STATE OF ALABAMA)
)
SHELBY COUNTY)

AMENDMENT TO GRANT OF EASEMENT

THIS AMENDMENT TO GRANT OF EASEMENT is made this 11th day of October, 2001, by PELHAM INDUSTRIAL ENTERPRISES NINE, L.L.C., ("Grantor") in favor of PELHAM INDUSTRIAL ENTERPRISES TEN, L.L.C. ("Grantee").

RECITALS:

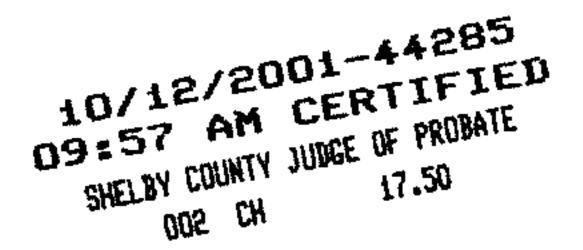
A. Grantor is the owner and record title holder of the following described real property, which is situated in the City of Pelham, Shelby County, Alabama:

Lot 7, according to Cahaba Valley Business Park Resurvey Number 4 filed for record in Map Book 25, Page 102, Office of the Judge of Probate of Shelby County, Alabama ("Lot 7").

B. Grantee is the owner and record title holder of the following described real property situated in the City of Pelham, Alabama, which is located adjacent to Lot 7 on its southern boundary:

That certain real property known as Cahaba Valley Business Park Phase 8, situated in Section 31, Township 19 South, Range 2 West, Shelby County, Alabama, more particularly described in Exhibit A attached hereto and incorporated herein by reference ("Lot 8").

- C. The southern 40 feet of Lot 7 (hereinafter referred to as the "Easement Property"), as reflected in the subdivision map for Cahaba Valley Business Park Number 4 Resurvey recorded in Map Book 25, Page 102, is encumbered by an ingress-egress easement to serve Lot 8, as shown on said Resurvey.
- **D.** By execution of that certain Grant of Easement, dated September 20, 2001, filed of record as Instrument Number 2001-41572, Office of the Judge of Probate, Shelby County, Alabama (the "Grant of Easement"), Grantor created a perpetual, non-exclusive easement over and across that portion of Lot 7 referred to as the Easement Property for vehicular and pedestrian ingress and egress and for utility services for the benefit of Lot 8.
- E. Grantor wishes to amend the Grant of Easement to (i) correct certain information with respect to the ALTA/ACSM Survey of Lot 8 and the Easement Property by Joseph A. Miller, III (the "Survey") referred to in the Grant of Easement, and (ii) extend the easement granted in the Grant of Easement to address the location of the sanitary sewer line shown on the Survey.



NOW, THEREFORE, in consideration of the premises and the sum of Ten Dollars (\$10.00) paid by Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged by Grantor, and the mutual covenants hereinafter agreed, the parties do hereby agree as follows:

- 1. Paragraph 1 of the Grant of Easement is hereby amended by deleting therefrom the reference therein to "ALTA/ACSM Survey of Lot 8 by Joseph A. Miller, III, dated September 7, 2001", and by inserting therein, in lieu thereof, a reference to "ALTA/ACSM Survey of Lot 8 by Joseph A. Miller, III, dated September 4, 2001, revised September 24, 2001."
- 2. To the extent necessary, the easement granted in the Grant of Easement is extended across Lot 7 to connect with the public sewer within the right of way of Cahaba Valley Parkway as more particularly shown on the Survey.

IN WITNESS WHEREOF, the Grantor has executed this Amendment to Grant of Easement by and through its duly authorized member on the day and year shown above.

Done this 11th day of October, 2001.

PELHAM INDUSTRIAL ENTERPRISE NINE, L.L.C., an Alabama limited liability company

By: ______

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify that MARC A. EASON whose name as duly authorized member of PELHAM INDUSTRIAL ENTERPRISES NINE, L.L.C., an Alabama limited liability company, is signed to the foregoing Declaration of Easement and who is known to me, acknowledged before me on this day that, being informed of the contents of the Declaration of Easement, he, in his capacity as such member and with full authority, executed the same voluntarily for and as the act of said limited liability company on the day the same bears date.

Given under my hand this the day of October, 2001.

[NOTARIAL SEAL]

501267v1 031718-001005 Notary Public

My Commission Expires: 10-4-64

10/12/2001-44285

09:57 AM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE

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