


This instrument was prepared by:
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420 North 20th Street
Birmingham, Alabama 35203


20080131000039890 1/8 \$37.00
Shelby Cnty Judge of Probate, AL
01/31/2008 08:00:14AM FILED/CERT

STATE OF ALABAMA)

COUNTY OF SHELBY)

SEVENTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF EDENTON,
A CONDOMINIUM

This Seventh Amendment to Declaration of Edenton, A Condominium (the "Amendment") is made this 31 day of January, 2008, by **EDENTON RESIDENTIAL CONDOMINIUM ASSOCIATION, INC.**, an Alabama nonprofit corporation (the "Association") and **CAHABA BEACH INVESTMENTS, LLC**, an Alabama limited liability company (the "Declarant"), pursuant to the provisions of the Alabama Uniform Condominium Act of 1991, §§ 35-8A-101, *et seq.*, *Code of Alabama* (1975), as amended (the "Act") and Article XIV, Section 14.01(a) of the Declaration of Condominium of Edenton, A Condominium recorded in the Office of the Judge of Probate of Shelby County, Alabama (the "Probate Office") on April 20, 2007, as Instrument Number 20070420000184480 as amended by the First Amendment recorded on May 8, 2007 in the Probate Office as Instrument Number 20070508000215560, the Second Amendment on May 22, 2007, in the Probate Office as Instrument Number 20070522000237580, the Third Amendment on June 6, 2007, in the Probate Office as Instrument Number 20070606000263790, the Fourth Amendment on June 26, 2007, in the Probate Office as Instrument Number 20070626000297920, the Fifth Amendment on August 17, 2007, in the Probate Office as Instrument Number 20070817000390000 and the Sixth Amendment on December 14, 2007, in the Probate Office as Instrument Number 20071214000565780 (the "Declaration"), for the purpose of further amending the Declaration to increase the number of buildings and Units the Developer may submit to the Condominium and to clarify the definition of Limited Common Elements.

RECITALS

WHEREAS, the Declaration was recorded for the purpose of submitting the lands described therein to the condominium form of ownership and the Condominium created thereby to the provisions of the Act;

WHEREAS, the Declarant and the Association desire to amend Article I, Section 1.19 of the Declaration to amend and restate the definition of Limited Common Elements as set forth below;

WHEREAS, the Declarant and the Association desire to amend Recital number 6 to increase the maximum number of buildings and Units the Developer may submit to the Condominium;

WHEREAS, the Declarant and the Association desire to amend Article III, Section 3.02 to provide that the Developer may submit a maximum of fifty-one (51) buildings and two hundred five (205) Units to the Condominium;

WHEREAS, the Declarant and the Association desire to amend Exhibit "C" of the Declaration to reflect the amendment to the Plans to indicate the proposed layout of the additional buildings and Units;

WHEREAS, the Declarant and the Association desire to amend Article IV, Section 4.02 to provide that the maximum number of Units the Declarant reserves the right to create is two-hundred five (205); and

WHEREAS, the Association has complied with the requirements of Article XIV, Section 14.01 of the Declaration by holding a meeting and obtaining at least sixty-seven percent (67%) of the votes of the Association in favor of amending the Declaration as set forth herein.

NOW THEREFORE, upon the recording hereof, the Association does hereby amend the Declaration and the Plans with this Seventh Amendment as follows:

1. All references to the Declaration shall mean the Declaration as amended by the First through this Seventh 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.

2. The Declarant and the Association do hereby amend and restate Article I, Section 1.19 of the Declaration to amend and restate the definition of Limited Common Elements as follows:

"Limited Common Elements" shall mean those portions of the Common Elements of the Condominium Property which are designated for the use of fewer than all of the Unit Owners and as set forth in Article V, Section 5.02 and shall include any area designated as Limited Common Elements on the Plan and any amendment to the Plan and any areas defined in the Act as Limited Common Elements. Should any Limited Common Element ever be determined not to be a Limited Common Element under the Act, the same shall be part of the Common Elements with an exclusive easement of use appurtenant to the Unit to which it was originally assigned as a Limited Common Element.

3. The Declarant and the Association do hereby amend and restate Recital number 6 of the Declaration as follows:

The first phase of the Condominium will consist of two (2) separate Buildings, containing a total of six (6) Units, together with any improvements, parking spaces, common elements, limited common elements, together with access and appurtenant facilities, all as more particularly described herein. In the future, Declarant may construct up to forty-nine (49) additional Buildings which may contain up to one hundred and ninety nine (199) additional Units, thereby making the total number of Units in the Condominium two hundred and five (205).

4. The Declarant and the Association do hereby amend Article III, Section 3.02(b) of the Declaration to provide that the Developer may construct up to forty-nine (49) Buildings containing two hundred and five (205) additional Units in the Condominium.

5. The Declarant and the Association do hereby amend Article IV, Section 4.02 of the Declaration to provide that the maximum number of Units the Declarant reserves the right to create is two hundred and five (205).

6. The Plan of the Condominium is simultaneously herewith being amended to reflect the location of the additional Buildings and Unit the Developer has the right to add to the Condominium. Exhibit "C" of the Declaration is hereby amended to reflect the amendment to the Plans to indicate the proposed layout of the additional Buildings and Units. 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.

7. 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.

8. It is the intention of the Declarant and the Association that the provisions of this Seventh 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.

9. This Seventh 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.

10. 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 and the Association have caused this Seventh Amendment to Declaration of Condominium of Edenton, a Condominium to be executed this 31 day of January, 2008.



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Shelby Cnty Judge of Probate, AL
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ASSOCIATION:

**EDENTON RESIDENTIAL CONDOMINIUM
ASSOCIATION, INC., and Alabama nonprofit
corporation**

By: Jonathan M. Belcher
Name: Jonathan M. Belcher
Its: PRESIDENT

Secretary: [Signature]

DECLARANT:

CAHABA BEACH INVESTMENTS, LLC,
an Alabama limited liability company

By: *Jonathan M. Belcher*
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 M. 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 23rd day of January, 2008.

[Notarial Seal]

Jonathan M. Belcher
Notary Public

My commission expires: _____

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 Seventh 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 Seventh Amendment to Declaration, and the execution hereof does not in any way subordinate or make the mortgage inferior to the said Seventh Amendment to Declaration.

Acknowledged and agreed this 22 day of
January, 2008.

COMPASS BANK

By: [Signature]
Name: BEN C HENRIK
Its: SR VICE President

STATE OF ALABAMA)

COUNTY OF JEFFERSON

I, the undersigned, a notary public in and for said county in said state, hereby certify that BEN HENRIK, whose name as SVP 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 22 day of JANUARY, 2008.

[Notarial Seal]

[Signature]
Notary Public
My commission expires: MY COMMISSION EXPIRES
MARCH 29, 2009



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EXHIBIT "C"

Amended Plans To Declaration

Attached is a proposed layout for the 205 units.

2nd Amended Condominium Plat of Edenton, A Condominium

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' DECEMBER 12, 2007

0 50 100 200 300
GRAPHIC SCALE

This map amends the 1st Amended Condominium Plat of
Edenton, A Condominium recorded in Map Book 39, Page 4.

STATE OF ALABAMA
SHELBY COUNTY

A portion of land being the Southeast 1/4 of the Southeast 1/4 of Section 25,
Township 18 South, Range 2 West, Shelby County, Alabama, being more particularly
described as follows:

Begin at the Southeast Corner of the Southeast 1/4 of the Southeast 1/4 of said
Section 25, thence South along the South line of said 1/4 - 1/4 Section, a distance of
1314.85 feet to the Southwest corner of said 1/4 - 1/4 Section, thence 924.56 feet in a
Northerly direction and along the West line of said 1/4 - 1/4 Section, a distance of 1315.03
feet to the Northwest corner of said 1/4 - 1/4 Section, thence 920.51 feet in an Easterly
direction along the North line of said 1/4 - 1/4 Section, a distance of 1317.28 feet to the
Northeast corner of said 1/4 - 1/4 Section, thence 880.52 feet in a Southerly direction
and along the East line of said 1/4 - 1/4 Section, a distance of 1318.67 feet to the Point of
Beginning.

LESS 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

I, the undersigned, Robert W. Easley, IV, a registered engineer in the State of Alabama,
Registration No. 21564, hereby certify 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 § 35-8A-209, Code of Alabama (1975).

I further certify that said Condominium is currently located in Flood Zone X (outside any
special flood hazard area) according to the flood map prepared by the U.S. Department of
Homeland Security. This Certification is intended to be part of the Plans and Declaration of
Edenton, A Condominium in Shelby County, Alabama, with all legal descriptions contained therein
incorporated as if stated in full herein and is prepared for recording in the Condominium
Book in the Office of the Judge of Probate of Shelby County, Alabama.



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

NAME OF THE CONDOMINIUM:
EDENTON, A CONDOMINIUM
SHELBY COUNTY, ALABAMA

Date: 12-13-07

Robert W. Easley, IV
Professional Engineer
Edenton Beach Investment, LLC, Owner

State of Alabama
Shelby County

I, the undersigned, a Notary Public in and for said County and State hereby certify that Robert
W. Easley, IV, whose name is signed to the foregoing certification as engineer, was a person to whom
I am personally known, and that he is duly qualified to perform the duties of a registered engineer
and architect, and that he is duly qualified to perform the duties of a notary public.

Given under my hand and seal this 13th day of December, 2007.

Notary Public
My Commission Expires 12/13/10

NOTARY PUBLIC STATE OF ALABAMA, ET AL
MY COMMISSION EXPIRES: 12/13/10
SHELBY COUNTY, ALABAMA

State of Alabama
Shelby County

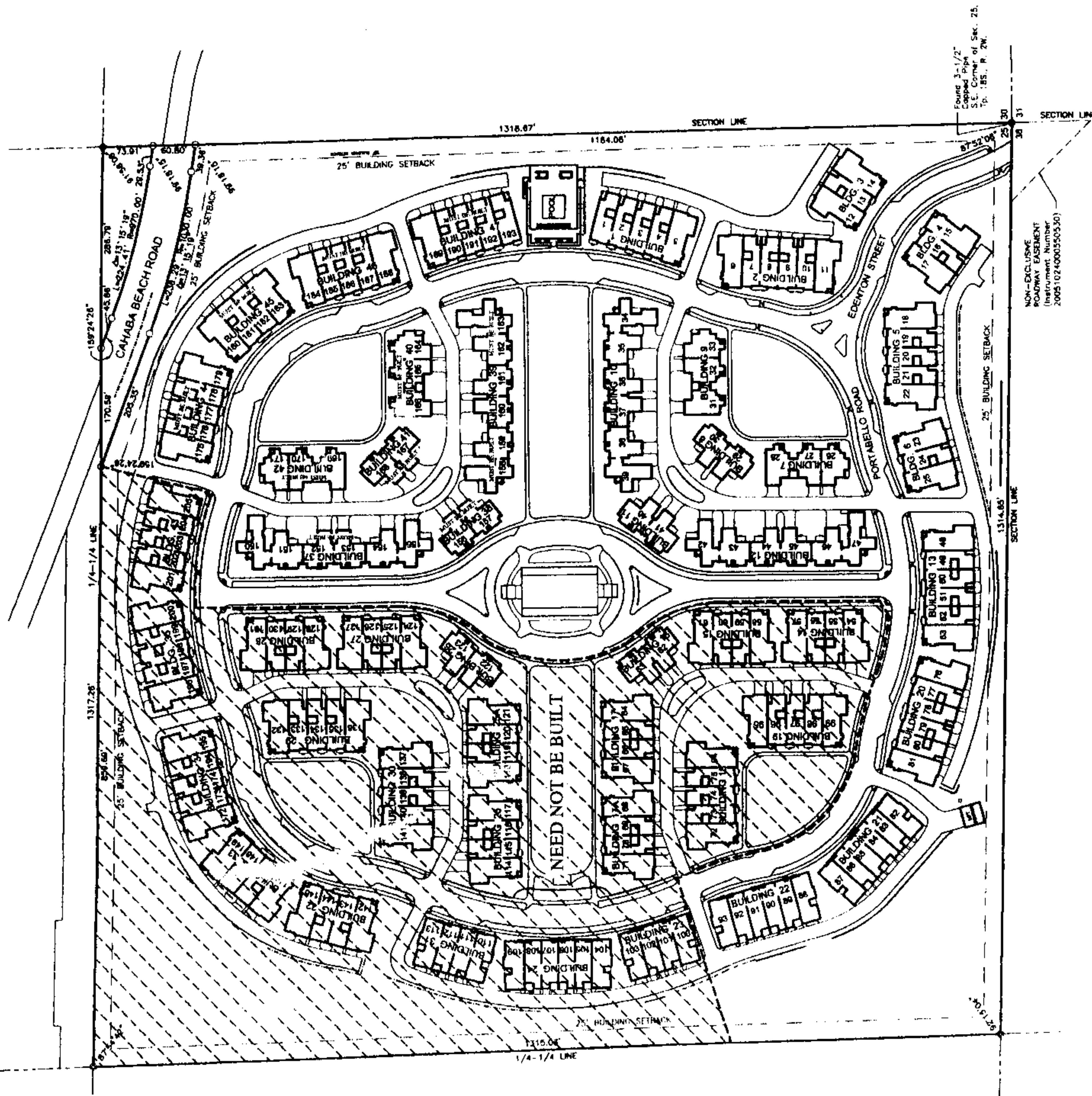
I, the undersigned, a Notary Public in and for said County and State hereby certify that Jonathan Belcher,
whose name is signed to the foregoing certification as engineer, was a person to whom
I am personally known, and that he is duly qualified to perform the duties of a registered engineer
and architect, and that he is duly qualified to perform the duties of a notary public.

Given under my hand and seal this 13th day of December, 2007.

Notary Public
My Commission Expires 12/13/10

NOTARY PUBLIC STATE OF ALABAMA, ET AL
MY COMMISSION EXPIRES: 12/13/10
SHELBY COUNTY, ALABAMA

LEGEND
BLDG: BUILDING
A: AREA
L: LENGTH OF CURVE
R.O.W: RIGHT-OF-WAY
S.F.: SQUARE FEET



Notes:

All portions of the site outside of the buildings are
common elements. See attached building plans for
common elements within buildings.
All portions of the site are subject to development
rights.

This plat is not a survey.

The Engineer's Certification only applies to this sheet.
This plat is not a survey. The Engineer's Certification
shown on this sheet, some drawings are not yet constructed.
See Architect's Certification for building information.

Shelby County is not responsible for the roads or drainage
within the subdivision. The Homeowners Association,
inc. is responsible for all maintenance.

DATE: 12/13/07

APPROVED: Jonathan Belcher
SHELBY COUNTY PLANNING COMMISSION