


This Instrument Prepared by:

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Tel. (256) 551-0171

  
20070626000297920 1/22 \$74.00  
Shelby Cnty Judge of Probate, AL  
06/26/2007 08:15:22AM FILED/CERT

STATE OF ALABAMA                    )  
  :  
COUNTY OF SHELBY                )

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

*Mapbook 38 Page 77*

This Fourth Amendment to Declaration of Edenton, A Condominium (the "Amendment") is made this 25 day of June, 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.



4. On May 22, 2007, the Declarant entered into that certain Second Amendment to Declaration of Edenton, A Condominium (the "Second 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 Second Amendment on May 22, 2007, in the Probate Office as Instrument Number 20070522000237580.

5. On June 6, 2007, the Declarant entered into that certain Third Amendment to Declaration of Edenton, A Condominium (the "Third 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 Third Amendment on June 6, 2007, in the Probate Office as Instrument Number 20070606000263790. All references to the Declaration shall mean the Declaration as amended by the Third Amendment, and all references to the Plans shall mean the Plans as amended by the Third Amendment. All capitalized terms not otherwise defined herein shall have those meanings attributed to same in the Declaration, as amended.

6. The Declarant desires to exercise certain Development Rights reserved specially to the Declarant under Section 15.04 of the Declaration to add Buildings 10, 11, 12 and 13 to the Condominium containing an aggregate of twenty (20) additional Units; which action shall necessitate the modification of the Plans as recorded and attached to the Declaration as Exhibit "C."

7. 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.

8. 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."

9. 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.

10. 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.

11. 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 twenty (20) 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 fifty-three (53). 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. Fourth 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. Fourth 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 Fourth Amended and Restated Exhibit “D” of the Declaration is hereby substituted in lieu thereof, which Fourth Amended and Restated Exhibit “D” is attached hereto and incorporated herein for all purposes. Said Fourth Amended and Restated Exhibit “D” constitutes the percentage ownership of Common Elements, as revised in accordance with this Amendment.

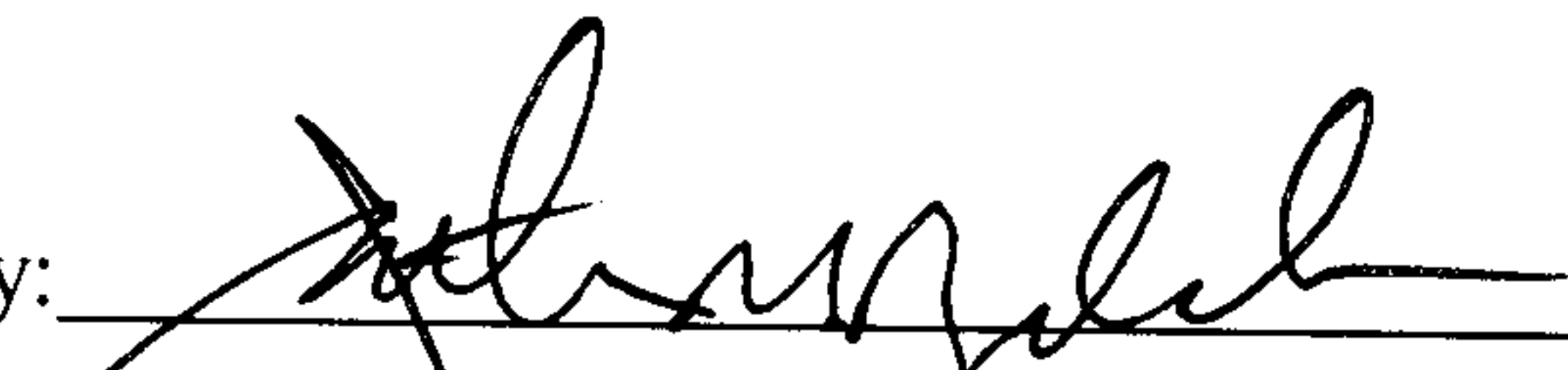
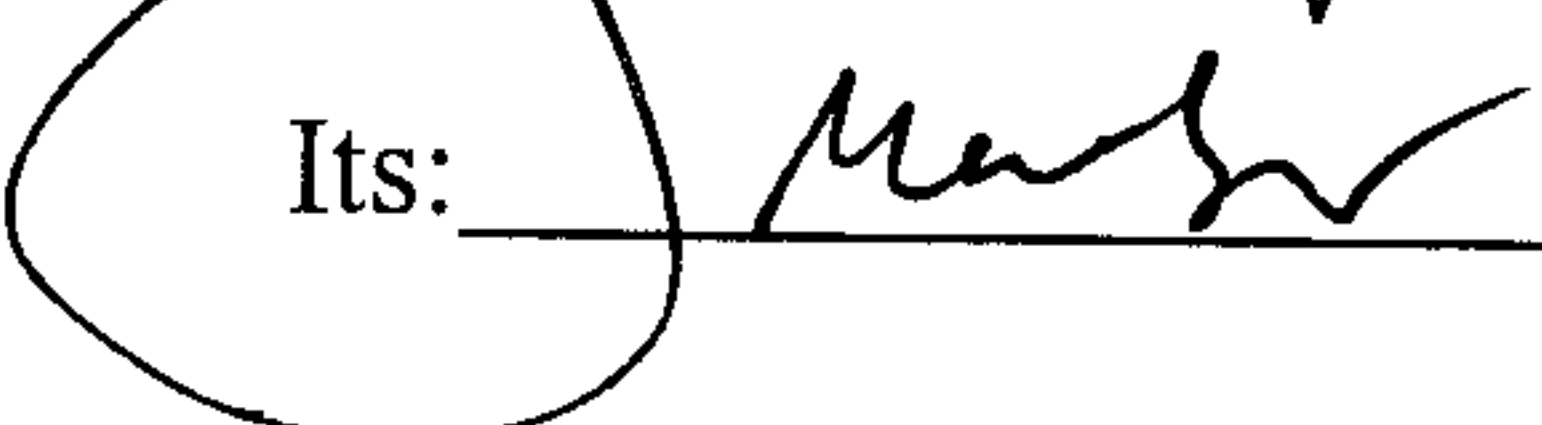
IV. Remainder of Declaration to Remain in Full Force and Effect. Except as hereinabove specifically modified by this Amendment, all of the terms, provisions and conditions of the Declaration shall remain in full force and effect.

[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 25 day of June, 2007.

**DECLARANT:**

**CAHABA BEACH INVESTMENTS, LLC**

By:   
Its: 

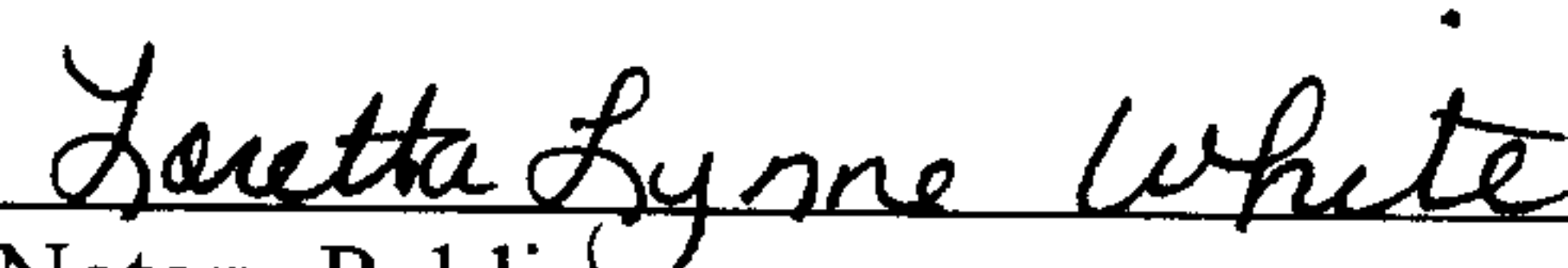
**STATE OF ALABAMA     )**

**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 25 day of June, 2007.

[NOTARIAL SEAL]

  
Notary Public  
My Commission Expires: Apr 13, 2010  
NOTARY PUBLIC STATE OF ALABAMA AT LARGE  
MY COMMISSION EXPIRES: Apr 13, 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 Fourth Amendment to Declaration of Edenton, A Condominium. Nothing contained herein shall be deemed or construed to make the Mortgagee the Declarant under the Declaration, this Amendment or the Condominium.

Acknowledged and agreed this 20 day  
of June, 2007.

COMPASS BANK

By: [Signature]

Its: VICE President

STATE OF ALABAMA )

COUNTY OF SHELBY )

I, SUSAN ANN RIXEY, a Notary Public, in and for said County in said State, hereby certify that BEN CTENOR 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 20 day of June, 2007.


[Signature]  
Notary Public  
My Commission Expires: MARCH 29, 2010

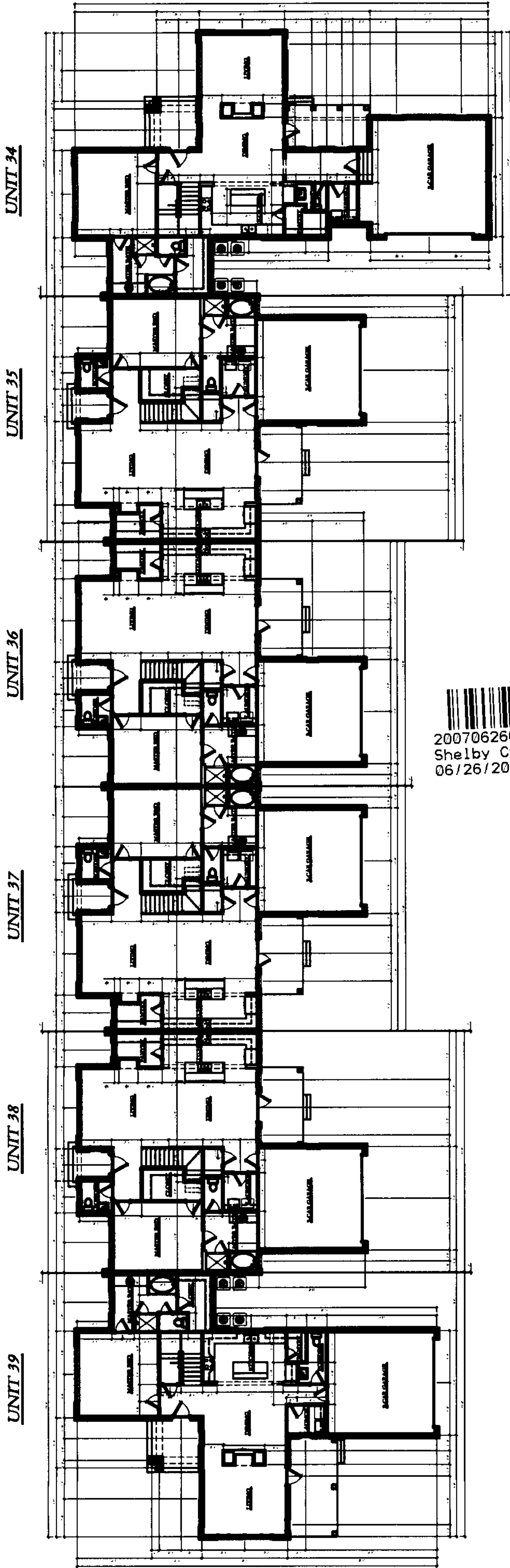
[NOTARIAL SEAL]



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

[ATTACHED]

  
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First Floor  
Scale N.T.S.

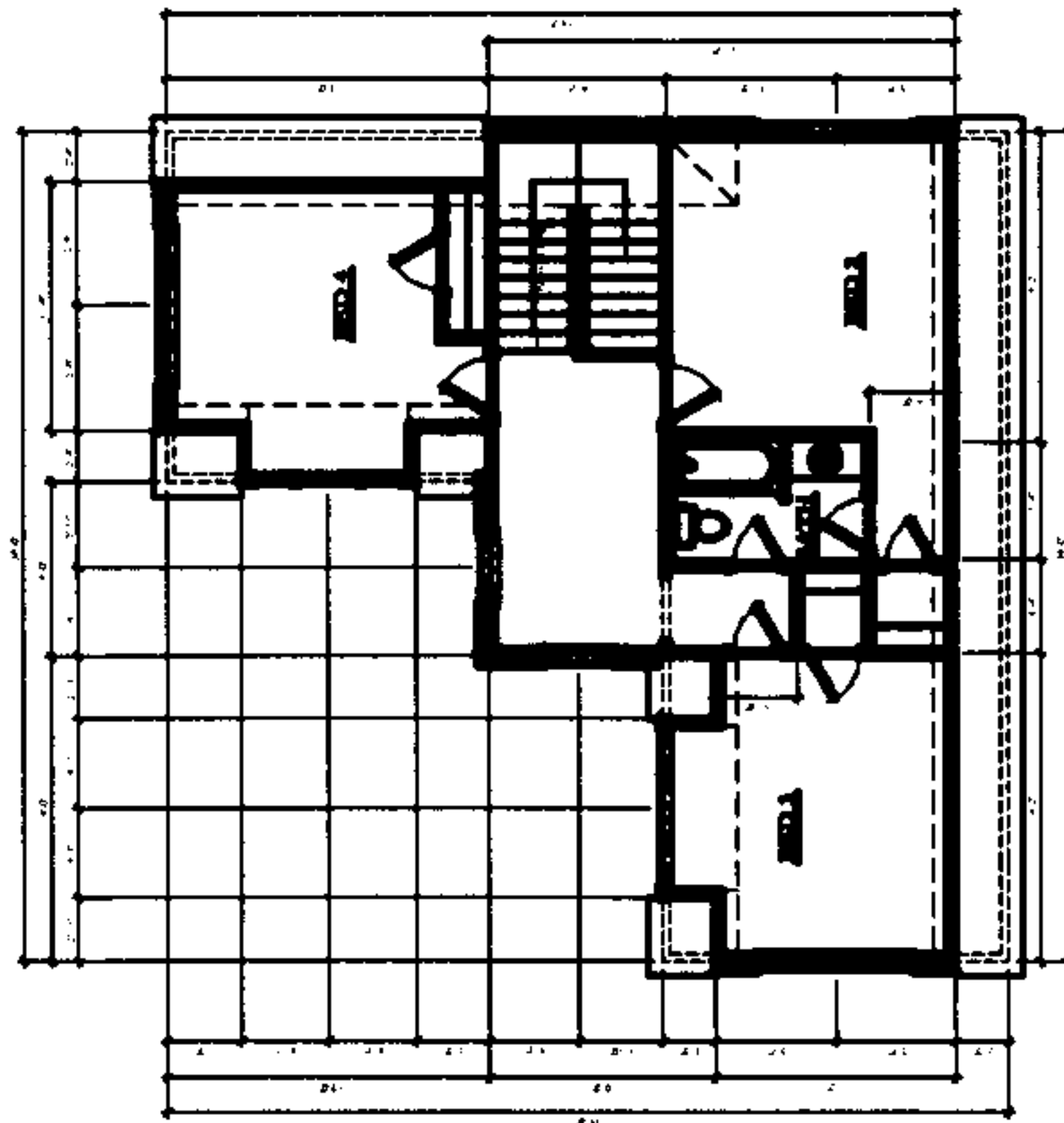
Edenton Residential Condos  
Building 10  
Units 34, 35, 36, 37, 38, 39  
Shelby County, Alabama  
35203

LEGEND  
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LIMITED COMMON ELEMENT

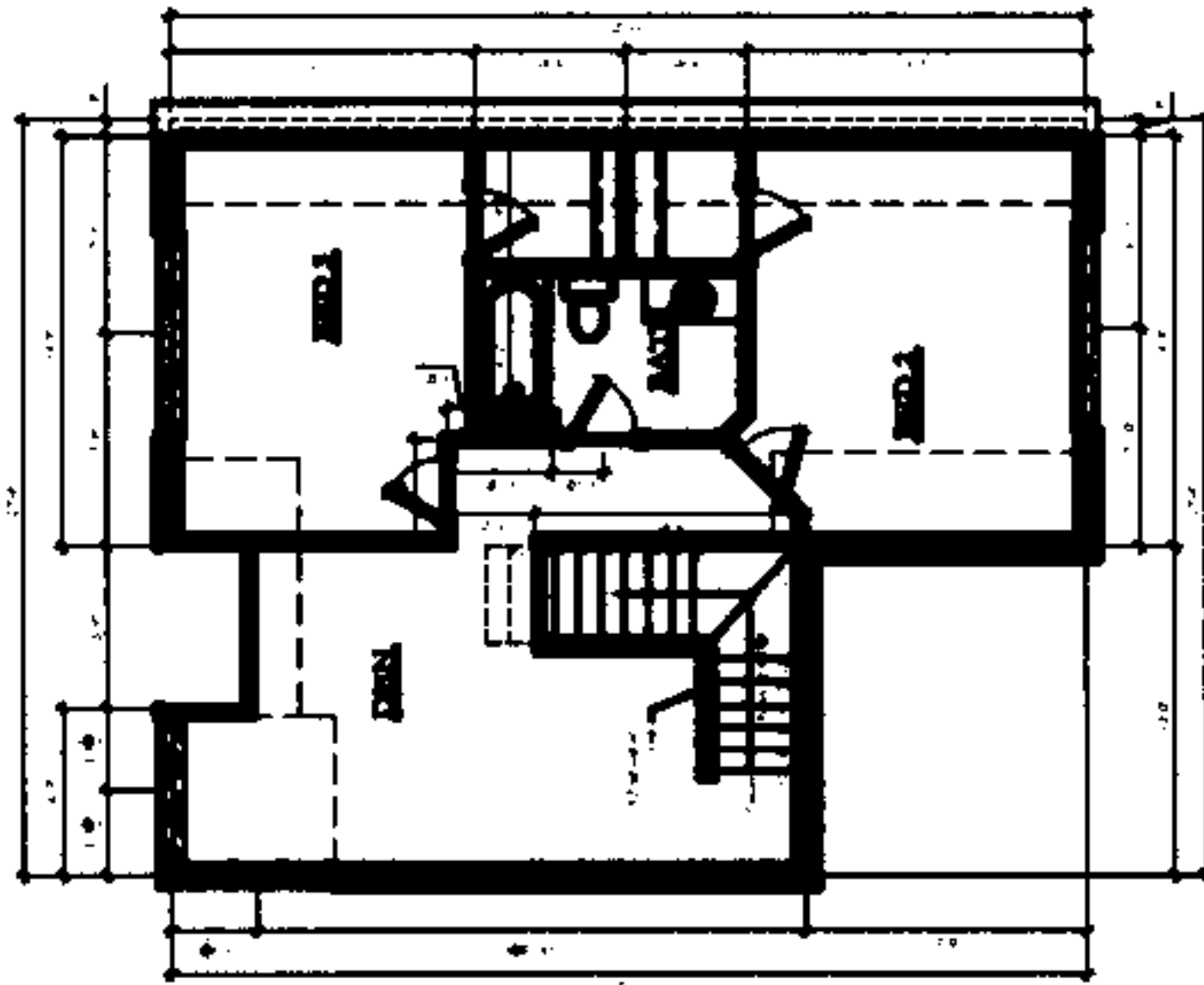
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ARCHITECTS  
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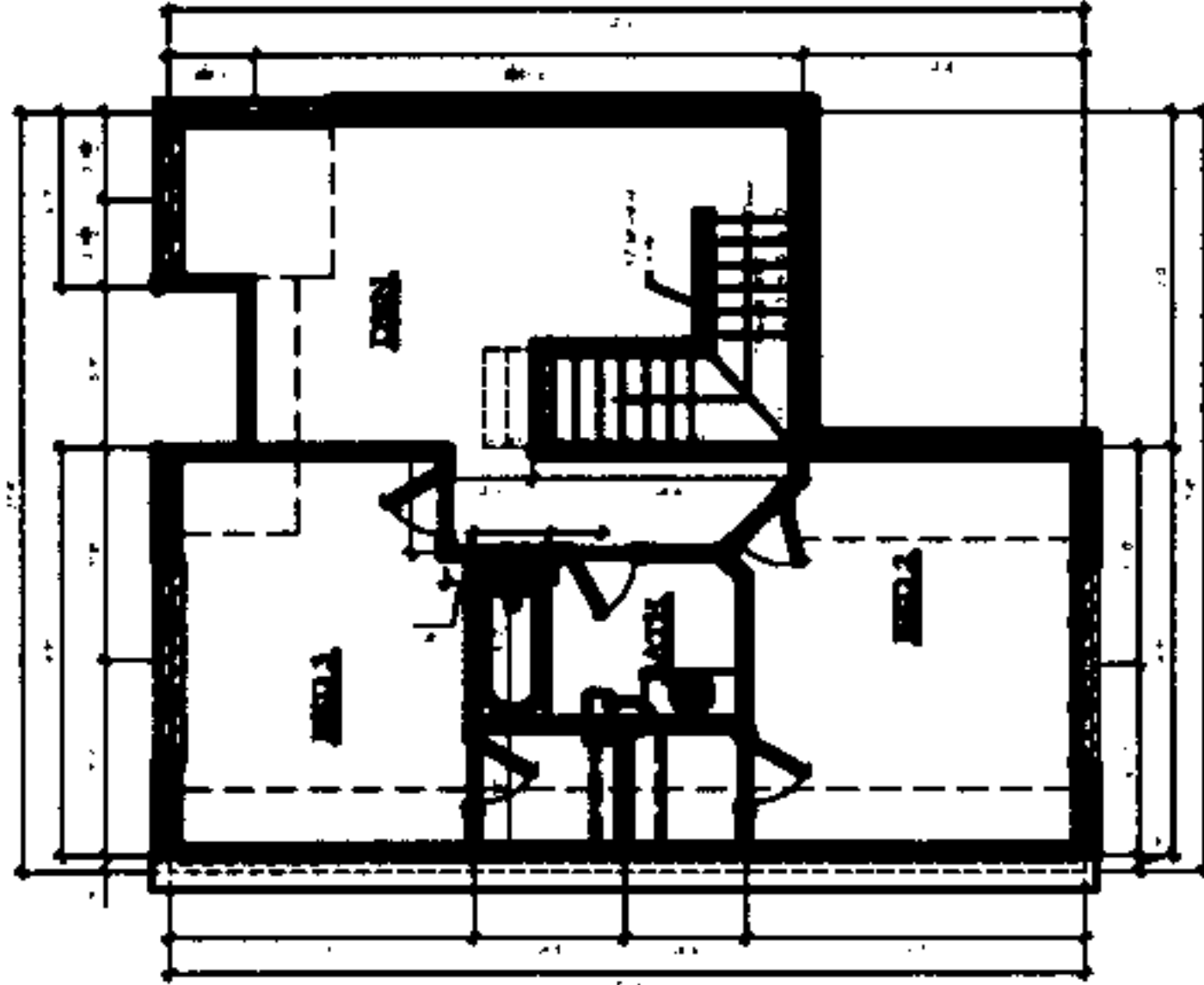
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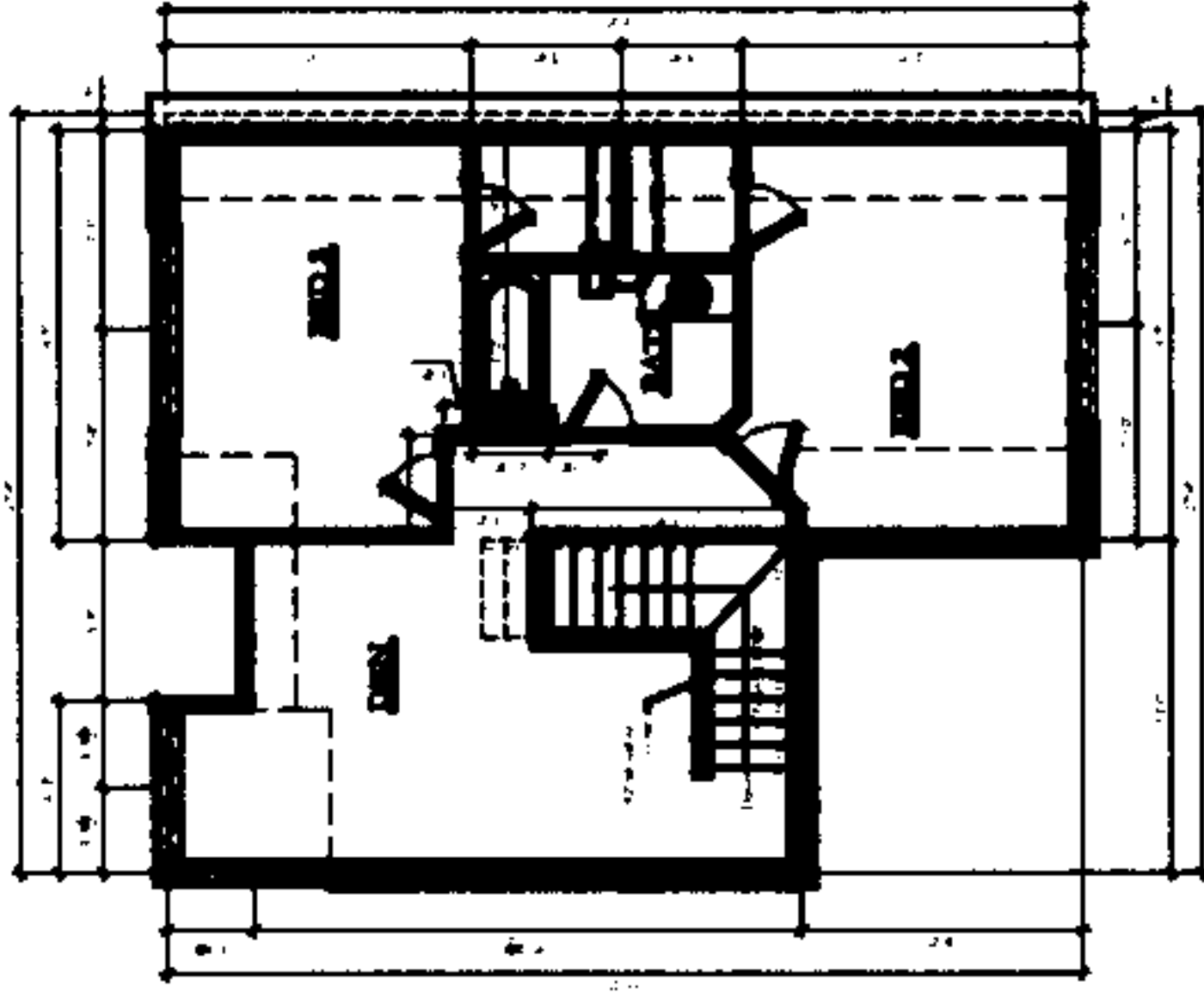
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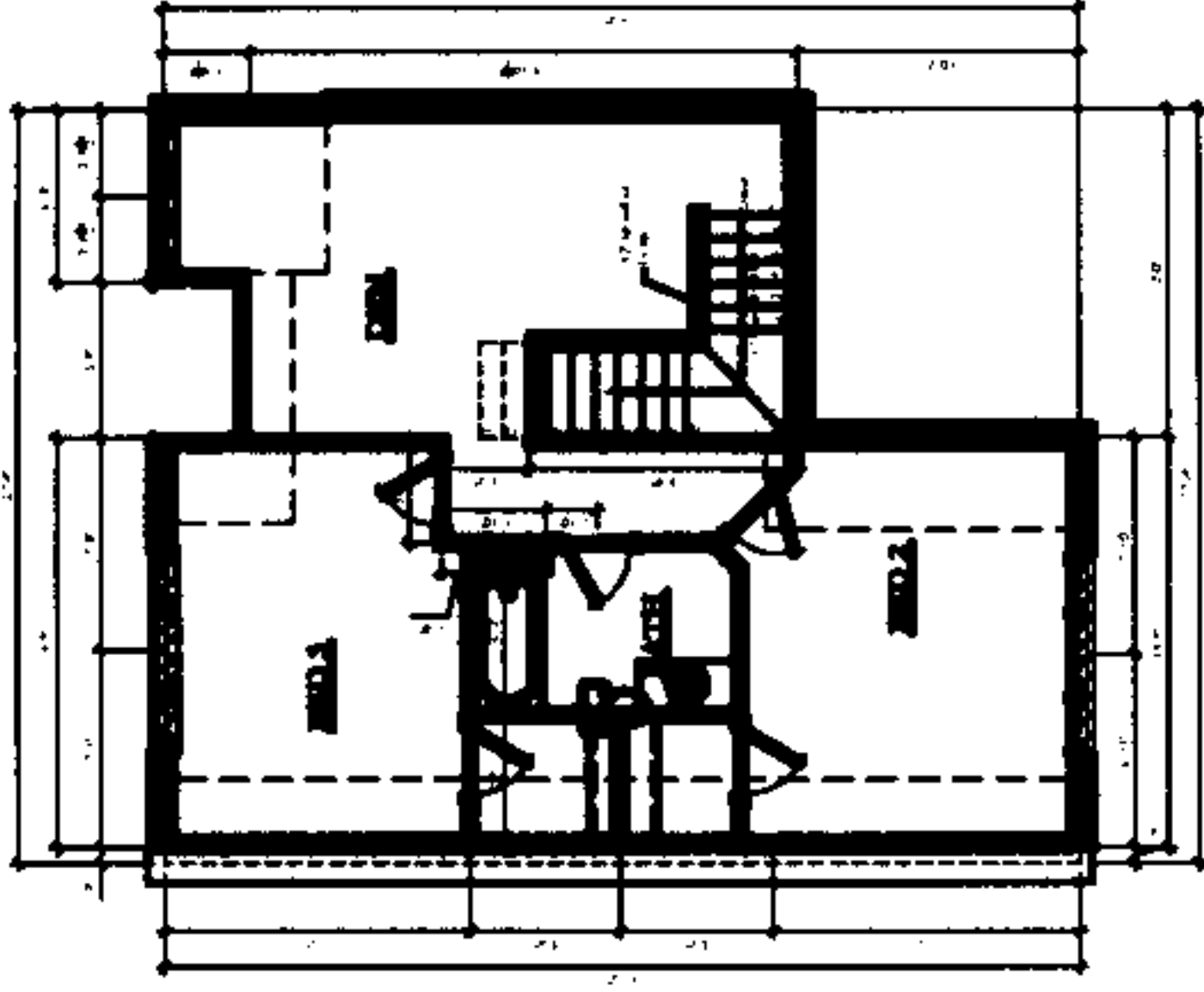
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UNIT 36

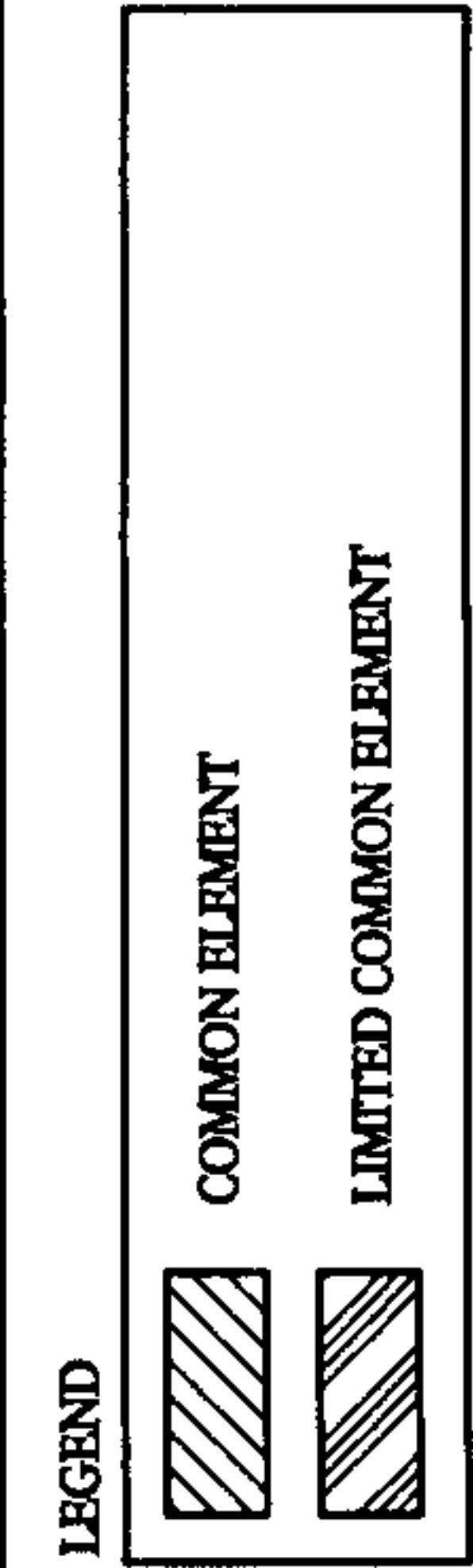


UNIT 35



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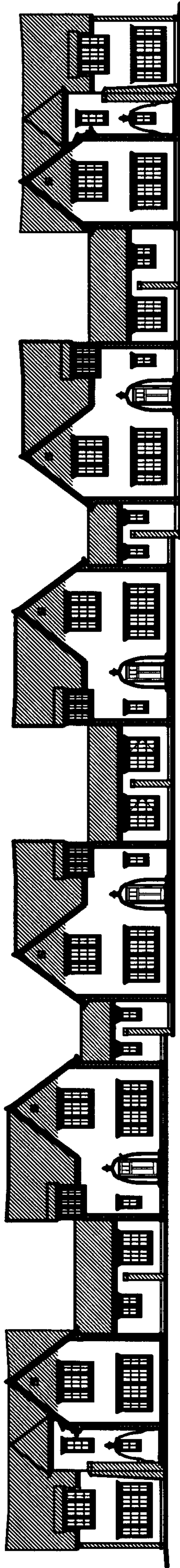
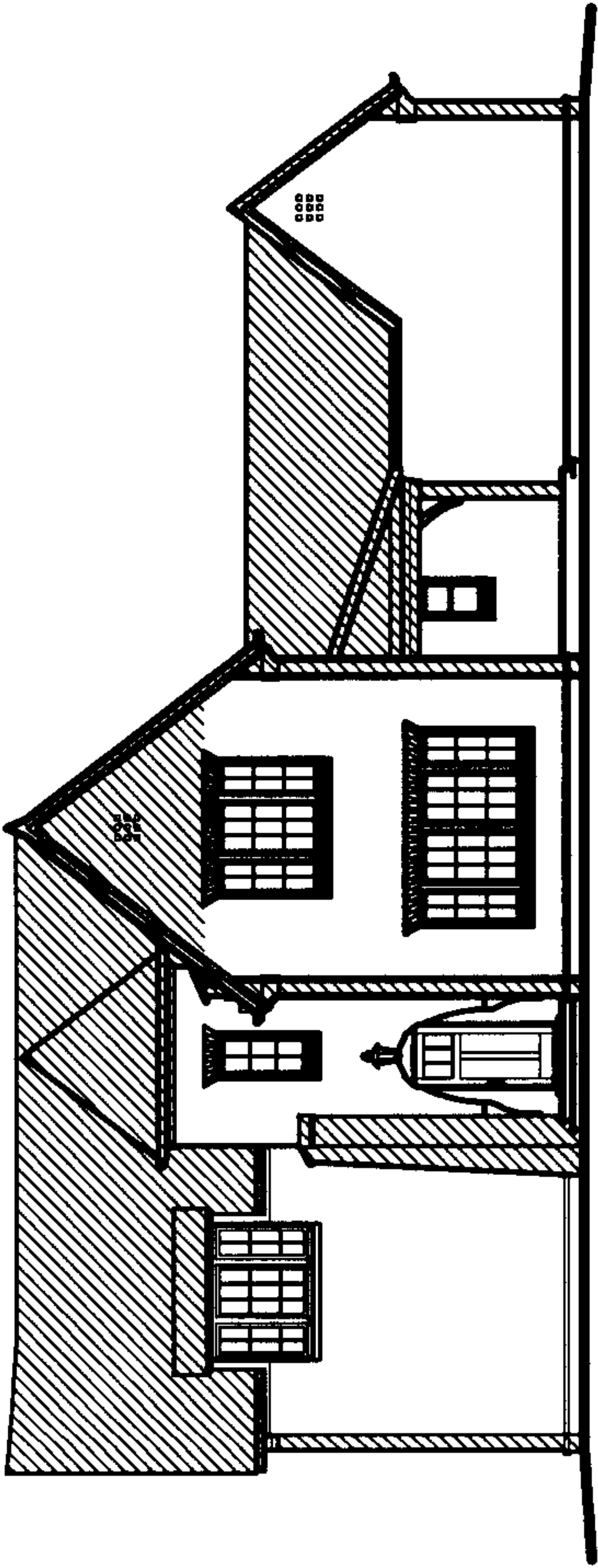
Edenton Residential Condos  
Building 10  
Units 34, 35, 36, 37, 38, 39  
Shelby County, Alabama  
05023



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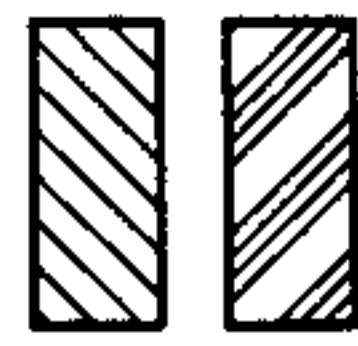
1 Front and Side Elevations

Scale N.T.S.

Edenton Residential Condos  
Building 10

Units 34, 35, 36, 37, 38, 39  
Shelby County, Alabama  
05023

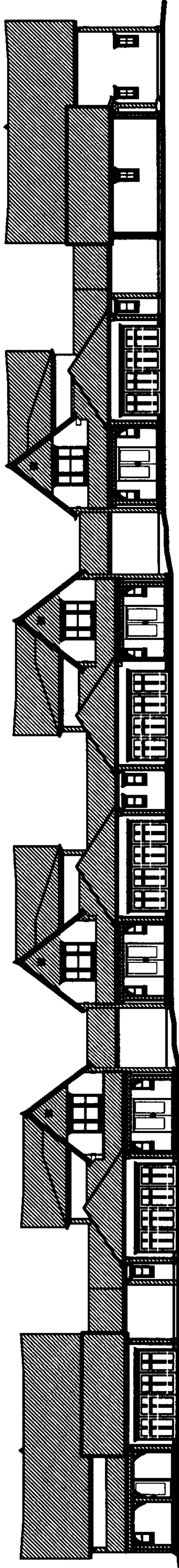
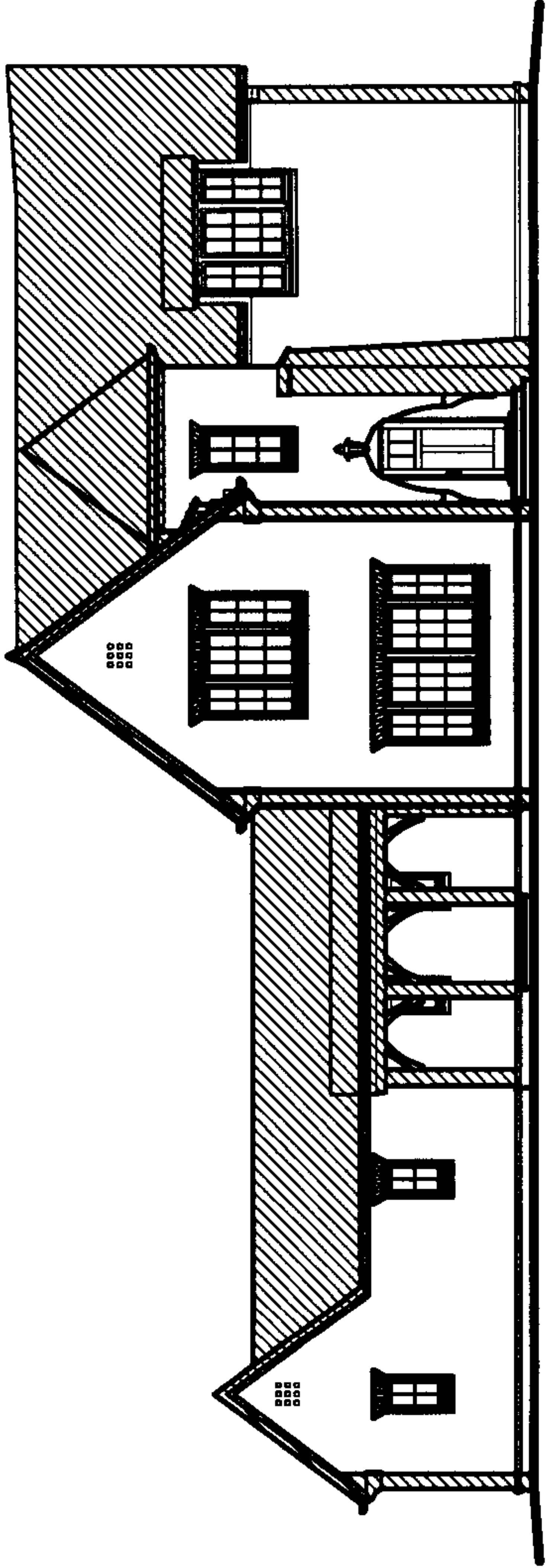
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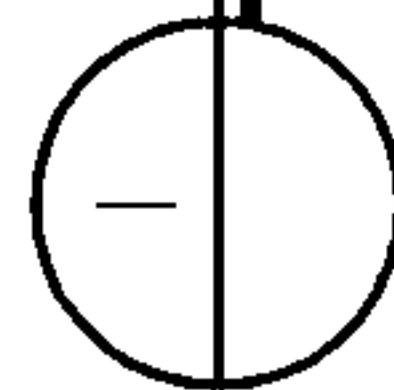
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## Back and Side Elevations



Scale N.T.S.

### Edenton Residential Condos Building 10

Units 34, 35, 36, 37, 38, 39

Shelby County, Alabama  
05023

#### LEGEND



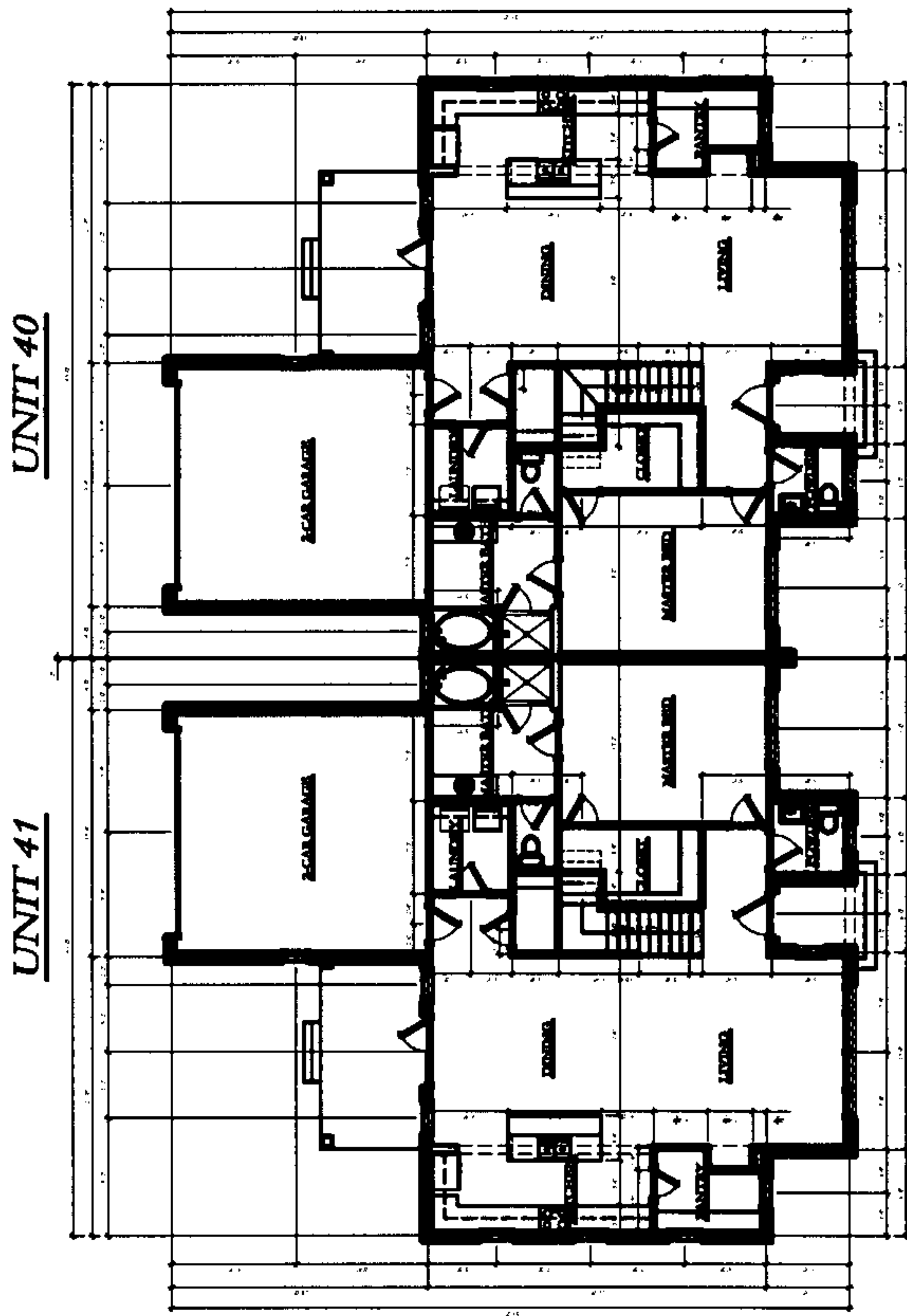
COMMON ELEMENT



LIMITED COMMON ELEMENT

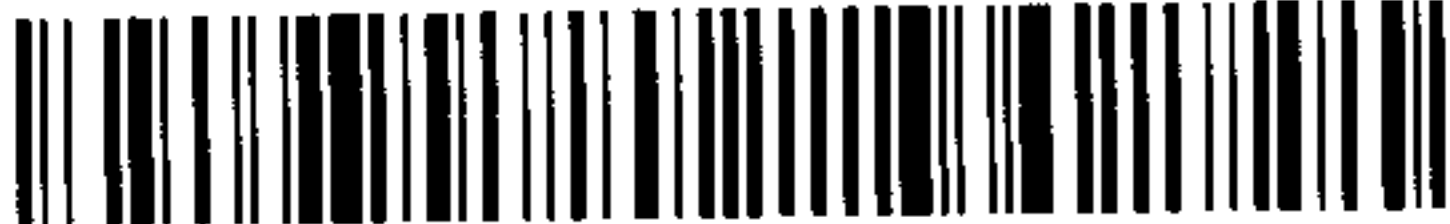
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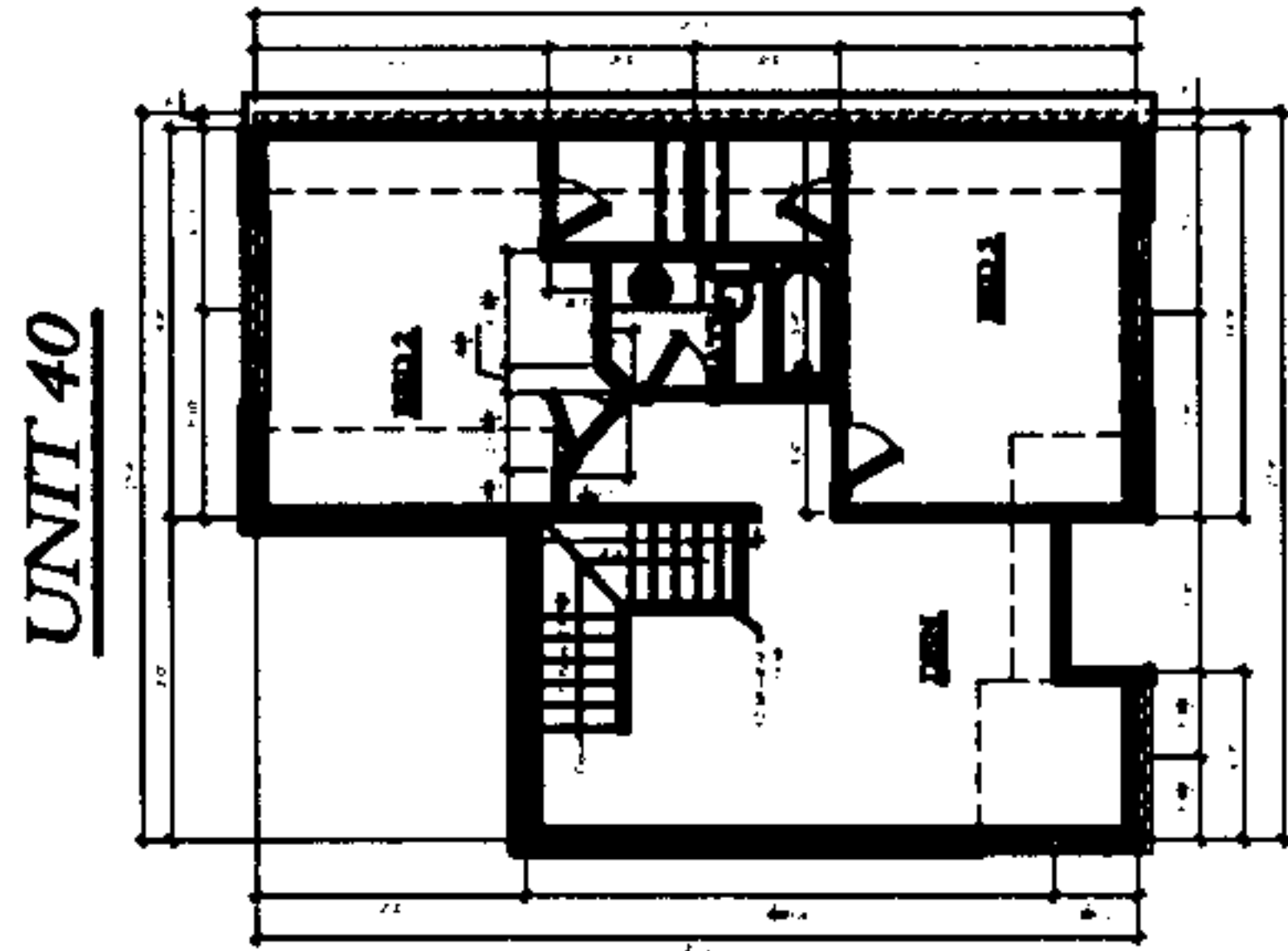
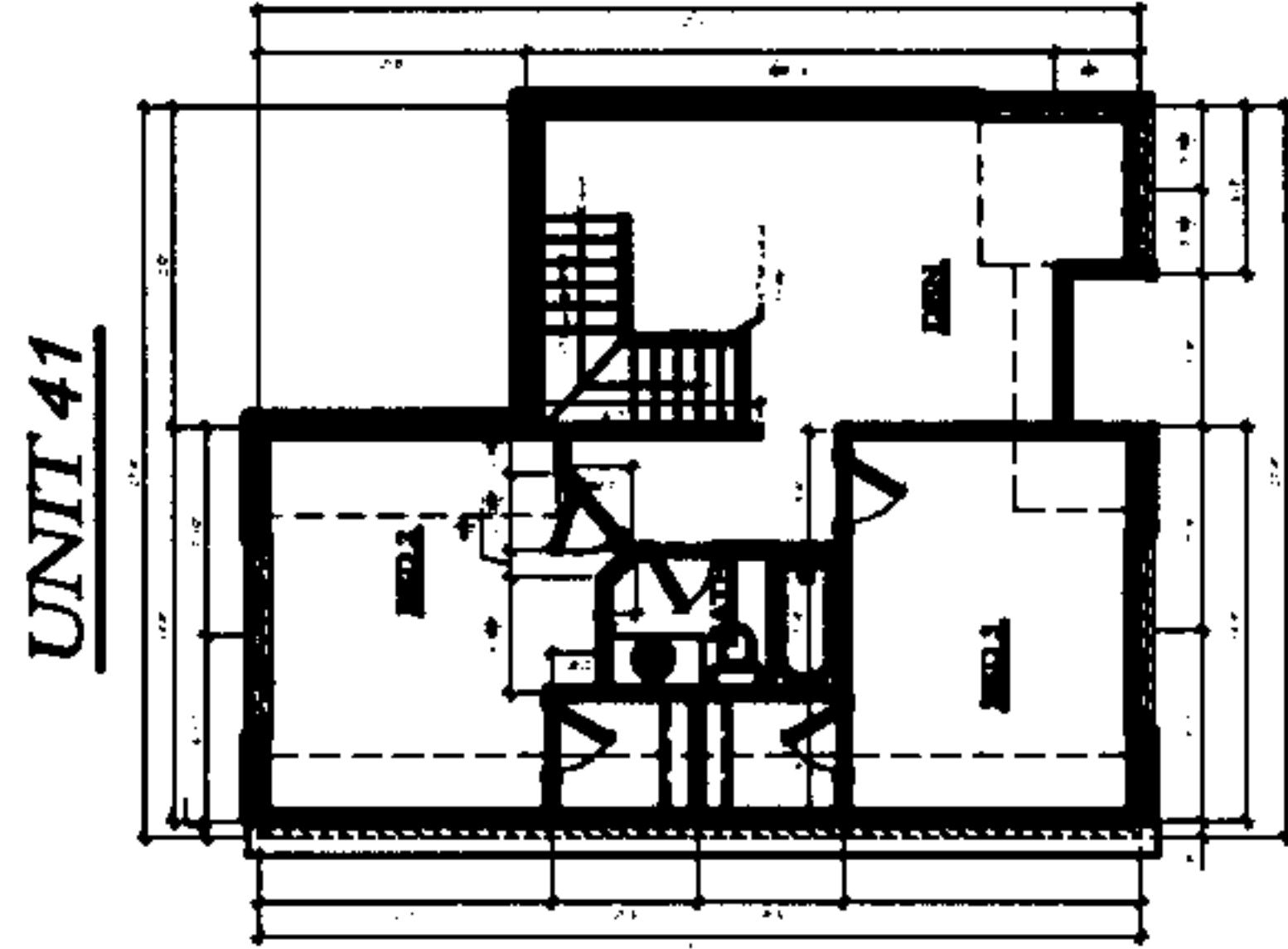


1 First Floor

Scale: N.T.S.



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2 Second Floor

Scale: N.T.S.

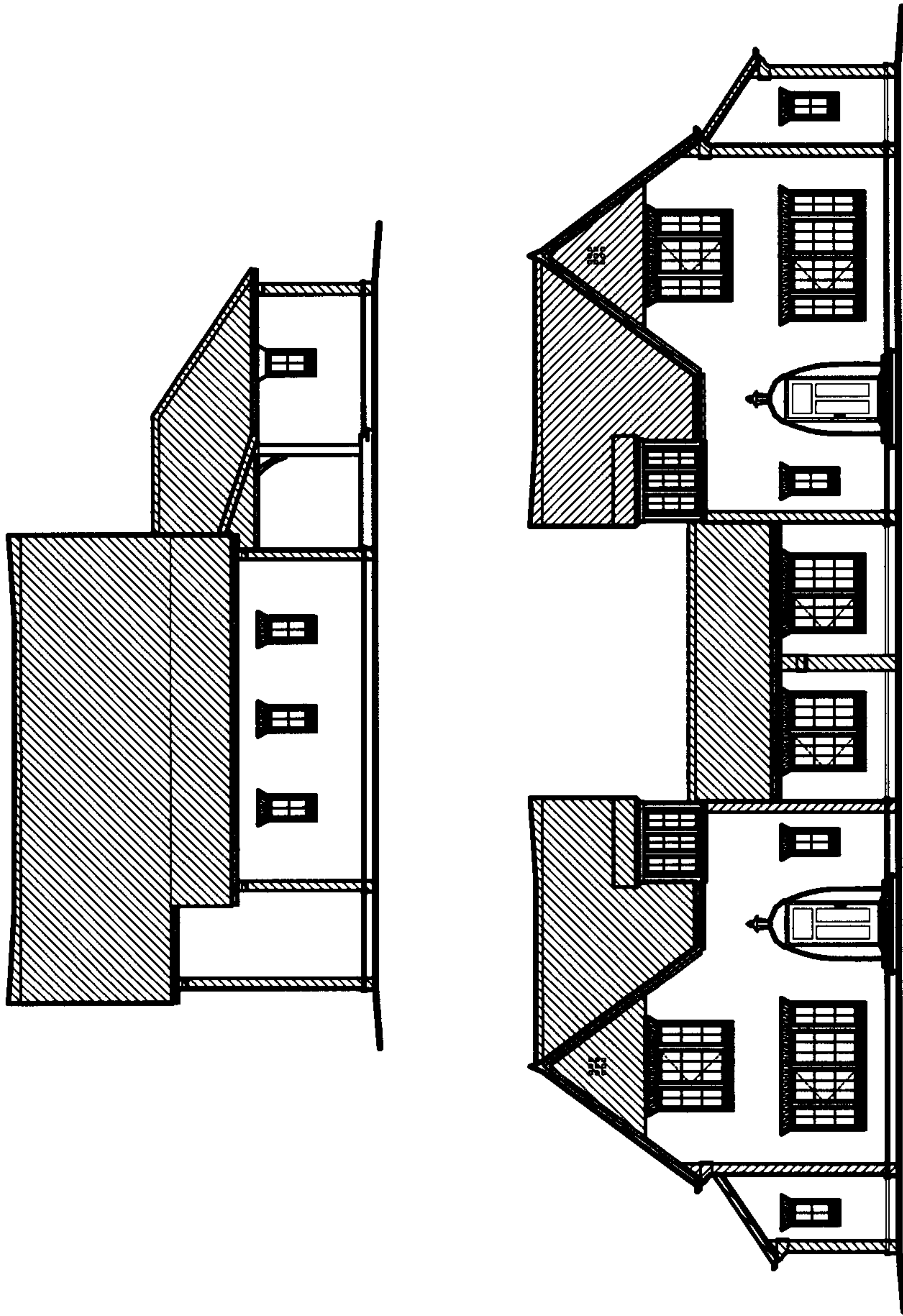
# Edenton Residential Condos Building 11

Units 40, 41  
Shelby County, Alabama  
05023

LEGEND	
	COMMON ELEMENT
	LIMITED COMMON ELEMENT

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# 1 Front and Side Elevations

Scale N.T.S.

Edenton Residential Condos  
Building 11

Units 40, 41  
Shelby County, Alabama  
05023

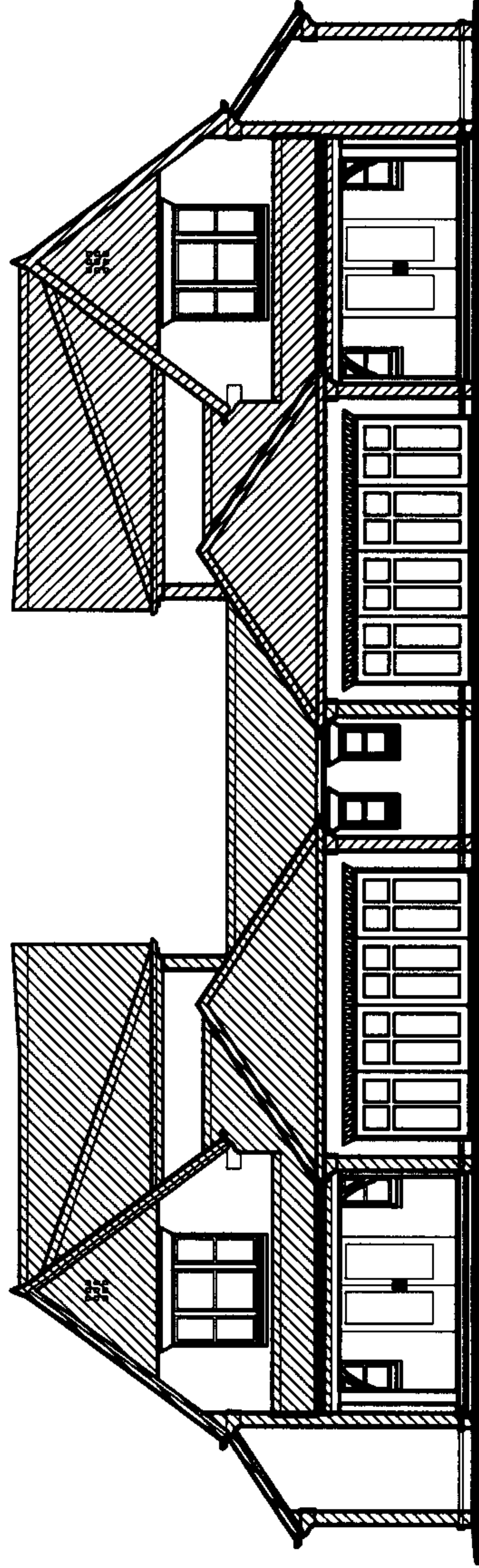
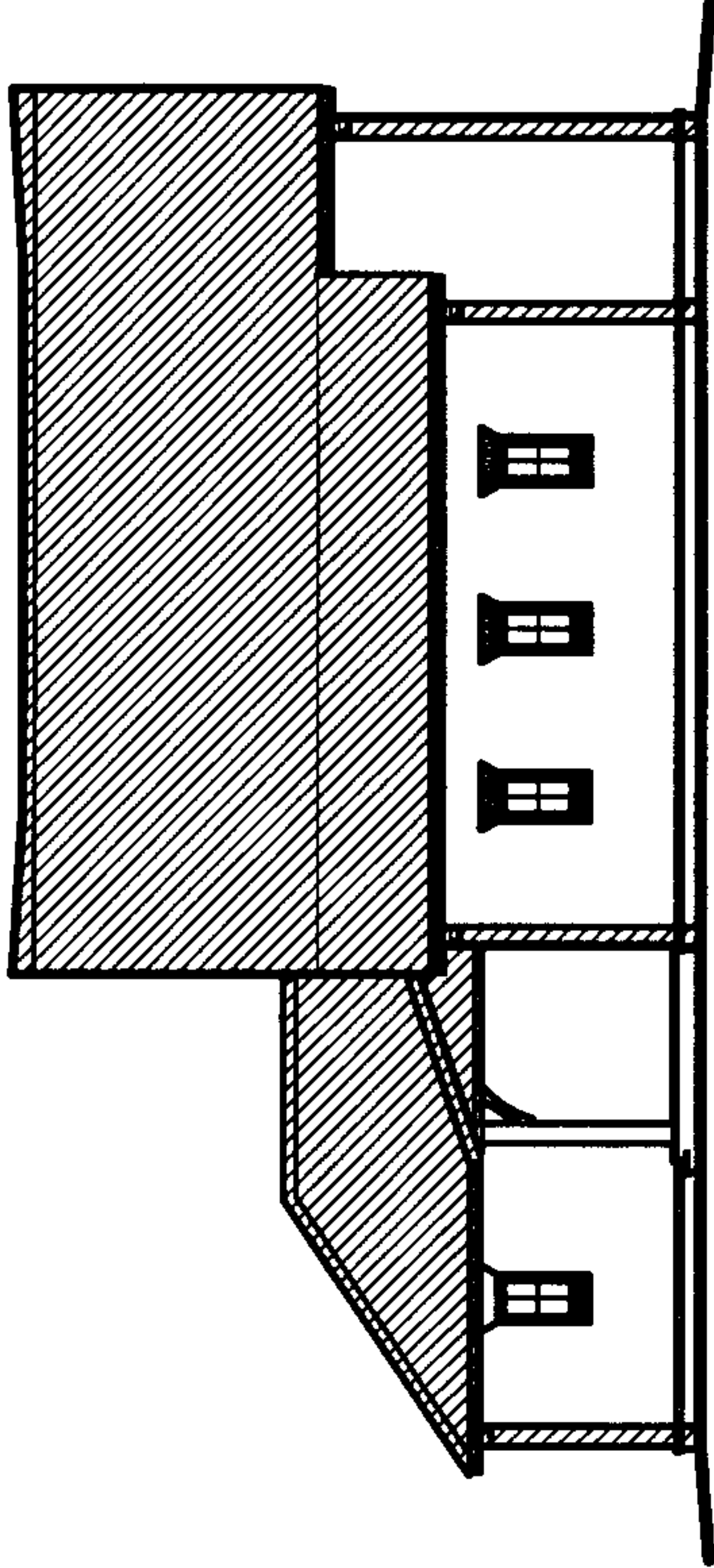
## LEGEND



COMMON ELEMENT

LIMITED COMMON ELEMENT

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# Back and Side Elevations

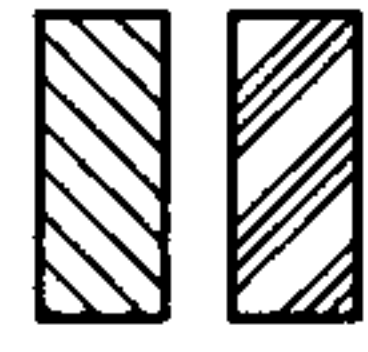
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## Edenton Residential Condos Building 11

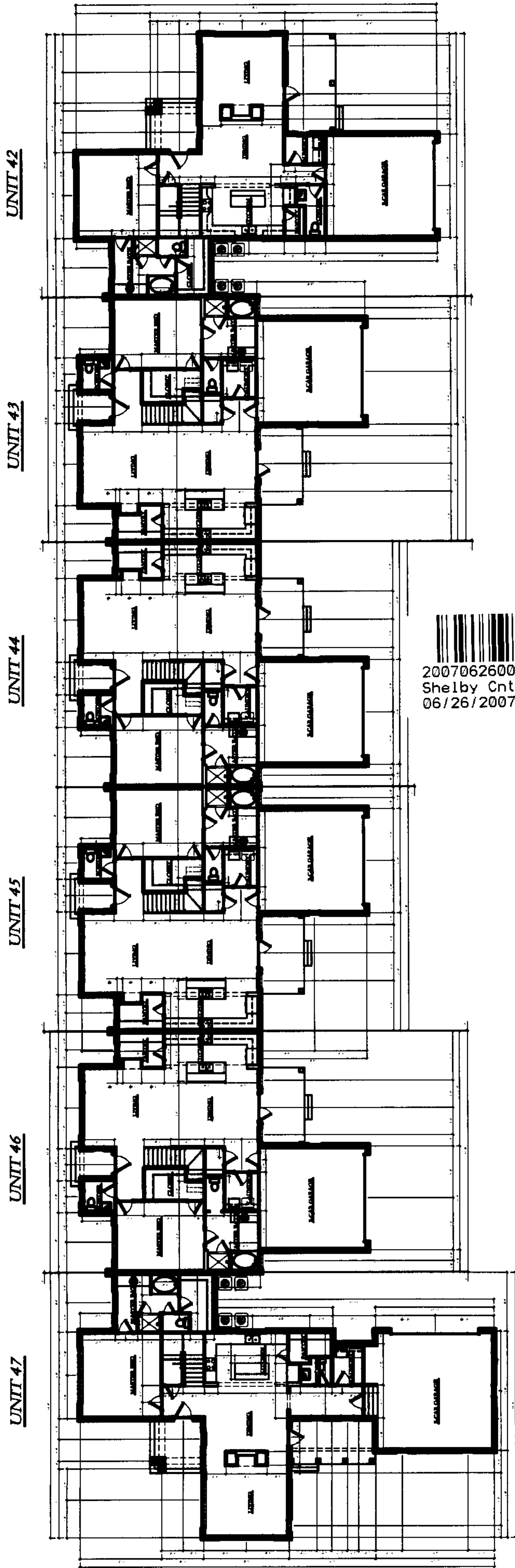
Units 40, 41  
Shelby County, Alabama  
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### LEGEND



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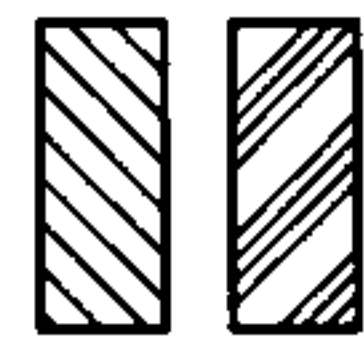
First Floor

Scale N.T.S.

## Edenton Residential Condos Building 12

Units 42, 43, 44, 45, 46, 47  
Shelby County, Alabama  
05023

### LEGEND



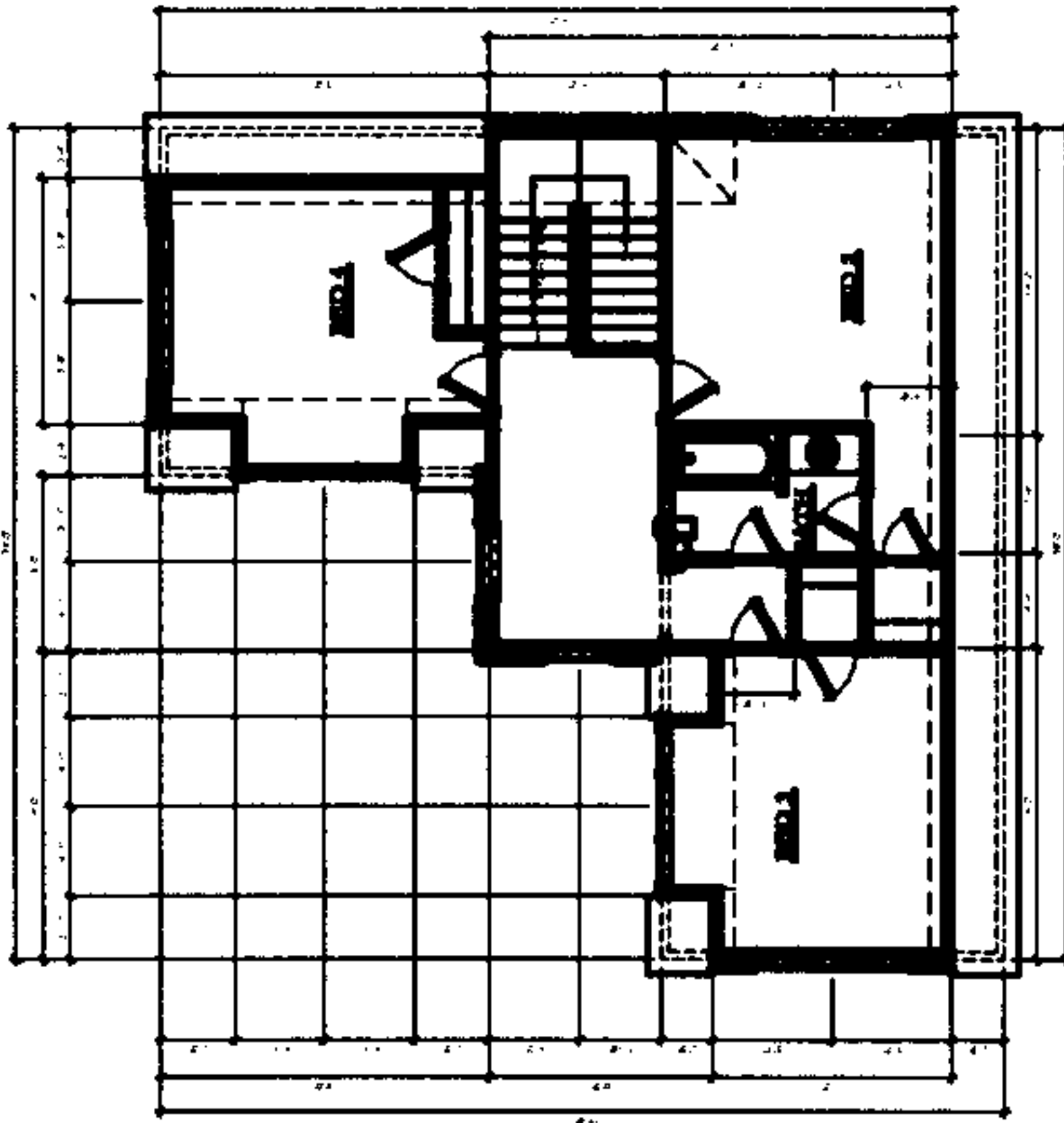
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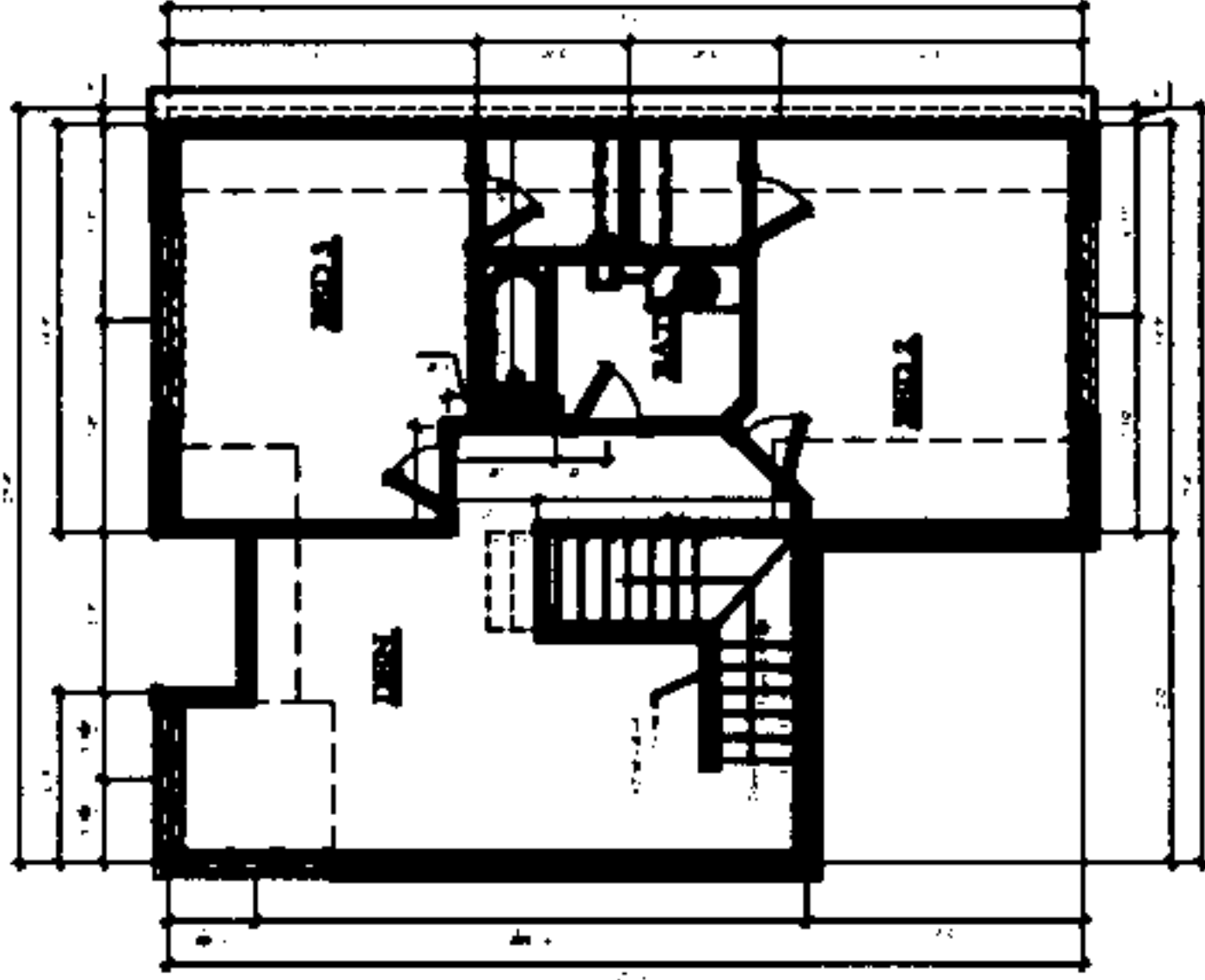


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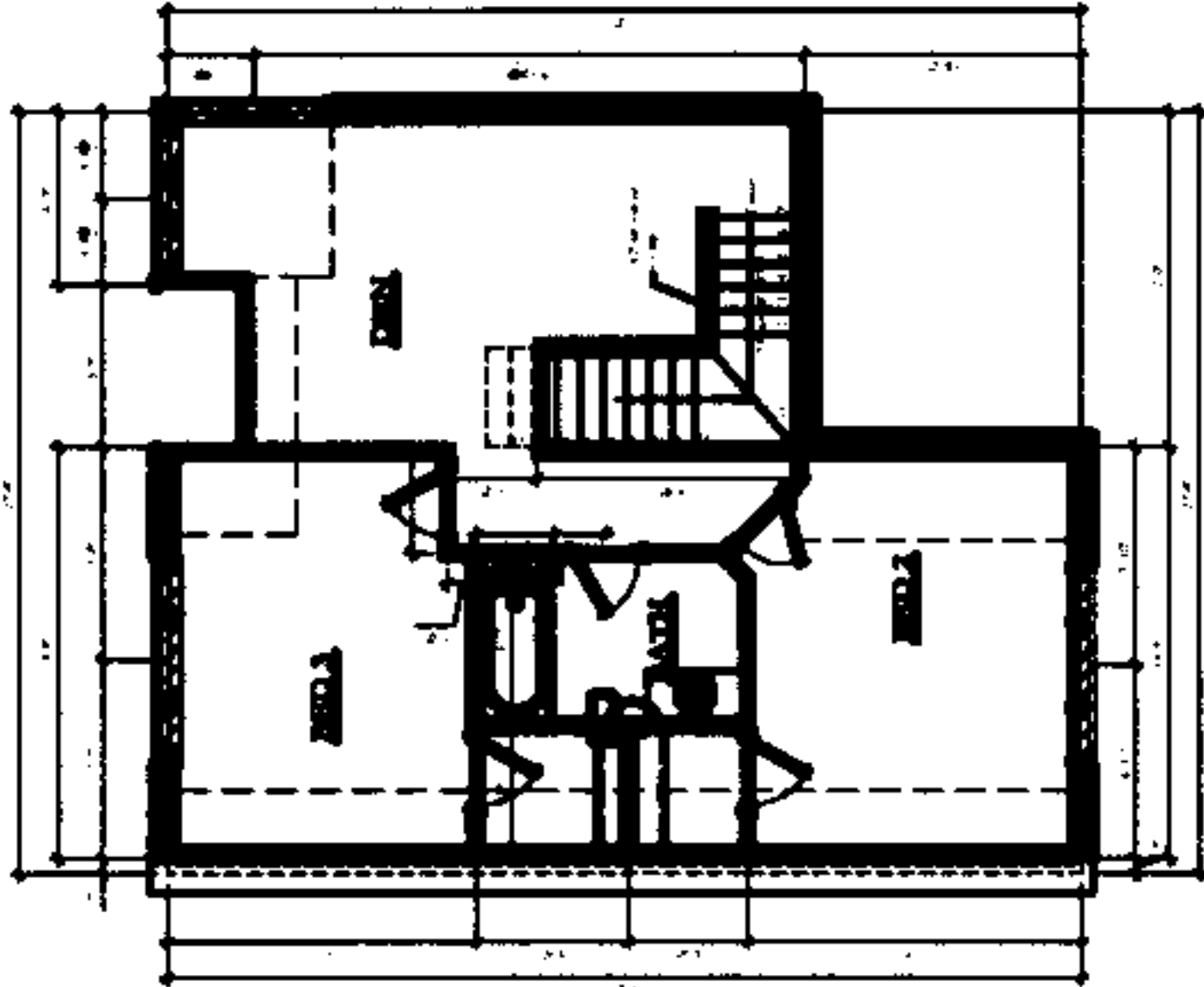
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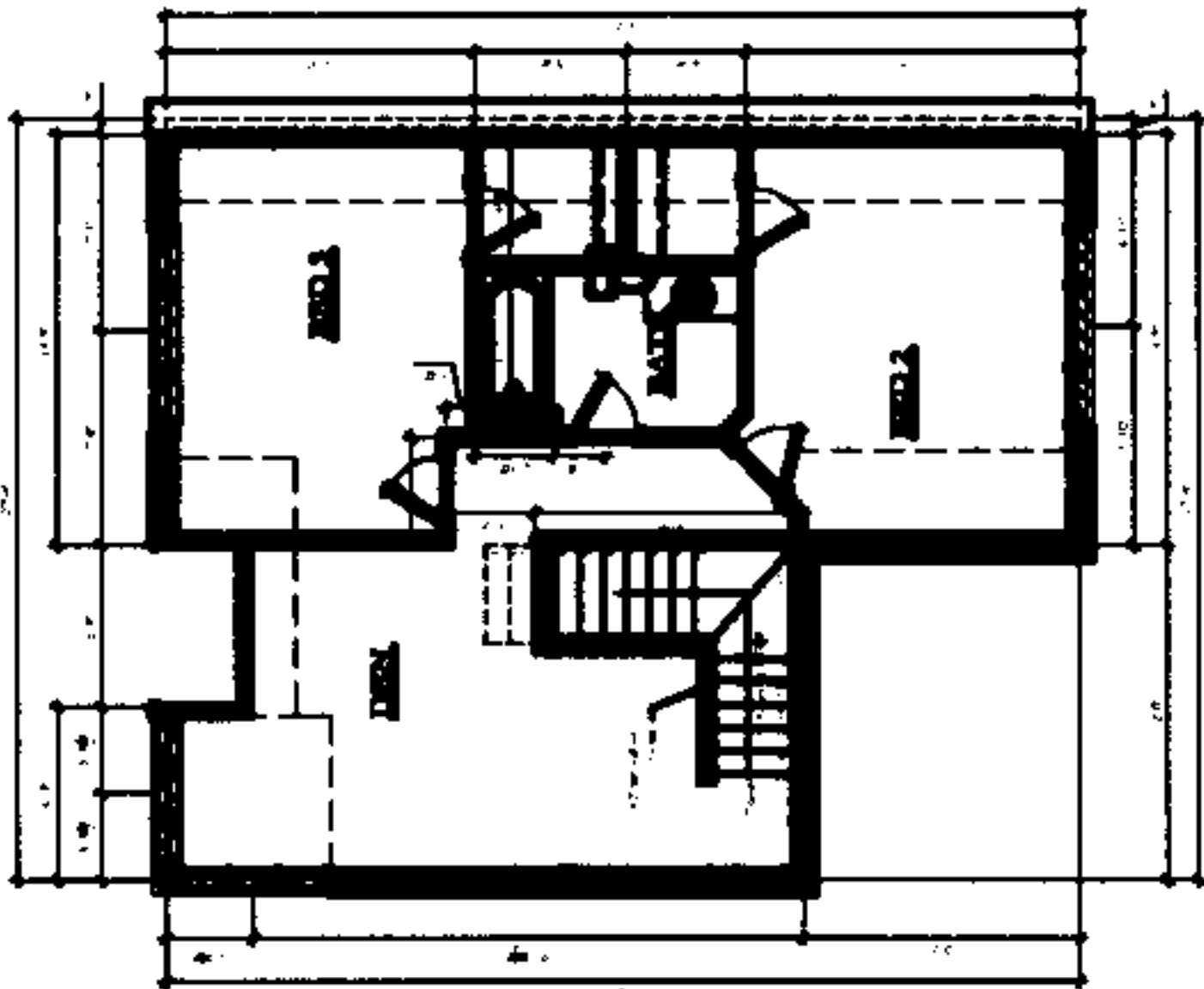
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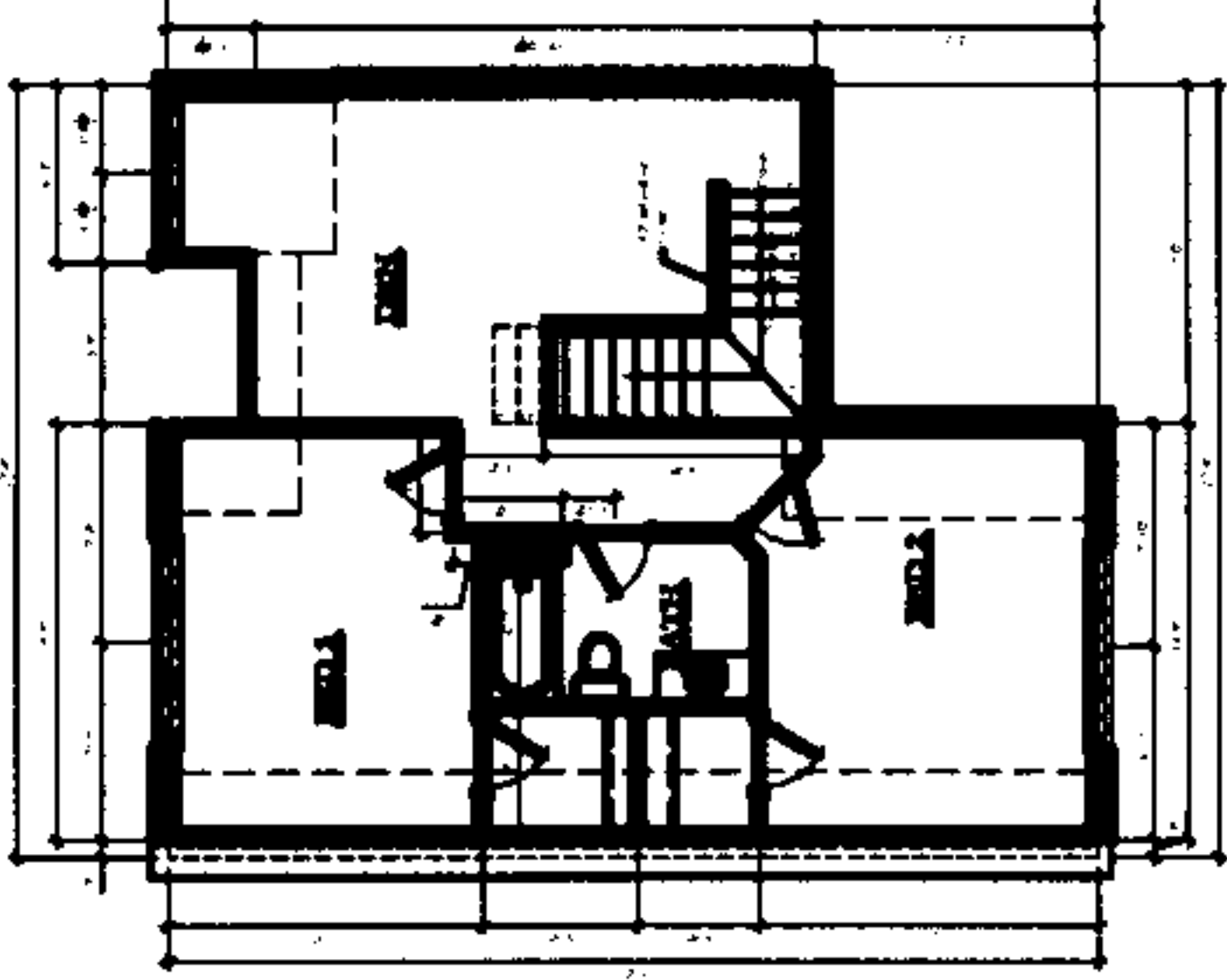
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UNIT 44



UNIT 43



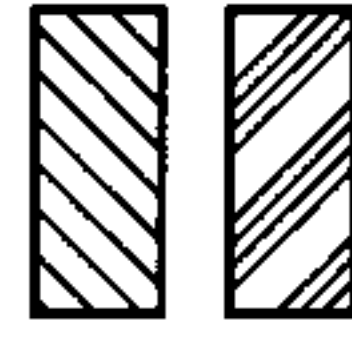
2 Second Floor

Scale N.T.S.

Edenton Residential Condos  
Building 12

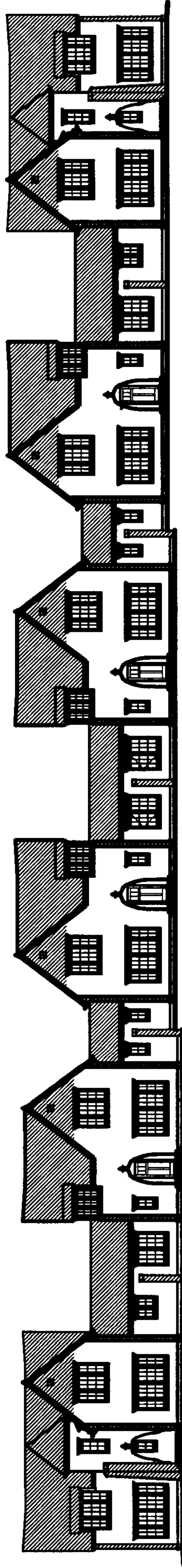
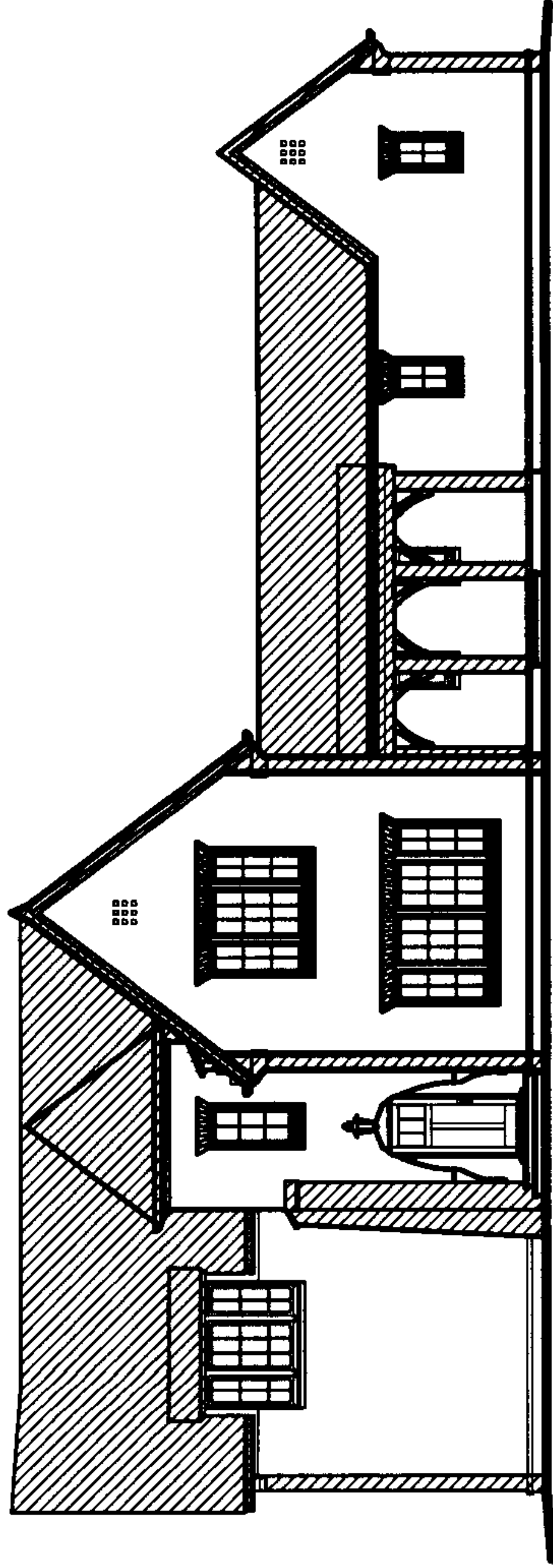
Units 42, 43, 44, 45, 46, 47  
Shelby County, Alabama  
05025

LEGEND



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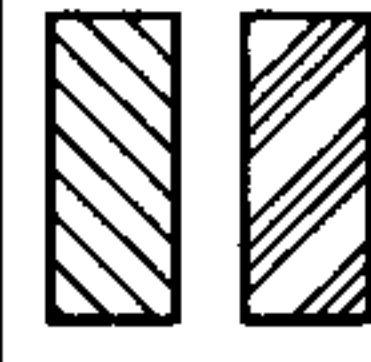
1 Front and Side Elevations

Scale N.T.S.

## Edenton Residential Condos Building 12

Units 42, 43, 44, 45, 46, 47  
Shelby County, Alabama  
05023

### LEGEND

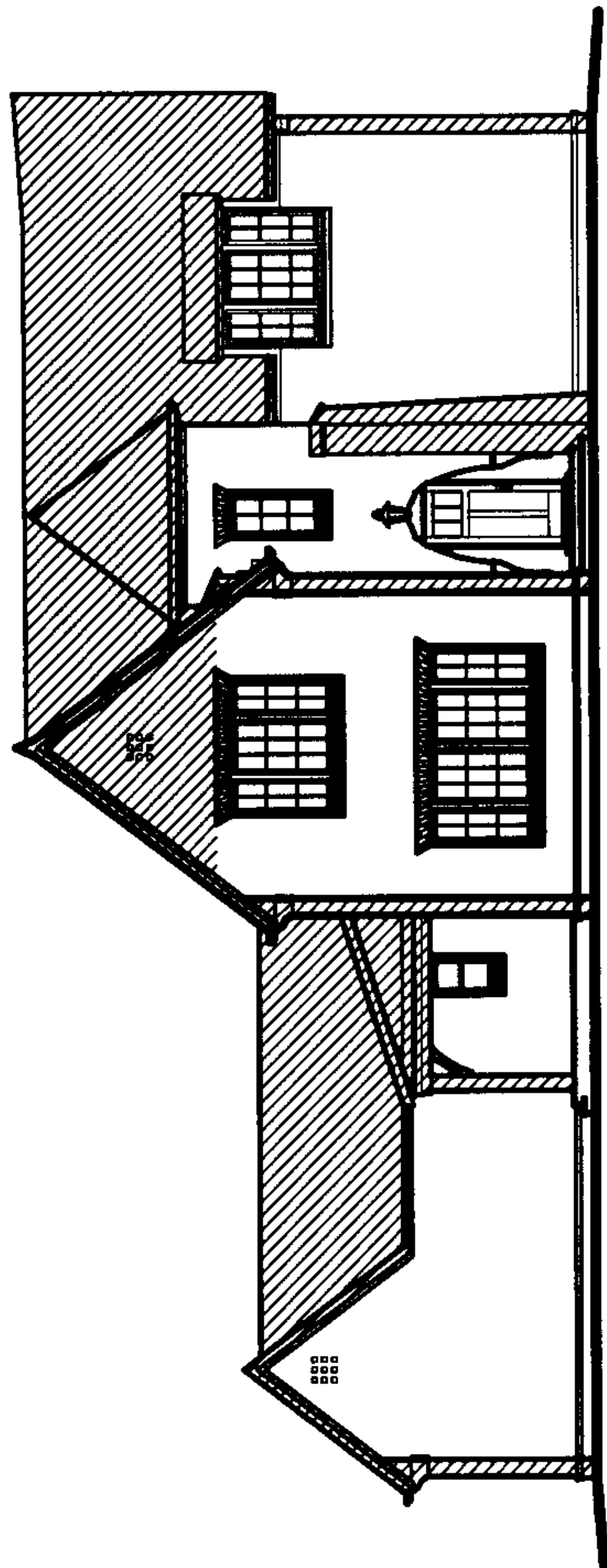


COMMON ELEMENT

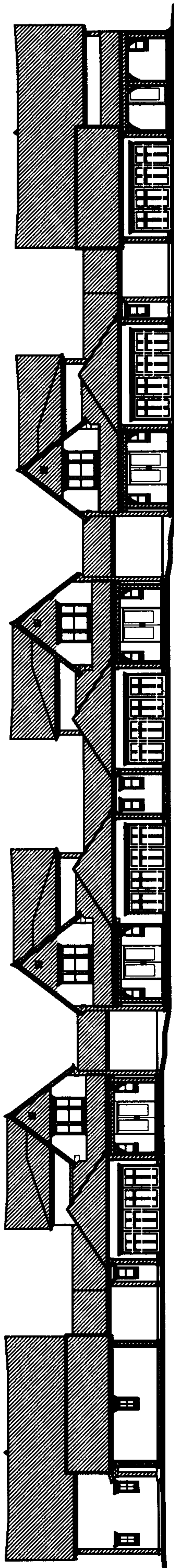
LIMITED COMMON ELEMENT

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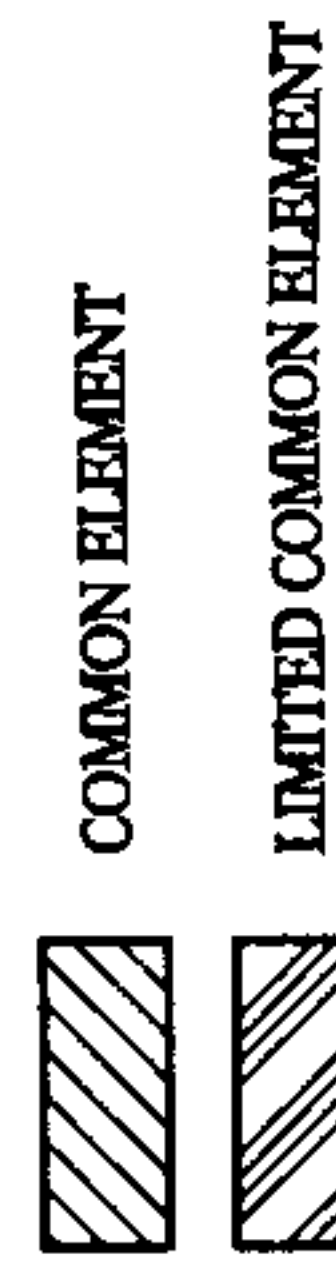
# Back and Side Elevations

Scale: N.T.S.

## Edenton Residential Condos Building 12

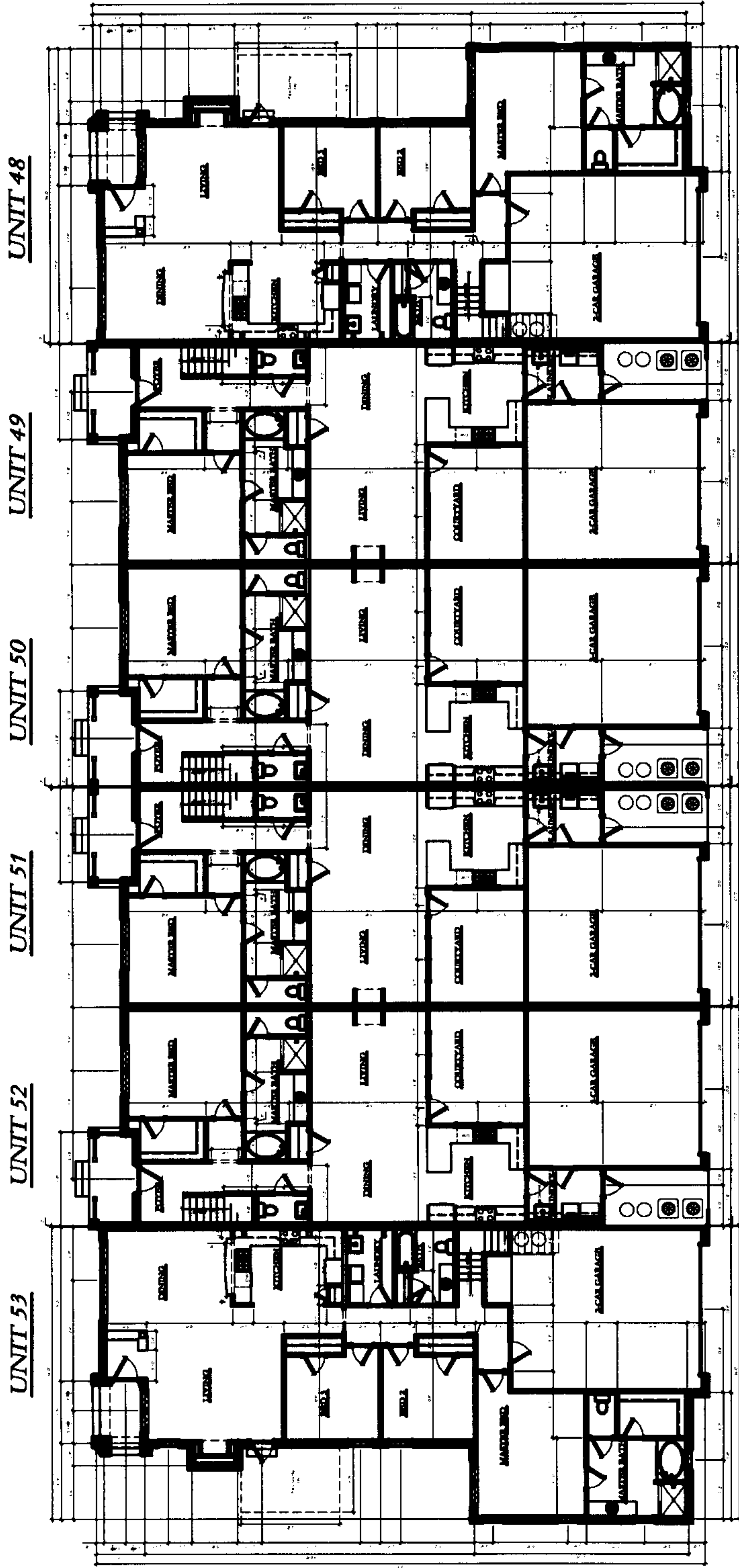
Units 42, 43, 44, 45, 46, 47  
Shelby County, Alabama  
05023

### LEGEND



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1 First Floor

Scale: N.T.S.

20070626000297920 18/22 \$74.00  
Shelby Cnty Judge of Probate, AL  
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## Edenton Residential Condos Building 13

Units 48, 49, 50, 51, 52, 53  
Shelby County, Alabama  
05023

### LEGEND

COMMON ELEMENT

LIMITED COMMON ELEMENT

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UNIT 48

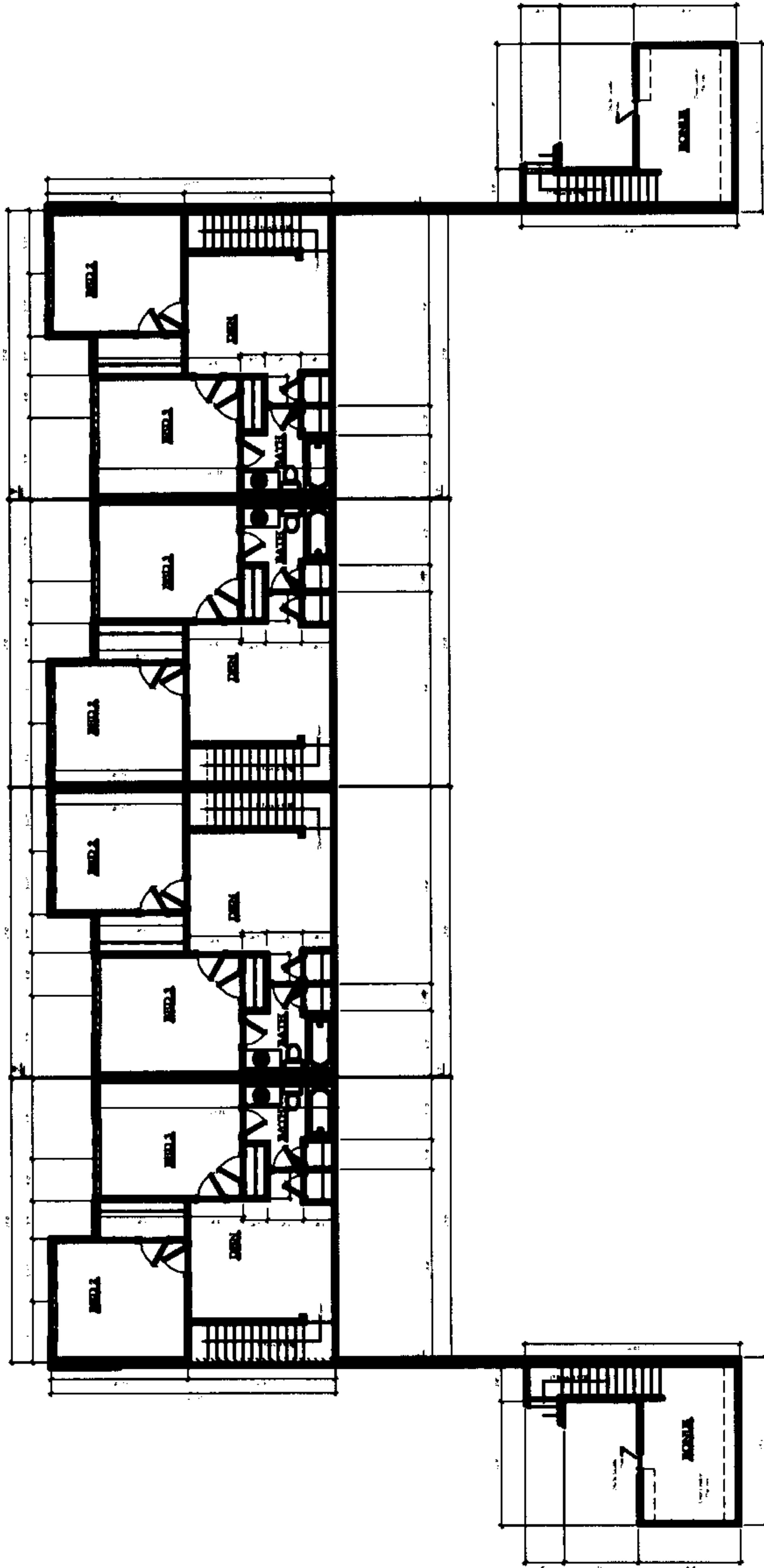
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UNIT 50

UNIT 51

UNIT 52

UNIT 53



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Shelby Cnty Judge of Probate, AL  
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2 Second Floor

Scale N.T.S.

Edenton Residential Condos  
Building 13

Units 48, 49, 50, 51, 52, 53

Shelby County, Alabama

05023

LEGEND



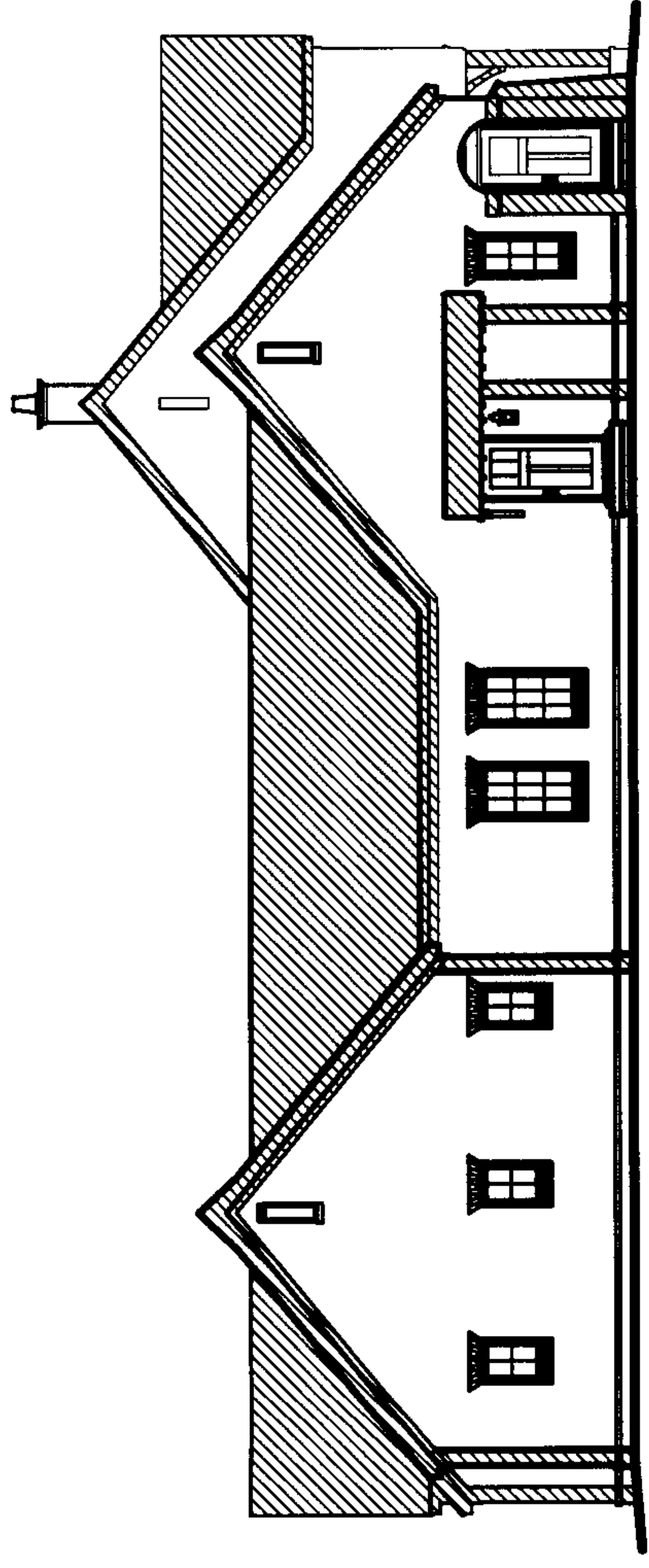
COMMON ELEMENT



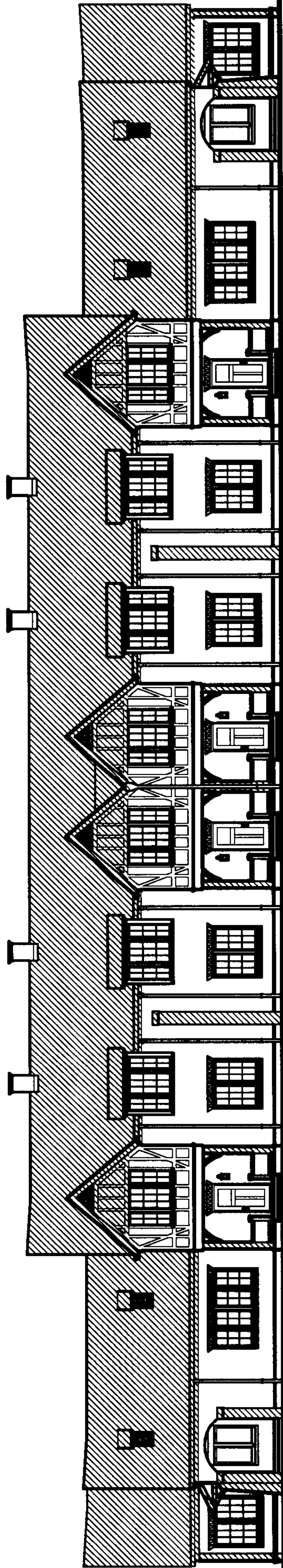
LIMITED COMMON ELEMENT

DUNGAN  
NEQUETTE  
ARCHITECTS  
2829 Second Avenue South  
Suite 240  
Birmingham Alabama 35233  
t 205.332.6455  
f 205.332.6167  
dungan-nequette.com

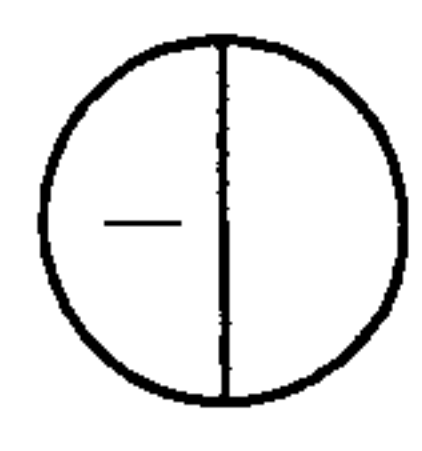




20070626000297920 20/22 \$74.00  
Shelby Cnty Judge of Probate, AL  
06/26/2007 08:15:22AM FILED/CERT



Front and Side Elevations



Scale N.T.S.

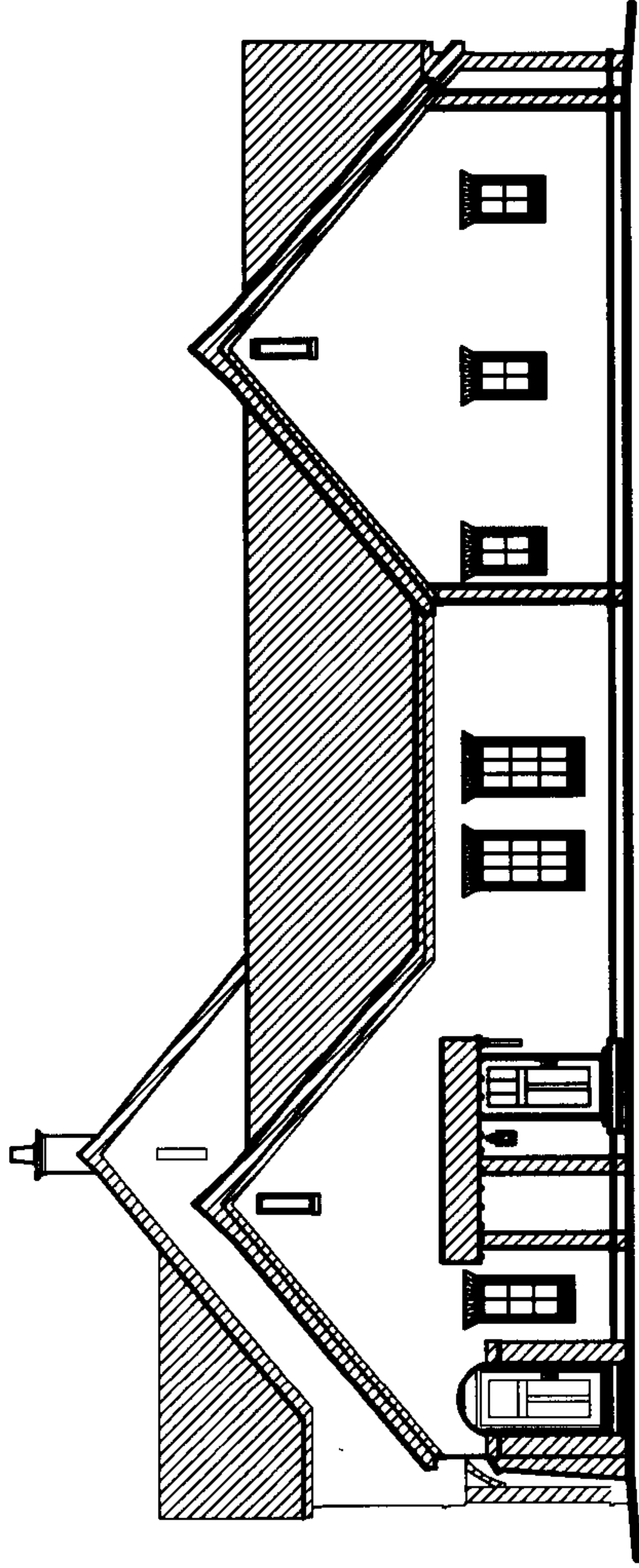
**Edenton Residential Condos  
Building 13**  
Units 48, 49, 50, 51, 52, 53  
Shelby County, Alabama  
05023

LEGEND

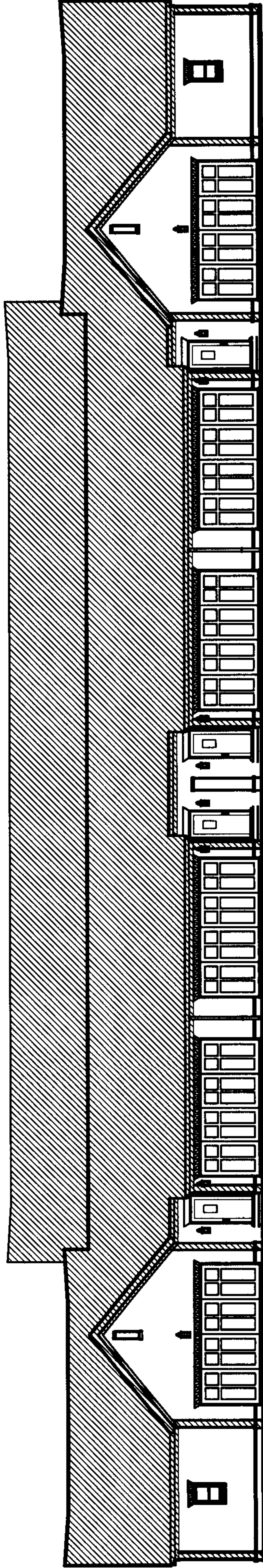
	COMMON ELEMENT
	LIMITED COMMON ELEMENT

**DUNGAN  
NEQUETTE  
ARCHITECTS**  
2829 Second Avenue South  
Suite 240  
Birmingham Alabama 35233  
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20070626000297920 21/22 \$74.00  
Shelby Cnty Judge of Probate, AL  
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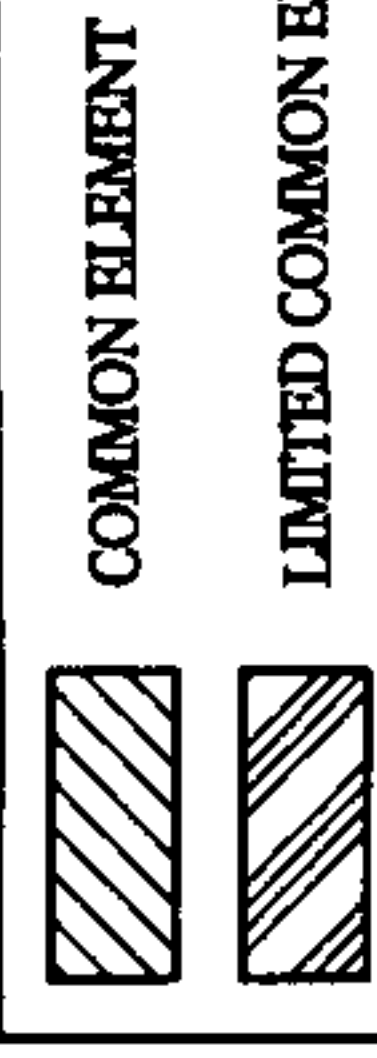


1 Back and Side Elevations

Scale N.T.S.

Edenton Residential Condos  
Building 13  
Units 48, 49, 50, 51, 52, 53  
Shelby County, Alabama  
05023


LEGEND



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**FOURTH 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 1-53	1.887%	1 vote / Unit
Total	100%	

  
20070626000297920 22/22 \$74.00  
Shelby Cnty Judge of Probate, AL  
06/26/2007 08:15:22AM FILED/CERT