

This Instrument Prepared by:

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Tel. (256) 551-0171

STATE OF ALABAMA)
 :
COUNTY OF SHELBY)

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

This Second Amendment to Declaration of Edenton, A Condominium (the "Amendment") is made this 22 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.

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.

3. On May 8, 2007, the Declarant entered into that certain First Amendment to Declaration of Edenton, A Condominium (the "First Amendment"), for the purpose of exercising certain development rights and special declarant rights to add Units to the Condominium and to amend the Plans attached to the Declaration as Exhibit "C." The Declarant recorded the First Amendment on May 8, 2007 in the Probate Office as Instrument Number 20070508000215560. All references to the Declaration shall mean

the Declaration as amended by the First Amendment, and all references to the Plans shall mean the Plans as amended by the First Amendment. All capitalized terms not otherwise defined herein shall have those meanings attributed to same in the Declaration.

4. The Declarant desires to exercise certain Development Rights reserved specially to the Declarant under Section 15.04 of the Declaration to add Buildings 7 and 9 to the Condominium containing an aggregate of six (6) additional Units; which action shall necessitate the modification of the Plans as recorded and attached to the Declaration as Exhibit "C."

5. 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.

6. 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."

7. 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.

8. 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.

9. 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 six (6) 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 fourteen (14). 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. Second 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. Second 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 Second Amended and Restated Exhibit "D" of the Declaration is hereby substituted in lieu thereof, which Second Amended and Restated Exhibit "D" is attached hereto and incorporated herein for all purposes. Said Second 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 **Second Amended and Restated Declaration of Edenton, A Condominium** to be executed this 18 day of May, 2007.

DECLARANT:

CAHABA BEACH INVESTMENTS, LLC

By: Jonathan M Belcher
Its: President

STATE OF ALABAMA)

COUNTY OF SHELBY)

I, the undersigned, a notary public in and for said county in said state, hereby certify that JONATHAN 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 18th day of May, 2007.

Jan H. Bell

Notary Public

My Commission Expires: 7/5/2010

[NOTARIAL SEAL]

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: July 5, 2010
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 22 day
of May, 2007.

COMPASS BANK

By: [Signature]

Its: Vice President

STATE OF ALABAMA)

COUNTY OF Jefferson)

I, James H. Belcher, a Notary Public, in and for said County in said State, hereby certify that Ben Hendrix, 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 22nd day of May, 2007.

[NOTARIAL SEAL]

[Signature]
Notary Public

My Commission Expires: 7/5/2010

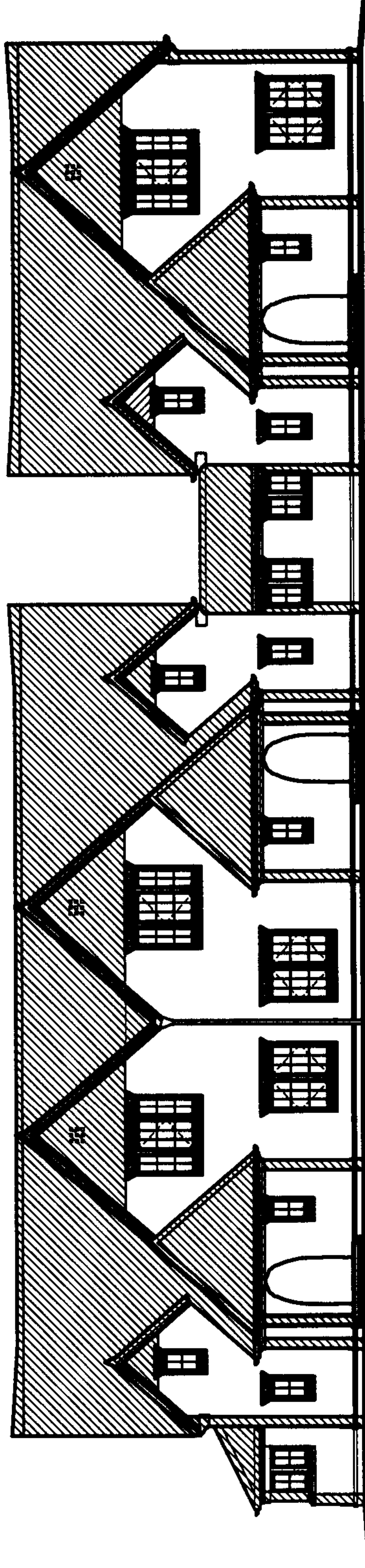
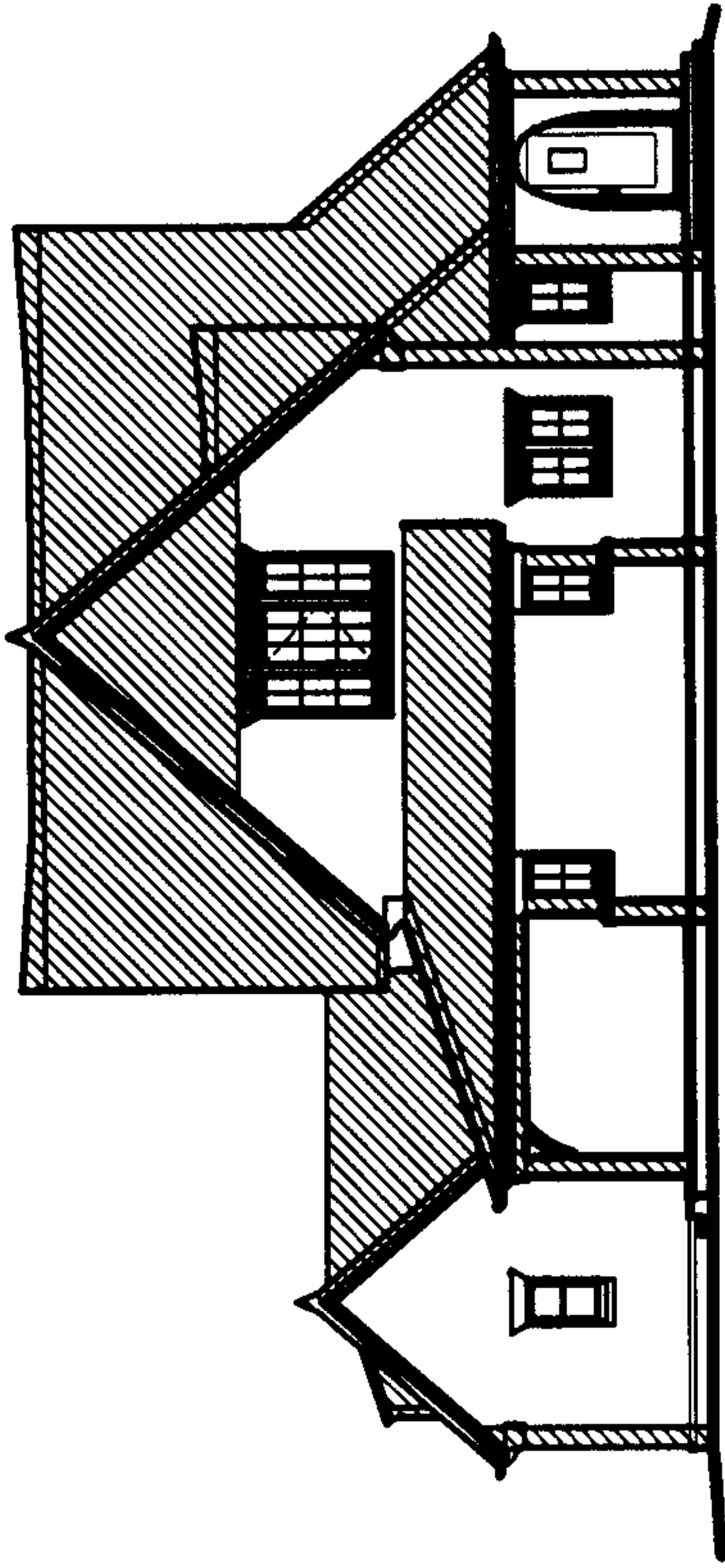
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: July 5, 2010
BONDED THRU NOTARY PUBLIC UNDERWRITERS



20070522000237580 6/13 \$47.00
Shelby Cnty Judge of Probate, AL
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EXHIBIT "C" TO AMENDMENT
SUPPLEMENTAL PLANS TO DECLARATION

[ATTACHED]



1 Front and Side Elevations

Scale N.T.S.



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Edenton Residential Condos Building 7

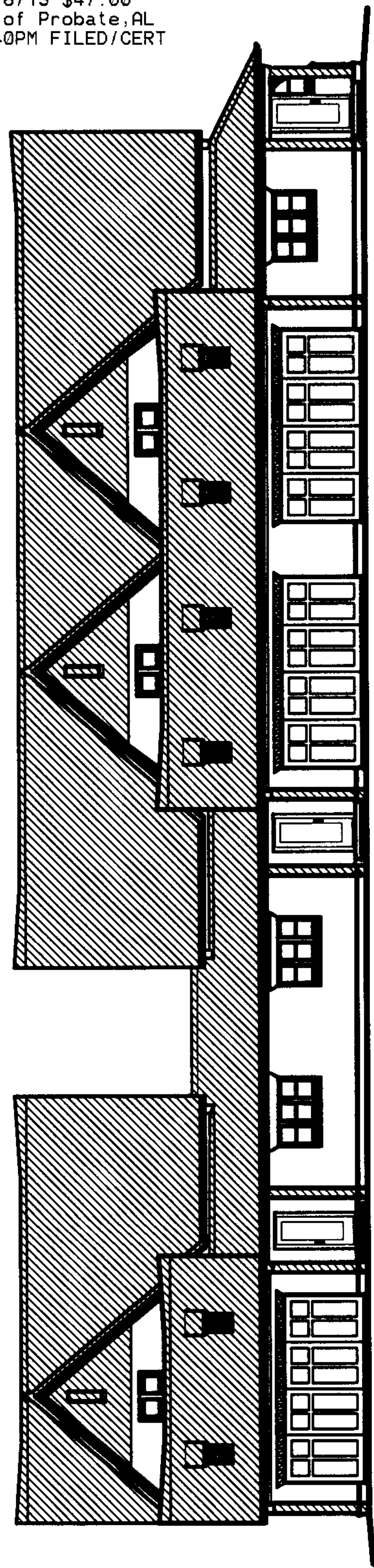
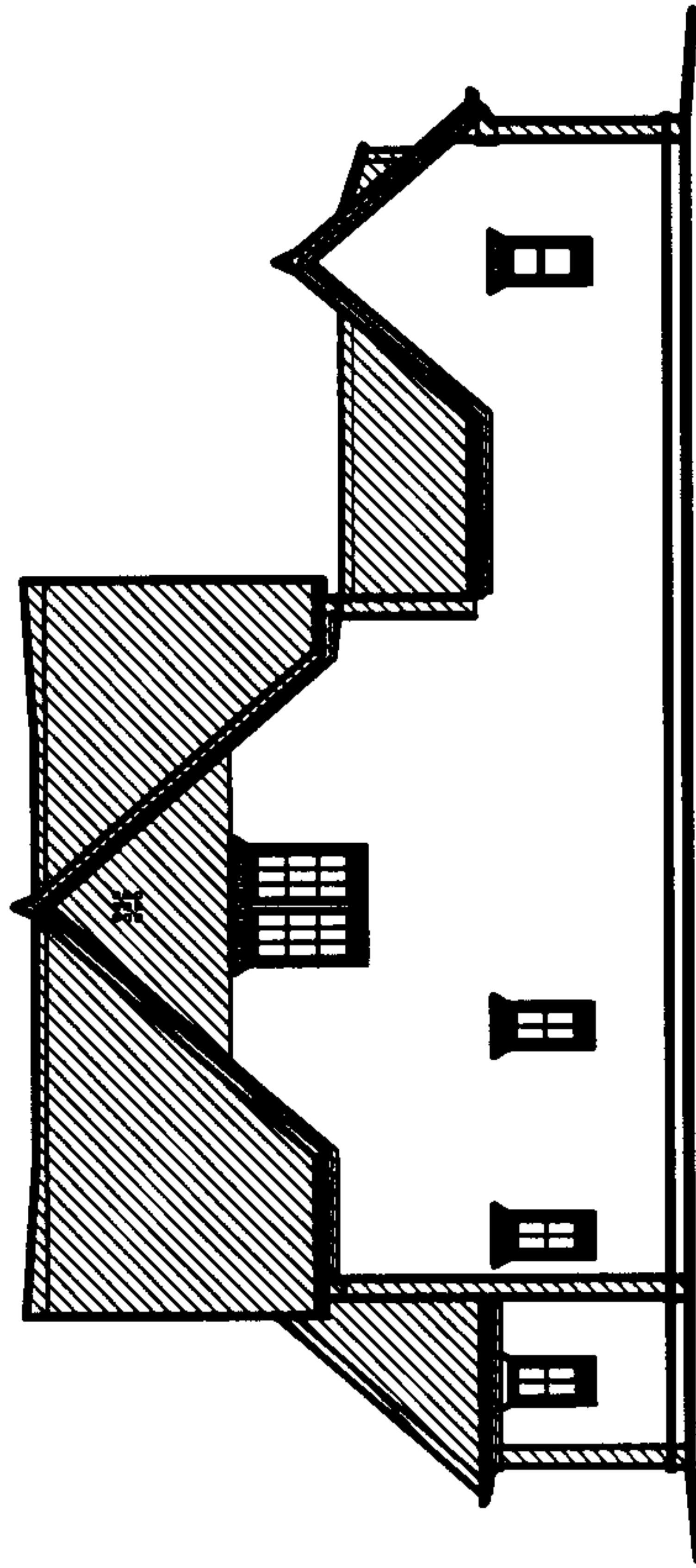
Units 26, 27, 28
Shelby County, Alabama
05/023

LEGEND

COMMON ELEMENT

LIMITED COMMON ELEMENT

**DUNGAN
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1 Back and Side Elevations

Scale N.T.S.

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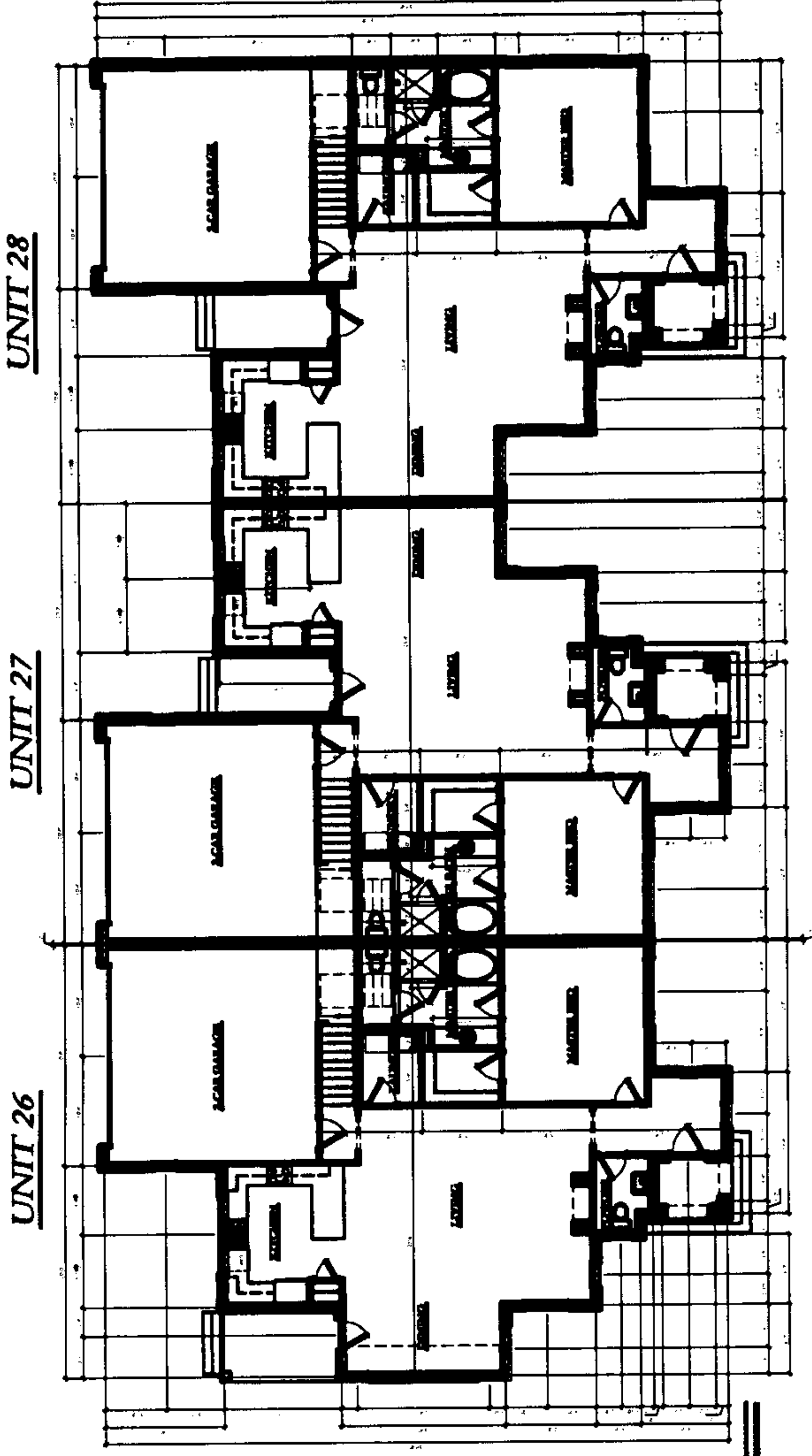
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Building 7**
Units 26, 27, 28
Shelby County, Alabama
05023

LEGEND

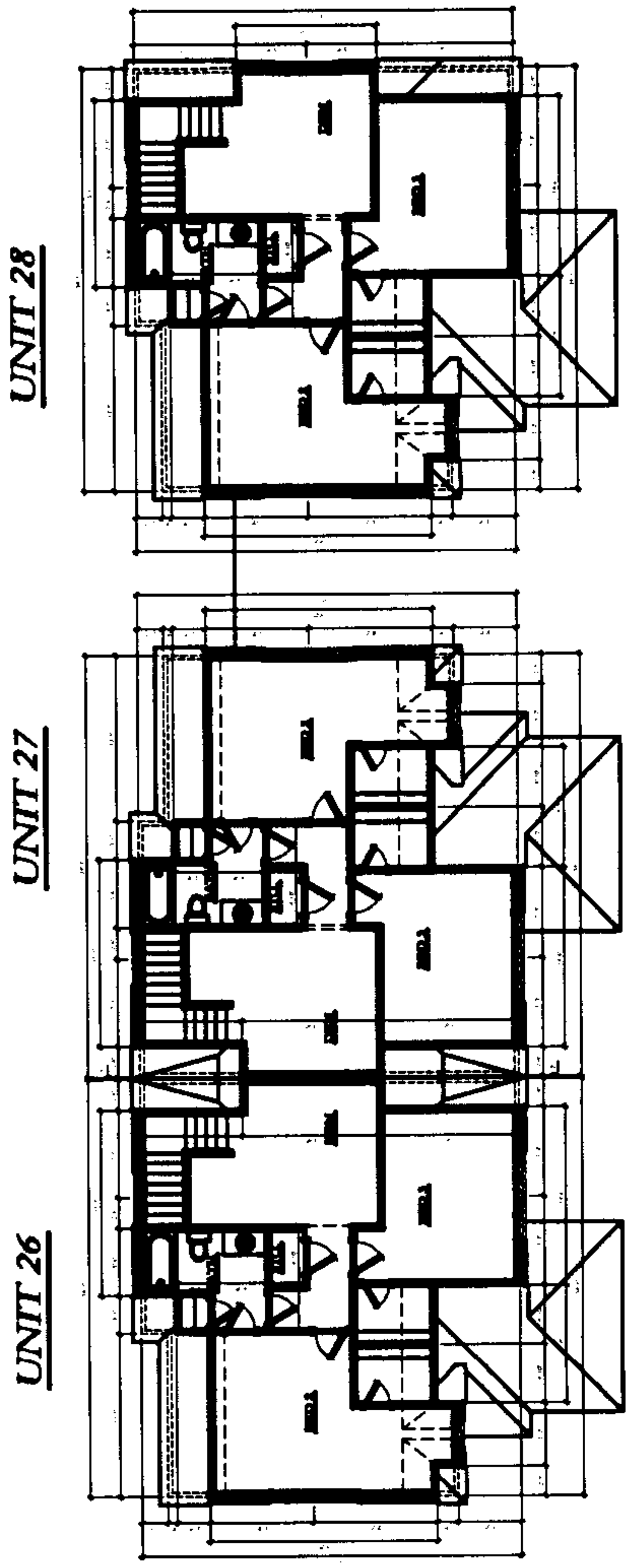
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	LIMITED COMMON ELEMENT

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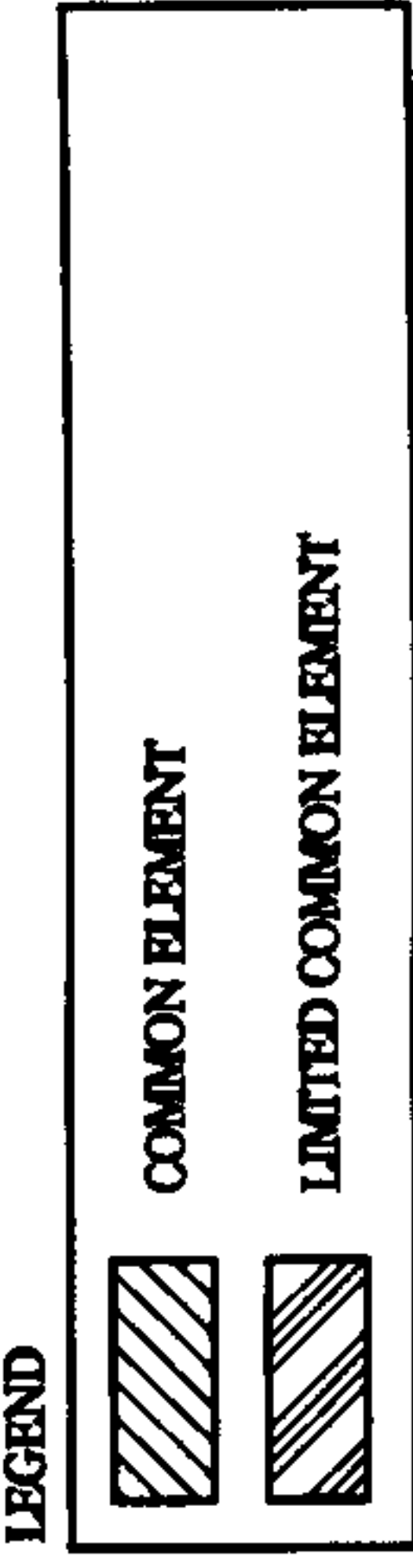
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Scale N.T.S.

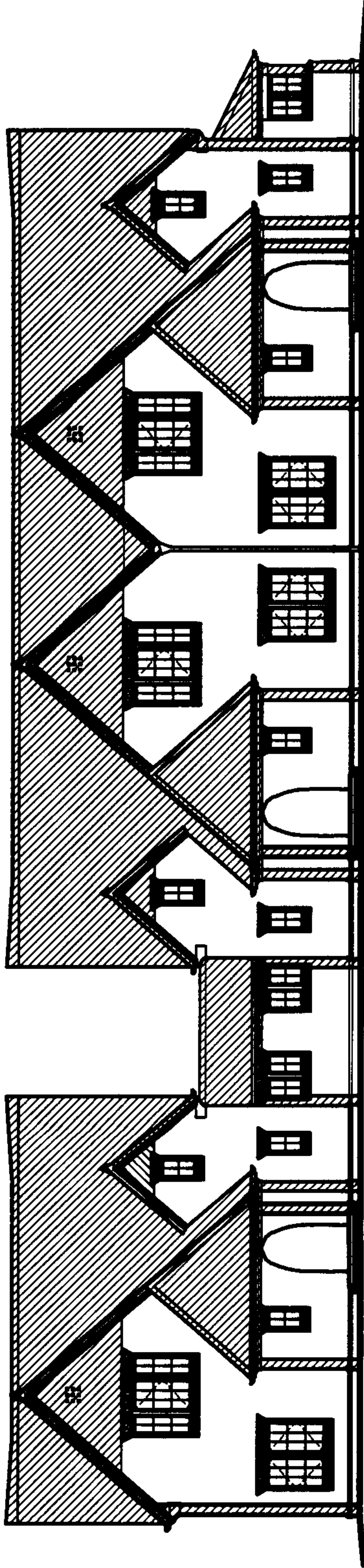
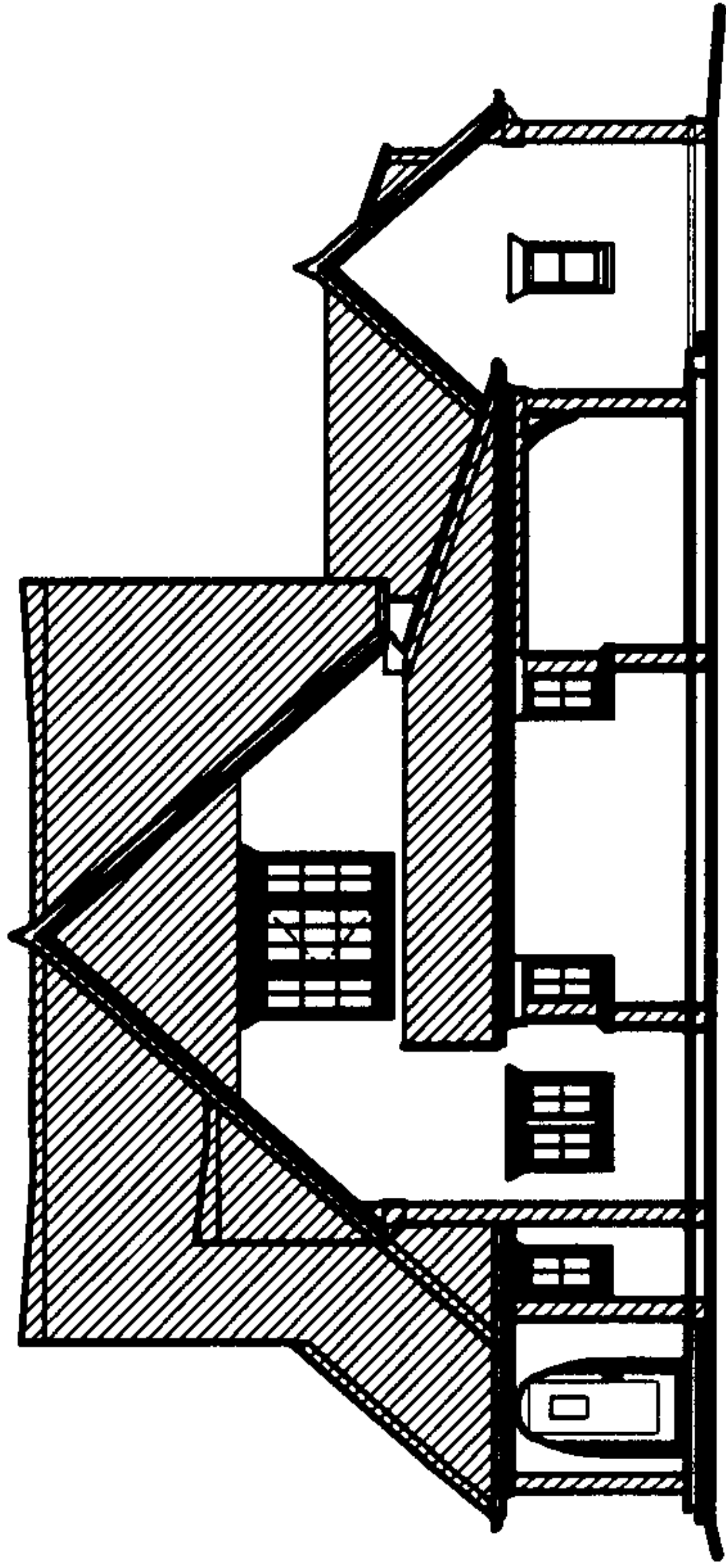


2 Second Floor
Scale N.T.S.

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Edenton Residential Condos
Building 7
Units 26, 27, 28
Shelby County, Alabama
05023





1 Front and Side Elevations

Scale: N.T.S.

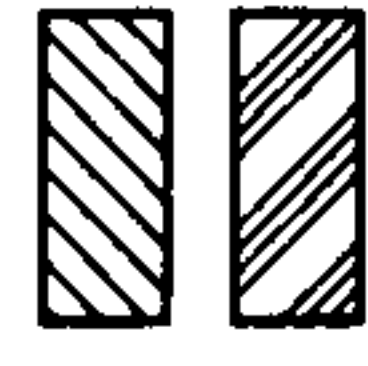
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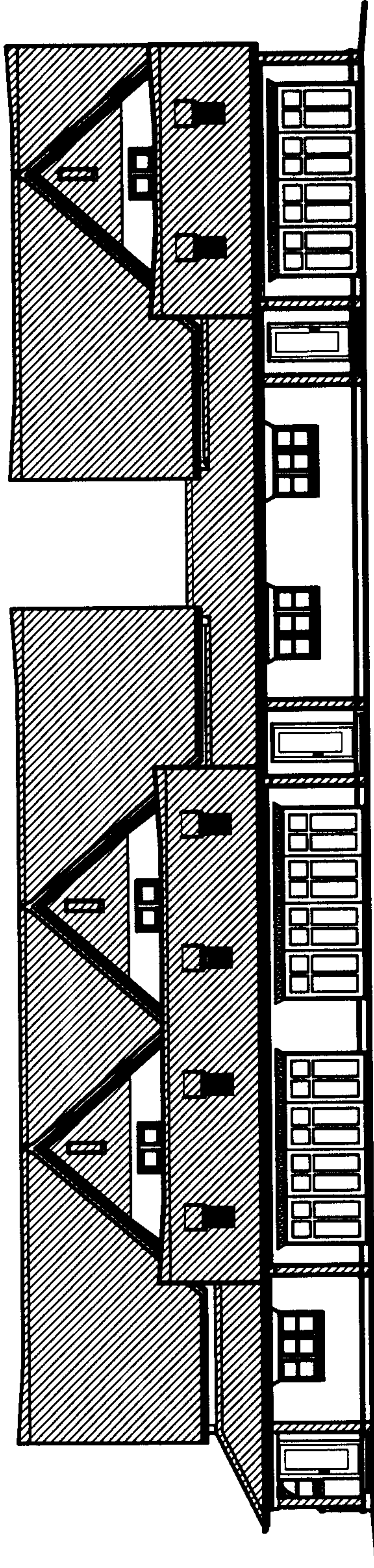
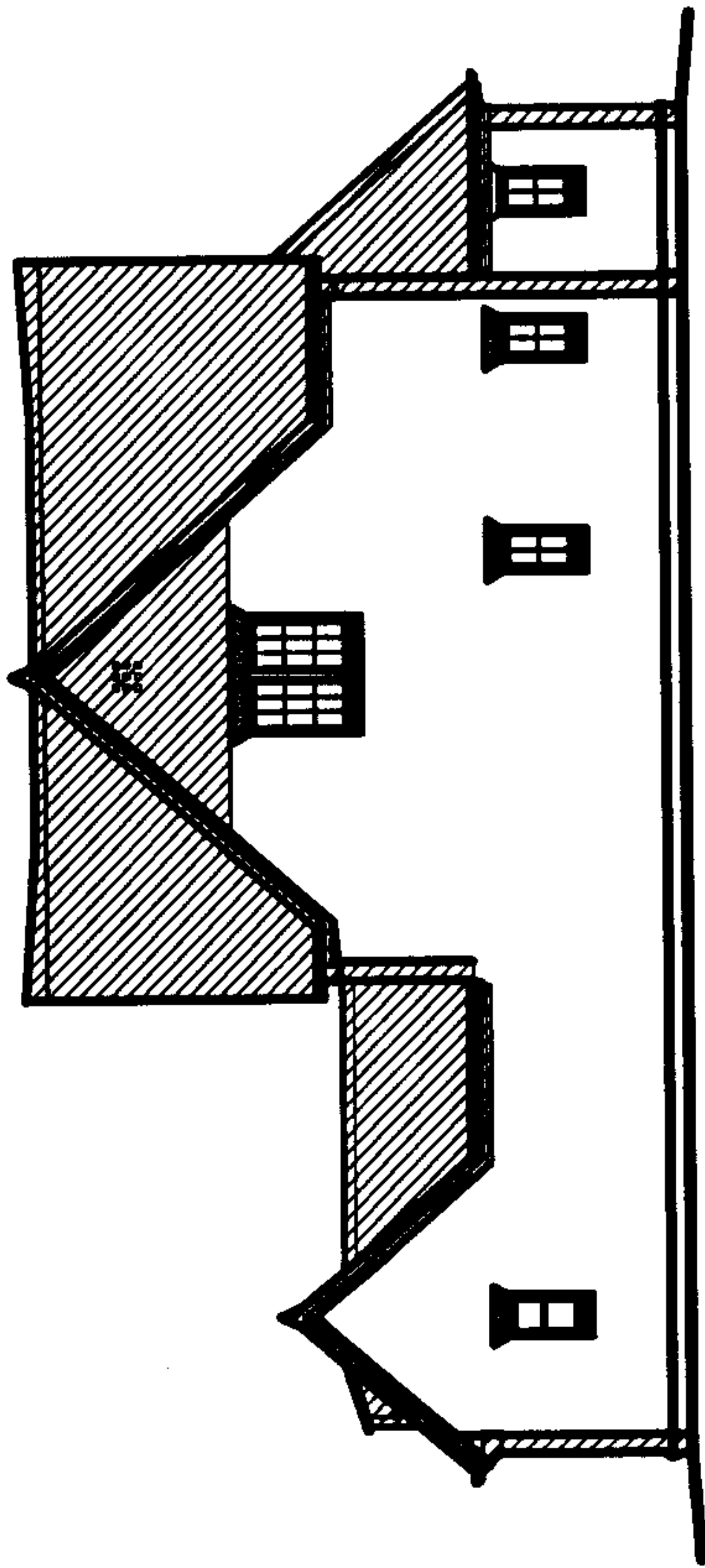
Edenton Residential Condos Building 9

Units 31, 32, 33
Shelby County, Alabama
05025

LEGEND



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Back and Side Elevations

Scale: N.T.S.

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Edenton Residential Condos
Building 9

Units 31, 32, 33
Shelby County, Alabama
05023

LEGEND

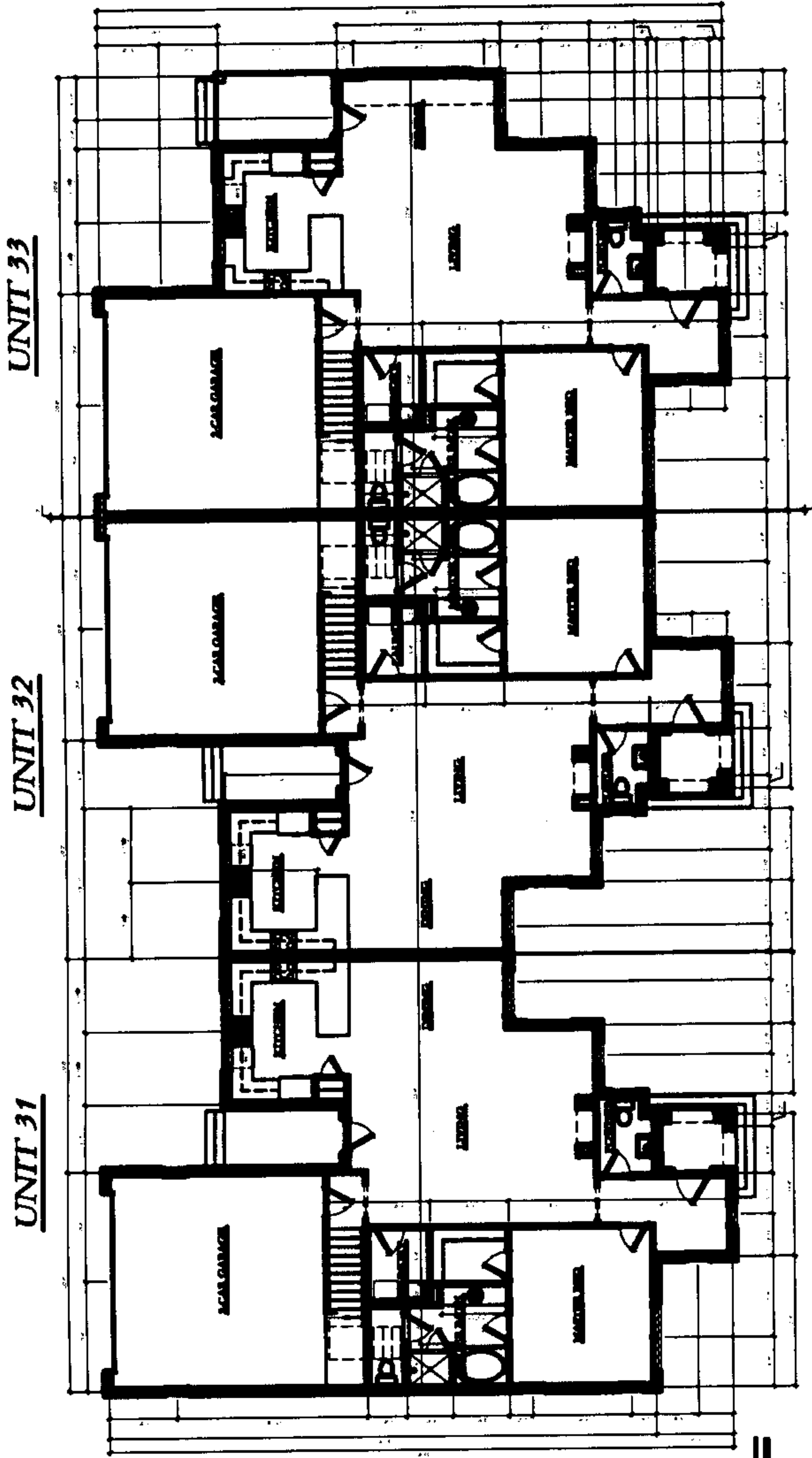


COMMON ELEMENT



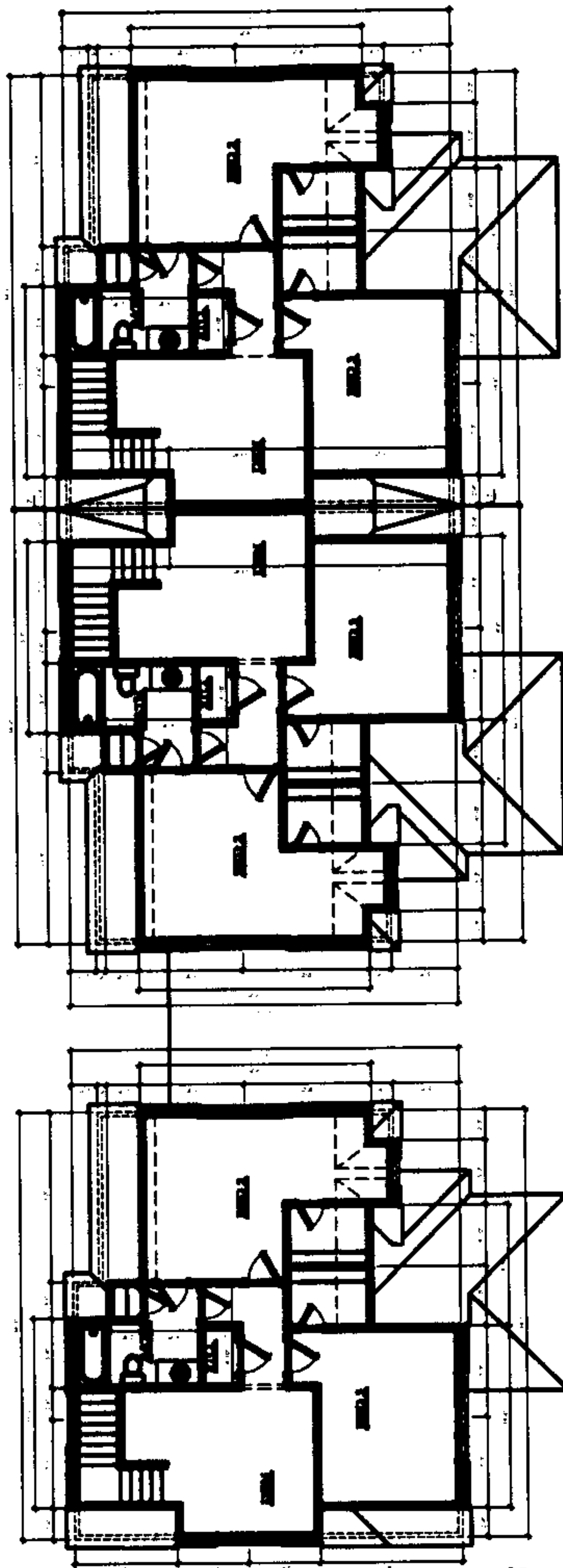
LIMITED COMMON ELEMENT

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1 First Floor

Scale N.T.S.



2 Second Floor

Scale N.T.S.



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Edenton Residential Condos Building 9

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05023

LEGEND



COMMON ELEMENT



LIMITED COMMON ELEMENT

SECOND AMENDED AND RESTATED EXHIBIT "D"
TO DECLARATION OF CONDOMINIUM
OWNERSHIP OF COMMON ELEMENTS

<u>Residential Units</u>	<u>Residential Allocated Interest</u>	<u>Votes Per Unit</u>
Units 12-17; 26-28; 29-30; 31-33	7.143%	1 vote / Unit
Total	100%	