


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


20080814000326660 1/15 \$53.00
Shelby Cnty Judge of Probate, AL
08/14/2008 09:01:25AM FILED/CERT

STATE OF ALABAMA)

COUNTY OF SHELBY)

TENTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF EDENTON,
A CONDOMINIUM

This Tenth Amendment to Declaration of Edenton, A Condominium (the "Amendment") is made this 13 day of August, 2008, by **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 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, the Seventh Amendment on January 31, 2008, in the Probate Office as 20080131000039890, the Eighth Amendment on April 11, 2008, in the Probate Office as Instrument Number 20080411000148760, and the Ninth Amendment on May 14, 2008, in the Probate Office as Instrument Number 20080514000196360 (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 specifically to the Declarant under Section 15.04 of the Declaration to add Buildings 25 and 25A to the Condominium, each building containing four (4) Units for a total of eight (8) additional Units, which action shall necessitate the modification of the Plan as recorded and attached to the Declaration as Exhibit "C," a copy of which is attached hereto as Exhibit "A";

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 Plan to indicate the proposed layout of the additional Buildings and Units as shown on the Fourth Amended Plan recorded in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 40 Page 54, a copy of which is attached hereto as Exhibit "A;"

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; and

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" attached to the Declaration as shown on Exhibit "B" attached hereto.

NOW THEREFORE, upon the recording of this Tenth Amendment, 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 Tenth 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, 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, and as further amended in the Third Amended Plan recorded in Map Book 39 Page 137 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 two (2) additional Buildings, each building containing four (4) Units for a total of eight (8) additional Units, 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 eight (8) new Units is one hundred forty-eight (148) 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 of the additional Buildings and layout of the New Units. Hereafter Exhibit "C" to the Declaration shall be the Plan attached to this Tenth 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 Ninth Amended and Restated Exhibit "D" is hereby substituted therefor, which Ninth 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 Ninth 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 Tenth 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 Tenth 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 Tenth Amendment to Declaration of Condominium of Edenton, a Condominium to be executed this 13 day of August, 2008.

DECLARANT:

CAHABA BEACH INVESTMENTS, LLC,
an Alabama limited liability company

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

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 13 day of August, 2008.

[Notarial Seal]

Krista M. Walker
Notary Public
My commission expires: _____
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Nov 30, 2011
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 Tenth 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 Tenth Amendment or the Condominium. The Mortgagee does not assume any obligation whatsoever under the terms, covenants and conditions of the foregoing Tenth Amendment to Declaration, and the execution hereof does not in any way subordinate or make the mortgage inferior to the said Tenth Amendment to Declaration.

Acknowledged and agreed this 13 day of August, 2008.

COMPASS BANK

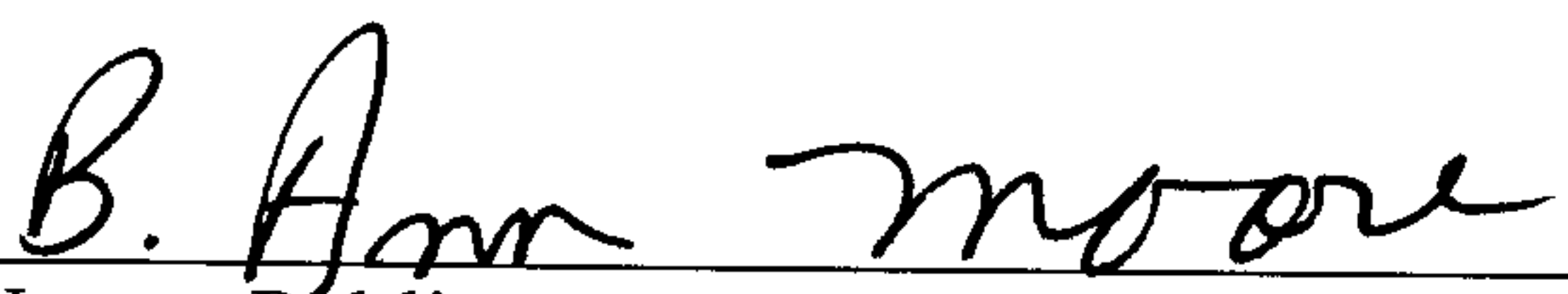

By: Ben C. Hendrix
Its: Senior Vice President

STATE OF ALABAMA)

COUNTY OF Jeff.)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Ben C. Hendrix, whose name as Senior 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, 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 13th day of August, 2008.


Notary Public
My commission expires: 11-6-10

[Notarial Seal]


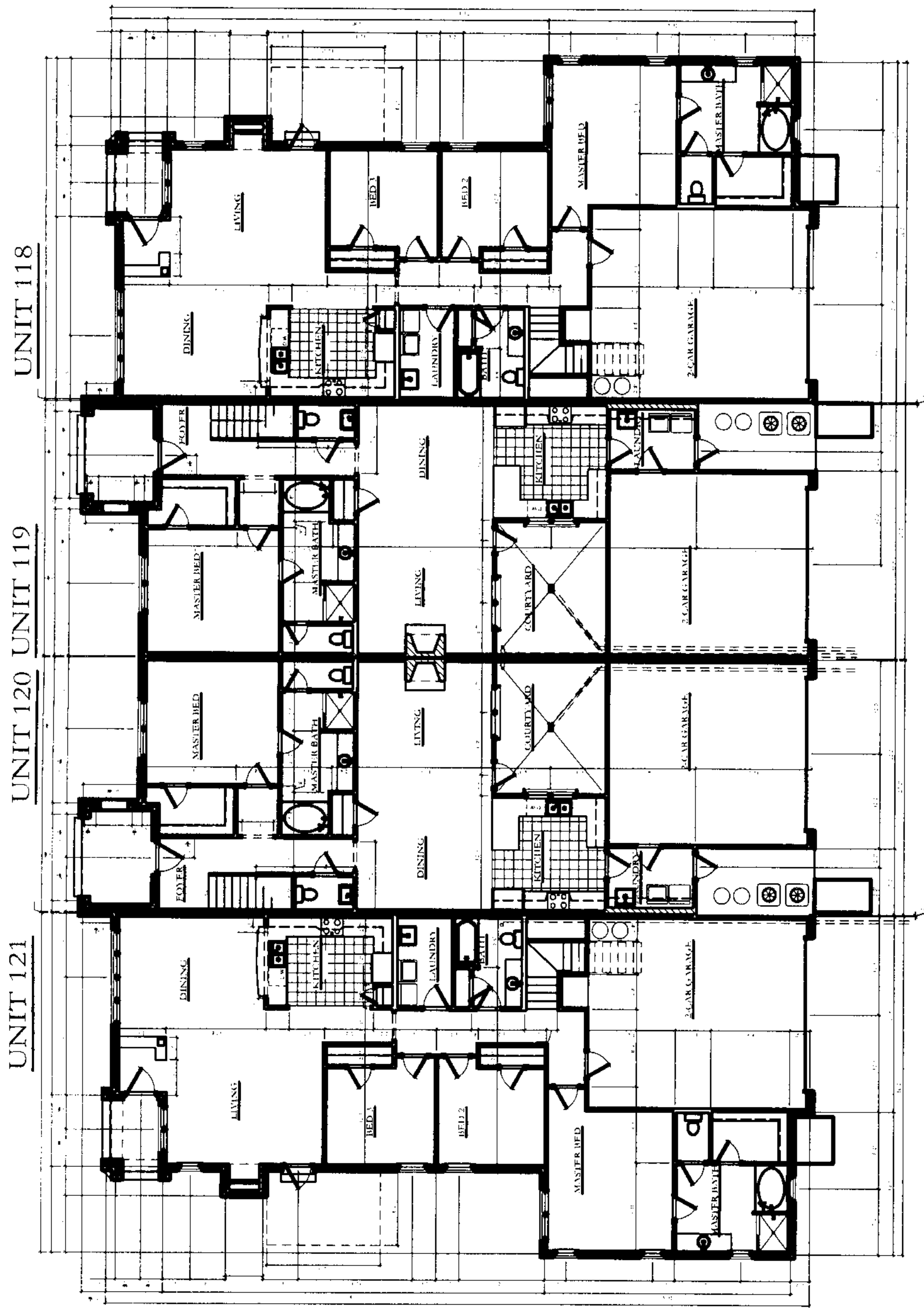

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Shelby Cnty Judge of Probate, AL
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EXHIBIT "A"

Plan attached as Exhibit "C" to the Declaration

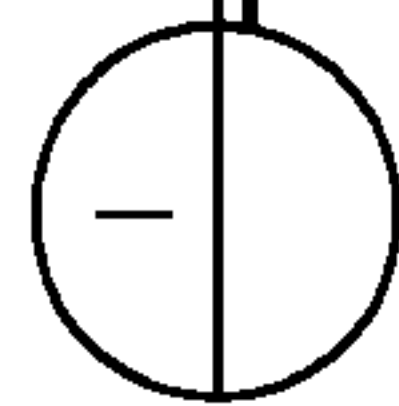
See Attached

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First Floor

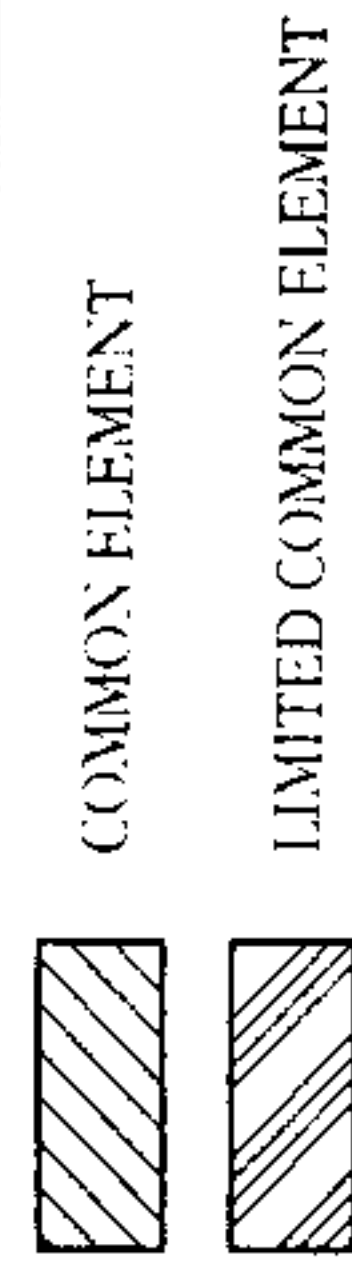
Scale N.T.S.



Edenton Residential Condos
Building 25 A

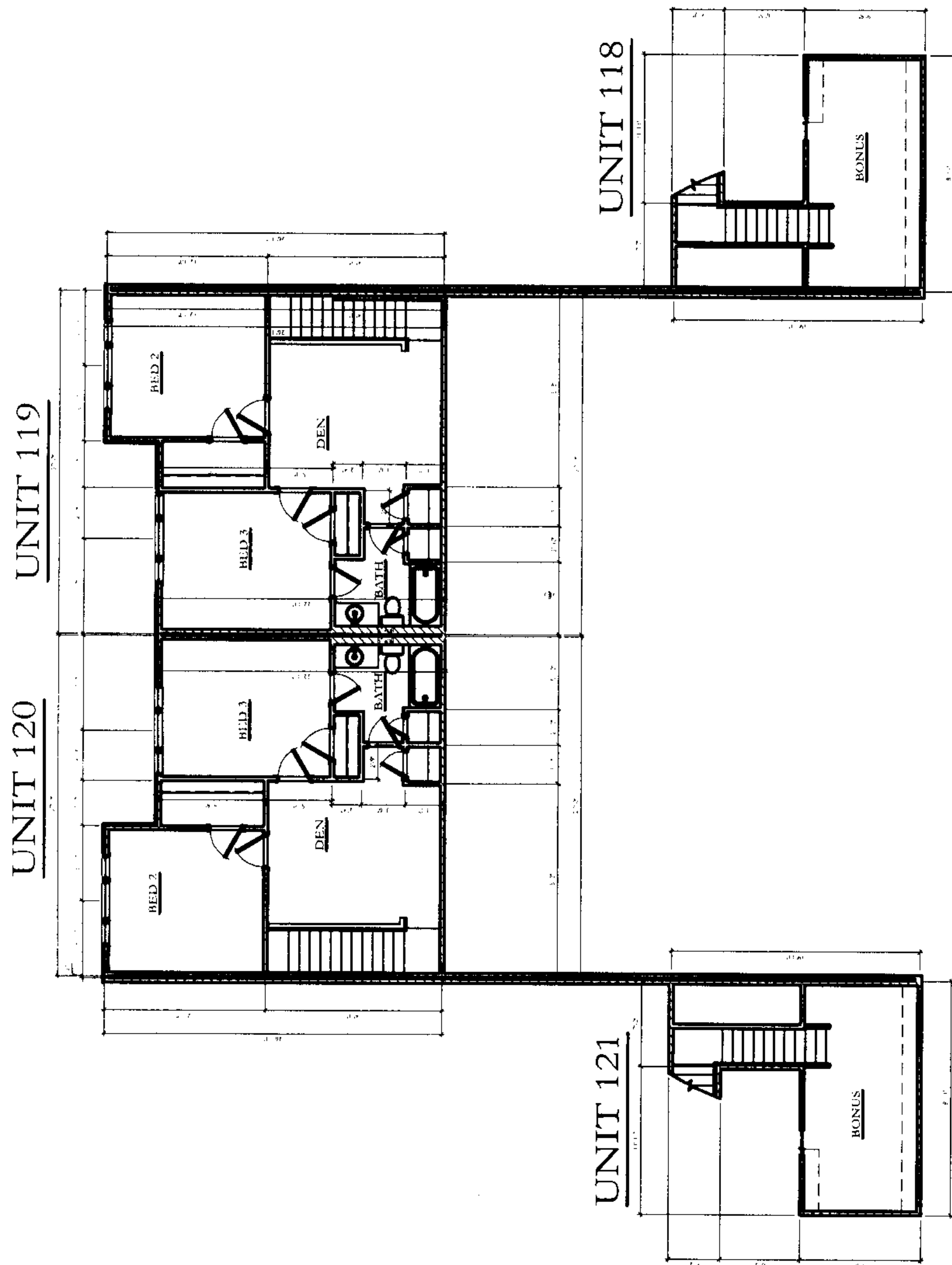
Units 118, 119, 120, 121
Shelby County, Alabama
05023

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DUNGAN
NEQUETTE
ARCHITECTS
2829 Second Avenue South
Suite 240
Birmingham, Alabama 35233
P 205.322.6455
F 205.322.6167
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1 Second Floor

Scale N.T.S.

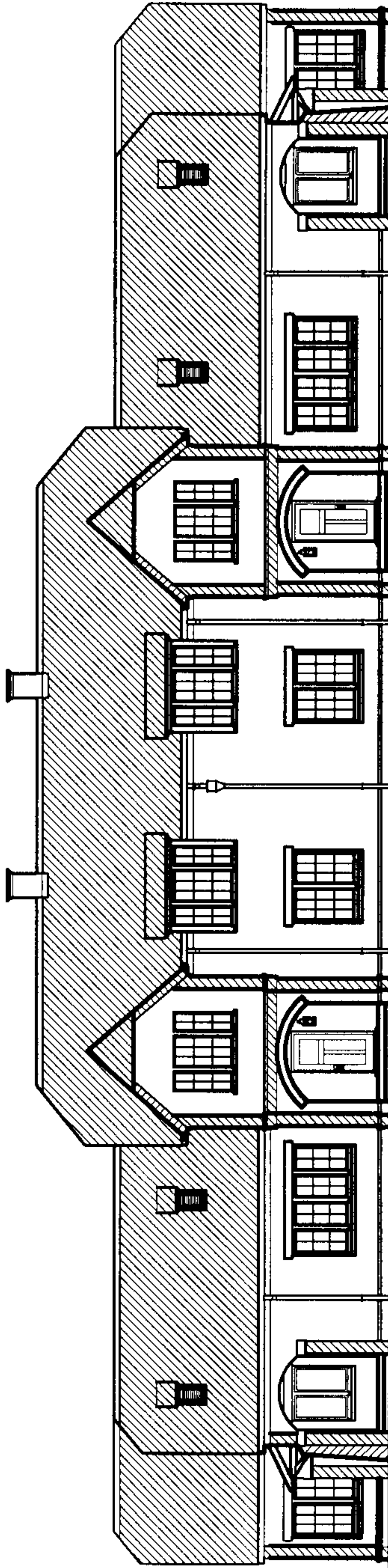
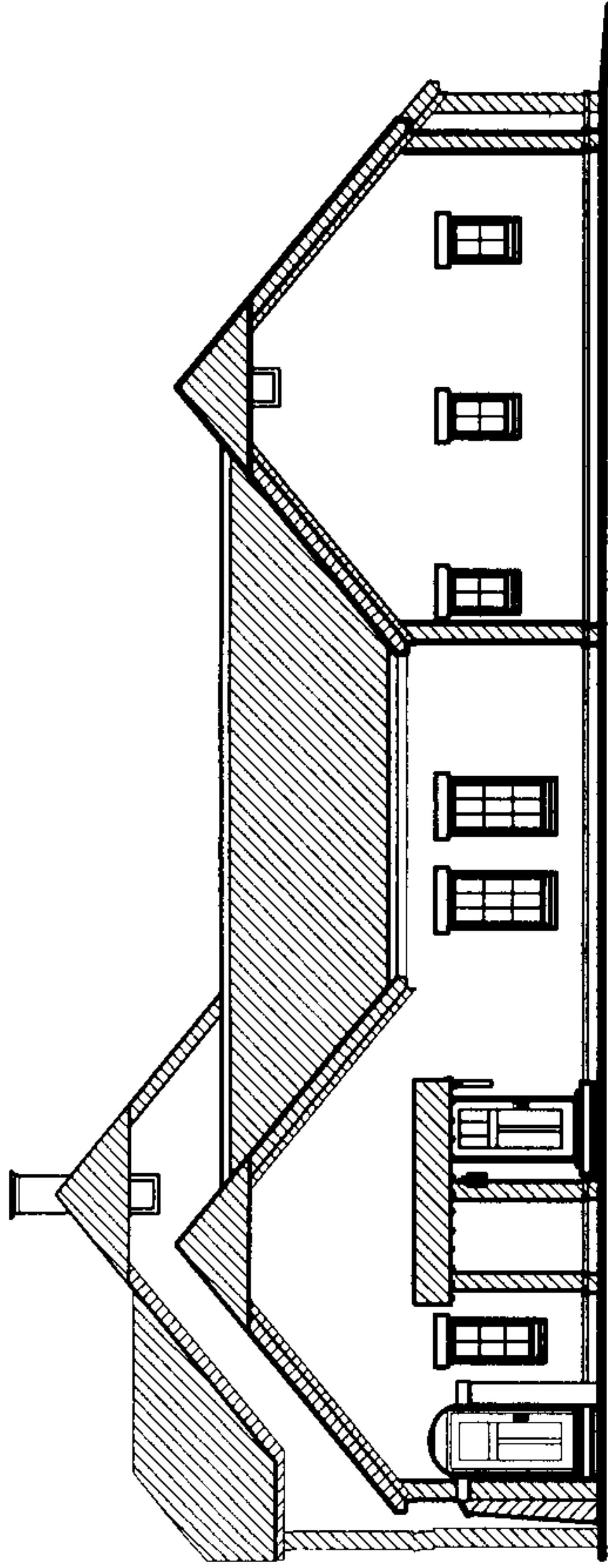
Edenton Residential Condos
Building 25 A

Units 118, 119, 120, 121
Shelby County, Alabama
05023

LEGEND

- COMMON ELEMENT
- LIMITED COMMON ELEMENT

DUNGAN
NEQUETTE
ARCHITECTS
2829 Second Avenue South
Suite 240
Birmingham, Alabama 35233
t 205.322.6455
f 205.322.6167
dungan-nequette.com



1 Front and Side Elevations

Scale N.T.S.

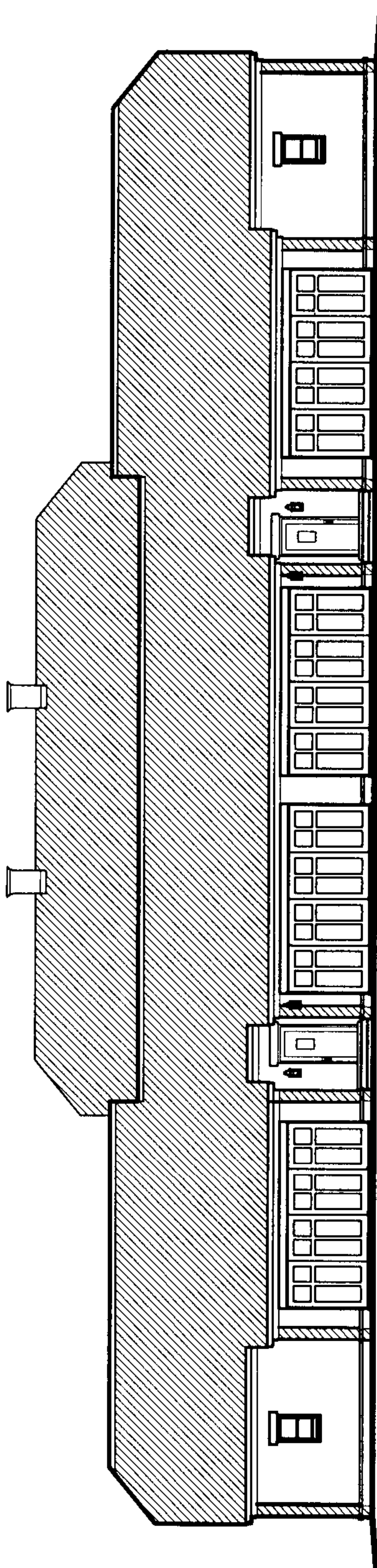
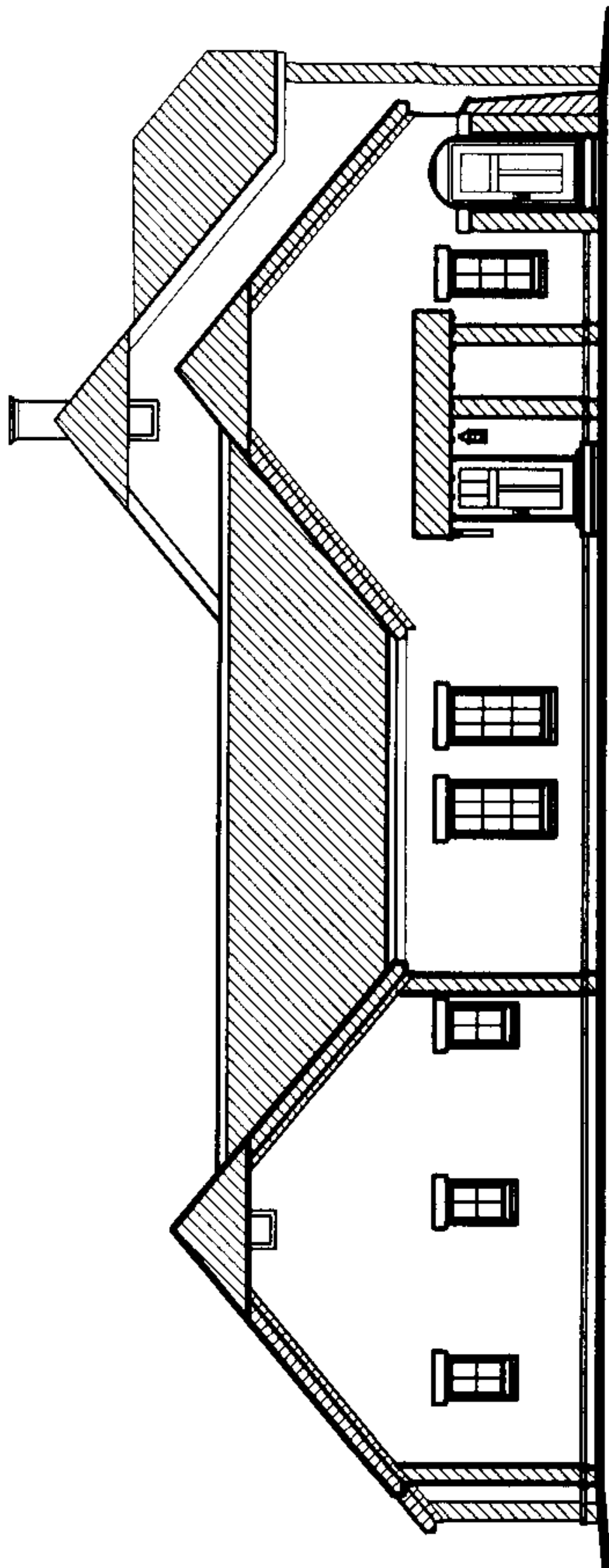
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Edenton Residential Condos
Building 25 A
Units 118, 119, 120, 121
Shelby County, Alabama
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- COMMON ELEMENT
- LIMITED COMMON ELEMENT

DUNGAN
NEQUETTE
ARCHITECTS
2829 Second Avenue South
Suite 240
Birmingham, Alabama 35233
t 205.322.6455
f 205.322.6167
dungan@nequette.com



1 Back and Side Elevations

Scale N.T.S.



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Edenton Residential Condos
Building 25 A

Units 118, 119, 120, 121
Shelby County, Alabama
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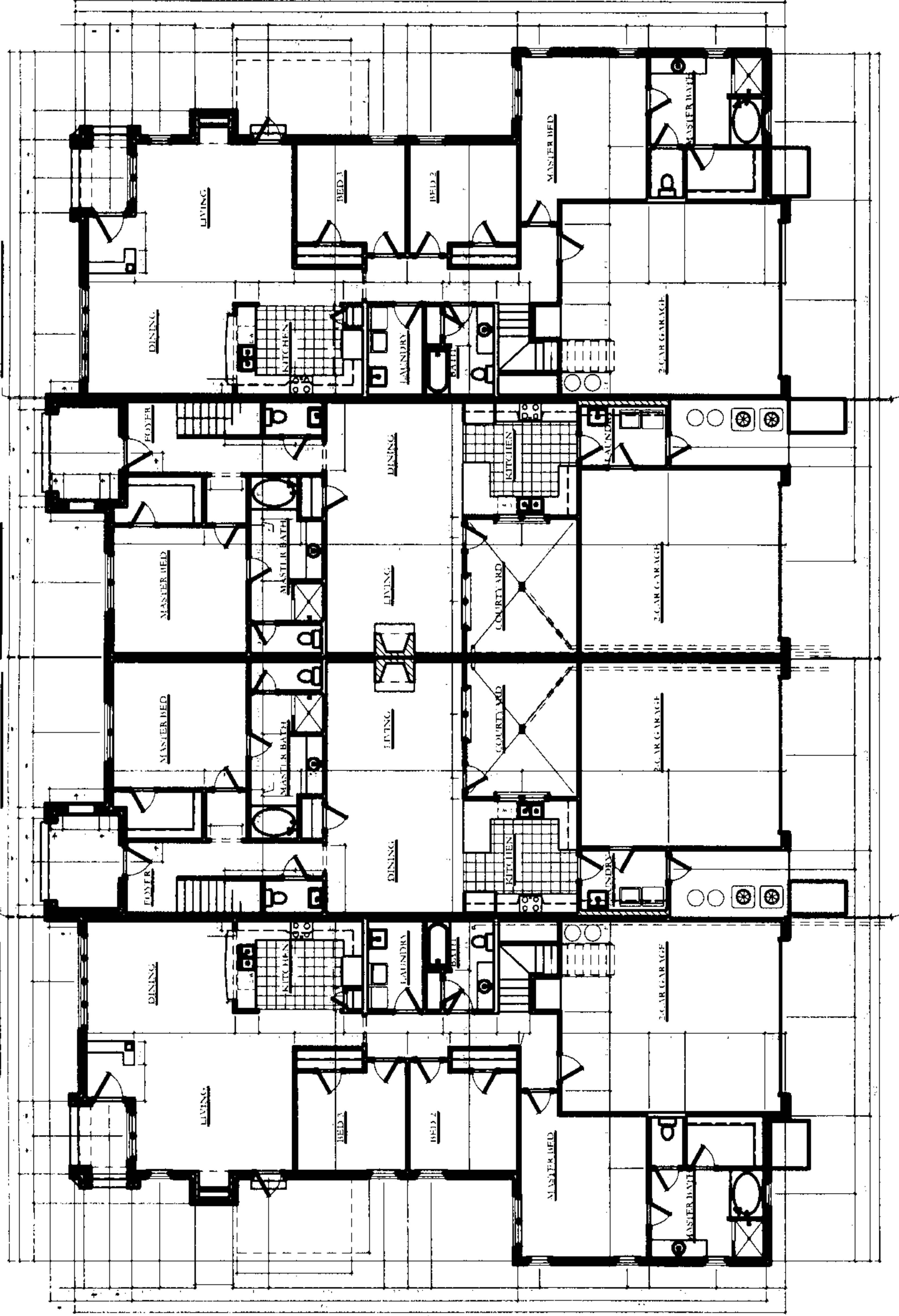
- COMMON ELEMENT
- LIMITED COMMON ELEMENT

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NEQUETTE
ARCHITECTS
2829 Second Avenue South
Suite 240
Birmingham, Alabama 35233
P 205.322.6433
F 205.322.6167
dungan-nequette.com

UNIT 114

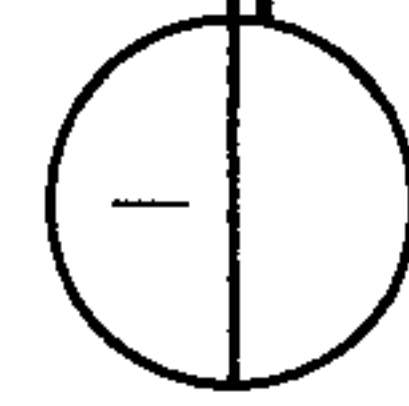
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UNIT 117



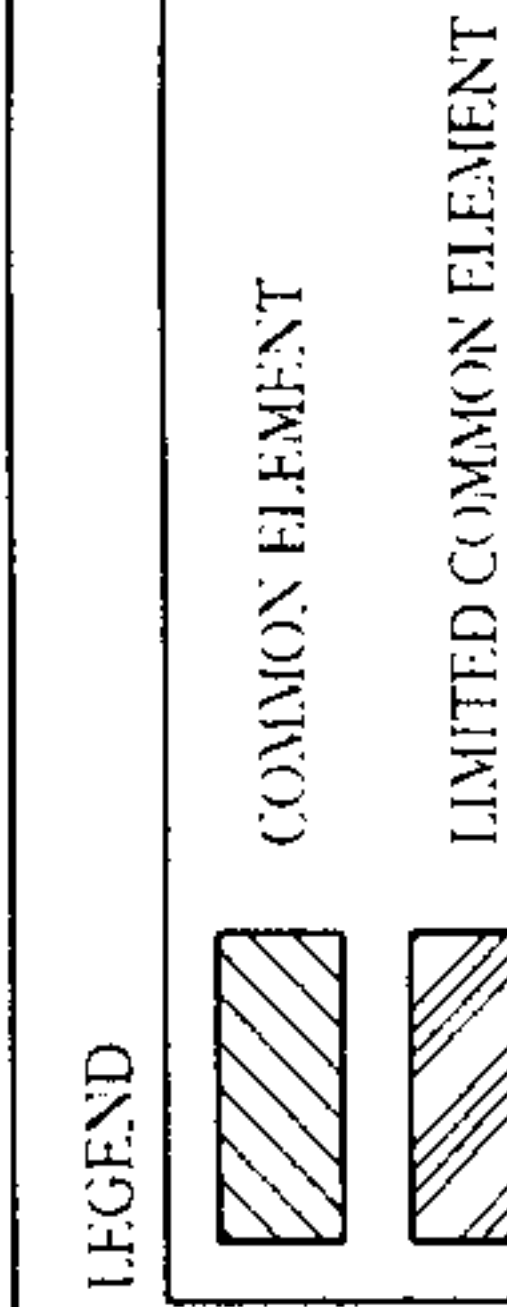
First Floor

Scale N.T.S.

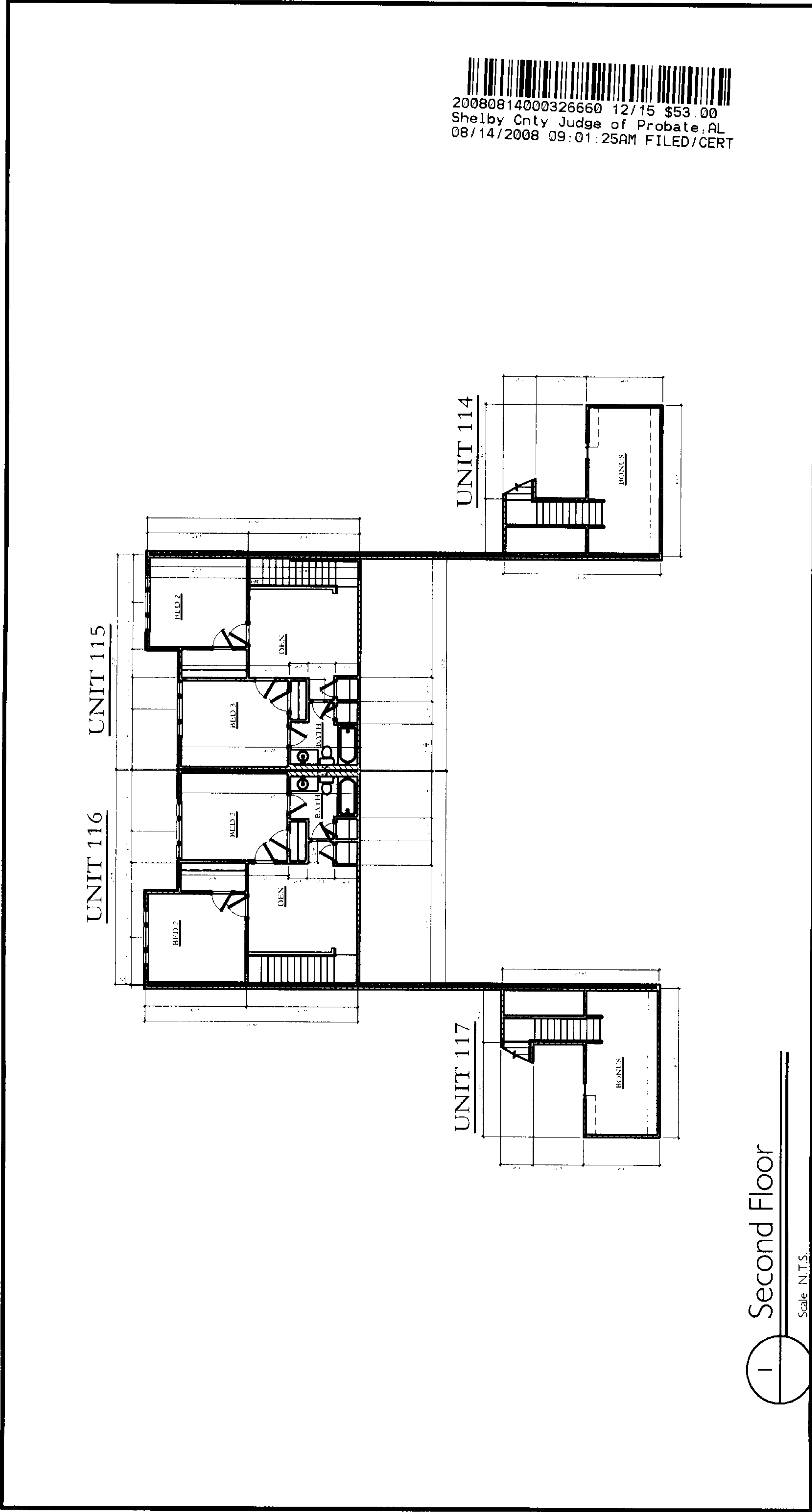


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Building 25
Units 114, 115, 116, 117
Shelby County, Alabama
05023



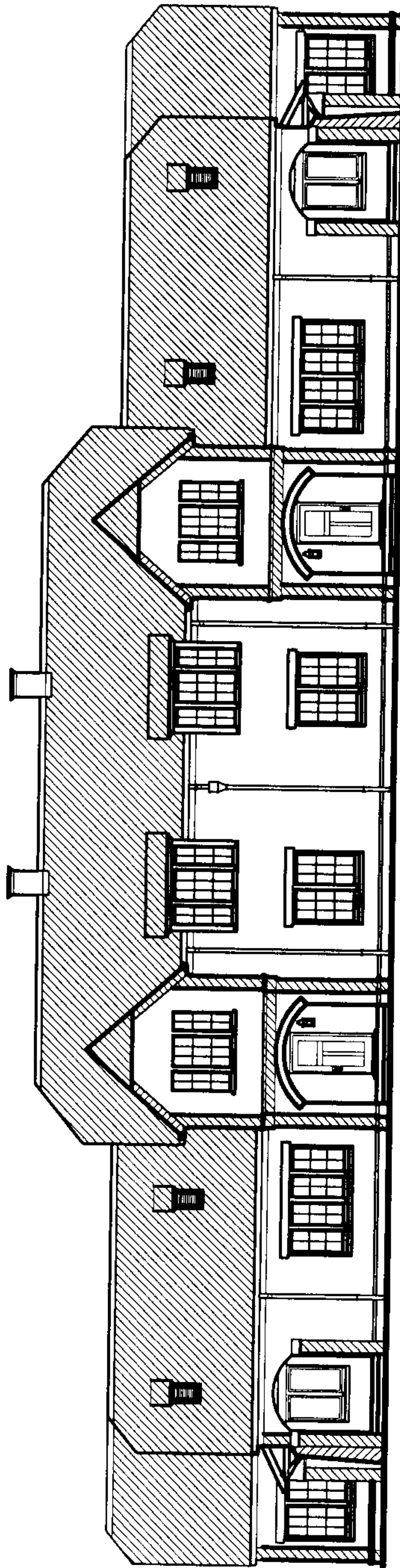
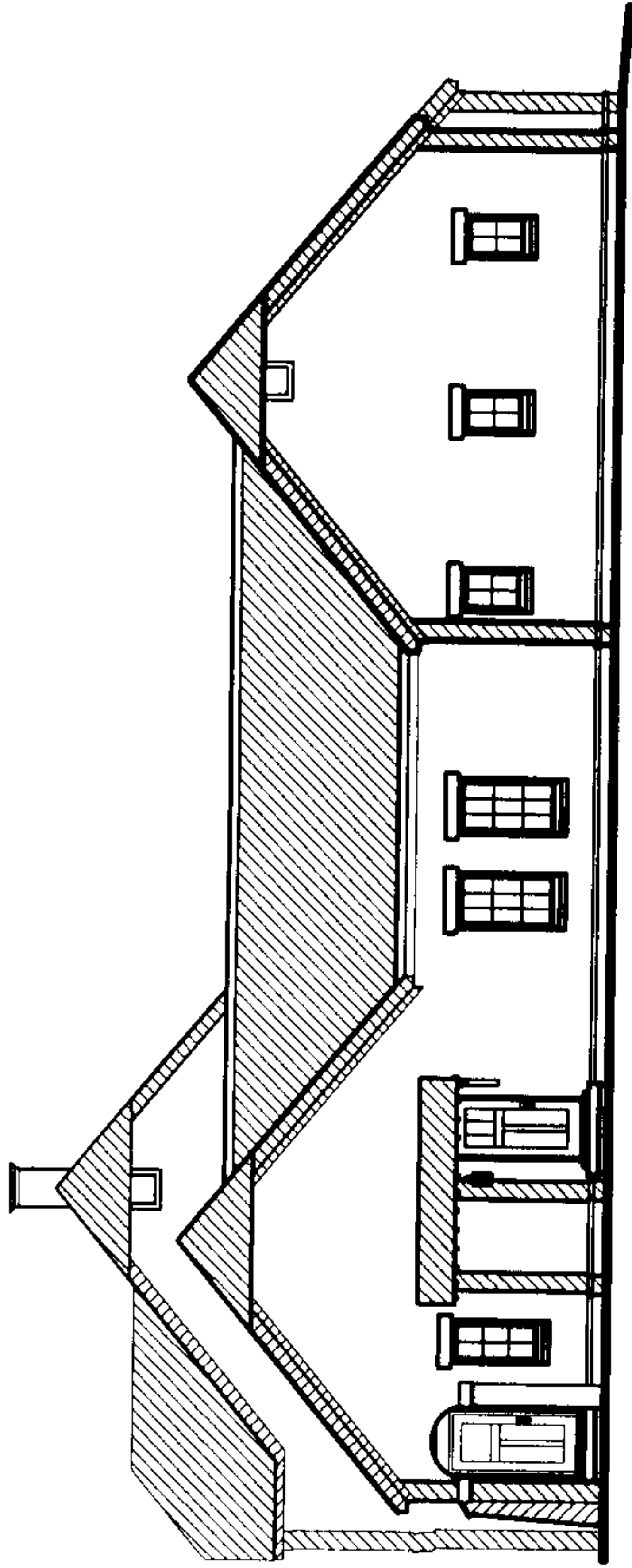
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ARCHITECTS
2829 Second Avenue South
Suite 240
Birmingham Alabama 35233
t 205 322 6435
f 205 322 6167
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2829 Second Avenue South
Suite 240
Birmingham, Alabama 35233
t 205.322.6455
f 205.322.6167
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Edenton Residential Condos
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Shelby County, Alabama
05023



1 Front and Side Elevations

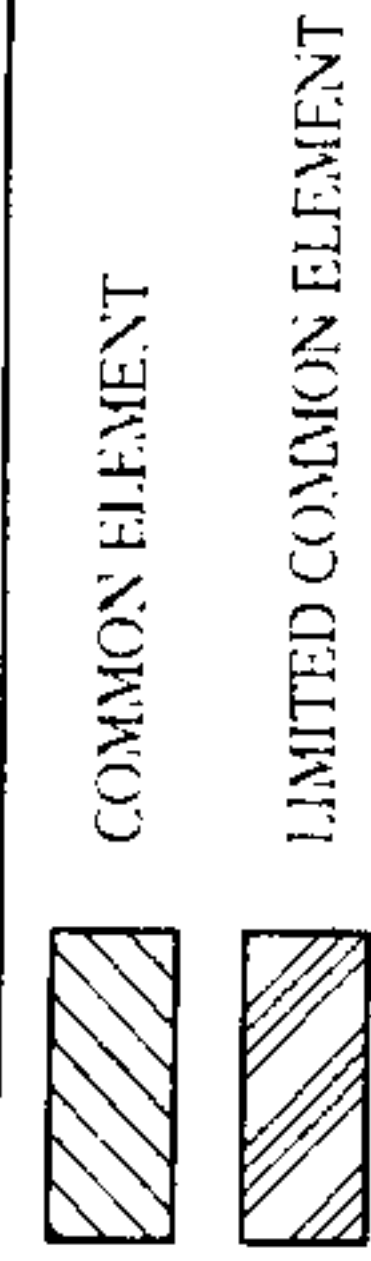
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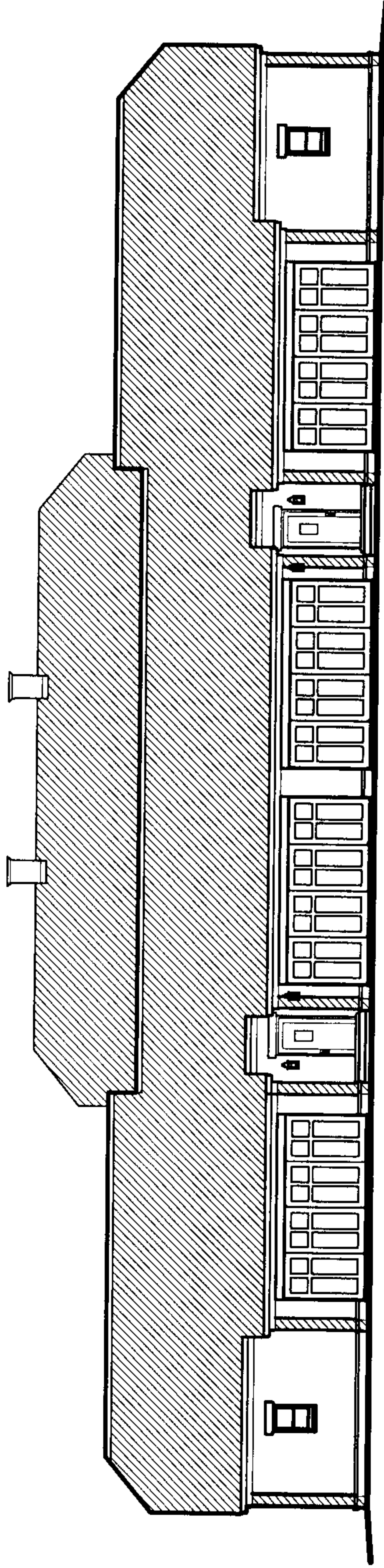
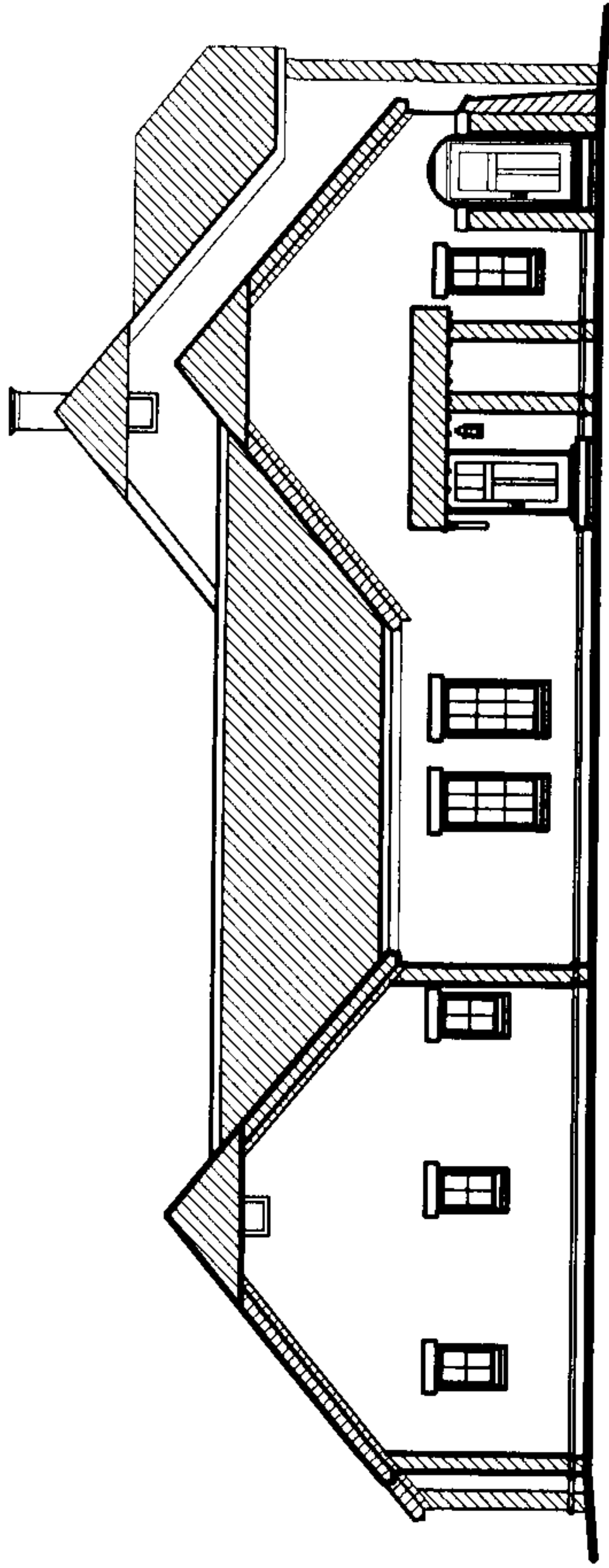


Edenton Residential Condos
Building 25
Units 114, 115, 116, 117
Shelby County, Alabama
05025

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NEQUETTE
ARCHITECTS
2829 Second Avenue South
Suite 240
Birmingham Alabama 35233
t 205.322.6455
f 205.322.6167
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1 Back and Side Elevations

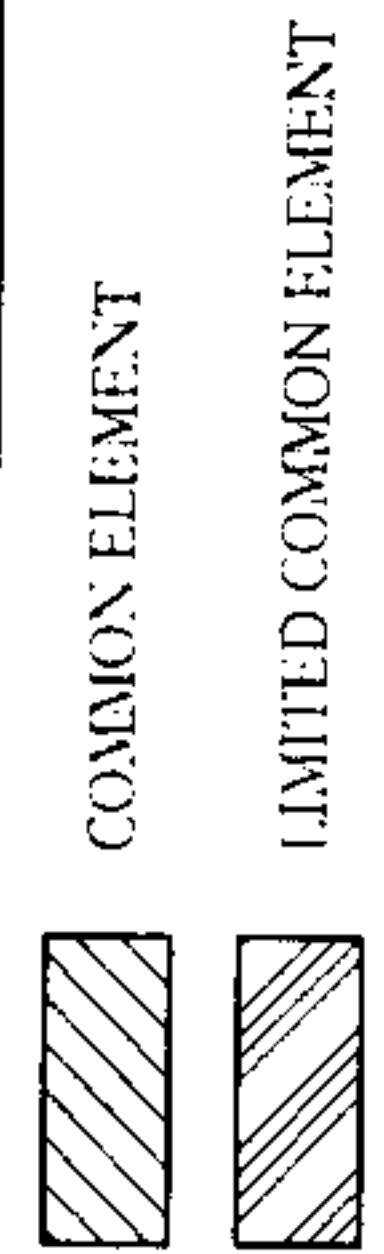
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Edenton Residential Condos
Building 25
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Shelby County, Alabama
05/023

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NEQUETTE
ARCHITECTS
3829 Second Avenue South
Suite 240
Birmingham, Alabama 35233
t 205.322.6455
f 205.322.6166
dungan-nequette.com

EXHIBIT "B"

Ninth 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; 114-121; 150-171; 175-193 (148 total Units)	.676%	1 vote / Unit
Total	100%	148