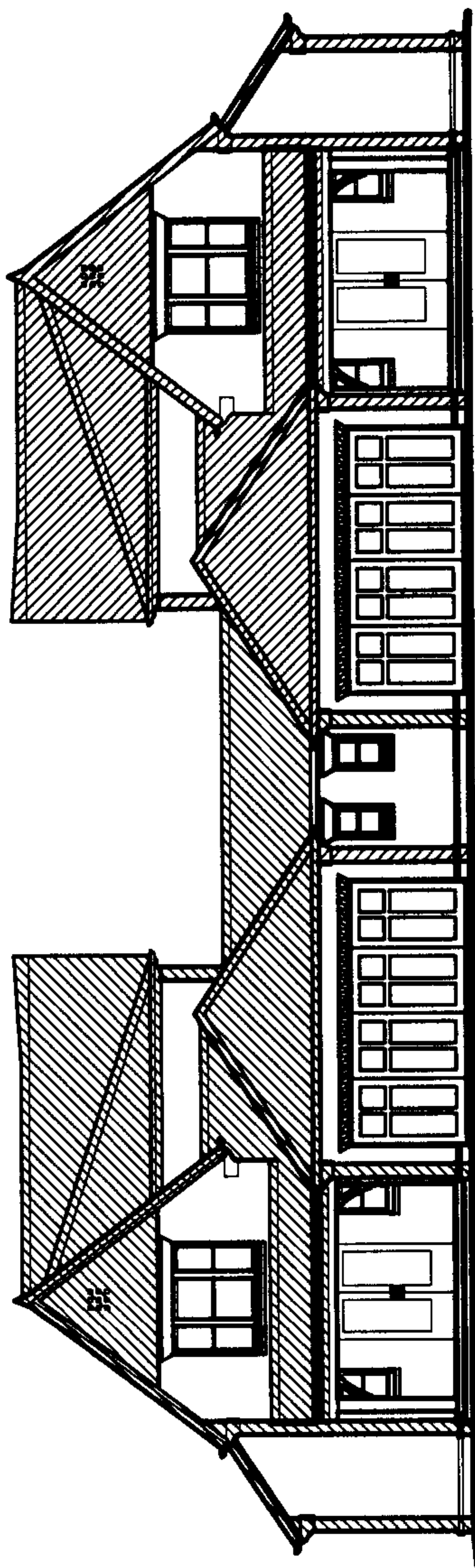
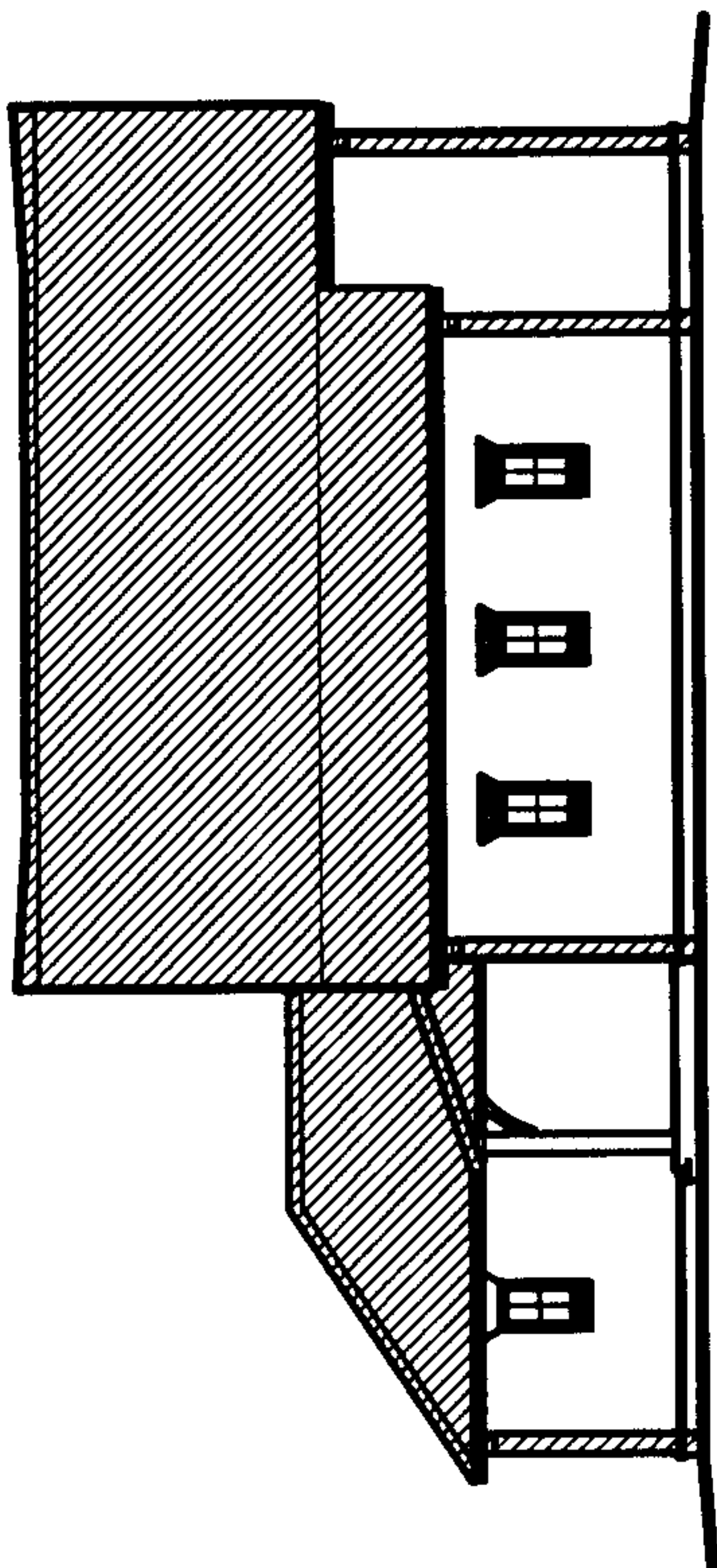
Scale N.T.S.

Edenton Residential Condos  
Building 8  
Units 29, 30  
Shelby County, Alabama  
05023

LEGEND

	COMMON ELEMENT
	LIMITED COMMON ELEMENT

DUNGAN  
NEQUETTE  
ARCHITECTS  
2829 Second Avenue South  
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Birmingham Alabama 35233  
t 205.322.6455  
f 205.322.6167  
dungan-nequette.com



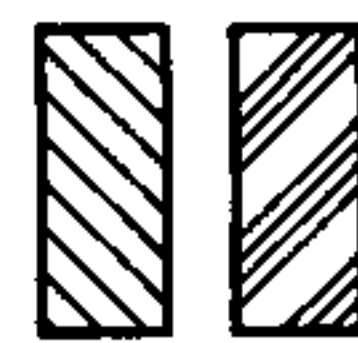
1 Back and Side Elevations  
Scale: N.T.S.

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Edenton Residential Condos  
Building 8  
Units 29, 30  
Shelby County, Alabama  
05073

LEGEND



DUNGAN  
NEQUETTE  
ARCHITECTS  
2029 Second Avenue South  
Suite 240  
Birmingham Alabama 35233  
t 205.332.6455  
f 205.332.6167  
dungan-nequette.com

**FIRST AMENDED AND RESTATED EXHIBIT "D"**  
**TO DECLARATION OF CONDOMINIUM**

**OWNERSHIP OF COMMON ELEMENTS**



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<u>Residential Units</u>	<u>Residential Allocated Interest</u>	<u>Votes Per Unit</u>
Units 12 through 17 & 29 through 30	12.50%	1 vote / Unit
Total	100%	