


20100902000283380 1/10 \$39.00
Shelby Cnty Judge of Probate, AL
09/02/2010 09:33:17 AM FILED/CERT

**THIRD AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
BEAUMONT VILLAGE LAND CONDOMINIUM**

Dated: August __, 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

**THIRD AMENDMENT
TO
DECLARATION
OF CONDOMINIUM OF
BEAUMONT VILLAGE LAND CONDOMINIUM**

**STATE OF ALABAMA)
SHELBY COUNTY)**

THIS THIRD AMENDMENT to the Declaration of Condominium of Beaumont Village Land Condominium is made this ____ day of _____, 2010 by **BEAUMONT VILLAGE, LLC**, an Alabama limited liability company (the "Developer"), for the purpose of amending the Declaration of Condominium of Beaumont Village Condominium recorded in the Office of the Judge of Probate of Shelby County, Alabama, at Instrument Number 20071126000537510 on November 26, 2007 as amended by the First Amendment To Declaration of Beaumont Village Land Condominium recorded in the Office of the Judge of Probate of Shelby County, Alabama on March 28, 2008 at Instrument Number 20080328000 and by the Second Amendment to Declaration of Beaumont Village Land Condominium recorded in the Office of the Judge of Probate of Shelby County, Alabama on June 12, 2009 at Instrument Number 20090612000225330 (the "Declaration"), and reflecting the amendment of the Plan as recorded in Map Book 39 Page 65 on November 26, 2007 in the Office of the Judge of Probate of Shelby County, Alabama and amended as recorded in Map Book 38, Page 121 in the Office of the Judge of Probate of Shelby County, Alabama as amended in Map Book __, Page __ in the Office of the Judge of Probate of Shelby County, Alabama (the "Plan").

WITNESSETH

WHEREAS, the Declaration and Plan were filed for the purpose of establishing a plan of condominium ownership for certain real property situated in Shelby County, Alabama;

WHEREAS, the Developer desires to amend the Declaration pursuant to Article III, Section 3.02 of the Declaration to withdraw one (1) Unit and certain Common Elements from the Condominium in the location as shown on the amended Plan recorded in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 42 Page 7, a copy of which is attached hereto as Exhibit "A;"

WHEREAS, the Developer desires to amend and restate Exhibit "D" attached to the Declaration to adjust the Common Element ownership interests, the Common Expense liability and the votes as shown on Exhibit "B" attached hereto; and

WHEREAS, the Developer desires to amend and restate the legal description attached to the Declaration as Exhibit "A" as shown on Exhibit "C" attached hereto.

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

1. The Developer, pursuant to Article III, Section 3.02 of the Declaration, does hereby amend the Declaration to withdraw one (1) Unit and certain Common Elements from the Condominium in the location as shown on the amended Plan recorded in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 42 Page 7, a copy of which is attached hereto as Exhibit "A."

2. The Developer does hereby amend and restate Exhibit "D" attached to the Declaration to re-allocate the Common Element ownership interests, Common Expense liability and votes as set forth on Exhibit "B" attached hereto.

3. The Developer does hereby amend and restate the legal description attached to the Declaration as Exhibit "A" as shown on Exhibit "C" attached hereto.

4. It is the intention of the Developer that the provisions of this Third 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.

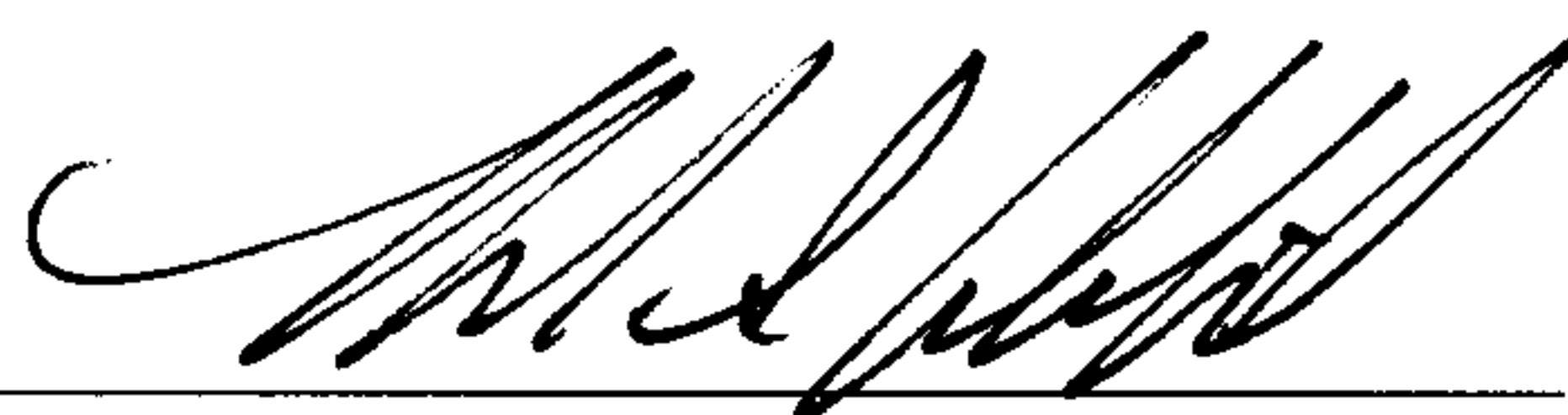
5. This Third Amendment to Declaration has been executed by the undersigned and filed in the Office of the Judge of Probate of Shelby County, Alabama for the purposes stated above. Except for the aforesaid, the terms and conditions of the Declaration shall continue to be in full force and effect without any other changes whatsoever.

6. 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.

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, the Developer and the Mortgagee have executed this Third Amendment to Declaration on this 26th day of August, 2010.

BEAUMONT VILLAGE, LLC, an
Alabama limited liability company



By: Mike S. Whitcomb
Its Manager

STATE OF ALABAMA)
JEFFERSON COUNTY)

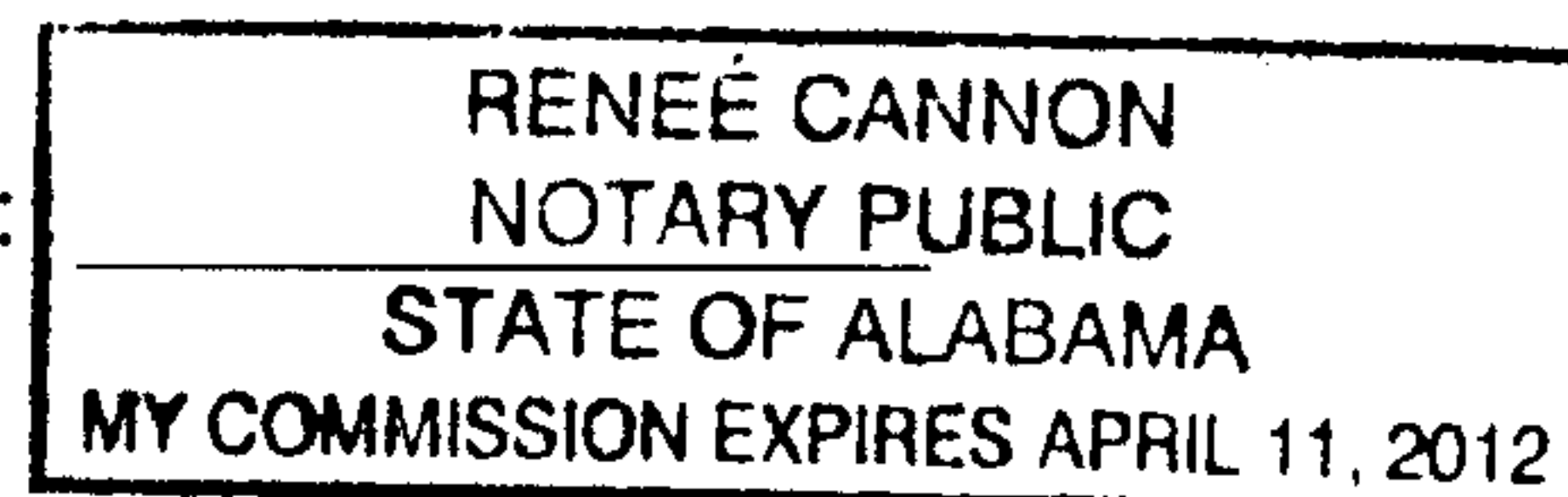
I, Renee' Cannon, a Notary Public in and for said County in said State, hereby certify that Mike S. Whitcomb, as Manager of **BEAUMONT VILLAGE, LLC**, an Alabama limited liability company, is signed to the foregoing Third Amendment to Declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Third Amendment to Declaration, he, in his capacity as such duly authorized Manager, executed the same voluntarily on the day the same bears date.

Given under my hand and seal of office this 30th day of August, 2010.


Notary Public

[NOTARIAL SEAL]

My commission expires:





20100902000283380 5/10 \$39.00
 Shelby Cnty Judge of Probate, AL
 09/02/2010 09:33:17 AM FILED/CERT

The undersigned, as *Mortgagee* under the Mortgage encumbering the real property identified in the foregoing Third Amendment to Declaration, joins in the execution of the foregoing Third Amendment to Declaration, for the sole purpose of consenting to the recording of the Third 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 Third Amendment to Declaration, and the execution hereof does not in any way subordinate or make the said Mortgage inferior to the said Third Amendment to Declaration.

CITIZENS TRUST BANK

Harry D. Williams

By: Harry D. Williams

Its: First Vice President

STATE OF ALABAMA)
Jefferson COUNTY)

I, Renee Cannon, a Notary Public in and for said County in said State, hereby certify that Harry D. Williams, whose name as 1st Vice President of Citizens Trust Bank is signed to the foregoing Third Amendment to Declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Third Amendment to Declaration, he, as such officer, and with full authority, executed the same voluntarily on the day the same bears date.

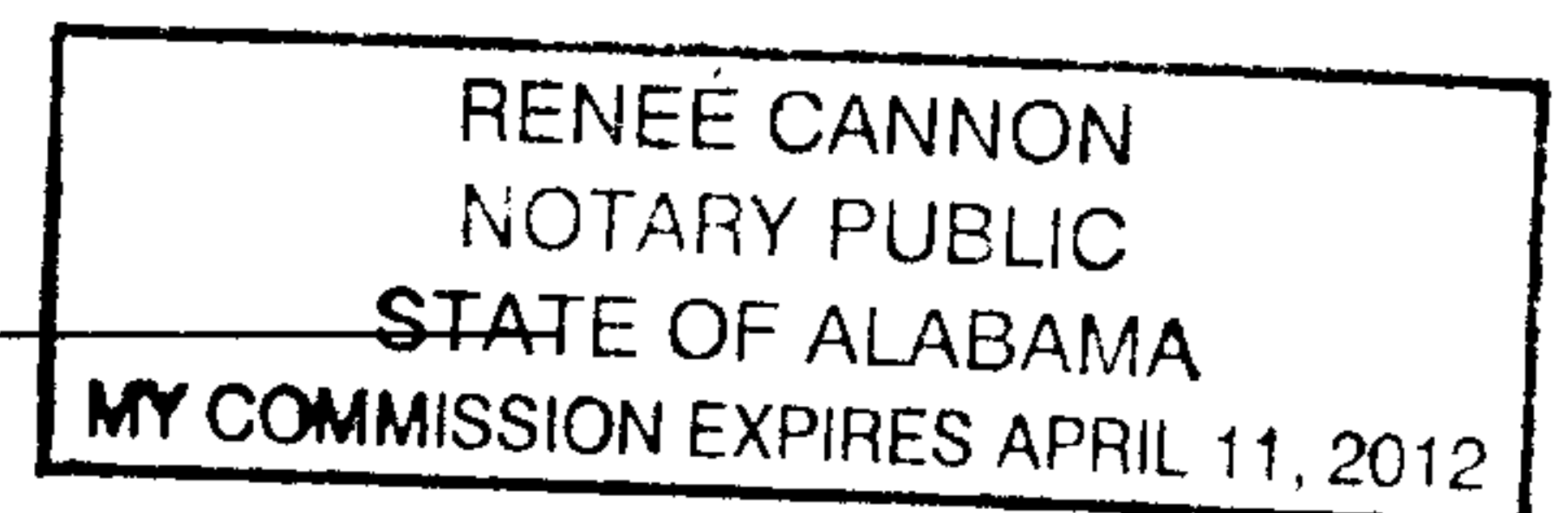
Given under my hand and seal of office this 30th day of Aug., 2010.

Renee Cannon

Notary Public

[NOTARIAL SEAL]

My commission expires:





20100902000283380 6/10 \$39.00
Shelby Cnty Judge of Probate, AL
09/02/2010 09:33:17 AM FILED/CERT

EXHIBIT "A"

PLAN OF THE CONDOMINIUM

EXHIBIT "B"

ALLOCATED INTERESTS

UNIT #	% OF OWNERSHIP OF COMMON ELEMENTS ALLOCATED INTEREST	VOTE
A	31.68%	2
B	35.55%	2
D	11.65%	1
H	21.12%	1
TOTAL	<u>100.00%</u>	<u>6</u>

EXHIBIT "C"

EXHIBIT "A" to Declaration of Condominium of Beaumont Village **Land Condominium**

LEGAL DESCRIPTION

Legal Description:

Lot C1 according to the survey of Beaumont Phase 3 as recorded in Map Book 38, Page 121, in the office of the Probate Judge of Shelby County, Alabama, being situated in the SW 1/4 of Section 36, Township 18 South, Range 2 West, and the NW 1/4 of Section 1, Township 19 South, Range 2 West, Shelby County, Alabama,

LESS AND EXCEPT the following three parcels:

Parcel 1:

Commence at the Southeast corner of Lot C1 according to the survey of Beaumont Phase 3 as recorded in Map Book 38, Page 121, in the office of the Probate Judge of Shelby County, Alabama, said point being the Northwest common corner of the intersection of Herrington Street and a un-named alley; thence run along the Southerly boundary of said Lot C1 and the Northerly right-of-way of said un-named alley in a Northwesterly direction a distance of 21.27 feet to the beginning of a curve to the right having a radius of 136.00 feet and a central angle of 7°11'01"; thence continue along said Southerly boundary and said Northerly right-of-way in a Northwesterly direction along the arc of said curve a distance of 20.44 feet; thence run in a Northwesterly direction along said Southerly boundary and said Northerly right-of-way a distance of 75.60 feet to the Point of Beginning; thence leaving said Southerly boundary and said Northerly right-of-way, turn 90°00' to the right and run in a Northeasterly direction a distance of 90.39 feet; thence turn 90°00' to the right and run in a Southeasterly direction a distance of 86.38 feet to a point on the Easterly boundary of said Lot C1 and the Westerly right-of-way of said Herrington Street; thence turn 119°01'08" to the left and run in a Northwesterly direction along said Easterly boundary and said Westerly right-of-way a distance of 12.69 feet; thence turn 8°08'08" to the left and run in a Northwesterly direction along said Easterly boundary and said Westerly right-of-way a distance of 47.52 feet; thence leaving said Easterly boundary and said Westerly right-of-way turn 52°50'43" to the left and run in a Northwesterly direction a distance of 384.19 feet; thence turn 90°00' to the left and run in a Southwesterly direction a distance of 139.14 feet to a point on the Southerly boundary of said Lot C1 and the Northerly right-of-way of said un-named alley; thence turn 90°00' to the left and run in a Southeasterly direction along said Southerly boundary and said Northerly right-of-way a distance of 332.50 feet to the Point of Beginning.

Parcel 2:

Legal Description:

A part of Lot C1 according to the survey of Beaumont Phase 3 as recorded in Map

Book 38, Page 121, in the office of the Probate Judge of Shelby County, Alabama, being situated in the SW1/4 of Section 36, Township 18 South, Range 2 West, and the NW1/4 of Section 1, Township 19 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Southeast corner of Lot C1 according to the survey of Beaumont Phase 3 as recorded in Map Book 38, Page 121, in the office of the Probate Judge of Shelby County, Alabama, said point being the Northwest common corner of the intersection of Herrington Street and a un-named alley; thence run along the Southerly boundary of said Lot C1 and the Northerly right-of-way of said un-named alley in a Northwesterly direction a distance of 21.27 feet to the beginning of a curve to the right having a radius of 136.00 feet and a central angle of 7°11'01"; thence continue along said Southerly boundary and said Northerly right-of-way in a Northwesterly direction along the arc of said curve a distance of 20.44 feet; thence run in a Northwesterly direction along said Southerly boundary and said Northerly right-of-way a distance of 75.60 feet; thence continue on said described course in a Northwesterly direction along said Southerly boundary and said Northerly right-of-way a distance of 332.50 feet; thence leaving said Southerly boundary and said Northerly right-of-way, turn 90°00' to the right and run in a Northeasterly direction a distance of 101.65 feet to the Point of Beginning; thence continue on said described course in a Northeasterly direction a distance of 37.50 feet; thence turn 90°00' to the left and run in a Northwesterly direction a distance of 13.16 feet; thence turn 64°29'15" to the right and run in a Northerly direction a distance of 33.77 feet; thence turn 17°57'15" to the left and run in a Northwesterly direction a distance of 143.01 feet to the Northerly boundary of said Lot C1; thence turn 82°33'27" to the left and run along the said Northerly boundary in a Southwesterly direction a distance of 38.78 feet; thence turn 4°24'42" to the left and run along the said Northerly boundary in a Southwesterly direction a distance of 47.10 feet; thence turn 23°49'42" to the left and run along the said Northerly boundary in a Southwesterly direction a distance of 38.36 feet; thence leaving said Northerly boundary turn 67°01'25" to the left and run in a Southeasterly direction a distance of 116.53 feet; thence turn 22°00'28" to the left and run in a Southeasterly direction a distance of 28.93 feet; thence turn 47°24'17" to the left and run in a Easterly direction a distance of 47.27 feet; thence turn 20°42'00" to the right and run in a Southeasterly direction a distance of 63.00 feet to the Point of Beginning.

Parcel 3:

Legal Description:

A part of Lot C1 according to the survey of Beaumont Phase 3 as recorded in Map Book 38, Page 121, in the office of the Probate Judge of Shelby County, Alabama, being situated in the SW1/4 of Section 36, Township 18 South, Range 2 West, and the NW1/4 of Section 1, Township 19 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

Commence at the Southeast corner of Lot C1 according to the survey of Beaumont Phase 3 as recorded in Map Book 38, Page 121, in the office of the Probate Judge of Shelby County, Alabama, said point being the Northwest common corner of the intersection of Herrington Street and a un-named alley; thence run along the Southerly boundary of said Lot C1 and the Northerly right-of-way of said un-named alley in a Northwesterly direction a distance of 21.27 feet to the beginning of a curve to the right

having a radius of 136.00 feet and a central angle of $7^{\circ}11'01''$; thence continue along said Southerly boundary and said Northerly right-of-way in a Northwesterly direction along the arc of said curve a distance of 20.44 feet; thence run in a Northwesterly direction along said Southerly boundary and said Northerly right-of-way a distance of 75.60 feet; thence continue on said described course in a Northwesterly direction along said Southerly boundary and said Northerly right-of-way a distance of 332.50 feet to the Point of Beginning; thence leaving said Southerly boundary and said Northerly right-of-way, turn $90^{\circ}00'$ to the right and run in a Northeasterly direction a distance of 101.65 feet; thence turn $90^{\circ}00'$ to the left and run in a Northwesterly direction a distance of 63.00 feet; thence turn $20^{\circ}42'00''$ to the left and run in a Westerly direction a distance of 47.27 feet; thence turn $68^{\circ}04'50''$ to the left and run in a Southwesterly direction a distance of 84.96 feet; ; thence turn $91^{\circ}13'10''$ to the left and run in a Southeasterly direction along the Southerly boundary of said Lot C1 and the Northerly right-of-way of said un-named alley a distance of 109.02 feet to the Point of Beginning.