


This instrument was prepared by:
Carol H. Stewart
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420 North 20th Street
Birmingham, Alabama 35203


20071214000565780 1/19 \$65.00
Shelby Cnty Judge of Probate, AL
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STATE OF ALABAMA)

COUNTY OF SHELBY)

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

This Sixth Amendment to Declaration of Edenton, A Condominium (the "Amendment") is made this 14 day of December, 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 and Common Elements, 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 (the "Probate Office") 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 in the Probate Office on April 20, 2007, in Map Book 38 Page 77, which Condominium Plat was amended pursuant to that certain 1st Amended Condominium Plat of Edenton, A Condominium recorded in the Probate Office on August 17, 2007, in Map Book 39 Page 4 (as amended, the "Plat"). 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.

6. On June 25, 2007, the Declarant entered into that certain Fourth Amendment to Declaration of Edenton, A Condominium (the "Fourth 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 Fourth Amendment on June 26, 2007, in the Probate Office as Instrument Number 20070626000297920.

7. On August 17, 2007, the Declarant entered into that certain Fifth Amendment to Declaration of Edenton, A Condominium (the "Fifth 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 Fifth Amendment on August 17, 2007, in the Probate Office as Instrument Number 20070817000390000. All references to the Declaration shall mean the Declaration as amended by the First through the Fifth Amendment, and all references to the Plans shall mean the Plans as amended by the 1st Amended Plan as recorded in the Judge of Probate of Shelby County in Map Book 39 Page 4 and further amended in the 2nd Amended Plan recorded in Map Book 39 Page 79 in the Office of the Judge of Probate of Shelby County, Alabama. All capitalized terms not otherwise defined herein shall have those meanings attributed to same in the Declaration, as amended.

8. The Declarant desires to exercise certain development rights reserved specially to the Declarant under Section 15.04 of the Declaration to add Buildings 20, 21 and 22 to the Condominium containing a total of eighteen (18) additional Units which action shall necessitate the modification of the Plans as recorded and attached to the Declaration as Exhibit "C."

9. 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.

10. 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."

11. 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.

12. 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.

13. Pursuant to Section 35-8A-210 of the Act and Section 3.03(c) of the Declaration, the Declarant must 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 Sixth Amendment as follows:

1. Addition of Units, Common Elements and Limited Common Elements. The Declaration is hereby amended to add three (3) additional buildings containing eighteen (18) additional Units (the "New Units") along with other improvements, together with their associated interests in Common Elements and Limited Common Elements to the Condominium. The total number of Units currently comprising the Condominium after the addition of the eighteen (18) is one hundred twelve (112). The Declarant continues to reserve the right to create additional Units and to complete the Condominium in one or more phases.

2. Sixth Amendment to Plans. Exhibit "C" of the Declaration is hereby amended to reflect the amendment to the Plans to add the New Units and certain Common Elements to the Condominium. 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 "A" shall constitute the Plans for the Condominium. The 2nd Amended Plan of the Condominium is recorded in Map Book 39 Page 79 in the Office of the Judge of Probate of Shelby County, Alabama.

3. Sixth 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 Sixth Amended and Restated Exhibit "D" of the Declaration is hereby substituted in lieu thereof, which Sixth Amended and Restated Exhibit "D" is attached hereto as Exhibit "B" and incorporated herein for all purposes. Said Sixth Amended and Restated Exhibit "D" constitutes the percentage ownership of Common Elements, as revised in accordance with this Amendment.

4. 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.

5. It is the intention of the Declarant that the provisions of this Sixth Amendment to Declaration are severable, so that if any provision is invalid or void under any applicable federal,

state or local law or ordinance, decree, order, judgment or otherwise, the remainder shall be unaffected thereby.

6. This Sixth Amendment to Declaration has been executed by the undersigned and filed in the Office of the Judge of Probate of Shelby County, Alabama for the purposes stated above. Except for the aforesaid, the terms and conditions of the Declaration shall continue to be in full force and effect without any other changes whatsoever.

7. Capitalized terms as used herein shall have the same meaning as they are defined in the Declaration, unless the context clearly indicates a different meaning therefore.

IN WITNESS WHEREOF, the Declarant has caused this Sixth Amendment to Declaration of Condominium of Edenton, a Condominium to be executed this 14 day of December, 2007.

DECLARANT:

CAHABA BEACH INVESTMENTS, LLC,
an Alabama limited liability company

By: [Signature]
Name: Jonathan M Belcher
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 Belcher whose name as Member 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/she, as such officer 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 14th day of December, 2007.

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

[Notarial Seal]

[Signature]
Notary Public
My commission expires: 7/5/2010

CONSENT BY MORTGAGEE

Compass Bank, a banking corporation organized under the laws of the State of Alabama (the "Mortgagee"), does hereby consent to this Sixth Amendment to Declaration of Condominium 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. The Mortgagee does not assume any obligation whatsoever under the terms, covenants and conditions of the foregoing Sixth Amendment to Declaration, and the execution hereof does not in any way subordinate or make the mortgage inferior to the said Sixth Amendment to Declaration.

Acknowledged and agreed this 14 day of
December, 2007.

COMPASS BANK

By: [Signature]
Name: BEN HENDRIX
Its: VICE PRES. & T.

STATE OF ALABAMA)

COUNTY OF JEFFERSON

I, the undersigned, a notary public in and for said county in said state, hereby certify that BEN HENDRIX, whose name as VICE PRESIDENT of **COMPASS BANK**, 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/she, 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 14 day of December, 2007.


[Notarial Seal]

[Signature]
Notary Public
My commission expires: MARCH 20, 2010

EXHIBIT "A"

Amended Plans To Declaration

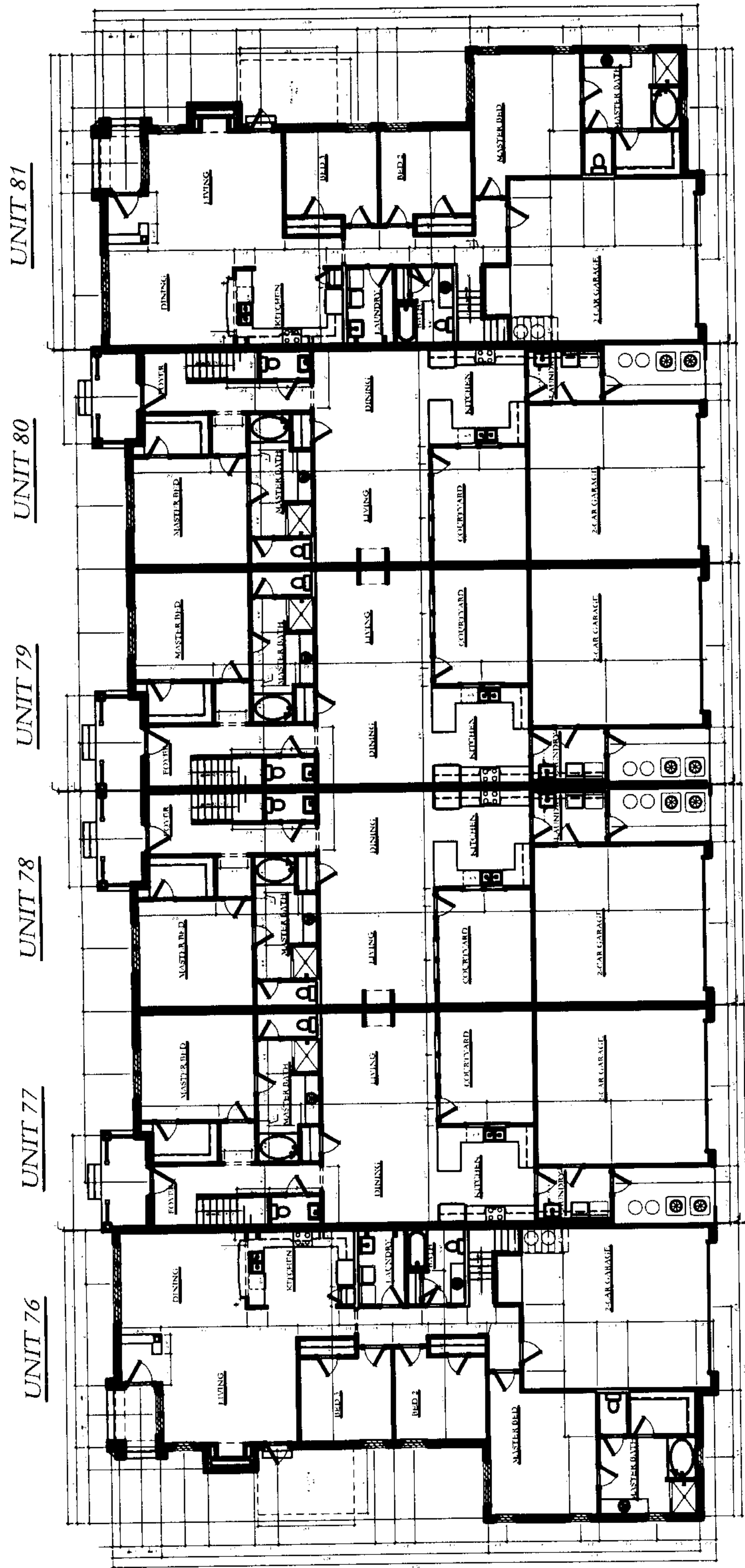
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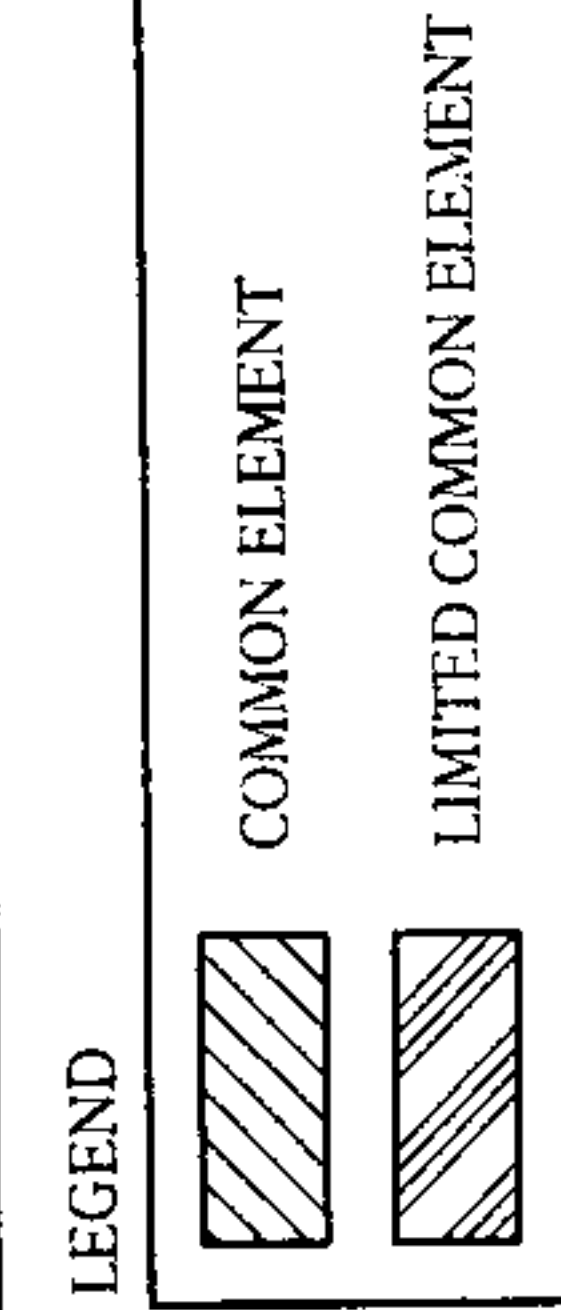
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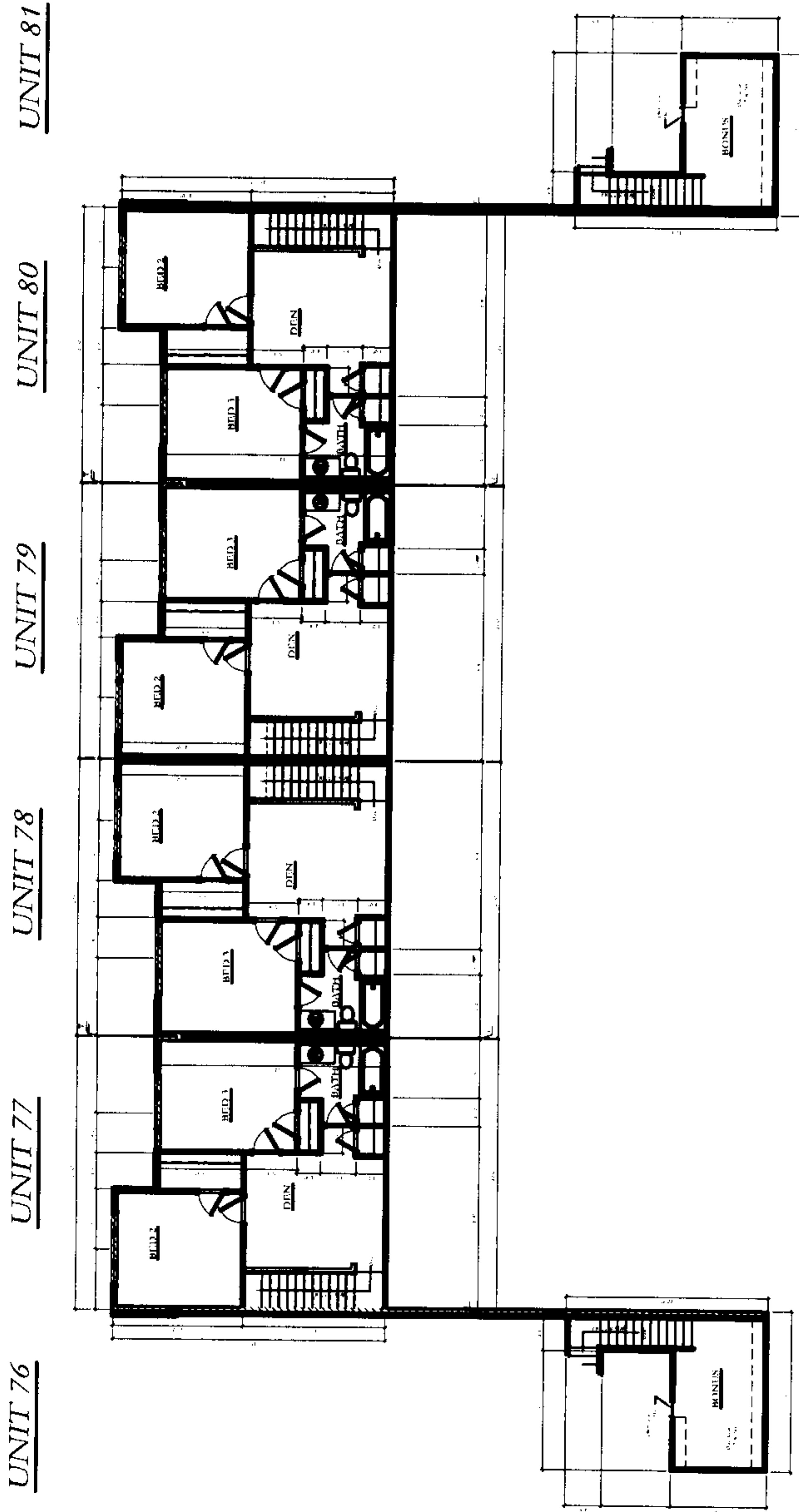
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1 First Floor
Scale N.T.S.

Edenton Residential Condos
Building 20
Units 76, 77, 78, 79, 80, 81
Shelby County, Alabama
05023





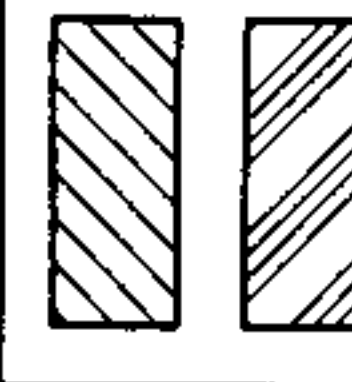
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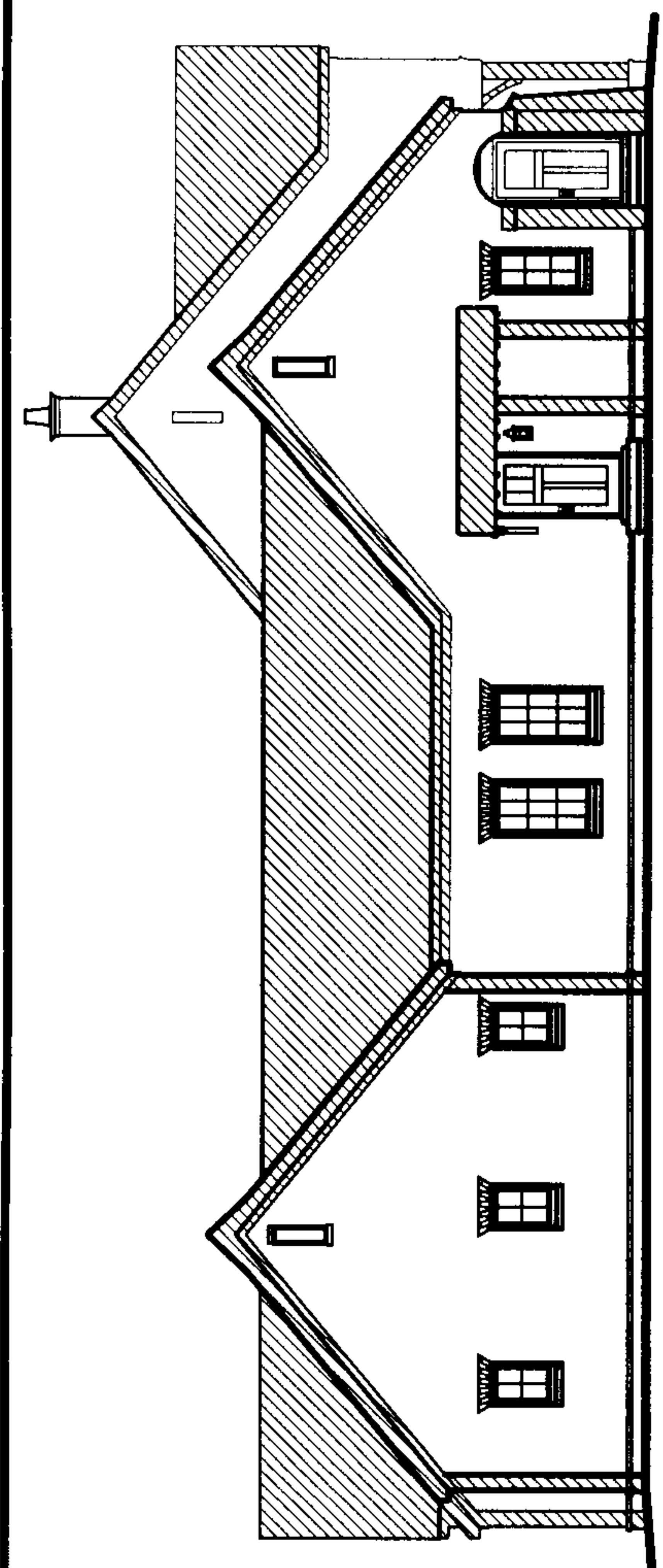
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Shelby County, Alabama
05023

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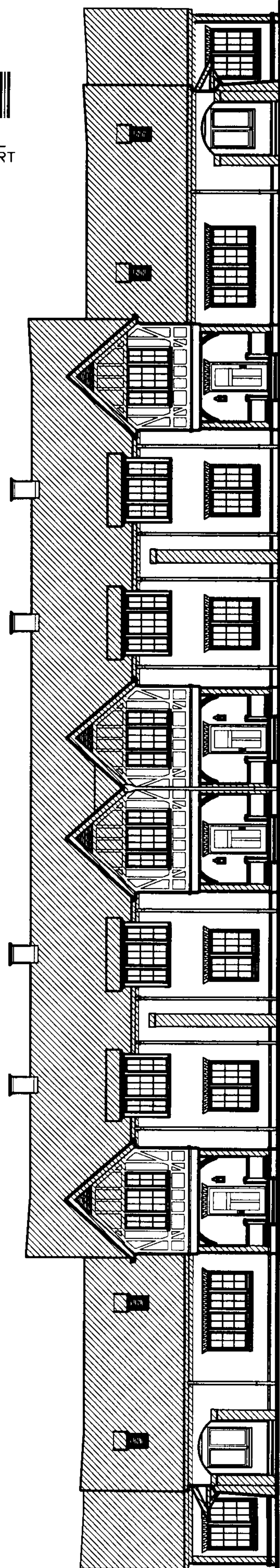


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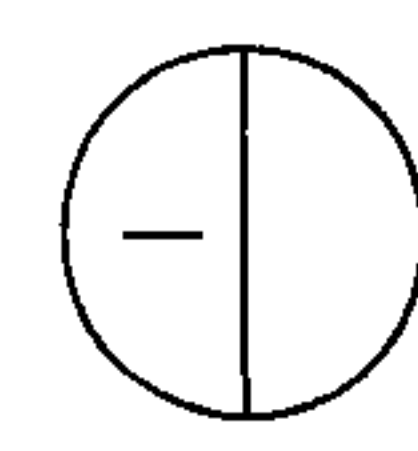


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Front and Side Elevations

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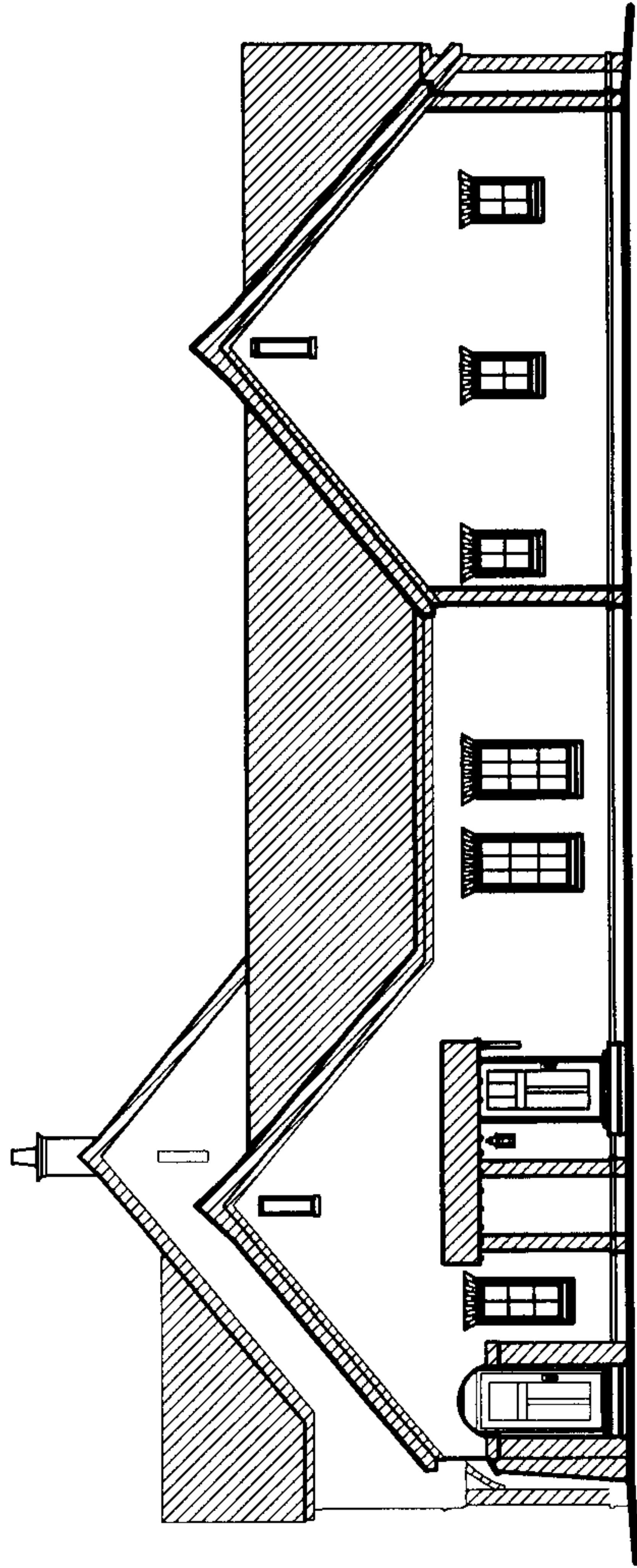


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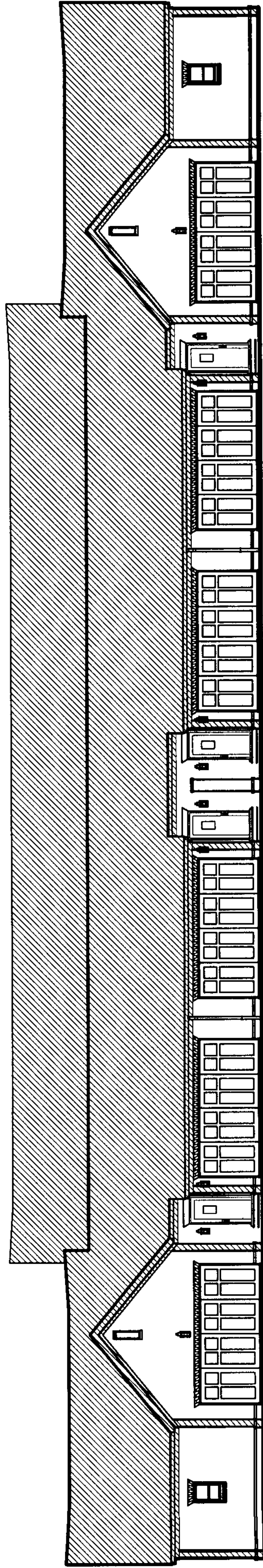
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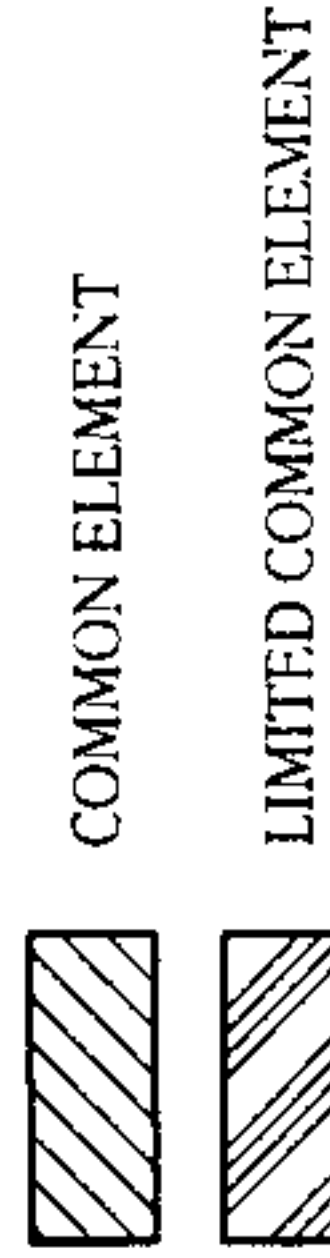
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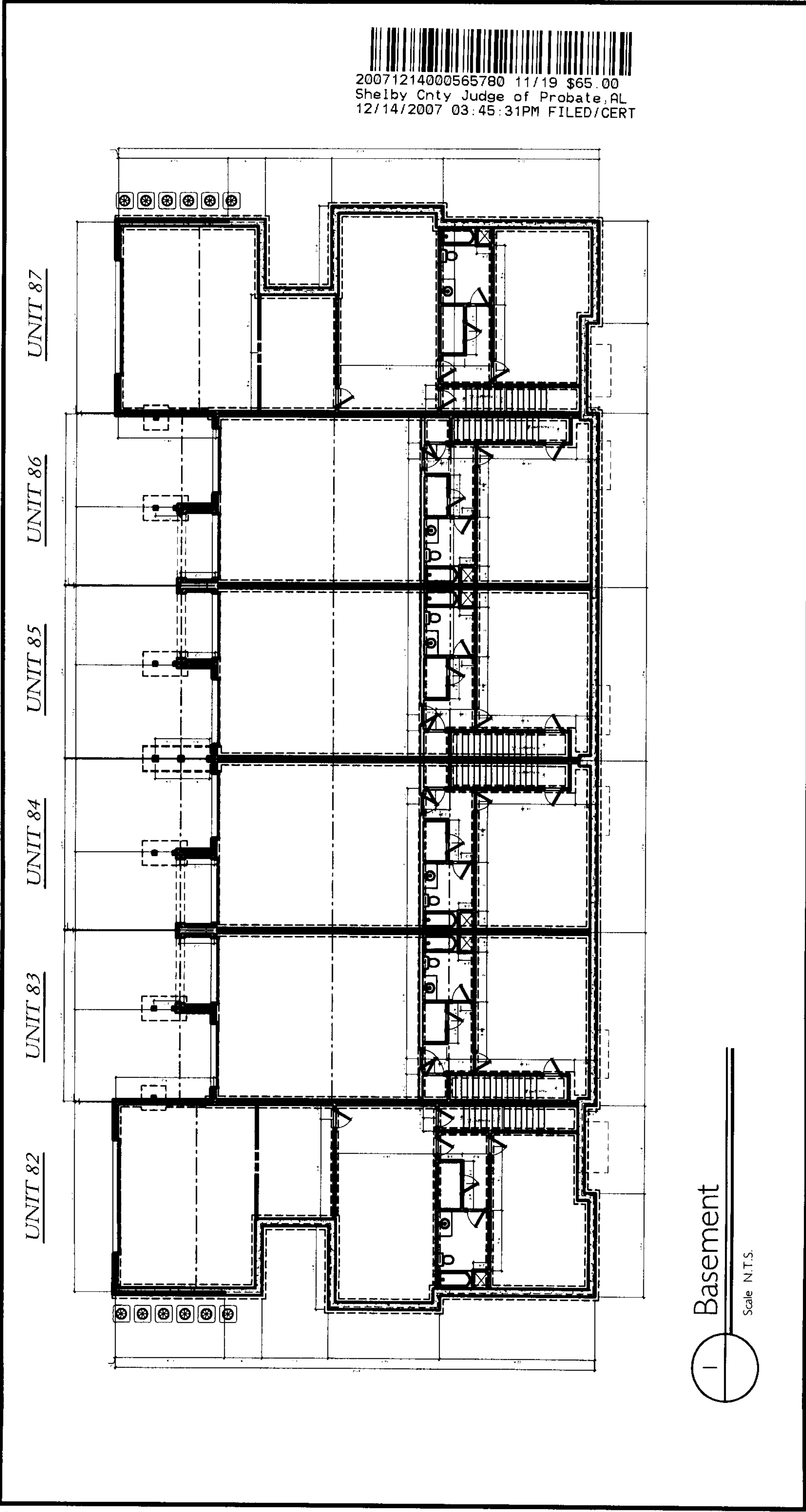
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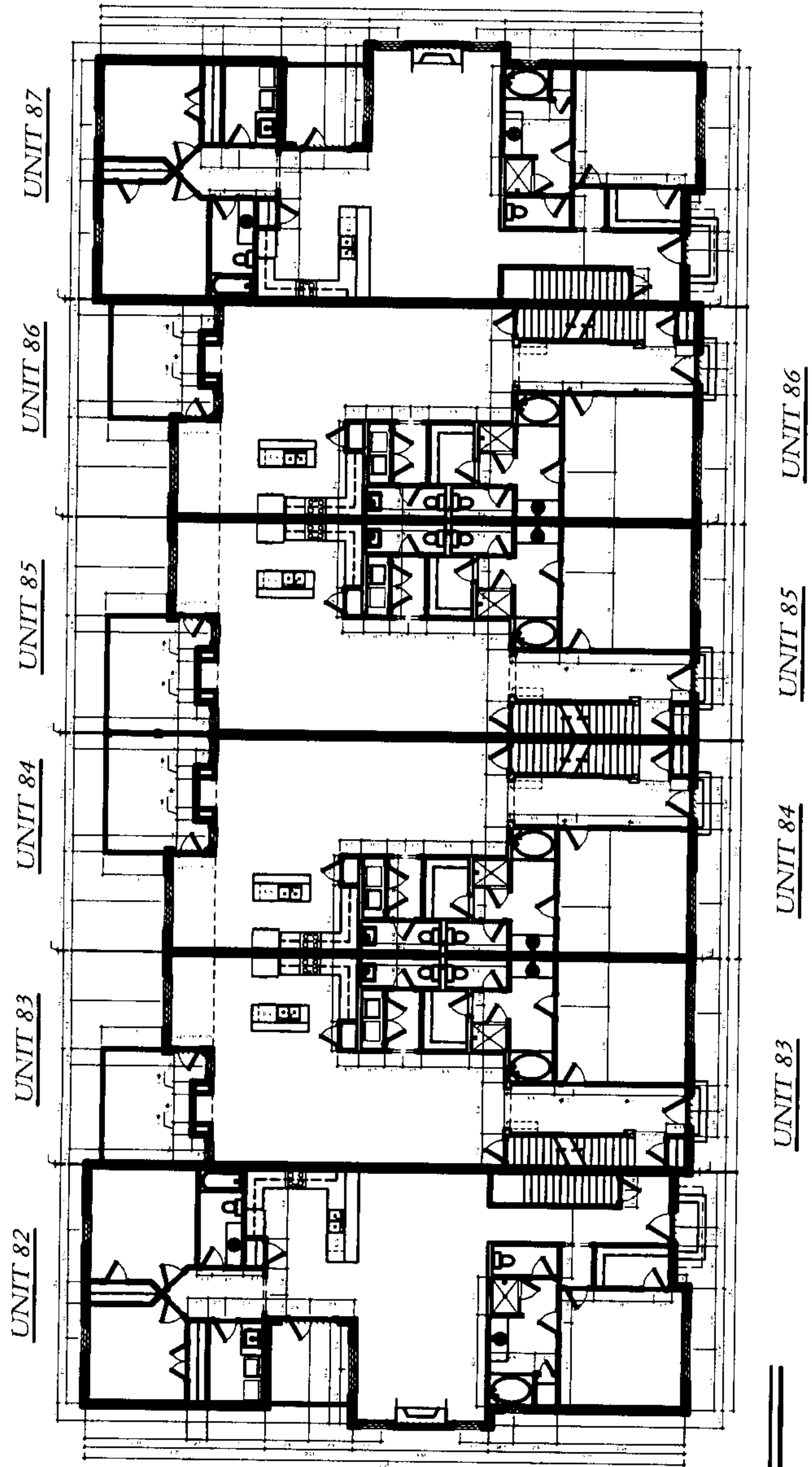


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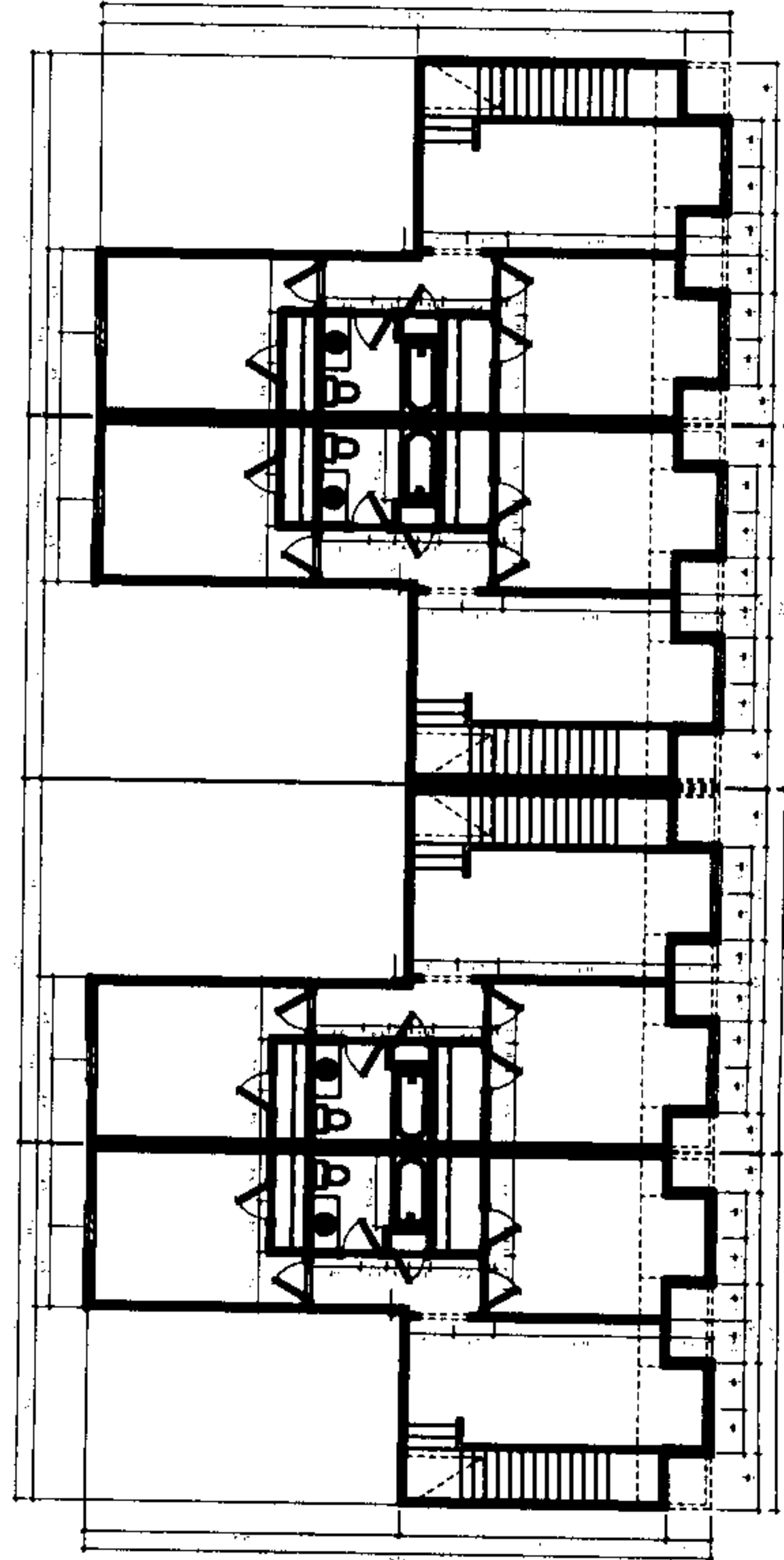


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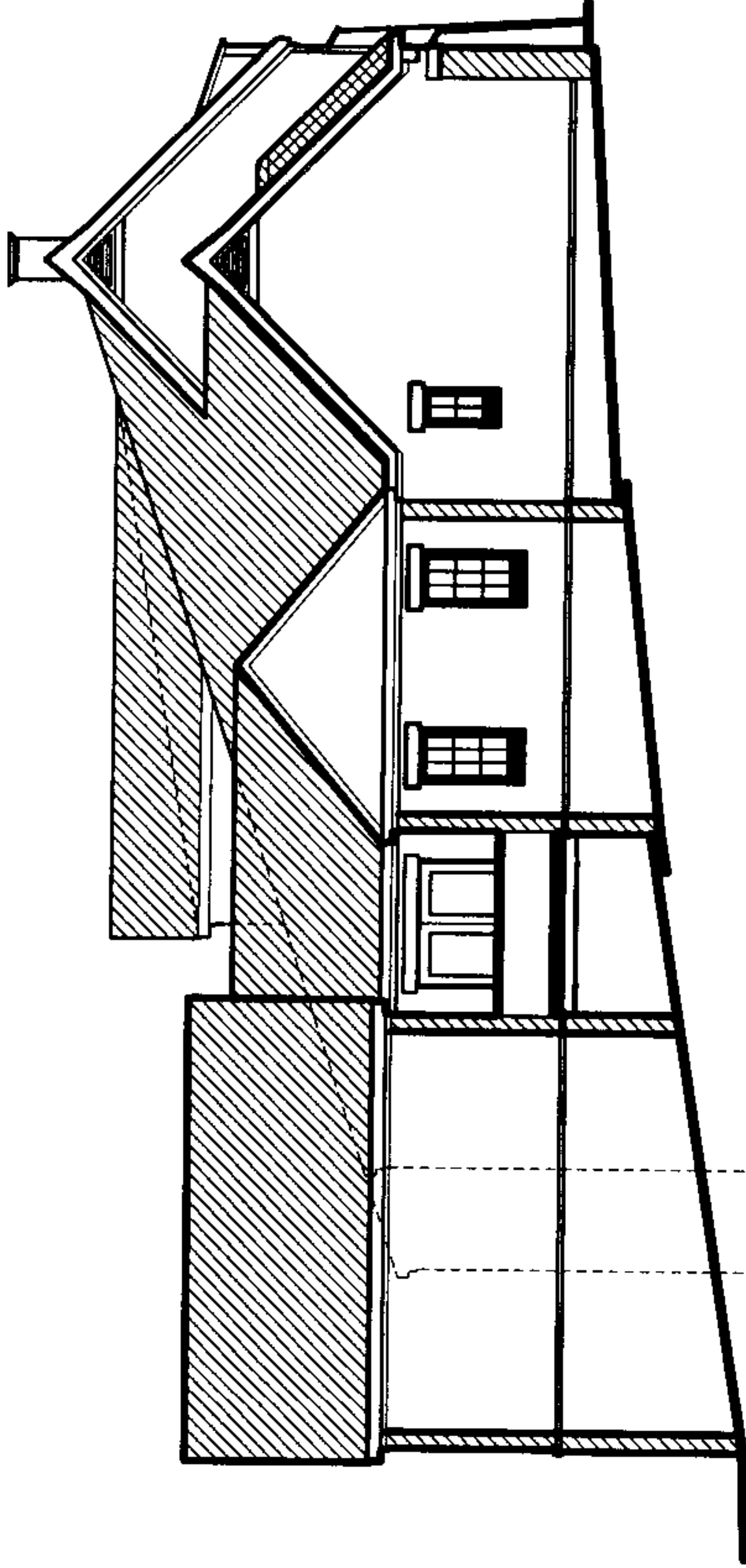


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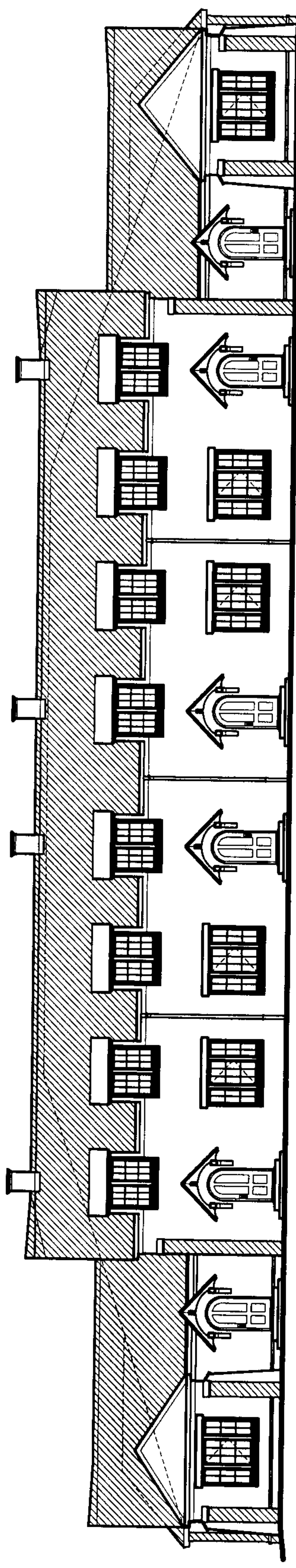
Edenton Residential Condos
Building 21
Units 82, 83, 84, 85, 86, 87
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1 Front and Side Elevations

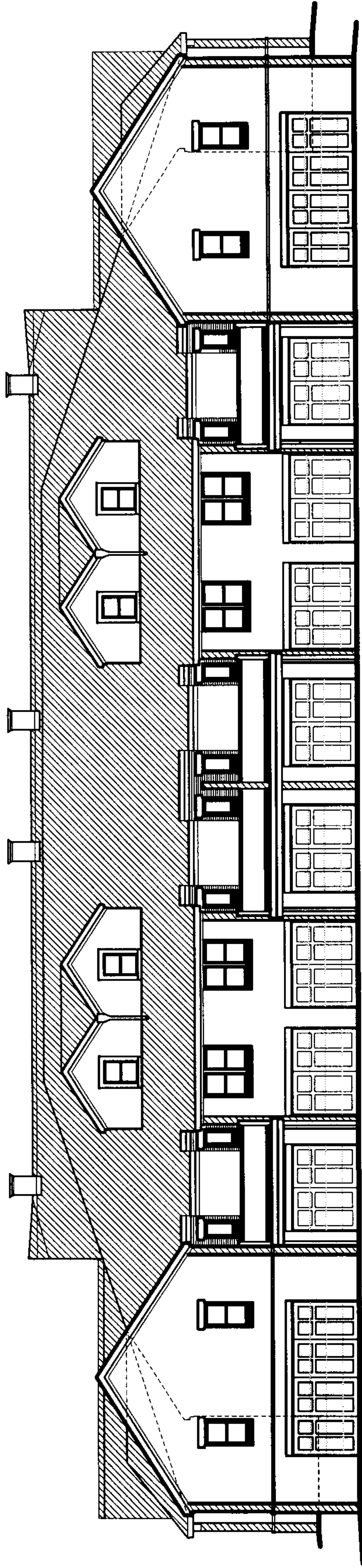
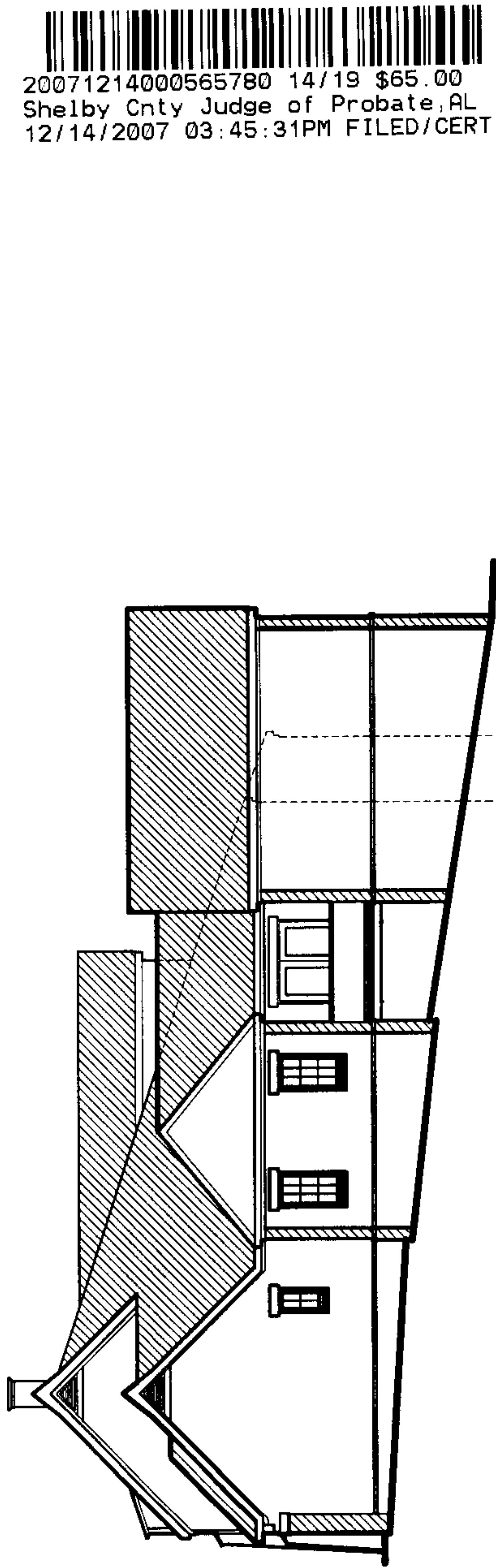
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Back and Side Elevations

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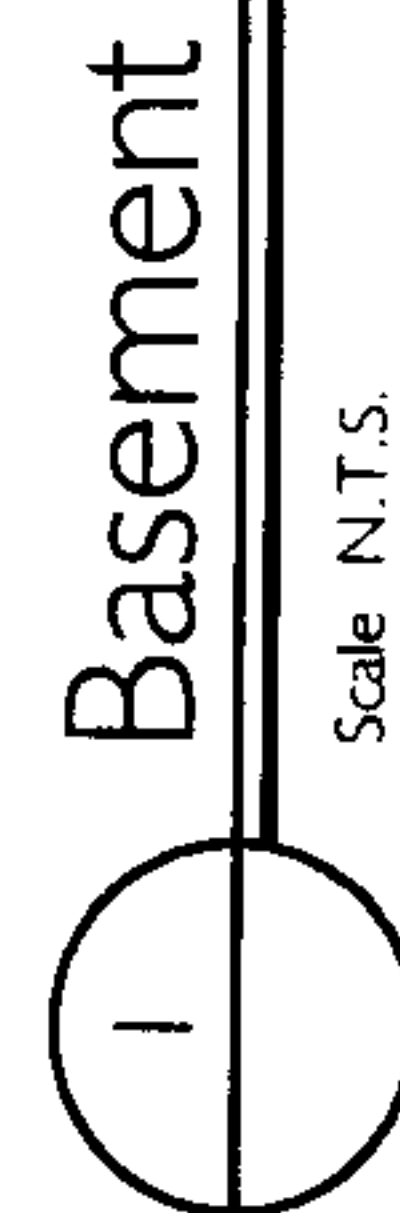
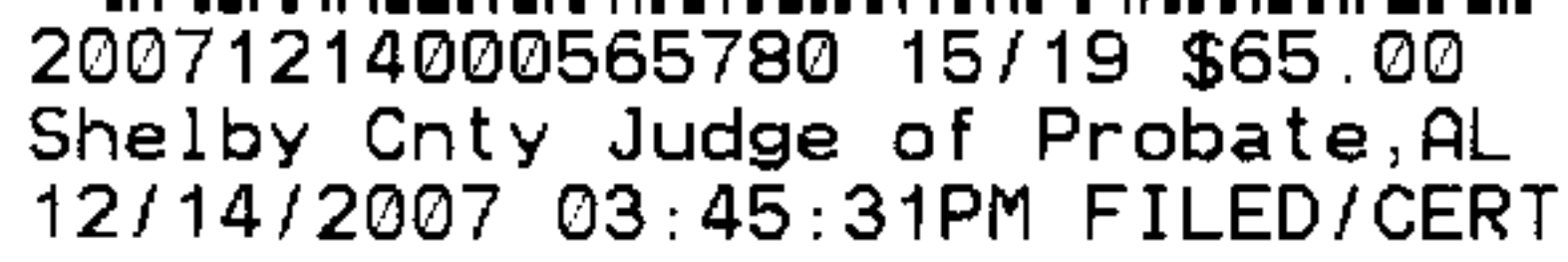
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Shelby County, Alabama
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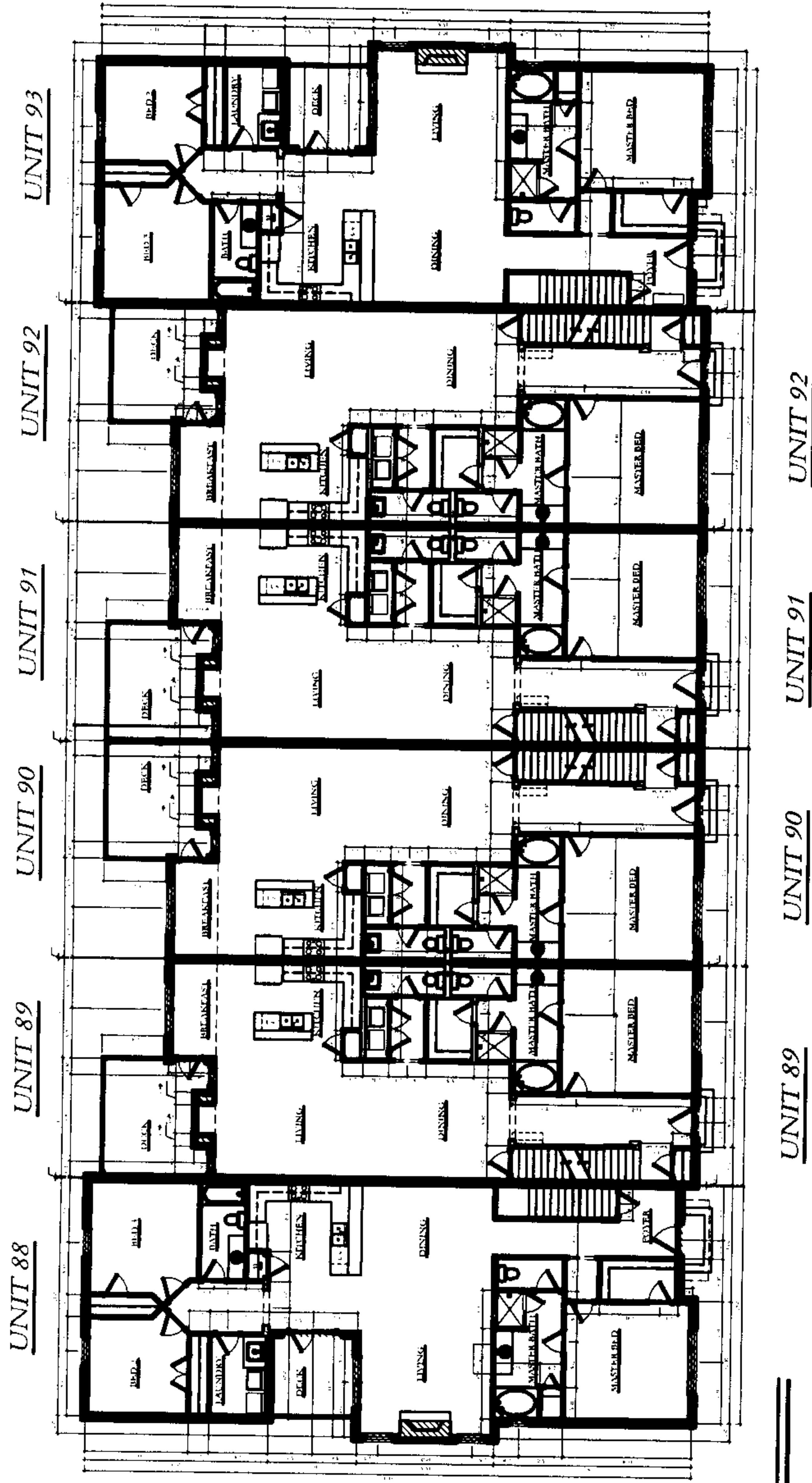
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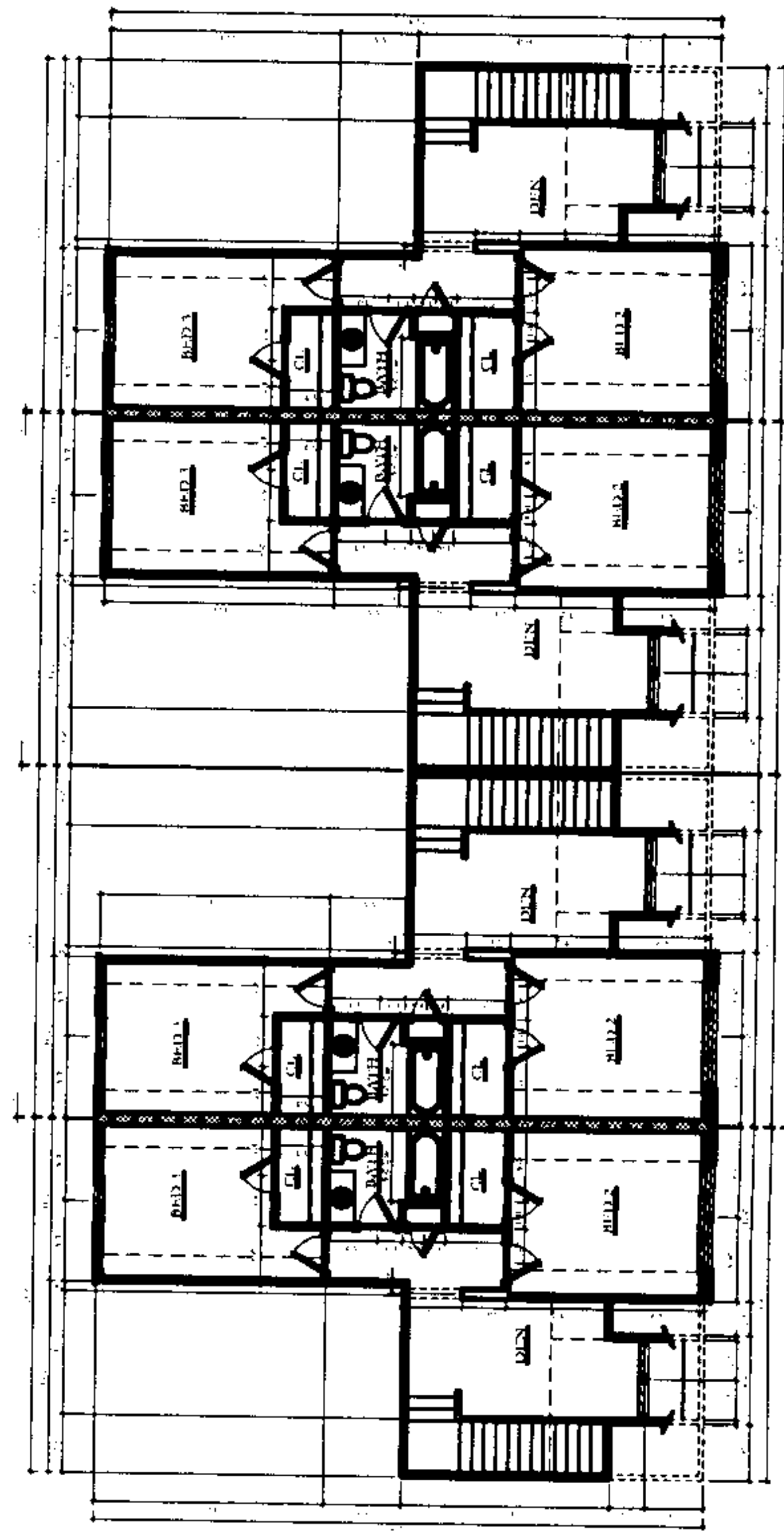
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1 First Floor

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2 Second Floor

Scale N.T.S.

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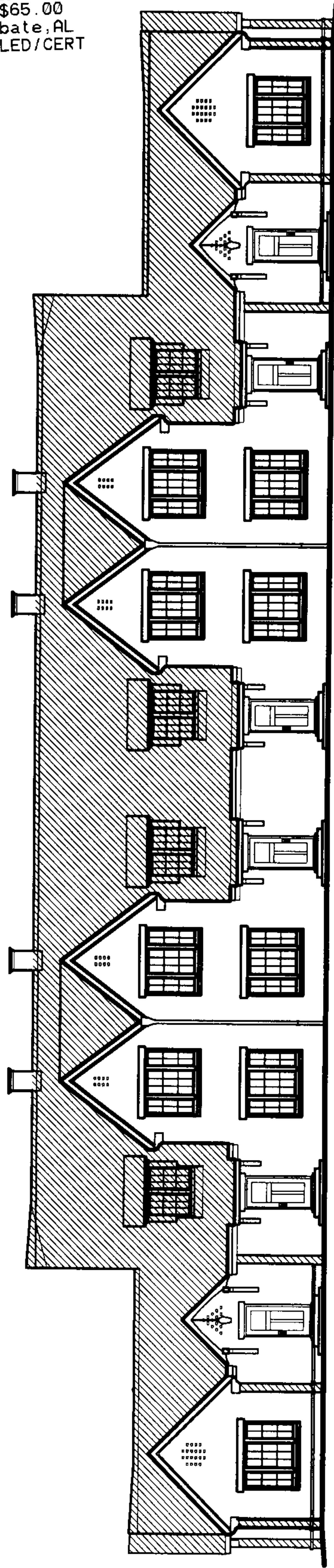
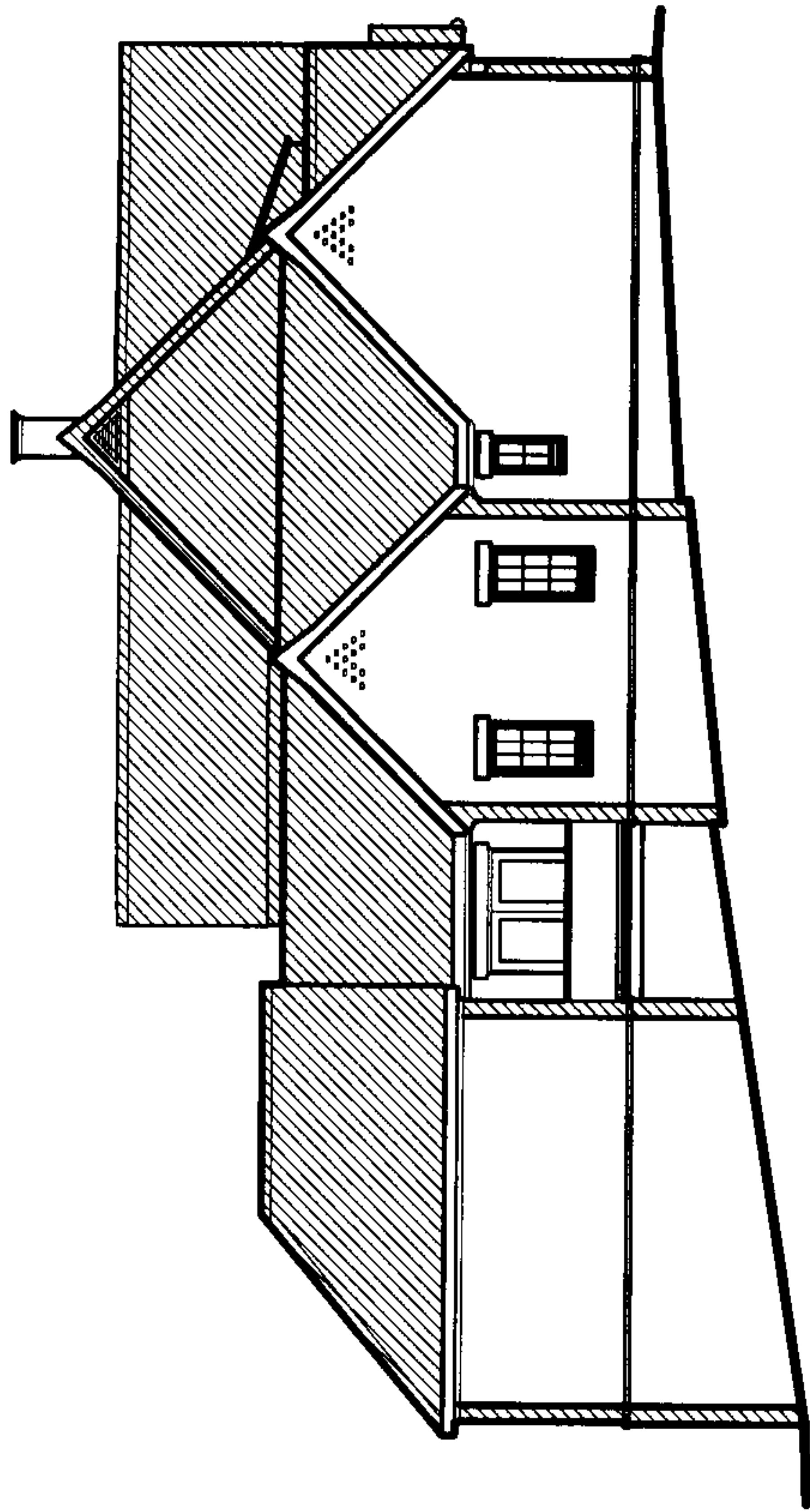
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1 Front and Side Elevations



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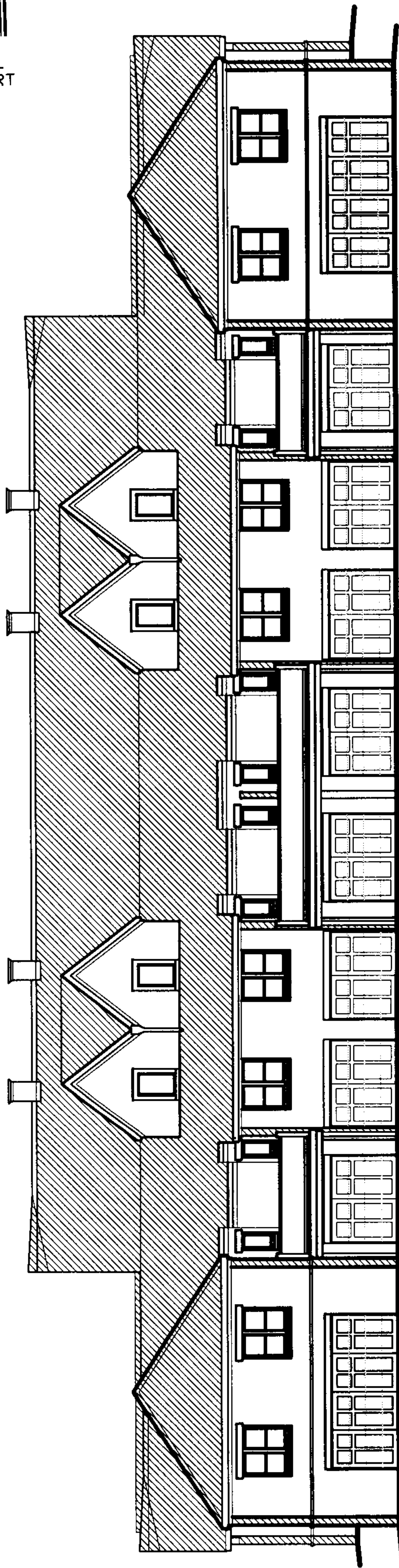
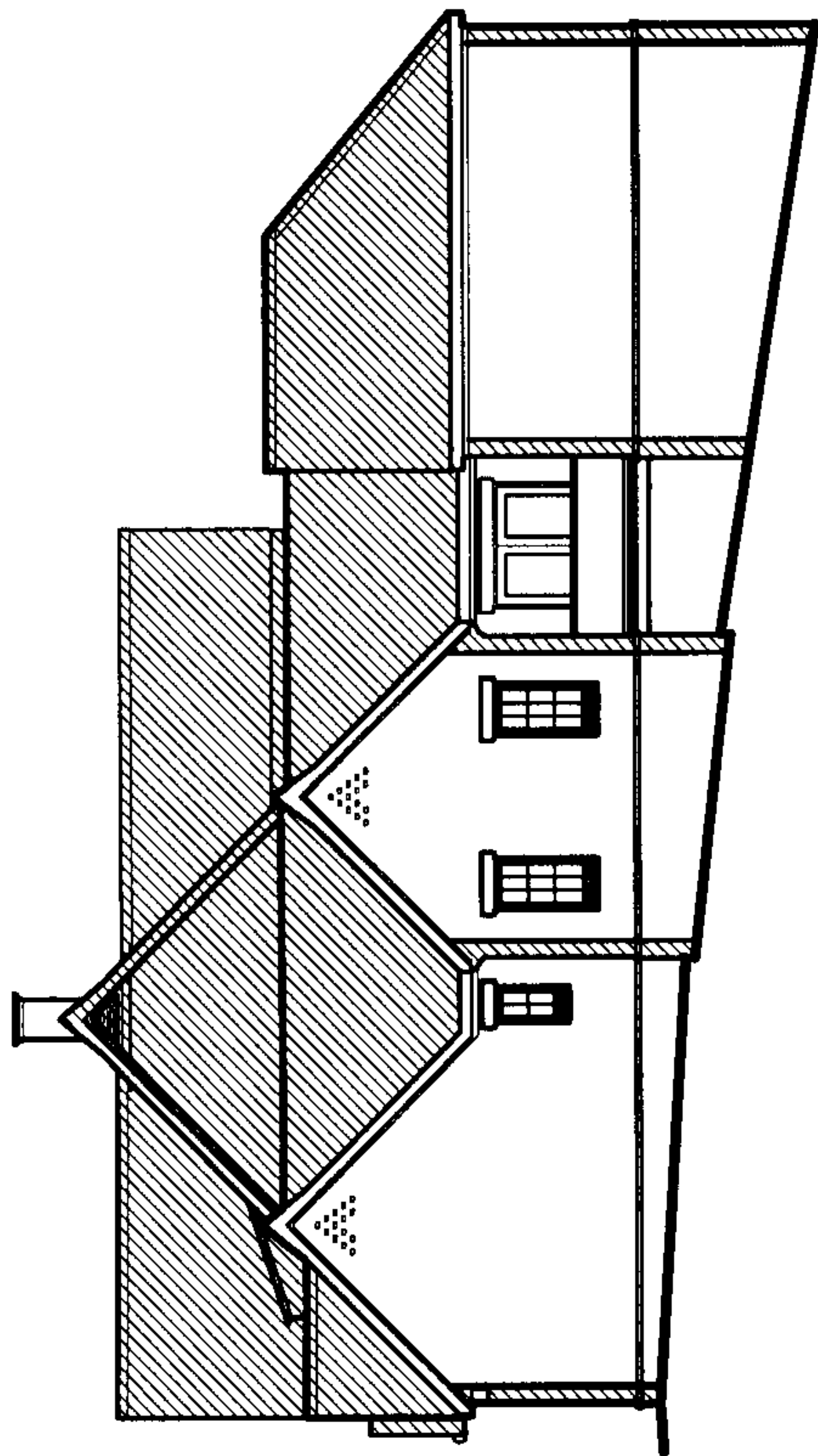
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EXHIBIT "B"

Sixth Amended and Restated Exhibit "D" of the Declaration

Ownership of Common Elements

<u>Residential Units</u>	<u>Residential Allocated Interest</u>	<u>Votes Per Unit</u>
Units 1-53; 76-93; 150-171; 175-193 (112 total Units)	.89%	1 vote / Unit
Total	100%	112


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