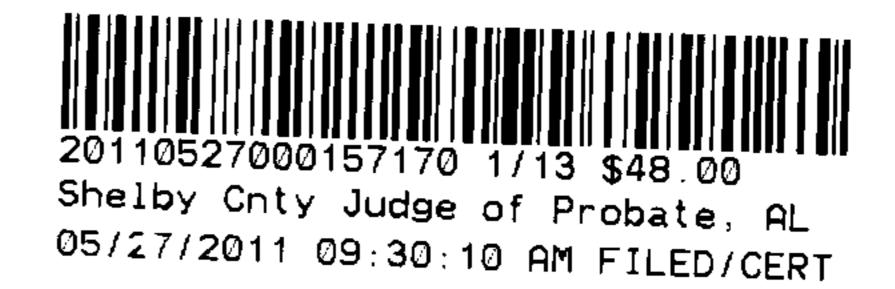
# FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF BEAUMONT VILLAGE LAND CONDOMINIUM



Dated: May \_\_\_\_, 2011

This instrument prepared by:
Carol H. Stewart
Melinda E. Sellers
Burr & Forman LLP
3400 Wells Fargo Tower
420 North 20th Street
Birmingham, Alabama 35203
(205) 251-3000

# FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF BEAUMONT VILLAGE LAND CONDOMINIUM

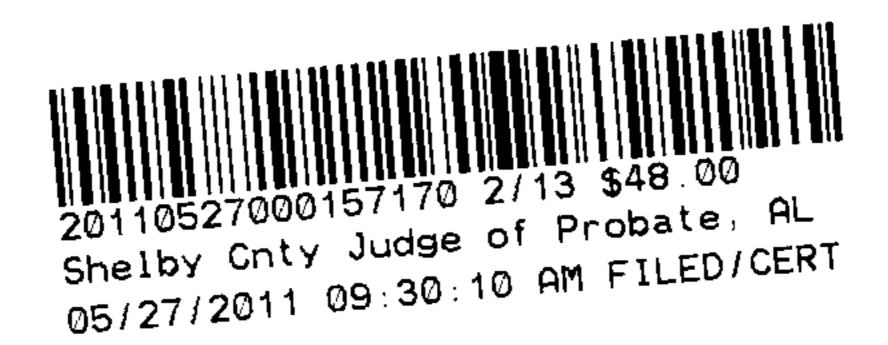
STATE OF ALABAMA )
SHELBY COUNTY )

THIS FOURTH AMENDMENT to the Declaration of Condominium of Beaumont Village Land Condominium is made this \_\_\_\_ day of May 2011 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 further amended 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, and further amended by the Third Amendment to Declaration of Beaumont Village Land Condominium recorded in the Office of the Judge of Probate of Shelby County, Alabama on September 2, 2010 at Instrument Number 20100902000283380 (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 by First Amended Condominium Plat of Beaumont Village Land Condominium as recorded in Map Book 38, Page 128 in the Office of the Judge of Probate of Shelby County, Alabama as further amended by Second Amended Condominium Plat of Beaumont Village Land Condominium recorded in Map Book 41, Page 32 in the Office of the Judge of Probate of Shelby County, Alabama, and further amended by Third Amended Condominium Plat of Beaumont Village Land Condominium recorded in Map Book 42, Page 7, and as further amended by Fourth Amended Condominium Plat of Beaumont Village Land Condominium recorded in Map Book 42, Page 76 (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 38 Page 121, 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 Parcel 4 on the amended Plan recorded in the Office of the Judge of Probate of Shelby County, Alabama in Map Book 38 Page 12, a copy of which is attached hereto as Exhibit "A" and legally described in Exhibit "D."
- 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 Fourth 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 Fourth 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]

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IN WITNESS WHEREOF, the Developer and the Mortgagee have executed this Fourth Amendment to Declaration on this 26 day of May, 2011.

> BEAUMONT VILLAGE, LLC, an Alabama limited liability company

By: Mike S. Whitcomb

Its Manager

STATE OF ALABAMA	)
JEFFERSON COUNTY	)

[NOTARIAL SEAL]

I, Christophe M. Greene, 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 Fourth Amendment to Declaration, and who is known to me, acknowledged before me on this day that, being informed of the contents of the Fourth 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 26th day of May, 2011.

Notary Public

My commission expires: 8-26-14

CHRISTOPHER MORRIS GREENE NOTARY PUBLIC ALABAMA STATE AT LARGE MY COMMISSION EXPIRES 8-26-14

Shelby Cnty Judge of Probate, AL

05/27/2011 09:30:10 AM FILED/CERT

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

#### CITIZENS TRUST BANK

	ns. Vice Ties, dent		
STATE OF ALABAMA )			
COUNTY)			
I, TAWANDA (TEAN), a	Notary Public in and for sa	id County in said State	
nereby certify that HARRY Will	imms, whose name as 1/	ICE PRESIDENT OF	
Citizens Trust Bank is signed to the fo			

known to me, acknowledged before me on this day that, being informed of the contents of the

Fourth Amendment to Declaration, he, as such officer, and with full authority, executed the same

Given under my hand and seal of office this 26th day of May

voluntarily on the day the same bears date.

Notary Public

[NOTARIAL SEAL]

My commission expires:\_

201105270000157170 5/13 \$48.00 Shelby Cnty Judge of Probate, AL 05/27/2011 09:30:10 AM FILED/CERT

#### EXHIBIT "A"

### FOURTH AMENDED CONDOMINIUM PLAT OF BEAUMONT VILLAGE LAND CONDOMINIUM

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20110527000157170 7/13 \$48.00 Shelby Cnty Judge of Probate, AL 05/27/2011 09:30:10 AM FILED/CERT

Legal Description.  A part of Lot C. According to the survey of Besumont Phase 3 as recorded in Map Book 38. A part of Lot C. According to the Probate Judge of Shelby County, Alabama, being situated in the NW 1/4 of Section 1. Township 19 South, Range 2 West, Shelby County, Alabama, and the NW 1/4 of Section 1. Township 19 South, Range 2 West, Shelby County, Alabama, and being more particularly described a follows: 86 GNI at the Southeast corner of Lot C. According to the survey of Beaumont Phase 3 as recorded in Map Book 39. Page 121, in the office of the Probate Judge of Shelby County, Alabama, 3ad goint being the Korthwest Common Conter of the Intersection of Heritagion Street and a un-amed alley, thence contains the Common Conter of the Intersection of Heritagion Street and a contained of 21.27 feet to a corner to continue along the Southerly boundary of said to C.1 and the Northwest (Fight-of-way in a Morthwesterly direction along the acc of said knowledge of 711017; thence continue along said Southerly boundary and said Mortherly right-of-way in a Morthwesterly direction along said southerly boundary and said Mortherly right-of-way in a Morthwesterly direction along said southerly boundary and said Mortherly right-of-way in a Morthwesterly direction along said southerly boundary and said Mortherly right-of-way for a distance of 30.9 leet; thence turn an interior angle to the left of 90°000 of the single said of the Mortherly right-of-way line and along the arc of said curve for a distance of 30.3 leet for 30°00 of the single said of the previous turve, and run in a southerly direction along said right-of-way line and along the arc of said curve for a distance of 17.26 feet to a nortangent curve and the previous turve, and run in a southerly direction along said right-of-way line and along the arc of said curve for a distance of 17.26 feet to a nortangent curve under the said of 17.25 of said at a addus of 17.25 feet to a nortangent curve under the said of the first of 17.25 of said at a addus of 17.26 fee	see 3 as recorded in Map Sheby County, Alabama, being Range 2 West, and the said un-named aley in a grining of a curve to the right said un-named aley in a grining of a curve to the right of un a Northwesterly direction of un in a Northwesterly direction of un in a Southwesterly direction a life of the Probate Judge of the left and run in a Southwesterly direction a life of the Probate Judge of the Probate Judge of the left and run in a Southwesterly printing of a curve to the right printing of a curve to the helf and run in a Southwesterly printing of a curve to the helf and run in a Southwesterly printing of a curve to the helf and run in a Southwesterly printing of a curve to the helf and run in a Southwesterly printing of a curve to the might set to the Polei of Beginning of a curve to the might set to the Polei of Beginning of a curve to the might set to the Polei of Beginning of a curve to the might set to the Polei of Beginning of a curve to the might set to the Polei of Beginning of a curve to the might set to the Polei of the Indiana and the probate of the might set of the Indiana and the probate of the might set of the Indiana and the probate of the Indiana and the probate of the Indiana and Indiana and Indiana and Indiana
State of Alabama County of Shelby  1, the undersigned a Notary Public in and for said County and State hereby certify that Robert W. Eastey IV.  In the undersigned a notary Public in and for said County and State hereby certify that Robert W. Eastey IV.  In the undersigned and seal this	L PORTIONS OF THE SITE OUTS! L PORTIONS OF THE SITE ARE S! E CITY OF HOOVER IS NOT RESITENTIN STITE THE BEAUMORS SPONSIBLE FOR ALL MAINTENAU THE OVERALL BOUNDARY OF LUMITS A THROUGH H SHOWN D IS PROJECT WAS FORMERLY KN BY, Mike S. Whitcomb, Manager For Beaumont Village, L.L.C. Burny Stokes Chizens Trust Bank Chizens Trust Bank
State of Alabama County of Sheby I. the undersigned as Notary Public in and for said County and State hereby cartify that Rowland Jackina, whose name as surveyor is signed to the foregoing pilet, and who is known to me, abdrowledged before me on this day that, being informed of the contents thereof, he associated the same voluntarity Given under my hand and seal this  Notary Public State of Alabama County of Sheby I. the undersigned as thoushy Public in and for said County and State hereby cartify that flurny Stokes.  Whose name is signed to the foregoing pilet as County of Sheby I. the undersigned as the integrating pilet as County of Sheby I. the undersigned to the foregoing pilet as Government is signed to the foregoing pilet as And who is known to me, acknowledged before me on like day that being informed of the contents thereof, he executed the same voluntarity.  Given under my hand and seel the	SEWENT ASSENTANY OF THE PRINT O
MARINDED COMDOMINUM PLAT OF BEAUMONT VILLAGE LAND  FOURTH AMENDED CONDOMINIUM PLAT OF BEAUMONT VILLAGE LAND CONDOMINIUM  Being 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 and 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 SCALE: 1*=40' May 18, 2011  GRAPHIC SCALE  BEAUMONT VILLAGE, LLC, DEVELOPER 244 INVERNESS CENTER DR., SUITE 200 BIRMINGHAM, ALABAMA 35242 (205) 991-7088  ALABAMA ENGINEERING COMPANY, INC., ENGINEER 2 OFFICE PARK CIRCLE, SUITE 11 BIRMINGHAM, ALABAMA, MCA, SUITE 20 BIRMINGHAM, ALABAMA, MCA, SUITE 30 HOMEWOOD, AL 35209 (205) 870-3390  PAGE OF CORDOMANA  BEAUMONT VILLAGE, LLC, SURVEYOR 3430 INDEPENDENCE DR., SUITE 30 HOMEWOOD, AL 35209 (205) 870-3390	CONTRY  CONTRY
We, the undersigned Robert W, Eastey IV, a registered engineer in the State of Alabama, Registration No. 21554, and Rowland Jackins, a registered land surveyor in the State of Alabama, Registration No. 1839 heraby certly that into Plan shows the Hayord, foration in the Flant are substantially complete. We further certly that the Plan shows the Hayord, foration on the Flant are substantially complete. We further certly that the Plan shows the Hayord, foration on the Plant and Declaration of Basimoni Village Land Condomnium is currently focated in Flood Zone X (sunsed any special flood hazard area) according to the flood map prepared by the U.S. Department of homeland Security. This Certification is identicated by the U.S. Department of homeland Security. This Certification is identified by the Plant and Declaration of Basimoni Village Land Condomnium in Hoover. Alabama of the Plant and	HETROPOLITANIAGE ASSISTANT OF NEW AND SECTION SETTES SINT ACCESSOR ACCECTOMANCE CO COLLARINA PORCE ACCECTOMANCE COLLARINA PORCE ACCECTOMANCE COLLARINA SECONOME REPORT ACCECTOMAN

in the office of the Probate Judge Northwest common comer of the aley; thence run along the Southerty fiway of sald un-named alley in a of the beginning of a curve to the right of 7°11'01'; thence continue along the southerty of sald un-named alley in a of 8°11'01'; thence continue along of way in a Northwesterty direction of the right-of-way a distance of 332.50 feet; Northerty right-of-way, turn 90'00' to the ce of 101.65 feet to the Point of turse in a Northwesterty direction a eft and run in a Northwesterty direction in the right and run in a Northwesterty direction in the left and run in a Southwesterty 2'33'27' to the left and run in a Southwesterty 24'42' to the left and run in a Southwesterty 24'42' to the left and run in a Southwesterty 24'42' to the left and run in a thence turn 2'00'28' to the left and run in 1 thence turn 2'00'28' to the left and run in 1 thence turn 2'00'28' to the left and run in 1 feet; thence turn 47'24'17' to the left and run in 3'00'42'00' to the night 63.00 feet to the Point of Beginning. Judge of and bring midded in Map r of the rof the sterly hundary dhe left he arc of the left, ence run in Silving Judge of
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'Un along the
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Point of PARCEL 2 ), the undersigne whose name as i on this day that, I EE.92.16 > UNIT 248
LEVEL 1-FLOOR ELEVATION=545.86
LEVEL 1-CERING ELEVATION=554.86
LEVEL 2-FLOOR ELEVATION=567.88
LEVEL 2-CEILING EL "VATION=566.88 84.96 SETBACKS ARE AS SHOWN ON THIS AND APPLY ONLY TO THE OVERALL BY OF LOTICE, BUILDING SETBACKS PPLY TO PARCELS 1-3 SHOWN PRAWING COVERED Public in and for said County and State signed to the foregoing plat, and who is ned of the contents thereof, he executed PARCEL ALT PAVING ASPHALT PAVING FOR BOTH UNITS 100 & 102 THE FLOOR ELEVATION = 547.09 THE UNFINISHED CEILING ELEV. 15 St. 65. UNIT 200 FLOOR ELEVATION=559.93 CEILING ELEVATION=571.26 UNIT 200 2800 SF THIS PLAT AMEN AS RECORDED I DMIVAS TJAHSZA NO FLOOR PARCEL Being 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 and 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 THIRD AMENDED CONDOMINIUM PLAT OF BEAUMONT VILLAGE CONDOMINIUM BEAU (MAP BO BEAUMONT VILLAGE, LLC, DEVELOPER

244 INVERNESS CENTER DR., SUITE 200
BIRMINGHAM, ALABAMA 35242
(205) 991-7086

BAMA ENGINEERING COMPANY, INC., ENGINEER

2 OFFICE PARK CIRCLE, SUITE 11
BIRMINGHAM, ALABAMA 35223
(205) 803-2161 CKINS, BUTLER & ADAMS, INC., SURVEYOR
3430 INDEPENDENCE DR., SUITE 30
HOMEWOOD, AL 35209
(205) 870-3390 IMONT PHASE 4 -DOK 38. PAGE 134) (STAIRS & ELEVATOR) SLOOR ELEVATION = 543.17 UNFINISHED CEILING ELEVATION = ALLEY (20' ROW) GRAPHIC SCALE May 18, 2011 POINT OF BE **DNIVAY TJAHASA** BEAUMONT VILLAGE FLOOR ELEVATION#556,46 CEILING ELEVATION#565,46 UNIT 254 A UNIT 254 B (SEE INSETS C & D ABOVE) CRETE WALK A B A BY: Mike S. White For Beaumont Vill TO' BUILDING SETBACK (TYPICAL) HAND (2318AV WOA) 133812 HERRINGTON  $\sim$ (85 BOAG .85 AOOB GAM) (2 BOAR & SAHR VALLEYDALE ROAD BEAUMON

#### EXHIBIT "B"

#### ALLOCATED INTERESTS

UNIT#	% OF OWNERSHIP OF COMMON ELEMENTS ALLOCATED INTEREST	VOTE
A	40.16%	2
В	45.07%	2
D	14.77%	1
TOTAL	<u>100.00</u> %	<u>5</u>

20110527000157170 9/13 \$48.00 Shelby Cnty Judge of Probate, AL 05/27/2011 09:30:10 AM FILED/CERT

#### 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 four parcels:

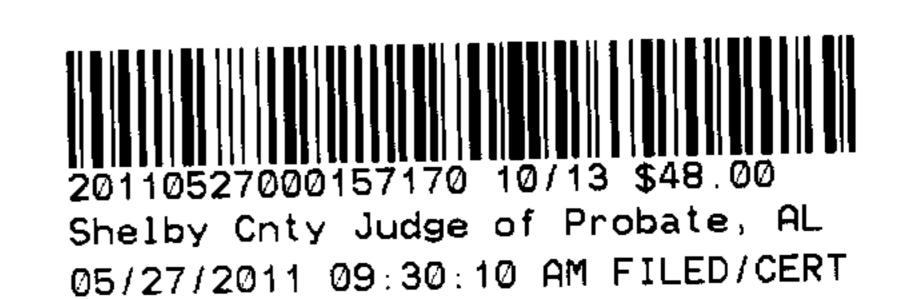
#### Parcel 1:

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



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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:

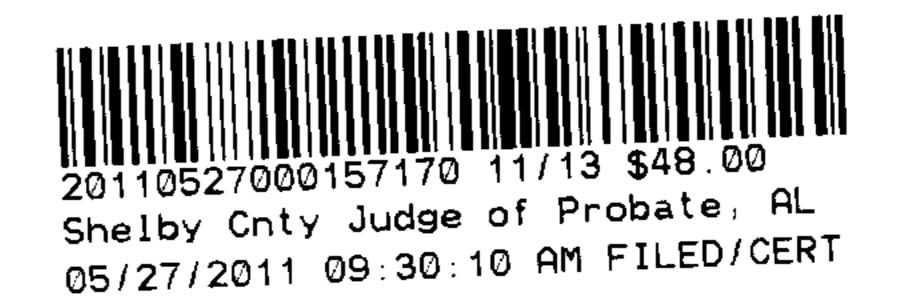
Commence at the Southeast corner of Lot C1 according to the survey of Beaumont Phase 3 as recorded in Map Book 38, Page 121, in the office of the Probate Judge of Shelby County, Alabama, said point being the Northwest common corner of the intersection of Herrington Street and a un-named alley; thence 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



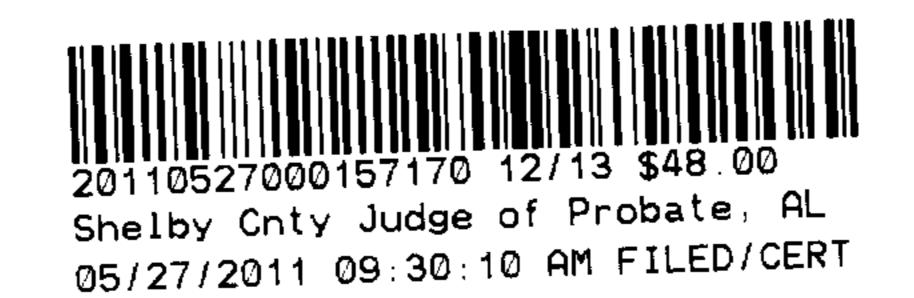
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having a radius of 136.00 feet and a central angle of 7°11'01"; thence continue along said Southerly boundary and said Northerly right-of-way in a Northwesterly direction along the arc of said curve a distance of 20.44 feet; thence run in a Northwesterly 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 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 Northwesterly direction a distance of 101.65 feet; thence turn 90°00' to the left and run in a Northwesterly direction a distance of 63.00 feet; thence turn 20°42'00" to the left and run in a Southwesterly direction a distance of 84.96 feet; thence turn 91°13'10" to the left and run in a Southwesterly 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.

#### Parcel 4:

#### 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 NW1/4 of Section 1, Township 19 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows: BEGIN 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 a curve to the right having a radius of 163.00 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 for a distance of 20.44 feet; thence run in a Northwesterly direction along said Southerly boundary and said Northerly rightof-way for a distance of 75.60 feet; thence turn an interior angle to the left of 90°00'00" and leaving said right-of-way run in a northeasterly direction for a distance of 90.39 feet; thence turn an interior angle to the left 90°00'00" and run in a southeasterly direction for a distance of 86.38 to the westerly right-of-way line of Herrington Street (right-of-way width varies) and to a nontangent curve to the right having a central angle of 02°01'28" and a radius of 488.50 feet; thence turn an interior angle to the left of 119°01'08", as measured to the tangent of said curve, and run in a southerly direction along said right-of-way line and along the arc of said curve for a distance of 17.26 feet to a nontangent curve to the right having a central angle of 15°36'50" and a radius of 275.00 feet, the tangent to said curve forming an interior angle to left of 178°25'29" as measured from the tangent of the previous curve; thence run in a southerly direction along said right-of-way line and along the arc of said curve for a distance of 74.94 feet to the POINT OF BEGINNING.



#### EXHIBIT "D"

#### LAND WITHDRAWN BY THIS FOURTH AMENDMENT

Parcel 4:

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 NW1/4 of Section 1, Township 19 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows: BEGIN 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 a curve to the right having a radius of 163.00 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 for a distance of 20.44 feet; thence run in a Northwesterly direction along said Southerly boundary and said Northerly rightof-way for a distance of 75.60 feet; thence turn an interior angle to the left of 90°00'00" and leaving said right-of-way run in a northeasterly direction for a distance of 90.39 feet; thence turn an interior angle to the left 90°00'00" and run in a southeasterly direction for a distance of 86.38 to the westerly right-of-way line of Herrington Street (right-of-way width varies) and to a nontangent curve to the right having a central angle of 02°01'28" and a radius of 488.50 feet; thence turn an interior angle to the left of 119°01'08", as measured to the tangent of said curve, and run in a southerly direction along said right-of-way line and along the arc of said curve for a distance of 17.26 feet to a nontangent curve to the right having a central angle of 15°36'50" and a radius of 275.00 feet, the tangent to said curve forming an interior angle to left of 178°25'29" as measured from the tangent of the previous curve; thence run in a southerly direction along said right-of-way line and along the arc of said curve for a distance of 74.94 feet to the POINT OF BEGINNING.

> 20110527000157170 13/13 \$48.00 Shelby Cnty Judge of Probate, AL 05/27/2011 09:30:10 AM FILED/CERT