

This instrument was prepared by:
Carol H. Stewart
3400 Wachovia Tower
420 North 20th Street
Birmingham, Alabama 35203


20080411000148760 1/36 \$123.00
Shelby Cnty Judge of Probate, AL
04/11/2008 01:44:23PM FILED/CERT

STATE OF ALABAMA)

COUNTY OF SHELBY)

EIGHTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF EDENTON,
A CONDOMINIUM

This Eighth Amendment to Declaration of Edenton, A Condominium (the "Amendment") is made this 10th day of April, 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, the Sixth Amendment on December 14, 2007, in the Probate Office as Instrument Number 20071214000565780 and the Seventh Amendment on January 31, 2008, in the Probate Office as 20080131000039890 (the "Declaration"), for the purpose of further amending the Declaration to submit additional Buildings and Units to the Condominium pursuant to Section 15.04 of the Declaration the Developer may submit to the Condominium.

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 desires to exercise certain development rights reserved specially to the Declarant under Section 15.04 of the Declaration to add Buildings 14, 15, 16, 17, 17A, 18 and 19 to the Condominium containing a total of twenty-eight (28) additional Units, some buildings containing four (4) Units per building in Buildings 14, 15, 17, and 17A; some buildings containing five (5) Units per building in Buildings 18 and 19; and two (2) Units in Building 16 which action shall necessitate the modification of the Plans as recorded and attached to the Declaration as Exhibit "C;"

WHEREAS, 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;

WHEREAS, the Declarant desires 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 as shown on the Third Amended Plan recorded in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 39 Page 137, a copy of which is attached hereto as Exhibit "A;"

WHEREAS, in conjunction with adding Units to the Condominium, the Declarant desires to 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; and

WHEREAS, 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, upon the recording of this Eighth Amendment hereof, the Declarant does hereby amend the Declaration and reflect the amendment of the Plans as follows:

1. All references to the Declaration shall mean the Declaration as amended by the First through this Eighth Amendment, and all references to the Plans shall mean the Plans as amended by the First Amended Plan as recorded in the Judge of Probate of Shelby County in Map Book 39 Page 4, and further amended in the Second 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 Declaration is hereby amended to add eight (8) additional Buildings containing twenty-eight (28) additional Units buildings containing four (4) Units per building in Buildings 14, 15, 17, and 17A; some buildings containing five (5) Units per building in Buildings 18 and 19; and two (2) Units in Building 16 which shall be (the "New Units") along with other improvements in Common Elements and Limited Common Elements to the Condominium. The total number of Units currently existing in the Condominium after the addition of the twenty-eight (28) new Units is one hundred forty (140) Units. The Declarant continues to reserve the right to create additional Units and to complete the Condominium in one or more additional phases.

3. The Plan of the Condominium is simultaneously herewith being amended to reflect the location of the additional Buildings and the new Unit the Developer is adding 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 New Units. Hereafter

Exhibit "C" to the Declaration shall be the Plan attached to this Eighth Amendment as Exhibit "A."

4. Exhibit "D" of the Declaration which reflects the percentage ownership of the Common Elements and Common Expense liability of Units in the Condominium, is hereby declared null and void and is deleted from the Declaration in its entirety and the Eighth Amended and Restated Exhibit "D" is hereby substituted therefore, which Eighth Amended and Restated Exhibit "D" is attached hereto as Exhibit "B" and incorporated herein for all purposes to reflect the reallocation of the Common Element ownership and Common Expense liability upon adding the New Units to the Condominium. Said Eighth Amended and Restated Exhibit "D" constitutes the percentage ownership of Common Elements, as revised in accordance with this Amendment.

5. Except as hereinabove specifically modified by this Amendment, all of the terms, provisions and conditions of the Declaration, as amended, shall remain in full force and effect.

6. It is the intention of the Declarant that the provisions of this Eighth 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.

7. This Eighth 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, as amended, shall continue to be in full force and effect without any other changes whatsoever.

8. 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 Eighth Amendment to Declaration of Condominium of Edenton, a Condominium to be executed this 10 day of April, 2008.

DECLARANT:

CAHABA BEACH INVESTMENTS, LLC,
an Alabama limited liability company

By: *Jonathan M. Belcher*
Name: 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 President 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 10 day of April, 2008.

[Notarial Seal]

Alma V. Blakemore
Notary Public
My commission expires: **MY COMMISSION**
EXPIRES MARCH 2, 2011

CONSENT BY MORTGAGEE

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

Acknowledged and agreed this 10 day of
Apr. 1, 2008.

COMPASS BANK

By: BEN C. HENDRIX
Name: BEN C. HENDRIX
Its: SIC VICE PRESIDENT

STATE OF ALABAMA)

COUNTY OF _____)

I, the undersigned, a notary public in and for said county in said state, hereby certify that BEN HENDRIX, whose name as VICE PRES. 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 10 day of APRIL, 2008.

[Notarial Seal]

Susan Ann Perry
Notary Public
My commission expires: MARCH 23, 2009


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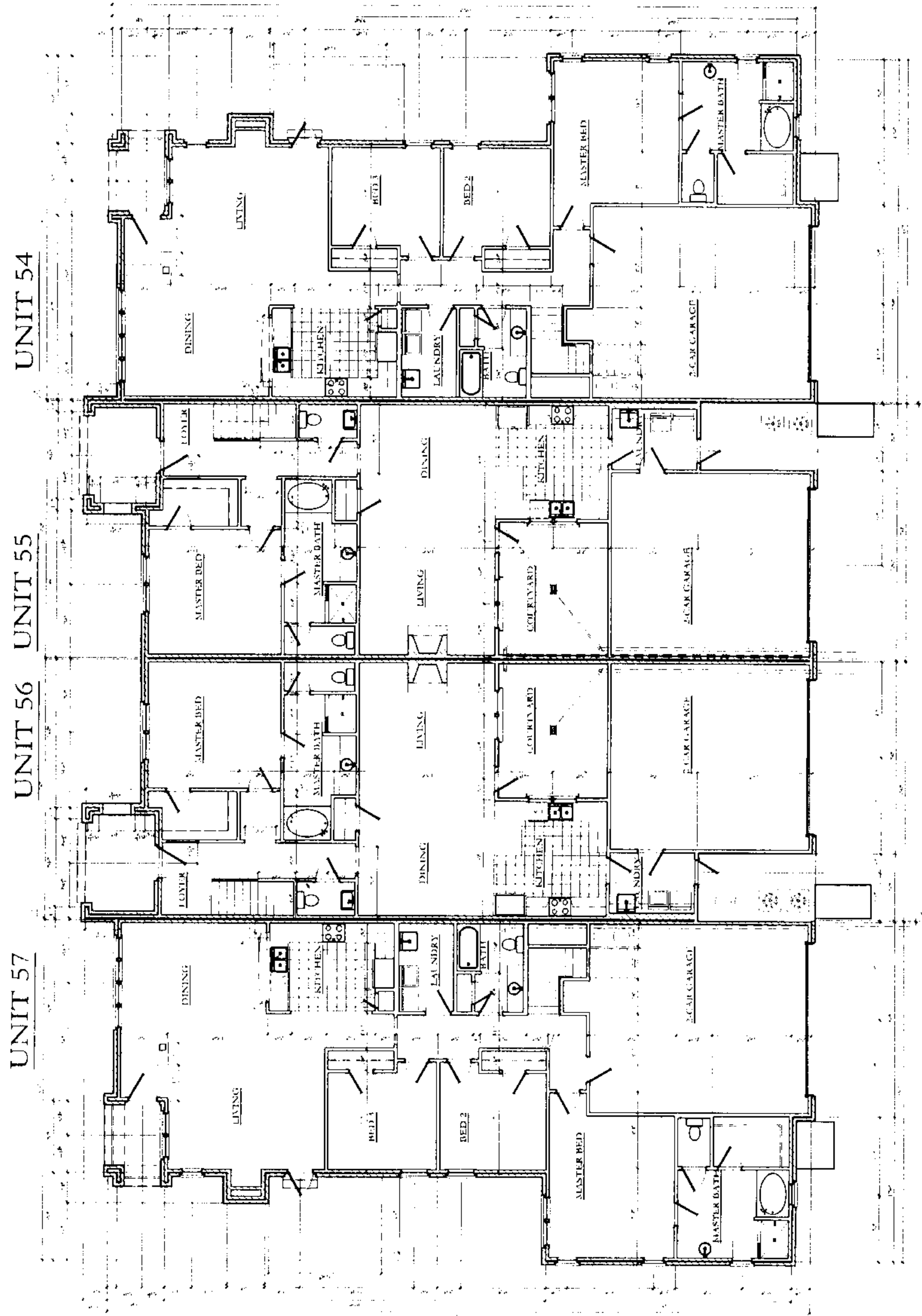
EXHIBIT "A"

Plan attached as Exhibit "C" to the Declaration

See Attached



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1 First Floor

Scale N.T.S.

Edenton Residential Condos Building 14

Units 54, 55, 56, 57
Shelby County, Alabama
03023

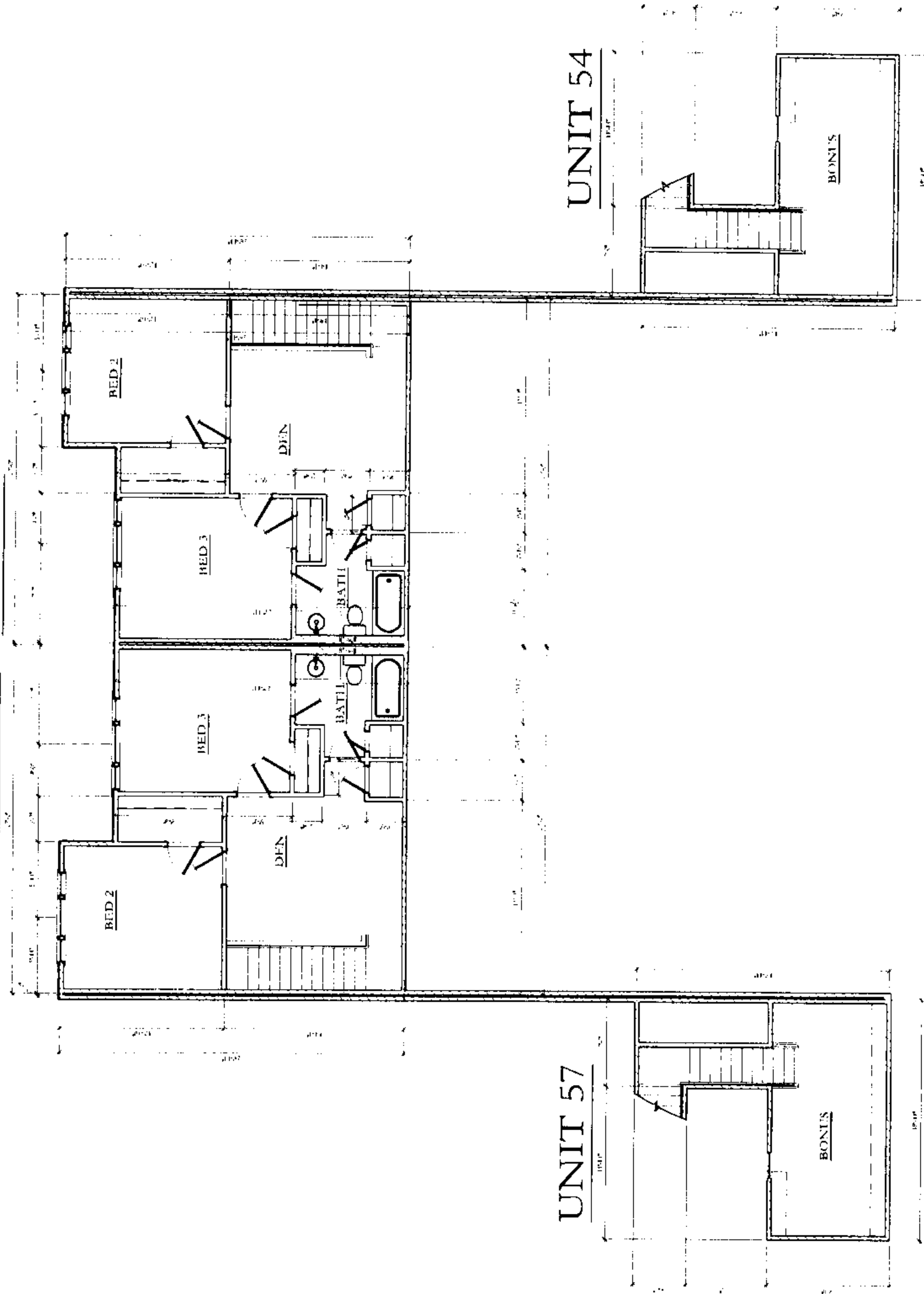
LEGEND

COMMON ELEMENT

LIMITED COMMON ELEMENT

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Birmingham, Alabama 35233
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UNIT 56 UNIT 55



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UNIT 57

UNIT 54

1 Second Floor

Scale N.T.S.

Edenton Residential Condos
Building 14

Units 54, 55, 56, 57

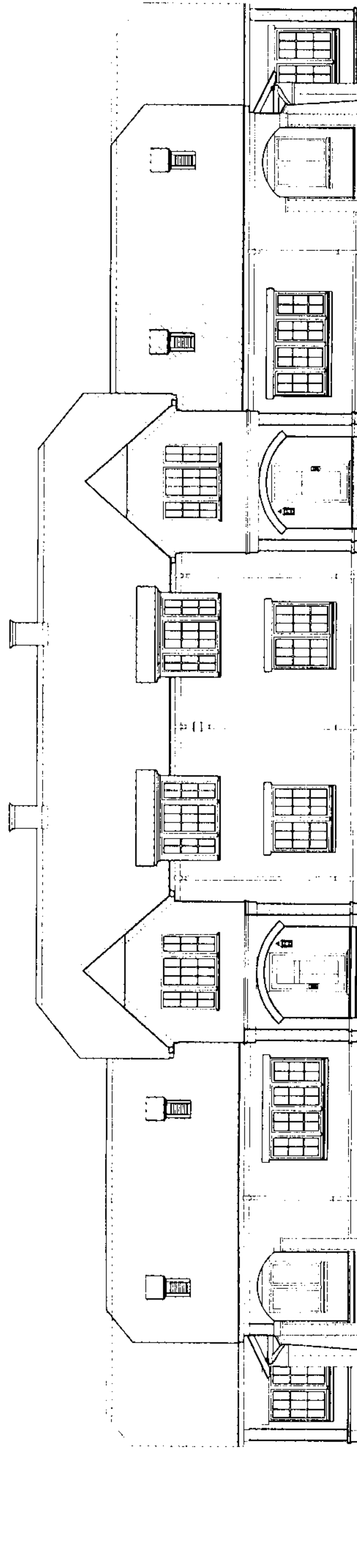
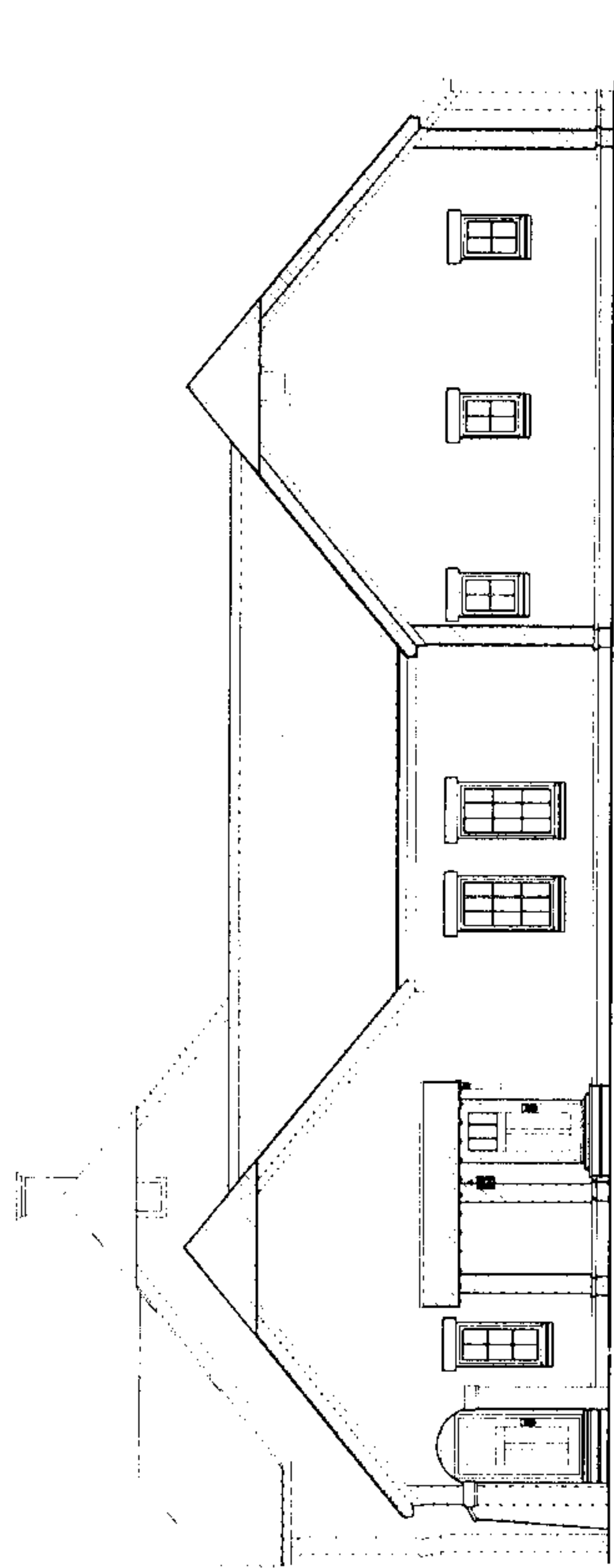
Shelby County, Alabama
05023

LEGEND

COMMON ELEMENT

LIMITED COMMON ELEMENT

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1 Front and Side Elevations

Scale N.T.S.

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Edenton Residential Condos Building 14

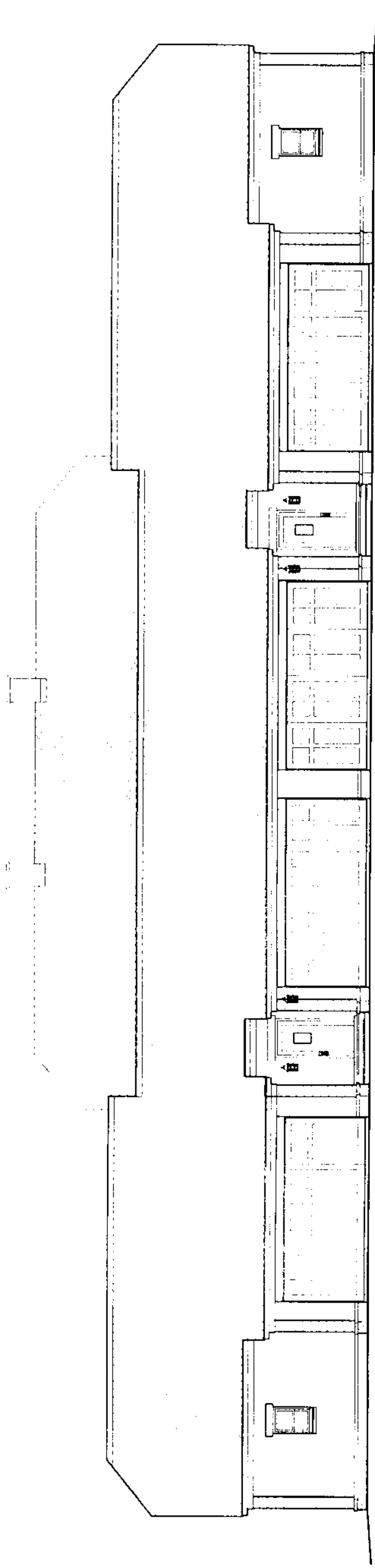
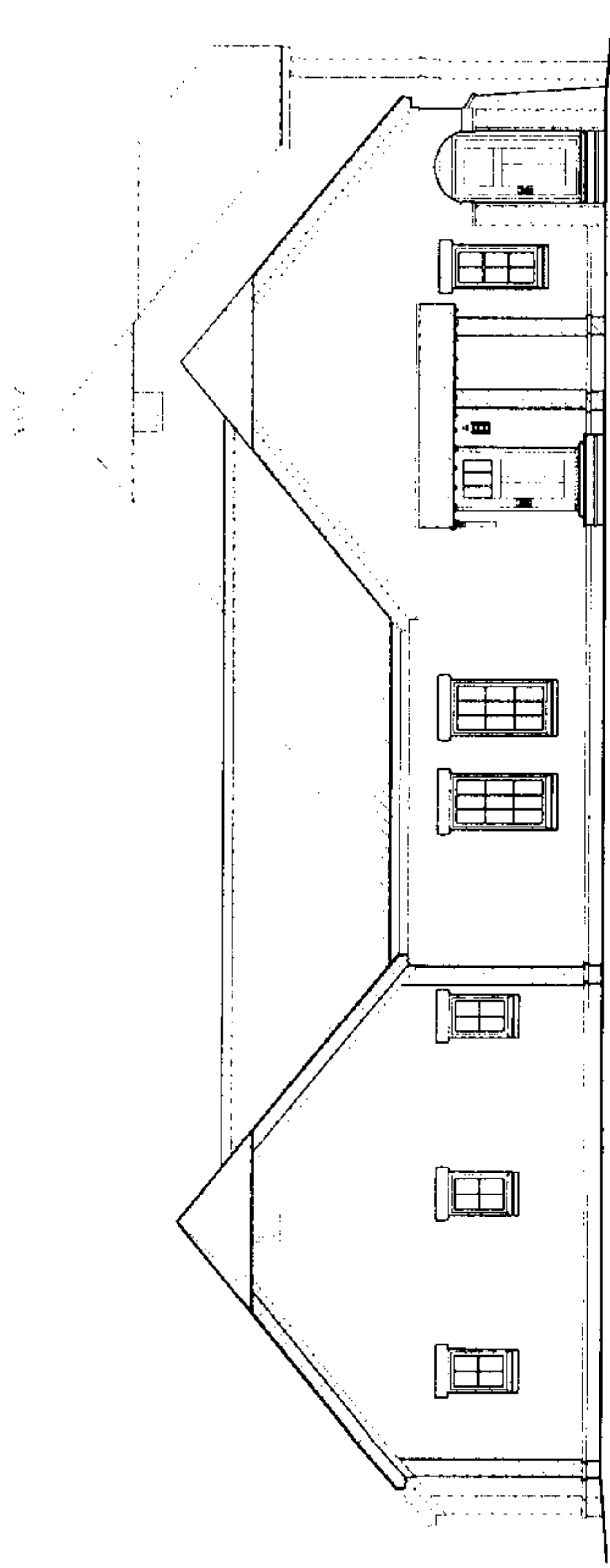
Units 54, 55, 56, 57
Shelby County, Alabama
05023

LEGEND

COMMON ELEMENT

LIMITED COMMON ELEMENT

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Birmingham, Alabama 35233
P 205.322.6432
F 205.322.6167
dungan.nequette.com



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1 Back and Side Elevations

Scale N.T.S.

Edenton Residential Condos
Building 14

Units 54, 55, 56, 57
Shelby County, Alabama
05023

LEGEND

COMMON ELEMENT

LIMITED COMMON ELEMENT

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Suite 240
Birmingham, Alabama 35233
t 205.322.6435
f 205.322.6167
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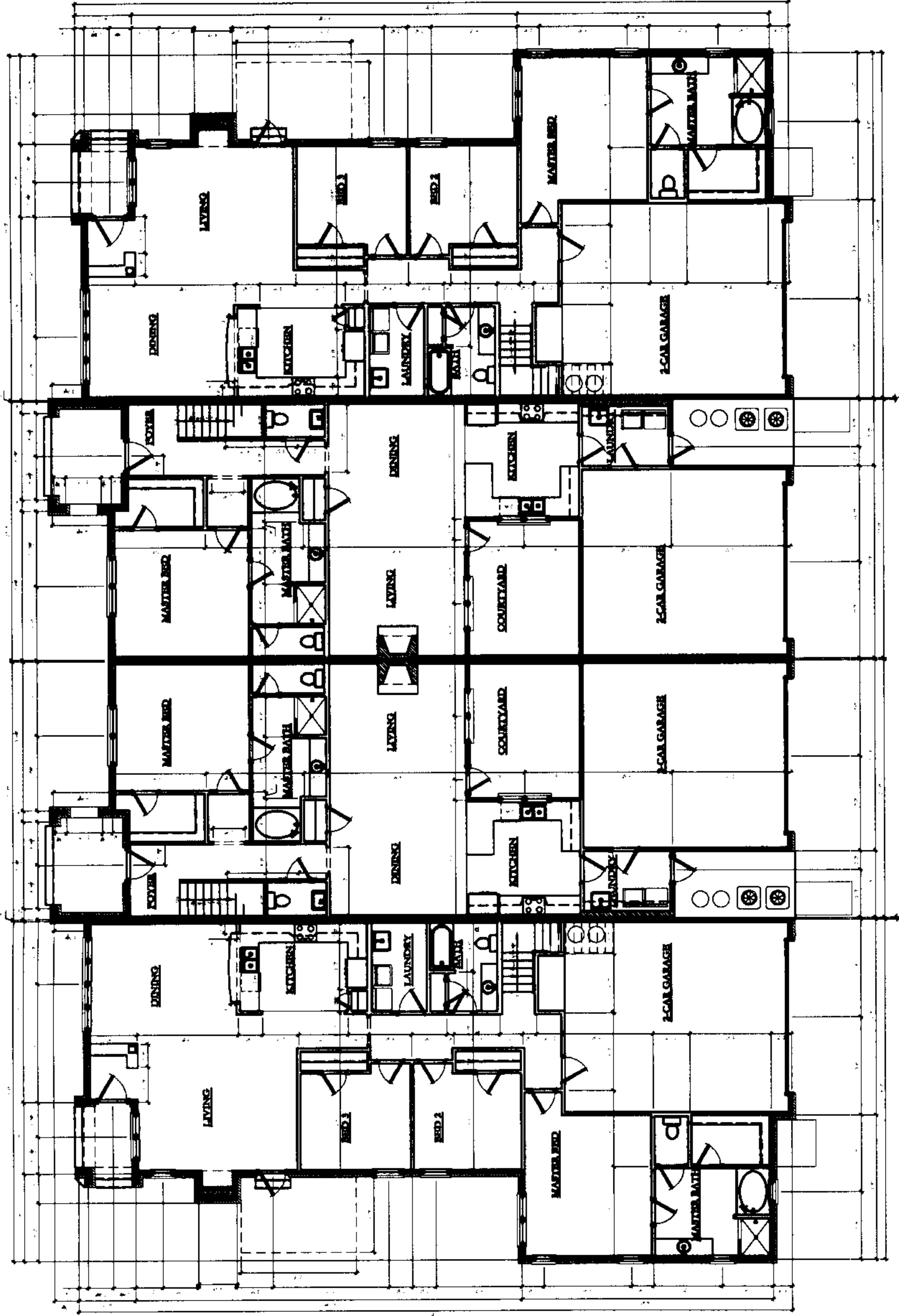
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UNIT 58

UNIT 59

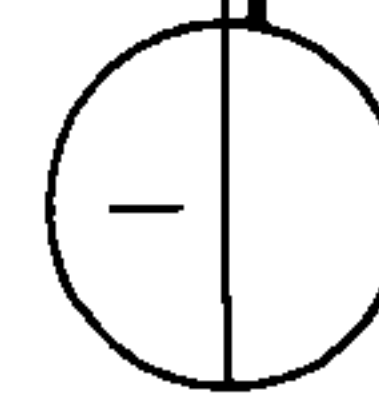
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UNIT 61

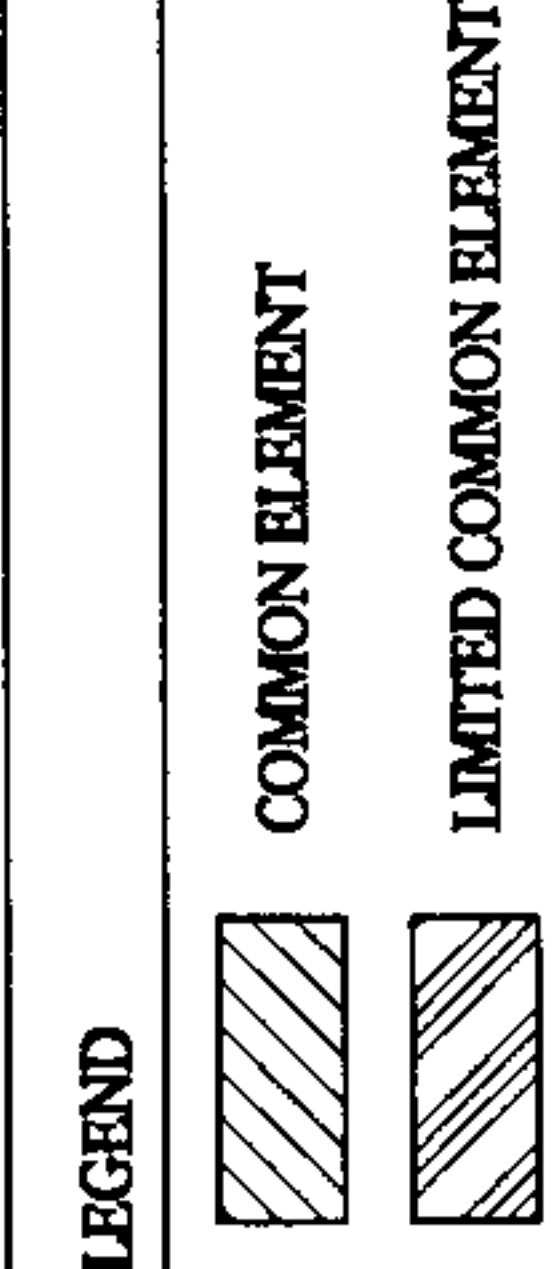


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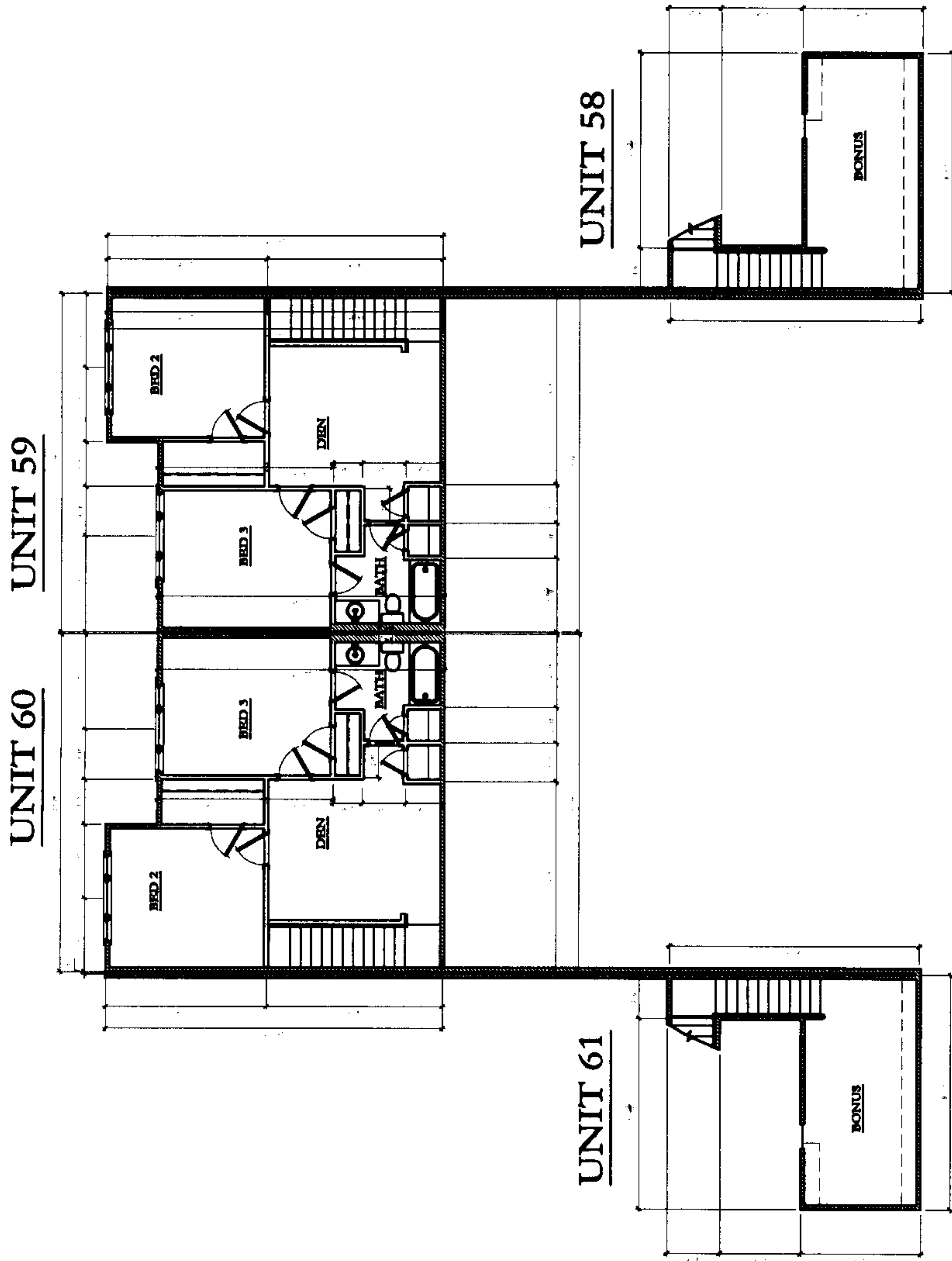
Scale N.T.S.



Edenton Residential Condos
Building 15
58,59,60,61
Shelby County, Alabama
05023



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ARCHITECTS
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Suite 240
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t 205.322.6455
f 205.322.6167
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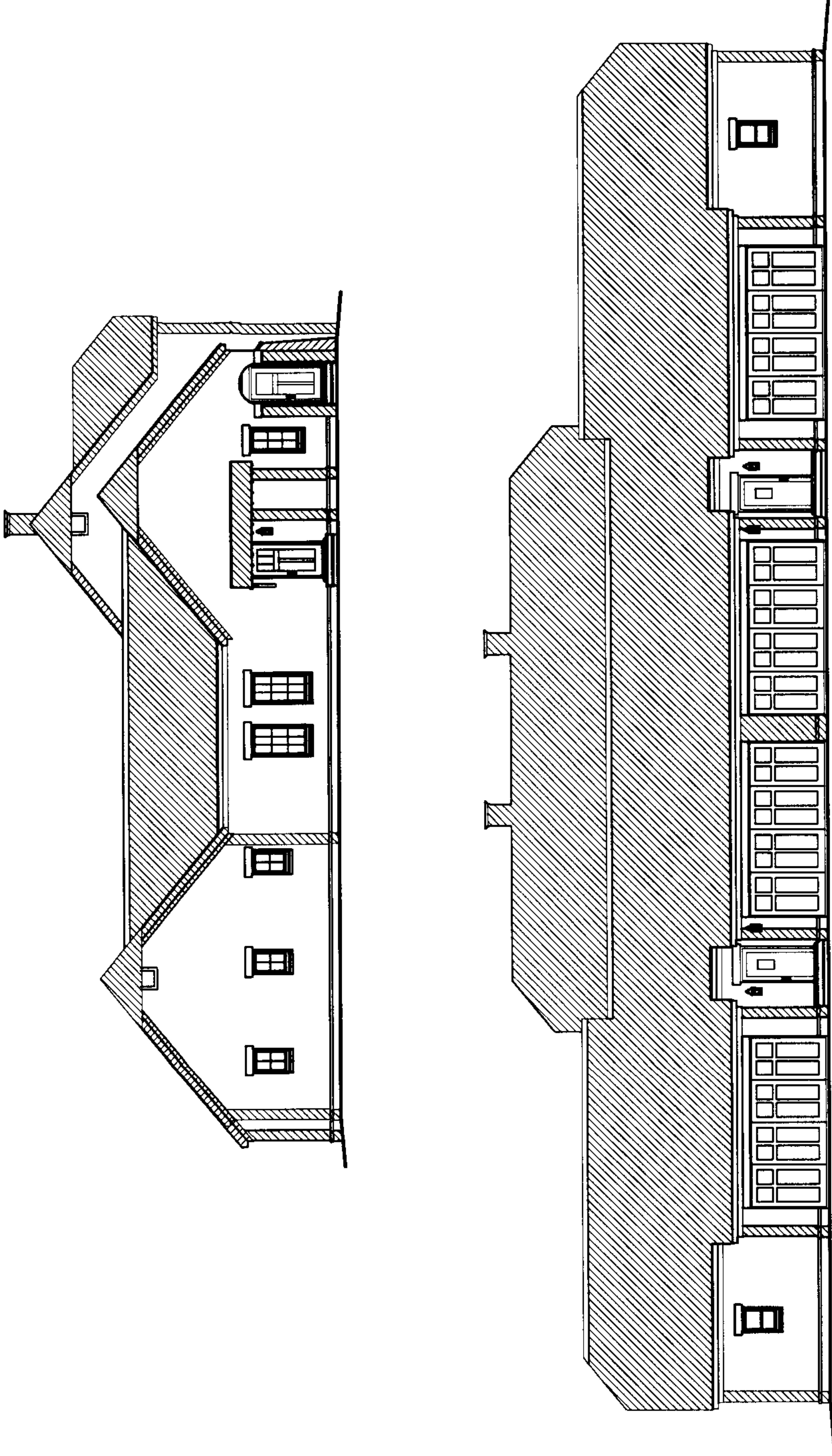
1 Second Floor
Scale N.T.S.

Edenton Residential Condos
Building 15
58,59,60,61
Shelby County, Alabama
05023

LEGEND
COMMON ELEMENT
LIMITED COMMON ELEMENT

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Suite 240
Birmingham, Alabama 35233
t 205.322.6455
f 205.322.6167
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Front and Side Elevations

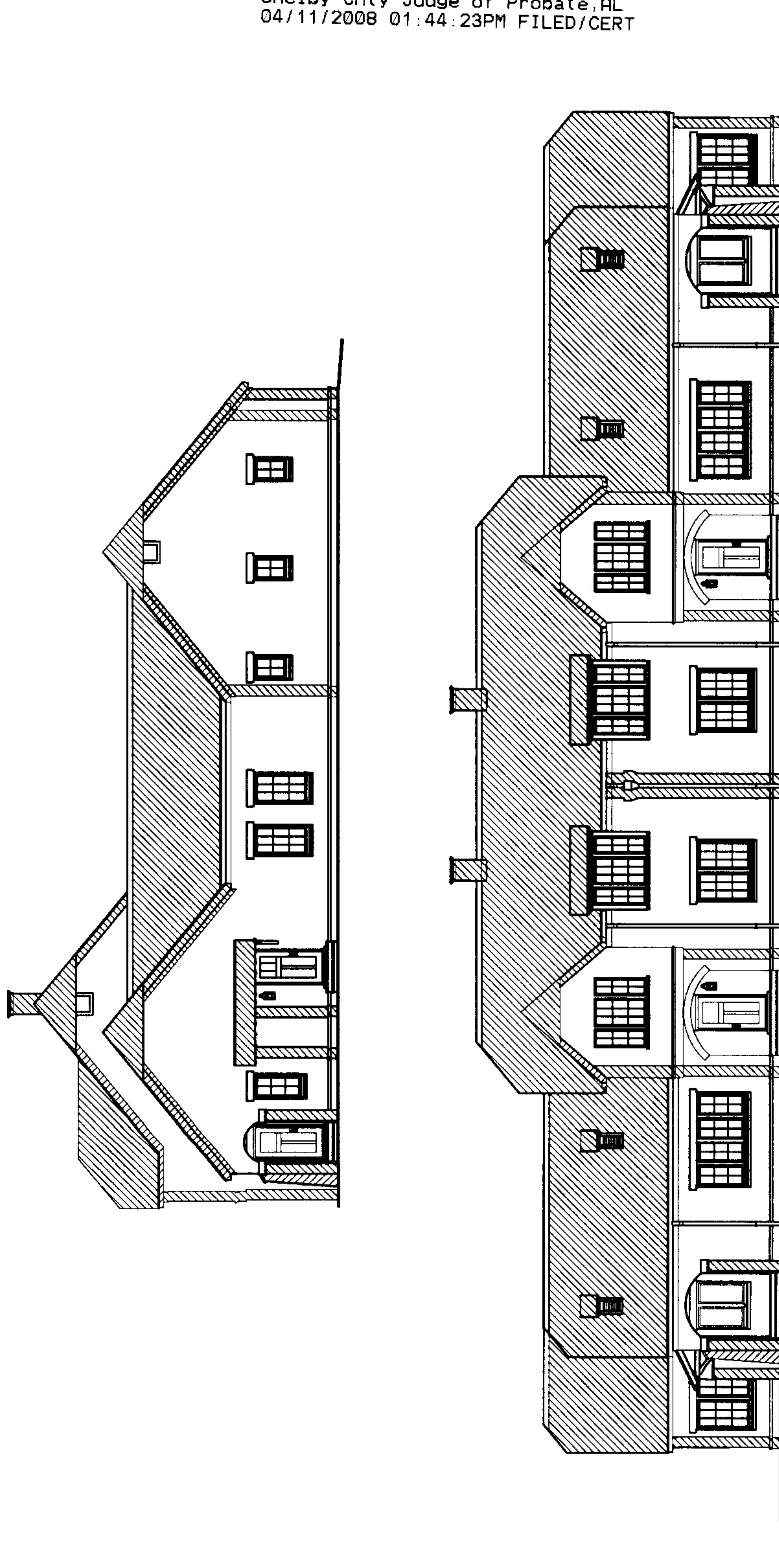
Scale N.T.S.

Edenton Residential Condos
Building 15
58,59,60,61
Shelby County, Alabama
05/023

LEGEND
COMMON ELEMENT
LIMITED COMMON ELEMENT

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Suite 240
Birmingham Alabama 35233
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f 205.322.6167
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1 Back and Side Elevations

Scale: N.T.S.

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Edenton Residential Condos
Building 15

58,59,60,61
Shelby County, Alabama
05023

LEGEND

COMMON ELEMENT

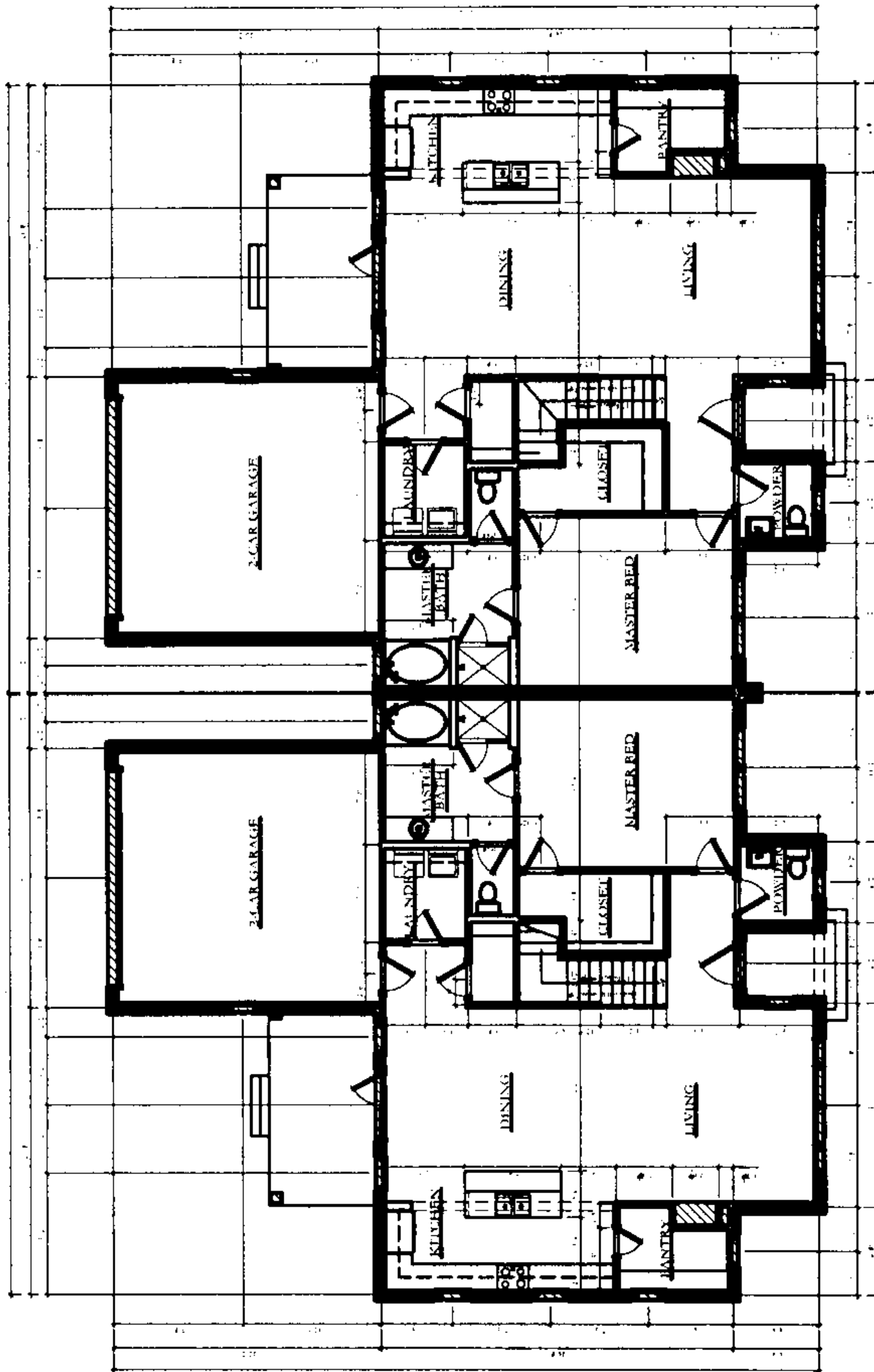
LIMITED COMMON ELEMENT

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UNIT 62

UNIT 63



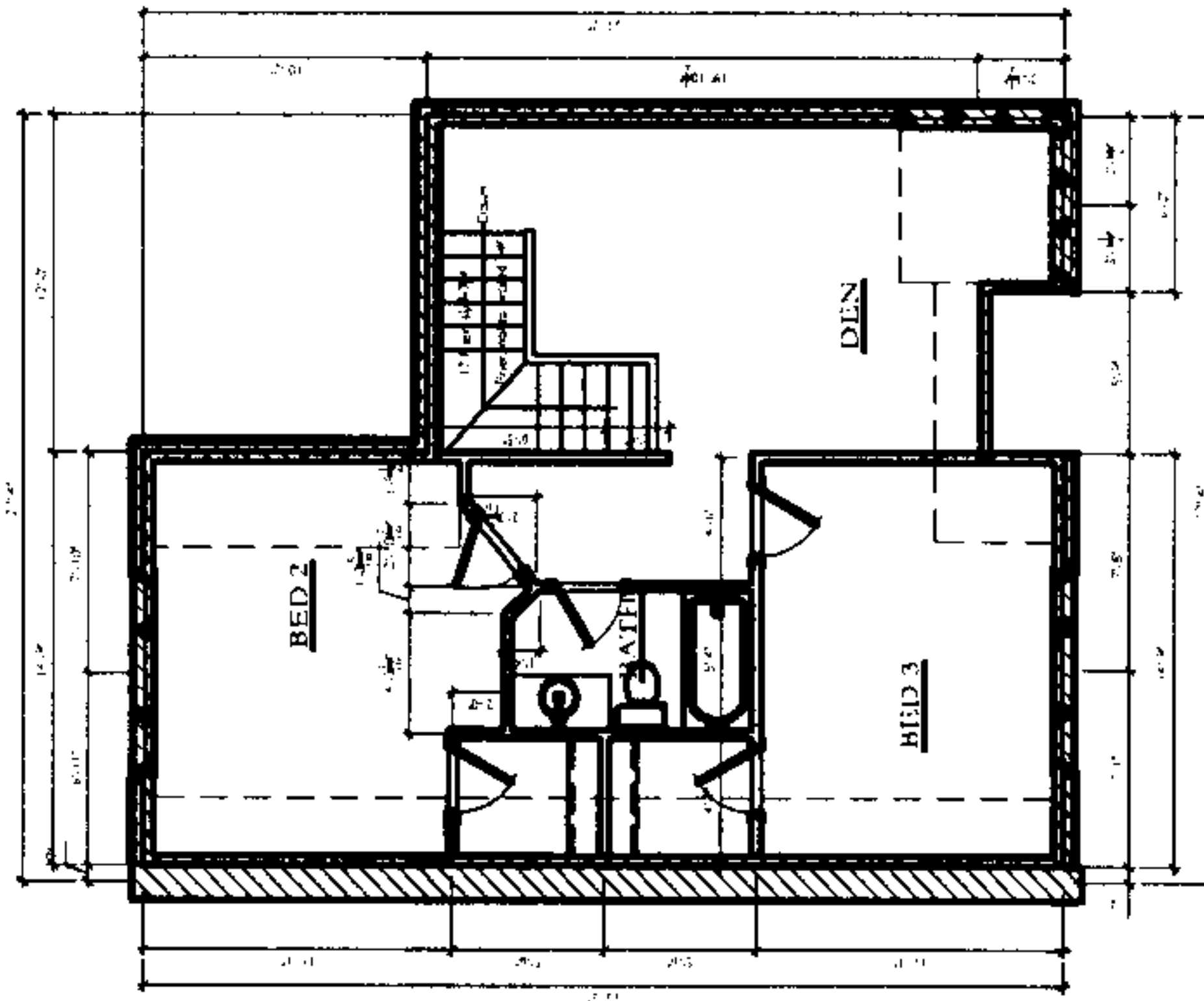
1 First Floor
Scale N.T.S.

Edenton Residential Condos
Building 16
62,63
Shelby County, Alabama
05025

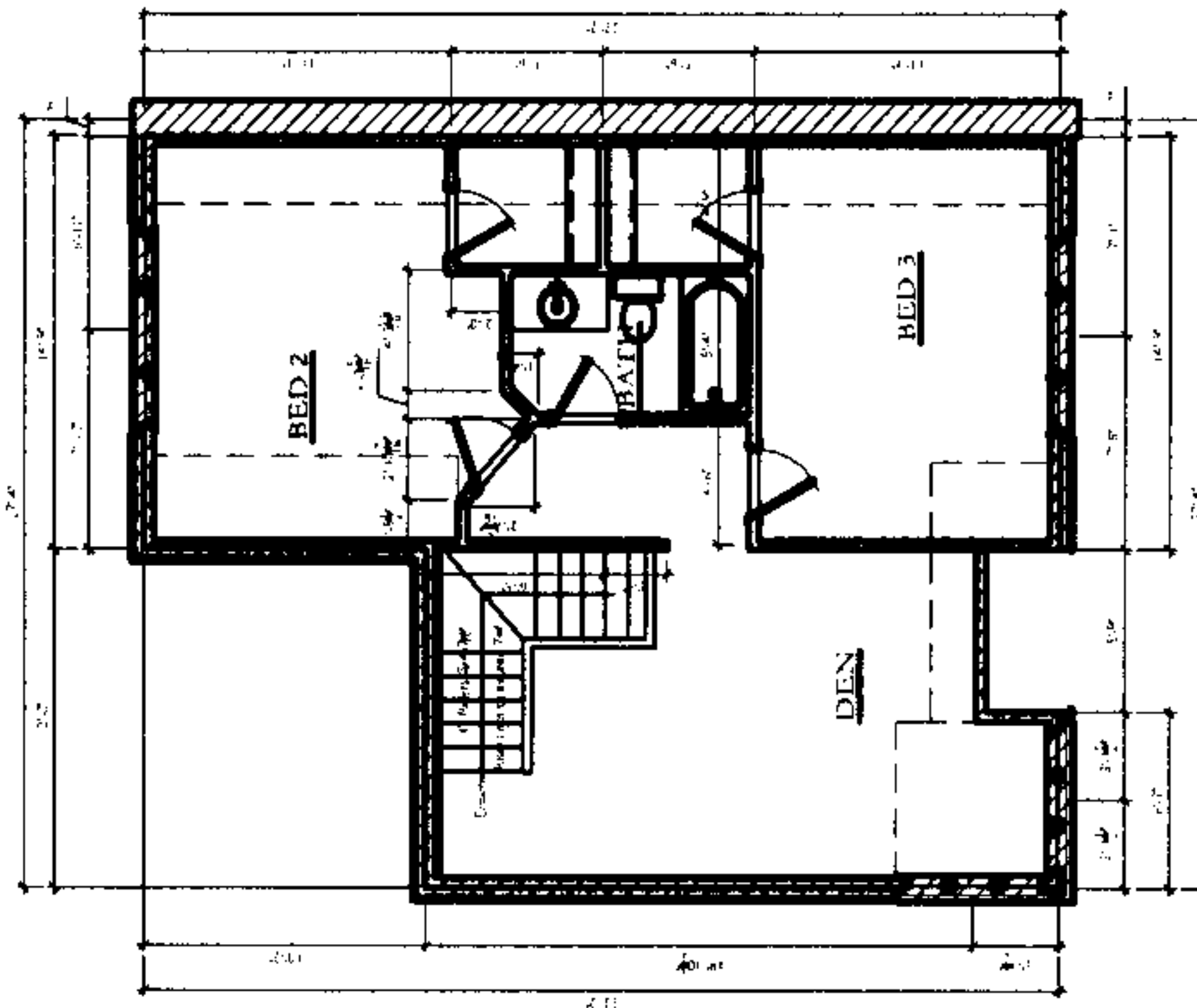
LEGEND
COMMON ELEMENT
LIMITED COMMON ELEMENT

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UNIT 62



UNIT 63



1 Second Floor

Scale N.T.S.



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Edenton Residential Condos
Building 16
62,63

Shelby County, Alabama
05023

LEGEND



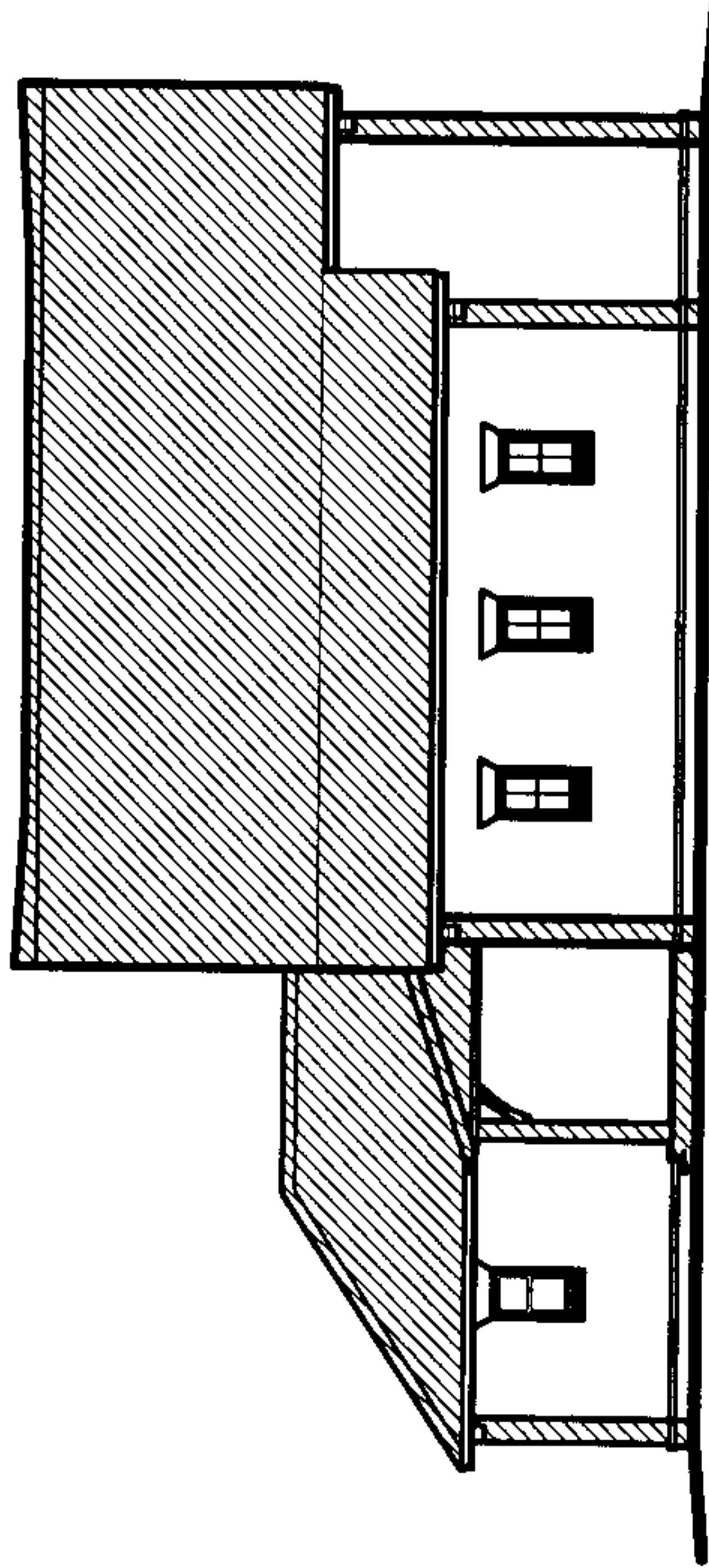
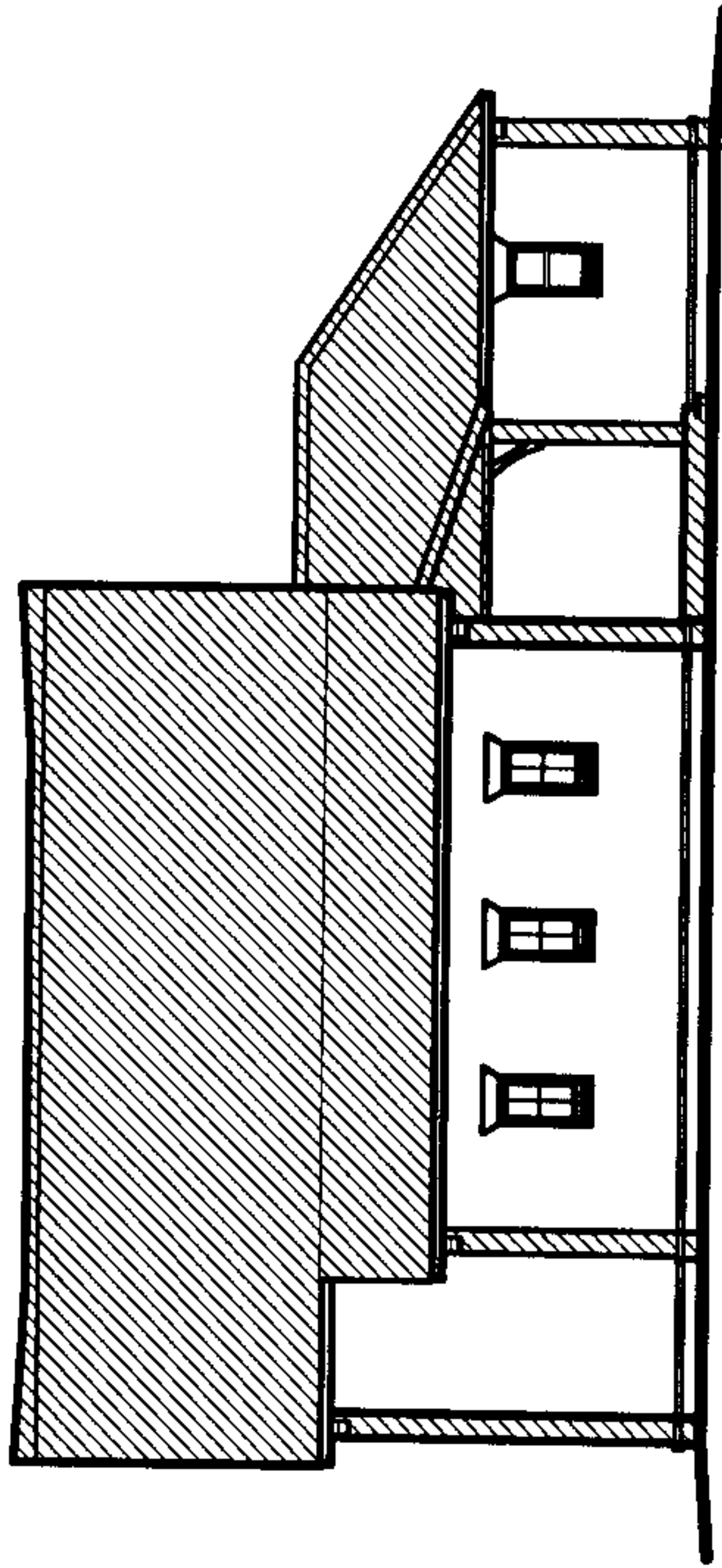
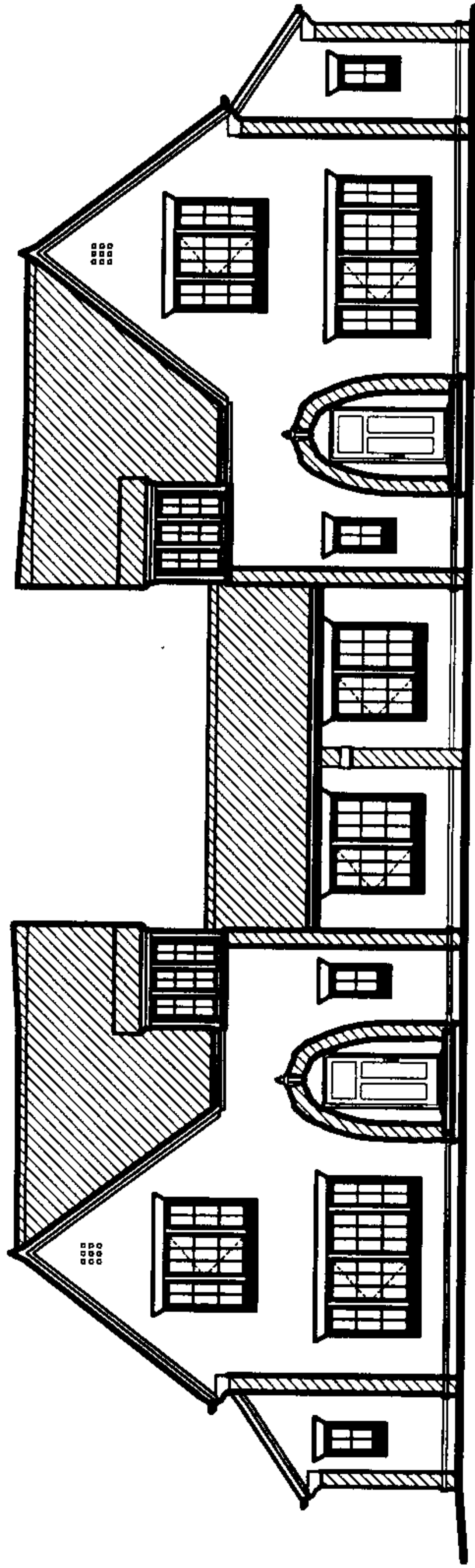
COMMON ELEMENT



LIMITED COMMON ELEMENT

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Front and Side Elevations

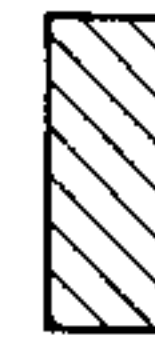
Scale N.T.S.

Edenton Residential Condos Building 16

62,63

Shelby County, Alabama
05023

LEGEND



COMMON ELEMENT

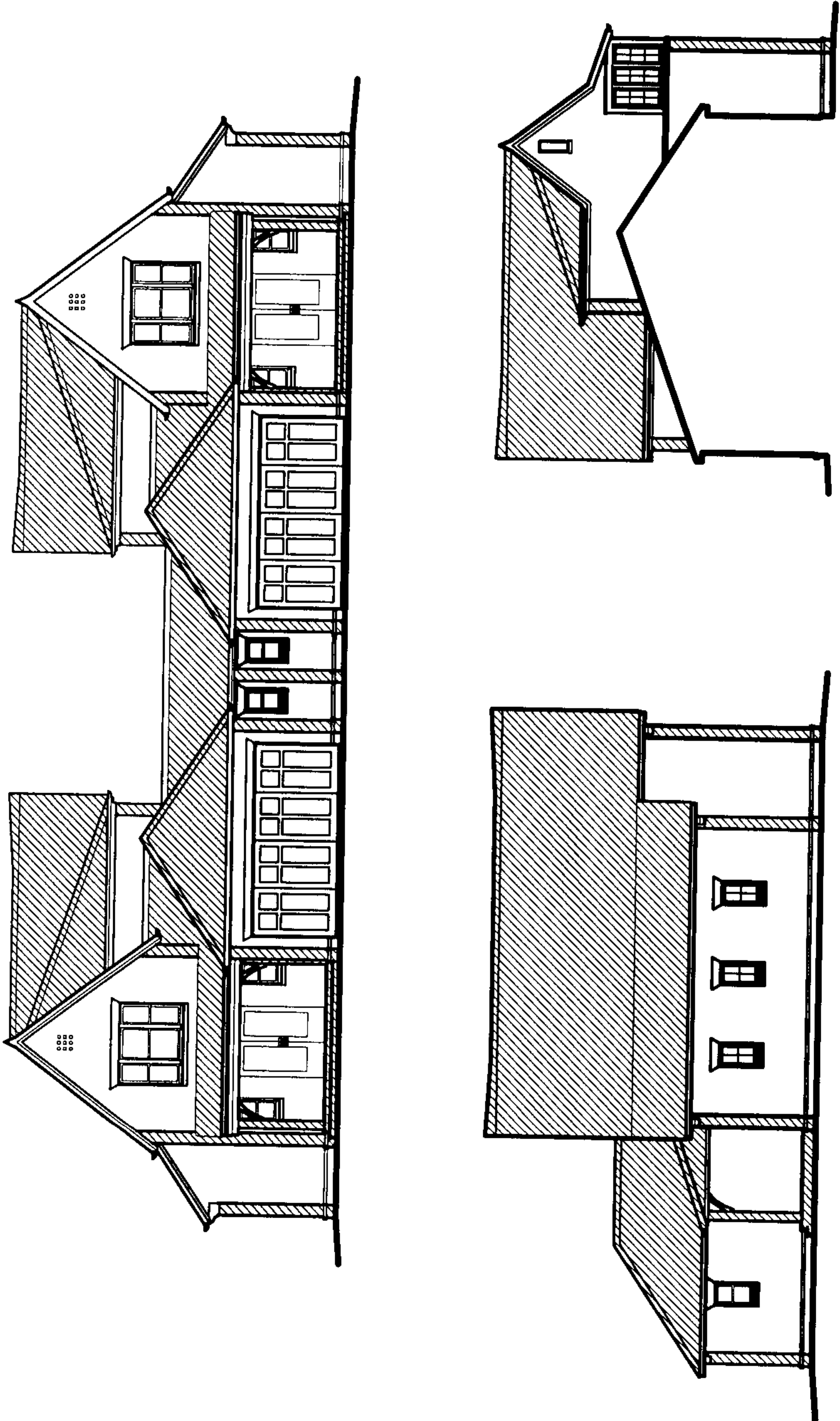


LIMITED COMMON ELEMENT

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1 Back and Side Elevations

Scale N.T.S.

Edenton Residential Condos
Building 16

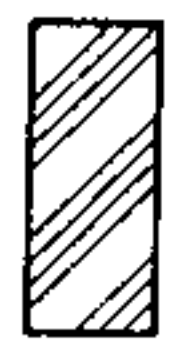
62,63

Shelby County, Alabama
05023

LEGEND

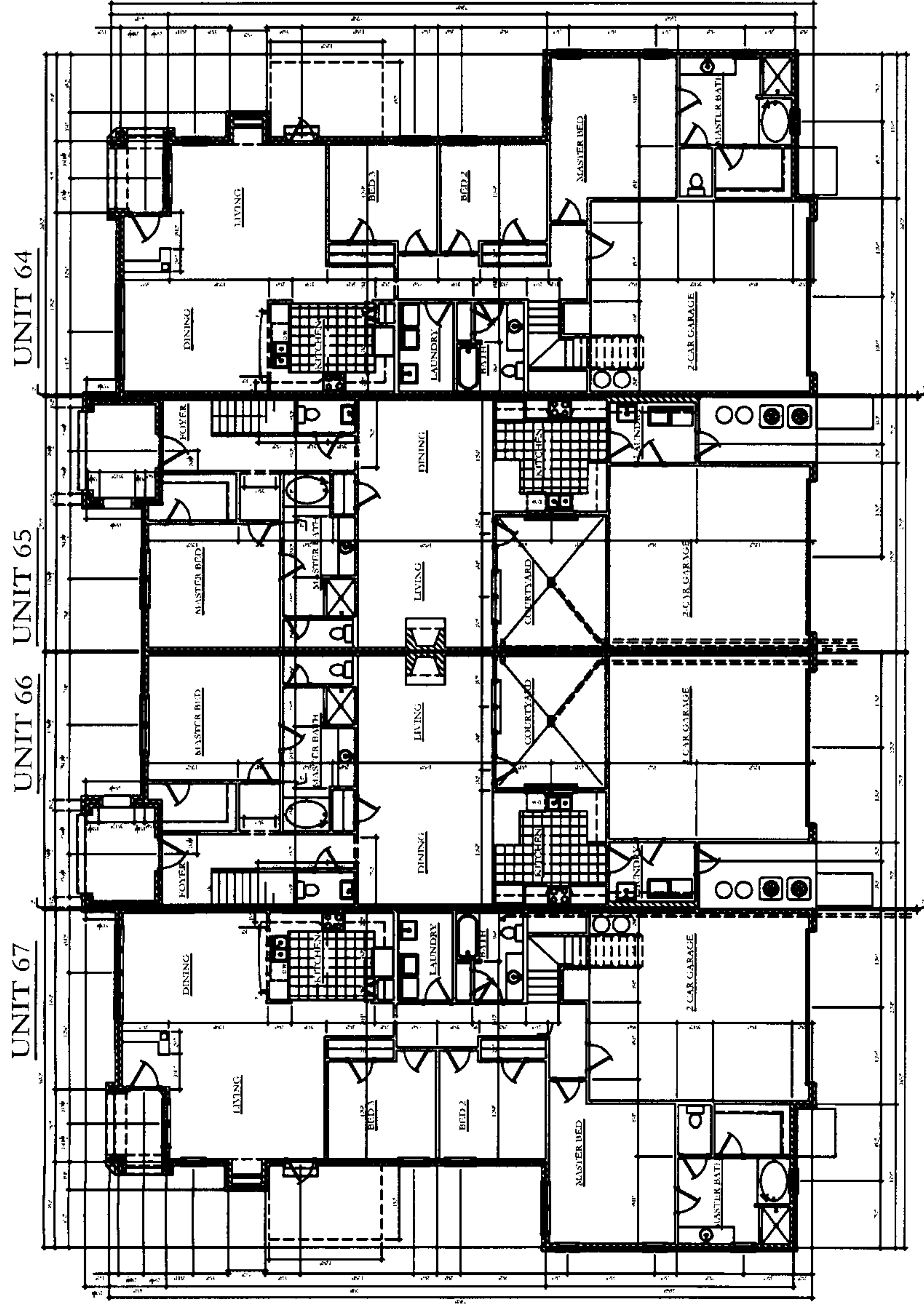


COMMON ELEMENT



LIMITED COMMON ELEMENT

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1
First Floor
Scale N.T.S.

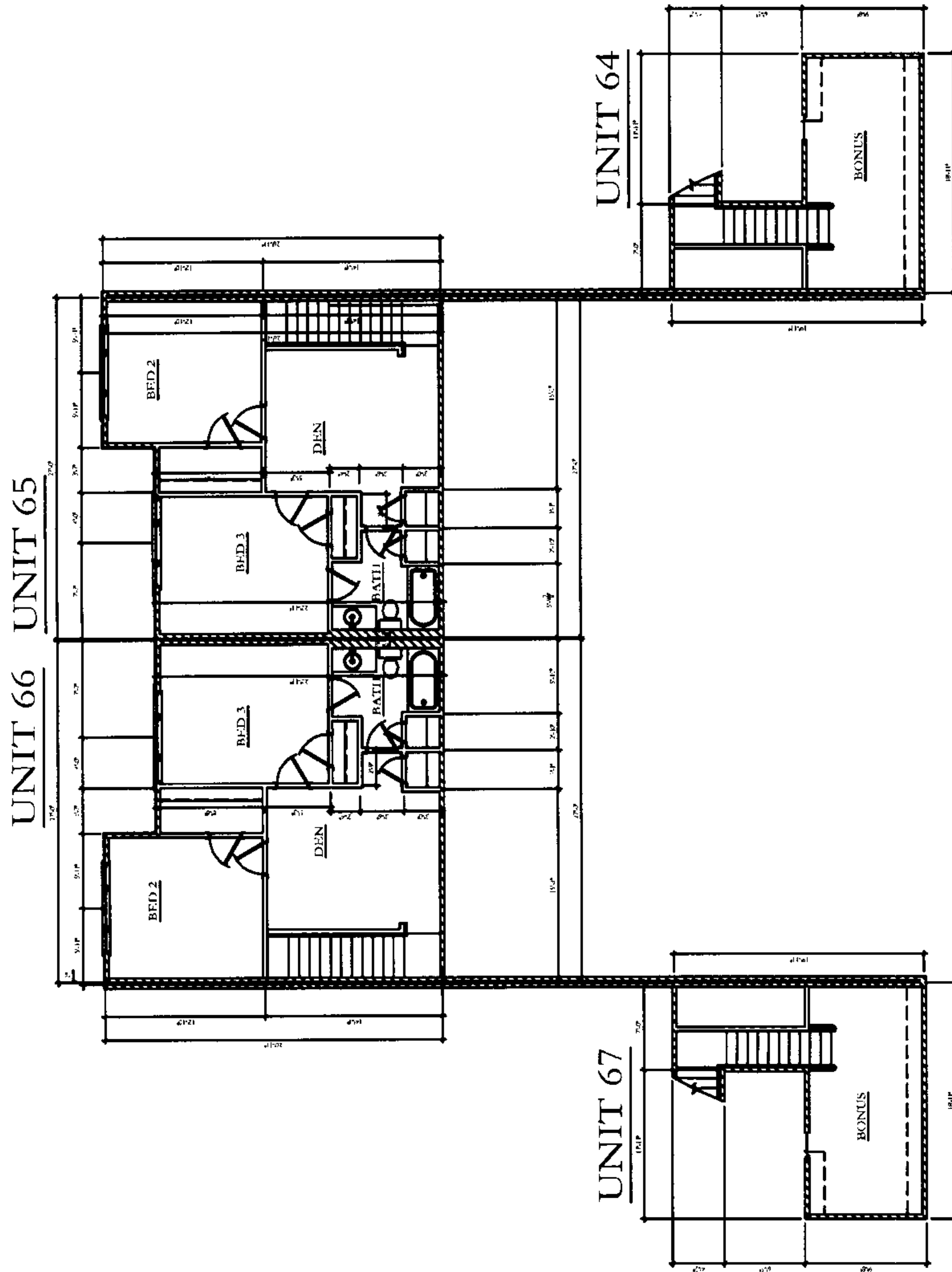
Edenton Residential Condos
Building 17
Units 64, 65, 66, 67
Shelby County, Alabama
05023

LEGEND



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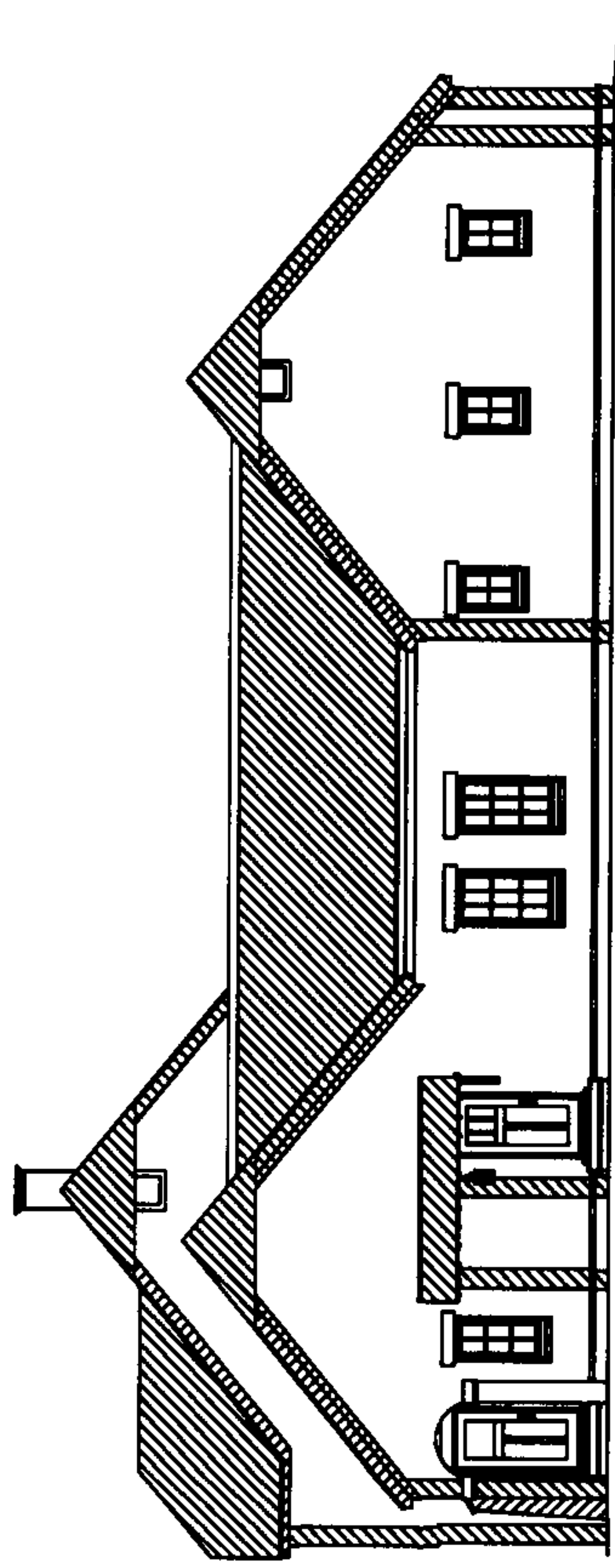


1 Second Floor

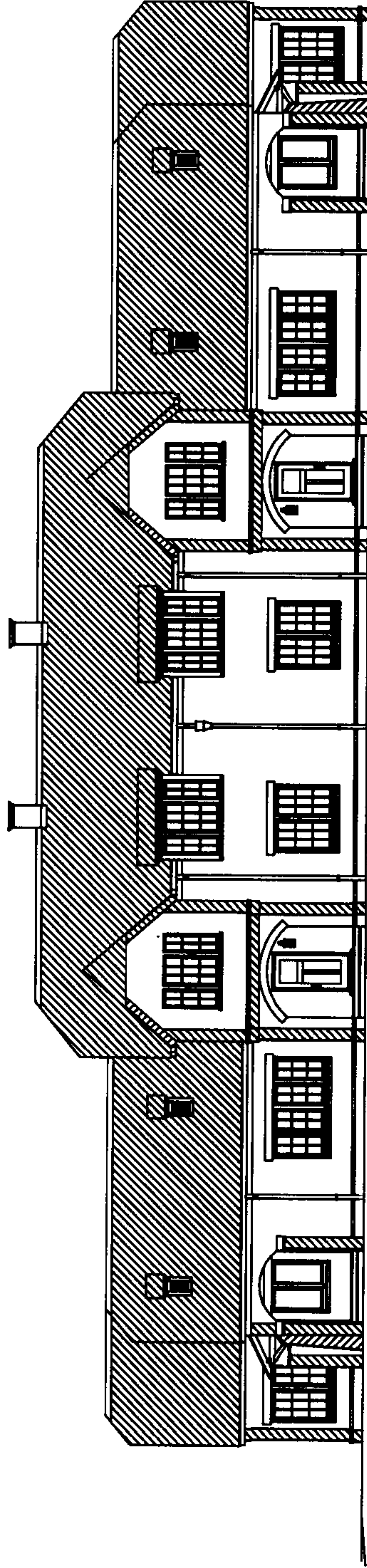
Scale N.T.S.

Edenton Residential Condos
Building 17
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Shelby County, Alabama
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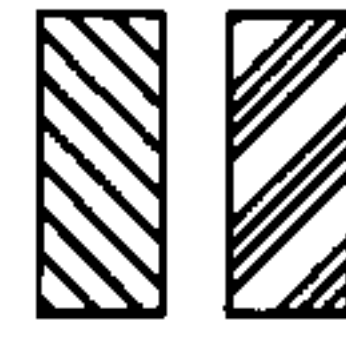


1 Front and Side Elevations

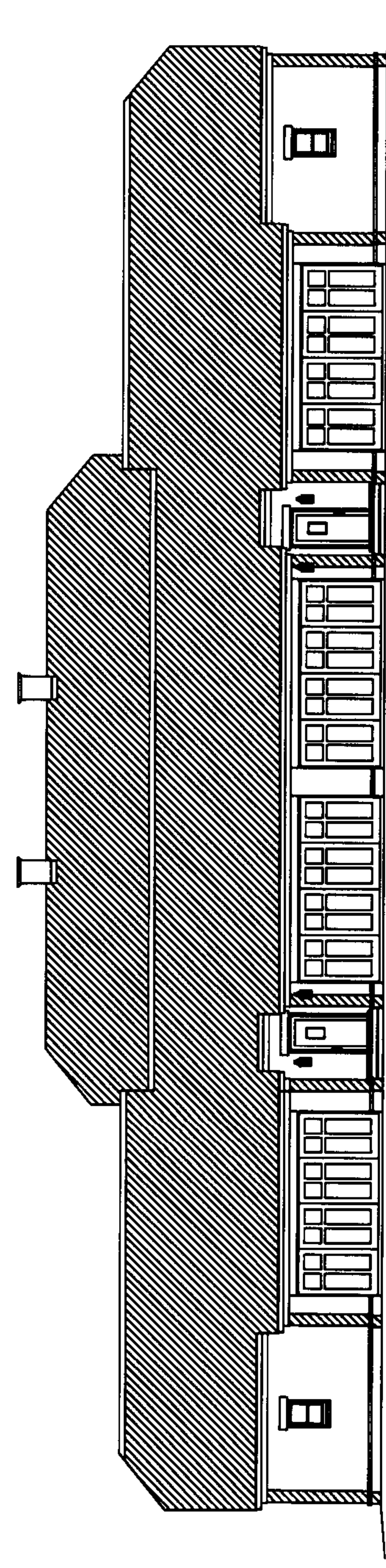
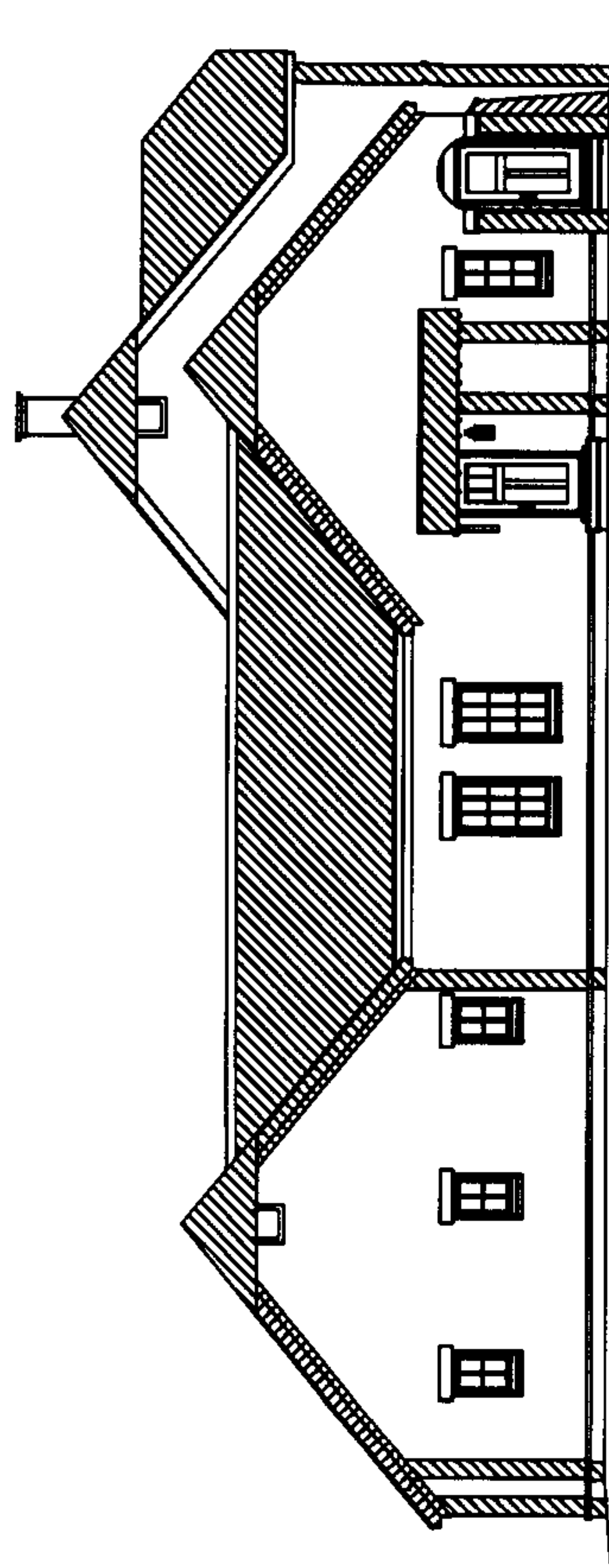
Scale: N.T.S.

Edenton Residential Condos
Building 17
Units 64, 65, 66, 67
Shelby County, Alabama
05023

LEGEND

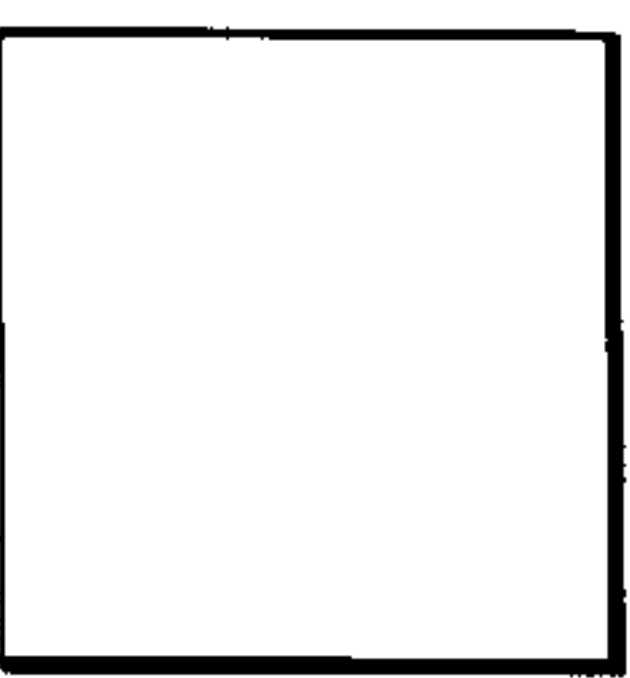


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1 Back and Side Elevations
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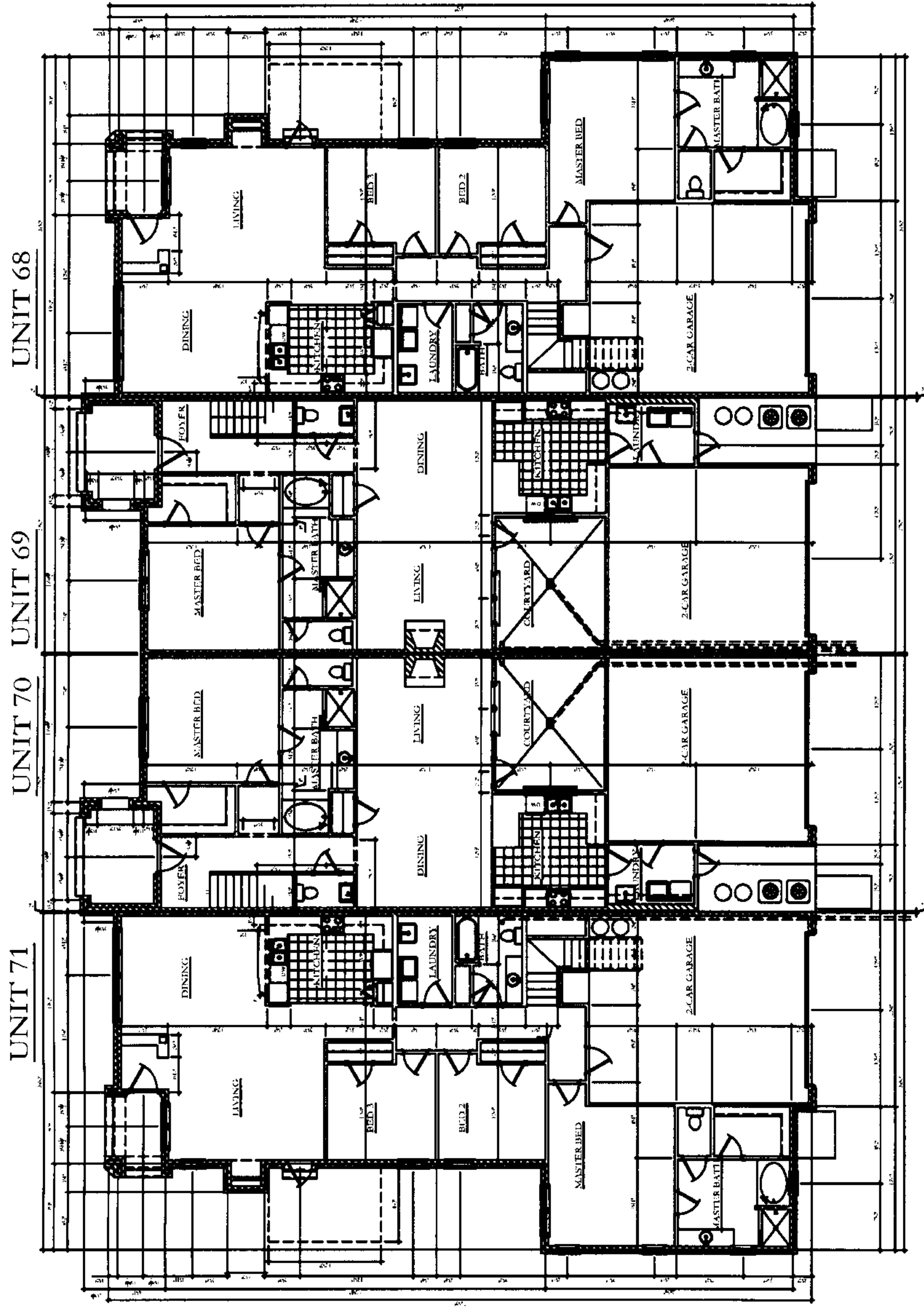


Edenton Residential Condos
Building 17
Units 64, 65, 66, 67
Shelby County, Alabama
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	COMMON ELEMENT
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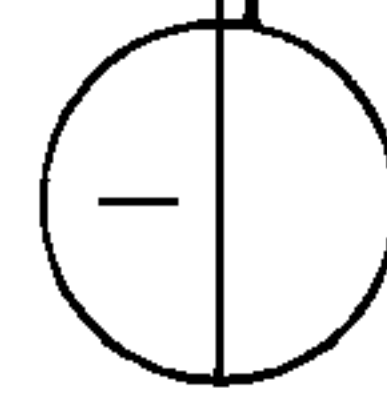


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First Floor

Scale N.T.S.



Edenton Residential Condos Building 17 A

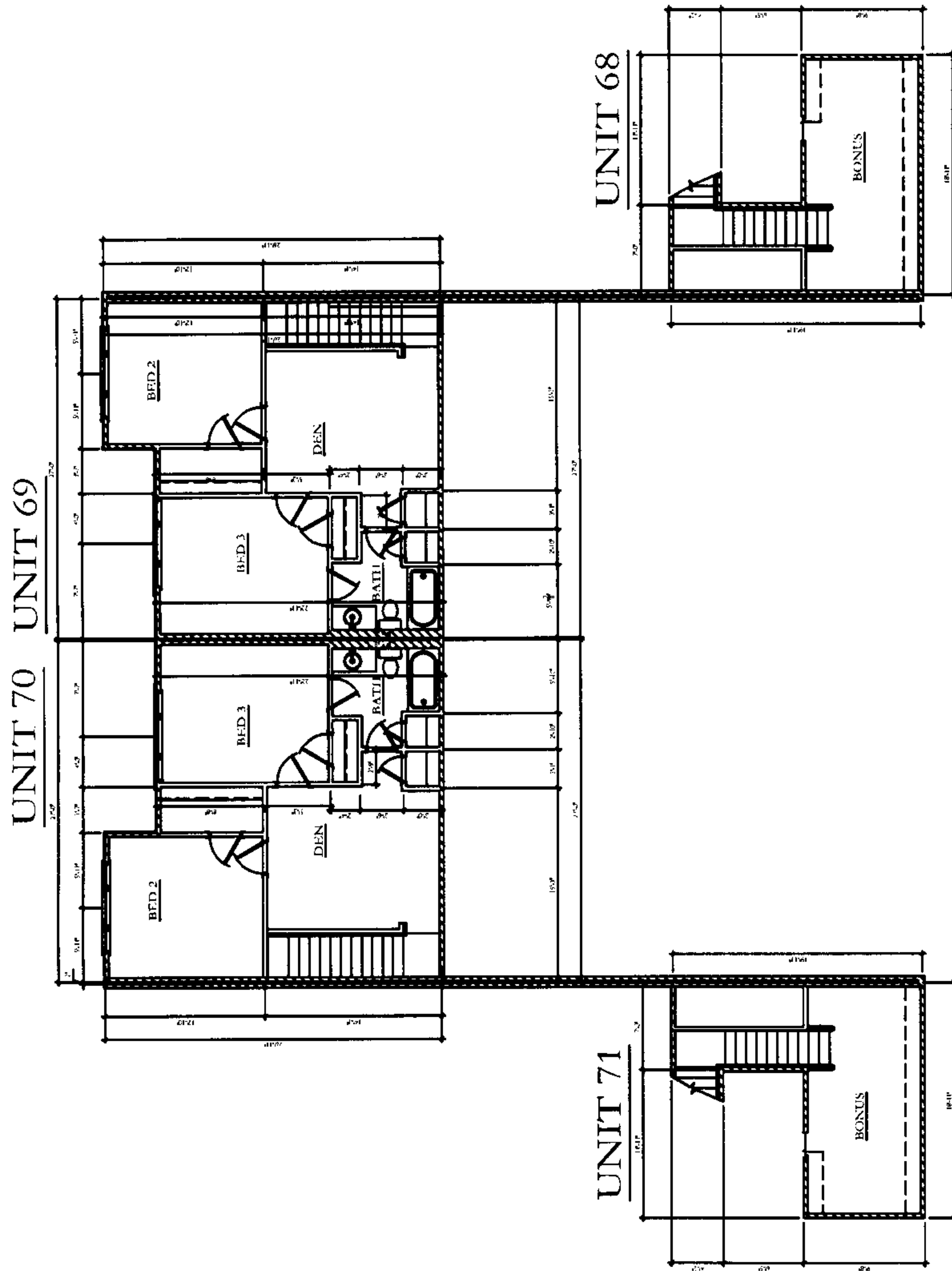
Units 68, 69, 70, 71
Shelby County, Alabama
05023

LEGEND

COMMON ELEMENT

LIMITED COMMON ELEMENT

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1 Second Floor
Scale N.T.S.

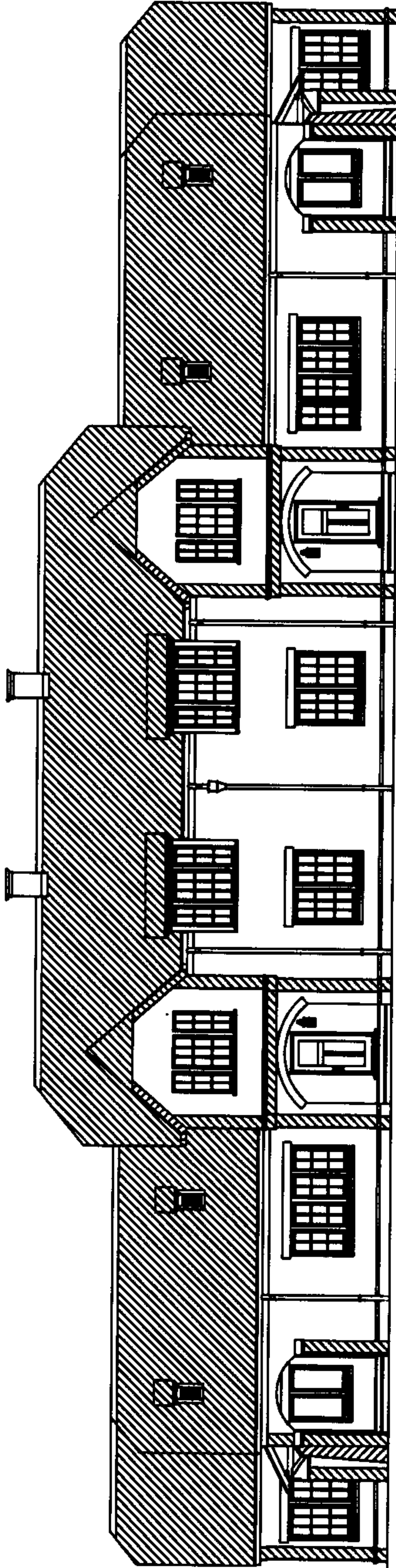
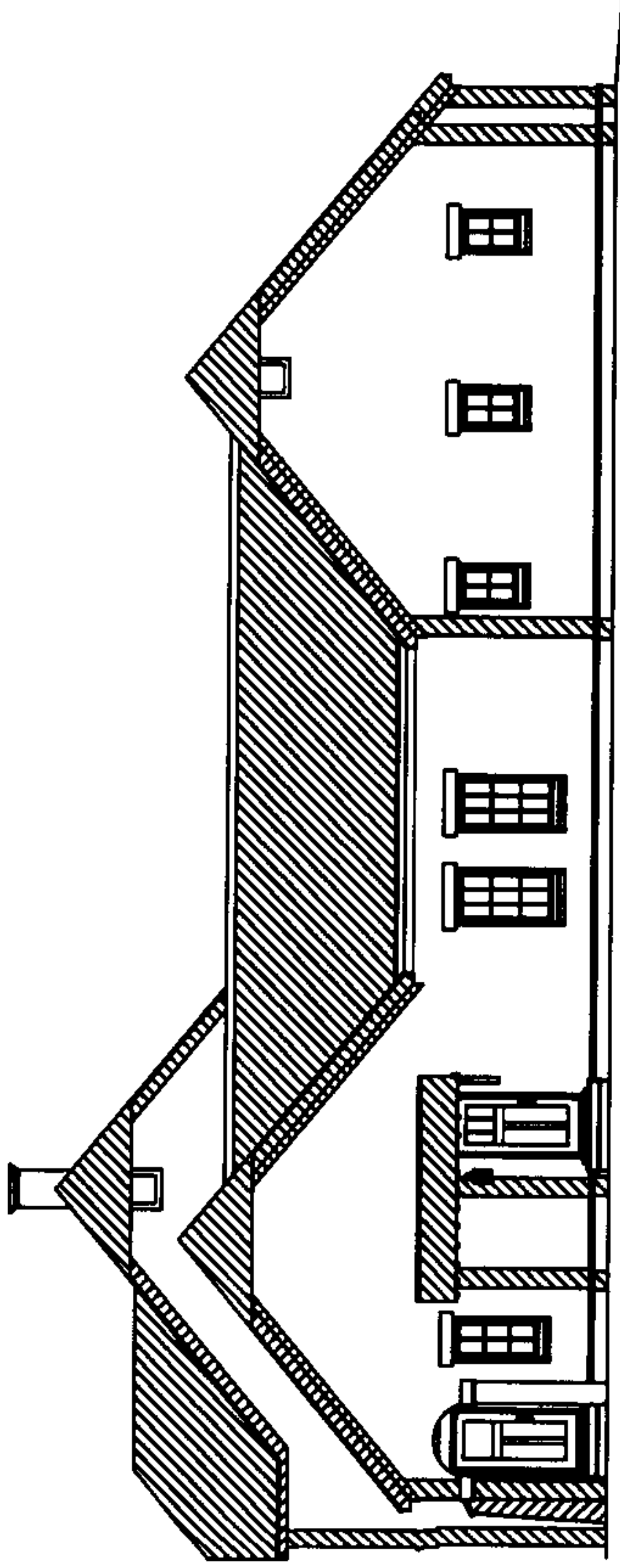


20080411000148760 25/36 \$123.00
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Edenton Residential Condos
Building 17 A
Units 68, 69, 70, 71
Shelby County, Alabama
05023

LEGEND
COMMON ELEMENT
LIMITED COMMON ELEMENT

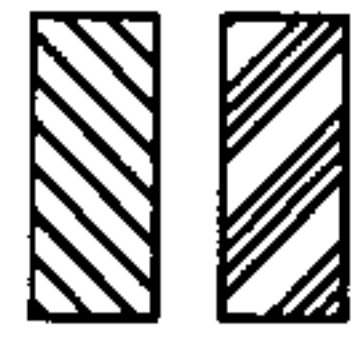


1 Front and Side Elevations
Scale N.T.S.

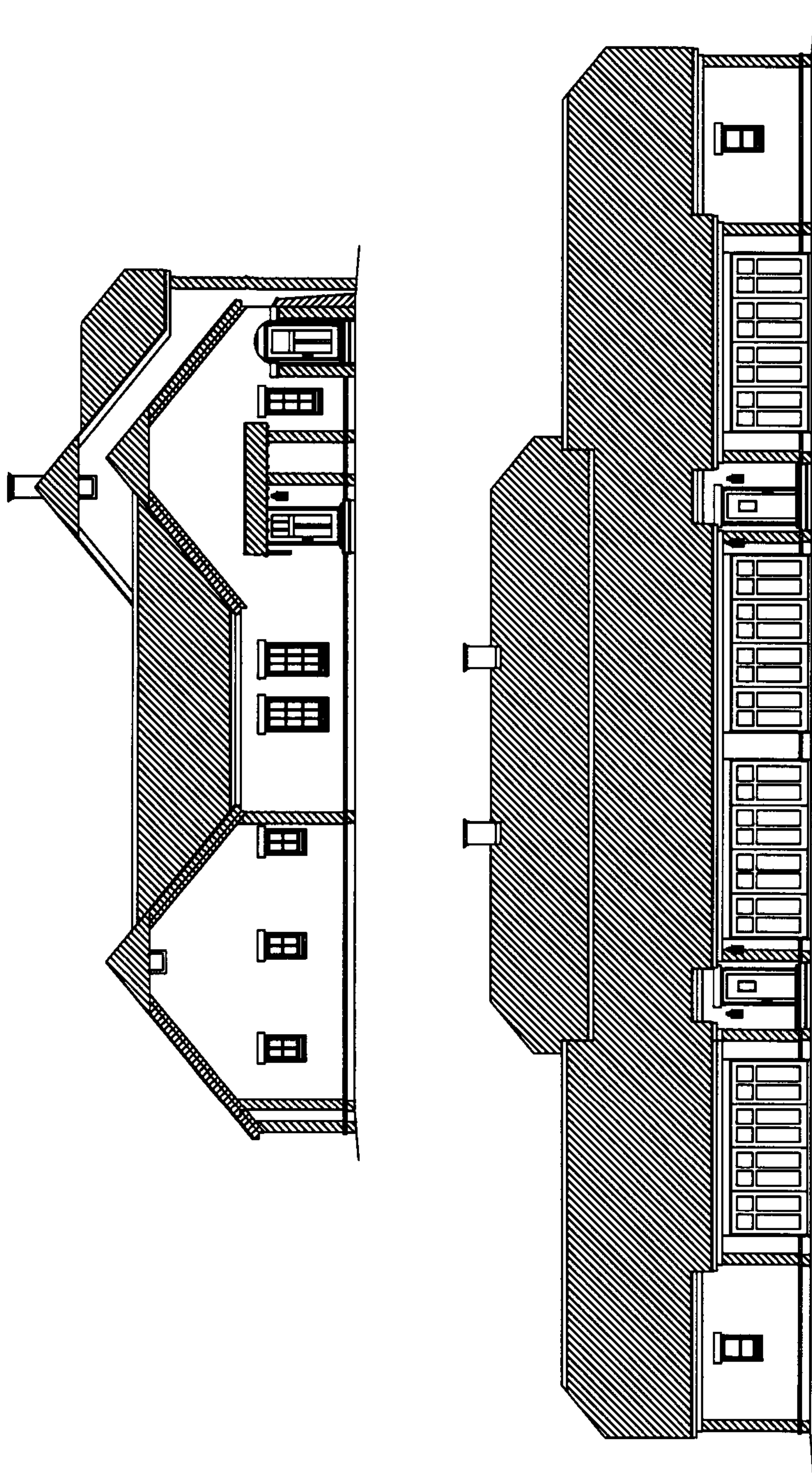
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Edenton Residential Condos
Building 17 A
Units 68, 69, 70, 71
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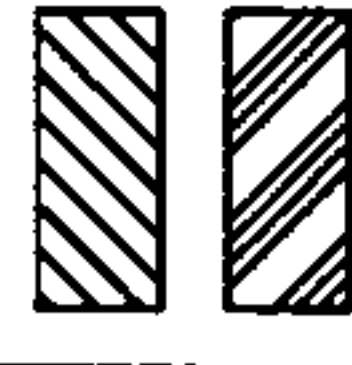
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Back and Side Elevations

Scale N.T.S.

Edenton Residential Condos
Building 17 A
Units 68, 69, 70, 71
Shelby County, Alabama
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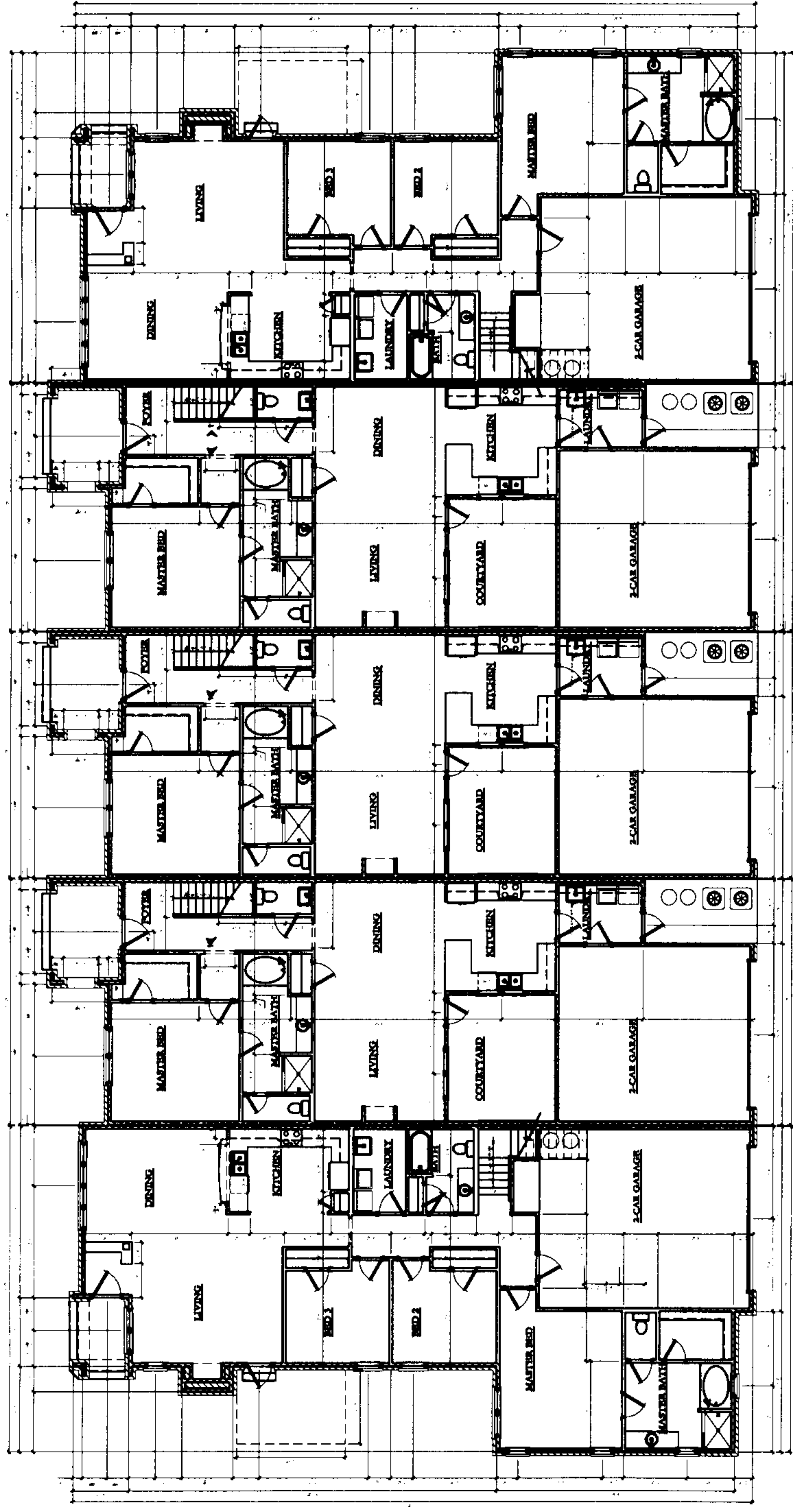
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UNIT 73

UNIT 74

UNIT 75

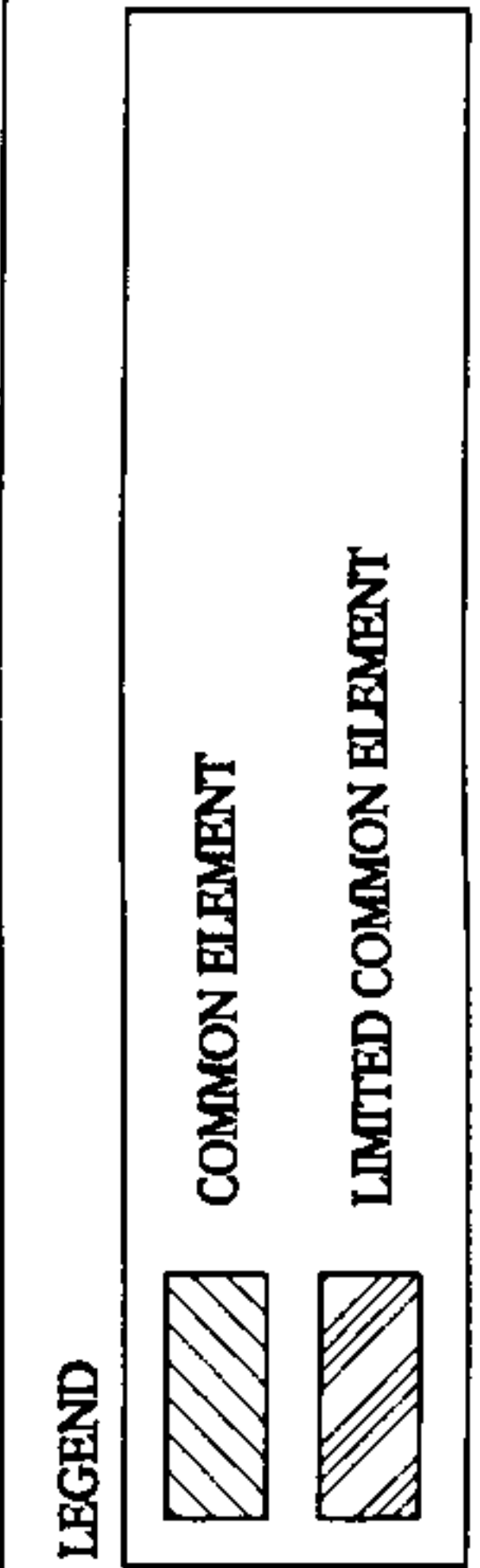
UNIT 94



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1
First Floor
Scale N.T.S.

Edenton Residential Condos
Building 18
72,73,74,75,94
Shelby County, Alabama
05023

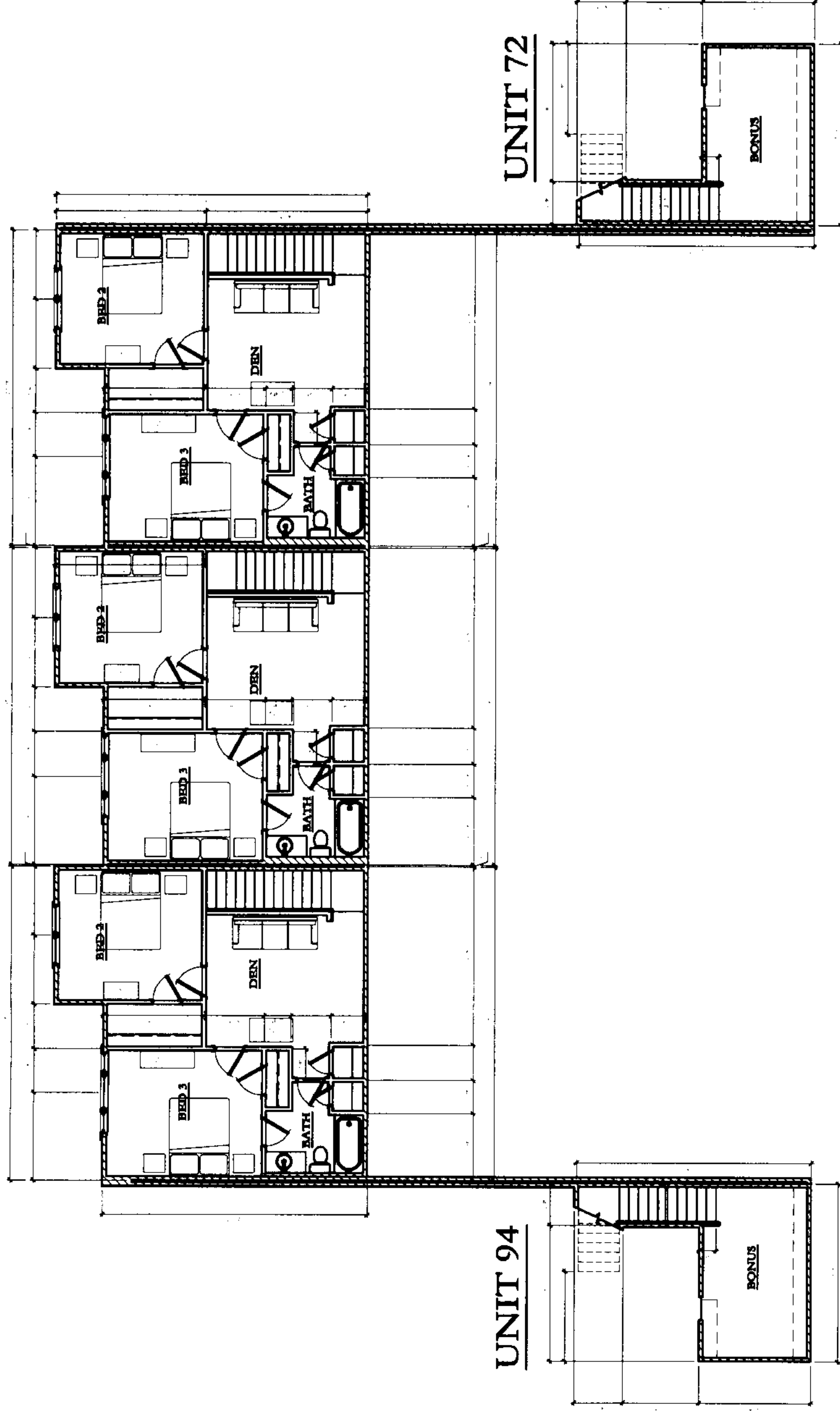


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UNIT 75

UNIT 74

UNIT 73



UNIT 94

UNIT 72

Second Floor

Scale N.T.S.

Edenton Residential Condos
Building 18
72,73,74,75,94

Shelby County, Alabama
05023

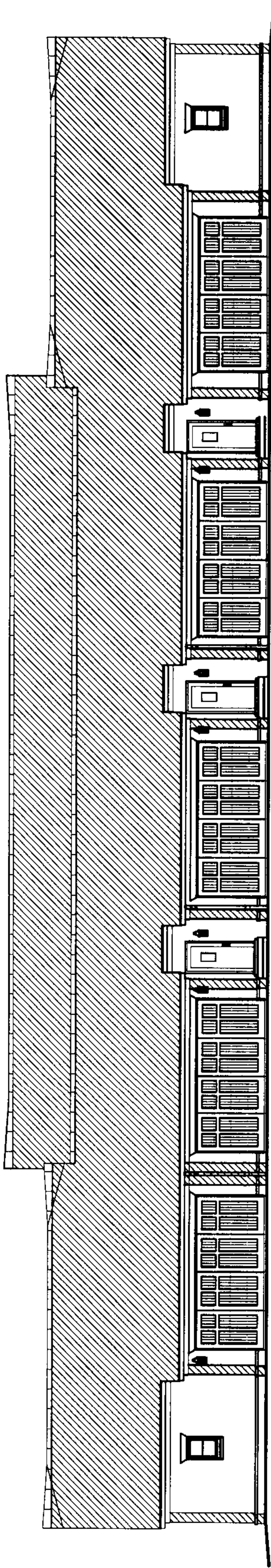
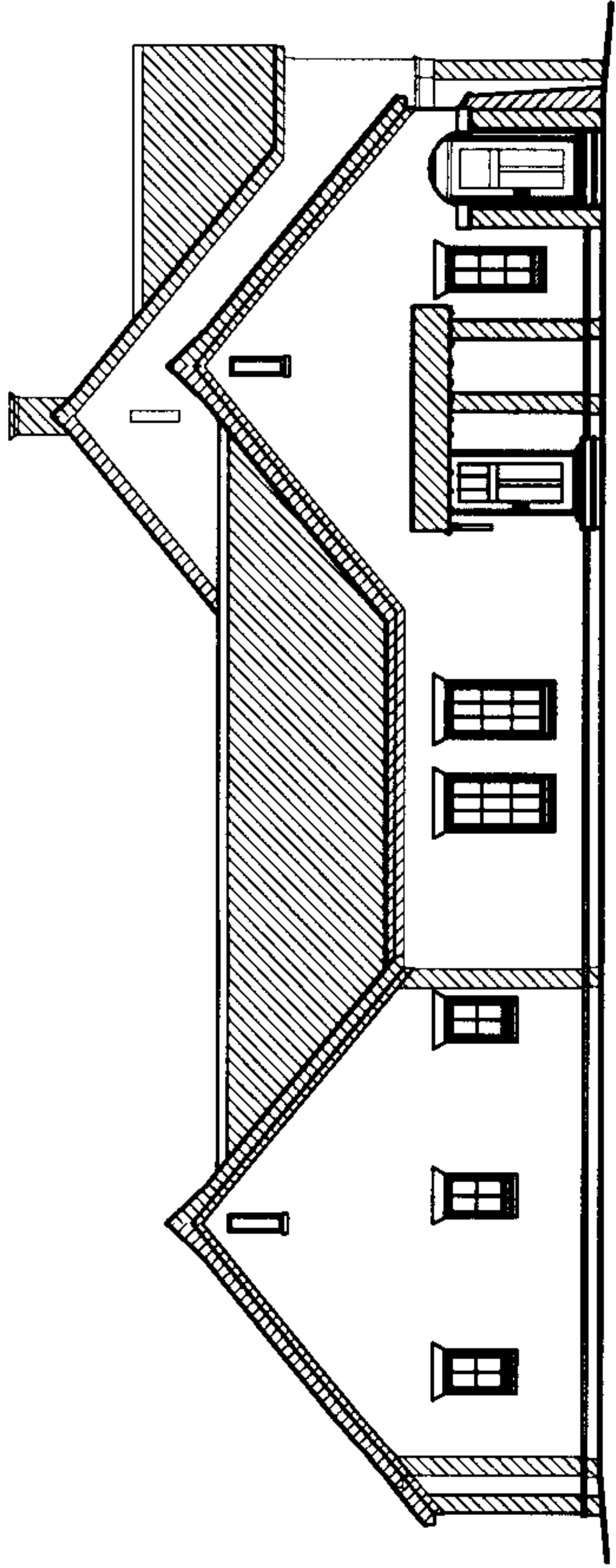
LEGEND

COMMON ELEMENT

LIMITED COMMON ELEMENT

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1 Front and Side Elevations

Scale: N.T.S.

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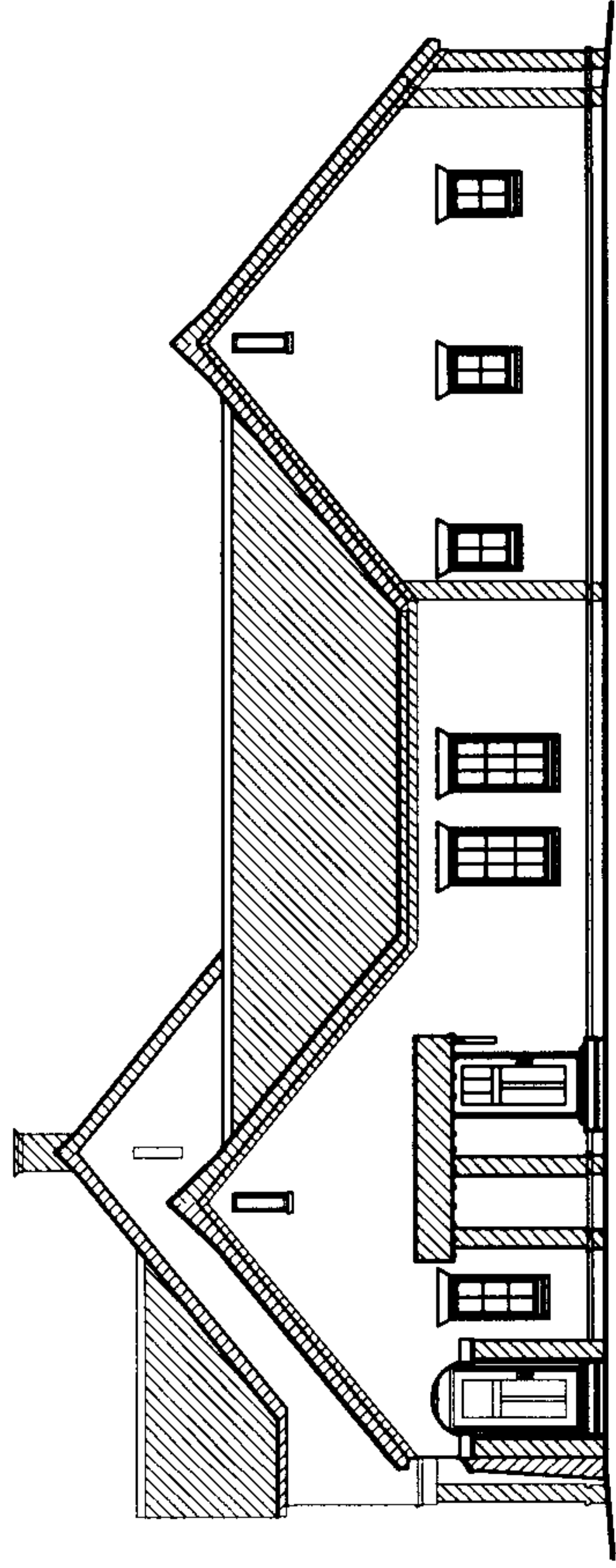
72,73,74,75,94
Shelby County, Alabama
05023

LEGEND

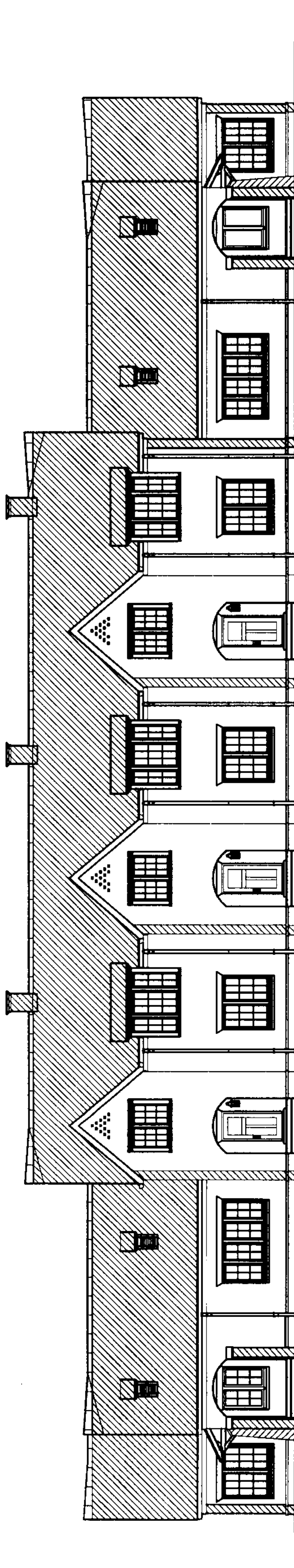
COMMON ELEMENT

LIMITED COMMON ELEMENT

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Back and Side Elevations

Scale: N.T.S.

Edenton Residential Condos
Building 18
72,73,74,75,94
Shelby County, Alabama
05023

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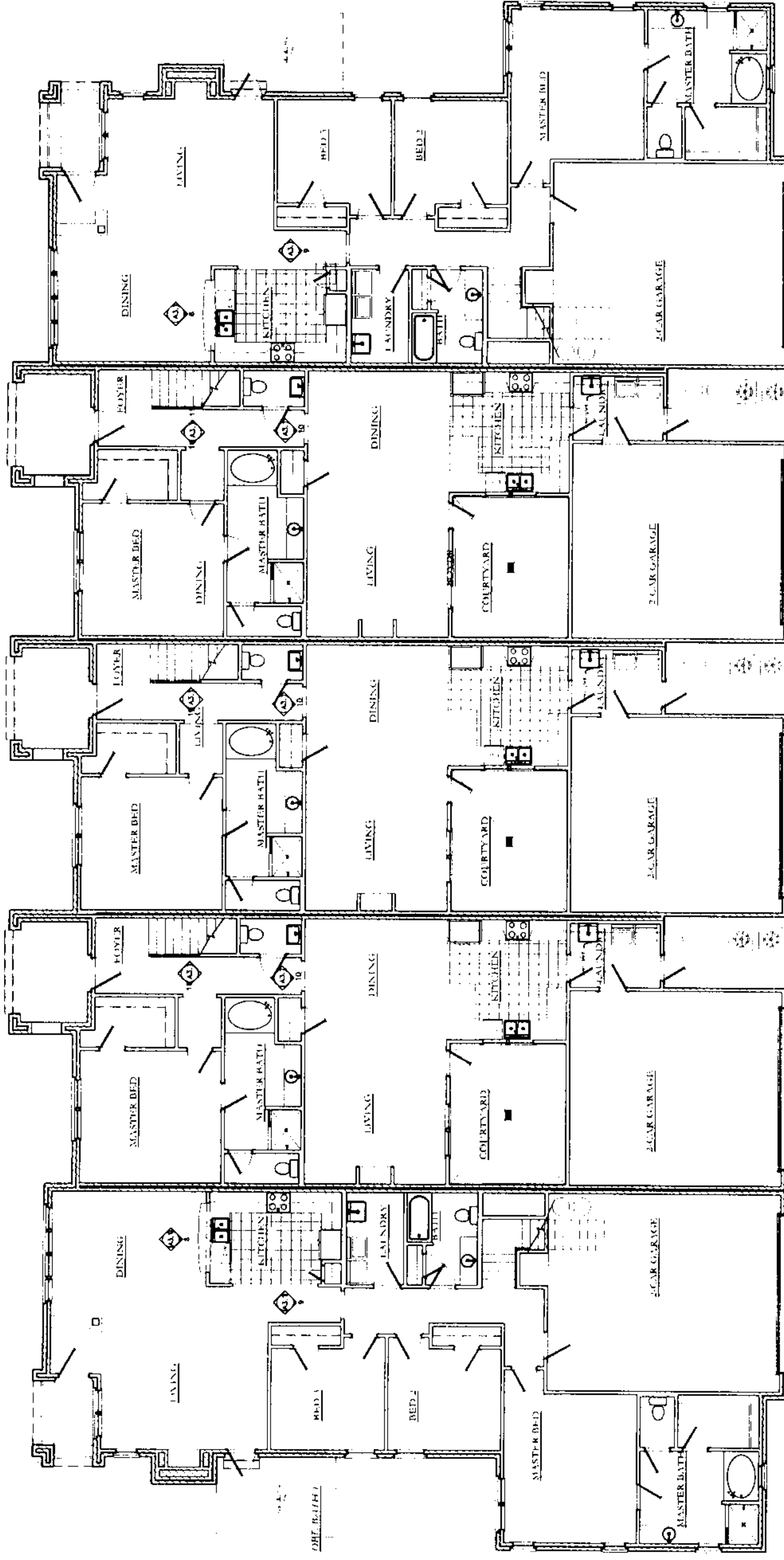
UNIT 95

UNIT 96

UNIT 97

UNIT 98

UNIT 99



1 First Floor

Scale N.T.S.

Edenton Residential Condos Building 19

Units 95, 96, 97, 98, 99
Shelby County, Alabama
05023

LEGEND

COMMON ELEMENT

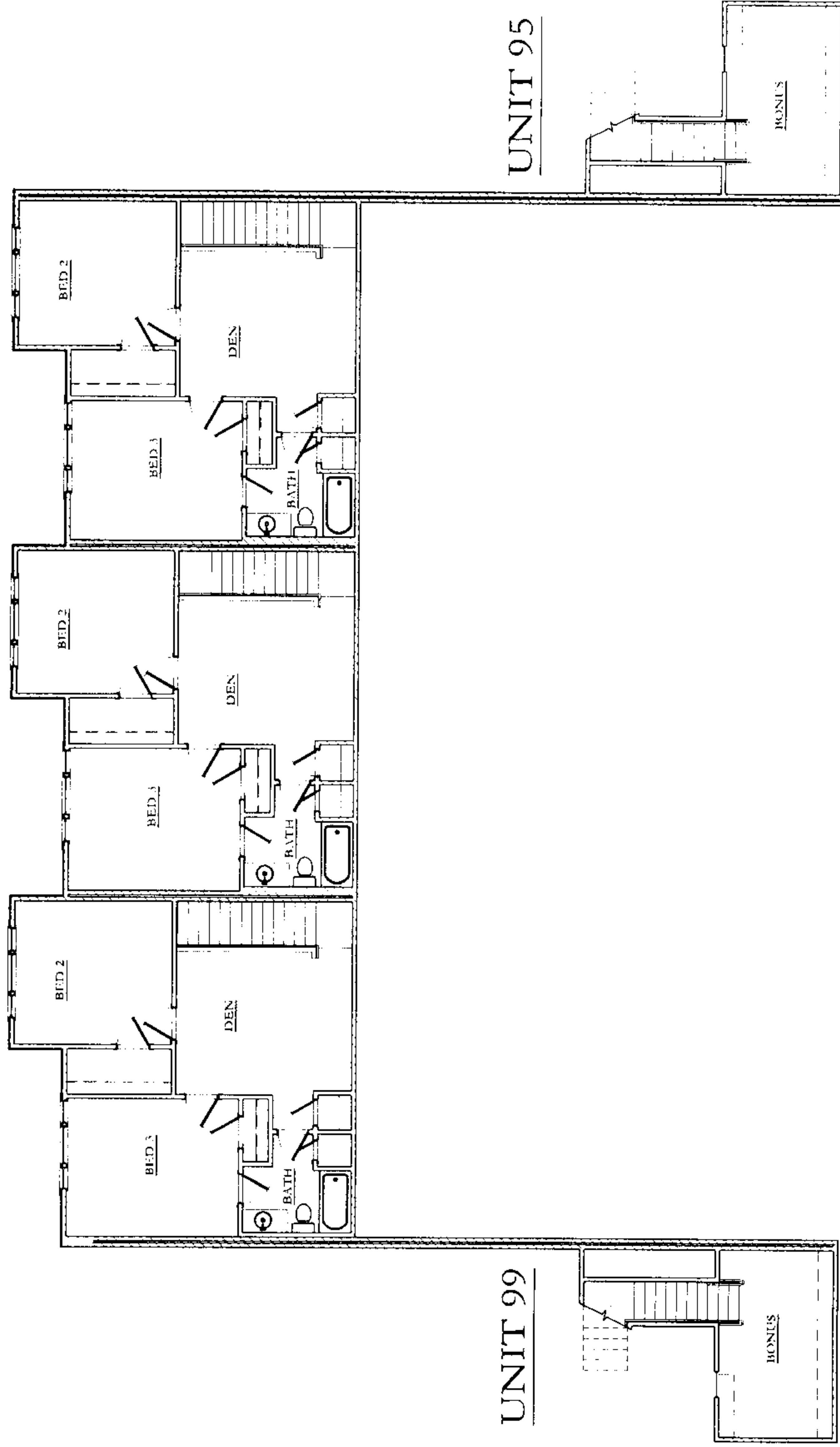
LIMITED COMMON ELEMENT

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UNIT 98

UNIT 97

UNIT 96



UNIT 99

UNIT 95

1 Second Floor

Scale: N.T.S.

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Edenton Residential Condos
Building 19

Units 95, 96, 97, 98, 99
Shelby County, Alabama
05/023

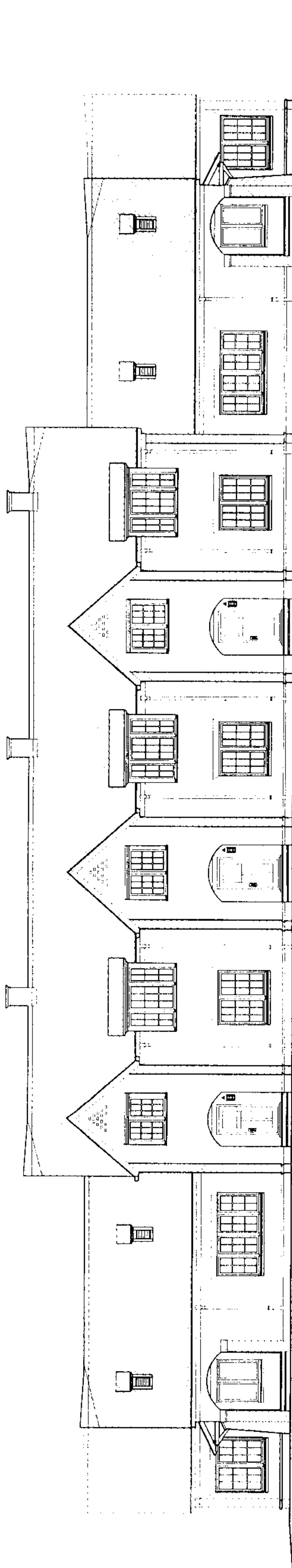
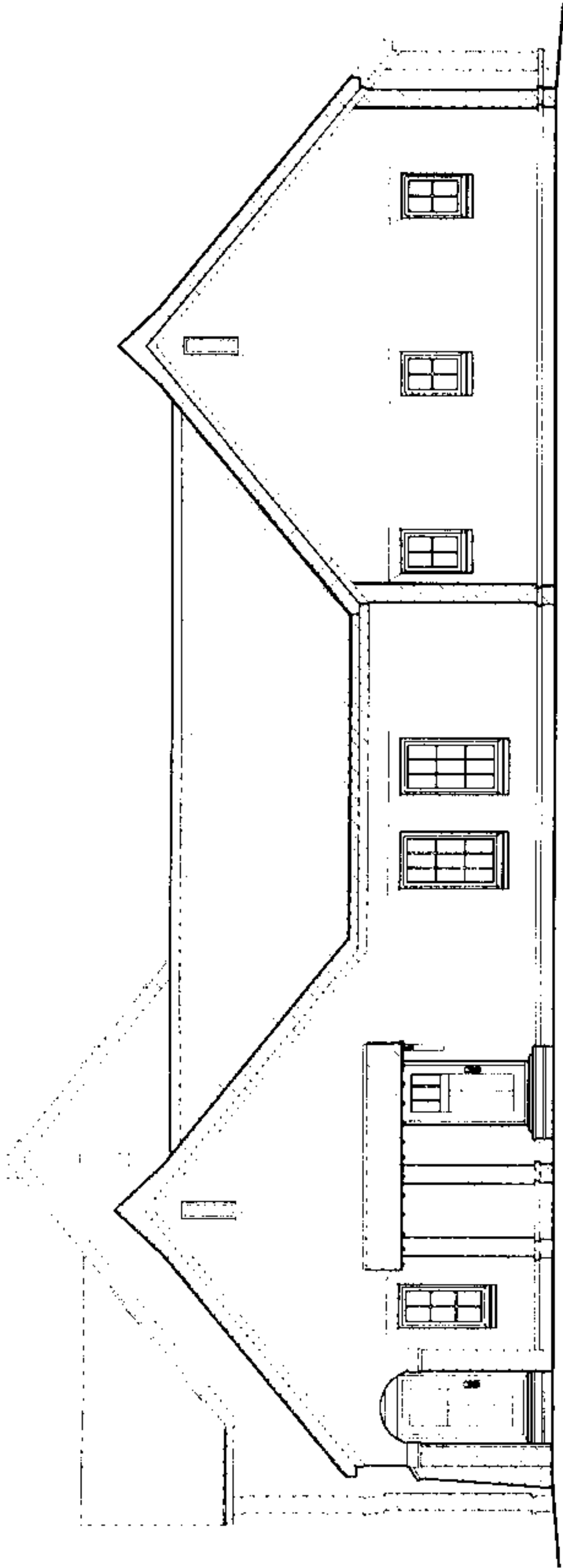
LEGEND

COMMON ELEMENT

LIMITED COMMON ELEMENT

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1 Front and Side Elevations

Scale N.T.S.

Edenton Residential Condos Building 19

Units 95, 96, 97, 98, 99
Shelby County, Alabama
05023

LEGEND

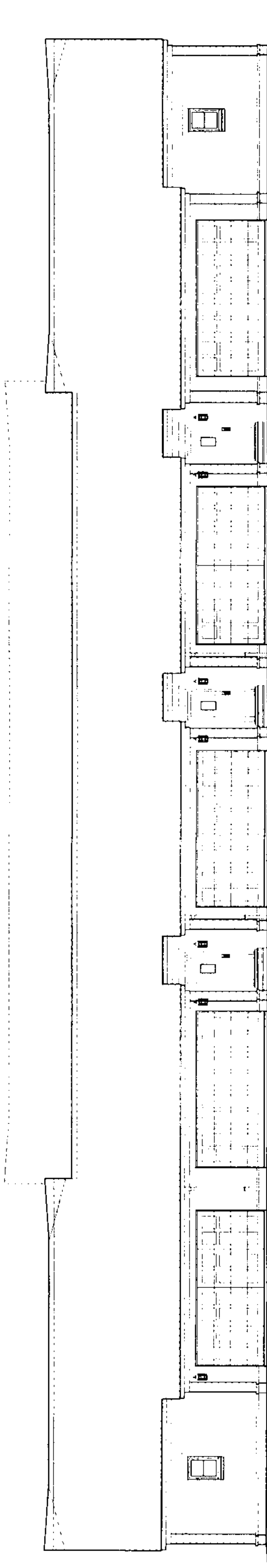
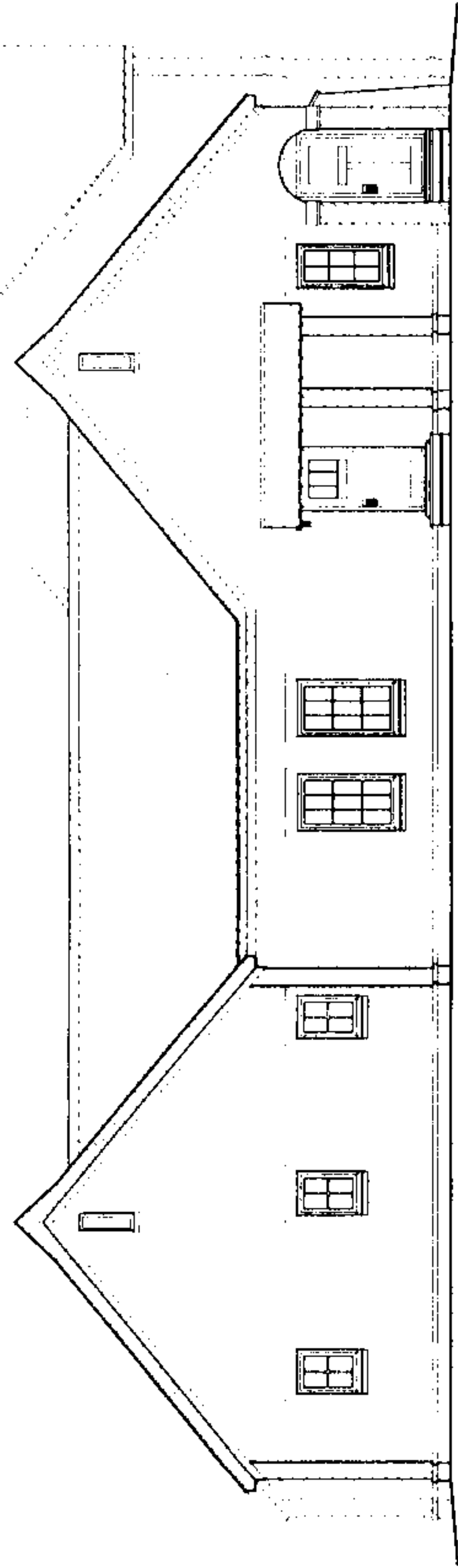
COMMON ELEMENT

LIMITED COMMON ELEMENT

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1 Back and Side Elevations

Scale N.T.S.

Edenton Residential Condos Building 19

Units 95, 96, 97, 98, 99
Shelby County, Alabama
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LEGEND

COMMON ELEMENT

LIMITED COMMON ELEMENT

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EXHIBIT "B"

Eighth 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 1-99; 150-171; 175-193 (140 total Units)	.7143%	1 vote / Unit
Total	100%	140


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