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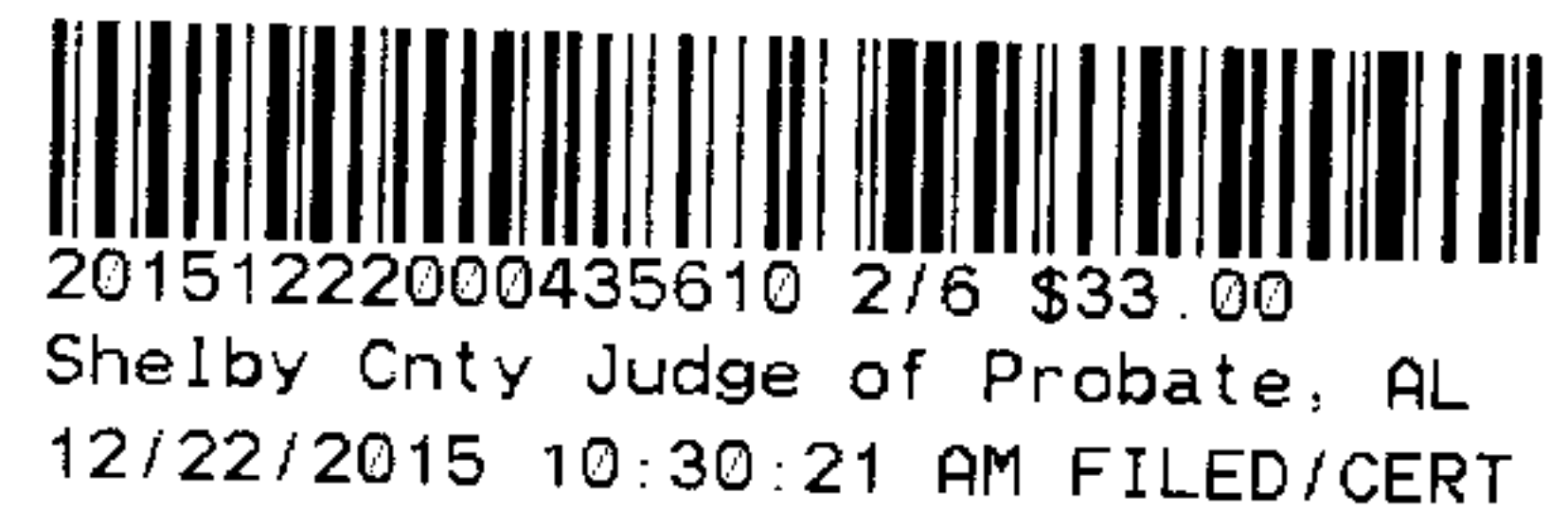
**FIFTH AMENDMENT**  
**TO**  
**DECLARATION OF CONDOMINIUM**  
**OF**  
**BEAUMONT VILLAGE CONDOMINIUM**

**Dated:** 12/21, 2015

**This Instrument prepared by:**  
**Richard W. Theibert**  
**Najjar Denaburg, P.C.**  
**2125 Morris Avenue**  
**Birmingham, AL 35203**  
**(205) 250-8452**

**FIFTH AMENDMENT  
TO  
DECLARATION OF CONDOMINIUM  
OF  
BEAUMONT VILLAGE CONDOMINIUM**

**STATE OF ALABAMA     )**  
**SHELBY COUNTY        )**



**THIS FIFTH AMENDMENT** to the Declaration of Condominium of Beaumont Village Condominium is made this 21<sup>st</sup> day of DEC, 2015 by **BEAUMONT VILLAGE, LLC**, an Alabama limited liability company (the ADeveloper@), 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 20080328000126220 on March 28, 2008 as amended by that First Amendment to Declaration of Condominium of Beaumont Village Condominium recorded in the Office of the Judge of Probate of Shelby County, Alabama, at Instrument Number 20090612000225320 on June 12, 2009 as further amended by that Second Amendment to Declaration of Condominium of Beaumont Village Condominium recorded in the Office of the Judge of Probate of Shelby County, Alabama, at Instrument Number 20100910000295330 on September 10, 2010 as further amended by that Third Amendment to Declaration of Condominium of Beaumont Village Condominium recorded in the Office of the Judge of Probate of Shelby County, Alabama, at Instrument Number 20110527000157160 on May 27, 2011 and further amended by that Fourth Amendment to Declaration of Condominium of Beaumont Village Condominium received in the Office of the Judge of Probate of Shelby County, Alabama, at Instrument Number 2140827000269290 on August 27, 2014 (the ADeclaration@) and reflecting the amendment of the Plan as recorded in Map Book 39, Page 129 on March 28, 2008 in the Office of the Judge of Probate of Shelby County, Alabama and amended by First Amended Condominium Plat of Beaumont Village Condominium recorded in Map Book 41, Page 31 in the Office of the Judge of Probate of Shelby County, Alabama as amended by Second Amended Condominium Plat of Beaumont Village Condominium recorded in Map Book 42, Page 6 in the Office of the Judge of Probate of Shelby County, Alabama, as further amended by the Third Amended Condominium Plat of Beaumont Village Condominium recorded in Map Book 38, Page 121 in the Office of the Judge of Probate of Shelby County, Alabama, as further amended by the Fourth Amended Condominium Plat of Beaumont Village Condominium recorded in Map Book 44, Page 51 in the Office of the Judge of Probate of Shelby County, Alabama as further amended by the Fifth Amended Condominium Plat of Beaumont Village Condominium recorded in Map Book 20151222000435610 in the Office of the Judge of Probate of Shelby County, Alabama (the "Plan").

*# Map Book 45 page 77*

**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 add a portion of the Additional Property as described on Exhibit AA@ attached hereto containing one building containing 1 Unit and certain Common Elements to 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 44, Page 51, a copy of which is attached hereto as Exhibit AB@; and

**WHEREAS**, the Developer desires to amend and restate Exhibit AE@ attached to the Declaration to reflect the reallocation of the Common Element ownership interests, the Common Expense liability and the votes as shown on Exhibit AC@ attached hereto.

**NOW THEREFORE**, upon recording hereof, Developer does hereby and amend the Declarations as follows:


The Developer, pursuant to Article III, Section 3.02 of the Declaration, does hereby amend the Declaration to add a portion of the Additional Property as set forth on Exhibit AA@ attached hereto containing one building containing 1 Units and certain Common Elements to 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 44, Page 51, a copy of which is attached hereto as Exhibit AB@.

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

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.

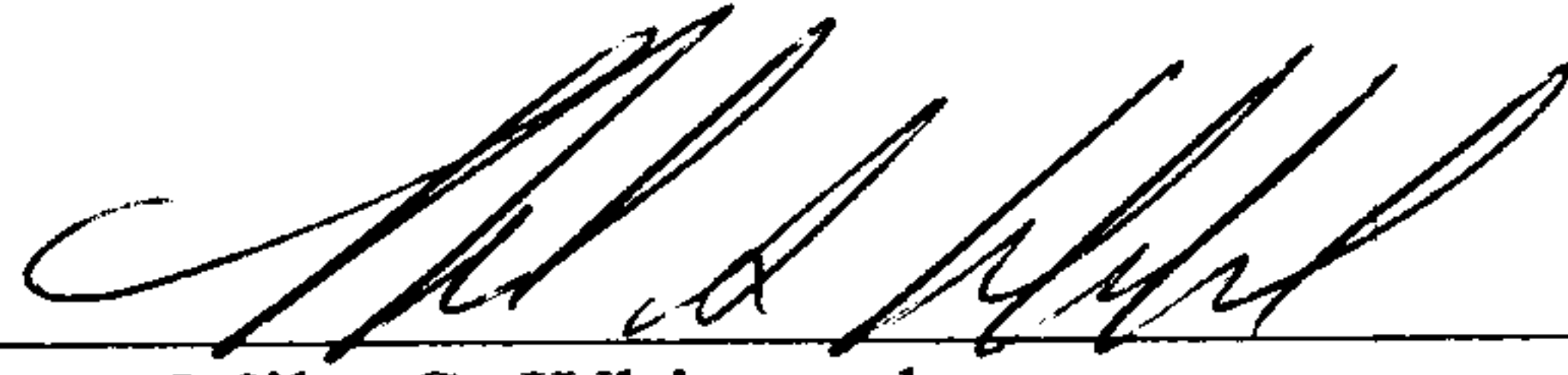
This Fourth Amendment to Declaration has been executed by the undersigned and filed in the Office of the Judge of Probate of Shelby County, Alabama for the purposes stated above. Except for the aforesaid, the terms and conditions of the Declaration shall continue to be in full force and effect without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

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.

  
20151222000435610 3/6 \$33.00  
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IN WITNESS WHEREOF, the Developer has executed this Fifth Amendment to Declaration on this 21 day of December, 2015.

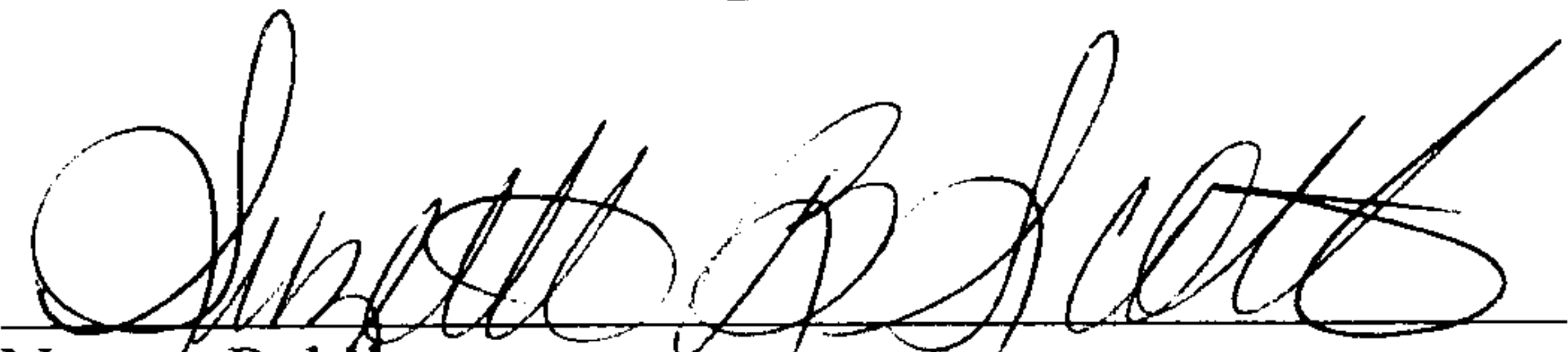
**BEAUMONT VILLAGE, LLC**, an  
Alabama limited liability company

  
By: Mike S. Whitcomb  
Its: Manager

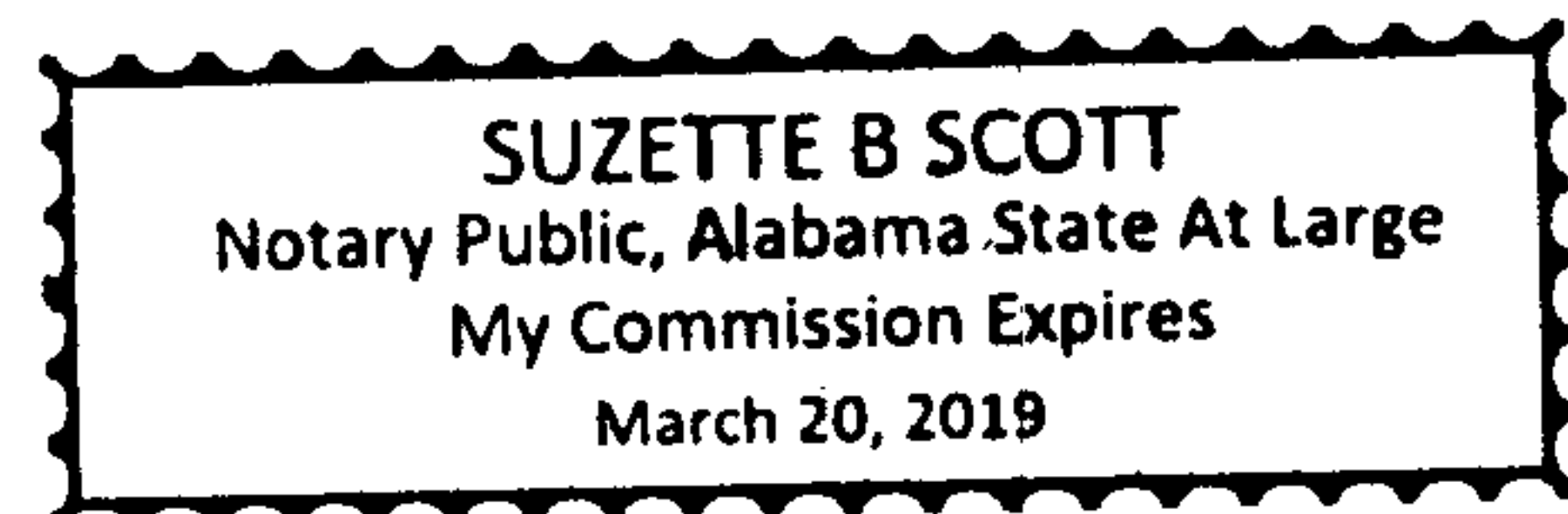
STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I Suzette B Scott, a Notary Public in and for said County in said State, hereby certify that Mike S. Whitcomb, a 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 Fifth 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 21<sup>st</sup> day of December, 2015.

  
Notary Public  
My commission expires: 3/20/2019

[NOTARIAL SEAL]




  
20151222000435610 4/6 \$33.00  
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Exhibit "A"

curve to the right with a radius of 86.00 feet and a central angle of  $17^{\circ}08'26''$ ; thence turn  $64^{\circ}06'19''$  right (angle measured to tangent) and run in a Southeasterly direction along the arc of said curve and the Southerly right-of Inverness Center Drive for a distance of 25.73 feet; to the point of compound curvature of a curve to the left, said curve having a radius of 505.00 feet and a central angle of  $17^{\circ}46'41''$ ; thence run in a Southeasterly direction along the arc of said curve and the Southerly right-of-way of Inverness Center Drive for a distance of 156.69 feet; thence leaving said right-of-way, turn  $64^{\circ}57'35''$  right (angle measured from tangent) and run in a Southerly direction for a distance of 146.66 feet; thence turn  $90^{\circ}00'00''$  left and run in a Southeasterly direction for a distance of 191.80 feet to a point on the Westerly right-of-way of Herrington Street; thence turn  $52^{\circ}50'43''$  right and run in a Southerly direction along said right-of-way for a distance of 47.25 feet; thence turn  $8^{\circ}08'08''$  right continue along said right-of-way for a distance of 12.69 feet to a point on a tangent curve to the right with a radius of 488.50 feet and a central angle of  $2^{\circ}01'28''$ ; thence run in a Southerly direction along the arc of said curve and along said right-of-way for a distance of 17.26 feet; to a point on a non-tangent curve to the right with a radius of 275.00 feet and a central angle of  $15^{\circ}36'50''$ ; thence turn  $1^{\circ}29'57''$  right (angle measured from tangent to tangent) and run in a Southerly direction along the arc of said curve and along said right-of-way for a distance of 74.94 feet to the POINT OF BEGINNING.



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