

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



20090107000004030 1/15 \$53.00
Shelby Cnty Judge of Probate,AL
01/07/2009 09:55:22AM FILED/CERT

STATE OF ALABAMA)

COUNTY OF SHELBY)

TWELFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF EDENTON,
A CONDOMINIUM

This Twelfth Amendment to Declaration of Edenton, A Condominium (the "Twelfth Amendment") is made this 2nd day of January, 2009, 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, as further amended by the Second Amendment on May 22, 2007, in the Probate Office as Instrument Number 20070522000237580, as further amended by the Third Amendment on June 6, 2007, in the Probate Office as Instrument Number 20070606000263790, as further amended by the Fourth Amendment on June 26, 2007, in the Probate Office as Instrument Number 20070626000297920, as further amended by the Fifth Amendment on August 17, 2007, in the Probate Office as Instrument Number 20070817000390000, as further amended by the Sixth Amendment on December 14, 2007, in the Probate Office as Instrument Number 20071214000565780, as further amended by the Seventh Amendment on January 31, 2008, in the Probate Office as 20080131000039890, as further amended by the Eighth Amendment on April 11, 2008, in the Probate Office as Instrument Number 20080411000148760, as further amended by the Ninth Amendment on May 14, 2008, in the Probate Office as Instrument Number 20080514000196360, as further amended by the Tenth Amendment on August 14, 2008 in the Probate Office as Instrument Number 20080814000326660 and as further amended by the Eleventh Amendment on December 23, 2008 in the Probate Office as Instrument Number 20081223000473570 (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.

RECITALS

WHEREAS, the Declaration was recorded for the purpose of submitting the land described therein to the condominium form of ownership and Edenton, A Condominium (the "Condominium") created thereby to the provisions of the Act;

WHEREAS, pursuant to § 35-8A-210 of the Act and Section 15.04 of the Declaration, the Declarant may amend the Declaration to create additional Units, Common Elements and Limited Common Elements by preparing, executing and recording an amendment to the Declaration;

WHEREAS, the Declarant desires to exercise certain development rights reserved specifically to the Declarant under Section 15.04 of the Declaration to add Building 29 containing five (5) Units and Building 24 containing six (6) Units for a total of eleven (11) additional Units to the Condominium, along with other improvements, Common Elements and Limited Common Elements to the Condominium in the locations as shown on the Fourth Amended Plan as recorded in the Probate Office in Map Book 40 Page 54. The total number of Units currently existing in the Condominium after the addition of the eleven (11) Units submitted by this Twelfth Amendment is one hundred sixty-four (164) Units. The Declarant continues to reserve the right to create additional Units and to complete the Condominium in one or more additional phases.

WHEREAS, the Declarant desires to exercise certain development rights reserved specifically to the Declarant under Section 15.04 of the Declaration to amend the Plan attached to the Declaration as Exhibit "C," to include plans added by this Twelfth Amendment, a copy of which is attached hereto as Exhibit "A;"

WHEREAS, pursuant to § 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 § 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 which is amended as shown on Exhibit "B" attached hereto.

NOW THEREFORE, upon the recording of this Twelfth 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 Twelfth Amendment, and all references to the Plans shall mean the Plans as amended by the First Amended Plan as recorded in the Probate Office in Map Book 39 Page 4, amended in the Second Amended Plan recorded in Map Book 39 Page 79 in the Probate Office, amended in the Third Amended Plan recorded in Map Book 39 Page 137 in the Probate Office, and amended in the Fourth Amended Plan recorded in Map Book 40, Page 54 in the Probate Office.

2. The Declaration is hereby amended to add Building 29 containing five (5) Units and Building 24 containing 6 Units for a total of eleven (11) additional Units to the Condominium in the locations as shown on the Fourth Amended Plan as recorded in the Probate Office in Map Book 40 Page 54, along with other improvements in Common Elements and Limited Common Elements. The total number of Units currently existing in the Condominium after the addition of the eleven (11) additional Units is one hundred sixty-four (164) 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 Declarant hereby amends Exhibit "D" to the Declaration which reflects the percentage ownership of the Common Elements and Common Expense liability of Units in the Condominium which Tenth 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 additional Units to the Condominium. Said Tenth Amended and Restated Exhibit "D" constitutes the percentage ownership of Common Elements, as revised in accordance with this Twelfth Amendment.

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

5. It is the intention of the Declarant that the provisions of this Twelfth 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 Twelfth Amendment to Declaration has been executed by the undersigned and filed in the Probate Office 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.

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 Twelfth Amendment to Declaration of Condominium of Edenton, a Condominium to be executed this 2nd day of January, 2009.

20090107000004030 4/15 \$53.00
Shelby Cnty Judge of Probate, AL
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DECLARANT:

CAHABA BEACH INVESTMENTS, LLC,
an Alabama limited liability company

By: *Jonathan Belcher*
Name: *Jonathan 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 2nd day of January, 2009.

[Notarial Seal]

Kristi 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



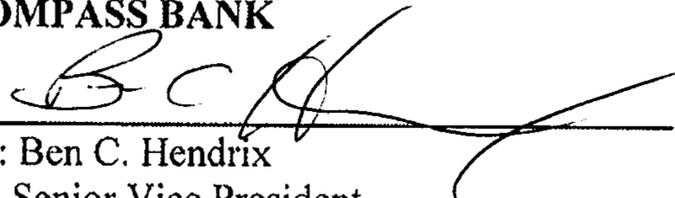
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01/07/2009 09:55:22AM FILED/CERT

CONSENT BY MORTGAGEE

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

Acknowledged and agreed this 2nd day of January, 2009.

COMPASS BANK

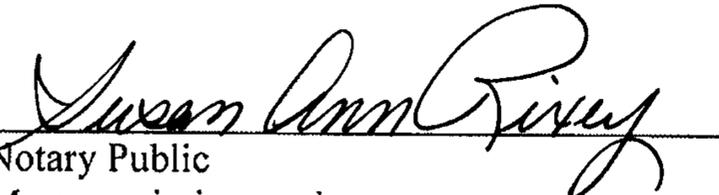

By: Ben C. Hendrix
Its: Senior Vice President

STATE OF ALABAMA)

COUNTY OF JEFFERSON)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Ben 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 2nd day of January, 2009.


Notary Public

My commission expires: _____
**MY COMMISSION EXPIRES
MARCH 29, 2009**

[Notarial Seal]



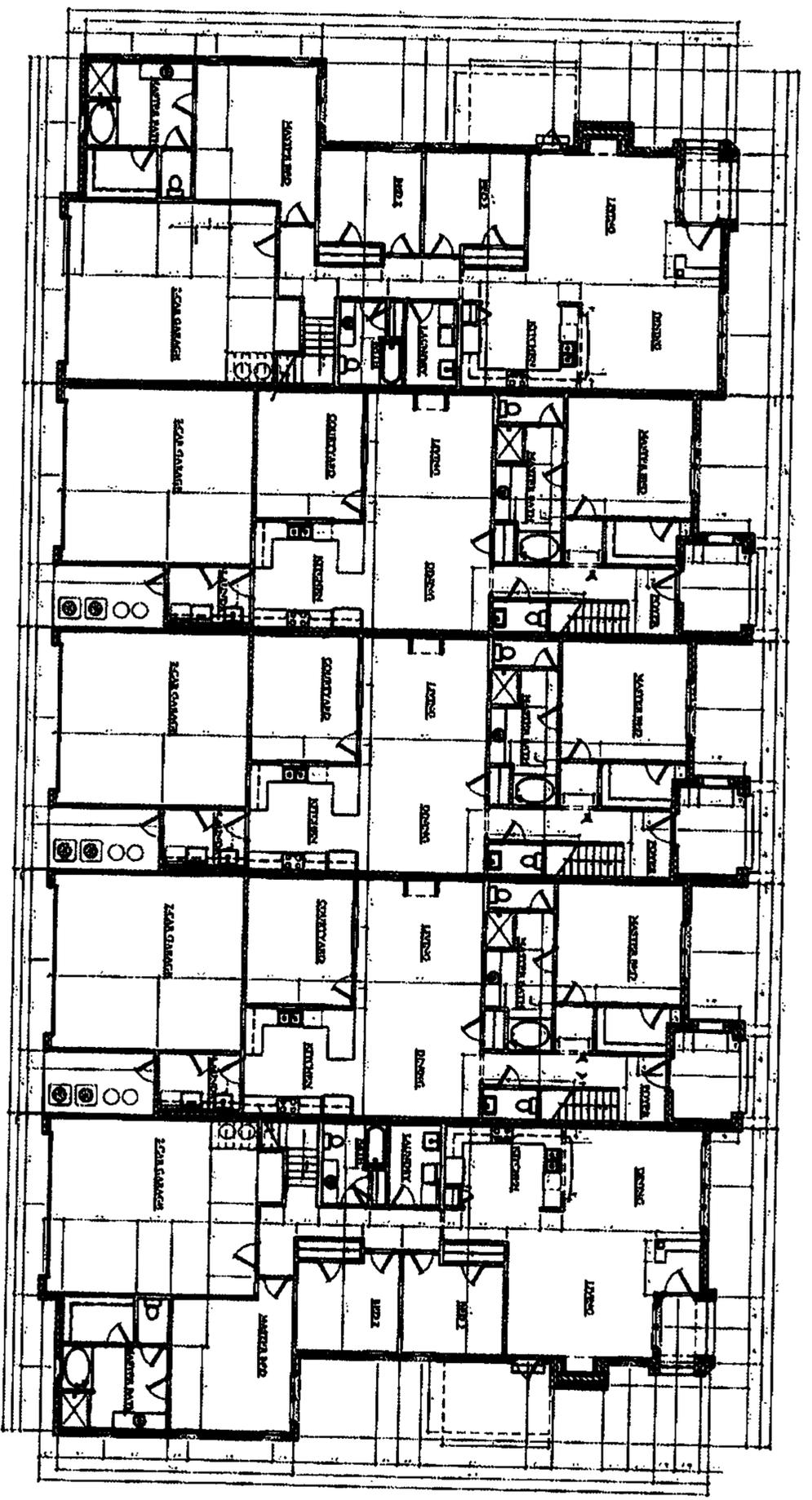
20090107000004030 6/15 \$53.00
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01/07/2009 09:55:22AM FILED/CERT

EXHIBIT "A"

Plans attached as Exhibit "C" to the Declaration

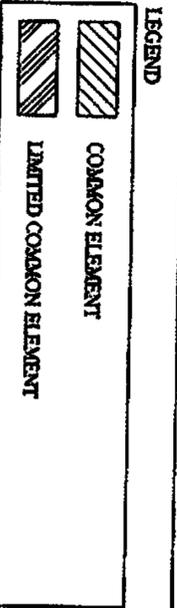
See Attached

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 Shelby Cnty Judge of Probate, AL
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1
 First Floor
 Scale: N.T.S.

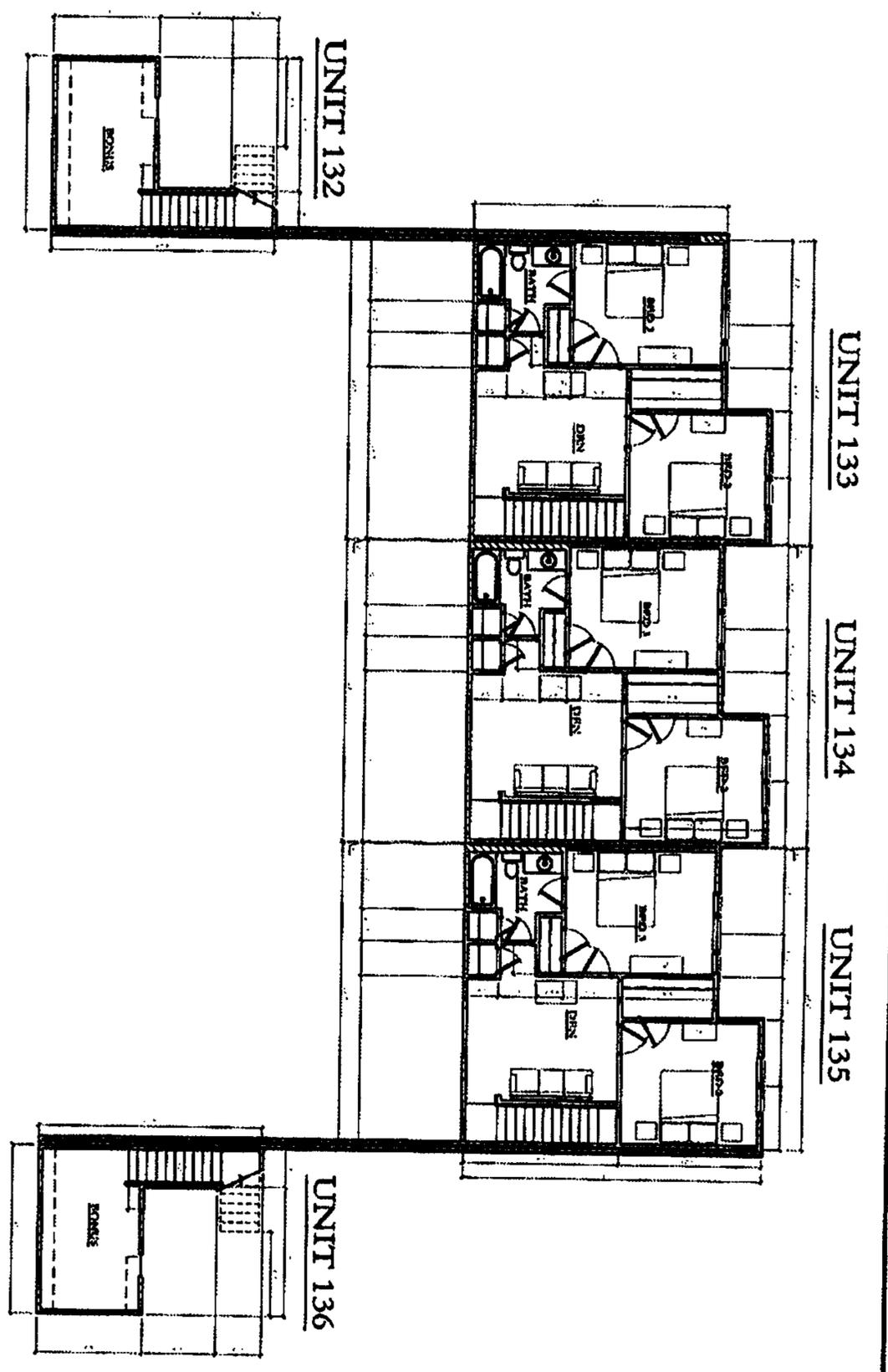
**Edenton Residential Condos
 Building 29**
 132,133,134,135,136
 Shelby County, Alabama
 05023



**DUNGAN
 NEQUETTE
 ARCHITECTS**
 2029 Second Avenue South
 Suite 240
 Birmingham, Alabama 35233
 Phone: 205-322-6455
 Fax: 205-322-6167
 www.dungan-nequette.com

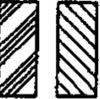
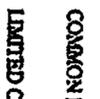
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1
 Second Floor
 Scale N.T.S.



Edenton Residential Condos
Building 29
 132,133,134,135,136
 Shelby County, Alabama
 06023

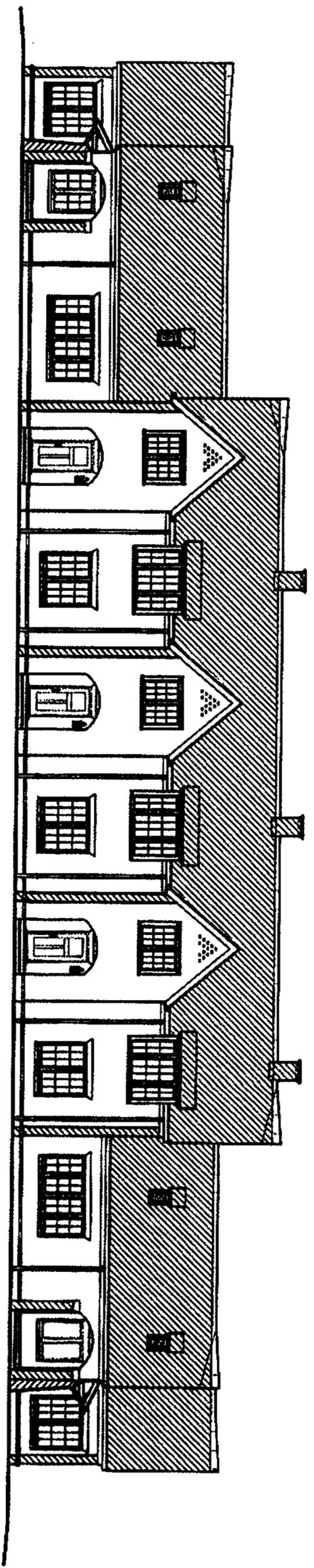
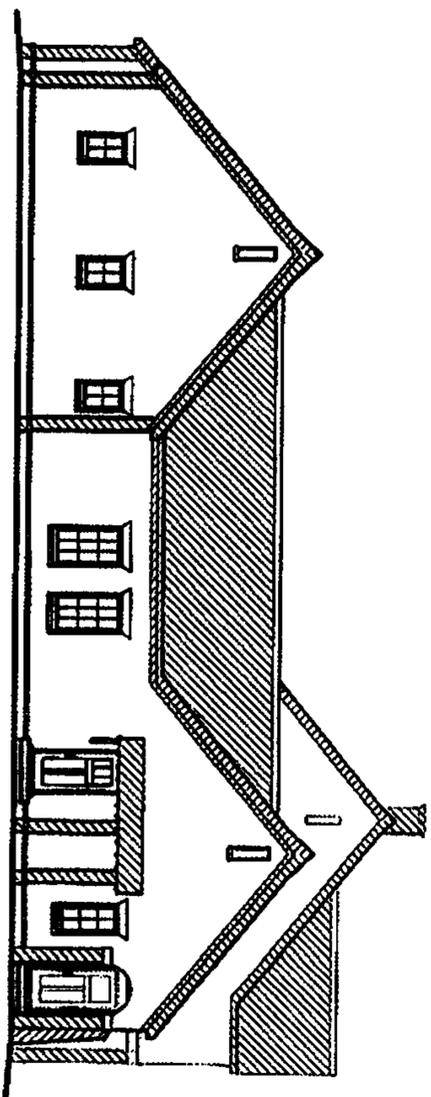
LEGEND

	COMMON ELEMENT
	LIMITED COMMON ELEMENT

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1 Front and Side Elevations

Scale: N.T.S.

Edenton Residential Condos
Building 29
 132,133,134,135,136
 Shelby County, Alabama
 35203

LEGEND

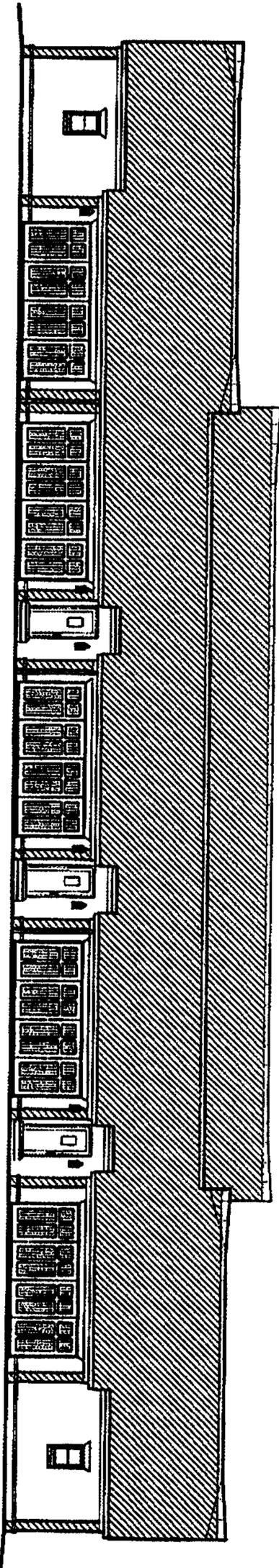
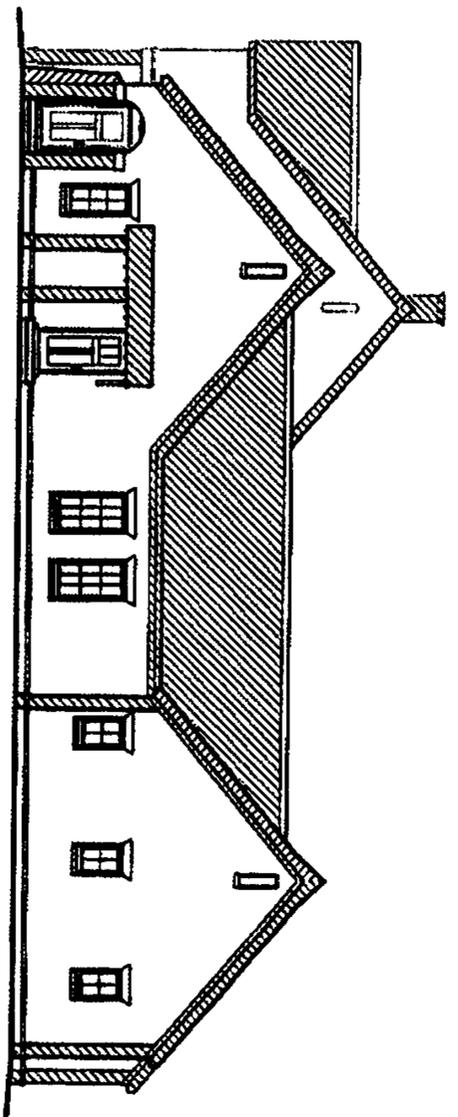
	COMMON ELEMENT
	LIMITED COMMON ELEMENT

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1 Back and Side Elevations

Scale N.T.S.

Edenton Residential Condos
Building 29
 132,133,134,135,136
 Shelby County, Alabama
 09023

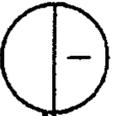
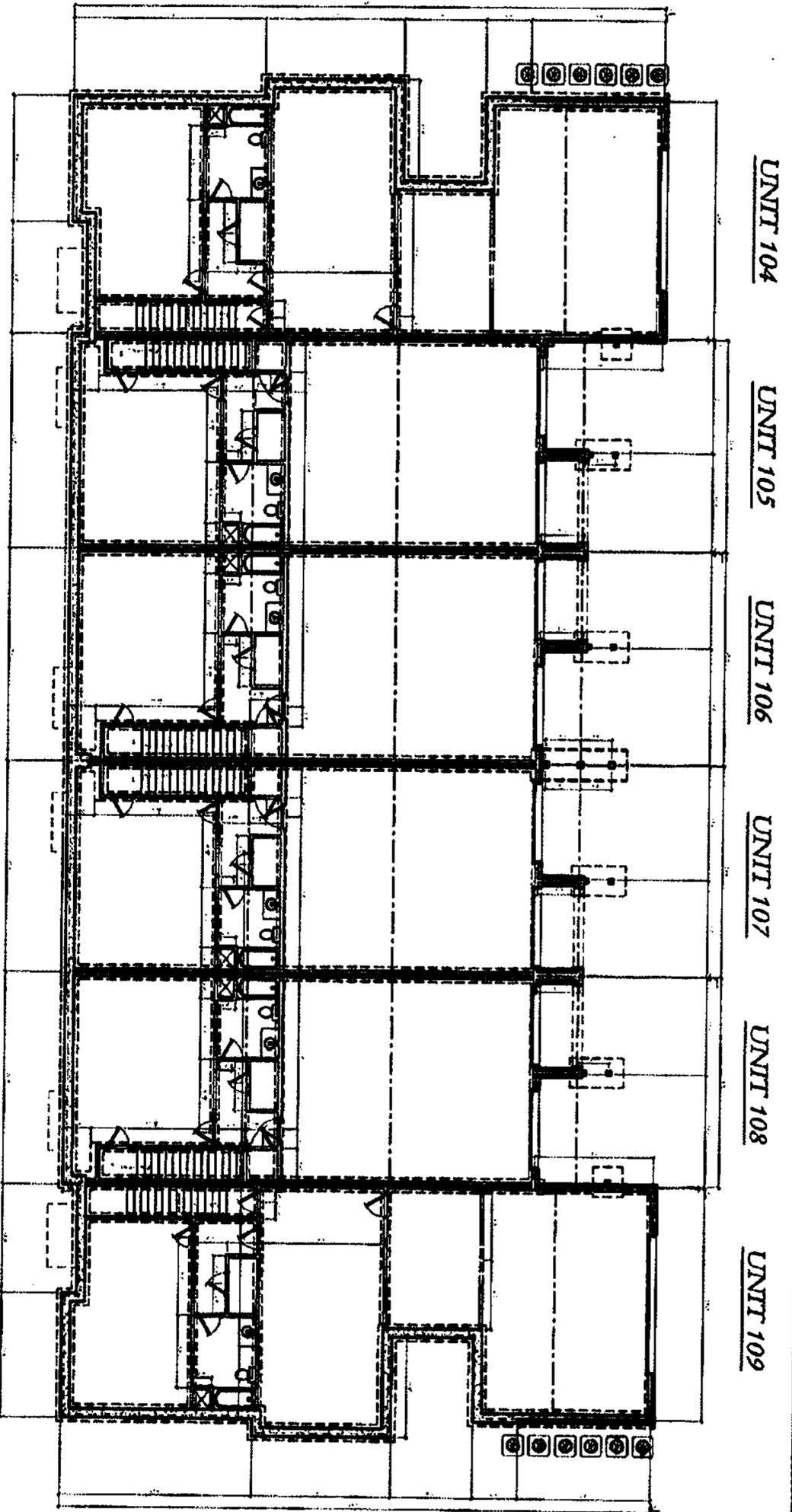
LEGEND

	COMMON ELEMENT
	LIMITED COMMON ELEMENT

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Basement

Scale: N.T.S.

LEGEND

-  COMMON ELEMENT
-  PARTIALLY COMMON ELEMENT

**Edenton Residential Condos
Building 24**

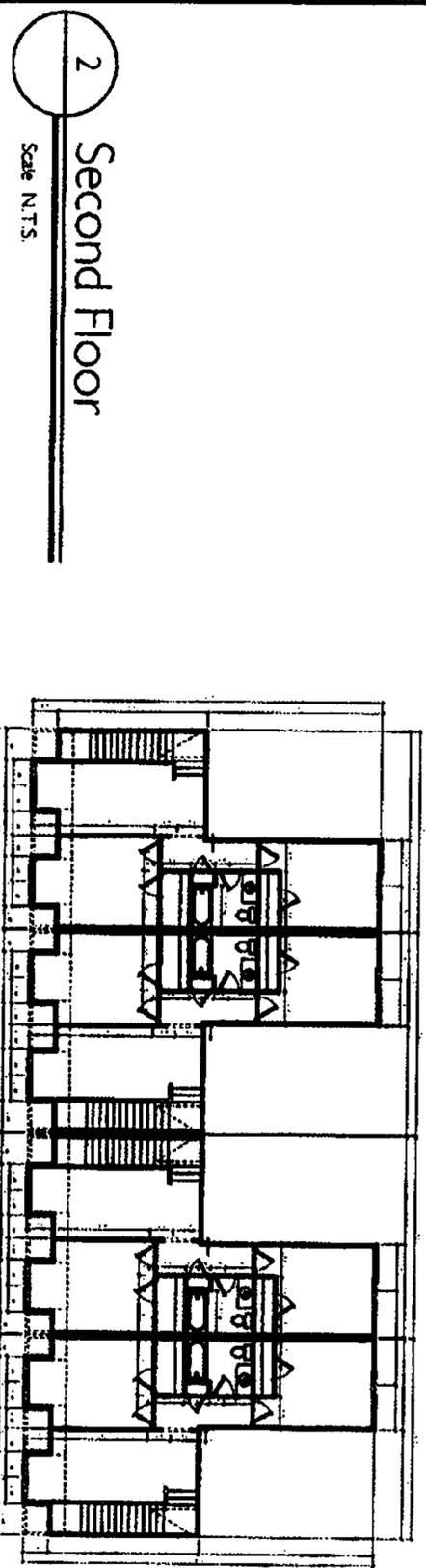
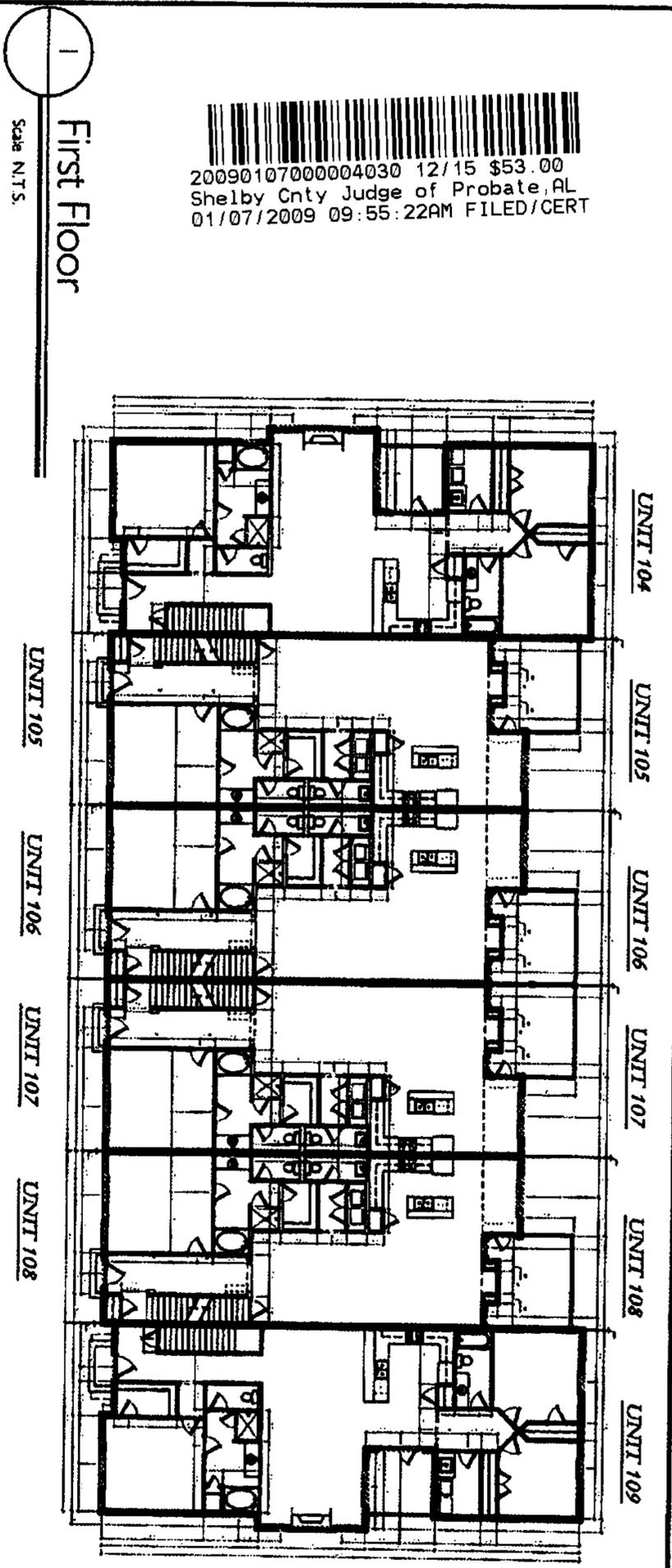
Units 104, 105, 106, 107, 108, 109
Stuebel County, Alabama
09025

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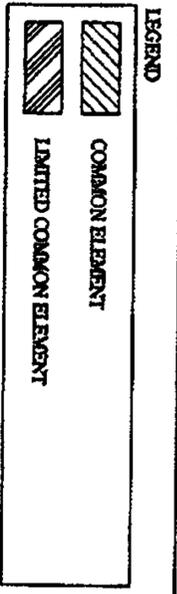
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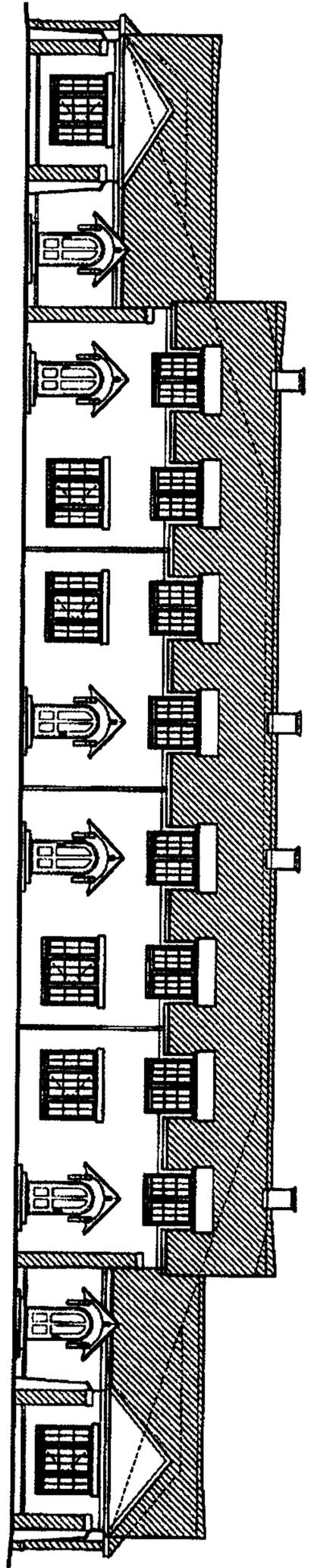
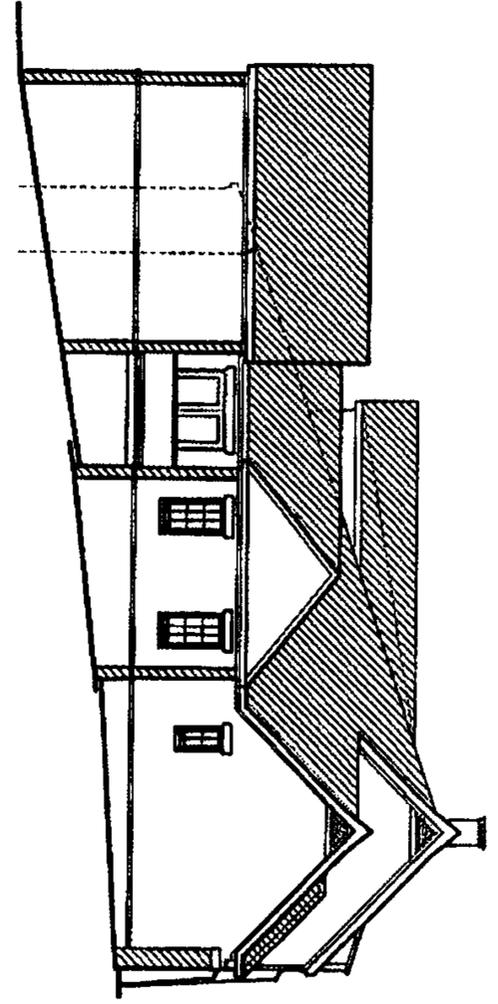
**Edenton Residential Condos
 Building 24**
 Units 104, 105, 106, 107, 108, 109
 Shelby County, Alabama
 09023



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

Edenton Residential Condos
Building 24
 Units 104, 105, 106, 107, 108, 109
 Shelby County, Alabama
 09023

LEGEND

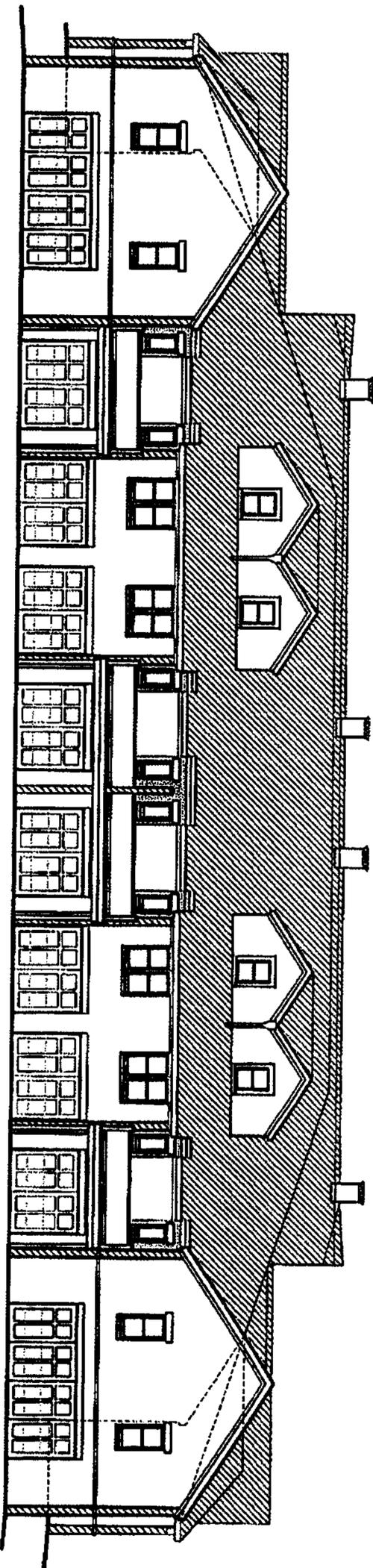
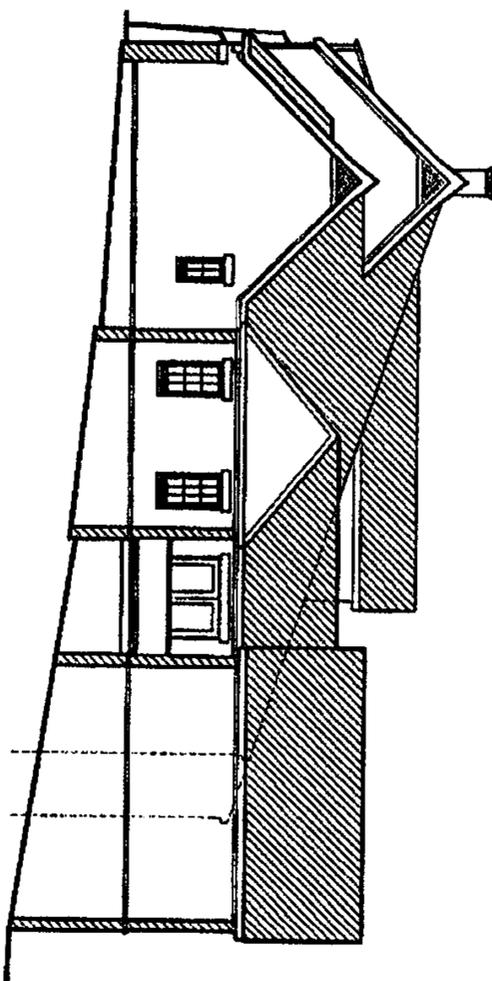
	COMMON ELEMENT
	LIMITED COMMON ELEMENT

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1 Back and Side Elevations

Scale N.T.S.

Edenton Residential Condos
Building 24

Units 104, 105, 106, 107, 108, 109
Shelby County, Alabama
09023

LEGEND

-  COMMON ELEMENT
-  LIMITED COMMON ELEMENT

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EXHIBIT "B"

Tenth 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; 104-109; 114-121; 132-136; 137-141; 150-171; 175-193 (164 total Units)	.61%	1 vote / Unit
Total	100%	164