

STATE OF ALABAMA)
COUNTY OF SHELBY)


20191028000395170 1/8 \$43.00
Shelby Cnty Judge of Probate, AL
10/28/2019 01:20:33 PM FILED/CERT

AFFIDAVIT EVIDENCING SCRIVENER'S ERROR

Before me, the undersigned Notary Public, personally appeared Richard W. Theibert, who being duly sworn deposes and says as follows:

My name is Richard W. Theibert, who was the preparer of that certain Fifth Amendment to Declaration of Condominium of Beaumont Village Condominium ("5th Amendment") recorded in the Office of the Judge of Probate of Shelby County, Alabama in Instrument No. 20151222000435610

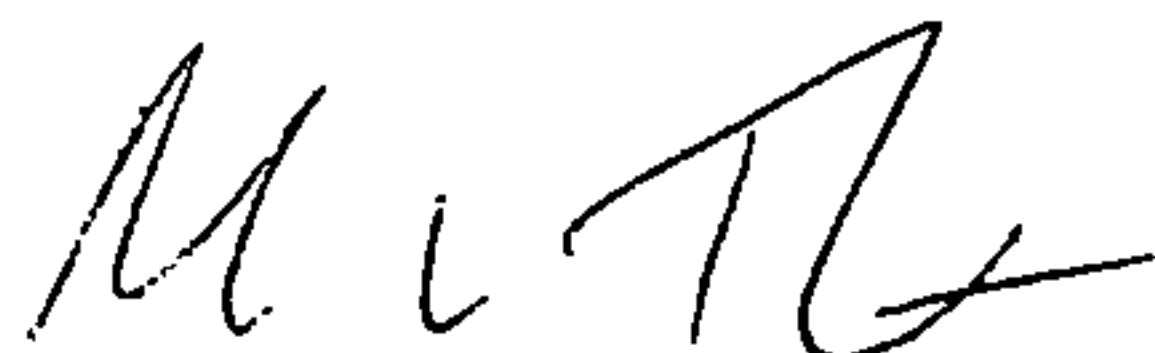
The Fifth Amendment omitted Exhibit "C" which would allocate Common Element Ownership interest, Common Expenses Liability and votes. Exhibit "C" was originally omitted due to confusion over the allocation of such items. It has been stated that each unit received one vote and that common element ownership was not a percentage ownership as set forth in the Declaration of Condominium of Beaumont Village Condominium, and First, Second and Third Amendments thereto. The correct Exhibits "C", based on signed documentation, is attached hereto and made a part of as Exhibit "A" to this Affidavit.

The undersigned is not aware of any documentation, agreement or oral agreement that would affect Exhibit "A" to this Affidavit.

This Affidavit is being executed to clear up any ownership issues or questions.

This Affidavit is made for the purpose of duly acknowledging the scrivener's error in that drafting of said 5th Amendment recorded as Exhibit "B".

FURTHER, Affiant saith not.



Richard W. Theibert

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned authority, a Notary Public in and for said county and in said state, hereby certify that Richard W. Theibert, whose name is signed to the foregoing Affidavit Evidencing Scrivener's Error, and who is known to me, acknowledged before me that, being informed of the contents of the Affidavit, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal of office this 29th day of August, 2019.



NOTARY PUBLIC
My commission expires: 1/28/22

THIS INSTRUMENT WAS PREPARED BY:
Richard W. Theibert, Esq.
Najjar Denaburg, P.C.
2125 Morris Avenue
Birmingham, AL 35203
(205) 250-8400

EXHIBIT "A" TO AFFIDAVIT EVIDENCING SCRIVENER'S ERROR

EXHIBIT "E" TO DECLARATION OF CONDOMINIUM

EXHIBIT "C" TO FIFTH AMENDMENT

ALLOCATED INTEREST

UNIT #	% OF COMMON ELEMENT OWNERSHIP INTEREST AND EXPENSE LIABILITY	VOTES
252	10.27%	4.11
250-A	4.63%	1.85
250-B	4.67%	1.87
250-C	4.63%	1.85
200	7.81%	3.12
100	4.93%	1.97
102	2.51%	1.00
248	5.76%	2.30
254-A	9.06%	3.62
254-B	9.10%	3.64
242	28.36%	11.35
246	8.28%	3.31
TOTAL	100.00%	40.00



20191028000395170 2/8 \$43.00
Shelby Cnty Judge of Probate, AL
10/28/2019 01:20:33 PM FILED/CERT

EXHIBIT B


20151222000435610 1/6 \$33.00
Shelby Cnty Judge of Probate, AL
12/22/2015 10:30:21 AM FILED/CERT

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


20191028000395170 3/8 \$43.00
Shelby Cnty Judge of Probate, AL
10/28/2019 01:20:33 PM FILED/CERT

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

STATE OF ALABAMA)
SHELBY COUNTY)


20151222000435610 2/6 \$33.00
Shelby Cnty Judge of Probate, AL
12/22/2015 10:30:21 AM FILED/CERT

THIS FIFTH AMENDMENT to the Declaration of Condominium of Beaumont Village Condominium is made this 21st 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;


20191028000395170 4/8 \$43.00
Shelby Cnty Judge of Probate, AL
10/28/2019 01:20:33 PM FILED/CERT

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
Shelby Cnty Judge of Probate, AL
12/22/2015 10:30:21 AM FILED/CERT



20191028000395170 5/8 \$43.00
Shelby Cnty Judge of Probate, AL
10/28/2019 01:20:33 PM FILED/CERT

IN WITNESS WHEREOF, the Developer has executed this Fifth Amendment to Declaration on this 21 day of December, 2015.

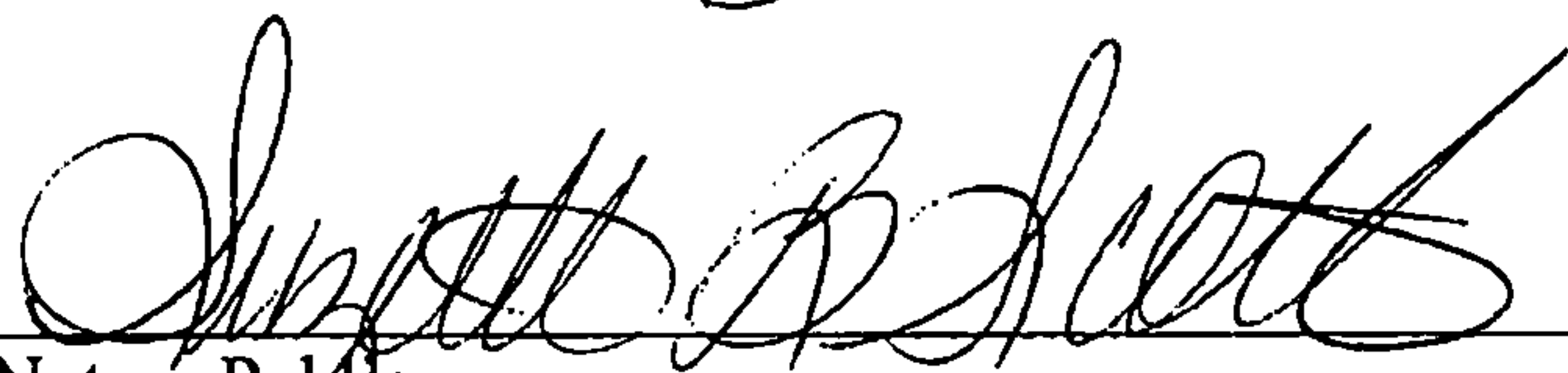
BEAUMONT VILLAGE, LLC, an
Alabama limited liability company


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 21st day of December, 2015.


Notary Public
My commission expires: 3/20/2019

[NOTARIAL SEAL]

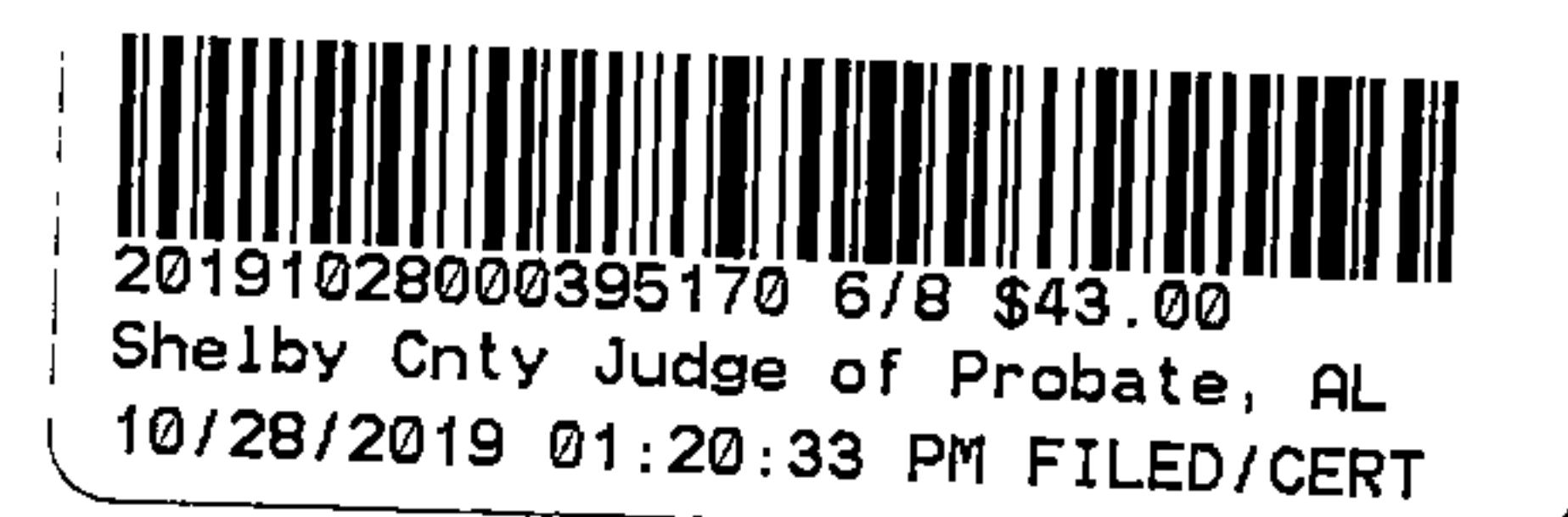
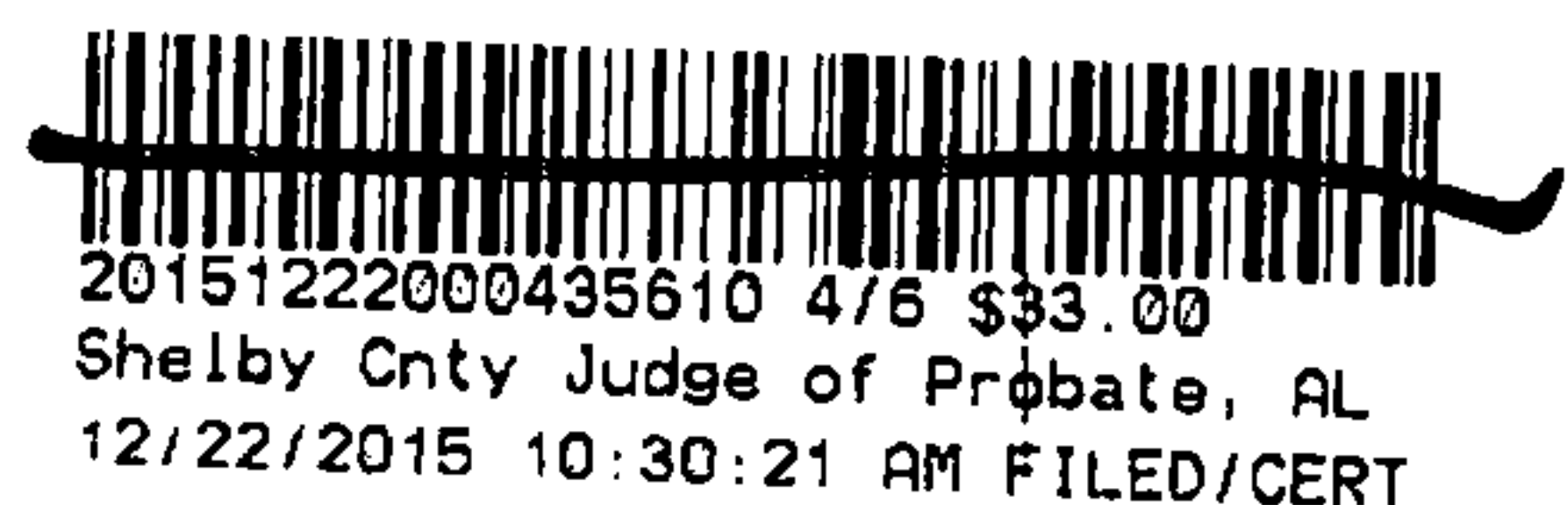
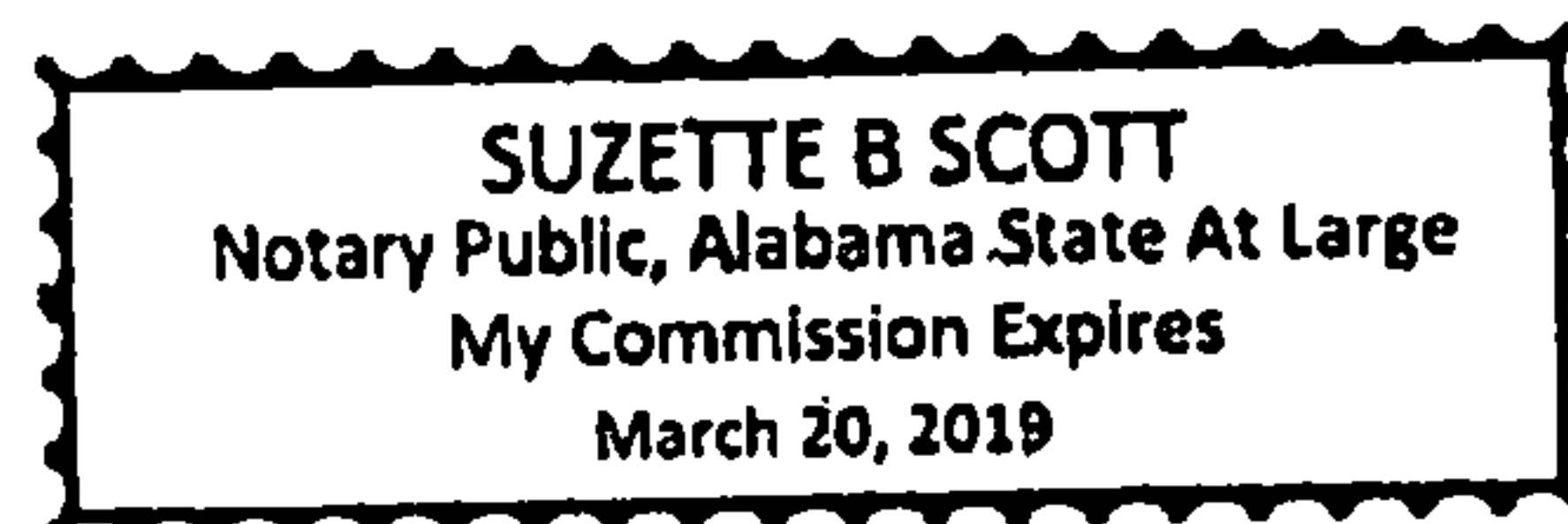


Exhibit "A"

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.


20151222000435610 5/6 \$33.00
Shelby Cnty Judge of Probate, AL
12/22/2015 10:30:21 AM FILED/CERT


20191028000395170 7/8 \$43.00
Shelby Cnty Judge of Probate, AL
10/28/2019 01:20:33 PM FILED/CERT

