

STATE OF ALABAMA     )  
SHELBY COUNTY         )

**SECOND AMENDMENT TO DECLARATION OF EASEMENT**

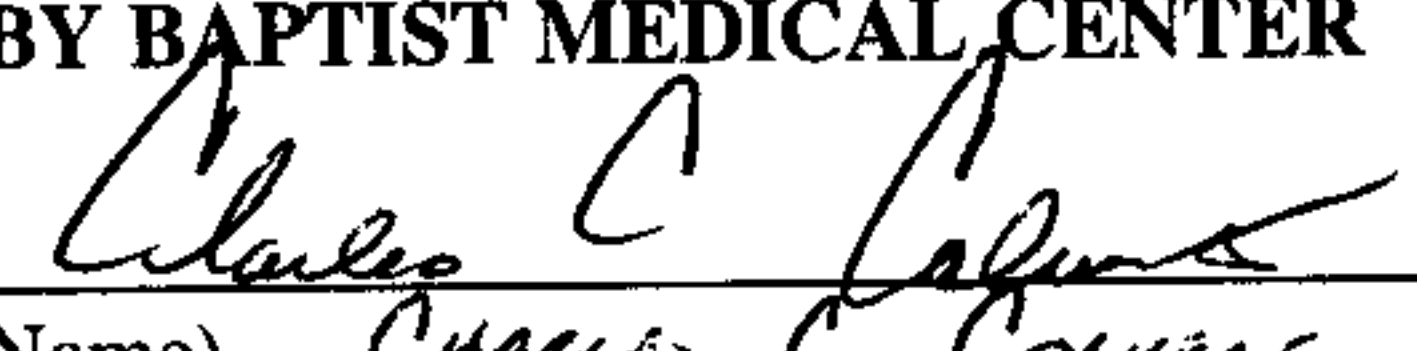
**KNOW ALL MEN BY THESE PRESENTS**, that by mutual agreement, Baptist Health System, Inc. d/b/a Shelby Baptist Medical Center (successor in interest to Shelby County Health Care Authority d/b/a Shelby Medical Center) (the "Declarant"), SMCMOB, L.L.C. (the "Owner") and SouthTrust Bank, N.A. (the "Mortgagee"), 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 (i) 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 and (ii) the Amendment to Declaration of Easement dated as of March 8, 1999 and recorded in the Office of the Judge of Probate of Shelby County as Instrument Number 1999-22912, 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 Dominant Parcel described in the Declaration, is hereby removed from said Dominant Parcel and all easements created by the Declaration surrounding the Parcel are hereby terminated as to the Parcel. The description of the Servient Parcel set forth in the Declaration is hereby amended to include the Parcel and the Parcel is hereby burdened 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 7<sup>th</sup> day of ~~April~~<sup>May</sup>, 2001, although actually executed by each of the undersigned on the date set forth in the acknowledgments below.

**BAPTIST HEALTH SYSTEM, INC. d/b/a  
SHELBY BAPTIST MEDICAL CENTER**

By:   
(Print Name) CHARLES C. COLVIN  
Its: Pres. SBMC

**Inst # 2001-24606**

**06/15/2001-24606  
08:35 AM CERTIFIED  
SHELBY COUNTY JUDGE OF PROBATE  
004 NB 20.00**

00662225.1

*Cahaba Title, Inc.*

SMCMOB, L.L.C.

By: [Signature]  
(Print Name) JM Johnson  
Its: My Number

SOUTHTRUST BANK, N.A.

By: [Signature]  
(Print Name) James A. Barnes  
Its: Group 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 J. M. JOHNSON, whose name as MANAGING 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 10<sup>TH</sup> day of MAY, 2001.

[Signature]  
Notary Public

AFFIX SEAL

Notary Public, Jefferson County, Alabama  
My Commission Expires March 10, 2004

My commission expires: \_\_\_\_\_

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. d/b/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 7<sup>th</sup> day of May, 2001.

Donna K Falkner  
Notary Public

AFFIX SEAL

My commission expires: 11-13-2001

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. Barnes, whose name as Group 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 30<sup>th</sup> day of April, 2001.

Elizabeth Ann  
Notary Public

AFFIX SEAL

My commission expires: 11/10/2005

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**

#### **POB.I Parcel Removal**

A parcel of land situated in the Southwest Quarter of the Northwest Quarter of Section 36, Township 20 South, Range 3 West, Shelby County, Alabama being more particularly described as follows:

Commence at the Northwest corner of the Northwest quarter 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 Quarter - Quarter Section a distance of 316.16 Feet to a Point; Thence deflect  $88^{\circ}34'47''$  to the right and run in a Southerly direction a distance of 604.16 feet to a point; Thence deflect  $97^{\circ}24'49''$  to the right and run in a Northwesterly direction a distance of 243.62 feet to a point; Thence deflect  $90^{\circ}00'00''$  to the left and run in a Southwesterly direction a distance of 184.17 feet to the Point of Beginning of the herein described parcel; Thence deflect  $90^{\circ}00'00''$  to the left and run in a Southeasterly direction a distance of 97.94 feet to a point; Thence deflect  $90^{\circ}00'00''$  to the left and run in a Northeasterly direction a distance of 43.22 feet to a point; Thence deflect  $90^{\circ}00'00''$  to the right and run in a Southeasterly direction a distance of 5.0 feet to a point; Thence deflect  $90^{\circ}00'00''$  to the right and run in a Southwesterly direction a distance of 48.22 feet to a point; Thence deflect  $90^{\circ}00'00''$  to the right and run in a Northwesterly direction a distance of 102.94 feet to a point; Thence deflect  $90^{\circ}00'00''$  to the right and run in a Northeasterly direction a distance of 5.00 feet to the Point of Beginning of the herein described parcel containing 730.80 square fee more or less.

00667798.1

**Inst # 2001-24606**  
**06/15/2001-24606**  
**08:35 AM CERTIFIED**  
**SHELBY COUNTY JUDGE OF PROBATE**  
**004 KB 20.00**