

STATE OF ALABAMA)
SHELBY COUNTY)

AMENDMENT AND CORRECTION TO DECLARATION OF EASEMENT

This Amendment and Correction to Declaration of Easement (hereinafter called this "Amendment"), is made and entered into as of August 1, 1994 between SMCMOB, L.L.C., an Alabama limited liability company ("SMCMOB"), and SHELBY COUNTY HEALTH CARE AUTHORITY d/b/a SHELBY MEDICAL CENTER ("Shelby").

Recitals

A. Shelby and SMCMOB have heretofore entered into a certain Declaration of Easement dated March 23, 1994 and recorded in the Office of the Judge of Probate of Shelby County, Alabama and given Instrument Number 1994-11310 (the "Declaration").

B. Due to mutual mistake, an unintentional error in the legal description of the servient parcel in the Declaration, caused said Declaration to purportedly grant and declare an easement over certain real property not owned by either Shelby or SMCMOB, therefore, the parties wish to correct said error by amending the Declaration to remove a portion of the real property included in Exhibit B thereto as the servient parcel.

Agreement

NOW, THEREFORE, in consideration of the foregoing recital and of the mutual agreement of the parties hereto, Shelby and SMCMOB hereby agree as follows:

1. Exhibit B to the Declaration is hereby amended by deleting in its entirety the description of Tract 4 set forth therein and more particularly described as follows:

Lot B, according to the Amended Map of Greater Shelby Office Plaza as recorded in Map Book 7, Page 141 in the Probate Office of Shelby County, Alabama. ALSO a 30 foot easement for ingress and egress more particularly described as follows: A 30 foot strip lying North of and parallel to the following line: begin at the Southwest corner of Lot B according to the Amended Map of Greater Shelby Office Plaza recorded in Map Book 7, page 141 and run West along a prolongation of the South line thereof a distance of 410.83 feet to its intersection with U.S. Highway 31;

2. Except as hereby expressly modified and amended, the Declaration shall otherwise remain in full force and effect in accordance with its terms.

164723 MORROR

W. E. H. F.

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SHELBY COUNTY JUDGE OF PROBATE
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Inst # 1994-26786

IN WITNESS WHEREOF, each of SMCMOB and Shelby has executed or caused this instrument to be executed in its name and on its behalf by its officers or member thereunto duly authorized, all as of the date first above written.

SMCMOB, L.L.C.

By: _____

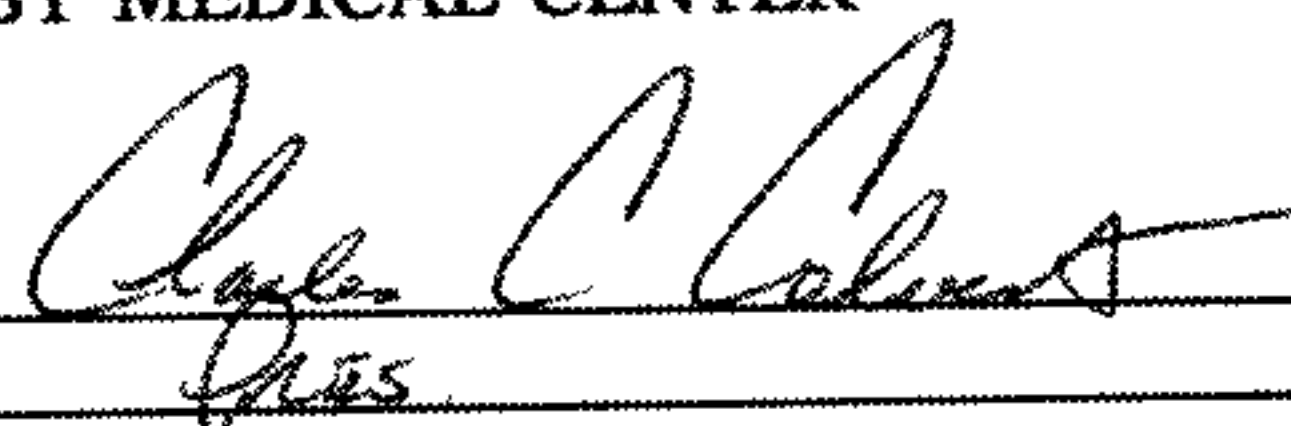
Its: _____


Member

SHELBY COUNTY HEALTH CARE AUTHORITY d/b/a
SHELBY MEDICAL CENTER

By: _____

Its: _____


Pres.

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that James Milton Schaefer, whose name as Member of **THE SMC MOB, L.L.C.**, an Alabama limited liability company, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such member and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and official seal, this 19 day of August, 1994.

Delores J. Rucateles
Notary Public

[AFFIX SEAL]

MY COMMISSION EXPIRES MAY 8, 1995

My Commission Expires: _____

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that Charles C. Colvert, whose name as President of **SHELBY COUNTY HEALTH CARE AUTHORITY d/b/a SHELBY MEDICAL CENTER**, an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this 15th day of August, 1994.

James M. Ruff
Notary Public

[AFFIX SEAL]

My Commission Expires: July 23, 1998

This instrument was prepared by:

Randall H. Morrow
MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North
2400 AmSouth/Harbert Plaza
Birmingham, Alabama 35203-2602
(205) 254-1000

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