


RELEASE OF PORTION OF LEASE

This Agreement made and entered into this 19th day of ~~January, 1981~~ December, 1980, by and between Darryl Ann Schilli as Trustee under Indenture of Trust dated December 30, 1976 for the benefit of Robert B. Schilli, Jr. and Darryl Ann Schilli as Trustee under Indenture of Trust dated December 30, 1976 for the benefit of David M. Schilli ("Lessor") and Material Delivery Service, Inc., a Missouri corporation ("Lessee"),

WITNESSETH THAT:


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Shelby Cnty Judge of Probate: AL
12/22/1980 12:00:00 AM FILED/CERT

Whereas, Lessor is the owner of certain real property and improvements situated thereon, located in the County of Shelby, State of Alabama and described on Exhibit A attached hereto and incorporated herein by this reference; and

Whereas, Lessee and Lessor entered into a Lease as of the 1st day of January, 1980, whereby the Lessee leased the property described in Exhibit A from Lessor (said Lease is hereinafter referred to as "Original Lease"); and

Whereas, Lessor desires to sell a portion of the property described in Exhibit A to a third party and the third party as a condition to the purchase of said property (described in Exhibit B attached hereto and incorporated herein by this reference) requires that both Lessor and Lessee release the property described in Exhibit B from the Original Lease so that said property can be sold free and clear of said Original Lease.

Now therefore, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid to the Lessee by the Lessor, the receipt of which is hereby acknowledged by the parties, Lessor and Lessee agree as follows:

1. The real property and improvements to be leased by Lessee from Lessor will be that certain real property and improvements situated thereon, located in the County of Shelby, State of Alabama and described on Exhibit C attached hereto and by this reference made a part hereof.
2. That Lessee has and by these presents released to the Lessor the right of possession in and to the property described in Exhibit B and does agree that Lessor is entitled to retake possession of the premises immediately upon the execution of this Agreement and sell said property to a third party.

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3. Except as expressly modified herein, the Original Lease remains in full force and effect except that the property described in Exhibit B and the obligations of Lessor and Lessee with regard to said property are hereby deleted from the Original Lease.

In Witness Whereof, Lessor and Lessee have executed this Agreement the day and year first above written.

LESSOR:

Darryl Ann Schilli
Darryl Ann Schilli as Trustee
under Indenture of Trust dated
December 30, 1976 for the
benefit of Robert B. Schilli, Jr.

Darryl Ann Schilli
Darryl Ann Schilli as Trustee
under Indenture of Trust dated
December 30, 1976 for the
benefit of David M. Schilli

LESSEE:

Material Delivery Service, Inc.

By

Robert B Schilli
Pres

Consent to Release of Portion of Lease

Birmingham Trust National Bank, a national banking association, as Assignee of a certain Assignment of Lease dated the 8th day of July, 1980 hereby consents to the execution of the above Release of Portion of Lease as required by the terms of said Assignment.



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Shelby Cnty Judge of Probate, AL
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Birmingham Trust National Bank

By

Its

[Signature]
[Signature]

PARCEL "B":

Commence at the SE corner of Sec. 12, T-21-S, R-3-W; thence run West along the South line of said section a distance of 1048.89 feet to the N.E. right of way line of Interstate Hwy. I-65; thence turn an angle of 55 deg. 31 min. to the right and run along said highway right of way a distance of 237.87 feet; thence turn an angle of 1 deg. 08 min. 06 sec. to the right and run along said R.O.W. line a distance of 210.20 feet to the point of beginning; thence turn an angle of 2 deg. 27 min. 52 sec. to the right, to the chord of a R.O.W. curve; thence run along said R.O.W. curve, (whose Delta Angle is 2 deg. 27 min. 52 sec. to the right; radius is 11,311.04 ft., Tangent Distance of 243.28 feet, Length of Arc is 486.50 feet, chord distance of 486.46 feet); thence turn an angle of 112 deg. 34 min. 54 sec. to the right from chord of said curve and run a distance of 512.38 feet; thence turn an angle of 127 deg. 13 min. 54 sec. to the right and run a distance of 186.95 feet; thence turn an angle of 25 deg. 57 min. to the left and run a distance of 199.00 feet; thence turn an angle of 47 deg. 48 min. to the right and run a distance of 210.00 feet to the point of beginning. Situated in the South half of the SE 1/4 of Section 12, Township 21 South, Range 3 West, Shelby County, Alabama, and containing 3.0 acres.

ALSO, an easement for a right of way of a uniform width of 10 feet over and across a parcel of land designated as Parcel "A" to provide ingress and egress by a railroad spur line or siding line to and from said above designated Parcel "B" and the existing right of way of the Louisville & Nashville Railroad Company (said Louisville & Nashville Railroad Company's right of way being a portion of the North property line of said Parcel "A"). Described as follows:

PARCEL "A":

Commence at the SE corner of Sec. 12, T-21-S, R-3-W; thence run West along the South line of said section a distance of 1048.89 ft. to the NE R.O.W. line of Interstate Hwy. I-65; thence turn an angle of 55 deg. 31 min. to the right and run along said Hwy. R.O.W. a distance of 237.87 ft.; thence turn an angle of 1 deg. 08 min. 06 sec. to the right and run along said R.O.W. line a distance of 210.20 ft.; thence turn an angle of 2 deg. 27 min. 52 sec. to the right and run along a cord of a R.O.W. curve a chord distance of 486.46 ft. to a point on the R.O.W. line of Interstate Hwy. I-65, and the point of beginning. Thence turn an angle of 2 deg. 46 min. 34 sec. to the right to the cord of a R.O.W. curve and run along said R.O.W. curve (whose Delta Angle is 3 deg. 05 min. 15 sec. to the right, Tangent Distance is 304.82 ft., Radius is 11,311.04 ft., cord distance of 609.42 ft., Length of Arc is 609.50 ft.) to the North line of the S 1/2 of the SE 1/4 of Sec. 12; thence run East along the North line of said 1/4-1/4 section a distance of 290.43 ft., more or less, to the SE R.O.W. line of the L & N Railroad. Thence turn an angle of 24 deg. 31 min. 09 sec. to the right and run along said R.O.W. a distance of 188.08 ft. to the P.C. of a R.O.W. curve; thence continue in the same direction along said R.O.W. curve (whose Delta Angle is 14 deg. 44 min. 28 sec. to the left, Radius is 2826.30 ft., Length of Arc is 727.15 ft.) to the Northwest R.O.W. line of a paved county highway; thence turn an angle of 85 deg. 59 min. 51 sec. to the right from the cord of said curve, and run along said county hwy. R.O.W. a distance of 210.00 ft.; thence turn an angle of 87 deg. 11 min. 43 sec. to the right and run a distance of 110.16 ft.; thence turn an angle of 1 deg. 28 min. 43 sec. to the right and run a distance of 187.78 ft.; thence turn an angle of 17 deg. 09 min. 54 sec. to the left and run a distance of 512.38 ft. to the point of beginning. Situated in the S 1/2 of the SE 1/4 of Sec. 12, T-21-S, R-3-W, Shelby County, Alabama, and containing 7.58 acres.

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Commence at the SE corner of the SE 1/4 of the SE 1/4 of Section 12, Township 21 South, Range 3 West; thence run West, along the South line of said quarter-quarter section, a distance of 1048.89 feet, to the East R.O.W. line of I-65 Sta. 587 plus 80; thence turn an angle of 55 deg. 51 min. to the right and run a distance of 237.87 feet to a point on the East R.O.W. line of I-65 and the North R.O.W. line of a County Highway; thence turn an angle of 88 deg. 50 min. to the right and run a distance of 210.00 feet to a point on said R.O.W. line, and the point of beginning, being a point on a curve; thence continue in the same direction, along the R.O.W. curve (whose Delta angle is 21 deg. 38 min. to the left, Tangent Distance is 180.70 feet, Radius is 945.79 feet, arc distance is 357.10 feet), to the P.T. Of said curve; thence turn an angle of 99 deg. 24 min. to the left from tangent of said curve; and run a distance of 77.00 feet; thence turn an angle of 86 deg. 46 min. to the right and run a distance of 202.70 feet; thence turn an angle of 92 deg. 47 min. to the left and run a distance of 187.78 feet; thence turn an angle of 69 deg. 56 min to the left and run a distance of 186.95 feet; thence turn an angle of 25 deg. 57 min. to the left and run a distance of 199.00 feet to the NE corner of the Central Ala. Gas. Co. lot; thence turn an angle of 36 deg. 23 min. to the left and run along said Lot, a distance of 210.00 feet, to the point of beginning. Situated in the SE 1/4 of the SE 1/4 of Section 12, Township 21 South, Range 3 West, Shelby County, Alabama, according to survey of Frank W. Wheeler, Registered Land Surveyor, dated April 28, 1969.

PARCEL "D":

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Begin at the mid-point of the east side of Section 5, Township 24 North, Range 13 East and proceed north 6 deg. 00 min. west along said Section line a distance of 933.09 feet to the southeast corner of property now owned by Darryl Ann Schilli as Trustee under Indenture of Trust dated December 30, 1976, for the benefit of David M. Schilli as to an undivided one-half interest and by Darryl Ann Schilli as Trustee under Indenture of Trust dated December 30, 1976, for the benefit of Robert B. Schilli, Jr. as to the remaining one-half interest; thence run west along the south line of said Trust property a distance of 175.0 feet to the southwest corner of same; thence run north along the west line of said Trust property a distance of 100.0 feet to the south line of Alabama Highway No. 25; thence west along the south right-of-way line of said Highway a distance of 25.0 feet; thence south and parallel with the east line of said Section line a distance of 1033.09 feet, more or less, to the south line of SE 1/4 of NE 1/4 of said Section 5; thence run east along the south line of said 1/4-1/4 a distance of 200 feet to the point of beginning; being the same property conveyed by Philip J. Kyser and wife, Vera Mae Kyser to Everett Wayne Snell by deed dated April 6, 1979 and recorded in Deed Book 262, Page 850 in the Probate Office of Shelby County, Alabama.

Also a parcel of land situated in the SE 1/4 of NE 1/4 of Section 5, Township 24 North, Range 13 East and in the SW 1/4 of the NW 1/4 of Section 4, Township 24 North, Range 13 East and more particularly described as follows: Begin at the midpoint of the east side of Section 5, Township 24 North, Range 13 East and proceed north 6 deg. 00 min. West along said line 933.09 feet to the point of beginning of said tract; thence at an angle of 30 deg. 56 min. to the right a distance of 116.7 feet to the south boundary of Alabama Highway 25; thence at an angle of 121 deg. 03 min. to the left and along said south boundary a distance of 60.0 feet to the east side of said Section 5; thence continue along same 175.0 feet; thence at an angle of 89 deg. 53 min. to the left a distance of 100.0 feet; thence at an angle of 90 deg. 07 min. to the left a distance of 175.0 feet to the point of beginning; being the same property conveyed by Philip J. Kyser and wife to H. H. Bearden and then sold to Everett W. Snell as shown in Deed Book 258, Page 472 in the Probate Office of Shelby County, Alabama.

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EXHIBIT B

Legal description of property to be purchased by Essex Crane Rental Corporation of Alabama:

Commence at the Southeast corner of Section 12. Township 21 South, Range 3 West, Shelby County Alabama;
Thence run west along the south line of said Section 12 a distance of 1048.89 feet to the northeasterly right-of-way of Interstate Highway #65,
Thence turn right 55° 31' 00" and run along said right-of-way a distance of 237.87 feet,
Thence turn right 01° 08' 06" and run along said right-of-way a distance of 210.0 feet to the point of beginning:
Thence turn right 02° 27' 52" to the chord of a curve whose delta angle is 02° 27' 52" to the right, radius 11,311.04 feet, tangent 243.28 feet, chord 486.46 feet, and run along said curve a distance of 486.50 feet,
Thence turn right 112° 34' 54" from chord of said curve a distance of 512.38 feet,
Thence turn right 17° 09' 52" a distance of 187.78 feet,
Thence turn right 92° 47' 00" a distance of 60.07 feet,
Thence turn right 87° 13' 00" a distance of 206.78 feet,
Thence turn left 58° 47' 24" a distance of 236.82 feet,
Thence turn left 73° 28' 36" a distance of 150.0 feet,
Thence turn right 84° 11' 00" a distance of 210.0 feet to the point of beginning.



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EXHIBIT C

Legal description of property to be leased by Material Delivery Service, Inc.

Commence at the Southeast corner of Section 12, Township 21 South, Range 3 West, Shelby County Alabama:
Thence run west along the south line of said Section 12 a distance of 1048.89 feet to the northeasterly right-of-way of Interstate Highway #65,
Thence turn right 55° 31' 00" a distance of 237.57 feet to a point on the easterly right-of-way of said Interstate #65 and the Northerly right-of-way of a paved county highway,
Thence turn right 88° 55' 00" a distance of 210.0 feet to a point on said county highway right-of-way and the point of beginning: said point being on a curve;
Thence continue same direction along said right-of-way curve whose delta angle is 21° 38' 00" left, tangent 180.50 feet, radius 945.79 feet, and run along said arc of curve a distance of 357.10 feet to the P.T. of said curve,
Thence turn left from tangent of said curve 99° 24' 00" a distance of 77.0 feet,
Thence turn right 86° 46' 00" a distance of 142.63 feet,
Thence turn left 92° 47' 00" a distance of 206.78 feet,
Thence turn left 58° 47' 24" a distance of 236.82 feet,
Thence turn left 73° 28' 36" a distance of 360.0 feet to the point of beginning.

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STATE OF ALA. SHELBY CO.
I CERTIFY THIS
DOCUMENT WAS FILED

1980 DEC 22 PM 3:32

Thomas R. Sullivan, Jr.
CLERK OF PROBATE

Rec. 9.00
Jud. 1.00

10.00