


This Instrument Prepared by:

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Tel. (256) 551-0171

  
20070817000390020 1/16 \$56.00  
Shelby Cnty Judge of Probate, AL  
08/17/2007 04:14:01PM FILED/CERT

STATE OF ALABAMA                     )  
  :  
COUNTY OF SHELBY                    )

**FIRST AMENDMENT TO DECLARATION OF EDENTON OFFICE  
CONDOMINIUM**

This First Amendment to Declaration of Edenton Office Condominium (the "Amendment") is made this 17<sup>th</sup> day of <sup>August</sup>~~July~~, 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 Office Condominium (the "Declaration") on March 14, 2007, for the purpose of establishing the condominium known as Edenton Office Condominium (the "Condominium"). The Declarant recorded the Declaration in the Office of the Judge of Probate of Shelby County, Alabama, on April 10, 2007, as Instrument Number **20070410000163990** 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 Office Condominium (the "Plat") in the Office of the Judge of Probate of Shelby County, Alabama, on April 20, 2007, as Instrument Number **20070410000163960**. 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. The Declarant desires to exercise certain Development Rights reserved specially to the Declarant under Section 4.05 of the Declaration to add Buildings 10 & 11 to the Condominium containing twelve (12) 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 2.02(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 4.05 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 4.03(b) 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 twelve (12) 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 twenty four (24). The Declarant continues to reserve the right to create up to sixty four (64) 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.


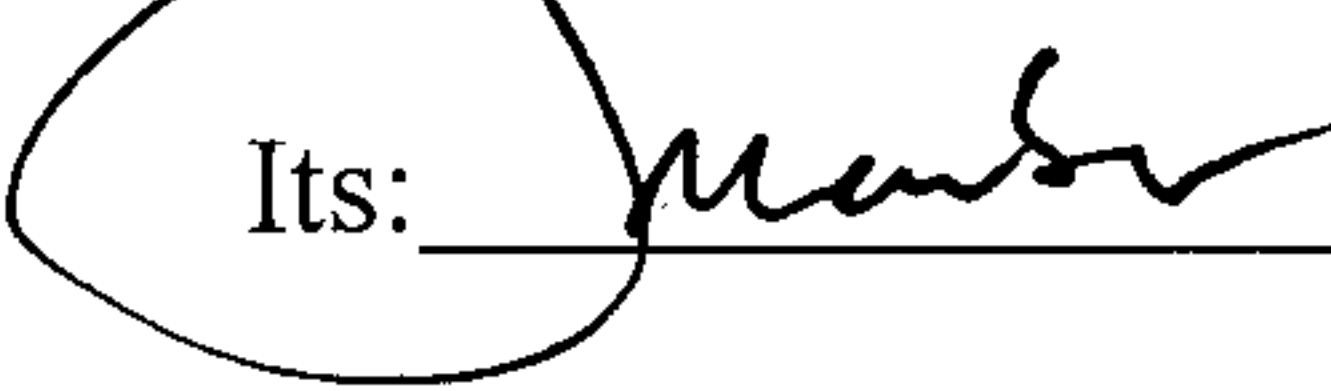
IV. Remainder of Declaration to Remain in Full Force and Effect. Except as hereinabove specifically modified by this Amendment, all of the terms, provisions and conditions of the Declaration shall remain in full force and effect.

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

IN WITNESS WHEREOF, the Declarant has caused this First Amendment to Declaration of Edenton Office 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





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### 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 Office 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<sup>th</sup> day  
of JUNE, 2007.

COMPASS BANK

By: [Signature]

Its: Vice President

STATE OF ALABAMA )

COUNTY OF Shelby )

I, Susan Rixey, a Notary Public, in and for said County in said State, hereby certify that Ben Hendrix, whose name as Ben Hendrix VP 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, 2009

[NOTARIAL SEAL]



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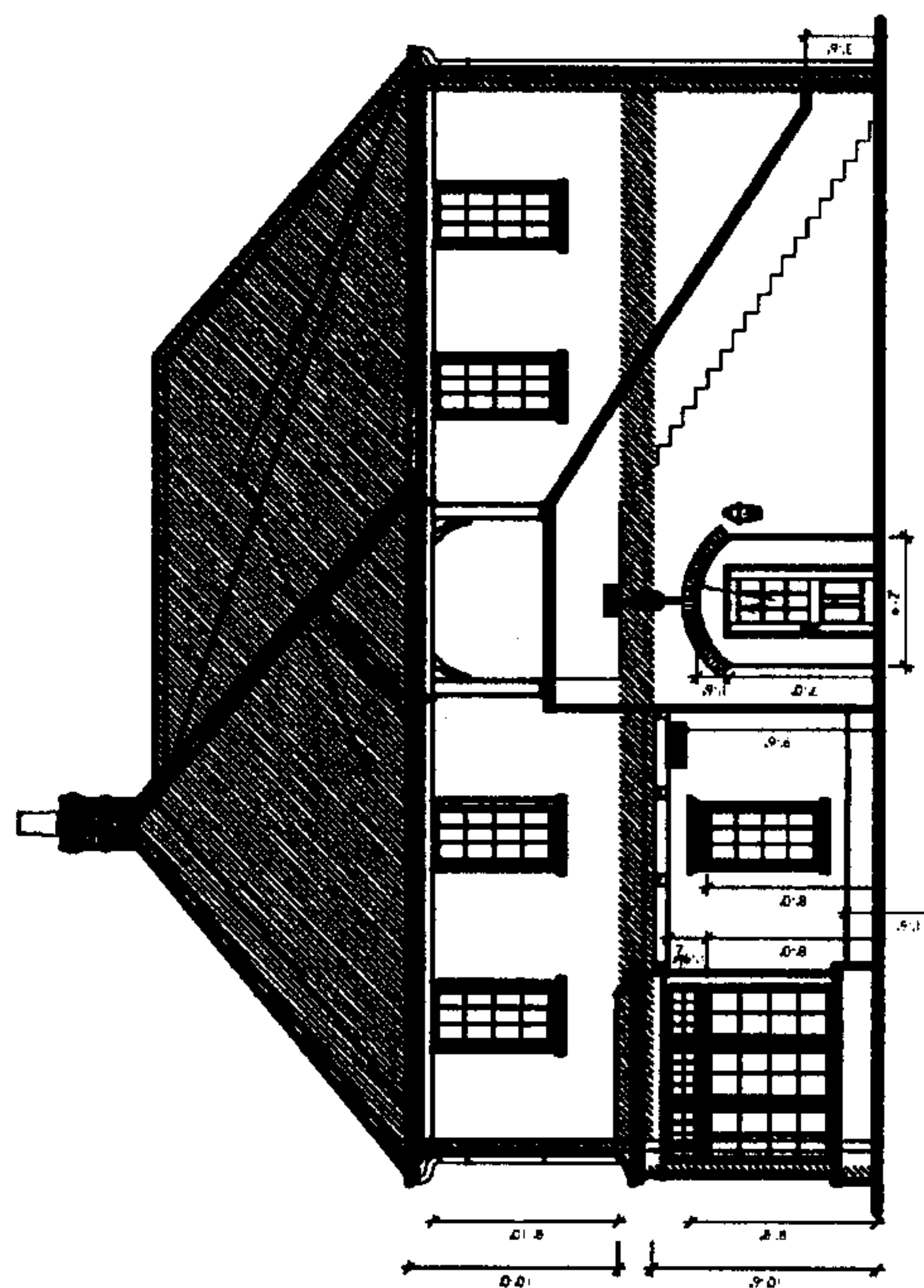
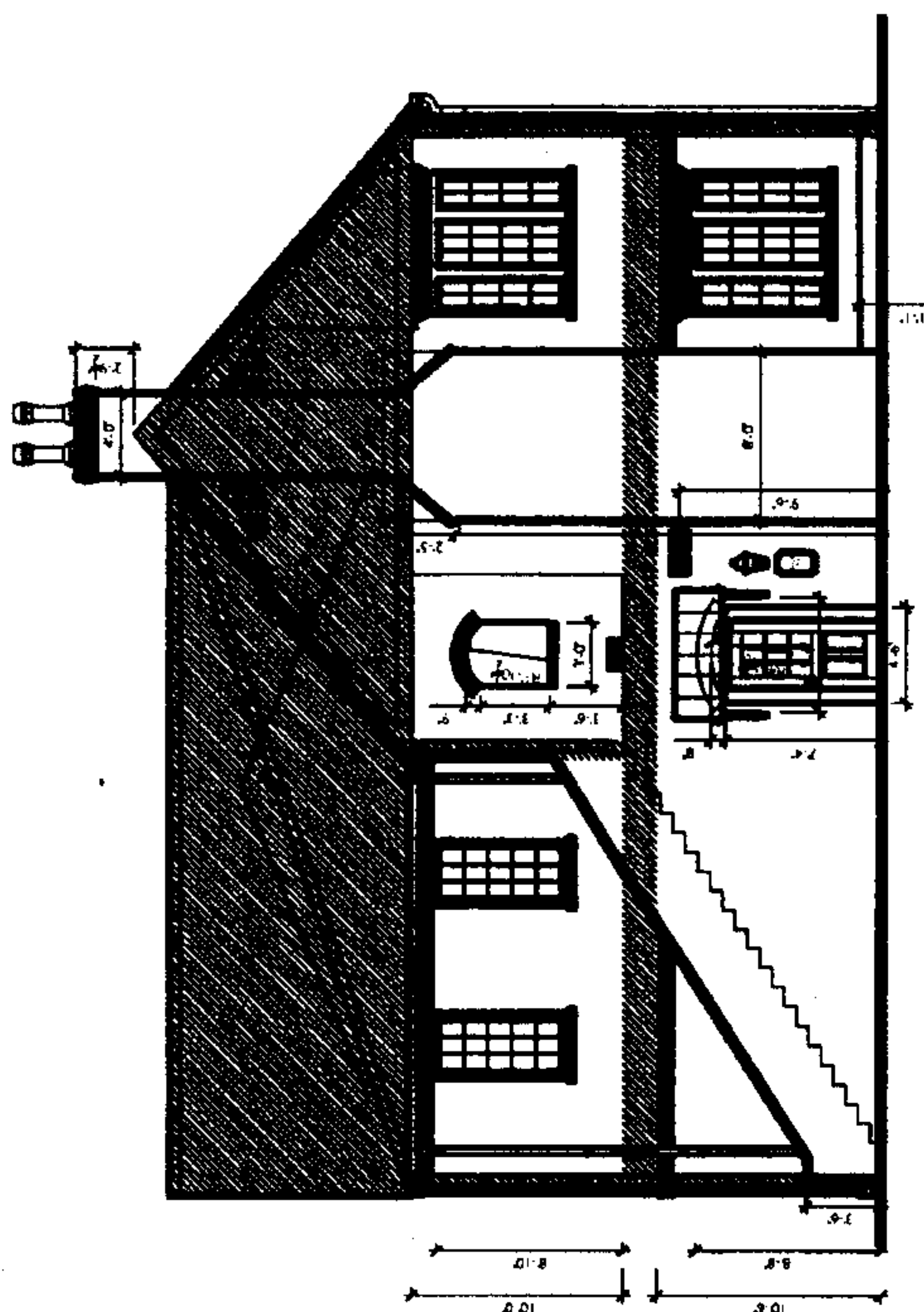
**EXHIBIT "C" TO AMENDMENT**

**SUPPLEMENTAL PLANS TO DECLARATION**

[ATTACHED]



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# Side Elevations

Scale 3/32" = 1'-0"

## Edenton Office Condominium Building 10

Shelby County, Alabama  
05023

### LEGEND



COMMON ELEMENT



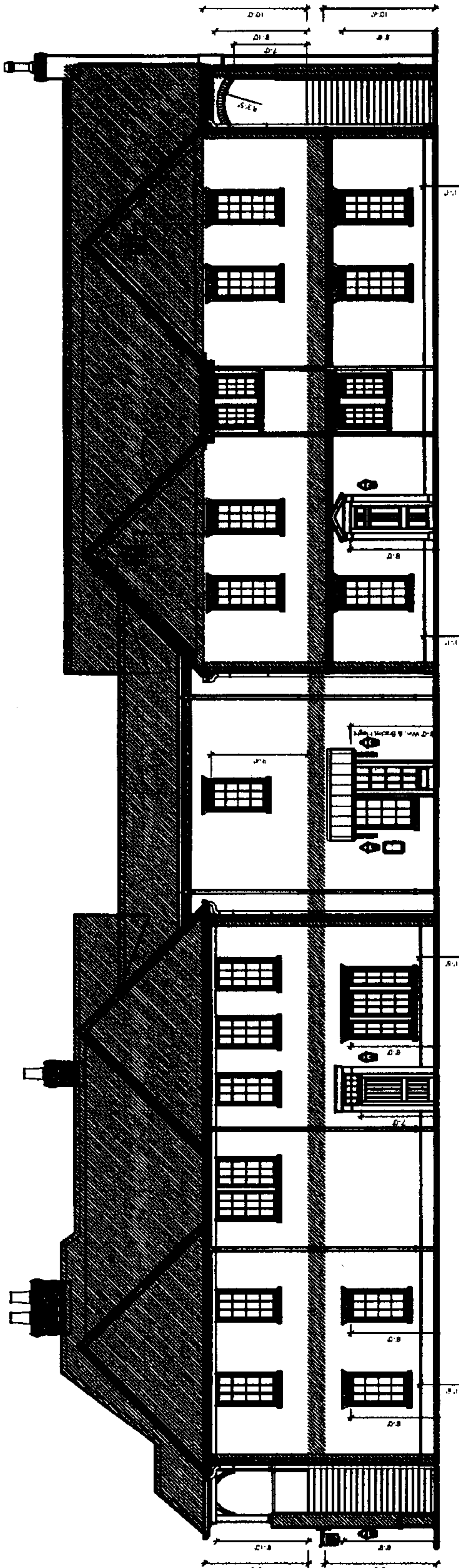
LIMITED COMMON ELEMENT

**DUNGAN  
NEQUETTE  
ARCHITECTS**  
2029 Second Avenue South  
Suite 240  
Birmingham, Alabama 35233  
205.322.6435  
205.322.6167  
dungan-nequette.com





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Back Elevation

Scale 3/32" = 1'-0"

Edenton Office Condominium  
Building 10

Shelby County, Alabama  
06023

LEGEND

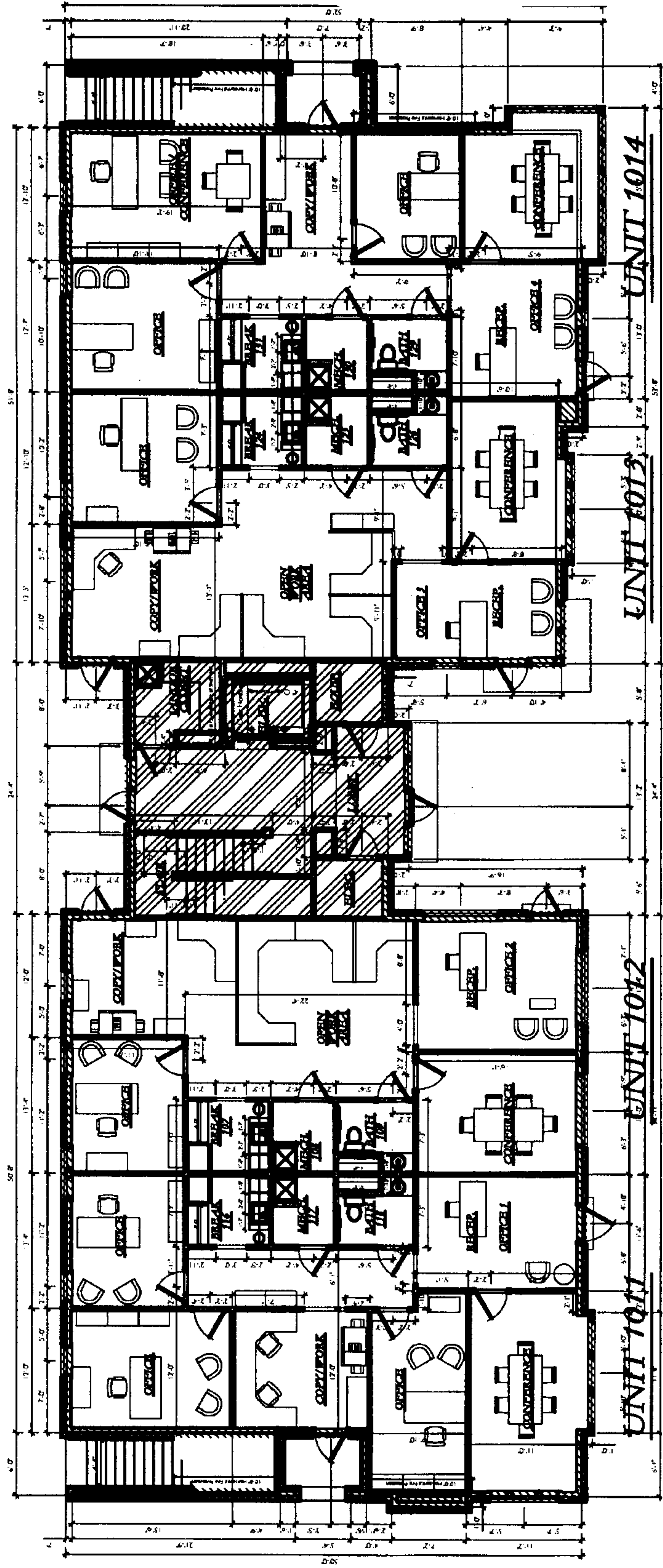
COMMON ELEMENT

LIMITED COMMON ELEMENT

DUNGAN  
NEQUETTE  
ARCHITECTS  
2839 Second Avenue South  
Suite 240  
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dungan-nequette.com



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1 First Floor  
 Scale 3/32" = 1'-0"

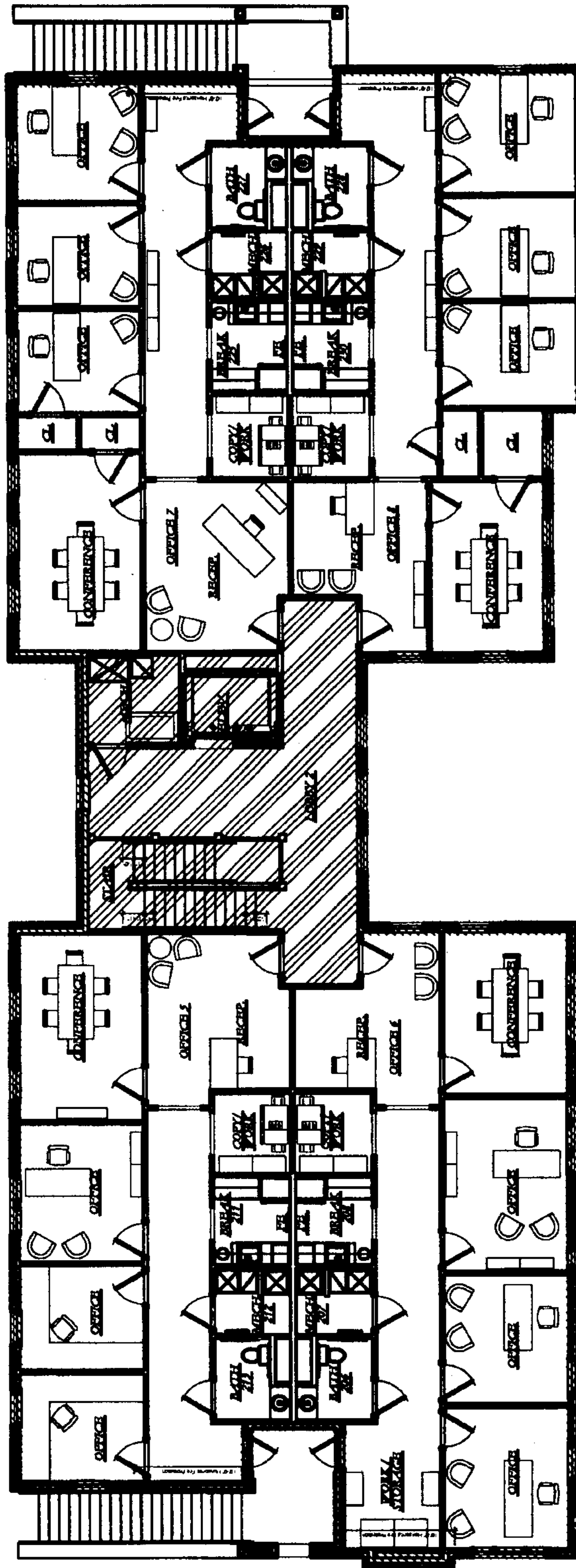
**Edenton Office Condominium  
 Building 10**  
 Shelby County, Alabama  
 35023

**LEGEND**  
 COMMON ELEMENT  
 LIMITED COMMON ELEMENT

**DUNGAN  
 NEQUETTE  
 ARCHITECTS**  
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UNIT 1023



UNIT 1021

UNIT 1022

UNIT 1024

1 Second Floor

Scale 3/32" = 1'-0"

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Edenton Office Condominium  
Building 10  
Shelby County, Alabama  
05023

LEGEND

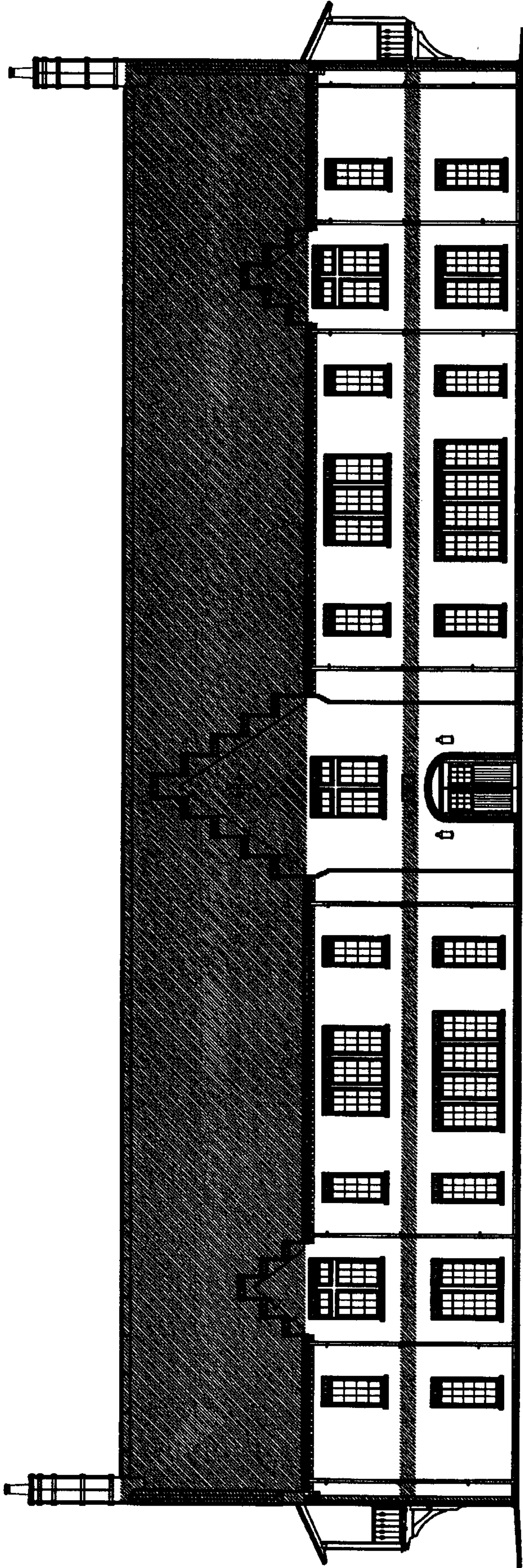
COMMON ELEMENT

LIMITED COMMON ELEMENT

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1 Front Elevation

Scale 3/32" = 1'-0"

Edenton Office Condominium  
Building 11

Shelby County, Alabama  
05023

LEGEND

COMMON ELEMENT

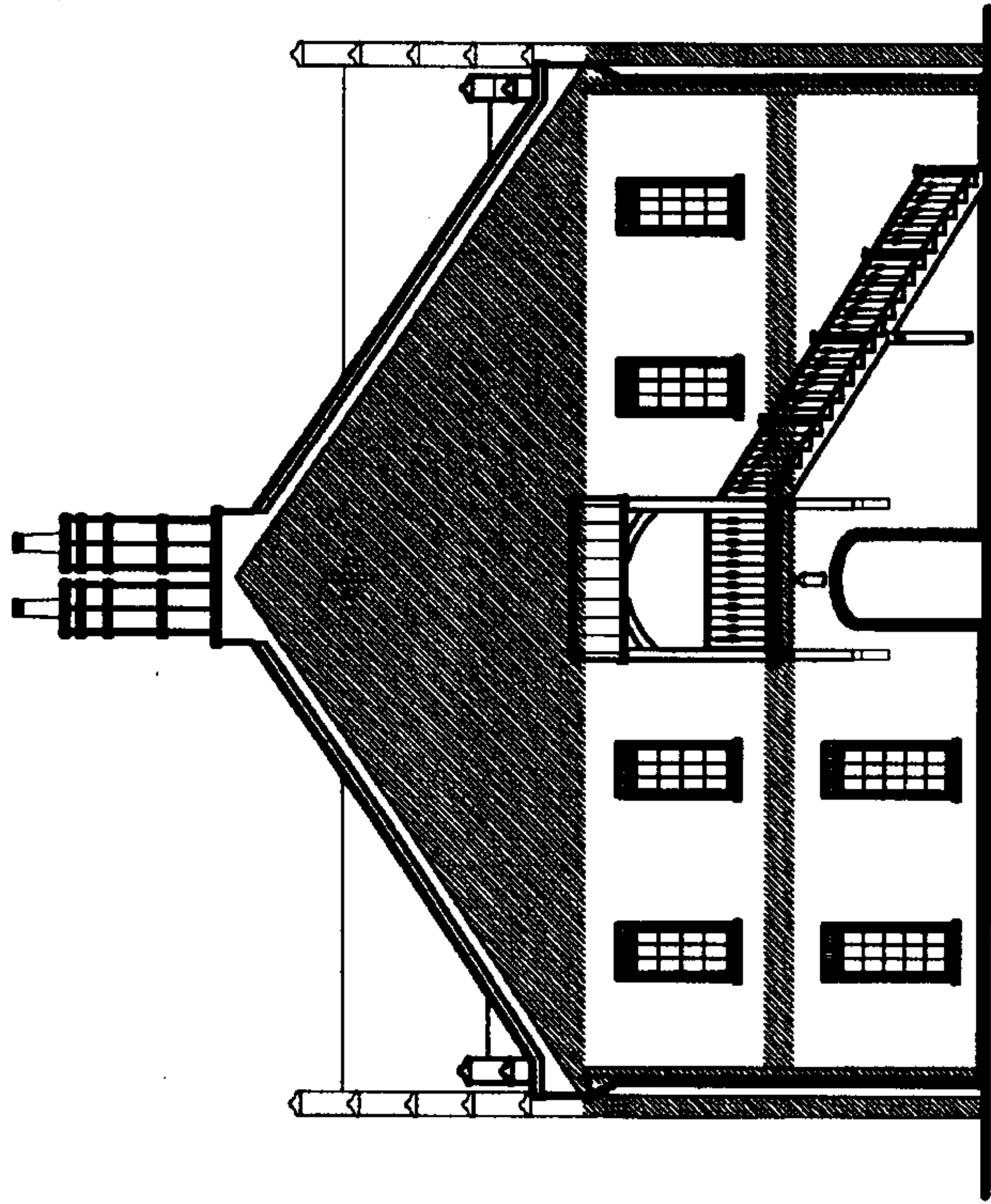
LIMITED COMMON ELEMENT

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dungan-nequette.com



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1 Side Elevation

Scale 3/32" = 1'-0"

Edenton Office Condominium  
Building 11  
Shelby County, Alabama  
05023

LEGEND  
COMMON ELEMENT  
LIMITED COMMON ELEMENT

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dungan@nequette.com

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Scale 3/32" = 1'-0"

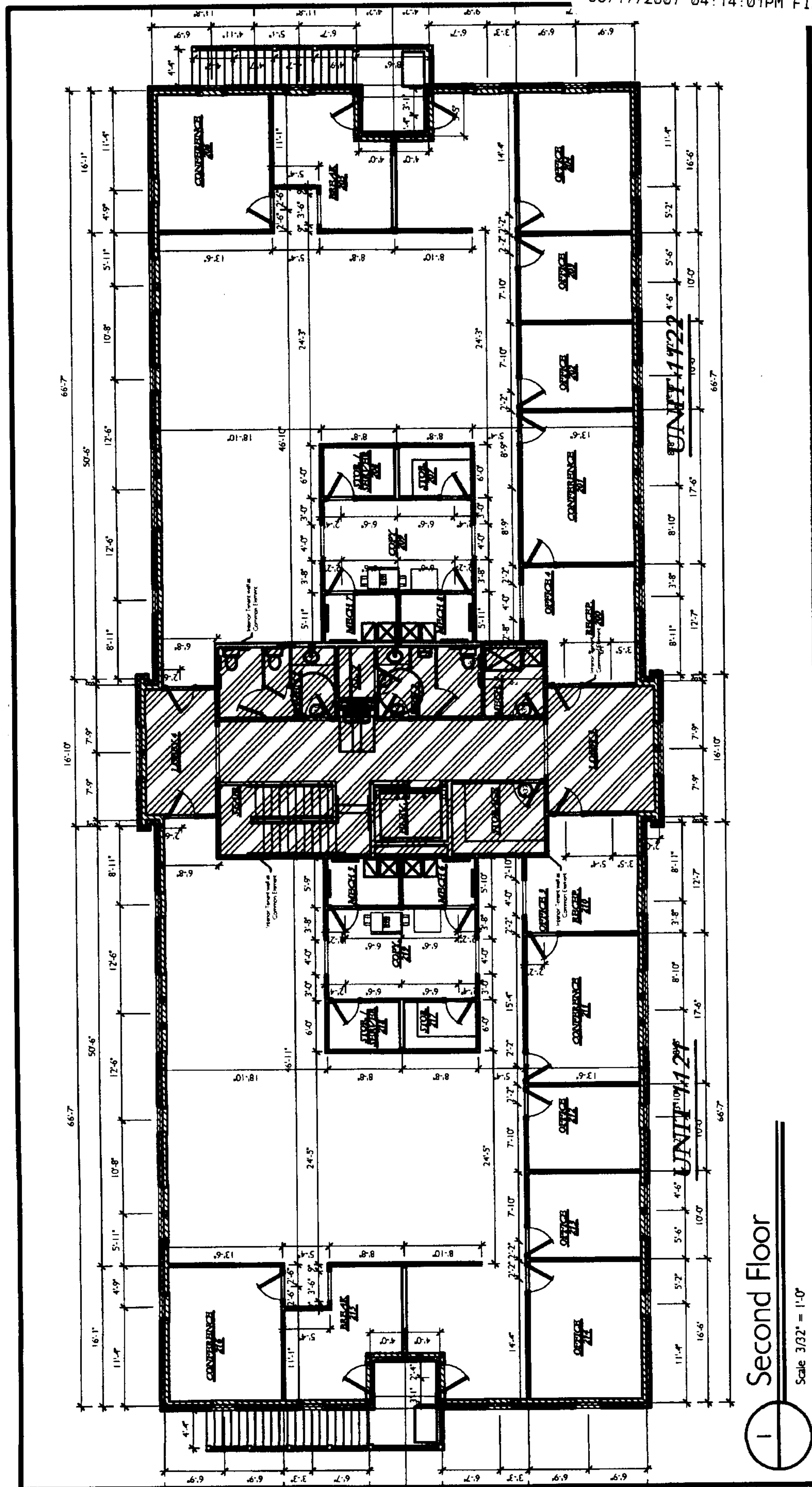
Shelby County, Alabama  
05023

## COMMON ELEMENT

**UNITED COMMON ELEMENT**

**ARCHITECT**  
2229 Second Avenue South  
Suite 240  
Birmingham Alabama 35233  
t 205.322.6453  
f 205.322.6167  
dunagan-aquatic.com





Second Floor

Scale 3/32" = 1'-0"

**DUNGAN  
 NEQUETTE  
 ARCHITECTS**  
 2029 Second Avenue South  
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 Birmingham Alabama 35233  
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 f 205.322.6167  
 dungan-nequette.com

**Edenton Office Condominium  
 Building 11**  
 Shelby County, Alabama  
 05023

**LEGEND**

	COMMON ELEMENT
	LIMITED COMMON ELEMENT

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

**OWNERSHIP OF COMMON ELEMENTS**

<b>Bldg</b>	<b>Unit Type</b>	<b># of Units</b>	<b>Unit #</b>	<b>Unit Size (SF) w/o Common</b>	<b>Limited Common Area (SF)</b>	<b>Total (SF)</b>	<b>Allocated Interest</b>
Bldg 1	E-Large Downstairs	1	111	1,442		1,442	3.46%
Bldg 1	E-Small Downstairs	1	112	1,309		1,309	3.14%
Bldg 1	E-Small Upstairs	1	122	1,386	42	1,428	3.42%
Bldg 1	E-Large Upstairs	1	121	1,289	42	1,331	3.19%
Bldg 9	D-Larger	1	911	971		971	2.33%
Bldg 9	D-Smaller	1	912	902		902	2.16%
Bldg 9	D-Larger	1	922	958		958	2.30%
Bldg 9	D-Smaller	1	921	902		902	2.16%
Bldg 12	D-Larger	1	1211	971		971	2.33%
Bldg 12	D-Smaller	1	1212	902		902	2.16%
Bldg 12	D-Larger	1	1222	958		958	2.30%
Bldg 12	D-Smaller	1	1221	902		902	2.16%



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**OWNERSHIP OF COMMON ELEMENTS (Cont'd)**

Bldg 10	B-1	1	1011	1,446	188	1,634	3.92%
Bldg 10	B-2	1	1012	1,290	168	1,458	3.50%
Bldg 10	B-3	1	1013	1,283	167	1,450	3.48%
Bldg 10	B-4	1	1014	1,369	178	1,547	3.71%
Bldg 10	B-5	1	1023	1,270	165	1,435	3.44%
Bldg 10	B-6	1	1021	1,384	180	1,564	3.75%
Bldg 10	B-7	1	1024	1,296	169	1,465	3.51%
Bldg 10	B-8	1	1022	1,268	165	1,433	3.44%
Bdlg 11	A-Large	1	1111	3,587	597	4,184	10.03%
Bdlg 11	A-Large	1	1112	3,587	597	4,184	10.03%
Bdlg 11	A-Large	1	1121	3,587	597	4,184	10.03%
Bdlg 11	A-Large	1	1122	3,587	597	4,184	10.03%
Total		24		37,846	3,855	41,701	100%