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FIFTH AMENDMENT
TO
DECLARATION OF CONDOMINIUM
OF
THE LOFTS AT EDENTON, A CONDOMINIUM

Dated ^{MARCH} ~~February~~ 4th, 2011

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

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

STATE OF ALABAMA)
SHELBY COUNTY)

THIS FIFTH AMENDMENT to the Declaration of Condominium of The Lofts at Edenton, a Condominium ("Fifth Amendment") is made this 4th day of ~~February~~^{March}, 2011, 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, as amended by the First Amendment to 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 March 30, 2010, in Instrument 201000330000095330, as further amended by the Second Amendment to 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 April 23, 2010, in Instrument 20100423000123550, as further amended by the Third Amendment to 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 June 16, 2010, in Instrument 20100616000191940, and as further amended by the Fourth Amendment to 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 October 15, 2010, in Instrument 20101015000344930 (the "Declaration"), and to reflect a further amendment to the Plat recorded in Book 41, Pages 110A through 110I, as amended by the 1st Amended Plat recorded in Book 41 Pages 116A through 116H, as further amended by the 2nd Amended Plat in Map Book 41, Pages 121A through 121L, as further amended by the 3rd Amended Plat as recorded in Map Book 41, Pages 136A through 136J, as further amended by the 4th Amended Plat as recorded in Map Book 42, Pages 22A through 22B, and as further amended by the 5th Amended Plat as recorded in Map Book 42, Pages 51 A through E 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 further amend the Declaration to add one building containing twelve (12) Additional Units and certain associated Common Elements and Limited Common Elements to the Condominium; the Condominium containing a total of seventy-five (75) Units after adding the Additional Units as set forth below;

WHEREAS, the Developer, pursuant to Article XII, Section 12.1(b) of the Declaration, desires to amend and restate Article II, Section 2.1 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 further 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 recorded in the Office of the Judge of Probate of Shelby County, Alabama, in Map Book 42, Pages 51 A through F ; 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 twelve (12) Additional Units and certain associated Common Elements and Limited Common Elements to the Condominium; the Condominium containing a total of seventy-five (75) Units after adding the Additional Units.

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 consists of sixty-three (63) 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 seventy-five (75) 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 5th Amended Plat to add certain pages to the Plat as shown on Exhibit "A," and as recorded in the Office

of the Judge of Probate of Shelby County, Alabama, in Map Book 42, Pages 51 A through F, which shows the location of one building containing twelve (12) Additional Units and certain associated Common Elements and Limited Common Elements, 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 its relative locations and approximate dimensions for a total of seventy-five (75) Units in the Condominium after adding the Additional Units.

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 Fifth 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 Fifth Amendment to Declaration shall be liberally construed to effectuate its purpose of adding one building containing twelve (12) Additional Units and certain associated Common Elements and Limited Common Elements to the Condominium, to reflect an amendment of the Plat to show the Additional Units, 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 Fifth 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, as amended, shall continue to be in full force and effect without any other changes whatsoever.

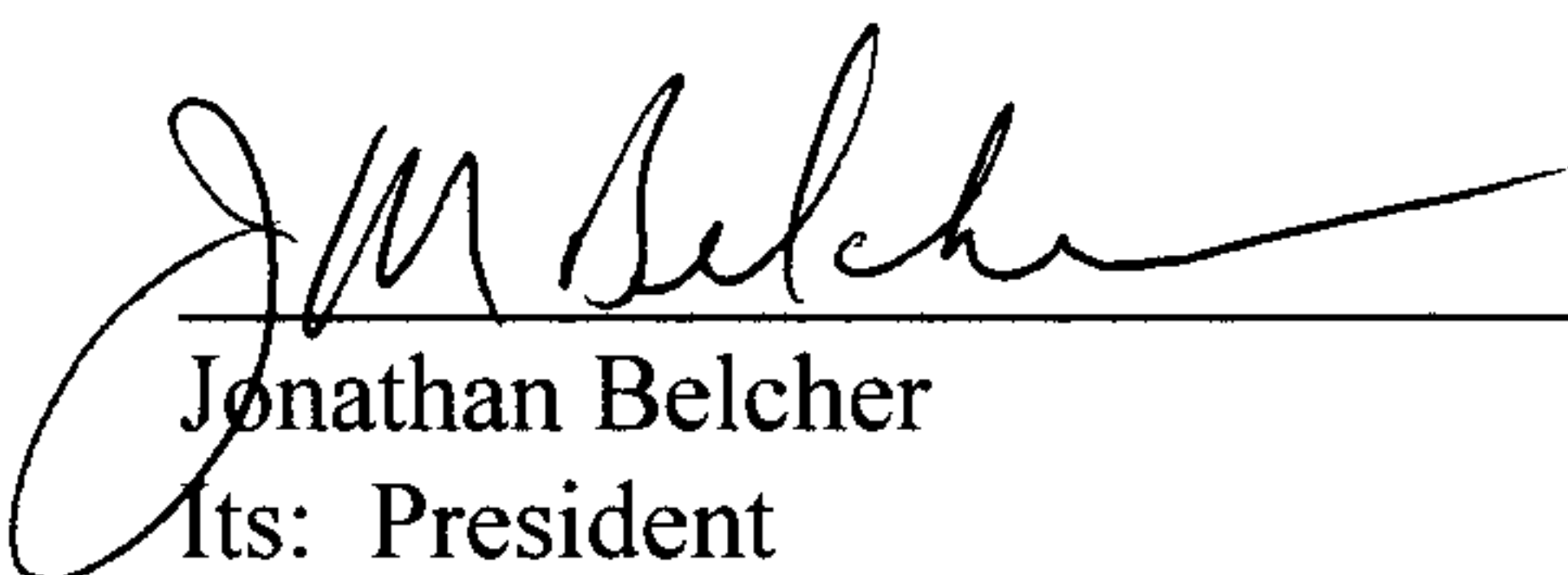
8. Capitalized terms as used herein shall have the same meaning as they are defined in the Declaration and the Act, unless the context clearly indicates a different meaning therefore.

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IN WITNESS WHEREOF, the Developer, Cahaba Beach Investments, LLC, has executed this Fifth Amendment to Declaration on this 3rd day of ~~February~~ ^{MARCH}, 2011.

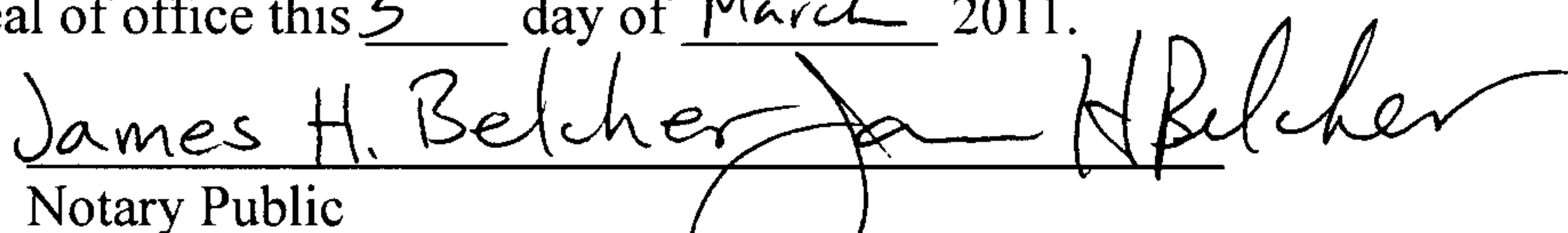
CAHABA BEACH INVESTMENTS, LLC,
an Alabama limited liability company

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 Fifth 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 Fifth 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 3rd day of March 2011.


Notary Public

[NOTARY SEAL]

My Commission Expires: _____

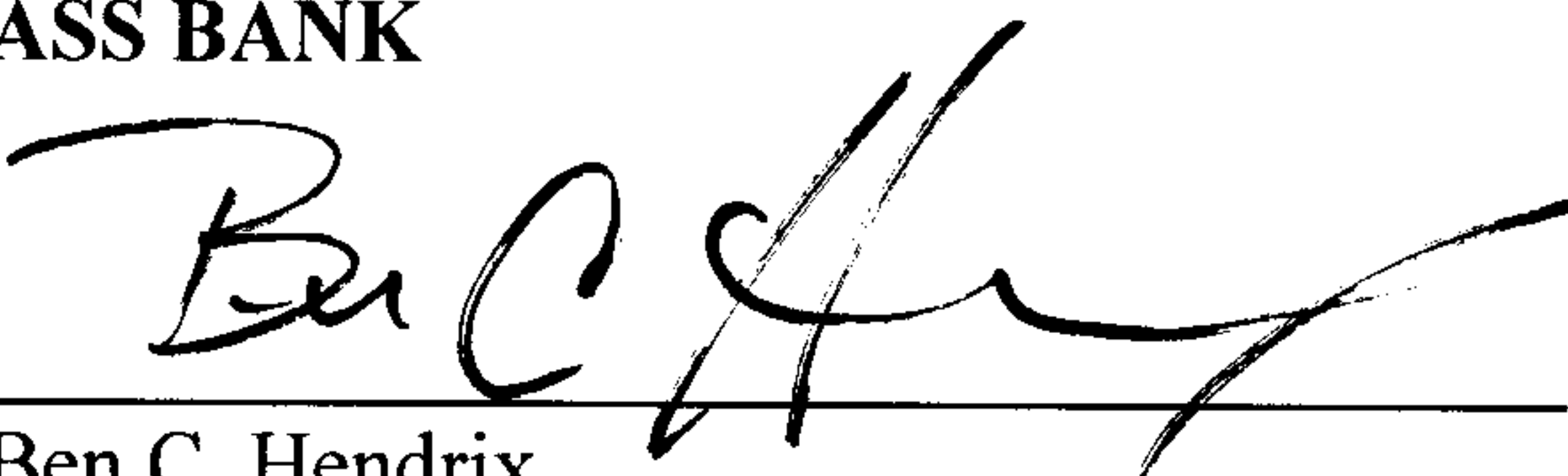
NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: July 5, 2014
BONDED THRU NOTARY PUBLIC UNDERWRITERS


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The undersigned, as *Mortgagee* under the Mortgage encumbering the real property identified in the foregoing Fifth Amendment to Declaration, joins in the execution of the foregoing Fifth Amendment to Declaration, for the sole purpose of consenting to the recording of the Fifth 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 Fifth Amendment to Declaration, and the execution hereof does not in any way subordinate or make the said Mortgage inferior to the said Fifth 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 Fifth Amendment to Declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Fifth Amendment to Declaration, he as such officer, and with full authority, executed the same voluntarily for and as the act of said bank on the day the same bears date.

Given under my hand and seal of office this 3rd day of March 2011.


Notary Public

[NOTARY SEAL]

My commission expires: 7/5/14

**NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: July 5, 2014
BONDED THRU NOTARY PUBLIC UNDERWRITERS**



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EXHIBIT "A" TO FIFTH 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

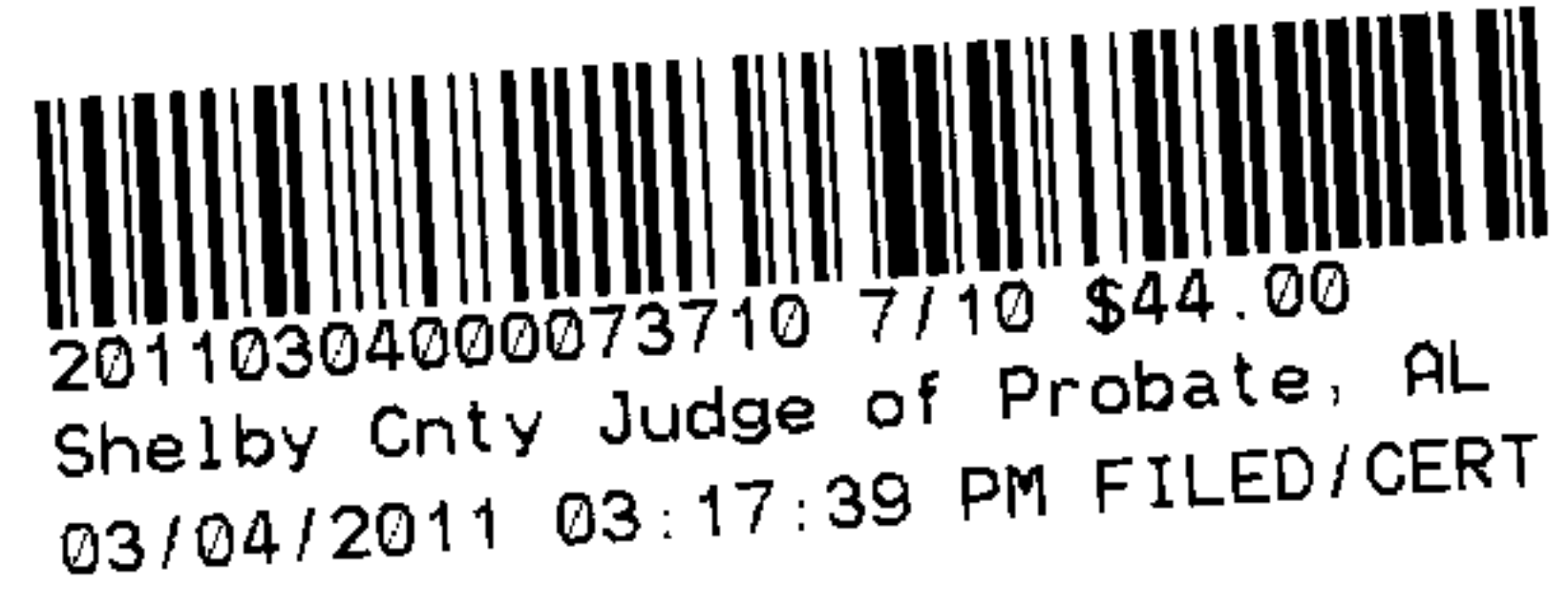


EXHIBIT "B" TO FIFTH AMENDMENT


**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	1.3333%	1
102	1.3333%	1
103	1.3333%	1
104	1.3333%	1
201	1.3333%	1
202	1.3333%	1
203	1.3333%	1
204	1.3333%	1
205	1.3333%	1
206	1.3333%	1
207	1.3333%	1
208	1.3333%	1
209	1.3333%	1
301	1.3333%	1
302	1.3333%	1
303	1.3333%	1
401	1.3333%	1
402	1.3333%	1
403	1.3333%	1
404	1.3333%	1
501	1.3333%	1
502	1.3333%	1

UNIT #	% OF OWNERSHIP OF COMMON ELEMENTS ALLOCATED INTEREST	VOTE
503	1.3333%	1
504	1.3333%	1
505	1.3333%	1
506	1.3333%	1
507	1.3333%	1
508	1.3333%	1
509	1.3333%	1
510	1.3333%	1
601	1.3333%	1
602	1.3333%	1
603	1.3333%	1
604	1.3333%	1
605	1.3333%	1
606	1.3333%	1
607	1.3333%	1
608	1.3333%	1
609	1.3333%	1
610	1.3333%	1
611	1.3333%	1
612	1.3333%	1
801	1.3333%	1
802	1.3333%	1
803	1.3333%	1
804	1.3333%	1
901	1.3333%	1
902	1.3333%	1
903	1.3333%	1
904	1.3333%	1

UNIT #	% OF OWNERSHIP OF COMMON ELEMENTS ALLOCATED INTEREST	VOTE
905	1.3333%	1
906	1.3333%	1
907	1.3333%	1
908	1.3333%	1
1001	1.3333%	1
1002	1.3333%	1
1003	1.3333%	1
1004	1.3333%	1
1005	1.3333%	1
1006	1.3333%	1
1007	1.3333%	1
1101	1.3333%	1
1102	1.3333%	1
1103	1.3333%	1
1104	1.3333%	1
1105	1.3333%	1
1201	1.3333%	1
1202	1.3333%	1
1203	1.3333%	1
1204	1.3333%	1
1205	1.3333%	1
1206	1.3333%	1
1207	1.3333%	1
1208	1.3333%	1
1209	1.3333%	1
TOTAL	<u>100.00%</u>	<u>75</u>


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