

AREA: S.E.
SITE #: AL-1094
SITE NAME: Deer Hurst

MEMORANDUM OF AGREEMENT

This document prepared by: ~~C.S. Brackett~~
Nextel South Corp.
6575 The Corners Parkway
~~Norcross, GA 30092~~

RETURN TO:
PAULA ALARCON
NEXTEL COMMUNICATIONS
6575 THE CORNERS PKWY
NORCROSS, GA 30092
(770) 825-0132

This Memorandum of Agreement is entered into on this 6th day of MAY, 1998^{9th}, by and between Thomas H. Floyd, an unmarried man, with an address at 7050 Hwy. 11, Pelham, AL 35124 (hereinafter referred to as "Lessor") and Nextel South Corp., a Georgia corporation, d/b/a Nextel Communications with an office at 6575 The Corners Parkway, Norcross, GA 30092, (hereinafter referred to as "Lessee").

1. Lessor and Lessee entered into a Communications Site Lease Agreement ("Agreement") on the 30th day of September, 1998, for the purpose of installing, operating and maintaining a radio communications facility and other improvements. All of the foregoing are set forth in the Agreement.
2. The term of the Agreement is for five (5) years commencing on July 15, 1999, or upon construction, whichever first occurs ("Commencement Date"), and terminating on the fifth (5th) anniversary of the Commencement Date with four (4) successive five (5) year options to renew.
3. The Land which is the subject of the Agreement is described in Exhibit A annexed hereto. The portion of the Land being leased to Lessee (the "Premises") is described in Exhibit B annexed hereto.

Inst # 1999-39253

09/20/1999-39253
11:11 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 WMS 112.00

JH
see

AREA: S.E.
SITE #: AL-1094
SITE NAME: Deer Hurst

IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement as of the date first above written.

LESSOR:

Thomas H. Floyd (Seal)
Thomas H. Floyd

STATE OF ALABAMA

COUNTY OF SHELBY

I, the undersigned, a notary public in and for said county in said state, hereby certify that Thomas H. Floyd whose name 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 the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 6 day of MAY, 1998^{90th}

D. J. Wallau III
Notary Public
My commission expires: 5/27/2001

(NOTARIAL SEAL)

AREA: S.E.
SITE #: AL-1094
SITE NAME: Deer Hurst

LESSEE:

Nextel South Corp., a Georgia corporation,
d/b/a Nextel Communications

By: John Cafaro

Name: John Cafaro

Title: Vice President

Date: 9/30/98

(CORPORATE SEAL)

STATE OF GEORGIA

COUNTY OF GWINNETT

I, the undersigned, a notary public in and for said county in said state, hereby certify that John Cafaro whose name as Vice President of Nextel South Corp., a Georgia corporation, d/b/a Nextel Communications 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 the instrument, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the 30th day of September, 1998.

Catherine S. Brachert

Notary Public

My commission expires: July 9, 2002

(NOTARIAL SEAL)

AREA: S.E.
SITE #:AL 1094
SITE NAME:DEER HURST

EXHIBIT A

DESCRIPTION OF LAND

September 30, 1998
to the Agreement dated ~~July 15, 1998~~ by and between Thomas H. Floyd, as Lessor, and Nextel South Corp., a Georgia corporation, d/b/a Nextel Communications, as Lessee.

The Land is described and/or depicted as follows (metes and bounds description):

Commence at the Northwest corner of the SW 1/4 of NE 1/4, Section 10, Township 20 South, Range 2 West, thence South 2 deg. 15 min. East a distance of 155.0 feet to a point; thence North 57 deg. 45 min. East a distance of 770.0 feet to a point; thence South 2 deg. 15 min. East a distance of 241.0 feet to the point of beginning of the parcel herein described; thence continue South 2 deg. 15 min. East a distance of 551.0 feet to a point; thence North 57 deg. 45 min. East a distance of 550.0 feet to a point; thence South 2 deg. 15 min. East a distance of 198.0 feet to a point; thence South 57 deg. 45 min. West a distance of 828.0 feet; thence North 2 deg. 15 min. West a distance of 817.86 feet to a point, thence North 57 deg. 45 min. East a distance of 60 feet; thence South 2 deg. 15 min. East a distance of 241.0 feet; thence North 57 deg. 45 min. East a distance of 208.71 feet to the point of beginning; lying and being in the Northwest Quarter of the Northeast Quarter and Southwest Quarter of Northeast Quarter of Section 10, Township 20 South, Range 2 West, Shelby County, Alabama.

EXHIBIT "B"

DEERHURST SITE AL-1094-A Ingress/Egress and Utility Easement

ALL THAT TRACT or parcel of land lying in the northwest 1/4 of the northeast 1/4 and the southwest quarter of the northeast quarter of Section 10, Township 22 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

COMMENCING at the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 10, Township 20 South, Range 2 West, Thence South 00 Degrees 12 Minutes 08 Seconds West, a distance of 155.00 feet to a point on the southeasterly right-of-way line of Simmsville Road; Thence along the southeasterly right-of-way line of said road North 60 Degrees 12 Minutes 08 Seconds East, a distance of 501.29 feet to a point being the POINT OF BEGINNING.

Thence along said right-of-way line North 60 Degrees 12 Minutes 08 Seconds East, a distance of 23.09 feet;

Thence away from said right-of-way line South 00 Degrees 12 Minutes 08 Seconds West, a distance of 464.25 feet;

Thence South 89 Degrees 47 Minutes 52 Seconds East, a distance of 21.04 feet to a point;

Thence South 00 Degrees 12 Minutes 08 Seconds West, a distance of 20.00 feet to a point;

Thence North 89 Degrees 47 Minutes 52 Seconds West, a distance of 41.04 feet to a point;

Thence North 00 Degrees 12 Minutes 08 Seconds East, a distance of 472.70 feet to a point on the southeasterly right-of-way line of Simmsville Road being the POINT OF BEGINNING.

The property herein described being for a 20 foot wide Ingress/Egress and Utility Easement having an area of 9,990 square feet or 0.229 acres more or less as shown on a Boundary Survey by Angel Surveying, dated September 17, 1998.

Inst # 1999-39253

09/20/1999-39253
11:11 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
005 MMS 112.00

DEERHURST SITE AL-1094-A Lease Premises

ALL THAT TRACT or parcel of land lying in the northwest 1/4 of the northeast 1/4 and the southwest quarter of the northeast quarter of Section 10, Township 22 South, Range 2 West, Shelby County, Alabama, and being more particularly described as follows:

COMMENCING at the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 10, Township 20 South, Range 2 West, Thence South 00 Degrees 12 Minutes 08 Seconds West, a distance of 155.00 feet to a point on the southeasterly right-of-way line of Simmsville Road; Thence along the southeasterly right-of-way line of said road North 60 Degrees 12 Minutes 08 Seconds East, a distance of 501.29 feet to a point;

Thence continuing along said right-of-way line North 60 Degrees 12 Minutes 08 Seconds East, a distance of 23.09 feet;

Thence away from said right-of-way line South 00 Degrees 12 Minutes 08 Seconds West, a distance of 464.25 feet;

Thence South 89 Degrees 47 Minutes 52 Seconds East, a distance of 21.04 feet to a point being the POINT OF BEGINNING.

Thence South 89 Degrees 47 Minutes 52 Seconds East, a distance of 100.00 feet to a point;

Thence South 00 Degrees 12 Minutes 08 Seconds West, a distance of 100.00 feet to a point;

Thence North 89 Degrees 47 Minutes 52 Seconds West, a distance of 100.00 feet to