

STATE OF ALABAMA)
SHELBY COUNTY)

AMENDMENT TO DECLARATION OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that by mutual agreement, Baptist Health System, ^{INC.} d/b/a Shelby Baptist Medical Center (successor in interest to Shelby County Health Care Authority d/b/a Shelby Medical Center) (the "Declarant"), SMCMOB, L.L.C. (the "Owner") and SouthTrust Bank, N.A. (the "Mortgagee"), being all of the necessary parties in interest pursuant to the terms of that certain Declaration of Easement dated January 1, 1994 executed by the Declarant and recorded in the Office of the Judge of Probate of Shelby County as Instrument Number 1994-11310 (as amended previously by the Amendment and Correction to Declaration of Easement dated August 1, 1994 and recorded in the Office of the Judge of Probate of Shelby County as Instrument Number 1994-26786, the "Declaration") do hereby agree as follows:

1. The real estate described on Exhibit A attached hereto (the "Parcel") that is currently a part of the Servient Parcel described in the Declaration, is hereby removed from said Servient Parcel and all easements created by the Declaration burdening the Parcel are hereby terminated as to the Parcel. The description of the Dominant Parcel set forth in the Declaration is hereby amended to include the Parcel and the Parcel is hereby benefitted by all easements and rights granted to the Dominant Parcel by the Declaration.

2. Except as expressly amended and modified hereby, the Declaration shall remain in full force and effect pursuant to its terms and all provisions therein governing the construction of the Declaration are hereby incorporated herein by reference.

IN WITNESS WHEREOF, each of the Declarant, Owner and Mortgagee have caused this instrument to be executed and effective as of this 28th day of May, 1999, although actually executed by each of the undersigned on the date set forth in the acknowledgements below.

BAPTIST HEALTH SYSTEM, ^{INC.} d/b/a
SHELBY BAPTIST MEDICAL CENTER

By: [Signature]
(Print Name) Charles C. Collier
Its: Pres.

Inst # 1999-22912

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06/02/1999-22912
08:49 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
004 HNS 17.00

Carla Little

SMCMOB, L.L.C.

By: [Signature]
(Print Name) JAMES MILTON JOHNSON
Its: Member

SOUTHRUST BANK, N.A.

By: [Signature]
(Print Name) JAMES A. BARNES
Its: Vice President

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that JAMES MILTON JOHNSON, whose name as MEMBER of SMCMOB, 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 the 25TH day of MAY, 1999.

Jennifer Rae Marie Duke
Notary Public

AFFIX SEAL

My commission expires: 1-25-2003

STATE OF ALABAMA)
Shelby COUNTY)

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 BAPTIST HEALTH SYSTEM, INC./a SHELBY BAPTIST MEDICAL CENTER, a 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 the 28th day of May, 1999.

[Signature]
Notary Public

AFFIX SEAL

My commission expires: 7/3/00

STATE OF ALABAMA)
Jefferson COUNTY)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that James A. Bonnes, whose name as Vice President of SouthTrust Bank, N.A., a national banking association, 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 national banking association.

Given under my hand and official seal this the 25th day of May, 1999.

[Signature]
Notary Public

AFFIX SEAL

My commission expires: 1/10/2001

This Instrument Was Prepared By:
Randall H. Morrow, Esq.
MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North
Suite 2400
Birmingham, Alabama 35203

EXHIBIT A

(Legal Description)

A tract of land situated in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 36, Township 20 South, Range 3 West, Shelby County, Alabama, being more particularly described as follows:

Commence at the NW corner of the SW $\frac{1}{4}$ of the NW ^{1/4} corner of Section 36, Township 20 South, Range 3 West, Shelby County, Alabama said corner being marked by a one and one-half inch crimped pipe, and run in an Easterly direction along the accepted North line of said 1/4-1/4 section a distance of 316.16 feet to a one inch crimped pipe, thence deflect 88 deg. 34 min. 47 sec. to the right and run in a Southeasterly direction a distance of 572.78 feet to a point; thence deflect 97 deg. 24 min. 49 sec. to the right and run in a Northwesterly direction a distance of 115.45 feet to the Point of Beginning of the herein described tract; thence deflect 90 deg. 00 min. 00 sec. to the left and run in a Southwesterly direction a distance of 152.64 feet to a point; thence deflect 90 deg. 00 min. 00 sec. to the right and run in a Northwesterly direction a distance of 22.48 feet to a point; thence deflect 90 deg. 00 min. 00 sec. to the right and run in a Northeasterly direction a distance of 122.02 feet to a point; thence deflect 90 deg. 00 min. 00 sec. to the left and run in a Northwesterly direction a distance of 102.94 feet to a point; thence deflect 90 deg. 00 min. 00 sec. to the left and run in a Southwesterly direction a distance of 11.04 feet to a point; thence deflect 90 deg. 00 min. 00 sec. to the right and run in a Northwesterly direction a distance of 27.83 feet to a point; thence deflect 90 deg. 00 min. 00 sec. to the right and run in a Northeasterly direction a distance of 41.66 feet to a point; thence deflect 90 deg. 00 min. 00 sec. to the right and run in a Southeasterly direction a distance of 153.25 feet to the Point of Beginning.

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