

AMENDMENT TO LEASE AGREEMENT

THIS AMENDMENT TO LEASE AGREEMENT is entered into as of this 12th day of July, 1993 between **THE INDUSTRIAL DEVELOPMENT BOARD OF THE CITY OF HOOVER**, a public corporation organized under the laws of the State of Alabama (the "Board") and **BUD'S BEST COOKIES, INC.**, a corporation organized under the laws of the State of Alabama ("Bud's").

Recitals

A. The Board and Bud's entered into that certain Lease Agreement (the "Lease") dated December 1, 1991, which is recorded in the Office of the Judge of Probate of Shelby County, Alabama in Book 381, commencing at Page 511.

B. Pursuant to a Declaration of Vacation of even date herewith, a portion of Parkway Office Circle that abuts the Project Site, as defined in the Lease, has been vacated.

C. As a result of the vacation, part of the property described on Exhibit A-1 hereto has, by operation of law, become owned by the Board. By quit claim Deed of even date herewith, AmSouth Bank N.A. has conveyed to the Board its interest in the property described on Exhibit A-1 hereto.

D. The Board desires to lease all of the property described in Exhibit A-1 hereto to Bud's and Bud's desires to accept the lease of said property, under and in accordance with the provisions of the Lease.

Agreement

NOW, THEREFORE, in consideration of the Recitals and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Bud's and the Board hereby amend the Lease by adding the following new Article 2A to the Lease immediately following Article 2:

ARTICLE 2A

Additional Property

For and in consideration of the performance and observance by Bud's Best Cookies of the agreements and covenants of this Lease Agreement to be performed and observed by Bud's Best Cookies, the Issuer does hereby lease and demise to Bud's Best Cookies, and Bud's Best Cookies does hereby lease, take and hire from the Issuer the property described on Exhibit A-1 attached hereto and incorporated by reference herein, which real property shall henceforth be included in the defined term "Project Site", together with all easements, permits, licenses, rights-of-way, contracts, leases, tenements, hereditaments, appurtenances, rights, privileges and immunities pertaining or applicable to said real property and interests therein.

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SUBJECT, HOWEVER, to Permitted Encumbrances, which are described in Exhibit E to this Lease Agreement.

Except as expressly amended hereby, the Lease shall remain in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, Bud's and the Board have caused this Amendment to be executed by their respective duly authorized officers as of the date first set forth above.

Bud's Best Cookies, Inc.

By: Albert L. Casan

Title: Pres.

ATTEST:

**The Industrial Development Board
of the City of Hoover**

By: Jorge Ammon

Title: Secretary

By: Walter McMahon

Title: CHAIRMAN

STATE OF ALABAMA)
SHELBY COUNTY)

I, B. Lynn McLaughy, a Notary Public in and for said county and in said state, do hereby certify that Albert L. Casan, whose name as President of **Bud's Best Cookies, Inc.**, a corporation organized under the laws of the State of Alabama, is signed to the foregoing Declaration of Vacation and who is known to me acknowledged before me on this day that, being informed of the contents of said Declaration of Vacation, he as such officer and with full authority, executed the same voluntarily for and as the act of said public corporation.

Given under my hand and official seal this the 2nd day of August, 1993.

B. Lynn McLaughy
Notary Public

My Commission expires:

7-15-95

STATE OF ALABAMA)
SHELBY COUNTY)

I, the undersigned, a Notary Public in and for said County in said State, hereby certify that Walter E. McMahon and Joyce Ammons, whose names as Chairman and Secretary, respectively, of **The Industrial Development Board of the City of Hoover**, a corporation, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of said Amendment to Mortgage and Security Agreement, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this the 2nd day of August, 1993.

B. Lynn McMahon
Notary Public

AFFIX SEAL

My commission expires: 7-15-95

This instrument prepared by:

Edward J. Ashton
WALSTON, STABLER, WELLS,
ANDERSON & BAINS
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Exhibit A-1 to
Amendment to Lease Agreement

A parcel of land situated in the N.E. 1/4 of the S.E. 1/4 of Section 19, Township 19 South, Range 2 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Southeast corner of the N.E. 1/4 of the S.E. 1/4 of Section 19, Township 19 South, Range 2 West and run in a Northerly direction along the East line of said 1/4-1/4 section a distance of 327.70 feet to a point; thence $99^{\circ}43'32''$ to the left in a Southwesterly direction a distance of 632.53 feet to a point on the Northeasterly right-of-way line to Parkway Office Circle as now located for the POINT OF BEGINNING; thence continue in a Southwesterly direction along the last stated course a distance of 44.55 feet to a point on the Southeasterly right-of-way line of the proposed Relocated Parkway Office Circle, said point being on the arc of a curve to the left having a radius of 280.00 feet and a central angle of $18^{\circ}40'43''$; thence $105^{\circ}11'02''$ to the right (angle measured to tangent) in a Northeasterly, then Northerly, then Northwesterly direction along the right-of-way line of said Circle and along the arc of said curve a distance of 91.28 feet to a point on the Northeasterly right-of-way line of Parkway Office Circle as now located, said point being on the arc of a curve to the left having a radius of 400.00 feet and a central angle of $2^{\circ}45'30''$; thence $164^{\circ}39'15''$ to the right (angle measured to tangent) in a Southeasterly direction along the Northeasterly right-of-way line of Parkway Office Circle as now located and along the arc of said curve a distance of 19.26 feet to the P.T (point of tangent) of said curve; thence in the tangent to said curve in a Southeasterly direction along the Northeasterly right-of-way line of said Circle a distance of 77.80 feet to the POINT OF BEGINNING.

Containing 1,768.99 square feet or 0.0406 acres.

Exhibit A-1 to
Amendment to Lease Agreement

A parcel of land situated in the N.E. 1/4 of the S.E. 1/4 of Section 19, Township 19 South, Range 2 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Southeast corner of the N.E. 1/4 of the S.E. 1/4 of Section 19, Township 19 South, Range 2 West and run in a Northerly direction along the East line of said 1/4-1/4 section a distance of 327.70 feet to a point; thence $99^{\circ}43'32''$ to the left in a Southwesterly direction a distance of 632.53 feet to a point on the Northeasterly right-of-way line to Parkway Office Circle as now located for the POINT OF BEGINNING; thence continue in a Southwesterly direction along the last stated course a distance of 44.55 feet to a point on the Southeasterly right-of-way line of the proposed Relocated Parkway Office Circle, said point being on the arc of a curve to the left having a radius of 280.00 feet and a central angle of $18^{\circ}40'43''$; thence $105^{\circ}11'02''$ to the right (angle measured to tangent) in a Northeasterly, then Northerly, then Northwesterly direction along the right-of-way line of said Circle and along the arc of said curve a distance of 91.28 feet to a point on the Northeasterly right-of-way line of Parkway Office Circle as now located, said point being on the arc of a curve to the left having a radius of 400.00 feet and a central angle of $2^{\circ}45'30''$; thence $164^{\circ}39'15''$ to the right (angle measured to tangent) in a Southeasterly direction along the Northeasterly right-of-way line of Parkway Office Circle as now located and along the arc of said curve a distance of 19.26 feet to the P.T (point of tangent) of said curve; thence in the tangent to said curve in a Southeasterly direction along the Northeasterly right-of-way line of said Circle a distance of 77.80 feet to the POINT OF BEGINNING.

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