

**FIRST AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
THE LOFTS AT EDENTON, A CONDOMINIUM**

Dated: March 29th, 2010

This instrument prepared by:

Carol H. Stewart
Melinda E. Sellers
Burr & Forman LLP
3400 Wachovia Tower
420 North 20th Street
Birmingham, Alabama 35203
(205) 251-3000

**FIRST AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
THE LOFTS AT EDENTON, A CONDOMINIUM**

STATE OF ALABAMA)
SHELBY COUNTY)

THIS FIRST AMENDMENT to the Declaration of Condominium of The Lofts at Edenton, a condominium ("First Amendment") is made this 29th day of March 2010, by **CAHABA BEACH INVESTMENTS, LLC**, an Alabama limited liability company (the "Developer"), for the purpose of amending the Declaration of Condominium of The Lofts at Edenton, A Condominium as filed in the Office of the Judge of Probate of Shelby County, Alabama on February 25, 2010, in Instrument 20100225000056160 (the "Declaration"), and to reflect an amendment of the Plat recorded in Map Book 41, Pages 110A through 110I in the Office of the Judge of Probate of Shelby County, Alabama (the "Plat").

WITNESSETH:

WHEREAS, the Declaration was filed on February 25, 2010, for the purpose of establishing a plan of condominium ownership for certain real property situated in Shelby County, Alabama known as The Lofts at Edenton, A Condominium (the "Condominium");

WHEREAS, the Developer, pursuant to Article II, Section 2.3, Article III, Section 3.1(a) and (c), and Section 3.2, and Article XII, Section 12.1(b) of the Declaration, desires to amend the Declaration to add one building containing three (3) Units and one building containing four (4) Units for a total of seven (7) Units and certain associated Common Elements and Limited Common Elements to the Condominium; the Condominium containing a total of twenty (20) Units as set forth below;

WHEREAS, the Developer, pursuant to Article II, Section 2.3, Article III, Section 3.1(a) and (c), and Section 3.2, and Article XII, Section 12.1(b) of the Declaration, desires to amend Exhibit "D" to the Declaration to add the additional pages as shown on Exhibit "A" attached hereto and to reflect the amendment of the Plat the Amended Plat being recorded in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 41, Page 116A-116H (the "Amended Plat"); and

WHEREAS, the Developer, pursuant to Article II, Section 2.3, Article III, Section 3.1(a) and (c), and Section 3.2, and Article XII, Section 12.1(b) of the Declaration, desires to amend and restate Exhibit "E" attached to the Declaration to adjust the percentage of ownership of Common Elements, Common Expense liability and votes as shown on Exhibit "B" attached hereto.

NOW THEREFORE, upon the recording hereof, the Developer does hereby amend the Declaration as follows:

1. The Developer, pursuant to Article II, Section 2.3, Article III, Section 3.1(a) and (c), and Section 3.2, and Article XII, Section 12.1(b) of the Declaration, does hereby amend the Declaration to submit one building containing three (3) Units and one building containing four (4)

Units for a total of seven (7) Units and certain Common Element and Limited Common Element improvements to the Condominium.

2. The Developer, pursuant to Article II, Section 2.3 and Article III, Section 3.1(a) and (c), and Section 3.2, and Article XII, Section 12.1(b) of the Declaration, does hereby amend Article II, Section 2.1 of the Declaration which previously provided:

2.1 Description of Improvements and Identification of Units. The Condominium Property shall initially consist of thirteen (13) Units and certain Common Element improvements. A Plat of the Condominium Property and a graphic description of each Unit identifying it by a number so that no Unit bears the same designation as any other Unit, all in sufficient detail to identify the Common Elements, the Limited Common Elements, if any, and each Unit and their relative locations and approximate dimensions, are set forth in the Plan attached hereto as Exhibit "D."

to provide as follows:

2.1 Description of Improvements and Identification of Units. The Condominium Property consists of twenty (20) Units and certain Common Element improvements. A Plat of the Condominium Property and a graphic description of each Unit identifying it by a number so that no Unit bears the same designation as any other Unit, all in sufficient detail to identify the Common Elements, the Limited Common Elements, if any, and each Unit and their relative locations and approximate dimensions, are set forth in the Plan attached hereto as Exhibit "D."

3. The Developer, does hereby amend Exhibit "D" to the Declaration to reflect the amendment of the Plat to add certain pages to the Plat as shown on Exhibit "A," said Amended Plat being recorded in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 41, Page 116A-116H, which shows the location of one building containing three (3) Units and one building containing four (4) Units for a total of seven (7) Units and certain Common Element improvements to the Condominium, and a graphic description of each Unit identifying it by a number so that no Unit bears the same designation as any other Unit or Additional Unit, all in sufficient detail to identify the Common Elements, the Limited Common Elements, if any, and each additional Unit and their relative locations and approximate dimensions for a total of twenty (20) Units in the Condominium.

4. The Developer, pursuant to Article III, Section 3.5, and Article XII, Section 12.1(b) of the Declaration, does hereby amend and restate Exhibit "E" to the Declaration to reallocate the percentage of ownership of the Common Elements, the Common Expense liability and the votes among the Units as shown on Exhibit "B" attached hereto and made a part hereof.

5. It is the intention of the parties that the provisions of this First 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. The provisions of this First Amendment to Declaration shall be liberally construed to effectuate its purpose of adding one building containing three (3) Units and one building containing four (4) Units for a total of seven (7) Units to the Condominium, to reflect an amendment of the Plat, and to reallocate the percentage of ownership of the Common Elements, the Common Expense liability and the votes among the Units in the Condominium.

7. This First 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 purpose as 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.

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

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Developer, Cahaba Beach Investments, LLC, has executed this First Amendment to the Declaration on this 26th day of March 2010.

CAHABA BEACH INVESTMENTS, LLC,
an Alabama limited liability company

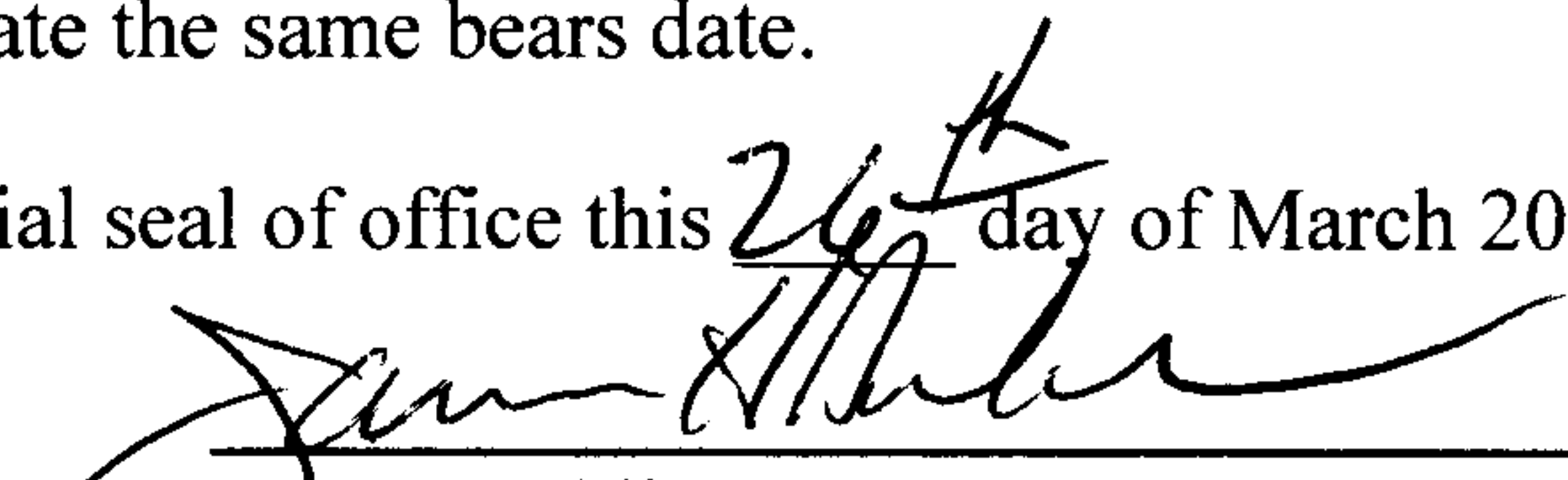
By: 
Jonathan Belcher
Its President

STATE OF ALABAMA)
SHELBY COUNTY)

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 First Amendment to Declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing First Amendment to Declaration, he, as such officer, and with full authority, executed the same voluntarily on the date the same bears date.

Given under my hand and official seal of office this 26th day of March 2010.

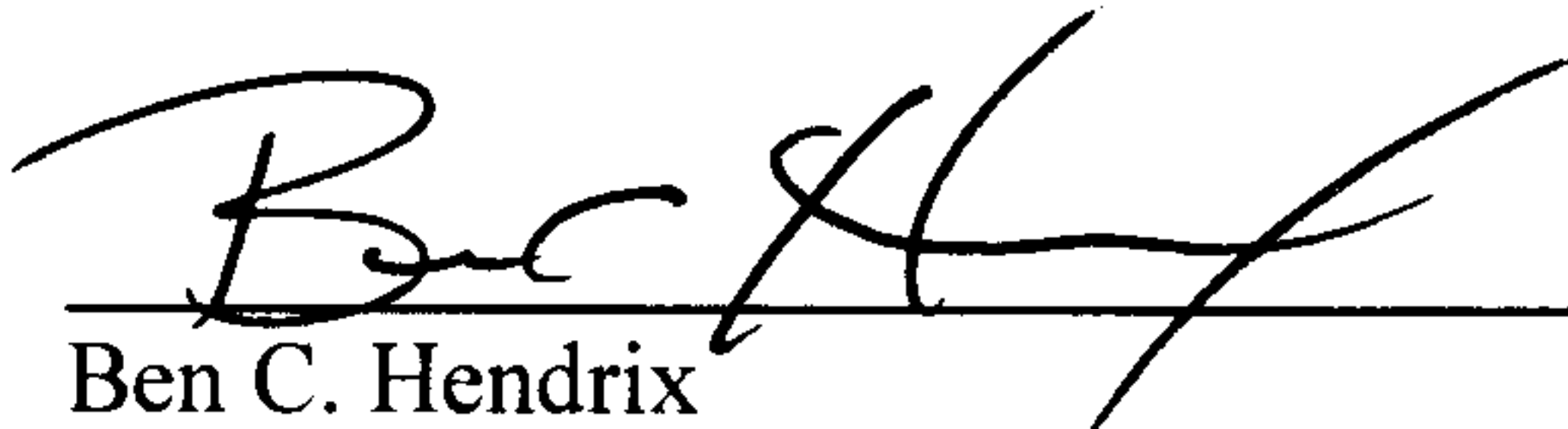
[NOTARY SEAL]


Notary Public
My Commission Expires: 7/5/2010

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

The undersigned, as **Mortgagee** under the Mortgage encumbering the real property identified in the foregoing Second Amendment to Declaration, joins in the execution of the foregoing First Amendment to Declaration, for the sole purpose of consenting to the recording of the First Amendment to Declaration. The undersigned is not the Developer, and does not assume any obligation whatsoever under the terms, covenants and conditions of the foregoing First Amendment to Declaration, and the execution hereof does not in any way subordinate or make the said Mortgage inferior to the said First Amendment to Declaration.

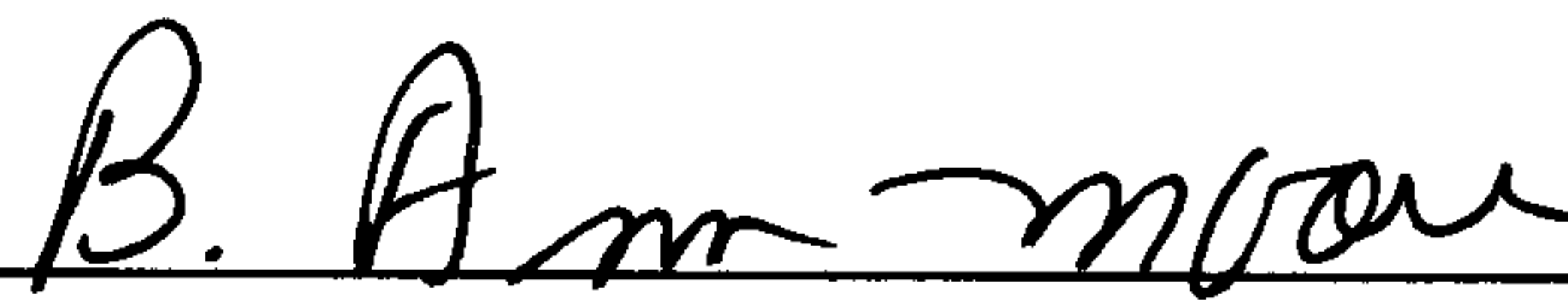
COMPASS BANK

By: 
Ben C. Hendrix
Its Senior Vice President

STATE OF ALABAMA)
JEFFERSON COUNTY)

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 First Amendment to Declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the First Amendment to Declaration, he as such officer, and with full authority, executed the same voluntarily for and as the act of said banking association on the day the same bears date.

Given under my hand and seal of office this 25th day of March 2010.


Notary Public

[NOTARY SEAL]

My commission expires: 11-6-10


20100330000095330 7/16 \$56.00
Shelby Cnty Judge of Probate, AL
03/30/2010 02:08:04 PM FILED/CERT

EXHIBIT "A" TO FIRST AMENDMENT

**AMENDMENT TO EXHIBIT "D" TO DECLARATION OF CONDOMINIUM OF
THE LOFTS AT EDENTON, A CONDOMINIUM**

ADDITIONAL PAGES OF PLAT AND PLANS OF THE CONDOMINIUM

**1st Amended Plat of
The Lofts at Edenton,
A Condominium**

This map amends the original condominium plat as recorded in Map Book 41, Page 110A-110B in the Shelby County Probate Office

SCALE: 1" = 50'

March 22, 2010

STATE OF ALABAMA
SHELBY COUNTY

A parcel of land located in the Northwest 1/4 of the Northwest 1/4 of Section 31, Township 18 South, Range 1 West, Shelby County, Alabama and being more particularly described as follows:

Commencement at 3.3 (topped up) locally accepted as the N.W. corner of said Section 31; Thence S 07°00'00" W, and along the West line of said Section 31, a distance of 158.05 feet, to the POINT OF BEGINNING; thence continuing along the said described course for a distance of 354.32 feet, to the POINT OF BEGINNING; thence S 13°55'32" E, a distance of 133.55 feet; thence S 50°05'41" E, a distance of 126.01 feet; thence S 49°14'07" E, a distance of 398.07 feet; thence S 13°55'32" E, a distance of 154.56 feet; thence N 81°28'55" E, a distance of 164.45 feet; thence N 01°09'57" E, a distance of 164.40 feet; thence N 63°54'32" W, a distance of 31.69 feet; thence N 01°15'05" E, a distance of 77.55 feet; thence N 68°44'55" W, a distance of 153.48 feet; thence S 01°15'05" W, a distance of 203.22 feet; thence N 68°44'55" W, a distance of 183.00 feet; thence N 01°15'05" E, a distance of 206.10 feet to the beginning of a curve to the right of a curve to the left having a radius of 403.00 feet, a central angle of 120.87 degrees, a length of 204.24 feet, and a chord bearing of N 72°34'32" W, thence along said arc of 172.02 feet to the POINT OF BEGINNING; S 05°19'35" W, a distance of 50.55 feet; thence S 69°35'52" W, a distance of 124.02 feet to the POINT OF BEGINNING.

REGISTERED ENGINEER'S CERTIFICATION

¹ The undersigned, Robert W. Estess, IV, a registered engineer in the State of Alabama, Registration No. 21564, hereby certify that the Plat shows the layout, location, lot numbers and the other improvements of the Condominiums known as the Pridmore Condominiums, located in the County of Baldwin, State of Alabama, and that the improvements shown on the Plans are substantially complete. I further certify that the Plans contain all of the information required by § 35-4A-209, Code of Alabama (1975).

1 further certify that Condominium is currently located in Flood Zone X (catastrophic 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 The Lots at Election, A Condominium in Shelby County, Alabama, with all legal descriptions contained therein incorporated as if stated in full herein and is prepared for recordation in the Condominium Book in the Office of the Judge of Probate of Shelby County, Alabama.

Project name: Robert W. Estley, IV Registered as: Engineer Registration Number: 21844 Alabama Alabama Engineering Company, Inc. 2 Office Park Circle, Suite 11 Birmingham, AL 35223 (205) 605-2161	Use: 4-571
--	------------------------------------

Roundel Judd, PLS Alabama Reg. No. 18399 Architect, Builder and Adams, Inc. 3360 Montclair Road Birmingham, AL 35213 (205) 870-1390	ALABAMA ★ N. 18399 ★ Professional Engineer SAVITRY AND JAY, INC. 10000 Highway 100 Atlanta, GA 30338
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and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

John R. Ball
Jonathan Ballmer, Member
Canibus-Rauch Investments, LLC, Omnia
3545 Market Street
Hoover, AL 35226
(205) 969-5506

BY: Ben Hendrix, Sr. Vice President
BBVA Compass Bank
4956 Valleydale Road, Suite 10
Birmingham, Alabama 35242

1. the undersigned, a Notary Public in and for said County and State hereby certify that Ben Hendrix whose name is signed to the foregoing plat as Sr. Vice President of Compass Bank, and who is known to me, acknowledged before me on this day, being informed of the contents thereof, he executed the same voluntarily, as such individual with full authority thereof.

Given under my hand and seal the 16th day of March, 2010.

My Commission Expires: 11-6-10
B. I. am Moore

State of Arkansas
County of _____
I, the undersigned a History Public in and for said County and State hereby certify that Robert W. Gentry, Jr. whose name is appended to the foregoing certification as signatory, who is known to me, and who is duly qualified by education and experience, is a resident of said County and State, and the executed same voluntarily and without duress or fraud in and to the best of my knowledge and belief.

Given under my hand and seal this 22nd day of March, 2010.

My Commission Expires _____

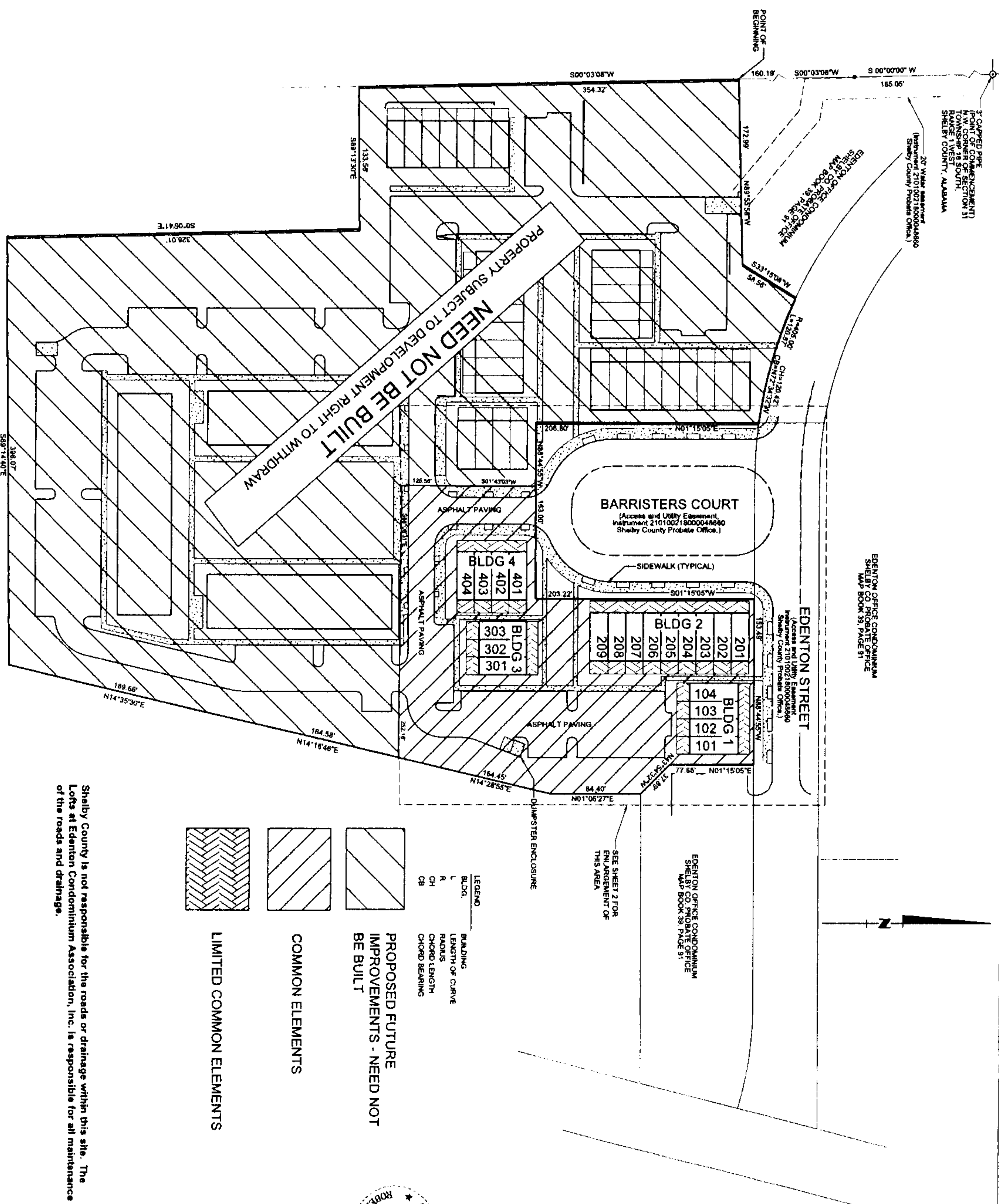
Notarizing in Arkansas requires the Notary Public to be available 24 hours a day, 7 days a week. The Notary Public must be available to perform services at all times, including holidays and weekends. The Notary Public must be available to perform services at all times, including holidays and weekends.

State of Alabama
 Shelby County
 I, the undersigned, a Notary Public in and for said County and State hereby certify that Jonathan Becker, whose name is signed to serve as an authorized representative of the Government of Cambodia before me, is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certification, he executed same voluntarily as such individual with full authority thereof.

Given under my hand and seal this _____ day of _____, 2010.

Notary Public _____ My Commission Expires _____

SHEET 1 OF 6



Shelby County is not responsible for the roads or drainage within this site. The Lofts at Edenton Condominium Association, Inc. is responsible for all maintenance of the roads and drainage.

NAME OF THE CONDOMINIUM:
THE LOFTS AT EDENTON, A CONDOMINIUM.

Notes

The Land Surveyor's and Engineer's Certification only applies sheets 1 and 2 and to work outside of the buildings. See Architect's Certification for building information.

The entire parcel is subject to an easement, and beneficiary of an easement across the Edmonson Office Condominium parcels as described in Instrument 210100218000046570 as recorded in the Shelby County Probate Office.

APPROVED: _____
SHELBY COUNTY PLANNING COMMISSION

DATA

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The Probate of the Estate of
00 95\$ 91/6 0335600003000102

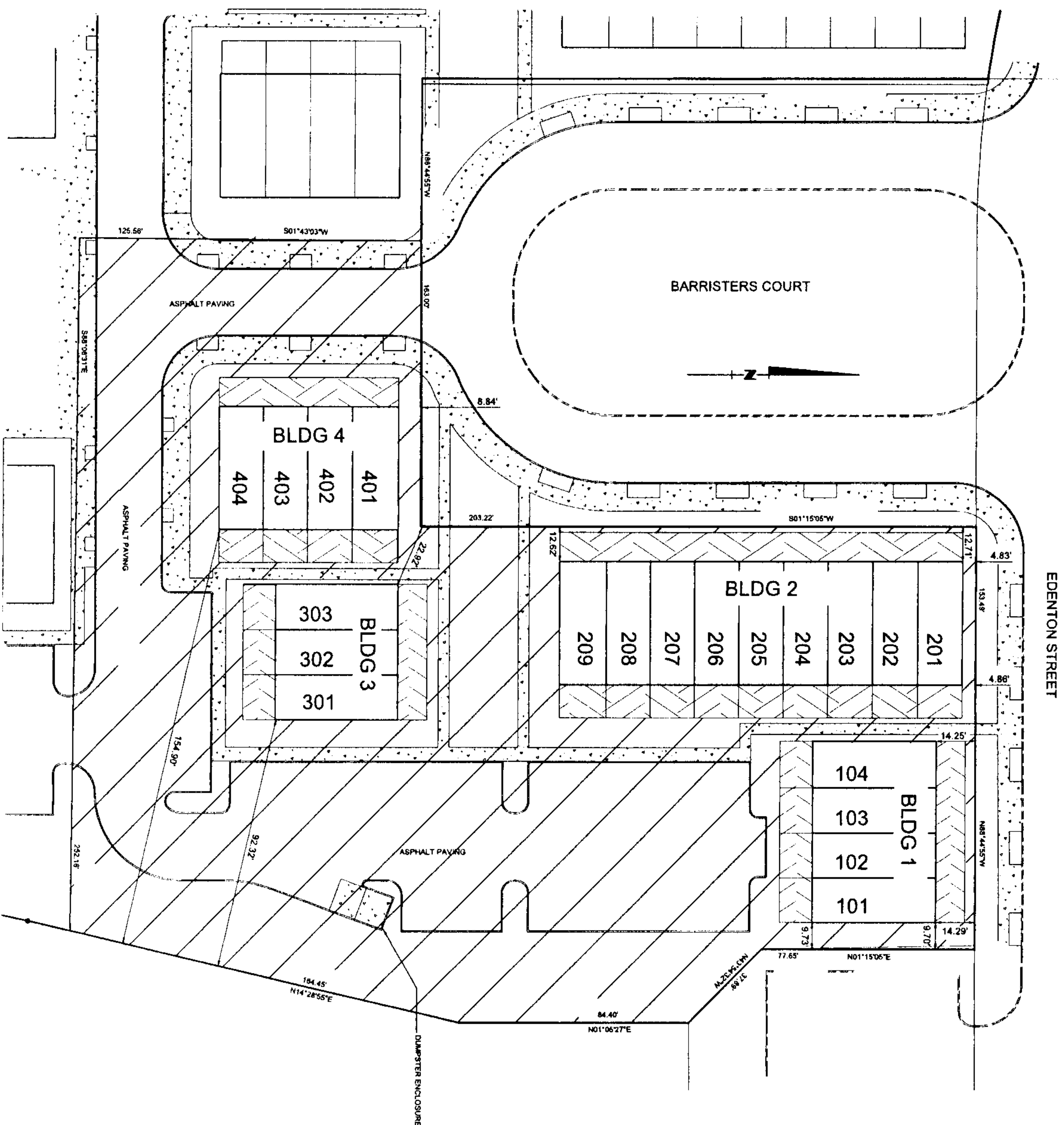


1st Amended Plat of
The Lofts at Edenton,
A Condominium

SCALE: 1" = 20' MARCH 22, 2010

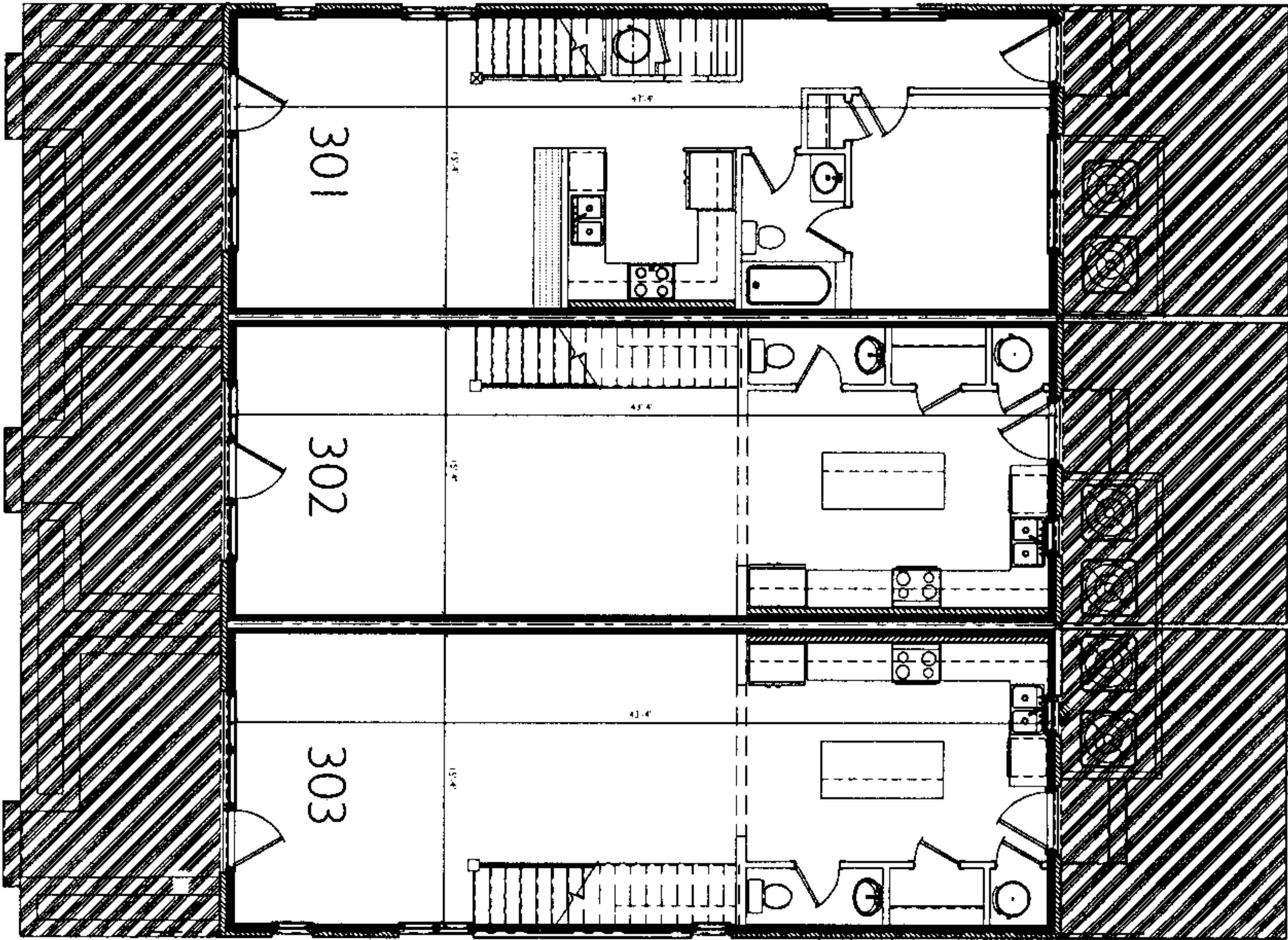


THE PURPOSE OF THIS SHEET IS TO
SHOW THE RELATIONSHIP OF THE
BUILDINGS TO THE PROPERTY LINES.



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Shelby Cnty Judge of Probate, AL
03/30/2010 02:08:04 PM FILED/CERT

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1 First Floor
Scale N.T.S.

SHEET

3 of 8

THE LOFTS AT EDENTON, A CONDOMINIUM
Building 3

Units: 301, 302, 303

Shelby County, Alabama

LEGEND

- COMMON ELEMENT
- LIMITED COMMON ELEMENT

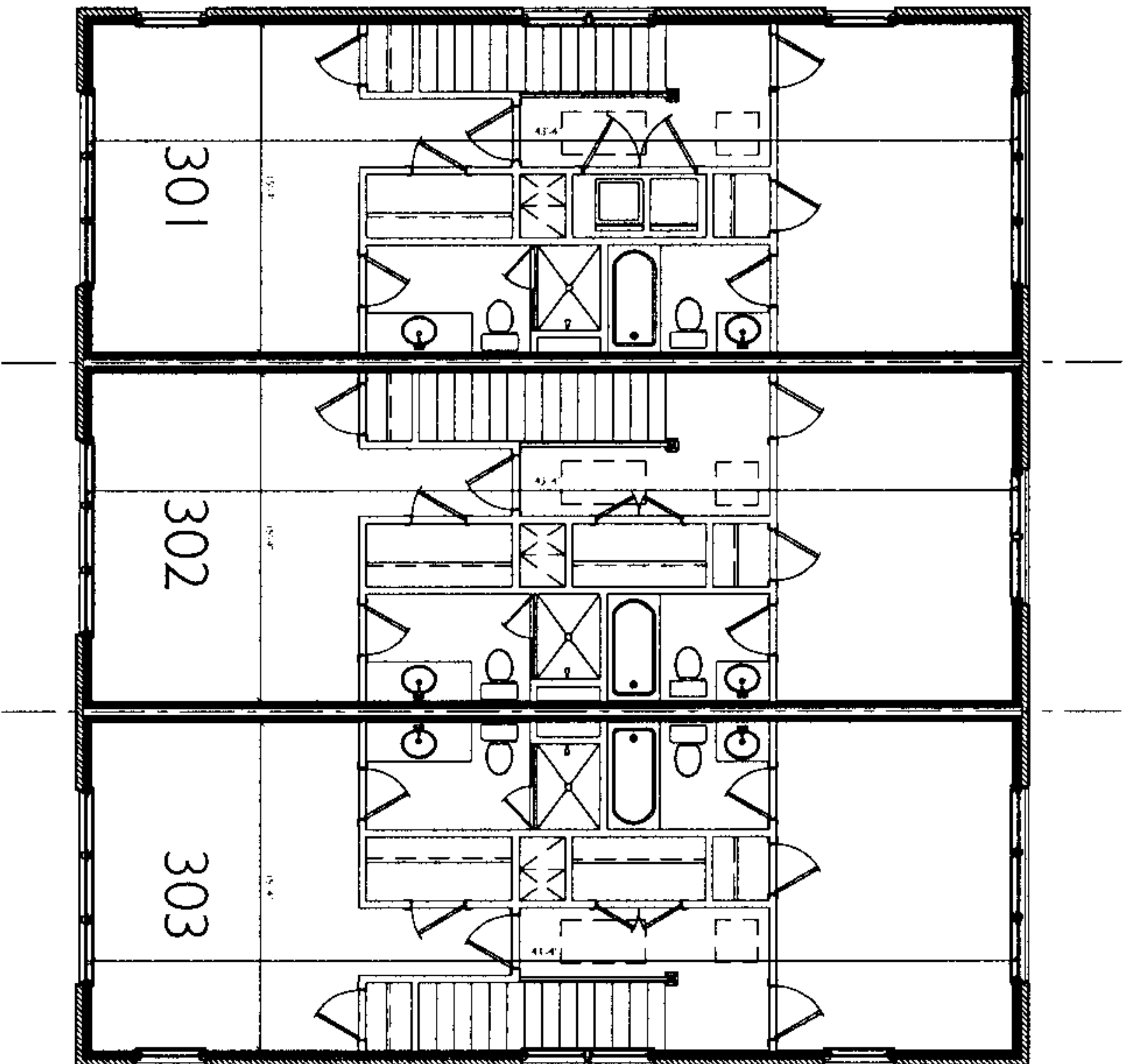
SIGNATURE HOMES

3545 Market Street
Hoover, Alabama 35226
ph. 205.989.5588
fax 205.989.8884

www.signaturehomes.net

20100330000095330 11/11/16 \$56.00
Shelby Cnty Judge of Probate, AL
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1 Second Floor
Scale N.T.S.

SHEET

4 of 8

THE LOFTS AT EDENTON, A CONDOMINIUM Building 3

Units: 301, 302, 303

Shelby County, Alabama

LEGEND

- | | |
|--|------------------------|
| | COMMON ELEMENT |
| | LIMITED COMMON ELEMENT |

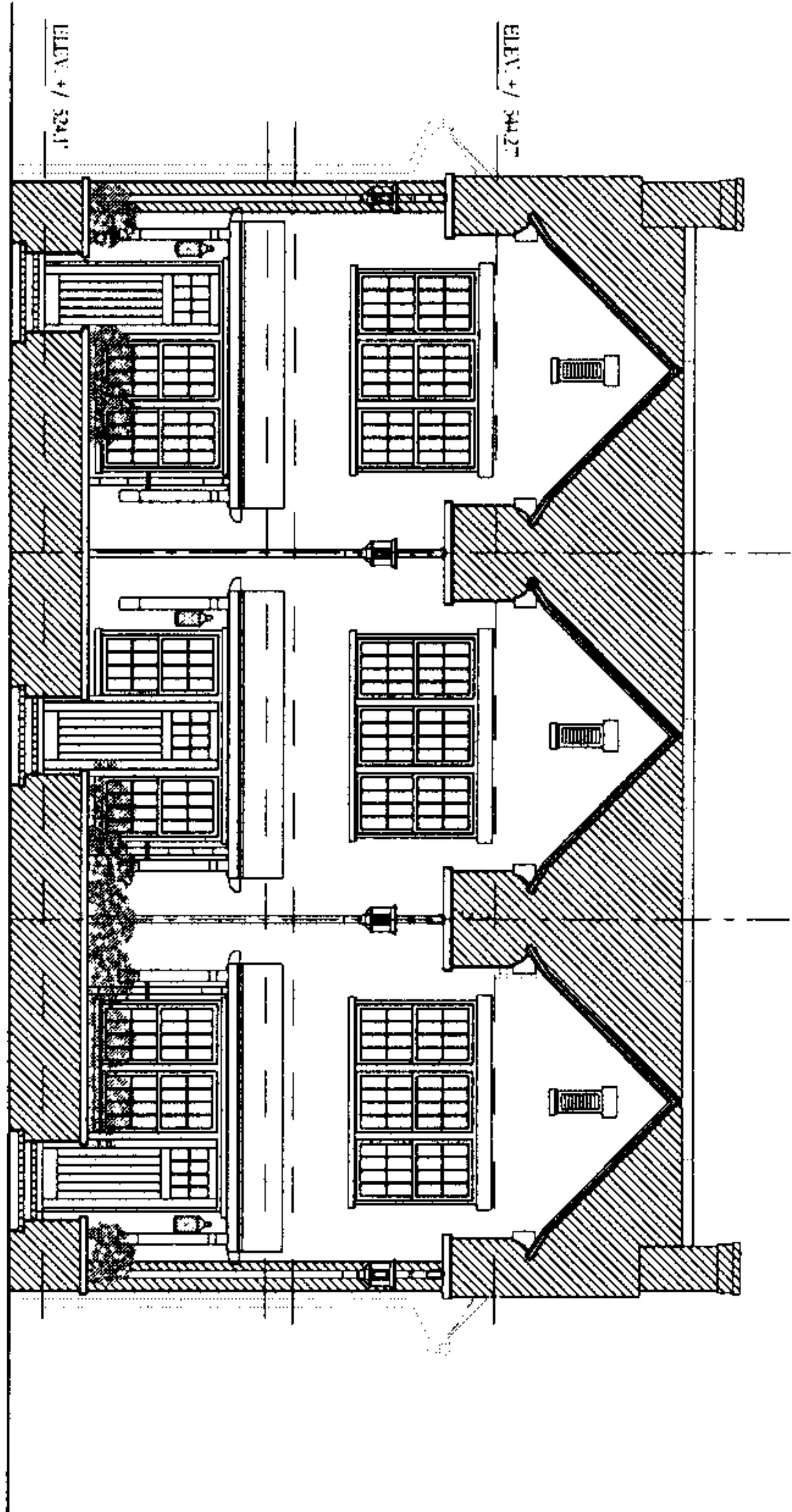
SIGNATURE HOMES

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Hoover, Alabama 35226
ph. 205.989.5588
fax 205.989.8884

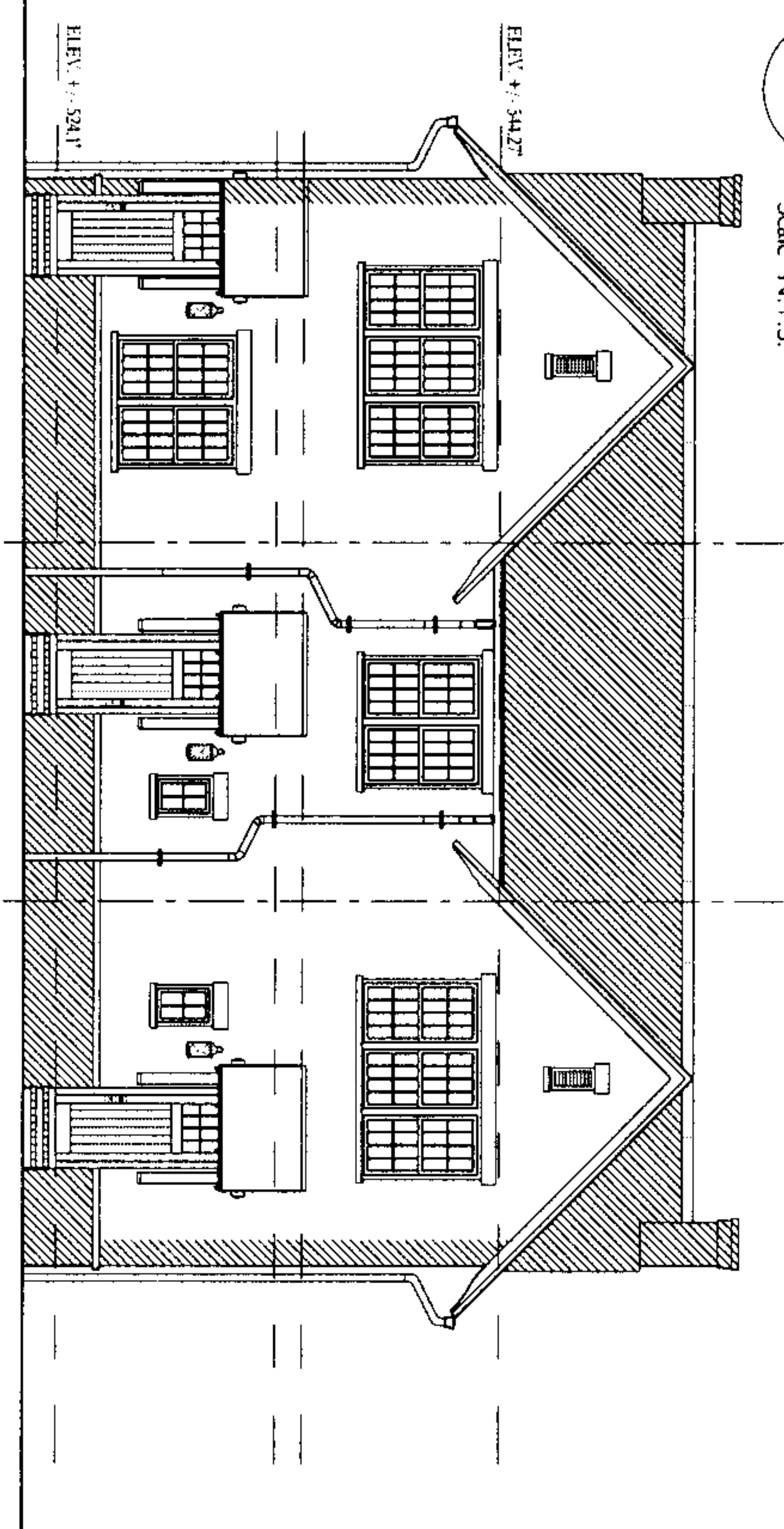
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Shelby Cnty Judge of Probate, AL
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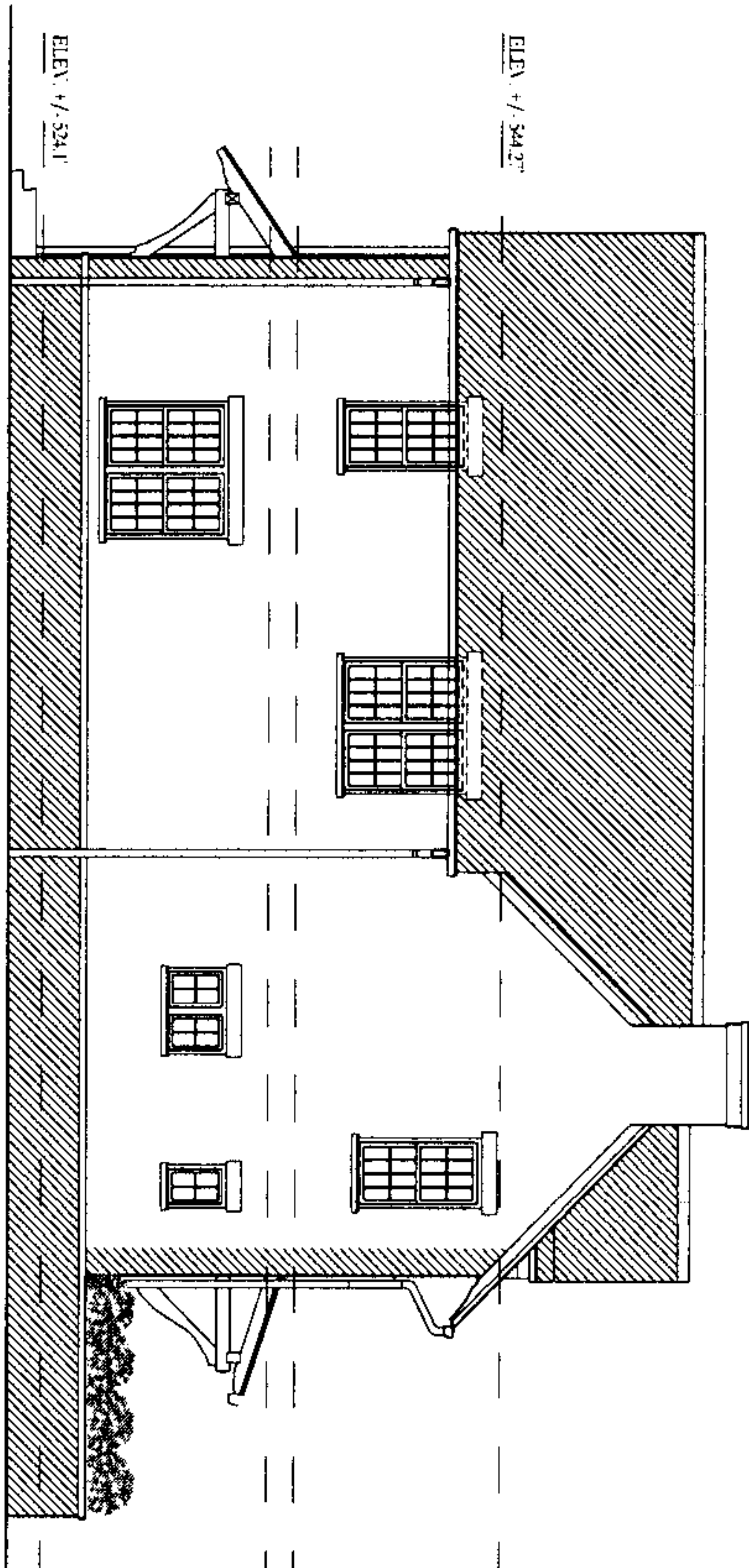
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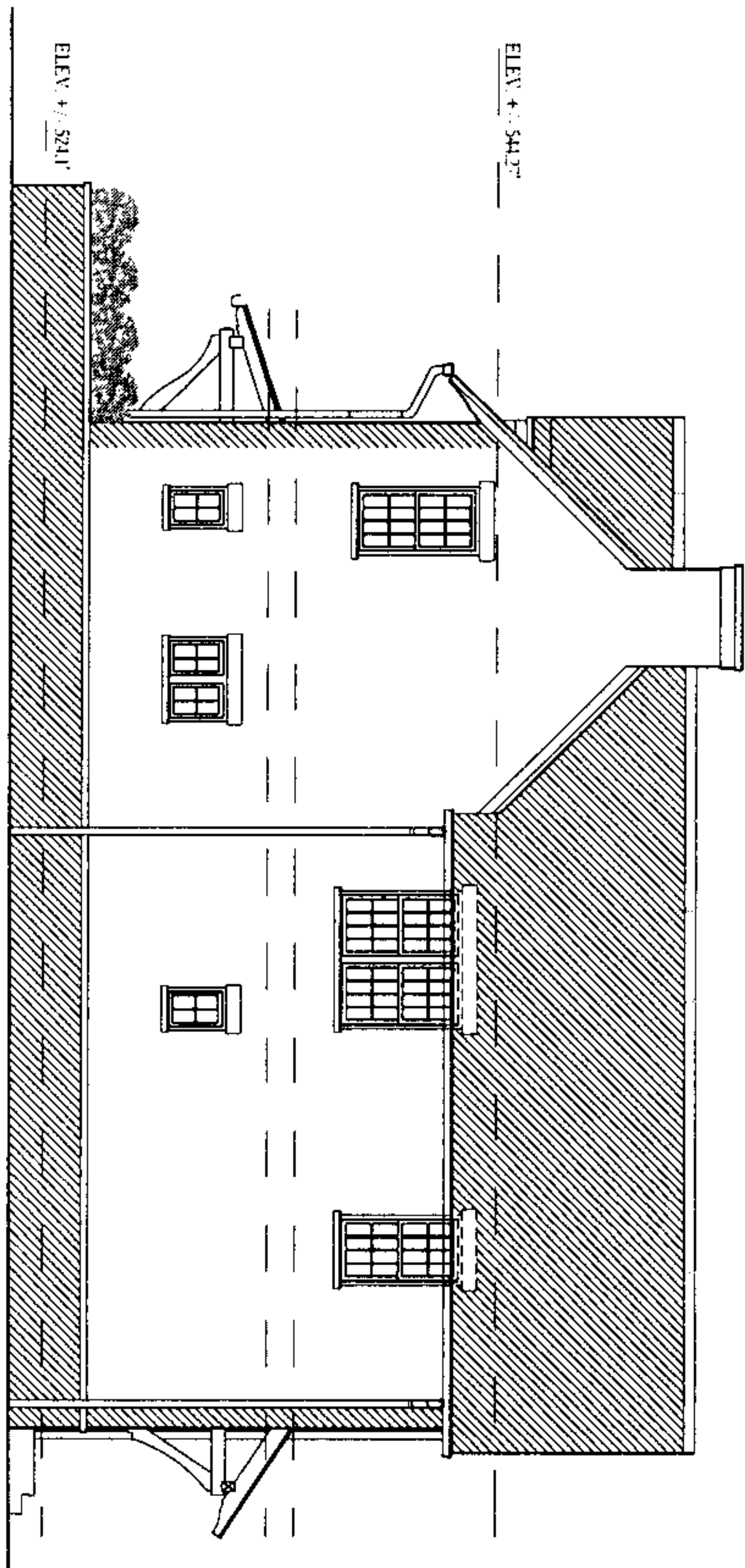
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Front Elevation
Scale: N.T.S.



3
Rear Elevation
Scale: N.T.S.



2
Side Elevation
Scale: N.T.S.



4
Side Elevation
Scale: N.T.S.

SHEET

5 of 8

THE LOFTS AT EDENTON, A CONDOMINIUM
Building 3

Units: 301, 302, 303

Shelby County, Alabama

LEGEND

- COMMON ELEMENT
- LIMITED COMMON ELEMENT

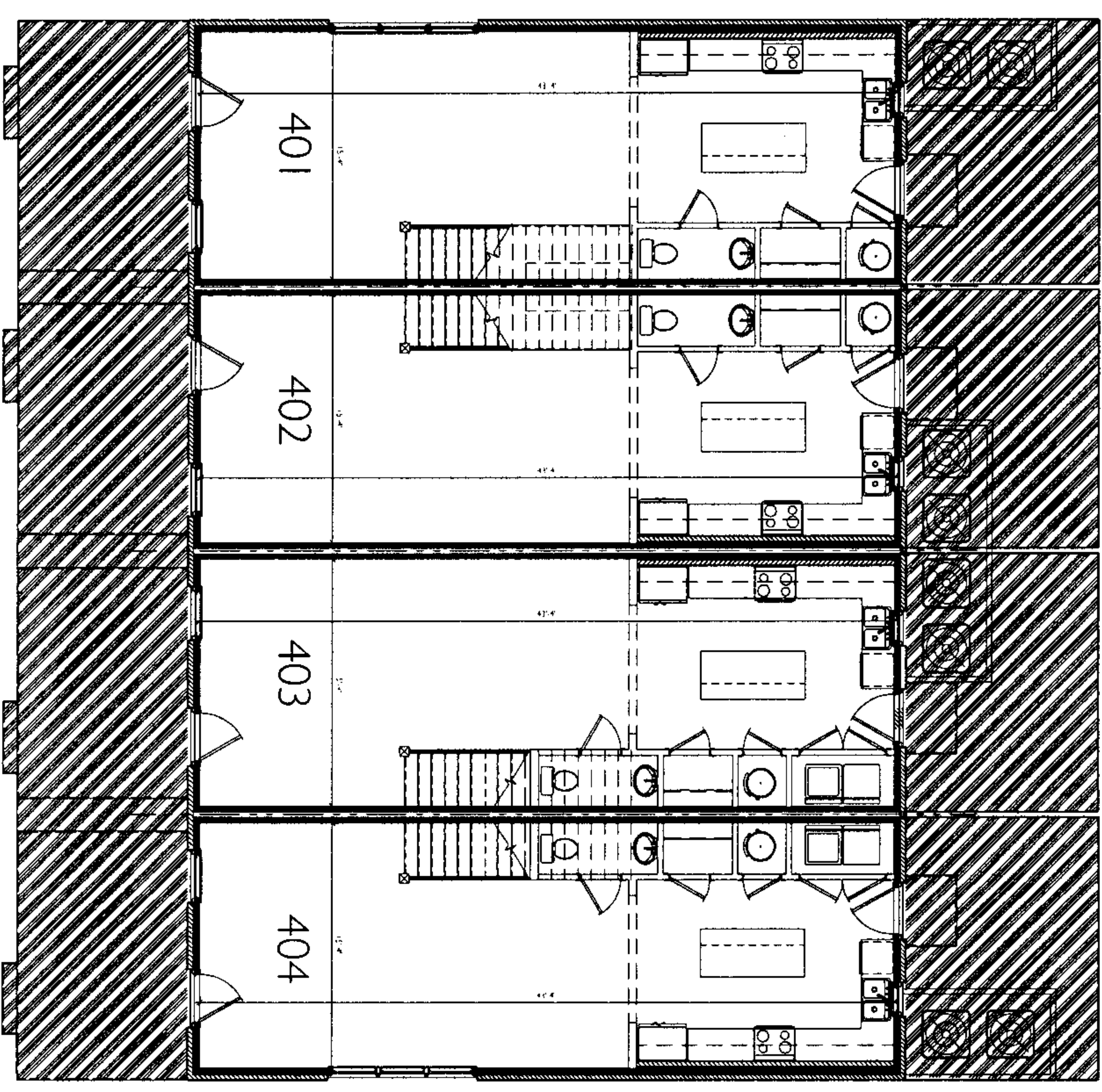
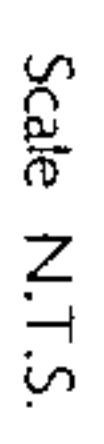
SIGNATURE
HOMES

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Units: 401, 402, 403, 404

Shelby County, Alabama



COMMON FILAMENT

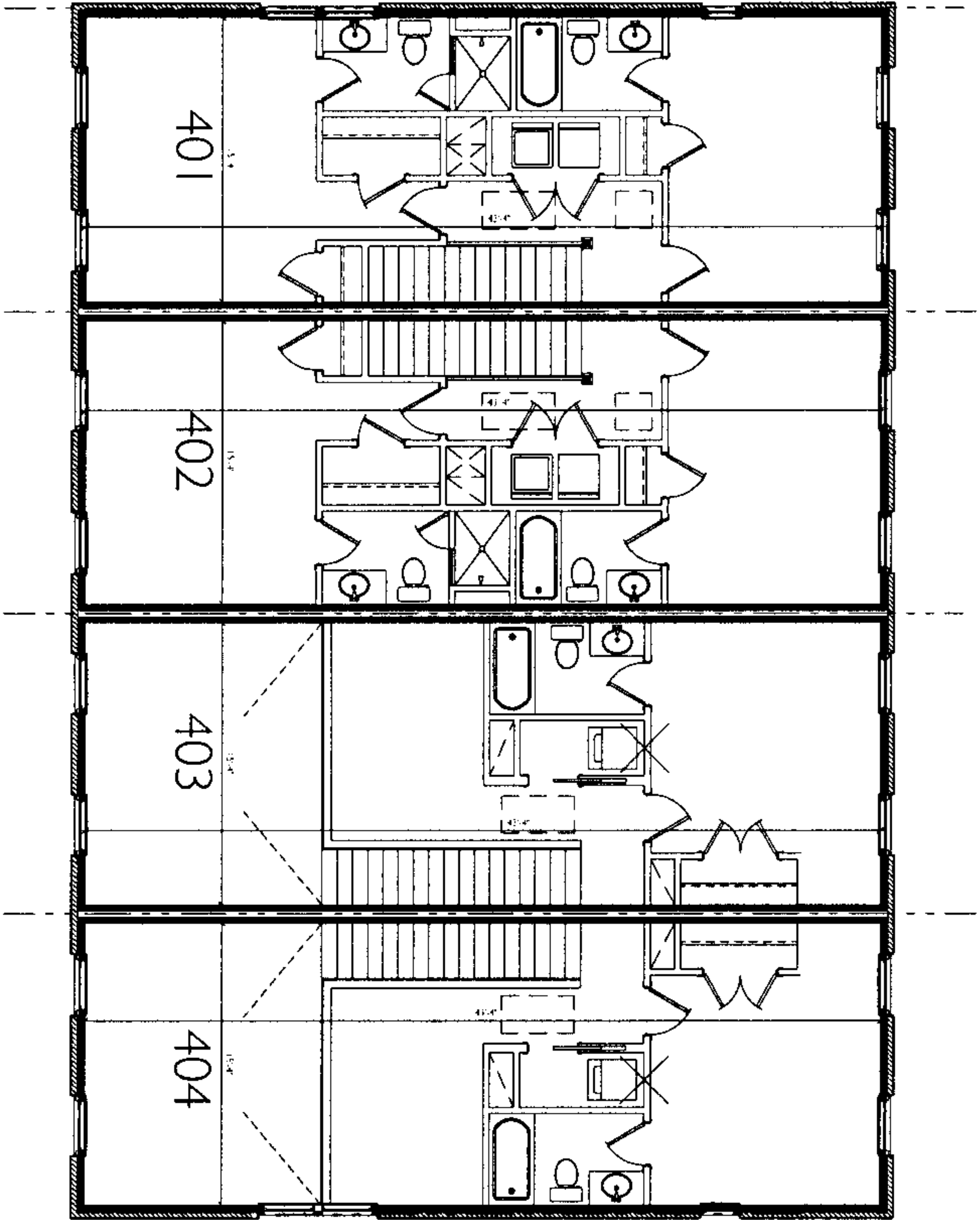
UNITED COMMON ELEMENT

5545 Market Street
Hoover, Alabama 35226
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fax. 205.989.8864
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1 Second Floor
Scale N.T.S.

SHEET

7 of 8

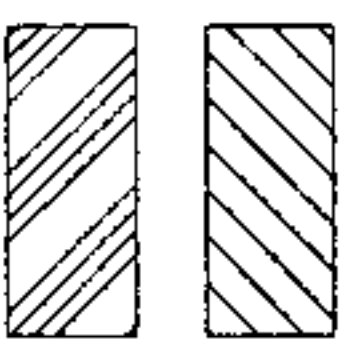
THE LOFTS AT EDENTON, A CONDOMINIUM

Building 4

Units: 401, 402, 403, 404

Shelby County, Alabama

LEGEND



COMMON ELEMENT

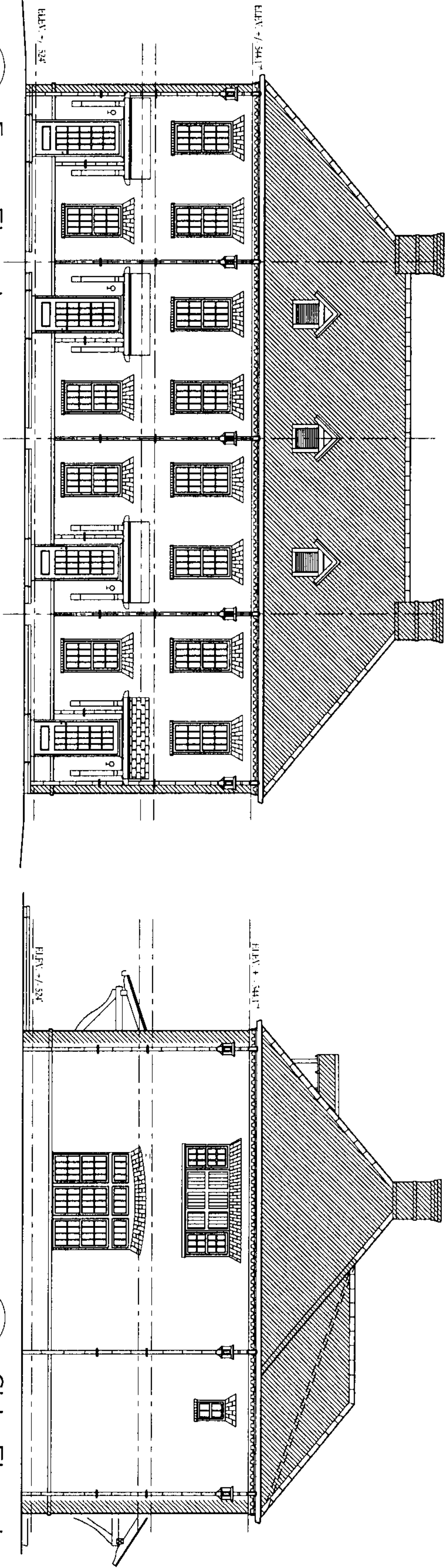
LIMITED COMMON ELEMENT

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Fax: 205.989.8884
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Shelby Cnty Judge of Probate, AL
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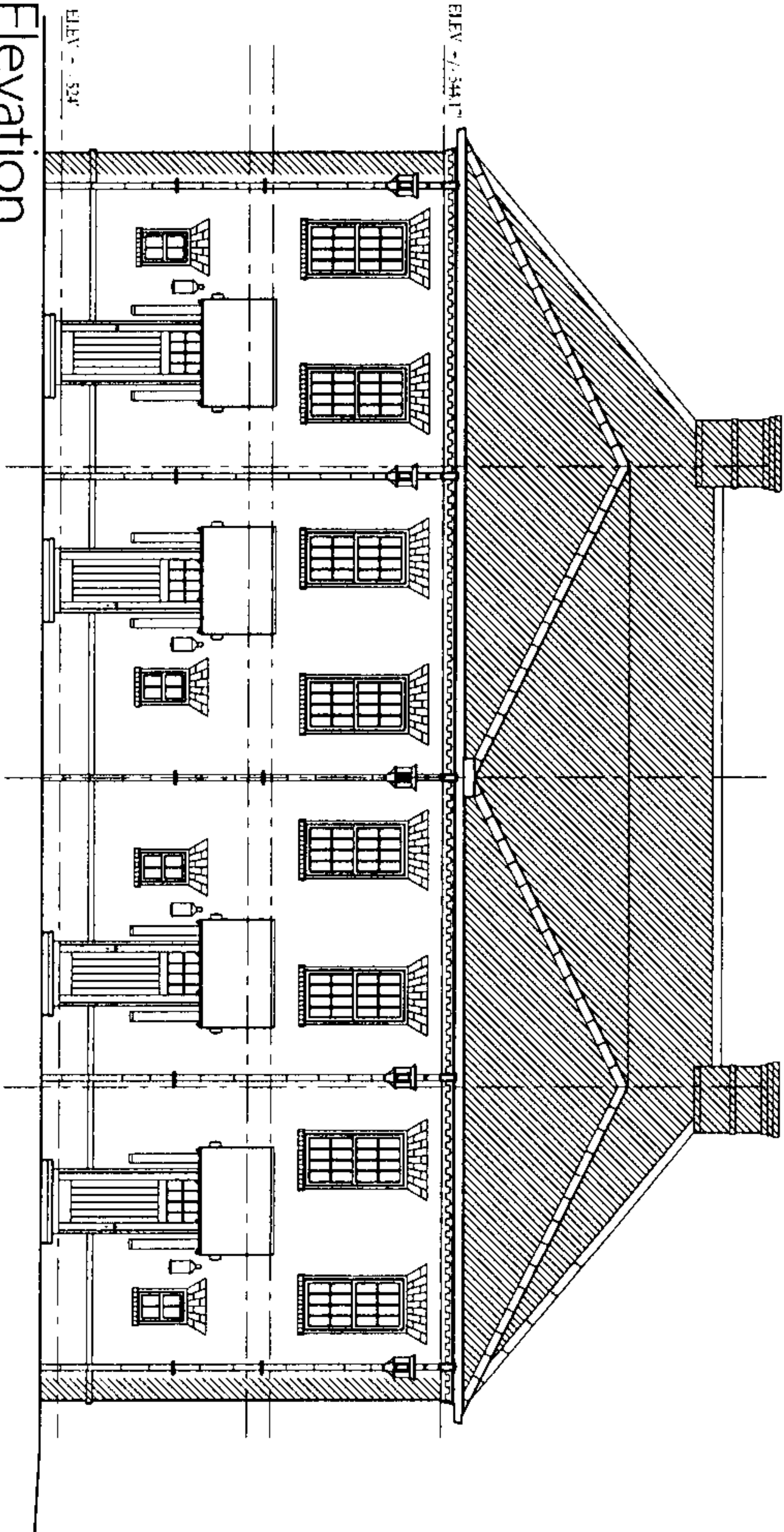
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1
Front Elevation
Scale N.T.S.

2
Side Elevation
Scale N.T.S.

3
Rear Elevation
Scale N.T.S.



SHEET

8 of 8

THE LOFTS AT EDENTON, A CONDOMINIUM

Building 4

Units: 401, 402, 403, 404

Shelby County, Alabama

LEGEND

- COMMON ELEMENT
- LIMITED COMMON ELEMENT

SIGNATURE HOMES

3345 Market Street
Hoover, Alabama 35226
ph 205.980.5588
fax 205.980.8884
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EXHIBIT "B" TO FIRST AMENDMENT

**EXHIBIT "E" TO DECLARATION OF CONDOMINIUM OF
THE LOFTS AT EDENTON, A CONDOMINIUM**

**PERCENT OWNERSHIP OF COMMON ELEMENTS,
COMMON EXPENSE LIABILITY AND VOTES**

UNIT #	% OF OWNERSHIP OF COMMON ELEMENTS ALLOCATED INTEREST	VOTE
101	5.0%	1
102	5.0%	1
103	5.0%	1
104	5.0%	1
201	5.0%	1
202	5.0%	1
203	5.0%	1
204	5.0%	1
205	5.0%	1
206	5.0%	1
207	5.0%	1
208	5.0%	1
209	5.0%	1
301	5.0%	1
302	5.0%	1
303	5.0%	1
401	5.0%	1
402	5.0%	1
403	5.0%	1
404	5.0%	1
TOTAL	<u>100.00%</u>	<u>20</u>